

CITY OF SOLANA BEACH
SOLANA BEACH CITY COUNCIL, SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY,
PUBLIC FINANCING AUTHORITY, & HOUSING AUTHORITY



AGENDA

Joint SPECIAL Meeting

Tuesday, November 13, 2018 * 6:00 p.m.

City Hall / Council Chambers, 635 S. Highway 101, Solana Beach, California

- City Council meetings are video recorded and archived as a permanent record. The [video](#) recording captures the complete proceedings of the meeting and is available for viewing on the City's website.
- Posted Reports & Supplemental Docs contain records up to the cut off time prior to meetings for processing new submittals. Complete records containing meeting handouts, PowerPoints, etc. can be obtained through a [Records Request](#).

PUBLIC MEETING ACCESS

The Regular Meetings of the City Council are scheduled for the 2nd and 4th Wednesdays and are broadcast live on Cox Communications-Channel 19, Spectrum(Time Warner)-Channel 24, and AT&T U-verse Channel 99. The video taping of meetings are maintained as a permanent record and contain a detailed account of the proceedings. Council meeting tapings are archived and available for viewing on the City's [Public Meetings](#) webpage.

AGENDA MATERIALS

A full City Council agenda packet including relative supporting documentation is available at City Hall, the Solana Beach Branch [Library](#) (157 Stevens Ave.), La Colonia Community Ctr., and online www.cityofsolanabeach.org. Agendas are posted at least 72 hours prior to regular meetings and at least 24 hours prior to special meetings. Writings and documents regarding an agenda of an open session meeting, [received](#) after the official posting, and distributed to the Council for consideration, will be made available for public viewing at the same time. In addition, items received at least 1 hour 30 minutes prior to the meeting time will be uploaded online with the courtesy agenda posting. Materials submitted for consideration should be forwarded to the [City Clerk's department](#) 858-720-2400. The designated location for viewing of hard copies is the City Clerk's office at City Hall during normal business hours.

SPEAKERS

Please submit a speaker slip to the City Clerk prior to the meeting, or the announcement of the Section/Item, to provide public comment. Allotted times for speaking are outlined on the speaker's slip for each agenda section: Oral Communications, Consent, Public Hearings and Staff Reports.

SPECIAL ASSISTANCE NEEDED

In compliance with the Americans with Disabilities Act of 1990, persons with a disability may request an agenda in appropriate alternative formats as required by Section 202. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to the [City Clerk's office](#) (858) 720-2400 at least 72 hours prior to the meeting.

As a courtesy to all meeting attendees, please set cellular phones and pagers to silent mode
and engage in conversations outside the Council Chambers.

CITY COUNCILMEMBERS

David A. Zito, Mayor

Jewel Edson, Deputy Mayor

Judy Hegenauer, Councilmember

Lesa Heebner, Councilmember

Peter Zahn, Councilmember

Gregory Wade
City Manager

Johanna Canlas
City Attorney

Angela Ivey
City Clerk

SPEAKERS:

Please submit your speaker slip to the City Clerk prior to the meeting or the announcement of the Item. Allotted times for speaking are outlined on the speaker's slip for Oral Communications, Consent, Public Hearings and Staff Reports.

READING OF ORDINANCES AND RESOLUTIONS:

Pursuant to [Solana Beach Municipal Code](#) Section 2.04.460, at the time of introduction or adoption of an ordinance or adoption of a resolution, the same shall not be read in full unless after the reading of the title, further reading is requested by a member of the Council. If any Councilmember so requests, the ordinance or resolution shall be read in full. In the absence of such a request, this section shall constitute a waiver by the council of such reading.

CALL TO ORDER AND ROLL CALL:

CLOSED SESSION REPORT: (when applicable)

FLAG SALUTE:

APPROVAL OF AGENDA:

PROCLAMATIONS/CERTIFICATES: *Ceremonial*

None at the posting of this agenda

PRESENTATIONS: Ceremonial items that do not contain in-depth discussion and no action/direction.

None at the posting of this agenda

ORAL COMMUNICATIONS:

This portion of the agenda provides an opportunity for members of the public to address the City Council on items relating to City business and not appearing on today's agenda by submitting a speaker slip (located on the back table) to the City Clerk. Comments relating to items on this evening's agenda are taken at the time the items are heard. Pursuant to the Brown Act, no action shall be taken by the City Council on public comment items. Council may refer items to the City Manager for placement on a future agenda. The maximum time allotted for each presentation is THREE MINUTES (SBMC 2.04.190). Please be aware of the timer light on the Council Dais.

COUNCIL COMMUNITY ANNOUNCEMENTS / COMMENTARY:

An opportunity for City Council to make brief announcements or report on their activities. These items are not agendized for official City business with no action or substantive discussion.

A. CONSENT CALENDAR: (Action Items) (A.1. - A.4.)

Items listed on the Consent Calendar are to be acted in a single action of the City Council unless pulled for discussion. Any member of the public may address the City Council on an item of concern by submitting to the City Clerk a speaker slip (located on the back table) before the Consent Calendar is addressed. Those items removed from the Consent Calendar by a member of the Council will be trailed to the end of the agenda, while Consent Calendar items removed by the public will be discussed immediately after approval of the Consent Calendar.

A.1. Minutes of the City Council.

Recommendation: That the City Council

1. Approve the Minutes of the City Council Meetings held May 9, 2018 and May 23, 2018.

[Item A.1. Report \(click here\)](#)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

A.2. Register Of Demands. (File 0300-30)

Recommendation: That the City Council

1. Ratify the list of demands for October 6 – October 19, 2018.

[Item A.2. Report \(click here\)](#)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

A.3. General Fund Adopted Budget for Fiscal Year 2018-2019 Changes. (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2018-2019 General Fund Adopted Budget.

[Item A.3. Report \(click here\)](#)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

A.4. Reclassifications and Salary Schedule Updates. (File 0510-00, 0520-10)

Recommendation: That the City Council

1. Adopt **Resolution 2018-145**:
 - a. Reclassifying the Senior Engineering Technician position to an Assistant Civil Engineer.
 - b. Reclassifying the Temporary Fire Prevention Technician to a Fire Prevention Specialist and update the Miscellaneous Employee Salary Schedule 3.
 - c. Approving the adjustment of the salary band for the current Fire Battalion Chief (56 hours) classification, adopting pay grade M-6A and salary band for the newly created 40-hour Administrative Fire Battalion Chief classification, and incorporating these changes into the Management Employees' Salary and Classification Plan - Schedule 1.
 - d. Approving the updated Fire Battalion Chief job description to include the additional Administrative Fire Battalion Chief duties.

[Item A.4. Report \(click here\)](#)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

NOTE: The City Council shall not begin a new agenda item after 10:30 p.m. unless approved by a unanimous vote of all members present. (SBMC 2.04.070)

B. PUBLIC HEARINGS: (B.1. – B.4.)

This portion of the agenda provides citizens an opportunity to express their views on a specific issue as required by law after proper noticing by submitting a speaker slip (located on the back table) to the City Clerk. After considering all of the evidence, including written materials and oral testimony, the City Council must make a decision supported by findings and the findings must be supported by substantial evidence in the record. An applicant or designee(s) for a private development/business project, for which the public hearing is being held, is allotted a total of fifteen minutes to speak, as per SBMC 2.04.210. A portion of the fifteen minutes may be saved to respond to those who speak in opposition. All other speakers have three minutes each. Please be aware of the timer light on the Council Dais.

B.1. Public Hearing: Public Recreation Impact Fee Study and related Local Coastal Program (LCP) Land Use Plan (LUP) Amendment. (File 0610-12)

Recommendation: That the City Council

1. Conduct the Public Hearing: Open the Public Hearing, Report Council Disclosures, Receive Public Testimony, and Close the Public Hearing.
2. Provide direction on the following options:
 - a. Adopt all CCC “Suggested Modifications” on the City’s Fee Study and LUPA as modified by the CCC on May 11, 2017 and adopt **Resolution 2018-140**.
 - b. Reject CCC “Suggested Modifications” on the City’s Fee Study and LUPA and move forward with implementing the recommendations contained in the City’s Fee Study and adopt Resolution 2018-140.
 - c. Take no action on the CCC approval and let it lapse. Continue to implement the City’s current \$1,000/LF interim fee deposit for public recreation fees. No Council resolution is needed to implement this option.
 - d. Provide alternative direction to the City Manager which may include modifying or combining elements of one or more of the Options listed above as desired by the City Council.

[Item B.1. Report \(click here\)](#)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk’s Office.

B.2. Public Hearing: 550 Via de la Valle, Applicant: Winner's Circle Resort, Case 17-17-48. (File 0600-40)

The proposed project meets the minimum zoning requirements under the SBMC, may be found to be consistent with the General Plan and may be found, as conditioned, to meet the discretionary findings required as discussed in this report to approve a DRP and administratively issue a SDP. Therefore, Staff recommends that the City Council:

1. Conduct the Public Hearing: Open the Public Hearing, Report Council Disclosures, Receive Public Testimony, and Close the Public Hearing.
2. Find the project exempt from the California Environmental Quality Act pursuant to Section 15301 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt **Resolution 2018-141** conditionally approving a DRP and an SDP to construct a new elevator, maintenance room addition, remodel the existing clubhouse and gym, and perform associated site improvements 550 Via de la Valle, Solana Beach.

[Item B.2. Report \(click here\)](#)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

B.3. Public Hearing: Introduce (1st Reading) Ordinance 491 adding Subsection 17.72.110(E) to the Solana Beach Municipal Code to Exempt City and City-Sponsored Projects. (File 0600-95)

Recommendation: That the City Council

1. Conduct the Public Hearing: Open the Public Hearing; Report Council Disclosures; Receive Public Testimony; Close the Public Hearing.
2. Introduce **Ordinance 491** adding subsection 17.72.110(E) to make the expiration and extension requirements of section 17.72.110 inapplicable to City and City-sponsored projects.

[Item B.3. Report \(click here\)](#)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

B.4. Public Hearing: Regional Transportation Improvement Program (RTIP) Amendment. (File 0840-30)

Recommendation: That the City Council

1. Conduct the Public Hearing: Open the Public Hearing; Report Council Disclosures; Receive Public Testimony; Close the Public Hearing.
2. Adopt **Resolution 2018-143** approving an amendment to the SANDAG 2018 Regional Transportation Improvement Program (RTIP) list of projects for Fiscal Years 2019 through 2023, to add the Glencrest Drive Street Improvement Project.

[Item B.4. Report \(click here\)](#)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

C. STAFF REPORTS: (C.1.)

Submit speaker slips to the City Clerk.

C.1. Regulating Single Use and Non-Recyclable Plastics Options. (File 0230-55)

Recommendation: That the City Council

1. Receive and discuss the report.
2. Provide further direction on possible plastic use regulations

[Item C.1. Report \(click here\)](#)

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WORK PLAN COMMENTS:

Adopted June 13, 2018

COMPENSATION & REIMBURSEMENT DISCLOSURE:

GC: Article 2.3. Compensation: 53232.3. (a) Reimbursable expenses shall include, but not be limited to, meals, lodging, and travel. 53232.3 (d) Members of a legislative body shall provide brief reports on meetings attended at the expense of the local agency at the next regular meeting of the legislative body.

COUNCIL COMMITTEE REPORTS: [Council Committees](#)

REGIONAL COMMITTEES: (outside agencies, appointed by this Council)

- a. City Selection Committee (meets twice a year) Primary-Edson, Alternate-Zito
- b. County Service Area 17: Primary-Zahn, Alternate-Hegenauer
- c. Escondido Creek Watershed Authority: Zahn /Staff (no alternate).
- d. League of Ca. Cities' San Diego County Executive Committee: Primary-Edson, Alternate-Heebner and any subcommittees.
- e. League of Ca. Cities' Local Legislative Committee: Primary-Edson, Alternate-Heebner
- f. League of Ca. Cities' Coastal Cities Issues Group (CCIG): Primary-Edson, Alternate-Heebner
- g. North County Dispatch JPA: Primary-Heebner, Alternate-Edson
- h. North County Transit District: Primary-Edson, Alternate-Heebner
- i. Regional Solid Waste Association (RSWA): Primary-Hegenauer, Alternate-Heebner
- j. SANDAG: Primary-Zito, Alternate-Edson, 2nd Alternate-Heebner, and any subcommittees.

- k. SANDAG Shoreline Preservation Committee: Primary-Zito, Alternate-Hegenauer
- l. San Dieguito River Valley JPA: Primary-Hegenauer, Alternate-Heebner
- m. San Elijo JPA: Primary-Zito, Primary-Zahn, Alternate-City Manager
- n. 22nd Agricultural District Association Community Relations Committee: Primary-Heebner, Alternate-Edson

STANDING COMMITTEES: (All Primary Members) (Permanent Committees)

- a. Business Liaison Committee – Zito, Edson.
- b. Fire Dept. Management Governance & Organizational Evaluation – Edson, Hegenauer
- c. Highway 101 / Cedros Ave. Development Committee – Edson, Heebner
- d. I-5 Construction Committee – Zito, Edson.
- e. Parks and Recreation Committee – Zito, Edson
- f. Public Arts Committee – Hegenauer, Heebner
- g. School Relations Committee – Hegenauer, Zahn
- h. Solana Beach-Del Mar Relations Committee – Zito, Heebner

ADJOURN:

Next Regularly Scheduled Meeting is November 28, 2018

Always refer the City’s website Event Calendar for updated schedule or contact City Hall.

www.cityofsolanabeach.org 858-720-2400

AFFIDAVIT OF POSTING

STATE OF CALIFORNIA }
 COUNTY OF SAN DIEGO } §
 CITY OF SOLANA BEACH }

I, Angela Ivey, City Clerk of the City of Solana Beach, do hereby certify that this Agenda for the November 13, 2018 Council Meeting was called by City Council, Successor Agency to the Redevelopment Agency, Public Financing Authority, and the Housing Authority of the City of Solana Beach, California, was provided and posted on November 6, 2018 at 5:30 p.m. on the City Bulletin Board at the entrance to the City Council Chambers. Said meeting is held at 6:00 p.m., November 13, 2018, in the Council Chambers, at City Hall, 635 S. Highway 101, Solana Beach, California.

Angela Ivey, City Clerk
 City of Solana Beach, CA

UPCOMING CITIZEN CITY COMMISSION AND COMMITTEE MEETINGS:

Regularly Scheduled, or Special Meetings that have been announced, as of this Agenda Posting. Dates, times, locations are all subject to change. See the [Citizen Commission’s Agenda webpages](#) or the City’s Events Calendar for updates.

- **Budget & Finance Commission**
 Thursday, December 20, 2018, 5:30 p.m. (City Hall)
- **Climate Action Commission**
 Wednesday, November 21, 2018, 5:30 p.m. (City Hall)
- **Parks & Recreation Commission**
 Thursday, November 8, 2018, 4:00 p.m. (Fletcher Cove Community Center)
- **Public Arts Commission**
 Tuesday, November 27, 2018, 5:30 p.m. (City Hall)
- **View Assessment Commission**
 Tuesday, November 20, 2018, 6:00 p.m. (Council Chambers)

CITY OF SOLANA BEACH

SOLANA BEACH CITY COUNCIL, SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY,
PUBLIC FINANCING AUTHORITY, & HOUSING AUTHORITY



MINUTES

Joint Meeting - Closed Session

Wednesday, May 9, 2018 * 7:00 p.m.

City Hall / Council Chambers, 635 S. Highway 101, Solana Beach, California

CITY COUNCILMEMBERS

David A. Zito, Deputy Mayor

Jewel Edson, Councilmember

Judy Hegenauer, Councilmember

Lesa Heebner, Councilmember

Peter Zahn, Councilmember

Gregory Wade
City Manager

Johanna Canlas
City Attorney

Angela Ivey
City Clerk

CALL TO ORDER AND ROLL CALL:

Deputy Mayor Zito called the meeting to order at 7:45 p.m.

Present: David A. Zito, Jewel Edson, Judy Hegenauer, Lesa Heebner, Peter Zahn
Absent: None
Also Present: Gregory Wade, City Manager
Johanna Canlas, City Attorney

PUBLIC COMMENT ON CLOSED SESSION ITEMS (ONLY):

Report to Council Chambers and submit speaker slips to the City Clerk before the meeting recesses to closed session.

CLOSED SESSION:

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Pursuant to Government Code Section 54956.9(d)(2)
Two (2) Potential cases

2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Pursuant to Government Code section 54954.5(b)
Property: 700 Stevens Avenue
City Negotiator: City Manager Gregory Wade
Negotiating Parties: Steven Street, LLC
Under negotiation: price and terms

No reportable action.

ADJOURN:

Deputy Mayor Zito adjourned the meeting at 9:00 p.m.

CITY OF SOLANA BEACH

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MINUTES

Joint SPECIAL Meeting

Wednesday, May 9, 2018 * 5:00 P. M.

City Hall / Council Chambers, 635 S. Highway 101, Solana Beach, California

Minutes contain a summary of significant discussions and formal actions taken at a City Council meeting.

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CITY COUNCILMEMBERS

David A. Zito, Deputy Mayor

Jewel Edson, Councilmember

Judy Hegenauer, Councilmember

Lesa Heebner, Councilmember

Peter Zahn, Councilmember

Gregory Wade
City Manager

Johanna Canlas
City Attorney

Angela Ivey
City Clerk

CALL TO ORDER AND ROLL CALL:

Deputy Mayor Zito called the meeting to order at 5:00 p.m.

Present: David A. Zito, Jewel Edson, Judy Hegenauer, Lesa Heebner, Peter Zahn
Absent: None
Also Present: Greg Wade, City Manager
Johanna Canlas, City Attorney
Angela Ivey, City Clerk,
Dan King, Assistant City Manager
Mo Sammak, City Engineer/Public Works Dir.
Marie Berkuti, Finance Manager
Joseph Lim, Community Development Dir.

FLAG SALUTE:

APPROVAL OF AGENDA:

Motion: Moved by Councilmember Edson and second by Deputy Mayor Zahn to approve.
Approved 5/0. Motion carried unanimously.

D. STAFF REPORTS: (D.1. - D.2.)

Submit speaker slips to the City Clerk.

D.1. Work Plan Fiscal Year 2018/2019 Draft Revisions. (File 0410-08)

Recommendation: That the City Council

1. Review and discuss the modifications to the draft Fiscal Year 2018/2019 Work Plan and direct Staff to return to Council with the final Fiscal Year 2018/2019 Work Plan for approval with the Budget in June 2018.

[Item D.1. Report \(click here\)](#)

[D.1. Staff Report \(click here\)](#)

[D.1. Supplemental Items \(Updated 5-9 at 4:15pm\)](#)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

Greg Wade, City Manager, introduced the item.

Council and Staff discussion.

D.2. Fiscal Year 2018/19 Adopted General Fund Budget Proposed Amendments.
(File 0330-30)

Recommendation: That the City Council

1. Review the proposed amendments to the Fiscal Year 2018/19 Adopted General Fund Budget and provide Staff with direction to amend the budget for adoption on June 13, 2018.

[Item D.2. Report \(click here\)](#)

[Updated Report #1 \(5-08-18\)](#)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

Greg Wade, City Manager, introduced the item.

Marie Berkuti, Finance Manager, presented a PowerPoint (on file).

Council and Staff discussion.

ADJOURN:

Deputy Mayor Zito adjourned the meeting at 6:10 p.m.

CITY OF SOLANA BEACH

SOLANA BEACH CITY COUNCIL, SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY,
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MINUTES

Joint REGULAR Meeting
Wednesday, May 9, 2018 * 6:00 P. M.

City Hall / Council Chambers, 635 S. Highway 101, Solana Beach, California

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CITY COUNCILMEMBERS

David A. Zito, Deputy Mayor

Jewel Edson, Councilmember

Judy Hegenauer, Councilmember

Lesa Heebner, Councilmember

Peter Zahn, Councilmember

Gregory Wade
City Manager

Johanna Canlas
City Attorney

Angela Ivey
City Clerk

CALL TO ORDER AND ROLL CALL:

Deputy Mayor Zito called the meeting to order at 6:15 p.m.

Present: David A. Zito, Jewel Edson, Judy Hegenauer, Lesa Heebner, Peter Zahn

Absent: None

Also Present: Greg Wade, City Manager
Johanna Canlas, City Attorney
Angela Ivey, City Clerk,
Dan King, Assistant City Manager
Mo Sammak, City Engineer/Public Works Dir.
Marie Berkuti, Finance Manager
Joseph Lim, Community Development Dir.

APPROVAL OF AGENDA:

Motion: Moved by Councilmember Heebner and second by Deputy Mayor Zahn to approve. **Approved 5/0.** Motion carried unanimously.

PROCLAMATIONS/CERTIFICATES: *Ceremonial*

1. Bike to Work Month
Deputy Mayor Zito presented a Bike to Work proclamation.

PRESENTATIONS: Ceremonial items that do not contain in-depth discussion and no action/direction.

1. San Diego County Fair 2018

Luis Valdivia presented a PowerPoint (on file) and video about the 2018 Fair, and spoke about the theme "How Sweet It Is," and program highlights during the 26-day event.

ORAL COMMUNICATIONS:

This portion of the agenda provides an opportunity for members of the public to address the City Council on items relating to City business and not appearing on today's agenda by submitting a speaker slip (located on the back table) to the City Clerk. Comments relating to items on this evening's agenda are taken at the time the items are heard. Pursuant to the Brown Act, no action shall be taken by the City Council on public comment items. Council may refer items to the City Manager for placement on a future agenda. The maximum time allotted for each presentation is THREE MINUTES (SBMC 2.04.190). Please be aware of the timer light on the Council Dais.

Patrick Germon spoke about his interest in starting surf camps in Solana Beach, the youth community's interest for a surf coach, his experience with local children with scholarships, personal endorsements from local organizations, his discussions with the Staff, and that all other cities already had surf camps.

Council and Mr. Germon's discussion included surf camps being a City-run program or a private program, programs open to the general public, and to have Staff further explore his proposed program and any potential barriers.

Isiah Titus said that he was a student trustee for Mira Costa College and spoke about their rugby team playing competitively this year and had won the National Championship in the Division 3 Gold Coast Conference among more experienced teams, the team was formed due to an inequity issue of many people of Samoan ancestry living in Oceanside not attending college and the need to get cities involved to start youth rugby teams in the area and announced an invitation to an event for Asian and Pacific Islander month, and passed out an event invitation.

Kristine Schindler spoke about Bike to School Day and that she walked with kids from Solana Vista to Skyline School, acknowledged Council for their efforts in promoting walking and biking to school.

COUNCIL COMMUNITY ANNOUNCEMENTS / COMMENTARY:

An opportunity for City Council to make brief announcements or report on their activities. These items are not agendized for official City business with no action or substantive discussion.

A. CONSENT CALENDAR: (Action Items) (A.1. - A.6.)

Items listed on the Consent Calendar are to be acted in a single action of the City Council unless pulled for discussion. Any member of the public may address the City Council on an item of concern by submitting to the City Clerk a speaker slip (located on the back table) before the Consent Calendar is addressed. Those items removed from the Consent Calendar by a member of the Council will be trailed to the end of the agenda, while Consent Calendar items removed by the public will be discussed immediately after approval of the Consent Calendar.

A.1. Register Of Demands. (File 0300-30)

Recommendation: That the City Council

1. Ratify the list of demands for April 7-20, 2018

Item A.1. Report (click here)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

Motion: Moved by Councilmember Edson and second by Councilmember Heebner to approve. **Approved 5/0.** Motion carried unanimously.

A.2. General Fund Adopted Budget for Fiscal Year 2017-2018 Changes. (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2017-2018 General Fund Adopted Budget.

Item A.2. Report (click here)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

Motion: Moved by Councilmember Edson and second by Councilmember Heebner to approve. **Approved 5/0.** Motion carried unanimously.

A.3. 2018 Street Maintenance and Repairs Project. (File 0330-30)

Recommendation: That the City Council

1. Adopt **Resolution 2018-046:**
 - a. Approving the list of streets scheduled for maintenance and repairs as part of the 2018 Street Maintenance and Repairs Project.
 - b. Authorizing the City Engineer to advertise for construction bids for the 2018 Street Maintenance and Repairs Project.

Item A.3. Report (click here)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

Motion: Moved by Councilmember Edson and second by Councilmember Heebner to approve. **Approved 5/0.** Motion carried unanimously.

A.4. Administrative Policy No. 23 – Zero Tolerance Alcohol and Drug Use Policy.
(File 0100-90)

Recommendation: That the City Council

1. Approve **Resolution 2018-047** adopting the updated Administrative Policy No. 23 – Zero Tolerance Alcohol and Drug Use Policy and authorizing the City Manager to make any subsequent changes to the Policy.

Item A.4. Report (click here)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

Motion: Moved by Councilmember Edson and second by Councilmember Heebner to approve. **Approved 5/0.** Motion carried unanimously.

A.5. Quarterly Investment Report. (File 0350-44)

Recommendation: That the City Council

1. Accepts and files the attached Cash and Investment Report for the quarter ended March 31, 2018.

Item A.5. Report (click here)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

Motion: Moved by Councilmember Edson and second by Councilmember Heebner to approve. **Approved 5/0.** Motion carried unanimously.

A.6. New Temporary Public Art Location At Seascap Sur Beach Access. (File 0910-41)

Recommendation: That the City Council

1. Adopt **Resolution 2018-057** approving the Seascap Sur beach access as a new location for the Temporary Public Arts Program.

Item A.6. Report (click here)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

Motion: Moved by Councilmember Edson and second by Councilmember Heebner to approve. **Approved 5/0.** Motion carried unanimously.

C. STAFF REPORTS: (C.1. - C.3.)

Submit speaker slips to the City Clerk.

C.1. Establishing the Solana Energy Alliance FY 2018 & FY 2019 Budget and Resolution 2018-056 Approving A Loan for Solana Energy Alliance Start-Up Costs. (File 1010-40)

Recommendation: That the City Council

1. Adopt **Resolution 2018-055** approving the Solana Energy Alliance Fiscal Year 2018 and Fiscal Year 2019 budgets.
2. Adopt **Resolution 2018-056** approving a loan from the General Fund to the Solana Energy Alliance Enterprise Fund.

Item C.1. Report (click here)

C.1. Supplemental Docs (updated 5-9 at 8:00am)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

Dan King, Assistant City Manager, presented a PowerPoint (on file).

Council and Staff discussed that the City's general fund was not at risk, costs were being monitored, legal services were secured for the lock box agreement, reserve account agreement, and the T.E.A. and Calpine agreements, that Phase 2 required some upfront costs including the promissory note and T.E.A.'s costs for regulatory requirements, analyzing the proforma and load data to come up with a budget, and that the funds would be recovered after the launch of the C.C.A. He spoke about the upfront costs of \$117,00 by the City, the \$100,000 bond secured by Calpine, and \$1.1 million by T.E.A. to secure resource adequacy and secure upfront energy, which would be reimbursable once the C.C.A. was up and running.

Motion: Moved by Councilmember Heebner and second by Councilmember Edson to approve. **Approved 5/0.** Motion carried unanimously.

C.2. Introduce (1st Reading) Ordinance 486 Amending the Solana Beach Municipal Code Chapter 8.04 Animal Control and Executing a Three Year Agreement for Animal Control Services with the San Diego Humane Society. (File 0200-10)

Recommendation: That the City Council

1. Approve **Resolution 2018-049** authorizing the City Manager to execute the agreement with San Diego Humane Society for the delivery of Animal Control Services.
2. Introduce **Ordinance 486** making necessary changes to SBMC Chapter 8.04 Animal Control.

Item C.2. Report (click here)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

Greg Wade, City Manager, introduced the item

Dan King, Assistant City Manager, presented a PowerPoint (on file).

Dr. Gary Weitzman, San Diego Humane Society's President answered Council's questions stating that they cared for domestic animals, and coyotes and other wild life would be cared for by Project Wildlife, that their general animal hold period was four days and then put up for adoption indefinitely, they had a zero euthanasia policy for healthy and treatable animals, that they would have an officer patrolling during normal business hours until 5:00 p.m. working with Maine Safety, Fire Safety, and the Police Department, and that they would respond by patrolling and answering calls as well as issuing citations.

Motion: Moved by Deputy Mayor Zahn and second by Councilmember Edson to approve. **Approved 5/0.** Motion carried unanimously.

C.3. Council Boards, Committees & Commissions Appointments to Fill Vacancies.
(File 0410-05)

Recommendation: That the City Council

1. Review the Regional Boards/Commissions/Committees.
 - a. Determine the City Selection Committee 2018 remainder term appointment.
 - b. Review all vacancies to make necessary appointments, as well as any necessary alternates.
2. Review Council Standing Committees' vacancies and make the necessary appointment, as well as alternate appointments, if necessary.

Item C.3. Report (click here)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

Council discussion resulted in the following appointment updates. All others not noticed remained the same as before. See the City's [webpage](#) for current appointments on relative committees.

Regional

- City Selection Committee: Primary-Edson, Alternative-Zito
- County Service Area - CSA 17: Alternate-Hegenauer
- Escondido Creek Watershed Alliance (ECWA): Zahn
- League of California Cities Executive Committee: Primary-Edson, Alternate-Heebner
- League of California Cities Legislative Committee: Primary-Edson, Alternate-Heebner
- League of California Cities Coastal Cities Group: Primary-Edson, Alternate-Heebner
- North County Dispatch Joint Powers Authority: Primary-Heebner
- North County Transit District: Alternate-Heebner
- Regional Solid Waste Association (RSWA): Primary-Hegenauer, Alternate-Heebner
- SANDAG Board of Directors: 2nd alternate-Heebner
- San Dieguito River Valley Joint Powers Authority: Alternate-Heebner
- San Elijo Joint Powers Authority: 2nd primary-Zahn
- 22nd District Agricultural Association (DAA) Community Relations: Heebner

Council Standing Committees

- Highway 101 / Cedros Avenue Development: Heebner
- Parks and Recreation: Edson
- Public Arts: Heebner
- School Relations: Zahn
- Solana Beach – Del Mar Relations: Heebner

Citizen Commission

- Climate Action: Zahn

Motion: Moved by Councilmember Heebner and second by Deputy Mayor Zahn to approve the appointments. **Approved 5/0.** Motion carried unanimously.

COMPENSATION & REIMBURSEMENT DISCLOSURE: None

GC: Article 2.3. Compensation: 53232.3. (a) Reimbursable expenses shall include, but not be limited to, meals, lodging, and travel. 53232.3 (d) Members of a legislative body shall provide brief reports on meetings attended at the expense of the local agency at the next regular meeting of the legislative body.

COUNCIL COMMITTEE REPORTS:

Regional Committees: (outside agencies, appointed by this Council)

Standing Committees: (All Primary Members) (Permanent Committees)

ADJOURN:

Deputy Mayor Zito adjourned the meeting at 7:40 p.m.

CITY OF SOLANA BEACH

SOLANA BEACH CITY COUNCIL, SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY,
PUBLIC FINANCING AUTHORITY, & HOUSING AUTHORITY



MINUTES

Joint Meeting - Closed Session

Wednesday, May 23, 2018 * 5:00 p.m.

City Hall / Council Chambers, 635 S. Highway 101, Solana Beach, California

CITY COUNCILMEMBERS

David A. Zito, Deputy Mayor

Jewel Edson, Councilmember

Judy Hegenauer, Councilmember

Lesa Heebner, Councilmember

Peter Zahn, Councilmember

Gregory Wade
City Manager

Johanna Canlas
City Attorney

Angela Ivey
City Clerk

CALL TO ORDER AND ROLL CALL:

Deputy Mayor Zito called the meeting to order at 5:00 p.m.

Present: David A. Zito, Jewel Edson, Judy Hegenauer, Lesa Heebner, Peter Zahn
Absent: None
Also Present: Gregory Wade, City Manager
Johanna Canlas, City Attorney

PUBLIC COMMENT ON CLOSED SESSION ITEMS (ONLY): None

*Report to Council Chambers and submit speaker slips to the City Clerk
before the meeting recesses to closed session.*

CLOSED SESSION:

- 1. CONFERENCE WITH LABOR NEGOTIATORS**
Pursuant to Government Code Section 54957.6
Agency designated representative: Gregory Wade
Employee organizations: Solana Beach Firefighter's Association
- 2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
Pursuant to Government Code Section 54957
City Manager
- 3. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
Pursuant to Government Code Section 54956.9(d)(2)
Two (2) Potential cases
- 4. CONFERENCE WITH REAL PROPERTY NEGOTIATOR**
Pursuant to Government Code section 54954.5(b)
Property: 700 Stevens Avenue
City Negotiator: City Manager Gregory Wade
Negotiating Parties: Steven Street, LLC
Under negotiation: price and terms

ADJOURN:

Deputy Mayor Zito adjourned the meeting at 6:10 p.m.

CITY OF SOLANA BEACH

SOLANA BEACH CITY COUNCIL, SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY,
PUBLIC FINANCING AUTHORITY, & HOUSING AUTHORITY



MINUTES

Joint REGULAR Meeting

Wednesday, May 23, 2018 * 6:00 P. M.

Minutes contain a summary of significant discussions and formal actions taken at a City Council meeting.
City Hall / Council Chambers, 635 S. Highway 101, Solana Beach, California

- City Council meetings are video recorded and archived as a permanent record. The video recording captures the complete proceedings of the meeting and is available for viewing on the City's website.
- Posted Reports & Supplemental Docs contain records up to the cut off time prior to meetings for processing new submittals. Complete records containing meeting handouts, PowerPoints, etc. can be obtained through a [Records Request](#).

CITY COUNCILMEMBERS

David A. Zito, Deputy Mayor

Jewel Edson, Councilmember

Judy Hegenauer, Councilmember

Lesa Heebner, Councilmember

Peter Zahn, Councilmember

Gregory Wade
City Manager

Johanna Canlas
City Attorney

Angela Ivey
City Clerk

CALL TO ORDER AND ROLL CALL:

Deputy Mayor Zito called the meeting to order at 6:13 p.m.

Present: David A. Zito, Jewel Edson, Judy Hegenauer, Lesa Heebner, Peter Zahn
Absent: None
Also Present: Greg Wade, City Manager
Johanna Canlas, City Attorney
Angela Ivey, City Clerk,
Dan King, Assistant City Manager
Mo Sammak, City Engineer/Public Works Dir.
Marie Berkuti, Finance Manager
Joseph Lim, Community Development Dir.

CLOSED SESSION REPORT:

Johanna Canlas, City Attorney, stated that there was no reportable action.

FLAG SALUTE:

APPROVAL OF AGENDA:

Motion: Moved by Councilmember Zahn and second by Councilmember Heebner to approve. **Approved 5/0.** Motion carried unanimously.

PROCLAMATIONS/CERTIFICATES: *Ceremonial*

Public Works Week

Deputy Mayor Zito presented a proclamation to the Public Works Department.

ORAL COMMUNICATIONS:

This portion of the agenda provides an opportunity for members of the public to address the City Council on items relating to City business and not appearing on today's agenda by submitting a speaker slip (located on the back table) to the City Clerk. Comments relating to items on this evening's agenda are taken at the time the items are heard. Pursuant to the Brown Act, no action shall be taken by the City Council on public comment items. Council may refer items to the City Manager for placement on a future agenda. The maximum time allotted for each presentation is THREE MINUTES (SBMC 2.04.190). Please be aware of the timer light on the Council Dais.

Pat Tirona, Solana Beach Library Branch Manager, announced their change in hours for school session and non-school session and that the Sheriff's Department would be holding a community outreach event on June 12th to discuss crime related topics and answer questions.

COUNCIL COMMUNITY ANNOUNCEMENTS / COMMENTARY:

An opportunity for City Council to make brief announcements or report on their activities. These items are not agendized for official City business with no action or substantive discussion.

A. CONSENT CALENDAR: (Action Items) (A.1. - A.5.)

Items listed on the Consent Calendar are to be acted in a single action of the City Council unless pulled for discussion. Any member of the public may address the City Council on an item of concern by submitting to the City Clerk a speaker slip (located on the back table) before the Consent Calendar is addressed. Those items removed from the Consent Calendar by a member of the Council will be trailed to the end of the agenda, while Consent Calendar items removed by the public will be discussed immediately after approval of the Consent Calendar.

A.1. Register Of Demands. (File 0300-30)

Recommendation: That the City Council

1. Ratify the list of demands for April 21 – May 4, 2018.

Item A.1. Report (click here)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

Motion: Moved by Councilmember Heebner and second by Councilmember Edson to approve. **Approved 5/0.** Motion carried unanimously.

A.2. General Fund Adopted Budget for Fiscal Year 2017-2018 Changes. (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2017-2018 General Fund Adopted Budget.

Item A.2. Report (click here)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

Motion: Moved by Councilmember Heebner and second by Councilmember Edson to approve. **Approved 5/0.** Motion carried unanimously.

A.3. Solana Beach Coastal Rail Trail Maintenance District Engineer's Report, Annual Levy, and Collection of Assessments. (File 0495-20)

Recommendation: That the City Council

1. Adopt **Resolution 2018-050**, initiating the proceedings for the annual levy of assessments within the Coastal Rail Trail Maintenance District.
2. Adopt **Resolution 2018-051**, approving the Engineer's Report for proceedings of the annual levy of assessments within Coastal Rail Trail Maintenance District.
3. Adopt **Resolution 2018-052**, declaring intention to provide for the annual levy and collection of assessments in Coastal Rail Trail Maintenance District and setting a time and date for a public hearing for June 27, 2018.

[Item A.3. Report \(click here\)](#)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

Motion: Moved by Councilmember Heebner and second by Councilmember Edson to approve. **Approved 5/0.** Motion carried unanimously.

A.5. City-Wide Landscape Maintenance Services Agreement. (File 0750-25)

Recommendation: That the City Council

1. Adopt **Resolution 2018-058**:
 - a. Authorizing the City Manager to execute a one year agreement with Nissho of California, Inc., in an amount not to exceed \$334,711, for Citywide Landscape Maintenance Services effective July 1, 2018.
 - b. Authorizing the City Manager to extend the agreement for four additional years at the City's option.

[Item A.5. Report \(click here\)](#)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

Motion: Moved by Councilmember Heebner and second by Councilmember Edson to approve. **Approved 5/0.** Motion carried unanimously.

B. PUBLIC HEARINGS: (B.1. – B.2.)

This portion of the agenda provides citizens an opportunity to express their views on a specific issue as required by law after proper noticing by submitting a speaker slip (located on the back table) to the City Clerk. After considering all of the evidence, including written materials and oral testimony, the City Council must make a decision supported by findings and the findings must be supported by substantial evidence in the record. An applicant or designees for a private development/business project, for which the public hearing is being held, is allotted a total of fifteen minutes to speak, as per SBMC 2.04.210. A portion of the fifteen minutes may be saved to

respond to those who speak in opposition. All other speakers have three minutes each. Please be aware of the timer light on the Council Dais.

B.1. Public Hearing: Five-Year Regional Transportation Improvement Program (RTIP) for Fiscal Years 2019 through 2023. (File 0840-30)

Recommendation: That the City Council

1. Conduct the Public Hearing: Open the public hearing, Report Council disclosures, Receive public testimony, and Close the public hearing.
2. Adopt **Resolution 2018-059**, approving the *TransNet* Local Street Improvement Program list of projects for Fiscal Years 2019 through 2023.

Item B.1. Report (click here)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

Greg Wade, City Manager, introduced the item.

Deputy Mayor Zito opened the public hearing.

Motion: Moved by Councilmember Edson and second by Councilmember Hegenauer to close the public hearing. **Approved 5/0.** Motion carried unanimously.

Motion: Moved by Councilmember Hegenauer and second by Councilmember Zahn to approve. **Approved 5/0.** Motion carried unanimously.

B.2. Public Hearing: 325 S. Sierra, Applicant: Vince Amela, Seascape Shores Condominiums HOA, Case 17-17-39. (File 0600-40)

Recommendation: That the City Council

1. Conduct the Public Hearing: Open the public hearing, Report Council disclosures, receive public testimony, and close the public hearing.
2. Find the Proposed Project exempt from the requirements of CEQA pursuant to 2018 State California CEQA Guidelines §15301 (existing structures) and §15302 (replacement and reconstruction).
3. Adopt **Resolution 2018-048** conditionally approving a Development Review Permit to replace less than 50% of the existing private beach access stairway below 325 South Sierra Avenue, Solana Beach.

Item B.2. Report (click here)

Item B.2. Supplemental Docs (updated 5-23 at 1:00pm)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

Leslea Meyerhoff, Staff Consultant, presented a PowerPoint (on file).

Council disclosures.

Council and Staff discussed the 50% new construction threshold for the beach access stairway and the proposed project's 40% cumulative, the proposed change in landings from wood to concrete, repair and maintenance clause, and the last improvements to the staircase.

Vince Amela, Seascape Shores Homeowners Association (HOA) President, said that the representative Walt Crampton was here as well as their Attorney, and asked for approval.

Walt Crampton, applicant representative, presented pictures of past and present bluff conditions and reviewed the history of the stairs past failures and repairs.

Public Speakers

Several speakers passed up their opportunity to speak when called.

Ron Peck said he bought his first home at Seascape Shores in the 1970's and that they cherished the stairway that provided private access to the beach, that it did not impair anyone outside of the complex for the right to use the beach, the stairs had been repaired over the years, the proposed structure was not larger but the same, and it would be a nicer looking structure than before from the beach.

Jim Jaffee (time donated by Kristin Brinner, Tracy Richmond), co-chair of the Beach Preservation Committee, said that the City was in litigation with this organization, that he was not allowed to put anything on an easement in his back yard but this easement was used by a private stairway, and reviewed its history of repairs and failures. He said that the Coastal Act prohibited development that relied on a seawall, that 80% of it was new development, it could be rebuilt not far away from this existing stairway to provide public access, was not sure that it could be exempt from CEQA, it conflicts with existing shoreline ordinance rules, and that a past Coastal permit had stated the stairway was removed and reinstalled in 1981.

Walt Crampton, rebuttal, said that the seawall was permitted by Coastal and Solana Beach to fill a cave.

Council, Staff, and Mr. Crampton discussed any potential future repairs needed, that if the entire stairway was removed by a storm it could be considered for replacement due to a natural occurrence, that the cumulative repair would bring it up to the 30 percentile and once it hit 50% it would trigger a different process, that the project was being looked at as repair/maintenance as well as new for the areas that were damaged in past storms, the 50% threshold was for new development, and that the Del Mar Shores stairway relied on the same CEQA exemption,

Jim Knowlton, City's geotechnical consultant, said that the review was that the stairway did not rely on the wall and that caissons or pylons could be replaced without reliance on the seawall.

Council and Arie Spingler, HOA's attorney, discussed that the current stairway was entirely on private property and only accessible from private property and they would not be open to considering any public access at this time due to the proximity of the entrance within the

gated complex.

Johanna Canlas, City Attorney, stated that a DRP was before Council and its relative findings, that the criteria of the certified LCP was being met, and the LUP section regarding shoreline protective devices did not apply because this was not a retention device.

Council shared their commentary and all stated they could support the project.

Motion: Moved by Councilmember Heebner and second by Councilmember Hegenauer to close the public hearing. **Approved 5/0.** Motion carried unanimously.

Motion: Moved by Councilmember Zahn and second by Councilmember Heebner to approve. **Approved 5/0.** Motion carried unanimously.

Deputy Mayor Zito recessed the meeting for a break at 7:41 p.m.
and reconvened the meeting at 7:49 p.m.

C. STAFF REPORTS: (C.1. - C.4.)
Submit speaker slips to the City Clerk.

C.1. Adopt (2nd Reading) of Ordinance 486 Making Necessary Changes to Solana Beach Municipal Code Chapter 8.04 Animal Control. (File 0200-10)

Recommendation: That the City Council

1. Adopt **Ordinance 486** making necessary changes to SBMC Chapter 8.04 Animal Control.

Item C.1. Report (click here)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

Johanna Canlas, City Attorney, read the title of the Ordinance.

Motion: Moved by Councilmember Heebner and second by Councilmember Edson to approve. **Approved 5/0.** Motion carried unanimously.

C.2. Fire Governance Subcommittee Members Regarding Changes to Fire Cooperative Agreement Language, Cost Allocation Methodology & Positions. (File 0260-10)

Recommendation: That the City Council

1. Discuss and provide direction to the Fire Governance Standing Committee Members and City Manager on the proposed cost allocation methodology, position reclassification, and updated language change in the Third Amendment to the Agreement for Cooperative Management Services.

Item C.2. Report (click here)

Item C.2. Supplemental Docs (updated 5-23 at 11:00am)

Greg Wade, City Manager, introduced the item.

Fire Chief Mike Stein and Deputy Chief Jon Blumeyer presented a PowerPoint (on file) reviewing staffing levels and the need for an additional Battalion Chief position. He said that they were asking Council to consider the information for direction to the appointed Councilmembers serving on the Fire Governance for its meeting next week.

Council and Staff discussion included details on the Administrative Battalion Chief position, which included PERS costs, re-analysis of shared costs including field work, training, vehicles, and uniforms, that office space was calculated by a consultant every two years, the administrative fee was recalculated annually, that the position was needed to fill in for administration but within the rank of the job, so that they could attend meetings at the same rank as well as fill in for other Battalion Chief shifts as needed.

No alternative direction provided.

C.3. Highway 101 Corridor Specific Plan Discussion. (File 0600-70)

Recommendation: That the City Council

1. Discuss possible amendments to the Highway 101 Corridor Specific Plan and provide direction to Staff as needed.

[Item C.3. Report \(click here\)](#)

[Item C.3. Supplemental Docs \(updated 5-23 at 3:00pm\)](#)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

Greg Wade, City Manager, introduced the item.

Cindi Clemons said that she supported two-story maximum height on the Highway 101 corridor to keep the plan consistent with commercial in similar areas, to prohibit rooftop decks that would give a structure a 3rd story, and to define the term architectural projection or eliminate it.

Marco Gonzales, Coast Law Group, said that for over 20 years community character had changed, that zoning now allowed for mixed-use housing opportunities, the state preempted the City allowing developers to do a mixed-use project without following its height or other restrictions, that cities that use community character to restrict development drive the public to develop density bonus projects so they have no restrictions, that modern zoning was up-zoning areas around transit stations, and that the City should plan for what character would evolve over the next 20 years differently than it was today.

Jim McMenamin (time donated by Ryan Herrell), Zephyr Partners, spoke about his approaching project coming to Council for review and that it was the only one in the area being constructed in a very long time, that they had met with many residents to obtain input and no one mentioned interests in changes the Highway 101 Specific Plan, that he had not heard about this issue and wondered about its intent and timing, why it was

beginning 30-60 days preceding their approaching project, whether design standards could be changed without CEQA processing, that their proposed project had been in process for over a year located at Dalia and Highway 101, that it was 27 ft. in height on 75% of the site and another 15% of architectural features up to 33 ft. that they were currently in the View Assessment Commission process, that changes at this time would hinder growth and development in the City, these discussions were concerning and posed challenges and impediments to smart growth and the original vision in the City General Plan and the Highway 101 Specific Plan, that the alternative option would be high density housing, and asked Council to consider the balance of implementing allowed land uses in the Highway 101 Specific Plan v. alternative options that would not be preferred.

Gary Martin (time donated by Dave Clemons) presented some pictures (on file) in Encinitas showing buildings existing and under construction along Highway 101, that this may not be what Solana Beach wanted on Highway 101, that Cedros District had restricted height in response to the Leaping Lotus building in order to preserve the character, the Highway 101 improvement project had enhanced the corridor, that some opportunities could change the character of 101 and lose the City's differentiation as well as affect the financial outlook, that he supported a maximum height of 26 ft., with the exception of Zephyr project which was underway, that hotels be restricted to 35 ft., restrict 3rd story roof decks, and conserve what already exists by carefully considering scale.

Richard Hendlin said that the proposal to maintain height on the corridor was appropriate to do now before projects too large could occur, that the City could respond accordingly if the state preempted, to set the standard now to prevent any undesirable building, and prohibit 3rd story decks.

Brad Jacobs spoke of his support of what this Council had done to retain character, there was stress on the community with increase in property values, developers understandably wanting to maximize density and options, that residents of the City wanted to maintain some character and charm, that the character was what drew people to Solana Beach, to keep the building heights at 26 ft. max., and that the City would deal with any new laws or preemptions from the legislature.

Bert Nielson said he supported the amendment of a maximum height limit of 26 ft., that three story buildings did not go with the seaside character of the community, and asked that Council to approve the changes.

Tracy Richmond spoke of his support of a 2-story height limit of 26 ft., its consistency with Cedros guidelines, that it was too late to stop Leaping Lotus, that even two-story buildings would be a dramatic change, and to prevent occurrences like mass building across from Encinitas' lumberyard district.

Council discussed the intent to help developers with consistency in direction and guidance, that the local tax base was based on the City's character and charm, that the City was zoned properly, two stories already existed, the state mandates could be met with two-stories, the interest in attaining retail and new residences at an affordable rate, a diverse economic community that made the fabric of the City more interesting, supporting a two-

story maximum, and favoring the definition of architectural accoutrements or protrusions that provided an architectural element rather than just giving additional structure height.

Motion: Moved by Councilmember Heebner and second by Councilmember Edson to approve. **Approved 5/0.** Motion carried unanimously.

C.4. National Demographics Corporation Agreement for Services Related to Transition To District-Based Council Member Elections. (File 0430-60)

Recommendation: That the City Council

1. Adopt **Resolution 2018-067**, approving and ratifying agreement with National Demographics Corporation.

Item C.4. Report (click here)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

Johanna Canlas, City Attorney, introduced the item and reviewed the history leading to the need for a consultant to take necessary steps on the matter, that 30 maps were submitted, following two public meetings, and posted on the City's website for public review, and that the consultant to analyze them for the required criteria.

Council and Staff discussed the maps and that some submitted maps were already appropriately balanced by the criteria.

Motion: Moved by Councilmember Heebner and second by Councilmember Hegenauer to approve. **Approved 5/0.** Motion carried unanimously.

A.4. Solana Beach Lighting District Engineer's Report, Annual Levy and Collection of Assessments. (File 0495-20)

Recommendation: That the City Council

1. Adopt **Resolution 2018-053** approving the Engineer's Report for proceedings of the annual levy of assessments within a special maintenance district.
2. Adopt **Resolution 2018-054** declaring intention to provide for an annual levy and collection of assessment in a special maintenance district and setting a time and date for a public hearing; and scheduling the public hearing for June 27, 2018.

Item A.4. Report (click here)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

Councilmember Heebner pulled the item from consent for discussion.

Greg Wade, City Manager, introduced the item.

Council and Staff discussed potentially purchasing certain lights from SDG&E and retrofitting them to save funds, whether the healthy reserve could be moved to another reserve, that districts were determined by a vote so the reserves were specific to those districts, the assessment had not been increased in ten years, it was just enough to cover the costs, and that reserves were tapped into for the purposes of retrofitting or purchasing some SDG&E lights, and analysis of citywide lights by a professional, and to review whether it was prudent to pay off the outstanding loan for the City's Chevron project and the streetlight retrofit.

Motion: Moved by Councilmember Heebner and second by Councilmember Zahn to approve. **Approved 5/0.** Motion carried unanimously.

COMPENSATION & REIMBURSEMENT DISCLOSURE: None

GC: Article 2.3. Compensation: 53232.3. (a) Reimbursable expenses shall include, but not be limited to, meals, lodging, and travel. 53232.3 (d) Members of a legislative body shall provide brief reports on meetings attended at the expense of the local agency at the next regular meeting of the legislative body.

COUNCIL COMMITTEE REPORTS:

REGIONAL COMMITTEES: (outside agencies, appointed by this Council)

STANDING COMMITTEES: (All Primary Members) (*Permanent Committees*)

ADJOURN:

Deputy Mayor Zito adjourned the meeting at 9:50 p.m.



STAFF REPORT CITY OF SOLANA BEACH

TO: Honorable Mayor and City Councilmembers
FROM: Gregory Wade, City Manager
MEETING DATE: November 13, 2018
ORIGINATING DEPT: Finance
SUBJECT: Register of Demands

BACKGROUND:

Section 3.04.020 of the Solana Beach Municipal Code requires that the City Council ratify a register of demands which represents all financial demands made upon the City for the applicable period.

Register of Demands- 10/06/18 through 10/19/18

Check Register-Disbursement Fund (Attachment 1)		\$	1,249,872.44
Council Payroll	October 11, 2018		3,770.60
Federal & State Taxes	October 11, 2018		281.76
PERS Retirement (EFT)	October 11, 2018		537.73
Retirement Payroll	October 12, 2018		11,301.00
Net Payroll	October 19, 2018		202,353.28
Federal & State Taxes	October 19, 2018		51,030.71
PERS Retirement (EFT)	October 19, 2018		42,959.06
TOTAL		\$	<u>1,562,106.58</u>

DISCUSSION:

Staff certifies that the register of demands has been reviewed for accuracy, that funds are available to pay the above demands, and that the demands comply with the adopted budget.

CEQA COMPLIANCE STATEMENT:

Not a project as defined by CEQA.

FISCAL IMPACT:

The register of demands for October 6, 2018 through October 19, 2018 reflects total expenditures of \$1,562,106.58 from various City funding sources.

CITY COUNCIL ACTION: _____

WORK PLAN:

N/A

OPTIONS:

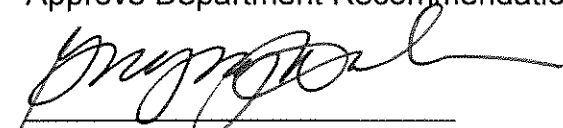
- Ratify the register of demands.
- Do not ratify and provide direction.

DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council ratify the above register of demands.

CITY MANAGER'S RECOMMENDATION:

Approve Department Recommendation.



Gregory Wade, City Manager

Attachments:

1. Check Register – Disbursement Fund

PENTAMATION
 DATE: 10/18/2018
 TIME: 17:48:32

CITY OF SOLANA BEACH, CA
 CHECK REGISTER - DISBURSEMENT FUND

PAGE NUMBER: 1
 ACCTPAZ1

SELECTION CRITERIA: transact_gl_cash='1011' and transact_ck_date between '20181006 00:00:00.000' and '20181019 00:00:00.000'
 ACCOUNTING PERIOD: 4/19

FUND - 001 - GENERAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	BUDGET UNIT	DESCRIPTION	SALES TAX	AMOUNT
1011	93519	10/09/18	153	SHELL FLEET MANAGEMENT	00160006120	CR EXEMPT TAX-AUG	0.00	-109.85
1011	93519	10/09/18	153	SHELL FLEET MANAGEMENT	00160006120	AUTO FUEL-AUG	0.00	1,570.75
	TOTAL CHECK						0.00	1,460.90
1011	93520	10/11/18	4643	AAIR PURIFICATION SYSTEM	00160006120	EXHAUST REPAIR-FS	0.00	569.40
1011	93521	10/11/18	1135	AFFORDABLE PIPELINE SERV	50900007700	C--SEWER CLNING-29,299	0.00	14,649.50
1011	93522	10/11/18	5504	ALL CITY MANAGEMENT SERV	00165006540	CRSSNG GRD08/26-09/08	0.00	1,357.68
1011	93522	10/11/18	5504	ALL CITY MANAGEMENT SERV	00165006540	CRSSNG GRD08/26-09/08	0.00	2,521.41
1011	93522	10/11/18	5504	ALL CITY MANAGEMENT SERV	001	CRSSNG GRD08/26-09/08	0.00	-2,521.41
1011	93522	10/11/18	5504	ALL CITY MANAGEMENT SERV	001	CRSSNG GRD08/26-09/08	0.00	2,521.41
	TOTAL CHECK						0.00	3,879.09
1011	93523	10/11/18	3704	ARCO GASPRO PLUS	00170007110	AUTO FUEL 09/03-10/02	0.00	59.26
1011	93523	10/11/18	3704	ARCO GASPRO PLUS	00165006570	AUTO FUEL 09/03-10/02	0.00	119.92
1011	93523	10/11/18	3704	ARCO GASPRO PLUS	00165006510	AUTO FUEL 09/03-10/02	0.00	131.91
1011	93523	10/11/18	3704	ARCO GASPRO PLUS	00160006120	AUTO FUEL 09/03-10/02	0.00	137.39
1011	93523	10/11/18	3704	ARCO GASPRO PLUS	50900007700	AUTO FUEL 09/03-10/02	0.00	143.90
1011	93523	10/11/18	3704	ARCO GASPRO PLUS	00165006560	AUTO FUEL 09/03-10/02	0.00	71.95
1011	93523	10/11/18	3704	ARCO GASPRO PLUS	00160006140	AUTO FUEL 09/03-10/02	0.00	285.51
1011	93523	10/11/18	3704	ARCO GASPRO PLUS	00165006530	AUTO FUEL 09/03-10/02	0.00	347.79
1011	93523	10/11/18	3704	ARCO GASPRO PLUS	00165006520	AUTO FUEL 09/03-10/02	0.00	383.75
1011	93523	10/11/18	3704	ARCO GASPRO PLUS	00160006170	AUTO FUEL 09/03-10/02	0.00	516.11
	TOTAL CHECK						0.00	2,197.49
1011	93524	10/11/18	4832	AT&T CALNET 3	00160006170	9391012281 8/25-9/24	0.00	77.67
1011	93525	10/11/18	2526	BARTEL ASSOCIATES, LLC	00150005300	GASB68 FY18 AUDIT	0.00	1,575.00
1011	93526	10/11/18	5472	BRET & BRANDI GOSSETT	001	REISSUE CK#93123	0.00	26,492.00
1011	93527	10/11/18	3105	BURTECH PIPELINE, INC	45994566510	9456.19 EMRG STM DRN	0.00	20,886.73
1011	93528	10/11/18	3480	BUSINESS PRINTING COMPAN	00150005150	BUS CARD-IVEY-BAVIN	0.00	143.31
1011	93528	10/11/18	3480	BUSINESS PRINTING COMPAN	00165006510	BUS CARD-GREENSTEIN	0.00	69.81
	TOTAL CHECK						0.00	213.12
1011	93529	10/11/18	5307	CALIFORNIA COMMUNITY CHO	55000007750	FY19 CAL-CCA QTR-1	0.00	2,120.00
1011	93529	10/11/18	5307	CALIFORNIA COMMUNITY CHO	55000007750	FY19 CAL-CCA QTR2	0.00	2,120.00
	TOTAL CHECK						0.00	4,240.00
1011	93530	10/11/18	5441	CALIFORNIA SKATEPARKS	459	9438 SKT PRK RTN-SEP	0.00	-3,932.82
1011	93530	10/11/18	5441	CALIFORNIA SKATEPARKS	45994386510	9438.10-SKATE PRK-SEP	0.00	74,723.58
1011	93530	10/11/18	5441	CALIFORNIA SKATEPARKS	45994386510	9438 SKT PRK RTN-SEP	0.00	3,932.82
	TOTAL CHECK						0.00	74,723.58
1011	93531	10/11/18	1561	CDW GOVERNMENT INC	00150005450	ERGONOMIC KEYBOARD	0.00	122.84
1011	93531	10/11/18	1561	CDW GOVERNMENT INC	00150005450	HDMI CABLE	0.00	32.24
	TOTAL CHECK						0.00	155.08
1011	93532	10/11/18	2631	CLEAN STREET	00165006550	STREET SWP-SEPT	0.00	3,299.92

PENTAMATION
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CITY OF SOLANA BEACH, CA
 CHECK REGISTER - DISBURSEMENT FUND

PAGE NUMBER: 2
 ACCTPAZ1

SELECTION CRITERIA: transact_gl_cash='1011' and transact_ck_date between '20181006 00:00:00.000' and '20181019 00:00:00.000'
 ACCOUNTING PERIOD: 4/19

FUND - 001 - GENERAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	BUDGET UNIT	DESCRIPTION	SALES TAX	AMOUNT
1011	93533	10/11/18	211	CONSOLIDATED ELECTRICAL	001650006560	32W BULBS	0.00	29.63
1011	93534	10/11/18	2098	CULLIGAN OF SAN DIEGO	001600006120	WATER FLTR 10/1-11/30	0.00	85.60
1011	93535	10/11/18	134	DIXIELINE LUMBER CO INC	001650006570	CABLE/SWTC BOX/BRUSH	0.00	47.33
1011	93535	10/11/18	134	DIXIELINE LUMBER CO INC	001650006570	CONNCTRS/RECEPT PLATE	0.00	5.30
1011	93535	10/11/18	134	DIXIELINE LUMBER CO INC	001650006570	THREAD SEALANT	0.00	6.58
1011	93535	10/11/18	134	DIXIELINE LUMBER CO INC	001650006570	BOLTS	0.00	8.08
1011	93535	10/11/18	134	DIXIELINE LUMBER CO INC	001650006570	LIGHT BULBS	0.00	17.20
1011	93535	10/11/18	134	DIXIELINE LUMBER CO INC	001650006570	URNAL REBLD KIT/GLOVE	0.00	93.16
	TOTAL CHECK						0.00	177.65
1011	93536	10/11/18	4808	DONNOE & ASSOCIATES, INC	001500005400	MS SRG TST 10/5-10/19	0.00	451.00
1011	93537	10/11/18	2062	ENTERPRISE RENT A CAR	270600006120	STRIKTRM-9/10-BARRON	0.00	1,689.36
1011	93538	10/11/18	322	FIRE ETC.	001600006120	O RINGS/DISINFECTANT	0.00	436.39
1011	93539	10/11/18	3299	HELIX ENVIRONMENTAL	213550005550	1716.18/1036 SOLANA DR	0.00	420.00
1011	93540	10/11/18	11	ICMA RETIREMENT TRUST-45 001		ICMA PD 10/11/18	0.00	4,530.37
1011	93541	10/11/18	5510	JOHN SPANN	001500005400	J. SPANN LIVESCAN	0.00	20.00
1011	93542	10/11/18	2287	KOPPEL & GRUBER PUBLIC F	204750007520	SNTA FE HILLS JUL-SEP	0.00	45.51
1011	93542	10/11/18	2287	KOPPEL & GRUBER PUBLIC F	20750007550	SAN ELJO HLLS JUL-SEP	0.00	24.71
1011	93542	10/11/18	2287	KOPPEL & GRUBER PUBLIC F	205750007530	ISLA VERDE JUL-SEP	0.00	23.41
1011	93542	10/11/18	2287	KOPPEL & GRUBER PUBLIC F	203750007510	OLD HGHWY 101 JUL-SEP	0.00	656.75
1011	93542	10/11/18	2287	KOPPEL & GRUBER PUBLIC F	001500005300	FIRE BENEFIT JUL-SEP	0.00	520.00
1011	93542	10/11/18	2287	KOPPEL & GRUBER PUBLIC F	203750007510	EXPENSES JUL-SEP	0.00	24.39
1011	93542	10/11/18	2287	KOPPEL & GRUBER PUBLIC F	676850008560	SO SOL_SMR JUL-SEP	0.00	413.29
1011	93542	10/11/18	2287	KOPPEL & GRUBER PUBLIC F	509000007700	ARB WSTWTR REV 2017	0.00	1,750.00
	TOTAL CHECK						0.00	3,458.06
1011	93543	10/11/18	2887	LANCE,SOLL & LUNGWARD, L	550000007750	FY18 AUDIT SVC	0.00	606.00
1011	93543	10/11/18	2887	LANCE,SOLL & LUNGWARD, L	509000007700	FY18 AUDIT SVC	0.00	7,272.00
1011	93543	10/11/18	2887	LANCE,SOLL & LUNGWARD, L	001500005300	FY18 AUDIT SVC	0.00	12,322.00
	TOTAL CHECK						0.00	20,200.00
1011	93544	10/11/18	172	LEE'S LOCK & SAFE INC	001650006570	RPR HRDWR LOCK-MS	0.00	179.00
1011	93545	10/11/18	4980	JILL MARTIN	001	RFND-#3980/222 N HELI	0.00	261.00
1011	93546	10/11/18	1130	MCDUGAL LOVE ECKIS SMIT	001500005250	PROF SERV PE 08/31/18	0.00	350.00
1011	93546	10/11/18	1130	MCDUGAL LOVE ECKIS SMIT	001500005250	PROF SERV PE 08/31/18	0.00	350.00
1011	93546	10/11/18	1130	MCDUGAL LOVE ECKIS SMIT	001500005250	PROF SERV PE 08/31/18	0.00	455.00
1011	93546	10/11/18	1130	MCDUGAL LOVE ECKIS SMIT	001500005250	PROF SERV PE 08/31/18	0.00	455.00
1011	93546	10/11/18	1130	MCDUGAL LOVE ECKIS SMIT	001500005250	PROF SERV PE 08/31/18	0.00	717.50
1011	93546	10/11/18	1130	MCDUGAL LOVE ECKIS SMIT	001500005250	PROF SERV PE 08/31/18	0.00	752.50
1011	93546	10/11/18	1130	MCDUGAL LOVE ECKIS SMIT	001500005250	PROF SERV PE 08/31/18	0.00	1,067.50
1011	93546	10/11/18	1130	MCDUGAL LOVE ECKIS SMIT	001500005250	PROF SERV PE 08/31/18	0.00	1,102.50

