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Del Mar City Council Meeting Agenda

City of Del Mar, Town Hall
1050 Camino del Mar, Del Mar, California
And via teleconference
1317 Irving Avenue, Colonial Beach, VA 22443

Civility Works: The Del Mar Code of Civil Discourse: Together we will promote inclusion; listen to understand; show respect; be clear and fair; and focus on the issue.

Regular Meeting
Monday, May 6, 2024 at 4:30 PM

Dave Druker
Mayor

Terry Gaasterland
Deputy Mayor

Tracy Martinez
Council Member

Dan Quirk
Council Member

Dwight Worden
Council Member

Ashley Jones
City Manager

Leslie E. Devaney
City Attorney

Sarah Krietor
Administrative Services Manager/City Clerk

Public Participation/Comment: Members of the public can participate in City Council meetings in-person or via written comment (Red Dot). Anyone may address the City Council for up to three minutes, at the Mayor's discretion, on items on the agenda. Members of the public wishing to speak on items not on the agenda may do so under Public Oral Communications. Agenda items may be addressed in any order at the discretion of the Mayor. When addressing the Council, please state your name for the record. Any electronic presentations must be received before 9 a.m. on the date of the Council meeting. No PowerPoint presentations can be loaded during the meeting.

In-Person Participation: Please submit a completed "Speaker Slip", including the item number you wish to speak on, to the City Clerk prior to the Mayor announcing the agenda item. The forms are located near the door at the rear of the Meeting Room. When called to speak, please approach the podium and state your name for the record.

Written Comments: Members of the public can participate in the meeting by submitting a written red dot comment via email to cityclerk@delmar.ca.us. The deadline to submit written comments is 12 p.m. on the day of the meeting and the subject line of your email should clearly state the agenda item you are commenting on.

Remote Participation: Due to technical issues, remote participation will not be offered at this City Council meeting.

Viewing the Meeting and Access to Agenda Materials: Members of the public can watch the meeting live on the City's website at: http://delmar.12milesout.com/Video/Live and on Cable TV Spectrum Ch. 24, AT&T Ch. 99 starting at 4:30 PM. Agenda materials and communications from the public on agenda items, "Red Dots", are available on the City's website: http://www.delmar.ca.us/AgendaCenter and a hard copy of the agenda materials are available at Del Mar City Hall and the Del Mar Library during their business hours.

Assistance for Persons with Disabilities: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Administrative Services Department at 1050 Camino del Mar or by calling (858) 755-9313. Notification of at least 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

I. CALL TO ORDER/ROLL CALL

1. Statement (just cause) and/or Consideration of a Request to Participate Remotely (emergency circumstances) by a Councilmember.

Recommended Action: It is recommended that the City Council receive the statement from Deputy Mayor Gaasterland regarding her remote participation in the meeting.

II. CITY ATTORNEY CLOSED SESSION REPORT

III. PLEDGE OF ALLEGIANCE

IV. PUBLIC ORAL COMMUNICATIONS

Each person wishing to speak before the City Council on any matter not on the agenda shall submit a "Speaker Slip" to the City Clerk when Public Oral Communication is announced. Each speaker will have up to three (3) minutes to speak at the discretion of the Mayor and may be asked clarifying questions. Information received during Public Oral Communication may be received, placed on a future agenda, or referred to the City Manager by the City Council. State law generally precludes the City Council from discussing or acting upon any topic presented during oral communications that is not described on the posted agenda.

Note: there is a time limit of 30 minutes for this section of public communications and each speaker will be heard in the order of the submission of their speaker slip. Speakers who have turned in a speaker slip prior to the time oral communications was called on the agenda, but were not heard during the initial time period shall be called to speak at the end of the agenda.

V. CITY COUNCIL COMMENTS

VI. COMMUNITY ANNOUNCEMENTS

VII. CITY MANAGER'S REPORT

VIII. PRESENTATIONS

2. Presentation on Oceanside Littoral Cell from Greg Hearon P.E., Coastal Frontiers Corporation

Recommended Action: Receive presentation from Greg Hearon P.E., Coastal Frontiers Corporation.

Reference: Clerk's File No. 1404-1

3. Construction Update on Del Mar Bluffs Stabilization Project Phase 5 from the San Diego Association of Governments (SANDAG)

Recommended Action: Staff recommends that the City Council receive an update from SANDAG on the construction of Del Mar Bluffs Stabilization Project Phase 5.

Reference: Clerk's File No. 1404-2, 1506-1

IX. CONSENT CALENDAR

All items listed on the Consent Calendar are considered to be routine and will be acted upon with one motion. There will be no separate discussion of these items unless a member of the City Council or the public so requests, in which event, the item will be pulled from the Consent Calendar and considered separately after the motion to approve the Consent Calendar. If you wish to remove an item from the Consent Calendar, please submit a "Speaker Slip" to the City Clerk.

4. Approval of Minutes: April 15, 2024 Regular and Special Meeting; April 22, 2024 Special Meeting

Recommended Action: Approve Minutes.

Reference: Clerk's Minutes Book

5. Ratification of List of Demands, dated May 6, 2024

Recommended Action: Ratify the List of Demands.

Reference: Clerk's File No. 201-3

6. Waiver of Reading of Ordinances on Agenda

Recommended Action: Waive Reading of Ordinances.

Reference: Clerk's File No. 401-4

7. Second Reading and Adoption of Density Bonus Ordinance to Implement State Law and Housing Element Program 1G

Recommended Action: It is recommended that the City Council adopt the Ordinance (Attachment A) to repeal and replace the existing density bonus regulations in Del Mar Municipal Code (DMMC) Chapter 30.90 in compliance with the City's certified 6th Cycle Housing Element (2021-2029) Program 1G and State Density Bonus Law (California Government Code Sections 65915, et seq.)

Reference: Clerk's File No. 304-7, 401-4, 401-9

8. Amendments to the City's Personnel Rules and Regulations Manual

Recommended Action: Staff recommends that the City Council adopt the Resolution (Attachment A) amending the City's Personnel Rules and Regulations Manual (Exhibit A to Attachment A) to comply with changes to state legislation related to sick and bereavement leaves.

Reference: Clerk's File No. 503-1

9. Fourth Amendment to the Metro Wastewater Joint Powers Authority Agreement

Recommended Action: Staff recommends the City Council: 1) Approve the Fourth Amendment to the Metro Wastewater Joint Powers Authority Agreement (Attachment A); and 2) Authorize the City Manager to execute the Amendment.

Reference: Clerk's File No. 406-1, 1506-19

10. Acceptance of a Donation of Water Fountain/Bottle Filling Stations from the Del Mar Village Association

Recommended Action: Staff recommends that the City Council accept a donation of six water fountain/bottle filling stations and associated installation from the Del Mar Village Association (DMVA) to replace existing fountains in public locations throughout the City (Attachment A).

Reference: Clerk's File No. 201-16, 1202-5

X. PUBLIC HEARING

11. Introduction of an Ordinance Amending the Del Mar Municipal Code Chapter 21.12 – Water Supply – Water Rates and Charges; Chapter 21.70 – Emergency Water Management; and Chapter 22.04 – General (Sewers and Sewage Disposal)

Recommended Action: Staff recommends that the City Council hold a public hearing; hear testimony; accept all written protests against water and wastewater rate increases from affected rate payers; introduce the proposed Ordinance (Attachment A); and schedule a second reading by title only and adoption of the Ordinance on May 20, 2024.

Reference: Clerk's File No. 401-4, 401-9, 907-4

XI. COUNCIL MEETING RECESS

XII. CITY COUNCIL OTHER BUSINESS

12. Camino del Mar Bridge Project Update

Recommended Action: Staff recommends that the City Council receive an update on the Camino del Mar Bridge Replacement project and provide feedback on the aesthetic options under consideration.

Reference: Clerk's File No. 803-3

13. Consideration of a Ballot Measure to Adjust City Council Compensation

Recommended Action: Mayor Druker and Deputy Mayor Gaasterland recommend that the City Council consider initiation of a November 2024 General Municipal Election ballot measure to adjust Councilmember compensation to be more aligned with State Code and regional compensation for elected officials and include language allowing the City Council to make modest inflation-based adjustments to Council compensation via ordinance instead of requiring a vote of the electorate.

Reference: Clerk's File No. 401-1, 402-1, 502-1

XIII. REGIONAL ORGANIZATION REPORTS

A Councilmember assigned as a liaison to a regional organization may make a written or oral report. State law precludes the Council from commenting on, discussing, or acting on a report unless the item of business within the report is described in the agenda.

A. 22nd District Agricultural Association Community Relations Committee (Martinez/Worden)
B. Clean Energy Alliance JPA (CEA) Board of Directors (Druker/Worden)
C. CSA-17 Ambulance District Advisory Board (Martinez/Quirk)
D. Fire Governance Board, Solana Beach/Del Mar/Encinitas (Martinez/Druker)
E. League of California Cities – San Diego Chapter (Martinez/Worden)
F. League of California Cities – Coastal Cities Group (Worden)
G. North County Transit District (NCTD) (Martinez/Druker)
H. Regional Solid Waste Association (Worden/Quirk)
I. San Diego Association of Governments Board (SANDAG) (Gaasterland/Martinez/Druker)
J. SANDAG Borders Committee (Gaasterland)
K. SANDAG Regional Planning Committee (Martinez)
L. SANDAG Shoreline Preservation Working Group (Worden/Gaasterland/Martinez)
M. SANDAG LOSSAN Executive Task Force (Druker/Gaasterland)
N. San Diego Metropolitan Wastewater Commission/JPA (Worden/Quirk/Druker)
O. San Dieguito River Valley Regional Open Space Park JPA –Executive Committee (Worden/Quirk)
P. Other Regional Organization Reports

XIV. COUNCIL COMMITTEES/SUBCOMMITTEES/COMMUNITY ORG REPORTS

A Councilmember assigned as a liaison to a City Committee, Council Subcommittee OR Community Organization may make a written or oral report. State law precludes the Council from commenting on, discussing, or acting on a report, unless the item of business within the report is described in this agenda.

A. Arts Advisory Committee (Druker)
B. Clean Water Rate Project
C. Del Mar Community Connections (Martinez/Worden)
D. Del Mar Village Association (Gaasterland/Martinez)
E. Finance Committee (Druker/Worden)
F. Housing Subcommittee (Gaasterland/Martinez)
G. Human Resources Subcommittee (Druker/Worden)
H. Legislative Subcommittee (Gaasterland/Martinez)
I. Measure Q Citizen Oversight Committee (Gaasterland/Quirk)
J. Parks and Recreation Committee (Martinez/Gaasterland)
K. Del Mar Railroad Committee (Druker/Gaasterland)
L. Lagoon Committee (Quirk/Worden)
M. Sea-Level Rise Adaptation Plan Implementation Subcommittee (Gaasterland/Martinez)
N. Shores Advisory Committee
O. Sustainability Advisory Committee (Martinez/Worden)
P. Traffic and Parking Advisory Committee (Quirk/Worden)
Q. Undergrounding Project Advisory Committee (Druker/Gaasterland)
R. Other Committee-Subcommittee Reports

XV. UPCOMING AGENDA ITEMS

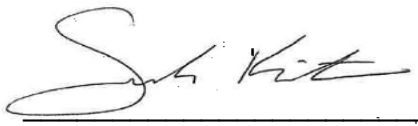
The following topics/items are tentatively planned for upcoming agendas. The title, wording, and planned date for these items are subject to change. Final agendas are posted at City Hall 72 hours in advance of the meetings and are also posted on our web site with the accompanying staff report. Please watch our web site: www.delmar.ca.us for City Council Agendas.

May 20, 2024
Presentation on the 2024 Fair
Proclamation Declaring June 12th as San Diego County Fair Day
St. Peters License Agreement
Agreement for Citywide Janitorial Services
Second Reading of Water and Wastewater Rate Ordinance (new rate period begins July 1, 2024)
Council Direction on Revised Short Term Rental Framework
Transient Occupancy Tax Ballot Measure Discussion

Regional Housing Needs Assessment (RHNA) Information
Council Consideration of a Resolution Supporting SB 1137
Council Discussion on SB 1098 (Blakespear)

XVI. CERTIFICATION

I, Sarah Krietor, Administrative Services Manager/City Clerk for the City of Del Mar, hereby certify that a copy of this agenda was posted at City Hall on the 1st day of May, 2024 at approximately 6:00 p.m.



Sarah Krietor, Administrative Services Manager/ City Clerk

5/1/2024
Date

City of Del Mar
Agenda Report

TO: Honorable Mayor and City Council Members

FROM: Clem Brown, Assistant City Manager
Ashley Jones, City Manager

DATE: May 6, 2024

SUBJECT: Construction Update on Del Mar Bluffs Stabilization Project Phase 5 from the San Diego Association of Governments (SANDAG)

REQUESTED ACTION/RECOMMENDATION:
Staff recommends that the City Council receive an update from SANDAG on the construction of Del Mar Bluffs Stabilization Project Phase 5.

BACKGROUND:
Stabilization of the Del Mar bluffs is an ongoing, multiphase effort to maintain safe, stable, and reliable rail service through the Los Angeles – San Diego – San Luis Obispo Rail Corridor (LOSSAN). Since 2003, SANDAG and the North County Transit District (NCTD) have completed four stabilization projects along 1.6 miles of the bluffs between Coast Boulevard and Torrey Pines State Beach. The goals of these stabilization projects and future phases are to increase safety and service reliability and minimize the chances of track damage due to bluff retreat and seismic events. To achieve these goals, SANDAG and NCTD have been installing bluff top supports, directing stormwater runoff, and building shoreline protection to protect the bluff toe. To ensure the long-term viability of the LOSSAN corridor, SANDAG is evaluating alternative strategies to relocate the tracks completely off the bluffs by 2035.

The Del Mar Bluffs Stabilization Project Phase 5 (DMB5) stabilization efforts include the installation of additional support columns (e.g., soldier piles with tiebacks, where required) and drainage improvements, as well as new shoreline protection (e.g., removable seawalls), erosion control measures and revegetation with native plants.

On July 22, 2022, the California Coastal Commission (Coastal Commission) issued a federal consistency certification for DMB5 to complete the stabilization work within NCTD's right-of-way, State public trust lands, and City of Del Mar property (Attachment A). On November 14, 2022, the City Council conditionally approved SANDAG's Encroachment Permit (EP22-082) to allow construction access and use of City property

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City Council Action:

for Phase 5 work. A copy of the agenda report and resolution conditionally approving the EP is included as Attachment B.

On March 4, 2024, SANDAG presented to the City Council in anticipation of the start of DMB5 construction. The presentation included an overview of the DMB5 stabilization measures; details on construction methods, activities, and staging areas; biological mitigation requirements; project schedule; community outreach; and future access improvements. A copy of SANDAG's presentation is included as Attachment C. The City has a webpage with additional information for this project: https://www.delmar.ca.us/838/SANDAGNCTD-Rail-Projects.

Construction activities began in April 2024 with the installation of a new shoreline protection seawall at the toe of the 11th Street bluff. Construction is expected to run through Spring 2027.

DISCUSSION/ANALYSIS:
Shortly after construction of the new shoreline protection seawall at 11th Street began, staff received questions and concerns from the public and Councilmembers about the volume of bluff material being excavated to install the seawall.

SANDAG has since clarified that most of the removed material is debris related to a bluff slide at 11th Street that occurred after they received their project approval, and the Coastal Commission is aware of the activity. Further, no excavated material has been removed from the project area. Slide material from the Del Mar formation (i.e., lower bluff) does not meet the Coastal Commission's requirements for beach placement, and therefore will be used as backfill behind the seawalls that will be constructed as part of the DMB5 project. However, any sandy materials from the bluff toe or upper bluff that are suitable for beach placement will be separated and placed back on the beach in consultation with the City and as approved by the Coastal Commission. Finally, it is worth noting that the Coastal Commission's certification of the project included the directive to place the new seawalls as close as feasible to the bluff to preserve as much beach area as possible.

At the request of staff, SANDAG will give a construction update on the Phase 5 work, which will further address concerns raised to date, and answer questions at the City Council meeting on May 6, 2024.

ATTACHMENTS:
Attachment A – Coastal Commission Federal Consistency Certification Staff Report
Attachment B – Encroachment Permit 22-082
Attachment C – March 4, 2022 Construction Update Presentation

CALIFORNIA COASTAL COMMISSION
455 MARKET STREET, SUITE 300
SAN FRANCISCO, CA 94105-2219
FAX (415) 904-5400
Voice (415) 904-5200

W7b

Filed	4/23/22
180th Day:	10/20/22
Staff:	W. Horn-SF
Staff Report:	5/26/22
Hearing Date:	6/8/22

STAFF REPORT: REGULAR CALENDAR

Consistency Certification No.	**CC-0005-21**
Applicant:	San Diego Association of Governments
Location:	Railroad right-of-way between Mile Post 244.1 near Coast Boulevard and Mile Post 245.7 at Torrey Pines State Beach in the City of Del Mar, San Diego County.
Project Description:	Del Mar Bluffs Stabilization Project 5 to construct upper bluff stabilization structures, seawalls with rip rap backfill, new and retrofit drainage infrastructure, public access improvements, as well as grading and placement of fill to reduce bluff slopes and after-the-fact authorization for two recent emergency repairs in order to support the existing railroad and maintain its operations.
Staff Recommendation:	Conditional Concurrence

SUMMARY OF STAFF RECOMMENDATION

The San Diego Association of Governments (SANDAG) submitted a consistency certification to implement the Del Mar Bluffs Stabilization Project 5 along a 1.6-mile-long

segment of the existing North County Transit District (NCTD) railroad right-of-way in the City of Del Mar. Within this reach the railroad runs atop coastal bluffs which are generally 50 to 70 feet high and have a history of landslides and slope failure. This rail line is part of the nation's second busiest rail corridor and serves Southern California's key coastal population centers and two of the state's most congested regions: Los Angeles and San Diego.

The proposed project would stabilize areas along the bluffs that were not included in previous, Commission-authorized projects and retrofit existing, previously approved stabilization infrastructure. SANDAG has proposed these efforts to help protect the existing railroad track and maintain it for rail operations, including passenger and freight, until it can be relocated off the bluffs. The proposed project can be grouped into the following categories of development: upper bluff stabilization structures (approximately 3,800 linear feet), seawalls and cutoff walls (approximately 2,500 linear feet) and changes to the bluff slope, installation of new drainage infrastructure and retrofit of existing drainage systems, access road improvements, and public access improvements. Overall construction is anticipated to take approximately 36 months.

The project also includes a request for after-the-fact authorization for emergency repair projects at Mile Post 245.2 and Anderson Canyon. The emergency repairs started on March 1, 2021 and focused on existing bluff stabilization structures/seawalls that had failed several weeks before.

The Commission's Sea Level Rise (SLR) Guidance identifies transportation corridors, such as the subject railroad section, as critical infrastructure and typically recommends analyzing the risks they will be subject to over a time frame of 100 years or more, as well as analyzing the risks from an extreme sea level rise scenario. SANDAG's analysis deviated from this approach and instead analyzed the proposed seawalls under 1 in 20 (or 5% chance) and low-risk sea level rise scenarios. SANDAG determined this analysis was appropriate because it has identified the need for, and begun pursuit of, the relocation of the rail corridor off the Del Mar bluffs by as soon as 2035, at which point the seawalls would no longer be necessary to protect the rail line and could be removed. However, it should be noted that final design, environmental review, and implementation of the relocation could extend beyond the target date of 2035. Because SANDAG is actively planning and seeking funding for relocation of the railroad, staff recommends that it is appropriate in this instance to use a shorter timeframe for analyzing the stability of the project seawalls and that it is appropriate for them to be designed to withstand lower amounts of SLR and be removable. However, because this infrastructure may not be safe and structurally stable for its full potential life, **Condition One** would limit the authorization term for it to 30 years and require that no less than six months prior to the expiration of that authorization, SANDAG submit an application to remove all of the shoreline armoring and restore the affected areas. In addition, SANDAG has committed to monitor and maintain the shoreline armoring in its approved state as part of its maintenance program. This would help ensure the stability and structural integrity of the rail corridor and minimize hazards from erosion over the 30 year authorized life of this aspect of the project. This would also allow SANDAG to protect the important railway line while planning for and pursuing relocation.

Over a 30 year life, the proposed project seawalls would occupy 49,566 square feet of beach area that would otherwise be available to the public for coastal access and recreation and retain approximately 17,824 cubic yards of sandy material from the bluffs. As mitigation for these impacts, SANDAG is proposing to carry out a capital improvement project that includes planning, design, environmental review and then construction of three significant coastal access and recreation features. These include a designated pedestrian railroad crossing at either 7th Street or 11th Street, a beach accessway from the bluff top to the beach below, and enhancement and formalization of the existing informal blufftop trail between 4th Street and Seagrove Park. The capital improvement project would provide significant coastal access and recreation benefits, most importantly, by addressing the long-standing need for a designated rail crossing and formal beach accessway in the project area. **Condition Two** would memorialize these commitments and facilitate completion of the capital improvement project in a timely manner by establishing its scope as well as start and completion deadlines that are aligned with the anticipated construction schedule of the stabilization project. Due to the extended duration of that construction schedule, measures would also be implemented to help minimize adverse impacts to access and recreation during construction. **Condition Five** would require SANDAG to submit a plan detailing how public access would be maintained to the maximum extent feasible during construction activities and **Condition Six** would require SANDAG to locate and configure storage and staging areas in a manner that avoids and minimizes loss of public beach access parking.

The project would not directly impact any environmentally sensitive habitat areas (ESHA), but construction would take place adjacent to an area with the potential to support California gnatcatcher (*Polioptila California*). To protect these areas, **Condition Four** would prohibit project construction activities during the gnatcatcher breeding season (February 15 to August 31) within 300 feet. Also, the project would result in the permanent loss of 0.28 acres of wetland habitat. **Condition Three** would require SANDAG to provide evidence of and deduct adequate wetland habitat mitigation bank credit prior to the start of construction.

Condition Seven would help minimize the project's adverse impacts to scenic and visual resources by requiring monitoring and treatment methods to address stabilization infrastructure exposed due to erosion or vandalized. Nevertheless, the project includes a significant amount of bluff grading and fill, upper bluff stabilization, seawalls and drainage outlets in areas of natural character that currently do not have any existing structures and would thus be inconsistent with the Coastal Act's visual resource protection policy (Section 30251). Pursuant to Coastal Act Section 30235, however, the Commission is required to authorize shoreline protective devices even if they would be inconsistent with other Chapter 3 policies if certain conditions are met. In this case, those conditions have been met and may be authorized despite the adverse impacts to visual resources it would result in and its inconsistency with Section 30251.

The staff therefore recommends that the Commission **conditionally concur** with SANDAG's consistency certification CC-0005-21. The motion and resolution are on

Page 5 of this report. The standard of review for this consistency certification is the Chapter 3 policies of the Coastal Act.

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EXHIBITS

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Exhibit 3 – Project Description Tables
Exhibit 4 – Project Visualisation
Exhibit 5 – Project Plans
Exhibit 6 – Emergency Repair Project Plans
Exhibit 7 – Drainage Improvements
Exhibit 8 – List of Projects Since 1996
Exhibit 9 – Habitat with Potential to Support Gnatcatcher
Exhibit 10 – Draft CIP Sheet For the Coastal Access Improvements

I. APPLICANT'S CONSISTENCY CERTIFICATION

The San Diego Association of Governments (SANDAG) has certified that the proposed activity (CC-0005-21) complies with the California Coastal Management Program (CCMP) and will be conducted in a manner consistent with that program.

II. MOTION AND RESOLUTION

Motion:

*I move that the Commission **conditionally concur** with Consistency Certification CC-0005-21 on the grounds that, if modified in accordance with the conditions recommended by staff, the project described therein would be consistent with the enforceable policies of the California Coastal Management Program (CCMP).*

Staff recommends a **YES** vote on the motion. Passage of this motion will result in a conditional concurrence with the certification and adoption of the following resolution and findings. An affirmative vote of a majority of the Commissioners present is required to pass the motion.

Resolution:

*The Commission hereby **conditionally concurs** with Consistency Certification CC-0005-21 on the grounds that, if modified in accordance with the conditions recommended by staff, the project described therein would be consistent with the enforceable policies of the CCMP.*

III. CONDITIONS

1. **Authorization Term.**

   a. Authorization for all seawalls included in this consistency certification (including those subject to emergency repairs in 2021) shall expire thirty (30) years from the date of Commission action (i.e., June 8, 2052) or upon relocation and legal abandonment of the sections of railroad at issue in this action, whichever occurs first. No less than six months prior to the expiration of the authorization, SANDAG shall submit to the Coastal Commission a complete coastal development permit application or consistency certification to remove all of the seawalls and rip-rap included in this consistency certification and to restore the affected areas to natural conditions, except as allowed pursuant to subsection (b). If a complete permit application or consistency certification is filed before the end of the authorization period, the authorization period shall be automatically extended until the time the Commission acts on the consistency certification or permit.

b. If relocation and legal abandonment of the rail line has not been completed in 30 years and SANDAG wishes to keep any portion of the seawalls or rip-rap in place beyond the 30 year time period, it must submit a complete, new consistency certification no less than six months prior to the expiration of the authorization. At that time, the Commission will need to consider authorization for the retention of the seawalls in light of the then-existing standard of review, including assessment of any needed mitigation for the ongoing impacts of the structure(s) and an evaluation of actions to reduce or eliminate those impacts. If a complete consistency certification is filed before the end of the authorization period, the authorization period shall be automatically extended until the time the Commission acts on the consistency certification.

2. **Coastal Access and Recreation.** SANDAG shall develop and implement a capital improvement project, similar to that described in **Exhibit 10** ("Draft CIP Sheet"), to complete planning, design, environmental review, and construction of three projects to provide and improve safe public coastal access and recreation in the project area through: (1) enhancement of the north-south trail system east of the rail track on the top of the bluff between Seagrove Park and 4th Street; (2) construction of a CPUC-approved pedestrian rail crossing near 7th Street or 11th Street; and (3) construction of a beach accessway at or between 7th and 11th Streets that does not involve significant grading or alteration of the bluff beyond the work that is being performed as part of the Del Mar Bluffs Stabilization Project 5. The design of these three coastal access and recreation improvement projects shall be informed by the Coastal Connections Study, and construction of each access project shall not begin until all necessary authorizations for that project are obtained, such as from the California Public Utilities Commission, City of Del Mar and North County Transit District. Unless extended by the Executive Director of the Coastal Commission for good cause and based on diligent pursuit of project goals and milestones, SANDAG shall commence the construction of these three coastal access and recreation improvement projects within 36 months of the beginning of construction on the Del Mar Bluffs Stabilization Project 5 and complete construction within 60 months of the beginning of construction on the Del Mar Bluffs Stabilization Project 5. An extension by the Executive Director shall not exceed 24 months. A request by SANDAG for an extension beyond 24 months shall be subject to review and concurrence by the Commission.

3. **Mitigation for Permanent Impacts to Wetlands.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, SANDAG shall provide updated mitigation accounting tables, for the review and concurrence of the Executive Director, that demonstrate adequate credits have been released from the Resource Enhancement Mitigation Program (REMP) of the North Coast Corridor Public Works Plan/Transportation and Resource Enhancement Program (NCC PWP/TREP) to mitigate for all permanent losses to wetland habitat that would result from the project at a ratio of 1:1 (area created: area lost).

4. **Gnatcatcher Habitat Avoidance.** No project construction activities shall be carried out within 300 feet of identified areas of potential California gnatcatcher habitat (as shown in **Exhibit 9**) during the nesting season (February 15 to August 31).

5. **Construction Safety Plan.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, SANDAG shall submit a plan for the review and concurrence of the Executive Director that describes the methods (including signs, fencing, posting of security guards, etc.) which accounts for pedestrian safety around the active construction sites and/or staging areas during all project operations. A person(s) shall be onsite to safely detour pedestrian and/or vehicular traffic around active construction sites. Construction is prohibited during weekends from the Saturday of Memorial Day weekend through Labor Day inclusive, except to the extent necessary to protect life and property. Maintenance of equipment and material storage is permitted during weekends and during non-daytime hours (i.e., from one-hour after sunset to one-hour before sunrise).

6. **Construction Staging and Storage.** SANDAG shall locate and configure all designated areas for the storage and staging of project materials, equipment and project personnel vehicles in a manner that avoids, and if avoidance is infeasible, minimizes, loss of public parking spaces on public streets in the City of Del Mar and within the Torrey Pines State Beach parking lot.

7. **Structural Appearance.**

    a. PRIOR TO COMMENCEMENT OF CONSTRUCTION, SANDAG shall submit a plan for the review and concurrence of the Executive Director to monitor and address the potential visual impacts of the Del Mar Bluffs Stabilization Project No. 5 upper bluff stabilization components in the event that they are exposed and visible from the blufftop and/or the public beach as a result of earth movement or other circumstances. SANDAG shall also monitor and address the potential visual impacts of the seawalls in the event that they are vandalized (e.g. graffiti). SANDAG shall carry out the approved plan, which shall include the following requirements:

        i. Yearly for three years after construction, and then tri-annually until the seawalls are removed, SANDAG shall monitor the visual impacts of the Del Mar Bluffs Stabilization Project No. 5 project's upper bluffs stabilization components. If the project's upper bluff stabilization components are exposed and viewable from the public beach below the site, then SANDAG shall submit photographs to the Executive Director within 30 days of exposure identifying the extent of the exposure. Within 30 days of submitting photographs identifying the extent of the exposure of the components. Exposed components shall be colored in such a way that the result would be

a natural, mottled appearance or, in SANDAG's discretion, SANDAG shall install a "breakaway" skirt wall to cover exposed earth and/or components. The breakaway skirt shall be colored in such a way that the result would be a natural, mottled appearance. SANDAG shall contact the Coastal Commission for a determination of whether or not the installation of the low "breakaway" skirt wall requires Commission concurrence.

ii. A plan to address the vandalism by regularly monitoring for graffiti or other visual changes and to promptly clean off or otherwise remedy the visual impacts caused by the vandalism.

IV. FINDINGS AND DECLARATIONS

A. Project Purpose and Background

The San Diego Association of Governments (SANDAG) proposes to implement the Del Mar Bluffs Stabilization Project 5 along a 1.6-mile-long segment of the existing railroad corridor between Milepost 244.1 near Coast Boulevard in the City of Del Mar and Milepost 245.7 in Torrey Pines State Beach **(Exhibit 2)**. Within this reach, the rail alignment runs atop the coastal bluffs, which are generally 50 to 70 feet high. SANDAG has been carrying out a multi-phase effort to install stabilization infrastructure on the beach at the toe of the bluffs and on the bluffs themselves along this section of the railroad corridor since the late 1990s. The proposed project is the latest and most expansive in this ongoing effort and includes approximately 3,800 linear feet of upper bluff stabilization structures (primarily underground infrastructure including soldier piles, tieback anchors, and horizontal lagging), the construction of approximately 2,500 linear feet of new seawalls with rip rap backfill as well as reductions in existing bluff slopes through grading and placement of fill, installation of new and retrofit drainage infrastructure, access road improvements, and public access improvements. Also included in this proposal is a request for after-the-fact authorization for stabilization efforts carried out under emergency authorization that began on March 13, 2021. These efforts included the installation on the beach of a new 290 foot long seawall to replace a 60 foot long wall that failed and a 161 foot long cutoff wall (in front of an existing seawall) as well as bluff grading and associated activities. As of the date of Commission action all of the necessary engineering and structural support work for the emergency repair is complete and SANDAG has begun revegetation of the reconstructed slope. SANDAG's stated intent in carrying out this proposed work is to help maintain the safety and operability of the rail corridor until it can be relocated inland, which SANDAG is aiming to accomplish by approximately 2035.

In its consistency certification, SANDAG provides the following background information regarding the need for the project and importance of the rail corridor:

> The coastal bluffs supporting the rail alignment in the project area have a history of landslides and surficial failures. Furthermore, the bluffs are subject to ongoing

erosion and failures that could threaten the viability of rail service. It is critical that a means of stabilizing the bluffs and preserving track support be implemented in order to maintain the use of the existing railroad track. This track is part of the Los Angeles to San Diego (LOSSAN) rail corridor and represents the only operating rail link to southern San Diego County.

The LOSSAN Corridor is a 351-mile-long rail corridor, stretching from San Diego in the south, up the coast to Orange County, Los Angeles County, Ventura County, and Santa Barbara County to San Luis Obispo County. The LOSSAN corridor is the nation's second busiest rail corridor and serves Southern California's key coastal population centers and two of the state's most congested regions: Los Angeles and San Diego. In San Diego County, the 60-mile coastal rail corridor extends south from Orange County to downtown San Diego through the coastal cities of Oceanside, Carlsbad, Encinitas, Solana Beach, Del Mar, and San Diego. With sections of the corridor dating back to the 1880s, about half of the corridor is single track. The San Diego County portion of the LOSSAN Corridor is shared by commuter and intercity passenger and freight rail services. Amtrak's Pacific Surfliner trains provide intercity passengers with stations in downtown San Diego, Solana Beach, and Oceanside that connect the region to the rest of the nation. NCTD's Coaster commuter trains operate south from Oceanside to downtown San Diego, serving the cities of Carlsbad, Encinitas, Solana Beach, and San Diego. The Burlington Northern Santa Fe (BNSF) Railway is the freight rail operator on the corridor, operating trains from the Port of San Diego north.

As noted above, the proposed project is the latest and largest of an ongoing multi-year and multi-phase effort to protect the existing railroad track in Del Mar. To date, SANDAG and NCTD have completed extensive field investigations and geotechnical studies to characterize the nature and cause of bluff erosion, have identified and prioritized the areas in need of stabilization, and completed several stabilization-related projects. A list of the projects carried out since 1996 is included in **Exhibit 8**.

Of these previous projects, the Commission's concurrence with the Del Mar Bluffs Project 4 is particularly notable in that it provided a process roadmap for subsequent projects, including the currently proposed project, that were being considered and undergoing initial planning at the time. Critical elements of that process roadmap included the Commission's acceptance and support for a "project-based" mitigation approach (as opposed to an "in-lieu fee" based approach) to address adverse impacts to coastal access and recreation associated with SANDAG's construction of seawalls, as well as memorialization of SANDAG's commitments to: (1) complete and provide to the Commission the results of a comprehensive study on coastal access opportunities, needs and challenges in the Del Mar area (referred to as the "Coastal Connections Study"); and (2) submit a draft proposal to, and begin coordination with, Commission staff on access and recreation mitigation for its next project in advance of the submittal of a consistency certification for that project. This proactive approach was intended to ensure that future projects—such as the current one—would be brought to the

Commission with “shovel-ready” public access projects included in the overall project, thereby ensuring that mitigation would occur simultaneously with project construction.

Unfortunately, SANDAG has been unable to fully meet the expectations and commitments outlined in that prior authorization. Although SANDAG has begun and progressed significantly on the Coastal Connections Study, it did not meet the February 2022 deadline for completion of the study, and the study remains several months from completion, with key elements such as stakeholder outreach yet to be started. In addition, SANDAG submitted its consistency certification for the current project without a proposed mitigation approach for the approximately ½ mile of seawalls it proposes and without any advance outreach to Commission staff regarding access and recreation mitigation. This failure of SANDAG to meet its commitments and follow the process roadmap established by the Commission in the Del Mar 4 Project has led to significant challenges with the review of the current project. Compounding these challenges has been SANDAG’s strong, stated need to begin construction of the proposed stabilization measures in advance of the 2023 rainfall season, and Commission staff’s accommodation of that need by expediting its review process to meet SANDAG’s preferred June hearing date. The Commission understands, however, that SANDAG’s project is motivated by safety concerns about the instability of the bluff and the critical nature of the rail corridor.

B. Project Description

The proposed project would stabilize areas along the bluffs that were not included in previous, Commission-authorized projects and would retrofit existing, previously approved stabilization infrastructure. SANDAG has proposed these efforts to help protect the existing railroad track and maintain it for rail operations, including passenger and freight, until it can be relocated off the bluffs. SANDAG initially began to plan for relocation of the tracks in early 2020 with 2050 identified as the target date for complete relocation. The recently adopted SANDAG regional transportation plan, called San Diego Forward (2021), accelerated the timeframe to move train service off the bluffs and identified the year 2035 as the new target. SANDAG is currently in the process of planning to relocate the tracks consistent with the regional transportation plan; however, given the magnitude and complexity of that effort and outstanding funding needs for final design, environmental review, and construction, implementation of the relocation would likely extend beyond the target date of 2035.

The proposed project can be grouped into the following categories of development: upper bluff stabilization structures, seawalls and changes to the bluff slope, installation of new drainage infrastructure and retrofit of existing drainage systems, access road improvements, public access improvements, and after-the-fact approval for emergency work. Except for the after-the-fact emergency work, all of the individual stabilization components of the project included within these categories of development were analyzed in order to determine urgency and priority. This analysis was based on engineering factors of safety, distance from the bluff face to the center of the track, the specific bluff retreat rate, steepness of the bluff face, geologic units, the presence of any existing failures, field observations, review of survey data, and drone flight videos. High priority components were determined to be the most immediately necessary, followed

by medium, and then low. SANDAG has proposed to first address components identified as high and medium priority. Depending on the amount of available funding and resources for the project following completion of high and medium priority components, remaining medium and low priority components would then be constructed. A complete list of all of the project components and their priority ranking is included in **Exhibit 3** and a complete description of all of the project components is included in **Appendix B**. Although the rail corridor is planned to be relocated off of the bluffs by 2035, SANDAG has designed the proposed project to provide protection for the track for the next 30-years (until approximately 2050).

The project components can be generally described as follows:

Upper Bluff Stabilization Structures
The proposed subsurface stabilization improvements would consist of new stabilization structures and retrofits of existing stabilization structures. The new stabilization improvements would consist of a below ground soldier pile wall at the bluff top. This type of wall would consist of 36-inch to 42-inch diameter vertical piles placed at 9 to 10 feet on-center with a connecting cast-in-place concrete pile cap or grade beam at the top. If the wall needs to retain soil, the exposed surface between the piles would be in-filled with facing material (lagging) and for taller walls, tieback anchors would be installed. In total, SANDAG is proposing to install approximately 3,800 linear feet of these structures across 40 individual sites ranging from 59 to 165 feet long.

The proposed track support retrofit areas would consist of adding lagging and tiebacks to existing piles. A shotcrete facing would be connected directly to the anchors similar to the emergency repair at 15th Street. The shotcrete lagging would be finished with a sculpted face similar to the color and texture of the existing bluff.

Seawalls and Changes to Bluff Slopes
The inclusion of seawalls and surface stabilization as part of the project is proposed by SANDAG to reduce erosion of the bluffs and improve overall bluff stability. As a result, in areas where seawalls are proposed, the project would be able to reduce the amount of bluff top improvements (number of tiebacks and depth of lagging) and therefore reduce disturbance to the upper bluff face.

Proposed seawalls would be constructed in-line with existing seawalls and would consist of vertical piles placed at 6 to 8 feet on center with wood lagging panels. The pile construction would be similar to the piles placed for track stabilization. The space behind the piles would be backfilled with rip-rap up to the top of the seawall and fill will be placed behind the seawalls at a slope ratio ranging from 5:1 to 2:1. In total, SANDAG is proposing to install approximately 2,540 linear feet of these structures across eight individual sites ranging from 48 to 814 feet long. These totals include the 290 foot long seawall and 161 foot long cutoff wall constructed on the beach as part of the emergency repairs discussed below.

Drainage Improvements
The proposed drainage improvements would occur within 15 different locations throughout the 1.6 miles of the Del Mar bluffs (as shown in **Exhibit 7**). The improvements generally would include: new and/or increased concrete trap ditches, new and/or improved drains and outlets, increased capacity for inlets, installation of debris control measures, installation of splash walls on the existing channels at the ends of City streets, replacement of down drains, repairs to existing culverts, and addition of underdrains.

In addition to these proposed new and enhanced drainage features, SANDAG also proposes to carry out a variety of activities to prevent surface erosion on the inland side of the rail line between Seagrove Park and 10th Street.

Access Road Improvements
The proposed access road improvements would include regrading the existing access roads at the south end of the corridor. A 6-inch DG surfacing would be added to improve stability while still maintaining the pervious surface.

Staging, Access and Construction Methods
Potential construction entrance areas would be located near the northern project limits at Coast Boulevard, at the termini of 8th Street and 7th Street, and near the southern project limits at Torrey Pines State Beach. These entrances would provide construction access along the east and west sides of the railroad tracks within the project limits using existing NCTD maintenance access roads. A temporary rail crossing would also be provided at 7th Street to allow construction vehicles to cross the tracks to access construction areas and staging locations.

Construction Duration
The overall construction schedule is estimated to take approximately 36 months; however, plant establishment from revegetation could take an additional two to three years. The timing of construction of the various components would depend on which can be conducted during active rail use. Construction of the various components would take place concurrently depending on site specific constraints.

Public Access and Recreation Improvements
As discussed further in the shoreline structures and geologic hazards section of this report, SANDAG is seeking Commission authorization for approximately 2,500 linear feet of seawalls that would result in the loss of approximately 49,566 square feet of sandy beach and 17,824 cubic yards of sediment that would otherwise augment beach sand levels. To address the resulting adverse impacts to coastal access and recreation from these seawalls, SANDAG is proposing to carry out a capital improvement project that includes planning, design, environmental review and then construction of three significant coastal access and recreation features. These include a designated railroad crossing at either 7th Street or 11th Street, a beach accessway from the bluff top to the beach below, and enhancement and formalization of the existing informal blufftop trail between 4th Street and Seagrove Park. Existing informal accessways that continue both

upcoast and downcoast of the proposed trail would not be enhanced and formalized but would remain available for informal use.

Conceptual plans for these three access and recreation improvements are currently being developed in the ongoing Coastal Connections Study. The approach being taken with the study is to identify several options for each of the three access and recreation improvements. For example, although SANDAG has only committed in its proposed capital improvement project to construct a single pedestrian rail crossing in the project area, concepts are being developed for under-, over-, and at-grade rail crossings at both 7th and 11th Streets. Similarly, although SANDAG's capital improvement project would include a single beach accessway, conceptual designs are being developed for both 7th and 11th Streets. The current concepts for 11th Street include an ADA-compliant ramp system, an improved trail and stairway combination, or a simple enhancement of the existing informal trail (installation of simple erosion control features such as water bars and individual steps) to help make it usable by a wider range of the public. This study is being carried out as part of the package of coastal access and recreation mitigation commitments made by SANDAG in 2019 during the Commission's review of the Del Mar Bluffs Stabilization Project 4 (Consistency Certification No. CC-0004-18). However, because the study has extended well past the February 2022 deadline committed to by SANDAG as part of that consistency certification, these conceptual designs are only partially complete. In addition, the public and stakeholder outreach portion of the study – during which community preferences and potential concerns with the concepts would be identified - has yet to begin. Because of this, SANDAG has stated that it is unable to identify the specific locations and designs of the access and recreation improvements that it would ultimately include in its capital improvement project.

However, to help expedite and streamline construction of that capital improvement project, these findings include a Coastal Act consistency analysis of several of the conceptual designs that have been developed. While some of the more complex concepts (such as the ADA-compliant ramp system) are not yet advanced or refined enough to allow for a full analysis, some of the other concepts have been more completely developed or are simple enough for the Commission to evaluate at this time. These are more fully described in **Appendix B** and include an enhancement and expansion of an existing informal blufftop trail on the landward side of the tracks between Seagrove Park and 4th Street, an at-grade pedestrian rail crossing near the end of 7th Street or 11th Street, and improvement of an existing informal beach access trail near the end of 11th Street.

This evaluation is being done in advance of the completion of the ongoing planning, design and outreach work of the study but would not replace or pre-judge the outcome of that necessary work. Instead, by completing the Coastal Act evaluation and consistency authorization for certain coastal access and recreation design concepts at this time, SANDAG would not need to go through additional Commission review if, once the study is complete, it selects an option that the Commission has already found to be consistent with the Coastal Act. By providing Commission review in this way,

construction of the access and recreation improvements may be expedited and streamlined.

However, SANDAG would also retain its full ability to instead decide, at the completion of the Coastal Connections Study process, to pursue an option that the Commission has not already vetted in these findings. Under this scenario, SANDAG would need to go through the process of seeking Commission concurrence for that changed aspect of the project prior to construction. Because the Commission is reviewing the proposed project through the federal consistency process as a consistency certification, the process that would be followed for that future Commission review is laid out in Section 930.65 of the federal consistency regulations. As established through Commission review of past projects under Section 930.65 that involved modifications to previously reviewed consistency certifications (such as NE-0001-19 for modification to Consistency Certification No. CC-0004-15[1]) the Commission would consider if the change would cause the project to have an effect on any coastal use or resource substantially different than originally described and, as a result, would no longer be consistent with the Coastal Act. If the change is determined to not be substantially different and is still consistent with the Coastal Act, the project and proposed change could proceed. If the change is determined to be substantially different and no longer consistent with the Coastal Act, Commission staff would work with SANDAG to identify modifications or alternatives that could be implemented to achieve consistency and then bring them to the Commission for its consideration.

Emergency Repairs

The proposed project also includes a request for after-the-fact authorization for two emergency repairs, one at MP 245.2 and another at Anderson Canyon. Work on the emergency repairs began on March 13, 2021. As of the date of this staff report all of the necessary engineering and structural support work for the emergency repair is complete and SANDAG has begun revegetation of the reconstructed slope.

The emergency repairs at MP 245.2 included grading of the landslide area, installation of soldier piles at the top of the bluff, construction of a buttress, drainage improvements, and construction of a new 290 foot long, five to 13 foot-high tapered seawall with rip rap placed at both ends. Construction of the seawall required 53 soldier piles, spaced five to six feet apart, with wood lagging panels between them.

At Anderson Canyon, SANDAG built a 161 foot long cutoff wall located 2.5 feet seaward of the existing seawall and installed weepholes along the length of the Anderson Canyon seawall to mitigate potential hydrostatic pressure. The cutoff wall was constructed with 47 piles spaced 2.5 feet apart and a grade beam at the top of the piles.

Project plans and as-built photos of these emergency repairs are included in **Exhibit 6**.

[1] This involved another SANDAG rail project and its request – subsequent to the Commission's concurrence with its consistency certification - to permanently retain a construction access road that was originally proposed to be temporary.

C. Security Fencing

Although the North County Transit District has expressed interest in the installation of security fencing along the length of its railroad ROW within the City of Del Mar, this activity is not proposed by SANDAG as part of the Del Mar Bluffs Stabilization Project No. 5, was not included in its consistency certification and is therefore not evaluated or considered further in this report.

D. Commission Jurisdiction and Standard of Review

The project triggers federal consistency review because SANDAG is required to obtain federal authorization under Clean Water Act Section 404 and Section 10 of the Rivers and Harbors Act for the project, and because it involves federal funding. The standard of review for this consistency certification is the Chapter 3 policies of the Coastal Act.

As noted in the Commission's adopted findings in support of its concurrence on CC-0004-18, the Commission, SANDAG, and NCTD have had a longstanding disagreement over whether SANDAG and NCTD rail projects are subject to state permit requirements. The Commission has generally agreed during past reviews, and is repeating this interpretation here, that as long as all the entities can agree as to the activity's consistency with the Coastal Act, it is not necessary to resolve any question as to the necessity of a coastal development permit.

E. Other Agency Approvals

U.S. Army Corps of Engineers (USACE)

SANDAG has applied to the USACE for a federal Clean Water Act Section 404 permit and authorization under Section 10 of the Rivers and Harbors Act. Commission staff have coordinated with USACE staff during the course of this review and will be carrying out additional coordination following the Commission's decision to help ensure compliance with applicable federal consistency regulations.

San Diego Regional Water Quality Control Board (SDRWQCB)

SDRWQCB staff are in the process of determining what level of review and permits may be required pending the results of jurisdictional waters of the United States verification. SANDAG has not yet submitted a permit application to the SDRWQCB.

Federal Railroad Administration (FRA)

The FRA is acting as the federal lead agency under the National Environmental Policy Act (NEPA) and determined on March 16, 2021, that the project meets the criteria for one of the class of actions that is categorically excluded from NEPA pursuant to Title 23 CFR 771.116(c)(20 and 22). In addition, the FRA is providing partial funding for the project.

California Department of Parks and Recreation (DPR)

SANDAG will apply to the DPR for a Right of Entry Permit for access to project sites from the beach.

City of Del Mar
SANDAG will apply to the City of Del Mar for an Encroachment Permit for work within the City's Right-of-Way.

Tribal Consultation
SANDAG retained a consultant (PanGIS) to conduct cultural resources studies for the project and coordinated with staff from the FRA to conduct Native American tribal outreach. FRA staff sent letters or emails and made follow-up phone calls to 28 tribal representatives in April 2021 and received two replies to the information requests. The tribes contacted were: the Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation, the Augustine Band of Cahuilla Mission Indians, the Barona Group of the Capitan Grande Band of Indians of the Barona Reservation, the Cabazon Band of Mission Indians, the Cahuilla Band of Indians, the Campo Band of Diegueno Mission Indians of the Campo Indian Reservation, the Capitan Grande Band of Diegueno Mission Indians of California, the Ewiiaapaayp Band of Kumeyaay Indians, the Iipay Nation of Santa Ysabel, the Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation, the Jamul Indian Village of California, the La Jolla Band of Luiseno Indians, the La Posta Band of Diegueno Mission Indians of the La Posta Indian Reservation, the Los Coyotes Band of Cahuilla and Cupeno Indians, the Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation, the Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation, the Morongo Band of Mission Indians, the Pala Band of Luiseno Mission Indians of the Pala Reservation, the Pauma Band of Luiseno Mission Indians of the Pauma & Yuima Reservation, the Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation, the Ramona Band of Cahuilla, the Rincon Band of Luiseno Mission Indians of the Rincon Reservation, the San Pasqual Band of Diegueno Mission Indians, the Santa Rosa Band of Cahuilla Indians, the Soboba Band of Luiseno Indians, the Sycuan Band of the Kumeyaay Nation, the Torres-Martinez Desert Cahuilla Indians, and the Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation. The FRA also identified organizations who may have an interest in the project. The organizations contacted were: the Juaneno Band of Mission Indians-Acjachemen Nation, the Kwaaymii Laguna Band of Mission Indians, and the San Luis Rey Band of Mission Indians. As discussed further in the Cultural Resources Section of this report , Commission staff reached out to the Native American Heritage Commission for a list of potentially affected Tribes and reached out to 13 listed Tribal contacts by letter and email in March of 2022. The Commission staff received a response from the Viejas Band of Kumeyaay Indians stating that the project area has a rich history and cultural significance and requested that cultural monitors be present for all ground-disturbing activities. SANDAG informed the Commission staff on April 14, 2022, that as with previous consistency certifications for LOSSAN rail projects, it would take steps to ensure that Tribal cultural monitors would be present during project ground disturbing activities.

