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Del Mar City Council Meeting Agenda

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

Civility Works: The Del Mar Code of Civil Discourse: Together we will promote inclusion; listen to understand; show respect; be clear and fair; and focus on the issue.

Regular Meeting
Monday, May 19, 2025 at 4:30 PM

Terry Gaasterland
Mayor

Tracy Martinez
Deputy Mayor

Dan Quirk
Council Member

John W. Spelich
Council Member

Ashley Jones
City Manager

Leslie E. Devaney
City Attorney

Sarah Krietor
Administrative Services Manager/City Clerk

Public Participation/Comment: Members of the public can participate in City Council meetings in-person or via written comment (Red Dot). Anyone may address the City Council for up to three minutes, at the Mayor's discretion, on items on the agenda. Members of the public wishing to speak on items not on the agenda may do so under Public Oral Communications. Agenda items may be addressed in any order at the discretion of the Mayor. When addressing the Council, please state your name for the record. Any electronic presentations must be received before 9 a.m. on the date of the Council meeting. No PowerPoint presentations can be loaded during the meeting.

In-Person Participation: Please submit a completed "Speaker Slip", including the item number you wish to speak on, to the City Clerk prior to the Mayor announcing the agenda item. The forms are located near the door at the rear of the Meeting Room. When called to speak, please approach the podium and state your name for the record.

Written Comments: Members of the public can participate in the meeting by submitting a written red dot comment via email to cityclerk@delmar.ca.us. The deadline to submit written comments is 12 p.m. on the day of the meeting and the subject line of your email should clearly state the agenda item you are commenting on.

Viewing the Meeting and Access to Agenda Materials: Members of the public can watch the meeting live on the City's website at: http://delmar.12milesout.com/Video/Live and on Cable TV Spectrum Ch. 24, AT&T Ch. 99 starting at 4:30 PM. Agenda materials and communications from the public on agenda items, "Red Dots", are available on the City's website: http://www.delmar.ca.us/AgendaCenter and a hard copy of the agenda materials are available at Del Mar City Hall and the Del Mar Library during their business hours.

Assistance for Persons with Disabilities: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Administrative Services Department at 1050 Camino del Mar or by calling (858) 755-9313. Notification of at least 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

I. CALL TO ORDER/ROLL CALL

II. CITY ATTORNEY CLOSED SESSION REPORT

III. PLEDGE OF ALLEGIANCE

IV. PUBLIC ORAL COMMUNICATIONS

Each person wishing to speak before the City Council on any matter not on the agenda shall submit a "Speaker Slip" to the City Clerk when Public Oral Communication is announced. Each speaker will have up to three (3) minutes to speak at the discretion of the Mayor and may be asked clarifying questions. Information received during Public Oral Communication may be received, placed on a future agenda, or referred to the City Manager by the City Council. State law generally precludes the City Council from discussing or acting upon any topic presented during oral communications that is not described on the posted agenda.

Note: there is a time limit of 30 minutes for this section of public communications and each speaker will be heard in the order of the submission of their speaker slip. Speakers who have turned in a speaker slip prior to the time oral communications was called on the agenda, but were not heard during the initial time period shall be called to speak at the end of the agenda.

V. COMMUNITY ANNOUNCEMENTS

VI. CITY MANAGER'S REPORT

VII. PRESENTATIONS

1. Presentation on the 2025 San Diego County Fair

Recommended Action: Receive the presentation from Del Mar Fairgrounds Chief Executive Officer Carlene Moore.

Reference: Clerk's File No. 1502-10

VIII. CONSENT CALENDAR

All items listed on the Consent Calendar are considered to be routine and will be acted upon with one motion. There will be no separate discussion of these items unless a member of the City Council or the public so requests, in which event, the item will be pulled from the Consent Calendar and considered separately after the motion to approve the Consent Calendar. If you wish to remove an item from the Consent Calendar, please submit a "Speaker Slip" to the City Clerk.

2. Approval of Minutes: April 21, 2025 Regular and Special Meeting, May 13, 2025 Special Meeting

Recommended Action: Approve Minutes.

Reference: Clerk's Minutes Book

3. Ratification of List of Demands dated May 19, 2025

Recommended Action: Ratify the List of Demands.

Reference: Clerk's File No. 201-3

4. Waiver of Reading of Ordinances on Agenda

Recommended Action: Waive Reading of Ordinances.

Reference: Clerk's File No. 401-4

5. Approval of Task Order with Michael Baker International for Citywide Capital Improvement Program-Level Environmental Impact Report

Recommended Action: Staff recommends the City Council: 1) Approve a $267,028 Task Order (Attachment A) with Michael Baker International (MBI) to prepare a Program-Level Environmental Impact Report (PEIR) for the City's Capital Improvement Program (CIP); and 2) Authorize the City Manager to execute the Task Order.

Reference: Clerk's File No. 406-1

6. Continued from May 5, 2025: Second Reading and Adoption of an Ordinance to Accept California Coastal Commission (CCC) Modifications to Ordinance No. 1002 Adopted by the City Council on December 18, 2023, to Amend Del Mar Municipal Code (DMMC) Chapters 30.91 (Accessory Dwelling Unit Regulations) and 30.75 (Coastal Development Permits) in the Local Coastal Program (LCP) for Consistency with the March 13, 2025, CCC Conditional Certification Decision

Recommended Action: Staff recommends the City Council adopt the Ordinance (Attachment A) to accept changes required by the CCC as a condition of final certification of the Local Coastal Program Amendment (LCPA), which amends the Accessory Dwelling Unit (ADU) regulations in DMMC Chapter 30.91 and Coastal Development Permit regulations in DMMC Chapter 30.75.

Reference: Clerk's File No. 303-1, 401-4, 401-9

7. Appointment to the Sustainability Advisory Committee

Recommended Action: The City Council Liaisons to the Sustainability Advisory Committee recommend that the City Council reappoint Valerie Dufort-Roy as a voting member to serve a full three-year term beginning on May 19, 2025, and ending on May 31, 2028.

Reference: Clerk's File No. 401-5

8. Title VI of The Civil Rights Act of 1964 Implementation Plan

Recommended Action: Staff recommends the City Council 1) Adopt the Resolution (Attachment A) establishing the City of Del Mar Title VI Implementation Plan; and 2) Authorize the City Manager to amend the Title VI Implementation Plan as-needed to ensure continued future compliance with statutory requirements.

Reference: Clerk's File No. 401-8

9. Acceptance of 2024 State Homeland Security Program Grant Funds

Recommended Action: Staff recommends the City Council: 1) Accept $5,851 in grant funds from the Fiscal Year (FY) 2024 State Homeland Security Program (SHSP) for the purchase of individual thermal imaging cameras and rescue equipment for the Del Mar Fire Department; and 2) Authorize the City Manager to execute the necessary grant documents.

Reference: Clerk's File No. 201-13

IX. COMMISSION AND COMMITTEE INTERVIEWS

10. Design Review Board Interviews and Appointment

Recommended Action: Staff recommends that the City Council review the Citizen Interest Forms (Attachment A), interview the applicants, and appoint up to two residents to serve as a voting member(s) on the Design Review Board for a full four-year term effective June 1, 2025, and expiring on June 30, 2029.

Reference: Clerk's File No. 401-5

X. PUBLIC HEARING

11. Introduction of an Ordinance to Accept California Coastal Commission (CCC) Modifications to the Senate Bill 9 Implementation Ordinance No. 996 Adopted by the City Council on June 19, 2023, to Amend the Del Mar Municipal Code and Local Coastal Program for Consistency with the April 9, 2025, Coastal Commission Conditional Certification Decision Relating to

Two-Unit and Urban Lot Split Development in Single Dwelling Unit Residential Zones

Recommended Action: 1) Confirm staff's determination that this action is exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378 and Government Code Sections 65852.21(j) and 66411.7(n) because the adoption of an ordinance to implement SB 9 is not considered a project under Division 13 of the Public Resources Code; and 2) Introduce an Ordinance (Attachment A) to accept changes required by the CCC as a condition of final certification of the Local Coastal Program Amendment (LCPA), which amends the California Senate Bill 9 (SB 9) Implementation Ordinance No. 996 (Attachment B) previously adopted by the City Council on June 19, 2023, that added new Del Mar Municipal Code (DMMC) Chapters 23.07, 24.66, and 30.93 and amended DMMC Chapters 30.10, 30.11, 30.12, 30.13, 30.14, 30.15, and 30.75. The proposed Ordinance would further amend DMMC Chapters 23.07, 24.66, 30.13, 30.15, and 30.93 for consistency with the April 9, 2025, CCC conditional certification decision.

Reference: Clerk's File No. 401-4, 401-9

12. **Continued from April 21, 2025: Request to Adopt a Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program; and to Approve Revision Map RM22-001 and Coastal Development Permit CDP24-012 related to amending recorded Parcel Map (TPM-77-03) for purposes of reducing the area of an existing Scenic Easement on the Property located at 1201 Cuchara Drive, Del Mar.**

Applicant/Owner: Mark and Laura Weber Trust dated April 4, 2009
Assessor Parcel Number (APN): 300-143-38-00
Property Location: 1201 Cuchara Drive, Del Mar

Recommended Action: Staff recommends that the City Council adopt a Resolution (Attachment A) to: 1) Adopt a Mitigated Negative Declaration (MND) (State Clearinghouse (SCH) No. 2024080103) and associated Mitigation Monitoring and Reporting Program (MMRP); and 2) Approve Revision Map RM22-001 and Coastal Development Permit CDP24-012 to amend a recorded Parcel Map No. 9174 (TPM-77-03) for purposes of reducing the area of an existing scenic easement on property located at 1201 Cuchara Drive (Property).

Reference: Clerk's File No. 301-18

XI. COUNCIL MEETING RECESS

XII. CITY COUNCIL OTHER BUSINESS

13. Initial Consideration of an Appeal of the Design Review Board's Approval of Design Review Permit (DRB24-006)
Project Applicant/Property Owner: Lisa Parnell, Footer Residence Trust
Project Appellants: Julie and David Fouquet
Project Location: 483 Avenida Primavera (APN: 299-290-04-00)

Recommended Action: Staff recommends that the City Council uphold the Design Review Board's approval of application Design Review Board Permit DRB24-006 and not set the appeal for a de novo hearing.

Reference: Clerk's File No. 301-5

14. Council Goals and Priorities Recap

Recommended Action: Staff recommends that the City Council receive this report, which includes the approved Fiscal Year (FY) 2025-26 and FY 2026-27 City Work Plan reflecting Council feedback from the 2025 City Council Goals and Priorities Setting Workshop, and provide direction to staff as appropriate.

Reference: Clerk's File No. 401-1

15. Initial Recommendations from the Committee Streamlining Taskforce

Recommended Action: The Committee Streamlining Taskforce (Taskforce) recommends that the City Council: 1) Adopt the Resolution (Attachment A) implementing changes to the committee structure related to membership categories and committee size; 2) Adopt the Resolution (Attachment B) dissolving the Arts Advisory Committee; 3) Approve bi-annual and otherwise as-needed meeting schedule for the Traffic and Parking Advisory Committee; 4) Direct staff to return to the City Council with an Ordinance to eliminate ex-officio positions on the Design Review Board; and 5) Provide additional feedback and direction to staff as appropriate.

Reference: Clerk's File No. 401-5

16. Fiscal Year 2025-2026 Advisory Committee Work Plans

Recommended Action: Staff requests that the City Council: 1) Review the proposed Fiscal Year (FY) 2025-2026 work plans for the City's advisory committees (Attachment A); 2) Consider the work plan recommendations provided by staff included in Attachment B; and 3) Provide direction to staff as may be needed to approve the FY 2025-2026 advisory committee work plans.

Reference: Clerk's File No. 401-5

XIII. REGIONAL ORGANIZATION REPORTS

A Councilmember assigned as a liaison to a regional organization may make a written or oral report. State law precludes the Council from commenting on, discussing, or acting on a report unless the item of business within the report is described in the agenda.

A. Clean Energy Alliance JPA (CEA) Board of Directors (Spelich/Gaasterland)
B. CSA-17 Ambulance District Advisory Board (Martinez/Quirk)
C. Fire Governance Board, Solana Beach/Del Mar/Encinitas (Martinez/Spelich)
D. League of California Cities – San Diego Chapter (Gaasterland/Martinez)
E. North County Transit District (NCTD) (Martinez/Spelich)
F. Regional Solid Waste Association (Spelich/Quirk)
G. San Diego Association of Governments Board (SANDAG) (Gaasterland/Martinez/Spelich)
H. SANDAG Borders Committee
I. SANDAG Regional Planning Committee
J. SANDAG Shoreline Preservation Working Group (Spelich/Gaasterland/Martinez)
K. SANDAG LOSSAN Executive Task Force (Gaasterland/Martinez)
L. San Diego Metropolitan Wastewater Commission/JPA (Worden)
M. San Dieguito River Valley Regional Open Space Park JPA –Executive Committee (Gaasterland/Martinez)
N. Other Regional Organization Reports

XIV. COUNCIL COMMITTEES/SUBCOMMITTEES/COMMUNITY ORG REPORTS

A Councilmember assigned as a liaison to a City Committee, Council Subcommittee OR Community Organization may make a written or oral report. State law precludes the Council from commenting on, discussing, or acting on a report, unless the item of business within the report is described in this agenda.

A. Arts Advisory Committee (Gaasterland/Spelich)
B. Del Mar Community Connections (Martinez/Spelich)
C. Del Mar Village Association (Gaasterland/Martinez)
D. Finance Committee (Gaasterland/Spelich)
E. Housing Subcommittee (Gaasterland/Martinez)
F. Human Resources Subcommittee (Gaasterland/Martinez)
G. Legislative Subcommittee (Gaasterland/Martinez)
H. Measure Q Citizen Oversight Committee (Quirk/Gaasterland)
I. Parks and Recreation Committee (Martinez/Quirk)
J. Del Mar Railroad Subcommittee (Gaasterland/Martinez)
K. Lagoon Committee (Gaasterland/Spelich)
L. Planning Process Subcommittee (Includes Sea-Level Rise Adaptation Plan Implementation (Gaasterland/Spelich)
M. Shores Advisory Committee
N. Sustainability Advisory Committee (Martinez/Gaasterland)
O. Traffic and Parking Advisory Committee (Quirk/Spelich)
P. Undergrounding Program Advisory Committee (Gaasterland/Spelich)
Q. Other Committee-Subcommittee Reports

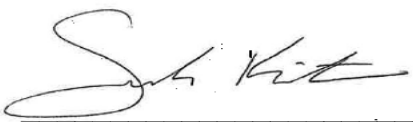
XV. UPCOMING AGENDA ITEMS

The following topics/items are tentatively planned for upcoming agendas. The title, wording, and planned date for these items are subject to change. Final agendas are posted at City Hall 72 hours in advance of the meetings and are also posted on our web site with the accompanying staff report. Please watch our web site: www.delmar.ca.us for City Council Agendas.

June, 2, 2025
Proclamation Honoring Linda Chisari (Del Mar Community Connections Volunteer of the Year)
Second Reading/Adoption of Ordinance to Accept California Coastal Commission Modifications to SB 9 LCPA (HE Program 6B)
Amendment to Agreement with True North Compliance for Building Services
Agreement for Professional Auditing Services
Agreement for As-Needed Specialized CPUC Legal Services
Amendments to Reclaimed Water Agreements with San Elijo JPA and 22nd District Agricultural Association
Fiscal Year 2025 Senate Bill 1 Funding for The City Pavement Management Program
TSVS Amendments and Hedge Height Ordinance. (First Reading)
LRA Fire Map/Ordinance (First Reading)
Undergrounding Program Financing (Borrower's Resolution)
Discussion of Bike/E-Bike Ordinance
Del Mar Foundation Memorandum of Understanding Temporary Art Program Phase II

XVI. CERTIFICATION

I, Sarah Krietor, Administrative Services Manager/City Clerk for the City of Del Mar, hereby certify that a copy of this agenda was posted at City Hall on the 14th day of May, 2025 at approximately 5:40 p.m.



Sarah Krietor, Administrative Services Manager/
City Clerk

5/14/2025
Date

DEL MAR CITY COUNCIL
SPECIAL MEETING MINUTES
CLOSED SESSION
APRIL 21, 2025
City of Del Mar Town Hall
1050 Camino del Mar, Del Mar, California

CALL TO ORDER
Deputy Mayor Martinez called the meeting to order at 3:45 P.M.

ROLL CALL
Present: Mayor Gaasterland (present for only Item A2); Deputy Mayor Tracy Martinez; Councilmembers Dan Quirk (present for only Item A1) and John Spelich

Absent: Mayor Gaasterland was absent for item A1, and Councilmember Quirk was absent for item A2.

CLOSED SESSION

A) Conference with Legal Counsel - Significant Exposure to Litigation
Number of Cases: Two
1) Weber parcel map amendment
Authority: Government Code Section 54956.9(d)(2)
Reportable Action: None.

The City Council adjourned into open session at 5:00 P.M. following Item A1, and resumed closed session at approximately 10:00 P.M. to discuss Item A2.

2) Meet with Special Counsel related to risks to City for possible violations of the City Manager's employment contract from public statements by Councilmember Quirk
Authority: Government Code Section 54956.9(d)(2)
Reportable Action: None.

ADJOURNMENT
Mayor Gaasterland adjourned the meeting at 10:30 P.M.

_____
Sarah Krietor, Administrative Services Manager/
City Clerk

CITY OF DEL MAR
CITY COUNCIL REGULAR MEETING MINUTES
APRIL 21, 2025
City of Del Mar Town Hall
1050 Camino del Mar, Del Mar California 92014

The minutes set forth the actions taken by the City Council on the matters stated. Audio/video recordings of the City Council proceedings are retained for a period of ten years, in accordance with the City's Records Retention Schedule. Audio/video recordings, as well as written materials presented to the City Council, including Red Dots (materials provided to the City Council after the agenda has published), are available on the City's website at www.delmar.ca.us/AgendaCenter or by contacting the Administrative Services Department at (858) 755-9313.

CALL TO ORDER
Mayor Gaasterland called the Regular Meeting to order at 5:01 p.m.

ROLL CALL
Present: Mayor Terry Gaasterland; Deputy Mayor Tracy Martinez; Councilmembers Dan Quirk and John Spelich

CITY ATTORNEY CLOSED SESSION REPORT
City Attorney Devaney reported on April 17, 2025, Closed Session. There was no quorum for Closed Session as Councilmember Quirk did not attend and Mayor Gaasterland did not attend due to a work conflict. Deputy Mayor Martinez and Councilmember Spelich were briefed by special counsel regarding risks to the City for possible violations of the City Manager's employment contract from public statements by Councilmember Quirk. No actions were taken, and no direction was given at that meeting. Mayor Gaasterland attended a briefing on the same topic on April 17, 2025, at 5:45 p.m. No direction was given, and no action was taken at that briefing.

City Attorney Leslie Devaney reported that Councilmember Quirk was recused from participating in the majority of Item A2 for the April 21, 2025, City Council Closed Session meeting. She reported that there were no legally reportable actions for Item A1, which was heard by the Council prior to open session. City Attorney Devaney advised the public that for Item A1 due to continuing questions that need to be researched by the City Attorney's Office, staff is recommending the City Council continue the item date certain, in consultation with the applicant. She reported that Item A2 will occur after open session when the Council adjourns back into Closed Session.

PLEDGE OF ALLEGIANCE
Mayor Gaasterland led the Pledge of Allegiance.

PUBLIC ORAL COMMUNICATIONS
Mayor Gaasterland opened public oral communication and the following people spoke:

1) Jon Imperato
2) Deborah Groban with one donation of time from Stephen Groban
3) Diana Kutlow
4) Jas Grewal
5) Karl Willert
6) Janet Wilson

7) Tate Scott
8) Greg Rothnem

Mayor Gaasterland Closed public oral communication.

CITY COUNCIL COMMENTS & COMMUNITY ANNOUNCEMENTS

Mayor Gaasterland expressed appreciation to staff and the City Manager and provided comments on the Staff Appreciation Event that was hosted by members of the community on April 9, 2025.

CITY MANAGER'S REPORT

City Manager Ashley Jones reported an update on the Del Mar Bluff 5 Project. Council questions focused on the decomposed granite road that is part of the project.

PRESENTATIONS

ITEM 1: DEL MAR PUBLIC SAFETY PRESENTATION (SHERIFF/FIRE) (CLERK'S FILE NO. 1101-2, 1101-8)

City Manager Jones introduced the item. A presentation was provided by Sheriff Captain Shane Watts and Fire Chief Josh Gordon.

City Council questions focused on e-bike speed limits in downhill areas; schedule for additional traffic enforcement motorcycle patrol from the Sheriff; and areas around the City where excessive speeding is a concern.

Mayor Gaasterland opened the item to public comment and Greg Rothnem spoke. Mayor Gaasterland closed the item to public comment.

Council discussion focused on whether and why a fire engine always responds to medical aids; most common cases of lithium battery structure fires; upcoming community workshop on fire prevention/preparedness scheduled for May 20, 2025, at 5:30p.m. in the Town Hall; clarification on the agency responsible for responding to a wildfire in Crest Canyon; relationship between the City's Fire Department and CalFire when fighting wildfire; how other communities are addressing their fire departments responding to so many medical aid calls; Fire Department's efforts to address lithium battery fires and frequency of incidents; and the revised wildfire high risk map and the process for residents to make comments.

Mayor Gaasterland opened the item to public comment and Janet Wilson spoke. Mayor Gaasterland closed the item to public comment.

ITEM 2: FY 2023-24 MEASURE Q CITIZEN OVERSIGHT COMMITTEE REVIEW (CLERK'S FILE NO. 401-5)

City Manager Jones introduced the item. A presentation was provided by Measure Q Citizen Oversight Committee Chair Alan Lonbom.

City Council questions focused whether the items selected for review were for undergrounding projects and difference between Measure Q and general sales tax collected by the City.

There were no public speakers for this item.

Council discussion focused on appreciation of the committee for their work.

CONSENT CALENDAR

Administrative Services Manager/City Clerk Sarah Krietor read the titles of the items included on the Consent Calendar. There were no public speakers for the consent calendar items.

IT WAS MOVED BY MAYOR GAASTERLAND, SECONDED BY DEPUTY MAYOR MARTINEZ TO APPROVE THE CONSENT CALENDAR ITEMS 3 THROUGH 8 AND ITEM 10 WITH ITEM 7 CONTINUED TO A FUTURE DATE AND ITEM 10 CONTINUED TO A DATE CERTAIN OF MAY 19, 2025. (VOTE 4-0)

Ayes: Mayor Gaasterland; Deputy Mayor Tracy Martinez; Councilmembers Dan Quirk and John Spelich; Noes: 0; Recuse: 0; Absent: 0; Abstain: 0.

ITEM 3: APPROVAL OF MINUTES: APRIL 7, 2025 REGULAR AND SPECIAL MEETING (CLERK'S MINUTES BOOK)

Council approved the minutes, on consent.

ITEM 4: RATIFICATION OF LIST OF DEMANDS, DATED APRIL 21, 2025 (CLERK'S FILE NO. 201-3)

Council approved the list of demands, on consent.

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

Council waived the reading of ordinances, on consent.

ITEM 6: SECOND READING AND ADOPTION OF AN ORDINANCE TO ACCEPT CALIFORNIA COASTAL COMMISSION (CCC) MODIFICATIONS TO AMEND DEL MAR MUNICIPAL CODE (DMMC) CHAPTERS 30.22 (CENTRAL COMMERCIAL ZONE) AND 30.31 (PUBLIC FACILITIES ZONE) IN LOCAL COASTAL PROGRAM AMENDMENT ORDINANCE NO. 1006 ADOPTED BY THE CITY COUNCIL ON APRIL 15, 2024, FOR CONSISTENCY WITH THE FEBRUARY 6, 2025, COASTAL COMMISSION CONDITIONAL CERTIFICATION DECISION (CLERK'S FILE NO. 303-1, 401-4, 401-9, 1502-14)

Council adopted Ordinance 1016, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, AMENDING THE DEL MAR MUNICIPAL CODE (ZONING CODE) CHAPTER 30.22 CENTRAL COMMERCIAL (CC) ZONE REGULATIONS AND CHAPTER 30.31 PUBLIC FACILITIES (PF) ZONE AS ADOPTED BY PROSPECTIVE ORDINANCE NO. 1006; AND AMENDING THE CITY'S CERTIFIED LOCAL COASTAL PROGRAM (LCP) BY AMENDING THE LCP LAND USE DESIGNATIONS/ALLOWED USES" LIST IN THE LCP LAND USE PLAN; AND AMENDING THE LCP "ZONING USE DESIGNATIONS/ALLOWED USES" LIST IN THE LCP IMPLEMENTATION PLAN; ALL RELATING TO AMENDMENTS REQUIRED BY THE CALIFORNIA COASTAL COMMISSION AS A CONDITION OF APPROVAL FOR THE CITY TO OBTAIN FINAL CERTIFICATION OF THE ORDINANCES NEEDED FOR IMPLEMENTATION OF THE 6TH CYCLE HOUSING ELEMENT PROGRAMS 1C (CC ZONE) AND 1H (PF ZONE), to increase local housing capacity, on consent.

DRAFT

ITEM 7: APPOINTMENT TO THE SUSTAINABILITY ADVISORY COMMITTEE (CLERK'S FILE NO. 401-5)

This item was continued to a future date, on consent.

ITEM 8: APPROVAL OF GRANT AGREEMENTS WITH THE DEL MAR FOUNDATION TO PURCHASE SCUBA EQUIPMENT AND AUTOMATED EXTERNAL DEFIBRILLATORS (CLERK'S FILE NO. 201-3, 1202-11)

Council accepted grant funds from the Del Mar Foundation in the amount of $6,500 for new SCUBA equipment and $17,500 for seven new automated external defibrillators; authorized the City Manager to execute the necessary grant agreements; and amended the Fiscal Year 2024- 2025 Operating and Capital Budget to reflect the grant funds, on consent.

PUBLIC HEARING

ITEM 9: INTRODUCTION OF AN ORDINANCE TO ACCEPT CALIFORNIA COASTAL COMMISSION (CCC) MODIFICATIONS TO ORDINANCE NO. 1002 ADOPTED BY THE CITY COUNCIL ON DECEMBER 18, 2023, TO AMEND DEL MAR MUNICIPAL CODE (DMMC) CHAPTERS 30.91 (ACCESSORY DWELLING UNIT REGULATIONS) AND 30.75 (COASTAL DEVELOPMENT PERMITS) IN THE LOCAL COASTAL PROGRAM FOR CONSISTENCY WITH THE MARCH 13, 2025, CCC CONDITIONAL CERTIFICATION DECISION (CLERK'S FILE NO. 303-1, 401-4, 401-9)

An introduction to the item was provided by Mayor Gaasterland. A presentation was provided by Principal Planner Amanda Lee. Planning & Community Development Director Karen Brindley and Associate Planner Adriana Jaramishian were available to answer questions.

Council questions and discussion focused on parking impacts associated with accessory dwelling units (ADUs) and emergency vehicles access on narrow roads where parking is allowed on both sides; low income ADU goal in the 6th Cycle Housing Element; community survey related to low income ADUs, the City's amnesty and incentive programs; appreciation to staff for this work on this item; clarification on Housing and Community Developments (HCDs) role in the process following California Coastal Commission (CCC) final certification of the ordinance; whether staff is planning to mail flyers to all residents regarding the survey; and why the cities of Encinitas and Solana Beach were able to receive credit for low income ADUs from HCD as part of their approved housing elements.

There were no public speakers for this item.

IT WAS MOVED BY DEPUTY MAYOR MARTINEZ, SECONDED BY COUNCILMEMBER SPELICH TO CONFIRM STAFF'S DETERMINATION THAT THIS ACTION IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO VARIOUS STATUTORY AND CATEGORICAL EXEMPTIONS IN THE CEQA GUIDELINES AND PRIOR ENVIRONMENTAL ANALYSIS IN THE 6TH CYCLE HOUSING ELEMENT PROGRAM ENVIRONMENTAL IMPACT REPORT AS FURTHER DESCRIBED IN THE ENVIRONMENTAL IMPACT STATEMENT IN THE AGENDA REPORT; AND INTRODUCED THE PROPOSED ORDINANCE. (VOTE 4-0)

Ayes: Mayor Gaasterland; Deputy Mayor Tracy Martinez; Councilmembers Dan Quirk and John Spelich; Noes: 0; Recuse: 0; Absent: 0; Abstain: 0.

ITEM 10: REQUEST TO ADOPT A MITIGATED NEGATIVE DECLARATION AND ASSOCIATED MITIGATION MONITORING AND REPORTING PROGRAM; AND TO APPROVE REVISION MAP RM22-001 AND COASTAL DEVELOPMENT PERMIT CDP24-012 RELATED TO AMENDING RECORDED PARCEL MAP (TPM-77-03) FOR PURPOSES OF REDUCING THE AREA OF AN EXISTING SCENIC EASEMENT ON THE PROPERTY LOCATED AT 1201 CUCHARA DRIVE, DEL MAR.

APPLICANTS/OWNERS: MARK AND LAURA WEBER TRUST DATED APRIL 2009
ASSESSOR PARCEL NUMBER (APN): 300-143-38-00
PROPERTY LOCATION: 1201 CUCHARA DRIVE, DEL MAR
(CLERK'S FILE NO. 301-18)

The item was continued to a date certain of May 19, 2025, on consent.

COUNCIL MEETING RECESS:
The City Council took a meeting recess from approximately 7:00 to 7:20 p.m.

CITY COUNCIL OTHER BUSINESS

ITEM 11: UNDERGROUNDING PROGRAM UPDATE, UTILITY UNDERGROUNDING DISTRICT 1A (STRATFORD COURT SOUTH) SAN DIEGO GAS & ELECTRIC COST AGREEMENT, APPROVAL OF TASK ORDER AMENDMENT WITH UTILITY SPECIALISTS SOUTHWEST, INC. FOR UTILITY UNDERGROUNDING DISTRICT X1A (CREST CANYON), AND FIRST AMENDMENT TO THE AGREEMENT WITH UTILITY SPECIALISTS SOUTHWEST, INC. (CLERK'S FILE NO. 1001-2)

A presentation was provided by Principal Engineer Martin Boyd. City Attorney Leslie Devaney provided an overview on the Councilmember conflict analysis and noted that Mayor Gaasterland was recused from the portion of the presentation related to District 1A due to living within the district.

Council questions related to Stratford Court South (1A) focused on the estimated cost for Crest Canyon (X1A) based on new SDG&E cost data for 1A; clarification on the actual cost for 1A; timing for the Council will receive a cash flow update; whether there is a correlation between linear foot of trenching and project cost; clarification on the scope of work completed by SDG&E; status of laterals for 1A; lessons learned related to reviewing historic drawings of abandoned utilities; clarification on the cable pulls included in the design; whether SDG&E provides the materials for their portion of the project; and request for SDG&E to provide their materials costs to the City.

There were no public speakers for the item.

Council discussion focused on appreciation of staff for their work on this item.

IT WAS MOVED BY COUNCILMEMBER SPELICH, SECONDED BY COUNCILEMBER QUIRK TO APPROVE THE SAN DIEGO GAS & ELECTRIC (SDG&E) COST AGREEMENT FOR UUD 1A (STRATFORD COURT SOUTH) WITH A COST OF $1,592,881; AUTHORIZE THE CITY MANAGER TO EXECUTE THE SDG&E COST AGREEMENT; AND AMEND THE FISCAL YEAR 2024-2025 OPERATING AND CAPITAL BUDGET AS DESCRIBED IN THE FISCAL IMPACT SECTION OF THE AGENDA REPORT. (VOTE 3-0-1 WITH MAYOR GAASTERLAND RECUSED)

Ayes: Deputy Mayor Tracy Martinez; Councilmembers Dan Quirk and John Spelich; Noes: 0; Recuse: Mayor Gaasterland; Absent: 0; Abstain: 0.

Council questions related to Crest Canyon (X1A) focused on the timing of an upcoming Request for Proposal to be issued by the City and scope of services to be included; whether the incumbent consultant will need to submit a proposal to be considered for the RFP; clarification on the timing for financing X1A Stratford Court North (1B); soonest staff could return to City Council for contract award; status of San Dieguito Drive Improvement Project; time estimate to complete X1A; and considerations regarding long laterals for certain property owners.

Mayor Gaasterland opened the item to public comment and Greg Rothnem spoke. Mayor Gaasterland closed public comment.

IT WAS MOVED BY COUNCILMEMBER SPELICH, SECONDED BY COUNCILMEMBER QUIRK TO APPROVE A TASK ORDER AMENDMENT WITH UTILITY SPECIALISTS SOUTHWEST, INC. FOR UUD X1A PRE-CONSTRUCTION SERVICES; APPROVE THE FIRST AMENDMENT TO THE AGREEMENT WITH UTILITY SPECIALISTS SOUTHWEST, INC. FOR AS-NEEDED SPECIALIZED ELECTRICAL ENGINEERING SERVICES (ATTACHMENT C); AND AUTHORIZE THE CITY MANAGER TO EXECUTE UTILITY SPECIALISTS TASK ORDER AND AGREEMENT AMENDMENT. (VOTE 4-0)

Ayes: Mayor Gaasterland; Deputy Mayor Tracy Martinez; Councilmembers Dan Quirk and John Spelich; Noes: 0; Recuse: 0; Absent: 0; Abstain: 0.

ITEM 12: RECAP OF THE 2025 CITY COUNCIL GOALS AND PRIORITIES SETTING WORKSHOP AND COUNCIL APPROVED FY 2025-26 AND FY 2026-27 CITY WORK PLAN (CLERK'S FILE NO. 401-1)

ITEM 13: FISCAL YEAR 2025-2026 ADVISORY COMMITTEE WORK PLANS (CLERK'S FILE NO. 401-5)

IT WAS MOVED BY DEPUTY MAYOR MARTINEZ, SECONDED BY MAYOR GAASTERLAND TO CONTINUE ITEMS 12 AND 13 TO MAY 5, 2025. (VOTE 4-0)

Ayes: Mayor Gaasterland; Deputy Mayor Tracy Martinez; Councilmembers Dan Quirk and John Spelich; Noes: 0; Recuse: 0; Absent: 0; Abstain: 0.

REGIONAL ORGANIZATION AND COUNCIL COMMITTEES/SUBCOMMITTEES/COMMUNITY ORGANIZATION REPORTS

None

ADJOURNMENT

Mayor Gaasterland adjourned the meeting into closed session at 9:58 p.m.

Sarah Krietor, Administrative Services Manager/
City Clerk

DRAFT

DEL MAR CITY COUNCIL
SPECIAL MEETING MINUTES
CLOSED SESSION
MAY, 13, 2025
City of Del Mar Town Hall
1050 Camino del Mar, Del Mar, California

CALL TO ORDER
Mayor Gaasterland called the meeting to order at 3:32 P.M.

ROLL CALL
Present: Mayor Terry Gaasterland; Deputy Mayor Tracy Martinez; Councilmembers Dan Quirk and John Spelich

CLOSED SESSION

A) Conference with Labor Negotiators
Negotiators: Sarah Krietor, Administrative Services Manager; Marco Camacho Finance Manager; Kseniia Izgarskaia Senior Management Analyst
Labor Associations: Del Mar City Employee Association (DMCEA)
Authority: Government Code Section 54957.6
Reportable Action: None.

B) Conference with Legal Counsel - Significant Exposure to Litigation
Number of Cases: One
Description: LOSSAN Rail Realignment Project
Authority: Government Code Section 54956.9(d)(2)
Reportable Action: None.

ADJOURNMENT
Mayor Gaasterland adjourned the meeting at 4:38 P.M.

_____
Sarah Krietor, Administrative Services Manager/
City Clerk

LIST OF DEMANDS

CITY OF DEL MAR
for
City Council Meeting

May 19, 2025

Vendor Payment Checks		$ 1,195,558.03
Voids		-
Electronic Fund Transfers (EFT)		63,881.86
Electronic Wires		179,159.34
	Total	$ 1,438,599.23

Approved by:

Marco Camacho
Finance Manager/Treasurer

Date: 5/13/25

Approved by:

Terry Gaasterland
Mayor

Date:

Attachments: Check Registers

Bank : eusbnk EFT GENERAL ACCOUNT US BANK

Check #	Date	Vendor		Invoice	Inv Date	Description	Amount Paid	Check Total
6808	5/1/2025	lif06	GEN DIGITAL INC.	10010568868	4/15/2025	VOL LIFELOCK BENEFIT	135.92	135.92
	Voucher:	6808						
6809	5/1/2025	leg04	LEGALACCESSPLANS USA,	50293	4/1/2025	VOL LEGAL INS	179.50	179.50
	Voucher:	6809						
						Sub total for EFT GENERAL ACCOUNT US BANK:		315.42

Bank : gusbnk GENERAL ACCOUNT US BANK

Check #	Date	Vendor		Invoice	Inv Date	Description	Amount Paid	Check Total
8079	5/1/2025	hea02	HEALTH NET	BFC29AMAY25	4/15/2025	HEALTH INS MAY	38,856.83	38,856.83
	Voucher:	8079						
8080	5/1/2025	kai01	KAISER PERMANENTE	475311882530	4/10/2025	HEALTH INS MAY	16,016.87	16,016.87
	Voucher:	8080						
8081	5/1/2025	mut01	MUTUAL OF OMAHA	001878200105	4/16/2025	AD&D LIFE B&D MAY	4,773.27	4,773.27
	Voucher:	8081						
8082	5/1/2025	pri11	PRINCIPAL FINANCIAL GROU	1003938-10001MA	4/16/2025	DENTAL/VISION INS JAN	5,516.00	5,516.00
	Voucher:	8082						
8083	5/1/2025	sun11	SUN LIFE ASSURANCE CO, (	915639-0001MAY2	4/17/2025	FF LIFE INS MAY	54.00	54.00
	Voucher:	8083						
8084	5/1/2025	cal62	CALPERS	100000017881237	4/8/2025	REPLACEMENT BENEFIT FUNDS	3,909.87	3,909.87
	Voucher:	8084						
139607	5/1/2025	cap01	CAPF CA PUBLIC SAFETY AI	Ben179780	4/16/2025	CAPF: PAYMENT	234.00	234.00
	Voucher:	139607						
						Sub total for GENERAL ACCOUNT US BANK:		69,360.84

9 checks in this report.

Grand Total All Checks: 69,676.26

APPROVED
By Leslie Carrillo at 3:05 pm, 5/1/25

Bank : gusbnk GENERAL ACCOUNT US BANK

Check #	Date	Vendor		Invoice	Inv Date	Description	Amount Paid	Check Total
4112	5/2/2025	irs01	IRS, UNITED STATES TREAS	Ben179957	5/2/2025	FEDERAL TAX: PAYMENT	40,732.36	40,732.36
	Voucher:	4112						
4113	5/2/2025	per01	PERS	Ben179959	5/2/2025	PERS CONTRIBUTIONS: PAYMEI	54,914.51	54,914.51
	Voucher:	4113						
4114	5/2/2025	edd01	EMPLOYMENT DEVELOPME	Ben179961	5/2/2025	STATE TAX: PAYMENT	11,444.46	11,444.46
	Voucher:	4114						
4115	5/2/2025	per02	PERS 457	Ben179963	5/2/2025	CALPERS 457 DEFERRED COMF	2,661.25	2,661.25
	Voucher:	4115						
4116	5/2/2025	ida01	IDAHO STATE TAX COMMISS	Ben179965	5/2/2025	IDAHO STATE TAX COMMISSION	227.88	227.88
	Voucher:	4116						

Sub total for GENERAL ACCOUNT US BANK: 109,980.46

Bank : eusbnk EFT GENERAL ACCOUNT US BANK

Check #	Date	Vendor		Invoice	Inv Date	Description	Amount Paid	Check Total
6802	5/2/2025	mis07	107413 STATE ST BANK & TF	Ben179953	5/2/2025	401A PLAN: PAYMENT	539.00	539.00
	Voucher:	6802						
6803	5/2/2025	mis08	303845 STATE ST BANK & TF	Ben179945	5/2/2025	MISSION SQUARE 457B: PAYMEI	9,578.03	9,578.03
	Voucher:	6803						
6804	5/2/2025	mis09	803808 STATE ST BANK & TF	Ben179955	5/2/2025	RETIREMENT HEALTH SAVINGS	721.88	721.88
	Voucher:	6804						
6805	5/2/2025	uni21	DEL MAR CITY EMPLOYEES	Ben179947	5/2/2025	DMCEA DUES: PAYMENT	299.00	299.00
	Voucher:	6805						
6806	5/2/2025	nat15	NATIONAL BENEFIT SERVICI	Ben179951	5/2/2025	SEC. 125 FLEXIBLE SAVINGS AC	1,389.10	1,389.10
	Voucher:	6806						
6807	5/2/2025	par21	U.S. BANK PARS FFC 674602	Ben179949	5/2/2025	PUBLIC AGENCY RETIREMENT S	1,826.32	1,826.32
	Voucher:	6807						
						Sub total for EFT GENERAL ACCOUNT US BANK:		14,353.33

11 checks in this report.

Grand Total All Checks: 124,333.79

APPROVED
By Leslie Carrillo at 11:44 am, 5/1/25

Bank : eusbnk EFT GENERAL ACCOUNT US BANK

Check #	Date	Vendor		Invoice	Inv Date	Description	Amount Paid	Check Total
6810	5/6/2025	cha71	CHARTER COMM HOLDINGS	189123701	4/14/2025	FIBER CONNECTION PW APR	412.74	
	Voucher:	6810		189125301	4/14/2025	CH FIBER LFGRD APR	412.74	
				189123101	4/14/2025	LIFEGUARD FIBER APR	412.74	
				189123401	4/14/2025	CABLE/INTERNET PW APR	231.19	
				189123001	4/14/2025	LFGRD CABLE INTERNET APR	100.00	
				189125201	4/14/2025	INTERNET TV STUDIO APR	93.34	1,662.75
6811	5/6/2025	cor15	CORONADO MOBILE STORA	MAY-25	5/1/2025	STORAGE CONTRS MAY	255.00	255.00
	Voucher:	6811						
6812	5/6/2025	del14	DEL MAR VILLAGE ASSOCIA	11	5/5/2025	DMVA AGRMNT MAR	22,631.82	22,631.82
	Voucher:	6812						
6813	5/6/2025	dix01	DIXIELINE LUMBER CO	06-0591613	3/20/2025	OPERATING SUPP PW	15.14	15.14
	Voucher:	6813						
6814	5/6/2025	ips02	IPS GROUP INC	INV109126	3/31/2025	PRKG MTR TRANS FEE MAR	3,497.94	3,497.94
	Voucher:	6814						
6815	5/6/2025	pho01	PHOENIX GROUP INFO SYS	032025036	4/18/2025	CITE SRVCS - MAR	16,418.83	
	Voucher:	6815		0320251036	4/18/2025	ADMIN CITE SRVCS - MAR	200.63	16,619.46
6816	5/6/2025	pru01	PRUDENTIAL OVERALL SUP	132311578	4/25/2025	UNIFORMS PW - 4/25	120.50	
	Voucher:	6816		132310427	4/18/2025	MATS PW - 4/18	15.47	
				132310428	4/18/2025	SHOP TOWELS PW - 4/18	4.93	
				132310429	4/18/2025	UNIFORMS PW - 4/18	123.45	264.35
6817	5/6/2025	wex01	WEX BANK	0496-00-496745-1	4/23/2025	GAS & OIL CS APR	1,408.63	1,408.63
	Voucher:	6817						
6818	5/6/2025	gan04	WILLIAM GANDER, DBA RES	DM-RT20250303	3/3/2025	SOLAR MONITORING MAR	200.00	200.00
	Voucher:	6818						
6819	5/6/2025	zol02	ZOLL MEDICAL CORPORATI	4180200	4/10/2025	AUTOPULSE LI-ION BATTERIES	2,525.18	2,525.18
	Voucher:	6819						

Sub total for EFT GENERAL ACCOUNT US BANK: 49,080.27

Bank : gusbnk GENERAL ACCOUNT US BANK

Check #	Date	Vendor		Invoice	Inv Date	Description	Amount Paid	Check Total
139608	5/6/2025	adt02	ADT SECURITY SERVICES	1133748002	4/13/2025	ALARM PW MAY	130.53	130.53
	Voucher:	139608						
139609	5/6/2025	ala04	ALAM, MOHAMMED N	04162025	4/16/2025	PHCC EVENT REFUND	800.00	800.00
	Voucher:	139609						
139610	5/6/2025	sbc03	AT&T	9391054486	4/20/2025	TELEPHONE APR	186.13	
	Voucher:	139610		9391026230	4/20/2025	TELEPHONE APR	62.95	
				9391026231	4/20/2025	TELEPHONE APR	61.75	
				9391026228	4/20/2025	TELEPHONE APR	31.65	342.48
139611	5/6/2025	bad01	BADGER METER INC	1726578	4/17/2025	MAINT/REPAIR SUPP PW	1,603.00	
	Voucher:	139611		1727929	4/24/2025	MAINT/REPAIR SUPP PW	1,423.54	3,026.54
139612	5/6/2025	bar29	BARNETT QUALITY CONTRC	24401	4/12/2025	STRATFORD COURT PROJ	5,387.65	5,387.65
	Voucher:	139612						
139613	5/6/2025	cad02	CADD MICROSYSTEMS INC	S030042419	4/9/2025	BLUEBEAM SUBSCRPTN	2,250.00	2,250.00
	Voucher:	139613						
139614	5/6/2025	dat05	DATEL SYSTEMS INCORPOF	SI-300880	4/11/2025	BARRACUDA BACKUP	14,161.50	14,161.50
	Voucher:	139614						
139615	5/6/2025	del04	DE LA CRUZ, JOSE	04232025	4/23/2025	CITATION REFUND	17.00	17.00
	Voucher:	139615						
139616	5/6/2025	del06	DEL MAR AUTOMOTIVE SER	49833	4/17/2025	VEH MAINT PW #88	1,080.43	
	Voucher:	139616		49847	4/21/2025	VEH MAINT PW #81	91.28	
				49877	4/24/2025	VEH MAINT PW #73	87.88	1,259.59
139617	5/6/2025	gla04	GLADWELL GOV SERVICES	5668	1/6/2025	RECORDS RETENTION UPDATE	400.00	400.00
	Voucher:	139617						
139618	5/6/2025	har21	HARRIS, CHRISTOPHER	04292025	4/29/2025	PHCC EVENT REFUND	800.00	800.00
	Voucher:	139618						
139619	5/6/2025	lal01	JOHN B LALLEY JR, DBA LAL	247	11/1/2024	ELECTRICAL SRVCS PW	105.00	
	Voucher:	139619		250	4/15/2025	ELECTRICAL SRVCS PW	40.00	
				241	7/5/2024	ELECTRICAL SRVCS PW	23.00	
				243	9/5/2024	ELECTRICAL SRVCS PW	763.00	
				245	10/20/2024	ELECTRICAL SRVCS PW	582.00	
				246	10/25/2024	ELECTRICAL SRVCS PW	546.00	
				249	3/3/2025	ELECTRICAL SRVCS PW	280.00	
				248	11/15/2024	ELECTRICAL SRVCS PW	250.00	
				244	10/5/2024	ELECTRICAL SRVCS PW	236.00	
				242	7/24/2024	ELECTRICAL SRVCS PW	172.00	2,997.00

Bank : gusbnk GENERAL ACCOUNT US BANK (Continued)

Check #	Date	Vendor		Invoice	Inv Date	Description	Amount Paid	Check Total
139620	5/6/2025	joh32	JOHNSON CONTROLS SEC	41245014	4/12/2025	ALARM LIBRARY MAY/JUL	1,003.41	1,003.41
	Voucher:	139620						
139621	5/6/2025	kel12	KELLY SPICERS STORES	11915534	4/30/2025	COPY PAPER CH FY25	1,133.72	1,133.72
	Voucher:	139621						
139622	5/6/2025	nap01	NAPA AUTO PARTS	732967	4/16/2025	VEHICLE MAINT SUPP PW	195.56	
	Voucher:	139622		732968	4/16/2025	VEHICLE MAINT SUPP PW	81.12	276.68
139623	5/6/2025	oco02	OCONNER, ROBERT J	04172025	4/17/2025	CITATION REFUND	78.00	78.00
	Voucher:	139623						
139624	5/6/2025	pac05	PACIFIC PIPELINE SUPPLY	S100475271.001	4/17/2025	WATER METER PARTS	1,432.40	1,432.40
	Voucher:	139624						
139625	5/6/2025	ras05	RASOOLI, MOHAMMAD HAJI	04292025	4/29/2025	PHCC EVENT REFUND	800.00	800.00
	Voucher:	139625						
139626	5/6/2025	san138	SAN DIEGO ELEVATOR & LIF	9817	4/19/2025	ELEVATOR MAINT CH APR	200.00	200.00
	Voucher:	139626						
139627	5/6/2025	sig12	SIGNA DIGITAL SOLUTIONS	AR-S327852	4/25/2025	QTRLY COPIER MTC CH	2,434.68	
	Voucher:	139627		AR-S327691	4/23/2025	COPIER PW	463.71	2,898.39
139628	5/6/2025	tei02	TEICHERT ENERGY & UTILIT	04242025	4/24/2025	UUD - 1A STRATFORD COURT	1,144,237.95	1,144,237.95
	Voucher:	139628						
139629	5/6/2025	ter11	TERMINIX COMMERCIAL	458774615	4/18/2025	PEST CONTROL SRVCS PW	140.98	140.98
	Voucher:	139629						
139630	5/6/2025	t-mo01	T-MOBILE USA INC	980755647	4/22/2025	TELEPHONE APR	11.90	11.90
	Voucher:	139630						
139631	5/6/2025	vam01	VAMPOLA, LINDSAY	0019	3/20/2024	FIRE TRAINING	168.00	
	Voucher:	139631		0015	1/27/2024	FIRE TRAINING	168.00	336.00
139632	5/6/2025	ver12	VERIZON	73299374	4/20/2025	TELEPHONE APR	128.54	
	Voucher:	139632		Z1333721	4/8/2025	TELEPHONE MAR	2.64	131.18
139633	5/6/2025	ver03	VERIZON WIRELESS	570653198-00006	4/18/2025	TELEPHONE APR	239.95	
	Voucher:	139633		872374736-00003	4/18/2025	TELEPHONE APR	239.84	
				872374736-00004	4/18/2025	TELEPHONE APR	227.53	
				570653198-00007	4/18/2025	TELEPHONE APR	74.81	
				570653198-00009	4/18/2025	TELEPHONE APR	40.82	822.95
139634	5/6/2025	wax02	WAXIE'S ENTERPRISES, LLC	83181282	4/21/2025	JANITORIAL SUPPLIES	2,270.20	
	Voucher:	139634		83184960	4/22/2025	JANITORIAL SUPPLIES	1,418.18	3,688.38
139635	5/6/2025	wes29	WEST COAST ARBORISTS IN	227827	3/31/2025	TREE MAINT 3/16 - 3/31	2,784.90	
	Voucher:	139635		227828	3/31/2025	TREE MAINT 3/16 - 3/31	2,784.90	5,569.80

Bank : gusbnk GENERAL ACCOUNT US BANK (Continued)

Check #	Date	Vendor		Invoice	Inv Date	Description	Amount Paid	Check Total
139636	5/6/2025	zon02	ZONE TRAFFIC ENGINEERIN	24001-04	4/28/2025	TRAFFIC ENGR SRVCS APR	990.00	990.00
	Voucher:	139636						
						Sub total for GENERAL ACCOUNT US BANK:		1,195,324.03

39 checks in this report.

Grand Total All Checks:	1,244,404.30

APPROVED
By mgould at 3:55 pm, 5/5/25

Bank : eusbnk EFT GENERAL ACCOUNT US BANK

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
6820	5/7/2025	par21 U.S. BANK PARS FFC 674602	05072025SPECIAL	5/7/2025	PUBLIC AGENCY RETIREMENT S	132.84	132.84
	Voucher:	6820					
					Sub total for EFT GENERAL ACCOUNT US BANK:		132.84

Bank : gusbnk GENERAL ACCOUNT US BANK

Check #	Date	Vendor		Invoice	Inv Date	Description	Amount Paid	Check Total
8085	5/7/2025	irs01	IRS, UNITED STATES TREAS	05072025SPECIAL	5/7/2025	MEDICARE: PAYMENT	52.04	52.04
	Voucher:	8085						
						Sub total for GENERAL ACCOUNT US BANK:		52.04

2 checks in this report.

Grand Total All Checks: 184.88

APPROVED
By Leslie Carrillo at 9:54 am, 5/7/25

City of Del Mar
Agenda Report

TO: Honorable Mayor and City Councilmembers

FROM: Nestor Machado, Management Analyst
Amanda Lee, Principal Planner
Jennifer Gavin, Associate Planner
Karen Brindley, Planning and Community Development Director
Via Ashley Jones, City Manager

DATE: May 19, 2025

SUBJECT: Approval of Task Order with Michael Baker International for Citywide Capital Improvement Program-Level Environmental Impact Report

REQUESTED ACTION/RECOMMENDATION:
Staff recommends the City Council: 1) Approve a $267,028 Task Order (Attachment A) with Michael Baker International (MBI) to prepare a Program-Level Environmental Impact Report (PEIR) for the City's Capital Improvement Program (CIP); and 2) Authorize the City Manager to execute the Task Order.

BACKGROUND:
The City's CIP is a budgeting and strategic planning effort to address capital infrastructure and facility needs over a 10-year period. It is subject to revision, as conditions and funding opportunities change. The CIP puts forth the City's work plan for capital projects, major maintenance and refurbishment projects, and significant equipment purchases related to facilities. The City undertakes multiple CIP projects every year that include work in the public right-of-way and public easements related to the maintenance and upkeep of City infrastructure, such as sewer and water line maintenance, road and sidewalk improvements, as well as a citywide effort to underground utility lines.

CIP projects primarily involve critical infrastructure and facility projects, many of which require more extensive processing of regional, state, and federal resource agency permit approvals in addition to approval by the City Council. Permit streamlining and cost efficiency for these projects is extremely important to demonstrate responsible use and management of public funds and complete projects in a timely manner to provide public health, safety, and welfare, and protect the environment. To achieve these goals, the City plans to develop a comprehensive environmental clearance document (i.e., PEIR) for the City's CIP.

The California Environmental Quality Act (CEQA) is a state law that requires public agencies to assess the significance of potential impacts to the environment that could result from proposed projects and discretionary actions and identify mitigation,

City Council Action:

monitoring, and reporting measures to address potential impacts by minimizing or avoiding impacts as applicable. Most projects in the City's CIP involve similar approaches to development of infrastructure and facilities, which allows the City to anticipate potential impacts for future projects and design them accordingly to minimize or avoid impacts to the environment. By incorporating this predictive information into a PEIR, the City will be able to streamline processing of permit approvals for future CIP projects in accordance with CEQA, which will facilitate the timely processing of required permit approvals at the local, regional, state, and federal levels. While many CIP projects qualify for exemption from CEQA, the City also regularly processes environmental assessments and clearance documents for projects that have the potential to impact the environment.

The PEIR prepared through this task order will include a program-level environmental analysis of the following CIP project types to help inform future decisions:

- **Citywide Utility Undergrounding Program:** construction activities associated with utility trenches, transformers, pedestals handholds, retaining walls, and utility pole removal.

- **Water System Maintenance Improvements:** replacement and/or rehabilitation of existing potable water infrastructure in place or in new locations within public right-of-way or easements.

- **Wastewater System Maintenance Improvements:** replacement and/or rehabilitation of existing sewer infrastructure in place or in new locations within public right-of-way or easements.

- **Storm Water System Improvements:** replacement and/or rehabilitation of existing storm water drainage infrastructure in the same or new alignments within public right-of-way or easements.

- **Recycled Water System Improvements:** replacement, maintenance, or expansion of existing recycled water infrastructure in the same or new alignments within public right-of-way or easements.

- **Pavement Management Plan Projects:** pavement replacement and rehabilitation, traffic signal loop improvements, lane striping, and sidewalk and crosswalk reconstruction.

- **Facilities Modifications and Repairs:** indoor and outdoor improvements at City facilities, buildings, parks, lifeguard towers, and bridges.

DISCUSSION/ANALYSIS:
Under the proposed Task Order, MBI will prepare a PEIR (draft and final versions) in compliance with CEQA, as well as the City's Local Coastal Program (LCP), Del Mar Community Plan (General Plan), and Del Mar Municipal Code. MBI will work with City

staff to draft a PEIR that covers all CEQA required elements of the CIP and the required approvals for CIP projects to cover future undergrounding, water, wastewater, stormwater, recycled water, pavement, and facility improvements. The PEIR will include a project description, executive summary, analysis of potential impacts of various CIP project types (i.e., construction emissions, noise, and impacts to natural resources and cultural resources), alternatives to reduce potential impacts, mitigation strategies, and other factors that may apply to streamline future environmental reviews for individual CIP projects in compliance with CEQA.

The PEIR will also identify when additional site-specific environmental resource studies would be required for future CIP projects. Additional consultant tasks will include preparation of required public notices in accordance with CEQA and filing with the State Clearinghouse and San Diego County Clerk as applicable including the Notice of Preparation, Notice of Availability, Notice of Completion, and Notice of Determination.

The desired result of the PEIR is to provide the necessary environmental clearance as required by CEQA for the majority of the City's CIP projects. This will save the City time and money in the long run as the City would rely on this comprehensive environmental document rather than repeating the environmental review process for each individual CIP project. The draft PEIR will be presented to the Planning Commission for a recommendation to City Council before consideration by the City Council for final approval, which is anticipated to occur in August/September 2026.

FISCAL IMPACT:
There is no fiscal action to be taken by the City Council associated with this item. Sufficient funds have been included in the approved Fiscal Year 2024-2025 and proposed Fiscal Year 2025-2026 Operating and Capital Budget to cover the $267,028 Task Order that would be paid by the Wastewater, Water, and General Funds.

ENVIRONMENTAL IMPACT:
The action being considered is exempt from the California Environmental Quality Act (CEQA) because it is not a "project" per Section 15378(b)(5) of CEQA Guidelines. The action involves an organizational or administrative activity of government that will not result in direct or indirect physical change in the environment.

NEXUS TO CITY COUNCIL GOALS AND PRIORITIES:
This is an operational item and is not included in the City Council's list of Goals & Priorities. However, the services to be provided will support Council priority capital projects.

ATTACHMENTS:
Attachment A – MBI Task Order
Exhibit A to Attachment A – MBI Proposal for PEIR

CITY OF DEL MAR

May 19, 2025

Michael Baker International
Attn: Tim Thiele
9635 Granite Ridge Dr., Suite 300
San Diego, CA 92123
tthiele@mbakerintl.com

SENT VIA EMAIL

RE: TASK ORDER & NOTICE TO PROCEED – ENVIRONMENTAL CEQA COMPLIANCE SERVICES TO CREATE A PROGRAM-LEVEL ENVIRONMENTAL DOCUMENT FOR THE CITY OF DEL MAR'S CAPITAL IMPROVEMENT PROGRAM

This Task Order (TO) and Notice to Proceed (NTP) is issued pursuant to the terms and conditions in the as-needed Services Agreement between the City of Del Mar and Michael Baker International (Consultant), the term for which is December 7, 2020, to December 7, 2025.

Consultant shall execute tasks related to the creation of a program-level environmental impact report (PEIR) for the City of Del Mar's Capital Improvement Program (CIP), as described in the Consultant's proposal dated March 27, 2025, and included as Exhibit A to this Task Order. The project cost for this Task Order shall not exceed $267,028 and the work shall be completed to the satisfaction of the Planning & Community Development Director.

The project schedule shall commence upon execution of this Task Order/Notice to Proceed, and shall be completed by September 2026, in accordance with the proposed Scope of Work included in Exhibit A.

The primary contact for this Task Order and invoicing is Jennifer Gavin, Associate Planner, who can be reached at jgavin@delmar.ca.us and (858) 793-6148. Please sign and return a copy of this Task Order electronically through OneSpan, the City's electronic document routing program. Please contact Senior Management Analyst Kseniia Izgarskaia at kizgarskaia@delmar.ca.us or (858) 375-9560 with any questions about executing this Task Order Amendment.

Approved by:		Accepted by:	
City of Del Mar		Michael Baker International	
Ashley Jones City Manager	Date	Tim Thiele Vice President	Date

cc: Jennifer Gavin, Associate Planner
Joe Bride, Public Works Director
Nestor Machado, Management Analyst

Exhibit A: MBI – Proposal for Creation of a PEIR

Michael Baker INTERNATIONAL

We Make a Difference

A. Cover Letter

February 21, 2025; revised March 27, 2025

Nestor Machado, Management Analyst
City of Del Mar
Planning and Community Development
1050 Camino del Mar
Del Mar, CA 92014

RE: Proposal to Provide CEQA Compliance Services to Create a Program-Level Environmental Document for the City of Del Mar's Capital Improvement Program (CIP)

Dear Mr. Machado,

Michael Baker International is pleased to submit this proposal to provide environmental consulting services in response to the City of Del Mar's *"As-Needed" Environmental Consultant Task Order Request For: California Environmental Quality Act (CEQA) Project Review and Compliance to create a Program-Level Environmental Document that comprehensively addresses implementation of the City of Del Mar's Capital Improvement Program (CIP)*. Michael Baker specializes in CEQA and the preparation of program EIRs, and we have vast experience evaluating public infrastructure improvement projects throughout San Diego County, including in Del Mar.

Michael Baker is unaware of any conflicts of interest that would arise as a result of performing the task order work for this project.

We welcome the opportunity to further discuss our services and capabilities. Please do not hesitate to contact me or Project Manager Melissa Whittemore at (858) 614-5093 or Melissa.Whittemore@mbakerintl.com should you have any questions or require additional information. We appreciate your consideration and look forward to the opportunity to work with you on this important project.

Sincerely,

Tim Thiele

Tim Thiele, PE
Vice President
TThiele@mbakerintl.com | (858) 614-5000

B. Overview of Consultant and Key Personnel

Project Understanding

Michael Baker understands that the City of Del Mar (City) aims to create a Program Environmental Impact Report (PEIR) for its Capital Improvement Program (CIP). The CIP is a 10-year strategic plan and budgeting tool for addressing the City's capital infrastructure and facility needs, and it is revised as conditions and funding change. The CIP outlines plans for capital projects, major maintenance, refurbishments, and substantial equipment purchases. Each year, the City undertakes multiple CIP projects involving work in public rights-of-way and easements for sewer and water line maintenance, road and sidewalk improvements, and undergrounding utility lines. The City is requesting a PEIR that comprehensively addresses implementation of the City's CIP.

It is anticipated that the PEIR will provide a program-level environmental analysis of the following CIP project types:

- **Del Mar Undergrounding Program:** utility trenches, transformers, pedestals, handholds, retaining walls, and pole removal.
- **Water System Maintenance Improvements:** replacement and/or rehabilitation of existing potable water infrastructure in the same or new alignments within public rights-of-way or easements.
- **Wastewater System Maintenance Improvements**: replacement and/or rehabilitation of existing sewer infrastructure in the same or new alignments within public rights-of-way or easements.
- **Storm Water System Improvements:** replacement and/or rehabilitation of existing storm water drainage infrastructure in the same or new alignments within public rights-of-way or easements.
- **Recycled Water System Improvements:** replacement, maintenance, or expansion of existing recycled water infrastructure in the same or new alignments within public rights-of-way or easements.
- **Pavement Management Plan Projects:** pavement replacement and rehabilitation, traffic signal loop improvements, lane striping, and sidewalk and crosswalk reconstruction.
- **Facilities Modifications and Repairs:** indoor and outdoor improvements at City facilities, parks, lifeguard towers, and bridges.

Michael Baker understands that the majority of the CIP projects would occur in areas that are currently developed or highly disturbed, such as paved roadways and adjacent public rights-of-way. The CIP projects would not be constructed in open space areas, including coastal lagoons.

Michael Baker also understands that the City currently does not have any CIP projects that are past the conceptual design phase, and the PEIR is meant to solely provide a program-level

environmental analysis of implementation of the CIP. The PEIR is meant to facilitate a streamlined environmental review and permit processing for future individual CIP projects.

Michael Baker will utilize City-provided environmental documentation completed for past projects and programs, as well as City-provided GIS files for the location of existing public infrastructure and the environmentally sensitive overlay zones, to the maximum extent possible.

Firm Qualifications

Established in 1940, Michael Baker is a full-service environmental, architectural, engineering, design, and construction management firm with more than 4,000 employees in nearly 100 offices nationwide. We have maintained a strong presence in California for over 80 years with more than 580 employees in 12 offices throughout the state, including Carlsbad and San Diego. Michael Baker has prepared numerous PEIRs, EIRs, Initial Studies/Mitigated Negative Declarations, and Categorical Exemptions pursuant to CEQA. Our experience as an environmental consultant to hundreds of public agencies throughout California has given us exceptional environmental planning qualifications and a broad range of problem-solving abilities. Our in-house experts understand legal issues, best practices, and special considerations to develop innovative, appropriate, and defensible solutions.

Michael Baker also has the in-house capability to prepare a variety of technical studies and analyses to support CEQA documents, including preparation of air quality analyses, greenhouse gas (GHG) emission assessments, energy studies, noise analyses, cultural resources studies, biological resources assessments, jurisdictional delineations, visual impact analyses, hazardous material investigations, transportation impact studies, hydrology and water quality and supply analyses, water supply assessments, and utility studies. In addition, we offer a full range of services related to sustainability, energy efficiency, climate change mitigation and adaptation, mitigation monitoring, engineering, training, and public outreach.

Michael Baker prides itself on providing products that reflect our goal of meeting applicable regulatory and agency requirements while demonstrating a high standard of quality that reflects upon Michael Baker as well as our clients for whom the product is being prepared. To ensure a high level of competency with each document, Michael Baker implements a well-established, highly effective quality assurance and quality control (QA/QC) process for each and every project that we undertake.

All deliverables will initially be reviewed by senior staff, and subsequently by Project Manager Melissa Whittemore. The document will also be reviewed by our in-house technical editing staff to ensure completeness and consistency of information, references, figures, tables, and syntax. Final document review will be performed by Principal-in-Charge Bob Stark on a strategic basis to ensure a high level of competency and consistency with CEQA requirements, defensibility of data, and accurate significance findings. Only after completion of these reviews will the document be submitted to the City for consideration. This process applies to each stage of the CEQA process, from preparation of the Notice of Preparation to the Final PEIR for City certification, to ensure a high standard of quality products that clearly and concisely convey the information to the affected parties and the general public alike.

Michael Baker's proposed project team has an excellent track record successfully developing CEQA compliance documentation, including PEIRs, for agency programs such as general plans, master plans, and specific plans, throughout San Diego County and Southern California.

Michael Baker understands the City's need to work efficiently with our support to obtain approvals from the Planning Commission and City Council. We have assembled a dedicated team that combines experienced professional planners and environmental specialists to address the project's multi-faceted requirements.

PRIMARY OFFICES PERFORMING WORK

Carlsbad Office
5050 Avenida Encinas
Carlsbad, CA 92008
16-mile drive to Del Mar City Hall

San Diego Office
9635 Granite Ridge Drive, Suite 300
San Diego, CA 92123
17-mile drive to Del Mar City Hall

AUTHORIZED SIGNING OFFICER

Tim Thiele, PE
Office Executive, Vice President
(858) 614-5000 | TThiele@mbakerintl.com

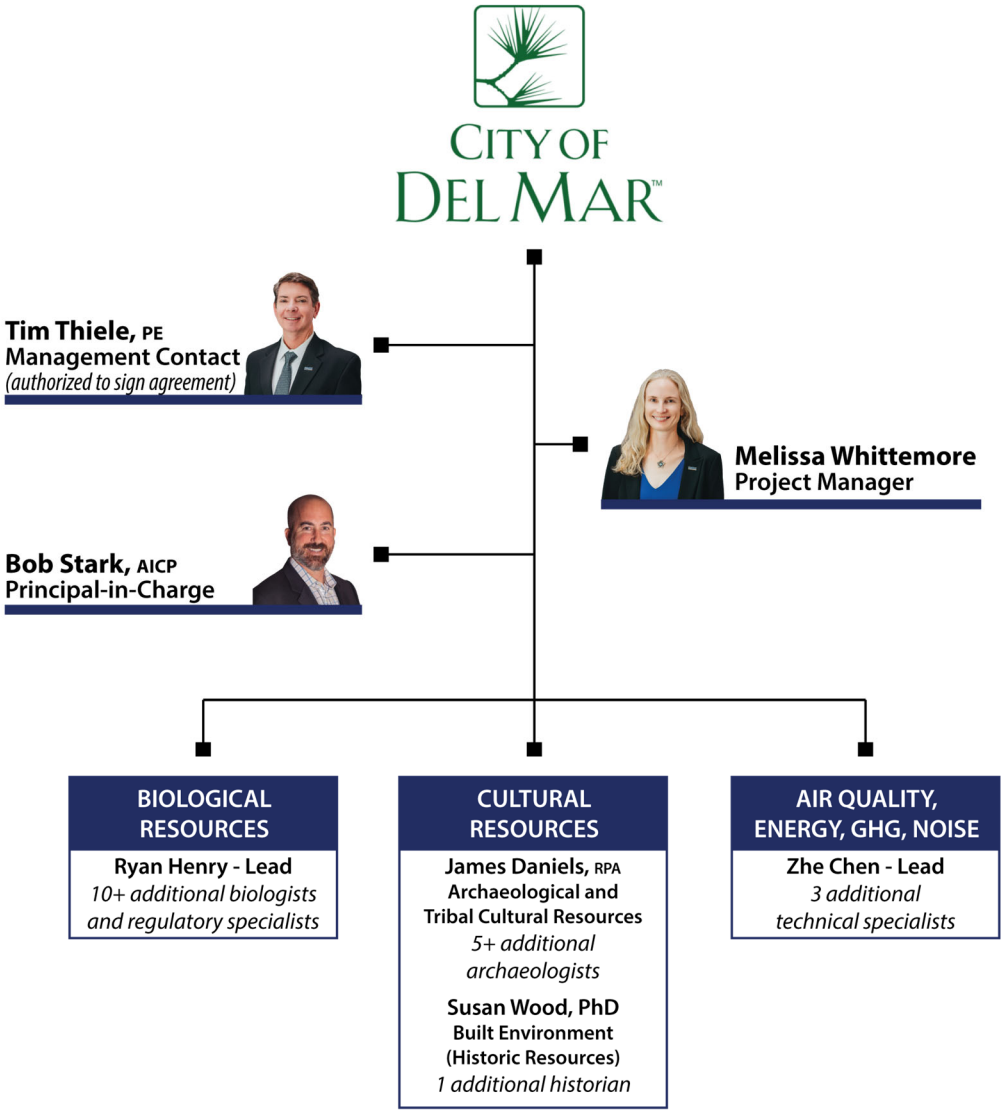
Project Management Team

Our team has the capacity to process and manage the preparation of this large entitlement document. Melissa Whittemore will serve as Project Manager to oversee the task order and facilitate the project team's ability to successfully execute the work. Ms. Whittemore will serve as Michael Baker's primary point of contact for the project. She has ample experience working on CEQA compliance documentation for public agencies throughout San Diego County and Southern California. She specializes in delivering CEQA documentation for complex public infrastructure projects and has managed many projects in the Coastal Zone in Southern and Central California. She excels at helping her clients navigate the environmental compliance process. Ms. Whittemore will oversee our team of local and qualified technical staff who will prepare the PEIR, as well as lead the day-to-day tasks and monitor the project schedule and budget while also providing guidance and quality control. Ms. Whittemore reports to our San Diego office and can be contacted at Melissa.Whittemore@mbakerintl.com or (858) 614-5093.

Bob Stark will serve as the Principal-in-Charge for the PEIR. Mr. Stark has driven the management and preparation of CEQA- and NEPA-compliant environmental documents for many agencies on a variety of project types and currently manages environmental consulting contracts for a number of local and regional San Diego County and Southern California public agencies. He excels at developing long-standing relationships with his clients and is regularly turned to by his clients for CEQA third-party peer reviews of other consultants' deliverables to ensure the legal defensibility of environmental compliance documents. Mr. Stark will provide contract oversight and support, ensuring our team has the resources it needs to serve the City successfully and effectively. He reports to both our Carlsbad and San Diego offices and can be contacted at BStark@mbakerintl.com or (858) 444-6025.

Key Personnel

With this existing knowledge and experience, Michael Baker has an in-depth understanding of the project area and the type of projects included in the City's CIP, which will add to our efficient approach. Our management team includes Melissa Whittemore as the Project Manager and Bob Stark as the Principal-in-Charge. Key personnel also include expert technical specialists to conduct technical studies and analyses for the PEIR. Our key personnel, shown in the organizational chart below, will be supported by Michael Baker's environmental planning, biology, cultural resources, GIS, and technical editing staff. For the resumes of our project management team and key personnel for this task order, refer to Attachment A, Key Personnel Resumes.



C. Proposed Schedule and Not to Exceed Fee

Scope of Services

After careful review of the Request for Proposal (RFP) and a meeting with City staff on March 12, 2025, Michael Baker offers the following work program to complete the City's CIP PEIR. Each proposed task below includes a list of deliverables to ensure clarity and mutual understanding between Michael Baker and the City. We welcome the opportunity to work with the City to modify and update this scope and fee proposal as necessary to meet the City's expectations.

Michael Baker will prepare a PEIR in compliance with CEQA and the State CEQA Guidelines, as well as the City's CEQA Supplemental Regulations and Guidelines for Transportation Impact Analysis (last amended June 1, 2020), Local Coastal Program Land Use Plan and Implementation Plan, Community Plan, and Municipal Code, and other applicable state, regional, and local regulations. The PEIR will allow decision-makers to consider potential impacts of the CIP, alternatives, mitigation measures, any controversial issues, and other factors that apply to the CIP. The document must be comprehensive and address all environmental issues. Michael Baker assumes impacts related to CIP implementation will almost entirely be limited to the construction effects. Therefore, we propose focusing on impacts related to construction emissions and construction noise, and impacts to natural and cultural resources. The PEIR will include mitigation strategies for each environmental resource, as appropriate, for streamlining future individual CIP projects to help the City determine any additional project-specific steps required to ensure future CIP projects are in compliance with CEQA.

Task 1: Project Initiation and Project Description

The purpose of this task is to develop the environmental planning strategy in support of the PEIR. The desired outcome will be to set the framework for the preparation of the technical analyses and the PEIR.

Task 1.1: Project Kickoff

Upon contract authorization, Michael Baker will work with the City to schedule an in-person or virtual project kickoff meeting at the earliest convenient time for the City. The purpose of this initial meeting will be to review and discuss the representative CIP projects to be analyzed in detail (see below for further details), discuss the CIP's key environmental considerations, and solidify the schedule. An agenda will be prepared and distributed by Micheal Baker's Project Manager prior to the meeting. Following the kickoff meeting, Michael Baker will prepare meeting minutes and a list of data needs to inform the project description and an updated project schedule to capture proposed timelines.

Deliverables:

- Kickoff meeting agenda (Word and PDF formats)
- Attendance by Michael Baker project management team at kickoff meeting
- Kickoff meeting minutes (Word and PDF formats)

- Updated PEIR schedule (PDF format)
- List of data needs

Task 1.2: Project Description

The Project Description for the City's CIP PEIR will be an important factor for how the environmental impact analysis is conducted. Michael Baker will review all provided CIP materials and documents and collaborate with City staff to develop the PEIR Project Description that will describe CEQA-required elements of the CIP and the required approvals. A key component in the PEIR Project Description will include working closely with the City to develop objectives of the CIP. Carefully crafted objectives will also help Michael Baker and the City determine the alternatives to be discussed in the PEIR, as well as screening out alternatives that do not meet most of the objectives. Given the programmatic nature of the CIP, additional CEQA clearance may be necessary for implementation of individual CIP projects in the future.

Because the types of CIP projects vary on important construction characteristics such as footprint size, schedule and duration, equipment types and quantities, distance from sensitive receptors and/or habitat, etc., Michael Baker recommends including detailed descriptions for up to four individual "representative projects," which will include development of key construction assumptions. These representative projects are meant to establish a broad enough array of project types and sizes to allow for streamlined future approvals of individual CIP projects. The representative projects will be analyzed in detail in the Environmental Impact Analysis chapter of the PEIR, as appropriate (to be determined by environmental resource). Michael Baker will work closely with the City to determine the best representative projects for the PEIR, as well as the construction details of each representative project.

Michael Baker will submit a draft Project Description to the City for review and comment. Two rounds of consolidated comments from the City are assumed prior to finalizing the Project Description, which will serve as the basis for the impact analyses in the PEIR.

Deliverables:

- First draft Project Description (Word format)
- Second draft Project Description (Word format)
- Final Project Description (Word format)

Task 2: Notice of Preparation

Michael Baker will prepare a Notice of Preparation (NOP) for City staff review that includes a brief project description and a summary of the probable significant effects on the environment as the result of implementation of the City's CIP. The NOP will describe where written comments on the scope of the PEIR may be sent and the deadline for submitting comments. The NOP will also identify the date and location of a public scoping meeting to be held for the PEIR.

Following City staff review, Michael Baker will revise the NOP and produce the final document. Michael Baker will also prepare an NOP distribution list, and once approved by the City, distribute the NOP, including submittals to the State Clearinghouse and San Diego County Clerk. The NOP

will be circulated for public review and comment for 30 days. As part of the NOP release, Michael Baker assumes the City will prepare and mail the necessary correspondence requesting Native American consultation associated with compliance with Assembly Bill (AB) 52, and the City will handle any requests from Native American tribes to consult, including attending consultation meetings with tribes. The City will also prepare a consultation log with supporting documentation (e.g., letters, emails, phone conversation summaries) for inclusion in the environmental document.

Because the City has already determined a PEIR is required, Michael Baker recommends the City forego the preparation and distribution of an Initial Study, which will reduce the overall schedule and cost for the PEIR. Similarly, because the City's CIP does not meet the criteria of a "project of statewide, regional, or areawide significance" pursuant to CEQA Guidelines Section 15206, a scoping meeting is not required for the PEIR.

Deliverables:

- Draft NOP (Word format)
- Final NOP (Word and PDF formats)
- NOP distribution list (Word format)

Task 3: Technical Reports and Analyses

Michael Baker assumes impacts related to CIP implementation will almost entirely be limited to the construction phase of the CIP projects. Therefore, we propose focusing on impacts related to construction emissions and construction noise, and impacts to natural and cultural resources. The technical reports and analyses will be oriented towards identifying sensitivities through desktop mapping and database research, followed by presenting mitigation strategies for streamlining future individual CIP projects for each resource area. Where appropriate, the technical analyses will assess potential impacts of the four representative projects included in the Project Description (Task 1.2).

An essential component of the technical analyses will be the development of a mitigation strategy for each environmental resources, as appropriate. The mitigation strategies will help streamline CEQA compliance for future individual CIP projects by providing guidance for determining if any additional project-specific impact assessments are required and the project-specific mitigation measures for future projects. By outlining specific assessment and mitigation actions and responsibilities, this strategy will also help ensure compliance with regulatory requirements and foster positive relationships with tribal communities and other stakeholders.

Task 3.1: Air Quality, Energy, and GHG Emissions

The methodologies, impact assessment, and mitigation recommendations based on the below air quality, energy, and GHG emissions technical analyses will be included directly in the Environmental Impact Analysis chapter of the PEIR.

Air Quality

Michael Baker will quantify emissions for the four representative projects using the California Emissions Estimator Model version 2022.1 (CalEEMod), based on the detailed construction information included in the Project Description under Task 1.2. The air pollutant emissions during construction will be compared to the San Diego Air Pollution Control District's Regional Thresholds of Significance. Localized air quality impacts will be discussed in compliance with the San Diego County Air Pollution Control District's CEQA Guidelines. A qualitative discussion of potential health impacts to sensitive receptors from exposure to toxic air contaminants will also be included. This analysis excludes the preparation of a Health Risk Assessment.

The analysis will include a mitigation strategy to help streamline future individual CIP project approvals related to air quality. Appropriate mitigation measures to minimize and reduce construction air quality impacts from future CIP projects will be included.

Energy

Michael Baker will analyze the energy implications of the CIP pursuant to Public Resources Code Section 21100(b)(3) and Appendix G and Appendix F of the State CEQA Guidelines. These statutes and guidelines require a project to describe, where relevant, the wasteful, inefficient, and unnecessary consumption of energy caused by a project. In addition, Appendix G of the State CEQA Guidelines requires a consistency analysis with state or local plans for renewable energy or energy efficiency. The analysis will quantify energy consumption associated with short-term construction activities for the four representative projects. Mitigation measures will be included, as needed, to mitigate construction energy impacts from future individual CIP projects.

GHG Emissions

Michael Baker will calculate estimated GHG emissions (i.e., nitrous oxide, methane, and carbon dioxide) from implementation of the CIP based on buildout assumptions generated as part of Project Description development as discussed above in Task 1.2. Total GHG emissions from construction activities will be amortized into the GHG emissions inventory. CalEEMod will be used to quantify GHG emissions. The analysis will review project consistency with applicable plans for the purpose of reducing GHG emissions, including the Del Mar Climate Action Plan (adopted June 6, 2016). Mitigation measures will be included, as needed, to mitigate construction GHG impacts from future projects within the CIP.

Task 3.2: Biological Resources

Literature Search and Database Reviews

Michael Baker understands that the City will provide the biological technical report for the planned utility undergrounding in the Crest Canyon area. For the remaining portions of the City, Michael Baker will conduct a comprehensive literature and database review of the California Department of Fish and Wildlife (CDFW) California Natural Diversity Database RareFind 5, the California Native Plant Society online Inventory of Rare and Endangered Plants of California, and the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation Project Planning Tool to determine which special-status plants, animals, and vegetation communities are

known to occur or have the potential to occur. Michael Baker will also review other available resources such as the City's Community Plan, Local Coastal Program, Public Tree Policy Manual, and environmentally sensitive overlay zones, as well as the San Diego County Multiple Species Conservation Program (MSCP), to obtain a comprehensive understanding of sensitive habitats and focal areas within the City.

Biological Resources Desktop Analysis

Following the literature review, a Michael Baker qualified biologist will conduct a desktop analysis to document baseline biological conditions using available aerial imagery, soil maps, vegetation maps, wetland maps, conservation areas, and other online resources to evaluate the potential for special-status plant and wildlife species, sensitive habitats, potentially jurisdictional aquatic resources, and/or locally regulated resources (i.e., Torrey pine and Monterey cypress) that may occur within the City. This scope of services does not include field surveys. Instead, the desktop analysis will focus on special-status natural resources that may pose a constraint to future implementation of individual CIP projects.

Programmatic Impact Analysis and Mitigation Strategy

Michael Baker will prepare a Program-Level Biological Resources Management Report compiling the information and results obtained during the literature review and database searches and desktop analyses of biological resources. The report will focus on those resources considered to be sensitive or otherwise special-status and that may pose a constraint to future implementation of individual CIP projects. The Biological Resources Management Report will provide a program-level impact analysis and maps depicting sensitive areas within the City.

Perhaps most importantly, the Biological Resources Management Report will include a mitigation strategy aimed at streamlining future individual CIP project approvals related to special-status biological resources. Clear criteria and guidelines will be included for determining when project-specific biological resources studies and/or mitigation efforts are necessary. The goal of the mitigation strategy is to ensure that all relevant environmental considerations are addressed efficiently and consistently, reducing delays and uncertainties in the approval process. The strategy will also outline best practices for conducting these studies and implementing mitigation measures, ensuring compliance with regulatory requirements.

Deliverables:

- Draft Program-Level Biological Resources Management Report (Word format)
- Final Program-Level Biological Resources Management Report (Word and PDF formats)
- GIS data identifying sensitive biological resource areas

Task 3.3: Cultural Resources

Literature Review and Record Search

Michael Baker cultural resource specialists will conduct a California Historical Resources Information System records search at the South Coastal Information Center to obtain data on previously identified cultural resource sites and previous cultural resource studies that intersect the City and a 0.25-mile radius surrounding it. Michael Baker will review the previous cultural resources reports, historic maps, and archival documents, as well as the City's Historic Preservation Overlay Zone.

Additionally, Michael Baker will request a Sacred Lands File records search from the Native American Heritage Commission (NAHC) to identify any areas of Native American heritage significance. The NAHC will provide a list of tribal contacts that may have further information regarding the project area. Michael Baker will send letters to the tribal contacts requesting information on tribal cultural resources in the vicinity. However, the outreach letters are strictly for the identification of tribal cultural resources and do not take the place of government-to-government AB 52 consultation (see Task 2 above; the City will conduct AB 52 consultation with the Native American tribes). Michael Baker will also coordinate with local historical societies and museums to obtain relevant historical data. Based on the collected data, Michael Baker cultural resource specialists will assess the likelihood of previously unrecorded cultural resource sites in the project area.

This scope of work does not include any preliminary assessments of historic-age structures and infrastructure, as Michael Baker understands that the City is currently aware which City facilities/buildings are listed or eligible for listing in the California Register of Historical Resources, such as the Powerhouse Community Center. We also understand that proposed future CIP improvements to historic (or potentially historic) resources would be limited to minor repairs and modifications that would not affect historic-defining characteristics to historic (or potentially historic) structures.

GIS-Based Sensitivity Analysis and Cultural Context Development

Michael Baker will develop a GIS-based cultural resources sensitivity model to identify areas with high, moderate, and low potential for cultural resources. The cultural resources sensitivity model will use data from the South Coastal Information Center to conduct spatial analyses in ArcGIS to determine the level of potential archaeological sensitivity of any linear CIP project corridors by assessing their proximity to known cultural resources within the 0.25-mile records search radius. The specific analyses will include dividing the corridors into 10- to 15-meter segments and calculating the distance to each segment's nearest known cultural resource. Additionally, the cultural resource location data will be generalized to produce heat maps demonstrating the number of cultural resources and the acreage of known cultural resources within each quarter square kilometer (approximately 90 acres) of a project area and a 0.25-mile radius. The generalized cultural resource data and project area information will be provided in an ArcGIS map package, a geodatabase, and report maps.

Programmatic Impact Analysis and Mitigation Strategy

Michael Baker will assess potential impacts of CIP activities on cultural resources based on future construction activities and project locations. Michael Baker will compile findings into a Program-Level Cultural Resources Management Report for the PEIR. The Cultural Resources Management Report will include GIS maps identifying sensitive areas, as well as a mitigation strategy for future individual CIP projects. The mitigation strategy will streamline cultural resources impact assessments for future individual CIP projects. The mitigation strategy will provide a clear framework for addressing cultural resources potential effects to cultural and tribal cultural resources by future CIP projects.

Deliverables:

- Draft Program-Level Cultural Resources Management Report (Word format)
- Final Program-Level Cultural Resources Management Report (Word and PDF formats)
- GIS data identifying sensitive cultural resource areas

Task 3.4: Paleontological Resources

The City contains geologic formations with varying paleontological sensitivities, and some project locations may intersect known fossil-bearing strata. This program-level analysis aims to provide an initial assessment of potential impacts to paleontological resources across all CIP project types and geographic areas within the City. The methodologies, impact assessment, and mitigation recommendations based on the below technical analysis will be included directly in the Environmental Impact Analysis chapter of the PEIR.

Literature Review and Database Research

Michael Baker will obtain records from the San Diego Natural History Museum regarding previously recorded paleontological sites within or near the City. We will also conduct a review of existing paleontological resource reports and studies for the City and surrounding areas. Additionally, Michael Baker will review geological maps and paleontological sensitivity maps to determine the likelihood of fossil-bearing formations within the City.

Geologic and Paleontological Context

Michael Baker will identify and describe the geologic formations present within the City, including their stratigraphy, depositional history, and known paleontological sensitivity. We will also assess the paleontological resource potential of each formation using the Society of Vertebrate Paleontology sensitivity guidelines, and provide a general discussion of the types of fossils that may be encountered, their scientific significance, and their potential contribution to understanding regional paleontology.

Programmatic Impact Analysis and Mitigation Strategy

Michael Baker will evaluate the potential impacts of implementation of individual CIP projects on paleontological resources based on the extent and depth of excavation, the geologic formations affected, and the likelihood of fossil presence. We will develop a GIS-based paleontological

sensitivity map for the program area, categorizing areas as high, moderate, low, or negligible sensitivity.

Michael Baker will develop a programmatic mitigation strategy to streamline paleontological resources impact assessments for future individual CIP projects. The mitigation strategy will provide a clear framework for addressing paleontological resources potential effects by future CIP projects.

Deliverables:

- GIS data identifying paleontological resources sensitivity

Task 3.5: Noise and Vibration

The methodologies, impact assessment, and mitigation recommendations based on the below technical analysis will be included directly in the Environmental Impact Analysis chapter of the PEIR.

The applicable noise and land use compatibility criteria for the City will be reviewed and noise standards regulating noise impacts will be discussed. Michael Baker will analyze the four representative projects by quantifying construction noise levels at various distances. Noise impacts from construction sources will be analyzed based on the anticipated equipment to be used, length of a specific construction task, equipment power type (gasoline or diesel engine), horsepower, load factor, and percentage of time in use. The construction noise impacts will be evaluated in terms of maximum levels (L_{max}) and hourly equivalent continuous noise levels (L_{eq}) and the frequency of occurrence at adjacent sensitive locations. An analysis of vibration impacts of the four representative projects will be based on the Federal Transit Administration's vibration analysis guidance. Analysis requirements will be based on the sensitivity of the area, specific construction activities, and Noise Ordinance specifications.

The analysis will include a mitigation strategy to help streamline future individual CIP project approvals related to noise and vibration. Appropriate mitigation measures to minimize and reduce construction noise and vibration impacts from future CIP projects will be included.

Task 4: Draft PEIR

The primary intent of the PEIR will be to streamline CEQA clearance for individual CIP projects, once site plans and the characteristics of individual projects are developed. Accordingly, a crucial outcome of the PEIR will be inclusion of mitigation strategies for determining when additional site-specific environmental resource studies would be required for future individual CIP projects, as detailed in the technical scopes above in Task 3.

Task 4.1: First Administrative Draft PEIR

Michael Baker will prepare a PEIR for the City's CIP. Prior to preparing the First Administrative Draft PEIR, we will provide a recommended format for the City to review and approve. The format will be easy to read while providing a clear mechanism for use on subsequent project review to

streamline environmental review, as well as meeting new state requirements for Americans With Disabilities accessibility compliance.

Following is more detail on each proposed chapters of the Draft PEIR.

Executive Summary

The Executive Summary will concisely describe the proposed project and summarize the main findings of the PEIR. We will include a matrix that summarizes the impacts, the significance of each impact before mitigation implementation, recommended mitigation measures, and the significance of each impact after mitigation implementation. The Executive Summary will also summarize areas of controversy, alternatives analyzed, and any significant and unavoidable impacts.

Introduction

The Introduction will describe the organization, type, and use of the PEIR; the environmental review process; the focus of the analysis; other documents used to prepare the PEIR; lead and responsible agencies; and opportunities for public comment.

Project Description

The Project Description prepared under Task 1.2 will include carefully crafted program objectives as well as key assumptions for projects that could be implemented as part of the CIP in the future. The Project Description will include four individual representative projects to establish a broad enough array of project types and sizes to allow for streamlined future approvals of individual CIP projects. The representative projects will be analyzed in detail in the Environmental Impact Analysis chapter of the PEIR.

Environmental Impact Analysis

The PEIR will describe the existing environmental and regulatory settings, thresholds of significance, and analysis methodology and will identify impacts that would result from CIP implementation, the level of impact significance, mitigation measures to reduce the impact to a less than significant level, residual impacts, and any unavoidable significant impacts.

The PEIR will address all 20 resource topics in the State CEQA Guidelines and the City's CEQA Supplemental Regulations. Based on our initial evaluation, we anticipate dedicated chapters focusing on key resource topics detailed above (e.g., air quality, biology, cultural resources, and noise) while other, less relevant topics will be aggregated in an "effects found not to be significant" section (e.g., housing, recreation, agriculture, and mineral resources).

Alternatives

A PEIR must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. The alternatives considered in the PEIR should be able to attain most of the basic objectives of the project, but avoid or substantially lessen resulting significant environmental effects. Michael Baker will coordinate with City staff to develop up to two build alternatives to the proposed project, in addition to the no project alternative. These alternatives will be described and contrasted with the proposed project in

terms of the extent that the alternatives can achieve project objectives or reduce adverse impacts.

Other CEQA Requirements

The PEIR will include all other required sections, including growth-inducing impacts of the project, significant irreversible environmental effects, a summary of significant and unavoidable impacts of the project, a list of the report preparers, and references. The growth inducement analysis will discuss ways in which the CIP could indirectly or directly foster economic or population growth. This could include construction of additional housing or projects that would remove obstacles to population growth.

Deliverables:

- First Administrative Draft PEIR (Word format)

Task 4.2: Second Administrative Draft PEIR

Michael Baker will respond to one consolidated set of comments from the City on the First Administrative Draft PEIR and will prepare the Second Administrative Draft PEIR. All revisions made to the text in response to City comments will be completed in tracked changes format to allow for ease of review.

Deliverables:

- Second Administrative Draft PEIR (Word format)

Task 4.3: Public Review Draft PEIR

Upon receipt of one consolidated set of comments from the City on the Second Administrative Draft PEIR, Michael Baker will prepare the Public Review Draft PEIR in clean format which will include all technical appendices. Once the Public Review Draft PEIR is complete, Michael Baker will coordinate with the City to release the document for public review.

Deliverables:

- Public Review Draft PEIR (Word and PDF formats)

Task 4.4: Notices and Distribution

Michael Baker will prepare draft versions of the Notice of Availability (NOA), Notice of Completion (NOC), and State Clearinghouse Summary Form, and we will revise each document based on one round of City comments. Michael Baker will file the NOA with the San Diego County Clerk and submit the Draft PEIR (including technical appendices), NOA, signed NOC, and Summary Form to the State Clearinghouse. Michael Baker will distribute the NOA to applicable agencies, stakeholders, interested parties, and adjacent property owners. Additionally, Michael Baker will prepare a notice for posting in the Coast News and will coordinate with the newspaper to ensure timely publication. Michael Baker assumes the City will pay the associated County Clerk processing fee ($50 as of January 1, 2025), as well as the newspaper advertisement fee.

Deliverables:

- Draft and final versions of the NOA, NOC, State Clearinghouse Summary Form, and Coast News advertisement (Word and PDF formats)

Task 5: Final PEIR

Michael Baker will prepare a Final PEIR, including responses to comments received during the public review period and a Mitigation Monitoring and Reporting Program (MMRP). Michael Baker will also prepare the CEQA Findings and, if necessary, a Statement of Overriding Considerations.

Task 5.1: First Administrative Final PEIR

At the conclusion of the 45-day public review period, the Michael Baker team will review comment letters received on the Draft PEIR and will prepare draft responses to comments. A summary table identifying agencies and individuals that commented on the Draft PEIR, a copy of each comment letter with a code assigned to each individual comment (e.g., A-1, A-2, B-1, B-2), a response to each comment, and an errata section containing any Draft PEIR text revisions will be prepared.

As it is inherently difficult to estimate the level of effort required to respond to public comments until the number and extent of comment letters are known, for cost estimating purposes, Michael Baker has assumed approximately 40 hours of professional time to prepare the draft responses to comments. Should there be more extensive comment letters, or letters received from attorneys representing organized opposition, Michael Baker will work with the City to identify an appropriate budget amendment to match the level of effort required to provide written responses.

An MMRP will be prepared consistent with the requirements of CEQA Guidelines Section 15097 for inclusion in the Final PEIR. The MMRP will provide a table listing each mitigation measure identified in the PEIR, along with the timing of implementation and the entity responsible for implementation and monitoring.

Additionally, Michael Baker will prepare the required CEQA Findings in accordance with CEQA Guidelines Section 15091 for each effect identified in the PEIR. Project alternatives will also be discussed. A Statement of Overriding Considerations will be prepared, if necessary, pursuant to CEQA Guidelines Section 15093, describing the rationale for approving the proposed project in light of any significant and unavoidable impacts.

Deliverables:

- First Administrative Final PEIR, including responses to comments, MMRP, CEQA Findings, and Statement of Overriding Considerations (Word format)

Task 5.2: Second Administrative Final PEIR

Michael Baker will respond to one consolidated set of comments from the City on the First Administrative Final PEIR and will prepare the Second Administrative Final PEIR. All revisions

made to the text in response to City comments will be completed in tracked changes format to allow for ease of review.

Deliverables:

- Second Administrative Final PEIR, including responses to comments, MMRP, CEQA Findings, and Statement of Overriding Considerations (Word format)

Task 5.3: Final PEIR

Upon receipt of one consolidated set of comments from the City on the Second Administrative Final PEIR, Michael Baker team will prepare the Final PEIR which will include all technical appendices. Once the Final PEIR is complete, Michael Baker will coordinate with the City to release the document prior to the Planning Commission and City Council hearings to consider the Final PEIR for certification.

Deliverables:

- Final PEIR, including responses to comments, MMRP, CEQA Findings, and Statement of Overriding Considerations (Microsoft Word and PDF formats)

Task 5.4: Notices and Distribution

Michael Baker will prepare a draft NOC for the Final PEIR and will revise it based on one round of City comments. Michael Baker will submit the Final PEIR (including technical appendices and the MMRP) and signed NOC to the State Clearinghouse. Michael Baker will also coordinate with the City on additional notifications, including notification requirements associated with the Final PEIR and public hearing for PEIR certification.

Michael Baker will also prepare the Notice of Determination (NOD) for City review and will finalize the document based on one round of City comments. Michael Baker will file the signed NOD with the San Diego County Clerk and State Clearinghouse within 5 days of PEIR certification. We assume the City will provide payment for the CDFW EIR filing fee ($4,123.50 as of January 1, 2025) and the San Diego County Clerk processing fee ($50 as of January 1, 2025).

Deliverables:

- Draft NOC (PDF format)
- Final NOC (PDF format)
- Draft NOD (PDF format)
- Final NOD (PDF format)

Task 5.5: Public Hearings

Michael Baker's management team will attend up to two hearings with Planning Commission and/or City Council to assist in addressing any CEQA-related questions, as directed by the City.

Deliverables:

- Attendance by Michael Baker project management team at up to two public hearings

Task 6: Project Management and Project Team Meetings

Michael Baker has assembled an experienced and effective team to execute this important project. The project management team will work closely with City staff and manage the Michael Baker team and overall project progress. Management activities include coordinating with the project team, focusing on achieving milestones, proactively identifying potential issues to address, ensuring the proposed timeline is met, monitoring the project budget and progress, providing quality control review of all completed work products, and overall project administration.

Our scope of work also includes budget for monthly virtual project team meetings with the City. Additional meetings can be scheduled at the City's discretion for the purposes of project status coordination and/or to discuss the City's comments following document review.

Deliverables:

- Monthly project team meeting agendas (Word and PDF formats)
- Attendance and presentation by Michael Baker project management team at monthly virtual meetings with City staff
- Monthly team meeting notes (Word and PDF formats)

Cost Estimate

Michael Baker's cost estimate for the scope of work for the proposed project is a not-to-exceed **$267,028**. The cost estimate breakdown is presented in the fee table on the next page. The fee schedule for this task order is consistent with the our existing contract on file with the City. It is realized that the proposed costs are in fact an approximation of the labor and reimbursable costs by task. Actual costs per task within the framework of the not-to-exceed budget amount will be billed on a time-and-materials basis. Michael Baker requests flexibility to increase or decrease the level of effort between tasks and among staff within the total not-to-exceed limit of the task.

Fee Table

	Planning Services Manager *(same rate as Engineering Services Manager)*	Technical Manager/ Sr. Planner *(same rate as Technical Managers/ Sr. Engineers)*	Assistant Planning Manager *(same rate as Assistant Engineering Manager)*	Planner *(same rate as Designer/ Planner)*	Project Planner *(same rate as Project Engineers)*	GIS Analyst	Clerical	Total	Reimbursible Estimate (ODC)	Total
TASK	**$ 231.00**	**$ 220.50**	**$ 183.75**	**$ 147.00**	**$ 168.00**	**$ 147.00**	**$ 84.00**	**Hours**		**Cost**
TASK 1: PROJECT INITIATION AND PROJECT DESCRIPTION										
Task 1.1: Project Kickoff	2	8		4			8	22		*$3,486*
Task 1.2: Project Description	4	40	24	22		16		106		*$19,740*
Task 1 Subtotal	6	48	24	*26*	*0*	*16*	*8*	*128*	*$0*	***$23,226***
TASK 2: NOTICE OF PREPARATION										
Task 2.1: Notice of Preparation	1	10		12			2	25	$50	*$4,418*
Task 2 Subtotal	1	10	0	*12*	*0*	*0*	*2*	*25*	*$50*	***$4,418***
TASK 3: TECHNICAL REPORTS AND ANALYSES										
Task 3.1: Air Quality, Energy, and GHG Emissions	4	4	20	60	32			120		*$19,677*
Task 3.2: Biological Resources	6	56		6	40	20		128		*$24,276*
Task 3.3: Cultural Resources	2	10	70	40		20		142	$4,000	*$28,350*
Task 3.4: Paleontological Resources	2	4	8	34		8		56	$1,500	*$10,488*
Task 3.5: Noise and Vibration	4	4	8	32	6	6		60		*$9,870*
Task 3 Subtotal	18	78	106	*172*	*78*	*54*	*0*	*506*	*$5,500*	***$92,661***
TASK 4: DRAFT PEIR										
Task 4.1: First Administrative Draft PEIR	14	40	54	116		20		244		*$41,969*
Task 4.2: Second Administrative Draft PEIR	8	20	26	42		6		102		*$18,092*
Task 4.3: Public Review Draft PEIR	4	18	14	30		4		70		*$12,464*
Task 4.4: Notices and Distribution	1	6		10				17	$50	*$3,074*
Task 4 Subtotal	27	84	94	*198*	*0*	*30*	*0*	*433*	*$50*	***$75,598***
TASK 5: FINAL PEIR										
Task 5.1: First Administrative Final PEIR	8	24	18	54				104		*$18,386*
Task 5.2: Second Administrative Final PEIR	4	20	12	28				64		*$11,655*
Task 5.3: Final PEIR	2	8	6	16				32		*$5,681*
Task 5.4: Notices and Distribution	1	6		10				17	$50	*$3,074*
Task 5.5: Public Hearings (up to 2)	10	12		12				34	$75	*$6,795*
Task 5 Subtotal	25	70	36	*120*	*0*	*0*	*0*	*251*	*$125*	***$45,590***
TASK 6: PROJECT MANAGEMENT AND PROJECT TEAM MEETINGS										
Task 6: Project Management and Project Team Meetings	24	80		16				120		*$25,536*
Task 6 Subtotal	24	80	0	*16*	*0*	*0*	*0*	*120*	*$0*	***$25,536***
TOTAL									***$5,725***	**$267,028**

Schedule

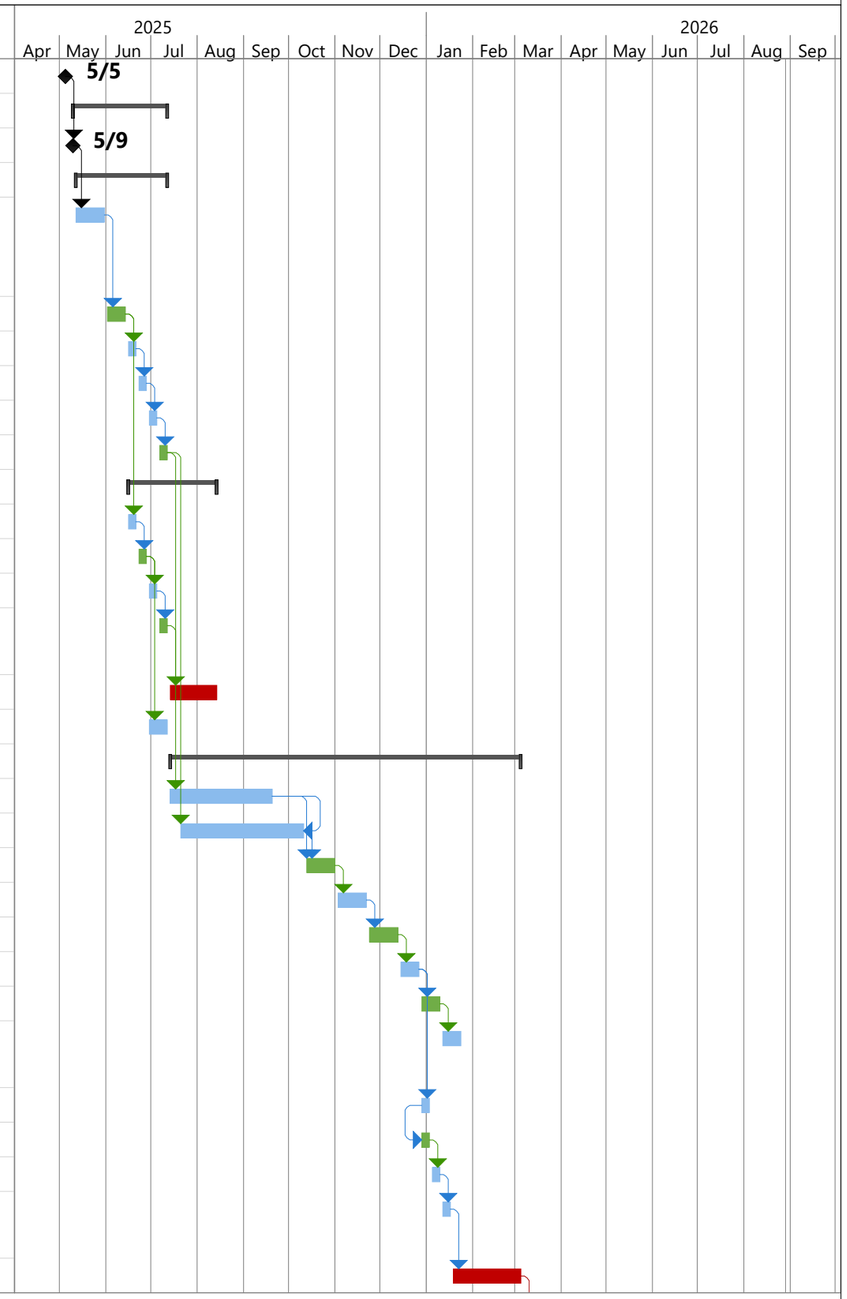
Michael Baker is committed to working efficiently to complete and process the PEIR within a time frame that meets the City's expectations. The proposed schedule on the following pages shows the estimated durations for each task included under the Scope of Services section of this proposal. Michael Baker anticipate the scope of services to be completed within 16 months of authorization to proceed.

During the kickoff meeting, Michael Baker will work with the City to update the schedule as necessary, review milestones and expectations for deliverables, and discuss any "critical path" items and information needs relative to the schedule.

