



**CITY OF DEL MAR
CITY COUNCIL REGULAR MEETING MINUTES
JANUARY 6, 2026
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 Tracy Martinez called the Regular Meeting to order at 4:55 p.m.

ROLL CALL

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

CITY ATTORNEY CLOSED SESSION REPORT

City Attorney Leslie Devaney reported that there were no reportable actions or recusals for the January 6, 2026, Closed Session. She reported that Item C was not discussed and will be continued to January 20, 2026.

PLEDGE OF ALLEGIANCE

Mayor Martinez led the Pledge of Allegiance.

PUBLIC ORAL COMMUNICATIONS

Mayor Martinez opened public oral communications and the following people spoke:

- 1) Polly Cipparone representing the Del Mar Library
- 2) Diana Kutlow representing Senator Blakespear

Mayor Martinez closed public oral communications.

CITY COUNCIL COMMUNITY ANNOUNCEMENTS

Councilmember Gaasterland reported on the successful Penguin Plunge that occurred on New Year's Day.

CITY MANAGER'S REPORT

City Manager Ashley Jones reported on the upcoming absolute work window for the San Diego Association of Governments (SANDAG) Del Mar Bluff 5 Stabilization Project from January 9, 2026, to January 12, 2026.

Council questions focused on how the public can engage SANDAG with questions and comments regarding the project; whether SANDAG can present a project update to City Council at a future meeting; clarification on the approval history of the project and the project's design; and clarification that a prior City Council approved encroachment permits related to the project but approval of the design and overall

project is outside of the City's regulatory authority. Councilmembers Gaasterland and Quirk requested a future agenda item from SANDAG regarding the project's history and clarifying any pending questions. Council also requested an update on SDG&E's impact on the Camino del Mar Bridge construction schedule at the City Council's upcoming Goals and Priorities Workshop.

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 GAASTERLAND, SECONDED BY QUIRK TO APPROVE THE CONSENT CALENDAR ITEMS 1 THROUGH 5. (VOTE 4-0)

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

ITEM 1: APPROVAL OF MINUTES: DECEMBER 15, 2025 REGULAR AND SPECIAL MEETING (CLERK'S MINUTES BOOK)

Council approved the minutes, on consent.

ITEM 2: RATIFICATION OF LIST OF DEMANDS, DATED JANUARY 6, 2026 (CLERK'S FILE NO. 201-3)

Council approved the list of demands, on consent.

ITEM 3: WAIVER OF READING OF ORDINANCES ON AGENDA (CLERK'S FILE NO. 401-4)

Council waived the reading of ordinances, on consent.

ITEM 4: AGREEMENT WITH HINDERLITER, DE LLAMAS & ASSOCIATES FOR SALES, USE, AND DISTRICT TAX INFORMATION, AUDIT, AND CONSULTING SERVICES (CLERK'S FILE NO. 406-1)

Council approved an Agreement for Sales, Use, and District Tax Information, Audit, and Consulting Services with Hinderliter, de Llamas & Associates (HdL); and authorized the City Manager to execute the Agreement and any subsequent amendments provided for under the Agreement contingent upon satisfactory performance by the consultant, on consent.

PUBLIC HEARING

ITEM 5: ADOPTION OF AN ORDINANCE TO REPEAL AND REPLACE CHAPTER 11.40 OF THE DEL MAR MUNICIPAL CODE TO PROHIBIT THE USE OF EXPANDED POLYSTYRENE AND SINGLE-USE, NON-COMPOSTABLE DISPOSABLE FOOD SERVICE WARE CITYWIDE, AND SINGLE-USE PLASTIC BEVERAGE BOTTLES AT CITY FACILITIES AND CITY-SPONSORED EVENTS (CLERK'S FILE NO. 401-4, 401-9)

Mayor Martinez opened the public hearing. There were no public speakers for the item. Mayor Martinez closed public communication.

City Council adopted Ordinance 1025, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, REPEALING AND REPLACING CHAPTER 11.40 OF THE DEL MAR MUNICIPAL CODE PROHIBITING USE OF EXPANDED POLYSTYRENE AND SINGLE-USE NON-COMPOSTABLE PLASTIC DISPOSABLE FOOD SERVICE WARE", on consent.

ITEM 6: DE NOVO HEARING OF AN APPEAL OF THE PLANNING COMMISSION'S DENIAL OF A VARIANCE (V24-003) REQUEST FOR REDUCTIONS TO FRONT AND REAR YARD (SETBACKS) REQUIREMENTS FOR A NON-CONFORMING LOT (CLERK'S FILE NO. 301-3)

Mayor Martinez introduced the item and provided an overview of the De Novo hearing procedure for the appeal. A presentation was provided by Principal Planner Matt Bator. Assistant City Attorney Ralph Hicks and Planning and Community Development Director Karen Brindley were available to answer questions.

Council disclosures regarding the hearing were as follows: Deputy Mayor Spelich disclosed that he spoke with Assistant City Attorney Ralph Hicks, watched the Planning Commission hearing twice, spoke to two Planning Commissioners, read the materials and red dots, and spoke to the applicants and several neighbors; Councilmember Quirk disclosed that he met with the applicant and reviewed all red dots and materials for the item; Councilmember Gaasterland reviewed the materials and red dots, spoke with the applicant's next door neighbors the Clarks, looked at the subject property from the Clark's yard, and walked the applicant's property with her husband; and Mayor Martinez read the agenda report, met with the application inside and outside of their property, visited the Clark's property inside and outside of the house, read the red dot letters, spoke with staff and Assistant City Attorney Ralph Hicks, spoke with one Planning Commissioner, and that she participates in the Del Mar Women's Giving non-profit with applicant Beth Westburg.

