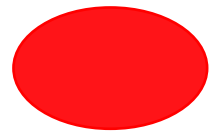


# Del Mar City Council Meeting Agenda

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

## **January 6, 2026 City Council Meeting**

**INFORMATION RECEIVED  
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WAS DISTRIBUTED  
("Red Dots")**



**Leslie Carrillo**

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**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  
**Flag Status:** Flagged

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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. <sup>[1]</sup> 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

<sup>[1]</sup> 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

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**Leslie Carrillo**

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**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  
**Flag Status:** Flagged

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Honorable mayor and council members,

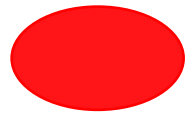
I am writing to you today to request that you affirm the planning commission decision which rejected the project being proposed at the vacant Lot East of 1439 Oribia Road (APN# 299-200-74-000) by a 4 to 1 vote. it is notable that the planning commission did not accept the proposed resubmission based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



**Leslie Carrillo**

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**From:** Amy Cheshire <amyacheshire@gmail.com>  
**Sent:** Saturday, January 3, 2026 5:32 PM  
**To:** City Clerk Mail Box  
**Cc:** Tracy Martinez; John Spelich; Terry Gaasterland; Dan Quirk  
**Subject:** Red Dot Letter – Agenda Item 6 – City Council Meeting - 6 Jan 2026

**Follow Up Flag:** Follow up  
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Red Dot Letter – Agenda Item 6 – City Council Meeting - 6 Jan 2026

De Novo Hearing of an Appeal of the Planning Commission’s Denial of a Variance (V24-003)

Honorable Mayor Martinez and Councilmembers:

I live on San Dieguito Drive, just a few houses away from this project site on Oribia Road. I support approval of this variance application.

I’ve been listening to my neighbors in Crest Canyon and reading their Red Dot letters and I’ve been puzzled by their arguments against this variance application.

Some of the Red Dot letters refer to the proposed variance as being inconsistent with the Community Plan but without specifying what that inconsistency might be. If it is proximity to the Crest Canyon Open Space Park that they object to, then I don’t understand this argument. There are other homes in Crest Canyon that are equally close to the designated open space.

Some of my Crest Canyon neighbors say they love living so close to wild open space but they also say they don’t think this vacant lot should be developed because of its proximity to wild open space. I hear “pull up the drawbridge syndrome” when I listen to this logic. I don’t share their perspective. This is a legal, buildable vacant lot in one of the most desirable locations in San Diego County. The owners have a right to build a home on it. The size and shape of the home within the perimeter of the approved variance is a decision for the Design Review Board to make, hopefully with the thoughtful collaboration of the project site’s immediate neighbors.

Some neighbors seem to be focusing on the proposed development near the canyon as an unacceptable increase in risk to their lives and property. I don’t agree. According to the Fire Marshal report, the proposed development is so fire retardant that it will actually serve as a fire break. I think all of the residents of Del Mar should feel some relief knowing that the risk of wildfire spreading from the canyon will be reduced by this project.

This vacant lot off Oribia Road is strikingly similar to the developed lot at 1601 San Dieguito Drive. The approved setbacks from Crest Canyon Open Space Park and neighboring properties are almost identical to the requested variance. The size and shape of the developed lot is almost identical to the vacant lot. The only difference is this: the driveway which provides access to 1601 San Dieguito Drive is on the narrow side of the long, rectangular lot and the driveway that provides access to the project site is in the

middle of the widest side of the vacant lot. This should not be a reason to prevent development of this lot.

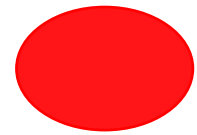
In 2001, I personally experienced the construction of a three-story home on a vacant lot next door to my home in La Jolla. The new home was going to block most of our view of the ocean. So, my husband and I collaborated with our neighbors next door to make sure their bamboo hedge would be trimmed to protect some of our ocean view. The key word here is collaboration. We recognized our neighbors' right to build a home on their vacant lot and we worked with them to minimize any potential reduction in the value of our own home. We knew when we bought our home four years earlier that the day might come when a new home would be built on that vacant lot. We enjoyed the full view for a few years and then enjoyed the modified view going forward. Our neighbors enjoyed raising their children in their newly constructed home.

