



401 B Street, Suite 800
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 sandag.org

MEETING NOTICE AND AGENDA

MEMBER AGENCIES

- Cities of
- Carlsbad
- Chula Vista
- Coronado
- Del Mar
- El Cajon
- Encinitas
- Escondido
- Imperial Beach
- La Mesa
- Lemon Grove
- National City
- Oceanside
- Poway
- San Diego
- San Marcos
- Santee
- Solana Beach
- Vista
- and
- County of San Diego

ADVISORY MEMBERS

- Imperial County
- California Department of Transportation
- Metropolitan Transit System
- North County Transit District
- United States Department of Defense
- San Diego Unified Port District
- San Diego County Water Authority
- Southern California Tribal Chairmen's Association
- Mexico

SHORELINE PRESERVATION WORKING GROUP

The Shoreline Preservation Working Group may take action on any item appearing on this agenda.

Thursday, June 1, 2017

11:30 a.m. to 1 p.m.

SANDAG, 7th Floor Conference Room
 401 B Street, Suite 800
 San Diego, CA 92101

Please take the elevator to the 8th floor to access the meeting room.

Staff Contacts: Sarah Pierce
 (619) 699-7312
 sarah.pierce@sandag.org
 Keith Greer
 (619) 699-7390
 keith.greer@sandag.org

AGENDA HIGHLIGHTS

- **DISTRIBUTION OF FUNDS FROM THE CALIFORNIA COASTAL COMMISSION PUBLIC RECREATIONAL BEACH IMPACT MITIGATION FUND**
- **COASTAL ZONE MANAGEMENT AND CLIMATE ADAPTATION**
- **REGIONAL SHORELINE MONITORING PROGRAM ANNUAL REPORT**

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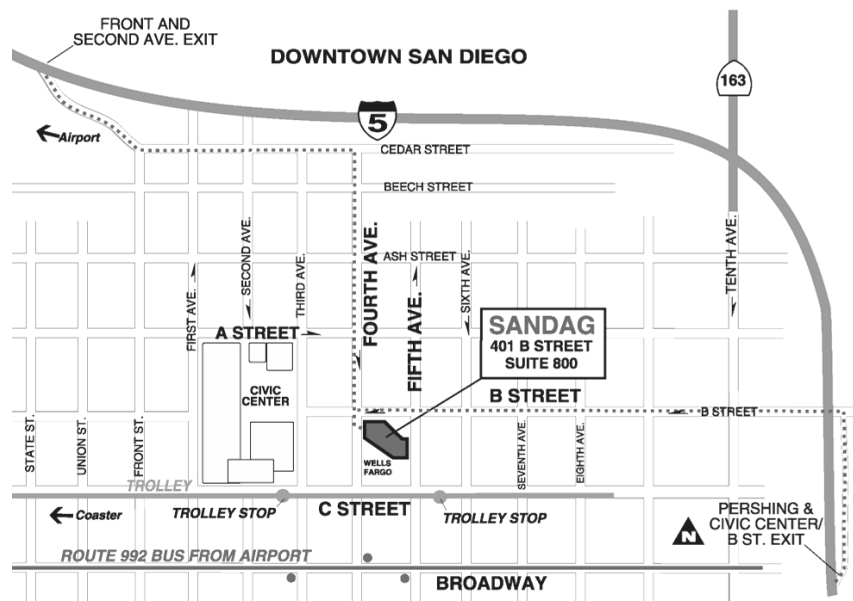
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SHORELINE PRESERVATION WORKING GROUP

