

CALIFORNIA COASTAL COMMISSION

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Th9d

LCP-6-DMR-20-0005-1 (Sea Level Rise)

June 10, 2021

CORRESPONDENCE



CITY OF DEL MAR

June 3, 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

Dear Chair Padilla and Members of the Commission,

Prior to the Coastal Commission hearing on this item, the Del Mar City Council will hold a public meeting via teleconference on Monday, June 7, 2021 to hear from the community on this important topic.

Community input and feedback from stakeholders has been an important part of Del Mar's sea level rise planning since August 2014 when we first convened the Sea Level Rise Technical Advisory Committee (STAC) with all stakeholders represented. 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 4 years to study Del Mar's vulnerabilities and develop comprehensive, science-based, feasible adaptation strategies. The resulting Adaptation Plan and consequent Local Coastal Program Amendment (LCPA) were the product of much discussion, debate, and deliberation for years. Del Mar's June 7th public hearing will be their first and only opportunity to provide the City Council with feedback since the Coastal Commission staff report was posted on May 28, 2021.

As part of the public meeting, the City Council will review Commission staff's suggested modifications to the City's LCPA and provide direction on next steps for participation in the June 10th Coastal Commission hearing.

A copy of the City's meeting notice is attached for your reference.

Sincerely,

Terry Gaasterland
Mayor

encl: Del Mar City Council Public Meeting Notice



CITY OF DEL MAR
1050 Camino del Mar, Del Mar, CA 92014 (858) 755-9313

COURTESY NOTICE

Notice is hereby given that the City of Del Mar City Council will hold a public meeting on Monday, June 7, 2021 at 4:30 p.m., by teleconference only, where the City Council will receive a status update regarding the City's Sea Level Rise Local Coastal Program Amendment (LCPA) submittal, review the California Coastal Commission (CCC) report and recommendations, and provide direction to staff on next steps for participation in the CCC public hearing scheduled for June 10, 2021 where a CCC decision on the City's LCPA submittal is pending.

Project: City of Del Mar Sea Level Rise Planning LCPAs

Applicant: City of Del Mar

Description: This is an opportunity for public discussion and City Council direction related to next steps on the City's pending Sea Level Rise LCPAs. The item is being held in accordance with City Council direction on October 15, 2018, per the adopted "Commitment Resolution" 2018-72 affirming the City Council's intent to support and defend the adopted Sea Level Rise Adaptation Plan and LCPAs throughout the CCC certification process. LCPA preparation began in 2014 when the City conducted a multi-year planning effort to study projections for sea level rise and associated flooding and erosion through the year 2100. After disclosing the projected risks and options to minimize risk, the City adopted an Adaptation Plan to ensure the City remains viable over the long term. In October 2018, the City Council rejected the concept of "managed retreat" in Del Mar and took the following actions to formalize the City's position: 1) adopted LCPA 16-005 via Resolution 2018-67 adopting the Adaptation Plan and supporting technical studies including the Vulnerability and Risk Assessment with Addendum, Sediment Management Plan, and Lagoon Wetland Habitat Migration Assessment; 2) adopted amendments to the existing certified LCP Land Use Plan establishing updated policies via Resolution 2018-68 as part of LCPA 18-002; and 3) adopted Ordinance 943 amending the Floodway Zone, Floodplain Overlay Zone, and Coastal Bluff Overlay Zone establishing updated implementing regulations within the City's LCP as part of LCPA 18-002. Since October 2019, following City Council direction, the City and CCC held at least eight staff-level coordination meetings to try and reach common ground with the goal of gaining LCPA certification and honoring the City's Commitment Resolution. CCC action on the City's LCPA is scheduled for a CCC public hearing on Thursday, June 10, 2021 (see Item Th9d at www.coastal.ca.gov/meetings/agenda/#/2021/6 for more information). At the June 7, 2021 City Council meeting, staff will be requesting City Council direction on next steps for participation in the CCC public hearing including City Council's position on the suggested modifications, any edits to the suggested modifications, and/or withdrawal of the submitted LCPAs.

Environmental Status: The proposed City Council action does not constitute a "project" under the definition set forth in California Environmental Quality Act (CEQA) Guidelines Section 15378 because it will not have a potential to result in a direct or indirect physical change in the environment and is, therefore, not subject to CEQA. No further action under CEQA is required.