I hope the outcome of this hearing tonight is that the Council follows the expert advice of City Staff and legal counsel and unanimously approves this variance application so that the project can move forward to the next stage of design review. I have full confidence that the Design Review Board will make sure any structures built within the approved building envelope will satisfy the many requirements wisely imposed by the City of Del Mar. And I hope all of the residents in Crest Canyon will work together to support a solution that allows the Westburgs to build a home on their vacant lot.

Finally, I would ask all of my neighbors in Crest Canyon to consider spending some of their time and energy fighting the extremely serious threat of a proposed double tracked train running along San Dieguito Drive and into a tunnel at the bottom of Crest Canyon Open Space Park. If anything would be sure to affect our quality of life in our quiet canyon, it would be this proposed route that SANDAG is studying right now.

Sincerely,

Amy Cheshire



**Leslie Carrillo**

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**From:** Janet Wilson <janet@silverhook.com>  
**Sent:** Sunday, January 4, 2026 7:31 AM  
**To:** Tracy Martinez; Dan Quirk; John Spelich; Terry Gaasterland  
**Cc:** City Clerk Mail Box  
**Subject:** Re: Red Dot V24-003- De Novo Public Hearing

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I've corrected the name of the **San Dieguito** lagoon below.

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**From:** Janet Wilson  
**Sent:** Saturday, January 3, 2026 6:20 PM  
**To:** Tracy Martinez <tmartinez@delmar.ca.us>; Dan Quirk <dquirk@delmar.ca.us>; John Spelich <jspelich@delmar.ca.us>; Terry Gaasterland <tgaasterland@delmar.ca.us>  
**Cc:** Sarah Krietor <cityclerk@delmar.ca.us>  
**Subject:** Red Dot V24-003- De Novo Public Hearing

Dear Mayor Martinez and City Councilmembers,

I am writing to support the Planning Commission’s decision to deny Variance Application V24-003 and appreciate the opportunity to provide comments.

The sole purpose of this variance is to enable development on a substandard, nonconforming parcel that would otherwise be unbuildable.

**CEQA must be applied when an approval could result in direct or indirect physical environmental effects.** Class 5 exemptions are meant for truly minor variances on parcels that are already lawfully developable and that do not enable new development with foreseeable impacts.

The application materials show the construction of a large new house with a detached garage, which would only be possible if the setback variances are approved. While the variance itself does not physically alter the site, approving it would enable development that would otherwise be prohibited and would foreseeably result in physical changes to the site and its environmental conditions. For that reason, it is unclear why the Planning Department concluded that this variance is categorically exempt under CEQA Guidelines §15305(a) based on the claim that the project “*would not result in a change to the overall parcel or create a new parcel*” when it is the variance itself that would enable substantial changes to the parcel.

The appeal argues that the variance alone does not affect views, fire risk, or the environment. That misses the point. This discretionary variance removes a legal barrier to development and allows construction that would not otherwise occur, resulting in indirect physical environmental effects.

**Because the variance is required to allow development, its approval enables the project's physical environmental effects and cannot be treated separately from them.**

This parcel adjacent to Crest Canyon, a steep drainage corridor that flows directly into the San Dieguito Lagoon, a protected coastal wetland. The site is environmentally sensitive, and there is a reasonable possibility that the proposed project may result in significant environmental effects. These conditions trigger CEQA Guidelines §15300.2 exceptions, including unusual circumstances and sensitive environment exceptions, which preclude reliance on a categorical exemption.

