



City of Del Mar Agenda Report

TO: Honorable Mayor and City Council Members

FROM: Joseph D. Smith, AICP, Director of Planning and Community Development
Amanda Lee, Principal Planner
Via CJ Johnson, City Manager

DATE: January 11, 2021

SUBJECT: Resolution Authorizing Submittal of a Grant Application to State Parks
Division of Boating and Waterways for a FY 2022-23 Public Beach
Restoration Grant

REQUESTED ACTION/RECOMMENDATION:

Staff recommends the City Council adopt a Resolution (Attachment A) authorizing staff to apply for a California State Parks Department of Boating and Waterways public beach restoration grant in the amount of \$150,000 and authorizing the City Manager to execute the necessary grant documents.

DISCUSSION/ANALYSIS:

The California State Parks Department of Boating and Waterways (DBAW) has a grant program available to support beach restoration per the Harbors and Navigation Code (sections 69.5-69.9). The grant program objectives are “to preserve and protect the California shoreline, minimize the economic losses caused by beach erosion and maintain urgently needed recreational beach areas.” Government agencies are eligible to apply for assistance for planning and construction projects that involve the engineered placement of sand on a public beach (or in the nearshore environment).

The City initially applied for a grant through this same program in December 2019 for funding in the amount of \$150,000 for FY 2021-22. That application is still in process. The City will find out if it receives the grant for FY 2021-2022 once the State budget is released in January 2021 and finalized in June 2021. If granted, the funds would be available in September 2021. Unfortunately, due to State budget constraints resulting from the COVID-19 pandemic, funding for the State Parks grant program seems unlikely in FY 2021-22.

Fortunately, a new grant opportunity is available to the City to submit a second application for Public Beach Restoration Grant funding in a later State budget cycle for FY 2022-23. The deadline for submittal of that application is February 1, 2021. The City Council is being asked to adopt the Resolution (Attachment A) authorizing staff to apply for approval of a

City Council Action:

Council adopted resolution 2021-02, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, AUTHORIZING APPLICATION FOR CALIFORNIA DEPARTMENT OF BOATING AND WATERWAYS PUBLIC BEACH RESTORATION GRANT FUNDS”, and authorized the City Manager to execute the necessary grant documents, on consent.

Public Beach Restoration Grant in the amount of \$150,000 to apply towards beach nourishment project components including sampling and analysis reporting, monitoring, and agency reporting tasks.

According to the State, individual project applications will be considered in terms of project benefits (i.e., health & safety, risk reduction, economic, ecological), cost efficiency, strategic planning relating to sea level rise and erosion control, and timeliness relating to public participation and permitting. Based on the City's multi-year sea level rise planning efforts, the City should be a competitive candidate for funds. The requested grant funds will help implement beach nourishment consistent with the City's priority adaptation strategy as reflected in the following locally adopted plan and coastal permit/environmental documents:

- Sediment Management Plan (October 2018):
http://www.delmar.ca.us/DocumentCenter/View/3578/ESA_revisedDRAFT-Del-MarSediment-Management-Plan-May2018_clean
- Sand Compatibility Opportunistic Use Program (August 2020):
<https://www.delmar.ca.us/ArchiveCenter/ViewFile/Item/1422>

DBAW indicated that a list of potential projects for the FY 2022-23 grant application will be identified in the State budget for FY 2022-23 that will be released in January 2022 and finalized in June 2022. There is no preset amount for individual grants or estimate of total grant funding available. The number of projects funded varies based on the need, merits, and State funding availability. Funding associated with the FY 2022-23 grant application request would be available around September 2022. Grant funds would not be available for use by the City until a fully executed grant agreement is in place and grant funds cannot be used to reimburse the City for any beach nourishment work that occurs before that time.