Thursday, June 1, 2017

ITEM NO.	RECOMMENDATION
1. WELCOME AND INTRODUCTIONS	
2. PUBLIC COMMENTS/COMMUNICATIONS/MEMBER COMMENTS	
<p>Members of the public shall have the opportunity to address the Shoreline Preservation Working Group (Working Group) on any issue within the jurisdiction of SANDAG that is not on this agenda. Anyone desiring to speak shall reserve time by completing a "Request to Speak" form and giving it to the Working Group coordinator prior to speaking. Public speakers should notify the Working Group coordinator if they have a handout for distribution to Working Group members. Public speakers are limited to three minutes or fewer per person. Working Group members also may provide information and announcements under this agenda item.</p>	
+3. APPROVAL OF MEETING MINUTES	APPROVE
<p>The Working Group is asked to review and approve the minutes from its March 2, 2017, meeting.</p>	
REPORTS	
+4. DISTRIBUTION OF FUNDS FROM THE CALIFORNIA COASTAL COMMISSION PUBLIC RECREATIONAL BEACH IMPACT MITIGATION FUND (Kathy Weldon, City of Encinitas; Sarah Pierce)	RECOMMEND
<p>The City of Encinitas is requesting allocation of funds from the California Coastal Commission (Commission) Public Recreational Beach Impact Mitigation Fund (PRBIM Fund) to provide \$283,074 for the construction of a pedestrian trail. The Commission requires that SANDAG approve the release of PRBIM funds before the Commission will consider the City of Encinitas' request. The Working Group is asked to recommend that the Regional Planning Committee recommend that the Board of Directors approve the allocation of funds from the PRBIM Fund for the City of Encinitas. Pending approval, staff will submit the proposal to the Executive Director of the Commission for review and approval.</p>	
5. COASTAL ZONE MANAGEMENT AND CLIMATE ADAPTATION (Councilmember Bill Sandke, City of Coronado)	INFORMATION
<p>Councilmember Bill Sandke, City of Coronado, will provide a presentation on Amsterdam's coastal zone management and climate adaptation.</p>	
6. REGIONAL SHORELINE MONITORING PROGRAM ANNUAL REPORT (Greg Hearon, Coastal Frontiers Corporation)	INFORMATION
<p>Greg Hearon, Coastal Frontiers Corporation, will provide a presentation on the 2016 Regional Shoreline Monitoring Program Annual Report.</p>	

7. UPCOMING MEETINGS

INFORMATION

The next meeting of the Working Group is scheduled for Thursday, September 7, 2017, at 11:30 a.m.

8. ADJOURNMENT

+ next to an item indicates an attachment

San Diego Association of Governments
SHORELINE PRESERVATION WORKING GROUP

June 1, 2017

AGENDA ITEM NO.: **3**

Action Requested: APPROVE

MARCH 2, 2017, MEETING MINUTES

File Number 3200200

The meeting of the Shoreline Preservation Working Group (Working Group) was called to order by Chair Serge Dedina, City of Imperial Beach, at 11:10 a.m.

1. WELCOME AND INTRODUCTIONS

Chair Dedina introduced new Working Group members and alternates including Supervisor Kristin Gaspar, County of San Diego; Councilmember Cori Schumacher, City of Carlsbad; Councilmember Tasha Boerner Horvath, City of Encinitas; and Mayor Catherine Blakespear, City of Encinitas. David Zito, City of Solana Beach; Judy Hegenauer, City of Solana Beach; Barbara Bry, City of San Diego; and Mike Donovan, City of Coronado, also are new members; however, they were not present for the introduction.

The attendance sheet for the meeting is included.

2. PUBLIC COMMENTS/COMMUNICATIONS/MEMBER COMMENTS

There were no public or member comments.

3. APPROVAL OF MEETING MINUTES (APPROVE)

3A. September 1, 2016, Meeting Minutes

Action: Upon a motion by Supervisor Gaspar and a second by Councilmember Bill Sandke (City of Coronado), the Working Group approved the minutes from the September 1, 2016, meeting. Yes — Chair Dedina, Councilmember Sandke, Deputy Mayor Dwight Worden (City of Del Mar), Councilmember Boerner Horvath, Supervisor Gaspar, Eileen Maher (San Diego Unified Port District), and Walter Wilson (U.S. Navy). No — None. Abstain — Councilmember Schumacher. Absent — City of Oceanside, City of San Diego, and City of Solana Beach.

3B. December 1, 2016, Meeting Minutes

Action: Upon a motion by Ms. Maher and a second by Councilmember Boerner Horvath, the Working Group approved the minutes from the December 1, 2016, meeting. Yes — Chair Dedina, Councilmember Sandke, Deputy Mayor Dwight Worden (City of Del Mar), Councilmember Boerner Horvath, Supervisor Gaspar, Eileen Maher (San Diego Unified Port District), and Walter Wilson (U.S. Navy). No — None. Abstain — Councilmember Schumacher. Absent — City of Oceanside, City of San Diego, and City of Solana Beach.

CONSENT

4. SHORELINE MANAGEMENT "101" (INFORMATION)

This report provided an overview of information to the Working Group on SANDAG Regional Shoreline Management, including the Working Group history, charter, Shoreline Preservation Strategy for the San Diego region, Coastal Regional Sediment Management Plan, Sand Compatibility and Opportunistic Use Program, and the Regional Shoreline Monitoring Program.

After introducing the item, Chair Dedina asked for questions or comments from Working Group members regarding the information provided in the Shoreline Management "101" document. There were no questions or comments on the item. Chair Dedina noted that the Working Group consists of members and technical advisors with expertise in shoreline management, and members are encouraged to ask questions should they arise in the future.

