

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.

- c. At-grade accessory structures that do not require foundations (such as fences, windscreens, and benches) may be set back a minimum of ten feet from a coastal bluff edge if constructed using lightweight materials and without the use of grading and/or continuous foundation components.
 2. Native plants and other drought-tolerant plant species shall be utilized to minimize irrigation and reduce the potential for over watering of the bluffs. No new irrigation systems shall be installed within 40 feet of the coastal bluff edge. Any existing irrigation systems located within 40 feet of the coastal bluff edge shall be removed as a condition of approval.
- B. No grading shall occur from November 15th to March 31st for any projects involving a total of more than 25 cubic yards of cut and/or fill grading. If vegetative erosion control is used (i.e. landscape planting, seeding, mulching, fertilization, and irrigation), the installation shall occur with sufficient time to achieve landscape coverage prior to the November 15th start of the rainy season.
- C. All drainage from the impervious surfaces of the site shall be collected and appropriately discharged in a manner that will not contribute to further erosion of the coastal bluff or vulnerable slope. Drainage shall be conveyed away from any coastal bluff face, and where available, into existing developed storm drain systems capable of handling the drainage without adverse impact to coastal bluffs. The responsibility for maintenance of drainage and erosion control facilities shall rest with the applicant unless such responsibility is assumed by another agency or party found acceptable by the Planning Director.
- D. 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.
- E. New subdivisions shall not be approved unless:
 1. All parcels created meet the standards for new development and provide safe, legal, all-weather access to each parcel created;
 2. Each lot created is capable of supporting development per the underlying zone without a shoreline protective device; and

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

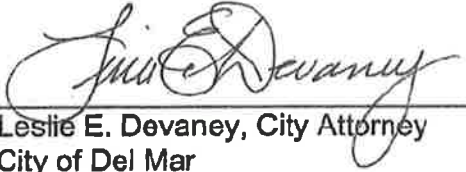
The Ordinance will take effect and be in force on the date that the California Coastal Commission takes action to unconditionally certify the Local Coastal Program Amendment.

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