Contact Person: Amanda Lee, Principal Planner alee@delmar.ca.us

PUBLIC MEETING DATE, TIME AND LOCATION:

This item is scheduled on the agenda as Council Business before the City Council on

June 7, 2021 at 4:30 p.m.

By teleconference only

<http://delmar.12milesout.com/Video/Live> and on Cable TV Spectrum Ch. 24, AT&T Ch. 99 starting at 4:30 PM.



PUBLIC HEARING NOTICE

Those desiring to be heard in on this item will be given an opportunity to do so by commenting telephonically during the meeting or by submitting written comment. Those desiring to make a telephonic comment should visit the City's website for instructions and to submit a tele-comment request form by 12:00 PM the day of the meeting: <http://www.delmar.ca.us/publiccomment>. Comments submitted via email should be sent to cityclerk@delmar.ca.us by 12:00 PM the day of the meeting. For emailed comments, the subject line of your email should clearly state the item number you are commenting on. All comments received by the deadline will be transmitted to the City Council prior to the start of the meeting. Written comments may also be submitted by mail to the City Council at 1050 Camino del Mar, Del Mar, CA, 92014. Attention: Administrative Services Director/City Clerk. On any correspondence, please reference the hearing title and date. Materials related to this public hearing, will be available at least 72 hours in advance of the meeting on the City's website, <http://www.delmar.ca.us/AgendaCenter>, and at the Del Mar Library during their limited hours of operation.

Under California Government Code 65009, if you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised telephonically at the public hearing described in this notice, or written correspondence delivered to the City at, or prior to, the public hearing.



June 2, 2021

Delivered via email

To: Chair Steve Padilla, California Coastal Commission

CC: Jack Ainsworth, Executive Director, California Coastal Commission; Karl Schwing, Deputy Director, California Coastal Commission, San Diego Coast District

Re: City of Del Mar Major Amendment LCP-6-DMR-20-0005-1

Dear Chair Padilla,

The Surfrider Foundation is a non-profit, environmental organization dedicated to the protection and enjoyment of the world's oceans, waves, and beaches for all people, through a powerful activist network. With nearly 70 miles of coastline to protect, the Surfrider Foundation San Diego County Chapter is the largest and most active chapter in the country. We are a grassroots organization, which means the people working to protect our local ocean, waves, and beaches are volunteers who care about the San Diego County coastline and want to make a difference.

Studies have repeatedly shown that not only is sea level rise inevitable – and every new study forecasts increasingly dire scenarios – but sea level rise is also likely to cost the State of California even more than earthquakes or wildfires. With such a threat steadily marching toward us, every action the Coastal Commission takes to address it (or not) is what will save our beaches (or not). The pending decision regarding the City of Del Mar's Local Coastal Program Amendment (LCPA) has repercussions for everyone who enjoys the coast in Del Mar, as well as the rest of our region where many cities are in the process of updating their LCPs.

Support for staff's suggested modifications

We agree with staff that Del Mar's proposed amendments to their Land Use Plan (LUP) and Implementation Plan (IP) should be rejected as submitted. Staff hits the mark when stating that extensive work has been done in Del Mar to understand its serious vulnerabilities to Sea Level Rise (SLR), and it is imperative that this important planning document address those hazards.

There are several Suggested Modifications that are imperative to preserve public

rights and ability to access beaches in the future. These modifications are necessary for our support of the plan, but they could be further strengthened:

Suggested Modification No. 11 and 16: Modifications related to the definition of existing development.

We support staff’s recommendation to remove the ill-conceived definition of existing development. It is particularly important to define existing development accurately, as there have been multiple development projects proposed since this LCP draft was first submitted, including residential development and the Marisol proposal (otherwise known as the Zephyr development) above Dog Beach.

Further, the definition of existing development should be strengthened. A specific definition of existing development based on actual legislative intent would provide critical guidance to Del Mar as it accepts and implements its LCP. The Commission should go further and define existing development as development that existed prior to the Coastal Act passage in 1977. Per Sections 30235 and 30253 of the Coastal Act and the Commission’s SLR Policy Guidance document, new development should not require seawalls, and any development after 1977 is considered new development.

The 1977 definition of existing development is also upheld in the 2019 decision concerning the Lindstrom CDP and the Commission’s Sea Level Rise Policy Guidance document. As detailed in the Staff Report, the Commission interprets the term “existing structures” in Section 30235 of the Coastal Act as structures that were in existence on January 1, 1977—the effective date of the Coastal Act. This should be explicitly confirmed as the definition in Del Mar’s LCP as well.