REPORTS

5. NORTH COAST CORRIDOR—SAN ELIJO LAGOON BUS TOUR (INFORMATION)

Highway, rail, environmental, and coastal access improvement projects are underway in the cities of Encinitas and Solana Beach as part of Build North Coast Corridor (NCC), the first package of projects being constructed through the 40-year NCC Program. Build NCC includes rail double-tracking, extended carpool lanes, new bike and pedestrian trails, and the restoration of the San Elijo Lagoon.

Chair Dedina informed members that this item would consist of a bus tour to the San Elijo Lagoon Visitor Center and to Seaside State Beach where the Working Group would be presented with information regarding the San Elijo Lagoon Restoration component of the NCC Program. He also commented that during periods of climate instability, it is necessary to take an adaptive approach to shoreline management and coastal resiliency, and the San Elijo Lagoon Restoration project is a great representation of such a strategy. Sarah Pierce, Regional Environmental Planner, summarized the handouts and provided a review of the day's itinerary. The Working Group left the Del Mar Fairgrounds Boardroom and boarded the tour bus at 11:19 a.m.

San Elijo Lagoon Visitor Center

The Working Group arrived at the San Elijo Lagoon Visitor Center at 11:38 a.m., and Mike Furby, Marathon Construction, gave an overview of the San Elijo Lagoon Restoration project and its components. This includes the rechanneling of the lagoon in certain areas, grading of the lagoon to achieve proper tidal flows and for salt marsh stratification, and moving over 700,000 cubic yards of material.

Deputy Mayor Worden asked if there was an estimate of the quantity of existing habitat that would be disrupted over the course of the project.

Mr. Furby did not have an exact number on hand to provide the Working Group but indicated that the project would avoid impacts to existing vegetation when possible, and the majority of impacts would be associated with channels that are dredged during the restoration effort.

Barry Lindgren, San Elijo Lagoon Conservancy, added that the project footprint had been refined on multiple occasions and that a key component of restoring the lagoon involves reversing some of the detrimental impacts of previous infrastructure projects.

Doug Gibson, San Elijo Lagoon Conservancy, discussed the conservancy's involvement in the process and the habitat enhancement opportunities this project provides. Some of these benefits could not have been achieved without a project of this scale, and the information gained from monitoring programs will be valuable for neighboring coastal communities as they develop resiliency strategies.

Supervisor Gaspar asked if there was an expected timeline for when the resulting beach nourishment portion of the project would begin. Mr. Gibson indicated that they anticipate sand placement in late 2017; however, other parts of the project must be completed prior to this occurring which has the potential to delay the sand placement.

Chair Dedina questioned whether the material would be trucked from the project site for placement on surrounding beaches. Mr. Gibson stated that the material would actually be pumped to the placement sites via an outflow pipe.

Deputy Mayor Worden asked if the San Elijo Lagoon Restoration project would be required to implement habitat targets and monitoring programs similar to those required of the San Dieguito Lagoon Restoration project. Mr. Gibson discussed some of the differences between the two projects and summarized some of the existing monitoring programs that the San Elijo Lagoon Conservancy already has in place which go beyond permit requirements.

A member of the public referenced previous meetings they had attended and requested an update on the potential movement of the lagoon inlet from its current location. While inlet relocation was an initial concept early in project development, Mr. Gibson cited modeling data that showed moving it would have led to large changes in the hydrology of the lagoon and to alternative wetland habitat which was undesirable.

Jim Nakagawa, City of Imperial Beach, asked for more information regarding water quality monitoring that is required for the project, any California Coastal Commission (Commission) restrictions that may pose a challenge to the restoration activities, and whether there was a limitation on the percent fines in material planned to be placed on the beach. Mr. Gibson reviewed some of the components of the conservancy's existing water quality monitoring program and assured Working Group members that it was more robust than any permit requirements. During his response, he mentioned that they are bound by U.S. Army Corps of Engineers (USACE) standards regarding percent fines in beach nourishment material and that the lagoon material met those standards. Chris Webb, Moffatt & Nichol, and Mr. Furby confirmed that the percent fines in the material taken from the lagoon would not exceed the threshold set by the USACE. Finally, Mr. Gibson said sand placement activity would follow Commission requirements and would not be performed during the time period between Memorial Day and Labor Day.

A member of the public asked if the top layer of material would need to be removed prior to its use as sand replenishment and if so, how much. Based on core samples taken throughout the lagoon, Mr. Gibson and Mr. Webb determined that it would be necessary to remove the top two feet from sand placement material.

Deputy Mayor Worden was concerned whether public trail access would be available during construction. Although access will be modified as compared to current conditions and will change with construction phasing, Mr. Gibson stated that access would be available throughout the project period.

