



City of Del Mar Staff Report



TO: Honorable Mayor and City Council Members

FROM: Kathleen A. Garcia, Planning and Community Development Director
Via Scott W. Huth, City Manager
Prepared by Amanda Lee, Principal Planner

DATE: October 7, 2019

SUBJECT: Discussion of the Coastal Commission Staff Recommendation on Del Mar's Sea Level Rise Local Coastal Program Amendment Package

REQUESTED ACTION/RECOMMENDATION:

Staff recommends that the City Council review the California Coastal Commission (CCC) staff report and provide direction regarding City participation at the Coastal Commission hearing on October 16, 2019, where the State will consider the City's request to amend its certified Local Coastal Program (LCP) to incorporate the adopted Sea Level Rise Adaptation Plan, and amend various policies and code provisions relating to the Floodway Zone, Floodplain Overlay Zone, and Coastal Bluff Overlay Zone.

DISCUSSION/ANALYSIS:

On October 16, 2019, the Coastal Commission will consider whether to certify the City's Local Coastal Program Amendment (LCPA) package, which includes Del Mar's Sea Level Rise Adaptation Plan and amendments to the City's certified Local Coastal Program (LCP). This staff report describes the locally adopted adaptation approach that is being considered, the Coastal Commission staff recommendation, and recommended strategy to find common ground with the State that can allow the City to move forward and adapt.

City's Adopted Approach

Del Mar understands that climate change is a real threat but recognizes that there is inherent uncertainty in the projections for sea level rise and extreme events. There is time to take a thoughtful approach to adaptation in a way that is consistent with the City's Community Plan. The City's designated development areas are appropriately located and there is no imminent threat to any homes or businesses in the City of Del Mar.

Since 2015 the community participated in a hazard mitigation/planning effort to understand the risks of projected increases in storms, flooding, erosion, and sea level rise. To help ensure the future viability of the City, the City embraced the need for a scientific approach, considered available scientific models/projections and State

City Council Action:

guidance, and developed a tailored, locally derived plan with community support for how best to adapt. The City's approach was carefully selected after a multi-year public process that involved extensive public participation and a robust debate of the issues. See the adopted Resolutions/Ordinance in Attachments A through D.

The City's planning process resulted in the following conclusions and immediate actions.

Del Mar's Conclusions:

- That without adaptation, Del Mar could lose its beach by year 2060.
- That the City has adaptive capacity to remain viable; maintain the beach and lagoon; protect public beach access/infrastructure; and provide for public health and safety along the shoreline; therefore, the City is choosing to plan ahead and adapt.
- That preserving Del Mar's high-quality sandy beach is the highest immediate adaptation priority that can significantly minimize local risk for decades to come.
- That a regular program of beach nourishment is a feasible adaptation strategy through up to 3 feet of sea level rise and potentially more depending on the availability and cost of sand in the future.
- That based on current conditions, a walkable beach can be maintained with a commitment for beach nourishment (190,000 cubic yards) approximately every 10 years at a cost around \$5,700,000 and approaching around \$20 million per decade with high rates of sea level rise of 5 feet or more.
- That Del Mar's existing systems approach to flood protection (decided by voter initiative in 1988) should remain along Del Mar's beach-level neighborhood to protect public beach access at each of the beach street ends and protect billions of dollars in adjacent public infrastructure and facilities (public and private).
- That removal of the existing shoreline protection and beachfront homes would not alleviate the risk of flooding due to the lower elevation of the rest of the neighborhood, and that planned retreat is not feasible in Del Mar.
- That most adaptation options are expensive and will take time to implement.
- That the City's adopted strategy is feasible and can best meet public and private goals for a significant period of time.
- That other adaptation approaches will be reevaluated and considered as part of future planning and plan amendment if it becomes necessary and feasible because a change in conditions warrants reconsideration and the implemented strategies are unable to achieve the intended results.

Del Mar's Priority Adaptation Actions Already in Process:

- The City is actively working to create a regular program of beach nourishment that will be an ongoing program at the local level and that will facilitate City participation in regional beach sand projects as opportunities arise.
- The City is currently designing the bridge to replace the vulnerable Camino del Mar bridge (north-south) access across the San Dieguito River.

- The City is working with a consultant to develop a conceptual plan for a living levee system along the San Dieguito lagoon river banks for flood adaptation.
- The City is in process of identifying financing mechanisms to supplement the existing budget allocated for the above adaptation projects and is seeking funding sources to support other identified adaptation needs related to shoreline monitoring and upgrading other public facilities and infrastructure.
- The City is committed to monitor the change in conditions over time by preparing annual monitoring reports and allowing the public to review and discuss those reports in a public forum to help the City evaluate the significance of the change in conditions and determine if and when additional adaptation action may be needed.

On October 31, 2018, the City submitted its LCPA application package to the Coastal Commission for certification in accordance with the California Coastal Act.

Coastal Commission Staff Recommendation for October 16, 2019 CCC Hearing

The Coastal Commission staff report is available at the following link (see Item W10a):

<https://www.coastal.ca.gov/meetings/agenda/>

Coastal Commission staff is recommending conditional approval, if the City adopts specific changes. However, many of the requested changes directly conflict with the City's adopted approach. This includes items that were already considered and explicitly rejected at the local level during the development of the Adaptation Plan and LCPA. The City is concerned that the required conditions will result in a variety of impacts (i.e. environmental, fiscal, and legal) that could be avoided by taking a more measured approach to adaptation per the adaptation pathway chosen by the City.

In particular, the CCC approach would limit development in existing developed areas to the extent that future development could be prevented from locating or redeveloping in areas that are clearly designated for residential and commercial development in the City's General Plan (community plan) and certified LCP. Del Mar's LCP already takes a long term approach to protect open space (for conservation and recreation), preserve public access, and protect health and safety. Instead of taking into account the local context and particular nuances in the City's certified LCP that work together to implement the Coastal Act, it appears that a "one size fits all" approach is being tested on Del Mar.

See Attachment F for analysis of the CCC suggested modifications that generally:

- Would impose more restrictive floodplain requirements and further elevate minimum base flood elevation levels higher than required by FEMA's new map in order to consider long term sea level rise projections without consideration for the existing system of shoreline protection that is in place. The City is already sufficiently minimizing potential flooding impacts via the Floodplain Overlay Zone which meets FEMA's required standards and appropriately locates development.
- Would expand the City's Coastal Bluff Overlay Zone (which currently applies to an area on the south bluff with no homes or businesses) to impose new limits on

properties with existing homes that do not contain any coastal bluffs. The CCC limit is unnecessary in the existing development context because the railroad is currently adapting via federally-approved bluff stabilization that sufficiently protects the homes and infrastructure that is appropriately located to the east in a neighborhood context. The City has already disclosed to these property owners that without any adaptation some models show that portions of some of these properties could eventually be vulnerable to bluff erosion towards the later part of the century. Bluff erosion is a condition that the City will continue to monitor and evaluate over time to assess changes in safety hazard level or risk.

- Would impose new sea level rise-related requirements on individual owners. However, the City decided that the preferred way to address the complex issue of projected sea level rise and extreme events is through a systems approach that respects the City's Community Plan policies and core values.
- Would commit the City to process future LCPAs based on trigger points that lack context or any established connection to necessity for a policy or code change. The City is already committed to prepare annual monitoring reports and discuss them in a City Council meeting forum to determine the level of significance based on the facts related to the local context at the time. The City is willing to participate in a similar public discussion of these monitoring reports in a State meeting forum every 5 years; however, the requirement to formally amend the LCP at pre-set intervals, instead of as needed, seems unnecessary and unreasonable.

Since the CCC staff report was released, the City received feedback from the community (Attachment F) urging the City Council to reject the changes suggested by CCC staff.

How do we move forward to find common ground to effectively move forward & adapt?

In looking at the respective intentions of each agency, the Coastal Commission appears to be seeking long term commitment and assurity, while the City is seeking to maintain local control over adaptation decisions and establish much needed trust between the local community and the State. The City feels it is vital to maintain local control over the adaptation approach specifics in order to achieve the desired adaptation results, consider the associated local costs and benefits, and allow local officials to determine what is an acceptable level of risk and what decision is in the best interest of the City.

Staff identified the following as potential opportunities for the City Council to consider as means to seek resolution:

- Commit to update the City's vulnerability and risk assessment every 8-10 years.
- Commit to participate in a future discussion within the venue of Coastal Commission in 5 years to discuss the results of the City's monitoring reports, the level of significance in the change of vulnerability and risk conditions, and discuss potential adaptation actions to minimize vulnerability and risk as applicable.
- Commit to reevaluate the vulnerability and risk assessment for the south bluff if a plan and funding to relocate the railroad from the bluff is approved and funded.

- Accept the minor, nonsubstantive modifications that the City could agree to (modification #25) in order to correct minor grammatical issues, provide clarity, and address unintended meaning and consequences.
- Work with CCC staff to rework the language in modifications #9, #16, #20, #24 where portions of the suggested modifications could potentially be accepted if the language is reworked for consistency with the adopted LCP.
- Reiterate that the City Council adopted a “Commitment Resolution” (Attachment D) to reject changes in conflict with the City’s locally selected adaptation approach, which means language in the following must be substantially modified:
 - Requests that currently expand the Floodplain and Coastal Bluff Overlay Zones and modify requirements in those zones based on uncertain sea level rise projections (CCC modifications #1, 2, 5, 7, 10, 11, 12, 14, 16, 17, 21, 22, 23)
 - Requests to accept only portions of the adopted Adaptation Plan that are being transferred into policies without the intended context (CCC modification #3) and that require the City process future LCP amendments without any qualitative context or consideration whether there is a need (CCC modification #4)
 - Requests that currently conflict with the voter-approved Beach Preservation Initiative (CCC modifications #6, 13, 15, and 18)
- Explore whether a simplified condition could be applied in case of failure on the part of the City to consider vulnerabilities and/or take action (instead of CCC’s requests for LCPA updates and new requirements imposed at the permit level). The City understands the local vulnerabilities and risks, is acting in good faith, and fully intends to proceed with its adaptation plan so the idea is that this type of approach could more effectively align the City and State’s goals to proactively work in partnership on adaptation per the Coastal Act. Examples of inaction could be if the City were to fail to allocate funding towards any beach nourishment or public infrastructure adaptation within a set time period (i.e. 5-10 years), if the City were to declare bankruptcy, or if the City were to unincorporate.

City Council Direction is Requested

The City Council is asked to discuss the item and provide direction to staff whether to:

1. Accept the CCC staff recommendation for modifications per the CCC staff report;
2. Work with CCC to see if there is any willingness to revise their staff recommendation and work towards resolution prior to the October 16 hearing; or
3. Request a continuance of the hearing to allow time for additional work with CCC staff towards resolution.

FISCAL IMPACT:

This Council discussion item does not result in a fiscal impact.

NEXUS TO CITY COUNCIL GOALS AND PRIORITIES:

This matter is on the list of City Council Goals and Priorities.

ENVIRONMENTAL IMPACT:

This discussion item is not subject to the California Environmental Quality Act (CEQA).

PRIOR CITY COUNCIL REVIEW:

Links to the City’s sea level rise-related documents are available on the City web page:
<http://www.delmar.ca.us/498/Sea-Level-Rise-Local-Coastal-Program-Ame>

City Council Meeting Date	Action
April 16, 2018	The City Council reviewed the draft Sea Level Rise Adaptation Plan and continued the item.
May 21, 2018	The City Council approved the revised Sea Level Rise Adaptation Plan in a format supported by the Sea Level Rise Technical Advisory Committee (STAC).
October 1, 2018	The City Council approved the Vulnerability and Risk Assessment with Addendum; Sediment Management Plan; and Wetland Habitat Migration Assessment; adopted the Adaptation Plan as a Local Coastal Program Amendment (LCPA 16-005); and adopted the Land Use Plan Amendment (LCPA 18-002).
October 15, 2018	The City Council adopted a Commitment Resolution to reject managed retreat during the Coastal Commission certification process; confirmed the Resolution for LCPA 18-002 accurately reflects the Council action on October 1, 2018; and introduced Ordinance 943 to amend DMMC Chapter 30.29 (Floodway Zone), Chapter 30.55 (Coastal Bluff Overlay Zone), and Chapter 30.56 (Floodplain Overlay Zone) with no change to the existing overlay zone boundaries.
October 29, 2018	The City Council adopted Ordinance 943.
July 15, 2019	The City Council received a status update regarding the Sea Level Rise LCPA in process with Coastal Commission.

ATTACHMENTS:

- Attachment A – Resolution 2018-67 Adaptation Plan LCPA
- Attachment B – Resolution 2018-68 LCP Land Use Plan Amendments
- Attachment C – Resolution 2018-72 City Council Commitment to the adopted LCPA
- Attachment D – Ordinance 943 LCP Implementation Plan Amendments
- Attachment E – Analysis of CCC’s Suggested Modifications
- Attachment F – Correspondence

RESOLUTION NO. 2018-67

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, ADOPTING THE DEL MAR COASTAL RESILIENCY/SEA LEVEL RISE ADAPTATION PLAN LOCAL COASTAL PROGRAM AMENDMENT (LCPA 16-005) AND ACCEPTING THE SUPPORTING TECHNICAL DOCUMENTS INCLUDING THE VULNERABILITY AND RISK ASSESSMENT (AND ADDENDUM), SEDIMENT MANAGEMENT PLAN, AND LAGOON WETLAND HABITAT ASSESSMENT.

WHEREAS, local agencies are required to prepare vulnerability assessments and establish climate adaptation and resiliency strategies to address identified local hazards with hazard mitigation plans and in doing so will preserve City eligibility for a range of available grant opportunities for adaptation project planning, design, and construction; and

WHEREAS, the City has an adopted local hazard mitigation plan as part of the San Diego County Multi-Jurisdictional Hazard Mitigation Plan (most recently approved by the City Council on March 5, 2018) that more generally identifies local shoreline hazards and includes wildfire hazards; and

WHEREAS, the City of Del Mar has a Coastal Hazards, Vulnerability, and Risk Assessment (Vulnerability Assessment) that was prepared for the City by Environmental Science Associates (ESA) with a supporting Addendum (2018) that explains the changes in the science since the initial assessment in 2016; and

WHEREAS, the Vulnerability Assessment identifies that future viability of the City of Del Mar is threatened by projected sea level rise, storm surge, coastal flooding, river flooding, or erosion and that long term planning is necessary to increase resiliency; and

WHEREAS, disclosure of the Vulnerability Assessment for the City of Del Mar has been posted on the City's web page since May 12, 2016 when notification of its availability was publicly announced, widely distributed, and reported on by local media; and

WHEREAS, Del Mar is a coastal city with a certified Local Coastal Program (LCP) that is required pursuant to the California Coastal Act to contain hazard control policies and regulations to effectively address safe development, public access, habitat, wildlife, scenic views, priority land uses, wetlands, and agriculture; and

WHEREAS, on May 21, 2018, the City Council adopted a variety of local hazard mitigation strategies in the Del Mar Coastal Resiliency/Sea Level Rise Adaptation Plan ("Adaptation Plan"), but deferred action on whether to adopt the Adaptation Plan as a Local Coastal Program Amendment; and

WHEREAS, the proposed Local Coastal Program Amendment (LCPA16-005) will incorporate the City's Adaptation Plan into the City's certified Local Coastal Program (LCP) together with the City's existing shoreline hazard policies and regulations; and

WHEREAS, processing of a Local Coastal Program Amendment is necessary to add, modify, remove, and update the existing LCP to clarify the City's desired adaptation approach for long term resiliency and to remove any conflicts with the existing LCP; and

WHEREAS, the City's Adaptation Plan was prepared using best available science, guidance from the California Coastal Commission, regional cost benefit and legal risk analysis studies, and context-specific, local data and technical studies including the local Vulnerability and Risk Assessment and Addendum (2018); and

WHEREAS, Nexus Research's cost benefit analysis titled "Comparing Sea Level Rise Adaptation Strategies in San Diego: An Application of the NOAA Economic Framework" (2017) evaluated the cost of "no action" versus various adaptation scenarios to protect, adapt, or abandon vulnerable properties and concluded that the highest cost to the City would be a choice to take "no action" in regards to adaptation; and

WHEREAS, the legal risk analysis prepared by the Environmental Law Institute (2107) identified that there are potential legal risks for the City if the City Council were to choose to take "no action" in regards to adaptation; and

WHEREAS, the Planning Commission recommended approval to the City Council of the Adaptation Plan and Local Coastal Program Amendment; and

WHEREAS, the Local Coastal Program Amendment is subject to certification by the California Coastal Commission; and

WHEREAS, the City of Del Mar posted, mailed, and distributed a Notice of Availability of the draft Adaptation Plan for public review prior to January 30, 2018, in accordance with California Code of Regulations Section 13515 requirements for public participation and agency coordination for Local Coastal Program Amendments; and