Suggested Modification No. 17. Modification related to the definition of “Substantial Improvement”

We agree with staff’s suggested modification that generally strengthens the definition of “substantial improvement.” This loophole is currently actively being exploited in the neighboring city of Solana Beach to effectively construct new structures behind the protection of seawalls intended for existing structures.

Including 50% thresholds for substantial improvements or development of existing structures is important to prevent the indefinite extension of an existing structure’s economic lifetime. However, we think the policy should be further clarified to include replacement work undertaken on or after January 1, 1977 (effective date of the coastal act), rather than September 11, 2001 (date of LCP certification).

We object to the proposed dates used in Section 30.56.030 b iii and iv:

iii. Replacement (including demolition, renovation, reinforcement, or other type of alteration) of less than 50% of a major structural component where the proposed replacement would result in cumulative alterations exceeding 50% or more of that major structural component, taking into consideration previous replacement work undertaken on or after September 11, 2001 (the date of certification of the LCP); January 1, 1977 (effective date of the Coastal Act); or

iv. an alteration that constitutes less than 50% increase in floor area where the proposed alteration would result in a cumulative addition of 50% or greater of the floor area, taking into consideration previous additions undertaken on or after September 11, 2001 (the date of certification of the LCP); January 1, 1977 (effective date of the Coastal Act).

We find no basis in law or policy to justify the use of the LCP certification's date as the basis for determining substantial improvement. Instead, January 1, 1977 - the effective date of the Coastal Act - should be used as the cutoff date when considering whether 'substantial improvement' has occurred. The 2001 date must otherwise be justified.

Importance of maintaining other critical modifications

We also stress the importance of the following Suggested Modifications:

Suggested Modification No. 2. related to Chapter III's goals and Policies.

Staff correctly incorporates the goals of the 2018 Del Mar Sea Level Rise Adaptation Plan as policy. In particular, we stress the importance of including maintenance of a walkable beach as a primary goal. Del Mar's Sea Level Rise Technical Advisory Committee determined unanimously at its formation that a walkable beach should be a founding principle guiding its work, so it is logical to include this as a stated goal of the proposed amendments.

Suggested Modification No. 3. Mandating periodic and threshold-based updates to the LCP.

Requiring further updates to the LCP based on concrete thresholds and time spans gives the city more flexibility to adjust to changing conditions. The specific thresholds suggested by the staff report are based in reality and science, and they also reflect the findings of the City's own Vulnerability Assessment. The City and SANDAG have been working to fast-track a plan to remove the LOSSAN railroad from the bluffs. The importance of this long-term project has been repeatedly demonstrated in the last year, as bluff collapses along the tracks have interrupted

the trains travelling this corridor. Given the city's current support for relocation of the Del Mar section of the LOSSAN railroad tracks, as well as the changes to our environment due to SLR, it is reasonable to mandate periodic updates of the LCP to address any additional changed circumstances beyond the immediate need to relocate the railroad tracks.

Suggested Modifications No. 4 and No. 12 concerning setbacks.

As staff suggested, it is imperative that SLR, time (75 years), and slope stability all be incorporated into the calculation of coastal bluff setbacks. It's also important to remove any alternative stability requirements, as we have seen countless times how an applicant's geotechnical 'experts' will come up with whatever number is convenient to the private property owner, not the beach going public.

SLR, time (75 years), and slope stability are consistent with guidance from the 2003 document by Dr. Mark Johnsson titled "Establishing development setbacks from coastal bluffs"¹ and the Commission's Sea Level Rise Policy Guidance, which we detailed in our 2019 Letter to the Commission regarding this LCP². The modifications are also necessary in order to comply with Section 30253 and other Coastal Act Policies.

Broad community support for effective setback standards was very recently demonstrated by the defeat of Measure G: Marisol Specific Plan by the residents of Del Mar. Surfrider wrote a letter to the City on February 3, 2020 outlining our concerns about the Draft EIR and specific plan amendments. A major concern we had was the EIR's utilization of very optimistic and weak setback calculations.

We do support further modifications to the setback policies proposed. Staff suggested adding a route to smaller setbacks to mitigate potential claims of takings associated with setbacks. However, we feel this modification as drafted could ignore the perils of SLR, 75 years of projected bluff erosion, and inclusion of a factor of safety when calculating setbacks. Staff suggests adding the following to Chapter 30.55 Coastal Bluff Overlay Zone, Section 30.55.050 Development Regulations for the Coastal Bluff Overlay Zone:

d. If application of the minimum 40-foot setback would preclude reasonable use of the property such that it would constitute a taking of private property, a smaller setback may be permitted if the proposed development is setback as far landward as feasible and its footprint is minimized.