F. SHORELINE STRUCTURES/GEOLOGIC HAZARDS

Section 30235 of the Coastal Act States:

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

Section 30253 of the Coastal Act States (in part):

> New development shall do all of the following:
>
> (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
>
> (b) 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…

Section 30270 of the Coastal Act States:

> The Commission shall take into account the effects of sea level rise in coastal resources planning and management policies in order to identify, assess, and, to the extent feasible, avoid and mitigate the adverse effects of sea level rise.

The proposed project includes extensive shoreline armoring, including approximately 2,500 linear feet of walls and placement of rip-rap fill behind and at the ends of several wall sections. The purpose of this armoring is to stabilize and protect the Del Mar bluffs from erosion so that the existing rail line on the bluff top can continue to be operated. Because the project involves shoreline armoring and protection of existing critical infrastructure, it is evaluated below for consistency with relevant sea level rise policies and those sections of the Coastal Act that require consideration of alternatives and the analysis, minimization and mitigation of adverse impacts, while also assuring stability and structural integrity.

Sea Level Rise Analysis

The State of California has undertaken significant research to understand the possible range of sea level rise amounts to expect over this century based on future emission scenarios, and to anticipate the likely impacts of such sea level rise. In April 2017, a working group of the Ocean Protection Council's (OPC) Science Advisory Team released "Rising Seas in California: An Update on Sea-Level Rise Science." This report

synthesized research on sea level rise science at the time, notably including probabilistic sea level rise projections, as well as the potential for rapid ice loss to lead to extreme sea level rise. This science synthesis was integrated into the OPC's State of California Sea-Level Rise Guidance 2018 Update (Guidance). This OPC Guidance document provides high-level, statewide recommendations for state agencies and other stakeholders to follow when analyzing potential sea level rise vulnerabilities for various projects.

The appropriate time horizon to use to evaluate sea level rise depends on the expected useful life of development, after which point development is expected to be removed, replaced, or redeveloped. The Commission's Sea Level Rise Policy Guidance for Critical Infrastructure (SLR Guidance)[2] identifies transportation infrastructure, such as the LOSSAN rail corridor, as "critical" infrastructure given its long design life, generally low adaptive capacity, and the high consequences associated with its failure. In such cases, the OPC Guidance and Coastal Commission SLR Guidance recommend that applicants understand the risks associated with the medium-high risk aversion scenario and extreme (H++) risk aversion scenario and anticipate the need to plan for those scenarios over the expected life of the structure, which for critical infrastructure like the rail corridor is typically considered to be 100 years[3]. Taken together, the Rising Seas science report, updated OPC Guidance, and the Commission's SLR Guidance represent the current best available science on sea level rise for the State of California.

The OPC Guidance provides sea level rise projections, which the Commission adopted in 2018, for twelve California tide gauges, and recommends using the projections from the tide gauge closest to the project site. In this case, the La Jolla Tide Gauge is the closest. The following table depicts projected sea level rise at the La Jolla Tide Gauge under low-risk, medium-high risk, and extreme-risk aversion scenarios over the 30 year design life of the project proposed by SANDAG (based on the planned relocation of the line to a more inland location) as well as the 100-year project life as recommended by the Commission's SLR Guidance for critical infrastructure. The probabilities assigned to each scenario are for the likelihood that a given Sea Level Rise amount would be met or exceeded.

Projected Sea Level Rise (in feet)			
Year	Low-Risk Aversion (~17% probability)	Medium-High Risk Aversion (~0.5% probability	Extreme Risk Aversion (no associated probability)
2050	1.2	2.0	2.8
2120	4.3	8.8	14.3

[2] https://documents.coastal.ca.gov/assets/slr/SLR%20Guidance_Critical%20Infrastructure_12.6.2021.pdf
[3] Although the typical expected life of critical rail corridors is 100 years, as discussed previously in this report, SANDAG has identified a planning target of 2035 for complete relocation of the rail line off of the Del Mar bluffs. Conservatively providing approximately 17 years beyond that planned relocation date, SANDAG has designed the proposed stabilization measures with a design life of 30 years.

Future SLR is expected to exacerbate the existing problems of bluff erosion and instability on the Del Mar bluffs and will further threaten operations on the railroad corridor. Over time, sea level rise will tend to (i) shrink the distance between breaking waves and bluff toe and (ii) increase water depths and reduce wave attenuation in the nearshore, with the net effects of increasing the frequency and force of wave attack and accelerating bluff toe erosion. Although both the rate of future sea level rise and the sensitivity of the bluff to erosion response are uncertain, the potential for large amounts of sea level rise and accelerated bluff retreat in future decades must be factored into assessments of development risk, the design of protective structures, and adaptation strategies.

Adaptation Strategy

Although, as described above, statewide sea level rise guidance for critical infrastructure calls for considering and planning for a 100-year horizon and associated sea level rise projections, SANDAG's project proposes to deviate from this approach. This is because, unlike much critical infrastructure with high hazard exposure and little adaptive capacity, SANDAG has identified and begun pursuit of an adaptation strategy for the rail corridor on the Del Mar bluffs. SANDAG's 2021 Regional Transportation Plan identifies priorities to ensure that critical resiliency adaptations to the transportation system are made, including relocating the tracks off of the Del Mar bluffs due to their susceptibility to failure and inability to accommodate double-tracking. In the summer of 2020, SANDAG initiated a preliminary study (as part of a larger San Diego Regional Rail Alternative Alignment and Improvements Study) to evaluate five inland tunnel alternatives, including conceptual engineering and associated technical reports, cost estimates and implementation plans. The next step would be for SANDAG to conduct environmental review and engineering/design for the preferred alternative(s). When a tunnel alignment is selected and constructed, the existing rail track on the Del Mar Bluffs would be removed. SANDAG acknowledges that much additional planning is necessary before a tunnel alignment is identified. Recent direction from the SANDAG board accelerated the timeline for relocating the tracks from the bluffs by 2035 (the previous target date was 2050); however, final design, environmental review, and implementation of the relocation could extend beyond the target date of 2035, especially given that funding has yet to be obtained for design, environmental review, or construction. The cost for such a project is currently estimated at $2.3 billion.

Relocation of the tracks off of the bluffs is consistent with the North Coast Corridor Public Works Plan (PWP), which provides further guidance and analysis of the need for rail corridor maintenance at this location and the benefits that would arise from track relocation off the bluffs. In addition to including the same Coastal Act requirements as discussed in this staff recommendation, the PWP states:

> The proposed rail improvements provide a unique opportunity to improve the coastal bluff area in Del Mar with an option to remove the existing rail service from the bluff area, thereby alleviating the need for ongoing maintenance of shoreline protection devices previously permitted to ensure stability of the bluffs and rail operations. Should the rail service be removed from the coastal bluffs in this area, there could be an additional opportunity to remove the existing

> shoreline protective system and restore the coastal bluff and thus reduce long-term shoreline erosion impacts associated with those shoreline structures; however, it is also recognized that there is a need for the existing, permitted shoreline protection system at the Del Mar Bluffs to protect the existing rail facility, and that this system could require maintenance to maintain site stability and rail operations in this area.

Because SANDAG is actively planning to relocate the railroad in the relatively near future and is trying to avoid any reliance on permanent protection, the Coastal Impact Report prepared for the project analyzed the anticipated sea level rise differently than for a critical infrastructure project with a more typical 100-year design life. The approach is described in the Coastal Impact Report as follows:

> The most current synopsis of sea level rise projections for the State of California is documented in the California Ocean Protection Council, Science Advisory Team 2018 report, State of California Sea-Level Rise Guidance (Ref 3). The estimates outlined in the report represents a best practice for quantifying sea level rise on the California coastal areas. A previous report released in April 2017 by OPC entitled Rising Seas in California, An Update on Sea-Level Rise Science, provided a fuller range of projections. San Diego County is located within the La Jolla gage area, summary tables from those reports are provided in Appendix B-1. Sea level rise estimates based on the OPC documents assume a baseline year of 2000. The 2018 report categorizes the sea level rises as “Likely Range”, “Median”, “1 in 20 Chance” and “1 in 200 Chance”. The “Median” corresponds with a 50% chance that the sea level rise rate will be met or exceeded; “1 in 20 Chance” corresponds to a 5% chance, and “1 in 200 Chance” a 0.5% chance. A final condition referred to the H++ or extreme scenario is a theoretical highest level of sea level rise that has an unknown probability of occurrence. For the purposes of the Proposed Bluff Stabilization Project 5, the 5% and 0.5% chance of occurrence, and H++ scenarios were considered.

Neither the OPC’s guidance nor the Commission’s SLR guidance identify any specific contexts in which the 1 in 20 scenario would be applied. Both guidance documents identify the low, medium-high and extreme scenarios as the appropriate range of projections to be considered in project planning and design while providing enough flexibility to allow for final decisions to consider specific priorities or tradeoffs. For the proposed project, SANDAG initially considered the 1 in 20, low, medium-high and extreme scenarios; however, because SANDAG considers the protection to be temporary and also because of the low likelihood of the medium-high and extreme scenarios occurring before the tracks are proposed to be relocated, SANDAG determined that analyzing the project pursuant to the 1 in 20 scenario (which accounts for the 95th percentile of SLR projections in the OPC study) would be most reasonable and adequately precautionary.

Considering this approach, the anticipated sea level rise for the project analyzed in these findings is identified in the table below. For comparison purposes the anticipated

sea level rise pursuant to the Commission's guidance for critical infrastructure with an expected design life of 100 years is reiterated in the table.

Projected Sea Level Rise (in feet)				
Year	Low-Risk Aversion (~17% probability)	1 in 20 (5% probability)	Medium-High Risk Aversion (~0.5% probability	Extreme Risk Aversion (no associated probability)
2030	0.6	0.7	0.9	1.1
2040	0.9	1.0	1.3	1.8
2050	1.2	1.4	2.0	2.8
2120	4.3	5.5[4]	8.8	14.3

As shown in the table, although the difference in sea level rise between the 1 in 20 and the low-risk aversion scenario for a given year is relatively small, the difference between the 1 in 20 and low-risk aversion scenario compared to the medium-high and extreme risk aversion scenarios is greater and these discrepancies increase over time. In 2050, at the end of a 30-year design life, the differences between the 1 in 20 and medium-high and extreme risk scenarios are relatively modest, from 0.6 – 1.4 feet. But by 2120, which would equate to a 100 year design life, the critical infrastructure included in this project could be experiencing between 4.5 and 10 feet more sea level rise under the medium-high and extreme risk aversion scenarios, as compared to the 1 in 20 and the low-risk aversion scenarios.

With SLR, shoreline development will experience increasingly hazardous conditions, including worsening inundation, storm flooding, and erosion. On a relatively flat shoreline, even small amounts of SLR can cause large losses of beach width. For example, for a shoreline with a slope of 40:1, a simple geometric model indicates that every foot of SLR will result in a 40 foot landward movement of the ocean/beach interface, resulting in significant loss of beach habitat and recreational space as well as representing a change in the location of public tidelands subject to the public trust doctrine. This change could also expose previously protected backshore development to increased wave action, and those areas that are already exposed to wave action will be exposed more frequently and to higher wave forces.

As discussed previously, the Commission's SLR Guidance recommends analyzing critical infrastructure (like the proposed railroad development) under the medium high-risk aversion and extreme-risk aversion scenarios because of its typically long design life, low adaptive capacity, and the high consequences associated with its failure. Here, the proposed improvements are intended to be temporary stabilization measures until the railroad is relocated, existing shore protection along other parts of this rail section

[4] The value for anticipated sea level rise under the 1 in 20 scenario for the year 2120 was derived from Table 31 of the OPC SLR Guidance: https://opc.ca.gov/webmaster/ftp/pdf/agenda_items/20180314/Item3_Exhibit-A_OPC_SLR_Guidance-rd3.pdf

has been designed for only 1 to 2 feet of sea level rise, and use of higher risk aversion scenarios would result in more robust engineering that would be more difficult to remove. For these reasons, SANDAG believes that analyzing the project under the 1 in 20 and low-risk aversion scenarios within that timeframe is appropriate. Because SANDAG has committed to relocating the tracks and is actively in the process of planning for relocation, considering a shorter design life of the critical infrastructure included in this application is appropriate. **Condition One** would memorialize SANDAG's commitment to relocate the tracks and remove the seawalls at that time by establishing a 30-year term for the Commission's authorization of the seawalls that provide stabilization and requiring SANDAG to seek Commission authorization for removal of the seawalls prior to that date or upon completion of track relocation, whichever occurs first. The intention is to ensure that the armoring features are left in place only for as long as needed to protect the now-existing railroad tracks and that they will be removed when no longer needed for this purpose.

The coastal hazard analysis provided by SANDAG examined the proposed stabilization measures and determined that they would effectively prevent any further retreat of the bluff toe and determined that there would be less than a 10% chance that waves would overtop the seawalls in any given year under existing conditions. The report states that wave heights would not be expected to increase over time, but because of SLR more frequent overtopping of the seawalls would be expected. A major concern of overtopping of the seawall would be erosion and scour of the bluff face inland of the wall. SANDAG proposes to backfill the area behind several of the proposed seawalls with riprap in order to minimize erosion and undermining of the seawalls. The slope directly behind other proposed seawalls would also be graded or altered through the placement of fill material at a slope ranging from 5:1 to 2:1 to buttress the slope and reduce erosion of the natural bluff face from any wave overtopping. The area behind Components DMB2 (SN1S) and DMB2 (SN2) would also receive anchored turf reinforcement mats. **Exhibit 5** indicates the location and extent of each of these proposed reinforcement methods and shows which area of bluff would be covered in fill material and which would be graded. While the Climate Impact Report did not evaluate overtopping with future conditions, SANDAG believes these measures would provide appropriate erosion countermeasure features to ensure that the railroad infrastructure would be sufficiently protected until the tracks can be relocated off of the bluffs. It should also be noted that SANDAG initially proposed to carry out significantly more bluff grading and re-contouring work in its initial consistency certification for the project but was able to reduce the area of bluff face to be graded by approximately 71% through implementation of alternative stabilization and reinforcement methods. These methods include the proposed use of rip rap behind the proposed seawalls and placement of fill over the low half of certain bluff sections to achieve more gradual slopes. However, this approach does come with a trade off as reducing the overall area of grading by implementing more gradual slopes would require pushing the footprint of some seawalls further out and thus would occupy more of the sandy beach. The loss of beach area for at most 30 years was weighed against the permanent disturbance of the mid and upper bluff.

Additionally, SANDAG's design of the proposed seawalls with a limited life of 30-years and planned future removal also helps to minimize adverse effects on the bluffs and coastal resources. First, because the combined upper bluff stabilization and seawall components have a relatively short design life, the design helps ensure that the development is the minimum necessary to support the railroad until it can be relocated. Designing the bluff stabilization measures as a more permanent protection measure for upwards of 100 years would require more significant and larger construction (e.g., deeper soldier piles, more tiebacks and lagging, higher and more robust seawalls, more bluff face fill, etc.) which in turn would more substantially alter the bluffs and displace sandy beach areas. Secondly, the proposed seawall design allows the seawalls to be more easily removed once the tracks are relocated. Once the tracks are relocated, the lagging between seawalls would be removed and piles for the seawalls would be removed or cut down below the ground surface. Rip rap behind the seawalls would also be removed, thus allowing the fill material and native bluff soil to be removed or naturally erode onto the beach, thus returning the bluffs to a more natural condition. A combined stabilization/protection project designed to last 100 years would require more substantial and deeper stabilization work into the bluff face or on the beach and would likely be more difficult and destructive to remove.

Impacts from Shoreline Armoring

Coastal Act Section 30235 acknowledges that seawalls, revetments, cliff retaining walls, and other types of shoreline protective devices designed to forestall erosion also alter natural landforms and natural shoreline processes. Accordingly, Section 30235 imposes a limited requirement to approve the construction of shoreline protective works when they are required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion.

The Coastal Act provides this override provision because without it, shoreline structures would rarely be allowed, even when needed to protect historic or coastal-dependent structures. This is because they generally result in a variety of adverse impacts on coastal resources, including on sand supply, public access and recreation, coastal views, natural landforms, and overall shoreline beach dynamics on- and off-site, ultimately resulting in the loss of beach. The first way in which shoreline armoring can reduce available sand supply and public access is that it encroaches directly upon valuable beach space. Second, fixing the backshore prohibits landward migration of the shoreline through natural erosion and sea level rise over time, which results in "coastal squeeze," or the loss of beach space, area of sandy beach, and/or habitat. This reduces the usable area of any beach for the public. The third way in which it can affect sand supply and reduce public access is through a progressive loss of sand due to retention of sandy bluff material that would become beach sand if the bluffs were to continue to erode. Fourth, shoreline protective devices such as revetments and bulkheads can alter patterns of scour, resulting in end effects through the reflection of wave energy to adjacent unprotected sections of shoreline.

Shoreline protective devices also directly interfere with public access to tidelands by impeding the ambulatory nature of the mean high tide line (the boundary between public

and private lands) during high tide and severe storm events, and potentially throughout the entire winter season. In this case, the beach adjacent to the bluffs is entirely public land held by the State of California or the City of Del Mar. The impact of a shoreline protective device on public access is most evident on a beach where wave run-up and the mean high tide line are frequently observed in an extreme landward position during storm events and the winter season. As discussed by SANDAG in its consistency certification, in the case of Del Mar, the existing beach width generally varies between 30 feet to 70 feet depending on the seasonal variation of sand levels and storm activity. During winter, the beach area can be reduced by 25 feet and it can increase by as much as 25 feet in the summer due to changes in the amount and elevation of sand present. The beach elevation can vary by as much as five feet between winter and summer. As such, during winter months, the beach is submerged during periods of higher tides and storm activity, making it impassable for the public. As sea level rises, more beach area would be submerged more frequently and for longer periods, initially during high tide conditions and eventually during all tide conditions. Shoreline protective devices would halt the creation of new, inland beach area to replace the seaward beach that would continue to be lost to erosion and rising sea level, and eventually eliminate all dry beach and all lateral access opportunities along the beach as the entire area seaward of the armoring would be inundated. As discussed further below, projections provided by SANDAG as part of its consistency certification estimate that this would occur within the project area within the next 50 years.

Analysis of Consistency with Sections 30235, 30253, and 30270
Section 30253 prohibits new development that would "in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs." Coastal Act Section 30253 also requires that new development minimize risk, assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area. However, Coastal Act Section 30235 requires the Commission to authorize shoreline protection devices - even if they would be inconsistent with other Chapter 3 policies - when they are necessary to protect an existing structure or public beach in danger of erosion (or when necessary to serve coastal-dependent uses). Thus, while Section 30253 generally prohibits development that requires the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs, Section 30235 requires that such construction be permitted if certain criteria are met, even when it would alter natural shoreline processes.

Specifically, shoreline protective devices may be approved by Coastal Act Section 30235 if: (1) there is an existing structure; (2) the existing structure is in danger from erosion; (3) shoreline-altering construction is required to protect the existing threatened structure; and (4) the required protection is designed to eliminate or mitigate its adverse impacts on shoreline sand supply.[5] Together, these criteria require findings that the proposed armoring is necessary, that it represents the least environmentally-damaging feasible alternative, and that adverse impacts have been eliminated or mitigated. In

[5] Approval of a project also requires that projects be found consistent with the other policies of the Coastal Act in addition to these Section 30235 requirements.

addition, projects approved under Section 30235 must also still be consistent with other Coastal Act policies to the maximum extent feasible, including by incorporating mitigation for other impacts (e.g., visual impacts). [6]

In this case, the railroad tracks are an existing pre-Coastal Act structure that is currently in danger from erosion due to geologic instability and coastal hazards which threaten its structural integrity. The first two tests, above, are therefore met. The type and degree of risk from bluff erosion and instability varies by location but each project segment is expected to be in danger within SANDAG's 30-year planning horizon and most segments face significant, near-term hazards to the safe operation of the railroad corridor. All project segments are experiencing active bluff erosion and retreat, typically occurring episodically in small- to medium-sized erosion events caused by a combination of wave action, ground saturation during storms, heavy groundwater flow, and, in places, uncontrolled runoff. However, the potential for larger-scale bluff failure also exists along the entire project corridor, as evidenced by the February 2021 bluff collapse at MP 245.2, on a bluff segment SANDAG had previously considered to be at relatively low risk. This single bluff failure event extended more than 200 feet alongshore and resulted in up to 25 feet of inland bluff retreat. Based on slope stability analyses conducted by SANDAG, many of the project segments currently possess low factors of safety against bluff failure, especially if subject to strong ground-shaking during an earthquake. Other project segments have adequate factors of safety at present, but are experiencing relatively rapid bluff erosion and retreat, such that future instability beneath the track bed is foreseeable. At a number of the proposed retrofit segments, the bluff edge has retreated to within ten feet of the track, exposing portions of the stabilization piles installed during previous projects (Del Mar Bluff Stabilization Projects 2 and 3). **Exhibit 3** lists the proposed project segments by their priority ranking, which is generally based on the degree and immediacy of the bluff erosion and instability hazard at each site.

The proposed bluff stabilization improvements are intended to maintain stability of the corridor for approximately thirty years, or until 2050, by which time the railroad is planned to have been relocated. As described below, there is no feasible alternative to the bluff stabilization at this time that could both protect the endangered pre-Coastal Act structure and remain consistent with all applicable provisions of the Coastal Act. Thus, the proposed stabilization improvements are needed to ensure the near-term geologic and engineering stability of the existing railroad. Because there is no feasible alternative to meet the need for stabilization, the third test is met.

Finally, the project meets the fourth test because the selected design alternatives and mitigation measures (specifically, **Conditions 1 through 7**) would eliminate or mitigate adverse impacts on local shoreline sand supply, as well as on other resources. Thus, while the project cannot be found consistent with Section 30253's prohibition on protective devices, the armoring in this case is the least environmentally damaging feasible alternative that can achieve the project goal of protecting the threatened

[6] See Ocean Harbor House Homeowners Assn. v. California Coastal Com., 163 Cal.App.4th 215, 242.

structure. The project may thus be authorized using the "override" provision of Section 30235.

Coastal Act Section 30270 requires the Commission to take into account the effects of sea level rise and to identify, assess, and, to the extent feasible, avoid and mitigate the adverse effects of sea level rise. As described above, in most cases involving critical infrastructure, the Commission analyzes higher risk sea level rise scenarios to ensure stability over a long timeframe. Here, SANDAG's current sea level rise analysis lacks sufficient information for the Commission to conclude that the project would be safe from increased frequency and intensity of wave overtopping through 2050 and beyond under higher risk sea level rise scenarios. Considering a 100-year design life of 2120 under the extreme risk aversion scenario, the site could see sea levels rise 12.9 feet higher than SANDAG's consideration of the 1 in 20 scenario in 2050. If sea levels rise significantly more than projected by SANDAG, the project site would be increasingly vulnerable to high water levels and overtopping, which have potential to threaten the stability of the tracks until they are relocated.

However, due to SANDAG's planning for rail relocation, which is a form of adaptation for this infrastructure, and due to the environmental benefits of not over-engineering the armoring structures (thereby making them easier to later remove), it is appropriate here to analyze the effects of sea level rise using a relatively shorter time frame and sea level rise scenario. However, in order to maintain the shoreline protection structures in their authorized state, ensure structural integrity and promote any needed adaptation, SANDAG has confirmed that it would inspect the seawalls over the authorized life of the development in order to identify damage or changes to these structures that would require maintenance and repair. Thus, while it is appropriate in this instance for SANDAG to construct the structures for a 30 year life, assuming that extreme sea level rise does not occur, SANDAG would also monitor the situation over time to ensure that the structures remain safe for their planned operating life. With this confirmation, the Commission has accounted for the effects of sea level rise and mitigated the effects it will have on the project and on surrounding coastal resources, in conformity with Section 30270.

Alternatives

The project objective of stabilizing the bluffs and rail line can be accomplished through a variety of engineering approaches. Alternatives evaluated by SANDAG include use of soil cement buttresses and soil nail reinforcement as well as predominant use of seawalls on the beach at the toe of the bluffs, predominant use of subsurface piles and lagging on the upper bluffs and a combination of the two. In addition, SANDAG and Commission staff also evaluated a "no project" alternative.

The need for the stabilization and retrofit improvements is described by SANDAG in its consistency certification as follows,

> While the 2021 Regional Plan Update is targeting 2035 for the relocation of the tracks off the bluffs, at this time, the project funding is still to be identified. Based

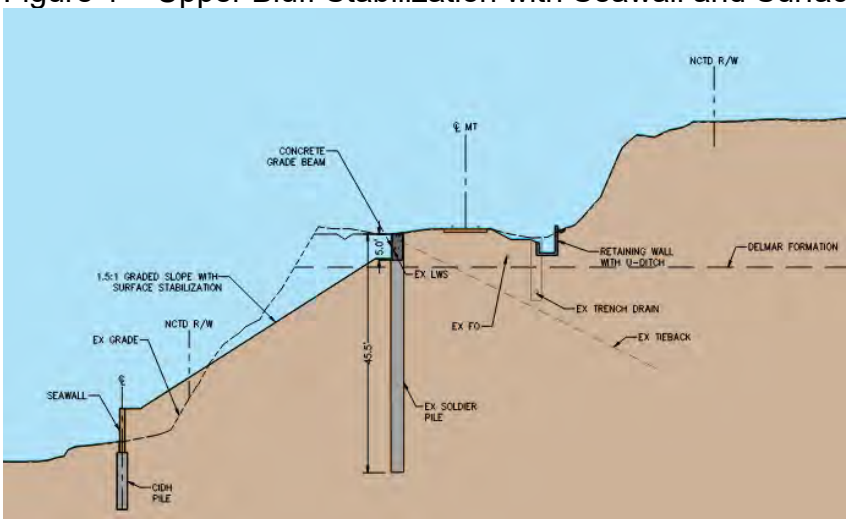
on previous projects of similar magnitude, this project will likely require more than 14 years to clear environmentally, plan, design, fund, and build. Designing the DMB5 improvements for a 30-year timeframe provides schedule contingency, ensuring that the trackbed remains stable while these activities occur.

The proposed construction of seawalls at the toe of the bluff and surface stabilization/grading of the slope behind the walls are the primary project elements that hold the potential for creating adverse impacts to shoreline processes, sand supply, and recreation. The proposed seawalls would be constructed by installing piles at six to seven feet on center, down to a depth of eight feet. The walls would be constructed in line with existing seawalls to an elevation of 15 feet above mean sea level, generally seven to eight feet high as measured from the sand, with wood lagging panels installed between the piles. This construction method is consistent with that used for the approximately 630 linear feet of existing seawalls currently in place within the project area. As shown in **Exhibit 5,** the space behind several of the proposed walls would be backfilled with riprap and fill would be placed behind the seawalls at a slope ratio ranging from 5:1 to 2:1 (H:V).

In addition to seawalls, the project also includes stabilization improvements and retrofit improvements to the bluff top for increased railroad support consisting of solider pile walls placed 11 to 21 feet seaward of the track centerline, lagging between the pile walls, and installation of tieback anchors. The number of piles, depth of lagging, and number of tiebacks at each location along the bluff would be specific to the geotechnical and engineering requirements of each stabilization area. **Exhibit 4** identifies the location and extent of the stabilization features proposed for the upper bluff area.

A complete list of all project components including priority rankings, phases, and amount of development proposed for each component are included in **Exhibit 3**. **Exhibit 4** includes a visualization illustrating where each of the components would be constructed within the bluffs. Figure 1 below provides an illustration showing how the proposed seawalls would function in tandem with upper bluff stabilization measures.

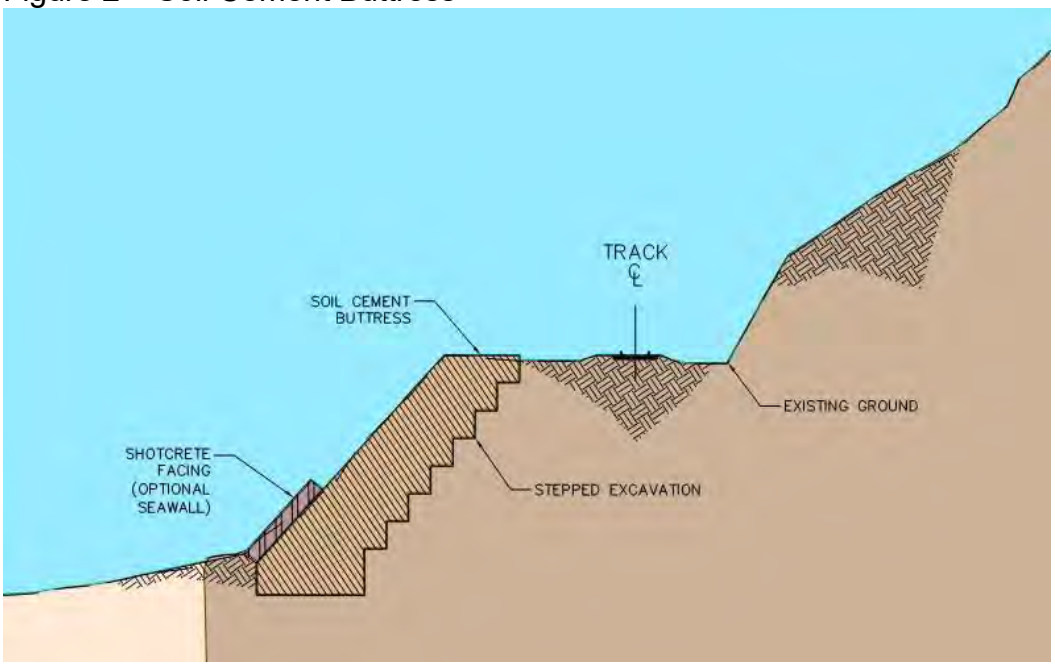
Figure 1 – Upper Bluff Stabilization with Seawall and Surface Stabilization



Soil Cement Buttress

Another alternative to the proposed slope stabilization and seawall construction includes construction of soil cement buttresses. Soil cement consists of a mixture of soil or another type of aggregate mixed with a small amount of cement and water to form a material that can be shaped and applied similar to cement. According to SANDAG this alternative is most viable where the bluffs have previously been graded and fill soils mantle the natural bluff materials. There are only two locations where this would be applicable (SA6N and SA8). To construct a soil cement buttress, the existing slope would be excavated in a terraced configuration to remove unstable material and replaced with soil cement. After curing, the soil cement would need to be covered with a layer of native soil held in place with pipe and board walls. The toe of the soil cement slope would require a layer of shotcrete to prevent erosion at the toe as a result of wave action. Figure 2 below provides a typical cross section of a soil cement buttress.

Figure 2 – Soil Cement Buttress

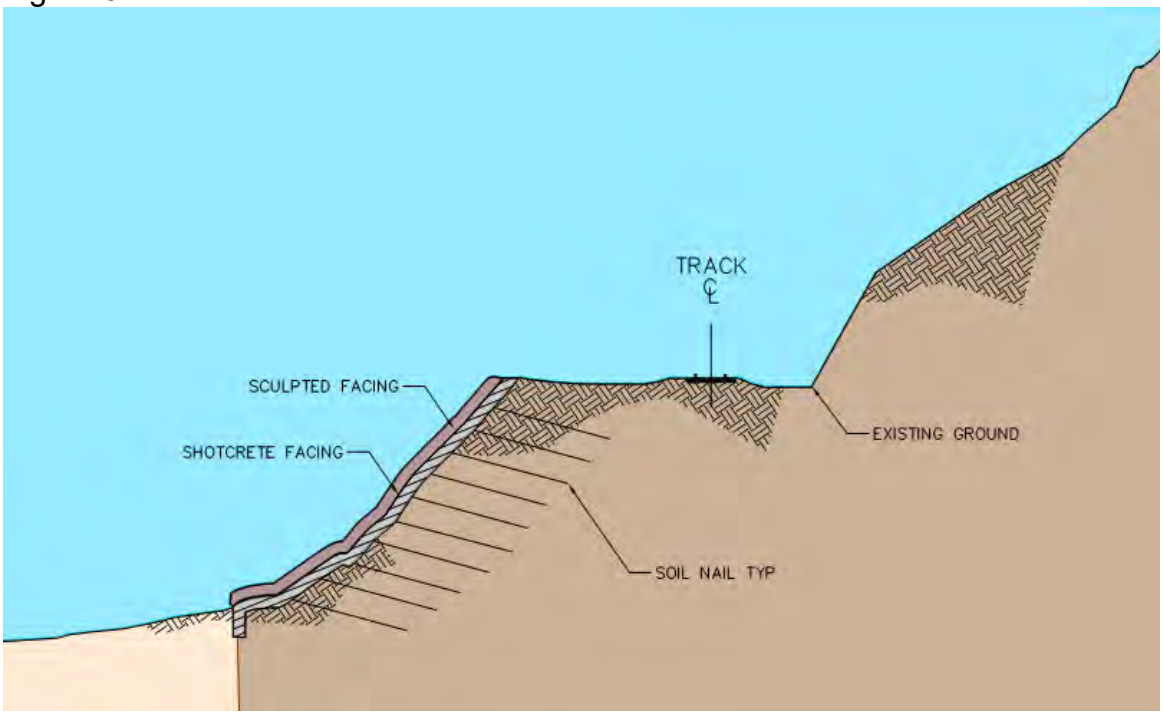


Although this design would eliminate the need for additional pilings and tieback anchors at the top of the bluff, the entire bluff face would need to be removed and replaced with soil cement. Soil cement is a more cost-effective approach to bluff stabilization, but once the tracks are relocated the soil cement would require significant engineering and disturbance to the bluff face to remove. Finally, construction of the soil cement buttress would not eliminate the need for shotcrete facing or a seawall to protect the toe of the slope from erosion. As such, the soil cement buttress alternative would require greater disturbance to the bluff face to construct, would still require toe protection that would encroach upon the public beach, and ultimate removal would be more difficult and destructive to the bluff face compared to the proposed upper bluff work in conjunction with seawalls.

Soil Nail Reinforcement

An additional alternative analyzed by SANDAG would include the use of soil nail reinforcement. This method requires drilling approximately 20 to 50 feet into the bluff face and then grouting high-strength steel bar into place. Next, cast-in-place or shotcrete facing is required to stabilize the soil between the nails. SANDAG concluded that this approach is best suited for areas of dense exposed bedrock where the surface is composed of relatively dense materials and that because the bluff face in the project area is less stable, facing treatments (such as shotcrete) would be strongly recommended. Figure 3 below provides a typical section of a Soil Nail Reinforcement.

Figure 3 – Soil Nail Reinforcement



Similar to the cement buttress alternative, this design would eliminate the need for additional pilings and tieback anchors at the top of the bluff. However, the entire bluff face would need to be covered in concrete or shotcrete for adequate stabilization. Once the tracks have been relocated the removal of the shotcrete facing would not be difficult, but because the soil nails are grouted into the bluff face their removal would require complete excavation which would result in significant disturbance to the bluff face. The soil nail alternative would require greater disturbance to the bluff face to construct, would still require surface stabilization, and ultimately removal would be more difficult and destructive to the bluff face.

Seawall-Only Alternative

Because SANDAG's eventual plan is to relocate the railroad from the bluff in the future and then remove as many as possible of the stabilization structures that had been installed to protect the rail line, SANDAG also considered whether solely constructing temporary bluff toe seawalls instead of new upper bluff stabilization systems would be

feasible. This seawall-only alternative would not require a different design or construction method as compared to the existing seawalls or the proposed seawalls. Seawalls under the seawall-only alternative would be constructed in line with existing seawalls to an elevation of 15 feet above mean sea level (generally seven to eight feet high as measured from the sand) with wood lagging panels installed between the piles. The space behind these walls would be backfilled with riprap and fill would be placed behind the seawalls at a slope ratio ranging from 5:1 to 2:1 (H:V).

As part of its project development process, SANDAG performed geotechnical analysis of the bluffs in order to determine the necessity and extent of stabilization required. The upper bluff components were selected based on the necessary factors of safety to support the railroad against the force of trains moving along the bluff (surcharge loading) and seismic earthquake conditions. Removing the upper bluff stabilization improvements from the project in lieu of solely constructing seawalls would not address these concerns because the projected bluff failure planes are located well above the proposed height of the seawalls. As such, installation of only seawalls with a top of wall design height of 15 feet would not provide the necessary support to the tracks to allow trains to safely operate nor would it protect against strong ground-shaking during earthquakes.

Further, although the seawalls could be designed to be removed upon relocation of the tracks, thus limiting the duration of adverse impacts to beach access and recreation, those impacts would still be maximized compared to other project alternatives while the tracks remain in their current location.

Upper Bluff Only Alternative

Predominant use of upper bluff stabilization measures would minimize adverse project impacts to beach access and recreation, but would also result in installation of more permanent infrastructure that may not be able to be removed once the tracks are relocated and bluff stabilization is no longer necessary. Additionally, because the toe of the bluff would still be exposed to wave action, the bluff face below the areas receiving upper bluff stabilization would continue to be threatened by erosion. In the future, seawalls would still be necessary in these areas to protect the railroad until it can be relocated. As such, an “upper bluff only alternative” would result in more permanent infrastructure and would only delay the construction of seawalls.

No Project Alternative

As summarized in the alternatives analysis provided by SANDAG with its consistency certification, the coastal bluffs are continuously subject to coastal erosion over time and also have a history of episodic landslides and more significant surficial failures. While the average bluff retreat rate within the project area is estimated at a maximum of 0.4 to 0.6 feet per year, corresponding to approximately 15 to 18 feet of retreat over a 30 year period, recent history has demonstrated that large episodic bluff failures can result in more than 20 feet of bluff edge retreat in a single event. Many of the proposed project segments are already vulnerable to bluff instability (especially during an earthquake), at most of the remainder, bluff retreat of this magnitude would threaten the stability of the railroad before it can be successfully relocated inland and away from the bluffs. This

threat of continual erosion within the timeframe of relocating the railroad in conjunction with the threat of severe, episodic erosion events means that a “No Project” alternative, or failure to construct the stabilization features, is not a feasible alternative because it would not fulfill the project objective of providing safety and stability of the tracks for continued rail operations.

Combined Seawall and Upper Bluff Stabilization Alternative

The seawalls and upper bluff work proposed by SANDAG as part of its project have been designed to complement one another so as to minimize overall disturbance to the bluffs. This is important because as discussed previously, upper bluff improvements including piles, tieback anchors, and lagging would be difficult to remove and, in some locations, the process of removal could result in irreversible damage to the bluffs. The seawalls have been designed to be relatively removable once the tracks have been relocated. Lagging between seawalls would be removed and piles would be cut at the depth of the Del Mar formation. This would then allow the bluffs and adjacent beach environment to return to a more natural state. The toe protection provided by the seawalls would reduce bluff erosion and retreat and preserve the stability of the bluffs. In addition, the proposed seawalls would also limit the potential for the upper bluff stabilization infrastructure (subsurface piles and lagging) to be exposed and undercut, thus limiting their efficacy. Although the incorporation of seawalls into the project does not eliminate the need for associated upper bluff stabilization, it does mean that less upper bluff work is necessary to sufficiently support the railroad. With the inclusion of the proposed seawalls in its project, SANDAG was able to reduce from ten to six the number of tieback anchors for new upper bluff stabilization while also reducing the depth of lagging from 20 feet to five feet. The diameter of new piles for upper bluff stabilization was also reduced from 60 inches to 42 inches. For retrofit areas, the inclusion of seawalls also allows the scope of proposed upper bluff work to be minimized, reducing the number of proposed tieback anchors from 33 to 15 and the depth of lagging from 30 feet to five feet.

Conclusion

The proposed seawalls and upper bluff stabilization have been designed and selected to be the most minimal amount of development necessary to support the railroad until it can be relocated. Initially, SANDAG designed the project to include development that would have provided sufficient stabilization to support the railroad for 50 years. As a result of coordination with Commission staff, SANDAG was able to focus on only the most necessary seawalls and upper bluff stabilization to support the railroad for the next 30 years. Additionally, by incorporating seawalls into the project that would ultimately be able to be removed, SANDAG was able to minimize the amount of upper bluff stabilization work. Multiple alternatives were analyzed, but none were demonstrated to meet the project objectives of providing sufficient support for the existing rail line while also minimizing adverse impacts to coastal resources.

Alternatives to Recently Completed Emergency Repairs

As part of its proposed project, SANDAG also seeks after-the-fact authorization for two emergency repairs that began on March 13, 2021, one at MP 245.2 and another at Anderson Canyon. As of the date of Commission action the necessary engineering and

structural support work for the emergency repairs is complete and SANDAG has begun revegetation of the reconstructed slope. Although this work has already been completed, alternative approaches were also considered for it.

The emergency repairs at MP 245.2 were necessary after an existing 60 ft long, 17 ft high concrete seawall (originally constructed over 100 years ago) failed on February 28, 2021, resulting in a complete collapse of the seawall, a landslide in the artificial fill slope behind, and major tension cracking and incipient failure in the adjacent natural bluff. Immediate emergency repairs and slope stabilization were necessary to prevent further erosion and provide sufficient stability so that trains could continue passing through the area of the bluffs in a safe manner. Repairs included grading of the landslide area to an approximate 2:1 finish slope, installation of 18 CIDH piles with tieback anchors and grade beams at a distance of 11 feet from the existing track center, construction of a buttress, drainage improvements, and construction of a 290 foot long, five to 13 foot high tapered seawall with rip rap placed at both ends. Construction of the seawall required 53 soldier piles, spaced five to six feet apart, with wood lagging panels between them. Similar to the design of other existing seawalls in this area, once the tracks have been relocated and the wall is no longer necessary, the lagging between the piles would be removed, the piles would be cut off at the depth of the Del Mar formation, and the rip rap would be removed off the beach.

Prior to authorizing the emergency repairs at MP 245.2 Commission staff and SANDAG staff held multiple coordination meetings to discuss the proposed repairs and whether there were any feasible alternatives. Alternatives considered whether the repairs could avoid construction of the cement buttress and temporary seawall, and instead rely upon the grading of the landslide area and installation of CIDH piles at the top of the bluff. However, the proposed buttress was critically important to providing the necessary general slope stability to meet the factors of safety (FOS) necessary for track support and railroad operations. Additionally, the seawall was designed to protect the buttress from undermining. Without the seawall, the buttress would be susceptible to failure and collapse, similar to the initial failure that happened in February 2021. As an additional alternative, staff also discussed whether the overall length of the seawall could be shortened. However, the design of the seawall to extend approximately 25 feet beyond the extent of the failure was determined to be necessary to prevent undermining of the slope and failure of the area of repairs. Any shorter length of seawall would not provide sufficient toe protection and leave the area susceptible to another failure.

At Anderson Canyon, a visual analysis conducted on site, along with geotechnical and structural assessments, determined that the existing seawall was showing signs of possible collapse and required immediate repairs to prevent a failure similar to what happened at MP 245.2 To prevent such a collapse, SANDAG built a 161 foot long cutoff wall located 2.5 feet seaward of the existing seawall and installed weepholes along the length of the Anderson Canyon seawall to mitigate potential hydrostatic pressure. The constructed cutoff wall was constructed with 47 piles spaced 2.5 feet apart and a grade beam at the top of the piles. Removal of the seawall in the future would require cutting off the piles at the depth of the Del Mar formation.

One alternative explored whether the existing seawall could be removed, thereby eliminating the emergency altogether. The area behind the seawall is comprised of artificial fill material that is much more erosive than the native bluff. Removal of the seawall would expose the erosive bluff to failure which would threaten the railroad. Ultimately, SANDAG determined that foundation support of the existing seawall was necessary to protect the artificial fill slope until the tracks can be relocated off of the bluffs.

Mitigation

Public Access

Shoreline armoring or protection devices directly interfere with public access to tidelands by impeding the ambulatory nature of the mean high tide line (the boundary between public and private lands) during high tide and severe storm events, and potentially throughout the entire winter season. The impact of a shoreline protective device on public access is most evident on a beach where wave run-up and the mean high tide line are frequently observed in an extreme landward position during storm events and the winter season. As the shoreline retreats landward due to the natural process of erosion, the boundary between public and private land also retreats landward. Construction of rock revetments and seawalls to protect development fixes a boundary on the beach and prevents any current or future migration of the shoreline and mean high tide line landward, thus eliminating the distance between the high-water mark and low-water mark. As the distance between the high-water mark and low-water mark decreases, the seawall effectively eliminates lateral access opportunities along the beach as the entire area below the fixed high tideline is inundated. The ultimate result of a fixed tideline boundary (which would otherwise normally migrate and retreat landward, while maintaining a passable distance between the high water mark and low water mark over time) is a reduction or elimination of the area of sandy beach available for public access and recreation.

Shoreline protective devices can also result in a number of adverse effects on the dynamic shoreline system. First, changes in the shoreline profile (particularly changes in the slope of the profile which result from a reduced beach berm width) alter the usable public beach area. A beach that rests either temporarily or permanently at a steeper angle than under natural conditions would have less horizontal distance between the mean low water and mean high water lines. This reduces the actual area in which the public can pass or recreate on. Second, a progressive loss of sand occurs as shore material is held in place and prevented from eroding, thus making it unavailable to nourish the nearshore sand bar. The lack of an effective sand bar can allow for such high wave energy on the shoreline that beach materials may be scoured and pulled so far offshore that they are no longer available to nourish the beach. This further affects public access through a loss of area between the mean high water line and the actual water. Third, shoreline protective devices such as revetments and bulkheads cumulatively affect shoreline sand supply and public access by causing accelerated and increased erosion on adjacent public beaches. This effect may not become clear until such devices are constructed individually along a shoreline and they reach a public beach. Further, if a seasonal eroded beach condition occurs with greater frequency due

to the placement of a shoreline protective device on the subject site, then the subject beach would also accrete at a slower rate. Fourth, if not sited landward in a location that ensures that the shoreline protective device is only acted upon during severe storm events, beach scour during the winter season would be accelerated because there is less beach area to dissipate wave energy.

Shoreline protective devices are all physical structures that occupy space. When a shoreline protective device is placed on a beach area, the underlying beach area cannot be used as beach. This generally results in a loss of public access as well as a loss of sand-generating area. The area where the structure is placed would be altered from the time the protective device is constructed, and the extent or area occupied by the device would remain the same over time, until the structure is removed or moved from its initial location. The beach area located beneath a shoreline protective device, referred to as the encroachment area, is the area of the structure's footprint.

When a shoreline or beach segment is developed with a shoreline protective device, the natural exchange of material between the back beach, dune systems, foreshore and intertidal region can all be interrupted. The natural shoreline processes affecting the formation and retention of sandy beaches can be significantly altered by the construction of shoreline armoring structures depending on where these devices are located on the beach and the site-specific geomorphological characteristics of the shoreline. There are effects that a shoreline protective structure has on a shoreline which can be quantified, including, (1) the loss of beach area on which the structure is located, (2) the long-term loss of beach which would result when the back beach location is fixed on an eroding shoreline (also known as passive erosion); and (3) the amount of material which would have been supplied to the beach if the back beach were allowed to erode naturally. The location and alignment of a shoreline protective device on a beach dictates the amount of material that would otherwise have been supplied to the beach seaward of the device. Thus, the Commission has generally found in past approvals of shoreline protective devices that the furthest landward location of a device is preferable to maximize the amount of sandy beach available for public access seaward of the device and to reduce impacts to the natural environments and natural sand exchange systems existing along a beach.

The seawalls included in SANDAG's project are proposed to be constructed at varying distances from the existing toe of the coastal bluffs (within 0 to 26 feet). The Commission typically requires seawalls to be constructed as close to the bluff toe as possible in order to minimize the area of beach encroached upon by the shoreline armoring. In the present case, the relatively large gaps between the seawall and bluff toe would be limited to areas in which pocket coves have formed at the toe of the bluffs and for integrity reasons, the seawalls are proposed to span these voids rather than to follow the contour of the bluff toe. The portion of the beach that would no longer be available for public use would be equal to the area of the footprint of the seawalls themselves plus any appurtenant development such as backfilling the space between the toe of the bluff and seawalls and regrading of slopes. All of the proposed seawalls would be constructed similarly by installing piles with wood lagging between the piles

The space behind some of these walls would be backfilled with riprap and fill would be placed behind the seawalls at a slope ratio ranging from 5:1 to 2:1 (H:V). According to the project materials provided to Commission staff by SANDAG, the proposed seawalls would on average be two and a half feet wide and their total length would be 2,151 feet (among six individual seawalls between 48 and 814 feet long). In addition, the project includes the after-the-fact authorization for the seawalls constructed at MP 245.2 and Anderson Canyon (292 feet and 161 feet, respectively). Therefore, the total length of seawalls included in the proposed project, including those for which SANDAG is seeking after-the-fact authorizations, is 2,543 feet[7]. SANDAG has calculated that the total area of existing sandy beach that would be immediately lost from the direct occupation of the seawalls would be 5,955 square feet. As described previously, due to the steepness of the bluff face behind some of the seawalls, the project also includes regrading the slope of the bluff and backfilling the space behind the seawalls with riprap and fill. The area of backfill varies depending on specific site circumstances, but SANDAG calculated the beach area behind the seawalls lost due to grading and backfilling to be an additional 11,193 square feet. Added together, the footprint of the shoreline protective structures plus the area of backfill would total 17,149 square feet.