WHEREAS, the City of Del Mar provided additional mailed courtesy notice to all residents and owners within the areas identified as potentially vulnerable and posted, published and distributed all notices of public hearings in accordance with Coastal Act requirements for Local Coastal Program Amendments; and

WHEREAS, staff determined that the proposed Local Coastal Program Amendment is exempt from preparation of an environmental document pursuant to CEQA Guidelines Section 15061(b)(3) because this activity is covered by the general rule that CEQA only applies to projects which have the potential for causing a significant effect on the environment and based on the CEQA Guidelines Section 15265 Statutory Exemption (Adoption of Coastal Plans and Programs), which states that CEQA does not apply to activities and approvals pursuant to the California Coastal Act by any local government as necessary for the preparation and adoption of a Local Coastal Program because per the CEQA Guidelines the burden of CEQA compliance for this type of action shifts from the City to the Coastal Commission; and

WHEREAS, the City Council adopted a wide range of adaptation options and strategies to achieve compliance with the Coastal Act goals as set forth in Public Resources Code section 30001.5; and

WHEREAS, Del Mar's Adaptation Plan was designed to be in full compliance with Del Mar's Community Plan and certified Local Coastal Program, including the voter-approved Beach Protection Initiative as certified by the Coastal Commission; and

WHEREAS, after considering all of the options, the City's adopted approach for achieving these goals is to pursue a combination of beach nourishment, sand retention/management, and flood management projects to maintain the existing high quality public beach and public access in Del Mar with due consideration to shoreline protection/flood management consistent with the Beach Preservation Initiative, public facilities and infrastructure, the bluff areas, public beach access points, and the unique geomorphology of Del Mar's North Beach neighborhood; and

WHEREAS, the City's adaptation strategy includes proactive implementation of programs, including sand replenishment and management, and utilization of additional programs to protect the low lying properties (public and private) behind the first row of houses on the beach from ocean and river flooding through maintenance of a public beach, dredging of the river channel as needed, and other strategies to reduce the risk to these low lying areas; and

WHEREAS, Del Mar's approach recognizes that the beach, river, and lagoon systems are public assets of importance beyond Del Mar and whereas the supporting technical documents prepared by ESA in 2018 (Sediment Management Plan and Lagoon Wetland Habitat Migration Assessment) will help the City to plan ahead for protection of these coastal resources; and

WHEREAS, the City believes the adopted approach will be successful, is "feasible" within the meaning of the Coastal Act and City law, and will best meet both public and private goals for a significant period of time; and

WHEREAS, the City thoroughly evaluated planned retreat as a strategy for Del Mar in accordance with State guidance and concluded it is not necessary or feasible to achieve the Coastal Act and City goals and that it conflicts with the City's vision for the future, the voter-approved Community Plan, and the certified Local Coastal Program, which includes the voter-approved Beach Preservation Initiative; and

WHEREAS, the City further concluded that there is no clear net public benefit or current need, environmental or otherwise, for planned retreat because the City's favored adaptation strategies are sufficient; that planned retreat is not feasible in Del Mar due to the economic, environmental, engineering, social, political, and legal constraints and uncertainties; that the extremely high land value in Del Mar means that public acquisition of any property the City does not control will be difficult and cost prohibitive for the City to pursue; that alternative locations are not available for displaced residents or City

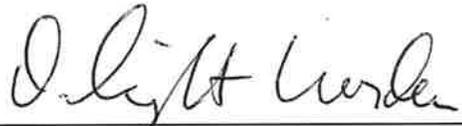
infrastructure to relocate; that the existing shoreline protection for the "front row" homes along the beachfront helps protect lower lying public and private property from ocean flooding; that removal of the existing shoreline protection structures and the "front row" homes and City facilities would likely not alleviate the risk of flooding due to the lower elevation of the rest of the neighborhood; that there is a high threat of infrastructure failure if existing shoreline protection structures are removed; and that there is a high threat of legal risk if retreat of private and public property is pursued; and

WHEREAS, the City will reevaluate the associated necessity and feasibility of newly available adaptation options as appropriate using the best available data and State guidance when specific adaptation projects or amendments to the Adaptation Plan are considered at a future date.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Del Mar that the Del Mar Coastal Resiliency/Sea Level Rise Adaptation Plan Local Coastal Program Amendment (16-005) is hereby adopted and staff is hereby directed to submit LCP 16-005 to the Coastal Commission for certification.

BE IT FURTHER RESOLVED by the City Council that staff is hereby directed to prepare a Community Plan Amendment for future action to incorporate the adopted Adaptation Plan and local Hazard Mitigation Plan by reference in the Community Plan.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Del Mar, State of California, at a Regular Meeting held on the 1st day of October 2018.



Dwight Worden, Mayor
City of Del Mar

APPROVED AS TO FORM:

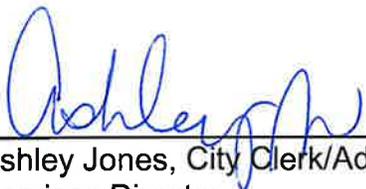


Leslie E. Devaney, City Attorney
City of Del Mar

ATTEST AND CERTIFICATION:
STATE OF CALIFORNIA
COUNTY OF SAN DIEGO
CITY OF DEL MAR

I, ASHLEY JONES, Administrative Services Director/City Clerk of the City of Del Mar, California, DO HEREBY CERTIFY, that the foregoing is a true and correct copy of Resolution No. 2018-67, adopted by the City Council of the City of Del Mar, California, at a Regular Meeting held the 1st day of October, 2018, by the following vote:

AYES: Mayor Worden, Council Member Haviland and Parks
NOES: Deputy Mayor Druker
ABSENT: Council Member Terry Sinnott
ABSTAIN: None



Ashley Jones, City Clerk/Administrative
Services Director

RESOLUTION NO. 2018 - 68

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, APPROVING THE AMENDMENTS TO THE EXISTING CERTIFIED DEL MAR LOCAL COASTAL PROGRAM LAND USE PLAN (LCPA 18-002) AND DIRECTING STAFF TO SUBMIT THE LOCAL COASTAL PROGRAM AMENDMENT TO THE COASTAL COMMISSION FOR CERTIFICATION.

WHEREAS, the Local Coastal Program Amendment is consistent with the City of Del Mar Coastal Hazards, Vulnerability, and Risk Assessment (Vulnerability Assessment) that was prepared for the City by Environmental Science Associates (ESA) with a supporting Addendum (2018) that explains the changes in the science since the initial assessment in 2016; and

WHEREAS, the Vulnerability Assessment identifies that future viability of the City of Del Mar is threatened by projected sea level rise, storm surge, coastal flooding, river flooding, or erosion and that long term planning is necessary to increase resiliency; and

WHEREAS, Del Mar is a coastal city with a certified Local Coastal Program (LCP) that is required pursuant to the California Coastal Act to contain hazard control policies and regulations to effectively address safe development, public access, habitat, wildlife, scenic views, priority land uses, wetlands, and agriculture; and

WHEREAS, on May 21, 2018, the City Council adopted a variety of local hazard mitigation strategies in the Del Mar Coastal Resiliency/Sea Level Rise Adaptation Plan ("Adaptation Plan"); and

WHEREAS, the City's existing certified Local Coastal Program (LCP) contains the City's existing shoreline hazard policies and regulations; and

WHEREAS, processing of a Local Coastal Program Amendment is necessary to add, modify, remove, and update the existing LCP to clarify the City's desired adaptation approach for long term resiliency and to remove any conflicts with the existing LCP; and

WHEREAS, on September 11, 2018, the Planning Commission recommended approval to the City Council of the Local Coastal Program Amendment (LCPA18-002); and

WHEREAS, the Local Coastal Program Amendment is subject to certification by the California Coastal Commission; and

WHEREAS, the City of Del Mar posted, mailed, and distributed a Notice of Availability for public review and provided all required notices of public hearing in accordance with California Code of Regulations Section 13515 requirements for public participation and agency coordination for Local Coastal Program Amendments; and

WHEREAS, the City of Del Mar provided additional mailed courtesy notice to all residents and owners within the areas identified as potentially vulnerable; and

WHEREAS, staff determined that the proposed Local Coastal Program Amendment is exempt from preparation of an environmental document pursuant to CEQA Guidelines Section 15061(b)(3) because this activity is covered by the general rule that CEQA only applies to projects which have the potential for causing a significant effect on the environment and based on the CEQA Guidelines Section 15265 Statutory Exemption (Adoption of Coastal Plans and Programs), which states that CEQA does not apply to activities and approvals pursuant to the California Coastal Act by any local government as necessary for the preparation and adoption of a Local Coastal Program because per the CEQA Guidelines the burden of CEQA compliance for this type of action shifts from the City to the Coastal Commission; and

WHEREAS, the City Council adopted a wide range of adaptation options and strategies to achieve compliance with the Coastal Act goals as set forth in Public Resources Code section 30001.5; and

WHEREAS, Del Mar's Adaptation Plan and local hazard mitigation strategy was designed to be in full compliance with Del Mar's Community Plan and certified Local Coastal Program, including the voter-approved Beach Protection Initiative as certified by the Coastal Commission; and

WHEREAS, the City's adaptation strategy includes proactive implementation of programs, including sand replenishment and management, and utilization of additional programs to protect the low lying properties (public and private) behind the first row of houses on the beach from ocean and river flooding through maintenance of a public beach, dredging of the river channel as needed, and other strategies to reduce the risk to these low lying areas; and

WHEREAS, Del Mar's approach recognizes that the beach, river, and lagoon systems are public assets of importance beyond Del Mar and whereas the supporting technical documents prepared by ESA in 2018 (Sediment Management Plan and Lagoon Wetland Habitat Migration Assessment) will facilitate long term planning strategies to protect the community, reduce the risk of hazards, and plan ahead for protection of these coastal resources; and

WHEREAS, the City believes the adopted approach will be successful, is "feasible" within the meaning of the Coastal Act and City law, and will best meet both public and private goals for a significant period of time; and

WHEREAS, the City thoroughly evaluated planned retreat as a strategy for Del Mar in accordance with State guidance and concluded it is not necessary or feasible to achieve the Coastal Act and City goals and that it conflicts with the City's vision for the future, the voter-approved Community Plan, and the certified Local Coastal Program, which includes the voter-approved Beach Preservation Initiative; and

WHEREAS, the City further concluded that there is no clear net public benefit or current need, environmental or otherwise, for planned retreat because the City's adopted

adaptation strategies are sufficient; that planned retreat is not feasible in Del Mar due to the economic, environmental, engineering, social, political, and legal constraints and uncertainties; that the extremely high land value in Del Mar means that public acquisition of any property the City does not control will be difficult and cost prohibitive for the City to pursue; that alternative locations are not available for displaced residents or City infrastructure to relocate; that the existing shoreline protection for the "front row" homes and City property along the beachfront help protect lower lying public and private property from ocean flooding; that removal of the existing shoreline protection structures and the "front row" homes and City facilities would likely not alleviate the risk of flooding due to the lower elevation of the rest of the neighborhood; that there is a high threat of infrastructure failure if existing shoreline protection structures are removed; and that there is a high threat of legal risk if retreat of private property is pursued; and

WHEREAS, the City will reevaluate the associated necessity and feasibility of newly available adaptation options as appropriate using the best available data and State guidance when specific adaptation projects or amendments to the Adaptation Plan are considered at a future date.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Del Mar that the proposed Amendment to the existing certified Local Coastal Program Land Use Plan (LCPA 18-002) is hereby adopted (Exhibit "A").

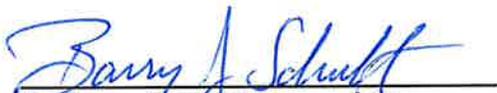
BE IT FURTHER RESOLVED, that staff is hereby directed to submit the Local Coastal Program Amendment to the Coastal Commission for certification.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Del Mar, State of California, at a Regular Meeting held on the 1st day of October 2018.



Dwight Worden, Mayor
City of Del Mar

APPROVED AS TO FORM:

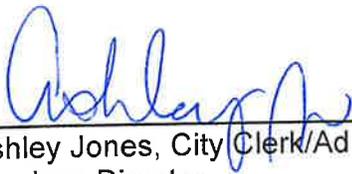


Leslie E. Devaney, City Attorney
City of Del Mar

ATTEST AND CERTIFICATION:
STATE OF CALIFORNIA
COUNTY OF SAN DIEGO
CITY OF DEL MAR

I, ASHLEY JONES, Administrative Services Director/City Clerk of the City of Del Mar, California, DO HEREBY CERTIFY, that the foregoing is a true and correct copy of Resolution No. 2018-68, adopted by the City Council of the City of Del Mar, California, at a Regular Meeting held the 1st day of October, 2018, by the following vote:

AYES: Mayor Worden, Council Member Haviland and Parks
NOES: Deputy Mayor Druker
ABSENT: Council Member Terry Sinnott
ABSTAIN: None



Ashley Jones, City Clerk/Administrative
Services Director

CHAPTER I - INTRODUCTION

This document comprises the "Land Use Plan" portion of the Local Coastal Program for the City of Del Mar. The Land Use Plan is a compilation of the goals, policies and recommendations identified in the Del Mar Community Plan, various policy reports, the San Dieguito Lagoon Enhancement Program, as well as other goals and policies adopted by the City Council to guide future development within Del Mar.

A. Purpose

The purpose of the goals, policies and recommended programs presented in this Land Use Plan is to ensure that all land use and development activities within the City of Del Mar will be in conformance with the policies of the California Coastal Act of 1976, as amended. This Land Use Plan will be implemented and enforced by the City of Del Mar through the procedures set forth within this document and the City of Del Mar Municipal Code.

This Land Use Plan was certified by the Coastal Commission on March 18, 1993. Following certification of the corresponding Implementing Ordinances, the City will assume authority for the processing of Coastal Development Permits for most projects within Del Mar. Even after certification, the Coastal Commission will retain authority for processing coastal development permits for projects in areas known as "original jurisdiction". Original jurisdiction areas are generally those lands which are subject to tidal action or claims of public trust. The processing of such permits shall be consistent with the procedures set forth in the California Coastal Act.

B. History/Legal Authority

Paragraphs 1 through 5 [No change]

Chapter III identifies the hazardous natural conditions in Del Mar, including: coastal bluff failures, shoreline storm ~~water~~ damage, flooding (river and coastal), ~~and~~ runoff and slope erosion, and increased risks of flooding, beach loss, and coastal bluff erosion due to projected sea level rise. The Chapter also includes regulatory policies intended to minimize such hazards. The purpose of Chapter IV, the public access component of this Land Use Plan, is to ensure that the general public's opportunity to get to and enjoy the City's considerable coastal recreational resources is protected. Chapter V identifies recreation areas within and around the City and contains policies for improving recreational opportunities. Chapter VI is entitled Sensitive Lands and contains the policies intended to assure that the sensitive wetland and hillside habitat areas within the City are preserved and, where feasible, enhanced.

Figure I-A [No change]

CHAPTER II – LAND USE DEVELOPMENT

A. Background [No change]

B. Land Use Development Goals and Policies – General [No change]

C. Land Use Development Goals and Policies- By District [No change]

Figure II-A [No change]

Land Use Designations/Allowed Uses

Figure II-B [No change]

CHAPTER III – HAZARD CONTROL

A. Background

The hazardous natural conditions existing in Del Mar include: coastal bluff failure, shoreline storm damage, flooding (river and coastal), and-runoff and slope erosion, and increased risks of flooding, beach loss, and coastal bluff erosion due to projected sea level rise. Each of these is discussed in detail below.

1. Coastal Bluff Failure

The Del Mar area is made up of a variety of geological formations. These are shown on the accompanying Figure III-A, an exhibit of Geologic Formations of the Del Mar region prepared for the California Division of Mines and Geology and the California Department of Conservation. These formations include: beach sand (designated as (Qb) on the accompanying Figure; undifferentiated alluvium (Qal, Qsw); Bay Point Formation (Qbp); Torrey Sandstone (tt); Delmar Formation (Td); and Linda Vista Formation, quaternary nearshore deposits (Qln). Some of the hazards associated with these formations include the erosion of cliffs along horizontal planes of weak strata and vertical fracture planes, slumping of terrace material due to excessive surface drainage or subsurface water seepage and damage due to wave action at the base of coastal bluffs.

Bare slopes that lack vegetative cover are particularly susceptible to rilling, slumping and other related erosion problems. Excessive runoff from atop coastal bluffs coupled with the continued use of rail tracks located along the bluff top has resulted in a number of slope failures and potential failure points. Coastal bluff erosion in Del Mar is a problem which threatens the useful life of the AT&SF Railway right-of-way Los Angeles-San Diego-San Luis Obispo (LOSSAN) railroad corridor and the properties to the east and west of the tracks. The erosion also creates hazards which interfere with safe, pedestrian access to and along the shoreline.