CITY OF DEL MAR

Proposed Schedule for Program-Level Environmental Document for the City of Del Mar's Capital Improvement Program (CIP)

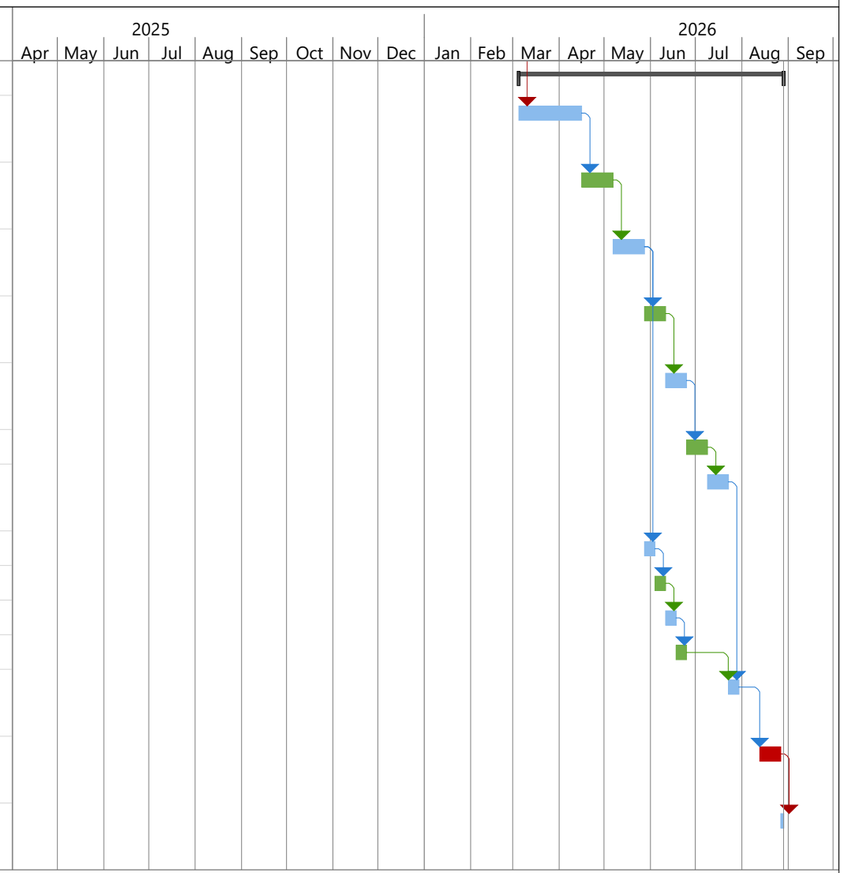
ID	Task Name	Working Days	Start	Finish
1	**Notification to Proceed (approximate date)**	**0 days**	**Mon 5/5/25**	**Mon 5/5/25**
2	**Task 1: Project Initiation and Project Description**	**45 days**	**Fri 5/9/25**	**Fri 7/11/25**
3	**Project Kickoff Meeting (approximate date)**	**0 days**	**Fri 5/9/25**	**Fri 5/9/25**
4	**Project Description and Objectives**	**45 days**	**Mon 5/12/25**	**Fri 7/11/25**
5	MBI prepares draft Project Description and Objectives (includes close coordination with City for detailed assumptions regarding potential CIP projects to be included, as well as detailed construction assumptions for up to four representative projects)	3 wks	Mon 5/12/25	Fri 5/30/25
6	City reviews 1st draft Project Description and Objectives	2 wks	Mon 6/2/25	Fri 6/13/25
7	MBI prepares 2nd draft Project Description and Objectives	1 wk	Mon 6/16/25	Fri 6/20/25
8	City reviews 2nd draft Project Description and Objectives	1 wk	Mon 6/23/25	Fri 6/27/25
9	MBI finalizes Project Description	1 wk	Mon 6/30/25	Fri 7/4/25
10	City approves Project Description and Objectives	1 wk	Mon 7/7/25	Fri 7/11/25
11	**Task 2: Notice of Preparation**	**43 days**	**Mon 6/16/25**	**Wed 8/13/25**
12	MBI prepares draft NOP and distribution list	1 wk	Mon 6/16/25	Fri 6/20/25
13	City reviews draft NOP and distribution list	1 wk	Mon 6/23/25	Fri 6/27/25
14	MBI prepares final NOP and distribution list	1 wk	Mon 6/30/25	Fri 7/4/25
15	City approves final NOP and distribution list; MBI and City distribute/post NOP to distribution list, SCH, County Clerk, and City's website	1 wk	Mon 7/7/25	Fri 7/11/25
16	30-calendar day scoping period	23 days	Mon 7/14/25	Wed 8/13/25
17	City prepares and sends AB 52 tribal consultation letters	2 wks	Mon 6/30/25	Fri 7/11/25
18	**Task 3: Technical Reports and Analyses, and Task 4: Draft PEIR**	**168 days**	**Mon 7/14/25**	**Wed 3/4/26**
19	MBI prepares draft technical analyses/reports	10 wks	Mon 7/14/25	Fri 9/19/25
20	MBI prepares 1st Administrative Draft PEIR	12 wks	Mon 7/21/25	Fri 10/10/25
21	City reviews 1st Administrative Draft PEIR (including technical reports)	3 wks	Mon 10/13/25	Fri 10/31/25
22	MBI prepares 2nd Administrative Draft PEIR (including technical reports)	3 wks	Mon 11/3/25	Fri 11/21/25
23	City reviews 2nd Administrative Draft PEIR (including technical reports)	3 wks	Mon 11/24/25	Fri 12/12/25
24	MBI prepares Public Review Draft PEIR (including technical reports)	2 wks	Mon 12/15/25	Fri 12/26/25
25	City approves Draft PEIR (including technical reports) for public distribution	2 wks	Mon 12/29/25	Fri 1/9/26
26	MBI conducts accessibility formatting on Draft PEIR (including technical studies) for public distribution	2 wks	Mon 1/12/26	Fri 1/23/26
27	MBI prepares NOA and other required SCH forms for Draft PEIR	1 wk	Mon 12/29/25	Fri 1/2/26
28	City reviews NOA and other required SCH forms	1 wk	Mon 12/29/25	Fri 1/2/26
29	MBI finalizes NOA and other required SCH forms, and City approves them	1 wk	Mon 1/5/26	Fri 1/9/26
30	City posts Draft PEIR and NOA on City's website, and MBI and City distribute Draft PEIR and notices to SCH, County Clerk, and distribution list	1 wk	Mon 1/12/26	Fri 1/16/26
31	45-calendar day public review period	33 days	Mon 1/19/26	Wed 3/4/26



CITY OF DEL MAR

Proposed Schedule for Program-Level Environmental Document for the City of Del Mar's Capital Improvement Program (CIP)

ID	Task Name	Working Days	Start	Finish
32	**Task 5: Final PEIR**	**127 days**	**Thu 3/5/26**	**Fri 8/28/26**
33	MBI prepares 1st Administrative Final PEIR (including response to comments, MMRP, CEQA Findings, and [if required] Statement of Overriding Considerations [SOC])	6 wks	Thu 3/5/26	Wed 4/15/26
34	City reviews 1st Administrative Final PEIR (including response to comments, MMRP, Findings, and SOC)	3 wks	Thu 4/16/26	Wed 5/6/26
35	MBI prepares 2nd Administrative Final PEIR (including response to comments, MMRP, Findings, and SOC)	3 wks	Thu 5/7/26	Wed 5/27/26
36	City reviews 2nd Administrative Final PEIR (including response to comments, MMRP, Findings, and SOC)	2 wks	Thu 5/28/26	Wed 6/10/26
37	MBI prepares public distribution version of Final PEIR (including response to comments, MMRP, Findings, and SOC)	2 wks	Thu 6/11/26	Wed 6/24/26
38	City approves Final PEIR (including response to comments, MMRP, Findings, and SOC)	2 wks	Thu 6/25/26	Wed 7/8/26
39	MBI conducts accessibility formatting on Final PEIR (including accompanying documents) for public distribution	2 wks	Thu 7/9/26	Wed 7/22/26
40	MBI prepares required SCH forms for Final PEIR	1 wk	Thu 5/28/26	Wed 6/3/26
41	City reviews required SCH forms	1 wk	Thu 6/4/26	Wed 6/10/26
42	MBI finalizes required SCH forms	1 wk	Thu 6/11/26	Wed 6/17/26
43	City approves required SCH forms	1 wk	Thu 6/18/26	Wed 6/24/26
44	City posts Final PEIR and public hearing notice on City's website, and MBI and City distribute Final PEIR and notices to SCH and distribution list	1 wk	Thu 7/23/26	Wed 7/29/26
45	Two City public hearings for project approval and Final PEIR certification (approximate timeframes; at least 10 calendar days after distribution of Final EIR)	2 wks	Thu 8/13/26	Wed 8/26/26
46	MBI files CEQA Notice of Determination with SCH and County Clerk (within 5 calendar days of project approval)	2 days	Thu 8/27/26	Fri 8/28/26



Attachment A – Key Personnel Resumes

PROJECT MANAGER

Melissa J. Whittemore

Ms. Whittemore's professional responsibilities include project management, preparation, and quality assurance/quality control review of environmental compliance documents and associated technical studies in accordance with CEQA and NEPA, including Program Environmental Impact Reports (PEIRs). She has worked on a variety of complex and controversial land development projects throughout San Diego County and Southern California and has extensive experience managing CEQA compliance for infrastructure projects and programs, including for potable water, recycled water, sewer, storm water, and transportation facilities, as well as public recreational facilities. Ms. Whittemore's approach to project management is proactively ensuring quality documents are delivered to clients on time and within alloted budget.

Michael Baker
INTERNATIONAL

Years of Experience
23

Education
B.S., Biology with an emphasis in Ecology, San Diego State University

Graduate Certificate, National Environmental Policy Act, Utah State University

Professional Affiliations
California Association of Environmental Professionals (AEP) – Board Member of the San Diego Chapter (2024-Present)

Women's Transportation Seminar (WTS)

RELEVANT EXPERIENCE

City of San Diego. City of San Diego Storm Water System Maintenance Program PEIR. *Senior Environmental Planner*. Ms. Whittemore was responsible for the preparation of a PEIR for future maintenance activities of the City of San Diego's storm water system to provide for public safety and protection of property. The Maintenance Program also included construction of maintenance access roads, some of which would occur through sensitive biological resources areas. Key issues included air quality, biological resources, cultural resources, hazards and hazardous materials, hydrology and water quality, and noise.

Inland Empire Utilities Agency. Chino Basin Program PEIR. *Deputy Project Manager/Senior Environmental Planner*. Ms. Whittemore was responsible for a PEIR for the Inland Empire Utilities Agency's Chino Basin Program (CBP), which is partially State-funded by the Proposition 1 Water Storage Investment Program (WSIP). Ms. Whittemore's team collaborated with other consultants to complete preparation of the administrative Draft PEIR within an accelerated schedule of 15 business days from receipt of authorization to proceed. The purpose of the CBP is to provide water supplies for public benefits as defined by WSIP, including ecosystem and water quality improvement, as well as emergency response benefits. The CBP includes phased construction and operation of an advanced water purification facility, injection wells, extraction wells, groundwater treatment facilities, pipelines, and interconnections to other water districts' systems. Because of Ms. Whittemore's commitment to the expedited deadline, the Inland Empire Utilities Agency was able to certify the Program EIR and receive state funding for the CBP. Key environmental issues included air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, and noise.

County of Los Angeles Department of Parks and Recreation. Puente Hills County Regional Park PEIR. *Senior Environmental Planner*. Ms. Whittemore was responsible for the preparation of the air quality, greenhouse gas emissions, and noise sections of a PEIR for a 1,365-acre regional park in unincorporated Los Angeles County just south of the Interstate 605/State Route 60 interchange. The project included conversion of the Puente Hills Landfill to a recreational facility area consisting of park use, including multi-use trails, open space areas, interpretive features, and other amenities that would benefit local and regional communities.

City of Goleta Department of Public Works. On-Call Environmental Services – CEQA Categorical Exemptions for Public Works Projects. *Contract Manager/Task Manager*. Ms. Whittemore was responsible for the management and preparation of Categorical Exemptions under CEQA for Capital Improvement Program (CIP) projects under a three-year on-call contract with the City of Goleta Department of Public Works. Work included contract management activities such as coordinating with city staff, assigning task orders, and managing the overall contract budget. Task orders managed by Ms. Whittemore included preparation of Notices of Exemption and supporting documentation for various projects, including Goleta LED Street Lighting Project and Crosswalk at Calle Real/Fairview Center – Pedestrian Hybrid Beacon Project.

City of San Diego Public Utilities Department. On-Call Environmental Consulting Services for Public Utilities Infrastructure. *Program Manager/Task Manager*. Ms. Whittemore was responsible for execution of the contract to provide environmental consulting services to the City of San Diego for the construction and/or replacement of potable water and sewer pipelines and pump stations. She monitored the overall contract budget and assigned task orders, and she also functioned as project manager for several task orders. Scopes of work included technical studies for cultural and biological resources (including Multiple Species Conservation Program [MSCP] consistency), due diligence

memoranda, and construction monitoring. Tasks included Black Mountain Road Wetland Mitigation Project; Rancho Bernardo Wetland Mitigation Project; Old Town McCoy House Sewer Repair Project; and Robinson Avenue and 8th Avenue Pipe Replacement Project.

City of San Diego. University Avenue Mobility Plan EIR. *Senior Environmental Planner.* Ms. Whittemore was responsible for the preparation of an EIR for multi-modal improvements along University Avenue between Florida Street and Boundary Street within the community of North Park in the City of San Diego. The project included improvements related to roadways, transit, pedestrian access, parking, and utilities along an approximately 1.25-mile-long segment of University Avenue. Major project features consisted of transit-only lanes, raised medians, curb extensions, enhanced pedestrian crosswalks, and consolidation of transit stops. Key environmental issues included aesthetics, air quality, hydrology and water quality, land use and planning, noise, public services, and traffic/circulation.

City of Escondido. East Valley Parkway and Midway Drive Drainage Improvement Project IS/MND. *Project Manager*. Ms. Whittemore is responsible for the management and preparation of an IS/MND for improvements to the storm drain system in the central portion of Escondido. The project includes the installation of approximately 4 miles of reinforced concrete box culverts and reinforced concrete pipelines beneath existing City roadways to collect and convey flows up to a 100-year storm event to Escondido Creek via new storm water inlets. Key environmental issues included air quality, biological resources, cultural resources, hazards and hazardous materials, noise, and transportation.

San Diego Association of Governments. San Dieguito Bridge Replacement, Double Track, and Del Mar Fairgrounds Special Events Platform Project EA. *Senior Environmental Planner*. Ms. Whittemore was responsible for the preparation of an EA for approximately two miles of railway improvements along the Los Angeles-San Diego-San Luis Obispo (LOSSAN) rail corridor within portions of the cities of Solana Beach and Del Mar. Proposed rail improvements included the construction of new double track bridge structures over the San Dieguito River, the addition of 1.7 miles of new double track, and a special events passenger platform at the Del Mar Fairgrounds. Ms. Whittemore prepared the land use, Section 4(f) resources, and biological resources sections of the EA, including a Coastal Consistency Determination Analysis. Work was completed for the San Diego Association of Governments, and the Federal Railroad Administration was the NEPA lead agency.

Olivenhain Municipal Water District. Village Park Recycled Water Project IS/MND. *Project Manager*. Ms. Whittemore was responsible for the management and preparation of an IS/MND and associated technical reports (cultural resources and traffic) for the installation of approximately 6.6 miles of recycled water pipelines and a pump station mainly within existing roadways in the City of Encinitas. The project had an accelerated schedule for the CEQA component, which was met. Key issues were air quality, biological resources, cultural resources, hazards and hazardous materials, and traffic.

Olivenhain Municipal Water District. Northwest Quadrant Reclaimed Water Pipelines Project IS/MND. *Senior Environmental Planner*. Ms. Whittemore was responsible for preparing an IS/MND for the installation of approximately three miles of recycled water pipelines and a pressure-reducing station within existing roadways in the cities of Encinitas and Carlsbad. Key issues were biological resources and noise.

Olivenhain Municipal Water District. Santa Fe Pump Station Project IS/MND. *Senior Environmental Planner*. Ms. Whittemore was responsible for the preparation of an IS/MND for the installation and operation of a recycled water pump station and approximately 7,300 feet of underground raw (untreated) and recycled water pipelines that would connect to the existing three-million-gallon Santa Fe Valley Blending Reservoir and the Rancho Santa Fe Community Services District Wastewater Treatment Plant in the City of Encinitas. The project also included construction of approximately 100 feet of retaining walls and a 1,400-foot-long access road, as well as installation of irrigation and landscaping. Key issues included biological resources, cultural resources, and noise.

Otay Water District. North/South District Interconnection System Project EIR. *Assistant Project Manager*. Ms. Whittemore was responsible for the management and preparation of an EIR and associated technical studies (biological resources, noise, air quality, traffic, and water quality) for the installation and operation of an approximately 5- to 6-mile-long, 30-inch-diameter potable water pipeline and associated booster pump station in the City of Chula Vista and the Bonita community within unincorporated San Diego County. Key issues included direct and indirect impacts to sensitive species.

City of San Diego. Pure Water San Diego Program Biological Survey Report. *Senior Environmental Planner*. Ms. Whittemore was responsible for the preparation of a Biological Survey Report in compliance with the City of San Diego's Biology Guidelines for a specific segment of pipeline for this water reuse program project. The biological study analyzed a segment of proposed under roadways and disturbed areas, to the extent feasible, and traversed Marine Corps Air Station, Miramar. Significant effects included direct impacts to sensitive vegetation communities and special status plant species and potential direct and indirect (e.g., noise) impacts to sensitive wildlife species.

PRINCIPAL-IN-CHARGE

Bob Stark, AICP

Mr. Stark has nearly three decades of experience in the preparation and management of environmental review documents pursuant to CEQA and NEPA. His expertise in guiding high profile and controversial projects through the rigors of state and federal environmental review and permitting processes has made him a valued advisor to public agencies throughout California. His broad base of knowledge ranges from air quality, noise, and traffic analysis to habitat restoration and climate change. Locally, Mr. Stark has successfully managed CIP-related CEQA documents for the cities of Del Mar, Solana Beach, San Marcos, Vista, and Encinitas. He is also a highly regarded instructor of professional-level seminars and continuing education courses on the topics of CEQA and environmental impact analysis.

Michael Baker
INTERNATIONAL

Years of Experience
28

Education
M.C.R.P., City and Regional Planning, California State Polytechnic University

B.A., Urban Studies and Planning, University of California, San Diego

Licenses/Certifications
American Institute of Certified Planners, No. 17175

Professional Affiliations
American Planning Association (APA)

RELEVANT EXPERIENCE

City of Del Mar. San Dieguito Drive Improvement Project. Mr. Stark oversaw preparation of a Notice of Exemption for improvements to San Dieguito Drive between Racetrack View Drive and Oribia Road to upgrade the private road to City of Del Mar public roadway design standards. The affected roadway segment was approximately 1,000 feet in length and 18 to 20 feet wide (improved width). The proposed improvements would extend the road surface to 23 feet in width, create a crown along the center line, and install rolled concrete curbs along each side. Drainage improvements were also proposed at the intersection of San Dieguito Drive/Racetrack View Drive and included construction of an additional inlet; improvements to an existing inlet; installation of a modular wetland; and replacement of an existing storm drain pipeline. Additionally, a 36-foot-long masonry block retaining would be constructed behind the storm drain inlet located on the west side of San Dieguito Drive.

City of Del Mar. Jimmy Durante Boulevard Bluff Stabilization Project. Mr. Stark is currently overseeing preparation of a Notice of Exemption for a bluff stabilization project. The project proposes engineering improvements to an existing soldier pile wall installed as part of an emergency slope repair project in 2019 to stabilize an active (at the time) slope failure. The project is intended to further stabilize the slope and minimize the potential for future slope failure to occur. The project proposes to extend the existing wall approximately 40 feet to the south, utilizing a similar soldier pile wall configuration. After the wall extension is constructed, drought-tolerant native species would be installed as landscaping along the slope to reduce visibility of the wall and to visually blend the improvements into the existing setting.

City of Encinitas. North Coast Highway 101 Streetscape Project. Mr. Stark directed the preparation of an Environmental Impact Report for the project. Michael Baker provided engineering, traffic, and environmental services for the North Coast Highway 101 Project. The project includes multi-modal functions involving road diet measures, such as lane restriping of sharrows in the north- and south-bound lanes; five traffic calming roundabouts; a traffic signal; and street beautification measures for 2.5 miles of old Highway 101 in Leucadia. The goal is to increase walkability along the project corridor and provide more efficient on-street parking to eliminate sight-distance problems for side-street traffic and vehicular conflicts with bicyclists.

California State Coastal Conservancy. Los Peñasquitos Lagoon Permitting and Environmental Support. Mr. Stark managed the consultant team in securing permits from the Army Corps of Engineers and Regional Water Quality Control Board for the Los Peñasquitos Lagoon Foundation to continue emergency breaching of the lagoon to allow for tidal flushing of the lagoon during summer months when water quality suffers and threatens habitat and sensitive species within this important estuary at Torrey Pines State Beach.

City of Solana Beach. On-Call CEQA Services. Mr. Stark oversaw this contract to provide on-call CEQA services to the City of Solana Beach. Mr. Stark provided strategy on achieving CEQA compliance for several projects. Under the contract, he managed the preparation of an EIR for a proposed condominium and hotel resort on Highway 101 at the northern end of Solana Beach. The property abuts San Elijo Lagoon, and therefore the EIR placed great emphasis on biological impacts as well as water quality impacts. Computer-generated visual simulations were prepared and included in the EIR to address concerns about blocking ocean views to surrounding residences. The property was eventually purchased to be kept undeveloped as a nature preserve.

City of Encinitas. Birmingham Drive Complete Street Project. Mr. Stark served as the environmental manager for this complete street project in the City of Encinitas. The project entails the installation of roundabouts and bulbouts to calm traffic, along with bicycle and pedestrian circulation improvements and undergrounding of overhead utilities. One unique aspect of the project is that much of the existing sidewalks in the corridor have personalized panels that were sold to families and businesses to raise money for the sidewalk installation project nearly 40 years ago. As part of the environmental effort, Mr. Stark oversaw a team of cultural resource professionals to photograph and catalog the hundreds of panels and devise a plan to remove and replace the panels as part of the construction project. During the public outreach component of the project, longtime residents were able to see their personalized sidewalk panels in the photo archive and were advised of the removal and replacement plan. This demonstrated the diligence and care the City was taking in project planning and resulted in widespread support for the project.

City of Solana Beach. Lomas Santa Fe Drive Complete Streets Project. Mr. Stark is overseeing the environmental compliance component of this project that contemplates multi-modal transportation improvements for an approximately 2-mile stretch of Lomas Santa Fe Drive in the City of Solana Beach. The project includes improved bike and pedestrian paths, landscaping, traffic calming measures and other functional aspects lending to a safer and more appealing thoroughfare for all users. Mr. Stark is tasked with providing peer review of all third party technical reports to ensure CEQA defensibility for the City.

San Diego County Water Authority. On-Call CEQA Services. Mr. Stark managed a team of environmental planners, biologists, and other specialists in helping the Water Authority to comply with a host of environmental regulations as they implemented their Facilities Master Plan. Task orders included biological monitoring for Water Authority maintenance activities within their right of way and assistance with implementing the Authority's Habitat Conservation Plan. Mr. Stark also served as a strategic consultant to the Water Authority, assisting with their Quantification Settlement Agreement and Mitigation Plan for the Salton Sea. Bob coordinated regularly with Authority staff, the outside legal team, and other water agency representatives to help steer a course toward acceptable mitigation projects for the Salton Sea.

City of Vista. Sewer Program On-Call CEQA Services. Mr. Stark directed preparation of approximately 20 CEQA documents in support of improvements to the City's sewer system. Projects included repairs, realignments, relinings, and pump station improvements. Mr. Stark coordinated with the Buena Sanitation District, the City of Carlsbad, and numerous City of Vista staff and stakeholders. Additionally, since projects were partially funded through the State Revolving Fund (SRF) program, Mr. Stark consulted on the appropriate document format and content for a relatively new at the time "CEQA Plus" process with State agencies.

ARCHAEOLOGICAL AND TRIBAL CULTURAL RESOURCES LEAD

James T. Daniels, RPA

Mr. Daniels is a senior archaeologist with cultural resource management experience in California, Nevada, and North Carolina. His experience includes archaeological surveys, evaluations of historic and prehistoric sites for listing in the California and National Registers, site mitigation data recoveries, mitigation monitoring, and preparation of archaeological resource management reports and cultural resources technical reports. As a senior archaeologist, he supports projects needing CEQA, NEPA, National Historic Preservation Act (NHPA) Section 106, Native American Graves Protection and Repatriation Act, Assembly Bill 52, US Army Corps of Engineers 404 permits, and local cultural resource regulation compliance. He also assists with environmental impact statements and reports and alternative mitigation measures for clients, including interpretive signage, informative website design, brochures, and ethnographic studies. Additionally, he assists in Native American consultation and coordination of Native American monitoring. Mr. Daniels provides advanced technical services for clients, including geophysical surveys with ground-penetrating radar (GPR), obsidian and ceramic sourcing using portable X-ray fluorescence (pXRF), photogrammetry, and GIS predictive modeling and data collection using Esri Field Maps.

Michael Baker
INTERNATIONAL

Years of Experience
19

Education
Doctoral Studies, Anthropology/Archaeology, University of California, San Diego

M.A., Anthropology/Archaeology, California State University at Long Beach

B.A., Anthropology, North Carolina State University

Licenses/Certifications
Registered Professional Archaeologist, 2009, 52140

Professional Affiliations
Register of Professional Archaeologists (RPA)

Society for American Archaeology (SAA)

Society for California Archaeology

RELEVANT EXPERIENCE

El Caballo Park, Escondido, CA. *Senior Archaeologist*. Conducted a Phase I Cultural Resources Assessment for the proposed El Caballo Park Master Plan project in compliance with CEQA and Section 106. The investigation included a records search with the SCIC, request for a Sacred Lands File search from the NAHC, a review of historical aerial photographs and maps, a pedestrian survey of the project area, and an archaeological sensitivity assessment. The field investigations resulted in the identification of two cultural resources that were evaluated for eligibility to the National Register of Historic Places and the California Register of Historical Resources: the Asociación de Charros de Escondido Arena and a series of four rock retaining wall features likely associated with the Dixon family, who once owned and operated a citrus farm that overlaps the current project area. Mr. Daniels recorded the sites on the appropriate DPR 523 series forms and authored the technical report.

Cultural Resources Study for the Revitalizing Solana Highlands EIR, Solana Beach, CA. *Project Manager*. Managed a cultural resources study for the EIR on the proposed development of the 13.41-acre Solana Highlands property. This project included the proposed redevelopment of 260 new apartments, parking, a separate leasing facility/clubhouse building, recreational amenities, and a system of interconnected pathways. This project was completed in compliance with CEQA to determine the presence or absence of potentially significant prehistoric and historic resources within the project's APE. Mr. Daniels completed the records search at the SCIC, an intensive pedestrian survey, and prepared the final report detailing the results of the survey and recommending mitigation measures.

San Dieguito Bridge Replacement and Second Track Project, San Diego County, CA. *Project Archaeologist*. Conducted a pedestrian survey of the San Dieguito River Bridge and a portion of the LOSSAN corridor between the southern portion of Solana Beach and the northern portion of the City of Del Mar. Co-authored the letter report to the client on the results of the archaeological survey.

North Coast Highway 101 Streetscape, Encinitas, California. *Senior Archaeologist*. Responsible for conducting a Section 106 cultural resources inventory for a HUD-funded project, including records search at the SCIC, NAHC SLF search, a pedestrian survey with Native American monitor of the area of potential effect, and archaeological sensitivity analysis. Authored the technical report presenting the results of the cultural resource inventory. Conducted Native American and Section 106 SHPO consultations on behalf of the City of Encinitas. Michael Baker is providing engineering, traffic, and environmental services for the North Coast Highway 101 Streetscape Improvements Project. The project includes multimodal functions involving road diet measures, such as lane restriping of sharrows in the north- and south-bound lanes; five traffic calming roundabouts; a traffic signal; and street beautification measures for two and a half miles of old Highway 101 in Leucadia. The goal is to increase walkability along the project corridor and provide more efficient on-street parking to eliminate sight-distance problems for

side-street traffic and vehicular conflicts with bicyclists. Michael Baker is performing traffic studies, providing Mobile LiDAR data collection and processing, managing the preparation of an EIR and a recirculated draft EIR, and developing maintenance of traffic plans.

Orangewood Avenue Improvements Project, Anaheim, CA. *Senior Archaeologist*. Served as Principal Investigator for the cultural resources technical study completed for the project in compliance with Section 106 of the NHPA and CEQA. The study included the methods and results of a records search, literature and historic map review, historical society consultation, field survey, Native American consultation, and National Register and California Register evaluation of the Orangewood Bridge to determine if the project proposed effects/impacts to historical resources. Co-authored the technical report. The findings of the study were incorporated into the USACE 404 permit package. Michael Baker is assisting the City of Anaheim with civil, structural, and environmental engineering services to improve Orangewood Avenue in the cities of Anaheim and Orange as part of the Revised Platinum Triangle Expansion Project. The project would widen a portion of Orangewood Avenue from a five-lane roadway to a six-lane divided facility with medians and utility infrastructure improvements consistent with the Platinum Triangle minimum widening standards. As part of the project, Michael Baker is preparing an Addendum to the Final Subsequent Environmental Impact Report No. 339 as well as providing agency coordination, bridge inspection, and structural plans, specifications, and estimates (PS&E) to widen the Orangewood Avenue Bridge.

Riverwalk Redevelopment Project, City of San Diego, CA. *Project Manager and Principal Investigator*. Prepared an addendum to a Class III Inventory prepared by a previous CRM firm. The addendum clarified previous archaeological work conducted within the proposed Project APE and provided revised mitigation and management recommendations for cultural resources located within the limits of the Project APE that met standards of CEQA and location regulations in the City of San Diego. Participated in several meetings with City officials to ensure all recommended mitigation measures would satisfy City requirements. Prepared an Archaeological Research and Data Recovery Program outlining the research objectives and monitoring and data recovery methodologies to mitigate significant impacts to known archaeological sites during the grading phase of the proposed development project. Provided support for cultural resources management sections of the EIR. Oversaw a staff of ten archaeologists for the data recovery excavations of the CRHR and NRHP-eligible loci of CA-SDI-11767. Coordinated with Native American tribal monitors during the data recovery. Managed the resulting laboratory analysis of the artifact assemblage from the site and was the primary author of the technical report. Coordinated the mitigation monitoring effort during construction grading for the project.

Tres Amigos Waterline Replacement Project Cultural Resource Inventory, Vista, San Diego County, CA. *Principal Investigator***.** Supervised and scheduled associate archaeologist and Native American monitor to conduct a pedestrian survey of the proposed waterline replacement corridor. Conducted Native American outreach. Authored the technical report that included records search results, pedestrian survey, and Native American outreach.

Carlsbad CIP – Phase III Recycled Water Project, Carlsbad, CA. *Principal Investigator*. Requested records search data from SCIC for a large-scale recycled water project. Prepared detailed GIS maps and a Class I Cultural Resource Inventory report using data supplied by the client for the proposed project and data from the SCIC on previously recorded sites and survey coverage. Prepared several addendum reports as project designs changed.

Padre Dam Municipal Water District Master Plan EIR, San Diego County, CA. *Principal Investigator/GIS Specialist/Report Author*. Prepared cultural resource density maps in a GIS platform for 243 proposed water transference projects within the Padre Dam Municipal Water District. Authored the technical report presenting the results of the GIS-based study.

Cultural Constraints Study for the Southern California Edison Alberhill System Project in Orange, Riverside, San Bernardino, and San Diego Counties, CA. *Principal Investigator*. Conducted records search at three CHRIS information centers to retrieve data on known cultural resources within a quarter-mile radius of approximately 210 miles of a utility corridor and 15 possible substation locations across four counties. The data was then compiled into ArcGIS Pro to create a series of heatmaps using spatial analyses that indicate portions of the corridor or substations that intersected or were near known cultural resources to choose corridor and substation alternatives that avoid areas of greater cultural sensitivity.

Inventory for Eight Bridge Repairs on MCB Camp Pendleton, San Diego County, CA. *Principal Investigator*. Organized and surveyed eight bridge repair locations and their associated impact footprint to determine if the proposed bridge repairs would impact any previously identified or newly encountered sites. An accompanied historian also assessed the historic nature of each bridge. Authored the technical report presenting the results of the survey.

San Dieguito Bridge Replacement and Second Track Project, San Diego County, CA. *Project Archaeologist*. Conducted a pedestrian survey of the San Dieguito River Bridge and a portion of the LOSSAN corridor between the southern portion of Solana Beach and the northern portion of the City of Del Mar. Co-authored the letter report to the client on the results of the archaeological survey.

Cultural Resources Study for the Bridges at Aviara Project, San Diego County, CA. *Project Archaeologist*. Conducted an archaeological records search with the SCIC, consulted with the Native American community, and conducted a pedestrian survey of 64 acres in the City of Carlsbad. Authored a letter report to the client that included the results of the archaeological study.

ARCHITECTURAL HISTORICAL RESOURCES LEAD

Susan M. Wood

Dr. Wood is a senior architectural historian experienced in historic preservation and cultural resource management in California. She meets the Secretary of the Interior's Professional Qualification Standards for architectural history, history, and archaeology. Dr. Wood's professional activities include resource evaluations, integrity assessments, effects analysis, mitigation documentation, design review, archival and historical research, architectural and archaeological field surveys, technical report preparation in accordance with Section 106/110 of the National Historic Preservation Act (NHPA) and CEQA, and project management. As a historic preservation planner consultant, Dr. Wood has experience in reviewing evaluations of local, state, and national historical significance; reviewing permit applications and design projects for adherence to the Secretary of the Interior's Standards for the Treatment of Historic Properties; reviewing Certificate of Appropriateness applications; and presenting at public hearings.

Michael Baker
INTERNATIONAL

Years of Experience
11

Education
Ph.D., History, University of California, Riverside

M.A., Public History, University of California, Riverside

B.S., Anthropology, California State Polytechnic University, Pomona

Professional Affiliations
California Preservation Foundation

Society for California Archaeology

Society for Historical Archaeology

RELEVANT EXPERIENCE

Los Angeles Department of Water and Power. On-Call Services Contract. *Senior Architectural Historian.* Dr. Wood was the lead author of a historic resources evaluation technical report to support a proposed electrical distribution pole replacement project. Dr. Wood completed a literature and historical map review; built environment survey; and California Register evaluation of a historic age wood pole distribution line between the San Fernando Valley and Pacific Palisades

Los Angeles Department of Water and Power. Historic Resources Evaluation for the Garvanza Pumping Station, Los Angeles, California. *Senior Architectural Historian*. Dr. Wood is the lead author of a historic resources evaluation technical report underway to support a proposed pumping station upgrade project.

University of California, Irvine. 2045 Long Range Development Plan, Historic Resources Sensitivity Report. *Senior Architectural Historian*. Dr. Wood served as co-author and quality control lead for a campus-wide baseline historic resources survey and sensitivity assessment in support of the university's long range development plan update for 2045. This included targeted reconnaissance survey, archival research, and preparation of a technical report.

City of Garden Grove. Phase 1 Cultural Resources Assessment, Garden Grove Civic Center Project. *Senior Architectural Historian*. Dr. Wood served as the lead author of a cultural resources identification memorandum to support CEQA review of a proposed multilevel public safety facility development project in Garden Grove, California. In the memorandum and on separate DPR 523 form sets, Dr. Wood evaluated the Garden Grove Civic Center, the Garden Grove Public Safety Building, and the Garden Grove Civic Center Park for inclusion on the CRHR. Dr. Wood recommended all three resources ineligible for listing in the CRHR.

City of Santa Clarita. Valencia Glen and Old Orchard Park, NEPA. *Senior Architectural Historian***.** Dr. Wood served as the lead author of two cultural resources identification studies to address requirements of Section 106 of the National Historic Preservation Act in support Michael Baker's environmental services for the preparation of a National Environmental Policy Act (NEPA) categorical exclusion (CE) statutory checklist for the proposed Valencia Glen and Old Orchard Parks Rehabilitation Project in Santa Clarita, California.

Army Corps of Engineers, Los Angeles Office; City of Anaheim. Phase 1 Cultural Resource Assessment for the Orangewood Avenue Improvements Project, Anaheim, Orange County, California. *Senior Architectural Historian*. Dr. Wood was the lead author preparing a cultural resources identification study technical report to address requirements of Section 106 of the National Historic Preservation Act and the California Environmental Quality Act (CEQA) in support of Michael Baker International's civil, structural, and environmental engineering services in the cities of Anaheim and Orange. Dr. Wood completed a literature review, historic map, and aerial photograph review and an analysis of the built environment survey of the project area. She evaluated an existing historic-age automobile bridge within the project boundaries for NRHP and CRHR eligibility and prepared an assumption of eligibility and effects analysis for the Santa Ana River channel.

Naval Facilities Engineering Systems Command Southwest, San Diego, California. Cultural Resources Inventory and Evaluation for the P590 Community and Airfield Flood Protection Project, Naval Base Ventura County Point Mugu, California. *Senior Architectural Historian.* 2023. Dr. Wood coauthored a Section 106 cultural resources inventory for a proposed Flood Protection Project on Naval Base Ventura County Point Mugu. Dr. Wood completed a literature and historic map review, historical society consultation, analysis of the built environment survey of the APE, historical context, architectural descriptions, and evaluated five historic age-built environment water conveyance and control resources for the National Register of Historic Places (NRHP).

Imperial County Public Works Department. Phase 1 Cultural Resource Assessment for the Davis Road Bridge Replacement Project, Imperial County, California. *Senior Architectural Historian.* Dr. Wood was the lead author preparing a cultural resources identification study report to address requirements of the California Environmental Quality Act (CEQA). Dr. Wood completed a literature review, historic map, and aerial photograph review and an analysis of the built environment survey of the project area. She evaluated an existing historic-age irrigation canal within the project boundaries for CRHR eligibility.

Imperial County Public Works Department. Phase 1 Cultural Resource Assessment for the Meloland Bridge Replacement Project, Imperial County, California. *Senior Architectural Historian*. Dr. Wood was the lead author preparing a cultural resources identification study report to address requirements of the California Environmental Quality Act (CEQA). Dr. Wood completed a literature review, historic map, and aerial photograph review and an analysis of the built environment survey of the project area. She evaluated an existing historic-age bridge and irrigation canal within the project boundaries for CRHR eligibility.

City of Escondido. El Caballo Park Master Plan Project, Escondido, San Diego County, California. *Senior Architectural Historian.* In compliance with CEQA and Section 106, Dr. Wood contributed to a Phase I Cultural Resources Assessment for the proposed project. The investigation included a review of historical maps and aerial photographs and the identification of one built environment cultural resource, the Asociación de Charros de Escondido Arena, was evaluated for eligibility to the National Register of Historic Places and the California Register of Historical Resources. Contributed to the technical report and provided quality control for the historical resources sections.

City of Long Beach. Staff Augmentation. Serving as a consultant to the City of Long Beach Development Services Planning Bureau planning staff, prepares historic resource evaluations pursuant to City of Long Beach Municipal Code Section 2.63.050, Certificate of Appropriateness decisions, contributes to staff reports for local Landmark designations and Mills Act documentation. Communicates directly with permit applicants and reviews project plans and architectural drawings. Prepared five landmark evaluations and presented findings to the Long Beach Cultural Heritage Commission since joining Michael Baker.

Leidos/Port of Long Beach. Port of Long Beach Master Plan Update. *Architectural Historian/Archaeologist.* Dr. Wood conducted a windshield survey for historic built environment resources and produced the cultural resource section of the Programmatic EIR. She responded to comments from the Port of Long Beach and the public on the EIR. She conducted archival research and prepared a technical report and updated the Master Plan for the project.

Metropolitan Water District (MWD) of Southern California. On-Call Services Contract. *Senior Architectural Historian/Historical Archaeologist*. Dr. Wood participated in two task orders under MWD on-call services contract 168180 including TO04 (AR1) preparation of an assessment of an archaeological site/historical structure ruins at Gilman Springs Portal; and TO05 (JD-1) preparation of a technical report memorandum on the CEQA impact analysis for the Physical Security Improvement Project at Union Station, a National Register Property.

Riverside County Transportation Department/California Department of Transportation, District 8. Six Timber Bridges, Riverside County, California. *Senior Architectural Historian/Historical Archaeologist.* Conducted research to evaluate historic built environment and historical archaeological resources and prepared the Historic Resources Evaluation (HRER), the Finding of Effect (FOE), and the Environmentally Sensitive Area (ESA) action plans reports for the two sites in the Colorado Desert: San Gorgonio Pass and Chuckwalla Valley. This project required the documentation and evaluation of the 150-mile Colorado Desert corridor of the historic, transcontinental U.S. Highway 60/70 as well as management of DTC resources in the Chuckwalla Valley.

Santa Barbara County Department of Public Works/California Department of Transportation, District 5. East Mountain Drive Low Water Crossing Replacement Project, County of Santa Barbara, California. *Senior Architectural Historian*. Conducted research to evaluate historic built environment resources and prepared the Historic Resources Evaluation (HRER), the Finding of Effect (FOE), and the Environmentally Sensitive Area (ESA) action plans reports for two sites. This project required the documentation and evaluation of a pedestrian trail and the home of a locally significant person.

Aspen Environmental Group. Athos Renewable Energy Project, Riverside County, California. *Architectural Historian/Historical Archaeologist*. Conducted research to document and evaluate 4 built-environment resources and 14 historic archaeological sites associated with the Desert Training Center/California-Arizona Maneuver Area for the 2,848-acre solar facility (on 16 separate sets of parcels), a 6-mile-long by 150-foot-wide transmission line corridor (110 acres), and a surrounding 5-mile-wide buffer. Completing for U.S. Bureau of Land Management (BLM) compliance with the NEPA and Riverside County compliance with the California Environmental Quality Act (CEQA).

BIOLOGICAL RESOURCES LEAD

Ryan N. Henry

Mr. Henry is a program manager with 26 years of professional experience as an ecologist focused on the integration of scientific principles for the investigation, assessment, and restoration of terrestrial and aquatic ecosystems. He has extensive experience planning, licensing, and implementing projects for public and private clients in California, Nevada, and Arizona. Mr. Henry specializes in biological resources found throughout San Diego and coastal Southern California. He provides technical quality reviews of natural resource reports for a variety of projects to support state and federal Endangered Species Acts, Clean Water Act, CEQA, and NEPA processing and permitting. By keeping up to date on regulatory changes, Mr. Henry successfully manages complex projects that require regulatory compliance for the development and conservation of public and private land holdings. His solution-oriented approach and clear communication style coupled with his outstanding relationship with federal, state, and local resource agency staff is a great benefit to his clients.

Michael Baker
INTERNATIONAL

Years of Experience
26

Education
B.S., Applied Ecology, University of California, Irvine

Licenses/Certifications
USFWS 10(a)(1)(A) Recovery Permit, California, 2005, TE031848-4

CDFW Scientific Collecting Permit, California

Professional Affiliations
California Native Plant Society

Society of Wetland Scientists

The Wildlife Society

RELEVANT EXPERIENCE

Metropolitan Water District of Southern California. Orange County Operating Region Distribution System Infrastructure Protection Program EIR. *Biological Resources Manager.* Performed analysis and development of a Program EIR for the Orange County region operations and maintenance plan and Capital Improvement Projects. Primary author of the Program EIR's Biological Resources section, which included analyses for approximately 300 facility sites in Orange County. Managed aquatic resource assessments and habitat assessments for a range of special-status species; vegetation community mapping; focused surveys for least Bell's vireo, coastal California gnatcatcher, and special-status plants; geotechnical investigations; and developed habitat suitability models to support the Program EIR. Assisted in preparation of the Program's Operations Manual and regulatory permits in compliance with the Clean Water Act, Federal and State Endangered Species Acts, and California Fish and Game Code.

City of San Diego. El Monte Pipeline Rehabilitation Project. *Project Biologist.* Served as project biologist for preparation of technical reports supporting CEQA documentation for the rehabilitation of approximately 12.2 miles of pipeline, spot repairs to the pipeline and Grossmont Tunnel Locations, and other repairs and improvements to El Monte Pipeline. Responsibilities include oversight of the biological resource investigation, which includes a comprehensive desktop review; suite of focused survey efforts for plants, wildlife, and jurisdictional aquatic resources; and technical report preparation.

City of Costa Mesa. West 19th Street Multipurpose/Bicycle Trail Project. *Lead Project Biologist and Regulatory Permitting Specialist.* Served as lead project biologist and regulatory permitting specialist to the City of Costa Mesa for a FHWA-funded project to construct a multipurpose trail through Talbert Regional Park, connecting the existing City-maintained local multipurpose trail along the east levee of the Santa Ana River to West 19th Street. Assisted with the preparation of an IS/MND and Preliminary Environmental Study checklist pursuant to the instructions outlined in the Caltrans Local Assistance Procedures Manual. Prepared a Natural Environment Study-Minimal Impacts Report, Biological Assessment, and regulatory permit applications to address potential impacts jurisdictional waters and special-status species including the least Bell's vireo. Due to the abbreviated funding opportunity the project was placed on hold in 2017.

City of San Marcos. San Marcos Creek Specific Plan EIR. *Biological Resources Specialist*. Provided biological resources support during preparation of the 278-acre San Marcos Specific Plan's Final EIR, including preparation a formal Clean Water Act Section 404(b)(1) Alternatives Analysis and response to public comments. Designed and conducted an aquatic resource functional assessment following the California Rapid Assessment Method (CRAM) to evaluate onsite compensatory mitigation areas. The Specific Plan entailed a complex planning effort designed to provide the necessary framework to grant flood control to surrounding upland areas and facilitate future growth by evaluating land uses over an estimated 20-year time period. Assisted with focused surveys for least Bell's vireo along San Marcos Creek, preparation of portions of the project's CEQA document, and attendance at City Council meetings to address public comment during the CEQA process.

County of San Diego. Merriam Specific Plan Amendment. *Task Manager.* Served as task manager to evaluate and process jurisdictional water/wetlands permits for a 2,700-unit master-planned community. Tasks included conducting a formal jurisdictional delineation including the identification of potential effects to County of San Diego Resource Protection Ordinance (RPO) and CEQA significant wetlands, conducting site visits with the regulatory agencies, facilitating negotiations regarding headwater jurisdictional issues between the U.S. Army Corps of Engineers and Environmental Protection Agency, and identifying compensatory mitigation opportunities. Assisted with preparation of technical report, resource protection plan, and hardline agreement for incorporation into the Draft North County Multiple Species Conservation Program.

City of Chula Vista. On-Call CEQA Consulting Services. *Technical Specialist.* Served as technical specialist to provide assistance to the City with third-party peer reviews of technical biological resources reports and CEQA documentation for various applicant-proposed projects ranging from residential, commercial/industrial, and renewable energy (including battery energy storage) developments.

County of Orange Resources and Development Management Department. Biological and Environmental Planning Support of Orange County Flood Control District Projects. *Technical Specialist.* Conducted biological resource assessments and jurisdictional delineations, prepared CEQA documentation, developed mitigation and restoration plans, regulatory permit processing, and biological monitoring for several Orange County Flood Control District projects over a 4-year period. County-maintained facilities included Upper Newport Bay, Santa Ana–Delhi Channel, Norco Channel, Poche Beach, San Juan Creek, North Doheny Creek Channel, Aliso Lagoon, and drainages within the Aliso and Woods Canyon Wilderness Park. Successfully organized, drafted, and obtained regulatory permits including emergency and regional general permits for maintenance of ocean outlets. These projects were completed on an expedited schedule.

Metropolitan Water District of Southern California. On-Call Environmental Planning Services – Biological Resources Management. *Project Manager.* Served as project manager and point of contact for a full range of biological resource services pertaining to native species and habitats throughout Metropolitan's service area. Prepared and managed task order implementation for general biological surveys, protocol-level surveys, impact evaluations, construction and geotechnical monitoring and reporting, habitat restoration and planning services, and documentation to ensure compliance with federal, state, and local regulations. Provided oversight, technical input and consulting, program management, and communication from 2016 through 2019.

Metropolitan Water District of Southern California. Regulatory Permitting Support for Dewatering Activities in San Diego, Riverside, Los Angeles, and San Bernardino Counties. *Biological Resources Project Manager.* Served as biological resources project manager for the analysis of potential effects resulting from dewatering activities at 634 structures/locations within Metropolitan's 5,200-square mile service area. The focus of the assessment included discrete blow-off structures and pump well locations where Metropolitan releases water from their pipelines during routine operations and maintenance activities. Conducted an extensive literature review and evaluation of sensitive vegetation communities, special-status plants and wildlife, and potentially jurisdictional wetlands and waters of the US/State. Results of the assessment were organized in a report that included summary tables, maps, and recommendations for ensuring compliance with federal, state, and local regulations protecting biological resources. The assessment ultimately supported the preparation of regulatory permits for dewatering activities.

Metropolitan Water District of Southern California. Upper Newport Back Bay Blowoff Structure Project. *Biological Resources Manager.* Served as biological resources manager for the acquisition of resource agency permits under Section 404 and 401 of the Clean Water Act, Section 1602 of the California Fish and Game Code, and the California Coastal Act for the rehabilitation of a water distribution pipeline blow-off structure and dirt access maintenance road which serves as an essential component of the Orange County Feeder. The project site is located within a sensitive area adjacent to the Newport Back Bay and San Diego Creek. Habitat on the project site was considered suitable for the federally listed least Bell's vireo and coastal California gnatcatcher. Project compliance with the Central/Coastal Habitat Conservation Plan/Natural Communities Conservation Plan was required for both species, with mitigation for state and federal waters and least Bell's vireo habitat identified within the watershed at an existing restoration site sponsored by the California Coastal Commission.

South Orange County Wastewater Authority. Coastal Treatment Plant Export Sludge Force Main Replacement Project. *Project Biologist.* Served as project biologist during implementation of a 16,600-linear-foot existing sludge force main replacement and installation of channel bank stabilization along the lower reach of Aliso Creek within the biologically and culturally sensitive Aliso and Wood Canyons Wilderness Park. Responded to emergency repair work and facilitated remedial actions with South Orange County Wastewater Authority staff, construction contractors, Orange County Parks, and the California Department of Fish and Wildlife to protect state and federally listed least Bell's vireo, state and federally listed southwestern willow flycatcher, federally listed coastal California gnatcatcher, and federally listed arroyo toad. Prepared biological resources monitoring reports and provided regulatory permitting support.

AIR QUALITY, ENERGY, GREENHOUSE GAS, AND NOISE TASK LEAD

Zhe Chen

Ms. Chen is a technical manager and senior environmental specialist focusing on air quality, climate change, and noise. She has considerable experience in environmental consulting industry and a strong education background in science and engineering. Ms. Chen is qualified to prepare CEQA documents for public and private clients, especially air quality, greenhouse gas (GHG), energy, and noise technical analysis. She is an expert in air quality, GHG, and noise modeling, including California Emissions Estimator Model (CalEEMod), the AERMOD Atmospheric Dispersion Modeling System, and the Federal Highway Administration Traffic Noise Model (TNM). Ms. Chen also has ample experience in climate action planning, using her technical and analytical skills to provide climate change and environmental due diligence services to local governments and regional jurisdictions. She is proficient in utilizing climate change tools to develop GHG inventories and Climate Action Plans (CAP), recommending sustainability strategies and programs to local governments, and performing climate risk, vulnerability, and adaptation assessment.

Michael Baker
INTERNATIONAL

Years of Experience
10

Education
M.B.A., Business Administration, University of California, Irvine

M.S., Environmental Science and Engineering, Stanford University

B.S., Chemistry, Peking University

Licenses/Certifications
LEED Green Associate, 2019

Certified Associate in Project Management, 2018

FHWA Traffic Noise Modeling, 2016

Professional Affiliations
Association of Environmental Professionals (AEP)

RELEVANT EXPERIENCE

City of Escondido. East Valley Parkway and Midway Drive Drainage Improvement Project Technical Studies. *Air Quality and Noise Task Manager*. Michael Baker prepared air quality, greenhouse gas emissions, energy, and noise technical studies for the project. The project proposes to increase the capacity of the storm drain systems the central portion of the City to collect and convey flows up to a 100-year frequency storm event downstream to Escondido Creek. Escondido Creek is a concrete-lined channel in the vicinity of the project site that has been improved to convey runoff from a 100-year storm. The project includes the installation of approximately 4 miles of reinforced concrete box culverts and reinforced concrete pipelines beneath existing City roadways and new storm water inlets into Escondido Creek.

City of Long Beach. Long Beach Water Well IS/MND. *Air Quality and Noise Task Manager*. Michael Baker assisted City of Long Beach with preparation of an IS/MND for the Cal Water Well and Water Treatment Plant Project. In addition to preparing the IS/MND, Michael Baker is providing technical studies/analyses with regards to air quality, greenhouse gas emissions, energy, noise, cultural/paleontological resources, biological resources, and transportation. California Water Service Company (Cal Water), the project applicant, is proposing construction of a water well and water treatment plant on-site and installation of utility infrastructure improvements in adjacent roadway rights-of-way to increase reliability of water supply to the northern portion of Cal Water's Dominguez District service area.

RVA & Associates. Peck Water Conservation Basin Outlet Modification Project Technical Memorandums, Los Angeles County, California. *Project Manager.* Michael Baker International assisted the RVA & Associates with the preparation of CEQA technical studies for the project. The project is located in unincorporated area of Los Angeles County and bordered by City of Arcadia and City of El Monte. The proposed project involves the replacement of the Spreading Basin's existing outlet-structure with a new outlet structure to lower the intake elevation.

California State University, Long Beach. Master Plan Update EIR. *Air Quality and Noise Task Manager*. Michael Baker assisted the California State University, Long Beach with preparing an EIR for the Master Plan Update. The Master Plan Update is a long-range planning document that will guide physical development on the CSULB campus through the horizon year 2035. The Master Plan Update addresses CSULB's current and future needs, focusing less on physical growth and more on optimizing the existing physical assets of the campus. The Master Plan Update also identifies priority projects to be implemented in the near term. The primary strategies for implementing the Master Plan Update include renovation of existing buildings (renovation), demolition and replacement of existing buildings in the same physical location (replacement), construction of new buildings (new construction), and leaving buildings in their existing location and configuration (building to remain). The Master Plan Update also identifies goals and strategies to improve open space, mobility and parking, and sustainability and resiliency.

City of Rolling Hills Estates. General Plan Update EIR. *Air Quality and Noise Task Manager*. Michael Baker assisted the City of Rolling Hills Estates with preparing an EIR for the General Plan Update (GPU). The City updated its old General Plan, which was adopted in 1992, with the Housing Element having been updated most recently in 2014. The General Plan has had various amendments since its adoption to address emerging issues and community priorities to ensure compliance with State law and to revise implementing policy frameworks to focus on goals and policy objectives. The proposed GPU would incorporate new and updated assumptions, data, and analysis, as well as establish an updated long-term vision for the City overall and the Commercial District in particular.

Chick-fil-A West 13th & Centre City Project IS/MND, City of Escondido, California. *Project Manager*. Michael Baker prepared an Initial Study/Mitigated Negative Declaration for the project. The project proposes demolishing the existing DiCicco's Restaurant and Cork and Knife Wine Bar building and surface parking lot and construct a new Chick-fil-A restaurant with a dual lane drive-thru, associated surface parking, and landscaping improvements. The new Chick-fil-A restaurant would be a 4,890 square-foot (gross area), one-story building (up to 23 feet in height). The restaurant would have indoor and outdoor dining areas (90 indoor seats and 40 outdoor seats), kitchen area, and service area.

City of Victorville. Southern California Logistics Airport (SCLA) Specific Plan Amendment Subsequent EIR. *Senior Air Quality and Noise Specialist.* Michael Baker assisted the City of Victorville with preparation of an EIR for the SCLA Specific Plan Amendment Project. The City has established a "Priority Development Area" with an area of approximately 2,312 acres for development feasibly occurring within the next 25 years. Development within this area is anticipated to occur over a total of five phases, in five-year increments over the next 25 years, and could result in approximately 25,973,000 square feet of new building area.

City of Del Mar
Agenda Report

TO: Honorable Mayor and City Councilmembers

FROM: Amanda Lee, Principal Planner
Karen Brindley, Planning and Community Development Director
Via Ashley Jones, City Manager

DATE: May 19, 2025

SUBJECT: Second Reading and Adoption of an Ordinance to Accept California Coastal Commission (CCC) Modifications to Ordinance No. 1002 Adopted by the City Council on December 18, 2023, to Amend Del Mar Municipal Code (DMMC) Chapters 30.91 (Accessory Dwelling Unit Regulations) and 30.75 (Coastal Development Permits) in the Local Coastal Program (LCP) for Consistency with the March 13, 2025, CCC Conditional Certification Decision

REQUESTED ACTION/RECOMMENDATION:
Staff recommends the City Council adopt the Ordinance (Attachment A) to accept changes required by the CCC as a condition of final certification of the Local Coastal Program Amendment (LCPA), which amends the Accessory Dwelling Unit (ADU) regulations in DMMC Chapter 30.91 and Coastal Development Permit regulations in DMMC Chapter 30.75.

BACKGROUND:
State ADU law requires local jurisdictions to allow ADU development in all zones that allow residential use, including mixed-use zones. This includes overlay zones such as the Floodplain Overlay Zone and Bluff, Slope, and Canyon Overlay Zone where the proposed development meets all specified criteria for permit approval. Like other residential development, ADU's are also allowed in High Fire Hazard Severity Areas where the applicant demonstrates that wildland fire safety precautions are integrated into construction of the unit to mitigate potential hazards. This includes compliance with the California Building Code requirements for use of non-flammable building materials and other requirements that provide mitigation in fire hazard severity areas (i.e., off-street parking for proposed ADU development on a narrow street with an improved street width less than 20 feet).

On December 18, 2023, the City Council adopted Ordinance No. 1002, amending the City's Local Coastal Program (LCP), as necessary for compliance with State ADU law and the City's certified 6th Cycle Housing Element (2021-2029) potential sites for low-income units and housing programs including Program 2F (Tiny Homes) and Program 6B (Affirmatively Furthering Fair Housing). Following approval by the City Council, the Ordinance was submitted to the CCC for certification as required.

Additional background regarding the Local Coastal Program amendments may be accessed in the following links to City Council agenda reports for December 4 and December 18, 2023:

City Council Action:

https://www.delmar.ca.us/AgendaCenter/ViewFile/Agenda/_12042023-3343

https://www.delmar.ca.us/AgendaCenter/ViewFile/Agenda/_12182023-3353

On March 13, 2025, the CCC conditionally certified the City's ADU Regulations LCPA. The CCC staff report (Item Th18c) may be accessed in the following link: https://www.coastal.ca.gov/meetings/agenda/

On April 21, 2025, the City Council introduced an Ordinance to accept changes required by the CCC as a condition of final certification of the ADU Regulations Ordinance/LCPA. The City Council Agenda report (Item 9) may be accessed in the following link: https://www.delmar.ca.us/AgendaCenter/ViewFile/Agenda/_04212025-3661

The second reading and adoption of the Ordinance was initially scheduled for May 5, 2025, however, that City Council meeting was cancelled due to a lack of quorum. The content within this report and Ordinance remain unchanged from May 5, 2025, except where necessary to reflect the change in hearing date from May 5 to May 19, 2025.

DISCUSSION/ANALYSIS:
The proposed Ordinance incorporates CCC's required modifications, which are intended to ensure consistency with the City's certified LCP and Coastal Act as follows:

- Clarifies tiny homes are not allowed in the Beach Commercial (BC) or Visitor Commercial (VC) Zones because these zones do not allow housing.

- Clarifies that an exemption from a Coastal Development Permit (CDP) for ADU development only applies where:

    - An ADU or JrADU is created through conversion of existing habitable space in a primary structure that will not remove or replace major structural components (i.e., roofs, exterior walls, foundations), or

    - A proposed ADU is attached to an existing single dwelling unit and complies with the CDP exemption provisions in Coastal Commission Section 13250 in the California Code of the regulations.

- Maintains the existing requirement for the owner to record a deed restriction acknowledging the applicable use limitations that shall run with the land and that the deed restriction shall include information regarding the sale, occupancy, and rental of the unit consistent with State law. The CCC modification adds that the required deed restriction must also include notification disclosure of Overlay Zoning designation(s) for the property.

- Clarifies the standard for proposed redevelopment of nonconforming structures to build ADUs and JrADUs. An existing nonconforming structure may be modified to

accommodate an ADU or JrADU. The resulting redeveloped structure cannot be in a geologic setback, public scenic view, public coastal access, or wetland buffer.

- The existing standard for ADUs on duplex lots applies a maximum height of 16 feet. Similar to what applies to single dwelling unit lots, the CCC modification allows ADUs on duplex lots at a second story level if there is not sufficient buildable area on the ground floor level of the lot and if necessary to minimize potential impacts to the greatest extent (i.e., to maintain parking on-site in parking impacted locations).

- Clarifies that replacement parking (i.e., where existing garage, carport, or covered parking is demolished or converted to an ADU) shall only be required if loss of the off-street parking would have a significant effect on public access to the shoreline. Also, clarifies that no off-street parking requirements shall be required for ADUs proposed within one-half mile of a major transit stop, unless the ADU is in the CCC Appeals area and lack of parking would have a significant effect on public access to the shoreline.

- Removes requirement for replacement parking for JrADUs created within converted attached garages.

- Modifies the floodplain standard to require consideration of sea level rise in design. This codifies existing California Coastal Act regulations within the local ADU regulations in the certified LCP.

- Incorporates minor corrections to section references throughout to update outdated section references.

The proposed Ordinance will allow the City to obtain final certification approval from the CCC. The adopted regulations will take effect on the date CCC grants final certification approval, which typically occurs at the first available CCC hearing following City Council adoption. During this interim period, staff will be applying the standards set forth in this Ordinance reflecting CCC's modifications read in combination with the previously adopted ADU Ordinance No. 1002, until the CCC grants final certification.

FISCAL IMPACT:
There is no fiscal action to be taken by the City Council for this agenda item.

ENVIRONMENTAL IMPACT:
Pursuant to the California Environmental Quality Act (CEQA), the Ordinance has been analyzed and determined to be Exempt from CEQA as follows:

- Statutory exemption per Public Resources Code Section 21080.17 and CEQA Guidelines Section 15282(h) applicable to the adoption of an ADU Ordinance; and

- Statutory exemption per CEQA Guidelines Section 15265 because the proposed action constitutes an amendment to the City's certified Local Coastal Program (LCP) and this

section shifts the burden of CEQA compliance from the local agency to the California Coastal Commission (CCC) as set forth in Section 21080.9 of the Public Resources Code for the activities necessary for the preparation and adoption of an LCP amendment in compliance with the Coastal Act. The proposed amendments to the City's Zoning Code are part of the certified City of Del Mar LCP as certified under Section 21080.5 of the Public Resources Code; and

- Categorical exemption per CEQA Guidelines Class 1 exemption per Section 15301 (Existing Facilities).

Notwithstanding applicability of the Statutory Exemptions and Categorical Exemptions identified above, the proposed actions have been the subject of prior environmental analysis in the 6th Cycle Housing Element Update Final Program Environmental Impact Report (SCH No. 2020029064) certified by the City Council on October 5, 2020 (Resolution 2020-52), which analyzed and disclosed anticipated impacts of future housing development. Refer to the Final 6th Cycle PEIR: www.delmar.ca.us/DocumentCenter/View/7171/Final-PEIR-91020

No new or substantially greater impacts would result. As such, pursuant to CEQA Guidelines Sections 15162 and 15163, and based on the entire record, the Ordinance does not require a subsequent EIR or further environmental review.

HOUSING IMPACT:
The ADU regulations will facilitate development of new housing options consistent with the City's certified 6th Cycle Housing Element, the California Government Code mandatory provisions for ADUs, the City's certified LCP, and other applicable State Housing Law and Coastal Act requirements. ADUs are a key component of the City's adopted, balanced housing strategy that identifies a target to create 15 low income ADU units through the City's ADU Incentive and Amnesty Programs, provisions for Tiny Homes, and other strategies to preserve existing units in the community that provide more affordable housing options.

NEXUS TO CITY COUNCIL GOALS AND PRIORITIES:
Implementation of the ADU Regulations Ordinance in compliance with the Housing Element is a Tier 1 (Highest) City Council priority work plan item for Fiscal Year 2024-2025.

ATTACHMENT:
Attachment A – Proposed Ordinance Accepting CCC Modifications to Ordinance No. 1002

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, AMENDING THE DEL MAR MUNICIPAL CODE (ZONING CODE) CHAPTER 30.91 ACCESSORY DWELLING UNIT (ADU) REGULATIONS AND CHAPTER 30.75 COASTAL DEVELOPMENT PERMIT REGULATIONS AS ADOPTED BY PROSPECTIVE ORDINANCE NO. 1002; ALL RELATING TO AMENDMENTS REQUIRED BY THE CALIFORNIA COASTAL COMMISSION AS A CONDITION OF APPROVAL FOR THE CITY TO OBTAIN FINAL CERTIFICATION OF THE ADU ORDINANCE FOR IMPLEMENTATION OF THE 6TH CYCLE HOUSING ELEMENT PROGRAMS 2F (TINY HOMES) AND 6B (AFFIRMATIVELY FURTHERING FAIR HOUSING)

WHEREAS, the City of Del Mar is a charter City and State Housing law applies to all general law and charter cities in the State of California; and

WHEREAS, the State legislature declared that “Housing is a statewide concern”, that California faces a housing crisis, and that local jurisdictions are mandated to comply with applicable State housing laws; and

WHEREAS, the City of Del Mar is located entirely within the “Coastal Zone” boundary and is therefore subject to full compliance with the California Coastal Act; and

WHEREAS, State Accessory Dwelling Unit (ADU) law is one example of a State law that still applies the Coastal Act protections for environmental resources, public scenic views, coastal access, and public safety in coastal hazard areas to ensure they will not be compromised by housing development; and

WHEREAS, State ADU law provides that the California Coastal Act is not superseded, in any way altered, or lessened by its application (Cal. Gov. Code. Sec. Section 66310 et. seq. as amended); and

WHEREAS, the City has significant coastal resources that require protection under the Coastal Act, including but not limited to, the protection of scenic public coastal views which are found throughout the community, preservation of public access and recreation opportunities that must be assured including public access to the beach, viewpoints, and trail connections to the bluffs, lagoons, and open space preserve areas along the shoreline, and protection of environmentally sensitive habitat areas and coastal resources such as coastal bluffs, sandstone bluffs, wetlands, lagoons, river inlets, and protected tree species native to the City including Torrey Pines and Monterrey Cypress trees; and

WHEREAS, in order to effectively implement applicable State housing laws, the City must harmonize the Coastal Act and the City’s LCP policies and regulations with the State’s housing laws to ensure protection of sensitive coastal habitats and resources,

public coastal view sheds, coastal parking for public access, and public health and safety; and

WHEREAS, City staff engaged in public outreach to encourage public participation in formulating these draft regulations, which included articles posted on the City's website, multiple announcements made in the City's weekly updates, and multiple announcements made during public meetings including the Planning Commission and City Council meetings; and

WHEREAS, the Notice of Availability and Notice of Planning Commission public hearing for the Amendments to the Zoning Ordinance and LCP was published in the Del Mar Times on August 24, 2023, and individual mailed notices were sent to all interested parties; and

WHEREAS, on September 12, 2023, the Planning Commission recommended approval of the ADU Ordinance to the City Council by a vote of 3-2 including modifications to 1) Require all ADUs be used for dwelling unit purposes and subject to deed restrictions; and 2) In R1 zones, prioritize ADUs at the first story level before second story ADU if buildable area is available on the first story level of the lot; and

WHEREAS, on October 2, 2023, the notice of City Council public hearing was published in the San Diego Union Tribune and mailed notices were sent to all interested parties including those who participated through the Planning Commission hearing on September 12, 2023; and

WHEREAS, on December 4, 2023, the City Council held a duly noticed public hearing and voted to introduce the ADU Ordinance; and

WHEREAS, on December 18, 2023, the City Council voted to adopt the ADU Ordinance; and

WHEREAS, on December 21, 2023, the City submitted the adopted ADU Ordinance/LCPA submittal to the Coastal Commission for certification review; and

WHEREAS, on March 13, 2025, the California Coastal Commission considered the City's ADU Ordinance/LCPA application and voted to conditionally certify with modifications imposed as a condition of approval; and

WHEREAS, on April 21, 2025, the Del Mar City Council held a duly noticed public hearing to consider whether to accept the CCC's required modifications and introduce this Ordinance; and

WHEREAS, the CCC modifications have been incorporated herein; and

WHEREAS, adoption of this Ordinance will amend the Del Mar Municipal Code Title 30 Zoning Code and certified Local Coastal Program to implement the 6th Cycle

Housing Element commitments in order to maintain compliance with State law and avoid decertification of the Housing Element; and

WHEREAS, the duly noticed public hearing for City Council adoption of the Ordinance on May 5, 2025, was cancelled and the item was continued to May 19, 2025.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Del Mar, California, based on substantial evidence in the whole of the administrative record, hereby finds and declares the above stated Recitals are true and correct and are incorporated by reference into this action.

NOW THEREFORE, BE IT FURTHER RESOLVED, that the City Council of the City of Del Mar hereby ordains as follows:

SECTION ONE: That DMMC Section 30.75.080 for the Coastal Development Permit Regulations in the certified Local Coastal Program shall be amended per CCC Modification #1 to read as follows:

30.75.080 Coastal Development Permits Issued by the City—Issuing Authority, Public Hearing Required.

[A. through D. No change in text]

E. The Director of Planning and Community Development shall serve as the Issuing Authority to render a determination on applications for Coastal Development Permits for the following:

[1. through 2. No change in text]

3. An application for an Accessory Dwelling Unit in accordance with Subsection 30.91.030.E that is not otherwise exempt from a Coastal Development Permit.

[E.4. through F. No change in text]

SECTION TWO: That DMMC Section 30.91.010 for the ADU Regulations (Purpose) shall be amended per CCC Modification #2 to read as follows:

30.91.010 Purpose

The purpose of this Chapter is to provide regulations and procedures for the establishment of Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JrADUs) on lots zoned to allow single unit and multi-unit residential uses which include a proposed or existing dwelling in accordance with California Government Code Section 66310 (et seq) as amended, and without superseding or in any way altering or lessening

the effect or application of the California Coastal Act of 1976 (Division 20 commencing with Section 3000) and the City's Local Coastal Program.

SECTION THREE: That DMMC Section 30.91.020 (Zones Where Accessory Dwelling Units and Junior Accessory Dwelling Units are Permitted) shall be amended per CCC Modification #3 to read as follows:

30.91.020 Zones Where Accessory Dwelling Units and Junior Accessory Dwelling Units are Permitted

[A. Through B. No change in text]

C. Tiny homes are permitted on any lot that allows an ADU. A tiny home may also be developed in non-residential zones, except the Beach Commercial and Visitor Commercial Zones, if the tiny home is deed restricted affordable for a lower income household for a term of at least 30 years.

[D. No change in text]

SECTION FOUR: That DMMC Section 30.91.030 (Permits and Processing of Accessory Dwelling Units and Junior Accessory Dwelling Units) shall be amended per CCC modifications #4 and #5 to read as follows:

30.91.030 Permits and Processing of Accessory Dwelling Units and Junior Accessory Dwelling Units

[A. Through D. No change in text]

E. Approval of an ADU requires issuance of an Administrative Coastal Development permit implemented in accordance with DMMC Chapter 30.75, to harmonize State Housing law with the Coastal Act and ensure protection of coastal resources as follows:

1. California Government Code section 65852.21 provides that the Accessory Dwelling Unit statutes do not supersede or in any way alter or lessen the effect or application of the California Coastal Act, except that the City shall not be required to hold public hearings for Coastal Development Permit applications for ADUs.

2. A proposed ADU or JrADU development is exempt from an Administrative Coastal Development Permit where it is:

    a. Created through conversion of entirely existing legally established habitable space contained in an existing primary structure that will not involve removal or replacement of major structural components (e.g., roofs, exterior walls, or foundations); or

b. Directly attached to an existing single-family residence, if the ADU otherwise qualifies as exempt development pursuant to Section 13250 of the Coastal Commission's regulations.

[3. No change in text]

4. Where an Administrative Coastal Development Permit is required by Section 30.91.030(E)(3), it shall be processed in accordance with the following procedures:

a. Consistent with the public participation provisions found in the City's certified LCP, a Notice of Application informing the public of the filing of an application for an Administrative Coastal Development Permit for an ADU shall be posted at the project site on a notice card provided by staff of the City of the City of Del Mar Department of Planning and Community Development. The notice of application shall advise interested persons that plans are available for public review at Del Mar City Hall. The notice, however, will stipulate that the application is required to be administratively approved by the Department of Planning and Community Development and that no public hearings will be held.

[b. No change in text]

c. A Notice of Administrative Coastal Development Approval stating that the Coastal Development Permit has been approved shall be posted at City Hall and on the City's website, and shall be mailed within five working days of the final action as follows:

[i. No change in text]

ii. Notice shall be transmitted by any acceptable delivery means pursuant to state law to the San Diego Coast District office of the California Coastal Commission.

[iii. No change in text]

d. Within five (5) working days of a final decision of approval or denial by the Planning and Community Development Director, the notice of final action shall be transmitted by any acceptable delivery means pursuant to state law to the San Diego Coast District office of the Coastal Commission and provided to any interested parties who requested notice in writing in accordance with Section 30.75.100.

e. If the ADU qualifies as appealable development pursuant to Chapter 30.75, the Planning and Community Development Director's decision to approve a Coastal Development Permit may be appealed to the San Diego District office of the Coastal Commission within ten (10) working days in accordance with Section 30.75.110(A) and (B).

[F. through H. No change in text]

I. Prior to issuance of a building permit for an ADU or JrADU on private property, the owner shall record a deed restriction with the County Recorder and file the recorded deed restriction with the City, acknowledging the applicable use limitations that shall run with the land, and shall include notification to all occupants of any overlay zones in which the property is located. The deed restriction shall include information regarding the sale, occupancy, and rental of the unit, consistent with State law.

[J. No change in text]

SECTION FIVE: That DMMC Section 30.91.040 (Accessory Dwelling Unit Development Regulations) shall be amended per CCC Modifications #6 through #20 to read as follows:

30.91.040 Accessory Dwelling Unit Development Regulations

[A. through C. No change in text]

D. The ADU shall be designed and operated in compliance with the regulations of the zone, except as otherwise specified in this Chapter, as a residential use dwelling unit that is subordinate to the primary dwelling unit on the property. One primary residential unit shall be designated on a lot which an Accessory Dwelling Unit or Junior Accessory Dwelling Unit is permitted.

1. The ADU shall be designed to comply with Government Code Section 66314, as amended, definition of ADU by including permanent provisions for living, sleeping, eating, cooking, and sanitation. This is typically demonstrated by identifying that the ADU includes a fully functioning: Bathroom consisting of a toilet, sink, a bathtub or shower; and a kitchen. The kitchen includes a cooking appliance (not a hotplate), refrigeration, and other appliances, food storage cabinets, and a countertop or similar food preparation area. The kitchen area is to be proportional to the size of the ADU.

[2. through 4. No change in text]

5. In accordance with Section 30.91.030(I), the owner shall record a deed restriction with the County Recorder and file the recorded deed restriction

with the City, acknowledging the applicable use limitations that shall run with the land, including notification to all occupants of any overlay zones in which the property is located. The deed restriction shall include information regarding the sale, occupancy, and rental of the unit, consistent with State law.

E. The ADU may be rented but shall not be sold or conveyed separately from the primary dwelling unit on the property, except that the City or qualified non-profit corporation per Government Code section 66341, as amended, may sell a deed restricted ADU to an eligible low-income owner.

F. If rented, the term for rental of an ADU in a residential zone shall be for a term longer than 30 consecutive days per Government Code section 66315, as amended.

G. In accordance with California Government Code Section 66321(b)(3), as amended, the City shall accommodate an ADU at least 800 square feet in size, which is also known as the “universal” ADU size provision. If the size of a proposed ADU exceeds 800 square feet, the remaining square footage beyond 800 square feet shall be subject to review against the applicable Floor Area Ratio (FAR) and lot coverage development standards of the zone. Additionally, should the combined total size of a proposed ADU greater than 800 square feet and the primary residence exceed the maximum FAR or lot coverage allowed for the site location, then the primary residence shall be required to reduce its square footage accordingly so as to preserve the ability to build at least an 800 square foot ADU. For the purpose of this section:

[1. through 6. No change in text]

7. In order to comply with the mandates of the California Coastal Act and the provisions of the certified LCP, the City is required to protect coastal access and coastal resources, which may require modification of the proposed ADU location and size to demonstrate conformity. The City shall approve a proposed ADU meeting the universal size provision of at least 800 square feet in size, unless the project would result in impacts to coastal resources or public access protected by the LCP, in which case, the City will prepare written findings and, where applicable, mitigation measures to alleviate such impacts as necessary to accommodate a proposed ADU at least 150 square feet in size that meets the definition of an efficiency unit as defined by California Government Code Section 66313, as amended.

[8. No change in text]

[H. through J. No change in text]

K. The following identifies the maximum building height for construction of an ADU:

[1. through 2. No change in text]

3. Attached ADUs must share a common wall horizontally with the primary dwelling unit. The maximum height for attached ADUs in single dwelling unit zones is as follows:

   a. For consistency with local conditions and the certified LCP, attached ADUs in single dwelling unit zones shall be proposed at the first story level if sufficient buildable area is available on the first story level of the lot. The maximum building height for an ADU attached horizontally sharing a common wall with the existing primary dwelling unit at the first story level is 16 feet.

   b. Attached ADUs may be proposed at a second story level only if there is not sufficient buildable area available on the lot and if necessary to accommodate an ADU up to 800 square feet on the lot as an alternative that minimizes potential impacts to the greatest extent in compliance with the certified LCP. The maximum building height for a proposed attached ADU that horizontally shares a common wall with the primary dwelling unit at a second story level shall not exceed 25 feet above grade, or the base zoning requirements, whichever is lower, and in no case shall exceed two stories.

[4. through L. No change in text]

M. Where an accessory dwelling unit is attached to a nonconforming residential structure that is nonconforming with regard to geologic setbacks, public view encroachment, coastal access, or wetland and habitat preserve buffers, and where development of the accessory dwelling unit will result in redevelopment of the nonconforming structure, the City shall require the correction of these nonconforming conditions in the redeveloped structure consistent with the standards for approval of a new ADU in accordance with Section 30.91.040.

   For purposes of this section, redevelopment shall mean alterations to the residential structure resulting from construction of the accessory dwelling unit that consist of (1) additions to an existing structure, or (2) exterior or interior renovations, or (3) demolition or replacement of an existing principal structure, or portions thereof, any of which results in replacement (including demolition, renovation or alteration) of 50 percent or more of major structural components including exterior walls, floor, roof structure or foundation, or a 50 percent increase in gross floor area.

N. A side and rear setback of four (4) feet shall be required for a new ADU structure, except as follows:

1. An existing legal non-conforming structure, such as a garage or accessory building, may be converted to an ADU and maintain the non-conforming setback, where ethe structure complies with the building and safety standards of the California Building Code and California Fire Code and the minimum setbacks specified in Section 30.91.040 (N)(3).

[2. through 4. No change in text]

5. In all cases, including the conversion of non-habitable, legal non-conforming structures noted in Section 30.91.040(N)(1), the ADU shall comply with coastal resource protections that require the following additional setback requirements:

   a. The required minimum coastal bluff setback in the Coastal Bluff Overlay Zone as required by DMMC Chapter 30.55.

   [b. through e. No change in text]

O. The parking requirements for ADUs are provided in Section 30.91.040(O) and (P). Where an existing garage, carport, or covered parking, is demolished or converted to an ADU, replacement off-street parking shall be required and all required off-street parking for the primary dwelling unit shall be maintained or replaced on-site only if the loss of the off-street parking supply has a significant effect on public access to the shoreline.

[1. No change]

2. The location of replacement parking shall be consistent with all wetland habitat buffers, environmentally sensitive habitat buffers, steep slope and geologic stability setbacks, and public scenic view protection regulations contained in the certified LCP.

[3. No change]

4. No off-street parking requirements apply to any ADUs proposed within one-half mile of a major transit stop regardless of whether the ADU would be located within the Commission's appellate jurisdiction.

P. The following parking requirements are specific to properties located along the shoreline or on the hillside within areas of high wildfire risk:

1. The ADU shall provide one off-street parking space (covered or uncovered), except as follows:

   [No change to subsections a. through c.]

d. The ADU would be located on a property within one-half mile walking distance of public transit, including a bus stop, train station, or paratransit service, if applicable. This exemption does not apply to those lots within the Coastal Commission Appeals Jurisdiction where the on-street parking supply has a significant effect on public access to the shoreline.

[No change to subsections e. and f.]

[2. No change in text.]

Q. ADUs are required to comply with the same building and safety requirements as the primary dwelling unit in accordance with the California Building Code and California Fire Code. Special construction standards that would not otherwise apply to the single dwelling unit as a whole shall not be required. Pursuant to the California Code of Regulations Section 13250 and Public Resources Code Section 30610(a), a proposed ADU or JrADU development shall not be eligible for ministerial approval if it includes improvements to expand or construct water wells, sewer, fire protection capacities, or septic systems, which is a class of development that requires a discretionary coastal development permit per the Coastal Act because it involves a risk of adverse environmental effects.

[R. through S. No change in text]

T. For consistency with the certified LCP, scenic views shall be protected as follows:

1. Projects shall be designed to ensure that no scenic views from public vantage points are obstructed, unless there is no feasible alternative siting which eliminates or significantly reduces the obstruction, and that bulk and scale of the proposed structure have been minimized to the greatest extent feasible commensurate with preserving the physical characteristics of the site.

[2. through 3. No change in text]

U. Any additional accessory mechanical equipment or exterior building features that are not otherwise required by Section 30.91.040, or for a dwelling unit pe the California Building Code, shall be subject to Design Review in accordance with Chapter 23.08.

V. ADUs shall not be located or approved where the ADU is located on: a beach, a wetland or its buffer, seaward of the mean high tideline, in an environmentally sensitive habitat area or its buffer, within a coastal bluff setback, or in an area designated as highly scenic area as determined by the City’s certified Local Coastal Program.

W. The owner of an ADU is requested to provide information to the City annually upon request for reporting to the State as to whether during the prior 12 months the ADU

was rented to a tenant qualifying as low income, rented to a tenant qualifying as moderate income, occupied but not rented, or unoccupied.

X. Pursuant to the California Code of Regulations Section 13250 and Public Resources Code Section 30610(a), ADU development shall not create significant alterations to landforms, which is a class of development that requires a discretionary coastal development permit because it involves a risk of adverse environmental effects. The following objective standards apply to proposed ADU development for protection of the public health and safety through the regulation of excavation and grading and protection of steep slopes and coastal resources consistent with the certified Local Coastal Program:

[1. through 5. No change in text]

Y. If a proposed ADU is located on a parcel that falls entirely or partially within the special flood hazard areas identified on the 2019 FEMA Flood Insurance Rate Map (FIRM) or its updated versions, the following shall apply as a requirement for the administrative Coastal Development Permit:

1. Development shall be located and designed, including elevation and flood proofing, to minimize flood damage and avoid flood hazards, including with consideration of sea level rise.

2. Proposed development shall comply with the certified Local Coastal Program.

SECTION SIX: That DMMC Section 30.91.050 (Junior Accessory Dwelling Unit Development Regulations) shall be amended per CCC Modifications #21 through #24 to read as follows:

30.91.050 Junior Accessory Dwelling Unit Development Regulations

[A. No change in text]

B. A JrADU that is designed to meet all of the requirements in Section 30.91.050 shall be issued a permit in accordance with Section 30.91.030. The City is preempted by State Law from requiring a public hearing.

[C. through F. No change in text]

G. Where a junior accessory dwelling unit is created within a nonconforming residential structure that is nonconforming with regard to geologic setbacks, public view encroachment, coastal access, or wetland and habitat preserve buffers, and where development of the junior accessory dwelling unit will result in redevelopment of the nonconforming structure, the City shall require the correction of these nonconforming conditions in the redeveloped structure consistent with the standards for approval of a new JrADU in accordance with Section 30.91.050.

For purposes of this section, redevelopment shall mean alterations to the residential structure resulting from construction of an accessory dwelling unit or junior accessory dwelling unit that consist of (1) additions to an existing structure, or (2) exterior or interior renovations, or (3) demolition or replacement of an existing principal structure, or portions thereof, any of which results in replacement (including demolition, renovation or alteration) of 50 percent or more of major structural components including exterior walls, floor, roof structure or foundation, or a 50 percent increase in gross floor area.

[H. through L. No change.]

M. If a proposed JrADU is subject to approval of an Administrative Coastal Development Permit, and is located on a parcel that falls entirely or partially within the special flood hazard areas identified on the 2019 FEMA Flood Insurance Rate Map (FIRM) or its updated versions, the permit approval shall be subject to the requirements in Section 30.91.040.Y.

SECTION SEVEN: That DMMC Section 30.91.060 (Regulations for ADUs on Lots with Multiple Dwelling Units) shall be amended per CCC Modifications #25 through #27 to read as follows:

30.91.060 Regulations for ADUs on Lots with Multiple Dwelling Units

A. In a zone that allows two primary dwelling units per lot, a lot with two existing dwelling units is allowed up to two ADUs in accordance with the regulations in Section 30.91.040 and the following:

[1. through 4. No change in text]

5. For consistency with local conditions and the certified LCP, ADUs shall be proposed at the first story level. An ADU may be proposed at a second story level only if there is not sufficient buildable area available on the lot; and if necessary to accommodate an alternative that minimizes potential impacts to the greatest extent in compliance with the certified LCP. The maximum possible square footage shall be placed at the first story level.

[B. No change in text]

C. Up to two detached ADUs are permitted on a lot with existing multiple dwelling units in addition to the ADUs allowed within the existing multiple dwelling unit structure per Section 30.91.060(B) subject to the following:

1. The City shall accommodate proposed ADUs meeting the universal size provision of at least 800 square feet in size, unless the California Coastal Act supersedes this minimum size requirement due to impacts to protected

coastal resources or otherwise impedes public access to the coast. In such a case, the City will prepare written findings and, where applicable, mitigation measures to alleviate such impacts as necessary to accommodate ADUs at least 150 square feet in size that meet the definition of an efficiency unit as defined per California Government Code Section 66313, as amended.

[2. No change in text]

3. A detached ADU shall comply with the required street fronting setbacks of the applicable zone, but otherwise may be located within 4 feet of the side or rear property lines, except that in all cases, including conversion of non-habitable, legal, non-conforming structures noted in Section 30.91.040(N)(1), the ADU shall comply with the following additional setback requirements.

   a. The coastal bluff setback in the Coastal Bluff Overlay Zone as required by Chapter 30.55.

   [b. through e. No change in text]

SECTION SEVEN:
The Coastal Commission conditionally certified the Ordinance/LCPA on March 13, 2025, and the City scheduled the introduction hearing for the amending ordinance on the first available date for the associated public hearing of the City Council.

SECTION EIGHT:
This Ordinance was introduced by the City Council on April 21, 2025.

SECTION NINE:
The City Clerk is directed to prepare and have published a summary of this Ordinance no less than five days prior to the consideration of its adoption and again within 15 days following adoption indicating votes cast.

SECTION TEN:
If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION ELEVEN:
Upon adoption, the Ordinance will be submitted to the California Coastal Commission for final certification of the Local Coastal Program Amendment. The Ordinance will take effect and be in force on the date that the Coastal Commission takes action to unconditionally certify the Local Coastal Program Amendment.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Del Mar, California at the Regular Meeting held on the 19th day of May, 2025.

_____
Terry Gaasterland, Mayor
City of Del Mar

APPROVED AS TO FORM:

_____
Leslie E. Devaney, City Attorney
City of Del Mar

ATTEST AND CERTIFICATION:

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO
CITY OF DEL MAR

I, SARAH KRIETOR, Administrative Services Manager/City Clerk of the City of Del Mar, California, DO HEREBY CERTIFY, that the foregoing is a true and correct copy of Ordinance No. XXXX, which has been published pursuant to law, and adopted by the City Council of the City of Del Mar, California, at a Regular Meeting held the 19th day of May, 2025, by the following vote:

AYES:

NOES:

RECUSE:

ABSENT:

ABSTAIN:

_____
Sarah Krietor, Administrative Services Manager/City Clerk
City of Del Mar

City of Del Mar
Agenda Report

TO: Honorable City Councilmembers

FROM: Mayor Terry Gaasterland and Deputy Mayor Tracy Martinez, Sustainability Advisory Committee Council Liaisons
Prepared by Denise Galvan, Management Analyst

DATE: May 19, 2025

SUBJECT: Appointment to the Sustainability Advisory Committee

REQUESTED ACTION/RECOMMENDATION:
The City Council Liaisons to the Sustainability Advisory Committee recommend that the City Council reappoint Valerie Dufort-Roy as a voting member to serve a full three-year term beginning on May 19, 2025, and ending on May 31, 2028.

BACKGROUND:
The Sustainability Advisory Committee (SAC) advises the Del Mar City Council on climate change, sustainability, and other environmental issues on which the Council may wish to act. The Committee also takes the lead advising the Council on the City's Climate Action Plan (CAP) and assists in informing Del Mar residents and businesses about implementing the City's CAP and on environmental and climate action issues.

The committee currently consists of seven total members, including five voting members and two ex-officio non-voting members and require that all voting members be residents of Del Mar and shall be appointed based on their professional experience with environmental and sustainability issues.

DISCUSSION/ANALYSIS:
There is currently one voting member vacancy on the SAC due to Valerie Dufort-Roy's term expiration on March 31, 2025. City staff advertised the voting member vacancy, and two Citizen Interest Forms were received during the recruitment period from Ann Feeney and Valerie Dufort-Roy. Ann Feeney's application was subsequently withdrawn. The Council Liaisons reviewed the application (Attachment A) and recommend reappointing Valerie Dufort-Roy as a voting member for a full three-year term beginning May 19, 2025, and ending on May 31, 2028.

If the recommended appointment is approved by the City Council, all of the voting member seats on the SAC will be filled. A copy of the current roster is included as Attachment B for the Council's reference.

ATTACHMENTS:
Attachment A – Citizen Interest Form
Attachment B – Current Sustainability Advisory Committee Roster

---

City Council Action:

DEL MAR CITIZEN INTEREST FORM

RECEIVED
By dgalvan at 12:18 pm, 2/21/25

I. APPLICANT INFORMATION

Dufort-Roy	Valerie	
Last Name	First Name	Middle Initial

[redacted] Del Mar, California
Home Street Address* City, State

**Applicants are required to provide a physical residency address. Mailing addresses or Post Office boxes will not be accepted. The City will maintain all residency addresses strictly confidential.*

Business Street Address (if applicable) City, State

[redacted] [redacted] [redacted]
Home Phone Number Business Phone Number E-mail Address

II. APPLICATION DETAILS

I am interested in serving on the following Committees, Board(s) or Commission(s) in order of preference (indicate 1st, 2nd choice, etc.):

___ Arts Advisory Committee
___ Design Review Board
___ Finance Committee
___ Lagoon Committee
___ Measure Q Citizen Oversight Committee
___ Other(s) (please indicate):_____

___ Parks and Recreation Committee
___ Planning Commission
__1_ Sustainability Advisory Committee
___ Traffic and Parking Advisory Committee
___ Undergrounding Program Advisory Committee

Qualifications for appointment and/or reasons for application (attach additional pages as needed):

My first term on the Sustainability Advisory Committee has deepened my appreciation for the dedication of volunteers, staff members, and council liaisons. During this time, I helped support a helium balloon ban ordinance and contributed to the implementation of SB1383.

Alongside other volunteers, I created informative material published through Del Mar's existing platforms addressing issues pertaining to climate change and aiming at reducing contamination between green waste, recyclables and trash. It was a privilege to represent our group with other SAC volunteers at events from the Del Mar Foundation, Del Mar Community Connections, Rotary Club of Del Mar, and the Del Mar Climate Change Coalition.

I feel that much is still to be done to make progress in ridding our community from single-use plastics, and, in turn protect our environment, adjacent waterways, and nearby sea life. The committee has ample work ahead looking forward to its Climate Action Plan update, as this will inherently shape the upcoming work of SAC. I am eager to continue contributing to how we live as a city in face of climate change.

THIS IS A PUBLIC RECORD SUBJECT TO DISCLOSURE.
Note: Personal information may be withheld from public view as allowed by law

Education:

Completed coursework towards UCSD's Behavior Change and Sustainability Certificate

- Behavior Change Strategies for Sustainability, 2023
- Conservation Psychology, 2022
- Introduction to Sustainability, 2022

Personal Financial Planning Certificate, UC Irvine, 2008

Master's Degree, Social Work, University of Montreal, Montreal, Canada, 1998

Relevant Experience (job or volunteer etc.):

- Volunteer, Del Mar Sustainability Advisory Committee, since March 2022.
- President, 2019-2021, Parent-Teacher-Resource, La Petite Ecole de San Diego (Lycee Francais de San Diego): Emphasis on Eco-projects/Waste reduction for events in school year 2019-2020.

Name all of the Del Mar Committees/Boards/Commissions that you now serve on:

Del Mar Sustainability Advisory Committee

Please name all the Boards/Commissions/Committee/Task Forces that you have served on in the past, and if you can, the dates of your service:

- San Diego French American School, school year 2024-2025, 8th grade room-parent
- Del Mar Sustainability Advisory Committee, since March 2022
- Del Mar Sandpiper
  - Editor, 2020-2022
  - Writer, since 2019-2023
- Parent-Teacher-Resource, La Petite Ecole de San Diego (Lycee Français de San Diego)
  - President, 2019-2021
  - Secretary, 2018-2019
  - Capital Expenditure Fundraiser Chair, 2017-2018
  - Volunteer diverse functions (library, various events), 2014-2021
- CERT San Diego, 2008-2010

Optional: Please list three Del Mar residents who can provide a reference:**

NAME	STREET NAME (no house number)	Phone Number
Jennifer Anderson	Serpentine Drive	[redacted]
Silvia De Dea	Stratford Court	
Daria Flores	4th Street	

***Due to Brown Act limitations that restrict communications between Councilmembers regarding upcoming actions of the City Council, please do not include a current sitting Councilmember as a reference for your appointment.*

Residency

	Month	Year
I have been a resident of California since:	11	2001
I have been a resident of San Diego County since:	11	2001
I have been a resident of Del Mar since:	6	2011

What part of town do you live in? Geographic diversity is desirable and will be taken into account. Check the neighborhood map to verify your neighborhood.

- ☐ North Bluff
- ☐ North Beach
- ☐ South Beach
- ☒ Village Center
- ☐ South Bluff
- ☐ South Hills
- ☐ North Hills
- ☐ Valley

Are you a full-time or part-time resident of Del Mar? ☒ Full-time ☐ Part-time

Is Del Mar your primary place of residence? ☒ Yes ☐ No

Are you a registered voter in Del Mar? ☒ Yes ☐ No

III. COMMITTEE SPECIFIC QUESTIONS

The following are additional questions related to specific committees. Please answer the questions only for the committee(s) you are applying for.

1. **Arts Advisory Committee**

Membership on the Arts Advisory Committee is set by category. Which membership category do you best fit in? Select all that apply. (Note that City staff, consultants, and vendors are precluded from serving on the Arts Advisory Committee.)

☐ Resident with an art background
☐ Resident without an art background
☐ Business Owner- Art related business
☐ Del Mar Foundation Representative
☐ Del Mar Village Association Representative
☐ Ex-Officio (non-voting) – with Art related expertise
☐ Other (please explain): _____

Describe your experience and skills as they relate to the world of community art and fine art.

Why in your opinion is public art valuable to the Del Mar community?

What is your public art philosophy?

2. **Finance Committee**

The Finance Committee is looking for applicants with financial expertise and background.

Please describe your experience reviewing financial reports, conducting financial studies or any related experience. Please include any experience specific to public entities.

What aspects of the City's finances most interest you and why?

3. **Measure Q Citizen Oversight Committee**

Membership on the Measure Q Citizen Oversight Committee is set by category. Which membership category do you best fit in? (Select all that apply)

☐ Current (or within past 5 years) Finance Committee Member
☐ Business Community Member
☐ At-large Resident Member

☐ Other (please explain): _____

4. **Traffic and Parking Advisory Committee**

Which membership category do you best fit in? (Select all that apply)

☐ Business representative (can be a non-resident)

☐ Resident

☐ Other (please explain): _____

Do you have any special expertise or experience related to traffic and parking? If yes, please explain:

5. **Parks and Recreation Committee**

The Parks and Recreation Committee is looking for applicants with an interest in the City's parks and open spaces.

Please describe your personal or professional experience related to parks, open spaces, trails, public recreation or any similar experience.

What aspects of the City's parks and recreation most interest you and why?

6. **Lagoon Committee**

The Lagoon Committee is looking for applicants interested in the preservation of the lagoon and surrounding area.

What aspect(s) of being on the Lagoon Committee most interest you and why?

7. **Shores Advisory Committee**

The Shores Advisory Committee is looking for applicants interested in the Shores Park property and planning process.

What aspects of being on the Shores Advisory Committee most interest you and why?

Please describe your vision for the future of Shores Park.

8. **Sustainability Advisory Committee**

The Sustainability Advisory Committee members are community leaders on environmental issues.

In what ways would you like to contribute to a more sustainable world either in your personal life or on a broader community level?

As a member of the Sustainability Advisory Committee, I am eager to continue collaborating with fellow volunteers, staff liaisons, council liaisons, and the broader community to develop and implement a more comprehensive single-use plastic ordinance.

Additionally, and given the ongoing confusion I've observed in our community regarding waste sorting, I believe it's crucial to persist in supporting the implementation of SB1383. This will help divert waste from landfills and reduce contamination between green waste, recyclables, and trash.

With a potential update to the Climate Action Plan in the upcoming fiscal year, I look forward to contributing to its core goal of fostering long-term environmental sustainability, improving resource efficiency, and further reducing greenhouse gas emissions.

At a broader level, I support incorporating large scale circular economy to reduce our carbon footprint by focusing on resource efficiency and minimizing waste, extracting fewer resources from the environment, consequently reducing greenhouse gas emissions.

Please describe any outreach or public education efforts you have participated in related to environmental issues or in other areas. Do you have skills or experience in outreach that you could bring to the Sustainability Advisory Committee?

Since 2022, I have been member of both the Plastic/Zero Waste and the Outreach subcommittees as part of my volunteering for Del Mar Sustainability Advisory Committee. When volunteering for both groups, I have generated printed and online material, posters, and presentations for specific groups in the community.

- Participation in the review of the *Del Mar Go Green* website in collaboration with SAC's staff liaison (2022).
- Participation in the development and content creation for the Trash Talk capsules (published in the *Del Mar Weekly* since April 2023).
- Creation of content for *Green Papers* discussing various topics, including:
    - Redirecting gray laundry water to our gardens
    - Back-up power during power outage
    - Benefits of energy efficient homes
    - Reduce, reuse, recycle
    - Mark O'Connor is *Rising Above Plastics*: a local environmental leader's story
    - EDCO: Family-owned and locally operated hauler of Del Mar's waste
    - Del Mar's ordinances to reduce plastic pollution in our environment
    - Pet waste belongs in the trash
- Outreach in the community includes:
    - Del Mar Foundation 2023 picnic booth (SAC general information)
    - Del Mar Community Connection, Tuesday Lunch Connection, 2024 (green waste recycling, reducing contamination when sorting refuse)
    - Del Mar Climate Change Coalition information table, 2024 (Del Mar ordinances to reduce plastic pollution in our environment) (continued on next page)

- Farmer's Market booth 2023 and 2024 (SAC general information, green waste recycling, reducing contamination when sorting refuse). September 7th, 2024 was a collaborative effort where EDCO and Canyon Crest Academy students from the Sustainability Club participated jointly along SAC Outreach.
- Rotary Club of Del Mar Lunch Speaker, 2024 (green waste recycling, reducing contamination when sorting refuse)

9. **Undergrounding Program Advisory Committee**

The Undergrounding Program Advisory Committee is seeking applicants with an interest in the citywide undergrounding project.

Is your utility service undergrounded? What involvement did you have, if any?

What aspects of being on the Utility Undergrounding Advisory Committee most interest you?

10. **Design Review Board and/or Planning Commission**

Briefly describe your qualifications and experience as it relates to serving on the Design Review Board or Planning Commission. The required qualifications for each can be found in the Del Mar Municipal Code (DMMC) Chapters 2.34 and 2.38. You will be able to provide more information at a City Council public meeting during an open interview process.

11. **For All Committees: Thank you for completing the Citizen Interest Form. Is there anything else you would like to add to your application for the City Council to consider?**

Thank you for the opportunity.

IV. SIGNATURE AND ACKNOWLEDGEMENT

Please review the important information below before signing and submitting your application. Please note that recommendations for appointments to City advisory committees (other than the Planning Commission and Design Review Board) are made by the Council Liaisons to that Committee. The appointments are then placed on the consent calendar for consideration for approval by the full City

Council at the next available City Council meeting. For reasons of privacy, the individual candidates are not discussed at the meeting.

Additionally, the Del Mar Conflict of Interest Code requires that members of the Design Review Board, Planning Commission, and Finance Committee file Conflict of Interest Statements with the Administrative Services Department in conformance with the Fair Political Practices Commission and the City's Conflict of Interest Code. Other advisory committee members are not required to file Conflict of Interest Statements.

By signing below, you are acknowledging that you have reviewed the Committee webpage for which you are applying and that you understand the conflict of interest filing requirement, if applicable. Part of your service may include ethics and anti-harassment training upon appointment and bi-annually. Visit the City's Conflict of Interest Code webpage to learn more about the requirement.

By submitting this application, you are signing under penalty of perjury that the information you are providing, is true and correct to the best of your knowledge.

Signature

2/21/2025

Date

Within three (3) business days you will receive a confirmation email that your application is received. If you have questions, please email cityclerk@delmar.ca.us or call (858) 755-9313 and a staff member will get back to you promptly.

City of Del Mar
Sustainability Advisory Committee

Board Roster

Jeanne Nilmini Silva-send
2nd Term May 01, 2022 - May 31, 2025

Category Ex-Officio, Non-Voting Member

Alan Sweedler
2nd Term Jul 04, 2022 - Jul 31, 2025

Appointing Authority City Council
Category Voting Member

Jennifer L Anderson
1st Term Sep 19, 2022 - Jul 31, 2025

Appointing Authority City Council
Position Chair
Office/Role Chair
Category Voting Member

Silvia De Dea
2nd Term Feb 02, 2023 - Feb 28, 2026

Appointing Authority City Council
Category Voting Member

Dolores Davies Jamison
1st Term Jan 08, 2024 - Jan 31, 2027

Position Vice Chair
Office/Role Vice Chair
Category Voting Member

Vacancy

Position Secretary
Office/Role Secretary
Category Voting Member

Vacancy

Appointing Authority City Council
Category Ex-Officio, Non-Voting Member

City of Del Mar
Agenda Report

TO: Honorable Mayor and City Councilmembers

FROM: Sarah Krietor, Administrative Services Manager/City Clerk
Kseniia Izgarskaia, Senior Management Analyst
Via Ashley Jones, City Manager

DATE: May 19, 2025

SUBJECT: Title VI of The Civil Rights Act of 1964 Implementation Plan

REQUESTED ACTION/RECOMMENDATION:
Staff recommends the City Council 1) Adopt the Resolution (Attachment A) establishing the City of Del Mar Title VI Implementation Plan; and 2) Authorize the City Manager to amend the Title VI Implementation Plan as-needed to ensure continued future compliance with statutory requirements.

BACKGROUND:
The City of Del Mar is a sub-recipient of financial assistance from several federal aid programs. Sub-recipients of this financial assistance are required to comply with various nondiscrimination laws and regulations, including Title VI of the Civil Rights Act of 1964 as amended (42 U.S.C. section 2000d). Title VI of the Civil Rights Acts of 1964 forbids discrimination against anyone in the United States because of race, color or national origin by any agency receiving federal funds.

The City also receives Federal Highway Administration (FHWA) funds through California Department of Transportation (Caltrans) and is required to establish a Title VI implementation plan that is subject to review by Caltrans pursuant to 23 CFR 200.9(b)(7). The purpose of the plan is to prohibit discrimination and ensure non-discrimination through establishing policies and procedures and conducting regular program reviews. This plan must be available to the public (for example, posted on the website) and address several required compliance items. The City must implement and enforce the Title VI Implementation Plan to ensure compliance with FHWA's Title VI requirements.

DISCUSSION/ANALYSIS:
The City of Del Mar is committed to a policy of non-discrimination when administering its employment practices, policies, and programs and reaffirms its commitment that no person shall benefit or be discriminated against on the basis of race, color, or national origin, or any other basis that is inconsistent with federal or State statutes, and City of Del Mar ordinances, resolutions, rules, or regulations.

City Council Action:

To comply with statutory requirements, staff recommends this City Council adopt the Resolution (Attachment A) approving the City's Title VI Implementation Plan (Plan) and authorizing the City Manager to make future amendments to the plan to ensure ongoing compliance with statutory requirements. The Title VI Implementation Plan is included as Exhibit A to Attachment A for the Council's review and consideration.

The Plan follows a federal statute which provides that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any activity or program. The purpose of this Plan is to establish procedures that allow for, encourage, and monitor participation of all citizens living and working in the City, as well as visitors.

The Plan includes a Notice to the Public which informs the public of their rights to nondiscrimination due to race, color, or national origin and providing information on whom to contact in case there is perceived discrimination. Pursuant to the proposed Plan, the City will develop and employ a technique that serves to provide meaningful access to its programs for people with Limited English Proficiency (LEP). The Plan also addresses a few other statutory requirements, such as staff training, public outreach efforts, designation of a Title VI Coordinator, and data collection.

Additionally, Title VI grievance procedures are outlined within the Plan, including a copy of the discrimination grievance form. An internal administrative policy on handling grievances was developed by staff and approved by the City Manager and is attached for Council's reference as Attachment B to this agenda report.