As stated by SANDAG in its consistency certification, the bluff retreat rate within the project area can be characterized as follows:

> The average bluff retreat rates in the study area are estimated at a maximum of 0.4 to 0.6 feet per year. This corresponds to a retreat of approximately 15 to 25 feet over a 30-year to 50-year timeframe assuming the bluff will retreat at an average rate of 0.5 feet per year (Leighton Consulting 2020). South of 4th Street, a lesser bluff retreat has been observed; therefore, an average bluff retreat rate of 0.4 feet per year is assumed for the design and analysis of the bluff stabilization measures in that area, while 0.5 feet per year is used north of 4th Street.

Thus, in addition to the loss of public sandy beach area from the direct occupation of the seawalls and backfill, since the back of the beach would be effectively “fixed” by the proposed seawalls, they would also result in a loss of beach area for public use landward due to the elimination of area that would have become available for public use had the bluffs continued to erode and move landward. Given the average bluff retreat rates of 0.4 to 0.6 feet per year, and SANDAG’s proposed design life of 30 years for the seawalls (memorialized through **Condition One** which would limit the term of their authorization to that period), their presence would result in the expected loss of another 32,417 square feet of beach that would otherwise be available for public use. Therefore, over a 30 year period, the proposed seawalls would result in the loss of 49,566 square feet (footprint plus backfill plus erosional loss) of area that would otherwise have been sandy beach available for public access and recreation.

[7] Although one of the emergency repair projects included a new 290 foot long seawall, it was installed to replace a previously existing 60 foot long seawall that failed in a portion of the same location. Thus, the length of previously unoccupied beach was slightly less, 230 feet.

Included as part of the proposed drainage improvements, the project calls for the removal of an existing concrete drainage chute in the area of 12th Street that has existed at the site since the early 1900s. SANDAG has determined that the chute is heavily deteriorated and beyond repair. In this area, drainage improvements include replacing the existing deteriorated chute with a new reinforced concrete pipe outlet to collect stormwater flows and channel the water down to the beach and out to the ocean. The existing chute would be removed from the beach and the beach surface would be regraded to match the surrounding area. The chute occupies an area of approximately 230 square feet and because removal of this structure would open up an area of the beach that is currently unavailable, the removal of the chute is credited to offset a part of the 49,566 square feet of beach area that would be lost as a result of the proposed project. With that credit the total amount of beach area lost would be 49,336 square feet or 1.13 acres.

The most obvious in-kind mitigation for this impact would be to create a new 49,336-square-foot area of beach/shoreline to replace what would be lost with an identical area of beach/shoreline in close proximity to the eliminated beach/shoreline area. While in concept this would be the most direct mitigation approach, in reality, finding an area that can be turned into a beach and ensuring it does so appropriately over time is very difficult. Both Commission staff and SANDAG have determined that no such opportunities are available in the project area. The calculations of the affected area do, however, provide an appropriate relative scale for evaluating commensurate alternative mitigations. In the past, the Commission has looked at several ways to value such beach and shoreline areas in order to determine appropriate in-lieu mitigation fees, including the real estate value of the land that will be taken from public use. As noted in the Commission's adopted findings in support of its 2019 concurrence with SANDAG's consistency certification for the Del Mar Bluff Stabilization Project 4, "The Commission has found using a real estate value method as a basis for identifying mitigation allows for objective quantification of the value of beach and shoreline area, and is related in both nature and extent of the impact. This method requires an evaluation of the cost of the land that could be purchased and allowed to erode and turn into beach naturally to offset the area that will be lost due to the revetment." Included in the Commission's findings for CC-0004-18 is a discussion of a per square foot in lieu fee rate of $170 per square foot. This rate was derived as an average of rates considered as part of the Commission's review of several CDP applications from San Diego County between 2005 and 2012[8]. Over the subsequent 10 to 17 years, however, the real estate value of coastal property in San Diego County has significantly increased. More recent years have also seen sharp increases in inflation as well. As such, an in lieu feet rate of $170 per square foot is not reflective of current values. However, for the purpose of comparison, use of a beach recreation value of $170 per square foot and the estimated loss of 49,566 square feet of beach (seawall area plus backfill area plus area that would be created if erosion continued) would result in a beach recreation mitigation fee of $8,387,103 for the proposed seawalls associated with this project. For the proposed project, however, calculation and payment of an appropriate in lieu fee would not be

[8] CDP 6-05-072 (Las Brisas, Solana Beach, San Diego County), CDP 6-07-133 (Li, Encinitas, San Diego County), CDP 6-12-041 (Lampl, Encinitas, San Diego County)

necessary because SANDAG has instead proposed to implement a capital improvement project that would directly offset the adverse impacts to coastal access and recreation on the beach due to the proposed seawalls by implementing a capital improvement project to expand and enhance the informal lateral access trail between 4th Street and Seagrove Park and constructing a designated pedestrian rail crossing and beach accessway at either 7th Street or 11th Street. This proposal to directly compensate for adverse impacts to coastal access and recreation through implementation of access and recreation improvement projects rather than payment of an in-lieu fee is aligned with the approach accepted by the Commission in its concurrence with SANDAG's consistency certification for the Del Mar Bluffs Stabilization Project 4 in 2019 (CC-0004-18).

Retention of Potential Beach Material

Some amount of beach material would be added to the beach from the bluffs throughout the project area if the natural erosion process were allowed to continue (absent the proposed reconstruction of the new seawalls). The total volume of material that would have gone into the sand supply system over the lifetime of the shoreline structures would be the volume of material between (a) the likely future bluff face location with shoreline protection; and (b) the likely future bluff location without shoreline protection. Since the main concern is with the sand component of this bluff material, the total material lost must be multiplied by the percentage of bluff material which is beach sand, giving the total amount of sand which would have been supplied to the littoral system for beach deposition if the proposed device were not installed.

The Commission uses an established methodology to calculate this impact:

Vb = (R x L x W x H x S)/27
Vb is the total volume of sand in cubic yards
R is the bluff retreat rate in feet per year
L is the design life of the armoring project in years
W is the width of the armored area in feet
H is the height of the armored bluff in feet
S is the percent sand (in decimal form) of the bluff materials

The bluff stabilization would, over the 30-year life of the project, retain approximately 27,850 cubic yards of bluff material from the bluffs. SANDAG determined that this material had an average sand content of 64% which would equal 17,824 cubic yards of sandy material[9]. Based on a cubic yard cost of $17[10] the sand loss mitigation in-lieu fee would be $303,015.

Alternative Mitigation

As detailed above, the shoreline protective work would result in the loss of 49,336

[9] Based on the mitigation proposal submitted by SANDAG on March 24, 2022.
[10] SANDAG derived this cost from the findings of CDP No. 6-16-0281 (Winkler, Solana Beach, San Diego County). 17$ per cubic foot may not be reflective of the current cost of sand and may represent a conservative estimate.

square feet of public sandy beach and 17,824 cubic yards of sandy material. The most appropriate mitigation for this loss of public sandy beach and sand would be to provide a new public sandy beach area of the same size, which affords the same recreational opportunities in the immediate vicinity of the site for the 30-year duration after which the tracks are anticipated to be relocated and the shoreline protective devices can be removed. However, such opportunities rarely exist, and in this case, neither the Commission nor SANDAG is aware of any equivalent private beach area in San Diego County available for purchase. Alternatively, an in-lieu fee could be required or one or more projects implemented to provide or enhance public access and recreation within the project area. For the proposed project, SANDAG has proposed mitigation approach with input from Commission staff and would involve implementation of a capital improvement project to expand and improve public access and recreation in the project area. This capital improvement project would include the planning, design and environmental review and then construction of three significant coastal access and recreation features. These would include a designated pedestrian railroad crossing at either 7th St. or 11th St., a beach accessway from the bluff top to the beach below and enhancement and formalization of the existing informal blufftop trail between 4th St and Seagrove Park. These three coastal access and recreation improvements, particularly the rail crossing and beach accessway, were selected to address longstanding deficiencies and priority needs for the project area. Although members of the public have been crossing the tracks outside of a designated crossing and accessing the beach through steep informal trails for many decades, a designated crossing and more formalized beach accessway would expand and improve this use. Typically, only a smaller group of public beach users have been comfortable with this type of informal coastal access. Because of the local and regional importance of Del Mar's beaches and coastal waters for coastal recreation, these improvements would likely allow for a wider range of public to use these areas, thus benefiting a large segment of the public, including underserved communities from outside the project area.

Conceptual plans for these three access and recreation improvements are currently being developed in the ongoing Coastal Connections Study. The approach being taken with the study is to identify several options for each of the three access and recreation improvements. For example, although SANDAG has only committed in its proposed capital improvement project to construct a single pedestrian rail crossing in the project area, concepts are being developed for under-, over-, and at-grade rail crossings at both 7th and 11th Streets. Similarly, although SANDAG's capital improvement project would include a single beach accessway, conceptual designs are being developed for both 7th and 11th Streets. The current concepts for 11th Street include an ADA-compliant ramp system, an improved trail and stairway combination or a simple enhancement of the existing informal trail (installation of simple erosion control features such as water bars and individual steps) to help make it usable by a wider range of the public.

This study is being carried out as part of the package of coastal access and recreation mitigation commitments made by SANDAG in 2019 during the Commission's review of the Del Mar Bluffs Stabilization Project 4 (Consistency Certification No. CC-0004-18). However, because the study has extended well past the February 2022 deadline

committed to by SANDAG as part of that consistency certification, these conceptual designs are only partially complete. In addition, the public and stakeholder outreach portion of the study – during which community preferences and potential concerns with the concepts would be identified - has yet to begin. Because of this, SANDAG has stated that it is unable to identify the specific locations and designs of the access and recreation improvements that it would ultimately include in its capital improvement project.

However, to help expedite and streamline construction of that capital improvement project, Commission staff have provided in this report a Coastal Act consistency analysis of several of the conceptual designs that have been developed. Commission staff have additionally committed to support SANDAG's efforts to secure funding to complete its capital improvement project (for example, through letters of support for grant applications). While some of the more complex concepts (such as the ADA-compliant ramp system) are not yet advanced or refined enough to allow for a full analysis, some of the other concepts have been more completely developed or are simple enough for Commission staff to evaluate and the Commission to consider.

This evaluation is being done in advance of the completion of the ongoing planning, design and outreach work of the study but would not replace or pre-judge the outcome of that necessary work. Instead, the idea is that by completing the Coastal Act evaluation now of those design concepts and options for coastal access and recreation improvements that can be evaluated, SANDAG would not need to go through additional Commission review if, once the study is complete, it selects an option that the Commission has already found to be consistent with the Coastal Act. By providing advance Commission review in this way, construction of the access and recreation improvements may be expedited and streamlined.

However, SANDAG would also retain its full ability to instead decide, at the completion of the Coastal Connections Study process, to pursue an option that the Commission has not already vetted in this report. Under this scenario, SANDAG would need to go through the process of seeking Commission concurrence prior to construction. Because the Commission is reviewing the proposed project through the federal consistency process as a consistency certification, the process that would be followed for that future Commission review is laid out in Section 930.65 of the federal consistency regulations. As established through Commission review of past projects under Section 930.65 that involved modifications to previously reviewed consistency certifications (such as NE-0001-19 for modification to Consistency Certification No. CC-0004-15), the Commission would consider if the change would cause the project to have an effect on any coastal use or resource substantially different than originally described and, as a result, would no longer be consistent with the Coastal Act. If the change is determined to not be substantially different and is still consistent with the Coastal Act, the project and proposed change would be allowed to proceed. If the change is determined to be substantially different and no longer consistent with the Coastal Act, Commission staff would work with SANDAG to identify modifications or

alternatives that could be implemented to achieve consistency and then bring them to the Commission for its consideration.

It should be noted that as part of its concurrence with SANDAG's consistency certification for the Del Mar Stabilization Project 4, the Commission made a significant effort to prepare for the current project and the anticipated adverse impacts to coastal access and recreation associated with it. This preparation included requiring commitments by SANDAG to engage in advance coordination with Commission staff and to fund and complete a coastal access needs study for the project area. In addition, Commission staff identified specific projects that would provide appropriate offset for loss of public access and recreation opportunities. The following is an excerpt from the relevant section of the Commission's findings for the Del Mar Stabilization Project 4 (Consistency Certification No. CC-0004-18), a project that involved installation of approximately 630 linear feet of seawalls in the project area:

> The proposed project's impacts to sand supply and associated beach recreational values/use over the 30-year timeframe will lead to a loss of over 9,950 square feet of beach and over 15,750 cubic yards of sand, both finite and important coastal resources. Based on the above methodology the case could be made that SANDAG should be required to pay a total in-lieu-fee of approximately $979,625 to offset project impacts. The Commission staff has been engaged in extensive discussions with SANDAG, following consideration of the type of mitigation requirements in the previous paragraphs and understanding that using such methodologies would involve levels of funding from SANDAG that are not currently available and would involve a very large percentage of the actual project costs. Through these discussions the Commission staff and SANDAG have attempted to identify some alternative forms of offsetting and providing an equivalent public access improvement package. These considerations have also attempted to take advantage of the fact that significant levels of funding would be necessitated, and likely available for long-term planning efforts for the rail line. Thus, the Commission has endeavored to identify compensatory mitigation in terms of public access value to offset impacts to coastal resources from proposed reconstruction of the existing retaining walls at the toe of the bluffs, while ensuring that SANDAG allocates financial resources both to short-term public access improvements and relocation of the railroad off the bluffs.
>
> When the Commission staff informed SANDAG of the $979,625 mitigation fee for the proposed project, it also suggested that a package of public access and/or recreation improvements in the Del Mar area could also serve to mitigate for project impacts to sand supply and recreation. Commission staff suggested that constructing a legal pedestrian crossing of the trackway on the bluffs and a connecting pathway or stairway from the bluff top down to the beach would significantly improve public access to the shoreline in the southern half of Del Mar. SANDAG replied that such a crossing would raise significant safety issues with the North County Transit District (owner of the railroad right-of-way) and the California Public Utilities Commission. SANDAG also provided Commission staff with a list of

potential coastal access and recreation projects in Del Mar that are currently under consideration by public agencies. Subsequently, in December 2018 SANDAG proposed to include in its consistency certification two additional public access improvements:

Powerhouse Park/Walkway Lighting. Install pathway of lighted bollards from street parking to Powerhouse Park to facilitate public access and safety during darker hours of the day. Project is construction ready – SANDAG proposes to include this project in our consistency request to help improve coastal access in the area.(Exhibit 24)

Eroded Gully near Carmel Valley Road and Highway 101 Intersection. SANDAG proposes to fill in this gully to improve pedestrian safety and access to this area as well as stabilize the area to prevent further erosion. Fill placed in this gully will be similar to the areas around the gully to ensure there are no negative visual impacts to the area.(Exhibit 25)

SANDAG also noted in this proposal that its consistency certification includes components that directly repair and improve public access and safety in the project area…

The Commission staff agreed that the two additional public access improvement projects are a positive addition to the consistency certification. However, the staff informed SANDAG in January that additional measures were needed in order to find that project effects on sand supply and beach recreation area were adequately mitigated. The staff proposed the following additional measures:

1. SANDAG will organize and participate in a comprehensive study with NCTD and the City of Del Mar to identify long-term public access improvements in Del Mar along with potential funding sources for those improvements. Within three years of Coastal Commission concurrence with CC-0004-18, SANDAG will submit the completed long-term access plan to the Commission staff. SANDAG will keep Commission staff informed about details of the study partners, organization and timelines, objectives, and funding sources. Commission staff will provide assistance to SANDAG in identifying potential sources of funding for the study and will provide comments on the study organization and objectives when those elements are available.

2. SANDAG commits to work with the Commission staff during development of the Del Mar Bluffs 5 program for seismic stability and drainage improvements (and subsequent Del Mar Bluffs stabilization consistency certifications, currently expected to be developed approximately every 5 years) in order to identify appropriate mitigation measures if required, prior to submittal of future consistency certifications. These measures could include coastal access improvements, recreation improvements, sand supply

mitigation measures, and/or funding for those measures that may be required for future Del Mar Bluffs stabilization projects.

3. SANDAG commits to include the aforementioned long-term public access plan and an updated and more detailed sea level rise vulnerability assessment (using the Commission's most recent sea level rise forecasts) for the railroad corridor in the Del Mar Bluffs 6 program consistency certification, which is planned to address future sea level rise.

On January 18, SANDAG agreed to incorporate the above measures and commitments into the subject consistency certification.

The Commission finds that the current project now includes numerous repairs and improvements to public access ways on the Del Mar Bluffs that will facilitate safer public use of coastal paths and viewpoints. SANDAG has committed to develop a long-term public access improvement plan, to coordinate with the Commission staff in the planning for future stabilization measures (including necessary and funded mitigation measures) through the federal consistency process, and to prepare an updated sea level rise vulnerability assessment for the Del Mar Bluffs 6 program. The public access plan to be developed in coordination with the City of Del Mar and the NCTD will provide the Commission with needed and valuable information to assist in future efforts to improve public access to and along the shoreline both in the Del Mar Bluffs project area and the City of Del Mar as a whole. The Commission also continues to strongly encourage SANDAG to undertake the necessary planning efforts needed to advance the relocation of the railroad off the Del Mar Bluffs, including the identification of funds for planning, design, engineering, and environmental studies. In conclusion, the Commission finds that the agreed-upon package of access improvements and repairs, the long-term public access plan, and the coordination commitments is an appropriate, more timely, and more valuable mitigation package for the sand supply and public recreation impacts associated with the proposed project, in particular, the reconstruction of the retaining walls at the toe of the bluffs.

Unfortunately, however, the first two commitments described above were not met by SANDAG. It delayed development of a mitigation proposal until well into the Commission's review period rather than to coordinate on it with Commission staff proactively. Progress on the coastal access study was also significantly delayed, with a tentative completion date of fall 2022 rather than the February deadline discussed above (within three years of the Commission's concurrence). These delays and the inherent logistical challenges associated with the coastal access improvements (a rail crossing, beach access route down the bluffs, and a blufftop trail) in the project area have resulted in significant uncertainty and outstanding design and planning work around the key elements of SANDAG's mitigation proposal. Commission staff have nevertheless worked diligently to address these issues and collaborate with SANDAG on an approach that would help increase the certainty and expedite the timeline for implementation of its mitigation projects. This approach includes the capital

improvement project SANDAG has proposed – memorialized through **Condition Two** which establishes the scope of the project and sets deadlines for both initiation and completion of construction for the access improvements – as well as Coastal Act analysis in this report for several of the improvement projects that SANDAG may decide to pursue. Specifically, enhancement and expansion of the informal north south trail on the landward side of the tracks between Seagrove Park and 4th Street, an at-grade rail pedestrian rail crossing and improvement of an informal beach access trail near the end of 11th Street.

Hazards Analysis of Public Access and Recreation Improvements

Due to the location of the blufftop trail and the at-grade railroad crossing at the top of the bluff and behind the project stabilization features, they will not be threatened by hazards during the permitted life of this project. Because they are an integral part of, and mitigate for the impacts of, the bluff stabilization project, the Section 30235 and 30253 consistency analysis for the overall project applies to these portions of the project as well. However, per **Condition One**, which limits the authorization for the shoreline protection measures to 30 years, and authorizes it only for the protection of the existing railway, those protection measures are not authorized to protect the accessways after the railroad is removed. At the time that the stabilization measures are planned for removal, the Commission will likely need to assess whether the accessways can remain stable without armoring, whether they need to be removed as well, or whether there is another solution to allow them to remain.

The beach accessway considered in this report would be located in an area between the upper bluffs and the beach level near the end of 11th Street which means it is possible that this improvement could be directly impacted by hazards. The beach accessway would be comprised of an eight-foot-wide decomposed granite path tied into a landing on a section of existing seawall or directly behind it. This beach accessway would follow the alignment and footprint of an existing informal vertical accessway and would involve enhancing and improving it so that it can more safely provide beach access for a wider range of the public. To carry out these enhancements, construction personnel would use machinery or hand tools to do limited grading and widening of the trail surface and steps would be molded into the bluff base material using techniques such as railroad ties secured in place with rebar stakes. Next, a decomposed granite base or similar surfacing material would then be applied and compacted over the graded trail surface area and running boards with water boards would be secured along the border of the trail to help hold the trail and bluff slope material together.

The trail would be located within the bluff face immediately landward of a seawall being proposed as part of this project and also an existing seawall that was retrofitted in consistency certification CC-0004-18 (approved by the Commission in February 2019). Both seawalls have been designed and analyzed to ensure they would provide sufficient protection of the bluff face and would be monitored and maintained as part of SANDAG's ongoing maintenance program. As such, the access trail located behind these seawalls would be safe from hazards for the authorized term of the project seawalls – i.e 30 years. The ultimate plan for the Del Mar bluffs includes relocation of the tracks and removal of seawalls which would mean that protection being provided by

the walls would no longer be afforded to the beach accessway. However, the accessway would not involve the construction of any concrete foundations, piles, or other structures that could not be easily removed if threatened in the future by coastal hazards. The location of the beach accessway behind the seawalls would assure stability while designing the accessway as a low-impact decomposed granite pathway requiring little to no structural support. This would minimize risks to property while also not contributing to erosion or destruction of the site in the event that the accessway needs to be relocated while the railroad and armoring is removed.

Long Term Stability and Maintenance

Coastal Act Section 30253 requires the project to assure long-term stability and structural integrity, minimize future risk, and avoid additional, more substantial protective measures in the future. For the proposed project, the main Section 30253 concern is assuring long-term stability. This is particularly critical given the dynamic shoreline and coastal bluff environment in which the project is located. Critical to the task of ensuring long-term stability, as required by Section 30253, is a formal long-term monitoring and maintenance program. If the project components, including the public access and recreation improvements, are damaged in the future (e.g., as a result of slope failure or wave action) it could lead to degraded public access along the bluff top and to the shoreline. In addition, such damage could adversely affect nearby beaches due to debris on the beaches and/or creating a hazard to the public using those beaches. Therefore, in order to find the proposed project consistent with Coastal Act Section 30253, the project must be maintained in its approved state.

Further, in order to ensure that SANDAG and the Commission know when repairs or maintenance are required, SANDAG must regularly monitor the condition of the project components, particularly after major storm events. Such monitoring would ensure that SANDAG and the Commission are aware of any damage to or weathering of the project components, and can determine whether repairs or other actions are necessary to maintain the components in their approved state before such repairs or actions are undertaken.

Previous SANDAG consistency certifications for Del Mar Bluffs trackway stabilization measures (CC-020-10 and CC-0004-18) incorporated numerous measures regarding maintenance and monitoring of components, including: (1) visual treatment plans for exposed soldier piles and grade beams; (2) annual monitoring and reporting (including to the Commission) on the status of stabilization structures, and following major storm events or earthquakes; (3) coordination with the City of Del Mar; (4) future stabilization measures needing additional federal consistency review; and (5) Commission review of the status of stabilization measures and structures at the end of their design life and/or in the context of railroad relocation planning.

SANDAG has agreed to incorporate these same measures into the subject consistency certification. SANDAG has also confirmed that it would include in these efforts monitoring of the shoreline protective devices over the authorized life of the development. This would ensure that SANDAG and the Commission would be made

aware of any damage to or weathering of the project components. This would also provide for consultation between SANDAG and the Commission to determine whether repairs or other actions are necessary and what type of federal consistency review may be needed for repair actions.

In recent CDPs regarding other critical infrastructure, such as at Piedras Blancas in San Luis Obispo (CDP No. 3-13-012) and at Gleason Beach in Sonoma County (CDP No. 2-20-0282), the Commission allowed temporary armoring to protect the threatened, existing highway structures for an interim period of time until the structures could be relocated, reconfigured or otherwise adapted for resiliency into the next century. Under this approach, the CDPs then directed that, depending on the most environmentally-preferred adaptive alternative selected, either the temporary armoring would be removed to restore coastal processes along the shore or the environmentally preferred alternative would advance another shoreline protection reuse strategy in ways that are consistent with Coastal Act policies. This approach both ensures that infrastructure public services are maintained and that coastal resources are protected over the long-term. Moreover, such phasing adaptation strategies can allow for the planning time needed for development of longer-term adaptation strategies.

SANDAG is in the process of planning to relocate the railroad within thirty years and the stabilization and retrofit improvements included in the project have been designed around that thirty-year timeframe. Thus, **Condition One** limits the term of authorization for the approved development to thirty years and requires that SANDAG submit a consistency certification to the Commission by December 8, 2051 for a long-term solution including removal of any project components that are no longer necessary. The development, design, and analysis of alternatives for large infrastructure projects such as the inland relocation of the rail corridor require considerable time and funding to plan and implement. As such, this 30-year authorization period is appropriate in order to allow SANDAG to protect the railroad in the near-term while also providing sufficient time to plan for relocation.

In summary, given the identified geologic instability and wave runup, currently as well as in the future from storm surge and sea level rise, all of which threaten the structural integrity of the site, the Commission finds that the existing rail line (originally constructed prior to the enactment of the Coastal Act) is in danger from erosion and that the proposed shoreline protective devices are necessary to protect it. The proposed project is the least environmentally damaging feasible alternative, with no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment. Therefore, the Commission finds that the proposed shoreline armoring, as conditioned, is consistent with Sections 30235, 30253, and 30270 of the Coastal Act.

G. Public Access and Recreation

Section 30210 of the Coastal Act states:

> In carrying out the requirements 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 30212 of the Coastal Act states (in part):

> (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…
>
> (b) For purposes of this section, "new development" does not include:
>
> …
>
> (4) The reconstruction or repair of any seawall; provided, however, that the reconstructed or repaired seawall is not a seaward of the location of the former structure.

Section 30213 of the Coastal Act states (in part):

> Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred…

Section 30214 of the Coastal Act states (in part):

> (a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:
>
> (1) Topographic and geologic site characteristics.
>
> (2) The capacity of the site to sustain use and at what level of intensity.
>
> (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses

Section 30221 of the Coastal Act states:

> 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.

Sections 30211, 30213 and 30221 require new development to not interfere with existing public access and recreation opportunities, including those that are lower cost. Section 30210 requires the provision of maximum public access and recreation. Sections 30212 and 30214, recognize the need to consider public safety, topography, site geography, natural resources, and adjacent residential uses when providing public access.

History and Current Conditions Regarding Access and Recreation
The project shoreline area in the City of Del Mar is commonly referred to as South Beach, which extends from Powerhouse Park south down to Torrey Pines State Beach. Public parking for access to the blufftop and beach is available at Powerhouse and Seagrove Parks and on public streets near the west end of 13th through 6th Streets. On the blufftop, a historic network of informal pedestrian trails paralleling the railroad track provide informal access along the bluff, and two informal trails also go down the face of the bluff to the beach. As detailed in **Appendix C**, a variety of horizontal and lateral coastal access trails have been present in the project area since the rail line first came into use in 1910. A rail overcrossing was also historically present west of 10th St. between the 1930s and early 1970s. This overcrossing connected to a series of informal lateral trails along the bluff edge as well as a vertical trail down to the beach at 11th Street. This vertical overcrossing was removed sometime between 1932 and 1972.

Despite frequent and long-term public use, it is important to note that the rail operator and holder of the right-of-way upon which many of these trails are located, North County Transit District (NCTD), does not recognize the informal trails in the project area as providing legal access. SANDAG's consistency certification describes the situation this way:

> *The Proposed Action . . . would mostly occur within an existing ROW and would not affect legal beach access. While some improvements would be constructed on the beach outside of the rail ROW, legal access routes would be maintained during construction. NCTD's existing, safety-driven prohibition on public access along its ROW may be more strictly enforced during construction because of the increased presence of NCTD staff during this period. This temporary change would not have a significant effect on, or be inconsistent with, Coastal Act policies regarding beach access.*

This is the same manner in which NCTD and SANDAG have described the situation in past Del Mar bluffs stabilization CDP and CC actions before the Commission. In those actions, the Commission found that construction-related access impacts would be temporary and informal public access on the bluff would be made safer due to proposed

bluff stabilization and drainage measures; however, some of the projects nevertheless led to permanent adverse impacts to beach recreation and sand supply. Although the scale of adverse impacts is larger for this project than past projects, the Commission takes the same overall approach here, and construction-related and permanent impacts to access and recreation are described separately below. As also discussed further below, SANDAG's proposal for mitigating the project's adverse impacts to coastal access and recreation would help resolve rail-related safety concerns that have been raised by NCTD because the access projects would formalize and enhance the existing trail network (thus encouraging the public to use a single formal trail rather than the current network of informal trails) and construct an authorized and designated pedestrian rail crossing and beach accessway. By providing a designated pedestrian rail crossing, the public would be provided with an opportunity to cross the tracks in a more controlled and managed manner than currently available

The analysis below also discusses impacts to both recreation and access, which are interrelated concepts. Access is the mechanism by which the public is able to either get to, or enjoy, a particular recreational resource. Without access, the public would not be able to recreate. Conversely, recreational activities and experiences are the driving force for the need to develop access. Without a recreational draw, there is less demand for access to a particular area. In Del Mar, both the beach and the views from the coastal bluff are major recreational attractions for the public, but without trails, the public would not be able to access these resources. As described below, the proposed project would have adverse impacts both on access and recreation and the capital improvement project SANDAG has proposed as mitigation would provide not just a benefit to coastal access but to coastal recreation as well.

Construction Effects on Access and Recreation

The project would consist of new upper bluff stabilization structures, new seawalls and changes to bluff slopes, installation of new and retrofit drainage infrastructure, access road improvements, and after-the-fact authorization for emergency stabilization efforts. Construction of these features would affect coastal access and recreation. In addition, installation of potential components of the capital improvement project may also affect access and recreation, including augmentation of the existing informal coastal access in the area through enhancement of the blufftop trail, installation of an at-grade crossing and lateral beach accessway. Construction of the various components would require heavy machinery including drilling rigs, cranes, forklifts, excavators, and heavy-duty trucks, as well as staging areas for the construction equipment. These activities have the potential to result in adverse impacts to coastal access and recreation through the use of public parking areas for project materials and vehicle staging and storage, as well as blocking or impeding access at discrete work sites on bluff and beach areas. Project construction could also disrupt train schedules. These adverse impacts are more significant than for past projects in part because of the length of time that construction activities would take place.

Staging and access for the proposed project are described by SANDAG in its consistency certification as follows:

Potential construction entrance areas would be located near the northern project limits at Coast Boulevard, at the termini of 8th Street and 7th Street, and near the southern project limits at Torrey Pines State Beach. These entrances would provide construction access along the east and west sides of the railroad tracks within the project limits using existing NCTD maintenance access roads. A temporary rail crossing would also be provided at 7th Street to allow construction vehicles to cross the tracks to access construction areas and staging locations. Potential construction staging areas could be located at the following locations:

Staging Area 1 – Adjacent to the Coast Boulevard construction entrance west of the tracks

Staging Area 2 – Terminus of 12th Street east of the tracks

Staging Area 3A – West of the 8th Street construction entrance west of the tracks

Staging Area 3B – Adjacent to the 8th Street construction entrance east of the tracks

Staging Areas 4 – Near MP 245.2 west of the tracks

Staging Area 5A and 5B – Adjacent to the southern construction entrance near MP 245.7

Potential construction entrances for access to work areas on the beach include the west end of 18th Street and 17th Street next to the lifeguard station at the north end of the project limits and through the Torrey Pines State Beach access road at the south end of the project limits. Use of the beach access would be subject to tidal influences. In addition to the construction staging and laydown areas within the railroad ROW, portions of the Torrey Pines State Beach parking lot (up to 40 spaces), City owned lot at the end of 18th Street, and City streets could be used for additional staging and laydown subject to permits from the City of Del Mar and/or California State Parks.

Construction of soldier piles as part of the proposed railroad stabilization and stabilization retrofits would require drilling rigs and other equipment on or immediately adjacent to the railroad tracks, which would create a potential safety conflict with rail operations. To avoid these safety issues, night work is proposed for soldier pile construction which would generally occur over a period of five hours each weeknight between the last passenger train in the evening and the first passenger train in the morning (12:00 a.m. to 5:30 a.m.). This timeframe could be expanded from 9:30 p.m. to 5:30 a.m. if buses are available to shuttle passengers around the Del Mar Bluffs and allow trains to be offline longer. Other project components including surface stabilization, bluff toe protection, and drainage improvements, which are not as limited by conflicts with trains would take place throughout the day. The construction of

seawalls would be affected by high tides, waves, and storm surf and could not take place during periods with these conditions. Construction of the drainage improvements and retrofits would take place during regular day time hours but would not be completed during the rainy season.

In total, project components are anticipated to require 36 months (three years) of work to complete. Construction of the upper bluff stabilization components is expected to take 24 months. Construction of seawalls is anticipated to take approximately 24 months. Drainage improvements would require approximately 12 months to complete. Implementation of the capital improvement project (discussed further below) to construct the coastal access features (blufftop trail, rail crossing and beach accessway) is anticipated to take an additional 24 months. Some of the proposed work, however, could occur concurrently to shorten the overall construction duration. The project schedule would also include the option of absolute work windows (AWWs) which would allow work to take place during weekends when necessary. There would be up to six AWWs authorized per year, for a total of 18 AWWs over the three-year project timeline. The contractor selected by SANDAG to do the construction would not be required to use the AWWs but could exercise the option of using an AWW depending on scheduling and how the project progresses.

In reviewing SANDAG's previous consistency certifications for construction of similar types of stabilization improvements along the Del Mar bluffs, the Commission analyzed how project activities would result in temporary impacts to public access and recreation on the bluff top and at the base of the bluffs. In those projects, the Commission found that because the project construction schedule was relatively short (six to nine months) and would avoid the peak summer recreation season, any temporary impacts to access and recreation would not be significant. In the case of the subject consistency certification, although the project proposes to use the same staging areas as previous projects within the bluffs and includes similar construction methods, the duration and timing of construction is significantly longer and would thus result in greater adverse impacts.

Instead of six to nine months, the subject project is anticipated to require a total of 36 months (or three years) to complete. Project construction would occur year-round, but any work that requires construction on the beach would be avoided on holidays or holiday weekends. The timing of construction of the various components would depend on which can be conducted during active rail use. Construction of the various components could take place individually, or concurrently, depending on site-specific constraints and scheduling. The difference between this project and previous bluff work represents an approximately four-fold increase in construction duration that would extend over as many as three summer seasons. Considering the type of heavy-duty construction required for the project and inherent safety concerns that come with active rail use and operation of heavy equipment and machinery, the project would likely need to limit or restrict public access and recreation within, and in areas adjacent to, project sites during construction for safety. As such, access on the bluffs and beach would likely be somewhat restricted and the recreational experience degraded throughout all

or portions of the project area for approximately three years, or potentially longer for impacts related to construction of the new access trail improvements that may be selected for inclusion in the capital improvement project, as further described below.

Additionally, while previous SANDAG bluff stabilization projects were scheduled outside of the high beach-use summer months, SANDAG is not committing to avoid summer months for the proposed project or to change construction timing or implementation so as to accommodate the increased access and recreation during summer. This means that restrictions to access and recreation would be even greater during the summer when there will be larger numbers of visitors attempting to recreate along the bluffs and on the beaches within Del Mar.

In response to questions from Commission staff regarding access restrictions and enforcement, SANDAG staff indicated that: (1) the NCTD safety-driven prohibition on public access would include installing temporary, flexible construction fencing around active construction sites; (2) this fencing would prevent the public from passing directly through a construction zone, but would still generally allow the public to move laterally and vertically within the bluffs area and on the beach; (3) in cases where the public still manages to pass through the fencing and into a construction zone, workers would redirect the public back out of the construction zone; and (4) no law enforcement or private security guards would be onsite to manage public access and construction.

While the proposed project would make use of some of the same staging areas and implement similar safety restrictions as previous bluffs work, the proposed project is significantly greater in terms of scope, area, and duration and may therefore have more substantial impacts to access and recreation during construction. Since the project includes components located throughout the bluffs and along the beach, as well as staging areas above the bluffs, these construction impacts have the potential to disrupt access and recreation within the Del Mar Bluffs and Del Mar Beach for approximately three years through the displacement or temporary loss of public beach parking, beach areas and other access and recreational assets.

Stabilization Infrastructure Effects on Access and Recreation
The proposed project would result in the loss and displacement of coastal access and recreation resources such as beach areas due to the placement of stabilization infrastructure (seawalls, backfill, drainage features, etc.). Previous stabilization projects within the bluffs also resulted in permanent adverse impacts to access and recreation but in those cases the scope of work and adverse impacts were relatively minor. The Del Mar Bluff Stabilization Project 4 (Consistency Certification No. CC-0004-18) was the first project to result in significant losses to coastal access and recreation resources due to the 630 linear feet of bluff toe protection (seawalls) it included. In that project, the Commission found that adverse impacts to access and recreation would be significant and required mitigation. The currently proposed project includes significant infrastructure development within the entire length of the bluffs and also includes significantly more bluff toe protection seawalls (nearly four times more or approximately 2,500 linear feet) than what was considered in CC-0004-18.

As discussed in the previous section of this report, shoreline structures such as the proposed seawalls generate permanent negative impacts on coastal resources, including adverse effects on beaches and sand supply, which ultimately results in the loss of the beach. The footprint of shoreline structures also take up physical space on the beach that would otherwise be available for the public, thus preventing the public from accessing and recreating within an area of the beach. In this way, the approximately 2,500 feet of proposed bluff toe protection would adversely affect public access and recreation over the 30-year design life of the project.

Specifically, the total area of existing sandy beach that would be immediately lost from the direct occupation of the proposed seawalls would be 5,955 square feet, and proposed backfill behind the seawalls would occupy another 11,193 square feet. Added together, the footprint of the shoreline protective structures plus the area of backfill would total 17,149 square feet. In addition, the seawalls will prevent bluff retreat and nourishment of the beach. Given the average bluff retreat rates and SANDAG's proposed design life of 30 years for the seawalls (memorialized through **Condition One**), their presence would result in the expected loss of another 32,417 square feet of beach that would otherwise be available for public use. Therefore, over a 30-year period, the proposed seawalls would result in the loss of 49,566 square feet of area that would otherwise have been sandy beach available for the public to access and recreate on, although SANDAG's proposed removal of an existing concrete drainage chute reduces this amount by 230 square feet. It is additionally worth noting that by stabilizing the bluffs, the project would provide some indirect benefits to coastal access by allowing existing rail service to continue. As described earlier in this report, the rail line is shared by commuter and intercity passenger rail services. Amtrak's Pacific Surfliner trains provide intercity passengers with stations in downtown San Diego, Solana Beach, and Oceanside that connect the region to the rest of the nation. NCTD's Coaster commuter trains operate south from Oceanside to downtown San Diego, serving the cities of Carlsbad, Encinitas, Solana Beach, and San Diego. Although the proposed stabilization of the bluffs would not expand or provide new rail service or rail-oriented coastal access opportunities, it would help prevent the loss of existing service and opportunities.

Coastal Act Analysis

Coastal Act Section 30210 requires the Commission to maximize public access and recreational opportunities, consistent with public safety, private property, and natural resource protection. Sections 30211, 30213 and 30221 require that new development not interfere with existing public access and recreation opportunities and that lower-cost recreation facilities shall be protected and, where feasible, provided. Section 30214 acknowledges that the manner of providing public access should account for topographic and geologic site characteristics, the fragility of natural resources, and other factors.

Project construction is anticipated to require a total of 36 months to complete and would occur year-round. The timing of construction of individual components would depend on several factors including train operations, and although construction on the beach would

be avoided on holidays or holiday weekends, construction is expected to take place during the summer, which is the peak access and recreation season. Construction staging and operations would occur on beach and bluff areas, as well as on roads and parking lots that provide public, coastal access parking. In order to protect the public, SANDAG proposes to install temporary fencing around construction zones, and construction workers would be onsite to prevent the public from entering construction zones. Considering the large scope, area, and duration of construction for this project, and that work is proposed during summer, the project could substantially interfere with public access and recreation within the area of the beach, bluffs, and roads and parking lots above the bluffs.

As proposed, the stabilization infrastructure will have significant impacts on public access and recreation due to the fact that it will take up beach space and will prevent bluff erosion that would otherwise provide sand for the beach. The stabilization infrastructure, by itself, would be inconsistent with Coastal Act policies requiring maximization of public access and recreational opportunities because it would limit beach access and reduce recreational uses on the beach, especially over time as sea level rise causes the useable area of beach to shrink. However, SANDAG is proposing, as part of this project, to design and construct three access improvements that will address these impacts.

Mitigation
The Commission has long encouraged public agencies to incorporate public access and recreation improvements into projects rather than contributing public funds into mitigation banks. For example, with the Del Mar Bluffs Stabilization Project 4 (CC-0004-18) SANDAG committed to implement several coastal access and recreation enhancement projects, including installing a pathway of lighted bollards from street parking to Powerhouse Park and filling in an eroded gully near the intersection of Carmel Valley Road and Highway 101 to improve pedestrian safety and access to this area. In addition, SANDAG also committed to three additional efforts in order to mitigate for the loss of coastal access and recreational resources associated with the project's 630 linear feet of seawalls. These three efforts are described in the Commission's adopted findings for Consistency Certification No. CC-0004-18 and cited earlier in this report on page 41. They include a study to identify long-term public access improvements in Del Mar, a commitment to work with Commission staff to identify appropriate mitigation for adverse impacts to coastal access and recreation associated with future Del Mar Bluffs stabilization projects, and inclusion of an updated and more detailed sea level rise vulnerability assessment for the railroad corridor along with the Del Mar Bluffs 6 consistency certification.

These efforts were intended to both augment the other mitigation measures included in the Del Mar Bluffs 4 project and to provide a process pathway for subsequent Del Mar Bluffs Stabilization Projects (including the current one) that involved more significant adverse impacts to coastal access and recreation. The Coastal Connection Conceptual Planning Study (Study) was to be completed and submitted to Commission staff within three years of the Commission's concurrence with CC-0004-18. The Commission

concurred with CC-0004-18 in February 2019. Although the Study is currently underway, it is not expected to be complete until the fall of 2022. Regarding the other two elements, SANDAG submitted its consistency certification for the current project without a proposed mitigation approach for the approximately ½ mile of seawalls it proposes and with limited advance outreach to Commission staff regarding access and recreation mitigation.

Despite these setbacks, Commission staff and SANDAG have worked to develop an appropriate mitigation approach for the current project. This approach includes both minimization measures and mitigation.

First, to minimize temporary impacts during construction, **Condition Five** would require SANDAG to submit a Construction Safety Plan detailing how public access will be maintained to the maximum extent feasible during construction activities. That plan would: describe the methods (including signs, fencing, etc.) by which safe public access to or around the project sites and/or staging areas would be maintained during all project operations. In addition, it would include the use of onsite personnel to safely detour pedestrian traffic around any closed areas. Further, **Condition Five** would require construction work to cease or occur outside of daylight hours during weekends from Saturday of Memorial Day weekend through Labor Day, unless the Executive Director authorized such work due to extenuating circumstances. **Condition Six** would further minimize adverse impacts to public access and recreation associated with construction activities by requiring SANDAG to locate and configure all of the storage and staging of materials and equipment in a manner that avoids and minimizes loss of public parking spaces in the City of Del Mar and the Torrey Pines State Beach parking lot. These measures would help ensure that project activities are effectively scheduled and implemented in order to minimize adverse impacts to access and recreation associated with project construction.

Secondly, SANDAG has committed to develop and implement a capital improvement project that would include design, environmental review, permitting and construction of: (1) a railroad crossing; (2) at least one beach accessway, at the end of either 7th Street or 11th Street, that would cross down the bluff slope and terminate at the sandy beach; and (3) a blufftop trail along the eastern, inland portion of the railroad ROW from Seagrove Park to 4th Street. These three coastal access and recreation improvements – most importantly, the rail crossing and beach accessway - have been longstanding needs in the project area to better serve and expand existing use and would provide significant benefits to the public. Del Mar's beaches and coastal waters are a regionally important visitor-serving asset and expanded access to them through SANDAG's completion of its proposed capital improvement project would benefit the public both locally and regionally, including underserved communities outside of the project area. SANDAG's commitment to implement this capital improvement project is memorialized through **Condition Two**. This condition would additionally establish a timeline for completion of these three coastal access and recreation improvements within five years of the start of construction on the bluff stabilization measures. This deadline could be

extended by a maximum of two additional years by the Executive Director for good cause and upon evidence of meaningful progress.

Although the final design and configuration of the improvements selected by SANDAG for inclusion in its capital improvement project is to be informed by the results of the Coastal Connection Conceptual Planning Study (which is targeted for completion in the fall of 2022), several of the simplest and/or most fully developed options from initial versions of that study have been included and evaluated in these findings. This was done in order to help expedite their implementation if they are ultimately selected by SANDAG for inclusion in its capital improvement project. However, SANDAG would also retain its full ability to instead decide, at the completion of the Coastal Connections Study process, to pursue an option that the Commission has not already vetted in these findings. Under this scenario, SANDAG would need to go through the process of seeking Commission concurrence for that changed aspect of the project prior to construction.

Specifically, these findings consider construction of an at-grade crossing near the terminus of 7th or 11th Streets, a vertical beach access trail near 11th Street and formalization of the informal lateral access trails on the landward side of the railroad tracks between Seagrove Park and 4th Street. Completion of these coastal access and recreation improvements would involve some minor construction-related impacts to coastal access and recreation, such as potentially blocking access along portions of the bluffs. However, because construction of the trails would involve light machinery and hand crews, and the trail design incorporates low-impact, minimalistic design features, the overall length of construction would be minimal. In addition, **Conditions Five and Six** apply to these aspects of the overall project as well and will help minimize construction-related impacts. Overall, these access features would significantly enhance existing coastal access and recreation opportunities in the project area and region, would appropriately address the impacts on shoreline sand supply and the loss of beach caused by the seawalls over time, and would lead to lasting benefits for the public.

Another important consideration regarding development of the public access and recreation improvements is parking and whether the project will adversely impact parking availability. The blufftop trail network currently spans from Seagrove Park in the north down to 4th Street in the south. As that trail runs laterally along the bluff it connects to the ends of City Streets (12th, 11th, 10th, 9th, 8th, 7th, 6th, and 4th) thus allowing trail users to enter and exit at any of these areas. At each of these City streets there is on-street parking available on both sides of the streets. Additionally, Ocean Avenue, Pacific Lane, and Stratford Court together form an approximately 1-mile-long, north-south street that runs parallel to the blufftop trail, one block inland, which currently provides parking for trail users if parking within any of the street ends is unavailable.

The proposed capital improvement project would not include construction of any new parking spaces, nor does it propose any changes to the existing parking. Although it would formalize and enhance existing trails, it would not significantly expand their

footprint. As such, it would not result in a significant increase in demand for parking. Because the parking in the area has been sufficient to serve use of the existing informal trails, development of the lateral blufftop trail, at-grade crossing, and beach accessway would not adversely impact parking.

Finally, the public is currently able to enjoy the informal blufftop trails and beach accessways all day and night, every day of the week. The access and recreation improvements analyzed also do not include any restrictions on use. Therefore, the analyzed access and recreation improvements would not result in any adverse impacts to available access and recreation within the bluffs and on the beach.

Conclusion
As conditioned, the Commission finds that the project is consistent with the access and recreation provisions of the Coastal Act, including Sections 30210, 30211, 30212, 30213, 30214, and 30221.

H. VISUAL RESOURCES

Section 30251 of the Coastal Act states:

> The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

SANDAG examined in its consistency certification the potential adverse impacts to visual resources from a variety of project components:

> Upper Bluff Stabilization Structures
>
> For soldier pile improvements, the structural elements installed would be almost completely below grade (i.e., underground), with limited surface visibility. In addition, concrete would be colored to help match the color of the existing bluffs, and native material would be used to backfill holes and trenches not filled with concrete, further helping to minimize the visibility of the solider piles and grade beams. The portion of a soldier pile wall that might be visible would be the tops of the piles or the grade beam. […]
>
> Bluff toe improvements [seawalls] and bluff face stabilization [grading and placement of fill to reduce steepness of slopes] would be included on a site-specific basis. Lagging and additional tiebacks needed would be reduced with the addition of bluff toe and bluff face stabilization measures (refer to Table 3).

This approach would minimize the depth of visible lagging on the bluff tops. However, this option would change the visual character of the bluff where regrading and revegetation are proposed and where seawalls would extend along the bluff toe. The new seawalls would be visible from the beach but would not be substantially out of character as they would not introduce new man-made visual elements within the project limits. Existing seawalls are present in this area and the new seawalls would be visually consistent with the existing seawalls. The new walls would be treated with a similar texture and color as the existing seawalls and to visually blend with the bluff above…

Track support retrofit improvements entail installation of lagging and/or tieback anchors in areas that were previously stabilized as part of Del Mar Bluffs Stabilization Projects 2 and 3. Tieback anchors are installed completely below the surface and no portions of them would be visible. Lagging on the exposed surface of soldier piles would consist of timber, precast concrete, or shotcrete. Bluff toe improvements and bluff face stabilization would be included on a site-specific basis… these changes would be visually consistent with the visual character of the area and would not result in substantial landform alteration effects.

Drainage Improvements

Several of these facilities would be installed at grade (storm drain inlets, channel aprons, weir structures, energy dissipators) or below grade (underdrains, storm drain pipelines) and thus, would either not be visible or would be surface features that would not be highly visible from surrounding areas. These improvements would be visually compatible with existing railroad infrastructure as they would not introduce new visual elements within the railroad corridor.

Similarly, the proposed trackside ditches and concrete channels are surface improvements and generally would not involve vertical elements or structures or other highly visual components. Small retaining structures constructed integrally with the channels would be required south of 15th Street and south of 11th Street. While additional concrete surfaces would be introduced, they would be at the ground level and generally adjacent to the railroad tracks and ballast…

One segment of new concrete channel would require taller retaining structures. An approximately 760-foot long section of channel north and south of 13th Street would require construction of a 10-foot to 20-foot high soil nail wall east of the track to stabilize the slope and provide adequate width for the new channel. This wall would have rockscaped treatment on the finished surface that is colored similar to the existing bluff face.

