

Sandpiper

DEL MAR'S COMMUNITY JOURNAL

Volume 26 Number 4 May 2022

Commentary

WATERMARK POLITICS

by Bud Emerson | Klish Way

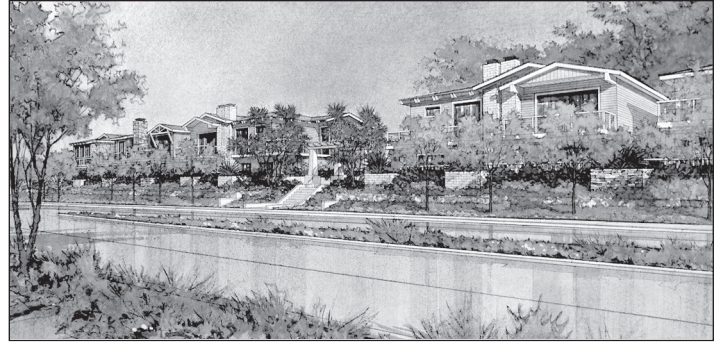
Watermark: Approved for 50 Units. On April 19, Watermark received City approval of a Coastal Development Permit to construct a new 50-unit, 132,894 square-foot residential development with a 10-unit affordable housing component, on vacant property located near the Jimmy Durante traffic circle. The permit was issued under “by-right” provisions that exempt the environmental review, the design review, and other discretionary reviews. State law would allow as many as 80 units if Watermark chose to do so.

The permit approval can be appealed to the California Coastal Commission (CCC), which must begin a public hearing within 49 days to determine if it raises a “substantial issue,” with grounds for appeal limited to allegations that the approved development does not conform to Del Mar’s Local Coastal Program or to Coastal Act public access provisions.

Watermark was entitled under State law to request a waiver or reduction of development standards that would have the effect of physically precluding the construction of the development at the density allowed and sought for the production of affordable housing. Watermark requested these four waivers, all of which were granted, given the narrow grounds for denial allowed by State law:

1. An increase in maximum number of stories from two to four (includes parking level below podium).
2. An increase in maximum allowed height from 14 feet to 47 feet, 6 inches.
3. Allowance for up to 10% encroachment into substantially steep slopes, as defined in the Bluff, Slope and Canyon Overlay Zone.
4. An increase in maximum floor area ratio (FAR) from 0.3 to 1.29.

In addition, the site contains a coastal brackish marsh (wetland), and Watermark requested and received a reduction in the wetland buffer from 100 feet to 50 feet; the California Department of Fish and Wildlife has provided



Rendering showing 38-unit plans. Courtesy City of Del Mar.

acceptance of the proposed buffer width.

Why 50 Units Instead of 38? The Watermark saga, unfortunately, is a textbook-worthy case study in political and fiduciary malpractice. As the Sandpiper has previously reported, after a long community process that produced a 38-unit “community response alternative” to an earlier 48-unit proposal, Watermark resorted to its by-right option in 2021 after two Council Members, Gaasterland and Druker, made their opposition clear, thereby signaling that the required four votes for approval would not be forthcoming.

For years prior to that time, Watermark had been



Rendering showing 50-unit plans. Courtesy City of Del Mar.

voluntarily engaging in a good faith Specific Planning process that would have resulted in a smaller, 38-unit town home development with public benefits, including six affordable units, three of which were to be deeded to city ownership. The Gaasterland-Druker opposition effectively killed the 38-unit “community response alternative.” So now the city gets a larger 50-unit complex with more density, height, a 4-story component instead of 2, with no affordable units deeded to the city, and no environmental, design, or other discretionary reviews.

continued on page 2

LEADERSHIP LOST

Climate change is accelerating faster than predicted, and meaningful action cannot be delayed any longer without dire consequences. Two recent publications, one international (Sixth Assessment Report of the Intergovernmental Panel on Climate Change) and one local (San Diego County Regional Decarbonization Framework (RDF), currently in draft form pending public comments) come to this same unsettling conclusion. We don't need to enumerate the dire consequences because: 1) many are already apparent if you live in Del Mar and are paying attention; and 2) citing dire outcomes has not led to a sense of urgency in combating climate change. Like many other issues (e.g., response to the COVID-19 pandemic), climate change has been politicized to the point of outright denial.

Del Mar adopted a Climate Action Plan (CAP) in 2016 that included many adaptation plans that would have helped reduce our carbon footprint, if implemented, by 2035. Unfortunately, this plan was not legally binding and has been viewed (or dismissed) as an aspirational document.



Sandpiper

DEL MAR'S COMMUNITY JOURNAL

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.

Editorial Board: Jeff Barnouw, Bud Emerson, Virginia Lawrence, Hylton Lonstein, Julie Maxey-Allison, Don Mosier, Betty Wheeler. All editors, writers, and photographers are unpaid volunteers.

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Some progress has been made, such as joining the Clean Energy Alliance and securing a cleaner energy supply. But most of the goals and strategies in the CAP have not been implemented. Changes to transportation, the largest local source of greenhouse gas emissions, have been limited. Staff and budget cutbacks due to the COVID-19 pandemic are one reason for the lack of progress, but council inaction is an obvious problem. Leadership in adapting to climate change has been ceded to neighboring cities, and, surprisingly, the County of San Diego, with a history of court-rejected CAPs until the 2020 elections.

During the recent Del Mar Council goal-setting priority meeting, most action on implementing the CAP goals was deferred for a lack of staff time, money, or both. The most disheartening statement was from long-term Council Member David Druker, who said: "We as a city don't have a whole lot of effect on climate change at this point" and that a top priority was "to reduce the ocean from inundating the first row of houses on the beach."