Funds for the City's Sand Compatibility Opportunistic Use Program (SCOUP) special project were initially allocated in the Operating and Capital Budget for FY 2019-20 (\$164,200) and FY 2020-21 (\$164,400) for shoreline management consulting services per the existing contract with Moffatt & Nichol. However, due to COVID-19 related budget reductions, the FY 2019-20 special project budget was reduced to \$154,200 and the FY 2020-21 special project budget was reduced entirely as the State permitting costs to complete the SCOUP was deferred to a future fiscal year. The DBAW grants, if awarded, are exclusive to sand nourishment costs and would not fund or reimburse the City for the remaining costs to complete State permitting of the SCOUP. Note that sand nourishment activity cannot proceed under the SCOUP until State permitting is completed. No City funds have been allocated yet for a beach nourishment project.

FISCAL IMPACT:

As a requirement of the grant, the City must commit to providing matching grant funds or an equivalent amount in in-kind services. The match requirement is 15% of the grant award, so for a grant amount of \$150,000, the City would be required to provide \$22,500 in matching funds or an equivalent amount in in-kind services. Allowable in-kind services generally include straight personnel time and costs of materials paid that are directly attributable to the project. If the City Council adopts the proposed resolution included as Attachment A, the City Council would be agreeing to provide the 15% match as required by the grant agreement if the requested grant funds are awarded to the City. It is anticipated that there will be sufficient in-kind services rendered to satisfy the match obligation for the grant.

If the City is awarded one or both of the DBAW grants, staff will return to the City Council seeking authorization for the awarded grant funds to be deposited into the SCOUP special project account and applied towards implementation of a beach sand nourishment project that will include sampling and analysis reporting, monitoring, and agency reporting tasks or this action will be requested during one of the City's periodic budget processes.

ENVIRONMENTAL REVIEW:

The proposed City Council action, including without limitation, is a resolution to apply for a grant for future sand nourishment that would be facilitated by the City's SCOUP. The City's SCOUP was adequately covered in an adopted Mitigated Negative Declaration (MND) (SCH #2020040181), certified by the City Council on August 3, 2020 (Resolution No. 2020-45). The proposed City Council action is not a separate "project" for CEQA purposes but is a subsequent discretionary approval related to a previously approved project (CEQA Guidelines § 15378(c)). Additionally, pursuant to CEQA Guideline Sections 15162, and based on the review of the entire record, including without limitation, the MND, the City Council finds that the proposed action does not require further environmental review as: 1) no substantial changes are proposed to the project and no substantial changes have occurred that require major revisions to the MND due to the involvement of new significant environmental effects or an increase in severity of previously identified significant effects; and 2) no new information of substantial importance has come to light that (a) shows the project will have one or more significant effects not discussed in the MND, (b) identifies significant impacts would not be more severe than those analyzed in the MND, (c) shows that mitigation measures or alternatives are now feasible that were identified as infeasible and those mitigation measures or alternatives would reduce significant impacts, and (d) no changes to mitigation measures or alternatives have been identified or are required. Pursuant to CEQA Guidelines §15162(b), the City Council finds and recommends that no further analysis or environmental documentation is necessary. Accordingly, the proposed City Council action is merely a step-in furtherance of the original project for which environmental review was performed and no supplemental or subsequent CEQA has been triggered, and no further environmental review is required.

ATTACHMENT:

Attachment A – Resolution Authorizing Submittal of a Grant Application

RESOLUTION NO. 2021-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, AUTHORIZING APPLICATION FOR CALIFORNIA DEPARTMENT OF BOATING AND WATERWAYS PUBLIC BEACH RESTORATION GRANT FUNDS.

WHEREAS, the State of California, Department of Boating and Waterways (“State”) is authorized to provide assistance to government agencies in support of beach restoration via its Public Beach Restoration Grant Program per the Harbors and Navigation Code (sections 69.5-69.9); and

WHEREAS, the preservation and protection of Del Mar’s beautiful sandy beach, and the many benefits the wide sandy beach provides, is a City Council priority; and

WHEREAS, on October 1, 2018, the City Council approved Del Mar’s Sediment Management Plan that considered current and future beach conditions (including projected sea level rise) and that laid out a plan to preserve Del Mar’s beach into the future; and