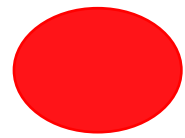
Recent fires, including the Eaton and Palisades fires, have shown how rapidly wildfire can race through canyon terrain and overwhelm entire neighborhoods, particularly where access is limited. Crest Canyon has these same characteristics. I sometimes walk my dogs through the canyon and along Oribia Road to San Dieguito Road, and it feels quiet, enclosed by steep slopes, and often extremely dry. Standing there, it is impossible not to think about how quickly fire could move through the canyon and how difficult evacuation would be. Granting this variance would enable construction on a parcel located within a Very High Fire Hazard Severity Zone that is served by a single access road. Approving this variance would contribute to cumulative wildfire and evacuation impacts by setting a precedent for similar development on other constrained canyon parcels.

This variance is also inconsistent with the City's General Plan and Community Plan, which emphasize protecting environmentally sensitive open space, limiting development in hazard-prone areas, and prioritizing public safety over private convenience. Crest Canyon has long been recognized as a constrained natural resource and wildfire corridor, and the City's adopted planning policies are intended to avoid intensifying development in areas where evacuation, emergency response, and environmental protection are already compromised.

In general, a variance should be granted only when it serves a clear public safety purpose, not when it is solely for private use and especially not when it increases risk to the general public.

I respectfully urge the City Council to uphold the Planning Commission's decision and deny the requested variance.

Janet Wilson  
635 Hoska Dr.



**Leslie Carrillo**

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**From:** mattfolkfamily@aol.com  
**Sent:** Monday, January 5, 2026 9:39 AM  
**To:** City Clerk Mail Box  
**Subject:** In support of the proposed variance

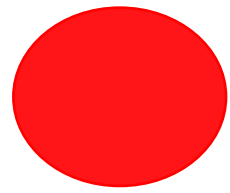
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To the Del Mar City Council:

I'm writing this letter in support of the proposed variance for construction on the vacant lot adjacent to 1439 Oribia Road. It would allow this legal lot to be developed in accordance with the Westburg's constitutional right to build. I am confident that the Design Review process will resolve issues pertaining to detailed structural size, placement and design. It would also help alleviate the housing shortage in our city.

Sincerely, Beth Mattfolk  
717 Nob Ave.  
Del Mar, CA 92014  
(561) 866-6642



Via Email

To: Del Mar City Clerk  
January 4, 2026

Re: A De Novo Public Hearing of an Appeal of the Planning Commission's Denial of  
Variance V24-003

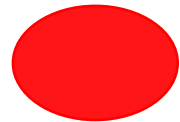
Dear Honorable Mayor Martinez and City Council Members:

There is an old saying: you can't have it both ways! The City Council approved undergrounding for this area as the highest priority based upon the appeal of the neighbors and now neighbors in this same geographic area want to increase the possibility of density and traffic. It seems incongruous that you can be concerned about congestion and fires and yet want to allow roughly a 50% increase in development in the same habitat.

The City Council's decision will be precedent setting. I urge you to deny the appeal.

Respectfully submitted,  
Rose Ann Sharp

834 Crest Road  
Del Mar, Ca. 92014



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**From:** Laura DeMarco <[laurastanleydemarco@yahoo.com](mailto:laurastanleydemarco@yahoo.com)>  
**Sent:** Monday, January 5, 2026 11:12 AM  
**To:** Karen Brindley <[kbrindley@delmar.ca.us](mailto:kbrindley@delmar.ca.us)>; Ashley Jones <[ajones@delmar.ca.us](mailto:ajones@delmar.ca.us)>  
**Subject:** Fwd: Item 6: Approval of staff recommendation for Westburg variance

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Please send your copy to the city clerk who I forgot to copy.

