

THE DEL MAR



ISSUE NO. 4 - FEB., 2018

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

- Moving Del Mar Forward

2017 REPORT CARD FOR CITY HALL

PERIOD	SUBJECTS	GRADE
1	Public Safety	D
2	Communication with/Listening to the Community	D-
3	City Infrastructure	A-
4	Preserving Property Rights	F
5	City Management	D
6	City Projects	Incomplete
7	Dedication	A

A year has passed since the newly elected City Councilmembers Ellie Haviland, Dave Druker and re-elected Sherryl Parks joined existing City Councilmembers Dwight Worden and Terry Sinnott. Some catchy campaign phrases were used - "*Residents First*" and "*Community First*." How exactly were these promises applied and how do we think our City Council performed in 2017?

Taking into account the major issues of 2017, MDF has made an effort to weigh the City Council's actions both at the Council level and as City Council liaisons to various committees. Are their actions financially sound? Are their rulings representing a fair and balanced conclusion based on data and facts? Is the City Council listening to all community voices or instead just mirroring a national trend to serve only their "base"? Is the City Council exercising poor judgement in making decisions and lacks the skill to negotiate for the common good? Does the City Council operate in a manner that increases legal exposure to the City? Judge for yourself.

No question, our grades and commentary are our opinion, but we have made our best efforts to support our comments based on public records. The following is how we have graded the City Council with our explanation. We must emphasize we are not grading the City staff or the Del Mar committee volunteers who devote many hours each month to try and make Del Mar better. We are solely grading the City Council as we have entrusted them with our community. Let us know your thoughts at info@forwarddelmar.com

Period 1. Public Safety **D**

	SUBJECTS
-	<p>Law Enforcement:</p> <p>Law enforcement options were first discussed 5 years ago (January 28, 2013). The issue has since been discussed at more than 7 City Council meetings and 40 Finance Committee and Sheriff Ad-Hoc Sub-committee meetings, the City has spent \$24,200 on a consultant and City Staff has spent hundreds of hours on this topic. In 2017, the City Council abruptly decided to change course and review all alternatives again - basically start over. Total number of crimes in Del Mar is among the lowest in San Diego County. However, including the Fairgrounds Del Mar's crime rate is the highest in San Diego County when measured by population (City Staff Report 4/3/2017). Crime and response times continue to be of concern and yet the City Council is going in circles with no solution in sight after 5 years.</p>
-/+	<p>Traffic Safety:</p> <p>Traffic enforcement appears almost non-existent for cars and bikes. The new roundabout on the north end is effective in traffic management, but still needs pedestrian crossing flashing lights.</p>
-	<p>Railroad Crossing:</p> <p>Dave Druker and Sherryl Parks campaigned on promises of <i>"taking back the bluffs"</i> and <i>"providing unfettered access over the railroad tracks."</i> With great sadness, there have been two more tragic deaths since then. No visible progress has been made. North Beach and the lagoon crossing still fail to connect a walking path which is interrupted by the tracks.</p>

