

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO DISTRICT OFFICE  
7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CA 92108-4402  
VOICE (619) 767-2370  
FAX (619) 767-2384  
[WWW.COASTAL.CA.GOV](http://WWW.COASTAL.CA.GOV)



# Th9d

**LCP-6-DMR-20-0005-1 (SEA LEVEL RISE)****JUNE 10, 2021****EXHIBITS****Table of Contents**

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Del Mar  
Fairgrounds

San Dieguito  
River

LOSSAN  
railroad

Del Mar

City boundaries

Data CSUMB SFML, CA OPC  
© 2018 Google  
© 2018 Europa Technologies

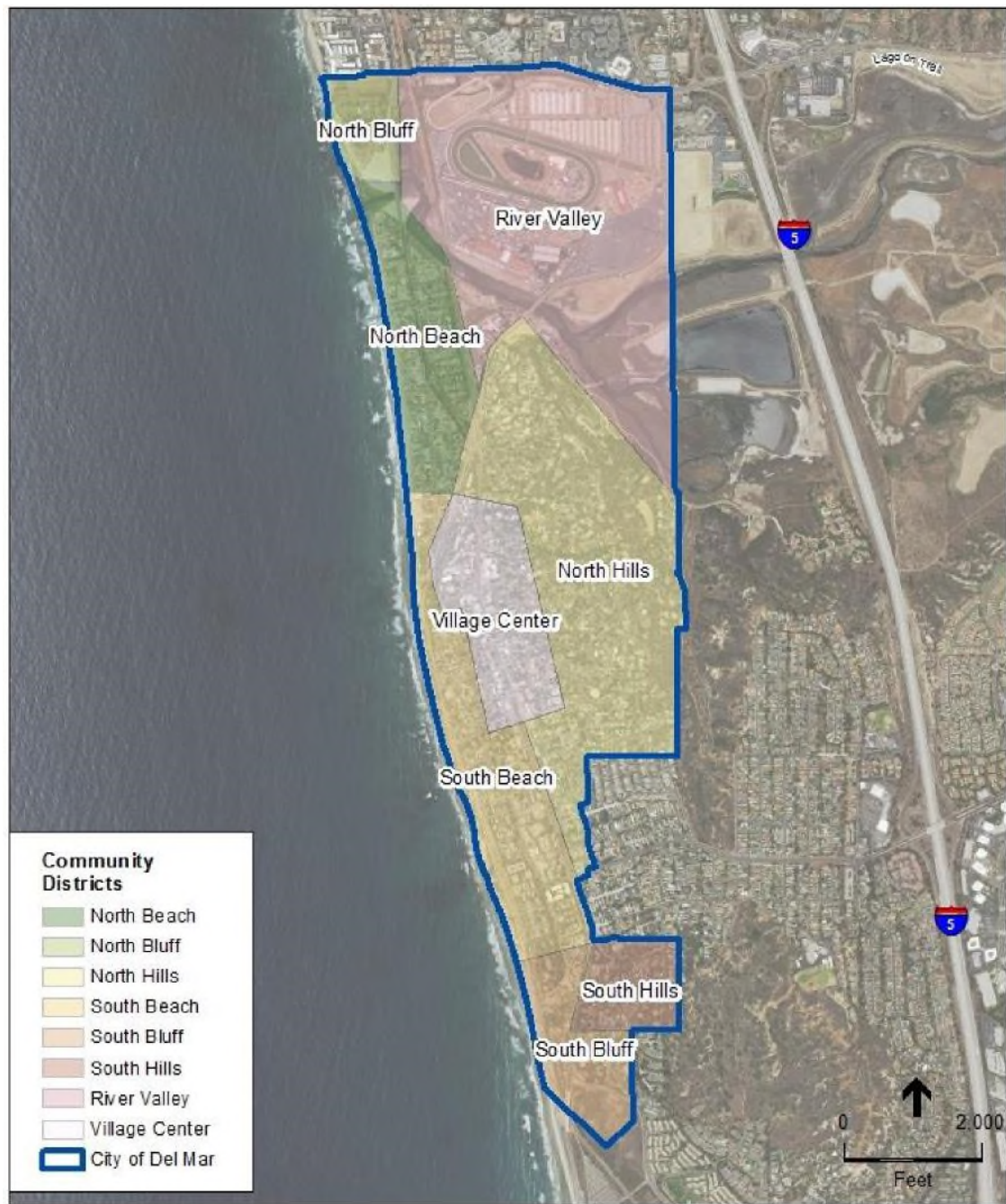
EXHIBIT NO. 1

**General Location Map**



Del Mar LCP-6-DMR-20-0005-1  
California Coastal Commission





SOURCE: NOAA

Del Mar Coastal Adaptation Plan / 150347

**Figure 3.4**  
City Districts in Del Mar

EXHIBIT NO. 2	
<b>Del Mar Communities Map</b>	
	Del Mar LCP-6-DMR-20-0005-1 California Coastal Commission



# CITY OF DEL MAR

## BEACH OVERLAY ZONE SHORE LINE PROTECTION LINE

BENCH MARKS : USCE DM 590 (SHT 3)  
USCE DM 560 (SHT 9) ELEV. 19.43 MSL

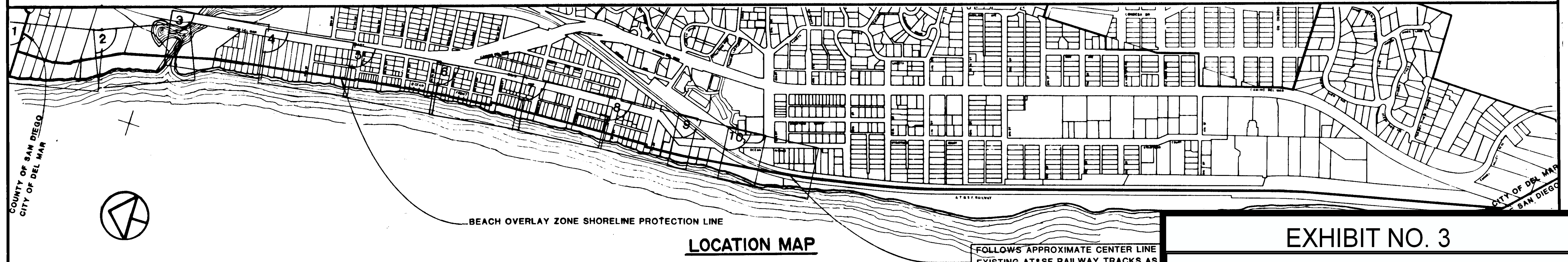
BASIS OF BEARING : SURVEYED LINE BETWEEN  
USCE DM 560 AND USCE DM 590 - N 60° 15' 54" W

### NOTES :

- 1 THIS SURVEY IS FOR THE PURPOSE OF LOCATING THE SHORELINE PROTECTION LINE AS DEFINED IN THE CITY OF DEL MAR MUNICIPAL CODE, BEACH OVERLAY ZONE ORDINANCE.
- 2 THIS IS NOT A BOUNDARY SURVEY.
- 3 A LEGAL DESCRIPTION OF THE SHORELINE PROTECTION LINE IS CONTAINED IN THE BEACH OVERLAY ZONE ORDINANCE.
- 4 FIELD SURVEYS PERFORMED BY : EDWARD E. BOHRER, PROFESSIONAL SURVEY SERVICES

### LEGEND :

- SHORELINE PROTECTION LINE
- SURVEY TIE LINE
- RETAINED FACE  
EXPOSED FACE EXISTING WALL
- EXISTING FENCE
- EXISTING STRUCTURAL IMPROVEMENT
- RIP RAP VISIBLE DURING AERIAL SURVEY FLIGHT  
DATE 1/13/86
- ESTIMATED LIMITS OF EXISTING RIP RAP BASED  
ON FIELD SURVEY DURING LOW SAND CONDITION  
ON 2/20/86



REVISION	DESCRIPTION	APPROVED	DATE	SCALE	DESIGNED	DRAWN	CHECKED	PROJECT NO.
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2	ALIGNMENT REVISION - 10TH ST. TO M.H.	[Signature]	4/15/87		[Signature]	[Signature]	[Signature]	
3	PER DP & CO	[Signature]	7/25/91		[Signature]	[Signature]	[Signature]	
4	ALIGNMENT REVN - 17TH ST. TO M.H. (SHT 8)	[Signature]			[Signature]	[Signature]	[Signature]	

POWELL John Powell & Associates, Inc. Consulting Civil Engineers  
175 Calle Magdalena, Suite 101  
Encinitas, CA 92024  
(619) 753-1120

APPROVED [Signature] 6/17/86  
CITY MANAGER

APPROVED [Signature] 6/17/86  
PLANNING DIRECTOR

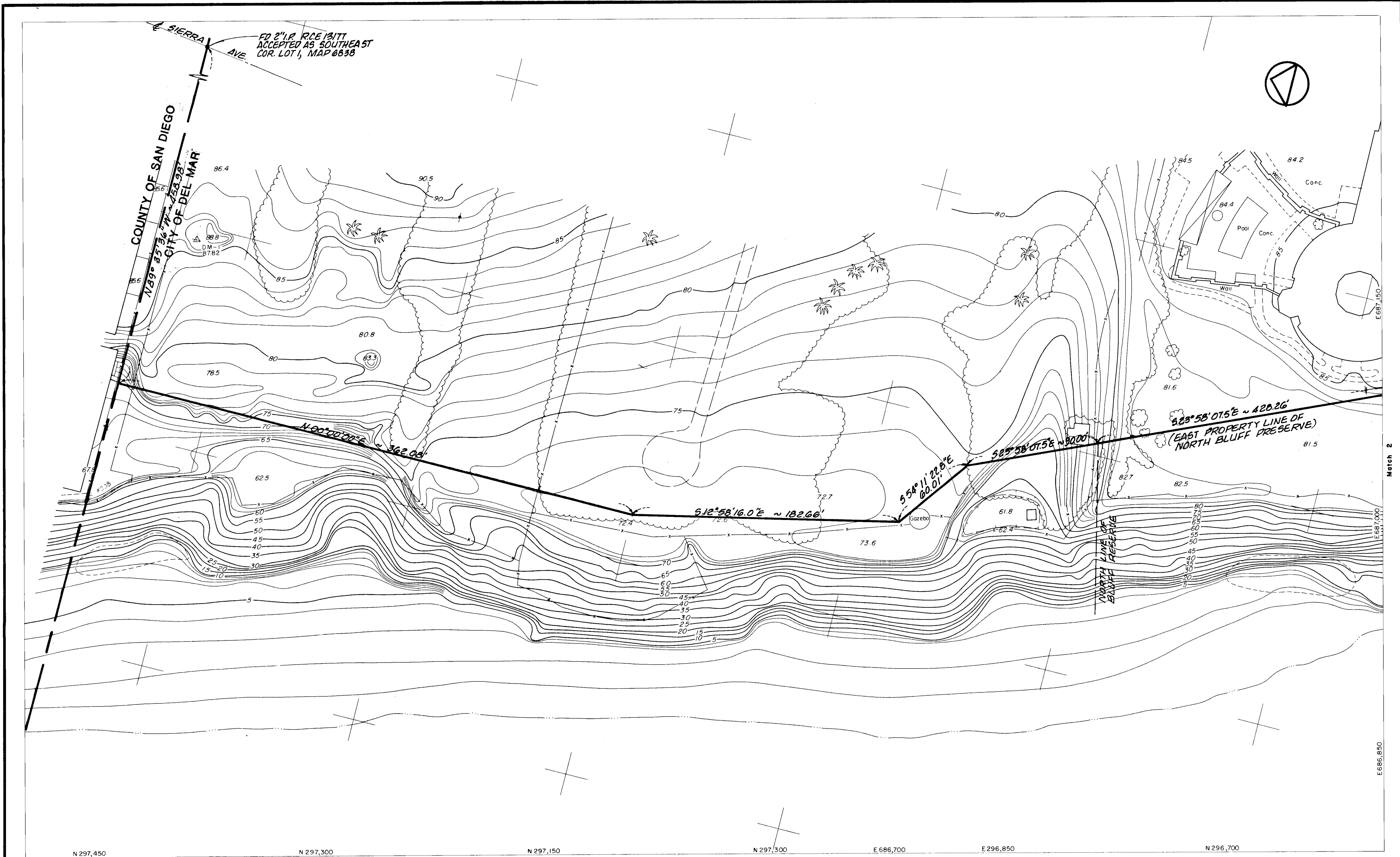
EXHIBIT NO. 3

Shoreline Protection Area (SPA)  
Line Map



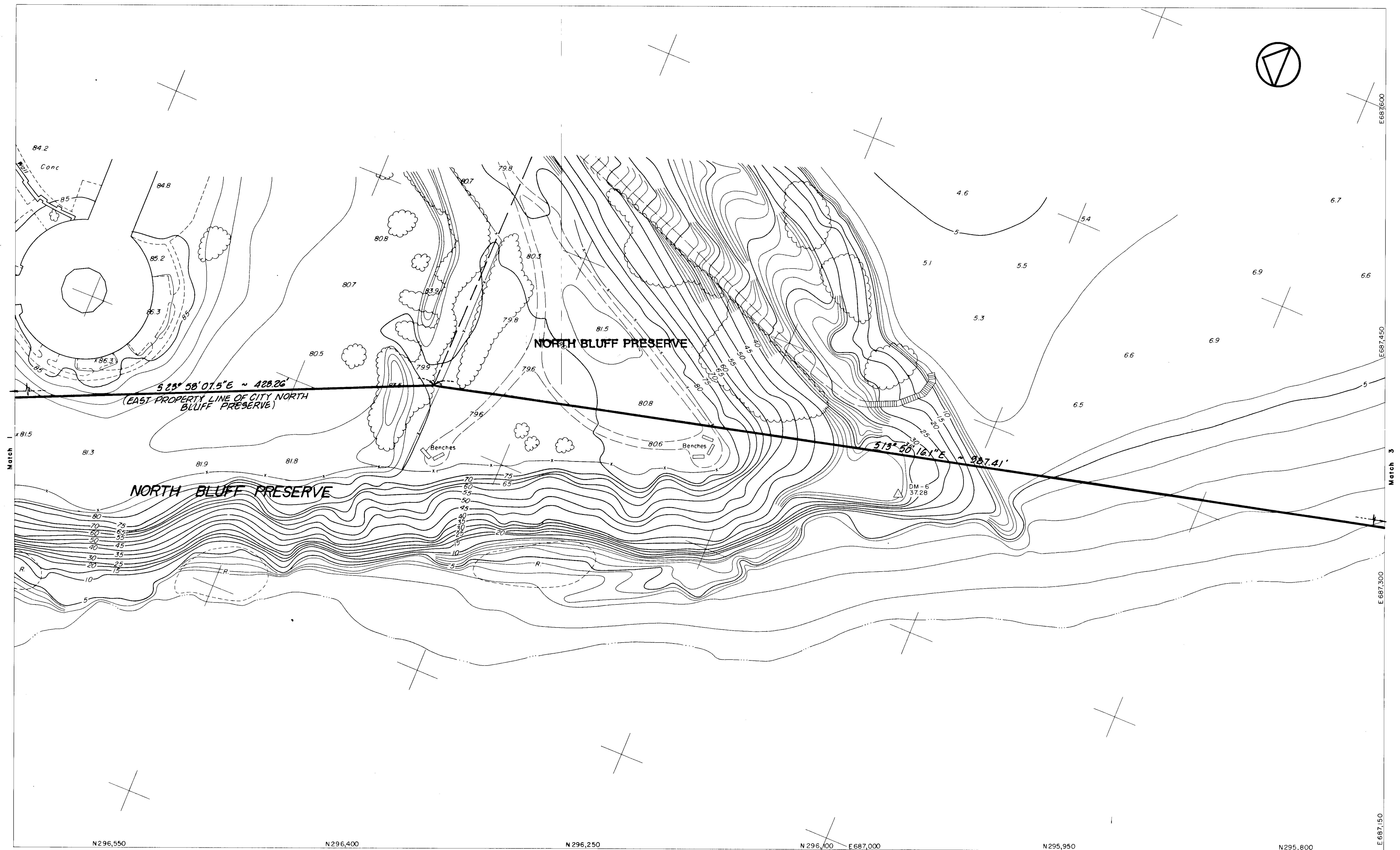
Del Mar LCP-6-DMR-20-0005-1  
California Coastal Commission





REVISION	DESCRIPTION	APPROVED	DATE	SCALE: 1" = 30'	DESIGNED: John M. Powell	DRAWN: [Signature]	CHECKED: [Signature]	<b>POWELL</b> <b>John Powell &amp; Associates, Inc.</b> Consulting Civil Engineers 175 Calle Magdalena, Suite 101 Encinitas, CA 92024 (619) 753-1120	APPROVED [Signature] CITY MANAGER DATE 6/17/86	CITY OF DEL MAR BEACH OVERLAY ZONE EXHIBIT "A" SHORELINE PROTECTION LINE	SHEET 1 OF 10 SHEETS
PROJECT NO. 2.200	ENGINEER OF WORK	28179	4/30/86	R.C.E. NO.	DATE	APPROVED [Signature] PLANNING DIRECTOR DATE June 17, 1986					

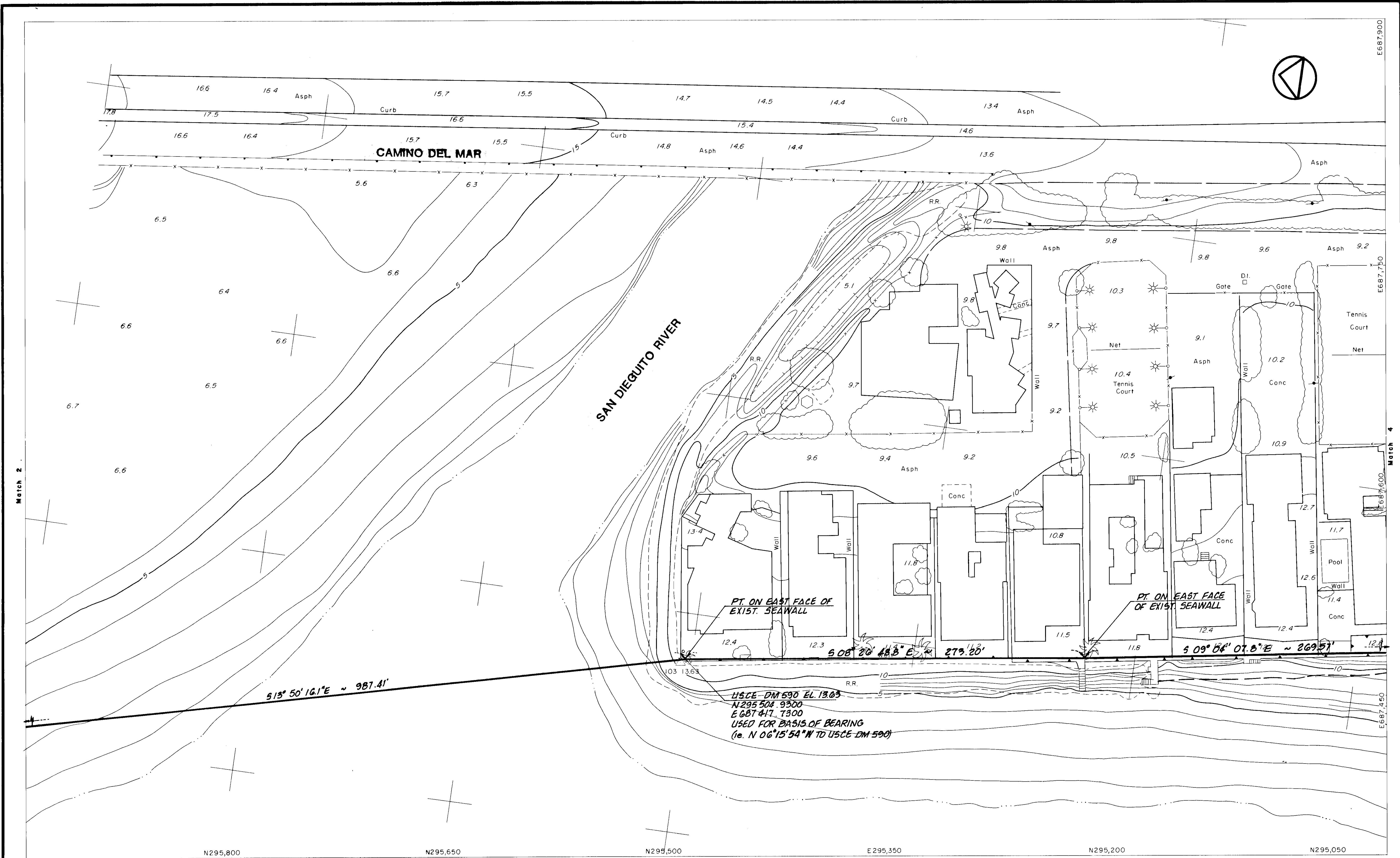
E-86-007-1



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				PROJECT NO. 2.200	ENGINEER OF WORK <i>John M. Powell</i>	28179 R.C.E. NO.	4/30/84 DATE		APPROVED <i>[Signature]</i> PLANNING DIRECTOR DATE: June 16, 1984	BEACH OVERLAY ZONE EXHIBIT "A" SHORELINE PROTECTION LINE	2 OF 10 SHEETS

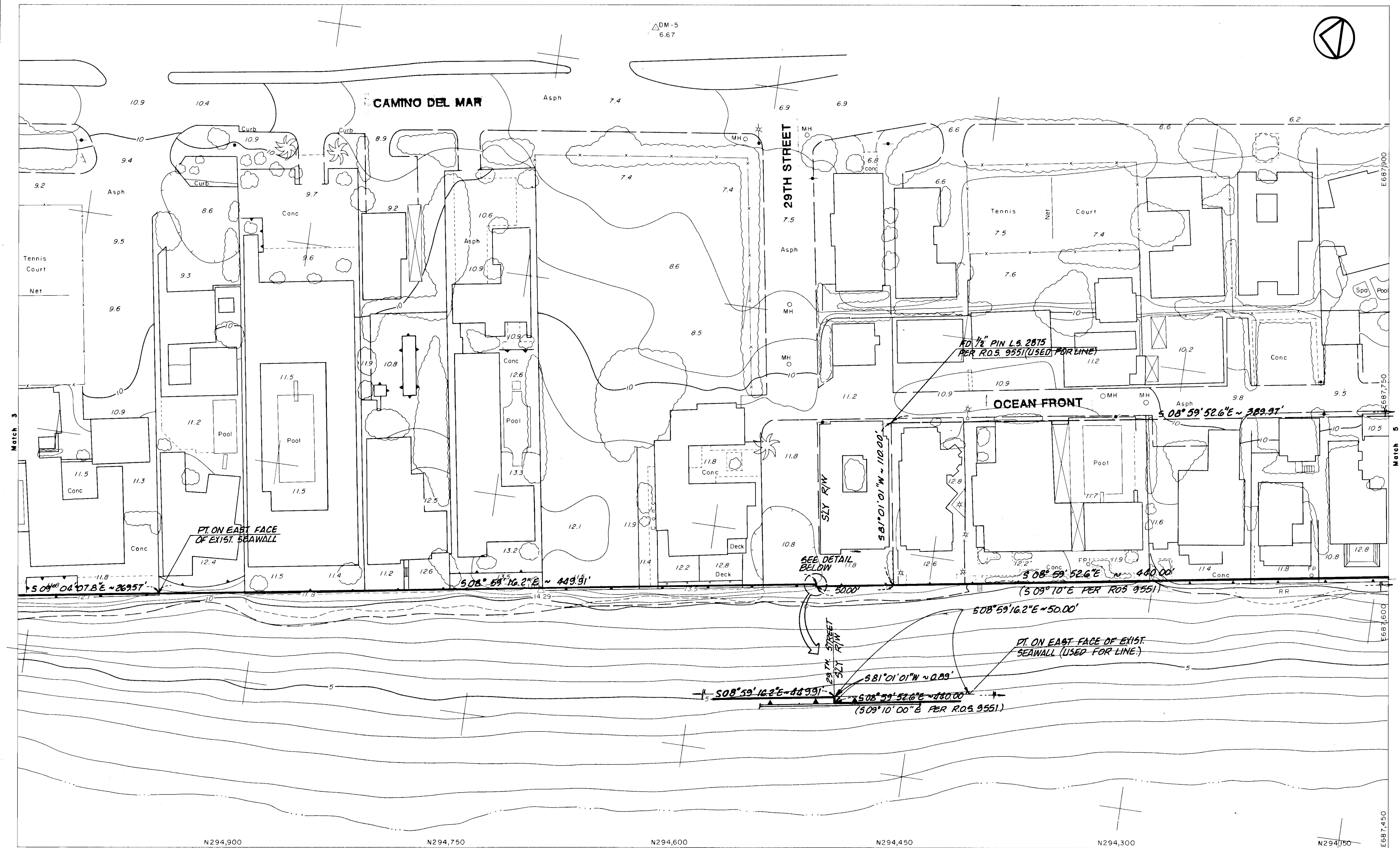
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PROJECT NO. 2.200										APPROVED <i>[Signature]</i> PLANNING DIRECTOR	June 16, 1986 DATE		

