

# SANDPIPER

## Wider Still, and Wider

By Mark Whitehead

More HOV lanes and a wider freeway are envisioned to relieve congestion at the current Del Mar/Encinitas choke point, now that the 5/805 widening near Sorrento Valley is done. CalTrans, speaking at the April 2 City Council meeting, presented preliminary plans for increasing the width of the 2-mile segment of I-5 between Via de la Valle and Manchester. Two northbound and two southbound HOV lanes, would be added to the center of the freeway, to be accessed, possibly, by fly-over drop-ramp bridges so that drivers destined for the HOV lanes would avoid merging with the standard mixed-use lanes on the sides. The end result would be four HOV lanes plus the current eight mixed-use lanes, or 4+10 if two additional regular lanes are added on the sides.

In addition, yet another new "local" lane is under construction from Lomas Santa Fe south to Via de la Valle to allow local traffic traveling only from one exit to the next to avoid merging with through traffic. It will be completed in time for the Del Mar Fair, when its northbound counterpart will begin construction.

The widening project throughout the I-5 North Coast corridor will include six cities and transit five lagoons. Environmental documents are being prepared for public review. Wetlands environmental impacts are "the most

difficult" to mitigate, according to CalTrans, because "places to perform wetlands mitigation are limited." Dawn Rawls of the Del Mar Lagoon Committee reminded CalTrans and the Council that the San Dieguito lagoon, the wetlands of which are currently being restored by Southern California Edison at a cost of \$80M, "should not be ignored when evaluating impacts of the proposed I-5 widening." Rawls emphasized that this restoration work should not be credited as adequate mitigation for the environmental impact of the I-5 widening project on the San Dieguito lagoon.

*Mark Whitehead is a former Mayor of Del Mar.*



## Also In This Issue:



*Del Mar lifeguard Jeff Owen after a great performance in the Oceanside Half-Ironman. See page 5.*



*One of Del Mar's "paper alleys". See page 12.*



*Jen Grove, Executive Director of the Del Mar Village Association, discussing revitalization strategy with DMVA President, Richard Earnest. See page 10.*

## Privatizing the Bluffs

The Planning Commission recently recommended to the City Council that, when setting standards for governing possible vacation of easements serving as public rights of way, the City should consider the possibility of there being a public benefit to such a vacation. Such a benefit to the broader community might serve to justify what would be in effect a transfer of public property into private ownership.

At their meeting on 2 April, the City Council weighed the Planning Commission recommendations, including the suggestion of requiring a public benefit when evaluating a possible proposal to vacate a city easement. As with most discussions about vacating easements, an example that was frequently cited by Council members was the McManus alley between Amphitheatre and Klish. Also as

usual, proponents of vacation referred several times to the uselessness and potentially dangerous nature of that alley, and by inference a number of other city easements.

This led Mayor Hilliard to suggest that simply the act of transferring such an alley from the public sector to private ownership would constitute a "public benefit" in that it would relieve the City of any danger of possible litigation should someone injure themselves in the alley. Apparently, this suggestion was made seriously and not facetiously. Furthermore, some other Council members seemed to take it at face value.

However, if the City's concept of a public benefit is simply the reduction of its exposure to hypothetical litigation, a logical corollary is that the City should privatize any public land that might harbor a risk to human life or limb. The most obvious candidate for such property must be the bluffs. A more dangerous piece of real estate is difficult to envision.

So watch for Mayor Hilliard to solve the City's alleged budget woes by selling off the Del Mar bluffs. So it goes.

## Myers to Head Library Board

One of Del Mar's most active leaders is scheduled to take over leadership of Friends of the Del Mar Library. Barbara Myers is the only candidate to succeed Pat Freeman when the Friends board votes June 5th.

"I want to make the library even more visible in the community," she said. "Right now it's unknown or ignored by too many people." Myers identified one goal as making the library a resource for school children. She recently completed two terms on the Del Mar Union School District board. Myers also has been president of the Del Mar Foundation. She is completing her first year on the library board.

A resident of Del Mar for 22 years, she is married to Douglas Myers, chief executive officer of the San Diego Zoo. They have two children, Amy, an accountant in Los Angeles, and Andrew, a college freshman.

*Peter Kaye is a resident of Del Mar.*



The Sandpiper is published by the Del Mar Community Alliance, a not-for-profit corporation. 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.

**Editors:** Bud Emerson, Liz Dernetz, Wayne Dernetz, John Graybill, Lee Haydu, Carol Kerridge, Shirley King, Susan Miller, Art Olson, Betty Wheeler, Mark Whitehead

All staff members and writers are unpaid volunteers. This publication depends upon the contributions of readers like you. Make checks payable to **Sandpiper**, Box 2177, Del Mar, CA 92014

## Who Are We, Del Mar?

By Bud Emerson

Employment (from 2000 Census)

Del Mar: 3820 jobs (2900 in 1990); 74% in retail & service (countywide: 48%)

Fairgrounds: 230 permanent full-time; 190 permanent part-time; 1800 seasonal (Fair); 1400 seasonal (Racetrack).

Voter registrations (from County Registrar)

Total:	2941
Republicans:	1090
Democrats:	1043
Independents:	695

## Councilmember Finnell To Step Down



We sadly report that Del Mar City Council Member Jerry Finnell has announced that his leukemia, first diagnosed last September, has returned, and he must start a new series of chemotherapy treatments. Because the new treatment, which is expected to last about three months, will

prevent Jerry from attending most, if not all, Council meetings and public gatherings, he has decided to resign his Council seat.

