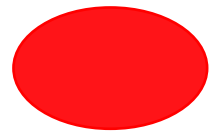


Del Mar City Council Meeting Agenda

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

January 6, 2026 City Council Meeting

**INFORMATION RECEIVED
AFTER THE COUNCIL AGENDA
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Leslie Carrillo

From: tate.scott@gmail.com
Sent: Tuesday, December 23, 2025 10:49 AM
To: City Clerk Mail Box
Cc: Ashley Jones; Terry Gaasterland; Tracy Martinez; Dan Quirk; JSpelich@delmar.ca.u
Subject: A Red Dot re: V24-003- De Novo Public Hearing of an Appeal of the Planning Commission's Denial of a Variance

Follow Up Flag: Follow up
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Members of the City Council and City Manager,

I attended the Planning Commission hearing and write in support of affirming the Commission's denial and declining further review.

There is no indication that the Planning Commission committed any legal, procedural, or factual error that would justify overruling its decision.

The Planning Commission did not act without context or appreciation of the consequences. Multiple Commissioners (if not all) stated on the record that they walked the site and the adjacent open space, and several expressly recognized the request as a gateway decision—one that would pre-commit future development at the preserve edge. With that understanding, the Commission resolved the application (4/1) on the fundamental question of Community Plan consistency.

That determination was intentional and complete. The Commission did not miss or defer issues. While hearing all the arguments, it correctly avoided debating variances, asserted rights to build, or technical refinements because those questions only arise after consistency with the Community Plan is established. Here, it was not.

Under California law, projects that are inconsistent with the General Plan and Community Plan cannot be approved. ^[1] The Planning Commission applied that standard and reached a clear conclusion. Revising or reducing variances does not cure a policy conflict, and proposed future changes are not grounds to reopen an appeal.

This parcel has remained undeveloped for decades and functions as a transition between existing homes and protected open space. Approving a variance here—reduced or otherwise—would permanently change

that role and set precedent at the preserve edge. The Commission recognized that risk and stopped the project at the appropriate threshold.

The hearing was thorough and fair. Numerous residents spoke, Commissioners listened carefully, and the applicants were clearly informed that the denial was grounded in Community Plan policy. Nothing was left unresolved.

The Planning Commission reached a complete, informed, policy-based decision. For these reasons and others stated in the record, I strongly support affirming their decision, which respects the City's adopted planning framework and represents the most defensible course for the City Council.

Respectfully,

Tate Scott
1200 Oribia Rd
Del Mar, CA 92014

^[1] Where inconsistency with the General Plan or Community Plan is found, a city lacks authority to approve the project, regardless of variances or exemptions: *Leshar Communications, Inc. v. City of Walnut Creek* (1990) 52 Cal.3d 531, 540–545; *Voices for Rural Living v. County of El Dorado* (2012) 209 Cal.App.4th 1096, 1112–1115.

/wts



Leslie Carrillo

From: majid kharrati <majidkh@sbcglobal.net>
Sent: Saturday, December 27, 2025 9:19 AM
To: City Clerk Mail Box; Terry Gaasterland; Tracy Martinez; dquirk@gmail.com; John Spelich
Subject: A Red Dot re: V24-003- De Novo Public Hearing of an Appeal of the Planning Commission's Denial of a Variance

Follow Up Flag: Follow up
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Honorable mayor and council members,

I am writing to you today to request that you affirm the planning commission decision which rejected the project being proposed at the vacant Lot East of 1439 Oribia Road (APN# 299-200-74-000) by a 4 to 1 vote. it is notable that the planning commission did not accept the proposed resubmission based on inconsistency with the community plan.

The commissioners had visited the site and the crest canyon open space behind it and had a clear understanding of the proposed project site. There was a through discussion of the different elements and it's impacts to the community and the open space. There was also a recognition that this decision would set up the precedence for the other similar lots next to the canyons.

These lots were never intended for stand alone development and if they were to be developed, they would change the character of this community and have an adverse impact on the crest canyon open space.

Revising setbacks will not address the proposed project conflict with the community plan. should this project proceed, it needs to be in a new application with a different design, one that respects the neighbors, the open space and is consistent with community plan.

Sincerely
Majid Kharrati
1402 Oribia Road
Del Mar CA 92014