Proposed splash and retaining walls would consist of low-profile walls either supporting a slope behind it or extending from a trackside ditch or concrete channel. The height of the walls could be up to approximately eight feet, with most on the order of two to four feet high. Proposed walls could include color or

texture treatments to blend in with surrounding elements. Due to the relatively low height of the walls and the placement of some walls adjacent to the railbed, they would not be highly visible or prominent visual features from both within the rail corridor and adjacent areas.

A total of five new storm drain outlets on the beach are proposed associated with new underground storm drains. Outlet structures would include a headwall at the toe of the existing bluff that would include rock-scaped colored facing. Due to the location at the bottom of the bluffs at the beach, the new storm drain headwalls would primarily be visible from along the beach. The result of these drainage improvements would not impede views along the ocean, and the inclusion of a sculpted facing colored to resemble the existing bluffs would be visually compatible with the character of the area.

Access Road Improvements

Access road improvements entail re-grading two existing access roads and adding 6 inches of decomposed granite (DG) surface. These are surface improvements and would not involve vertical elements or structures or other highly visual components. The DG surface would blend into the surrounding areas and would not appear as prominent or contrasting visual features. These improved areas may be noticed by residents, train passengers, and beachgoers; however, these changes are not anticipated to be adverse.

Emergency Repairs

Track stabilization improvements entail the installation of soldier piles and tiebacks. For soldier pile improvements, the structural elements installed would be almost completely below grade (i.e., underground), with limited surface visibility. In addition, concrete would be colored to help match the color of the existing bluffs, and native material would be used to backfill holes and trenches not filled with concrete, further helping to minimize the visibility of the solider piles and grade beams. The portion of a soldier pile wall that might be visible would be the tops of the piles or the grade beam. These would be at or close to the existing ground level, leaving only the very top of the piles or grade beam exposed.

Views to the top of the soldier pile wall from inland areas (such as public streets or private yards) would be intermittent. Although the tops of the piles or grade beam could be potentially visible from these areas, they would not draw viewers' attention because the soldier pile wall would be parallel to the existing railroad tracks (which include the rails, ties, and ballast rock) and because most views would be directed toward the beach and/or ocean, not the NCTD ROW. Views to the top of the soldier pile wall from residences/back yards inland of the ROW would, for the most part, be obstructed by intervening topography. Views from these residences/back yards would also primarily be directed toward the ocean, not the railroad ROW.

The tops of piles or the grade beam may be visible by passengers on passing trains (such as Pacific Surfliner or the Coaster), but only for extremely short periods of time (if at all) for any given passenger and probably only for passengers on the trains' lower levels. With regard to beachgoers, the potential for views to soldier pile walls would depend on the specific stabilization site and the bluff topography between that site and the beach. In general, however, views from the beach to the top of the soldier pile wall would be obstructed by topography.

The new seawall would be visible from the beach but would not be substantially out of character as they would not introduce new man-made visual elements within the project limits. Existing seawalls are present in this area and the new seawall would be visually consistent with the existing seawalls. The new walls would be treated with a similar texture and color as the existing seawalls and to visually blend with the bluff above. Although the regraded areas above the new seawall would initially be noticeable, particularly from the beach, they would visually blend over time as native vegetation is established softening the initial landform alteration of a portion of the bluff face. The cutoff wall, designed to prevent undermining of the seawall, would become seasonally exposed depending on the migration of the sand beachward, similar to the foundation of the existing wall. The cutoff wall will be color treated to blend in with the sand.

Section 30251 requires the scenic and visual qualities of this coastal area to be considered along with whether the development has been sited and designed to protect views, minimize the alteration of natural landforms, and be visually compatible with the character of surrounding areas.

The Commission agrees with SANDAG that upper bluff project components including soldier pile improvements, lagging, and drainage improvements would generally not result in visual impacts once construction is complete. This is due to the location of the development at the top of the bluffs, which would not be visible from the beach below and would also not be visible from the end of City streets. As seen from the bluff top the soldier pile improvements and lagging would be flush within existing disturbed areas and any excavations would be backfilled with native material. Drainage improvements in this area of the project would either be located inland of the track or below ground and thus not within the visual envelope of public views to and along the coast. All of these project components also include coloring and textural treatment methods in order to help the development blend with the visual environment of the bluffs and thus minimize any adverse effects on scenic views. Additionally, the proposed project is similar to and is an extension of the bluff stabilization projects previously concurred with by the Commission in SANDAG's consistency certifications CC-048-04, CC-020-10, and CC-0004-18.

The bluffs are highly erosive, retreating on average between 0.4 and 0.6 feet per year. This historic and continued erosion has caused upper bluff stabilization improvements that were installed within the bluff as part of previous bluff projects to become exposed

and visible from both the beach and blufftop. Although the improvements included in the proposed project are designed to slow the rate of erosion and support the tracks until they can be relocated in the future, it can be assumed that the bluffs will continue to erode into the future. As such, the approximately 1,700 linear feet of new upper bluff stabilization and approximately 2,000 linear feet of retrofit improvements being proposed as part of this project would become exposed and thus visible in the future. To minimize the visibility of these features once exposed, **Condition Seven** would require SANDAG to monitor, color, screen, or cover the exposed components to match the surrounding soils in order to minimize adverse impacts to public views.

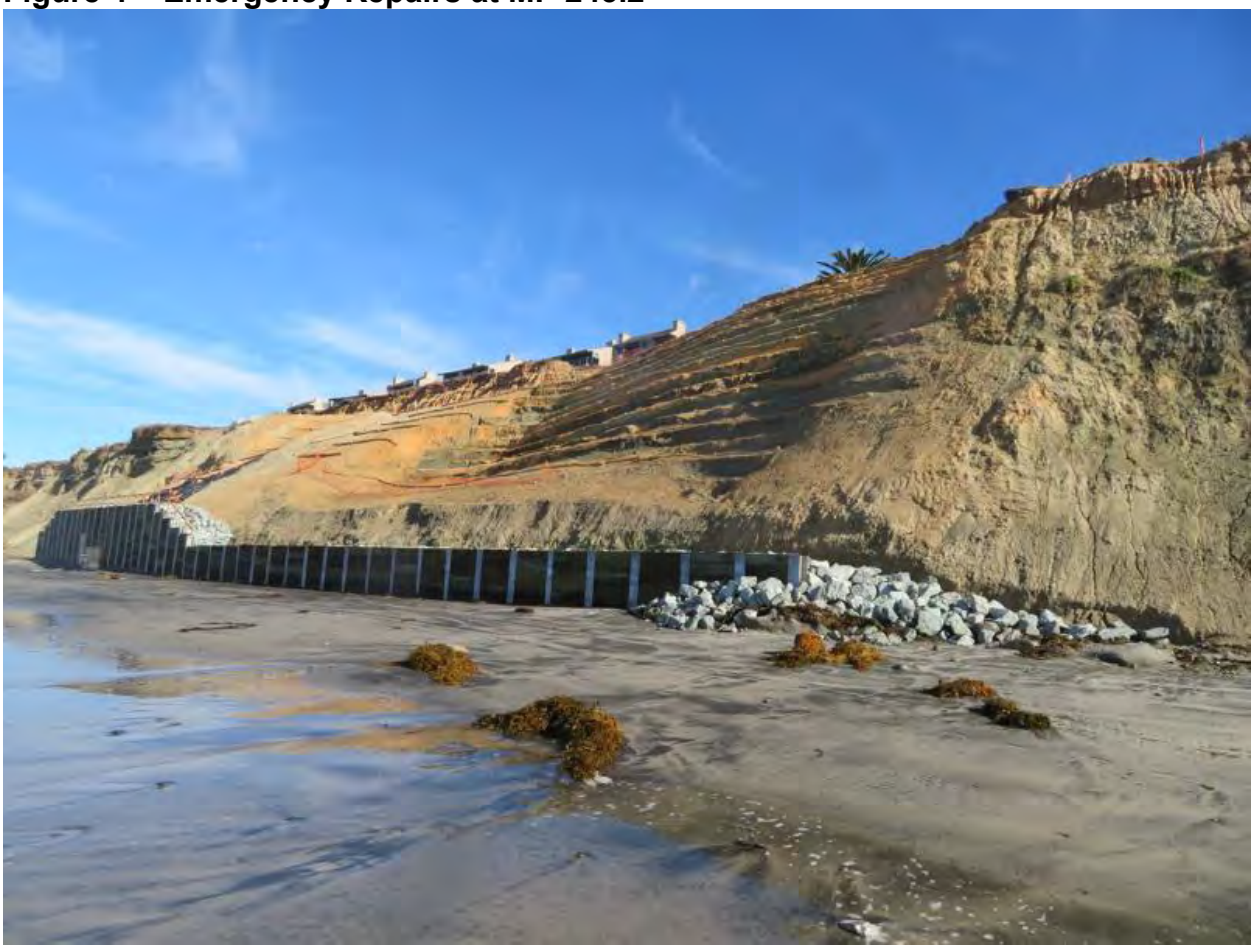
As part of the proposed project, SANDAG would also implement a capital improvement project to construct public access and recreation improvements. Although the specific designs and locations of these improvements would be selected by SANDAG at the conclusion of the Coastal Connections Study process previously described in this report, they may include an at-grade crossing, a vertical access trail connecting the top of the bluff to the sandy beach below and enhancement of an existing informal horizontal accessway located parallel and inland of the railroad. All of these access improvements would require minimal grading of the bluff face in order to construct the necessary slope for pedestrian access, install support structures like running boards with water boards, and place directional and informational signage for users. **Condition Two** requires that the vertical accessway not involve significant grading or alteration of the bluff beyond the work that is being performed as part of the proposed stabilization work. Similar to the drainage improvements, the horizontal accessway and associated support structures and signage would be located inland of the railroad tracks and thus would not be expected to result in adverse visual impacts to users down on the beach and along the top of the bluffs. Once complete, the vertical accessway would slightly contrast with the visual landscape of the bluffs; however, the accessway has been designed so as to minimize grading of the bluff face to the maximum extent feasible, more closely follow the natural topography of the bluff and expand on an existing narrow informal beach access trail rather than involve construction of an entirely new route. It should be noted that similar to other project components, these access improvements would incorporate color and textural treatments to lessen any adverse impacts to scenic resources.

The at-grade crossing would include two eight-foot-tall CPUC-approved signal gates with a ten-foot-wide arm and also two steel emergency swing gates. Although the signal gates and emergency swing gates would slightly contrast with the greater bluffs environment, considering their location within the railroad ROW and not being visible from the beach, plus the relatively minor amount of development, they would not adversely impact visual resources. The blufftop trail would include fencing consisting of three-foot-tall wooden pylons and steel cabling, or another similarly low-profile design. The use of wooden pylons and low-profile designs would ensure that the fencing would not adversely impact visual resources.

For the emergency repairs, seawalls and drainage outlets, SANDAG determined that they would be visible from the beach, but because there are existing seawalls and other

man-made structures in the area, this development would not be substantially out of character with the current conditions. The seawalls at MP 245.2 and Anderson Canyon consist of gravity-style seawalls constructed over 100 years ago. The seawall at MP 245.2 was approximately 60 feet long and 17 feet tall while the landslide that resulted from collapse of the wall was approximately 80 feet wide. At MP 245.2 the landslide was regraded, 18 soldier piles and tiebacks were installed in the upper bluff, a compacted fill buttress was constructed with drainage improvements, and a 290 ft long, five to 13 ft high solider pile seawall with wood lagging was installed at the toe of the buttress. Figure 4 below includes a photograph of MP 245.2 after the repairs were completed. At Anderson Canyon a cutoff wall was constructed in front of the existing seawall. A total of five new reinforced concrete pipes (RCP) and outlets would be constructed and three existing RCPs would be modified for drainage improvements. These outlets and RCPs are generally evenly spaced throughout the 1.6 miles of the bluffs.

Figure 4 – Emergency Repairs at MP 245.2



As demonstrated in the figure above, the bluff grading and installation of a new seawall and rip-rap end protection that was carried out as part of the emergency repairs at MP 245.2 resulted in significant alteration of the natural bluff landform and beach and is not visually compatible with the existing character of surrounding natural areas. The

steeper natural slope at this site was excavated and terraced and contrasts significantly from the surrounding natural bluffs.

Combined with those installed as part of the emergency repairs, the project would include a total of approximately 2,500 linear feet of seawalls. The majority of these seawalls would tie into existing seawalls beginning at 15th Street and create a continuous line of armoring downcoast to 11th Street, a distance of approximately 1,600 feet. There would then be another 300 foot segment from 8th Street to 7th Street. Lastly, an 800 foot segment of seawall would be constructed in the area of the recently completed emergency repairs for which SANDAG is seeking after-the-fact authorization. All of these seawalls would be similarly constructed with piles at 6 to 7 feet on center, down to a depth of 20 feet. The final elevation of the walls would be 15 feet above mean sea level with wood lagging panels installed between the piles. The space behind these walls would be backfilled with riprap to the top of the wall. Fill would be placed behind the seawalls at a slope ratio ranging from 5:1 to 2:1. The amount of fill and slope ratio behind each wall would be site-specific.

There are existing hard structures interspaced throughout the base of the bluffs, including the 630 linear feet of seawalls from CC-0004-18, but the areas where seawalls and drainage outlets are being proposed currently do not have any existing structures. As such, this development would alter the visual landscape along the toe of the bluffs in these areas. The seawalls that received emergency repairs were constructed over 100 years ago and had existed relatively unchanged for that span. However, the final repairs ultimately increased the amount of development in the area of those seawalls. Considering the highly scenic nature of the bluffs, this development must be carefully considered for its potential to adversely impact visual resources. Here, the development at the toe consisting of hard structures would create a visual contrast with the natural beach and bluff environment. Section 30251 requires permitted development to be sited and designed to protect views, but due to the steep topography of the bluffs and geotechnical constraints there are no siting alternatives that would allow the bluff toe development to be relocated so as to not disrupt visual resources. SANDAG has proposed a variety of methods to help minimize this visual incongruity, including use of concrete coloring and texture applications to help the development more closely match the aesthetic of the bluffs environment and construction of seawalls with timber paneling and lagging for a more natural appearance and consistency with existing seawalls. Examples of these existing seawall designs are shown in Figure 5 below. Despite these efforts to minimize the visual impacts of the proposed seawalls, they would be incongruous with the existing natural surroundings and alter natural landforms.

For these reasons, SANDAG and Commission staff also carefully considered the proposed infrastructure improvements and an array of design alternatives to minimize the total amount of development proposed within the bluffs. As a result of this effort, the scope of the project was refined and reduced during the course of the consistency certification review process. For example, SANDAG initially proposed to completely excavate and remove the 1,000-foot-long by 15 feet high berm feature located within the upper bluffs between Shippey Lane and 11th St (specifically, from Station 1518+85

to 1528+85). The pronounced shape and red color of the berm are a striking contrast to the shapes, colors and textures of the rest of the bluffs. As such the berm is a particularly prominent feature within the larger visual resource of the bluffs. Its removal would have significantly muted the visual character of this area and would have had a significant impact on visual resources. Following conversations with Commission staff and the City of Del Mar, SANDAG analyzed alternatives to removing the berm and found that installing approximately 100 piles west of the tracks on 10 foot intervals would provide adequate support and that removal of the berm would no longer be necessary.

Figure 5 – Seawall Design

Other examples of project refinement and reduction in scale include limiting the amount of development to only what SANDAG determined would be necessary to support the railroad for the next 30-years (considered to be a conservative estimate of the time needed for the rail line to be relocated off of the bluffs) and incorporating seawalls into the design so as to minimize the amount of proposed bluff grading, resurfacing and upper bluff work. In addition, the proposed seawalls have been designed to be removable upon relocation of the rail line (as further established through **Condition One**). By limiting project development to only include what SANDAG has determined to be the most necessary components and using seawalls where possible to minimize upper bluff stabilization features that would be more difficult than seawalls to eventually remove, SANDAG is not only minimizing disturbance to the visual bluff features but is also maximizing the potential restoration of the bluff once the tracks are relocated.

Should future remedial measures be required to protect the proposed bluff stabilization or erosion control measures SANDAG would consult with the Commission to determine if additional federal consistency review would be necessary to ensure that those remedial measures do not create adverse effects on scenic resources in the project area. In addition, SANDAG has agreed to incorporate into its consistency certification the maintenance and monitoring measures and commitments regarding bluff stabilization structures included in CC-0004-18, the previous Del Mar Bluffs 4 stabilization project. Those measures include visual treatment plans for exposed soldier piles and grade beams, collecting and restacking of any rip rap that become loose and spread out on the beach, annual monitoring and reporting (including to the Commission) on the status of the stabilization structures and shoreline armoring over the authorized life of the development, and Commission review of the status of stabilization measures and shoreline armoring structures at the end of their design life and/or in the context of railroad relocation planning. As described above, **Condition Seven** would memorialize this commitment and expand it to include a requirement for SANDAG to visually survey all of the project seawalls and to remove or cover with appropriately colored paint any vandalism such as graffiti.

With the aforementioned project elements and visual resource treatment measures proposed by SANDAG as well as the addition of **Condition Seven**, the project would minimize the adverse visual impacts of the upper bluff stabilization improvements and hard structures on the beach. However, the project would still include a significant amount of upper bluff stabilization, seawalls and drainage outlets in areas that currently do not have any existing structures and would thus be inconsistent with the visual character of the bluffs landscape. Further, the installation and presence of these stabilization features would result in significant alteration of the natural bluff landform and beach. As such, the project would not be visually compatible with the character of the bluffs environment and the Commission finds the project inconsistent with Section 30251.

However, Coastal Act Section 30235 requires the Commission to authorize shoreline protection devices – even if they would be inconsistent with other Chapter 3 polices – when they are determined to be necessary to protect an existing structure in danger of erosion and when they meet specific criteria. As discussed in the section above focused on shoreline structures and geologic hazards, the project would meet these criteria with the inclusion of **Condition One** and SANDAG's commitment to monitor and maintain the shoreline armoring. With the project thus allowed pursuant to the "override" provisions of Coastal Act Section 30235, it may still be approved even though it would result in adverse impacts to visual resources and be inconsistent with Section 30251.

I. Environmentally Sensitive Habitat Areas and Wetlands

Section 30107.5 of the Coastal Act states:

> "Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special

> nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

Section 30233 of the Coastal Act states (in part):

> (a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:…
>
> (5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines

Section 30240 of the Coastal Act states:

> (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.
>
> (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.

Environmentally Sensitive Habitat Area
Environmentally Sensitive Habitat Areas (ESHA) are areas in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities. Coastal Act Section 30240 part (a) states that ESHA shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas and part (b) states that development in areas adjacent to ESHA and parks and recreation areas shall not degrade those areas or be incompatible with their continued presence.

SANDAG's consistency certification states that the general project area includes limited biological habitat:

> The NCTD ROW is subject to regular, ongoing disturbance associated with train traffic, track and ROW maintenance, and numerous informal pedestrian foot trails. For operational and safety reasons, the train tracks have been laid on a bed of crushed rock (i.e., ballast) that nearly excludes all plant growth and the area directly adjacent to the track is maintained to be kept free of weeds. Further from the tracks, however, the ROW and adjacent areas support a variety of habitat types and vegetation communities. The biological resources letter report

prepared for the Proposed Action (HELIX 2021) identified the following 13 vegetation communities and land cover types within the biological study area (BSA; encompasses 58.5 acres along the 1.6-mile linear project length, ranging in width from 220 to 390 feet), some of which also exist as disturbed phases: freshwater marsh (including disturbed), cismontane alkali marsh (including disturbed), arrow weed scrub, arundo-dominated riparian, beach, Torrey pine forest, saltgrass grassland, Diegan coastal sage scrub, coastal bluff scrub (including disturbed), unvegetated bluff, non-native vegetation, disturbed habitat, and developed land.

Of these habitats, three are considered potential Environmentally Sensitive Habitat Area (ESHA), including portions of the Diegan coastal sage scrub, arrow weed scrub, and Torrey pine forest. Potential ESHA identified in the BSA was generally based on habitat and/or species rarity, including global and state rarity rankings for habitats, and presence of listed plant or animal species, or species with other high sensitivity rankings.

Diegan coastal sage scrub and Torrey pine forest will be discussed in more detail below. Arrow weed scrub is a wetlands habitat and will be discussed in the wetlands portion of this staff report.

Diegan coastal sage scrub

The biological survey area identified a total of approximately 3.3 acres of Diegan coastal sage scrub within the project site. Diegan coastal sage scrub is a habitat subset comprised of two major vegetation types in California, coastal sage scrub and chaparral. In coastal areas of California this habitat is known to comingle with coastal bluff scrub and the two habitat types include many of the same plant species such as California buckwheat (Erigonum fasciculatum) and California sagebrush (Artemisia california). The biological survey also determined that the federally listed coastal California gnatcatcher (Polioptila california) has the potential to occur within the Diegan coastal sage scrub located in the southernmost area of the survey area.

The coastal California gnatcatcher (Polioptila californica californica) was listed as threatened under the Endangered Species Act by the United States Fish and Wildlife Services (USFWS) on March 25, 1993. The coastal California gnatcatcher, a small gray songbird, is a resident of scrub dominated plant communities from southern Ventura County southward through Los Angeles, Orange, Riverside, San Bernardino, and San Diego Counties, in California and into Baja California, Mexico. It is threatened in large part due to the loss of an estimated ninety percent of coastal sage scrub habitat from development. Remnant patches have also been degraded and lost by unnaturally frequent or intense wildfire. Preventing further loss of this bird and its habitat has been recognized as important in past Commission actions .

Development of the proposed project would adversely impact approximately 0.03 acres (1,307 square feet) of Diegan coastal sage scrub for construction of a new decomposed granite access road at MP 245.0 near 4th Street and approximately 0.02 acres (871 square feet) for construction of a concrete-lined trackside ditch located south of MP

245.6 (close to where Carmel Valley Road meets North Torrey Pines Road). For the site near 4th Street, SANDAG determined that because the total area of Diegan coastal sage scrub at this location is small, isolated from other habitat areas, has been continuously disturbed, and lacks the potential to support California gnatcatcher, it does not rise to the level of being considered ESHA. The Commission's staff ecologist reviewed the biological survey provided by SANDAG and agrees with this assessment.

In contrast, SANDAG found that the 0.02-acre area of coastal sage scrub near MP 245.6 in the southern part of the study area does have the potential to support California gnatcatcher and therefore could be considered ESHA.

However, although this area does have the potential to support California gnatcatcher, the project development proposed there - which is limited to access road improvements, a construction staging area, and drainage improvements - would take place outside of the areas known to provide suitable habitat for California gnatcatcher. As such this portion of the project would not be located within an area considered Diegan coastal sage scrub ESHA nor would it have the potential to impact any nearby Diegan coastal sage scrub ESHA. However, as discussed further below, the area is located within Torrey Pines State Beach (a park and recreation area) and is adjacent to areas that are likely to support gnatcatcher and be considered ESHA.

Torrey Pine Forest

The second habitat identified within the project footprint that could potentially be considered ESHA is an approximately 0.3 acre (13,000 square foot) area of Torrey pine forest comprised of three smaller locations within the southern part of the project. Torrey pine forest supports the Torrey pine (Pinus torreyana), an endangered species endemic to the Torrey Pines State Natural Reserve and Santa Rosa Island. According to SANDAG two of the Torrey pine forest habitats are small, remnant disturbed strands among walking paths adjacent to Camino del Mar, and one larger strand on the upper slopes and perimeter of a canyon near MP 245.5. Considering the rarity of Torrey pine forest this habitat does constitute ESHA; however the project as designed would avoid any temporary or permanent impacts to the Torrey pine forest.

Trail Development and Habitats

SANDAG is also proposing to carry out a capital improvement project that would include three public access and trail enhancements: (1) a railroad crossing, (2) enhancement of an informal beach access trail, and (3) enhancement and expansion of an existing informal lateral bluff top trail from Seagrove Park to 4th Street. Each of the access and recreation improvements would require minor grading and site preparation using hand crews and light machinery. After construction of the trail, decomposed granite or other similar natural surface treatments would be applied and compressed, followed by running boards. The lateral bluff top trail would also include fencing consisting of three-foot-tall wooden pylons and steel cabling or other similarly low-profile designs. All of the access and recreation improvements would be constructed within areas of unvegetated bluff, non-native vegetation, or areas that were previously developed or disturbed. None of the access and recreation improvements would take place within or adjacent to any ESHA or within areas known to support sensitive species.

Mitigation Measures

Although the project would not result in any impacts to ESHA, it is still possible that construction activities could adversely impact the sensitive habitats and species adjacent to the project area. Construction of the proposed project would take place along a 1.6 mile section of the Del Mar Bluffs over the course of 36 months. The project would also require work during the night with rotating shifts in order to complete all of the proposed development within the 36-month construction window.

Construction equipment would include various earth moving equipment, drilling equipment, delivery trucks, concrete trucks, excavators and loaders, and cranes. The mobilization, staging, and demobilization of all of the equipment could trample sensitive habitats or species if there is not sufficient oversight of equipment movement. Additionally, the operation of heavy equipment can result in significant levels of noise which could agitate various species of birds and disrupt nesting. Finally, the use of lighting for work at night has been shown to confuse migrating birds and attract both terrestrial and aquatic species, thus making them more susceptible to predation.

In response to these concerns, SANDAG's consistency certification includes a list of mitigation measures that would be implemented as part of the proposed project. These include the installation of temporary construction fencing around sensitive habitats, pre-construction surveys for sensitive bird species during breeding and nesting seasons, an onsite biological monitor during clearing or grading activities, and maintaining the lowest intensity, shielded lighting possible for construction activities.

One of the mitigation measures proposed to be implemented by SANDAG would be pre-construction surveys within the area of Diegan coastal sage scrub adjacent to the southernmost portion of the project area where California gnatcatcher have the potential to occur. The measure specifically requires the surveys if operation of construction equipment takes place within 300 feet of the Diegan coastal sage scrub during the breeding season for California (February 15 to August 31). If the surveys do not identify any gnatcatchers breeding, then construction would be allowed to proceed. If the surveys do identify breeding gnatcatchers, then construction would be paused until a biologist determines the nests are no longer active, or until a temporary noise barrier or berm is constructed to ensure that noise levels are reduced to below 60 A-weighted decibels (dBA) at the nest location.

However, through coordination with Commission staff, SANDAG has agreed that implementation of a simpler and more precautionary approach would be feasible. This approach is memorialized through **Condition Four** and would prohibit project construction activities during the breeding season (February 15 to August 31) within 300 feet of the Diegan coastal sage scrub area where the California gnatcatcher is likely to occur. Because of their rarity and cryptic nature, gnatcatchers can remain undetected during surveys. As such, this approach of assuming the presence of the birds within suitable habitat and appropriately buffering it from construction activities during the sensitive breeding season would provide a greater level of protection and help ensure that project activities adjacent to ESHA are carried out in a manner that is consistent with the continuance of that habitat. Because the work proposed by SANDAG within

300 feet of the Diegan coastal sage scrub area likely to be used by gnatcatchers is relatively minor, implementation of this more protective approach would not significantly impact project operations and scheduling.

Wetlands
The biological survey provided by SANDAG summarized jurisdictional delineations to determine regulatory jurisdiction of water and wetland resources within the project site for various federal and state resource agencies. Wetlands under the jurisdiction of the Commission identified within the proposed project footprint include freshwater marsh, cismontane alkali marsh and arrow weed scrub.

Freshwater Marsh
As part of the improvements to the drainage features within the project footprint, the existing trackside swales would be converted to concrete-lined trackside ditches to improve and increase stormwater capture and conveyance to outfalls. In total, these improvements would require the complete removal and replacement of the trackside ditches which would result in permanent impacts to approximately 0.2 acres (8,712 square feet) of freshwater marsh wetland habitat.

Cismontane Alkali Marsh
Cismontane alkali marsh consists of wet or inundated areas dominated by emergent vegetation, grasses and sedges. The cismontane alkali marsh in the project area is primarily located within existing swales and a small area also exists within the bluff face located west of Little Orphan Alley. The proposed conversion of the swales to concrete-lined ditches and construction of the seawall and slope recontouring would result in the displacement and permanently loss of 0.07 acres (3,049 square feet) of cismontane alkali marsh.

Arrow Weed Scrub
Arrow Weed Scrub is a riparian scrub dominated by arrow weed (Pluchea sericea), as well as other small trees or shrubs, but lacking any taller riparian tree species. Construction of a seawall and associated surface stabilization at the northern end of the project site would result in the complete removal of the 0.01 acres (435 feet) of arrow weed scrub.

Analysis
In total the project is expected to result in the loss of 0.28 acres (12,197 square feet) of wetlands. Under Coastal Act Section 30233 a project that involves wetland dredging or fill may only be authorized if the project passes three tests. The first test requires that the proposed wetland fill activity fit within one of the enumerated use categories described in Coastal Act Section 30233(a)(1)-(7). The second test requires that no feasible less environmentally damaging alternative exists. The third and final test mandates that feasible mitigation measures are provided to minimize any of the project's adverse environmental effects.

Allowable Use
The proposed project involves installing new seawalls and other surface stabilization

and drainage improvements in support of the existing railroad corridor along the Del Mar Bluffs. This rail corridor is part of the Los Angeles – San Diego – San Luis Obispo (LOSSAN) rail corridor which functions as a vital link for passenger and freight movements along a 351-mile length of railroad. Passenger and freight movement along this corridor is a critical public access amenity because it provides public transportation to multiple coastal cities within Southern California. The Commission has considered repair work to or minor expansions of existing roads, railroad lines, and airport runways in certain situations to qualify as "incidental public service purposes," and thus allowable under Section 30233(a)(4), but only where no other feasible less damaging alternative exists and the work is necessary to maintain existing capacity. (e.g, CC-006-11, NCTD Railroad Bridge Abutment action; CC-055-05, NCTD, Railroad Bridge Replacement over Agua Hedionda Lagoon; CC-058-02, City of Santa Barbara, modifications to the Santa Barbara Airport; CC-052-05, NCTD, Bridge Replacement and Second Track, Santa Margarita River; and CC-086-03, NCTD, Second Track, San Onofre Area, Camp Pendleton.). Here, the fill is necessary as part of the safety and stabilization project, which itself will not expand railway capacity at all. Rather, it will simply help maintain the railway in its existing configuration. As such, the wetland fill is an allowable use under Section 30233.

Alternatives

The second test of Coastal Act Section 30233 is that there is no feasible less environmentally damaging alternative to the proposed dredging or fill of wetlands. The proposed project would result in the fill of a small area of wetland habitat associated with the installation of a seawall in the southern portion of the project area and the excavation/removal of wetland habitats in other portions of the project area associated with the installation of drainage improvements.

As discussed in the hazard section of this report, the proposed seawalls – including the one proposed to be placed within wetland habitat - would provide long term stability of the bluffs until the track can be relocated, in which case the seawalls are designed to be easily removed. However, because the bluff face in this area is especially steep, seawalls alone would not completely eliminate bluff retreat in the area of the railroad which is why surface stabilization and drainage improvements are also proposed. SANDAG provided an analysis of alternatives to the proposed seawalls, drainage improvements and surface stabilization and found that because of the anticipated erosion and need to stabilize the rail corridor until the tracks can be relocated, some level of toe protection and surface stabilization is necessary for the near term. As proposed, the seawalls and surface stabilization would be paired with lagging between existing soldier piles down to a depth of five feet. Without the seawalls and surface stabilization the area would require more tieback anchors drilled into the bluff face and deeper lagging to a depth of 30 feet. The addition of these tieback anchors and additional lagging require more excavation and alteration of the bluff face. As such, it would be more difficult to remove the development and restore the bluff to a more natural condition once the tracks have been relocated, as compared to the proposed seawalls and surface stabilization.

The wetlands within the project footprint that would be impacted by the proposed drainage improvements include areas within the existing drainage swales that run parallel to the railroad. These swales would be replaced in kind with new concrete lined swales which would require removing the disturbed wetlands that have established within the existing swales. As discussed above, the high velocity flows from the City of Del Mar occasionally overtop the existing drainage system which leads to pooling and increased erosion in the area of the railroad. In addition to the other drainage improvements, replacing the existing swales with new swales would more efficiently capture and direct water to the appropriately designed outlets, thus reducing the overtopping of water and erosion of the bluff. SANDAG considered alternatives with various channel bottom constructions, but the presence of groundwater and the requirement of a solider pile wall meant that these alternatives were either infeasible or resulted in more disturbance. Additionally, because the new swales would replace the existing swales and be constructed in the same location and configuration, the project would minimize impacts to other coastal resources such as access and recreation features.

Therefore, the Commission finds that the proposed project is the least environmentally damaging feasible alternative as required by Section 30233(a).

Mitigation

The third test of Coastal Act Section 30233 is whether feasible mitigation measures have been provided to minimize adverse environmental impacts. The proposed seawalls, surface stabilization and drainage improvements would result in the loss of 0.20 acres of freshwater marsh, 0.07 acres of cismontane alkali marsh and 0.01 acres of arrow weed scrub for a total of 0.28 acres of wetland habitat. As mitigation for these adverse impacts, SANDAG is proposing to use Resource Enhancement Mitigation Program (REMP) credits from the North Coast Corridor Public Works Plan/Transportation and Resource Enhancement Program (NCC PWP/TREP). The NCC PWP/TREP functions as a single integrated document for comprehensively planning, reviewing, and authorizing the transportation, community, and resource enhancement projects within the North Coast Corridor from La Jolla to Oceanside along the north San Diego County coastline. Within the NCC PWP/TREP is a section identifying planned track improvements, including work along the Del Mar Bluffs for additional stabilization. This includes the replacement of eroded track bed support, protection of the bluff face, and reinforcement of the bluff toe to provide continued operation of the rail service. The stabilization and associated drainage improvements included in SANDAG's consistency certification are considered consistent with the planned track improvements identified in the NCC PWP/TREP.

The REMP included in the NCC PWP/TREP also includes projects for the restoration of significant areas of wetlands that are within various stages of planning, implementation, and monitoring. Projects that have been successfully completed and that are meeting identified performance standards generate mitigation credits that can be applied to other projects under the NCC PWP/TREP. In the case of the proposed project, SANDAG proposes to deduct mitigation credits from the NCC PWP/TREP bank as mitigation for the permanent impacts to wetlands it would result in. Consistent with past practice, the

mitigation ratio to be used for mitigation projects completed prior to the impacts associated with this project would be 1:1 (mitigation area: impact area).

In order to ensure that permanent impacts to wetlands are adequately mitigated, **Condition Three** would require that prior to commencement of construction, SANDAG provide updated mitigation accounting tables, for the review and written concurrence of the Executive Director, that demonstrate adequate credits have been released from the REMP to mitigate for all permanent losses to wetland habitat that would result from the project at a ratio of 1:1.

Therefore, as conditioned, the Commission finds that the project is consistent with the ESHA and wetland protection provisions of Sections 30233 and 30240 of the Coastal Act.

J. WATER QUALITY

Section 30231 of the Coastal Act states:

> The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30232 of the Coastal Act states:

> Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

Proposed project activities including mobilization, staging and construction have the potential to negatively impact water quality and the marine environment through sedimentation and turbidity, as well as the accidental spill or release of crude oil, gas, petroleum products, or other hazardous substances within the site. SANDAG included in its consistency certification commitments for water quality protection during construction of the proposed project, including preparation of a Storm Water Pollution Prevention Plan, compliance with its National Pollutant Discharge Elimination System permit, and implementation of construction best management practices:

> A Storm Water Pollution Prevention Plan (SWPPP) would be prepared for the Proposed Action prior to construction in order to obtain National Pollutant Discharge Elimination System permit coverage for storm water discharges. SWPPP Best Management Practices (BMPs) would be implemented to ensure

> that construction does not adversely affect water quality from the use, for example, of petroleum products (e.g., fuels, oil, and lubricants) and erosion of land cleared during construction. Therefore, potential, indirect effects to water quality during construction would be avoided or minimized.
>
> The Proposed Action does not involve new facilities that would create contaminants or pollutants that could indirectly affect coastal wetlands. The Proposed Action would not substantially alter existing on-site drainage patterns, nor would it increase runoff volumes and velocities. Upon implementation of the Proposed Action, runoff on the bluffs would continue to flow west, down to the beach and ocean.

SANDAG's consistency certification states that the SWPPP would be prepared prior to the start of, and implemented during, project construction. The SWPPP, which SANDAG agrees to submit to the Executive Director for review and written approval prior to construction, would address construction-related erosion and sediment control measures, soil stabilization, pollutant control measures for hazardous construction materials (such as fuels and lubricants), a best management practices (BMPs) inspection and maintenance plan, and a monitoring program and reporting plan. The consistency certification further states that:

> Contractor operations are not anticipated to use or generate any unusual or significant amounts of hazardous wastes. Potentially hazardous materials, which may be present on site during construction of the proposed action, are those generally associated with the operation and maintenance of vehicles and equipment. Though these potentially hazardous materials may be present on site, the amount of material would be limited due to the mobile nature of the installation activities. All wastes generated would be disposed of at an approved disposal site. Hazardous materials temporarily held on-site would be stored in secure areas and in properly placarded containers. The Contractor would develop a Spill Prevention and Containment Plan before construction begins to ensure that the release of any hazardous materials is properly controlled and cleaned up. This plan would demonstrate that hazardous material storage is as far away from sensitive areas as practicable, and that any such storage areas are fully contained to prevent discharges to sensitive areas.

With the above-referenced water quality protection measures, the Commission finds that the proposed project would not cause significant adverse water quality impacts at and adjacent to the project area and would repair existing damaged storm water conveyance facilities that contribute to bluff erosion. Therefore, the Commission finds that the project is consistent with the water quality and spill prevention policies of the Coastal Act (Sections 30231 and 30232).

K. Cultural Resources

Section 30244 of the Coastal Act States:

> Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

The consistency certification includes an examination of potential cultural resources within the project area. SANDAG's consultant PanGIS prepared the Cultural Resources Survey for Del Mar Bluffs Stabilization Project 5, Del Mar, San Diego County, California (March 4, 2021) in order to determine the presence or absence of potentially significant prehistoric and historic resources within the project boundary. The report included a record search, a Sacred Lands File Search through the Native American Heritage Commission (NAHC), information requests from local Native American tribal representatives, an intensive pedestrian survey of the project area, and survey results.

PanGIS found in its cultural survey report that:

> In summary, 16 known cultural resource sites are located within or adjacent to the DMB5 APE. During the current cultural resource survey, four new historical resources were identified and the condition and location of twelve previously recorded resources were updated. Of the updated resources, nine were previously recommended ineligible for listing on the National Register of Historic Places (NRHP) and/or California Register of Historical Resources (CRHR) (Ní Ghabhláin and Pallette 2001; Ní Ghabhláin and Pallette 2002; Mengers 2018a; Mengers 2018b), one has been destroyed and is ineligible for listing, one was unable to be relocated for evaluation and is assumed destroyed, and one has not been evaluated but has protected status and will be avoided. The four newly recorded resources have not been evaluated. Until evaluation, they should be treated as if they are eligible for listing and impacts to the resources should be avoided. If impacts are unavoidable, these resources will require evaluation to determine significance.

Based on the results of the cultural surveys SANDAG concluded that the proposed project would not impact any of the previously recorded or newly recorded resources.

On May 28, 2021, SANDAG initiated consultation with the State Historic Preservation Officer (SHPO) regarding the 12 previously recorded resources as well as the 4 newly recorded resources. After reviewing the documentation submitted by SANDAG the SHPO concurred that the Area of Potential Effect was adequately delineated and the 16 resources (including the four recently discovered resources) are not eligible for listing on the National Register for Historic Places. The SHPO concluded that it does not object to SANDAG's finding that the project would not affect any cultural resources.

PanGIS further reports in the cultural survey report that:

> A Sacred Lands File Search request of the project area was submitted to the Native American Heritage Commission (NAHC) as part of the DMB4 project, and negative results were returned February 5, 2018 (Mengers 2018). The NAHC

> provided PanGIS with a list of Native American Contacts who may be able to supply information pertinent to the project area. Each of the seventeen individuals listed were contacted by mail or email sent February 8, 2018. Follow-up phone calls were made by PanGIS, Inc., on February 26, 2018. No replies to information requests were received.

PanGIS determined that because the area of potential effect (APE) for the DMB4 project is the same as the APE for the proposed project, and because the Sacred Lands File Search for the DMB4 project was less than five years ago, the results of that search are still applicable. The consistency determination also includes a record of Tribal outreach letters sent by and phone calls made by PanGIS on behalf of SANDAG requesting information on potential Tribal cultural resources in the project area.

Independently, on March 28, 2022, the Commission staff mailed letters to the Barona Group of the Capitan Grande, Campo Band of Diegueno Mission Indians, Ewiiaapaayp Band of Kumeyaay Indians, Iipay Nation of Santa Ysabel, Inaja-Cosmit Band of Indians, Jamul Indian Village, Kwaaymii Laguna Band of Mission Indians, La Posta Band of Diegueno Mission Indians, Manzanita Band of Kumeyaay Nation, Mesa Grande Band of Diegueno Mission Indians, San Pasqual Band of Diegueno Mission Indians, Sycuan Band of the Kumeyaay Nation, and Viejas Band of Kumeyaay Indians informing Tribal representatives of the proposed project and requesting information on any Tribal cultural, historic, or religious sites within or adjacent to the project area.

The Commission staff received a response from the Viejas Band of Kumeyaay Indians. The response stated that the project area has a rich history and cultural significance to the tribes, and requested that cultural monitors from the tribes be present for all ground-disturbing activities. SANDAG informed the Commission staff on April 14, 2022, that as with previous consistency certifications for LOSSAN rail projects, it would take steps to ensure that Tribal cultural monitors would be present during project ground disturbing activities. SANDAG would also adhere to standard archaeological mitigation measures for protection of any cultural resources inadvertently discovered during project construction activities.

The Commission agrees with SANDAG that the proposed project would not adversely affect known cultural resources. The resource inventory and evaluation work previously undertaken within the project area and the commitment by SANDAG to protect unknown cultural resources that may be uncovered during project construction and to also have Tribal cultural monitors onsite demonstrates SANDAG's commitment to protection of cultural resources. Therefore, the Commission finds that the project is consistent with the cultural resource policy of the Coastal Act (Section 30244).

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

1. CC-0005-21 (SANDAG, Del Mar Bluffs Stabilization Project 5) and accompanying technical documents.

2. North Coast Corridor Public Works Plan and Transportation and Resource Enhancement Program (Caltrans and SANDAG, December 2016.

3. San Diego Forward – the 2021 Regional Plan (SANDAG, December 2021).

4. 2050 Regional Transportation Plan (SANDAG, 2011).

5. CC-048-04 (SANDAG, Del Mar Bluffs Stabilization Project 2, Del Mar, San Diego County).

6. CC-002-10 (SANDAG, Del Mar Bluffs Stabilization Project 3, Del Mar, San Diego County).

7. CC-0004-18 (SANDAG, Del Mar Bluffs Stabilization Project 4, Del Mar, San Diego County).

8. CDP 6-01-081 (NCTD, Soldier Pile Installation, Del Mar Bluffs, Del Mar, San Diego County).

9. CDP 6-96-156 (NCTD, Soldier Pile Installation, Del Mar Bluffs, Del Mar, San Diego County).

10. CDP 6-05-072 (Las Brisas, Solana Beach, San Diego County)

11. CDP 6-07-133 (Li, Encinitas, San Diego County)

12. CDP 6-12-041 (Lampl, Encinitas, San Diego County)

13. CDP 3-13-012 (Caltrans, San Luis Obispo County)

14. CDP 2-20-0282 (Caltrans, Sonoma County)

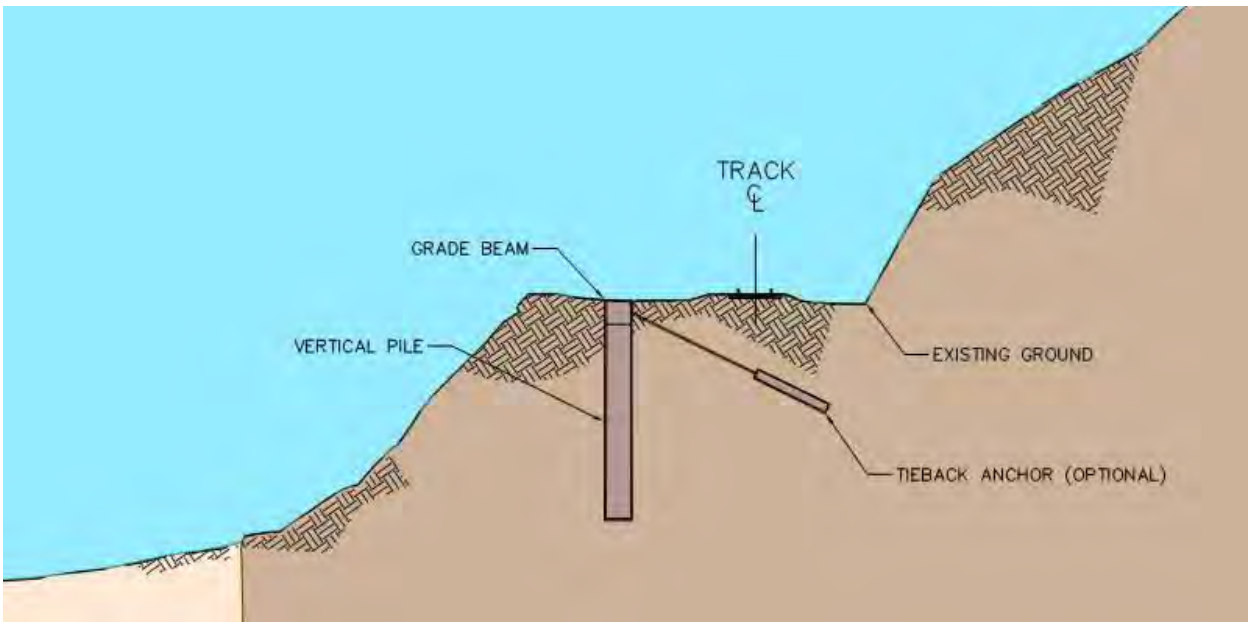
15. CDP 6-16-0281 (Winkler, Solana Beach, San Diego County)

APPENDIX B - COMPLETE PROJECT DESCRIPTION

Upper Bluff Stabilization Structures
The proposed subsurface stabilization improvements consist of new stabilization structures and retrofits of existing stabilization structures. The new stabilization improvements are generally described by SANDAG in its consistency certification as follows:

> Proposed stabilization improvements for most new areas consist of a [below ground] soldier pile wall at the bluff top to provide track support by retaining the earth behind the wall to prevent both local and global slope failures. This type of wall consists of vertical piles placed at 9 to 10 feet on-center with a connecting cast-in-place concrete pile cap or grade beam at the top. The piles would be constructed by drilling a 36-inch to 42-inch diameter hole, placing a steel beam in the hole (W shape) and filling the hole with concrete. If the wall needs to retain soil, the exposed surface between the piles would be in-filled with facing material (lagging) which may be timber, precast concrete planks or shotcrete. For taller walls, tiebacks would be required to anchor the soldier piles into the existing slope.... The soldier piles would be placed 11 feet to 21 feet seaward of the track centerline with the top of the wall about 1 foot below the top of tie. Generally, this would result in a wall that is initially buried; however, due to the natural bluff retreat, the top of the system may become exposed over time. Thus, the lagging would be finished with a textured and colored face similar to the color and texture of the existing bluff.

Figure 1 – Typical Section of a Stabilization Improvement Area



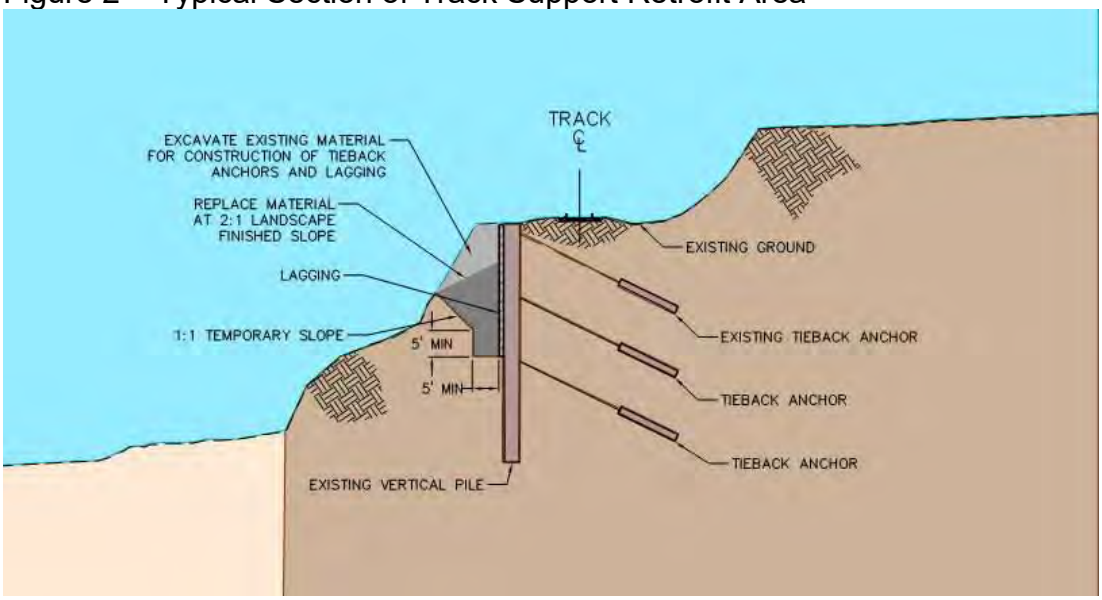
The amount and depth of piles, number of anchors and depth of lagging would be specific to the geotechnical and engineering requirements of each stabilization area, but

in total the project would include a total of 182 piles spread across eight locations with anywhere between 4 to 85 piles at each location driven down to a depth of 50 to 60 feet with roughly 10 feet between piles. The overall combined length of all of the stabilization improvements would be 1,761 feet. **Exhibit 3** includes a complete list of the upper bluff stabilization components and **Exhibit 5** shows their proposed individual locations and lengths. The addition of lagging (horizontal connections) between piles is proposed in eight locations where SANDAG has determined that the piles will need to retain soil. Once installed, the soldier piles and connecting lagging would essentially form a buried or subsurface wall that would extend from roughly even with the ground surface to five feet below ground surface. The addition of lagging in these areas would create eight new walls ranging in length from 59 feet to 165 feet. The overall combined length of the eight proposed subsurface walls would be 897 feet, as shown in **Exhibit 4**.