Following the question period, Ms. Pierce thanked the speakers for presenting and directed Working Group members and attendees to return to the bus to proceed to the next site. The Working Group left the San Elijo Lagoon Visitor Center at 12:17 p.m.

Seaside State Beach

Upon arrival at Seaside State Beach at 12:28 p.m., Kathy Weldon, City of Encinitas, introduced the beach nourishment project that would coincide with the lagoon restoration. Mr. Webb outlined where sand placement would occur and the quantities that would be placed at each receiver site. Brian Leslie, Moffatt & Nichol, then went into more detail about how the sand would be used at the current site to restore coastal dune habitat along the stretch of Coast Highway 101. He indicated that this would serve as a pilot project for much of Southern California, and extensive monitoring would be performed to evaluate its effectiveness as a soft solution for future shoreline protection. It is anticipated that this component of the project will be underway in spring of 2018.

Following this overview, Mayor Blakespear requested more information about a nearby restoration site at Seaside Terrace. Mr. Lindgren described the project in detail and indicated that it was a previously-completed coastal dune restoration project that was funded through a SANDAG Land Management Grant and by the U.S. Fish and Wildlife Service. This project was a prelude to the planned Cardiff State Beach Living Shoreline project that will be completed as part of the lagoon restoration, and the information learned from this previous project will guide much of the planting efforts performed as part of the Cardiff State Beach Living Shoreline project.

During his discussion of the project, Mr. Leslie mentioned that sand fencing would be used throughout the project site. Supervisor Gaspar requested clarification on what sand fencing is and what purpose it serves. Mr. Lindgren indicated that sand fencing is short fencing that is primarily used for sand retention and will prevent sand loss from the site. Its use is necessary in the early stages of coastal dune restoration projects, prior to the establishment of native coastal dune species.

A member of the public asked whether the coastal dune project is designed to be inundated by tidal flows or if the planners expect the project site to remain dry. Mr. Lindgren said he expects the site to experience periods of inundation during extreme tide events and storm surges; however, for the majority of the time, the dunes will remain dry. He also mentioned that one of the advantages of soft structure approaches for shoreline protection is that they are dynamic and naturally adapt to changing conditions. Mr. Leslie added that annual maintenance of the lagoon mouth leads to the removal of 30,000 cubic yards of material that can be used to augment any future sand loss from the project area during years of extensive coastal erosion.

Julia Chun-Heer, Surfrider Foundation, asked why the project will only utilize 30,000 cubic yards of material when there is much more available. Mr. Leslie stated that because the stretch of highway is considered a visual corridor, they wanted to avoid any impacts that would disrupt the view of passing drivers, and the recommendation they had received from the Commission was to start with smaller-sized dunes and to increase the size if necessary.

A member of the public voiced concern that movement of sand from the receiver site(s) may lead to the closure of nearby lagoon inlets and asked whether the project planners had a strategy in place for managing these events. Mr. Webb acknowledged that this is a possibility; however, it is highly unlikely based on their measurements and modeling data. He also stated that the amount of material that is being introduced is a small percent of the total sand in the littoral cell, and other factors can largely contribute to lagoon closures.

Following the question period, Chair Dedina thanked the speakers for presenting as well as staff for organizing the event.

6. UPCOMING MEETINGS (INFORMATION)

Chair Dedina announced that the next meeting of the Working Group is scheduled for Thursday, June 1, 2017, at 11:30 a.m. Tentative topic: 2016 Regional Shoreline Monitoring Program Report.

7. ADJOURNMENT

Chair Dedina adjourned the meeting at 12:48 p.m.