E-86-007-3



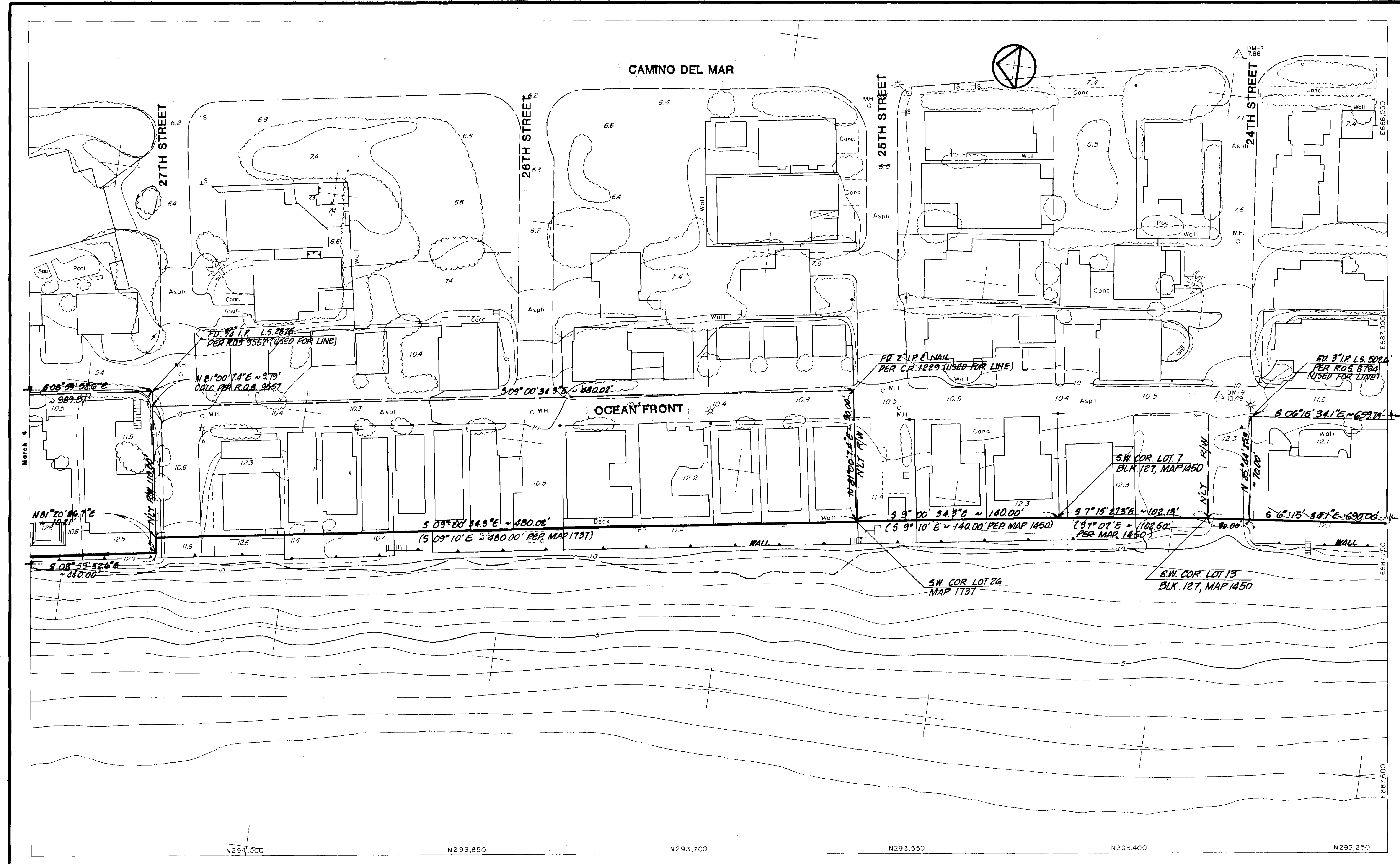
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				1"=30'		AA	OP	28179	John Powell	28179	4/30/86		6/17/86			June 17, 1986						4	
								2.200															

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**John Powell & Associates, Inc.**  
Consulting Civil Engineers  
175 Calle Magdalena, Suite 101  
Encinitas, CA 92024  
(619) 753-1120

**E-86-007-4**





REVISION	DESCRIPTION	APPROVED	DATE	SCALE:	DESIGNED:	DRAWN:	CHECKED:	PROJECT NO.	ENGINEER OF WORK	R.C.E. NO.	DATE	APPROVED	CITY MANAGER	DATE	APPROVED	PLANNING DIRECTOR	DATE	CITY OF DEL MAR	SHEET
				1"=30'				2.200	John Powell	28179	1/3/06			6/17/86				BEACH OVERLAY ZONE EXHIBIT "A" SHORELINE PROTECTION LINE	5

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 Encinitas, CA 92024  
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E-86-007-S



REVISION	DESCRIPTION	APPROVED	DATE

SCALE:  
1" = 30'

PROJECT NO.  
2.200

DESIGNED: *John Powell*  
ENGINEER OF WORK

DRAWN: *DP*

CHECKED: *DP*

28179 1/30/86  
R.C.E. NO. DATE

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175 Calle Magdalena, Suite 101  
Encinitas, CA 92024  
(619) 753-1120

APPROVED  
CITY MANAGER  
APPROVED  
PLANNING DIRECTOR

4/17/86  
DATE

June 17, 1986  
DATE

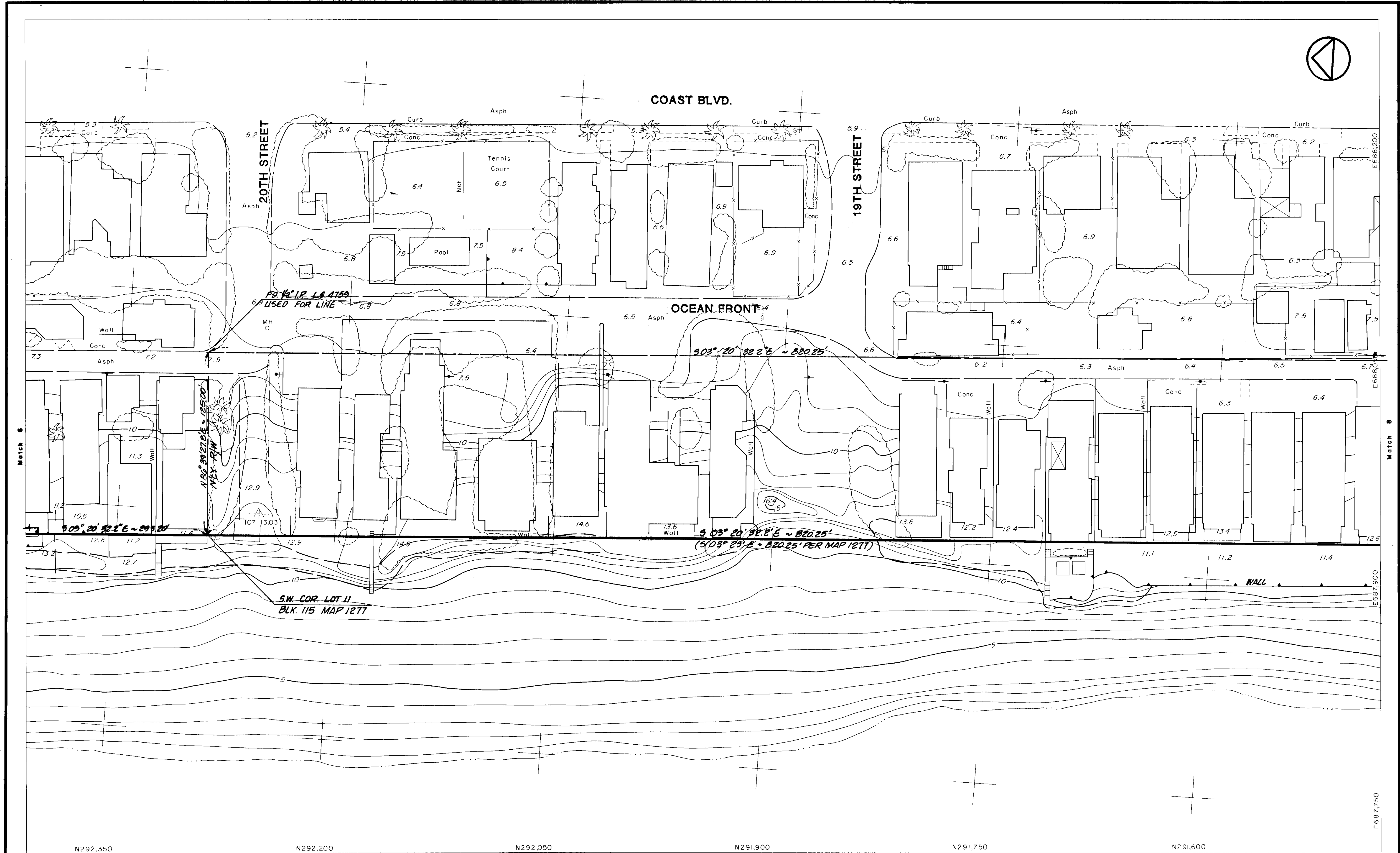
CITY OF DEL MAR

BEACH OVERLAY ZONE  
EXHIBIT "A"  
SHORELINE PROTECTION LINE

SHEET  
6  
OF 10 SHEETS

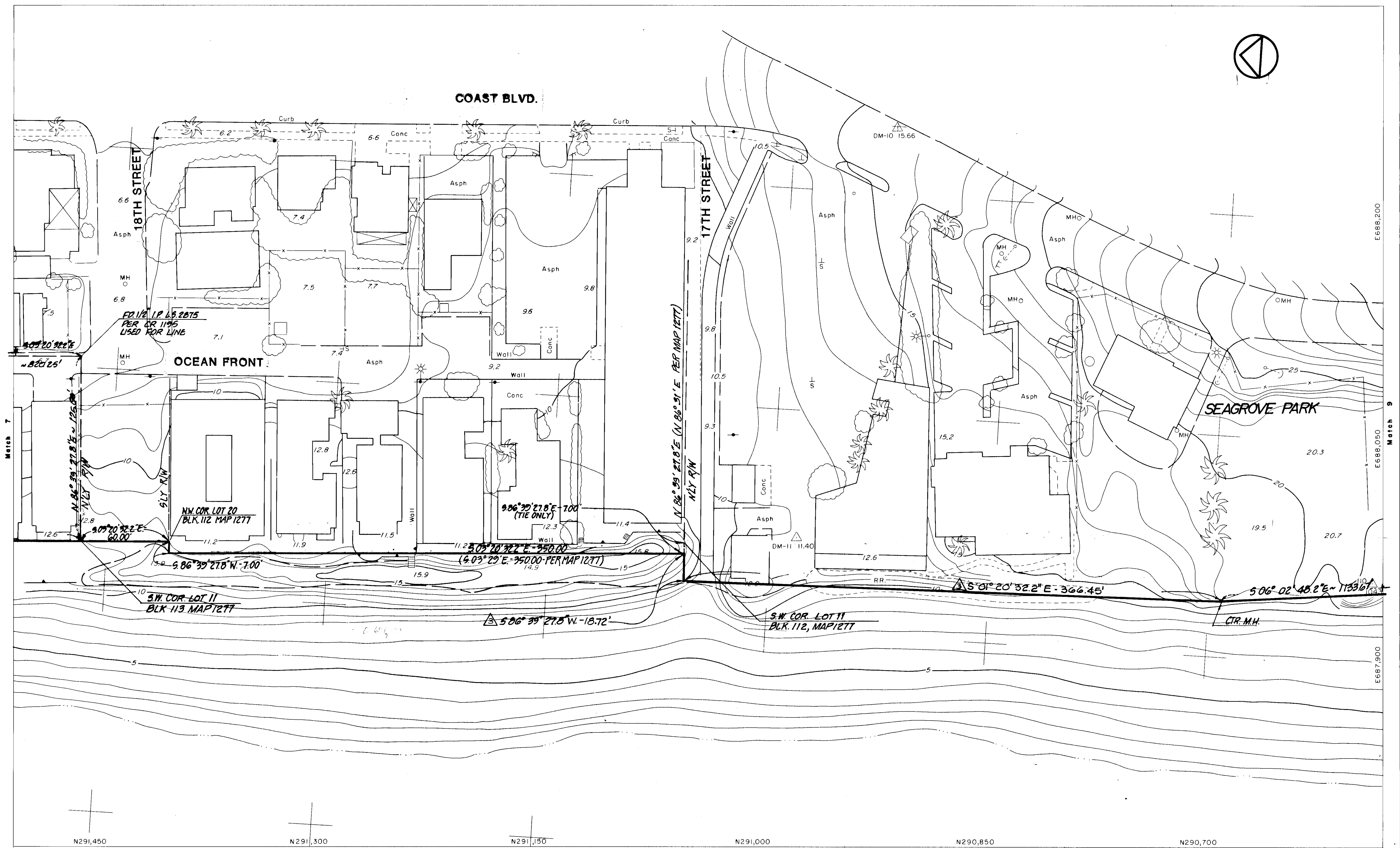
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REVISION	DESCRIPTION	APPROVED	DATE	SCALE: 1" = 30'	DESIGNED:	DRAWN:	CHECKED:	<b>POWELL</b> <b>John Powell &amp; Associates, Inc.</b> Consulting Civil Engineers 175 Calle Magdalena, Suite 101 Encinitas, CA 92024 (619) 753-1120	APPROVED <i>[Signature]</i> CITY MANAGER DATE: 6/17/86	CITY OF DEL MAR BEACH OVERLAY ZONE EXHIBIT "A" SHORELINE PROTECTION LINE	SHEET 7 OF 10 SHEETS
				PROJECT NO. 2.200	<i>[Signature]</i> ENGINEER OF WORK 28179 R.C.E. NO.	4/30/86 DATE	APPROVED <i>[Signature]</i> PLANNING DIRECTOR DATE: June 17, 1986				

E-86-007-7



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2	ALIGNMENT REVISION-18 <sup>TH</sup> ST. TO M.H.	[Signature]	4/15/87		[Signature]	[Signature]	[Signature]			[Signature]	June 13, 1986	EXHIBIT "A"	
3	ALIGNMENT REVISION-17 <sup>TH</sup> ST. TO M.H.	[Signature]	7/25/91		[Signature]	[Signature]	[Signature]			[Signature]		SHORELINE PROTECTION LINE	

**POWELL**

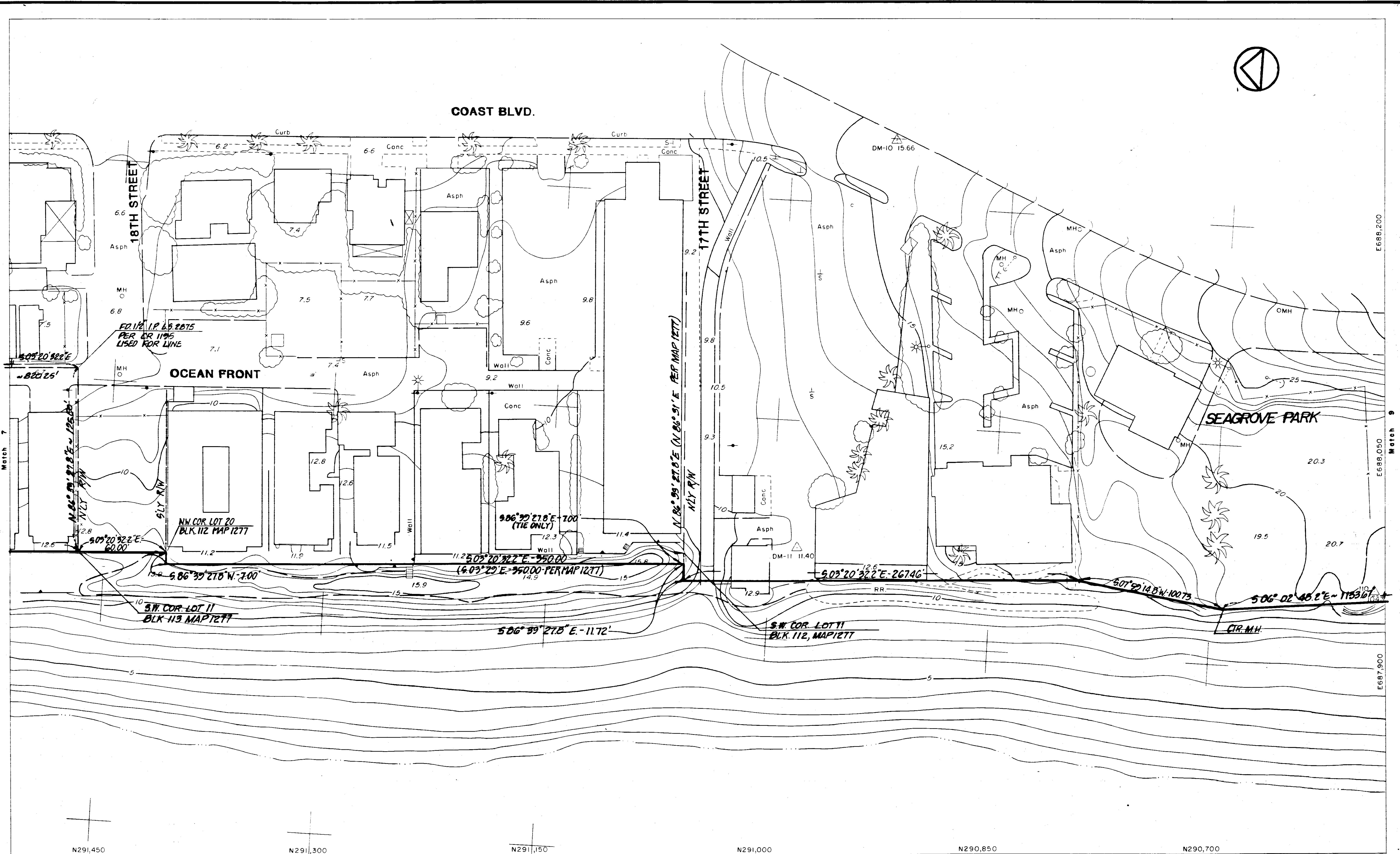
**John Powell & Associates, Inc.**  
Consulting Civil Engineers  
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Encinitas, CA 92024  
(619) 753-1120

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CITY MANAGER  
APPROVED  
PLANNING DIRECTOR

CITY OF DEL MAR  
BEACH OVERLAY ZONE  
EXHIBIT "A"  
SHORELINE PROTECTION LINE

E-86-007-8





REVISION	DESCRIPTION	APPROVED	DATE
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2	PER DP&CD	<i>[Signature]</i>	5/15/86
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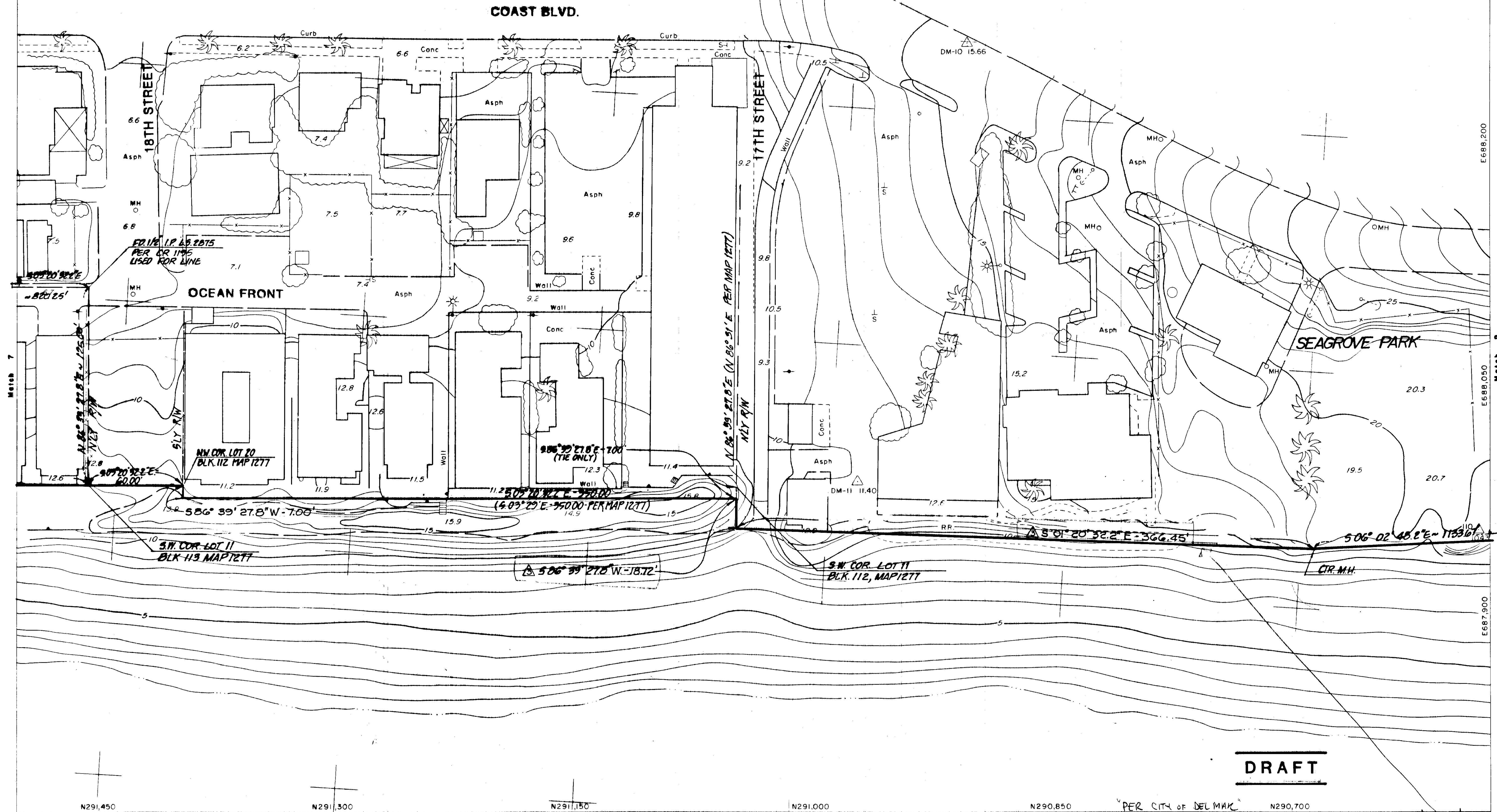
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PROJECT NO. 2.200	28179	4/30/86
ENGINEER OF WORK	R.C.E. NO.	DATE

**John Powell & Associates, Inc.**  
Consulting Civil Engineers  
175 Calle Magdalena, Suite 101  
Encinitas, CA 92024  
(619) 753-1120

APPROVED	DATE
<i>[Signature]</i>	6/17/86
CITY MANAGER	
APPROVED	DATE
<i>[Signature]</i>	June 18, 1986
PLANNING DIRECTOR	

CITY OF DEL MAR	SHEET 8
BEACH OVERLAY ZONE	
EXHIBIT "A"	
SHORELINE PROTECTION LINE	

USED TO DO "R.R." LINE - 2.015Q **E-86-007-8A**



**DRAFT**

REVISION	DESCRIPTION	APPROVED	DATE	SCALE:	DESIGNED:	DRAWN:	CHECKED:	PROJECT NO.	ENGINEER OF WORK	R.C.E. NO.	DATE	APPROVED	CITY OF DEL MAR	SHEET
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2	ALIGNMENT REVISION-18TH ST TO MH	DM	4/15/87											
3	REVISIONS-17TH ST TO M.H.	J.P.A.	6/12/91											

**POWELL** John Powell & Associates, Inc.  
Consulting Civil Engineers  
175 Calle Magdalena, Suite 101  
Encinitas, CA 92024  
(619) 753-1120