Our hearts are with Jerry and Kathy at this difficult time. We fully concur with their decision that they need to focus now on his well-being the way they have till now focused on the community's well-being.

Jerry emphasizes that he and his family remain optimistic about the prospects for curing the disease, but he feels our community deserves the full-time attention of a council member. We can only add that the term "full-time" scarcely does justice to the attention that Jerry has paid to the best interests of the community.

He thanks his many friends and neighbors who have provided encouragement and support during his treatment; we assure him that the Sandpiper team is wholly on his side.

The Council will decide this month on the most effective way to fill the seat that Jerry will vacate.

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## Saving the Heart of Our Village

By Bettina Experton

With the mid-year City's budget report, an alarm bell clearly resonated: Sales taxes are down as a result of disappearing retail stores, swiftly replaced by office space, changing the face and feel of our city. Should we care about a single budget line item if we can manage, as we will, to balance our budget? The answer is definitively YES, and the time to act is NOW.

The City Council vigorously responded, imposing a downtown office moratorium while developing a Retail Overlay zone. The Del Mar Village Association has also seriously invested in revitalization efforts. As individual citizens caring about our town and the quality of our lives, we should not delay taking action either.

A vibrant retail environment is not only the heart and vital force of a town; it can also ensure the well-being of its population. Across America, the suburban way of life has led to unhealthy lifestyles. Sedentary lives and social isolation are clearly linked to disease and disability. On the other hand, the "walkability" of a city is now scientifically recognized as a strong marker of individual health. Sustaining and enhancing our Del Mar Village and its retail core is more than a fiscal matter; it is a public-health imperative that we all should embrace.

A walkable and healthy village is about pedestrian-friendly streets, vistas to enjoy, esthetically appealing buildings and places to walk by, shop, dine and socialize. Our Community Plan gives us the framework and means to sustain and further enhance the walkability of our Village. From 9th to 15th Street, a healthy half-mile is here for us to walk, shop, and enjoy the town, providing that we revitalize the southern end of Main Street. To do it, the next call for action is the planned development

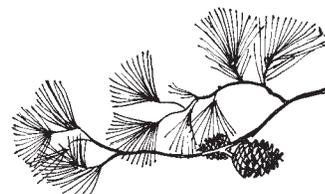
("The Cliffs") at the former gas-station site.

You may hear that because "retail is doomed to fail" in this part of town, the only viable option there is to build more office space. Not so, if the community decides otherwise. This country, and this city, didn't come into being with a "Cannot-do attitude".

As form follows function, retail will indeed succeed at the southern end of the Central Commercial zone with the right mixed-use design. The currently proposed office-driven design, with a minimal afterthought retail element, cannot work for either the developers or the town. In contrast and in response to the call of concerned citizens, two talented local architects have laid out alternative site plans emphasizing retail and public open space for the site.

Under Measure B, "The Cliffs" will come before us for our vote, but between now and then it is up to us to guide the developers on what our Community needs, all engaged in a productive public/private partnership approach. From the project's retail and open-space components, to the esthetics of the design, accompanying streetscape, ample parking, and noise and traffic control elements, the call is upon us to decide. After L'Auberge and the Plaza, let's now shape the other end of town. More than the state of the City's finances, it's about saving the heart of our City for the quality of our lives.

*Bettina Experton, M.D., M.P.H., is Chair of the City's Finance Committee.*



## Our Neighbors – The Grocery Workers

By Bud Emerson

Our local grocery workers are currently in conflict with their management about wages and benefits. Despite this additional stress in their lives, these workers continue to serve us graciously. If a strike occurs, do we patronize these stores?

Profits at all three stores are at record highs for the last five years. Safeway (Vons) reported a one-year net income growth of 55%, its best in five years. The CEO of Ralphs increased his compensation from \$3.7 million in 2003 to \$5.1 in 2005, a 38% increase. The Albertsons CEO went from \$5.7 to \$9.5, a 77% increase. Safeway's CEO was recently awarded a total compensation package of \$11.5 million, a tenfold increase from his 2003 salary of \$1 million.

The grocery workers believe they have worked hard to achieve these impressive company results and should receive fair compensation for their contributions to corporate success. Since the settlement of their last strike in 2003, workers have not received any increase. That settlement also set up a two-tier system that gives lower benefits to new employees. In Southern California there are over 40,000 employees in this second tier; of those, only 75 have health-care coverage for dependents.

Recently, two smaller market chains with lower profit margins, Stater Bros. and Gelsons, reached agreement with the union for a new contract that eliminates the two-tier system, and increases wages and benefits. The unions argue that if it makes good economic sense for these two markets, it is reasonable for the larger, more profitable chains to make the same settlement.

These markets are a vital part of our community. We receive extraordinary customer service from grocery workers. They work hard for long hours every day including weekends, holidays, dinnertime, and stocking shelves in the middle of the night so that what we want is at our fingertips when we want it. We are greeted with smiles and very responsive attitudes. Most of us tend to take it for granted, but they sacrifice much of their family lives to keep us satisfied.

The average worker makes a little more than \$300 a week, many on part-time schedules, even the highest paid making less than \$40,000 a year. So, some are barely in the middle class, and many fit the classification of working poor. This in a region where already less than 20% of the population earns enough to afford a medium-priced home. Most workers have kids; many are single parents. Without decent health, dental, or vision care these families could be devastated by a serious illness to a child or parent. Workers are willing to pay modest co-pays, but lack of adequate health insurance would sink many of them to near poverty levels.