ATTACHMENTS:
Attachment A – Resolution Adopting the Title VI Implementation Plan
Exhibit A to Attachment A – Title VI Implementation Plan
Attachment B – Administrative Policy Title VI Grievance Procedure

RESOLUTION NO. 2025-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, ADOPTING THE TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 IMPLEMENTATION PLAN

WHEREAS, pursuant to Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d et seq (the Act) and 49 CFR Part 21, the U.S. Department of Transportation and the Federal Transit Administration (FTA) prohibit discrimination on the basis of race, color or national origin; and

WHEREAS, as a recipient or sub-recipient federal funds, the City of Del Mar is required to comply with the requirements of the Act and applicable implementing regulations; and

WHEREAS, the City also receives Federal Highway Administration (FHWA) funds through California Department of Transportation (Caltrans) and is required to establish a Title VI Implementation Plan that is subject to review by Caltrans pursuant to 23 CFR 200.9(b)(7); and

WHEREAS, pursuant to FTA Circular 4702.1B, the City of Del Mar is required to submit its Title VI Implementation Plan to its governing entity for approval; and

WHEREAS, the City Council desires to operate its programs and services without discrimination to race, color, national origin, sex, age or disability; and

WHEREAS, the City must implement and enforce the Title VI Implementation Plan to ensure compliance with FHWA's Title VI requirements; and

WHEREAS, the Del Mar City Council has reviewed and considered the Del Mar Title VI Implementation Plan and related policies and documents, including but not limited to, carrying out a Limited English Proficiency Four Factor Analysis and adoption of a Language Assistance Plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Del Mar, California, that:

1. The above recitals are true and correct.

2. The City Council hereby approves the City of Del Mar Title VI Implementation Plan as set forth in the attached Exhibit A to this Resolution.

3. The City Manager is hereby authorized to amend the Title VI Implementation Plan as-needed to ensure continued compliance with statutory requirements.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Del Mar, California, at the Regular Meeting held this 19th day of May, 2025.

_____
Terry Gaasterland, Mayor
City of Del Mar

APPROVED AS TO FORM:

_____
Leslie E. Devaney, City Attorney
City of Del Mar

ATTEST AND CERTIFICATION:
STATE OF CALIFORNIA
COUNTY OF SAN DIEGO
CITY OF DEL MAR

I, SARAH KRIETOR, Administrative Services Manager/City Clerk of the City of Del Mar, California, DO HEREBY CERTIFY, that the foregoing is a true and correct copy of Resolution No. 2025-XX, adopted by the City Council of the City of Del Mar, California, at a Regular Meeting held the 19th day of May, 2025, by the following vote:

AYES:

NOES:

RECUSE:

ABSENT:

ABSTAIN:

_____
Sarah Krietor, Administrative Services Manager/City Clerk
City of Del Mar

City of Del Mar
Title VI Implementation Plan

Adopted May 19, 2025

by Resolution 2025-XX

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I. Introduction

The City of Del Mar (City) is a recipient and sub-recipient of financial assistance from federal aid programs. Recipients and sub-recipients of federal aid are required to comply with various non-discrimination laws and regulations, including Title VI of the Civil Rights Act of 1964 (Title VI). Title VI requires that "No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance." [42 U.S.C. §2000d]

Subsequently, various other statutes added prohibitions against discrimination based on gender, age, disability, or socioeconomic status. In addition, the Civil Rights Restoration Act of 1987 defines the word "program" to make clear that discrimination is prohibited throughout an entire agency if any part of the agency receives federal financial assistance.

Federal statutes and regulations require recipients of federal aid programs to prepare and implement a program to clarify roles, responsibilities, and procedures to ensure compliance with Title VI and related statutes. This Title VI Implementation Plan describes elements of the City's Title VI Program and provides the policy direction necessary to ensure compliance with Title VI.

II. Non-Discrimination Policy Statement

It is the policy of the City of Del Mar that no person shall on the grounds of race, color, national origin, sex, disability, or age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any operation of the City of Del Mar as provided by Title VI of the Civil Rights Act of 1964 and related statutes.

This policy applies to all operations of City of Del Mar, including its contractors and anyone who acts on behalf of the City. The policy also applies to the operations of any department or agency to which the City extends federal financial assistance. Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance.

Prohibited discrimination may be intentional or unintentional. Seemingly neutral acts that have disparate impacts on individuals of a protected group and lack a substantial legitimate justification are a form of prohibited discrimination. Harassment and retaliation are also prohibited forms of discrimination. Examples of prohibited types of discrimination based on race, color, national origin, sex, disability, or age include: Denial to an individual any service, financial aid, or other benefit; Distinctions in the quality, quantity, or manner in which a benefit is provided; Segregation or separate treatment; Restriction in the enjoyment of any advantages, privileges, or other benefits provided; Discrimination in any activities related to highway and infrastructure or facility built or repaired; and Discrimination in employment.

Title VI compliance is a condition of receipt of federal funds. The Title VI Coordinator is authorized to ensure compliance with this policy, Title VI of the Civil Rights Act of 1964, 42 U.S.C § 2000d and related statutes, and the requirements of 23 Code of Federal Regulation (CFR) pt. 200 and 49 CFR pt. 21.

Ashley Jones, City Manager

May 19, 2025
Date

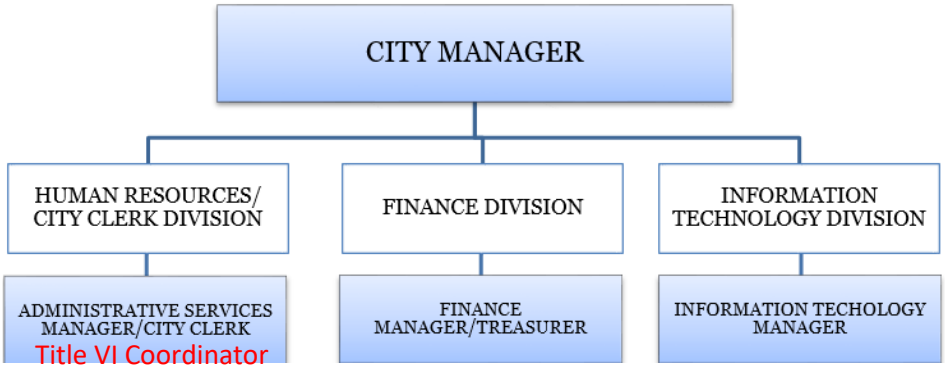
III. Designation of Responsibility

The City Manager is ultimately responsible for assuring full compliance with the provisions of Title VI of the Civil Rights Act of 1964 and related statutes and has directed that non-discrimination is required of all agency employees, contractors, and agents pursuant to 23 CFR Part 200 and 49 CFR Part 21

The City of Del Mar has designated Administrative Services Manager/City Clerk to serve as Title VI Coordinator to oversee the City's policies and procedures:

Sarah Krietor, Title VI Coordinator
City of Del Mar
Administrative Services Department
1050 Camino del Mar
Del Mar, CA 92014
skrietor@delmar.ca.us

Title VI Coordinator (Coordinator) ensures that City's Title VI program up-to-date with all requirements set forth by the Federal Highway Administration (FHWA), California Department of Transportation (Caltrans), and any other applicable jurisdictions. The Coordinator maintains an open line of communication with City Manager, City Council, and other City leadership positions necessary to facilitate the Title VI Program requirements in a timely manner. The Coordinator directs staff to coordinate and attend training, prepare required reports, create and distribute Title VI information for the public, and manage complaints per the Program's direction.



IV. Public Notice

The Public Notice is included with this Title VI Implementation Plan as Appendix 1. The City's website has been updated to add the Title VI Public Notice, Title VI Grievance procedures and Title VI Grievance form.

V. Grievance Procedures

Title VI grievance procedures are attached to this Implementation Plan as Appendix 2.

VI. Grievance Form

Title VI grievance form is attached to this Implementation Plan as Appendix 3.

VII. Public Participation Plan

The City of Del Mar has developed a Citizen Participation Plan that is an outline of the strategies by the City to engage the public in projects benefiting the community. The City encourages public input, and uses several methods to reach all groups of citizens without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act.

Agenda notices of City meetings provide contact information for accommodation requests:

> *Assistance for Persons with Disabilities: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Administrative Services Department at 1050 Camino del Mar or by calling (858) 755-9313. Notification of at least 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.*

Opportunities for Public Comment

The City of Del Mar values the process through which the public along with stakeholders can gather information, encourage dialog, receive feedback and build consensus on projects to best support people equally without disproportionately adversely affecting human health or environmental impact on minority and/or low-income populations. The City solicits public participation in City Council, various Commission meetings, and special public workshop forums:

- On the City meeting agenda, time is set aside for Oral Communications at each meeting for citizens who wish to address an issue not on the agenda. This is an opportunity for the public to bring to the attention of the Council a matter or matters which do not appear on the agenda. The public can speak and address concerns on any agenda item by submitting a speaker slip to the City Clerk.

- Various Committees/Commissions/Boards meetings - The City has several commissions that conduct public meetings to gather information and thereafter make recommendations to the City Council on matters regarding services for the City programs/activities. The meetings offer Oral Communications to invite public participation in the meetings.

- Public Outreach Workshops - Workshops are noticed on the website inviting public participation. These workshops solicit public input and also solicit input from special groups.

Summary of Outreach Efforts

The following is a summary of outreach efforts conducted by the City of Del Mar as they relate to Title VI requirements:

- **City of Del Mar Website.** The City has a Title VI of Civil Rights Act of 1964 web page that includes: Title VI Public Notices, Title VI Complaint procedures and Title VI Complaint form.

- **City Council and various Commission Meetings Open to the Public.** The City holds public meetings on various days of the month, offering oral communication and speaker slips for the public input. The meeting dates and times are posted on the City website: https://www.delmar.ca.us/calendar.aspx?CID=14

- **Community Development Block Grant.** The City publishes a notice of public hearing notifying public agencies, other governmental agencies, nonprofit service providers and

other interested citizens to provide input in developing the five-year Community Development Block Program (CDBG). The proposed program is published and a public hearing conducted to solicit citizens' feedback.

- **City's Newsletter *Del Mar Weekly*.** The City published a weekly electronic newsletter informing the public of upcoming public meetings and opportunities to participate or provide feedback.

VIII. Limited English Proficiency Program

In accordance with Executive Order 13166, "Improving Access to Services For Persons with Limited English Proficiency", the City will develop an evaluation and implementation program to ensure that Limited English Proficiency (LEP) persons who are served by federal-aid programs administered by the City are provided, free of charge, meaningful access to programs, services, and information without unduly burdening the fundamental activities of the City.

As appropriate, and absent any existing federal or State requirements, the City will conduct an LEP Needs Assessment using a Four Factor Analysis to identify the need to provide reasonable steps to ensure meaningful access by Limited English Proficiency (LEP) persons to federal-aid programs administered by the City.

IX. Data Collection

The City will develop procedures for the collection of statistical data (race, color, and national origin) of participants in, and beneficiaries of, federally funded roadway projects, e.g., citizens impacted by relocation and participants that attended the public hearing during an environmental review. In addition, the City will analyze the data collected to determine the effectiveness of outreach methods to ensure that no group is excluded during the decision-making process or is not given an opportunity to voice their opinions or concerns.

X. Training

The City will provide training on Title VI and its related statutes, including the Executive Order on Limited English Proficiency, for managers, supervisors and staff with frequent public contact in the administration of federal-aid programs.

The training will occur upon adoption of the Plan, every two years, and within six months of hiring a new employee. The training will be conducted by the Title VI Coordinator or their designee, online through presentations, or through training hosted by Caltrans. Additionally, links to Caltrans, FHWA, and other applicable agency resources for Title VI and related statutes will be posted on the City's website.

XI. Annual Work Plan (Goal and Accomplishment Report)

The City will develop an annual report of Title VI accomplishments and upcoming goals, including an update to the Title VI Program that reflects organizational policy changes, and a Work Plan Outlining Title VI monitoring and review activities planned for the upcoming fiscal year. This report will be made available to the public and when requested by Caltrans.

XII. Title VI Assurances in Contract Documents and Agreements

The City will include provisions requiring compliance with Title VI in federal-aid construction projects. The specific contract provision language to be included can be found in the Federal Highway Administration (FHWA) Form 1273.

XIII. Program Review

The City will conduct a periodic review and assessment of the Title VI Implementation Plan and Public Participation Plan to determine the City's effectiveness in ensuring that no person shall, on the grounds of race, color, and national origin, be excluded from participation in or be denied the benefits of, or be otherwise subjected to discrimination under, any federal-aid programs or activities it administers. The City will also conduct external Title VI reviews of sub-awardees.

XIV. Dissemination of Title VI Information

The City will develop Title VI information for dissemination to the general public and, where appropriate, in languages other than English (determined by the LEP Assessment). The purpose of the information is to communicate information about the public's rights under Title VI.

CITY OF DEL MAR
TITLE VI OF THE CIVIL RIGHTS ACT OF 1964
TITLE VI NOTICE TO THE PUBLIC

In accordance with Title VI of the Civil Rights Act of 1964 and all related acts and statutes (Title VI), the City of Del Mar ("City") operates its programs and services without regard to race, color, national origin, sex, age or disability. Title VI and related statutes prohibits discrimination in federally assisted programs requires that no person in the United States of American shall, on the grounds of race, color, national origin, sex, age or disability be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal Assistance.

Any person who believes they have been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the City of Del Mar. Any such grievance must be in writing and submitted to the City's Title VI Coordinator within 60 days following the date of the alleged occurrence.

For more information on the City of Del Mar's civil rights program, and the procedures to file a complaint, please contact:

Sarah Krietor, Title VI Coordinator
City of Del Mar
1050 Camino del Mar
Del Mar, CA 92014
(858) 375-9517
skrietor@delmar.ca.us

Note: Complainant has the right to file grievances directly with the appropriate State or Federal agency providing financial assistance to the City. If information is needed in another language, please contact (858) 375-9517.

CITY OF DEL MAR TITLE VI GRIEVANCE PROCEDURES
TITLE VI GRIEVANCE PROCEDURES

As a recipient of federal funds, the City of Del Mar is required to comply with Title VI of the Civil Rights Act of 1964 and ensure that services and benefits are provided on a nondiscriminatory basis. This procedure describes the process for local disposition of Title VI grievances.

Any person who believes they have been discriminated against on the basis of race, color, or national origin, sex, religion, disability, or age by the City of Del Mar may file a Title VI grievance by completing and submitting the City's Title VI Grievance Form. The complaint should be in writing by completing and submitting the City's Title VI Grievance Form. The Grievance Form should be submitted by the complainant or their authorized representative as soon as possible but no later than 60 calendar days after the alleged violation to:

Sarah Krietor, Title VI Coordinator
City of Del Mar
Administrative Services Department
1050 Camino del Mar
Del Mar, CA 92014
skrietor@delmar.ca.us

Within 15 calendar days after receipt of the complaint, the Title VI Coordinator or their designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the Title VI Coordinator or their designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the City of Del Mar and offer options for substantive resolution of the complaint.

If the response by the Title VI Coordinator or their designee does not satisfactorily resolve the issue, the complainant and/or their designee may appeal the decision within 15 calendar days after receipt of the response to the City Manager, or their designee.

Within 15 calendar days after receipt of the appeal, the City Manager or their designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the City Manager or their designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the Title VI Coordinator or their designee, appeals to the City Manager or their designee, and responses from these two offices will be retained by the City for at least three years.

Any complainant has the right to file grievances directly with the appropriate state or federal agency providing federal financial assistance to City.

CITY OF DEL MAR

TITLE VI GRIEVANCE FORM

Complainant Name (First, Last): _____

Address: _____

City:_____ **State:**_____ **Zip:**_____

Phone: _____ **Email**: _____

_____

Contact Person for Complainant (If Applicable)

Address:_____

City:_____ **State:**_____ **Zip:**_____

Phone: _____ **Email**: _____

☐ **Please do not contact me personally** (see *Contact Person for Complainant* information above)

1) **Description of grievance and why you believe you were discriminated against: (attach additional pages if necessary):**
   _____
   _____
   _____
   _____

2) **Date of Alleged discrimination:** _____

3) **Name of party(s) involved: Include the name and contact information of the person(s) who discriminated against you (if known), as well as names and contact information of any witnesses, if applicable.**
   _____
   _____
   _____
   _____

4) **If the alleged incident/discrimination involved a State/Federal agency(s), list name(s):**
   _____
   _____

5) **Please specify any location(s) related to the discrimination:** _____
   _____
   _____
   _____

6) **Please provide a complete description of the alleged problem or issue, including the date(s):**

_____
_____
_____

**Please attach additional pages, photographs, sketches, or other information as necessary*

7) **State requested remedy to your grievance/complaint: (attach additional pages if necessary)**

_____
_____
_____
_____

8) **Have you previously filed a Title VI grievance with the City of Del Mar:**

☐ **Yes** ☐ **No**

9) **Have you filed this grievance with any other Federal, State or local agency, or with any other Federal or State Court? If so, state where?**

_____
_____

Signature and date are required below to complete this form:

Signature: _____ **Date**: _____

Print Name: _____

Within 15 calendar days after receipt of the complaint, the City will meet with the complainant to discuss the complaint and a possible resolution. Within 15 calendar days of the meeting, the City will respond in writing and explain the position of the City and offer options for resolution (See Title VI Grievance Procedures).

Please submit the completed form to:
Sarah Krietor, Title VI Coordinator
City of Del Mar
Administrative Services Department
1050 Camino del Mar
Del Mar, CA 92014
skrietor@delmar.ca.us

Note: COMPLAINT CAN BE FILED VERBALLY OR IN WRITING. The City of Del Mar is a public entity and does not discriminate on the basis of race/color, national origin, sex, religion, age or disability in employment or the provisions of service. Please notify the City of Del Mar 72 hours or more prior to disability accommodations being needed.

City of Del Mar
Administrative Policies and Procedures

142	**Title VI of the Civil Rights Act 1964 – Grievance Procedure**	DATE ADOPTED:	5/13/2025
		DATE REVISED:	
		PAGES:	Page 1 of 1

I. Background and Purpose

The City of Del Mar adopted an internal grievance procedure providing for the prompt and equitable resolution of complaints alleging any action prohibited by Title VI of the Civil Rights Act of 1964 and ensuring that services and benefits are provided on a nondiscriminatory basis.

II. Procedure

A. Complaints should be directed to the City's Title VI Coordinator (Administrative Services Manager) or their designee who has been designated to coordinate Title VI compliance efforts.

B. A complaint should be filed in writing or verbally, contain the name and address of the complainant, a description of the alleged violation in sufficient detail to inform the City of the nature of the alleged violation, location of the alleged violation, the date of the alleged violation and the names of any parties involved. When filing a written complaint, the complaint shall be signed by the complainant or by someone authorized to do so on their behalf. A complaint form titled "Title VI Grievance Form" is attached.

C. A complaint should be filed after the complainant becomes aware of the alleged violation, but no later than 60 calendar days after the alleged violation.

D. Within 15 calendar days of the filing of the complaint, the Title VI Coordinator or their designee will meet with the complainant to investigate and discuss possible resolution(s). These procedures afford all interested persons and their representatives, if any, an opportunity to submit evidence relevant to the complaint.

E. A written determination as to the validity of the complaint and description of the resolution, if any, shall be issued by the Title VI Coordinator or their designee, and a copy forwarded to the complainant no later than 15 calendar days after the meeting date.

F. The complainant can request a reconsideration of the case in instances where they are dissatisfied with the resolution or determination. The request for reconsideration should be made within 15 calendar days to the City Manager or their designee.

G. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the responsible federal department or agency. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.

H. These rules shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards, and to assure that the City complies with the Title VI of the Civil Rights Act of 1964 and implementing regulations.

I. The Administrative Services Department shall maintain the files and records for the City relating to the complaints filed which will be retained by the City for at least three years.

City of Del Mar
Agenda Report

TO: Honorable Mayor and City Council Members

FROM: Joshua Gordon, Fire Chief
Via Ashley Jones, City Manager

DATE: May 19, 2025

SUBJECT: Acceptance of 2024 State Homeland Security Program Grant Funds

REQUESTED ACTION/RECOMMENDATION:
Staff recommends the City Council: 1) Accept $5,851 in grant funds from the Fiscal Year (FY) 2024 State Homeland Security Program (SHSP) for the purchase of individual thermal imaging cameras and rescue equipment for the Del Mar Fire Department; and 2) Authorize the City Manager to execute the necessary grant documents.

BACKGROUND:
The City of Del Mar is eligible for $5,851 in FY 2024 SHSP federal grant funds through the County of San Diego. Copies of the award letter (Attachment A) and approved grant allocation (Attachment B) are included with this report. SHSP grant funds can only be expended on equipment authorized by the Department of Homeland Security.

DISCUSSION/ANALYSIS:
Staff proposes that the SHSP grant funds be used toward the purchase of individual thermal imaging cameras and rescue equipment for the Del Mar Fire Department.

Thermal imaging cameras (TIC) are one of the most important pieces of fire suppression equipment that a firefighter relies on in a hazardous environment and are a vital tool used to find unconscious victims or fallen firefighters in smoke filled rooms, pinpoint the source of fires, and detect structural dangers before they cause injury or death. They also allow responders to access important information and improve reconnaissance when responding to a variety of situations requiring night vision, forcible entry, and exposure to an immediate dangerous environment.

Rope rescue equipment will significantly add to the Fire Department's rescue operations resources and capabilities by allowing for rescuer deployment and victim extrication of low and high angle rescues from bluff collapse, bridge collapse, building collapse, and confined spaces. This improves the reliability and advanced capabilities for supporting search and rescue.

City Council Action:

The grant funds are reimbursement-based, which requires the City to expend funds prior to requesting reimbursement from the County of San Diego. The deadline to expend funds and request reimbursement is May 31, 2026.

Grant recipients are required to adhere to the California Governor's Office of Emergency Services Standard Assurances for Cal OES Federal Non-Disaster Grant Programs, which outline policies and regulations pertaining to use of federal grant funds (Attachment C).

FISCAL IMPACT:
The fiscal impact associated with the recommended action is receipt of $5,851 in SHSP grant funds, which will require the following budget adjustments to the FY 2024-2025 Operating and Capital Budget:

Account Name	Account Number	Amount
Federal Grant (Revenue)	24.4600.4622	$5,851
Small Tools & Equipment (Expenditure)	24.5781.2600	$5,851
Net Budget Impact		**$0**

ENVIRONMENTAL IMPACT:
The proposed City Council action does not constitute a "project" under the definition set forth in California Environmental Quality Action (CEQA) Guidelines Section 15378 because it will not have a potential to result in a direct or indirect physical change in the environment and is, therefore, not subject to CEQA. No further action under CEQA is required.

ATTACHMENTS:
Attachment A – FY 2024 County OES Award Letter to Jurisdictions
Attachment B – FY 2024 SHSP Approved Grant Allocation
Attachment C – California Governor's Office of Emergency Services Standard Assurances for Cal OES Federal Non-Disaster Grant Programs

County of San Diego Office of Emergency Services
5580 Overland Ave., Suite 100
San Diego, CA 92123 -1251
Phone: (858) 565-3490 Fax: (858) 565-3499

April 29, 2025

City of Del Mar
505 S Vulcan Ave
Encinitas, CA 92024

SUBJECT: NOTIFICATION OF FEDERAL FUNDING AWARD
FY 2024 Homeland Security Grant Program (HSGP)
Subaward #2024-0088, Cal OES ID #073-00000

The purpose of this letter is to notify you that the County of San Diego Office of Emergency Services has approved your **FY2024 SHSP** award in the amount of **$5,851** as listed below:

Subrecipient Name:	**City of Del Mar**
Subrecipient UEI:	**GTFRBLGTM747**
Federal Award ID (FAIN)	EMW-2024-SS-05088
Subaward Period of Performance:	09/01/24 to 05/31/26
Subrecipient Award Amount:	$5,851
Federal Award Project Description:	Implementation of homeland security management grant to support state, local, tribal and territorial efforts to prevent terrorism and other catastrophic events.
Federal Awarding Agency:	US Department of Homeland Security
CFDA Number:	97.067/Homeland Security Grant Program
Research & Development Award (Y/N):	No
Indirect Cost Rate:	N/A
Match Requirement:	N/A

This grant award is subject to all provisions of Uniform Guidance (2 CFR Part 200), which can be accessed at www.ecfr.gov. Non-federal entities that expend $1,000,000 or more annually in Federal Awards must have a Single Audit performed each year. Please forward a copy of your most current Single Audit report to the contact below.

Subrecipients are to comply with all applicable federal, state, and local Environmental Planning and Historic Preservation (EHP) requirements. Additionally, Aviation/Watercraft requests, Establish/Enhance Emergency Operations Center projects, projects requiring EHP review, and Noncompetitive Procurement requests require additional approvals. Subrecipients must obtain written approval for these activities prior to incurring any costs, in order to be reimbursed for any related costs under this Grant Subaward. Subrecipients are also required to obtain a Performance Bond prior to the purchase of any equipment item over $250,000, including any Aviation or Watercraft financed with Homeland Security dollars. Performance Bonds must be submitted to the contact below no later than the time of reimbursement.

Please complete and return the attached OES Grant Management Assessment Questionnaire, 2024 Grant Assurances and Signature Authorization Form, current Procurement Policies and Salvage Guidelines.

County of San Diego Office of Emergency Services
5580 Overland Ave., Suite 100
San Diego, CA 92123 -1251
Phone: (858) 565-3490 Fax: (858) 565-3499

Your performance period ends May 31, 2026. Please submit your reimbursement requests no later than June 30, 2026.

For further assistance, please contact Stephanie Han at (619) 708-1824, Stephanie.Han@sdcounty.ca.gov or Ron Cacho at (619) 806-9077, Ronjuliang.Cacho@sdcounty.ca.gov.

Sincerely,

Martin.Kurian@sdcounty.ca.gov
Digitally signed by Martin.Kurian@sdcounty.ca.gov
Date: 2025.04.29 08:33:12 -07'00'

Martin Kurian, Finance Officer
County of San Diego, Office of Emergency Services

Attachments: OES Grant Management Assessment Questionnaire
2024 Grant Assurances
SHSP 2024 Approved FMFW

FY 2024 STATE HOMELAND SECURITY PROGRAM (SHSP) GRANT ALLOCATION PROPOSAL									
JURISDICTION	**FY2023 Approved Formula with Award**			**FY2024 - FINAL**					
	LE - 30% of FY23 Allocation	**Non-LE Allocation**	**TOTAL**	**Sworn LE Personnel Figures (2023)**	**LE - 35% of FY24 Allocation**	**Non-LE Population (2023)**	**Non-LE Allocation**	**TOTAL**	**% Change from FY2023 to FY2024**
2-1-1 SAN DIEGO CONTRACT		**100,000**	**100,000**				**100,000**	**100,000**	**0.00%**
AlertSanDiego		**350,000**	**350,000**				**350,000**	**350,000**	**0.00%**
COUNTY DEPTS									
UDC SHARE		102,357	**102,357**	-		-	161,857	**161,857**	**58.13%**
M&A (5%)		160,535	**160,535**	-		-	141,524	**141,524**	**-11.84%**
HHSA-EMS		80,000	**80,000**	-			80,000	**80,000**	**0.00%**
OES		727,301	**727,301**	-		-	503,217	**503,217**	**-30.81%**
SHERIFF	438,676	-	**438,676**	2,460	424,795	-	-	**424,795**	**-3.16%**
TOTAL COUNTY DEPTS	**438,676**	**1,070,193**	**1,508,869**	**2,460**	**424,795**	**-**	**886,598**	**1,311,393**	**-13.09%**
CITIES	**LE - 30% of FY23 Allocation**	**Non-LE Allocation**	**TOTAL**	**Sworn LE Personnel Figures (2023)**	**LE - 35% of FY24 Allocation**	**Non-LE Population (2023)**	**Non-LE Allocation**	**TOTAL**	**% Change from FY2023 to FY2024**
CARLSBAD	20,988	44,776	**65,764**	132	22,794	114,549	29,980	**52,774**	**-19.75%**
CHULA VISTA	44,520	100,248	**144,768**	281	48,523	274,784	64,922	**113,445**	**-21.64%**
CORONADO	7,314	12,666	**19,980**	46	7,943	22,150	9,830	**17,773**	**-11.05%**
DEL MAR	-	6,352	**6,352**	-	-	3,903	5,851	**5,851**	**-7.89%**
EL CAJON	19,557	41,353	**60,910**	124	21,412	104,619	27,815	**49,227**	**-19.18%**
ENCINITAS	-	26,169	**26,169**	-	-	61,085	18,321	**18,321**	**-29.99%**
ESCONDIDO	25,281	56,853	**82,134**	159	27,456	149,799	37,668	**65,124**	**-20.71%**
ESCONDIDO RINCON DEL DIABLO	-	4,626	**4,626**	-	-	13,175	2,873	**2,873**	**-37.89%**
IMPERIAL BEACH	-	14,031	**14,031**	-	-	25,864	10,640	**10,640**	**-24.17%**
LA MESA	11,130	25,810	**36,940**	70	12,088	60,418	18,176	**30,264**	**-18.07%**
LEMON GROVE	-	14,375	**14,375**	-	-	27,420	10,980	**10,980**	**-23.62%**
NATIONAL CITY	13,992	26,154	**40,146**	88	15,196	60,974	18,297	**33,493**	**-16.57%**
NATIONAL CITY - LINCOLN ACRES	-	534	**534**	-	-	1,530	335	**335**	**-37.27%**
OCEANSIDE	35,775	64,550	**100,325**	219	37,817	171,063	42,305	**80,122**	**-20.14%**
POWAY	-	21,779	**21,779**	-	-	48,483	15,573	**15,573**	**-28.50%**
SAN DIEGO	323,721	-	**323,721**	2,036	351,578	-	-	**351,578**	**8.61%**
SAN MARCOS	-	37,205	**37,205**	-	-	94,530	25,615	**25,615**	**-31.15%**
SAN MARCOS FPD	-	4,946	**4,946**	-	-	14,889	3,247	**3,247**	**-34.35%**
SANTEE	-	25,309	**25,309**	-	-	59,227	17,916	**17,916**	**-29.21%**
SOLANA BEACH	-	9,409	**9,409**	-	-	12,784	7,788	**7,788**	**-17.23%**
VISTA	-	39,513	**39,513**	-	-	99,835	26,772	**26,772**	**-32.25%**
VISTA FPD	-	7,033	**7,033**	-	-	20,570	4,486	**4,486**	**-36.21%**
TOTAL CITIES	**502,278**	**583,691**	**1,085,969**	**3,155**	**544,807**	**1,441,651**	**399,390**	**944,197**	**-13.05%**
FIRE DISTRICTS/OTHER									
ALPINE FPD		10,351	**10,351**	-	-	15,550	8,391	**8,391**	**-18.94%**
DEER SPRINGS FPD		9,204	**9,204**	-	-	12,216	7,664	**7,664**	**-16.73%**
LAKESIDE FPD		26,766	**26,766**	-	-	63,251	18,794	**18,794**	**-29.78%**
NORTH COUNTY FPD		22,375	**22,375**	-	-	50,489	16,010	**16,010**	**-28.45%**
PORT OF SAN DIEGO	22,260	-	**22,260**	122	21,067	-	-	**21,067**	**-5.36%**
RANCHO SANTA FE FPD		17,080	**17,080**	-	-	35,103	12,655	**12,655**	**-25.91%**
SAN MIGUEL FPD		47,360	**47,360**	-	-	123,095	31,844	**31,844**	**-32.76%**
VALLEY CENTER FPD		10,473	**10,473**	-	-	15,904	8,468	**8,468**	**-19.14%**
TOTAL FIRE DISTRICTS/OTHER	**22,260**	**143,609**	**165,869**	**122**	**21,067**	**315,608**	**103,826**	**124,893**	**-24.70%**
TOTAL ALLOCATIONS	**963,213**	**2,247,493**	**3,210,706**	**5,737**	**990,669**	**1,757,259**	**1,839,814**	**2,830,483**	**-11.84%**

Notes:

*__Personnel Cap:__ Each jurisdiction's allocation has a personnel cap of 50%.

*__San Diego Sheriff includes:__ Unincorporated San Diego County and the contracted cities of Del Mar, Encinitas, Imperial Beach, Lemon Grove, Poway, San Marcos, Santee, Solana Beach and Vista.

FY 2024 Standard Assurances For Cal OES Federal Non-Disaster Preparedness Grant Programs

As the duly authorized representative of the Applicant, I hereby certify that the Applicant has the legal authority to apply for federal assistance and the institutional, managerial, and financial capability (including funds sufficient to pay any non-federal share of project cost) to ensure proper planning, management, and completion of the project described in this application, within prescribed timelines.

The requirements outlined in these assurances apply to Applicant and any of its subrecipients.

I further acknowledge that the Applicant is responsible for reviewing and adhering to all requirements within the:

(a) Applicable Federal Regulations (see below);
(b) Federal Program Notice of Funding Opportunity (NOFO);
(c) Federal Preparedness Grants Manual;
(d) California Supplement to the NOFO; and
(e) Federal and State Grant Program Guidelines.

Federal Regulations
Government cost principles, uniform administrative requirements, and audit requirements for federal grant programs are set forth in Title 2, Part 200 of the Code of Federal Regulations (C.F.R.) and adopted by the Department of Homeland Security (DHS) at 2 C.F.R. Part 3002.10. Updates are issued by the Office of Management and Budget (OMB) and can be found at http://www.whitehouse.gov/omb/.

In the event Cal OES determines that changes are necessary to the subaward after a subaward has been made, including changes to period of performance or terms and conditions, Applicants will be notified of the changes in writing. Once notification has been made, any subsequent request for funds will indicate Applicant acceptance of the changes to the subaward.

State and federal grant award requirements are set forth below. The Applicant hereby agrees to comply with the following:

1. **Proof of Authority**
   The Applicant will obtain proof of authority from the city council, governing board, or authorized body in support of this project. This written authorization must specify that the Applicant and the city council, governing board, or authorized body agree:

(a) To provide all matching funds required for the grant project and that any cash match will be appropriated as required;
(b) Any liability arising out of the performance of this agreement shall be the responsibility of the Applicant and the city council, governing board, or authorized body;
(c) Grant funds shall not be used to supplant expenditures controlled by the city council, governing board, or authorized body;
(d) The Applicant is authorized by the city council, governing board, or authorized body to apply for federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-federal share of project cost, if any) to ensure proper planning, management and completion of the project described in this application; and
(e) The official executing this agreement is authorized by the Applicant.

This Proof of Authority must be maintained on file and readily available upon request.

2. **Period of Performance**
The period of performance is specified in the Award. The Applicant is only authorized to perform allowable activities approved under the award, within the period of performance.

3. **Lobbying and Political Activities**
As required by Section 1352, Title 31 of the United States Code (U.S.C.), for persons entering into a contract, grant, loan, or cooperative agreement from an agency or requests or receives from an agency a commitment providing for the United States to insure or guarantee a loan, the Applicant certifies that:

(a) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.

(b) If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.

(c) The Applicant shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

The Applicant will also comply with provisions of the Hatch Act (5 U.S.C. §§ 1501- 1508 and §§ 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with federal funds.

Finally, the Applicant agrees that federal funds will not be used, directly or indirectly, to support the enactment, repeal, modification or adoption of any law, regulation, or policy without the express written approval from the California Governor's Office of Emergency Services (Cal OES) or the federal awarding agency.

4. Debarment and Suspension

As required by Executive Orders 12549 and 12689, and 2 C.F.R. § 200.214 and codified in 2 C.F.R. Part 180, Debarment and Suspension, the Applicant will provide protection against waste, fraud, and abuse by debarring or suspending those persons deemed irresponsible in their dealings with the federal government. The Applicant certifies that it and its subrecipients:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in paragraph (4)(b) of this certification; and
(d) Have not within a three-year period preceding this application had one or more public transaction (federal, state, or local) terminated for cause or default.

Where the Applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

5. Non-Discrimination and Equal Employment Opportunity
The Applicant will comply with all state and federal statutes relating to non-discrimination, including:

(a) Title VI of the Civil Rights Act of 1964 (Public Law (P.L.) 88-352 and 42 U.S.C. § 2000d et. seq.) which prohibits discrimination on the basis of race, color, or national origin and requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services;
(b) Title IX of the Education Amendments of 1972, (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex in any federally funded educational program or activity;
(c) Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794), which prohibits discrimination against those with disabilities or access and functional needs;
(d) Americans with Disabilities Act (ADA) of 1990 (42 U.S.C. § 12101et seq.), which prohibits discrimination on the basis of disability and requires buildings and structures be accessible to those with disabilities and access and functional needs;
(e) Age Discrimination Act of 1975, (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age;
(f) Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd—2), relating to confidentiality of patient records regarding substance abuse treatment;
(g) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), relating to nondiscrimination in the sale, rental or financing of housing as implemented by the Department of Housing and Urban Development at 24 C.F.R. Part100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units — i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators) — be designed and constructed with certain accessible features (See 24 C.F.R. § 100.201);

(h) Executive Order 11246, which prohibits federal contractors and federally assisted construction contractors and subcontractors, who do over $10,000 in Government business in one year from discriminating in employment decisions on the basis of race, color, religion, sex, sexual orientation, gender identification or national origin;
(i) Executive Order 11375, which bans discrimination on the basis of race, color, religion, sex, sexual orientation, gender identification, or national origin in hiring and employment in both the United States federal workforce and on the part of government contractors;
(j) California Public Contract Code § 10295.3, which prohibits discrimination based on domestic partnerships and those in same sex marriages;
(k) DHS policy to ensure the equal treatment of faith-based organizations, under which the Applicant must comply with equal treatment policies and requirements contained in
6 C.F.R. Part 19;
(l) The California's Fair Employment and Housing Act (FEHA) (California Government Code §§12940-12957), as applicable. FEHA prohibits harassment and discrimination in employment because of ancestry, familial status, race, color, religious creed (including religious dress and grooming practices), sex (which includes pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy, childbirth or breastfeeding), gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, mental and physical disability, genetic information, medical condition, age, pregnancy, denial of medical and family care leave, or pregnancy disability leave, military and veteran status, and/or retaliation for protesting illegal discrimination related to one of these categories, or for reporting patient abuse in tax supported institutions;
(m) Any other nondiscrimination provisions in the specific statute(s) under which application for federal assistance is being made; and
(n) The requirements of any other nondiscrimination statute(s) that may apply to this application.

Civil Rights Policies for Program Beneficiaries and Subrecipients of DHS funding, pertaining to the following are available on the Cal OES website:

- Non-discrimination in Programs & Services
- Reasonable Accommodation for Program Beneficiaries
- Language Access Policy

FY 2024 Standard Assurances For Cal OES Federal Non-Disaster Preparedness Grant Programs

6. Drug-Free Workplace

As required by the Drug-Free Workplace Act of 1988 (41 U.S.C. § 701 et seq.),the Applicant certifies that it will maintain a drug-free workplace and a drug-free awareness program as outlined in the Act.

7. Environmental Standards

The Applicant will comply with state and federal environmental standards, including:

(a) The California Environmental Quality Act (CEQA) (California Public Resources Code §§ 21000-21177), to include coordination with the city or county planning agency;
(b) CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, §§ 15000-15387);
(c) The Federal Clean Water Act (CWA) (33 U.S.C. § 1251 et seq.), which establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters;
(d) The Federal Clean Air Act of 1955 (42 U.S.C. § 7401) which regulates air emissions from stationary and mobile sources;
(e) Institution of environmental quality control measures under the National Environmental Policy Act (NEPA) of 1969 (P.L. 91-190); the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA; and Executive Order 12898 which focuses on the environmental and human health effects of federal actions on minority and low-income populations with the goal of achieving environmental protection for all communities;
(f) Evaluation of flood hazards in floodplains in accordance with Executive Order 11988;
(g) Executive Order 11514 which sets forth national environmental standards;
(h) Executive Order 11738 instituted to assure that each federal agency empowered to enter into contracts for the procurement of goods, materials, or services and each federal agency empowered to extend federal assistance by way of grant, loan, or contract shall undertake such procurement and assistance activities in a manner that will result in effective enforcement of the Clean Air Act and the Federal Water Pollution Control Act Executive Order 11990 which requires preservation of wetlands;
(i) The Safe Drinking Water Act of 1974, (P.L. 93-523);
(j) The Endangered Species Act of 1973, (P.L. 93-205);

(k) Assurance of project consistency with the approved state management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.);
(l) Conformity of Federal Actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); and
(m) The Wild and Scenic Rivers Act of 1968 (16 U.S.C. § 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

The Applicant shall not be: 1) in violation of any order or resolution promulgated by the State Air Resources Board or an air pollution district; 2) subject to a cease-and-desist order pursuant to section 13301 of the California Water Code for violation of waste discharge requirements or discharge prohibitions; or 3) determined to be in violation of federal law relating to air or water pollution.

8. Audits

For subrecipients expending $1,000,000 or more in federal grant funds annually, the Applicant will perform the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and C.F.R., Part 200, Subpart F Audit Requirements.

9. Cooperation and Access to Records

The Applicant must cooperate with any compliance reviews or investigations conducted by DHS. In accordance with 2 C.F.R. § 200.337, the Applicant will give the awarding agency, the Comptroller General of the United States and, if appropriate, the state, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award. The Applicant will require any subrecipients, contractors, successors, transferees and assignees to acknowledge and agree to comply with this provision.

10. Conflict of Interest

The Applicant will establish safeguards to prohibit the Applicant's employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

11. Financial Management

False Claims for Payment - The Applicant will comply with 31 U.S.C §§ 3729-3733 which provides that Applicant shall not submit a false claim for payment, reimbursement, or advance.

FY 2024 Standard Assurances For Cal OES Federal Non-Disaster Preparedness Grant Programs

12. Reporting - Accountability

The Applicant agrees to comply with applicable provisions of the Federal Funding Accountability and Transparency Act (FFATA) (P.L. 109-282), including but not limited to (a) the reporting of subawards obligating $30,000 or more in federal funds, and (b) executive compensation data for first-tier subawards as set forth in 2 C.F.R. Part 170, Appendix A. The Applicant also agrees to comply with the requirements set forth in the government-wide financial assistance award term regarding the System for Award Management and Universal Identifier Requirements located at 2 C.F.R. Part 25, Appendix A.

13. Whistleblower Protections

The Applicant must comply with statutory requirements for whistleblower protections at 10 U.S.C. § 2409, 41 U.S.C. § 4712, and 10 U.S.C. § 2324, 41 U.S.C. § 4304 and § 4310.

14. Human Trafficking

The Applicant will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act of 2000, as amended (22 U.S.C. § 7104) which prohibits the Applicant or its subrecipients from: (1) engaging in trafficking in persons during the period of time that the award is in effect; (2) procuring a commercial sex act during the period of time that the award is in effect; or (3) using forced labor in the performance of the award or subawards under the award.

15. Labor Standards

The Applicant will comply with the following federal labor standards:

(a) The Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), as applicable, and the Copeland Act (40 U.S.C. § 3145 and 18 U.S.C. § 874) and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally-assisted construction contracts or subcontracts, and

(b) The Federal Fair Labor Standards Act (29 U.S.C. § 201 et seq.) as they apply to employees of institutes of higher learning (IHE), hospitals and other non-profit organizations.

16. Worker's Compensation

The Applicant must comply with provisions which require every employer to be insured to protect workers who may be injured on the job at all times during the performance of the work of this Agreement, as per the workers compensation laws set forth in California Labor Code §§ 3700 et seq.

17. Property-Related

If applicable to the type of project funded by this federal award, the Applicant will:

(a) Comply with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of federal participation in purchase;
(b) Comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires federal award subrecipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more;
(c) Assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470), Executive Order 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. § 469a-1 et seq.); and
(d) Comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. § 4831 and 24 CFR Part 35) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

18. Certifications Applicable Only to Federally-Funded Construction Projects

For all construction projects, the Applicant will:

(a) Not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the federal awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with federal assistance funds to assure nondiscrimination during the useful life of the project;
(b) Comply with the requirements of the awarding agency with regard to the drafting, review and approval of construction plans and specifications; and
(c) Provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.

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19. Use of Cellular Device While Driving is Prohibited

The Applicant is required to comply with California Vehicle Code sections 23123 and 23123.5. These laws prohibit driving motor vehicle while using an electronic wireless communications device to write, send, or read a text-based communication. Drivers are also prohibited from the use of a wireless telephone without hands-free listening and talking, unless to make an emergency call to 911, law enforcement, or similar services.

20. California Public Records Act and Freedom of Information Act

The Applicant acknowledges that all information submitted in the course of applying for funding under this program, or provided in the course of an entity's grant management activities that are under Federal control, is subject to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and the California Public Records Act, California Government Code §7920.000 et seq. The Applicant should consider these laws and consult its own State and local laws and regulations regarding the release of information when reporting sensitive matters in the grant application, needs assessment, and strategic planning process.

21. Acknowledgment of Federal Funding from DHS

The Applicant must acknowledge its use of federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds.

22. Activities Conducted Abroad

The Applicant must coordinate with appropriate government authorities when performing project activities outside the United States and obtain all appropriate licenses, permits, or approvals.

23. Best Practices for Collection and Use of Personally Identifiable Information (PII)

DHS defines PII as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. If the Applicant collects PII, the Applicant is required to have a publicly-available privacy policy that describes standards on the usage and maintenance of the PII they collect. The Applicant may refer to the DHS Privacy Impact Assessments: Privacy Guidance and Privacy Template as a useful resource.

Initials _____

FY 2024 Standard Assurances For Cal OES Federal Non-Disaster Preparedness Grant Programs

24. Copyright

Recipients must affix the applicable copyright notices of 17 U.S.C. §§ 401 or 402 to any work first produced under federal awards and also include an acknowledgement that the work was produced under a federal award (including the federal award number and federal awarding agency). As detailed in 2 C.F.R. § 200.315, a federal awarding agency reserves a royalty-free, nonexclusive, and irrevocable right to reproduce, publish, or otherwise use the work for federal purposes and to authorize others to do so.

25. Duplicative Costs

Applicants are prohibited from charging any cost to this federal award that will be included as a cost or used to meet cost sharing or matching requirements of any other federal award in either the current or a prior budget period. (See 2 C.F.R. § 200.403(f)). However, recipients may shift costs that are allowable under two or more federal awards where otherwise permitted by federal statutes, regulations, or the federal financial assistance award terms and conditions.

26. Energy Policy and Conservation Act

The Applicant must comply with the requirements of 42 U.S.C. § 6201 which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.

27. Federal Debt Status

The Applicant is required to be non-delinquent in its repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. See OMB Circular A-129.

28. Fly America Act of 1974

The Applicant must comply with Preference for United States Flag Air Carriers: (a list of certified air carriers can be found at: Certificated Air Carriers List | US Department of Transportation, https://www.transportation.gov/policy/aviation-policy/certificated-air-carriers-list) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. § 40118) and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.

FY 2024 Standard Assurances For Cal OES Federal Non-Disaster Preparedness Grant Programs

29. Hotel and Motel Fire Safety Act of 1990

In accordance with Section 6 of the Hotel and Motel Fire Safety Act of 1990, the Applicant must ensure that all conference, meeting, convention, or training space funded in whole or in part with federal funds complies with the fire prevention and control guidelines of the Federal Fire Prevention and Control Act of 1974, as amended, 15 U.S.C. § 2225a.

30. Non-supplanting Requirement

If the Applicant receives federal financial assistance awards made under programs that prohibit supplanting by law, the Applicant must ensure that federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non- federal sources.

31. Patents and Intellectual Property Rights

Recipients are subject to the Bayh-Dole Act, 35 U.S.C. § 200 et seq. and applicable regulations governing inventions and patents, including the regulations issued by the Department of Commerce at 37 C.F.R. Part 401 (Rights to Inventions Made by Nonprofit Organizations and Small Business Firms under Government Awards, Contracts, and Cooperative Agreements) and the standard patent rights clause set forth at 37 C.F.R. § 401.14.

32. SAFECOM

If the Applicant receives federal financial assistance awards made under programs that provide emergency communication equipment and its related activities, the Applicant must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

33. Terrorist Financing

The Applicant must comply with Executive Order 13224 and United States law that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. The Applicant is legally responsible for ensuring compliance with the Order and laws.

34. Reporting of Matters Related to Recipient Integrity and Performance

If the total value of the Applicant's currently active grants, cooperative agreements, and procurement contracts from all federal assistance offices exceeds $10,000,000 for any period of time during the period of performance of this federal financial assistance award, the Applicant must comply with the requirements set forth in the

government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at 2 C.F.R. Part 200, Appendix XII, the full text of which is incorporated here by reference in the award terms and conditions.

35. USA Patriot Act of 2001

The Applicant must comply with requirements of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act), which amends 18 U.S.C. §§ 175–175c.

36. Use of DHS Seal, Logo, and Flags

The Applicant must obtain written permission from DHS prior to using the DHS seals, logos, crests, or reproductions of flags, or likenesses of DHS agency officials. This includes use of DHS component (e.g., FEMA, CISA, etc.) seals, logos, crests, or reproductions of flags, or likenesses of component officials.

37. Performance Goals (HSGP and NSGP)

In addition to the Biannual Strategy Implementation Report submission requirements outlined in the Preparedness Grants Manual, the Applicant must demonstrate how the grant-funded project addresses the core capability gap associated with each project. The capability gap reduction must be addressed in the Project Description of the BSIR for each project.

38. Applicability of DHS Standard Terms and Conditions to Tribes

The DHS Standard Terms and Conditions are a restatement of general requirements imposed upon the Applicant and flow down to any of its subrecipients as a matter of law, regulation, or executive order. If the requirement does not apply to Indian tribes or there is a federal law or regulation exempting its application to Indian tribes, then the acceptance by Tribes of, or acquiescence to, DHS Standard Terms and

Conditions does not change or alter its inapplicability to an Indian tribe. The execution of grant documents is not intended to change, alter, amend, or impose additional liability or responsibility upon the Tribe where it does not already exist.

39. Required Use of American Iron, Steel, Manufactured Products, and Construction Materials

The Applicant must comply with the "Build America, Buy America" Act (BABAA), enacted as part of the Infrastructure Investment and Jobs Act and Executive Order 14005. Applicants receiving a federal award subject to BABAA requirements may not use federal financial assistance funds for infrastructure projects unless:

(a) All iron and steel used in the project are produced in the United States – this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;
(b) All manufactured products used in the project are produced in the United States – this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and
(c) All construction materials are manufactured in the United States – this means that all manufacturing processes for the construction material occurred in the United States.

The "Buy America" preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. It does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project.

Per section 70914(c) of BABAA, FEMA may waive the application of a Buy America preference under an infrastructure program in certain cases.

40. E.O. 14074 – Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety

Recipient State, Tribal, local, or territorial law enforcement agencies must comply with the requirements of section 12(c) of E.O. 14074. Recipient State, Tribal, local, or territorial law enforcement agencies are also encouraged to adopt and enforce policies consistent with E.O. 14074 to support safe and effective policing.

FY 2024 Standard Assurances For Cal OES Federal Non-Disaster Preparedness Grant Programs

IMPORTANT
The purpose of these assurances is to obtain federal and state financial assistance, including any and all federal and state grants, loans, reimbursement, contracts, etc. Applicant recognizes and agrees that state financial assistance will be extended based on the representations made in these assurances. These assurances are binding on Applicant, its successors, transferees, assignees, etc. as well as any of its subrecipients. Failure to comply with any of the above assurances may result in suspension, termination, or reduction of grant funds.

All appropriate documentation, as outlined above, must be maintained on file by the Applicant and available for Cal OES or public scrutiny upon request. Failure to comply with these requirements may result in suspension of payments under the grant or termination of the grant or both and the Applicant may be ineligible for award of any future grants if Cal OES determines that the Applicant: (1) has made false certification, or (2) violates the certification by failing to carry out the requirements as noted above.

All of the language contained within this document must be included in the award documents for all subawards at all tiers. Applicants are bound by the DHS Standard Terms and Conditions 2024, Version 2, hereby incorporated by reference, which can be found at: https://www.dhs.gov/publication/fy15-dhs- standard-terms-and-conditions.

The undersigned represents that he/she is authorized to enter into this agreement for and on behalf of the Applicant.

Applicant: City of Del Mar

Signature of Authorized Agent: _____

Printed Name of Authorized Agent: Ashley Jones

Title: City Manager Date: _____

City of Del Mar
Agenda Report

TO: Honorable Mayor and City Council Members

FROM: Denise Galvan, Management Analyst
Sarah Krietor, Administrative Services Manager/City Clerk
Via Ashley Jones, City Manager

DATE: May 19, 2025

SUBJECT: Design Review Board Interviews and Appointment

REQUESTED ACTION/RECOMMENDATION:
Staff recommends that the City Council review the Citizen Interest Forms (Attachment A), interview the applicants, and appoint up to two residents to serve as a voting member(s) on the Design Review Board for a full four-year term effective June 1, 2025, and expiring on June 30, 2029.

DISCUSSION/ANALYSIS:
The Design Review Board (DRB) evaluates planning applications for their consistency with the provisions of the Del Mar Community (General) Plan, Zoning Ordinance and the applicable design review standards included in the Design Review Ordinance (DRO).

There are two voting member vacancies on the DRB due to Greg Rothnem and Tina Thomas term expirations on April 5, 2025. The City advertised the vacancies and received three Citizen Interest Forms from Adam Wallace, Steve Mitgang and Tina Thomas (Attachment A). The three applicants have indicated that they meet the requirements of the Del Mar Municipal Code (DMMC) Section 2.38.020 (Attachment B) to serve as voting members on the DRB.

Staff recommends that the City Council review the Citizen Interest Forms, interview the applicants, and vote to appoint up to two applicants to serve on the DRB as voting members for full four-year term(s) beginning on June 1, 2025, and expiring on June 30, 2029.

Pursuant to Council Policy 200 “Committees – City Council Advisory Committees, Boards and Commissions” (Attachment C), an applicant must receive three affirmative votes in order to be appointed. If three affirmative votes are not received, the Council can choose to vote again or to direct staff to reopen the vacancy to solicit additional interest.

A June 1st term start date for new member(s) will allow Design Review Board Members Rothnem and Thomas to serve on the Design Review Board for the May 2025 meeting which will allow staff adequate time to train new member(s).

If the vacancies are filled, the DRB will have a full roster of voting members, with two ex-officio (non-voting member) vacancies.

City Council Action:

ATTACHMENTS:
Attachment A - Citizen Interest Forms
Attachment B - Del Mar Municipal Code Section 2.38.020
Attachment C - City Council Policy 200

DEL MAR CITIZEN INTEREST FORM

RECEIVED
By kizgarskaia at 5:35 pm, 4/3/25

I. APPLICANT INFORMATION

Wallace (Last Name) | Adam (First Name) | (Middle Initial)

[redacted] (Home Street Address*) | Del Mar, CA (City, State)

**Applicants are required to provide a physical residency address. Mailing addresses or Post Office boxes will not be accepted. The City will maintain all residency addresses strictly confidential.*

(Business Street Address (if applicable)) | (City, State)

[redacted] (Home Phone Number) | [redacted] (Business Phone Number) | [redacted] (E-mail Address)

II. APPLICATION DETAILS

I am interested in serving on the following Committees, Board(s) or Commission(s) in order of preference (indicate 1st, 2nd choice, etc.):

___ Arts Advisory Committee
___ Parks and Recreation Committee
_1_ Design Review Board
___ Planning Commission
___ Finance Committee
___ Sustainability Advisory Committee
___ Lagoon Committee
___ Traffic and Parking Advisory Committee
___ Measure Q Citizen Oversight Committee
___ Undergrounding Project Advisory Committee
___ Other(s) (please indicate):_____

Qualifications for appointment and/or reasons for application (attach additional pages as needed):

20+ years of experience as a strategy and operations executive, deep experance in leadership, organizational transformations, and strategic planning across a wide variety of industries, including energy, technology, defense, and healthcare. Currently, I own a holding company and serve as a fractional executive in fast growth companies.

Education:

MFA in Technical Production from University of Delaware (Recruited on a full academic scholarship and stipend to the three-year graduate conservatory)
BS in Managment from MTSU

THIS IS A PUBLIC RECORD SUBJECT TO DISCLOSURE.
Note: Personal information may be withheld from public view as allowed by law

Relevant Experience (job or volunteer etc.):

Multi-decade experience partnering with fortune 100 executive leadership teams to led strategy and cultural pivots, including US military and government contractors. These experiences have honed my ability to navigate complex challenges and guide organizations through periods of transformation.

Name all of the Del Mar Committees/Boards/Commissions that you now serve on:

Undergrounding

Please name all the Boards/Commissions/Committee/Task Forces that you have served on in the past, and if you can, the dates of your service:

TGN Consulting - Board Member
Collective Equities - Investment Committee
GDX Marketing - Advisory Board

Optional: Please list three Del Mar residents who can provide a reference:**

NAME	STREET NAME (no house number)	Phone Number
Bobby Ocampo	Stratford Ct	[redacted]
Bill Gerhard	Ocean Ave (Fmr.)	
Beth McGinty	10th St	

***Due to Brown Act limitations that restrict communications between Councilmembers regarding upcoming actions of the City Council, please do not include a current sitting Councilmember as a reference for your appointment.*

Residency

	Month	Year
I have been a resident of California since:	Jan	2012 / 2023
I have been a resident of San Diego County since:	Jan	2012 / 2023
I have been a resident of Del Mar since:	Jan	2012 / 2023

What part of town do you live in? Geographic diversity is desirable and will be taken into account. Check the neighborhood map to verify your neighborhood.

- ☐ North Bluff
- ☐ North Beach
- ☐ South Beach
- ☑ Village Center
- ☐ South Bluff
- ☐ South Hills
- ☐ North Hills
- ☐ Valley

Are you a full-time or part-time resident of Del Mar? ☑ Full-time ☐ Part-time

Is Del Mar your primary place of residence? ☑ Yes ☐ No

Are you a registered voter in Del Mar? ☑ Yes ☐ No

III. COMMITTEE SPECIFIC QUESTIONS

The following are additional questions related to specific committees. Please answer the questions only for the committee(s) you are applying for.

1. **Arts Advisory Committee**

Membership on the Arts Advisory Committee is set by category. Which membership category do you best fit in? Select all that apply. (Note that City staff, consultants, and vendors are precluded from serving on the Arts Advisory Committee.)

- ☐ Resident with an art background
- ☐ Resident without an art background
- ☐ Business Owner- Art related business
- ☐ Del Mar Foundation Representative
- ☐ Del Mar Village Association Representative
- ☐ Ex-Officio (non-voting) – with Art related expertise
- ☐ Other (please explain): _____

Describe your experience and skills as they relate to the world of community art and fine art.

Why in your opinion is public art valuable to the Del Mar community?

What is your public art philosophy?

2. **Finance Committee**

The Finance Committee is looking for applicants with financial expertise and background.

Please describe your experience reviewing financial reports, conducting financial studies or any related experience. Please include any experience specific to public entities.

What aspects of the City's finances most interest you and why?

3. **Measure Q Citizen Oversight Committee**

Membership on the Measure Q Citizen Oversight Committee is set by category. Which membership category do you best fit in? (Select all that apply)

☐ Current (or within past 5 years) Finance Committee Member
☐ Business Community Member
☐ At-large Resident Member
☐ Other (please explain): _____

4. **Traffic and Parking Advisory Committee**

Which membership category do you best fit in? (Select all that apply)

☐ Business representative (can be a non-resident)
☐ Resident
☐ Other (please explain): _____

Do you have any special expertise or experience related to traffic and parking? If yes, please explain:

5. **Parks and Recreation Committee**

The Parks and Recreation Committee is looking for applicants with an interest in the City's parks and open spaces.

Please describe your personal or professional experience related to parks, open spaces, trails, public recreation or any similar experience.

What aspects of the City's parks and recreation most interest you and why?

6. **Lagoon Committee**

The Lagoon Committee is looking for applicants interested in the preservation of the lagoon and surrounding area.

What aspect(s) of being on the Lagoon Committee most interest you and why?

7. **Shores Advisory Committee**

The Shores Advisory Committee is looking for applicants interested in the Shores Park property and planning process.

What aspects of being on the Shores Advisory Committee most interest you and why?

Please describe your vision for the future of Shores Park.

8. **Sustainability Advisory Committee**

The Sustainability Advisory Committee members are community leaders on environmental issues.

In what ways would you like to contribute to a more sustainable world either in your personal life or on a broader community level?

Please describe any outreach or public education efforts you have participated in related to environmental issues or in other areas. Do you have skills or experience in outreach that you could bring to the Sustainability Advisory Committee?

9. **Undergrounding Project Advisory Committee**

The Undergrounding Project Advisory Committee is seeking applicants with an interest in the citywide undergrounding project.

Is your utility service undergrounded? What involvement did you have, if any?

What aspects of being on the Utility Undergrounding Advisory Committee most interest you?

10. **Design Review Board and/or Planning Commission**

Briefly describe your qualifications and experience as it relates to serving on the Design Review Board or Planning Commission. The required qualifications for each can be found in the Del Mar Municipal Code (DMMC) Chapters 2.34 and 2.38. You will be able to provide more information at a City Council public meeting during an open interview process.

Engineering and construction experience, legal training, and years designing governance systems and structures for large organizations. Day to day I regularly manage trade offs between originating intent, as lived application, and consistent governance oversite.

11. **For All Committees: Thank you for completing the Citizen Interest Form. Is there anything else you would like to add to your application for the City Council to consider?**

IV. SIGNATURE AND ACKNOWLEDGEMENT

Please review the important information below before signing and submitting your application. Please note that recommendations for appointments to City advisory committees (other than the Planning Commission and Design Review Board) are made by the Council Liaisons to that Committee. The appointments are then placed on the consent calendar for consideration for approval by the full City Council at the next available City Council meeting. For reasons of privacy, the individual candidates are not discussed at the meeting.

Additionally, the Del Mar Conflict of Interest Code requires that members of the Design Review Board, Planning Commission, and Finance Committee file Conflict of Interest Statements with the Administrative Services Department in conformance with the Fair Political Practices Commission and the City's Conflict of Interest Code. Other advisory committee members are not required to file Conflict of Interest Statements.

By signing below, you are acknowledging that you have reviewed the Committee webpage for which you are applying and that you understand the conflict of interest filing requirement, if applicable. Part of your service may include ethics and anti-harassment training upon appointment and bi-annually. Visit the City's Conflict of Interest Code webpage to learn more about the requirement.

By submitting this application, you are signing under penalty of perjury that the information you are providing, is true and correct to the best of your knowledge.

[redacted] _ April 3rd 2025
Date

Within three (3) business days you will receive a confirmation email that your application is received. If you have questions, please email cityclerk@delmar.ca.us or call (858) 755-9313 and a staff member will get back to you promptly.

RECEIVED April 3, 2025 4:12 PM

CITY OF DEL MAR

CITIZEN INTEREST FORM

***IMPORTANT*:** *Save the form on your computer prior to filling it out. Do not fill out the form in the Internet browser.*

Thank you for your interest in serving the Del Mar Community. Please use this Citizen Interest Form to apply to serve on a City of Del Mar advisory committee, Planning Commission, or Design Review Board. The City of Del Mar greatly values the many talented citizens who volunteer to serve in city government. We encourage you to get involved. Please indicate whether you are seeking to serve on the Del Mar Planning Commission, Design Review Board, or one or more of the City's many advisory committees, and please note your order of preference indicating 1st, 2nd choice, etc.

Before making your selection, we encourage you to spend some time learning about what each entity does, what its mission is, and what your role would be if you were appointed. Please note that in addition to the general questions below to be answered by all applicants, there are also specific questions tailored to service on the Planning Commission, Design Review Board, or an advisory committee to be answered as well.

Before applying, you are encouraged to attend or watch a committee meeting and review recent committee agendas and meeting minutes. If appointed, you will be expected to attend the meetings, which typically last about 2 hours in length, or more depending on the agenda, and require about 1 hour of preparation time for each meeting. Please note that in accordance with City Council Policy 200, committee members must not miss more than three meetings in a given calendar year. Committee meeting times vary, so please review the website calendar to make sure the meeting times for the committee you are applying for work for your schedule: Public Meeting Calendar.

You can also view current committee webpages, charters, and member rosters to get more information about each committee. In accordance will *Council Policy 200- City Council Advisory Committees, Boards and Commissions* members of the public may serve on two boards, committees or commissions concurrently except in special circumstances as determined by the Council. Additionally, the number of consecutive terms that an individual may serve on a committee is two unless the City Council makes an exception if they feel it is to the benefit of the committee to re-appoint an individual to a third term. Please note that ex-officio members are non-voting and may be non-residents.

Form Submittal: Citizen Interest Forms must be submitted by the published deadline. Forms can be submitted in-person or by mail at: Del Mar City Hall, 1050 Camino del Mar, Del Mar 92014; or via email: cityclerk@delmar.ca.us.

DEL MAR CITIZEN INTEREST FORM

I. APPLICANT INFORMATION

Mitgang	Steve	R
Last Name	First Name	Middle Initial

[redacted] Del Mar, CA

Home Street Address* City, State

**Applicants are required to provide a physical residency address. Mailing addresses or Post Office boxes will not be accepted. The City will maintain all residency addresses strictly confidential.*

Business Street Address (if applicable) City, State

[redacted] [redacted]

Home Phone Number Business Phone Number E-mail Address

II. APPLICATION DETAILS

I am interested in serving on the following Committees, Board(s) or Commission(s) in order of preference (indicate 1st, 2nd choice, etc.):

___ Arts Advisory Committee

__X_ Design Review Board

___ Finance Committee

___ Lagoon Committee

___ Measure Q Citizen Oversight Committee

___ Other(s) (please indicate):_____

___ Parks and Recreation Committee

___ Planning Commission

___ Sustainability Advisory Committee

___ Traffic and Parking Advisory Committee

___ Undergrounding Project Advisory Committee

Qualifications for appointment and/or reasons for application (attach additional pages as needed):

- I have lived in 90214 for 30 years and am sensitive to the special aspects of what Del Mar is and means to both residents and visitors. I built a new home on Crest Rd in 2022/2023.
- My wife and I just went through the DRB process to start and complete our new home on Crest. Hence, I am very familiar with the various needs of the city and as a resident related to the process of building a home in the area and adjacent to a sensitive area.
- As a serial Tech CEO, I am sensitive to serving many constituents with competing interests and have run many complex projects in business - and familiar with real estate projects that also included sensitive areas. The next few years will have many complex commercial and residential projects in Del Mar, needing a deft hand to adhere to the City's values regarding preserving our unique community. While allowing appropriate development.
- I have a very positive reputation in the business community as someone who has built many successful companies and am thought to be a great listener who can uniquely

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Note: Personal information may be withheld from public view as allowed by law

understand the needs of multiple constituents, and always treat people with candor and transparency.
- I will be a DRB member who is actively engaged, will visit planned sites and critically their adjacent properties/owner sites. I am passionate about privacy and view corridors, while equally passionate about running an objective and fact-based process.
- I will pay attention to the details and look beyond the obvious such as property owners who have stayed silent or projects in the (ADR) administrative review lane.
- I have a few ideas to help the City Council create a framework for interviewing prospective DRB members to assess their character and decision-making spectrum.
- I will also ask many questions to understand our roll and areas for improvement, such as how to ensure that post construction all parties remain aligned to the spirit of the approvals received.

Education:

AB Architecture UC Berkeley 1983

Relevant Experience (job or volunteer etc.):

- I am serial Tech Start Up CEO (retired) where having a strategic plan and listening to many constituents with conflicting needs is core to the job responsibility
- Each start up I led in San Diego (4) has had various real estate needs and processes that range from complete newly built structures to major retrofits. One was in a bluff sensitive area. I had to deal with commercial and residential zoning and regulations.
- My recent new construction in Del Mar on Crest Rd., within a sensitive bluff and fire zone, and going through the DRB and community process has provided valuable experience. My own DRB experience will help create empathy with various constiuents.
- I have built two homes from scratch in the last 20 years.
- I have worked with various departments within the city related to our build process: planning, public works, finance, etc.

Name all of the Del Mar Committees/Boards/Commissions that you now serve on:

- None

Please name all the Boards/Commissions/Committee/Task Forces that you have served on in the past, and if you can, the dates of your service:

NA

Optional: Please list three Del Mar residents who can provide a reference:**

NAME	STREET NAME (no house number)	Phone Number
Katherine Holiday -Sohn	Beach Colony	On request
Beth Levine	Crest Rd.	On request
Charlie Gaylord	Ocean Front	On request

***Due to Brown Act limitations that restrict communications between Councilmembers regarding upcoming actions of the City Council, please do not include a current sitting Councilmember as a reference for your appointment.*

Residency

	Month	Year
I have been a resident of California since:	July	1970
I have been a resident of San Diego County since:	July	1991
I have been a resident of 90214 Crest Rd July 2023	July Crest Rd July	1991 2023

What part of town do you live in? Geographic diversity is desirable and will be taken into account. Check the neighborhood map to verify your neighborhood.

- ☐ North Bluff
- ☐ North Beach
- ☐ South Beach
- ☐ Village Center
- ☐ South Bluff
- ☐ South Hills
- ☒ North Hills
- ☐ Valley

Are you a full-time or part-time resident of Del Mar? ☒ Full-time ☐ Part-time

Is Del Mar your primary place of residence? ☒ Yes ☐ No

Are you a registered voter in Del Mar? ☒ Yes ☐ No

III. COMMITTEE SPECIFIC QUESTIONS

The following are additional questions related to specific committees. Please answer the questions only for the committee(s) you are applying for.

1. **Arts Advisory Committee**

Membership on the Arts Advisory Committee is set by category. Which membership category do you best fit in? Select all that apply. (Note that City staff, consultants, and vendors are precluded from serving on the Arts Advisory Committee.)

- ☐ Resident with an art background
- ☐ Resident without an art background
- ☐ Business Owner- Art related business
- ☐ Del Mar Foundation Representative
- ☐ Del Mar Village Association Representative
- ☐ Ex-Officio (non-voting) – with Art related expertise
- ☐ Other (please explain): _____

Describe your experience and skills as they relate to the world of community art and fine art.

Why in your opinion is public art valuable to the Del Mar community?

What is your public art philosophy?

2. **Finance Committee**

The Finance Committee is looking for applicants with financial expertise and background.

Please describe your experience reviewing financial reports, conducting financial studies or any related experience. Please include any experience specific to public entities.

What aspects of the City's finances most interest you and why?

3. **Measure Q Citizen Oversight Committee**

Membership on the Measure Q Citizen Oversight Committee is set by category. Which membership category do you best fit in? (Select all that apply)

- ☐ Current (or within past 5 years) Finance Committee Member
- ☐ Business Community Member
- ☐ At-large Resident Member

☐ Other (please explain): _____

4. **Traffic and Parking Advisory Committee**

Which membership category do you best fit in? (Select all that apply)

☐ Business representative (can be a non-resident)
☐ Resident
☐ Other (please explain): _____

Do you have any special expertise or experience related to traffic and parking? If yes, please explain:

5. **Parks and Recreation Committee**

The Parks and Recreation Committee is looking for applicants with an interest in the City's parks and open spaces.

Please describe your personal or professional experience related to parks, open spaces, trails, public recreation or any similar experience.

What aspects of the City's parks and recreation most interest you and why?

6. **Lagoon Committee**

The Lagoon Committee is looking for applicants interested in the preservation of the lagoon and surrounding area.

What aspect(s) of being on the Lagoon Committee most interest you and why?

7. **Shores Advisory Committee**

The Shores Advisory Committee is looking for applicants interested in the Shores Park property and planning process.

What aspects of being on the Shores Advisory Committee most interest you and why?

Please describe your vision for the future of Shores Park.

8. **Sustainability Advisory Committee**

The Sustainability Advisory Committee members are community leaders on environmental issues.

In what ways would you like to contribute to a more sustainable world either in your personal life or on a broader community level?

Please describe any outreach or public education efforts you have participated in related to environmental issues or in other areas. Do you have skills or experience in outreach that you could bring to the Sustainability Advisory Committee?

9. **Undergrounding Project Advisory Committee**

The Undergrounding Project Advisory Committee is seeking applicants with an interest in the citywide undergrounding project.

Is your utility service undergrounded? What involvement did you have, if any?

What aspects of being on the Utility Undergrounding Advisory Committee most interest you?

10. **Design Review Board and/or Planning Commission**

Briefly describe your qualifications and experience as it relates to serving on the Design Review Board or Planning Commission. The required qualifications for each can be found in the Del Mar

Municipal Code (DMMC) Chapters 2.34 and 2.38. You will be able to provide more information at a City Council public meeting during an open interview process.

- I have lived in the Del Mar for 30 years (Mira Montana Dr. In the Heights) and am sensitive to the special aspects of what Del Mar is and means to both residents and visitors. I have lived in Del Mar proper since July, 2023
- My wife and I just went through the DRB process to start and complete our new home on Crest. Hence, I am very familiar with the various needs of the city and as a resident related to the process of building a home in the area and adjacent to a sensitive area.
- I have a degree in Architecture from UC Berkeley and have run many complex projects in business. I have led real estate projects also including sensitive areas.
- I have personally designed and built two homes. The home on Crest Rd was designed by Brian Church.
- I have a very positive reputation in the business community as someone who has built many successful companies and am thought to be a great listener who can uniquely understand the needs of multiple constituents, and always treat people with candor and transparency.

11. **For All Committees: Thank you for completing the Citizen Interest Form. Is there anything else you would like to add to your application for the City Council to consider?**

I appreciate the needs of complex processes and constituents and have a great reputation as a strong communicator and leader. Having just gone through the DRB process, I can be empathetic to the questions and issues being raised and also help create focus and streamline process where appropriate.

IV. SIGNATURE AND ACKNOWLEDGEMENT

Please review the important information below before signing and submitting your application. Please note that recommendations for appointments to City advisory committees (other than the Planning Commission and Design Review Board) are made by the Council Liaisons to that Committee. The appointments are then placed on the consent calendar for consideration for approval by the full City Council at the next available City Council meeting. For reasons of privacy, the individual candidates are not discussed at the meeting.

Additionally, the Del Mar Conflict of Interest Code requires that members of the Design Review Board, Planning Commission, and Finance Committee file Conflict of Interest Statements with the Administrative Services Department in conformance with the Fair Political Practices Commission and the City's Conflict of Interest Code. Other advisory committee members are not required to file Conflict of Interest Statements.

By signing below, you are acknowledging that you have reviewed the Committee webpage for which you are applying and that you understand the conflict of interest filing requirement, if applicable. Part of your service may include ethics and anti-harassment training upon appointment and bi-annually. Visit the City's Conflict of Interest Code webpage to learn more about the requirement.

By submitting this application, you are signing under penalty of perjury that the information you are providing, is true and correct to the best of your knowledge.

[redacted]

Signature

September 29, 2024.

Date

Within three (3) business days you will receive a confirmation email that your application is received. If you have questions, please email cityclerk@delmar.ca.us or call (858) 755-9313 and a staff member will get back to you promptly.

CITIZEN INTEREST FORM

RECEIVED
By Skrietor at 3:15 pm, 4/4/25

CITY OF DEL MAR

***IMPORTANT*:** *Save the form on your computer prior to filling it out. Do not fill out the form in the Internet browser.*

Thank you for your interest in serving the Del Mar Community. Please use this Citizen Interest Form to apply to serve on a City of Del Mar advisory committee, Planning Commission, or Design Review Board. The City of Del Mar greatly values the many talented citizens who volunteer to serve in city government. We encourage you to get involved. Please indicate whether you are seeking to serve on the Del Mar Planning Commission, Design Review Board, or one or more of the City's many advisory committees, and please note your order of preference indicating 1st, 2nd choice, etc.

Before making your selection, we encourage you to spend some time learning about what each entity does, what its mission is, and what your role would be if you were appointed. Please note that in addition to the general questions below to be answered by all applicants, there are also specific questions tailored to service on the Planning Commission, Design Review Board, or an advisory committee to be answered as well.

Before applying, you are encouraged to attend or watch a committee meeting and review recent committee agendas and meeting minutes. If appointed, you will be expected to attend the meetings, which typically last about 2 hours in length, or more depending on the agenda, and require about 1 hour of preparation time for each meeting. Please note that in accordance with City Council Policy 200, committee members must not miss more than three meetings in a given calendar year. Committee meeting times vary, so please review the website calendar to make sure the meeting times for the committee you are applying for work for your schedule: Public Meeting Calendar.

You can also view current committee webpages, charters, and member rosters to get more information about each committee. In accordance will *Council Policy 200- City Council Advisory Committees, Boards and Commissions* members of the public may serve on two boards, committees or commissions concurrently except in special circumstances as determined by the Council. Additionally, the number of consecutive terms that an individual may serve on a committee is two unless the City Council makes an exception if they feel it is to the benefit of the committee to re-appoint an individual to a third term. Please note that ex-officio members are non-voting and may be non-residents.

Form Submittal: Citizen Interest Forms must be submitted by the published deadline. Forms can be submitted in-person or by mail at: Del Mar City Hall, 1050 Camino del Mar, Del Mar 92014; or via email: cityclerk@delmar.ca.us. **Please note:** City Hall is closed to the public for in-person services on Fridays, and Citizen Interest Forms should be submitted via email only on Fridays. Citizen Interest Forms can be submitted in-person or via email Monday through Thursday.

DEL MAR CITIZEN INTEREST FORM

I. APPLICANT INFORMATION

Thomas — Last Name
Tina — First Name
R — Middle Initial
[redacted] — Home Street Address*
Del Mar, CA — City, State

**Applicants are required to provide a physical residency address. Mailing addresses or Post Office boxes will not be accepted. The City will maintain all residency addresses strictly confidential.*

[redacted]ss (if applicable)

[redacted] — Home Phone Number
Business Phone Number
[redacted]

II. APPLICATION DETAILS

I am interested in serving on the following Committees, Board(s) or Commission(s) in order of preference (indicate 1st, 2nd choice, etc.):

___ Arts Advisory Committee
___ Parks and Recreation Committee
✓ Design Review Board
___ Planning Commission
___ Finance Committee
___ Sustainability Advisory Committee
___ Lagoon Committee
___ Traffic and Parking Advisory Committee
___ Measure Q Citizen Oversight Committee
___ Undergrounding Program Advisory Committee
___ Other(s) (please indicate):_____

Qualifications for appointment and/or reasons for application (attach additional pages as needed):

I have been through the DRB personally & sat on the DRB for 4 years. I believe in the DRB & Community Plan & believe with the new guidelines the DRB is working well together, respectful of the process. I would like to continue serving the city as I believe my experience as an applicant & member is beneficial.

Education:

BA. Arch. UC Berkeley

THIS IS A PUBLIC RECORD SUBJECT TO DISCLOSURE.
Note: Personal information may be withheld from public view as allowed by law

Relevant Experience (job or volunteer etc.):

applicant to DRB for my home
Architectural degree
DRB for 4 years

Name all of the Del Mar Committees/Boards/Commissions that you now serve on:

DRB

Please name all the Boards/Commissions/Committee/Task Forces that you have served on in the past, and if you can, the dates of your service:

Optional: Please list three Del Mar residents who can provide a reference:**

NAME	STREET NAME (no house number)	Phone Number
Aimée Mantle		
Tom Collins		
Laura Glathorn		

***Due to Brown Act limitations that restrict communications between Councilmembers regarding upcoming actions of the City Council, please do not include a current sitting Councilmember as a reference for your appointment.*

Residency

	Month	Year
I have been a resident of California since:	6	1961
I have been a resident of San Diego County since:	5	1985
I have been a resident of Del Mar since:	5	2019

What part of town do you live in? Geographic diversity is desirable and will be taken into account. Check the neighborhood map to verify your neighborhood.

- ☐North Bluff
- ☒North Beach
- ☐South Beach
- ☐Village Center
- ☐South Bluff
- ☐South Hills
- ☐North Hills
- ☐Valley

Are you a full-time or part-time resident of Del Mar? ☒Full-time ☐Part-time

Is Del Mar your primary place of residence? ☒Yes ☐ No

Are you a registered voter in Del Mar? ☒Yes ☐ No

THIS IS A PUBLIC RECORD SUBJECT TO DISCLOSURE.
Note: Personal information may be withheld from public view as allowed by law

III. COMMITTEE SPECIFIC QUESTIONS

The following are additional questions related to specific committees. Please answer the questions only for the committee(s) you are applying for.

1. Arts Advisory Committee

Membership on the Arts Advisory Committee is set by category. Which membership category do you best fit in? Select all that apply. (Note that City staff, consultants, and vendors are precluded from serving on the Arts Advisory Committee.)

□Resident with an art background
□Resident without an art background
□Business Owner- Art related business
□Del Mar Foundation Representative
□Del Mar Village Association Representative
□Ex-Officio (non-voting) – with Art related expertise
□Other (please explain): _____

Describe your experience and skills as they relate to the world of community art and fine art.

Why in your opinion is public art valuable to the Del Mar community?

What is your public art philosophy?

2. Finance Committee

The Finance Committee is looking for applicants with financial expertise and background.

Please describe your experience reviewing financial reports, conducting financial studies or any related experience. Please include any experience specific to public entities.

What aspects of the City's finances most interest you and why?

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Note: Personal information may be withheld from public view as allowed by law

3. Measure Q Citizen Oversight Committee

Membership on the Measure Q Citizen Oversight Committee is set by category. Which membership category do you best fit in? (Select all that apply)

□Current (or within past 5 years) Finance Committee Member
□Business Community Member
□At-large Resident Member
□Other (please explain): _____

4. Traffic and Parking Advisory Committee

Which membership category do you best fit in? (Select all that apply)

□Business representative (can be a non-resident)
□Resident
□Other (please explain): _____

Do you have any special expertise or experience related to traffic and parking? If yes, please explain:

5. Parks and Recreation Committee

The Parks and Recreation Committee is looking for applicants with an interest in the City's parks and open spaces.

Please describe your personal or professional experience related to parks, open spaces, trails, public recreation or any similar experience.

What aspects of the City's parks and recreation most interest you and why?

6. Lagoon Committee

The Lagoon Committee is looking for applicants interested in the preservation of the lagoon and surrounding area.

What aspect(s) of being on the Lagoon Committee most interest you and why?

THIS IS A PUBLIC RECORD SUBJECT TO DISCLOSURE.
Note: Personal information may be withheld from public view as allowed by law

7. Shores Advisory Committee

The Shores Advisory Committee is looking for applicants interested in the Shores Park property and planning process.

What aspects of being on the Shores Advisory Committee most interest you and why?

Please describe your vision for the future of Shores Park.

8. Sustainability Advisory Committee

The Sustainability Advisory Committee members are community leaders on environmental issues.

In what ways would you like to contribute to a more sustainable world either in your personal life or on a broader community level?

Please describe any outreach or public education efforts you have participated in related to environmental issues or in other areas. Do you have skills or experience in outreach that you could bring to the Sustainability Advisory Committee?

9. Undergrounding Program Advisory Committee

The Undergrounding Program Advisory Committee is seeking applicants with an interest in the citywide undergrounding project.

Is your utility service undergrounded? What involvement did you have, if any?

What aspects of being on the Utility Undergrounding Advisory Committee most interest you?

THIS IS A PUBLIC RECORD SUBJECT TO DISCLOSURE.
Note: Personal information may be withheld from public view as allowed by law

10. **Design Review Board and/or Planning Commission**

Briefly describe your qualifications and experience as it relates to serving on the Design Review Board or Planning Commission. The required qualifications for each can be found in the Del Mar Municipal Code (DMMC) Chapters 2.34 and 2.38. You will be able to provide more information at a City Council public meeting during an open interview process.

I understand the ordinances & guidelines & believe they serve the city & applicants well. I understand design, scaling & massing both through my education & work & volunteer experience.

11. **For All Committees: Thank you for completing the Citizen Interest Form. Is there anything else you would like to add to your application for the City Council to consider?**

IV. SIGNATURE AND ACKNOWLEDGEMENT

Please review the important information below before signing and submitting your application. Please note that recommendations for appointments to City advisory committees (other than the Planning Commission and Design Review Board) are made by the Council Liaisons to that Committee. The appointments are then placed on the consent calendar for consideration for approval by the full City Council at the next available City Council meeting. For reasons of privacy, the individual candidates are not discussed at the meeting.

Additionally, the Del Mar Conflict of Interest Code requires that members of the Design Review Board, Planning Commission, and Finance Committee file Conflict of Interest Statements with the Administrative Services Department in conformance with the Fair Political Practices Commission and the City's Conflict of Interest Code. Other advisory committee members are not required to file Conflict of Interest Statements.

By signing below, you are acknowledging that you have reviewed the Committee webpage for which you are applying and that you understand the conflict of interest filing requirement, if applicable. Part of your service may include ethics and anti-harassment training upon appointment and bi-annually. Visit the City's Conflict of Interest Code webpage to learn more about the requirement.

By submitting this application, you are signing under penalty of perjury that the information you are providing, is true and correct to the best of your knowledge.

[redacted]

4-4-25
Date

Within three (3) business days you will receive a confirmation email that your application is received. If you have questions, please email cityclerk@delmar.ca.us or call (858) 755-9313 and a staff member will get back to you promptly.

Del Mar Municipal Code – Design Review Board Membership

2.38.020 - Membership.

A. The Design Review Board shall consist of seven members who are registered voters of the City of Del Mar and maintain residency within the City's municipal boundaries. Residency shall be maintained for no less than six months prior to appointment and if a Board Member ceases to reside within the City during their membership on the Design Review Board, the appointment of such person shall be deemed to have been terminated. For the purposes of this section, residency shall mean someone who maintains residence and is physically present in the City of Del Mar for no less than six months per calendar year.

B. Members shall serve staggered, four-year terms.

C. The members shall be persons who, by experience, training, education, or occupation, have demonstrated talent and interest in developing the aesthetics of environmentally sensitive design within the framework of practical considerations.

D. The Design Review Board shall also include an eighth, ex-officio member and an ex-officio alternate, both appointed to a two-year term by a majority of the City Council.

1. The ex-officio member and alternate shall be appointed based on their professional experience in architecture, landscape architecture, planning or urban design.

2. The ex-officio member, or alternate, shall assist the Design Review Board members in their deliberations as to whether an application for a Design Review Permit is consistent with the applicable standards of review. As requested, the ex-officio member, or alternate, shall also assist the members in a determination of the existence of feasible design alternatives. However, neither the ex-officio member, nor alternate, shall participate in the votes on applications.

3. The ex-officio member, or alternate, shall not be counted for purposes of determining the existence of a quorum of the Design Review Board.

4. The ex-officio member and alternate should preferably be residents of the City but neither is required to be a resident of the City.

5. The ex-officio alternate shall serve in the absence of the ex-officio member.

6. The ex-officio member and alternate shall comply with all City of Del Mar Conflict of Interest regulations.

(Ord. No. 767; Ord. No. 785; Ord. No. 793; Ord. No. 825; Ord No. 931 , § 1, 9-18-2017)

CITY OF DEL MAR CITY COUNCIL POLICY BOOK			
200	**CITY COUNCIL ADVISORY COMMITTEES, BOARDS AND COMMISSIONS**	**DATE REVISED:**	04/04/2022
		BY RESOLUTION:	2022-25
		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.

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.

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 living.

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.

D. City Advisory Committee Membership Categories

1. Subject to the membership limits set forth in Section E(6) of this policy, the City Council may designate seat(s) for ex-officio members in a committee's charter. 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 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 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. All City advisory committees have a maximum committee membership of seven (7) to nine (9) total members, including ex-officio 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 wiling 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 the 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 the 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 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
Agenda Report

TO: Honorable Mayor and City Council Members

FROM: Amanda Lee, Principal Planner
Karen Brindley, Planning and Community Development Director
Via Ashley Jones, City Manager

DATE: May 19, 2025

SUBJECT: Introduction of an Ordinance to Accept California Coastal Commission (CCC) Modifications to the Senate Bill 9 Implementation Ordinance No. 996 Adopted by the City Council on June 19, 2023, to Amend the Del Mar Municipal Code and Local Coastal Program for Consistency with the April 9, 2025, Coastal Commission Conditional Certification Decision Relating to Two-Unit and Urban Lot Split Development in Single Dwelling Unit Residential Zones

REQUESTED ACTION/RECOMMENDATION:
Staff recommends the City Council take the following actions:

1) Confirm staff's determination that this action is exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378 and Government Code Sections 65852.21(j) and 66411.7(n) because the adoption of an ordinance to implement SB 9 is not considered a project under Division 13 of the Public Resources Code; and

2) Introduce an Ordinance (Attachment A) to accept changes required by the CCC as a condition of final certification of the Local Coastal Program Amendment (LCPA), which amends the California Senate Bill 9 (SB 9) Implementation Ordinance No. 996 (Attachment B) previously adopted by the City Council on June 19, 2023, that added new Del Mar Municipal Code (DMMC) Chapters 23.07, 24.66, and 30.93 and amended DMMC Chapters 30.10, 30.11, 30.12, 30.13, 30.14, 30.15, and 30.75. The proposed Ordinance would further amend DMMC Chapters 23.07, 24.66, 30.13, 30.15, and 30.93 for consistency with the April 9, 2025, CCC conditional certification decision.

BACKGROUND:
The SB 9 State Housing law, as set forth in California Government Code Sections 65852.21 and 66411.7, is intended to address the statewide housing crisis by facilitating construction of additional dwelling units on lots in certain single dwelling residential (R1) zones. Lots are eligible for SB 9 where they meet specified criteria per State law, including compliance with

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City Council Action:

the Coastal Act. In the City of Del Mar, opportunities for SB 9 development apply to lots in the R1-10 and R1-5 zones. See Attachment E for maps of properties that are currently eligible and parcels that are currently not eligible due to current conditions related to narrow street widths (less than 20 feet) in fire hazard severity areas and environmental constraints in the Bluff, Slope, and Canyon Overlay Zone. If these conditions change over time, additional SB 9 properties could become eligible in the R1-40 and R1-14 zones as accommodated by the SB 9 implementing regulations.

SB 9 requires local agencies to ministerially process and review applications for SB 9 development in R1 zones subject to objective design standard criteria. The two types of SB 9 projects are referred to as: 1) SB 9 "Two Unit Residential Development" projects that allow development of two primary dwelling units on a lot (duplex development); or 2) SB 9 "Urban Lot Splits" to allow for subdivision of one lot into two lots for development of two primary dwelling units on each resulting lot and maximum of four units total per eligible project.

SB 9 projects encumber future development of the site regardless of whether the proposal maintains one parcel or creates two parcels through a lot split. An owner that pursues SB 9 development is not able to subsequently develop additional Accessory Dwelling Units (ADUs) or Junior ADUs (JrADUs) beyond the maximum four-unit total allowance per SB 9 project.

Following are potential SB 9 development combinations on R1 lots per the State mandate:

SB 9 Project Option with No Lot Split (Maintains One Lot)

- Two primary dwelling units, one ADU, and one JrADU; or
- Two primary dwelling units and two ADUs

SB 9 Project Option with Lot Split (Lot is Split into Two Lots)

- One or two primary dwelling units on each lot; or
- One primary unit plus one ADU or JrADU on each lot; or
- One primary unit with one ADU or JrADU on one lot and the new lot created left vacant and limited to future development of one primary unit plus one ADU or JrADU

To satisfy the City's inclusionary housing requirement, the owner must deed restrict one unit in a SB 9 project for rent to a low-income household. The requirement for one low-income unit applies to the project as a whole. As indicated above, one lot may be left vacant in a SB 9 lot split project, however, in such cases the SB 9 project cannot be approved unless one low-income unit is created on the developed parcel (i.e., primary dwelling unit and one deed restricted low-income ADU or JrADU). No additional inclusionary housing requirement applies for this type of lot split project.

Tenants qualify for affordable housing based on household income level. Currently, the Area Median Income (AMI) for the San Diego region, effective April 17, 2024, is $119,500. The gross income for a low-income household does not exceed 80% of the Annual Median

Income. This means one-person households may qualify as low income with an income that does not exceed $84,900. An ADU is considered affordable for a one-person, low-income household if the maximum monthly rent is less than $2,123.

On June 19, 2023, the City Council adopted Ordinance No. 996 (Attachment B), amending the City's Local Coastal Program (LCP), as necessary for implementation of the Senate Bill 9 (SB 9) State law. As adopted, Ordinance No. 996 added new DMMC Chapters 23.07, 24.66, and 30.93 and amended Chapters 30.10, 30.11, 30.12, 30.13, 30.14, 30.15, and 30.75. Following approval by the City Council in 2023, the SB 9 Implementation Ordinance/Local Coastal Program Amendment was submitted to the CCC for certification as required.

Additional background regarding the Local Coastal Program amendments may be accessed in the following links to City Council Agenda reports for June 5 and June 19, 2023:

https://www.delmar.ca.us/AgendaCenter/ViewFile/Agenda/_06052023-3237

https://www.delmar.ca.us/AgendaCenter/ViewFile/Agenda/_06192023-3246

In 2023, the City of Del Mar and other cities challenged the constitutionality of SB 9. The City asserted that SB 9 lacked a nexus between its affordability findings because it did not include an affordability housing requirement. In April 2024 the Superior Court ruled in favor of the legal challenge raised by Del Mar and other cities.

Subsequently, SB 9 was amended by SB 450 (Atkins) to modify the prior legislative findings and explicitly make charter cities, including the City of Del Mar, subject to its requirements. SB 450 was signed into law in September 2024 and took effect statewide January 1, 2025. The City will be able to accept SB 9 application submittals once the CCC grants final certification of the City's SB 9 implementation regulations (prior Ordinance No. 996 and the proposed Ordinance).

DISCUSSION/ANALYSIS:

Coastal jurisdictions must comply with SB 9 law (California Government Code Section 65852.21) and meet mandates of the Coastal Act and the City's certified LCP, which is achieved by harmonizing these laws. On April 9, 2025, the CCC conditionally certified the SB 9 implementation regulations LCPA. See Attachment D for the CCC conditional approval letter. The CCC staff report (Item W19a) may be accessed in the following link:
https://www.coastal.ca.gov/meetings/agenda/

CCC's conditional certification action upheld several key components of the City's adopted SB 9 Ordinance that are important to coastal cities like the City of Del Mar. This includes maintaining existing requirements including limitations on height, size, setbacks, and parking to protect coastal access, sensitive coastal resources, open space easements, public scenic views, and public safety from coastal hazards. The City's certified LCP hazard control policies encourage development to be located away from coastal bluffs, special flood hazard areas

vulnerable to flooding from rivers or the ocean, and environmentally sensitive habitat areas including sensitive bluffs, sensitive biological resources, wetlands, open space, and conservation areas.

The proposed Ordinance incorporates CCC's required modifications (Attachment C), which are intended to ensure consistency with the City's certified LCP and Coastal Act as follows:

- Clarifies applicability of the Coastal Act and certified Local Coastal Program (LCP).

- Clarifies that SB 9 development is allowed in Fire Hazard Severity Areas (also referred to as the Wildland Urban Interface), like other residential development, where the applicant demonstrates the location has access to at least two evacuation routes and the development will integrate wildland fire safety precautions into construction of the development to mitigate potential hazards. This includes compliance with the California Building Code requirements for use of non-flammable building materials as well as access with road widths at least 20 feet in width for emergency response.

- Clarifies that SB 9 development is not permitted in special flood hazard areas in the floodplain. In the North Beach neighborhood, the R1-10B and R1-5B zones apply to beachfront property in the special flood hazard area (FEMA VE zone) of the floodplain that is vulnerable to flooding from ocean wave action and sea level rise. Therefore, these parcels are not eligible for SB 9. Instead, owners of these single dwelling unit lots are able to pursue development of an Accessory Dwelling Unit (ADU) and/or Junior ADU (JrADU) on their single dwelling unit lot, which means there is no impediment to production of housing in this location as a result of SB 9 implementation.

- Clarifies that SB 9 development is not permitted in the Bluff, Slope, and Canyon Overlay Zone, Coastal Bluff Overlay Zone, Lagoon Overlay Zone, Open Space Overlay Zone, and Historic Preservation Overlay Zone. Consistent with the Coastal Act and coastal policies in the City's certified LCP relating to hazard control and protection of environmentally sensitive resources, this limitation minimizes the potential for impacts to sensitive coastal resources and the public health and safety in locations with wetlands, steep slopes, habitat for protected species, open space conservation areas, and sensitive bluffs that are vulnerable to erosion, wave action, and sea level rise. Owners with single dwelling units in these environmentally sensitive locations alternatively may pursue ADU development per State ADU law.

- Provides for units in SB 9 projects to be 800 square feet in size and allows additional unit size up to 1,000 square feet for units that comply with the setbacks of the base zone and a minimum six-foot separation from other buildings on the lot.

- Clarifies that one parking space is required for each unit created and that replacement of any existing off-street parking spaces removed shall only be required if loss of the off-street parking would have a significant effect on public access to the shoreline.

- Clarifies that no off-street parking requirements shall be required for development within one-half mile of a major transit stop as defined in Public Resources Code Section 21064.3. A major transit stop is defined as a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with frequencies of services intervals of 15 minutes or less during the morning and afternoon peak commuter periods. Currently, Del Mar does not have any major transit stops.

- Clarifies applicability of the inclusionary housing requirement of one low-income unit per SB 9 project, which is consistent with the citywide inclusionary regulations to reserve at least one unit for a lower income household at a rate of 15% for projects with 30 or fewer units. No additional in-lieu fee for a SB 9 lot split project would apply.

- Incorporates minor corrections throughout to fix various code section references.

The required CCC modifications as shown in Attachments C and D are consistent with the Del Mar Community Plan (General Plan) and required protections in the City's certified LCP.

Following is an explanation of how the City's SB 9 implementing regulations also address the new provisions added by SB 450:

- The purpose and intent statement in Section 30.93.010 is being amended to incorporate the SB 450 provision that proposed development may be denied where located in a Severe Wildfire Hazard Area, unless the zone allows residential development and the applicant demonstrates all applicable safety precautions will be taken for construction of the development. CCC clarified that SB 9 projects may be denied if the proposed development conflicts with the certified LCP or the public access provisions of the Coastal Act. Consistent with other development in the coastal zone, this is implemented through written findings that demonstrate consistency with the certified LCP and Coastal Development Permit (CDP) findings for approval.

- While SB 450 prohibits local governments from assigning objective zoning, subdivision, or design standards to SB 9 projects that do not apply to the underlying single-unit zoning, the City's objective design standards applicable to SB 9 projects reflect the same standard of review applicable to single dwelling unit projects. The only difference is that SB 9 projects are required to be processed and approved ministerially at the staff level instead of through the discretionary design review and subdivision map processes that are otherwise required for development in R1 zones.

- While SB 450 requires SB 9 applications to be deemed approved if the local government has not responded to the application within 60 days, the City is instead required to process administrative CDP applications for SB 9 projects consistent with its certified LCP and the Coastal Act (similar to the permit process for ADUs). SB 9 applications will be processed expeditiously by the City to reach a permit decision based on written findings of fact to show compliance with the required findings for CDP permit approval. The Coastal Act and City's certified LCP do not provide for any deemed approved development scenario based on a 60-day timeframe from submittal.

- While SB 450 prohibits local governments from denying a lot split application based on its impact on the physical environment, the City is required to process administrative Coastal Development Permit applications for SB 9 projects consistent with its certified LCP and the Coastal Act. To ensure protection of environmentally sensitive resources and other coastal resources protected by the Coastal Act and certified LCP, this is implemented through written findings that demonstrate compliance with the required findings for CDP approval.

The proposed amending ordinance reflects the harmonization of SB 9 and SB 450 State Housing law with the Coastal Act and the City's certified LCP as determined by the Coastal Commission. SB 450 gave the Department of Housing and Community Development (HCD) oversight and enforcement authority over SB 9/SB 450 developments.

The introduction and adoption of the proposed Ordinance reflecting the CCC modifications will allow the City to obtain final certification approval from the CCC. If introduced, the Ordinance would return to the Council for consideration and adoption on June 2, 2025. Following City Council adoption, the City will submit to CCC for final certification in order for the SB 9 implementing regulations to take effect in Del Mar.

FISCAL IMPACT:
There is no fiscal action to be taken by the City Council for this agenda item.

ENVIRONMENTAL IMPACT:
This action is statutorily exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378 and Government Code Sections 65852.21(j) and 66411.7(n) because the adoption of an ordinance to implement SB 9 is not considered a project under Division 13 of the Public Resources Code.

HOUSING IMPACT:
The SB 9 ordinance amendments will increase the City's housing capacity by creating sites to facilitate affordable housing in accordance with the certified 6th Cycle Housing Element. Housing Element Program 6B (Affirmatively Furthering Fair Housing) identifies "the City is committed to implement a suite of actions to create new opportunities for housing mobility and relocation to and within Del Mar with a goal of creating 100 additional housing opportunities beyond the City's Regional Housing Needs Allocation (RHNA) to improve

housing choice and affordability options for moderate income, lower income, and special needs households." The proposed amendments are among the specified actions to be taken to create these additional new housing opportunities.

The City is required to comply with State SB 9 law and meet mandates of the Coastal Act and certified LCP. This is being achieved by harmonizing these laws as confirmed by CCC's conditional certification action to ensure continued coastal protection. There is no associated impediment to the production of housing as a result of the SB 9 implementation provisions that avoid wetlands, habitat for protected species, open space conservation easements, and special flood hazard areas. Owners of single dwelling unit lots that are not eligible for SB 9 development can alternatively choose to build ADUs and/or JrADUs accessory to their primary dwelling unit pursuant to State ADU law and the City's certified LCP.

NEXUS TO CITY COUNCIL GOALS AND PRIORITIES:

Implementation of the SB 9 Implementation Ordinance in compliance with the City's 6th Cycle Housing Element is a Tier 1 (Highest) City Council priority work plan item for FY 2024-2025.

ATTACHMENTS:

Attachment A – Proposed Ordinance Accepting CCC Modifications to Ordinance No. 996
Attachment B – Previously Adopted Ordinance No. 996
Attachment C – CCC Modifications in Strikeout-Underline Format
Attachment D – CCC Conditional Approval Letter
Attachment E – City of Del Mar SB 9 Eligibility Maps

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, AMENDING THE DEL MAR MUNICIPAL CODE CHAPTERS 23.07, 24.66, 30.13, 30.15, AND 30.93 AS ADOPTED BY PROSPECTIVE ORDINANCE NO. 996; ALL RELATING TO AMENDMENTS REQUIRED BY THE CALIFORNIA COASTAL COMMISSION AS A CONDITION OF APPROVAL FOR THE CITY TO OBTAIN FINAL CERTIFICATION OF THE SENATE BILL 9 IMPLEMENTATION REGULATIONS LOCAL COASTAL PROGRAM AMENDMENT

WHEREAS, the City of Del Mar is a charter City and State Housing law applies to all general law and charter cities in the State of California; and

WHEREAS, the State legislature declared that “Housing is a statewide concern”, that California faces a housing crisis, and that local jurisdictions are mandated to comply with applicable State housing laws; and

WHEREAS, the California Senate Bill 9 (SB 9) Housing law, as set forth in California Government Code Sections 65852.21 and 66411.7, is intended to address the statewide housing crisis by facilitating construction of additional dwelling units on lots in certain single dwelling residential (R1) zones; and

WHEREAS, SB 9 requires local agencies to ministerially process and review applications for SB 9 development in R1 zones subject to objective design standard criteria; and

WHEREAS, SB 9 projects are referred to as: 1) SB 9 “Two Unit Residential Development” projects that allow development of two primary dwelling units on a lot (duplex development) or 2) SB 9 “Urban Lot Splits” to allow for subdivision of one lot into two lots for development of two primary dwelling units on each resulting lot and maximum of four units total per eligible project; and

WHEREAS, the City of Del Mar is located entirely within the “Coastal Zone” boundary and is therefore subject to full compliance with the California Coastal Act; and

WHEREAS, the State Senate Bill 9 law is one example of a State law that still applies the Coastal Act protections for environmental resources, public scenic views, coastal access, and public safety in coastal hazard areas to ensure they will not be compromised by housing development; and

WHEREAS, State SB 9 law provides that the California Coastal Act is not superseded, in any way altered, or lessened by its application (Cal. Gov. Code. Sec. Section 66310 et. seq. as amended); and

WHEREAS, the City has significant coastal resources that require protection under the Coastal Act, including but not limited to, the protection of scenic public coastal views

which are found throughout the community, preservation of public access and recreation opportunities that must be assured including public access to the beach, viewpoints, and trail connections to the bluffs, lagoons, and open space preserve areas along the shoreline, and protection of environmentally sensitive habitat areas and coastal resources such as coastal bluffs, sandstone bluffs, wetlands, lagoons, river inlets, and protected tree species native to the City including Torrey Pines and Monterrey Cypress trees; and

WHEREAS, in order to effectively implement applicable State housing laws, the City must harmonize the Coastal Act and the City's LCP policies and regulations with the State's housing laws to ensure protection of sensitive coastal habitats and resources, public coastal view sheds, coastal parking for public access, and public health and safety; and

WHEREAS, lots are eligible for SB 9 development where they meet specified criteria per State law, including compliance with the Coastal Act; and

WHEREAS, in the City of Del Mar, SB 9 applies to lots in the R1-40, R1-14, R1-10, and R1-5 zones, with the exception that SB 9 development is not permitted on lots that are located in the Bluff, Slope, and Canyon Overlay Zone, Coastal Bluff Overlay Zone, Lagoon Overlay Zone, Open Space Overlay Zone, and Historic Preservation Overlay Zone; and

WHEREAS, this ordinance clarifies that SB 9 development is not permitted in the R1-5B and R1-10B zones because those single dwelling unit lots are located along the ocean front in the special flood hazard area (FEMA VE zone) of the floodplain that is vulnerable to flooding from ocean wave action and sea level rise; and

WHEREAS, City staff engaged in public outreach to encourage public participation in formulating these draft regulations, which included articles posted on the City's website, multiple announcements made in the City's weekly updates, and multiple announcements made during public meetings including the Design Review Board, Planning Commission and City Council meetings; and

WHEREAS, the LCPA Notice of Availability and Notice of Planning Commission public hearing on March 14, 2023, was published in the Del Mar Times on February 23, 2023, and individual mailed notices were sent to all interested parties; and

WHEREAS, on March 14, 2023 the Planning Commission held a noticed public hearing to review the draft SB 9 Ordinance and recommended a continuance to allow additional time for public outreach and coordination with the City Attorney; and

WHEREAS, the Notice of Planning Commission public hearing for May 9, 2023, was published in the Del Mar Times on April 20, 2023, and individual mailed notices were sent to all interested parties; and

WHEREAS, on May 9, 2023, the Planning Commission recommended approval of the SB 9 Ordinance to the City Council with a condition that SB 9 projects be subject to an inclusionary housing affordability component and that the ordinance include a "conditions precedent" clause; and

WHEREAS, on May 18, 2023, the notice of City Council public hearing on June 5, 2023, was published in the Del Mar Times and mailed notices were sent to all interested parties; and

WHEREAS, on June 5, 2023, the City Council held a duly noticed public hearing and voted to introduce the SB 9 Ordinance, including revisions to the Ordinance relating to objective design standards that were requested by the City Council and read into the record for introduction in the Ordinance; and

WHEREAS, on June 19, 2023, the City Council voted to adopt the SB 9 Ordinance; and

WHEREAS, on August 10, 2023, the City submitted the adopted SB 9 Ordinance/LCPA submittal to the Coastal Commission for certification review; and

WHEREAS, in 2023 the City of Del Mar and other cities challenged the constitutionality of SB 9 because it did not include an affordability housing component; and

WHEREAS, the State legislature amended the SB 9 law by Senate Bill 450 in September 2024 to modify the legislative findings and explicitly make charter cities, including the City of Del Mar, subject to its requirements which took effect January 1, 2025; and

WHEREAS, on April 9, 2025, the California Coastal Commission considered the City's SB 9 Ordinance/LCPA application, including applicability of SB 450, and voted to conditionally certify the LCPA with modifications imposed as a condition of approval; and

WHEREAS, on May 19, 2025, the Del Mar City Council held a duly noticed public hearing to consider whether to accept the CCC's required modifications and introduce this Ordinance; and

WHEREAS, the CCC modifications have been incorporated herein; and

WHEREAS, adoption of this Ordinance will amend the Del Mar Municipal Code and certified Local Coastal Program to implement the 6th Cycle Housing Element Program 6B commitment to Affirmatively Further Fair Housing through implementation of SB 9 implementing regulations in order to maintain compliance with State law and avoid decertification of the Housing Element; and

WHEREAS, the SB 9 implementing regulations, as amended, also address the new provisions added by SB 450 as harmonized with the Coastal Act and certified LCP.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Del Mar, California, based on substantial evidence in the whole of the administrative record, hereby finds and declares the above stated Recitals are true and correct and are incorporated by reference into this action.

