

SPECIAL ELECTION ISSUE

DEL MAR'S COMMUNITY MONTHLY
NEWS • FEATURES • OPINION

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SANDPIPER

BIGGER WATERMARK "BY RIGHT"

We now see the first tangible consequence of the recent votes by Council Members Druker and Gaasterland to veto the actions necessary to remedy the City's noncompliance with the Housing Element of our Community Plan: a larger Watermark housing project, developed "by right," with greatly reduced community input, and no discretionary or environmental review.

Why is the Watermark developer proceeding with a "by right" development? Until now, the City and the Watermark developer were pursuing a Specific Plan strategy with the tacit blessing of the State: a Plan that would reduce the density of the development and meet community concerns, but still produce the affordable housing units needed from this property. The Plan would have kept the project at two stories, reduced the number of units well below 20 units/acre, and preserved DRB's significant role to shape the project's design.

But when Gaasterland and Druker vetoed the North Commercial (NC) zoning amendments required by our Housing Element (HE) on September 8, the State Department of Housing and Community Development (HCD) notified the City that we are in noncompliance, giving us 30 days (until Oct. 30) to respond before taking action against us. HCD cited not only the failure to rezone NC, but also the failure to up-zone the Watermark property to 20-25 units/acre for development "by right," as required by our current HE. In other words, HCD is no longer willing to wait to see if a Specific Plan is approved as a substitute for the up-zone.

A consequence of the City's noncompliance is that it gives developers the right to pursue projects as though we had complied with our HE, which means the Watermark developer can pursue a development "by right." And that is precisely the path the developer is now choosing, as detailed in an Oct. 16 letter from its attorney to the City. Notably, the letter points out that it is clear the Specific Plan cannot gain the required 4/5ths Council vote in the foreseeable future, based on "the unabashed disdain for residential development at required densities in the North Commercial zone by two members of City Council" – i.e., Gaasterland and Druker. "By right" development plans are expected to be filed shortly.

"By right" means no discretionary review by the



DRB or Planning Commission, no environmental review under CEQA, and no Specific Plan shaping the project to meet community concerns. These are key tools of local control that have long allowed us to protect neighborhood character under the Community Plan. Under "by right" processing, the Government Code directs that the City *"may not disapprove a housing development project, nor require a conditional use permit, planned unit development permit, or other locally imposed discretionary permit, or impose a condition that would render the project infeasible."*

Watermark's letter states they will be filing plans for a 48-unit project, including 10 affordable units, instead of the Specific Plan proposal of 38 units, including 6 affordable units, with 3 donated to the City as an "exceptional public benefit."

Project planners state that the revised project will move units from the hillside to protect environmentally sensitive habitat, including Torrey Pine trees, and comply with the Bluff, Slope, & Canyon overlay. Wetlands will be separated by a 50-ft buffer. New fire protection measures will include fire resistant siding and roof materials and a new emergency fire evacuation route at the southern end of the property (which will also be available to San Dieguito Road evacuees through the project parking structure). Because of the reduced size of the buildable lot, several structures will be three stories above the parking podium. The affordable units will mirror the mix of 3-, 2-, and 1-bedroom market units so that families can be accommodated.

Bottom line: Had we come into compliance with State law and completed the Specific Plan process with Watermark, we would be looking at a 38-unit project as described above. Instead, after vigorous opposition from some nearby residents and two Council members with respect to the Watermark project and the North Commercial zoning amendments required by our Housing Element, we are now looking at a 48-unit project with no discretionary review, no environmental review, and minimal community input into the final project. This is Exhibit A of what it means to be in noncompliance with State housing law, and with the Housing Element portion of our Community Plan. Unless we dramatically change course and come into compliance with State housing law, this is just the first of many examples coming our way of losing local control over our zoning and development, including the rest of North Commercial, North Bluff, and South Bluff (Staver). ■



NOW: BEST EFFORT

We write this editorial before the voter results are in because it is relevant regardless of who the winners and losers are.

Unfortunately, our Del Mar election season turned nasty. Legitimate differences among candidates got undercut and misrepresented. Because of out-of-bounds sniping and negative personal attacks by some, voters have been inflicted with misinformation, distortions, exaggerations, and fear mongering, all while trying to make informed decisions about who is best suited to assume City Council roles. We are particularly concerned by the use incendiary imagery in campaign fliers. An election should not be a call to war but a call for best efforts. What were they thinking?

We are a very small town with a lot of neighborly interactions. Our election campaigns should encourage debate, not bickering. We dare say that we are much more in alignment on core values than our few differences allow us to acknowledge. There are significant existential challenges in front of us which will require united effort and resourceful leadership. So, on November 4 let's consult our better angels, lick our wounds, forgive and forget—whatever metaphor gets us past this ugly period so we can work constructively together as a united community. ■

One of the tragedies of the federal response to the COVID-19 pandemic has been the erosion of trust in two of the most important organizations, the Centers for Disease Control and Prevention (CDC) and the Food and Drug Administration (FDA). Advice from both agencies has been undercut by political meddling and mixed messaging from the current administration. We knew six months ago that the virus could be spread by aerosols, but the CDC said no, then yes, then no again, and just this month, yes again.

