



CITY OF DEL MAR

June 8, 2021

California Coastal Commission
455 Market Street, Suite 300
San Francisco, CA 94105

**RE: City of Del Mar Sea Level Rise Amendment LCP-6-DMR-20-0005-1
Notice of Withdrawal**

Dear Chair Padilla and Members of the Commission,

On Monday, June 7, 2021, the Del Mar City Council held a public meeting via teleconference to hear from the public in preparation for the Coastal Commission's scheduled hearing of the City's Sea Level Rise Local Coastal Program Amendment (LCPA) as Item Th9d on June 10, 2021. The City Council reviewed the Coastal Commission staff report published May 28, 2021 and reviewed the City staff report published June 2, 2021. At their meeting on June 7, 2021, the City Council received the City staff presentation, listened to and read public comments (both written and oral comments) that represented various perspectives, considered legal advice provided by the Del Mar City Attorney, and discussed the issues amongst the members of the City Council. The Del Mar City Council as a whole found that the package of Coastal Commission's suggested modifications could not be accepted due to various inconsistencies and conflicts that would result. Because of the timing, the City Council concluded that the City has no choice but to withdraw prior to the June 10, 2021 Coastal Commission meeting in a 4-1 vote. As such, the City Council is formally withdrawing its Sea Level Rise LCP Amendment (LCP-6-DMR-20-0005-1).

As previously shared, community input and feedback from stakeholders has been an important part of Del Mar's sea level rise planning since August 2014 when the Sea Level Rise Technical Advisory Committee (STAC) was first convened. STAC included Del Mar residents and homeowners, the Fairgrounds, our neighbors in Solana Beach, the Surfriider Foundation, and the Coastal Commission, as well as experts from the Scripps Institution of Oceanography. These stakeholders – including the representative from the Coastal Commission – met regularly for four years to study Del Mar's vulnerabilities and develop comprehensive, science-based, feasible adaptation strategies that were adopted by the City Council in October 2018 as additional LCP policies and regulations. In accordance with Senate Bill 379, the Del Mar City Council also adopted the Adaptation Plan by reference within the Del Mar Community Plan (General Plan) Safety Element.

The City's adopted Adaptation Plan and LCPA were the product of much public discussion, debate, and deliberation for years. The risks of sea level rise were studied and disclosed; and the adopted Plan ensured protections for coastal resources and public access, including a variety of nature-based adaptation solutions to help the City adapt over the long term. The City studied and considered managed retreat as an option and

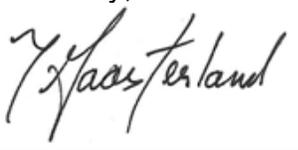
concluded it is not feasible for Del Mar within the meaning of “feasible” as defined within the Coastal Act and within the California Environmental Quality Act law. There is widespread community support for the adopted Adaptation Plan and strong community opposition to any of the changes requested by the Coastal Commission that would substantially deviate from the LCPA adopted by the City Council in October 2018.

The City Council was disappointed to find that the City’s expressed concerns have not been effectively heard or considered. Based on the correspondence submitted by Coastal Commission staff for the June 7, 2021 City Council meeting, it is clear that the Coastal Commission is committed to continue advocating for changes to local definitions to prohibit or require the removal of shoreline protection and for changes to require notice recordation based on uncertain long term projections. While managed retreat is not specifically stated within any of the Coastal Commission’s modifications, the suggested modifications are viewed by the community as a means for managed retreat to be imposed via the Local Coastal Program notwithstanding the stated local objections to managed retreat in Del Mar. The City understands that these Coastal Commission modifications are of common concern to local jurisdictions statewide. In the case of Del Mar, these items substantially deviate from the adopted LCPA and conflict with the City’s desired approach for phased adaptation and rejection of managed retreat, and therefore are unable to be accepted.

Based on the facts within the record, the City Council concluded that the City’s adopted LCPA provides sufficient resource protection and development policies and regulations within the LCP Land Use Plan and Implementing Ordinances consistent with the Coastal Act and the objectives of the sea level rise planning work program. The City Council further concluded that the City is not able to move forward with the LCP modifications requested by the CCC. Please refer to the attached City Council motion and supporting details regarding the City Council decision to withdraw the LCPA.