PENTAMATION
 DATE: 10/18/2018
 TIME: 17:48:32

CITY OF SOLANA BEACH, CA
 CHECK REGISTER - DISBURSEMENT FUND

PAGE NUMBER: 3
 ACCTPA21

SELECTION CRITERIA: transact_gl_cash='1011' and transact_ck_date between '20181006 00:00:00.000' and '20181019 00:00:00.000'
 ACCOUNTING PERIOD: 4/19

FUND - 001 - GENERAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	BUDGET UNIT	DESCRIPTION	SALES TAX	AMOUNT
1011	93546	10/11/18	1130	MCDUGAL LOVE ECKIS SMIT	00150005250	PROF SERV PE 08/31/18	0.00	1,231.00
1011	93546	10/11/18	1130	MCDUGAL LOVE ECKIS SMIT	00150005250	REDSTRCT PROF SVC-AUG	0.00	1,277.50
1011	93546	10/11/18	1130	MCDUGAL LOVE ECKIS SMIT	00150005250	PROF SERV PE 08/31/18	0.00	4,442.58
1011	93546	10/11/18	1130	MCDUGAL LOVE ECKIS SMIT	00150005250	PROF SERV PE 08/31/18	0.00	5,500.00
TOTAL CHECK							0.00	17,701.08
1011	93547	10/11/18	2106	MIKHAIL OGAWA ENGINEERIN	00165006520	JURMP-AUG	0.00	26,270.33
1011	93548	10/11/18	5407	PJ CASTORENA, INC.	55000007750	CCA MAILER-SEPT	0.00	86.91
1011	93549	10/11/18	111	MISSION LINEN & UNIFORM	21100007600	LAUNDRY-PUB WORKS	0.00	1.69
1011	93549	10/11/18	111	MISSION LINEN & UNIFORM	50900007700	LAUNDRY-PUB WORKS	0.00	6.75
1011	93549	10/11/18	111	MISSION LINEN & UNIFORM	00165006520	LAUNDRY-PUB WORKS	0.00	7.59
1011	93549	10/11/18	111	MISSION LINEN & UNIFORM	00165006560	LAUNDRY-PUB WORKS	0.00	7.60
1011	93549	10/11/18	111	MISSION LINEN & UNIFORM	00165006530	LAUNDRY-PUB WORKS	0.00	13.50
TOTAL CHECK							0.00	37.13
1011	93550	10/11/18	5129	KAYLA MOSHKI	00170007100	SHIPPLS SHORELN COVER	0.00	53.21
1011	93551	10/11/18	4825	NEOGOV, INC	00150005400	JOB POSTING SUB 2019	0.00	4,173.54
1011	93552	10/11/18	4557	NEWEGG, INC	13550005450	SERVER UPGRADE	0.00	2,280.18
1011	93552	10/11/18	4557	NEWEGG, INC	13550005450	SERVER UPGRADE	0.00	2,981.12
1011	93552	10/11/18	4557	NEWEGG, INC	13550005450	SERVER UPGRADE	0.00	8,120.38
1011	93552	10/11/18	4557	NEWEGG, INC	13550005450	SERVER UPGRADE	0.00	879.88
TOTAL CHECK							0.00	14,261.56
1011	93553	10/11/18	54	1 STOP TONER & INKJET, L	00165006510	COLOR/TONER-ENG	0.00	183.70
1011	93553	10/11/18	54	1 STOP TONER & INKJET, L	00165006520	COLOR/TONER-ENG	0.00	183.71
TOTAL CHECK							0.00	367.41
1011	93554	10/11/18	4797	PAMELA ELLIOTT LANDSCAPE	21355005550	1718.12/362 N SIERRA	0.00	250.00
1011	93554	10/11/18	4797	PAMELA ELLIOTT LANDSCAPE	21355005550	1716.49/1048 VIA MIL	0.00	250.00
1011	93554	10/11/18	4797	PAMELA ELLIOTT LANDSCAPE	21355005550	1718.13/840 HERRANDEZ	0.00	250.00
1011	93554	10/11/18	4797	PAMELA ELLIOTT LANDSCAPE	21355005550	1716.49/1048 VIA MIL	0.00	250.00
1011	93554	10/11/18	4797	PAMELA ELLIOTT LANDSCAPE	21355005550	1713.24/421 N GRANADO	0.00	250.00
1011	93554	10/11/18	4797	PAMELA ELLIOTT LANDSCAPE	21355005550	1716.07/246 BARBARA	0.00	250.00
1011	93554	10/11/18	4797	PAMELA ELLIOTT LANDSCAPE	21355005550	1716.24/223 OCEAN AVE	0.00	250.00
1011	93554	10/11/18	4797	PAMELA ELLIOTT LANDSCAPE	21355005550	1717.14/986 AVOCADO	0.00	250.00
1011	93554	10/11/18	4797	PAMELA ELLIOTT LANDSCAPE	21355005550	1718.11/984 AVOCADO	0.00	625.00
1011	93554	10/11/18	4797	PAMELA ELLIOTT LANDSCAPE	21355005550	1716.52/346 LOMA LARG	0.00	375.00
1011	93554	10/11/18	4797	PAMELA ELLIOTT LANDSCAPE	21355005550	1715.01/316 S RIOS	0.00	375.00
1011	93554	10/11/18	4797	PAMELA ELLIOTT LANDSCAPE	21355005550	1718.15/731 AVOCADO	0.00	375.00
1011	93554	10/11/18	4797	PAMELA ELLIOTT LANDSCAPE	21355005550	1716.07/246 BARBARA	0.00	375.00
1011	93554	10/11/18	4797	PAMELA ELLIOTT LANDSCAPE	21355005550	1717.48/550 VIA DE LA	0.00	375.00
TOTAL CHECK							0.00	4,500.00
1011	93555	10/11/18	129	RANCHO ENVIRONMENTAL SVC	00165006560	TREE REMOVAL-LC	0.00	450.00
1011	93556	10/11/18	1112	RANCHO SANTA FE SECURITY	00165006560	AS-NEEDED 9/15/18	0.00	250.00
1011	93556	10/11/18	1112	RANCHO SANTA FE SECURITY	00165006560	AS NEEDED PATROL-9/15	0.00	470.00
TOTAL CHECK							0.00	720.00

CITY OF SOLANA BEACH, CA
CHECK REGISTER - DISBURSEMENT FUND

SELECTION CRITERIA: transact_gl_cash='1011' and transact_ck_date between '20181006 00:00:00.000' and '20181019 00:00:00.000'
ACCOUNTING PERIOD: 4/19

FUND - 001 - GENERAL FUND													
CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	BUDGET UNIT	DESCRIPTION	SALES TAX	AMOUNT					
1011	93557	10/11/18	4080	JENNIFER REED	00150005350	ADMIN SVC-SEPT	0.00	341.00					
1011	93558	10/11/18	416	REGIONAL COMMS SYS, MS 0	00160006120	CAP CODE-SEPT	0.00	32.50					
1011	93559	10/11/18	314	SAN ELIJO JPA	50900007700	Q2 MAINT & OP	0.00	396,569.00					
1011	93561	10/11/18	141	SANTA FE IRRIGATION DIST	204750007520	GRP 6-01 07/03-08/01	0.00	9,134.32					
1011	93561	10/11/18	141	SANTA FE IRRIGATION DIST	204750007520	GRP 7-12 06/16-08/15	0.00	605.73					
1011	93561	10/11/18	141	SANTA FE IRRIGATION DIST	00165006560	005506018 07/03-08/01	0.00	503.56					
1011	93561	10/11/18	141	SANTA FE IRRIGATION DIST	00165006560	005506019 07/03-08/01	0.00	641.56					
1011	93561	10/11/18	141	SANTA FE IRRIGATION DIST	20875007580	005506020 07/03-08/01	0.00	1,441.21					
1011	93561	10/11/18	141	SANTA FE IRRIGATION DIST	00165006520	005506014 07/03-08/01	0.00	185.35					
1011	93561	10/11/18	141	SANTA FE IRRIGATION DIST	50900007700	005506014 07/03-08/01	0.00	556.03					
1011	93561	10/11/18	141	SANTA FE IRRIGATION DIST	00165006530	011695000 07/03-08/01	0.00	31.88					
1011	93561	10/11/18	141	SANTA FE IRRIGATION DIST	00165006550	011695000 07/03-08/01	0.00	95.63					
1011	93561	10/11/18	141	SANTA FE IRRIGATION DIST	001	005979021 0703-080118	0.00	-1,504.06					
1011	93561	10/11/18	141	SANTA FE IRRIGATION DIST	001	005506020 0703-080118	0.00	-1,441.21					
1011	93561	10/11/18	141	SANTA FE IRRIGATION DIST	001	005979022 0703-080118	0.00	-1,286.71					
1011	93561	10/11/18	141	SANTA FE IRRIGATION DIST	001	005979023 0703-080118	0.00	-872.71					
1011	93561	10/11/18	141	SANTA FE IRRIGATION DIST	001	005979024 0703-080118	0.00	-793.36					
1011	93561	10/11/18	141	SANTA FE IRRIGATION DIST	001	005979026 0703-080118	0.00	-745.06					
1011	93561	10/11/18	141	SANTA FE IRRIGATION DIST	001	005506014 0703-080118	0.00	-741.38					
1011	93561	10/11/18	141	SANTA FE IRRIGATION DIST	001	005979014 0703-080118	0.00	-727.81					
1011	93561	10/11/18	141	SANTA FE IRRIGATION DIST	001	005979020 0703-080118	0.00	-703.66					
1011	93561	10/11/18	141	SANTA FE IRRIGATION DIST	001	005506019 0703-080118	0.00	-641.56					
1011	93561	10/11/18	141	SANTA FE IRRIGATION DIST	001	005979025 0703-080118	0.00	-631.21					
1011	93561	10/11/18	141	SANTA FE IRRIGATION DIST	001	005979019 0703-080118	0.00	-629.09					
1011	93561	10/11/18	141	SANTA FE IRRIGATION DIST	001	005979029 0616-081518	0.00	-605.73					
1011	93561	10/11/18	141	SANTA FE IRRIGATION DIST	001	005979015 0703-080118	0.00	-565.66					
1011	93561	10/11/18	141	SANTA FE IRRIGATION DIST	001	005979016 0703-080118	0.00	-507.01					
1011	93561	10/11/18	141	SANTA FE IRRIGATION DIST	001	005506018 0703-080118	0.00	-503.56					
1011	93561	10/11/18	141	SANTA FE IRRIGATION DIST	001	011695000 0703-080118	0.00	-127.51					
1011	93561	10/11/18	141	SANTA FE IRRIGATION DIST	001	005979018 0703-080118	0.00	-125.39					
1011	93561	10/11/18	141	SANTA FE IRRIGATION DIST	001	005979017 0703-080118	0.00	-42.59					
1011	93561	10/11/18	141	SANTA FE IRRIGATION DIST	00165006530	011695000 09/01-10/01	0.00	32.74					
1011	93561	10/11/18	141	SANTA FE IRRIGATION DIST	00165006550	011695000 09/01-10/01	0.00	98.22					
TOTAL	CHECK						0.00	130.96					
1011	93562	10/11/18	5507	SOLANA BEACH BOARDWALK	001	RFND-#3994/243 N HWY	0.00	500.00					
1011	93563	10/11/18	1231	STAPLES CONTRACT & COMME	00150005350	SPONGE HOLDER	0.00	6.92					
1011	93563	10/11/18	1231	STAPLES CONTRACT & COMME	00150005350	SOAP/ SPONGES	0.00	8.22					
1011	93563	10/11/18	1231	STAPLES CONTRACT & COMME	00150005350	TRASHCAN	0.00	9.83					
1011	93563	10/11/18	1231	STAPLES CONTRACT & COMME	00150005300	TRASHCAN	0.00	9.83					
1011	93563	10/11/18	1231	STAPLES CONTRACT & COMME	00150005300	FILE FOLDERS	0.00	49.04					
1011	93563	10/11/18	1231	STAPLES CONTRACT & COMME	00150005350	SOAP/PLATES/BOWLS	0.00	79.12					
1011	93563	10/11/18	1231	STAPLES CONTRACT & COMME	00150005300	TONER CARTRIDGE	0.00	169.45					
TOTAL	CHECK						0.00	332.41					
1011	93564	10/11/18	3066	SUMMIT ENVIRONMENTAL GRO	21355005550	1714.29/SOL HGHLD-SEP	0.00	8,250.00					
1011	93564	10/11/18	3066	SUMMIT ENVIRONMENTAL GRO	45999036190	9903 PROF SVC LCP-SEP	0.00	3,960.00					

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CITY OF SOLANA BEACH, CA
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FUND - 001 - GENERAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	BUDGET UNIT	-----DESCRIPTION-----	SALES TAX	AMOUNT
1011	93564	10/11/18	3066	SUMMIT ENVIRONMENTAL GRO	45099266190	9926 PROF SVC SND-SEP	0.00	2,640.00
TOTAL CHECK							0.00	14,850.00
1011	93565	10/11/18	3810	SUPERIOR PRESS	001500005300	AP CHECKS	0.00	343.42
1011	93566	10/11/18	4606	T & T JANITORIAL, INC	00165006570	JANITORIAL SVC-SEPT	0.00	3,975.00
1011	93567	10/11/18	1458	THE UNIFORM SPECIALIST	00160006120	SALCEDO-PANTS/SHIRTS	0.00	729.51
1011	93568	10/11/18	1414	UNION BANK OF CALIFORNIA	50900007700	ADMIN FEE 2017 WSTWTR	0.00	2,780.00
1011	93569	10/11/18	4844	WARWICK GROUP CONSULTANT	45099266190	9926 PROF SVC-AUG	0.00	5,375.00
1011	93570	10/11/18	2189	WILLDAN	67385008530	MARSOLAN JUL-SEP	0.00	255.92
1011	93570	10/11/18	2189	WILLDAN	67285008520	PACIFIC JUL-SEP	0.00	257.53
1011	93570	10/11/18	2189	WILLDAN	671185008510	BARB/GRAN JUL-SEP	0.00	275.55
TOTAL CHECK							0.00	789.00
1011	93571	10/11/18	37	XEROX CORPORATION	00150005350	W7830PT UPSTRS-SEPT	0.00	199.60
1011	93571	10/11/18	37	XEROX CORPORATION	00150005350	EXCESS BLK-8/21-9/21	0.00	30.09
1011	93571	10/11/18	37	XEROX CORPORATION	00150005350	EXCESS CLR-8/21-9/21	0.00	166.88
1011	93571	10/11/18	37	XEROX CORPORATION	00150005350	D95CP PLNG LEASE-SEPT	0.00	555.18
1011	93571	10/11/18	37	XEROX CORPORATION	00150005350	EXCESS COPIES 8/21-9/21	0.00	94.75
1011	93571	10/11/18	37	XEROX CORPORATION	00150005350	W7830FT CLRKS-SEPT	0.00	218.99
1011	93571	10/11/18	37	XEROX CORPORATION	00150005350	EXCESS BLK-8/21-9/21	0.00	21.99
1011	93571	10/11/18	37	XEROX CORPORATION	00150005350	EXCESS CLR-8/21-9/21	0.00	131.05
TOTAL CHECK							0.00	1,418.53
1011	93572	10/18/18	4706	24 HOUR ELEVATOR, INC	00165006570	ELVTR MAINT-OCT	0.00	163.78
1011	93573	10/18/18	4711	ABEL PEREZ	00165006570	MILEAGE-10/07/18	0.00	6.54
1011	93573	10/18/18	4711	ABEL PEREZ	00165006530	MILEAGE-10/04/18	0.00	6.54
TOTAL CHECK							0.00	13.08
1011	93574	10/18/18	5137	ABLE PATROL & GUARD, INC	00170007110	FCCC SECURITY-SEP	0.00	145.00
1011	93575	10/18/18	2159	ADMINISTRATIVE SERVICES,	00170007100	DIAL-A-RDE-8/28, 9/17	0.00	43.20
1011	93576	10/18/18	5504	ALL CITY MANAGEMENT SERV	001	CRSSNG GRD09/09-09/22	0.00	-3,206.65
1011	93576	10/18/18	5504	ALL CITY MANAGEMENT SERV	001	CRSSNG GRD09/09-09/22	0.00	3,206.65
1011	93576	10/18/18	5504	ALL CITY MANAGEMENT SERV	00165006540	CRSSNG GRD09/09-09/22	0.00	1,726.65
1011	93576	10/18/18	5504	ALL CITY MANAGEMENT SERV	00165006540	CRSSNG GRD09/09-09/22	0.00	3,206.65
TOTAL CHECK							0.00	4,933.30
1011	93577	10/18/18	5420	ALYSSA WICKHAM	001	REISSUE CK#92796	0.00	389.50
1011	93578	10/18/18	5029	BILL SMITH FOREIGN CAR S	00165006510	FORD C-MAX-OIL/FILTER	0.00	40.97
1011	93578	10/18/18	5029	BILL SMITH FOREIGN CAR S	00165006560	F-250-OIL/FILTER	0.00	42.84
TOTAL CHECK							0.00	83.81
1011	93579	10/18/18	5516	CHRISTOPHER BERNAL	001	REISSUE PR #V233712	0.00	106.18

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FUND - 001 - GENERAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	BUDGET UNIT	DESCRIPTION	SALES TAX	AMOUNT
1011	93580	10/18/18	5051	CINTAS CORPORATION NO. 2	00165006570	FIRST AID SUPPLIES-CH	0.00	178.02
1011	93581	10/18/18	5171	CORELOGIC SOLUTIONS, LLC	00155005550	PROPERTY PRO DATA	0.00	96.83
1011	93582	10/18/18	2629	D & D DISPOSAL INC	00160006130	ANIMAL DISPOSAL-SEP	0.00	60.00
1011	93583	10/18/18	5514	DAVID ADLER	001	RFND-STVR AUG OVRPMT	0.00	642.33
1011	93584	10/18/18	739	DEPARTMENT OF JUSTICE	00150005400	FINGERPRINT APP-SEP	0.00	32.00
1011	93585	10/18/18	4684	DIVISION OF THE STATE AR	001	DAE FEE-JUL-SEP 18	0.00	178.80
1011	93586	10/18/18	134	DIXIELINE LUMBER CO INC	00165006570	PICTR HANGER ASST	0.00	5.78
1011	93586	10/18/18	134	DIXIELINE LUMBER CO INC	00165006570	PLUMING BITS	0.00	41.06
1011	93586	10/18/18	134	DIXIELINE LUMBER CO INC	00165006570	KEY /SWVL SNAP/RING	0.00	13.51
1011	93586	10/18/18	134	DIXIELINE LUMBER CO INC	00165006570	PAINT TRAY/DROP CLOTH	0.00	27.89
1011	93586	10/18/18	134	DIXIELINE LUMBER CO INC	00165006570		0.00	88.24
TOTAL CHECK								
1011	93587	10/18/18	223	FEDEX	00150005150	SHIPPING-09/26-09/27	0.00	63.53
1011	93588	10/18/18	5515	GAYLE WELLS	001	RFND 1714.29/661 S NA	0.00	600.00
1011	93589	10/18/18	5512	GREG & KELLY BILLMEYER	001	RFND-1718.06/346 GLEN	0.00	600.00
1011	93590	10/18/18	11	ICMA RETIREMENT TRUST-45	001	ICMA PD 10/19/18	0.00	10,389.14
1011	93591	10/18/18	3859	ICMA RETIREMENT TRUST-RH	001	ICMA PD 10/19/18	0.00	1,997.14
1011	93592	10/18/18	5399	INBOUND DESIGN INC.	55000007750	SEA WEBSITE MANT-OCT	0.00	49.00
1011	93593	10/18/18	87	ISLA VERDE HOA	20575007530	REISSUE CK#21178	0.00	425.00
1011	93593	10/18/18	87	ISLA VERDE HOA	20575007530	REISSUE CK#23353	0.00	425.00
TOTAL CHECK								850.00
1011	93594	10/18/18	2562	LALLEY CONSTRUCTION	00165006570	AS NEEDED REPAIR-SEPT	0.00	120.00
1011	93594	10/18/18	2562	LALLEY CONSTRUCTION	00165006570	AS NEEDED REPAIR-OCT	0.00	1,560.00
TOTAL CHECK								1,680.00
1011	93595	10/18/18	111	MISSION LINEN & UNIFORM	21100007600	LAUNDRY-PUB WORKS	0.00	1.76
1011	93595	10/18/18	111	MISSION LINEN & UNIFORM	50900007700	LAUNDRY-PUB WORKS	0.00	7.05
1011	93595	10/18/18	111	MISSION LINEN & UNIFORM	00165006520	LAUNDRY-PUB WORKS	0.00	7.92
1011	93595	10/18/18	111	MISSION LINEN & UNIFORM	00165006560	LAUNDRY-PUB WORKS	0.00	7.93
1011	93595	10/18/18	111	MISSION LINEN & UNIFORM	00165006530	LAUNDRY-PUB WORKS	0.00	14.09
TOTAL CHECK								38.75
1011	93596	10/18/18	5513	NAYLOR CONSTRUCTION INC	001	RFND OVRPMT-BST204	0.00	72.00
1011	93597	10/18/18	4522	NISSHO OF CALIFORNIA	00165006560	PUB BCH ACCESS REPAIRS	0.00	1,812.96
1011	93597	10/18/18	4522	NISSHO OF CALIFORNIA	00165006530	STREET LANDSCP SVC-AUG	0.00	1,841.00
1011	93597	10/18/18	4522	NISSHO OF CALIFORNIA	00165006560	PRKS LANDSCP SVC-AUG	0.00	14,955.64
1011	93597	10/18/18	4522	NISSHO OF CALIFORNIA	00165006570	PUBFAC LANDSCP SVC-AUG	0.00	2,860.60
1011	93597	10/18/18	4522	NISSHO OF CALIFORNIA	20375007510	MID#33 LANDSCP SVC-AUG	0.00	5,588.92

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CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	BUDGET UNIT	DESCRIPTION	SALES TAX	AMOUNT
1011	93597	10/18/18	4522	NISSHO OF CALIFORNIA	20875007580	CRT LNDESCP SVC-AUG	0.00	5,163.48
TOTAL	CHECK						0.00	32,222.60
1011	93598	10/18/18	4767	PARTNERSHIPS WITH INDUST	00165006550	TRASH ABTMT PE 9/30	0.00	531.24
1011	93598	10/18/18	4767	PARTNERSHIPS WITH INDUST	00165006570	TRASH ABTMT PE 9/30	0.00	531.24
TOTAL	CHECK						0.00	1,062.48
1011	93599	10/18/18	113	PITNEY BOWES GLOBAL FINA	00150005150	POSTGE MTR-7/30-10/29	0.00	609.06
1011	93600	10/18/18	5502	SAN DIEGO HUMANE SOCIETY	00169006130	FY19 ANIMAL SVC-OCT	0.00	6,920.58
1011	93601	10/18/18	141	SANTA FE IRRIGATION DIST	20475007520	GRP 5-25 08/02-10/01	0.00	5,692.49
1011	93601	10/18/18	141	SANTA FE IRRIGATION DIST	20475007520	GRP 6-01 08/02-10/01	0.00	8,095.87
1011	93601	10/18/18	141	SANTA FE IRRIGATION DIST	00165006560	005506018 0901-100118	0.00	838.21
1011	93601	10/18/18	141	SANTA FE IRRIGATION DIST	00165006560	005506019 0901-100118	0.00	1,138.36
1011	93601	10/18/18	141	SANTA FE IRRIGATION DIST	20875007580	005506020 0901-100118	0.00	1,237.66
1011	93601	10/18/18	141	SANTA FE IRRIGATION DIST	00165006560	005979005 0802-100118	0.00	348.42
1011	93601	10/18/18	141	SANTA FE IRRIGATION DIST	50900007700	005979008 0802-100118	0.00	85.08
1011	93601	10/18/18	141	SANTA FE IRRIGATION DIST	00165006520	005506014 0901-100118	0.00	204.45
1011	93601	10/18/18	141	SANTA FE IRRIGATION DIST	50900007700	005506014 0901-100118	0.00	613.37
TOTAL	CHECK						0.00	18,253.91
1011	93602	10/18/18	520	SOLANA BEACH CIVIC & HIS	00170007100	LKE HODGES CNTNL EVNT	0.00	491.79
1011	93603	10/18/18	13	SOLANA BEACH FIREFIGHTER	001	FD DUES PD 10/19/18	0.00	778.50
1011	93604	10/18/18	280	SPARKLETT'S INC	00150005350	DRINK WATER-AUG-CH	0.00	153.89
1011	93604	10/18/18	280	SPARKLETT'S INC	00150005350	DRINK WATER-SEP-CH	0.00	178.64
1011	93604	10/18/18	280	SPARKLETT'S INC	00150005350	DRINK WATER-JULY-CH	0.00	198.25
TOTAL	CHECK						0.00	530.78
1011	93605	10/18/18	5511	STRIDES PHYSICAL THERAPY	001	RFND OVRPYMNT-BS6328	0.00	83.00
1011	93606	10/18/18	3066	SUMMIT ENVIRONMENTAL GRO	21355005550	1714.20/959 GENEVIEVE	0.00	750.00
1011	93607	10/18/18	4606	T & T JANITORIAL, INC	00170007110	FCCC-09/01/18	0.00	70.00
1011	93608	10/18/18	5427	TOSDAL LAW FIRM	55000007750	SEA PROF SVC-AUG	0.00	15,928.61
1011	93609	10/18/18	40	UNDERGROUND SVC ALERT OF	00165006510	DIG ALERT-SEPT	0.00	82.60
1011	93610	10/18/18	12	UNITED WAY OF SAN DIEGO	001	UNITED WAY PD 10/19/1	0.00	40.00
1011	93611	10/18/18	5037	US BANK PARS ACCOUNT #67	160	OPEB OBLIGATION	0.00	96,417.00
1011	93611	10/18/18	5037	US BANK PARS ACCOUNT #67	165	PENSION STABILIZATION	0.00	357,098.00
TOTAL	CHECK						0.00	453,515.00
1011	93612	10/18/18	30	VERIZON WIRELESS-SD	00160006140	CODES CELL 8/24-9/23	0.00	106.76
1011	93612	10/18/18	30	VERIZON WIRELESS-SD	00150005450	IT CELL 08/24-09/23	0.00	114.03
1011	93612	10/18/18	30	VERIZON WIRELESS-SD	00160006140	CODES CELL 8/29-09/28	0.00	0.70
1011	93612	10/18/18	30	VERIZON WIRELESS-SD	27060006120	FIRE IPAD 08/29-09/28	0.00	114.03
1011	93612	10/18/18	30	VERIZON WIRELESS-SD	00160006120	FIRE CELL 08/29-09/28	0.00	201.65

CITY OF SOLANA BEACH, CA
CHECK REGISTER - DISBURSEMENT FUND

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FUND - 001 - GENERAL FUND

CASH ACCT CHECK NO	ISSUE DT	VENDOR NAME	BUDGET UNIT	DESCRIPTION	SALES TAX	AMOUNT
1011	10/18/18	30 VERIZON WIRELESS-SD	00160006120	BC CELL 08/29-09/28	0.00	108.69
TOTAL CHECK					0.00	645.86
1011	10/18/18	4844 WARWICK GROUP CONSULTANT	45099266190	9926.19 PROF SVC-SEPT	0.00	5,375.00
1011	10/18/18	4844 WARWICK GROUP CONSULTANT	45099266190	9926.19 PROF SVC-JULY	0.00	5,375.00
TOTAL CHECK					0.00	10,750.00
1011	10/18/18	4763 WESTERN AUDIO VISUAL	00150005450	CHAMBERS TECH-OCT	0.00	499.00
TOTAL CASH ACCOUNT					0.00	1,249,872.44
TOTAL FUND					0.00	1,249,872.44
TOTAL REPORT					0.00	1,249,872.44



STAFF REPORT CITY OF SOLANA BEACH

TO: Honorable Mayor and City Councilmembers
FROM: Gregory Wade, City Manager
MEETING DATE: November 13, 2018
ORIGINATING DEPT: Finance
SUBJECT: Report on Changes Made to the General Fund Adopted Budget for Fiscal Year 2018-2019

BACKGROUND:

Staff provides a report at each Council meeting that lists changes made to the current Fiscal Year (FY) General Fund Adopted Budget.

The information provided in this Staff Report lists the changes made through October 24, 2018.

DISCUSSION:

The following table reports the revenue, expenditures, and transfers for 1) the Adopted General Fund Budget approved by Council on June 14, 2017 (Resolution 2017-095) and 2) any resolutions passed by Council that amended the Adopted General Fund Budget.

GENERAL FUND - ADOPTED BUDGET PLUS CHANGES As of October 24, 2018					
Action	Description	Revenues	Expenditures	Transfers from GF	Net Surplus
Reso 2017-095	Adopted Budget	17,916,600	(17,098,600)	(401,600) (1)	\$ 416,400
Reso 2018-070	Fiscal Year 2018/19 Appropriation Revisions	76,100	(229,900)	-	262,600
Reso 2018-089	Crossing Guards	38,507	(59,242)	-	241,865
Reso 2018-101	SBFA MOU	-	(185,425)	-	56,440
Reso 2018-093	City-Wide Janitorial Services	-	(8,620)	-	47,820
Reso 2018-117	Crossing Guards	19,253	(29,620)	-	37,453
Reso 2018-128	Pers Side Fund	-	155,700	-	193,153
(1)	Transfers to:				
	Debt Service for Public Facilities		151,100		
	City CIP Fund		250,500	401,600	

CEQA COMPLIANCE STATEMENT:

Not a project as defined by CEQA

COUNCIL ACTION:

FISCAL IMPACT:

N/A

WORK PLAN:

N/A

OPTIONS:

- Receive the report.
- Do not accept the report

DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council receive the report listing changes made to the FY 2018-2019 General Fund Adopted Budget.

CITY MANAGER'S RECOMMENDATION:

Approve Department Recommendation



Gregory Wade, City Manager



STAFF REPORT CITY OF SOLANA BEACH

TO: Honorable Mayor and City Councilmembers
FROM: Gregory Wade, City Manager
MEETING DATE: November 13, 2018
ORIGINATING DEPT: City Manager
SUBJECT: Council Consideration of Resolution 2018-145 Approving the Reclassification of Senior Engineering Technician to Assistant Civil Engineer, the Reclassification of Temporary Fire Prevention Technician to Fire Prevention Specialist, the Update of Fire Battalion Chief Shift and Administrative Job Description, and Update the Applicable Salary Schedules

BACKGROUND:

It is the responsibility of the City Manager to consistently engage in organizational analysis of various City operations to improve efficiency and effectiveness and ensure the most economical means of conducting business is achieved. Section 2.08.070, Section D, of the Solana Beach Municipal Code (SBMC), "Powers and Duties (of City Manager)" Administrative Reorganization of Offices, states:

It shall be the duty and responsibility of the City Manager to conduct studies and effect such administrative reorganization of offices, positions or units under the City Manager's direction as may be indicated in the interest of efficient, effective and economical conduct of the City's business.

Typically, when positions are vacated within the City, it provides the City Manager an opportunity to examine the efficiency and effectiveness of the position and determine if there is an opportunity to improve City operations. On October 18, 2018, the City's Senior Engineering Technician announced his decision to retire after seventeen years of service with the City of Solana Beach. Upon this announcement, the City began to evaluate the current Senior Engineering Technician position and determined that an Assistant Civil Engineer (Attachment 1) position would best fit the City's current operations and needs in order to improve efficiency and effectiveness with the Engineering department and the City.

The City currently employees a Temporary Fire Prevention Technician whose duties include fire plan checks and fire inspections. An evaluation of the City's fire prevention workload was conducted and it was determined that the City needs a full-time position to address the City's current fire prevention requirements.

CITY COUNCIL ACTION:

On July 11, 2018, the City Council approved Resolution 2018-092 (Attachment 2) authorizing a 2.5% salary increase for all management employees effective the first full pay period in July 2018. For firefighters, the effective date was July 7, 2018. At the time of this increase, the salary ranges for the Management Employees' Salary and Classification Plan - Schedule 1 were not adjusted to reflect the increase, since at the time, all incumbents were within their appropriate salary range for their positions.

After further review of the current Management Employees' Salary and Classification Plan - Schedule 1 (Attachment 3), it was determined that after the 2.5% salary increase, the actual salary of the current employee in the Fire Battalion Chief (BC) position was more than the maximum range of his position.

This item is before the City Council to consider adoption of Resolution 2018-145 (Attachment 4), which would:

1. Approve the reclassification of the Senior Engineering Technician position to an Assistant Civil Engineer position.
2. Approve the reclassification of the Temporary Fire Prevention Technician to a Fire Prevention Specialist and updating the Miscellaneous Employee Salary Schedule 3.
3. Approve the adjustment of the salary band for the current Fire Battalion Chief (56 hours) classification, adopting pay grade M-6A and salary band for the newly created 40-hour Administrative Fire Battalion Chief classification, and incorporating these changes into the Management Employees' Salary and Classification Plan - Schedule 1.
4. Approve the updated Fire Battalion Chief job description to include the additional Administrative Fire Battalion Chief duties.

DISCUSSION:

Reclassification of Senior Engineering Technician to Assistant Civil Engineer

The City Manager is proposing a reclassification of the Senior Engineering Technician position to an Assistant Civil Engineer position to meet the needs of the City and to allow more flexibility and versatility of technical engineering duties in the position.

The Assistant Civil Engineer position will be able to handle the current Senior Engineering Technician tasks and several other engineering related functions, including the storm water management program responsibilities, and will utilize a significant amount of independent judgment and technical abilities. The Assistant Civil Engineer position is classified as a full-time non-exempt hourly position under the Federal Labor Standards Act (FLSA) with full-time benefits.

Reclassification of Temporary Fire Prevention Technician to Fire Prevention Specialist

The City currently has budgeted a full-time Temporary Fire Prevention Technician and the position is currently filled by a part-time employee. The City's fire prevention needs have increased and based on an evaluation of the City's fire prevention workload, the City Manager is recommending the Temporary Fire Prevention Technician be reclassified to a Fire Prevention Specialist as a regular full-time benefited position. A new job description has been created for the Fire Prevention Specialist position (Attachment 5) and the classification will be added to the Miscellaneous Employee Salary Schedule 3 (Attachment 6).

Current Fire Battalion Chief Salary Band Adjustment

The current Fire BC position is listed on the FY 2018/19 Management Employees' Salary and Classification Plan-Schedule 1 under pay grade M4-A with an annual salary range of \$90,225 to \$135,338 (Attachment 3). As discussed above, the FY 2018/19 Management Employees' Salary and Classification Plan - Schedule 1 was not adjusted to reflect the FY 2018/19 salary adjustments. After further review, it was discovered that after the salary increases on July 7, 2018, the annual salary for the incumbent in the Fire BC position increased to \$140,823 per year, which placed his annual salary above the maximum range of the position.

Staff is recommending that the entire salary band for the Fire BC be adjusted on the FY 2018/19 Management Employees' Salary and Classification Plan - Schedule 1 in order to bring the current incumbent within the appropriate salary band for the position. After the increase, the new salary band for the Fire BC will be \$93,882.72 to \$140,824.60 (Attachment 7).

Fire Battalion Chief Job Description Update and Adoption of the Administrative Fire Battalion Chief Tasks and Duties

On December 19, 2017, the Fire Governance Subcommittee, consisting of two (2) Councilmembers and the City Manager from each participating agency (Del Mar, Encinitas, Solana Beach), as well as the Fire Chief, convened to meet and reevaluate the cost allocation methodology as well as the positions included in the Cooperative Agreement. During the same meeting, fire management provided a staff report and presentation on reclassifying a vacant Program Assistant position currently funded by all three agencies to an Administrative Battalion Chief position. On June 27, 2018, Resolution 2018-082 was passed to approve the third amendment to the Agreement for Cooperative Fire Management Services by and between the Cities of Del Mar, Encinitas, and Solana Beach (Attachment 8).

The responsibilities of the new Administrative Battalion Chief (BC) will include, but are not limited to, training/safety, disaster preparedness and emergency medical services (EMS). The City's existing Fire BC job description has been updated to reflect the

additional responsibilities of the newly created 40-hour Administrative BC position under the Cooperative Fire Management Services agreement (Attachment 9).

FY 2018/19 Management Employees' Salary and Classification Plan - Schedule 1 Update

The FY 2018/19 Management Employees' Salary and Classification Plan- Schedule 1 has been updated (Attachment 7) to reflect the amended salary bands and pay grades for the following positions:

- Fire BC – 56 hours: New pay grade is M-5 with an annual salary range of \$93,882.72 to \$140,824.60.
- Assistant to the City Manager: Due to the update in the Fire BC – 56-hour pay grade and salary range, a new separate pay grade has been assigned to the Assistant to the City Manager classification, currently at pay grade M-5. The new pay grade for this classification will be M-4A. There are no changes to the salary range for this classification and no one currently holds this position.
- Administrative Fire BC – 40 hours: New pay grade M-6A has been created with an annual salary band of \$103,270.99 to \$154,907.06.

CEQA COMPLIANCE STATEMENT:

Not a project as defined by CEQA.

FISCAL IMPACT:

The Senior Engineering Technician position is currently an hourly position with a salary range of \$59,405 to \$72,197 per year. The current salary of the retiring Senior Engineering Technician is at the top range at \$72,197. The salary range for the Assistant Civil Engineer is \$69,264 to \$84,198 per year (Attachment 6).

The City currently has budgeted \$101,200 for a full-time Temporary Fire Prevention Technician. Staff expects the Adopted Budget amount to be sufficient to hire a regular full-time Fire Prevention Specialist since the proposed new position has a salary range between \$30.12/hour to \$36.61/hour.

If needed, Staff will return at the mid-year budget time to adjust salaries and benefits depending on the timing of the hiring process for the Assistant Civil Engineer and Fire Prevention Specialist positions.

WORK PLAN:

N/A

OPTIONS:

- Adopt Staff recommendation.
- Approve Staff recommendation with modifications.
- Deny Staff recommendation and provide direction.

DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council consider adoption of Resolution 2018-145:

1. Reclassifying the Senior Engineering Technician position to an Assistant Civil Engineer.
2. Reclassifying the Temporary Fire Prevention Technician to a Fire Prevention Specialist and update the Miscellaneous Employee Salary Schedule 3.
3. Approving the adjustment of the salary band for the current Fire Battalion Chief (56 hours) classification, adopting pay grade M-6A and salary band for the newly created 40-hour Administrative Fire Battalion Chief classification, and incorporating these changes into the Management Employees' Salary and Classification Plan - Schedule 1.
4. Approving the updated Fire Battalion Chief job description to include the additional Administrative Fire Battalion Chief duties.

CITY MANAGER'S RECOMMENDATION:

Approve Department Recommendation.



Gregory Wade, City Manager

Attachments:

1. Assistant Civil Engineer Job Description
2. Resolution 2018-092
3. Current Management Employees' Salary and Classification Plan - Schedule 1
4. Resolution 2018-145
5. FT Fire Prevention Specialist Job Description
6. Updated Miscellaneous Employees' Salary and Classification Plan – Schedule 3
7. Updated Management Employees' Salary and Classification Plan - Schedule 1
8. Resolution 2018-082
9. Updated Fire Battalion Chief Job Description

CITY OF SOLANA BEACH
Assistant Civil Engineer

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

DEFINITION

Under direct or general supervision, performs various professional field and office engineering work related to the management, planning, design, construction, and maintenance of the City's Capital Improvement Program, land development, traffic engineering, City public works infrastructure, stormwater management and daily departmental operations; provides project management, inspection and administration; confers with developers, contractors, consultants and representatives of other agencies regarding facility and infrastructure development; administers professional services and construction contracts; administers Federal and State grant funds associated with design and construction projects; provides staff assistance to the City Engineer, other departments and the public in areas of expertise; performs a variety of studies and prepares and presents staff reports; and performs related work as required.

Receives direct and/or general supervision from the assigned supervisor. Exercises no direct supervision over staff. May provide technical and function direction to lower-level staff.

CLASS CHARACTERISTICS

This is the entry-level class in the professional engineering series. Initially under close supervision, incumbents with basic engineering experience perform professional and technical engineering work in City's Capital Improvement Program, land development, traffic engineering, City public works infrastructure, stormwater management and daily departmental operations, in addition to providing project management and administration. As experience is gained, assignments become more varied and are performed with greater independence. In addition, the incumbent will provide the majority of inspection services for both public and private construction projects. Work is usually supervised while in progress and fits an established structure or pattern. Exceptions or changes in procedures are explained in detail as they arise.

ESSENTIAL JOB FUNCTIONS

The following duties are typical for this classification. Incumbents may not perform all of the listed duties and/or may be required to perform additional or different duties from those set forth below to address business needs and changing business practices.

- Plans, designs, and inspects all phases of civil engineering public works construction projects, including: defining the scope of the project; securing adequate funding from Federal and State grant programs and other funding sources; coordinating with permitting and public utility agencies; surveying and engineering analysis of alternatives; preparing plans, specifications, and cost estimates; performing research, map and field studies and surveys; drafting engineering plans with specialized computer software; applying engineering principles and practices to specific problems; coordinating construction schedules with other projects and agencies; inspecting construction of projects to ensure compliance with construction documents; and other related engineering work.

- Reviews construction plans and specifications prepared by consulting engineers and private contractors to verify compliance with City sidewalk, public utility, and improvement requirements; checks plans for conformance with regulations regarding line, grade, size, elevation, and location of structures; reviews engineering calculations of other engineers or engineering technicians; participates in pre-design construction, and utility coordination meetings and issues construction permits.
- Assist in the administration of the City's storm-water management program. These duties include taking water quality samples in the field, training of stormwater practices to City staff, inspection of construction sites to verify consistency with the City's stormwater program, attend regional and watershed meetings and writing stormwater management reports as necessary.
- Provides construction administration, public relations, management and inspection of public works construction projects, including: coordinating work with other divisions and City departments; reviewing and inspecting work to ensure conformance with plans and specifications; tracking and maintaining all project accounting, coordinating schedules; and providing public notices of projects.
- Investigates field problems affecting property owners, contractors, and maintenance operations; responds to citizen inquiries and complaints; provides information to the public at the front counter in person, via telephone, or other means of communication regarding grading, encroachment permits, right-of-way and property line information, utility information, slope stability and groundwater issues, improvement plan check, and payment processes.
- Attends meetings, conferences, workshops, and training sessions and reviews publications and audio-visual materials to become and remain current on principles, practices, and new developments in assigned work areas.
- Communicates and coordinates regularly with appropriate parties to maximize the effectiveness and efficiency of interdepartmental operations and activities.
- May provide technical direction and training to other engineering and technical staff.
- Performs other duties as assigned.

QUALIFICATIONS GUIDELINES

The following generally describes the knowledge and ability required to enter the job and/or be learned within a short period of time in order to successfully perform the assigned duties.

Knowledge of:

- Civil engineering principles, techniques, policies, and procedures.
- Methods, materials, and techniques used in the construction of public works projects, including water and wastewater systems, stormwater, street and traffic systems design.
- Basic principles, practices, procedures and standards related to City public works and engineering infrastructure development and maintenance.
- Basic principles and practices of capital improvement program budgeting, cost estimation, funding, project management, and contract administration.

- General design, layout, and construction practices for public improvements such as streets, storm drains, sewer systems, grading, and landscaping.
- Subdivision engineering, plan review, mapping, and construction practices.
- Bidding requirements for public works projects.
- Project management and contract administration principles and techniques.
- Engineering plan types, review practices, and permit filing and approval procedures.
- Basic stormwater practices and principles including the regional stormwater permit.
- Basic principles, practices, procedures and standards related to inspection of public and private construction projects.
- Applicable Federal, State, and local laws, regulatory codes, ordinances, and procedures relevant to assigned area of responsibility.
- Modern office practices and technology, including personal computer hardware and software applications related to the work, such as computer-aided drafting (CAD) concepts and applications, and Geographic Information Systems (GIS) programs.
- Modern developments, current literature, and sources of information regarding engineering.
- Principles of advanced mathematics and their application to engineering work.
- Practices of researching engineering and design issues, evaluating alternatives, making sound recommendations and preparing and presenting effective staff reports.
- Methods and techniques of effective technical report preparation and presentation.
- English usage, grammar, spelling, vocabulary and punctuation.
- Techniques for effectively representing the City in contacts with governmental agencies, community groups, various business, professional, educational, and regulatory organizations and with property owners, developers, contractors and the public.
- Techniques for providing a high level of customer service by effectively dealing with the public, vendors, contractors and City staff

Ability to:

- Conduct complex civil engineering research projects, analyze complex problems, evaluate alternatives, make sound recommendations and prepare effective technical staff reports.
- Prepare, understand, and interpret engineering construction plans, specifications and other contract documents.
- Conduct comprehensive engineering studies and prepare reports with recommendations.
- Assist in, develop and administer contracts for professional services and construction in a public agency setting.

- Read, interpret, apply and explain technical written material and complex laws, codes, regulations, ordinances and City engineering policies and procedures.
- Design engineering projects.
- Read and understand technical drawings and specifications.
- Perform mathematical and engineering computations with precision.
- Recognize discrepancies from as-built to contract specifications and recommend reconciliation of any discrepancies.
- Make engineering design computations and check, design and prepare engineering plans and studies.
- Effectively represent the department and the City in meetings with governmental agencies, community groups and various business, professional and regulatory organizations and individuals.
- Direct the work of contract consultants and contractors.
- Prepare and present clear, concise and logical written and oral reports, correspondences, policies, procedures and other written materials.
- Establish and maintain a variety of filing, recordkeeping and tracking systems.
- Make sound, independent decisions within established policy and procedural guidelines.
- Organize and prioritize a variety of projects and multiple tasks in an effective and timely manner; organize own work, set priorities and meet critical time deadlines.
- Operate modern office equipment including computer equipment and specialized software applications programs.
- Exercise good judgment, flexibility, creativity and sensitivity in response to changing situations and needs.
- Use English effectively to communicate in person, over the telephone and in writing.
- Use tact, initiative, prudence and independent judgment within general policy, procedural and legal guidelines.
- Establish, maintain and foster positive and harmonious working relationships with those contacted in the course of work.

Education, Experience and Training

Any combination equivalent to experience and education that could likely provide the required knowledge, skills, and abilities would be qualifying. A typical way to obtain the knowledge, skills, and abilities would be:

Education:

- A Bachelor's Degree or equivalent education from an accredited educational institution with major coursework in civil engineering or a related engineering field.

Experience:

- One year of professional engineering design, plan review, and project administration experience, preferably in a public agency setting

Special Requirements

- Valid California class C driver's license with satisfactory driving record.
- Possession of certification as an Engineer-In-Training is desirable.

PHYSICAL AND MENTAL DEMANDS/WORKING CONDITIONS

The physical and mental demands herein are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform these essential job functions.

Physical Demands

Must possess mobility to work in a standard office setting and use standard office equipment, including a computer, to inspect City development sites, including traversing uneven terrain, climbing ladders, stairs, and other temporary or construction access points; to operate a motor vehicle, and to visit various City and meeting sites; vision to read printed materials and a computer screen; and hearing and speech to communicate in person, before groups, and over the telephone. Finger dexterity is needed to access, enter, and retrieve data using a computer keyboard or calculator and to operate standard office equipment. Positions in this classification occasionally bend, stoop, kneel, reach, push and pull drawers open and closed to retrieve and file information. Employees must possess the ability to lift, carry, push and pull materials and objects weighing up to 25 pounds.

Environmental Elements

Employees work in an office environment with moderate noise levels, controlled temperature conditions, and no direct exposure to hazardous physical substances. Employees work in the field for a portion of their work and occasionally may be exposed to loud noise levels, cold and hot temperatures, inclement weather conditions, road hazards, vibration, mechanical and/or electrical hazards, and hazardous physical substances and fumes. Employees may interact with upset staff and/or public and private representatives in interpreting and enforcing departmental policies and procedures.

RESOLUTION 2018-092

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SOLANA BEACH, CALIFORNIA, APPROVING FY 2018/19
SALARY AND COMPENSATION PLANS**

WHEREAS, the City Council authorizes all salary and compensation plans (Section 8.10 of the City's Personnel Rules and Regulations); and

WHEREAS, the City Council must approve a salary and compensation plan for employees including executive management, mid-management, management and confidential, the Solana Beach Employees Association – Miscellaneous (SBEA-MISC), the Solana Beach Employees Association – Marine Safety Unit (SBEA-MSU), the Solana Beach Fire Association (SBFA), and the Part-Time/Seasonal/Employee groups to coincide with fiscal appropriations each fiscal year; and

WHEREAS, a newly Management Analyst Series has been created and added to the City's Job Classification Plan; and

WHEREAS, the City Council has reviewed and considered the City Manager's recommendations for salary and compensation plans and is prepared to adopt the FY 2018/19 Salary and Compensation plans as recommended.

NOW, THEREFORE, the City Council of the City of Solana Beach, California, does resolve as follows:

1. That the foregoing recitations are true and correct.
2. The FY 2018/19 Salary and Compensation Plans for represented employees, executive management, mid-management, management, confidential, City Manager, part-time/seasonal/temporary employees and elected officials are as follows:
 - A. SBEA / Marine Safety Represented Employees:
 - i. 2.5% salary increase and 5% increase in Health Care Benefits.
 - B. SBEA / Miscellaneous Unit Represented Employees:
 - i. 2.5% salary increase and 5% increase in Health Care Benefits.
 - C. SBFA Represented Employees:
 - i. 2.75% salary increase for firefighter/paramedics and engineers and 3.25% salary increase for fire captain, and increase to \$1,500/month for Health Care Benefits.
 - D. Non-represented Employees: (Executive Management, Mid-Management and Confidential):
 - i. 2.5% salary increase and 5% increase in Health Care Benefits.

- E. Part-Time/Seasonal/Temporary Employees:
 - i. No salary changes.
- F. City Manager:
 - i. No salary changes.
 - ii. 5% increase in Health Care Benefits.
- G. Elected Officials:
 - i. No salary changes.
 - ii. 5% increase in Health Care Benefits.
- H. Except as identified above, the terms of the FY 2018/19 Salary and Compensation Plans shall continue in full force and effect for all employees.
- I. Term: The FY 2018/19 Salary and Compensation Plans shall be effective July 1, 2018, for all employees, and will remain in effect for an unspecified period of time until revised by City Council.


PASSED AND ADOPTED this 11th day of July 2018, at a regular meeting of the City Council of the City of Solana Beach, California by the following vote:

AYES: Councilmembers – Zito, Edson, Hegenauer, Heebner, Zahn
NOES: Councilmembers – None
ABSTAIN: Councilmembers – None
ABSENT: Councilmembers – None



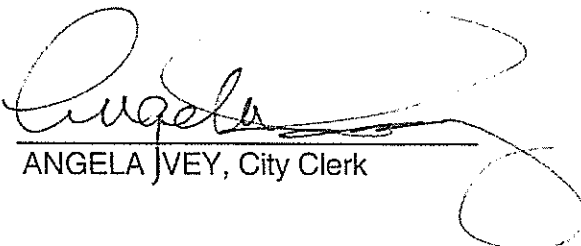
DAVID A. ZITO, Mayor

APPROVED AS TO FORM:



JOHANNA N. CANLAS, City Attorney

ATTEST:



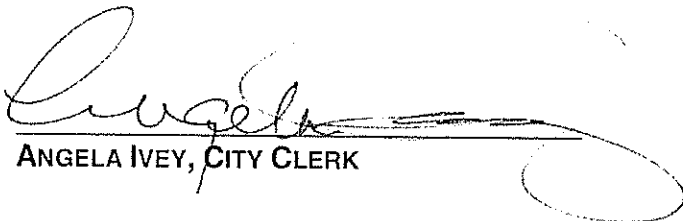
ANGELA JVEY, City Clerk



RESOLUTION CERTIFICATION

STATE OF CALIFORNIA }
COUNTY OF SAN DIEGO } §
CITY OF SOLANA BEACH }

I, ANGELA IVEY, City Clerk of the City of Solana Beach, California, DO HEREBY CERTIFY that the foregoing is a full, true and correct copy of **Resolution 2018-092** approving *Fiscal Year 2018-2019 Salary and Compensation Plans* as duly passed and adopted at a Regular Solana Beach City Council meeting held on the 11th day of July, 2018. The original is on file in the City Clerk's Office.


ANGELA IVEY, CITY CLERK

CERTIFICATION DATE: July 20, 2018

Management Pay Structure
Schedule 1
Effective July 7, 2018

Pay Grade	Job Classifications	Payment Schedule	Range Minimum	Range 25th Percentile	Range Midpoint	Range 75th Percentile	Range Maximum
M1	Management Analyst Human Resources Analyst Recreation Supervisor	Annual Monthly Bi-weekly Hourly	\$59,634 \$4,370 \$5,715 \$2,485 \$28.67	\$68,579 \$5,715 \$2,857 \$32.97	\$77,524 \$6,460 \$3,230 \$37.27	\$86,469 \$7,206 \$3,603 \$41.57	\$95,415 \$7,951 \$3,976 \$45.87
M2	Senior Human Resources Analyst Senior Management Analyst Deputy City Clerk	Annual Monthly Bi-weekly Hourly	\$68,221 \$5,685 \$2,843 \$32.80	\$76,749 \$6,396 \$3,198 \$36.90	\$85,277 \$7,106 \$3,553 \$41.00	\$93,804 \$7,817 \$3,909 \$45.10	\$102,332 \$8,528 \$4,264 \$48.20
M3	Principal Planner Marine Safety Captain Recreation Manager Network System Engineer Senior Accountant	Annual Monthly Bi-weekly Hourly	\$75,044 \$6,254 \$3,127 \$36.08	\$84,424 \$7,035 \$3,518 \$40.59	\$93,804 \$7,817 \$3,909 \$45.10	\$103,185 \$8,599 \$4,299 \$49.61	\$112,565 \$9,380 \$4,690 \$54.12
M4	Information Technology Manager Principal Civil Engineer Public Works Operations Manager Human Resources Manager	Annual Monthly Bi-weekly Hourly	\$82,548 \$6,879 \$3,439 \$39.69	\$92,866 \$7,739 \$3,869 \$44.65	\$103,185 \$9,459 \$4,299 \$49.61	\$113,503 \$9,459 \$4,729 \$54.57	\$123,822 \$10,318 \$5,159 \$59.53
M4-A	Fire Battalion Chief (2912 annual hours)	Annual Monthly Bi-weekly Hourly	\$90,225 \$7,519 \$3,759 \$30.98	\$101,504 \$8,459 \$4,229 \$34.86	\$112,782 \$9,398 \$4,699 \$38.73	\$124,060 \$10,338 \$5,169 \$42.60	\$135,338 \$11,278 \$5,639 \$46.48
M5	Assistant to the City Manager	Annual Monthly Bi-weekly Hourly	\$90,803 \$7,567 \$3,783 \$43.66	\$102,153 \$8,513 \$4,256 \$49.11	\$113,503 \$9,459 \$4,729 \$54.57	\$124,854 \$10,404 \$5,202 \$60.03	\$136,204 \$11,350 \$5,675 \$65.48
M6	City Clerk	Annual Monthly Bi-weekly Hourly	\$99,883 \$8,324 \$4,162 \$48.02	\$112,368 \$9,364 \$4,682 \$54.02	\$124,854 \$10,404 \$5,202 \$60.03	\$137,339 \$11,445 \$5,722 \$68.03	\$149,824 \$12,485 \$6,243 \$72.03
M7	Deputy Fire Chief Finance Manager/City Treasurer	Annual Monthly Bi-weekly Hourly	\$105,645 \$8,804 \$4,402 \$50.79	\$121,492 \$10,124 \$5,062 \$58.41	\$137,339 \$11,445 \$5,722 \$66.03	\$153,186 \$12,765 \$6,383 \$73.65	\$169,033 \$14,086 \$7,043 \$81.27
M8	City Engineer/Public Works Director Community Development Director Fire Chief Finance Director Administrative Services Director/Assistant City Manager	Annual Monthly Bi-weekly Hourly	\$116,210 \$9,684 \$4,842 \$55.87	\$133,641 \$11,137 \$5,568 \$64.25	\$151,073 \$12,589 \$6,295 \$72.63	\$168,504 \$14,042 \$7,021 \$81.01	\$185,936 \$15,495 \$7,747 \$88.39

Pay Structure Legend:

Range Spread =	60%
Pay Structure Aging: 07/01/14 =	3.0%
Constant Grade Differential =	10%

RESOLUTION 2018-145

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, TO APPROVE THE RECLASSIFICATION OF THE SENIOR ENGINEERING TECHNICIAN POSITION TO ASSISTANT CIVIL ENGINEER AND THE RECLASSIFICATION OF THE TEMPORARY FIRE PREVENTION TECHNICIAN TO FULL-TIME FIRE PREVENTION SPECIALIST AND TO UPDATE THE FIRE BATTALION CHIEF JOB DESCRIPTION TO ADOPT NEW ADMINISTRATIVE FIRE BATTALION CHIEF RESPONSIBILITIES AND TO UPDATE THE MANAGEMENT EMPLOYEES' SALARY AND CLASSIFICATION PLAN – SCHEDULE 1 AND TO UPDATE THE MISCELLANEOUS EMPLOYEES' SALARY AND CLASSIFICATION PLAN – SCHEDULE 3 AS RECOMMENDED BY THE CITY MANAGER

WHEREAS, the Solana Beach Municipal Code Chapter 2.08.070 states, *“it is the duty and responsibility of the City Manager to conduct studies and effect such administrative reorganization of offices, positions, or units under the City Managers’ direction as may be indicated in the interest of efficient, effective and economical conduct of the City’s business.”*; and

WHEREAS, on November 16, 2018, the City’s Senior Engineering Technician will retire after seventeen years of service at the City; and

WHEREAS, upon thorough organizational review, the City Manager recommends the reclassification of the Senior Engineering Technician position to Assistant Civil Engineer position; and

WHEREAS, the duties and responsibilities of the Senior Engineering Technician will be combined with the Assistant Civil Engineer position, providing more flexibility and versatility of technical engineering duties, which will improve operations and service to the community; and

WHEREAS, the city currently employs a part-time temporary Fire Prevention Technician to perform fire plan checks and fire inspections; and

WHEREAS, an evaluation of the City’s fire prevention workload indicates that the City needs a full-time position to address the City’s current fire prevention requirements; and

WHEREAS, upon thorough organizational review, the City Manager recommends the reclassification of the part-time Fire Prevention Technician position to a full-time Fire Prevention Specialist position; and

WHEREAS, the Third Amendment to the Fire Department Cooperative Management Services Agreement between the cities of Del Mar, Encinitas, and Solana Beach was approved on June 27, 2018 (Resolution 2018-082);

WHEREAS, as part of the Third Amendment to the Fire Department Cooperative Management Services Agreement, the reclassification of a Program Assistant to an Administrative Battalion Chief was agreed upon; and

WHEREAS, on July 11, 2018, the City Council approved FY 2018/19 Salary and Compensation schedules for all Management employees which included a 2.5% salary adjustment (Resolution 2018-092); and

WHEREAS, the salary ranges within the Management Employees' Salary and Classification Plan – Schedule 1 were not adjusted after July 11, 2018, and after further review, it was discovered that the actual salary for the Fire Battalion Chief was higher than the maximum salary listed on the salary schedule and therefore had to be adjusted to correct the entire Fire Battalion Chief range; and

WHEREAS, a new pay grade and salary range has been created for the Administrative Battalion Chief classification; and

WHEREAS, the job description for the Fire Battalion Chief has been updated to reflect new duties and responsibilities of the Administrative Battalion Chief.

NOW, THEREFORE, the City Council of the City of Solana Beach, California, does resolve as follows:

1. That the above recitations are true and correct.
2. That the reclassification for the Engineering Department as recommended by the City Manager is approved.
3. That the Senior Engineering Technician position is reclassified as Assistant Civil Engineer position in the Engineering Department.
4. That the reclassification for the Fire Prevention division as recommended by the City Manager is approved.
5. That the part-time temporary Fire Prevention Technician is reclassified as a full-time Fire Prevention Specialist.
6. That the Fire Prevention Specialist salary range has been added to the Miscellaneous Employees' Salary and Classification Plan – Schedule 3.

7. That the salary range for the Fire Battalion Chief (56 hours) has been updated on the Management Employees' Salary and Classification Plan – Schedule 1.

8. That a new salary range has been created for the Administrative Battalion Chief position.

9. That the job description for the Fire Battalion Chief has been updated to reflect the new duties and responsibilities of the Administrative Battalion Chief.

PASSED AND ADOPTED this 13th day of November 2018, at a special meeting of the City Council of the City of Solana Beach, California by the following vote:

AYES: Councilmembers –
NOES: Councilmembers –
ABSTAIN: Councilmembers –
ABSENT: Councilmembers –

DAVID ZITO, Mayor

APPROVED AS TO FORM:

ATTEST:

JOHANNA N. CANLAS, City Attorney

ANGELA IVEY, City Clerk

**CITY OF SOLANA BEACH
FIRE PREVENTION SPECIALIST**

DEFINITION

Under general supervision, performs specialized life safety and fire prevention plan reviews and inspections for fire protection systems, new construction sites, industrial, residential, commercial, institutional, and assembly occupancies to ensure compliance with Local, State, and Federal building and fire code regulations. Incumbents perform tests and certification of fire protection systems. Incumbents also conduct public fire safety education programs, presentations, demonstrations, and instruction.

CLASS CHARACTERISTICS

The Fire Prevention Specialist is a full-time non-exempt position.