¹ <https://www.coastal.ca.gov/W-11.5-2mm3.pdf> Johnsson, Mark. "Establishing Development Setbacks from Coastal Bluffs", 16 January 2003, Memorandum to Commission, W11.5.

² https://drive.google.com/file/d/1NCTTLbB1mdsgCt_trK9CJ4L68akMPXtJ/view

Based on past history in surrounding neighborhoods like Solana Beach and Encinitas, this argument will be consistently misused to completely negate all of the important setback calculations. This conflicts directly with staff's suggested amendments for setbacks concerning SLR and factor of safety. It is probable that a minimum 40 ft setback will not meet the more stringent requirements of safety over 75 years when sea level rise is taken into account. This loophole should be removed entirely. Otherwise it should include a condition that any permit for New Development - regardless of setback calculations - explicitly waives the right to any future armoring and is subject to removal of threatened portions if at any time it is threatened by erosion.

Suggested Modification No. 5 and No. 13 concerning development location.

Staff was correct when acting to strengthen the LCP to require that development be located to eliminate the need for protective devices. It is important that any loopholes that could be interpreted to allow new structures protective devices be removed.

Suggested Modification No 19 concerning floodplain development permits.

It is important here to specify that development in the floodplain is a hazardous proposition, and that because of the goals stated elsewhere in the LCP concerning relocation of public infrastructure, it may be impossible to provide public infrastructure to private residences located in a floodplain.

We are generally in agreement with all of the remaining Suggested Modifications.

Support for the City's amendments regarding track relocation

In addition to suggested modifications by staff, we support the relocation of the railroad tracks, as proposed by the City and agreed to by staff in the staff report:

Amendment to Policy III-2 of the certified Land Use Plan:

f. Support relocation of the railroad and other public infrastructure from vulnerable bluff areas.

Relocation is supported by our regional metropolitan planning organization, SANDAG. Presenting at the May 3, 2021 Del Mar City Council Meeting, SANDAG staff confirmed that realignment "was a priority moving forward" and presented alignment options³. The Director of the organization was recently quoted⁴ in a news

³https://www.delmar.ca.us/AgendaCenter/ViewFile/Agenda/_05032021-2737

⁴ <https://thecoastnews.com/sandag-affirms-commitment-to-move-tracks-off-del-mar-bluffs/>

article this March:

“You can fight nature, but nature is going to win at the end of the day,” said Hasan Ikhata, executive director of SANDAG. “We are absolutely intending to have part of the regional transportation plan in May release a project that would move the tracks off the bluff once and for all. Yes, it’s expensive, yes it’s going to take a long time, but that is the right thing to do for the region.”

Relocation of the tracks was also supported unanimously by the Del Mar City Council at the April 19, 2021 meeting:

IT WAS MOVED BY MAYOR GAASTERLAND, SECONDED BY COUNCILMEMBER DRUKER TO REAFFIRM GETTING TRAINS OFF THE BLUFF AS SOON AS POSSIBLE. (VOTE 5-0) (4/19/2021 approved minutes)

To restore lateral and vertical beach access, we also believe the LCPA should include provisions mandating the removal of all stabilization measures for the rail as soon as they are no longer required for the safety of the railroad. Additionally, fencing and stabilization measures in the interim period should be discouraged or prohibited where possible. If fences or additional interim stabilization is required, mitigation must be required in the LCPA with in-place and not in-kind access both vertically from the bluff to the beach and along the bluff. Examples of improved access include tunnels or stairs and at-grade crossings and additional signaling.

Conclusions

Del Mar’s Sea Level Rise Technical Advisory Committee, the City, and Coastal Commission staff have done important work to amend the city’s LCP. Altogether, this work represents an important first step in recognizing the difficult choices we will have to face in the near future with accelerating SLR and climate change.