**SHORELINE PRESERVATION WORKING GROUP
MEETING ATTENDANCE FOR MARCH 2, 2017**

JURISDICTION/ORGANIZATION	NAME	ATTENDING	COMMENTS
City of Imperial Beach	Mayor Serge Dedina, Chair (Primary)	Yes	
	Mayor Pro Tem Edward Spriggs (Alternate)	No	
City of San Diego	Councilmember Lorie Zapf, Vice Chair (Primary)	Yes	Not present at time of voting
	Councilmember Barbara Bry (Alternate)	No	
City of Carlsbad	Councilmember Cori Schumacher (Primary)	Yes	
City of Coronado	Councilmember Bill Sandke (Primary)	Yes	
	Councilmember Mike Donovan (Alternate)	No	
City of Del Mar	Deputy Mayor Dwight Worden (Primary)	Yes	
City of Encinitas	Councilmember Tasha Boerner Horvath (Primary)	Yes	
	Mayor Catherine Blakespear (Alternate)	Yes	
City of Oceanside	Councilmember Esther Sanchez (Primary)	No	
	Deputy Mayor Chuck Lowery (Alternate)	No	
City of Solana Beach	Councilmember David Zito (Primary)	No	
	Councilmember Judy Hegenauer (Alternate)	No	
County of San Diego	Supervisor Kristin Gaspar	Yes	
San Diego Unified Port District	Commissioner Garry Bonelli (Primary)	No	
	Eileen Maher (Alternate)	Yes	
U.S. Navy	Walter Wilson (Primary)	Yes	
	Deborah McKay (Alternate)	No	
ADVISORY MEMBERS LISTED BELOW (ATTENDANCE NOT COUNTED FOR QUORUM PURPOSES)			
California Coastal Coalition	Steve Aceti	No	
California Coastal Commission	Gabe Buhr	No	
California Lobster and Trap Fishermen's Association	August Felando	No	
Coastal Environmental Rights Foundation	Marco Gonzalez	Yes	
National Marine Fisheries Service	Bryant Chesney	No	
Scripps Institution of Oceanography	Michele Okihiro	No	
Southern California Tribal Chairmen's Association	Vacant	N/A	
State Department of Boating and Waterways	Steve Watanabe	No	
State Department of Fish and Wildlife	Loni Adams	No	
State Department of Parks and Recreation	Darren Smith	No	
State Lands Commission	Jane Smith	No	
U.S. Army Corps of Engineers	Heather Schlosser	Yes	

OTHER ATTENDEES	SANDAG STAFF MEMBERS LISTED BELOW
Teri Fenner, AECOM Cindy Kinkade, AECOM Kathy Weldon, City of Encinitas Jim Nakagawa, City of Imperial Beach Kiel Koger, City of Oceanside Kim Roeland, City of San Diego Adrian Sevilla, City of San Diego Leslea Meyerhoff, City of Solana Beach Josh Corona-Bennett, ECORP Consulting Brian Zitt, ECORP Consulting Shelly Austin, HDR Joe Ellis, Marathon Construction/City of Imperial Beach Mike Furby, Marathon Construction Jon Roth, Marathon Construction Simona Altman, State Department of Fish and Wildlife Kate Barba, University of California, San Diego/Scripps Institution of Oceanography	Keith Greer Sarah Pierce Kyle Rice Hector Salgado

San Diego Association of Governments
SHORELINE PRESERVATION WORKING GROUP

June 1, 2017

AGENDA ITEM NO.: **4**

Action Requested: RECOMMEND

DISTRIBUTION OF FUNDS FROM THE CALIFORNIA COASTAL COMMISSION File Number 3200200
PUBLIC RECREATIONAL BEACH IMPACT MITIGATION FUND

Introduction

The City of Encinitas is requesting funding from the California Coastal Commission (Commission) Public Recreational Beach Impact Mitigation Fund (PRBIM Fund) administered by SANDAG for the construction of a pedestrian recreation trail along Coast Highway 101. The Commission collects these mitigation fees for adverse impacts on public recreational use of beaches. Cities may use these funds to provide recreational improvements designed to enhance public recreational use within the region. Allocation of funds from a coastal jurisdiction's account requires that jurisdiction's formal approval through a resolution by the City Council. The resolution provided by the City of Encinitas is included as Attachment 1.

Additionally, prior to allocation of any funds, the proposal must be reviewed and recommended by the Shoreline Preservation Working Group (Working Group) and Regional Planning Committee (RPC), approved by the Board of Directors, and submitted to the Executive Director of the Commission for review and approval.

Recommendation

The Working Group is asked to recommend that the RPC recommend that the Board of Directors approve the allocation of funds from the PRBIM Fund in accordance with the resolution contained in Attachment 1 for the City of Encinitas.

Discussion

In 1996, SANDAG and the Commission entered into a Memorandum of Agreement (MOA), which outlines the administration of the Beach Sand Mitigation Fund. In October 2005, the Commission also approved the PRBIM Fund. The PRBIM Fund consists of fees collected by the Commission to mitigate for the adverse impacts on public recreational use of the beaches within the region resulting from construction of shoreline protective structures or other forms of development that have adverse effects on the beach or shoreline. Mitigation fees are deposited in an interest-bearing account and held until a request for the funding is made by a coastal jurisdiction.

Money from the PRBIM Fund will be solely used to implement projects that provide public recreational improvements that may include, but are not limited to, public beach accessways, blufftop access, viewing areas, public restrooms, public beach parking, and public trail amenities. In April 2007, the Board of Directors approved and authorized SANDAG staff to enter into a MOA (Attachment 2) with the Commission for the administration of the PRBIM Fund in addition to the Beach Sand Mitigation Fund.