The county RDF document asserts that local action is necessary in the absence of meaningful federal action on climate change. To put the RDF's insights into action, regional governments including Del Mar should support state legislation (AB 1640) authorizing SANDAG to co-establish a Regional Climate Network with cities to leverage resources and facilitate collaboration and cooperation among our diverse communities. We agree, and it is time for bold leadership since the technical tools for needed changes are available, but the political will is lacking. It is time for our council to stop kicking the can down the road, and to reassert the leadership role they have ceded to others. Otherwise, you are dooming our children and grandchildren a bleak future they don't deserve. □

FROM WATERMARK POLITICS *page 1*

This is what happens when council members pander for political support by opposing a development, even as they know that the result is likely to be the loss of local control over a far bigger, by-right development. No doubt, this posturing won votes for the current Council majority – but it also “won” a bigger, denser, taller development, without CEQA or DRB review. Just look at the graphics for the 38-unit “community response alternative” we could have had, and the 50-unit development Del Mar is getting. The images should be more persuasive than the gaslighting you're certain to hear. It's crystal clear that we would be better off with the 38-unit proposal that resulted from good faith, win-win community interaction with Watermark, instead of the 50-unit development that fierce opposition and political posturing got us. □

FRAMING HOUSING LAW

by Dwight Worden | Seaview Avenue

A Cliffs Notes version of Del Mar housing

State Law

- Requires San Diego County to provide 171,000 new housing units by 2029. Del Mar's assignment is 175 units.
- Allows single family parcels to lot-split to 2 parcels and build 2 units per parcel, for a total of 4 units. This is the "SB 9" process.
- Allows an Accessory Dwelling Unit (ADU) on a single family lot in addition to the main home, or a "Junior ADU" inside the home. No DRB required; other review is very limited.
- Requires that certain development projects be "by right" meaning no discretionary review—only "objective" standards can be applied
- Funds a Strike Force and empowers the state Attorney General to challenge cities that do not comply. 28 cities are already on the hit list, including Encinitas.
- Coastal Act review is limited mainly to public access and resource protection.

City Law

- The City's new Housing Element outlining how Del Mar will provide those 175 units is pending final approval by the state.
- Implements the ADU law so that ADUs are allowed with very limited city review.
- Updates the City's Local Coastal Program (LCP) to implement SB 9. Until approved by the CCC, SB 9 rules are in abeyance in Del Mar

Housing Shortage. The state, the region, and cities, including Del Mar, acknowledge a housing shortage. General consensus is to stop building in the fire-prone outskirts and focus on infill, near transit where there are services and infrastructure. Science tells us the best way to address climate change is to change from sprawl development to infill development.

The State Fix. The state identified local zoning overrides like the ADU and SB 9 laws as the best strategy to meet housing needs. Prior programs implemented through State Redevelopment Law have been repealed. The state focus is now on mandatory local zoning requirements. While there are state funding and housing programs to help, the main burden falls on local governments.

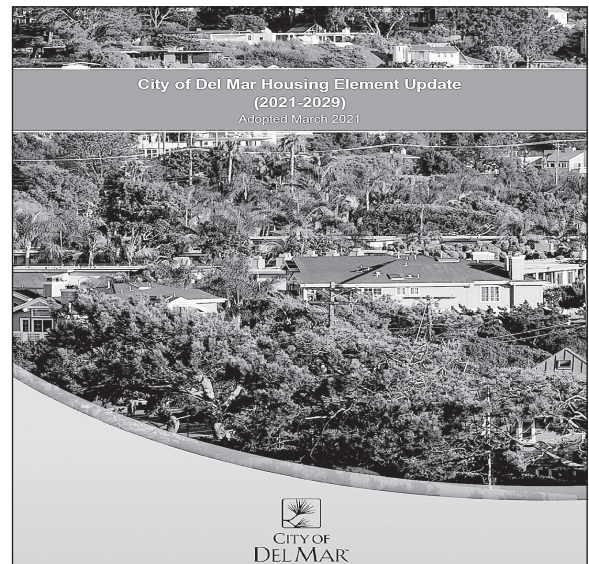
Supporters. Supporters argue that adding more units is the only way to balance the supply-demand curve and bring prices down. They contend single family zoning is

exclusionary, elitist, and drives prices up. They see the ADU and SB 9 laws as necessary to a fix. They point out that economic studies show only a small percentage of single family lots will be able to take advantage of SB 9 and ADU rules due to economics.

Opponents. Opponents contend these state mandates threaten to destroy our communities by converting them to crowded multifamily areas, short of parking, lacking services, and with deteriorated quality of life. They note no funding for upgrading police, fire, sewer, and other necessary services comes with these programs nor are any of the units required to be affordable—the state trusts the market. These opponents believe the better way is to retain local control and let each city figure out how best to tackle the problem.

Maintaining Healthy Communities. Baked into all this is a local need to maintain a strong, healthy Del Mar, with diverse housing opportunities and equity. Del Mar is strong when firefighters, teachers, haircutters, lifeguards, and others can live in town as part of our community fabric, and not have to live in Temecula and commute aggravating climate change. A strong Del Mar also accommodates young families with kids, student housing, and senior housing needs.

Del Mar's Strategy. Del Mar is trying valiantly to meet its state requirements and at the same time preserve the Del Mar we all value. It's not easy! Del Mar proposes 54 affordable units on the fairgrounds, 80 or so ADUs scattered throughout town (15 affordable), 22 affordable units in the North Commercial, and scattered affordable units elsewhere. We have 3 years, with the clock running, to strike an agreement with the fairgrounds. If we fail, 250 units, give or take, including 54+ affordable will be required "by right" on the North or South Bluff as the make up call. ■



The City's new Housing Element ("6th Cycle") was adopted in March 2021, but has not yet been certified by California's Department of Housing and Community Development.