NOW THEREFORE, BE IT FURTHER RESOLVED, that the City Council of the City of Del Mar hereby ordains as follows:

SECTION ONE: That DMMC Prospective Section 30.93.010 Purpose and Intent for the SB 9 Implementing Regulations shall be amended per CCC modifications #1 and #2 to read as follows:

Chapter 30.93 – Regulations for Development of Two Unit Residential Development on Single Residential Zoned lots or Urban Lot Splits for Single Residential Zoned Lots

30.93.010 - Purpose and Intent.

The purpose of this Chapter is to implement California Government Code Sections 65852.21 and Gov. Code 66411.7 (commonly referred to as: SB 9) without superseding or in any way altering or lessening the effect or application of the California Coastal Act of 1976 (Pub. Resources Code, §30000 et seq.) and the City's Local Coastal Program; and to establish objective design standards for the development of residential structures on single residential zoned lots conforming to State law. Should State law change, the City reserves the right to make further modifications to these standards to bring this Chapter in conformity with new State requirements.

The intent of this Chapter is to comply with the requirements of State housing laws, while retaining the character of the City's single-dwelling neighborhoods. Equal to meeting these housing law obligations is ensuring that no unavoidable adverse impacts occur to the public health, safety, or general welfare of its residents or to the City's sensitive coastal resources.

This Chapter prescribes objective standards for the approval of such units and Urban Lot Splits and the circumstances in which a development may be prohibited. For example, the proposed development may be denied if it conflicts with the certified LCP, or if applicable, the public access provisions of the Coastal Act, or where the proposed development is located within a Severe Wildfire Hazard Area, unless the zone allows residential development and the applicant demonstrates that all applicable safety precautions will be taken for construction of the development.

SECTION TWO: That DMMC Prospective Section 30.93.020 Definitions for the SB 9 Implementing Regulations shall be amended per CCC modification #3 to read as follows:

30.93.020 - Definitions.

[*Senate Bill 9 (SB 9)* through *Urban Lot Split*. No change in text]

Unit means any dwelling unit, including, but not limited to, a unit or units created pursuant to Government Code Section 65852.21, a primary dwelling, an accessory dwelling unit as defined in Government Code Section 65852.21, or a junior accessory dwelling unit as defined in Government Code Section 65852.22.

[*Acting in Concert with the Owner.* No change in text]

SECTION THREE: That DMMC Prospective Section 30.93.030 Applicability for the SB 9 Implementing Regulations shall be amended per CCC modifications #4 through #9 to read as follows:

30.93.030 - Applicability.

A. This Chapter applies to proposed development on properties located within a single dwelling unit zone (R1-40, R1-14, R1-10, R1-5), except as prohibited per Section (B). In accordance with Section (B), proposed development shall be prohibited in zones R1-10B and R1-5B, which are located entirely within the Floodplain Overlay Zone.

B. To ensure that no adverse unavoidable impacts occur to public health and safety, coastal resources, or impede public access to coastal resources, proposed development in locations listed below shall not be eligible to utilize or benefit from this Chapter. Where such circumstances apply all existing discretionary review processing requirements, zoning requirements, and maximum density per the General Plan and certified Local Coastal Program shall apply where the:

[1. No change in text]

2. Proposed development on lots containing wetlands or their buffers, as defined by either Coastal Commission regulation section 13577(b) (Cal. Code of Regs., tit.14) or the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993 or as revised), or other environmentally sensitive habitats as defined by Section 30.75.030, including those lands that have been conserved by dedication in fee title, easement covenants, or other forms of conservation easements.

3. Proposed development that is located on a lot having habitat for protected species identified as either a candidate, sensitive, or species of special status by state or federal agencies, or otherwise fully protected species, or

species protected by the Federal Endangered Species Act of 1973 (16 U.S.C. Sec 1531 et seq. or as amended), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code), which includes but is not limited to proposed development located on any one of the following Overlay zones:

[a. through f. No change in text]

4. Proposed development on a lot that falls entirely or partially within a mapped Special Flood Hazard Area identified on the most recent FEMA Flood Insurance Rate Map ("FIRM").

[5. through 8. No change in text]

9. Proposed development that would require demolition of an existing dwelling unit that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income; or demolition of a dwelling unit that has been occupied by a tenant in the last three years. An applicant must demonstrate whether an existing house on a property implementing an Urban Lot Split or altered to accommodate two dwelling units was owner occupied or rented by a tenant to the Director's satisfaction, including but not limited to the execution of an affidavit that is subject to the laws of perjury.

[10. No change in text]

11. Projects proposing an Urban Lot Split shall not be eligible to construct Accessory Dwelling Units or Junior Accessory Dwelling Units consistent with Government Code Section 65852.21 and Section 65852.2 as amended. Each resulting lot shall not contain more than two dwelling units. For Urban Lot Splits with an existing Accessory Dwelling Unit or a Junior Accessory Dwelling Unit onsite, those units shall be considered dwelling units for the purposes of this Chapter.

[12. through 13. No change in text]

SECTION FOUR: That DMMC Prospective Section 30.93.040 for the SB 9 Implementing Regulations shall be amended per CCC modifications #10 and #11 to read as follows:

30.93.040 - Permit Review Required to Utilize the Provisions of this Chapter.

A. An applicant seeking to utilize the provisions of this Chapter shall propose development in accordance with the primary dwelling unit regulations in Section 30.93.050, Section 30.93.060, Chapter 23.07, and Chapter 24.66.

B. Any application pursuant to this Chapter may be denied by the City upon the making of written findings establishing by a preponderance of the evidence that the proposed development would have a specific, adverse impact upon public health and safety, coastal resources, or the physical environment and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. The following shall not constitute a specific, adverse impact upon the public health or safety where also consistent with the LCP:

[1. through 2. No change in text]

SECTION FIVE: That DMMC Prospective Section 30.93.050 for the SB 9 Implementing Regulations shall be amended per CCC modifications #12 and #13 to read as follows:

30.93.050 - Development of Two Unit Residential Development in Accordance with this Chapter.

A lot in a single dwelling unit zone that meets the criteria in Section 30.93.030 shall be permitted to develop up to two primary dwelling units per lot by submitting an application for an Administrative Coastal Development Permit. The issuance of an Administrative Coastal Development Permit will not require any public hearings. The application shall be consistent with Section 30.75.080(E) and meet the following requirements:

A. The development regulations of the base zone in which the lot is located shall apply, except as otherwise specified in this Section:

[1.through 5. No change in text]

6. Setbacks:

[a. No change in text]

b. New primary dwelling unit structures that comply with the setbacks of the base zone and minimum six-foot building separation shall be allowed 801-1,000 square feet of building area. A primary dwelling unit with a maximum gross floor area of 800 square feet shall not be permitted closer than four feet from interior side and rear property lines.

[c. No change in text]

[7. No change in text]

8. Parking:

[a. No change in text]

b. If a two-unit residential development replaces an existing garage or other required parking, replacement parking spaces shall be provided on-site in accordance with the requirements of DMMC Chapter 30.80 and the certified LCP only if the loss of the off-street parking supply has a significant effect on public access to the shoreline. The new parking space(s) may be covered or uncovered. No off-street parking requirements apply to any development proposed within one-half mile of a major transit stop, as defined in Public Resources Code Section 21064.3.

[c. through d. No change in text]

B. Accessory dwelling units consistent with Government Code Section 65852.21 and Section 65852.2, as amended, proposed in conjunction with dwelling units subject to this Section and are not subdivided through an Urban Lot Split shall be detached from primary dwelling units and shall maintain a minimum six feet separation from other structures onsite. Junior Accessory Dwelling Units shall be contained within the existing or proposed floor area of a primary dwelling unit.

C. Prior to the issuance of a building permit for a Two Unit Residential Development, the owner shall record a deed restriction with the County Recorder and file the recorded deed restriction with the City, acknowledging the applicable use limitations that shall run with the land. The deed restriction shall include the following text:

[1. through 2. No change in text]

3. At least one of the dwelling units in a project (Two Unit Residential Development or Urban Lot Split) subject to this Chapter shall be rented or sold to very low or lower income households, as defined by Sections 50105(a) or 50079.5 of the CA Health and Safety Code. In a form approved by the City, any transfers of land inclusive of the affordable units shall be subject to a deed restriction for not less than 55 years ensuring continued affordability of the units consistent with this Chapter and Chapter 24.21 (Inclusionary Housing).

SECTION SIX: That DMMC Prospective Section 30.93.060 for the SB 9 Implementing Regulations shall be amended per CCC modifications #17 and #18 to read as follows:

30.93.060 - Regulations for Urban Lot Splits Located in Zones for Single Dwelling Lots.

A. through F. No change in text]

G. Prior to the recordation of the parcel map for an Urban Lot Split, the owner shall record a deed restriction with the County Recorder and file the recorded deed restriction with the City, acknowledging the applicable use limitations that shall run with the land. The deed restriction shall include the following text:

[1. through 2. No change in text]

3. A maximum of two dwelling units shall be permitted on each lot, either as two primary units, or a primary unit and an Accessory Dwelling Unit, or a primary unit and a Junior Accessory Dwelling Unit; however, at no time shall an entitled Urban Lot Split exercise all provisions in Government Code Sections 65852.21 and 66411.7.

[4. No change in text]

5. At least one of the dwelling units (including all units on the lot or subdivided lots subject to this Chapter) shall be rented or sold to very low or lower income households, as defined by Sections 50105(a) or 50079.5 of the CA Health and Safety Code. In a form approved by the City, any transfers of subdivided land and inclusive of any affordable unit shall be subject to a deed restriction for not less than 55 years ensuring continued affordability of the units consistent with this Chapter and Chapter 24.21 (Inclusionary Housing).

SECTION SEVEN: That DMMC Prospective Section 24.66.020 shall be amended per CCC modification #19 to read as follows:

24.66.020 - Preparation of Urban Lot Split Map.

An Urban Lot Split application shall be prepared by or under the direction of a registered civil engineer or licensed surveyor, and shall show the location of streets, easements, and property lines bounding the subject property and shall conform to the following provisions:

A. through D. No change in text]

E. Each tentative map shall depict all contiguous property owned by the subdivider and shall contain the following information:

[1. Through 12. No change in text]

13. Location of all major vegetation showing size and type, including buffers for any adjacent environmentally sensitive habitat.

[14. Through 22. No change in text]

[F. No change in text]

SECTION EIGHT: That DMMC Prospective Section 24.66.050 shall be amended per CCC modifications #20 through #27 to read as follows:

24.66.050 - Requirements for Urban Lot Split Map.

[A. through D. No change in text]

E. Urban Lot Splits shall comply with the inclusionary housing requirement stated in Section 30.93.060 and Chapter 24.21 (Inclusionary Housing) for dedication of one unit for lower income households. An additional in lieu fee payment shall not be required for the lot split.

[F. through H. No change in text]

I. Prior to the recordation of the parcel map for an Urban Lot Split, the owner shall record a deed restriction with the County Recorder and file the recorded deed restriction with the City, acknowledging the applicable use limitations that shall run with the land. The deed restriction shall include the following text:

[1. through 2. No change in text]

3. A maximum of two dwelling units shall be permitted on each lot, either as two primary units, or a primary unit and an Accessory Dwelling Unit, or a primary unit and a Junior Accessory Dwelling Unit; however, at no time shall an entitled Urban Lot Split exercise all provisions in Government Code Sections 65852.21 and 66411.7.

[4. No change in text]

J. This Chapter applies to proposed Urban Lot Split subdivisions on properties located within a single dwelling unit zone (R1-40, R1-14, R1-10, R1-5), except as prohibited per Section (I). In accordance with Section (I), proposed urban lot split subdivisions shall be prohibited in zones R1-10B and R1-5B, which are located entirely within the Floodplain Overlay Zone.

K. To ensure that no adverse unavoidable impacts occur to public health and safety, coastal resources or impede public access to coastal resources, proposed development in locations listed below shall not be eligible to utilize or benefit from this Chapter. Where such circumstances apply all existing discretionary review processing requirements, zoning requirements, and maximum density per the General Plan and certified Local Coastal Program shall apply where the:

[1. No change in text]

2. Proposed development on lots containing wetlands or their buffers, as defined by either Coastal Commission regulation section 13577(b) (Cal. Code of Regs., tit.14) or the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993 or as revised), or other environmentally sensitive habitats as defined by Section 30.75.030, including those lands that have been conserved by dedication in fee title, easement covenants, or other forms of conservation easements.

[3. No change in text]

4. Proposed development on a lot that falls entirely or partially within a mapped Special Flood Hazard Area identified on the most recent FEMA Flood Insurance Rate Map ("FIRM").

[5. through 8. No change in text]

9. Proposed development that would require demolition of an existing dwelling unit that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income; or demolition of a dwelling unit that has been occupied by a tenant in the last three years. An applicant must demonstrate whether an existing house on a property implementing an Urban Lot Split or altered to accommodate two dwelling units was owner occupied or rented by a tenant to the Director's satisfaction, including but not limited to the execution of an affidavit that is subject to the laws of perjury.

[10. No change in text]

11. Projects proposing an Urban Lot Split on a lot that contains an Accessory Dwelling Unit or Junior Accessory Dwelling Unit, unless the applicant converts one existing ADU or JADU per lot to a primary dwelling unit and removes all other ADUs or JrADUs in compliance with this Chapter. When proposing an Urban Lot Split, an applicant shall choose whether to use the provisions of this Chapter or the provisions of the ADU and JADU regulations consistent with Government Code Section 65852.21 and Section 65852.2, as amended, but shall not use both. In either case, each resulting lot shall not contain more than two units and each proposed primary unit shall be no more than 800 square feet in floor area.

[12. No change in text]

13. Proposed development located within the North Beach District as identified in the Community Plan that due to flood hazards, limited public access to coastal resources, or impediments to public recreation.

SECTION NINE: That DMMC Prospective Section 23.07.020 Objective Design Standards for Residential Development shall be amended per CCC modifications #28 and #29 to read as follows:

23.07.020 – Applicability and Process for Approval

[A. No change in text]

B. Chapter 23.07 shall apply to proposed multiple dwelling unit housing development within the Housing Element Implementation Overlay Zone (Chapter 30.92) and any proposed residential development where the City is precluded by State Housing law from applying discretionary design review and permit approval processes that are identified in Chapter 23.08.

C. Chapter 23.07 shall also apply to residential development in single dwelling unit zones that are subject to California Government Code Sections 65852.21 and 66411.7, referred to in this Chapter as "Two Unit Residential Development." As part of the ministerial review, any Two Unit Residential Development shall comply with the following Objective Design Standards listed in Table A below. For any standard not explicitly identified below, all applicable objective standards of the underlying zoning designation and other objective standards contained in Chapter 30.93 shall apply. Where there are conflicting requirements between the Objective Design Standards below and other requirements within the Del Mar Municipal Code (DMMC) or the certified LCP, the stricter standard shall apply.

[D. No change in text]

SECTION TEN: That DMMC Prospective Section 23.07.030 shall be amended per CCC modification #30 to read as follows:

23.07.030 – Objective Design Standards for Two Unit Residential Development

A. If it is not feasible to comply with all applicable Objective Design Standards listed in Table "A" below when constructing up to two, 800-square-foot dwelling units on a property, the applicant shall provide all necessary information requested by the City to reasonably demonstrate that it is infeasible to construct two, 800-square-foot dwelling units if compelled to comply with the City's Objective Design Standards. Upon review of the applicant's completed feasibility study, the Director of Planning and Community Development shall determine which of, if any, Objective Design Standards will apply or what standards may be waived to allow for up to two dwelling units that are no more than 800 square feet. The City will

also evaluate the application compliance with the certified Local Coastal Program and determine if other feasible siting locations reduce impacts to environmentally sensitive coastal areas or impacts to public scenic views. Additionally, the project may be denied if it will endanger public health or safety or create an adverse impacts to the physical environment that cannot be avoided or mitigated. On denial, the City will produce written findings to the applicant based on the preponderance of evidence that the project will have unavoidable or unmitigable impacts to the public's health and safety, coastal resources, or the physical environment.

[B. and C. and Table A No change in text]

SECTION ELEVEN: That DMMC Prospective Section 30.13.070 Development Standards for the R1-10B Zone shall be amended per CCC modification #31 to read as follows:

30.13.070 – Development Standards.

[A. No change in text]

B. Lot Dimensions.

[1. through 4. No change in text]

[C. No change in text]

SECTION TWELVE: That DMMC Prospective Section 30.15.030 Allowable Uses for the R1-5B Zone shall be amended per CCC modification #32 to read as follows:

30.15.030 – Allowable Uses.

The allowable uses in the R1-5B Zone are:

[A. through C. No change in text]

SECTION THIRTEEN: That DMMC Prospective Section 30.15.070 Development Standards for the R1-5B Zone shall be amended per CCC modification #33 to read as follows:

30.15.070 – Development Standards.

[A. No change in text]

B. Lot Dimensions.

[1. through 4. No change in text]

[C. No change in text]

SECTION FOURTEEN:
This action is exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378 and Government Code Sections 65852.21(j) and 66411.7(n) because the adoption of an ordinance to implement SB 9 is not considered a project under Division 13 of the Public Resources Code.

SECTION FIFTEEN:
The Coastal Commission conditionally certified the Ordinance/LCPA on April 9, 2025, and the City scheduled the introduction hearing for the amending ordinance on the first available date for the associated public hearing of the City Council.

SECTION SIXTEEN:
This Ordinance was introduced by the City Council on May 19, 2025.

SECTION SEVENTEEN:
The City Clerk is directed to prepare and have published a summary of this Ordinance no less than five days prior to the consideration of its adoption and again within 15 days following adoption indicating votes cast.

SECTION EIGHTEEN:
If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION NINETEEN:
Upon adoption, the Ordinance will be submitted to the California Coastal Commission for final certification of the Local Coastal Program Amendment. The Ordinance will take effect and be in force on the date that the Coastal Commission takes action to unconditionally certify the Local Coastal Program Amendment.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Del Mar, California at the Regular Meeting held on the 2nd day of June, 2025.

_____
Terry Gaasterland, Mayor
City of Del Mar

APPROVED AS TO FORM:

_____
Leslie E. Devaney, City Attorney
City of Del Mar

ATTEST AND CERTIFICATION:

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO
CITY OF DEL MAR

I, SARAH KRIETOR, Administrative Services Manager/City Clerk of the City of Del Mar, California, DO HEREBY CERTIFY, that the foregoing is a true and correct copy of Ordinance No. XXXX, which has been published pursuant to law, and adopted by the City Council of the City of Del Mar, California, at a Regular Meeting held the 2nd day of June, 2025, by the following vote:

AYES:

NOES:

RECUSE:

ABSENT:

ABSTAIN:

_____
Sarah Krietor, Administrative Services Manager/City Clerk
City of Del Mar

ORDINANCE NO. 996

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, ADOPTING NEW CHAPTERS 30.93, 24.66, 23.07; AMENDING CHAPTERS 30.75, 30.10, 30.11, 30.12, 30.13, 30.14, AND 30.15 OF THE CITY OF DEL MAR MUNICIPAL CODE, AND LOCAL COASTAL AMENDMENT (ZA22-003/A22-001/LCPA22-003) ESTABLISHING THE PROCEDURES AND OBJECTIVE STANDARDS FOR THE DEVELOPMENT OF TWO UNIT RESIDENTIAL DEVELOPMENT AND URBAN LOT SPLITS ON SINGLE DWELLING ZONED PROPERTIES IN ACCORDANCE WITH SENATE BILL 9

WHEREAS, commonly referred to as "Senate Bill 9," CA Gov. Code Sec. 66452 et seq. requires local agencies to ministerially process and review the development of two dwelling units, referred herein as "Two Unit Residential Development" on lots zoned for single dwelling units; and

WHEREAS, additionally, Senate Bill 9 requires local agencies to ministerially review "Urban Lot Splits", which allow for the subdivision of a lot that is zoned for a single dwelling unit into two lots for the maximum development of two dwelling units on each resulting lot; and

WHEREAS, the proposed revisions to the Del Mar Municipal Code (DMMC) are necessary to make City's regulations consistent with Senate Bill 9 and the Coastal Act. Senate Bill 9 limits the ability of local jurisdictions to impose subjective development standards on Two Unit Residential Development and Urban Lot Splits when the proposed projects meet certain development criteria; and

WHEREAS, the Design Review Board held a duly noticed special meeting to review the draft Objective Design Standards on December 14, 2022, and the Design Review Board provided feedback that necessitated revisions that are now incorporated into the Ordinance; and

WHEREAS, to implement these regulations a Local Coastal Program Amendment will require the certification by the California Coastal Commission; and

WHEREAS, the City posted, published, and mailed a Notice of Availability of the draft Local Coastal Amendment for public review on February 23, 2023, in accordance with California Code of Regulations Section 13515 requirements for public participation and agency coordination for Local Coastal Program Amendments: and

WHEREAS, on March 14, 2023, the Planning Commission held a duly noticed public hearing to review the proposed Zoning Code Amendments, Municipal Code Amendments, and Local Coastal Program Amendment related to the City's new Senate Bill 9 regulations, at which time the staff report was presented, public testimony was received, and the Planning Commission unanimously voted to continue the public hearing in order for staff to make revisions to the draft Ordinances; and

WHEREAS, the draft Ordinance has been undergoing refinement since 2021 and City staff has of coordinated with California Coastal Commission staff, City Council's Housing Subcommittee, and the Design Review Board. At the March 14, 2023 Planning Commission meeting the C asked staff to take actions to increase public participation, as a result Staff revised the City's SB 9 informational website and included a Fact Sheet with a list of frequently asked questions, distributed newsletter articles, sent E-Notification of the review process and upcoming public hearings, and made announcements at the April 2023 Planning Commission and City Council meetings.

WHEREAS, the City posted, published, and mailed a Notice of Availability of the draft Local Coastal Amendment for public review on April 20, 2023, in accordance with California Code of Regulations Section 13515 requirements for public participation and agency coordination for Local Coastal Program Amendments; and

WHEREAS, on May 9, 2023, the Planning Commission held a second duly noticed public hearing to review the revisions made to the draft Ordinance and at which time the Planning Commission adopted Resolution No. PC 2023-02 recommending that the Del Mar City Council adopt an ordinance to amend Del Mar Municipal Code and Local Coastal Program; and

WHEREAS, the City Council of the City of Del Mar has determined that this action is exempt from review under the California Environmental Quality Act (CEQA; Public Resources Code Section 21000 et. seq.) and CEQA regulations (Title 14 of California Code Regulations Section 15000 et. seq.) pursuant to Government Code Sections 65852.21(j) and 66411.7(n), because the adoption of an ordinance to implement SB 9 shall not be considered a project under Division 13 of the Public Resources Code. Pursuant to the exemptions listed above, Zone Code Amendment (ZA22-003), Municipal Code Amendment (A22-001) and Local Coastal Program Amendment (LCPA22-003) is hereby recommended to the City Council for approval; and

WHEREAS, Senate Bill 9 through its legislative mandates results in changed conditions that warrant additional zoning changes to Zone Code Amendment (ZA22-003) and the Ordinance reflects that cities are to ministerially process two dwelling unit development on single-unit-zoned lots or Urban Lot Splits on single-unit-zoned lots. The proposed Zone Code Amendment provides regulations to ministerially process SB 9 projects consistent with State law while ensuring objective standards preserve the community character of the City's single-unit-zoned neighborhoods and allows the City to mitigate any adverse impacts to coastal resources and public health; and

WHEREAS, Zone Code Amendment (ZA22-003) is necessary to implement State law and as such, the City Council has determined that Zone Code Amendments to accommodate Senate Bill 9 to be in the interest of furtherance of public health, safety, comfort, convenience and general welfare, and will not adversely affect the established character of the surrounding neighborhoods, nor be injurious to other properties in the vicinity of the Two Unit Development or Urban Lot Splits. Furthermore, proposed objective development standards are consistent with California Building Code and California Fire Code regulations; and

WHEREAS, the Zone Code Amendment conforms to the general purpose, planned use, and intent of the adopted Community Plan, and any ordinance, regulation, or plan in effect that implements the Community Plan as identified in the below:

a. Community Development Element:

i. Goal 3(A)(4) – Limit building height to two stories in all residential areas, prohibit three story facades, and encourage single story development in areas where two-story construction would be disruptive to neighborhood character and scale of development.

ii. Goal 3(D)(1) – Protect existing moderate cost housing from unnecessary redevelopment to more expensive housing by maintaining strict floor area to lot area limitations.

iii. Goal 3(F)(1) – Encourage harmonious development which is in scale with the character of existing development.

b. Housing Element:

i. Goal #1 - Facilitate a Variety of Housing Strategies to Meet Housing Element Production Targets in a Way That Complements the Existing Character of the Community.

ii. Goal #4 – Provide an Economically and Socially Diverse Balance of Housing Options that are Affordable for a Variety of Income Levels and Housing Needs.

iii. Goal #6 – Ensure a Sustainable Approach to New Housing Opportunities that Protects the Quality of Life and Future of Del Mar.

Zone Code Amendment ZA22-003 establishes regulations that will implement Senate Bill 9 in conformance with the above-cited Community Plan Goals, Objectives, and Policies. The proposed Amendments include objective development standards that limit the height of a dwelling unit to 16 feet or one-story, which requires single story development within the single-unit-zoned neighborhoods. This will ensure development will not be disruptive to existing neighborhood character and scale while meeting the intent of State law. Furthermore, units developed under the proposed Amendments are limited to 800-1,000 square feet, facilitating more affordably constructed units and increasing the variety of housing opportunities available for the community. Based on the intent of Senate Bill 9 to provide additional housing stock and increase housing options and opportunities for a diverse range of the population, the Ordinance provides that at least one primary unit will contain an affordability covenant that will run with the land and ensure affordability to very-low to low income households once the City's Inclusionary Housing Ordinance is amended.

NOW THEREFORE, the City Council of the City of Del Mar does hereby ordain as follows:

SECTION ONE

That a new Chapter of the Municipal Code be added as follows:

Chapter 30.93 – Regulations for Development of Two Unit Residential Development on Single Residential Zoned lots or Urban Lot Splits for Single Residential Zoned Lots

30.93.010 - Purpose and Intent.

The purpose of this Chapter is to implement California Government Code Sections 65852.21 and CA. Gov. Code Section 2. 66411.7.(commonly referred to as: SB 9) and to establish objective design standards for the development of residential structures on single residential zoned lots conforming to State law. Should State law change, the City reserves the right to make further modifications to these standards to bring this Chapter in conformity with new State requirements.

The intent of this Chapter is to comply with the requirements of State housing laws, while retaining the character of the City's single-dwelling neighborhoods. Equal to meeting these housing law obligations is ensuring that no unavoidable adverse impacts occur to the public health, safety, or general welfare of its residents or to the City's sensitive coastal resources.

This Chapter prescribes objective standards for the approval of such units and Urban Lot Splits and the circumstances in which a development may be prohibited. For example, the proposed development may be denied because it may conflict with the California Coastal Act of 1976 or where the proposed development is located within a Severe Wildfire Hazard Area or Flood Zone. Finally, should this Chapter conflict with State law then State law will have precedence over the regulations contained in this Chapter.

30.93.020 - Definitions.

Senate Bill 9 (SB 9) means a state law passed by the California State Senate and approved by the Governor on September 16, 2021. The legislation amends Government Code Section 66452.6 and adds Government Code Sections 65852.21 and 66411.7.

Senate Bill 9 (SB 9) Development Project means a project proposing the development of Two Primary Dwelling Units and/or an Urban Lot Split pursuant to SB 9.

Two Unit Residential Development means a proposed SB 9 housing development that includes no more than two residential units developed on one lot that is currently zoned as single residential. And where two primary dwelling units are each designed with separate and fully functioning: Living, sleeping, eating, cooking, and as amenities and connected to sanitation and other utilities. The residential units must be independent living

structures used by one or more persons, and where neither unit requires the use of the other unit's living amenities or utilities.

Urban Lot Split means a parcel map subdivision that creates no more than two new parcels of approximately equal lot area, but in no case smaller than 40 percent of the other subject lot, and where both lots meet the requirements of this Chapter and Chapter 24.66. Both newly created parcels are to be no smaller than 1,200 square feet.

Unit means any dwelling unit, including, but not limited to, a unit or units created pursuant to Government Code Section 65852.21, a primary dwelling, an accessory dwelling unit as defined in Government Code Section 65852.2, or a junior accessory dwelling unit as defined in Government Code Section 65852.22.

Acting in Concert with the Owner means a person that has common ownership or control of the subject parcel with the owner of the adjacent parcel, a person acting on behalf of, acting for the predominant benefit of, acting on the instructions of, or actively cooperating with, the owner of the parcel being subdivided.

30.93.030 - Applicability.

A. This Chapter applies to proposed development on properties located within a single dwelling unit zone (R1-40, R1-14, R1-10, R1-10B, R1-5, R1-5B), except as prohibited per Section (B).

B. To ensure that no adverse unavoidable impacts occur to public health and safety, coastal resources, or impede public access to coastal resources, proposed development in locations listed below shall not be eligible to utilize or benefit from this Chapter. Where such circumstances apply all existing discretionary review processing requirements, zoning requirements, and maximum density per the General Plan and certified Local Coastal Program shall apply where the:

1. Proposed development is located on a lot that is either prime farmland or farmland of statewide importance, as defined pursuant to United States of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.

2. Proposed development on lots containing wetlands or their buffers, as defined by the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993 or as revised), or other environmentally sensitive habitats as defined by Section 30.75.030, including those lands that have been conserved by dedication in fee title, easement covenants, or other forms of conservation easements.

3. Proposed development that is located on a lot having habitat for protected species identified as either a candidate, sensitive, or species of special

status by state or federal agencies, or otherwise fully protected species, or species protected by the Federal Endangered Species Act of 1973 (16 U.S.C Sec 1531 et seq. or as amended), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plan Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code), which includes but is not limited to proposed development located on any one of the following Overlay zones:

a. Coastal Bluff Overlay Zone

b. Bluff, Slope, and Canyon Overlay Zone

c. Lagoon Overlay Zone

d. Open Space Overlay Zone

f. Historic Preservation Overlay

4. Proposed development on a lot that falls entirely or partially within a mapped Special Flood Hazard Area identified on the 2019 FEMA Flood Insurance Rate Map or as revised ("FIRM").

5. Consistent with existing codes, proposed development on a lot that falls entirely or partially within a mapped Very High Fire Hazard Severity Zone and does not have at least two emergency evacuation routes, an evacuation map specific to the parcel, or that cannot otherwise be mitigated to avoid loss of human life.

6. Proposed development on a lot within a delineated earthquake fault zone as determined by the State Geologist in adopted maps published by the California State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.

7. Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.

8. The parcel subject to the proposed housing development is not a parcel on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Government Code Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within

15 years before the date that the development proponent submits an application.

9. Proposed development that would require demolition of an existing dwelling unit that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income; or a dwelling unit that has been occupied by a tenant in the last three years. An applicant must demonstrate whether an existing house on a property implementing an Urban Lot Split or altered to accommodate two dwelling units was owner occupied or rented by a tenant to the Director's satisfaction, including but not limited to the execution of an affidavit that is subject to the laws of perjury.

10. Proposed development that requires the demolition of more than 25 percent of the existing exterior structural walls of a dwelling unit unless the existing unit has not been occupied by a tenant in the last three years from the date of application submittal. Dwelling units not occupied by a tenant in the last three years from the date of application submittal shall be limited to a maximum 50 percent demolition of existing exterior structural walls.

11. Projects proposing an Urban Lot Split shall not be eligible to construct Accessory Dwelling Units or Junior Accessory Dwelling Units consistent with Government Code Section 65852.21 and Section 65852.2. Each resulting lot shall not contain more than two dwelling units. For Urban Lot Splits with an existing Accessory Dwelling Unit or a Junior Accessory Dwelling Unit onsite, those units shall be considered dwelling units for the purposes of this Chapter.

12. On sites that have been established through prior entitlement of an Urban Lot Split; or when the owner of a parcel being subdivided and any person acting in concert with the owner, has previously subdivided an adjacent parcel using an Urban Lot Split as provided for in this Chapter.

13. Proposed development located within the North Beach District as identified in the Community Plan that due to flood hazards, limited public access to coastal resources, and impediments to public recreation.

30.93.040 - Permit Review Required to Utilize the Provisions of this Chapter.

A. An applicant seeking to utilize the provisions of this Chapter may propose development in accordance with the primary dwelling unit regulations in Section 30.93.050, Section 30.93.060, Chapter 23.07, and Chapter 24.66.

B. Any application pursuant to this Chapter may be denied by the City upon the making of written findings establishing by a preponderance of the evidence that the proposed development would have a specific, adverse impact upon public

health and safety, coastal resources, or the physical environment and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. The following shall not constitute a specific, adverse impact upon the public health or safety:

1. Inconsistency with the zoning ordinance or general plan land use designation.

2. The eligibility to claim a welfare exemption under subdivision (g) of Section 214 of the Revenue and Taxation Code.

30.93.050 - Development of Two Unit Residential Development in Accordance with this Chapter.

A lot in a single dwelling unit zone that meets the criteria in Section 30.93.030 shall be permitted to develop up to two primary dwelling units per lot by submitting an application for an Administrative Coastal Development Permit. The issuance of an Administrative Coastal Permit will not require any public hearings. The application shall be consistent with Section 30.75.080(E) and meet the following requirements:

A. The development regulations of the base zone in which the lot is located shall apply, except as otherwise specified in this Section:

1. The maximum permitted density shall be two dwelling units per lot. Units developed subject to this Section shall not be separately conveyed.

2. The dwelling units may be attached to or detached from one another, provided that the structure(s) meet building code safety standards.

3. Individual dwelling units developed in accordance with this Chapter shall not exceed a range of 800-1,000 square feet, as further defined in Section 30.93.050(A)(6)(b) of this Chapter.

4. Dwelling units developed in accordance with this Chapter shall be one-story and shall not exceed 16 feet in height, as measured pursuant to DMMC Section 30.04.080 (a), Excluded features are any new roof decks or balconies located upon a new structure.

5. Basements, as defined by DMMC Section 30.04.020 (c), are not permitted.

6. Setbacks:

a. An existing accessory building structure may be converted to a dwelling unit regardless of its existing location with respect to the property line. A new dwelling unit that is constructed in the same

location and to the same dimensions as an existing accessory building structure may continue to observe the same setbacks as the structure it replaced.

b. New primary dwelling unit structures that comply with the setbacks of the base zone and the minimum six-foot building separation per DMMC Section 30.86.200 (I). shall be allowed 801-1,000 square feet of building area. A primary dwelling unit with a maximum gross floor area of 800 square feet shall not be permitted closer than four feet from interior side and rear property lines.

c. New dwelling unit structures must comply with the front and street side yard setbacks of the base zoning designation.

7. Dwelling units, including exterior building features and accessory structures must comply with the Objective Design Standards pursuant to Chapter 23.07. Dwelling units, exterior building features and accessory structures that are not consistent with Chapter 23.07 and are not otherwise required by the California Building Code for a dwelling unit shall be subject to the objective requirements of Design Review in accordance with Chapter 23.08.

8. Parking:

a. One parking space is required for each unit created pursuant to this Chapter, unless the parcel upon which the unit is within one-half mile walking distance of a high-quality transit-corridor, as defined in Public Resources Code Section 21155, or a major transit stop, as defined in Public Resources Code Section 21064.3, or there is a car share vehicle located within one block of the project. The required parking spaces may be enclosed or unenclosed.

b. In order to ensure continued and to ensure that all coastal access remains unimpeded to all members of the public, if a two-unit residential development replaces an existing garage or other required parking, replacement parking spaces shall be provided on-site in accordance with the requirements of DMMC Chapter 30.80 and the California Coastal Act. The new parking space(s) may be covered or uncovered.

c. Unenclosed or enclosed parking spaces shall not be located within required setback areas and shall be located on an improved surface such as but not limited to paving, hardscape, or decomposed granite. If an applicant cannot comply with this requirement due to physical site constraints, the applicant shall provide all necessary information required by the City to reasonably demonstrate that it is infeasible to provide the required parking outside of the required setback area.

d. The design of parking spaces shall comply with DMMC Section 30.80.060.

B. Accessory dwelling units consistent with Government Code Section 65852.21 and Section 65852.2 proposed in conjunction with dwelling units subject to this Section and are not subdivided through an Urban Lot Split shall be detached from primary dwelling units and shall maintain a minimum six feet separation from other structures onsite. Junior Accessory Dwelling Units shall be contained within the existing or proposed floor area of a primary dwelling unit.

C. Prior to the issuance of a building permit for a Two Unit Residential Development, the owner shall record a deed restriction with the County Recorder and file the recorded deed restriction with the City, acknowledging the applicable use limitations that shall run with the land. The deed restriction shall include the following text:

1. A lot that utilizes the provisions of this Section shall be limited to residential uses only.

2. Rental of units shall be for a term more than thirty (30) consecutive days. Rentals of 30 days or less are prohibited. Rental terms shall not allow termination of the tenancy prior to the expiration of at least one 31-day period occupancy by the same tenant or related tenant.

3. Upon the occurrence of inclusion of these requirements into and consistent with DMMC Title 24, at least one of the primary dwelling units in a Two Unit Residential Development subject to this Chapter shall be rented or sold to very low or lower income households, as defined by Sections 50105(a) or 50079.5 of the CA Health and Safety Code. In a form approved by the City, any transfers of land inclusive of the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with this Chapter and shall remain in place for not less than 55 years.

30.93.060 - Regulations for Urban Lot Splits Located in Zones for Single Dwelling Lots.

A. A parcel located in single dwelling unit zone(s) that meet the applicability criteria set forth in Section 30.93.020, shall be permitted to subdivide an existing lot into no more than two separately conveyable lots, herein referred to as an "Urban Lot Split," by the owner submitting an application for an Administrative Coastal Development Permit in accordance with Section 30.75.080(E) and a Parcel Map in accordance with Chapter 24.66, without the requirement of a public hearing. Only legally established lots subdivided through an Urban Lot Split are allowed to be separately conveyed. Individual dwelling units located within a SB 9 lot spilt shall not be conveyed or sold separately.

B. The proposed Urban Lot Split shall comply with the requirements in Chapter 30.75 applicable to processing of an Administrative Coastal Development Permit.

C. The Director of Planning and Community Development shall approve, conditionally approve, or deny an Urban Lot Split within 50 days after the tentative map has been deemed complete.

D. Urban Lot Splits shall be limited to a maximum of two dwelling units per each lot. Lots subdivided under an Urban Lot Split are not eligible for Accessory Dwelling Units or Junior Accessory Dwelling Units. For Urban Lot Splits that contain existing Accessory Dwelling Units or Junior Accessory Dwelling Units onsite, those units shall be considered a dwelling unit for the purposes of this Chapter.

E. New construction for Two Unit Residential Development on lots created under an Urban Lot Split shall comply with the objective development standards contained within the underlying zoning designation, Section 30.93.50, and Chapter 23.07.

F. A lot that utilizes the provisions of this Section shall be limited to residential uses only. The dwelling units shall not be rented for less than 30 days. Rental terms shall not allow termination of the tenancy prior to the expiration of at least one 31-day period occupancy by the same tenant or related tenant.

G. Prior to the recordation of the parcel map for an Urban Lot Split, the owner shall record a deed restriction with the County Recorder and file the recorded deed restriction with the City, acknowledging the applicable use limitations that shall run with the land. The deed restriction shall include the following text:

1. The record owner shall reside in one of the dwelling units on either of the lots created by the Urban Lot Split as their primary residence for a minimum of three years from the date of approval of the Urban Lot Split. This requirement shall not apply to an applicant that is a "community land trust," as defined in California Revenue and Taxation Code Section 402.1(a)(11)(C)(ii) or is a "qualified nonprofit corporation" as described in California Revenue and Taxation Code Section 214.15.

2. Rental of units shall be of a term of more than 30 consecutive days or less are prohibited. Rental terms shall not allow termination of the tenancy prior to the expiration of at least one 31-day period occupancy by the same tenant or related tenant.

3. A maximum of two dwelling units shall be permitted on each lot, either as two primary units, or a primary unit and an Accessory Dwelling Unit, or a primary unit and a Junior Accessory Dwelling Unit; however, at no time shall an entitled Urban Lot Split exercise all provisions in Government Code Sections 65852.21, 66411.7, and 65852.2.

4. Any subsequent Urban Lot Split of land that was previously subdivided by an Urban Lot Split shall be prohibited.

5. Upon the occurrence of inclusion of these requirements into and consistent with DMMC Title 24, at least one of the approved units on each subdivided lot shall be subject to this Chapter and shall be rented or sold to very low or lower income households, as defined by Sections 50105(a) or 50079.5 of the CA Health and Safety Code. In a form approved by the City, any transfers of subdivided land and inclusive of any affordable unit shall be subject to a deed restriction ensuring continued affordability of the units consistent with this Chapter and shall remain in place for not less than 55 years.

30.93.070 – Severability.

Should a court of competent jurisdiction determine that these regulations are void or if certain terms or provision are voided, then those regulations shall either become void in their entirety or where the courts have determined that certain terms or provision are void by operation of the law then those terms and provisions shall have no force or effect.

SECTION TWO

That a new Chapter of the Municipal Code be added as follows:

Chapter 24.66 – Urban Lot Split.

24.66.010 - Urban Lot Split Requirements.

Every applicant proposing an Urban Lot Split (in accordance with Government Code Sections 66452.6, 65852.21, and 66411.7) shall submit a tentative parcel map that complies with the procedures and requirements contained in this Chapter, Chapter 30.93, and the submittal of an application for an Administrative Coastal Development Permit in accordance with Chapter 30.75.

24.66.020 - Preparation of Urban Lot Split Map.

An Urban Lot Split application shall be prepared by or under the direction of a registered civil engineer or licensed surveyor, and shall show the location of streets, easements, and property lines bounding the subject property and shall conform to the following provisions:

A. The provisions of Section 66445 of the Subdivision Map Act.

B. Contain a definite description of the land subdivided by references to recorded deeds, deed restrictions, recorded maps and official United States surveys. Reference to tracts, recorded deeds and recorded maps shall be clearly defined,

worded consistently with officially recorded records, and show the book and page of records and related map numbers.

C. Show the basis of bearings used, the relationship of said bearings to the true meridian, and the north arrow of said map shall appear on each street thereof.

D. Show a solid line separating private ways, easements and other rights-of-way not to be accepted as public streets and shown on said map from public streets, and clearly designate their nature and the manner in which the right is reserved or granted.

E. Each tentative map shall depict all contiguous property owned by the subdivider and shall contain the following information:

1. Name and address of the owner whose property is proposed to be subdivided and the name and address of the subdivider.
2. Name and address of registered civil engineer or licensed surveyor, who prepared the map.
3. North arrow.
4. Scale.
5. Date of preparation.
6. The location, width and proposed names of all streets within the boundaries of the proposed subdivision and approximate grades thereof and point of access from each lot.
7. Locations and width of alleys.
8. Names, location and width of adjacent streets.
9. Lot lines and approximate dimensions and numbers of each lot.
10. Approximate location and width of watercourses of areas subject to inundation from floods, and location of structures, irrigation ditches and other permanent features.
11. Approximate contours at two-foot intervals.
12. Approximate location of existing buildings and permanent structures.
13. Location of all major vegetation showing size and type.
14. Legal description of the exterior boundaries of the subdivisions.
15. Width and location of all existing and proposed public or private easement, for example utilities and bicycle paths.

16. Classification of lots as to be intended residential, commercial, industrial or otherwise.

17. Location of railroads and rights-of-way.

18. Approximate radii of curves.

19. Any proposed phasing by units.

20. Number of units to be constructed when a condominium or community apartment project is involved.

21. At the time a vesting tentative map is filed, it shall have printed conspicuously on its face the words "Vesting Tentative Map."

22. Locations of existing structures within the subdivision and structures outside the subdivision but within 25 feet of the subdivision boundaries.

F. Shown either on the proposed tentative map or an accompanying document shall be the information regarding the following matters:

1. Source of water supply.

2. Type of street improvement and utilities which the subdivider proposes to install.

3. Proposed method sewage disposal, including location of facilities.

4. Proposed storm water sewer or other means of drainage, including the location of such facilities.

5. Protective covenants to be recorded.

6. Proposed tree plantings.

7. Landscaping and irrigation conceptual plans.

24.66.30 - Application.

A. A subdivider applying for an Urban Lot Split shall file a completed application with the Planning Division, together with copies of a tentative parcel map. An applicant for an Urban Lot Split shall sign and submit with the application an affidavit stating that the applicant intends to occupy one of the housing units as their principal residence for a minimum of three years from the date of approval of the Urban Lot Split; or if new development is proposed for a Two Unit Residential Development, from the date when the Planning and Community Development Department issues its final occupancy permit.

B. The Planning and Community Development Department and City Engineer shall not accept an application or map for processing unless the Department finds that the Urban Lot Split is consistent with the applicable zoning provisions, State law, and that all approvals and permits required by the City zoning provisions for the project have been approved.

C. The Planning and Community Development Department shall not accept an application or map for an Urban Lot Split unless it is submitted together with an Administrative Coastal Development Permit in accordance with Chapter 30.75.

D. Notwithstanding the provision of subsection B of this section, an Urban Lot Split may be processed concurrently with documents, permits, or approvals required by the zoning provisions, if the applicant first waives the time limits for processing, approving, or conditionally approving or disapproving an Urban Lot Split provided by this chapter or the Subdivision Map Act.

24.66.40 - Information to be filed with Urban Lot Split Map.

Such information as may be prescribed by the rules and regulations approved by the City Council and such additional information as the City Engineer may find reasonably necessary with respect to any particular case to implementing provisions of this Chapter and shall accompany the Urban Lot Split at the time of submission, including a certificate of an engineer or land surveyor in accordance with Section 66449 of the Subdivision Map Act.

24.66.050 - Requirements for Urban Lot Split Map.

A. The Urban Lot Split shall comply with all applicable objective requirements of the Subdivision Map Act, except as provided by Government Code Section 66411.7; and the following shall be required as determined by the City Engineer:

1. Easements for the provision of public services and facilities.

2. Both lots shall provide primary vehicular access to and from a public street.

3. Panhandle lots or easements to access the proposed lot shall be a maximum of 20 feet.

B. Offsite improvements fees, directly related to an Urban Lot Split, may be imposed to make the subdivision function properly and ensure its feasibility, such as but not limited to requiring the construction of: Driveways, curbs, gutters, or sidewalk improvements as reasonably determined by the City Engineer.

C. Urban Lot Splits shall be limited to a maximum of two dwelling units on each lot. Lots subdivided under an Urban Lot Split are not eligible for additional Accessory

Dwelling Units or Junior Accessory Dwelling Units if the lot contains existing Accessory Dwelling Units or Junior Accessory Dwellings. Those existing accessory dwelling units shall be considered dwelling units for the purposes of this Chapter.

D. Development of dwelling units proposed on lots created by an Urban Lot Split shall comply with all applicable objective standards contained within the underlying zoning designation, objective subdivision standards, and Objective Design Standards in Chapter 23.07. However, applicable objective standards may be reduced if the standards would have the effect of physically precluding the construction of two, 800-square-foot, dwelling units on each resulting parcel created pursuant to this chapter. In no case shall such accommodation conflict with the minimum lot requirements per the Subdivision Map Act.

E. Urban Lot Splits shall comply with Chapter 24.21 – Dedication: Affordable Housing Mitigation.

F. The minimum lot area and minimum lot dimension regulations of the base zone shall be waived and replaced with the following regulations:

1. The two parcels created shall be approximately equal in size, provided that one lot shall not be any smaller than 40 percent of the lot area of the original lot.

2. The two lots shall be no smaller than 1,200 square feet in lot area for each lot.

3. New unit sizes shall not be greater than 800 square feet. Maps shall show the footprints of existing and proposed structures.

G. Dwelling units constructed on a lot subdivided by an Urban Lot Split shall be subject to and comply with the objective development standards specified in the underlying zoning designation, Chapter 30.93, and Chapter 23.07.

H. A lot may not utilize the Urban Lot Split provisions of this Chapter and Chapter 30.93 if any of the following apply:

1. The lot was established through a prior Urban Lot Split in accordance with this Section.

2. The record owner or any person acting in concert with the record owner has previously subdivided an adjacent lot using an Urban Lot Split in accordance with this Section.

I. Prior to the recordation of the parcel map for an Urban Lot Split, the owner shall record a deed restriction with the County Recorder and file the recorded deed

restriction with the City, acknowledging the applicable use limitations that shall run with the land. The deed restriction shall include the following text:

1. The record owner shall reside in one of the dwelling units on either of the lots created by the Urban Lot Split as their primary residence for a minimum of three years from the date of approval of the Urban Lot Split. This requirement shall not apply to an applicant that is a "community land trust," as defined in California Revenue and Taxation Code Section 402.1(a)(11)(C)(ii) or is a "qualified nonprofit corporation" as described in California Revenue and Taxation Code Section 214.15.

2. Rental of units shall be of a term of more than 30 consecutive days or less are prohibited. Rental terms shall not allow termination of the tenancy prior to the expiration of at least one 31-day period occupancy by the same tenant or related tenant.

3. A maximum of two dwelling units shall be permitted on each lot, either as two primary units, or a primary unit and an Accessory Dwelling Unit, or a primary unit and a Junior Accessory Dwelling Unit; however, at no time shall an entitled Urban Lot Split exercise all provisions in Government Code Sections 65852.21, 66411.7, and 65852.2.

4. Any subsequent Urban Lot Split of land that was previously subdivided by an Urban Lot Split shall be prohibited.

J. This Chapter applies to proposed Urban Lot Split subdivisions on properties located within a single dwelling unit zone (R1-40, R1-14, R1-10, R1-10B, R1-5, R1-5B), except as prohibited per Section (I).

K. To ensure that no adverse unavoidable impacts occur to public health and safety, coastal resources or impede public access to coastal resources, proposed development in locations listed below shall not be eligible to utilize or benefit from this Chapter. Where such circumstances apply all existing discretionary review processing requirements, zoning requirements, and maximum density per the General Plan and certified Local Coastal Program shall apply where the:

1. Proposed development is located on a lot that is either prime farmland or farmland of statewide importance, as defined pursuant to United States of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.

2. Proposed development on lots containing wetlands or their buffers, as defined by the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993 or as revised), or other environmentally sensitive habitats as defined by Section 30.75.030, including those lands that have been conserved by dedication in fee title, easement covenants, or other forms of conservation easements.

3. Proposed development that is located on a lot having habitat for protected species identified as either a candidate, sensitive, or species of special status by state or federal agencies, or otherwise fully protected species, or species protected by the Federal Endangered Species Act of 1973 (16 U.S.C Sec 1531 et seq. or as amended), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plan Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code), which includes but is not limited to proposed development located on any one of the following Overlay zones:

   a. Coastal Bluff Overlay Zone

   b. Bluff, Slope, and Canyon Overlay Zone

   c. Lagoon Overlay Zone

   d. Open Space Overlay Zone

   f. Historic Preservation Overlay

4. Proposed development on a lot that falls entirely or partially within a mapped Special Flood Hazard Area identified on the 2019 FEMA Flood Insurance Rate Map or as revised ("FIRM").

5. Consistent with City codes, proposed development on a lot that falls entirely or partially within a mapped Very High Fire Hazard Severity Zone and does not have at least two emergency evacuation routes, an evacuation map specific to the parcel, or that cannot otherwise be mitigated to avoid loss of human life.

6. Proposed development on a lot within a delineated earthquake fault zone as determined by the State Geologist in adopted maps published by the California State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.

7. Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.

8. The parcel subject to the proposed housing development is not a parcel on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Government Code Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.

9. Proposed development that would require demolition of an existing dwelling unit that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income; or a dwelling unit that has been occupied by a tenant in the last three years. An applicant must demonstrate whether an existing house on a property implementing an Urban Lot Split or altered to accommodate two dwelling units was owner occupied or rented by a tenant to the Director's satisfaction, including but not limited to the execution of an affidavit that is subject to the laws of perjury.

10. Proposed development that requires the demolition of more than 25 percent of the existing exterior structural walls of a dwelling unit unless the existing unit has not been occupied by a tenant in the last three years from the date of application submittal.

11. Projects proposing an Urban Lot Split on a lot that contains an Accessory Dwelling Unit or Junior Accessory Dwelling Unit, unless the applicant converts one existing ADU or JADU per lot to a primary dwelling unit and removes all other ADUs or JrADUs in compliance with this Chapter. When proposing an Urban Lot Split, an applicant must choose whether to use the provisions of this Chapter or the provisions of the ADU and JADU regulations consistent with Government Code Section 65852.21 and Section 65852.2 but shall not use both. In either case, each resulting lot shall not contain more than two units and each proposed primary unit must be no more than 800 square feet in floor area.

12. On sites that have been established through prior entitlement of an Urban Lot Split; or when the owner of a parcel being subdivided and any person acting in concert with the owner, has previously subdivided an adjacent parcel using an Urban Lot Split as provided for in this Chapter.

13. Proposed development located within the North Beach District as identified in the Community Plan that due to flood hazards, limited public access to coastal resources, and impediments to public recreation.

24.66.060 - Grading Plan.

There shall be filed with an Urban Lot Split a grading plan showing any grading proposed for the creation of building sites within the subdivision or for construction of improvements to serve the subdivision. The grading plan together with the original topographical contours must be shown on the tentative map for an Urban Lot Split. This plan shall indicate approximate earthwork volumes of proposed excavation and filing operations. In the event no such grading is proposed, a statement to that effect shall be filed with the tentative map.

24.66.070 - Preliminary Title Report.

There shall be filed with the tentative map a current preliminary title report for the property being subdivided.

24.66.080 - Planning and Community Development Director – Duties.

The Planning and Community Development Director is authorized and directed to carry out the following duties concerning applications for Urban Lot Split under this chapter which include the following:

A. Obtain the recommendations of other City departments, or other governmental agencies as may be deemed appropriate or reasonably necessary by the City Engineer in order to carry out the provision of this chapter; and

B. Consider all recommendations and the results of all investigations and ministerially approve or disapprove the application.

24.66.090 - Consideration of Urban Lot Split Map – Notice of Decision.

Within 50 calendar days after a complete application for an Urban Lot Split Map is filed, the Director of Planning and Community Development shall ministerially approve or disapprove such map. The time limit specified in this section may be extended by mutual consent of the applicant and the city. If the Urban Lot Split is disapproved, the reasons therefore shall be stated in the notice of disapproval.

24.66.100 - Revised Urban Lot Split.

A. Where an applicant proposes to revise or alter a submitted proposed Urban Lot Split application for which a tentative map has been previously approved by the Director of Planning and Community Development, the applicant may file with the Planning Department a revised Urban Lot Split application including the payment of established fees.

B. A revised tentative map for an Urban Lot split shall conform to the following requirements:

1. The proposed subdivision shown on such map shall generally conform to the street and lot pattern shown on the approved tentative map.

2. The proposed subdivision shown on such map shall include only one contiguous area consisting of all or a portion of the subdivision shown on the approved tentative map together with such additional land, if any, as the subdivider desires to include.

3. The revised tentative map shall contain all of the information required on previously approved tentative map and shall be accompanied by such data as is required to be filed with the proposed new tentative map.

4. A revised tentative map shall be filed with the City within 24-months from the final approval of the previous tentative map. Extension of time must be requested by the applicant to the Director of Planning and Community Development prior to the expiration of the 24-month map revision timeframe. Extensions of time are at the sole discretion of the Director of Planning and Community Development.

5. Upon the filing of a revised tentative map and payment of the prescribed fees, such revised tentative map shall be treated in all respects as an original tentative map and shall be reported on, approved, conditionally approved, or disapproved, in the same manner as the previously approved tentative map, provided, however, that the applicant shall have 12 months from the approval or conditional approval of the original tentative map within which to obtain final map approval, unless such period is extended pursuant to this Chapter, in which case, the applicant shall obtain final map approval within the period of any such extension.

24.66.110 - Disapproval of Urban Lot Split.

The Director of Planning and Community Development shall not approve an Urban Lot Split under the following circumstances:

A. Based on a preponderance of the evidence that the proposed subdivision would have a specific, adverse impact upon public health and safety, coastal resources, or the physical environment (including but not limited to sensitive coastal resources and public access) and where there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

B. The land proposed for subdivision is a lot or parcel which was part of an Urban Lot Split that the City previously approved.

C. The subdivision proposes creation of more than two lots or more than two units per lot.

D. If the Urban Lot Split does not meet the requirements of this Chapter or that all approvals or permits required by this Chapter for the project have not been issued.

E. Failure to comply with applicable, objective requirements of the Subdivision Map Act and this Chapter.

24.66.120 - Expiration/Extension of Urban Lot Split.

The expiration of the Urban Lot Split shall be in accordance with Government Code Section 66452.6 or as revised and the following:

A. A tentative map shall expire 24 months after its approval or conditional approval.

B. Upon application received by the Planning Department at least 60 days prior to the expiration of the tentative map, the Director of Planning and Community Development, at their sole discretion, may extend the time of expiration for a period or periods not to exceed six years.

24.66.130 – Transmittal of Urban Lot Split to County Recorder.

Upon the approval of an Urban Lot Split by the Director of Planning and Community Development, the applicant or its agent shall transmit the map to the San Diego County Recorder's Office and ensure the timely recording of the Tentative Map. An Urban Lot Split subject to Section 66493 of the Subdivision Map Act shall be processed in compliance with Government Code Section 66464(b).

24.66.140 – Severability.

Should a court of competent jurisdiction determine that these regulations are void or if certain terms or provision are voided, then those regulations shall either become void in their entirety or where the courts have determined that certain terms or provision are void by operation of the law then those terms and provisions shall have no force or effect.

SECTION THREE

That a new Chapter of the Municipal Code be added as follows:

23.07 - Objective Design Standards for Residential Development

23.07.010 – Purpose

A. In response to a declared housing crisis, the State of California established various mandates in State Housing law that require streamlining of permit applications through an administrative process at the city level, including limitations that require objective design standards for certain types of housing development.

B. The purpose of this Chapter is to set forth the City's objective design standards where the City is precluded by State law from applying discretionary design review and other permit approval processes identified in Chapter 23.08.

C. The intent of this Chapter is to facilitate the permitting process for proposed housing development consistent with State law and to implement the City's Community Plan (General Plan) in a manner that harmonizes adopted local policies with State law.

23.07.020 – Applicability and Process for Approval

A. All residential development referred to in this Chapter shall be processed in accordance with a ministerial permit approval process and reviewed without discretionary review or public hearings.

B. Chapter 23.07 shall apply to proposed multiple dwelling unit housing development within the Housing Element Implementation Overlay Zone (Chapter 30.92) and any proposed residential development where the City is precluded by State law from applying discretionary design review and permit approval processes that are identified in Chapter 23.08.

C. Chapter 23.07 shall also apply to residential development in single dwelling unit zones that are subject to California Government Code Sections 65852.21 and 66411.7, referred to in this Chapter as "Two Unit Residential Development." As part of the ministerial review, any Two Unit Residential Development shall comply with the following Objective Design Standards listed in Table A below. For any standard not explicitly identified below, all applicable objective standards of the underlying zoning designation and other objective standards contained in Chapter 30.93 shall apply. Where there are conflicting requirements between the Objective Design Standards below and other requirements within the Del Mar Municipal Code (DMMC), the stricter objective standard shall apply.

D. Chapter 23.07 shall not apply to proposed Accessory Dwelling Units, which are subject to review and processing in accordance with Chapter 30.91.

23.07.030 – Objective Design Standards for Two Unit Residential Development

A. If it is not feasible to comply with all applicable Objective Design Standards listed in Table "A" below when constructing up to two, 800-square-foot dwelling units on a property, the applicant shall provide all necessary information requested by the City to reasonably demonstrate that it is infeasible to construct two, 800-square-foot dwelling units if compelled to comply with the City's Objective Design Standards. Upon review of the applicant's completed feasibility study, the Director of Planning and Community Development shall determine which of, if any, Objective Design Standards will apply or what standards may be waived to allow for up to two dwelling units that are no more than 800 square feet. The City will

also evaluate the application compliance with the California Coastal Act of 1976 and determine if other feasible siting locations reduce impacts environmentally sensitive coastal areas. Additionally, the project may be denied if it will endanger public health or safety or create an unmitigable adverse impacts to the physical environment. At which time the City will produce written findings to the applicant based on the preponderance of evidence that the project with have unavoidable impacts to the public's health and safety, coastal resources, or the physical environment.

B. An exterior wall heater and/or air conditioning unit is permitted for a dwelling unit proposed under this Section. Any additional mechanical equipment or exterior building features that are not otherwise required by this Section, Chapter 30.93, or the California Building Code shall be subject to Administrative Design Review in accordance with Section 23.08.035.

C. To remove, destroy, or move a Protected Tree as defined in Section 23.50.020 to accommodate the construction for a Two Unit Residential Development project shall be subject to the requirements contained in Chapter 23.50.

TABLE A
SB 9 – OBJECTIVE STANDARDS FOR RESIDENTIAL DEVELOPMENT

A. Window Placement	1. Windows shall be located so that sight lines maximize privacy and avoid direct views into neighboring homes. The following shall be employed: a) Sizing and placing of windows shall be offset or stagger the window placement from neighboring windows. b) When staggering or offset of windows cannot be achieved, obscured or opaque window glass, clerestory windows, or windows with higher sills shall be used.
B. Neighborhood Compatibility & Setbacks	1. Front setbacks of new homes shall relate to those on adjacent parcels. In cases where setbacks along a street front are uniform, new development shall match those setbacks unless this standard would preclude the construction of a unit size of less than 800 square feet, and in this case, shall conform to the required minimum front and side setback. 2. When adjacent lots have nonconforming front yard setbacks, the new development shall conform to the required minimum front yard setback. 3. When front yard setbacks are varied in the neighborhood, new homes shall be made to locate the new home with an average setback of the two existing adjacent homes, unless this standard would preclude the construction of a unit size of less than 800 square feet, and in such case,

	shall conform to the required minimum front setback. No setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure. 4. Outdoor speakers, televisions or other permanent electronic entertainment features with a mechanically or electronic generated noise are prohibited. 5. Exterior HVAC or other mechanical equipment shall be fully screened from view from a public right-of-way or adjacent property and located in a manner that would achieve compliance with the maximum allowed decibel levels of Chapter 9.20 – Noise Regulations. 6. HVAC units and other mechanical equipment shall be ground-mounted only. HVAC units and associated screening equipment shall be a minimum of four feet from a side or rear property line. Encroachment of a HVAC or mechanical equipment within a front yard or street side yard setback area is prohibited. 7. Rooftop decks and balconies are prohibited. 8. Attached fireplaces and chimneys shall not project into any required yard setback area. A chimney shall be limited to the minimum height necessary to comply with the California Building Code. 9. No part of the dwelling unit, including eaves, cantilevered portions of a dwelling unit, or overhangs shall encroach into a four-foot side and rear setback. 10. On a site already developed with an existing unit, the new unit shall be designed and constructed to match the existing paint color and exterior building materials, including but not limited to siding, windows, doors, roofing, light fixtures, hardware, and railings. 11. When two new units are proposed, the units shall be constructed using the same architectural style, exterior building materials, colors and finishes. 12. The project shall comply with the Floor Area Ratio (FAR) and Lot Coverage of the underlying Zone if it is feasible to do so and comply with the rights provided by SB 9. 13. No patio shall be permitted as a feature within a required front yard, street-side yard, or required yard that is four feet or less from the property line.

	14. A new unit shall not be located in an area designated as a public scenic view in the certified Local Coastal Program.
C. Public Safety and Environmental Protection-Hillside Development & Grading	1. To protect coastal resources and reduce wildfire impacts, homes shall not be located at the crest, ridgeline, or the top of a hill. Homes shall not project above the peak of the ridgeline. 2. To protect public health and safety, when feasible, utilize a 20-foot setback from the top of slope and a 10-foot setback from the bottom of a substantially steep slope, which are slopes that exceed 25 percent grade (see DMMC Chapter 30.52) for the design and placement of homes to maintain the natural topography and minimize grading. 3. Excavation or grading onto a 4:1 slope shall be prohibited. 4. Grading shall be limited to the area required for the structure. Any grading outside of the structure shall be subject to the requirements and procedures contained within Chapter 23.33 – Land Conservation Permit.
D. Retaining Walls and Fencing	1. All objective standards for fences contained within Section 30.86.090 – Fences/Retaining Walls apply. 2. Retaining walls outside of the building footprint shall be at least four feet from a building wall and shall be fully landscaped and/or provide for a walkway adjacent to the home. 3. The distance between two terraced retaining walls shall be, at the minimum, the average of the height of the two walls. Retaining walls shall not exceed four feet in height. The horizontal area between two retaining walls shall be vegetated. 4. Retaining walls, block walls, and planters shall be designed with stone, native, or natural appearing materials such as, but not limited to, split face or stone veneer and shall not be unfinished concrete masonry units (CMU) block. 5. Fences and walls shall follow the natural site topography. 6. Retaining walls shall be earth tone colors that match the surrounding natural hues of the hillsides. Use of colors that contrast with the surrounding natural terrain such as white are prohibited. Earth tone is defined as a color scheme that draws from a color palette of browns, tans, warm grays, and greens. The colors in an earth tone scheme are muted and flat in an emulation of the natural colors found in dirt, moss, trees, and rocks. 7. Any perimeter fencing on hillside properties shall be visually open with the use of split rail, picket post, or cable.

	8. Chain-link fencing is prohibited unless it can be fully screened from view with landscaping or is not visible from the public right-of-way or adjacent properties. If chain-link is proposed, it shall be vinyl coated in black or other dark color that matches the natural terrain.
E. Hardscape & Access to Public Right-Of-Ways	1. Access to parking areas shall have one unobstructed, permanently surfaced driveway not less than 10 feet in width. Said driveway width shall not exceed a total maximum of 20 feet along all abutting street lines. 2. Hardscape shall not exceed 50 percent of the front yard and street side setback, including driveways and pedestrian walkways. 3. Line of sight shall be retained in accordance with Engineering standards. No wall, structure, plant material, or other object that exceeds 42 inches shall be erected or placed within a triangular area formed by measuring 10 feet from an intersecting driveway, street, or alley in a manner as to obstruct or impede vision for automobiles. 4. Existing vehicular access and curb cuts shall remain in the existing locations and may be redesigned only if this standard would preclude the construction of a unit less than 800 square feet. 5. Unenclosed, on-site parking shall be located outside of a required side, street side yard and front yard setback. 6. Circular driveways are prohibited.
F. Water Resource Protection-Landscape and Vegetation	1. New construction shall not be located within the dripline of an environmentally "Protected Tree" as defined in Chapter 23.50. 2. Trees shall not be planted in a columnar manner. New trees shall be a minimum 24-inch box size and new shrubs shall be a minimum 5-gallon size. 3. All landscaping shall be drought tolerant and California native plants. 4. All proposed landscaping shall comply with Chapter 23.60 - Water Efficiency Landscape Ordinance (WELO).
G. Architectural Features and Articulation	1. Four-sided (360-degree) architecture shall be incorporated on all building elevations, which include, but are not limited to, variation in massing, roof forms, wall planes, materials, and surface articulation. Material and color changes shall occur at intersecting planes and shall not occur at the outside corners of structures.

	2. Units shall have an identifiable main entry when approached from the street. Garage doors shall not be the main entry feature. Sliding, retractable, or accordion style doors shall not be used for the main entry of a home. 3. Exterior materials shall be siding, stucco, brick, stone, or other similar materials and shall be in an earth tone color. Board-formed, non-colored, concrete, and stained wood with proper fire assemblies may be used for accent walls. 4. The maximum allowed enclosed or partially enclosed non-converted garage space shall be limited to 10 feet wide by 20 feet long. 5. If an attached garage is proposed, the garage shall be setback five feet from the façade of the proposed dwelling unit. 6. Garage doors shall be recessed a minimum of two inches from the face of the garage. 7. Wall and roof planes on each elevation must be varied at a minimum of every 20 feet with a projection, offset or recess of the building of at least one foot in depth. 8. Dwelling units shall be one-story and a maximum 16 feet in height. Dwelling units shall have a maximum 10-foot plate height. 9. Sloped roof materials shall be 30-year minimum composition shingle, tile, natural slate or standing seam metal in a non-reflective color. Flat roofs shall utilize non-reflective materials and colors. 10. All vents, downspouts, flashing, and electrical conduit shall match the color of the dwelling. 11. Development that requires the demolition of an existing dwelling unit shall be limited to 50 percent demolition of the existing exterior structural walls for dwelling units not occupied by a tenant in the last three years.
H. Lighting and Screening	1. All exterior lighting shall be fully shielded with shut off controls or sensors, timers, or motion detectors. Shielded up lighting and fixtures with an adjustable aiming angle are prohibited. 2. Exterior building lighting shall be limited to the minimum necessary for compliance with Building Code requirements. 3. All exterior lighting proposed, including fixtures and sources shall be certified Dark Sky Friendly by the Fixture Seal of Approval program of the International Dark-sky Association, or be comparable in terms of

	fixtures that minimize glare, reduce light trespass, and do not pollute the night sky. 4. Glass walls (any wall plane consisting of more that 75 percent opaque or transparent glazed surface) that are visible from neighboring homes are prohibited. 5. The lamp color or color temperature for all lighting shall be limited to a maximum 2,700 kelvin. 6. Skylights shall be tinted to prohibit the escape of light from inside the unit.
I. Screening	1. Roof penetrations such as stacks, vents, and other roof-mounted equipment shall be located away from view from the public right-of-way. All flashing, sheet metal, vents, and pipe stacks shall be painted to match the adjacent roof or wall material. 2. Areas for trash containers shall be incorporated into the building design and located within a garage or fully screened from the public view with walls and landscaping and a lid if the top of the trash bins is not fully covered by the walls. Trash container storage shall be located at the rear or the interior side yard of a property if not located within a garage. 3. Foundations and undersides of structures shall be fully screened with compatible materials and colors of the home. 4. Mechanical equipment such as backflow preventers shall be screened from public view if located in the front or street side yard setback. 5. All ground mounted mechanical equipment shall be completely shielded to eliminate noise and screened from view by adjacent properties by use of a wall, view-obscuring fencing and/or landscaping, or enclosed within a building. Screening walls shall be designed to be architecturally consistent with the building design and materials.

SECTION FOUR

That Municipal Code Chapter 30.74 be amended as follows:

Chapter 30.75 (Coastal Development Permits)

30.75.080 – Coastal Development Permits Issued by the City—Issuing Authority, Public Hearing Required.

A. through D. [No change]

E. The Director of Planning and Community Development shall serve as the Issuing Authority to render a determination on applications for Coastal Development Permits for the following:

1. Projects which qualify for Administrative Design Review pursuant to the provisions of this Title.

2. Applications for Lot Line Adjustments and/or Certificates of Compliance.

3. An application for an Accessory Dwelling Unit in accordance with Subsection 30.91.030.D.5. that is not otherwise exempt from a Coastal Development Permit.

4. Development applications for by-right multiple dwelling units are to be in accordance with the Housing Element Implementation Overlay Zone pursuant to Chapter 30.92.

5. An application for an Urban Lot Split or construction of a Two Unit Residential Development in a single dwelling unit zone in accordance with Chapter 30.93 and Chapter 24.66.

F. [No change]

SECTION FIVE

That Municipal Code Chapter 30.10 be amended as follows:

Chapter 30.10 (Very Low Density Residential (R1-40))

30.10.030 – Allowable Uses.

The allowable uses in the R1-40 Zone are:

A. A single dwelling unit on each building site; and

B. An Accessory Dwelling Unit that meets the requirements in Section 30.91.040, or a Junior Accessory Dwelling Unit that meets the requirements in Section 30.91.050.

C. A Small Community Care Facility on each building site.

D. Two Unit Residential Development pursuant to Chapter 30.93.

30.10.070 – Development Standards.

A. [No change]

B. Lot Dimensions.

1. Minimum lot size: 40,000 square feet.

2. Minimum street frontage: 20 feet.

3. Minimum lot width: 75 feet.

4. Minimum lot depth: 100 feet.

5. New lots created as part of an Urban Lot Split as defined in Chapter 30.93 must be in compliance with the lot size and lot width requirements pursuant to Chapter 24.66.

C. [No change]

SECTION SIX

That Municipal Code Chapter 30.10 be amended as follows:

Chapter 30.11 (Modified Low Density Residential (R1-14))

30.11.030 – Allowable Uses.

The allowable uses in the R1-14 Zone are:

A. A single dwelling unit on each building side; and

B. An Accessory Dwelling Unit that meets the requirements in Section 30.91.040, or a Junior Accessory Dwelling Unit that meets the requirements in Section 30.91.050.

C. A Small Community Care Facility on each building site.

D. Two Unit Residential Development pursuant to Chapter 30.93.

30.11.070 – Development Standards.

A. [No change]

B. Lot Dimensions.

1. Minimum lot size: 14,000 square feet.

2. Minimum street frontage: 20 feet.

3. Minimum lot width: 75 feet.

4. Minimum lot depth: 100 feet.

5. New lots created as part of an Urban Lot Split as defined in Chapter 30.93 must be in compliance with the lot size and lot width requirements pursuant to Chapter 24.66

C. [No change]

SECTION SEVEN

Chapter 30.12 (Low Density Residential (R1-10))

30.12.030 – Allowable Uses.

The allowable uses in the R1-10 Zone are:

A. A single dwelling unit on each building side; and

B. An Accessory Dwelling Unit that meets the requirements in Section 30.91.040, or a Junior Accessory Dwelling Unit that meets the requirements in Section 30.91.050.

C. A Small Community Care Facility on each building site.

D. Two Unit Residential Development pursuant to Chapter 30.93.

30.12.070 – Development Standards.

A. [No change]

B. Lot Dimensions.

1. Minimum lot size: 10,000 square feet.

2. Minimum street frontage: 20 feet.

3. Minimum lot width: 75 feet.

4. Minimum lot depth: 100 feet.

5. New lots created as part of an Urban Lot Split as defined in Chapter 30.93 must be in compliance with the lot size and lot width requirements pursuant to Chapter 24.66.

C. [No change]

SECTION EIGHT

30.13.070 – Development Standards.

A. [No change]

B. Lot Dimensions.

1. Minimum lot size: 10,000 square feet.
2. Minimum street frontage: 20 feet.
3. Minimum lot width: 35 feet.
4. Minimum lot depth: 100 feet.
5. New lots created as part of an Urban Lot Split as defined in Chapter 30.93 must be in compliance with the lot size and lot width requirements pursuant to Chapter 24.66.

C. [No change]

SECTION NINE

Chapter 30.14 (Medium Density Single-Family Residential (R1-5))

30.14.030 – Allowable Uses.

The allowable uses in the R1-5 Zone are:

A. A single dwelling unit on each building site.

B. An Accessory Dwelling Unit that meets the requirements in Section 30.91.040, or a Junior Accessory Dwelling Unit that meets the requirements in Section 30.91.050.

C. A Small Community Care Facility on each building site.

D. Two Unit Residential Development pursuant to Chapter 30.93.

30.14.070 – Development Standards.

A. [No change]

B. Lot Dimensions.

1. Minimum lot size: 5,000 square feet.
2. Minimum street frontage: 20 feet.

3. Minimum lot width: 50 feet.

4. Minimum lot depth: 90 feet.

5. New lots created as part of an Urban Lot Split as defined in Chapter 30.93 must be in compliance with the lot size and lot width requirements pursuant to Chapter 24.66.

C. [No change]

SECTION TEN

Chapter 30.15 (Medium Density Single-Family Residential – Beach (R1-5B))

30.15.030 – Allowable Uses.

The allowable uses in the R1-5B Zone are:

A. A single dwelling unit on each building site.

B. An Accessory Dwelling Unit that meets the requirements in Section 30.91.040, or a Junior Accessory Dwelling Unit that meets the requirements in Section 30.91.050.

C. A Small Community Care Facility on each building site.

D. Two Unit Residential Development pursuant to Chapter 30.93.

30.15.070 – Development Standards.

A. [No change]

B. Lot Dimensions.

1. Minimum lot size: 5,000 square feet.

2. Minimum street frontage: 20 feet.

3. Minimum lot width: 50 feet.

4. Minimum lot depth: 80 feet.

5. New lots created as part of an Urban Lot Split as defined in Chapter 30.93 must be in compliance with the lot size and lot width requirements pursuant to Chapter 24.66.

C. [No change]

SECTION ELEVEN

This Ordinance was introduced by the City Council on June 5, 2023.

SECTION TWELVE

The City Clerk is directed to prepare and have published a summary of this Ordinance no less than five days prior to the consideration of its adoption and again within 15 days following adoption indicating votes cast.

SECTION THIRTEEN

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION FOURTEEN

Upon adoption, the Ordinance will be submitted to the California Coastal Commission for certification as a Local Coastal Program Amendment. The Ordinance will take effect and be in force on the date that the Coastal Commission acts to unconditionally certify the Local Coastal Program Amendment.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Del Mar, California, held on the 19th day of June, 2023.

Tracy Martinez, Mayor
City of Del Mar

APPROVED AS TO FORM:

Leslie E. Devaney, City Attorney
City of Del Mar

ATTEST AND CERTIFICATION:

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO
CITY OF DEL MAR

I, NESTOR MACHADO, Acting City Clerk of the City of Del Mar, California, DO HEREBY CERTIFY, that the foregoing is a true and correct copy of Ordinance No. 996, which has been published pursuant to law, and adopted by the City Council of the City of Del Mar, California, at a Regular Meeting held the 19th day of June, 2023, by the following vote:

AYES:	Mayor Martinez, Deputy Mayor Quirk, Councilmembers Druker, Gaasterland, and Worden
NOES:	None
ABSENT:	None
ABSTAIN:	None

Nestor Machado, Acting City Clerk
City of Del Mar

California Coastal Commission's Required Modifications to the City of Del Mar's Senate Bill 9 Implementing Regulations LCPA In Strikeout-Underline Format

SECTION ONE: That DMMC Prospective Section 30.93.010 Purpose and Intent for the SB 9 Implementing Regulations shall be amended per CCC modifications #1 and #2 to read as follows:

Chapter 30.93 – Regulations for Development of Two Unit Residential Development on Single Residential Zoned lots or Urban Lot Splits for Single Residential Zoned Lots

30.93.010 - Purpose and Intent.

The purpose of this Chapter is to implement California Government Code Sections 65852.21 and ~~CA.~~ Gov. Code ~~Section 2.~~ 66411.7~~.~~(commonly referred to as: SB 9) without superseding or in any way altering or lessening the effect or application of the California Coastal Act of 1976 (Pub. Resources Code, §30000 et seq.) and the City's Local Coastal Program; and to establish objective design standards for the development of residential structures on single residential zoned lots conforming to State law. Should State law change, the City reserves the right to make further modifications to these standards to bring this Chapter in conformity with new State requirements.

The intent of this Chapter is to comply with the requirements of State housing laws, while retaining the character of the City's single-dwelling neighborhoods. Equal to meeting these housing law obligations is ensuring that no unavoidable adverse impacts occur to the public health, safety, or general welfare of its residents or to the City's sensitive coastal resources.

This Chapter prescribes objective standards for the approval of such units and Urban Lot Splits and the circumstances in which a development may be prohibited. For example, the proposed development may be denied if it conflicts with the certified LCP, or if applicable, the public access provisions of the Coastal Act, ~~because it may conflict with the California Coastal Act of 1976~~ or where the proposed development is located within a Severe Wildfire Hazard Area ~~or Flood Zone~~, unless the zone allows residential development and the applicant demonstrates that all applicable safety precautions will be taken for construction of the development. ~~Finally, should this Chapter conflict with State law then State law will have precedence over the regulations contained in this Chapter.~~

SECTION TWO: That DMMC Prospective Section 30.93.020 Definitions for the SB 9 Implementing Regulations shall be amended per CCC modification #3 to read as follows:

30.93.020 - Definitions.

[*Senate Bill 9 (SB 9)* through *Urban Lot Split*. No change in text]

Unit means any dwelling unit, including, but not limited to, a unit or units created pursuant to Government Code Section 65852.21, a primary dwelling, an accessory dwelling unit as defined in Government Code Section 65852.21, or a junior accessory dwelling unit as defined in Government Code Section 65852.22.

[*Acting in Concert with the Owner.* No change in text]

SECTION THREE: That DMMC Prospective Section 30.93.030 Applicability for the SB 9 Implementing Regulations shall be amended per CCC modifications #4 through #9 to read as follows:

30.93.030 - Applicability.

A. This Chapter applies to proposed development on properties located within a single dwelling unit zone (R1-40, R1-14, R1-10, ~~R1-10B,~~ R1-5~~, R1-5B~~), except as prohibited per Section (B). In accordance with Section (B), proposed development shall be prohibited in zones R1-10B and R1-5B, which are located entirely within the Floodplain Overlay Zone.

B. To ensure that no adverse unavoidable impacts occur to public health and safety, coastal resources, or impede public access to coastal resources, proposed development in locations listed below shall not be eligible to utilize or benefit from this Chapter. Where such circumstances apply all existing discretionary review processing requirements, zoning requirements, and maximum density per the General Plan and certified Local Coastal Program shall apply where the:

[1. No change in text]

2. Proposed development on lots containing wetlands or their buffers, as defined by either Coastal Commission regulation section 13577(b) (Cal. Code of Regs., tit.14) or the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993 or as revised), or other environmentally sensitive habitats as defined by Section 30.75.030, including those lands that have been conserved by dedication in fee title, easement covenants, or other forms of conservation easements.

3. Proposed development that is located on a lot having habitat for protected species identified as either a candidate, sensitive, or species of special status by state or federal agencies, or otherwise fully protected species, or species protected by the Federal Endangered Species Act of 1973 (16 U.S.C. Sec 1531 et seq. or as amended), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native ~~Plan~~ Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game

Code), which includes but is not limited to proposed development located on any one of the following Overlay zones:

[a. through f. No change in text]

4. Proposed development on a lot that falls entirely or partially within a mapped Special Flood Hazard Area identified on the ~~2019~~ most recent FEMA Flood Insurance Rate Map ~~or as revised~~ ("FIRM").

[5. through 8. No change in text]

9. Proposed development that would require demolition of an existing dwelling unit that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income; or demolition of a dwelling unit that has been occupied by a tenant in the last three years. An applicant must demonstrate whether an existing house on a property implementing an Urban Lot Split or altered to accommodate two dwelling units was owner occupied or rented by a tenant to the Director's satisfaction, including but not limited to the execution of an affidavit that is subject to the laws of perjury.

[10. No change in text]

11. Projects proposing an Urban Lot Split shall not be eligible to construct Accessory Dwelling Units or Junior Accessory Dwelling Units consistent with Government Code Section 65852.21 and Section 65852.2 as amended. Each resulting lot shall not contain more than two dwelling units. For Urban Lot Splits with an existing Accessory Dwelling Unit or a Junior Accessory Dwelling Unit onsite, those units shall be considered dwelling units for the purposes of this Chapter.

[12. through 13. No change in text]

SECTION FOUR: That DMMC Prospective Section 30.93.040 for the SB 9 Implementing Regulations shall be amended per CCC modifications #10 and #11 to read as follows:

30.93.040 - Permit Review Required to Utilize the Provisions of this Chapter.

A. An applicant seeking to utilize the provisions of this Chapter ~~may~~ shall propose development in accordance with the primary dwelling unit regulations in Section 30.93.050, Section 30.93.060, Chapter 23.07, and Chapter 24.66.

B. Any application pursuant to this Chapter may be denied by the City upon the making of written findings establishing by a preponderance of the evidence that the proposed development would have a specific, adverse impact upon public

health and safety, coastal resources, or the physical environment and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. The following shall not constitute a specific, adverse impact upon the public health or safety where also consistent with the LCP:

[1. through 2. No change in text]

SECTION FIVE: That DMMC Prospective Section 30.93.050 for the SB 9 Implementing Regulations shall be amended per CCC modifications #12 and #13 to read as follows:

30.93.050 - Development of Two Unit Residential Development in Accordance with this Chapter.

A lot in a single dwelling unit zone that meets the criteria in Section 30.93.030 shall be permitted to develop up to two primary dwelling units per lot by submitting an application for an Administrative Coastal Development Permit. The issuance of an Administrative Coastal Development Permit will not require any public hearings. The application shall be consistent with Section 30.75.080(E) and meet the following requirements:

A. The development regulations of the base zone in which the lot is located shall apply, except as otherwise specified in this Section:

[1.through 5. No change in text]

6. Setbacks:

[a. No change in text]

b. New primary dwelling unit structures that comply with the setbacks of the base zone and ~~the~~ minimum six-foot building separation ~~per DMMC Section 30.86.200 (I).~~ shall be allowed 801-1,000 square feet of building area. A primary dwelling unit with a maximum gross floor area of 800 square feet shall not be permitted closer than four feet from interior side and rear property lines.

[c. No change in text]

[7. No change in text]

8. Parking:

[a. No change in text]

b. ~~In order to ensure continued and to ensure that all coastal access remains unimpeded to all members of the public, if~~ If a two-unit residential development replaces an existing garage or other required parking, replacement parking spaces shall be provided on-site in accordance with the requirements of DMMC Chapter 30.80 and the certified LCP ~~California Coastal Act~~ only if the loss of the off-street parking supply has a significant effect on public access to the shoreline. The new parking space(s) may be covered or uncovered. No off-street parking requirements apply to any development proposed within one-half mile of a major transit stop, as defined in Public Resources Code Section 21064.3.

[c. through d. No change in text]

B. Accessory dwelling units consistent with Government Code Section 65852.21 and Section 65852.2, as amended, proposed in conjunction with dwelling units subject to this Section and are not subdivided through an Urban Lot Split shall be detached from primary dwelling units and shall maintain a minimum six feet separation from other structures onsite. Junior Accessory Dwelling Units shall be contained within the existing or proposed floor area of a primary dwelling unit.

C. Prior to the issuance of a building permit for a Two Unit Residential Development, the owner shall record a deed restriction with the County Recorder and file the recorded deed restriction with the City, acknowledging the applicable use limitations that shall run with the land. The deed restriction shall include the following text:

[1. through 2. No change in text]

3. ~~Upon the occurrence of inclusion of these requirements into and consistent with DMMC Title 24, at~~ At least one of the ~~primary~~ dwelling units in a project (Two Unit Residential Development or Urban Lot Split) subject to this Chapter shall be rented or sold to very low or lower income households, as defined by Sections 50105(a) or 50079.5 of the CA Health and Safety Code. In a form approved by the City, any transfers of land inclusive of the affordable units shall be subject to a deed restriction for not less than 55 years ensuring continued affordability of the units consistent with this Chapter and Chapter 24.21 (Inclusionary Housing)~~and shall remain in place for not less than 55 years~~.

SECTION SIX: That DMMC Prospective Section 30.93.060 for the SB 9 Implementing Regulations shall be amended per CCC modifications #17 and #18 to read as follows:

30.93.060 - Regulations for Urban Lot Splits Located in Zones for Single Dwelling Lots.

A. through F. No change in text]

G. Prior to the recordation of the parcel map for an Urban Lot Split, the owner shall record a deed restriction with the County Recorder and file the recorded deed restriction with the City, acknowledging the applicable use limitations that shall run with the land. The deed restriction shall include the following text:

[1. through 2. No change in text]

3. A maximum of two dwelling units shall be permitted on each lot, either as two primary units, or a primary unit and an Accessory Dwelling Unit, or a primary unit and a Junior Accessory Dwelling Unit; however, at no time shall an entitled Urban Lot Split exercise all provisions in Government Code Sections 65852.21~~,~~ and 66411.7~~, and 65852.2~~.

[4. No change in text]

5. ~~Upon the occurrence of inclusion of these requirements into and consistent with DMMC Title 24, at~~ At least one of the ~~approved~~ dwelling units ~~on each~~ (including all units on the lot or subdivided lots ~~shall be~~ subject to this Chapter) ~~and~~ shall be rented or sold to very low or lower income households, as defined by Sections 50105(a) or 50079.5 of the CA Health and Safety Code. In a form approved by the City, any transfers of subdivided land and inclusive of any affordable unit shall be subject to a deed restriction for not less than 55 years ensuring continued affordability of the units consistent with this Chapter and Chapter 24.21 (Inclusionary Housing) ~~shall remain in place for not less than 55 years~~.

SECTION SEVEN: That DMMC Prospective Section 24.66.020 shall be amended per CCC modification #19 to read as follows:

24.66.020 - Preparation of Urban Lot Split Map.

An Urban Lot Split application shall be prepared by or under the direction of a registered civil engineer or licensed surveyor, and shall show the location of streets, easements, and property lines bounding the subject property and shall conform to the following provisions:

[A. through D. No change in text]

E. Each tentative map shall depict all contiguous property owned by the subdivider and shall contain the following information:

[1. Through 12. No change in text]

13. Location of all major vegetation showing size and type, including buffers for any adjacent environmentally sensitive habitat.

[14. through 22. No change in text]

[F. No change in text]

SECTION EIGHT: That DMMC Prospective Section 24.66.050 shall be amended per CCC modifications #20 through #27 to read as follows:

24.66.050 - Requirements for Urban Lot Split Map.

[A. through D. No change in text]

E. Urban Lot Splits shall comply with the inclusionary housing requirement stated in Section 30.93.060 and Chapter 24.21 (Inclusionary Housing) for dedication of one unit for lower income households. An additional in lieu fee payment shall not be required for the lot split.

[F. through H. No change in text]

I. Prior to the recordation of the parcel map for an Urban Lot Split, the owner shall record a deed restriction with the County Recorder and file the recorded deed restriction with the City, acknowledging the applicable use limitations that shall run with the land. The deed restriction shall include the following text:

[1. through 2. No change in text]

3. A maximum of two dwelling units shall be permitted on each lot, either as two primary units, or a primary unit and an Accessory Dwelling Unit, or a primary unit and a Junior Accessory Dwelling Unit; however, at no time shall an entitled Urban Lot Split exercise all provisions in Government Code Sections 65852.21~~,~~ and 66411.7~~, and 65852.2~~.

[4. No change in text]

J. This Chapter applies to proposed Urban Lot Split subdivisions on properties located within a single dwelling unit zone (R1-40, R1-14, R1-10, ~~R1-10B,~~ R1-5~~, R1-5B~~), except as prohibited per Section (I). In accordance with Section (I), proposed urban lot split subdivisions shall be prohibited in zones R1-10B and R1-5B, which are located entirely within the Floodplain Overlay Zone.

K. To ensure that no adverse unavoidable impacts occur to public health and safety, coastal resources or impede public access to coastal resources, proposed development in locations listed below shall not be eligible to utilize or benefit from this Chapter. Where such circumstances apply all existing discretionary review processing requirements, zoning requirements, and maximum density per the General Plan and certified Local Coastal Program shall apply where the:

[1. No change in text]

2. Proposed development on lots containing wetlands or their buffers, as defined by either Coastal Commission regulation section 13577(b) (Cal. Code of Regs., tit.14) or the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993 or as revised), or other environmentally sensitive habitats as defined by Section 30.75.030, including those lands that have been conserved by dedication in fee title, easement covenants, or other forms of conservation easements.

[3. No change in text]

4. Proposed development on a lot that falls entirely or partially within a mapped Special Flood Hazard Area identified on the ~~2019~~ most recent FEMA Flood Insurance Rate Map ~~or as revised~~ ("FIRM").

[5. through 8. No change in text]

9. Proposed development that would require demolition of an existing dwelling unit that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income; or demolition of a dwelling unit that has been occupied by a tenant in the last three years. An applicant must demonstrate whether an existing house on a property implementing an Urban Lot Split or altered to accommodate two dwelling units was owner occupied or rented by a tenant to the Director's satisfaction, including but not limited to the execution of an affidavit that is subject to the laws of perjury.

[10. No change in text]

11. Projects proposing an Urban Lot Split on a lot that contains an Accessory Dwelling Unit or Junior Accessory Dwelling Unit, unless the applicant converts one existing ADU or JADU per lot to a primary dwelling unit and removes all other ADUs or JrADUs in compliance with this Chapter. When proposing an Urban Lot Split, an applicant ~~must~~ shall choose whether to use the provisions of this Chapter or the provisions of the ADU and JADU regulations consistent with Government Code Section 65852.21 and Section 65852.2, as amended, but shall not use both. In either case, each

resulting lot shall not contain more than two units and each proposed primary unit ~~must~~ shall be no more than 800 square feet in floor area.

[12. No change in text]

13. Proposed development located within the North Beach District as identified in the Community Plan that due to flood hazards, limited public access to coastal resources, ~~and~~or impediments to public recreation.

SECTION NINE: That DMMC Prospective Section 23.07.020 Objective Design Standards for Residential Development shall be amended per CCC modifications #28 and #29 to read as follows:

23.07.020 – Applicability and Process for Approval

[A. No change in text]

B. Chapter 23.07 shall apply to proposed multiple dwelling unit housing development within the Housing Element Implementation Overlay Zone (Chapter 30.92) and any proposed residential development where the City is precluded by State Housing law from applying discretionary design review and permit approval processes that are identified in Chapter 23.08.

C. Chapter 23.07 shall also apply to residential development in single dwelling unit zones that are subject to California Government Code Sections 65852.21 and 66411.7, referred to in this Chapter as “Two Unit Residential Development.” As part of the ministerial review, any Two Unit Residential Development shall comply with the following Objective Design Standards listed in Table A below. For any standard not explicitly identified below, all applicable objective standards of the underlying zoning designation and other objective standards contained in Chapter 30.93 shall apply. Where there are conflicting requirements between the Objective Design Standards below and other requirements within the Del Mar Municipal Code (DMMC) or the certified LCP, the stricter ~~objective~~ standard shall apply.

[D. No change in text]

SECTION TEN: That DMMC Prospective Section 23.07.030 shall be amended per CCC modification #30 to read as follows:

23.07.030 – Objective Design Standards for Two Unit Residential Development

A. If it is not feasible to comply with all applicable Objective Design Standards listed in Table “A” below when constructing up to two, 800-square-foot dwelling units on a property, the applicant shall provide all necessary information requested by the City to reasonably demonstrate that it is infeasible to construct two, 800-square-

foot dwelling units if compelled to comply with the City's Objective Design Standards. Upon review of the applicant's completed feasibility study, the Director of Planning and Community Development shall determine which of, if any, Objective Design Standards will apply or what standards may be waived to allow for up to two dwelling units that are no more than 800 square feet. The City will also evaluate the application compliance with the ~~California Coastal Act of 1976~~ certified Local Coastal Program and determine if other feasible siting locations reduce impacts to environmentally sensitive coastal areas or impacts to public scenic views. Additionally, the project may be denied if it will endanger public health or safety or create an ~~unmitigable~~ adverse impacts to the physical environment that cannot be avoided or mitigated. ~~At which time~~ On denial, the City will produce written findings to the applicant based on the preponderance of evidence that the project ~~with~~ will have unavoidable or unmitigable impacts to the public's health and safety, coastal resources, or the physical environment.

[B. and C. and Table A No change in text]

SECTION ELEVEN: That DMMC Prospective Section 30.13.070 Development Standards for the R1-10B Zone shall be amended per CCC modification #31 to read as follows:

30.13.070 – Development Standards.

[A. No change in text]

B. Lot Dimensions.

[1. through 4. No change in text]

~~5. New lots created as part of an Urban Lot Split as defined in Chapter 30.93 must be in compliance with the lot size and lot width requirements pursuant to Chapter 24.66.~~

[C. No change in text]

SECTION TWELVE: That DMMC Prospective Section 30.15.030 Allowable Uses for the R1-5B Zone shall be amended per CCC modification #32 to read as follows:

30.15.030 – Allowable Uses.

The allowable uses in the R1-5B Zone are:

[A. through C. No change in text]

~~D. Two Unit Residential Development pursuant to Chapter 30.93.~~

SECTION THIRTEEN: That DMMC Prospective Section 30.15.070 Development Standards for the R1-5B Zone shall be amended per CCC modification #33 to read as follows:

30.15.070 – Development Standards.

[A. No change in text]

B. Lot Dimensions.

[1. through 4. No change in text]

~~5. New lots created as part of an Urban Lot Split as defined in Chapter 30.93 must be in compliance with the lot size and lot width requirements pursuant to Chapter 24.66.~~

[C. No change in text]

STATE OF CALIFORNIA -- THE NATURAL RESOURCES AGENCY GAVIN NEWSOM, *Governor*

CALIFORNIA COASTAL COMMISSION
SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370

April 14, 2025

Ms. Amanda Lee
Principal Planner
City of Del Mar
1050 Camino del Mar
Del Mar, CA 92014

Re: Certification of City of Del Mar LCP Amendment No. LCP-6-DMR-23-0032-1 (SB 9 Housing Provisions)

Dear Ms. Lee,

On April 9, 2025, the California Coastal Commission approved the above referenced amendment to the City of Del Mar Local Coastal Program (LCP). The amendment involves changes to the Implementation Plan (IP) to establish procedures and objective development standards for projects subject to Senate Bill 9, allowing the development of two-unit residential development or an urban lot split on single dwelling zoned lots. Specifically, the amendment would add several new chapters, including Chapter 30.93 (Regulations for Development of Two Unit Residential Development on Single Residential Zoned lots or Urban Lot Splits for Single Residential Zoned Lots) Chapter 24.66 (Urban Lot Split), and Chapter 23.07 (Objective Design Standards for Residential Development). The amendment would also amend several existing chapters, including Chapter 30.75 (Coastal Development Permits), Chapter 30.10 (Very Low Density Residential (R1-40)), Chapter 30.11 (Modified Low Density Residential (R1-14)), Chapter 30.12 (Low Density Residential (R1-10)), Chapter 30.13 (Low Density Residential-Beach (R1-10B)), Chapter 30.14 (Medium Density Single-Family Residential (R1-5)), and Chapter 30.15 (Medium Density Single-Family Residential – Beach (R1-5B)).

After the City's submittal of the IP amendment, Commission staff identified several inconsistencies between the City's requested amendment and the existing standards of the certified LUP; accordingly, several suggested modifications were made by staff. The suggested modifications include revisions to clarify the City's intent, correct references, and clarify Chapter 3 and LCP requirements. Other suggested modifications add the Coastal Commission's definition of wetlands to ensure that all relevant resources are identified on potentially eligible lots, and require the identification of any buffers for adjacent environmentally sensitive habitat on tentative maps proposed for urban lot splits. Several other suggested modifications have been requested by the City in order to incorporate recent changes made to the City's inclusionary housing requirements, which are not part of the certified LCP, as well as to make clear that the City has determined that two of the City's single dwelling unit zones are not in fact eligible for SB 9 development because they are located entirely within the Floodplain Overlay Zone. Finally, a suggested modification clarifies that replacement parking is required in the event a two-unit development replacing the

existing required parking only if the City determines that loss of the off-street parking supply has a significant effect on public access to the shoreline. The same suggested modification also makes clear that no off-street parking requirements apply to any development proposed within one-half mile of a major transit stop, in compliance with AB 2097.

The Commission approved the LCP amendment with the above suggested modifications; however, before the amendment request can become effectively certified, the Executive Director must determine that implementation of the approved amendment will be consistent with the Commission's certification order. This is necessary because the amendment was certified with suggested modifications.

In order for the Executive Director to make this determination, the local government must formally acknowledge receipt of the Commission's resolution of certification, including any terms or suggested modifications; and take any formal action which is required to satisfy them, such as revised plan policies, rezonings or other ordinance revisions. This certification must also include production of new LCP text demonstrating that the amendment, as approved by the Commission and accepted by the City, will be incorporated into the City's certified Local Coastal Program immediately upon concurrence by the Commission of the Executive Director's determination. The local government's action must be completely consistent with the Commission's certification order; if you are considering any change from what is presented in the attached suggested modification, you should contact this office immediately.

The Commission's certification order remains valid for six months from the date of its action; therefore, it is necessary for the City of Del Mar to take the necessary steps within six months. If you believe that the City of Del Mar will need additional time, you may request up to a one-year time extension but such an extension must be granted by the Coastal Commission at a subsequent hearing. As soon as the necessary documentation is received in this office and accepted, the Executive Director will report his/her determination to the Commission at its next regularly scheduled public hearing. If you have any questions about the Commission's action or this final certification procedure, please contact our office. Thank you and the other staff members who worked on this planning effort. We remain available to assist you and your staff in any way possible to continue the successful implementation of the local coastal program.

Sincerely,

Stephanie Leach

Stephanie Leach
Coastal Planner

SUGGESTED MODIFICATIONS

The underlined sections represent language that the Commission suggests be added, and the ~~struck-out~~ sections represent language which the Commission suggests be deleted from the language as originally submitted.

1. Revise the first sentence of Section 30.93.010 as follows:

   The purpose of this Chapter is to implement California Government Code Sections 65852.21 and ~~CA~~ Gov. Code ~~Section 2.~~ 66411.7~~.~~ (commonly referred to as: SB 9) without superseding or in any way altering or lessening the effect or application of the California Coastal Act of 1976 (Pub. Resources Code, § 30000 et seq.) and the City's Local Coastal Program; and to establish objective design standards for the development of residential structures on single residential zoned lots conforming to State law.

2. Revise the last paragraph of Section 30.93.010 as follows:

   This Chapter prescribes objective standards for the approval of such units and Urban Lot Splits and the circumstances in which a development may be prohibited. For example, the proposed development may be denied if it conflicts with the certified LCP, or if applicable, the public access provisions of the Coastal Act, ~~because it may conflict with the California Coastal Act of 1976~~ or where the proposed development is located within a Severe Wildfire Hazard Area ~~or Flood Zone~~, unless the zone allows residential development and the applicant demonstrates that all applicable safety precautions will be taken for construction of the development. ~~Finally, should this Chapter conflict with State law then State law will have precedence over the regulations contained in this Chapter.~~

3. Revise the definition of "Unit" in Section 30.93.020 as follows:

   Unit means any dwelling unit, including, but not limited to, a unit or units created pursuant to Government Code Section 65852.21, a primary dwelling, an accessory dwelling unit as defined in Government Code Section 65852.21, or a junior accessory dwelling unit as defined in Government Code Section 65852.22.

4. Revise Section 30.93.030(A) as follows:

   This Chapter applies to proposed development on properties located within a single dwelling unit zone (R1-40, R1-14, R1-10, ~~R1-10B,~~ R1-5, ~~R1-5B~~), except as prohibited per Section (B). In accordance with Section (B), proposed development shall be prohibited in zones R1-10B and R1-5B, which are located entirely within the Floodplain Overlay Zone.

Section 30.90.030(B) governs the subsections modified by Suggested Modifications #5, 6, 7, 8, 9:

To ensure that no adverse unavoidable impacts occur to public health and safety, coastal resources, or impede public access to coastal resources, proposed development in locations listed below shall not be eligible to utilize or benefit from this Chapter. Where such circumstances apply all existing discretionary review processing requirements, zoning requirements, and maximum density per the General Plan and certified Local Coastal Program shall apply where the:

5. Revise Section 30.93.030(B)(2) as follows:

   Proposed development on lots containing wetlands or their buffers, as defined by either Coastal Commission regulation section 13577(b) (Cal. Code of Regs., tit. 14) or the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993 or as revised), or other environmentally sensitive habitats as defined by Section 30.75.030, including those lands that have been conserved by dedication in fee title, easement covenants, or other deed restrictions.

6. Revise Section 30.93.030(B)(3) as follows:

   Proposed development that is located on a lot having habitat for protected species identified as either a candidate, sensitive, or species of special status by state or federal agencies, or otherwise fully protected species, or species protected by the Federal Endangered Species Act of 1973 (16 U.S.C. Sec 1531 et seq. or as amended), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code), which includes but is not limited to proposed development located on any one of the following Overlay zones:

   [No changes to subsection (a) through (f)]

7. Revise Section 30.93.030(B)(4) as follows:

   Proposed development on a lot that falls entirely or partially within a mapped Special Flood Hazard Area identified on the ~~2019~~ most recent FEMA Flood Insurance Rate Map ~~or as revised~~ ("FIRM").

8. Revise Section 30.93.030(B)(9) as follows:

   Proposed development that would require demolition of an existing dwelling unit that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income; or demolition of a dwelling unit that has been occupied by a tenant in the last three years. An applicant must demonstrate whether an existing house on a property implementing an Urban Lot Split or altered to accommodate two dwelling units

was owner occupied or rented by a tenant to the Director's satisfaction, including but not limited to the execution of an affidavit that is subject to the laws of perjury.

9. Revise Section 30.93.030(B)(11) as follows:

   Projects proposing an Urban Lot Split shall not be eligible to construct Accessory Dwelling Units or Junior Accessory Dwelling Units consistent with Government Code Section 65852.21 and Section 65852.2 as amended. Each resulting lot shall not contain more than two dwelling units. For Urban Lot Splits with an existing Accessory Dwelling Unit or a Junior Accessory Dwelling Unit onsite, those units shall be considered dwelling units for the purposes of this Chapter.

10. Revise Section 30.93.040(A) as follows:

    An applicant seeking to utilize the provisions of this Chapter shall ~~may~~ propose development in accordance with the primary dwelling unit regulations in Section 30.93.050, Section 30.93.060, Chapter 23.07, and Chapter 24.66.

11. Revise the second paragraph of Section 30.93.040(B) as follows:

    As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. The following shall not constitute a specific, adverse impact upon the public health or safety where also consistent with the LCP:

    1. Inconsistency with the zoning ordinance or general plan land use designation.

    2. The eligibility to claim a welfare exemption under subdivision (g) of Section 214 of the Revenue and Taxation Code.

12. Revise the second sentence of Section 30.93.050 as follows:

    The issuance of an Administrative Coastal Development Permit will not require any public hearings.

13. Revise Section 30.93.050(A)(6)(b) as follows:

    New primary dwelling unit structures that comply with the setbacks of the base zone and ~~the~~ minimum six-foot building separation ~~per DMMC Section 30.86.200 (I).~~ shall be allowed 801-1,000 square feet of building area. A primary dwelling unit with a maximum gross floor area of 800 square feet shall not be permitted closer than four feet from interior side and rear property lines.