City of Encinitas Cardiff State Beach Pedestrian Trail Project

The City of Encinitas is requesting to use \$283,074 of the \$283,074.17 PRBIM funds available within their account to support their Cardiff State Beach Pedestrian Trail project (Proposed Project). The trail will be approximately 60 feet wide and approximately 2,900 linear feet in length and will be located on the west side of Coast Highway 101, adjacent to the proposed dune system described below. Allocation of the requested \$283,074 will provide the city with a portion of the funding needed to construct the Proposed Project. The cost estimate for the Proposed Project based on 65 percent design is approximately \$388,000.

The Proposed Project will be a part of the larger Cardiff State Beach Living Shorelines project which will create a dune system along the back beach portions of Cardiff State Beach to enhance coastal protection and improve coastal habitat. This project is being coordinated by a multiagency partnership which includes the San Elijo Lagoon Conservancy, City of Encinitas, California State Coastal Conservancy, and California State Park Department. The total cost of this project is \$2.7 million.

Local Commission staff confirmed that the Proposed Project is consistent with the eligibility criteria included in the MOA for the PRBIM Fund.

Next Steps

The RPC is tentatively scheduled to review this proposal and the Working Group recommendation at its July 7, 2017, meeting. If the city's proposal is approved by the Board of Directors, SANDAG staff will submit the proposal to the Executive Director of the Commission for review and approval.

Attachments: 1. City of Encinitas Resolution No. 2017-30
2. MOA between SANDAG and the Commission Establishing a Process for the Administration of the PRBIM Fund (Contract No. 5000785)

Key Staff Contact: Sarah Pierce, (619) 699-7312, sarah.pierce@sandag.org

RESOLUTION 2017-30

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ENCINITAS, REQUESTING FUNDING FROM THE CALIFORNIA COASTAL COMMISSION'S PUBLIC RECREATIONAL BEACH IMPACT MITIGATION FUND ADMINISTERED BY THE SAN DIEGO ASSOCIATION OF GOVERNMENTS FOR THE CARDIFF BEACH PEDESTRIAN TRAIL

WHEREAS, the Public Recreational Beach Impact Mitigation (PRBIM) Fund consists of fees collected by the California Coastal Commission through its coastal development permit process pursuant to special conditions of various permits, as mitigation for the adverse impacts on public recreational use of the beaches within San Diego County from development along the beach by shoreline protective structures such as seawalls, revetments, and bluff retaining walls; and

WHEREAS, the Seacoast Preservation Association has determined that this project is in keeping with the core mission of preserving and enhancing the marine and coastal environment for all Californians; and

WHEREAS, fees collected are deposited into a special account and administered by SANDAG in cooperation with the California Coastal Commission; and

WHEREAS, the purpose of the fund is to aid local governments, working cooperatively through SANDAG and the Coastal Commission, in providing recreational improvements designed to enhance public recreational beach use within San Diego County; and

WHEREAS, the funds are used for projects that provide public recreational improvements such as a public beach access ways, bluff top access, viewing areas, public restrooms, public beach parking and public trail amenities; but not to fund operations, maintenance, research or planning studies; and

WHEREAS, projects eligible for PRBIM funding must be consistent with criteria described in the SANDAG Memorandum of Agreement (MOA) which include the following:

1. The project must be recommended by the SANDAG Shoreline Preservation Working Group, SANDAG Regional Planning Committee, and approved by the SANDAG Board of Directors;
2. Projects must provide public beach recreational improvements;
3. Projects must be capital projects and funds cannot be used for operations, research or maintenance of planning studies;
4. Projects must obtain approval from the California Coastal Commission prior to construction; and

WHEREAS, a formal Resolution is required to be submitted to the SANDAG Shoreline Preservation Working Group in order to initiate the process of PRBIM fund allocation; and

WHEREAS, there is currently \$283,074 available in the SANDAG Public Recreation Impact Mitigation Fund account held for the City by SANDAG. Receipt of the requested \$283,074 will enable the City to complete the pedestrian trail; and

WHEREAS, the Cardiff Beach Living Shoreline Project will construct a pedestrian trail along Coast Highway 101 to enhance public access to the beach; and

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED that the City Council of the City of Encinitas does, hereby, resolve as follows

1. That the above citations are true and correct
2. According to the Memorandum of Understanding between the California Coastal Commission and SANDAG the Public Recreational Beach Impact Mitigation Fund is available for eligible projects that provide public recreational improvements.
3. That the City Council makes and approves the request for funding from the Public Recreational Beach Impact Mitigation Fund for \$283,074.
4. That SANDAG's Shoreline Preservation Working Group will evaluate the proposal and determine if the money from the fund should be allocated to this project.
5. After recommendation by SANDAG's Shoreline Preservation Working Group the request must be recommended by the SANDAG Regional Planning Committee for approval by the SANDAG Board of Directors.