ESSENTIAL FUNCTIONS

Duties may include, but are not limited to the following:

- Performs specialized and complex life safety and fire prevention plan reviews and inspections for fire protection systems, new construction sites, and industrial, residential, multi-family and mixed-used development projects, commercial, institutional, and assembly occupancies.
- Works with developers, architects, property owners, and engineers to develop Fuel Modification Zones and Landscaping, where required.
- Coordinates the City's weed abatement program; works with vendor on issues; organizes staff report, agenda, tax lien list, and works with the County and Finance to collect the money owed.
- Responds to questions, requests, and inquiries from the public, contractors, architects, and engineers regarding fire and life safety codes and standards both in person and over the telephone; provides primary coverage for front counter.
- Operates a variety of equipment and tools used in plan reviews and inspections, which includes computers, printers, digital cameras, engineering calculators, motor vehicles, fax machines, measuring tape, architect scales, and engineering scales.
- Meets with Architects, Engineers, contractors, business owners, homeowners, and other City personnel to discuss new development and violation cases.

- Performs administrative staff work involving research, analysis, and policy drafting.
- Coordinates, attends and participates in public fire education, instruction, and demonstrations for professional and governmental agencies and the public, including local schools, community groups, hospital staff, and fire suppression personnel.
- Performs plan checks, evaluating engineering drawings, reviewing site plans and projects for adherence to municipal codes, fire codes and other fire-related ordinances;
- Performs site inspections for weed abatement and other minor violations; assesses fire hazards to determine action for compliance;
- Issues written warnings, writing notices of correction, documenting hazards, and recording activity in conjunction with the enforcement process.
- Performs office administration duties, which involve filing, logging, and tracking of various fire permits and plans; handling legal correspondence and prepares reports.
- Performs specialized and complex fire and life safety plan checks; stamps and approves for installation, fire sprinkler systems plans, building fire rated assemblies and fixed fire protection plans; interprets and applies code requirements.
- Inspects, performs certification field tests and approving fire protection systems in new construction, commercial, institutional, industrial, and assembly occupancies; visits hazardous sites to assess levels of hazard; responds to various requests from city, state, and governmental agencies in the enforcement of fire codes.
- Operates equipment used in advanced plan checking and inspections, which include engineering calculators, drafting tools, pressure devices and hydrocarbon analyzers.
- Attends meetings and predevelopment proposals with city personnel, architects, engineers, and developers regarding fire and life safety code application and interpretation.
- Attends professional classes to keep abreast of new code updates in the field of fire prevention and inspection.
- Writes letters of intent to cite.
- Performs other assigned duties of similar nature or level.

QUALIFICATION GUIDELINES

Education, Experience and Training

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Education:

High School Diploma, or General Equivalency Diploma (G.E.D.), and coursework in Fire Prevention

Experience:

At least one (1) year of experience in plan checking or review, related construction activities, or engineering technician work involving plans and drawings; or, an equivalent combination of education and experience sufficient to successfully perform the essential duties of the job such as those listed above. AA degree in Fire Science preferred.

Licensing Requirements:

- Valid California Driver's License
- State Fire Inspector 1 or Prevention Officer
- International Code Council Certified Fire Inspector I or II
- State Fire Inspector II or Fire Protection Specialist

Knowledge and Abilities

Knowledge of:

- Principles and practices of fire prevention and fire code enforcement
- Applicable Federal, State, and Local codes, amendments, laws, regulations, and ordinances
- Hydraulic calculation methods used to check water and fire protection system installations
- Building construction principles
- Automatic fire protection and alarm systems and equipment
- Standards used in the storage, handling, and disposal of hazardous materials, explosives, highly flammable materials, and other toxins used in industrial settings
- Hazardous materials, chemical chain reactions, and fire behavior
- Fire hazards and related prevention and abatement methods
- Occupational hazards and standard safety practices
- Public relations principles
- Construction development procedures
- Safe driving principles and practices

Ability to:

- Use a computer and related software applications (MS Suite)
- Read and reviewing plans
- Perform life safety and prevention inspections
- Draft and draw functional graphics and diagrams
- Interpret and apply applicable codes, amendments, laws, regulations, and ordinances
- Perform research and analysis
- Coordinate public educational events
- Communicate interpersonal skills as applied to interaction with coworkers, supervisor, the general public, etc. sufficient to exchange or convey information and to receive work direction
- Manage time effectively in order to meet the demands of the job
- Work well under pressure
- Set goals in order to achieve results and complete tasks in an efficient and timely manner
- Work a flexible hours which may include weekend and/or holidays

PHYSICAL REQUIREMENTS

Positions in this class typically require: climbing, balancing, stooping, kneeling, crouching, crawling, reaching, standing, walking, driving, pushing, pulling, lifting, fingering, grasping, feeling, talking, hearing, seeing and repetitive motions.

Incumbents may be subjected to moving mechanical parts, dusts, chemicals, extreme temperatures, and travel.

Medium Work: Exerting up to 50 pounds of force occasionally, and/or up to 20 pounds of force frequently, and/or negligible amount of force constantly to move objects. May be subject to hazardous physical conditions (mechanical parts, electrical currents, vibration, etc.), atmospheric conditions (fumes, odors, dusts, gases, poor ventilation), hazardous materials (chemical, blood, and other body fluids, etc.), inadequate lighting, work space restricts movement, intense noise, and travel.

Notes:

- ◆ The above job description is intended to represent only the key areas of responsibilities; specific position assignments will vary depending on the business needs of the department.
- ◆ Provisions of the California Government Code and Emergency Services Act declare all public employees to be **disaster service workers**. As disaster service workers, all public employees (except legally employed aliens), are subject to such disaster service activities as may be assigned to them by their superiors or by law.
- ◆ This is a safety-sensitive position and incumbents are subject to pre-placement drug testing.
- ◆ Incumbents may be asked to travel on City business, using their own vehicle or a City vehicle, and are required to be in the Department of Motor Vehicles Pull Notice Program.

CITY OF SOLANA BEACH - SBEA Miscellaneous Employees Pay Structure

Salary Schedule 3

Effective July 7, 2018

Updated November 13, 2018

Pay Schedule	Grade	Job Classification	Hourly					Monthly				
			Step A	Step B	Step C	Step D	Step E	Step A	Step B	Step C	Step D	Step E
MIS (MS)	44	Administrative Assistant I	\$ 15.77	\$ 16.56	\$ 17.39	\$ 18.26	\$ 19.17	\$ 2,733.89	\$ 2,870.59	\$ 3,014.12	\$ 3,164.82	\$ 3,323.06
MIS (MS)	63	Maintenance Worker I	\$ 19.06	\$ 20.01	\$ 21.01	\$ 22.06	\$ 23.16	\$ 3,302.84	\$ 3,467.98	\$ 3,641.38	\$ 3,823.45	\$ 4,014.62
MIS (MS)	64	Administrative Assistant II	\$ 19.25	\$ 20.21	\$ 21.22	\$ 22.28	\$ 23.39	\$ 3,335.87	\$ 3,502.66	\$ 3,677.79	\$ 3,861.68	\$ 4,054.77
MIS (MS)	75	Maintenance Worker II	\$ 21.47	\$ 22.55	\$ 23.67	\$ 24.86	\$ 26.10	\$ 3,721.72	\$ 3,907.81	\$ 4,103.20	\$ 4,308.36	\$ 4,523.78
MIS (MS)	84	Code Compliance Specialist	\$ 23.48	\$ 24.66	\$ 25.89	\$ 27.19	\$ 28.54	\$ 4,070.39	\$ 4,273.91	\$ 4,487.61	\$ 4,711.99	\$ 4,947.59
MIS (MS)	85	Junior Planner	\$ 23.72	\$ 24.90	\$ 26.15	\$ 27.46	\$ 28.83	\$ 4,111.10	\$ 4,316.65	\$ 4,532.48	\$ 4,759.11	\$ 4,997.06
MIS (MS)	86	Administrative Assistant III	\$ 23.96	\$ 25.15	\$ 26.41	\$ 27.73	\$ 29.12	\$ 4,152.21	\$ 4,359.82	\$ 4,577.81	\$ 4,806.70	\$ 5,047.03
MIS (MS)	89	Management Assistant	\$ 24.68	\$ 25.92	\$ 27.21	\$ 28.57	\$ 30.00	\$ 4,278.02	\$ 4,491.92	\$ 4,716.52	\$ 4,952.35	\$ 5,199.96
MIS (MS)	94	Lead Maintenance Worker	\$ 25.94	\$ 27.24	\$ 28.60	\$ 30.03	\$ 31.53	\$ 4,496.25	\$ 4,721.06	\$ 4,957.11	\$ 5,204.97	\$ 5,465.21
MIS (MS)	103A	Senior Engineering Technician	\$ 28.56	\$ 29.99	\$ 31.49	\$ 33.06	\$ 34.71	\$ 4,949.93	\$ 5,197.43	\$ 5,457.30	\$ 5,730.17	\$ 6,016.67
MIS (MS)	103A	Associate Management Analyst	\$ 28.80	\$ 30.24	\$ 31.75	\$ 33.34	\$ 35.00	\$ 4,991.52	\$ 5,241.09	\$ 5,503.15	\$ 5,778.30	\$ 6,067.22
MIS (MS)	106	Environmental Specialist	\$ 29.23	\$ 30.69	\$ 32.23	\$ 33.84	\$ 35.53	\$ 5,066.48	\$ 5,319.81	\$ 5,585.80	\$ 5,865.09	\$ 6,158.34
MIS (MS)	106A	Senior Code Compliance Officer	\$ 29.32	\$ 30.78	\$ 32.32	\$ 33.94	\$ 35.64	\$ 5,081.68	\$ 5,335.77	\$ 5,602.55	\$ 5,882.68	\$ 6,176.82
MIS (MS)	109	Public Works Inspector	\$ 30.12	\$ 31.62	\$ 33.20	\$ 34.86	\$ 36.61	\$ 5,220.00	\$ 5,481.00	\$ 5,755.05	\$ 6,042.80	\$ 6,344.94
MIS (MS)	109	Fire Prevention Specialist	\$ 30.12	\$ 31.62	\$ 33.20	\$ 34.86	\$ 36.61	\$ 5,220.00	\$ 5,481.00	\$ 5,755.05	\$ 6,042.80	\$ 6,344.94
MIS (MS)	116A	Associate Planner	\$ 32.39	\$ 34.00	\$ 35.70	\$ 37.49	\$ 39.36	\$ 5,613.35	\$ 5,894.02	\$ 6,188.72	\$ 6,498.16	\$ 6,823.06
MIS (MS)	119A	Assistant Civil Engineer	\$ 33.30	\$ 34.97	\$ 36.71	\$ 38.55	\$ 40.48	\$ 5,771.90	\$ 6,060.49	\$ 6,363.52	\$ 6,681.69	\$ 7,015.78
MIS (MS)	137A	Associate Civil Engineer	\$ 39.87	\$ 41.87	\$ 43.96	\$ 46.16	\$ 48.46	\$ 6,910.94	\$ 7,256.49	\$ 7,619.31	\$ 8,000.28	\$ 8,400.29

Management Pay Structure
Schedule 1
Effective July 7, 2018
Updated November 13, 2018

Pay Grade	Job Classifications	Payment Schedule	Range Minimum	25th Percentile	Range Midpoint	75th Percentile	Range Maximum
M1	Management Analyst Human Resources Analyst Recreation Supervisor	Annual Monthly Bi-weekly Hourly	\$59,634 \$4,970 \$2,485 \$28.67	\$68,579 \$7,715 \$2,857 \$32.97	\$77,524 \$6,460 \$3,230 \$37.27	\$86,469 \$7,951 \$3,976 \$45.87	\$95,415 \$7,951 \$3,976 \$45.87
M2	Senior Human Resources Analyst Senior Management Analyst	Annual Monthly Bi-weekly Hourly	\$68,221 \$5,685 \$2,843 \$28.80	\$76,749 \$6,396 \$3,198 \$36.90	\$85,277 \$7,106 \$3,553 \$41.00	\$93,804 \$7,817 \$3,909 \$45.10	\$102,332 \$8,528 \$4,264 \$49.20
M3	Principal Planner Marine Safety Captain Recreation Manager Network System Engineer Senior Accountant Deputy City Clerk	Annual Monthly Bi-weekly Hourly	\$75,044 \$6,254 \$3,127 \$36.08	\$84,424 \$7,035 \$3,518 \$40.59	\$93,804 \$7,817 \$3,909 \$45.10	\$103,185 \$8,599 \$4,299 \$54.12	\$112,565 \$9,380 \$4,690 \$58.12
M4	Information Technology Manager Principal Civil Engineer Public Works Operations Manager Human Resources Manager	Annual Monthly Bi-weekly Hourly	\$82,548 \$6,879 \$3,439 \$38.68	\$92,865 \$7,739 \$3,869 \$44.65	\$103,185 \$8,599 \$4,299 \$49.61	\$113,503 \$9,459 \$4,729 \$54.57	\$123,822 \$10,318 \$5,159 \$63.55
M4-A	Assistant to the City Manager / Sr. Management Analyst	Annual Monthly Bi-weekly Hourly	\$90,803 \$7,567 \$3,783 \$43.66	\$102,153 \$8,513 \$4,256 \$49.11	\$113,503 \$9,459 \$4,729 \$54.57	\$124,854 \$10,404 \$5,202 \$60.03	\$136,204 \$11,350 \$5,675 \$68.48
M5	Fire Battalion Chief (2812 annual hours)	Annual Monthly Bi-weekly Hourly	\$93,883 \$7,824 \$3,912 \$32.24	\$105,616 \$8,802 \$4,401 \$36.27	\$117,353 \$9,779 \$4,890 \$40.30	\$129,089 \$10,755 \$5,379 \$44.33	\$140,824 \$11,735 \$5,868 \$48.36
M6	City Clerk	Annual Monthly Bi-weekly Hourly	\$99,883 \$8,324 \$4,162 \$48.02	\$112,368 \$9,364 \$4,682 \$54.02	\$124,854 \$10,404 \$5,202 \$60.03	\$137,339 \$11,445 \$5,722 \$66.03	\$149,824 \$12,485 \$6,243 \$72.03
M6-A	Fire Battalion Chief (2080 annual hours)	Annual Monthly Bi-weekly Hourly	\$103,271 \$8,606 \$4,303 \$49.65	\$116,180 \$9,682 \$4,841 \$55.86	\$129,089 \$10,757 \$5,379 \$62.06	\$141,998 \$11,833 \$5,917 \$68.27	\$154,806 \$12,909 \$6,454 \$74.47
M7	Deputy Fire Chief Finance Manager/City Treasurer	Annual Monthly Bi-weekly Hourly	\$105,645 \$8,804 \$4,402 \$50.79	\$121,492 \$10,124 \$5,062 \$58.41	\$137,339 \$11,445 \$5,722 \$66.03	\$153,186 \$12,765 \$6,380 \$73.65	\$169,033 \$14,086 \$7,043 \$81.27
M8	City Engineer/Public Works Director Community Development Director Fire Chief Finance Director Administrative Services Director/Assistant City Manager	Annual Monthly Bi-weekly Hourly	\$116,210 \$9,684 \$4,842 \$55.87	\$132,641 \$11,137 \$5,568 \$64.25	\$151,073 \$12,589 \$6,295 \$72.63	\$169,504 \$14,042 \$7,021 \$81.01	\$185,936 \$15,495 \$7,747 \$89.39

Pay Structure Legend:
Range Spread = 60%
Pay Structure Aging: 07/01/14 = 3.0%
Constant Grade Differential = 10%

RESOLUTION 2018-082

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, APPROVING THE THIRD AMENDMENT TO THE AGREEMENT FOR COOPERATIVE FIRE MANAGEMENT SERVICES BY AND BETWEEN THE CITIES OF DEL MAR, ENCINITAS, AND SOLANA BEACH

WHEREAS, the City of Solana Beach, City of Encinitas, and City of Del Mar, (hereinafter collectively referred to as "PARTIES"), are public agencies organized and existing under and by virtue of the laws of the State of California; and,

WHEREAS, each party is charged with providing fire prevention and suppression activities, emergency medical services ("EMS") and emergency/disaster management as provided for in California Health and Safety Code § 13862 and Government Code Chapter 7, within their respective boundaries; and,

WHEREAS, on October 15, 2009, the PARTIES entered into a Fire Department Cooperative Management Services Agreement for the purpose of sharing fire management functions; and,...

WHEREAS, sharing the functions of organizational direction and control, supervision of operations, training, fire prevention, administrative and fiscal management, and disaster preparedness, under this cooperative agreement, has provided effective leadership to multiple agencies, eliminated redundancy, duplication of effort and provided opportunities for current cost savings and an increased level of service for each party, while avoiding the full cost of providing for complete independent fire administration on their own; and

WHEREAS, in light of the withdrawal of Rancho Santa Fe Fire Protection District from the cooperative agreement and the addition of language regarding the inclusion of an administrative fee into the cost allocation method, the PARTIES wish to amend the cooperative agreement to further share fire management functions, improve efficiency in operations and reduce costs; and

WHEREAS, the PARTIES agreed to the First and Second Amendment to the agreement allowing the City of Solana Beach to share the services and of its Battalion Fire Chief and receive additional management services from the City of Encinitas and revising the cost allocation to reflect a reduction in personnel costs; and


WHEREAS, the Third Amendment to the agreement for cooperative management services will further provide a cost effective option for said functions between the PARTIES.

NOW, THEREFORE, the City Council of the City of Solana Beach, California, does resolve as follows:

1. That the foregoing recitations are true and correct.
2. That the City Council authorizes the City Manager to execute the Third Amendment to the Agreement for Cooperative Management Services with the cities of Del Mar and Encinitas in a form approved by the City Attorney.

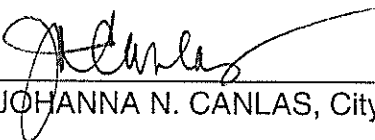
PASSED AND ADOPTED this 27th day of June 2018, at a regular meeting of the City Council of the City of Solana Beach, California, by the following vote:

AYES: Councilmembers – Zito, Edson, Hegenauer, Zahn
NOES: Councilmembers – None
ABSENT: Councilmembers – Heebner
ABSTAIN: Councilmembers – None



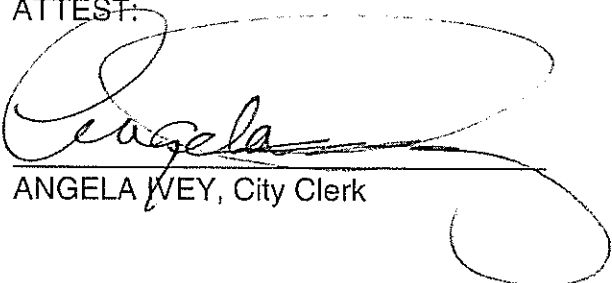
DAVID A. ZITO, Deputy Mayor

APPROVED AS TO FORM:



JOHANNA N. CANLAS, City Attorney

ATTEST:



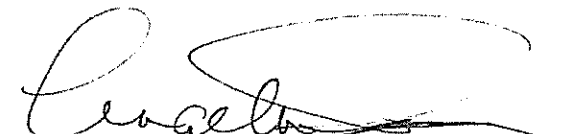
ANGELA WEY, City Clerk



RESOLUTION CERTIFICATION

STATE OF CALIFORNIA }
COUNTY OF SAN DIEGO } §
CITY OF SOLANA BEACH }

I, ANGELA IVEY, City Clerk of the City of Solana Beach, California, DO HEREBY CERTIFY that the foregoing is a full, true and correct copy of **Resolution 2018-082** *approving the third amendment to the agreement for Cooperative Fire Management Services by and between the Cities of Del Mar, Encinitas, and Solana Beach* as duly passed and adopted at a Regular Solana Beach City Council meeting held on the 27th day of June, 2018. The original is on file in the City Clerk's Office.


ANGELA IVEY, CITY CLERK

CERTIFICATION DATE: July 3, 2018

CITY OF SOLANA BEACH FIRE BATTALION CHIEF

DEFINITION:

Under general direction, performs management, technical and administrative work in commanding and coordinating fire emergency and non-emergency operations, EMS, training, recruitment, public education, community relations, communication, facility/equipment maintenance, fire prevention, and other related programs and services; provides responsible and technical staff assistance; implements program goals and objectives; oversees and supervises assigned staff.

DISTINGUISHING CHARACTERISTICS:

The Fire Battalion Chief is distinguished from the Fire Captain by administrative responsibilities for an assigned functional area. This position may encompass a 56-hour (shift) schedule or a 40-hour (Administrative) schedule.

The Administrative Fire Battalion Chief is distinguished from the Shift Battalion Chief by performing administrative responsibilities for an assigned functional area. This position may encompass a 40-hour/week (day) schedule. The Administrative Battalion Chief position will primarily be assigned to lead the Department Training Division but will also have responsibilities in Disaster Preparedness, Department Safety Officer, and Suppression duties as necessitated. The Administrative Battalion Chief position requires the same duties, qualifications, education, and experience as the Shift Battalion Chief position as this position could be called upon to perform as a duty Battalion Chief if the need arises. Additionally, the Administrative Battalion Chief position may be a rotational assignment, at the discretion of the Fire Chief, placing other Battalion Chiefs into the position in a 2 to 4-year rotational schedule for succession planning and experience. Hence, each candidate for the Administrative Battalion Chief position must be qualified as a Shift Battalion Chief.

This position is classified as a "Management", FLSA exempt position.

EXAMPLES OF IMPORTANT AND ESSENTIAL DUTIES:

The following duties are typical for this classification. Incumbents may not perform all of the listed duties and/or may be required to perform additional or different duties from those set forth below to address business needs and changing business practices.

- Functions as a Shift Commander, with primary responsibility to assure that assigned personnel, apparatus, equipment, and facilities are maintained in appropriate readiness and fully prepared to respond to a variety of emergency calls for service.
- Directs, manages, supervises, and coordinates the activities and operations of assigned shift within the Fire Department including operations, training, recruitment, facility/equipment maintenance, EMS, public education, fire prevention, community relations and related programs. Visits fire stations to keep assigned shift personnel informed on departmental operations, programs and activities and exchanges information

with station personnel.

- May serve as Duty Chief for assigned shift; responds to emergency incidents as required by departmental policy and assumes command of incident unless relieved of command by a superior officer.
- This position may include an administrative assignment on a non-shift schedule (9/80 schedule) in an area of functional responsibility including operations, training, recruitment, facility/equipment maintenance, EMS, public education, community relations and related programs and services.
- Assumes command responsibilities of the Incident Command System; assumes control of emergency scenes and multiple agency strike team crews in the "Boundary Drop"; directs and supervises forces in the suppression of fires and controls incidents involving hazardous chemicals and other materials.
- Manages crews at fires, rescues, hazardous material incidents, disasters, and other emergency incidents including strike team assignments anywhere in the state and supervising crews from other agencies; reviews incident reports for accuracy and completeness. Supervises the laying and connection of hoses, direction of water streams, placement of ladders, ventilation of buildings, rescue of persons, first aid, and salvage operations. Supervises and assists in rendering first aid at emergency incidents; analyzes and takes command of patient care with full responsibility for the patient until relieved by proper medical personnel.
- Coordinates activities among assigned fire stations and personnel, as well as activities with other shifts, divisions, departments, and outside agencies.
- Manages and participates in the development and implementation of goals, objectives, policies, procedures and priorities for departmental programs and services; recommends and administers orders, rules, policies and procedures.
- Works with assigned shift personnel on the development of emergency response plans, such as those designating "target hazards", addressing special and unusual situations and complex areas requiring a specialized response.
- Monitors and evaluates the efficiency and effectiveness of service delivery methods and procedures; recommends, within departmental policy, appropriate service and staffing levels.
- Plans, directs, coordinates, and reviews the work plan for assigned shift; assigns work activities, projects, and programs; instructs fire personnel in specific procedures and protocols as needed, reviews and evaluates work products, methods, and procedures; provide assistance and ensure completion of fire inspections; meets with staff to identify and resolve problems; develops methods, techniques and program improvements.

- Participates in the hiring and evaluation of assigned personnel; prepares performance evaluations of Company Captains and reviews evaluations for shift personnel as assigned; recommends and implements discipline and termination procedures.
- Assists in the purchasing, maintenance, and inventory of all fire related equipment, vehicles, and property including communication equipment, vehicles and related equipment, and safety equipment.
- Trains fire personnel in the use of a variety of fire equipment, station equipment and communication equipment as necessary.
- Performs research and prepares written policies, procedures and manuals of operation.
- Prepares a variety of public information materials; conducts or has subordinates conduct public information/education classes; makes public presentations before civic, business and educational groups as needed.
- Serves as the liaison for assigned shift to other shifts, divisions, departments, and outside agencies; works with other internal departments and staff to further organizational goals and to work as a team; negotiates and resolves sensitive and controversial issues.
- Serves as staff on a variety of boards, commissions, and committees; prepares and presents staff reports and other necessary correspondence.
- Attends and participates in professional group meetings; stays abreast of new trends and innovations in the field of fire suppression, training, and EMS; attends conferences and meetings related to all Fire Department functions and matters.
- Prepares and maintains accurate reports, data, and records; reviews and approves incident reports prepared by Company Captains.
- Responds to and resolves difficult and sensitive citizen inquiries and complaints.
- May assume the duties of a superior Chief Officer in their absence when necessary.
- Assures City health and safety guidelines are followed and exercises discretion to ensure a safe working environment is maintained.
- Regularly operates tools and equipment related to the command and management of Fire Department activities, including staff and command vehicles, personal protective equipment and mobile data computers.
- Performs other related duties as required.

In addition to the above essential Duties, the Administrative Fire Battalion Chief must also perform the following:

ADMINISTRATIVE BATTALION CHIEF – EXAMPLES OF ADDITIONAL IMPORTANT AND ESSENTIAL DUTIES:

- Functions as the Department Training Officer, with primary responsibility to assure that all aspects of the department training program are managed, documented, and coordinated between the different shifts and agencies of the Co-Op.
- Attends meetings, makes presentations to the public and community,
- Handles new hire and promotional testing, program management and development, risk management.
- Assists with budget and grant application preparations.
- Performs other related duties as assigned.

JOB RELATED AND ESSENTIAL QUALIFICATIONS:

Knowledge of:

- Fire ground tactics and strategy
- Emergency incident management, specifically the Incident Command System (ICS)
- Principles of incident safety
- Automatic and mutual aid agreements
- Hazardous materials incident management
- Confined space and technical rescue techniques
- Principles and practices of program development and administration
- Principles and practices of training program development and implementation
- Operational characteristics of fire apparatus and equipment including Code 3 driving techniques
- Maintenance requirements of fire apparatus and equipment
- Modern fire loss and fire prevention principles, methods and practices
- Fire science theory, principles, and practices and their application to a wide variety of emergency service operations including fire suppression, fire prevention, and fire investigation
- Principles and practices of emergency management
- Geography and street layout of the City and surrounding area
- Laws and regulations pertaining to fire and emergency medical services operations
- Vehicle operation, personal protective equipment
- Office procedures, methods, and equipment including computers and applicable software applications such as word processing, spreadsheets, and databases

- Departmental Policy and Procedures, Operations Manual
- Principles of supervision, training, and performance evaluation
- Pertinent federal, state, and local laws, codes, and regulations
- Algebraic and arithmetic computations
- Use of the English language, spelling, grammar and punctuation
- Principles and practices of customer service

Ability to:

- Oversee and participate in the management of fire suppression, emergency medical services, and training
- Perform competently in dynamic, highly stressful situations
- Command fire department staff and operate vehicles and radios
- Work extended hours and days to meet operational needs
- Oversee, direct, and coordinate the work of lower level staff
- Select, supervise, train, and evaluate staff
- Effectively work with contractors and manage contract agreements
- Analyze problems, identify alternative solutions, project consequences of proposed actions and implement recommendations in support of goals
- Participate in the development and administration of department goals, objectives and procedures
- Prepare clear, concise and accurate records and reports
- Meet and deal tactfully and effectively with the public in all types of situations
- Collect, analyze and evaluate data and be able to prepare and deliver clear and concise written and oral management reports
- React quickly and calmly in all types of emergency situations
- Make accurate observations and exercise sound judgment, resourcefulness, leadership and discretion in situations requiring immediate action
- Speak effectively before public gatherings
- Research, analyze and evaluate new service delivery methods and techniques
- Maintain appropriate time management to meet strict work project deadlines
- Operate modern office equipment, computers and software systems
- Interpret and apply federal, state and local policies, laws and regulations
- Demonstrate an awareness and appreciation of the cultural diversity of the community
- Communicate clearly and concisely, both orally and in writing
- Work cooperatively with other departments, City officials, and outside agencies
- Establish and maintain effective working relationships with those contacted in the course of work

MINIMUM QUALIFICATIONS/LICENSE OR CERTIFICATES REQUIRED:

Any combination of education and experience that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience

- Must have a minimum seven (7) years full-time paid fire service experience with a recognized fire agency providing a full range of urban fire protection services.
- Must have a total of three (3) years full-time paid experience at a supervisory level as a company officer with a recognized fire agency providing a full range of urban fire protection services.

Education/Training

- Must have an A.A., A.S. in any related field. (B.A. or B.S. Degree desirable)
- A Bachelor's degree will be required to test or promote to this level after 1/1/2020.
- Must be a State Certified Company Officer
- Must be a State Certified Chief Officer or qualified to open a position task-book for Chief Fire Officer within 1-year of promotion. (Required to test for the position after 1/1/2020).
- Must be a State Certified as a Hazardous Material Incident Commander
- Within two years of appointment, must be qualified to open a CICCIS Strike Team Leader task-book.
- Must have FEMA IS-700 and IS-800 certificate
- ICS-400, or obtain within 1-year of appointment
- Current State and San Diego County EMT or Paramedic License, CPR card, and ACLS (if Paramedic)
- Must Possess a Class C (Firefighter Endorsement) California driver's license with satisfactory driving record

Recommended Education:

- Blue Card Certification, Type IV IC
- L-280 – Followership to Leadership
- L-380 Tip of the Spear Leadership
- S-200 Initial Attack Incident Commander
- S-215 Urban Wildland interface
- S-231 Engine Boss
- S-234 Firing Operations
- S-270 Intermediate Air Operations
- S-330 Strike Team Leader
- S-404 Safety Officer
- S-300 Extended Attack Incident Commander

PHYSICAL DEMANDS AND WORKING ENVIRONMENT

The conditions described herein are representative of those that must be met by an incumbent to successfully perform the essential functions of this classification. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential job functions.

Environment: Standard office setting with some travel to various locations to attend meetings or respond to emergency scenes, disasters, or critical incidents; occasional exposure to excessive noise, dust, grease, smoke, fumes, airborne particles, noxious odors, gases, explosives and blood-borne pathogens; and all types of weather and temperature conditions; occasionally works near moving mechanical parts, in areas of limited and restricted entry and exit, and in high precarious places; exposure to vibration from equipment and vehicles; operation of foot controls or repetitive foot motion; extensive public contact; the noise level in the work environment is usually moderate; however, the noise level may be very loud when responding to emergency calls and when working at a fire or other emergency incident; wears appropriate personal protective equipment including goggles, face protector, turn-outs, safety shoes and self contained breathing apparatus; may be required to work extended hours including evenings and weekends and may be required to travel outside City boundaries to attend meetings. Work schedule for Shift Battalion Chiefs consists of 56-hour fire suppression shifts. Work environment is both formal and informal, team oriented, having variable tasks, pace, and pressure. Works is usually performed indoors in office and in meeting rooms but may also occur in hostile and hazardous environments.

Physical: Primary functions require sufficient physical ability to work in an office setting and operate office equipment and to respond to emergency alarms. Continuous sitting and upward and downward flexion of neck; side-to-side turning of neck; reaching below the shoulders; fine finger dexterity; simple grasping and repetitive use of hands. Frequent walking and walking on uneven ground; twisting at waist; lifting and carrying objects weighing up to 10 pounds; light to moderate finger pressure to manipulate keyboard, equipment controls, and office equipment; pinch grasp to manipulate writing utensils. Occasional standing, running, crawling, kneeling, climbing, balancing and squatting; bending at the waist; reaching at and above shoulder height; pushing and pulling; power grasping to pick up equipment; lifting and carrying objects weighing 11-100 pounds; may lift and carry objects weighing more than 100 pounds with or without assistance; operate a vehicle to travel to various locations; operate fire suppression and medical response, equipment, apparatus, and tools; verbally communicate to exchange information.

Vision: Must see in order to perform essential job tasks; respond to incidents, provide care; operate emergency vehicles and apparatus; keep records, operate a computer, and perform office work; maintain station and equipment.

Hearing: of instructions, radio messages, and emergency tones, alarms and other warning devices; sufficient to perform essential job tasks.

Vision and hearing must be sufficient to meet NFPA Medical Evaluation criteria.

Created and Adopted: May 22, 2013

Updated and adopted: November 13, 2018



STAFF REPORT CITY OF SOLANA BEACH

TO: Honorable Mayor and City Councilmembers
FROM: Gregory Wade, City Manager
MEETING DATE: November 13, 2018
ORIGINATING DEPT: Community Development
SUBJECT: **Public Hearing: Solana Beach Public Recreation Impact Fee Study and Related Local Coastal Program (LCP) Land Use Plan (LUP) Amendment**

BACKGROUND:

Since adoption of Resolution 2007-041 in 2007, the City of Solana Beach has established and collected an interim Fee Deposit of \$1,000 per linear foot (LF) for shoreline protective devices while the City conducted the technical analyses required to adopt impact fees associated with the potential loss of beach sand/area and recreational opportunities related to the installation of shoreline protective devices.

In June 2008, the City retained a team of economists, engineers and scientists to assist the City in developing a sand mitigation fee and a land lease/recreation fee. In 2010, the City Council issued the draft Fee Study for public review and comment. The purpose of the Fee Study was to develop a program to quantify the impact associated with the retention of sand behind the seawall and the loss of recreational beach use due to the installation of shoreline protective devices. The 2010 Fee Study was never finalized due to lack of funding, and a higher priority to complete the City's Local Coastal Program (LCP) Land Use Plan (LUP). As part of the LCP certification process with the CCC, the City agreed to update the 2010 Fee Study.

With the certification of the City's LCP LUP in 2013, the City established its methodology for assessing the Sand Mitigation Fee and has been assessing and collecting this fee since that time. The City has also continued to assess and collect the \$1,000 per LF Interim Fee to cover recreational impacts. Therefore, since approximately 2013, the City began to focus its efforts on the development of a Public Recreation Impact Fee (PRF) methodology.

COUNCIL ACTION:

In May 2014, the Council received \$120,000 in LCP Planning Grant funding from the CCC to update the 2010 Fee Study as a LUP Amendment (LUPA) by April 30, 2016. The update to the Fee Study was needed, in part, to incorporate policies contained in the City's Certified LUP, to review/address comments on the 2010 Draft Fee Study and to incorporate applicable comments and suggestions from the public and the CCC.

On November 18, 2015, the Council approved the release of the updated draft Fee Study (2015 Study) for public review. Following the close of the public comment period on the 2015 Study, an informational update was presented to the Council on February 10, 2016 on the progress of the Fee Study update and the responses to comments.

On February 24, 2016, the Council conducted a public hearing and adopted Resolution 2016-021 releasing the third revised Draft Fee Study (i.e., 2016 Study) and related Draft LUPA for additional public review and comment. City Staff and the consultant team met with CCC staff on March 30, 2016 to discuss the remaining LCP Planning Grant deliverable schedule and to clarify technical and policy issues related to the Draft Fee Study and LUPA.

After the close of the public review and comment period on the 2016 Study, the City Council conducted a public hearing on April 13, 2016 and adopted Resolution 2016-083 authorizing the City Manager to submit the April 2016 Fee Study and LUPA to the CCC for processing pursuant to the terms of the LCP Planning Grant no later than April 30, 2016. With the submittal of the Fee Study and LUPA to the CCC on April 29, 2016, the City met all of its obligations under the LCP Planning Grant. After the City's submittal to the CCC, City Staff and CCC staff continued to coordinate via teleconferences and meetings; however, no formal or written comments on the City's Fee Study and LUPA submittal were received until draft comments were provided to the City during a meeting in April 2017.

In April 2017, the CCC issued a Staff Report (Attachment 2) with subsequent Addendums dated May 4, 2017 (Attachment 3) and May 1, 2017 (Attachment 4) containing "Suggested Modifications" to the City's 2016 Fee Study and LUPA. City Staff and their experts reviewed the CCC Staff Report and prepared a letter signed by the City's Mayor (Attachment 5) indicating support for some of the CCC modifications based on the expert advice of the Fee Study's consultant team. At the CCC public hearing on May 11, 2017, the City Manager provided testimony and a PowerPoint Presentation outlining the City's then-stance to the "Suggested Modifications". The City received a letter dated May 24, 2017 (Attachment 6) certifying the Solana Beach LCP Land Use Plan Amendment with Suggested Modifications.

This item is before Council to:

1. Conduct a public hearing to consider the options described below regarding the next steps/action items related to the City's 2016 Fee Study and LUPA and, depending on the Option selected;

2. Direct the City Manager to implement the next steps; and
3. Adopt Resolution 2018-140 (Attachment 1) implementing the City Council action (as directed).

DISCUSSION:

The City has been engaged in a good faith effort to prepare a PRF Program since approximately 2008. City Staff and CCC staff worked collaboratively over a period of many years on this effort. The City and its team of expert economists, planners, scientists and coastal engineers conducted an extensive, multi-year stakeholder involvement program and public outreach effort that resulted in a total of four iterations of the City's draft PRF Program between 2010 and 2016 as follows:

- 2010 Fee Study
- November 2015 Fee Study
- February 2016 Fee Study
- April 2016 Fee Study and LUPA submitted to the CCC

With each iteration, the City's Fee Study became more robust than the previous version as the City incorporated key technical and analytical refinements reflecting the input and improvements suggested by the stakeholders and the City's experts. As a result, the City was able to develop a science-based PRF Program that gained stakeholder support and demonstrated a nexus between impact and mitigation with a roughly proportional impact mitigation fee.

The PRF addresses impacts to the loss of recreation based upon the loss of beach area described below as (1) Initial Area and (2) theoretical 20-year Bluff Retreat Area. The City's PRF, addressing impacts for a 20-year period, is calculated by the following formula:

$$\text{Initial Area (SF)} \times \text{Initial Area Rate} + \text{Bluff Retreat Length (LF)} \times \text{Bluff Retreat Rate}$$

The PRF formula is based on the following definitions contained in Appendix C of the City's Draft LUPA:

- Initial Area (SF): Useable Beach Area that is occupied by a seawall or other coastal structure measured as the width of the structure multiplied by the length of the structure plus any area determined by the City's Geotechnical Engineer to be subject to imminent bluff failure, measured in square feet (SF).
- Initial Area Rate: The amount identified in Table 1 which varies based on the Permit Year, reflects a beach population per SF of beach, and is based on the Day Use Value of the beach.
- Bluff Retreat Length (LF) - The length of the seawall measured along the bluff, measured in linear feet (LF).

- Bluff Retreat Rate - The amount identified in Table 1 which varies based on the Permit Year and is generally 0.4' per year for permits issued through 2026 and escalates after the first 10 years.

The Fee Study submitted by the City to the CCC in April 2016 was the final LCP Planning Grant deliverable and reflected the collective input and technical refinements suggested by CCC staff, property owners, academic economists, Surfrider representatives and many other interested parties. As a result of the extensive, multi-year stakeholder involvement effort conducted by the City, the recommendations contained within the Fee Study and LUPA submitted to the CCC were especially robust.

In all, the CCC recommended 16 Suggested Modifications to the City's PRF Program and LUPA. Suggested Modifications numbers 1, 2 and 3 change two of the key variables used to calculate the Fee. These variables include the methodology calculation of the physical area/acreage of the beach and the percentage of wages assumed in the economic model.

The CCC recommended that the City update the beach area calculation every ten years in order to determine if the average beach area has changed, and to incorporate any changes as a future LUP Amendment. Beaches are dynamic environments that change in size in a relatively short period of time, therefore, beach area should be determined using as much of the available beach width and beach area data as possible. Since an additional three years has now lapsed since the City completed its fee Study, six additional LiDAR surveys are available and could be used to refine the fee using the CCC recommended methodology.

The CCC recommended and approved the use of a 67% wage rate for determining the beach day use value in place of the 33% wage rate proposed by the City's PRF Program. The travel cost method assigns a monetary value to the time a person spends traveling to the beach and this is normally based upon a percentage of the person's salary or hourly wage and it is a key factor in calculating the proxy value of a day at the beach. The CCC noted that relying on a lower wage rate has greater potential to underestimate beach value and is reinforced by comparisons to other economic studies on beach value in Southern California. In the future, this day use value may be required to be updated to reflect current practices or new information.

Table 1 on the following page compares the City's recommendations to the final CCC approved fees as proposed with their Suggested Modifications.

Table 1 – Comparison of City Fee Rates and CCC Fee Rates		
Permit Year	City	CCC
	Initial Area (SF) + Bluff Retreat (LF)	Initial Area (SF) + Bluff Retreat (LF)
2016	\$62 / \$307	\$121 / \$600
2017	\$63 / \$322	\$124 / \$630
2018	\$64 / \$340	\$126 / \$662
2019	\$66 / \$ 358	\$129 / \$698
2020	\$67 / \$378	\$131 / \$737
2021	\$68 / \$ 400	\$134 / \$780
2022	\$70 / \$423	\$136 / \$825
2023	\$71 / \$448	\$139 / \$874
2024	\$73 / \$475	\$142 / \$926
2025	\$74 / \$ 503	\$145 / \$982
2026	\$76 / \$534	\$148 / \$1,044

Table 2 – Comparison of Key Fee Study Variables and Assumptions		
Variable / Assumption	City Fee Study April 2016	CCC Modifications May 2017
Day Use Value / Consumer Surplus (Summer and Non-Summer)	\$19.25 in Summer \$14.76 in Non-Summer Day Use Value = based on 33% of wages	\$35.56 in Summer \$21.00 in Non-Summer Day Use Value = based on 67% of wages
Available Public Beach Area	18.8 acres based on LiDAR surveys concurrent with beach population surveys conducted April 2008 through December 2009.	15.2 acres based on LiDAR data set (1998-2015) and not tied to local, direct beach attendance counts / population surveys.
Recommended Public Recreation Impact Fee Includes both Initial Area (SF) + Bluff Retreat Area (LF)	\$431 in 2016 \$610 in 2026	\$721 in 2016 \$1,192 in 2026

Following the CCC Hearing, the CCC sent the City a letter (Attachment 3) reflecting the final action taken by the CCC on May 11, 2017. The City initially had until November 11, 2017 (i.e., 6 months after CCC formal action) to act on the modified Fee Study and LUPA which includes the option to request a 12-month extension. At a public hearing of the Solana Beach City Council, the City Council adopted Resolution 2017-156, formally

requesting a one-year extension of the CCC approval. This Resolution also provided direction regarding intended geographic segmentation for the Solana Beach LCP Implementation Plan whereby an Area of Deferred Certification (ADC) will be created that can either be co-terminus with the CCC Appealable Area or can encompass another geographic area.

The one-year extension was granted by the CCC and requires that the City take action on the CCC approval by November 11, 2018. As that is a Sunday, and the next regular business day (November 12) is a Federal Holiday, the deadline for City action is November 13, 2018.

This item is before the City Council to consider its options regarding the City's Fee Study and LUPA and the CCC Suggested Modifications as summarized below and described more fully under the Staff Report Section "Options":

- Adopt all CCC "Suggested Modifications" on the City's Fee Study and LUPA;
- Reject CCC "Suggested Modifications" on the City's Fee Study and LUPA;
- Take no action on the CCC approval and allow it to lapse; deferring to the CCC Coastal Development Permit (CDP) process for individual projects as shoreline protective devices will be in CCC Original Jurisdiction the majority of the time per LUP Policy 4.42. CCC retains the option to impose fees under their 2007 Memorandum of Agreement (MOA) (Attachment 4) with SANDAG for Public Recreation Beach Impact Mitigation (PRBIM) Fund fees.
- Provide alternative direction to the City Manager.

Because of the amount of time that has elapsed since the City completed its Fee Study in 2016, Staff recommends that the beach area calculation be updated using the CCC recommended methodology of taking all available LiDAR data that is available for Solana Beach that has been generated between 2015-2018 which would include the results of six additional surveys. This information would be used to develop an updated 10-year Public Recreation Impact Fee Schedule (2019-2029). After 10 years, the Fee would be reevaluated with respect to changed conditions and the Fee could be adjusted as needed by the City Council after a public hearing. This action could be taken as part of any of the options discussed above. Should the Council adopt the Suggested Modifications, the updated beach area calculations and 10-year fee schedule could be submitted as a subsequent LUPA as recommended by the CCC.

A Notice of Public Hearing was published on November 1, 2018 in the San Diego Union Tribune announcing the public hearing to consider various options regarding the next steps / action items relative to the City's Fee Study and LUPA as modified by the CCC. The Public Hearing notice was also mailed to known stakeholders (Attachment 6) on November 1, 2018.

Depending on the Option selected by the City Council, City Staff will finalize Resolution 2018-140 (Attachment 1) to implement the direction of the City Council.

The Solana Beach Fee Study, Technical Appendices and LUPA remain available for review and are posted on the City's website at www.ci-solana-beach.ca.us. Copies are also available at City Hall and the Solana Beach Public Library.

CEQA COMPLIANCE STATEMENT:

The Public Recreation Impact Fee Study was a required element of the City's certified LCP LUP. Preparation and adoption of a LCP, or an amendment thereto, is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15265. The LCP process is exempt because the criteria under the Coastal Act are the functional equivalent of the EIR process. See Santa Barbara County Flower & Nursery Growers Association v. County of Santa Barbara, 121 Cal. App. 4th 864, 872 (2004).

FISCAL IMPACT:

The City utilized a \$120,000 LCP Planning Grant from the CCC to complete the update to the City's Public Recreation Impact Fee Study in 2016. Additional analysis would be required to recalculate the appropriate fees for the next 10 years 2019-2029 using the CCC methodology/modified approach and updated variables for beach area and percent wages. The cost is estimated to be approximately \$5,000. Any fees collected pursuant to the Public Recreation Fee would be expended by the City for the purposes described in LCP LUP Policy 4.51.

WORK PLAN:

Completion of the updated Public Recreation Impact Fee Study and submittal to the CCC supported a Key City priority identified in Community Character Item #2 in the FY 18/19 Work Plan. Adoption of the fee supports continued commitment to obtaining and implementing a fully Certified LCP in the FY18/19 Work Plan.

OPTIONS:

1. Adopt all CCC "Suggested Modifications" on the City's Fee Study and LUPA as modified by the CCC on May 11, 2017 and adopt Resolution 2018-140.
2. Reject CCC "Suggested Modifications" on the City's Fee Study and LUPA and move forward with implementing the recommendations contained in the City's Fee Study and adopt Resolution 2018-140.

3. Take no action on the CCC approval and let it lapse. Continue to implement the City's current \$1,000/LF interim fee deposit for public recreation fees. No Council resolution is needed to implement this option.
4. Provide alternative direction to the City Manager which may include modifying or combining elements of one or more of the Options listed above as desired by the City Council.

DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council conduct the public hearing and provide direction on the options specified above.

CITY MANAGER'S RECOMMENDATION:

Approve Department Recommendation.



Gregory Wade, City Manager

Attachments:

1. Resolution 2018-140
2. CCC Staff Report
3. CCC Staff Report Addendum dated May 4, 2017
4. CCC Staff Report Second Addendum dated May 10, 2017
5. City of Solana Beach Letter to CCC dated May 9, 2017
6. CCC Certification Letter dated May 24, 2017

RESOLUTION NO. 2018-140

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, REGARDING COUNCIL DIRECTION ON THE CITY'S PUBLIC RECREATION IMPACT FEE STUDY AND LOCAL COASTAL PROGRAM LAND USE AMENDMENT AS MODIFIED AND APPROVED BY THE CALIFORNIA COASTAL COMMISSION ON MAY 11, 2017

WHEREAS, the City Council of the City of Solana Beach has a Certified Local Coastal Program (LCP) Land Use Plan (LUP) that reflects the long-term policy goals of the City Council; and

WHEREAS, the City LCP will consist of (1) the Certified Land Use Plan (LUP) plus any amendments thereto and (2) the Local Implementation Plan (LIP) (i.e., the implementing zoning ordinances and maps) which together meet the Coastal Act requirements and implement its provisions and policies within the City; and,

WHEREAS, the California Coastal Commission provided the City of Solana Beach with an LCP Planning Grant in the amount of \$120,000 for the purpose of updating the draft 2010 Public Recreation Fee Study (Fee Study) and preparing a related LUP Amendment that was submitted to the CCC for processing on April 29, 2016; and

WHEREAS, the Fee Study update is needed to incorporate and reflect the policies contained in the Certified LUP and to incorporate applicable public comments and suggestions received in the 2010 draft Fee Study; and

WHEREAS, the first public outreach meeting on the Fee Study update was held on September 23, 2014 and a second public workshop was held on January 12, 2016; and

WHEREAS, the Draft Fee Study update was completed and was issued for a 66-day public review and comment period that started on November 18, 2015 and ended on January 22, 2016; and

WHEREAS, following the close of the first public review and comment period on the November 2015 Fee Study, an informational update was presented to the Council on February 10, 2016 on the progress of the Fee Study update, including the status of the responses to comments and preparation of a revised Draft Fee Study and related LCP LUP Amendment (LUPA); and

WHEREAS, the City reviewed and considered all input provided by the public in response to the public review and comment period on the Draft Fee Study; and

WHEREAS, some of the public comments on the Draft Fee Study raised issues that required additional research and analysis resulting in changes to some of the Draft Fee Study assumptions, variables and recommendations; and

WHEREAS, at a public hearing before the Council on February 24, 2016, City Staff presented a revised Draft Fee Study containing an analysis of the changes in assumptions and recommendations made in response to public comments received on the November 2015 Draft Fee Study; and

WHEREAS, a revised Draft Fee Study was prepared in February 2016 reflecting the changes made to the document since the November 2015 Draft Fee Study was issued and the City conducted an additional public hearing on February 24, 2016 to commence an additional 6 week public review and comment period from February 24, 2016 through April 7, 2016 on the revised Fee Study; and

WHEREAS, a Local Coastal Program Land Use Plan Amendment (LUPA) was prepared to implement the recommendations of the City's revised Draft Fee Study under the terms of the LCP Planning Grant; and

WHEREAS, a Public Hearing Notice and Notice of Availability for the revised Draft Fee Study and Land Use Plan Amendment was issued and was distributed to a mailing list which was included as an Attachment in the Staff Report; and the Public Notice was published in the San Diego Union Tribune on April 1, 2016, and posted on the City's website (www.CityofSolanaBeach.org), sent via e-Blast to a City distribution list and posted out front in the kiosk at City Hall; and

WHEREAS, following the six-week public review period and second public hearing before the Solana Beach City Council on April 13, 2016 on the 2016 revised Draft Fee Study and LUPA, the Fee Study and LUPA were submitted to the CCC for processing and formal consideration per Council Resolution 2016-039; and

WHEREAS, the California Coastal Commission (CCC) substantively modified key variables on which the City's Fee Study recommendations and content of the LUPA were based at a public hearing on May 11, 2017; and

WHEREAS, the City had six months (until November 11, 2017) to take action on the CCC approval;

WHEREAS, on November 11, 2017 the City Council adopted Resolution 2017-156 formally requesting an extension of the CCC Fee Study approval through November 13, 2018 and proceeding with Geographic Segmentation of the LCP for purposes of development of the IP; and

WHEREAS, the Options before the Council include:

- A. Adopt all CCC "Suggested Modifications" on the City's Fee Study and LUPA as modified by the CCC on May 11, 2017 and adopt Resolution 2018-140.
- B. Reject CCC "Suggested Modifications" on the City's Fee Study and LUPA and move forward with implementing the recommendations contained in the City's Fee Study and adopt Resolution 2018-140.
- C. Take no action on the CCC approval and let it lapse. Continue to implement the City's current \$1,000/LF interim fee deposit for public recreation fees. No Council resolution is needed to implement this option.
- D. Provide alternative direction to the City Manager which may include modifying or combining elements of one or more of the Options listed above as desired by the City Council; and

WHEREAS, at a Public Hearing on November 13, 2018, the City Council directed the City Manager to proceed with Option ____ from the preceding list.

NOW THEREFORE, the City Council of the City of Solana Beach, California does resolve as follows:

1. That the foregoing recitations are true and correct.
2. The completion of the updated Fee Study was a required element of the City's certified LCP LUP. The City met its policy obligations under the City's LCP LUP as well as the terms of the CCC LCP Planning Grant by completing the Fee Study/LUPA and submitting it to the CCC on April 29, 2016 consistent with the terms of the Grant.
3. The preparation and adoption of a LCP, or an amendment thereto, is statutorily exempt from CEQA per CEQA Guidelines Section 15265. The LCP process is exempt because the criteria under the Coastal Act are the functional equivalent of the EIR process. See Santa Barbara County Flower & Nursery Growers Association v. County of Santa Barbara, 121 Cal. App. 4th 864, 872 (2004). LCP/LUP project exempt from the California Environmental Quality Act pursuant to Section 15265 of the State CEQA Guidelines
4. The City Council hereby makes the following Findings:
 - a. The City's LCP's consists of (1) the adopted Land Use Plan (LUP) and a future (2) the Local Implementation Plan (LIP) which together meet the Coastal Act requirements and implement its provisions and policies within the City.
 - b. The City's LCP/LUP will be implemented in a manner fully consistent with the Coastal Act.

- c. The LIP will consist of specific sections within the Solana Beach Municipal Code and maps that describe actions, which carry out provisions of the LCP/LUP and Coastal Act policies.
 - d. In order for the City's LCP/LUP to take full force and effect, a future public hearing on the LIP will be required.
5. The City adopts this Resolution in accordance with the provisions of the Coastal Act Public Resources Code (PRC) Sections 30510(a) and 30514(a), and Sections 13544.5 and 13551(b) of Title 14 of the California Code of Regulations.

PASSED AND ADOPTED this 13th day of November 2018, at a special meeting of the City Council of the City of Solana Beach, California by the following vote:

AYES: Councilmembers –
NOES: Councilmembers –
ABSENT: Councilmembers –
ABSTAIN: Councilmembers –

DAVID A. ZITO, Mayor

APPROVED AS TO FORM:

ATTEST:

JOHANNA CANLAS, City Attorney

ANGELA IVEY, City Clerk

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 767-2370



April 28, 2017

Th 17d**TO: COMMISSIONERS AND INTERESTED PERSONS****FROM: KARL SCHWING, DEPUTY DIRECTOR, SD COAST DISTRICT
GABRIEL BUHR, COASTAL PROGRAM MANAGER, SD COAST DISTRICT
ERIC STEVENS, COASTAL PROGRAM ANALYST, SD COAST DISTRICT****SUBJECT: STAFF RECOMMENDATION ON CITY OF SOLANA BEACH
MAJOR AMENDMENT LCP-6-SOL-16-0020-1 for Commission
Meeting of May 11, 2017****SYNOPSIS**

The subject land use plan amendment was submitted and filed as complete on April 29, 2016. The Commission granted a one-year time extension on July 13, 2016. As such, the last date for Commission action on this item is July 13, 2017. This staff report addresses the entire submittal.

The subject submittal consists of amendments to only the Land Use Plan portion of the City's LCP. Future certification of an Implementation Plan will be required to fully certify the City's LCP.

SUMMARY OF LUP AMENDMENT

When bluff and shoreline armoring (herein 'bluff retention devices') are built along the coastline, they have impacts on public access and recreation in the form of lost sandy material that would have otherwise contributed to beach formation and the loss of public recreational opportunities that occur through direct and indirect loss of beach area that would have formed as erosion (usually of bluffs) moves inland. The Commission has sought to address these impacts, in part, by charging applicants an in-lieu fee that best captures the monetary costs borne to the public over the period of time the bluff retention device is present and to use those fees in ways that offset the impacts. The method for calculating a fee to offset impacts due to loss of sand has been widely accepted and is not the focus of this amendment. However, the method for calculating a fee for the impact to public recreation (i.e. Public Recreation Fee) varies widely and has required ongoing study. The City of Solana Beach has developed a mitigation methodology, which it is proposing to incorporate into its certified LUP through this amendment.

The Land Use Plan (LUP) Amendment #LCP-6-SOL-16-0020-1 (Public Recreation Fee), as proposed by the City, would amend one policy of Chapter 4 (Hazards and Shoreline/Bluff Development) of the certified LUP and would add a new appendix to the

LUP. In addition, the City's Public Recreation Fee Study and its appendices are proposed to be incorporated by reference.

The City proposes to modify LUP Hazards & Shoreline/Bluff Development Policy 4.50. Policy 4.50 currently requires that applicants provide reasonable and feasible Sand Mitigation Fees and Public Recreation Fees to mitigate for impacts resulting from bluff retention devices, including coastal structures and non-erodible seacave/notch infills. The Policy details the requirements for determining Sand Mitigation Fees and references Appendix A of the LUP, which includes the Commission's Sand Mitigation Fee Formula. In addition, Policy 4.50 explains that the Commission and City are developing a method for calculating a Public Recreation Fee and that until a public recreation mitigation fee method is approved, applicants are required to pay a \$1,000 per linear foot interim fee deposit to mitigate impacts to public recreation that result from coastal structures or non-erodible seacave/notch infills. In June of 2007, the City of Solana Beach adopted the interim in-lieu fee program (Ref. Resolution 2007-042, City of Solana Beach). The program was designed as "interim" until the City completes, and the Commission certifies as part of an LUP, an economic study that develops a more long-term way to determine impacts to public access and recreation from shoreline armoring. The Commission and the City began requiring the interim deposits in 2008, and it was included as a part of the City's LUP approved by the Commission in 2012. To date, 20 properties have been subject to the interim deposit and have paid a total of \$1,187,500 for a total of 1,187.5 linear ft. of coastal structures and non-erodible seacave/notch infills (Exhibit 1).

As proposed to be modified by the City, LUP Policy 4.50 would require applicants to pay a mitigation fee for public access and recreation impacts caused by bluff retention devices, consistent with the mitigation method proposed in this LUPA and detailed in a new Appendix C to be contained within the LUP. Appendix C, as proposed by the City, summarizes the proposed public recreation mitigation method, and includes a fee schedule to determine the required Public Recreation Fee to mitigate for impacts to public beach access and recreation that are expected to result from the construction of a coastal structure or non-erodible seacave/notch infill over a 20 year mitigation period. The City's public recreation mitigation method was derived using certain economic concepts that primarily depend on 1) choice of a proxy, or 'stand-in', for recreational value of the beach per visitor per day (also called the beach day use value), 2) estimated numbers of beach visitors annually, and 3) the area of beach impacted by shoreline armoring. The day use value was estimated using surveys that assessed the amount of time visitors spent traveling to get to and from the beach and the estimated cost of travel (including time value based on income). The City calculated the seasonal beach day use value per person per day for Solana Beach to be \$19.25 (2016 dollars) in the summer and \$14.76 (2016 dollars) in the winter. This number was then multiplied by the estimated total number of adult visitors to the beach per year to derive the annual recreational value of the entire beach. The value of the City's Junior Lifeguard Program was then added to obtain the total estimated beach recreation value. Thus, the key variables that the City used to calculate the Solana Beach annual recreational value are day use value and attendance:

$$\text{Annual Recreational Value (\$/yr)} = \text{Day Use Value (\$/person)} \times \text{attendance (people/yr)} + \text{Jr. Lifeguard Program (\$)}$$

Since the City is using this annual recreation value to determine the loss in recreational value associated with loss of beach area, another key variable for the Public Recreation Fee calculations is the size of the beach. Thus, the City's method divides its proxy for the annual recreational value by the size of the beach to get a dollar value per square foot of beach area. This metric allows valuation per square foot of beach lost due to a coastal structure or non-erodible seacave/notch infill.

$$\text{Annual Recreational Value per sq ft (\$/yr per sq ft)} = \text{Annual Recreational Value (\$/yr)} / \text{Area of Solana Beach (sq ft)}$$

The Public Recreation Fee would then be applied in roughly the same manner as the Commission has done in the past in that the mitigation calculation is based on the direct encroachment by the bluff retention device (Encroachment loss) and beach area that would have formed due to passive erosion over a 20 year mitigation period (Passive erosion loss).

$$\text{Public Recreation Fee (\$/20 years)} = \text{Encroachment loss (\$)} + \text{Passive erosion loss (\$)}$$

When applying the City's assumptions for recreational value, attendance, and beach area, a standard 2 ft. wide 50 ft. long seawall built in 2016 would result in a Public Recreation Fee (Encroachment loss (\$) + Passive Erosion loss (\$)) of approximately \$21,550 for the bluff retention device's initial 20 year mitigation period.

Exhibit 2 shows the City's proposed changes to LUP Policy 4.50. Exhibit 3 includes the City's proposed new Appendix C. Exhibit 4 includes links to the City's Public Recreation Fee Study and its appendices.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending the Commission deny the LUP amendment, as proposed, and to approve the LUP amendment with suggested modifications.

The City's LUP, as certified by the Commission, identifies the elements of a comprehensive shoreline management plan for the City of Solana Beach, which must include mitigation for impacts to public access and recreation resulting from the construction of bluff retention devices. The City's LUP amendment, as submitted, relates primarily to bluff retention devices constructed to provide protection for single family homes and condominium buildings along the shoreline in the City of Solana Beach.

In terms of an overview, the following modifications are needed to approve the LUP amendment consistent with the Chapter 3 policies of the Coastal Act. The majority of the suggested modifications are to the new proposed Appendix C (Public Recreation Fee). Appendix C describes how the Public Recreation Fee is calculated and also defines the primary assumptions of the mitigation method. The City's LUP amendment submittal

included their entire Fee Study along with extensive appendices. The City has proposed to incorporate the Fee Study into the LUP by reference. However, rather than modify the City's Fee Study directly to reflect the suggested modifications, staff proposes to introduce the following changes to the Appendix C methodology and instead incorporate the City's Fee Study itself as a substantive file document.

The outstanding issues and concerns are cited here, along with a brief summation of proposed modifications. Suggested Modifications 1-15 are to the new Appendix C. Suggested Modification 16 is to an existing Chapter 4 LUP policy and LUP text.

Suggested Modification #1:

- The size of the beach is one factor used in the calculation to determine the Public Recreation Fee. There have been at least 19 Light Detection and Ranging (LiDAR)¹ measurements of beach area in Solana Beach since 1997, of which the City has chosen 4 to average to determine beach area. Staff is recommending that beach area be determined based on averaging the entire 17 year/19 point LiDAR dataset, which results in a beach area of 15.2 acres in place of the 18.8 acre beach area as calculated by the City that was based on only two years of LiDAR data. Use of a smaller estimated beach area would increase the Recreation Mitigation Fee. Staff is also recommending that the City update this beach area calculation every ten years in order to determine if the average beach area has changed, and to incorporate any changes as an amendment to Appendix C of the LUP. Beaches are dynamic environments that can change in size in a relatively short period of time. Thus, using only four data points does not provide the best estimate of beach area. Instead, beach area should be determined using as much of the available beach width and beach area data as possible.