14. Revise Section 30.93.050(A)(8)(b) as follows:

~~In order to ensure continued and to ensure that all coastal access remains unimpeded to all members of the public, i~~ If a two-unit residential development replaces an existing garage or other required parking, replacement parking spaces shall be provided on-site in accordance with the requirements of DMMC Chapter 30.80 and the certified LCP ~~California Coastal Act~~ only if the loss of the off-street parking supply has a significant effect on public access to the shoreline. The new parking space(s) may be covered or uncovered. No off-street parking requirements apply to any development proposed within one-half mile of a major transit stop, as defined in Public Resources Code Section 21064.3.

15. Revise Section 30.93.050(B) as follows:

Accessory dwelling units consistent with Government Code Section 65852.21 and Section 65852.2, as amended, proposed in conjunction with dwelling units subject to this Section and are not subdivided through an Urban Lot Split shall be detached from primary dwelling units and shall maintain a minimum six feet separation from other structures onsite. Junior Accessory Dwelling Units shall be contained within the existing or proposed floor area of a primary dwelling unit.

16. Revise Section 30.93.050(C)(3) as follows:

~~Upon the occurrence of inclusion of these requirements into and consistent with DMMC Title 24, at~~ At least one of the ~~primary~~ dwelling units in a project (Two Unit Residential Development or Urban Lot Split) subject to this Chapter shall be rented or sold to very low or lower income households, as defined by Sections 50105(a) or 50079.5 of the CA Health and Safety Code. In a form approved by the City, any transfers of land inclusive of the affordable units shall be subject to a deed restriction for not less than 55 years ensuring continued affordability of the unit~~s~~ consistent with this Chapter and Chapter 24.21 (Inclusionary Housing)~~and shall remain in place for not less than 55 years~~.

17. Revise Section 30.93.060(G)(3) as follows:

A maximum of two dwelling units shall be permitted on each lot, either as two primary units, or a primary unit and an Accessory Dwelling Unit, or a primary unit and a Junior Accessory Dwelling Unit; however, at no time shall an entitled Urban Lot Split exercise all provisions in Government Code Sections 65852.21 and~~,~~ 66411.7~~, and 65852.2~~.

18. Revise Section 30.93.060(G)(5) as follows:

~~Upon the occurrence of inclusion of these requirements into and consistent with DMMC Title 24, at~~ At least one of the ~~approved~~ dwelling units ~~on each~~ (including all units on the lot or subdivided lots ~~shall be~~ subject to this Chapter) ~~and~~ shall be rented or sold to very low or lower income households, as defined by Sections 50105(a) or 50079.5 of the CA Health and Safety Code. In a form approved by the

City, any transfers of subdivided land and inclusive of any affordable unit shall be subject to a deed restriction for not less than 55 years ensuring continued affordability of the units consistent with this Chapter and Chapter 24.21 (Inclusionary Housing)shall remain in place for not less than 55 years.

19. Revise Section 24.66.020(E)(13) as follows:

Location of all major vegetation showing size and type, including buffers for any adjacent environmentally sensitive habitat.

20. Revise Section 24.66.050(E) as follows:

Urban Lot Splits shall comply with the inclusionary housing requirement stated in Section 30.93.060 and Chapter 24.21 —(Inclusionary Housing) for dedication of one unit for lower income households. An additional in lieu fee payment shall not be required for the lot split. Dedication: Affordable Housing Mitigation.

21. Revise Section 24. 66.050(I)(3) as follows:

A maximum of two dwelling units shall be permitted on each lot, either as two primary units, or a primary unit and an Accessory Dwelling Unit, or a primary unit and a Junior Accessory Dwelling Unit; however, at no time shall an entitled Urban Lot Split exercise all provisions in Government Code Sections 65852.21 and, 66411.7, and 65852.2.

22. Revise Section 24.66.050(J) as follows:

This Chapter applies to proposed Urban Lot Split subdivisions on properties located within a single dwelling unit zone (R1-40, R1-14, R1-10, R1-10B, R1-5,R1-5B), except as prohibited per Section (I). In accordance with Section (I), proposed urban lot split subdivisions shall be prohibited in zones R1-10B and R1-5B, which are located entirely within the Floodplain Overlay Zone.

Section 24.66.050(K) governs the subsections modified by Suggested Modifications #23, 24, 25, 26, 27:

To ensure that no adverse unavoidable impacts occur to public health and safety, coastal resources, or impede public access to coastal resources, proposed development in locations listed below shall not be eligible to utilize or benefit from this Chapter. Where such circumstances apply all existing discretionary review processing requirements, zoning requirements, and maximum density per the General Plan and certified Local Coastal Program shall apply where the:

23. Revise Section 24.66.050(K)(2) as follows:

Proposed development on lots containing wetlands or their buffers, as defined by either Coastal Commission regulation section 13577(b) (Cal. Code of Regs., tit.

14) or the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993 or as revised), or other environmentally sensitive habitats as defined by Section 30.75.030, including those lands that have been conserved by dedication in fee title, easement covenants, or other deed restrictions.

24. Revise Section 24.66.050(K)(4) as follows:

Proposed development on a lot that falls entirely or partially within a mapped Special Flood Hazard Area identified on the ~~2019~~ most recent FEMA Flood Insurance Rate Map ~~or as revised~~ ("FIRM").

25. Revise Section 24.66.050(K)(9) as follows:

Proposed development that would require demolition of an existing dwelling unit that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income; or demolition of a dwelling unit that has been occupied by a tenant in the last three years. An applicant must demonstrate whether an existing house on a property implementing an Urban Lot Split or altered to accommodate two dwelling units was owner occupied or rented by a tenant to the Director's satisfaction, including but not limited to the execution of an affidavit that is subject to the laws of perjury.

26. Revise Section 24.66.050(K)(11) as follows:

Projects proposing an Urban Lot Split on a lot that contains an Accessory Dwelling Unit or Junior Accessory Dwelling Unit, unless the applicant converts one existing ADU or JADU per lot to a primary dwelling unit and removes all other ADUs or JrADUs in compliance with this Chapter. When proposing an Urban Lot Split, an applicant shall ~~must~~ choose whether to use the provisions of this Chapter or the provisions of the ADU and JADU regulations consistent with Government Code Section 65852.21 and Section 65852.2, as amended, but shall not use both. In either case, each resulting lot shall not contain more than two units and each proposed primary unit shall ~~must~~ be no more than 800 square feet in floor area.

27. Revise Section 24.66.050(K)(13) as follows:

Proposed development located within the North Beach District as identified in the Community Plan that due to flood hazards, limited public access to coastal resources, or~~and~~ impediments to public recreation.

28. Revise Section 23.07.020(B) as follows:

Chapter 23.07 shall apply to proposed multiple dwelling unit housing development within the Housing Element Implementation Overlay Zone (Chapter 30.92) and any proposed residential development where the City is precluded by State Housing

law from applying discretionary design review and permit approval processes that are identified in Chapter 23.08.

29. Revise the last sentence of Section 23.07.020(C) as follows:

    Where there are conflicting requirements between the Objective Design Standards below and other requirements within the Del Mar Municipal Code (DMMC) or the certified LCP, the stricter ~~objective~~ standard shall apply.

30. Revise Section 23.07.030(A) as follows:

    If it is not feasible to comply with all applicable Objective Design Standards listed in Table "A" below when constructing up to two~~,~~ 800-square-foot dwelling units on a property, the applicant shall provide all necessary information requested by the City to reasonably demonstrate that it is infeasible to construct two~~,~~ 800-square-foot dwelling units if compelled to comply with the City's Objective Design Standards. Upon review of the applicant's completed feasibility study, the Director of Planning and Community Development shall determine which of, if any, Objective Design Standards will apply or what standards may be waived to allow for up to two dwelling units that are no more than 800 square feet. The City will also evaluate the application compliance with the certified Local Coastal Program ~~California Coastal Act of 1976~~ and determine if other feasible siting locations reduce impacts to environmentally sensitive coastal areas or impacts to public scenic views. Additionally, the project may be denied if it will endanger public health or safety or create an ~~unmitigable~~ adverse impacts to the physical environment that cannot be avoided or mitigated. On denial,~~At which time~~ the City will produce written findings to the applicant based on the preponderance of evidence that the project with have unavoidable or unmitigable impacts to the public's health and safety, coastal resources, or the physical environment.

31. Delete the proposed addition of language to Section 30.13.070 (Development Standards) for the R1-10B Zone:

    ~~5. New lots created as part of an Urban Lot Split as defined in Chapter 30.93 must be in compliance with the lot size and lot width requirements pursuant to Chapter 24.66.~~

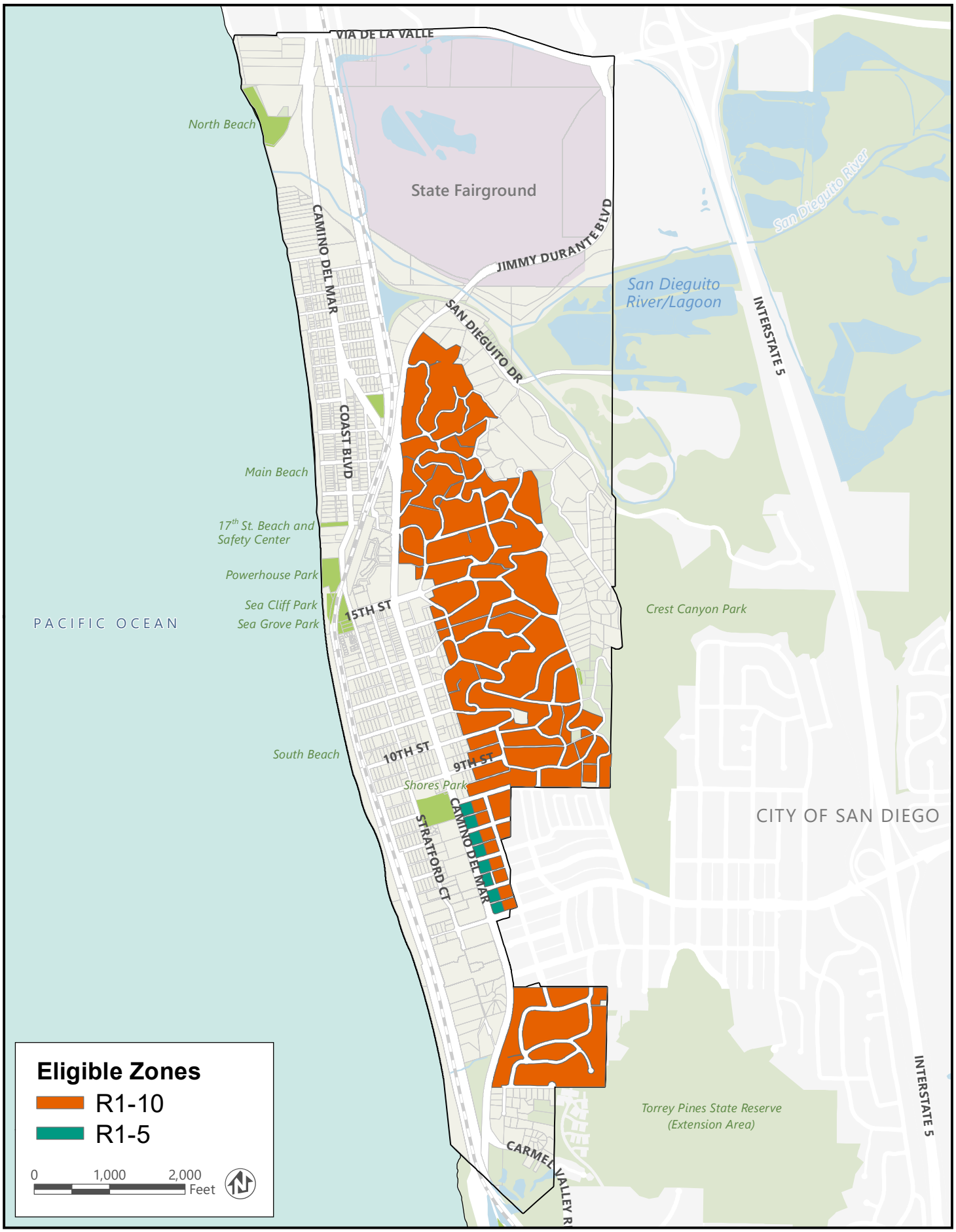
32. Delete the proposed addition of language to Section 30.15.030 (Allowable Uses) for the R1-5B Zone:

    ~~D. Two Unit Residential Development pursuant to Chapter 30.93.~~

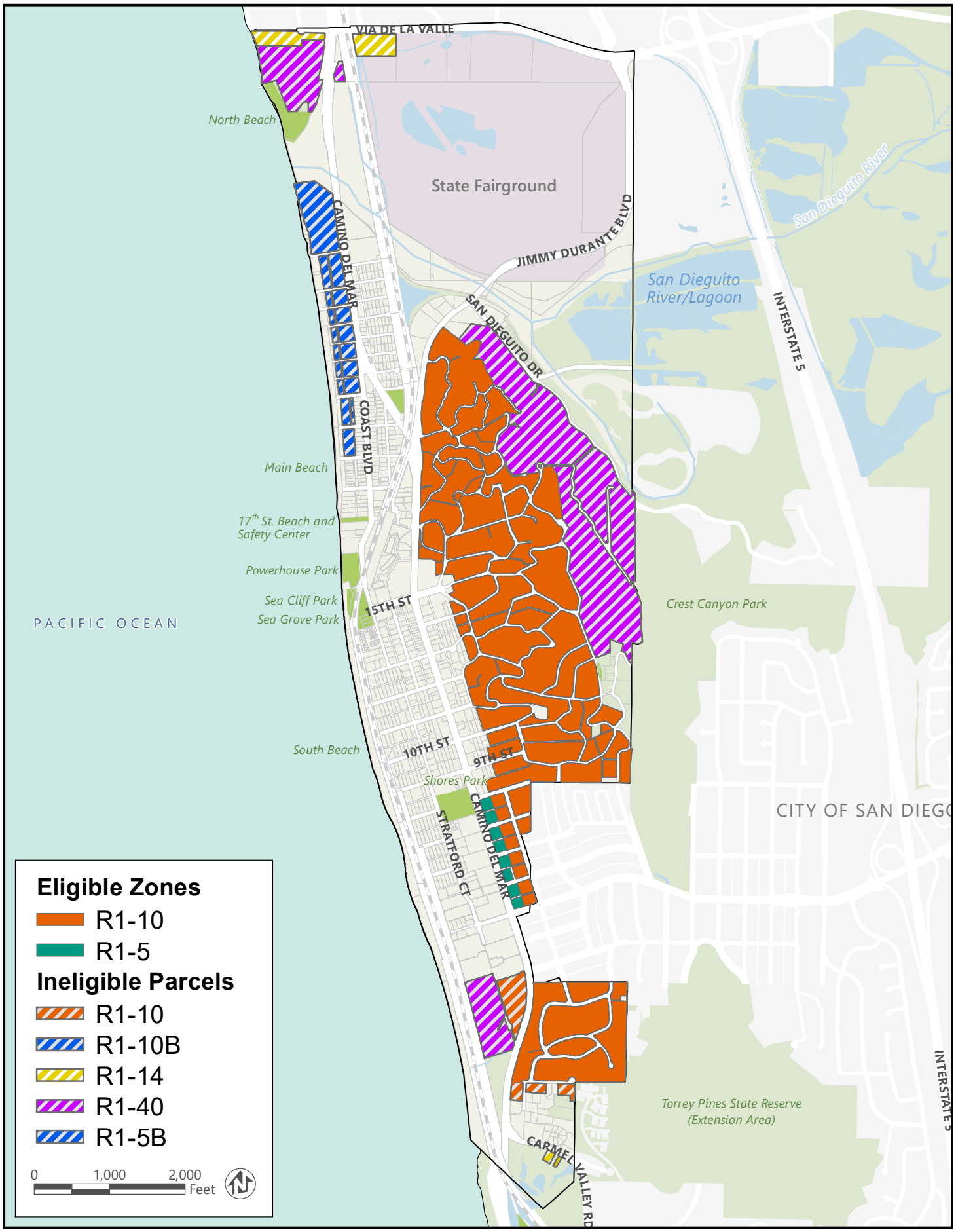
33. Delete the proposed addition of language to Section 30.15.070 (Development Standards) for the R1-5B Zone:

~~5. New lots created as part of an Urban Lot Split as defined in Chapter 30.93 must be in compliance with the lot size and lot width requirements pursuant to Chapter 24.66.~~

Properties Eligible for SB 9



Single Dwelling Unit Zones - Eligibility for SB 9



City of Del Mar
Agenda Report

TO: Honorable Mayor and City Council Members

FROM: Jean Crutchfield, Associate Planner
Karen Brindley, Planning and Community Development Director
Via Ashley Jones, City Manager

DATE: May 19, 2025

SUBJECT: Request to Adopt a Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program; and to Approve Revision Map RM22-001 and Coastal Development Permit CDP24-012 related to amending recorded Parcel Map (TPM-77-03) for purposes of reducing the area of an existing Scenic Easement on the Property located at 1201 Cuchara Drive, Del Mar.

Applicant/Owner: Mark and Laura Weber Trust dated April 4, 2009
Assessor Parcel Number (APN): 300-143-38-00
Property Location: 1201 Cuchara Drive, Del Mar

REQUESTED ACTION/ RECOMMENDATION:
Staff recommends that the City Council adopt a Resolution (Attachment A) to: 1) Adopt a Mitigated Negative Declaration (MND) (State Clearinghouse (SCH) No. 2024080103) and associated Mitigation Monitoring and Reporting Program (MMRP); and 2) Approve Revision Map RM22-001 and Coastal Development Permit CDP24-012 to amend a recorded Parcel Map No. 9174 (TPM-77-03) for purposes of reducing the area of an existing scenic easement on property located at 1201 Cuchara Drive (Property).

EXECUTIVE SUMMARY:
The Applicant is requesting approval of an Amending Map and Coastal Development Permit to modify the size and configuration of an existing scenic easement located on the subject Property, which was a condition of approval from the Subdivision Map in 1979 that created the Property. The subject Property is a 16,756-square-foot parcel located within the R1-10 (Single-Family Residential) zone and is subject to the Open Space Overlay Zone (OS OZ), which applies to the entirety of the lot. The Community Plan Open Space Element designates approximately 4,356 square feet (26%) of the site as Open Space (also known as Area “L”), with the remainder designated as Low Density Residential.

Currently, a scenic easement encumbers approximately 12,564 square feet (75%) of the lot, resulting in a buildable area of 4,192 square feet (25%), which is only slightly larger than the footprint of the existing residence and abutting small rear yard. The proposed modification to the size and configuration of the scenic easement will increase the non-contiguous

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City Council Action:

buildable area to 7,045 square feet (42%) and will reduce the scenic easement area to 9,711 square feet (58%).

The Applicant is requesting to reduce the easement area by the amount necessary (2,853 sf) to allow the opportunity to construct a detached Accessory Dwelling Unit (ADU) and to provide the ability to perform maintenance of the existing primary residential dwelling unit. The proposed modification will not alter the extent or location of the area designated as Open Space in the Community Plan (Area "L," 4,356 sf) and will not affect the boundaries of the Open Space Overlay Zone, which apply to the entire lot. Therefore, no Community Plan Amendment or Zone Change is required as part of this project.

On September 10, 2024 and January 14, 2025, the Planning Commission reviewed the proposed project. The Planning Commission recommended approval of the project, subject to the follow three conditions, which were understood by the Commission to require subsequent review by the City Attorney for legal applicability. The Commission determined that these conditions were appropriate and necessary to address potential future impacts associated with development on the site and included: 1) Limiting development in the new buildable area to an ADU; 2) restricting future subdivision of the Property; and 3) prohibiting the transfer of the Amending Map rights to a future owner if the ADU is not developed prior to transfer of the Property.

The Applicant has voluntarily agreed to the conditions requested/recommended by the Planning Commission to the City Council, which were considered necessary for the Planning Commission to recommend approval of the project to the City Council (see Attachment B). This voluntary acceptance was a key consideration in the Planning Commission's determination that the project, with the implementation of these conditions, meets the applicable provisions of the Community Plan, Local Coastal Program, and Subdivision Map Act/Del Mar Municipal Code, and the findings required to approve the project.

Following the Planning Commission hearings, the City Attorney's Office researched the conditions recommended by the Planning Commission and determined that the recommended conditions, if imposed, may not be legally enforceable in a court of law.

If the Amending Map is approved, any future development proposal(s) would be required to process all applicable Planning and Community Development applications required for development review on the Property in accordance with the City's Community Plan, Local Coastal Program, and Municipal Code (including Design Review).

As noted herein, if approved, the project would **NOT**:

- Change the Community Plan – Open Space Element designation (Area L size or development criteria)
- Change the Open Space Overlay Zone designation
- Increase the Property's Lot Size or Lot Dimensions
- Increase the Maximum FAR for the Property

The State Subdivision Map Act and City's Subdivision Ordinance regulate the process for subdivision of property, property boundary line adjustments, and ownership interests for real property (i.e. condo). Both the State and City regulations provide a process to amend a recorded map; the review process and required findings to approve an amended map would be similar for the original subdivision and include review by the Planning Commission for a recommendation to the City Council.

The project is also subject to the California Environmental Quality Act (CEQA). Based on the analysis in the Initial Study prepared for the project, the conclusions are that with mitigation measures incorporated, all project impacts would be mitigated to less than significant. The Council is asked to adopt the Mitigated Negative Declaration (MND) prepared for the project. Additional details are included at the end of this report on the environmental review for the project.

BACKGROUND:

Property Description
The Property is located at 1201 Cuchara Drive in the R1-10 Zone, Open Space Overlay Zone and Wildland Urban Interface area (see Attachment C, aerial map). The Property is 16,756 square feet in area and is currently developed with a 3,041 square foot two-story, single-unit dwelling with attached garage the northeast portion of the lot. An at-grade wood deck and brick patio are located to the south and east of the residence, respectively.

The residence is accessed from Cuchara Drive via a reciprocal access easement with the residence to the north at 1205 Cuchara Drive. A 10 to12-foot-tall, cylindrical sandstone outcrop, known as the "Pinnacles", is located to the southwest of the residence. Nearly vertical cliffs are located to the east of the residence, forming the western portion of a canyon located on adjacent properties along Amphitheatre Drive and Kalamath Drive to the east of the Property.

Eight Eucalyptus trees and various vegetation/medium sized shrubs are located to the west (in front of) the residence. Informal dirt pathways/steps are located on the site south and southwest of the residence. The Property is located within an urbanized area surrounded by existing single-unit residential development.

Community Plan Designation:
The Community Plan designates the Property for Low Density Residential uses at a density of 1-4 units per net acre. The Community Plan states that "this land use category is intended to allow a continuation of the predominately single-family residential character that has been historically developed within the Del Mar Hills area and at the north end of the beach front."

The Community Plan also designates the Property in the Open Space Element. The purpose and intent of the Open Space Element is to identify properties throughout the City with

particular open space sensitivities and to establish development criteria and procedures to preserve those open space sensitivities.

Approximately 0.1 acres (4,356 square-feet) at the southwestern portion of the Property is identified as Area "L" in the Del Mar Community Plan's Open Space Element (CP) (see Attachment D). The Community Plan Open Space Element was adopted in 1976 and the Amending Map is consistent with the Community Plan Open Space Element, Area L.

The Community Plan Open Space Element identifies the character and sensitivities of Area L to include:

- Outstanding rock formation;
- Stand of trees and dense native shrubs; and
- Narrow scenic canyon.

Development criteria listed in the Community Plan Open Space Element intended to preserve the open space sensitivities of Area L specify:

- Preserve view corridor;
- Require any construction above canyon to be set back from steep slopes of canyon; and
- Establish scenic easement to preserve rock formations and vegetation.

Open Space Overlay Zone

Because a portion of the Property includes the Community Plan Open Space designation, the entirety of the Property includes the Open Space Overlay Zone (OS-OZ) designation, which is "designed to protect open space areas of community-wide importance, in order to satisfy the recreational needs of residents, define Del Mar as a distinct and separate community, ensure an atmosphere of openness, and preserve unique natural features in specific neighborhoods." Development *is* allowed for properties located within the Open Space Overly Zone *if* it complies with the required development criteria of the Community Plan Open Space Element and required review processes. The development of the current residence in 1979 complied with this requirement, as well as any future development on the Property.

Wildland Urban Interface

The Property is located within the Wildland Urban Interface, which is a defined geographical area where houses meet or are within proximity of undeveloped wildland vegetation. Construction methods and requirements to mitigate wildfire exposure shall be applied within these geographical areas where a wildfire burning in vegetative fuels may readily transmit fire to buildings and threaten to destroy life, overwhelm fire suppression capabilities, or result in large property losses. The Property is designated in the "Very High Fire Severity Zone".

Background of Recorded Parcel Map No. 9174 (TPM-77-03)

The Property was created in 1979 through the approval of Tentative Parcel Map TPM-77-03, recorded by the County of San Diego as Parcel Map No. 9174. The project involved merging two contiguous parcels (1205 Cuchara Drive and 694 Rimini Road) and then re-

subdividing the land into three new parcels. The development of the Property (1201 Cuchara Drive) was created from the vacant southerly portions of 1205 Cuchara Drive and 684 Rimini Road. The staff report for TPM-77-03 contains a summary of the project and findings/mitigation measures of an Environmental Impact Report (EIR 76-1) produced for the project (see Attachment E). The City Council Resolution of Approval in 1979 and the recorded Parcel Map No. 9174 are included as Attachment F. The Final Environmental Impact Report (FEIR) for TPM-77-03 is included as Attachment G.

The Property currently contains a scenic easement, as required by the Community Plan and which is depicted on Parcel Map No. 9174. As noted earlier, the easement is approximately 12,560 square feet in area and comprises 75% of the total lot area. The remainder of the lot is 4,192 square feet (25% of the total lot area) and comprises the developable area on the northeast portion of the lot. The scenic easement was a condition of approval of TPM-77-03 and was intended to protect the natural features on the site, specifically, the Pinnacles and vegetation, and to protect the (then) narrow scenic views (in the 1970's) of the Pinnacles and canyon. The canyon is located mostly on adjacent properties to the east. According to Parcel Map No. 9174, no development is currently permitted within the scenic easement. However, vegetation changes are permitted with approval from the Design Review Board and driveways/walkways are permitted with approval from the Planning Commission.

Map Amendment/ Revision Process

In accordance with Section 66469 of the California Subdivision Map Act, the procedure to modify or revise the contents of a recorded subdivision map (Parcel Map) is to process an "Amending" Parcel Map for approval. Therefore, the Applicant is requesting approval of an Amending Map, specifically to revise the scenic easement size/configuration depicted on the original Parcel Map. Del Mar's Subdivision regulations (specifically, Del Mar Municipal Code [DMMC] §24.54.160) calls for Corrections and Amendments to Final Maps to be made and processed pursuant to the referenced section of the Subdivision Map Act. Therefore, an Amending Map requires that the Planning Commission provide a recommendation to the City Council at a noticed public hearing. Based on the City's administrative record for the Property, similar review processes were applied at the time of the 1979 approval of TPM-77-03.

If the Applicant's requested Amending Map is approved, it would be recorded with the San Diego County Recorder. A new revised scenic easement would be recorded as a separate covenant document against the deed of the Property. Staff is recommending the scenic easement covenant be recorded prior to the Amending Map.

PLANNING COMMISSION (PC) RECOMMENDATION TO THE CITY COUNCIL:

September 10, 2024 - PC Meeting

On September 10, 2024, the Planning Commission conducted a public hearing on the application request, at which time the Applicant explained that the purpose of the Map Amendment is to increase the lot's development area to allow for development of an Accessory Dwelling Unit (ADU). The Applicant clarified that the current scenic easement encompasses the majority of the Property (75% of the lot), except for the existing residence

and the small rear yard to the east, and does not allow the opportunity to construct additional structures and/or site improvements on the Property, nor would it allow routine maintenance on the south deck and entry stairs, which are both located within the scenic easement. The Applicant proposed to reduce the scenic easement from 12,564 square-feet (75%) to 7,412 square-feet (56%), and thereby, increase the lot's developable area from 4,192 square-feet (25%) to 9,344 square-feet (44%).

The Commissioners expressed that while they understood the Applicant's desire to construct an ADU, they had concerns about reducing the size of the scenic easement on the Property in order to increase the buildable area significantly more than the minimal area necessary to reasonably accommodate an ADU on the Property. The Commission also sought to understand whether there are feasible project alternatives to reduce the proposed buildable area in a way that would both address the Commission's concerns and still allow for the minimum area necessary for to develop an ADU.

The Commissioner's issues with the request were primarily due to concerns that revision of the scenic easement could potentially result in redevelopment of the site with a larger residence and associated site improvements in addition to, or instead of just the construction of an ADU. The Commission also expressed concerns regarding the project's compliance with the development criteria of the Community Plan's Open Space Element.

Staff clarified for the Commission that the project would not affect the Property's Open Space Overlay Zone (OS-OZ) designation, which applies to the entire Property, nor would it affect the Community Plan's Open Space designation for Area L, which only applies to a specifically depicted 0.1-acre portion of the Property. The proposed easement configuration would retain a larger footprint of Area L, as depicted in the Community Plan. Staff further explained that development *is* permitted for properties that are designated within an Open Space Overlay Zone, *if* it is demonstrated that the proposed development complies the development criteria identified in the respective Community Plan designation; in this case, Area L.

Staff also stated that the project, as proposed at the September 10, 2024 PC meeting, would have preserved 7,412 square feet of undeveloped area and would preserve the scenic view and Pinnacles, which would be far greater than the approximately 4,356 square feet intended in the Community Plan for Area L, and therefore, would be consistent with the Community Plan Open Space objectives of Area L. Since the proposed project would not modify Area L, and would retain the size and configuration of Area L in its entirely under a (revised) scenic easement, the project would <u>not</u> require a Community Plan amendment.

Staff further clarified that the proposed project, and all future projects, would be required to comply with the requirements of the Open Space Overlay Zone, the Community Plan Open Space Element and restrictions of the scenic easement. Finally, staff clarified that the project would not involve boundary adjustment of property lines, nor would it involve the creation of a new parcel.

After much discussion with the Applicant and staff, the Commission deliberated on the project and continued the application to a future meeting, with the Applicant's consent, to allow the Applicant to address the Commission's comments and return with a revised proposal.

January 14, 2025 - PC Meeting

On January 14, 2025, the Planning Commission conducted a public hearing on a revised project proposal that would reduce the scenic easement only to the minimal amount necessary to reasonably accommodate an ADU on the site. Additionally, the scenic view easement configuration was revised to be non-contiguous (creating an "island") to address concerns about potential redevelopment of the existing single residential unit with a larger home on the Property. The Commission deliberated, asked questions of the Assistant City Attorney and staff, and requested that the following special conditions be included in their recommendation of the project to the City Council:

PC-1 *[New Buildable Area of the Property would be Limited to an the Development of an Accessory Dwelling Unit]*
Development in the new buildable area of the Property shall be limited to development of an ADU. Development associated with the primary residence shall not be permitted within the new separate development area.

PC-2 *[Approval of Revision Map Not Transferable]*
If the Applicant does not construct an ADU within the new buildable area prior to selling the Property, the Revision Map as approved becomes null and void and reverts back to the original Parcel Mar No. 9174 (TPM-77-03),

PC-3 *[Property Subdivision]*
The Property shall not be subdivided into separate parcel(s).

The Assistant City Attorney informed the Commissioners that the City Attorney's Office would need to conduct research into the legality and practicality of the PC's proposed conditions prior to the City Council meeting. To avoid further delay in processing the application while the City Attorney's Office conducted the necessary research, the PC recommended approval of the proposed project subject to the recommended conditions pending review by the City Attorney's Office. The City Attorney's Office has since determined that the proposed conditions may be unenforceable if challenged.

However, as previously mentioned, the Applicant verbally expressed at the January 14, 2025, PC meeting their willingness to accept and implement the three recommended conditions of the Planning Commission. To reiterate their willingness to accept the Planning Commission's recommended conditions of approval, the Applicant submitted a letter to the City Council confirming their intent to voluntarily comply with the recommended conditions (see Attachment B).

DISCUSSION/ANALYSIS:

Proposed Revision Map

The Applicant has submitted project plans that were reviewed by the Planning Commission at its January 14, 2025, meeting for the City Council's review (see Attachment H). As noted earlier, the request would reduce the area of the recorded scenic easement by only the amount needed to reasonably accommodate the construction of an ADU on the Property.

The Applicant depicted the proposed ADU on the Scenic Easement Exhibit (see Attachment H) as being approximately 939 square feet with yard areas around the ADU for minimal grading and site drainage that would be required to comply with City development standards. The map revision also includes a minimal additional new buildable area west of the existing residence to incorporate the front entry and wood deck located on the south side of the residence.

For the City Council's reference, the Applicant's Scenic Easement Exhibit identifies the boundary area of the Community Plan Area L (see Attachment H). The new buildable area would be located entirely outside the boundaries of Area L. Since the project does not propose to modify the Area L and would preserve Area L in its entirety under a (revised) scenic easement, the project would not require a Community Plan Amendment.

The proposed project would reduce the existing scenic easement to allow additional development by 2,853 square feet. The project would reduce the size and configuration of the recorded scenic easement from 12,564 square feet (75% of total lot size) to 9,711 square feet (58% of total lot size), and thereby, increase the size of the development area from 4,192 square feet (25% of the total lot size) to 7,045 square feet (42% of the total lot size).

The table below illustrates the existing condition and proposed project:

	Existing Condition	**Proposed Project**
Subject Lot Size	16,756 sq.ft.	16,756 sq.ft.
Buildable Area	4,192 sq.ft. (25% of lot)	7,045 sq.ft. (42% of lot)
Scenic Easement	12,564 sq.ft (75% of lot)	9,711 sq.ft. (58% of lot)
Community Plan "L"	4,356 sq.ft. (26% of lot)	4,356 sq.ft. (26% of lot)

A modification to the developable lot area would not affect the Property's maximum 25% Floor Area Ratio (Maximum FAR of 4,189 square feet) for the R1-10 Zone, which is computed from the gross lot area of 16,756 square feet in accordance with DMMC Chapter 30.72 (Bulk Floor Area Limitations). The total lot size would remain unaffected at approximately 16,756 square feet. Additionally, the proposed project's scenic easement (undeveloped) area of 9,711 square feet would still far exceed the minimum square footage required for Community Plan Open Space Element Area L of 4,356 square feet.

Correspondence

The Applicant submitted written correspondence to the Council regarding the project. The Planning Department also received six letters of support for the project by adjacent property owners and owners who reside within proximity to the Property. The letters generally express similar sentiments of support, which include statements that the project would: be compatible with the neighborhood character; not result in environmental impacts; and would reduce the fire risk for the lot and surrounding properties if the Eucalyptus trees located in the Wildland Urban Interface were removed in the future. One letter of concern was submitted by the adjacent property owner to the south and referenced removal of trees from the Property, which can be addressed with any future Tree Removal Permit application. Copies of the correspondence are included in Attachment I.

Required Permits/ Process for Future Development

The Amending Map would not grant entitlement to build in the modified developable area. It would only allow the opportunity to propose development in the modified area. Construction of a new primary residence/addition/remodel and associated improvements would be subject to the Conditional Use Permit (CUP) and Design Review Board (DRB) Permit process. The CUP review would include an analysis of development within the Open Space Overlay Zone, appropriate setbacks from steep slope areas and a determination on hydrology and geotechnical measures to be used for new construction. The Design Review process includes analysis of a host of issues, including but not limited to: protection of views, appropriate building massing and protection of topographical features.

If an Accessory Dwelling Unit (ADU) is proposed to be constructed in the modified developable area, then pursuant to State law, DMMC Chapter 30.91, and the City's Local Coastal Program, the project would be exempt from discretionary review and processed ministerially without public review. The design and placement of any future ADU would be required to comply with DMMC Chapter 30.91. However, a (non-appealable) administrative Coastal Development Permit would be required and would be processed without a public hearing. Noticing would be provided in accordance with the DMMC.

The Property is located within the Open Space Overlay Zone and pursuant to DMMC Chapter 23.50 (Trees), all on-site tree species are considered protected. Removal of trees on the Property would be subject to a Tree Removal Permit and the requirements of DMMC Chapter 23.50 (including public notification), regardless of the location within or outside of the Property's scenic easement area or Area L of the Community Plan's Open Space Element.

The Applicant is proposing modification to the current scenic easement area to allow for potential development to occur in the area located south and west of the existing residence. The southerly extent of the Property is described in the Community Plan's Open Space Element Area L as having a narrow scenic canyon and the Pinnacles. The area west of the existing residence contains a smaller portion (now 8 remaining of the 24 Eucalyptus trees in 1979) of what is described in the Community Plan as a stand of trees.

The proposed modification to create a larger developable area may affect at least three of the existing eight Eucalyptus trees, which are all located directly west of the existing residence. These trees are identified on the Applicant's Proposed Map as trees #4, #5 and #6 (see Attachment H). The Eucalyptus trees are considered "protected" on the Property. Currently, the restrictions on the scenic easement, as referenced on Parcel Map No. 9174, prohibit removal of vegetation, planting of new vegetation and installation of irrigation, unless approved by the Design Review Board. At the time of approval of Parcel Map No. 9174, the City did not have an Ordinance defining protected trees or the process to remove protected trees.

Currently, the City's Tree Ordinance (DMMC Chapter 30.50) requires a Tree Removal Permit (TRP) for removal of trees located within the Open Space Overlay Zone. So, while the trees are located within the proposed development area, the subject request for an Amending Map to modify the scenic easement would not include tree removal authorization. Any (future) request to remove trees from the Property would require City approval of a TRP. Trees #4, #5 and #6 are not located within Area L of the Community Plan Open Space Element.

It should be noted, there have been changes in the region over time as to how Eucalyptus trees may adversely impact public health and safety. Eucalyptus trees were introduced to the San Diego region as early as the late nineteenth century and have become ubiquitous in the regional landscape; however, they are now generally considered an inherently dangerous tree species and discouraged as new plantings.

After the Witch Creek Fire in October 2007 (affecting the San Diego region), a neighborhood petition was circulated and signed by Del Mar residents requesting that the City Council assist residents in the removal of fire hazards located within the public rights-of-way adjacent to private property. The assistance requested was for the City to waive the application fees for the Tree Removal Permit and Encroachment Permits required for removing Eucalyptus trees from a public right-of-way. Eucalyptus trees on private property are generally not protected and would not be subject to a TRP; all trees located within a public right-of-way and certain zones, such as the Open Space Overlay Zone, are protected.

This neighborhood petition was presented to the City Council at its meeting of December 3, 2007, as an agendized Oral Communication item. The Council heard testimony by residents, Planning Department staff, Public Works staff and Fire Department staff. The Council discussed the item and determined that all Eucalyptus trees are inherently hazardous. Based on this determination, the Council concluded that the Eucalyptus trees located within the right-of-way (protected tree) and adjacent to residential property may be removed with a TRP. Council also agreed to waive the application fees for a TRP and Encroachment Permit for requests to remove Eucalyptus tree located within the public right-of-way and directed staff to expedite such permits; however, all costs associated with the tree removal itself would be paid by the applicant.

Consistent with the EIR findings and mitigation measures for TPM-77-03 and as discussed in the Initial Study and MND for the project, appropriate engineering and construction

methodology would need to be considered with any new development proposals to protect the Pinnacles and canyons. Conditions for any new development would require a Grading/Drainage Plan, and Geotechnical and Hydrology Reports to be reviewed and approved by the City Engineer. Planning Department review would also include evaluation of the construction staging and phasing, equipment usage, material storage and access to the site.

Consistency with the Community Plan

The Community Plan's Open Space Element, adopted in 1976, identified areas throughout the City with unique open space characteristics, which the City desired to either: acquire for public use as neighborhood parks; or provide regulations that would help to retain the site's open space characteristics after (future) development. As previously mentioned, the southwesterly portion of the subject lot is identified as Area L of the Community Plan Open Space Element, which is described as being 0.1 acre in area (approximately 4,356 square feet) and rectangularly shaped. Development criteria for the Property included a scenic easement for protection of the Pinnacles, canyon views and vegetation. Any amendment to the scenic easement protection provisions of TPM-77-03 must remain consistent with the development provisions (criteria) of the Community Plan's Open Space Element.

The Applicant's proposal to reduce the existing scenic easement area of 12,564 square feet (75% of the total lot size) by 2,853 square feet would create a revised scenic easement area of 9,711 square feet (58% of the total lot size). The revised scenic easement would include all of Area L and the area surrounding the Pinnacles and results in retaining more than double the 4,356 square foot area required by the Community Plan. Therefore, the Map Amendment request and the site would be consistent with the Open Space development criteria for Area L. Additionally, the new scenic easement configuration would retain preservation of the Pinnacles and views to the canyons, and is consistent with the development criteria specified in the Community Plan Open Space for Area L. As such, the proposed project would not require a Community Plan Amendment.

As noted previously, since the approval of TPM-77-03 in 1979 the number of Eucalyptus trees on the Property have been significantly reduced from more than 20 trees (referred to collectively in the Community Plan as the "stand of trees") to 8 trees. The EIR analysis of the Property included a Topographic Map of the Property (see Attachment G, page 8 of EIR, Figure 2-4), which depicts the number and location of Eucalyptus trees in existence at the time. The EIR view analysis noted that due to dense vegetation at the front of the Property (at the time), public views from Cuchara Drive to the Pinnacles and canyon were then limited to a narrow view corridor along the south side of the Property (see Attachment G, page 19, Section 4.7.2 Preservation of View Corridor).

It was also noted in the EIR view analysis that the residential structure (proposed on the [then] vacant lot) located at the rear of the lot would have been mostly obstructed from public view. Through the course of 45 years and the eventual reduction and thinning of this previous "stand of Eucalyptus trees" and removal of other trees and vegetation as described

in the EIR, it is reasonable to conclude that the current public view to the Pinnacles from Cuchara Drive has significantly improved.

Potential development within the revised proposed developable area (which would be located entirely outside of the Open Space designation identified as Area L) would be consistent with the goals and objectives of the Open Space Element and development criteria for the Community Plan Open Space Element. In accordance with the Community Plan, any proposed development on the developable areas (located outside the scenic easement area) should not adversely affect and/or detract from the visual qualities of the Pinnacles, the canyon or natural vegetation. It is staff's observation that, if proposed improvements are appropriately located and designed within the proposed developable area, then adverse impacts to these natural features of the site can be minimized or avoided.

Findings for Subdivision Map (or Amendment thereto)

California Government Code Section 66472.1 (Amending of Final Maps) contains four (4) specific criteria that must be met in order the City Council to approve and record the proposed Amending Map. Below are the four (4) required criteria (in bold font) followed by staff's proposed findings.

1. There are changes in circumstances, subsequent to the recording of the map, which make any or all of the conditions of such map no longer appropriate or necessary.

Proposed Finding: At the time of the City's approval of the Parcel Map TPM-77-03, there were more than 20 Eucalyptus trees located on the Property. The scenic easement prohibited development, but allowed tree removal with the approval of the Design Review Board. The City did not have a formalized Tree Removal Permit process at the time. What was described as a "stand of trees" obstructed public views to the Pinnacles, except for a narrow scenic view at the southern side of the Property. Since that time, the trees have been gradually reduced in number and now there are eight (8) Eucalyptus trees remaining on the Property. The reduction of trees has greatly improved the public scenic views of the Pinnacles from Cuchara Drive towards the north. Eucalyptus trees are now generally considered hazardous. The Property is also located in the Wildland Urban Interface area and designated as a "Very High Fire Severity Zone". After the San Diego Witch Creek Fire in 2007, the City Council determined Eucalyptus trees to be hazardous with respect to Tree Removal Permit findings. The reduction of the stand of Eucalyptus trees over time, the City's regulatory attitude towards Eucalyptus trees as a public health and safety/fire threat, and the increase of fire severity status, when taken together, constitute a change in circumstances that make the scenic easement area extended further to the north than required by Area L to protect the "stand of trees" no longer necessary.

2. That the modification does not impose any additional burden on the present fee owner(s) of the property.

Proposed Finding: The Amending Map to revise/reduce the scenic easement would not impose an additional burden to the Property owner. It would not affect access to the Property, existing utilities, or any additional improvements necessary for the use of the Property. There is no additional burden on the Applicant if the project is approved.

3. That the modifications do not alter any right, title, or interest in the real property reflected on the recorded map.

Proposed Finding: The Amending Map would not alter the right, title or interest for the Property owner, as the project would not change the Community Plan, Open Space Element Area L, R1-10 Zoning designation or Open Space Overlay Zone designation. The Property size and Property line boundaries would remain the same. The Property would retain the same permitted uses allowed in the R1-10 zone. The Property would retain the same development criteria required of the R1-10 zone, including maximum Floor Area Ratio, lot coverage, yard setback and height limitations. Additionally, the Property would not be allowed more FAR than currently allowed in the R1-10 Zone, which is a maximum of 25% based on the Property's square footage.

4. That the map as modified conforms to the provisions of Sections 66474 of the Subdivision Map Act.

Proposed Finding: The Amending Map would conform to the provision of Section 66474 of the Subdivision Map Act in that: (a) the proposed map is consistent with applicable general and specific plans as specified in Section 65451; (b) the design or improvement of the proposed subdivision is consistent with applicable general and specific plans; (c) the site is physically suitable for the type of development; (d) the site is physically suitable for the proposed density of development; (e) the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat; (f) the design of the subdivision or type of improvements is not likely to cause serious public health problems; and (g) the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, Property within the proposed subdivision.

Conformance with Section 66474 of the Subdivision Map Act

California Subdivision Map Act Section 66474, referenced in criteria #4 above, lists seven (7) potential findings for denying "a tentative map, or a parcel map for which a tentative map was not required." An Amending Map is such a map. As proposed below, it is staff's position that none of the seven (7) findings for denial can be made.

1. That the proposed Map is not consistent with applicable general and specific plans as specified in Section 66451.

This finding cannot be made because the proposed Amending Map would be consistent with the Del Mar Community Plan (General Plan) in that the existing and proposed residential use and density of development of a single-unit residence is currently permitted under the Community Plan in the Low Density Residential R1-10 zone. The Low-Density Residential district is "a land use category intended to allow the continuation of the predominately single-family residential character that has been historically development within the Del Mar hills area and at the north end of the beachfront." The proposed Amending Map is limited to modifying the area and size of the scenic easement area and development area, and thus would not create additional legal parcels to afford additional density development of the Property. A proposed ADU would not affect the density of the site. The southerly portion of the Property is located within the Community Plan's Open Space Element Area L which is described as being 0.1 acre (approximately 4,356 square feet in area). The proposed amendment would retain the southerly and westerly portion of the Property, which includes all of Area L, as a Scenic Space Easement (a total of 9,711 square feet) which would remain undeveloped and would be consistent with the Community Plan's Open Space Element. Pursuant to the Open Space Overlay Zone requirement, a scenic easement would be recorded against the deed of the Property and would prohibit development and ground disturbance, thus protecting the Pinnacle, rock formations and vegetation on Area L.

2. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

This finding cannot be made because the proposed Amending Map would be consistent with the Community Plan (General Plan) in that the existing and proposed design would provide sufficient lot area and street access. The proposed project does not include subdivision of the lot and would modify the size and configuration of the recorded scenic easement. The Community Plan designation for the Low-Density Residential R1-10 Zone requires a minimum lot size of 10,000 square feet and minimum street frontage of twenty (20) feet. The proposed Amending Map would not modify the total lot size of the Property of 16,756 square feet in area nor would it affect the existing street access on Cuchara Drive which is provided via a reciprocal access easement with the Property to the north at 1205 Cuchara Drive. The proposed reduction of the scenic easement size will result in an increase of 2,853 square feet, which could accommodate access to and construction of an Accessory Dwelling Unit.

3. That the site is not physically suitable for the type of development.

This finding cannot be made because the proposed Amending Map would modify (decrease) the size and area of the scenic easement, and thereby, would commensurately modify (increase) the size and area of the potential development area by 2,853 square feet (with a total development area of 7,045 square feet). The Property contains a single-unit residence, and any additional development area would allow the opportunity for either new construction

of a replacement single-unit residence, modifications to the residence, and/or construction of an Accessory Dwelling Unit permitted under the R1-10 Zone.

4. That the site is physically suitable for the proposed density of development.

This finding cannot be made because the proposed Amending Map would not affect the Property's allowable single-unit residential density of the R1-10 Zone.

5. That the design of the subdivision and the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

This finding cannot be made because the proposed Amending Map is subject to review under the California Environmental Quality Act. An Initial Study and Mitigated Negative Declaration (EA24-001) did not identify any endangered or rare flora or fauna on the Property and the project with the incorporation of mitigation measures would create less than significant impact to the environment. The proposed Amending Map, if approved, would allow potential additional development area located to the west and south of the existing residence. Development would not cause substantial environmental damage or substantially and avoidably injure fish or wildlife since the project is located within an existing developed parcel. The Geotechnical Engineer's preliminary opinion on the stability of the Pinnacle, the feasibility of additional development without adversely affecting the Pinnacle, and that the Pinnacle would not pose a hazard to new structures.

6. That the design of the subdivision and the type of improvements is likely to cause serious public health problems.

This finding cannot be made because the proposed Amending Map, if approved, would allow the potential for additional development area on the Property. The continued use of a single-unit residential development in the R1-10 Zone would not cause serious public health problems.

7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, Property within the proposed subdivision.

This finding cannot be made because the proposed Amending Map is a request to amend the area and size of the scenic easement. If the Amending Map is approved, the revised scenic easement for the Property would be recorded with the County. The Property has several other private and public (utility) easements and which would not be affected with this project.

Findings Required for Coastal Development Permit/Consistency with the Local Coastal Program

The Property is located within the City's Coastal Overlay (the CA Coastal Zone, non-appeals jurisdiction) and so, pursuant to DMMC Section 30.75.040, requires a Coastal Development Permit (CDP). Section 30.75.140 stipulates seven findings that must be made for approval of a CDP. As proposed, the subject project is found to comply with the standards of development noted in the referenced DMMC Section (enumerated in bold font below), and accordingly, recommended findings to approve the CDP request can be made.

In accordance with the procedural regulations of the certified LCP, the City's action on the Coastal Development Permit will be reported to the California Coastal Commission's Executive Director. The project is not located in a Coastal Development Permit appeals area. The City's action on the CDP application is, therefore, not appealable to the California Coastal Commission.

1. That the use for which the Coastal Development Permit is applied is permitted within the zone in which the Property is located.

Proposed Finding: The proposed Amending Map is requesting modification of the scenic easement to allow a larger development area for the Property. The use of a single-unit dwelling and any proposed future Accessory Dwelling Unit are allowed uses in the R1-10 Zone. The retention of a scenic easement over the entirety of Area L on the Property is consistent with the Open Space Overlay Zone and will continue to preserve open space character/sensitivities (including the Pinnacle).

2. That the proposal meets the criteria of the applicable chapters of this Title (DMMC Title 30 – Zoning).

Proposed Finding: The proposed project to amend the recorded Parcel Map meets the criteria of the Del Mar Subdivision Ordinance DMMC Chapter 24.54, the lot design criteria of the R1-10 Zone and the development criteria of the Open Space Overlay Zone because the amended development area would not impact the natural character of the Area L, which includes the Pinnacle, canyons and natural vegetation. The scenic easement would retain and protect the Pinnacle, canyon and natural topography of the Property.

3. That the granting of such Coastal Development Permit will be in conformity with the certified City of Del Mar Local Coastal Program (LCP).

Proposed Finding: The proposed Amending Map to modify the scenic easement would be in conformity with the certified LCP with respect to resource protection standards and avoidance of hazards regulations.

4. That for all development proposals located seaward of the first public roadway, the proposed development is consistent with and implements the applicable requirements

for provision of public access contained in this Title and in the public access and public recreation policies of Chapter 3 of the California Coastal Act.

Proposed Finding: The Property is not located seaward of the first public roadway, therefore this finding would not apply.

5. That for all development proposals involving the construction or placement of a shoreline protection device, that the proposed development is consistent with and implements the applicable requirements of the Beach Overlay Zone and Setback Seawall Zone provisions contained in this Title and is consistent with and implements the provisions of the Chapter Three Policies of California Coastal Act.

Proposed Finding: The Property is not located on the beach or along the shoreline, therefore this finding would not apply.

6. That the proposal is consistent with and implements the provisions of public view protection policies IV-22 through IV-27 of the City of Del Mar LCP Land Use Plan.

Proposed Finding: The project does not include construction and therefore this finding regarding public view impact does not apply. Any future development would require design review and/or a Coastal Development Permit, so this finding would apply at that time.

7. That for all development proposals on sites with identified wetland resources, that the proposed development is consistent with and implements the provisions of the Lagoon Overlay Zone as contained within the City of Del Mar Local Coastal Program Implementing Ordinances and Land Use Plan.

Proposed Finding: The Property is not located within the Lagoon Overlay Zone and does not contain any wetlands or wetland resource, therefore this finding would not apply.

ENVIRONMENTAL IMPACT:

Pursuant to the provisions of CEQA, the Planning and Community Development Department prepared an Initial Study and Mitigated Negative Declaration (MND) (EA24-001).

While development is not proposed with the project, the IS/MND evaluates potentially significant impacts that could occur from full buildout of a home and accessory uses within the lot. Notwithstanding the analysis in the IS/MND, in the event future development is proposed on the lot, the scope of development would be further evaluated by the City for potential impacts and compliance with applicable regulations and mitigation measures discussed in the IS/MND.

While no rare or endangered flora or fauna were identified on the subject lot and within a 100-foot radius on the Biological Resources Survey, the Initial Study identified potential impacts for Biological Resources. A detailed review of the potential impacts is included in the

Initial Study and includes mitigation measures that reduce all impacts to less than significant levels. The mitigation measures are included in the MND and Mitigation Monitoring and Reporting Program (MMRP) and would be included as conditions to any project approval. The conclusions of the IS/MND are that with mitigation measures incorporated and attached, all project impacts would be mitigated to less than significant.

In accordance with Section 21091 of the California Environmental Quality Act (CEQA) and Section 15073 of the CEQA Guidelines, the Initial Study/Draft Mitigated Negative Declaration (IS/MND) was circulated for public review and comments for a minimum 30-day period from August 2, 2024 through September 3, 2024. The documents were made available at City Hall, the Del Mar Library, on the City of Del Mar website, and on the State Clearinghouse website (SCH Number 2024080103). One comment from the public in support of the project was submitted to the City during the circulation period.

Due to the size of the environmental documents, they have not been included as attachments to this report but can be reviewed in hard copy format at City Hall and the Del Mar Library or in electronic format by visiting the City of Del Mar website at the following link: https://www.delmar.ca.us/Archive.aspx?AMID=57. The City of Del Mar City Hall, located at 1050 Camino del Mar, Del Mar, CA 92014, is the custodian of the documents and other material which constitutes the record of proceedings upon which a decision is based.

HOUSING IMPACT:
The project does not include the demolition, alteration, or development of any housing units. However, if the Amending Map request is approved, the Property could be developed within the buildable area with a detached Accessory Dwelling Unit, subject to compliance with local and state regulations. Therefore, the approval of the requested Amending Map application could result in increased housing supply or improved housing affordability in the City of Del Mar.

FISCAL IMPACT:
There would be no fiscal impact to the City as this is a private development proposal. All fees associated with the project and CEQA processing have been paid by the Applicant. Additionally, all costs associated with any future development of the Property would be paid by the Applicant.

ATTACHMENTS:
Attachment A – Proposed Council Resolution
Attachment B – Applicant's Correspondence
Attachment C – Aerial Map
Attachment D – Community Plan Open Space Element excerpt
Attachment E – TPM-77-03 Staff Report
Attachment F – TPM-77-03 Council Resolution and Recorded Parcel Map 9174
Attachment G – TPM-77-03 EIR
Attachment H – Applicant's Plan and Scenic Easement Exhibit
Attachment I – Public Correspondence

RESOLUTION NO. 2025-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR CALIFORNIA APPROVING AN AMENDING MAP RM22-001 AND COASTAL DEVELOPMENT PERMIT CDP24-012 RELATING TO AMENDING RECORDED PARCEL MAP NO. 9174 (TPM-77-03) FOR PURPOSES OF REDUCING THE AREA OF AN EXISTING SCENIC EASEMENT ON PROPERTY AT 1201 CUCHARA DRIVE, DEL MAR, CALIFORNIA, AND ADOPTING AN ASSOCIATED MITIGATED DECLARATION (EA24-001) AND ASSOCIATED MITIGATION MONITORING AND REPORTING PROGRAM

WHEREAS, on March 5, 1979, the City Council of the City of Del Mar (City), after conducting a public hearing in the form and manner required by law, certified an Environmental Impact Report (EIR) and approved an application for Parcel Map TPM-77-03; and

WHEREAS, the approved Parcel Map TPM-77-03, which was recorded in the Office of the San Diego County Recorder as Parcel Map No. 9174, created a three lot subdivision, including the subject property located at 1201 Cuchara Drive, Del Mar (APN 300-143-38-00) (Property), which is located in the R1-10 Zone, Open Space Overlay Zone (OSOZ), and Wildland Urban Interface; and

WHEREAS, in compliance with the City's Community Plan Open Space Element development criteria for Area L, a condition of approval for Parcel Map TPM-77-03 included recordation of a scenic easement to retain the natural features of the Property identified in the Community Plan Open Space Element Area L, to include the "Pinnacles," canyon, and vegetation on the Property; and

WHEREAS, Mark and Laura Weber Trust, dated April 4, 2009 (Applicant/Owners), submitted an application to the City for a Revised Map (RM22-001), Coastal Development Permit (CDP24-012), and Environmental Assessment (EA24-001) (collectively referred to as the Project), to amend the Recorded Parcel Map No. 9174 (TPM-77-03) for purposes of reducing the size of the existing scenic easement on the Property; and

WHEREAS, the Project qualifies as a project under the California Environmental Quality Act (Public Resources Code §§ 21000-21189) (CEQA), and is not exempt; and

WHEREAS, a Mitigated Negative Declaration (MND) (State Clearing House (SCH) No. 2024080103), for the project was prepared in accordance with applicable laws, including CEQA and the CEQA Guidelines (14 Cal. Code of Regs. §§ 15000, et seq.). The MND was circulated for a 30-day review period to the public, responsible agencies, and other interested persons for review and comment during the period of August 2, 2024 to September 3, 2024, as required by CEQA; and

WHEREAS, the City received written comments on the MND during the 30-day review period; and

WHEREAS, the Initial Study (IS)/MND concluded that the implementation of the Project will have less-than-significant impacts, as mitigated, as referenced in the impacts to biological resources; and

WHEREAS, under CEQA, a lead agency makes a determination on a project requiring the implementation of measures to mitigate or avoid significant effects on the environment. CEQA also requires a lead agency to adopt a Mitigation Monitoring and Reporting Program (MMRP) to ensure compliance with the mitigation measures during Project implementation. A MMRP has been prepared for the Project for consideration by the City Council as the decision-maker of the City, which is the lead agency for the Project; and

WHEREAS, on September 10, 2024 and January 14, 2025, the Planning Commission held duly noticed public hearings to consider a recommendation to the Del Mar City Council regarding approval of application RM22-001 and CDP24-012 and on the adoption of the IS/MND, including MMRP, and at which time all persons desiring to be heard were heard; and

WHEREAS, oral and written evidence was submitted and considered during the Planning Commission public hearings to include, without limitation:

a. Plans submitted by the Applicant
b. Written information submitted with the application
c. Oral testimony from staff, the Applicant, and the public
d. Staff reports, dated September 10, 2024 and January 14, 2025, which
are incorporated by this reference, as though fully set forth herein
e. Additional information submitted during the hearings; and

WHEREAS, the Planning Commission unanimously voted to recommend approval of RM22-001, CDP24-012, and EA24-001, and adoption of the MND, including the MMRP, to the City Council; and

WHEREAS, on April 21, 2025, the City Council held a duly noticed public hearing to consider approval of RM22-001, CDP24-012 and EA24-001, and adoption of the MND, including the MMRP, at which time all persons desiring to be heard were heard; and

WHEREAS, written evidence was submitted, including, without limitation:

a. Plans submitted by the Applicant
b. Written information submitted with the application
c. Agenda report, dated April 21, 2025, which is incorporated by this reference, as though fully set forth herein; and

WHEREAS, the City Council, on the Consent Calendar, moved to continue the project, with the Applicant's consent, to a date certain to the regularly scheduled City Council meeting of May 19, 2025; and

WHEREAS, on May 19, 2025, the City Council held a duly noticed public hearing to consider approval of RM22-001, CDP24-012 and EA24-001, and adoption of the MND, including the MMRP, at which time all persons desiring to be heard were heard; and

WHEREAS, written and oral evidence was submitted and considered during the City Council public hearing, including, without limitation:

a. Plans submitted by the Applicant
b. Written information submitted with the application
c. Oral testimony from Staff, the Applicant, and the public
d. Agenda report, dated May 19, 2025, which is incorporated by this reference, as though fully set forth herein
e. Additional information submitted during the hearing.

NOW, THEREFORE, BE IT RESOLVED**,** that the City Council of the City of Del Mar, California, hereby adopts Mitigated Negative Declaration (MND) EA24-001 (State Clearinghouse No. 2024080103) and the associated Mitigation Monitoring and Reporting Program (MMRP), based upon the following findings:

1. That the revised MND EA24-001 (SCH No. 2024080103) for the Project has been prepared in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code §§ 21000, et seq.), as amended, and the CEQA Guidelines thereto (14 California Code of Regulations §§ 15000, et seq.);

2. That the MND for the Project reflects the independent judgment of the City of Del Mar as the Lead Agency; and

3. That the MND for the Project is accurate and complete.

AND, BE IT FURTHER RESOLVED, that the City Council of the City of Del Mar, California, hereby approves Amending Map RM22-001 based on conformance with the California Subdivision Map Act (Gov. Code § 66472.1), and the following findings:

1. **There are changes in circumstances, subsequent to the recording of the map, which make any or all of the conditions of such map no longer appropriate or necessary.**

At the time of the City's approval of the Parcel Map TPM-77-03, there were more than 20 Eucalyptus trees located on the Property. The scenic easement prohibited development, but allowed tree removal with the approval of the Design Review Board. The City did not have a formalized Tree Removal Permit process at the time. What was described as a "stand of trees" obstructed public views to the Pinnacles, except for a narrow scenic view at the southern side of the Property. Since that time, the trees have been gradually reduced in number and now there are eight (8) Eucalyptus trees remaining on the Property. The reduction of trees has greatly improved the public scenic views of the

Pinnacles from Cuchara Drive towards the north. Eucalyptus trees are now generally considered hazardous. The Property is also located in the Wildland Urban Interface area and designated as a “Very High Fire Severity Zone”. After the San Diego Witch Creek Fire in 2007, the City Council determined Eucalyptus trees to be hazardous with respect to Tree Removal Permit findings. The reduction of the stand of Eucalyptus trees over time, the City’s regulatory attitude towards Eucalyptus trees as a public health and safety/fire threat, and the increase of fire severity status, when taken together, constitute a change in circumstances that make the scenic easement area extended further to the north than required by Area L to protect the “stand of trees” no longer necessary.

2. That the modifications do not impose any additional burden on the present fee owner(s) of the property.

The Amending Map to revise/reduce the scenic easement would not impose an additional burden to the Property owner. It would not affect access to the Property, existing utilities, or any additional improvements necessary for the use of the Property. There is no additional burden on the Applicant if the project is approved.

3. That the modifications do not alter any right, title, or interest in the real property reflected on the recorded map.

The Amending Map would not alter the right, title or interest for the Property owner, as the project would not change the Community Plan, Open Space Element Area L, R1-10 Zoning designation or Open Space Overlay Zone designation. The Property size and Property line boundaries would remain the same. The Property would retain the same permitted uses allowed in the R1-10 zone. The Property would retain the same development criteria required of the R1-10 zone, including maximum Floor Area Ratio, lot coverage, yard setback and height limitations. Additionally, the Property would not be allowed more FAR than currently allowed in the R1-10 Zone, which is a maximum of 25% based on the Property’s square footage.

4. That the map as modified conforms to the provisions of Sections 66474 of the Subdivision Map Act.

The Amending Map would conform to the provision of Section 66474 of the Subdivision Map Act in that: (a) the proposed map is consistent with applicable general and specific plans as specified in Section 65451; (b) the design or improvement of the proposed subdivision is consistent with applicable general and specific plans; (c) the site is physically suitable for the type of development; (d) the site is physically suitable for the proposed density of development; (e) the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat; (f) the design of the subdivision or type of improvements is not likely to cause serious public health problems; and (g) the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, Property within the proposed subdivision.

AND, BE IT FURTHER RESOLVED, that the City Council of the City of Del Mar, California hereby approves Amending Map RM22-001 based on conformance with the California Subdivision Map Act (Gov. Code § 66474), and on the following findings:

1. That the proposed Map is not consistent with applicable general and specific plans as specified in Section 66451.

The proposed Amending Map would be consistent with the Del Mar Community Plan (General Plan) in that the existing and proposed residential use and density of development of a single-unit residence is currently permitted under the Community Plan in the Low Density Residential R1-10 zone. The Low-Density Residential district is "a land use category intended to allow the continuation of the predominately single-family residential character that has been historically development within the Del Mar hills area and at the north end of the beachfront." The proposed Amending Map is limited to modifying the area and size of the scenic easement area and development area, and thus would not create additional legal parcels to afford additional density development of the Property. A proposed ADU would not affect the density of the site. The southerly portion of the Property is located within the Community Plan's Open Space Element Area L which is described as being 0.1 acre (approximately 4,356 square feet in area). The proposed amendment would retain the southerly and westerly portion of the Property, which includes all of Area L, as a Scenic Space Easement (a total of 9,711 square feet) which would remain undeveloped and would be consistent with the Community Plan's Open Space Element. Pursuant to the Open Space Overlay Zone requirement, a scenic easement would be recorded against the deed of the property and would prohibit development and ground disturbance, thus protecting the Pinnacles, rock formations and vegetation on Area L.

2. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

The proposed Amending Map would be consistent with the Community Plan (General Plan) in that the existing and proposed design would provide sufficient lot area and street access. The proposed project does not include subdivision of the lot and would modify the size and configuration of the recorded scenic easement. The Community Plan designation for the Low-Density Residential R1-10 Zone requires a minimum lot size of 10,000 square feet and minimum street frontage of twenty (20) feet. The proposed Amending Map would not modify the total lot size of the Property of 16,756 square feet in area nor would it affect the existing street access on Cuchara Drive which is provided via a reciprocal access easement with the property to the north at 1205 Cuchara Drive. The proposed reduction of the scenic easement size will result in an increase of 2,853 square feet, which could accommodate access to and construction of an Accessory Dwelling Unit.

3. That the site is not physically suitable for the type of development.

The proposed Amending Map would modify (decrease) the size and area of the scenic easement, and thereby, would commensurately modify (increase) the size and area of the

potential development area by 2,853 square feet (with a total development area of 7,045 square feet). The Property contains a single-unit residence, and any additional development area would allow the opportunity for either new construction of a replacement single-unit residence, modifications to the residence, and/or construction of an Accessory Dwelling Unit permitted under the R1-10 Zone.

4. That the site is not physically suitable for the type of development.

The proposed Amending Map would not affect the Property's allowable single-unit residential density of the R1-10 Zone.

5. That the design of the subdivision and the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The proposed Amending Map is subject to review under the California Environmental Quality Act. An Initial Study and Mitigated Negative Declaration (EA24-001) did not identify any endangered or rare flora or fauna on the Property and the project with the incorporation of mitigation measures would create less than significant impact to the environment. The proposed Amending Map, if approved, would allow potential additional development area located to the west and south of the existing residence. Development would not cause substantial environmental damage or substantially and avoidably injure fish or wildlife since the project is located within an existing developed parcel. The Geotechnical Engineer's preliminary opinion on the stability of the Pinnacles, the feasibility of additional development without adversely affecting the Pinnacles, and that the Pinnacles would not pose a hazard to new structures.

6. That the design of the subdivision and the type of improvements is likely to cause serious public health problems.

The proposed Amending Map, if approved, would allow the potential for additional development area on the Property. The continued use of a single-unit residential development in the R1-10 Zone would not cause serious public health problems.

7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

The proposed Amending Map is a request to amend the area and size of the scenic easement. If the Amending Map is approved, the revised scenic easement for the Property would be recorded with the County. The Property has several other private and public (utility) easements and which would not be affected with this project.

AND, THEREFORE, BE IT FURTHER RESOLVED, that the City Council of the City of Del Mar, California, hereby approve Coastal Development Permit CDP24-012, based upon conformance with DMMC 30.75 and on the following findings:

1. That the use for which the Coastal Development Permit is applied is permitted within the zone in which the property is located.

The proposed Amending Map is requesting modification of the scenic easement to allow a larger development area for the Property. The use of a single-unit dwelling and any proposed future Accessory Dwelling Unit are allowed uses in the R1-10 Zone. The retention of a scenic easement over the entirety of Area L on the Property is consistent with the Open Space Overlay Zone and will continue to preserve open space character/sensitivities (including the Pinnacles).

2. That the proposal meets the criteria of the applicable chapters of this Title (DMMC Title 30 – Zoning).

The proposed project to amend the recorded Parcel Map meets the criteria of the Del Mar Subdivision Ordinance DMMC Chapter 24.54, the lot design criteria of the R1-10 Zone and the development criteria of the Open Space Overlay Zone because the amended development area would not impact the natural character of the Area L which includes the Pinnacles, canyons and natural vegetation. The scenic easement would retain and protect the Pinnacles, canyon and natural topography of the Property.

3. That the granting of such Coastal Development Permit will be in conformity with the certified City of Del Mar Local Coastal Program (LCP).

The proposed Amending Map to modify the scenic easement would be in conformity with the certified LCP with respect to resource protection standards and avoidance of hazards regulations.

4. That for all development proposals located seaward of the first public roadway, the proposed development is consistent with and implements the applicable requirements for provision of public access contained in this Title and in the public access and public recreation policies of Chapter 3 of the California Coastal Act.

The Property is not located seaward of the first public roadway, therefore this finding would not apply.

5. That for all development proposals involving the construction or placement of a shoreline protection device, that the proposed development is consistent with and implements the applicable requirements of the Beach Overlay Zone and Setback Seawall Zone provisions contained in this Title and is consistent with and implements the provisions of the Chapter Three Policies of California Coastal Act.

The Property is not located on the beach or along the shoreline, therefore this finding would not apply.

6. That the proposal is consistent with and implements the provisions of public view protection policies IV-22 through IV-27 of the City of Del Mar LCP Land Use Plan.

The project does not include construction and therefore this finding regarding public view impact does not apply. Any future development would require design review and/or a Coastal Development Permit, so this finding would apply at that time.

7. That for all development proposals on sites with identified wetland resources, that the proposed development is consistent with and implements the provisions of the Lagoon Overlay Zone as contained within the City of Del Mar Local Coastal Program Implementing Ordinances and Land Use Plan.

The Property is not located within the Lagoon Overlay Zone and does not contain any wetlands or wetland resource, therefore this finding would not apply.

AND, BE IT FURTHER RESOLVED**,** that the City Council of the City of Del Mar, California hereby approves Revision Map RM22-001 and Coastal Development Permit CDP24-012, subject to the following conditions:

1. *[Authorization Limited to Plan Set]*

This authorization is granted based on the Applicant's submitted plans dated **December 10, 2024** and so identified by the staff of the Del Mar Planning Department. Revisions to these plans and/or any proposals for modification shall require review and prior authorization from the appropriate entities of the City of Del Mar.

Approval of this Revision Map RM22-001 and Coastal Development Permit CDP24-012 shall not be construed as an authorization by the City to relieve the Property owner of the requirement to comply with the provisions of the Del Mar Municipal Code with respect to abatement of structural nonconformities, as such provisions may apply with future proposals for development. Approval of this Revision Map RM22-001 and Coastal Development Permit CDP24-012 does not constitute or authorize approval of the location or design of the structures depicted thereon.

2. *[Permit Expiration]*

This Coastal Development Permit shall expire three (3) years from the date of approval or conditional approval by the City Council.

3. *[Scenic Easement Deed Restriction- Recordation]*

Prior to recordation of the Revision Map RM22-001, the Applicant shall record a new Scenic Easement deed restriction against the deed for the Property. The open space deed restriction shall apply to the area as indicated on the submitted plans approved by the City.

The purpose of the deed restriction is to preclude development that would encroach into or cause disturbance to the natural character of the open space area. The deed restriction shall prohibit the development and/or placement of structures, grading, hardscape, walls/fences, landscaping/irrigation, or removal of vegetation in the affected area, unless approved by the City of Del Mar. The covenant document shall be prepared by the City of Del Mar, and recording fees shall be borne by the Applicant.

4. *[Utility Letters]*

Prior to recordation of the Revision Map RM22-001, the Applicant shall provide the City with a letter from each public utility holding easements within the Property stating that they have received from the Applicant a copy of the proposed Revision Map, and that they object or do not object to the filing of the Revision Map without their signature.

5. *[Map Preparation]*

The Revision Map RM22-001 shall be prepared and signed by a registered civil engineer or licensed land surveyor. Upon recordation of the Revision Map, the County Recorder shall, within sixty (60) days of recording, transmit a certified copy to the County Surveyor or County Engineer, who shall maintain an index of recorded certificates of correction.

6. *[Payment of Deficit Accounts]*

Prior to recordation of the Revision Map RM22-001, the Applicant shall pay off all existing deficit accounts associated with processing this application to the satisfaction of the City Department of Planning and Community Development.

7. *[Name(s) on Map]*

At the time of recordation of the Revision Map RM22-001, the name of the person(s) authorizing the map and whose name(s) appears on the map as the person(s) who requested the map, shall be the name of the owner(s) of the subject Property and shall be the same party or parties as shown on the Project applications, unless the Director of Planning and Community Development has approved the substitution of a successor-in-interest to such party or parties.

8. *[Compliance with Subdivision Map Act]*

The Applicant shall submit a Revision Map, which complies with the most current provisions of the Subdivision Map Act and the City of Del Mar Municipal Code Title 24 (Subdivision Ordinance).

9. *[Required Document Submittal and Subdivision Guarantee]*

Prior to the approval of the Revision Map RM22-001 by the City Engineer, the Applicant shall provide the City Engineer with a title report, copies of sufficient documentation to verify lot legality and current ownership, and a subdivision guarantee from a qualified title

insurance company. The guarantee shall have a minimum $1,000 liability coverage and in a form acceptable to the Planning Director and City Engineer.

10. *[Indemnification]*

With this approval Applicant acknowledges and agrees that Applicant shall defend, indemnify and hold harmless, the City of Del Mar, and its elected and appointed boards, commissions, committees, officials, officers, employees, and agents (collectively, the City Indemnified Parties) from and against any and all claims, lawsuits, actions, or proceedings to attack, review, set aside, void, or annul the City's decisions relating to the Applicant's project, or from any proceedings, acts, or determinations taken, done, or made prior to the City's decisions relating thereto, or to determine the reasonableness, legality or validity of any condition attached thereto, including, but not limited to the City's approval of Revised Map (RM22-001), Coastal Development Permit (CDP24-012), and/or Environmental Assessment (EA24-001), which claims, lawsuits, actions, or proceedings are brought within the time period provided for in California Government Section 66499.37. Applicant further acknowledges and agrees that Applicant shall defend, indemnify and hold harmless, the City Indemnified Parties from and against any and all claims, lawsuits, actions, or proceedings to attack, review, set aside, void, or annul the City's decisions relating to the environmental review conducted in accordance with the California Environmental Quality Act (Public Resources Code §§ 21000, et seq.), in conjunction with any approval granted by the City Indemnified Parties concerning the Applicant's project, which claims, lawsuits, actions or proceedings are brought within the time periods provided for in California Public Resources Code Section 21167.

<u>Biological Resource Conditions/Mitigation Monitoring and Reporting Program (MMRP)</u>:

BIO-1: *Monarch Butterfly.*
Prior to any vegetation removal and/or development within the area to be removed from the existing Scenic Easement, the Project Applicant shall ensure the following actions are undertaken to avoid or minimize potential direct and indirect impacts to monarch butterflies:

a. Conduct an overwintering site survey to determine if monarch butterfly are using the existing gum trees for roosting or if the site is otherwise suitable for overwintering.

b. If the site is shown to support, or likely to support, overwintering monarch butterflies, site-specific mitigation measures will be developed. These measures will include:

- If possible, site disturbance and construction activity that would impact Eucalyptus trees on-site shall not occur during the monarch butterflies' fall and winter migration period (October 15 through February 29).

- If tree or vegetation removal or site disturbance is required during the monarch butterflies' fall and winter migration period (October 15 through February 29), a

City-approved biologist familiar with monarchs and monarch overwintering habitat shall conduct focused surveys for monarch colonies within the identified overwintering site and will identify any colonies found within seven (7) days of proposed vegetation removal or site disturbance or when known monarch overwintering is occurring at other locations within the region. If monarch butterflies are detected, development shall be postponed until after the overwintering period or until the City-approved biologist determines monarch butterflies are no longer using the trees for overwintering.

To provide further protection to non-overwintering populations and/or adjacent overwintering populations, no Asclepias curassavica (tropical milkweed) shall be allowed in any planting palettes for the Project. To contribute to local monarch butterfly conservation efforts, native nectar-providing plant species will be incorporated into landscaping following construction activities, such as those recommended in the Monarch Butterfly Nectar Plant List for Conservation Plantings, to enhance local nectar sources (Xerces Society 2024)

BIO-2: *Legless Lizard.*
Prior to vegetation removal and/or development of the area proposed to be removed from the Scenic Easement, a preconstruction survey shall be required no more than fourteen (14) days prior to soil disturbance. The survey shall be conducted when soil temperatures are between 60- and 70-degrees Fahrenheit. If southern California legless lizards are identified, a qualified biologist with an appropriate Scientific Collecting Permit shall relocate individuals to suitable habitat outside of the project footprint.

BIO-3: *Nesting Birds and Raptors.*
Prior to vegetation removal and/or development of the area proposed to be removed from the Scenic Easement, the following nesting bird mitigation requirements shall be implemented:

a. If possible, site disturbance and construction activity shall not occur during the nesting bird breeding season (February 1 through August 31; January 1 through June 30 for raptors).

b. If activities associated with vegetation removal, construction, or grading must be conducted during the bird nesting/breeding season (February 15 through August 31), a qualified biologist shall conduct surveys for active nests. Preconstruction nesting bird surveys shall be conducted no more than three (3) days prior to the start of clearance/construction work. If ground-disturbing activities are delayed, additional preconstruction surveys should be conducted such that no more than three (3) days have elapsed between the survey and ground-disturbing activities.

c. Active nests found within 100 feet of the construction zone shall be delineated with highly visible construction fencing or other exclusionary material that would inhibit entry by personnel or equipment into the buffer zone. The size of the buffer zone shall be at the discretion of the qualified

biologist and shall be no less than 25 feet. Raptors may require a larger buffer zone, up to 300 feet. Installation of the exclusionary material will be completed by construction personnel under the supervision of a qualified biologist prior to initiation of construction activities. The buffer zone shall remain intact and maintained while the nest is active (i.e., occupied or being constructed by at least one adult bird) and until young birds have fledged and no continued use of the nest is observed, as determined by a qualified biologist. The barrier shall be removed by construction personnel only at the direction of the biologist.

BIO-4: *Indirect Impacts to Aquatic Resources.*
Prior to vegetation removal and/or development of the area proposed to be removed from the Scenic Easement, measures shall be in place and/or planned during construction activities to address potential indirect effects on the aquatic resource located outside of the area to be removed from the Scenic Easement. Silt fencing, sandbags, or other debris-catching methods shall be used during any construction within this area to prevent construction materials and debris from entering nearby drainages.

BIO-5: *Protected Trees.*
Prior to vegetation removal and/or development of the area proposed to be removed from the Scenic Easement, the Applicant shall identify the number, species, and size of trees in the area, all of which are considered protected per the Del Mar Municipal Code (DMMC). Any protected tree proposed for removal shall be replaced with a tree of the same species and be indicated in a covenant on the Property on which the tree is located. The replacement tree shall not be eligible for removal in accordance with DMMC Section 23.50.090(A)(1),until it has attained a circumference of at least twenty (20) inches when measured two (2) feet above ground level. The number and species of replacement trees required shall be determined by the City (Planning and Community Development Director or Design Review Board) in accordance with the Tree Mitigation Replacement Scale. If on-site replacement is not suitable due to site constraints, such as the location of existing structures and vegetation, then payment to the City's Tree Mitigation Fund is required. Each required replacement tree shall be equal to the estimated cost required to buy, transport, and plant a 15-gallon, 24- or 36-inch boxed tree of a species and size to be determined by the City.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Del Mar, California, at a Regular Meeting held on this 19th day of May, 2025.

_____
Terry Gaasterland, Mayor
City of Del Mar

APPROVED AS TO FORM:

_____
Leslie E. Devaney, City Attorney
City of Del Mar

ATTEST AND CERTIFICATION:
STATE OF CALIFORNIA
COUNTY OF SAN DIEGO
CITY OF DEL MAR

I, Sarah Krietor, Administrative Services Manager/City Clerk of the City of Del Mar, California, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution 2025-XX, adopted by the City Council of the City of Del Mar, California, at a Regular Meeting held the 19th day of May 2025 by the following vote:

AYES:

NOES:

RECUSE:

ABSENT:

ABSTAIN:

_____
Sarah Krietor
Administrative Services Manager/City Clerk
City of Del Mar

ATTACHMENT B

1201 CUCHARA DR **WEBER FAMILY**

Dear City Council Members and City Attorney's Office, May, 2025

Thank you, again, for your time and the opportunity to review our proposal to modify the boundaries of the Scenic Easement on our property at 1201 Cuchara Dr.

Over the course of several years working closely with the City Planning Department, City Attorney's Office, our neighbors, engineers, biologists, and the Planning Commissioners, their feedback and suggestions have been directly incorporated into our final proposal.

The City's report is incredibly thorough, and we're grateful for their efforts and support, as well as the Planning Commission's endorsement, and time on site reviewing our proposal and intent. In their unanimous recommendation to approve our proposal, they did suggest that 3 special conditions be included in their recommendation. We're in full agreement with these conditions and our proposal takes them into account as well as it can. We've publicly stated on the record during the Planning Commission meeting our agreement and willingness to work directly with the City Attorney's office to ensure the conditions are honored, but wanted to take the opportunity to do so again, in writing, for the benefit of the City Council.

For reference, here are the suggested conditions from the Planning Commission:

PC-1 *[New Buildable Area of the Property would be Limited to an the Development of an Accessory Dwelling Unit]*
Development in the new buildable area of the Property shall be limited to development of an ADU. Development associated with the primary residence shall not be permitted within the new separate development area.

PC-2 *[Approval of Revision Map Not Transferable]*
If the Applicant does not construct an ADU within the new buildable area prior to selling the Property, the Revision Map as approved becomes null and void and reverts back to the original Parcel Mar No. 9174 (TPM-77-03),

PC-3 *[Property Subdivision]*
The Property shall not be subdivided into separate parcel(s).

We believe strongly, that after several iterations and years working on the proposal, we've landed on a solution that is consistent with Community Plan's original intent while allowing us to build an ADU, serving the City's stated need for additional low-income housing. Most importantly, ensuring the long-term viability of the community's view and enjoyment of the sandstone outcropping and preserving the natural open space and the integrity of the neighborhood.

Thanks again for your time, sincerely,

The Weber Family

mark@craftedforlife.com

619.517.0607

Dear City Council Members and Neighbors, April, 2025

Thank you for the opportunity to review the boundaries of the Scenic Easement on our property at 1201 Cuchara Dr. We initiated this project over 5 years ago at the encouragement of Dwight Worden, and we're grateful for the continued support and time dedicated to partnering, reviewing, and revising our proposal by the City, the Planning Commission and our neighbors.

As drawn, the current Scenic Space Easement (established in 1978) is highly restrictive, covering our entire property, and inconsistent with the boundaries established for it in the Community Plan. Unfortunately, it does not afford us the opportunity to build outside of the current envelope of our existing home even though there is adequate space, we are well below our FAR, and the intention of the easement was to preserve specifically the South boundary of our property and the community's view of that canyon and the Pinnacle.

Unfortunately, over the last few years, we've had to confront the reality of providing care for our aging parents. We've spoken with friends and neighbors in similar circumstances who have either expanded the footprints of their homes or built accessory dwelling units as an option to provide housing to family members and caregivers. We are requesting to modestly modify the boundaries of the Scenic Space Easement adjacent to our home and driveway, with little impact on the open space or natural resources to provide us the opportunity to build an accessory dwelling unit.

A little background on our family. . .we originally moved to Del Mar nearly 35 years ago, attended college at UCSD, and immediately fell in love with the city during our time here. Our daughter was born in town 16 years ago and is currently a sophomore at Torrey Pines HS. As long-time residents of Del Mar, it's unique character and culture are special to us. One of the primary features that drew us to our home was the open space provided by the canyon to the South and the beautiful sighting alongside the sandstone outcropping known as the 'Pinnacle'. We will continue to care for those landmarks for the benefit of both our family as well as the community, as we have for nearly 10 years.

We've worked closely with the City to understand the potential impacts of this modification, and hired experts who are known and trusted in Del Mar to help us analyze the viability of our plan. Sowards & Brown Engineering, GEI Consultants (soil engineering), and SWCA Biologists have all thoroughly assessed the property and provided the Scenic Easement Exhibits, a Feasibility Study, and an Environmental Assessment and recommendations respectively. We believe strongly, that after several iterations and years working on the proposal, we've landed on a solution that is consistent with Community Plan's original intent, allowing us to potentially build an ADU while ensuring the long-term viability of the sandstone outcropping and preserving the natural open space to conserve the integrity of the neighborhood and its view of the Pinnacle.

Our proposal incorporates the feedback from the City Planning Department, City Attorney's Office, our neighbors, and the Planning Commissioners, and we're again grateful for their support and endorsements. The Planning Commission outlined a few conditions in their unanimous recommendation to approve our proposal, which takes those into account, and we have every intent to follow them, whether they are officially adopted or not.

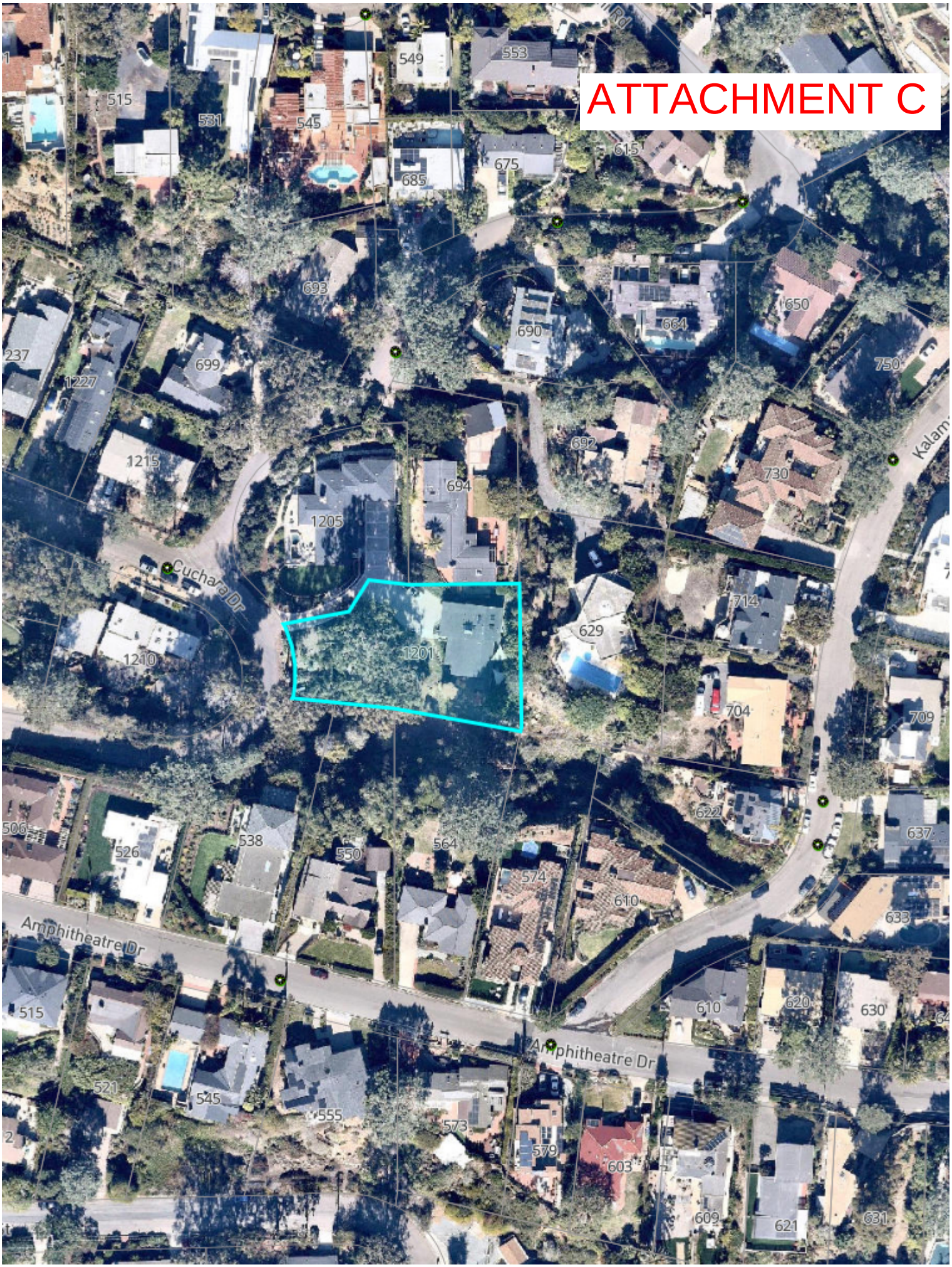
Fortunately, all of the Planning Commissioners were able to visit our site in person to gain further insight and understanding of our plans and how we've strived to mitigate the impact to the open space and our neighborhood as much as possible. We invite and encourage the Council Members to do the same, and we will make ourselves available and work around any scheduling restrictions they might have if they choose to do so.

Thanks again for your time, sincerely,

The Weber Family

mark@craftedforlife.com

619.517.0607


ATTACHMENT C
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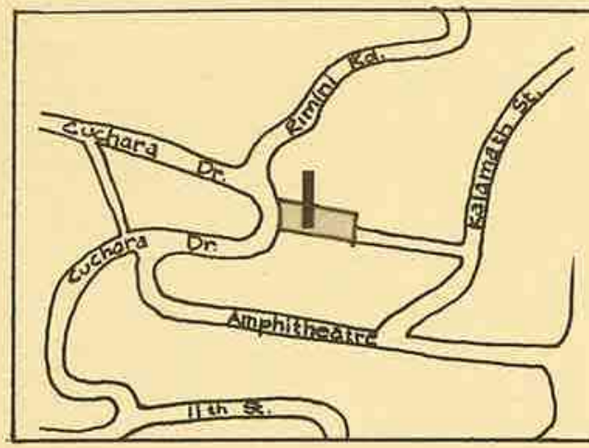
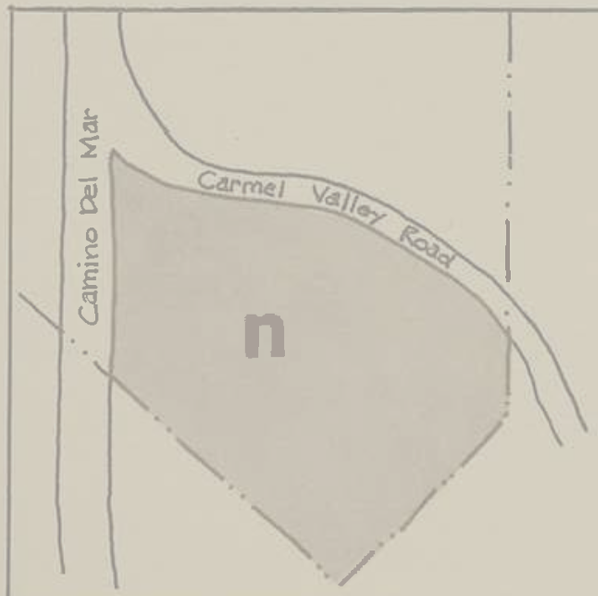
ATTACHMENT D

AREA L

	CHARACTER/SENSITIVITIES	DEVELOPMENT CRITERIA TO PRESERVE OPEN SPACE SENSITIVITIES
	°"The Pinnacles" - Eastside of Cuchara between Rimini and Amphitheatre. Area = .1 acres. °Outstanding rock formation, stand of trees and dense native shrubs. °Narrow scenic canyon.	°Preserve view corridor. °Require any construction above canyon to be set back from steep slopes of canyon. °Establish scenic easement to preserve rock formations and vegetation.
	°Pine Needles - Ocean View Canyon between Camino del Mar and Ocean View Avenue. Area = .3 acres. °Picturesque valley swale with Torrey Pines and vegetation. °Portion of Loop Trail. °Access of Torrey Pines Subdivision to beach. °Potential neighborhood park.	°Control drainage to reduce erosion. °Require scenic easement for Loop Trail. °Control height, setbacks, and coverage to preserve ocean vistas. °Require city approval prior to development in order to allow neighborhood to form assessment district for acquisition.
	°Carmel Valley Bluff - South of Carmel Valley Road, adjacent to Los Penasquitos Lagoon. Area = 10 acres. °Gentle slope facing lagoon. °Steep fill slope at NW corner. °Adjacent to Torrey Pines State Reserve. °Prominent area as viewed from Carmel Valley Road, railroad, and Coast Highway. °Environmentally sensitive relative to lagoon. °Small wild animal corridor.	°Large lot zoning and/or cluster development. °Setback requirements. °Scenic easements and restrictions. °Dedication for extension of Loop Trail to connect with Torrey Pines State Reserve.

1050 camino del mar, del mar, california 92014 (714) 755-9313

city of del mar

Janaury 20,

ATTACHMENT E

STAFF REPORT

Application: TM-77-3

Request: A Tentative Map to combine two existing parcels of record into three parcels as follows: Parcel 1, 15,650 S.F.; Parcel 2, 13,700 S.F.; and Parcel 3, 15,700 S.F.

Applicant: Mr. Edward Pourade & Mr. Vernon Rye

Location: Eastside of Cuchara Drive at Rimini Road

Other Required Reviews: Land Conservation, View review

Related Cases: EIR-76-1

Background

This request for a minor subdivision involves combining two existing lots of record totalling 45,050 S.F., and resubdividing into three lots as follows:

Parcel 1: 15,650 S.F.
Parcel 2: 13,700 S.F.
Parcel 3: 15,700 S.F.

Parcels 1 and 2 are presently occupied by Mssrs. Pourade and Rye's residences, respectively. Parcel 3 is undeveloped, and contains a sandstone pinnacle and numerous eucalyptus trees on the middle and lower portion of the property.

Analysis

1. Zoning Criteria. The following table indicates applicable zoning standards for subdivision in the R1-10 zone. The proposed subdivision exceeds such standards in all respects, and in fact, sufficient area exists to create 4 lots under the provisions of the R1-10 zone.

	PROPOSED SUBDIVISION	ZONING STANDARDS
Lot Size		
Parcel 1	15,650 S.F.	10,000 S.F.
Parcel 2	13,700 S.F.	10,000 S.F.
Parcel 3	15,700 S.F.	10,000 S.F.
Total	45,050 S.F.	30,000 S.F.
Lot Width		
Parcel 1	160 feet	75 feet
Parcel 2	115 feet	75 feet
Parcel 3	98 feet	75 feet

	PROPOSED SUBDIVISION	ZONING STANDARDS
Lot Depth		
Parcel 1	138 feet	100 feet
Parcel 2	122 feet	100 feet
Parcel 3	175 feet	100 feet
Street Frontage		
Parcel 1	245 feet	20 feet
Parcel 2	33 feet	20 feet
Parcel 3	45 feet	20 feet
Resulting floor area to lot area ratio (FAR)		
Parcel 1	2245 S.F. (14%) existing	3912 S.F. (25%)
Parcel 2	2170 S.F. (16%) existing	3425 S.F. (25%)
Parcel 3	2576 S.F. (16%) proposed	3925 S.F. (25%)

2. Neighborhood Conformity. Surrounding lots, as measured within 300 feet of the subject property, vary in size from 5,000 S.F. to 28,500 S.F. (see attachment). The average and median lot sizes are 11,816 S.F., and 11,000 S.F. respectively. The smallest lot of the proposed subdivision (Parcel 2) exceeds the neighborhood average by 1,884 S.F., and the lot for potential development (Parcel 3) exceeds the neighborhood average by 3,883 S.F. Per conditions providing for pinnacle protection and retention of the existing trees occupying the site, the proposed residence will be sited essentially out of view from the street. Access to the proposed residence will be provided from the existing driveway now serving Parcel 1 (Pourade).

3. General Plan Criteria. A portion of the property is described on page 38 of the Community Plan as having the following sensitivities:

   (1) Outstanding rock formation, stand of trees and dense native shrubs.
   (2) Narrow scenic canyon.

   Development criteria to preserve the open space sensitivies are proposed in the Plan as follows:

   (1) Preserve view corridor.
   (2) Require any construction above canyon to be set back from steep slopes of canyon.
   (3) Establish scenic easement to preserve rock formations and vegetation.

   The recommended conditions of approval establishing the scenic easement and setback from the canyon and pinnacle assure compliance with the Community Plan objectives.

4. Conformity with California Environmental Quality Act. An Environmental Impact Report was certified by the City Council on November 15, 1976 for the project, concluding that "with proper mitigating conditions (as described in the EIR) significant adverse environmental impacts can be avoided". Per recommended conditions of this approval, all applicable mitigation measures will be incorporated into the project design, including recommendations of the soils report prepared subsequent to the EIR.

Mitigation measure No. 9 (attached) incorrectly identifies the south property line of Parcel 2 as a rear property line , and should be corrected pursuant to the decision of the City Council (January 16, 1978),the Planning Commission (December 12, 1977), and the City Attorney and Planning Director (December 7, 1977) to the affect that the east property line of Parcel 2 is in fact its rear property line. Recommended condition No. 12 requires the proposed structure be located 20 feet from the Rye residence, rather than 15 feet as would be required by normal 7 1/2' sideyard setbacks. The 20 foot setback from the Rye residence will assure adequate light and air between buildings, yet allow the new structure to utilize more of the existing building pad as opposed to requiring the building to be located closer to the canyon wall. Utilization of the existing building pad, and preventing encroachment into the canyon, both are recommendations of the EIR, and in this respect are inconsistent with the first sentence of mitigation measure No. 9 as now written. In this respect, there are overriding considerations supporting approval of the split line closer than 25 feet to the Rye residence as recommended in mitigation measure No. 9.

Conclusion

The proposed subdivision will create three lots well in excess of the minimum size required by zoning and the average lot size characterizing the neighborhood. The proposed residence will be located predominantly out of public sight, utilizing an existing driveway and existing building pad. A vertical cliff separates the adjacent property to the east, minimizing impacts on privacy, light and air. The trees and pinnacle will be preserved through recorded easements and required drainage facilities. Per certified EIR, the lot split and proposed residence should not pose a significant adverse environmental impact on the project site or surrounding environs. The proposed map and improvements are consistent with the provisions of the adopted Community Plan, and the site is physically suitable for the proposed type and density of development. Per attached conditions, the subdivison and proposed improvements will not cause substantial environmental damage or injure fish or wildlife habitat. All requirements of CEQA have been met.

Recommendation

Based on the findings set forth herein, the Department of Planning & Community Development recommends approval of Tentative Map 77-3, subject to the conditions set forth in Attachment A of recommended Resolution PC-78-2.

Respectfully submitted,

William Healy

William Healy, Director
Planning & Community Development

EXHIBIT "A", TM-77-3, CONDITIONS OF APPROVAL

1. That a fire hydrant be installed on Cuchara Drive of the type and location as specified by the City Fire Department;

2. That a public sewer lateral be installed to serve Parcel 3 to the standards of the City Engineer;

3. That all private sewers and utilities serving Parcels 1, 2, and 3 which encroach on neighboring properties shall be provided proper recorded easements; said easements to be reviewed by and approved by the City Attorney prior to recordation;

4. That all utilities constructed to serve Parcel 3 shall be undergrounded from the existing point of distribution;

5. That the location of the utility undergrounding required by condition Number 4 shall be reviewed and approved by the Department of Planning & Community Development prior to trench excavation; criteria for said review shall be maximum protection given to the existing trees on the site;

6. That drainage facilities be designed and installed to the standards of the City Engineer to divert water runoff away from the base of the Pinnacle;

7. That the proposed driveway of Parcel 3 intersect with the existing driveway of Parcel 1 not less than seventy feet (70'0") distant from the west property line of Parcel 3; 53'

8. That driveway easements over Parcel 1 in favor of Parcel 3 be recorded to assure continued vehicular access to Parcel 3 via the existing driveway of Parcel 1. Said easement document shall be reviewed and approved by the City Attorney prior to recordation;

9. That a scenic easement be recorded which includes all that portion of Parcel 3 lying within thirty-five feet (35'0") of the south property line of said Parcel 3, and all that portion of Parcel 3 lying within one hundred twenty five feet (125'0") of the west property line of said Parcel 3; the easement document shall be reviewed by and approved by the City Attorney prior to said recordation;

10. That no structure be located closer than ten feet (10'0") to the face of the Pinnacle;

11. Except for driveways and walks, no structures or fences shall encroach within the scenic easement and pinnacle setback areas as described in Conditions No. 9 and 10 above. Driveways and walks proposed within such scenic easement and pinnacle setback areas shall be reviewed by and approved by the Planning Commission prior to their installation;

12. That the proposed structure on Parcel 3 be located not closer than twenty feet (20'0") from the existing structure on Parcel 2 (ten feet (10'0") from the proposed split line);

13. That all recommendations of the soils engineer, as specified on pages 4-7 of the soils report dated November 7, 1977 (William Krooskos, RCE 11318), be followed in the design and construction of the proposed residence on Parcel 3;

14. That monuments be set by a licensed surveyor or engineer delineating each parcel of the subdivision pursuant to Section 24-135 of the Del Mar Municipal Code;

15. That all improvements required by these conditions of approval be installed or bonded for completion by the subdivider prior to the recordation of the Final Map; and

16. That California Coastal Commission permits shall be issued for the subdivision prior to submittal of the Final Map for City approval.

Planning

ATTACHMENT F

RESOLUTION NO. 79-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, APPROVING DEL MAR SUBDIVISION 77-3, A FINAL SUBDIVISION MAP FILED PURSUANT TO CONDITIONAL APPROVAL BY THE CITY COUNCIL OF TENTATIVE MAP 77-3.

WHEREAS, Del Mar Tract Number 77-3 is a Final Subdivision Map properly filed in substantial reliance upon conditional approval by the City Council of Tentative Map 77-3, and pursuant to the Subdivision Map Act and Chapter 24 of the Del Mar Municipal Code; and

WHEREAS, said Tract and Final Map conforms to the requirements of said Map Act and Chapter; and

WHEREAS, said Tract and Final Map conforms to the conditions of approval specified in the action of the City Council approving Tentative Map 77-3; and

WHEREAS, Tentative Map 77-3 was conditionally approved by the City Council after said Council conducted a duly-noticed public hearing; and

WHEREAS, the requirements of the California Environmental Quality Act have been met;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Del Mar does hereby resolve to approve Del Mar Subdivision 77-3, a Final Subdivision Map.