The City's Coastal Hazards, Vulnerability, and Risk Assessment (Environmental Science Associates 2016) identified coastal bluff erosion as a local hazard and public safety concern in the near term for the LOSSAN railroad corridor that runs along the south beach and south bluff neighborhood districts and mid to long term vulnerability for the south bluff neighborhood district located eastward of the railroad corridor. Del Mar's north bluff and the low-lying bluffs at Powerhouse Park are similarly vulnerable, but do not contain railroad infrastructure.

Historically, the San Diego Association of Governments (SANDAG) and North County Transit District (NCTD) have responded to retreat of Del Mar's south bluff with multiple bluff stabilization projects. The City identified a range of adaptation measures in Del Mar's Sea Level Rise Adaptation Plan (Environmental Science Associates 2018) to help property owners, including the City, to plan ahead and address projected coastal bluff erosion and reduce the level of risk to people, property, and coastal resources. The City's preferred adaptation measure for the entire Del Mar shoreline is beach nourishment and retention of sand on the beach adjacent to the bluffs. Other adaptation measures for Del Mar's coastal bluffs generally include best management practices and relocation of public infrastructure and the railroad. The City discloses identified coastal hazards and protects the public health, safety, and general welfare in these vulnerable areas through application of the Coastal Bluff Overlay Zone (Del Mar Municipal Code Chapter 30.55) and the Beach Protection Initiative implemented by the Beach Overlay Zone (Del Mar Municipal Code Chapter 30.50).

2. Shoreline Storm Damage

There are several major contributing factors to coastal bluff erosion in Del Mar. These include: a loss of beach sand due to the combined effect of littoral drift and the reduced sand replenishment supplies, the erosive effect of sea wave attack, underground water seepage, surface runoff flowing into unprotected areas from irrigation systems, ~~and~~ overtaxed drainage systems, and sea level rise. Other factors include uncontrolled pedestrian access down the face of coastal bluffs and the frequent vibration and soils stress associated with passing railcars in the AT & SF right-of-way Los Angeles-San Diego-San Luis Obispo (LOSSAN) railroad corridor.

The continuing loss of beach sand significantly increases the susceptibility of beachfront development to winter storms and high water hazards. A decrease in sediment supply will reduce the width of Del Mar's beach, if sand replenishment programs are not implemented. Although protective devices may slow landward erosion, they can also cut off the landward sand supply.

A number of shoreline protective structures have been placed on Del Mar's beach in an attempt to protect beachfront properties from the damaging impacts associated with critically high tides and storm waves. These measures have varied from [sand] berms and riprap to more substantial concrete and timber, seawalls and other protective devices. They include: hazards from improper design; the potential for loose materials to become projectiles during storm conditions; the acceleration of beach erosion; and the displacement of sandy beach area.

A long-range, comprehensive approach to balance the need for protecting private properties from erosion while maximizing public access opportunities along the shoreline has been developed in the form of the Del Mar Beach Preservation Initiative (BPI). This ordinance was adopted by the Del Mar citizens in an initiative election in April of 1988. The City Council incorporated the provisions of the voter approved BPI into the Del Mar Municipal Code as the Beach Overlay Zone (BOZ). Many of the policies of the BOZ are applicable to the access policies in Chapter IV of this Land Use Plan. However, they are also applicable to the issues of minimizing hazards and have, therefore, been included here. Implementation of these policies, in addition to region-wide cooperative efforts regarding shoreline projects, is essential to avoid the adverse impacts of improperly designed and inappropriately sited shoreline protective structures.

3. Flooding (River and Coastal)

Portions of the San Dieguito River Valley and Floodplain are located within the northern portion of the City. These areas are located along the coastline and extend several miles inland. The area is highly susceptible to damage by storm wave impacts and flooding, flooding from upland areas and, on rare occasions, to tsunamis.

Much of the San Dieguito River Valley is within the 100-year floodplain as designated on Federal Insurance Rate Program Maps prepared by the Federal Emergency Management Agency. The river-floodway and floodplain extend over previously developed and undeveloped land. The City protects the public health, safety, and general welfare in these areas through application of the Floodway Zone regulations (Del Mar Municipal Code Chapter 30.29) and Floodplain Overlay Zone regulations (Del Mar Municipal Code Chapter 30.56). ~~The Floodway Zone regulations of this Land Use Plan prohibit the placement of fill or the development of permanent structures within the Floodway Zone where the hazards of flooding are the greatest. Other policies regulate that development which is allowed within the~~ The Floodplain Overlay Zone regulations apply to the 100-year floodplains, which are the City's flood-prone areas that are subject to periodic inundation due to river or coastal flooding.

4. Runoff and Slope Erosion [No change]

5. Sea Level Rise

Sea level rise is the increase in the elevation of the ocean surface. The City's Coastal Hazards, Vulnerability, and Risk Assessment (Environmental Science Associates 2016) identified that the City is vulnerable to sea level rise and the associated increased risk of flooding (river and coastal), storm surge, beach erosion, and coastal bluff erosion. With projected future climate change and sea level rise, Del Mar's vulnerabilities are projected to increase in both frequency and intensity, resulting in increased damage to much of Del Mar's shoreline, San Dieguito Lagoon, Los Penasquitos Lagoon, and the adjacent low-lying areas and coastal bluffs. Sea level rise is projected to impact the City's coastal resources and valued assets including public and private properties;

the public beach and beach access; lagoon habitat; and government infrastructure including the City's emergency services, roads, bridges, and other infrastructure.

Local sea level rise projections and effects are based on the 2012 National Research Council study "Sea Level Rise for the Coasts of California, Oregon, and Washington", which, subject to updates as appropriate, is considered the best available science for the State of California. However, the processes causing sea level rise and the science projecting sea level rise are inherently uncertain because the rate of sea level rise is highly dependent on whether global greenhouse gas emissions will be reduced. This means that the actual rate of sea level rise could be higher or lower than currently projected. The City has therefore adopted a flexible approach to monitor the change in conditions over time and to respond as appropriate when there is a significant and measurable change in conditions.

The City will continue to monitor the change in local shoreline conditions and utilize best available science to plan for and minimize coastal hazards, maximize protection of coastal resources, coordinate with regional, state, and federal agencies, and maximize public participation. Where significant changes in hazardous conditions are identified, adaptation measures will be considered to reduce the level of risk to people, property, and coastal resources consistent with Del Mar's Sea Level Rise Adaptation Plan (Environmental Science Associates 2018).

B. Shoreline Hazards – Goals and Policies

Goal III-A:

Establish a comprehensive program to protect shoreline areas susceptible to storm/flooding hazards by anticipating coastal hazards, monitoring and evaluating shoreline areas for significant trends and changes in conditions (i.e. repetitive flood losses, reduced sandy beach width, and bluff retreat), and taking appropriate action to reduce the risk and potential adverse effects.

Policies:

III-1 [No change]

III-2 Conserve the natural character of land, water, vegetative and wildlife resources within the community by ensuring that future development minimizes the disturbance of existing or natural terrain and vegetation, and does not create soil erosion, silting of lower slopes, slide damage, flooding problems and/or cutting or scarring, through application of the following policies:

- a. Regulate development in accordance with the specific Beach Overlay Zone (BOZ), Floodway Zone (FW) and Floodplain Overlay Zone (FP) Overlay Zone regulations contained within ~~this chapter~~ Del Mar Municipal Code Chapters 30.50, 30.29, and 30.56 respectively.

- b. Review all proposed drainage and irrigation systems for their ability to control runoff and seepage into downstream areas and to ensure that no significant erosion or the associated siltation of downstream resources will occur.

For purposes of this Land Use Plan, "significant erosion" shall mean the likelihood of removal of soil or the cutting, scarring, or filling of slopes, canyons, or bluff faces, or the silting of lower slopes brought about by runoff from surfaces during irrigation or from rainfall of an intensity and duration less than or equal to that of the 100-year period design storm.

- c. Regulate development in proximity to coastal bluffs in accordance with the Coastal Bluff Overlay Zone Regulations contained within ~~this chapter~~ Del Mar Municipal Code Chapter 30.55.
- d. In addition to the requirements of the Coastal Bluff regulations of this chapter, require the use of drought-tolerant plants in new and redevelopment projects throughout the City in order to minimize potential erosion impacts from irrigation, systems and to reduce water consumption.
- e. Implement best management practices to minimize shoreline hazards.
- f. Support relocation of the railroad and other public infrastructure from vulnerable bluff areas.

III-3 Control the development of properties within the Bluff, Slope and Canyon (BSC) Overlay Zone to protect the health, safety and general welfare and to preserve scenic sandstone bluffs, related canyons, steep slopes and their downstream resources in accordance with the Del Mar Community Plan and Del Mar Municipal Code Chapter 30.52. ~~The regulations of the BSC Overlay Zone are cited in Chapter VI of this Land Use Plan entitled, Sensitive Lands.~~

III-4 [No change]

Beach Hazards/Public Access Policies

III-5 Continue to study and implement shoreline management and replenishment programs applicable to the Oceanside littoral cell through participation in the activities of the regional organizations and agencies including, but not limited to, the San Diego Association of Governments (SANDAG) and the Beach Erosion Action Committee (BEACH) San Diego Regional Climate Collaborative in order to replenish beach sand on a regular basis.

III-6 Minimize the loss of life and destruction of property from seismic, geologic, oceanographic and weather related causes by developing a ~~well-coordinated~~ well-coordinated disaster plan which

includes preparation for earthquakes, tsunamis, and storm waves. Require new development to incorporate design measures that will reduce and where feasible eliminate the risk of extreme flooding damage to people and property, public and private.

III-7 Promote public safety, health and welfare, and provide for the protection of private property while protecting public access opportunities to and along the beach through enforcement of the provisions of the Beach Preservation Initiative as incorporated into the following Beach Overlay Zone Regulations in Del Mar Municipal Code Chapter 30.50. These regulations reflect a balance of the need to minimize risks and protect property and the desire to maximize public access opportunities. The following regulations of the Beach Overlay Zone are cited in their entirety here, in this Hazards section. However, because of many of the regulations do reflect maximization of public access opportunities, they are also referenced in Chapter IV entitled "Coastal Access".

[Beach Overlay Zone regulations are inserted here in existing LUP—No change]

III-8 Where seawalls or other shoreline protective devices are required for the protection of existing principal structures it shall be the City's policy to encourage their construction landward of the Shoreline Protection Area (SPA) line on private property. Proposals for the construction of shoreline protective devices shall be reviewed and processed in accordance with the following Setback Seawall Permits Regulations in Del Mar Municipal Code Chapter 30.51. ~~These Setback Seawall Permit Regulations are established to~~ which regulate beach uses east of the Shoreline Protection Area line. It is the intent to encourage seawalls or other type of protective devices when needed, to be constructed landward (east) of the Shoreline Protection Area (SPA) line.

[Remove: Setback Seawall Permit Regulations as inserted here in existing LUP. Replace with code reference as incorporated above.]

Section C. Coastal Bluffs and Vulnerable Slopes

Goal ~~III-B:~~

~~Preserve Del Mar's fragile coastal bluffs as a visual resource and avoid the risks to life and property associated with bluff failure and shoreline erosion.~~

Policies:

III-9 Where a proposed development would lie at the top of, or in proximity to a coastal bluff, the Coastal Bluff Overlay Zone Regulations (Del Mar Municipal Code Chapter 30.55) ~~cited below and on subsequent pages shall~~ apply. For purposes of this Land Use Plan, a coastal bluff is defined as a steep escarpment with a slope gradient equal to or greater than an average of one foot vertical to one foot horizontal and a vertical rise of 15 feet or more, and which is located in an area that is periodically subject to ocean wave action. Based on best available science, the existing lower

coastal bluffs and adjacent slopes are projected to significantly erode landward. The areas of the City of Del Mar in which coastal bluffs are located are shown on Figure III-C. As shown on this Figure, the manufactured cut slope which follows the eastern edge of the AT&SF Railway Right of Way Los Angeles-San Diego-San Luis Obispo (LOSSAN) railroad corridor between the City's southern boundary and 15th Street is not considered to be a coastal bluff. Therefore, the ~~However, the properties which lie to the east of such manufactured cut slope (south bluff neighborhood) are not subject to the following coastal bluff regulations~~ are identified as vulnerable to sea level rise and coastal bluff erosion per the City's Coastal Hazards, Vulnerability, and Risk Assessment (Environmental Science Associates 2018). The City will continue to monitor changes in the rate of erosion of the lower coastal bluffs and any changes in projected erosion rates.

Future consideration of whether to amend the boundary of the Coastal Bluff Overlay Zone subareas will occur within 5 years and will take into account the effects of approved adaptation projects. This implementation program allows the City to have a flexible plan in place that can adjust as needed based on changes in local conditions and changes in projections based on best available science. On properties within the Coastal Bluff Overlay Zone that are vulnerable to projected hazards within a near to mid-term planning horizon, new development applications must consider the relationship between the economic life of proposed structure(s) and projected hazards.

[Remove: the coastal bluff overlay zone regulations inserted here in existing LUP. Incorporated by reference above.]

Goal III-B:

Preserve Del Mar's ~~fragile~~ coastal bluffs as a visual resource and avoid the risks to life and property associated with bluff failure and shoreline erosion by anticipating erosion hazards, monitoring and evaluating shoreline areas for significant trends and changes in conditions (i.e. reduced sandy beach width and bluff retreat), and taking appropriate action to reduce the risk and potential adverse effects.

Policies:

III-9 Require all new development located on a coastal bluff or vulnerable slope to be setback from the coastal bluff edge a sufficient distance to ensure stability, ensure that it will not be endangered by erosion, and to avoid the need for protective devices during the economic life of the structure (minimum 75 years). Such setbacks must take into consideration projected long-term bluff retreat over the next 75 years, as well as slope stability. To assure stability, the development should maintain a minimum factor of safety of 1.5 against land sliding for the economic life of the structure. Alternative stability requirements may be approved to the satisfaction of the City Engineer and Building Official if an equivalent factor of safety is demonstrated.

III-10 Ensure development is sited and designed to avoid and mitigate impacts from sea level rise hazards associated with bluff erosion.

D. Runoff and Erosion Control

Goal III-C:

Protect resources and property located downstream from hillside and bluff areas from damage due to uncontrolled runoff by anticipating erosion hazards, monitoring and evaluating shoreline areas for significant trends and changes in conditions (i.e. reduced sandy beach width and bluff retreat), and taking appropriate action to reduce the risk and potential adverse effects.

Policies:

~~III-10~~ **III-11** Minimize damage from runoff from all projects within the City by:

Subsections a through d and final paragraph [No change]

E. Flood Hazards

Goal III-D:

Minimize risks to life and property associated with flooding and flood waters by anticipating flood hazards, monitoring and evaluating shoreline areas for significant trends and changes in conditions (i.e. repetitive flood losses, reduced sandy beach width, and bluff retreat), and taking appropriate action to reduce the risk and potential adverse effects.

Policies:

Flood hazards shall be minimized through the application of the ~~following Flood Hazard Regulations: Floodway Zone (Del Mar Municipal Code Chapter 30.29) and the Floodplain Overlay Zone (Del Mar Municipal Code Chapter 30.56), which rely on~~ Where these regulations make reference to the most recently approved Federal Insurance Rate Map (FIRM) or a designation taken from such a map, the most recent, approved FIRM shall be used.

Flood Hazard Regulations

~~III-11~~ **III-12** Enhance public safety within the San Dieguito River Floodway by:

- a. Prohibiting the construction of permanent structures or the placement of fill on either a temporary or permanent basis within designated floodway (FW) areas.
- b. Prohibiting uses in the floodway which would constitute an unreasonable, unnecessary, undesirable, or dangerous impediment to the flow of floodwaters,

or which would cause a cumulative increase in the water surface elevation of the base flood of more than one foot at any point.

- c. Requiring proposed development to be located, where feasible, so as to eliminate the need for protective devices such as seawalls, riprap, retaining walls, or other flood control devices.
- d. Protecting public infrastructure and property from sea level rise and flooding risks.
- e. Flood-proofing or relocating vulnerable public facilities, infrastructure, and utilities.
- f. Dredging and maintaining the San Dieguito River channel to reduce river flood risks.
- g. Utilizing living levees to reduce flood risk to adjacent low lying areas.

~~III-12~~ **III-13** Ensure that ~~the development of real property which is subject to floodwaters~~ within the Floodplain Overlay Zone will not unreasonably obstruct flood flow waters; will not create a hazard to life, health, safety, or the general welfare; will reduce the need for the construction of flood control facilities that would be required if unregulated development occurs; and will minimize the cost of flood insurance to Del Mar residents. The following Floodplain (FP) Overlay Zone policies shall be applied to all applications for a Floodplain Development Permit. A Floodplain Development Permit shall be required for any new construction or substantial improvement to existing structures within the FP Overlay Zone ~~designated on Figure III-F~~. This overlay zone incorporates floodplain areas designated on the Federal Insurance Rate Map (FIRM) for the area as prepared by the Federal Emergency Management Agency ~~and updated in 1986~~. That The floodplain areas are generally depicted on the map that is included as Figure III-E.