The proposed track support retrofit areas are generally described by SANDAG in its consistency certification as follows:

> In general, the existing piles could be retrofitted by addition of lagging and tiebacks. The exposed surface between the piles would be in-filled with facing material (lagging) which may be timber, precast concrete planks or shotcrete. Lagging options would include placement of anchors into the existing soldier piles to support the facing. A channel could be attached to support panel lagging. A shotcrete facing would be connected directly to the anchors similar to the emergency repair at 15th Street. The shotcrete lagging would be finished with a sculpted face similar to the color and texture of the existing bluff.
>
> Placing all lagging required for the 30-year bluff retreat in the initial phase of construction would require excavating and backfilling up to the required depth of lagging as shown in the graphic below. The depth of visible lagging is determined both by the extent of predicted bluff retreat, as well as the required excavation for the construction of tieback anchors... The excavation would be backfilled with a subdrain added to restore the bluff. Depending on the location and the depth of the replaced fill, the slope at the bluff face would be somewhat weakened with a slightly faster rate of retreat in that zone.
>
> Most of the existing soldier piles would require addition of secondary anchors to extend the service life of the system. Addition of secondary anchors would require construction of a grade beam between the existing piles to support new tieback anchors. The grade beam could be a reinforced concrete beam or steel waler beam encased in shotcrete. Considering the need for adding grade beams to support additional tiebacks, the shotcrete lagging option is considered preferable because it would provide one consistent look for the wall system.

Figure 2 – Typical Section of Track Support Retrofit Area



Similar to the stabilization areas discussed above, the number of anchors and depth of lagging would be specific to the geotechnical and engineering requirements of each retrofit area. In total, there would be 32 areas within the bluffs that would be retrofitted in this manner. Each area would receive up to one additional tieback anchor and lagging would be down to a depth of up to five feet. The overall length of lagging added to the retrofit areas would be approximately 2,086 feet. See **Exhibit 3** for a complete list of the upper bluff stabilization components and **Exhibit 5** for individual component locations and lengths.

Figure 3 below is a photograph taken from the exhibits of Consistency Certification CC-0001-20 depicting retrofit construction, including lagging, made to existing soldier piles that had become exposed as a result of erosion (see sculpted wall directly below train). The lagging and shotcrete wall in that project would be similar to the walls being proposed as part of the retrofits for this project.

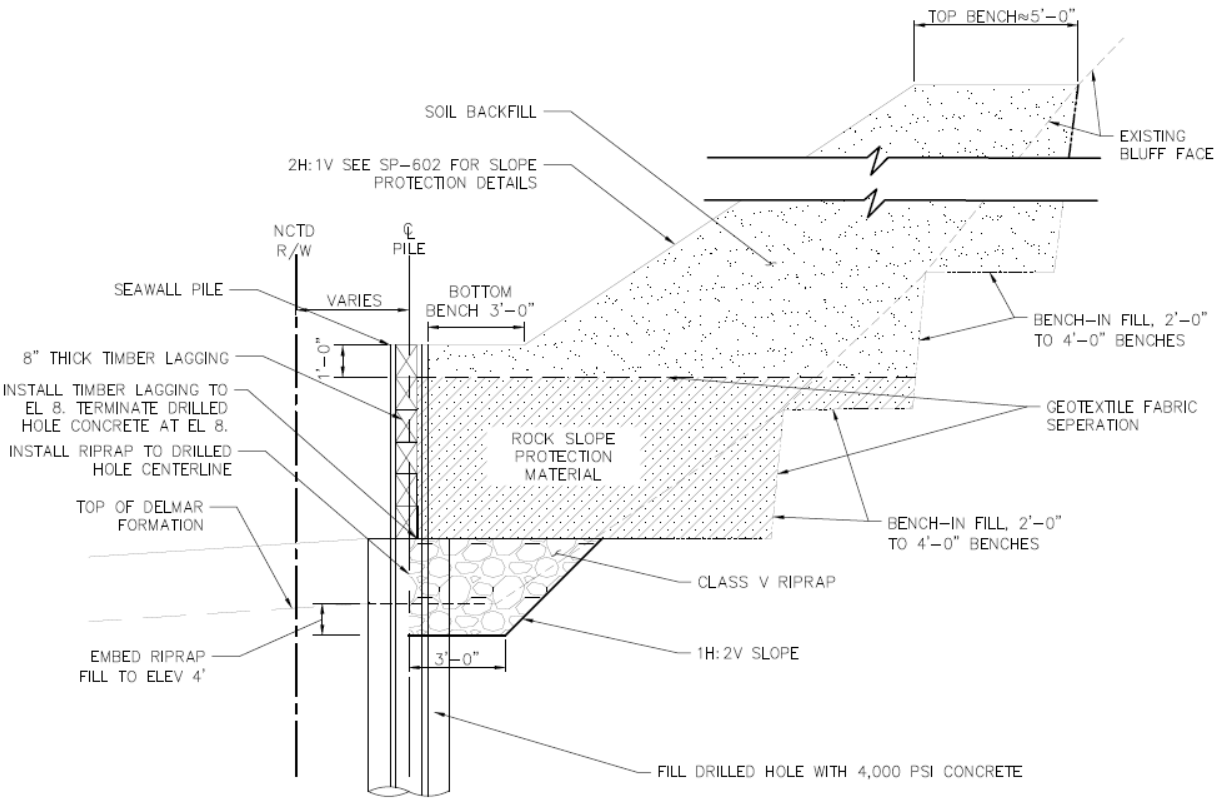
Figure 3 – Photograph of Solider Pile Wall with Lagging

Seawalls and Changes to Bluff Slopes
The inclusion of seawalls and surface stabilization as part of the project is proposed by SANDAG to reduce erosion of the bluffs and improve overall bluff stability. As a result, in areas where seawalls are proposed, the project would be able to reduce the amount of bluff top improvements (number of tiebacks and depth of lagging) and therefore reduce disturbance to the upper bluff face.

The proposed seawalls are described by SANDAG in its consistency certification as follows:

> Proposed seawalls consist of a soldier pile wall at the bluff toe with wood lagging panels. Proposed seawalls would be constructed in-line with existing seawalls, where present, to an elevation of 15 feet above mean sea level (MSL). This type of wall consists of vertical piles placed at 6 to 8 feet on center with wood lagging panels. The pile construction would be similar to the piles placed for track stabilization, except that the piles for the seawall would be smaller in diameter. The space behind the piles would be backfilled, up to the top of the seawall. Rip rap is proposed behind the proposed seawalls to minimize erosion and undermining of seawalls. Fill will be placed behind the seawalls at a slope ratio ranging from 5:1 to 2:1…

Figure 4 – Typical Section of a Seawall



In total, the project proposes 6 new seawalls ranging in length from 48 feet to 814 feet with a total combined length of 2,151 linear feet. The seawalls would generally be interspersed throughout the project area beginning at Seagrove Park in the upcoast area of the project site and ending near Anderson Canyon, as illustrated in **Exhibit 4**, and the distance between the seawalls and the bluff face would vary from immediately adjacent to upwards of 26 feet seaward depending on the shape of the bluff. The height of the seawalls with respect to the beach and sand level would vary throughout the year, but at a proposed elevation of 15 feet above MSL, the top of the walls would be approximately seven feet high from the ocean side. The rip rap placed being the seawalls would be Class V with individual pieces of rock ranging in diameter between 15.5 and 36 inches. On top of this rip rap, SANDAG proposes to place soil fill material to achieve a slope ratio ranging from 5:1 to 2:1 from the top of the seawall to approximately the middle of the bluff height. This fill would be placed to catch the slope and mid-bluff and provide added support against slumping or failure. This approach was developed by SANDAG as an alternative to grading and removal of material from the entire bluff face.

In two locations, DMB2 (SN5 from Station 1541+50 to 5143+25) and DMB2 (SN1S from station 1531+50 to 1534) (as shown in **Exhibit 4**), SANDAG has determined that the existing piles cannot handle the global and internal pressures caused by the natural material on the bluff face so is proposing to grade and buttress the bluff face at a slope of 1.5:1 all the way to the top of the bluff. At these two locations, the graded slope would be covered with anchored turf reinforcement mats, followed by a layer of soil, and then planting with native vegetation.

In planning the project, SANDAG also considered potential options that did not include seawalls to support the toe of the bluffs and instead relied on reducing the steepness of the bluff slope by extending it seaward with fill material. Based on this analysis, SADAG determined that without seawalls, the project would require approximately 170,831 square feet of bluff face work. With seawalls and backfill, it determined that the amount of bluff face work would be reduced by approximately 71% for a total of approximately 48,970 square feet.

Drainage Improvements
The proposed drainage improvements would occur within 15 different locations throughout the 1.6 miles of the Del Mar bluffs (as shown in **Exhibit 7**). The improvements would be specific to the needs SANDAG has identified within each of those locations, but generally would include: new and/or increased concrete trap ditches, new and/or improved drains and outlets, increased capacity for inlets, installation of debris control measures, installation of splash walls on the existing channels at the ends of City streets, replacement of down drains, repairs to existing culverts, and addition of underdrains.

In addition to these proposed new and enhanced drainage features, SANDAG also proposes to carry out a variety of activities to prevent surface erosion on the inland side of the rail line between Seagrove Park and 10th Street. These activities include

regrading of eroded slopes, application of five to 20 foot high shotcrete, soil nail walls, soldier pile walls and/or retaining walls in select locations. These locations are shown in **Exhibit 7** and would include up to 4 sites and a combined total of approximately 1,000 linear feet of shotcrete or support walls…

Access Road Improvements
The proposed access road improvements are described by SANDAG in its consistency certification as follows:

> Improvements include regrading the existing access roads at the south end of the corridor. A 6-inch DG surfacing would be added to improve stability while still maintaining the pervious surface.

The existing access road runs along the top of the bluffs parallel to the western side of the railroad beginning near Seagrove Park and extends to the North Beach Lot of the Torrey Pines State Beach. The two sections of the road identified for improvements are located in the southern half of the project site in the area of the bluffs between 6th Street and 4th Street and in the area where Carmel Valley Road intersects with Torrey Pines Road. The road improvements are identified with black dashed lines and black fill in **Exhibit 5**. The access road is approximately 15 feet wide and the overall length of road that would be graded and resurfaced would be 3,390 feet.

Staging, Access and Construction Methods
Staging and access for the proposed project are described by SANDAG in its consistency certification as follows:

> Potential construction entrance areas would be located near the northern project limits at Coast Boulevard, at the termini of 8th Street and 7th Street, and near the southern project limits at Torrey Pines State Beach. These entrances would provide construction access along the east and west sides of the railroad tracks within the project limits using existing NCTD maintenance access roads. A temporary rail crossing would also be provided at 7th Street to allow construction vehicles to cross the tracks to access construction areas and staging locations. Potential construction staging areas could be located at the following locations:
>
> Staging Area 1 – Adjacent to the Coast Boulevard construction entrance west of the tracks
>
> Staging Area 2 – Terminus of 12th Street east of the tracks
>
> Staging Area 3A – West of the 8th Street construction entrance west of the tracks
>
> Staging Area 3B – Adjacent to the 8th Street construction entrance east of the tracks

Staging Areas 4 – Near MP 245.2 west of the tracks

Staging Area 5A and 5B – Adjacent to the southern construction entrance near MP 245.7

Potential construction entrances for access to work areas on the beach include the west end of 18th Street and 17th Street next to the lifeguard station at the north end of the project limits and through the Torrey Pines State Beach access road at the south end of the project limits. Use of the beach access would be subject to tidal influences. In addition to the construction staging and laydown areas within the railroad ROW, portions of the Torrey Pines State Beach parking lot, City owned lot at the end of 18th Street, and City streets could be used for additional staging and laydown subject to permits from the City of Del Mar and/or California State Parks.

Construction of bluff top stabilization structures would not require any beach access and would take place entirely within the railroad ROW at the top of the bluffs. Construction would require a drill rig and crane on or just east of the railroad track. Once situated the drill rig or crane would reach over the railroad track and drill into the upper bluff. The installation of tieback anchors would require an auger attached to the boom of an excavator. Lagging would consist of rebar cages placed between piles and shotcrete poured into the rebar. The outer face of the shotcrete would be colored and textured to match the surrounding natural bluff. Delivery trucks and cement trucks would traverse back and forth within the ROW in support of drilling operations.

Construction of seawalls and grading and placement of fill would require access from the beach. The area for the drilling rig on the beach would require excavating a small area of the beach to remove loose sand and establish a stable surface for drilling. Temporary casing would be installed around the perimeter of the area to be drilled in order to avoid sand sloughing into the hole. Once the hole has been drilled, a crane or excavator would place the steel beams into the hole and then concrete would be poured into the hole to set them. After the installation of piles is complete, lagging would be bolted to the flanges of the seawall piles. Next, excavators would place rip rap and fill material behind the wall, compact the soil down, followed by the mat and plantings.

Drainage improvements would include cut and cover and pipe jacking for new storm drains and outlets in order to avoid trenching through the existing bluff face. Excavators would work on the beach to excavate the toe of the slope so that the front face of the headwall can be constructed and tieback anchors installed. Shotcrete would then be applied and colored and textured so as to match the adjacent bluff material. Small backhoes and smaller trucks would be used in the construction of drainage channels and trackside ditches and for the repair of existing drainage inlets.

The improvements to access roads would remove existing material using backhoes and small dozers. A small dump truck would place the geogrid and aggregate material followed by compaction via a roller compactor.

Construction Duration
The overall construction schedule is estimated to take approximately 36 months; however, plant establishment from revegetation could take an additional two to three years. The timing of construction of the various components would depend on which can be conducted during active rail use. Construction of the various components would take place concurrently depending on site specific constraints.

Installation of soldier piles for upper bluff stabilization cannot take place during active rail use and would therefore occur at night and early morning, between 12:00 a.m. and 5:30 a.m. on weekday mornings. This timeframe could be expanded from 9:30 p.m. to 5:30 a.m. if busses are available to shuttle passengers around the Del Mar Bluffs and allow trains to be offline longer. In total, construction of the upper bluff stabilization components is expected to take 24 months. The construction of seawalls is not affected by train operations, but would be affected by high tides, waves, and storm surf and could not take place during periods with these conditions. Construction of seawalls is anticipated to take approximately 24 months. Construction of the drainage improvements and retrofits is similarly not affected by train activity and would take place during regular day time hours, but would not be completed during the rainy season. Overall, drainage improvements would require approximately 12 months to complete.

Project Duration
The proposed project submitted by SANDAG has been designed to accommodate a 30-year design life and encompasses a 1.6 mile section of the Del Mar bluffs. Previous bluffs projects considered by the Commission were constructed with a 20-year design life that could be extended with the addition of retrofit improvements such as tieback anchors and lagging. Previous bluffs projects considered by the Commission also consisted of project scopes and components of a significantly smaller scale than the project proposed in this consistency certification, generally consisting of no more than a few components encompassing linear extents of a few hundred feet to upwards of over a thousand feet. As such, this project is significantly larger and considers a longer-term planning horizon than previous projects. SANDAG has proposed these efforts to help protect the existing railroad and maintain it for rail operations, including passenger and freight, until the track can be relocated off the bluffs. Although SANDAG's current plan calls for relocating the tracks by 2035, full relocation will likely extend beyond the target date of 2035.

Public Access and Recreation Improvements
To address the resulting adverse impacts to coastal access and recreation from the projects proposed seawalls, SANDAG is proposing to carry out a capital improvement project that includes planning, design, environmental review and then construction of three significant coastal access and recreation features. These include a designated railroad crossing at either 7th Street or 11th Street, a beach accessway from the bluff top

to the beach below, and enhancement and formalization of the existing informal blufftop trail between 4th Street and Seagrove Park.

Conceptual plans for these three access and recreation improvements are currently being developed in the ongoing Coastal Connections Study. Because of this, SANDAG has stated that it is unable to identify the specific locations and designs of the access and recreation improvements that it would ultimately include in its capital improvement project.

However, to help expedite and streamline construction of that capital improvement project, these findings include a Coastal Act consistency analysis of several of the conceptual designs that have been developed. While some of the more complex concepts (such as the ADA-compliant ramp system) are not yet advanced or refined enough to allow for a full analysis, some of the other concepts have been more completely developed or are simple enough for the Commission to evaluate at this time. These are described below.

Rail Crossing

The rail crossing included in SANDAG's capital improvement project would provide a designated pedestrian access from one side of the railroad tracks to the other so that the public would be able to more safely access the seaward side of the bluffs and the beach accessway. Prior to construction of this crossing, SANDAG would need to conduct additional planning, design and environmental review work and obtain authorization from the California Public Utilities Commission (CPUC).[11]. Because it would be constructed within the North County Transit District's railroad right-of-way, it would also need support from that agency. While several designs are currently being developed as part of the Coastal Connections Study, including "at-grade," over- and under-crossings, the furthest developed and simplest concept is the "at-grade" crossing that would be at the same elevation as the tracks and involve the most basic construction and design effort. Because this is the only crossing option that has been developed enough to allow for an evaluation of Coastal Act consistency, it is the only one reviewed as part of these findings.

The at-grade crossing concept would involve construction of a 15-foot wide by 40-foot-long concrete platform spanning across the railroad tracks. On both the seaward and landward ends of the platform, CPUC-approved signal gates would be installed to warn pedestrians of oncoming trains and also to block off access across the platform when trains are passing through the area of the bluffs. These signal gates would include an approximately eight-foot-tall pole with rail crossing signage and flashing lights connected to a ten-foot-wide arm that, when lowered, would span the width of the crossing. In addition to the signal gates, each side would also have a steel emergency swing gate. The purpose of this emergency swing gate would be to allow any

[11] Authority to construct a new public rail crossing is typically granted by the CPUC through the "formal application" process outlined in the Rules of Practice and Procedure, Rules 3.7 to 3.11, which results in an Order issued by the Public Utilities Commission.

pedestrians accidentally trapped by the CPUC signal gate to safely exit the area of the railroad tracks in the event of an oncoming train.

In addition to the crossing itself, an access trail would also be needed to provide passage from the end of City streets down to the railroad tracks. One potential design currently being developed in the Coastal Connections Study involves a five-foot-wide decomposed granite path that would be constructed within the existing disturbed area of the bluffs located between the railroad and the street.

Construction of the at-grade crossing and access trail would require construction personnel using hand tools to do limited grading to create a level surface in the area of the tracks for the at-grade crossing and to prepare the five-foot-wide granite path. Once leveling is complete, construction personnel would construct the at-grade crossing by pouring a concrete foundation and installing the signals and gates. Construction of the path would require applying and compacting a decomposed granite base or similar surfacing material. Running boards with water boards would be installed along the border of the path to help hold the trail and bluff slope material together. In total the at-grade crossing and path would result in 1,600 square feet of disturbed area.

Beach Accessway

Similar to the rail crossing, several alternative design concepts for a beach accessway are currently under development as part of the ongoing Coastal Connections Study. Additional planning, design, and environmental review is proposed to be carried out by SANDAG to further refine and finalize these alternatives. Although SANDAG is waiting for the completion of the Coastal Connections Study to select which alternative to include as part of its proposed capital improvement project, the most fully developed draft is included in **Exhibit 10** and is comprised of an eight-foot-wide decomposed granite path tied into a landing on a section of existing seawall. Because it is a fairly simple design and has been developed sufficiently to allow for an evaluation of potential effects to coastal resources, it is included as part of these findings.

This beach accessway would follow the alignment and footprint of an existing informal vertical accessway and would involve enhancing and improving it so that it can more safely provide beach access for a wider range of the public. To carry out these enhancements, construction personnel would use hand tools to do limited grading and widening of the trail surface, and steps would be molded into the bluff base material using techniques such as railroad ties secured in place with rebar stakes. Next, a decomposed granite base or similar surfacing material would then be applied and compacted over the graded trail surface area and running boards with water boards would be secured along the border of the trail to help hold the trail and bluff slope material together.

Blufftop Trail Between 4th Street and Seagrove Park

As part of its proposed capital improvement project, SANDAG would also enhance and formalize into a single trail the informal patchwork of blufftop trails that exist on the inland side of the blufftop between 4th Street and Seagrove Park (a distance of approximately one mile). While the ongoing Coastal Connections Study is also refining

specific design elements for this trail (for example, the type of natural surfacing it would have, the precise location and amount of cut and fill needed for it to maintain a level grade, etc.), its basic route and general design features have been identified. The trail would extend along the blufftop between 4th Street and Seagrove Park and would be an approximately one mile long pathway composed of decomposed granite located entirely on the inland side of the railroad tracks. The trail would predominantly follow the existing footprint of informal trails from 4th Street to 11th Street that are elevated above the railroad tracks and set back 50 feet from their center. The proposed trail would provide a single, connecting trail that would generally follow the existing elevation and topography of this section of the bluffs and be constructed within existing disturbed areas.

Construction of the trail would require hand crews and light machinery to do limited grading of the trail surface before applying and compacting a decomposed granite base. Running boards and water boards would be installed along the length of the trail on both sides to help support the footprint of the trail. Fencing consisting of three-foot-tall wooden pylons and steel cabling or other similarly low-profile designs would be installed along the length of the trail for safety.

Moving upcoast to the area from 11th Street to Seagrove Park, a distance of approximately 1,500 feet, pedestrians have historically walked adjacent to the railroad ROW. Here, because there is only a narrow area of 15 feet between the railroad tracks and the bluffs, the trail would be constructed by cutting into the inland bluff material, supporting it behind a retaining wall or other similar structure and then constructing the level trail in the cleared area further from the tracks. In order to minimize the amount of grading of the bluff in this area, the trail would be directly incorporated into the work already proposed to occur in association with the drainage improvements and retrofit improvements – such as soil nail walls – where feasible.

Emergency Repairs
The proposed project also includes a request for after-the-fact authorization for two emergency repairs, one at MP 245.2 and another at Anderson Canyon. Work on the emergency repairs began on March 13, 2021. As of the date of Commission action, all of the necessary engineering and structural support work for the emergency repair is complete and SANDAG has begun revegetation of the reconstructed slope.

The emergency repairs at MP 245.2 were carried out after an existing 60 foot long, 17-foot-high concrete seawall (originally constructed over 100 years ago) failed on February 28, 2021. This failure resulted in a complete collapse of the seawall and a landslide of the adjacent slope. Immediate emergency repairs and slope stabilization was carried out by SANDAG to prevent further erosion and provide sufficient stability so that trains could continue passing through the area of the bluffs in a safe manner. Repairs included temporary grading of the landslide area to an approximate 2:1 finish slope, installation on the top of the bluff of 18 Cast-In-Drilled-Holes soldier piles ranging in length from 20 feet to 35 feet with tieback anchors and grade beams at a distance of 11 feet from the existing track center, construction of a buttress, drainage improvements, and construction of a new 290 foot long, five to 13 foot high tapered

seawall with rip rap placed at both ends. Construction of the seawall required 53 soldier piles, spaced five to six feet apart, with wood lagging panels between them. Similar to the design of other existing seawalls in this area, once the tracks have been relocated and the wall is no longer necessary the lagging between the piles would be removed, the piles would be cut off at the depth of the Del Mar formation, and the rip rap would be removed off the beach.

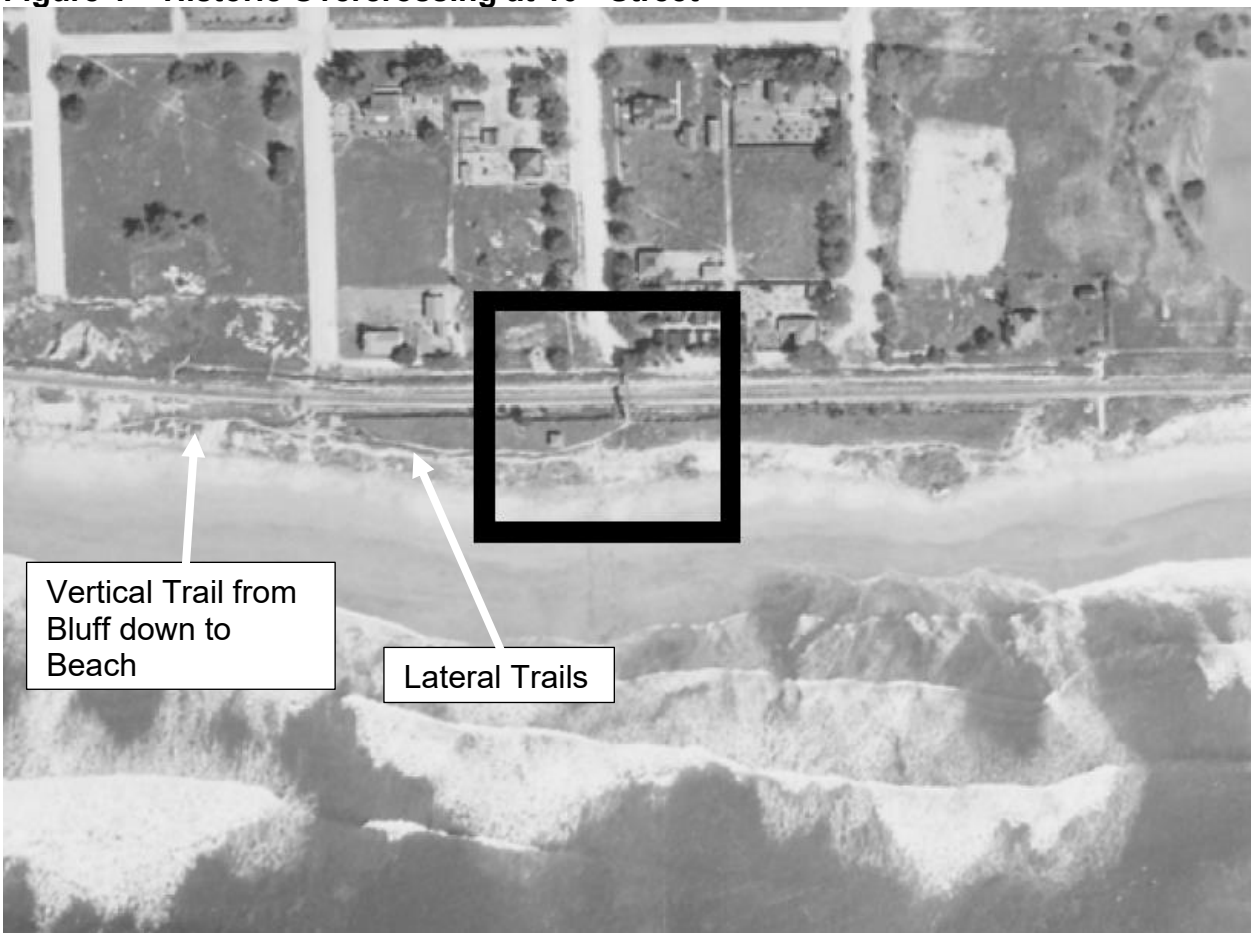
At Anderson Canyon, SANDAG used a visual analysis conducted on site as well as geotechnical and structural assessments, to determined that the existing 130 foot long, 19 foot high concrete seawall was showing signs of possible collapse. SANDAG determined that immediate repairs were necessary to prevent a failure similar to what happened at MP 245.2. To prevent such a collapse, SANDAG built a 161 foot long, cutoff wall flush with an existing splash pad and located 2.5 feet seaward of the existing seawall. SANDAG also installed weepholes along the length of the Anderson Canyon seawall to mitigate potential hydrostatic pressure. The constructed cutoff wall was constructed with 47 piles spaced 3 feet apart on center and a grade beam at the top of the piles. Removal of the seawall in the future would require cutting off the piles at the depth of the Del Mar formation.

Project plans and as-built photos of these emergency repairs are included in **Exhibit 6.**

APPENDIX C - HISTORY OF ACCESS AND RECREATION WITHIN THE DEL MAR BLUFFS

Construction of the railroad in its current location began in the early 20th century with the first train passing along the completed line in August 1910.[12] Sometime after completion of the railroad, a vertical overcrossing was constructed at the end of 10th Street that extended up and over the railroad and terminated on the bluff seaward of the tracks. This crossing connected to a series of informal lateral trails along the bluff edge as well as a vertical trail down to the beach at 11th Street. Figure 1 includes an aerial photograph from 1932 and the vertical overcrossing at 10th Street is highlighted with a black box. Various informal lateral access trails running along the length of the blufftop and the informal vertical trail leading down to the beach at 11th Street are also visible in the figure.

Figure 1 – Historic Overcrossing at 10th Street



(Photo Credit: C-1980, 73, February 28, 1932. Courtesy of UCSB Library Geospatial Collection)

[12] http://thewebsters.us/2021/04/07/railroads-through-del-mar/

This vertical overcrossing was removed sometime between 1932 and 1972 (it does not appear in aerial photographs from that year). Remnants of its structural foundation are still existing at the southern end of 10th Street, as illustrated in Figure 2 below.

Figure 2 – Remnants of Historic Overcrossing at 10th Street

(Photo Credit: Coastal Commission Staff, December 8, 2021)

Proposition 20 (the Coastal Zone Conservation Act) was on the November 7, 1972 ballot and was approved, effective February 1, 1973. The Coastal Zone Conservation Act created the State Coastal Zone Conservation Commission and six regional commissions. The Act was replaced with the Coastal Act of 1976, which became effective on January 1, 1977. Following passage of Proposition 20, any new, non-exempt development would be required to obtain Commission approval or, once its local coastal program was certified, City approval.[13] Development is broadly defined in the Coastal Act to include not only more typical land development activities such as construction of physical buildings, but also any changes in the intensity of use of land or water, even where no physical construction may be involved. Pertinent to the historic trails and access and recreation within the Del Mar Bluffs, any action taken after 1972 that would have the effect of changing the intensity of use regarding access and

[13] Note that the City of Del Mar has a certified Local Coastal Program that constitutes the standard of review for development projects within the City. However, the standard of review for the Commission's federal consistency review is the enforceable policies of Chapter 3 of the Coastal Act. Because this process is how the Commission has historically reviewed SANDAG projects along this section of rail, this report focuses only on Coastal Act policies.

recreation (whether temporary or permanent) would be considered development that would be subject to the policies of the Coastal Act and would require approval, unless exempt.

Figure 3 includes an aerial photograph from 1979 beginning at 12th Street and extending downcoast to 8th Street. The photograph illustrates the series of informal lateral trails along the bluff, as well as the informal vertical trail at 11th Street leading from the bluff top down to the beach.

Figure 3 – 1979 Aerial Photograph

(Photo Credit: Photography and website Copyright © 2002-2021 Kenneth & Gabrielle Adelman - Adelman@Adelman.com)

These trails have existed and been continuously used by the general public since construction of the railroad in the early 20th century and also since the passage of Proposition 20 and the Coastal Act. Any project that has the potential to adversely impact use of these trails for access or recreation is required to be reviewed pursuant to the relevant policies of the Coastal Act. SANDAG and NCTD have completed multiple stabilization-related projects within the bluffs beginning as far back as 1996. For each of these projects the Commission reviewed and analyzed all of the coastal resource effects of the proposed development, including temporary and permanent adverse impacts to access and recreation.

City of Del Mar
Agenda Report

TO: Honorable Mayor and City Council Members

FROM: Madeline Shute, Assistant Planner
Karen Brindley, Planning and Community Development Director
Via Ashley Jones, City Manager

DATE: November 14, 2022

SUBJECT: Encroachment Permit (EP) EP22-082 – SANDAG Bluff Stabilization V Improvements Relating to Shoreline Protection, Drainage Improvements, and Required Mitigation (Beach access for construction at 18th Street and adjacent to APNs: 299-240-01, 299-240-23)

Applicant: San Diego Association of Governments (SANDAG) on behalf of North County Transit District (NCTD)

REQUESTED ACTION/RECOMMENDATION:
It is recommended that the City Council: 1) Adopt the Resolution (Attachment A) conditionally approving Encroachment Permit EP22-082 to authorize bluff stabilization improvements relating to shoreline protection, drainage improvements, required mitigation, and authorizing access for construction along the beach, south bluff, and adjacent to private property at APNs 299-240-01 and 299-240-23 (from 15th Street south to Carmel Valley Road) and; 2) Authorize the City Manager to waive associated planning application fees in the amount of $1,941.

DISCUSSION/ANALYSIS:
On July 22, 2022, the California Coastal Commission (Coastal Commission) issued a federal consistency certification for the SANDAG/NCTD bluff stabilization project (Project) to stabilize the bluffs and existing railroad facilities within the NCTD railroad right-of-way, State public trust lands, and City of Del Mar property and right-of-way. The primary purpose is to increase the safety and reliability of existing passenger rail services on the Los Angeles-San Diego-San Luis Obispo (LOSSAN) corridor through year 2050 and maintain railroad operations along a 1.6-mile corridor between Del Mar's Seagrove Park and Torrey Pines State Beach. Currently, LOSSAN is the only operating rail link to southern San Diego County.

SANDAG most recently provided a status report on the Project to the City Council on June 6, 2022 and is currently requesting City of Del Mar authorization to perform the associated work in the public right-of-way to repair existing retaining walls/seawalls, storm drains, flow channels, slope failures, eroded areas, and access pathways to support existing railroad infrastructure. The work is proposed to occur from June 2023 to June 2026, typically

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City Council Action:

IT WAS MOVED BY COUNCILMEMBER DRUKER, SECONDED BY MAYOR WORDEN TO ADOPT RESOLUTION 2022-68, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, APPROVING ENCROACHMENT PERMIT EP22-082 AND WAIVING THE PLANNING AND LAND USE APPLICATION FEE FOR A LONG-TERM MAJOR ENCROACHMENT PERMIT FOR IMPROVEMENTS RELATING TO THE BLUFFS STABILIZATION V PROJECT (APNs: 299-240-01, 299-240-23) IN DEL MAR, CALIFORNIA" INCLUDING MODIFICATIONS FROM THE STAFF RED DOT. (VOTE 5-0)

between the hours of 7:00 a.m. and 7:00 p.m. Night work is also anticipated within the NCTD right-of-way.

Typically, construction work is not allowed on the beach during the summer months between Memorial Day to Labor Day. However, this is a larger project scope and longer project schedule than prior phases of the bluff stabilization project. Therefore, Coastal Commission has made an allowance and special accommodation for work to be done during the summer months. SANDAG is authorized to do work on the beach during summer weekdays when necessary. Construction will not take place during daylight hours on summer weekends from the Saturday of Memorial Day weekend through Labor Day, inclusive, except to the extent necessary to protect life and property.

SANDAG is required to submit a Construction Safety Plan to the Coastal Commission. Submittal of the Construction Safety Plan to the City will also be required as a condition of the EP. The purpose of the plan is to coordinate the scheduled construction work with City operations and minimize/avoid beach recreation impacts to the public. The EP also includes a Community Services custom condition to require SANDAG facilitate pre-construction coordination, ensure public safety, and minimize public beach access and recreation impacts.

Del Mar Municipal Code (DMMC) Chapter 23.28 requires an EP for work and improvements in the public right-of-way. Requests for construction access are typically approved at the staff level. However, improvements that extend above the level of the sidewalk, roadway, or adjacent grade require City Council approval. Therefore, the request was consolidated into one permit application for City Council consideration and approval.

SANDAG is seeking authorization for the following:

Temporary Construction Access Points:

- Coast Boulevard
- 11th Street
- 10th Street
- 4th Street
- Torrey Pines State Beach Access Road

Temporary Encroachments During Construction Work:

- 13th Street – Water line extension and irrigation control (water meter, solar panel, and irrigation equipment) installation
- 12th Street – Construction of storm drain
- Sea Orbit Lane – Drainage improvements

- Little Orphan Alley – Irrigation control (water meter, solar panel, and irrigation equipment) installation
- 4th Street – Drainage improvements

Access construction locations along the beach and south bluff via 18th Street (will maintain pedestrian access), Coast Boulevard (between 15th Street and 17th Street), 10th Street, 9th Street, 8th Street, 7th Street, to supplement access that will occur via the Torrey Pines State Beach parking lot located south of the City of Del Mar's jurisdictional boundary. Staging will occur within the NCTD railroad right-of-way (which varies in width). Coordination with Del Mar's Community Services Department is a required condition of permit approval for EP22-082.

Permanent Encroachments:

- Near 15th St – Drainage outlet to beach
- South of 15th St to 11th St – Construction of a seawall at the beach (bluff toe), fill and vegetation placement above the seawall, construction of drainage outlet on the beach, removal of existing chute and bowl
- North of 8th St to 7th St – Modification of drainage outlet on the beach and construction of seawall at the beach (bluff toe), fill and vegetation placement above the seawall
- South of 6th St – Drainage outlet to beach
- Storm drain replacement at end of 12th St

The remaining scope of approved bluff stabilization work is not included within the requested EP permit because it would occur within the NCTD railroad right-of-way. However, it is still scheduled to occur in accordance with the Coastal Commission consistency certification action as summarized below:

Other Project Components within NCTD ROW:

- Installation of new solider piles, grade beams, and tiebacks; and retrofit of existing piles with grade beams and tiebacks

- Installation of drainage improvements including new concrete drainage channels, replacement of existing drainage channels, and associated supporting structures for drainage channels

Notice of the EP application was provided to all owners of property within 300-feet of the project site. As of the writing of this report, no objections have been received.

Pursuant to Del Mar Municipal Code (DMMC) Section 23.28.070, there are six required findings for approval, which generally relate to public safety, intended use of the right-of-

way, community character, aesthetics, and conversion of public land for private use. Staff has provided suggested findings for permit approval below.

Finding 1. The proposed encroachment will not endanger the public health, safety or welfare, or the surrounding property.

The proposed improvements will maintain existing public use of the surrounding right-of-way and will not obstruct accessibility or endanger public health, safety, or welfare. The bluff stabilization and drainage improvements are necessary to protect the public health, safety and welfare.

Finding 2. The proposed encroachment will not unreasonably interfere with the intended use of a City Right-of-Way or Easement.

The proposed access and improvements will not unreasonably interfere with the public use of the beach and park. The Applicant is required to coordinate with the Community Services Department during the entirety of the construction process to ensure public safety and public beach access and recreation impacts are minimized to the maximum extent practicable.

Finding 3. The proposed encroachment will not have an adverse impact on the welfare of the community or on the community's appearance or aesthetics.

The Coastal Commission issued a federal consistency certification for the proposed bluff stabilization improvements relating to shoreline protection, drainage improvements, and required mitigation in the SANDAG/NCTD railroad right-of-way, State public trust lands, and the City of Del Mar property and right-of-way to ensure stabilization of the 1.6-mile railroad corridor for increased reliability of existing passenger rail services in the LOSSAN corridor. The City's authority for the EP is tied to authorization of access for construction along the beach, south bluff, and adjacent to private property at APNs 299-240-01 and 299-240-23 (from 15th Street south to Carmel Valley Road). The proposed improvements are generally consistent with the character of the existing bluff stabilization and railroad easement improvements and generally maintain the size and locations of existing features of the site as implemented in prior bluff stabilization project phases.

Finding 4. The proposed encroachment will not cause an unnecessary change in the character of the community.

The Coastal Commission issued a federal consistency certification for the proposed bluff stabilization improvements relating to shoreline protection, drainage improvements, and required mitigation in the SANDAG/NCTD railroad right-of-way, State public trust lands, and the City of Del Mar property and right-of-way to ensure stabilization of the 1.6-mile railroad

corridor for increased reliability of existing passenger rail services in the LOSSAN corridor. The proposed encroachments are generally within the same locations as the previous shoreline protection, drainage improvements, and bluff stabilization improvements implemented in prior bluff stabilization project phases. No change in use is proposed to occur.

Finding 5. The proposed encroachment will not be a detriment to the interests of the general public.

The proposed improvements will not permanently interfere with any present or future public use. Proposed improvements do not interfere with existing vehicular or pedestrian mobility of the surrounding right-of-way. The pedestrian path improvements, in particular, will enhance mobility along existing pathways in the City of Del Mar.

Finding 6. The proposed encroachment will not convert significant areas of public property to private use.

The proposed encroachments will not convert any existing public use areas to private use. All proposed improvements will enhance existing public use of these areas.

FISCAL IMPACT:
As is common practice among government agencies, staff is recommending that the $1,941 in fees related to the processing of this EP application be waived. There is no cost to the City related to this Project. According to SANDAG, funding sources for the project include resources from the Federal Transit Administration (FTA), State Transportation Improvement Program, and Transportation Development Act.

ENVIRONMENTAL REVIEW:
A Categorical Exclusion determination was prepared for the project by SANDAG in accordance with the National Environmental Policy Act (NEPA) since the FTA is acting as the federal lead agency. The project is categorically excluded from NEPA pursuant to Title 23 CFR 771.118(c)(8) which covers “maintenance, rehabilitation, and reconstruction of facilities that occupy substantially the same geographic footprint and do not result in a change in functional use, such as: improvements to bridges, tunnels, storage yards, buildings, stations, and terminals; construction of platform extensions, passing track, and retaining walls; and improvements to tracks and railbeds.”

ATTACHMENTS:
Attachment A – Resolution of Approval
Attachment B – Proposed Improvement Plans

RESOLUTION NO. 2022-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, APPROVING ENCROACHMENT PERMIT EP22-082 AND WAIVING THE PLANNING AND LAND USE APPLICATION FEE FOR A LONG-TERM MAJOR ENCROACHMENT PERMIT FOR IMPROVEMENTS RELATING TO THE BLUFFS STABILIZATION V PROJECT (APNs: 299-240-01, 299-240-23) IN DEL MAR, CALIFORNIA

WHEREAS, the City of Del Mar ("City") is the owner of the public rights-of-way way along the beach and shoreline; and

WHEREAS, San Diego Association of Governments ("Applicant") has filed an application for an Encroachment Permit (EP22-082) seeking approval for various improvements, more specifically described in the Agenda Report and attached Encroachment Permit plans, in the public right-of-way adjacent to APNs: 299-240-01 and 299-240-23 ("Project"); and

WHEREAS, Del Mar Municipal Code (DMMC) Chapter 23.28 requires an Encroachment Permit (EP) for any private improvements within the public right-of-way; specifically any improvements that extend at least 12 inches above the level of the sidewalk, roadway, or adjacent grade and requires City Council approval; and

WHEREAS, Section 23.28.070 of the DMMC provides that an Encroachment Permit may be approved or conditionally approved only if the decision maker makes all of the findings set forth in Section 23.28.070(C); and

WHEREAS, in accordance with the National Environmental Policy Act (NEPA), the project is categorically excluded from NEPA pursuant to Title 23 CFR 771.118(c)(8) which covers "maintenance, rehabilitation, and reconstruction of facilities that occupy substantially the same geographic footprint and do not result in a change in functional use, such as: improvements to bridges, tunnels, storage yards, buildings, stations, and terminals; construction of platform extensions, passing track, and retaining walls; and improvements to tracks and railbeds."; and

WHEREAS, on November 14, 2022, the City Council of the City of Del Mar held a duly noticed public hearing to review the referenced entitlements, and at which time all persons desiring to be heard were heard; and

WHEREAS, evidence was submitted and considered to include without limitation:

a. Plans submitted by the applicant;

b. Written information submitted with the application;

c. Agenda Report, dated November 14, 2022, incorporated by reference as though fully set forth herein;

e. Additional information submitted during the hearing.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Del Mar that Encroachment Permit EP22-082 is hereby approved based on the following findings in DMMC Chapter 23.28.070 (C):

Finding 1. The proposed encroachment will not endanger the public health, safety or welfare, or the surrounding property.

The proposed improvements will maintain existing public use of the surrounding right-of-way and will not obstruct accessibility or endanger public health, safety, or welfare. The bluff stabilization and drainage improvements are necessary to protect the public health, safety and welfare.

Finding 2. The proposed encroachment will not unreasonably interfere with the intended use of a City Right-of-Way or Easement.

The proposed access and improvements will not unreasonably interfere with the public use of the beach and park. The Applicant is required to coordinate with the Community Services Department during the entirety of the construction process to ensure public safety and public beach access and recreation impacts are minimized to the maximum extent practicable.

Finding 3. The proposed encroachment will not have an adverse impact on the welfare of the community or on the community's appearance or aesthetics.

The California Coastal Commission issued a federal consistency certification for the proposed bluff stabilization improvements relating to shoreline protection, drainage improvements, and required mitigation in the SANDAG/NCTD railroad right-of-way, State public trust lands, and the City of Del Mar property and right-of-way to ensure stabilization of the 1.6 mile railroad corridor for increased reliability of existing passenger rail services in the Los Angeles-San Diego (LOSSAN) corridor. The City's authority for the Encroachment Permit is tied to authorization of access for construction along the beach, south bluff, and adjacent to private property at APNs 299-240-01 and 299-240-23 (from 15th Street south to Carmel Valley Road). The proposed improvements are generally consistent with the character of the existing bluff stabilization and railroad easement improvements and generally maintain the size and locations of existing features of the site as implemented in prior bluff stabilization project phases.

Finding 4. The proposed encroachment will not cause an unnecessary change in the character of the community.

The California Coastal Commission issued a federal consistency certification for the proposed bluff stabilization improvements relating to shoreline protection, drainage improvements, and required mitigation in the SANDAG/NCTD railroad right-of-way, State public trust lands, and the City of Del Mar property and right-of-way to ensure stabilization of the 1.6-mile railroad corridor for increased reliability of existing passenger rail services in

the Los Angeles-San Diego (LOSSAN) corridor. The proposed encroachments are generally within the same locations as the previous shoreline protection, drainage improvements, and bluff stabilization improvements implemented in prior bluff stabilization project phases. No change in use is proposed to occur.

Finding 5. The proposed encroachment will not be a detriment to the interests of the general public.

The California Coastal Commission issued a federal consistency certification for the proposed bluff stabilization improvements relating to shoreline protection, drainage improvements, and required mitigation in the SANDAG/NCTD railroad right-of-way, State public trust lands, and the City of Del Mar property and right-of-way to ensure stabilization of the 1.6-mile railroad corridor for increased reliability of existing passenger rail services in the Los Angeles-San Diego (LOSSAN) corridor. The City's authority for the Encroachment Permit is tied to authorization of access for construction along the beach, south bluff, and adjacent to private property at APNs 299-240-01 and 299-240-23 (from 15th Street south to Carmel Valley Road). The proposed improvements will not permanently interfere with any present or future public use. Proposed improvements do not interfere with existing vehicular or pedestrian mobility of the surrounding right-of-way. The pedestrian path improvements, in particular, will enhance mobility along existing pathways in the City of Del Mar.

Finding 6. The proposed encroachment will not convert significant areas of public property to private use.

The proposed encroachments will not convert any existing public use areas to private use. All proposed improvements will enhance existing public use of these areas.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the City Council that, given the public benefits from the bluff stabilization project, including reducing City costs for construction of the City's Powerhouse Park pathway lighting project, the City Council waives the planning and land use application fee associated with EP22-082.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the City Council that approval of EP2219-08229 shall be subject to the following conditions:

General Conditions:

GC-1 [Business License]

Prior to commencement of any work on site, all contractors and subcontractors shall obtain a valid City of Del Mar Business License. A copy of the approved Encroachment Permit shall be kept on site at all times, along with copies of the required Business Licenses for all contractors and subcontractors.

GC-2 [Development authorization limited to plan set]

This permit is granted based on submitted application materials dated **October 11, 2022** and so identified by the staff of the Del Mar Planning Department. Revisions to these plans and/or any proposals for modification to the project shall require review and prior authorization from the appropriate entities of the City of Del Mar.

GC-3 [Compliance with City noise regulations - Allowed hours and dates of construction activity]

The applicant/owner and all parties involved with implementation of the project shall comply with the regulations of the DMMC with regard to construction noise. The regulations stipulate that all construction activities are limited to the following periods: between 7:00 a.m. and 7:00 p.m. Monday through Friday and between 9:00 a.m. and 7:00 p.m. on Saturdays. Construction activities are prohibited during other hours and on Sundays and City Holidays. The City's noise ordinance, Chapter 9.20 of the Del Mar Municipal Code, includes the dates of City Holidays, and can be viewed on the City's web page (www.delmar.ca.us).

Additionally, no excavation or trenching shall occur within a City right-of-way on days when City of Del Mar City offices are closed. Those days include all Saturdays and Sundays and all days on which City Holidays are observed.

GC-4 [*Compliance with Conditions]*

The applicant/owner hereby agrees to do all work and otherwise comply with the terms and conditions of this permit, and all applicable rules and regulations of the City of Del Mar and/or other public agency.

GC-5 *[Revocation of permit due to noncompliance with conditions]*

This permit may be revoked by the City if noncompliance is noted to the applicant and satisfactory action is not taken by the applicant or his/her agents to achieve compliance within twenty-four (24) hours of notice.

GC-6 *[No Transfer in Property Interest]*

The granting of an encroachment permit pursuant to this chapter shall not constitute the transfer or relinquishment of any ownership or interest held by the City over the public right-of-way, nor shall such permit confer any vested or proprietary rights upon the holder of the permit beyond the right to utilize the encroachment area in the manner authorized by the permit and subject to all of the conditions set forth herein.

The applicant/owner agrees to protect all survey markers and monuments in the vicinity of the work and agrees to replace any markers or monuments, if damaged, to the satisfaction of the Public Works Director.

General Planning Encroachment Conditions:

GEP-1 [EP – Excavation Scheduling]

No excavation or trenching shall occur within a City right-of-way on days when City of Del Mar City offices are closed. Those days include all Saturdays and Sundays and all days on which City Holidays are observed.