The latest fiasco is the virus-infected President saying that the Regeneron antibody cocktail he received was “curative” and urging the FDA to waive full review and grant emergency authorization for its widespread use. We know that the President received the antiviral drug Remdesivir and steroids in addition to the antibody treatment, and we do not know enough about his viral load to reach any conclusions about which of the treatments was effective. Nonetheless, the FDA is once again under pressure to fast track a treatment when clinical studies are incomplete.

Regeneron released preliminary results of its early trials in a press release (not a peer-reviewed scientific article) on September 29th. The product tested consists of two proteins that recognize different sites on the viral spike protein needed for initial infection and ideally block that infection. Volunteers who were in early stages of infection prior to generation of their own antibodies and who had high viral loads showed the most benefit from the treatment with a more rapid resolution of symptoms than placebo controls. However, because of the small number of volunteers in these subgroups, these improved outcomes were not statistically significant. This means that the results in the treated versus placebo group did not reach the 95% level of certainty that is the widely accepted standard for a significant difference. Reductions in viral loads after 7 days of treatment were significant, so the antibody treatment holds promise if future larger studies confirm these findings.

If we can't trust the CDC and the FDA to inform and protect us, who can we trust? Dr. Fauci has been as candid and truthful as possible, but he has been absent from the COVID Task Force for many weeks. Dr. Deborah Birx is reported to be sidelined and ready to resign. We need to be patient and wait for solid, peer-review studies published in the scientific literature to make important decisions about potential treatments and vaccines. Operation Warp Speed just accelerates the probability of premature and potentially dangerous decisions for all of us. To paraphrase what Senator Kamala Harris said on October 7th, if Dr. Fauci says a vaccine is good, I will be the first in line to take it. If Donald Trump says it, no way. ■



The Sandpiper is published by the Del Mar Community Alliance, a 501(C)(4) non-profit. Its purpose is to advocate the Del Mar Community Plan, to foster informed public and government decision-making regarding issues affecting the community of the City of Del Mar, and to encourage a social and political climate favorable to the protection of the community character of the City of Del Mar and its environs.

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UPCYCLED FOODS

Valérie Dufort-Roy | Klish Way

A whopping 40% of food produced in the US will never be eaten. Some 240 billion pounds of produce goes unharvested or unsold, annually. The reasons are numerous: produce that are imperfect, misshaped, bruised or producers who are offered a price too low to offset harvest costs. Aside from the wasted food, 21% of the US fresh water supply is wasted producing food that will never be eaten. Uneaten food ends up in an incinerator, in animal-feed or in the landfill, where it faces anaerobic conditions generating methane-producing bacteria. If you are not convinced yet, another stat shows that 8% of human-caused greenhouse gas emissions is directly linked to human food waste. Looks like the perfect storm, doesn't it?

Thankfully, a range of initiatives are attempting to rebalance the production chain involving upcycled foods. "Upcycled foods use ingredients that otherwise would not have gone to human consumption, are procured and produced using verifiable supply chains, and have a positive impact on the environment" (Upcycled Food Association). It is about making our food chain sustainable, while increasing effectiveness by including upcycled foods: perfectly good for human consumption, but also possibly incorporated into pet food, cosmetics, and so on.

Below are a few upcycled food options that can be found locally or online:

- Barnana: upcycled plantain and banana snacks (Jimbo's, Ralphs, Vons, Whole Foods Pantry).
- Pulp pantry: chips made out of vegetable and fruit pulps used for juices (pulppantry.com).
- Sir Kensington's Vegan mayonnaise: using aquafaba, which is boiling water from chickpeas used to make hummus (Ralphs).
- Regrained: uses spent-grains as a byproduct of brewing beer to make granola bars and chips (Jimbo's).
- Avocado Tea Co: from Temecula, tea made out of avocado leaves (Baker & Olive, Encinitas).
- Imperfect Foods: ugly produce subscription delivery, with produce mostly sourced in California. →

LETTERS TO THE EDITOR

Material submitted must include the writer's name, street address, and phone number, and should not exceed 400 words. Contact us via e-mail or post at:

The Sandpiper, Box 2177, Del Mar, CA 92014
editor@delmarsandpiper.org

BREATHE AND TWIST

Danica Edelbrock, M.S., Exercise Physiologist

One of the easiest ways to reconnect the mind and body and decrease stress is through breathwork. By slowing down the breath the body naturally relaxes, physiologically.

Stop and take a deep, slow, long breath in through the nose. Exhale slowly, feeling the body relax. Try again this time bringing awareness to the expansion in the chest and the movement in the belly. Repeat 5 times. Note the sense of relaxation and connectedness of mind and body.

Try breathwork with the pose spinal twist. It can be done on a bed or on the floor. Make sure to relax the head neck and shoulders by using a pillow or towel roll if needed. Hold the pose for 10-20 long, deep breaths on each side.

Spinal Twist: Through twisting, we are lengthening the spine so energy can flow more easily; we create space between the vertebrae and decompress the spine. Please seek medical advice prior to performing a twist if you have a back injury or osteoporosis.



For a video demonstration of this exercise please see the below link!

<http://bit.ly/sp-twist>

Danica Edelbrock, M.S., is an Exercise Physiologist with over 20 years' experience developing specialized fitness and exercise programs for the San Diego community. ■

Last year, the industry was worth about \$47 billion, with an expected growth rate of 5% annually. Dole is the newest and largest player in the upcycled food industry, currently exploring product ideas to meet its Zero Waste commitment.

