



City of Del Mar



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November 13, 2018

Steve Napolitano, Mayor
City of Manhattan Beach
1400 Highland Ave.
Manhattan Beach, CA 90266

Dear Mayor Steve Napolitano:

The City of Del Mar needs your help. We are engaged in a dispute with the California Coastal Commission concerning Del Mar's right to regulate land use within its jurisdiction. Specifically, the California Coastal Commission wants to force us to allow Short Term Rental (STR) uses in the city's residential neighborhoods. We need your city to support us by preparing and filing an amicus (friend of the court) brief, or by joining in and signing the amicus brief written by another jurisdiction.

I make this request as Del Mar's current Mayor but also as a career land use and environmental attorney (now retired) and as a long-time supporter of the Coastal Commission. I carried petitions for the original California Coastal Zone Conservation Act adopted by initiative in 1972. I have served on the Coastal Commission and I have consistently defended the important resource protection and conservation work it champions. I still support the Commission and its important resource protection work. But, as the Mayor of a small city lying entirely within the coastal zone I cannot support the overreach the Commission is attempting to exercise by taking over our local zoning as to short term rentals. Let me explain a bit more.

When the current Coastal Act was passed in 1976 it carefully balanced what would be regulated at the state level and what would remain under local control. The 1976 Coastal Act was crafted around a temporary transfer of land use authority to the state with that authority reverting to local control upon certification of a Local Coastal Program (LCP). This return of local control to cities and counties is at the core of how the LCP process works. Without that protection of local control the Act would not have passed.

I also note that the 1976 Coastal Act called on the Commission to address affordable housing issues, but that language was amended out of the Act in 1981¹ and the Commission has been forbidden to address affordable housing issues ever since. Notwithstanding, the Commission tries to justify its intrusion into local STR zoning regulations as necessary to provide affordable short-term housing. The Commission's mission is natural resource protection, coastal access, and related environmental issues, not housing and not STR regulations in residential areas.

Del Mar has a fully certified LCP. Notwithstanding, the Commission seeks to dictate local zoning terms for our residential zones as to short term rentals. Del Mar's dispute with the Commission is not about access to the coast or resource protection. It is about who has the right to control local zoning—a city or the Coastal Commission? Del Mar has a population of only 4,200, yet each year we welcome 2 million visitors to our beach. We have extensive access programs, a balance of free and pay parking, free coastal related recreation facilities, a hotel/motel vacancy rate of

¹ See, <https://www.coastal.ca.gov/leginfo/w10a-mar-mm2-housing.pdf>.



City of Del Mar



25% year round with prices lower than, with rare exceptions, STRs. Del Mar has affordable RV accommodations within walking distance to the coast, and more.

Del Mar will continue to welcome visitors of all economic means, but we must also protect our residential zones as commanded by our Community (General) Plan, by our zoning, and by our certified LCP. Our case is not about access to the coast nor is it about coastal related visitor serving recreational facilities as addressed in the Coastal Act. Del Mar has both in spades. Pure and simple it's about: who has the right to control local zoning—the Commission or our cities? This is the core legal issue as to which we seek your support. I encourage you to address this issue with your city attorney who will be receiving a letter from our city attorney about this request.

If there is anything further I can provide, I hope you will let me know.

Sincerely,

A handwritten signature in black ink that reads "D. Dwight Worden".

Dwight Worden
Mayor