PASSED AND ADOPTED, by the City Council of the City of Del Mar this 5th day of March 1979, by the following vote:

AYES: Councilmembers Hoover, Roe, Tarkington; Mayor Sweetwood
NOES: None
ABSENT: None
ABSTAIN: None

Hervey Sweetwood
Hervey Sweetwood, Mayor

ATTEST:

Terri Bianco
Terri Bianco, City Clerk

MAP NO. 9174

SHEET 1 OF 2 SHEETS

DEL MAR SUBDIVISION 77-3

SUBDIVISION MAP GUARANTEE BY TITLE INSURANCE AND TRUST CO ORDER No 1052427
BEING A SUBDIVISION OF LOT E, BLOCK 24, ARDEN HEIGHTS No 2, MAP No 1291 AND LOT 524 AND PORTION OF LOT 523, ARDEN HEIGHTS No 5, MAP No 1372, TOGETHER WITH THE NORTHERLY HALF OF THE ALLEY ADJOINING SAID LOTS E AND 524 ON THE SOUTH. IN THE CITY OF DEL MAR, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA

SIGNATURE OF TITLE COMPANY _____ TITLE OFFICER

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF (OR ARE INTERESTED IN) THE LAND EMBRACED WITHIN THE SUBDIVISION TO BE KNOWN AS DEL MAR SUBDIVISION 77-3 AND WE HEREBY CONSENT TO THE PREPERATION AND RECORDATION OF THIS MAP CONSISTING OF 2 SHEETS AND DESCRIBED IN THE CAPTION THEREOF
WE HEREBY GRANT TO THE CITY OF DEL MAR AN EASEMENT OVER, UNDER, ACROSS AND UPON PORTION OF PARCEL 3 (HEREIN AFTER REFERRED TO AS THE SUBJECT LAND) AS SHOWN ON SAID MAP TO WIT
(1) A PERPETUAL SCENIC EASEMENT FOR OPEN SPACE OVER, UNDER, ACROSS AND UPON THE SUBJECT LAND AND EXCEPT FOR DRIVEWAYS, WALKS AND UNDERGROUND UTILITIES, NO OTHER THING WHATSOEVER SHALL BE CONSTRUCTED, ERECTED, PLACED OR MAINTAINED ON THE SUBJECT LAND
(2) DRIVEWAYS AND WALKS PROPOSED WITHIN SUCH SCENIC EASEMENT SHALL BE REVIEWED BY AND APPROVED BY THE PLANNING COMMISSION PRIOR TO THEIR INSTALLATION (3) THE PERPETUAL RIGHT, BUT NOT THE OBLIGATION, TO ENTER UPON THE SUBJECT LAND AND REMOVE ANY BUILDING, STRUCTURES OR OTHER THINGS WHATSOEVER CONSTRUCTED, ERECTED, PLACED OR MAINTAINED ON THE SUBJECT LAND CONTRARY TO TERMS, COVENANTS OR CONDITIONS OF THIS EASEMENT, AND TO DO ANY WORK NECESSARY TO ELIMINATE THE EFFECTS OF ANY EXCAVATION OR GRADING OR REPLACEMENT OF SAND, SOIL, ROCK OR GRAVEL OR ANY OTHER MATERIAL DONE OR PLACED ON THE SUBJECT LAND CONTRARY TO ANY TERMS, COVENANTS OR CONDITIONS OF THIS EASEMENT GRANTOR COVENANTS AND AGREES FOR ITSELF AND ITS SUCCESSORS OR ASSIGNS AS FOLLOWS.
(A) DURING THE TIME OF CONSTRUCTION ON ADJACENT BUILDABLE AREA, NO CONSTRUCTION, CONSTRUCTION EQUIPMENT/MATERIALS OR OTHER DISRUPTION SHALL BE PERMITTED BEYOND THE AREA DESIGNATED FOR DRIVEWAY
(B) NO CONSTRUCTION OF ANY KIND, INCLUDING FENCES SIGNS (PERMENANT OR TEMPORARY) CLOTHESLINES OR OTHER OUTSIDE AIRING FACILITIES TV, RADIO, OR OTHER TYPES OF ANTENNAE AND/OR ABOVE SURFACE UTILITY STRUCTURES SHALL BE PERMITTED
(C) NO GRADING OR ALTERATION OF SURFACE DRAINAGE SHALL BE PERMITTED
(D) NO STORAGE OF MATERIALS, ACCUMULATED WASTES, SHALL BE PERMITTED:
(E) NO PLANTING OR IRRIGATION SHALL BE PERMITTED UNLESS APPROVED BY THE DESIGN REVIEW BOARD THE CONCEPT WOULD ALLOW DRIP IRRIGATION OF APPROVED TREES SPECIES, AND
(F) NO CLEARING OR MODIFICATIONS OF EXISTING VEGETATION, INCLUDING USE FOR TRAILS OR GARDEN PLOTS SHALL BE PERMITTED, UNLESS APPROVED BY THE DESIGN REVIEW BOARD
(G) THAT THE TERMS, COVENANTS AND CONDITIONS SET FORTH HEREIN MAY BE SPECIFICALLY ENFORCED OR ENJOINED BY PROCEEDINGS IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

THE GRANTOR OF THIS EASEMENT AND ITS ACCEPTANCE BY THE CITY OF DEL MAR SHALL NOT AUTHORIZE THE PUBLIC OR ANY MEMBERS THEREOF TO USE OR ENTER UPON ALL OR ANY PORTION OF THE SUBJECT LAND, IT BEING UNDERSTOOD THAT THE PURPOSE OF THIS EASEMENT IS SOLELY TO RESTRICT THE USES TO WHICH THE SUBJECT LAND MAY BE PUT

THIS EASEMENT SHALL BIND THE GRANTOR AND ITS SUCCESSORS AND ASSIGNS

_____ EDWARD K POURADE

_____ FLORENCE E POURADE

_____ VERNON RYE, JR

_____ JANET K RYE

I, TERRI BIANCO, CITY CLERK OF THE CITY OF DEL MAR, CALIFORNIA, HEREBY CERTIFY THAT THE DEL MAR CITY COUNCIL HAS ACCEPTED THE GRANT OF A SCENIC EASEMENT FOR OPEN SPACE OVER, UNDER, ACROSS AND UPON PORTION OF PARCEL 3 AS GRANTED ON SAID MAP

BY _____ CITY CLERK, CITY OF DEL MAR _____ 3/12/79 DATE

THE SIGNATURE OF WILLIAM G KERCKHOFF CO OWNER OF AN EASEMENT FOR TELEPHONE AND/OR ELECTRIC POLES AND LINES FOR SEWER, WATER AND/OR GAS MAINS AND PIPES LINES, RECORDED JUNE 5, 1946 IN BOOK 2140, PAGE 326 OF OFFICIAL RECORDS OF SAN DIEGO COUNTY HAS BEEN OMITTED UNDER THE PROVISION OF SECTION 11587, OF THE CALIFORNIA CODE, THEIR INTEREST IS SUCH THAT IT CANNOT RIPEN INTO A FEE TITLE AND SAID SIGNATURE IS NOT REQUIRED BY THE GOVERNING BODY

THE SIGNATURE OF SOUTH COAST LAND CO OWNER OF AN EASEMENT FOR TELEPHONE AND/OR ELECTRIC POLES AND LINES, AND RIGHT-OF-WAY FOR SEWERS, WATER AND/OR GAS MAINS RECORDED AUGUST 25, 1932 IN BOOK 149, PAGE 306 OF OFFICIAL RECORDS, RECORDER'S FILE NO 41050, OF SAN DIEGO COUNTY HAS BEEN OMITTED UNDER THE PROVISION OF SECTION OF THE GOVERNMENT CODE, THEIR INTEREST IS SUCH THAT IT CANNOT RIPEN INTO A FEE TITLE AND SAID SIGNATURE IS NOT REQUIRED BY THE GOVERNING BODY

THE SIGNATURE OF SAN DIEGO GAS AND ELECTRIC CO, A CORPORATION FOR A LINE OF WIRES AND ALL NECESSARY FIXTURES FOR USE IN CONNECTION THEREWITH RECORDED FEBRUARY 6, 1959 RECORDER'S FILE NO 25119 OF OFFICIAL RECORDS OF SAN DIEGO COUNTY HAS BEEN OMITTED UNDER THE PROVISION OF SECTION OF THE GOVERNMENT CODE, THEIR INTEREST IS SUCH THAT IT CANNOT RIPEN INTO A FEE TITLE AND SAID SIGNATURE IS NOT REQUIRED BY THE GOVERNING BODY

1 VERNON RYE JR, JANET K RYE, EDWARD K POURADE AND FLORENCE E POURADE, AS OWNERS
2 HOME FEDERAL SAVINGS AND LOAN ASSOCIATION OF SAN DIEGO, A CORPORATION, TRUSTEE UNDER DEEDS OF TRUST RECORDED JULY 29, 1975 AS FILE/PAGE NO 75-196689 IN BOOK 1975 OF OFFICIAL RECORDS AND RECORDED SEPTEMBER 30, 1977 AS FILE/PAGE NO 77-402683 IN BOOK 1977 OF OFFICIAL RECORDS

_____ B MARION WEBB - LOAN SERVICE AND ASST SECY ADMINISTRATION

_____ ROBERT L KNAUS ASSISTANT VICE PRESIDENT

STATE OF CALIFORNIA } SS
COUNTY OF SAN DIEGO }
WE TREASURER-TAX COLLECTOR OF THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, COUNTY ENGINEER OF SAID COUNTY AND DIRECTOR OF DEPARTMENT OF SANITATION AND FLOOD CONTROL OF SAID COUNTY, HEREBY CERTIFY THAT THERE ARE NO UNPAID SPECIAL ASSESSMENTS OR BONDS WHICH MAY BE PAID IN FULL, SHOWN BY THE BOOKS OF OUR OFFICES AGAINST THE TRACT OR SUBDIVISION OR ANY PART THEREOF SHOWN ON THE ANNEXED MAP AND DESCRIBED IN THE CAPTION THEREOF.

JAMES E JONES, TREASURER-TAX COLLECTOR

BY _____ DEPUTY _____ DATE

RJ MASSMAN, COUNTY ENGINEER

BY Gustave J Kamptner FOR THE COUNTY ENGINEER 2-28-79 DATE

CJ HOUSON, DIRECTOR OF DEPARTMENT OF SANITATION AND FLOOD CONTROL

BY W J Rodd DEPUTY 2-28-79 DATE

STATE OF CALIFORNIA } SS
COUNTY OF SAN DIEGO }
ON THIS 7th DAY OF FEBRUARY 1979, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR THE SAID COUNTY AND STATE, RESIDING THEREIN, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED EDWARD K POURADE, FLORENCE E POURADE, VERNON RYE, JR, and JANET K RYE PERSONALLY KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT, AND DULY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.
IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN
MY COMMISSION EXPIRES _____

_____ NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE

WE, THE UNDERSIGNED, HEREBY CERTIFY THAT WE HAVE CAREFULLY EXAMINED LOTS NO 1, 2, 3 OF THE SUBDIVISION SHOWN ON THE ANNEXED MAP AS TO ITS VALUE FOR RESIDENTIAL PURPOSES, AND WE FIND THEM SUITABLE FOR SUCH PURPOSES

B G HILDYARD CITY ENGINEER BY B G Hildyard 3/13/79 DATE

PLANNING DIRECTOR BY William T. Healy 3/12/79 DATE

APPROVED THIS DAY OF 1979 AFTER EXAMINATION OF AND CERTIFICATES THEREON

CITY ATTORNEY BY _____ DATE

I, TERRI BIANCO, CITY CLERK OF THE CITY OF DEL MAR, CALIFORNIA, HEREBY CERTIFY THAT THERE IS NO LAND SUBJECT TO A SPECIAL ASSESSMENT OR BOND WHICH MAY BE PAID IN FULL DIVIDED BY A LINE OF A LOT OR PARCEL OF SUBDIVISION OR LIENS ON ANY OF THE PROPERTY WITHIN ANY OF THIS SUBDIVISION FOR UNPAID CITY TAXES, EXCEPT TAXES NOT YET PAYABLE AGAINST OR ANY PART THEREOF, AS SUCH SUBDIVISION IS SHOWN ON THE ANNEXED MAP AND DESCRIBED IN THE CAPTION THEREOF
IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS 12th DAY OF March 1979

BY Terri Bianco CITY CLERK, CITY OF DEL MAR

I, WT HEALY, DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT, HEREBY CERTIFY THAT THE SUBDIVISION CONFORMS TO THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

BY William T. Healy WT HEALY

I, TERRI BIANCO, CITY CLERK OF THE CITY OF DEL MAR, CALIFORNIA, HEREBY CERTIFY THAT THIS MAP HAS BEEN ACCEPTED BY THE DEL MAR CITY COUNCIL FOR RECORDATION BY RESOLUTION 79-20

BY Terri Bianco TERRI BIANCO

I, RAYMOND SPENCER, A REGISTERED CIVIL ENGINEER IN THE STATE OF CALIFORNIA, HEREBY CERTIFY THAT THE SURVEY OF THIS SUBDIVISION WAS MADE BY ME OR UNDER MY DIRECTION BETWEEN JULY and AUGUST AND SAID SURVEY IS TRUE AND COMPLETE AS SHOWN THAT MONUMENTS OF THE CHARACTER INDICATED HAVE BEEN FOUND OR SET AT THE SUBDIVISION'S BOUNDARY CORNERS AND I WILL SET ALL OTHER MONUMENTS OF THE CHARACTER AND AT THE POSITION INDICATED BY THE LEGEND OF THIS MAP WITHIN 30 DAYS AFTER COMPLETION OF THE REQUIRED IMPROVEMENTS OR AT SUCH TIME AS AGREED UPON WITH THE CITY ENGINEER, AND THAT SUCH MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED. SEE LEGEND ON SHEET 2

Raymond Spencer
RAYMOND SPENCER LS 3065
DATE 2-8-79

I, B G HILDYARD, CITY ENGINEER OF THE CITY OF DEL MAR, CALIFORNIA, HEREBY CERTIFY THAT I HAVE EXAMINED THIS MAP AND FIND IT TO BE SUBSTANTIALLY THE SAME AS IT APPEARS ON THE TENTATIVE MAP THEREOF, THAT THE PROVISIONS OF THE SUBDIVISION MAP ACT AND ORDINANCES OF THE CITY OF DEL MAR HAVE BEEN COMPLIED WITH, AND I AM SATISFIED THAT THIS MAP IS TECHNICALLY CORRECT.

BY B G Hildyard B G HILDYARD, CITY ENGINEER 3/13/79 DATE

STATE OF CALIFORNIA } SS
COUNTY OF SAN DIEGO }
ON APRIL 4, 1979 BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED ROBERT L KNAUS, KNOWN TO ME TO BE THE ASSISTANT VICE PRESIDENT, AND B MARION WEBB, KNOWN TO ME TO BE THE ASSISTANT SECRETARY OF THE CORPORATION THAT EXECUTED THE WITHIN INSTRUMENT, KNOWN TO ME TO BE THE PERSONS WHO EXECUTED THE WITHIN INSTRUMENT ON BEHALF OF THE CORPORATION THEREIN NAMED, AND ACKNOWLEDGED TO ME THAT SUCH CORPORATION EXECUTED THE WITHIN INSTRUMENT PURSUANT TO ITS BY-LAWS OR A RESOLUTION OF ITS BOARD OF DIRECTORS
WITNESS MY HAND AND OFFICIAL SEAL

_____ SIGNATURE MY COMMISSION EXPIRES _____

I, PORTER D CREMANS, CLERK OF THE BOARD OF SUPERVISORS, HEREBY CERTIFY THAT THE PROVISIONS OF THE SUBDIVISION MAP ACT (DIVISION 2 OF TITLE 7 OF THE GOVERNMENT CODE) REGARDING (A) DEPOSITS FOR TAXES AND (B) CERTIFICATION OF THE ABSENCE OF LIENS FOR UNPAID STATE, COUNTY, MUNICIPAL OR LOCAL TAXES OR SPECIAL ASSESSMENTS COLLECTED AS TAXES EXCEPT THOSE NOT YET PAYABLE, HAVE BEEN COMPLIED WITH

PORTER D CREMANS, CLERK OF THE BOARD OF SUPERVISORS

BY Stella Wenderlich DATE 4-4-79

FILE No. 79-147651

I, VERA L LYLE, RECORDER OF THE COUNTY OF THE COUNTY OF SAN DIEGO, HEREBY CERTIFY THAT I HAVE ACCEPTED FOR RECORDATION THIS MAP FILED AT THE REQUEST OF RAYMOND SPENCER THIS 10th DAY OF APRIL 1979 AT 2:43 O'CLOCK PM

FEE $700 VERA L LYLE, COUNTY RECORDER

BY Clifford M. Murdock DEPUTY

Rancho Santa Fe Engineering Co
W.O. 76-7659

PRE: APR 21 1979 MICROFILM

GRADING PLAN L- None

CALIF. COORD. INDEX 289-1691

TM 77-3

MAP NO. 9174

SHEET 2 OF 2 SHEETS

DEL MAR SUBDIVISION 77-3

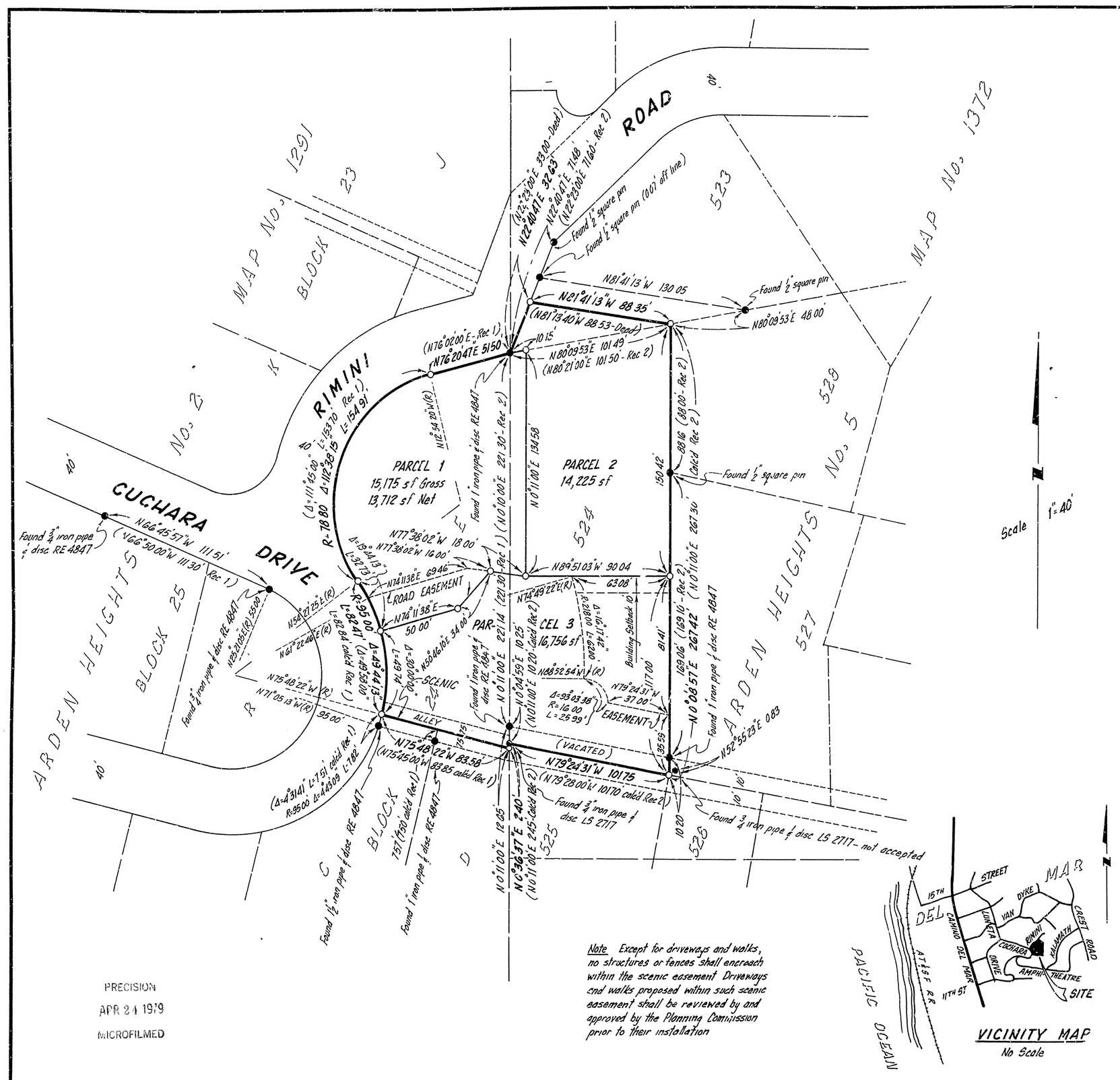
OF LOT E, BLOCK 24, ARDEN HEIGHTS Nº 2, MAP Nº 1291 AND LOT 524 AND PORTION OF LOT 523, ARDEN HEIGHTS Nº 5, MAP Nº 1372, TOGETHER WITH THE NORTHERLY HALF OF THE ALLEY ADJOINING SAID LOTS E AND 524 ON THE SOUTH, IN THE CITY OF DEL MAR, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA

LEGEND

●_____ Found monument as noted
○_____ Set ½"x18" iron pin w/ cap LS 3065
Rec 1____ Record per Map No 1372
Rec 2____ Record per Map No 1291
Deed_____ Deed - Book 6764, Page 413 OR dated September 18, 1957
(R)_____ Radial

BASIS OF BEARINGS

The basis of bearings for this Parcel Map is portion of the Westerly line of ARDEN HEIGHTS No 5, Map No 1372 ie N 0°11'00" E



VICINITY MAP

No Scale

PRECISION
APR 24 1979
MICROFILMED

Rancho Santa Fe Engineering Co
WO 76-7659

GRADING PLAN L-_____ None
CALIF. COORD. INDEX_____ 289-1691

TM 77-3

ATTACHMENT G

FINAL ENVIRONMENTAL IMPACT REPORT

RYE - POURADE LOT SPLIT

PREPARED BY

DEL MAR CITY PLANNING DEPARTMENT

AND

SCIENCE APPLICATIONS, INCORPORATED

P.V. NEWMARK
J.H. PEEK
J.L. WILSON
L.J. EDMONDS

OCTOBER 12, 1976

SCIENCE APPLICATIONS, LA JOLLA, CALIFORNIA
ALBUQUERQUE • ANN ARBOR • ARLINGTON • ATLANTA • BOSTON • CHICAGO • HUNTSVILLE
LOS ANGELES • McLEAN • PALO ALTO • SANTA BARBARA • SUNNYVALE • TUCSON

P.O. Box 2351, 1200 Prospect Street, La Jolla, California 92037

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1. INTRODUCTION

Environmental base information used in this report was prepared by Science Applications, Incorporated, under contract with the City of Del Mar. The final organization of the report, the insertion of supplemental information where required, and the response to comments received on publicly distributed draft copies were prepared by the Del Mar City Planning Department.

Together, this study constitutes a Final Environmental Impact Report filed pursuant to the California Environmental Quality Act, and Resolution No. 763 adopted by the City of Del Mar.

The project under study involves a proposed minor subdivison (Lot Split) of the "Pinnacle" property; i.e., the vacant portions of Lot 524, Arden Heights #5, Map 1372 and Lot E, Block 24, Map 1291, southerly of 1205 Cuchara Drive, Del Mar for which an Environmental Assessment Form was submitted in May 1976. After a review of the information contained in the Environmental Assessment Form and on-site discussions with the owners, Vernon P. Rye, Jr. and Edward K. Pourade, the Planning Commission determined that "a possibility of significant environmental impact"[1] was inherent in the proposal to split off portions of the lot to create a new single family parcel.

The concerns of the Planning Commission relate to development criteria set forth in the Del Mar Community Plan (March 1976)--both general goals and particularly the Open Space Overlay Element--the Zoning Ordinance, and the potential side effects associated with normal development of the property for single family use.

Science Applications, Inc. has reviewed these criteria in relation to the proposed lot split and house construction and herewith presents its report in satisfaction of the following tasks agreed to in the contract:

- Detailed and accurate topographic survey of lot.
- Description of vegetation and rock formations.
- Analysis of irrigation, drainage, and erosion problems adversely affecting the vegetation, rock formations, and/or canyon.
- Assessment of use factor in "normal" lot development; i.e., effects of foundation trenching, 25' rear setback, water and sewer hook-ups, etc. on lot environment.
- Assessment of aesthetic impact vis à vis Community Plan criteria to protect the vegetation and pinnacle as scenic open space elements.

[1]Letter to Messrs. Rye and Pourade from Nancy Allen, dated June 17, 1976

2. PROPERTY LOCATION AND DESCRIPTION

As shown in Figure 2-1, the subject property involves two adjacent lots[2] at least partially bordered on three sides by Cuchara Road, Rimini Road, and a vacated alley north of and parallel to Ampitheatre Road.

2.1 Background to Proposed Lot Split

Messrs. Rye and Pourade purchased the subject property in 1952 and each built a single family dwelling on the northern portion of each lot. At the same time a 20 foot strip on the southerly portion of Mr. Pourade's property extending from Cuchara Road east to the southwesterly portion of the Rye-Pourade property was exchanged for a 10 foot strip on the westerly portion of Mr. Rye's property to allow Mr. Rye access to Cuchara Road. Several years later the proposed alley adjoining the acquired strip of land was vacated, giving additional footage.

Mr. Pourade has now agreed to sell Mr. Rye a portion of the southerly section of his property, thereby allowing Mr. Rye to split his property and create a new area estimated at between 14,000 sq. ft. and 18,000 sq. ft.[3] The property and proposed lot split are shown in Figure 2-2. The proposed lot split line is 22 feet from the southern border of Mr. Rye's present home. The owners emphasize, however, that the line is flexible, to be determined ultimately by the setback requirements of the zoning ordinance.

2.2 Physical Description

The property resulting from the proposed lot split includes part of the north side of a small steep-sided canyon and fronts on Cuchara Road. It has more than 20 eucalyptus trees and a small Torrey pine on its lower half and is largely brush-covered on its southeast quarter.

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[2]Lot 524, Arden Heights No. 5, Map No. 1372; and Lot E, Block 24, Arden Heights No. 2, Map No. 1291 (Parcel Numbers 300-143-40 and 300-143-42, respectively).
[3]Environmental Assessment Form (page 1) and letter to the Planning Director from Vernon P. Rye, Jr., dated February 11, 1976, respectively.

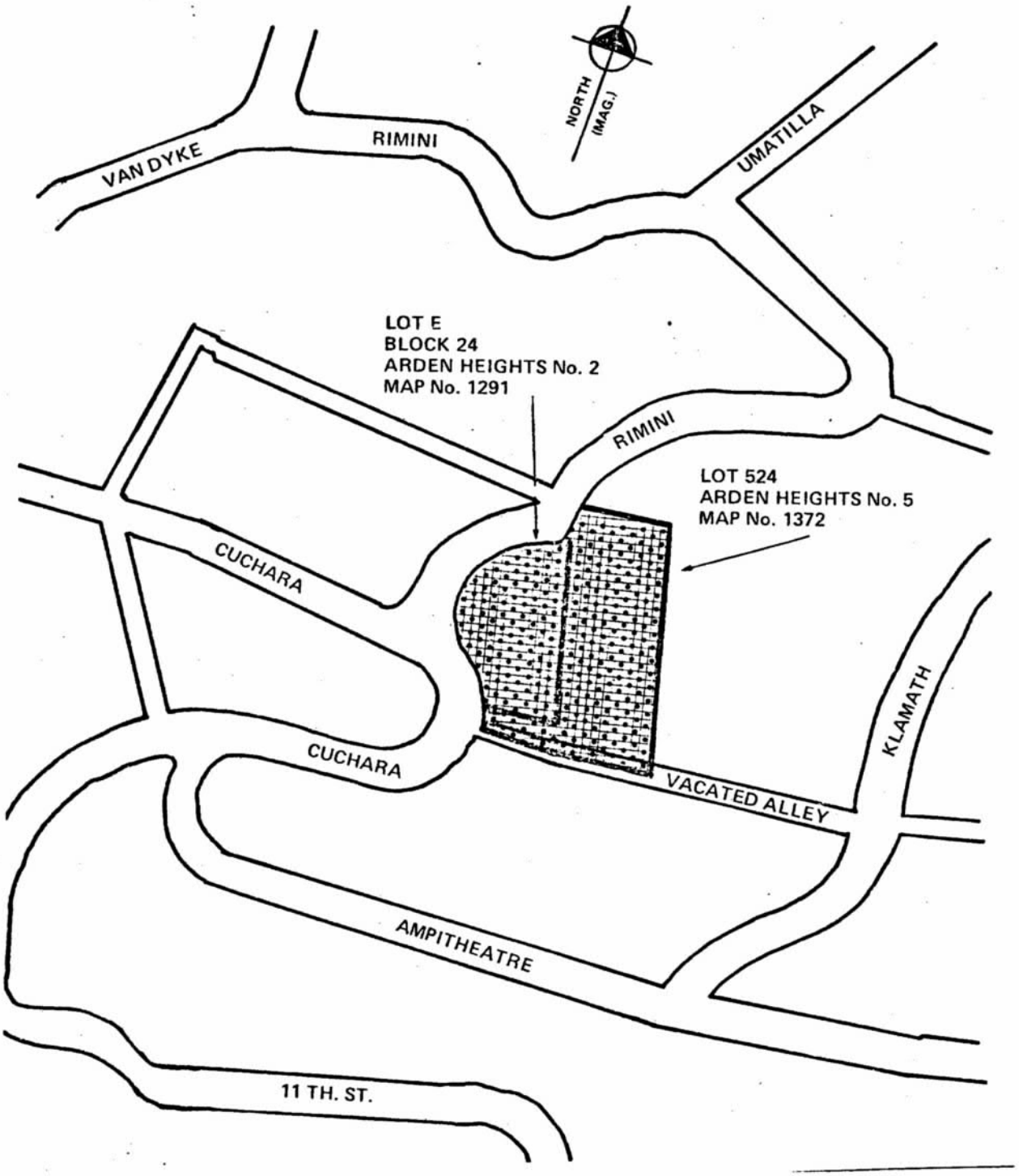

Figure 2-1. Vicinity Map of Subject Property
(Not to Scale)

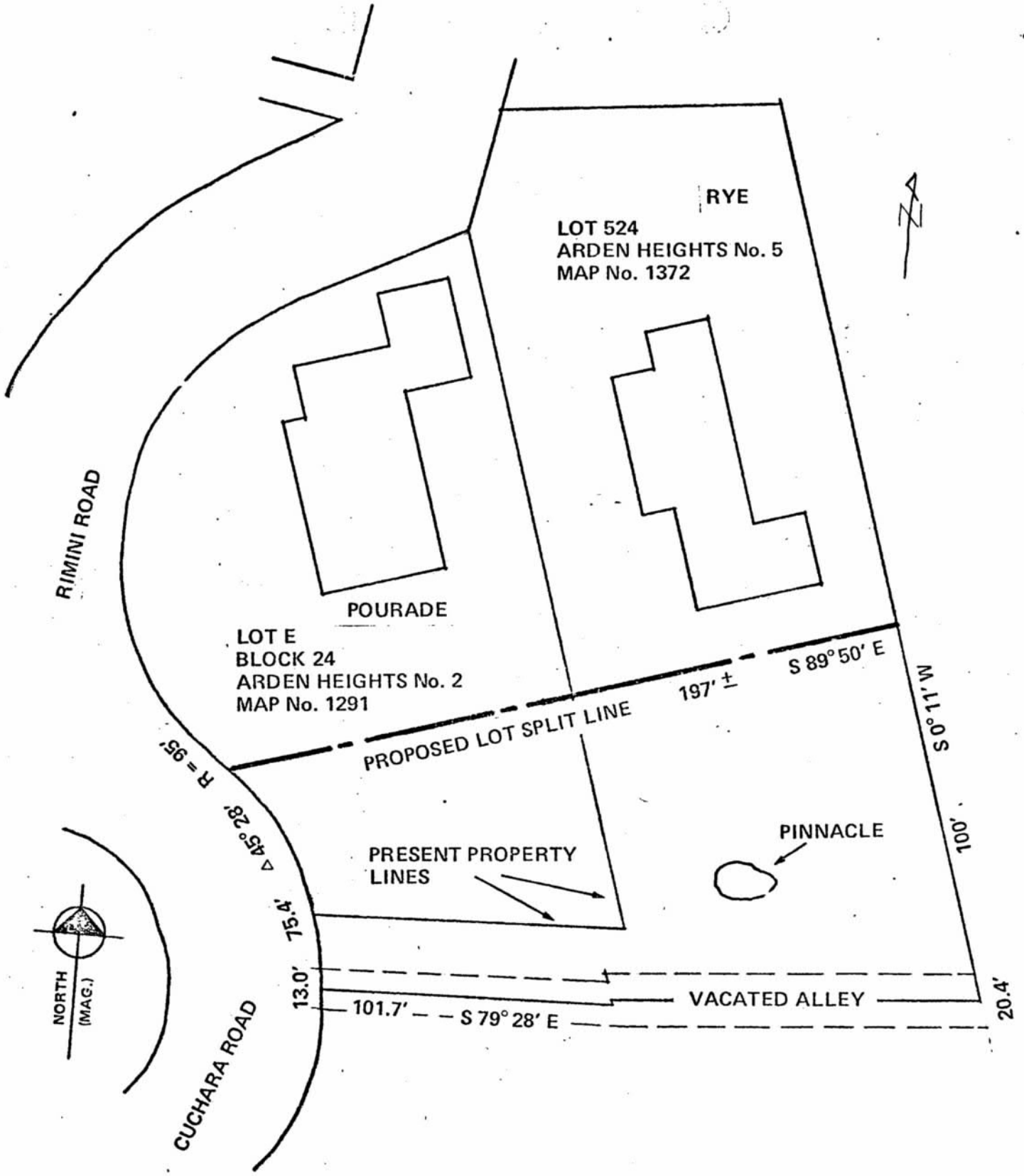

Figure 2-2. Diagram of Subject Property and Proposed Lot Split
(Not to Scale)

Two species of eucalyptus trees exist on the property: *Eucalyptus macarthuri* and a believed hybrid, perhaps with *Eucalyptus cinerea*. Twelve other trees and shrubs were also identified as prominent, but at least twenty other flora stand on the property in minor amounts. The most conspicuous of the prominent flora are the Little Club-Moss (or Spike Moss) *Selaginella cinerascens*; Black Sage, *Salvia mellifera*; California Buckwheat, *Eriganium fasciculatum*; *Hythrum californicum*; *Buxaceae sp.*; and the Valerian, *Plectritis samolifolia* (probably var. *involutus*).

No rare or endangered flora were observed on the property.

Approximately 1/3[4] of the proposed lot has been graded for the existing parking and garden areas. A relatively even slope climbs up from Cuchara Road to the parking area and to the base of the pinnacle. Nearly vertical cliffs rise east of the garden area and along the north edge of the canyon at the upper part of the lot.

The property also includes a roughly cylindrical sandstone outcrop known as the pinnacle, two views of which are shown in the photograph in Figure 2-3. The pinnacle and the nearly vertical cliffs along the sides of the canyon are composed of the red-brown sandstone of the Linda Vista Formation. The upper 2 to 3 feet of the pinnacle and the canyon rim are made of a harder, more completely cemented sandstone bed that is much more resistant to erosion than the underlying sandstone. This bed protects the underlying material from erosion, a process which has resulted in oversteepening of the slopes below the resistant bed. Blocks of the resistant sandstone break off periodically when the softer material beneath erodes far enough. Near the back of the property blocks of sandstone up to six feet in maximum dimension lie on the slope near the bottom of the canyon where they have fallen as a result of this process. More sandstone blocks will eventually tumble from the canyon

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[4]This figure corrects the 50 percent estimation of graded area in the Environmental Assessment Form (page 6).

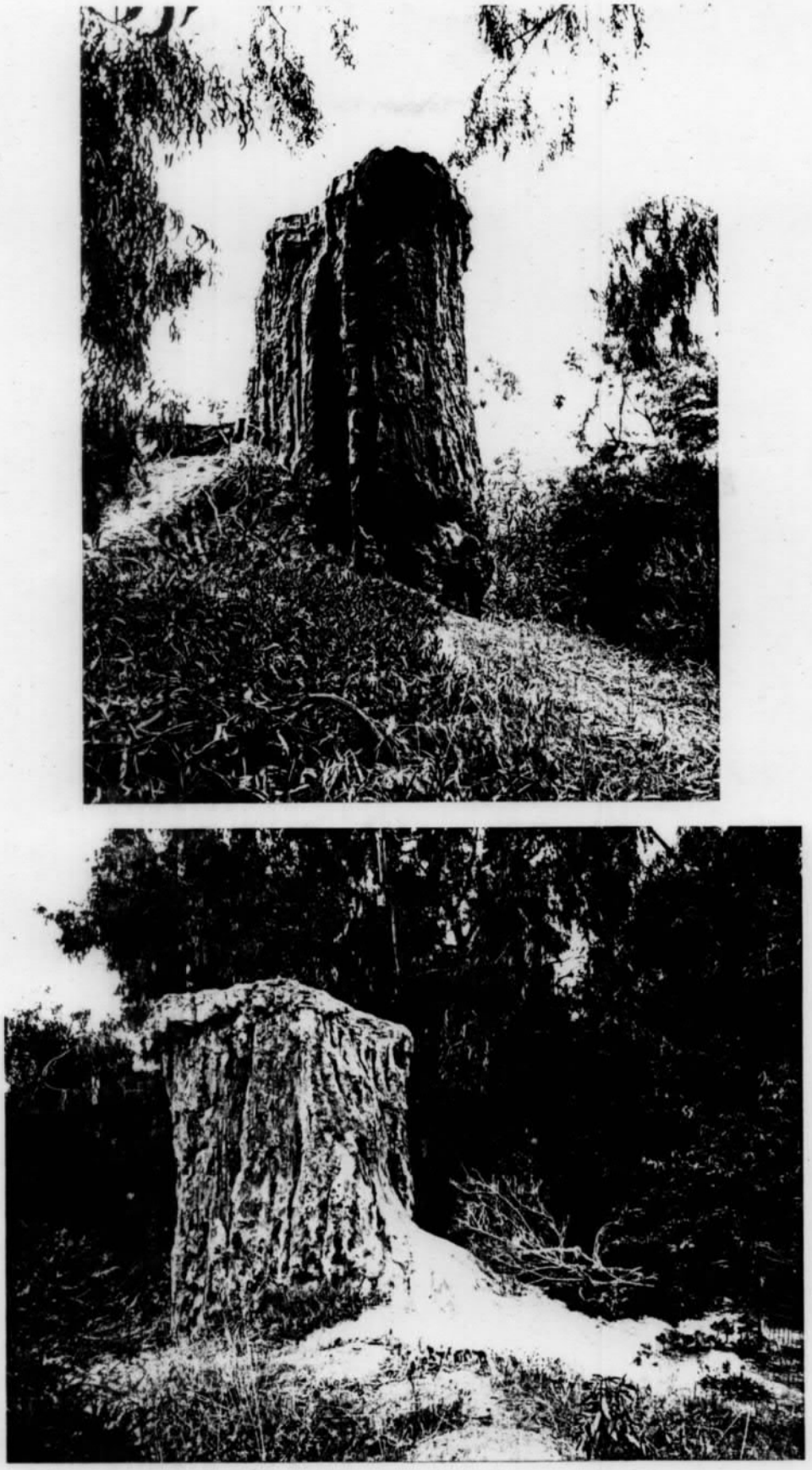


Figure 2-3. West-Southwest (Top) & East-Northeast (Bottom) Views of the Pinnacle.

walls or the pinnacle as natural erosion continues. Although the rate of erosion is relatively slow, it cannot be accurately predicted.

A photograph of the pinnacle taken by Mssrs. Rye and Pourade in 1952, compared with the pinnacle as it stands today, clearly indicates that an entire section on its northeastern portion has disappeared. The owners relate that the process of erosion has been accelerated over the years by occasional human interference to shave off potentially dangerous areas created by neighborhood children making footholds in the sandstone while attempting to climb the pinnacle.

A topographic map of the property is presented in Figure 2-4. Topographic contours were drawn using an arbitrary datum at 2.5 foot intervals. The location of the eucalyptus trees was plotted and their trunk size indicated. Stakes that were on the property at the time of the mapping are also shown. These stakes may or may not represent property boundaries, and no attempt was made to determine the accuracy of their location during the course of mapping. However, estimated property boundaries are shown as accurately as possible from the available information. (Existing property lines are drawn as indicated on subdivision map of Arden Heights #2 surveyed by William S. Post in August, 1910 and filed at the request of Rodney Stokes, October 7, 1910; and map of Arden Heights #5, Tract 1372, surveyed May, 1911 and notarized by William M. Cameron, August 14, 1911.) The topography in the canyon in the southeast quarter of the property was mapped less precisely due to the interference of thick brush with sightings. However, the accuracy of the topographic mapping should be suitable for planning use.

Existing sewer and water hook-ups, as well as telephone poles, have been shown on the map to indicate their relative positions on the property. These were located after the contours were mapped by measuring their distance from previously located objects with a steel tape. The proposed lot split line and building site area are also indicated.

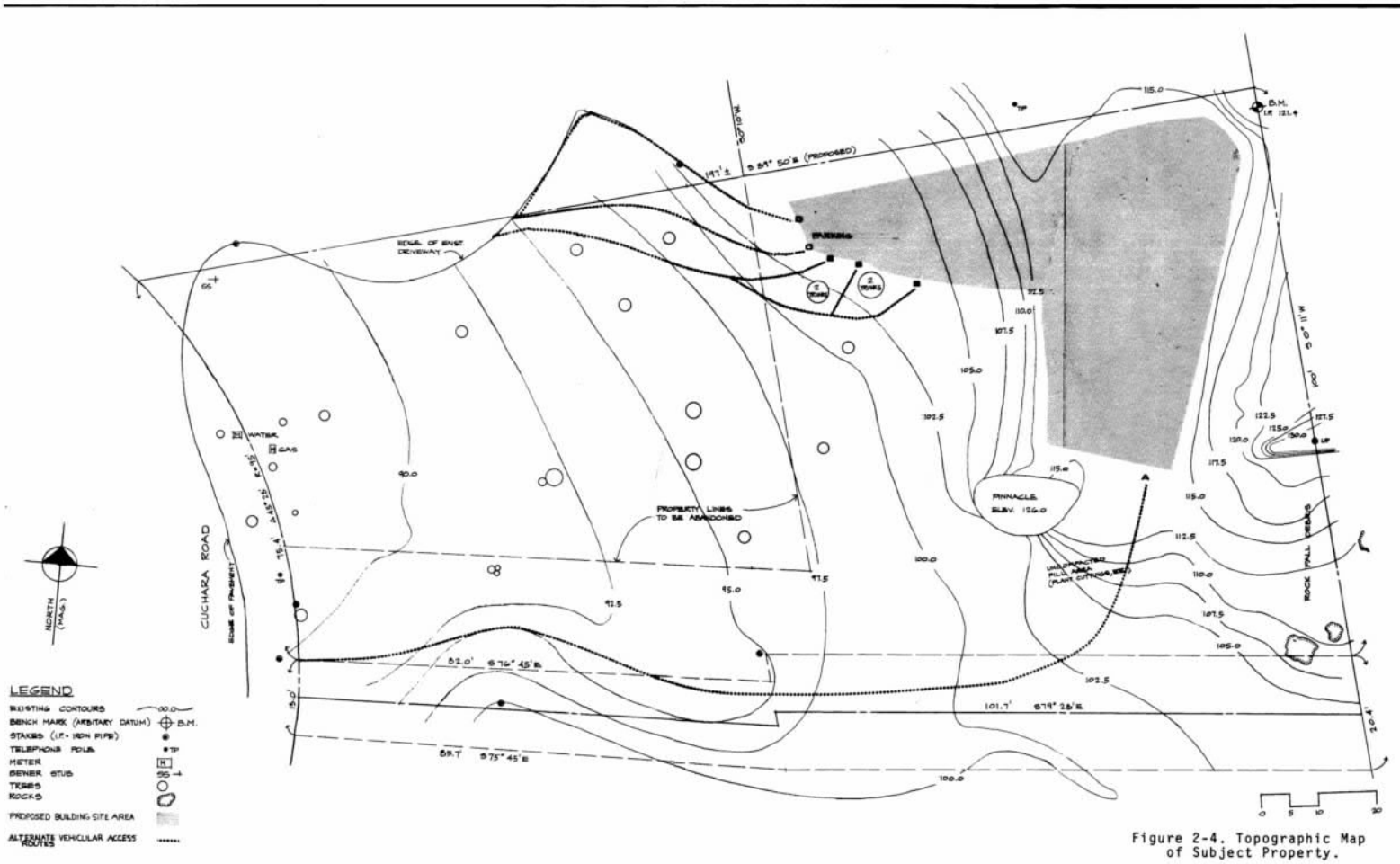


Figure 2-4. Topographic Map of Subject Property.

2.3 Proposed Property Development

Mr. Rye proposes to erect a single family residence of approximately 1,800 sq. ft. on the upper portion of the property resulting from the lot split, utilizing for construction the area northeast and northwest from the pinnacle shown as shaded in Figure 2-4. Due to the fairly steep bank directly above the present parking area, it is proposed that a single story structure be constructed above the garage (proposed for the present parking area) and extending to the higher, relatively level area northeast of the pinnacle which is presently a garden. Outside finish materials are proposed to be wood and glass, substances compatible with the wooded environment of the lower portion of the property.

Access to the new house is proposed to be provided through at least partial utilization of the present driveway at the north side of the property. Several alternatives are discussed in Section 4.3.

3. DEVELOPMENT CRITERIA AND REQUIREMENTS

Per the Environmental Assessment filed in May of this year, the "possibility of significant environmental impact inherent in this proposal" was based on the criteria set forth in the March 1976 Del Mar Community Plan, the Zoning Ordinance, and the anticipated normal side effects of the property's development and use. This section of the report states the particular requirements and criteria applicable to the subject property and delineates the essential concerns relating to the proposed development.

3.1 Zoning Ordinance Requirements

The subject property falls into the R-1-10 single family residential zone (December 1975). The concerns of the City relative to zoning and building requirements are threefold; the requirement for a 25 foot minimum rear setback, the requirement for water and sewer utilities, and the requirement for vehicular access to the proposed residence. In addition, concerns relating to the effects of development and normal single family use include the impact of artificial irrigation and drainage, potential erosion problems, the impact of foundation trenching, and the cumulative impact resulting from project implementation.

3.2 Del Mar Community Plan (March 1976)

The objectives and criteria outlined in the adopted Community Plan and pertinent to the subject property are listed below:

Goal 1 - Objectives and Policies

1. "Protect open space areas...to preserve particularly unique natural features in specific neighborhoods." (#C-2)
2. Control the impact of private development on areas designated as having open space sensitivities." (#F-3)

Specific Recommendation - Open Space Element

The subject property falls within the Open Space Element (Item L, "The Pinnacles"), which cites the following sensitivities:

1. The "outstanding rock formation, stand of trees and dense native shrubs"; and
2. The "narrow scenic canyon."

The "development criteria to preserve open space sensitivities" pertinent to this property are twofold:

1. "Preserve view corridor."
2. "Establish scenic easement to preserve rock formations and vegetation."

4. ASSESSMENT OF POTENTIAL ENVIRONMENTAL EFFECTS

This section discusses our findings relative to the requirements identified in Sections 3.1 and 3.2; namely, the effects of

- a 25' minimum rear setback
- water and sewer utility hook-ups
- vehicular access to the proposed dwelling
- foundation trenching
- artificial irrigation
- drainage
- erosion
- cumulative impact of development, and
- conformity to Del Mar Community Plan criteria

4.1 25 Foot Rear Setback

On the proposed building site--the graded area shown as shaded in Figure 2-4--it is obvious that a 25' rear setback from the cliff to the northeast of the pinnacle would restrict the site so severely as to create an essentially unbuildable space. The maximum width of the essentially flat space between the existing cliff and the embankment to the present parking area is 35 feet; and between the cliff and the pinnacle, 18 feet. Thus the 25' rear setback requirement cannot be satisfied without moving the building site, something which would alter the existing land configuration or violate the open space criteria. Due to the land configuration, however, the setback requirement in this case is inconsequential. The "adjoining property" to the rear is a steep cliff, and a variance does not violate the spirit of the zoning ordinance.

4.2 Water and Sewer Hook-ups

There is no apparent difficulty in satisfying the water and sewer requirements. At the time the sewer lines were originally brought up Cuchara Road, the City of Del Mar installed an additional sewer hook-up, allowing for the future development of the property. A water main to which the house can

easily connect is also located on the lower portion of the subject property, near Cuchara Road. These two potential hook-up locations are indicated in Figure 2-4.

Depending on the track chosen the excavation necessary for making the connections might sever some tree roots on the lower portion of the land. However, a three or four foot trench probably would not have a significant long term effect on the health of the trees, especially if routed to avoid the tree trunks by at least five to eight feet. If this is not possible, some sort of irrigation of the trees in summer is recommended for a year or two until the damaged root system can recover.

4.3 Vehicular Access

Of several possibilities that have been considered for the provision of vehicle access to the proposed residence, none presents a perfect solution from all points of view. One possibility is to route the driveway along the alleyway on the southerly property border; another is to utilize the present driveway leading to Mr. Pourade's house. The likely routes--alternatives A through D--are shown in Figure 2-4 and discussed below.

4.3.1 Alternative A - Utilization of Canyon and Alleyway

In the mid-1950's the exchange of a 10 foot north-south strip of property for a 20 foot east-west strip gave Mr. Rye access to Cuchara Road along the proposed but vacated alleyway which forms the southerly boundary of the subject property. This area lies in the canyon and is presently covered with thick brush. Utilization of this space would require extensive clearing of the vegetation, grading of the rather steep slope up the canyon side leading to the garden area north of the pinnacle, and location of the garage there rather than in the present parking area.

From a geological perspective this does not present a problem. Although no sign of recent water flow was seen along the canyon bottom, part of Klamath Road drains into the canyon. Replacement of part of the vegetation in the canyon with a driveway would increase the velocity of water runoff to Cuchara Road during periods of intense or prolonged rainfall, but this would be relatively minor. The materials and configuration of the driveway could be chosen so as to reroute the drainage and not collect and channelize the water.

The major problem with this alternative is its violation of the Open Space Overlay Element and the desire to maintain the narrow scenic canyon in its present state.

4.3.2 Alternatives B, C, D - Utilization of Present Driveway

The access route proposed by the owners is along the northerly property border, utilizing at least the lower half of the present driveway leading to Mr. Pourade's home to bring Mr. Rye's new driveway off the existing driveway somewhere between the 92.5' contour line and the 97.5' contour line as shown in Figure 2-4. There are several variations of this route that can be considered. Based on the proposed lot split line, the highest point at which the existing driveway could be used and still remain at least partially within Mr. Rye's new property line is approximately at the 95.0' contour line. Splitting off from the driveway at this point has been proposed either easterly and northeasterly among the eucalyptus trees (Alternative B) or northeasterly following the property line (Alternative C). Both solutions would leave a small triangle of unused property between the two driveways. Although Alternative B might allow driveway pavement to invade the "scenic easement to preserve... vegetation" in the Open Space Overlay Zone, its obvious advantage is a lessening of the upward grade which a vehicle would be required to climb in approaching the house.

One consideration in this proposed route is the health of the most northeasterly and largest (two trunk) eucalyptus tree, as well as its possible interference with the telephone lines above it. Obvious signs of invasion--possibly from termites--are present, but we suggest that the determination of its actual and potential hazard to a structure built adjacent to it be made by the proper authorities. If the tree is determined to be a real threat and therefore removed, more space would be made available for driveway construction. (There is probably insufficient space {~ 5 feet} to bring the driveway up between the two large eucalyptus trees.) The owners also propose to remove the adjacent tree, a process which would ease the access situation considerably but destroy part of the vegetation in the overlay zone. For this reason also we propose a professional tree inspection of the property.

A fourth possibility (Alternative D) is to utilize the present driveway as a joint access route to both existing (Pourade) and proposed new (Rye) residences regardless of property lines. Although this solution is acceptable to the present owners, it creates the potential for future conflict if and when these homes are sold.

It appears that any of the four routes are possible but that each carries a potential negative impact or unsatisfactory result from a particular point of view. Results of the suggested professional tree inspection might aid in making this decision. However, the chosen alternative would depend on the relative importance given the factors involved; that is, remaining within (or moving) the proposed lot split line, grading as little as possible, and preserving the most vegetation as possible.

4.4 Foundation Trenching

Assuming careful planning, no adverse effects of foundation trenching at the proposed building site are anticipated. As the Del Mar grading ordinance has not required it, a soil test is recommended on the outer edge of the pad to ascertain soil compaction. Care should also be taken to set back from the cliff and the canyon rim behind the angle of repose.

4.5 Artifical Irrigation, Drainage, and Erosion

The apparent erosion process of the sandstone on the pinnacle and the canyon rim has been described in Section 2.2. Due to its vulnerability on all sides the pinnacle will erode faster than the cliffs. However, the pinnacle does not seem to pose a threat to a house on the proposed building site due to its orientation away from the house. The photograph of the pinnacle from Cuchara Road (Figure 4-1), as well as the close-up view in Figure 2-3, shows the partially dug out portion of the pinnacle near the ground facing the road.

Neither does construction of a house necessarily present a problem in maintaining the pinnacle. Drainage and erosion controls are discussed below and again in Section 4.7.2.

Figure 4-1. View of the Pinnacle from Cuchara Road

Considerable erosion has occurred on the sandstone cliffs above the proposed building site. Drainage off the house and deck of the newly constructed home on the ridge above these cliffs could intensify the erosion process if not counteracted. As a result of erosion on the softer sides of the cliffs, more chunks of hardened sandstone such as those already found in the canyon below could break off and fall in the direction of the proposed house.

Although the sandstones of the slopes of the lot will erode rapidly when excess amounts of irrigation water are applied, irrigation erosion can be readily prevented. If the house is constructed on the presently proposed site adjacent to the cliff, a water diversion mechanism will be necessary to protect the structure and the pinnacle from drainage from the adjoining property. Present drainage protection devices are rather rudimentary and include a bale of hay and a similarly sized wooden structure approximately along the 115' contour line (Figure 2-4). The opportunity to plan the diversion of the water around the proposed structure towards the natural canyon could have the effect of actually decreasing erosion, drainage and irrigation problems on the subject property.

Contrary to popular belief the bulk of the root system of most trees growing on medium textured soils is within three or four feet of the surface. A preliminary examination of this area indicates that this is likely the case with the eucalyptus trees on the property. Because of the degree of crowding, the lateral extent of the root system is probably not more than twice the diameter of the crown and most probably less.

The degree of impact on the trees due to inhibited surface drainage from above at the planned site would probably not be detectable if care is taken to route as much of the above drainage as possible to the lower lot in order to maintain flow to the tree roots. This routing is particularly important if a substantial quantity of tree root removal is anticipated by installation of a sewer line.

4.6 Cumulative Impact of Development

The proposed lot split and introduction of an additional single family residence to the neighborhood would not significantly induce additional growth in the Community. Similar lot split requests could be anticipated only if there exists a number of hillside lots whose configuration and location of existing structures permits their eventual parceling. Such is not the case. In addition to normal yard requirements, existing R-1-10 zoning requires a 10,000 square foot minimum lot size, a 75 foot minimum width, and a 100 foot minimum depth. Instances are rare where all of the following conditions exist in a built up area: (1) Contiguous property owners agreeable to resubdivide existing lots of record; (2) Where the original lot(s) is of sufficient size to accommodate additional lot(s) not originally subidivided; (3) Where all resulting lot(s) can abide by the minimum frontage and depth requirements required by zoning (75 and 100 feet); and (4) Where the location of the existing structures is situated so that the split line(s) will accommodate required building setbacks. Applications in instances where all such conditions do exist are handled by current zoning and subdivision regulations, which will remain unaffected by the submittal of this particular application. It can therefore be concluded that the cumulative, growth inducing impact of this lot split application is not significant, since it does not affect the potential submittal of similar requests.

4.7 Conformity to Del Mar Community Plan Criteria

The requirements of the Del Mar Community Plan, particularly the Open Space Overlay Element, are identified in Section 3.3. These criteria can be summarized as follows:

General:

- protect open space areas
- preserve unique natural features
- control the impact of private development on areas designated as having open space sensitivities

Specific

- preserve view corridor
- establish scenic easement to preserve rock formations and vegetation

4.7.1 Impact of Lot Split and House Construction Relative to Community Plan Criteria

Ordinance Number I-250 requires a conditional use permit for new development in Open Space Overlay District, such as has been designated on the subject property. It appears that the house can be constructed on the upper portion of the lot, as proposed, and have a controlled impact on the open space area and preserve the pinnacle and native vegetation. A discussion of the specific criteria follows.

4.7.2 Preservation of View Corridor

The house as proposed would not obstruct the view corridor from Cuchara Road to the pinnacle, shown in the photograph in Figure 4-1. The view corridor from the road to the pinnacle is actually quite narrow; the pinnacle disappears from view behind the eucalyptus trees only a few feet to the left and right of the spot from which this photograph was taken. Another view corridor exists from midway up the existing driveway, but this cannot be considered an access point to be preserved as a public view corridor. The location of the house to the north of the pinnacle would be imperceptible at best, and beyond the pinnacle at least, from the Cuchara Road view corridor. The requirements for setbacks and erosion limitations discussed in Section 5 help to ensure that this view corridor would be preserved.

Alternative locations for the house could be found on the lower section of the property that would not restrict the narrow view corridor, but these locations would be visible from the corridor and would be unsatisfactory from the point of view of preserving the natural vegetation.

4.7.3 Preservation of the Pinnacle and Natural Vegetation

Although the sandstone pinnacle has been identified as a unique natural feature, the processes of erosion and human interference which have aided in its substantial dimunition in the last twenty-five years will eventually destroy it if left untouched. Independent of any proposed construction on the property, the City of Del Mar should determine the importance of maintaining the pinnacle in its present state, as its ultimate preservation depends on the activation of some protective mechanism. This would require a study of the potential of arresting the erosion process and the available methods to accomplish this.

The house can be constructed to avoid increased erosion of the pinnacle if it is set back from the pinnacle and suitable measures are taken to control drainage. Alternatively, locating the house close to the pinnacle may prevent people from walking by and climbing or touching its soft, readily erodable sandstone sides.

Although the alternative vehicular access routes to the house discussed in Section 4.3 would not interfere with the view corridor to the pinnacle, they have some potential for disturbing the existing vegetation. The most obvious example is Alternative A, access through the canyon and old proposed alleyway, which would require extensive cutting of the thick brush and rerouting of the drainage. Of the other three alternatives, the one most preferable on the basis of vegetation preservation is Alternative D, fully utilizing the existing driveway to the new garage site. The other two alternatives--involving partial utilization of the present driveway--would require the removal of additional tree(s) as well as additional grading to accommodate the new driveway.

5. ALTERNATIVES TO THE PROPOSED PROJECT/MITIGATION MEASURES

The impact of the proposed lot split and house construction on the subject property has been considered by reference to physical and aesthetic elements, as follows:

- Community Plan goals, objectives, and criteria
- Irrigation, drainage, and erosion problems
- Normal development and use factors

The findings in this report reveal that although the "possibility of significant environment impact" does exist, the impact can be mitigated with careful planning. No environmental impact should result from the proposed lot split per se. From all three above-referenced viewpoints minimal impact should result from construction of a single family dwelling of approximately 1,800 sq. ft. dimensions if the house is placed within the already graded areas on the upper portion of the property.

Three options are available with respect to an ultimate decision on the lot split and construction of the single family residence. These options are: (1) No project, which would result if the lot split application is denied; (2) Approval without conditions, which would raise the possibility of significant environmental impact as discussed in this report; and (3) Approval with conditions, which would allow the project to go ahead but with specific conditions imposed to mitigate the possibility of adverse environmental impacts from occurring.

5.1 No Project Alternative

Withdrawal or denial of the lot split application would prevent the construction of the single family home on the upper graded potion of the property, but would also eliminate the City's opportunity to attach conditions on the property to assure the long term protection of the pinnacle. As discussed in preceding sections of this report, a "no project" alternative will not prevent the enventual destruction of the pinnacle due to natural processes of erosion and continued human interference, unless some specific protective mechanism is activated. Denial or withdrawal of the lot split application would remove the City's chances of assuring the activation of such protective mechanisms, short of full public acquisition. The site has not been specified in the adopted General Plan as one of the six open space areas to be

purchased; and therefore public acquisition of the pinnacle property would seem extremely remote at this time.

5.2 Approval With Conditions/Possible Mitigation Measures

If the project is approved, the following mitigation measures are suggested to eliminate or reduce adverse environmental impacts discussed in the preceeding sections of this report:

1. In order to preserve the vegetation on the lower portion of the property, the house should be placed in the already graded portions of the land.
2. A variance for the 25' rear setback is necessary for location of the house in the already graded area of the property; however, care should be taken to locate the house a sufficient distance away from the cliff and to consider constructing a small retaining wall in anticipation of falling sandstone. The proposed residence should be setback beyond the angle of repose of canyon walls.
3. Although no long-term damage is anticipated if some eucalyptus tree roots are cut during the excavation, water and sewer line trenches should be located five feet to eight feet from the base of the trees if possible.
4. A professional inspection is recommended for the eucalyptus trees--particularly the apparently diseased tree--in order to establish the potential hazard to the proposed house and existing phone lines.
5. Driveway alternative "D" (utilizing existing driveway and parking pad) should be required in order to minimize adverse environmental impacts which would otherwise result from excessive tree removal and grade excavations.
6. A soil test is recommended to ensure that graded areas are properly compacted and not interlaced with brush.
7. Water diversion mechanisms should be required to protect the house and pinnacle from drainage coming off the newly constructed house and deck above the cliff. The new residence and water diversion mechanisms should be positioned in such a way as to limit the erosion process on the pinnacle. Drainage water should be diverted to the lower portion of the land, or irrigation provided, to help preserve the vegetation in the scenic areas.
8. A scenic easement should be delineated on the parcel map to permanently preserve the existing public vista of the canyon, pinnacle, and stand of eucalyptus trees now present on the property.
9. The new lot split line should be located a minimum of 25 feet from the existing Rye residence (minimum rear yard setback). Driveway easements should be granted over adjacent properties to assure long-term compliance with #5 above.

EIR CERTIFIED 11-15-76

6. SUMMARY AND CONCLUSIONS

With proper mitigating conditions as described in preceeding sections of this report, significant adverse environmental impacts can be avoided. By utilizing the existing graded building pad the integrity and natural condition of the adjacent canyon will be unaffected. The view corridor to the pinnacle is relatively narrow and would be unobstructed by construction of the house on the graded area in the upper portion of the property. With proper water diversion mechanisms, the house poses no additional threat to the pinnacle and could even be positioned in such a way as to limit the natural erosion processes. The driveway location could utilize an already existing graded pad screened from public view by a stand of eucalyptus trees. The existing home above the project site is visually separated by a vertical rise of sandstone bluff, which lessens the normal impacts of a reduced rear yard setback; i.e., the more common encroachment impacts on privacy, air, light, etc. resulting from normal rear yard modifications.

In summary, the lot split and properly constructed residence should not pose a significant adverse environmental impact on the project site or surrounding environs, providing careful planning and construction techniques are utilized throughout all stages of project implementation.

7. COMMENTS RECEIVED

The following letters of comment were received during the public review period on the adequacy and accuracy of the draft Environmental Impact Report, distributed and advertised on August 7, 1976:

1. George N. Somero
   1210 Cuchara Drive
   Del Mar, California

2. Molli and Arthur Wagner
   629 Rimini Road
   Del Mar, California

3. Charles D. Keeling, former Chairman Citizens Committee to revise the General Plan of Del Mar

   Joseph H. Lang, Chairman
   Friends of Del Mar

As provided for by City Resolution No. 763, City response follows in Section 8 for each of the significant environmental points raised in the letters of comment. Taken together, this report, public comments received, and the City's response to those comments form the Final Environmental Impact Report as required under the California Environmental Quality Act.

RECEIVED
AUG 30 1976
CITY OF DEL MAR
PLANNING DEPARTMENT

RECEIVED
30 1976
CITY OF DEL MAR
PLANNING DEPARTMENT

1210 Cuchara Drive
Del Mar, California
August 27, 1976

The Del Mar City Council
City Hall
Del Mar, California

Dear Councilmembers:

I wish to comment on the proposed "Rye-Pourade lot-split" which has been the subject of a recent environmental study by Newmark et al. I feel that there are two very compelling reasons for not allowing this additional subdividing of a canyon area which is recognized as environmentally sensitive.

My primary concern about this proposed lot-split is based on the question of precedent. If the City allows this type of further subdivision in a highly environmentally sensitive area, then the City is promulgating a land-use policy which runs counter to the letter and the spirit of the recently adopted Community Plan. Furthermore, and even more importantly, the City will be setting a precedent which will open the door to similar requests for use--or misuse--of environmentally sensitive areas. In fact, the City will be inviting lot splits of the sort which will have highly dramatic effects on residential density. If this particular lot-split is approved, how will the City be able to deny any future requests of this type? In this context I am especially concerned about the long term effects of such a precedent. Whereas the current City Council has exhibited an enlightened attitude towards environmental questions and land use policies in general, what will happen if a Council with a very different land use philosophy is elected in the future? What types of land use decisions will this future City Council have to look back on and use for precedents in supporting its land use decisions? What the present City Council and Planning Commission decide in the near future about the use of land in Del Mar is apt to determine the fate of virtually all of the remaining natural, somewhat unperturbed areas within the City. Thus it is critical that the City government employ the highest standards of aesthetics and the utmost in foresight when they contemplate issues such as the pending lot-split.

My second concern about the proposed Cuchara canyon area lot-split arises in part because I am a research biologist by profession and thus have, on the one hand, a source of interest and enjoyment in the small mammals which inhabit the canyon and, on the other hand, a fairly good basis for appreciating what further disruption of the canyon ecosystem will mean to these animals. It is very surprising that the environmental report of Newmark et al. makes no mention of the foxes and other small mammals which inhabit the canton. Certainly anyone living near the canyon is apt to have the pleasant experience of watching a small fox wander through the yard and perhaps stop to feed at night. To me at least, the presence of such animals in my immediate vicinity is largely what gives truth to the assertions in the Community Plan to the effect that Del Mar is, and should remain, a semi-rural village where the encroachment of man has not reached the extremes it has in most communities in Southern California. Further disruption of unspoiled areas such as the canyon above Cuchara Drive will spoil much of what is best about Del Mar. Small mammals require a large amount of territory for their support. Thus, whereas

the eucalyptus trees in the canyon may well tolerate some interference with their root systems, even slight tampering and damaging of the canyon habitat is apt to have devastating effects on the small mammal populations. Granted, there is no magic formula for computing the relative worths of financial gain for those wishing to extend the borders of "civilization" versus the esthetic awards for the human population at large and the survival of a natural fauna and flora which accrue from the preservation of natural, wild pockets in the midst of an urban setting. It is abundantly clear, however, that while the former interests have long held sway in our vicinity, the tide of public feeling has dramatically changed in favor of the other viewpoint, that of environmental awareness and protection. The present City Council was carried into office on this tide. It would be an act of disloyalty to now attempt to work against or reverse this positive momentum.

In closing I wish to thank the members of the Del Mar city government who have taken the time to consider the arguments I have raised. Since I feel that both of the points I have discussed were completely neglected by Newmark et al. in their environmental analysis, I would greatly appreciate having my letter appended to their report.

Sincerely,

George N. Somero

RECEIVED
AUG 30 1976
CITY OF DEL MAR
PLANNING DEPARTMENT

August 30, 1976

To: The City of Del Mar Planning Department

Re: Supplemental Environmental Study--Rye-Pourade Lot Split

We have today been made aware of the Supplemental Environmental Study of the Rye-Pourade Lot Split. We are amazed that, as immediately contiguous property owners, we were not specifically informed of the report, either by the city or Mr. Rye. Since today is the final day for comments on the report, we have not had the opportunity to study the report as carefully as we would like. However, there are elements of the report which obviously have serious implications concerning our property.

Firstly, we are opposed to the recommendation for a variance to the 25' rear setback. Clearly the positioning of a house on adjoining property to us has an impact on the environmental ambiance of our house, and the setback ordinances are designed to protect that ambiance. We must, therefore, object to the proposed varxiance.

Our second concern is for the pinnacle, which we are most anxious to have preserved. We must raise two questions: 1) what will the erosion factor be to the pinnacle with the proposed structure within six feet of the pinnacle? and 2) will not our own view corridor to the pinnacle be essentially blocked by the structure between our house and the pinnacle?

It is our assumption that these comments will be made a part of the Environmental Impact Report. Would you kindly keep us informed of all future action in this matter?

Sincerely,

Molli Wagner

Arthur Wagner

Molli and Arthur Wagner
629 Rimini Road

RECEIVED
AUG 30 1976
CITY OF DEL MAR
PLANNING DEPARTMENT

August 28, 1976

COMMENTS ON
SUPPLEMENTAL ENVIRONMENTAL STUDY: RYE-POMRADE LOT SPLIT
PREPARED BY SCIENCE APPLICATIONS° LA JOLLA

The Science Applications Study addresses the environmental impact associated with building a single family dwelling on a residential lot to be created by splitting off portions of two adjacent lots. The new lot would lie mostly within a canyon designated in the Del Mar Community (General) Plan for open space preservation. The City has discretion over the proposed development because the lot split requires a new subdivision and thus falls within the regulations of Chapter 24 of the Municipal Code

The Study concludes that the impact of the lot split on open space sensitivities could be mitigated by careful planning, and that the proposal is in conformity with the Community Plan. We believe that a more careful consideration would reveal that these conclusions are not supported by the facts.

A key concern is the conformity or nonconformity of the proposed lot split to the Community Plan, and the proposal's impact on the goals and objectives of that plan. The study summarizes the Community Plan's pertinent development criteria (page 18) as follows:

"Preserve view corridor to the pinnacle"

"Establish scenic easement to preserve rock formations and vegetation"

The first statement is a misquotation and should /read:

"Preserve view corridor"

Clearly the Plan did not intend narrowly to confine the open space and scenic value of the canyon to the pinnacle itself. Yet the Study uses the much narrower misquotation to find imperceptible impairment to "the" view corridor from Cuchara Drive. It may be granted that the pinnacle enhances the natural value of the canyon, but it is not its sole or even most important feature.Furthermore, there is no valid basis for ignoring vantage points at higher elevations in or above the canyon since the Community Plan does not restrict vista protection to views from public areas (Cf. Goal 3-B-1).

The Community Plan defines the features for preservation in the broad context:

"Outstanding rock formation, stand of trees and dense native shrubs"

"Narrow scenic canyon"

Clearly the view corridor is meant to include all of these features. Construction of a house within the canyon behind the pinnacle could scarcely fail to impact the view of the canyon from numerous locations.

With regard to other specific criteria, the study's treatment is grossly inadequate. The Study totally ignores the criterion:

"Require any construction above canyon to be set back from steep slopes of canyon"

Why were no development criteria formulated in the Plan for the canyon itself when such development obviously would impact the canyon more than construction above the canyon? The answer apparently is that this possibility was never considered because there are no existing building sites within the canyon. The Study suggests that a retaining wall might be necessary to protect the house from damage of falling rocks from the canyon wall (p.22). The impact of such a wall on the open space character of the canyon was not discussed. Surely the Plan would have specified criteria regarding such a wall and setbacks from the bottom of the steep slopes of the canyon if there had appeared to be any possibility of construction within the canyon. This question of interpretation is clarified by two additional considerations.

The third criterion, quoted by the Study, calls for a scenic easement to be established to protect natural features. Although the Study discusses protection of the features it makes no mention of establishing a scenic easement (p.19). Such a scenic easement, as provided in sections 51050-51065 of the State Government Code would presumably be forthcoming before any consideration of further

subdivision to create new building sites. Thus in the Plan there is no need to specify criteria regarding construction within the canyon.

In addition to this point, the Community Plan text and objectives explicitly ask that features such as this canyon be preserved intact. There is no need to specify construction criteria if this policy applies. The Plan identifies areas of bluffs and steep slopes (page 26 of the Plan). The pinnacles area is mapped as having both features. The Plan states:

"These bluffs serve as unique land forms providing visul relief and diversity within Del Mar. Efforts should be made to preserve these features intact wherever possible"

"steep slopes can give a greater impression of openness than the area alone would indicate if left undeveloped. . Efforts should be made to preserve these features intact wherever possible." (Underlining added.)

This requirement is further supported by the general policies of the Plan, discussed below.

It is evident that the consultants of Science Applications were not aware of these additional criteria or the relationship of the requirement of setbacks above the canyon to the canyon as a whole. Thus the question of construction should be reviewed again carefully before completion of the Environmental Impact Report.

Encroachment on the cliff base by a house and retaining wall would not only violate criteria of the Community Plan, but zoning set-back standards as well. A variance would be required. The Study finds that:

"The adjoining property is a steep cliff, and a variance does not violate the spirit of the zoning ordinance."

Yet the zoning ordinance requires that variances be granted only when failure to do so would deprive the property of privileges enjoyed by nearby properties. No nearby property enjoys the privilege of substandard set-backs. It seems that the Study has interpreted the criteria of the Community Plan far more narrowly and the criteria of the zoning ordinance far more broadly than is justified in either case.

As disturbing as the attitude of the Study toward specific criteria of the Community Plan is the Study's attitude toward the overall policies and objectives of that plan. The consultants have indicated interest in the "spirit" of the zoning ordinance which predates the new Community Plan and which is only now being brought into conformity with it, but they have scarcely examined the "spirit" of the Plan itself embodied in its text goals, objectives and policies.

The principle open space goal is:

"Establish without delay a comprehensive program to preserve and acquire permanent open space. . "

Such a program, strongly urged by the Citizens' Open Space Task Force, has been partially realized through the passage of a bond issue and by the preliminary consideration of properties for purchase, but enabling legislation, including amendments to the Municipal Code, is not yet adopted. A Park and Recreation Commission, mandated by the Plan, has not yet been set up. No scenic easements have been established. Until these activities are completed and a program is fully underway, it is both tragic and inconsistent with the Plan to construe narrowly the specific criteria of the Plan.

Similarly, the first objective of the open space program is:

"Secure sufficient land as permanent open space to preserve intact the locally and regionally significant natural environmental characteristics of Del Mar: bluffs, beach, canyons, outstanding geological formations..."

(Underlining added)

This objective is not mentioned in the Study. It confirms the intent of preserving this canyon intact . This can hardly be done by placing a house directly behind an outstanding geological formation, possibly

constructing a retaining wall against the canyon slope, and hoping that the family living in the new house will preserve their entire front yard (having no back yard) as part of a scenic canyon.

Apart from considerations of conformity to the Community Plan, the Study is deficient in its lack of precision in delineating the mitigating measures that would be taken. This is a critical lack since it is difficult to see how even the most careful planning of the construction of the house and driveway with utility connections could adequately mitigate their environmental impact so as to maintain the canyon in a manner consistent with the spirit of the Community. For example, in regard to the house foundation (p.15) they state:

> "Assuming careful planning, no adverse effects. ..are anticipated" (Underlining added)

The consultants thus suggest deferral of environmental considerations such as grading, trenching, and soil testing, on the assumption that careful planning will occur after the lot split has been approved, and that such careful planning, though unspecified, will solve the impact problem. The Del Mar Municipal code, however, does not allow such deferral. Chapter 24 requires a preliminary soils report for every subdivision (section 120) and requires a plan showing grading for the creation of building sites or for construction or installation

of improvements (section 119). These data are required prior to the granting of a subdivision. By deferring these specific considerations, the consultants would deprive the public and city officials of information essential to determining the actual impact of the proposal.

The most important environmental threat raised by the proposed lot split is not addressed: the matter of cumulative effect and the precedent that would be set. If this lot split is allowed under the new Community Plan, even if the area in question were not particularly important environmentally, then no future lot split even though it involved portions of three or more lots could not reasonably be denied. One need only glance at a map of Del Mar to discover many such possibilities. Such an eventuality would drastically alter the face of the North Hills district of our city in gross violation of the overall thrust of the Community Plan:

> "To preserve the unique environment, low density character and quality of life within Del Mar."

The Planning Commission is urged to seek additional information to remedy the deficiencies in the present environmental study. We would like to have the opportunity to comment on the Environmental Report as part of the public record after such information has been

gathered, and we request that our comments be made part of the final environmental report document.

Charles D. Keeling

Charles D. Keeling

Former Chairman of Citizens' Committee to revise the General Plan of Del Mar

Joseph H. Lang

Joseph H. Lang
Chairman, Friends of Del Mar

8. CITY RESPONSE TO COMMENTS RECEIVED

8.1 George N. Sommero

Comment: Approval of further subdivision in an environmentally sensitive area runs counter to the letter and spirit of the adopted Community Plan, and will set an undesirable precedent for further such requests. In addition, further loss of wildlife habitat in the canyon will have a devastating effect on the small mammal populations.

Response: Concern that the lot split approval might promote similar such requests, and thus cumulatively adversly affecting other portions of the City was specifically assessed by staff and appended as Section 4.6 to this final report. It concluded that similar instances are rare where all necessary conditions exist within a predominantly built up area to be concerned with the precedence affect of this lot split approval. No change was made to the draft Environmental Impact Report concerning loss of canyon wildlife habitat, since the proposed residence is recommended to be sited on the already graded upper portion of the site, well away from the more environmentally sensitive canyon sides. There would be no loss of significant vegetation or habitat if the location of the residence is restricted per conditions recommended in Section 5.2 of this report.

8.2 Molli and Arthur Wagner

Comment: A variance to reduce the 25 foot rear yard requirement will adversely impact our adjoing property. The proposed residence may also adversely affect our view of the pinnacle, and possibly contribute to the pinnacle's rate of erosion.

Response: The impact of the proposed residence on the Wagner's view of the pinnacle cannot be accurately assessed until the exact siting and elevation drawings of the house have been prepared. These drawings will not be prepared until the Environmental Impact Report and suggested mitigation measures are finalized. The new residence will require View review by the Design Review Board, which will give the Wagner's full opportunity to address this concern during the Design Review Board proceedings.

The erosion of the pinnacle is addressed in various sections of this report, with the conclusion that the design of the residence and water diversion devices may

actually arrest the normal erosion rate of the pinnacle. Without such mitigation measures, total erosion of the pinnacle will occur at a faster rate due to natural forces and unrestricted human interference.

The impact of a rear yard modification is dependent on the proposed height of the structure, the amount of yard modification requested, etc. These concerns will be specifically addressed during deliberations on the rear yard variance application.

8.3 Charles D. Keeling
Joseph H. Lang

Comment: The conclusion that the impact of the proposed lot split on open space sensitivities could be mitigated by careful planning, and that the proposal is in conformity with the General Plan, is not supported by the facts. The General Plan is not limited to protection of "public views", but rather is meant to protect scenic vistas from both private and public areas. The "view corridor" includes all the scenic features of the site.

The report ignores the General Plan criterion: "require any construction above canyon to be setback from steep slopes of canyon." The impact of a required retaining wall on the open space character of the canyon was not discussed. The study makes no mention of establishing a scenic easement. The plan specifies that unique land forms and steep slopes should remain intact wherever possible; the EIR should therefore review the requirement of setbacks above the canyon. The proposed residence would violate Community Plan criteria and zoning setback standards. No nearby properties enjoy the privilege of substandard setbacks. The report does not sufficiently examine the "spirit" of the General Plan, embodied in its text, goals, objectives and policies. The Plan should not be narrowly construed until the implementing mechanisms to carry out the open space program are underway. The Plan objective to "secure sufficient land as permanent open space to preserve intact the...significant natural environmental characteristics of Del Mar" is not mentioned in the report. This objective intends to preserve this canyon intact. The study lacks precise mitigating measures that could be taken. It defers some studies, such as grading, soil testing, etc. until after the lot split has been approved; whereas the Municipal Code requires a preliminary soils report and grading plan prior to such approval. Such deferal prevents the public and City from determining the actual impact of the proposal. The most important environmental threat is not discussed: that matter of cumulative effect and the

precedent it would set. Such future lot splits would drastically alter the North Hills District in gross violation of the Plan objective to preserve the "unique environment, low density character and quality of life within Del Mar."

Response: In brief, three areas of concern are apparent in this comment:

1. That the project is not consistent with the adopted General Plan; i.e., that the new residence would adversely affect private views of the property, that the canyon would be inadequately protected as a habitat and scenic vista, and that the Plan calls for the open space character of the site to remain intact;

2. That the mitigation measures suggested in the report are inadequate; i.e., it does not require a scenic easement, specific canyon setback, or specific information (such as soils report) prior to tentative map approval; and

3. That the cumulative impact of approving the lot split has not been addressed.

Many of the above cited concerns initially lacking in the Draft Environmental Impact Report have been inserted into the final report. For instance, the mitigation measures have been substantially strengthened (Section 5.2 now includes specific recommendations for a driveway alignment, provides for a scenic easement as per the General Plan recommendation, and provides that the new residence be located on the existing graded area, setback beyond the canyon wall's angle of repose.) Possible cumulative impact is addressed in the new Section 4.6, however, it concludes that an approval of this lot split will not result in a rash of similar applications as suggested here. In fact, the criterion necessary to satisfy lot split requirements in previously built-up areas can be achieved only in unusual cases. City action, approval or denial, in this circumstance will not preempt the City's ability to take a different action under different circumstances. Thus, an approval of this lot split will not cumulatively affect other properties in the North Hills District of the City.

The contention that any development of the property would be inconsistent with the General Plan is not supported by fact. Indeed, the Plan sets forth specific "development criteria" which should be considered when the property is developed. These criteria are enumerated in this report, and have been instrumental in formulating the mitigation measures outlined in Section 5.2. The General Plan objective to "secure sufficient land as permanent open space to preserve intact...natural environmental characteristics of Del Mar" is obviously meant to establish a basis for the acquisition program--not to prevent future development on all 20 of the "sensitive" properties

listed on pages 34-40 of the Plan. The few properties that are meant to be purchased are listed on page 41 of the Plan; this property is not included on that list.

All information required by subdivision regulations prior to approval of a Tentative Map will be required here. Additional detailed information is not required for an accurate determination as to whether the proposed project poses a significant environmental impact.

Reports available from
City Planning Department
1552 Camino del Mar
Del Mar, California

WILLIAM T. HEALY
Planning Director

August 3, 1976
Date of Draft Report

October 12, 1976
Date of Final Report

TENTATIVE PARCEL MAP

ATTACHMENT H

TPM No. 22-001

EASEMENT NOTES:

A AN SDG&E EASEMENT FOR PUBLIC UTILITIES RECORDED FEBRUARY 6, 1959 AS INSTRUMENT No. 25119 OF OFFICIAL RECORDS.

B A GRANT OF EASEMENT AND EASEMENT AGREEMENT RECORDED JUNE 12, 1979 AS INSTRUMENT NUMBER 79-240656 OF OFFICIAL RECORDS.

C AN SDG&E EASEMENT FOR PUBLIC UTILITIES RECORDED SEPTEMBER 8, 1981 AS INSTRUMENT No. 81-286284 OF OFFICIAL RECORDS.

D SETBACK LINE ALONG THE PORTION OF THE LAND AS SHOWN ON OR DESCRIBED IN THE PLAT OF THE SUBDIVISION MAP No. 9174.

E A SCENIC EASEMENT AS SHOWN IN THE PLAT OF THE SUBDIVISION MAP No. 9174 TO BE QUITCLAIMED ON PROPOSED PARCEL MAP.

THE FOLLOWING EASEMENTS HAVE NO LOCATION SET FORTH AND THEREFORE CANNOT BE PLOTTED;

a) AN EASEMENT FOR TELEPHONE, AND/OR ELECTRIC POLES, LINES, RIGHT OF WAY FOR SEWERS, WATER AND/OR GAS MAINS IN THE DOCUMENT RECORDED AUGUST 25, 1932 AS INSTRUMENT No. 41050 IN BOOK 149, PAGE 316 OF OFFICIAL RECORDS.

b) AN EASEMENT FOR TELEPHONE, AND/OR ELECTRIC POLES, LINES, RIGHT OF WAY FOR SEWERS, WATER AND/OR GAS MAINS IN THE DOCUMENT RECORDED JUNE 5, 1946 IN BOOK 2140, PAGE 326 OF OFFICIAL RECORDS.

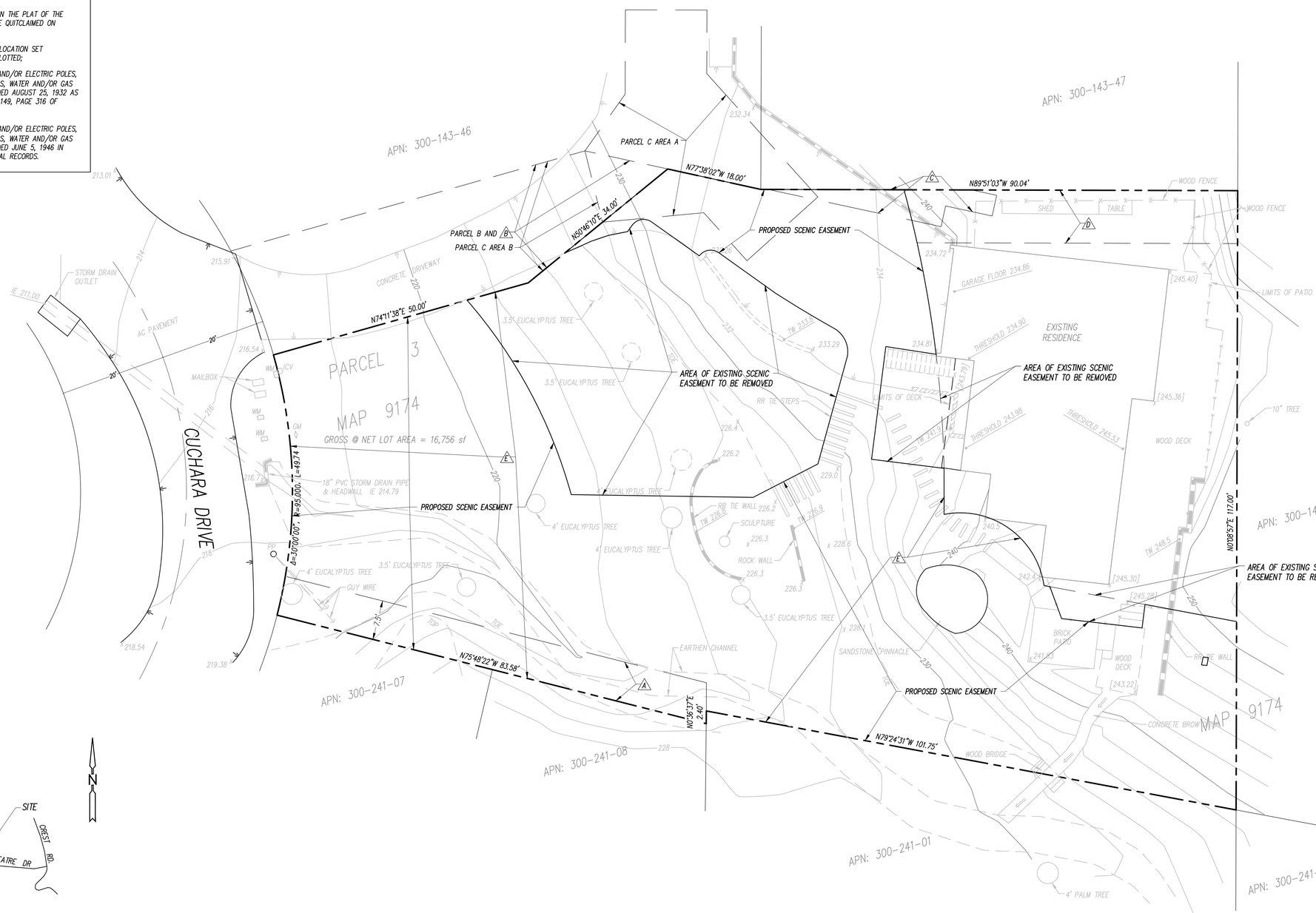
NOTES:

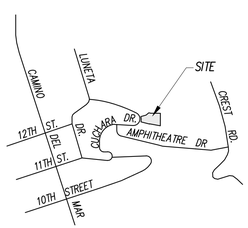
1. THIS IS NOT A BOUNDARY SURVEY. BOUNDARY INFORMATION PER RECORD DATA.
2. THE PROPERTY LINES SHOWN HEREON WERE CALCULATED FROM RECORD DATA USING A MIN. OF TWO (2) TIES TO CERTAIN FOUND SURVEY MONUMENTS.
3. THE EASEMENTS SHOWN ON THIS PLAT ARE FROM A PRELIMINARY TITLE REPORT DATED JANUARY 20, 2017.
4. THERE IS NO CONSTRUCTION PROPOSED WITH THIS TENTATIVE PARCEL MAP APPLICATION.

N

0 5 10 20 30

SCALE: 1" = 10'





VICINITY MAP

N.T.S.

LAND DIVISION STATEMENT
OWNER'S CERTIFICATE

I HEREBY CERTIFY THAT I AM THE RECORD OWNER, AS SHOWN ON THE LATEST EQUALIZED COUNTY ASSESSMENT, OF THE PROPERTY SHOWN ON THE TENTATIVE PARCEL MAP. ALL OF MY CONTIGUOUS OWNERSHIP WITHIN AND BEYOND THE BOUNDARIES OF THE TENTATIVE PARCEL MAP IS SHOWN. THE BASIS OF CREATION OF THE LOTS IN MY OWNERSHIP (E.G. PARCEL MAP, FINAL MAP, CERTIFICATE OF COMPLIANCE, RECORDED DEED BEFORE 2/1/72) IS INDICATED ON THE TENTATIVE PARCEL MAP. I UNDERSTAND THAT PROPERTY IS CONSIDERED AS CONTIGUOUS EVEN IF IT IS SEPARATED BY ROADS, STREETS, UTILITY EASEMENTS OR RAILROAD RIGHT-OF-WAY. "FREEWAY" AS DEFINED IN SECTION 23.5 OF THE STREETS AND HIGHWAY CODE, SHALL NOT BE CONSIDERED AS ROADS OR STREETS.

I FURTHER CERTIFY THAT I WILL NOT, BY THIS APPLICATION, CREATE OR CAUSE TO BE CREATED, OR WILL NOT HAVE PARTICIPATED IN THE CREATION OF MORE THAN FOUR PARCELS ON CONTIGUOUS PROPERTY UNLESS EACH CONTIGUOUS PARCELS WERE CREATED BY MAJOR SUBDIVISION. FOR PURPOSES OF THIS CERTIFICATION, THE TERM

COORDINATING OR DECISION-MAKING CAPACITY IN ANY FORMAL OR INFORMAL ASSOCIATION OR PARTNERSHIP FOR THE PURPOSE OF DIVIDING REAL PROPERTY.

I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

EXECUTED THIS 31ST DAY OF OCTOBER, AT 2024, CALIFORNIA.

MARK EDWARD WEBER, TRUSTEE — LAURA PATRICIA WEBER, TRUSTEE

MARK EDWARD WEBER & LAURA PATRICIA WEBER, TRUSTEES
OF THE MARK & LAURA WEBER TRUST DATED APRIL 4, 2009
1201 CUCHARA DRIVE
DEL MAR, CA 92014
(619) 517-0607
ONE.BINC@GMAIL.COM

"PARTICIPATED" MEANS HAVING COOPERATED WITH OR ACTED IN A PLANNING,

1. **LEGAL DESCRIPTION:**

PARCEL 3 OF DEL MAR SUBDIVISION 77-3, IN THE CITY OF DEL MAR, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF No. 9174, FILED IN THE OFFICE OF THE COUNTY RECORDER, APRIL 10, 1979.

2. **ASSESSOR'S NUMBER:** 300-143-48
3. **DATE OF PREPARATION:** 2-27-24
4. **GROSS AREA:** 16,756 SF
   NET AREA: 16,756 SF
5. **TOTAL NUMBER OF PROPOSED LOTS:** 1
6. **PRESENT ZONING:** R1-10
   PROPOSED ZONING: R1-10
   PRESENT USE: RESIDENTIAL
   PROPOSED USE: RESIDENTIAL
   MINIMUM LOT AREA REQUIRED: 10,000 SF
7. **GENERAL PLAN DESIGNATION:** LOW DENSITY RESIDENTIAL
8. **ASSOCIATED PERMITS:** N/A
9. **LOCATION AND STATUS OF EXISTING LEGAL ACCESS TO SUBJECT PROPERTY FROM A PUBLICLY MAINTAINED ROAD:** CUCHARA DRIVE - 40' WIDE
10. **WATER DISTRICT:** CITY OF DEL MAR
    SEWER DISTRICT: CITY OF DEL MAR
    FIRE DISTRICT: CITY OF DEL MAR
    SCHOOL DISTRICT: DEL MAR ELEMENTARY / SAN DIEGUITO UNION HIGH SCHOOL
11. **BASIS OF ELEVATIONS:** CITY OF DEL MAR VERTICAL BENCHMARK SYSTEM STATION DESIGNATION "CURRY" ELEVATION = 146.75'
12. **CALIFORNIA COORDINATE:** 288-1689
13. **TAX RATE AREA:** 11001
14. **SOLAR ACCESS** ALL LOTS WITHIN THIS SUBDIVISION HAVE MINIMUM OF 100 SQUARE FEET OF SOLAR ACCESS FOR EACH FUTURE DWELLING UNIT ALLOWED BY THIS SUBDIVISION.

SIGNATURE OF PREPARER — 12-03-24 DATE

RANDY R. BROWN RCE 36190 EXP. 6/30/26
SOWARDS AND BROWN ENGINEERING, INC.
2187 NEWCASTLE AVENUE SUITE 103
CARDIFF BY THE SEA
CALIFORNIA 92007
PHONE: (760) 436-8500

REGISTERED PROFESSIONAL ENGINEER
RANDY R. BROWN
No. 36190
Exp. 6/30/26
CIVIL
STATE OF CALIFORNIA

JOB NO. 19-054 12-03-24

SOWARDS & BROWN ENGINEERING
CONSULTING ENGINEERS
2999 NEWCASTLE AVENUE SUITE 103
CARDIFF BY THE SEA, CA., 92007
TEL. 760/436-8500 FAX 760/436-8603

p:\2019\19-054\19054pm R5.dwg

SCENIC EASEMENT EXHIBIT

ATTACHMENT H

N

0 5 10 20 30

SCALE: 1" = 10'

APN: 300-143-46
APN: 300-143-47
APN: 300-143-27
APN: 300-241-07
APN: 300-241-08
APN: 300-241-01
APN: 300-241-02
MAP 9174
CUCHARA DRIVE
PROPOSED SCENIC EASEMENT
FUTURE ACCESSORY DWELLING UNIT 939 SF
EXISTING RESIDENCE
PINNACLE
GROSS @ NET LOT AREA = 16,756 sf
N77°38'02"W 18.00'
N89°51'03"W 90.04'
N50°46'10"E 34.00'
N74°11'38"E 50.00'
N75°48'22"W 83.59'
N0°36'37"E 2.40'
N79°24'31"W 101.75'
N0°38'57"E 117.00'
L=30.00' L=95.00' L=29.74
STORM DRAIN OUTLET
AC PAVEMENT
CONCRETE DRIVEWAY
MAILBOX
WOOD FENCE
LIMITS OF PATIO
WOOD DECK
GARAGE FLOOR 234.66
THRESHOLD 240.52
THRESHOLD 234.90
SHED
TABLE
10" TREE
4" PALM TREE
ROCK WALL
BRICK PATIO
CONCRETE BROW DITCH
WEST BOUND
SANDSTONE PINNACLE
WARREN CANYON
5" EUCALYPTUS TREE #5
4" EUCALYPTUS TREE #6
4" EUCALYPTUS TREE #7
6" EUCALYPTUS TREE #8
6" EUCALYPTUS TREE #9
6" EUCALYPTUS TREE #10
6" EUCALYPTUS TREE #11
6" EUCALYPTUS TREE #12
6" EUCALYPTUS TREE #13
6" EUCALYPTUS TREE #14
6" EUCALYPTUS TREE #15
6" EUCALYPTUS TREE #16
6" EUCALYPTUS TREE

Alison and Amit Hazan
629 Rimini Rd. Del Mar, CA 92014

ATTACHMENT I

Del Mar Planning Commission
City of Del Mar Town Hall
1050 Camino Del Mar, Del Mar, CA 92014

RE: Support for Mark and Laura Weber ADU Project and Tree Removal - Del Mar Commission Agenda Item #2

To Whom it may Concern:

We are the owners/residents of 629 Rimini Road and we are writing to express our wholehearted support for the proposed Accessory Dwelling Unit (ADU) project by our neighbors, Mark and Laura Weber, located at 1201 Cuchara Drive in Del Mar.

In addition to our desire to support the ADU for the clear benefit of their family, our support for this project is particularly underscored by the necessity of removing several large eucalyptus trees on their property. As concerned residents and parents of two young children (ages 7 and 11) who often play near these trees (our property line literally runs into the adjacent canyon and the kids are there often to retrieve balls), we are well aware of the potential dangers associated with eucalyptus trees, both due to the fire risk they pose and also as highlighted by recent falling branch incidents reported in local news sources.These specific trees on the Weber property have grown to be quite substantial and thereby now pose a real risk to our neighborhood.

For instance, the news article on Fox 5 San Diego (https://fox5sandiego.com/news/local-news/eucalyptus-trees-topple-onto-scripps-ranch-condo-building/) details a distressing incident where eucalyptus trees toppled onto a Scripps Ranch condo building, posing a significant risk to the residents. Additionally, the CBS 8 report (https://www.cbs8.com/article/news/local/working-for-you/falling-eucalyptus-trees-posing-danger-ucsd-students-and-their-families/509-b3c1ee73-346c-4b1f-85ff-de2e9912d4e1) highlights the dangers of falling eucalyptus trees, specifically posing a threat to UCSD students and their families.

The urgency of the matter is further underscored by the tragic incident reported by Fox 5 San Diego (https://fox5sandiego.com/news/local-news/tree-falls-on-woman-in-balboa-park/), where a tree fell on a woman in Balboa Park, resulting in a loss of life. This unfortunate event emphasizes the serious and potentially fatal consequences of not addressing the risks associated with unstable trees in our community.

These incidents serve as stark reminders of the potential harm and safety risks associated with eucalyptus trees. Given these concerns and the proximity of these trees to our homes, especially where young children are regularly playing,wel believe the removal of these trees as part of the Weber's ADU project is not only justified but imperative for the well-being of our community.

We trust that the Planning Department will carefully consider the safety concerns raised by the removal of these hazardous eucalyptus trees during the evaluation of this project. We

appreciate your attention to this matter and your commitment to ensuring the safety and welfare of our community members.

Please feel free to contact us if you require any additional information or if we can be of assistance in any way during the evaluation of this project.

Thank you for your time and consideration.

Sincerely,

Alison and Amit Hazan
629 Rimini Rd

From: Warren Kneeshaw <wkneeshaw@hotmail.com>
Sent: Saturday, March 2, 2024 9:12 AM
To: mark Weber
Subject: Planning Commission Application

Mark and Laura,

Thank you for briefing us on your project. We are fully supportive. In particular, we agree with the Planning Commission that this change will have minimal environmental impact. Further, given that we reside in a "Wildland – Urban Interface" zone, the removal of Eucalyptus trees would actually reduce fire hazard risk for the community. Of note, Eucalyptus trees are not indigenous to California, and are not on the recommended tree list of the City of Del Mar.

Thanks, and best of luck with your project.

Warren and Leslie Kneeshaw
692 Rimini Road,
Del Mar, CA

From: Jim Blasingame <jamespblasingame@gmail.com>
Sent: Saturday, March 2, 2024 7:38 PM
To: Mark Weber
Subject: Note to Mark Weber regarding new ADU project 1201 Cuchara

March 2, 2024

Mark,

Thanks for coming over last evening and discussing your planned ADU. As you note, the planned location has moved back to the site originally selected. From your description we have no concerns regarding view limitations or appearances of the structure. We are happy to support your efforts and are willing to convey this to the City of Del Mar. You may forward this to the City if you wish, or I can communicate directly with the City. At one point, the City told me that there was a "no build" easement on that area, but when pressed by me, they could not come up with it. I did find that somewhat odd at the time but, easement or not, we support your project as long as we clearly address our concerns regarding our utilities now and in the future.

As you know, what is now three lots was originally one lot with our house. As such the gas, sewer, and water lines all ran to our house from Cuchara, even though our address is on Rimini. Electricity was only recently undergrounded. I do not have clear drawings of the location of all these lines.

Our concerns, as discussed last night and back in 2020, have to do with these utility lines. The first concern is that they be appropriately engineered and relocated to avoid your structure. The second concern is the expense of future repairs to any of the lines given that they may be close to the ADU and now run under a cement driveway versus simply dirt. We would need some sort of legal agreement that we or the future owners of our property are protected from the increased cost of repairs or mandated upgrades given the course of the lines.

Thanks

Jim and Laurie Blasingame

From: Rick Lasch <dmslash@gmail.com>
Sent: Tuesday, March 5, 2024 9:22 AM
To: one.binc@gmail.com
Subject: 1201 Cuchara project

Del Mar Planning Commission / City Council

It is the purpose of this letter to support Mark and Laura Weber in their proposed project at 1201 Cuchara Dr.

We have lived on Cuchara Dr for over 60 years so know the neighborhood intimately.

I have known Mark and Laura for many years. Having seen the care and attention given to all their endeavors, I am confident that this project will be in keeping with the character of Del Mar and a very positive addition to neighborhood.

Sincerely,

Rick Lasch and Family
1130 Cuchara Dr

From: mark weber <one.binc@gmail.com>
Sent: Wednesday, September 4, 2024 9:39 AM
To: Jean Crutchfield
Subject: FW: 1201 Cuchara Drive

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.

Hey Jean.

Hopefully a couple more to come, but here's another letter of support.
This is from Josie Michalak, who overlooks our house / the Pinnacle / and the canyon running between us from the Amphitheatre side.

Thanks,
mark

From: Josie Michalak <jmichalak2017@gmail.com>
Date: Wednesday, September 4, 2024 at 9:04 AM
To: one.binc@gmail.com <one.binc@gmail.com>
Subject: 1201 Cuchara Drive

Del Mar Planning Commission/City Council,

I am writing to express our full support for Mark and Laura Weber and their project on 1201 Cuchara Dr.

Mark has gone over the plans with us in detail. Our home on Amphitheatre backs up to the shared "Wildlands - Urban Interface." We are confident that the Webers will give great detail and attention to the project and are not concerned with the removal of a couple of trees.

Thank you for your commitment to Del Mar. We are confident that this will only increase the property values of the community without disturbing any of the beautiful aesthetics of the property.

All the best,
Josie and Chris Michalak
574 Amphitheatre Dr
Del Mar, CA 92014

From: juliepinney@aol.com
Sent: Tuesday, March 5, 2024 1:20 PM
To: planning@delmar.ca.us
Cc: Mark Weber
Subject: PLANNING COMMISSION, ITEM 2, 1201 Cuchara

Honorable Members:

We are writing to support the Planning Commission's recommendation to the City Council that they approve amending Map RM22-001 and CDP24-0121 and to modify an open space easement by amending Parcel Map TPM-77-03. This amendment would give the applicant more useable area to develop WITHOUT changing the size of the lot.

The proposed ADU development is nicely sited on the lot and it makes a lot of sense to modify the open space easement in order to use some of it. As an additional benefit, a few very old and large eucalyptus trees will be removed, leaving some in place, and thus reduce the potential fire hazard that has increased here in Del Mar over the years since this Map was created. This is an area with many trees that only increase this risk for the "hill"

Thank you for your consideration!

Charles and Julie Pinney
727 Kalamath Drive

2

From: Joan Goodman <joanchristina@msn.com>
Sent: Thursday, September 5, 2024 1:06 PM
To: Planning Mail Box
Subject: 1201 Cuchara Drive

Follow Up Flag: Follow up
Flag Status: Completed

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 - I live at 538 Amphitheatre Drive and overlook the easement you are amending. I obviously do not have a clear picture of how this change will affect my enjoyment of my property as there were no details in the notice you provided. I just wanted to say that I very much appreciate the open space next to my house and have a lovely forested view out of my principal suite. I would not be happy if that was substantially changed. Thank you. Joan Goodman

City of Del Mar
Agenda Report

TO: Honorable Mayor and City Councilmembers

FROM: Jean Crutchfield, Associate Planner
Karen Brindley, Planning and Community Development Director
Via Ashley Jones, City Manager

DATE: May 19, 2025

SUBJECT: Initial Consideration of an Appeal of the Design Review Board's Approval of Design Review Permit (DRB24-006)

Project Applicant/Property Owner: Lisa Parnell, Footer Residence Trust

Project Appellants: Julie and David Fouquet

Project Location: 483 Avenida Primavera (APN: 299-290-04-00)

REQUESTED ACTION/RECOMMENDATION

Staff recommends that the City Council uphold the Design Review Board's approval of application Design Review Board Permit DRB24-006 and not set the appeal for a de novo hearing.

EXECUTIVE SUMMARY

This is an initial consideration hearing pursuant to Del Mar Municipal Code (DMMC) Section 1.12.040 to determine whether to set the subject appeal for a de novo public hearing.

On March 26, 2025, the Design Review Board (DRB) conditionally approved application DRB24-006 submitted by Lisa Parnell, Trustee of the Footer Residence Trust ("Applicant") to remodel an existing 1,578 square-foot, one-story residence with attached 2-car garage on a substandard sized lot of 8,654 square-feet at 483 Avenida Primavera in the R1-10 Zone.

Proposed improvements include demolishing 87 square feet of floor area from the residence and garage; demolishing a rear patio cover; construction of a 689 square-foot, one-story addition with roof modifications; construction of a new 230 square-foot Floor Area Ratio (FAR)-exempt covered front porch; construction of a new pool and associated mechanical equipment; and installation of new exterior lighting, landscape, hardscape and site improvements. The project would result in a one-story remodeled

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City Council Action:

residence with a total FAR of 2,159 square-feet (1,759 square-feet habitable and 400 square-feet garage) and a 230 square-foot FAR-exempt covered front porch. No basement is proposed for the project.

On April 9, 2025, Julie and David Fouquet ("Appellants") filed an appeal of the DRB decision (Attachment A). Detailed staff responses are provided in this report to each of the Appellant's specific concerns, but in summary, it is staff's determination that: 1) the DRB thoroughly reviewed and considered the application in accordance with the DMMC, Design Review Ordinance and Del Mar Community Plan; 2) the appeal does not warrant a de novo hearing; and 3) the City Council should uphold the DRB's approval of the application.

BACKGROUND

On March 26, 2025, the DRB conducted a public hearing to consider the Applicant's request to remodel and construct an addition to the existing one-story residence, a remodel that would also include new landscape/hardscape improvements, a new pool, and other miscellaneous site improvements.

During the public hearing, the DRB received public testimony from Julie Fouquet, owner of the property immediately to the east at 1540 Forest Way, alleging that the proposed addition to the southeast portion of the home would unreasonably obstruct ocean views from her property's Primary Living Area ("PLA"), the dining area of a larger living/dining great room. The Board disclosed they visited the project site and the Appellant's property to view the alleged view obstruction. Following the close of the public hearing, the DRB deliberated on the project's consistency with the standards of the Design Review Ordinance (DMMC Chapter 23.08).

During deliberations the DRB was in general agreement that the proposed project, and specifically, that the proposed southeastern addition would not unreasonably obstruct primary scenic views or create privacy or light/air issues for 1540 Forest Way, which was a related issue discussed during the hearing. Following deliberations, the Board voted 4-0-3 (4 approved, 3 recusals) to approve DRB24-006 as revised by red dot correspondence from the Applicant that proposed omitting the new chimney and two (2) new Olive Trees.

The staff report for the March 26, 2025, DRB meeting with more information and analysis is included as Attachment B. The "red dot" correspondence from the hearing is been included, which includes two letters of support for the project. The meeting video for the March 26, 2025 hearing can be found here: Del Mar, CA | Design Review Board Meeting - 3/26/2025.

APPEAL

Pursuant to DMMC Chapter 1.12, an interested person may file an appeal with the City Clerk within ten working days following the determination for which a review is sought. DMMC 1.12.020(B) identifies the following Grounds for Appeal:

1. **Factual Error**. The statements or evidence relied upon by the decision maker when approving, conditionally approving or denying a permit, map, or other matter were inaccurate.

2. **New Information**. New information is available to the applicant or the interested person that was not available through reasonable efforts or due diligence at the time of the decision.

3. **Findings Not Supported**. The decision maker's stated findings to approve, conditionally approve, or deny the permit, map or other matter are not supported by the information provided to the decision maker.

4. **Conflicts**. The decision to approve, conditionally approve, or deny the permit is in conflict with a land use plan, a City policy, or the Municipal Code.

In the documents submitted by the Appellants date stamped April 9, 2025 (Attachment A – Appeal Request), the Appellants contend that the DRB's approval of application DRB24-006 contains "findings not supported" and "conflicts" and should be heard as a de novo (or "new" hearing by the City Council). Below are the Appellants' reasons for appeal with individual staff responses (shown in italics) to each of the appeal request items (shown in bold text):

Appeal Point 1: DRB's Decision is in Conflict with the DRO DMMC § 23.08.077(H)

The Appellant contends that the project is in conflict with Design Review Ordinance ("DRO") DMMC Section 23.08.077(H) – "The proposed development unreasonably encroaches upon primary scenic views of neighboring property constitutes a 'Regulatory Conclusion' basis for denial…" The Appellant provided a calculation for the estimated view blockage taken from their dining room (the PLA also includes the adjoining living room).

The Appellant also cites DMMC Section 23.51.010(B) and (C), and states that the Tree Scenic Views and Sunlight Ordinance (DMMC Chapter 23.51) recognizes trees as a form of scenic view, and that the project would obstruct the view of the row of tropical trees (located on 471 Avenida Primavera referred to as property previously owned by Vincent and then Jenson). The Appellant included historical context to the row of tropical trees originally planted by Mr. Vincent, which created scenic view obstruction for properties to the east and included photos of the views prior to the trees being planted. The Appellant states that while the trees planted at 471 Avenida

Primavera resulted in view obstruction from their dining room long ago, they would rather look at trees than a new structure. Therefore, they now consider the trees to be part of their scenic view.

Staff Response:
Although Appellant claims the grounds for appeal include "findings not supported," the Appeal lacks sufficient information, documentation or arguments to demonstrate how the DRB's findings were not supported by the information provided to the Board.