These markets and workers are part of our community. They have been here for us. We need to decide how we can help them find a fair settlement that will work for them and us.

*Bud Emerson lives on Klish Way.*

## Don't Get Around Much Any More

By Ann Silber

Sprightly at close to ninety  
this energetic senior mounts her Montero  
to deliver Meals on Wheels  
from hot and cold cases lined up on the shaded side  
of St. Andrew's Episcopal Senior Center in  
Encinitas  
Tuesday April 10: a cold lunch of Greek salad,  
baby carrots, grapes and lemon squares  
plus a hot meal of Salisbury steak, peas and  
carrots with roast potatoes  
and milk or juice  
seven clients, most in the geriatric generation  
four women, three men—too many diabetic, one  
alcoholic  
independent for the most part—brave  
sustained by the loving nourishment of Meals on  
Wheels  
people caring for people

Stories of the glories of Keystone Kops—  
days gone by  
great tales, real and imagined  
memories of a cranky lady with smelly cats  
and the Colonel—long gone but best loved  
we're down to the last door  
a man converting the Duke to disc—  
"Don't Get Around Much Any More"

Twenty-one years of making sure  
that others are fed  
retired but far from dead  
Rachel Reed of Del Mar  
lively, ready to go,  
laughing, remembering, loving life.  
Who doesn't get around much any more?



*Ann Silber is a resident of Del Mar.*

# WiFi? Why Not?

By Terry Sinnott

The cities of Del Mar, Solana Beach, plus the 22nd District Agricultural Association, have been working together on a project to bring wireless connection capabilities to our downtown, beaches and neighborhoods. A steering committee, representing all interested jurisdictions, has been working for the past 13 months to investigate the feasibility of setting up a wireless local area network for our communities. Here is some information that will keep you abreast of what is happening.

## What is a Wi-Fi network?

A series of small transmitters/receivers are located throughout the community. Installed as a mesh or grid, each transmitter/receiver allows people using computers, cell phones or PDAs to connect to the Internet without having to be physically hard-wired to a computer network. A person at a business, restaurant or hotel can use the system. A person in a park, on the beach or at the Fairgrounds can use the system. City workers can access the network while they are away from City Hall. And all residents will have access to the system as well.

## What is being proposed?

Surf & Turf Wireless is designed to be an "open network" where one company owns, installs and operates the network, and then sells wholesale access to the network to multiple internet service providers. There is no cost to the cities of Del Mar or Solana Beach, or to the Fairgrounds. In return for being able to install their equipment in public areas, the Wi-Fi provider pays each jurisdiction an annual fee.

The Surf & Turf Wireless will provide at least two levels of service. One "Basic Access" level of service will be free. A series of faster "Premium Services" will be offered at various rates that will be charged to the end-user.

## What are the advantages?

A Wi-Fi system has the advantage of allowing community-wide Internet access to be set up without having to install a costly, unsightly mess of cables. Wi-Fi capabilities are now built into all modern laptop computers and cell phones, so people congregate around "hotspots" where Wi-Fi access is available. There are now over 250,000 public hotspots worldwide and millions of homes, businesses and universities that use this technology. New generations of Wi-Fi users want to live, work, and visit communities that have this advanced capability. A Wi-Fi system also provides a back-up to standard municipal emergency communications networks in case of a natural disaster.

Plus, the three jurisdictions, by proposing a Wi-Fi system today, can have a stronger influence on where transmitters/receivers are placed in their communities. This provides for a more pleasing and, environmentally sensitive integration of technology and aesthetics.

## Current Status

Three vendors have responded to a joint Request For Proposal. Using a list of 66 qualifiers, the three candidates were evaluated by seven members of the steering committee. Two of the vendors have been identified as finalists. The next steps will be to invite the finalists to present their proposals to the community, hold public workshops to review the proposals, and begin negotiations with the winning vendor in July.

*Terry Sinnott is a resident of Del Mar.*

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# Del Mar Lifeguards in Ironman Shape

By Sherryl L. Parks

Two local lifeguards, Benjamin Guss and Jeffrey Owen, achieved outstanding performances at the Oceanside Half-Ironman in Oceanside on March 31. In 26th place (out of 1950), 24-year-old Ben won his age group and qualified for the Hawaii Triathlon in October. Ben said, "In all honesty, I really didn't think I could go as fast as I did. I noticed that I came out of the water the first. I gave it my all."

Not far behind Ben, Jeff placed 152nd. He has worked as a lifeguard here during the summer months for three years. He is presently a teacher at Cathedral High School in San Diego where he coaches the varsity co-ed swim team and the junior varsity water polo team.

Both men value working for the City of Del Mar. "A big part of lifeguarding is keeping in good physical condition

and Del Mar, in particular, is big on keeping their lifeguards in shape.

Competitions with other city lifeguards (such as San Diego and Coronado) are scheduled. I came to work for Del Mar because of the way they treat their employees."

We who visit the beach have always appreciated our fine lifeguards. Now we know that they include the most elite athletes. Congratulations, Ben and Jeff!

*Sherryl Parks is a resident of Del Mar.*



*Ben Guss, giving it his all.*

# Maxie and Me

By Clare B



**M**axie is our family pet. She is a golden Retriever. I've always had a dog. When I was born Maxie was still a puppy, she was only five months old. So my memories of growing up have always included a

dog. Even though she is 10 years old now she is still frisky, loves to play, and sometimes she can be mischievous.