Period 2. Communication with and Listening to the Community **D-**

	SUBJECTS
-	<p>Sea Level Rise Stakeholder Committee (STAC):</p> <p>Although it is dealing with a topic that will greatly impact Del Mar, STAC is not well known by residents - which is the basis for our grade. STAC operated under the public's radar for over a year. Dwight Worden and Dave Druker, as the City Council liaisons, continue to push for "managed retreat" despite strong resident opposition and multiple votes of the majority of the STAC committee to eliminate managed retreat as an option. "Managed Retreat" is the elimination of barriers that currently protect homes in the Beach colony and along the bluffs. Managed retreat would put at risk the destruction of an estimated 600 homes in the Beach Colony and estimated 100+ homes along the bluffs. The liaisons should be expected to listen and act accordingly to represent the community which has not happened here. In addition, the City Council has been non-responsive to requests by the STAC committee to conduct a financial impact analysis prior to adoption of any plan. Despite all the issues, there is a rush to move forward to present the STAC plan to the Planning Commission on 2/13/2018. See Comments below for more background on STAC.</p>
-	<p>Short Term Rentals (STR's):</p> <p>The record shows that over the 17 City Council meetings in the past 3 years addressing STRs, 78% of residents who publically spoke were in favor of STR's, original authors of the Community Plan went on record that STR's are intended to be a part of Del Mar and our Planning Commission voted against the proposed STR 7/28 ban (minimum 7 day rental and no more than 28 days a year total). The record also shows the City Council refusing multiple requests by residents for the City to study the financial impact of the 7/28 ban on city revenues and businesses. The 7/28 ban was adopted by a City Council on a 4/1 vote (Sinnott against) with Dwight Worden stating "the community is divided on this but we (City Council) are not." Immediately two lawsuits were filed seeking to void the 7/28 ban. The Woodpecker opinion - you can be for or against the 7/28 ban, but with the obvious division between the City Council ruling and the community, the City Council should have put the matter to a vote. Far less controversial matters have been voted on and this issue should have been decided by the residents.</p>

	SUBJECTS
-	<p>Ad Hoc Design Guidelines: The City Council adopted the Design Guidelines by a 4-1 vote (Sinnott against) but in doing so ignored: a) results of the 2014 Citizen Satisfaction Survey that showed the number of people who felt the design process was too slow/costly/subjective was 2.5x as many as those who felt it needed to be more restrictive (41 vs 17 residents); b) four Del Mar based architects who unanimously said the Design Guidelines will result in poorly designed homes; and c) rejection of the Design Guidelines by two members of the Planning Commission, and two member of the DRB. Please see Woodpecker Spotlight 11.2017</p>
-	<p>Design Review Process: The City Council was responsible for curing the problems with Del Mar's design review process that were identified in the Citizen Satisfaction Survey and by 76 residents who provided input to the Ad Hoc. The result - 46 pages of new guidelines that contain more restrictions, more areas to interpret, and make the process more difficult and expensive by \$40,000-\$50,000. Architects state that to get a new house in front of the Design Review Board now takes from 12-19 months at a cost that exceeds \$100,000. That is just the "cover charge" to get in front of the Design Review Board and excludes permits and construction costs. So did the City Council address the issues residents raised?</p>

Period 3. City Infrastructure **A**

	SUBJECTS
+	<p>Streets: Street paving progress is proceeding well.</p>
+	<p>Sewers: Mother Nature required Public Works to address our single sewer output line when Anderson Canyon collapsed from rains. We are now with a dual sewer system, flush away!</p>
+	<p>Reclaimed Water: The systems' infrastructure for reclaimed water has started which should reduce water expenses.</p>
-/+	<p>Prop. Q: Since these funds are allowed only to go into the General Fund, it is a wait-and-see where the monies will actually be spent.</p>

Period 4. Impact on Property Rights **F**

	SUBJECTS
-	<p>Sea Level Rise Stakeholder Committee (STAC): Property rights are impacted by the fact that managed retreat (which would put 600 homes in the Beach Colony alone at the risk of being destroyed) continues to be discussed by City Council liaisons Dwight Worden, Dave Druker and the non-resident members of STAC. Home sales in the Beach Colony have stalled. Real estate professionals report there are 18 homes for sale in the Beach Colony (5 is historically typical). Mortgage companies are currently reluctant to lend because of the possibility of managed retreat designation. If managed retreat is adopted, the 600 impacted homes will not comply with FNMA underwriting policies. Residents wanting to refinance or buyers needing financing will be unable to get loans. Real estate values depend on stable, consistent environments. That environment does not exist today because of Dwight Worden and Dave Druker's agenda and residents are paying a price.</p>
-	<p>Ad Hoc Committee: The Woodpecker is a broken but persistent record on this issue. DRB is allowed to interpret the new design guidelines however their politics, personalities and tastes permit. Unpredictability, vulnerability, more restrictions and a longer more expensive process impacts a resident's right to improve their property.</p>