Eating plant-based food, driving an electric car, living near your workplace, composting, recycling, using solar energy, are all solutions that jointly reduce our impact on climate change. However, according to Project Drawdown, a global leader in quantifying climate change strategies, significantly reducing food waste is the number one solution that can positively impact the need for excess production and resulting greenhouse gas emissions. Ugly is trending! ■



NOVEMBER 2020

Sandra Hoyle | Past President

The Del Mar Foundation recently elected a new slate of officers to lead the organization for 2020-2021. **Betty Wheeler** was elected President, replacing Sandra, who will remain on the Board as Past President. Betty's previous board term (2006 – 2012) began after volunteering with the Cultural Arts Committee to create the Bluegrass and Beyond Series in 2004. She helped launch in the Community Endowment and spearheaded the creation and renovation of the Del Mar Community Building in 2012. Continuing on the Executive Board as Secretary is **Alice Brown**. Alice, a San Diego native, has lived in Del Mar since 1978 and is an active community volunteer, having served on the San Dieguito Lagoon Committee and the Del Mar Rose Society. Rounding out the slate is **K. Alan Lonbom**, who will continue to serve as Treasurer. Alan and his wife, along with their son, moved to the area in 2010. He retired five years ago from Deloitte & Touche LLP after a distinguished career as an audit partner with extensive experience serving clients in the firm's energy & utilities sectors. Alan's active with several local organizations including the City's Finance committee and President of The Childs Primary School Board.

Over the past year, the Foundation welcomed Directors **Jeff Barnouw, Annu Chopra, Jenny Galan, Kathy Grimm, Hylton Lonstein and Julie Maxey-Allison**.

Sharon Bockoff and Amanda Allen continue to serve. Long-time members **Bob Gans, Bill Morris, Mike Halpern, Karla Deerinck** and most recently, **Ira Sharp** completed their board terms.

Over the past month, the Foundation has increased and expanded support to the Del Mar Community Connections' Pandemic Response Drive Program that provides grocery, cleaning and hygiene product delivery each day, and the St. Peter's Church's Helping Hands food program which administers three meals each day to guests (from a local restaurant and two bagged lunches with a protein drink).

If you are interested in becoming more involved, please send us an email at <http://bit.ly/DMF-email>. Continue to check our website (www.delmarfoundation.org) and follow us on [facebook.com/DelMarFoundation/](https://www.facebook.com/DelMarFoundation/) and Instagram (@delmarfoundation) for updates. □

MACHINE LIT

Sudepto Roy | Klish Way

Two esteemed Sandpiper editors recently inquired about GPT-3, an AI (artificial intelligence) program that purports to author human-like text. Since the very beginning of modern computing, pioneers such as Alan Turing, the British computer science pioneer who broke the Nazi Enigma Code, grappled with the question of “can machines think?” There is even a test for AI efficacy, eponymously known as the Turing Test, to see if a computer's predictions and actions can be deemed as indistinguishable from that of a human. Let us try this test on this article. Exactly four sentences have been generated using an AI model. Can you spot them?

While AI has progressed since 1950s into many branches of inquiry, such as machine learning, robotics, and natural language processing (NLP), one branch of NLP deals with text processing. The obvious uses of such techniques include real-time translation, article or book summarization, natural chatting (employed very widely for customer service on websites), detection of academic plagiarism, etc. One major advance, known as GPT (Generative Pre-trained Transformer), has recently occurred in the field of authoring. It comes from OpenAI, a for-profit AI-research laboratory based in San Francisco.

GPT will revolutionize authoring of articles. GPT aims to provide high quality authoring tools to all professional researchers. Such tools will help to boost the system's global adoption among academic publishers. As such, it needs an open mind on the the strengths of open access as a publishing tool.

As with much of computing, every major advance has been met with equal doses of wonderment and derision. Will such AI-bots take away writing jobs? Will they make human authors redundant? Will this contribute to more fake news? While these are all legitimate concerns that deserve the full weight of ethical, moral, economic, and legal scrutiny, let me propose a viewpoint of collaborative advancement.

As an engineer, for instance, I am required to consume vast amounts of technical and policy literature, that are published worldwide at a torrential pace, and often in languages I am not familiar with. A program that generates concise summaries of published material and latest inventions, highlighting the problems they solve and those that they don't, would be very informative, leaving time to focus on the truly creative aspects of my work, pertaining to design, usability and utility. Just as spelling and grammar checkers, GPT-like programs would be added to the productivity toolkit of human authors.

As for Turing's original question, I turn to a definition of MIT Sloan School of Management Professor Thomas Malone's definition of AI as “machines acting in ways that seem intelligent.” “Seem” is the operative word here. For instance, GPT does not care about why it authored some text in the first place. It is still soulless. □

ROVING TEEN REPORTER

Gen Z at the Ballot Box

Neha Pubbi | Torrey Pines High School Senior

This November, issues like the pandemic, social justice, and the environment are at stake with the presidential election. Everyone holds their own priorities about politics, but important issues for teenagers range from healthcare and police reform to immigration.

“Who will replace Ruth Bader Ginsburg on the Supreme Court is an important issue for me. The Court is tilting towards a strong conservative majority and getting unbalanced. Healthcare is important too. What we have right now isn’t working, and whatever Trump was attempting by repealing the Affordable Care Act isn’t working either,” Mirabel Hunt, a Biden-supporting junior at TPHS, said.