Maxie loves to take walks and I'm able to walk her myself because we have a special halter leash. She is crazy for tennis balls and will always play fetch. I have taught Maxie a few tricks, one of them was "paw", and she learned it quickly.

Most mornings she rides to school with us in the car, and when I come home she is always at the gate to greet me. Even though she isn't a puppy anymore she still acts like one, she wants attention all the time. Anytime my brother and I are outside playing she always tries to steal whatever we are playing with, and if she gets the chance she will bury it.

If my mom would let me I would adopt all the dogs at the Helen Woodward center, that's how much I enjoy having a dog. But for now I am happy just to have my Maxie!

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## Del Mar Faces Housing Challenge

By Wayne Dernetz

**C**alifornia's housing crisis continues to worsen. The state's Housing and Community Development Department (HCD) recently reported that our population increases by 1.3 percent annually, about 450,000 people. To meet this growth, California needs 220,000 new housing units each year. Since the 1990s, annual housing starts have provided fewer than 170,000 units. Young people and new families seeking rental housing are bearing the brunt of this housing shortage.

The Legislature has addressed this crisis by requiring every city and county to adopt a Housing Element for its general plan. That Element must include a community housing-needs assessment, an inventory of available housing sites to meet those needs, a statement of goals and objectives, and an action plan for achieving those goals and objectives. The action plan must be updated every five years.

For each five-year cycle, HCD allocates statewide housing needs among the various regions. In our region, the San Diego Association of Governments distributes the regional allocation to each city and the unincorporated area. These allocations are identified by affordability groupings – very low, low, moderate, and above moderate family income levels – so that each jurisdiction bears a proportionate responsibility for providing housing across all income levels. For the current cycle ending 2010, San Diego's regional allocation is 107,301 new units. Del Mar's share is 25 units, up from 23 units in the previous cycle, and includes six very low, four low, and five moderate-income affordable units.

Del Mar met its total allocation in the previous cycle but failed to provide any new housing in the very low, low and moderate-income categories. According to Adam Birnbaum, Del Mar's principal planner, preserving the

City's current stock of rental housing and creating new affordable housing opportunities are the major challenges for the new cycle.

To address these challenges, a committee of City officials and residents has proposed changes in City policies and regulations. The proposals include modifying the condominium conversion regulations to require affordable housing set-asides, increasing and expanding in-lieu fees to raise rental subsidies, increasing densities for mixed-use commercial/residential projects, and waiving floor-area limitations on so-called granny flats and handicapped-accessible additions. The Planning Commission has reviewed and forwarded the proposed five-year update, with recommendations, to the City Council for public hearings beginning later this month or in early June. Following Council approval, the update must pass a State certification process. If the update fails certification, Del Mar will face substantial risks.

Janet Huston, HCD's Communications Director, says that cities are accountable for their planning and zoning policies. Cities failing to make good-faith efforts toward achieving their fair-share housing goals will lose eligibility for state and federal grants. Lack of good faith is demonstrated by refusing to modify policies and regulations to accommodate affordable housing. Ms. Huston added that cities would become exposed to third-party lawsuits seeking to set aside their offending policies and regulations.

*Wayne Dernetz is a resident of Del Mar.*

Shared Housing and Rental Assistance are City of Del Mar affordable-housing programs administered by Del Mar Community Connections (792-7565).

Copies of the draft 2005-2010 Housing Element Update are available for review at the Planning Department at the City's offices and on the City's web page at <http://www.delmar.ca.us/City/Meetings/PlanningCommission/20070410.htm>.

## Little Ladies

By Ed Mirsky

All the world seems in tune  
On a spring afternoon,  
When we're poisoning pigeons in the park.  
Ev'ry Sunday you'll see  
My sweetheart and me,  
As we poison the pigeons in the park.

(Thanks, Tom Lehrer.)

The French have generously shared their culinary delights with us. They brought us fine breads, which lift our spirits when spread with brie or camembert, and savored with a delicate Pouilly Fuissé. And around 1600 in New France, at Port Royal in Acadia, Frenchmen dreamed of *Épigrammes de Pigeonneau à la Chapelure des Truffles Noires*. And to satisfy their hunger they imported pigeons. Lots of pigeons! (And the brown escargot snail, too. But that's another story.)

Yet not all pigeons are introduced. If you venture away from Del Mar's inner city pavement into your suburban yard, you will find Mourning Doves. They are the "little ladies," who, in their prim and proper beige-colored dresses prance around like little princesses. And no doubt, not far away, you will see an excited male with his feather puffed up trailing behind her. You may see this behavior most any time during the year, because it turns out that pigeons and their relatives the doves, breed at any time and as often as they can.

Mourning Doves build a nest of small twigs in some secluded spot in the yard, or next to your back door, depending on their mood at the time. The male trucks in the nesting material to his mate, one piece at a time, and she performs the necessary innate carpentry to construct the nest. She lays two or three eggs, and both parents take turns incubating them for a little more than two weeks. Once the young are hatched they are fed "crop

milk" for the next two weeks or so. The crop is a throat pouch. It's down the hatch and into the crop. This works very well since birds don't have pockets. Ergo, the crop is used to carry food before letting it drop into the stomach or coughing it up and feeding it to a mate or young.

The milk is produced by both sexes, by sloughing off fluid-filled cells from the lining of the crop. It's actually really good stuff—if you're a bird. It contains more protein and fat than does cow or human milk.