Applications for Floodplain Development Permits shall be reviewed for consistency with the following requirements to be assured that new development will:

- a. Be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- b. Be constructed with materials and utility equipment resistant to flood damage;

- c. Use methods and practices that minimize flood damage;
- d. Have the lowest floor (including basement) of any residential structure elevated to or above the base flood elevation;
- e. Have the lowest floor (including basement) of any nonresidential structure elevated to or above the base flood level or, together with attendant utility and sanitary facilities, be flood-proofed below the base flood level to the extent that the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy, as certified by a registered professional engineer or architect;
- f. When located in an area of shallow flooding (Zones AO and VO on the community's FIRM), have the lowest floor (including basement) elevated to or above the depth number indicated on the most current FIRM; or if there is no depth number on the most current FIRM, be elevated at least two feet above the highest adjacent grade. As an alternative, nonresidential structures, together with attendant utility and sanitary facilities, may be flood-proofed to that level as specified in subsection "e" above;
- g. When located in Zones AO and AH on the FIRM, have adequate drainage paths around structures situated on sloping ground, to guide floodwaters around and away from said structures;
- h. Where a non-residential structure is to be flood-proofed, have the design and methods of construction in accordance with accepted standards of practice for flood-proofing or include the specific elevation in relation to mean sea level to which such structures are flood-proofed;
- i. Have all new and replacement water supply and sanitary sewage systems designed to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters;
- j. Have on-site waste disposal systems located to avoid impairment to them, or contamination from them, during flooding;
- k. Have all electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

- l. Have all fully enclosed areas below the lowest floor that are subject to flooding designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters with designs certified by a registered professional engineer or architect; or have at least two openings no more than one foot above grade with a total net area of at least one square inch per square foot of flooded area.
- m. Not require the construction of flood protective works, including, but not limited to, artificial flood channels, revetments or levees.

~~III-13~~ III-14 The preceding floodplain development standards shall not apply to the undeveloped property known as the "railroad triangle" (APNs 299-071-02, 301-010-11; 301-032-5, 10, 11, 12; as shown on Figure III-G) and the floodplain portions of the southern properties in the Lagoon Overlay Zone. Said floodplain properties or areas may only be developed as follows:

- a. The development is capable of withstanding periodic flooding, and does not require the construction of flood protective works, including but not limited to, filling, artificial flood channels, revetments or levees.
- b. Existing environmentally sensitive habitat areas will not be disturbed, except for the purpose of restoration.
- c. Increased flood flow velocities will not occur.
- d. There will be no adverse water quality impacts to adjacent or downstream wetland areas.

III-15 Develop a fee recovery program to mitigate development impacts on coastal resources and fund adaptation projects that are consistent with the City's Adaptation Plan.

CHAPTER IV – COASTAL ACCESS [NO CHANGE]

CHAPTER V – RECREATIONAL OPPORTUNITIES [NO CHANGE]

CHAPTER VI – SENSITIVE LANDS [NO CHANGE]

RESOLUTION NO. 2018 - 72

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, CONFIRMING ITS COMMITMENT TO THE ADOPTED LOCAL COASTAL PROGRAM AMENDMENTS AND ITS INTENTION TO REJECT ANY PROPOSED MODIFICATION BY THE COASTAL COMMISSION WHICH SUBSTANTIALLY DEVIATES FROM THE ADOPTED ADAPTATION PLAN AND LOCAL COASTAL PROGRAM AMENDMENTS

WHEREAS, on May 21, 2018 the City Council adopted the Del Mar Sea Level Rise Adaptation Plan ("Adaptation Plan"); and

WHEREAS, on October 1, 2018, the City Council approved the Adaptation Plan as a Local Coastal Program Amendment (LCPA 16-005) and accepted the supporting technical documents including the Vulnerability and Risk Assessment (Vulnerability Assessment), Sediment Management Plan, and Lagoon Wetland Habitat Mitigation Assessment; and

WHEREAS, on October 1, 2018, the City Council approved the amendments to Del Mar's existing certified Local Coastal Program Land Use Plan (LCPA 18-002); and

WHEREAS, on October 15, 2018, the City Council approved amendments to Del Mar's existing certified Local Coastal Program implementing regulations relating to the existing Floodway Zone, Floodplain Overlay Zone, and Coastal Bluff Overlay Zone (Zone Code Amendment 16-002/Local Coastal Plan Amendment 18-002); and

WHEREAS, LCPA 16-005 and 18-002 (including Zone Code Amendment 16-002) shall be herein after referred to collectively as "Local Coastal Program Amendments"; and

WHEREAS, the Local Coastal Program Amendments are consistent with the Vulnerability Assessment that was prepared for the City by Environmental Science Associates (ESA) with a supporting Addendum (2018) that explains the changes in the science since the initial assessment in 2016; and

WHEREAS, the Vulnerability Assessment identifies that future viability of the City of Del Mar is threatened by projected sea level rise, storm surge, coastal flooding, river flooding, or erosion and that long term planning is necessary to increase resiliency; and

WHEREAS, Del Mar is a coastal city with a certified Local Coastal Program (LCP) that is required pursuant to the California Coastal Act to contain hazard control policies and regulations to effectively address safe development, public access, habitat, wildlife, scenic views, priority land uses, wetlands, and agriculture; and

WHEREAS, processing of the Local Coastal Program Amendments is necessary to add, modify, remove, and update the existing LCP to clarify the City's desired adaptation approach for long term resiliency and to remove any conflicts with the existing LCP; and

WHEREAS, the Local Coastal Program Amendments are subject to certification by the California Coastal Commission; and

WHEREAS, the City Council adopted a wide range of adaptation options and strategies to achieve compliance with the Coastal Act goals as set forth in Public Resources Code section 30001.5; and

WHEREAS, Del Mar's Adaptation Plan and local hazard mitigation strategy was designed to be in full compliance with Del Mar's Community Plan and certified Local Coastal Program, including the voter-approved Beach Protection Initiative as certified by the Coastal Commission; and

WHEREAS, the City's adaptation strategy, as reflected in the Adaptation Plan, includes proactive implementation of programs, including sand replenishment and management, and utilization of additional programs to protect the low lying properties (public and private) behind the first row of houses on the beach from ocean and river flooding through maintenance of a public beach, dredging of the river channel as needed, and other strategies to reduce the risk to these low lying areas; and

WHEREAS, Del Mar's approach recognizes that the beach, river, and lagoon systems are public assets of importance beyond Del Mar and whereas the supporting technical documents prepared by ESA in 2018 (Sediment Management Plan and Lagoon Wetland Habitat Migration Assessment) will facilitate long term planning strategies to protect the community, reduce the risk of hazards, and plan ahead for protection of these coastal resources; and

WHEREAS, the City believes the adopted approach will be successful, is "feasible" within the meaning of the Coastal Act and City law, and will best meet both public and private goals for a significant period of time; and

WHEREAS, the City thoroughly evaluated planned retreat as a strategy for Del Mar in accordance with State guidance and concluded it is not necessary or feasible to achieve the Coastal Act and City goals and that it conflicts with the City's vision for the future, the voter-approved Community Plan, and the certified Local Coastal Program, which includes the voter-approved Beach Preservation Initiative; and

WHEREAS, the City further concluded that there is no clear net public benefit or current need, environmental or otherwise, for planned retreat because the City's adopted adaptation strategies are sufficient; that planned retreat is not feasible in Del Mar due to the economic, environmental, engineering, social, political, and legal constraints and uncertainties; that the extremely high land value in Del Mar means that public acquisition of any property the City does not control will be difficult and cost prohibitive for the City to pursue; that alternative locations are not available for displaced residents or City infrastructure to relocate; that the existing shoreline protection for the "front row" homes and City property along the beachfront help protect lower lying public and private property from ocean flooding; that removal of the existing shoreline protection structures and the "front

row” homes and City facilities would likely not alleviate the risk of flooding due to the lower elevation of the rest of the neighborhood; that there is a high threat of infrastructure failure if existing shoreline protection structures are removed; and that there is a high threat of legal risk if retreat of private property is pursued; and

WHEREAS, the City will reevaluate the associated necessity and feasibility of newly available adaptation options as appropriate using the best available data and State guidance when specific adaptation projects or amendments to the Adaptation Plan are considered at a future date; and

WHEREAS, the Local Coastal Program Amendments follow the State’s guidance (relating to sea level rise adaptation), but intentionally differ from the State’s guidance by rejecting managed retreat (planned retreat) and continuing to apply the City’s current definition of existing development and existing regulations for redevelopment of non-conforming properties in order to recognize local conditions and effectively implement the Community’s vision for the future, without conflict, pursuant to the City’s Community Plan, Adaptation Plan, and certified Local Coastal Program, including the Beach Preservation Initiative (BPI); and

WHEREAS, in the adopting the Local Coastal Program Amendments the City Council considered the comments of the California Coastal Commission, including but limited to the comments set forth in the September 28, 2018 correspondence; and

WHEREAS, the Local Coastal Program Amendments have been shaped by and are the result of a multi-year public process that included more than 20 public meetings, input from the Sea Level Rise Stakeholder Technical Advisory Committee (STAC) and recommendations from the Del Mar Planning Commission; and

WHEREAS, the Local Coastal Program Coastal Amendments and the certified Local Coastal Plan are intended, consistent with the provisions of the Coastal Act, to represent the standard of review for of all discretionary local Coastal Development Permits; and

WHEREAS, the City Council wants to establish for the record and reassure the community of its commitment to the Local Coastal Program Amendments and its intention to defend the Local Coastal Program Amendments, particularly the rejection of “Managed Retreat” as an adaptation strategy, against any proposed Coastal Commission modification that is substantially inconsistent with the adopted Adaptation Plan and the associated Local Coastal Program Amendments.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Del Mar as follows:

1. The foregoing recitals are true and correct.

2. That the City Council is hereby committed, to the extent permitted by law, to support and defend the adopted Adaptation Plan and Local Coastal Program Amendments by:
 - a. Vigorously advocating for and defending the Local Program Amendments before the California Coastal Commission.
 - b. Rejecting any suggested modifications by the California Coastal Commission that substantially deviate from or are inconsistent with the City's adopted Adaptation Plan and Local Coastal Program Amendments, that conflict with the City's rejection of managed retreat as a local adaptation strategy, and that substantially conflict with how the City currently regulates "existing development" to the extent that the prospective LCP could be misinterpreted and incorrectly applied as a means to prevent new development or redevelopment on properties in existing developed neighborhoods contrary to the Del Mar Community Plan or that conflict with the voter approved BPI and the City's integrated and unified systems approach to adaptation at a local neighborhood scale that protects property, infrastructure, coastal access, the public beach, and coastal resources.

3. That the City Council is hereby committed to continue providing an open process for public participation by:
 - a. Holding a public meeting of the City Council to provide an opportunity for the public to provide input on any Coastal Commission staff recommendation to conditionally approve or deny the City's Local Coastal Program Amendments and an opportunity for the City Council to provide direction to City staff prior to any such Coastal Commission hearing occurring.
 - b. Holding an additional public meeting of the City Council following action by the Coastal Commission to conditionally approve or deny the City's Local Coastal Program Amendment to provide an opportunity for the public to provide input and for the City Council to provide direction on next steps.

4. That the City Council is committed to concurrent processing of a Community Plan Amendment to incorporate the adopted Adaptation Plan by reference to insure that any proposed modification to the Adaptation Plan will require a 4/5th vote of the City Council or voter approval.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Del Mar, State of California, at a Regular Meeting held on the 15th day of October 2018.



Dwight Worden, Mayor
City of Del Mar

APPROVED AS TO FORM:

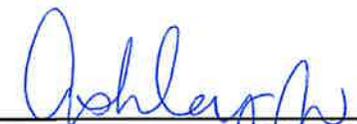


Leslie E. Devaney, City Attorney
City of Del Mar

ATTEST AND CERTIFICATION:
STATE OF CALIFORNIA
COUNTY OF SAN DIEGO
CITY OF DEL MAR

I, ASHLEY JONES, Administrative Services Director/City Clerk of the City of Del Mar, California, DO HEREBY CERTIFY, that the foregoing is a true and correct copy of Resolution No. 2018-72, adopted by the City Council of the City of Del Mar, California, at a Regular Meeting held the 15th day of October, 2018, by the following vote:

AYES: Mayor Worden, Deputy Mayor Druker, Council Member Haviland,
Parks and Sinnott
NOES: None
ABSENT: None
ABSTAIN: None



Ashley Jones, Administrative Service
Director/City Clerk

ORDINANCE NO. 943

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, AMENDING DEL MAR MUNICIPAL CODE CHAPTER 30.29 RELATED TO THE FLOODWAY ZONE, CHAPTER 30.55 RELATED TO THE COASTAL BLUFF OVERLAY ZONE, AND CHAPTER 30.56 RELATED TO THE FLOODPLAIN OVERLAY ZONE ALL RELATING TO DEL MAR'S SEA LEVEL RISE/COASTAL RESILIENCY PLANNING.

WHEREAS, the City's Coastal Resiliency/Adaptation Plan Work Program is a City Council Priority; and

WHEREAS, the City Council selected Environmental Science Associates (ESA) in 2015 as a technical consultant to prepare major grant tasks on the City's work program related to coastal resiliency and adaptation planning; and

WHEREAS, ESA prepared a Coastal Hazards, Vulnerability, and Risk Assessment for the City of Del Mar in 2016 using best available science that identified vulnerable areas in Del Mar that are subject to projected sea level rise, storm surge, coastal flooding, river flooding, or erosion; and

WHEREAS, on May 21, 2018, the City Council approved the Del Mar Adaptation Plan (Adaptation Plan) with a range of adaptation strategies based on sound scientific and engineering principles to address local hazards, help the City manage its shoreline and coastal resources for future generations, and reduce risk for property owners; and

WHEREAS, planned retreat (planned relocation of existing development out of hazard areas) was thoroughly evaluated as an adaptation strategy in accordance with the State's guidance and is not part of Del Mar's strategy pursuant to the City's conclusion that managed retreat (planned retreat) is not necessary and is not feasible within the meaning of the Coastal Act or City law as further demonstrated in the City's approved Adaptation Plan; and

WHEREAS, the proposed Local Coastal Program land use plan amendments and zone code amendments are consistent with the City's Community Plan, Adaptation Plan, and certified Local Coastal Program, including the Beach Preservation Initiative; and

WHEREAS, the City will continue to rely on the existing Coastal Bluff Overlay Zone boundary, which is a measured approach, consistent with the adopted Adaptation Plan, that will allow the City to monitor, evaluate, and adapt to observed changes in bluff conditions over time; and

WHEREAS, the City will continue to rely on the existing Floodplain Overlay Zone boundary to implement the flood maps and regulations of the Federal Emergency Management Agency (FEMA), which is a measured approach, consistent with the

adopted Adaptation Plan, that will allow the City to monitor, evaluate, and adapt to observed changes in flooding conditions over time; and

WHEREAS, the appeal period for FEMA's updated federal insurance rate map expired on January 29, 2018 because no technical basis for appeal was identified and no appeal was filed (by the City or any member of the public), following a multi-year process of public notice and public discussion of local flood hazards as follows: Del Mar community forum on January 14, 2016, Del Mar community workshop on February 25, 2016, ESA and staff presentation of local vulnerabilities and overview of FEMA's coastal mapping project in public meetings of the Sea Level Rise Technical Advisory Committee (STAC) on April 16 and May 5, 2016, ESA presentation to STAC on June 22, 2017 demonstrating consistency between USGS's CoSMoS mapping and FEMA's floodplain mapping for Del Mar, City staff presentation to STAC regarding the FEMA map update process on August 24, 2017, notice of FEMA's pending appeal period posted on the City webpage and mailed to affected property owners in September 2017, public notice of FEMA's 90 day appeal period published in the San Diego Union Tribune, Coast News and Del Mar Times on October 25, 2017 and again on November 1, 2017, and staff announcements at public meetings of the STAC, Design Review Board, Planning Commission, and City Council (during the appeal period) sharing information on how to submit a timely appeal; and

WHEREAS, the proposed zone code amendments to the Floodway Zone and Floodplain Overlay Zone are needed to satisfy federal requirements relating to floodplain management of special flood hazard areas for the City's continued participation in the national flood insurance program and for continued access to FEMA funding for hazard mitigation projects and disaster relief assistance; and

WHEREAS, staff determined that this action is exempt from preparation of an environmental document pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) because this activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and because the amendments disclose potential hazards, do not involve any type of expansion of use or development potential, and would not have a significant effect on the environment; and

WHEREAS, the proposed Zone Code Amendment/Local Coastal Program Amendment is subject to approval by the City Council and certification by the California Coastal Commission; and

WHEREAS, the standard of review for Coastal Commission action on the land use plan amendment is Coastal Act Chapter 3 (Coastal Resources Planning and Management Policies) and the standard of review for the zone code amendments is the land use plan most recently certified by the Coastal Commission; and

