

DRAFT

CITY OF SOLANA BEACH LOCAL COASTAL PROGRAM LAND USE PLAN AMENDMENT

Introduction

The following are the proposed amendments to the City's Local Coastal Program (LCP) Land Use Plan (LUP). The proposed amendments consist of changes to Chapter 4 of the LUP and the inclusion of a new Appendix containing the recommendations of the 2016 Draft Public Recreation Impact Fee Study. All of the proposed amendments to the LUP are shown in redline and strikeout.

The proposed amendments to the LUP include the following:

- Changes to LUP Chapter 4, Policy 4.50 only; and,
- Inclusion of a new LUP Appendix (Appendix C) containing the Public Recreation Impact Mitigation Fee schedule to be implemented by the City.

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.

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 CCC provided the City with an LCP Planning Grant to prepare an updated fee study. The current recommendation is that the City establish a methodology and formula that utilizes a \$62 per square foot fee and a \$307 linear foot fee (in 2016) that increases over time depending on the year the coastal structure is built as outlined in Appendix C, Table 1. ~~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 the an approved City's fee study methodology for determining this fee has been certified by the CCC, established, and the methodology and payment program has been incorporated into the LCP through an LCP amendment, the City will continue to 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. As required by the CCC, t~~The City has shall completed~~ 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.

APPENDIX C

PUBLIC RECREATION IMPACT FEE

PUBLIC RECREATION IMPACT MITIGATION FEE

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 Coastal Structures 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 assessed as required by this LCP will be in conjunction with other the mitigation fees typically assessed by the CCC and the CSLC for impacts to coastal resources from shoreline protective devices.

The Public Recreation Fee (consistent with the Sand Mitigation Fee) will 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 will depend on the impact to the beach area based upon (1) the specific physical configuration and footprint of the proposed coastal structure and (2) the absence of a bluff notch overhang or the depth of a coastal bluff notch overhang determined by the City's geotechnical engineer and confirmed to be in imminent danger of collapse.

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 rates in Table 1 are based on the recommendations contained in the *2016 Draft Public Recreation Impact Fee Study* prepared under an LCP Planning Grant provided to the City. 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 which time they may be reassessed.

The Public Recreation Fee will be imposed as a condition of approval of any discretionary permit for a non-erodible coastal structure and will be payable to the City at the time the construction permits are issued. The Fee will be paid to the City prior to construction of the coastal structure so that, in effect, the mitigation fee is paid before the anticipated impact is created.

City Staff will calculate the Public Recreation Fee on a project-specific basis during the discretionary permit approval process and will include the estimated fee as a condition of project approval. The Fee will be finalized by City Staff at the time the City construction permit is issued and may be modified based on the final project design and

condition of the bluff. This second fee review is warranted due to (1) the fact that there is often a considerable lapse of time between the point at which the City approves the initial discretionary permit and the time that the applicant comes back to the City to obtain the construction permit; and (2) changes to the project design that may result from the CCC permit review and approval process.

Coastal structures that consist of entirely of erodible concrete (see LUP Appendix B, Figure 1A) are exempt from both the Public Recreation Impact Fee and the Sand Mitigation Fee per the LUP.

As an alternative allowed by LUP Policy 4.50, project applicants have the option of proposing a public recreation/access project in lieu of payment of Public Recreation Impact Fees 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.

Development of a statewide Public Recreation Impact Fee remains under the jurisdiction of the California Coastal Commission and Land Leases remain under the jurisdiction of the California State Lands Commission.

Table 1 - Public Recreation Impact Mitigation Fee Schedule

Permit Year	Initial Area Rate (Per SF)	Bluff Retreat Rate (Per LF)
2016	\$62	\$307
2017	\$63	\$322
2018	\$64	\$340
2019	\$66	\$358
2020	\$67	\$378
2021	\$68	\$400
2022	\$70	\$423
2023	\$71	\$448
2024	\$73	\$475
2025	\$74	\$503
2026	\$76	\$534

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 =

$$(Initial\ Area \times Initial\ Area\ Rate) + (Bluff\ Retreat\ Length \times Bluff\ Retreat\ Rate)$$

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 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. For the purposes of calculating the Initial Area, any area subject to imminent bluff failure shall be included.

Bluff Retreat Length - The Bluff Retreat Length shall be the length of the seawall 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.

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 seawall or other coastal structure and incorporates the annual area impacted by the wall 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 (construction year) 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 based upon recommendations of the City Geotechnical Engineer.