The crop is not to be confused with the gizzard, which is a muscular part of the stomach. Birds swallow rocks, which go down to the gizzard and function as teeth to break food into small bits so it can slide down to the stomach, where it is chemically broken down into even smaller bits, and energy. This is necessary because birds are toothless and don't wear dentures.

Hence we may conclude that pigeons are in your back yard or doves have a gizzard.

*Ed Mirsky is a resident of Del Mar.*

Editor's note: Google identifies Tom Lehrer as a well-known satirist and Harvard (later UCSB) lecturer whose songs include, "Poisoning Pigeons in the Park" on the 1959 recording, *An Evening Wasted with Tom Lehrer*.



## Go Take a Hike!

Dust off those boots, grab your hat and sunscreen and enjoy some quiet moments in our gorgeous surroundings. Here are just two of the many available guided hikes in the area:

Torrey Pines State Reserve has docent-led nature walks every week-end and holidays, leaving from the Lodge, at 10:00 AM and 2:00 PM. For more info about the Reserve check the website <http://www.torreypine.org>: San Dieguito River Valley Conservancy is sponsoring a guided hike on Volcan Mt. Reserve, near Julian on Sunday, May 20th, 1:00-4:00 PM. Hike to the top of Volcan Mt. and enjoy the sweeping views of the Santa Ysabel Valley and the Anza-Borrego Desert. Reservations required. Contact [hikes@sdrvc.org](mailto:hikes@sdrvc.org) or 858 674-2275.

**Congratulations!**

**Del Mar  
Farmers' Market  
Serving Our  
Community For  
20 Years!**



# A Sewer System of Integrity

By Henry D. I. Abarbanel

Is Del Mar vulnerable to a huge sewer spill as occurred recently in the Buena Vista Lagoon between Carlsbad and Vista? The answer, interestingly, is yes, but no! The pipe running through Buena Vista is a much larger old iron pipe. With only one exception, we have none of these.

In the mid-1990s the City Council approved a major bond issue to perform ten years of needed updates for our water and sewer systems in Del Mar; these were completed over a period of 18 months. The idea was to take advantage of the economy of scale in setting up and executing one large project rather than many small ones. We saved well over \$1M with this approach.

The net result of this is that our pipes are now modern PVC, and those old leaky ones were replaced. Another result of that effort was that by paying up front for a big project, rather than yearly for incremental projects, we added to our water and sewer bills the costs of borrowing the money. This is one of the reasons that our bills are higher than many of our neighbors, especially the City of San Diego, who performed none of this preventive maintenance. They are paying dearly for it now — San Diego's bills will rise 35% over the coming five years and soon will surpass Del Mar's bills, and they will still be some distance from the safety our system maintains.

So our pipes are new state-of-the-art equipment. Also important is that our daily flow is only 1/7 of the capacity of the Vista/Carlsbad pipe, so even a rupture of the same magnitude would not result in the same horrible disaster. It would be bad, very unpleasant, but smaller.

The "yes" from above relates to two factors: First, our single pump station at 21st Street is over 35 years old and needs replacement. Our replacement plan is almost ready, and we are now looking for grant monies to fund most of this project. The rest will be in a bond issue for the sewer fund.

An old pump station is vulnerable to overflows and spills, though not from the sewage from residents and businesses in Del Mar. The only times we have come close is during big event days at the Fairgrounds when the capacity of the old station and its storage wells is challenged. The Fairgrounds is aware of this and has installed some "wet wells" to smooth out their flows.

The second factor is the large connection between the Fairgrounds and the 21st Street pump station. That is the only pipe that goes under the San Dieguito River, and if it burst — and it is not very new, actually - it could cause serious spills. The responsibility for that pipe belongs to the Fairgrounds, not the City of Del Mar, same as the lateral from your home is your responsibility.

Many people in town, including myself, have discussed the possibility of moving our sewage flow north to the

San Elijo Joint Powers Authority wastewater plant. To get from here to there would require a new, large main, and given the experience in Vista/Carlsbad we should not even consider running it under our lagoon. The other realistic option is to run it along the bridge on Camino del Mar crossing the San Dieguito River. After this spill, I anticipate that will be the only option, subject to approval by the Coastal Commission, but there is much to be studied so keep tuned.

*Henry Abarbanel is a current City Council member.*

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## Penguins at the Powerhouse

By Claire McGreal



On April 5, the Cultural Arts Committee of the Del Mar Foundation sponsored a lecture and PowerPoint presentation by Paul Ponganis, M.D, Ph.D, on the "Emperors of the Antarctic". Dr. Ponganis, a local anesthesiologist and Scripps researcher, travels annually to the Antarctic to study the diving behavior of emperor penguins. With his slide and video photography, Dr. Ponganis took the "First Thursday" crowd on an Antarctic adventure detailing how he lives and works in one of the harshest environments in the world in order to study penguin physiology. Understanding how penguins adapt to such severe circumstances may provide clues for understanding more about human physiology.

### Del Mar Arts Center Gallery

Reception, Public Welcome

May 3, 5-7pm

Del Mar Plaza, 3rd Level

Refreshments/Music

# Clean Water - Worth \$3.84 a Month

By Crystal Crawford

**D**id you know that urban runoff is the fastest-growing source of ocean pollution? Storm water discharge, pet waste, common litter, partially treated sewage, agricultural waste, and pollution from smokestacks and vehicle tailpipes are all changing the chemistry of our seas and other waterways.