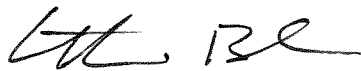
PASSED AND ADOPTED this 24th day of May, 2017, by the following vote, to wit:

AYES: Blakespear, Boerner Horvath, Kranz, Mosca, Muir

NAYS: None

ABSENT: None

ABSTAIN: None



Catherine S. Blakespear, Mayor
City of Encinitas

ATTEST:



Kathy Hollywood, City Clerk



CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370



June 1, 2007

Ms. Diana Singleton
Contracts and Procurement Specialist
SANDAG
401 B Street, Suite 800
San Diego, CA 92101

Re: MOA for Public Recreational Beach Impact Mitigation Fund

Dear Ms. Singleton:

Enclosed is a copy of the original signed Memorandum of Agreement Between the San Diego Association of Governments and the California Coastal Commission establishing a process for the administration of the public recreational beach impact mitigation fund. Thank you for your and SANDAG's assistance in implementation of this account. We look forward to its utilization for worthwhile public access and recreational improvements in San Diego County's coastal zone.

Sincerely,

A handwritten signature in black ink that reads "Sherilyn Sarb".

Sherilyn Sarb
Deputy Director

cc: Shelby Tucker

**MEMORANDUM OF AGREEMENT BETWEEN
THE SAN DIEGO ASSOCIATION OF GOVERNMENTS
AND THE CALIFORNIA COASTAL COMMISSION
ESTABLISHING A PROCESS FOR THE ADMINISTRATION OF THE
PUBLIC RECREATIONAL BEACH IMPACT MITIGATION FUND**

WHEREAS, the Public Recreational Beach Impact Mitigation Fund consists of fees collected by the California Coastal Commission ("Commission") through its coastal development permit process pursuant to special conditions of various permits, as mitigation for the adverse impacts on public recreational use of the beaches within San Diego County from development along the beach or shoreline including but not limited to, shoreline protective structures such as seawalls, revetments, and bluff retaining walls; and

WHEREAS, the mitigation fees are deposited in an interest-bearing account created at the San Diego Association of Governments ("SANDAG"), with all interest earned payable to the account for the purposes stated below; and

WHEREAS, the purpose of the account is to establish a Public Recreational Beach Impact Mitigation Fund ("Fund") to aid local governments, working cooperatively through SANDAG and the Commission, in providing recreational improvements designed to enhance public recreational beach use within San Diego County; and

WHEREAS, the funds shall be solely used to implement projects that provide public recreational improvements which may include but are not limited to, public beach accessways, blufftop access, viewing areas, public restrooms, public beach parking, and public trail amenities, and not to fund operation, research, maintenance, or planning studies; and

WHEREAS, the Fund shall be allocated as provided for in this Memorandum of Agreement (MOA) between SANDAG and the Commission, setting forth terms and conditions to ensure that the mitigation fees will be expended in the manner intended by the Commission.

NOW THEREFORE, in consideration of the foregoing recitals the parties hereby agree as follows:

1. Fund Administration

The Commission and SANDAG agree that the mitigation fees collected will be held by SANDAG in a trust fund maintained and operated by SANDAG, and known as the Fund. However, SANDAG agrees to establish a separate accounting for monies within the Fund for each coastal jurisdiction in the San Diego County region. Mitigation fees collected from approved shoreline projects within each coastal jurisdiction shall be accounted for by jurisdiction.

Money from a coastal jurisdiction's account cannot be spent without having that local jurisdiction's formal approval through resolution by city council or Board of Supervisors.

The money in the Fund shall be invested by SANDAG in accordance with applicable law. Income and/or interest shall be credited to each coastal jurisdiction's account on a prorated basis. A copy of the accounting review shall be submitted annually, upon completion, to the Executive Director of the Commission ("Executive Director").

Up to a maximum of 15 hours at a rate not greater than \$105.00 per hour (loaded rate) per request will be used to reimburse SANDAG staff time. Reimbursement will occur when funds are allocated. Reimbursable activities include but are not limited to the preparation of agendas, reports, presentations at meetings, and other necessary activities in support of fund allocation. Reimbursement will be taken from funds reserved for the local jurisdiction(s) requesting fund allocation and should be included in a jurisdiction's formal funding approval.