WHEREAS, on June 17, 2019, the City Council allocated funds with the FY 2019-20 and FY 2020-21 Operating and Capital Budget and selected a technical consultant (Moffatt and Nichol) to create a Sand Compatibility Opportunistic Use Program (SCOUP) that will allow the City to plan for beach nourishment and accept beach quality sand for placement on the beach when available; and

WHEREAS, on August 3, 2020, the City Council adopted a Mitigated Negative Declaration and Coastal Development Permit for the City’s SCOUP in accordance with the approved work plan; and

WHEREAS, the Del Mar City Council desires to apply for a Public Beach Restoration grant to support a prospective beach nourishment project per the City’s Sediment Management Plan and SCOUP plans and overall Shoreline Management Program.

NOW, THEREFORE, the City Council of the City of Del Mar, California, hereby resolves as follows:

SECTION 1. The City Manager, on behalf of the City of Del Mar, is hereby authorized and directed to apply to the State for the Public Beach Restoration Grant in the amount of \$150,000.

SECTION 2. If the grant application is approved by the State, the City Manager is authorized to enter into, execute, and deliver a State of California Agreement (Standard Agreement) for the amount of \$150,000, and any and all other documents required or deemed necessary or appropriate to secure the grant, the City of Del Mar obligations related thereto, and all amendments thereto (collectively, the “Grant Documents”).

SECTION 3. If the City of Del Mar receives the grant, the City commits to providing the required 15% match amount required by the State, which can be provided in the form of equivalent in-kind services that include straight personnel time and costs of materials paid that are directly attributable to the project.

ADOPTED by the City Council of the City of Del Mar, California, at a Regular Meeting held on the 11th day of January 2021.

Terry Gaasterland, Mayor
City of Del Mar

APPROVED AS TO FORM:

Leslie E. Devaney, City Attorney
City of Del Mar

ATTEST AND CERTIFICATION:

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO
CITY OF DEL MAR

I, ASHLEY JONES, Administrative Services Director/City Clerk of the City of Del Mar, California, DO HEREBY CERTIFY, that the foregoing is a true and correct copy of Resolution No. 2021-XX, adopted by the City Council of the City of Del Mar, California, at a Regular Meeting held the 11th day of January 2021, by the following vote:

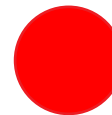
AYES:

NOES:

ABSENT:

ABSTAIN:

Ashley Jones, Administrative Services
Director/City Clerk
City of Del Mar



**RESPONSES TO CITY COUNCILMEMBER QUESTIONS
REGARDING January 11, 2021 CITY COUNCIL AGENDA**

Dated 1/11/21 12:30PM

Agenda Item #5 List of Demands: Is check No. 130952 for \$56k to NCTD for the trailhead parking lot annual rent or something else?

Staff Response: The City owes NCTD \$56,088 in outstanding “shared parking revenue” for Fiscal Years (FYs) 2016-2020 per the terms of its 10-year lease (2013-2023) of the trailhead parking lot at the northeast intersection of Jimmy Durante Boulevard and San Dieguito Drive.

Agenda Item #7 Agreement with Townsend Public Affairs: Townsend represents other cities and agencies. How will they handle situations when two clients are competing for the same grant funding?

Staff’s Response: During staff’s interview with Townsend Public Affairs (TPA) for the proposed contract, questions about conflicts of interest were raised and discussed. TPA responded that they do not believe there are any conflicts of interest, actual or apparent, that would limit their ability to provide Legislative Advocacy and Grant Writing Services to the City. In the event that such a conflict could arise in the future, TPA would work with the City to identify the potential conflict and determine the best means of mitigating the conflict, up to and including TPA working with the City to identify another legislative advocacy and grant writing firm that would work on the issue in question on behalf of the City, for which TPA would cover the cost. Additionally, TPA would consult with the City to ensure there are no conflicts with any potential future client that may be interested in retaining TPA for advocacy and/or grant writing services. A representative from TPA will be at the City Council meeting on Monday should additional clarification be needed or if the City Council has any other questions.

Agenda Item #9 Approval of Agreement with HDL: Does the agreement cover on-line sales/use tax?

