



ISSUE NO. 18 - OCT. 2022

SPECIAL EDITION: VOTERS GUIDE

Supporting positive change in the best interest of the entire Del Mar Community.

- Moving Del Mar Forward



VOTERS GUIDE DEL MAR CITY COUNCIL

HOW DO THE INCUMBENTS/CANDIDATES DWIGHT WORDEN AND TERRY GAASTERLAND'S PAST VOTES AND ACTIONS ALIGN WITH RESIDENT'S WISHES?

The city council race has begun with two open seats up for election and three candidates in contention. Del Mar's election is considered a non-partisan event, however, brace yourselves as the usual Del Mar shenanigans never disappoint. (<https://tinyurl.com/wdp202010no2>)

Steve Quirk is new to entering Del Mar's city council arena and, therefore, has no council public voting record. Incumbent Terry Gaasterland who has served for 4 years and is running for a 2nd term and Dwight Worden who has served for 8 years and is running for a 3rd term, both hold a clear voting history.

The *Woodpecker's* policy is to not endorse any candidate. Our position is that **Del Mar deserves 2 councilmembers who best respect and honor the voice of the community.**

Actions speak louder than words! The 2 incumbent candidates have taken positions on important Del Mar issues that have consequences for our city. Rather than print another round of candidate statements, we feel it is better to look back at the votes made by the 2 incumbents - actions vs. words. Below we set out 4 key Del Mar issues that impact our community. In addition, we have included available data reflecting the community's input and expectations on each issue in comparison to each incumbent's actions.

- ❖ Fencing on the Bluff/Train Safety
- ❖ Managed Retreat/Sea Level Rise Plan
- ❖ Affordable Housing/Density
- ❖ Short Term Vacation Rentals (STR) Regulation



Key Issue: Fencing on the Bluff

TERRY GAASTERLAND Vote/Action	DWIGHT WORDEN Vote/Action	RESIDENT INPUT
Opposed Fencing Voted Against NCTD Agreement	Supported Fencing Voted For NCTD Agreement	Opposed Fencing February 22, 2022 council meeting: Public comments from 79 citizens on record: <ul style="list-style-type: none"> • 78 citizens were opposed to NCTD Agreement (Gaasterland position). • 1 citizen was in support of NCTD Agreement (Worden position).

Background: The North Coast Transportation District (“NCTD”) owns the railroad tracks along the bluffs. On February 28, 2022 the council rejected (3-2 vote) a proposed license agreement between the city and NCTD for the installation of fencing along the upper bluff from 9th Street to the end of the Del Mar Woods condominiums. NCTD wanted fencing as a “fall protection” measure. Other key terms of the proposed license agreement:

- Del Mar paying \$750,000 for installation;
- No safe railroad track crossing to the beach provided by NCTD;
- Fencing installed in areas with no accident history;
- Southerly fencing to be placed on the high bluff far away from the tracks and more intrusive on neighboring houses and trail users.

Councilmember Quotes:

Dwight Worden:

Bottom Line it is not our call, it is not our call and a no fence is not an option. So in an imperfect world, I am going to vote for the (fencing) license agreement. (City Council Meeting February 28, 2022: Time stamp 1:25:27)

Terry Gaasterland:

People walking on the (railroad) tracks and not having legal crossings – these are the problems we need to work to solve. Fencing anywhere on the upper bluff coastal trail does not solve either of these problems... No fence for fall protection is needed in this location... They (NCTD) are building a fence where it solves no problem. (City Council Meeting February 28, 2022: Time stamp 1:28:24 – 1:34:05)

Consequences: Because of the pushback, the NCTD agreement was rejected, and the fencing was not installed. Residents’ wishes were honored, scenic views were preserved, and the city saved \$750,000. Since this issue will likely continue, alternate solutions will be introduced. Our future council will have to stand up for what residents want – safe railroad crossings and no fencing.