The Federal Clean Water Act requires states to set minimum quality standards for sources of drinking water and for the discharge of waste from sewer systems and storm drains. The federal and state standards are administered locally by the San Diego Regional Water Quality Control Board, which in turn imposes detailed requirements on all cities. Unfortunately, the mandated programs do not provide any of the funding necessary for compliance and the requirements have become more and more stringent.

So, in 2004, the City of Del Mar initiated a Clean Water Fee to raise a portion of the funds necessary to comply with federal, state and local water-quality standards. Previously, 100% of the cost for our clean-water programs came from the general fund. Since 2004, the Clean Water Fee has paid part of the costs of the monitoring and prevention efforts necessary. The fee is currently \$3.84 a month for the average single-family household. While the fee is a small part of the overall water-sewer bill, it is essential to helping defray the costs of compliance with the unfunded mandates established by the federal, state and regional agencies that make local governments responsible for protecting water quality.

Del Mar's Clean Water Fees are used for a variety of programs including increased street sweeping, increased water-quality testing to identify pollution sources, additional studies to assess the health of our lagoons and creeks, increased oversight of "best management practices" designed to minimize the discharge of pollutants from construction sites, businesses and other activities in the city, increased code enforcement, and increased education.

Preventing pollution is of course less costly for taxpayers than cleaning it up after the fact. You can help protect the health of our community and our lagoons, rivers, and ocean environment and continue Del Mar's long-standing tradition of environmental stewardship by practicing the following, common-sense steps:

- Maintain your vehicle. Cars leaking oil are a major source of pollution.
- Use biodegradable soaps when possible.
- If you can, wash your car on a grassy area or divert the dirty water onto landscaping rather than allowing water to run onto hard surfaces.
- Reduce your use of lawn and garden fertilizers and pesticides as much as possible.
- Monitor irrigation levels to minimize runoff that carries pollutants to the beach.
- Buy non-toxic products to the extent possible.
- Clean up after your pets and don't allow pet waste to wash into storm drains, into our waterways, and ultimately the ocean.
- Keep yard waste and other debris on your property by sweeping up frequently and then recycling.

## May Community Calendar

**First Thursday:** May 3, 6:30pm wine and cheese, 7 m Chris Klich Quintet: "New Directions in Jazz: Jazz past, present, and future." Powerhouse Community Center.

**DM Historical Society Children's Archaeology Workshop:** Saturday, May 5, 10am-noon, Powerhouse Community Center. A fun, hands-on workshop for ages 6 and older, "Digging for History", to teach children to be detectives and learn from digging (literally) in the sand and dirt, using metal detectors and sieves to find real Del Mar treasures!

**Del Mar Farmer's Market:** Saturdays, 1-4pm, City Hall parking lot. Purchase fresh, locally grown produce, flowers, eggs, and many other products.

**Children's Music Concert Series:** Sunday, May 6, 1pm, Powerhouse Community Center. Patty Hall, folklorist, writer and musician will perform "Jumpin' Up! Songs" for kids and families.

**City Council Meetings:** Monday, May 7 and May 21, 6pm, DMTV Station.

**Gas Station Site Specific Plan Steering Committee:** Tuesdays at 4pm, City Hall Annex. To confirm, go to <http://www.delmar/ca.us> and click "This week in Del Mar".

**Del Mar Village Association (DMVA) committee meetings:** Volunteers welcome!

*Organization:* Tuesday, May 8, 9am, Stratford Square Building, upstairs.

*Promotions:* Wednesday, May 9, 9am, Del Mar TV Studio.

*Design:* Friday, May 11 and May 25, 9am, City Hall Annex.

*Economic Restructuring:* Wednesday, May 23, 9am, L'Auberge Del Mar lobby.

*Public Art:* Wednesday, May 9 and May 23, 3pm, City Hall Annex.

**Del Mar Library:** Preschool Spanish/English Storytime, Wednesday, May 9, 10:30am.

**Del Mar Volunteer Reception:** Monday, May 14, 5:30-7:30, Powerhouse Community Center.

**The Winston School Art Fair:** Saturday, May 19, 2:30-6:30pm on campus, 215 9th Street; showcases student artwork and local DM artists. Food, games/carnival and silent auction. Tickets for sale on site; proceeds benefit the school.

**Scam Prevention:** Thursday, May 24, 11am-noon, Del Mar Library. Program by San Diego Aging & Independence Services; sign-up recommended: 755-1666.

**City Council Annual Budget Workshop:** Friday, May 25, 2-6pm and Saturday, May 26, 8:30am (as long as needed), City Hall Annex.

**Del Mar Arts Center Gallery:** Annual Small Images Show thru May 31, 2007 (images 12" or less, prices \$100 and under), 3rd level of Del Mar Plaza. Event will repeat in December for the first time.

*Please submit calendar items for the June edition of the Sandpiper o Liz Dernetz (ldernetz@pacbell.net) no later than Thursday, May 17.*

# J-E-N G-R-O-V-E Spells "Enthusiasm"

By Liz Dernetz

Jen Grove exudes energy, enthusiasm and commitment. Talking about her role as Executive Director of the Del Mar Village Association (DMVA), she becomes animated and is equally passionate about her family. She is goal-oriented with a clear vision of what is important to her. Jen says, "I feel lucky to be raising my



*Jen with her family.*

kids in my hometown, with all the incredible family and friends in this Del Mar community. I feel even luckier to be contributing in some small way to the health of this Village for generations to come."