WHEREAS, the proposed amendments follow the State's generic guidance (relating to sea level rise adaptation), but intentionally differ from the State's guidance by

rejecting managed retreat (planned retreat) and continuing to apply the City's current definition of existing development and existing regulations for redevelopment of non-conforming properties in order to recognize local conditions and effectively implement the Community's vision for the future at a local neighborhood-scale, without conflict, pursuant to the City's Community Plan, Adaptation Plan, and certified Local Coastal Program, including the Beach Preservation Initiative; and

WHEREAS, the North Beach neighborhood is an existing century-old developed area that is designated for development in the Del Mar Community Plan; and

WHEREAS, the North Beach neighborhood is currently protected by a system of seawalls, revetments, and beach street ends that provide for public beach access and protect adjacent private and public development from flooding in accordance with the City's Beach Preservation Initiative and certified Local Coastal Program; and

WHEREAS, if any segments of this existing integrated and unified system of beach shoreline access and protection were required to be removed, it would unnecessarily threaten the future viability of the neighborhood in conflict with the Del Mar Community Plan, Adaptation Plan, and Local Coastal Program; and

WHEREAS, it is the intent of the City Council to continue to allow new development and redevelopment of properties located within the North Beach neighborhood pursuant to Coastal Act Section 30250 and the existing Local Coastal Program regardless of whether or not the property is located in the floodplain as mapped by the Federal Emergency Management Agency (FEMA); and

WHEREAS, it is not the intent of the City Council to authorize any new development that is contrary to Coastal Act Section 30253; and

WHEREAS, the City's existing certified LCP provides a discretionary permit process to effectively evaluate and consider the merit of any future requests for shoreline protection consistent with the Coastal Act; and

WHEREAS, the City's proposed implementation approach has been shaped by the best available science and public input collected through a multi-year public process related to the topic of coastal resiliency/sea level rise planning in Del Mar that involved more than 20 public meetings and input from STAC to develop locally driven adaptation policies and implementing regulations; and

WHEREAS, a notice of availability of a local coastal program amendment/notice of public hearing was posted, published, and distributed per the Coastal Act requirements on July 26, 2018 and additional courtesy notice was mailed to local residents and property owners in potentially vulnerable areas and distributed via email to the City's electronic "notify me" list; and

WHEREAS, additional courtesy notice was distributed via email to STAC, Planning Commission, City Council, and the City's electronic "notify me" list and an additional notice of public hearing was posted, published, and distributed to the coastal always and interested persons lists per the Coastal Act on August 27, 2018 for the continued Planning Commission hearing held on September 11, 2018; and

WHEREAS, on September 11, 2018, the Planning Commission held a noticed public hearing and unanimously recommended that the City Council approve ZA 16-008/LCPA 18-002 with two additional considerations including 1) to ask the City Council to consider applicability of the Transitional Subarea and whether it is needed now and 2) to replace the references to deed restrictions with another legal mechanism that provides recorded notice (subsequently incorporated into DMMC Section 30.55.050(E)(3), DMMC Section 30.55.060(B)(2), and DMMC Section 30.56.050(E)(2)); and

WHEREAS, a notice of public hearing was posted (September 13, 2018), published in the San Diego Union Tribune (September 17, 2018), and mailed to the coastal always and interested persons lists per the Coastal Act (September 14, 2018) for the City Council hearing held on October 1, 2018; and

WHEREAS, on October 1, 2018, the City Council voted to continue the public hearing for introduction of the Ordinance to the next meeting of the City Council on October 15, 2018, and provided direction to proceed with the code amendments with no associated rezone or expansion of the existing boundaries for the overlay zones; and

WHEREAS, on October 15, 2018, the City Council voted to introduce the Ordinance.

NOW THEREFORE, the City Council of the City of Del Mar hereby ordains as follows:

SECTION ONE

That Section 30.29.010 of the Municipal Code be revised to read as follows:

30.29.010 Zone Boundaries

Real property subject to the provisions of this Chapter shall be designated by ordinance on the City zone map as being within the Floodway Zone ("FW"). The zone boundaries identified shall not imply that land outside of the Floodway Zone will be free from flooding or flood damage.

SECTION TWO

That the title of Section 30.29.020 of the Municipal Code be revised to read as follows:

30.29.020 Purpose

[No change in text]

SECTION THREE

That a new Section 30.29.025 be added to the Municipal Code as follows:

30.29.025 Definitions

The definitions in section 30.56.030 shall apply to Chapter 30.29.

SECTION FOUR

That Section 30.29.030 of the Municipal Code be revised to read as follows:

30.29.030 Allowed Uses

Except as provided per Section 30.29.060, the following uses are allowed in the FW Zone provided the required permits have first been obtained in accordance with Section 30.29.050.

SECTION FIVE

That the title of Section 30.29.040 of the Municipal Code be revised to read as follows:

30.29.040 Specified Disallowed Uses

[No change in text]

SECTION SIX

That a new Section 30.29.050 be added to the Municipal Code as follows:

30.29.050 Required Permits for Development in the Floodway Zone

- A. Development in the Floodway Zone requires approval of the following permits:
 - 1. Floodplain Development Permit pursuant to Section 30.56.050
 - 2. Conditional Use Permit pursuant to Chapter 30.74
 - 3. Coastal Development Permit pursuant to Chapter 30.75
- B. Where base flood elevation data has not been provided by the Flood Insurance Study, the Floodplain Administrator shall obtain, review, and utilize base flood elevation and floodway data available from federal or state sources or require submittal of such data from the applicant. The Floodplain Administrator shall make interpretations, where needed as to the location of the boundaries of the areas of the Special Flood Hazard Area based on the best available engineering or scientific information.
- C. As a condition of approval, the applicant shall grant a flowage easement to the City for the portion of the property within the Floodway and appropriate agreements shall be secured between the applicant and City to assure participation by the applicant or any successor in interest in financing of future flood control works.

SECTION SEVEN

That a new Section 30.29.060 be added to the Municipal Code as follows:

30.29.060 Development Regulations for the Floodway Zone

- A. Within the Floodway Zone:
 - 1. No structure or portion thereof shall be erected, constructed, converted, established, altered or enlarged, and no landform alteration grading, placement or removal of vegetation shall be permitted, except where a permit is obtained authorizing:
 - a. An open fence to limit access in order to protect the public health and safety or to protect sensitive environmental resources; or
 - b. As related to an allowed use identified in Section 30.29.030.
 - 2. Structures shall not be attached to a foundation; and shall be removed upon imminence of flooding, as predicted by the National Weather Service or local weather broadcast. If a structure is not removed and flooding occurs, the retrieval or salvage of the structure

and repair of any damage caused by the structure shall be the responsibility of the owner.

3. Parking lots, new roadways, and roadway expansions shall be allowed only where consistent with the adopted Local Coastal Program Land Use Plan.
 4. Floodway encroachments for essential public utility and transportation crossings shall be allowed in accordance with DMMC Chapter 30.29 and the FEMA standards.
 5. Development, including new construction, significant modifications, or fill, is prohibited in the Floodway unless certification by a registered professional engineer is provided demonstrating that the development will not likely result in any increase in flood levels during the occurrence of the base flood discharge except as allowed under Code of Federal Regulations Title 44, Chapter 1, Part 60.3(c)(13).
- B. Development in the Floodway Zone shall be offset by improvements or modifications to enable passage of a base flood in accordance with FEMA standards.
- C. Development in the Floodway Zone shall not significantly adversely affect existing Environmentally Sensitive Habitat Areas on-site or off-site.
- D. Channelization or other substantial alteration of rivers or streams shall be limited to that necessary for the following:
1. Essential public service projects where no other feasible construction method or alternative project location exists;
 2. Flood control projects where no other feasible method for protecting existing public or private development exists and where such protection is necessary for public safety; and
 3. Projects where the primary function is the improvement of fish and wildlife habitat.
- E. Development that involves channelization or substantial alteration of rivers or streams is subject to the following requirements:
1. All requirements and relevant recommendations of hydrological studies for the watershed of the affected stream, as approved by the City Engineer, shall be incorporated into the project design and mitigation measures. These requirements include erosional

characteristics, flow velocities, volume, sediment transport, and maintenance of hydrology.

2. The channel shall be designed to ensure that the following occur:
 - a. Stream scour is minimized;
 - b. Erosion protection is provided;
 - c. Water flow velocities are maintained as specified by the City Engineer;
 - d. There are neither significant increases nor contributions to downstream bank erosion and sedimentation of sensitive biological resources; acceptable techniques to control stream sediment include planting riparian vegetation in and near the stream and detention or retention basins;
 - e. Wildlife habitat and corridors are maintained;
 - f. Resource management criteria are implemented consistent with applicable land use plans; and
 - g. Groundwater recharge capability is maintained or improved.
3. Channels that accommodate a base flood shall do so without increasing the water surface elevation more than one foot at any point from the level of a non-confined base flood in the natural undeveloped floodplain. Channels may accommodate less than a base flood (low-flow channels), but shall be designed and constructed in accordance with FEMA regulations.
4. All artificial channels shall consist of natural bottoms and sides and shall be designed and sized to accommodate existing and proposed riparian vegetation and other natural or proposed constraints. Where maintenance is proposed or required to keep vegetation at existing levels compatible with the design capacity of the channel, a responsible party shall be identified and maintenance and monitoring process shall be established to the satisfaction of the City Engineer.
5. In any case where a watercourse is to be altered, the flood carrying capacity of the altered or relocated portion of the watercourse shall be maintained and records of the permit decision shall be maintained and made available for public inspection regarding the associated certifications, appeals, or variances granted as applicable.

- F. Relief from the requirements in Section 30.29.060 may be requested with an application for a Floodplain Development Permit in accordance with Section 30.56.080 without need for a Variance application.

SECTION EIGHT

That a new Section 30.29.070 be added to the Municipal Code as follows:

30.29.070 Notification Required

In any case where a watercourse is to be altered, notification shall be provided to adjacent communities, the California Coastal Commission, the California Department of Water Resources, and the FEMA Federal Insurance Administration indicating that the permit records are available for public inspection.

SECTION NINE

That Section 30.55.010 of the Municipal Code be revised as follows:

30.55.010 Purpose

- A. The purpose of the Coastal Bluff Overlay Zone is to protect Del Mar's coastal bluffs as a visual resource and avoid the risks to life and property associated with bluff failure and shoreline erosion while employing regulations consistent with the rights of private property owners.
- B. The intent is to prohibit incompatible development in hazardous areas; ensure that new development is appropriately sited to minimize damage and avoid hazards; and reduce the need for shoreline protective devices.

SECTION TEN

That Section 30.55.020 of the Municipal Code be revised as follows:

30.55.020 Zone Boundaries and Real Estate Disclosure

- A. Property within the Coastal Bluff Overlay Zone shall include those areas designated by Ordinance and depicted upon the City Zone Zoning Map.
- B. All real estate transactions within the boundary of this Overlay Zone shall disclose that the property is located in the Coastal Bluff Overlay Zone.

SECTION ELEVEN

That Section 30.55.030 of the Municipal Code be revised as follows:

30.55.030 Definitions

For purposes of this Chapter, the following definitions shall apply:

Coastal Bluff shall mean a steep escarpment with a slope gradient equal to or greater than an average of one foot vertical to one foot horizontal and a vertical rise of 15 feet or more, and which is located in an area that is periodically subject to ocean wave action.

Coastal Bluff Edge shall mean the top edge of a coastal bluff as delineated using the following criteria:

1. In cases where the coastal bluff involves a series of stepped vertical and horizontal planes, the bluff top shall be considered to start at the seaward edge of the topmost riser of the vertical plane of the coastal bluff.
2. In cases where the coastal bluff edge is composed of a continuous, rather than stepped, downward slope, the bluff top shall be considered to start at that point nearest the bluff, seaward of which the downward gradient of the land surface increases more or less continuously at an angle which is more vertical than horizontal until it reaches the general gradient of the bluff.

Existing development shall mean any structure or development that was lawfully established, altered, and maintained pursuant to the Del Mar Municipal Code (or preceding San Diego County ordinances).

Sea level rise shall mean the increase in the elevation of the ocean surface.

Shoreline protective device shall mean constructed features such as seawalls, revetments, riprap, earthen berms, cave fills, and bulkheads that are primarily used to protect structures or other features from erosion and other shoreline changes due to wave action.

Vulnerable slope shall mean a bluff that is vulnerable to projected sea level rise and erosion impacts, but does not currently meet the definition of a "Coastal Bluff".

SECTION TWELVE

That Section 30.55.040 of the Municipal Code be revised as follows:

30.55.040 Allowable Uses

Unless otherwise specified herein, allowable uses in the Coastal Bluff Overlay Zone shall be limited to those uses and accessory uses allowed by the underlying zone and applicable overlay zones.

SECTION THIRTEEN

That Section 30.55.050 of the Municipal Code be repealed and replaced as follows:

30.55.050 Development Regulations for the Coastal Bluff Overlay Zone

- A. Proposed development shall be sited and designed to avoid impacts from erosion hazards over the economic life of the development (minimum 75 years) in accordance with the following:
1. A minimum 40-foot setback shall be provided between proposed development (including supporting structures and foundations) and a coastal bluff edge, except where otherwise provided below:
 - a. The setback from the coastal bluff edge shall have priority over required yard setbacks from the property line. If necessary to comply with setbacks from the coastal bluff edge and provide for reasonable use to avoid a taking, the decision maker may approve reduced yard setbacks up to a minimum of 5 feet from the property line without need for a Variance application provided the development is consistent with all other applicable requirements of the certified Local Coastal Program.
 - b. No grading shall be allowed within 40 feet of the coastal bluff edge, except as necessary to control surface runoff in accordance with Section 30.55.050(C). Grading or construction activities (on the face of a coastal bluff) shall only be permitted if approved as part of a Shoreline Protection Permit or Setback Seawall Permit pursuant to Chapters 30.50 and 30.51 respectively, and if the authorized review body makes a finding that the proposed grading is the minimum required to implement the authorized shoreline protection.

3. A notice is recorded against each lot to waive rights to future shoreline protective devices for new development. (This shall not preclude the ability for an owner to submit a future permit application request to protect existing development.)

SECTION FOURTEEN

That Section 30.55.060 of the Municipal Code be repealed and replaced as follows:

30.55.060 Required Permit for Development in the Coastal Bluff Overlay Zone

- A. A Coastal Development Permit in accordance with Chapter 30.75 shall be required for proposed development within the Coastal Bluff Overlay Zone that does not meet a permit exemption pursuant to Section 30.75.200 (subsections B through K only). Notwithstanding any other provision, the replacement of a structure destroyed by disaster shall be exempt from a Coastal Development Permit where the replacement structure conforms with all of the following:
 1. Complies with existing zoning requirements
 2. Is for the same use as the destroyed structure
 3. Does not exceed the floor area, height, or bulk of the destroyed structure by more than 10 percent
 4. Is sited in generally the same location on the affected property as the destroyed structure
- B. The decision maker may include permit conditions of approval as deemed necessary to protect the public health, safety, and welfare and to ensure compliance with the findings supporting such approval consistent with the City's certified Land Use Plan. The permit conditions may include, but shall not be limited to:
 1. Compliance with the Coastal Development Permit general conditions of approval in Section 30.75.150.
 2. Recordation of a notice on the title to property that:
 - a. Identifies the property is located in the Coastal Bluff Overlay Zone.

- b. Acknowledges owner responsibility for maintenance and repair of drainage and erosion control systems pursuant to a detailed maintenance program.
 - c. Waives the right to future shoreline protective devices for the new development. (This shall not preclude the ability for an owner to submit a future permit application request to protect existing development.)
 3. Any requirements for supplemental technical reports, maintenance, monitoring, or reporting.
 4. Recordation of an open space deed restriction, conservation easement, or open space easement for any areas to be retained in their natural state.
- C. In accordance with the California Public Resources Code Section 30010, this Chapter is not intended, and shall not be construed as authorizing any public agency acting pursuant to this Chapter to exercise their power to grant or deny a permit in a manner which will take or damage private property for public use, without payment of just compensation therefor. This section is not intended to increase or decrease the rights of any owner of property under the Constitution of the State of California or the United States.