Council questions focused on clarification of the site plan shown in staff's presentation; elevation differential on the property; clarification on the information shown in the typography map included in staff's presentation; when in the development process a California Environmental Quality Act (CEQA) analysis would be completed; whether any parcels on the previously private portion of San Dieguito Drive conform (are larger than 40,000 sq feet); history of subdivision that resulted in the current lot size; clarification on the lot size of the Westberg property; fire road easement proposed as part of the variance application and related regulation/enforcement; floor area ratio applicable to a future proposed project if variance is granted; square footage of variance requested; and whether Council can specify the location the home could be constructed in within the variance area.

Applicant Reid Westburg and applicant's representative Lee Andelin provided comments.

Mayor Martinez opened the item to public comment and the following people spoke:

- 1) Marc Westburg
- 2) Nan Johnson
- 3) Janet Wilson
- 4) Amy Cheshire with one donation of time from Chuck Marsh
- 5) Eric Clark
- 6) Tate Scott with donations of time from Becky Walker and Wade Walker
- 7) Laura DeMarco with one donation of time from Jennifer McDowell

Mayor Martinez closed the item to public comment.

The applicant's representative Lee Andelin provided a rebuttal on behalf of the applicant.

Council additional questions focused on clarifying the legal definition of a per se taking; details of the Certificate of Compliance issued for the property; whether there are other small lots along Crest Canyon; CEQA analysis and exception process; and septic issues.

Council discussion focused on division within the neighborhood regarding the project; considerations related to fire road access; parameters for which the City Council can consider and potentially approve a variance area; considerations about how the Design Review Board approval of a future project may interact with any variance approved this evening; and related floor area ratio regulations.

IT WAS MOVED BY COUNCILMEMBER QUIRK AND SECONDED BY COUNCILMEMBER GAASTERLAND TO ADOPT RESOLUTION 2026-01, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, MODIFYING AND THEN APPROVING VARIANCE APPLICATION V24-003, A REQUEST FOR RELIEF FROM DEL MAR MUNICIPAL CODE SECTIONS 30.10.070.C.1.(A) AND 30.10.070.C.1.(B) TO REDUCE THE REQUIRED FRONT AND REAR YARD SETBACKS OF THE SUBSTANDARD SIZED LOT FOR DEVELOPMENT OF A RESIDENTIAL DWELLING UNIT AND DETACHED GARAGE ON A VACANT LOT LOCATED ADJACENT TO 1439 ORIBIA ROAD (APN: 299-200-74-00), DEL MAR, CALIFORNIA" WITH AMENDMENTS ESTABLISHING A 10 FOOT SET BACK ON THE EAST, WEST AND SOUTH SIDE OF THE SOUTH HALF OF THE LOT WITH THE ALLOWED FLOOR AREA TO COMPLY WITH THE R1-40 ZONE STANDARDS, THEREBY APPROVING THE VARIANCE (VOTE -4-0)

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

Planning and Community Development Director Brindley suggested that the City Council

COUNCIL MEETING RECESS:

The City Council took a meeting recess from approximately 6:58 p.m. to 7:10 p.m.

CITY COUNCIL OTHER BUSINESS

ITEM 7: 2026 CITY COUNCIL LOCAL AND REGIONAL APPOINTMENTS (CLERK'S FILE NO. 401-1)

An introduction to the item was provided by City Manager Jones. A presentation was provided by Administrative Services Manager Krietor.

Council questions focused on the process for amending the local and regional appointments and outcome if the City Council does not have consensus on a given appointment.

Mayor Martinez opened the item to public comment and the following people spoke:

- 1) Jas Grewal read a letter submitted by Suren Dutia with a donation of time from Tate Scott
- Mayor Martinez closed the item to public comment.

Councilmember Gaasterland called a point of order regarding the public comment about the compensation she has received from SANDAG for her service on the Board of Directors which is

consistent with the compensation received by other SANDAG Board of Directors and other assertions in the red dot submitted by Suren Dutia.

Council discussion focused on reviewing the 2025 list of local and regional appointments and potential changes.

Council consensus was to make the following changes to the 2026 Regional and Local Appointments: 1) Appoint Mayor Martinez and Deputy Mayor Spelich to the Legislative Subcommittee; 2) Appoint Deputy Mayor Spelich to serve on the Civic Center Operations Guide Subcommittee with Councilmember Gaasterland, who was previously appointed; 3) Reappoint former Councilmember and resident Dwight Worden to represent the City on the METRO JPA Commission; and 4) Update the SANDAG Shoreline Preservation Working Group representatives to reflect Councilmember Gaasterland as the primary representative with Deputy Mayor Spelich as 1st alternate and Mayor Martinez as 2nd alternate.

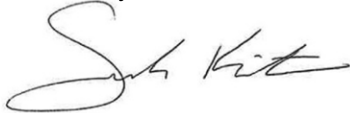
After discussing at length, there was no Council consensus or vote on the 2026 SANDAG Board of Directors primary or alternate appointment(s).

REGIONAL ORGANIZATION AND COUNCIL COMMITTEES/SUBCOMMITTEES/COMMUNITY ORGANIZATION REPORTS

City Council representatives reported on the North County Transit District.

ADJOURNMENT

Mayor Martinez adjourned the meeting at 9:14 p.m.



Sarah Krietor, Administrative Services Manager/
City Clerk