SUPERINTENDENT SLIP-UP

by Jasmine Criqui | Torrey Pines High School Senior

TEN THOUSAND WORDS

by Betty Wheeler, DMF President

“One picture is worth ten thousand words.” Fred Barnard, a national ad agency guru, coined that phrase in the 1920s—though he called it a “Chinese proverb” to give it more cachet. Truly, no words can compete with the photos from DMF’s recent events, so we invite you to check out what DMF was up to last month, as we celebrate our 40th year!

DMF’s Easter “Hop” at Del Mar Plaza:



Cutest photos ever: bit.ly/DMF-Easter

Town Hall cultural events:



First Thursdays and Bluegrass and Beyond photos: bit.ly/DMF-BG

The Art of Françoise Gilot: bit.ly/DMF-Gilot

Hylton Lonstein, DMF’s Communications Chair, is the photographer extraordinaire responsible for all these photos. Ten thousand thanks, Hylton!

Join in the fun: sign up for our email list to be “in the know” about our events. bit.ly/DMF-signup

San Dieguito Union High School District Superintendent Cheryl James-Ward was placed on administrative leave on Apr. 20 following her controversial comments regarding Chinese-American students.

During an Apr. 11 SDUHSD Board meeting on Diversity, Equity, and Inclusion, Trustee Michael Allman asked James-Ward “Do we know why Asians do so well in school?” as part of a conversation about racial discrepancies in the number of students who receive D and F grades.

James-Ward responded that a large part of the reason was wealth. “We have an influx of Asians from China, and the people who are able to make that journey are wealthy,” James-Ward said. “You cannot come to America and buy a house for \$2 million unless you have money.”

She went on to support the idea that Asian American students benefit from a strong support system at home, drawing an explicit contrast to Latin American students, many of whom she said “Don’t have that kind of money.”

Statistically, James-Ward is correct that Asian students are less likely to be socioeconomically disadvantaged than their peers. Just 12% of Asian students fall into this category, compared to 44% of Latino students and 19% of students overall. What frustrated many listeners the most, though, appeared to be the lack of nuance in James-Ward’s analysis. One Asian-American attendee at the board meeting carried a sign reading “I Came Here With Nothing.”

“My initial reaction was just shocked, I think, about the question and the answer,” Darren, a Chinese and Vietnamese student, said. “It’s such a broad generalization being made from a superintendent who’s supposed to be advocating for all types of students.”

James-Ward, who is Afro-Latina, has made multiple attempts to amend her statements, acknowledging she spoke with “a bias that [she] didn’t know was there” and pledging to “learn more about the needs of the community [she] serves” in an Apr. 15 email. She also apologized directly to those who showed up in person at the board meeting to protest her comments.

The decision to place James-Ward on administrative leave was reached by the board in a 3-1 vote during a closed session that ended after midnight, with Katrina Young being the sole dissenter. This is just the latest in a series of issues that have brought increased public attention to the board, such as swing vote Melissa Mossy’s resignation and James-Ward’s filing of an official complaint against Allman for allegedly creating a hostile work environment..

“There have been more issues this past year compared to previous years,” said Payton, Torrey Pines High





by Kara Adams, Assistant Program Director

OUCH! ANOTHER SHOT

by Don Mosier | Rimini Road

The CDC has recommended that adults over 50 years of age receive a second booster shot of an mRNA vaccine (Pfizer or Moderna) if 4 months have elapsed since their first booster. This advice was based on two Israeli studies in individuals 60 years or older that showed that a second booster shot reduced serious illness by almost 80% compared to a control group that had received only the first booster. Protection against infection was much less impressive and waned within 4 weeks of the second booster.

Vaccine protection against infection is difficult to achieve in any setting, but vaccine protection against serious disease is an expected result, meaning that the immune system has been primed to recognize the virus and to eliminate it before it can cause severe symptoms. The CDC recommendation for a second booster for older adults and immunocompromised individuals recognizes the reality that the immune system gets weaker as we get older.

The BA.2 variant of the COVID-19 Omicron strain is currently spreading across the United States and Europe, although local cases have not yet increased substantially as of this writing. A second booster should help protect against serious illness caused by BA.2 infection, although limited data support this conclusion. The second booster will not protect against infection with BA.2, at least for not very long, so wearing masks when visiting indoor settings is still a valuable protective strategy. In addition, rapid COVID antigen tests are widely available now, and you can check your infection status before or after any large event that might result in exposure.

COVID-19 and its current and future variants are here to stay. Vaccine resistance and the emergence of highly transmissible variants mean that we are likely to experience waves of infection not unlike seasonal flu outbreaks. An emerging scenario is that we will need to get an annual (or perhaps more frequent) booster of a modified vaccine targeting the current variant to stay protected against serious illness.

School's student representative on the board. "I have gotten many questions and concerns from both students and staff."

Clips of the board meetings have been disseminated on social media, and have led to a wide variety of opinions among students, parents, and staff about what the long term repercussions of James-Ward's statements should be. For the intervening period, Tina Douglas has been appointed as the interim superintendent. ■

Annual Volunteer Appreciation Celebration

DMCC Has the Sweetest Volunteers! DMCC's volunteers drive seniors to medical appointments, create and lead engaging programs, serve meals, and so much more. This year, we are so excited to celebrate our volunteers in person for the first time in two years! We'll have food, beverages, games and giveaways, and it's a great opportunity for DMCC volunteers to get to know one another while sharing their experiences. If you have not yet received your invitation for the celebration on 5/12, please contact the DMCC office.

Let DMCC Treat You to Something Sweet

The Spring Ice Cream Social is back and sweeter than ever on Friday, May 20th in the Del Mar Civic Center Plaza. Danny's Ice Cream Truck will return to provide Del Mar seniors and guests with their favorite frozen treats, served up by DMCC Social and Good Times Volunteers! This event is free and the ice cream is on us, but registration is required. Proof of Covid-19 vaccine+booster is required to attend. Visit dmcc.cc/calendar to find the link to register for this event (and all DMCC events!), or call our office at (858) 792-7565, and we'll be happy to assist you.