APPROVED  
CITY MANAGER  
APPROVED  
PLANNING DIRECTOR

DATE  
DATE  
DATE

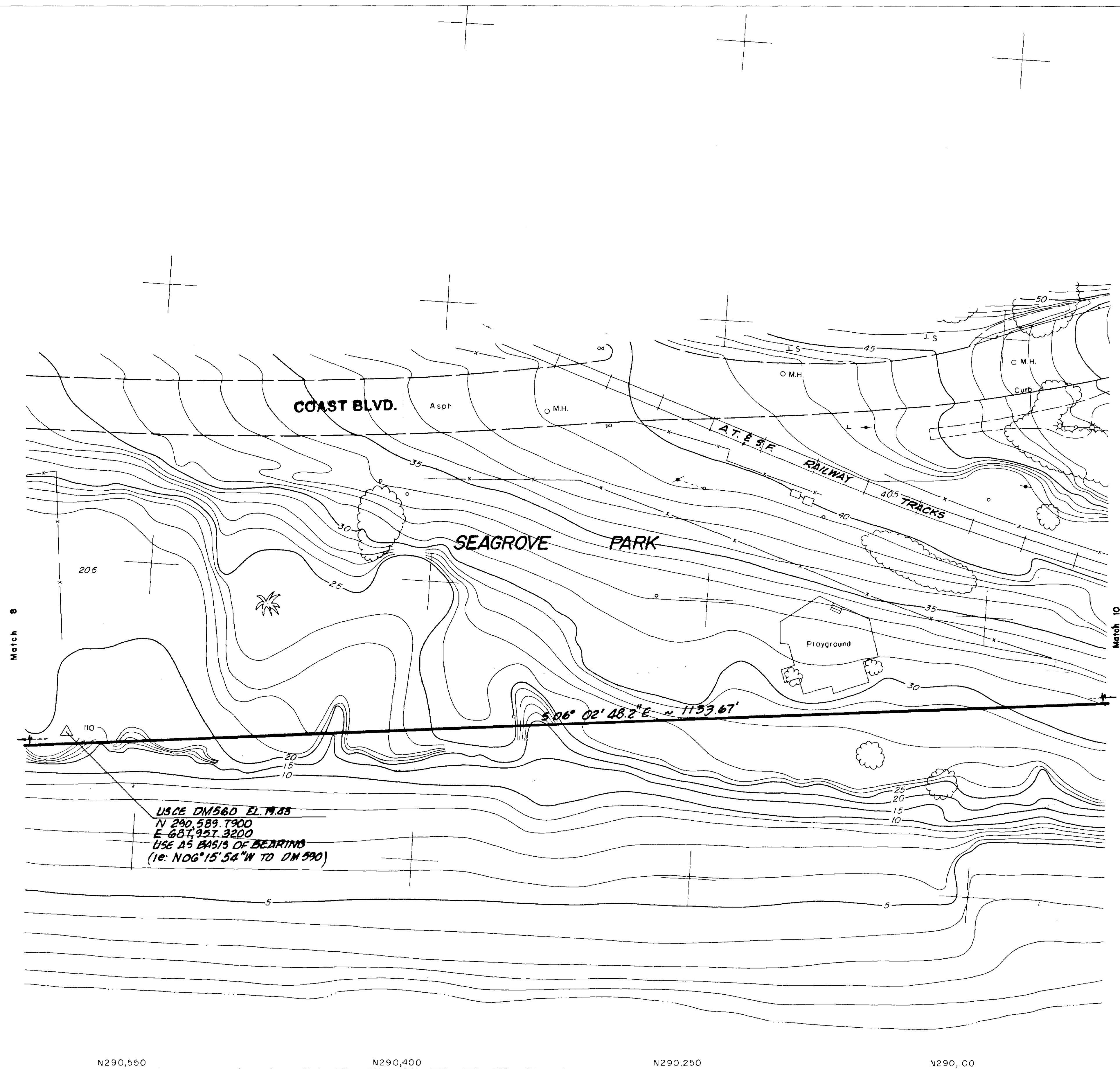
REVISOR  
REVISED  
SHORELINE PROTECTION LINE

OF 1 SHEETS

WORKING JOB NO 2.015Q BPI

THIS WAS SHT 8 OF 8020 DWGS (04024-B) E-86-007-8B 2.015Q





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 N 290.589.7900  
 E 687.957.3200  
 USE AS BASIS OF BEARING  
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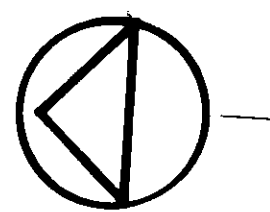
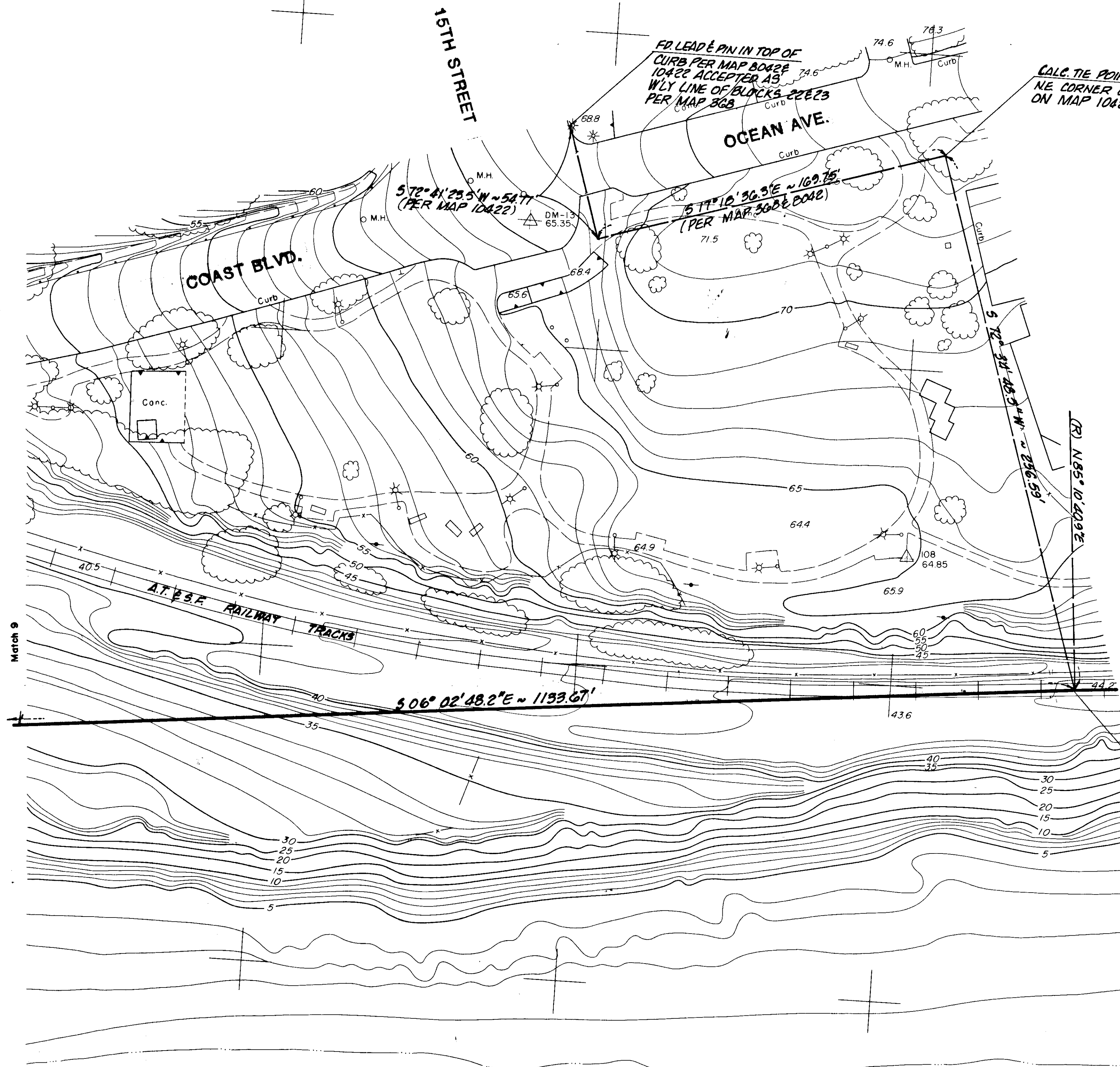
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1	ALIGNMENT REVISION 5 OF 17TH STREET PER DP&LU	JMP	5/15/86	1" = 30'		SA	OPC	28179	John M. Powell	28179	4/30/86			6/17/86			June 17, 1986					9	
								2.200															

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 Consulting Civil Engineers  
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 Encinitas, CA 92024  
 (619) 753-1120

APPROVED  
 CITY/MANAGER  
 APPROVED  
 PLANNING DIRECTOR

**E-86-007-9**



E688,350  
E688,200  
E688,050  
E687,900

N290,100      N289,950      N289,800      N289,650      N289,500      N289,350

REVISION	DESCRIPTION	APPROVED	DATE	SCALE:	DESIGNED:	DRAWN:	CHECKED:	<b>POWELL</b> <b>John Powell &amp; Associates, Inc.</b> Consulting Civil Engineers 175 Calle Magdalena, Suite 101 Encinitas, CA 92024 (619) 753-1120	APPROVED	DATE	CITY OF DEL MAR BEACH OVERLAY ZONE EXHIBIT "A" SHORELINE PROTECTION LINE	SHEET 10 OF 10 SHEETS
1	ALIGNMENT REVISION 3. OF 17TH STREET PER DP&LU	[Signature]	5/15/86	1" = 30'	[Signature]	[Signature]	[Signature]		6/17/86	DATE		
				PROJECT NO. 2.200	John M. Powell ENGINEER OF WORK		28179 R.C.E. NO. DATE		[Signature] CITY MANAGER	[Signature] PLANNING DIRECTOR		

E-86-007-10



RC  
RM-CENTRAL

RR  
R1-5

#### Residential Designations

R1-40	Very Low Density
R1-14	Modified Low Density
R1-10	Low Density
R1-10B	Low Density-Beach
R1-5	Medium Density Single Family
R1-5B	Medium Density Single Family-Beach
RM-East	Medium Density Mixed-East
RM-West	Medium Density Mixed-West
RM-Central	Medium Density Mixed-Central
RM-South	Medium Density Mixed-South
R-2	High Density
CVPP	Carmel Valley Precise Plan

#### Commercial Designations

RC	Residential-Commercial
CC	Central Commercial
BC	Beach Commercial
PC	Professional Commercial
NC	North Commercial
VC	Visitor Commercial

#### Miscellaneous Designations

PSP	Plaza Specific Plan
HSP	Hotel Specific Plan
FR	Fairgrounds-Racetrack
RR	Railroad Right-of-Way
FW	Floodway
PP	Public Parkland
PF	Public Facilities

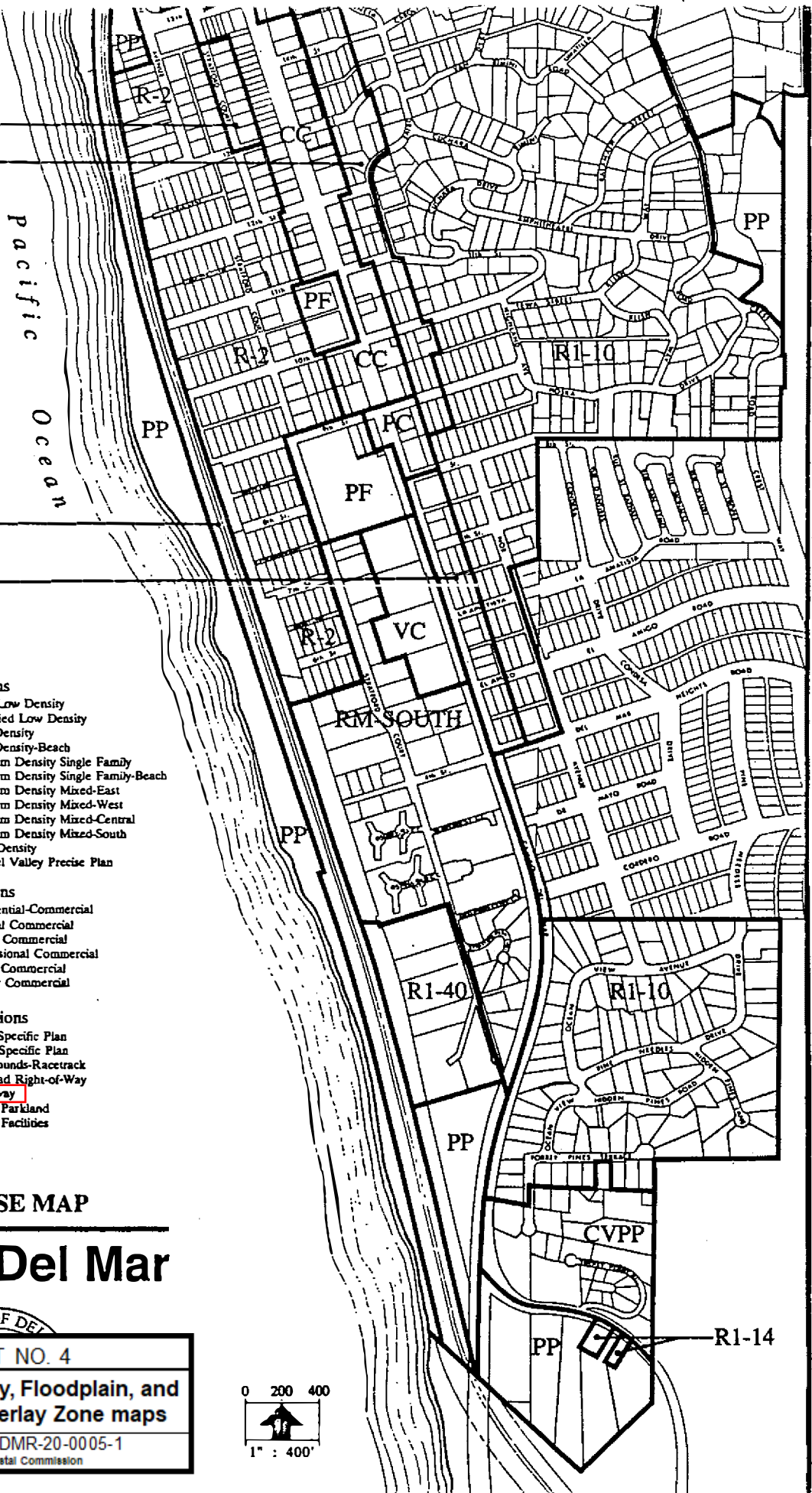
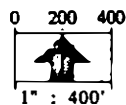
### LAND USE MAP

## City of Del Mar

EXHIBIT NO. 4

Certified Floodway, Floodplain, and  
Coastal Bluff Overlay Zone maps

Del Mar LCP-6-DMR-20-0005-1  
California Coastal Commission



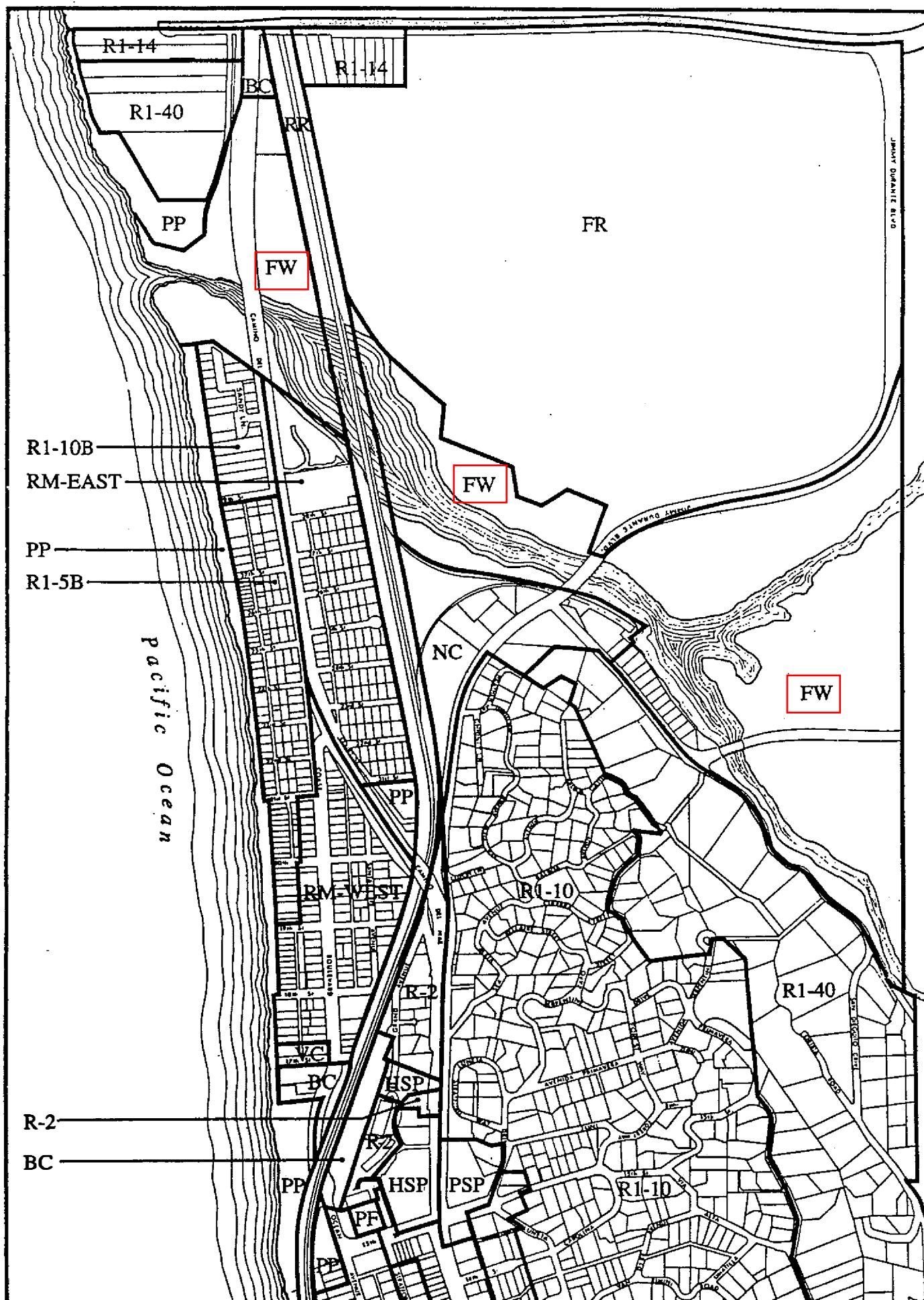
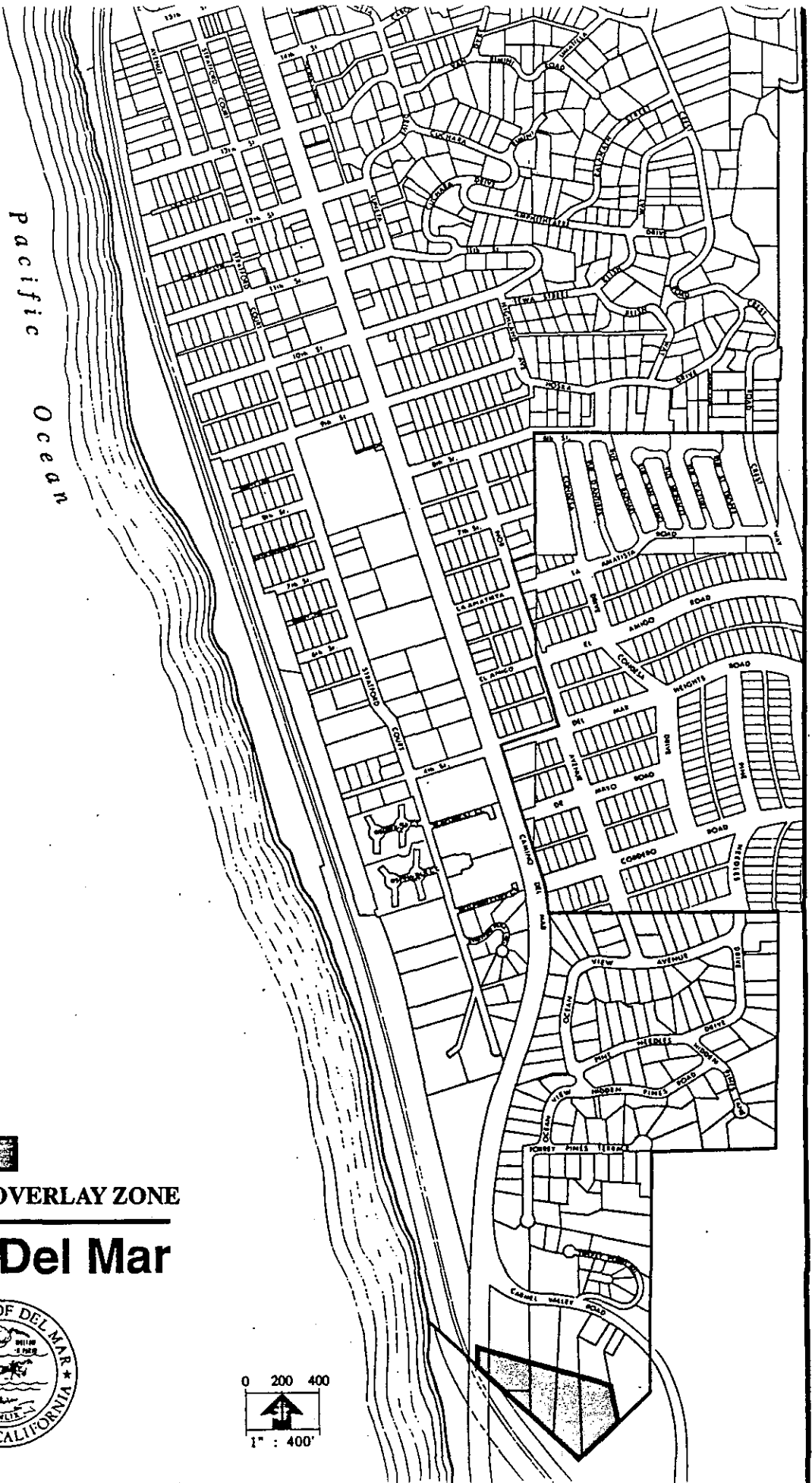


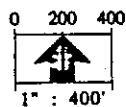
Figure II-A Land Use Map (Cont.)

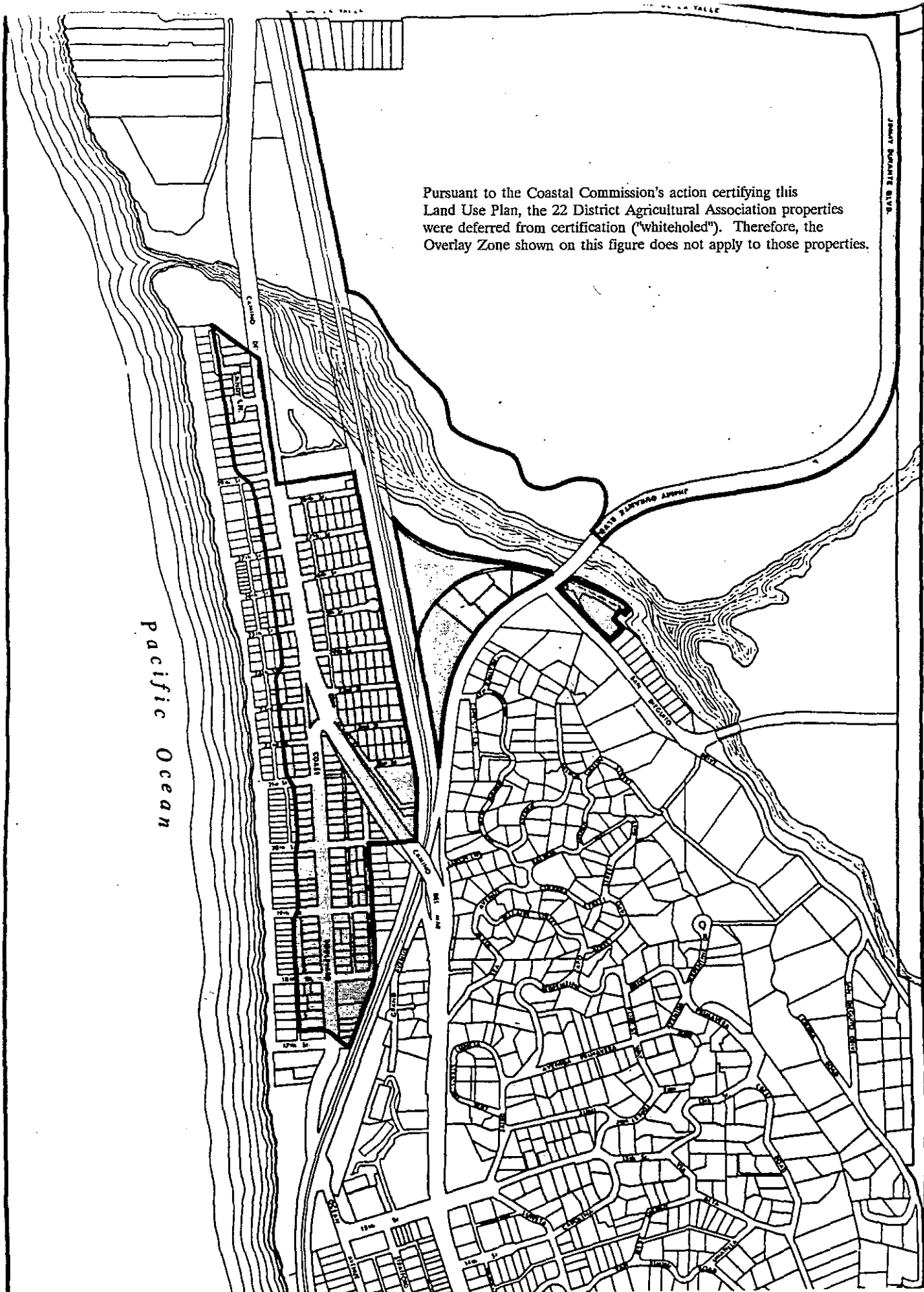




**FLOODPLAIN OVERLAY ZONE**

**City of Del Mar**





Pursuant to the Coastal Commission's action certifying this Land Use Plan, the 22 District Agricultural Association properties were deferred from certification ("whiteholed"). Therefore, the Overlay Zone shown on this figure does not apply to those properties.





 **Overlay Zone**



**Map Date: 1-5-98**

This map contains information from the San Diego Association of Governments (SANDAG) Regional Information System. This map cannot be reproduced without the written permission of SANDAG.

Every reasonable effort has been made to ensure the accuracy of this map. However, neither the RJMS participants nor San Diego Data Processing Corporation assume any liability arising from its use.

**THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, EITHER EXPRESS OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.**

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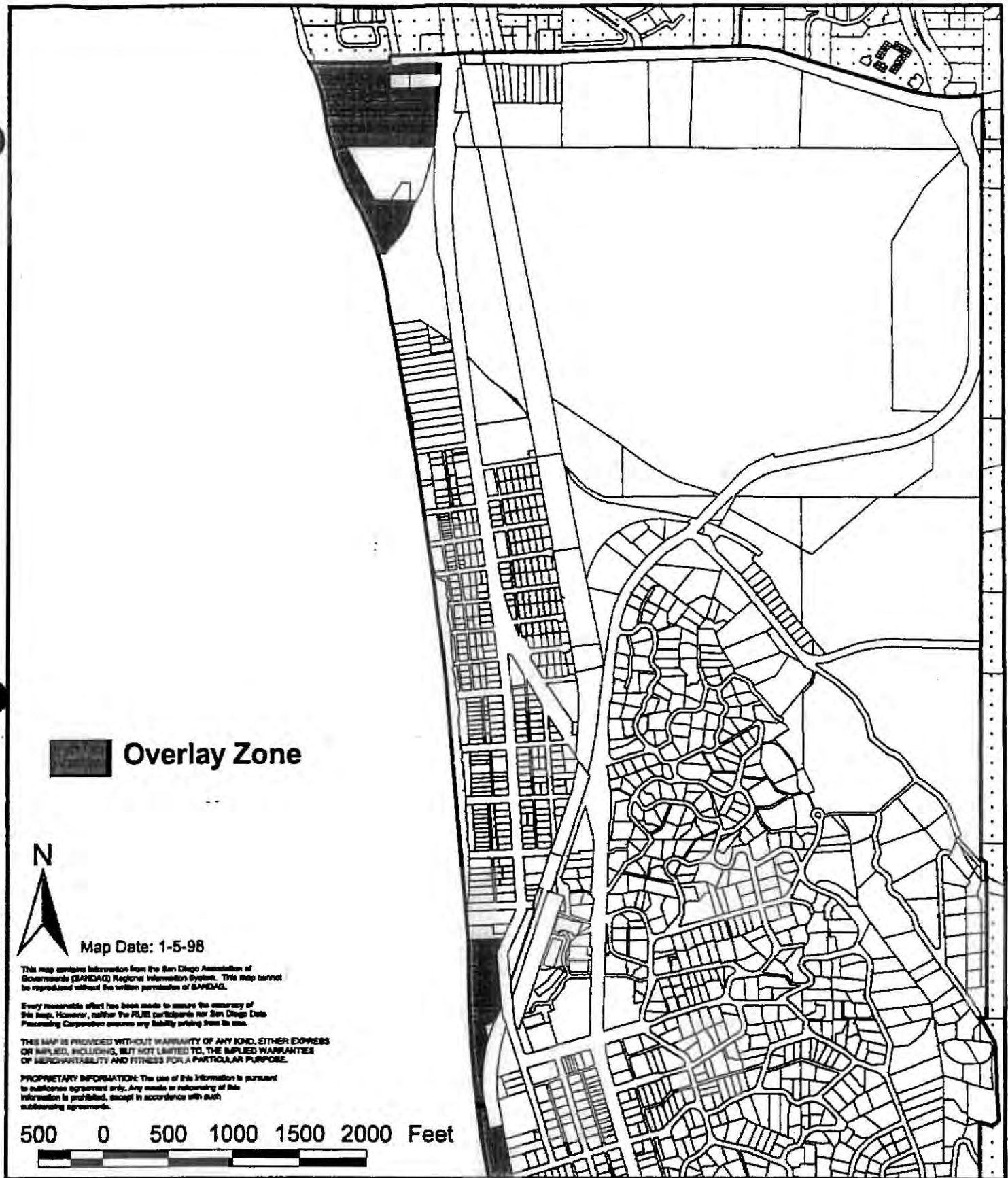
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**City of Del Mar Local Coastal Program**

**Implementing Ordinances**

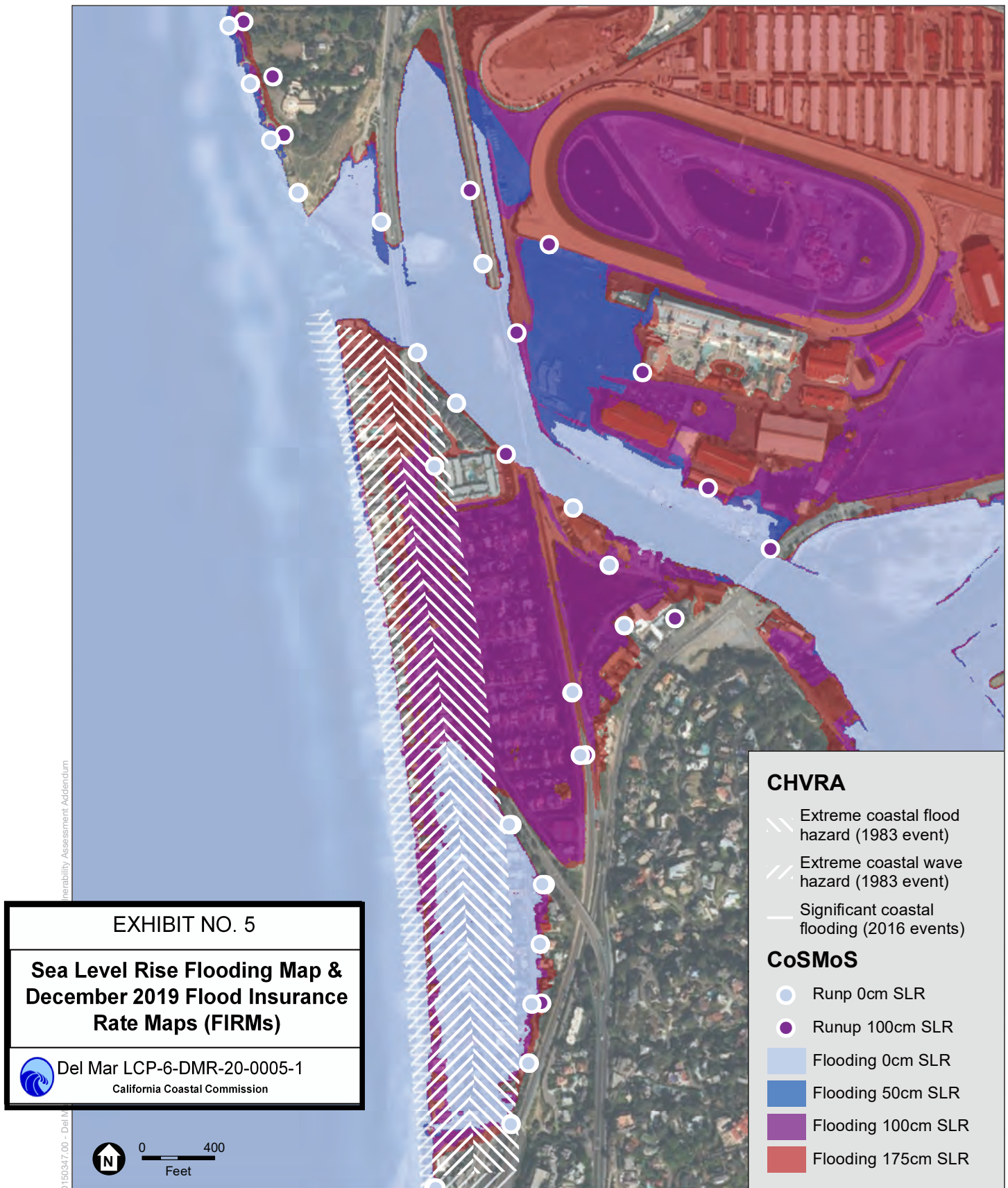
**Location of Coastal Bluff Overlay Zone**



## City of Del Mar Local Coastal Program Implementing Ordinances

### Location of Coastal Bluff Overlay Zone





SOURCE: CHVRA 2016, USGS 2017

Del Mar Vulnerability Assessment

**Figure 14**  
Comparison of Extreme Coastal Flood Hazard Map for CHVRA (1983 Storm Event) and CoSMoS (100-Year Storm Event)



MAP REVISED  
DECEMBER 20, 2019









SOURCE: USGS 2015

Del Mar Vulnerability Assessment

**Figure 5-2**

Bluff Retreat Comparison between CoSMoS 3.0 Phase 1 and Phase 2

**EXHIBIT NO. 6**

**Maps of bluff erosion as  
influenced by SLR**



Del Mar LCP-6-DMR-20-0005-1  
California Coastal Commission





SOURCE: USGS 2015

Del Mar Vulnerability Assessment

**Figure 5-3**  
Bluff Retreat Comparison between CoSMoS 3.0 Phase 1 and Phase 2





SOURCE: USGS 2015

Del Mar Vulnerability Assessment

**Figure 5-4**  
Bluff Retreat Comparison between CoSMoS 3.0 Phase 1 and Phase 2





SOURCE: USGS 2015

Del Mar Vulnerability Assessment

**Figure 5-5**  
Bluff Retreat Comparison between CoSMoS 3.0 Phase 1 and Phase 2



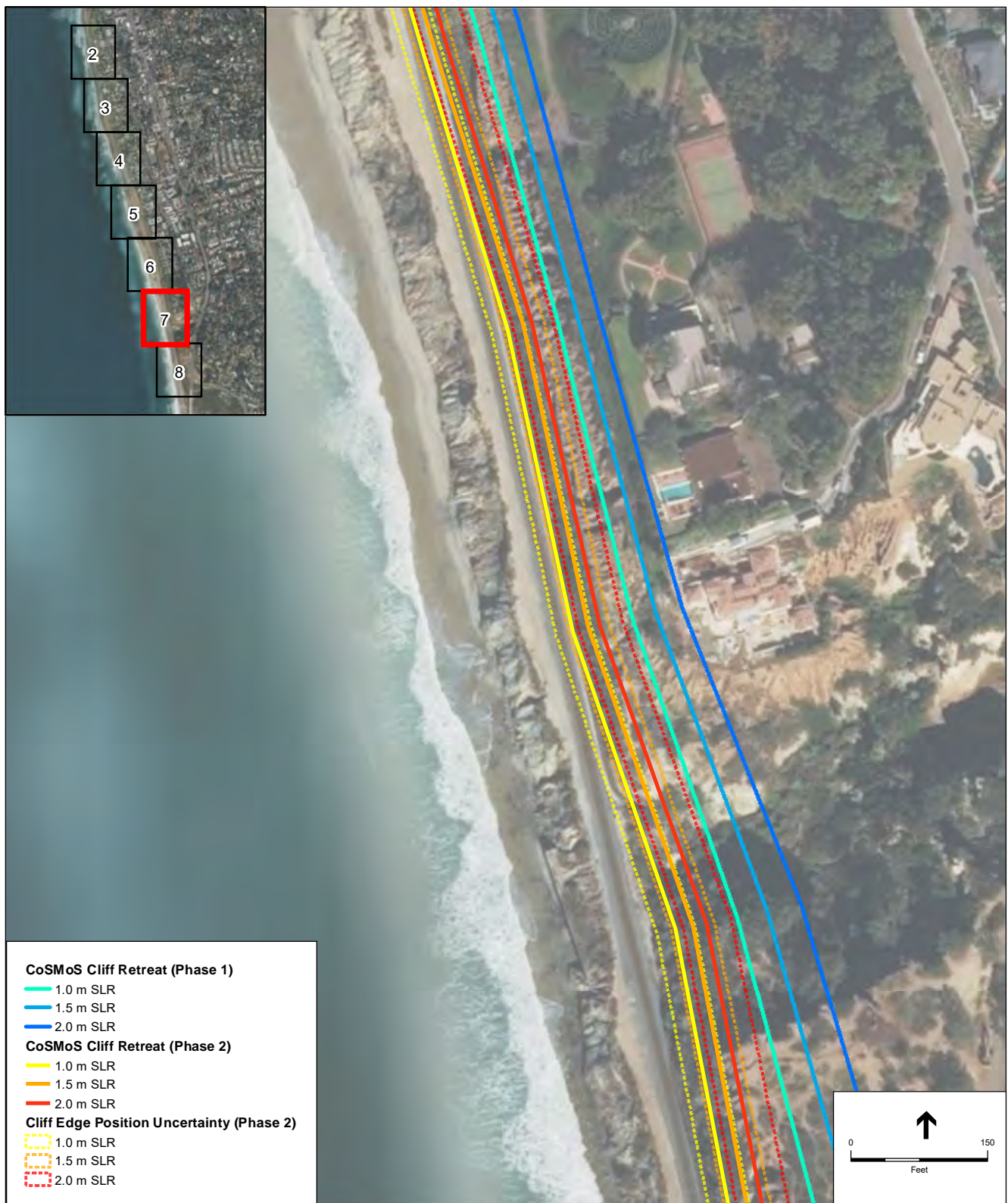


SOURCE: USGS 2015

Del Mar Vulnerability Assessment

**Figure 5-6**

Bluff Retreat Comparison between CoSMoS 3.0 Phase 1 and Phase 2



SOURCE: USGS 2015

Del Mar Vulnerability Assessment

**Figure 5-7**

Bluff Retreat Comparison between CoSMoS 3.0 Phase 1 and Phase 2





SOURCE: USGS 2015

Del Mar Vulnerability Assessment

**Figure 5-8**  
Bluff Retreat Comparison between CoSMoS 3.0 Phase 1 and Phase 2



## **CHAPTER I - INTRODUCTION**

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

### **A. Purpose**

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

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

### **B. History/Legal Authority**

Paragraphs 1 through 5 [No change]

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

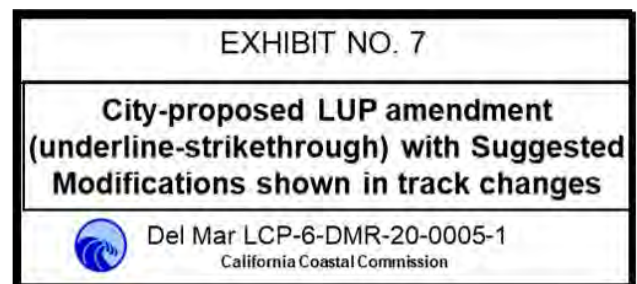


Figure I-A [No change]

## **CHAPTER II – LAND USE DEVELOPMENT**

A. Background [No change]

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

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

Figure II-A [No change]

Land Use Designations/Allowed Uses

Figure II-B [No change]

## **CHAPTER III – HAZARD CONTROL**

### **A. Background**

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

#### **1. Coastal Bluff Failure**

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

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



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

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

## 2. Shoreline Storm Damage

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

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

A number of shoreline protective structures have been placed on Del Mar's beach in an attempt to protect beachfront properties from the damaging impacts associated with

critically high tides and storm waves. These measures have varied from [sand]berms and riprap to more substantial concrete and timber, seawalls and other protective devices. They include: hazards from improper design; the potential for loose materials to become projectiles during storm conditions; the acceleration of beach erosion; and the displacement of sandy beach area.

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

### 3. Flooding (River and Coastal)

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

Much of the San Dieguito River Valley is within the 100-year floodplain as designated on Federal Insurance Rate Program Maps prepared by the Federal Emergency Management Agency. The river-floodway and floodplain extend over previously developed and undeveloped land. The City protects the public health, safety, and general welfare in these areas through application of the Floodway Zone regulations (Del Mar Municipal Code Chapter 30.29) and Floodplain Overlay Zone regulations (Del Mar Municipal Code Chapter 30.56). ~~The Floodway Zone regulations of this Land Use Plan prohibit the placement of fill or the development of permanent structures within the Floodway Zone where the hazards of flooding are the greatest. Other policies regulate that development which is allowed within the~~ The Floodplain Overlay Zone regulations apply to the 100-year floodplains as shown on the FEMA Flood Insurance Rate Maps dated December 2019, which are the City's flood-prone areas that are subject to periodic inundation due to river or coastal flooding.

### 4. Runoff and Slope Erosion [No change]

### 5. Sea Level Rise



Sea level rise is the increase in the elevation of the ocean surface. The City’s Coastal Hazards, Vulnerability, and Risk Assessment (Environmental Science Associates 2016) identified that the City is vulnerable to sea level rise and the associated increased risk of flooding (river and coastal), storm surge, beach erosion, and coastal bluff erosion. With projected future climate change and sea level rise, Del Mar’s vulnerabilities are projected to increase in both frequency and intensity, resulting in increased damage to much of Del Mar’s shoreline, San Dieguito Lagoon, Los Penasquitos Lagoon, and the adjacent low-lying areas and coastal bluffs. Sea level rise is projected to impact the City’s coastal resources and valued assets including public and private properties; the public beach and beach access; lagoon habitat; and government infrastructure including the City’s emergency services, roads, bridges, and other infrastructure. [The City’s Coastal Hazards, Vulnerability, and Risk Assessment \(Environmental Science Associates, July 2016; City Council adopted October 1, 2018 by Resolution 2018-67\) and Addendum 1 \(Comparison of CHVRA, CoSMoS, and FEMA for Beach Erosion, Bluff Erosion, and Coastal Storm Flood Hazards\)\(Environmental Science Associates, September 2018; City Council adopted October 1, 2018 by Resolution 2018-67\), along with the City of Del Mar Sea Level Rise Adaptation Plan \(Environmental Science Associates, May 2018; City Council adopted October 1, 2018 by Resolution 2018-67\), were developed by the City to provide information on sea level rise hazards and how to address them. The Coastal Hazards, Vulnerability, and Risk Assessment \(Environmental Science Associates, July 2016\), Addendum 1 \(Environmental Science Associates, September 2018\), and the City of Del Mar Sea Level Rise Adaptation Plan \(Environmental Science Associates, May 2018\) are incorporated as guidance when implementing the LCP to the extent they are not inconsistent with any other provisions of the certified LCP.](#)

[In the City of Del Mar Sea Level Rise Adaptation Plan \(Environmental Science Associates 2018; City Council adopted October 1, 2018 by Resolution 2018-67\), local sea level rise projections and effects are based on the 2012 National Research Council study “Sea Level Rise for the Coasts of California, Oregon, and Washington”, which, ~~subject to updates as appropriate, is was~~ considered the best available science for the State of California at the time the report was developed. In 2018, the State adopted an update to the State Sea Level Rise Guidance<sup>1</sup>, which provided updated best available science on sea level rise projections, impacts, and adaptation planning processes. As of the adoption of this LCP, the OPC guidance still provided the best available science; however, updates to the science are expected in the coming years. Therefore, the City shall always utilize – and require the use of – the best available science. ~~However, t~~](#)

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<sup>1</sup> [http://www.opc.ca.gov/webmaster/ftp/pdf/agenda\\_items/20180314/Item3\\_Exhibit-A\\_OPC\\_SLR\\_Guidance-rd3.pdf](http://www.opc.ca.gov/webmaster/ftp/pdf/agenda_items/20180314/Item3_Exhibit-A_OPC_SLR_Guidance-rd3.pdf)

The processes causing sea level rise and the science projecting sea level rise are inherently uncertain because the rate of sea level rise is highly dependent on whether global greenhouse gas emissions will be reduced. This means that the actual rate of sea level rise could be higher or lower than currently projected. The City has therefore adopted a flexible approach to monitor the change in conditions over time and to respond as appropriate when there is a significant and measurable change in conditions.

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

## **B. Shoreline Hazards – Goals and Policies**

### **Goal III-A:**

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

Policies:

#### **III-1 [No change]**

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

- a. Regulate development in accordance with the specific Beach Overlay Zone (BOZ), Floodway Zone (FW) and Floodplain Overlay Zone (FP) ~~Overlay Zone~~ regulations contained within ~~this chapter~~ Del Mar Municipal Code Chapters 30.50, 30.29, and 30.56 respectively. Interpret the Hazard Overlay Zone maps such that if a portion of a parcel falls within the overlay zone, the whole parcel is considered to be within that zone.



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

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

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

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

**III-4** [No change]

**Goal III-B:**

To respond to evolving understanding of sea level rise and its impacts upon the City's resources and development, and to maintain public access and recreational resources, maintain the ability of beaches and wetlands to continue providing a storm-buffering function, and protect development, the City shall pursue the following principles from the City's adopted Sea Level Rise Adaptation Plan:

- Adopt and implement adaptation measures that will limit the risk of extreme coastal and river flooding and damage to vital infrastructure and structures in the low-lying areas of the City.

- Maintain a walkable beach for recreational use and economic benefit, and to reduce flooding.
- Maintain the extensive existing system of horizontal and vertical access points to the Del Mar Beach and the San Dieguito River and Lagoon
- Maintain continuous coastal access from North Beach to South Beach.
- Maintain San Dieguito Lagoon wetland habitat functions.

III-5 The City shall periodically review and, if necessary to address changed conditions and updated best available science on sea level rise, update its LCP to address sea level rise. Such LCP amendments shall include appropriate updates to hazard overlay maps, policies, or the zoning code. The scope of each update is expected to vary depending on the extent to which conditions have changed over time. A review and, if necessary, an update shall be initiated every ten years at minimum. An LCP update shall be initiated sooner if relocation of the LOSSAN railroad from the Del Mar bluffs to a different location is approved and funded. That LCP amendment shall include at minimum, a method for noticing property owners inland of the railroad of relevant risks related to erosion as impacted by sea level rise and an evaluation of the scope and coverage of the Coastal Bluff Overlay Zone; in addition, the City shall prepare an updated vulnerability assessment to evaluate the projected change in bluff conditions, considering sea level rise.

In addition:

- If a consistent pattern of flood damage to structures on a specific property or properties due to ocean or river flooding is identified, the City shall hold a noticed public hearing to consider available adaptation strategies. This hearing shall be followed by processing appropriate Coastal Development Permits and/or an LCP amendment to implement selected adaptation strategies.
- Within five years of certification of the Sea Level Rise LCP amendment the City shall prepare a conceptual design for a living levee along the San Dieguito River, and identify when implementation of the levee will be initiated via a coastal development permit processed by the Coastal Commission.
- Within five years of certification of the Sea Level Rise LCP amendment the City shall establish a Sand Compatibility and Opportunistic Use Program (SCOUP) and apply for funding to facilitate beach nourishment.
- Within 5 years of the SCOUP/beach nourishment, if data collected shows a consistent pattern of narrowing beach width, the City shall hold public hearing to decide whether to pursue sand retention strategy.
- If public access is not consistently maintained at the beach street ends and/or along the beach for lifeguard vehicles and people, the City shall hold a public hearing to decide which adaptation strategies to pursue to ensure public beach access. This hearing shall be followed by processing appropriate coastal development permits and/or an LCP amendment to implement selected adaptation strategies.



- If the Southern California Edison obligation to complete the San Dieguito lagoon restoration plan ends, then the City shall hold a noticed public hearing to consider how the existing endowment should be applied to continue Lagoon habitat protection and accommodate wetland habitat migration.
- If a bluff edge erodes to within 35 feet of development, the affected property or properties shall immediately be subject to the requirements of the Coastal Bluff Overlay Zone.

The City shall conduct monitoring to determine if any of the above physical thresholds are met. The City shall work with local and regional partners, as appropriate, to monitor the distance between the bluff edge and development, beach width and accessibility, beach attendance, flood and damage risk, and river flooding. Monitoring sites and methods shall be consistent from year to year and shall be generally consistent with those outlined in the 2018 Del Mar Adaptation Plan, but shall be adjusted if necessary to provide sufficient data on whether thresholds have been met.

#### Beach Hazards/Public Access Policies

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

**III-6** Minimize the loss of life and destruction of property from seismic, geologic, oceanographic and weather related causes by developing a ~~well-coordinated~~ well-coordinated disaster plan which includes preparation for earthquakes, tsunamis, and storm waves. Require new development to incorporate design measures that will reduce and where feasible eliminate the risk of extreme flooding damage to people and property, public and private.

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

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

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

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

### **Section C. Coastal Bluffs and Vulnerable Slopes**

#### **~~Goal III-B:~~**

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

#### **Policies:**

**III-9** Where a proposed development would lie at the top of, or in proximity to a coastal bluff, the Coastal Bluff Overlay Zone Regulations (Del Mar Municipal Code Chapter 30.55) ~~cited below and on subsequent pages shall apply.~~ For purposes of this Land Use Plan, a coastal bluff is defined as a steep escarpment with a slope gradient equal to or greater than an average of one foot vertical to one foot horizontal and a vertical rise of 15 feet or more, and which is located in an area that is periodically subject to ocean wave action. Based on best available science, the existing lower coastal bluffs and adjacent slopes are projected to significantly erode landward. The areas of the City of Del Mar in which coastal bluffs are located are shown on Figure III-C. As shown on this Figure, the manufactured cut slope which follows the eastern edge of the ~~AT&SF Railway Right of Way~~ Los Angeles-San Diego-San Luis Obispo (LOSSAN) railroad corridor between the City’s southern boundary and 15<sup>th</sup> Street is not considered to be a coastal bluff. ~~Therefore, the~~ However, the properties which lie to the east of such manufactured cut slope (south bluff neighborhood) are not subject to the following coastal bluff regulations are identified as vulnerable to sea level rise and coastal bluff erosion per the City’s Coastal Hazards, Vulnerability, and Risk Assessment (Environmental Science Associates 2018). The City will continue to monitor changes in the rate of erosion of the lower coastal bluffs and any changes in projected erosion rates.