The staff report for DRB24-006 analyzed the view blockage concern of blue water views from the Appellant's PLA (living and dining room), and included the recommendations in the Design Guideline, which provides the percentage of reasonable view blockage from the Primary Living Area (PLA). Pursuant to the Design Guideline, the view is considered from multiple vantage points within the PLA and a culmination of all views observed from both a standing and sitting position.

Based on the Board's review of the project application; DMMC DRO Section 23.08.077(H), applicable Design Guideline recommendations on scenic view obstruction; and the DRB disclosures indicating they performed site visits to the Appellant's PLA (living room and dining room) to assess the alleged primary scenic view obstruction, the Board unanimously determined that the Applicant's project would not create an unreasonable scenic view obstruction from the PLA of 1540 Forest Way. The Board further stated findings cannot be made to support the DRO Regulatory Conclusion under DMMC Section 23.08.077(H), and therefore, do not require a revision (lowering of roof heights or modifying the roof design) to the proposed project.

The Appellant's reference to DMMC Chapter 23.51 (Trees, Scenic Views, and Sunlight (TSVS)) Ordinance is from the "Purpose" section of that Chapter, and is incorrectly applied and should not be used for the review of DRB projects. TSVS claims are a separate application process reviewed by the Planning Commission relative to the standards of review in DMMC Chapter 23.51, and would be a request for restoration of scenic views or sunlight lost by growth of vegetation and/or trees on a neighboring property.

A neighbor's trees, which due to their location partially obstruct ocean views that would otherwise be visible if not for their presence, are generally not considered by the City to be a protected view of the "community." Further, the "trees" referenced in DMMC Chapter 23.51 could very well be the subject of concern for an applicant filing a TSVS claim to lost scenic views or sunlight, but the DRB must rely on the standards of review and findings within DMMC Chapter 23.08, the Design Review Ordinance.

Appeal Point 2: DRB's Decision is in Conflict with the DRO DMMC § 23.08.072(E)

The Appellant contends that the project would result in scenic view obstruction, and therefore, would result in a reduction of property value and is in conflict with DRO, DMMC Section 23.08.072. While no subsection was cited by the Appellant, the corresponding subsection would be (E) - The design will cause the surrounding neighborhood to depreciate materially in appearance or value.

The Appellant has not included a formal evaluation by an expert, but has provided reference to a publication by Benson, et al "The Value of a View" (1998), and based on the information provided in its publication, the Appellant has estimated devaluation of their property from the project.

Staff Response:

The Appellant did not express this particular concern at or prior to the DRB hearing of March 26, 2025, and has not provided a formal property evaluation and analysis by an expert with this Appeal request. Therefore, staff cannot assess whether an appraisal may document the impact to the material depreciation of the Appellant's property.

Appeal Point 3: DRB's Decision is in Conflict with the DRO DMMC § 23.08.077(F)

The Appellant contends that the project is in conflict with DRO DMMC Section 23.08.077(F) - The design would adversely affect the lighting or noise quality of the local neighborhood.

The Appellant also cites DMMC Section 23.51.010(D) and 23.51.020(A), Trees, Scenic Views and Sunlight Ordinance, specifically the reduction of sunlight to their residence.

Staff Response:

While DMMC Section 23.08.077(F) cited by the Appellant typically applies to the adverse impact excess exterior light sources (building and landscape lights) could have on adjacent properties and the neighborhood at night, some DRB members were informed by the Appellant during their respective site visits that the structural siting (and building height) of the proposed project could impact the natural (sun)light to their residence. The Board determined they cannot make findings with respect to DMMC Section 23.080077(D) that pertains to siting/location of the structure, specifically the location of the bedroom addition at the rear.

Due to the project's substandard lot size, the Board noted the location options for the addition would be limited on the property. In the same vein, the Board did not find impacts to the privacy of the Appellant's residence due to the location of the structure, since the Appellant's property is located approximately 4-feet higher in elevation than the Applicant's property. Privacy is not an issue cited by the Appellant in this appeal request, but was an issue discussed at the DRB meeting.

As mentioned in staff's response to Appeal Point 1, DMMC Chapter 23.51 (Trees, Scenic Views and Sunlight Ordinance) pertains to the Planning Commission's standards of review for TSVS applications for the restoration of lost sunlight (and scenic views) resulting from the growth of trees and vegetation on a neighboring property; is not within the purview of the DRB; and is not contained in the Design Review Board's standards of review for DRB projects, which is DMMC Chapter 23.08 (Design Review).

Appeal Point 4: DRB's Decision is in Conflict with the DRO DMMC § 23.08.077(C)) and (D)

The Appellant contends that the project is in conflict with DRO, DMMC Section 23.08.077(C) - The design is out of scale with other structures in the neighborhood; and 23.08.077(D) - The design is not harmonious with or is functionally incompatible with the surrounding neighborhood in one or more of the following respects…(no specific subsection of DRO 23.08.077 regarding the type of incompatibility cited by Appellant). The Appellant states the project is about 17.5 feet high and would be much taller than homes to the north, east and west, which are closer to 11-feet in height.

Staff Response:

The Appellant did not express this particular concern of bulk/mass and neighborhood compatibility at or prior to the DRB meeting of March 26, 2025.

However, in staff's review of the project included in the DRB staff report, staff analyzed the Applicant's utilization of several Design Guideline sections to reduce the bulk and mass of the project, which included: not exceeding the recommended 8-10 foot plate height (project proposes 8.5-foot plate heights); minimizing landform alterations and building heights by utilizing the same finished floor and site elevation grades and avoid "bumping up" of building sites with fill grade (project proposes minimal grading at less than 25 cubic yards and 18-inches, and therefore is exempt from a Land Conservation Permit DMMC 23.32); increasing the highest roof ridge height by 2.2-feet with a maximum building height at 17'-6" and maintaining the one-story appearance of the residence; and minimizing unnecessary bulk and mass by not exceeding the recommendation on FAR-exempt covered spaces (230 sq.ft. covered front porch).

Board members agreed with staff's review of the project and determined the project to be consistent with the DRO and Community Plan goals and objectives of maintaining low-scale development, and that the project scale and mass would be compatible and harmonious with the surrounding neighborhood that includes one-story and many two-story residences. The Board deliberated and stated they could not make DRO findings to support a reduction on the overall roof height, reduction of the roof pitch, or a request of a flat roof design for the project.

The project's "maximum" building height (measured pursuant to the DMMC) is 17'-6" and is taken specifically from the northwest corner existing grade at the proposed covered patio. The adjoining grade on this area of the site currently slopes gently to the northwest and is approximately 4-feet lower than the existing residence's finished floor constructed on a raised foundation. The 4-foot grade difference would be designed with 2-foot-high, 2-tiered planter walls abutting the northwest sides of the residence, providing a similar buffering and softening of the building façade as the existing planters. The Appellant stated at the March 26, 2025, DRB hearing they have no concerns for this northern portion of the project over the existing living area and front porch, which measures 17'-6" high, since there was never a view over this portion of the residence from their living room.

The Appellant's area of contention for the project is located at the rear of the existing residence where the proposed primary bedroom and bath addition would be located. The building height for this portion of the project measures approximately 13'-2". See Applicant's DRB plans, Section Plans, Sheet A4.0.

Staff researched the Appellant's contention that the Applicant's project would be much taller than the one-story residences to the west and north. Staff researched recent development plans for the property to the west at 471 Avenida Primavera (ADU21-011) and 484 Avenida Primavera (ADU18-001). These residences were built "slab-on-grade" on relatively flat building pads. The ADU plans depict the building heights on these properties to be 13'-9" and 13'-5", respectively. The Applicant's proposed addition at the rear of the existing residence would be 13'-2" and would actually be lower than the aforementioned one-story residences that exist to the west at 471 Avenida Primavera (13'-9" high) and to the north at 484 Avenida Primavera (13'-5" high).

Appeal Point 5: Applicant should have conducted a Citizen's Participation Process (CPP) for the DRB project

The Appellant contends that the Applicant should have conducted a CPP for the project.

Staff Response:

The DRB staff reports states that the project is exempt from the CPP process. Pursuant to DMMC Section 23.08.066, a CPP is required for projects that involve one or more of the following: a new second-story addition/element to a one-story residence; a detached structure exceeding 500 square feet of bulk floor area. The project consisted of a remodel and an attached one-story addition to a one-story residence, therefore, the project did not require a CPP.

PROJECT APPLICANT'S RESPONSE TO APPEAL:

The Applicant has submitted a response to the appeal, which has been included as Attachment C of this report. In summary, the Applicant states that the Appellant has not supplied a reason for appeal that is consistent with the requirements for the grounds for

appeals identified in DMMC Section 1.12.020(B) and that the DRB's review of the project and Appellant's concerns of primary scenic view blockage and light/privacy impacts (the only issues mentioned by the Appellant for the March 26, 2026 DRB review) were fully considered. Further, based on the Board's deliberation of the project against the applicable sections of the Design Review Ordinance and DMMC Chapter 23.08, no findings (Regulatory Conclusions) can be made to deny or modify the project, and therefore the project was approved as presented by the Applicant.

NEXT STEPS

The City's appeal process is a two-step process. Pursuant to DMMC Section 1.12.040, the first step is an Initial Consideration during which the City Council shall consider the written appeal document, any written response from the applicant(s), the City response, any testimony received, and the record from the public hearing that is the subject of the appeal. In addition, both the Appellant and the Applicant may each have up to three minutes for oral comments. No rebuttal arguments will be heard.

The decision for which the appeal has been made will be deemed affirmed unless two (2) or more members of the City Council vote to hear the matter. If two (2) or more City Councilmembers vote to hear the matter, then the project will be set for a later hearing by the City Council and the determination by the DRB shall be advisory only.

CONCLUSION

It is staff's recommendation that the concerns cited within the appeal have been addressed to the greatest extent feasible by the DRB. In rendering its determination, the Board considered standards enumerated in the Del Mar Municipal Code, Design Review Ordinance, City adopted Design Guidelines, staff's report, site visits to the Applicant's and Appellant's property, submitted materials, and testimony (written and oral) from the Applicant, Appellant and members of the public.

Based upon facts in the record, staff recommends that the City Council uphold the DRB's action to approve applications DRB24-006 and not set the appeal for a de novo hearing.

FISCAL IMPACT

There is no fiscal impact to the City related to this agenda item, as this is a private application. The Appellant has paid all fees associated with the appeal.

ATTACHMENTS:

Attachment A- Appellant's Request
Attachment B- March 26, 2025 DRB Staff Report with Red Dot Correspondence
Attachment C- Applicant's Response to Appellant Request

ATTACHMENT A

RECEIVED
By Skrietor at 9:07 am, 4/9/25

Appeal of Design Review Board approval of case DRB24-006 on March 26, 2025, by the owners of 1540 Forest Way, Del Mar, CA 92014

1. Appellant:

Julie Fouquet
48 Hillbrook Drive
Portola Valley, CA 94028
415 517 0534

David Fouquet, co-owner
25837 Gettysburg Avenue
Hayward, CA 94545
650 464 1960

2. Subordinate Del Mar entity: Design Review Board (DRB)

3. Date of determination: March 26, 2025

4. Determination: Approval of DRB24-006 application for 483 Avenida Primavera.

5. Appellant's interest: Proposed addition will permanently obstruct the scenic view from the primary living area of 1540 Forest Way, reducing enjoyment of occupants, significantly reducing the property value of 1540 Forest Way, and reducing light inside the home. Upholding the DRB decision would set a precedent for view obstruction inconsistent with Del Mar Municipal Code.

6. Grounds for Appeal: Combination of "Findings not supported" and "Conflicts"
Most importantly, Del Mar Munipal Code (DMMC) 23.08.077 part H's statement that "The proposed development **unreasonably encroaches upon primary scenic views** of neighboring property" **constitutes a** "Regulatory Conclusion" **basis for denial** of approval as described in Del Mar Municipal Code 23.08.070. Other Regulatory Conclusion bases for denial include reduction of property value, reduction of sunlight and incompatibility with the surrounding neighborhood. Finally, the denial sets a city-wide precedent that encourages poor behavior.

Obstruction of View

During the Design Review Boards meeting on 3/26/25, planner Jean Crutchfield posted the following chart:

TABLE 2-1: ALLOWABLE VIEW OBSTRUCTION - 180 DEGREE CORRIDOR			
VIEW TYPE	SLOT (< 45°)	MIDDLE (45°-90°)	PANORAMA (>90°)
WHITE WATER	0-5%	0-5%	0-10%
BLUE WATER/BACK COUNTRY	0-10%	0-10%	0-15%
HORIZON	0-15%	0-20%	0-20%
COMMUNITY	0-15%	0-20%	0-20%

The view from 1540 Forest Way is seen from the southern part of the living room, typically described as the dining area. This view comprises a row of tropical trees with blue ocean and horizon visible between the trees. Most of these trees were planted at 471 Avenida Primavera years ago. Their density has decreased during the last few years and may continue to decrease further in the future, revealing more of the ocean horizon. (Before these trees were planted, the house had a clear view of the horizon.) **A row of tropical trees in front of an ocean horizon is a scenic view** that many people would enjoy, especially when compared to a roof and a wall. (As I prepared the graphic showing the landmarks for the measurements, Microsoft PowerPoint generated "alt text" describing the view below as a tropical garden.) DMMC 23.51.010 B&C also recognize trees as form of scenic view.

Photo: Joseph Nickerson

The proposed addition obstructs too much of the existing scenic view, regardless of which category is selected in the table above or which location is chosen within the dining area. Furthermore, this obstruction would be permanent.

The azimuthal obstruction percentage depends on the vantage point. Azimuthal (magnetic) angles were measured using a compass from two different vantage points: (1) The center of the dining area as defined by a rectangle, two sides of which are the groups of large glass windows. This central location is the typical location of the dining table. (2) The location of the chair in front of the desk in the dining room. These vantage points are marked in the following two photographs by black tape on the floor, identified by the tips of the red arrows. Furniture, such as the dining table and desk chair, was pushed aside to make these angle measurements.

This photo shows the center of the dining area:

And this photo shows the location of the desk chair:

In measuring angles and calculating percentage of azimuthal obstruction viewed from the two locations described above, the following landmarks were used, identified by orange lines shown in the picture below.

View from the center of the dining area:

Left palm tree: 196 deg

Left edge of proposed addition: 209 deg

Left edge of current house: 246 deg

Existing view between left palm tree and existing house: 50 deg (“middle” on the table above)

Angle obstructed by proposed addition: 37 deg

Portion of scenic view obstructed: 74%

View from the desk chair:

Left palm tree: 192 deg

Left edge of proposed addition: 197 deg

Left edge of current house: 235 deg

Existing view between left palm tree and existing house: 43 deg (“slot” on the table above)

Angle obstructed by proposed addition: 38 deg

Portion of scenic view obstructed: 88%

Regardless of whether the view is evaluated as “slot” or “middle”, and regardless of which type of scenic view this view is described as, **the azimuthal portion of scenic view obstructed is over 3.5 times the maximum allowable percentage** (20%) in the table. For a maximum of 15%, the obstruction **could be over 5.5 times the maximum allowed**.

The following photo comparisons show approximately how the proposed house would severely obstruct the view from the dining area:

The angle of elevation of the roofline of the proposed addition is approximately 13 degrees as viewed from the desk chair. **This elevation would clearly block the view of the setting**

sun behind the trees. Looking at the images with freshly-trimmed ivy, it is clear that the vertical extent of the proposed addition blocks over half of the vertical extent of the scenic view of trees and horizon.

Reduction of property value

The value of a view is difficult to determine without a formal evaluation by an expert. The findings of Benson, et al.[1] for the 0.43 mile distance to the ocean from 1540 Forest Way suggest that loss of 80% of the view might reduce the property value by 12 to 13%. Even if the devaluation were only 4%, the value of 1540 Forest Way would fall by over $120,000. To us, such a change is a material depreciation of value, the Regulatory Conclusion covered in DMMC 23.08.072.

Reduction of sunlight

The value of sunlight is described at several locations in the DMMC, including 23.51.010 D, and 23.51.020 A. Section 23.08.077 F specifically calls out adversely affecting the lighting of the local neighborhood as a Regulatory Conclusion. Depending on the location of the viewer within the dining area, the elevation of the proposed addition is between 10 and 13 degrees. These angles correspond to a loss of 30 to 45 minutes of (filtered) sunlight before sunset, as calculated by Microsoft Copilot at both solstices and equinoxes. This lost sunlight includes sunset, which can be particularly attractive.

Incompatibility with neighborhood

The proposed house is described as a single story home, but at 17.5 feet, it will be much taller than the existing neighboring houses to the east, north and west, which are closer to 11 feet high. DMMC 23.08.077 C and D calls out this incompatibility as a Regulatory Conclusion.

A Citizens' Participation Program (CPP) process would have allowed for discussion of how to mitigate the view blockage and design incompatibility, in contrast to the formal DRB process, which specifies that members of the public can speak for only three minutes; no opportunities for rebuttals or to participate in any discussion are provided.

If discussion had been possible, we would have put forth several options to mitigate the problem while still being able to remodel 483 Avenida Primavera beautifully. They include:
- building the addition at or below the level of the current patio
- lowering the plate height to 7.5 feet for the addition
- using a flat roof for the addition
- using a shallower roof pitch overall
- stepping down the roof from the primary bedroom to the primary bathroom

Reducing the ceiling height could be helpful for this bedroom/bathroom addition. One of us has a primary residence with a bedroom height of 13 feet that is decidedly not cozy, and a bathroom which almost always feels cold because all the heat rises to the high ceiling

(and ceiling-mounted heat lamps are too far away to help). The proposed 16.5-foot height of the addition is even more vulnerable to these problems.

History and implications for Del Mar policy

Our parents bought 1540 Forest Way in 1959. We grew up in the house and frequently climbed over the fence to play with the Schoell kids at 483 Avenida Primavera. We enjoyed a beautiful ocean view from our house; Mom enjoyed spotting whales. Years later, after we grew up, Skyler Vincent wanted to build a large house at 471 Avenida Primavera, but the neighbors didn't agree. Some of the story poles can be seen in the photo below. The roof in the photo belongs to 483 Avenida Primavera. This photo was taken from the dining area of our house.

Photo: Douglas Fouquet

Angry at the neighbors, Mr. Vincent then planted a solid row of tropical trees to block their views. Garry and Cozette Shirts, then-owners of 483 Avenida Primavera, and our father asked for permission to trim the trees at their expense. Mr. Vincent refused, and was very difficult to work with. Del Mar did not have an ordinance to address this matter, so Mr. Vincent's neighbors were on their own. Eventually, 471 Avenida Primavera was improved and an accessory dwelling unit was added. Both buildings are normal single-story height, compatible with the neighborhood.

After Garry and Cozette Shirts passed away, 483 Avenida Primavera was purchased by Henrik Jensen, who now sits on the DRB. Mr. Jensen wanted to build a three-story house,

but the neighbors didn't agree. He refused to permit anyone trim the hedge by Avenida Primavera, thereby blocking views of the ocean from houses up the street and causing the previously-attractive hedge to become unsightly. It appears likely that he also planted two new trees squarely in front of the primary view of our house; he knew where the view was located through our work with his architects. These new trees are marked by red arrows in the photo below.

If only an unobstructed view of the ocean – in contrast to a scenic view of trees – counts as a view to the DRB, then Del Mar is setting a precedent: owners should plant trees to block their neighbors' views in order to obtain future approval to build tall houses that permanently block their neighbors' views. Such a policy is not likely to encourage good neighborly relations.

Comments

We have met online and exchanged emails with the architecture firm Bokal and Sneed over the years, and at least one member of the firm has viewed 483 Avenida Primavera from 1540 Forest Way. Unfortunately, we were not able to accommodate a last-minute request by their consultant to meet at 1540 Forest Way before the DRB meeting. However, we did invite their team and the owners to visit at 10 am the morning following the meeting. None of them showed up. We are still willing to discuss options.

Finally, thank you very much for your time in addressing this matter, and for your dedication to Del Mar.

Note

Earl D. Benson, Julia L. Hansen, Arthur L. Schwartz, Jr, Greg T. Smersh, Pricing Residential Amenities: The Value of a View, J. Real Estate Finance and Economics, 16:1, 55-73, 1998.

Attachment

Letter from Joseph Nickerson, tenant at 1540 Forest Way

Joseph Nickerson
1540 Forest Way
Del Mar, CA
Joe.Nickerson45@gmail.com
(914) 629-8107

April 7, 2025

Sarah Krietor
City of Del Mar
Planning and Community Development Department
1050 Camino Del Mar
Del Mar, CA 92014

Subject: Support for Julie and David Fouquet's Appeal of the Design Review Board's Decision on 483 Avenida Primavera

Dear Ms. Krietor,

I am writing to express my strong support for Julie and David Fouquet's appeal to the Design Review Board's decision to approve the construction project at 483 Avenida Primavera. As a current tenant of Julie and David's home at 1540 Forest Way, I have seen firsthand how the proposed construction will significantly obstruct the ocean and horizon views from the main living spaces of the home, including the living room, dining room, and bedrooms. The new structure will drastically reduce the view from the primary living spaces and completely obstruct the horizon from the bedrooms.

Julie and David have a deep and longstanding connection to 1540 Forest Way, having grown up in the home and carefully maintaining it as responsible property owners. They have been thoughtful stewards of their community, renting to carefully vetted tenants and fostering positive relationships with neighbors. The approval of this project not only disregards their concerns but also disrupts the character and livability of their home for future residents. Should they decide to move back in or eventually sell the home, the loss of ocean views and the impact on the property's ambiance will be permanent and substantial.

Additionally, the manner in which this project has been pursued raises concerns. The Fouquet's were caught off guard by the lack of a Citizens Participation Program for the plans for 483 Avenida Primavera, and it has been iterated to me that the property owners have engaged a major international consulting firm to push the project forward. This level of investment suggests an awareness that the development is controversial and would likely face opposition. Given these circumstances, it is disheartening and, in my view, unfair that the Design Review Board has allowed the project to move forward despite the valid objections of long-standing community members.

I urge the City of Del Mar to give full consideration to Julie and David Fouquet's appeal. Their concerns are not just about personal views but about preserving the integrity of their home, the character of the neighborhood, and ensuring that long-time property owners are not overpowered by well-funded development interests.

Thank you for your time and attention to this matter. I appreciate your consideration and hope that the City will take the necessary steps to protect the rights of responsible, long-term community members like Julie and David.

Sincerely,

Joseph Nickerson

ATTACHMENT B

City of Del Mar
Staff Report

DESIGN REVIEW BOARD
STAFF REPORT
March 26, 2025

APPLICATION: DRB24-006

REQUEST: A request for a Design Review Board Permit to remodel the exterior of an existing 1,578 square-foot, one-story residence with attached garage. Proposed improvements include: demolishing 87 square feet of floor area from the residence and garage; demolishing rear patio cover; constructing a 689 square-foot, one-story addition with roof modifications and a new chimney; constructing a new 230 square-foot Floor Area Ratio (FAR)-exempt covered front porch; constructing a new pool and associated mechanical equipment; and installation of new exterior lighting, landscape, hardscape and site improvements.

APPLICANTS/OWNERS: Lisa Parnell, The Footer Residence Trust

AGENT: Jim Sneed, Bokal and Sneed Architects

SITE LOCATION: 483 Avenida Primavera

ASSESSOR PARCEL NUMBER: 299-290-04-00

COMMUNITY PLAN DESIGNATION: The Community Plan designates subject site as Low Density Residential at a density of 1-4 units per net acre. The Community Plan states that "this land use category is intended to allow a continuation of the predominately single-family residential character that has been historically developed within the Del Mar Hills area and at the north end of the beach front."

ZONE: R1-10

ENVIRONMENTAL STATUS: Pursuant to requirements of the California Environmental Quality Act (CEQA), the Project has been determined to be Categorically Exempt per Section 15301 Class 1 (e) (1) (Existing Facilities), in that the Project proposes the construction of an addition to the existing residence which is less than 2,500 square feet, and further; it has been determined that none of the six exceptions to the use of a Categorical Exemption are applicable (Guidelines Section 15300.2).

HOUSING IMPACT: The proposed development involves an addition/remodel to an existing single dwelling and there would be no change to the number of dwellings constructed on the lot. Therefore, approval of the requested discretionary development applications would have no impact on the City of Del Mar's housing supply or housing affordability.

BACKGROUND:

The project site is located at 483 Avenida Primavera in the R1-10 Zone. The site is developed with a one-story single-family residence with an attached garage and a rear covered patio. The existing structure is nonconforming in that the garage encroaches into the eastern side-yard setback. The lot is 8,654 square feet in area and is substandard in size, as the minimum lot size in the R1-10 Zone 10,000 square feet. Vehicle access is taken via Avenida Primavera. The topography of the site is relatively flat. Landscaping consists of a variety of medium-sized trees, ground coverings, and medium and large shrubs. Dense vegetative plantings are located on adjacent property lines. Surrounding residences are single-family residential in character. An aerial vicinity map of the subject property is included in Exhibit A.

ANALYSIS:

Project Description

The applicant proposes to construct a 689 square-foot, one-story addition at the southeast corner of the home,perform a comprehensive remodel of the building's exterior, and install a new pool and various site improvements. Components of the proposed project include:

- Demolishing 87 square-feet of floor area from the residence and garage (removing the portion of the garage currently located in the eastern side yard setback would abate the lot's zoning nonconformity and therefore a Building Valuation is not required for the project);
- Construction of a 230 square-foot, FAR-exempt covered front porch;
- Modification of doors and windows at all elevations of the home;
- Modifications to the existing roof forms that will result in an approximate two (2) foot increase in roof height;
- Installation of a standing metal seam roof;
- Construction of a new fireplace with chimney at the west elevation of the residence:
- Replacement of exterior stucco with vertical wood siding;
- Construction of a new at-grade pool approximately 200 square feet. Existing 6-foot-high wood fence around the perimeter of the property would provide the required pool enclosure;
- Installation of pool equipment and one (1) Air Conditioner (AC) condensing unit located on the eastern side yard;
- Construction of a built-in barbecue and counter located south of the residence;
- Construction of an entryway trellis in the front yard;
- Construction of new planter walls on the north and west sides of the residence;
- Installation of new exterior building and landscape light fixtures; and
- Installation of new landscape and hardscape improvements.

Summary of the applicant's proposal:

Existing Living Area Existing Garage	1,064 square feet 493 square feet
Demolished FAR	87 square feet
New FAR	689 square feet
Total Project FAR	**2,159 square feet**
Covered Outdoor Area exempt from FAR*	**230 square feet**
Total (gross) Bulk Floor Area of the Project	**2,389 square feet**

* Measured pursuant to the structural extent of the patio or porch coverings

Applicable Development Standards:

Standards	R1-10 Zone	Project
Min. lot size	10,000 sq.ft.	8,654 sq.ft.
Front yard setback	20 ft.	20 ft.
Rear yard setback	25 ft.	48'-7"
Interior side yard setbacks	7.5 ft.	7.5 ft.
FAR	25% (2,163 sq.ft.)	24.2% (2,159 sq.ft.)
Max. lot coverage	40% (3,461 sq.ft.)	33.4% (2,891 sq.ft.)
Height limitation	26 ft.	17 ft - 6 inches
Parking	2 garage spaces	2 garage spaces

As displayed in the comparison table, the project conforms with the standards of the R1-10 Zone.

Plate Heights, Roof Design and Building Height:
The proposed remodel would maintain a one-story design with traditional 4:12 pitched gable roof and would utilize the same finished floor elevation (230') as the existing residence. Proposed plate heights would be 8.5- feet. The maximum roof ridge would increase by 2.2-feet with a maximum building height of 17-feet 6-inches, as measured pursuant to the provisions of the Del Mar Municipal Code (DMMC). The ridge height located over the garage would remain the same. The new chimney located on the western side of the residence would project an additional two (2-feet above the new highest ridgeline. The proposed project would comply with the Design Guideline recommendation to not exceed the maximum plate height of ten (10) feet and to utilize the existing finished floor and building pad of the lot to reduce bulk of the structure and minimize site grading. Also the 230 square-feet FAR-exempt, front porch would comply with the Design Guideline and not exceed 15% of the project's maximum FAR.

Landscape/Hardscape:
All existing landscaping onsite is proposed to be replaced with new landscaping. A total of four (4), 48-inch box Swan Hill fruitless olive trees are proposed, two within the front yard and two within the rear yard. A Carolina Laurel privacy hedge is proposed along the side and rear property lines. Additional privacy hedges along the south side of the residence and new front porch would consist of Majorie Channon Pittosporum. Other landscaping would include mostly drought-tolerant shrubs and ground coverings and grasses. The new landscaping comprises 4,113 square feet of the lot (47.5 percent). The Design Guideline minimum required landscaped area for 10,000 square foot lots is 45%, and the project would exceed the minimum recommendation.

Exterior Lighting:
Proposed exterior lighting would be downward directed and shielded bulbs limited to 2,700 Kelvins, which is consistent with the Design Guidelines. Proposed lighting specifications are included in the plans on Sheet A-2.0. Proposed landscape lighting would consist of 2,700 Kelvin pathway lights along the pathways around the home and rear yard. A Landscape Lighting Plan is included in Sheet L 3.0.

Exterior Materials:
The proposed exterior materials include white board and batten wall siding and trim, black framed windows and doors, dark charcoal standing seam metal roof, and red brick planter walls and chimney. A colored rendering of the proposed development has been included on DRB plan set Sheet A-3.0.

Story Poles:
Story-poles illustrating the proposed remodel were placed on the subject property on or before March 10, 2025, with certification provided of their placement in accordance with the story-pole plan and matrix included in the DRB plans.

Exemptions from DMMC Requirements:
A Citizen Participation Program (DMMC 23.08) and Coastal Development Permit (DMMC 30.75) are not required due to the proposed addition to the one-story residence being “attached” and located at grade. The project’s limited site grading also exempts the project from the requirement of a Land Conservation Permit (DMMC 23.32).

CORRESPONDENCE:

As of the writing of this report, the Planning and Community Development Department has received written correspondence from neighbors directly to the east at 1540 Forest Way (Fouquet) and at 505 Avenida Primavera (Frager), see Exhibit B. Both neighbors expressed concerns regarding potential scenic view blockage from the primary living areas of their respective residences and related concerns about maintenance of existing vegetation on the applicant’s property. The Board should note that based on the applicant’s proposed Landscape Plan, all existing vegetation would be removed and new vegetation would be installed with

implementation of the project. One letter of support was received from the neighbor to the south at 1548 Forest Way (Stubbs).

PROJECT'S CONSISTENCY WITH THE DESIGN REVIEW ORDINANCE:

Along with any findings required for other requested/required entitlements, DMMC Sections 23.08.072 through 23.08.080 (Design Review) include seven sets of "Regulatory Conclusions" the Design Review Board may address when reviewing an application for a Design Review Permit. Pursuant to Section 23.08.010 (B), "the Design Review Board shall fully consider the beneficial design impacts of a proposed project before analyzing the project for impacts that may violate the regulations" of the Design Review Ordinance. Section 23.08.070 stipulates that "an application project shall be approved unless the Design Review Board makes findings of fact based upon information presented during a public hearing can be made that the project as proposed will result in a conflict with one or more of the regulatory conclusions contained within the Design Review Ordinance."

Staff has analyzed the subject project relative to the applicable standards of the Design Review Ordinance (DMMC Chapter 23.08), applicable Design Guidelines, an concerns expressed by neighbors. As previously mentioned, the project includes a one-story residence and attached two-car garage with a traditional design that includes 4:12 pitched gabled roofs. The maximum height of the structure would be 17-feet 6-inches or an overall increase of two (2) feet. The proposed plate heights would be 8.5-feet. The project would be maintaining the same finished floor elevations and building pad of the existing residence and yard. The project includes a 230 square-feet, FAR-exempt covered front porch. The project complies with Design Guideline recommendations for reducing structure height and mass and appears to be compatible with the scale and character of existing neighboring properties which are one- and two-story development. Proposed yard improvements, exterior lighting, landscape and hardscape improvements, and grading quantities also comply with the Design Guideline recommendations.

The neighbors at 1540 Forest Way and 505 Avenida Primavera submitted written correspondence expressing concerns that the story poles appear to indicate towards that blockage of ocean view from their respective primary living areas (PLA) , see Exhibit B. Therefore, staff recommends that the Board review the project proposal relative to the following regulatory conclusion:

DMMC 23.08.077 H. The proposed development unreasonably encroaches upon primary scenic views of neighboring property

A determination of unreasonable view blockage must be based on scenic views from a Primary Living Area, which pursuant to DMMC 23.08.040 C. includes "that portion of a residence determined by the Design Review Board, or City Council on appeal, to be the main gathering and entertainment room used by residents and guests at the residence. Each residence shall be limited to the designation of only one primary living area. Unless otherwise determined by the

DRB, or City Council on appeal, the primary living area of a residence is that portion most often used by the occupants and their guests for gatherings and entertainment, consisting of the residence's living room, dining room or great room."

Table 2-1 of the Design Guidelines, cited below, provides limits for the percentage of view obstruction that should be allowed, depending on the type of view observed from the neighbor's primary living area

TABLE 2-1: ALLOWABLE VIEW OBSTRUCTION - 180 DEGREE CORRIDOR			
View Type	Slot (< 45°)	Middle (45°-90°)	Panorama (>90°)
WHITE WATER	0-5%	0-5%	0-10%
BLUE WATER/BACK COUNTRY	0-10%	0-10%	0-15%
HORIZON	0-15%	0-20%	0-20%
COMMUNITY	0-15%	0-20%	0-20%

Pursuant to the Design Guideline, the view is considered from multiple vantage points within the PLA and a culmination of all views observed from both a standing and sitting position.

Staff performed a site visit to the primary living area of 1540 Forest Way. It is staff's position that the subject scenic view from 1540 Forest Way should be considered a "slot view," taken from the windows located adjacent to the dining room. It was staff's observation that the story poles appear to depict an obstruction of less than 10%, which per Design Guideline Table 2.1, would not be unreasonable scenic view blockage.

Staff also performed a site visit to the primary living area of 505 Avenida Primavera and did observe some amount of view taken blockage from the story poles. The scenic view appears to be best categorized as a "middle view," taken from the sliding door and window located adjacent to the dining and living room. In this case, the story poles also appear to obstruct less than 10% of the middle view per the Design Guideline which may not be unreasonable scenic view blockage.

Staff should note that, as of the writing of this report, neither the concerned neighbors nor the Applicant have provided any exhibits that would graphically quantify how much of ocean view observed from either primary living areas would be obstructed.

Staff reminds the Board that in addition to the Design Guidelines information discussed above, a determination of "unreasonable" must be also based on the following findings, which are found in the DMMC 23.080.040 Definitions section of the DRO:

A. For purposes of this Chapter, a conclusion that a proposed design element is "unreasonable," must be supported by findings of fact regarding:

1. The extent to which the contested design element adversely impacts upon the purposes for which this Chapter is adopted.

2. Whether the project requires the inclusion of the contested design element in order for the project to be useable by the applicant.

3. Whether the project requires the inclusion of the contested design element in order to produce a project that is similar in quality to development in the neighborhood.

4. The availability of one or more alternatives to the contested design element that will produce a project that is useable by the applicant and similar in quality to development in the neighborhood.

Should the DRB determine that there is an "unreasonable" amount of Scenic View blockage after considering the information presented above, the Board should provide direction that the Applicant consider modifications to the roofline to reduce the scenic view obstruction entirely, or to a minimally acceptable amount per the Design Guidelines.

RECOMMENDATION

Staff recommends the Board consider the Project relative to the analysis provided, especially those potential conflicts as analyzed in the DRO Compliance section of this report, and determine whether proposed development would present any conflicts with Regulatory Conclusions of the DRO. If the Project is determined to result in the potential for conflicts, staff recommends the Board provide specific feedback to the Applicant to effect compliance and continue the item to allow for design revisions to be made and brought back for Board review and consideration at a later date. However, if the Board determines to approve the project as presented, at a minimum, the draft conditions of approval included as Exhibit C should be included as part of any such approval.

Respectfully Submitted,

Jean Crutchfield
Associate Planner

Exhibit A – Aerial Map
Exhibit B – Correspondence
Exhibit C – Draft Resolution

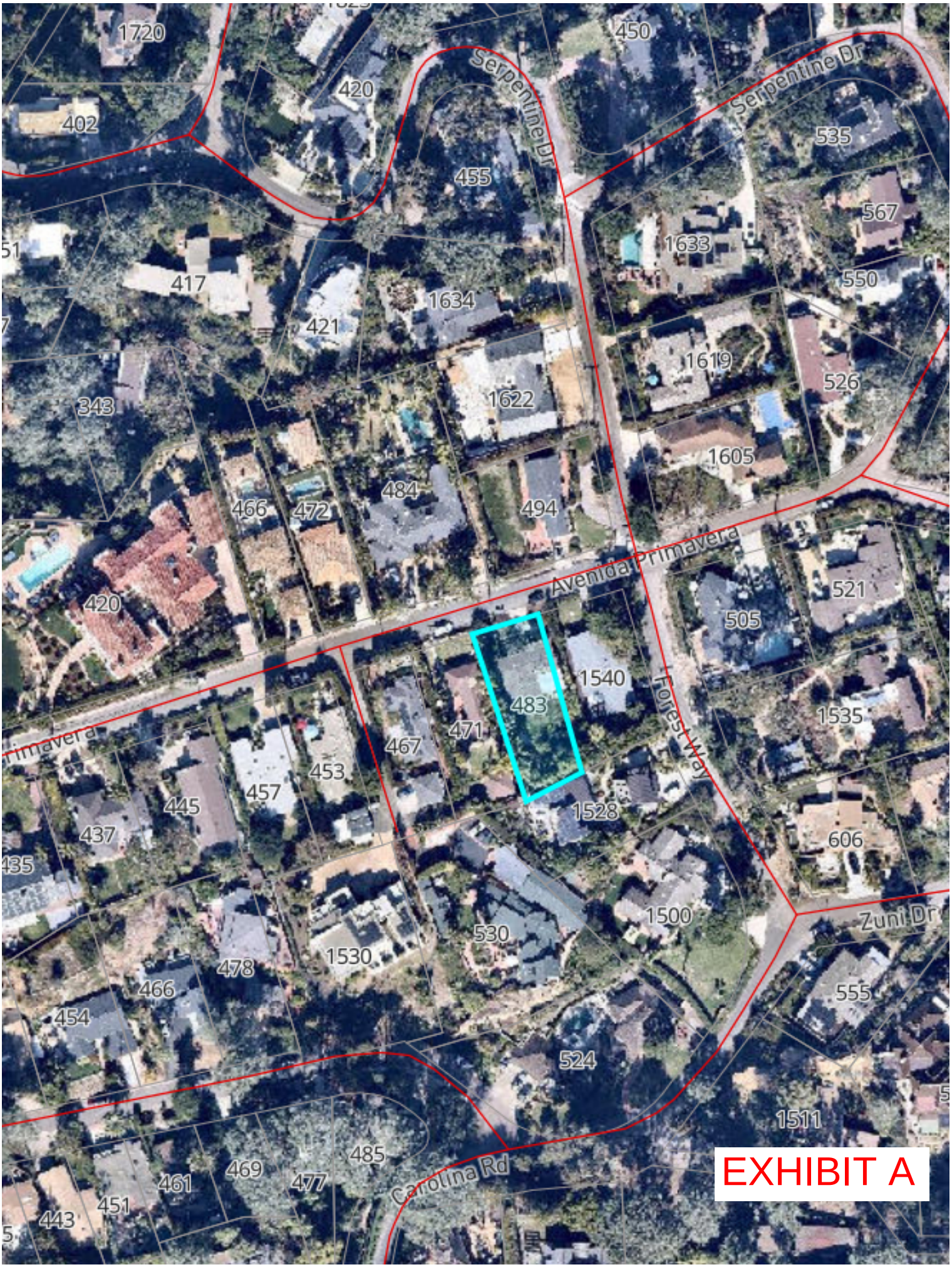
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EXHIBIT A

EXHIBIT B

Comment on application DRB24-006, Proposed Remodel of 483 Avenida Primavera

Submitted by Julie and David Fouquet, Owners of 1540 Forest Way
March 17, 2025

We grew up at 1540 Forest Way, playing with the Schoell kids who lived at 483 Avenida Primavera. 483 Avenida Primavera was built on a foundation, while 1540 Forest Way was built on a concrete slab. The taller 483 Avenida Primavera house blocked the horizon view from much of 1540 Forest Way, but a fine view of the horizon could be seen from the south end of the living room. Later, the Shirts family moved into 483 Avenida Primavera. Our family was also friends with the Shirts family. For many years, our father, Doug Fouquet, and Cozette Shirts worked to maintain views for everyone in the neighborhood. Dad's gardener trimmed the hedge near Avenida Primavera, with Cozette's permission. In contrast, Skyler Vincent, then owner of 471 Avenida Primavera, planted a row of trees that blocked views from houses higher up the hill. Both Dad and Cozette tried to get these trees cut back, but Mr. Vincent was very difficult.

Sadly, Dad and Cozette Shirts are no longer with us. We inherited 1540 Forest Way. 483 Avenida Primavera has changed hands twice since then. We understand that the new owners of 483 Avenida Primavera want to upgrade their house, and we have communicated multiple times with their architectural firm to convey how the remodeled house could be more spacious yet not adversely impact the primary view – with the horizon now visible between the trees at 471 Avenida Primavera – or sunlight access.

Unfortunately, the south end of the proposed house is too high. It severely blocks the primary view from 1540 Forest Way. The south extension beyond the current house needs to be considerably lower, so that the horizon can be seen from 1540 Forest Way. Please note that we are *not* objecting to the proposed increase in height above the footprint of the existing house, only to the height of the portion of the proposed house planned to the south of the existing house. However, the height of the rest of the house may block views from houses above our house.

We are also very frustrated that two new trees have been planted at 483 Avenida Primavera, apparently strategically placed to block the primary view from 1540 Forest Way. To us, this

looks like abuse of the information that we provided to the architecture firm. (It is possible that the owner prior to the current owner planted these trees, rather than the current owner.) In any case, they should not be in this location. In contrast, we do appreciate the current owner's trimming of the overgrown hedge near Avenida Primavera.

Sincerely,

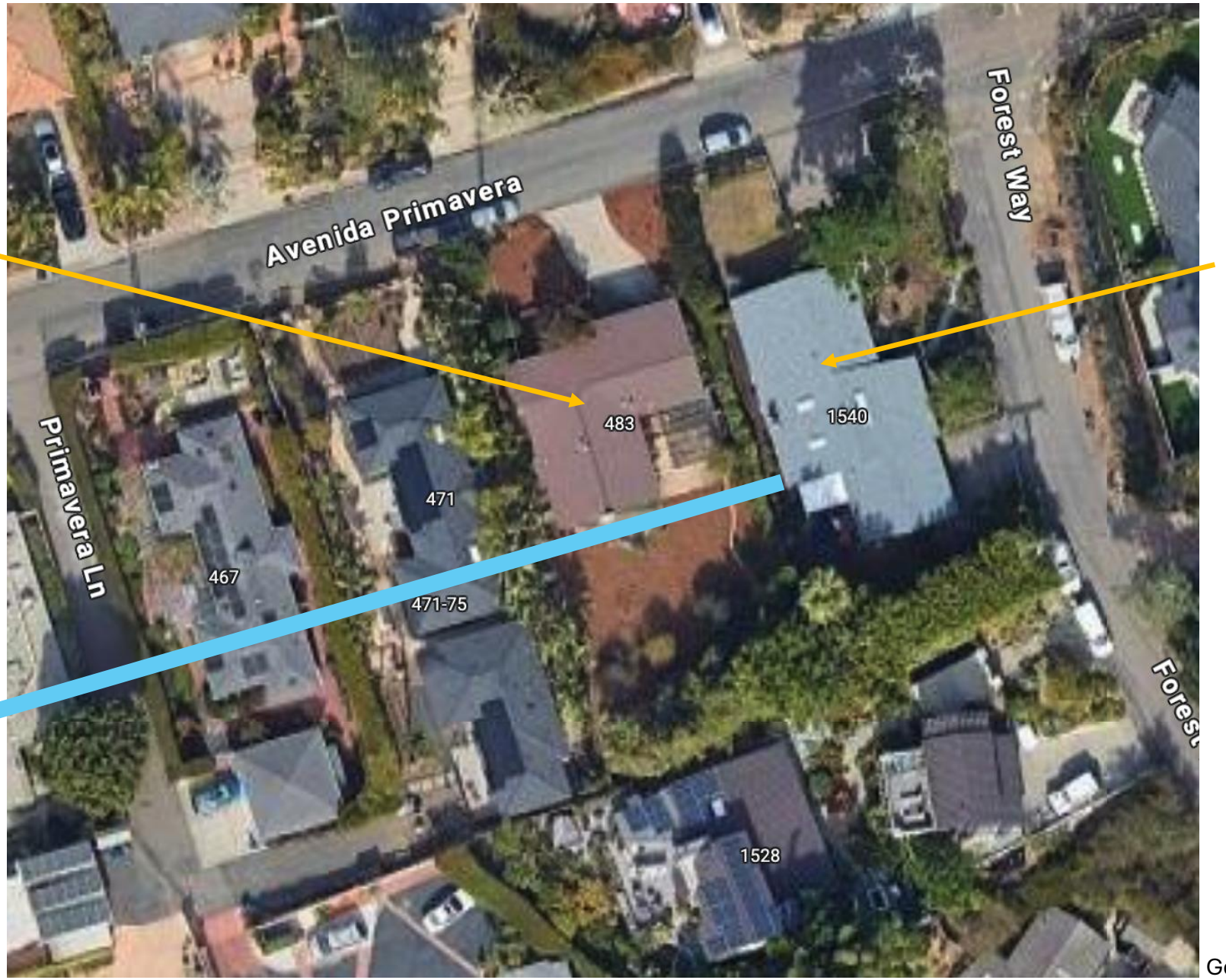
Julie Fouquet and David Fouquet

483 Avenida Primavera proposed project impacts on 1540 Forest Way

3/8/25

Views

Raised foundation, with raised back deck



Concrete slab

483 Avenida Primavera blocks1540 Forest Way's view, so 1540's primary view is from the living room, to the south of 483.

Ocean view

Google Maps

Julie Fouquet

Interior of living room at 1540 Forest Way, looking to the southwest (2017). Large windows to the left of the fireplace were built to take advantage of the view.

Before 471 Avenida Primavera's "spite fence"

Douglas Fouquet

Before 471 Avenida Primavera's "spite fence"

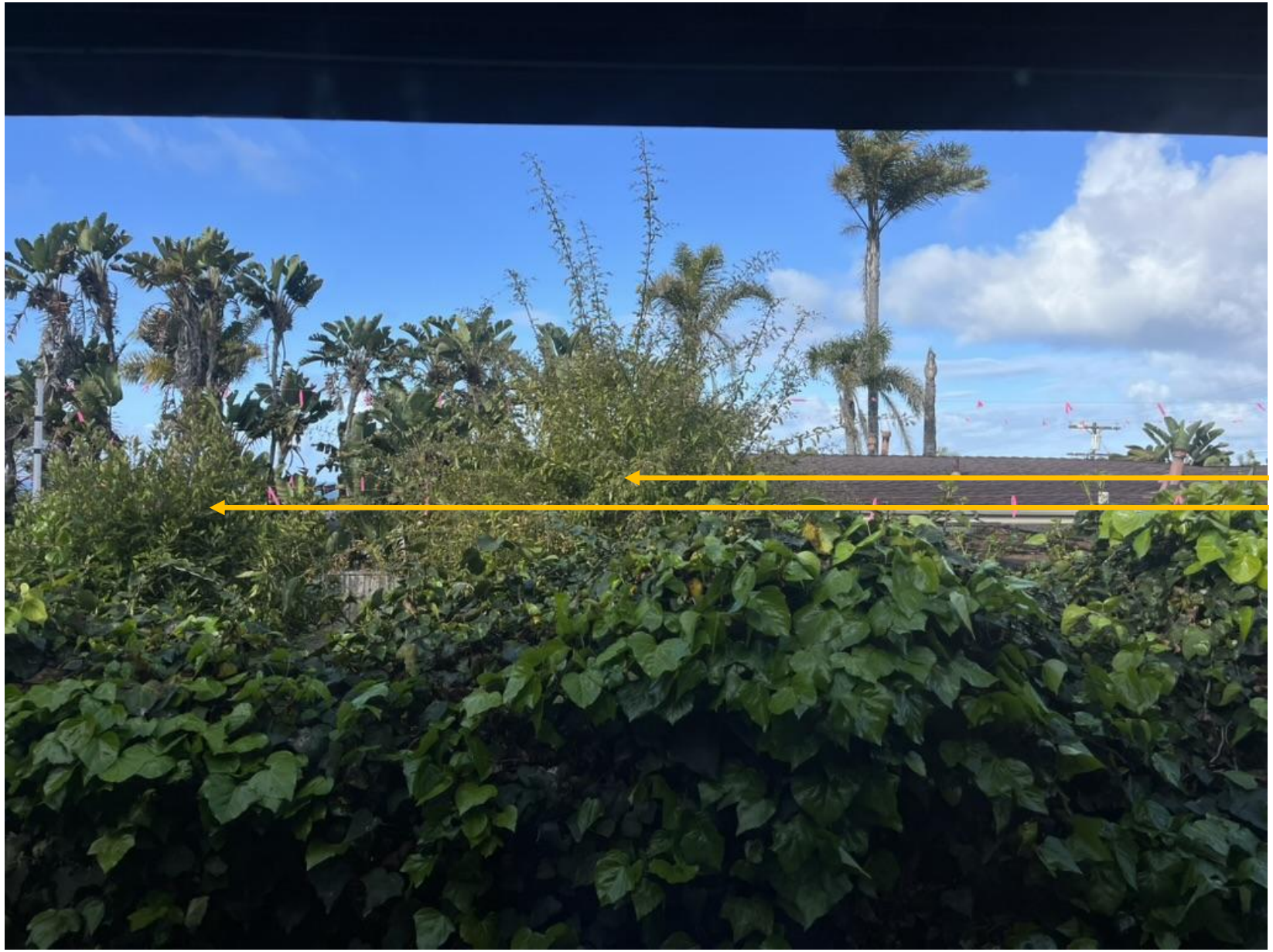
Douglas Fouquet

Proposed 483 Ave Primavera house blocks primary view

proposed house continues

View from living room

Joseph Nickerson



New spite fence?

Joseph Nickerson

New spite fence?

Joseph Nickerson

Apparent misuse of information

- We have provided information to architects Bokal and Sneed in good faith, hoping that they would design a house that could be larger but not block the primary view from our house.
- New trees have been planted, apparently strategically, to block the primary view.

View from 1540’s yard, away from house

Joseph Nickerson

View from yard, but closer to house

New tree blocking primary view from house

Secondary view blocked too

Doug Fouquet (1540 Forest Way) and Cosette Shirts (483 Avenida Primavera) kept this hedge trimmed and all neighbors could see over it. Not any longer….

From:	jdfrager@gmail.com
Sent:	Wednesday, March 12, 2025 4:41 PM
To:	Jean Crutchfield
Cc:	Planning Mail Box; kristenfrager@gmail.com
Subject:	DRB24-006, 483 Avenida Primavera
Attachments:	Del Mar DRB24-006 483 Avenida Primavera.pdf; Del Mar DRB24-006 483 Avenida Primavera.pdf
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.

To: Del Mar Design and Review Board
From: John & Kristen Frager, Owners of 505 Avenida Primavera, Del Mar, CA
Date: March 12, 2025
Subject: Concerns Regarding Proposed Project at 483 Avenida Primavera (Owned by Lisa Parnell)

Dear Members of the Del Mar Design and Review Board,

We are writing to express our significant concerns regarding the proposed residential project at 483 Avenida Primavera, owned by Lisa Parnell, located two homes below us to the west. As residents of 505 Avenida Primavera, we have enjoyed the scenic views from our primary living area, which we believe are unreasonably threatened by both the height of the proposed new home and a recent decision by the current owner to cease maintaining a historically well-trimmed hedge. We respectfully request that the Board carefully consider these issues under the Del Mar Municipal Code (DMMC) Design Review Ordinance 23.08.077-H and the City's Landscape Policy.

Concern 1: Unreasonable View Blockage from Proposed Home Height
The story poles currently erected at 483 Avenida Primavera demonstrate that the proposed height of the new home would significantly obstruct the scenic views from our primary living area, defined in the DMMC as "the room in the primary residence most often the main gathering or entertaining area for guests." We have photographic evidence illustrating the extent of this blockage, which are attached for review. This is not the first time such a proposal has been brought forward over the past four years, successive owners of this property, working with Bokal & Sneed Architects, have proposed similarly obstructive designs. Each prior attempt has been denied by the DRB following neighbor input, only for the property to be sold and the cycle to repeat. We urge the Board to uphold the intent of Ordinance 23.08.077-H and deny this latest iteration to protect our scenic views.

Concern 2: Unmaintained Hedge as a Potential "Spite Wall"

More recently, the current owner has ceased trimming a tall hedge along the property, which now further obstructs our view. For over 40 years, this hedge—spanning two properties—has been consistently maintained at a reasonable height, with the adjacent property owner continuing to trim their portion in good faith. We have constructively engaged with Ms. Parnell, offering to cover the cost of trimming the hedge on her property to restore the historical norm, but she has declined. This sudden departure from decades of maintenance, combined with the timing of the proposed construction, suggests an intent to create what is commonly known as a "spite wall"—a deliberate effort to exacerbate view obstruction. The City's Landscape Policy and the *Good Neighbor Guide to Design Review in Del Mar* emphasize the importance of maintaining neighborly cooperation and respecting existing conditions. We believe this unmaintained hedge violates that spirit and merits the Board's attention as part of its review.

Next Steps

We welcome the opportunity to meet with the Board and the architect between March 19 and March 26, 2025, to demonstrate the impact of both the story poles and the hedge from our property. We will follow up separately with our contact information and availability, as advised, to facilitate this visit. Should we be unavailable, we will ensure a representative is present.

Thank you for your consideration of these matters. We trust the DRB will uphold the standards of the Del Mar Municipal Code and protect the character of our community. Please feel free to contact us with any questions.

Sincerely,
John & Kristen Frager
505 Avenida Primavera
Del Mar, CA

DRB24-006
483 Avenida Primavera

Concerns

By

John & Kristen Frager

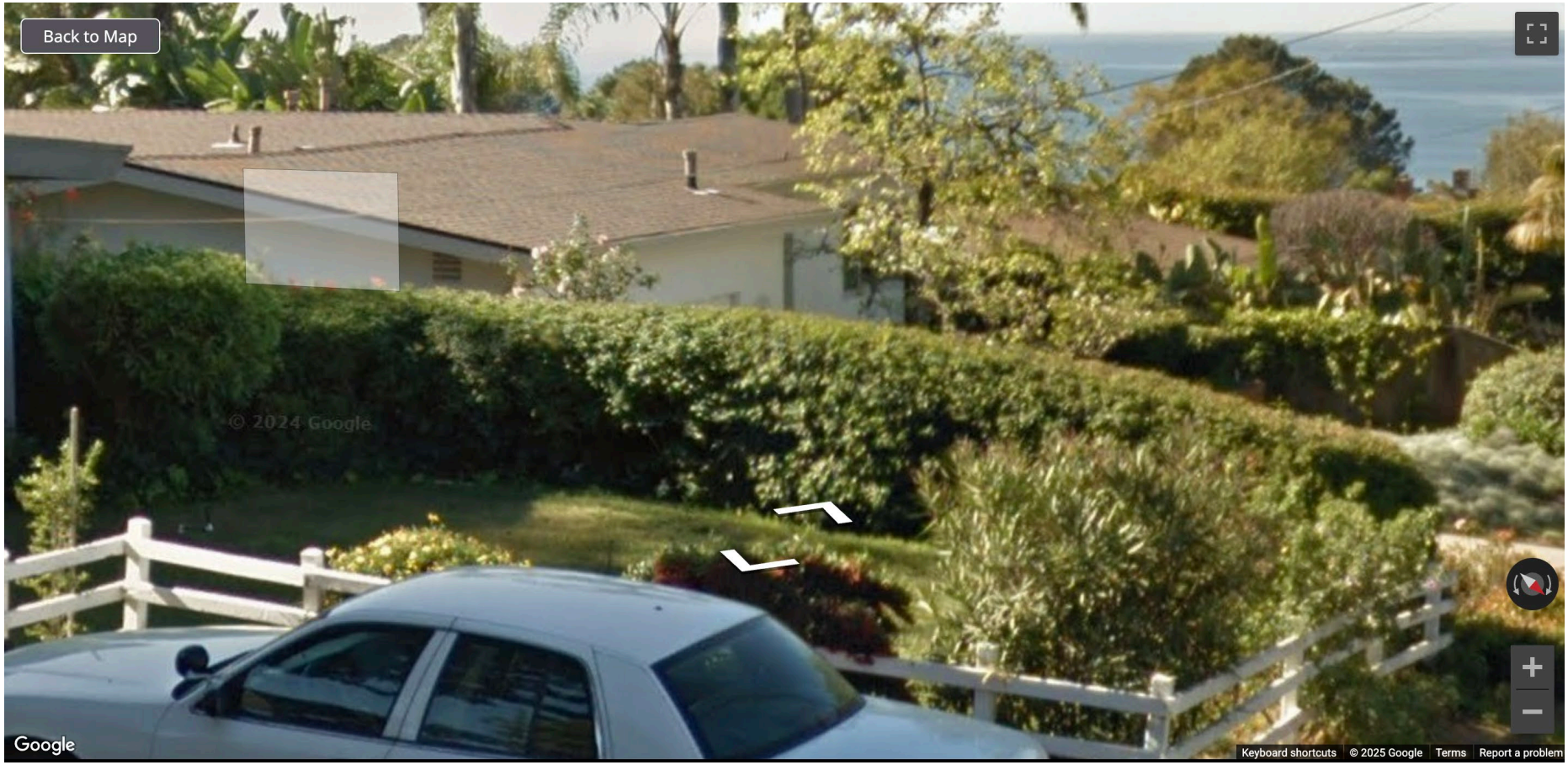
505 Avenida Primavera

New story poles height shown in red.

Subject hedge as it was always maintained in the past.

Hedge today

Hedge today



Subject hedge as it was always maintained in the past.

According to Julie Fouquet, her father "had the hedge trimmed so that he could see the horizon from the bedroom windows on the north side of the house, which would be no more than five feet above the floor level. That puts it at least six feet below the (eleven-foot) roof line."

Hedge today

Hedge today, which used to be maintained well below the house line.

From: T. Pat Stubbs <tpat@gellens.com>
Sent: Tuesday, March 18, 2025 11:42 AM
To: Planning Mail Box
Subject: Parnell Home - 483 Avenida Primavera

Follow Up Flag: Follow up
Flag Status: Completed

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 design review board members:

As a former three-term Design Review Board member and Chairperson, I thank you for your service to the community.

Our property is located at 1528 Forest Way and shares a property line with the Parnell's home at 483 Avenida Primavera.

Throughout the process the Parnell's and their Architect have been open and understanding to the relationship that our properties share. Our property is surrounded on its property lines by five different neighboring properties. We welcome the respectful structure, design and the associated landscaping that the Parnell's propose.

Through their actions, words and the proposed plans, it is quite obvious that the Parnell's are looking to be good neighbors. Their design is respectful to the adjacent properties and a positive impact our property and the surrounding neighborhood.

Should you like to see for yourselves, you are invited to our property to review the current situation. Just give me a call at 619-813-3208.

Respectfully submitted,

T. Pat Stubbs
1528 Forest Way
Del Mar, California 92014

From: Brisa Smith
Sent: Wednesday, March 19, 2025 1:27 PM
To: Jean Crutchfield
Subject: FW: 483 Avenida Primavera DRB24-006

Brisa Smith | **Assistant Planner**
City of Del Mar | Planning and Community Development
1050 Camino del Mar
Del Mar, CA 92014
☎ 858.704.3646 | bsmith@delmar.ca.us

CITY OF DEL MAR

City Hall is open to the public for in-person public services including general walk-in services and payments Monday-Thursday, from 7:30 AM- 5:30 PM. Planning and Building services at the City Hall public counter are available Monday and Wednesday between 1:00 PM to 5:30 PM. All remote services will continue to be provided during regular City hours. Please check our City website at www.delmar.ca.us for more information.

From: Marti Gellens-Stubbs <marti@gellens.com>
Sent: Wednesday, March 19, 2025 10:41 AM
To: Planning Mail Box <Planning@delmar.ca.us>
Subject: 483 Avenida Primavera DRB24-006

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.

Design Reciew Board Members:

I am writing this letter in support of the proposed residence at 483 Avenida Primavera. We live at 1528 Forest Way and our fence abuts this property along our North property line. We are in complete support of the proposed residence and have no issues with any of the design aspects. Lisa Parnell is the third owner in four years because all who have purchased this home have tried to create a new residence and have been met with opposition. The proposed design fits beautifully in the neighborhood and does not impact the neighborhood negatively in any way. It is time to allow this property to be enhanced and add another beautiful home to our neighborhood.

Thank you,

Marti Gellens-Stubbs
Berkshire Hathaway HomeServices
California Properties
7910 Girard Avenue Suite 9
La Jolla, Ca. 92037

858-551-6630 (office)
858-353-1515 (cell)
858-551-4898 (fax)
www.gellens.com
DRE# 00882546

RESOLUTION NO. DRB-2025-xx EXHIBIT C

A RESOLUTION OF THE DESIGN REVIEW BOARD OF THE CITY OF DEL MAR, APPROVING DESIGN REVIEW PERMIT **DRB24-006**, TO REMODEL THE EXTERIOR OF AN EXISTING 1,578 SQUARE-FOOT, ONE-STORY RESIDENCE WITH ATTACHED GARAGE. PROPOSED IMPROVEMENTS INCLUDE: DEMOLISHING 87 SQUARE FEET OF FLOOR AREA FROM THE RESIDENCE AND GARAGE; DEMOLISHING REAR PATIO COVER; CONSTRUCTING A 689 SQUARE-FOOT, ONE-STORY ADDITION WITH ROOF MODIFICATIONS AND A NEW CHIMNEY; CONSTRUCTING A NEW 230 SQUARE-FOOT FAR-EXEMPT COVERED FRONT PORCH; CONSTRUCTING A NEW POOL AND ASSOCIATED MECHANICAL EQUIPMENT; AND INSTALLATION OF NEW EXTERIOR LIGHTING, LANDSCAPE, HARDSCAPE AND SITE IMPROVEMENTS ON LAND LOCATED WITHIN THE R1-10 ZONE AT 483 AVENIDA PRIMAVERA, DEL MAR, CALIFORNIA

Assessor Parcel Number (APN): 299-290-04-00

WHEREAS, Lisa M. Parnell (Trustee of the Footer Residence Trust II ACF FBO Lisa M. Parnell UTA dated 12/18/12, as to an undivided 50.00 interest and Lisa M. Parnell, Trustee of the Footer Residence Trust II TLF FBO Lisa M. Parnell UTA dated 12/18/12, as to an undivided 50.00 interest, all as Tenants in Common) ("Applicant"), is the owner of real property commonly referred to as 483 Avenida Primavera (APN 299-290-04-00) (Property); and

WHEREAS, the Applicant filed an application for Design Review Permit **DRB24-006**, to remodel the exterior of an existing 1,578 square-foot, one-story residence with attached garage. Proposed improvements include: demolishing 87 square feet of floor area from the residence and garage; demolishing rear patio cover; constructing a 689 square-foot, one-story addition with roof modifications and a new chimney (totaling 2,159 square foot residence); constructing a new 230 square-foot Floor Area Ration (FAR)-exempt covered front porch; constructing a new pool and associated mechanical equipment; and installation of new exterior lighting, landscape, hardscape and site improvements on land located within the R1-10 zone at 483 Avenida Primavera, Del Mar, California; and

WHEREAS, the Project constitutes a request as provided by Title 23 of the Del Mar Municipal Code (DMMC); and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) and the City's adopted CEQA Supplemental Regulations, the Project has been found to be Categorically Exempt per Section 15301 Class 1 (e) (1) (Existing Facilities), in that the Project proposes the construction of an addition to the existing residence which is less than 2,500 square feet, and further; it has been determined that none of the six exceptions to the use of a Categorical Exemption are applicable (Guidelines Section 15300.2);and

WHEREAS, the project would remodel an existing single-unit dwelling in the "Low Density Residential (R1-10) Zone. Therefore, approval of the requested discretionary development applications would have no impact on the City of Del Mar's housing supply or housing affordability; and

WHEREAS, on March 26, 2025, the Design Review Board (DRB) of the City of Del Mar held a duly noticed public hearing to review the referenced entitlements, and at which time all persons desiring to be heard were heard; and

WHEREAS, evidence was submitted and considered to include without limitation:

a. Project plans submitted by the Applicant;
b. Written information submitted with the application;
c. Oral testimony from City staff, the Applicant and the public;
d. Staff Report, dated March 26, 2025, which is incorporated by this reference as though fully set forth herein;
e. Additional information submitted during the hearing (if any); and

WHEREAS, DMMC Section 23.08.070 provides that a request for a Design Review Permit shall be approved unless the Design Review Board makes findings of fact based upon information presented during a public hearing that support one or more of the Regulatory Conclusions set forth therein; and

NOW, THEREFORE, BE IT RESOLVED by the Design Review Board of the City of Del Mar finds that based upon the evidence presented at the public hearing on March 26, 2025, including written and oral staff reports, public written testimony, Applicant's and Applicant's representative's written and oral testimony, and in accordance with DMMC Section 23.08.070, the Design Review Board of the City of Del Mar finds that the Project, as conditioned, will not be detrimental to the Community based on the Regulatory Conclusions Sections of DMMC Chapter 23.08 (Design Review).

NOW, THEREFORE, BE IT FURTHER RESOLVED by the DRB, that Design Review Permit DRB24-006 is hereby approved subject to the following conditions:

GENERAL CONDITIONS

*** Any gaps in numbering are intentional*

G-1 [*Business License*]
Prior to commencement of any work on site, all contractors and subcontractors shall obtain a valid City of Del Mar Business License. The general contractor shall be responsible for ensuring that all subcontractors obtain the required Business License and shall retain copies of said permits on site for verification by City staff.

G-2 [*Utility Undergrounding Threshold*]
If the total cost of new construction exceeds $7,500 (as determined by the Building Department), all new utility service connections shall be placed underground consistent with the provisions of Section 30.86.210 of the Del Mar Municipal Code.

G-3 [*Development Authorization Limited to Plan-Set*]
This permit is granted based on submitted plans dated **March 26, 2025**, by the Planning and Community Development Department and so identified by the staff of the Del Mar Planning and

Community Development Department. Revisions to these plans and/or any proposals for modification shall require review and prior authorization from the appropriate entities of the City of Del Mar.

G-4 [*Encroachment Permit for Work in the Public Right-of-Way*]
Any work proposed or required within a City of Del Mar public right-of-way or access easement, or required within a public right-of-way or access easements pursuant to the conditions of approval of this Permit, shall be subject to the prior receipt of a City of Del Mar Encroachment Permit. Applications for Encroachment Permits shall include plans depicting all proposed private and public improvements including, but not limited to, improvements involving drainage, grading and/or public utilities. The required Encroachment Permit shall be subject to review and approval by the City of Del Mar in accordance with the procedures set forth in the DMMC and may include requirements for inspections and/or submittal of a security deposit(s). Please note that Design Review Board or Planning Commission approval of plans indicating right-of-way improvements does not constitute approval of the separately required Encroachment Permit.

G-5 [*Requirement for Building Permits*]
Prior to commencement of work, the Applicant or agent shall obtain all required Building Permits.

G-6 [*Construction and Demolition Waste Recycling Requirement*]
Owners and builders generating any construction and demolition debris on a project must comply with the minimum requirements regarding recycling or reuse for salvage set forth in the 2016 California Green Building Standards Code, Title 24, Part 11. This includes, but is not limited to, the submittal of a Construction Waste Management Plan and a minimum diversion of 65 percent of non-hazardous construction and demolition waste. Signage shall be posted on-site with information identifying materials to be diverted.

G-7 [*Code Compliance*]
Approval of this application shall not waive the requirement for compliance with the provisions of the Del Mar Municipal Code or other applicable City regulations in effect at the time of Building Permit issuance, unless specifically waived in this permit authorization.

G-8 [*Height Certification Prior to Framing Sign-Off*]
A framing inspection by the Planning Community Development Department shall be required prior to the Building Department framing inspection for the Project. At that time, the Applicant shall provide a statement from a Licensed Surveyor certifying that the building height is in conformance with the approved plans for the Project. The survey required herein shall be prepared using City of Del Mar approved vertical benchmarks for building height certification and reported to 0.01 of a foot.

G-9 [*Story Pole Removal*]
Story poles shall be removed from the property within 10 calendar days following the date of the City's final action on the Project.

G-10 [*Plan for Construction-Phase Impacts*]
Prior to issuance of Building Permits or commencement of Project implementation (whichever comes first), the Applicant shall provide a plan for construction-phase parking and equipment/materials storage for the Project. The plan must include the following:

a. Identification of an on-site material storage location;
b. Identification of an on-site equipment storage location;
c. Identification of at least two on-site parking space which will remain available throughout the duration of the Project;
d. Location of any temporary sanitary facilities;
e. A note stating that "If on-street parking is utilized, a minimum street access clearance of 20ft. will be maintained";
f. Map displaying any/all haul routes; and
g. Contact information (phone number and Email) for the on-site supervisor(s);
    1. This information must also be posted on-site in a location which is readily visible from the public right-of-way for the duration of the Project.

The plan required herein shall be subject to the review and written approval of the Planning and Community Development Director, working in consultation with Parking Enforcement and Public Works Departments. Haul routes and work and/or storage of material or equipment within a City right-of-way will require the receipt of an Encroachment Permit. The requirements mentioned above may be modified by the Planning and Community Development Director upon a determination that sufficient alternatives have been proposed which achieve a similar level of compliance.

G-10A In addition to the submittal of a Construction Phase Impact Plan, the Applicant must place a Construction Parking Placard in all vehicles associated with the Project which will be parked off-site. The placard must remain in plain view on the dashboard of the vehicle throughout the duration of the Project. A Construction Parking Placard can be obtained from the City of Del Mar Planning Department.

G-12 [*Permit Expiration*]
This permit shall expire three years from the date of approval, on **March 26, 2028** unless a Building Permit has been issued (if required by the DMMC) and substantial construction has been accomplished in reliance upon the permit. Pursuant to the DMMC, substantial construction is defined as: completion of a minimum of 10 percent of the total amount of construction authorized by the permit, based on the monetary value of construction costs including grading, site preparation and construction but specifically excluding all costs associated with the acquisition of interest in the Project site and all costs associated with the preparation and processing of permits or plans.

G-13 [*Pre-Construction Meeting*]
Prior to any demolition, construction, and/or land disturbances occurring on-site, a pre-construction meeting shall be held. As deemed appropriate by the City, attendees to this meeting shall include representatives from the City of Del Mar's Planning and Community Development Department, City Engineer, City Clean Water Manager, the Project Contractor/Superintendent, the Project Architect, the Project Engineer, the property owner and any others essential for the proper

implementation and completion of this Project. At a minimum, the following issues shall be reviewed at this meeting:

- City of Del Mar inspection requirements.
- Process for requests for plan modification and determinations of substantial conformance.
- Discretionary permit conditions and requirements.
- Construction hour limitations and noise standards.
- Construction access and parking including equipment/materials storage and maintenance.
- Work within public rights-of-way and/or easements.
- Stormwater Best Management Practices (BMPs).
- Tree-preservation requirements.
- Demolition Permit requirements.
- Signage requirements/limitations.
- Neighborhood impact issues.
- Key contact information.
- Business license requirements.
- Any other pertinent construction related activities and or information.

G-15 [*Compliance with City Noise Regulations*]
The Applicant and all parties involved with implementation of the Project shall comply with the regulations of the DMMC with regard to construction noise. The regulations stipulate that all construction activities are limited to the following periods: between 7:00 AM and 7:00 PM, Monday through Friday and between 9:00 AM and 7:00 PM on Saturdays. Construction activities are prohibited during other hours and on Sundays and City Holidays. The City's Noise Ordinance, DMMC Chapter 9.20, includes the dates of City Holidays, and can be viewed on the City's web page (www.delmar.ca.us).

G-16 [*Dig Alert*]
Prior to excavation or trenching, the Applicant shall call Underground Service Alert of Southern California (Dig Alert 800-227-2600) for a mark-out of service utilities.

G-17 [*Rules for Construction-Related Signage*]
All construction-related signage posted at the Project site shall comply with DMMC Chapter 30.84 (Signs). The pertinent sections of the Sign Chapter allow installation of a total 5.5 square feet of temporary signage on a residential property (that is cumulative of all signs posted). Such signs may be posted for a maximum of sixty (60) days in a calendar year.

The restrictions noted above do not apply to the Development Pending, Construction Noise Notice and Building Permit signs required by the City as part of the Project review process.

All construction related signage, including City required signs, shall be removed prior to final approval of the Project.

SPECIAL CONDITIONS

S-13 *[Pool/Spa Heating]*
Prior to the issuance of Building Permits, the applicant shall provide verification, to the satisfaction of the Planning and Community Development Director, that any proposed pool heating system is in compliance with DMMC Section 23.20.060, in that: 1) all swimming pools proposed to be heated shall be heated solely by use of a solar pool heating system or other energy efficient system deemed acceptable by the City as being compliant with the provisions of DMMC Chapter 23.20; and 2) no conventional swimming pool heating systems shall be installed, except for those spas or Jacuzzis whose water surface area is less than seventy-five (75) square-feet.

FIRE DEPARTMENT CONDITIONS

F-1 [*Class "A" Roof*]
All structures shall be provided with a Class "A" Roof covering to the satisfaction of the California Building and Fire Code. NO wood shake shingles are allowed.

F-10 [*Address Numbers*]
STREET NUMBERS: Approved numbers and/or addresses shall be placed on all new and existing buildings and at appropriate additional locations as to be plainly visible and legible from the street or roadway fronting the property from either direction of approach. Said numbers shall contrast with their background, and shall meet the following minimum standards as to size: 4" high with a 3/8" stroke for residential buildings, 8" high with a ½" stroke for commercial and multi-family residential buildings, 12" high with a 1" stroke for industrial buildings. *Additional numbers shall be required in following locations;* where deemed necessary by Fire Marshal, such as rear access doors, building corners, and entrances to commercial centers. *ALSO;* where structures are located off a roadway on long easements/driveways, a monument marker shall be placed at the entrance where the easement/driveway intersects the main roadway. Permanent address numbers with height conforming to Fire Department standards shall be affixed to this marker.

F-12 [*Automatic Fire Sprinkler System-Commercial, Multi-Family And Residential Structures And Garages; Fire Department Connections For Multi-Family And Commercial Sprinkler Systems And Related Control Valves*]

All structures shall be protected by an automatic fire sprinkler system designed and installed to the satisfaction of the California Fire Code and Del Mar Municipal Code 10.04. Plans for the automatic fire sprinkler system shall be submitted prior to start of construction and approved by the City designated fire plans examiner prior to any on site building construction inspection (other than slab, grading inspection) by a building official.

Fire Department Connections (FDC) for fire sprinkler and standpipe systems shall meet the following requirements: shall be mounted at the following height(s); 36 to 42 inches above finished grade, to the top of connection.

- If FDC is installed separate from the Backflow/Double Detector Check, it shall be located a minimum of 5 feet from the Backflow/DDC valve.

- When an FDC is attached to Backflow/DDC, the FDC mounting height shall still be 36 to 42 inches max above finished grade

- If the Backflow/DDC is installed without an FDC, both OS&Y valve handles shall be mounted 36 to 42 inches above finished grade.

- Bushes, trees and similar foliage shall not be located within a radius of 5 feet of an FDC or Backflow/DDC valve assembly. Ground cover landscape is acceptable."

F-13 [*Smoke and CO Detection*]
Smoke alarms and carbon monoxide alarms shall be installed, as required by California Building or Fire Codes.

F-18 [*Roadway Clearance During Construction*]
In accordance with the California Fire Code and California Vehicle Code, during Project construction, all roadways shall maintain a minimum travel clearance width of 20 feet, with such area free of Project equipment or materials, including the parking of construction-related vehicles.

WATER CONSERVATION:

WC-01 *[Compliance with City and State Water Conservation Policies and Regulations]*
Prior to issuance of building permits, the applicant shall provide a Landscape Documentation Package (LDP) for the project prepared by a landscape architect or landscape contractor licensed by the State of California. The LDP required herein shall include anticipated water use calculations for the project's landscape and irrigation components. The LDP shall be accompanied by a certification from the preparer that the LDP is in compliance with the City's adopted water conservation policies in effect at the time of LDP preparation, including Del Mar Municipal Code Chapter 23.60 (Water Efficient Landscape Ordinance) and any guidelines adopted by the City for such ordinance. The preparer shall also certify that the LDP is in compliance with the Governor's Executive Order Nos. B-29-15 and B-36-15, which call for compliance with landscape/irrigation water use standards set by the California Building Standards Commission and the California Department of Housing and Community Development.

The LDP shall be subject to the review and written approval of the Director of Planning and Community Development (Director). The Director shall, as deemed necessary, work in consultation with the City's Landscape Architect, with the costs for such consultation to be borne by the applicant or his/her designee. If the submitted LDP is found *not* to be in compliance with the standards referenced herein, it shall be revised accordingly and resubmitted for compliance review.

In the event that compliance with this condition results in the need to modify a landscape or irrigation plan approved as part of a discretionary permit granted by the City, the Director shall have discretion to authorize changes of landscape materials in a manner that retains like-for-like consistency with the parameters of the project's approved discretionary permit, with such parameters to include: the sie of landscape material to be installed and its anticipated mature height; and the location of any trees to be installed.

WC-02 [*City Inspection for Compliance with Project's Landscape Documentation Package*]
Prior to final sign-off on implementation, the project shall be subject to inspection by City staff for compliance with the Landscape Documentation Package (LDP) required pursuant to the project's conditions of approval. The inspections shall include review for compliance with the irrigation and landscape plans included as component parts of the LDP.

ENGINEERING DEPARTMENT CONDITIONS:

E-1 *[Separate Permits for Off-site Work]*
All improvements to off-site facilities, including the provision of access road and/or utility lines as proposed or required pursuant to the conditions of this Permit, shall be subject to the receipt of separate City permits, as applicable.

E-2 *[Drainage Plan]*
Prior to issuance of Building Permits, the applicant shall provide a detailed Drainage Plan for the project prepared by a Registered Civil Engineer or Licensed Architect. The Plan shall be prepared in accordance with the latest edition of the City's "Applicant's Guide to Procedures for a Grading Permit" and shall be subject to the review and approval of the Planning and Community Development Department Director in consultation with the City Engineer. The Plan required herein shall be prepared to minimize the amount of impervious surface area of the development and to maximize the on-site dissipation of storm water run-off. The Plan shall be in compliance with applicable National Pollutant Discharge Elimination System (NPDES) stormwater requirements and shall incorporate the use of "Best Management Practices" (BMPs) to control runoff or discharge onto the City rights-of-way and to avoid run-off onto adjacent private properties.

In addition to the considerations listed above, the Plan shall also address/incorporate the following:

E-2A A topographical map indicating property lines, topographic features and existing and/or proposed structures prepared by a Registered Civil Engineer or a Licensed Land Surveyor. Said map shall include two-foot contour lines and/or sufficient spot elevations to clearly represent existing and proposed topographical features, and existing and proposed drainage patterns. Said map shall also show entire property boundary including any assumed found monuments, and bearings and distances based on record information. Survey shall extend minimum 25 feet beyond limits of property line and adjoining right-of-way;

E-2B The location of all existing or proposed easements within the property boundary;

E-2C The location of all roof down-spouts and any proposed collection system, with information regarding pipe alignments, invert elevations, slopes, sizes, and the discharge location of said collection system;

E-2D Depict the location of site utilities and location of proposed swimming pool and patio deck;

E-2E Depict location of pool pump and filtering equipment on plan set. Location per Planning Department conditions;

E-2F The Plan shall specify that swimming pool drainage will be collected and conveyed into sanitary sewer systems unless otherwise required or authorized by the Planning and Community Development Director. Provide a sewer lateral within ten feet of the proposed swimming pool to drain pool for periodic maintenance;

E-2G The manner in which landscaped areas will be drained. The Plans shall ensure that no area drains will be installed within landscape areas which are subjected to irrigation run-off;

E-2H The methods for providing temporary erosion control during the construction phase of the project, complete with the inclusion of standard grading and erosion control notes on the plans;

E-2I The manner in which drainage from retaining wall sub-drains and sump pumps will be collected and conveyed. The Plan shall specify that such drainage shall not be discharged onto City streets and that drainage from sub-drains and sump pumps shall discharge on the project site to allow percolation back into the soil;

E-2J The manner in which drainage shall be controlled to eliminate the discharge of nuisance water and to ensure that existing or proposed private pipe outlets will not convey or discharge nuisance water onto adjacent properties or into the public right-of-way (i.e., from irrigation, swimming pool splash run-off, planter area drains, French drains, etc.);

E-2K Interception of run-off from the proposed driveway to preclude direct flow to the adjacent streets right-of-way. This may be accomplished by incorporation of pervious driving surfaces, diversion to landscaped areas using swales or grates, etc. The project engineer's evaluation shall include, but not be limited to, consideration of the potential effect of proposed construction on site groundwater and moisture conditions. Provide spot grades and/or contours to substantiate design;

E-2L The inclusion and maintenance of a 5-foot wide buffer zone to be maintained along the edge of pavement along the street frontage. No obstructions (i.e., walls, trees, benches, etc.) shall be permitted within this area;

E-2M Depict the existing sewer and water mains and laterals serving the residence;

E-2N All Retaining walls along property lines shall be depicted in plan and profile. The limits of retaining wall footings shall be depicted in the plan view;

E-2O Include storm drain run-off "Best Management Practices" that minimize the volumes of urban run-off discharge to City rights-of-way, as acceptable to the City Engineer. Indicate how the proposed bio-infiltration/retention area or bio-swale will discharge off-site without causing erosion. Depict the location of erosion control devices to be implemented in the event of rainfall;

E-2P Ensure that the development will minimize the amount of impervious surface area and maximize the on-site dissipation of storm water run-off;

E-2Q Provide elevations and slope call-outs to clarify how water will drain around the proposed patio hardscape, with assurances the runoff will not be conveyed over sensitive topographic features;

E-2R Include landscaping plans with characteristics that maximize infiltration, provide retention, reduce irrigation and storm water run-off, use efficient irrigation, and minimize the use of fertilizers, herbicides and pesticides;

E-2S Include a Hydrology/Hydraulic Report prepared by a Registered Engineer that addresses how storm water will be adequately collected and conveyed on and across the subject property. The report shall also address the tributary area for run-off directed to and across the subject property. The report shall Address"

a) The tributary area for run-off directed to and across the subject property.

b) Calculations and details demonstrating that if proposed inlets/outlets, etc. are plugged or overloaded, the site is capable of conveying storm flows in a manner that is not detrimental (including flooding and erosion) to surrounding properties.

c) Shall address both existing and proposed conditions.

d) Shall provide calculations for the 2-year and 100-year events for pre and post conditions.

E-2T Incorporate all recommendations pursuant to the Hydrology/Hydraulic Report prepared for the project. This includes the detailing in the plan set of any bio retention/infiltration or vegetated swales which are proposed. Mitigate for any increase in runoff generated by this development;

E-2U If the project involves demolition of an existing structure or surface improvements, the grading and erosion control plans shall be approved by the City Engineer prior to the issuance of a demolition permit. No demolition shall be permitted without an approved erosion control plan;

E-2W Following construction completion, the project designer shall inspect as-built improvements. Significant discrepancies, if any, between the approved plans and as-built conditions shall be brought to the attention of the Planning and Community Development Department and City Engineer. An as-built plan prepared by the project designer will be required. Prior to final sign-off by the City Engineer, the project designer shall sign the as-built plan indicating that the project was completed in accordance with said plan.

E-3 *[Engineering Fee]*

Prior to issuance of Building Permits, the applicant shall provide fees as delineated in the City's Engineering Review Fee Schedule as funds necessary for Engineering Department review of the proposed site improvements. If additional review beyond the scope outlined in the Engineering Review Fee Schedule becomes necessary, a supplemental deposit(s) will be required.

E-4 *[Installation of Public Improvements]*

E-4A The applicant shall perform street repairs on a portion of Avenida Primavera adjacent to the property. Said Street shall have dig-out performed on any distressed pavement and shall receive a 1-1/2" grind and overlay full width adjacent to property which shall include all transitions, drainage facilities, and other improvements as deemed necessary by the City Engineer. Said improvements shall be subject to inspection and approval by the City Engineer. A separate cost estimate is required for the work within the public right-of-way. Additional review fees will be required based on the City's standard fee schedule for public improvements; and

E-4B The applicant shall construct a mountable 4" asphalt concrete along the property frontage with transitions to the existing improvements. The applicant shall also construct a San Diego Regional Standard Driveway, G-14, apron for the new driveway location,

E-5 *[Private Drains]*

E-5A Unless specifically authorized in permit plans, drains in landscape areas discharging to public rights-of-way shall not be allowed. Drains discharging into public rights-of-way may be authorized, subject to review by the City Engineer and only if warranted by unique site conditions. In such cases, design elements shall be incorporated into the plans which reduce the potential for stormwater pollution and nuisance drainage to the maximum extent practicable. The project engineer's evaluation shall include, but not be limited to, consideration of the potential effect of proposed construction on site groundwater and moisture conditions. All hardscape drains, roof drains, wall drains and other private drains shall be shown in detail on improvement plans.

E-5B Site drainage shall be designed such that, in the event of plugged or overloaded inlets/outlets, storm flows will be conveyed in a manner that is not detrimental to the site or other properties; and

E-5C Deck drains, when used, shall be no more than 25 feet apart, and no single drain shall serve more than 250 square feet of area. There shall be no direct connection between the pool deck drains and the sewer or plumbing drainage systems. They shall not drain to the pool gutter or recirculation systems.

E-6 *[Authorization for Off-site Work]*

E-6A Prior to the issuance of Building Permits, the applicant shall obtain letters of permission from affected property owners if construction or construction access is required across property lines; and

E-6B The following note shall be included on the plans for the Permit: "No grading shall occur outside the limits of the approved grading plan unless prior written authorization is obtained from the City and the owners of any other affected properties."; and

E-6C Engineer of Work shall depict the proposed haul route to and from the site within the limits of the City of Del Mar.

E-7 *[Grading – Separate Permits for Borrow or Disposal Site]*
A separate Grading Plan shall be submitted and approved and a separate Grading Permit issued for any off-site borrow or disposal site, if located within City limits. An Encroachment Permit will be required to identify the haul route proposed for this purpose. If the borrow or disposal site is located outside of the City, the applicant shall provide evidence of receipt of required permits/authorizations. A haul route shall be submitted and approved by the City Engineer.

E-7A A log documenting the dates of hauling and the number of trips (i.e. trucks) per day shall be available on the job site at all times;

E-7B The applicant shall identify a construction manager and provide a telephone number for any inquiries or complaints from residents regarding construction activities. The telephone number shall be posted at the site readily visible to any interested party during site preparation, grading and construction;

E-7C Trucks shall be spaced so as to discourage a convoy effect; and

E-7D There shall be no staging of hauling trucks on any streets adjacent to the project, unless specifically approved as a condition of an approved haul route.

E-8 *[Soil Stabilization]*
The applicant shall utilize sediment controls only as a supplement to erosion prevention for keeping sediment on-site during construction – NEVER as a single or primary method.

E-8A The applicant shall clear and grade only the areas on the project site that are necessary for construction. These areas shall be clearly denoted on the plans;

E-8B The applicant shall minimize exposure time of disturbed soil areas;

E-8C The applicant shall submit a schedule to the City for review and approval, with proposed dates, demonstrating the minimization of grading during the wet season and coinciding the grading with dry weather periods, permanent revegetation and landscaping as early as feasible, temporary stabilization and reseeding of disturbed soil areas as early as feasible;

E-8D The applicant shall stabilize all slopes per City approved method; and

E-8E The contractor is required to provide periodic and continuous maintenance of all Best Management Practices (BMP) devices/facilities listed in the City approved Water Quality Management Plan (WQMP) for the project. This includes but is not limited to, filter material replacement and sediment removal, as required to assure peak performance of all BMPs.

E-9 *[Required Backflow Prevention Valve]*
If the project authorized by this permit will involve installation or retention of any plumbing drainage fixtures at a level below that of the **PUBLIC** sewer main serving the project site, the applicant shall install a private backflow prevention device on their private lateral per the requirements shown below.

The plans shall be submitted prior to the issuance of Building Permits and shall be according to the Uniform Plumbing Code and subject to the review and written approval of the Planning and Community Development Director and City Engineer. Once installed, the private backflow prevention device(s) shall be subject to inspection by the City Engineer prior to final sign off for the project.

E-10 [*Access to Water Meters]*
Access to proposed or existing water meters located on or immediately adjacent to the property shall remain open and unobstructed at all times. Prior to the issuance of Building Permits, the applicant shall demonstrate that no structure or vegetation is proposed so as to restrict access to the water meter. In the event access is blocked by project implementation, the applicant shall be responsible for the removal any obstruction at his/her expense or shall pay for the cost of relocating the water meter to allocation acceptable to the Public Works Department.

E-11 *[Updated Title Report]*
Prior to the issuance of Building Permits, the applicant shall prepare an updated title report for the property.

E-12 *[Compliance with City of Del Mar JURMP]*
This project shall conform to the construction component in the latest edition of the City's Jurisdictional Urban Runoff Management Program (JURMP).

E-13 *[Sewer Service]*
The sewer connection to the public main must be a gravity connection. If a pump is required in order to service the residence, it must transition to gravity flow prior to connection to the public system. A sewer backflow prevention device will also be required if a pump is proposed. The existing Sewer lateral shall be videoed and certified clear of obstructions or damage by a licensed plumber. Should the lateral be damaged, a new lateral shall be installed to service the residence.

E-14 *[Backflow Prevention]*
A reduced pressure backflow prevention device is required for the water system that services the pool/spa. The system must be designed to the satisfaction of the City Engineer, Public Works, and Building Department.

E-15 *[Proposed Retaining Wall]*
The proposed retaining walls shall be designed and constructed completely within the property. No portion of the wall or footing shall extend across the property line. The limits of any retaining wall footing shall be depicted on the grading plan. The applicant shall provide a plan and profile view of the proposed retaining wall that will depict top of wall and top of footing elevations. The applicant shall use either County of San Diego Standard wall design, City of San Diego Standard Wall design, or custom design walls processed through the Building Department.

E-16 [Driveway Slope]
The Grading Plan must include a profile of the proposed driveway. The longitudinal slope must not exceed 8% within 10' of the street. The slope must not exceed 6% within 25' of the garage door. Between these two areas, the slope must not exceed 25%.

E-17 *[Peak Runoff Mitigation]*
The proposed improvements shall result in a net decrease in impervious area. If this is considered infeasible, the applicant must submit a Hydrology and Hydraulics report. The report must demonstrate that the project mitigates the increase in peak runoff through the use of acceptable LID features.

E-18 *[Utility Service]*
If any new or modified connections to the water or sewer mains in the public right-of-way are proposed, additional plan sets, and review fees may be required.

E-19 *[Stormwater Management Plan]*
The applicant must submit an updated SWMP for Standard Projects. A BMP Site Plan must be included and attached to the SWMP.

E-20 [Stormwater Compliance]
Stormwater compliance requirements are subject to change based on adoption of revisions to state and local regulations. Recent changes to the regulations include the following: revised Priority Development Project definitions, additional/revised hydromodification mitigation requirements, and increased emphasis on on-site retention/re-use. These changes could significantly impact the design, type, and size of BMPs necessary for compliance. The new regional MS4 Permit (Order No. R9-2013-0001) was adopted May 8, 2013.

E-21 *[Existing Easements]*
Prior to issuance of Building Permits the applicant must provide a letter from any easement holder authorizing the proposed improvements within the existing easement.

E-22 *[Material Hauling]*

For material delivery vehicles equal to, or larger than two-axle, six-tire single unit truck (SU) size or larger as defined by FHWA Standards, the applicant shall submit a truck hauling route that conforms to City of Del Mar Municipal Code or to the approval of the City Engineer. A letter from the applicant confirming the intention to use this hauling route shall be submitted to the Department of Public Works and the City Engineering Department, and approved, prior to the issuance of any City permits. All material hauling activities including but not limited to, adherence to the approved route, hours of operation, staging of materials, dust control and street maintenance shall be the responsibility of the applicant. All storage and office trailers will be kept off the public right-of-way. Tracking of dirt onto City streets and walks will not be allowed. The applicant must provide an approved method of cleaning tires and trimming loads on-site. Any job-related dirt and/or debris that impacts the public right-of-way shall be removed immediately. No wash down of dirt into storm drains will be allowed. All material hauling activities shall be done in accordance with applicable City ordinances and conditions of approval. Violation of such may be cause for suspension of work.

E-23 *[Construction Worker Parking]*

The applicant shall provide a construction-parking plan that minimizes the effect of construction worker parking in the neighborhood and shall include an estimate of the number of workers that will be present on the site during the various phases of construction and indicate where sufficient off-street parking will be utilized and identify any locations for off-site material deliveries. Said plan shall be approved by the Department of Public Works and the City Engineer prior to issuance of City permits and shall be enforced during construction. Failure to enforce the parking plan may result in suspension of the City permits.

E-24 *[Site conditions]*

E-24A The applicant shall restrict hours of work for the use of heavy equipment during grading and improvements between the hours of 7AM to 7PM Monday -Friday and 9 AM- 7PM Saturdays, this includes the warmup of equipment. Sunday and City holiday work is prohibited;

E-24B Any relocation or under grounding of SDG&E facilities or other utilities shall be done at the applicant’s expense;

E-24C All construction activities undertaken shall comply with the City’s General Plan and Municipal Code. In cases of conflict between the City’s Municipal Code, these standard conditions of approval, the governing priority shall be, to the extent legally permitted, as follows: 1) City’s Municipal Code regulations; 2) City’s General Plan; 3) Standard Conditions; and

E-24D No storage of trash cans or recycling bins shall be permitted within the public right-of-way,

E-25 *[Revisions to plans]*

Any proposed change to the approved layout/use/activity on the site or any increase in the developed area of the site or any expansion or modification to the approved development, including changes to structures building locations, elevations, parking allocation, or landscaping shall require that a construction change be submitted to City for review and approval.

E-26 *[Survey Monuments]*

E-26A The perpetuation of survey monuments is required and intended to protect both public and private property rights in accordance with federal and state law. Monument perpetuation shall be performed with every Drainage Plan and Street Improvement Plan. A land surveyor shall, upon completion of Drainage Plan, or new improvements, reset any monuments that have been destroyed due to the construction of the project and must file a post-construction Corner Record or Record of Survey with the County Surveyor.

E-26B A hold will be placed on the final inspection for all right of way permits and other types of permits that affect survey monuments. When Engineering Department receive confirmation of the filing of the post-construction Corner Record, or from the land surveyor, the hold will be released, and final inspection can be performed.

PASSED AND ADOPTED by the Design Review Board of the City of Del Mar this 26th day of March, 2025 by the following vote:

AYES:

NOES:

RECUSED: Board member Goodkind, Prater, and Jensen

ABSENT:

ABSTAIN:

_____
Glenn Warren, Chair
Design Review Board
City of Del Mar, California

ATTEST:

_____
Karen Brindley
Planning and Community Development Director
City of Del Mar, California

2

From: Jim Sneed <jsneed@bokalandsneed.com>
Sent: Monday, March 24, 2025 5:07 PM
To: Jean Crutchfield; Robert Scott
Subject: DRB 483 Avenida Primavera
Attachments: Scan_20250324_164744.pdf; SKM_C25825032416460.pdf

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.

Jean,

Please accept these two modifications to the referenced DRB application (see attachments):

1: Omit the two "Fruitless Olive" trees (mature ht. 25') in the front yard setback
2: Omit the chimney projection and change the fireplace to a direct vent heating appliance.

Jim Sneed
Bokal & Sneed Architects
858-481-8244

2

From: Alice Brown <alicewbrn@gmail.com>
Sent: Monday, March 24, 2025 10:34 PM
To: Jean Crutchfield
Subject: Parnell Home, 483 Avenida Primavera

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.

Dear Members of the Design Review Board,

I am writing to lend my support for the proposed remodel at 483 Avenida Primavera. I live directly across the street at 484 Avenida Primavera. We purchased the home in 1978 and have lived here since. I believe the applicant has shown great respect and consideration towards the neighbors and the community in their approach to the proposed development. It remains a single story, is compatible with the homes on the southside of Primavera, the design is in keeping with the coastal aesthetic, and bulk and mass is minimized. I believe they intend to live in their new home, and will be good neighbors and good members of the community.

After living for decades in Del Mar and witnessing the trend for large and larger and more expensive homes with basements and multiple ADUs beyond the 25% FAR, this is an extremely modest new home. Likewise I haven't found any reason to suspect there will be any future 'Spite Hedges" nor has there been any deliberate and intentional attempt to create vegetative screens prior to the design review process. Sadly, the real damaging vegetation was maliciously planted 25 years ago on another property.

I strongly hope that you will consider approving this project. It promises to be a lovely home and through collaboration and good will the end result will be enhanced ocean views and scenic vistas for all.

With respect and with many thanks,

Alice Brown
484 Avenida Primavera
Del Mar, CA 92014

ATTACHMENT C

RJS

PLANNING | ENTITLEMENTS | SUSTAINABILITY

April 25, 2025

Mayor Terry Gaasterland and the City of Del Mar City Council
C/o Sarah Krietor, Administrative Services Manager/City Clerk
City of Del Mar
1050 Camino del Mar
Del Mar, CA 92014

RE: **Response to Appeal of the Design Review Board's Approval of DRB24-006**
The Lisa Parnell Family Home
483 Avenida Primavera, Del Mar, CA 92014

Dear Mayor Gaasterland and Members of the City Council,

Lisa Parnell is the owner of 483 Avenida Primavera and is proposing to remodel and make a one-story addition to the existing home on the property. On March 26, 2025, the Design Review Board fully assessed the project and fully considered view concerns raised by the Appellants, found that there is no unreasonable view blockage from the Appellants' home, and approved the project in a unanimous decision. Below summarizes the project design and the DRB's deliberation process which followed all appropriate protocols and findings necessary in rendering their decision to approve the project.

PROJECT DESIGN SUMMARY

The Parnell Project consists of a modest remodel and one-story addition to the existing home, in a tasteful beach cottage design aesthetic. In essence, this project merely replaces the existing house with a modernized version of itself.

As a one-story design, the project respects the existing neighborhood character and pattern of development, which has resulted in letters of support from surrounding property owners. The maximum building height is 17'-6" and the ceiling plate heights are at 8'-6"; both well within zoning and the City Design Guidelines Recommendations. The design also abates an existing setback encroachment nonconformity on the east side.

The project complies with all Zoning and Design Guidelines recommendations, as is shown in Attachment A. Aside from that, a picture is worth a thousand words and this rendering shows just how modest the home will be.

Response to Appeal
RE: the DRB's Approval of DRB24-006
The Parnell Family Home, 483 Avenida Primavera, Del Mar, CA 92014
April 25, 2025

DESIGN REVIEW BOARD DELIBERATIONS, DECISION, AND CITY COUNCIL APPEAL

As reflected in the DRB minutes from the March 26 hearing, the Appellants raised their view blockage claims to the Design Review Board and the DRB fully assessed and deliberated on all view claims and found there is no unreasonable impairment with respect to the Fouquet's ocean view.

The Appellants now appear to disagree with the DRB's conclusions and want to relitigate by making an absurd claim that their view of a neighbor's vegetation two doors down constitutes a "primary scenic view." They make this claim after the Board assessed the ocean view from their home and found no unreasonable view blockage.

The Design Review Ordinance, Chapter 23.08 of the Municipal Code defines a "*primary scenic view*" as "*a view of the ocean, the community, lagoons, canyons or other scenic vistas from the primary living area of a residence*" (DMMC 23.08.040-B). In this case the DRB appropriately assessed the project on their long-standing practice of assessing the "blue water view" from the Fouquet home. Moreover, under the current definitions under the Del Mar Codes, the argument that a neighbor's cluster of (non-native) banana plants is the Appellant's view simply does not hold water.

Response to Appeal
RE: the DRB's Approval of DRB24-006
The Parnell Family Home, 483 Avenida Primavera, Del Mar, CA 92014
April 25, 2025

Designating a neighbor's vegetation as a "*primary scenic view*," as the Appellants are trying to assert, would also set a dangerous precedent by making the definition of "view" ever more nebulous. For the benefit of applicants and neighbors alike, definitions regarding what constitutes a view should be more clearly defined and codified, not less.

The Appellants disagree with the DRB's decision, and setting the matter for a *de novo* hearing after a unanimous DRB decision sends the wrong message if folks got the idea that they could simply bypass the DRB process if they do not like how the Board decided on a particular project.

The public record speaks for itself. The Parnell home is modest and is in keeping with neighborhood character and reasonably preserves neighbors' ocean views. The DRB did their job appropriately and with integrity. The Board was detailed, disciplined, and deliberative in their findings and conclusions, and approved the project unanimously. Nothing in the record or in the Appellant's appeal letter suggests undoing the work of the Design Review Board. Therefore, and in conclusion, the merits of the appeal are unfounded, and the matter should not be set for a *de novo* hearing.

Please contact architect Jim Sneed at (858) 481-8244 or me at (858) 692-8832 if you have any questions or should any City Council member wish to schedule a site visit to come have a look around.

Respectfully,

Robert J. Scott, PhD, AICP, LEED-AP
Principal Planner

cc: Karen Brindley, Planning and Community Development Director
Matt Bator, Principal Planner
Jean Crutchfield, Associate Planner

Attachment A – Zoning and Design Guidelines Consistency Table

Attachment A

COMPLIANCE WITH DEL MAR ZONING AND DESIGN REVIEW ORDINANCE GUIDELINES

STANDARD	REQUIRED / RECOMMENDED	PROPOSED HOME	CONCLUSION
FRONT YARD SETBACK	20'-0"	20'0"	COMPLIES
REAR YARD SETBACK	25'-0"	48'7"	COMPLIES
SIDEYARD SETBACK	7'-6"	7'-6"	COMPLIES
LOT COVERAGE	40% (3,461 SF)	33.4% (2,891 SF)	COMPLIES
FAR	25% (2,163 SF)	24.2% (2,159 SF)	COMPLIES
FAR-EXEMPT COVERED AREAS	15% of FAR (324 SF)	10.6% (230 SF)	COMPLIES
HEIGHT	26'-0"	17'-6"	COMPLIES
CEILING PLATE HEIGHTS	8-0" – 10'0"	8'-6"	COMPLIES
PARKING	2 Garage Spaces	2 Garage Spaces	COMPLIES
MINIMUM LANDSCAPE AREA PERCENTAGE	45%	47%	COMPLIES

City of Del Mar
Agenda Report

TO: Honorable Mayor and City Councilmembers

FROM: Ashley Jones, City Manager
Clem Brown, Assistant City Manager
Kseniia Izgarskaia, Senior Management Analyst

DATE: May 19, 2025

SUBJECT: Recap of the 2025 City Council Goals and Priorities Setting Workshop and Council Approved FY 2025-26 and FY 2026-27 City Work Plan

REQUESTED ACTION/RECOMMENDATION:
Staff recommends that the City Council receive this report, which includes the approved Fiscal Year (FY) 2025-26 and FY 2026-27 City Work Plan reflecting Council feedback from the 2025 City Council Goals and Priorities Setting Workshop, and provide direction to staff as appropriate.

DISCUSSION/ANALYSIS:
On March 5, 2025, the City Council held a Goals and Priorities Setting Workshop (Workshop) to review and update the City Work Plan for FY 2025-26 and FY 2026-27, in preparation for the upcoming two-year budget process. At the Workshop, the City Council received an update on the work plan items that have or will be completed in FY 2024-25; reviewed and provided feedback on the FY 2025-26 and FY 2026-27 City Work Plan; and considered Council-proposed work plan items.

The City Council was supportive of the proposed updates to the FY 2025-26 and FY 2026-27 City Work Plan as presented by staff at the Workshop. The Fiscal Years 2025-26 and 2026-27 City Work Plan (Attachment A) reflects some Tier 3 work plan items added by the City Council as follows: 1) Added an item to evaluate increasing the City's solar capacity on City owned property; and 2) Added an item to create a new City Facilities Gas Appliances Inventory, evaluate the replacement of City gas-powered vehicles and equipment with electric as feasible, and for staff to work on a policy that prioritizes the purchase of electric appliances when possible for recommendation by Sustainability Advisory Committee and consideration by the City Council.

Throughout the year, staff will update the FY 2025-26 and FY 2026-27 City Work Plan as may be needed to reflect any new work plan items approved by the City Council.

Much of the workshop discussion focused on new work plan items proposed by individual Councilmembers for consideration by the full Council. Council consensus was to remove the following Council-proposed items from the list for future consideration: Shores Park

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City Council Action:

Community Garden; 2050 Vision for Del Mar; reactivating the upper deck expansion project at the Powerhouse Community Center; and Cannabis/CBD Retail Sales/Stores Ordinance.

The City Council also discussed the remaining items on the FY 2025-26 Council-proposed Work Plan Items list and directed staff to return with more information on each item at a future meeting. A summary of the Council direction provided on these items along with a staff response for each is included in Attachment B.

FISCAL IMPACT:
There is no fiscal impact or action to be taken by the City Council related to this agenda item. Funding needed for any approved FY 2025-26 and FY 2026-27 work plan items will be incorporated into the proposed FY 2025-26 and FY 2026-27 Operating and Capital Budget for the Council's consideration during the May 2025 City Council Budget Workshop.

ENVIRONMENTAL IMPACT:
The proposed City Council action does not constitute a "project" under the definition set forth in California Environmental Quality Act (CEQA) Guidelines Section 15378 because it will not have a potential to result in a direct or indirect physical change in the environment and is, therefore, not subject to CEQA. No further action under CEQA is required.

NEXUS TO CITY COUNCIL GOALS AND PRIORITIES:
The purpose of this item is to memorialize the FY 2025-26 and FY 2026-27 City Council Goals and Priorities/City Work Plan.