Staff Response: Yes, the agreement includes all sales in Del Mar including online sales.

Agenda Item #10 Grant application for Sand Replenishment: How will Del Mar raise funds for the SLR Adaptation Plan implementation, including the local match for this grant and (hopefully) other grants?

Staff Response: The plan has been to try and coordinate with SCE or W19 lagoon dredge events to get extra sand dredged at that time for greater cost efficiency. 2023 is likely the first

opportunity for this to occur with the Division of Boating and Waterways grant funds, assuming the City is awarded.

Agenda Item #11 Encroachment Permit 853 Camino Del Mar: A) Will a small car can fit in the parking space?

Staff's response: The subject parking space is 6 feet wide, which is the minimum width listed the parking ordinance for a micro-car. Accordingly, staff has provided a recommended condition of approval (S-2) requiring the applicant to "install signage noting the parking space located in the public right-of-way is public parking and for micro cars or motorcycles only, and for a 4-hour maximum time limit." An example of a micro car would be a smart car or a mini cooper.

B) Has the stairway part of the encroachment application been reviewed for liability risk and safety and code compliance?

Staff's response: Standard Condition DC-2 requires that the applicant/owner "shall provide a Certificate of Insurance covering the encroachment and naming the City as an additional insured." This would be inclusive of all three encroachments (if approved).

C) GEP 9 requires CALOSHA compliance--will this impose railing and safety requirements on the entire stairway? Does PSW S1? Does S-4 address only existing railings in the ROW, or will it require new ones on the non-ROW section?

Staff's response: The intent of condition of approval S-4 is to ensure Code compliance for those portions of structure located/encroaching within the public right-of-way. However, at the direction of the City Council, the condition can be modified to also (specifically) include the connecting portions of stairway that are located on private property. Any physical modifications required would likely necessitate Design Review.

Agenda Item #12 5 Safe Rail Crossing Study: Any crossing in the bluff area raises the issue of what the crossing leads to--beach access? Rail trail along the bluff? Both? Will there be beach access down the bluff (stairway or ramp)? Will there be a need for parking near the new access? Will there be a need for new lifeguard/restroom facilities?

Staff's response: The issues raised regarding beach access, parking, facilities, , etc. are important and noted. Section 3.1 of the Scope of Work includes the development of criteria for evaluating the proposed rail trail and pedestrian crossing locations, and those criteria can and should consider those factors so only the locations that are feasible and accepted by the community are identified for further concept planning. While the MOU does not specifically address who will be the lead agency for CEQA purposes, Section 3.4.4 of the Scope of Work will include a detailed evaluation of all environmental issues to determine the appropriate level of environmental review and permits needed for the proposed concept designs. Finally, the final report (Section 4.1 of the Scope of Work) will include identification of potential funding sources for future phases

of the project (including construction), as well as the regulatory agencies that will need to be consulted and/or permits/approvals needed from. Staff has specifically requested that the consultant include detailed information on next steps for implementation. The project team will also use the study to determine if/how the recommended project(s) could be tied into future stabilizations efforts along the Del Mar bluffs, which may impact CEQA lead agency determination down the road.

Who would be lead agency for any potential, future projects resulting from a study is a good question and one that will need to be agreed upon by the agencies at a later date. For the sake of this current effort, SANDAG would be project manager for preparing the study with participation from the City and NCTD. However, as indicated in Environmental Determination section of the Agenda Report, entering into an MOU, match funding, and preparation of a study are not considered 'projects' under CEQA. Once the study is complete and all parties see the conclusions, decisions will need to be made as to what to do next – if there is something to do next. As noted in the CEQA Guidelines excerpt above, where there are competing agencies who can be "lead" for preparing the environmental analysis, generally it is that agency which acts first, i.e., commits itself to an intended outcome. This usually seems to follow money as those decisions are often decided by one agency first. It is best to have this question resolved well before that occurs and agencies can enter into an agreement that defines who would be lead agency for the sake of actual projects. It appears pre-mature at this point to do so in this type of MOU. Revisit once the study is nearing completion.