	SUBJECTS
-	<p>Short Term Rentals (STR's):</p> <p>The majority of the City Council took away the right to enjoy revenue derived from resident's property, and refused to recognize that the public was willing to compromise. Our opinion: The 7/28 STR ban has a personal financial component to people who have rented their homes as well as a city-wide financial impact to our businesses. However, STRs may impact the character of our community. Therefore the issue should have gone to a public vote if the Council needed further feedback after the 17 public meetings.</p>

Period 5. City Management **D**

	SUBJECTS
-	<p>City Staff Personnel:</p> <p>Low morale, overworked. Management of Community Services Director Pat Vergne's (an at-will employee) termination required two consultants, one to investigate the issues and a second to determine that City Council handled the first consultant correctly. City Council claimed they had no jurisdiction over the process while they published the alleged infractions without due process. Two lawsuits have been filed, the largest to the City is asking for damages of \$5,000,000. http://www.delmartimes.net/news/sd-cm-nc-pat-vergne-20180201-story.html</p>
-	<p>Financial Management:</p> <p>Highlights: \$17,900,000 for new Civic Center = \$6,885 per household, Powerhouse used for collateral. At the current rate, the City will pay legal fees of \$1,200,000 for the fiscal year (close to 3x the budgeted \$432,000). This legal expenditure will be a historic high and almost twice as much as City Council spent on road repairs last year.</p>
-	<p>Consultants:</p> <p>Continued excessive use of consultants, even in areas where specific expertise isn't required. Why would five well educated, experienced members of the City Council need to hire a consultant to help them with an employee performance review for the City Manager?</p>
-	<p>Legal Matters:</p> <p>City Council is experiencing a historical number of lawsuits on a variety of fronts. In 2017, 3 known major lawsuits were initiated. While our City Council may be comfortable dealing with claims in the millions our residents likely feel displeased.</p>

Period 6. City Projects **Incomplete...**

	SUBJECTS
+/-	<p>New Civic Center:</p> <p>Construction of the \$17,900,000 Civic Center is on time and within budget. The incomplete is based on the City Council's failure to address the commercial component. Throughout the Civic Center planning process there was a constant refrain from the City Council "let's hear what residents want". Residents repeatedly spoke - they wanted a portion of the Civic Center site for commercial use. Residents knew a commercial component would help establish a southern anchor to what is a dead south end of town and would help offset as much as \$2,000,000 of costs. The good news is the current plan allows for 3200 sq. ft. of commercial use. The bad news - the City Council has done nothing to move forward with a commercial use and it is nowhere to be found among the dozens of City Goals and Priorities. So much for what residents wanted.</p>
-	<p>Shores Park:</p> <p>Last count, the City Council had the designer engaging in 6-7 different plans, then in November, 2017 pulled back to have further discussions with the Shores Committee, as Del Mar Community Connections and the Del Mar Foundation all of whom are asking for more square footage in the proposed building. 4 years in planning to date and back to the drawing board with additional planning/design funds approved.</p>

	SUBJECTS
+/-	<p>Downtown: City Council has voted to implement 2 of 3 steps to refresh streetscape and implement ADA components - a positive step as a vibrant downtown is the #1 priority of residents. The City Council supported on a 4-1 vote (Druker against) the replacement of Bully's with a new restaurant - the first new downtown commercial project in 30+ years. However, the council has failed to develop programs that provide incentives for upgrading and/or new development. Businesses continue to struggle/fail in part because of a non-business friendly culture fostered by the City Council and its' initiatives.</p>
+/-	<p>Undergrounding: City Council has contracted a consultant to study the scope of the project, not to be confused with the previous undergrounding studies done. It's a wait and see if Prop. Q revenue gets spent in the general fund or is applied to the undergrounding.</p>