DMCC's Report to the Community

The Power of Connection, DMCC's 2022 Report to the Community, has been sent to members of the community who have been involved with DMCC in the recent past. We hope you enjoy the brief snapshot of another year of supporting and serving seniors. If you did not receive a copy of the Report to the Community, please call DMCC at (858) 792-7565 and we will set one aside for you to pick up at DMCC Headquarters at 225 9th street.

Volunteer of the Month - April

DMCC's Volunteer of the Month for April 2022 is Emily Gilmore, a Licensed Marriage and Family Therapist. She has contributed her professional expertise to DMCC for three years by co-leading (along with Katie Militello) our support group for challenges related to aging, Adapting to Life Transitions (ALT).

DMCC programs and services depend on our incredible volunteers! To learn more about Emily or being a DMCC program leader, 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.

UNEARTHED IN OCEANSIDE

by Julie Maxey-Allison | 10th Street

Hello Kitty! Our kitty, known as *Diegoaelurus* (San Diego's cat) recently introduced by the San Diego Natural History Museum, is a breed of saber tooth cat-like mammals who once roamed west of the Rocky Mountains and, in this case, remained incognito for 42 million years.

The formidable fossil, a lower jaw, serious saber-toothed fang, and some serrated back teeth turned up in Oceanside in 1988 when a young boy named Jeff spotted the lot at the construction site when Interstate 5 was widened. The fossil went to the San Diego Natural History Museum. It sat safely in storage. During the pandemic when his active research was stalled, Paleontologist Ashley Poust, who previously studied and identified the *Wulong bohaiensis* ("dancing dragon"), a 100 million year old feathered dinosaur in China and an even older dinosaur fossil from the Cretaceous period 145 million years ago that had unlaidd eggs inside its skeleton, turned his attention to the locally found fossil.

Collaborating with fellow researchers online, the bone and teeth were identified as belonging to a novel species unique to our region. This bobcat-sized creature lived among the ancestors of lemurs, miniature rhinos and other possible prey for this hyper-carnivore during the Eocene epoch when the land was a floodplain thick with rainforests. At that early time mammals were figuring out what foods were available that would work for them. The cat's sizable fangs and super sharp slicing teeth, tailored to take cat nips at neighbors, were this animal's key to evolving to be an early meat eater. Through the next millions of years other species experimented and evolved independently to become carnivores. If you have a cat, you have one of the descendants. ■

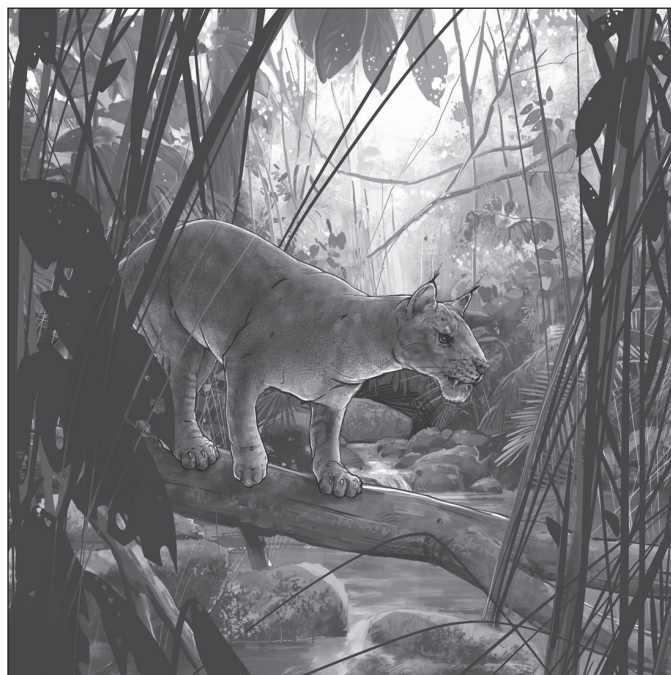


Illustration of Diegoaelurus, living in our area during the Eocene.

Image Credit: Erick Toussaint, San Diego Natural History Museum.

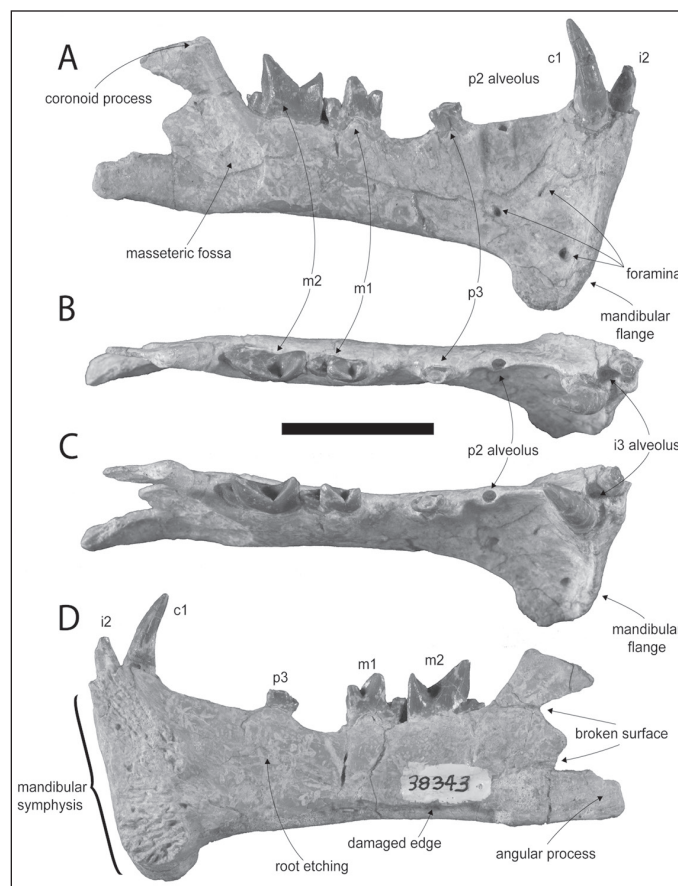


Image credit: By Zack et al

<https://peerj.com/articles/13032/>, CC BY-SA 4.0,
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Photo by Elizabeth Zusev.