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

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

### **Goal III-B:**

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

#### Policies:

**III-9** Require all new development located on a coastal bluff or vulnerable slope to be setback from the coastal bluff edge a sufficient distance to ensure stability, ensure that it will not be endangered by erosion, and to avoid the need for protective devices during the economic life of the structure (minimum 75 years). Such setbacks must take into consideration projected long-term bluff retreat over the next 75 years [considering the effects of sea level rise upon erosion rates](#), as well as slope stability. To assure stability, the development should maintain a minimum factor of safety of 1.5 against land sliding for the economic life of the structure [determined through a quantitative slope stability analysis, specifically: 1.5 under static conditions and 1.1 pseudostatic conditions, where  \$k=0.15\$  unless otherwise determined through analysis by the geotechnical engineer or certified engineering geologist.](#) ~~Alternative stability requirements may be approved to the satisfaction of the City Engineer and Building Official if an equivalent factor of safety is demonstrated.~~

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

### **D. Runoff and Erosion Control**

#### **Goal III-C:**



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

Policies:

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

Subsections a through d and final paragraph [No change]

## E. Flood Hazards

### Goal III-D:

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

Policies:

Flood hazards shall be minimized through the application of the ~~following Flood Hazard Regulations: Floodway Zone (Del Mar Municipal Code Chapter 30.29) and the Floodplain Overlay Zone (Del Mar Municipal Code Chapter 30.56), which rely on~~ Where these regulations make reference to the [most recently approved](#) Federal Insurance Rate Maps (FIRMs) [dated December 2019](#) or a designation taken from such a map, the most recent, approved FIRM shall be used.

### Flood Hazard Regulations

~~III-14~~ **III-12** Enhance public safety within the San Dieguito River Floodway by:

- a. Prohibiting the construction of permanent structures or the placement of fill on either a temporary or permanent basis within designated floodway (FW) areas.
- b. Prohibiting uses in the floodway which would constitute an unreasonable, unnecessary, undesirable, or dangerous impediment to the flow of floodwaters, or which would cause a cumulative increase in the water surface elevation of the base flood of more than one foot at any point.

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

~~III-12~~ **III-13** Ensure that the development of real property which is subject to floodwaters within the Floodplain Overlay Zone will not unreasonably obstruct flood flow waters; will not create a hazard to life, health, safety, or the general welfare; will reduce the need for the construction of flood control facilities that would be required if unregulated development occurs; and will minimize the cost of flood insurance to Del Mar residents. The following Floodplain (FP) Overlay Zone policies shall be applied to all applications for a Floodplain Development Permit. A Floodplain Development Permit shall be required for any new construction or substantial improvement to existing structures within the FP Overlay Zone ~~designated on Figure III-F.~~ This overlay zone incorporates floodplain areas designated on the Federal Insurance Rate Map (FIRM) for the area as prepared by the Federal Emergency Management Agency ~~and updated in 1986.~~ That The floodplain areas are generally depicted on the [FIRMs dated December 2019.](#) [Updates to the FIRMs shall be incorporated into the Land Use Plan and FP Overlay Zone through future LCP amendments within a reasonable time period.](#) ~~map that is included as Figure III-E.~~

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

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

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



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

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

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

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

**III-15** Develop a fee recovery program, which will be incorporated into the LCP through a future LCP amendment, to mitigate development impacts on coastal resources and fund adaptation projects that are consistent with the City's Adaptation Plan.

**CHAPTER IV – COASTAL ACCESS** [NO CHANGE]

**CHAPTER V – RECREATIONAL OPPORTUNITIES** [NO CHANGE]

**CHAPTER VI – SENSITIVE LANDS** [NO CHANGE]

## **Chapter 30.29 FLOODWAY ZONE (FW)**

### **30.29.010 Zone Boundaries ~~Established~~.**

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.

### **30.29.020 Purpose.**

- A. The purpose of the FW Zone is to preserve areas subject to relatively deep and high velocity floodwater by prohibiting uses which would constitute an unreasonable, unnecessary, undesirable or dangerous impediment to the flow of floodwaters, or cause a cumulative increase in the water surface elevation of the base flood of more than one foot at any point.
- B. It is also the purpose of the FW Zone to reduce the need for construction of flood control facilities made necessary by inadequately controlled development in the floodplain.
- C. It is also the purpose of the FW Zone to protect the health, safety, and general welfare of persons and of property located within and adjacent to the floodway by prohibiting the construction of permanent structures in the floodway and allowing only those uses which will not constitute an undesirable, unnecessary or dangerous impediment to the flow of floodwaters.

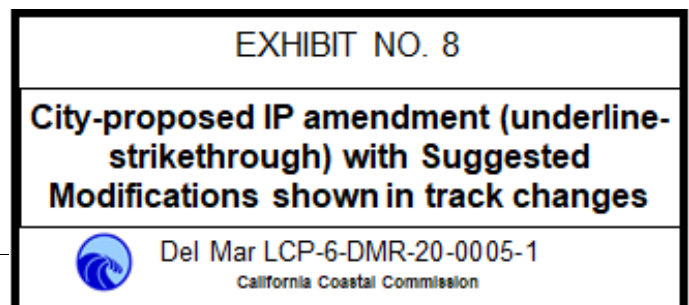
### **30.29.025 Definitions**

The definitions in Section 30.56.030 shall apply to Chapter 30.29.

### **30.29.030 Allowed Uses.**

The ~~Except as provided per Section 30.29.060, the~~ following uses are allowed in the FW Zone provided that a ~~Floodplain Development Permit, Conditional Use Permit and Coastal Development Permit~~ the required permits have first been obtained in accordance with Section 30.29.050.

- A. Field and seed crops (open field).
- B. Aquaculture and mariculture operations.



- C. Open recreational uses (such as public parks) in accordance with the San Dieguito Lagoon Enhancement Plan.
- D. Any similar use which conforms to the description and purpose of the FW Zone.

#### **30.29.040 Specified Disallowed Uses-**

The following uses are specifically disallowed, without limitation:

- A. Permanent Structures
- B. Placement of Mobile Homes
- C. Parking that does not serve one of the allowed uses
- D. Placement of fill

#### **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.

#### **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).
  6. The applicant shall consider siting and design alternatives to account for sea level rise over the project's development life. Those design modifications shall be implemented in project design as feasible, and at minimum, the project shall be designed such that it can accommodate those design modifications in the future as necessary.
- 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.

### **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.

[This Chapter of the Municipal Code forms a portion of the City of Del Mar Local Coastal Program Implementing Ordinances. The regulations found within this Chapter are not subject to “relief” through the Del Mar Variance process. Exceptions to, or relief from, the requirements found within this Chapter are limited to those specified within the language of this Chapter or found within other Chapters of the Implementing Ordinances. Where there is a conflict between the



language of this Chapter and other portions of the Del Mar Municipal Code, the language of this Chapter shall take precedence.]

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## **Chapter 30.55 Coastal Bluff Overlay Zone**

### **30.55.010 Purpose-**

- A. The purpose of the Coastal Bluff Overlay Zone is to protect Del Mar's ~~fragile~~ coastal bluffs as a visual resource and avoid the risks to life and property associated with bluff failure and shoreline erosion while employing regulations consistent with the rights of private property owners and the protection of coastal resources and public access.
- B. The intent is to prohibit incompatible development in hazardous areas; and to ensure that new development is appropriately sited to minimize damage and avoid hazards; and ~~reduce the need for~~ in no way require shoreline protective devices that alter landforms along bluffs and cliffs.

### **30.55.020 Zone Boundaries and Real Estate Disclosure-**

- A. Property within the Coastal Bluff Overlay Zone shall ~~be~~ include those areas designated by Ordinance ~~to be~~ 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 and potentially vulnerable to erosion influenced by sea level rise.

### **30.55.030 Definitions-**

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

- ~~1.~~ *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.
- ~~2.~~ *Coastal Bluff Top Edge* shall mean the top edge of a coastal bluff as delineated using the following criteria:
  - ~~1.~~ ~~a.~~ 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.~~ ~~b.~~ 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.

~~3. *Top Edge of Coastal Bluff* shall mean the same as Coastal Bluff Top.~~

~~4. *Principal Structure* shall mean a building or structure in which the primary use of the lot on which the building is located is being conducted.~~

~~5. *Accessory Structure* shall mean structures accessory or incidental to the principal structures on lot including, but not limited to, pools, spas, storage sheds, gazebos, and above-grade decks or patios.~~

~~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".~~

### **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, ~~subject to the regulations and restrictions of the underlying zone and of this Chapter.~~

~~30.55.050 Accessory Uses. [See underlying zone.]~~

**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. Proposed development shall be set back from the edge of a coastal bluff or vulnerable slope a distance that equals the projected long-term bluff retreat over the next 75 years considering the effects of sea level rise upon erosion rates, plus the distance needed to maintain a minimum factor of safety against land sliding of 1.5 under static conditions and 1.1 under pseudostatic conditions (where  $k=0.15$  unless otherwise determined through analysis by the geotechnical engineer or certified engineering geologist). In addition, a ~~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 ~~or vulnerable slope~~ 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 ~~or vulnerable slope~~ , 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 ~~or vulnerable slope~~ if constructed using lightweight materials and without the use of grading and/or continuous foundation components.



- 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.
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 or vulnerable slope. Any existing irrigation systems located within 40 feet of the coastal bluff or vulnerable slope 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 or vulnerable slope 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. All temporary erosion control measures proposed or required pursuant to the provisions of Chapter 30.55 shall be installed prior to the commencement of grading in the areas for which the erosion control measures are intended.
- E. New subdivisions shall not be approved unless:
1. All parcels created meet the standards for new development, including the applicable coastal bluff edge and vulnerable slope setbacks and other resource protection measures required pursuant to this LCP, 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.)

~~30.55.060- Parking Requirements. [See Chapter 30.80.]~~

~~30.55.070- Development Review.~~

~~Unless otherwise exempted by this Title, no building, improvement, structure, or portion thereof shall be erected, constructed, converted, established, altered or enlarged; nor shall any lot or premises be excavated or graded for any purpose including, but not limited to, in-ground structures such as swimming pools or spas; nor shall clearance of vegetation occur until both a Conditional Use Permit and a Coastal Development Permit are obtained from the Planning Commission. In reviewing such applications for Conditional Use Permits and Coastal Development Permits, the Planning Commission shall apply the standards of review contained in this Chapter, as well as the applicable provisions of Beach Overlay Zone and the underlying zone for the property.~~

~~30.55.080 Setbacks from Coastal Bluffs.~~

- ~~A. Unless otherwise specified herein, all new or redeveloped principal or accessory structures, including new supporting foundations or supports for existing structures, shall be set back a minimum of 40 feet from the top edge of the coastal bluff as defined in this Chapter.~~
- ~~B. All new fences, windcreens, and benches shall be set back a minimum of ten feet from the top edge of the coastal bluff as defined in this Chapter. All such improvements, when providing less than the 40 foot coastal bluff top setback otherwise required in this Chapter, shall be constructed primarily above grade using light weight materials and without the use of grading and/or continuous foundation components.~~
- ~~C. No grading shall be allowed within 40 feet of the top edge of a coastal bluff.~~
- ~~D. No grading or construction activities shall be allowed on the face of a coastal bluff unless approved as part of a Shoreline Protection Permit or Setback Seawall Permit issued in accordance with the provisions of this Title and when the Planning Commission or City Council, as the authorized review body for the project, makes a finding that the proposed~~

~~grading has been minimized to the extent feasible to implement the authorized shoreline protection.~~

**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~~ shall 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~~ shall 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.)
  - d. Acknowledges and agrees that the development is located in a hazardous area, or an area that may become hazardous in



the future, and that hazard conditions may depend on the location of the LOSSAN railroad.

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.

30.55.090- Application Submittals.

### **30.55.070 Submittal Requirements**

A. ~~Applications for development of property which includes or lies in proximity to coastal bluffs as defined in this Chapter,~~ 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 maps, as necessary, to delineate that delineates the location of all coastal bluffs and vulnerable slopes located on site or off site in proximity to the development proposal. Said maps shall indicate the alignment of the top edges and identifies the coastal bluff edge of all such coastal bluffs (as defined in Section 30.55.030) this Chapter. Maps required by this Section shall be of a scale not less than 1" equals 100' and shall delineate the topography of the site in two-foot contour intervals.~~

B. ~~All applications for projects involving new construction on properties containing coastal bluffs shall be accompanied by a~~

2. ~~A geotechnical report addressing:~~ prepared and signed by a licensed professional with expertise in coastal processes that includes the following:
  - 4) a. Identifies existing conditions, including existing development;
  - 2) b. Identifies the suitability of the site for the proposed construction development without shoreline protection, and whether shoreline protection is projected to be necessary over a 75 year time period to protect the development; and

- ~~3) the potential of the proposed development to affect bluff stability over a 70-year life span of the project;~~
- ~~4) the potential future need for shoreline protection during an expected 70-year life span of the project;~~
- 5) 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;
- 6) d. Provides an analysis of the potential effects on bluff stability of rising sea levels, using latest best available scientific information;
- 7) e. Provides an analysis of the potential effects of past and projected El Nino events on bluff stability; and
- f. Includes the projected long-term bluff retreat over the next 75 years considering the effects of sea level rise upon erosion rates, and the distance needed to maintain a minimum factor of safety against land sliding of 1.5 under static conditions and 1.1 under pseudostatic conditions (where  $k=0.15$  unless otherwise determined through analysis by the geotechnical engineer or certified engineering geologist). Added together, these distances shall comprise the necessary setback distance to assure safety and stability of the proposed development.
- ~~8) an analysis of whether the affected section of coastline is under a process of retreat. The report shall also include~~
- 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.

~~In addition, for new development, the applicant shall acknowledge a waiver of all rights to future protective devices for the new development.~~

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.

~~G.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.

#### ~~30.55.100- Grading Methodology and Practice.~~

~~A. In addition to the other provisions of the Del Mar Municipal Code, projects located within the Coastal Bluff Overlay Zone shall be subject to the following provisions:~~

~~1. All projects involving grading shall be subject to the submittal of an erosion and sedimentation control plan. Said plan shall ensure that all drainage from the impervious surfaces of the site will be collected and appropriately discharged in a manner which will prevent drainage and/or erosion related damage to the coastal bluff or any other properties or improvements in the vicinity. In addition, the plan shall include the provision of drainage facilities to convey all drainage away from any coastal bluff face and, where available, into existing developed storm drain systems capable of handling all anticipated drainage flows associated with the proposed project. Where an existing storm drain system is not available, the plan shall provide that drainage will be conveyed to a clearly defined, legal natural drainage course which can be shown to have adequate capacity to handle all required drainage flows without adverse impact to coastal bluffs. All designs and plans for drainage improvements shall be prepared by a licensed civil engineer and shall be subject to the review and approval of the City Engineer.~~

~~2. All projects requiring a Conditional Use Permit and a Coastal Development Permit pursuant to the provisions of this Chapter shall be subject to the submittal of a detailed landscape plan. Said plan shall ensure that native and other drought-tolerant plant species will be utilized in a manner that will minimize~~



~~irrigation requirements and reduce the potential of slide hazards due to over watering of the bluffs. Said plan will ensure that no new irrigation systems will be installed within 40 feet of the edge of the coastal bluff top and that any existing irrigation systems located within said 40 foot bluff top setback will be removed as part of project implementation.~~

~~3. All projects involving grading shall be subject to the submittal of an erosion and sedimentation control plan. Said plan shall ensure that the project will 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. The required erosion and sedimentation control plan and any proposals to increase flows shall be subject to review and approval of the City Engineer.~~

~~4. All temporary erosion control measures proposed or required pursuant to the provisions of this Section including berms, interceptor ditches, sandbagging, hay bales, filtered inlets, debris basins, silt traps, or other similar measures shall be installed prior to the commencement of grading in the areas for which the erosion control measures are intended.~~

~~5. For projects involving a total of more than 25 cubic yards of cut and/or fill grading, no grading shall occur during the rainy season, identified for purposes of this Chapter as the period from November 15th to March 31st.~~

~~6. In addition to other erosion control measures required pursuant to this Chapter, all graded slopes shall be stabilized prior to the November 15th onset of the rainy season through the provision of vegetative erosion control. Vegetative erosion control may be achieved through measures such as: landscape planting, seeding, mulching, fertilization, and irrigation. The installation of vegetative erosion control shall occur with sufficient time to achieve landscape coverage prior to the November 15th start of the rainy season.~~

~~7. All permits shall be subject to the submittal of a polluted runoff control plan. The required plan shall incorporate the use of structural and non-structural Best Management Practices (BMPs), to the extent necessary, to minimize the discharge of pollutants carried by runoff from urban development into surface water drainage, and to maintain post-development peak runoff rate and average volume at levels similar to predevelopment levels. The plan shall include, but not be limited to the following Best Management Practices (BMPs), as applicable: silt traps, catch basins, oil/grit separators, street sweeping and cleaning program, low-maintenance landscape and pesticide management plan, solid waste management and public education program. The plan shall require that all new development and redevelopment infiltrate or treat all runoff from a ¾-inch storm. The plan shall include a monitoring component to ensure long-term maintenance of BMPs as relevant, and to allow for continued evaluation of the effectiveness of~~

~~the polluted runoff control plan in meeting the goals of LUP regarding the protection and enhancement of sensitive resources.~~

~~30.55.110 Maintenance of Drainage and Erosion Control Measures.~~

~~A. Where the installation of erosion and/or drainage control measures is required pursuant to the provisions of this Chapter, the responsibility for maintenance of such measures shall rest with the applicant unless such responsibility is assumed by another agency or party found acceptable by the Planning Director.~~

~~B. The responsibility for maintenance of drainage and erosion control measures and a detailed maintenance program shall be included in an agreement(s) recorded against the deed for the property. The arrangements shall provide for the ongoing repair and maintenance of approved control measures to ensure continued effective erosion/drainage control.~~

~~30.55.120 Retained Open Space/Conditions of Development.~~

~~A. Areas to be retained in their natural state pursuant to the provisions of this Chapter shall be subject to conditions to ensure the protection of the designated area(s) from future encroachment, disturbance, or degradation. Said conditions shall include the recordation of an open space deed restriction, conservation easement, or open space easement to ensure protection of the designated area and to serve notice to the property owner, subsequent owners, or interested parties of the restrictions in effect on such property.~~

~~30.55.130 Additional Development Standards for Subdivisions.~~

~~A. No subdivision shall be approved unless the Planning Commission makes a finding that the proposed design of the subdivision and its improvements will be consistent with the criteria of this Chapter. Specifically, no subdivision shall be approved for creation of a lot(s) which would be incapable of either: 1) supporting the construction of a use allowed within the underlying zone and of supporting such use without the installation or construction of a shoreline protective device; 2) supporting such construction with provision of the applicable Coastal Bluff Top setbacks and other resource protection measures required pursuant to this Chapter; or 3) supporting such use without the installation or construction of a bluff or shoreline protective device. As a condition of recording the subdivision, a deed restriction shall be placed on all proposed bluff top parcels, which waives all rights to future protective devices for new development. In reviewing the subdivision proposal, the Planning Commission shall take into consideration, the probable impacts that the project, including subsequent development on the lot(s), will have on preservation of coastal bluffs and the avoidance of hazards.~~

[This Chapter of the Municipal Code forms a portion of the City of Del Mar Local Coastal Program Implementing Ordinances. The regulations found within this Chapter are not subject to “relief” through the Del Mar Variance process.]

Exceptions to, or relief from, the requirements found within this Chapter are limited to those specified within the language of this Chapter or found within other Chapters of the Implementing Ordinances. Where there is a conflict between the language of this Chapter and other portions of the Del Mar Municipal Code, the language of this Chapter shall take precedence.]

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## **Chapter 30.56 Floodplain Overlay Zone**

### **30.56.010 Purpose**

- A.     ~~This overlay zone is composed of those~~ 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 located within the 100-year floodplains of the San Dieguito River, San Dieguito Lagoon, and the Los Penasquitos Lagoon which have been identified by the Federal Insurance Administration as being subject to periodic inundation due to flooding.~~
- B.     ~~The purpose of the regulations of this Chapter~~ Floodplain Overlay Zone ~~is to promote 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, as defined herein, is appropriately sited and constructed so as to avoid hazards to those who will occupy the development; and to avoid to minimize damage or and avoid hazards to the surrounding area.~~ 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 ~~that would be required if unregulated development were to occur;~~ and ~~to minimize the cost of flood insurance to Del Mar residents.~~
- C.     ~~In order to accomplish its purposes, this Chapter includes regulations that prohibit development that would result in increases in erosion or flood levels through the inappropriate placement of fill or barriers. The Chapter also includes regulations to prohibit or restrict uses, which would otherwise be incompatible with flood prone areas. 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.

**30.56.020 Zone Boundaries and Real Estate Disclosure**

- A. Property within the Floodplain Overlay Zone shall ~~be include~~ include those areas designated by Ordinance to be and depicted upon the corresponding City Zone Zoning Map.
- B. Real Property within the Floodplain Overlay ~~[FPO]~~ Zone shall be further designated ~~by ordinance on the City Zone Map as being within~~ areas of flood hazard on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps dated December 2019 and associated Flood Insurance Study (FIS): 1. A special flood hazard area a Special Flood Hazard Area identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in the San Diego County and incorporated areas 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 are declared to be ~~a part of this ordinance~~ subject to the Chapter 30.56 Floodplain Overlay Zone requirements.
1. This FIS and attendant associated mapping per Section 30.56.020(B)(4) are the ~~minimum area of applicability for this ordinance Overlay Zone, and~~ FEMA's mapping may be supplemented by studies for other areas that allow implementation of this ordinance and are 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 republication 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. [LOMCs shall not change the boundaries of the Floodplain Overlay Zone without an LCP Amendment.](#)
- 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.

### **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.

~~A.~~ "Area of Shallow Flooding" [No change]

~~B.~~ "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.

~~C.~~ "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".

~~D.~~ ~~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.

~~E.~~ "Breakaway Wall" [No change in text]

~~F.~~ "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.

G"Development" [No change in text]

H. "Director" [No change in text]

I. "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).~~

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

K"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.

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

M. "Flood-proofing" [No change in text]

N. "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.

O. through Q. [No change]

"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.

R. "Lowest Floor" [No change in text]

S. "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.

~~T. "Manufactured Home Park or Subdivision" shall mean a parcel (or contiguous parcels) of land divided into two or more lots to be used for manufactured homes.~~

~~U. "Mean Sea Level" [No change in text]~~

~~V. "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 date of adoption of this ordinance effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.~~

~~W. "Obstruction" [No change]~~

~~X. "One-hundred Year Flood" [No change]~~

~~AA. "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 vehicle 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.~~

~~BB "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-A30, A1-30, AE, A99, AH, AE, M, V1-V1-30, VE, or V.~~

~~CC. "Start of Construction" [No change in text]~~

~~DD. "Structure" [No change in text]~~

~~EE. "Substantial Damage" [No change in text]~~

~~FF. "Substantial Improvement"~~

1. "Substantial Improvement" shall mean development that meets either set of criteria as described by subdivisions (a) or (b) below:

a. 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:

i.a. Before the improvement or repair is started, or

ii.b. If the structure has been damaged 50% or more and is being restored, as it existed before the damage occurred.



b. Development including, but not limited to, (1) additions to an existing structure, (2) exterior and/or interior renovations, and/or (3) demolition or replacement of an existing home or other principal structure, or portions thereof, which results in any of the following:

i. Replacement (including demolition, renovation, reinforcement, or other type of alteration) of 50% or more of any major structural component, including exterior walls, floor, roof structure or foundation, as calculated by linear feet, surface area, volume, or weight. Alterations are not additive between individual major structural components; or

ii. A 50% increase in gross floor area; or

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); 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).

2. For purposes of this definition, "Principal Structure" shall mean a building or structure in which the primary use of the lot on which the building is located is being conducted, and "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.

~~GG.~~ "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.

~~HH.~~ "Water surface elevation" [No change in text]

~~II.~~ "Watercourse" [No change in text]

### **30.56.040 Allowed Uses.**

~~The following uses are allowed within the Floodplain Overlay Zone, subject to the receipt of a Floodplain Development Permit and all other permits required by this Title. 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 ~~or and applicable overlay zones~~, subject to the same conditions and restrictions applicable to such ~~underlying zone or 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.

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

- A. ~~It shall be unlawful for any person to engage in the implementation of a project that involves new construction or the substantial improvement to an existing structure without first having obtained a Floodplain Development Permit, when such Permit is required pursuant to this Chapter. Prior to development in the Floodplain Overlay Zone, required permits shall be obtained in accordance with Section 30.56.050.~~
- ~~B. No building permit or other development permits shall be issued relating to a structure for which a Floodplain Development Permit is required until the Floodplain Development Permit is obtained.~~
- 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.

E. New subdivisions shall not be approved unless all parcels created meet the standards for new development, including the applicable resource protection measures required pursuant to this LCP, and the subdivision provides safe, legal, all-weather access to each parcel created.

**30.56.050 Floodplain Development Permit Procedure. Required Permits for Development in the Floodplain Overlay Zone**

A. Development in the Floodplain Overlay Zone requires approval of the following permits, unless it meets the exemption criteria in 30.75.200 and the development does not qualify as a substantial improvement and 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.