Key Issue: Managed Retreat/Sea Level Rise Plan 

TERRY GAASTERLAND Vote/Action	DWIGHT WORDEN Vote/Action	RESIDENT INPUT
<p>Opposed Managed Retreat under any circumstances, now or in the future.</p> <p>*2017- STAC Chair prior to being elected to city council in November 2018.</p> <p>1/25/2018: Oversaw creation of final approved Sea Level Rise Adaptation Plan which did not include managed retreat.</p>	<p>Contradictory Position between words and actions.</p> <p>Worden has a mindset for Managed Retreat***that is reflected in his voting record. Although he has publicly stated being against Managed Retreat, his voting casts serious doubt on his public statements.</p> <p>10/2017 & 3/2018: Worden led council to vote in favor of city receiving 2 grants from California Coastal Commission (Coastal Commission). The first stated “<i>The City of Del Mar Local Coastal Program Amendment will develop and incorporate (managed) retreat, protection, and accommodation strategies into its certified LCPA</i>”.</p> <p>4/2018 & 5/2018: He directed staff to alter STAC’s approved Adaptation Plan. He then justified* inclusion of backdoor language that created future vulnerability of Managed Retreat.</p>	<p>OPPOSED (overwhelmingly) Managed Retreat under any circumstances, now or future (Gaasterland position).</p> <p>4/16/2018 council meeting:</p> <ul style="list-style-type: none"> • 40 people spoke OPPOSING Managed Retreat language in Worden’s rewrite of the Adaptation Plan. • 98 letters submitted OPPOSING Managed Retreat. <p>5/21/2018 council meeting:</p> <ul style="list-style-type: none"> • 30 people spoke OPPOSING any inclusion of Managed Retreat.

TERRY GAASTERLAND Vote/Action	DWIGHT WORDEN Vote/Action	RESIDENT INPUT
10/1/2018: As STAC Chair voted with STAC majority to add Adaptation Plan into the Community Plan and voted to NOT amend the LCP at this time.	10/1/2018: Supported decision to adopt Sea Level Rise Plan via a Local Coastal Plan Amendment (LCPA).	10/1/2018 council meeting: <ul style="list-style-type: none"> • 31+ people plus STAC OPPOSED the LCPA path (Gaasterland position). • 11 people wrote/spoke supporting the LCPA path including Surfrider and Coastal Commission (Worden position).
6/7/2021: **Supported withdrawing Del Mar LCPA from Coastal Commission June 2021 hearing.	6/7/2021: Opposed withdrawing Del Mar LCPA from Coastal Commission June 2021 hearing.	6/7/2021: SUPPORTED (overwhelmingly) withdrawing Del Mar LCPA from Coastal Commission 6/2021 hearing (Gaasterland position). <ul style="list-style-type: none"> • 49 letters SUPPORTED withdrawal of LCPA from Coastal Commission hearing (Gaasterland position). • 1 letter opposed (Worden position).

Councilmember Quotes:

*Dwight Worden:

*What the plan says that we will do with Managed Retreat is, if and when everything else fails, we will then study it. We are not going to plan for it now, we are not going to figure out how to do it now, **BUT, as a last resort, if we cannot manage sea level rise in other strategies, then we have no options...**so we are pushing it off. (City Council Meeting June 19, 2017 Time stamp 1:29:20)*

...if all else fails, if and when we undertake to process amendments to the plan in the future, we will consider options that are available then which could include Managed Retreat ...it has to be necessary and feasible (City Council Meeting 5/21/18 : Time stamp: 2:18:30) ...we will take up our options that could include Managed Retreat. (Time stamp 2:21:21)

The (Sea Level Rise Plan) simply identifies planned (managed) retreat as a long-term approach that will be reevaluated and considered with future planning and plan amendment only if it becomes necessary and feasible. (Worden's public response to written letter from concerned Del Mar citizen for 5/21/18 City Council Meeting.)

***Dwight Worden's statement in USA Today, September 15, 2022 Digital

"Wealthy people who live right on the sand ... have just freaked out," says Del Mar Mayor Dwight Worden...He (Worden) says there are plenty of ways to keep the sea at bay for decades. But the state's long-term plans have signaled the government was envisioning a future in which some at-risk homes no longer exist – and that has caused "hysteria" among homeowners.

Terry Gaasterland 10/1/2018 council meeting, as a private citizen and STAC past chair, signed a letter that stated:

I'd like to hear this council make a public commitment. I'd like to hear the words - we can say no to the Coastal Commission to turn into - we will say no to the Coastal Commission. (Time stamp 1:58:45)

**Terry Gaasterland 6/7/2021 council meeting; on voting to withdraw the LCPA from Coastal Commission hearing:

If we move forward for Thursday, we enter an unpredictable situation. (Time stamp 1:24:24) our LCPA... discloses projected risks, protects coastal resources, beach bluff and lagoon and it honors our BPI adopted in 1988 and our current LCPA. (Time stamp: 1:25:00)

Background: Managed Retreat was a very hot topic in 2016-2018 and remains an issue today. In Del Mar's case, Managed Retreat involves eliminating sea walls and allowing the flooding of 600 homes in the Beach

Colony and removal of 80 bluff top homes due to bluff instability when the sea level reaches a designated height. Managed Retreat = a disaster for Del Mar.