DEL MAR MORAL DILEMMA

by Deb Lyons | 9th Street

Last September our City Council voted to phase out the City's Rental Assistance Program that has helped four long time Del Mar residents for many years. These four tenants pay the affordable rental rates as established by county guidelines, and the city subsidizes the balance. To their credit the council, realizing the momentous effect losing this subsidy and probably their homes would have on these folks, directed staff to find a "qualified source to assist in facilitating a smooth transition for these participants to phase out of the program, and to report back to the City Council with a status update in June 2022."

June is now around the corner and although the County Office of Homeless Solutions appointed a Housing Specialist who conducted extensive interviews with each program recipient, she has not found a single alternative housing situation. This is not surprising considering the lack of affordable housing throughout San Diego and our state, and the added fact that the four program participants are all reported to have special needs of one kind or another.

My neighbor, whom I wrote about last October when this phase out was first discussed by the council, is severely handicapped. He sustained a catastrophic brain injury in an automobile accident many years ago that left him with permanent damage to his balance, hearing, and speech. He cannot drive and requires a walker to move around. He has succeeded in living independently in spite of his disability due to his sheer determination and his independent nature. Transportation to his doctors, shopping, and other support services he takes advantage of from Del Mar Community Connections (DMCC), his proximity to the bus stop at the bottom of 9th Street, nearby restaurants, and a number of neighbors and friends willing to lend a hand if need be, and of course his rental subsidy, are what make this community his ideal home.

It is possible the participants may get a temporary reprieve as City Manager Ashley Jones plans to recommend that the council extend the rental subsidy program through the end of the year. However, that is not a solution. These folks have relied on this rental subsidy for many years. They need to stay where they are and continue living in our community as they undoubtedly believed they would be able to, until they chose to move of their own accord.

If the council determines subsidizing rents is not good for Del Mar, they could allow this program to expire through natural attrition as the existing participants leave of their own volition. I know my neighbor believed he would be able to live here until he chose to move or passed away. He certainly never thought he might be facing homelessness. □

BROKEN PROMISES

Rental Assistance, March 7, 2022

Dear Mayor Worden and Councilors Gaasterland, Martinez, Druker and Quirk:

I am writing because I am concerned about circumstances affecting one of my Del Mar friends, David Ralph. As I know you are aware, last September the Council proposed discontinuing the rental subsidy program which currently supports five individuals and families in our town, including Dave. Losing this subsidy would have a devastating effect. There is no possibility that Dave could remain in his home without it. His closest family member, his brother, lives far away, in Florida.

I have had the opportunity to talk with Dave twice recently over coffee about his housing situation. We've been friends for 10 years, but on these recent occasions I was particularly interested to ask him about his relationships in our community, of which Dave has been a member for more than 20 years. Please permit me to tell you a little bit about Dave.

Before the auto accident which nearly killed him (he has written an inspiring book about his recovery, *Life's Better: Overcoming Loss*), Dave was a Clinical Psychologist practicing in the building across the street from Del Mar Community Connections. (He is indeed a very lovely person to talk to.)

Dave has lived in his current home on 9th Street for 15 years. He enjoys gardening and maintains a beautiful one with a sitting area where he can meet friends, meditate and observe birds and our other local fauna. Besides his talent and training as a listener, Dave is thoughtful, intelligent, sensitive, generous, kind and funny.

His home is perfectly situated near the bus stop where, before the pandemic, he caught the bus to go to yoga class in Encinitas. It is also near DMCC which he relies on for transportation to medical and other appointments—what a wonderful organization!

His friends are all nearby.

Following his injury and recovery, Dave was a volunteer for the Del Mar Garden Club (of which I am a Board Member) and worked alongside us maintaining one of the Club's gardens, at DMCC.

Surely anyone can imagine how wrenching it would be for Dave to be forced to move from his home of 15 years, where he has been able to maintain his independence despite a life-altering disability and could well continue to do so.

The proposed "soft landing" is neither humane nor realistic. This is not a solution with heart. If affordable housing could even be found, there is no substitute for the loss of community which Dave and the other recipients would experience. None of us wishes to be a party to this devastation. If you haven't already seen it, please read Deborah Lyons excellent article in the October 2021

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ROSANNE HOLLIDAY

“Del Mar’s really small. When you live in Del Mar, it’s a full-time job.”

-- Del Mar Times interview (<https://bit.ly/RosanneH>)



Rosanne Holliday with her trademark “Love” necklace (photo RWB Multimedia), and below in 1975, with daughter Katherine, when her fight with Southwestern College was reported in the New York Times.

Rosanne’s quip captures a core truth about “the Del Mar way” of community activism, and her own example is formidable. She is a former president of DMF and Board member of DMCC; founding member, Del Mar Garden Club; past president of Del Mar Community Alliance (the publisher of the Sandpiper); and President of the Holliday Family Foundation, which made a leadership gift for Shores Park acquisition.



She was an activist in the 1970s-era efforts to preserve Crest Canyon as open space, and in the 1982-83 campaign for voter approval of Powerhouse acquisition. In 2008, she worked to support Crest Rim Park improvements and in 2014 spearheaded the Crest Rim Adopt-a-Spot program; she initiated a grass-roots campaign in 2013 to stop gun shows at the Del Mar Fairgrounds; and much more.