Suggested Modification #2:

- Staff is recommending that a 67% wage rate be used to determine the beach day use value in place of the 33% wage rate proposed by the City. The travel cost method assigns a monetary value to the time a person spends traveling to the beach and this is normally based upon a percentage of the person's salary or hourly wage and it is a key factor in calculating the proxy value of a day at the beach. If a 67% wage rate is used, for a typical 2 ft. wide, 50 ft. long seawall, a property owner would be required to pay a Recreation Mitigation Fee of \$42,100² for the initial 20-year mitigation period. In contrast, if the 33% wage rate

¹ LiDAR, which stands for *Light Detection and Ranging*, is a remote sensing method that uses light in the form of a pulsed laser to measure ranges (variable distances) to the Earth. These light pulses—combined with other data recorded by the airborne system - generate precise, three-dimensional information about the shape of the Earth and its surface characteristics. LiDAR has been an accepted method for acquiring topographic data for large areas of land for several decades and both the State of California and NOAA have been supporting the acquisition and archiving of LiDAR data for the San Diego area since 1997.

² This amount incorporates the suggested modification in this staff report related to beach width. If the larger beach width proposed by the City is used to calculate the fee, it would be reduced to \$34,050.

proposed by the City is used, for typical 2 ft. wide, 50 ft. long seawall, a property owner would be required to pay a Recreation Mitigation Fee of \$26,780³ for the initial 20-year mitigation period. Relying on a lower wage rate has greater potential to underestimate beach value and this is reinforced by comparisons to other economic studies on beach value in Southern California. In the future, this day use value may be required to be updated to reflect current practices or new information.

Suggested Modification #3:

- Staff is recommending that Table 1 in Appendix C, which details the Initial Area Rate and the Bluff Retreat Rate for bluff retention devices constructed between 2016 and 2026, be updated to reflect the Commission's suggested modifications to the beach day use value and to the estimated beach area.

Suggested Modification #4:

- Beach attendance is used to determine the annual recreational value of the beach. The City is not proposing to update beach attendance. Staff is recommending that every ten years, the City shall adjust the beach attendance based on either available population growth estimates or through an updated attendance survey. Staff is also recommending that the City incorporate any changes to the attendance as an amendment to Appendix C of the LUP. Regular updates to beach attendance are necessary in order to ensure that attendance figures continue to accurately reflect beach use in the future.

Suggested Modification #5:

- Staff is recommending that the City update the annual recreational value for the entire beach and annual recreational value per square foot of the beach every ten years if there are changes in attendance or beach area estimates, respectively, and incorporate any changes as an amendment to Appendix C of the LUP.

Suggested Modification #6:

- Staff is recommending that any change to the erosion rate in the future be incorporated as an LUP amendment as it would impact the calculation of the Sand Mitigation Fee and Public Recreation Fee, and that Appendix C be updated accordingly. Policy 4.51 of the certified LUP already requires that the City review the erosion rate at least every ten years and more often if warranted by physical circumstances, including large scale sand replenishment projects and changes in sea level and this suggested modification would memorialize those updates into Appendix C of the LUP.

³ This amount incorporates the suggested modification in this staff report related to beach width. If the larger beach width proposed by the City is used to calculate the fee, it would be reduced to \$21,550.

Suggested Modification #7:

- The City is proposing to give a credit to shoreline property owners (i.e. reduce the public recreation fee) where a quantifiable public safety benefit arises from construction of a bluff retention device. Staff is recommending elimination of these mitigation offsets or reductions for bluff retention devices whose primary purpose is the protection of private property, and that Appendix C be updated accordingly. The Commission does not agree that bluff retention devices provide any quantifiable public safety benefit, and therefore, reductions to the required recreation mitigation based on the theory that bluff retention devices reduce the number of beach fatalities is not appropriate. Bluff retention devices could have the opposite effect by creating a more narrow concrete backed beach that that doesn't allow beach users to escape from high tides or large waves resulting in increased hazardous conditions for users.

Suggested Modification #8:

- The City is proposing to monitor the citywide erosion rate every 10 years and to either provide a credit for overpayment if the erosion rate was lower than expected or require additional payment if the erosion rate was higher than expected. Credits or additional payments would be factored into the next mitigation term payment. Staff recommends the Commission prohibit retroactive adjustments to project specific Public Recreation Fees (excluding the \$1,000 per linear foot interim fee deposits), and that Appendix C be updated accordingly. After-the-fact adjustments to Public Recreation Fee amounts would increase uncertainty for permittees, the City, and the Commission. Furthermore, erosion estimates are based on long term averages and adjustments and should not be based on a comparatively shorter time scale.

Suggested Modification #9:

- The City is proposing to use the public recreation fees for both coastal and inland projects. Staff is recommending that all projects funded by the Public Recreation Fee be located directly along the coast and that the projects result in direct improvements to public recreation and beach access, and that Appendix C be updated accordingly. Inland projects would not improve public access and recreation at the beach and would therefore not provide an adequate nexus to mitigate for the impacts of shoreline armoring.

Suggested Modification #10:

- The City's proposal requires mitigation if a seawall is built seaward of a seacave that is 8.2 feet deep, or deeper, as this was determined to be 'imminently' threatened by collapse. Staff is recommending that the entire area of any notch or

seacave of any depth located landward of a bluff retention device be included in the Public Recreation Fee calculations, and that Appendix C be updated accordingly. When the lower sea cliff is undercut by one or more feet (i.e. notches/seacaves have formed), it commonly fails in blocks. Thus recreation mitigation for the area of notches/seacaves located landward of proposed bluff retention devices is appropriate as collapse of these voids is how additional public beach area is formed.

Suggested Modification #11:

- The City's proposal does not address whether mitigation is required for existing infilled seacaves or notches. Infills approved over the past 15+ years have been filled with 'erodible concrete', some have paid sand mitigation, but none paid public access mitigation. Staff is recommending that the area of any previously infilled notch or seacave, which was constructed with erodible concrete, located landward of a coastal structure or non-erodible seacave/notch infill be included in the Public Recreation Fee calculations, and that Appendix C be updated accordingly. The Commission has approved numerous erodible concrete notch/seacave infills in Solana Beach and, consistent with the City's certified LUP, did not require payment of the interim recreation mitigation fee because the infills were designed to erode at the same rate as the natural bluff and did not fix the back of the beach. However, if a bluff retention device is proposed to be constructed seaward of an erodible concrete notch/seacave infill, the infill will no longer be subject to erosion and will result in the same impacts to the coastal beach as a non-erodible notch/seacave infill.

Suggested Modification #12:

- Staff is recommending that in situations where a property owner proposes to infill a notch or seacave with non-erodible concrete separate from an associated seawall or other bluff retention device, that the Public Recreation Fee for the area of the infill and expected passive erosion will be required, and that Appendix C be updated accordingly. Requiring recreation mitigation only for the initial encroachment of a non-erodible notch/seacave infill would not adequately mitigate for the public beach access impacts. Thus, mitigation must account for the area of beach that would have otherwise formed in the future due to landward passive erosion were the infill not constructed.

Suggested Modification #13:

- Staff is recommending that the Public Recreation Fee be calculated by the decision making entity (either the City or the Commission) for the Coastal Development Permit at the time of that action, and that Appendix C be updated accordingly. Until such time that the Commission certifies the City's Implementation Plan, the Commission will continue to issue all of the Coastal

Development Permits for bluff retention devices in Solana Beach. Once a LCP is certified, the City will take over permitting for bluff retention devices located landward of the mean high tide line, while the Commission will retain permitting authority for any development proposed to be located seaward of the mean high tide.

Suggested Modification #14:

- The City is proposing to allow mitigation fees to be paid over time through a payment plan. Staff is recommending that the Public Recreation Fee be paid in full prior to issuance of the Coastal Development Permit that approved the bluff retention device and that the mitigation period begin at the building permit completion date, and that Appendix C be updated accordingly. Payment of Public Recreation Fees prior to issuance of the Coastal Development Permit rather than on a payment plan will simplify the mitigation calculation, will reduce potential enforcement issues, and will result in Public Recreation Fees being available sooner to fund beach access and recreation projects. Commencing the mitigation period from the building permit completion date is consistent with the policies of the LUP.

Suggested Modification #15:

- Staff is recommending that language be included to clarify that Public Recreation mitigation continues for subsequent mitigation periods, and that Appendix C be updated accordingly. The City's certified LUP requires that mitigation for impacts to public access and recreation resulting from the construction of a bluff retention device be assessed in 20-year increments. It includes fees for the total loss of beach area that would otherwise have been available as public beach area during the initial mitigation period. Recreation Mitigation is based on the value of beach per year that would otherwise be available to the public through natural erosion processes, and these impacts continue to occur for as long as a bluff retention device remains in place. As an example, during the first 20 year mitigation period, the impacted area subject to mitigation includes the area beneath and landward of the bluff retention device that would have formed as public beach through erosion over the first 20 years. During the second 20 year mitigation period, the impacted area subject to mitigation includes the area beneath and landward of the bluff retention device that would have been available as public beach through erosion over the first 40 years. The requirement for ongoing mitigation will continue until the bluff retention device has been removed.

Suggested Modification #16:

- Staff suggests that Policy 4.50, as proposed by the City, be modified to remove reference to specific mitigation amounts from Table 1 of Appendix C, as the table

is proposed to be changed through suggested modifications by staff and also because Table 1 will be updated over time, which would necessitate further changes to Policy 4.50 in the future. In addition, staff suggests that Policy 4.50 not reference the City's Recreation Fee Study, as suggested modifications by staff recommend that the Fee Study not be incorporated into the LUP and instead that the Fee Study be a substantive file document. Staff also suggests that references to the continued use of the interim recreation mitigation program and the 18 month deadline to complete the recreation mitigation methodology be deleted, as neither issue will be applicable following approval of the subject LUP amendment.

Staff suggests that pages 15 and 16 of Chapter 4 of the LUP be modified to remove similar references to the 2010 draft recreation mitigation methodology fee study, the interim recreation mitigation program, and the 18 month deadline to complete the recreation mitigation methodology. In addition, staff suggests that language be added to clarify that mitigation for impacts to ecological and other relevant coastal resources that result from the construction of bluff retention devices are not included in the recreation mitigation fee and identify that the City's LUP shall be updated once an accepted approach on how to calculate these fees has been developed by the Commission. Staff also suggests that the language related to the need for an encroachment agreement be updated to clarify that encroachment agreements are only required for bluff retention devices constructed on public land owned by the City.

The suggested modifications by staff do not fundamentally change the process proposed by the City for determining the recreation mitigation, and instead are intended to provide added clarity for determining mitigation fees. If all the suggested modifications are approved by the Commission and adopted by the City, for a standard 2 ft. wide 50 ft. long seawall, the resulting mitigation fee (Encroachment loss (\$) and Passive Erosion loss (\$)) for a seawall built in 2016 would be \$42,100 for the coastal structure's initial 20 year mitigation period, compared to the \$21,550 fee that would be calculated as originally proposed by the City. This new figure is based on a beach value that is on the very low end, but still much closer to the values calculated for beach use at other southern California beaches. This fee would be in addition to the fee required to offset impacts resulting from sand loss, which is separately assessed.

The appropriate resolutions and motions begin on page XX. The suggested modifications begin on page XX. The findings for denial of the Land Use Plan Amendment as submitted begin on page XX. The findings for approval of the Land Use Plan Amendment if modified begin on page XX.

ADDITIONAL INFORMATION

Further information on the Solana Beach Public Recreation Fee LUP amendment LCP-6-SOL-16-0020-1 may be obtained from Eric Stevens Coastal Planner, at (619) 767-2370.

PART I. OVERVIEW

A. LCP HISTORY AND SUBMITTAL

The City of Solana Beach is within the area that was originally covered by the County of San Diego, which included the north central coast areas of Solana Beach, Leucadia, Encinitas, Cardiff, and other unincorporated communities.

The County LCP Land Use Plan, which comprised approximately 11,000 acres, was approved by the San Diego Regional Coast Commission on March 13, 1981. Subsequently, on May 21, 1981, the State Commission certified the LUP with suggested modifications. After three resubmittals, the Commission certified the LUP on August 23, 1984. On September 26, 1984, the Commission certified, with suggested modifications, the Implementation Plan portion of the County's LCP. Subsequently, the County resubmitted for Commission review the Implementation Plan incorporating the Commission's previously suggested modifications, with the exception of that portion of the plan dealing with the coastal bluff areas. On November 22, 1985, the Commission voted to certify the Implementation Plan for the County, except for coastal bluff lots affected by the Coastal Development Area Regulations, where certification was deferred.

On July 1, 1986 and October 1, 1986, the Cities of Solana Beach and Encinitas incorporated, reducing the remaining incorporated area of the County within the coastal zone to less than 2,000 acres. Because of these incorporations, the County indicated that it did not plan to assume coastal permit-issuing authority for the remaining acreage, and the County LCP never became "effectively certified." However, the County LCP (LCP-6-SDC-17-0015-1) is scheduled to be considered by the Commission in May 2017.

The Commission, Commission staff, and the City of Solana Beach then collaborated to develop a Land Use plan for over a decade. At the Commission meeting of March 7, 2012, the Commission reviewed the City of Solana Beach LUP. In its action, the Commission denied as submitted, then approved the land use plan with suggested modifications that cover a broad range of topics, and include such things as standards for bluff top development, additional definitions, clarifications in language to ensure protection for visitor-serving commercial uses, overnight accommodations, environmentally sensitive habitat, visual resources, water quality, and shoreline sand supply. The LUP includes a comprehensive set of policies that address proposals for improvements to and redevelopment of the existing homes located along the blufftop, including long-term shoreline and blufftop development standards that deter the complete armoring and hardening of the City's bluffs, require alternatives analysis and site reassessment when considering any approval or reauthorization of lower, mid or upper bluff retention devices; restrict additions and improvements to non-conforming structures that perpetuate an inappropriate line of development in a hazardous location; and clarify what legitimate repair/maintenance activities can continue on non-conforming blufftop residences. Revised findings were adopted by the Commission on June 14, 2012.

The Land Use Plan was subsequently adopted by the Solana Beach City Council on February 27, 2013 with all of the suggested modifications approved by the Commission.

The Solana Beach City Council then approved an amendment to the Land Use Plan at a hearing on May 22, 2013, which was then approved by the Commission with modifications on January 9, 2014 (Ref: LCPA SOL-MAJ-1-13). The Land Use Plan amendment was subsequently adopted by the Solana Beach City Council on June 11, 2014 with all of the suggested modifications approved by the Commission.

The current submittal is entitled Submittal of the Public Recreation and Impact Fee Study and Local Coastal Program Land Use Plan Amendment per CCC LCP Planning Grant #13-11, and dated April 29, 2016.

The City has been working to develop a method to mitigate for the impacts that coastal structures and non-erodible seacave/notch infills have on public access and recreation since 2007. In 2010, the City released a draft Fee Study for public review and comment. Commission staff and various other stakeholders provided comments on this 2010 report. However, at that time, the City chose to put further development of the Fee Study on hold in order to focus on completion of the LUP. Policy 4.50 of the LUP required that the City complete a methodology to mitigate for the impacts that coastal structures and non-erodible seacave/notch infills have on public access within 18 months of certification of the LUP.

In January 2014, the Commission awarded the City a \$120,000 grant to complete the mitigation method, which required that the City submit an updated Fee Study and an LUP amendment to the Commission. The grant required that the City review, and update as necessary, the methodology for calculating recreation mitigation fees for bluff retention devices the draft Fee Study that was prepared in 2010. In addition, the grant required that the City coordinate with Commission staff and other stakeholders. Commission staff provided multiple comment letters during the review period, which are included as Exhibit 5.

On February 24, 2016 the City held a public workshop on the Fee Study and the City Council released the updated draft Fee Study for public comment. On April 13, 2016, the City Council approved the Fee Study and an associated LUP amendment with no substantive changes from the February 2016 version (Ref: Resolution 2016-039, Exhibit 6). On April 29, 2016, the City of Solana Beach Local Coastal Program (LCP) Amendment No. LCP-6-SOL-16-0020-1 was filed in the San Diego District office. On July 13, 2016, the Commission approved a one-year time extension to allow sufficient time to adequately review the amendment and prepare a recommendation. Given the complexity and statewide significance of this beach recreation valuation effort, additional time was necessary to prepare a thorough analysis. The Commission must take action on this LUP amendment prior to July 13, 2017.

B. STANDARD OF REVIEW

The standard of review for land use plans, or their amendments, is found in Section 30512 of the Coastal Act. This section requires the Commission to certify an LUP or LUP amendment if it finds that it meets the requirements of Chapter 3 of the Coastal Act. Specifically, it states:

Section 30512

(c) The Commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200). Except as provided in paragraph (1) of subdivision (a), a decision to certify shall require a majority vote of the appointed membership of the Commission.

C. PUBLIC PARTICIPATION

The City has held Planning Commission and City Council meetings with regard to the subject amendment request. All of those local hearings were duly noticed to the public. Notice of the subject amendment has been distributed to all known interested parties.

PART II. LOCAL COASTAL PROGRAM SUBMITTAL - RESOLUTIONS

Following a public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and a staff recommendation are provided just prior to each resolution.

- I. MOTION:** *I move that the Commission certify the Land Use Plan Amendment LCP-6-SOL-16-0020-1 for the City of Solana Beach as submitted.*

STAFF RECOMMENDATION OF DENIAL OF CERTIFICATION:

Staff recommends a **NO** vote on the motion. Failure of this motion will result in denial of the land use plan amendment as resubmitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

RESOLUTION TO DENY CERTIFICATION OF LAND USE PLAN AMENDMENT AS SUBMITTED:

The Commission hereby denies certification of the Land Use Plan Amendment for the City of Solana Beach as submitted and finds for the reasons discussed below that the submitted Land Use Plan Amendment fails to meet the requirements of and does not conform to the policies of Chapter 3 of the California Coastal Act. Certification of the

plan would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures that would substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.

II. MOTION: *I move that the Commission certify the Land Use Plan Amendment LCP-6-SOL-16-0020-1 for the City of Solana Beach if modified in accordance with the suggested modifications set forth in the staff report.*

STAFF RECOMMENDATION TO CERTIFY IF MODIFIED:

Staff recommends a **YES** vote on the motion. Passage of the motion will result in certification with suggested modifications of the submitted land use plan amendment and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

RESOLUTION TO CERTIFY SUBMITTED LAND USE PLAN AMENDMENT WITH SUGGESTED MODIFICATIONS:

The Commission hereby certifies the Land Use Plan Amendment LCP-6-SOL-16-0020-1 for the City of Solana Beach and finds for the reasons discussed herein that, if modified as suggested below, the Land Use Plan Amendment will meet the requirements of and conform to the policies of Chapter 3 of the California Coastal Act. Certification of the plan if modified as suggested below complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.

PART III. SUGGESTED MODIFICATIONS

Staff recommends the following suggested modifications to the proposed Land Use Plan amendment be adopted.

The underline text below represents language that the Commission suggests be added, and the strikethrough text represents language which the Commission suggests be deleted. In order to clarify the modifications proposed by staff, the text below shows changes to LUP text as currently certified and does not incorporate the changes proposed by the City to Policy 4.50. The changes proposed by the City to Policy 4.50 are included as Exhibit 2 (the City did not propose any changes to the Chapter 4 LUP text on pages 15 or 16).

Suggested modifications to Policy 4.50:

Policy 4.50: *The bluff property owner shall pay for the cost of the coastal structure or Infill and pay a Sand Mitigation Fee and a Public Recreation Fee per LUP Policy 4.38. These mitigation fees are not intended to be duplicative with fees assessed by other agencies. It is anticipated the fees assessed as required by this LCP will be in conjunction with, and not duplicative of, the mitigation fees typically assessed by the CCC and the CSLC for impacts to coastal resources from shoreline protective devices.*

[...]

Public Recreation Fee – ~~Similar to the methodology established by the CCC for the sand mitigation fee, the~~ The City and the CCC are have developed developing a methodology for calculating a statewide public recreation fee Public Recreation Fee for the City of Solana Beach. To assist in the effort, the City has shared the results of their draft study with the CCC to support their development of a uniform statewide Public Recreation / Land Lease Fee. Until such time as an approved methodology for determining this fee has been established, and the methodology and payment program has been incorporated into the LCP through an LCP amendment, the City will collect a \$1,000 per linear foot interim fee deposit. In the interim period, CCC will evaluate each project on a site specific basis to determine impacts to public access and recreation, and additional mitigation may be required. The City shall complete its public recreation/land lease fee study within 18 months of effective certification of the LUP. To mitigate for impacts to public access and recreation resulting from loss of beach area, for all development involving construction of a Public Access and Recreation Fee shall be collected by the City which shall be deposited in an interest-bearing account designated by the City Manager of Solana Beach in-lieu of providing beach area to replace the public access and coastal recreation benefits that would be lost due to the impacts of any proposed protective structure. The method used to determine the appropriate mitigation fee has been approved by the CCC and is contained in LUP Appendix C. The funds shall solely be used to implement projects which augment and enhance public access and coastal recreation along the shoreline, not to fund other public operations, maintenance or planning studies.

Project applicants have the option of proposing a public recreation/access project in lieu of payment of Public Recreation Fees ~~(or interim deposits)~~ to the City. At the City's discretion, these projects may be accepted if it can be demonstrated that they would provide a directly-related recreation and/or access benefit to the general public.

Public Recreation Fees must be expended for public access and public recreation improvements as a first priority and for sand replenishment and retention as secondary priorities where an analysis done by the City determines that there are no near-term, priority public recreation or public access CIP identified by the City

where the money could be allocated. The Public Recreation funds shall be released for secondary priorities only upon written approval of an appropriate project by the City Council and the Executive Director of the Coastal Commission.

Suggested modifications to the last paragraph on Page 15 and the first Paragraph on Page 16 of Chapter 4 of the LUP:

~~*In April 2010, the City completed a draft fee study and conducted a public hearing on the fee study to determine the amount of fees that maybe appropriately assessed as mitigation for the potential adverse effects on public recreation and public lands resulting from placing a bluff retention device on a public beach. The City received a substantial number of comments on the fee study from local stakeholders including property owners, surfers and CCC staff and the fee study remains a draft. Because this is a statewide issue, the City will provide this draft study and the data developed by the City to the CCC. The City will coordinate with the CCC and other state regulatory entities in developing a uniform statewide Public Recreation / Land Lease Fee.*~~

Based on the October 2010 MHTL survey, the land on which bluff retention devices are proposed to be located may include public lands owned by the State of California, the City of Solana Beach or both. In addition, the location of the MHTL is constantly changing. For all development involving construction of a bluff retention device, a Public Recreation Fee shall be collected by the City which shall be deposited in an interest-bearing account designated by the City Manager of Solana Beach in lieu of providing beach area to replace the public access and coastal recreation benefits that would be lost due to the impacts of any proposed protective structure. The method used to determine the appropriate mitigation fee has been approved by the CCC and is contained in LUP Appendix C. Mitigation for impacts to ecological and other relevant coastal resource impacts that result from the construction of bluff retention devices are not included in this public recreation fee and the City's LUP shall be updated once an accepted approach on how to calculate these fees has been developed by the Commission. ~~The City is collecting a \$1,000 per linear foot fee deposit to be applied towards a future Public Recreation/Land Lease Fee. Therefore, until such time as a final Public Recreation /Land Lease Fee is adopted by the City following Coastal Commission approval of such a payment and certification of an LUP amendment adding to the City's LCP, the City will continue to impose an interim fee deposit in the amount of \$1,000 per linear foot to be applied as a credit toward the Public Recreation /Land Lease Fee. The City shall complete its Public Recreation/Land Lease fee study within 18 months of effective certification of the LUP. In association with approval of any bluff retention device located landward of the MHTL and on public land, the City shall also require an encroachment/removal agreement to be renewed at least every 20 years. Additional mitigation for impacts to public access and recreation may also be required through site-specific review and approval of the coastal development permit.~~

Staff is recommending that Appendix C be replaced in its entirety as shown below. A strike-out/underline version of Appendix C is contained in Exhibit 7.

PUBLIC RECREATION IMPACT MITIGATION FEE (APPENDIX C)

In conformance with the Certified City of Solana Beach Local Coastal Program (LCP) Land Use Plan (LUP) Policy 4.50, Bluff Property Owners who construct Bluff Retention Devices shall pay the City a Public Recreation Impact Fee (may also be referred to as Public Recreation Fee) consistent with this appendix. The Public Recreation Fee is separate and independent of the Sand Mitigation Fee detailed in Appendix A.

These mitigation fees are not intended to be duplicative with fees assessed by other agencies. It is anticipated the fees in this appendix would be assessed as required by this LCP and shall be in conjunction with the mitigation fees typically assessed by the CCC and the CSLC for impacts to coastal recreation from Bluff Retention Devices.

The Public Recreation Fee shall be calculated on a project-specific basis to ensure the mitigation fees are proportional to the impact being mitigated. Variables to be considered in determining the fee imposed shall depend on the impact to the beach area based upon (1) the specific physical configuration and footprint of the proposed Bluff Retention Device and (2) the presence of a seacave or notch of any depth that would be fronted by a Bluff Retention Device. The entire area of a seacave or notch located landward of the proposed Bluff Retention Device shall be considered imminently subject to failure and be included in the mitigation calculation. In addition, the area of any seacaves or notches that have been previously infilled with erodible concrete, located landward of the proposed bluff retention device, which are no longer allowed to erode as originally approved, shall be included in the mitigation calculation.

The Public Recreation Fee addresses impacts to the loss of recreation based upon the loss of beach area described below as (1) Initial Area and (2) theoretical 20-year Bluff Retreat Area. Table 1 identifies separate rates, to ensure proportionality between the impact and the mitigation fee to be applied to the Initial Area and Bluff Retreat Area. The fees address the impacts to public recreation for a 20-year period, consistent with the requirements of LUP Policies 4.49 and 4.53. At the end of each 20-year period, the bluff retention device shall either be removed or new fees shall be assessed. The use values in Table 1 were determined as follows:

- The proxy recreational use value per beach visitor per day (Day Use Value) for Solana Beach is \$32.33 in the summer months and \$19.09 in the non-summer months. In the future, this Day Use Value may be required to be updated to reflect current practices or new information.

- The City's useable beach area includes the area from the toe of the coastal bluff to mean sea level existing between the northern and southern City limits. Based on 19 LiDAR datasets collected between 1998 and 2015, the useable beach area in Solana Beach is presently calculated at 15.2 acres. The City shall determine if the beach area has changed every ten years and incorporate any changes as an amendment to the LUP.
- The average annual beach attendance in Solana Beach is estimated to be 134,817 adults per year. Children are not included in the attendance data because of the assumption that consumer surplus of children is captured in the adult consumer surplus use values. The attendance estimate is based on attendance counts undertaken by the City between July 2008 and July 2009 and expansion factors to account for the likelihood that some user groups were underrepresented in the original attendance counts due to the time of day that the original population counts were conducted. Every ten years, the City shall adjust the attendance based on available population growth estimates or through an updated attendance survey. The City shall incorporate any changes to the attendance as an amendment to the LUP.
- The annual use value of the beach within the City is \$4,715,843 and is obtained by multiplying the Day Use Value by the number of adults that visit the beach annually and adding the value of the Junior Lifeguard Program, which is \$269,501. The City shall update the annual use value of the beach every ten years if there are changes to the beach area or attendance estimates and shall incorporate the change as an LUP amendment.
- The use value of one sq. ft. of beach was calculated to be \$6.06 in 2016 and is obtained by dividing the annual use value of the beach by the size of the beach.
- The Initial Area Rate in Table 1 represents the use value of one sq. ft. of beach area over a 20-year period and this use value is multiplied by the total area of encroachment of a Bluff Retention Device (Initial Area) to determine the fee. The use value is increased each year to reflect an estimated 2% Consumer Price Index (CPI). The use value is also subject to a 2% Present Value (PV), which offsets the CPI over the 20 year mitigation period. Table 1 shall be updated every ten years and any changes shall be incorporated as an amendment to the LUP.
- The Bluff Retreat Rate (Per Linear Ft.) in Table 1 is equal to one linear ft. (Bluff Retreat Length) multiplied by 20 years of estimated erosion multiplied by the use value of one sq. ft. of beach. It represents the use value of the expected beach area that would otherwise be available for public use through passive erosion if the Bluff Retention Device was not constructed. An erosion rate of 0.4 ft. per year is assumed between 2016 and 2025 and an erosion rate of 0.673 is assumed between the years 2026 and 2046. Any change to the estimated erosion rate will require an amendment to the certified LUP. The use value increases each year to reflect an estimated 2% CPI.

The Public Recreation Fee shall be imposed as a condition of approval on any Coastal Development Permit for a Bluff Retention Device, which does not propose comparable or greater project specific in-kind mitigation. The decision

making entity (Coastal Commission or City of Solana Beach) for the Coastal Development Permit shall calculate the Public Recreation Fee on a project-specific basis during the Coastal Development Permit approval process. The entire fee shall be submitted to the City prior to issuance of the Coastal Development Permit and shall be assessed in 20-year increments starting on the building permit completion certification date.

Seacave/notch infills that consist entirely of erodible concrete (see LUP Appendix B, Figure 1A) are exempt from both the Public Recreation Impact Fee and the Sand Mitigation Fee as allowed by the LUP, provided that the infills erode with the natural bluff and are maintained to do so and provided that a Bluff Retention Device is not constructed seaward of the infills. If monitoring of the infills reveals evidence that the back of the beach has been fixed, the Permittee shall submit a complete CDP amendment application to address the impacts from these changed circumstances. At such time, sand supply mitigation and public access and recreation mitigation shall be required.

LUP Policy 4.50 requires that Public Recreation Fees shall be expended for public beach access and public recreation as a first priority, and may be expended for sand replenishment and retention if the City determines that a near-term priority public recreation or public access project is not identified. All projects funded by the Public Recreation Fees shall be located directly along the coast and projects shall result in direct improvements to coastal recreation or beach access. As an alternative allowed by LUP Policy 4.50, project applicants have the option of proposing an in-kind public coastal recreation or beach access project in lieu of payment of Public Recreation Impact Fees to the City. At the City's discretion, project specific in-kind mitigation may be accepted if the applicant can demonstrate that the project would provide a comparable or greater coastal recreation or beach access benefit to the general public.

While a reduction or elimination of the required Public Recreation Fees may be considered for Bluff Retention Devices that protect public infrastructure, mitigation offsets or reductions to any required Public Recreation Fees for Bluff Retention Devices whose primary purpose is the protection of private property are prohibited. In addition, retroactive adjustments to Public Recreation Fees (excluding the \$1,000 per linear foot interim fee deposits), in the form of crediting overpayment of mitigation fees or adding underpayment of mitigation fees to future assessments based on observed bluff erosion, is prohibited.

Table 1 - Public Recreation Impact Mitigation Fee Schedule

Permit Year	Initial Area Rate (Per SF)	Bluff Retreat Rate (Per LF)
2016	\$121	\$600
2017	\$124	\$630
2018	\$126	\$662
2019	\$129	\$698
2020	\$131	\$737
2021	\$134	\$780
2022	\$136	\$825
2023	\$139	\$874
2024	\$142	\$926
2025	\$145	\$982
2026	\$148	\$1,044

The Total Public Recreation Impact Fee (PRF), for a 20-year period, shall equal the Initial Area multiplied by the Initial Area Rate plus the Bluff Retreat Length multiplied by the Bluff Retreat Rate for the Permit Year.

The formula to calculate the Total PRF =

(Initial Area x Initial Area Rate) + (Bluff Retreat Length x Bluff Retreat Rate)

Definitions:

Calculation of the PRF is based on the following terms which are defined / explained below.

Initial Area - The Initial Area shall be that Useable Beach Area that is occupied by a Bluff Retention Device measured as the width of the structure multiplied by the length of the structure plus the entire area of seacaves or notches located landward of a Bluff Retention Device and any area of seacaves or notches previously infilled with erodible concrete (which are no longer allowed to erode as originally approved).

Bluff Retreat Length - The Bluff Retreat Length shall be the length of the Bluff Retention Device measured along the bluff, measured in feet.

Initial Area Rate - The Initial Area Rate shall be the amount identified in Table 1, under the Column titled Initial Area Rate dependent on the Permit Year. The

Initial Area Rate is based on the value of one sq. ft. of beach area over a 20-year period.

Bluff Retreat Rate - The Bluff Retreat Rate shall be the amount identified in Table 1, under the Column titled Bluff Retreat Rate dependent on Permit Year. The Bluff Retreat Rate is based on a linear foot of Bluff Retention Device and incorporates the annual area impacted by the Bluff Retention Device estimated by the Erosion Rate over a 20-year period.

Total PRF – Means the Total Public Recreation Impact Fee, for a 20-year period as calculated by the above formula.

Permit Year - The year the wall is considered permitted (building permit completion certification date) as defined in the LCP LUP.

Useable Beach Area – That area of Solana Beach bound by the northern and southern city limits, the average width of the beach based on the distance between Mean Sea Level and the toe of coastal bluff and that may extend landward of the toe of coastal bluff.

Examples Scenarios (Using a 67% wage rate, 2008-2009 Attendance Figures, and a 15.2 Acre Beach):

Example 1: In the year 2016, construction of a typical 2 ft. wide by 50 ft. long seawall with no seacave/notch landward of proposed seawall.

$$\begin{aligned} \text{Initial Area} &= 2' \times 50' = 100 \text{ sq. ft.} \\ \text{Initial Area Rate} &= 100 \text{ sq. ft.} \times \$121 = \$12,100 \\ \text{Bluff Retreat Rate} &= 50 \text{ ft.} \times \$600 = \$30,000 \\ \text{PRF} &= \$12,100 + \$30,000 = \$42,100 \end{aligned}$$

$$\text{PRF} = ((2 \text{ ft.} \times 50 \text{ ft.}) \times \$121 \text{ per sq. ft.}) + (50 \text{ ft.} \times \$600 \text{ per linear ft.}) = \$42,100$$

Example 2: In the year 2016, construction of a typical 2 ft. wide by 50 ft. long seawall with a 10 ft. deep by 20 ft. long seacave/notch (which has not been previously infilled) landward of proposed seawall.

$$\text{PRF} = (((2 \text{ ft.} \times 50 \text{ ft.}) + (10 \text{ ft.} \times 20 \text{ ft.})) \times \$121 \text{ per sq. ft.}) + (50 \text{ ft.} \times \$600 \text{ per linear ft.}) = \$66,300$$

Example 3: In the year 2016, construction of a typical 2 ft. wide by 50 ft. long seawall with a 2 ft. deep by 20 ft. long seacave/notch (which has not been previously infilled) landward of proposed seawall.

$$\text{PRF} = (((2 \text{ ft.} \times 50 \text{ ft.}) + (2 \text{ ft.} \times 20 \text{ ft.})) \times \$121 \text{ per sq. ft.}) + (50 \text{ ft.} \times \$600 \text{ per linear ft.}) = \$46,940$$

Example 4: In the year 2016, construction of a typical 2 ft. wide by 50 ft. long seawall with a 2 ft. deep by 20 ft. long seacave/notch that has been previously infilled with erodible concrete landward of proposed seawall.

$$\text{PRF} = \frac{((2 \text{ ft.} \times 50 \text{ ft.}) + (2 \text{ ft.} \times 20 \text{ ft.})) \times \$121 \text{ per sq. ft.} + (50 \text{ ft.} \times \$600 \text{ per linear ft.})}{\$46,940}$$

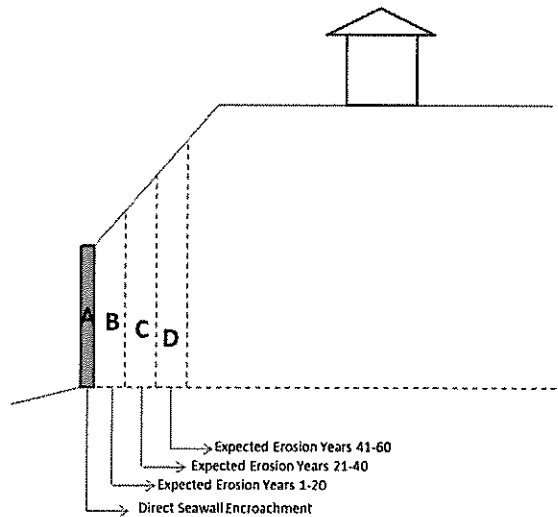
Example 5: In the year 2016, construction of a 2 ft. deep by 20 ft. long seacave/notch with non-erodible concrete.

$$\text{PRF} = ((2 \text{ ft.} \times 20 \text{ ft.}) \times \$121 \text{ per sq. ft.}) + (20 \text{ ft.} \times \$600 \text{ per linear ft.}) = \$16,840$$

Subsequent Mitigation Periods:

If a geotechnical report finds evidence that a Bluff Retention Device cannot be removed at the end of a 20 year mitigation period, mitigation shall be required for the subsequent 20 year period. As shown in Figure 1, in subsequent mitigation periods, mitigation shall include the direct shoreline protection device encroachment and all beach area that would have otherwise been available to the public through passive erosion had the shoreline armoring not been constructed.

Figure 1



Mitigation Period	Mitigation Area
1st Mitigation Period (Pay in Year 1)	A + B
2nd Mitigation Period (Pay in Year 21)	A + B + C
3rd Mitigation Period (Pay in Year 41)	A + B + C + D

PART IV. FINDINGS FOR DENIAL OF CERTIFICATION OF THE SOLANA BEACH LAND USE PLAN AMENDMENT, AS SUBMITTED, AND APPROVAL, AS MODIFIED

The Commission finds and declares as follows:

1. Hazards/Shoreline Protection

The City of Solana Beach has approximately 8,448 linear ft.⁴ of shoreline backed by steep bluffs, and bluff stability is a significant concern along the entire coastal bluff area. The existing shoreline policies in the LUP are intended to regulate the construction of shoreline bluff retention devices and to allow appropriate protection for existing bluff top structures, consistent with Coastal Act requirements, as implemented through the LUP. This LUP amendment does not alter any of the existing LUP policies related to determining the need for or design of bluff retention devices. The subject LUP amendment relates entirely to required mitigation for impacts to recreation caused by the construction of bluff retention devices.

As background, in LUP Chapter 8 (Definitions), the City defines “Bluff Retention Devices” as including all forms of shoreline protection, from seacave/notch infills, to seawalls, to mid and upper bluff protection. “Seacave/Notch Infill” refers to filling of a seacave, notch, joint, fault, rupture or crack in the bluff, “Coastal Structures” refers only to structures located at the base of the bluff (seawall, revetment, or riprap), and “Upper Bluff System” is a device to retain the portion of the bluff located above areas subject to erosion. In order to ensure consistency with the LUP and throughout this staff report, the term “Bluff Retention Device” will primarily be used. However, “Coastal Structures” and “Non-erodible seacave/notch infills,” are the types of bluff retention devices that would typically result in impacts to public access and recreation and require the payment of a mitigation fee.

The following Coastal Act provisions are particularly relevant to promoting coastal access by requiring adequate public access to the beach and by requiring that oceanfront land suitable for recreational use be protected for public recreational use and related development:

Section 30235:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing

⁴ Reference City of Solana Beach Public Recreation Fee Report Technical Appendices. Appendix 1 – Nearshore Marine Resources Existing Conditions. P. 2-3

marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.

Section 30240(b):

Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Section 30253:

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*
- (3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.*
- (4) Minimize energy consumption and vehicle miles traveled.*
- (5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.*

In addition, the following City of Solana Beach Land Use Plan (LUP) language provides additional guidance regarding geologic hazards and shoreline protection:

Policy 4.17: *New development shall be set back a safe distance from the bluff edge, with a reasonable margin of safety, to eliminate the need for bluff retention devices to protect the new improvements. All new development, including additions to existing structures, on bluff property shall be landward of the Geologic Setback Line (GSL) as set forth in Policy 4.25. This requirement shall apply to the principal structure and accessory or ancillary structures such as guesthouses, pools, tennis courts, cabanas, and septic systems, etc. Accessory structures such as decks, patios, and walkways, which are at-grade and do not require structural foundations may extend into the setback area no closer than five feet from the bluff edge. On lots with a legally established bluff retention device, the required geologic analysis shall describe the condition of the existing seawall; identify any impacts it may be having on public access and recreation, scenic views, sand supply and other*

coastal resources; and evaluate options to mitigate any previously unmitigated impacts of the structure or modify, replace, or remove the existing protective device in a manner that would eliminate or reduce those impacts. In addition, any significant alteration or improvement to the existing structure shall trigger such review (i.e. the analysis of the seawall) and any unavoidable impacts shall be mitigated.

Policy 4.18: *A legally permitted bluff retention device shall not be factored into setback calculations. Expansion and/or alteration of a legally permitted bluff retention device shall include a reassessment of the need for the shoreline protective device and any modifications warranted to the protective device to eliminate or reduce any adverse impacts it has on coastal resources or public access, including but not limited to, a condition for a reassessment and reauthorization of the modified device pursuant to Policy 4.52.*

Policy 4.44: *The City has adopted preferred bluff retention solutions (see Appendix B) to streamline and expedite the City permit process for bluff retention devices. The preferred bluff retention solutions are designed to meet the following goals and objectives:*

- (1) Locate bluff retention devices as far landward as feasible;*
- (2) Minimize alteration of the bluff face;*
- (3) Minimize visual impacts from public viewing areas;*
- (4) Minimize impacts to adjacent properties including public bluffs and beach area; and,*
- (5) Conduct annual visual inspection and maintenance as needed. [...]*

Policy 4.48: *Coastal structures shall be approved by the City only if all the following applicable findings can be made and the stated criteria satisfied. The permit shall be valid until the currently existing structure requiring protection is redeveloped (per definition of Bluff Top Redevelopment in the LUP), is no longer present, or no longer requires a protective device, whichever occurs first and subject to an encroachment/removal agreement approved by the City.*

(A) Based upon the advice and recommendation of a licensed Geotechnical or Civil Engineer, the City makes the findings set forth below.

- (1) A bluff failure is imminent that would threaten a bluff home, city facility, city infrastructure, and/or other principal structure.*
- (2) The coastal structure is more likely than not to preclude the need for a larger coastal structure or upper bluff retention structure. Taking into consideration any*

applicable conditions of previous permit approvals for development at the subject site, a determination must be made based on a detailed alternatives analysis that none of the following alternatives to the coastal structure are currently feasible, including:

- A Seacave/Notch Infill;*
- A smaller coastal structure; or*
- Other remedial measures capable of protecting the bluff home, city facility, non-city-owned utilities, and/or city infrastructure, which might include or other non-beach and bluff face stabilizing measures, taking into account impacts on the near and long term integrity and appearance of the natural bluff face, and contiguous bluff properties;*

(3) The bluff property owner did not create the necessity for the coastal structure by unreasonably failing to implement generally accepted erosion and drainage control measures, such as reasonable management of surface drainage, plantings and irrigation, or by otherwise unreasonably acting or failing to act with respect to the bluff property. In determining whether or not the bluff property owner's actions were reasonable, the City shall take into account whether or not the bluff property owner acted intentionally, with or without knowledge, and shall consider all other relevant credible scientific evidence, as well as, relevant facts and circumstances.

(4) The location, size, design and operational characteristics of the proposed coastal structure will not create a significant adverse effect on adjacent public or private property, natural resources, or public use of, or access to, the beach, beyond the environmental impact typically associated with a similar coastal structure and the coastal structure is the minimum size necessary to protect the principal structure, has been designed to minimize all environmental impacts, and provides mitigation for all coastal and environmental impacts, as provided for in this LCP.

(B) The coastal structure shall meet City Design Standards, which shall include the following criteria to ensure the coastal structure will be:

- (1) Constructed to resemble as closely as possible the natural color, texture and form of the adjacent bluffs;*
- (2) Landscaped, contoured, maintained and repaired to blend in with the existing environment;*
- (3) Designed so that it will serve its primary purpose of protecting the bluff home or other principal structure, provided all other requirements under the implementing ordinances are satisfied, with minimal adverse impacts to the bluff face;*
- (4) Reduced in size and scope, to the extent feasible, without adversely impacting*

the applicants' bluff property and other properties; and

(5) Placed at the most feasible landward location considering the importance of preserving the maximum amount of natural bluff and ensuring adequate bluff stability to protect the bluff home, City facility, or City infrastructure.

(C) Mitigation for the impacts to shoreline sand supply, public access and recreation and any other relevant coastal resource impacted by the coastal structure is required and shall be assessed in 20-year increments, starting with the building permit completion certification date. Property owners shall apply for a CDP amendment prior to expiration of each 20-year mitigation period, proposing mitigation for coastal resource impacts associated with retention of the coastal structure beyond the preceding 20-year mitigation period and shall include consideration of alternative feasible measures in which the permittee can modify the coastal structure to lessen the coastal structure's impacts on coastal resources. Monitoring reports to the City and the Coastal Commission shall be required every five years from the date of CDP issuance until CDP expiration, which evaluate whether or not the coastal structure is still required to protect the existing structure it was designed to protect. The permittee is required to submit a CDP application to remove the authorized coastal structure within six months of a determination that the coastal structure is no longer required to protect the existing structure it was designed to protect.

Policy 4.51: *The erosion rate, being critical to the fair and accurate calculation of the Sand Mitigation Fee shall be reviewed, after notice and public hearing, at least every ten years, and more often if warranted by physical circumstances, such as major weather events, or large-scale sand replenishment projects and possible changes in coastal dynamics due to, among others, climate change, and future changes in sea level. If warranted, the erosion rate should be adjusted by the City with input from a licensed Civil or Geotechnical Engineer based upon data that accurately reflects a change in the rate of erosion of the bluff. Any such change shall be subject to the public hearing and a vote of the City Council.*

Policy 4.52: *All permits for bluff retention devices shall expire when the currently existing blufftop structure requiring protection is redeveloped (per definition of Bluff Top Redevelopment in the LUP), is no longer present, or no longer requires a protective device, whichever occurs first and a new CDP must be obtained. Prior to expiration of the permit, the bluff top property owner shall apply for a coastal development permit to remove, modify or retain the protective device. In addition, expansion and/or alteration of a legally permitted existing bluff retention device shall require a new CDP and be subject to the requirements of this policy.*

The CDP application shall include a re-assessment of need for the device, the need for any repair or maintenance of the device, and the potential for removal based on changed conditions. The CDP application shall include an evaluation of:

- *The age, condition and economic life of the existing principal structure;*
- *changed geologic site conditions including but not limited to, changes relative to sea level rise, implementation of a long-term, large scale sand replenishment or shoreline restoration program; and*
- *any impact to coastal resources, including but not limited to public access and recreation.*

The CDP shall include a condition requiring reassessment of the impacts of the device in 20-year mitigation periods pursuant to Policies 4.48 and 4.51.

No permit shall be issued for retention of a bluff retention device unless the City finds that the bluff retention device is still required to protect an existing principal structure in danger from erosion, that it will minimize further alteration of the natural landform of the bluff, and that adequate mitigation for coastal resource impacts, including but not limited to impacts to the public beach has been provided.

The LUP defines Bluff Top Redevelopment as follows:

Bluff Top Redevelopment: *Shall apply to proposed development located between the sea and the first public road paralleling the sea (or lagoon) that consists of alterations including (1) additions to an existing structure, (2) exterior and/or interior renovations, (3) and/or demolition of an existing bluff home or other principal structure, or portions thereof, which results in:*

(a) Alteration of 50% or more of major structural components including exterior walls, floor and roof structure, and foundation, or a 50% increase in floor area. Alterations are not additive between individual major structural components; however, changes to individual major structural components are cumulative over time from the date of certification of the LUP.

(b) Demolition, renovation or replacement of less than 50% of a major structural component where the proposed alteration would result in cumulative alterations exceeding 50% or more of a major structural component, taking into consideration previous alterations approved on or after the date of certification of the LUP; or an alteration that constitutes less than 50% increase in floor area where the proposed alteration would result in a cumulative addition of greater than 50% of the floor area, taking into consideration previous additions approved on or after the date of certification of the LUP.

Shoreline Hazards

The bluffs and beaches in the City of Solana Beach are public natural resources and a source of public recreational opportunities, public accessways, natural habitat, and an important part of the City's natural beauty. Solana Beach's shoreline has been almost completely built out; there is only one vacant bluff top lot remaining in the entire City.

Most of the existing structures located along the City's bluff tops were built in a location that is now considered at risk from shoreline erosion. This is due in part to the distinctive geology of Solana Beach's shoreline.

The Coastal Act and certified LUP acknowledge that seawalls, revetments, cliff retaining walls, groins and other such structural or "hard" methods designed to forestall erosion alter natural landforms and natural shoreline processes. These changed conditions result in a variety of negative impacts on coastal resources, including adverse effects on sand supply, public access and recreation, coastal views, natural landforms, and overall shoreline beach dynamics on and off site, including ultimate loss of the beach. Thus, such devices may be constructed only to protect existing principal structures or public beaches in danger from erosion, and only when designed to eliminate or mitigate adverse impacts on local sand supply.

In the majority of the City of Solana Beach there is a "clean sand" lens located between the Torrey Sandstone and Marine Terrace deposits at approximately elevation +25 to 35 feet Mean Sea Level (MSL). This clean sand lens consists of a layer of sand with a limited amount of capillary tension and a very minor amount of cohesion, which causes the material to erode easily, making this clean sand lens, once exposed, susceptible to windblown erosion and continued sloughing as the sand dries out and loses the capillary tension that initially held the materials together. Geotechnical reports associated with developments near this site have stated that minor disturbances such as gentle sea breezes, landing birds or vibrations from low-flying helicopters, can be sufficient triggers of small- or large-volume bluff collapses, since the loss of the clean sand eliminates the support for the overlying, slightly more cemented, terrace deposits. Because of the cohesionless character of the clean sand, once deposits are exposed, they continue to slump on an ongoing basis as a result of very small triggers such as traffic vibrations or wind erosion. Continued sloughage results in the further exposure of more clean sand, and ongoing upper bluff collapse. This cycle occurs so quickly (over months or days, rather than years) that the upper bluff may never achieve a stable angle of repose. Unless the base of the bluff is afforded shoreline protection and the clean sand lens is contained, additional bluff failures can further expose the layer of clean sand and result in a potential upper bluff failure and an immediate threat to the structures at the top of the bluff.

The factor of safety is an indicator of slope stability where a value of 1.5 is the industry-standard value for geologic stability of new development placed on a slope. In theory, failure should occur when the factor of safety drops to 1.0, and no slope area with a proposed new-development footprint should have a factor of safety less than 1.5.

Prior to approval of a bluff retention device, the Commission's technical staff reviews the geotechnical information provided by applicants and must concur that the proposed bluff retention device is necessary to protect a threatened blufftop structure. Following construction of a proposed bluff retention device, the applicants must demonstrate that the factor of safety for the threatened blufftop structure will be increased to an adequate level. Thus, substantial evidence must be provided to document that an existing primary

blufftop structure is in danger from erosion. However, there are a variety of ways in which the threat from erosion could be addressed. Under the policies of the Coastal Act and the certified LUP, a bluff retention device project must eliminate, or if unavoidable, mitigate adverse effects on shoreline sand supply and additionally avoid, minimize, and mitigate remaining adverse effects on public access, recreation, and the visual quality of the shoreline. Applicants are required to submit a thorough alternatives analysis to demonstrate that no other feasible less-environmentally-damaging alternatives exist to address the threats to a threatened bluff top structure. Alternatives typically include, but are not limited to, construction of a seawall with a reduced height, placement of a rip-rap revetment, underpinning of the western edge of a blufftop structure, chemical grouting of the bluff face, improved drainage and landscaping, relocation of all or a portion of the blufftop structure, and a no project alternative.

Duration of Armoring Approval

While the Commission may be required to approve shoreline armoring to provide protection for threatened bluff top structures, bluff retention devices impede public access to and along the shoreline, impact beaches and related habitats, and visually impair the coastal area. Thus, it is important to limit the life of the shoreline armoring to that of the structures it is required to protect.

Sections 30235 and 30253 of the Coastal Act require new development on a bluff top lot to be sited and designed so that it does not require the construction of new shoreline armoring or reliance on existing shoreline armoring. However, when the approval of shoreline armoring is not expressly linked to a particular bluff top structure, shoreline armoring can remain long after the structure it was required to protect has been removed, and therefore may encourage the construction of new structures in an unsafe location while continuing to adversely affect resources, including sand supply and recreation. Therefore, conditions are necessary for bluff retention devices that limit the duration of the approval to when the bluff top structures requiring protection are redeveloped (as discussed in further detail below), are no longer present (i.e. demolished), or no longer require the shoreline armoring, whichever occurs first. Applicants must also be required to apply for a new CDP to remove a bluff retention device or to modify the terms of its authorization, if the blufftop structure no longer qualifies for protection.

According to the requirements of the LUP, redevelopment of blufftop structures, is defined as alterations, including additions, exterior or interior renovations, or demolition that results in a 50 percent or greater alteration of a major structural component (including exterior walls, floor and roof structures) or a 50 percent increase in floor area, cumulatively over time on or after certification of the City's LUP. Furthermore, changes to major structural elements are not additive between individual elements, while alterations to individual major structural elements are cumulative. Thus, if in the future, an applicant proposed to modify 40% of the exterior walls and 30% of the roof structure; this would not be considered redevelopment because it relates to two different major structural components. However, if an applicant were to come back for a subsequent CDP to modify an additional 10% of the exterior walls or an additional 20% of the roof

structure, the project would be considered redevelopment because it would result in a cumulative alteration to 50% of a major structural component. Additions are also cumulative over time, such that an initial 25% addition would not be considered redevelopment; but a subsequent 25% addition would result in a cumulative 50% increase in floor area, and would thus constitute redevelopment.

Mitigation for Notches/Seacaves Landward of Bluff Retention Devices

As explained above, the typical mechanism of sea cliff retreat along the Solana Beach shoreline involves the slow abrasion and undercutting of the Torrey Sandstone bedrock, which forms the sea cliff at the base of the bluffs, from wave action which becomes more pronounced in periods of storms, high surf and high tides. Other contributing factors to sea cliff retreat include fracturing, jointing, sea cave and overhang collapse and the lack of sand along the shoreline. When the lower sea cliff is undercut sufficiently (i.e. notches/seacaves have formed), it commonly fails in blocks. Thus recreation mitigation for the area of notches/seacaves located landward of proposed bluff retention devices is appropriate as ensuing collapse of these voids is how additional public beach area is formed. As proposed by the City, recreation mitigation for existing seacaves located landward of a proposed bluff retention device would only be required if lower bluff failure is imminent as determined by the City's geotechnical engineer.

Determination of imminence of collapse must be consistent with information used to determine when any type of shoreline protection is warranted. Thus, collapse cannot be imminent for purposes of a shoreline protection application, yet, not imminent for purposes of the Public Recreation Fee. Thus, Suggested Modification 10 requires that the entire area of a seacave or notch located landward of the proposed Bluff Retention Device shall be included in the mitigation calculation.

The Commission has approved numerous erodible concrete notch/seacave infills in Solana Beach and, consistent with the City's certified LUP, did not require payment of the interim recreation mitigation fee because the infills were designed to erode at the same rate as the natural bluff and would therefore not fix the back of the beach. However, if a bluff retention device is proposed to be constructed seaward of an existing erodible concrete notch/seacave infill, the infill will no longer be subject to erosion and will result in the same impacts to the coastal beach as described above. Therefore, Suggested Modification 11 requires that the area of any seacaves or notches that have been previously infilled with erodible concrete, located landward of a proposed shoreline armoring device, which are no longer allowed to erode as originally approved, shall be included in the mitigation calculation.

The entire area of any existing notch/seacave infills will also be included in the Public Recreation Fee calculation for existing bluff retention devices that were subject to the interim fee deposit and constructed in front of these filled natural depressions. This clarification will ensure consistency for projects going forward and will reduce uncertainty for property owners, the public, the City and the Commission. Appendix C,

includes example calculations for bluff retention devices that have notches/seacaves located landward of the armoring.

Mitigation for Non-Erodible Seacave/Notch Infills without Another Associated Bluff Retention Device

The City's certified LUP allows for the infilling of notches/seacaves with non-erodible concrete if an existing blufftop structure is imminently threatened. Although this type of bluff retention device does not result in immediate encroachment onto usable public beach area, it will result in the same impacts as other bluff retention devices by fixing the back of the beach. As proposed by the City, recreation mitigation will be required for the area of the notch/seacave. However, the City's proposal does not require mitigation for beach area that would otherwise have been formed in the future due to passive erosion had the non-erodible notch/seacave infill not been constructed. As proposed, requiring recreation mitigation only for the initial encroachment of a non-erodible notch/seacave infill would not adequately mitigate for public beach access impacts. Thus, mitigation for the area of the beach that would otherwise have been formed in the future due to passive erosion had the non-erodible notch/seacave infill not been constructed must also be accounted for. Suggested Modification 12 clarifies that the entire area of a seacave or notch to be infilled with non-erodible concrete shall be included in the mitigation calculation and that recreation mitigation shall also be required for impacts to beach access that result from halting erosion of the bluff. Appendix C includes example calculations for infill of a notch/seacave with non-erodible concrete.

Erosion Rate

The estimated average long-term (i.e. 75 years) bluff recession rate that the Coastal Commission typically applies to the calculation of setbacks for new bluff top development in Solana beach is 0.47 feet per year, which is the upper bound of the historic rate (1932-1994) measured by Benumof and Griggs (1999) in a peer-reviewed FEMA-funded study making use of the then state of the art photogrammetric techniques. The upper bound is used as a proxy for the average rate expected over the life of proposed new bluff top development (75 years) to account for increases in bluff retreat rate due to sea level rise. At the current time, the Commission continues to believe that the best, most defensible, estimates for the future coastal erosion rates are the high end historic rates for Solana Beach reported in Benumof and Griggs (1999) for the next 75 years. However, when calculating mitigation requirements in Solana Beach over a shorter time period (i.e. 20 years), the Commission has accepted erosion rates between 0.27 and 0.40 ft. per year (Ref. 6-09-033/Garber et al. and 6-16-0281/Winkler & Lucker).

As part of the City's mitigation method preparation, the City undertook a study of the best available erosion rate to use for calculating recreation Public Recreation Fees. The City found that, when accounting for potential sea level rise, the appropriate erosion rate to use for the initial 20 year period is 0.67 ft. per year. However, the City asserts that the certified LUP references an erosion rate of 0.40 ft. per year. The City has therefore proposed to implement an erosion rate of 0.40 ft. per year for the time period between

2016 and 2025 and to then use an updated erosion rate of 0.67 ft. per year for the time period between 2026 and 2046. The Commission geologist has reviewed the City's proposed erosion rates and determined that they are appropriate. Policy 4.51 of the certified LUP requires that the City review the erosion rate at least every ten years and more often if warranted by physical circumstances, including large scale sand replenishment projects and changes in sea level. Suggested Modification 6 clarifies that any change to the erosion rate shall be required to be incorporated as an LUP amendment as it would impact the calculation of the Sand Mitigation Fee and Public Recreation Fee. A reduced erosion rate could result in lower Sand Mitigation Fee and Public Recreation Fees in the future and an increase in the erosion rate in higher Sand Mitigation Fee and Public Recreation Fees in the future.

Mitigation Offsets

The City's analysis includes the concept of granting reductions ("offsets") to the Public Recreation Fee for potential public benefits from bluff retention devices authorized to protect private development. As defined by the City, public benefits consist of fatalities avoided as a result of the installation of the bluff protection device, protection of public property (including but not limited to public beach access stairways, parking lots and public roads), and the potential increased property tax revenue associated with a stabilized site. As proposed by the City, the 'public value' resulting from the installation of a bluff retention device is quantified and compared to the private value to the property owner of the bluff retention device. The private value is defined as the cost of the bluff retention device. If the public value is found to be greater than the private value, the City would then have the discretion to reduce or eliminate the Public Recreation Fee and Sand Mitigation Fee for a particular bluff retention device. The City's analysis found that the private benefit exceeds any potential public benefit in most cases, and that no offsets would be expected.

The Commission does not agree that bluff retention devices provide any quantifiable public safety benefit and therefore, this contention is not a valid reason to offer mitigation reductions for the impacts of shoreline armoring. Passive erosion and loss of usable beach area is a direct result of shoreline armoring and can decrease the safety of a beach as areas of safe passage are reduced or eliminated. In addition, even with shoreline protection, there is no guarantee that a seawall or the bluff above a seawall will not fail and result in death or injury to beach users. Even if one assumed seawalls provided a monetary public benefit, the City's approach to calculating the value of death or injury to beach users is not rigorous.

Commission staff also questions whether increased property tax revenue should be included as a benefit to public beach access and recreation. Since the increased tax revenue will not be allocated in its entirety to improving public access and recreation at the City's beaches, it should not be included in the public benefit calculations. It may also be the case that seawalls will result in decreased property values in the future if the combination of seawalls and sea level rise further reduce or even eliminate the public's ability to enjoy the City's beaches. A Southeast US study found that building a seawall

increased individual shoreline property values but lowered the property value of non-waterfront properties, leading to a net property value loss in the community (Warren Kriesel & Robert Friedman, 2003. Coping With Coastal Erosion: Evidence For Community-Wide Impacts, 71 Shore & Beach 19, 19-23). Additionally, the City's beach recreation value is not market-based (indirect economic impacts are not part of the calculations), so including tax revenue dollars as an offset is incompatible with the scope and application of the Public Recreation Fee.

The construction of shoreline armoring to protect private property results in a direct benefit to private property owners at the expense of the public. While a reduction or elimination of the required Public Recreation Fees may be considered for bluff retention devices that protect public infrastructure, Suggested Modification 7 requires that mitigation offsets or reductions to any required Public Recreation Fees for bluff retention devices whose primary purpose is the protection of private property be prohibited.

2. Public Access/Public Recreation

Coastal Act Sections 30210, 30211, 30212, 30212.5, and 30221 require that public access and use of the coast shall be maximized, that development shall not interfere with the public's right to access the coast and use of dry sand beaches, and that oceanfront land suitable for recreational activities shall be protected. As stated elsewhere in this report, the physical encroachment of a bluff protective device on the beach reduces the beach area available for public use and is therefore a significant adverse impact. Furthermore, when the back beach is fixed with a bluff retention device, passive erosion is halted and additional public beach area can no longer be created.

Section 30210:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) It is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) Adequate access exists nearby, or, (3) Agriculture would be

adversely affected. Dedicated accessways shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway. [...]

Section 30212.5:

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Section 30221:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

The City's certified LUP also contains various policies that require that public access and use of the coast shall be maximized, that development shall not interfere with the public's right to access the coast and use of dry sand beaches, and that oceanfront land suitable for recreational activities shall be protected.

The City's LUP policies related to public access state:

Policy 4.39: *Provide for reasonable and feasible mitigation for the impacts of all bluff retention devices which consists of the payment of Sand Mitigation Fees and Public Recreation Fees to the City or other assessing agency.*

Policy 4.50: *The bluff property owner shall pay for the cost of the coastal structure or Infill and pay a Sand Mitigation Fee and a Public Recreation Fee per LUP Policy 4.38. These mitigation fees are not intended to be duplicative with fees assessed by other agencies. It is anticipated the fees assessed as required by this LCP will be in conjunction with, and not duplicative of, the mitigation fees typically assessed by the CCC and the CSLC for impacts to coastal resources from shoreline protective devices.*

Sand Mitigation Fee - to mitigate for actual loss of beach quality sand which would otherwise have been deposited on the beach. For all development involving the construction of a bluff retention device, a Sand Mitigation Fee shall be collected by the City which shall be used for beach sand replenishment and/or retention purposes. The mitigation fee shall be deposited in an interest-bearing account designated by the City Manager of Solana Beach in lieu of providing sand to replace the sand that would be lost due to the impacts of any proposed protective structure. The methodology used to determine the appropriate mitigation fee has been approved by the CCC and is contained in LUP Appendix A. The funds shall

solely be used to implement projects which provide sand to the City's beaches, not to fund other public operations, maintenance, or planning studies.