Jen's role with DMVA is a natural outcome of her experience with the Department of the Interior in the Bay Area. There she helped transform a variety of former military bases into national parks, wildlife refuges and other appropriate uses. No small task, but Jen rose to the challenge, working in collaboration with the National Trust for Historic Preservation and other agencies. Their efforts were highly successful, and she counts among her proudest achievements, the Golden Gate National Recreational Area and the Presidio of San Francisco.

Jen's early years were spent in Riverside, then Solana Beach. When the family moved to Zuni Drive in Del Mar, Jen transferred to Torrey Pines for her last two years of high school. Those were formative years for Jen, who developed her love of village life and friendships that lasted through UCLA, Santa Clara University School of Law and early working years in the Bay Area. Eventually, Jen met Doug Grove, doing his residency at UCSF. The blind date, arranged by discerning parents, worked its magic; they married in 1993, soon began their family, and the rest is history.

In 2001, Doug sold his thriving medical practice and Jen left her successful career to realize their dream of raising their three daughters in Del Mar. Jen—a proud mom—says Tyler, 12, loves gymnastics; Kyra, 10, excels at writing; and Lauren, 6, is still defining herself. Jen includes her dad, Carlo Coppo, mom Alayne Harris, and in-laws, Jack and Peggy Grove, among their extended Del Mar family.

After relocating, Jen chose to be an at-home mom. To keep active, she applied and was appointed to the Design Review Board in 2002. She also volunteered for DMVA, putting to good use her prior experience with revitalization projects.

Within two years, Jen was appointed Executive Director of the DMVA, working part-time from home. It was a bad news/good news day for DRB Chair, Bill Michalsky, who says, "I hated to lose her..." but knew her new role would benefit Del Mar even more than her DRB assignment.

DMVA President Richard Earnest says DMVA thrives under Jen's enthusiastic direction. DMVA welcomes new volunteers, to gain ideas and talents. "We can all make a difference!" says Jen, making all the difference.

*Liz Dernetz is a resident of Del Mar.*

## Digging for History

**H**ave you ever imagined digging for buried treasure? Now, your children can fulfill that fantasy. A workshop for children ages 6 and older, entitled "Digging for History," will be offered on **Saturday, May 5, from 10am to noon**, at the Powerhouse Community Center, 1658 Coast Blvd, Del Mar.

Children will learn how to find and uncover hidden objects in the sand with metal detectors and sieves and use their detective skills to identify the treasures. The workshop is offered free of charge by the Del Mar Historical Society. Snacks are included. No registration is needed. For additional information and questions, call (858) 794-0029.

*Picture?*

### Important Meeting

Annual City Budget Workshop

Del Mar City Council

Friday, May 24, 5-9pm

Saturday, May 25, 2-6pm

City Hall Annex



## Del Mar Community Connections: a 501(c)(3) Nonprofit Corporation

### Neighbors Helping Neighbors to Create a Web of Safety, Service and Support

## DMCC Special Events and Activities

### Public Transit a BREEZE for Seniors and Handicapped

Have you ever wanted to try North County's BREEZE bus system, but aren't sure how it works or where it might take you? If you haven't thought about public transportation, now's the time to try it out: North County Transit District (NCTD) with the help of DMCC is offering a free and sociable opportunity to learn from an expert. The Senior BREEZE Sprees is an educational ridership campaign designed to train seniors (ages 60 and over) and those with special needs how to use the BREEZE bus system.

By participating in the Senior BREEZE Sprees, you will learn how public transportation can help you maintain your mobility and independence. A professional Travel Trainer will be on board to show you the ropes and answer your questions. DMCC is hosting a Day Trip

aboard a BREEZE bus on **Friday, May 11, 10am to 2pm.** The trip will begin and end at the bus stop near Del Mar City Hall and travel to the University Towne Center for lunch and time to shop.

Simply sign up for the Senior BREEZE Sprees with DMCC to participate in this free Day Trip and let us teach you how to ride the bus the easy way! You are on your own for lunch at UTC. Those who participate in the Day Trip will be given a canvas bag full of freebies and coupons.

For more details and to receive your first bus pass for free (a value of \$2), check with DMCC at 792-7565.

**Monday, May 14: DMCC Coffee and Conversation presents "Readings from our Lives"**, 10am, in the Del Mar Communications Bldg. (TV Station), 240 10th Street. This fabulous program showcases some of the students in the Life Story Writing class taught twice weekly in Del Mar by MaiLon Gittelsohn.

**Tuesday June 5: Annual pot-luck salad luncheon.**

### DMCC Ongoing Events

**Free computer tutoring for seniors:** Mondays, 9 to 11:30am. Call DMCC to sign-up.

**Senior Fitness Classes:** Three classes offered: One-hour stretch and tone classes at Powerhouse Park Community Center at 8, 9 and 10am on Tuesdays and Thursdays; 10am class is with chair. Fee \$15 for 10 weeks. Colleen Soto teacher. Contact San Dieguito Adult School, (760) 753-7073 ext. 3418 or [www.sdadulthood.com](http://www.sdadulthood.com)

**Knit & Stitch:** New place, date & time: Tuesday, May 1 and 15, from 1:30 to 3:30pm at 704 Kalamath Drive, Del Mar. Call Regina Horner, 755-1931 for more information. Free. Newcomers welcome.

**Singing Together Connection:** Tuesday, May 8, 2007 at 1010 Crest Road, from 3:30 to 5pm. All voices are welcome. Come and enjoy! Parking available on Amphitheatre Drive. Call Regina Horner for more information at 755-1931.