GEP-2 [EP – Indemnification]

By accepting this permit and implementing the development authorized herein, the applicant agrees to indemnify, defend and save the City of Del Mar, its authorized agents, officers, representatives and employees harmless from and against any and all penalties, liabilities, annoyances, or loss resulting from claims or court action and arising out of any accident, loss or damage to persons or property happening or occurring as a proximate result of any work undertaken under the permit granted pursuant to the application or by reason of the permittee's installation, operation, maintenance or removal of the encroachment.

GEP-7 [EP - Permit Expiration/Potential for Permit Extension]

This permit and the authorization for use/work within a City right-of-way herein granted shall expire three years from the anticipated start date, on **June 1, 2026.**

The permittee may request a single Extension of Time of an approved Encroachment Permit by submitting a written request to the City Manager setting forth the reason that substantial work on the permit cannot be commenced by the scheduled expiration date. The City Manager shall grant the extension unless he/she determines that there has been a change in circumstances since the time of the original grant of the permit which would create an inconsistency between the proposed encroachment and the provisions of DMMC Chapter 23.28. No extension shall be granted for a period greater than one (1) year.

GEP-8 [EP - Work to be performed by a Licensed Contractor]

All work authorized by an Encroachment Permit shall be performed by a licensed contractor from one of the following classes: “A” General Engineering Contractor, “C34” Pipeline Contractor or a “C42” Sanitation System Contractor. A copy of such a license shall be provided to the City prior to the commencement of work, and shall be retained at the project site. This requirement may be waived by the Director when the work to be performed is limited to minor improvements or maintenance for residential property adjacent to the City right-of-way or easement and when the work will be performed by the resident or owner of the benefited residential property. This information shall be provided prior to the commencement of any work in a public right-of-way.

GEP-9 [EP - Compliance with CAL-OSHA]

The permittee shall obey and enforce all safety orders, rules, regulations, and recommendations of the Department of Industrial Relations of the State of California, CAL-OSHA, applicable to the work and shall comply with all applicable laws, ordinances, codes, and regulations. Any omission on the part of the Director to specify protective measures or devices in the Encroachment Permit shall not excuse the permittee from complying with all applicable requirements of law.

GEP-10 [EP - Timely Performance of Work]

If any part of the work performed under an Encroachment Permit is not completed within the period indicated in either the submitted application materials or the conditions of approval of the Encroachment Permit, the Director of Public Works may notify the person performing the work, in writing, to complete the work within forty-eight (48) hours thereafter, legal holidays excepted. If the work is not completed within this time period, the Director of Public Works shall have full power to perform the work, including such measures as will restore the disturbed area to a safe and passable condition until the work can be completed. The cost thereof, including any inspection and administrative overhead costs incurred by City, shall be assessed against the permittee.

GEP-13 [EP - Notification of Utility Owner]

The applicant shall notify the appropriate Public Utility a minimum of seventy-two (72) hours prior to performing any work on or adjacent to any public utility. All such work shall be done only with authorization and with inspection by the appropriate utility owner.

GEP-14 *[EP - No authorization for street closure]*

The permit does not authorize closure of any road or street, unless specifically stated on the permit.

GEP-16 *[EP - Notification of Neighbors Prior to Commencement of Traffic Lane Disruption]*

Where the proposed work will involve a temporary traffic lane closure or detour, the applicant shall notify all neighbors along the street in the area in which work will take place a minimum of five (5) calendar days prior to the commencement of any work. The notification required herein shall be provided as follows:

a. Copies of written notice shall be distributed at the properties with frontage along the street where the traffic lane disruption will occur and at properties with frontage along the affected street that are within 200 (linear) feet of the area of traffic lane disruption. A copy of the notice to be provided shall be submitted for City approval prior to distribution, and
b. Temporary signs shall be placed along both sides of the street in the area where traffic lane disruption will occur and at the points 500 feet beyond the ends of the affected street area.

The notice required herein shall be provided / installed (as applicable) to the satisfaction of the Director of Planning and Community Development.

Public Works Conditions:

PW – *[Custom Condition]*

SANDAG is required to submit a Construction Safety Plan to the Coastal Commission and City of Del Mar. The purpose of the plan is to coordinate the scheduled construction work with City operations and minimize/avoid beach recreation impacts to the public.

All permanent irrigation related equipment shall be located within the NCTD right-of-way.

PW-1 *[Notification of Public Works Department prior to and after Completion of Work]*

The applicant agrees to notify the Director of Public Works in writing at least forty-eight (48) hours in advance of time when work authorized in this permit will be started. Applicant shall state the EP number, original date of approval and a short description of the work. Submit via email to publicworks@delmar.ca.us. Additionally, upon completion of the work, the applicant agrees to immediately notify the Director of Public Works in writing of such completion. Any improvement or modification of the right-of-way shall be subject to inspection and approval of work from the Public Works Director's representative.

PW-3 *[USA Markout]*

At least 72 hours prior to the excavation of any area within a right-of-way, the applicant shall contact Underground Services Alert (USA) at (800) 422-4133 for the purpose of identifying the location of buried utilities so as to avoid disturbance thereof. All proposed dig or trench areas shall be pre-marked with white paint prior to contacting for USA markout. No work shall commence until USA markout has occurred.

The permittee is advised that the locations of utility lines may vary from those shown on project plans and that coordination with the appropriate utility companies is, therefore, imperative. Any damage or repair thereof to utility lines caused as a result of project implementation shall be the permitee's responsibility. The applicant shall be responsible for removing or blocking out all pavement markings installed for the project immediately upon completion of the work authorized in the Encroachment Permit.

PW-4 *[Traffic Control Plan]*

Prior to the approval of the Encroachment Permit, the contractor shall submit a plan for traffic control prepared by a registered Civil or Traffic Engineer. The plan shall be subject to the review and written approval of the Public Works Director. The plan shall be prepared in accordance with the "Manual for Uniform Traffic Control Devices (MUCTD) in Construction and Maintenance Zones." The plan shall also be prepared and implemented

to ensure that traffic control measures will be in place so as to protect pedestrian and motorists from any construction, equipment, or other related activities, (including parked vehicles) due to construction. If a detour for traffic is needed, a Traffic Control plan should be submitted for review and approval by the Public Works Director prior to the start of work.

PW-9 *[Traffic Control]*

The applicant shall be responsible for informing the public of the traffic conditions existing within the construction area at all times by placement of appropriate warning and advisory signs. The applicant shall also provide and maintain all traffic control and safety items. Permittee assumes sole and complete responsibility for the job and site conditions during the course of construction, including safety of all persons and property. This requirement shall apply continuously twenty-four (24) hours per day and shall not be limited to normal work hours. All stationary items (e.g., dumpsters, heavy equipment, construction supplies) that will be in the public right-of-way for long periods of time, including night time, needs to have the proper reflective delineation.

Community Services Conditions:

CS-1 *[Custom Condition]*

Prior to the commencement of work, and during the entire construction process, the applicant shall coordinate with the Community Services Department to ensure public safety and minimize public beach access and recreation impacts throughout the duration of the project.

CS-2 *[Lifeguard Tower and Sight Distance]*

Construction work zone barriers and equipment shall maintain sight distance from lifeguard towers. This effort is to be coordinated with the Community Services Department Lifeguard division and may be modified as necessary.

CS-3 *[Flag Person and Vehicle Operations on Public Beach]*

The Applicant shall provide a minimum of one (1) flag person to be present during all hours of operation and movement of heavy equipment and/or vehicles on the sandy beach. In addition, during construction, the Applicant shall be subject to all safety measures required by the Community Services Department and notify staff of days that require beach transit beyond the initial transit to and return from the work area. Additional driving conditions for beach driving include: speed not in excess of five (5) mph, avoid driving on the high tide wrack line, avoid disruption of wildlife, and yield safely to pedestrians at all times.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Del Mar, State of California, at a Regular Meeting held on the 14th day of November 2022.

_____
Dwight Worden, 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, SARAH KRIETOR, Administrative Services Manager/City Clerk of the City of Del Mar, California, DO HEREBY CERTIFY, that the foregoing is a true and correct copy of Resolution No. 2022-XX, adopted by the City Council of the City of Del Mar, California, at a Regular Meeting held the 14th day of November 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Sarah Krietor, Administrative Services Manager/City Clerk
City of Del Mar

STAGING AREA AND EROSION CONTROL/BMP WORK TO BE DONE

ALL WORK SHOWN HERE ON SHALL BE IN ACCORDANCE WITH CALTRANS STORMWATER QUALITY HANDBOOKS, CONSTRUCTION SITE BEST MANAGEMENT PRACTICES (BMPs) MANUAL, MAY 2017 AND THE PROJECT STORM WATER POLLUTION PREVENTION PLAN.

GENERAL NOTES

1. CONTRACTOR SHALL VERIFY ALL EXISTING FIELD CONDITIONS PRIOR TO ORDERING OR FABRICATING ANY MATERIAL.

2. CONTRACTOR STAGING AREAS TO BE SURVEYED AND STAKED BY A QUALIFIED BIOLOGIST PRIOR TO USE.

3. INSTALL SILT FENCE AROUND ALL STAGING AREAS.

4. INSTALL STABILIZED CONSTRUCTION ENTRANCES AT INGRESS AND EGRESS OF ALL STAGING AREAS.

5. INSTALL CONCRETE WASHOUT AREAS AS NEEDED FOR CONSTRUCTION.

6. CONTRACTOR SHALL REMOVE ALL ITEMS INSTALLED FOR STAGING AREAS AT THE COMPLETION OF THE WORK.

7. STAGING AREAS SHALL BE A MINIMUM 10 FEET CLEAR TO THE CENTERLINE OF TRACK. IN AREAS NOT PROTECTED BY SOLDIER PILES, TEMPORARY EQUIPMENT LOADING SHALL MAINTAIN A MINIMUM 10 FEET CLEAR FROM TOP OF EXISTING BLUFF. NO PARKING OF EQUIPMENT SHALL BE ALLOWED WEST OF TRACK UNLESS APPROVED BY THE ENGINEER.

8. ENVIRONMENTALLY SENSITIVE AREAS (ESA) SHOWN ARE APPROXIMATE AND SHALL BE STAKED BY A QUALIFIED BIOLOGIST PRIOR TO CONSTRUCTION.

9. CONTRACTOR SHALL PROTECT IN PLACE ALL EXISTING INFRASTRUCTURE AND/OR DRAINAGE APPURTENANCES AT PROJECT SITE ACCESS POINTS.

10. A MINIMUM OF TWO FLAGGERS ARE REQUIRED FOR MOVING EQUIPMENT ON THE BEACH.

11. WORK AREAS ON THE BEACH AND ACCESS ALONG THE BEACH WILL BE IMPACTED BY TIDAL WATERS. ELEVATIONS SHOWN ON THESE PLANS ARE BASED ON THE NAV88 DATUM AND A COMBINATION OF AN AERIAL SURVEY AND DESIGN SURVEYS. THE ELEVATIONS SHOWN ALONG THE BEACH ARE SUBJECT TO CHANGE BASED ON THE MOVEMENT OF SAND.

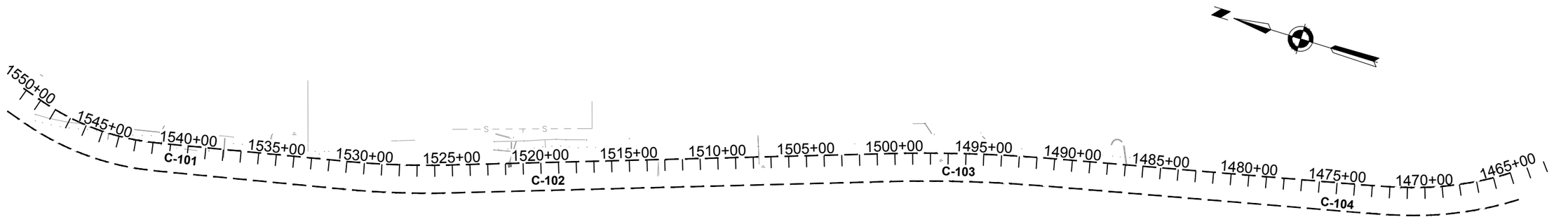
STAGING AREA AND ACCESS LEGEND

ITEM	DETAIL	SYMBOL
POTENTIAL WORK AREA		
POTENTIAL STAGING AREA		
STABILIZED CONSTRUCTION ENTRANCE	D / C-203	
STORM DRAIN INLET PROTECTION	A / C-201	
TEMPORARY SILT FENCE	B / C-202	
TEMPORARY FIBER ROLL	C / C-202	
CHECK DAM, SE-4	SE-4	
BEACH ACCESS		
CONCRETE WASHOUT	WM-8	
DUMPSTER	WM-5	D
PORTABLE TOILETS	WM-9	T
GENERAL MATERIAL STORAGE AREA	WM-1	SA
TEMPORARY GRADE CROSSING (APPROXIMATE LOCATION)	LOSSAN ESD-4302	
ESA FENCE/FLAG		
COMBINED SILT/ESA FENCE		

PLANS FOR
DEL MAR BLUFFS STABILIZATION PROJECT 5
MILE POST 244.1 TO MILE POST 245.7
(STA. 1465+32 TO STA. 1549+80)
ENCROACHMENT PERMIT

KEY

- Temporary Encroachment
- Permanent Encroachment
- NCTD R/W
- Pedestrian Beach Access and Temporary Construction Access



CONSTRUCTION ACCESS AND STAGING AREA KEY MAP

NO.	DATE	REVISIONS	BY	CHK	APRV

HNTB
401 B Street
Suite 301
San Diego, CA 92101

		DATE
DESIGNED BY	N. KANNAN	07/22
DRAWN BY	M. COOPER	07/22
CHECKED BY	P. MCCOLL	07/22
SANDAG PM	A. DEVAUX	07/22

SANDAG
NORTH COUNTY TRANSIT DISTRICT

DEL MAR BLUFFS STABILIZATION PROJECT 5

NOTES, LEGEND AND KEY MAP

SCALE: AS SHOWN
SANDAG CONTRACT NO.: 5007812
DRAWING NO.: -
SHEET NO.: 1

100% DESIGN NOT FOR CONSTRUCTION

FOR REDUCED PLANS ORIGINAL SCALE IS IN INCHES 0 1 2 3

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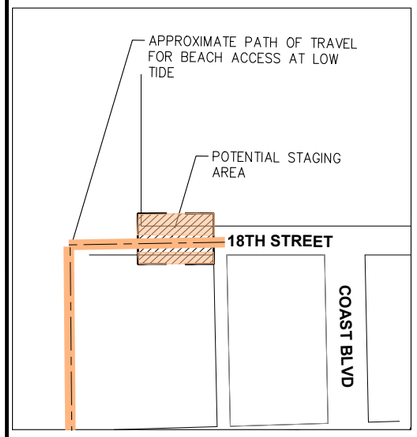
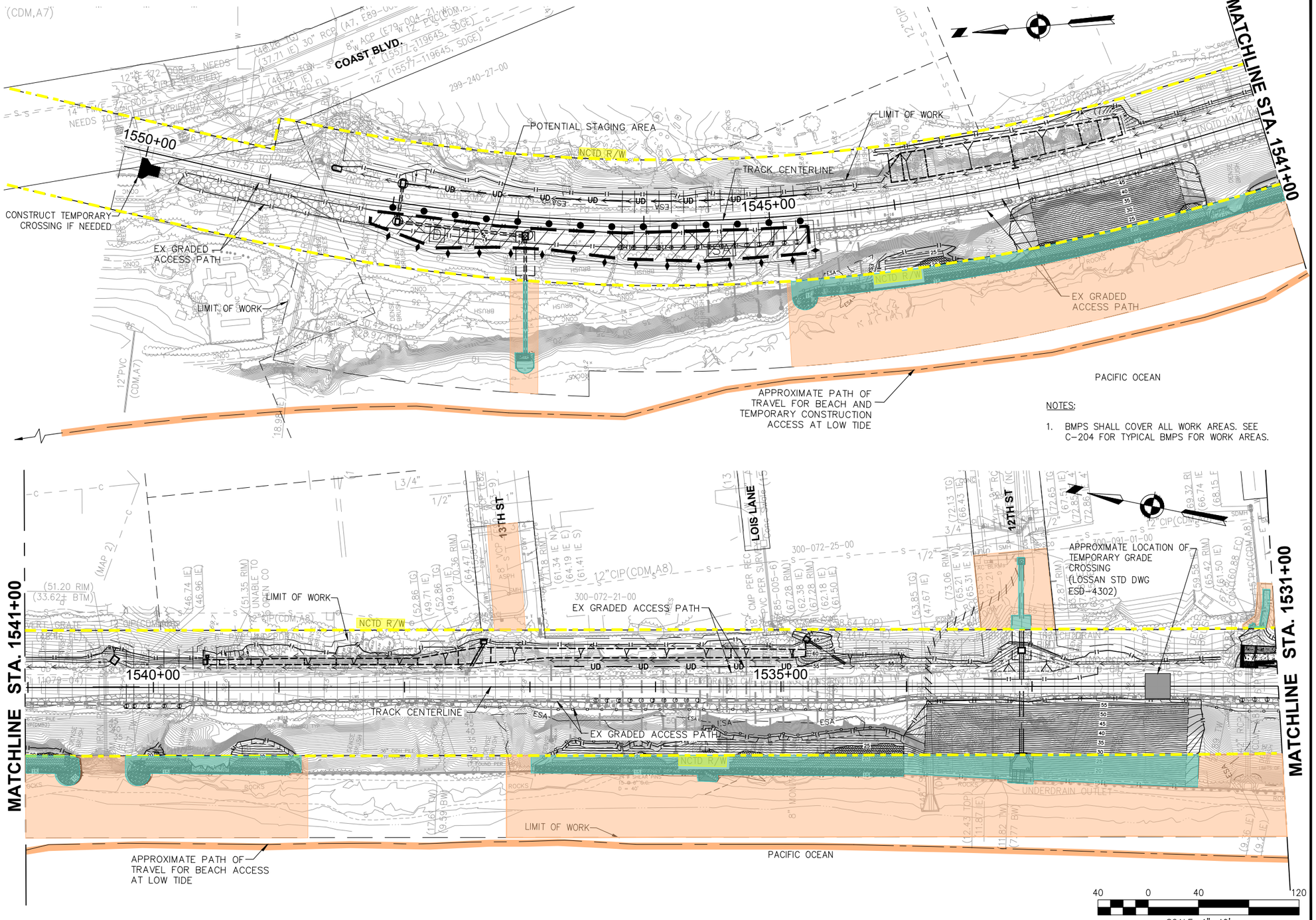


18TH STREET STAGING AREA AND ACCESS DETAIL

17TH STREET ACCESS DETAIL



NOTES:

1. BMPS SHALL COVER ALL WORK AREAS. SEE C-204 FOR TYPICAL BMPS FOR WORK AREAS.

40 0 40 120
SCALE: 1"=40'

NO.	DATE	REVISIONS	BY	CHK	APRV

HNTB
401 B Street
Suite 301
San Diego, CA 92101

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DESIGNED BY	N. KANNAN	07/22
DRAWN BY	M. COOPER	07/22
CHECKED BY	P. MCCOLL	07/22
SANDAG PM	A. DEVAUX	07/22

SANDAG
NORTH COUNTY TRANSIT DISTRICT

DEL MAR BLUFFS STABILIZATION PROJECT 5

ENCROACHMENT PERMIT
CONSTRUCTION ACCESS AND STAGING
1 OF 4

SCALE: AS SHOWN
SANDAG CONTRACT NO. 5007812
DRAWING NO. -
SHEET NO. 2

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FOR REDUCED PLANS ORIGINAL SCALE IS IN INCHES
0 1 2 3

MATCHLINE STA. 1531+00

MATCHLINE STA. 1519+50

STA 1528+68

BENCH

DECK

ASPH

CONC

DENSE TREES

DENSE BRUSH

CONC DRAIN

NCTD R/W

1530+00

SP-2

DIRT

1525+00

1520+00

CONSTRUCT TEMPORARY CROSSING OVER CONCRETE CHANNEL IF NEEDED

CONSTRUCT TEMPORARY CROSSING OVER CONCRETE CHANNEL IF NEEDED

LIMIT OF WORK

EX GRADED ACCESS PATH

TRACK CENTERLINE

PACIFIC OCEAN

LIMIT OF WORK

APPROXIMATE PATH OF TRAVEL FOR BEACH ACCESS AT LOW TIDE

MATCHLINE STA. 1519+50

MATCHLINE STA. 1508+00

Other Swale

CONC SWALE

SMDRAIN

CAPPED

ROCKS

BRUSH

NOTES:

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SANDAG PM	A. DEVAUX	07/22

SANDAG

NORTH COUNTY TRANSIT DISTRICT

DEL MAR BLUFFS STABILIZATION PROJECT 5

ENCROACHMENT PERMIT
CONSTRUCTION ACCESS AND STAGING
2 OF 4

SCALE	
AS SHOWN	
SANDAG CONTRACT NO.	
5007812	
DRAWING NO.	SHEET NO.
-	3

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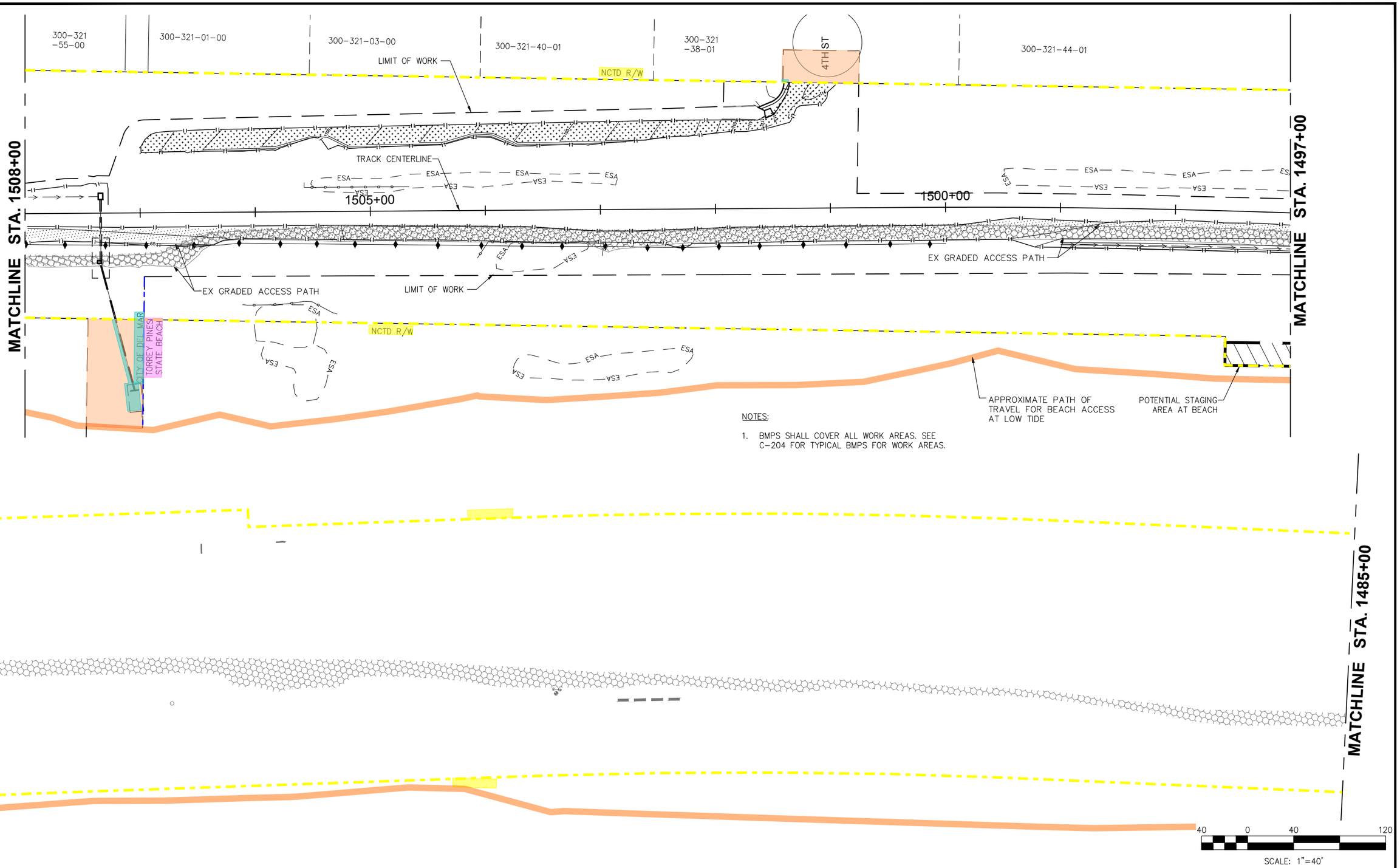

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SANDAG
NORTH COUNTY TRANSIT DISTRICT

DEL MAR BLUFFS STABILIZATION PROJECT 5

ENCROACHMENT PERMIT
CONSTRUCTION ACCESS AND STAGING
3 OF 4

SCALE: AS SHOWN
SANDAG CONTRACT NO. 5007812
DRAWING NO. -
SHEET NO. 4

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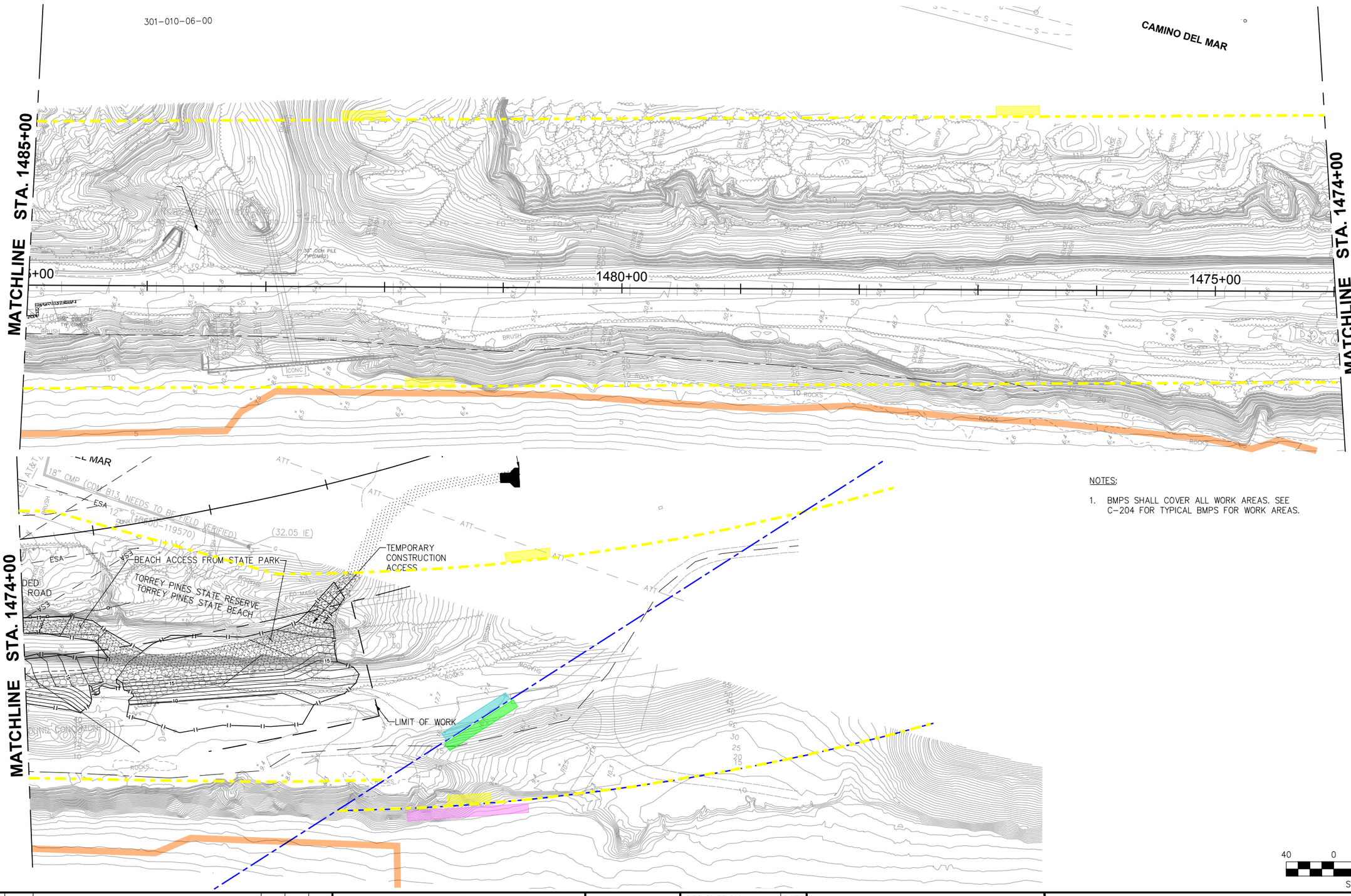

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SANDAG
NORTH COUNTY TRANSIT DISTRICT

DEL MAR BLUFFS STABILIZATION PROJECT 5

ENCROACHMENT PERMIT
CONSTRUCTION ACCESS AND STAGING
4 OF 4

SCALE	
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SANDAG CONTRACT NO.	
5007812	
DRAWING NO.	SHEET NO.
-	5

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IRRIGATION NOTES:

1. THIS DESIGN IS DIAGRAMMATIC. ALL PIPING, VALVES, ETC ARE ILLUSTRATED FOR DESIGN CLARIFICATION AND GRAPHIC CLARITY. AVOID ANY CONFLICTS BETWEEN THE SPRINKLER SYSTEM, PLANTS AND SITE FEATURES. THE LOCATION OF VALVES AND PIPING IN SHALL BE APPROVED BY ENGINEER PRIOR TO INSTALLATION.

2. IT MAY BE NECESSARY TO MAKE ADJUSTMENTS TO THE LOCATION OF PIPING AND SPRINKLERS BASED ON ACTUAL SITE CONDITIONS TO OBTAIN PROPER COVERAGE FOR THE PLANTING.

3. THE IRRIGATION IS DESIGNED TO A MAXIMUM DEMAND AND DESIGN PRESSURE NOTED ON THE DRAWINGS AT EACH METER LOCATION. THE CONTRACTOR SHALL VERIFY WATER PRESSURE AT EACH POINT OF CONNECTION PRIOR TO STARTING CONSTRUCTION AND REPORT THE ACTUAL PRESSURE READING TO THE ENGINEER.

4. SHOULD THE CONTRACTOR ENCOUNTER ANY EXISTING CONDITION DURING THE INITIAL EXPLORATION OF THE SITE THAT CONFLICTS WITH THE PROPOSED PLANS THE CONTRACTOR SHALL NOTIFY THE ENGINEER AND LANDSCAPE ARCHITECT IN A TIMELY MANNER, PRIOR TO BEGINNING ANY INSTALLATION WORK.

5. DO NOT INSTALL THE SYSTEM AS SHOWN ON THE DRAWINGS WHEN IT IS OBVIOUS IN THE FIELD THAT OBSTRUCTIONS, GRADE DIFFERENCES OR DIFFERENCES IN THE AREA DIMENSIONS EXIST THAT MIGHT NOT HAVE BEEN KNOWN DURING THE DESIGN. SUCH OBSTRUCTIONS OR DIFFERENCES SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER. IN THE EVENT THIS NOTIFICATION IS NOT PERFORMED, THE CONTRACTOR SHALL ASSUME FULL RESPONSIBILITY FOR ANY REVISIONS NECESSARY.

6. 120 VOLT ELECTRICAL POWER SHALL BE PROVIDED BY THE ELECTRICIAN AT THE LOCATION OF EACH CONTROLLER. THE CONTRACTOR SHALL PERFORM THE FINAL HOOK UP TO THE CONTROLLER. REFER TO THE CIVIL DRAWINGS FOR ELECTRICAL CONNECTION.

7. THE CONTRACTOR IS RESPONSIBLE FOR PREPARING THE SITE AREA WHERE THE CONTROLLER ASSEMBLY WILL BE INSTALLED PRIOR TO THE DELIVERY OF THE CONTROLLER ASSEMBLY TO THE SITE.

8. THE CONTRACTOR SHALL COORDINATE WITH THE CONTROLLER ASSEMBLY MANUFACTURER'S REPRESENTATIVE FOR ACCESS REQUIREMENTS TO THE IRRIGATION MANAGEMENT SYSTEM, THAT IS NECESSARY FOR THE REMOTE MONITORING AND DATA COLLECTION OF THE IRRIGATION DURING THE MAINTENANCE PERIODS.

9. CARE MUST BE TAKEN NOT TO CAUSE DAMAGE TO THE SLOPE AND THE SURFICIAL SLOPE STABILITY SYSTEM DURING THE COURSE OF INSTALLATION OF THE IRRIGATION SYSTEM, PRESSURE TESTING, FLUSHING OF IRRIGATION LINES AND COVERAGE TESTING.

10. THE CONTRACTOR SHALL FLUSH AND ADJUST ALL SPRINKLER HEADS FOR OPTIMUM PERFORMANCE. CONTRACTOR SHALL CHECK OVERALL SOIL MOISTURE PARTICULARLY AT LOW POINTS OF THE SYSTEM. AS NECESSARY ADJUST SYSTEM RUN TIMES AND ADD OR ADJUST CHECK VALVES IN LOW DRAINING AREAS.

11. ALL MATERIALS & EQUIPMENT SHALL BE NEW, WITHOUT FLAWS OR DEFECTS, OF THE QUALITY AND PERFORMANCE SPECIFIED. PRIOR TO INSTALLATION CONTRACTOR SHALL SUBMIT A LIST OF PROPOSED EQUIPMENT FOR APPROVAL BY OWNER'S REPRESENTATIVE. DEVIATIONS FROM APPROVED LIST SHALL BE MADE IN WRITING WITH SAMPLES OF EQUIPMENT. THE BURDEN OF PROOF SHALL BE BORNE BY THE CONTRACTOR.

12. ALL WIRE IN PULL BOXES SHALL BE LOOSE AND SHALL NOT COME WITHIN THREE (3") INCHES FROM LID. BOXES SHALL BE SIZED ACCORDINGLY TO ACCOMMODATE THIS REQUIREMENT. PULL BOXES SHALL BE PROVIDED AS REQUIRED PER SPECIFICATIONS.

13. CONTRACTOR SHALL VERIFY LOCATION OF MAINLINE AND MAINLINE TRENCHING FOR BELOW GROUND SECTIONS OF PRESSURE MAINLINE INCLUDING TRACK CROSSING WITH ENGINEER PRIOR TO BEGINNING WORK. FOR SURFACE INSTALLED IRRIGATION PRESSURE MAINLINE AND CONDUIT FOR WIRING REFER TO CIVIL DRAWINGS. ALL LOCATIONS OF MAINLINE AND CONDUIT FOR ON SURFACE INSTALLATIONS SHALL BE APPROVED BY THE ENGINEER.

14. RUN A SPARE COMMON AND 2 SPARE CONTROLLER WIRES TO EACH END RUN VALVE OR MANIFOLD FARTHEST FROM THE CONTROLLER. SEAL END CAP WITH 3M DBRY-6 CONNECTORS OR EQUAL.

15. CHRISTY'S 3" WIDE BLUE IRRIGATION DETECTABLE UNDERGROUND TRENCH MARKING TAPE SHALL BE RUN WITH ALL MAIN LINE RUNS AND MUST BE INSTALLED AT LEAST 6" ABOVE TOP OF PIPE (WHERE PIPE IS INSTALLED IN A TRENCH) OR OTHER AS OTHER WISE DIRECTED ON THE CIVIL DRAWINGS.

16. ALL VALVE BOXES SHALL BE MARKED WITH STATION NUMBER AND ALL VALVES SHALL HAVE CHRISTY ID TAG OR EQUAL ATTACHED NOTING THE CONTROLLER AND STATION NUMBER.

17. PVC LATERAL PIPE SHALL BE MINIMUM 3/4" SIZE. END RUNS SHALL BE 3/4" UNLESS NOTED OTHERWISE.

18. ALL WORK DAMAGED BY IRRIGATION AND PLANTING OPERATIONS DURING THE COURSE OF CONSTRUCTION SHALL BE REPAIRED, RESTORED OR REPLACED.

19. PIPELINE PRESSURE TEST SHALL CONFORM TO 2021 CITY (OF SAN DIEGO) SUPPLEMENT "WHITEBOOK" SECTION 801-5.7.2.2

20. SPRINKLER COVERAGE TEST SHALL CONFORM TO 2021 CITY (OF SAN DIEGO) SUPPLEMENT "WHITEBOOK, SECTION 801-5.7.2.2

21. EXCESS WATER SHALL NOT BE APPLIED TO THE SITE. WHEN APPLYING WATER ON REVEGETATION AREAS THERE SHALL BE NO SURFACE RUNOFF, SOIL EROSION OR RILLING ON OR ADJACENT TO EACH REPAIR SITE, OR DEPRESSIONS OR MOUNDING EVIDENT IN THE TURF REINFORCEMENT MAT. IF ANY OF THESE CONDITIONS ARE EVIDENT IMMEDIATELY STOP WATERING AND REVIEW THE SITE CONDITION WITH THE ENGINEER PRIOR TO RESUMING WORK, OR APPLYING WATER TO THE SITE.

22. THE CONTRACTOR SHALL DOCUMENT AND MAINTAIN A DAILY RECORD OF EACH VALVE WATERING PERIOD NOTING DURATION AND FREQUENCY (IF SYSTEMS ARE CYCLED). DOCUMENTATION SHOULD START DURING CONSTRUCTION WHEN WATERING HAS STARTED AND CONTINUE THROUGH THE 120 DAY PLANT ESTABLISHMENT AND MAINTENANCE PERIOD. THE REPORTS ARE TO BE SUBMITTED ON A WEEKLY BASIS TO THE ENGINEER. WHEN THE CONTROLLER IS FULLY OPERATIONAL THE REPORTS CAN BE DOWNLOADED DIRECTLY FROM THE CONTROLLER AND THE THE IRRIGATION MONITORING SOFTWARE. CONTROLLER REPORTS SHOULD INCLUDE SCHEDULE, RUN TIMES AND LEARNED FLOWS FOR EACH STATION AS WELL AS ALARM LOGS, CONTROLLER LOGS AND STATION LOGS. DURING THE PERIOD WHERE THE CONTRACTOR IS OPERATING THE IRRIGATION VALVES MANUALLY-THEY SHALL DOCUMENT IN AN ORGANIZED LEGIBLE FASHION THE THE RUN TIMES AND FREQUENCY OF IRRIGATION FOR EACH STATION.

23. THE LOCATION OF CONTAINER PLANTING ON SLOPES WITH TURF REINFORCEMENT MAT GENERALLY SHALL TAKE PRECEDENCE OVER THE LOCATION OF IRRIGATION PIPING ON SLOPE. FINAL DETERMINATION SHALL BE MADE ON SITE BY THE ENGINEER.

24. PROVIDE SUPPLEMENTAL WATER TO REVEGETATED DISTURBED AREAS AS NECESSARY TO ESTABLISH A VEGETATION MEETING COVERAGE REQUIREMENTS NOTED IN SPECIFICATION SECTION 11-02920 "ON-SITE REVEGETATION". REFER TO ON-SITE REVEGETATION PLANS FOR LOCATIONS OF DISTURBED AREA REVEGETATION. REFER TO DRAWINGS L-200 THROUGH L-204.

25. REPORT ANY CHANGES TO THE LOCATION OR ROUTING OF THE IRRIGATION PRESSURE MAINLINE SHOWN ON THE IRRIGATION PLANS AND CIVIL DRAWINGS TO THE ENGINEER BEFORE PROCEEDING OR CONTINUING WITH WORK ON THE IRRIGATION INSTALLATION IN ORDER TO CONFIRM THAT THE ROUTING OR CHANGES DO NOT IMPACT THE AVAILABLE PRESSURE FOR THE OPERATION OF SPRINKLERS.

26. IN-LINE ADJUSTABLE CHECK VALVES MAY BE INSTALLED IN LATERAL SUPPLY LINES IF NEEDED TO ELIMINATE LOW HEAD DRAINAGE ON SYSTEMS. CHECK VALVE TO BE NDS MODEL 1205-12 ,SPRING RANGE 4-50LBS. FACTORY SET AT 5 LBS), OR EQUAL. LINE SIZE CHECK VALVE AND ADJUST ON SITE.

GENERAL NOTES:

1. PROTECTION OF EXISTING VEGETATION SHALL BE IN ACCORDANCE WITH SPECIFICATION SECTION 11-02920 'ON-SITE REVEGETATION'

2. EXISTING AREAS WHERE VEGETATION IS DISTURBED BY PROJECT CONSTRUCTION SHALL BE CLEARED FOR RESTORATION IN ACCORDANCE WITH SPECIFICATION SECTION 11-02100 'SITE CLEARING'. THE SOIL SHALL BE PREPARED AND AREA PLANTED IN ACCORDANCE WITH SPECIFICATION SECTION 11-02920 "ON SITE REVEGETATION'.

3. SOIL TESTING AND ANY REQUIRED AMENDMENTS TO ON SITE NATIVE AND IMPORT SOIL SHALL BE CONDUCTED IN ACCORDANCE WITH SPECIFICATION SECTION 11-02920 'ON-SITE REVEGETATION'.

4. SOIL PREPARATION FOR NATIVE SOIL AREAS SHALL BE CONDUCTED IN ACCORDANCE WITH SPECIFICATION SECTION 11-02920 'ON-SITE REVEGETATION'.

5. THE ENGINEER, CONSTRUCTION MANAGER AND CONTRACTOR SHALL DETERMINE THE SCHEDULE FOR CONTAINER PLANTING AND FOR HYDROSEEDING APPLICATIONS PRIOR TO OCTOBER SEASONAL RAINS TO OPTIMIZE CONTAINER PLANT ESTABLISHMENT, SEED GERMINATION AND SUCCESS RATE OF HYDROSEEDING APPLICATIONS.

6. PROTECTION OF BIOLOGICAL, CULTURAL AND PALEONTOLOGICAL RESOURCES SHALL BE IN ACCORDANCE WITH SPECIFICATION SECTION 10-01570.

7. IRRIGATION
A TEMPORARY ABOVE GROUND SPRAY IRRIGATION SYSTEM WILL BE INSTALLED FOR IN ACCORDANCE WITH SPECIFICATION SECTION 11-29250 'IRRIGATION'.

8. SUPPLEMENTAL IRRIGATION FOR REVEGETATION AREAS DESIGNATED AS DISTURBED ON THE REVEGETATION PLANS SHALL BE IN ACCORDANCE WITH SPECIFICATION SECTION 11-02950 "IRRIGATION".

9. PLANT ESTABLISHMENT AND MAINTENANCE PERIOD
AFTER THE PLANTING AND IRRIGATION INSTALLATION HAS BEEN DEEMED COMPLETE AND WRITTEN APPROVAL HAS BEEN PROVIDED THE CONTRACTOR SHALL BEGIN THE 120 DAY MAINTENANCE AND PLANT ESTABLISHMENT PERIOD. MAINTENANCE AND PLANT ESTABLISHMENT WORK SHALL BE IN ACCORDANCE WITH SPECIFICATION SECTION 11-02920 "ON-SITE REVEGETATION" AND 11-02950 "IRRIGATION".

10. AFTER THE 120 DAY MAINTENANCE PERIOD HAS BEEN DEEMED COMPLETE AND WRITTEN APPROVAL HAS BEEN PROVIDED THE CONTRACTOR SHALL BEGIN THE 365 EXTENDED MAINTENANCE PERIOD. THE 365 EXTENDED MAINTENANCE SHALL BE ACCORDANCE WITH SPECIFICATION SECTION 11-02920 "ON-SITE REVEGETATION".

11. DURING THE DURATION OF CONSTRUCTION AND SUBSEQUENT MAINTENANCE PERIODS CARE SHALL BE TAKEN TO PROTECT THE ENGINEERED SURFICIAL SLOPE STABILITY SYSTEM. NOTIFY THE ENGINEER IMMEDIATELY IF ANY DISTURBANCE TO THE MAT, ANCHORS, PINS AND OTHER ACCESSORIES IS EVIDENT. PRIOR TO BEGINNING ANY WORK ON THE SLOPES REVIEW MANUFACTURER'S SUGGESTIONS / STANDARDS THAT SHOULD BE ADHERED TO PREVENT DEGRADATION OF THE SLOPE AND AND THE SLOPE SURFACE WHEN INSTALLING AND MAINTAINING IRRIGATION AND PLANTING.

12. PRIOR TO THE 365 DAY MAINTENANCE PERIOD BEING DEEMED COMPLETE THE ENTIRE TEMPORARY IRRIGATION SYSTEM SHALL BE REMOVED AND DISTURBED AREAS RESTORED IN ACCORDANCE WITH SPECIFICATION SECTIONS 11-02920 "ON-SITE REVEGETATION" AND 11-02950 "IRRIGATION".

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DESIGNED BY L.O.	DATE 07/22	
DRAWN BY L.O.	07/22	
CHECKED BY L.O	07/22	
SANDAG PM A. DEVAUX	07/22	

SANDAG
NORTH COUNTY TRANSIT DISTRICT

DEL MAR BLUFFS STABILIZATION PROJECT 5

ENCROACHMENT PERMIT
GENERAL NOTES AND IRRIGATION NOTES

SCALE	AS SHOWN
SANDAG CONTRACT NO.	5007812
DRAWING NO.	L-001
SHEET NO.	