Sand Mitigation Fees must be expended for sand replenishment and potentially for retention projects as a first priority and may be expended for public access and public recreation improvements as secondary priorities where an analysis done by the City determines that there are no near-term, priority sand replenishment Capital Improvement Projects (CIP) identified by the City where the money could be allocated. The Sand Mitigation funds shall be released for secondary priorities only upon written approval of an appropriate project by the City Council and the Executive Director of the Coastal Commission.

Public Recreation Fee – Similar to the methodology established by the CCC for the sand mitigation fee, the City and the CCC are jointly developing a methodology for calculating a statewide public recreation fee. To assist in the effort, the City has shared the results of their draft study with the CCC to support their development of a uniform statewide Public Recreation / Land Lease Fee. Until such time as an approved methodology for determining this fee has been established, and the methodology and payment program has been incorporated into the LCP through an LCP amendment, the City will collect a \$1,000 per linear foot interim fee deposit. In the interim period, CCC will evaluate each project on a site-specific basis to determine impacts to public access and recreation, and additional mitigation may be required. The City shall complete its public recreation/land lease fee study within 18 months of effective certification of the LUP.

Project applicants have the option of proposing a public recreation/access project in lieu of payment of Public Recreation Fees (or interim deposits) to the City. At the City's discretion, these projects may be accepted if it can be demonstrated that they would provide a directly-related recreation and/or access benefit to the general public.

Public Recreation Fees must be expended for public access and public recreation improvements as a first priority and for sand replenishment and retention as secondary priorities where an analysis done by the City determines that there are no near-term, priority public recreation or public access CIP identified by the City where the money could be allocated. The Public Recreation funds shall be released for secondary priorities only upon written approval of an appropriate project by the City Council and the Executive Director of the Coastal Commission.

Policy 4.51: *(cited above)*

Policy 4.53: *All permits for bluff retention devices shall expire when the currently existing blufftop structure requiring protection is redeveloped (per definition of Bluff Top Redevelopment in the LUP), is no longer present, or no longer requires a protective device, whichever occurs first and a new CDP must be obtained. Prior to expiration of the permit, the bluff top property owner shall apply for a coastal*

development permit to remove, modify or retain the protective device. In addition, expansion and/or alteration of a legally permitted existing bluff retention device shall require a new CDP and be subject to the requirements of this policy. The CDP application shall include a re-assessment of need for the device, the need for any repair or maintenance of the device, and the potential for removal based on changed conditions. The CDP application shall include an evaluation of:

- The age, condition and economic life of the existing principal structure;*
- Changed geologic site conditions including but not limited to, changes relative to sea level rise, implementation of a long-term, large scale sand replenishment or shoreline restoration program; and*
- Any impact to coastal resources, including but not limited to public access and recreation.*

The CDP shall include a condition requiring reassessment of the impacts of the device in 20 year mitigation periods pursuant to Policies 4.49 and 4.53.

No permit shall be issued for retention of a bluff retention device unless the City finds that the bluff retention device is still required to protect an existing principal structure in danger from erosion, that it will minimize further alteration of the natural landform of the bluff, and that adequate mitigation for coastal resource impacts, including but not limited to impacts to the public beach, has been provided.

As cited above, the Coastal Act and the certified LUP have numerous policies related to the provision and protection of public access and recreation opportunities.

Section 30235 of the Coastal Act requires that bluff retention devices be designed to eliminate or mitigate adverse impacts on local shoreline sand supply. An issue of major concern facing California today is the fast pace of disappearing beaches due to natural processes (i.e. erosion, subsidence and storm events) and anthropogenic factors (coastal development and sand supply interruptions). Seawalls, revetments, and other types of hard armoring have long been used to protect backshore development from erosion and flooding, but future accelerated sea level rise and extreme storm events will heighten the rate of beach loss and potential exposure of the backshore to hazards. Hard armoring already results in unintended ecological and public access consequences, such as loss of biodiversity and ecosystem services and displacement of recreational beach area by protective structures.

Some of the effects of a bluff retention device on the beach, such as scour, end effects, and modification to the beach profile are temporary or difficult to distinguish from all the other actions that modify the shoreline. However, some of the effects which a structure may have on natural shoreline processes can be quantified. Three of the effects from a shoreline protective device which can be quantified are: 1) loss of the beach/bluff area on which the structure is located; 2) the long-term loss of beach/bluff that will result when the back beach/bluff location is fixed on an eroding shoreline; and 3) the amount of

material that would have been supplied to the beach if the back beach or bluff were allowed to erode naturally.

Loss of beach material and loss of beach area are two separate concerns. A beach is the result of both sandy material and a physical, dry area between the water and the back beach that is occupied by that sand. Thus, beach area is not simply a factor of the quantity of sandy beach material.

In recent years the Commission has calculated and required separate mitigation for both the direct losses of beach area and the losses of beach sand. The Commission's mitigation approach for sand loss has been relatively straightforward. The sand mitigation fee quantifies lost sand volume and the cost of the replacement sand. Bluff retention devices will halt or slow the retreat of the entire bluff face. The bluff consists of a significant amount of compacted sand. As the bluff retreated historically, this sand was contributed to the littoral sand supply to nourish beaches throughout the region. Appendix A of the City's certified LUP includes a formula to determine the Sand Mitigation Fee. The City is not proposing any changes to LUP Appendix A or to the Sand Mitigation Fee policies through the subject LUP amendment.

In addition to the immediate encroachment footprint of a bluff retention device, if the natural shoreline were allowed to erode, the beach would migrate inland. However, when the back shoreline location is fixed by a bluff retention device, the inland migration of the beach is halted. This results in a long-term loss of recreational opportunity as the development of new inland beach land fails to keep pace with the loss of or inundation of the seaward portion of the beach.

The loss of beach area resulting from the construction of bluff retention devices creates adverse impacts on public access and recreation. The City's beaches are utilized by local residents and visitors for a variety of recreational activities, such as swimming, jogging, walking, surf fishing, beachcombing and sunbathing. In addition, the majority of Solana Beach is narrow, and at high tides throughout the year it is inundated with water and inaccessible. The loss of a beach creates a situation where refractory waves or backwash can negatively impact surfing conditions, and can make entry/exit from the water hazardous as well. Furthermore, nearly all bluff retention devices in the City will be constructed on the public beach that would otherwise be available for public use and, therefore, will have both immediate and long-term adverse impacts on public access and recreational opportunities.

Appropriate mitigation for construction of a bluff retention device would be creation of additional public beach area in close proximity to the impacted beach area. However, all of the beach areas in Solana Beach are already in public ownership, such that there is not private beach area available for purchase. In addition to the more qualitative social benefits of beaches (recreational, aesthetic, habitat values, etc.), beaches provide significant direct and indirect revenues to local economies, the state, and the nation. The loss of or any decrease in access to a public beach in an urban area such as Solana Beach represents a significant impact to public access and recreation, including a loss of the

social and economic value of this recreational opportunity. The question becomes how to adequately mitigate for these qualitative impacts on public recreational beach use and in particular, how to determine a reasonable value of this impact to serve as a basis for mitigation.

In recent years, the Commission has sought additional ways to quantify the adverse impacts to public access and recreation that result from shoreline protective devices and, thereby, develop more appropriate mitigation for those impacts. As a filing requirement for seawall applications, in areas other than Solana Beach that do not have an established interim recreation mitigation program, applicants are asked to address the adverse impacts of shoreline devices on public access and recreation opportunities and to consider ways those impacts could be mitigated. Mitigation might be in the form of a particular public access or recreational improvement to be located in close proximity to the project or might involve a payment to be used sometime in the future for a public beach access/beach recreation improvements. The Commission has not established a single method to quantify and then mitigate for recreational losses incurred by a bluff retention device.

Through the subject LUP amendment application, the City proposes to establish a Recreation Mitigation Fee that can be consistently calculated in order to reduce uncertainty for property owners and to better ensure an adequate mitigation payment for impacts to public recreation resulting from the construction of a bluff retention device.

Past Commission Recreation In-Lieu Fee Mitigation

The Coastal Commission originally initiated an in-lieu beach sand fee mitigation program in response to two coastal development permit applications for lower bluff protection in the City of Encinitas in San Diego County. One application involved the construction of nine-ft. high shotcrete seawalls, with tiebacks, on public property fronting six non-contiguous lots to protect existing private residential blufftop development (CDP #6-93-85 Auerbach et al). The second application was for similarly designed seawalls in the nearby section of shoreline on eight contiguous properties (CDP #6-93-131 Richards et al). The in-lieu fee program developed as the means to mitigate the impacts of the shoreline protective devices on beach sand supply, to be paid by the applicant in-lieu of placing sand on the beach. The payment of the fee was required as a condition of approval of the coastal development permits for the shoreline protective devices in accordance with Section 30235 of the Coastal Act. The amount of the fee was derived through a method developed by the Commission staff coastal engineer to quantify the amount of sand that would replace the lost beach area and replace the amount of sand denied to the littoral cell over the life of the structure. That volume of sand was then multiplied by the cost of transporting and depositing sand on the beach in the project vicinity to determine the fee to be paid in-lieu of placing sand on the beach to mitigate for the lost beach area and material. The in-lieu fee covered loss of beach area on which the bluff retention device was located (based on sand volume), long-term loss of beach if the back beach location was fixed (based on sand volume), and loss of material from natural back beach or bluff erosion (based on sand volume).

However, the Commission recognized that the mitigation in the form of an in-lieu beach sand fee that paid for the purchase of sand to offset the sand lost by the shoreline structure, provided some, but not all of the mitigation, associated with the adverse impacts of shoreline devices and that it did not mitigate for the impacts to public recreation and access from the physical beach loss. The Commission has continued to consistently apply the Sand Mitigation Fee for shoreline armoring projects, and a Sand Mitigation Fee is already a part of the City's certified LUP.

In 2004, the Commission began to analyze additional ways to quantify the adverse impacts to public access and recreation that result from shoreline protective devices and, thereby, develop more appropriate mitigation for those impacts. Mitigation for impacts to public beach access and recreation in California is relatively new and the Commission explored various methods to address these impacts. Although the Commission has approved various projects that included mitigation for access and recreation impacts, it is likely that the past mitigation underestimates the total economic value as it doesn't include market components or existence value (benefits of the beach regardless of use) of the impacted beaches and shorelines. As evidenced by the past access and recreation mitigation projects detailed below, the City's Recreation Mitigation Fee, as proposed, would result in mitigation fees that fall considerably short of previous valuation estimates. Through the suggested modifications contained in this report, the modified Recreation Mitigation Fee method would result in mitigation fees that are more in line with other nearby valuation estimates and Commission precedent.

The Commission first required an in-lieu beach access and recreation fee, separate from the Sand Mitigation Fee, for impacts to public access and recreation in October 2004. The approved project included the construction of a 585 ft. long seawall fronting a 172 unit condominium complex in Monterey which was estimated to impact 43,500 sq. ft. of beach area over a 50 year period. To mitigate the adverse impacts of the seawall on public access and recreational opportunities, and in lieu of purchasing a comparable area of beach, the Commission required a mitigation payment of \$5,300,000 for a 50 year period based on the area of beach impacted, the number of annual beach users, and a study of average beach user expenditure conducted for a different area of the state (Ref. CDP 3-02-024/Ocean Harbor House).

In October 2005, the Commission approved the construction of a 120 ft.-long, 2 ½ ft. wide seawall below the Las Brisas condominium complex in Solana Beach. The land area impacted over the 22 year design life of the seawall was estimated to be 1,364.8 sq. ft. After hiring an economist, Dr. Phillip King, to perform an economic analysis of the lost recreational value associated with the construction of the seawall, the Commission determined that the applicant should make a payment of \$248,680.72 to mitigate impacts of the seawall. The payment was designed to be used for purchase of beach land and/or recreational beach park amenities (Ref. CDP 6-05-072/Las Brisas).

In June 2010, the Commission approved construction of a 57 ft. long seawall fronting a single-family house in Encinitas which was estimated to impact 801 sq. ft. of beach area

over a 20 year period. The Commission required the applicant to make a payment based on a current per sq. ft. real estate appraisal of the blufftop lot (without improvements) multiplied by 801 sq. ft. of lost public beach. This method was selected due to a lack of specific recreational empirical data necessary to determine the value of the lost public beach. While the value of the public beach is likely to be higher than the value of a blufftop parcel because of the public benefit derived from its use, the Commission determined that the unimproved blufftop appraisal was appropriate until a more accurate method of determining economic value of the loss to public access and recreational opportunities is identified for Encinitas. The property owner made a payment of \$136,606 to mitigate recreation impacts of the seawall (CDP 6-07-133/Li). In March 2013, the Commission approved construction of a 67 ft. long seawall on the adjacent property, fronting a single-family house in Encinitas which was estimated to impact 797 sq. ft. of beach area over a 20 year period. The Commission utilized a similar methodology that resulted in the property owner making a payment of \$129,561 to mitigate recreation impacts of the seawall (CDP 6-12-041/Lamp).

In August 2012, the Commission approved the construction of a 120 ft. long seawall fronting a condominium complex in the Ocean Beach community of San Diego which was estimated to impact 780 sq. ft. of beach over a 20 year period. The applicant proposed to partially fund the repair or replacement of an adjacent public access stairway with a public access mitigation fee of \$81,000, which the Commission accepted (Ref: 6-11-010/Oceanus GHAD). In December 2016, the Commission approved a 106 ft. long extension to this existing seawall and required a public access and recreation fee of \$77,600 to mitigate for the 671 sq. ft. of expected impacts over a 20 year period (6-16-0281/Oceanus GHAD).

In August 2013, the Commission approved construction of a bluff retention device fronting a condominium complex in Pacifica which was estimated to impact 37,895 sq. ft. of beach area over a 20 year period. The Commission required the applicant to make a payment based on a current per sq. ft. real estate appraisal of the blufftop property (without improvements) multiplied by 37,895 sq. ft. of lost public beach. The property owner was required to pay a fee of \$1,620,011 to mitigate recreation impacts of the bluff retention device (CDP 2-11-039/Lands End).

In July 2014, the Commission approved construction of a bluff retention device fronting an apartment building in Pacifica, which was estimated to impact 7,944 sq. ft. of beach area over a 17 year period. The Commission required the applicant to make a payment based on a current per sq. ft. real estate appraisal of the blufftop property (without improvements) multiplied by 7,944 sq. ft. of lost public beach. The applicant was required to either pay a fee of \$263,581 to mitigate recreation impacts of the bluff retention device or to implement a comprehensive public access program to include a blufftop public trail, beach viewing overlooks, and interpretive signs (CDP 2-11-009/City of Pacifica).

Past Commission Recreation Project Based Mitigation

Recognizing that the intent of in-lieu recreation mitigation fees is to fund actual projects that improve beach access and recreation, the Commission has also approved applications for bluff retention devices with the requirement that the applicants undertake specific beach access and recreation projects as mitigation. This following list of projects is not comprehensive and serves to illustrate the variety of project based mitigation accepted in the past by the Commission.

In May, 2012, the Commission approved a 1,800 ft. long seawall to replace an approximately 1,800 linear ft., 12 ft. wide existing rock revetment fronting the Pacific Coast Highway in Ventura County. To mitigate the adverse impacts of the seawall on public access and recreational opportunities, and in lieu of purchasing a comparable area of beach, the Commission required the construction of a new public access stairway and a new public access ramp to the beach, new public access signs, new ADA-compliant parking spaces, and repair and paving of the existing adjacent road shoulder and bicycle lane areas (Ref. CDP 4-11-026/Caltrans).

In August 2010, the Commission approved construction of an approximately 130 ft. long seawall fronting a single-family house in Santa Cruz which was estimated to impact 3,716 sq. ft. of beach area over a 20 year period. To mitigate the adverse impacts of the seawall on public access and recreational opportunities, and in lieu of purchasing a comparable area of beach, the applicant proposed the incorporation of a new two-foot-wide public access pathway along the lower platform of the proposed seawall at an elevation about 4 feet above the mean high tide line to provide a connection from the upcoast pocket beach, over the seawall, to the downcoast pocket beach. Furthermore, conditions of approval also required modification to the path (e.g., increase in elevation) over time if necessary to ensure that it always continues to be usable even at high tides, including in light of sea level rise. In addition, the applicant proposed that development on the adjacent downcoast property (also owned by the applicant) shall be limited to public access, recreation, and open space development and uses (Ref. CDP 3-09-042/O'Neill).

In December 2009, the Commission approved the modification and expansion of an existing 120 ft. long seawall fronting a single-family house in Santa Cruz. To mitigate the adverse impacts of the seawall on public access and recreational opportunities, and in lieu of purchasing a comparable area of beach, the applicant proposed the incorporation of a new two-foot-wide public access pathway along the lower platform of the proposed seawall to provide a connection from the upcoast adjacent beach, leading around a rocky promontory, and terminating at a public access stairway (Ref. CDP 3-08-019/Sea Breeze).

In January 2017, the Commission approved construction of a seawall fronting a public road and a wastewater lift station in the City of Pismo Beach, which was estimated to impact 3,400 sq. ft. of beach area over a 20 year period. Based on the market value of a number of nearby blufftop properties, the Commission determined that the beach area

impacted by the seawall had a public access value of \$1,120,810 over a 20 year period. In place of an in-lieu fee, the Commission worked with the applicant to design a comparable mitigation package of beach access improvements that included a lateral blufftop trail, a coastal overlook, repairs, improvements, or replacement of an existing damaged public beach stairway, removal of a concrete outfall located on the beach, removal of non-safety related barriers to public access, benches, picnic tables, bike racks, garbage and recycling receptacles, dog mitt stations, informational and directional public beach access signage, and invasive plant removal and installation of native landscaping (CDP A-3-PSB-12-042/Capistrano Seawall and A-3-PSB-12-0043/Vista Del Mar Seawall).

Ownership of Beach and Bluffs

Although site-specific anomalies may exist along the coast in Solana Beach, the area seaward of the toe of the bluff is public along the City's entire coastline and the area located between the bluff edge and the toe of the bluff south of Fletcher Cove is private, while the area located between the bluff edge and the toe of the bluff north of Fletcher Cove is for the most part, public.⁵

Throughout the majority of Solana Beach, the area between the toe of the bluff and the ocean is most likely Public Trust Lands. Public Trust Lands can include, but are not limited to tide lands⁶ and submerged lands. Under Coastal Act regulations, Public Trust Lands also include historic tidelands and submerged lands that are presently filled or reclaimed and which were subject to the Public Trust at any time (Cal. Code of Regs., tit. 14, § 13577(f)). In the City of Solana Beach, the Mean High Tide Line (MHTL) is at the toe of the bluff. The area has received substantial beach nourishment over the past

⁵ In 1988 the City of Solana Beach approved a resolution to allow the transfer of publicly owned coastal bluff face to each blufftop homeowner whenever development on the blufftop lot was proposed (Resolution No. 88-45). The purpose of the resolution was to transfer the liability associated with the eroding bluff and any future shoreline device to the blufftop homeowner. Since 1988, the City has created and quitclaimed approximately 6 or 7 bluff face lots to the blufftop property owners. Land divisions such as the "carving out" of lots from publicly owned land constitutes development under the Coastal Act and requires a coastal development permit. The Commission has approved approximately two coastal development permits for these quitclaimed lots (Ref: CDP Nos. 6-91-129/Steinberg; 6-92-082/Vicker). However, coastal development permits have not been approved for the majority of these quitclaimed lots and, therefore, the majority of these quitclaimed lots are unpermitted. The Commission subsequently stopped approving such transfer and gift of public land by the City due to Coastal Act consistency concerns related to scenic resources, public access, recreation and shoreline sand supply (Ref: CDP #6-06-104/Vams, LLC).

⁶ Tidelands include "those lands lying between the lines of mean high tide and mean low tide which are covered and uncovered successively by the ebb and flow thereof." (*Lechuza Villas West v. California Coastal Com.* (1997) 60 Cal.App.4th 218, 235.) The State owns all tidelands and holds such lands in trust for the public. (*Ibid.*; *State of Cal. Ex rel. State Lands Com. v. Super. Ct.* (1995) 11 Cal.4th 50, 63; Cal. Civil Code, § 670). "The owners of land bordering on tidelands take to the ordinary high water mark. The high water mark is the mark made by the fixed plan of high tide where it touches the land; as the land along a body of water gradually builds up or erodes, the ordinary high water mark necessarily moves, and thus the mark or line of mean high tide, i.e., the legal boundary, also moves." (*Lechuza Villas West, supra*, 60 Cal.App.4th at p. 235). In other words, the boundary between private property and public tidelands is an ambulatory line. (*Id.* at p. 242.)

decade, which has raised the sand level on the beach and resulted in the high tide not reaching the toe of the bluff as frequently in some locations. In these locations, the beach replenishment projects do not change the MHTL and the MHTL is still likely at the toe of the bluff. Regulation 13577(c) defines the MHTL "...as the statistical mean of all the high tides over the cyclical period of 18.6 years." Based on the location of the MHTL, any existing or future seawall or seacave/notch infill is likely on public land.

Compatibility with the California Coastal Commission Sea-Level Rise Policy Guidance

The Coastal Commission unanimously adopted the Sea Level Rise Policy Guidance document on August 12, 2015.⁷ The interpretive guidelines are intended to assist local governments preparing Local Coastal Programs and Coastal Development Permit applicants plan for sea level rise within the context of the Coastal Act. The information in the guidance document is rooted in certain fundamental guiding principles, many of which derive directly from the requirements of the Coastal Act. In this respect, the principles are not new, but rather generally reflect the policies and practices of the Commission since its inception in addressing coastal hazards and the other resource and development policies of the Act. The guidance document acknowledges that climate change is causing the sea level to rise along the coast of California and that the Commission and coastal communities must prepare for the effects of sea-level rise. The guidance document further recognizes the potential risks to the State of California's economy, which includes coastal tourism, commercial fisheries, coastal agriculture, and ports. Furthermore, the guidance document recognizes the risks to coastal property, coastal infrastructure, and public beaches and recreational resources. The document includes proactive steps that can be taken by the Commission, local governments, permit applicants and other interested parties to prepare for sea level rise in the context of the LCP and the CDP process.

The guidance document is particularly relevant to the subject LCP amendment in terms of shoreline armoring. As discussed in the guidance document, shoreline armoring has the potential to lead to loss of public beaches, an impact aggravated as sea level rises and beaches are no longer able to retreat landward. Siting new development in locations that will not require bluff retention devices in the future, and limiting the retention of existing bluff retention devices and the construction of new bluff retention devices, when feasible, will help to ensure maximum public access to the coast and protection of coastal resources. Furthermore, the guidance stresses the importance of ensuring that property owners assume the risk of development in hazardous areas throughout the life of the development, which includes risks to both private property and to adjacent coastal resources that may be adversely impacted.

In order to ensure that coastal resources are protected, adequate mitigation for all impacts must be provided (i.e. public access, sand supply, ecological value, visual aspects, etc.). Section IV of the guidance, which is intended to aid the Commission and local

⁷ Available at <https://www.coastal.ca.gov/climate/slrguidance.html>.

governments in addressing sea level rise through local coastal programs, identifies adaptation measures to minimize risks of new development. The City's certified LUP incorporates many of the adaptation measures contained within the draft of the "California Coastal Commission Sea-Level Rise Policy Guidance." In addition, the proposed LUP amendment further implements the recommendations of the guidance through the requirement to provide mitigation for impacts to public access and recreation that result from coastal structures or non-erodible seacave/notch infills.

Interim Public Access and Recreation Fees

Policy 4.50 of the City's LUP explains that the Commission and City are developing a methodology for calculating a Public Recreation Fee and that until a public recreation mitigation fee method is approved. Applicants are required to pay a \$1,000 per linear foot interim fee deposit to mitigate impacts to public recreation that result from coastal structures or non-erodible seacave/notch infills. In June of 2007, the City of Solana Beach adopted an interim in-lieu fee program (Ref. Resolution 2007-042, City of Solana Beach), and this interim fee was included as a part of the City's LUP as approved by the Commission in 2012. The program was designed as "interim" until the City completed, and the Commission certified as part of the LUP, an economic study that developed a more precise way to determine impacts to public access and recreation from shoreline armoring. Shoreline armoring projects that involve only erodible concrete notch/seacave infills are exempt from the interim fee, provided that the bluff is allowed to erode at a rate comparable to adjacent natural conditions.

The Commission and the City began requiring the interim deposits in 2008. Since that time, the Commission has approved ten CDPs (encompassing 20 properties) for coastal structures or non-erodible seacave/notch infills which have been subject to the interim deposit. The blufftop property owners have paid a total of \$1,187,500 for a total of 1,187.5 linear ft. of coastal structures and non-erodible seacave/notch infills (Exhibit 1). Each of the approved CDPs has included a Special Condition, which requires that within six months of approval of the LUP amendment for the Public Recreation Fee, the applicant must submit to the Executive Director of the Commission for review and written approval, documentation of the final mitigation fee amount required by the City to address impacts of the armoring on public access and recreation. In addition, the Special Conditions require that if the amount differs from the interim amount required by the Commission, then the applicant must submit an application for an amendment to the CDP to adjust the mitigation fee to be paid to the City to address adverse impacts to public access and recreational use resulting from the coastal structure or non-erodible seacave/notch infill.

In its application, the City has proposed to modify Policy 4.50 of the LUP to incorporate the proposed Public Recreation Fee method. Suggested Modification 15 requires that Policy 4.50, as proposed by the City, shall be modified to remove reference to specific mitigation amounts from Table 1 of Appendix C for two reasons; first, the table is proposed to be changed through other suggested modifications by staff and second, because Table 1 will be updated over time, which would necessitate further changes to

Policy 4.50 in the future. Instead Suggested Modification 15 refers solely to Appendix C which allow for a more streamlined LUP amendment process every ten years. In addition, staff suggests that Policy 4.50 not reference the City's Recreation Fee Study, as suggested modifications by staff recommend that the Recreation Fee Study not be incorporated into the LUP and instead that the Fee Study become a substantive file document. Staff also suggests that references to the continued use of the interim recreation mitigation program and the 18 month deadline to complete the recreation mitigation methodology be deleted, as these aspects will be completed following approval of the subject LUP amendment.

Suggested Modification 16 requires that pages 15 and 16 of Chapter 4 of the LUP also be modified to remove reference to the 2010 draft recreation mitigation methodology fee study, the interim recreation mitigation program, and the 18 month deadline to complete the recreation mitigation methodology, as these issues will not be applicable following approval of the subject LUP amendment. In addition, staff suggests that language be added to clarify that mitigation for impacts to ecological or other relevant coastal resources that result from the construction of bluff retention devices are not included in the recreation mitigation fee and the City's LUP shall be updated once an accepted approach on how to calculate these fees has been developed by the Commission. Staff also suggests that the language related to the need for an encroachment agreement be updated to clarify that encroachment agreements are required only for bluff retention devices constructed on public land that is owned by the City.

A number of bluff retention devices were approved and constructed in Solana Beach prior to 2005 and were not required to provide mitigation, or were required to mitigate for impacts to sand supply but not for impacts to public access and recreation. These properties will not immediately be subject to the Public Recreation Fee requirements. However, as described in the City's certified LUP, when new development of a blufftop structure is proposed or when expansion and/or alteration of a blufftop structure is proposed and there is an existing bluff retention device, property owners will be required to mitigate for ongoing impacts to public beach access and recreation. In addition, expansion or alteration of a legally permitted bluff retention device shall include an assessment of the need for mitigation to address ongoing impacts.

Method for Estimating Public Recreation Fee

The total economic value of beaches far exceeds that of public access and recreation alone. It is comprised of use and non-use values, which encompass existence value, ecological value, recreation value, and the market dollars directly tied to the recreation economy. The Public Recreation Fee is based on one component of total beach value that refers to a non-market based estimation of the societal value of public access and recreation at Solana Beach.

The elements of most beach recreation valuation studies include some dollar value reflecting the willingness of visitors to pay for their time at the beach. Some methods to assess willingness to pay for beach recreation are surveys of stated preference, while

others are more observation-based, like travel cost surveys. The City's choice of a travel cost survey is a typical method for assessing a proxy for non-market recreation value per visitor. The beach day use value is multiplied by the annual beach attendance to then determine annual beach recreation value.

Because shoreline armoring ultimately results in the loss of beach area, the factor of beach area can be used to connect the impact of coastal structures to the loss of value ascribed to any square foot of beach area. The per square foot value of beach allows a common metric to equate armoring impacts to lost recreation value. Thus, area is a very important parameter for the City's method.

Beach Day Use Value

In any discussion of beach day use value, it is important to highlight that the total economic value of beach access and recreation includes its direct market spending, indirect non-market value, and non-use (existence) value. A travel cost survey is one method of assessing non-market value, providing only a proxy of value for this one component. Thus, any mitigation fee based on a non-market proxy for recreation underestimates the total economic value of beaches. The proxy of beach day use value gives an indication of how much a person is willing to pay for a beach visit.

The City estimated the beach day use value using the travel cost method. This method determines the value of a beach day visit based upon estimates of the adult visitors' travel expenses to get to and from the beach plus the value of the adult visitor's travel time, based upon income. Input data for the City's beach day use value came from a total of 563 surveys of adult beach users on 34 randomly selected days and times over the period of one year between July 23, 2008, and ending on July 31, 2009. The survey asked beach users how long they planned to use the beach that day, their primary activity at the beach, the mode of transportation to get to the beach, the number of people who traveled together, the distance traveled to get to the beach, the beach users home zip code, the number of days per month the beach user went to the beach, income, occupation, age, sex, and age and number of children. A copy of the survey and its associated 'code book' is included as Exhibit 8. The City then used the mode of transportation, the distance traveled, and the annual individual salary to determine the average cost of a trip to the beach.

The City used this data in a standard travel cost analysis to quantify the value of a day at the beach. The travel cost method assumes that the farther people will travel to get to the beach and the more they pay for this travel, the higher the value that is placed on the beach visit. The travel cost attributed to a visitor who drives for 30 minutes to get to the beach is higher than the travel cost of someone who walks 10 minutes to the beach, due both the increased travel time and increased cost for the travel. Also included in the value of a beach trip is the value of beach visitors' travel time, based on their income. While some travel cost studies look at household income, the City's method included only individual adult wage-earners for valuation and added in the Junior Lifeguard Program to include this important user group. As will be discussed in more detail below, the City

also assumed that value of travel to the beach would be based on only 33% of the visitors' hourly wage or salary. Based on the data from the beach surveys and these main assumptions for how to include the survey data, the City found that during the summer months, the beach day use value is higher than non-summer months, which indicates that people are more willing to travel farther to get to the beach during the summer season. The City determined that the beach day use value in the summer is \$19.25 (2016 dollars) and in the non-summer is \$14.76 (2016 dollars).

Numerous economists recognize that the most difficult issue in using the travel cost method is in computing trip cost (Parsons 2003).⁸ A significant portion of trip cost is accounted for as time lost traveling to and from the beach (i.e. opportunity cost of time). This time cost is typically related to a person's wage, allowing researchers to multiply an hourly wage factor by travel time to determine trip cost. This wage factor or wage rate is a percentage of a person's hourly income. The City chose to use a 33% wage rate to estimate the value of visitors' time in traveling to the City's beaches. Thus, the City assumes that the value of a person's free time is worth 1/3 of the value of their hourly income. The City contends that the 33% wage rate was chosen, in part, because it resulted in the best statistical fit to the demand curve.

While 33% of wages is sometimes used in travel cost calculations, it is not a universal standard among economists. In fact, in response to comments on previous versions of the City's Recreation Mitigation Fee study, the City stated that the 33% wage rate was chosen because "...it is considered the lower boundary and is therefore conservative and defensible." There is much variation in the opportunity cost of time—economists have used zero (for retired people, unemployed, etc.) to 100 (or even 150%) of wages (when opportunity cost is high). Using income as a key determinate of beach value has the potential to drastically undervalue a beach given the presence of retired people, homemakers, students, and unemployed people who do not have a full time job, so that the value of the beach to them is not represented in the beach value. Reliance on a low wage rate therefore has the potential to further underestimate value due to the fact that these other persons are not included in the calculation. An additional argument against the use of a low wage rate in Solana Beach relates to the high price of real estate that masks the value that local residents place on beach visits. The average home value in Solana Beach is over \$1.1 million, more than double the average home value in San Diego County⁹. Thus, using the low wage rate for the beach use value has the strong potential to underestimate the value of the beach and to result in a low Recreation Mitigation Fee. Local residents are willing to pay more to live close to this beach, but that investment is then underrepresented when looking at cost of travel given the close proximity of these homes to the beach, and the inherently reduced cost for local homeowners to get to the beach.

⁸ Parsons, G.R., 2003. The travel cost model. In *A primer on nonmarket valuation* (pp. 269-329). Springer Netherlands.

⁹ <https://www.zillow.com/solana-beach-ca/home-values/>

In response to concerns raised by stakeholders, the City also analyzed beach day use values using a 67% and 100% wage rate. The table below shows the results of the multiple wage rate alternatives:

Wage Percentage	Summer/Non-Summer	Average Beach Day Use Value Per Visitor (2016 Dollars)
33%	Summer	\$19.25
	Non-Summer	\$14.76
67%	Summer	\$35.56
	Non-Summer	\$21.00
100%	Summer	\$59.04
	Non-Summer	\$28.07

The City contends that a low beach day use value is appropriate for its beaches due to the site specific characteristics and relative lack of amenities in comparison to more highly used Southern California beaches located closer to large population centers. Specifically, the City asserts that its beaches have a lower recreation value because they are not visible from the highway, are often narrow or inaccessible at higher tides, and public parking is limited.

In an April 8, 2016 comment letter to the City (Exhibit 5), in response to a previous draft of the City's Recreation Mitigation Fee study, Commission staff noted that the City's decision to use a 33% wage rate had the potential to underestimate the value of the beach. Over the past year, the Commission has further evaluated the use of this low wage rate for use in the valuation of the City's beach and finds that it undervalues a day at this particular beach. Coastal Act Sections 30210, 30211, 30212, 30212.5, and 30221 require that public access and use of the coast shall be maximized, that development shall not interfere with the public's right to access the coast and use of dry sand beaches, and that oceanfront land suitable for recreational activities shall be protected. Use of a wage rate that is too low would result in Recreation Mitigation Fees that undervalue the public beach. Undervaluing the public beach would not result in maximum public access to the beach, as mitigation fees will be too small to compensate for diminished public beach resources. Furthermore, while a travel cost study provides an informational basis for understanding some of the economic impacts of shoreline armoring at Solana Beach, it is a proxy that reflects many assumptions and cannot be considered precise, and the selection of a lower wage rate (in order to be conservative) has a greater likelihood to underestimate the value of the beach.

The City's Recreation Mitigation Fee study is not the only effort at developing a value for a visit to the beach and City's value should be considered in the broader context of California and Southern California beaches. From 2012 through 2015, Coastal Commission staff worked with economists experienced in applying recreational valuation methods to explore potential applications to Commission mitigation practices for

shoreline armoring projects (CCC Beach Valuation Study¹⁰) (Exhibit 9 includes the Economists' curriculum vitae). Many studies have been undertaken to determine beach day use values for California beaches. Most of the studies have focused on highly used beaches in southern and central California and beach day use values range from \$14.97 to \$111.57 (all in 2016 dollars).¹¹ While some beaches do have higher recreation use values relative to other beaches, day use value determinations at the same beach can also vary, not necessarily because of flaws in any of the studies, but because it is difficult to control for all the variability in assumptions, data collection methodology, and statistical processing choices that can influence each beach day use value result. Due to the complexity, cost, and variability of methods for individual studies of southern and central California beaches, the economists who worked on the technical appendix for the CCC Beach Valuation Study recommended that beach day use value for new armoring permits not be based on studies for individual beaches. Instead, the economists recommended a single beach day use value for the state. Commission staff acknowledges that this single value is primarily based on Central/Southern California beaches and thus more accurately represents a regional standard value.

Using a regional value would make developing mitigation programs for other jurisdictions more straightforward and repeatable. The day use value for the ideal beach width that the economists recommended is \$39.49 (2015 dollars; \$40.03 in 2016 dollars) per visitor per day.¹² The standard regional value was developed by taking the average of a range proposed by Pendleton and Kildow, based on various available studies, for estimating the high (\$62.12) and low (\$18.64) statewide values for a day at the beach and adjusted for inflation in 2016 dollars. The Day Use Values from the studies referenced above ranging from \$14.97 to \$111.57 (all in 2016 dollars) were not statewide estimates and instead were studies of individual beaches. The CCC Beach Valuation Study economists recommended this approach because it is difficult to consistently evaluate the value of a particular beach due to the many assumptions that go into the economic studies. Thus, economists who prepared the technical appendix for the CCC Beach Valuation Study found that the most appropriate approach for the Commission to use for assigning beach day use value is a benefit transfer model based on a midpoint of multiple, peer-reviewed surveys, rather than on any one study.

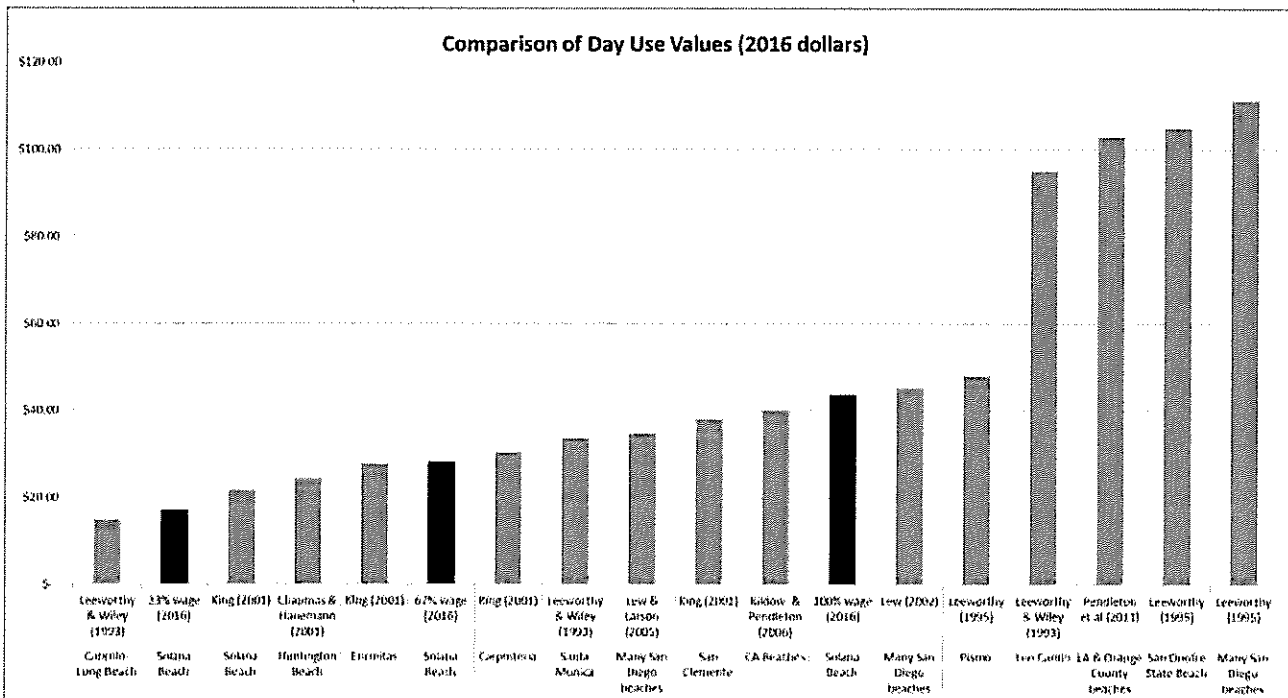
The day use value proposed by the City is significantly lower than what is recommended in the CCC Beach Valuation Study, and falls in the very lower end of the range of studies

¹⁰ CCC Administrative Draft. September 2015. Improved Valuation of Impacts to Recreation, Public Access, and Beach Ecology from Shoreline Armoring. FY 2012 NOAA Project of Special Merit (NA12NOS4190026) grant report.

¹¹ Pendleton, L., and Kildow, J. (2006). The non-market value of beach recreation in California. *Shore and Beach*, 74(2), 34.

¹² The CCC Beach Valuation Study economists recommend a minor reduction in the beach day use value for beaches that are less than 250 feet in width, due to the reduced consumer value that they associate with narrower beaches.

reviewed in the development of the CCC Beach Valuation Study recommendation. As evidenced by the graph below, the City’s decision to use a 33% wage rate, along with the numerous other assumptions the City’s consultants made when undertaking this study, would result in the second lowest beach day use value out of the 15 previous studies of beach day use value surveyed in the CCC Beach Valuation Study. The City also included calculations for scenarios where a 67% wage rate and a 100% wage rate were used, which are included the graph below.



Furthermore, use of a 33% wage rate would result in Recreation Mitigation Fees that are significantly lower than mitigation fees required by the Commission since 2005. Past mitigation fees required by the Commission for bluff retention device approvals statewide have ranged from \$81,000 to \$5,300,000. The City’s Public Recreation Fee Report included an overview of past Commission actions that required in-lieu fees for recreation impacts and found that the majority of past fees were more than \$100 per sq. ft. of impact (Exhibit 10). The values included direct encroachment impacts and impacts that were expected to result from halting passive erosion during an initial mitigation period. Specific to Solana Beach, the Commission’s approval of CDP 6-05-072/Las Brisas for a 2 ½ ft. wide 120 ft. long seawall required a Public Recreation Fee of \$248,680.72, or ~\$181 per sq. ft. for the initial 22 year period based on a similar travel cost study, as proposed in this application (Exhibit 10).

Solana Beach did a thorough travel cost study to support the development of its public recreation mitigation fee. This process took over eight years to develop and refine through multiple iterations of review. Indeed, this effort demonstrates the complexity of conducting valuation studies, even when the most straightforward study types, such as a

single site travel cost model, are used. Many assumptions are inherent in structuring travel cost studies, some of which are more apparent than others. Sampling strategy, treatment of multiple purpose trips, demographic questions, measurement of trip cost from raw data, and statistical modeling choices are just some of the components of a single site travel cost study. As we see from the literature (Pendleton and Kildow, 2006), it is difficult to match a day use value result even from the same location and same data collection effort—modeling methods can account for great variations in results.

While it is difficult to know the contribution of each assumption to travel cost model results, comparison of the City's study results with those of many other day use value studies indicates the City's model choice produces one of the lowest values in California. While the value of Solana Beach compared to more highly visited areas might be lower (e.g., due to the availability of fewer amenities), some of the assumptions underpinning the Solana Beach study are undervaluing the beach. The City provided additional time cost results that show how their time cost assumption of wage rate can change the final results substantially. It is also the case that estimating time cost is the most unsettled and difficult issue in travel cost modeling and using a wage rate to equate time cost requires specific assumptions that are rarely if ever fulfilled.¹³ There is no consensus on which wage rate is appropriate, and though 33% is often used, researchers have used zero (for retired people, unemployed, etc.) to 100 (or even 150%) of wages in travel cost models.¹⁴ The recreation literature has generally accepted 33% as the lower bound and the full wage as the upper bound (Parsons, 2003). It is also vital to recognize what the result of the model represents – a day trip value that excludes overnight and side trips, associated spending in the local economy, and nonuse values.

In order to obtain a Recreation Mitigation Fee that is more in line with past beach day use value studies conducted in Southern California and is consistent with the access and recreation policies of the Coastal Act, Suggested Modification 2 requires that a 67% wage rate be used. If a 67% wage rate is used, for a typical 2 ft. wide, 50 ft. long seawall, (with 635 sq. ft. of estimated impacts over 20 years), a property owner would be required to pay a Recreation Mitigation Fee of \$42,100,¹⁵ or ~\$66 per sq. ft., for the initial 20-year mitigation period. In contrast, if the 33% wage rate proposed by the City is used, for typical 2 ft. wide, 50 ft. long seawall, a property owner would only be required to pay a Recreation Mitigation Fee of \$26,780,¹⁶ or ~\$42 per sq. ft. for the initial 20-year

¹³ For example, it is not possible for all individuals interviewed to have flexible work schedules to allow full substitution of leisure and work time—i.e., no individuals in the study should work a fixed 40 hour a week job for a salary. This will contribute to error in the model, as will other choices in model parameters, measurement errors, or omitted variables, and researchers must use their best professional judgment in addressing these issues (Parsons 2003).

¹⁴ Day (2000) – 150% of household wage rate; Annex (1995) – 100% wage; Fezzi et al. (2012) – 80% wage rate; Fleming and Cook (2008) – ¼ to 1/2 wage rate; Pearce et al. (2006) – 1/3 to ½ wage rate; Parsons, G.R., 2003. The travel cost model. In *A primer on nonmarket valuation* (pp. 269-329). Springer Netherlands.

¹⁵ This amount incorporates the suggested modification in this staff report related to beach width. If the larger beach width proposed by the City is used to calculate the fee, it would be reduced to \$34,050.

¹⁶ This amount incorporates the suggested modification in this staff report related to beach width. If the larger beach width proposed by the City is used to calculate the fee, it would be reduced to \$21,550.

mitigation period. Also, as described previously, relying on a lower wage rate has a greater potential to underestimate beach value and this is reinforced by comparisons to other economic studies on beach value in Southern California. The Recreation Mitigation Fee, as modified, would still be on the lower end compared to past Commission required Recreation Mitigation Fees and would also be on the low end of past beach valuation studies. Suggested Modification 3 also requires that Table 1 in Appendix C be updated to reflect the change to the beach day use value. For these reasons, the Commission finds the City's proposed day use value undervalues the recreational value of their beach and selecting a 67% wage rate based value is consistent with Chapter 3 policies to maximize public access and recreation.

Beach Attendance

To determine the estimated annual beach attendance, the City counted attendance at the beach on seven randomly selected days per month over a 12-month period between July 25, 2008 and July 23, 2009, the same time period that was used to collect data from the beach use value. The City attendance figures are based on a customized survey program that was developed in coordination with Commission staff and other stakeholders. There were 88 individual counting days over this one-year period. The data collection days were reviewed to make certain that five-sevenths of the seven days were weekdays and two sevenths were weekends. The data collector counted visitors on the beach and in the water offshore. The attendance counts were then recorded into three categories: on the beach, in the water/swimming, and surfing. The City also included expansion factors to account for the likelihood that some user groups were underrepresented in the original attendance counts due to the time of day that the original population counts were conducted. In addition, beach attendance counts were further categorized as to whether the beach user was an adult or a child (e.g., under age 16 by observance). Children are not included in the attendance data because of the City's assumption that children's Beach Day Use value is captured in the adults' Beach Day Use values.

The CCC Beach Valuation Study was intended to provide Commission staff with a simplified method for assessing recreation value where data might not be available, so it provided two attendance density numbers to be utilized across the State--one for all Central and Southern California beaches (3.3 people per sq. ft. of beach per year) and a second for all Northern California beaches (1.26 people per sq. ft. of beach per year). The CCC Beach Valuation Study recommendations were based primarily on highly used beaches in Southern and Central California, which resulted in a higher attendance density than the City's attendance survey produced. The attendance density found by the City's counts is 17 times lower than that recommended in the CCC Beach Valuation Study for central and southern California beaches.

Beach Visitor Growth Rate/Updated Attendance Counts

California's coastal population is projected to show significant growth in the coming decades. A new study indicates that population growth through 2100 will place five times more people at risk to sea level rise when comparing future population trends to current

population.¹⁷ Demand for recreation in coastal areas will also grow with the increases in coastal population as well as with longer and more recurrent heat waves that will drive visitors to the beach for relief from the heat. SANDAG projections of population growth¹⁸ for San Diego County residents show significant levels of increasing growth through 2050. Many San Diego beach visitors also come from Arizona,¹⁹ and that state is projected to grow in population by over 1% annually.²⁰ Adjusting for population and income growth is very important because demand and willingness to pay for a day at the beach will increase over time in this region.

The City is not proposing to apply a growth rate to the estimated annual attendance or to conduct additional beach use counts in the future. The City asserts that beach density is relatively constant and that the recreational value lost due to a seawall can be measured by the change in beach size (e.g., if the beach narrows, there is a proportional decrease in beach attendance), and thus, outside influences such as climate change and population growth would not significantly influence the number of beach users in the future. The Commission finds it important to assume growth and to take into account future observations that will discern the actual trend. Therefore, since the current beach attendance for Solana Beach is significantly lower than the average for central and southern California beaches, on average; and, in order to ensure that attendance figures accurately reflect beach use in the future, Suggested Modification 4 requires that every ten years, the City shall adjust the attendance based on available population growth estimates or through an updated attendance survey and that the City shall incorporate any changes to the attendance as an amendment to Appendix C of the LUP.

Beach Area

The City proposes to use available Light Detection and Ranging Imagery (LiDAR) data to determine average beach area within the City, and has focused on four specific survey dates to inform this analysis. These dates were selected due to proximity to the beach survey collection dates conducted by the City. The LiDAR data that the City proposes to use were taken on April 2008, September 2008, March 2009, and October-December 2009 and results in an average beach area of 18.8 acres. The City's beach attendance surveys were conducted between July 25, 2008 and July 23, 2009 and these LiDAR dates were specifically selected by the City because of the overlap with the attendance surveys. Measuring beach size with LiDAR is a sound method; however, using only four data points to calculate an average does not provide the best available estimate of beach area. Instead, beach area should be determined using as much of the available beach width and beach area data as possible and should incorporate all of the 19 LiDAR datasets collected between 1998 and 2015 (Exhibit 11).

¹⁷ Hauer, M.E., Evans, J.M. and Mishra, D.R., 2016. Millions projected to be at risk from sea-level rise in the continental United States. *Nature Climate Change*, 8 pp., <http://dx.doi.org/10.1038/nclimate2961>.

¹⁸ http://www.sandag.org/uploads/projectid/projectid_503_19239.pdf

¹⁹ Phil King, personal communication. March 24, 2016.

²⁰ <https://population.az.gov/population-projections>

There are multiple reasons to use all available beach area data. First, most beach visitors go to the beach with an expectation of the beach size based on previous experience or information based on past area. While new visitors may consult various sources about the quantity and quality of a particular beach, repeat visitors are more likely to base their beach perception on their mental recall of prior visits. Thus, an average based on more data points is not only more accurate but reflects what the typical visitor would expect. Second, using an average from multiple datasets accounts for the variability of beach widths that visitors experience. The average of all available LiDAR beach areas compared to other historic beach transect areas produce similar values (15.2 and 15.5 acres, respectively), providing greater confidence that these numbers are better representations of the average condition. Third, the Fall 2008 LiDAR survey recorded significantly more beach area than any of the other LiDAR surveys or transect measurements. The Fall 2008 LiDAR survey also shows a beach area that is 8.3 acres greater than that of the Fall 2008 transect. The Fall 2008 LiDAR beach area measurement is an outlier when compared with the full multi-year set of beach area data. The inclusion of this outlier survey as one of only four data points greatly skews the average beach area. Given the large difference between LiDAR and transect Fall 2008 areas, it is imprudent to disregard the other available LiDAR and transect data points. Fourth, the limitations on the attendance data should not put an artificial limit on the use of the available beach area data. This constraint would, at the extreme, reduce the beach area data to only the Fall 2008 and Spring 2009 survey results. Suggested Modification 1 requires that the City update Table 1 in Appendix C to reflect the change to beach area.

Beaches are dynamic environments that can change in size in a relatively short period of time. The use of such a small data set has the potential to create significant inconsistencies. Therefore, Suggested Modification 1 requires that the whole LiDAR data set available be used to provide a more representative depiction of average beach area. As modified, the beach area used to calculate the beach value for the Public Recreation Fee is 15.2 acres. Using a smaller beach area will result in increased Public Recreation Fees as the value of the total beach remains constant, while the value of each sq. ft. of beach is greater. Suggested modification 1 also requires that the City determine if the beach area has changed every ten years and incorporate any changes as an amendment to Appendix C of the LUP.

In addition, Suggested Modification 5 requires that the City update the annual recreational value and annual recreational value per square foot of the beach every ten years to reflect any changes beach area estimates.

Public Recreation Fees Credits and Deficits

The City's proposal includes a discussion regarding allocation of mitigation credits and deficits if sea level rise or erosion estimates differ from projections. Specifically, the City's proposal indicates that if large sand replenishment projects are implemented, Public Recreation Fees may be reduced due to slowed beach erosion rates. However, sand can be removed from a beach by one or two large wave events and there is no guarantee that long term replenishment projects will continue to be funded in the future.

Reducing Public Recreation Fees due to a scheduled or one time beach replenishment event may result in underpayment of Public Recreation Fees and inadequate mitigation for impacts.

After-the-fact adjustments to Public Recreation Fee amounts would increase uncertainty for permittees, the City, and the Coastal Commission. Furthermore, erosion estimates are based on long term averages and adjustments and should not be based on a shorter time scale. As described in Policy 4.51 of the City's certified LUP, the erosion rate may be adjusted at ten year intervals with a vote of the Council. In addition, any change to the estimated erosion rate would require an amendment to the City's Local Coastal Plan. An appropriate time to adjust mitigation payment amounts on individual properties is at the 20-year intervals, when additional review of approved shoreline armoring is required. Thus, Suggested Modification 8 prohibits retroactive adjustments to Public Recreation Fees (excluding the \$1,000 per linear foot interim fee deposits), in the form of crediting overpayment of Public Recreation Fees or adding underpayment of Public Recreation Fees to future assessments based on observed bluff erosion.

Calculation of Public Recreation Fees and Timing of Payment

As submitted, the City proposes to calculate the Public Recreation Fee during the discretionary approval process and to finalize the Public Recreation Fee at the time that the construction permit is issued. The Public Recreation Fee is defined and required by the City's Local Coastal Program Land Use Plan, which will be the standard of review for Coastal Development Permits and currently functions as guidance. As such, Suggested Modification 13 requires that the Public Recreation Fee for bluff retention devices be calculated by the decision making entity for the Coastal Development Permit at the time of that action. Until such time that the Commission certifies the City's Implementation Plan, the Commission will continue to issue all of the Coastal Development Permits for bluff retention devices in Solana Beach. Once a LCP is certified, the City will take over permitting for bluff retention devices located landward of the mean high tide line, while the Commission will retain permitting authority for any development proposed to be located seaward of the mean high tide.

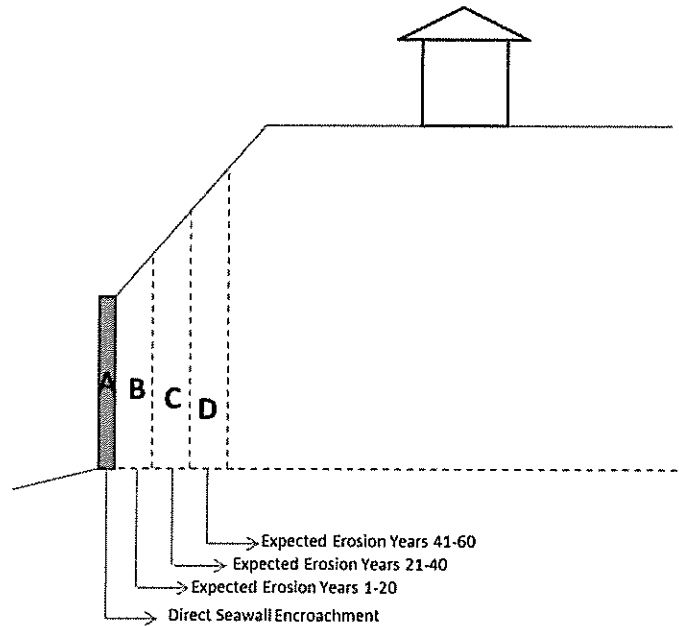
As proposed by the City, the "...City Council shall make the controlling decisions regarding payment options and terms [for the Public Recreation Fee]..." The City proposal includes example payment options at 5-year and 10 year intervals. Suggested Modification 13 instead requires that payment in full of the Public Recreation Fee be made prior to issuance of the Coastal Development Permit. Payment of mitigation fees prior to issuance of the Coastal Development Permit rather than on a payment plan will simplify the mitigation calculation, will reduce potential enforcement issues, and will result in Public Recreation Fees being available sooner to fund beach access and recreation projects.

Subsequent Mitigation Periods

The City's certified LUP requires that mitigation for impacts to public access and recreation resulting from the construction of a bluff retention device be assessed in 20-year increments. Property owners are required to apply for a CDP amendment prior to the expiration of each 20-year mitigation period to propose mitigation for coastal resource impacts associated with continued effects of the bluff retention devices beyond the preceding 20-year mitigation period and to analyze alternative feasible measures to modify the bluff retention device to lessen impacts on coastal resources. However, the City's proposed mitigation method does not address how to calculate mitigation for subsequent 20-year periods in cases where the decision-making entity for the CDP determines that the bluff retention device cannot be removed or modified and therefore would continue to impact coastal resources. Suggested Modification 15 has been included to clarify the mitigation calculation method for these subsequent 20 year periods. As modified, mitigation shall include the direct shoreline protection device encroachment and all beach area that would have otherwise been available to the public through passive erosion had the shoreline armoring not been constructed.

Impacts to public beach access and recreation are valued per sq. ft. of beach area per year that is not available for public use. The area of direct encroachment and area of beach that would otherwise have been created had a bluff retention device not been constructed continues to be unavailable during subsequent mitigation periods. Thus, mitigation for subsequent periods addresses ongoing and increased impacts. It includes mitigation for the total area of beach that is being affected from the inception of the shoreline armoring impact.

Figure 1 below has been included as a suggested modification to Appendix C and is included below to illustrate the area that is impacted in each 20-year mitigation period and is subject to the Public Recreation Fee. In the first mitigation period, which covers the initial 20 years, the property owner is responsible for mitigating the direct encroachment area of the bluff retention device and for the area of beach that would have been created through bluff erosion during the 20-year mitigation period. In the second mitigation period, which covers the second 20-year period, the property owner will be required to mitigate for the continued direct encroachment of the bluff retention device and the beach area that would have been created and available for public use during the entire 40 year period, since the initial construction of the bluff retention device. Mitigation will continue until the bluff retention device has been removed. Public Recreation Fees may become progressively larger as the device's continued presence results in increasing impacts to public beach area.



Mitigation Period	Mitigation Area
1st Mitigation Period (Pay in Year 1)	A + B
2nd Mitigation Period (Pay in Year 21)	A + B + C
3rd Mitigation Period (Pay in Year 41)	A + B + C + D

It is important to note that the method to calculate mitigation for recreation impacts during subsequent mitigation periods differs from mitigation for sand supply impacts in subsequent mitigation periods. Sand supply impacts are based on the volume of sand that would otherwise have been introduced to the public beach and littoral cell. Thus, the expected volume of sand in the bluff that would have reached the beach during the initial 20-year mitigation period. During subsequent mitigation periods applicants are responsible to mitigate for any additional sand that would have reached the beach during that next mitigation period.

Use of Public Recreation Fees

The purpose of mitigating the loss of recreational benefit is to compensate for the impact to public resources caused by the shoreline protection. The beach and bluffs are publicly owned resources that are adversely impacted by the construction of bluff retention devices. Not only do many bluff retention devices occupy beach area that would otherwise be available for recreation, but they can block public access and will also eventually cause beach area to be eliminated through beach erosion, a condition that will accelerate as sea levels rise in the future.

The City’s certified Land Use Plan provides that Public Recreation Fees must be expended for public access and public recreation improvements unless an analysis cannot

identify any “near-term” public recreation or public access projects. In which case, the Public Recreation Fees will be available for sand replenishment projects. The Commission recognizes that beach sand replenishment projects can provide an improved public access and recreational experience for beach goers. Although no definition for near-term is provided by the City, funds can be released for secondary priority projects only upon written approval of the Executive Director of the Commission. Examples of near-term public access and recreation projects include public stairway replacement and repairs, parkland acquisition in the vicinity of the coastal bluffs and beaches, restrooms, lifeguard facilities, and even the potential acquisition of bluff top land. The LUP also allows project applicants to fund a specific public access/recreation project in lieu of paying the Public Recreation Fee.

The City has undertaken one project with the help of Public Recreation Fees. In 2005, prior to the implementation of the City’s interim fee program, the Commission required payment of a \$248,680.72 Public Recreation Fee to mitigate for the impacts resulting from a 120 ft. long, 5.5 ft. wide seawall constructed on the City’s public beach to provide protection for a condominium complex (Ref: CDP 6-05-072/Las Brisas). The Public Recreation Fee amount resulted from a site specific Travel Cost Study for the site. As required by the Commission, these funds were deposited in an interest bearing account and by 2014 had grown to \$276,266.73. In June of 2014, the Executive Director approved allocation of the entirety of the funds in the account to be spent to partially fund replacement of the Del Mar Shore public beach stairway in the City of Solana Beach. The total cost of the stairway replacement was ~\$1,500,000. As evidenced by this project, the required Public Recreation Fees likely won’t be sufficient to completely fund beach improvement projects, although the funds can result in an important contribution that assist in making these important public access projects a reality.

The City and Commission staff have recently begun coordinating on the development of a proposed project to redevelop the marine safety center at Fletcher Cove. This project would result in improved beach safety and could be an appropriate future use of public access and beach recreation mitigation funds.

The City’s Fee Study, which as suggested to be modified by staff, shall not be incorporated by reference into the LUP, proposes to use public access and mitigation funds to pay for capital improvement projects and operations and maintenance projects throughout the City, and not just on projects located on or adjacent to the beach and coastal bluffs. However, inland projects would not result in improved public access and recreation at the beach and would therefore not provide an adequate nexus to mitigate for the impacts of shoreline armoring. Thus Suggested Modification 9 requires that all projects funded by the Public Access and Recreation Mitigation Fees be located directly along the coast and that the projects result in direct improvements to public recreation and beach access, and that Appendix C be updated accordingly. As part of future efforts to construct its Implementation Plan, the City should produce a specific list of shoreline-related projects that would describe opportunities where mitigation fund dollars could be utilized to improve direct public access and recreation improvements on the beach or directly adjacent to the beach.

3. Biological Resources

The following Chapter 3 policies of the Coastal Act are most applicable to this development:

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Policy 3.55 of the City of Solana Beach certified Land Use Plan protects unique habitats:

For the ocean shoreline area, limit development on sand or rock beaches to lifeguard towers/stations, temporary public comfort stations, safety and public information signs, public stairways, public recreation equipment, bluff retention devices as permitted herein, and pollution control devices approved by the RWQCB. Any permitted structures shall be the alternative with the least impact on coastal resources and recreation, the minimum size necessary, and shall provide any necessary mitigation.

Sandy beach ecosystems are unique--their intrinsic biota and ecological functions are not provided by any other coastal ecosystem. Sandy beaches are comprised of three different biological zones: the supra-littoral zone, the mid-littoral zone, and the surf zone, each of which provides critical habitat, food and/or breeding grounds for many species. These zones provide functions that include buffering and absorption of wave energy by stored sand, filtration of large volumes of seawater, extensive detrital and wrack processing and nutrient recycling, and the provision of critical habitat and resources for declining and endangered wildlife, such as shorebirds and pinnipeds.

The City conducted a review of available ecological studies that have been conducted for Solana Beach's shoreline and beach areas to compile a baseline natural resources survey of physical and biological resources that could potentially be impacted by the construction of bluff retention devices. This survey will aid in the determination of appropriate mitigation opportunities in the future.