For conservative teenagers, pro-life beliefs and immigration are of the utmost importance. “As an immigrant, I think immigration laws should be stricter. We need police reform and need to spend more money on training. As a Catholic, I am pro-life. The president has done a lot for that,” Kevin Sotelo, a conservative TPHS graduate, said.

The younger population acknowledges that voting for a president is for more than that position. “We’re also voting for other positions as the president appoints federal positions. It’s important that the president isn’t trying to repeal healthcare, revoke climate regulations or LGBTQ+ rights, and is able to handle the pandemic,” Shadi Mohebbi, a progressive TPHS graduate, said.

Teenagers’ age affects their political stances. “Environmental issues are important to me since my generation will be dealing with the decisions that current elected officials are making about the environment,” Audrey Chan, a Biden-supporting senior at CCA said.

Most teenagers believe that this election will be unpredictable. “It isn’t safe to make predictions because many things could happen, like the electoral college not lining up with the popular vote,” Chan said.

Regardless of party affiliation, most teenagers feel that this election is more significant than previous elections. “I believe this is a turning point, and we will see if this country will stay on top or gets worse,” Sotelo said.

Most newly eligible voters will vote through mail and not in person. “It’s upsetting that I won’t be voting at the polling place, but since the stakes are so high, I’m just glad I can vote,” Mohebbi said.

The pandemic hasn’t stopped teenagers from being politically involved. “I have been doing calls for Joe Biden,” Mirabel said.

Teenagers believe this is an important presidential election and will play their part in American Democracy. □



Del Mar Community Connections
Supporting and Serving Seniors

NOVEMBER 2020

Ashley Simpkins | Program Director

We’re Fighting the Flu!

DMCC held our Annual Flu Vaccination Clinic on Friday, October 9th, but this year, it was a drive-thru so that we could maintain physical distance between volunteers and flu shot recipients. We are proud that we were able to vaccinate 80 Del Martians. Thank you to the City of Del Mar staff who helped us plan a very different event at the Civic Center and let us borrow items we never thought we would need for a flu clinic, like traffic cones. We also want to recognize all the volunteers who helped us pull it off, by doing things like providing transportation to nondriving seniors, serving ice cream, and directing traffic.

If you weren’t able to reserve a spot at our flu clinic, it’s not too late to get vaccinated. The flu shot is free with Medicare and most insurance plans. The CDC tells us that 80% of flu deaths occur among the 65+ population; the flu shot is the best way to prevent illness or serious complications, and it’s more important than ever in the context of the COVID-19 pandemic. Call the DMCC office at (858) 792-7565 and we will be happy to help you make a plan to get the flu shot.

Get Help to Vote

As you are likely aware, there are a lot of different rules and options for voting this year. If you are a Del Mar senior who needs help getting to the polls, or if you’d like for us to collect your completed mail ballot and deliver it to the official ballot drop box at the Del Mar branch library, please call us as early as possible at (858) 792-7565 and we will be happy to provide assistance.

Volunteer of the Month – November

DMCC’s Volunteer of the Month for November is Jane Garrison, Green Thumb. Jane cares for our gorgeous succulent garden, and often goes above and beyond without anyone having to ask. Thank you, Jane!

DMCC programs and services depend on our incredible volunteers! To learn more about Jane or becoming a DMCC volunteer, visit dmcc.cc/volunteerofthemonth.

For more information... or to join our email list:

Please visit our website at dmcc.cc, or contact the DMCC office at (858) 792-7565 or dmcc@dmcc.cc. □

DON'T FENCE ME OUT

Don Mosier | Rimini Road

On August 28th, 2020 the North County Transit District (NCTD) filed a petition with the federal Surface Transportation Board (STB) requesting a declaratory order to preempt any attempts by the City of Del Mar and the California Coastal Commission (CCC) “to regulate NCTD’s rail line maintenance and any other upgrading in its rail right-of-way pursuant to the state and local permitting regime in California.” The essence of NCTD’s argument is that regulatory review by Del Mar and the Coastal Commission interferes with essential rail services.

What triggered NCTD to take this action? Del Mar sent a letter to the Coastal Commission on April 21, 2020 requesting that the emergency bluff repairs conducted last winter be covered with dirt and foliage to blend into the existing bluff face instead of leaving the concrete patch exposed. This request was denied by the Commission on August 22nd, so that issue is now moot. The Del Mar City Council also opposed a planned NCTD project to erect 6-foot high fencing on both sides of the track through Del Mar. This appears to be the real issue triggering the petition to the federal Transportation Board.

Responses to the August 28th petition were due by October 5th. The City of Del Mar, the Coastal Commission, and Surfrider (among others) submitted detailed (e.g., 107 pages for Del Mar) arguments opposing the NCTD petition. There are several pertinent points in these responses.

First, the emergency repair project was conducted by the San Diego County Association of Governments (SANDAG), not NCTD and SANDAG did not join the petition.

Second, STB actions are intended to resolve ongoing conflicts. With the Coastal Commission’s decision on bluff repair mitigation, there are no current conflicts.

Third, no action by the federal Transportation Board can conflict with the Coastal Commission’s authority under the federal Coastal Zone Management Act.

Fourth, the ongoing bluff repairs are taking place outside of the rail right-of-way, and Del Mar has cooperated in allowing these repairs.