- ~~An application for a Floodplain Development Permit shall be submitted to the Director on forms provided by the City together with an application fee set by City Council resolution.~~
- B. The Floodplain Development Permit application material shall include data and certifications prepared by a registered engineer or architect as necessary to provide supporting calculations and studies for all information required on the application. ~~The application material, 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~~ shall 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 1) located in the Floodplain Overlay Zone; 2) located in a hazardous area, or an area that may become hazardous in the future; 3) to acknowledge that that sea level rise could render it difficult or impossible to provide services to the site (e.g., maintenance of roadways, utilities, sewage or water systems); 4) to acknowledge that the boundary between public land (tidelands) and private land may shift with rising seas and the development approval does not permit encroachment onto public trust land; and 5) to acknowledge that additional adaptation strategies may be required in the future to address sea level rise consistent with the Coastal Act and certified LCP.
- 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.

### **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, if appropriate, incorporate siting and design modifications, such as elevation and flood proofing, to ensure safety from the impacts of sea level rise over the anticipated lifetime of the proposed structure, or at minimum, be designed such that those design modifications can be implemented in the future if necessary.
- 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.

**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:

~~A.~~ 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;

~~B.~~ 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;

~~C.~~ 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;

~~D.~~ 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:

~~4.~~ 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. When applicable studies of sea level rise demonstrate the need for elevation above the base flood elevation, that elevation shall be implemented in project design as feasible, or the project shall be designed such that it can accommodate additional elevation or other adaptation strategies in the future; or

~~2.~~ 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.



- ~~E.~~ 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.

### **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.

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

The approval of a project which involves relief from the provisions of this code shall be conditioned to require that the applicant acknowledges that the construction of the project in the manner proposed and approved may result in increased premium rates for flood insurance and that such construction increases risks to life and property. The acknowledgment shall be accompanied by a Waiver of Liability, holding the City harmless from damages, which may result from project implementation. The Acknowledgment and Waiver shall be provided in a covenant to be recorded against the deed for the property and to run with the land.

Any applicant to whom a variance relief from the provisions of this Chapter is granted shall provide a written affidavit acknowledging that implementation of a project to construct a structure below the base flood level elevation may result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 worth of coverage. A copy of the affidavit notice shall be recorded against

the deed for the property by the Floodplain Administrator in the Office of the County Recorder. The recorded affidavit shall run with the land so that it appears in the chain of title of the affected parcel. The covenant shall be of a form and content acceptable to the Director of Planning and Community Development.

The Floodplain Administrator shall maintain a record of action on all applications for a Floodplain Development Permit, all variance actions, including justification for actions that involve authorization for relief from the provisions of this Chapter. All actions that involve authorization for relief from the provisions of this chapter shall be reported in the City's biennial report submitted to the Federal Insurance Administration of the Federal Emergency Management Agency.

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

The following restrictions shall apply for to properties located in areas designated as being located within a Special Flood Hazard Area pursuant to the provisions of this Chapter.

- 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.

**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, ~~Areas of Mudslide~~ (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.

[This Chapter of the Municipal Code forms a portion of the City of Del Mar Local Coastal Program Implementing Ordinances. The regulations found within this Chapter are not subject to "relief" through the Del Mar Variance process. Exceptions to, or relief from, the requirements found within this Chapter are

limited to those specified within the language of this Chapter or found within other Chapters of the Implementing Ordinances. Where there is a conflict between the language of this Chapter and other portions of the Del Mar Municipal Code, the language of this Chapter shall take precedence.]



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

EXHIBIT NO. 9

**City Resolution No. 2018-72**



Del Mar LCP-6-DMR-20-0005-1

California Coastal Commission

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.

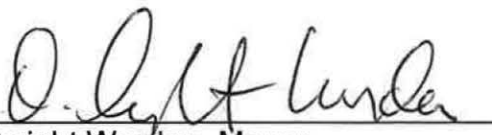
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Del Mar as follows:

1. The foregoing recitals are true and correct.



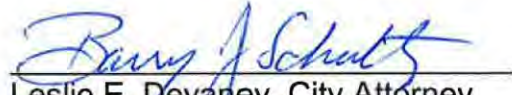
2. That the City Council is hereby committed, to the extent permitted by law, to support and defend the adopted Adaptation Plan and Local Coastal Program Amendments by:
  - a. Vigorously advocating for and defending the Local Program Amendments before the California Coastal Commission.
  - b. Rejecting 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



***BUILDING VALUATION FOR PROJECTS INVOLVING STRUCTURAL  
NON-CONFORMITIES***  
***An applicant's guide to the process and valuation worksheet***

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**BACKGROUND**

Del Mar Municipal Code Chapter 30.76 regulates the abatement [removal] of structural nonconformities, that is, structures that do not comply with current zoning regulations but which did comply with previous regulations at the time they were approved and constructed. The purpose section of the Chapter identifies the City's goal, expressed in the Community Plan and the Zoning Ordinance, of having structural nonconformities removed concurrent with new development on a property.

Structural nonconformities may include such building elements as encroachments into setbacks, floor area in excess of the developments standards for the zone in which the property is located or structural components that are taller than the City's [current] height limit. The regulations of the Nonconformities Chapter require that applications that constitute a "major remodeling project" of a building with one or more structural nonconformities include the abatement of the nonconforming aspect(s) as part of the overall remodeling project.

While the referenced code chapter does call for the abatement of structural nonconformities, it provides relief from this requirement when the proposed development constitutes a "minor remodeling project". A "minor remodeling project" is one in which the total value of the remodeling project does not exceed 50% of the value of the structure as it existed prior to the proposed remodeling project. Pursuant to Chapter 30.76, both the value of an [existing] structure and the value of the remodeling project are determined by the Director of Planning and Community Development.

The City has developed the attached Building Valuation worksheets for use in determining existing structural values and values of proposed remodeling projects. These worksheets are the only acceptable method for determining valuations for purposes of applying the provisions of DMMC Chapter 30.76. The worksheets have been developed using a variety of constant figures so that they can be applied to different types of projects at different locations within the City. The Building Valuation worksheets do not represent actual construction costs. The valuation multipliers listed on the worksheets have been determined based on industry standards. In reviewing submitted worksheets, the City will consider all the remodeling accomplished to the structure in the 12 months preceding the proposal as part of the remodeling project in question.

Please note that the building valuation review is separate and distinct from other City reviews and authorizations that may be required. Also note that the Code's Nonconformities Chapter

contains additional regulations and relief sections for situations wherein the structural nonconformity involves the amount of off street parking provided for a residence.

## **PROCESS**

In order to use the relief afforded in Chapter 30.76, an applicant for a minor remodeling project involving a [legal] structural non-conformity must provide verification that the project does indeed constitute a minor remodeling project. That verification involves filling out the attached Building Valuation Worksheet and providing accompanying plans for the project. The accompanying plans must be prepared in sufficient detail to demonstrate how the various component parts of the remodeling project are to be implemented. Inasmuch as the review often involves a determination of not only the areas of a structure to be modified but also those areas to remain intact (and in their existing state) the accompanying plans will generally include a detailed demolition/retention plan. Staff will review the submitted worksheet and plans for conformance with the applicable regulations. Additional information may be required.

Once a determination has been made that the remodeling project will comply with the applicable zoning regulations, the applicant may seek approval for the other City permits that are required. After receipt of those authorizations, the applicant or agent will prepare a set of “working drawings” for the purpose of obtaining a Building Permit. Building Permit applications are reviewed by the County of San Diego which serves under contract as the City’s Building Inspection department. City staff will do a concurrent review of the working drawings to be sure that those plans are consistent with the submitted Building Valuation documents and with the plans that may have been submitted for authorization by one of the City’s discretionary bodies such as the Design Review Board or Planning Commission.

In the event that the submitted documents create doubt as to their accuracy, the City may retain an expert in the field of design and structural analysis to perform a third-party review of the submitted documents. The cost for such third-party review shall be borne by the project applicant.

## **REQUIRED DOCUMENTS**

In addition to the Building Valuation worksheet and accompanying plans described above, the applicant will be required to provide various documents prior to issuance of building permits. These are specifically identified in the conditions of approval staff may attach to its approval of the Building Valuation Worksheet. The documents are intended to ensure that all parties involved with the remodeling project are aware of the requirements associated with the remodeling of a nonconforming structure. The documents include an acknowledgement that if, for any reason, the project is not implemented in accordance with those regulations and with the approved plans, the property owner may lose the right to retain the nonconformity. Another document that may be required is a statement from a structural engineer indicating that the methodology for retaining portions of the structure, as proposed in the building valuation worksheet and accompanying plans can be safely accomplished.

Applicants and agents for projects for which a Building Valuation Worksheet is required should be aware that the complexity and level of detail associated with processing such applications may result in a longer period for processing of project plans by City staff than might otherwise occur for a project. The additional requirements associated with such a proposal may also result in additional costs to the applicant and additional time and effort associated with the preparation of detailed documents and plans. There may also be additional time and fees associated with the implementation of the approved plans; including documentation and City inspections to ensure compliance with the approved plans and worksheet.

As a final note, the Building Valuation Worksheet has been developed for use in wide variety of projects and, as such, has some complexities. It may also be subject to change over the course of time. Please contact a member of the Planning Department to be sure that you are using the most up-to-date form.



# CITY OF DEL MAR

## **BUILDING VALUATION WORKSHEET**

(For use in determination of whether a remodeling project will involve less than vs. more than 50% valuation of the existing structure and, therefore, constitutes a “minor” vs. a “major” remodeling project. Please also refer to the corresponding “Applicant’s Guide to the Process.”)

### **I. VALUATION ESTIMATE OF EXISTING STRUCTURE:**

**(See Section A of attached of Building Valuation Form)**

- (1) Existing “habitable” area: [insert \$ figure from building valuation form]  
\$ \_\_\_\_\_ x \_\_\_\_\_ sq ft = \$ \_\_\_\_\_
- (2) Existing “non habitable” area: [insert \$ figure from building valuation form]  
\$ \_\_\_\_\_ x \_\_\_\_\_ sq ft = \$ \_\_\_\_\_
- (3) Total replacement valuation estimate  
of existing structure: Lines (1) + (2) = \$ \_\_\_\_\_

### **II. VALUATION ESTIMATE OF NEW FLOOR AREA:**

**(See Section A of attached of Building Valuation Form)**

- (4) New “habitable” area: [insert \$ figure from building valuation form]  
\$ \_\_\_\_\_ x \_\_\_\_\_ sq ft = \$ \_\_\_\_\_
- (5) New “non habitable” area: [insert \$ figure from building valuation form]  
\$ \_\_\_\_\_ x \_\_\_\_\_ sq ft = \$ \_\_\_\_\_
- (6) Total valuation estimate of new floor area: (Lines) (4) + (5) = \$ \_\_\_\_\_

### **III. VALUATION ESTIMATE OF ALTERATIONS TO OR REMODELLING OF EXISTING STRUCTURE [EXCLUSIVE OF ADDITIONAL FLOOR AREA:**

**(See Section B of attached Building Valuation form)**

- (7) Total valuation estimate of alterations: \$ \_\_\_\_\_

### **IV. VALUATION ESTIMATE OF ALL IMPROVEMENTS (NEW FLOOR AREA AND ALTERATIONS):**

- (8) Total valuation estimates of all improvements: (Lines) (6) + (7) = \$ \_\_\_\_\_

### **V. IMPROVEMENT RATIO:**

- (9) Total valuation estimate of all improvements/total valuation estimate of existing structure:  
[(8)/(3)] x 100 = \_\_\_\_\_ %

**APPLICANT'S/OWNER'S DECLARATION:**

I hereby affirm that the calculations indicating an improvement of \_\_\_\_\_ % are true and correct to the best of my knowledge. I have read and understand the conditions of the building Valuation Worksheet and agree to abide by those conditions (See attached conditions).

_____ Date	_____ Applicant's/Owner's Signature
---------------	--

_____ Date	_____ Applicant's/Owner's Signature
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**VI. CITY STAFF DETERMINATION:**

\_\_\_\_ Project constitutes a minor remodeling project because Line (9) is less than 50%.

\_\_\_\_ Project constitutes a major remodeling project because Line (9) is greater than 50%.

Received by: \_\_\_\_\_ Date: \_\_\_\_\_

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_

### **Conditions of the Building Valuation Worksheet approval:**

1. Prior to the issuance of building permits for the project, the applicant shall submit detailed drawings indicating, in an easily identifiable format: the component parts of the project to be retained; (in their existing location and state); the components to be replaced in kind; the components to be altered; and the components to be removed or demolished. The plans shall be reviewed for their conformance with the approved Building Valuation Worksheet.
2. The applicant, owner, architect and builder are hereby advised of the requirement that project implementation must be carried out in accordance with the approved Building Valuation Worksheet and accompanying plans. Deviation from the approved documents will require a (re)calculation to determine if the project still constitutes a minor remodeling project. Deviations from approved plans, regardless of their cause, may result in a determination that the project constitutes a major remodeling project (in excess of the 50% valuation stipulated in the DMMC) with the resulting forfeiture by the property owner of the ability to retain the project's structural nonconformities.
3. The applicant or designated agent shall be responsible for providing evidence that the construction authorized by the City is being implemented in strict compliance with the approved drawings. Such evidence shall include photographic records of the construction and demolition activities that occur during project implementation, as well as documentation verifying the retention of construction materials - as called out in submitted plans. The applicant shall also be responsible for arranging for periodic inspections by City staff for the purpose of field confirmation that the project is being implemented in strict compliance with approved plans. The cost of such inspections and of other staff review shall be fully borne by the applicant.
4. As deemed necessary by the Planning Director, based on the extent of work proposed, the applicant shall submit a report from a qualified structural engineer. The report shall include an indication of whether the project, as proposed in the Building Valuation Worksheet and accompanying plans and documents, can be implemented without a threat of danger to the persons who will be implementing the project. The report shall be subject to the review and approval of the Planning Director, prior to the issuance of building permits for the project,
5. Prior to the issuance of building permits, the applicant(s), architect and general contractor for the project shall each sign the attached affidavit with the following language:
  - A. I understand that the project **[insert project #'s and address]** includes a proposal to remodel a structure containing one or more structural non-conformities. The City's approval, including the authorization for retention of the non-conformities, has been granted based on a provision of the DMMC that allows the retention of a non-conformity associated with the project in cases where the project constitutes a minor remodeling project by virtue of the fact that the value of the project will be less than 50% of the value of the structure to be remodeled.

- B. I understand that the City's approval is contingent upon strict compliance with the detailed Building Valuation Worksheet and associated documents and plans submitted to and approved by the City. I also understand that departure from the approved documents and plans, whether major or minor, may invalidate the project approval and may also result in the forfeiture by the applicant/owner of the ability to retain the non-conformities associated with the project.
- C. I further understand that the approved documents call for a detailed process for demolition and construction. It is understood that a minor change in one aspect of development, even if required due to circumstances beyond the control of applicant/owner architect and/or contractor, may result in a change to another component part. Such changes shall require prior authorization by City staff and may result in a requirement for abatement of the structural non-conformities associated with the project.
6. Prior to commencement of project implementation, the applicant shall schedule a pre-construction meeting with City staff, the building contractor and the project architect/draftsperson. The purpose of the meeting shall be to review the terms and conditions of the Building Valuation worksheet and to discuss the inspection schedule that will be employed to ensure that construction will be in conformance with approved plans.

Additional conditions:

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## SECTION A

### VALUE FIGURES FOR EXISTING STRUCTURES OR ADDITIONAL [NEW] FLOOR AREA

Occupancy and type of structure	Value per Sq. Ft.	Square Feet of structure	Value
<b>RESIDENTIAL STRUCTURES</b>			
<b>Dwellings:</b>			
Wood Frame	\$ 78.00		
Adobe	\$ 94.00		
Masonry	\$ 80.00		
Basements (finished)	\$ 78.00		
Basements (unfinished*)	\$ 20.00		
***unfinished basement = basement area without bedrooms(s), bathroom(s) or cabinetry			
<b>Residential Garages/Carports:</b>			
Wood Frame	\$ 42.00		
Masonry	\$ 42.00		
Open Carports	\$ 27.00		
<b>COMMERCIAL / INDUSTRIAL / INSTITUTIONAL STRUCTURES</b>			
<b>Banks:</b>			
	\$ 121.00		
<b>Churches:</b>			
	\$ 81.00		
<b>Fire Stations:</b>			
	\$ 93.00		
<b>Hotels &amp; Motels:</b>			
	\$ 82.00		
<b>Medical Offices:</b>			
	\$ 97.00		
<b>Offices &amp; Fitness Center</b>			
	\$ 87.00		
<b>Public Garages:</b>			
	\$ 40.00		
<b>Restaurants:</b>			
	\$ 79.00		
<b>Schools</b>			
	\$ 91.00		
<b>Service Stations &amp; Car Washes:</b>			
	\$ 54.00		
<b>Retail Stores</b>			
	\$ 67.00		
<b>Warehouses:</b>			
	\$ 40.00		

## SECTION B

### VALUATION MULTIPLIERS - COST FIGURES FOR REMODELING OF EXISTING STRUCTURAL SQUARE FOOTAGE (VERSUS ADDITION OF NEW FLOOR AREA)

AIR CONDITIONING/COOLING SYSTEMS			
Commercial	\$ 3.50 per sq. ft. of bldg		
Residential	\$ 2.90 per sq. ft. of bldg		
AWNINGS & CANOPIES			
Aluminum	\$ 16.00		
Canvas	\$ 6.75		
BATHROOM AND KITCHEN FIXTURES (Built in)			
Toilet, shower, tub, sink, etc. (installed)	\$300 per fixture		
CABINETRY			
	\$40 (per sq ft. of cabinet "footprint")		
DEMOLITION			
	\$ 0.50		
ELECTRICAL			
Rewiring and installation of wall receptacles, cover plates and light fixtures	\$3.50 per sq. ft. of room serviced by new wiring, plus \$10 per linear foot of installation of new upgraded lines through other portions of structure		
FIREPLACE			
Concrete (installed)	2,700 each		
Prefabricated (installed)	1,850 each		
FIRE SPRINKLER SYSTEM			
	1.00 per sq ft. of structure		
FLOOR COVERING			
Carpet	\$ 2.50		
Tile	\$ 4.00		
Wood	\$ 6.00		
Vinyl	\$ 1.00		
FLOOR SUPPORT AND SUBFLOOR MATERIAL			
Joists and sheathing	\$ 5.73		

<b>FOUNDATIONS and SLABS</b>			
Continuous linear concrete footing	\$30 linear foot		
Cast in Place Concrete Slab	\$ 3.25		
Steel & PreCast Concrete	\$40 per linear foot		
Intermittent Piers/Columns	\$40 per sq. ft. of piers or support columns		
<b>HEATING (calculate per sq ft of room served by heating equipment)</b>			
Forced air furnace	\$ 2.68		
Floor or wall furnace	\$ 1.24		
Baseboard	\$ 4.10		
Radiant	\$ 4.34		
Warmed and cooled air zone system	\$ 4.23		
<b>INSULATION (R-19 ceiling or wall)</b>			
	0.50 (per sq. ft. of surface area)		
<b>PATIOS (COVERED)</b>			
Open Frame w/cover or trellis (no walls)	\$ 6.75		
With Cover and Walls	\$ 9.75		
Converted from previously enclosed habitable area	\$ 9.75		
<b>PAINTING/PANELING AND WALL COVERING</b>			
Interior paint or wallpaper	\$0.75 per sq. ft of surface area or \$2.10 sq. ft. of room		
Wood paneling	\$ 2.00 (per sq. ft. of surface area)		
Stone or brick veneer (interior or exterior)	6.75 (per sq. ft. of surface area)		
<b>PLASTERING</b>			
Inside plaster or dry wall	\$2.15 (per sq. ft. of surface area)		
<b>PLUMBING</b>			
Installation of new water supply lines, waste water lines (does not include costs of new fixtures such as: new baths or wash basins)	\$4.39 per sq. ft. of room serviced by new plumbing, plus \$10 per linear foot of (each) new/upgraded line through other portions of the structure		
<b>RETAINING WALLS</b>			

Note: All figures per square foot unless otherwise noted

Revised 3/12/2003

Concrete or Masonry	\$25 per linear foot		
<b>ROOFING</b>			
Support Joists or Rafters	\$5.73 per linear ft of rafter		
Built-up sheathing	\$ 1.03		
Composition Shingles/Fiberglass	\$ 0.96		
Aluminum Shingles	\$ 3.43		
Clay Tile	\$ 2.87		
Concrete Tile	\$ 2.43		
Metal seam	\$ 3.13		
Copper	\$ 6.50		
<b>SAUNA (Steam) ROOM</b>			
	\$6,750 ea		
<b>SIDING / STUCCO [Exterior]</b>			
Stucco	\$3.00 per sq. ft. of surface area		
Wood	\$6.00 per sq. ft of surface area		
Brick or Stone Veneer	\$6.75 per sq. ft. of surface area		
<b>STAIRS</b>			
Stairs	\$ 25.00		
<b>SPA OR JACUZZI</b>			
	\$5,525 ea		
<b>STUCTURAL STEEL</b>			
Steel for support, moment frames, etc.	\$200 per linear ft (horizontal and vertical)		
<b>WALLS*</b>			
Exterior wall frame (without finish)	\$14.00 linear ft		
Interior partitions	\$12.00 linear ft		
<p>**An interior or exterior wall or section thereof, will be deemed to be new for purposes of the Building Valuation Worksheet unless it meets all of the following criteria:</p> <p>A. At least 90% of the existing supporting members or studs and the top and bottom plate of the wall, or section thereof, will be retained in their pre-construction state without removal or added support; and</p> <p>B. The wall will continue to be used in the structure as an exterior or interior wall respectively and will not be combined with new construction of form a "double" or reinforced wall; and</p> <p>C. The wall, or section threof, which is designated as existing and "to remain" will not be increased in height, relocated, or removed for any reason, including reasons of structural integrity (dry rot, termites or increased structural load).</p>			
<b>WINDOW/DOOR/SKYLIGHT INSTALLATION</b>			
	\$15 per sq. ft. of window, door or skylight when using existing rough opening (through external wall/roof)		



	\$25 per sq. ft. of window, door or skylight when creating new or modified rough opening (through external wall/roof)		
	\$10 per sq. ft. of (internal wall) door or other room-to-room opening		

**\*\*NOTE:** This Building Valuation Worksheet and figures listed are subject to change. Please contact a member of the City of Del Mar Planning Department to be sure you are using the current form.

**CITY OF DEL MAR  
BUILDING VALUATION  
STATEMENT OF UNDERSTANDING**

A. I understand that the project, #\_\_\_\_\_, located at \_\_\_\_\_ includes a proposal to remodel a structure containing one or more structural non-conformities. The City's approval, including the authorization for retention of the non-conformities, has been granted based on a provision of the DMMC that allows the retention of a non-conformity associated with the project in cases where the project constitutes a minor remodeling project by virtue of the fact that the value of the project will be less than 50% of the value of the structure to be remodeled.

B. I understand that the City's approval is contingent upon strict compliance with the detailed Building Valuation Worksheet and associated documents and plans submitted to and approved by the City. I also understand that departure from the approved documents and plans, whether major or minor, may invalidate the project approval and may also result in the forfeiture by the applicant/owner of the ability to retain the non-conformities associated with the project.

C. I further understand that the approved documents call for a detailed process for demolition and construction. It is understood that a minor change in one aspect of development, even if required due to circumstances beyond the control of applicant/owner architect and/or contractor, may result in a change to another component part. Such changes shall require prior authorization by City staff and may result in a requirement for abatement of the structural non-conformities associated with the project.

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Architect

\_\_\_\_\_  
Date

\_\_\_\_\_  
General Contractor

\_\_\_\_\_  
Date

**EXAMPLE**  
**With Exhibits**

**CITY OF DEL MAR**

**BUILDING VALUATION WORKSHEET**

(For use in determination of whether a remodeling project will involve less than vs. more than 50% valuation of the existing structure and, therefore, constitutes a “minor” vs. a “major” remodeling project. Please also refer to the corresponding “Applicant’s Guide to the Process.”)

**I. VALUATION ESTIMATE OF EXISTING STRUCTURE:**

(See Section A of attached of Building Valuation Form)

- (1) Existing “habitable” area: [insert \$ figure from building valuation form]  
 $\$ \underline{78.00} \times \underline{1,785.} \text{ sq ft} = \$ \underline{139,230.}$
- (2) Existing “non habitable” area: [insert \$ figure from building valuation form]  
 $\$ \underline{42.00} \times \underline{74.} \text{ sq ft} = \$ \underline{3,108.}$
- (3) Total replacement valuation estimate  
of existing structure: Lines (1) + (2) = \$ 142,338.  
( 50% = \$71,169.)

**II. VALUATION ESTIMATE OF NEW FLOOR AREA:**

(See Section A of attached of Building Valuation Form)

- (4) New “habitable” area: [insert \$ figure from building valuation form]  
 $\$ \underline{\hspace{1cm}} \times \underline{\hspace{1cm}} \text{ sq ft} = \$ \underline{0}$
- (5) New “non habitable” area: [insert \$ figure from building valuation form]  
 $\$ \underline{\hspace{1cm}} \times \underline{\hspace{1cm}} \text{ sq ft} = \$ \underline{0}$
- (6) Total valuation estimate of new floor area: (Lines) (4) + (5) = \$ 0

**III. VALUATION ESTIMATE OF ALTERATIONS TO OR REMODELLING OF EXISTING STRUCTURE [EXCLUSIVE OF ADDITIONAL FLOOR AREA:**

(See Section B of attached Building Valuation form)

- (7) Total valuation estimate of alterations: \$ \$69,726.

**IV. VALUATION ESTIMATE OF ALL IMPROVEMENTS (NEW FLOOR AREA AND ALTERATIONS):**

- (8) Total valuation estimates of all improvements: (Lines) (6) + (7) = \$ \$69,726.