2. Fund Allocation

The Commission and SANDAG agree that the Commission and the region's coastal jurisdictions, working together with the Shoreline Preservation Working Group, shall evaluate proposed public recreational improvement projects and will recommend how much, if any, money from the fund should be allocated to a project and how much of the total allocation should come from each jurisdiction's account. No funds shall be allocated from a local jurisdiction's account without the jurisdiction's formal approval through a resolution by the relevant city council or Board of Supervisors.

The Commission and SANDAG agree that, prior to allocation of any funds, the recommendation of the Shoreline Preservation Working Group, as well as recommendation for approval by the SANDAG Regional Planning Committee and approval by the SANDAG Board of Directors, must be submitted to the Commission's Executive Director for review and approval. The Commission's Executive Director must provide written concurrence with each allocation before any allocation occurs.

The Commission and SANDAG agree that each disbursement shall only be made to the recipient with conditions that guarantee that the disbursement is issued as intended by the Shoreline Preservation Working Group and approved by SANDAG and the Commission's Executive Director. Any portion of the disbursement that is not used shall be returned to the Fund and accounted for in the contributing coastal jurisdiction's account(s) on a pro-rated basis.

3. Eligible Projects

Only projects which meet all of the following criteria will be considered by the Commission, the Shoreline Preservation Working Group, and SANDAG for funding:

- a. Projects that are recommended by the Shoreline Preservation Working Group and approved by SANDAG, the Commission's Executive Director, and formal action of the relevant local coastal jurisdiction(s), may be considered for funding.
- b. Projects that involve public shorefront recreational improvements for beach and beach-related public access, which may include but are not limited to, public beach access stairways/ramps, blufftop access, viewing areas, public benches/bicycle racks, public restrooms, public beach parking, and public trail improvements, in San Diego County will be considered for funding. Because the fees that will go into the Fund are intended to mitigate for the loss of and/or impact to public recreational beach value resulting from construction of shoreline protective structures or other forms of development that have adverse effects on the beach or shoreline, only projects that provide public recreational improvements shall be supported by the Fund.

- c. Projects must be capital projects to be considered for funding. Mitigation fees shall not be used for operations, research, maintenance, or planning studies. The Shoreline Preservation Working Group may recommend that funds be allocated to engineering or permitting (e.g., environmental documentation) costs directly related to the implementation of a capital project, under limited circumstances, and only if necessary to secure supplemental funds from another source.
- d. Projects must obtain Coastal Act authorization from the local government having jurisdiction, and/or the Commission, prior to initiation of construction.

4. Use of Project Funds

The Commission and SANDAG agree that mitigation fees generated within a coastal jurisdiction shall be used only for projects affecting that same coastal jurisdiction but may include regional projects that span and affect multiple jurisdictions.

It is the intent of the parties to this MOA to ensure consistency in the administration and allocation of mitigation fees from the Public Beach Recreational Impact Mitigation Fund.

Projects may be carried out by the local jurisdictions themselves, by other agencies, including, but not limited to, the Army Corps of Engineers, the United States Navy, the California Coastal Conservancy, the California Department of Parks and Recreation or the California Department of Boating and Waterways, and/or non-profit organizations. Any third party selected to carry out a project using the Public Beach Recreational Impact Mitigation Fund shall agree to defend, indemnify and hold the Commission and SANDAG, their respective officers, directors, staff, agents, and member agencies harmless from any and all liability, claims, damages or injuries to any person or property arising from or connected with a project funded under this MOA.

5. Miscellaneous Provisions

This MOA may be altered, changed or amended by mutual consent of the parties hereto. Either party may terminate this MOA by providing written notification 30 days prior to termination.

In the event of termination of this MOA by either party, any and all remaining funds shall be transferred by SANDAG to the Commission or a Commission-approved alternate entity consistent with the principles set forth in this MOA.

For purposes of this MOA, the relationship of the parties is that of independent entities and not as agents of each other or as joint venturers or partners. The parties shall maintain sole and exclusive control over their personnel, agents, consultants, and operations.

Nothing in the provisions of this MOA is intended to create duties or obligations to or rights in third parties to this MOA or affect the legal liability of the parties to this MOA.

This MOA shall be interpreted in accordance with the laws of the State of California. If any action is brought to interpret or enforce any term of this MOA, the action shall be brought in a state or federal court situated in the County of San Diego, State of California.

SAN DIEGO ASSOCIATION
OF GOVERNMENTS

Deane C. Eddan
Executive Director

4/30/07
Date

APPROVED AS TO FORM:

J. D. [Signature]
Office of General Counsel

CALIFORNIA COASTAL
COMMISSION

[Signature]
Executive Director

5/15/07
Date