Long an advocate of early childhood development and reproductive health, she is a professor emerita at Southwestern College – where, in the 1970s, her fight to bring her baby on-campus earned her both a suspension and an article in the New York Times, “Teacher Fights to Breast-Feed on Campus.” Rosanne is a former Board Chair of Planned Parenthood of the Pacific Southwest, and has served on the Scripps College Board of Trustees.

As Rosanne said in her interview, “This is what you do. You work to make things better. It’s just what people do.” ■

Sandpiper about this subject, “Not So Soft Landing.” While Dave is exceedingly grateful and gracious to anyone who wants to help him, he is not feeling confident about a “soft landing.”

June 30, 2022, the suggested date to phase out the subsidy program, is very fast approaching.

Del Mar is a community of means with many folks who care about their neighbors. Plus, we are required by the State of California to find low-income housing.

If the City really cannot find a place in the budget to provide low-income housing for residents who are already here—frankly a bit hard to imagine—perhaps a designated fund could be set up in the Del Mar Foundation to support low-income housing in Del Mar? I think many of our residents would contribute to such a worthwhile (tax-free) charitable program. Many people with whom I have spoken feel as I do—that it is just wrong to displace our own neighbors, our friends who have long lived amongst us. What kind of community do we want to be? I hope and believe we are a community which would never allow this to happen to one of our own.

I would be most grateful if you could do everything in your power as a Council to restore the rental subsidy to Dave Ralph and the four other individuals and families in our community who receive this assistance.

Thank you for your attention to this important issue.

Sincerely,
Tanya Young, Klish Way ■

In Brief

Fighting Fencing

The California Coastal Commission filed a lawsuit against NCTD and Exbon Development, Inc. in Superior Court on April 19, asserting that NCTD improperly awarded a contract to Exbon to install fencing on the Del Mar upper bluffs without complying with California law, including the California Environmental Quality Act and the Coastal Act. This follows a lawsuit filed in late March by Friends of Del Mar Bluffs and Laura DeMarco challenging the fencing plan; NCTD removed that lawsuit to Federal Court on April 12. Both suits ask for a preliminary and permanent injunction to prevent NCTD from proceeding with its fencing plan, though as of press time, a court hearing has not been scheduled to consider an injunction in either of these cases. Anders Aannestad, attorney for Friends and DeMarco, stated, in response to NCTD’s removal of their case to federal court, “We will address the proper forum for this litigation in court at the appropriate time.” The Sandpiper will post a News Update online if significant developments occur. ■

GERRYMANDERING OUR SCHOOL DISTRICT

by Kelly Harless | Solana Beach

The battle for an approved San Dieguito Union High School District (SDUHSD) boundary map grows fiercer by the day. Parents and community members complained about the lack of transparency, numerous violations of process and the apparent imperviousness of the SDUHSD Board of Trustees to community input.

Why the uproar? These maps determine whether or not a particular community is represented by an elected Trustee. This, in turn, drives policy, priorities, budgets and a myriad of large and small decisions that impact each and every one of us and, most importantly, the education of our students.

The goals of the Board majority – Trustees Allman, Muir, and Mossy – in choosing a map were revealed openly in writing and at public meetings. They wanted to ensure the election of ultra-conservative candidates and reduce any input from the San Dieguito Faculty Association. This imbalance challenges the principal goals of the California Voting Rights Act that prompted District elections in the first place in order to foster better representation.

In numerous chaotic Board meetings leading up to the vote, the Board's majority relentlessly filibustered, interrupted and belittled parents, colleagues and community members who challenged the boundary lines. Despite wide opposition, the SDUHSD Board approved "Scenario 8," submitted by an anonymous individual. A lawsuit, filed by two community members, accuses the Board of gerrymandering in order to (1) punish Trustees Bronstein and Young; and (2) dilute the vote of minorities. Moreover, the lawsuit alleges the Board violated the Brown Act "Open Meeting Law."

Examples of the improperly gerrymandered map include a boundary line serpentine directly around Trustee Bronstein's house and a completely arbitrary transposition of District Area numbers --Area 2 is now called Area 1, and vice versa. Area numbers determine the election cycle, so Scenario 8 prevents 30% of the electorate (60,000 voters) from voting in 2022, forcing them to wait six years between votes.

Finally, on March 30th, in a tacit acknowledgement that process violations occurred, the Board held a long overdue Public Hearing. The problem? Scenario 8 had already been approved and submitted to the County Office of Education. No wonder, then, that the County quickly followed through on an earlier warning and exercised its authority to re-draw the map, posting a public notice 72 hours later in a rushed effort to draft a new map, hold the required meetings and approve it before the April 30th deadline. In the meantime, after voting with Allman and Muir to continue spending thousands of taxpayer dollars defending a flawed



GOOD NEWS

City Financial Update

by Tom McGreal | Stratford Court

On March 7th the City Council reviewed the City's mid-year financial results, which show that the recovery from the pandemic is ahead of plan. Revenues for the fiscal year ending June 30, 2022 are now expected to increase by \$1.5 million, while expenses are increasing by only \$410,790 resulting in improved General Fund Reserves.

Staff recommended and the City Council approved specific increases to the fiscal year Revenues budget for Transient Occupancy Tax (hotel tax) by \$900,000, Sales Tax by \$410,000 and Parking revenues by \$200,000. Approved expenditure increases were spread across a number of areas with the largest being an increase to the Fire Protection program in the amount of \$125,000.

Based upon these results the General Fund Contingency Reserve will increase by \$945,209 bringing the projected fiscal year total to \$4.3 million, which represents 103 days of operations. Council also added \$100,000 to the Housing Reserve bringing the total to \$300,000.