And fifth, STB actions are limited to current activities, not uncertain future events. Has Del Mar interfered with rail transport? No, but coastal erosion has, and that is why Del Mar and SANDAG agree that the train tracks must be moved off the bluffs. NCTD’s petition cited at the beginning of this article is a blatant attempt to avoid environmental review, particularly with regard to the proposed fencing, and should be rejected by the STB. □



FACT CHECK WHEN DID WE KNOW?

How Well Have Del Mar’s NCTD Representatives, Terry Gaasterland and Dave Druker, Protected Del Mar’s Interests? The STB Petition, Fencing, and a Safe Crossing

With two recent surprise actions by NCTD – legal action against Del Mar in the form of an STB petition, and revival of plans to fence 1.4 miles of the tracks in Del Mar, it appears that Del Mar’s relationship with NCTD under the leadership of our representatives on the NCTD Board, Terry Gaasterland and Dave Druker, is in tatters, and our prospect for a safe crossing on the bluffs will be addressed instead by fencing.



STB PETITION:

On August 28, NCTD filed a petition against the City of Del Mar and the Coastal Commission, seeking a ruling from the federal Surface Transportation Board exempting NCTD from all Del Mar and Coastal Commission jurisdiction over the rail line through Del Mar: no review of fencing, seawalls, bluff work, no local mitigation for any such work, and no say in relocating the rail line off the bluffs. The NCTD Board authorized the filing of the STB petition. Del Mar’s representatives on the NCTD Board are Terry Gaasterland (primary) and Dave Druker (alternate).

Bottom line: Councilmember Druker recused himself from an NCTD Board closed session on “initiation of litigation” against Del Mar, and neither he nor Deputy Mayor Gaasterland informed the Council or City staff of this closed session agenda item so that the City could investigate or undertake discussions with NCTD to try to resolve the issues short of litigation. The City did not learn of the STB Petition until August 28, more than 3 months after the closed session.

Facts relating to the STB Petition:

1. The NCTD Board held a closed session on the STB petition at its May 21, 2020 meeting. The agenda for the closed session was described as “one potential case, initiation of litigation based on existing facts and circumstances.” According to NCTD spokeswoman Kimy Wall, “the Del Mar representative had a direct agency conflict that precluded participation in the Closed Session. The Del Mar Representative was informed and voluntarily recused.”
2. Despite being informed of this “direct agency conflict,” which clearly indicated that the “initiation of litigation” involved the City of Del Mar, neither Druker nor Gaasterland informed the Council or staff that the NCTD

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LOCAL CONTROL AT RISK

Ann Gardner | Via Latina

City Council is at a stalemate over meeting one of our Fifth Cycle State-certified Housing Element goals, putting Del Mar at risk of financial penalties beginning at \$10,000 a month, and additional pressure to build 20 dwelling units per acre on North Bluff that is currently zoned for low density residential. In 2013 the City agreed to change the North Commercial zone located along Jimmy Durante Blvd. and San Dieguito Drive to allow up to 20 residential units per acre as part of our commitment to provide more housing for all income levels. Implementation was promised by 2015. Despite multiple warnings from the State for failure to meet our commitment, on October 5, 2020 Council members Gaasterland and Druker voted against a motion to implement the change in Del Mar's Municipal Code and Community Plan.

The Municipal Code can be approved by a simple majority (3 out of 5). However, a change in the Community Plan requires a super majority (4 out of 5). As we go to press it is unclear how the State Housing and Community Development (HCD) and the Attorney General will weigh the conflicting decisions in deciding whether or not to pursue an enforcement process against the City that may involve not only financial penalties but additional penalty units added to our next Housing Cycle for failure to implement our 5th Cycle Housing Element.

On September 30th of this year the City received its latest letter from the Department issuing its findings that, despite numerous warnings about delays, Del Mar "has failed to implement a program action (allowing 20 dwelling units in the North Commercial Zone and rezoning the Watermark property for 20-25 residential units, by right) included in its 5th cycle element, and this failure ...has brought the City's housing element out of substantial compliance... with California's Housing element Law." According to the letter, the City has 30 days to respond at which time HCD will consider taking any action authorized by Government Code section 65585 which includes fines "in the minimum amount of ten thousand dollars per month." →



The North Commercial Zone map includes the Watermark Specific Plan plots on the southeast corner and 16 lots on the other sides of San Dieguito Drive and Jimmy Durante Blvd. that are subject of penalties for lack of implementation to allow more residential units. Source: City's Sixth Cycle Housing Element draft

Gaasterland, specifically, is arguing with staff's estimate of 112 units including 14-19 affordable units as a result of the North Commercial zone change. Gaasterland estimates 262, and given that number both she and Druker say they are concerned with associated environmental issues: traffic, sea level rise, preservation of wetland, and emergency access and egress in case of wild fire. However, the North Commercial Program Environmental Impact Report found there would be less environmental impact in the North Commercial zone compared to the already allowed development under the current commercial zone language.

An even higher threat to Del Mar's compliance with our fifth cycle housing goal and risk of referral to the Attorney General's office is the City's failure to rezone two parcels on the southeast corner of Jimmy Durante and San Dieguito Road known as the Watermark Specific Plan authorized by Council in 2014. At their October 19 meeting Council approved a response to HCD prioritizing the processing of the of the Watermark property rezone by April 2021. "As we anticipate approximately four months to complete the public hearing process, including consideration for the... holidays, the City respectfully requests HCD grant the City a shortened timeframe to cure its non-compliance and refrain from referring this matter to the Attorney General's office." ■



WEARING MASKS IS THE BEST VACCINE!