Sent from my iPhone

Begin forwarded message:

**From:** Laura DeMarco <[laurastanleydemarco@yahoo.com](mailto:laurastanleydemarco@yahoo.com)>  
**Date:** January 5, 2026 at 11:09:11 AM PST  
**To:** Tracy Martinez <[tmartinez@delmar.ca.us](mailto:tmartinez@delmar.ca.us)>, John Spelich <[jspelich@delmar.ca.us](mailto:jspelich@delmar.ca.us)>, Terry Gaasterland <[tgaasterland@delmar.ca.us](mailto:tgaasterland@delmar.ca.us)>, Dan Quirk <[dquirk@delmar.ca.us](mailto:dquirk@delmar.ca.us)>  
**Cc:** Ashley Jones <[ajones@delmar.ca.us](mailto:ajones@delmar.ca.us)>, Karen Brindley <[kbrindley@delmar.ca.us](mailto:kbrindley@delmar.ca.us)>  
**Subject:** **Item 6: Approval of staff recommendation for Westburg variance**

Dear Council Members and Staff,

I support the Westburg project and the staff recommendation for approval of the variance, as a 38-year Del Mar resident on the rim of Crest Canyon that overlooks the Westburg's property, their neighborhood, and the San Dieguito Lagoon.

The staff report makes clear the legal imperative to approve the variance requested for the Westburg's vacant lot. Even more significantly, the proposed development provides the following public benefits to fire safety, the Lagoon, and Del Mar's state-mandated affordable housing requirement:

1) Provides direct access to brush-filled Crest Canyon open space for firefighters and water-pumping tankers on the new extended driveway to the lot. Fully loaded water tankers carrying thousands of gallons and weighing at least 10,000 pounds are only fully operational on roads and improved driveways that can support their weight. This remedies

a substantial deficiency in this residential neighborhood as no other driveway in this area provides direct, unobstructed access to the brush-filled Crest Canyon open space.

2) Creates staging area for front-line defense on Crest Canyon open space for firefighters armed with hoses from water tankers at ~75 psi water pressure that can deluge a fire within a 164 feet radius. This defensible space is increased by extending the 100 ft hose for a total water-reaching radius of 264 feet or 528 feet in diameter to cover a total area of over 218,000 square feet. This remedies the 300 foot gap in water dousing range between firefighters with tankers staged on Racetrack View Drive at the mouth of the Canyon and further up the Canyon on San Dieguito Drive.

3) Erects a fire resistant wall between the brush-filled canyon providing a needed firebreak between the the canyon's brush-filled open space and the surrounding neighborhood filled with older wooden houses that were not built to current stringent fire codes. This is especially important as the city's improved access to the Crest Canyon trail system brings more hikers and/or transients who could potentially ignite a fire similar to what happened twice in the nearby Torrey Pines Reserve and, most recently, the Palisades Fire disaster.

4) Builds the only new fire-resistant house in the neighborhood filled with very flammable older wooden homes. This also provides another needed firebreak which gives firefighters more time to stage and fight a wildfire fire in the canyon's open space and the neighborhood below to prevent it from racing uphill, where it burns hotter and faster up to the Crest Canyon rim, and potentially engulf the rest of Del Mar during high Santa Ana winds like the Laguna and Palisades wildfires.

5) Prevents contamination of the environmentally sensitive lagoon sited downhill from the property by remediating the leach field filled with effluent from human waste, bacteria, and other hazardous waste as disclosed by the adjacent neighbor at 1441 San Dieguito Drive. The neighbor's disclosure of this soil contamination from their septic tank's leach field on the Westburg's vacant lot raises serious environmental concerns and liability with the Coastal Commission and the San Dieguito River Park for the city of Del Mar. Notably, no other neighboring property uses leach fields in the area's sandy soil because it creates an environmental hazard by plugging up the lines causing untreated effluent to contaminate the top soil which runs off downstream in rain storms into the nearby San Dieguito Lagoon. The Westburgs would have never permitted their neighbor to put leach lines for his septic system on their vacant lot that their children and their friends (including my son!) played on. Thankfully, the Westburg's development will remove this ongoing environmental hazard that endangers the health and safety of the Westburg family, the Lagoon's wildlife, and those swimming in the ocean or sunning themselves on the beaches near the mouth of the Lagoon.

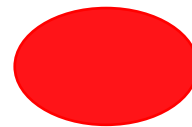
6) Provides a much needed deed-restricted affordable housing unit. This helps Del Mar comply with our Community Plan's 6th Cycle Housing Element which requires the city meet the state's RHNA (required housing needs assessment) objectives for more affordable housing. Del Mar's failure to meet its Housing Element will trigger "by-right" high-density, multi-story, large scale multi-family development throughout Del Mar.