Some key events in the history of Managed Retreat in Del Mar:

- March 2, 2015: The city council formed the Sea Level Rise Stakeholder-Technical Advisory (STAC) to research and develop the Sea Level Rise Plan (Adaptation Plan) with options to address sea level rise in Del Mar. Worden was a city council liaison and Terry Gaasterland was chair of STAC.
- October 30, 2017: The council (led by Worden) voted to approve acceptance of the 1st grant from the Coastal Commission. The grant had a “string” that **required** the city to include Managed Retreat as a strategy in the Sea Level Rise Plan.
- January 25, 2018: STAC adopted a plan **without managed retreat**; neither as a current nor future option.
- March 5, 2018: The council (led by Worden) voted to approve acceptance of a 2nd grant from the Coastal Commission. This grant also had a “string” that **required** the city to use a certain mechanism, called Local Coastal Plan Amendment (LCPA), for its Sea Level Rise Plan to be approved. The net result of this approval mechanism is that it handed over local control to the influence of the Coastal Commission. Given the 1st grant, the Coastal Commission would continue to expect managed retreat for Del Mar.
- April 16, 2018: City council discussed whether to adopt the Adaptation Plan and the LCPA Amendment. City staff and Worden introduced edits to the Adaptation Plan document that differed from the STAC approved document. *Worden’s edits **included a managed retreat loophole/trigger** which read:

WHEREAS, given the long-term uncertainties of climate science and the efficacy of adaptation strategies, planned retreat will remain one option to be reevaluated in the future if the City’s favored strategy and other less damaging options prove unable to meet the identified goals.

- May 21, 2018: The above 4/16/2021 discussion was continued. STAC and public outcry demanded Worden’s “trigger” sentence be removed from the Adaptation Plan. After the removal, the plan was adopted by the city council.
- June 7, 2021: Coastal Commission had come back with 22 modifications to Del Mar’s proposed LCPA. Council members voiced concerns about the restricted time limit, losing local control and the fear that managed retreat could be reinserted through a “back door”. A 4-1 vote in favor of withdrawal prevailed. **Worden voted no to withdraw.**

Consequences: Residents have fought hard and have succeeded in keeping Managed Retreat out of Del Mar’s Sea Level Rise Plan. Many continue to have concerns of the Coastal Commission’s influence on reinserting Managed Retreat through “future backdoor triggers”. The mere possibility of Managed Retreat will weigh on Beach Colony and bluff housing values, not to mention the emotional toll on owners of those properties.

Key Issue: Affordable Housing/Density

TERRY GAASTERLAND Vote/Action	DWIGHT WORDEN Vote/Action	RESIDENT INPUT
Supported challenging SANDAG’s inflated jobs numbers.	Opposed challenging SANDAG’s inflated jobs numbers.	SUPPORTED 92% of respondents to a 2019 Woodpecker survey SUPPORTED the idea of the city challenging SANDAG.

Background: SANDAG assigned 175 affordable housing units to Del Mar – almost 3 times what we had previously been assigned (63 units). Del Mar’s jobs number drives its affordable housing quota. SANDAG likely included in its jobs calculation close to 2,000 seasonal fairground workers to inflate Del Mar jobs to 4,484 jobs – more than our population (3,847). In addition, SANDAG’s jobs number is 180% more than our city staff jobs number (4,484 vs 2,500 jobs). SANDAG admits to overstating its unjustified jobs number, but refuses to validate, clarify, or rectify their number.



Councilmember Quotes:

Dwight Worden:

The reality is the RHNA (Del Mar’s 175 unit allocation) is going to be approved. If we say no, It is not going to help. (City Council Meeting June 17, 2019 Time stamp 4:38:00)

Terry Gaasterland:

Another question is clarification on number of jobs...according to the SANDAG account our jobs doubled, from 2300 to 4300 between the prior cycle and this cycle. We need to know clearly were the fairgrounds jobs included in that now and not before. I'd like to see us understand the disproportionate impact.(City Council Meeting June 17, 2019 Time stamp 3:56:40)

Consequences: SANDAG's unvalidated number of jobs in Del Mar is the basis for the huge increase in required housing. City staff estimates that **implementing affordable housing will result in a 57-63% increase in multi-family units. Higher density (up to 30 units per acre) and larger scaled multi-story developments are possibilities** and contrary to our Community Plan.