Measure Q Revenues, which are tracked separately, are projected to increase by \$500,000 bringing the fiscal year total to \$2.7 million. This means that since its inception in fiscal year 2017 the City will have collected \$13.8 million in Measure Q revenues. Thus far the Downtown Streetscape was funded for almost \$7 million and the Undergrounding funding will total \$3 million by the end of this fiscal year. The Measure Q Reserve balance at the end of this fiscal year will total \$3.7 million.

These are favorable results that don't bring the City back to pre-pandemic condition, but the combination of improving revenues and continued spending limits have allowed the City to maintain essential services to the community and begin building the City's General Fund Reserves.

This is great progress that reflects a good balance of controlled operational spending and project spending that is limited to top priority Capital projects and Special projects. As revenues fully recover over time and the staff capacity returns to full operational strength, the City will be able to undertake additional projects on its wish list.

We should commend our City Manager, Finance Manager and City Council for exercising good fiscal judgement and control in guiding the City through this difficult period. ■

map in court, Trustee Mossy has resigned.

Parents and community members have fought hard to defend students' rights to a good education, free of partisan politics. Once approved, the County's map is far more likely to deliver on this goal than one drafted for the political advantage of a school board's majority. ■

SCOUPING THE SAND

by Julie Maxey-Allison | 10th Street

Retaining sand on Del Mar beaches is a complicated process. Many agencies are involved. A sought after commodity internationally, disappearing sand will only get more valuable with sea level rise as communities vie for replenishment sources and funds.

Del Mar is currently implementing the recommended action from the plan for creation of a Sand Compatibility Opportunistic Use Program (SCOUP) approved by the City Council in August 2020. “We are still in process of trying to obtain SCOUP permit approvals from the applicable federal and state permitting authorities (US Army Corps of Engineers, California Coastal Commission, State Lands Commission, Regional Water Quality Control Board, California Department of Fish and Wildlife). Once approved, the City would be able to accept beach quality sand when it becomes available for placement on the beach” reports Amanda Lee, Principal Planner. Meanwhile “Southern California Edison (SCE) (as part of their mitigation obligation) is planning to do their next beach replenishment project on Del Mar beach in November 2022 using dredged sand material from the San Dieguito river inlet. These projects typically happen every other year and involve 16,000 to 20,000 cubic yards of sand,” said Lee. “My understanding is that SCE is obligated to keep the river inlet open until they have met the performance criteria identified in their Coastal Commission issued Coastal Development Permit. They have not come close to meeting this criteria so there is no expectation of their obligation ending anytime in the near future.”

The procedure is detailed on the City’s Sediment Management Plan website. You can find out information on what’s happening with the sand and what might in the future and, yes, it is all related to climate change:

<https://bit.ly/DelMarSediment>. You can opt for a brief overview: <https://bit.ly/SedimentSummary>. ■



Photo by Julie Maxey-Allison.

DOG MAR!

by Barley Gaylord | Ocean Front

Could there be any better place on earth to live as a dog than Del Mar? I don’t think so and here is why:

I can go for a walk from the south end of town to the Lifeguard Tower and it’s one biscuit after another! (Yes, most require my human’s intervention to unscrew a lid but it works!) And are they ever good!



Treats from my friend Jon (the Chief) at the Lifeguard Tower.
Photo by Lynn Gaylord (my person).

One day my owners were away and I escaped from my house. Know where I went? I ran all the way from 29th St. to the Plaza where they have good treats. The lifeguards returned me to my home so I didn’t even have to walk back. That’s service!

And where else on earth could I run for endless hours on a sandy beach designated just for us four-legged creatures? No cats, no rats, no one but us doggies!

Shores Park is another one of my favorite reasons for loving Del Mar. Yes, we can only go certain afternoons but it is magic! All my buddies are there and we run ourselves silly. So much fun!

I love Del Mar! ■

DOWN THE DRAIN

by Julie Maxey-Allison | 10th Street

Don't let the morning dew or drizzle deceive you. The stark fact is that we in Southern California live in continuing drought conditions. The sources we depend on are dwindling along with the water level at Lake Powell. Scientist Dr. Andrew Schwartz from the University of California, Berkeley's Central Sierra Snow Lab reports: "California's snowpack is now at 39 percent of its average, or 23 percent lower than at the same point last year. This signals a deepening of the drought — already the worst in the western United States in 1,200 years..."

What to do? Follow Public Works Director Joe Bride's request: "The City is calling for voluntary reductions in water use." It is up to us. Our residential water is "potable" or high quality drinking water, unless you have put in purple plumbing pipes for recycled water. Whatever water you are using, don't waste it. Less is not more and less is all we have.

We know some of the important changes we can make in our indoor daily living. Now for the outdoors where 50% of water usage goes. In lieu of hoping for an imaginary miraculous rainmaker, reconsider how to conserve water so it is not squandered through runoff, evaporation or gone with the winds. In addition to choosing drought resistant plants, schedule watering for the morning before 10 AM or in the evening after 6:00 PM. A weather based irrigation controller will prevent unnecessary watering during or after a rain. Skip a day or two or more of watering each week. Keep your hardscapes spotless with a broom not a hose.

Del Mar residents are eligible for a free WaterSmart Checkup for indoor and outdoor areas. To schedule: call 866-883-1332. For more information: www.delmar.ca.us/waterconservation. □

\$++\$ FOR BLUFFS

by Julie Maxey-Allison | 10th Street

Our bluffs will get additional funding support from the recently passed state Assembly Bill 66 with \$2.5 million over a three year period to further study how ground deformations are impacted by tides, large surf, groundwater, and rainfall.

Scientists at Scripps Institution of Oceanography, including Adam Young who has been actively using Light Detection and Ranging (LiDAR) over several years, will closely monitor the bluffs. The LiDAR scans of the cliffs create a three dimensional map of the coast and the new surveys will be compared with previous results and used to calculate and track erosion over time. This information will help determine if signals exist that can be used to foretell the possibility of an increased risk of collapse, instrumental to developing an early warning system.