Dr. Robert Redfield, CDC Director

6TH CYCLE HOUSING ELEMENT

City Council Approves Draft

Jill Gartman | Pine Needles Drive

California's housing-element law requires local governments like Del Mar to adopt plans, regulatory systems, and zoning that provides opportunities for new housing development. After three and half hours of presentation, public comment, and often heated council discussion, the City Council voted 3-2 to approve Del Mar's Draft 6th Cycle Housing Element, including the North Commercial area for rezoning, but excluding Shores Park and the tennis courts. Gaasterland and Druker cast No votes.

"We just do not have adequate zoning for affordable housing in the eyes of the state nor does Del Mar have a track record for producing affordable housing units in the last 20 years," said Joseph Smith, Senior Planner, at the City Council's October 5th meeting.

For the 6th Cycle, Del Mar was assigned 163 total housing units by SANDAG (San Diego Association of Governments) plus an estimated 12 penalty units for 5th Cycle noncompliance. Of those 175 total units, 113 must be affordable housing. Responding to a renewed suggestion by residents that Del Mar dispute these numbers, Amanda Lee, Principal Planner, shared that Housing and Community Development (HCD) and SANDAG have confirmed "there is no opportunity to change the 6th Cycle RHNA numbers or to delay processing the 6th Cycle Housing Element."

Fairgrounds housing will be required to avoid up-zoning Del Mar's largest vacant parcels - North Bluff and South Bluff (Staver Property) - and the Draft 6th Element does prioritize working with the Fairgrounds to build affordable housing. However, Del Mar will not receive credit unless it actually inks a Fairground deal in the first three years of the eight year 6th Cycle. Council member Gaasterland objected to the three-year time frame, but city staff were clear that HCD will not accept an eight-year timetable, given Del Mar's track record of past failures on Fairgrounds housing. In fact, city staff said HCD would require a contingency plan at the three-year mark, triggering rezoning of North and South bluffs if Fairgrounds housing falls through.

In addition to the Fairgrounds, accessory dwelling unit (ADU) production was prioritized and will help the city meet its housing goals in the "moderate income" category, plus up to 15 of the required 113 affordable units. Streamlining and incentive programs will also be put in place for building affordable units, but if after a period of time, Del Mar still is not seeing success in actual units, an Affordable Housing Overlay program is included in the draft as a backup plan.

Due to the number of zoning changes proposed, →

Board had a litigation matter against Del Mar on its May 21 closed session agenda.

3. NCTD records show that Terry Gaasterland left the May 21 Board meeting at 3pm. NCTD board records do not show that she recused herself or was excluded from the closed session, which started a half-hour after she left the meeting. When she left at 3pm, she was immediately replaced by Dave Druker.

4. The closed session began at approx. 3:30 pm, at which point Druker said this in recusing himself, according to the audio recording of the meeting: "Before you go into closed session, this is Dave Druker from Del Mar and because this is based upon a letter that we did send in, I will be recusing myself from this closed session."

5. The City Manager confirmed to the Sandpiper that she first learned of the STB petition on August 28, the date it was filed and served. "Prior to that I had no formal notice nor informal discussions from anyone about NCTD's effort." Nor did Druker or Gaasterland ever report to the

continued on page 9

several residents proposed alternatives for low-income affordable housing. City planning staff succinctly explained that the city does not get credit for sites zoned less than 20 dwelling units per acre (20 du/ac), strategies that produce only moderate- and above-moderate income units, and plans for affordable units with no commitment in place (although staff has proposed HCD will grant Del Mar three years to ink an actual Fairgrounds agreement).

Del Mar will get credit for zones that allow 20 du/ac to create "adequate sites" for affordable units; rezones to 20-25 du/ac to allow housing by-right (vacant lots); adequate sites on City property; and actual agreements/commitments to build affordable units.

For those interested in digging deep, city planners shared examples of what residents can expect development due to the Draft 6th Cycle Housing Element to look like. This can be viewed on the City's website. [10-5-20 City Council Meeting Item 7 at 30:50]

Planning staff concluded their presentation to City Council by expressing that the proposed Housing Element Update is consistent with the Community Plan goals because it maintains Design Review Board, Floor Area Ratios, height limits and setbacks; insures adequate housing for diverse age and socio-economic groups within the community; facilities housing for seniors close to the village center; and facilitates lower cost housing for low and moderate income households.

One thing is certain: it will be critical for Del Mar to produce tangible evidence that it means business on affordable housing in the first three years of the 6th Cycle Housing Element. □

Council that NCTD had held a closed session on “initiation of litigation” that involved Del Mar.

6. The filing of the STB petition triggered a 20-day time to respond. Del Mar lost more than three months’ time, from May 21 to August 28, to investigate the “initiation of litigation” agenda matter, and to undertake discussions with NCTD to try to seek compromise or to resolve the issues short of litigation.