In conclusion, the substantial public benefits to public safety, the environment, and

affordable housing as well as the legal issues cited in the staff report make imperative the city council's approval of the Westburg's variance.

Thanks for your consideration,

Laura



**Leslie Carrillo**

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**From:** Dwight Worden <dwrightworden@gmail.com>  
**Sent:** Sunday, January 4, 2026 10:35 AM  
**To:** City Clerk Mail Box  
**Subject:** Red Dot for January 6, 2026 2026 City Council Local and Regional Appointments

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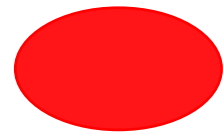
Mayor and council members:

I write to express support for the position that council appoint in-coming Mayor Tracy Martinez as our city's primary representative to SANDAG. My reasons include:

1. Del Mar needs all the clout it can have at SANDAG as so many of the key issues we face are SANDAG related: rail tunnel, bluff stabilization, SANDAG affordable housing grants; SANDAG RHNA affordable housing assignments, and more.
2. It is common practice in most other cities that its mayor serves on SANDAG. Mayors from 16 of the 18 member agencies currently serve for their agency on SANDAG.
3. A policy of designating the Mayor as Del Mar's primary SANDAG rep [and the deputy mayor as the alternate] will provide continuity and an opportunity for the deputy mayor to learn the ropes and step in seamlessly when taking over the mayor position.
4. There could, of course, be exceptions. For example, if a mayor or deputy mayor declined to serve.
5. Formalizing this policy would provide continuity to the process, would remove the politics, would assure Del Mar has maximum influence at SANDAG, would provide the deputy mayor with a year to get ready to serve. and would best serve the city.

Thanks for considering my suggestion.

Dwight Worden



**Leslie Carrillo**

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**From:** Ann Feeney <feeney@scripps.edu>  
**Sent:** Sunday, January 4, 2026 11:45 AM  
**To:** City Clerk Mail Box  
**Subject:** red dot Item #7

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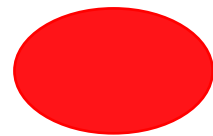
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Dear Mayor and Councilmembers,

I strongly recommend that Mayor Tracy Martinez be selected as the SANDAG representative from Del Mar. She is currently first Alternate and she is well qualified for the position. I also recommend that Deputy Mayor John Spelich, currently the second alternate, be selected last the first Alternate.

Thank you

Ann Feeney  
Rimini Rd



**Leslie Carrillo**

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**From:** Buck <buckabell@gmail.com>  
**Sent:** Sunday, January 4, 2026 1:52 PM  
**To:** City Clerk Mail Box  
**Subject:** Red Dot, Agenda Item #7, City Council Local and Regional Appointments

**Follow Up Flag:** Follow up  
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Mayor and council members:

I write to express support for the position that council appoint in-coming Mayor Tracy Martinez as our city's primary representative to SANDAG. My reasons include:

1. Del Mar needs all the clout it can have at SANDAG as so many of the key issues we face are SANDAG related: rail tunnel, bluff stabilization, SANDAG affordable housing grants; SANDAG RHNA affordable housing assignments, and more.
2. It is common practice in most other cities that its mayor serves on SANDAG. Mayors from 16 of the 18 member agencies currently serve for their agency on SANDAG.
3. A policy of designating the Mayor as Del Mar's primary SANDAG rep [and the deputy mayor as the alternate] will provide continuity and an opportunity for the deputy mayor to learn the ropes and step in seamlessly when taking over the mayor position.
4. There could, of course, be exceptions. For example, if a mayor or deputy mayor declined to serve.
5. Formalizing this policy would provide continuity to the process, would remove the politics, would assure Del Mar has maximum influence at SANDAG, would provide the deputy mayor with a year to get ready to serve. and would best serve the city.

Thanks for considering my suggestion.

Buck Abell