SECTION FIFTEEN

That Section 30.55.070 of the Municipal Code be repealed and replaced as follows:

30.55.070 Submittal Requirements

- A. In addition to the standard submittal requirements for a Coastal Development Permit, the application shall include the following to the satisfaction of the Planning Director:
 1. A topographic map that delineates the location of all coastal bluffs and vulnerable slopes located on site or off site in proximity to the development proposal and identifies the coastal bluff edge of all coastal bluffs (as defined in Section 30.55.030). Maps shall be of a scale not less than 1" equals 100' and shall delineate the topography of the site in two-foot contour intervals.
 2. A geotechnical report prepared and signed by a licensed professional with expertise in coastal processes that includes the following:

- a. Identifies existing conditions, including existing development;
 - b. Identifies the suitability of the site for the proposed development and whether shoreline protection is projected to be necessary over a 75 year time period to protect the development;
 - c. Provides an analysis of bluff retreat and coastal stability for the project site, according to accepted professional standards, including an analysis of whether the affected section of coastline is under a process of retreat;
 - d. Provides an analysis of the potential effects on bluff stability of rising sea levels, using best available scientific information;
 - e. Provides an analysis of the potential effects of past and projected El Nino events on bluff stability; and
 - f. Includes recommended mitigation measures as they relate to avoidance of risks over the economic life of the development (minimum 75 years) and preservation of fragile bluff systems. Recommendations should take into consideration the projected rates of bluff and shoreline retreat, and relevant beach nourishment projects. In the event that a submitted report recommends a coastal bluff top setback of a greater distance than otherwise minimally required in this Chapter, the greater distance shall be provided.
 - g. The Planning and Community Development Director may exempt a project from the requirement for this technical report if the proposed development is minor in nature, does not include a subdivision map, and would not modify the foundation or 50 percent or more of the exterior walls of an existing structure, 50 percent or more of the floor area of an existing structure, or expand the existing structure by 50 percent or more.
3. A detailed grading plan.
 4. A detailed landscape plan.

5. An erosion and sediment control plan prepared by a licensed civil engineer to the satisfaction of the City Engineer that identifies all permanent and temporary erosion control measures.
 6. A stormwater runoff control plan that incorporates structural and non-structural Best Management Practices (BMPs) and a monitoring component.
- B. At the discretion of the Planning Director, the applicant may be required to provide funding for an independent, third party analysis of the information provided by the applicant pursuant to the application submittal requirements of this Section. The purpose of said third-party analysis is to ensure the project's consistency with the standards of review contained in this Chapter.

SECTION SIXTEEN

That Section 30.55.080 of the Municipal Code be repealed.

SECTION SEVENTEEN

That Section 30.55.090 of the Municipal Code be repealed.

SECTION EIGHTEEN

That Section 30.55.100 of the Municipal Code be repealed.

SECTION NINETEEN

That Section 30.55.110 of the Municipal Code be repealed.

SECTION TWENTY

That Section 30.55.120 of the Municipal Code be repealed.

SECTION TWENTY ONE

That Section 30.55.130 of the Municipal Code be repealed.

SECTION TWENTY TWO

That Section 30.56.010 of the Municipal Code be revised as follows:

30.56.010 Purpose

- A. The Floodplain Overlay Zone applies to flood prone properties, as mapped by the Federal Emergency Management Agency (FEMA), that are subject to periodic inundation due to coastal wave action or flooding within the 100-year floodplains of the San Dieguito River, San Dieguito Lagoon, and the Los Penasquitos Lagoon.
- B. The purpose of the Floodplain Overlay Zone is to protect the public health, safety and general welfare, while employing regulations consistent with the rights of private property owners, by prohibiting incompatible development in flood prone areas; and ensuring that new development is appropriately sited and constructed to minimize damage and avoid hazards. These regulations are also intended to ensure that development within the Floodplain Overlay Zone will not obstruct flood flow; will be designed to reduce the need for construction of flood control facilities; and minimize the cost of flood insurance to Del Mar residents.
- C. It is further intended that the Floodplain Overlay Zone meet FEMA floodplain management requirements for participation in the National Flood Insurance Program (NFIP), meet State of California coastal resiliency planning requirements for flood prone areas, and increase Del Mar's ability to adapt and protect neighborhoods, infrastructure, and coastal resources for future generations.
- D. The Floodplain Overlay Zone allows for coordinated planning to occur in advance instead of waiting to react to emergencies at which point public funds and insurance will likely be insufficient to remedy the extent of damage predicted.
- E. The provisions and sections of this Ordinance shall be deemed separable and the invalidity of any portion of this Ordinance shall not affect the validity of the remainder.

SECTION TWENTY THREE

That Section 30.56.020 of the Municipal Code be revised as follows:

30.56.020 Zone Boundaries and Real Estate Disclosure

- A. Property within the Floodplain Overlay Zone shall include those areas designated by Ordinance and depicted upon the corresponding City Zoning Map.

- B. Real Property within the Floodplain Overlay Zone shall be further designated as being within a Special Flood Hazard Area identified by the Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS), dated June 16, 1999, and accompanying Flood Insurance Rate Map (FIRM), dated June 16, 1999, and all subsequent amendments and/or revisions are hereby adopted by reference and declared to be subject to the Chapter 30.56 Floodplain Overlay Zone requirements.
1. This FIS and associated mapping per Section 30.56.020(B)(4) are the area of applicability for this Overlay Zone. FEMA's mapping may be supplemented by studies recommended to the City Council by the Floodplain Administrator as necessary to implement floodplain management if approved by the City Council after notice to all property owners affected by any proposed change to this Overlay Zone. The FIS and FIRM are on file in the City of Del Mar.
 2. Where technical or scientific data is presented to the City indicating the base flood elevation will increase or decrease as a result of physical changes affecting flooding conditions, the City shall submit the data to FEMA in accordance with the code of federal regulations so that upon confirmation by FEMA, risk premium rates and floodplain management requirements will be based on current data and the mapped boundary can be amended accordingly (Title 44 Section 65.3). The information shall be submitted to FEMA as soon as practicable, but not later than 6 months after the date of final action approving any physical changes that will affect flood conditions.
 3. A Letter of Map Change (LOMC) is a formal document that communicates an official modification to an effective FIRM. LOMCs are issued in place of a physical alteration and re-publication of the map.
 4. The set of effective FIRM, FIS, and National Flood Hazard Layer Database, as well as any effective Letters of Map Change (LOMC) that have been issued to revise or amend the FIRM or FIS, collectively comprise FEMA's official flood hazard determination for a given area.
- C. The zone boundaries identified shall not imply that land outside of the Floodplain Overlay Zone, or that development permitted within the Overlay Zone, will be free from flooding or flood damage.
- D. All real estate transactions within the boundary of this Overlay Zone shall disclose that the property is located in the Floodplain Overlay Zone.

SECTION TWENTY FOUR

That Section 30.56.030 of the Municipal Code be revised as follows:

30.56.030 Definitions

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter its most reasonable application.

Area of Shallow Flooding [No change]

Area of Special Flood Hazard shall mean an area having special flood or flood-related erosion hazards, and which are designated on an FHBM or FIRM as Zone A, AO, A 1-30, AE, A99, AH, V1-30, VE, or V.

Base Flood shall mean a flood having a one percent chance of being equaled or exceeded in any year. "Base Flood" shall mean the same as "100-year Flood".

Basement. For the purposes of this Chapter, "Basement" shall mean, for the purpose of Chapter 30.56 only, any area of a building having its floor below ground level - on all sides.

Breakaway Wall [No change in text]

Coastal High Hazard Area shall mean an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic forces. Such areas are subject to high velocity waters, including coastal and tidal inundation or tsunamis. Coastal High Hazard Areas are designated on the Flood Insurance Rate Map (FIRM) as being in Zone V1-30, VE or V.

Development [No change in text]

Director [No change in text]

Encroachment shall mean, for the purpose of Chapter 30.56 only, the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain that may impede or alter the flow capacity of a floodplain.

Existing Development shall mean any structure or development that was lawfully established, altered, and maintained pursuant to the Del Mar Municipal Code (or preceding San Diego County ordinances).

Flood Insurance Rate Map (FIRM) [No change in text]

Flood Insurance Study shall mean the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map (FIRM), and Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

Floodplain or Flood-prone area [No change in text]

Flood-proofing [No change in text]

Floodway [No change in text]

Freeboard means a factor of safety usually expressed in feet above flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Hardship [No change in text]

Hazard Mitigation Plan [No change in text]

Highest adjacent grade [No change in text]

Historic Structure means any structure that is:

1. Listed individually in the National Register of Historic Places or California Register of Historic Places;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district; or
3. Listed individually on a local inventory of historic places.

Lowest Floor [No change in text]

Manufactured Home shall mean a building, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater

than 180 consecutive days, but does not include Recreational Vehicles as defined in this Chapter.

Mean Sea Level [No change in text]

New Construction shall mean, solely for the purposes of FEMA determining NFIP insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

Obstruction [No change]

One-hundred Year Flood [No change]

Recreational Vehicle shall mean a vehicle, which is:

1. Built on a single chassis;
2. 400 square feet or less in size;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling, but as a temporary living quarters for recreational camping or travel.

Special Flood Hazard Area (SFHA) shall mean an area having special flood, mudslide or flood related erosion hazards and which is shown on an FHMB or FIRM as Zone A, AO, A1-30, AE, A99, AH, M, V1-30, VE, or V.

Start of Construction [No change in text]

Structure [No change in text]

Substantial Damage [No change in text]

Substantial Improvement

1. *Substantial Improvement* shall mean any repair, reconstruction or improvement of a structure, when, pursuant to a determination by the Director, the cost of the repair, reconstruction or improvement equals or exceeds fifty percent of the market value of the structure either:
 - a. Before the improvement or repair is started, or

- b. If the structure has been damaged 50% or more and is being restored, as it existed before the damage occurred.
2. For purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.
3. The term "Substantial Improvement" does not however, include either:
 - a. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or
 - b. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory California Register of Historic Places.

Variance shall mean a grant of relief from the floodplain requirements of this ordinance in accordance with Section 30.56.080, which permits construction in a manner that would otherwise be prohibited by this ordinance for the purpose of Chapter 30.56 shall not require a Variance application pursuant to Del Mar Municipal Code Chapter 30.78.

Violation means, solely for the purposes of FEMA determining NFIP flood insurance program compliance, the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure without a required FEMA Elevation Certificate or other evidence of compliance is presumed to be in violation until such time as that documentation is provided.

Water surface elevation [No change in text]

Watercourse [No change in text]

SECTION TWENTY FIVE

That Section 30.56.040 of the Municipal Code be revised as follows:

30.56.040 Allowed Uses

Unless otherwise specified herein, allowable uses in the Floodplain Overlay Zone shall be limited to the following subject to the receipt of required permits in accordance with Section 30.56.050:

- A. Any use or accessory use permitted in the underlying zone and applicable overlay zones, subject to the same conditions and restrictions applicable to such zones.
- B. Any irrigation, drainage or flood control structure or facility, and/or any public facility or improvement necessary for maintaining a lagoon, waterway or floodway system.

SECTION TWENTY SIX

That Section 30.56.045 of the Municipal Code be revised as follows:

30 56.045 Floodplain Development Permit Required Development Regulations for the Floodplain Overlay Zone

- A. Prior to development in the Floodplain Overlay Zone, required permits shall be obtained in accordance with Section 30.56.050.
- B. Shoreline protective devices are permitted only where consistent with the Beach Overlay Zone (Chapter 30.50) or as otherwise provided for by the California Coastal Act to protect existing development.
- C. No new basements or expansion of existing basements shall be allowed in the AE or VE zones.
- D. Relief from the requirements in Chapter 30.56 may be requested with an application for a Floodplain Development Permit in accordance with Section 30.56.080 without need for a Variance application.

SECTION TWENTY SEVEN

That Section 30.56.050 of the Municipal Code be revised as follows:

30.56.050 Required Permits for Development in the Floodplain Overlay Zone

- A. Development in the Floodplain Overlay Zone requires approval of the following permits, unless the development is limited to interior

modifications or repairs, or exterior repairs, alterations or maintenance that does not increase the footprint of an existing structure:

1. Floodplain Development Permit in accordance with Section 30.56.050
 2. Coastal Development Permit pursuant to Chapter 30.75. Notwithstanding any other provision, the replacement of a structure destroyed by disaster shall be exempt from a Coastal Development Permit where the replacement structure conforms with all of the following:
 - a. Complies with existing zoning requirements
 - b. Is for the same use as the destroyed structure
 - c. Does not exceed the floor area, height, or bulk of the destroyed structure by more than 10 percent
 - d. Is sited in generally the same location on the affected property as the destroyed structure
 3. In accordance with the California Public Resources Code Section 30010, this Chapter is not intended, and shall not be construed as authorizing any public agency acting pursuant to this Chapter to exercise their power to grant or deny a permit in a manner which will take or damage private property for public use, without payment of just compensation therefor. This section is not intended to increase or decrease the rights of any owner of property under the Constitution of the State of California or the United States.
- B. The Floodplain Development Permit application shall include data and certifications prepared by a registered engineer or architect as necessary to provide supporting calculations and studies for all information required, which shall include, but not be limited to:
1. The elevation, expressed in relation to NGVD, of all floors (including basements) of all proposed and existing structures of the project site;
 2. The proposed elevation, expressed in relation to NGVD, of all proposed flood proofing; and
 3. A description of the extent to which any watercourse will be altered or relocated as a result of the proposed development; and

4. Certification by a registered professional engineer/architect that all design and methods of construction meet elevation and anchoring standards per the code of federal regulations (Title 44 Section 60.3).
- C. Upon submission of a complete application and payment of the application fee, the Director shall provide notice of the filed application for a Floodplain Development Permit, with members of the public given the opportunity to review the application at City Hall, and the opportunity to submit written information to the Director. Notice shall be provided:
1. In accordance with the noticing requirements for public hearings stated in this Title, for discretionary permit applications;
 2. Through notification to adjacent local agencies and the applicable State coordinating agencies, and through submitting evidence of such notification to the Federal Emergency Management Agency and the Federal Insurance Administration.
- D. A determination on the Floodplain Development Permit application shall be made by the Issuing Authority as set forth below:
1. For applications, which have been deemed to be in compliance with all of the applicable provisions of this Chapter, the Director of Planning and Community Development shall be the Issuing Authority for the Floodplain Development Permit.
 2. For applications which do not meet one or more of the applicable provisions of this Chapter and for which relief from such provisions is requested by the applicant in accordance with Section 30.56.080, the Planning Commission shall be the Issuing Authority for the Floodplain Development Permit.
- E. The Issuing Authority for the Floodplain Development Permit shall review the application to ensure that all other required state and federal permits are obtained, and shall approve, conditionally approve, or deny the application based upon the regulations of this Chapter.
1. The Issuing Authority may impose conditions in the permit as necessary and or authorized to ensure the project's continued compliance with the provisions of this Chapter.
 2. All Floodplain Development Permits shall require that prior to the issuance of a Building Permit, the applicant shall record a notice

that acknowledges the property is located in the Floodplain Overlay Zone.

- F. For a period of at least five years following the date of submittal of a Floodplain Development Permit application, the Director shall maintain a record of all information submitted as part of the application, including the certifications where base flood elevation is utilized, of lowest floor and of all proposed finished floor elevations and elevations of flood proofing elevations required pursuant to this Chapter and the code of federal regulations (Title 44 Section 60.3).
- G. Upon a determination on the application by the Issuing Authority, the Director shall post a notice of determination at City Hall. Such Notice shall provide that the determination will be final in ten days unless an appeal to the City Council is filed in accordance with the provisions of this code.

SECTION TWENTY EIGHT

That Section 30.56.060 of the Municipal Code be revised as follows:

30.56.060 General Grounds for Application Approval/Denial

The application for a Floodplain Development Permit shall be approved if the Issuing Authority makes a finding that the proposal meets and is consistent with each of the applicable findings shown below, unless relief is granted in accordance with Section 30.56.080. The failure of the proposal to meet and be consistent with each of the applicable findings shown below shall be grounds for denial of the application. Such denial shall be supported by written findings of fact by the Issuing Authority as to how the application fails to meet one or more of the following findings:

The proposed new construction or substantial improvement:

- A. Will not violate the building or zoning regulations of the City.
- B. Will be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- C. Will be constructed with materials and utility equipment resistant to flood damage.
- D. Will use methods and practices that minimize flood damage.

- E. Will involve a residential structure in an A, AE or AH Zone, and will have the lowest floor (including basement) of such structure elevated at or above the base flood elevation.
- F. Will involve a manufactured home that will be elevated on a permanent foundation such that the lowest floor is at or above the base flood elevation and is securely anchored to an adequately anchored foundation system.
- G. Will involve a nonresidential structure and will have the lowest floor (including basement) elevated to or above the base flood level or, together with attendant utility and sanitary facilities will be flood proofed below the base flood level to the extent that the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy, as certified by a registered professional engineer or architect.
- H. Will be in an area of shallow flooding (Zone AO on the community's FIRM) and will have the lowest floor (including basement) elevated at or above the depth number indicated on the most current FIRM; or if there is no depth number on the most current FIRM, the structure will be elevated at least three feet above the highest adjacent grade. As an alternative, nonresidential structures, together with attendant utility and sanitary facilities, may be flood proofed to that level as specified in this Chapter.
- I. Will be in Zones AO and AH on the FIRM and will have adequate drainage paths around structures situated on sloping ground, to guide floodwaters around and away from said structures.
- J. Will involve the flood proofing of a nonresidential structure using a design and/or methods of construction that are in accordance with accepted standards of practice for flood proofing or which will extend the flood proofing to an elevation which is required pursuant to the provisions of this Chapter.
- K. Will have all new and replacement water supply and sanitary sewage systems designed to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.
- L. Will have on-site waste disposal systems located to avoid impairment to them, or contamination from them, during flooding.
- M. Will have all electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities designed and/or located so as to

prevent water from entering or accumulating within the components during conditions of flooding.