The effects of shoreline armoring on sandy beach ecosystems are increasingly recognized, though difficult to quantify. Ecological impacts due to armoring result from direct loss of beach due to the physical footprint of the structure, from erosion and scour resulting from the armoring, and from reduced sediment supply as a result of fixing the back beach. These physical changes to the beach environment have ecological impacts such as the loss of sandy beach zones/habitat and the concomitant loss of infaunal

biomass and biodiversity (upper beach zones are most heavily impacted), loss of sandy beach area currently or potentially used for feeding, roosting, nesting, or reproduction of wildlife, and loss of sandy beach ecosystem services and functions (flood protection, nutrient cycling, etc.). The highly dynamic nature of the ecological components and functions of sandy beaches (beaches change during daily, weekly, seasonal, yearly, and decadal time periods) make quantitatively evaluating the sandy beach ecosystem expensive, time-consuming, and difficult.

Armoring directly encroaches upon the beach and fixes shoreline position, constraining the possible responses and evolution of beach ecosystems to adjust to changes in sea level and other dynamic coastal processes. This loss of the scope and ability of beaches to respond to coastal processes results in the reduction of overall width and the elimination of habitat zones and the space needed by biota to adjust to changing swell, tide and beach conditions. As pressure to develop the coast continues, and sea level rise and coastal erosion accelerates, the need to understand the ecological consequences of armoring on coastal ecosystems is increasingly urgent.

Quantitatively assessing effects of armoring on ecological components and functions potentially altered or lost on a given stretch of sandy beach is complex. One option for mitigating ecological impacts of coastal armoring is to use the cost of restoring suitable natural habitat, either at that site or nearby as a proxy for ecological value. A fundamental assumption to the replacement cost method is that the restored ecosystem function is equivalent to the natural function lost and is the least costly way to regain that natural function.^{21,22} The replacement cost approach relies on determining proportional and appropriate ecological restoration for identifying equitable mitigation and thus requires a robust set of suitable restoration projects to draw upon for valuation.

However, a replacement cost approach is only one alternative to delving into the array of methods for identifying, replicating, and monitoring lost ecological components of a specific stretch of beach and still requires further study before a mitigation method can be devised and implemented. The Commission finds that the full ecological impacts of shoreline armoring on beach habitat may not be fully identified, or mitigated at this time. Research continues and staff anticipates this issue will be resolved in the future. The Commission finds that it is not feasible at this time to mitigate for the loss of the biological productivity of a given stretch of beach. Thus, Suggested Modification 16, clarifies that mitigation for impacts to ecological resources and other relevant coastal resources, that result from the construction of bluff retention devices is not included as a part of the City's Public Recreation Fee program and that the LUP shall be updated once an accepted approach on how to calculate these mitigation fees has been developed by the Commission.

²¹ US National Research Council. 2005. *Valuing Ecosystem Services: Toward Better Environmental Decision- Making*. The National Academies Press. Washington, DC.
<http://www.nap.edu/catalog/11139.html>

²² Bockstael, N.E., A.M. Freeman, R.J. Kopp, *et al.* 2000. On measuring economic values for nature. *Environ. Sci. Technol.* 34: 1384–1389.

4. Conclusion

In summary, the LUP amendment, as proposed, is inconsistent with Chapter 3 of the Coastal Act because it does not result in adequate recreation mitigation for the impacts resulting from construction of bluff retention devices. The proposed LUP amendment is deficient in several critical policy areas that affect priority public access and recreation. The proposed modifications are necessary to address and resolve these identified policy conflicts. Therefore, as modified, the Commission finds the LUP amendment does conform to the Chapter 3 policies of the Coastal Act and the land use plan may be approved.

While the need to mitigate for impacts to public access and recreation that result from the construction of bluff retention devices applies to the entire coastline of California, the Public Recreation Fee method proposed by the City of Solana Beach and the suggested modifications to the fee study are specific to the City of Solana Beach. Understanding of the issues related to Public Recreation Fees will continue to evolve as the Commission continues to review Local Coastal Program amendments and individual Coastal Development Permits that proposed mitigation for impacts to public access and recreation. As evidenced in the subject LUP amendment application, each jurisdiction will have its own unique traits and circumstances related to valuation of public access and recreation of the beach.

PART V. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 21080.9 of the California Environmental Quality Act (CEQA) exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its local coastal program. The City found that the proposed LUP amendment is statutorily exempt from CEQA per CEQA Guidelines Section 15265. The Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required in an LCP submittal to find that the LCP does conform with CEQA provisions. The proposed City of Solana Beach LUPA is not consistent with the public access, visual protection, and natural resource protection policies of the Coastal Act. Suggested modifications have been added as described and listed above. If modified as suggested, no impacts to coastal resources are expected to result from the amendment.

Any specific impacts associated with individual development projects would be assessed through the environmental review process, and, an individual project's compliance with CEQA would be assured. Therefore, the Commission finds that no significant

immitigable environmental impacts under the meaning of CEQA will result from the approval of the proposed LCP amendment as modified.

(G:\San Diego\Reports\LCPs\Solana Beach\LCP-6-SOL-16-0020-1 (Fee Study)\LCP-6-SOL-16-0020-1 Stf Rpt (Public Recreation Fee).docx)

Substantive File Documents

- City of Solana Beach Certified LUP
- CCC Administrative Draft. September 2015. Improved Valuation of Impacts to Recreation, Public Access, and Beach Ecology from Shoreline Armoring. FY 2012 NOAA Project of Special Merit (NA12NOS4190026) grant report.
- City Of Solana Beach Public Recreation Fee Report February 25, 2016 and Appendices
- California Coastal Commission Sea Level Rise Policy Guidance, Adopted August 12, 2015
- City of Solana Beach interim in-lieu fee program (Ref. Resolution 2007-042, City of Solana Beach).
- City of Solana Beach interim in-lieu fee program (Ref. Resolution 2016-039, City of Solana Beach).
- City of Solana Beach interim in-lieu fee program (Ref. Resolution 88-45, City of Solana Beach).
- CDP Nos. 6-83-85/Auerbach et al., 6-91-129/Steinberg; 6-92-082/Vicker, 6-93-131/Richards et al., 3-02-024/Ocean Harbor House, 6-05-072/Las Brisas, 6-06-104/Vams, LLC, 6-07-133/Li, 3-08-019/Sea Breeze, 3-09-042/O’Neill, 2-11-009/City of Pacifica, 4-11-026/Caltrans, 2-11-039/Lands End, 6-12-041/Lampl, A-3-PSB-12-042/Capistrano Seawall, A-3-PSB-12-0043/Vista Del Mar Seawall
- Parsons, G.R., 2003. The travel cost model. In A primer on nonmarket valuation (pp. 269-329). Springer Netherlands.
- Pendleton, L., and Kildow, J. (2006). The non-market value of beach recreation in California. *Shore and Beach*, 74(2), 34.
- Day (2000) – 150% of household wage rate; Annex (1995) – 100% wage; Fezzi et al. (2012) – 80% wage rate; Fleming and Cook (2008) – ¼ to 1/2 wage rate; Pearce et al. (2006) – 1/3 to ½ wage rate; Parsons, G.R., 2003. The travel cost model. In A primer on nonmarket valuation (pp. 269-329). Springer Netherlands.
- Hauer, M.E., Evans, J.M. and Mishra, D.R., 2016. Millions projected to be at risk from seal-level rise in the continental United States. *Nature Climate Change*, 8 pp., <http://dx.doi.org/10.1038/nclimate2961>.
- US National Research Council. 2005. Valuing Ecosystem Services: Toward Better Environmental Decision- Making. The National Academies Press. Washington, DC. <http://www.nap.edu/catalog/11139.html>
- Bockstael, N.E., A.M. Freeman, R.J. Kopp, et al. 2000. On measuring economic values for nature. *Environ. Sci.Technol.* 34: 1384–1389.

CALIFORNIA COASTAL COMMISSION

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**Th17d****Addendum**

May 4, 2017

To: Commissioners and Interested Persons

From: California Coastal Commission
 San Diego Staff

Subject: Addendum to **Item Th17d**, Land Use Plan Amendment Application #
LCP-6-SOL-16-0020-1 (Public Recreation Fee), for the Commission
 Meeting of May 11, 2017

The purpose of this addendum is to make minor corrections and clarifications to the staff report. Staff recommends the following changes be made to the above-referenced staff report. Deletions shall be marked by a ~~strike through~~ and additions shall be underlined:

1. On Page 5 of the staff report, the summary of Suggested Modification 3 shall be modified as follows:
 - Staff is recommending that Table 1 in Appendix C, which details the Initial Area Rate and the Bluff Retreat Rate for bluff retention devices constructed between 2016 and 2026, be updated to reflect the Commission's suggested modifications to the beach day use value and to the estimated beach area. Staff is also recommending that Table 1 in Appendix C by updated every ten years as an amendment to Appendix C of the LUP.
2. On Page 9 of the staff report, the final complete paragraph shall be corrected as follows:

The appropriate resolutions and motions begin on page ~~XX 12~~. The suggested modifications begin on page ~~XX 13~~. The findings for denial of the Land Use Plan Amendment as submitted and approval as modified begin on page ~~XX 22~~. ~~The findings for approval of the Land Use Plan Amendment if modified begin on page XX.~~
3. On Page 14 of the staff report, the first sentence of Policy 4.50 shall be corrected as follows:

Policy 4.50: The bluff property owner shall pay for the cost of the coastal structure or Infill and pay a Sand Mitigation Fee and a Public Recreation Fee per LUP Policy 4.38 4.39...

4. On Pages 14-21 of the staff report, the Suggested Modifications shall be annotated with the Suggested Modification number on the attached document titled “Annotated Suggested Modifications.”

5. On Page 16 of the staff report, the first bullet point shall be corrected as follows:

- The proxy recreational use value per beach visitor per day (Day Use Value) for Solana Beach is ~~\$32.33~~ \$35.56 in the summer months and ~~\$19.09~~ 21.00 in the non-summer months. In the future, this Day Use Value may be required to be updated to reflect current practices or new information.

6. On Page 17 of the staff report, the third bullet point shall be corrected as follows:

- The annual use value of the beach within the City is ~~\$4,715,843~~ \$4,010,581 and is obtained by multiplying the Day Use Value by the number of adults that visit the beach annually and adding the value of the Junior Lifeguard Program, which is \$269,501. The City shall update the annual use value of the beach every ten years if there are changes to the beach area or attendance estimates and shall incorporate the change as an LUP amendment.

7. On Page 47 of the staff report, the last paragraph shall be modified as follows:

While 33% of wages is sometimes used in travel cost calculations, it is not a universal standard among economists. In fact, in response to comments on previous versions of the City’s Recreation Mitigation Fee study, the City stated that the 33% wage rate was chosen because “...it is considered the lower boundary and is therefore conservative and defensible.” There is much variation in the opportunity cost of time—economists have used zero (for retired people, unemployed, etc.) to 100 (or even 150%) of wages (when opportunity cost is high). Using income as a key determinate of beach value has the potential to drastically undervalue a beach given the presence of retired people, homemakers, students, and unemployed people who do not have a full time job, so that the value of the beach to them is not represented in the beach value. Reliance on a low wage rate therefore has the potential to further underestimate value due to the fact that these other persons are not included in the calculation. An additional argument against the use of a low wage rate in Solana Beach relates to the high price of real estate that masks the value that local residents place on beach visits. The average home value in Solana Beach is over \$1.1 million, more than double the average home value in San Diego County¹. Thus, using the low wage rate for the beach use value has the strong potential to underestimate the value of the beach and to result in a low Recreation Mitigation Fee. Local residents are willing to pay more to live close to this beach, but that investment is then underrepresented when looking at cost of travel given the close proximity of these homes to the beach, and the inherently reduced cost for local homeowners to get to the beach.

¹ <https://www.zillow.com/solana-beach-ca/home-values/>

Conversely, the City argues that because the cost of housing and the medium income in Solana Beach is higher than the County average, the use of a lower wage rate is appropriate because even a 33% wage rate for these higher income levels would represent a higher monetary amount that would then increase the calculated beach value. However, as explained above, the fee study likely undervalued the beach for local residents due to the decreased travel time and reduced transportation costs necessary to get to and from the beach that would instead be captured in the property investments and not adequately represented by a travel cost analysis.

8. On Page 48 of the staff report, the first paragraph and the following table shall be modified as follows:

In response to concerns raised by stakeholders, the City also analyzed beach day use values using a 50%, 67%, and 100% wage rate. The table below shows the results of the multiple wage rate alternatives:

Wage Percentage	Summer/Non-Summer	Average Beach Day Use Value Per Visitor (2016 Dollars)
33%	Summer	\$19.25
	Non-Summer	\$14.76
<u>50%</u>	<u>Summer</u>	<u>\$26.59</u>
	<u>Non-Summer</u>	<u>\$17.39</u>
67%	Summer	\$35.56
	Non-Summer	\$21.00
100%	Summer	\$59.04
	Non-Summer	\$28.07

9. On Page 50 of the staff report, the last sentence of the final complete paragraph shall be corrected as follows:

...Specific to Solana Beach, the Commission’s approval of CDP 6-05-072/Las Brisas for a 2 ½ ft. wide 120 ft. long seawall required a Public Recreation Fee of \$248,680.72, or ~\$181 per sq. ft. for the initial 22 year period based on a ~~similar travel cost study, as proposed in this application~~ benefit transfer comparison of Southern California beach valuation studies available at that time (Exhibit 10).

10. On Page 53 of the staff report, the final complete paragraph shall be corrected as follows:

Beach Area

The City proposes to use available Light Detection and Ranging Imagery (LiDAR) data to determine average beach area within the City, and has focused on four specific survey dates to inform this analysis. These dates were selected due to proximity to the

beach survey collection dates conducted by the City. The LiDAR data that the City proposes to use were taken on April 2008, September 2008, March 2009, and October-December 2009 and results in an average beach area of 18.8 acres. The City's beach attendance surveys were conducted between July 25, 2008 and July 23, 2009 and these LiDAR dates were specifically selected by the City because of the overlap with the attendance surveys. The City asserts that use of only these four LiDAR datasets is consistent with their assumption "...that average beach density (persons per SF) is generally constant across all of Solana Beach [and that] if the beach were to narrow, fewer people would visit, but the density (persons per SF) would be the same..." Measuring beach size with LiDAR is a sound method; however, using only four data points to calculate an average does not provide the best available estimate of beach area. Instead, beach area should be determined using as much of the available beach width and beach area data as possible and should incorporate all of the 19 LiDAR datasets collected between 1998 and 2015 (Exhibit 11).

11. On Page 61 of the staff report, the final complete paragraph shall be modified as follows:

Nevertheless, the Commission is required in an LCP submittal to find that the LCP does conform with CEQA provisions. The proposed City of Solana Beach LUPA is not consistent with the public access, ecological, and other coastal ~~visual protection, and natural~~ resource protection policies of the Coastal Act. Suggested modifications have been added as described and listed above. If modified as suggested, no impacts to coastal resources are expected to result from the amendment.

12. On Page 2 of Exhibit 7 of the staff report, the first bullet point shall be corrected as follows:

- The proxy recreational use value per beach visitor per day (Day Use Value) for Solana Beach is ~~\$32.33~~ \$35.56 in the summer months and ~~\$19.09~~ 21.00 in the non-summer months. In the future, this Day Use Value may be required to be updated to reflect current practices or new information.

13. On Page 3 of Exhibit 7 of the staff report, the third bullet point shall be corrected as follows:

- The annual use value of the beach within the City is ~~\$4,715,843~~ \$4,010,581 and is obtained by multiplying the Day Use Value by the number of adults that visit the beach annually and adding the value of the Junior Lifeguard Program, which is \$269,501. The City shall update the annual use value of the beach every ten years if there are changes to the beach area or attendance estimates and shall incorporate the change as an LUP amendment.

14. In Exhibit 9 of the staff report, the Curriculum Vitae for Dr. Chad Nelson shall be added following the Curriculum Vitae for Dr. Philip King.

Annotated Suggested Modifications

Suggested modifications to Policy 4.50:

Policy 4.50: *The bluff property owner shall pay for the cost of the coastal structure or Infill and pay a Sand Mitigation Fee and a Public Recreation Fee per LUP Policy 4.38. These mitigation fees are not intended to be duplicative with fees assessed by other agencies. It is anticipated the fees assessed as required by this LCP will be in conjunction with, and not duplicative of, the mitigation fees typically assessed by the CCC and the CSLC for impacts to coastal resources from shoreline protective devices.*

[...]

SM
#16

Public Recreation Fee – Similar to the methodology established by the CCC for the sand mitigation fee, the City and the CCC have developed developing a methodology for calculating a statewide public recreation fee Public Recreation Fee for the City of Solana Beach. To assist in the effort, the City has shared the results of their draft study with the CCC to support their development of a uniform statewide Public Recreation / Land Lease Fee. Until such time as an approved methodology for determining this fee has been established, and the methodology and payment program has been incorporated into the LCP through an LCP amendment, the City will collect a \$1,000 per linear foot interim fee deposit. In the interim period, CCC will evaluate each project on a site specific basis to determine impacts to public access and recreation, and additional mitigation may be required. The City shall complete its public recreation/land lease fee study within 18 months of effective certification of the LUP. To mitigate for impacts to public access and recreation resulting from loss of beach area, for all development involving construction of a Public Access and Recreation Fee shall be collected by the City which shall be deposited in an interest-bearing account designated by the City Manager of Solana Beach in-lieu of providing beach area to replace the public access and coastal recreation benefits that would be lost due to the impacts of any proposed protective structure. The method used to determine the appropriate mitigation fee has been approved by the CCC and is contained in LUP Appendix C. The funds shall solely be used to implement projects which augment and enhance public access and coastal recreation along the shoreline, not to fund other public operations, maintenance or planning studies.

Project applicants have the option of proposing a public recreation/access project in lieu of payment of Public Recreation Fees (or interim deposits) to the City. At the City's discretion, these projects may be accepted if it can be demonstrated that they would provide a directly-related recreation and/or access benefit to the general public.

Public Recreation Fees must be expended for public access and public recreation improvements as a first priority and for sand replenishment and retention as secondary priorities where an analysis done by the City determines that there are no near-term, priority public recreation or public access CIP identified by the City where the money could be allocated. The Public Recreation funds shall be released for secondary priorities

only upon written approval of an appropriate project by the City Council and the Executive Director of the Coastal Commission.

Suggested modifications to the last paragraph on Page 15 and the first Paragraph on Page 16 of Chapter 4 of the LUP:

~~In April 2010, the City completed a draft fee study and conducted a public hearing on the fee study to determine the amount of fees that maybe appropriately assessed as mitigation for the potential adverse effects on public recreation and public lands resulting from placing a bluff retention device on a public beach. The City received a substantial number of comments on the fee study from local stakeholders including property owners, surfers and CCC staff and the fee study remains a draft. Because this is a statewide issue, the City will provide this draft study and the data developed by the City to the CCC. The City will coordinate with the CCC and other state regulatory entities in developing a uniform statewide Public Recreation / Land Lease Fee.~~

Based on the October 2010 MHTL survey, the land on which bluff retention devices are proposed to be located may include public lands owned by the State of California, the City of Solana Beach or both. In addition, the location of the MHTL is constantly changing. For all development involving construction of a bluff retention device, a Public Recreation Fee shall be collected by the City which shall be deposited in an interest-bearing account designated by the City Manager of Solana Beach in lieu of providing beach area to replace the public access and coastal recreation benefits that would be lost due to the impacts of any proposed protective structure. The method used to determine the appropriate mitigation fee has been approved by the CCC and is contained in LUP Appendix C. Mitigation for impacts to ecological and other relevant coastal resource impacts that result from the construction of bluff retention devices are not included in this public recreation fee and the City's LUP shall be updated once an accepted approach on how to calculate these fees has been developed by the Commission. The City is collecting a \$1,000 per linear foot fee deposit to be applied towards a future Public Recreation/Land Lease Fee. Therefore, until such time as a final Public Recreation / Land Lease Fee is adopted by the City following Coastal Commission approval of such a payment and certification of an LUP amendment adding to the City's LCP, the City will continue to impose an interim fee deposit in the amount of \$1,000 per linear foot to be applied as a credit toward the Public Recreation / Land Lease Fee. The City shall complete its Public Recreation/Land Lease fee study within 18 months of effective certification of the LUP. In association with approval of any bluff retention device located landward of the MHTL and on public land, the City shall also require an encroachment/removal agreement to be renewed at least every 20 years. Additional mitigation for impacts to public access and recreation may also be required through site-specific review and approval of the coastal development permit.

SM
#16
Cont.

Staff is recommending that Appendix C be replaced in its entirety as shown below. A strike-out/underline version of Appendix C is contained in Exhibit 7.

PUBLIC RECREATION IMPACT MITIGATION FEE (APPENDIX C)

In conformance with the Certified City of Solana Beach Local Coastal Program (LCP) Land Use Plan (LUP) Policy 4.50, Bluff Property Owners who construct Bluff Retention Devices shall pay the City a Public Recreation Impact Fee (may also be referred to as Public Recreation Fee) consistent with this appendix. The Public Recreation Fee is separate and independent of the Sand Mitigation Fee detailed in Appendix A.

These mitigation fees are not intended to be duplicative with fees assessed by other agencies. It is anticipated the fees in this appendix would be assessed as required by this LCP and shall be in conjunction with the mitigation fees typically assessed by the CCC and the CSLC for impacts to coastal recreation from Bluff Retention Devices.

The Public Recreation Fee shall be calculated on a project-specific basis to ensure the mitigation fees are proportional to the impact being mitigated. Variables to be considered in determining the fee imposed shall depend on the impact to the beach area based upon (1) the specific physical configuration and footprint of the proposed Bluff Retention Device and (2) the presence of a seacave or notch of any depth that would be fronted by a Bluff Retention Device. The entire area of a seacave or notch located landward of the proposed Bluff Retention Device shall be considered imminently subject to failure and be included in the mitigation calculation. In addition, the area of any seacaves or notches that have been previously infilled with erodible concrete, located landward of the proposed bluff retention device, which are no longer allowed to erode as originally approved, shall be included in the mitigation calculation.

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#11

The Public Recreation Fee addresses impacts to the loss of recreation based upon the loss of beach area described below as (1) Initial Area and (2) theoretical 20-year Bluff Retreat Area. Table 1 identifies separate rates, to ensure proportionality between the impact and the mitigation fee to be applied to the Initial Area and Bluff Retreat Area. The fees address the impacts to public recreation for a 20-year period, consistent with the requirements of LUP Policies 4.49 and 4.53. At the end of each 20-year period, the bluff retention device shall either be removed or new fees shall be assessed. The use values in Table 1 were determined as follows:

SM
#2

- The proxy recreational use value per beach visitor per day (Day Use Value) for Solana Beach is \$32.33 in the summer months and \$19.09 in the non-summer months. In the future, this Day Use Value may be required to be updated to reflect current practices or new information.

SM
#1

- The City's useable beach area includes the area from the toe of the coastal bluff to mean sea level existing between the northern and southern City limits. Based on 19 LiDAR datasets collected between 1998 and 2015, the useable beach area in Solana Beach is presently calculated at 15.2 acres. The City shall determine if the beach area has changed every ten years and incorporate any changes as an amendment to the LUP.

SM #4 { • The average annual beach attendance in Solana Beach is estimated to be 134,817 adults per year. Children are not included in the attendance data because of the assumption that consumer surplus of children is captured in the adult consumer surplus use values. The attendance estimate is based on attendance counts undertaken by the City between July 2008 and July 2009 and expansion factors to account for the likelihood that some user groups were underrepresented in the original attendance counts due to the time of day that the original population counts were conducted. Every ten years, the City shall adjust the attendance based on available population growth estimates or through an updated attendance survey. The City shall incorporate any changes to the attendance as an amendment to the LUP.

SM #5 { • The annual use value of the beach within the City is \$4,715,843 and is obtained by multiplying the Day Use Value by the number of adults that visit the beach annually and adding the value of the Junior Lifeguard Program, which is \$269,501. The City shall update the annual use value of the beach every ten years if there are changes to the beach area or attendance estimates and shall incorporate the change as an LUP amendment.

SM #3 { • The use value of one sq. ft. of beach was calculated to be \$6.06 in 2016 and is obtained by dividing the annual use value of the beach by the size of the beach.
• The Initial Area Rate in Table 1 represents the use value of one sq. ft. of beach area over a 20-year period and this use value is multiplied by the total area of encroachment of a Bluff Retention Device (Initial Area) to determine the fee. The use value is increased each year to reflect an estimated 2% Consumer Price Index (CPI). The use value is also subject to a 2% Present Value (PV), which offsets the CPI over the 20 year mitigation period. Table 1 shall be updated every ten years and any changes shall be incorporated as an amendment to the LUP.

SM #6 { • The Bluff Retreat Rate (Per Linear Ft.) in Table 1 is equal to one linear ft. (Bluff Retreat Length) multiplied by 20 years of estimated erosion multiplied by the use value of one sq. ft. of beach. It represents the use value of the expected beach area that would otherwise be available for public use through passive erosion if the Bluff Retention Device was not constructed. An erosion rate of 0.4 ft. per year is assumed between 2016 and 2025 and an erosion rate of 0.673 is assumed between the years 2026 and 2046. Any change to the estimated erosion rate will require an amendment to the certified LUP. The use value increases each year to reflect an estimated 2% CPI.

SM #13 { The Public Recreation Fee shall be imposed as a condition of approval on any Coastal Development Permit for a Bluff Retention Device, which does not propose comparable or greater project specific in-kind mitigation. The decision making entity (Coastal Commission or City of Solana Beach) for the Coastal Development Permit shall calculate the Public Recreation Fee on a project-specific basis during the Coastal Development Permit approval process. The entire fee shall be submitted to the City prior to issuance of the Coastal Development Permit and shall be assessed in 20-year increments starting on the building permit completion certification date.

} SM #14

Seacave/notch infills that consist entirely of erodible concrete (see LUP Appendix B, Figure 1A) are exempt from both the Public Recreation Impact Fee and the Sand Mitigation Fee as allowed by the LUP, provided that the infills erode with the natural bluff and are maintained to do so and provided that a Bluff Retention Device is not constructed seaward of the infills. If monitoring of the infills reveals evidence that the back of the beach has been fixed, the Permittee shall submit a complete CDP amendment application to address the impacts from these changed circumstances. At such time, sand supply mitigation and public access and recreation mitigation shall be required.

SM
#9

LUP Policy 4.50 requires that Public Recreation Fees shall be expended for public beach access and public recreation as a first priority, and may be expended for sand replenishment and retention if the City determines that a near-term priority public recreation or public access project is not identified. All projects funded by the Public Recreation Fees shall be located directly along the coast and projects shall result in direct improvements to coastal recreation or beach access. As an alternative allowed by LUP Policy 4.50, project applicants have the option of proposing an in-kind public coastal recreation or beach access project in lieu of payment of Public Recreation Impact Fees to the City. At the City's discretion, project specific in-kind mitigation may be accepted if the applicant can demonstrate that the project would provide a comparable or greater coastal recreation or beach access benefit to the general public.

SM
#7

While a reduction or elimination of the required Public Recreation Fees may be considered for Bluff Retention Devices that protect public infrastructure, mitigation offsets or reductions to any required Public Recreation Fees for Bluff Retention Devices whose primary purpose is the protection of private property are prohibited. In addition, retroactive adjustments to Public Recreation Fees (excluding the \$1,000 per linear foot interim fee deposits), in the form of crediting overpayment of mitigation fees or adding underpayment of mitigation fees to future assessments based on observed bluff erosion, is prohibited.

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#8

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#3

Table 1 - Public Recreation Impact Mitigation Fee Schedule

Permit Year	Initial Area Rate (Per SF)	Bluff Retreat Rate (Per LF)
2016	\$121	\$600
2017	\$124	\$630
2018	\$126	\$662
2019	\$129	\$698
2020	\$131	\$737
2021	\$134	\$780
2022	\$136	\$825
2023	\$139	\$874
2024	\$142	\$926
2025	\$145	\$982
2026	\$148	\$1,044

The Total Public Recreation Impact Fee (PRF), for a 20-year period, shall equal the Initial Area multiplied by the Initial Area Rate plus the Bluff Retreat Length multiplied by the Bluff Retreat Rate for the Permit Year.

The formula to calculate the Total PRF =

(Initial Area x Initial Area Rate) + (Bluff Retreat Length x Bluff Retreat Rate)

Definitions:

Calculation of the PRF is based on the following terms which are defined / explained below.

Initial Area - The Initial Area shall be that Useable Beach Area that is occupied by a Bluff Retention Device measured as the width of the structure multiplied by the length of the structure plus the entire area of seacaves or notches located landward of a Bluff Retention Device and any area of seacaves or notches previously infilled with erodible concrete (which are no longer allowed to erode as originally approved).

Bluff Retreat Length - The Bluff Retreat Length shall be the length of the Bluff Retention Device measured along the bluff, measured in feet.

Initial Area Rate - The Initial Area Rate shall be the amount identified in Table 1, under the Column titled Initial Area Rate dependent on the Permit Year. The Initial Area Rate is based on the value of one sq. ft. of beach area over a 20-year period.

Bluff Retreat Rate - The Bluff Retreat Rate shall be the amount identified in Table 1, under the Column titled Bluff Retreat Rate dependent on Permit Year. The Bluff Retreat Rate is based on a linear foot of Bluff Retention Device and incorporates the annual area impacted by the Bluff Retention Device estimated by the Erosion Rate over a 20-year period.

Total PRF – Means the Total Public Recreation Impact Fee, for a 20-year period as calculated by the above formula.

Permit Year - The year the wall is considered permitted (building permit completion certification date) as defined in the LCP LUP.

Useable Beach Area – That area of Solana Beach bound by the northern and southern city limits, the average width of the beach based on the distance between Mean Sea Level and the toe of coastal bluff and that may extend landward of the toe of coastal bluff.

Examples Scenarios (Using a 67% wage rate, 2008-2009 Attendance Figures, and a 15.2 Acre Beach):

Example 1: In the year 2016, construction of a typical 2 ft. wide by 50 ft. long seawall with no seacave/notch landward of proposed seawall.

$$\begin{aligned} \text{Initial Area} &= 2' \times 50' = 100 \text{ sq. ft.} \\ \text{Initial Area Rate} &= 100 \text{ sq. ft.} \times \$121 = \$12,100 \\ \text{Bluff Retreat Rate} &= 50 \text{ ft.} \times \$600 = \$30,000 \\ \text{PRF} &= \$12,100 + \$30,000 = \$42,100 \end{aligned}$$

$$\text{PRF} = ((2 \text{ ft.} \times 50 \text{ ft.}) \times \$121 \text{ per sq. ft.}) + (50 \text{ ft.} \times \$600 \text{ per linear ft.}) = \$42,100$$

Example 2: In the year 2016, construction of a typical 2 ft. wide by 50 ft. long seawall with a 10 ft. deep by 20 ft. long seacave/notch (which has not been previously infilled) landward of proposed seawall.

$$\text{PRF} = (((2 \text{ ft.} \times 50 \text{ ft.}) + (10 \text{ ft.} \times 20 \text{ ft.})) \times \$121 \text{ per sq. ft.}) + (50 \text{ ft.} \times \$600 \text{ per linear ft.}) = \$66,300$$

Example 3: In the year 2016, construction of a typical 2 ft. wide by 50 ft. long seawall with a 2 ft. deep by 20 ft. long seacave/notch (which has not been previously infilled) landward of proposed seawall.

$$\text{PRF} = (((2 \text{ ft.} \times 50 \text{ ft.}) + (2 \text{ ft.} \times 20 \text{ ft.})) \times \$121 \text{ per sq. ft.}) + (50 \text{ ft.} \times \$600 \text{ per linear ft.}) = \$46,940$$

Example 4: In the year 2016, construction of a typical 2 ft. wide by 50 ft. long seawall with a 2 ft. deep by 20 ft. long seacave/notch that has been previously infilled with erodible concrete landward of proposed seawall.

$$\text{PRF} = (((2 \text{ ft.} \times 50 \text{ ft.}) + (2 \text{ ft.} \times 20 \text{ ft.})) \times \$121 \text{ per sq. ft.}) + (50 \text{ ft.} \times \$600 \text{ per linear ft.}) = \$46,940$$

SM #12

Example 5: In the year 2016, construction of a 2 ft. deep by 20 ft. long seacave/notch with non-erodible concrete.

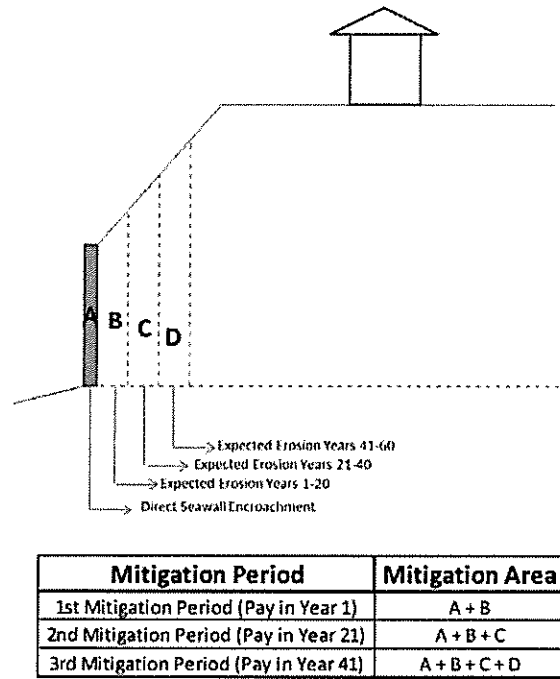
$$PRF = ((2 \text{ ft.} \times 20 \text{ ft.}) \times \$121 \text{ per sq. ft.}) + (20 \text{ ft.} \times \$600 \text{ per linear ft.}) = \$16,840$$

Subsequent Mitigation Periods:

If a geotechnical report finds evidence that a Bluff Retention Device cannot be removed at the end of a 20 year mitigation period, mitigation shall be required for the subsequent 20 year period. As shown in Figure 1, in subsequent mitigation periods, mitigation shall include the direct shoreline protection device encroachment and all beach area that would have otherwise been available to the public through passive erosion had the shoreline armoring not been constructed.

Figure 1

SM #15



CHAD EDWARD NELSEN

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Laguna Beach, CA 92651
chadnelsen@mac.com
m: 949.637.2137

Professional Background:

Environmental Director, Surfrider Foundation (September 1999- October 2014)

- Provide organization-wide leadership on environmental programs, campaigns, issues and strategy to achieve mission goals of a healthy ocean, waves and beaches.
- Support the extensive chapter network on myriad coastal and ocean conservation issues.
- Design, coordinate and execute coastal and ocean environmental campaigns at local through national scale.
- Primary spokesperson on environmental issues with extensive media and communications experience.
- Lead fundraising and maintain support from private foundations.
- Manage over 40% of the operating budget.
- Built Environmental Department from 1 to 13 staff via regional ocean protection campaigns.
- Founded the “surfonomics” movement.

Environmental Programs Manager, Surfrider Foundation (August 1998-August 1999)

- Coordinated and developed environmental programs for 44 national chapters.
- Supported chapters and staff with scientific expertise.

NOAA Coastal Zone Management Fellow, Oregon DLCD (October 1996 - July 1998)

- Managed the Dynamic Estuary Management Information System project.
- Facilitated a 25-member team of local, state, and federal estuarine managers to identify important issues and data to improve management decision-making.

GIS Specialist, United States Geological Survey, Menlo Park (April 1993 - August 1994)

- Created ArcInfo database of bedrock geology of San Francisco Bay area.
- Assisted in scientific visualization maps of gravity accelerations of North Ridge earthquake.

Education:

Doctorate of Environmental Science and Engineering, University of California, Los Angeles, CA, June 2012

Focus: The economics of coastal recreation and surfing and how coastal development can impact coastal recreation

Masters of Coastal Environmental Management, Duke University, May 1996

Focus: The science and policies associated with coastal processes, using artificial surfing reefs as a case study

Bachelor of Science in Geological Sciences, Brown University, May 1992

Recent Publications, Proceedings & Presentations:

Nelsen, Chad E. 2014 (forthcoming). Surfonomics: Using Economic Valuation to Protect Surfing. In Sustainable Stoke: Transitions to Sustainability in the Surfing World, Plymouth University Press, Plymouth, UK.

Nelsen, Chad E., Andy Cummins, and Hugo Tagholm. 2013. Paradise Lost: Threatened Waves and the need for Global Surf Protection. Proceedings of the International Coastal Symposium 2013. Plymouth, UK.

Craig B. Leidersdorf, Brady Richmond, and Chad E. Nelsen. 2012. Expectation vs. Reality: the History of Pratte's Reef. Proceedings of the American Shore and Beach Preservation Association. San Diego, CA

Nelsen, Chad E. 2012. The Impacts of Shoreline Armoring on California's Ocean Economy. Proceedings of The Coastal Society's 23rd International Conference. Miami, FL.

Clara Cartwright, Rick Wilson and Chad E. Nelsen. 2012. Beach Ecology around the Nation: A Critical Look at State-level Management. Proceedings of The Coastal Society's 23rd International Conference. Miami, FL.

Nelsen, Chad E. 2011. Worldwide Strategies to Protect Waves: Trestles Case Study. Global Wave Conference. Biarritz, France.

Nelsen, Chad E. 2011. Economic Profile of U.S. Surfers. Global Wave Conference. San Sebastian-Donostia, Spain.

Craig B. Leidersdorf, Brady Richmond, and Chad E. Nelsen. 2011. The Life and Death of North America's First Man-Made Surfing Reef. Proceedings of the Conference on Coastal Engineering Practice: Engineering Sustainable Coastal Development. San Diego, CA

Nelsen, Chad E. 2011. Beyond the Boundaries: Coastal Issues and Marine Protected Areas. 2nd International Marine Conservation Congress. Victoria, BC, Canada.

Richmond, Brady, Craig Liedersdorf, and Chad E. Nelsen. 2011. Life Cycle of an Artificial Surfing Reef. Headwaters to Ocean (H2O) Conference 2011. San Diego, California.

Nelsen, Chad E. 2010. The Impact of Shoreline Armoring on California's Ocean Economy. Proceedings of the California and the World Ocean 2010. San Francisco, California

Nelsen, Chad E. 2010. Surf Value – The Economics of Surfing and Water Quality. Rencontre qualité des eaux de baignades en zone littorale. Hendaye, France (invited).

Additional & Volunteer Experience:

Conference Chair, 3rd Global Wave Conference, 2013

President, Board of Directors, Save the Waves, 2009 – present

Advisory Board, Beach Ecology Coalition, 2008 – present

Board of Directors, The Coastal Society, 2002 – 2006, 2013 - present

Contributing writer, Laguna Beach magazine, 2007 - 2011

Conference Chair, 4th International Surfing Reef Symposium 2006
Avid surfer and outdoors sports enthusiast

CALIFORNIA COASTAL COMMISSION

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Th17d

Second Addendum

May 10, 2017

To: Commissioners and Interested Persons

From: California Coastal Commission
San Diego Staff

Subject: Second Addendum to **Item Th17d**, Land Use Plan Amendment Application # **LCP-6-SOL-16-0020-1 (Public Recreation Fee)**, for the Commission Meeting of May 11, 2017

The purpose of this addendum is to respond to concerns raised in a response letter to the staff report from the City of Solana Beach and a public comment letter from The Jon Corn Law Firm. A public comment letter from the Surfrider Foundation and a letter of analysis from Dr. Phil King, both in support of the staff recommendation, were also received and are also included in the Correspondence section of the addendum. .

In addition, this addendum includes minor corrections to the staff report. Deletions shall be marked by a ~~strike through~~ and additions shall be underlined:

Response Letter from the City of Solana Beach

- The City raised two primary concerns, related to the estimated beach area (Suggested Modification #1) and to the wage rate (Suggested Modification #2), both of which are key variables in the determination of the Public Recreation Mitigation Fee. The City also indicated that they believe that their Fee Study report should be referenced in Policy 4.50 of the certified Land Use Plan (Suggested Modification #16).

As explained beginning on page 53 of the Commission Staff Report, Commission staff is suggesting that the beach area be determined using as much of the available beach width and beach area data as possible and should incorporate all of the 19 LiDAR datasets collected between 1998 and 2015.

As explained beginning on page 46 of the Commission Staff Report in the 'Beach Day Use Value' section, Commission staff is suggesting that a wage rate of 67% be used in place of the wage rate of 33% proposed by the City. Use of the suggested higher wage rate is more in line with past beach day use value studies conducted in Southern California and is consistent with the access and recreation

policies of the Coastal Act. Use of a wage rate that is too low would result in Recreation Mitigation Fees that undervalue the public beach.

Suggested Modification #16 of the staff report, in part, recommends that the City's Fee Study report be included as a substantive file document, rather than incorporating the report by reference into the Land Use Plan. This administrative change is necessary due to the inconsistencies created between the City's Fee Study report and the Public Recreation Mitigation Fee program in the LUP, as suggested to be modified by Commission staff. While Commission staff considered recommending modifications to the City's Fee Study report, the process was deemed too cumbersome and would have created unnecessary confusion.

Public comment letter from The Jon Corn Law Firm

- The Jon Corn Law Firm, which represents various blufftop property owners in the City of Solana Beach, has raised numerous concerns with the City's study and with staff's suggested modifications to the study.
 - First, the commenter argues that seawalls provide a safety benefit to beach users (Suggested Modification #7). As explained beginning on page 32 of the staff report, shoreline armoring has not been proven to increase beach safety and therefore mitigation offsets or reductions to any required Public Recreation Fees for bluff retention devices whose primary purpose is the protection of private property should not be included as a part of the mitigation fee calculus.
 - Second, the commenter contends that the suggested 67% wage rate is too high (Suggested Modification #2). As explained beginning on page 46 of the Commission Staff Report, use of a wage rate that is too low would not adequately mitigate for the impacts to public access and recreation resulting from shoreline armoring.
 - Third, the commenter contends that the surfer expansion factor used by the City to estimate beach attendance is too high. While not discussed in the staff report, the City undertook a detailed analysis related to the surfer expansion factor, which analyzed available data from nearby counties to determine how often surfers typically went to the beach and for how long, but did not use the surfer attendance numbers from other beaches, as claimed by the commenter.
 - Fourth, the commenter argues that other economic models should be used in place of the Travel Cost Model chosen by the City. The City explained in their analysis that the Travel Cost Model was chosen because it is based on a relatively simple, short, straight forward questionnaire with a high percentage of participation and collects data on actual observed actions. While the economic analysis suggested by the commenter would be prohibitively expensive and complicated for the City to undertake.
 - Fifth, the commenter contends that mitigation should not be required for seacaves or notches when shoreline armoring is constructed (Suggested Modifications #10-12). As explained beginning on page 30 in the

Commission Staff Report, recreation mitigation for the area of notches and sea caves located landward of proposed bluff retention devices is appropriate as ensuing collapse of these voids is how additional public beach area is formed.

- Sixth, the commenter argues that payment plans should be allowed for mitigation fees (Suggested Modification #14). As explained on page 55 in the Commission Staff Report, payment of mitigation fees prior to issuance of the Coastal Development Permit rather than on a payment plan will simplify the mitigation calculation, will reduce potential enforcement issues, and will result in Public Recreation Fees being available sooner to fund beach access and recreation projects.

Minor Corrections to the Staff Report:

1. On Page 44 of the staff report, the last incomplete paragraph shall be corrected as follows:

In its application, the City has proposed to modify Policy 4.50 of the LUP to incorporate the proposed Public Recreation Fee method. ~~Suggested Modification 15~~ Suggested Modification 16 requires that Policy 4.50, as proposed by the City, shall be modified to remove reference to specific mitigation amounts from Table 1 of Appendix C for two reasons; first, the table is proposed to be changed through other suggested modifications by staff and second, because Table 1 will be updated over time, which would necessitate further changes to Policy 4.50 in the future. Instead ~~Suggested Modification 15~~ Suggested Modification 16 refers solely to Appendix C which allow for a more streamlined LUP amendment process every ten years...

1. On Page 55 of the staff report, the last complete paragraph shall be corrected as follows:

As proposed by the City, the "...City Council shall make the controlling decisions regarding payment options and terms [for the Public Recreation Fee]..." The City proposal includes example payment options at 5-year and 10 year intervals. ~~Suggested Modification 13~~ Suggested Modification 14 instead requires that payment in full of the Public Recreation Fee be made prior to issuance of the Coastal Development Permit.



CITY OF SOLANA BEACH

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May 9, 2017

Mr. Jack Ainsworth, Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA. 94105

SUBJECT: City of Solana Beach Public Recreation Impact Fee Program and Local Coastal Program (LCP) Land Use Plan Amendment (LUPA) (Item Th17d)

Dear Executive Director Ainsworth:

The City of Solana Beach has spent more than 10 years developing a Public Recreation Impact Fee Program (Fee Program) for shoreline protective devices as part of the certified LCP LUP. This continued effort was made possible with the support of the California Coastal Commission (CCC) in providing a LCP Planning Grant (Round #1) to the City in the amount of \$120,000 to complete the fee study originally initiated by the City in 2007.

We have worked closely and collaboratively with your staff for many years on this effort. As you know, the City and its team of expert economists, planners, scientists and coastal engineers conducted an extensive, multi-year stakeholder involvement program and public outreach effort that resulted in a total of three iterations of the Fee Program between 2010 and 2016.

With each iteration, each of the fee studies became more robust than the previous version because the City incorporated key technical and analytical refinements reflecting the inputs and revisions submitted by the stakeholders through numerous public hearings conducted on this issue.

As a result, the City was able to develop a science-based Fee Program that gained stakeholder support and demonstrates the nexus between impact and mitigation with a roughly proportional fee.

The same nexus and rough proportionality analysis is not present in the approach that the CCC staff is recommending. It appears that the suggested modifications are simply recommended as a means to maximize the fee without the scientific rationale to back it up; in fact CCC staff

recommends doubling the proposed fee of up to \$42,100 from the \$21,550 recommended by the City's experts.

The Fee Program submitted by the City to the CCC in April 2016 (on-time and within the budget) as the final LCP Planning Grant deliverable reflects the collective input and technical refinements suggested by CCC staff, property owners, academic economists, Surfrider Foundation representatives and many other interested parties. As a result of the extensive, multi-year stakeholder involvement effort conducted by the City, the recommendations contained within the Fee Program and LUPA submitted to the CCC should be regarded as intensive and robust.

As the City's Fee Program is likely to be used by the CCC to ultimately develop a statewide Fee Program, it is particularly important that the Commission get this first Fee Program right. This means that the CCC should defer to the science-based recommendations in the Fee Program funded in part by the CCC that were extensively studied and developed by the City and their team of experts and stakeholders over a period of almost 10 years.

While the City appreciates that CCC staff is relying on much of the data collected and analyzed by the City over the last 10 years as the basis of their recommendations for the City's Fee Program, CCC staff modifications to some of the key study variables in the City's Fee Program will undermine our efforts to establish a Fee Program that is science-based, with an established nexus that is proportional to the impact being mitigated. As such, the Fee Program as submitted by the City is legally sound.

CCC Staff Suggested Modifications

In all, CCC staff is recommending 16 Suggested Modifications to the City's Fee Program and LUPA. While the City can support the majority of the proposed Suggested Modifications, the City cannot support Suggested Modifications #1 or #2 as these would change two of the key variables on which the scientifically-based Impact Fee has been based. The variables are:

- the percentage of wages assumed in the consumer surplus model, and;
- the physical area (size) of the beach that corresponds directly to actual beach attendance surveys.

Each of the CCC Staff Suggested Modifications is addressed below and an explanation of the City's opposition or support provided.

Suggested Modification #1: Size of the Public Beach Area Available for Recreation

The City cannot support this proposed change. The most fundamental assumption in developing the public recreation impact mitigation fee is that the beach population density (i.e., the number of people per square foot of beach) remains constant over time. Thus, the beach population density

measured during the beach attendance counts and population survey period is representative of that time period and can be extrapolated to all periods in the near future and the long-term.

According to the City's analysis, 156,000 people were using the beach with a beach size of 18.8 acres (e.g., density of 5.25 people per SF). While neither parameter is constant in reality, the ratio between population and area is defined as constant. Using the beach population density, the beach population can be scaled up or down relative to beach acreage (e.g., the bigger the beach area, the greater the beach population and the converse would be true too).

CCC staff is proposing to change the way beach area is calculated by using all the LiDAR data (17 years) instead of just the two years that were used. However, the two years were used because those same two years match the two years for which beach attendance and value data were actually collected and available. Therefore, our methodology is more consistent and scientifically defensible with the overall approach of tying beach width to beach attendance and then to beach valuation.

A key component of the Fee Program is the calculation of the beach population density of Solana Beach. If the goal of the Fee Study was to estimate long-term beach area in the City, a longer period of data would provide a better estimate. However, merely identifying the long term beach area independent of beach attendance is not useful for the current analysis for the following reasons:

1. While LiDAR data for a multi-year period is available, the local City of Solana Beach beach visitor and attendance count surveys were limited to a one-year period of July 2008 through July 2009. The project team evaluated the concurrent LiDAR data consistent with the 2008-2009 survey period to establish the baseline beach population density in order to determine the economic value of the beach on a per area (square foot) basis. To calculate the beach population density, a representative population count and beach area data are needed during the same time period.
2. During the February 2016 public hearing on the Fee Program, Surfrider raised the issue of potential bias being introduced if the data for the beach area calculations included years outside of the beach attendance count period. The project team considered this comment and, upon reflection, agreed with this comment and modified the approach accordingly. Also during this meeting, UCSD Economic Professor Gordon Hanson testified that the methodology utilized in this study was sound and that he and his colleagues were satisfied with the conclusions of the study.
3. The Fee Program submitted to the CCC relies on a LiDAR data set that corresponds to the same period of time during which the beach population counts and visitor surveys were administered such that the population counts directly correspond to the measured area of the beach available during that time.

4. The City, and our team of experts who prepared the Fee Program recommendations, continue to maintain that using the LiDAR data that best represents the beach area during the survey period is most appropriate unless there is evidence that the LiDAR data for that survey period is inaccurate or otherwise problematic

Suggested Modification #2: Percent of Wages Assumed in the Consumer Surplus Model

The City cannot support this proposed change. The *Solana Beach Public Recreation Impact Fee Report* (Report) contained a recommendation that the City use 33% of the wages of the adult beach visitor. CCC staff is recommending that the Fee be based on 67% of the wages of the adult beach visitor. The Fee Program utilizes 33% of wages because it was the percentage used in the Dr. Phil King study (*The Economic Analysis of Beach Spending and the Recreational Benefits of Beaches in the City of Solana Beach, King 2001*) and was used by many of the travel cost models we looked as part of the extensive literature review that was conducted by the City's team of experts.

The CCC staff recommendation to double the impact fee was released as part of the CCC agenda and without advance public vetting and comment periods unlike the processes the City went through the last decade. Absent in the recommendation is scientific rationale that would support a 100% increase from the City's submittal which renders the recommendation suspect as arbitrary.

In response to public comments, the City's team of experts analyzed three scenarios in developing a consumer surplus demand curve including 33%, 67% and 100% of wages. City Staff later requested inclusion of 50% of wages as a mid-point for informational purposes. Importantly, of the four demand curves analyzed, 33% of wages yielded the best statistical result and is therefore considered scientifically sound, defensible and responsive to the City's public involvement process. The City's recommendations are based on the concurrence of Dr. Phillip King who recommended use of the 33% of wages in his "Economic Analysis of Beach Spending and the Recreational Benefits of Beaches in the City of Solana Beach" study conducted in 2001. Furthermore, the CCC Staff's contention that a higher income requires a higher percentage of income to be used is counter-intuitive. Rather, one would expect that lower income visitors value their leisure at a higher percentage of their income because they have fewer resources to spend on leisure activities.

Finally, the CCC staff uses nearby property value to influence what they believe should be the percentage of income to be used. However, property values in Solana Beach are influenced by a variety of factors, not just beach access. If that was the case, property on the bluffs would be valued the same as similar property inland but located the same distance to beach access. Additionally, higher property cost does not need to be directly reflected in the day-use value as it is already reflected in the higher incomes needed to afford the higher cost.

Suggested Modification #3: The City does not support this modification as it would implement Suggested Modifications 1 and 2 which the City objects to for the reasons cited above.

Suggested Modification #4: The City can support this proposed change.

Suggested Modification #5: The City can support this proposed change.

Suggested Modification #6: The City can support this proposed change.

Suggested Modification #7: This topic is addressed in the Fee Program in Chapter 5 which documents public safety benefits. While we continue to disagree with CCC staff that seawalls provide a public safety benefit by stabilizing the bluff and preventing bluff materials from falling on visitors to the public beach below, the City does not object to this modification because there is no net effect on the Fee at this time.

Suggested Modification #8: The City can support this proposed change.

Suggested Modification #9: The City can support this proposed change.

Suggested Modification #10: The City can support this proposed change.

Suggested Modification #11: Provided that this would not make the Fee retroactive for existing coastal structures, the City can support this proposed change.

Suggested Modification #12: Provided the Fee is not applied in a duplicative manner to individual properties, the City can support this proposed change.

Suggested Modification #13: The City can support this proposed change.

Suggested Modification #14: The City would prefer to give applicants the flexibility to pay the impact fees over time as outlined in the Fee Study. The City can support this proposed change.

Suggested Modification #15: As discussed with CCC staff, there must be an inland terminus of the responsibility of the property owner for mitigation. The City suggests that when the theoretical line of erosion reaches the vertical projection of the landward property line the property owner's mitigation responsibility is terminated. A property owner is not responsible for offsetting impacts that would theoretically occur landward of their property, nor can impacts beyond the control of property owner, such as sea level rise be considered in the Fee Program. If this can be satisfactorily addressed by the CCC, the City can support this proposed change.

Suggested Modification #16: The Fee Program was funded in part by a CCC Round #1 LCP Planning Grant. The City's Fee Study and all of the technical appendices form the scientific and technical basis for the recommendations in the Fee Program. We find it odd that references to the City's Fee Study should be deleted and therefore cannot support this provision. The City can support the proposed change regarding removal of references to an "interim fee deposit" as it would be superseded by an approved Fee Program.

Conclusion and Request

The City respectfully requests that the CCC approve the Fee Study and LUPA as submitted by the City in April 2016 as it represents the collective input and refinements generated by a wide range of experts and other stakeholders over an extensive 10-year public outreach process and is scientifically sound and defensible.

If the Commission is unable to do this, then our request would be to reject CCC Staff Suggested Modifications 1 and 2 for the reasons stated above. Thank you for your consideration of our request.

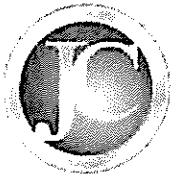
Sincerely,

A handwritten signature in black ink that reads "Mike Nichols". The signature is written in a cursive style with a long horizontal stroke extending to the right.

Mike Nichols

Mayor, City of Solana Beach

CC: California Coastal Commission Commissioners
Solana Beach City Councilmembers
Gregory Wade, City Manager
Johanna Canlas, City Attorney



THE JON CORN LAW FIRM

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Coastal Property Rights, Land Use & Litigation

May 8, 2017

California Coastal Commission
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108

Re: City of Solana Beach Major Amendment LCP-6-SOL-16-0020-1

Dear Commissioners:

This firm represents the Beach and Bluff Conservancy, Protect the Beach, COOSSA, numerous individual Solana Beach oceanfront property owners and the following oceanfront condominium homeowners' associations: Del Mar Beach Club, Surfsong, Seascape Chateau, Del Mar Shores Terrace, Seascape Sur, and Seascape Shores. In preparation for the Coastal Commission meeting May 11, 2017, we have reviewed the April 28, 2017 Staff Recommendation regarding the City of Solana Beach Land Use Plan Major Amendment LCP-6-SOL-16-0020-1 (Public Recreation Fee). This correspondence, along with the attached prior correspondence and reports, constitute our clients' response.

Our clients respectfully object to the Staff's recommendation that the Commission approve the City's Public Recreation Fee with Staff's suggested modifications. The proposed Public Recreation Fee, with modifications, unfairly places an unreasonable and excessive financial burden on coastal property owners that is disproportionate to the impact created by the construction of a bluff retention device. The Fee also fails to acknowledge the public safety benefits provided by bluff retention devices.

In addition to other fees associated with the issuance of a discretionary permit for a bluff retention device, the City seeks to charge coastal property owners a fee to mitigate the purported impact of the device on the general public's ability to use and enjoy the adjacent beach. As Staff acknowledges, it is very difficult to place a monetary value on the potential loss of a portion of beach area, as a day at the beach is not a market commodity. Thus, the City's final proposed LUP amendment reflects many years of studies, expert and public input. While our clients continue to oppose the proposed Fee in its entirety, Staff's recommendations make it even less palatable.

We have included our previous reports and submissions to the City with this correspondence, and ask that you review and include them as part of the administrative record.

The Wage Rate Proposed by the City Should Not be Modified Upward (Modification No. 2)

To determine the average beachgoer's travel cost, which forms the basis for the City's proposed Recreation Mitigation Fee, Staff suggests a 67% wage rate should be utilized rather than the City's proposed 33% wage rate. Staff's recommended rate increase arbitrarily doubles the Recreation Mitigation Fees that coastal property owners will be required to pay. Staff acknowledges that there is no across the board consensus as to which wage rate is appropriate, and economists often use 33%. The Commission should defer to the City. It selected the 33% wage rate because that rate provided the best statistical fit, not for an arbitrary reason. Also, most beachgoers visit the beach on weekends and summer holidays when they would otherwise earn no wages.

Further, in proposing the increase, Staff contends that the City's proposed wage rate results in mitigation fees that fall considerably short of previous valuation estimates and raises concerns that the City may "undervalue" the public beach. Logically, the higher wage rate makes is more likely to overvalue the beach. Staff's recommendations fail to explain why it is more important for the City not to underestimate than overestimate the value of the beach. It strikes us that Coastal staff would simply like to charge a higher fee to make seawall construction less affordable and more burdensome on coastal property owners. Coastal property owners are often blamed for ruining the beach with seawalls, but the truth is that seawalls are necessary due to collective effects of the government's installation of harbors, jetties, and groins up and down the California coastline, and due to intensive, government-approved development throughout the upland watershed. These developments, especially transportation arteries such as freeways and railways, have effectively eliminated 96% of natural sediment flow to Southern California's beaches. This has caused significant shoreline erosion and has removed the sand barrier that historically protected oceanfront properties. Seawalls are a reaction to unnatural shoreline erosion, not its cause.

Staff's recommended increase in wage rates also fails to consider the numerous uncertain variables that impact the value of a public beach and are not accounted for and/or are improperly assumed within the City's proposed Fee structure, including the following:

- The City relies upon an overestimated number of beachgoers, including a grossly exaggerated surfer count, as it relies upon an estimated number of surfers that is not specific to Solana Beach. (See January 22, 2016 correspondence to Chopyk.) Additionally, the City's study fails to acknowledge that surfers do not typically utilize the sandy beach area for recreation; thus, the impact upon any loss of beach area is negligible for that segment of the population.
- It is erroneous to assume that the retention of a coastal bluff through the construction of a device intended as such will deplete a significant source of beach sand in Solana Beach. Coastal bluffs are not a significant source of beach sand. Upland watershed sources, and particularly the Oceanside Littoral Cell, provide Solana Beach with the majority of its beach sand. As the upland watershed is impacted by inland development, the amount of sand deposited on coastal beaches is also depleted. (See, Exhibit A to January 22, 2016 correspondence to Chopyk, Crampton Report.). Additionally, coastal property owners already pay a sand mitigation fee to address any potential impact resulting in a loss of beach sand.

- The City's fee study fails to consider the availability of other alternative beach options nearby which serve as substitutes for any lost beach area in Solana Beach.
- The City's fee study fails to address the multiple destination issue, which artificially skews the fee upwards. (See, Exhibit B to January 22, 2016 correspondence to Chopyk, Bosworth Report.)

Bluff Retention Devices Provide a Significant Public Safety Benefit (Modification No. 7)

The City's proposed rebate or discount to the property owner is reasonable, as bluff retention devices provide an indisputable public safety benefit. It is generally accepted that beachgoers should not recreate in an area that is 20 to 30 feet seaward of the toe of an unstable bluff. This is evidenced by the fact that Solana Beach lifeguards proactively warn beachgoers to avoid a "bluff collapse danger zone," via both posted and verbal warnings. Thus, an unstable, unprotected, bluff renders a large swath of beach unsafe for recreation.

Since 1995, five beachgoers have been killed on beaches within a few miles (north and south) of Solana Beach after being hit by falling bluff material. There have been no injuries or deaths on beaches backed by seawalls. Seawalls eliminate the bluff collapse danger zone and allow beachgoers to enjoy the portion of the beach that has been rendered unsafe due to shoreline erosion.

Notches and Sea Caves Should Not Be Included in the Area Subject to a Mitigation Fee (Modification Nos. 10 & 11)

Staff's recommendation that notches and sea caves be included in the City's calculation of the amount of beach area estimated to be lost due to a bluff retention device is not reasonable or practical. Notches and sea caves are inherently unstable and unsafe for recreation. Moreover, the public does not typically utilize the beach area occupied by a notch or a sea cave for any recreational activity, as the areas are too small, unsafe and not typically exposed to light. Property owners are already required to mitigate the estimated loss of sand caused by the loss of a notch or sea cave through a required sand replenishment fee.

Elimination of the Option to Pay Mitigation Fees Over Time Creates an Undue Burden on Property Owners (Modification No. 14)

The City's proposal reasonably provides property owners with an opportunity to pay mitigation fees over time (e.g., five or ten year intervals). Staff's recommendation that Solana Beach modify its proposed LUP to eliminate the option for property owners to pay Public Recreation Fees over time is not justified or fair to property owners, who will already be facing the heavy financial burden associated with constructing a bluff protective device. Namely, the recommendation fails to acknowledge that some property owners may not have adequate financial resources to pay the entire fee upfront. Staff's recommendation does not cite any realistic urgency requiring upfront collection of the funds, other than the City's desire to use the funds for certain projects. The City's proposed payment plan option provides relief for property owners who cannot bear the financial burden of an upfront payment (on top of other fees associated with obtaining a discretionary permit, and in addition to construction costs) and does not create any unfair or disproportionate burden for the public or the City, who can reasonably expect to receive payments over time from property owners.

Conclusion

The Recreation Mitigation Fee proposed by the City of Solana Beach is unfair, unreasonable and disproportionate to the actual impact of a bluff retention device. On behalf of our clients, and as explained in this letter, as well as the attachments submitted herewith, we respectfully request that the Commission reject the Recreation Mitigation Fee with Staff's proposed modifications.

Respectfully Submitted,

THE JON CORN LAW FIRM

A handwritten signature in black ink, appearing to read 'Arie L. Spangler', with a long horizontal flourish extending to the right.

Arie L. Spangler, Esq.

cc: Eric Stevens

Enclosures

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370



May 24, 2017

Mr. Greg Wade
City Manager
City of Solana Beach
635 South Highway 101
Solana Beach, CA 92075

Re: Certification of City of Solana Beach LCP Land Use Plan Amendment (LCP-6-SOL-16-0020-1)

Dear Mr. Wade,

On May 11, 2017, the California Coastal Commission approved the above referenced amendment to the City of Solana Beach Land Use Plan (LUP). The amendment involves the approval of a shoreline armoring recreation mitigation fee program.