Key Issue: Short Term Vacation Rentals (STR) Regulation

TERRY GAASTERLAND Vote/Action	DWIGHT WORDEN Vote/Action	RESIDENT INPUT
STR's were an issue before Gaasterland was a city councilmember so there is no STR public vote on record.	<p>Opposed to any compromise. Led council to adopt 7/28 Plan: 7 day minimum stay with a total rental limit of 28 days per year. Led council to sue the Coastal Commission after they rejected his 7/28 Plan. Del Mar lost the lawsuit.</p> <p>Insisted on his 7/28 Plan in opposition to the Del Mar Planning Commission, Del Mar Village business owners, the Business Advisory Committee, Del Mar Mayor Sinnott & 8 previous mayors, 6 Del Mar Community Plan task force members, and 100s of homeowners seeking a reasonable compromise.</p>	<p>SUPPORTED (majority) compromise of reasonable regulations or no restrictions.</p> <p>At least 237 different people spoke, submitted a position via non-speaker slips and/or submitted letters or emails to the City Council from 2015-2017.</p> <ul style="list-style-type: none"> • 78% either supported STRs with common sense regulations, a 4-7 day minimum rental, or no restrictions. The same 78% opposed Worden's 7/28 Plan. • 22% favored either a ban of STRs or severe restrictions. <p>7/17/2017: A petition signed by 226 people submitted to council supporting reasonable regulations with no maximum of 28 rental days per year.</p> <p>11/6/2017: A petition signed by 500+/- people submitted to council asking for a compromise with "reasonable regulation" of STRs vs. the 7/28 Plan.</p>
5/20/2019: Opposed city council sending a letter of support for Assembly Bill 1731 in fear that Del Mar would lose local control over STRs	5/20/2019: Supported city council sending a letter of support for Assembly Bill 1731.	5/20/2019: 16 letters OPPOSED city council sending a letter of support for Assembly Bill 1731.



Background: Short term rentals (STRs) were on the city council agenda at least 17 times with 100s of people providing input. These residents repeatedly asked council to rework their restrictive 7/28 Plan. Worden never wavered on his insistence and vote for the 7/28 Plan. Residents were forced to sue the city for failing to abide by California Environment Quality Act ("CEQA") procedure when it adopted the 7/28 Plan. The Coastal Commission unanimously **rejected** the 7/28 Plan on the basis that it was too restrictive. Of particular note were 2 California Coastal Commission member's comments.

Councilmember Quotes:

Dwight Worden:

It's very tempting to respond to what the people said (referring to the large majority of speakers/ submitted letters that opposed Worden's 7/28 proposal and asked for compromised regulations) but I don't think that's appropriate here. (City Council Meeting June 19, 2017 Time stamp 1:29:20)



SUBSCRIBE

Would you like to receive
*THE DEL MAR
WOODPECKER?*

Send an email to
info@forwarddelmar.com



Moving Del Mar Forward

www.forwarddelmar.com
PO Box 232
Del Mar, CA 92014

PRSRT STD
ECRWSS
U.S. POSTAGE
PAID
EDDM RETAIL

Local
Postal Customer

*Supporting positive change in the best
interest of the entire Del Mar Community.*
- Moving Del Mar Forward

.....
California Coastal Commissioner Quotes:

Dayna Bochco, CCC Chairwoman:

You (Dwight Worden) are supposed to know your community better than others but it didn't sound like that here. Sounds like they (the residents) are being ignored. (California Coastal Commission hearing June 7, 2018 Time stamp 5:55:57)

Carole Groom, CCC Chairwoman:

I have read several hundred letters opposed (to the 7/28 STR ban). Seems to be a disconnect between what the city chose to do...but the vast majority of the public and all the letters I read think this is way too restrictive. (California Coastal Commission hearing June 7, 2018 Time stamp 5:46:30)

Consequences: Residents overwhelmingly favored reasonable regulations of STRs and voiced opposition to the 7/28 Plan. Despite residents' wishes, Dwight Worden voted to approve the 7/28 Plan. After 17 STR city council meetings dealing with STRs, 100s of hours in city staff time, the city losing all 3 lawsuits involving the city's adoption of the 7/28 Plan, legal fees and costs likely exceeding \$300,000 including payment of legal fees to residents who were forced to sue the city, significant loss of revenue from the Transient Occupancy Tax (TOT) that is an important part our city's budget - our city has does not have any STR policy or regulations.

.....
3 CANDIDATES, 2 OPEN COUNCIL SEATS, PLEASE EXERCISE 2 VOTES
.....



Your vote does matter!!



Editorial Staff, Volunteers of MDF