- N. Will have all fully enclosed areas below the lowest floor that are subject to flooding designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters with designs certified by a registered professional engineer or architect; or will have at least two openings no more than one foot above grade with a total net area of at least one square inch per square foot of flooded area.
- O. Will be located in an area that is reasonably safe from flooding.
- P. Will not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been established. For purposes of this Section, "adversely affects" shall mean that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will increase the water surface elevation of the base flood elevation more than one foot at any point.
- Q. Will not be sited and designed so as to require the construction or installation of flood protective works.

Relief from the requirements in Chapter 30.56 may be requested with an application for a Floodplain Development Permit in accordance with Section 30.56.080 without need for a Variance application.

SECTION TWENTY NINE

That Section 30.56.070 of the Municipal Code be revised as follows:

30.56.070 Additional Grounds for Application Approval/Denial (Coastal High Hazard)

- A. An application for a Floodplain Development Permit for a project located in an area designated as being within the Coastal High Hazard Sub-zone shall be approved if the Issuing Authority makes a finding that the proposal meets and is consistent with each of the applicable findings shown below, unless relief is granted in accordance with Section 30.56.080. The failure of the proposal to meet and be consistent with each of the applicable findings shown below shall be grounds for denial of the application. Such finding for denial shall be supported by written findings of fact by the Issuing Authority as to how the application fails to meet one or more of the following findings:

1. The new construction or substantial improvement will not violate provisions of this or other sections of this Chapter, including those regarding General Grounds for Application Denial;
 2. The new construction or substantial improvement will be located landward of the ordinary high water mark (commonly known as the reach of mean high tide line), unless otherwise approved by the State Lands Commission;
 3. The new construction or substantial improvement will not involve the use of fill for structural support of buildings, unless relief is granted in accordance with Section 30.56.080;
 4. The new construction or substantial improvement, unless relief is granted in accordance with Section 30.56.080, will be elevated on pilings or columns such that:
 - a. The bottom of the lowest horizontal structural member of the lowest floor (excluding pilings or columns) is elevated at or above the base flood elevation; or
 - b. The pile or column foundation and the attached structure is anchored to resist flotation, collapse or lateral movement due to the effect of wind and water loads having a one percent chance of being equaled or exceeded in any given year, acting simultaneously on all building components.
 5. The new construction or substantial improvement will have the space below the lowest floor free of obstruction or constructed with non-supporting breakaway walls, open wood lattice work or insect screening intended to collapse under wind and water load without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system; or such enclosed space is non-habitable and is not useable for other than parking of vehicles, building access, or storage.
- B. If additional information is needed to more fully assess the future risk of flood hazards to the proposed development over its economic life and substantiate a decision on the permit, at the discretion of the Planning Director or Issuing Authority, the applicant may be required to provide funding for an independent, third party analysis of the coastal hazards to be prepared by a licensed professional with expertise in coastal processes.

- C. Relief from the requirements in Chapter 30.56 may be requested with an application for a Floodplain Development Permit in accordance with Section 30.56.080 without need for a Variance application.

SECTION THIRTY

That Section 30.56.080 of the Municipal Code be revised as follows:

30.56.080 Relief from Regulations

An application for a Floodplain Development Permit may include a request for relief from one or more of the regulations contained in this Chapter without need for a Variance application. The Issuing Authority for the Permit may approve the request only upon making each of the following written findings of fact that:

- A. The failure to grant the request would result in exceptional hardship to the applicant or to adjacent properties;
- B. The granting of the request will not:
 - 1. Result in increased flood heights either on the project site or on surrounding properties,
 - 2. Result in additional threats to public safety,
 - 3. Result in extraordinary public expense,
 - 4. Create a public or private nuisance,
 - 5. Cause fraud on or victimization of the public, or
 - 6. Conflict with other City regulations; and
- C. The deviation from the requirements of the Chapter is the minimum necessary to afford relief, considering the flood hazard associated with the site.

SECTION THIRTY ONE

That the title to Section 30.56.082 of the Municipal Code be revised as follows:

30.56.082 Acknowledgment of Hazard/Waiver of Liability for Projects Approved with Relief from Chapter

[No change in text]

SECTION THIRTY TWO

That Section 30.56.090 of the Municipal Code be revised as follows:

30.56.090 Additional Regulations Relating to the Storage of Materials or Equipment within a Special Flood Hazard Area

The following restrictions apply to properties located within a Special Flood Hazard Area.

- A. It shall be prohibited to store or process materials that, in a time of flooding, may become buoyant, flammable, explosive, or could be injurious to human, animal or plant life.
- B. The storage of other material or equipment may be allowed if the storage area will not be subject to major damage by floods and if the stored material is firmly anchored to prevent flotation or is readily removable from the area within the time available after flood warning.

SECTION THIRTY THREE

That Section 30.56.100 of the Municipal Code be revised as follows:

30.56.100 Warning and Disclaimer of Liability

The standards in this Chapter are reasonable for regulatory purposes and are based on scientific and engineering considerations largely determined by the Federal Emergency Management Agency. Floods may occur which result in damage. This Chapter is not intended to imply that development in accordance with these standards is immune from flood damage or that development on properties outside the areas designated as Special Flood Hazards Areas (i.e. areas of mudslide or mudflow) will continually be free from flooding or flood damages. In including and enforcing the provisions of this Chapter, the City, including any officer or employee thereof, shall not assume liability for any flood damages that result from reliance on this Chapter or from any decision or action on a permit application lawfully made thereunder.

SECTION THIRTY FOUR

Staff determined the proposed Zone Code Amendment/Local Coastal Program Amendment is exempt from preparation of an environmental document pursuant to CEQA Guidelines Section 15061(b)(3) because this activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The proposed amendments disclose potential hazards, do

not involve any type of expansion of use or development potential, and would not have a significant effect on the environment.

SECTION THIRTY FIVE

This Ordinance was introduced by the City Council on October 15, 2018.

SECTION THIRTY SIX

The City Clerk is directed to prepare and have published a summary of this Ordinance no less than five days prior to the consideration of its adoption and again within 15 days following adoption indicating votes cast.

SECTION THIRTY SEVEN

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION THIRTY EIGHT

The Ordinance will be submitted to the Coastal Commission for final certification of the Local Coastal Program Amendment.

SECTION THIRTY NINE

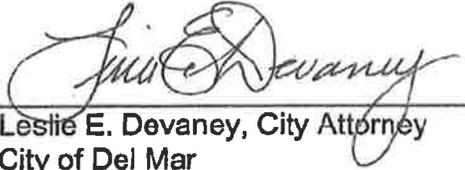
The Ordinance will take effect and be in force on the date that the California Coastal Commission takes action to unconditionally certify the Local Coastal Program Amendment.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council held on the 29th day of October 2018.



Dwight Worden, Mayor
City of Del Mar

APPROVED AS TO FORM:



Leslie E. Devaney, City Attorney
City of Del Mar

ATTEST AND CERTIFICATION:

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO
CITY OF DEL MAR

I, ASHLEY JONES, Administrative Services Director/City Clerk of the City of Del Mar, California, DO HEREBY CERTIFY, that the foregoing is a true and correct copy of Ordinance No.943, which has been published pursuant to law, and adopted by the City Council of the City of Del Mar, California, at a Regular Meeting held the 29th day of October, 2018, by the following vote:

AYES: Mayor Worden, Deputy Mayor Druker, Council Member Haviland,
Parks, and Sinnott
NOES: None
ABSENT: None
ABSTAIN: None



Ashley Jones, Administrative Services
Director/City Clerk
City of Del Mar

Analysis of CCC Staff’s Suggested Modifications

	<u>Draft CCC Conditions of Approval</u>	<u>Draft City Response</u>
1	<p>Includes multiple modifications (1a through 1e) that would expand the mapped Floodplain Overlay Zone to include an additional “vulnerability area” to require that all new development and redevelopment address sea level rise projections on a property-by-property basis. Portions of the modifications (within 1b and 1c) clarify that the overlay zone applies to floodplain areas designated on the FIRM map in effect.</p>	<p>REJECT 1a, 1d, and 1e- CCC’s proposed approach is contrary to what was adopted. This concept was already considered and rejected by the City Council in favor of a systems approach to address projected sea level rise. The adopted commitment of the City Council is that sea level rise projections can be used to help inform decisions, but due to the range of missing variables and uncertainty they should not be relied on as a development review standard.</p> <p>Potentially accept a portion of 1b and 1c as follows:</p> <p>b. Modify LCP Land Use Plan Policy III-13 as follows: III-13 Ensure that development within the Floodplain Overlay Zone will not unreasonably obstruct flood waters; will not create a hazard to life, health, safety, or the general welfare; will reduce the need for the construction of flood control facilities that would be required if unregulated development occurs; and will minimize the cost of flood insurance to Del Mar residents. The following Floodplain (FP) Overlay Zone policies shall be applied to all applications for a Floodplain Development Permit. A Floodplain Development Permit shall be required for any new construction or substantial improvement to existing structures within the FP Overlay Zone. This overlay zone incorporates floodplain areas designated on the Federal Insurance Rate Map (FIRM) for the area as prepared by the Federal Emergency Management Agency. The floodplain areas are generally depicted on the map that is included as Figure III.</p>

		<p>c. Modify second paragraph under the Land Use Plan Chapter III subheading “3. Flooding (River and Coastal) as follows:</p> <p>Much of the San Dieguito River Valley is within the 100-year floodplain as designated on Federal Insurance Rate Program Maps prepared by the Federal Emergency Management Agency. The floodway and floodplain extend over previously developed and undeveloped land. The City protects the public health, safety, and general welfare in these areas through application of the Floodway Zone regulations (Del Mar Municipal Code Chapter 30.29) and Floodplain Overlay Zone regulations (Del Mar Municipal Code Chapter 30.56). The Floodway Zone regulations prohibit the placement of fill or the development of permanent structures within the Floodway Zone where the hazards of flooding are the greatest. The Floodplain Overlay Zone regulations apply to the 100-year floodplains, which are the City’s flood-prone areas that are subject to periodic inundation due to river or coastal flooding <u>as shown on the FEMA Flood Insurance Rate Map (FIRM)</u>.</p>
<p>2</p>	<p>Would expand the mapped Coastal Bluff Overlay Zone to include an additional “transitional area” for vulnerable slopes along the South Bluff that are not “coastal bluffs” and would require that all new development and redevelopment in this area address sea level rise projections.</p>	<p>REJECT - CCC’s proposed approach is contrary to what was adopted. This concept was already considered and rejected by the City Council in favor of a systems approach to address projected sea level rise. The adopted commitment by the City Council is that sea level rise projections can be used to help inform decisions, but due to the range of missing variables and uncertainty they should not be relied on as a development review standard.</p>
<p>3</p>	<p>Would incorporate select elements of the City’s Adaptation Plan into the LCP LUP as new sea level rise-related policies.</p>	<p>REJECT – CCC’s proposed approach is contrary to what was adopted. The suggested condition takes excerpts from the City’s stated AP goals for</p>

		<p>incorporation into the LCP, but not others and changes the City’s intended meaning. The community wants and expects the AP to remain intact and implemented as adopted.</p>
<p>4</p>	<p>Would insert new trigger-based requirements in the LCP Land Use Plan that would require future LCP updates at least every 10 years or sooner if:</p> <ol style="list-style-type: none"> 1) the bluff edge erodes to within 35 feet of development; 2) relocation of the railroad is approved and funded; 3) flood and damage risk approaches 5% annual chance of extreme flooding and damage for any 3 years out of any 5-year period; 4) winter beach narrows to 25 feet or less or summer beach width narrows to 80 feet or less for any 3 years out of any 5-year period; or 5) river flooding and damage increases to 5% for any 3 years out of any 5-year period 	<p>REJECT – CCC’s proposed approach was already considered and rejected by the City. CCC is taking certain points from the Adaptation Plan and using them in a different context than was intended. The City’s adopted approach involves local review and discussion of annual monitoring reports that will consider quantitative and qualitative factors based on the relative local context at the time of review. The level of significance is to be determined at the local level and will consider risks and the associated impacts (environmental, fiscal, legal, etc.) of available options.</p> <p>The City can agree to participate in a future public discussion with coastal commission but can’t commit future Council’s to LCPA updates when there is no demonstrated need for such a change at this time.</p>
<p>5</p>	<p>Would incorporate sea level rise projections into the calculation of bluff setbacks, which already account for projected bluff retreat over the next 75 years and slope stability.</p>	<p>REJECT - This approach was already considered and rejected by the City.</p>
<p>6</p>	<p>Would modify City’s adopted policy language relating to the feasibility of project design without SPDs by removing the phrase “where feasible”; and modifies the policy in support of relocation of the railroad and public infrastructure from vulnerable bluffs by adding a reference to remove the railroad from vulnerable “beach areas”.</p>	<p>REJECT - CCC’s proposed approach is in direct conflict with the City’s adopted LCP and local voter initiative (Beach protection Initiative).</p>

<p>7</p>	<p>Would modify existing LCP Land Use Plan floodplain-related policy to require structures account for findings of by requiring the lowest floor of structures in the floodplain to be elevated even higher than what is required by the FEMA standard based on sea level rise projections.</p>	<p>REJECT – CCC’s proposed approach is inconsistent with the City’s adopted LCP. CCC’s proposal ignores the local development context which already includes a system of flood protection consistent with FEMA’s standards. The concept of requiring structures to be raised up even higher on a piece meal basis has the potential to create environmental impacts in conflict with neighborhood character and visual quality and was already rejected by the City Council.</p>
<p>8</p>	<p>Would modify the City’s adopted policy that the City develop a fee recovery program to fund adaptation by requiring that the City process a future LCPA amendment to incorporate the program into the LCP.</p>	<p>REJECT – CCC’s proposed requirement for an LCPA to be processed in order to implement a policy that is being created with this LCPA seems circular and contrary to the intent. The City is trying to collect funds to use for adaptation per the LCP. CCC’s requirement just adds a processing constraint that further drains limited city resources for our small coastal city.</p>
<p>9</p>	<p>Would expand upon the City’s adopted sea level rise policy to explain that the best available science was updated during City’s LCPA and will continue to be updated.</p>	<p>Could be partially accepted as follows: Land Use Plan Policy - 5. Sea Level Rise Sea level rise is the increase in the elevation of the ocean surface. The City’s Coastal Hazards, Vulnerability, and Risk Assessment (Environmental Science Associates 2016) identified that the City is vulnerable to sea level rise and the associated risk of flooding (river and coastal), storm surge, beach erosion, and coastal bluff erosion. With projected future climate change and sea level rise, Del Mar’s vulnerabilities are projected to increase in both frequency and intensity, resulting in increased damage to much of Del Mar’s shoreline, San Dieguito Lagoon, Los Penasquitos Lagoon, and the adjacent low-lying areas and coastal bluffs. Sea level rise is projected to impact the City’s coastal resources and valued assets including public and private properties; the public beach and beach access; lagoon habitat;</p>