Fencing the Tracks and Getting a Safe, Legal Crossing:

In 2019, NCTD began plans for potential fencing on the Del Mar Bluffs. The Council acknowledged legitimate safety concerns, but contended that there were solutions other than fencing. Del Mar asked NCTD to look at all options, not just fencing, and NCTD agreed. **On October 9, 2020, NCTD surprised Del Mar by dropping a completed study supporting the proposed fencing and demanding a 15-day response.**

The study: In the months leading up to the October 9 “surprise,” neither of Del Mar’s NCTD Board representatives, Druker or Gaasterland appear to have reported any details to City Council about the status of the study, despite requests from other Councilmembers for a status update. Indeed, when the safety study was discussed at the June 3, 2019 Council meeting, Councilmember Worden stated, “It’s important that...you two [Druker and Gaasterland] as the subcommittee stay on top of this so we don’t get surprised with – oops, here’s the study and it’s a fence that we know everyone hates.” It does not appear from their reports to Council that Druker and Gaasterland did “stay on top of it” to promote Del Mar’s perspective as part of the study, or to ensure that non-fencing options were fully considered.

Our NCTD reps appear to have dropped the ball on this important issue.

Nor have they made any reported progress on the task of getting a safe and legal crossing across the tracks, which they had primary responsibility for based on Council action and their status as Del Mar’s NCTD reps. Druker was quoted on October 2018, when he was Del Mar’s primary representative on the NCTD Board, that “the city is ‘working diligently’ to create bluff access in Del Mar.” The Coast News reported, “There is currently only one legal crossing at 15th street. He [Druker] said the city is considering crossings at 8th and 11th streets.” (Coast News, Oct. 18, 2018). In the time since then, Druker and Gaasterland have apparently made no progress on this issue.

Bottom line: On the important issues of fencing and safe crossing across the tracks along the bluffs, as well as the STB petition, Druker and Gaasterland’s leadership appears to be missing in action. They owe the Del Mar community an explanation. □

LAGOON SHARKS

Brad Allison | Lagoon Committee member



Leopard Sharks at the lagoon. Photo Brad Allison.

Our Lagoon is home for many species of critters that you may spot while walking the paths. A surprise find came in August when the Lagoon Committee’s Blue Carbon Subcommittee spotted an unusual thrashing of water in a small inlet in the lagoon during their annual tour of the San Dieguito Lagoon. Our navigator, Deputy Director of Community Services Mark Rathsam guided the pontoon boat in for a closer look. There, in shallow water were, at least five Leopard Sharks, three to four feet in length, breaking the surface in a zig zag pattern in and out of the water. Were they engaged in a spawning activity? Not likely as 97% of the Leopard Sharks in our area are already pregnant with pups. The females use the warm water to quicken the development of their offspring so to go on to mate again. Each female shark carries up to 20 pups for 10 months. Harmless to humans, Leopard Sharks swim with us from June until November when they move north and west and disappear for another year. □

BAND-AIDS FOR THE BLUFFS



Photo Julie Maxey-Allison

SAVING DUNHAM HOUSE

Jeff Barnouw | Amphitheatre Drive



*The Dunham House on 10th Street.
Courtesy Sinead NiGhablin.*

The Del Mar Historical Society (DMHS) was running out of options. Its president Larry Brooks wrote a last appeal to the City Council in early September, saying that the Dunham House, the last remaining Jacob Taylor cottage in the historic heart of Del Mar had to be moved from 119 10th Street by October 1 or be destroyed by new development. The new owner, Chris Huber, had generously offered to donate the funds that would have paid for demolition to the effort of moving the house. But to where?

The City was beset by the need to find places for affordable housing. The option of putting it in Area C on the southwest corner of the Civic Center on 10th Street (a location DMHS envisaged for the Alvarado House) was ruled out by the proposed 6th cycle Housing Element that reserves area C for low income housing.

But then, like the deus ex machina of Greek tragedy, the San Dieguito Heritage Museum (SDHM) offered the house a place of honor at the entrance to its impressive “old town” Heritage Ranch at 450 Quail Gardens Drive in Encinitas. Kerry Witken, treasurer of SDHM, said it would make “a good centerpiece.” The museum already displays items and photos from Del Mar, and there will be a grand opening exhibit on Del Mar once the new buildings are established.

It is not generally known that the Dunham house includes two buildings, the historic one from the mid 1880s and a smaller 19 x 19 back addition from the 1970s, built in a style consistent with the old house. Without its porch the original house is similar in size (and much else) to Alvarado House, 28’ x 28’.

At an October 13 meeting of SDHM and DMHS members with the owner Chris Huber and the contractor who will move the house, it was decided to cut the front house in half, so that three trips will be needed. The roof will be demolished (with its widows walk) in Del Mar and rebuilt at the Heritage Ranch. The move will start as soon as the necessary permits are obtained: first a building permit, then demolition and encroachment. →

MUSIC 101

Plaza Rocks

Julie Maxey-Allison | 10th street

Time for a music lesson? A new studio has opened on the upper level of the Plaza, the School of Rock Del Mar, offering lessons for young aspiring musicians— and adults. The set up is a series of separate studio spaces plus a larger one with a small voice studio so all can remain socially distanced. The teachers are “gigging musicians who’ve played and studied music their whole lives” says franchise owner Steve Peterson. Students can learn instruments, keyboard, drums, guitar, cymbals, and such as well as vocalization and composition. Bands are now forming including one for adults. Information: delmar.SchoolOfRock.com. ■



*Inside a studio room at the School of Rock.
Photo Julie Maxey-Allison.*

HAVEN'T VOTED YET?

The polling place for all Del Mar voters this year is Del Mar Hills Academy on Mango Drive.