FOR REDUCED PLANS ORIGINAL SCALE IS IN INCHES
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IRRIGATION LEGEND:

------	PRESSURE MAINLINE	JM EAGLE OR EQUAL	1-1/2" AND SMALLER P.V.C. SCHEDULE 40., ASTM-D1784 TYPE 1, GRADE 1 P.V.C. 1120 2" TO 3" , SDR 13.5, CLASS 315, ASTM-2241 TYPE1, GRADE 1 P.V.C. 1120 THE LOCATION OF THE IRRIGATION PRESSURE MAINLINE ILLUSTRATED ON THE IRRIGATION PLANS IS SHOWN FOR REFERENCE ONLY., REFER TO THE CIVIL DRAWINGS FOR PROPOSED PRESSURE MAINLINE ON-GRADE LOCATIONS AND TRACK CROSSING INSTALLATION, EXCEPTED AS ON THE IRRIGATION PLANS WHERE IRRIGATION PRESSURE MAINLINE AND CONDUIT(S) FOR WIRING IS TO BE INSTALLED BELOW GRADE IN A TRENCH. FOR STANDARD TRENCH CONDITION INSTALL PER SDRSD I-25
———	NON-PRESSURE LATERAL LINES	JM EAGLE OR EQUAL	P.V.C. SCHEDULE 40 PIPE, SIZE PER PLANS, 3/4" MINIMUM ASTM-D1784 TYPE 1 GRADE 1, P.V.C. 1120 "SOLAR BLOK" BEIGE PIPE INSTALL PIPE ON GRADE/SURFACE PER SDRSD I-20 & SDRSD I-23. SEE CIVIL DRAWINGS FOR LOCATIONS AND ATTACHMENTS WHERE LATERAL PIPING CANNOT BE LOCATED ON THE TRM SURFACE OR WHERE SLOPE/ GROUND CONDITIONS MAKE IT UNSUITABLE FOR PIPING OR ATTACHMENT TO SURFACE WITH ON-GRADE PIPE STABILIZER.
no symbol	SLEEVE	JM EAGLE OR EQUAL	2X DIAMETER OF PIPE SLEEVED, 2" MINIMUM (EXCEPT IF OTHERWISE INDICATED ON IRRIGATION PLANS OR CIVIL DRAWINGS)

A-10	CONTROLLER/STATION
1"	VALVE SIZE
10.1	GPM (GALLONS PER MINUTE)
45	OPERATING PRESSURE (PSI)

VALVE CALL OUT

SPRINKLER LEGEND:

SYMBOL	DESCRIPTION	MANUFACTURER	MODEL	NOZZLE / PATTERN	RADIUS	PSI	GPM
① SHRUB HEAD W/12" RISER	SPRAY ROTOR ON FIXED RISER ADJUSTABLE ARC (50 DEG TO 360 DEG) AND CHECK VALVE (10') INSTALL PER DETAIL 1/L-106 TYPE B.	HUNTER	I-20-00-PRB	1.5	31'	45	1.50
②				2.0	34'	45	2.00
③				2.5	35'	45	2.50
④				3.0	38'	45	3.00
⑤				4.0	40'	45	4.00
⑥				5.0	42'	45	5.00
⑦				6.0	43'	45	6.00
⑧				8.0	44'	45	8.00
⑨	SPRAY ROTOR ON FIXED RISER MATCHED PREICPITATION RATE NOZZLES (Q, T, H, F) AND CHECK VALVE (10') INSTALL PER DETAIL 1/L-106 TYPE B.	HUNTER	I-20-00-PRB	90	25'	45	1.00
⑩				120	25'	45	1.38
⑪				180	25'	45	1.98
⑫				360	25'	45	3.82
⑬				90	30'	45	1.92
⑭				120	30'	45	2.46
⑮				180	30'	45	3.81
⑯				360	30'	45	7.58
⑰				90	35'	45	1.40
⑱				120	35'	45	1.85
⑲				180	35'	45	2.96
⑳				360	35'	45	5.78
Ⓐ	MP ROTATOR	HUNTER	PROS-00-F-CV-MP1000:	90-210	14'	40	.21-.49
Ⓑ	SHRUB SPRAY ON FIXED RISER		PROS-00-F-CV-MP1000:	210-270	14'	40	.49-.63
Ⓒ	INSTALL PER		PROS-00-F-CV-MP1000:	360	14'	40	.84
Ⓓ	DETAIL 1/L-106		PROS-00-F-CV-MP2000:	90-210	19'	40	.43-86
Ⓔ	TYPE "A"		PROS-00-F-CV-MP2000:	210-270	19'	40	.86-.1.10
Ⓕ			PROS-00-F-CV-MP2000:	360	19'	40	1.48
Ⓖ			PROS-00-F-CV-MP3000:	90-210	30'	40	.86-2.12
Ⓗ			PROS-00-F-CV-MP3000:	210-270	30'	40	2.12-2.73
Ⓘ			PROS-00-F-CV-MP3000:	360	30'	40	3.64
Ⓙ			PROS-00-F-CV-MP3500	90-270	35	40	1.28-3.29
Ⓚ			PROS-00-F-CV-MPCORNER	45-105	14'	40	.19-.45

IRRIGATION LEGEND:

SYMBOL	DESCRIPTION	MANUFACTURER	MODEL / REMARKS
[ ]	REFER TO DETAIL 2/L-105 FOR TYPICAL SCHEMATIC POINT OF CONNECTION SEQUENCE FOR IRRIGATION AFTER WATER METER. REFER TO SYMBOLS IN IRRIGATION LEGEND AND IRRIGATION PLAN NOTES AT EACH LOCATION.		
Ⓦ	IRRIGATION WATER METER		TEMPORARY IRRIGATION WATER METER FOR IRRIGATION FROM POTABLE WATER LINE. CONTRACTOR TO VERIFY STATIC PRESSURE AT EACH WATER METER LOCATION IN THE RANGE OF 80-90 PSI. STATIC WATER PRESSURE BASED ON INFORMATION FROM CITY OF DEL MAR 5/2/2022, FOR PRESSURE ZONE 11. REFER TO CIVIL DRAWINGS FOR LOCATION OF SERVICE LINE AND METER. THE FINAL LOCATION FOR THE METER AND SERVICE TO BE DETERMINED BY THE CITY OF DEL MAR. 13th STREET : 2" WATER METER (APPROXIMATE ELEVATION OF METER 72'). SEE CIVIL DRAWINGS FOR LOCATION AND INSTALLATION POINT OF CONNECTION FOR IRRIGATION. LITTLE ORPHAN ALLEY: 1" WATER METER (APPROXIMATE ELEVATION OF METER 75'). SEE CIVIL DRAWINGS FOR LOCATION AND INSTALLATION POINT OF CONNECTION FOR IRRIGATION.
Ⓡ	REDUCED PRESSURE BACKFLOW PREVENTER	FEBCO OR EQUAL	LF825Y WHERE POSSIBLE INSTALL WITHIN NCTD ROW PER SDRSD WR-01. CONFIRM EXACT LOCATION AND INSTALLATION WITH CITY OF DEL MAR PUBLIC WORKS / WATER DEPARTMENT AND ENGINEER. VERIFY ON SITE AT EACH LOCATION THAT ADEQUATE LEVEL AREA IS AVAILABLE AFTER BACKFLOW PREVENTER FOR INSTALLATION OF MASTER VALVE AND FLOW SENSOR. SIZE BACKFLOW PREVENTER AS NOTED BELOW. 13th STREET : LF825Y-2" LITTLE ORPHAN ALLEY : LF825Y-1.5"
	BACKFLOW ENCLOSURE	STRONGBOX OR EQUAL	SBBC-CR , GREEN COLOR (SIZE PER BACKFLOW PREVENTER SIZE)
	MASTER CONTROL VALVE NORMALLY CLOSED	SUPERIOR	13TH STREET: 2"- 3200; NORMALLY CLOSED IN CONCRETE LOCKING VALVE BOX WITH METAL LID PER SDRSD I-10 LITTLE ORPHAN ALLEY: 1"- 3200; NORMALLY CLOSED IN CONCRETE LOCKING VALVE BOX WITH METAL LID PER SDRSD I-10
FS	FLOW METER	FLOMEC	QS200-15-PW 1-1/2" INSERTION ULTRASONIC FLOW METER, INSTALL FLOW SENSOR WIRE IN 1" CONDUIT BETWEEN FLOW SENSOR AND CONTROLLER . WIRE TO BE PAIGE 7162D SHIELDED WIRE. WIRE RUN NOT TO EXCEED 1000' (PART OF CONTROLLER ASSEMBLY) INSTALL IN CONCRETE VALVE BOX WITH LOCKING METAL LID PER DETAIL 3/L-105.
	WIND SENSOR	HUNTER	WIND CLIK (WIRED) (PART OF CONTROLLER ASSEMBLY) INSTALL AT MOUNTING HEIGHT AND LOCATION RECOMMENDED BY MANUFACTURER. MINIMIZE ACCESS TO PEDESTRIANS IF POSSIBLE. WIRE TO CONTROLLER ACCORDING TO MANUFACTURER WIRING DIAGRAMS.
	QUICK COUPLING VALVE	BUCKNER	1" ACME THREAD WITH LOCKING COVER- 7643BS W/TLK/7641BS/HS 100 INSTALL IN CONCRETE VALVE BOX WITH LOCKING METAL LID PER DETAIL 5/L-105.
	REMOTE CONTROL VALVE	HUNTER	ICV-**-G-FS-AS-AJ (** SIZE PER PLANS) REMOTE CONTROL VALVE WITH FILTER SENTRY AND ADJUSTABLE PRESSURE REGULATOR INSTALL VALVE BELOW GRADE IN VALVE BOX AND TRANSITION TO ON GRADE SCHEDULE 40 PVC SUPPLY LATERAL OUTSIDE OF VALVE BOX. INSTALL IN CONCRETE VALVE BOX PER DETAIL 2 /L-106; REFER TO SDRSD I-32 FOR VALVE MANIFOLD LAYOUT.
	BALL VALVE ISOLATION VALVE	HAYWARD OR EQUAL	TB-SERIES, TRUE UNION, FPM SEAL, SOCKET OR THREADED ENDS, LINE SIZE REMOTE CONTROL MANIFOLD BALL VALVES - 2" SIZE; QUICK COUPLER MANIFOLD - 1-1/2" SIZE. INSTALL BALL VALVE PER DETAIL 5/L-105.
	GATE VALVE	NIBCO OR EQUAL	T-113-K -LINE SIZE
"D1" "D2"	IRRIGATION CONTROLLER ASSEMBLY	SITE ONE GREENTECH OR EQUAL ASSEMBLY	CONTROLLER ASSEMBLY IN STAINLESS STEEL CABINET/HUNTER ACC2-18 STATION AND 12 STATION CONTROLLER/ GROUNDING KIT /RAIN SENSOR/ LINE PRIMARY PROTECTION/ CELLULAR WIFI INTERFACE FOR CENTRALUS CONNECTION/ HIGH WIND SENSOR/ FLOW SENSOR CABLE/FLOW SENSOR/QUICK PAD. INSTALL PER DETAIL 1/L-105. 13TH STREET: CA6-HU4-18/GRP-K/RSE/LPP/HCA2-LTE/HWS/FS-CAB/SFM-100/ /GTFSVC-150/ EMP16 LITTLE ORPHAN ALLEY: CA6-HU4-12/GRP-K/RSE/LPP/HCA2-LTE/HWS/FS-CAB/SFM-100/ /GTFSVC-150/ EMP16

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DRAWN BY L.O.	07/22
CHECKED BY L.O	07/22
SANDAG PM A. DEVAUX	07/22

SANDAG
NORTH COUNTY TRANSIT DISTRICT

DEL MAR BLUFFS STABILIZATION PROJECT 5

ENCROACHMENT PERMIT
IRRIGATION LEGEND

SCALE AS SHOWN
SANDAG CONTRACT NO. 5007812
DRAWING NO. L-100
SHEET NO.

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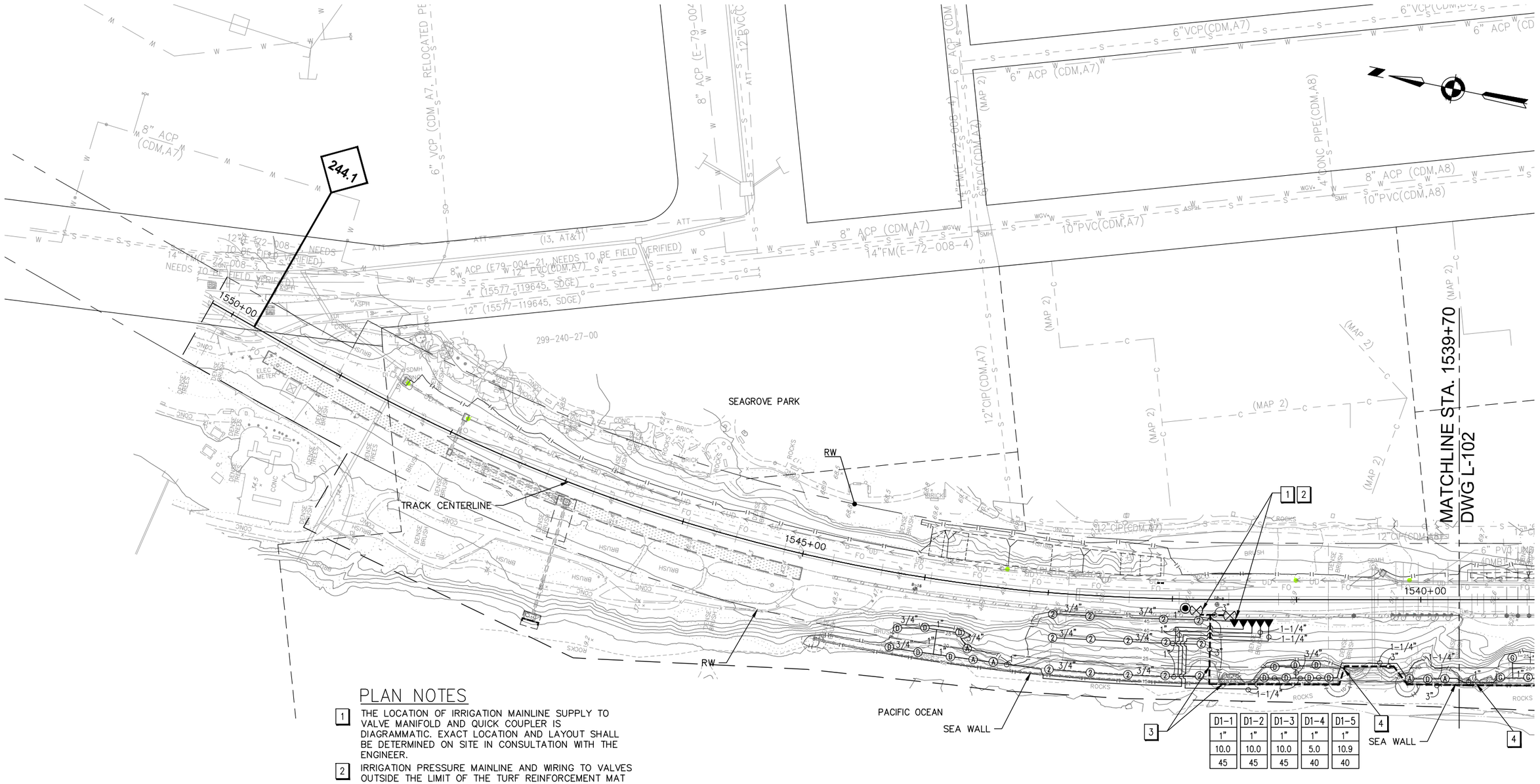

PLAN NOTES

1. THE LOCATION OF IRRIGATION MAINLINE SUPPLY TO VALVE MANIFOLD AND QUICK COUPLER IS DIAGRAMMATIC. EXACT LOCATION AND LAYOUT SHALL BE DETERMINED ON SITE IN CONSULTATION WITH THE ENGINEER.
2. IRRIGATION PRESSURE MAINLINE AND WIRING TO VALVES OUTSIDE THE LIMIT OF THE TURF REINFORCEMENT MAT SHALL BE INSTALLED IN A TRENCH BELOW GRADE.
3. THE LOCATION OF IRRIGATION PRESSURE MAINLINE AND PARALLEL CONDUIT FOR CONTROL WIRE TO VALVES IS DIAGRAMMATIC. REFER TO CIVIL DRAWINGS FOR SPECIFIC LOCATION AND DETAILS FOR ATTACHMENT TO SOIL, WALLS, TURF REINFORCEMENT MAT, SLEEVING REQUIREMENTS, TESTING AND OTHER CONDITIONS.
4. REFER TO CIVIL DRAWINGS FOR A PRECISE LOCATION AND INSTALLATION METHODS WHERE LATERAL PIPING IS NOT LOCATED ON THE TURF REINFORCEMENT MAT SURFACE.

NOTES

1. SEE DRAWING NO. L-001 FOR GENERAL NOTES AND IRRIGATION NOTES
2. SEE DRAWING NO. L-100 FOR IRRIGATION LEGEND.
3. SEE DRAWING NO. L-200 FOR PLANT LEGENDS, NOTES AND DETAILS.
4. SEE DRAWING NO. L-201 TO L-204 FOR ON-SITE REVEGETATION PLANS.

40 0 40 120
SCALE: 1"=40'

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DEL MAR BLUFFS STABILIZATION PROJECT 5
ENCROACHMENT PERMIT
IRRIGATION PLAN
ML STA 1550+00 TO ML STA 1539+70

SCALE: AS SHOWN
SANDAG CONTRACT NO. 5007812
DRAWING NO. L-101
SHEET NO.

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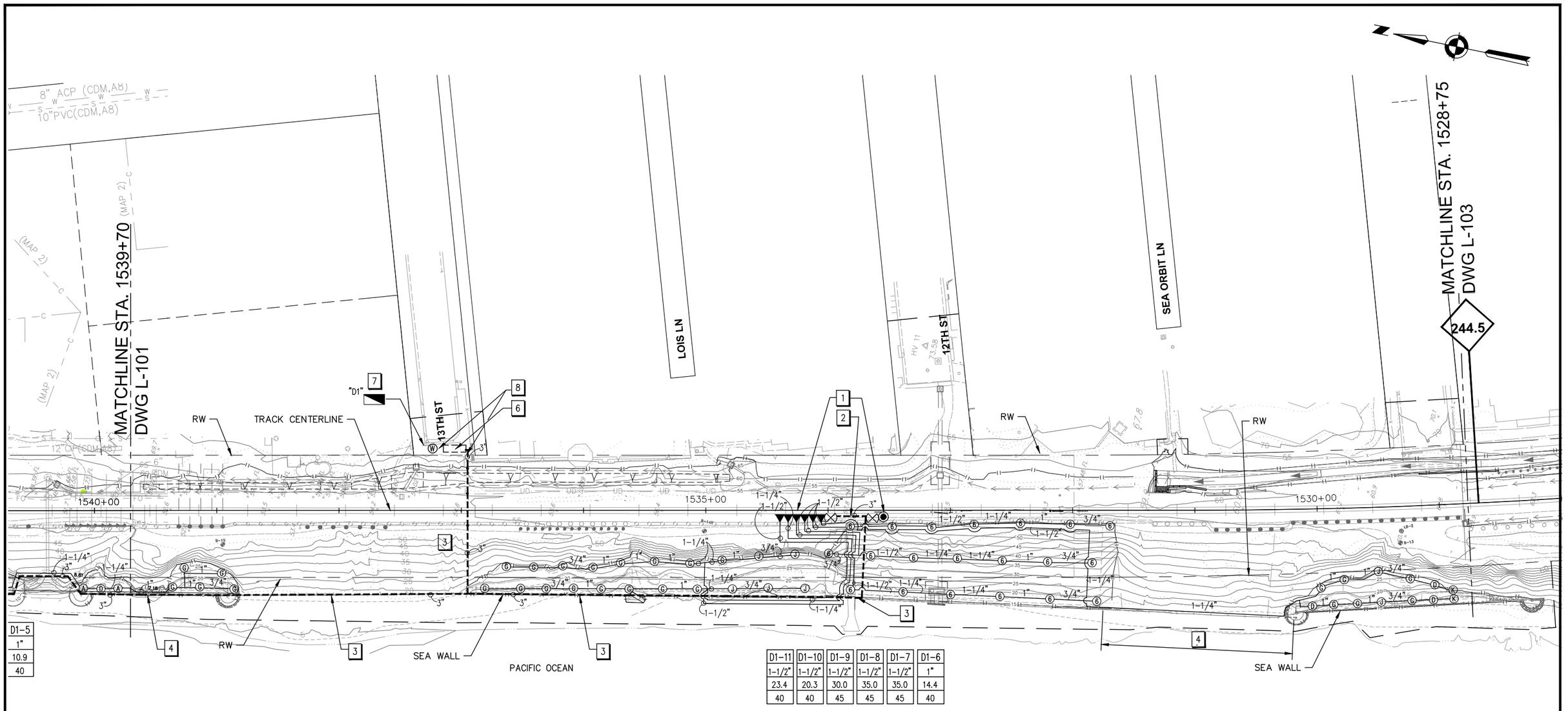

PLAN NOTES

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4. REFER TO CIVIL DRAWINGS FOR A PRECISE LOCATION AND INSTALLATION METHODS WHERE LATERAL PIPING IS NOT LOCATED ON THE TURF REINFORCEMENT MAT SURFACE.
5. IRRIGATION POINT OF CONNECTION (POC) AT 13TH STREET AT PROPOSED AFTER 2" TEMPORARY IRRIGATION WATER METER FROM A POTABLE WATER SYSTEM.
   VERIFY STATIC WATER PRESSURE AT METER (ASSUMED ELEVATION OF 72') TO BE BETWEEN 80 AND 90 PSI BASED ON PRESSURE ZONE 11.
6. REFER TO DETAIL 2/L-105 AND IRRIGATION LEGEND FOR SCHEMATIC LAYOUT OF POINT OF CONNECTION (POC) SEQUENCE AFTER WATER METER, INCLUDING EQUIPMENT AND SIZE.

   PROPOSED MAXIMUM FLOW THROUGH THE METER IS 35 GPM AT 45 PSI. SYSTEM IS DESIGNED NOT TO EXCEED 5 FPS VELOCITY AFTER THE BACKFLOW PREVENTER.
7. PROPOSED VICINITY FOR PEDESTAL MOUNT IRRIGATION CONTROLLER ASSEMBLY "D1" IN A STAINLESS STEEL ENCLOSURE AS INDICATED ON THE IRRIGATION LEGEND. VERIFY EXACT LOCATION ON SITE WITH THE ENGINEER. 120VAC POWER SHALL BE PROVIDED FOR THE CONTROLLER CONNECTION AT THE CONTROLLER LOCATION. THE LANDSCAPE CONTRACTOR SHALL CONNECT THE CONTROLLER TO THE POWER SOURCE AND VERIFY THAT ALL CONDUITS FOR WIRING AND CABLE FOR CONTROLLER AND PERIPHERALS ARE INSTALLED AND AVAILABLE FOR USE.
8. IRRIGATION PIPING AND WIRING BETWEEN METER THROUGH THE FLOW SENSOR IS TO BE INSTALLED IN A TRENCH. REFER TO CIVIL DRAWINGS FOR THE SPECIFIC LOCATION FOR THE TRANSITION OF UNDERGROUND PRESSURE MAINLINE AND CONDUIT FOR CONTROLLER WIRE AFTER THE FLOW SENSOR.

NOTES

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NORTH COUNTY TRANSIT DISTRICT

DEL MAR BLUFFS STABILIZATION PROJECT 5

ENCROACHMENT PERMIT
IRRIGATION PLAN
ML STA 1539+70 TO ML STA 1528+75

SCALE: AS SHOWN
SANDAG CONTRACT NO. 5007812
DRAWING NO. L-102
SHEET NO.

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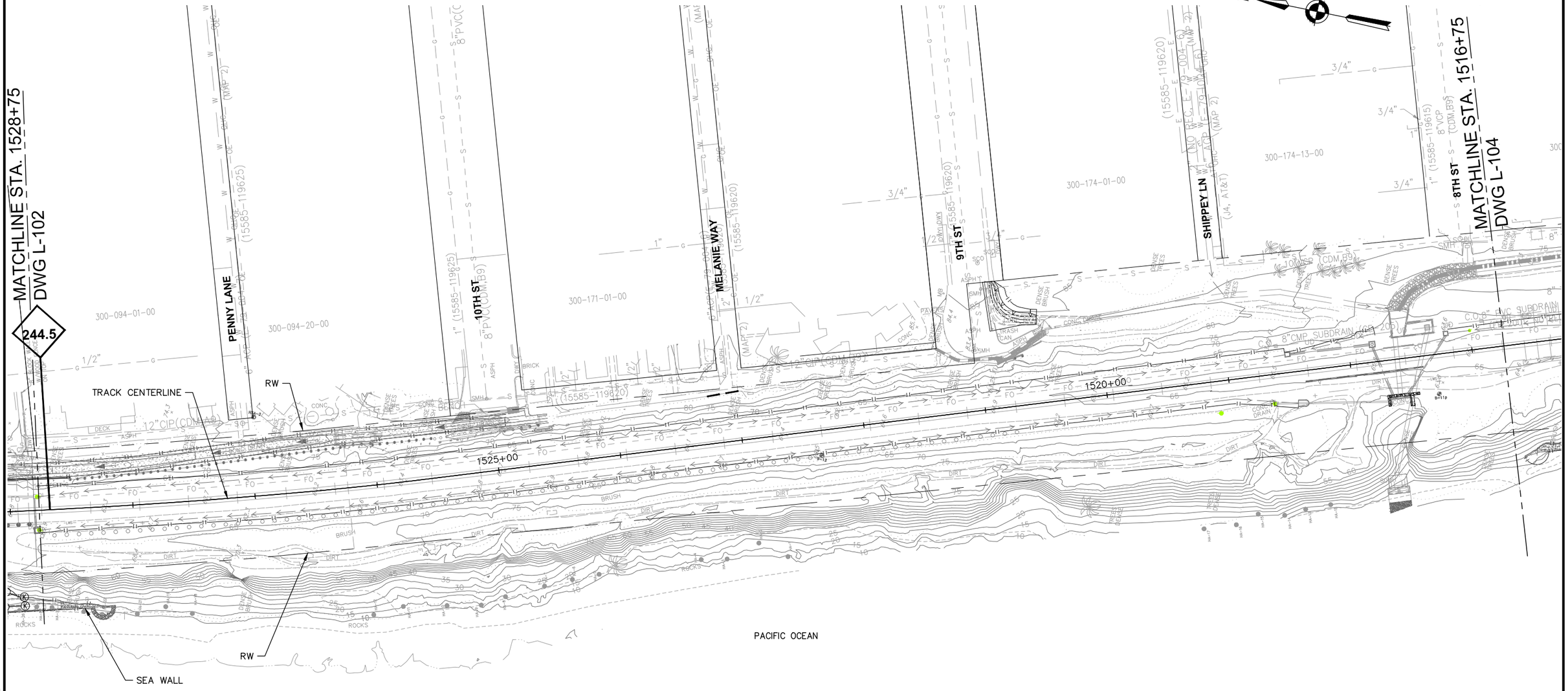

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DEL MAR BLUFFS STABILIZATION PROJECT 5
ENCROACHMENT PERMIT
IRRIGATION PLAN
ML STA 1528+75 TO ML STA 1516+75

SCALE: AS SHOWN
SANDAG CONTRACT NO. 5007812
DRAWING NO. L-103
SHEET NO.

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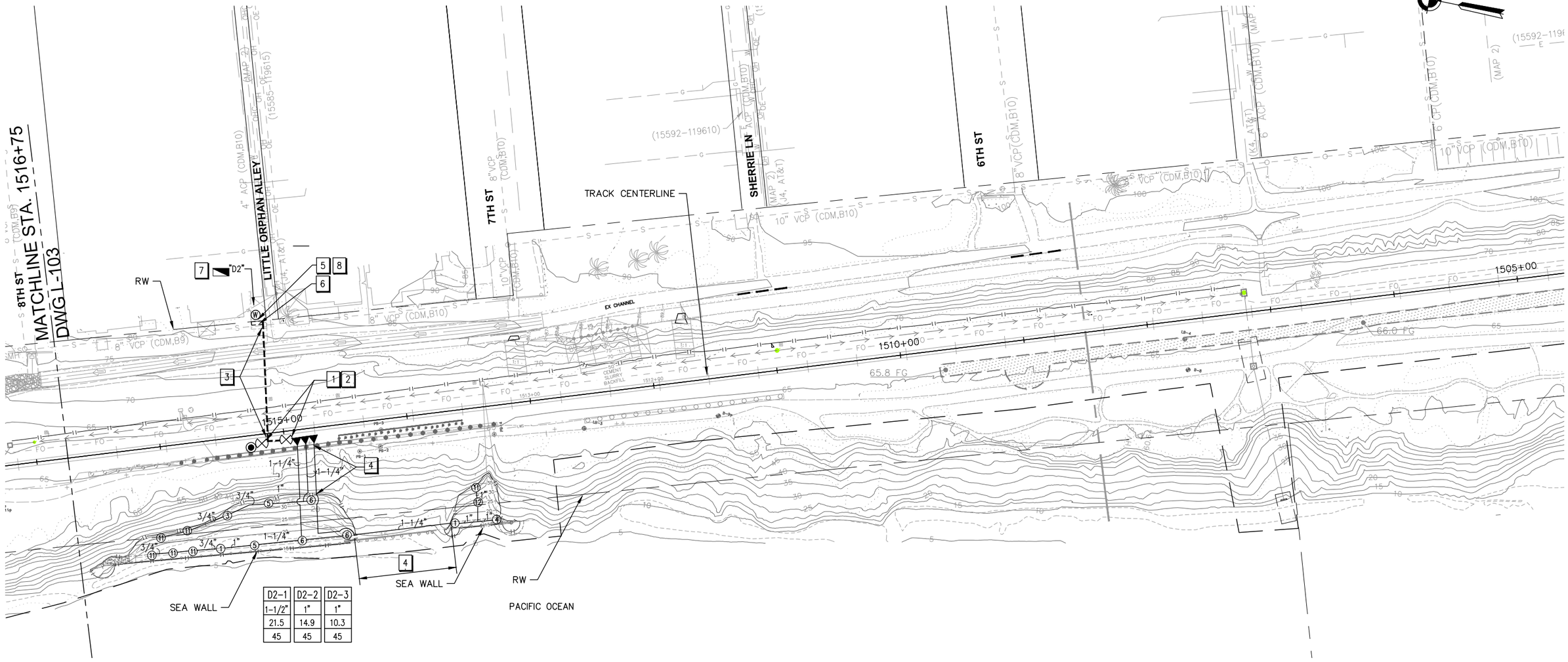

D2-1	D2-2	D2-3
1-1/2"	1"	1"
21.5	14.9	10.3
45	45	45

PLAN NOTES

1. THE LOCATION OF IRRIGATION MAINLINE SUPPLY TO VALVE MANIFOLD AND QUICK COUPLER IS DIAGRAMMATIC. EXACT LOCATION AND LAYOUT SHALL BE DETERMINED ON SITE IN CONSULTATION WITH THE ENGINEER.
2. IRRIGATION PRESSURE MAINLINE AND WIRING TO VALVES OUTSIDE THE LIMIT OF THE TURF REINFORCEMENT MAT SHALL BE INSTALLED IN A TRENCH BELOW GRADE.
3. THE LOCATION OF IRRIGATION PRESSURE MAINLINE AND PARALLEL CONDUIT FOR CONTROL WIRE TO VALVES IS DIAGRAMMATIC. REFER TO CIVIL DRAWINGS FOR SPECIFIC LOCATION AND DETAILS FOR ATTACHMENT TO SOIL, WALLS, TURF REINFORCEMENT MAT, SLEEVING REQUIREMENTS, TESTING AND OTHER CONDITIONS.
4. REFER TO CIVIL DRAWINGS FOR A PRECISE LOCATION AND INSTALLATION METHODS WHERE LATERAL PIPING IS NOT LOCATED ON THE TURF REINFORCEMENT MAT SURFACE.
5. IRRIGATION POINT OF CONNECTION (POC) AT LITTLE ORPHAN ALLEY AT PROPOSED AFTER 1" TEMPORARY IRRIGATION WATER METER FROM A POTABLE WATER SYSTEM.
   VERIFY STATIC WATER PRESSURE AT METER (ASSUMED ELEVATION OF 75') TO BE BETWEEN 80 AND 90 PSI BASED ON PRESSURE ZONE 11.
6. REFER TO DETAIL 2/L-105 AND IRRIGATION LEGEND FOR SCHEMATIC LAYOUT OF POINT OF CONNECTION (POC) SEQUENCE AFTER WATER METER, INCLUDING EQUIPMENT AND SIZE.

   PROPOSED MAXIMUM FLOW THROUGH THE METER IS 21.5 GPM AT 45 PSI. SYSTEM IS DESIGNED NOT TO EXCEED 5 FPS VELOCITY AFTER THE BACKFLOW PREVENTER.
7. PROPOSED VICINITY FOR PEDESTAL MOUNT IRRIGATION CONTROLLER ASSEMBLY "D2" IN A STAINLESS STEEL ENCLOSURE AS INDICATED ON THE IRRIGATION LEGEND-DRAWING NO. L-100. VERIFY EXACT LOCATION ON SITE WITH THE ENGINEER. 120VAC POWER SHALL BE PROVIDED FOR THE CONTROLLER CONNECTION AT THE CONTROLLER LOCATION. THE LANDSCAPE CONTRACTOR SHALL CONNECT THE CONTROLLER TO THE POWER SOURCE AND VERIFY THAT ALL CONDUITS FOR WIRING AND CABLE FOR CONTROLLER AND PERIPHERALS ARE INSTALLED AND AVAILABLE FOR USE.
8. IRRIGATION PIPING AND WIRING BETWEEN METER THROUGH THE FLOW SENSOR IS TO BE INSTALLED IN A TRENCH. REFER TO CIVIL DRAWINGS FOR THE SPECIFIC LOCATION FOR THE TRANSITION OF UNDERGROUND PRESSURE MAINLINE AND CONDUIT FOR CONTROLLER WIRE AFTER THE FLOW SENSOR.

NOTES

1. SEE DRAWING NO. L-001 FOR GENERAL NOTES AND IRRIGATION NOTES
2. SEE DRAWING NO. L-100 FOR IRRIGATION LEGEND.
3. SEE DRAWING NO. L-200 FOR PLANT LEGENDS, NOTES AND DETAILS.
4. SEE DRAWING NO. L-201 TO L-204 FOR ON-SITE REVEGETATION PLANS.

40 0 40 120

SCALE: 1"=40'

NO.	DATE	REVISIONS	BY	CHK	APRV

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DESIGNED BY L.O.	DATE 07/22	
DRAWN BY L.O.	07/22	
CHECKED BY L.O	07/22	
SANDAG PM A. DEVAUX	07/22	

SANDAG
NORTH COUNTY TRANSIT DISTRICT

DEL MAR BLUFFS STABILIZATION PROJECT 5
ENCROACHMENT PERMIT
IRRIGATION PLAN
ML STA 1516+75 TO ML STA 1505+00

SCALE: AS SHOWN
SANDAG CONTRACT NO. 5007812
DRAWING NO. L-104
SHEET NO.

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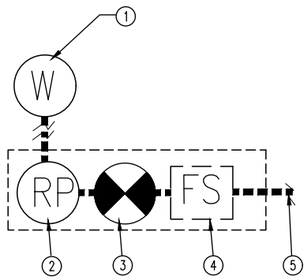


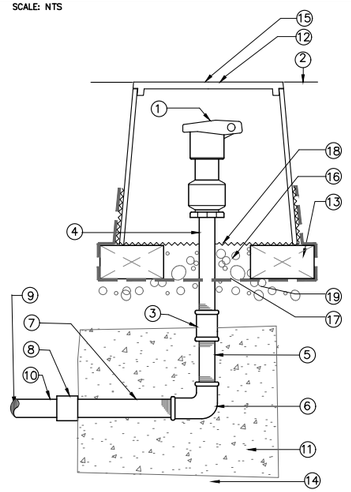
1. WATER METER AND SERVICE LINE BY CITY. 2" PIPING BETWEEN METER AND REDUCED PRESSURE BACKFLOW PREVENTER PER AGENCY REQUIREMENTS
2. REDUCED PRESSURE BACKFLOW PREVENTER. VERIFY PRESSURE ON SITE AFTER BACKLFOW. REPORT PRESSURE TO ENGINEER PRIOR TO BEGINNING INSTALLATION OF MAINLINE.
3. MASTER VALVE IN CONCRETE VALVE BOX WITH METAL LOCKING COVER
4. FLOW SENSOR IN VALVE IN CONCRETE VALVE BOX WITH METAL LOCKING COVER
5. SEE IRRIGATION PLAN AND CIVIL DRAWINGS FOR IRRIGATION MAINLINE LAYOUT AFTER THE FLOW SENSOR.

NOTES:

1. LAYOUT IS SCHEMATIC AND SHALL BE ADJUSTED TO MEET ACTUAL SITE CONDITIONS.
2. REFER TO THE IRRIGATION LEGEND FOR EQUIPMENT SIZE, MANUFACTURER, MODEL AND INSTALLATION DETAIL REFERENCE.
3. LOCATE EQUIPMENT AS MUCH AS POSSIBLE AWAY FROM PEDESTRIAN AND/OR VEHICULAR AREAS
4. REFER TO CIVIL DRAWINGS FOR SPECIFIC LOCATION OF MAINLINE AFTER THE FLOW SENSOR. IRRIGATION PLAN LOCATION IS DIAGRAMMATIC.
5. REFER TO INSTALLATION DETAILS FOR INDIVIDUAL EQUIPMENT REFERENCED IN THE IRRIGATION LEGEND.

2 POINT OF CONNECTION SEQUENCE SCHEMATIC

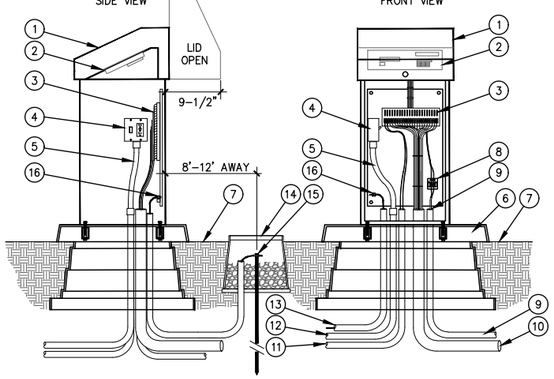
SCALE: NTS



1. QUICK COUPLER VALVE W/LOCKING VINYL CAP
2. FINISH GRADE
3. RED BRASS COUPLING
4. THREADED BRASS RISER LENGTH AS REQUIRED
5. RED BRASS NIPPLE, 4" LONG
6. RED BRASS 90 DEG. ELBOW
7. RED BRASS NIPPLE, 8" LONG
8. P.V.C. SCHED. 80 FEMALE ADAPTOR
9. TO ISOLATION BALL VALVE
10. P.V.C. SCHED. 80 NIPPLE, 4" LONG
11. 1/2 CU. FT. MIN . 2000 P.S.I CONCRETE
12. CONCRETE VALVE BOX WITH METAL LOCKING LID.
13. BRICK SUPPORTS
14. 95% COMPACTED SUBGRADE
15. FLUSH IN LAWN 3" ABOVE FINISH GRADE IN GROUNDCOVER
16. 3/8" PEA GRAVEL, 2" DEPTH
17. LANDSCAPE FABRIC LINING BOTTOM OF VALVE BOX, WRAPPED 4" ABOVE BOTTOM OUTSIDE OF BOX ON ALL SIDES
18. 1/4" GALVANIZED MESH WRAPPED 4" ABOVE BOTTOM OUTSIDE OF BOX ALL 4 SIDES
19. ADDITIONAL GRAVEL IF NEEDED TO LEVEL BRICKS

1 AUTOMATIC IRRIGATION CONTROLLER ASSEMBLY

SCALE: NTS



1. STRONGBOX STAINLESS STEEL NEMA 3R RAINPROOF ENCLOSURE (UL LISTED).
2. CONTROLLER ASSEMBLY. ASSEMBLED IN ENCLOSURE BY SITEONE GREEN TECH.
3. TERMINAL STRIP FOR VALVE WIRES.
4. POWER SWITCH / GFCI RECEPTACLE.
5. ELECTRICAL FLEX CONDUIT FOR POWER.
6. EMP-16, STRONGBOX QUICK-PAD. FILL WITH 3/4" CRUSHED ROCK.
7. FINISHED GRADE.
8. FLOW SENSOR TERMINAL BOARD.
9. 1" CONDUIT AND SWEEP ELL WITH FLOW SENSOR CABLE.
10. **3" CONDUIT AND SWEEP ELL FOR LEAD WIRES.
11. 1" CONDUIT AND SWEEP ELL FOR MASTER VALVE WIRES.
12. 1" CONDUIT AND SWEEP ELL FOR 110 VAC POWER LINE.
13. 1" CONDUIT AND SWEEP ELL FOR GROUND WIRE.
14. 10" ROUND VALVE BOX AROUND GROUND ROD. FILL WITH 3/4" CRUSHED ROCK.
15. 5/8" X 8' GROUND ROD WITH #6 GROUND WIRE AND CLAMP. LOCATE 8'-12' FROM ENCLOSURE.
16. #6 GROUND WIRE SECURED TO BACKBOARD GROUNDING TERMINAL.

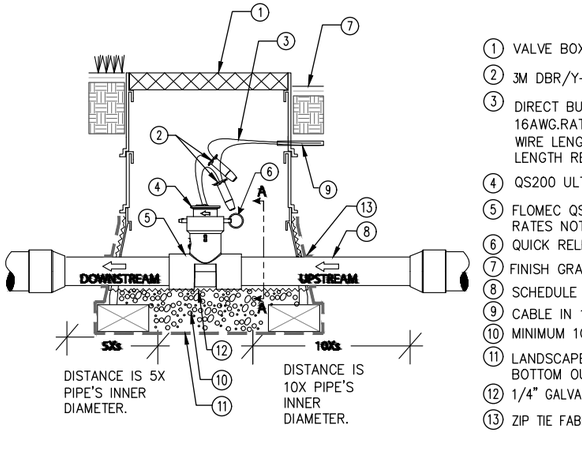
NOTE: SEE IRRIGATION LEGEND CALL OUT FOR INCLUDED OPTIONS.
**SUGGESTED CONDUIT SIZES MAY NEED TO BE LARGER.

4 QUICK COUPLER VALVE

SCALE: NTS

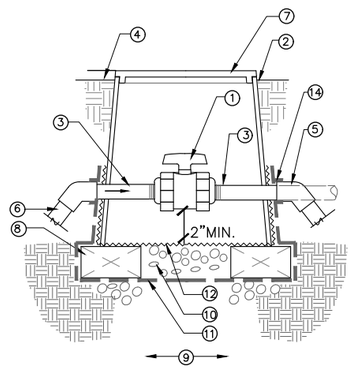
3 FLOW SENSOR

SCALE: NTS



1. VALVE BOX
2. 3M DBR/Y-6 SPLICE KIT
3. DIRECT BURIAL 1 PAIR, TWISTED SHIELDED CABLE-MIN. CONDUCTOR SIZE 16AWG.RATED FOR DISTANCES UP TO 2,000 . ENSURE A SERVICE LOOP (EXTRA WIRE LENGTH OF 24")IS PROVIDED FOR MAINTENANCE. DO NOT EXCEED CABLE LENGTH RECOMMENDATIONS AS SPECIFIED BY CONTROLLER MANUFACTURER.
4. QS200 ULTRASONIC FLOW SENSOR
5. FLOMEC QS200 TEE. SELECT TEE SIZE PER FLOWMETER SIZE AND APPLICATION RATES NOTED IN IRRIGATION LEGEND.
6. QUICK RELEASE PIN
7. FINISH GRADE
8. SCHEDULE 80 PVC PIPE BETWEEN MASTER VALVE AND FLOW SENSOR
9. CABLE IN 1" CONDUIT TO IRRIGATION CONTROLLER
10. MINIMUM 10" DEPTH OF PEA GRAVEL
11. LANDSCAPE FABRIC LINING BOTTOM OF VALVE BOX, WRAPPED 4" ABOVE BOTTOM OUTSIDE OF BOX ON ALL SIDES
12. 1/4" GALVANIZED MESH WRAPPED 4" ABOVE BOTTOM OUTSIDE OF BOX ALL 4 SIDES
13. ZIP TIE FABRIC AROUND OPENINGS

01 SECTION A-A
NTS.



1. SCHEDULE 80 PVC TRUE UNION PLASTIC BALL VALVE
2. FINISH GRADE
3. P.V.C. SCHED. 80 NIPPLE T.O.E.
4. 3" ABOVE FINISH GRADE IN GROUNDCOVER/FLUSH IN LAWN
5. SCHED. 80 PVC 45 DEGREE ELBOW TO MAINTAIN MAINLINE DEPTH OR COUPLER FOR STRAIGHT CONNECTION TO REMOTE CONTROL VALVE(S)IN MANIFOLD
6. PRESSURE MAINLINE
7. CONCRETE VALVE BOX WITH METAL LOCKING LID.
8. BRICK SUPPORTS (4)
9. 95% COMPACTED SUBGRADE
10. 3/8" PEA GRAVEL, 2" DEPTH
11. LANDSCAPE FABRIC LINING BOTTOM OF VALVE BOX, WRAPPED 4" ABOVE BOTTOM OUTSIDE OF BOX ON ALL SIDES
12. 1/4" GALVANIZED MESH WRAPPED 4" ABOVE BOTTOM OUTSIDE OF BOX ALL 4 SIDES
13. ADDITIONAL GRAVEL IF NEEDED TO LEVEL BRICKS
14. ZIP TIE FABRIC AROUND OPENINGS

5 BALLVALVE

N.T.S.

NO.	DATE	REVISIONS	BY	CHK	APRV

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DRAWN BY	L.O.	07/22
CHECKED BY	L.O	07/22
SANDAG PM	A. DEVAUX	07/22

SANDAG
NORTH COUNTY TRANSIT DISTRICT

DEL MAR BLUFFS STABILIZATION PROJECT 5
ENCROACHMENT PERMIT
IRRIGATION DETAILS

SCALE: AS SHOWN
SANDAG CONTRACT NO. 5007812
DRAWING NO. L-105
SHEET NO.

FOR REDUCED PLANS ORIGINAL SCALE IS IN INCHES 0 1 2 3

100% DESIGN NOT FOR CONSTRUCTION

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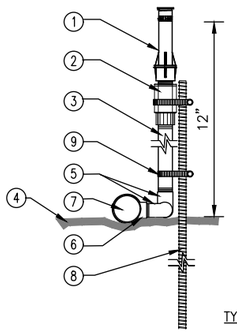
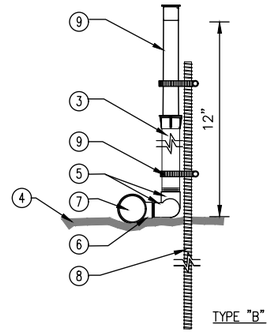


1. PRESSURE REGULATED SHRUB SPRAY HEAD, 1/2" INLET
2. UNDER HEAD CHECK VALVE (1/2" FEMALE X 1/2" MALE OUTLET, ADJUSTABLE UP TO 32' ELEVATIONAL CHANGE)
3. PVC SCH 80 RISER–SIZE TO MATCH SHRUB HEAD INLET
4. FINISH GRADE OR HPTRM SURFACE (SLOPE VARIES)
5. PVC STREET ELLS (2)
6. PVC SCH 40 TEE OR ELL
7. PVC SCH 40 LATERAL PIPE ON GRADE
8. #4 REINFORCING BAR
9. PRESSURE REGULATED ROTOR SHRUB HEAD WITH INTEGRAL CHECK VALVE UP TO 10' ELEVATION CHANGE, 3/4" INLET

TYPE "A"



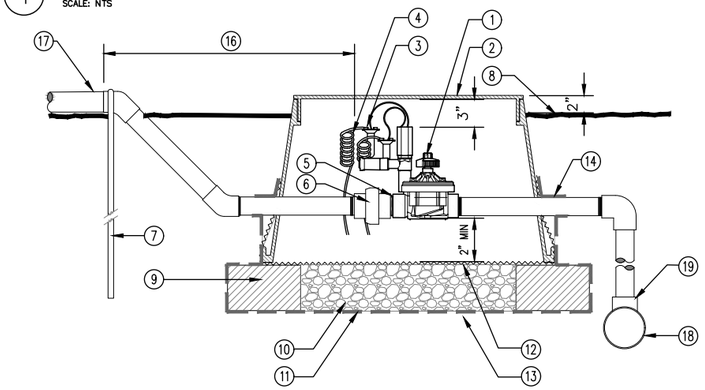
TYPE "B"

NOTES:

1. RISERS SHALL BE SET GENERALLY PERPENDICULAR TO THE SLOPE WITH ADJUSTMENTS MADE TO ACCOMMODATE LOCATION AT TOP OF SLOPE, MID SLOPE AND BOTTOM OF SLOPE TO ACCOUNT FOR THE TRAJECTORY OF THE SPRAY.
2. ON SLOPES– ADJUST THE ANGLE OF THE RISER BETWEEN VERTICAL AND PERPENDICULAR TO THE SLOPE. DO NOT ANGLE SPRINKLERS TO SPRAY INTO THE SLOPE.
3. LATERAL PIPE SHALL INSTALLED ON GRADE OR ON HPTRM SURFACE AS SHOWN AND ANCHORED PER SAN DIEGO REGIONAL STANDARD DRAWING I–20 AND I–23.
4. ADJUST UNDER SPRINKLER CHECK VALVES (TYPE "A") FOR LATERAL AS NECESSARY TO PREVENT LOW HEAD DRAINAGE. ADD IN LINE ADJUSTABLE CHECK VALVES TO DOWN HILL SUPPLY LATERAL IF NEEDED TO ELIMINATE LOW HEAD DRAINAGE.
5. ON ROTOR SYSTEM WHERE TYPE "B" SPRINKLERS ARE USED PROVIDE ADDITIONAL LATERAL IN–LINE CHECK VALVES AS NEEDED TO ELIMINATE LOW HEAD DRAINAGE.
6. USE PRESSURE REGULATOR AT VALVE TO ADJUST PRESSURE FOR SYSTEMS.
7. PROVIDE ON SITE MOCK UP OF EACH TYPE OF SPRINKLER INSTALLATION AND CONNECTION TO LATERAL FOR REVIEW BY THE ENGINEER PRIOR TO BEGINNING WORK.

1 SHRUB SPRAY HEADS AND ROTORS ON A FIXED RISER ON GRADE

SCALE: NTS



1. REMOTE CONTROL VALVE WITH FLOW CONTROL AND ADJUSTABLE PRESSURE REGULATOR
2. CONCRETE VALVE BOX WITH METAL LOCKING LID
3. WATERPROOF CONNECTORS (2)
4. 24" COILED WIRE TO CONTROLLER
5. PVC SCH 80 CLOSE NIPPLE
6. PVC UNION
7. ON GRADE PIPE STABILIZER PER SDRSD I–20 AND I–23
8. FINISH GRADE AT ADJACENT SURFACE
9. BRICK SUPPORTS (4)
10. 3/8" PEA GRAVEL, 2" DEPTH
11. LANDSCAPE FABRIC LINING BOTTOM OF VALVE BOX, WRAPPED 4" ABOVE BOTTOM OUTSIDE OF BOX ON ALL SIDES
12. 1/4" GALVANIZED MESH WRAPPED 4" ABOVE BOTTOM OUTSIDE OF BOX ALL 4 SIDES
13. 95% COMPACTED SUBGRADE, PROVIDE ADDITIONAL GRAVEL IF NEEDED UNDER BRICKS TO LEVEL
14. ZIP TIE FABRIC AROUND OPENINGS
15. PVC SCH 80 NIPPLE RISER AND ELBOW FROM MANIFOLD PIPE
16. PVC SCH 80 NIPPLE, FITTINGS AND UNION TO ABOVE GROUND PVC SCH 40 LATERAL SUPPLY PIPE.
17. LATERAL SUPPLY PIPE
18. MANIFOLD PIPE
19. PVC SCH 80 FITTINGS, RISER AND ELLS AND NIPPLES TO VALVE

2 REMOTE CONTROL VALVE WITH TRANSITION TO ABOVE GROUND LATERAL

SCALE: NTS

FOR REDUCED PLANS ORIGINAL SCALE IS IN INCHES
0 1 2 3

100% DESIGN NOT FOR CONSTRUCTION

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SANDAG PM A. DEVAUX	07/22	

SANDAG
NORTH COUNTY TRANSIT DISTRICT

DEL MAR BLUFFS STABILIZATION PROJECT 5
ENCROACHMENT PERMIT
IRRIGATION DETAILS

SCALE AS SHOWN
SANDAG CONTRACT NO. 5007812
DRAWING NO. L-106
SHEET NO.

FOR REDUCED PLANS ORIGINAL SCALE IS IN INCHES
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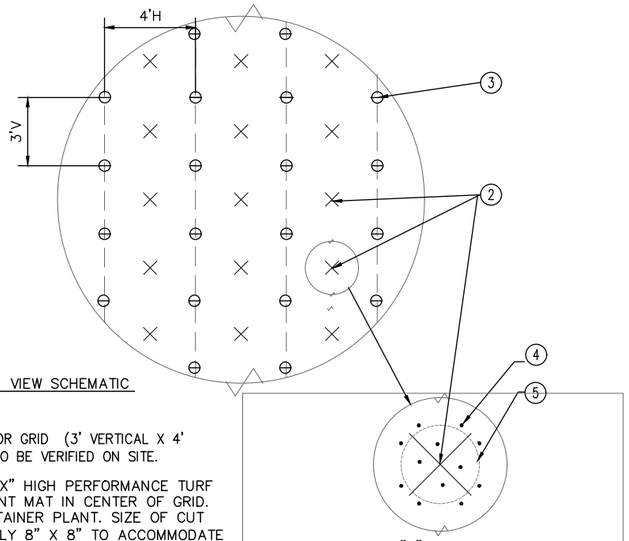


GRID PLAN VIEW SCHEMATIC
NTS

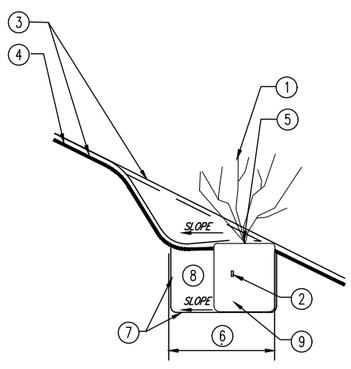
1. TYPICAL ANCHOR GRID (3' VERTICAL X 4' HORIZONTAL) TO BE VERIFIED ON SITE.
2. CROSS CUT "X" HIGH PERFORMANCE TURF REINFORCEMENT MAT IN CENTER OF GRID. INSTALL CONTAINER PLANT. SIZE OF CUT APPROXIMATELY 8" X 8" TO ACCOMMODATE 1 GALLON PLANT
3. SURFACE FITTING
4. TYPICAL PIN: GALVANIZED 18" LENGTH STEEL PIN WITH WASHER.
5. PLANT ROOTBALL

PIN PLACEMENT AT "X" CUT
(TO BE REVIEWED ON SITE AND ADJUSTED AS NEEDED)

NOTES:
AFTER CONTAINER PLANT HAS BEEN PLACED AND PLANTED, LIGHTLY COMPACT THE SOIL AND SECURE THE HPHPTRM WITH PINS PLACED ON APPROXIMATELY 3"–4" ON CENTER, FOLLOWED BY ADDITIONAL PINS ON EACH FREE EDGE.