We support staff’s suggested modifications to the LCP. We also ask that the following changes be made to the Del Mar LCP to further strengthen the protection of the public’s beach:

- **Redefine existing development:** Existing development should be defined per the original intent of the Coastal Act, as supported by the recent decision concerning the Lindstrom CDP and the Commission's Sea Level Rise Policy Guidance document. January 1, 1977 - the effective date of the Coastal Act - should be used as the cutoff date when considering whether 'substantial improvement' has occurred.
- **Strengthen definition of substantial improvement:** We find no basis in law or policy to justify the use of the LCP certification's date as the basis for determining substantial improvement. Instead, January 1, 1977 - the effective date of the Coastal Act - should be used as the cutoff date when considering whether 'substantial improvement' has occurred.
- **Remove the setback loophole:** Regulations specifying blufftop setbacks in Section 30.55.050 Development Regulations for the Coastal Bluff Overlay Zone should not be weakened by adding a decreased setback loophole. Setbacks should only take SLR, projected 75 year erosion, and factor of safety into account. A smaller setback should not be permitted. If such setback is permitted, it must include a condition for removal of threatened structures or portions of structures if they are ever threatened by erosion in the future. This condition should apply to all setbacks associated with New Development.
- **Strengthen railroad relocation LCPA policies to include mitigation for temporary stabilization measures and fencing:** Temporary railroad stabilization measures should be removed and temporary impacts to access should be mitigated.

In a broader context, it is the Coastal Commission's duty to ensure that local jurisdictions' plans will adequately plan and respond to sea level rise. We understand and support the sentiment from the City of Del Mar in wanting to make locally relevant decisions pertaining to broad questions surrounding sea level rise and erosion. We believe the current version of the LCP, with staff's suggested modifications, allows the City room to do this while ensuring a check and balance to protect the public beach.

Staff's modifications are a compromise that moves the City in the right direction toward an adequate plan by including thresholds for considering a wider suite of adaptation options and by providing an avenue for the City of Del Mar to commit to incorporating updated sea level rise science into its planning on a regular basis.

California's voters and the Coastal Act created the Coastal Commission as a check and balance to prevent local jurisdictions from ceding the public's coast and beach to private property interests. We respectfully request that you accept staff's suggested modifications to ensure equitable access to our beaches.

Sincerely,

Kristin Brinner

Member of Del Mar's Sea Level Rise Technical Advisory Committee

Resident of Solana Beach

Co-Lead of the Beach Preservation Committee

San Diego County Chapter, Surfrider Foundation

Jim Jaffee

Resident of Solana Beach

Co-Lead of the Beach Preservation Committee

San Diego County Chapter, Surfrider Foundation

Laura Walsh

Policy Coordinator

San Diego County Chapter, Surfrider Foundation

June 3, 2021

To the California Coastal Commission in regard to the Public Hearing to be held on 6/10/21 for consideration for approval of the LCP-6-DMR-2005-1 presented by Del Mar, California:

I am a research professor, emerita at Scripps Institution of Oceanography, UCSD and a 55-yr resident in the north beach area of Del Mar. I urge the coastal commission to approve the LCP submitted by the City of Del Mar, CA. This plan was formulated by an 11-member committee including residents and experts in the effects and management of sea level rise. Members included the supervising environmental planner for the Del Mar Fairgrounds, two professors at Scripps Institution of Oceanography (Terry Gaasterland, who is currently Mayor of Del Mar, and Sarah Giddings, who is a coastal physical oceanographer specializing in estuarine and coastal processes), Gabe Buhr with the San Diego office of the Coastal Commission, plus a representative of the Surf-Rider Foundation. The consensus of this highly knowledgeable group was that as Del Mar with about 4400 residents is located on under 2 sq miles and has little vacant land, sea level rise should be managed chiefly with replenishment of beach sand as needed and additional sea walls. Managed retreat for the 750+ dwellings in the north beach area, which include single family, duplex, triplex, condos and apartments with an average lot size of 1/8 acre, is not-feasible.

The Coastal Commission staff report advocates that Del Mar prepare for the greatest estimate of sea level rise over the remainder of the 21st century. However, it should be kept in mind that these estimates are derived from computer models based upon known sea level rise in the past (e.g. 7 inches = 15 cm from 1901-2010; see M D Palmer et al 2021 Environ. Res. Lett.16 044043) and educated guesstimates of future atmospheric conditions (e.g. global warming). Unfortunately, no one knows with any certainty the extent of future sea level rise. That is why computer models developed by the US Geological Survey to predict the effect of sea level rise on coastal communities in Southern California including Del Mar consider a wide range of possible 21st century sea level increases from 0 ft to over 6 ft (see O'Neill et al. 2018. J. Marine Science and Engineering. 6, 59. Doi:10.3390/jmse6020059). Del Mar's LCP is a middle-of-the-road approach based upon the reality of a community of 4400 on less than 2 sq miles, at least a 1/4 of which is in a 100 yr flood plain, with 2 miles of coastline.