The City of Del Mar is committed to moving forward with adaptation and looks forward to working with the Coastal Commission on several adaptation projects in progress including beach nourishment, a potential living levee, replacement of the Camino del Mar bridge over the San Dieguito Lagoon, and relocation of the railroad from the South Bluff in Del Mar. We look forward to participating in future discussions with the Coastal Commission together with the League of Cities and Association of Counties to address the outstanding big picture items that have similarly impeded final certification of locally adopted Sea Level Rise LCPAs in other coastal jurisdictions statewide.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry Gaasterland", enclosed in a thin black rectangular border.

Terry Gaasterland
Mayor

Attachment: Del Mar City Council Motion and Supporting Details for Withdrawal of LCPA

**City Council Discussion of Coastal Commission's Requested Modifications
to the City's adopted Sea Level Rise LCPA**

**Motion to Withdraw LCP Amendment LCP-6-DMR-20-0005-1 and
Discussion of Supporting Details**

Approved by City Council on June 7, 2021

Motion by Mayor Gaasterland to withdraw Del Mar's Sea Level Rise LCPA prior to the June 10, 2021 Coastal Commission hearing, second by Councilmember Quirk, passed by a vote of 4-1 (Ayes Mayor Gaasterland and Councilmembers Quirk, Druker, and Martinez; and Noes Deputy Mayor Worden). Motion to withdraw based on the following findings stated during the presentation, public comment, and City Council discussion and as further stated during the City Council direction:

Del Mar's Sea Level Rise Adaptation Plan and Local Coastal Program Amendment (LCPA) resulted from years of research, community input, and expert guidance using the best science available. The Plan is comprehensive and protects Del Mar's residents, resources, property, beaches, bluffs, lagoon from the effects of projected sea level rise.

Community input and feedback from stakeholders has been an important part of Del Mar's sea level rise planning since August 2014 when the City first convened the Sea Level Rise Technical Advisory Committee (STAC) with all stakeholders represented. STAC included Del Mar residents and homeowners, the Fairgrounds, neighbors from Solana Beach, the Surfriider Foundation, and the Coastal Commission, as well as experts from the Scripps Institution of Oceanography. These stakeholders – including the representative from the Coastal Commission – met regularly for four years to study Del Mar's vulnerabilities and develop comprehensive, science-based, feasible adaptation strategies. The resulting Adaptation Plan and subsequent LCPA were the product of much discussion, debate, and deliberation for years. Del Mar's Plan recognizes and plans for the uniqueness of Del Mar, including the need for continued implementation of the City's 1988 voter-approved Beach Preservation Initiative (BPI) which identifies the allowable location for shoreline protection in North Beach where it meets the specified criteria. The adopted Plan also preserves and protects Del Mar beaches, beach access, public and private property, and coastal resources.

The 22 new modifications received from the Coastal Commission on May 28, 2021 were found to substantially deviate from the Plan as adopted in 2018. The modifications ask property owners without current or near-term risk to assume future risk in a recorded notice based on uncertain long-term projections. Collectively and individually, the modifications attempt to introduce managed retreat for private property into the Plan in spite of the City's stated conclusion that managed retreat is not a feasible strategy for Del Mar. From the beginning, in 2018, when the LCPA was first approved for submission, Del Mar's City Council asserted unanimously that if the Coastal Commission will not approve the Plan as adopted without managed retreat for private property, the LCPA would be withdrawn.

The Coastal Commission's modifications reintroducing managed retreat for private property would irreversibly harm Del Mar, Del Mar beaches, the millions of beach visitors each year, and the 700+ homes in the beach community. The modifications also include new deed restriction

and altered bluff erosion rate calculation requirements for Coastal Bluff Overlay Zone with potential to further apply to another 500+ homes on the South Bluff.

Why is the City's Adaptation Plan important to Del Mar? It protects the City. It prepares the City. It keeps the City alert and ready. Following are some highlights from the past seven-year work effort:

RETREAT WILL INCREASE FLOODING RISK:

If one stands on the oceanfront beach berm looking inland, they will see that the terrain is all downhill to the east. The elevation is lower where hundreds of homes, access roads, free parking and visitor services are located.