Completed and signed mail in ballots can be dropped off at the Del Mar Library.

The windfall for the Museum and the City of Encinitas is also a win for the Del Mar Historical Society and the City of Del Mar. A valuable part of its past will be secured to be enjoyed by all of us. Now we can go back to worrying about the Alvarado House. ■

FAIRGROUNDS: WHAT'S UP?

Don Mosier | 22nd District Agricultural Association (22nd DAA)
Board Director

Staff Reductions: As of October 15th, the Fairgrounds has completed the process of reducing its permanent staff positions from 152 to 61. Interim CEO Carlene Moore issued this statement to the departing and remaining staff earlier in October:

“On behalf of the Board of Directors and the entire executive team, thank you for your years of service to the San Diego County Fair and Del Mar Fairgrounds. These are bittersweet times for all of us as we watch our fair family shrink. While our time together is coming to a close, we take solace knowing that some of you have found new appointments with other state agencies, some have found outside employment, some have retired, and some are continuing on with us, but for all of you not moving forward with us, we send our sincerest “Thank you” and we wish you all the best in your future endeavors.”

Affordable Housing Talks: I currently serve as Chair of the Community Relations Committee (CRC) and the Land Use Committee of the 22nd DAA. I can confirm from personal experience that the two Del Mar representatives to the CRC, Ellie Haviland and Dwight Worden, have been involved in active and detailed discussions about placing affordable housing units on Fairgrounds property. These conversations will continue with increased urgency as the Fairgrounds considers multiple options to improve its loss of income due to the COVID-19 pandemic restrictions. I state this to counter misleading claims by some that Del Mar has not been engaged in seeking affordable housing at the Fairgrounds.

The City Council reviewed a draft Memorandum of Understanding between the city and the 22nd DAA at its October 19th meeting. This MOU would commit the city and the fairgrounds to reach agreement on affordable housing during the first 3 years of the 6th Cycle Housing Element. ■

IN BRIEF

Clean Energy Advice

At the October 15th meeting of the Clean Energy Alliance (CEA) Joint Powers Authority (JPA) Board, Del Mar residents Don Mosier and Al Sweedler were appointed to the Citizen Advisory Committee (CAC). The CAC has two representatives from each participating city plus one at large member, and exists to provide advice to the CEA JPA Board on policy and operational issues. ■

BUON APPETITO!



*Northern Italian fare is featured at newly opened Villaggio Ristorante, 1201 Camino Del Mar.
Photo Julie Maxey-Allison.*

IN BRIEF

DMFTalk: Flies in Space!

Dr. Karen Ocorr spoke about her experiments with fruit flies conducted aboard NASA's International Space Station. The study explored the impact of weightlessness on the heart. Why fruit flies? As it turns out, we humans have a lot in common with them. Each fruit fly carries roughly 75% of disease-causing genes and a similar heart structure to us. Dr. Ocorr explained how her fruit flies traveling in space are our partners in helping to uncover a route to therapeutics that can be used to prevent or treat human cardiovascular disorders, both in space and on earth for both research and commercial goals.

Dr. Karen Ocorr, an Assistant Professor in the Neuroscience and Aging Center at Sanford Burnham Prebys Medical Discovery Institute, earned her BA at Lehigh University, her Biology Ph.D. from Wesleyan University. ■

Feed the Beach

We have good news about the future of our supply of beach sand. The costly permit fee from the State Water Board to our city has been mightily chopped from the \$100,000, possibly more, to somewhere around \$1,200 per year. Thanks to SANDAG's advocacy—a major help in getting this important change to happen for the region. Our Council-adopted Sand Compatibility Opportunistic Use Program (SCOUP) is ready for the permitting phase that must first be approved by The Office of Administrative Law before it takes effect, which is expected to occur within 4-6 weeks. The reduced fees will help Del Mar execute its beach adaptation plan once funds become available next year. ■

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DEL MAR'S COMMUNITY JOURNAL

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SANDPIPER ENDORSEMENTS: BLAIR, GANS, WARREN

This year three candidates clearly stand out: Bob Gans, Phil Blair and Glenn Warren. Although they bring quite different but complementary experiences and skill sets to the job, they are similar in respect to their positions on key strategic issues that clearly differentiate them from the other three candidates. And even more importantly they bring an upbeat, positive approach to addressing our issues in a way that could help us achieve unity of purpose that has been missing in recent times.

On key issues, we can expect these three to stand strong on our efforts to block the short term rental industry from overpowering our residential zones—they all support defending the very generous 7/28 compromise. We can expect them to protect local control over land use decisions by working with state housing requirements that are being imposed on all California cities. They have the skills →

and experience to be disciplined and careful in managing us through extremely difficult financial crises.

It is impressive to review how complementary their backgrounds are to form a dynamic leadership team. **Bob Gans** has earned a reputation as a unifying community leader, very importantly including his service on the Finance Committee guiding us to a very strong financial position. **Phil Blair's** reputation as a top business leader in San Diego will strengthen our leverage in regional decision making on critical issues, not to mention his skillfull management of a big business surviving the great recession of 2008 without the loss of a single employee. **Glenn Warren's** experience as a US diplomat can guide us through some tricky negotiation situations, not to mention having a champion from the beach community which is the site of so many neighborhood-disrupting situations. ■



Phil Blair



Bob Gans



Glenn Warren