

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:

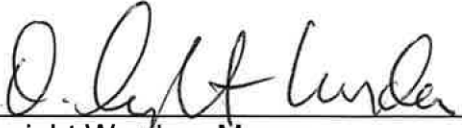
1. The foregoing recitals are true and correct.

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.

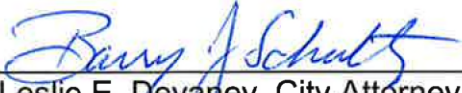
3. That the City Council is hereby committed to continue providing an open process for public participation by:
 - a. Holding a public meeting of the City Council to provide an opportunity for the public to provide input on any Coastal Commission staff recommendation to conditionally approve or deny 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