In Brief

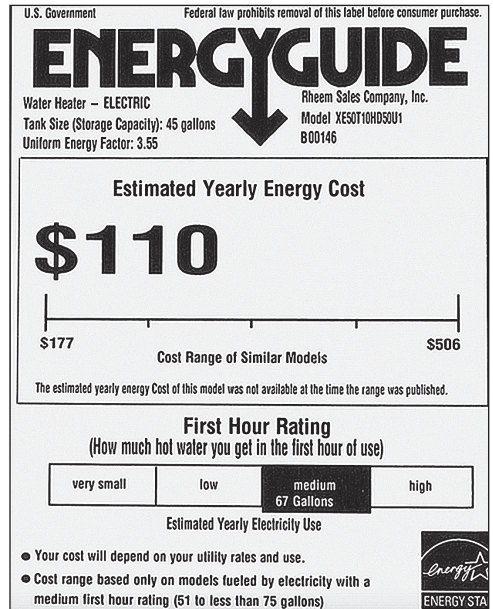
Electrifying Miscalculation

At the April 18th City Council meeting, Council Member Terry Gaasterland showed a slide during the discussion of a potential building electrification ordinance. Her slide showed the cost of an electric water heater was \$1300 per year versus \$300 per year for a gas hot water heater.

Here are the annual cost figures for average use (64 gallons/day) from the US Department of Energy website (<https://bit.ly/Electric-vs-Gas>): gas = \$349, conventional electric = \$920, heat pump/electric hybrid = \$110.

In her comments, Gaasterland

referenced her own home with 11 solar panels. Electricity from the solar panels would reduce the cost of powering the electric or heat pump models by at least 50%. Solar panels are required on all new construction, and heat pump water heaters are highly recommended, so the annual cost of heating water with these options would be \$55. So the \$1300 estimate was only 24X too high. □



Spotted Sandpiper.
Photo by John Weare.

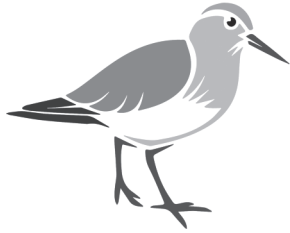
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Sustainability

BARELY PASSING GRADES

Del Mar's Report Card

by Valérie Dufort-Roy | Klish Way

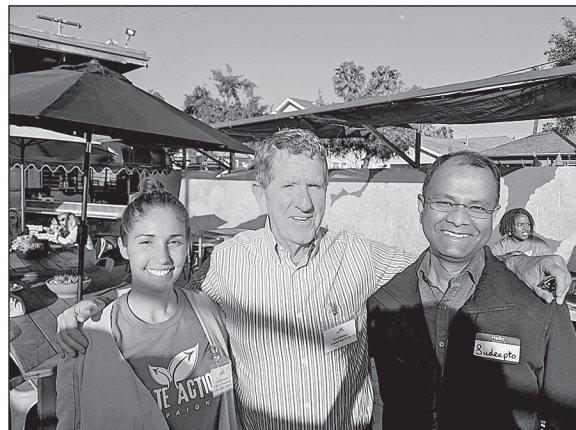
When I was in elementary school, a report card filled with good grades scored me a comic book. The Climate Action Campaign, San Diego's environmental group aimed at addressing the climate crisis through effective policy action, assigned Del Mar a frail 62.5% for its Climate Action Plan (CAP) and 65% for implementation.

Since 2016, the Campaign has been grading the CAP of each of San Diego's 18 cities, in five areas: world-class transit, 100% clean energy, bikeable/walkable neighborhoods, resiliency and all-electric homes. While Del Mar's grade declined from 73%, in 2016, this year's winner is Escondido, with an impressive 97.5% (for its all-new legally binding CAP). Specifically, Escondido committed to 100% clean energy by 2030, organic waste diversion, and an ordinance requiring that new commercial developments achieve net-zero energy.

Why is Del Mar so far behind? Along with eight other cities, our CAP is not legally binding, meaning there is no legal accountability from our city officials to meet the goals expressed in our CAP. Secondly, our CAP omits a strong commitment to meeting Zero Carbon by 2045, in accordance with State climate goals. Next, developing a

walkable, bikeable, and transit-accessible city should be a top priority, per the report. Finally, the development of vacant sites into affordable housing near current infrastructure, jobs, and transit is recommended.

However, our barely passing grades herald a very dire prospect.



Lexi Meyerowitz, Scott Borden & Sudepto Roy, April 13, 2022 CAP Report Card Release Party.

Photo by Valérie Dufort-Roy

“In August 2021, the UN Intergovernmental Panel on Climate Change (IPCC) released its Sixth Assessment Report, which UN Secretary-General Antonio Guterres deemed as “a code red for humanity.” The report, prepared by 234 scientists from 66 countries, makes it clear that policymakers worldwide must take swift, decisive action to reach zero carbon emissions by 2050.

Only 100 days after the UN climate summit in Glasgow, COP26, the IPCC released a second assessment warning of the dire effects of climate inaction and failing global leadership, which has now placed nearly half of humankind in very vulnerable climate situations.” Delay causes death,” the UN Secretary-General has said.” (Climate Action Plan Report Card, April 2022, p.6)

On the positive side, Del Mar is working towards 100% clean energy by 2035, through Clean Energy Alliance, which it co-created. Del Mar's CAP also includes a social equity perspective, along with strategies for tree canopy coverage and nature conservation of its coast and wetlands. Del Mar should gain a few extra points by implementing curbside food waste recycling starting in July 2022, in accordance to SB1383. The comic book for good grades remains elusive. ■