The oceanfront berm provides the line of defense to the lower lying roads and infrastructure inland. Without seawall protection as provided for in Del Mar's existing LCP, Del Mar's neighborhoods will be quickly compromised. After removal of shoreline protection/retreat, the low-lying land east of the missing berm, due to its low elevation, would be flooded and eventually revert to wetlands. Because of this unique topology, loss of seawall protection will compromise the oceanfront berm and eliminate viable access to the beach.

DEL MAR PROVIDES FREE AND OPEN BEACH ACCESS TO ALL VISITORS:

Del Mar welcomes over 2.7 million visitors each year with open arms – with free showers, lifeguard service, free first aid and over 1,000 mostly free parking spaces to all who visit the beach. Del Mar's welcome to all beach users is a shining example of proactive compliance with the goals of the Coastal Act, with the economic and cultural diversity unmatched elsewhere in California. Del Mar has tremendous economic diversity and is filled with teachers, retirees living on fixed incomes, and working-class people in addition to the wealthy. Cultural diversity along the beach is confirmed by a walk along the crowded beach any summer day. People of all origins and backgrounds including Asia Pacific, the Middle East, and Europe enjoy Del Mar's beaches. Del Mar leads the way for equitable beach access and safety for all.

Beach access in Del Mar has been further expanded with One Paseo's 800-plus rental units just up Del Mar Heights Road in the City of San Diego. Del Mar's parking and traffic committee is working to accommodate and integrate these additional beach users smoothly. Despite some portrayals of Del Mar as a self-centered group of "private property owners concerned about property values", Del Mar has always tried to do the right thing, by putting others' beach access before their neighborhood tranquility.

DEL MAR'S PLAN ADAPTS AND ACCOMMODATES FOR SEA LEVEL RISE, including:

- Sand replenishment for beach and bluff protection. The sand replenishment strategy is working. As a result of upstream beach nourishment projects, the Del Mar beaches have more sand than ever – with wide, walkable beaches at high tide.
- Living levee to create adaptive capacity and minimize the risk of river flooding.

- Dredging of the San Dieguito Lagoon river mouth to maintain tidal flow, protect the Lagoon, and support beach nourishment.
- Plan ahead for projected tidal influence changes to the Lagoon wetlands and upland migration of wetland habitat.
- Public facilities – relocate or protect from flooding, including sewer pump lift station, public works yard, and the fire station which are in the floodplain.
- Maintain BPI shoreline protection (adopted by voters in 1988 and certified in Del Mar’s LCP) – preserves and protects the beach, the century-old North Beach neighborhood, and public beach access at each street end.
- Monitor regional plans to upgrade Lake Hodges Dam, which in turn may create an opportunity for sand replenishment from sand trapped behind the dam.

THE PLAN INCLUDES ONGOING MONITORING AND ASSESSMENT:

Del Mar’s LCPA application includes ongoing commitments to monitor conditions related to sea level rise. The Commission’s recommendations seem counter-productive to the beach access goals of the Coastal Act. Del Mar submitted a Plan that culminated from countless hours of work and community input. The adopted Plan commits Del Mar to continued dialogue, discussions and problem solving. The Plan balances the State’s intent for sea-level rise guidance and the community’s needs.

Del Mar’s Plan without managed retreat for private property is already part of the Del Mar Community Plan (General Plan). The City has been using it to guide decisions since 2018. The City’s original planning grant did require Del Mar to submit the Plan to the Coastal Commission as an LCPA for consideration. However, the Coastal Act provides for a local government to determine the precise content within its LCP in consultation with the Coastal Commission and with meaningful opportunities for public participation.

Based on the facts within the record, the City Council concluded that the City’s adopted LCPA provides sufficient resource protection and development policies and regulations within the LCP Land Use Plan and Implementing Ordinances consistent with the Coastal Act and the objectives of the sea level rise planning work program. The City Council further concluded that the City is not able to move forward with the LCP modifications as requested by the Coastal Commission.