The Commission approved the LCP amendment with suggested modifications. The majority of the adopted modifications to the Solana Beach LUPA are to the new proposed Appendix C (Public Recreation Fee). Appendix C describes how the Public Recreation Fee is calculated and also defines the primary assumptions of the mitigation method. Specifically, adopted modifications affected how the estimated beach area was calculated, wage rate assumptions and various other modifications that include clarification as to how fees should be collected over time, when beach area, beach attendance, and survey numbers should be updated, removal of credit for public benefit offsets, and specifics on how sea cave and notch infill projects should be considered. The City's LUP amendment submittal included their entire Fee Study along with extensive appendices. The City has proposed to incorporate the Fee Study into the LUP by reference. However, rather than modify the City's Fee Study directly to reflect the suggested modifications, the Commission proposes to introduce the following changes to the Appendix C methodology and instead incorporate the City's Fee Study itself as a substantive file document. One change was made at the Commission hearing to require that new beach user travel cost surveys be undertaken within 10 years to reflect current practices or new information. The attached modifications contain the specific changes adopted by the Coastal Commission.

Before the amendment request can become effectively certified, the Executive Director must determine that implementation of the approved amendment will be consistent with the Commission's certification order. This is necessary because the amendment was certified with suggested modifications.

May 24, 2017

Page 2

In order for the Executive Director to make this determination, the local government must formally acknowledge receipt of the Commission's resolution of certification, including any terms or suggested modifications; and take any formal action which is required to satisfy them, such as revised plan policies. This certification must also include production of new LUP text demonstrating that the amendment, as approved by the Commission and accepted by the City, will be incorporated into the City's certified LUP immediately upon concurrence by the Commission of the Executive Director's determination. The local government's action must be completely consistent with the Commission's certification order; if you are considering any change from what is presented in the attached suggested modifications, you should contact this office immediately.

The Commission's certification order remains valid for six months from the date of its action; therefore, it is necessary for the City of Solana Beach to take the necessary steps within six months. If you believe that the City of Solana Beach will need additional time, you may request up to a one-year time extension but such an extension must be granted by the Coastal Commission at a subsequent hearing. As soon as the necessary documentation is received in this office and accepted, the Executive Director will report his/her determination to the Commission at its next regularly scheduled public hearing. If you have any questions about the Commission's action or this final certification procedure, please contact our office. Thank you and the other staff members who worked on this planning effort. We remain available to assist you and your staff in any way possible to continue the successful development of the local coastal program.

Sincerely,



Gabriel Buhr
Coastal Program Manager

SUGGESTED MODIFICATIONS

Suggested modifications to Policy 4.50:

Policy 4.50: The bluff property owner shall pay for the cost of the coastal structure or Infill and pay a Sand Mitigation Fee and a Public Recreation Fee per LUP Policy 4.39. These mitigation fees are not intended to be duplicative with fees assessed by other agencies. It is anticipated the fees assessed as required by this LCP will be in conjunction with, and not duplicative of, the mitigation fees typically assessed by the CCC and the CSLC for impacts to coastal resources from shoreline protective devices.

[...]

Public Recreation Fee – Similar to the methodology established by the CCC for the sand mitigation fee, ~~the City and the CCC are have developed~~ developing a methodology for calculating a statewide public recreation fee Public Recreation Fee for the City of Solana Beach. To assist in the effort, the City has shared the results of their draft study with the CCC to support their development of a uniform statewide Public Recreation / Land Lease Fee. Until such time as an approved methodology for determining this fee has been established, and the methodology and payment program has been incorporated into the LCP through an LCP amendment, the City will collect a \$1,000 per linear foot interim fee deposit. In the interim period, CCC will evaluate each project on a site-specific basis to determine impacts to public access and recreation, and additional mitigation may be required. The City shall complete its public recreation/land lease fee study within 18 months of effective certification of the LUP. To mitigate for impacts to public access and recreation resulting from loss of beach area, for all development involving construction of a Public Access and Recreation Fee shall be collected by the City which shall be deposited in an interest-bearing account designated by the City Manager of Solana Beach in-lieu of providing beach area to replace the public access and coastal recreation benefits that would be lost due to the impacts of any proposed protective structure. The method used to determine the appropriate mitigation fee has been approved by the CCC and is contained in LUP Appendix C. The funds shall solely be used to implement projects which augment and enhance public access and coastal recreation along the shoreline, not to fund other public operations, maintenance or planning studies.

Project applicants have the option of proposing a public recreation/access project in lieu of payment of Public Recreation Fees ~~(or interim deposits)~~ to the City. At the City's discretion, these projects may be accepted if it can be demonstrated that they would provide a directly-related recreation and/or access benefit to the general public.

Public Recreation Fees must be expended for public access and public recreation improvements as a first priority and for sand replenishment and retention as secondary priorities where an analysis done by the City determines that there are no near-term, priority public recreation or public access CIP identified by the City where the money could be allocated. The Public Recreation funds shall be released for secondary priorities

only upon written approval of an appropriate project by the City Council and the Executive Director of the Coastal Commission.

Suggested modifications to the last paragraph on Page 15 and the first Paragraph on Page 16 of Chapter 4 of the LUP:

~~*In April 2010, the City completed a draft fee study and conducted a public hearing on the fee study to determine the amount of fees that maybe appropriately assessed as mitigation for the potential adverse effects on public recreation and public lands resulting from placing a bluff retention device on a public beach. The City received a substantial number of comments on the fee study from local stakeholders including property owners, surfers and CCC staff and the fee study remains a draft. Because this is a statewide issue, the City will provide this draft study and the data developed by the City to the CCC. The City will coordinate with the CCC and other state regulatory entities in developing a uniform statewide Public Recreation / Land Lease Fee.*~~

Based on the October 2010 MHTL survey, the land on which bluff retention devices are proposed to be located may include public lands owned by the State of California, the City of Solana Beach or both. In addition, the location of the MHTL is constantly changing. For all development involving construction of a bluff retention device, a Public Recreation Fee shall be collected by the City which shall be deposited in an interest-bearing account designated by the City Manager of Solana Beach in lieu of providing beach area to replace the public access and coastal recreation benefits that would be lost due to the impacts of any proposed protective structure. The method used to determine the appropriate mitigation fee has been approved by the CCC and is contained in LUP Appendix C. Mitigation for impacts to ecological and other relevant coastal resource impacts that result from the construction of bluff retention devices are not included in this public recreation fee and the City's LUP shall be updated once an accepted approach on how to calculate these fees has been developed by the Commission. The City is collecting a \$1,000 per linear foot fee deposit to be applied towards a future Public Recreation/Land Lease Fee. Therefore, until such time as a final Public Recreation / Land Lease Fee is adopted by the City following Coastal Commission approval of such a payment and certification of an LUP amendment adding to the City's LCP, the City will continue to impose an interim fee deposit in the amount of \$1,000 per linear foot to be applied as a credit toward the Public Recreation / Land Lease Fee. The City shall complete its Public Recreation/Land Lease fee study within 18 months of effective certification of the LUP. In association with approval of any bluff retention device located landward of the MHTL and on public land, the City shall also require an encroachment/removal agreement to be renewed at least every 20 years. Additional mitigation for impacts to public access and recreation may also be required through site-specific review and approval of the coastal development permit.

PUBLIC RECREATION IMPACT MITIGATION FEE (APPENDIX C)

In conformance with the Certified City of Solana Beach Local Coastal Program (LCP) Land Use Plan (LUP) Policy 4.50, Bluff Property Owners who construct Bluff Retention Devices shall pay the City a Public Recreation Impact Fee (may also be referred to as Public Recreation Fee) consistent with this appendix. The Public Recreation Fee is separate and independent of the Sand Mitigation Fee detailed in Appendix A.

These mitigation fees are not intended to be duplicative with fees assessed by other agencies. It is anticipated the fees in this appendix would be assessed as required by this LCP and shall be in conjunction with the mitigation fees typically assessed by the CCC and the CSLC for impacts to coastal recreation from Bluff Retention Devices.

The Public Recreation Fee shall be calculated on a project-specific basis to ensure the mitigation fees are proportional to the impact being mitigated. Variables to be considered in determining the fee imposed shall depend on the impact to the beach area based upon (1) the specific physical configuration and footprint of the proposed Bluff Retention Device and (2) the presence of a seacave or notch of any depth that would be fronted by a Bluff Retention Device. The entire area of a seacave or notch located landward of the proposed Bluff Retention Device shall be considered imminently subject to failure and be included in the mitigation calculation. In addition, the area of any seacaves or notches that have been previously infilled with erodible concrete, located landward of the proposed bluff retention device, which are no longer allowed to erode as originally approved, shall be included in the mitigation calculation.

The Public Recreation Fee addresses impacts to the loss of recreation based upon the loss of beach area described below as (1) Initial Area and (2) theoretical 20-year Bluff Retreat Area. Table 1 identifies separate rates, to ensure proportionality between the impact and the mitigation fee to be applied to the Initial Area and Bluff Retreat Area. The fees address the impacts to public recreation for a 20-year period, consistent with the requirements of LUP Policies 4.49 and 4.53. At the end of each 20-year period, the bluff retention device shall either be removed or new fees shall be assessed. The use values in Table 1 were determined as follows:

- The proxy recreational use value per beach visitor per day (Day Use Value) for Solana Beach is \$35.56 in the summer months and \$21.00 in the non-summer months. The City shall conduct new beach user Travel Cost surveys within 10 years to update the day use value to reflect current practices or new information as an amendment to Appendix C of the LUP.
- The City's useable beach area includes the area from the toe of the coastal bluff to mean sea level existing between the northern and southern City limits. Based on 19 LiDAR datasets collected between 1998 and 2015, the useable beach area in Solana Beach is presently calculated at 15.2 acres. The City shall determine if the beach area has changed every ten years and incorporate any changes as an amendment to the LUP.
- The average annual beach attendance in Solana Beach is estimated to be 134,817 adults per year. Children are not included in the attendance data because of the assumption that consumer surplus of children is captured in the adult consumer surplus use values. The attendance estimate is based on attendance counts undertaken by the City between July

2008 and July 2009 and expansion factors to account for the likelihood that some user groups were underrepresented in the original attendance counts due to the time of day that the original population counts were conducted. Every ten years, the City shall adjust the attendance based on available population growth estimates or through an updated attendance survey. The City shall incorporate any changes to the attendance as an amendment to the LUP.

- The annual use value of the beach within the City is \$4,010,581 and is obtained by multiplying the Day Use Value by the number of adults that visit the beach annually and adding the value of the Junior Lifeguard Program, which is \$269,501. The City shall update the annual use value of the beach every ten years if there are changes to the beach area or attendance estimates and shall incorporate the change as an LUP amendment.
- The use value of one sq. ft. of beach was calculated to be \$6.06 in 2016 and is obtained by dividing the annual use value of the beach by the size of the beach.
- The Initial Area Rate in Table 1 represents the use value of one sq. ft. of beach area over a 20-year period and this use value is multiplied by the total area of encroachment of a Bluff Retention Device (Initial Area) to determine the fee. The use value is increased each year to reflect an estimated 2% Consumer Price Index (CPI). The use value is also subject to a 2% Present Value (PV), which offsets the CPI over the 20 year mitigation period. Table 1 shall be updated every ten years and any changes shall be incorporated as an amendment to the LUP.
- The Bluff Retreat Rate (Per Linear Ft.) in Table 1 is equal to one linear ft. (Bluff Retreat Length) multiplied by 20 years of estimated erosion multiplied by the use value of one sq. ft. of beach. It represents the use value of the expected beach area that would otherwise be available for public use through passive erosion if the Bluff Retention Device was not constructed. An erosion rate of 0.4 ft. per year is assumed between 2016 and 2025 and an erosion rate of 0.673 is assumed between the years 2026 and 2046. Any change to the estimated erosion rate will require an amendment to the certified LUP. The use value increases each year to reflect an estimated 2% CPI.

The Public Recreation Fee shall be imposed as a condition of approval on any Coastal Development Permit for a Bluff Retention Device, which does not propose comparable or greater project specific in-kind mitigation. The decision making entity (Coastal Commission or City of Solana Beach) for the Coastal Development Permit shall calculate the Public Recreation Fee on a project-specific basis during the Coastal Development Permit approval process. The entire fee shall be submitted to the City prior to issuance of the Coastal Development Permit and shall be assessed in 20-year increments starting on the building permit completion certification date.

Seacave/notch infills that consist entirely of erodible concrete (see LUP Appendix B, Figure 1A) are exempt from both the Public Recreation Impact Fee and the Sand Mitigation Fee as allowed by the LUP, provided that the infills erode with the natural bluff and are maintained to do so and provided that a Bluff Retention Device is not constructed seaward of the infills. If monitoring of the infills reveals evidence that the back of the beach has been fixed, the Permittee shall submit a complete CDP amendment application to address the impacts from these changed circumstances. At such time, sand supply mitigation and public access and recreation mitigation shall be required.

LUP Policy 4.50 requires that Public Recreation Fees shall be expended for public beach access and public recreation as a first priority, and may be expended for sand replenishment and retention if the City determines that a near-term priority public recreation or public access project is not identified. All projects funded by the Public Recreation Fees shall be located directly along the coast and projects shall result in direct improvements to coastal recreation or beach access. As an alternative allowed by LUP Policy 4.50, project applicants have the option of proposing an in-kind public coastal recreation or beach access project in lieu of payment of Public Recreation Impact Fees to the City. At the City's discretion, project specific in-kind mitigation may be accepted if the applicant can demonstrate that the project would provide a comparable or greater coastal recreation or beach access benefit to the general public.

While a reduction or elimination of the required Public Recreation Fees may be considered for Bluff Retention Devices that protect public infrastructure, mitigation offsets or reductions to any required Public Recreation Fees for Bluff Retention Devices whose primary purpose is the protection of private property are prohibited. In addition, retroactive adjustments to Public Recreation Fees (excluding the \$1,000 per linear foot interim fee deposits), in the form of crediting overpayment of mitigation fees or adding underpayment of mitigation fees to future assessments based on observed bluff erosion, is prohibited.

Table 1 - Public Recreation Impact Mitigation Fee Schedule		
Permit Year	Initial Area Rate (Per SF)	Bluff Retreat Rate (Per LF)
2016	\$121	\$600
2017	\$124	\$630
2018	\$126	\$662
2019	\$129	\$698
2020	\$131	\$737
2021	\$134	\$780
2022	\$136	\$825
2023	\$139	\$874
2024	\$142	\$926
2025	\$145	\$982
2026	\$148	\$1,044

The Total Public Recreation Impact Fee (PRF), for a 20-year period, shall equal the Initial Area multiplied by the Initial Area Rate plus the Bluff Retreat Length multiplied by the Bluff Retreat Rate for the Permit Year.

The formula to calculate the Total PRF =

(Initial Area x Initial Area Rate) + (Bluff Retreat Length x Bluff Retreat Rate)

Definitions:

Calculation of the PRF is based on the following terms which are defined / explained below.

Initial Area - The Initial Area shall be that Useable Beach Area that is occupied by a Bluff Retention Device measured as the width of the structure multiplied by the length of the structure plus the entire area of seacaves or notches located landward of a Bluff Retention Device and any area of seacaves or notches previously infilled with erodible concrete (which are no longer allowed to erode as originally approved).

Bluff Retreat Length - The Bluff Retreat Length shall be the length of the Bluff Retention Device measured along the bluff, measured in feet.

Initial Area Rate - The Initial Area Rate shall be the amount identified in Table 1, under the Column titled Initial Area Rate dependent on the Permit Year. The Initial Area Rate is based on the value of one sq. ft. of beach area over a 20-year period.

Bluff Retreat Rate - The Bluff Retreat Rate shall be the amount identified in Table 1, under the Column titled Bluff Retreat Rate dependent on Permit Year. The Bluff Retreat Rate is based on a linear foot of Bluff Retention Device and incorporates the annual area impacted by the Bluff Retention Device estimated by the Erosion Rate over a 20-year period.

Total PRF – Means the Total Public Recreation Impact Fee, for a 20-year period as calculated by the above formula.

Permit Year - The year the wall is considered permitted (building permit completion certification date) as defined in the LCP LUP.

Useable Beach Area – That area of Solana Beach bound by the northern and southern city limits, the average width of the beach based on the distance between Mean Sea Level and the toe of coastal bluff and that may extend landward of the toe of coastal bluff.

Examples Scenarios (Using a 67% wage rate, 2008-2009 Attendance Figures, and a 15.2 Acre Beach):

Example 1: In the year 2016, construction of a typical 2 ft. wide by 50 ft. long seawall with no seacave/notch landward of proposed seawall.

$$\begin{aligned}\text{Initial Area} &= 2' \times 50' = 100 \text{ sq. ft.} \\ \text{Initial Area Rate} &= 100 \text{ sq. ft.} \times \$121 = \$12,100 \\ \text{Bluff Retreat Rate} &= 50 \text{ ft.} \times \$600 = \$30,000 \\ \text{PRF} &= \$12,100 + \$30,000 = \$42,100\end{aligned}$$

$$\text{PRF} = ((2 \text{ ft.} \times 50 \text{ ft.}) \times \$121 \text{ per sq. ft.}) + (50 \text{ ft.} \times \$600 \text{ per linear ft.}) = \$42,100$$

Example 2: In the year 2016, construction of a typical 2 ft. wide by 50 ft. long seawall with a 10 ft. deep by 20 ft. long seacave/notch (which has not been previously infilled) landward of proposed seawall.

$$\text{PRF} = (((2 \text{ ft.} \times 50 \text{ ft.}) + (10 \text{ ft.} \times 20 \text{ ft.})) \times \$121 \text{ per sq. ft.}) + (50 \text{ ft.} \times \$600 \text{ per linear ft.}) = \$66,300$$

Example 3: In the year 2016, construction of a typical 2 ft. wide by 50 ft. long seawall with a 2 ft. deep by 20 ft. long seacave/notch (which has not been previously infilled) landward of proposed seawall.

$$\text{PRF} = (((2 \text{ ft.} \times 50 \text{ ft.}) + (2 \text{ ft.} \times 20 \text{ ft.})) \times \$121 \text{ per sq. ft.}) + (50 \text{ ft.} \times \$600 \text{ per linear ft.}) = \$46,940$$

Example 4: In the year 2016, construction of a typical 2 ft. wide by 50 ft. long seawall with a 2 ft. deep by 20 ft. long seacave/notch that has been previously infilled with erodible concrete landward of proposed seawall.

$$\text{PRF} = (((2 \text{ ft.} \times 50 \text{ ft.}) + (2 \text{ ft.} \times 20 \text{ ft.})) \times \$121 \text{ per sq. ft.}) + (50 \text{ ft.} \times \$600 \text{ per linear ft.}) = \$46,940$$

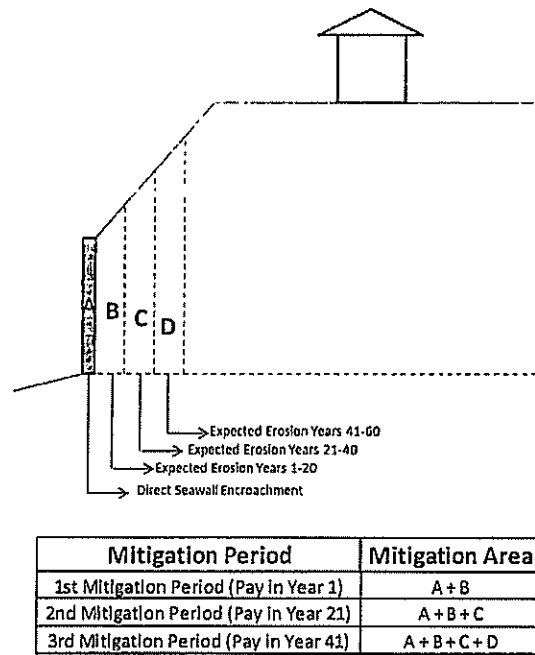
Example 5: In the year 2016, construction of a 2 ft. deep by 20 ft. long seacave/notch with non-erodible concrete.

$$\text{PRF} = ((2 \text{ ft.} \times 20 \text{ ft.}) \times \$121 \text{ per sq. ft.}) + (20 \text{ ft.} \times \$600 \text{ per linear ft.}) = \$16,840$$

Subsequent Mitigation Periods:

If a geotechnical report finds evidence that a Bluff Retention Device cannot be removed at the end of a 20 year mitigation period, mitigation shall be required for the subsequent 20 year period. As shown in Figure 1, in subsequent mitigation periods, mitigation shall include the direct shoreline protection device encroachment and all beach area that would have otherwise been available to the public through passive erosion had the shoreline armoring not been constructed.

Figure 1





STAFF REPORT CITY OF SOLANA BEACH

TO: Honorable Mayor and City Councilmembers
FROM: Gregory Wade, City Manager
MEETING DATE: November 13, 2018
ORIGINATING DEPT: Community Development Department
SUBJECT: **Public Hearing: Request for a DRP and SDP to Construct a New Elevator, Maintenance Room Addition, Remodel the Existing Clubhouse and Gym, and Perform Associated Site Improvements at 550 Via de la Valle. (Case # 17-17-48 Applicant: Winners Circle Resort; Resolution No. 2018-141)**

BACKGROUND:

The Applicant, Winners Circle Resort, is requesting City Council approval of a Development Review Permit (DRP) and Structure Development Permit (SDP) to construct a new two-story elevator, maintenance room addition, perform hardscape and landscape improvements, and remodel the existing clubhouse and gym. The 7.58 acre property is located within the Commercial (C) Zone, Flood Plain Overlay Zone (FPOZ), and Flood Damage Prevention Overlay Zone. The existing timeshare and hotel property was constructed prior to the City's incorporation.

The project proposes grading in the amounts of 30 cubic yards of excavation for footings. The maximum building height is proposed at 25.86 feet above the proposed grade with the highest story pole measured to 39.65 feet above mean sea level (MSL).

This project requires a DRP according to SBMC 17.68.040(B)(1)(I) because the project consist of *"a new commercial development or construction (including any structural addition to existing development) located within any commercial zone which results in an increase of more than 500 feet of gross floor area or to the overall building envelope,"* and for development within the FPOZ. The project requires a SDP because the proposed development exceeds 16 feet in height above the existing grade.

The issue before the Council is whether to approve, approve with conditions, or deny the Applicant's request as contained in Resolution 2018-141 (Attachment 1).

<p>CITY COUNCIL ACTION:</p> <hr/> <hr/> <hr/>

DISCUSSION:

The property is located along the City's southern border with the City of Del Mar at the northwest corner of the Via de la Valle and Valley Avenue intersection. The lot is predominately flat and abuts residential properties to the northwest, commercial properties to the west, Valley Avenue to the northeast and Via de la Valle to the south. The subject site is currently developed with the Winners Circle Resort, Winners Tennis Club, Red Tracton's and Fish Market Restaurant.

The Applicant is proposing modifications to the Winners Circle Resort including a new elevator, maintenance room expansion, remodel of the existing clubhouse and gym, and associated hardscape and landscape improvements as shown in Attachment 2. No modifications are proposed to the other buildings on site at this time. The project plans are provided in Attachment 3.

Table 1 (below) provides a comparison of the Solana Beach Municipal Code (SBMC) applicable zoning regulations with the Applicant's proposed design.

Table 1																				
LOT INFORMATION																				
Property Address: 550 Via de la Valle Lot Size (Net): 239,479 ft ² Max. Allowable Floor Area: 287,375 ft ² Existing Floor Area: 102,130 ft ² Proposed Addition: 334 ft ² Max. Allowable Height: 35 ft. Max. Proposed Height: 25.86 ft. Highest Point/Ridge: 25.86 MSL	Zoning Designation: Commercial Overlay Zone(s): Flood Plain Overlay Zone, Flood Damage Prevention																			
	Setbacks: <table border="1" style="margin-left: 20px;"> <thead> <tr> <th></th> <th>Required</th> <th>Proposed (Maintenance Room)</th> </tr> </thead> <tbody> <tr> <td>Front</td> <td>0 ft.</td> <td>131 ft.</td> </tr> <tr> <td>Interior</td> <td>0 ft.</td> <td>406 ft.</td> </tr> <tr> <td>Side</td> <td></td> <td></td> </tr> <tr> <td>Street Side</td> <td>0 ft.</td> <td>295 ft.</td> </tr> <tr> <td>Rear</td> <td>10 ft.</td> <td>352 ft.</td> </tr> </tbody> </table>		Required	Proposed (Maintenance Room)	Front	0 ft.	131 ft.	Interior	0 ft.	406 ft.	Side			Street Side	0 ft.	295 ft.	Rear	10 ft.	352 ft.	
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Interior	0 ft.	406 ft.																		
Side																				
Street Side	0 ft.	295 ft.																		
Rear	10 ft.	352 ft.																		
PROPOSED PROJECT INFORMATION																				
Floor Area Breakdown: Existing Floor Area: 102,130 ft ² Maintenance Room Addition: 230 ft ² Elevator: 104 ft ² Total Floor Area: 102,464 ft ²	Required Permits: DRP: A DRP is required for new commercial development or construction (including any structural addition to existing development) located within any commercial zone which results in an increase of more than 500 feet of gross floor area or to the overall building envelope and for development in the FPOZ SDP: A SDP is required for a new structure that exceeds 16 feet in height from the existing grade.																			
Proposed Grading: 30 yd ³ of excavation for footings																				
Proposed Parking: 123 existing parking spaces	Existing Development: Timeshare and hotel use, tennis club, and restaurant																			

Staff has prepared draft findings for approval of the project in the attached Resolution 2018-141 for Council's consideration based upon the information in this report. The applicable SBMC sections are provided in italicized text and conditions from the Community Development, Engineering, and Fire Departments are incorporated in the Resolution. The Council may direct Staff to modify the Resolution to reflect the findings and conditions it deems appropriate as a result of the public hearing process. If the Council determines the project is to be denied, Staff will prepare a Resolution of Denial for adoption at a subsequent Council meeting.

The following is a discussion of the findings for a DRP as each applies to the proposed project as well as references to recommended conditions of approval contained in Resolution 2018-141.

Development Review Permit Compliance (SBMC Section 17.68.40):

A DRP is required for new commercial development or construction (including any structural addition to existing development) located within any commercial zone which results in an increase of more than 500 feet of gross floor area or to the overall building envelope and for development within the FPOZ.

In addition to meeting zoning requirements, the project must also be found in compliance with development review criteria. The following is a list of the development review criteria topics:

1. Relationship with Adjacent Land Uses
2. Building and Structure Placement
3. Landscaping
4. Roads, Pedestrian Walkways, Parking, and Storage Areas
5. Grading
6. Lighting
7. Usable Open Space

The Council may approve, or conditionally approve, a DRP only if all of the findings listed below can be made. Resolution 2018-141 provides the full discussion of the findings.

1. The proposed development is consistent with the general plan and all applicable requirements of the zoning ordinance including special regulations, overlay zones, and specific plans.
2. The proposed development complies with the development review criteria.
3. All required permits and approvals issued by the city, including variances, conditional use permits, comprehensive sign plans, and coastal development permits have been obtained prior to or concurrently with the development review permit.

4. If the development project also requires a permit or approval to be issued by a state or federal agency, the city council may conditionally approve the development review permit upon the Applicant obtaining the required permit or approval from the other agency.

If the above findings cannot be made, the Council shall deny the DRP.

The following is a discussion of the applicable development review criteria as they relate to the proposed project.

Relationship with Adjacent Land Uses:

The property is located within the C Zone. The property to the west of the subject site is zoned Office Professional (OP), the properties to the north are zoned High Residential, Valley Avenue is to the east, and the Del Mar Fairgrounds is located across Via de la Valle to the south.

Under current regulations, hotels are permitted in the C Zone; however, in January 2008 the City Council adopted Ordinance 376, which prohibited timeshares and condo hotels. The timeshare property was constructed prior to the City's incorporation and was permitted at the time it was constructed. It is therefore considered a legal nonconforming use. Per SBMC 17.16.050, additional structures and additions may be established on the lot provided the additions do not increase the size, degree or intensity of the existing non-conformity. The Applicant is proposing an addition to the existing maintenance room and a new two-story elevator to support the hotel and timeshare property. As proposed, the project does not increase the size, degree or intensity of the non-conformity. Therefore, pursuant to SBMC 17.16.050, the nonconforming use can remain.

The property is designated General Commercial in the General Plan and intended for the development of resident and visitor serving commercial uses and retail uses. The proposed development could be found to be consistent with the objectives of the General Plan as it encourages the development and maintenance of commercial land uses which offer a range of commercial enterprises to meet the needs of residents and visitors.

The property is not located within any of the City's Specific Plan areas; however, it is located within the boundaries of the FPOZ, Flood Damage Prevention Overlay Zone and within the Coastal Zone. The Flood Damage Prevention Overlay Zone applies to all areas of special flood hazards, flood-related erosion hazards, and areas of mudslide hazards. The City Engineer, who is appointed as the Floodplain Administrator, is responsible for enforcing the regulations within this Overlay Zone. The Engineering Department has provided conditions to be incorporated into the Resolution addressing such regulations. As a condition of project approval, the Applicant would be required to obtain a Coastal Development Permit, Waiver or Exemption from the California Coastal Commission prior to the issuance of a Building Permit.

Building and Structure Placement:

The subject lot is irregular in shape and located at the northwest corner of the Via de la Valle and Valley Avenue intersection. The lot has primary frontage on Via de la Valle with driveway access on both Via de la Valle and Valley Avenue.

The Winners Circle Resort is located in the center of the lot with the Winners Tennis Club located to the west and Fish Market Restaurant to the east. The timeshare and hotel property is comprised of four, two-story buildings that surround an interior courtyard. A maintenance room is located on the southeast corner of Buildings 1 and 2.

Within the interior courtyard of the Winners Circle Resort, there is an existing pool, clubhouse, landscaping and hardscaping. The Applicant is proposing to maintain the existing pools and spa, add new cabanas within the courtyard, remodel the existing clubhouse area including replacing the shade structure attached to the clubhouse, and make modifications to the landscaping and hardscaping area within the courtyard. These improvements will not be visible from the exterior of the site. The Applicant is also proposing an interior remodel of the existing gym, which is located on the northwest corner of Building 1.

The Applicant is proposing a 230 square foot addition to the existing one-story maintenance room. The maintenance room is currently comprised of an office area, maintenance area, storage, and housekeeping area. The addition will allow for these same uses but accommodate an employee restroom and the new elevator equipment. The new 104 square foot, two-story elevator will be at the corner of Buildings 1 and 2, located to the northwest of the proposed maintenance room expansion.

The proposed project, as designed, meets the minimum development regulations for the subject site.

Fences, Walls and Retaining Walls:

Within the buildable area, SBMC Section 17.60.070(B) allows fences and walls to be no higher than the maximum height applicable to the principal structure. In the C Zone, the maximum building height allowed is 35 feet.

Within the interior courtyard, the Applicant proposes to construct new 6-foot high walls to the northeast of the existing clubhouse to surround the proposed exterior showers, add a new railing to provide the required 5-foot high pool enclosure fence, and construct retaining walls that will range in height from 2 to 3 feet.

Currently, the plans show fences and walls that comply with the requirements of SBMC 17.60.070(B). If the Applicant decides to modify any of the proposed fences and walls or construct additional fences and walls on the project site, a condition of project approval indicates that they would be required to be in compliance with the Municipal Code.

Landscape:

The project is subject to the current water efficient landscaping regulations of SBMC Chapter 17.56. A Landscape Documentation Package is required for new development projects with an aggregate landscape equal to or greater than 500 square feet requiring a building permit, plan check or development review. The Applicant provided a conceptual landscape plan that has been reviewed by the City's third-party landscape architect, who has found the plans to be in conformance with the City's landscape and water efficiency regulations. The Applicant will be required to submit detailed construction landscape drawings that will be reviewed by the City's third-party landscape architect for conformance with the conceptual plan. In addition, the City's third-party landscape architect will perform inspections during the construction phase of the project. A separate condition has been added to require that native or drought-tolerant and non-invasive plant materials and water-conserving irrigation systems are required to be incorporated into the landscaping to the extent feasible.

Parking:

Per SBMC Section 17.52.040 and the Off-Street Parking Design Manual (OSPDM), a hotel use requires one (1) space for each guest unit, plus parking requirements for associated commercial uses, plus one (1) space for each 50 square feet of gross floor area of main assembly room, plus one (1) space for each employee at maximum shift. Currently, the site has 123 parking spaces to serve the Winners Circle Resort, which has 94 guest rooms. The 230 square foot expansion of the maintenance room and 104 square foot elevator will not create additional guest units, commercial area, or main assembly area, therefore the proposed project will not require additional parking.

Grading:

The project proposes grading in the amounts of 30 cubic yards of excavation for footings. No other site grading is proposed at this time.

Lighting:

A condition of project approval is that all new exterior lighting fixtures comply with the City-Wide Lighting Regulations of the Zoning Ordinance (SBMC 17.60.060). All light fixtures shall be shielded so that no light or glare is transmitted or reflected in such concentrated quantities or intensities as to be detrimental to the surrounding area.

Usable Open Space:

The project consists of the construction of a new two-story elevator, maintenance room addition, associated hardscape and landscape improvements, and remodel the existing clubhouse and gym; therefore, usable open space and recreational facilities are neither proposed nor required according to SBMC Section 17.20.040.

Structure Development Permit Compliance:

The proposed structure exceeds 16 feet in height above the existing grade, therefore, the project must comply with all of the View Assessment requirements of SBMC Chapter 17.63 and the Applicant was required to complete the SDP process. The Story Pole Height Certification was certified by a licensed land surveyor on April 18, 2018 showing a maximum building height of 25.86 feet above the proposed grade. Notices were mailed to property owners and occupants within 300 feet of the project site establishing a deadline to file for View Assessment by October 29, 2018. No applications for View Assessment were received. Therefore, if the Council is able to make the required findings to approve the DRP, the SDP would be approved administratively.

As a condition of approval, a height certification prepared by a licensed land surveyor will be required prior to the framing inspection certifying that the maximum height of the proposed addition will not exceed 25.86 feet above the existing grade or 39.65 feet above MSL, which is the maximum proposed structure height reflected on the project plans.

Public Hearing Notice:

Notice of the City Council Public Hearing for the project was published in the Union Tribune more than 10 days prior to the public hearing. The same public notice was mailed to property owners and occupants within 300 feet of the proposed project site on November 1, 2018. As of the date of preparation of this Staff Report, Staff has not received any formal correspondence from neighbors or interested parties in support of, or in opposition to, the proposed project.

In conclusion, the proposed project, as conditioned, could be found to be consistent with the Zoning regulations and the General Plan.

CEQA COMPLIANCE STATEMENT:

The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the State CEQA Guidelines. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structure. Examples of this exemption include additions to existing structures provided that the addition will not result in the increase of more than 2,500 square feet.

FISCAL IMPACT: N/A

WORK PLAN: N/A

OPTIONS:

- Approve Staff recommendation adopting the attached Resolution 2018-141.
- Approve Staff recommendation subject to additional specific conditions necessary for the City Council to make all required findings for the approval of a SDP and DRP.

- Deny the project if all required findings for the DRP cannot be made.

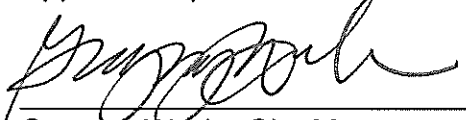
DEPARTMENT RECOMMENDATION:

The proposed project meets the minimum zoning requirements under the SBMC, may be found to be consistent with the General Plan and may be found, as conditioned, to meet the discretionary findings required as discussed in this report to approve a DRP and administratively issue a SDP. Therefore, Staff recommends that the City Council:

1. Conduct the Public Hearing: Open the Public Hearing, Report Council Disclosures, Receive Public Testimony, and Close the Public Hearing.
2. Find the project exempt from the California Environmental Quality Act pursuant to Section 15301 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt Resolution 2018-141 conditionally approving a DRP and an SDP to construct a new elevator, maintenance room addition, remodel the existing clubhouse and gym, and perform associated site improvements 550 Via de la Valle, Solana Beach.

CITY MANAGER'S RECOMMENDATION:

Approve Department Recommendation.



Gregory Wade, City Manager

Attachments:

1. Resolution 2018-141
2. Site Plan Exhibit
3. Project Plans

RESOLUTION NO. 2018-141

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, CONDITIONALLY APPROVING A DEVELOPMENT REVIEW PERMIT AND AN ADMINISTRATIVE STRUCTURE DEVELOPMENT PERMIT FOR THE CONSTRUCTION OF A NEW ELEVATOR, MAINTENANCE ROOM ADDITION, REMODEL THE EXISTING CLUBHOUSE AND GYM, AND PERFORM ASSOCIATED SITE IMPROVEMENTS AT 550 VIA DE LA VALLE, SOLANA BEACH

**APPLICANT: WINNERS CIRCLE RESORT
CASE NO.: 17-17-48 DRP/SDP**

WHEREAS, Winners Circle Resort (hereinafter referred to as "Applicant"), has submitted an application for a Development Review Permit (DRP) and Structure Development Permit (SDP) pursuant to Title 17 (Zoning) of the Solana Beach Municipal Code (SBMC); and

WHEREAS, the public hearing was conducted pursuant to the provisions of Solana Beach Municipal Code Section 17.72.030; and

WHEREAS, at the public hearing on November 13, 2018, the City Council received and considered evidence concerning the proposed application; and

WHEREAS, the City Council found the application request exempt from the California Environmental Quality Act pursuant to Section 15301 of the State CEQA Guidelines; and

WHEREAS, this decision is based upon the evidence presented at the hearing, and any information the City Council gathered by viewing the site and the area as disclosed at the hearing.

NOW THEREFORE, the City Council of the City of Solana Beach, California, does resolves as follows:

- I. That the foregoing recitations are true and correct.
- II. That the request for a DRP and a SDP to construct a new elevator, maintenance room addition, remodel the existing clubhouse and gym, and perform associated site improvements at 550 Via de la Valle, is conditionally approved based upon the following Findings and subject to the following Conditions:
- III. FINDINGS
 - A. In accordance with Section 17.68.040 (Development Review Permit) of the City of Solana Beach Municipal Code, the City Council finds the following:
 - I. *The proposed project is consistent with the General Plan and all applicable requirements of SBMC Title 17 (Zoning Ordinance), including special regulations, overlay zones and specific plans.*

General Plan Consistency: The project, as conditioned, is consistent with the City's General Plan designation of General Commercial, which allows for the development of resident and visitor serving commercial uses and retail uses. The development is also consistent with the objectives of the General Plan as it encourages the development and maintenance of commercial land uses which offer a range of commercial enterprises to meet the needs of residents and visitors.

Zoning Ordinance Consistency: The project is consistent with all applicable requirements of the Zoning Ordinance (Title 17) (SBMC 17.24.030), which delineates maximum allowable Floor Area Ratio (FAR), Permitted Uses and Structures (SBMC Section 17.24.020) which provides for uses of the property as a hotel. Under current regulations, timeshares are not a permitted use. The timeshare property was constructed prior to the City's incorporation and was permitted at the time it was constructed. It is therefore considered a legal nonconforming use. Per SBMC 17.16.050, additional structures and additions may be established on the lot provided the additions do not increase the size, degree or intensity of the existing non-conformity. The Applicant is proposing an addition to the existing maintenance room and a new two-story elevator to support the hotel and timeshare property. As proposed, the project does not increase the size, degree, or intensity of the non-conformity. Therefore, pursuant to SBMC 17.16.050, the nonconforming use can remain.

The project is consistent with the provisions for minimum yard dimensions (i.e., setbacks) and the maximum allowable Floor Area Ratio (FAR), maximum building height, and parking requirements.

II. *The proposed development complies with the following development review criteria set forth in Solana Beach Municipal Code Section 17.68.040.F:*

- a. *Relationship with Adjacent Land Uses: The development shall be designed in a manner compatible with and complementary to existing development in the immediate vicinity of the project site and the surrounding neighborhood. The development as proposed shall also be compatible in scale, apparent bulk, and massing with such existing development in the surrounding neighborhood. Site planning on or near the perimeter of the development shall give consideration to the protection of surrounding areas from potential adverse effects.*

The property is located within the C Zone. The property to the west of the subject site is zoned Office Professional (OP), the properties to the north are zoned High Residential, Valley Avenue is to the east, and the Del Mar Fairgrounds is located across Via de la Valle to the south.

Under current regulations, hotels are permitted in the C Zone; however, timeshares are not a permitted use. The timeshare property was constructed prior to the City's incorporation and was permitted at the time it was constructed. It is therefore considered a legal nonconforming use. Per SBMC 17.16.050, additional structures and additions may be established on the lot provided the additions do not increase the size, degree or intensity of the existing non-conformity. The Applicant is proposing an addition to the existing maintenance room and a new two-story elevator to support the hotel and timeshare property. Therefore, pursuant to SBMC 17.16.050, the nonconforming use can remain.

The property is designated General Commercial in the General Plan and intended for the development of resident and visitor serving commercial uses and retail uses. The proposed development could be found to be consistent with the objectives of the General Plan as it encourages the development and maintenance of commercial land uses which offer a range of commercial enterprises to meet the needs of residents and visitors.

The property is not located within any of the City's Specific Plan areas; however, it is located within the boundaries of the FPOZ, Flood Damage Prevention Overlay Zone and within the Coastal Zone. The Flood Damage Prevention Overlay Zone applies to all areas of special flood hazards, flood-related erosion hazards, and areas of mudslide hazards. The City Engineer, who is appointed as the Floodplain Administrator, is responsible for enforcing the regulations within this Overlay Zone. The Engineering Department provided conditions that have been incorporated into the Resolution addressing such regulations. As a condition of project approval, the Applicant is required to obtain a Coastal Development Permit, Waiver or Exemption from the California Coastal Commission prior to the issuance of a Building Permit.

- b. Building and Structure Placement: Buildings and structures shall be sited and designed to minimize adverse impacts on the surrounding properties and designed in a manner which visually and functionally enhance their intended use and complement existing site topography. Multi-family residential buildings shall be sited to avoid crowding and to allow for a functional use of the space between buildings.*

The subject lot is irregular in shape and located at the northwest corner of the Via de la Valle and Valley Avenue intersection. The

lot has primary frontage on Via de la Valle with driveway access on both Via de la Valle and Valley Avenue.

The site is predominately flat and currently developed with the Winners Circle Resort, Winners Tennis Club, Red Tracton's and Fish Market Restaurant. The Winners Circle Resort is located in the center of the lot with the Winners Tennis Club located to the west and Fish Market Restaurant to the east. The timeshare and hotel property is comprised of four, two-story buildings that surround an interior courtyard. A maintenance room is located on the southeast corner of Buildings 1 and 2.

Within the interior courtyard of the Winners Circle Resort, there is an existing pool, clubhouse, landscaping and hardscaping. The Applicant is proposing to maintain the existing pools and spa, add new cabanas within the courtyard, remodel the existing clubhouse area including replacing the shade structure attached to the clubhouse, and make modifications to the landscaping and hardscaping area within the courtyard. These improvements will not be visible from the exterior of the site.

The Applicant is proposing a 230 square foot addition to the existing one-story maintenance room. The maintenance room is currently comprised of an office area, maintenance area, storage, and housekeeping area. The addition will allow for these same uses but accommodate an employee restroom and the new elevator equipment. The new 104 square foot, two-story elevator will be at the corner of Buildings 1 and 2, located to the northwest of the proposed maintenance room expansion.

The proposed project, as designed, meets the minimum development regulations for the subject site.

- c. *Landscaping: The removal of significant native vegetation shall be minimized. Replacement vegetation and landscaping shall be compatible with the vegetation of the surrounding area. To the maximum extent practicable, landscaping and plantings shall be used to screen parking areas, storage areas, access roads, and other service uses of the site. Trees and other large plantings shall not obstruct significant views when installed or at maturity. Drought tolerant plant materials and water conserving irrigation systems shall be incorporated into all landscaping plans.*

The project is subject to the current water efficient landscaping regulations of SBMC Chapter 17.56. A Landscape Documentation Package is required for new development projects with an aggregate landscape equal to or greater than 500 square feet requiring a building permit, plan check or

development review. The Applicant provided a conceptual landscape plan that has been reviewed by the City's third-party landscape architect, who has recommended approval. The Applicant is required to submit detailed construction landscape drawings that will be reviewed by the City's third-party landscape architect for conformance with the conceptual plan. In addition, the City's third-party landscape architect will perform inspections during the construction phase of the project. A condition has been added to require that native or drought-tolerant and non-invasive plant materials and water-conserving irrigation systems are required to be incorporated into the landscaping to the extent feasible.

- d. Roads, Pedestrian Walkways, Parking and Storage Areas: Any development involving more than one building or structure shall provide common access roads and pedestrian walkways. Parking and outside storage areas, where permitted, shall be screened from view, to the extent feasible, by existing topography, by the placement of buildings and structures, or by landscaping and plantings.*

Per SBMC Section 17.52.040 and the Off-Street Parking Design Manual (OSPDM), a hotel use requires one (1) space for each guest unit, plus parking requirements for associated commercial uses, plus one (1) space for each 50 square feet of gross floor area of main assembly room, plus one (1) space for each employee at maximum shift. Currently the site has 123 parking spaces to serve all uses. The 230 square foot expansion of the maintenance room and 104 square foot elevator will not create additional guest units, commercial area, or main assembly area, therefore the proposed project will not require additional parking.

- e. Grading: To the extent feasible, natural topography and scenic features of the site shall be retained and incorporated into the proposed development. Any grading or earth-moving operations in connection with the proposed development shall be planned and executed so as to blend with the existing terrain both on and adjacent to the site. Existing exposed or disturbed slopes shall be landscaped with native or naturalized non-native vegetation and existing erosion problems shall be corrected.*

The project proposes grading in the amounts of 30 cubic yards of excavation for footings. No other site grading is proposed at this time.

- f. Lighting: Light fixtures for walkways, parking areas, driveways, and other facilities shall be provided in sufficient number and at proper locations to assure safe and convenient nighttime use.*

All light fixtures shall be appropriately shielded so that no light or glare is transmitted or reflected in such concentrated quantities or intensities as to be detrimental to the surrounding areas per SBMC 17.60.060 (Exterior Lighting Regulations).

A condition of project approval is that all new exterior lighting fixtures comply with the City-Wide Lighting Regulations of the Zoning Ordinance (SBMC 17.60.060). All light fixtures shall be shielded so that no light or glare is transmitted or reflected in such concentrated quantities or intensities as to be detrimental to the surrounding area.

- g. Usable Open Space: Recreational facilities proposed within required usable open space shall be located and designed to maintain essential open space values.*

The project consists of the construction of a new two-story elevator, maintenance room addition, associated hardscape and landscape improvements, and remodel the existing clubhouse and gym; therefore, usable open space and recreational facilities are neither proposed nor required according to SBMC Section 17.20.040.

- III. All required permits and approvals including variances, conditional use permits, comprehensive sign plans, and coastal development permits have been obtained prior to or concurrently with the development review permit.*

All required permits are being processed concurrently with the Development Review Permit.

- IV. If the development project also requires a permit or approval to be issued by a state or federal agency, the city council may conditionally approve the development review permit upon the Applicants obtaining the required permit or approval from the other agency.*

The Applicant shall obtain approval from the California Coastal Commission prior to issuance of Building Permits.

IV. CONDITIONS

Prior to use or development of the property in reliance on this permit, the Applicant shall provide for and adhere to the following conditions:

A. Community Development Department Conditions:

- I. Building Permit plans must be in substantial conformance with the architectural plans presented to the City Council on November 13,

2018, and located in the project file with a submittal date of November 1, 2018.

- II. Prior to requesting a framing inspection, the Applicant shall be required to submit a height certification, signed by a licensed land surveyor, certifying that the building envelope (which is represented by the story poles) is in conformance with the plans as approved by the City Council on November 13, 2018 and the certified story pole plot plan, and will not exceed 25.86 feet above MSL.
- III. Any proposed onsite fences, walls and retaining walls and any proposed railing located on top, or any combination thereof, shall comply with applicable regulations of SBMC Section 17.60.070 (Fences and Walls).
- IV. The Applicant shall obtain required California Coastal Commission (CCC) approval of a Coastal Development Permit, Waiver or Exemption as determined necessary by the CCC, prior to the issuance of a grading or building permit.
- V. Native or drought tolerant and non-invasive plant materials and water conserving irrigation systems shall be incorporated into any proposed landscaping and compatible with the surrounding area to the extent feasible.
- VI. The Applicant shall comply with the current applicable water efficient landscape regulations of the Municipal Code Section 17.56 that are in place at the time of the Building Permit submittal.
- VII. Any new exterior lighting fixtures shall be in conformance with the City-Wide Lighting Regulations of SBMC 17.60.060.
- VIII. All light fixtures shall be appropriately shielded so that no light or glare is transmitted or reflected in such concentrated quantities or intensities that render them detrimental to the surrounding area.
- IX. Construction vehicles shall be parked on the subject property at all times when feasible. If construction activity prohibits parking on the subject property, the Applicant shall ensure construction vehicles are parked in such a way to allow sufficient vehicular access on Via de la Valle and Valley Avenue and minimize impact to the surrounding neighbors.

B. Fire Department Conditions:

- I. **RESPONSE MAPS:** Any new development, which necessitates updating of emergency response maps by virtue of new structures, hydrants, roadways or similar features, shall be required to provide map updates in one of the following formats (AutoCad DWG, DXF,

ESRI shapefile, ESRI personal geodatabase, or XML format) and shall be charged a reasonable fee for updating all response maps.

- II. OBSTRUCTION OF ROADWAYS DURING CONSTRUCTION: All roadways shall be a minimum of 20 feet in width during construction and maintained free and clear, including the parking of vehicles, in accordance with the California Fire Code and the Solana Beach Fire Department.
 - III. ADDRESS NUMBERS: STREET NUMBERS: Approved numbers and/or addresses shall be placed on all new and existing buildings and at appropriate additional locations as to be plainly visible and legible from the street or roadway fronting the property from either direction of approach. Said numbers shall contrast with their background and shall meet the following minimum standards as to size: 4 inches high with a ½ inch stroke width for residential buildings, 8 inches high with a ½ inch stroke for commercial and multi-family residential buildings, and 12 inches high with a 1 inch stroke for industrial buildings. Additional numbers shall be required where deemed necessary by the Fire Marshal, such as rear access doors, building corners, and entrances to commercial centers.
 - IV. AUTOMATIC FIRE SPRINKLERS SYSTEM: Structures shall be protected by an automatic fire sprinkler system designed and installed to the satisfaction of the Fire Department.
 - V. CLASS "A" ROOF: All structures shall be provided with a Class "A" Roof covering to the satisfaction of the Solana Beach Fire Department.
 - VI. FIRE ALARM SYSTEM: A California State Fire Marshal listed fire alarm system is required and shall be designed and installed per NFPA 72, California Fire Code and Solana Beach Fire Department requirements.
 - VII. Elevator: The medical emergency service elevator shall accommodate the loading and transport of an ambulance gurney or stretcher (maximum size 24 inches by 84 inches with not less than 5-inch in the horizontal position).
 - VIII. Building Permits: Building permit plan submittal shall show compliance with height, area, type of construction and separation.
- C. Engineering Department Conditions:
- I. All construction demolition materials shall be recycled according to the City's Construction and Demolition recycling program and an approved Waste Management Plan shall be submitted.

- II. Construction fencing shall be located on the subject property unless the Applicant has obtained an Encroachment Permit in accordance with chapter 11.20 of the Solana Beach Municipal Code which allows otherwise.
- III. An Erosion Prevention and Sediment Control Plan shall be prepared. Best management practices shall be developed and implemented to manage storm water and non-storm water discharges from the site at all times during excavation and grading activities. Erosion prevention shall be emphasized as the most important measure for keeping sediment on site during excavation and grading activities. Sediment controls shall be used as a supplement to erosion prevention for keeping sediment on site.
- IV. Submit a letter from a licensed civil engineer stating that the proposed building addition, elevator and site improvements are capable of withstanding periodic flooding and that the standards of construction are in accordance with SBMC 17.80.120.

Grading:

- V. Prior to issuance of a Building Permit, the Applicant shall obtain a Grading Permit. Conditions prior to the issuance of a Grading Permit shall include, but not be limited to, the following:
 - a. The Grading Plan shall be prepared by a Registered Civil Engineer and approved by the City Engineer. On-site grading design and construction shall be in accordance with Chapter 15.40 of the Solana Beach Municipal Code.
 - b. A Soils Report shall be prepared by a Registered Soils Engineer and approved by the City Engineer. All necessary measures shall be taken and implemented to assure slope stability, erosion control and soil integrity. The grading plan shall incorporate all recommendations contained in the soils report.
 - c. An easement shall be recorded for maintenance of the detention basins by the property owner(s) in perpetuity, prior to the occupancy of this project.
 - d. All retaining walls and drainage structures shall be shown. Retaining walls shown on the grading plan shall conform to the San Diego Regional Standards or be designed by a licensed civil engineer. Engineering calculations for all designed walls with a surcharge and nonstandard walls shall be submitted at grading plan check. Retaining walls may not exceed the allowable height within the property line setback as determined by the City of Solana Beach Municipal Code. Contact the

Community Development Department for further information.

- e. Pay grading plan check fee in accordance with the current Engineering Fee Schedule at initial grading plan submittal. Inspection fees shall be paid prior to issuance of the grading permit.
- f. Obtain and submit grading security in a form prescribed by the City Engineer.
- g. Obtain haul permit for import / export of soil. The Applicant shall transport all excavated material to a legal disposal site.
- h. Submit certification from the Engineer of Record and the Soils Engineer that all public or private drainage facilities and finished grades are functioning and are installed in accordance with the approved plans. This shall be accomplished by the Engineer of Record incorporating as-built conditions on the Mylar grading plans and obtaining signatures of the Engineer of Record and the Soils Engineer certifying the as-built conditions.
- i. Show all proposed on-site private drainage facilities intended to discharge water run-off. Elements of this design shall include a hydrologic and hydraulic analysis verifying the adequacy of the facilities and identify any easements or structures required to properly convey the drainage. The construction of drainage structures shall comply with the standards set forth by the San Diego Regional Standard Drawings.
- j. Post Construction Best Management Practices meeting City and RWQCB Order No. R9-2013-001 requirements shall be implemented in the drainage design.
- k. The Applicant shall prepare a City of Solana Beach Storm Water Checklist for Standard Projects to address potential water quality impacts to ensure that pollutants and runoff from this development are reduced to the maximum extent practicable.
- l. No increased cross lot drainage shall be allowed.

V. ENFORCEMENT

Pursuant to SBMC 17.72.120(B) failure to satisfy any and all of the above-mentioned conditions of approval is subject to the imposition of penalties as set forth in SBMC Chapters 1.1.6 and 1.18 in addition to any applicable revocation proceedings.

VI. EXPIRATION

The Development Review Permit for the project shall expire 24 months from the date of this Resolution, unless the Applicant has obtained building permits and has commenced construction prior to that date, and diligently pursued construction to completion. An extension of the application may be granted by the City Council according to SBMC 17.72.110.

VII. INDEMNIFICATION AGREEMENT

The Applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify the Applicant of any claim, action, or proceeding. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, the Applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Applicant shall not be required to pay or perform any settlement unless such settlement is approved by the Applicant.

NOTICE TO APPLICANT: Pursuant to Government Code Section 66020, you are hereby notified that the 90-day period to protest the imposition of the fees, dedications, reservations or other exactions described in this resolution commences on the effective date of this resolution. To protest the imposition of any fee, dedications, reservations or other exactions described in this resolution you must comply with the provisions of Government Code Section 66020. Generally the resolution is effective upon expiration of the tenth day following the date of adoption of this resolution, unless the resolution is appealed or called for review as provided in the Solana Beach Zoning Ordinance.

PASSED AND ADOPTED at a special meeting of the City Council of the City of Solana Beach, California, held on the 13th day of November, 2018, by the following vote:

AYES: Councilmembers –

NOES: Councilmembers –

ABSENT: Councilmembers –

ABSTAIN: Councilmembers –

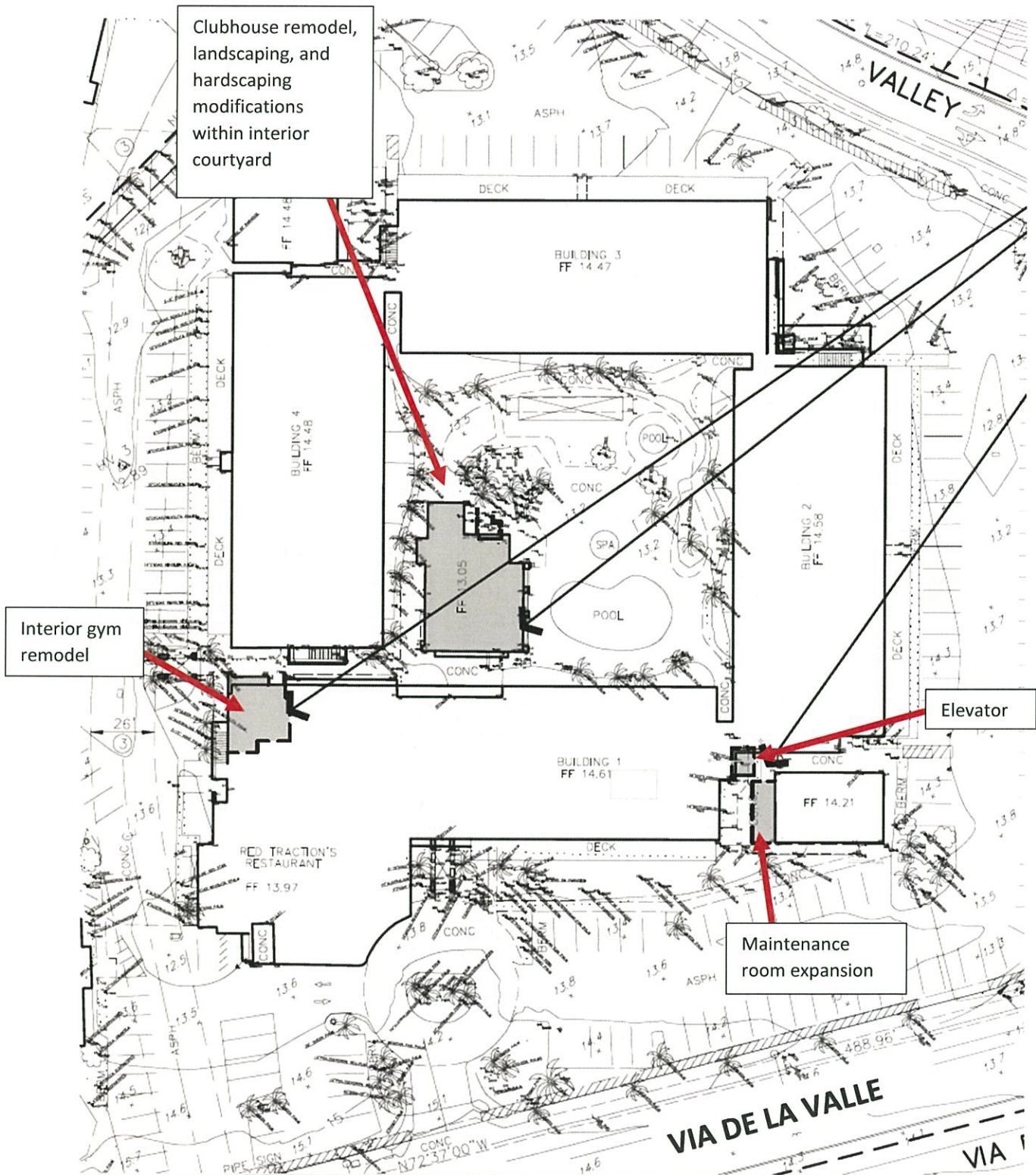
DAVID A. ZITO, Mayor

APPROVED AS TO FORM:

ATTEST:

JOHANNA N. CANLAS, City Attorney

ANGELA IVEY, City Clerk



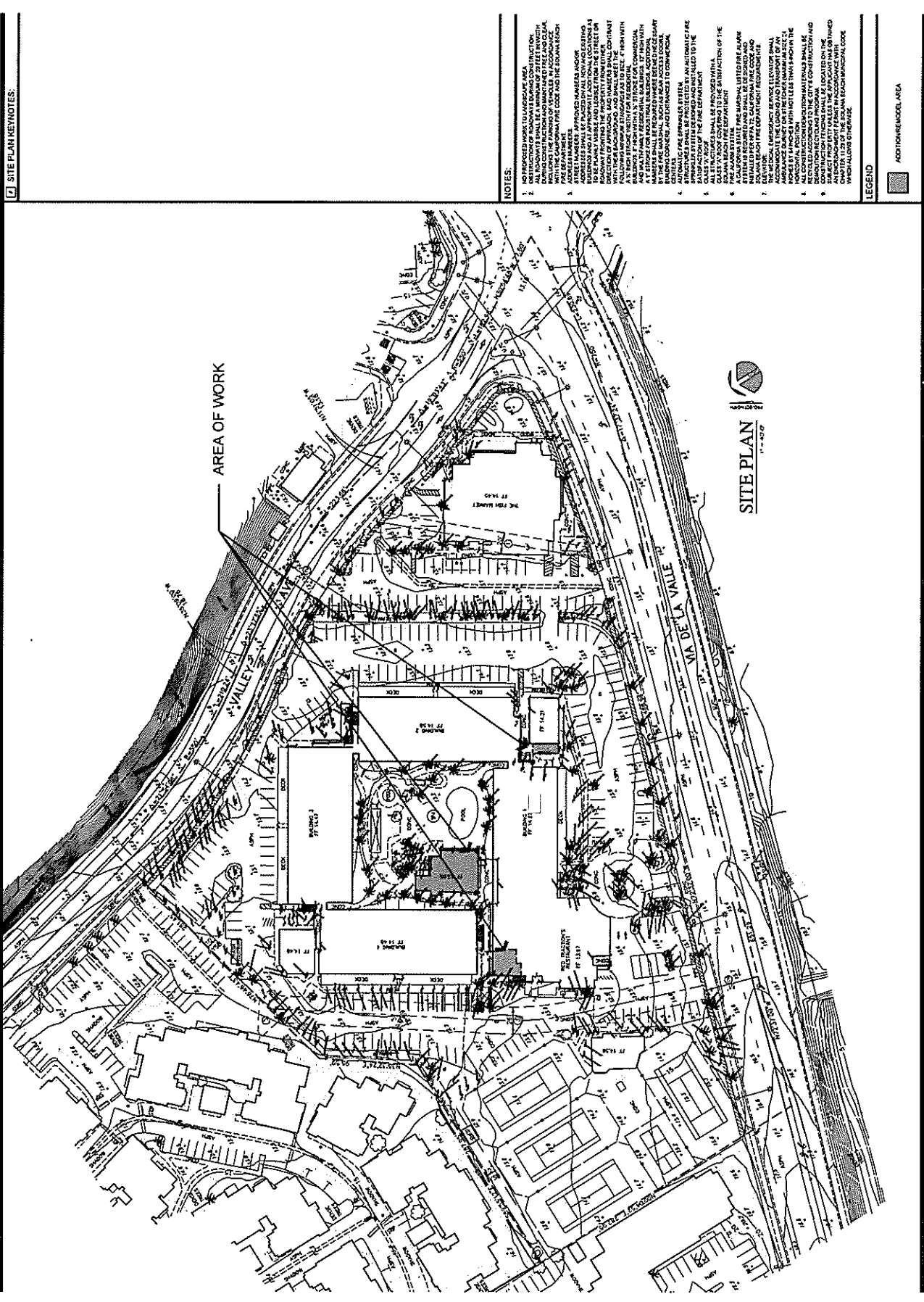
Clubhouse remodel,
landscaping, and
hardscaping
modifications
within interior
courtyard

Interior gym
remodel

Maintenance
room expansion

Elevator





7 SITE PLAN KEYNOTES:

- NOTES:**
1. NO PROPOSED WORK TO LANDSCAPE W/IN THE AREA OF THE AREA OF WORK.
 2. ALL PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE CITY OF SOLANA BEACH ZONING ORDINANCE, CHAPTER 16.00, AND THE SOLANA BEACH FIRE DEPARTMENT CODE.
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 9. ALL PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE CITY OF SOLANA BEACH ZONING ORDINANCE, CHAPTER 16.00, AND THE SOLANA BEACH FIRE DEPARTMENT CODE.
 10. ALL PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE CITY OF SOLANA BEACH ZONING ORDINANCE, CHAPTER 16.00, AND THE SOLANA BEACH FIRE DEPARTMENT CODE.