**Warm Water Aerobics Class** for Del Mar Seniors (92014 zip code area): Mondays, 12 to 1, at Noonan Family Swim School, Jimmy Durante Blvd. Fee: \$6/class or \$30 for 6 classes. Register in class. For more information call DMCC, 792-7565 or Eleanor Conlon, 792-8167. NEW!!! An arthritis water class for seniors or anyone

else with arthritis; open to residents throughout the area; meets on Thursdays, 12 to 1 at the same time and for the same price. This class is taught by a certified teacher trained by the Arthritis Foundation.

**DMCC's Senior Legal Services:** Friday, April 27, 9am to 1pm. Attorney provides advanced healthcare directive, power of attorney, wills, and more. FREE for seniors 60 and older in the 92014 zip code area. Must call DMCC at 792-7565 for appointment.

**Shuttle Bus Service:** DMCC shuttle bus provides pick-up at City of Del Mar residents' homes and takes them on Wednesdays to Henry's, May 9 & 23; to Trader Joe's (Encinitas) May 2, 16, & 30; on Thursdays to Von's on Mango and Ralph's shopping center in DM Highlands. See [www.dmcc.cc](http://www.dmcc.cc) or call DMCC at 792-7565. Suggested donation for each trip: \$3. Call 792-7565 in advance to arrange pick up. The DMCC bus always has a host to help shoppers with their shopping and taking their groceries into the house. New hosts are always needed—PLEASE VOLUNTEER!

**Rides to medical appointments:** DMCC volunteers, using their own cars, drive City of Del Mar residents to medical appointments. Call 792-7565 a week in advance to reserve a ride. To become a volunteer driver, call Chris Engelbrecht at 792-6612.

## Shared Housing and Rental Assistance

DMCC administers Shared Housing and Rental Assistance Programs and is always looking for new Home Providers to provide affordable housing in Del Mar! If you are a Del Mar homeowner with an extra room or separate unit to exchange for rent &/or services, please fill out a Home Provider Application at <http://www.dmcc.cc/shared-homeprovider.shtml> or call DMCC, 792-7565 to learn more about the program. Becoming a home provider offers many benefits: a bit of extra income from rent, help with chores, companionship or preventing loneliness, practice in seeing what it's like to share your home. All prospective tenants are prescreened, and background checks conducted. All efforts are made to find a compatible match for you. No one is placed

with you until you have met and fully approved the individual.

Home seekers earning \$38,650/yr or less and looking for affordable housing in Del Mar, may apply to be matched with a home provider in exchange for rent and/or services. Call 858-233-9105 for a recorded message listing current Shared Housing opportunities in Del Mar, or complete a Home Seeker Application at <http://www.dmcc.cc/shared-homeseecker.shtml>. Home-seeker income limits apply; references are required, and background checks conducted.

Applicants for rental assistance may call the DMCC office (792-7565) for information on qualifications and to obtain an application.

# Paper Alleys, Public Interest

By Wayne Dernetz

Last month, the City Council pondered a set of proposed policy guidelines for vacating public rights of way but disagreed over whether such a policy is needed, two members favoring such guidelines while two opposed. Council directed City staff to return with a proposed policy reflecting the Council's divergent views.

The issue of vacating unimproved public rights of way, sometimes called "paper alleys," was raised in 2005 when several residents proposed that all paper alleys should be vacated. Some even suggested the City was obligated by law to vacate unused paper alleys. Other residents opposed the idea, urging that paper alleys offer many existing and potential public benefits and all should be preserved. City Attorney Tamara Smith advised that the California Legislature has delegated full discretionary authority to city councils to decide whether to vacate unused public rights of way. Ms. Smith added that courts invariably uphold a city council's decision.

Most public rights of way are created as public easements when land is subdivided. Many of Del Mar's public rights of way were created in the late 19th and early 20th centuries and have never been improved. When a public right of way is vacated, the public's right of use is extinguished and an exclusive right of use reverts back to the fee owner of the underlying land, presumed to be the

adjacent property owners. Public rights of way cannot be "sold" unless the city has acquired fee title along with the public's right of use. Adjacent property owners gain windfall benefits whenever public rights of way are vacated.

In an 1894 landmark decision, *Montgomery v. Railway Company*, the California Supreme Court ruled that, "when a public street in a city is dedicated to the general use of the public as a street, it involves its use subject to municipal control and limitations for all the uses and purposes of the public as a street . . . and indeed of those [uses] yet to be discovered." The *Montgomery* decision reflects long-standing common law, inherited from England, that public rights of way belong to the public at large and may be used for any public purpose or benefit, whether or not such use was contemplated. When public rights of way are vacated, the existing and future public benefits are lost.

Viewed from this perspective, vacating any public right of way may



seem contrary to the public's interest. Yet, in limited circumstances, offsetting public benefits may justify such action. Offsetting public benefits may include eliminating excessive risks of public liability, enabling private development that provides extraordinary benefits to the public, settling costly and uncertain legal disputes, and reducing excessive public maintenance costs.

Determining whether or not any such offsetting public benefits outweigh the loss of existing or potential public benefits requires individualized

consideration. That is why the Legislature has given city councils discretionary authority to make these decisions. As trustee/administrator for the public's interest, the City Council must use its authority responsibly and with clear understanding of the tradeoffs between the public and private interests. Carefully written general guidelines would offer future City Councils, City staff, and the public a better understanding of the rights and issues involved and promote wise decision-making.

*Wayne Dernetz is a resident of Del Mar.*

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