**V. IMPROVEMENT RATIO:**

- (9) Total valuation estimate of all improvements/total valuation estimate of existing structure:  
 $\$69,726. / \$142,338. \quad [(8)/(3)] \times 100 = \underline{48.9} \%$

**APPLICANT'S/OWNER'S DECLARATION:**

I hereby affirm that the calculations indicating an improvement of \_\_\_\_\_ % are true and correct to the best of my knowledge. I have read and understand the conditions of the building Valuation Worksheet and agree to abide by those conditions (See attached conditions).

_____ Date	_____ Applicant's/Owner's Signature
_____ Date	_____ Applicant's/Owner's Signature

**VI. CITY STAFF DETERMINATION:**

\_\_\_\_ Project constitutes a minor remodeling project because Line (9) is less than 50%.

\_\_\_\_ Project constitutes a major remodeling project because Line (9) is greater than 50%.

Received by: \_\_\_\_\_ Date: \_\_\_\_\_

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_



## SECTION A

### VALUE FIGURES FOR EXISTING STRUCTURES OR ADDITIONAL [NEW] FLOOR AREA

Exhibit  
A

Exhibit  
A

Occupancy and type of structure	Value per Sq. Ft.	Square Feet of structure	Value
<b>RESIDENTIAL STRUCTURES</b>			
<b>Dwellings:</b>			
Wood Frame	\$ 78.00	1,785.	\$139,230.
Adobe	\$ 94.00		
Masonry	\$ 80.00		
Basements (finished)	\$ 78.00		
Basements (unfinished*)	\$ 20.00		
***unfinished basement = basement area without bedrooms(s), bathroom(s) or cabinetry			
<b>Residential Garages/Carports:</b>			
Wood Frame	\$ 42.00	74.00	\$3,108.
Masonry	\$ 42.00		
Open Carports	\$ 27.00		
<b>COMMERCIAL / INDUSTRIAL / INSTITUTIONAL STRUCTURES</b>			
<b>Banks:</b>			
	\$ 121.00		
<b>Churches:</b>			
	\$ 81.00		
<b>Fire Stations:</b>			
	\$ 93.00		
<b>Hotels &amp; Motels:</b>			
	\$ 82.00		
<b>Medical Offices:</b>			
	\$ 97.00		
<b>Offices &amp; Fitness Center</b>			
	\$ 87.00		
<b>Public Garages:</b>			
	\$ 40.00		
<b>Restaurants:</b>			
	\$ 79.00		
<b>Schools</b>			
	\$ 91.00		
<b>Service Stations &amp; Car Washes:</b>			
	\$ 54.00		
<b>Retail Stores</b>			
	\$ 67.00		
<b>Warehouses:</b>			
	\$ 40.00		

Note: All figures per square foot unless otherwise noted

Revised 3/12/2003

## SECTION B

### VALUATION MULTIPLIERS - COST FIGURES FOR REMODELING OF EXISTING STRUCTURAL SQUARE FOOTAGE (VERSUS ADDITION OF NEW FLOOR AREA)

Exhibit  
B

Exhibit  
B

AIR CONDITIONING/COOLING SYSTEMS			
Commercial	\$ 3.50 per sq. ft. of bldg		
Residential	\$ 2.90 per sq. ft. of bldg		
AWNINGS & CANOPIES			
Aluminum	\$ 16.00		
Canvas	\$ 6.75		
BATHROOM AND KITCHEN FIXTURES (Built in)			
Toilet, shower, tub, sink, etc. (installed)	\$300 per fixture	12	\$3,600
CABINETRY			
	\$40 (per sq ft. of cabinet "footprint")	82 sf	\$3,280.
DEMOLITION			
	\$ 0.50	1,859. sf	\$930.
ELECTRICAL			
Rewiring and installation of wall receptacles, cover plates and light fixtures	\$3.50 per sq. ft. of room serviced by new wiring, plus \$10 per linear foot of installation of new upgraded lines through other portions of structure	1,785.	\$6,248.
FIREPLACE			
Concrete (installed)	2,700 each		
Prefabricated (installed)	1,850 each		
FIRE SPRINKLER SYSTEM			
	1.00 per sq ft. of structure	1,785. sf	\$1,785.
FLOOR COVERING			
Carpet	\$ 2.50		
Tile	\$ 4.00		
Wood	\$ 6.00		
Vinyl	\$ 1.00	Exposing the existing concrete slab	
FLOOR SUPPORT AND SUBFLOOR MATERIAL			
Joists and sheathing	\$ 5.73		

Exhibit  
C

<b>FOUNDATIONS and SLABS</b>			
Continuous linear concrete footing	\$30 linear foot	34.5 lf	\$1,035.
Cast in Place Concrete Slab	\$ 3.25		
Steel & PreCast Concrete	\$40 per linear foot		
Intermittent Piers/Columns	\$40 per sq. ft. of piers or support columns	3 sf	\$120.00
<b>HEATING (calculate per sq ft of room served by heating equipment)</b>			
Forced air furnace	\$ 2.68	1,785.	\$4,784.
Floor or wall furnace	\$ 1.24		
Baseboard	\$ 4.10		
Radiant	\$ 4.34		
Warmed and cooled air zone system	\$ 4.23		
<b>INSULATION (R-19 ceiling or wall)</b>			
	0.50 (per sq. ft. of surface area)	3,891 sf	\$1,946.
<b>PATIOS (COVERED)</b>			
Open Frame w/cover or trellis (no walls)	\$ 6.75		
With Cover and Walls	\$ 9.75		
Converted from previously enclosed habitable area	\$ 9.75		
<b>PAINTING/PANELING AND WALL COVERING</b>			
Interior paint or wallpaper	\$0.75 per sq. ft of surface area or \$2.10 sq. ft. of room	1,785. sf	\$3,749.
Wood paneling	\$ 2.00 (per sq. ft. of surface area)		
Stone or brick veneer (interior or exterior)	6.75 (per sq. ft. of surface area)		
<b>PLASTERING</b>			
Inside plaster or dry wall	\$2.15 (per sq. ft. of surface area)	3,738. sf	\$8,037.
<b>PLUMBING</b>			
Installation of new water supply lines, waste water lines (does not include costs of new fixtures such as: new baths or wash basins)	\$4.39 per sq. ft. of room serviced by new plumbing, plus \$10 per linear foot of (each) new/upgraded line through other portions of the structure	274 sf 25.25 lf	\$1,203. \$253.
<b>RETAINING WALLS</b>			

Exhibit  
F

Exhibit  
F

Exhibit  
B

Exhibit  
D

Concrete or Masonry	\$25 per linear foot		
<b>ROOFING</b>			
Support Joists or Rafters	\$5.73 per linear ft of rafter	435 lf	\$2,493.
Built-up sheathing	\$ 1.03	1,785. sf	\$1,839.
Composition Shingles/Fiberglass	\$ 0.96		
Aluminum Shingles	\$ 3.43		
Clay Tile	\$ 2.87		
Concrete Tile	\$ 2.43		
Metal seam	\$ 3.13		
Copper	\$ 6.50		

Exhibit  
E

<b>SAUNA (Steam) ROOM</b>			
	\$6,750 ea		
<b>SIDING / STUCCO [Exterior]</b>			
Stucco	\$3.00 per sq. ft. of surface area	2,638.5. sf	\$7,916.
Wood	\$6.00 per sq. ft of surface area	424.32 sf	\$2,546.
Brick or Stone Veneer	\$6.75 per sq. ft. of surface area		

Exhibit  
F

<b>STAIRS</b>			
Stairs	\$ 25.00		
<b>SPA OR JACUZZI</b>			
	\$5,525 ea		
<b>STUCTURAL STEEL</b>			
Steel for support, moment frames, etc.	\$200 per linear ft (horizontal and vertical)		
<b>WALLS*</b>			
Exterior wall frame (without finish)	\$14.00 linear ft	223 lf	\$3,122.
Interior partitions	\$12.00 linear ft	154 lf	\$1,848.

\*\*An interior or exterior wall or section thereof, will be deemed to be new for purposes of the Building Valuation Worksheet unless it meets all of the following criteria:

- A. At least 90% of the existing supporting members or studs and the top and bottom plate of the wall, or section thereof, will be retained in their pre-construction state without removal or added support; and
- B. The wall will continue to be used in the structure as an exterior or interior wall respectively and will not be combined with new construction of form a "double" or reinforced wall; and
- C. The wall, or section threof, which is designated as existing and "to remain" will not be increased in height, relocated, or removed for any reason, including reasons of structural integrity (dry rot, termites or increased structural load).

Exhibit  
F

<b>WINDOW/DOOR/SKYLIGHT INSTALLATION</b>			
	\$15 per sq. ft. of window, door or skylight when using existing rough opening (through external wall/roof)	127 sf	\$1,905.

	\$25 per sq. ft. of window, door or skylight when creating new or modified rough opening (through external wall/roof)	443.5 sf	\$11,088.
	\$10 per sq. ft. of (internal wall) door or other room-to-room opening	All interior walls will be removed	

**\*\*NOTE:** This Building Valuation Worksheet and figures listed are subject to change. Please contact a member of the City of Del Mar Planning Department to be sure you are using the current form.



**CITY OF DEL MAR  
BUILDING VALUATION  
STATEMENT OF UNDERSTANDING**

A. I understand that the project, #\_\_\_\_\_, located at \_\_\_\_\_ includes a proposal to remodel a structure containing one or more structural non-conformities. The City's approval, including the authorization for retention of the non-conformities, has been granted based on a provision of the DMMC that allows the retention of a non-conformity associated with the project in cases where the project constitutes a minor remodeling project by virtue of the fact that the value of the project will be less than 50% of the value of the structure to be remodeled.

B. I understand that the City's approval is contingent upon strict compliance with the detailed Building Valuation Worksheet and associated documents and plans submitted to and approved by the City. I also understand that departure from the approved documents and plans, whether major or minor, may invalidate the project approval and may also result in the forfeiture by the applicant/owner of the ability to retain the non-conformities associated with the project.

C. I further understand that the approved documents call for a detailed process for demolition and construction. It is understood that a minor change in one aspect of development, even if required due to circumstances beyond the control of applicant/owner architect and/or contractor, may result in a change to another component part. Such changes shall require prior authorization by City staff and may result in a requirement for abatement of the structural non-conformities associated with the project.

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner

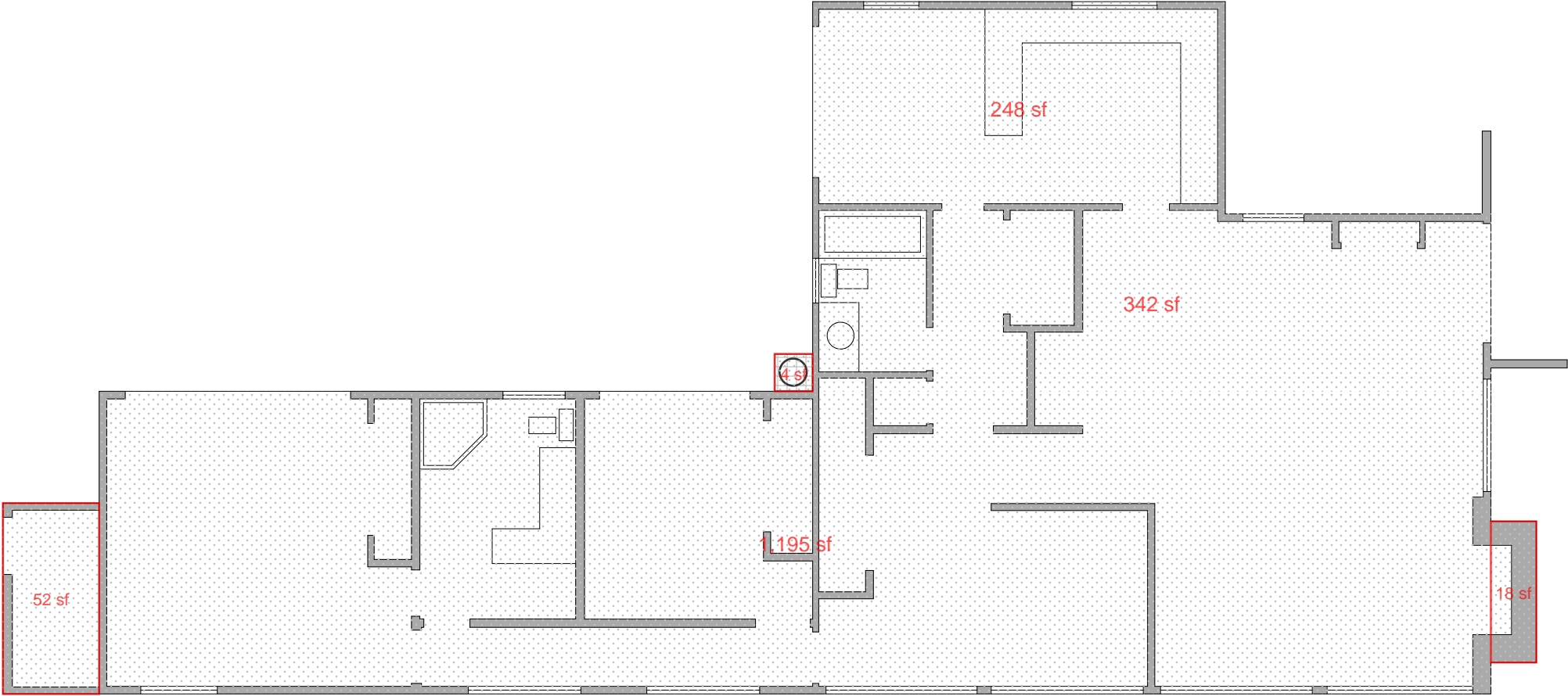
\_\_\_\_\_  
Date

\_\_\_\_\_  
Architect

\_\_\_\_\_  
Date

\_\_\_\_\_  
General Contractor

\_\_\_\_\_  
Date



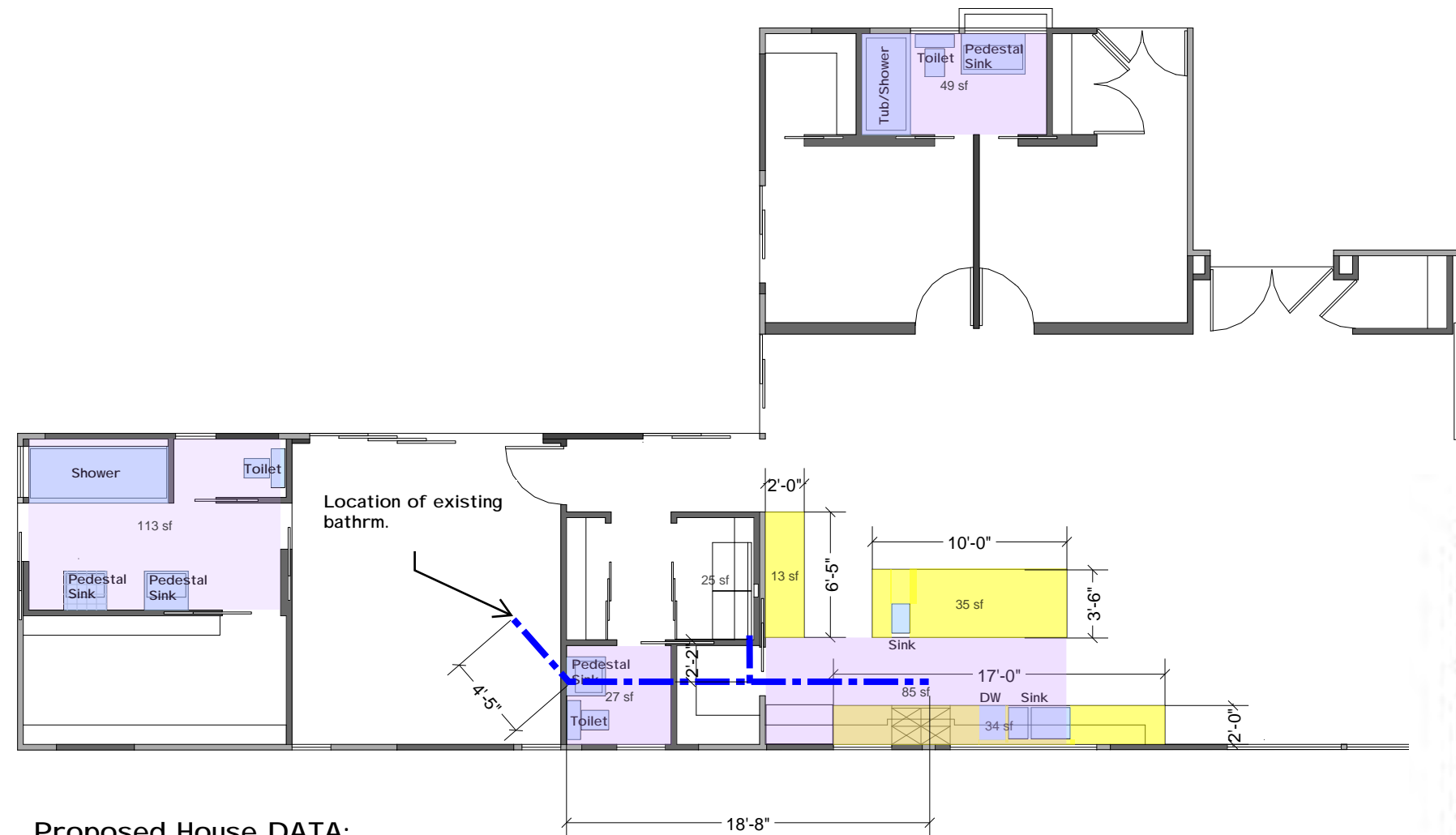
Existing House DATA:

1,859.00 sq. ft. Floor Area Total.  
1785.00 sq. ft. Habitable Floor Area Total  
74.00 sq. ft. NON Habitable Floor Area total

**SECTION A**

**VALUE FIGURES FOR EXISTING STRUCTURES OR ADDITIONAL [NEW] FLOOR AREA**

Occupancy and type of structure	Value per Sq. Ft.	Square Feet of structure	Value
<b>RESIDENTIAL STRUCTURES</b>			
<b>Dwellings:</b>			
Wood Frame	\$ 78.00	1,785.00	\$139,230.00
Adobe	\$ 94.00		
Masonry	\$ 80.00		
Basements (finished)	\$ 78.00		
Basements (unfinished*)	\$ 20.00		
***unfinished basement = basement area without bedrooms(s), bathroom(s) or cabinetry			
<b>Residential Garages/Carports:</b>			
Wood Frame	\$ 42.00	74.00	\$3,108.00
Masonry	\$ 42.00		
Open Carports	\$ 27.00		



### Proposed House DATA:

1785.00 sq. ft. Habitable Floor Area Total

12 total; Bathroom & Kitchen Fixtures ( built-in)

82 sf. cabinet Area

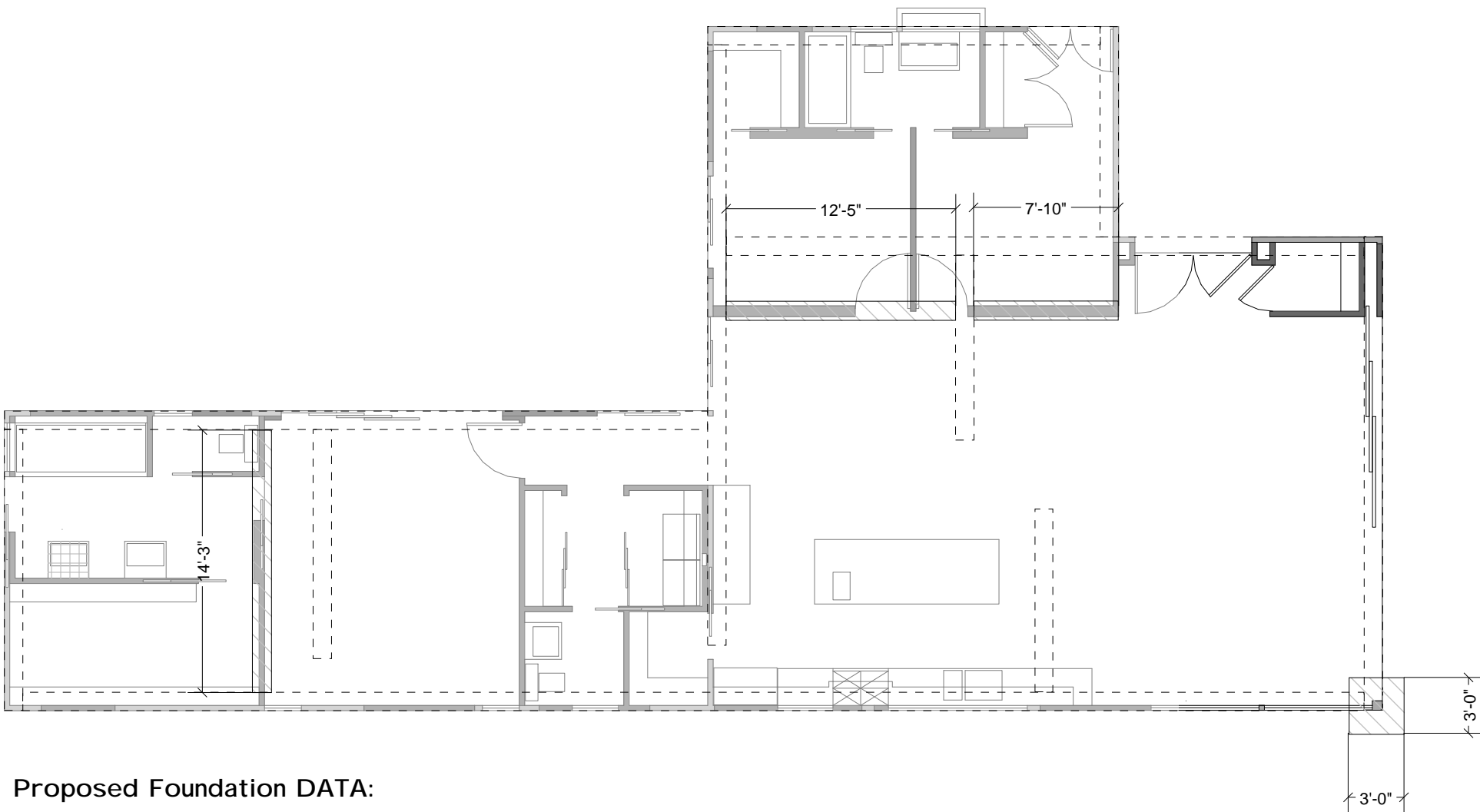
274 sf. Area Serviced by new plumbing

25.25 lf. Upgraded lines

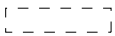


### SECTION B

#### VALUATION MULTIPLIERS - COST FIGURES FOR REMODELING OF EXISTING STRUCTURAL SQUARE FOOTAGE (VERSUS ADDITION OF NEW FLOOR AREA)

AIR CONDITIONING/COOLING SYSTEMS			
Commercial	\$ 3.50 per sq. ft. of bldg.		
Residential	\$ 2.50 per sq. ft. of bldg.		
AWNINGS & CANOPIES			
Aluminum	\$ 16.00		
Canvas	\$ 6.75		
BATHROOM AND KITCHEN FIXTURES (Built in)			
Toilet, shower, tub, sink, etc. (installed)	\$300 per fixture	12 # Home	\$3,600
CABINETRY			
	\$40 (per sq ft. of cabinet "footprint")	82 sf	\$3,280
			\$6,880
DEMOLITION			
	\$ 0.50	1,254 sf	\$627.00
			\$1,509.5
ELECTRICAL			
Rewiring and installation of wall receptacles, cover plates and light fixtures	\$3.50 per sq. ft. of room serviced by new wiring, plus \$10 per linear foot of installation of new upgraded lines through other portions of structure	1,785 sf	\$6,248
			\$14,051.5
FIREPLACE			
Concrete (installed)	2,700 each	0	0
Prefabricated (installed)	1,850 each	0	0
FIRE SPRINKLER SYSTEM			
	1.00 per sq. ft. of structure	1,785 sf	\$1,785
			\$15,842.5
FLOOR COVERING			
Carpet	\$ 2.50		
Tile	\$ 4.00		
Wood	\$ 6.00		
Vinyl	\$ 1.00	Exposing the existing concrete slab	
FLOOR SUPPORT AND SUBFLOOR MATERIAL			
Joists and sheathing	\$ 5.73	NO PROPOSED FLOOR SUPPORTS & SUBFLOOR MATERIALS	
PLUMBING			
Installation of new water supply lines, waste water lines (does not include costs of new fixtures such as: new baths or wash basins)	\$4.39 per sq. ft. of room serviced by new plumbing, plus \$10 per linear foot of (each) new/upgraded line through other portions of the structure	274 sf room serviced by new plumbing	\$1,203.
		25.25 lf of upgraded line	\$253.
RETAINING WALLS			