Period 7. Dedication A

	SUBJECTS
+	<p>City Council members spend hours each month reviewing reports, proposals and Red Dot materials (which can exceed 300 pages per meeting) and attending City Council and assigned committee meetings. All for \$350 per month for the Mayor and \$300 per month for all other Councilmembers. Whether you agree or disagree with their decisions, they are dedicated. The question for residents to decide is whether all of that dedication is in the best interests of our entire community.</p>



COMMENTS:

Sea Level Rise Stakeholder Committee (STAC):

What is at stake is the loss of 600 Del Mar homes and neighbors (not including bluff homes South of 15th Street) and a major change in Del Mar's shoreline according to experts. The estimated value of the Beach Colony homes alone is \$1.3 Billion - more than 1/3 the estimated \$3.3 Billion value of all homes in Del Mar. Impacted bluffs homes add another \$.5 Billion or more.

The City Council established STAC almost 3 years ago (March 2, 2015) to address projected sea level rise and the coastal flooding impact to Del Mar. Unlike other committees in Del Mar, STAC was formed without a full scale effort to reach affected property owners and the community at large. Further, STAC is the only committee in our city where **"residency is preferred but not required"**; hence the **4 non-resident voting members of which 2 represent associations (the Coastal Commission and the Surfrider Foundation).**

STAC operated under the radar for over a year and property owners were largely unaware of STAC meetings and have since fought for better notification and representation.

In early 2017 without the involvement of affected property owners, STAC originally recommended a "managed retreat" approach for a solution to beach erosion. Managed retreat is based on taking down the current sea walls, allowing the tide to flood out the Beach Colony and not taking any proactive protection of the bluffs. The impact is frankly unbelievable.

Once property owners engaged, they understandably opposed managed retreat because it would mean the loss of their homes. STAC reversed course and began eliminating managed retreat in the plan.

Ultimately, over multiple votes the majority of STAC recommended that all "managed retreat" language be removed from the plan. However, Dwight Worden continues to insist managed retreat language be

somehow referenced in the plan.

Despite multiple votes and strong community opposition, managed retreat was not totally killed because on January 25th, Dwight Worden and non-resident STAC members did a somersault, and voted on a plan that said it is too early to consider managed retreat. This **deceptive acrobatic move** opens a loop hole so the prospect of managed retreat still lives, bringing continued uncertainty to impacted homeowners and the community as a whole.

One very important point here is that the mandate from the California Coastal Commission to submit a Sea Level Rise Adaptation Plan is not asking for a managed retreat, so in effect Dwight Worden is sacrificing 600 homes now, and possibly more in the future. Is Dwight Worden listening and acting in the best interest of the community? So much for “Residents First.”

Key Conclusions from the TerraCosta Consulting Group White Paper

- In addition to the unfavorable geomorphic conditions, managed retreat is incompatible with Del Mar’s voter-approved Beach Preservation Initiative (BPI)
- The impact of managed retreat could endanger over \$1.5 billion of Del Mar’s tax base and potentially the demographic diversity of Del Mar
- Managed retreat threatens public access as the arterial coast highway linking the City of Del Mar with surrounding beach communities, as much of the Pacific Coast Highway and the associated provision of free publically-available parking spaces would be negatively impacted by flooding
- For numerous reasons, so-called “managed retreat” is not a viable adaptation strategy for potential sea level rise in Del Mar, and it would not result in any tangible public benefits. At the same time, it would likely have detrimental economic and societal impacts

We urge you to read the entire staff report and attachments for the Planning Commission’s February 13 meeting. <http://www.delmar.ca.us/AgendaCenter/ViewFile/Agenda/02132018-1674>

HAVE YOUR VOICE HEARD

Tuesday, February 13th

By coming to the Planning Commission’s Meeting at 6:00 PM
Del Mar (Temporary) City Hall
2010 Jimmy Durante Boulevard, Suite # 100,
Del Mar, California

or

sending in a Red Dot by 12:00 Noon
to planning@delmar.ca.us

Thanks for staying engaged with us!

Give us your feedback at info@forwarddelmar.com

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