ATTACHMENTS:
Attachment A - Final FY 2025-26 and FY 2026-27 City Council Goals and Priorities
Attachment B - Summary of Proposed Council-Initiated Work Plan Items

TIER 1: Essential/Non-Discretionary Services (State Mandated/Legally or Contractually Required)					
Reference No.	**Item Name**	**Description**	**Status**	**Fiscal Year(s)**	**Department(s)**
1	Short-Term Rentals (STR) Regulation Administration *(New)*	Issue RFP and complete implementation of an STR administration platform including registration and permitting, maintaining an STR database, monitoring STR activity, compliance and code enforcement support, community outreach, and TOT remittance and auditing.	Staff is in the process of preparing a Request for Proposals (RFP) to hire a consultant who would manage short-term rental (STR) administration with the City. The City aims to initiate contractor services as soon as possible with "go live" coordinated to begin when the California Coastal Commission (CCC) approves the City's STR regulations (anticipated to be in late 2025).	FY2025-2026	Administrative Services Planning
2	City Website ADA Compliance *(New)*	Evaluate City Website ADA compliance and implement solutions to maintain compliance and meet the newly released DOJ mandate by April 2027 as required by law.	Staff is working with its website hosting vendor to analyze current state of compliance and evaluate solutions.	FY2025-2026 FY2026-2027	Administrative Services Information Systems
3	Participation in Multiple SANDAG Major Projects: - San Diego LOSSAN Rail Realignment - DM Bluff Stabilization 5 - DM Bluffs Access Improvements - San Dieguito Double Track & Special Events Platform	On-going coordination and work with SANDAG and the public on significant CIP projects happening in parallel, including the San Diego LOSSAN Rail Realignment Project; Del Mar Bluff Stabilization Project 5; Del Mar Bluffs Access Improvements Project (informed by the Coastal Connections Conceptual Planning Study); and the San Dieguito Double Track and Special Events Platform project, which involves relocation of City water/wastewater utility lines, a pedestrian undercrossing, license agreements, and an encroachment permit.	Coordination and participation with SANDAG on various SANDAG projects affecting Del Mar is ongoing and involves a substantial amount of City staff time from multiple departments.	FY 2025-2026 FY 2026-2027	City Manager's Office Public Works Planning City Attorney
4	Senate Bill 9 (SB 9) Implementing Ordinance/LCPA	Ordinance/LCPA is in process to implement State law provisions consistent with CCC guidance to harmonize housing law with the Coastal Act. SB 9 provisions took effect January 1, 2022; however, the CCC confirmed that any application submitted prior to processing of the LCPA must be processed in accordance with the existing certified LCP to ensure protection of coastal resources. Coastal Commission certification is pending.	In-process. City Council adopted Ordinance in June 2023. CCC certification action is pending. Final certification to complete project is anticipated summer 2025.	FY2025-2026	Planning
5	ADU Ordinance/LCPA for Consistency with State Law	Ordinance/LCPA is in process for consistency with State law as needed to harmonize State housing law and the Coastal Act and address inconsistencies previously identified. Prepare and process amending Ordinance/LCPA with CCC modifications for City Council action as needed for Coastal Commission final certification.	In-process. City Council adopted Ordinance in December 2023. CCC certification action is pending. Final certification to complete project is anticipated summer 2025.	FY2025-2026	Planning
6	Tiny House Regulations (6th Cycle Housing Element Program 2F)	Ordinance/LCPA is in process to clarify that tiny houses are allowed in accordance with the ADU regulations. Prepare and process amending Ordinance/LCPA with CCC modifications for City Council action as needed for Coastal Commission final certification.	In-process with ADU Ordinance. City Council adopted December 2023. CCC certification action is pending. Final certification to complete project is anticipated summer 2025.	FY2025-2026	Planning

TIER 1: Essential/Non-Discretionary Services (State Mandated/Legally or Contractually Required)					
Reference No.	**Item Name**	**Description**	**Status**	**Fiscal Year(s)**	**Department(s)**
7	Amend Central Commercial (CC) Zone (6th Cycle Housing Element Program 1C)	Ordinance/LCPA is in process to allow 20 du/ac density to create adequate sites and facilitate affordable housing. City must prepare and process amending Ordinance/LCPA with CCC modifications for City Council action as needed for Coastal Commission final certification.	In-process. City Council adopted Ordinance April 2024. CCC conditionally certified the LCPA February 2025. Final certification to complete project is anticipated by June 2025.	FY2025-2026	Planning
8	Process Ordinances to create incentives and an Affordable Housing Overlay Zone - (6th Cycle Housing Element Program 1D and 1I)	Utilize data from Phase II studies completed January 2023 to prepare Ordinance/LCPA creating an overlay zone to apply objective design standards and provide site-specific incentives for affordable housing projects on sites relied upon for the 6th Cycle Housing Element. Will involve discussion of potential options related to scale and compatibility of development that could occur. Action is required per Housing Element Program 1D due to production of less than 30 lower income units by April 2025.	In-process. Will require Planning Commission recommendation, City Council introduction and adoption of Ordinance, and Coastal Commission certification.	FY2025-2026 FY2026-2027	Planning
9	Prepare Fair Housing Materials (6th Cycle Housing Program 6B)	Prepare and publish Fair Housing Materials in English and Spanish in order to implement a component of Program 6B, Affirmatively Furthering Fair Housing. Materials will be made available on the City's website and local non-profits.	In-process. Will coordinate with implementation of Housing Element Programs 4A/4B.	FY2025-2026	Planning
10	Fairgrounds Housing Strategy (6th Cycle Housing Element Program 3A)	Secured Exclusive Negotiating Rights Agreement (ENRA) with 22nd District Agricultural Association (DAA) in March 2024. City is utilizing findings of Phase I feasibility studies to assist DAA with preparation and processing of task orders and other tasks specified in the ENRA for site selection and negotiation of a lease agreement that aligns with the Fairgrounds strategic planning process.	In-process. Continue to implement terms of ENRA, which was approved by Fair Board February 20, 2024 and Del Mar City Council March 4, 2024. Next steps include the 22nd DAA site selection, with feasibility studies continuing through March 2026 to facilitate site selection and other due diligence studies for solicitation of affordable housing developer.	FY2025-2026 FY2026-2027	Planning City Manager's Office
11	Affordable Housing on City-Owned Properties at 10th Street and 28th Street (6th Cycle Housing Element Program 3B)	Pursue Cycle 6 Smart Growth Incentive Program (SGIP) funds to facilitate completion of feasibility and due diligence studies (supplemental economic studies, mobility access, environmental assessment, site design feasibility, view corridor analysis, infrastructure and utilities assessment); affordable housing developer selection, planning, engineering, and building plans; CEQA documentation and entitlements for City development project on City-owned vacant lot on 10th Street to develop 4-8 units for lower income households per Housing Element Program 3B. Additionally, staff will evaluate next steps for the 28th Street site.	In-process and requires multiple steps. Preparation of City Council Resolution is in process for City Council March/April 2025 to request authorization for SGIP grant submittal, which is due to SANDAG by April 11, 2025. Grant funding will facilitate items included in description.	FY2025-2026 FY2026-2027	Planning
12	STR Permit Fee Ordinance *(New)*	Prepare and process Ordinance to establish a STR Permit Fee. Coordinate with consultant to identify the associated cost for implementation of STR permit issuance, monitoring, and enforcement.	In-process. RFP process to select consultant is in process. Ordinance adoption anticipated summer 2025.	FY2025-2026	Planning, Administrative Services, City Attorney

TIER 1: Essential/Non-Discretionary Services (State Mandated/Legally or Contractually Required)					
Reference No.	**Item Name**	**Description**	**Status**	**Fiscal Year(s)**	**Department(s)**
13	Short Term Rental Regulations/Preservation of Existing Housing Stock (6th Cycle Housing Element Program 5C)	Process Ordinance/LCPA to regulate short term rentals. Update correlates with NC Zone Referendum Settlement Agreement.	In-process. City Council adoption September 2024. Coastal Commission certification review of Ordinance/LCPA is pending and CCC certification action is anticipated in fall 2025.	FY2025-2026 FY2026-2027	Planning City Attorney
14	General Plan Update: Safety Element Update (6th Cycle Housing Element Program 6H)	City must update the Safety Element per Housing Element and State law. Update correlates with other required updates relating to Environmental Justice Element and Open Space Element updates, Fire Hazard Severity Zone Map Update, and ADU Regulations Update.	In-process. Planning staff is working with CalFire to finalize a draft for public review and processing. Will require Planning Commission recommendation and City Council approval to complete.	FY2025-2026	Planning
15	General Plan Update: New Environmental Justice Element (6th Cycle Housing Element Program 6E)	City must create a new Environmental Justice Element per Housing Element. Update correlates with other required updates relating to the Safety Element and Open Space Element updates.	In-process. Planning staff is preparing a draft document for public review and processing. Will require Planning Commission recommendation and City Council approval to complete.	FY2025-2026	Planning
16	General Plan Update: Open Space Element Update (SB 1425)	By January 1, 2026, City must update Open Space Element to address specified climate resilience and rewilding criteria to provide coordinated mitigation of impacts to new development. Correlates with Environmental Justice Element and Safety Element updates.	Not yet started.	FY2025-2026 FY2026-2027	Planning
17	Residential Care Facilities (6th Cycle Housing Element Program 4A)	Prepare and process Ordinance/LCPA to clarify this land use type and bring the regulations into compliance with State law. City is using HAP Grant funds to implement by March 2026.	In-process. Will require Planning Commission recommendation, City Council approval, and Coastal Commission certification to complete.	FY2025-2026 FY2026-2027	Planning and City Attorney
18	Emergency Shelters, Transitional Housing, Supportive Housing, and Low Barrier Navigation Centers (6th Cycle Housing Element Program 4B)	Prepare and process Ordinance/LCPA for compliance with State law. Develop procedures and informational handouts to connect people to resources. City is using HAP grant funds to implement by March 2026.	In-process. Will require Planning Commission recommendation, City Council approval, and Coastal Commission certification to complete.	FY2025-2026 FY2026-2027	Planning and City Attorney
19	Mid Cycle ADU Production Evaluation (6th Cycle Housing Element Program 2E) *(New)*	Prepare Mid Cycle ADU Production Evaluation that accounts for data collected in the 2024 APR report to HCD (March 2025) and identifies potential new opportunities to create low income ADUs, which may involve future processing and consideration of amendments to existing incentive programs adopted in December 2023.	Not yet started.	FY2025-2026	Planning
20	Reasonable Accommodation Regulation Zone Code Amendment *(New)*	Prepare and process an Ordinance to create a new Del Mar Municipal Code Chapter that will update regulations for reasonable accommodation requests consistent with applicable State and Federal Fair Housing regulations. Relates to Housing Element Program 7F.	Not yet started.	FY2025-2026	Planning and City Attorney

TIER 1: Essential/Non-Discretionary Services (State Mandated/Legally or Contractually Required)					
Reference No.	**Item Name**	**Description**	**Status**	**Fiscal Year(s)**	**Department(s)**
21	Update to Building and Fire Codes *(New)*	Prepare and Process Ordinance to adopt the latest California Building and Fire Codes and incorporate local modifications as desired. Routine update processed every three years. New Codes will be effective January 1, 2026.	Not yet started.	FY2025-2026	Planning and City Attorney
22	Annual Water System Priority Improvements	Water System repairs and improvements.	Preparing bid documents to complete high priority valve repairs throughout City. Construction anticipated in spring 2026.	FY2025-2026 FY2026-2027	Public Works
23	Annual Wastewater System Priority Improvements	Wastewater System repairs and improvements.	Project modified once USEPA FY24 Community Grants Project Funding received. Preparing application documents for federal review. Design to be completed in FY2025-2026.	FY2025-2026 FY2026-2027	Public Works
24	Annual Storm Drain System Priority Improvement	Replace storm drain facilities that have surpassed their useful life.	Project modified once USEPA FY24 Community Grants Project Funding received. Preparing application documents for federal review. Design to be completed in FY2025-2026.	FY2025-2026 FY2026-2027	Public Works
25	Annual Bike Route Repairs	Repair bike lanes on major arterials; CDM, JDB, Via de la Valle, Carmel Valley Road.	Work to be completed as part of Annual Pavement Management Program.	FY2025-2026 FY2026-2027	Public Works
26	Annual Pavement Management Program (baseline)	Annual Roadway Repairs to Major Arterials and Residential Streets.	City staff is working with Del Mar Fairgrounds staff to consider striping and pavement improvements on Jimmy Durante Blvd.	FY2025-2026 FY2026-2027	Public Works
27	Annual Small Area Pavement Repair Contract	Citywide small area asphalt paving/repairs.	Occurs twice per year depending on repair quantities.	FY2025-2026 FY2026-2027	Public Works
28	Camino del Mar Bridge Replacement Project	Replace Camino del Mar Bridge over San Dieguito River in accordance within Federal Highway Bridge Program requirements.	Design documents are at 65% complete and most resource agency permits are completed. Design will be completed by December 2025. Caltrans review for construction approval and Construction Management procurement will begin in early 2026. Project construction scheduled to begin December 2026.	FY2025-2026 FY2026-2027	Public Works Planning
29	Riverpath Del Mar Phase 3	Extend Riverpath Del Mar from Grand Avenue Bridge to Crest Canyon.	Continuing to work on grants to secure construction funding. Construction targeted for September 2025, but may need to be pushed to 2026 due to uncertainty with various grant funding timelines; timing will need to be coordinated with Crest Canyon Undergrounding to avoid construction overlap.	FY2025-2026 FY2026-2027	Public Works Planning
30	Utility Undergrounding District 1A (Stratford South)	Undergrounding of above ground dry utilities into joint trench and underground service laterals.	City Construction substantial completion by March 2025. Final paving to be completed after Utility companies construction. Homeowner Service Laterals estimated completion May 2025. Utility Companies estimated completion by end of 2025.	FY2025-2026 FY2026-2027	Public Works City Manager's Office
31	Utility Undergrounding District X1A (Crest Canyon)	Undergrounding of above ground dry utilities into joint trench and underground service laterals.	Design and permitting completed March 2025. SDG&E IFC bidding phase another 5 months. Construction targeted to begin Fall 2025 and last approximately 18 months.	FY2025-2026 FY2026-2027	Public Works City Manager's Office
32	Utility Undergrounding District 1B (Stratford North)	Undergrounding of above ground dry utilities into joint trench and underground service laterals.	SDG&E preliminary design completion February 2025. Design and permitting currently paused until FY 2026-2027. Construction targeted to begin in Early 2029. Final decision pending City Council.	FY2025-2026 FY2026-2027	Public Works City Manager's Office

TIER 1: Essential/Non-Discretionary Services (State Mandated/Legally or Contractually Required)					
Reference No.	**Item Name**	**Description**	**Status**	**Fiscal Year(s)**	**Department(s)**
33	Utility Undergrounding District 25th Street (20A) *(New)*	Undergrounding of above ground dry utilities into joint trench and underground service laterals. Funding included as part of Rule 20A.	District formation completed August 2024. Design targeted to start FY 2025-2026. Construction needs to be completed by December 2030 to use 20A funds.	FY2025-2026 FY2026-2027	Public Works City Manager's Office
34	Water Valve Replacement Project	Replace broken water valves as identified in maintenance program.	Occurs annually usually around April of each year.	FY2025-2026 FY2026-2027	Public Works
35	Major Facility Repairs	Essential building (City Hall, Library, Public Works, Community Services, etc.) repairs including exterior, doors/windows, electrical, plumbing, HVAC, fire and security systems.	Work will occur throughout each fiscal year.	FY2025-2026 FY2026-2027	Public Works
36	Storm Drain Capture Devices	A "storm drain capture device" is a system installed at a storm drain inlet designed to catch and trap debris, primarily trash, before it enters the storm drain system and flows into waterways. This is required by California Regional Water Quality Control Board. The City installs/replaces approximately 7 storm drain capture devices per year. The exact number and locations of the devices are determined based on the results of annual inspection and the proximity to sensitive ocean reception points.	Occurs annually usually around or by June of each year.	FY2025-2026 FY2026-2027	Public Works Clean Water Consultant
37	Jimmy Durante Boulevard Bike Lane Modification Project *(New)*	Safety enhancements to modify four curb inlets along northbound Jimmy Durante Boulevard between Luzon Avenue and San Dieguito Drive.	Engineering evaluation complete. Recommended remove and replacing the existing five (5) Type C Curb inlets and Concrete Aprons with modified Type B Curb inlets.	FY2025-2026	Public Works
38	Amendment to City of San Diego Wastewater Transportation and Disposal Agreements	Identify options to amend Metropolitan Wastewater Commission Treatment and City of San Diego Wastewater Transportation Agreements for Council consideration. The City currently transports majority of its wastewater to the San Elijo Joint Powers Authority water reclamation facility in Encinitas via Solana Beach's system.	Amendment discussions with City of San Diego and Regional Wastewater Commission JPA underway.	FY2025-2026 FY2026-2027	Public Works City Manager's Office
39	Jimmy Durante Boulevard Bluff Repair Project	Design and construct improvements to permanently protect bluff in City right of way along Jimmy Durante Boulevard.	60% Engineering Design and draft CEQA Notice of Determination Complete. Scheduled informational Item at April 7, 2025 City Council Meeting.	FY2025-2026	Public Works Planning

TIER 2: Important Items that Support City Operations/Values (Not Mandated/Legally Required)					
Reference No.	**Item Name**	**Description**	**Status**	**Fiscal Year(s)**	**Department(s)**
1	Enterprise Resource Planning (ERP) System Selection Process	The City's current financial system will sunset on March 1, 2027. To ensure timely selection and implementation of new financial system, the solicitation process for a replacement ERP system began in mid-2024.	Began reviewing options and pricing of new system in 2023. Vendor selection and contract approval are planned for Council consideration in April-May 2025 with project initiation anticipated in May-June 2025	FY2025-2026 FY2026-2027	Administrative Services
2	Cost Allocation Plan Update	The last update to the City's cost allocation plan was completed internally in 2016, and needs to be updated (best practice is to complete every 5 years). This is a multi-year process that is expected to begin in July 2025 and involves issuing a Request for Proposal (RFP) to hire a consultant to assist with this effort.	Goal is to start the process by issuing a RFP for consulting services in FY 2025-26, with the goal of completing an updated Cost Allocation Plan by end of FY 2026-27.	FY2025-2026 FY2026-2027	Administrative Services
3	Civic Center Operations Guide	Comprehensive update to the City's facility use policies, including proposed updates to the list of eligible non-profits.	Staff brought an initial discussion item to Council on January 22, 2024. Staff continues working on the item in collaboration with the Council subcommittee with plans to return to the Council with recommended changes in 2025.	FY2025-2026	Administrative Services
4	Climate Action Plan Update	With support from a consultant, staff will update the City's 2016 Climate Action Plan, Greenhouse Gas (GHG) Inventory, and mitigation strategies to align with other CAPs in the region and industry best practices.	Staff will issue an RFQ in FY2024-2025 to hire a technical consultant to assist the City developing new GHG inventories, updating the CAP, associated mitigation strategies, and monitoring. In FY2024-2025, staff will apply for Cycle 6 SGIP grant funds to complete the update (April 2025). The CAP Update will be completed in FY2025-2026.	FY2025-2026	City Manager
5	Solar Energy Partnership (6th Cycle Housing Element Program 6D)	Partner with programs like CEA or the Center for Sustainable Energy to install solar on multi-unit, lower income housing to meet renewable energy goals in Climate Action Plan.	Staff is analyzing available programs, but has not yet entered into a partnership.	FY2025-2026	City Manager Planning
6	Citywide Curbside Management Inventory *(New)*	Staff has identified a need to conduct a comprehensive curbside management inventory of all existing red curbs and "no parking" areas along public streets. Working with the City's traffic Engineer, MBI, staff will coordinate with the Fire Department to review intersections for accessibility and validate the City's existing red curbs. Finally, the data will be used to calculate the City's available parking supply to assist with compliance reporting requirements of the City's Coastal Development Permit.	MBI has developed a scope of work totaling $135,500 to complete this work. If approved, the project would be completed in FY 2025-2026.	FY2025-2026	City Manager Planning Public Works Community Services Fire Department
7	Housing Acceleration Program (HAP) Grant Funding - Cycle 2	SANDAG awarded Cycle 2 HAP grant funding (October 2023) for implementation of the City's Housing Element including $1.5 million capital funds for Fairgrounds Housing project and $181,000 planning funds for Objective Design Standards and 4A/4B Supportive Housing Ordinance. Funding applies to work starting January 1, 2024. HAP grant funds must be expended by March 2026.	In-process through March 2026.	FY2025-2026	Planning

TIER 2: Important Items that Support City Operations/Values (Not Mandated/Legally Required)					
Reference No.	**Item Name**	**Description**	**Status**	**Fiscal Year(s)**	**Department(s)**
8	Tree, Scenic Views, and Sunlight Ordinance (TSVS) Update	Prepare and process and amendment to the TSVS Ordinance.	In-process. The City Council identified Guiding Principles and Objectives in September 2024 and staff is preparing the Ordinance. Will require Planning Commission recommendation (anticipated March 2025), City Council introduction and adoption (anticipated May 2025).	FY2025-2026	Planning
9	Comprehensive Tree Policy and Regulatory Standards Update	Revise existing City tree policies for both public and private trees, with an overall goal of protecting and enhancing the City's urban forest tree canopy while managing the City's wildfire risk.	Anticipated to start summer of 2025.	FY2025-2026	Planning
10	Amend Sand Compatibility Opportunistic Use Program (SCOUP) Permits with Resource Agencies to Account for Change in San Dieguito Lagoon Conditions *(New)*	Prepare and process permit applications with United States Army Corps of Engineers (USACE) and Regional Water Quality Control Board (RWQCB) to amend the existing SCOUP permits to allow the City to accept beach quality sand for beach nourishment when available. The permit issued by USACE in July 2024 impacted the feasibility of City implementation due to the restrictive limits on sediment quantities imposed and USACE's large volume sand placement in Encinitas and Solana Beach in 2024.	Work has not yet started.	FY2025-2026	Planning
11	San Dieguito Lagoon Shoreline Protection Planning Project (Levee/Trails) and Implementation of State Parks Grant Funding *(New)*	City and San Dieguito River Park JPA are coordinating on a joint project to develop living levees and trails along the north and south banks of the San Dieguito River. State Parks awarded $500,000 grant funding to City and $1.3 million to the SDRP JPA. The City executed task orders with Dudek ($500,000) and kicked off work in January 2025 to complete environmental, engineering, and permitting task orders. A MOU with SDRP JPA will be executed to facilitate completion of additional task orders using grant funds through June 2027. This effort correlates to new City CIP project.	In-process through June 2027.	FY2025-2026 FY2026-2027	Planning Public Works
12	Review and Update the Carmel Valley Precise Plan (CVPP)	Comprehensive review and potential updates to the CVPP, through the appropriate process (entitlements, environmental review, public participation, etc.), as may be recommended by staff/City Attorney's office.	The City Attorney initiated the review of the CVPP. Should the CVPP need to be updated, a completion date of Fall 2026 is anticipated.	FY2025-2026 FY2026-2027	Planning City Attorney
13	Evaluate updating Del Mar Municipal Code Chapter 24.70 (lot line adjustments) *(New)*	Evaluate updating lot line adjustment/lot consolidation regulations, with consideration of requiring a lot line adjustment parcel map for any lot line adjustments or lot consolidation. Update would require processing a Zone Code Amendment and preparing an Ordinance; Planning Commission recommendation and City Council introduction and adoption of Ordinance.	Work has not yet started.	FY2026-2027	Planning and Engineering
14	San Dieguito Drive Improvements	Construction of San Dieguito Drive between Racetrack View Drive and Oribia Road as part of an approved assessment district.	Construction anticipated after Work Zone 1 of UUD X1A (Crest Canyon) in FY 2025-2026.	FY2025-2026	Public Works City Manager's Office Planning

TIER 2: Important Items that Support City Operations/Values (Not Mandated/Legally Required)					
Reference No.	**Item Name**	**Description**	**Status**	**Fiscal Year(s)**	**Department(s)**
15	29th Street Seawall and Beach Access	Design and permit the northern half of the sea wall and beach access.	Conceptual design and cost estimate is proceeding FY 2024-2025. Design and permitting is targeted to begin FY 2025-2026 and construction in FY2026-2027.	FY2025-2026 FY2026-2027	Public Works
16	Caltrans Bridge Inspection Program Recommended Bridge Repairs	Critical bridge infrastructure repairs recommended by CALTRANS as a result of annual inspection of the City's five bridges.	Bridge inspections identified concrete and miscellaneous repairs needed at three City bridges. Project will need to be designed and put out for public bid. Project on hold until after programmatic EIR is completed in 2025.	FY2025-2026	Public Works
17	Stratford Court South Pavement Improvements	Paving improvements for the Stratford Court South area following the undergrounding project. Grind & overlay improvements for low PCI (Pavement Condition Index) streets of Stratford Court from 4th St to 12th St, Little Orphan Alley, and Melanie Way. Pavement sealing application for other streets within the Stratford Court South UUD 1A District with trench lines.	Construction targeted after UUD 1A (Stratford Ct South) in FY 2025-2026.	FY2025-2026	Public Works
18	Crest Canyon Pavement Improvements *(New)*	Paving Improvments for the Crest Canyon area following the undergrounding project. Grind & overlay improvements for portions of low PCI (Pavement Condition Index) streets of Zuni Dr, Avenida Primavera, and Serpentine Dr. Pavement sealing application for Crest Road and adjacent streets with trench lines.	To be included as alternative bid item with UUD X1A (Crest Canyon). Construction targeted after UUD X1A (Crest Canyon) end of FY 2026-2027.	FY2026-2027	Public Works
19	Public Right of Way (ROW) Vegetation Maintenance Regulations *(New)*	Development of an Ordinance regulating the maintenance of private property vegetation and trees by private property owners, if the vegetation encroaches on the City's right-of-way.	Work has not yet started. The Ordinance would make clear that maintenance and related liability of vegetation originating from private property in the public ROW is the responsibility of the property owner who owns the vegetation, not the City.	FY2025-2026	Public Works Planning

TIER 3: Dicretionary/Non-Essential Work Plan Items That Could be Differed or Eliminated (Not Required)					
Reference No.	**Item Name**	**Description**	**Status**	**Fiscal Year(s)**	**Department(s)**
1	California Municipal Treasurers Association (CMTA) Investment Policy Certification Program	Pursue CMTA Investment Policy Certification. CMTA program provides professional guidance and assistance in developing and/or improving investment policies that meet industry best practices for California's public sector agencies.	Begin certification process in July/August 2025. Will solicit feedback from the City's Finance Committee.	FY2025-2026	Administrative Services
2	Citywide Plaque Policy	Development of a City plaque policy that is consistent with the City's branding guide for consideration by the City Council in FY 2025-26.	The item is on the Parks & Recreation Committee Work Plan for FY2025-26.	FY2025-2026	City Manager's Office Planning Public Works
3	Del Mar Foundation Proposal to Plant 40 Trees in Del Mar	The Del Mar Foundation has proposed to plant 40 trees throughout Del Mar to commemorate their 40th Anniversary. The Council referred the proposal to staff and the Parks and Recreation Committee for further vetting and a recommendation.	Del Mar Foundation's proposal includes trees on private property, City replacement trees, and new trees in public spaces. DMF has paid to replace 15 City trees and plant 8 additional private trees. The Parks & Recreation Committee has recommended for approval new City trees. City staff has recommended DMF complete community outreach and further refine the proposal, if necessary, before moving forward to City Council.	FY2025-2026	Public Works
4	Major Arterial Median Improvements	Design of drought tolerant landscaping and irrigation efficiency enhancements along major arterial median segments, currently planned for four locations as Phase I of project. CDM 15th Street to San Dieguito River Bridge; Jimmy Durante Blvd/Via De La Valle Triangle; Jimmy Durante Roundabout to CDM Merge; and CDM 4th to 9th Street.	Landscaping palette and conceptual design is currently underway for FY 2024-2025. Final design is anticipated FY2025-2026 with construction in FY2026-2027. Work will continue on this project as time permits based on CIP project management staff capacity.	FY2025-2026 FY2026-2027	Public Works
5	Native American Plaque	Development of a proposal for content and location for placement of a sign honoring the Native American history in Del Mar by the Parks and Recreation Committee in FY 2024-25 for City Council consideration in FY 2025-26.	Parks & Recreation Committee has reviewed work for a panel at Grand Avenue Bridge. Second proposal for smaller rock or monument along Riverpath trail forthcoming.	FY2025-2026	Public Works City Manager's Office
6	Solar Capacity on City Owned property	Evaluate the possibility of increasing the City’s solar capacity on City owned property.	The work will commence in FY 2025-2026. the Sustainability Advisory Committee (SAC) will support staff in research funding prospects to support City electrification and the expansion of solar on City facilities. Staff will work with the Public Works Department on more technical components of understanding facility capacity.	FY2025-2026 FY2026-2027	City Manager's Office
7	City Facilities Gas Appliances Inventory	Development of a policy that prioritizes the purchase of electric appliances when possible for recommendation by Sustainability Advisory Committee and consideration by the City Council.	The work will commence in FY 2025-2026.	FY2025-2026	Public Works City Manager's Office

FY 2025-26 City Council Goals & Priorities Workshop
List of Council-Identified Proposed Work Plan Items

1) **Turn the Design Review Guidelines into Design Review Ordinances**
There was Council consensus to move forward with turning the design review guidelines into design review ordinances.

Staff Follow-Up: This effort will first require obtaining clear direction from the City Council regarding its expectation. Once that information is obtained, it is anticipated that staff will either be 1) drafting an ordinance to amend DMMC Chapter 23.08 (Design Review) to incorporate the Design Guidelines into that Chapter as regulatory "standards of review" for DRB permit approval; or 2) incorporating the Design Guidelines into Title 30 of the DMMC (Zoning Code) as regulatory development regulations. Staff will need to study the alternatives in consultation with the City Attorney to determine the most appropriate way to proceed and what procedural changes to the development review/permitting process should be considered, if any. If it is determined that incorporating the Design Guidelines in the Zoning Code would be most beneficial to the development review process, processing a Local Coastal Program Amendment (LCPA) with the Coastal Commission will be required. It should be noted that the Design Guidelines are divided into three sections, Single-Family Residential, Multi-Family Residential, and Commercial.

No outside consultants will be required for the drafting of an ordinance to amend the Municipal Code. However, it is estimated that approximately 30 hours of City Attorney time will be required.

Given the priority placed on special projects currently underway and staff capacity, it is anticipated that this work effort could commence at the beginning of 2026 (Jan./Feb.) and would take approximately 6-8 months to complete the City process. There would be an estimated additional 12-18 months of processing time if LCPA is required.

Because the Design Guidelines are already incorporated heavily into the discretionary development review process but in a less "regulatory" fashion, staff would suggest that City Council categorize this as a Tier 2 or Tier 3 priority item and not delay or defer any other item currently on the Planning Department's workplan in order to start this one sooner.

2) **Reconsider Advisory Committee Structure**
Council consensus was to form a subcommittee of Mayor Gaasterland and Deputy Mayor Martinez to evaluate potential revisions to the City's advisory committee structure with the goal of bringing any proposed changes to the City Council for consideration before the end of the calendar year with changes going into effect in 2026.

Staff Follow-Up: Council directed a subcommittee comprised of Mayor Gaasterland and Deputy Mayor Martinez to work with City staff to evaluate potential revisions to the City's advisory committee structure and related policies/practices. The initial recommendations will be presented to City Council on May 5, 2025, with the goal of bringing any additional proposed changes to the Council for consideration before the end of the calendar year. This item is expected to have minimal cost impacts, and it is estimated to require approximately 10-20 staff hours.

3) **Amend City Appeals Procedure Consider Modifications to the Del Mar Municipal Code**.
Council consensus was to direct staff to work with the City Attorney's Office to evaluate the appeal procedure for administrative approvals with the goal of streamlining the process to put the appeal decision in front of the right decision-making body.

Staff Follow-Up: This effort will involve staff collecting and reviewing appeal procedures from neighboring agencies and other coastal agencies of a similar size. Staff will then work with the City Attorney's Office to identify options for Council consideration of potential code revisions that would be effective for Del Mar. If the Council decides to proceed with code changes, staff will prepare an ordinance for City Council's consideration and adoption. It is anticipated that this effort will include conducting the research, preparing and presenting options to Council, and drafting a related ordinance, all of which will take approximately 25 staff and City Attorney hours.

4) LOSSAN Rail Realignment Lobbying

There was Council consensus to for staff to work with the City's consultant Townsend Public Affairs to get cost estimates and more information about what would be involved in the LOSSAN Rail Realignment lobbying effort as proposed by Council.

Staff Follow-Up: Staff will work with Council to understand how Townsend Public Affairs (TPA) and/or other outside consulting resources could support LOSSAN Rail Realignment advocacy, obtain estimated costs, and determine next steps.

5) Options to Obtain Resident Input on How/Whether to Continue Undergrounding Program

There was Council consensus in support of having staff gather more information about the various options (ballot measure, survey, etc.) for the Council to receive resident input on whether to continue with the Citywide Undergrounding Program.

Staff Follow-Up: The City Council could consider various options for receiving resident input on the Citywide Undergrounding Program including conducting an informal survey distributed by staff, conducting a formal community survey led by a specialized consultant, holding community workshops or public City Council discussions to solicit feedback, and/or placing a measure on the November 2026, General Municipal Election ballot. These options vary in cost and staff time.

As an example, a city-initiated ballot measure is estimated to cost $30,000-$40,000 and would take approximately 50 staff and City Attorney hours, and the last formal third-party community survey conducted by the City in 2016 cost $21,000.

6) Bike Lanes Safety Improvements

The Council discussed looking for opportunities to improve bike lane safety when possible, such as through the existing Jimmy Durante Bike Lane Improvement workplan item.

Staff Follow-Up: Staff proactively works with City traffic engineers and bicycle advocacy groups to identify bicycle lane safety improvements. The physical improvements are typically integrated into the City's Pavement Management Program because fresh asphalt pavement is the City's best opportunity to install the improvements with new thermoplastic striping.

For example, staff has been working with the City's Traffic Engineer, Del Mar Fairgrounds (including Del Mar Thoroughbred Club), and bicycle advocacy groups to improve bicycle safety along Jimmy Durante Boulevard. The improvements are targeted for installation after Jimmy Durante Boulevard receives a fresh asphalt grind and overlay in late 2025/early 2026. Previous bicycle lane improvements along the City's major arterials include narrower vehicle lanes, wider bicycle lanes, and green conflict zone striping.

The cost of this work is included in the funding for the City's Pavement Management Program. The City also budgets an additional $60,000 annually for major arterial bike route repairs. This work is ongoing and operational.

7) Traffic Speed Calming

Council consensus was for staff to work with the City's contract Traffic Engineer to weigh in on whether the City can reduce the speed by 5mph without a speed study; evaluate other traffic calming measures for major arterials; and if necessary, complete speed surveys which would allow the City to set the speed limit within 5 mph of the 85th percentile and then reduce it further by 5 mph.

Staff Follow-Up: Staff proactively works with City traffic engineers and the Traffic Parking Advisory Committee (TPAC) to conduct speed surveys and post the lowest possible enforceable speed limits in compliance with California Vehicle Code. As an annual work plan item, staff works with TPAC to identify major arterial roadway segments to conduct speed surveys with a goal to lower posted speed limits. TPAC's proposed FY 2025-26 Workplan includes a speed survey item where: 1) TPAC will identify major arterial segments for staff to conduct speed surveys; 2) Staff will conduct the speed surveys and round the 85% percentile to the nearest 5 mph limit; and 3) then potentially reduce the posted speed limit by an additional 5 mph as recommended by the City Traffic Engineer.

The City also proactively identifies and installs traffic calming measures along major arterials such as narrower vehicle lanes, wider bicycle lanes, green conflict zone striping, pedestrian bulb outs, pedestrian activated flashing crosswalks, proactive traffic striping, and retro-reflectivity traffic signage.

These activities are ongoing and routine, and funded annually through the City's approved operating budget or incorporated into capital improvement projects as appropriate.

8) Smoke Free City Signs to Enforcement Ordinance

Council consensus was for staff to explore potential enforcement options including following up with apartment complexes where people smoke outside; increasing enforcement activities by the City's Beach and Community Patrol Officers (BCPO); partnership with Del Mar Village Association (DMVA); and consideration to place additional no smoking signage in key areas, including the Del Mar Plaza.

Staff Follow-Up: Signs in one of the areas discussed, 4th Street and Stratford Court, were recently replaced based on a recommendation from Community Services due to several recent contacts on the sidewalk adjacent to the high-density housing complex noted in the Goals and Priorities discussion. Community Services will perform an assessment of current signage, most of which is in City parks and public beach accesses, and refresh or replace the existing inventory. The two areas noted by Council were the 4th Street and Stratford Court location and the public sidewalk adjacent to the Plaza along the 1500 block of Camino Del Mar. Community Services will identify potential locations for signage in the public ROW to add non-intrusive "No Smoking" signage in accordance with the City's municipal code related to smoking. Other areas of the City with frequent complaints or recommended by Council may also be considered. Staff does not anticipate additional costs beyond the City's approved operating budget to provide enforcement and add or replace signage, as needed.

9) Electrification Incentivization

Council consensus was for staff to look for opportunities to incentivize the implementation of electrification specifically for new construction or major remodels.

Staff Follow-Up: Staff and the Sustainability Advisory Committee (SAC) will continue to research and gather information about high-performance reach codes similar to one recently adopted by the City of Encinitas. Staff has not been directed by the Council to develop a high-performance reach code, as the City Attorney continues to advise a "wait and see" approach to any electrification ordinance (i.e., a high-performance reach code) due to recent court rulings that have challenged and overturned ordinance that require building electrification.

it is estimated that moderate staff time would be needed to research high- performance reach codes and to coordinate with SAC and organizations that offer electrification incentives. Given that staff's primary focus for FY 2025-26 will be on the City's Climate Action Plan update, it is anticipated that staff can bring an informational update on this topic to the Council by the end of calendar year 2025.

10) City Facilities Gas Appliances Inventory

Council consensus was to add creation of a City Facilities Gas Appliances Inventory to the FY 2025-2026 Citywide Work Plan as a Tier 3 Priority; to add the item to the Sustainability Advisory Committee (SAC) FY 25-26 Workplan; and for staff to work on a policy that prioritizes the purchase of electric appliances and vehicles when possible for recommendation by SAC and consideration by the City Council.

City of Del Mar
Agenda Report

TO: City Councilmembers

FROM: Mayor Terry Gaasterland and Deputy Mayor Tracy Martinez
Via Ashley Jones, City Manager
Prepared by Sarah Krietor, Administrative Services Manager/City Clerk

DATE: May 19, 2025

SUBJECT: Initial Recommendations from the Committee Streamlining Taskforce

REQUESTED ACTION/RECOMMENDATION:
The Committee Streamlining Taskforce (Taskforce) recommends that the City Council: 1) Adopt the Resolution (Attachment A) implementing changes to the committee structure related to membership categories and committee size; 2) Adopt the Resolution (Attachment B) dissolving the Arts Advisory Committee; 3) Approve bi-annual and otherwise as-needed meeting schedule for the Traffic and Parking Advisory Committee; 4) Direct staff to return to the City Council with an Ordinance to eliminate ex-officio positions on the Design Review Board; and 5) Provide additional feedback and direction to staff as appropriate.

BACKGROUND:
The City of Del Mar benefits greatly from a robust advisory committee system made up of talented volunteers who generously donate their time to help the City achieve its goals and navigate complex challenges. In comparison to other small cities in San Diego County, the City of Del Mar has a higher volume of advisory. This is by design and reflects the great value that the City places in its committee system and members.

In addition to the quasi-judicial Design Review Board (DRB) and Planning Commission (PC), the City currently has seven active advisory committees including Finance, Measure Q Citizen Oversight, Parks & Recreation, Lagoon, Traffic & Parking, Sustainability, and Undergrounding Program. The Arts and Shores Parks advisory committees are currently on hold.

Advisory committee membership currently varies from five to seven members depending on the committee, with each committee meeting from two to five times per year depending on the mission and work plan of the committee.

Advisory committee operations are governed by Council-approved committee charters, Del Mar Municipal Code (DMMC) Chapter 2.30, City Council Policy 200 - City Council Advisory Committees, Board and Commissions (Policy 200), City Council Policy 204 - Advisory Committee Work Plans, and City Council approved Standard Operating Procedures (SOP) for Advisory Committees.

City Council Action:

At the 2025 City Council Goals and Priorities Workshop, the City Council identified the review of the City's existing committee system as a priority Council-proposed project with the goal of strengthening and empowering committee members to contribute to important City initiatives in more substantive ways while streamlining the City's committee structure to further align committee efforts with the City Council's goals and priorities work plan, which has evolved over the last five years.

The City Council assigned Mayor Terry Gaasterland and Deputy Mayor Tracy Martinez to serve on the Committee Streamlining Taskforce (Taskforce) to complete the review. Additionally, Policy 200 Section I requires that the Council review the City's advisory committee structure at least every four years. The last review was completed in December 2022, making this review process timely under the City's policy requirements.

DISCUSSION/ANALYSIS:

The Taskforce is in process of a comprehensive review of the City's committee system and is making recommendations on how it could empower committees to more effectively advise the City Council on critical projects and community issues and be more consistent with the committee structure of other public agencies in San Diego County. At this point in the process, it is necessary for the Taskforce to bring initial recommendations related to membership size, membership categories, and status and meeting frequency of certain committees to the City Council for consideration to avoid operational issues with committee appointments in the interim.

Membership Categories

Certain committees, boards, and commissions have membership categories consisting of ex-officio and business representatives. These categories are also described in Policy 200 Section D - Advisory Committee Membership Categories. The Taskforce reviewed these membership categories and proposes the following changes.

Ex-Officio Members

The City has a history of including ex-officio members on the DRB and certain advisory committees. While ex-officio means "from the office" in Latin and commonly refers to someone who serves on a committee because of another title or position they hold rather than being elected or appointed, for the City of Del Mar ex-officio has meant an expert non-voting member appointed to the committee to advise members on certain subject matters. However, subject matter experts do not have to be on a committee in a formal ex-officio capacity in order to advise the committee as may be needed based on the committee work plan.

Design Review Board: Provisions governing the DRB membership requirements are set forth in DMMC Chapter 2.38. The DRB is comprised of seven voting members, a non-voting ex-officio primary member, and a non-voting ex-officio alternate member. The ex-officio positions rotate annually, and ex-officio members serve a two-year term while voting DRB member serve four-year terms.

In recent years, it has been difficult to fill ex-officio vacancies on the DRB with qualified experts (professional architect or planner as required by DMMC 2.38.020(D)). The City has been recruiting to fill the ex-officio positions on DRB unsuccessfully for over a year, with both positions remaining vacant.

Staff recommends the City Council provide direction whether to return with an ordinance amending DMMC Chapter 2.38 to remove the ex-officio DRB positions. If directed, staff would return with an ordinance for Council consideration at a meeting in May 2025 and would close the current DRB ex-officio member recruitments on the City's website.

Sustainability Advisory Committee (SAC): The SAC is the only active City committee to still have ex-officio positions. The current SAC membership structure is five voting members and two ex-officio, non-voting members.

The Taskforce recommends the City Council adopt a Resolution (Attachment A) eliminating non-voting, ex-officio positions from the SAC and removing references to ex-officio members from Policy 200. This change will allow all residents interested in serving on advisory committees to do so in a capacity that allows them to vote. It will also allow committees to receive guidance, during meetings or subcommittee meetings, from expert staff, consultants, outside stakeholders, non-profits, and members of the public with more flexibility and responsive to the committee's work plan, which changes each year as Council priorities change.

Alternatively, if the City Council would like to have the option to fill an ex-officio seat on SAC, it could direct the City Clerk to amend the committee's charter to state, "The Committee may also have one (1) ex-officio non-voting member, preferably with an environmental or sustainability background."

Business Representative Members

Currently, the Traffic and Parking Advisory and the Measure Q Citizen Oversight Committees are the only active committees to have a seat designated for a business representative. Council Policy 200 Section D defines business representative as "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." Historically, these seats have been difficult to fill as local business owners have not frequently applied to serve.

Currently, the Measure Q Citizen Oversight Committee charter specifies that it is the Council's "goal that one (1) [member] is from the Del Mar business community." This gives the City the flexibility to recruit any resident to fill the vacancy with a preference for a business representative.

The Traffic and Parking Advisory Committee (TPAC) has one seat for a business representative; however, unlike Measure Q, TPAC's charter requires the seat to be filled by business representative. While the City benefits greatly from the service of its current TPAC business representative who also currently serves as TPAC Chair, this seat has been historically difficult to fill due to the business representation requirement.

For consistency between committees and flexibility when recruiting, the Taskforce recommends the Council adopt the Resolution (Attachment A) to amend TPAC's charter to make it clear it is preferred, but not required, that one voting member seat be filled by a business representative and to approve similar revisions to Council Policy 200.

Membership Size

The City Council discussed optimal committee membership size in 2022, during its last review of the committee structure. At that time, optimal membership size from five to nine members was

considered, with some Councilmembers expressing a desire to reduce committee membership to five members. At the time, some committees had as many as eleven members.

The City Council settled on a committee membership of seven to nine total members, including ex-officio members, at the recommendation of the committee's Council liaisons and approval of the full City Council (Council Policy 200 Section E6). Additionally, it was decided that 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.

Currently, Finance, Lagoon, Undergrounding Program, Parks & Recreation, and Traffic & Parking Advisory committees have seven voting members. Measure Q Citizen Oversight and SAC have five voting members, with SAC having two additional non-voting ex-officio members as referenced above.

Based on several factors including scheduling considerations, staff time spent on committee recruitments, various studies (such as Hackman and Vidmar; Ivan Steiner; American Psychological Association) that show optimal group size for collaborative work efforts, and lower numbers of applicants to serve on advisory committees in recent years, the Taskforce recommends the City Council adopt a Resolution (Attachment A) amending Policy 200 to revise the maximum committee membership to five members for the following committees: Finance, Parks & Recreation, Lagoon, Sustainability, and Traffic & Parking. If approved by the City Council, the membership for each committee would be reduced to five members over time through attrition. The resolution will also authorize and direct the City Clerk to revise the membership section of the committee charters accordingly. Due to its robust work plan and its aim to include members from districts just completed, districts underway and districts to follow, it is recommended that the Undergrounding Program Advisory Committee (UPAC) membership remain at seven active members. With this change, all committees would have five voting members except UPAC. The redlined version of Policy 200 showing the recommended revisions is included with this agenda report as Attachment C for Council's reference.

As discussed above, the Taskforce is recommending the elimination of ex-officio positions on SAC, which will bring the committee membership to five voting members consistent with the Taskforce's membership size recommendation. The ex-officio positions on the SAC either are or will soon be expiring so this recommended action is well timed with these positions being vacated.

The recommendation to reduce the number of committee members is intended to provide more substantive involvement of the committee members, as most work plan items are generally completed by professional staff and City consultants and are presented to committees for feedback to staff and recommendations. The Climate Action Plan (CAP), for example, will be updated by a professional consultant/City staff, and presented to SAC for feedback and a recommendation to Council. While SAC will play an important role in this process, they will not be leading the CAP update or directly doing the work itself.
Additionally, in reviewing committee work plans, the work is believed to be very manageable by committees consisting of five members, which takes into consideration the support provided by staff and professional consultants. Advisory committee subcommittees can continue to move committee business forward between committee meetings. In cases where the work plan is more

robust in nature or requires additional direct work by the committee (such as UPAC), the Council subcommittee has recommended that the committee remain at seven members.

The City Council, which has an extensive and complex workplan, also functions effectively with a five-person body and subcommittees comprised of two members who work with professional staff and expert consultants to bring recommendations to the full City Council for approval. It is envisioned that advisory committees consisting of five members would function similarly to the City Council in this way.

If the City finds there is an unanticipated negative impact to reducing committees to five members, the membership can always be increased as needed to ensure the work of the committee can be completed in a manageable way.

Arts Advisory Committee

The Arts Advisory Committee was created in 2017, when the City Council adopted City Council Policy 113- Public Art Policy. The mission of the Arts Advisory Committee is to review proposed art placements, plan and propose art events, and/or consign or commission works for placement in public or private places, in accordance with the Public Art Policy, and any other policies related to the temporary or permanent placement of public art.

The Arts Committee has not met since February 2, 2023, due to a lack of members (less than a quorum).. As such, there are no arts-related items on the City Council's FY 2024-2025 or FY 2025-2026 and 2026-2027 Work Plans and the committee is on hold For these reasons, the Taskforce recommends the City Council adopt the Resolution (Attachment B) dissolving the Arts Advisory Committee.

If the Arts Committee is dissolved, it is anticipated that art related activities in the community would still be pursued by outside community groups, such as the Del Mar Foundation, who would work with staff to bring proposals forward to the City Council for consideration. One such example is an upcoming proposal from the Del Mar Foundation to work with staff to facilitate Phase 2 of the Temporary Arts Program.

Traffic and Parking Advisory Committee Meeting Frequency

The Traffic and Parking Advisory Committee (TPAC) meets on a quarterly basis like other advisory committees. However, TPAC's annual work plan has been historically driven by as-needed emerging traffic and parking issues brought by staff, such as changes to the City parking code and evaluation of citizens' traffic and parking concerns. Other TPAC work plan items are more cyclical in nature, such as receiving annual speed surveys and traffic reports, annual review of low-income beach parking pass program, and review of traffic accidents and enforcement data. Therefore, TPAC's work plan can typically be completed in two scheduled meetings per year, with additional meetings scheduled as-needed in response to emerging traffic and parking issues that may be unknown at the time the work plan is developed.

As such, the Taskforce recommends the TPAC meeting frequency be changed from quarterly to bi-annual meetings with additional special meetings as-needed. As such, the number of meetings each year will vary depending the committee work plan and the traffic and parking related issues that may arise throughout the year. Variability in the number of annual meetings for TPAC is not uncommon, with the Committee meeting two times in 2023, and four times in 2024. The Committee is currently on track to meet 2-3 times in 2025.

This will increase efficiency without compromising the committee's ability to complete the work plan items identified for the year. This will also allow the committee to be more flexible, responsive, and timely when reviewing traffic and parking concerns brought by staff or residents, as meetings will be scheduled promptly in response to these issues. If the recommendation is approved by the City Council, staff will implement the change and make the related meeting frequency amendment in TPAC's charter.

Next Steps

Staff will implement City Council direction, which may include revising committee charters to reduce membership to five members through attrition; preparing an ordinance to eliminate the DRB ex-officio positions; eliminating advisory committees ex-officio positions and related policy references; and dissolving the Arts Advisory Committee.

The Taskforce will continue its review of the advisory committee structure focusing next on the scope and mission of each committee and the overall number of committees; assess the potential for combining certain committees where it makes sense; and conduct a review of advisory committee related policies and make recommendations to the City Council for consideration. It is anticipated that these recommendations will be presented to the City Council for consideration in August or September 2025.

ATTACHMENTS:

Attachment A - Resolution revising City Council Policy 200 and Directing Staff to Revise Advisory Committee Charters related to Membership Size and Ex-Officio and Business Representative Membership

Exhibit A to Attachment A – Revised City Council Policy 200 (Clean)

Attachment B - Resolution Dissolving the Arts Advisory Committee

Attachment C - Revised City Council Policy 200 (Redline)

RESOLUTION NO. 2025-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, AMENDING COUNCIL POLICY 200 COMMITTEES - CITY COUNCIL ADVISORY COMMITTEES, BOARDS, AND COMMISSIONS TO IMPLEMENT CHANGES TO THE COMMITTEE STRUCTURE RELATED TO MEMBERSHIP CATEGORIES, COMMITTEE SIZE, AND MEETING FREQUENCY AND DIRECTING CITY CLERK TO AMEND ADVISORY COMMITTEE CHARTERS

WHEREAS, the establishment and updating of City Council policies provides a mechanism for articulating methods and procedures for the conduct of City Council business; and

WHEREAS, the City of Del Mar has maintained a City Council Policy Book, adopted and utilized by the City Council for many years; and

WHEREAS, it is beneficial to periodically review and revise policies that govern the operational processes, procedures, and regulations that apply to the City's advisory committees, boards and commissions; and

WHEREAS, on September 15, 2014, the City Council adopted Resolution No. 2014-70 establishing Council Policy 200 - City Council Advisory Committees, Boards, and Commissions (Council Policy 200) which has since been revised several times; and

WHEREAS, the City Council now desires to amend Council Policy 200 to eliminate ex-officio non-voting member category from all advisory committees; reduce membership size to five voting members for all advisory committees with the exception of the Undergrounding Program Advisory Committee that shall consist of seven members; reducing the meeting frequency of the Traffic and Parking Advisory Committee to two meetings per year and as needed; and making the business representative member category preferred but not required.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Del Mar, California, hereby amends Council Policy 200: City Council Advisory Committees, Boards, and Commissions as shown in Exhibit A to this resolution.

BE IT FURTHER RESOLVED that the amendments to Council Policy 200 shall be incorporated into the City Council Policy Book.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to implement the changes and amend the advisory committee charters in accordance with the Policy 200 revisions and the recitals in this resolution.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Del Mar, California, at a Regular Meeting held this 19th day of May, 2025.

_____
Terry Gaasterland, Mayor
City of Del Mar

APPROVED AS TO FORM:

_____
Leslie E. Devaney, City Attorney
City of Del Mar

ATTEST AND CERTIFICATION:

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO
CITY OF DEL MAR

I, SARAH KRIETOR, Administrative Services Manager/City Clerk of the City of Del Mar, California, DO HEREBY CERTIFY, that the foregoing is a true and correct copy of Resolution No. 2025-XX, adopted by the City Council of the City of Del Mar, California, at a Regular Meeting held the 19th day of May 2025, by the following vote:

AYES:

NOES:

RECUSE:

ABSENT:

ABSTAIN:

_____
Sarah Krietor, Administrative Services Manager/City Clerk
City of Del Mar

CITY OF DEL MAR CITY COUNCIL POLICY BOOK			
200	**CITY COUNCIL ADVISORY COMMITTEES, BOARDS AND COMMISSIONS**	**DATE REVISED:**	5/19/2025
		BY RESOLUTION:	2025-XX
		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.

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.

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.

D. City Advisory Committee Membership Categories

1. 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 may be desired 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 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 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 wiling 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 the 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 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.

RESOLUTION NO. 2025-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, DISSOLVING THE ARTS ADVISORY COMMITTEE

WHEREAS, on May 15, 2017, the City Council adopted Resolution No. 2017-32 establishing the Arts Advisory Committee tasked with review, commissioning, consigning and/or recommending art for section for display in public and private places in accordance with the Public Art Policy; and

WHEREAS, on January 10, 2022, the City Council adopted Resolution No. 2022-06 repealing in its entirety Resolution No. 2017-32 and amending and restating the Arts Advisory Committee charter; and

WHEREAS, the City Council has determined that the Arts Advisory Committee has fulfilled its purpose and completed its tasks; and

WHEREAS, it is the Council's desire to dissolve the Arts Advisory Committee due to a lack of membership constituting a quorum and lack of work plan items; and

WHEREAS, the City Council thanks the volunteers on the Arts Advisory Committee for their efforts toward assisting the City with the temporary placement of public art, hosting of many successful art shows and events, and other activities completed during their tenure.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Del Mar, California, does hereby dissolve the Arts Advisory Committee by rescinding Resolution No. 2017-32.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Del Mar, California, at a Regular Meeting held this 19h day of May, 2025.

_____
Terry Gaasterland, Mayor
City of Del Mar

APPROVED AS TO FORM:

_____
Leslie E. Devaney, City Attorney
City of Del Mar

ATTEST AND CERTIFICATION:
STATE OF CALIFORNIA
COUNTY OF SAN DIEGO
CITY OF DEL MAR

I, SARAH KRIETOR, Administrative Services Manager/City Clerk of the City of Del Mar, California, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution No. 2025-xx, adopted by the City Council of the City of Del Mar, California, at a Regular Meeting held the 19th day of May, 2025, by the following vote:

AYES:

NOES:

RECUSE:

ABSENT:

ABSTAIN:

_____
Sarah Krietor, Administrative Services Manager/City Clerk
City of Del Mar

CITY OF DEL MAR CITY COUNCIL POLICY BOOK			
200	CITY COUNCIL ADVISORY COMMITTEES, BOARDS AND COMMISSIONS	DATE REVISED:	~~04/04~~5/5/202~~52~~
		BY RESOLUTION:	2025-XX~~2-25~~
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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.

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.

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.

D. City Advisory Committee Membership Categories

~~1. Subject to the membership limits set forth in Section E(6) of this policy, the City Council may designate seat(s) for ex-officio members in a committee's charter. Ex-officio members are non-voting subject matter experts who may be residents or non-residents.~~

~~2.~~1. 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 may be desired 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

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, a~~A~~ll other City advisory committees have a maximum committee membership of five (5) ~~seven (7) to nine (9)~~ total members ~~, including ex-officio 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 wiling 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 the 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

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
Agenda Report

TO: Honorable Mayor and City Councilmembers

FROM: Sarah Krietor, Administrative Services Manager/City Clerk
Kseniia Izgarskaia, Senior Management Analyst
Via Ashley Jones, City Manager

DATE: May 19, 2025

SUBJECT: Fiscal Year 2025-2026 Advisory Committee Work Plans

REQUESTED ACTION/RECOMMENDATION:
Staff requests that the City Council: 1) Review the proposed Fiscal Year (FY) 2025-2026 work plans for the City's advisory committees (Attachment A); 2) Consider the work plan recommendations provided by staff included in Attachment B; and 3) Provide direction to staff as may be needed to approve the FY 2025-2026 advisory committee work plans.

BACKGROUND:
Each year, the City Council goes through an annual Goals and Priorities Setting process to establish and update the City's Work Plan and inform the City's budget and allocation of resources. As a kickoff to the upcoming two-year budget cycle, the City Council held a Goals and Priorities Setting Workshop on March 5, 2025, to establish the City's FY 2025-2026 and 2026-2027 Work Plan. An update on the FY 2025-2026 and 2026-2027 Work Plan will be discussed under a separate agenda item for the City Council Meeting on April 21, 2025.

In accordance with the Standard Operating Principles for Advisory Committees (Attachment C) and City Council Policy 204 - Advisory Committee Work Plans (Attachment D), advisory committees met in early 2025 to prepare draft FY 2025-2026 work plans for City Council consideration and approval.

The next step in the goal setting and budgeting process is for the City Council to evaluate the proposed committee work plans against the Council's Goals and Priorities to see where they overlap and/or align. The City's current practice is to align advisory committee work plans with the City's approved Work Plan that will inform the next two-year budget.

DISCUSSION/ANALYSIS:
Following the Council Goals & Priorities Setting Workshop, staff reviewed the proposed advisory committee work plans and organized work plan items into three categories: 1) Work plan items related to City operations (routine in nature and/or relate to the City's daily operations); 2) Work plan items with a direct nexus to the Council's Goals and Priorities/City Work Plan; and 3) Work items that are not directly related to the Council's Goals and Priorities/City Work Plan for the upcoming fiscal year (2025-2026).

City Council Action:

Taking into consideration the City's operations, Council-approved City Work Plan items, and limited staff capacity for FY 2025-2026, staff provided recommendations on the proposed committee work plan items, which are included in Attachment B. It should be noted that most of the committee work plan items are being recommended by staff (highlighted in green) or recommended with an amendment, with one exception highlighted in pink.

Staff is seeking City Council feedback on the proposed FY 2025-2026 advisory committee work plans. If the Council approves the proposed work plan item not recommended by staff, staff will need to evaluate the impacts of adding this item on the Council-approved City Work Plan and report back to Council at a future meeting.

Next Steps

As a next step in the budget process, staff is working to prepare a preliminary FY 2025-2026 and 2026-2027 Operating and Capital Budget for City Council feedback at the Budget Workshop scheduled for Tuesday, May 27, 2025, at 1:30 p.m. in the Town Hall. The budget will be informed by the City's FY 2025-2026 and 2026-2027 Work Plan, including any advisory committee requested work plan items approved by the City Council for inclusion on the Work Plan.

ATTACHMENTS:

Attachment A – Proposed FY 2025-2026 Advisory Committee Work Plans
Attachment B – Summary of Proposed Committee Work Plans & Staff Recommendations
Attachment C – Standard Operating Principles for Advisory Committees
Attachment D – Council Policy 204, Advisory Committee Work Plans

CITY OF DEL MAR

FINANCE COMMITTEE
FISCAL YEAR 2025-2026 PROPOSED WORK PLAN

The Finance Committee, in coordination with staff and Council liaisons, prepared the following proposed FY2025-2026 Work Plan, which was approved by the Committee at their March 25, 2025, meeting.

Item #1: ***Review FY 2025-2026 Budget Update and Related Financial Reports***

- **Description:** Review the Final FY 2024-25 Annual Financial Report; Mid-year FY 2025-26 Financial Report; and proposed budget update for the City's Fiscal Year 2026-27 Operating and Capital Budget and provide feedback and recommendations to the City Council.
- **Subcommittee:** None.
- **Resources Requested:** None.
- **Additional Information:** None.
- **Priority:** High

Item #2: ***Review Quarterly Treasurer's Reports***

- **Description:** Review quarterly Treasurer's report and provide feedback and recommendations to the City Council.
- **Subcommittee:** None.
- **Resources Requested:** None.
- **Additional Information:** None
- **Priority:** High

Item #3: ***Review CalPERS Actuarial Valuation Reports***

- **Description:** Review CalPERS Actuarial Valuation Reports and City staff's calculated unfunded liability balance to be used internally to determine the annual funding reserve requirement. Provide feedback to City Council related to funding levels.
- **Subcommittee:** Pension Reserve Subcommittee.
- **Resources Requested:** None.
- **Additional Information:** None.
- **Priority:** High

Item #4: ***Review Updated Capital Reserve Policy (Finnell Plan)***

- **Description:** Review updated capital reserve policy and provide feedback and a recommendation to the City Council related to the Policy and proposed funding levels.
- **Subcommittee:** None.
- **Resources Requested:** None.
- **Additional Information:** None.
- **Priority:** High

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Item #5**:* ***Review Updated Cost Allocation Plan

- **Description:** Review updated Cost Allocation Plan and provide feedback to the City Council related to changes to the plan.
- **Subcommittee:** None.
- **Resources Requested:** None.
- **Additional Information:** None.
- **Priority:** High

Item #6**:* ***Receive Undergrounding Financing Update

- **Description:** Receive update on items related to Undergrounding financing including meeting updates related to actions taken by UPAC Financing Subcommittee, UPAC, and City Council.
- **Subcommittee:** None.
- **Resources Requested:** None.
- **Additional Information:** None.
- **Priority:** High

CITY OF DEL MAR

LAGOON COMMITTEE
FISCAL YEAR 2025-2026 PROPOSED WORK PLAN

The Lagoon Committee, in coordination with staff and Council liaisons, prepared the following proposed Fiscal Year 2025-2026 Work Plan, which was approved by the committee at its March 4, 2025, Special Meeting for City Council consideration.

Item #1: ***Receive Updates and Provide Comments on Lagoon Health***

- **Description:** Receive updates and review reports on dredging, water quality, wildlife, and plant life, including the City's new bi-annual water quality monitoring program for the San Dieguito Lagoon. Determine how the Committee can receive additional water quality monitoring data for the lagoons from other agencies and make requests for data. Receive annual lagoon report update provided by consultants working for SCE & SDGE as required by the Coastal Permit for Lagoon restoration. Provide questions and comments on reports to City staff and Council Liaisons at committee meetings. Organize outside speakers to attend meetings and present on the health of the lagoons.
- **Subcommittee:** Water Quality & Sand Dredging Subcommittee
- **Resources Requested:** Staff time to prepare updates for regularly scheduled committee meetings. Reports forwarded to committee members for review.
- **Additional Information:** Coordinate requests for data and speakers from the following agencies: California Department of Fish and Wildlife, Los Peñasquitos Lagoon Foundation, San Dieguito River Park JPA, San Dieguito River Valley Conservancy, California Coastal Commission, and Coastal Environments (consultant for Southern California Edison's San Dieguito Lagoon Restoration Project), Wildcoast, and Surfrider.
- **Priority: 1 (highest)**

Item #2: ***Development/Projects Adjacent to or Impacting the Lagoons***

- **Description:** Receive updates and presentations on pending developments and/or projects that are adjacent to or may impact the lagoon (e.g., Camino del Mar Bridge Replacement Project, Riverpath Del Mar Extension Phase 3, San Dieguito Lagoon Shoreline Protection Planning Project, San Dieguito Doubletrack Project, LOSSAN Rail Realignment Project, Watermark development projects, Del Mar Fairgrounds east parking lot, San Dieguito River Park JPA Coast to Crest Trail, and City of San Diego's El Camino Real bridge project. Provide questions and comments to City staff and Council Liaisons at committee meetings.
- **Subcommittee:** N/A
- **Resources Requested:** None
- **Additional Information:** N/A
- **Priority: 2**

Item #3: Lagoon Related Outreach

- **Description:** Coordinate with City staff using currently available communication tools to raise awareness about the lagoons and trails within the City of Del Mar through education, field work, and outreach. Participate at outside agency events involving the lagoon as representatives of the Lagoon Committee.
- **Subcommittee:** Education & Outreach Subcommittee
- **Resources Requested:** Currently available City communication tools and staff time for review of any electronic publications or materials that would be handed out at events.
- **Additional Information:** N/A
- **Priority: 5**

Item #4: Blue Carbon Collaborative

- **Description:** Lagoon Committee members to participate in the Blue Carbon Collaborative sponsored by WILDCOAST and Coastal Quest. Provide report out of activities at quarterly committee meetings.
- **Subcommittee:** Restoration & Blue Carbon Subcommittee
- **Resources Requested:** None
- **Additional Information:** N/A
- **Priority: 6**

Item #5: Monitor Condition of Trails Surrounding Lagoons

- **Description:** Monitor trails surrounding the lagoons within the City of Del Mar. Provide updates, questions and comments to City staff and Council liaisons to share with the Parks and Recreation Committee, or, if there are potential follow up actions, work with Council liaisons to obtain City Council approval (if not on City staff's annual work plan). Request presentations from the San Dieguito River Park JPA on their "Reach the Beach" trail project.
- **Subcommittee:** Trails Subcommittee
- **Resources Requested:** None
- **Additional Information:** N/A
- **Priority: 4**

Item #6: San Dieguito River Park Citizen's Advisory Committee Meetings

- **Description:** Appoint a Lagoon Committee member to participate in monthly San Dieguito River Park Citizen's Advisory Committee meetings and provide summary of meetings at quarterly committee meetings.
- **Subcommittee:** Appointed Lagoon Committee Member
- **Resources Requested:** None
- **Additional Information:** N/A
- **Priority: 7**

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Item #7: ***<u>Attend San Dieguito River Valley Conservancy Meetings</u>***

- **Description:** Lagoon Committee members to attend monthly San Dieguito River Valley Conservancy meetings and provide summary of meetings at quarterly committee meetings.
- **Subcommittee:** Lagoon Committee Members
- **Resources Requested:** None
- **Additional Information:** N/A
- **Priority: 8 (lowest)**

Item #8: ***<u>Fishing in the San Dieguito Lagoon</u>***

- **Description:** Seek to understand how fishing is impacting the San Dieguito Lagoon. Engage with other stakeholder agencies (SDRP JPA and California Department of Fish and Wildlife) to understand how fishing impacts them. Receive education and provide outreach about fishing rules, regulations, current usage, and seasonal considerations. Receive a presentation from MPA Collaborative. Discuss potential recommendations to City Council.
- **Subcommittee:** Fishing Subcommittee
- **Resources Requested:** None
- **Additional Information:** N/A
- **Priority: 3**

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CITY OF DEL MAR

MEASURE Q CITIZEN OVERSIGHT COMMITTEE
FISCAL YEAR 2025-2026 PROPOSED WORK PLAN

Given that the scope of the Measure Q Citizen Oversight Committee is narrowly focused on review of Measure Q funds, staff prepared the Proposed FY2025-2026 Work Plan for City Council for consideration.

Item #1: ***Review Revenue and Expenditures related to the Use of Measure Q Funds***

- **Description:** Identify revenue and expenditure key risks; review differences between general sales tax and Measure Q tax results; review revenue and expenditure financial transactions; and report annual results to City Council.
- **Subcommittee:** None
- **Resources Requested:** Staff will provide committee with: Major Industry Groups Comparison Report; Measure Q revenue and expenditure detail reports; committee randomly selected Measure Q revenue remittance reports; Measure Q expenditure invoices and supporting documents; and if applicable any documentation related to authorized transfers.
- **Additional Information:** None
- **Priority:** High/Operational

DRAFT

CITY OF DEL MAR

PARKS & RECREATION COMMITTEE
FISCAL YEAR 2025-2026 PROPOSED WORK PLAN

The Parks & Recreation Committee, in coordination with staff and Council liaisons, prepared the following proposed FY2025-2026 Work Plan, which was approved by the Committee at their February 12, 2025, meeting.

Item #1: ***Update Website Map to Include Additional Information on Regional Trails***

- **Description:** Update City's interactive map to include more information on regional trails https://www.delmar.ca.us/240/Parks-Recreation-Committee
- **Subcommittee:** Website Subcommittee - members TBD
- **Resources Requested:** 80 staff hours to update website
- **Additional Information:** Operational Item
- **Priority:** medium

Item #2: ***Provide Guidance on Other Website Updates Related to Parks***

- **Description:** Committee to review the existing website and recommend updates for the Parks and Recreation information on the City's website
- **Subcommittee:** Website Subcommittee - members TBD
- **Resources Requested:** 40 staff hours to review wording and update website
- **Additional Information:** Operational Item
- **Priority:** medium

Item #3: ***Annual Survey of Paths and Trails***

- **Description:** City staff will prepare a shortened list of feasible paths and trails that are easily accessed. Once the list is finalized, the committee and staff will visit the public paths and trails, complete the survey form including a summary of recommended maintenance, and request work orders. Surveys are not a requirement of all committee members
- **Subcommittee:** N/A
- **Resources Requested:** 40 staff hours to perform surveys, prepare work orders, and Public Works staff time to complete work orders
- **Additional Information:** Operational Item
- **Priority:** high

Item #4: ***Annual Survey of Parks***

- **Description:** Committee to create a checklist of things to observe during park surveys. Once completed, visit the public parks, complete the survey form, prepare a summary of recommended maintenance, and request work orders. Surveys are not a requirement of all committee members
- **Subcommittee:** Need a short-term committee to create a checklist – members TBD.
- **Resources Requested:** 40 staff hours to participate in surveys, prepare work orders, and Public Works staff time to complete work orders
- **Additional Information:** Operational Item
- **Priority:** medium

Item #5: ***Annual Survey of Adopt-A-Spot Locations***

- **Description:** Visit the approved Adopt-A-Spot locations to review conditions. Request improvements from resident or work orders from City, as appropriate.
- **Subcommittee:** Mary to lead
- **Resources Requested:** TBD
- **Additional Information:** Operational Item
- **Priority:** medium

Item #6: ***Provide Recommendations for Wording and Location for Native American Plaque in a Public Location***

- **Description:** Prepare a proposal for a plaque to honor the Native American history in the Del Mar region. Proposal to include draft wording, size, location, materials, cost, and any necessary details. Engage with interested community members and Native American tribe representatives as appropriate. Proposal to be presented to the City Council for consideration of approval.
- **Subcommittee:** not applicable
- **Resources Requested:** TBD
- **Additional Information:** City Council Tier 3 Priority
- **Priority:** low

Item #7: ***Review Adopt-A-Spot Application Requests***

- **Description:** Review and comment on proposed Adopt-A-Spot requests and provide recommendation
- **Subcommittee:** not applicable
- **Resources Requested:** None
- **Additional Information:** Operational Item
- **Priority:** medium

DRAFT

Item #8: ***<u>Respond to Parks & Recreation needs throughout City, including beach, as directed by the City Council and/or staff</u>***

- **Description:** Review and comment on various requests for changes at City parks and beaches, as they are received from committee members or the public. This includes CIP projects, such as Median Improvements and Shores Park Improvements
- **Subcommittee:** not applicable
- **Resources Requested:** TBD
- **Additional Information:** Operational Item
- **Priority:** low

Item #9: ***<u>Review Draft Policy for Plaques in Public Parks, Once Prepared by City Staff</u>***

- **Description:** Staff will be working on a plaque policy for Del Mar that provides guidance on who or what is memorialized in plaques in public parks, how big the plaque can be, what it looks like, where it goes, etc. Once staff prepare a draft policy, the Committee will review and provide feedback on the policy prior to City Council consideration.
- **Subcommittee:** not applicable
- **Resources Requested:** TBD
- **Additional Information:** Operational Item
- **Priority:** low

DRAFT

CITY OF DEL MAR

SUSTAINABILITY ADVISORY COMMITTEE
FISCAL YEAR 2025-2026 PROPOSED WORK PLAN

The Sustainability Advisory Committee, in coordination with staff and Council liaisons, prepared the following proposed Fiscal Year 2025-2026 Work Plan, which was approved by the committee at its March 18, 2025, Special Meeting for City Council consideration.

Item #1: ***Urban Tree Recommendations***

- **Description:** SAC will make recommendations on tree issues including how the City and residents can obtain free trees offered by local and regional programs. SAC will receive an update and provide feedback on the City's Tree Policy Manual; Tree Ordinance (Del Mar Municipal Code Chapter 23.50); and Trees, Scenic View and Sunlight Ordinance (Del Mar Municipal Code Chapter 23.51) in Fiscal Year 2025-2026 prior to City Council consideration. SAC will receive an update about the City of San Diego's LiDAR tree study, which was conducted in 2022 and includes regional analysis and comparison to 2014 data.
- **Subcommittee:** Tree Subcommittee
- **Resources Requested:** Staff time to coordinate presentations.
- **Additional Information:** N/A
- **Priority:** 4

Item #2: ***General Outreach on Solid Waste and Sustainability Issues***

- **Description:** SAC will make suggestions and draft general outreach content on solid waste and diversion programs (above and beyond what is provided by the City's franchise waste hauler), sustainability-related and new plastics ordinances, and sustainability issues on the City Council-approved citywide work plan in consultation with staff and SAC's Council Liaisons. This includes:
    1. Reviewing the "Go Green Del Mar" section of the City's website to ensure it is up to date;
    2. Drafting "Green Papers" (one per month) for publication in the Del Mar Weekly and on the City's website;
    3. SAC member attendance at up to six (6) community events during the year to provide outreach on SAC work plan items;
    4. Recommend guest speakers to present on pertinent issues at SAC meetings or at public workshops to be organized by SAC in conjunction with City staff; and
    5. Drafting content for SAC's ongoing series "Trash Talk" in the Del Mar Weekly.
- **Subcommittee:** Outreach Subcommittee & Plastics/Zero Waste Subcommittee
- **Resources Requested:** Staff time to review and publish material on behalf of the SAC. Staff time to organize SAC member attendance at community events in a Brown Act compliant manner and to review associated collateral. Staff time to coordinate relevant speakers at SAC meetings.
- **Additional Information:** N/A
- **Priority:** 3

Item #3: ***Energy Efficiency***

- **Description:** SAC will review and provide feedback on a draft City Council policy for gas appliance inventorying and replacement when cost effective. SAC recommends the City adopt a high-performance reach code. SAC will also monitor funding opportunities to improve energy efficiency of City facilities and current legal challenges and State guidance related to building electrification regulations and make recommendations for City Council work plan consideration as appropriate.
- **Subcommittee:** Energy Efficiency/Solar Subcommittee
- **Resources Requested:** Staff and City Attorney time to draft and review the new City Council policy and a potential high-performance reach code.
- **Additional Information:** N/A
- **Priority:** 2

Item #4: ***Climate Action Plan Update***

- **Description:** SAC will review and provide feedback on an update to the City's Climate Action Plan and accompanying greenhouse gas inventories prior to City Council consideration, and will support CAP-related outreach activities. SAC recommends that adaptation, resilience, equity, and new approaches like micromobility are considered in the CAP Update process.
- **Subcommittee:** Climate Action Plan Update Subcommittee
- **Resources Requested:** Staff time to provide updates to SAC.
- **Additional Information:** N/A
- **Priority:** 1

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CITY OF DEL MAR

TRAFFIC AND PARKING ADVISORY COMMITTEE
FISCAL YEAR 2025-2026 PROPOSED WORK PLAN

The Traffic & Parking Advisory Committee, in coordination with staff and Council liaisons, prepared the following proposed FY2025-2026 Work Plan, which was approved by the Committee at their January 28, 2025, meeting.

Item #1*:* ***Speed Survey & Traffic Studies***

- **Description:** Speed Survey and traffic studies of major arterial segments as selected by TPAC.
- **Subcommittee:** N/A
- **Resources Requested:** Approximately $18k plus 60 staff hours.
- **Additional Information:** N/A
- **Priority**: Medium

Item #2*:* ***Review and Advise City Council on Coastal Development Permit Citywide Paid Parking Facilities and Low-Income Beach Parking Pass Program***

- **Description:** Required by the City's California Coastal Commission Coastal Development Permit; condition of approval. Annual program evaluation.
- **Subcommittee:** N/A
- **Resources Requested:** Monitoring is ongoing; 10 staff hours for TPAC.
- **Additional Information:** N/A
- **Priority**: High

Item #3: ***Provide Input and Recommendations on City Workplan or Operational items as identified by Council or City Staff***

- **Description:** Provide input and recommendations on City workplan or operational items as determined by City staff. For example: changes to City parking code.
- **Subcommittee:** TBD
- **Resources Requested:** TBD
- **Additional Information:** N/A
- **Priority**: TBD

Item #4: ***Evaluate Concerns or Citizen Requests Related to City Major Arterials as Brought Forward for Consideration by City staff***

- **Description:** Consider requests from citizens or evaluate safety concerns raised about the City's major arterials as deemed appropriate and brought forward by City staff.
- **Subcommittee:** N/A
- **Resources Requested:** TBD
- **Additional Information:** N/A
- **Priority**: TBD

DRAFT

Item #5: ***Quarterly Comprehensive Citywide Accidents / Enforcements / Violations data***

- **Description:** Quarterly review of data on citywide accidents, traffic enforcement, and traffic violations.
- **Subcommittee:** N/A
- **Resources Requested:** TBD
- **Additional Information:** N/A
- **Priority**: TBD

Item #6: ***Participate in the Development of the Citywide Red Curb Program***

- **Description:** TPAC to participate in the development of a comprehensive red curb program
- **Subcommittee:** N/A
- **Resources Requested:** TBD
- **Additional Information:** N/A
- **Priority**: TBD

Item #7: ***Comprehensive Traffic/Pedestrian Intersection Analysis of Via de la Valle and Camino del Mar***

- **Description:** TPAC to receive and review a comprehensive traffic, bicycle, and pedestrian analysis related to the intersection of Via de la Valle and Camino del Mar
- **Subcommittee:** N/A
- **Resources Requested:** TBD
- **Additional Information:** N/A
- **Priority**: TBD

CITY OF DEL MAR

UNDERGROUNDING PROGRAM ADVISORY COMMITTEE (UPAC)
FISCAL YEAR 2025-2026 PROPOSED WORK PLAN

The Undergrounding Program Advisory Committee, in coordination with staff and Council liaisons, prepared the following proposed FY2025-2026 Work Plan, which was approved by the Committee at their April 10, 2025, meeting.

Item #1: Prepare Recommendations Related to Utility Undergrounding District (UUD) 1A (Stratford Court South)

- **Description:** Develop recommendations and provide feedback (i.e. budget, schedule, communications, etc.) related to Utility Undergrounding District (UUD) 1A for City Council consideration.
- **Subcommittee:** N/A
- **Resources Requested:** There is no fiscal impact specifically related to UPAC's work on this item.
- **Additional Information:** N/A
- **Priority:** High

Item #2: Prepare Recommendations Related to UUD X1A (Crest Canyon)

- **Description:** Develop recommendations and provide feedback (i.e. budget, schedule, communications, etc.) related to Utility Undergrounding District (UUD) X1A for City Council consideration.
- **Subcommittee:** N/A
- **Resources Requested:** There is no fiscal impact specifically related to UPAC's work on this item.
- **Additional Information:** N/A
- **Priority:** High

Item #3: Prepare Recommendations Related to UUD 1B (Stratford Court North)

- **Description:** Develop recommendations and provide feedback (i.e. budget, schedule, communications, etc.) related to Utility Undergrounding District (UUD) 1B for City Council consideration.
- **Subcommittee:** N/A
- **Resources Requested:** There is no fiscal impact specifically related to UPAC's work on this item.
- **Additional Information:** N/A
- **Priority:** High

Item #4: Prepare Recommendations Related to UUD 25th Street

- **Description:** Develop recommendations and provide feedback (i.e. budget, schedule, communications, etc.) related to Utility Undergrounding District 25th Street for City Council consideration.
- **Subcommittee:** N/A
- **Resources Requested:** There is no fiscal impact specifically related to UPAC's work on this item.
- **Additional Information:** N/A
- **Priority:** High

Item #5: Prepare Recommendations Related to Undergrounding Program Financing

- **Description:** Develop recommendations and provide feedback related to the Undergrounding Program Financing for City Council consideration.
- **Subcommittee:** Financing Subcommittee
- **Resources Requested:** There is no fiscal impact specifically related to UPAC's work on this item.
- **Additional Information:** N/A
- **Priority:** High

Item #6: Development of a Utility Undergrounding Program Cash Flow Analysis

- **Description:** Project financing subcommittee to work with staff to develop and monitor a long-term project schedule/cash-flow analysis to ensure financial resources are available when needed throughout the life of the citywide Utility Undergrounding Program.
- **Subcommittee:** Financing Subcommittee
- **Resources Requested:** There is no fiscal impact specifically related to UPAC's work on this item.
- **Additional Information:** N/A
- **Priority:** High

Item #7: Review of Property Owner Communications Procedures

- **Description:** Subcommittee to review and provide feedback to staff on processes/protocols for communications with property owners.
- **Subcommittee:** Property Owner Communications Subcommittee
- **Resources Requested:** There is no fiscal impact specifically related to UPAC's work on this item.
- **Additional Information:** N/A
- **Priority:** High

Fiscal Year 2025-2026 Advisory Committee Proposed Work Plans

ARTS ADVISORY COMMITTEE			
Item N	**Proposed Work Plan Items**	**Alignment with City Council Goals/City Operations**	**Staff Recommendation**
N/A	N/A	N/A	N/A
FINANCE COMMITTEE			
Item N	**Proposed Work Plan Items**	**Alignment with City Council Goals/City Operations**	**Staff Recommendation**
1	Review FY 2025-2026 Budget Update and Related Financial Reports	Operational	***Recommended*** - Consistent with Committee Charter and purpose.
2	Review Quarterly Treasurer's Reports	Operational	***Recommended*** - Consistent with Committee Charter and purpose.
3	Review CalPERS Actuarial Valuation Reports	Operational	***Recommended*** - Consistent with Committee Charter and purpose.
4	Review Updated Capital Reserve Policy (Finnell Plan)	Operational	***Recommended*** - Consistent with Committee Charter and purpose.
5	Review Updated Cost Allocation Plan	Tier 2 City Council priority	***Recommended*** - Consistent with Committee Charter and purpose.
6	Receive Undergrounding Financing Update	Operational	***Recommended*** - Consistent with Committee Charter and purpose.
LAGOON COMMITTEE			
	Proposed Work Plan Items	**Alignment with City Council Goals/City Operations**	**Staff Recommendation**
1	Receive updates, reports and provide comments on Lagoon Health	Operational	***Recommended*** - Consistent with Committee Charter and purpose.
2	Development/Projects Adjacent to or Impacting the Lagoons	Operational/Tier 1 City Council priority (related to review of SANDAG projects)	***Recommended*** - Consistent with Committee Charter and purpose.
3	Lagoon Related Outreach	Operational	***Recommended*** - Consistent with Committee Charter and purpose.
4	Blue Carbon Collaborative	Operational	***Recommended*** - Consistent with Committee Charter and purpose.
5	Monitor Condition of Trails Surrounding Lagoons	Operational	***Recommended*** - Consistent with Committee Charter and purpose.
6	San Dieguito River Park Citizen's Advisory Committee Meetings	Operational	***Recommended*** - Consistent with Committee Charter and purpose.
7	Attend San Dieguito River Valley Conservancy Meetings	Operational	***Recommended*** - Consistent with Committee Charter and purpose.
8	Fishing in the San Dieguito Lagoon	Operational	***Recommended*** - Consistent with Committee Charter and purpose.
MEASURE Q CITIZENS OVERSIGHT COMMITTEE			
	Proposed Work Plan Items	**Alignment with City Council Goals/City Operations**	**Staff Recommendation**
1	Review Revenue and Expenditures related to the Use of Measure Q Funds	Operational	***Recommended*** - Consistent with Committee Charter and purpose.
PARKS & RECREATION COMMITTEE			
	Proposed Work Plan Items	**Alignment with City Council Goals/City Operations**	**Staff Recommendation**
1	Update Website Map to Include Additional Information on Regional Trails	Operational	***Recommended*** - Consistent with Committee Charter and purpose.
2	Provide Guidance on Other Website Updates Related to Parks	Operational	***Recommended*** - Consistent with Committee Charter and purpose.
3	Annual Survey of Paths and Trails	Operational	***Recommended*** - Consistent with Committee Charter and purpose.
4	Annual Survey of Parks	Operational	***Recommended*** - Consistent with Committee Charter and purpose.
5	Annual Survey of Adopt-A-Spot Locations	Operational	***Recommended*** - Consistent with Committee Charter and purpose.
6	Provide Recommendations for Wording and Location for Native American Plaque in a Public Location	Tier 3 City Council priority	***Recommended*** - Council approved City Work Plan item.
7	Review Adopt-A-Spot Application Requests	Operational	***Recommended*** - Consistent with Committee Charter and purpose.
8	Respond to Parks & Recreation needs throughout City, including beach, as directed by the City Council and/or staff	Operational	***Recommended*** - Consistent with Committee Charter and purpose.
9	Review Draft Policy for Plaques in Public Parks, Once Prepared by City Staff	Tier 3 City Council priority	***Recommended*** - Council approved City Work Plan item.

SUSTAINABILITY ADVISORY COMMITTEE			
	Proposed Work Plan Items	**Alignment with City Council Goals/City Operations**	**Staff Recommendation**
1	Urban Tree Recommendations	Tier 2 City Council priority	***Recommended*** - Council approved City Work Plan item.
2	General Outreach on Solid Waste and Sustainability Issues	Operational	***Recommended with an Amendment*** - Staff recommends removing the language regarding scheduling guest speakers. Staff's recommendation is that scheduling is done through the Staff Liaison, as is the practice with other committees. Item consistent with Committee Charter and purpose.
3	Energy Efficiency	Tier 3 City Council priority	***Recommended with an Amendment*** - Staff recommends removing the language regarding adopting a high-performance reach code based on current City Attorney guidance and limited staff capacity outside of Climate Action Plan Update. Council approved City Work Plan item.
4	Climate Action Plan Update	Tier 2 City Council priority	***Recommended*** - Council approved City Work Plan item.
TRAFFIC & PARKING ADVISORY COMMITTEE			
	Proposed Work Plan Items	**Alignment with City Council Goals/City Operations**	**Staff Recommendation**
1	Speed Survey & Traffic Studies	Operational	**Recommended** - Consistent with Committee Charter and purpose.
2	Review and Advise City Council on Coastal Development Permit Citywide Paid Parking Facilities and New Low Income Beach Parking Pass Program Monitoring	Operational	**Recommended** - Consistent with Committee Charter and purpose.
3	Provide Input and Recommendations on City Workplan or Operational items as identified by Council or City Staff	Operational	**Recommended** - Consistent with Committee Charter and purpose.
4	Evaluate Concerns or Citizen Requests Related to City Major Arterials as Brought Forward for Consideration by City staff	Operational	**Recommended** - Consistent with Committee Charter and purpose.
5	Quarterly Comprehensive Citywide Accidents / Enforcements / Violations data Reporting	Operational	***Recommended with an Amendment*** - Staff recommends annual comprehensive updates (instead of quarterly) on traffic enforcement data in order to have a longer timeframe for data collection. Consistent with Committee Charter and purpose.
6	Participate in the Development of the Citywide Red Curb Program	Tier 2 City Council priority	***Recommended with an Amendment*** - Staff will develop a Citywide Curbside Management Inventory & Program and will bring to TPAC for review and feedback prior to being presented to the Council. Council approved City Work Plan item; Tier 2.
7	Comprehensive Traffic / Pedestrian Intersection Analysis of Via de la Valle and Camino del Mar	Not on Council Approved City Work Plan	***Not Recommended at this time*** - Due to the upcoming Double Track SANDAG project and the City's Camino Del Mar Bridge replacement project substantial expected impacts to the intersection in the next few years, a comprehensive analysis on the intersection would be more appropriate after both projects are completed.
UNDERGROUNDING PROGRAM ADVISORY COMMITTEE			
	Proposed Work Plan Items	**Alignment with City Council Goals/City Operations**	**Staff Recommendation**
1	Prepare Recommendations Related to Utility Undergrounding District (UUD) 1A (Stratford Court South)	Tier 1 City Council priority	***Recommended*** - Council approved City Work Plan item.
2	Prepare Recommendations Related to UUD X1A (Crest Canyon)	Tier 1 City Council priority	***Recommended*** - Council approved City Work Plan item.
3	Prepare Recommendations Related to UUD 1B (Stratford Court North)	Tier 1 City Council priority	***Recommended*** - Council approved City Work Plan item.
4	Prepare Recommendations Related to UUD 25th Street	Tier 1 City Council priority	***Recommended*** - Council approved City Work Plan item.
5	Prepare Recommendations Related to Undergrounding Program Financing	Operational	***Recommended*** - Consistent with Committee Charter and purpose.
6	Development of a Utility Undergrounding Program Financing / Cash Flow Analysis	Operational	***Recommended*** - Consistent with Committee Charter and purpose.
7	Review of Property Owner Communications Procedures	Operational	***Recommended*** - Consistent with Committee Charter and purpose.

RESOLUTION NO. 2022-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, AMENDING STANDARD OPERATING PRINCIPLES FOR DEL MAR ADVISORY COMMITTEES AND BOARDS

WHEREAS, the City of Del Mar ("City") has an exceptional pool of talented residents who are willing to contribute their time and efforts on committees established to benefit the Del Mar community; and

WHEREAS, on February 3, 2014, the City Council adopted Resolution No. 2014-08 establishing Standard Operating Principles for all Del Mar Advisory Committees and Boards; and

WHEREAS, on November 19, 2018, the City Council adopted Resolution No. 2018-81 amending Standard Operating Principles for all Del Mar Advisory Committees and Boards; and

WHEREAS, the City Council now desires to update and amend the Standard Operating Principles.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Del Mar, California, that the Standard Operating Principles for Advisory Boards and Committees are hereby amended as shown in Exhibit A of this resolution.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Del Mar, California, at a Regular Meeting held this 10th day of January 2022.

D. Dwight Worden

Dwight Worden, Mayor
City of Del Mar

APPROVED AS TO FORM:

Leslie E. Devaney

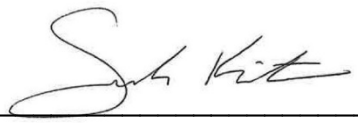
Leslie E. Devaney, City Attorney
City of Del Mar

ATTEST AND CERTIFICATION:

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO
CITY OF DEL MAR

I, SARAH KRIETOR, Acting City Clerk of the City of Del Mar, California, DO HEREBY CERTIFY, that the foregoing is a true and correct copy of Resolution No. 2022-08, adopted by the City Council of the City of Del Mar, California, at a Regular Meeting held the 10th day of January 2022, by the following vote:

AYES:	Mayor Worden, Deputy Mayor Martinez, Council Members Druker, Gaasterland, and Quirk
NOES:	None
ABSENT:	None
ABSTAIN:	None



Sarah Krietor, Acting City Clerk
City of Del Mar

CITY OF DEL MAR

STANDARD OPERATING PRINCIPLES FOR ADVISORY COMMITTEES

Del Mar relies on a robust and important system of advisory committees and ad hoc task forces staffed by appointed volunteers to help the City achieve its goals, engage the community in City affairs, and take advantage of the deep bench of talent in the Del Mar community.

The following standard operating principles are provided for all City of Del Mar advisory committees to help guide committees in best practices for common areas, in accordance with Del Mar Municipal Code Chapter 2.30.

I. MEMBERSHIP

a. The membership composition of Del Mar advisory committees shall be adopted for each committee by resolution of the City Council.

b. All Del Mar advisory committee members will be residents of the City of Del Mar, unless otherwise specified.

c. All Del Mar advisory committees will consist of voting members selected by a majority (three or more) of the total authorized City Council membership.

d. One or two City Council members, as appointed by a majority of the City Council, will act as Council liaison(s) to each Del Mar advisory committee.

e. One City staff member, as designated by the City Manager, will act as a staff liaison to each Del Mar advisory committee. Additional City staff support for committees shall be allocated based upon: (1) any direction given in the committee charter; (2) consistent with the adopted City budget and pursuant to the City Manager's management of staff resources; and (3) the annual work plan approved by the City Council.

II. AGENDAS

a. The designated City staff liaison to the committee will prepare the agenda in the City's standard format, with the assistance of the committee Chair and Council liaison(s). Once the meeting agenda is finalized, the agenda will be posted by City staff in accordance with California's Open Meetings Law (the Ralph M. Brown Act, Gov. Code § 54950 et seq.).

b. The agenda shall include the following:
   i. The name of the committee;
   ii. A summary of the Code of Civil Discourse
   iii. The date, time and place of the meeting;
   iv. A general description of each agenda item that will be discussed, including a time set aside for oral communications as described in Section IV(g).
   v. Any other information that may be required by law.

c. Items can be placed on a committee agenda in one or more of the following ways:
    i. City staff;
    ii. Council liaison(s);
    iii. By committee direction, or the committee can agree to let the committee Chair place an item on the agenda;
    iv. If a member of the public or a committee member other than the Chair requests an agenda item, it should go the Chair, City staff, or Council liaison(s) for approval to place it on the agenda.

III. PUBLIC COMMUNICATION ON AGENDA ITEMS

Del Mar advisory committees do not follow the red dot process. Instead, public communications should be sent to the staff liaison for distribution via email to the committee prior to the meeting. The communications will not be posted on the City's website but will be distributed to the committee members, Council liaisons, and staff liaisons, and the communication will be made available to the public and filed with the official record for the meeting.

IV. CONDUCT OF MEETINGS

a. **Regular Meetings**. Advisory committees should establish regular meeting times and place in accordance with the Brown Act. The frequency of a committee's meetings will be set by the Council, preferably in the committee charter. The Council may modify the time, place, and frequency of a committee's meetings from time to time as appropriate. To assist with agenda planning, the standard meetings length will be two hours, which may be extended by a majority vote of the committee.

b. **Changing Regular Meetings**. Committee members can propose a new regular meeting time or date by having the item placed on a committee agenda, with the majority of the members voting in favor of changing the regular meeting time. Council, staff liaisons, and meeting room availability should be considered when changing the regular meeting time or date. Meeting time or date changes must be approved by the Council liaisons and City staff.

c. **Selection of Officers**. All established Del Mar advisory committees will have an agenda item to select a Chair, Vice Chair, and Secretary from among its members at the last meeting of the calendar year, with the new Chair serving at the first meeting of the new year. It is encouraged that these positions rotate annually among the committee members.

d. **Quorum**. A quorum (1/2 or more of the committee membership) of voting membership must be present to transact business. If less than a quorum is present, those present may still discuss matters, but may not take action on any item.

e. **Duties of Secretary**. All Del Mar advisory committees will select a Secretary from among its members. The Secretary will prepare action minutes of the committee meetings for the committee's approval and shall file a copy of the approved minutes with the Administrative Services Department within ten (10) business days of the meeting when the minutes were approved.

f. **Brown Act (Open Meetings)**. All Del Mar advisory committees will conduct their affairs in full compliance with California's Open Meetings Law (Ralph M. Brown Act, Gov. Code § 54950 et seq.). A copy of the Open Meetings Law will be provided to all new committee members. Members of the public can communicate with the committee prior to the meeting through the process described in Section III – Public Communication on Agenda Items.

g. **Discussion Limited to Agenda Items**. Only matters listed on the posted agenda for a regular or special committee meeting may be discussed at that meeting. An opportunity for the public to speak on items not on the agenda will be provided at all Del Mar advisory committee meetings through a time set aside for oral communications and also during each agenda item before action is taken. Advisory committees are not required to use speaker slips; however, they may use speaker slips if there are large number of speakers for a given item. The committee Chair should remind public speakers to state their name for the record.

h. **Meetings not Recorded.** Advisory committee meetings are not typically recorded or televised. Council liaison(s) can recommend that the full City Council approve in advance an advisory committee meeting be televised. Committees can work with City staff to audio record a meeting through the Town Hall dais recording system or as otherwise may be possible.

i. **Public Participation Encouraged.** All Del Mar advisory committees will encourage the public to offer ideas and suggestions that contribute to the mission/scope of the committee. Working closely with their Council liaison(s), committees will determine if any suggestions or ideas should be brought forward to the City Council.

j. **Attendance**. All Del Mar advisory committee members will make every attempt to attend all regular and special meetings of the committee, according to the Del Mar Municipal Code Section 2.30.020.

k. **Continuance of Meetings**. There are special procedures for continuing meetings. Committees should work with the Council liaison(s) and City staff to properly notice and continue meetings.

l. **Remote Attendance**. There are special procedures for patching in absent members by phone or online platform. Participation by phone or online platform should be approved by a Council liaison and should only be used for special circumstances. Participation by phone or online platform is not the City's standard practice. Participation by phone should be coordinated with City staff in advance of the agenda going out, as there are special noticing requirements for remote attendance.

m. **Brown Act Assistance**. If uncertain what Brown Act requirements might apply to particular situations, please ask the City staff liaison or the Council liaison(s) for help, in advance.

n. **Recusals.** Committee members designated in the City's Conflict of Interest Code must follow the applicable State laws related to recusals and must recuse themselves from items in which they have a personal, financial interest. These committee members should consult City staff for guidance when needed.

Committee members not designated in the City's Conflict of Interest Code should avoid participating in items in which they have a real or perceived bias. For example, a member of the Traffic and Parking Advisory Committee should recuse themselves on a vote for an item in very close proximity to their home.

o. **Meeting Locations**. All committee or sub-committee meetings that have staff attending should be held at the Civic Center either at City Hall or in the Town Hall. Regular meetings of the full committee will be at the Civic Center or as directed by Council. Subcommittee meetings where staff are not attending can be held at a location other than the Civic Center or City Hall, provided that, if the sub-committee is subject to the Brown Act, the location is in compliance with Brown Act requirements.

V. SUBCOMMITTEES.

SUBCOMMITTEES. Committees may establish through consensus informal subcommittees of limited scope and duration that are made up of less than a quorum of the committee members. Subcommittees may be used to keep committee work plan items moving between formal committee meetings. Informal subcommittees may meet with residents, volunteers, and City staff, but may not discuss committee related information with other committee members outside of a public meeting. Informal subcommittees are generally not subject to the Brown Act (open meeting law); however, certain committee actions related to subcommittees may trigger Brown Act requirements. Committees should seek guidance from City staff and Council liaisons when establishing informal subcommittees.

VI. HELPFUL TIPS FOR RUNNING A GOOD MEETING

The job of the committee Chair is to keep things on track and ensure the following:

a. Make everyone feel welcome.
b. Meetings should start promptly at the assigned start time.
c. Make sure everyone is treated with respect: committee members, public, and staff.
d. When taking public testimony:
   1) Announce in advance any time limits and procedures to be followed.
   2) It may be helpful to let members of the public know that their comments will be heard but often there is no dialog between the committee and the public during the public comment portion of the meeting and that, generally, discussion of comments raised on items not on the agenda are not allowed.
   3) When appropriate, remind speakers that they may simply say, "I agree with the prior speaker."
   4) The Chair and all committee members should give each speaker their undivided attention.
e. Make sure everyone on the committee or in the audience is heard once before anyone is heard twice. The Chair typically speaks last.
f. The Chair's role is to consolidate the committee's discussion and find consensus among the members.
g. Ensure that questions from members of the public are addressed only to the Chair and not to other committee members, Council or staff liaisons, or other members of the public.

h. The Chair should take the lead on enforcing the Code of Civil Discourse and Supplemental Policy Related to the Code of Civil Discourse regarding committee member and public conduct at the meeting.
i. Absent unusual circumstances, the following process for running a meeting is recommended:
    i. Staff or sub-committee report to present the item;
    ii. Take questions from committee members — this is the time for questions, not stating opinions;
    iii. Take public testimony; and
    iv. Committee discussion and action - this is the time for committee members to express opinions. Generally, the Chair will speak last.

VII. WORK TASKS AND TAKING ACTIONS

Taking action on an item is one of the most important things an advisory committee does. When doing so, the following guidelines should be followed:

a. Make sure the proposed action item has been properly noticed and placed on the agenda.
b. Make sure it falls within the scope of the committee's mission and any applicable City goals and priorities.
c. Recognize that, normally, all committee actions seeking City action or commitments will be in the form of a recommendation to Council.
d. Review the proposed action with City staff and Council liaison(s) in advance, especially if it requires a commitment of City staff time or resources.
e. Remember that the committee is advisory to the City Council and should not undertake to act independently.
f. If there is a new item the committee would like to work on, send a request to the Council through the Council liaisons(s) for approval before starting work.
g. If the committee wants to comment to an outside agency or person, for example on an environmental document, send the committee's draft comments via the Council liaison(s) to the City Council for approval, recognizing only the City Council can speak for the City.
h. Advisory committee requests to staff or outside agencies should be submitted directly to the Council liaison(s).
i. If an advisory committee receives a request from an outside organization, the request should be forwarded to the City staff and Council liaison(s). The advisory committee should not respond directly to the requestor without authorization from the Council liaison(s).

VIII. REPORTING/RECORDS

A. Records

Committees shall record actions taken at their meetings by producing meeting minutes, which should include the following:

a. The name of the committee.
b. The date, time and place of the meeting.
c. The time the meeting began.
d. The names of those committee members in attendance.
e. The names of those Council liaison(s) and staff in attendance.

f. Approval of the previous meeting minutes.
g. A brief summary of the discussion for each agenda item and a description of the actions taken by and recommendations of the committee.
h. The hour of adjournment.
i. Names of public speakers and a brief summary of their input.

The Administrative Services Department will maintain the final approved minutes for the City's official record. The minutes, records, reports, and documents of the committee are public record.

B. Reporting

a. All advisory committees will briefly report on their activities to the City Council annually. This may be done in-person (typically by the Chair) at a City Council meeting, or in writing and included in the City Council agenda packet as a report related to the standing Committee Update section of the City Council agenda.

b. All advisory committees will use their Council approved charter and City Council Goals and Priorities as a guide in developing an annual work plan and schedule for Council consideration. At the conclusion of work, a summary report will be submitted to the City Council by the Chair to document the findings or rationale of the concluded work. If the committee has both a majority and minority opinion, both reports may be submitted to the City Council for consideration. The summary report may be presented to the Council liaison(s), or to the full Council, and will be filed with the Administrative Services Department for the City's official record.

c. Only Del Mar advisory committee members designated in the Del Mar Conflict of Interest Code will file Conflict of Interest Statements with the Administrative Services Department in accordance with the regulations of the California Fair Political Practices Commission and the Del Mar Conflict of Interest Code.

IX. WORKING WITH COUNCIL LIAISONS

Council liaison(s) are there to assist committees by:

a. Providing a communication channel between the committee and the Council.
b. Advocating to Council in support of committee recommendations.
c. Helping committees to interface with City liaisons.
d. Assisting and advising on proper meeting procedures, answering questions, and in other respects as the committee carries on its work.

More information about the role of City Council liaisons can be found in City Council Policy 202 – Responsibilities and Expectations of Council Liaisons to City Advisory Committees and of Council Representatives to Outside Agencies

RESOLUTIONS: 2014-08; 2018-81; 2022-08

RESOLUTION NO. 2022-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, ADOPTING A CITY COUNCIL POLICY 204 ADVISORY COMMITTEE WORK PLANS

WHEREAS, the City of Del Mar has established various advisory committees to advise the City Council of topics of importance to the City; and

WHEREAS, the Standard Operating Principles for Advisory Committees requires committees prepare an annual work plan for City Council approval; and

WHEREAS, the City Council wishes to clarify in a City Council Policy the City's procedures for advisory committee work plans, allow advisory committees to work on committee generated items, and set expectations for the use of City staff and financial resources related to advisory committee work plans; and

WHEREAS, the City Council has reviewed City Council Policy 204 Advisory Committee Work Plans and wishes to adopt the policy.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Del Mar, California, hereby ratifies and approves City Council Policy 204 as set forth in Exhibit A to this resolution; and

BE IT FURTHER RESOLVED that City Council Policy 204 be incorporated into the City Council Policy Book.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Del Mar, California, at a Regular Meeting held the 4th day of April, 2022.

Dwight Worden, Mayor
City of Del Mar

APPROVED AS TO FORM:

Leslie E. Devaney, City Attorney
City of Del Mar

ATTEST AND CERTIFICATION:
STATE OF CALIFORNIA
COUNTY OF SAN DIEGO
CITY OF DEL MAR

I, SARAH KRIETOR, Acting City Clerk of the City of Del Mar, California, DO HEREBY CERTIFY, that the foregoing is a true and correct copy of Resolution No. 2022-23, adopted by the City Council of the City of Del Mar, California, at a Regular Meeting held the 4th day of April, 2022, by the following vote:

AYES: Mayor Worden, Deputy Mayor Martinez, Council Members Druker, Gaasterland, and Quirk

NOES: None

ABSENT: None

ABSTAIN: None

Sarah Krietor, Acting City Clerk
City of Del Mar

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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b. Committee work plan items will be allocated City resources as described in Section B of this Policy.

3. Committees can amend their work plan throughout the year with approval of the committee and Council liaisons in order to adapt and be responsive to changing circumstances so long as the new work plan item does not require additional City resources. New work plan items requiring additional City resources must receive City Council approval as described in Section B(4)b of this policy.

4. In accordance with the Standard Operating Principles for Advisory Committees, at the conclusion of any work plan items, a summary report will be submitted to the City Council by the Chair to document the completion of the work and findings. If the committee has both a majority and minority opinion, both reports may be submitted to the City Council for consideration. The summary report may be presented to the Council liaison(s), or to the full Council, and will be filed with the Administrative Services Department for the City's official record.

B. Allocation of Resources for Committee Work Plan Items

1. Committee efforts should be focused on work plan items related to established Council Goals and approved City Workplan or on work plan items as designated by Council liaisons and City staff. Resources for committee workplan items related to Council Goals and/or the City Workplan are allocated as part of the budget process.

2. Wherever possible, committees should prioritize items that relate to Council Goals and/or the City Workplan where the work will result in a tangible lasting change or public benefit.

3. Minor committee efforts or work plan items that fall outside of Council Goals and/or the City Workplan and require little or no staff time and/or City resources, such as organizing speakers or developing informational materials, may be approved by the committee's Council liaisons. The Council and staff liaisons for each committee will provide guidance on the types of items requiring minimal or no staff time.

4. Committee members may volunteer their time to complete items that are not specifically related to current Council Goals or on the City Workplan but fall within the scope of the committee's charter, so long as the item does not require staff time and/or City resources and is approved by the committee's Council liaisons.

   a. If the item reaches a point where staff time and/or City resources are required to proceed, the committee's Council liaison may choose to recommend the City Council consider options related to the committee generated item.

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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.