LEGEND

■ ADDITIONAL REMODEL AREA



SITE PLAN
CONSULTING

REVISIONS	BY

ALL DIMENSIONS & LOCATIONS SHALL BE IN ACCORDANCE WITH THE CITY OF SOLANA BEACH ZONING ORDINANCE, CHAPTER 16.00, AND THE SOLANA BEACH FIRE DEPARTMENT CODE.

SCHMIDT DESIGN GROUP, INC.

 1111 East Avenue, San Jose, CA 95128

 Telephone (415) 924-8800

 Fax (415) 924-8801

 www.schmidtgroup.com

 Lic. No. 94007, 94008, 94009



REVISION:	DATE:
1	SEPTEMBER 7, 2018

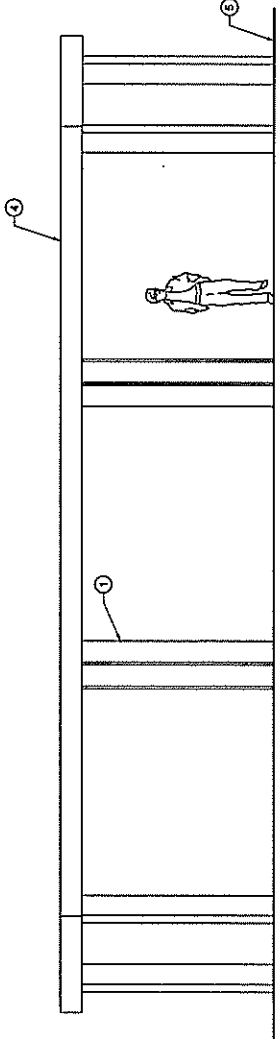
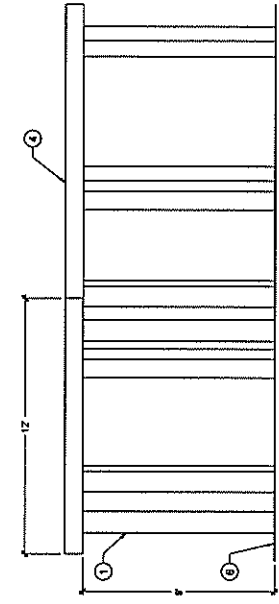
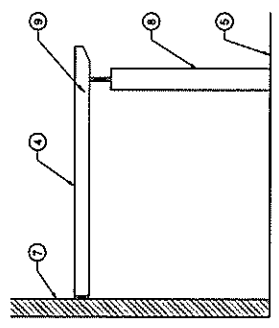
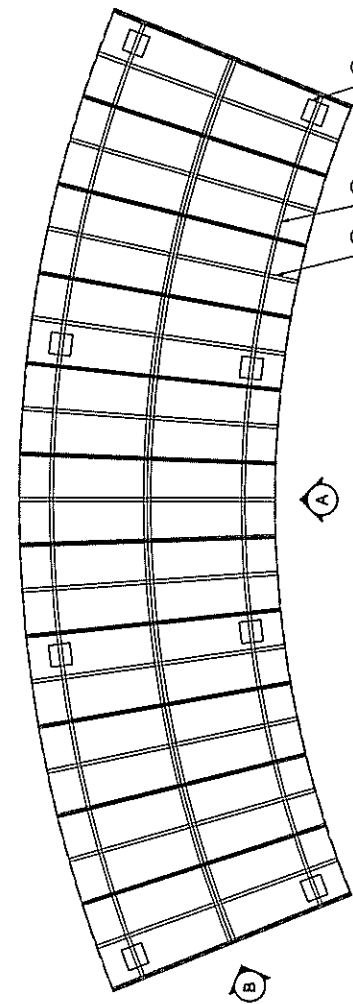
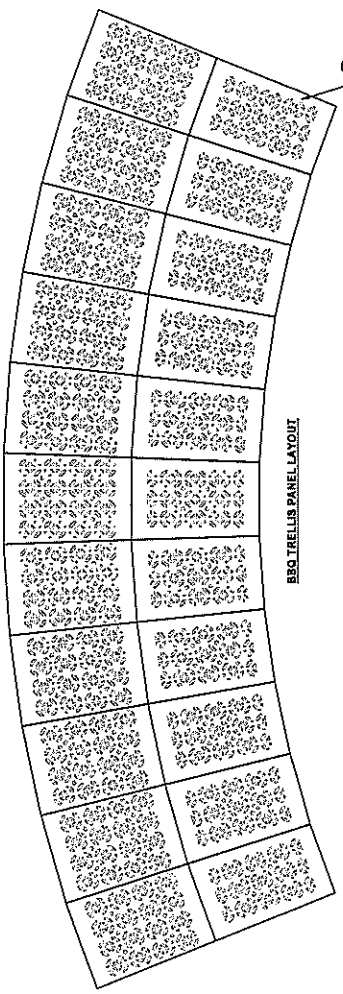
PROJECT TITLE:	MMNERS CIRCLE RESORT
PROVISION:	SHAPE STRUCTURE DETAIL
NOTES:	

PROJECT NO. L-1.2
 DRAWING NO. - 3 OF 3

DATE: 09/07/18
 DRAWN BY: LUY
 CHECKED BY: JAI

- LEGEND:
- 1 STEEL POST
 - 2 CURVED STEEL BEAM
 - 3 INTERMEDIATE SUPPORTS
 - 4 DECORATIVE METAL PANEL, 1/8" THICKNESS. INSTALL PER MANUFACTURERS RECOMMENDATIONS.
 - 5 FINISH SURFACE PER PLANS
 - 6 PLANTING AREA
 - 7 FACE OF WALL AT CLUBHOUSE
 - 8 EXISTING POST TO REMAIN - REMOVE EXISTING STUCCO WRAP.
 - 9 EXISTING WOOD BATTERS TO BE PRESERVED.

- NOTES:
1. SHADE STRUCTURE DETAIL IS CONCEPTUAL. PROVIDED FOR PRELIMINARY REVIEW ONLY. CONSTRUCTION DETAIL WITH FULL ENGINEERING OF STRUCTURE TO BE PROVIDED WITH FULL CONSTRUCTION DRAWING PACKAGE.
 2. CONTRACTOR TO SUBMIT DETAILED OVERHEAD TRELLIS SHOP DRAWINGS FOR APPROVAL BY LANDSCAPE ARCHITECT, PRIOR TO COMMENCEMENT OF WORK.
 3. TRELLIS TO BE POWDER COATED, COLOR: SWISSER TRON GATE.
 4. CONTRACTOR SHALL COORDINATE TO PROVIDE ELECTRICAL CONDUIT WITH STEEL POSTS FOR LIGHTING / ELECTRICAL OUTLETS AS REQUIRED.



6 TRELLIS
1/4" SCALE



STAFF REPORT CITY OF SOLANA BEACH

TO: Honorable Mayor and City Councilmembers
FROM: Gregory Wade, City Manager
MEETING DATE: November 13, 2018
ORIGINATING DEPT: City Manager/City Attorney
SUBJECT: **Introduce (1st Reading) Ordinance No. 491 Adding Subsection 17.72.110(E) to the Solana Beach Municipal Code to Exempt City and City-Sponsored Projects**

BACKGROUND:

Currently, Solana Beach Municipal Code (SBMC) section 17.72.110 does not address its application to City and City-sponsored projects. City and City-sponsored projects often take longer than 24 months to complete because of additional requirements municipalities must meet. Applying expiration and extension requirements to City and City-sponsored projects increases the processing time further and adds administrative burden and expense to such projects.

This item is before the City Council to introduce Ordinance 491 adding subsection 17.72.110(E) to make the expiration and extension requirements of section 17.72.110 inapplicable to City and City-sponsored projects.

DISCUSSION:

SBMC section 17.72.110(A) currently provides for the lapse of approvals (i.e., expiration of) for all development review permits, structure development permits, conditional use permits, variances, and minor exceptions for all projects after 24 months unless certain conditions are met. SBMC section 17.72.110(B) currently provides the procedure for extending approvals for all projects, before they lapse (i.e., expiration) under SBMC section 17.72.110(A). SBMC section 17.72.110(C) provides the findings that must be made before an extension of the approval of a project is issued. These sections are silent as to its applicability to City and City-sponsored projects.

Due to additional requirements on municipalities, including but not limited to the Public Contract Code and project-specific funding needs, City and City-sponsored projects generally take longer than private projects to complete and often take longer to initiate

CITY COUNCIL ACTION:

construction, than 24 months from project approval. Because City Council action is required on multiple levels before any City project proceeds, applying the extension requirements does not serve the public purpose supporting the expiration and extension requirements for private projects. Additionally, if City or City-sponsored projects lose support, City Council may cancel or terminate those projects at any time without the need for an automatic expiration date.

This new code subsection would exempt City and City-sponsored projects from the expiration and extension requirements currently contained in SBMC section 17.72.110, streamlining such projects and reducing costs.

CEQA COMPLIANCE STATEMENT:

This is not a project as defined by CEQA because there is no development or physical change that would result from the adoption of Ordinance No. 491.

FISCAL IMPACT:

There is no direct impact to the General Fund.

WORK PLAN:

N/A

OPTIONS:

- Approve Staff recommendation and introduce Ordinance No. 491.
- Approve Staff recommendation with alternative amendments/modifications.
- Deny Staff recommendation.

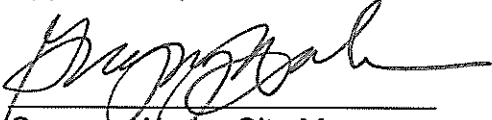
DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council:

1. Conduct the Public Hearing: Open the public hearing, Report Council disclosures, Receive public testimony, Close the public hearing.
2. Introduce Ordinance No. 491 adding subsection 17.72.110(E) to make the expiration and extension requirements of section 17.72.110 inapplicable to City and City-sponsored projects.

CITY MANAGER'S RECOMMENDATION:

Approve Department Recommendation.

A handwritten signature in black ink, appearing to read 'Gregory Wade', written over a horizontal line.

Gregory Wade, City Manager

Attachments:

1. Ordinance No. 491

ORDINANCE 491

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA ADDING SUBSECTION 17.72.110(E) TO THE SOLANA BEACH MUNICIPAL CODE TO EXEMPT CITY AND CITY-SPONSORED PROJECTS FROM EXPIRATION AND EXTENSION REQUIREMENTS

WHEREAS, the Solana Beach Municipal Code (SBMC) section 17.72.110(A) currently provides for the lapse of approvals for (i.e., expiration of) all development review permits, structure development permits, conditional use permits, variances, and minor exceptions for all projects, after 24 months unless certain conditions are met; and

WHEREAS, SBMC section 17.72.110(B) currently provides the procedure for extending approvals for all projects before their lapse (i.e., expiration) under SBMC section 17.72.110(A); and

WHEREAS, SBMC sections 17.72.110(A) and 17.72.110(B) is silent as to its application to City facilities and City-sponsored projects; and

WHEREAS, City facilities and City-sponsored projects often require more time to construct given statutory requirements for public contracting and project-specific funding sources; and

WHEREAS, exempting City and City-sponsored projects from the expiration and extension requirements currently contained in SBMC section 17.72.110 will provide the clarity needed as to its applicability to City and City-sponsored projects, increase efficiency and reduce costs.

NOW THEREFORE, the City Council of the City of Solana Beach does ordain as follows:

Section 1. All of the above statements are true.

Section 2. The City Council finds that this action is not a project under the California Environmental Quality Act ("CEQA") because there is no development or physical change that would result from the adoption of this ordinance.

Section 3. Subsection 17.72.110(E) is added to the Solana Beach Municipal Code and shall read as follows:

E. None of the provisions of this section 17.72.110 shall apply to City or City-sponsored projects.

Section 4. Severability. In the event that any court of competent jurisdiction holds any section, subsection, paragraph, sentence, clause or phrase in this Ordinance to be unconstitutional, preempted or otherwise invalid, the invalid portion shall be severed from this Ordinance and shall not affect the validity of the remaining portions of this Ordinance. The City hereby declares that it would have adopted each section, subsection, paragraph, sentence, clause or phrase in this Ordinance irrespective of whether any one or more sections, subsections, paragraphs, sentences, clauses or phrases in this Ordinance might be declared unconstitutional, preempted or otherwise invalid.

Section 5. Conflicts with Prior Ordinances. In the event that any City ordinance or regulation, in whole or in part, adopted prior to the effective date of this Ordinance, conflicts with any provisions in this Ordinance, the provisions in this Ordinance will control.

EFFECTIVE DATE: This Ordinance shall be effective thirty (30) days after its adoption. Within fifteen (15) days after its adoption, the City Clerk of the City of Solana Beach shall cause this Ordinance to be published pursuant to the provisions of Government Code Section 36933.

INTRODUCED AND FIRST READ at a special meeting of the City Council of the City of Solana Beach, California, on the 13th day of November, 2018; and

THEREAFTER ADOPTED at a regular meeting of the City Council of the City of Solana Beach, California, on the _____ day of November, 2018, by the following vote:

AYES: Councilmembers –
NOES: Councilmembers –
ABSTAIN: Councilmembers –
ABSENT: Councilmembers –

DAVID A. ZITO, Mayor

APPROVED AS TO FORM:

ATTEST:

JOHANNA N. CANLAS, City Attorney

ANGELA IVEY, City Clerk



STAFF REPORT CITY OF SOLANA BEACH

TO: Honorable Mayor and City Councilmembers
FROM: Gregory Wade, City Manager
MEETING DATE: November 13, 2018
ORIGINATING DEPT: Engineering Department *MS*
SUBJECT: **Public Hearing: Council Consideration of Resolution 2018-143 - Approving an Amendment to San Diego Association of Government's (SANDAG) 2018 Regional Transportation Improvement Program (RTIP)**

BACKGROUND:

The San Diego Association of Governments (SANDAG) is required by state and federal laws to develop and adopt a Regional Transportation Improvement Program (RTIP) every two years. The RTIP is a multi-year program of proposed major highway, arterial, transit, and bikeway projects including the *TransNet* Program of Projects. The current 2018 RTIP was adopted by the SANDAG Board on September 28, 2018 and covers the five-year fiscal period 2018/19 through 2022/23. The 2018 RTIP can be downloaded at the following SANDAG website:

https://www.sandag.org/uploads/projectid/projectid_547_24597.pdf

This item is before the City Council to consider adopting Resolution 2018-143 (Attachment 1) amending the 2018 RTIP list of projects to add one project, the Glencrest Drive at Lomas Santa Fe Drive Street Improvement Project.

DISCUSSION:

The RTIP is a planning document that lists all major transportation improvement projects for the region. A transportation project generally has to be listed in the RTIP in order to be eligible for *TransNet*, State and Federal funding. The RTIP for San Diego County is prepared by SANDAG. SANDAG prepares a five-year program and updates this program every two years with input provided by local agencies in the county. Amendments to the RTIP can be made quarterly with specified limitations.

CITY COUNCIL ACTION: <hr/> <hr/>

SANDAG requires local agencies to submit a separate project submittal form for each project that is to be included in the RTIP. The submittal of the projects to SANDAG must include evidence of formal action by the legislative body of the City, preferably by resolution. SANDAG also requires that the local agency hold a public meeting prior to adoption or amendment of the five-year RTIP project list. The current RTIP includes the pavement resurfacing and pavement maintenance projects for Solana Beach. This amendment proposes to add the following project:

Glencrest Drive Street Improvements

This project plans for the vertical realignment of Glencrest Drive at the intersection with Lomas Santa Fe Drive to eliminate the abrupt descent at the cross gutter. The realignment will improve the pedestrian crossing, reconstruct the curb ramps, extend the sidewalks partially up Glencrest Drive and improve the vehicular approach at Lomas Santa Fe Drive.

CEQA COMPLIANCE STATEMENT:

Amendments to the RTIP are not a project under CEQA. Environmental review is conducted prior to commencing each project as necessary.

FISCAL IMPACT:

The current Fiscal Year (FY) 2018/19 Adopted Budget includes a budget of \$80,000 for the Glencrest Drive Street Improvement Project. Adopting the RTIP amendment will allow the City to receive *TransNet* funding for this project.

WORK PLAN:

N/A

OPTIONS:

- Adopt Staff recommendations.
- Provide direction to Staff.

DEPARTMENT RECOMMENDATION:

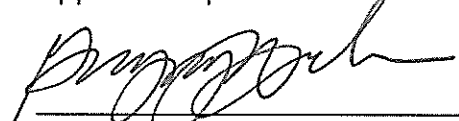
Staff recommends that the City Council:

1. Conduct the Public Hearing: open the public hearing, report Council disclosures, receive public testimony, and close the public hearing.

2. Adopt Resolution 2018-143 approving an amendment to the SANDAG 2018 Regional Transportation Improvement Program (RTIP) list of projects for Fiscal Years 2019 through 2023, to add the Glencrest Drive Street Improvement Project.

CITY MANAGER'S RECOMMENDATION:

Approve Department Recommendation.



Gregory Wade, City Manager

Attachment:

1. Resolution 2018-143

RESOLUTION 2018 - 143

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, APPROVING AN AMENDMENT TO THE SANDAG 2018 REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM (RTIP) FOR FISCAL YEARS 2019 THROUGH 2023

WHEREAS, on November 4, 2004, the voters of San Diego County approved the San Diego Transportation Improvement Program Ordinance and Expenditure Plan (*TransNet* Extension Ordinance); and

WHEREAS, the *TransNet* Extension Ordinance provides that SANDAG, acting as the Regional Transportation Commission, shall approve on a biennial basis a multi-year program of projects submitted by local jurisdictions identifying those transportation projects eligible to use transportation sales tax (*TransNet*) funds; and

WHEREAS, the City of Solana Beach was provided with an estimate of annual *TransNet* local street improvement revenues for fiscal years 2019 through 2023; and

WHEREAS, the City of Solana Beach approved its 2018 *TransNet* Local Street Improvement Program of Projects (POP) on May 23, 2018 and the City of Solana Beach desires to make adjustments to its Program of Projects; and

WHEREAS, the City of Solana Beach has held a noticed public hearing with an agenda item that clearly identified the proposed amendment prior to approval of the projects by its authorized legislative body in accordance with Section 5(A) of the *TransNet* Extension Ordinance and Rule 7 of SANDAG Board Policy No. 31.

NOW, THEREFORE, the City Council of the City of Solana Beach, California, does resolve as follows:

1. That City of Solana Beach requests that SANDAG make the following changes to its 2018 POP (the "Amendment").
2. That pursuant to Section 2(C)(1) of the *TransNet* Extension Ordinance, the City of Solana Beach certifies that no more than 30 percent of its annual revenues shall be spent on local street and road maintenance-related projects as a result of the Amendment.
3. That pursuant to Section 4(E)(3) of the *TransNet* Extension Ordinance, the City of Solana Beach certifies that all new or changed projects, or major reconstruction projects included in the Amendment and funded by *TransNet* revenues shall accommodate travel by pedestrians and bicyclists, and that any exception to this requirement permitted under the Ordinance and proposed was clearly noticed as part of the City of Solana Beach's public hearing process for the Amendment.

4. That the City of Solana Beach does hereby certify that all other applicable provisions of the *TransNet* Extension Ordinance and SANDAG Board Policy 31 have been met.
5. That the City of Solana Beach agrees to indemnify, hold harmless, and defend SANDAG, the San Diego County Regional Transportation Commission, and all officers and employees thereof against all causes of action or claims related to City of Solana Beach's *TransNet* funded projects.
6. That the City Council approves an amendment to the SANDAG 2018 Regional Transportation Improvement Program (RTIP) of projects for Fiscal Years 2019 through 2023 to add the Glencrest Drive Street Improvement Project.

PASSED AND ADOPTED this 13th day of November, 2018, at a special meeting of the City Council of the City of Solana Beach, California by the following vote:

AYES: Councilmembers –
NOES: Councilmembers –
ABSTAIN: Councilmembers –
ABSENT: Councilmembers –

DAVID A. ZITO, Mayor

APPROVED AS TO FORM:

ATTEST:

JOHANNA N. CANLAS, City Attorney

ANGELA IVEY, City Clerk



STAFF REPORT

CITY OF SOLANA BEACH

TO: Honorable Mayor and City Councilmembers
FROM: Gregory Wade, City Manager
MEETING DATE: November 13, 2018
ORIGINATING DEPT: City Manager's
SUBJECT: **Council Discussion of Options for Regulating Single Use and Non-Recyclable Plastics**

BACKGROUND:

As part of the City's ongoing efforts to reduce or limit products that are harmful to the environment, members of the Climate Action Commission (CAC) have initiated research into options for regulating specific single-use and non-recyclable plastic items in the City. The City has long been a leader in the region in environmental sustainability and stewardship and has often been at the forefront for adopting regulations that protect the environment and improve the community's quality of life. For example, in May 2012, the City was the first jurisdiction in the county to ban single-use plastic bags. In October 2015, the City then became the first jurisdiction in the county to ban extended polystyrene (EPS) and non-recyclable plastic disposable take-out containers at all food establishments. These two significant actions have paved the way for other local jurisdictions to adopt similar regulations further expanding the environmental benefits to the local environment.

The City recently adopted its first ever Climate Action Plan (CAP), which includes mitigation measures to help the City achieve its greenhouse gas (GHG) emission reduction targets. The mitigation measures included in the CAP aim to reduce emissions by, among other things, reducing solid waste entering landfills. One of the specific measures is Measure W-1 to "divert 90% of waste from landfills and capture 85% of landfill gas emissions". Eliminating single-use non-recyclable items from the waste stream can help achieve this goal.

In recognition of this objective, the City Council included in its Fiscal Year (FY) 2018/2019 Work Plan a new Priority Item "Plastic Use Restrictions" which is aimed at exploring further policies for restrictions on plastic that may end up in the environment and/or the waste stream. The FY 2018/19 "Objective" states:

COUNCIL ACTION:

“Research and analyze potential for plastic use restrictions beginning with plastic straw ordinances. This initial focus will be on plastic straws but, Staff time and resource permitting, may extend into exploring options with the potential to restrict bottles, starting with City-sponsored events.”

Based upon the CAP goals and the direction from the City Council's FY 2018/19 Work Plan, members of the CAC have been working on researching and developing a matrix of plastic regulation options for Council consideration. This item is before the Council to review and discuss the options and to give further direction to Staff on next steps for this Work Plan item.

DISCUSSION:

To provide context for this discussion, members of the CAC developed a “Disposable Plastics Discussion” paper (Attachment 1) to introduce the problem, researched other adopted plastic regulation ordinances in the state, and assembled two matrices utilizing the information gathered primarily from the cities of Malibu, San Francisco and San Luis Obispo for Council review and consideration. The first matrix (Attachment 2) is the “short version” which is a brief summary of potential regulations while the second matrix (Attachment 3) is the “long version” which includes more detail and description of each item. While both matrices are attached for review, the following is a brief summary of the information for Council review and consideration, beginning with a potential plastic straw ordinance as outlined in the FY 2018/19 Work Plan.

Sale and Distribution of Plastic Beverage Straws, Stirrers and Utensils

Prohibitions –

1. No restaurant (including fast food restaurants), beverage provider, or vendor may use, provide, or sell:
 - a. plastic beverage straws,
 - b. plastic stirrers, or
 - c. plastic utensils.
2. Non-plastic alternative straws, stirrers, or utensils may only be provided upon request by the customer.
3. Sale or distribution of plastic beverage straws, plastic stirrers, or plastic utensils at any City facility or any City-sponsored event is prohibited.

Assembly Bill 1884 (AB 1884) – California Legislation on Plastic Straws

As noted above, the FY 2018/19 Work Plan focuses immediate attention the consideration of a plastic straw ordinance. However, with the signature of Assembly Bill (AB) 1884 on September 20, 2018, California became the first State to adopt legislation to restrict the use of plastic straws at full service dine-in restaurants. AB 1884 prohibits full service dine-in restaurants from automatically providing plastic straws to customers starting on January 1, 2019. However, the law does not apply to to-go cups and takeaway drinks and does not apply to fast food restaurants or convenience stores. In addition, customers can still request a plastic straw at a sit-down restaurant, they just will not be given one automatically.

Although the implementation of AB 1884 provides a good starting point for such regulations, the Council could also choose to provide a more comprehensive plastic straw/utensils ordinance as summarized above.

Also included in the FY 2018/19 is the possibility of exploring options to regulate the use of plastic bottles at City-sponsored events. In researching such regulations, the City of San Francisco also includes regulations for “publicly available water sources.” To that end, the following represents possible regulations for plastic bottles at City-sponsored events:

Plastic Bottled Beverage Restrictions

Prohibitions –

1. Plastic Bottled Water Sales at City Events and Property; Publicly Available Water Sources:
 - a. The sale and distribution of bottled water (less than one liter) at City-owned facilities, including events held on City property, including a City street, is prohibited.
 - b. City funds may not be used to purchase bottled water (less than one liter).
 - c. It shall be the policy of the City to increase the availability of clean, free drinking water in public areas, especially public parks and community centers frequently used for special events.
 - d. Any capital improvement undertaken in a park, plaza, playground or other public space shall install bottle-filling stations, drinking fountains and or potable water hook-ups or public use if the City Manager finds that the installation is proximate and feasible.
 - e. The City shall conduct a review of available water sources at City facilities, including but not limited to buildings, parks, plaza, playgrounds and other public spaces to determine the needs for additional or modified bottle filling stations, drinking fountains, and/or potable hook-ups for public use.

- f. An assessment of each facility's needs, and the estimated costs to provide bottle filling stations, drinking fountains, and/or potable hook-ups for public use, shall be provided to the City Council for review and possible action.
- g. The City Manager may waive the restrictions if s/he finds that relying on bottled water is necessary in a given situation to protect public health or safety.

2. Plastic Bottled Beverages, Packaged Water at City Events and Property

- a. The use, sale and distribution of Bottled Beverages (less than one liter) at City-owned facilities, including events held through rentals or leases, is prohibited.
- b. The distribution of "packaged water" on City property is prohibited.

Although not specifically addressed in the FY 2018/19 Work Plan, other plastic use regulations the Council could also consider include the following:

Food Service Ware

Definition - Food Service Ware means containers, bowls, egg cartons, plates, trays, cups, lids and other like items that are designed for one-time use for prepared foods including service ware for takeout foods and/or leftovers prepared by food vendors.

Prohibitions –

1. No sale of food service ware in the City that is:
 - a. Not compostable or recyclable; or
 - b. Made, in whole or part, from polystyrene foam
2. Prepared Food – no sale of prepared food by restaurants or retail food vendors in the City in prohibited food service ware.
3. Prepared Food may not be provided to City facilities in prohibited food service ware.
4. City departments may not purchase or use food service ware for prepared food in prohibited food service ware.
5. City contractors, lessees, and permittees may not use prohibited food service ware for prepared foods in city facilities or while performing under a city contract or lease.

6. Non-compliant food service ware is not allowed at special events sponsored/co-sponsored by the city.
7. No sales of meat and fish trays or egg cartons made, in whole or in part, from polystyrene foam, or that are not compostable or recyclable.

Other Polystyrene Foam Products

Prohibitions –

1. The following materials may not be sold or distributed if they contain polystyrene foam, unless encased within a more durable material:
 - a. Packing materials, including shipping boxes and packing peanuts;
 - b. Coolers, ice chests, or similar containers;
 - c. Pool or beach toys; or
 - d. Dock floats, mooring buoys, or anchor or navigational markers.
2. No polystyrene foam product listed above will be allowed on any beach within the City.

Public and Targeted Outreach

Much like the City's ban on single-use plastic bags and polystyrene take-out containers, it is anticipated that a robust public and targeted (business community) outreach program would be conducted should the Council desire to move forward with the consideration of an ordinance. As part of the Council Work Plan "Plastic Use Restrictions" Priority Item, the Business Liaison Committee was specifically listed as a group to engage and from which feedback would be received. The next Business Liaison meeting is scheduled for January 22, 2019. Should the Council direct Staff to continue developing such an ordinance, Staff would plan to discuss the ordinance with the Committee at this meeting to receive feedback.

Staff requests that the City Council consider the potential plastic use restrictions and provide direction on what restrictions, if any, Staff should continue developing for placement in a future ordinance.

CEQA COMPLIANCE STATEMENT:

The action before the City Council is to consider options for the possibility of implementing plastic use restrictions. Therefore, the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15262 of the State CEQA Guidelines as a "project involving only feasibility or planning studies for possible future actions which the agency, board, or commission has not approved, adopted, or funded does not require the preparation of an EIR or negative declaration but does

require consideration of environmental factors.” However, the introduction of any ordinance will require further review under CEQA.

FISCAL IMPACT:

No fiscal impact at this time. If the Council directs Staff to continue developing an ordinance on plastic restrictions, it is anticipated that a robust public outreach campaign be conducted. That will likely result in costs for developing outreach materials as well as Staff time to coordinate and/or conduct the outreach.

WORK PLAN:

Environmental Sustainability, Policy Development – 4) Plastic Use Restrictions.

OPTIONS:

- Receive report and consider options.
- Provide direction and/or alternative feedback.

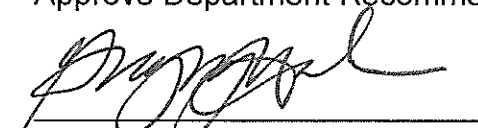
DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council:

1. Receive and discuss the report.
2. Provide further direction on possible plastic use regulations.

CITY MANAGER'S RECOMMENDATION:

Approve Department Recommendation.



Gregory Wade, City Manager

Attachments:

1. Disposable Plastics Discussion Paper
2. Summary of Disposable/Single Use Plastic Restrictions – Short Version
3. Summary of Disposable/Single Use Plastic Restrictions – Long Version

Disposable Plastics Discussion
**What Do We Do about the Plastic Food and Drink Packaging, and Plasticware
that is Sold, Produced and/or Consumed in Solana Beach?**

Presented to the Climate Action Commission by Commissioners Mary Yang, Peter Zahn, and Judy Hegenauer

This paper, along with the attached Proposed Restrictions, was initially presented to the Climate Action Commission on July 18, 2018. Taking into account comments and discussion during the presentation, we conducted further research, including phone conferences with sustainability staff at three coastal cities: Seattle, Malibu and Manhattan Beach. The paper and proposed restrictions have been revised in light of the research and comments.

Note: The following text draws heavily – and often verbatim - from research, reports and ordinances produced by the cities of Malibu, San Luis Obispo, San Francisco, and San Diego.

Introduction.

Environmental sustainability has been one of Solana Beach's four strategic objectives for several years. We have led our region in addressing a number of environmental issues. Indeed, Solana Beach banned tobacco smoking in commercial establishments in 1992, and was one of the first in the USA to ban smoking on our beaches ten years later. The City was the first in the County to impose restrictions on the sale or provision of single use plastic bags (2012), and the use of polystyrene food containers by food retailers and restaurants, as well the sale or use of packing peanuts by shipping retailers (2015). Our City's community choice energy program - the Solana Energy Alliance – went "live" June 1, 2018; it is the first in San Diego County and SDG&E's service area.

The Climate Action Commission (CAC) has evaluated and recommended aggressive greenhouse gas reduction measures and other provisions for inclusion in the City's Climate Action Plan (CAP). The CAP was adopted by the City Council in July 2017. Measure W-1 in the CAP, aims to divert 90% of waste from landfills and capture 85% of gas emissions. Solid waste is an ongoing problem for our City and most others. According to the EPA, in 2013 plastics made up approximately 13% of Municipal Solid Waste.

Plastics contribute to greenhouse gas emissions via materials extraction, product production and waste disposal. In the USA, plastic production accounts for greater than 1% of total US GHG emissions and ~ 3% of total U.S. energy consumption. Currently, plastics production is responsible for 6% of global oil demand. By 2050, the plastic industry is predicted to contribute to 15% of global greenhouse gas

emissions. To put things in perspective, production of 4 plastic bottles produces ~ the same amount of GHG emissions as travelling one mile in a medium-sized gasoline car.

We are now asking our fellow Commissioners to consider measures to contain additional environmentally damaging plastics, including polystyrene products. These include Food Service Ware, as well as packing materials and other polystyrene foam products. A particularly difficult challenge is also presented: disposable plastic drinking bottles.

The Disposable Plastics Problem.

Despite our City's and others' restrictions on certain expanded polystyrene products, disposable plastics continue to clog our landfills, pollute our oceans and waterways, kill wildlife, and erode our own health.

Polystyrene, which includes the material known as styrofoam, is a permanent, known animal and human carcinogen that breaks down into smaller pieces which are often mistaken by marine life as food and consistently finds their way into our oceans and our seafood.

This clear threat to environmental health extends beyond styrofoam. It's no wonder that plastic straws are receiving a lot of attention. An estimated 500 million plastic straws are used and discarded in the USA every day — enough to wrap around the earth 2.5 times per day. In California, "Coastal Cleanup Day" has tracked the amount of trash collected since 1992, and plastic straws and stirrers are the sixth most common item collected. Plastic utensils are the fifth most common item collected.

Many plastic products, including straws, stirrers, and utensils, never biodegrade; the plastic is broken down into smaller pieces that become difficult to manage in the environment. It is estimated that there are over five trillion pieces of plastic in the ocean. Of these pieces, 92 percent are smaller than a grain of rice. These fragments are misidentified as food by aquatic inhabitants and enter into the food chain.

Plastics in the ocean also attract other pollutants, which magnify the toxicity of the fragments consumed by marine life. Plastic straws, stirrers, and utensils end up in the ocean through human error and misuse, such as litter that blows into the ocean. In addition, when this material enters our streams, creeks and storm drains, it absorbs toxic chemicals like DDT and flame retardants and eventually makes its way into our ocean.

Although some users have disabilities or other needs that require straws, straws merely offer convenience for most people and are expected when ordering beverages. Over the last 15 years their use has multiplied. Therefore the proposed restrictions, closely following those enacted by the City of Malibu, make *non-plastic* alternative straws available only upon request. There are also many non-plastic

alternatives to single-use plastic straws, including pasta, paper, glass, bamboo, and stainless steel straws. Similarly, there are non-plastic alternatives to single-use plastic stirrers and utensils, such as those made out of wood, bamboo or other plant products. These alternatives are available locally.

Although non-plastic alternatives can cost more than plastic straws, stirrers, and utensils, when similar quantities are ordered, the difference is not significant. As it relates to straws, it is approximately \$.01 more per straw for paper straws. A restaurant or other establishment distributing straws can make up the price difference by offering paper straws or readily available non-plastic alternatives.

Plastic Bottles: The Disposable Container that Has Evaded Municipal Solutions

Plastic water bottles make up the majority of the plastic bottles consumed, however plastic pollution is created by all plastic bottles, including soft drinks, juice, milk, and other beverages. Although bottled water is a convenient means to have water available, bottled water has many drawbacks, including cost, harm to the environment, and increased waste management issues.

According to a recent paper (Geyer, Jambeck, *Law Sci. Adv.* 2017), as of 2015, approximately 6300 million metric tons of plastic waste have been generated, around 9% of which were recycled, 12% incinerated (releasing toxins), and the remaining 79% accumulated in landfills or the natural environment where they can take up to 1000 years to completely degrade.

The City of San Luis Obispo (SLO) reviewed the policies of several cities that have considered and adopted bans on plastic bottles, some that focus specifically on plastic water bottles. Most of the cities they studied that have instituted restrictions on single use plastic water bottles, relate to sales in city facilities, events or by city concessionaires or permittees. Cities that have tackled this issue are also sensitive to the need for water filling stations in their City's public spaces.

One city, Concord, Massachusetts, has gone further, eliminating the sale of plastic bottles throughout the city.

Below are the options the San Luis Obispo City Council considered in June 2018 when discussing how to regulate plastic water bottle sales. It serves as a basic list of considerations, covering whether and how to proceed with (a) a potential plastic water bottle ban, (b) a potential beverage bottle ban, or (c) a packaged water ban – (i) at City-owned facilities, or (ii) citywide.

1. Consider a ban on plastic *water* bottles (less than one liter). This ban will prohibit the use, sale and distribution of plastic water bottles at City-owned facilities, including events held through rentals or leases.

2. Consider a limited ban on all plastic *beverage* bottles (less than one liter). This ban will prohibit the use, sale and distribution of plastic beverage bottles at City-owned facilities. This will include events held through rentals or leases.

3. Consider a ban of “packaged water” at City-owned facilities, as the City of San Francisco elected to do. This ban will prohibit any type of packaged water from being distributed on City property. This will include cans, glass bottles, and other forms of packaging (less than one liter).

4. Consider options one, two or three on a citywide level.

At the conclusion of the discussion, the SLO City Council directed staff to bring back an ordinance for a phased ban of single-use beverage (less than one liter) container (a) use on City property; b) use at all City-permitted events; and (c) sales citywide

THE FOLLOWING IS AN EXCERPT FROM SAN LUIS OBISPO CITY COUNCIL STAFF REPORT FOR COUNCIL MEETING DATED 10-24-2017.

THE ENTIRE AGENDA ITEM PACKET CAN BE FOUND HERE:

<http://opengov.slocity.org/WebLink/PDF/jsrtjcomtc1nisnhm5rsh1ju/30/10-24-2017%20Item%2010%20-%20Public%20Hearing%20-%20Ordinance%20Introduction%20-%20Plastic%20Bott.pdf>

We hope the Commissioners will think creatively, with the understanding that a problem as substantial as this requires bold solutions.

Proposed Restrictions on Disposable/Single-Use Plastics

I. Food Service Ware Prohibitions

A. Food Service Ware – no sale of Food Service Ware in the City that is:

1. not compostable or recyclable; or
2. made, in whole or in part, from polystyrene foam.

Effective Date: 12 months from effective date of ordinance.

("Food Service Ware" means: containers, bowls, egg cartons, plates, trays, cups, lids,, and other like items that are designed for one-time use for prepared foods, including, service ware for takeout foods and/or leftovers prepared by food vendors)

B. Prepared Food – no sale of prepared food by restaurants or retail stores in the City:

1. In food service ware that contains polystyrene foam; or
2. In food service ware that is not compostable or recyclable.

Note that this tracks closely to Solana Beach's 2015 food container prohibitions, except that this new "Food Service Ware" definition extends to lids and napkins).

Effective Date: 30 days from effective date of ordinance.

("Prepared Food" means: food or beverages prepared and served at restaurants/retail stores, to be eaten on or off premises, without further cooking.

C. Prepared Food may not be provided to city facilities (i.e., city buildings, parks, vehicles, etc.):

1. In food service ware that contains polystyrene foam; or
2. In food service ware that is not compostable or recyclable.

Effective Date: Upon effective date of ordinance.

D. City departments may not purchase or use food service ware for prepared food:

1. Where the food service ware contains polystyrene foam;
2. Where the food service ware is not compostable or recyclable.

Effective Date: Upon effective date of ordinance.

E. City contractors, lessees, and permittees may not use food service ware for prepared foods in city facilities or while performing under a city contract or lease:

1. Where the food service ware contains polystyrene foam;
2. Where the food service ware is not compostable or recyclable.

Effective Date: Upon effective date of ordinance. All new, renewed, and amended leases, permits, or other agreements awarded by the City allowing any person to use City Property shall require compliance with the prohibition.

F. Non-compliant food service ware is not allowed at special events sponsored/co-sponsored by the city.

G. Exclusions: the above prohibitions do not apply if the prepared food is packaged outside the city and is sold or otherwise provided to the consumer in the same food service ware it is originally packaged in.

H. No sales of meat and fish trays made, in whole or in part, from polystyrene foam, or that are not compostable or recyclable, either as separate items or as part of the sale of raw meat, fish, poultry, or eggs sold to consumers from a retailer's premises.

Effective Date: 12 months from effective date of ordinance. However the City Manager may grant a temporary extension to a retailer if the City Manager determines that either (a) alternative products are not readily available or (b) such products are prohibitively and substantially higher in cost.

II. Other Polystyrene Foam Products

A. The following materials may not be sold or distributed if they contain polystyrene foam, unless encased within a more durable material:

1. Packing materials, including shipping boxes and packing peanuts;
2. Coolers, ice chests, or similar containers;
3. Pool or beach toys; or
4. Dock floats, mooring buoys, or anchor or navigational markers.

B. No polystyrene foam product listed above will be allowed on any beach within the city.

C. For purposes of subsection (A)(1), distribution of packing materials does not include:

1. Receiving shipments within the city that include polystyrene foam, or some other non-compostable and non-recyclable product, used as packing material;
2. Re-using packing materials received by a business; or
3. Donating used packing materials to another person.

Effective Date: 6 months from effective date of ordinance.

III. Sale and Distribution of Plastic Beverage Straws, Stirrers, and Utensils Prohibited

A. Restaurants - No restaurant (including fast food restaurants, beverage providers, etc.) may use, provide, or sell:

plastic beverage straws,
plastic stirrers, or
plastic utensils.

B. Non-plastic alternatives, such as those made from pasta, paper, sugar cane, bamboo, metal and glass can be provided to customers. However, non-plastic alternative straws, stirrers, or utensils may only be provided upon request by the customer.

C. Sale or distribution of plastic beverage straws, plastic stirrers, or plastic utensils at any city facility or any city-sponsored event is prohibited.

Effective Date (A-B-C): 6 months from effective date of ordinance.

D. All Other Retail Sales & Distribution – plastic beverage straws, plastic stirrers, and plastic utensils may not be provided or sold. However, with respect to utensils, the City Manager may grant a temporary extension to a retailer if the City Manager determines that such product(s) are prohibitively and substantially higher in cost than plastic products.

Effective Date: 12 months from effective date of ordinance.

IV. Plastic Bottle Restrictions

A. Plastic Water Bottle Sales at City Events and Property; Publicly Available Water Sources

1. The sale and distribution of plastic water bottles (less than one liter) at City-owned facilities, including events held on City property, including a City street, is prohibited. All new, renewed, and amended leases, permits, or other agreements awarded by the City allowing any person to use City Property shall require compliance with the prohibition.

2. City funds may not be used to purchase bottled water (less than one liter).

3. It shall be the policy of the City to increase the availability of drinking water in public areas, especially public parks and community centers frequently used for special events. The City recognizes that capital improvement projects will be required in parks, plazas, playgrounds, and/or other public spaces to install bottle-filling stations, drinking fountains, and/or potable hook-ups for public use, as feasible.

4. It shall be City policy that any capital improvement undertaken in a park, plaza, playground or other public space shall install bottle-filling stations, drinking fountains and or potable water hook-ups or public use if the City Manager finds that

the installation is proximate and feasible with the scale and scope of the capital improvement.

5. Accordingly, the City shall conduct a review of available water sources at City facilities, including but not limited to buildings, parks, plazas, playgrounds, and other public spaces, to determine the needs for additional or modified bottle filling stations, drinking fountains, and/or potable hook-ups for public use. The review shall include a determination of which properties that are frequently used for Events and otherwise, have a reliable on-site supply of drinking water that could be used by Event sponsors.

An assessment of each facility's needs, and the estimated costs to provide bottle filling stations, drinking fountains, and/or potable hook-ups for public use, shall be provided to the City Council for review and possible action. Among other things, the City will consider the installation of backflow preventers and related plumbing equipment on existing potable water systems, to facilitate public access to such potable water in the sites most frequently used for special events.

The City Manager may waive the restrictions if s/he finds that relying on bottled water is necessary in a given situation to protect public health or safety. The requirements can also be waived in full or in part if an Event sponsor or lessee demonstrates to the City Manager's satisfaction that strict application of the requirement would not be feasible, would create an undue hardship or practical difficulty.

Effective Date: 6 months from effective date of ordinance.

B. Plastic Beverage Bottles, Packaged Water at City Events and Property

1. The use, sale and distribution of plastic beverage bottles (less than one liter) at City-owned facilities, including events held through rentals or leases, is prohibited. Restrictions shall be placed on new lease, permits, and other agreements on City property or awarded by the City.

2. The distribution of "packaged water" on City property is prohibited. This includes cans, glass bottles, and other forms of packaging (less than one liter).

Effective Date: 12 months from effective date of ordinance.

V. Note on Converting the Proposed Language into a Proposed Ordinance

Note that the above restrictions borrow heavily from the cities of Malibu and Manhattan Beach (polystyrene products, food related items) and San Francisco (plastic bottles). In filling out the language of the restrictions, including but limited to the actual restrictions, definitions, exceptions, and waivers, the language in those cities' corresponding ordinances and codes should be included as much as possible.

We ask that sensitivity be given to individuals with disabilities and various needs, so that the proposed restrictions do not unduly burden them. The city codes we have drawn from, generally have provisions to address these needs.

All of that said, in areas where our recommendations differ the other cities' law or proposals from policy standpoint, or on substance, our recommendations are intended to stand.

SHORT VERSION

Summary of Disposable/Single-Use Plastics Restrictions
 Recommended by the Climate Action Commission for
 Adoption by the Solana Beach City Council

Date of CAC Recommendation: 8-15-18
 Document Date: 10-17-18

RESTRICTIONS	APPLIES TO	DEFINITION
<p>I. <u>Food Service Ware Prohibitions</u></p> <p>A. Food Service Ware – no sale of Food Service Ware in the City that is:</p> <ol style="list-style-type: none"> 1. not compostable or recyclable; or 2. made, in whole or in part, from polystyrene foam. <p>B. Prepared Food – no sale of prepared food by restaurants or retail food vendors in the City in prohibited food service ware.</p> <p>C. Prepared Food may not be provided to city facilities in prohibited food service ware.</p> <p>D. City departments may not purchase or use food service ware for prepared food in prohibited food service ware.</p> <p>E. City contractors, lessees, and permittees may not use prohibited food service ware for prepared foods in city facilities or while performing under a city contract or lease.</p> <p>F. Non-compliant food service ware is not allowed at special events sponsored/co-sponsored by the city.</p> <p>G. No sales of meat and fish trays or egg cartons made, in whole or in part, from polystyrene foam, or that are not compostable or recyclable.</p> <p>II. <u>Other Polystyrene Foam Products</u></p> <p>A. The following materials may not be sold or distributed if they contain polystyrene foam, unless encased within a more durable material:</p>	<p>All people, groups & organizations</p> <p>Restaurants & retail food vendors</p> <p>City facility food providers</p> <p>City government</p> <p>City contractors, lessees, permittees</p> <p>Event organizers, event food vendors, & any other party to an agreement with an event co-sponsor to sell prepared food or related event services</p> <p>All people groups, and organizations</p>	<p>Generally, see Malibu code section 9.24.010, except where noted.</p> <p>“Food Service Ware” means: containers, bowls, egg cartons, plates, trays, cups, lids, and other like items that are designed for one-time use for prepared foods, including, service ware for takeout foods and/or leftovers prepared by food vendors.</p> <p>“Prepared Food” means: food or beverages served at restaurants/retail food vendor’s premises and either prepared there or elsewhere in the City. May be eaten on or off premises, without further cooking.</p> <p>“Restaurant” means any establishment located within the city that sells prepared food for consumption on, near, or off its premises. The term includes a restaurant operating from a temporary facility, cart, vehicle, or mobile unit.</p> <p>“City facility food provider” means an entity that provides, but does not sell, prepared food at any city facility.</p> <p>“Sale” as often used in this summary, is an abbreviated term for “distribute.”</p> <p>“Distribute” means the sale, offer for sale, or other transfer or possession of an item for compensation, either as a separate transaction or as part of the sale, for sale, or other transfer of possession of another item for compensation.</p>

SHORT VERSION

Summary of Disposable/Single-Use Plastics Restrictions Recommended by the Climate Action Commission for Adoption by the Solana Beach City Council

Date of CAC Recommendation: 8-15-18
Document Date: 10-17-18

RESTRICTIONS	APPLIES TO	DEFINITION
<p>1. Packing materials, including shipping boxes and packing peanuts;</p> <p>2. Coolers, ice chests, or similar containers;</p> <p>3. Pool or beach toys; or</p> <p>4. Dock floats, mooring buoys, or anchor or navigational markers.</p> <p>B. No polystyrene foam product listed above will be allowed on any beach within the city.</p> <p>III. <u>Sale and Distribution of Plastic Beverage Straws, Stirrers, and Utensils Prohibited</u></p> <p>A. No restaurant (including fast food restaurants), beverage provider, or vendor may use, provide, or sell: plastic beverage straws, plastic stirrers, or plastic utensils.</p> <p>B. Non-plastic alternative straws, stirrers, or utensils may only be provided upon request by the customer.</p> <p>C. Sale or distribution of plastic beverage straws, plastic stirrers, or plastic utensils at any city facility or any city-sponsored event is prohibited.</p> <p>IV. <u>Plastic Bottled Beverage Restrictions</u></p> <p>A. Plastic Bottled Water Sales at City Events and Property; Publicly Available Water Sources.</p> <p>1. The sale and distribution of bottled water (less than</p>	<p>Restaurants and vendors</p> <p>Restaurants</p> <p>All people, groups, and organizations</p>	<p>“Vendor” means any store, shop, sales outlet or other establishment, including a grocery store or delicatessen, located within the city. Note: this definition is not limited to vendors that provide prepared food.</p> <p>“Bottled Water” means drinking water in a Rigid Plastic Bottle having a capacity of 1 liter (33.8 fluid ounces) or less.</p>

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<p>one liter) at City-owned facilities, including events held on City property, including a City street, is prohibited.</p> <p>2. City funds may not be used to purchase bottled water (less than one liter).</p> <p>3. It shall be the policy of the City to increase the availability of clean, free drinking water in public areas, especially public parks and community centers frequently used for special events.</p> <p>4. Any capital improvement undertaken in a park, plaza, playground or other public space shall install bottle-filling stations, drinking fountains and or potable water hook-ups or public use if the City Manager finds that the installation is proximate and feasible.</p> <p>5. The City shall conduct a review of available water sources at City facilities, including but not limited to buildings, parks, plaza, playgrounds and other public spaces to determine the needs for additional or modified bottle filling stations, drinking fountains, and/or potable hook-ups for public use.</p> <p>An assessment of each facility's needs, and the estimated costs to provide bottle filling stations, drinking fountains, and/or potable hook-ups for public use, shall be provided to the City Council for review and possible action.</p>		<p>"Rigid Plastic Bottle" means any formed or molded container comprised predominantly of plastic resin, having a relatively inflexible fixed shape or form, having a neck that is smaller than the container body, and intended primarily as a single service container. "Rigid Plastic Bottle" includes a compostable plastic bottle meeting these criteria.</p> <p>"Water" includes: natural spring or well water; water taken from municipal or private utility systems or other sources; distilled, deionized, filtered, or other purified water; or any of the foregoing to which chemicals may be added. "Water" does not include; mineral water; carbonated or sparkling water; soda, seltzer, or tonic water; or flavored water, also marketed as fitness water, vitamin water, enhanced water, energy water, or other similar products. "Water does not include those food ingredients that are listed in ingredient labeling as "water," "carbonated water," "disinfected water," or "filtered water."</p>

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<p>The City Manager may waive the restrictions if s/he finds that relying on bottled water is necessary in a given situation to protect public health or safety.</p> <p>B. Plastic Bottled Beverages, Packaged Water at City Events and Property</p> <ol style="list-style-type: none"> 1. The use, sale and distribution of Bottled Beverages (less than one liter) at City-owned facilities, including events held through rentals or leases, is prohibited. 2. The distribution of "packaged water" on City property is prohibited. 		<p>"Bottle Beverage" means drinking water, sparkling water, enhanced water, soda, sport drinks, juice, or other similar product in a Rigid Plastic Bottle having a capacity of 1 liter (33.8 fluid ounces) or less, and intended primarily as a single service container.</p> <p>"Packaged Water" means drinking water in sealed containers other than Rigid Plastic Bottles. This includes cans, glass bottles, and other forms of packaging having a capacity of 1 liter (33.8 fluid ounces) or less, and intended primarily as a single service container.</p>

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RESTRICTIONS	APPLIES TO	EFFECTIVE DATE AFTER ADOPTION	REFERENCE	DEFINITION
<p>I. <u>Food Service Ware Prohibitions</u> A. Food Service Ware – no sale of Food Service Ware in the City that is: 1. not compostable or recyclable; or 2. made, in whole or in part, from polystyrene foam.</p> <p>B. Prepared Food – no sale of prepared food by restaurants or retail food vendors in the City: 1. In food service ware that contains polystyrene foam; or 2. In food service ware that is not compostable or recyclable.</p> <p><i>Note that the Prepared Food section above tracks closely to Solana Beach's 2015 food container prohibitions, except that the new "Food Service Ware" definition extends to lids and napkins).</i></p> <p>C. Prepared Food may not be provided to city facilities (i.e., city buildings, parks, vehicles, etc.): 1. In food service ware that contains polystyrene foam; or 2. In food service ware that is not compostable or recyclable.</p> <p>D. City departments may not purchase or use food service ware for prepared food: 1. Where the food service ware contains polystyrene foam; 2. Where the food service ware is not compostable or recyclable.</p>	<p>All people, groups & organizations</p> <p>Restaurants & retail food vendors</p> <p>City facility food providers</p> <p>City government</p>	<p>12 months</p> <p>30 days</p> <p>Upon effective date of ordinance</p> <p>Upon effective date of ordinance</p>	<p>Malibu 9.24.020</p> <p>Malibu 9.24.030</p> <p>Malibu 9.24.030</p> <p>Malibu 9.24.030</p>	<p>Generally, see Malibu code section 9.24.01(c) except where noted. "Food Service Ware" means: containers, bowls, egg cartons, plates, trays, cups, lids, and other like items that are designed for one-time use for prepared foods, including, service ware for takeout foods and/or leftovers prepared by food vendors. "Prepared Food" means: food or beverages served at restaurants/retail food vendor's premises and either prepared there or elsewhere in the City. May be eaten on or off premises, without further cooking. "Restaurant" means any establishment located within the city that sells prepared food for consumption on, near, or off its premises. The term includes a restaurant operating from a temporary facility, cart, vehicle, or mobile unit. "City facility food provider" means an entity that provides, but does not sell, prepared food at any city facility. "Sale" as often used in this summary, is an abbreviated term for "distribute." "Distribute" means the sale, offer for sale, or other transfer or possession of an item for compensation, either as a separate transaction or as part of the sale, for sale, or other transfer of possession of another item for compensation.</p>

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<p>E. City contractors, lessees, and permittees may not use food service ware for prepared foods in city facilities or while performing under a city contract or lease:</p> <ol style="list-style-type: none"> 1. Where the food service ware contains polystyrene foam; 2. Where the food service ware is not compostable or recyclable. <p>F. Non-compliant food service ware is not allowed at special events sponsored/co-sponsored by the city.</p> <p>G. Exclusions: the above prohibitions do not apply if the prepared food is packaged outside the city and is sold or otherwise provided to the consumer in the same food service ware it is originally packaged in.</p> <p>H. No sales of meat and fish trays or egg cartons made, in whole or in part, from polystyrene foam, or that are not compostable or recyclable, either as separate items or as part of the sale of raw meat, fish, poultry, or eggs sold to consumers from a retailer's premises.</p> <p>II. <u>Other Polystyrene Foam Products</u></p> <p>A. The following materials may not be sold or distributed if they contain polystyrene foam, unless encased within a more durable material:</p> <ol style="list-style-type: none"> 1. Packing materials, including shipping 	<p>City contractors, lessees, permittees</p> <p>Event organizers, event food vendors, & any other party to an agreement with an event co-sponsor to sell prepared food or related event services</p> <p>All people groups, and organizations</p>	<p>Upon effective date of ordinance. All new, renewed & amended leases, permits or other agreements awarded by the City allowing any person to use City Property shall require compliance with the prohibition.</p> <p>Upon effective date of ordinance</p> <p>12 Months. However the City Manager may grant a temporary extension to a retailer if the City Manager determines that either (a) alternative products are not readily available or (b) such products are prohibitively & substantially higher in cost</p> <p>6 months</p>	<p>Malibu 9.24.030</p> <p>Malibu 9.24.030</p> <p>Malibu 9.24.030</p> <p>Malibu 9.24.040</p>	

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<p>boxes and packing peanuts;</p> <ol style="list-style-type: none"> 2. Coolers, ice chests, or similar containers; 3. Pool or beach toys; or 4. Dock floats, mooring buoys, or anchor or navigational markers. <p>B. No polystyrene foam product listed above will be allowed on any beach within the city.</p> <p>C. For purposes of subsection (A)(1), distribution of packing materials does not include:</p> <ol style="list-style-type: none"> 1. Receiving shipments within the city that include polystyrene foam, or some other non-compostable and non-recyclable product, used as packing material; 2. Re-using packing materials received by a business; or 3. Donating used packing materials to another person. 4. Using packing materials donated under section C (3) for shipping, transport or storage where the user receives nothing of value for the donated materials. 			<p>Malibu 9.24.040</p> <p>Malibu 9.24.040</p>	
<p>III. <u>Sale and Distribution of Plastic Beverage Straws, Stirrers, and Utensils Prohibited</u></p> <p>A. No restaurant (including fast food restaurants), beverage provider, or vendor may use, provide, or sell: plastic beverage straws,</p>	<p>Restaurants and vendors</p>	<p>6 months - restaurants, beverage providers, and vendors that provide prepared food. 12 months - all other vendors</p>	<p>Malibu 9.24.045</p>	<p>“Vendor” means any store, shop, sales outlet or other establishment, including a grocery store or delicatessen, located within the city. Note: this definition is not limited to</p>

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<p>plastic stirrers, or plastic utensils.</p> <p>B. Non-plastic alternatives, such as those made from pasta, paper, sugar cane, bamboo, metal and glass can be provided to customers. However, non-plastic alternative straws, stirrers, or utensils may only be provided upon request by the customer.</p>	<p>Restaurants</p>	<p>6 months</p>	<p>Malibu, C.A.C</p>	<p>vendors that provide prepared food.</p>
<p>C. Sale or distribution of plastic beverage straws, plastic stirrers, or plastic utensils at any city facility or any city-sponsored event is prohibited.</p>	<p>All people, groups, and organizations</p>	<p>6 months</p>	<p>Malibu 9.24.040</p>	
<p>D. With respect to utensils, the City Manager may grant a temporary extension to a vendor if the City Manager determines that such product(s) are prohibitively and substantially higher in cost than plastic products.</p>		<p>Upon effective date of ordinance</p>	<p>Malibu 9.24.040</p>	
<p><u>IV. Plastic Bottled Beverage Restrictions</u></p> <p>A. Plastic Bottled Water at City Events and Property; Publicly Available Water Sources</p> <p>1. The sale and distribution of bottled water (less than one liter) at City-owned facilities, including events held on City property, including a City street, is prohibited. All new, renewed, and amended leases, permits, or other agreements</p>		<p>6 months</p>	<p>San Francisco Ord. 28-14 S.F. Sect. 2403-2404</p>	<p>“Bottled Water” means drinking water in a Rigid Plastic Bottle having a capacity of 1 liter (33.8 fluid ounces) or less.</p>

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<p>awarded by the City allowing any person to use City Property or operate a mobile food facility shall require compliance with the prohibition.</p> <p>2. City funds may not be used to purchase bottled water (less than one liter).</p> <p>3. It shall be the policy of the City to increase the availability of clean, free drinking water in public areas, especially public parks and community centers frequently used for special events. The City recognizes that capital improvement projects will be required in parks, plazas, playgrounds, and/or other public spaces to install bottle-filling stations, drinking fountains, and/or potable hook-ups for public use, as feasible.</p> <p>4. It shall be City policy that any capital improvement undertaken in a park, plaza, playground or other public space shall install bottle-filling stations, drinking fountains and or potable water hook-ups or public use if the City Manager finds that the installation is proximate and feasible with the scale and scope of the capital improvement.</p> <p>5. Accordingly, the City shall conduct a review of available water sources at City facilities, including but not limited to buildings, parks, plaza, playgrounds and other</p>			<p>S.F. Sect. 2405</p> <p>S.F. Sect. 2409</p> <p>S.F. Sect. 2409</p>	<p>“Rigid Plastic Bottle” means any formed or molded container comprised predominantly of plastic resin, having a relatively inflexible fixed shape or form, having a neck that is smaller than the container body, and intended primarily as a single service container. “Rigid Plastic Bottle” includes a compostable plastic bottle meeting these criteria.</p> <p>“Water” includes: natural spring or well water; water taken from municipal or private utility systems or other sources; distilled, deionized, filtered, or other purified water; or any of the foregoing to which chemicals may be added. “Water” does not include; mineral water; carbonated or sparkling water; soda, seltzer, or tonic water; or flavored water, also marketed as fitness water, vitamin water, enhanced water, energy water, or other similar products. “Water does not include those food ingredients that are listed in ingredient labeling as “water,” “carbonated water,” “disinfected water,” or “filtered water.”</p>

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<p>public spaces to determine the needs for additional or modified bottle filling stations, drinking fountains, and/or potable hook-ups for public use. The review shall include a determination of which properties that are frequently used for Events and otherwise, have a reliable on-site supply of drinking water that could be used by Event sponsors.</p> <p>An assessment of each facility's needs, and the estimated costs to provide bottle filling stations, drinking fountains, and/or potable hook-ups for public use, shall be provided to the City Council for review and possible action. Among other things, the City will consider the installation of backflow preventers and related plumbing equipment on existing potable water systems, to facilitate public access to such potable water in the sites most frequently used for special events.</p> <p>The City Manager may waive the restrictions if s/he finds that relying on bottled water is necessary in a given situation to protect public health or safety. The requirements can also be waived in full or in part if an Event sponsor or lessee demonstrates to the City Manager's satisfaction that strict application</p>				

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<p>of the requirement would not be feasible, would create an undue hardship or practical difficulty.</p> <p>B. Plastic Bottled Beverages, Packaged Water at City Events and Property</p> <ol style="list-style-type: none"> 1. The use, sale and distribution of Bottled Beverages (less than one liter) at City-owned facilities, including events held through rentals or leases, is prohibited. Restrictions shall be placed on new lease, permits, and other agreements on City property or awarded by the City. 2. The distribution of "packaged water" on City property is prohibited. This includes cans, glass bottles, and other forms of packaging (less than one liter). 		12 months	San Luis Obispo- draft ordinance (2017 Series)	<p>"Bottle Beverage" means drinking water, sparkling water, enhanced water, soda, sport drinks, juice, or other similar product in a Rigid Plastic Bottle having a capacity of 1 liter (33.8 fluid ounces) or less, and intended primarily as a single service container.</p> <p>"Packaged Water" means drinking water in sealed containers other than Rigid Plastic Bottles. This includes cans, glass bottles, and other forms of packaging having a capacity of 1 liter (33.8 fluid ounces) or less, and intended primarily as a single service container.</p>