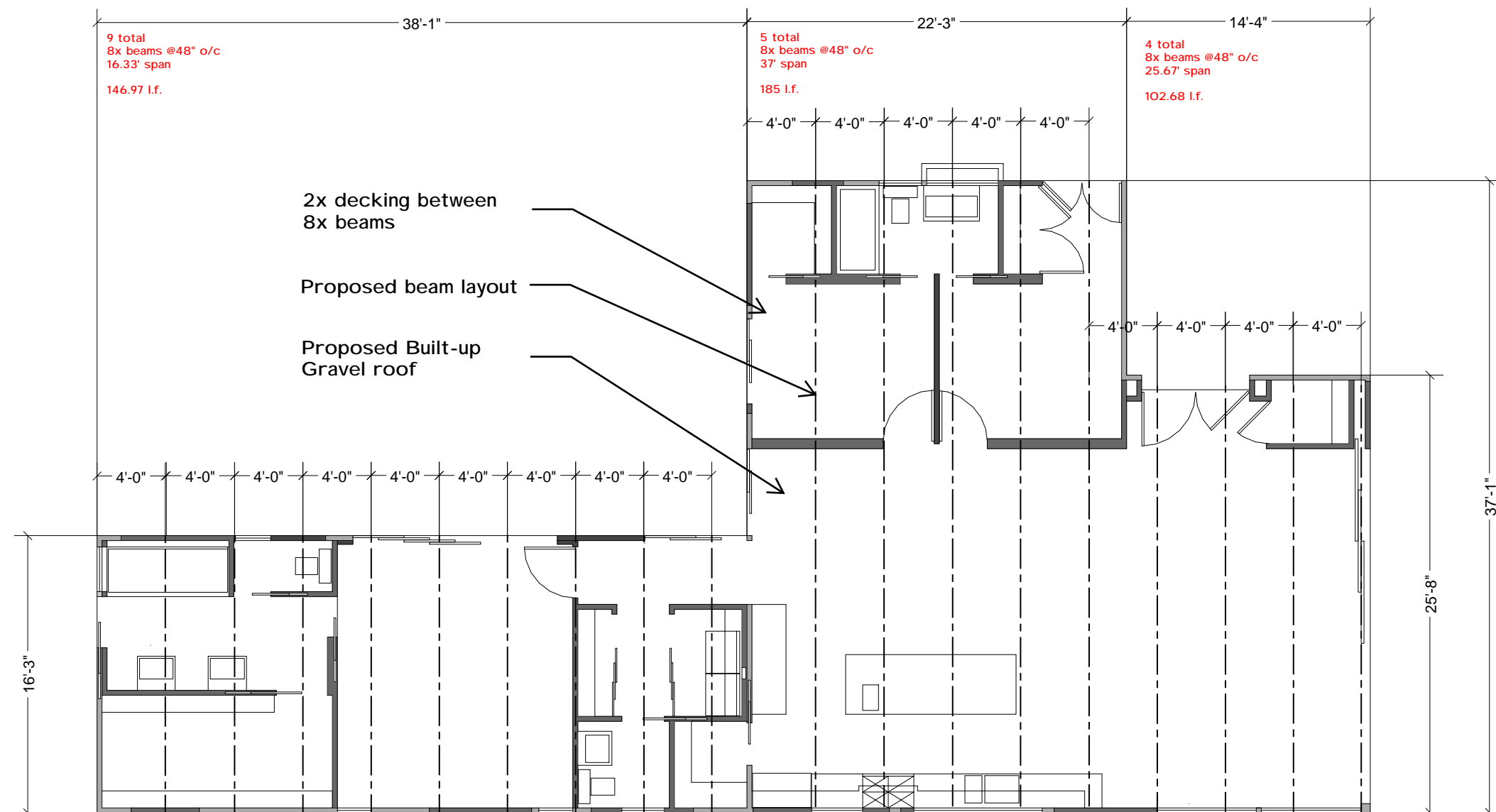


Proposed Foundation DATA:

-  Existing Continuous Footings
-  34.5 lf of Proposed Continuous Footings
-  3 sf of Proposed Column Footing

Building Valuation Form  
Page 3

FOUNDATIONS and SLABS			
Continuous linear concrete footing	\$30 linear foot	34.5 lf. @ Home	\$1,035
Cast in Place Concrete Slab	\$ 3.25		
Steel & PreCast Concrete	\$40 per linear foot		
Intermittent Piers/Columns	\$40 per sq. ft. of piers or support columns	3 sf	\$120.00



Proposed House DATA:

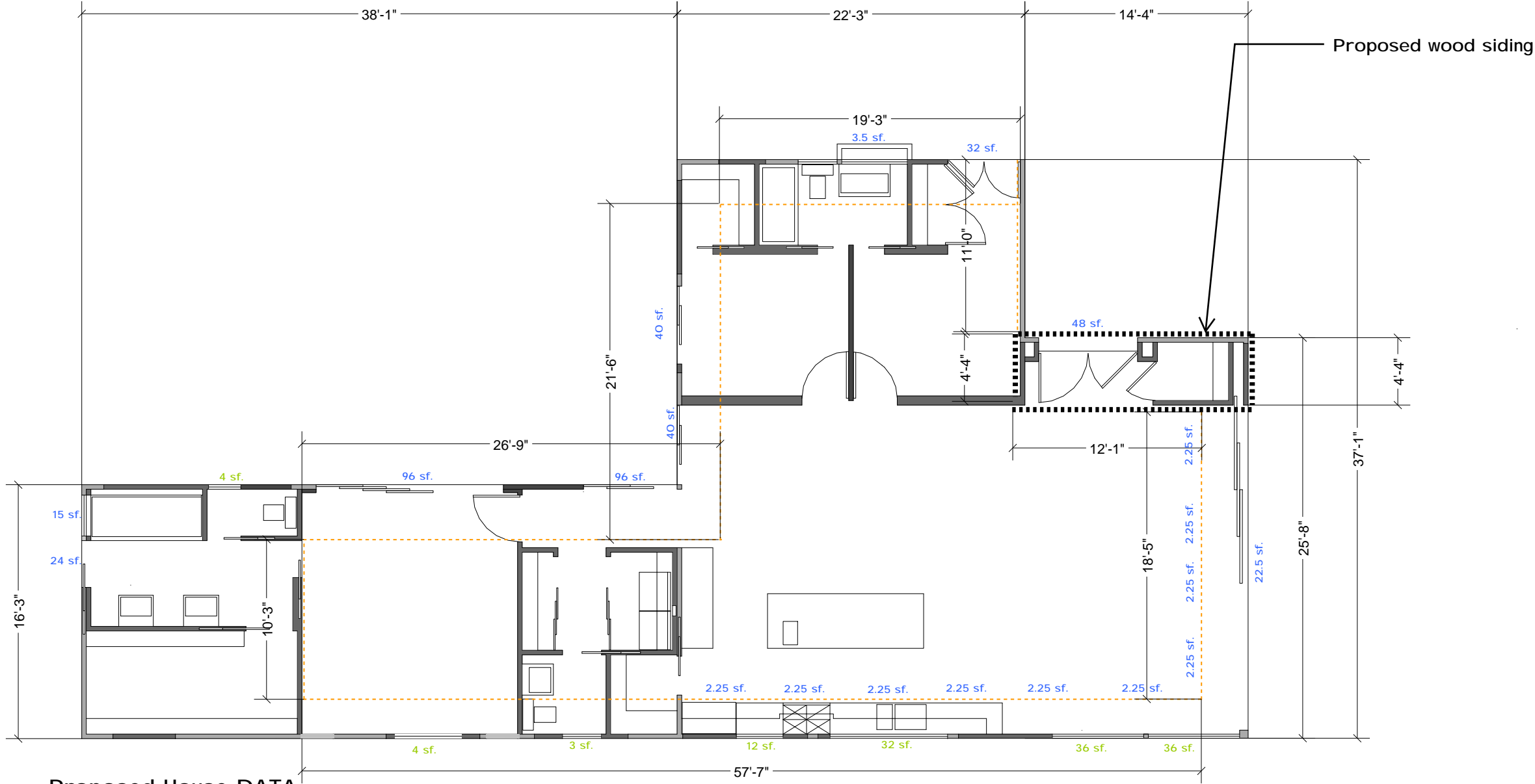
1785.00 sq. ft. Built-up Sheathing Area Total

435 l.ft Beam/ joist

Page 4

Concrete or Masonry	\$25 per linear foot	0	\$0
ROOFING			
Support Joists or Rafters	\$5.73 per linear ft of rafter	435 lf	\$2,493
Built-up sheathing	\$ 1.03	1,785 sf	\$1,839
Composition Shingles/Fiberglass	\$ 0.96		
Aluminum Shingles	\$ 3.43		
Clay Tile	\$ 2.87		
Concrete Tile	\$ 2.43		
Metal seam	\$ 3.13		





Proposed House DATA:

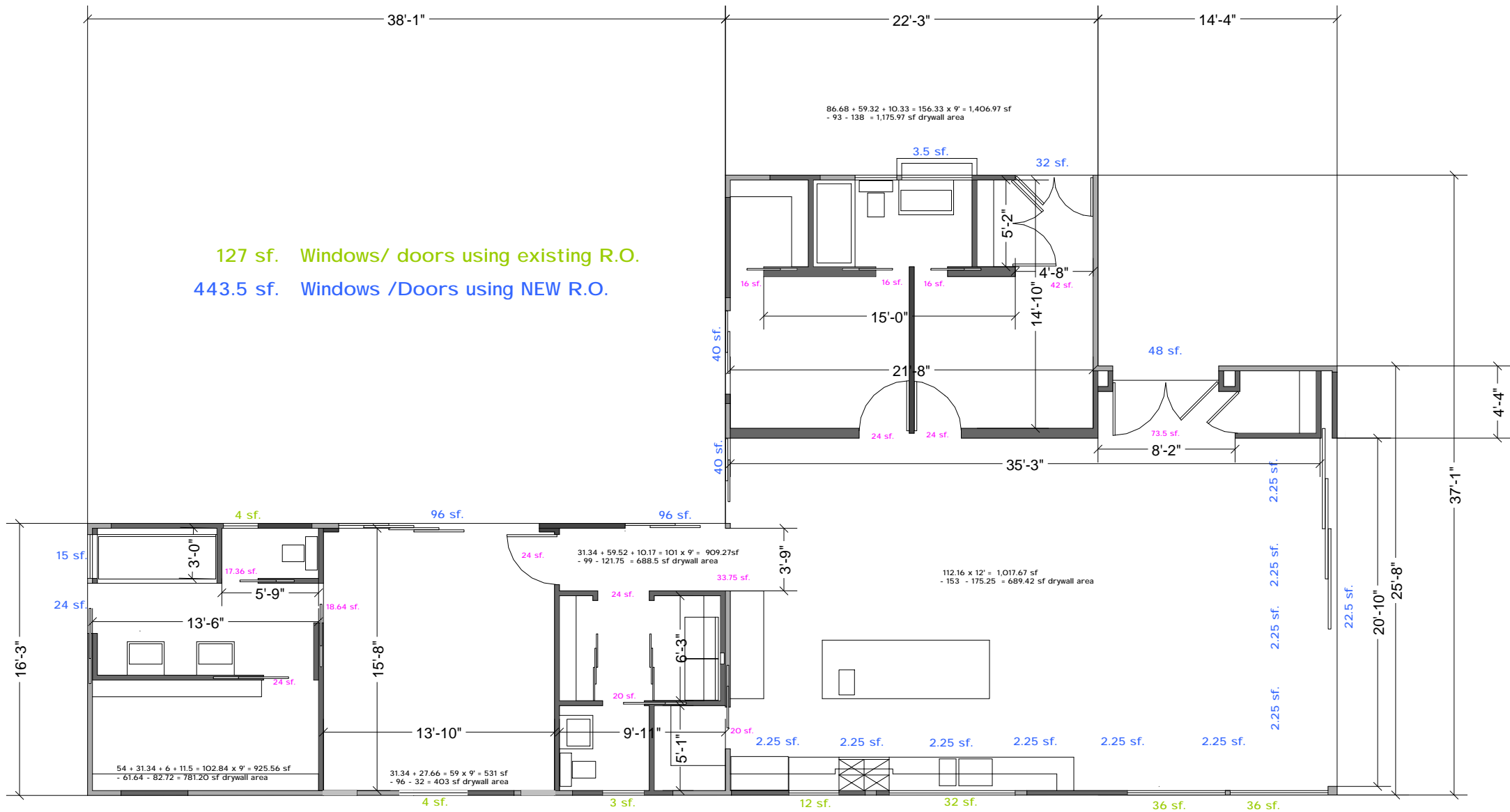
2,638.50 sf. Exterior Stucco wall Area Totals

- 2,333.5 sf of Exterior Stucco Wall Area
- 254.82 lf. of exterior wall, x 11' hgt. = 2,803 sf
- 469.5 sf. doors & window area = 2,333.5 sf
- 305 sf of Clear story Stucco wall Area
- 163.75 lf of Exterior wall @ Clear story x 2' = 327.5 sf
- 22.5 sf window area = 305.0 sf

424.32 sf Exterior Wood Siding Area Total

- 472.32 sf of exterior wood siding
- 48 sf door area = 424.32 sf

SIDING / STUCCO [Exterior]			
Stucco	\$3.00 per sq. ft. of surface area	2,638.5 sf	\$7,716
Wood	\$6.00 per sq. ft. of surface area	424.32 sf	\$2,546
Brick or Stone Veneer	\$6.75 per sq. ft. of surface area		



Proposed Insulation DATA:

3,891 sf. Exterior insulation Area Total  
254.82 lf. of exterior wall, x 9' hgt. = 2,293. sf  
- 469.5 sf. doors & window area = 1,823.50 sf  
305 sf of Clear story Stucco wall Area  
- 22.5 sf window area = 282.5.0 sf  
1,785 sf roof Area

Proposed Drywall DATA:

3,738.0 sf. Drywall Area Total

Proposed Wall DATA:

223 lf. Exterior Wall Totals

154 lf. Interior Wall Totals

INSULATION (R-19 ceiling or wall)			
	0.50 (per sq. ft. of surface area)	3,891.	\$1,446.
PLASTERING			
Inside plaster or dry wall	\$2.15 (per sq. ft. of surface area)	3,738. sf	\$8,035.
WALLS*			
Exterior wall frame (without finish)	\$14.00 linear ft	223 lf	\$3,122.
Interior partitions	\$12.00 linear ft	154 lf	\$1,848.
*An interior or exterior wall or section thereof, will be deemed to be new for purposes of the Building Valuation Worksheet unless it meets all of the following criteria: A. At least 90% of the existing supporting members or studs and the top and bottom plate of the wall, or section thereof, will be retained in their pre-construction state without removal or added support; and B. The wall will continue to be used in the structure as an exterior or interior wall respectively and will not be combined with new construction of form a "double" or reinforced wall; and C. The wall, or section thereof, which is designated as existing and "to remain" will not be increased in height, relocated, or removed for any reason, including reasons of structural integrity (dry rot, termites or increased structural load).			
WINDOW/DOOR/SKYLIGHT INSTALLATION			
	\$15 per sq. ft. of window, door or skylight when using existing rough opening (through external wall/roof)	127 sf	\$1,905.
	\$25 per sq. ft. of window, door or skylight when creating new or modified rough opening (through external wall/roof)	443.5 sf	\$11,088.
	\$10 per sq. ft. of (internal wall) door or other room-to-room opening	All interior walls will be removed	

Suggested Modification No. 22. Minor edits necessary for clarity or to correct unintentional omissions from the proposed LCP amendment.

The following suggested modifications that are necessary for clarity and to correct unintentional omissions from the LCP amendment, but do not require expansive discussion in the Findings of this staff report.

- a. Modify Chapter 1 – INTRODUCTION, Section A. Purpose with updated information as follows:

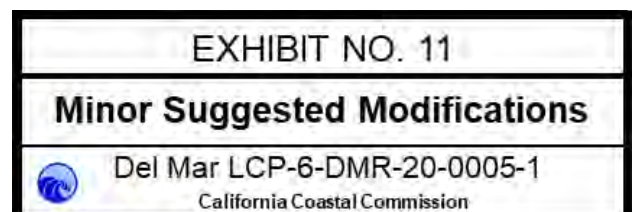
This Land Use Plan was certified by the Coastal Commission on March 18, 1993. The Implementation Plan was certified by the Coastal Commission on September 11, 2001, and on that date the City assumed ~~Following certification of the corresponding Implementing Ordinances, the City will assume~~ authority for the processing of Coastal Development Permits for most projects within Del Mar. ~~Even after certification, t~~The Coastal Commission will retain authority for processing coastal development permits for projects in areas known as “original jurisdiction”. Original jurisdiction areas are generally those lands which are subject to tidal action or claims of public trust. The processing of such permits shall be consistent with the procedures set forth in the California Coastal Act.

- b. Modify the second paragraph under the subheading “3. Flooding (River and Coastal) of Chapter III of the LUP as follows. The City of Del Mar staff has concurred this modification is necessary for clarity.

*The Floodplain Overlay Zone regulations apply to the ~~100-year~~ floodplains, which are the City’s flood-prone areas that are subject to periodic inundation due to river or coastal flooding*

- c. Suggested Modification No. 3 would insert a new goal, Goal III-B, under the subheading. Therefore, all following goals in this chapter must be renumbered accordingly.
- d. Suggested Modification No. 4 would insert a new policy, Policy III-5, under Goal III-B. Therefore, all following policies in this chapter must be renumbered accordingly.
- e. Modify Section 30.29.030 as follows. The City of Del Mar staff has concurred this modification is necessary for clarity.

~~Except as provided per Section 30.29.060, t~~The following uses are allowed in the FW Zone



- f. Modify Section 30.29.030 as follows. The City of Del Mar staff has concurred this modification is necessary for clarity.

*E. Any use or development specified in Section 30.29.060.*

- g. Modify Section 30.29.040 as follows. The City of Del Mar staff has concurred this modification is necessary for clarity.

*Except as provided per Section 30.29.060, the following uses are specifically disallowed, without limitation:*

- h. Modify Section 30.29.060.A.1 as follows. The City of Del Mar staff has concurred this modification is necessary for clarity.

*No structure or portion thereof shall be erected, constructed, converted, established, altered, or enlarged, and no landform alteration, grading, or placement or removal of vegetation shall be permitted, except where a permit is obtained authorizing:*

- i. Modify Section 30.29.060.D.2 as follows. The City of Del Mar staff has concurred this modification is necessary for clarity.

*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~~ or*

- j. Modify Section 30.29.060.E.2.d as follows. The City of Del Mar staff has concurred this modification is necessary for clarity.

*There are neither significant increases nor contributions to downstream bank erosion ~~and~~ or 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;*

- k. Modify Section 30.29.070 as follows.

*[This Chapter 30.29 of the Municipal Code forms a portion of the City of Del Mar Local Coastal Program Implementing Ordinances....]*

- l. Modify Section 30.55.050.A.1.c as follows.

*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.*

m. Suggested Modification No. 14 would insert 30.55.070.A.2.f after part 30.55.070.A.2.e. Therefore, all following parts of this section must be renumbered accordingly.

n. Modify Section 30.55.070 as follows.

*[This Chapter 30.55 of the Municipal Code forms a portion of the City of Del Mar Local Coastal Program Implementing Ordinances....]*

o. Modify Section 30.56.010 as follows. The City of Del Mar staff has concurred this modification is necessary for clarity.

*“...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...”*

p. Suggested Modification No. 20 would insert 30.56.045.D after part 30.56.045.C. Therefore, all following parts of this section must be renumbered accordingly.

q. Suggested Modification No. 23 would insert 30.56.060.E under 30.56.060.D. Therefore, all following parts of this section must be renumbered accordingly.



**Comparison of October 16, 2019 staff recommendation with June 10, 2021 staff recommendation**



Del Mar LCP-6-DMR-20-0005-1  
California Coastal Commission

### Summary of Major Revisions to Suggested Modifications

Background: The proposed LCP Amendment was originally scheduled for the October 16, 2019 Coastal Commission meeting, and Coastal Commission staff posted a staff report for that meeting (see <https://documents.coastal.ca.gov/reports/2019/10/W10a/W10a-8-2019-report.pdf>). However, the item was postponed to provide more time for staff-to-staff coordination on remaining issues. The City withdrew the LCP Amendment and resubmitted the same proposed amendment, and staffs continued working together. The item was then scheduled for the June 10, 2021 Coastal Commission meeting and a new Coastal Commission staff report was posted. The chart below summarizes how the Commission staff recommendation compares to the October 2019 staff recommendation and the submittal. Please note that the summaries included in the chart include condensed, summarized language for the sake of brevity. Please consult the staff reports for the comprehensive list of suggested modifications as well as the full language of each suggested modification.

Major topic areas with suggested modifications	Submittal	Suggested modifications (mods) in the 2019 Commission staff report	Suggested modifications (mods) in the 2021 Commission staff report
Future LCP updates	Submittal includes no direct commitments to future LCP updates in the LUP or IP.	Mod would add a new policy to the LUP that requires LCP updates to be initiated every 10 years at minimum. Mod also states that updates shall occur sooner if certain physical thresholds identified in the Adaptation Plan are crossed. It would also require associated monitoring.	Mod would require reviews and, if necessary, updates of the LCP every ten years. Additionally, it would require an LCP Amendment to be initiated when the removal of the railroad is approved and funded, which shall include means to notice blufftop property owners of relevant risks. Finally, it would list several planned adaptation measures and threshold-based adaptation measures, consistent with the Adaptation Plan.

Floodplain Overlay Zone map	The certified LCP defines this zone as the floodplain areas on a specific FEMA FIRM. The submittal would instead define it as “the most recently updated FIRM.”	Mod would define the Floodplain Overlay Zone as the combined extent of the most recently updated FIRM and the SLR Vulnerability Map (Figure 14 from the Addendum to the Vulnerability and Risk Assessment).	Mod would define the Floodplain Overlay Zone as the December 2019 FIRM (which almost exactly matches the SLR Vulnerability Map). It would require LCP Amendments to incorporate future updates to the FIRMs.
Bluff Overlay Zone map	The certified map covers the railroad right-of-way and existing bluff open space. The submittal proposed no change to this map.	Mod would add a new “Transitional Bluff Overlay Zone” to cover areas at risk from erosion as influenced by SLR and require assumption of risk and real estate disclosures in that zone.	This mod is not included in the 2021 Commission staff recommendation because another mod would require a future LCP update to require noticing once the railroad removal is approved and funded (see above).
Incorporate goals from Adaptation Plan	The submittal includes the Adaptation Plan, which includes a list of principles in narrative form.	Mod would add the Adaptation Plan principles to the LUP as a policy, and revise the introductory text to state that Risk Assessment, Addendum, and Adaption Plan are supporting documents to the LCP.	This mod would be edited in minor ways to clearly state that the principles are from the Adaptation Plan as adopted by the City and to state that Risk Assessment, Addendum, and Adaption Plan are incorporated into the LCP as supporting documents.
Best available science	The submittal refers to the National Research Council’s 2012 report as the best available science on SLR.	Mod would update the out-of-date reference in the submittal and clarify that the best available science is expected to be updated in future, so the current best available science should always be used.	No change to the 2019 mod.

Assumption of risk (in Floodplain Overlay Zone)	The submittal would require property owners in the Floodplain Overlay Zone to record a notice that they are in a hazard overlay zone.	Mod would require seven additional items to be included in the recordation.	Mod would require four additional items to be included in the recordation (absent three items as compared to the 2019 mod).
Assumption of risk (in Bluff Overlay Zone)	The submittal would require property owners to record a notice on title of property that they are in the Bluff Overlay Zone and waive rights to future shoreline protective devices.	Mod would also require that the notice 1) acknowledge and agree that the development is located in a hazardous area, or an area that may become hazardous in the future, and that hazard conditions may depend on the location of the LOSSAN railroad, 2) assume risks, 3) waive claim of liability or damage against City or CCC, 4) indemnify City and CCC.	Mod would also require that the notice acknowledge and agree that the development is located in a hazardous area, or an area that may become hazardous in the future.
Definition of existing development (in Floodplain and Bluff Overlay Zones)	The certified LCP does not include a definition of "existing development." The submittal would define it as any lawfully established development in the Floodplain and Bluff Overlay Zones.	Mod would strike the definition and remain silent on it.	No change to the 2019 mod.
Definition of substantial improvement (in Floodplain zone)	The certified LCP includes a definition of substantial improvement that relies on market value. The submittal would not change the definition.	Mod would expand definition so that the definition is met if development meets either the certified definition based on market values or the definition that relies on alterations of structural components.	No change to the 2019 mod.

Siting and design to address SLR (LUP, Floodway, and Floodplain Overlay Zones)	The certified LUP and IP require structures in the Floodway and Floodplain Overlay Zones to be elevated at or above the base flood elevation (BFE), consistent with FEMA requirements.	Mod would require identification of potential siting and design modifications needed to address SLR, including potential elevation of structures above BFE if warranted by site-specific SLR studies, and implementation of the recommendations as appropriate.	No change to the 2019 mod, except to strike reference to “site-specific” studies.
Bluff setbacks	The certified IP includes a minimum 40-foot setback from the bluff edge, and the submittal retains this content but reorganizes it.	Mod would clarify that setback equals the long term erosion considering SLR plus 1.5 (or 1.1) factor of safety. It would also apply setbacks and other regs to vulnerable slopes in addition to bluffs.	No change to the 2019 mod.
Site specific SLR studies in Floodplain Overlay Zone	Neither the certified LCP nor the submittal requires site specific studies of SLR.	Mod would require site-specific analysis of SLR over life of the structure in the Floodplain Overlay Zone.	This mod is not included in the 2021 Commission staff recommendation because other sources of technical information on SLR are available to inform development decisions in this area, including potential design modifications to account for SLR, as modified.