I will restrict the following comments to the north beach area as the bluffs at the north and south ends of town have somewhat different concerns. Previously, the Coastal Commission has advocated managed retreat in which the ocean is simply allowed to take over low-lying areas; houses are either moved to higher ground or purchased by the city and razed. For several reasons, managed retreat for the north beach is not feasible. These include 1) the large number of dwellings (>750), 2) their high value (\$2,000,000-\$43,000,000 for single family houses (a city of 4,400 people does not have the resources to buy even 10 of the properties.) 3) the lack of available land for relocation (the only vacant land is a few acres at the extreme north and south ends of Del Mar), and 4) the fact that allowing the ocean to reclaim the area would eliminate the Del Mar beach, turning the north beach area into an arm of the San Dieguito estuary. Moreover, relocation of 1/4-1/3 of Del Mar's residents outside the city would seriously deplete the tax base.

Two other points are worth mentioning. The first is the Coastal Commissions emphasis on "trigger points" which, for example, would mandate that sea level rise mitigation measures be

undertaken if the Del Mar beach in winter or summer narrowed to specified width for a few seasons. Such “trigger points” are not only arbitrary, they do not take into consideration the normal variations in the width of the Del Mar beach. My observations over the last 55 years are that during winter, storms typically move sand somewhat offshore. The amount of sand moved offshore is determined by the severity of the storms and whether or not they coincide with the highest high tides of the year. For example, in 1982-1983, severe storms combined with an el nino moved considerable sand offshore. In the winter of 2020-2021, storms were few and mild, and little sand moved offshore. The beach is currently quite wide. In summer, the offshore sand typically moves back onshore. An exception followed the year that the army corps of engineers dredged sand offshore of Del Mar for replenishment of beaches north of Del Mar. The fallacy was the assumption that since sand moves from north to south off the San Diego county coast, ultimately falling into the La Jolla canyon, that sand would rapidly replenish the Del Mar beach. The reality was that the Del Mar beach remained very narrow and rocky for several years; a visitor from the east coast proclaimed that the Del Mar beach was the nastiest, rockiest beach she’d ever seen. It took 8-10 years for the beach to be restored to its former width. In January 2021, it was announced that the Army Corps of Engineers had allocated \$1.5 million towards sand replenishment on beaches in neighboring Solana Beach and Encinitas, sand replenishment to be done every 50-10 years for the next 50 years funds permitting. Dredging would be from “nearby offshore locations” –likely Del Mar and La Jolla. It would be extremely ironic and unfortunate if such local man-made activities directly activated the arbitrary trigger points. It is far better to discard such knee-jerk ideas and adapt to sea level rise in a well-reasoned manner as the Del Mar LCP proposes.

The second additional point concerns the definition of "existing dwellings" as those built before the coastal commission was created (1972, made permanent in 1976). This seems quite arbitrary and impractical. Several houses in Del Mar that existed in 1972 have since been torn down and rebuilt to about the same size; would the coastal commission consider them as "existing" or not? It is far more realistic and less likely to result in law suits if the Coastal Commission defined "existing" as being from the day it is built. I am not arguing from a personal point of view as my house, built in 1952, qualifies as "existing" under both definitions.

In closing, I once again urge the Coastal Commission to approve Del Mar’s LCP. It takes into consideration the realities of a small, densely-populated coastal town and eschews the “chicken-little” approach of those who fear that sea level rise over the next 80 years will necessarily be catastrophic. Instead Del Mar’s LCP adopts an approach to potential increases in sea level that is designed to protect property and preserve Del Mar’s wonderful beach, which has served Southern Californians and attracted tourists from afar for 150 years.

Sincerely,

Linda Z. Holland, Ph.D.
Research Professor, emerita
Scripps Institution of Oceanography
La Jolla CA, 92093-0202

Home address:
2102 Coast Blvd.
Del Mar, CA 92014-2122



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

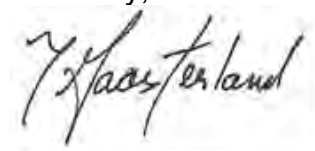
concluded it is not feasible for Del Mar within the meaning of “feasible” as defined within the Coastal Act and within the California Environmental Quality Act law. There is widespread community support for the adopted Adaptation Plan and strong community opposition to any of the changes requested by 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 Surfrider 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.