		<p>and government infrastructure including the City’s emergency services, roads, bridges, and other infrastructure.</p> <p>Local sea level rise projections and effects are based on <u>in the City’s Coastal Hazards, Vulnerability, and Risk Assessment (Environmental Science Associates 2016) accounted for the 2012 National Research Council study “Sea Level Rise for the Coasts of California, Oregon, and Washington”, which, subject to updates as appropriate, is</u> was considered the best available science for the State of California at the time the report was developed. <u>The best available science has since been updated by the State of California and regular updates to the science are expected to become available.</u> However, the processes causing sea level rise and the science projecting sea level rise are <u>remain</u> inherently uncertain because the rate of sea level rise is highly dependent on whether global greenhouse gas emissions will be reduced <u>and a variety of other factors</u>. This means that the actual rate of sea level rise could be higher or lower than currently projected. The City has therefore adopted a flexible approach to monitor the change in conditions over time and to respond as appropriate when there is a significant and measurable change in conditions.</p> <p>The City will continue to monitor the change in local shoreline conditions and utilize best available science to plan for and minimize coastal hazards, maximize protection of coastal resources, coordinate with regional, state, and federal agencies, and maximize public participation. Where significant changes in hazardous conditions are identified, adaptation measures will be considered to reduce the level of risk to people, property, and coastal resources consistent with Del Mar’s Sea Level Rise Adaptation Plan (Environmental Science Associates 2018).</p>
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<p>10</p>	<p>Would incorporate Sea Level Rise into Floodplain Development Regulations similar to suggested modification #1.</p>	<p>REJECT - This was already considered and rejected by the City. See #1.</p>
<p>11</p>	<p>Would create a new Transitional area in the Coastal Bluff Overlay Zone similar to suggested modification #2.</p>	<p>REJECT - This was already considered and rejected by the City Council. See #2.</p>
<p>12</p>	<p>Would expand upon the recorded notice provisions in the Coastal Bluff Overlay Zone to address the future of the railroad as a variable and add public agency indemnity relating to a Transitional Area that does not exist.</p>	<p>REJECT – Expansion of the Coastal Bluff Overlay Zone to include a Transitional Area was already considered and rejected by the City Council. See #2.</p>
<p>13</p>	<p>Would delete the City’s desired LCP definition of “existing development” in Coastal Bluff Overlay Zone to keep this term undefined in the City’s LCP.</p>	<p>Potentially could be accepted if the existing LCP provisions for shoreline protection per the BPI will still apply; and if #2, #11, and #12 are rejected.</p>
<p>14</p>	<p>Would incorporate sea level rise projections into the calculation of bluff setbacks.</p>	<p>REJECT - This was already considered and rejected by the City.</p>
<p>15</p>	<p>Would modify the City’s adopted purpose statement for the Coastal Bluff Overlay Zone to add “protection of coastal resources and public access” to the intent; and would modify the purpose related to SPDs in conflict with the City’s intent.</p>	<p>Could be partially accepted</p> <p>Can potentially accept the proposed modification to Section 30.55.010.A as follows: The purpose of the Coastal Bluff Overlay Zone is to protect Del Mar’s coastal bluffs as a visual resource and avoid the risks to life and property associated with bluff failure and shoreline erosion while employing regulations consistent with the rights of private property owners <u>and the protection of coastal resources and public access.</u></p> <p>REJECT the proposed modifications to Section 30.55.010.B which would change the meaning to prevent shoreline protective devices instead of “reduce the need for shoreline protective devices” per the adopted text.</p>

<p>16</p>	<p>Would insert requirements into Coastal Bluff Overlay Zone relating to temporary erosion control measures that the City already requires to implement stormwater requirements; and would add language about additional bluff setbacks for vulnerable slopes that are in conflict with City's intent.</p>	<p>Could be partially accepted</p> <p>Can potentially accept the modification to Section 30.55.050D: The development shall not result in an increase in peak runoff from the site over the greatest discharge expected during a 10-year, 6- hour frequency storm. Runoff control shall be accomplished by a variety of measures including, but not limited to, temporary and/or permanent on-site catchment basins, detention basins, siltation traps, energy dissipaters and the installation of landscape material. <u>All temporary erosion control measures proposed or required pursuant to the provisions of Chapter 30.55 shall be installed prior to the commencement of grading in the areas for which the erosion control measures are intended.</u></p> <p>REJECT the proposed modifications to 30.55.050E.1 which would add unnecessary confusion to the existing requirement.</p>
<p>17</p>	<p>Would expand the Floodplain Overlay Zone Map to include sea level rise vulnerability areas similar to suggested modification #1.</p>	<p>REJECT - This was already considered and rejected by the City. See #1.</p>
<p>18</p>	<p>Delete the City's desired LCP definition of "existing development" in Floodplain Overlay Zone to keep this term undefined in the City's LCP.</p>	<p>Potentially could be accepted if the existing LCP provisions for shoreline protection per the BPI will still apply; and if #1, #10, and #17 are rejected.</p>
<p>19</p>	<p>Would add to the City's adopted definition of "substantial improvement" (that was adopted to demonstrate compliance with FEMA) by adding CCC's preferred alternate definition that would require the City to cumulatively measure the change in structural components over time starting back in September 2001 to present.</p>	<p>REJECT – This approach is inconsistent with the City's adopted LCP and would unnecessarily complicate the development review process. The City already has a definition of substantial improvement in the certified LCP that is consistent with the definition required by FEMA. CCC has not sufficiently demonstrated why this alternate definition should be required in the Floodplain Overlay Zone.</p>

<p>20</p>	<p>Would add limit on new subdivisions in Floodplain tied to “resource protection measures” in LCP and “all-weather” access to parcel</p>	<p>Potentially could be accepted if reworded to match the adopted coastal bluff overlay condition:</p> <p>As a new Subsection 30.56.045.D as follows:</p> <p><u>D. New subdivisions shall not be approved unless all parcels created meet the standards for new development, and the subdivision provides safe, legal, all-weather access to each parcel created.</u></p>
<p>21</p>	<p>Would add a requirement for a sea level rise study for a Floodplain Development</p>	<p>REJECT - This was already considered and rejected by the City Council. See #1.</p>
<p>22</p>	<p>Would add to notice requirement to require that owner acknowledge the property is “located in a hazardous area or in an area that may become hazardous in the future”...and indemnity</p>	<p>REJECT - This was already considered and rejected by the City Council.</p>
<p>23</p>	<p>Would add grounds for denial of a Floodplain Development Permit based on sea level rise projections.</p>	<p>REJECT - This was already considered and rejected by the City Council.</p>
<p>24</p>	<p>Would add a link to the existing CDP exemptions in Chapter 30.75 of the LCP under the listed exemptions from a Floodplain Development Permit in Chapter 30.56.</p>	<p>ACCEPT</p> <p>Modify Section 30.56.050.A to add a link to the CDP exemptions: Development in the Floodplain Overlay Zone requires approval of the following permits, <u>unless it meets the exemption criteria in 30.75.200 and</u> the development is limited to interior modifications or repairs, or exterior repairs, alterations or maintenance that does not increase the footprint of an existing structure:</p>
<p>25</p>	<p>Would address minor “non-substantive” edits as listed in Exhibit 10</p>	<p>ACCEPT - non-substantive edits</p>

Cynthia Bolker & Greg Rizzi
147 27th Street
Del Mar, CA 92014
Cbolk57@gmail.com

October 2, 2019

Via cityclerk@delmra.ca.us

Attn: City Council Members
Re: October 7, 2019 City Council Meeting

Dear Mayor Duke Druker, Dwight Worden, Ellie Haviland, Deputy Mayor, Sherryl Parks and Terry Gaasterland,

We continue to urge you to vote in the best interests of our community to:

- 1) Reduce the risk of flooding in our neighborhoods, especially the beach colony
- 2) Foremost support sand replenishment and retention
- 3) Refuse any solution that is managed retreat and modifications to our LCPA, in any shape or form
- 4) Maintain our beaches and coastal community so we retain a viable public beach
- 5) Protect our infrastructure, public facilities and civic amenities
- 6) Consider other sand protecting measures

Thank you,



Cynthia Bolker & Greg Rizzi

Amanda Lee

From: Melinda Gould
Sent: Wednesday, October 2, 2019 3:10 PM
To: Amanda Lee
Subject: FW: October 7th Council Meeting

Melinda Gould
Administrative Assistant
City of Del Mar

-----Original Message-----

From: Burnet Wohlford <bfwohlford@yahoo.com>
Sent: Wednesday, October 02, 2019 2:45 PM
To: City Clerk Mail Box <CityClerk@delmar.ca.us>
Subject: October 7th Council Meeting

Dear City Council,

It has come to my attention that the California Coastal Commission has rejected DEL Mar's LCP as submitted. They have recommended that Del Mar accept 25 modifications to the LCP. Included in the modifications, the CCC is forcing us to accept managed retreat, to declare over 700 homes in the beach colony and bluff areas as high risk to potential buyers and insurance companies and to take away our ability to seek damages when our homes are destroyed by the CCC's actions. This is NOT ACCEPTABLE!!!!!!!

I am 90 years old and have owned my home for over 50 years. I ask that you abide by your October 2018 decision to reject managed retreat and protect all of us homeowners and residents of Del Mar. Del Mar is under no obligation to accept the modifications of the CCC. Managed retreat is not an option for Del Mar and never will be.

Please fight this property confiscation that is being promoted by the CCC.

Thank you for your help with this situation.

Best regards,

Burnet F. Wohlford
2102 Ocean Front
Del Mar

Sent from my iPad

Amanda Lee

From: Melinda Gould
Sent: Monday, September 30, 2019 11:24 AM
To: Amanda Lee
Subject: FW: Managed Retreat

Melinda Gould
Administrative Assistant
City of Del Mar

-----Original Message-----

From: Robb Dalton <robb.dalton@cox.net>
Sent: Monday, September 30, 2019 11:16 AM
To: City Clerk Mail Box <CityClerk@delmar.ca.us>
Subject: Managed Retreat

My wife and I have a residence at 1552 Camino Del Mar, Unit 506 and love Del Mar. One of the Village's greatest assets (and there are many) is our lovely beach.

We are quite concerned about the Coastal Commission forcing managed retreat on all of us and hope the entire City Council will stick up for our town, our rights and our beach!

Prior to moving down here we lived for many years in Malibu and saw first hand how heavy handed the Coastal Commission can be, but home homeowners and communities have rights.

Thank you for listening to us and please continue to work in the interest of what the residents clearly want, which is NO MANAGED RETREAT.

Regards,

Robert & Eriko Dalton

Amanda Lee

From: Melinda Gould
Sent: Wednesday, October 2, 2019 3:10 PM
To: Amanda Lee
Subject: FW: October 7th Council Meeting/CCC

Melinda Gould
Administrative Assistant
City of Del Mar

From: Elizabeth Wohlford-MacLeod <lizziemac1@yahoo.com>
Sent: Wednesday, October 02, 2019 2:32 PM
To: City Clerk Mail Box <CityClerk@delmar.ca.us>
Subject: October 7th Council Meeting/CCC

Dear Council,

It has come to my attention that the California Coastal Commission has rejected Del Mar's LCP as submitted and has recommended Del Mar to accept 25 modifications. Included in those modifications, the CCC is forcing us to accept managed retreat, to declare over 700 homes in the beach colony and bluff areas as high risk to potential buyers and insurance companies and to take away our ability to seek damages when our homes are destroyed by the Coastal Commission's actions. THIS IS ABSOLUTELY UNACCEPTABLE!

As a third generation homeowner of Del Mar, I ask that the City Council abide by their previous decision to reject managed retreat and inform the CCC of this decision again. Del Mar is under no obligation to accept the modifications that the CCC recommends. Managed retreat is not an option for Del Mar and for our homeowners.

Please remember your obligations to the homeowners and residents of Del Mar who have much time and effort on this issue. Our lives and our homes depend upon the city Council abiding by their October, 2018 decision to reject managed retreat.

Thank you for your consideration,

Elizabeth Wohlford
2102 Ocean Front

Amanda Lee

From: Melinda Gould
Sent: Monday, September 30, 2019 1:03 PM
To: Amanda Lee
Subject: FW: Managed retreat/triggers

Melinda Gould
Administrative Assistant
City of Del Mar

-----Original Message-----

From: Christy <seahahn@adelphia.net>
Sent: Monday, September 30, 2019 12:06 PM
To: City Clerk Mail Box <CityClerk@delmar.ca.us>
Subject: Managed retreat/triggers

I'm sincerely hoping the city council will hold fast to their promise of no managed retreat period. No triggers. Please keep us with local power and we can figure it out as needed. By the way, how fantastically WIDE is our beach right now?!

You've fought the CCC on short term rentals. Why not this?!

Christy Hahn
2027 Coast Blvd

Sent from my iPhone

Amanda Lee

From: Melinda Gould
Sent: Wednesday, October 2, 2019 4:24 PM
To: Amanda Lee
Subject: FW: Red Dot Council meeting 10/7/19 LCPA discussion

Melinda Gould
Administrative Assistant
City of Del Mar

From: Nancy Stoke <nancystoke@earthlink.net>
Sent: Wednesday, October 02, 2019 4:12 PM
To: City Clerk Mail Box <CityClerk@delmar.ca.us>
Subject: Red Dot Council meeting 10/7/19 LCPA discussion

Honorable Mayor & Council Members,

Linda Holland asked to go on record as strongly recommending that the city reject the CCC trigger points. Please see below...

Thank you,
Nancy

From: Linda Holland
Sent: Friday, September 27, 2019 2:35 PM
To: Nancy Stoke ; Terry Gaasterland
Subject: Re: Fw: Coastal Commission recommends conditional approval for sea level rise plan

Dear Nancy and Terry,

Thank you very much for your email in regard to the coastal Commission's still pushing "managed retreat." I can't attend the various meetings. However, I want to go on record as strongly recommending that the city reject the Coastal Commission's "trigger points." Managed retreat can never be an option for 25% or more of the houses in a town that is 99% built up already. The Netherlands built dykes. If necessary, we could too.

Sincerely,
Linda Holland

On 9/27/2019 2:01 PM, Nancy Stoke wrote:

X to take away our ability to seek damages when our homes are destroyed by the Coastal Commission's actions.

--

Linda Holland
4400 Hubbs Hall
MBRD/SIO
University of California San Diego
9500 Gilman Drive
La Jolla, CA 92093-0202
Tel 858-534-5607
Fax 858-534-7313

Amanda Lee

From: Ashley Jones
Sent: Monday, September 30, 2019 7:05 PM
To: Amanda Lee
Cc: City Clerk Mail Box
Subject: FW: Del Mar Managed Retreat

Follow Up Flag: FollowUp
Flag Status: Flagged

Please see below. – Ashley

From: joseph libretti <jolibretti@gmail.com>
Sent: Monday, September 30, 2019 7:04 PM
To: City Clerk Mail Box <CityClerk@delmar.ca.us>
Cc: Ashley Jones <ajones@delmar.ca.us>
Subject: Del Mar Managed Retreat

Dear members of Del Mar City,
In consideration to this highly sensitive matter.
Please honor your original statement.

Del Mar City Council promised to oppose managed retreat, to oppose trigger points that would provide a back door to managed retreat, to uphold Del Mar's definition of "existing development" that protects our homes from government overreach, and to reject California Coastal Commission modifications that are inconsistent with our local coastal governing documents.

Thank you for your honesty.
Sincerely,
Joseph P Libretti

Amanda Lee

From: Melinda Gould
Sent: Wednesday, October 2, 2019 8:04 AM
To: Amanda Lee
Subject: FW: Red Dot Council Meeting 10/7/19 LCPA Discussion

Follow Up Flag: Follow up
Flag Status: Flagged

Melinda Gould
Administrative Assistant
City of Del Mar

From: Marilyn Stoke <mandrstoke@earthlink.net>
Sent: Tuesday, October 01, 2019 8:11 PM
To: City Clerk Mail Box <CityClerk@delmar.ca.us>
Subject: Red Dot Council Meeting 10/7/19 LCPA Discussion

Honorable Mayor and Council Members,

In regards to the discussion regarding the LCPA and the modifications requested by CCC...

The UNELECTED Calif Costal Comm is trying to undo the LCPA which was extensively studied and meticulously prepared by Del Mar citizens and agreed upon by YOU, our ELECTED Council members.

Don't let it happen!

Respectfully submitted,

Marilyn & Randy Stoke
Ocean Front, Del Mar

Amanda Lee

From: Melinda Gould
Sent: Monday, September 30, 2019 8:57 AM
To: Amanda Lee
Subject: FW: Support local coast program amendment

Melinda Gould
Administrative Assistant
City of Del Mar

From: Carol More <more0000@aol.com>
Sent: Monday, September 30, 2019 8:49 AM
To: City Clerk Mail Box <CityClerk@delmar.ca.us>; Ashley Jones <ajones@delmar.ca.us>
Subject: Support local coast program amendment

We want the city council to abide by it's promise to oppose the California Coastal Commissions intent to control Del Mar's local options. We look for the Council to support LCPA as promised, and to reject the Coastal Commissions Modifications.

Carol More and Jim Schmidt
230 22nd Street

Amanda Lee

From: Ashley Jones
Sent: Monday, September 30, 2019 11:41 AM
To: Amanda Lee
Subject: Fwd: Please oppose coastal commission

Sent from my iPhone

Begin forwarded message:

From: Terry Smith <outlook_EA3957F91FC93893@outlook.com>
Date: September 30, 2019 at 8:20:33 AM PDT
To: "ajones@delmar.ca.us" <ajones@delmar.ca.us>
Subject: **Please oppose coastal commission**

Terry and Ginger Smith

Sent from [Mail](#) for Windows 10

Amanda Lee

From: Melinda Gould
Sent: Monday, September 30, 2019 8:22 AM
To: Amanda Lee
Subject: FW: Managed retreat

Hi Amanda,

Please see email below.

Thanks,

Melinda Gould
Administrative Assistant
City of Del Mar

From: Terry Smith <outlook_EA3957F91FC93893@outlook.com>
Sent: Monday, September 30, 2019 8:19 AM
To: City Clerk Mail Box <CityClerk@delmar.ca.us>
Subject: Managed retreat

Please fight the coastal commission !

Terry and Ginger Smith
232 21st

Sent from [Mail](#) for Windows 10