



# **Summary of Beach Preservation Initiative (BPI)**

**City of Del Mar  
STAC Meeting  
February 22, 2018**



# Background

- **Pre-BPI most Del Mar beachfront properties had non-conforming beach encroachments**
- **In 1988 Del Mar Voters approved the “Beach Preservation Initiative” (BPI) to address**
- **BPI is implemented by DMMC Chapter 30.50 Beach Overlay Zone (BOZO)**
- **Included in City’ certified Local Coastal Program**



# General Principles

- **Access to beach is protected by State law**
  - State Constitution, Coastal Act, Municipal Code/LCP
- **State owns land seaward of mean high tideline/ Shoreline Protection Area (SPA)**
- **Private encroachments on public trust lands should be limited**
  - Subject to approval by California Coastal Commission and State Lands Commission

# Purpose and Intent of BPI



- **Implements community vision for shoreline**
- **Regulates use of Del Mar beach for benefit of present and future generations** (Sec. 30.50.010)
- **Protects public access to & along shoreline**
  - While promoting public safety, health, welfare
  - And providing for protection of private property



# Regulatory Effect

- **Returned over 66,740 sq ft of beach to public use**
- **Removed non-conforming encroachments**
  - Post 5/15/92: abatement hearings, penalties, removal
  - BPI was relied upon by court decisions (10+ challenges)
  - Court ruled in favor of City-- denied claims of adverse possession and prescriptive rights
- **Set process to approve BPI compliant seawalls**
  - Seawalls and Emergency Protective Structures
  - Findings, conditions of approval, mitigation, fees



# Seawall Permit Types

- **Setback Seawall Permit**
  - For a wall on private property at SPA line & landward
- **Shoreline Protection Permit**
  - For improvements seaward of SPA line
  - Can encroach up to 5 feet max- if finding of necessity
  - Requires payment of “rent”/ mitigation fees to compensate for loss of beach sand/loss of access



# Coastal Commission

- **Current rules are covered by City's LCP**
  - BPI and BOZO are part of certified LCP
  - Standard of review for any submitted permits
- **Future context: evolving, complex, uncertain**
  - Coastal Act and Coastal Commission guidance
  - Coastal Commission seems intent to make changes
    - To modify definition of “existing structure”
    - To require waiver of right to shoreline protection



# Relationship to SLR Planning Work Program

- **City's intent is to maintain shoreline protection rules per LCP (BPI and BOZO)**
- **Code amendments to be processed as LCPA**
  - STAC will make recommendation to Council
  - Coastal Commission is final decision maker
  - If Council does not agree with Commission decision, it can be challenged in court