1 CONTAINER PLANTING LAYOUT

SCALE: NTS



1. NATIVE PLANT CONTAINER STOCK – SET ROOTBALL 1" ABOVE FINISH GRADE. DO NOT SCARIFY ROOTBALL PRIOR TO PLACEMENT.
2. PLANTING TABLETS MAXIMUM DEPTH 3". DISTRIBUTE UNIFORMLY AROUND ROOTBALL
3. ANCHORED HIGH PERFORMANCE TURF REINFORCEMENT MAT (HPTRM)
4. FINISH GRADE BELOW HPTRM –MAXIMUM SLOPE 2:1 FOR CONTAINER PLANTING LOCATIONS
5. CENTER PLANT IN "X" CROSSCUT OF HPTRM. DO NOT TRIM MAT. INSTALL EXTRA PINS OR STAPLES AT CUT OPENINGS TO RESTORE THE INTEGRITY OF THE HPTRM. PIN LOCATION NOT SHOWN SHOWN. SEE NOTES AND DETAIL 1/L–200.
6. PLANT PIT 2X DIAMETER OF ROOTBALL
7. SCARIFY EDGES AND BOTTOM OF PLANT PIT PRIOR TO PLACING BACKFILL
8. SOIL BACKFILL
9. PLANT ROOTBALL–DO NOT SCARIFY ROOTBALL PRIOR TO PLACEMENT

NOTES:
1. AFTER CONTAINER PLANT HAS BEEN PLACED AND PLANTED, LIGHTLY COMPACT THE SOIL AND SECURE THE HPTRM WITH PINS PLACED ON APPROXIMATELY 3"–4" ON CENTER, FOLLOWED BY ADDITIONAL PINS ON EACH FREE EDGE.
2. CONTRACTOR SHALL PROVIDE CONTAINER PLANTING SAMPLE ON SITE FOR REVIEW AND APPROVAL PRIOR TO BEGINNING PLANTING OPERATIONS.
3. THE LOCATION OF PLANTS CENTERED WITHIN A GRID GENERALLY SHALL TAKE PRECEDENCE OVER THE LOCATION OF IRRIGATION PIPING AND SPRINKLER.

2 CONTAINER PLANTING ON 2:1 OR LESS SLOPE WITH HPTRM

SCALE: NTS

EROSION CONTROL MIX 1 AND SEED PALETTE :

EROSION CONTROL MIX 1 FOR SLOPES 1.5:1 OR LESS WITH HPTRM
(ONE STEP APPLICATION SYSTEM)

HYDRAULIC BIOTIC SOIL AMENDMENT AND EROSION CONTROL SYSTEM	6000 LBS/ACRE
COMMERCIAL ORGANIC FERTILIZER	800 LBS/ACRE
MYCORRHIZAL INOCULUM	60 LBS/ACRE
MICROBIAL PROBIOTIC	2 GALLONS/ ACRE
SEED PALETTE (BELOW)	28 LBS/ACRE

BOTANICAL NAME	COMMON NAME	SEED MINIMUM PURITY/GERMINATION	BULK LBS./ACRE	TOTAL LBS 2:1 SLOPES OR LESS (APPROX. 24,822 S.F	TOTAL LBS 1.5:1 SLOPES (APPROX. 28,759 S.F.)
ASCMISPON HEERMANNII	PROSTRATE WOOLY LOTUS	90/45	1	.60	.65
AMBROSIA CHAMISSONIS	BEACH BUR	95/80	1	.60	.65
ARTEMISIA CALIFORNICA	CALIFORNIA SAGEBRUSH	30/60	3	1.70	2.00
CAMISSONIOPSIS CHEIRANTHFOLIA	CALIFORNIA SUN CUP	90/80	1	.60	.65
CASTILLEJA AFFINIS	INDIAN PAINTBRUSH	40/75	1	.60	.65
CROTON CALIFORNICUS	CALIFORNIA CROTON	90/40	1	.60	.65
CROTON SETIGER	DOVE WEED	90/80	1	.60	.65
DISTICHLIS SPICATA	SALTGRASS	90/75	1	.60	.65
ENCELIA CALIFORNICA	CALIFORNIA ENCELIA	30/45	3	1.70	2.00
ERIOGONUM FASCICULATUM	CALIFORNIA BUCKWHEAT	50/20	6	3.30	4.00
ERIOPHYLLUM CONFERTIFLORUM	GOLDEN YARROW	50/20	2	1.10	1.33
ESCHSCHOLZIA CALIFORNICA V. MARITIMA	COAST CALIFORNIA POPPY	15/50	2	1.10	1.33
HELIOTROPIUM CURASSAVICUM	SALT HELIOTROPE	15/50	1	.60	.65
HORDEUM INTERCEDENS	LITTLE BARLEY	96/75	2	1.10	1.33
ISOCOMA MENZIESII	GOLDENBUSH	40/30	1	.60	.65
PERITOMA ARBOREA	BLADDERPOD	98/45	1	.60	.65
			28	16.00	18.50

CONTAINER PLANTING PALETTE :

CONTAINER PLANTING PALETTE FOR 2:1 OR LESS SLOPES WITH HPTRM

BOTANICAL NAME	COMMON NAME	SPACING ON CENTER (FEET)	GROUPING SIZE	CONTAINER SIZE	QUANTITY PER ACRE	TOTAL NUMBER
ARTEMISIA CALIFORNICA	CALIFORNIA SAGEBRUSH	5'	3–5	1 GALLON	200	160
DISTICHLIS SPICATA	SALTGRASS	3'	3	1 GALLON	200	160
ENCELIA CALIFORNICA	CALIFORNIA ENCELIA	5'	3–5	1 GALLON	200	160
ERIOGONUM FASCICULATUM	CALIFORNIA BUCKWHEAT	5'	5–8	1 GALLON	300	240
ISOCOMA MENZIESII	GOLDENBUSH	5'	3–5	1 GALLON	100	80
IVA HAYESIANA	SAN DIEGO MARSH ELDER	3'	3–5	1 GALLON	200	160
LEPTOSYNE MARITIMA	SEA DAHLIA	5'	3	1 GALLON	50	42
LYCIUM CALIFORNICUM	CALIFORNIA BOXTHORN	5'	3–5	1 GALLON	200	160
OPUNTIA LITTORALIS	COAST PRICKLY PEAR	5'	3	1 GALLON	100	78
PERITOMA ARBOREA	BLADDERPOD	5'	3–5	1 GALLON	200	160
RHUS INTEGRIFOLIA	LEMONADEBERRY	10'	1–3	1 GALLON	30	21
SIMMONDSIA CHINENSIS	JOJOBA	5'	3–5	1 GALLON	200	160
					1980	1581

EROSION CONTROL MIX 2 AND SEED PALETTE :

EROSION CONTROL MIX 2 FOR RESTORATION OF DISTURBED AREAS
(ONE STEP APPLICATION SYSTEM)

HYDRAULIC BIOTIC SOIL AMENDMENT AND EROSION CONTROL SYSTEM	< 4:1 SLOPE	4000–4500 LBS/ACRE
	< 3:1 SLOPE	5000–6000 LBS/ACRE
	> 2:1 SLOPE	6000 LBS/ACRE
COMMERCIAL ORGANIC FERTILIZER		800 LBS/ACRE
MYCORRHIZAL INOCULUM		60 LBS/ACRE
MICROBIAL PROBIOTIC		2 GALLONS/ ACRE
SEED PALETTE (BELOW)		24 LBS/ACRE

BOTANICAL NAME	COMMON NAME	SEED MINIMUM PURITY/ GERMINATION	BULK LBS/ ACRE	TOTAL LBS/ 24,600 S.F.
BROMUS CARINATUS	CALIFORNIA BROME	95/90	5	2.8
DEINANDRA FASCICULATA	FASCICLED TARPLANT	15/45	3	1.7
DISTICHLIS SPICATA	SALT GRASS	90/75	2	1.1
ERIOPHYLLUM CONFERTIFLORUM	GOLDEN YARROW	36/62	1	.6
JUNCUS MEXICANUS	MEXICAN RUSH	95/80	1	.6
STIPA LEPIDA	FOOTHILL NEEDLEGRASS	90/71	7	3.9
SISYRINCHIUM BELLUM	BLUE EYED GRASS	98/80	3	1.7
TRIFOLIUM WILDENOVII	TOMCAT CLOVER	90/80	2	1.1
			24	13.5

LEGEND:

APPROXIMATE LIMIT OF AREA FOR RESTORATION OF DISTURBED LANDSCAPE
REFER TO REVEGETATION PLANS, PLAN NOTES FOR SPECIFIC DIRECTION FOR RESTORATION OF DISTURBED AREAS WITH HYDROSEED APPLICATION OF EROSION CONTROL MIX 2

1.5 :1 SLOPE WITH HPTRM.
HYDROSEED WITH EROSION CONTROL MIX 1

2:1 OR LESS SLOPE WITH HPTRM.
INSTALL CONTAINER PLANTING AND HYDROSEED WITH EROSION CONTROL MIX 1
REFER TO REVEGETATION PLANS FOR INDIVIDUAL AREA CONTAINER PLANT QUANTITY

(250) ONE (1) GALLON CONTAINER PLANT QUANTITY PER AREA BASED ON ONE CONTAINER PLANT INSTALLED CENTERED IN EACH ANCHOR GRID. SEE PLANTING NOTE #7 , DRAWING NO. L–200 AND PLANTING DETAILS 1 AND 2 DRAWING NO. L–200.

PLANTING NOTES:

1. VERFIY ALL SITE CONDITIONS PRIOR TO BEGINNING SOIL PREPARATION, PLANTING AND HYDROSEED WORK.
2. CONTRACTOR SHALL PROVIDE PLANT MATERIAL AND HYDROSEED QUANTITY TO PROVIDE COMPLETE COVERAGE FOR ALL AREAS SHOWN ON THE PLANS. AREAS AND QUANTITIES BASED ON AREAS NOTED ON THE PLANS ARE FOR CONTRACTOR CONVENIENCE AND SHALL BE VERIFIED ON SITE
3. SUBMIT A COPY OF THE SEED MIX REQUEST/CONTRACT WITHIN SIXTY (60) DAYS OF NTP IN ORDER TO BEGIN SEED COLLECTION FOR SEEDS THAT MAY NOT BE READILY AVAILABLE.
4. IN ADDITION TO PROVIDING ELECTRONIC IMAGES OF CONTAINER PLANTING AS PART OF SUBMITTALS THE PROJECT BIOLOGIST AND/ OR LANDSCAPE ARCHITECT SHALL REVIEW PLANT MATERIAL (OR REPRESENTATIVE SAMPLES) AT THE SUPPLYING NURSERY.
5. THE MINIMUM TIME FRAME BETWEEN CONTAINER PLANTING AND HYDROSEED APPLICATION SHALL BE THREE WEEKS AFTER ALL CONTAINER PLANTS WITHIN A REPAIR AREA HAVE BEEN INSTALLED.
6. CONTAINER PLANTING INSTALLED ON SLOPES WITH ANCHORED HIGH PERFORMANCE TURF REINFORCEMENT MAT (HPTRM) SHALL BE INSTALLED PER DETAILS 1 AND 2 DRAWING L–200.
7. THE QUANTITY OF CONTAINER PLANTS BY AREA NOTED ON THE PLANS IS BASED ON THE ANTICIPATED QUANTITY OF 3'X4' GRIDS FROM TOP OF SLOPE TO THE TOE OF THE SLOPE WITHIN AN AREA. PRIOR TO BEGINNING ANY PLANTING WORK INCLUDING ORDERING PLANTS, CONTRACTOR IS RESPONSIBLE FOR CONFIRMING ON SITE THE ACTUAL AREAS AVAILABLE FOR PLANTING, INCLUDING THE PLANT COUNT. REVIEW ANY ADJUSTMENTS TO BE MADE WITH ENGINEER AND PROJECT BIOLOGIST.
8. THE DISTRIBUTION/ AND GENERAL GROUPING FOR THE CONTAINER PLANTING ON THE SLOPES SHALL BE IN COORDINATION WITH THE PROJECT BIOLOGIST AND LANDSCAPE ARCHITECT. CONTRACTOR SHALL FLAG FINAL PLANT LOCATIONS FOR APPROVAL PRIOR TO PLANTING.

NO.	DATE	REVISIONS	BY	CHK	APRV

PARTERRE
SITE PLANNING / URBAN DESIGN / LANDSCAPE ARCHITECTURE
1221 Hayes Avenue San Diego, CA 92103
Phone (619) 296–3713 Fax (619) 296–3702

DESIGNED BY L.O.	DATE 07/22	
DRAWN BY L.O.	07/22	
CHECKED BY L.O	07/22	
SANDAG PM A. DEVAUX	07/22	

SANDAG
NORTH COUNTY TRANSIT DISTRICT

DEL MAR BLUFFS STABILIZATION PROJECT 5
ENCROACHMENT PERMIT
PLANT LEGENDS , NOTES AND DETAILS

SCALE: AS SHOWN
SANDAG CONTRACT NO. 5007812
DRAWING NO. L-200
SHEET NO.

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FOR REDUCED PLANS ORIGINAL SCALE IS IN INCHES
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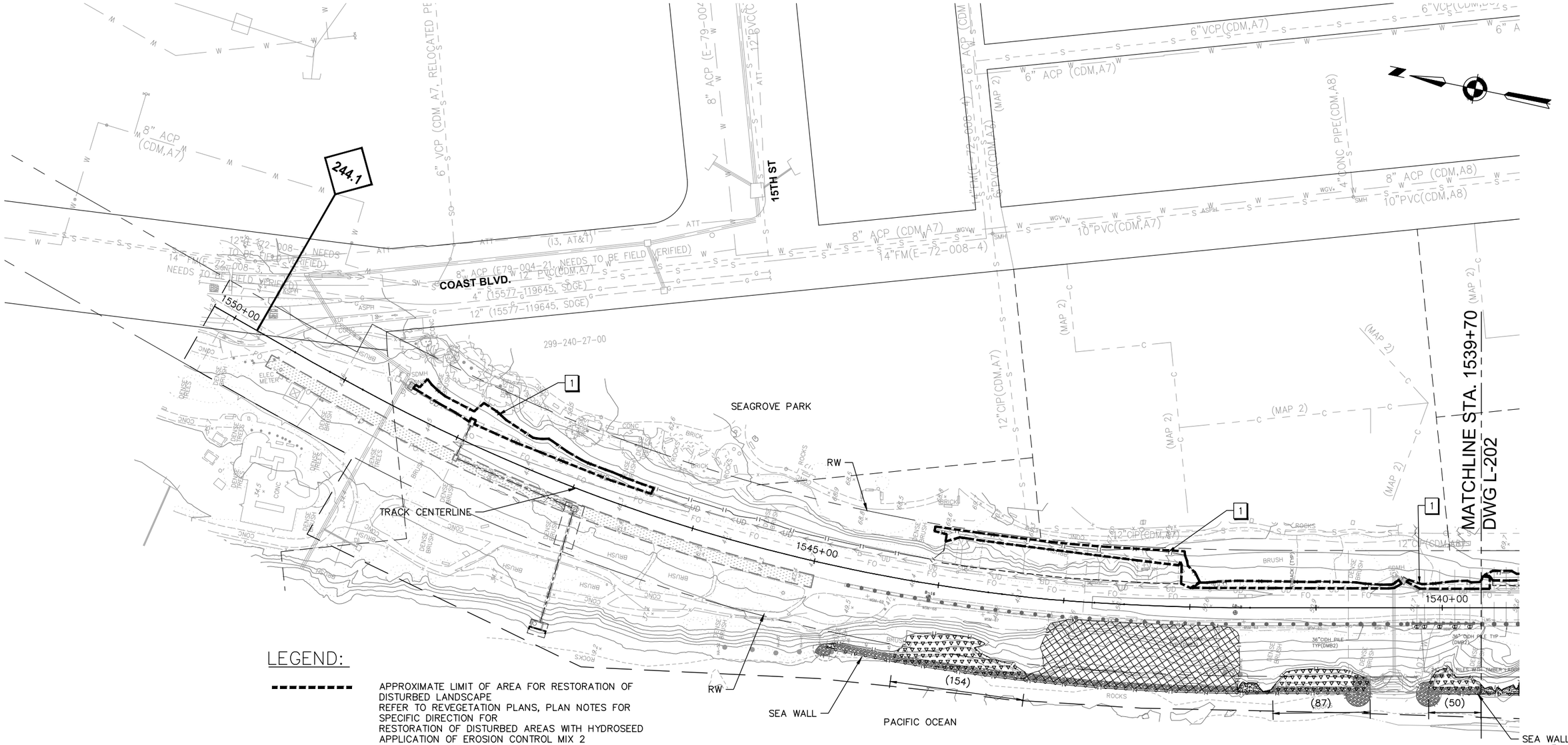

LEGEND:

APPROXIMATE LIMIT OF AREA FOR RESTORATION OF DISTURBED LANDSCAPE
REFER TO REVEGETATION PLANS, PLAN NOTES FOR SPECIFIC DIRECTION FOR RESTORATION OF DISTURBED AREAS WITH HYDROSEED APPLICATION OF EROSION CONTROL MIX 2

1.5 :1 SLOPE WITH HPTRM.
HYDROSEED WITH EROSION CONTROL MIX 1

2:1 OR LESS SLOPE WITH HPTRM.
INSTALL CONTAINER PLANTING AND HYDROSEED WITH EROSION CONTROL MIX 1
REFER TO REVEGETATION PLANS FOR INDIVIDUAL AREA CONTAINER PLANT QUANTITY

(250) ONE (1) GALLON CONTAINER PLANT QUANTITY PER AREA BASED ON ONE CONTAINER PLANT INSTALLED CENTERED IN EACH ANCHOR GRID. SEE PLANTING NOTE #7 , DRAWING NO. L-200 AND PLANTING DETAILS 1 AND 2 DRAWING NO. L-200.

PLAN NOTES

[1] APPLY HYDROSEED MIX 2 TO DISTURBED AREA.

NOTES

1. SEE DRAWING NO. L-001 FOR GENERAL NOTES.
2. SEE DRAWING NO. L-200 FOR EROSION CONTROL MIX 1 AND SEED PALETTE, EROSION CONTROL MIX 2 AND SEED PALETTE, AND CONTAINER PLANTING PALETTE.

40 0 40 120
SCALE: 1"=40'

NO.	DATE	REVISIONS	BY	CHK	APRV

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CHECKED BY L.O	07/22	NORTH COUNTY TRANSIT DISTRICT
SANDAG PM A. DEVAUX	07/22	

DEL MAR BLUFFS STABILIZATION PROJECT 5

ENCROACHMENT PERMIT
REVEGETATION PLANS
ML STA 1550+00 TO ML STA 1539+70

SCALE: AS SHOWN
SANDAG CONTRACT NO. 5007812
DRAWING NO. L-201
SHEET NO.

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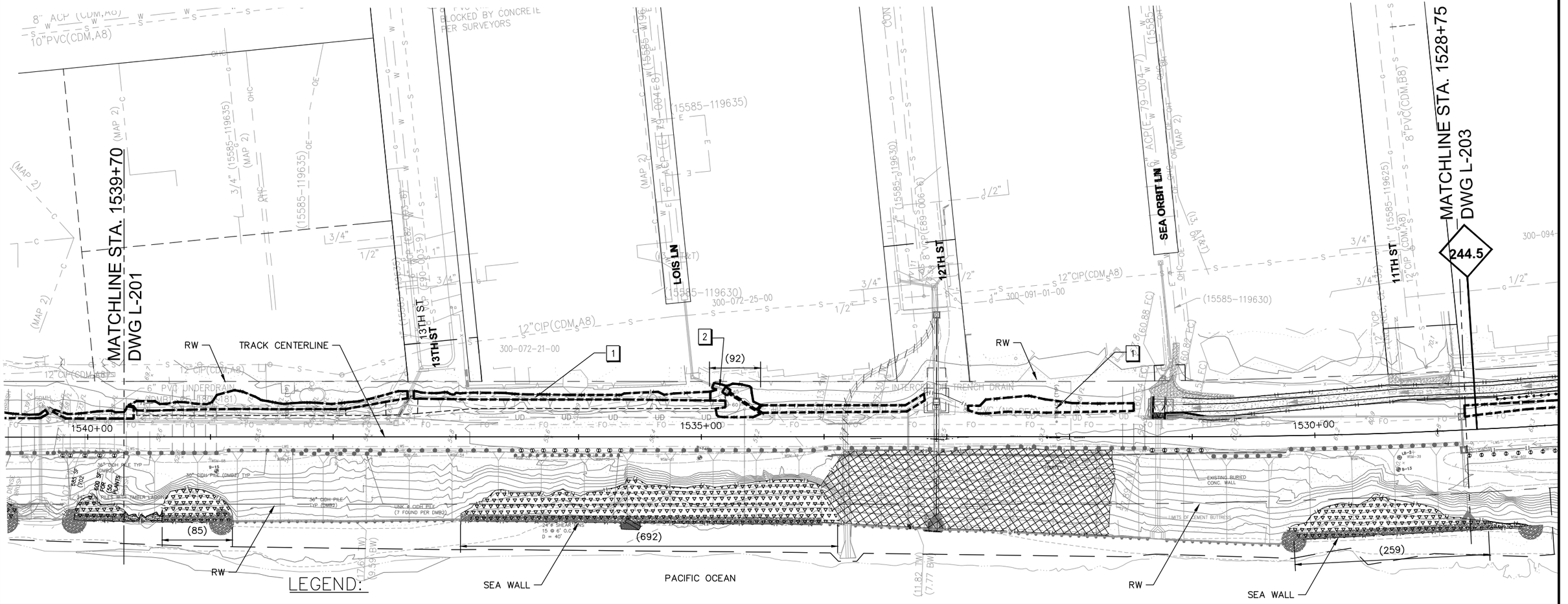

LEGEND:

APPROXIMATE LIMIT OF AREA FOR RESTORATION OF DISTURBED LANDSCAPE
REFER TO REVEGETATION PLANS, PLAN NOTES FOR SPECIFIC DIRECTION FOR RESTORATION OF DISTURBED AREAS WITH HYDROSEED APPLICATION OF EROSION CONTROL MIX 2

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REFER TO REVEGETATION PLANS FOR INDIVIDUAL AREA CONTAINER PLANT QUANTITY

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PLAN NOTES

1. APPLY HYDROSEED MIX 2 TO DISTURBED AREA.
2. PLANT 1 GALLON CONTAINER PLANTS SPACED AT 3' O.C. WITHIN AREA SURROUNDING DRAIN. COORDINATE PLANT LOCATIONS AND GROUPING OF PLANT SPECIES WITH PROJECT BIOLOGIST. APPLY HYDROSEED MIX 2 THREE WEEKS AFTER PLANTING.

NOTES

1. SEE DRAWING NO. L-001 FOR GENERAL NOTES.
2. SEE DRAWING NO. L-200 FOR EROSION CONTROL MIX 1 AND SEED PALETTE, EROSION CONTROL MIX 2 AND SEED PALETTE, AND CONTAINER PLANTING PALETTE.

40 0 40 120
SCALE: 1"=40'

NO.	DATE	REVISIONS	BY	CHK	APRV

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SANDAG PM	A. DEVAUX	07/22

SANDAG
NORTH COUNTY TRANSIT DISTRICT

DEL MAR BLUFFS STABILIZATION PROJECT 5

ENCROACHMENT PERMIT
REVEGETATION PLAN
ML STA 1539+70 TO ML STA 1528+75

SCALE	
AS SHOWN	
SANDAG CONTRACT NO. 5007812	
DRAWING NO. L-202	SHEET NO.

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MATCHLINE STA. 1528+75
DWG L-202

MATCHLINE STA. 1516+75
DWG L-204

244.5

300-094-01-00
300-094-20-00
300-171-01-00
300-174-01-00
300-174-13-00

10TH ST
MELANIE WAY
9TH ST
SHIPPEY LN
8TH ST

1525+00
1520+00

RW
TRACK CENTERLINE
RW
SEA WALL
PACIFIC OCEAN

LEGEND:

APPROXIMATE LIMIT OF AREA FOR RESTORATION OF DISTURBED LANDSCAPE
REFER TO REVEGETATION PLANS, PLAN NOTES FOR SPECIFIC DIRECTION FOR RESTORATION OF DISTURBED AREAS WITH HYDROSEED APPLICATION OF EROSION CONTROL MIX 2

1.5 :1 SLOPE WITH HPTRM.
HYDROSEED WITH EROSION CONTROL MIX 1

2:1 OR LESS SLOPE WITH HPTRM.
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REFER TO REVEGETATION PLANS FOR INDIVIDUAL AREA CONTAINER PLANT QUANTITY

(250)

ONE (1) GALLON CONTAINER PLANT QUANTITY PER AREA BASED ON ONE CONTAINER PLANT INSTALLED CENTERED IN EACH ANCHOR GRID. SEE PLANTING NOTE #7 , DRAWING NO. L-200 AND PLANTING DETAILS 1 AND 2 DRAWING NO. L-200.

PLAN NOTES

1. APPLY HYDROSEED MIX 2 WITHIN DISTURBED AREA
2. APPLY HYDROSEED MIX 2 WITHIN DISTURBED AREA ONLY IN SECTIONS WHERE SLOPE HEIGHT EXCEEDS 2'.

NOTES

1. SEE DRAWING NO. L-001 FOR GENERAL NOTES.
2. SEE DRAWING NO. L-200 FOR EROSION CONTROL MIX 1 AND SEED PALETTE, EROSION CONTROL MIX 2 AND SEED PALETTE, AND CONTAINER PLANTING PALETTE.

40 0 40 120
SCALE: 1"=40'

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SANDAG PM A. DEVAUX	07/22	

SANDAG
NORTH COUNTY TRANSIT DISTRICT

DEL MAR BLUFFS STABILIZATION PROJECT 5
ENCROACHMENT PERMIT
REVEGETATION PLAN
ML STA 1528+75 TO ML STA 1516+75

SCALE: AS SHOWN
SANDAG CONTRACT NO. 5007812
DRAWING NO. L-203
SHEET NO.

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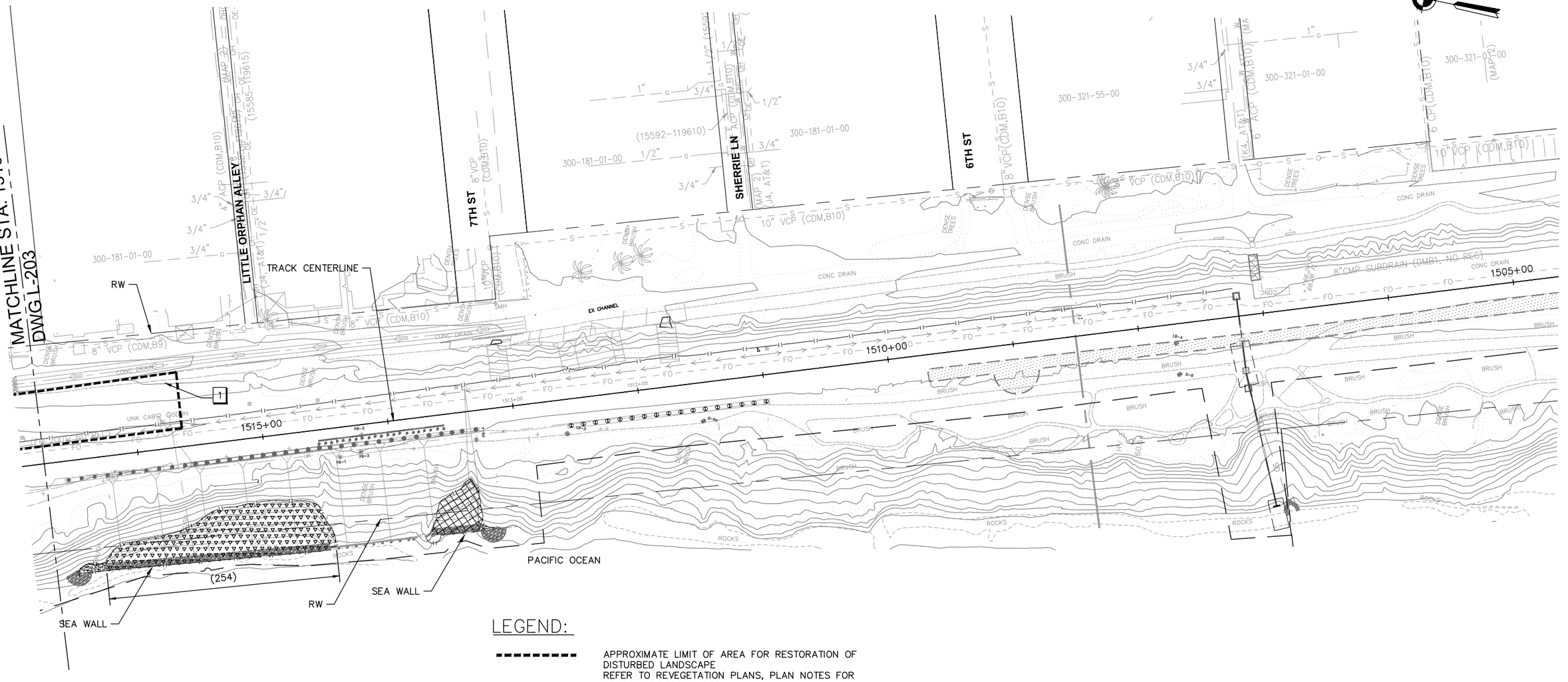

LEGEND:

APPROXIMATE LIMIT OF AREA FOR RESTORATION OF DISTURBED LANDSCAPE
REFER TO REVEGETATION PLANS, PLAN NOTES FOR SPECIFIC DIRECTION FOR RESTORATION OF DISTURBED AREAS WITH HYDROSEED APPLICATION OF EROSION CONTROL MIX 2

1.5 :1 SLOPE WITH TRM.
HYDROSEED WITH EROSION CONTROL MIX 1

2:1 OR LESS SLOPE WITH TRM.
INSTALL CONTAINER PLANTING AND HYDROSEED WITH EROSION CONTROL MIX 1
REFER TO REVEGETATION PLANS FOR INDIVIDUAL AREA CONTAINER PLANT QUANTITY

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PLAN NOTES

1 APPLY HYDROSEED MIX 2 WITHIN DISTURBED AREA.

NOTES

1. SEE DRAWING NO. L-001 FOR GENERAL NOTES.
2. SEE DRAWING NO. L-200 FOR EROSION CONTROL MIX 1 AND SEED PALETTE, EROSION CONTROL MIX 2 AND SEED PALETTE, AND CONTAINER PLANTING PALETTE.

40 0 40 120
SCALE: 1"=40'

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SANDAG PM A. DEVAUX	07/22	

SANDAG
NORTH COUNTY TRANSIT DISTRICT

DEL MAR BLUFFS STABILIZATION PROJECT 5
ENCROACHMENT PERMIT
REVEGETATION PLAN
ML STA 1516+75 TO ML STA 1505+00

SCALE AS SHOWN
SANDAG CONTRACT NO. 5007812
DRAWING NO. L-204
SHEET NO.

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FOR REDUCED PLANS ORIGINAL SCALE IS IN INCHES
0 1 2 3

FINAL DESIGN NOT FOR CONSTRUCTION

GENERAL NOTES

1. ENCROACHMENT PERMIT. AN ENCROACHMENT SHALL BE OBTAINED FROM THE CITY OF DEL MAR, OFFICE OF THE CITY MANAGER, PRIOR TO PERFORMING ANY WORK WITHIN THE PUBLIC RIGHT-OF-WAY

2. UTILITIES. THE CONTRACTOR IS REQUIRED TO TAKE PRECAUTIONARY MEASURES TO LOCATE AND PROTECT THE UTILITY LINES SHOWN AND ANY OTHER LINES NOT OF RECORD OR NOT SHOWN ON THESE PLANS. THE CONTRACTOR SHALL BE REQUIRED TO NOTIFY UNDERGROUND SERVICE ALERT FOR UTILITY MARK-OUT PRIOR TO EXCAVATING.

3. WORK HOURS. ALL OPERATIONS CONDUCTED ON PREMISES, INCLUDING THE WARMING UP, REPAIR, ARRIVAL, DEPARTURE OR RUNNING OF TRUCKS, EARTH MOVING EQUIPMENT AND ANY OTHER ASSOCIATED EQUIPMENT SHALL BE LIMITED TO THE PERIOD BETWEEN 7:00 A.M. AND 6:00 P.M. EACH DAY, MONDAY THROUGH FRIDAY, AND NO EARTH MOVING OR GRADING OPERATIONS SHALL BE CONDUCTED ON THE PREMISES ON SATURDAY, SUNDAY OR HOLIDAYS.

4. SAFETY AND LIABILITY. THE CONTRACTOR SHALL DESIGN, CONSTRUCT AND MAINTAIN ALL SAFETY DEVICES, INCLUDING SHORING, AND SHALL BE SOLELY RESPONSIBLE FOR CONFORMING TO ALL LOCAL, STATE AND FEDERAL SAFETY AND HEALTH STANDARDS, LAWS AND REGULATIONS. CONTRACTOR AGREES THAT HE SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS; AND THAT THE CONTRACTOR SHALL DEFEND, INDEMNIFY AND HOLD THE CITY OF DEL MAR AND ITS AGENTS, THE OWNER AND THE ENGINEER HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN THE CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT.

5. TRAFFIC AND PEDESTRIAN CONTROL. THE CONTRACTOR AGREES THAT HE SHALL ASSUME COMPLETE AND SOLE RESPONSIBILITY FOR PROVISION AND MAINTENANCE OF ALL TRAFFIC AND PEDESTRIAN SAFETY. TRAFFIC AND PEDESTRIAN CONTROL SHALL CONFORM TO ALL CITY REQUIREMENTS, W.A.T.C.H. ENDORSED BY THE SAN DIEGO COUNTY REGIONAL STANDARD COMMITTEE, AND THE CALIFORNIA DEPARTMENT OF TRANSPORTATION "MANUAL WORK OF TRAFFIC CONTROLS FOR CONSTRUCTION AND MAINTENANCE ZONES" LATEST EDITIONS.

6. CONTRACTOR SHALL SUBMIT TRAFFIC CONTROL PLANS FOR CITY APPROVAL FOR WORK WITHIN 13TH STREET & LITTLE ORPHAN ALLEY.

7. PROPERTY LINES. WHEN REQUESTED BY THE CITY OF DEL MAR, PROPERTY LINES SHALL BE LOCATED AND FLAGGED PRIOR TO AND DURING GRADING WORK.

8. RESPONSIBILITY FOR DAMAGE. THE PERMITTEE IS RESPONSIBLE FOR THE PREVENTION OF DAMAGE TO ADJACENT PUBLIC OR PRIVATE PROPERTY OR IMPROVEMENTS. EXCAVATION SHALL NOT BE PERFORMED SO CLOSE AS TO ENDANGER ADJACENT PROPERTY. THE PERMITTEE SHALL ASSUME FULL RESPONSIBILITY FOR REPAIR OR CORRECTION OF ANY DAMAGE CAUSED TO EXISTING PROPERTY OR IMPROVEMENTS BY GRADING ACTIVITIES.

9. CONTRACTOR SHALL VERIFY THE EXISTENCE AND LOCATION OF ALL UTILITIES BEFORE COMMENCING WORK. NOTICE OF PROPOSED WORK SHALL BE GIVEN TO THE FOLLOWING AGENCIES:

ELECTRIC: SAN DIEGO GAS & ELECTRIC	TELEPHONE NO. 800-411-7343
GAS: SAN DIEGO GAS & ELECTRIC	TELEPHONE NO. 800-611-7343
TELEPHONE: AT&T	TELEPHONE NO. 800-331-0500
CATV: COX CABLE	TELEPHONE NO. 800-234-3993
SEWER: CITY OF DEL MAR	TELEPHONE NO. 858-755-9313
WATER: CITY OF DEL MAR	TELEPHONE NO. 858-755-9313

10. SCHEDULE

ESTIMATED STARTING DATE: _____
ESTIMATED COMPLETION DATE: _____

Underground Service Alert
of Southern California
CALL: **TOLL FREE 1-800-422-4133**
TWO WORKING DAYS
BEFORE YOU DIG

NOTICE TO CONTRACTOR

PURSUANT TO ASSEMBLY BILL 3019 NO EXCAVATION PERMIT IS VALID UNLESS THE CONTRACTOR CONTACTS AND OBTAINS AN INQUIRY I.D. NUMBER FROM "UNDERGROUND SERVICE ALERT" (1-800-422-4133) AT LEAST TWO WORKING DAYS PRIOR TO COMMENCING EXCAVATION.

GENERAL NOTES (CONT.)

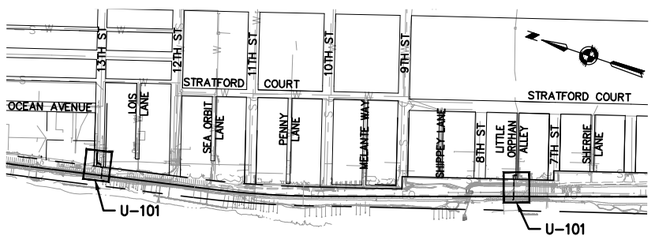
11. AS-BUILT DRAWINGS. AS BUILT DRAWINGS MUST BE SUBMITTED TO THE CITY PRIOR TO THE FINAL ACCEPTANCE OF THE WORK. THE DRAWINGS SHALL BE SIGNED BY THE ENGINEER RECORD AND CERTIFY THAT THE WORK WAS PERFORMED IN ACCORDANCE WITH THESE DRAWINGS.

12. CARRIER PIPE INSTALLATION WILL NOT BEGIN UNTIL ALL REQUIRED SUBMITTALS HAVE BEEN APPROVED, ALL CASING JOINTS ARE WATERTIGHT, AND NO WATER IS ENTERING THE CASING FROM ANY SOURCES. ALL CONTACT GROUTING OF THE STEEL CASING MUST BE COMPLETED AND THE STEEL CASING AS-BUILTS HAVE BEEN SUBMITTED AND ACCEPTED BY THE ENGINEER.

13. ONCE APPROVAL IS GIVEN, CLEANUP AND PREPARATION OF THE STEEL CASING WILL BE UNDERTAKEN. ALL UTILITIES, DEBRIS, OIL, AND LUBRICANT WILL BE REMOVED FROM THE CASTING. ALL ROUGH WELDS AT THE CASING JOINTS WILL THEN BE GROUND SMOOTH TO PREVENT THE CASING SPACE RUNNERS FROM CATCHING. THE CONTRACTOR WILL THEN INSTALL CASING SPACER ON TO THE CARRIER PIPE JOINTS ON THE SURFACE IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS, BUT NOT TO EXCEED EIGHT FEET APART. IF NECESSARY, THE CASING SPACER RUNNER WILL BE COATED WITH LUBRICANT.

EXISTING LEGEND

CONTOUR INDEX	100
CONTOUR INTERMEDIATE	
SPOT ELEVATION	x63.6
APPROXIMATE LOCATION OF MONITORING MONUMENT PER DMB2	WSM-38
WALL	
FENCE	X
HYDROAUGER (DMB1)	
WATER	W
OVERHEAD AT&T	OH
OVERHEAD ELECTRIC	OE
FIBER OPTIC	FO
GAS	G
SEWER	S
SUB-DRAIN	UD
ABANDONED SUB-DRAIN	ABD
LANDSLIDE WARNING SYTEM	LWS
ENVIRONMENTALLY SENSITIVE AREA	ESA
RIGHT-OF-WAY (R/W)	
SOLDIER PILE	
SOLDIER PILE WITH TIEBACK	



PACIFIC OCEAN

KEY MAP
NOT TO SCALE

SPECIAL DEL MAR NOTES

1. NO ACCESS OR WORK SHALL BE PERFORMED WITHIN THE CITY RIGHT-OF-WAY WITHOUT THE FULL KNOWLEDGE OF THE ASSIGNED CITY INSPECTOR WHO SHALL BE GIVEN NOT LESS THAN 48 HOURS ADVANCE NOTICE OF THE INITIATION OF PERMITTED USE AT (858) 755-3294.

2. CONTRACTOR SHALL OBTAIN BUSINESS LICENSE FROM CITY OF DEL MAR PRIOR TO BEGINNING WORK.

3. CONTRACTOR SHALL PROVIDE CITY AT LEAST ONE WEEK ADVANCED WRITTEN NOTICE FOR ALL SHUTDOWNS OF WATERLINES.

4. CONTRACTOR SHALL PLAN ADEQUATE TIME IN WORK SCHEDULE FOR CITY TO COMPLETE ALL REQUIRED FLUSHING & WATER SAMPLE COLLECTIONS BY 4:00 PM.

5. CONTRACTOR WORK HOURS SHALL BE FROM 7:00 AM TO 4:00 PM UNLESS WRITTEN DEVIATION APPROVED BY THE CITY OF DEL MAR.

SURVEY SOURCE

THIS TOPOGRAPHIC MAP IS BASED ON AERIAL MAPPING SURVEY PROVIDED BY AGUIRRE AND ASSOCIATES DATED 3-1-2018.

RIGHT OF WAY SHOWN IS PROVIDED BY AGUIRRE AND ASSOCIATES DATED 3-12-2018.

MULTIPLE SPECIFIC SITE SURVEYS FROM 2018 TO 2022 BY AGUIRRE & ASSOCIATES.

THE ENVIRONMENTALLY SENSITIVE AREA (ESA) IS SHOWN PER BIOLOGICAL CONSTRAINTS LETTER REPORT UPDATE FOR DEL MAR BLUFFS STABILIZATION PROJECT 5, (APRIL 2021) BY HELIX.

EXISTING IMPROVEMENTS SOLDIER PILE AND DRAINAGE IMPROVEMENTS HAVE BEEN COMPILED FROM SITE SURVEYS AND THE FOLLOWING REFERENCE DRAWINGS:

DEL MAR BLUFFS STABILIZATION PROJECT 4, CONFORMED 1-10-2020

DEL MAR BLUFFS STABILIZATION PROJECT 3, AS-BUILT 9-28-2012

DEL MAR BLUFFS STABILIZATION PROJECT 2, CONFORMED PLANS 1-31-2007

DEL MAR BLUFFS STABILIZATION PROJECT 1, DRAINAGE IMPROVEMENTS AND LANDSLIDE WARNING SYSTEM - PARTIAL SET OF PLANS 8-29-2002

EMERGENCY SLOPE STABILIZATION, DEL MAR, CALIFORNIA 2001, 2019 AND 2021

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE NORTH AMERICAN DATUM OF 1983 (NAD83 2007.0), CALIFORNIA STATE PLANE COORDINATE SYSTEM OF 1983, ZONE 6, BEING A GRID BEARING OF NORTH 00°35'14" EAST BETWEEN CONTINUOUSLY OPERATING REFERENCE STATIONS (CORS) SIO5 LA JOLLA AND DSME ENCINITAS.

BENCHMARK

THE BASIS OF ELEVATIONS FOR THIS SURVEY IS THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88) PER NGS BENCHMARK ADJUSTED BY DIFFERENTIAL LEVELING IN 1991:

POINT	DESCRIPTION	ELEV.
DC1233	SPIKE SET IN TOP OF 12"X12" CONCRETE POST, STAMPED 10 WITH CADH LOGO (SEE NGS DATA SHEET FOR LOCATION)	44.27

WORK TO BE DONE

THE GENERAL SCOPE OF WORK IS TO PROVIDE ALL LABOR, MATERIALS, EQUIPMENT, SERVICES AND OTHER INCIDENTAL WORKS AND APPURTENANCES FOR THE OPEN TRENCH CONSTRUCTION OF APPROXIMATELY 71.4 LF 6-IN PVC WATER MAIN.

NCTD IRRIGATION SERVICE LINE TO BE CONSTRUCTED FROM THE METER TO THE IRRIGATION MAINLINE POINT OF CONNECTION. CASE THE PORTION BELOW THE TRACK PER LOSSAN STANDARDS FOR CONSTRUCTION IN THE RAILROAD RIGHT OF WAY.

LEGEND

DESCRIPTION	REGIONAL STD. DRAWING	SYMBOL
WATER MAIN	WP-02, WT-01, WT-02	W
STEEL CASING	ESD-5001	W
GATE VALVE	WV-03	
2" WATER SERVICE (REVEGETATION METER)	WS-02	

ENGINEER'S NOTE

NOTE: RIGHT-OF-WAY LINES, PROPERTY LINES AND EXISTING EASEMENTS SHOWN HEREON WERE ESTABLISHED FROM AVAILABLE GIS DATA. NO TITLE REPORTS WERE PROVIDED OR REVIEWED FOR THIS PROJECT AREA. THESE PROPERTY LINES AND RIGHT-OF-WAY LINES ARE INTENDED TO BE USED FOR A GRAPHIC REPRESENTATION ONLY.

DECLARATION OF RESPONSIBLE CHARGE

I HEREBY CERTIFY THAT I AM THE ENGINEER OF WORK FOR THIS PROJECT, THAT I HAVE EXERCISED RESPONSIBLE CHARGE OVER THE DESIGN OF THE PROJECT AS DEFINED IN SECTION 6703 OF THE BUSINESS AND PROFESSIONS CODE, AND THAT THE DESIGN IS CONSISTENT WITH CURRENT STANDARDS.

I UNDERSTAND THAT THE CHECK OF PROJECT DRAWINGS AND SPECIFICATIONS BY THE CITY OF DEL MAR IS CONFINED TO REVIEW ONLY AND DOES NOT RELIEVE ME, AS ENGINEER OF WORK, OF MY RESPONSIBILITIES FOR THE PROJECT DESIGN.

I WILL PROVIDE WRITTEN NOTIFICATION TO MY CLIENT AND ALL INVOLVED PUBLIC JURISDICTIONS, INCLUDING THE CITY OF DEL MAR, SHOULD I CEASE TO BE THE ENGINEER OF RECORD.

BY: _____
DATE: _____

RCE NO._____ EXPIRES: _____

City of Del Mar
1050 Camino del Mar, Del Mar, CA 92014
T 858.755-9313 F 858.755-2794
www.delmar.ca.us

APPROVED

PUBLIC WORKS DIRECTOR DATE

CITY OF DEL MAR
WATER MAIN AND IRRIGATION METER SERVICES
13TH STREET & LITTLE ORPHAN ALLEY
NOTES, LEGEND, KEY MAP

SHEET 1 OF 3 SHEETS

NO.	DATE	REVISIONS	BY	CHK	APRV

HNTB
401 B Street
Suite 301
San Diego, CA 92101

REGISTERED PROFESSIONAL ENGINEER
PATRICIA M. MCCOLL
NO. C36873
EXP. 6-30-24
CIVIL
STATE OF CALIFORNIA

DESIGNED BY	G. SHAW	10/22
DRAWN BY	M. COOPER	10/22
CHECKED BY	P. MCCOLL	10/22
SANDAG PM	A. DEVAUX	10/22

SANDAG
NORTH COUNTY TRANSIT DISTRICT

DEL MAR BLUFFS STABILIZATION PROJECT 5

CITY OF DEL MAR NOTES
SHEET 1 OF 2

SCALE: AS SHOWN
SANDAG CONTRACT NO.: 5007812
DRAWING NO.: U-001
SHEET NO.:

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FOR REDUCED PLANS ORIGINAL SCALE IS IN INCHES 0 1 2 3

FINAL DESIGN NOT FOR CONSTRUCTION

SAFETY NOTES

1. IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, THE CONTRACTOR SHALL ASSUME THE SOLE AND COMPLETE RESPONSIBILITY FOR JOBSITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THE PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL BE MADE TO APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS, AND CONTRACTOR FURTHER AGREES TO DEFEND, INDEMNIFY AND HOLD AGENCY HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK IN THIS PROJECT, EXCEPTING LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE AGENCY.
2. THE CONTRACTOR SHALL DESIGN, CONSTRUCT AND MAINTAIN ALL SAFETY DEVICES, INCLUDING SHORING AND SHALL BE SOLELY RESPONSIBLE FOR CONFORMING TO ALL LOCAL, STATE AND FEDERAL SAFETY AND HEALTH STANDARDS, LAW AND REGULATIONS. NEITHER THE AGENCY NOR THE ENGINEER OF WORK WILL ENFORCE SAFETY MEASURES OR REGULATIONS.
3. THE CONTRACTOR SHALL PROVIDE SAFETY BARRIERS WHERE REQUIRED TO PROTECT THE PUBLIC.

TRAFFIC CONTROL

1. FOR ALL EMERGENCIES AFFECTING THE TRACK AND TRAIN SAFETY CALL NORTH COUNTY TRANSIT DISTRICT'S (NCTD) 24/7 RAIL OPERATIONS CENTER AT (760) 435-7273.
2. PRIOR TO THE START OF CONSTRUCTION AND AT THE CONTRACTOR'S EXPENSE, ALL PERSONNEL ENTERING THE NCTD RIGHT-OF-WAY (ROW), INCLUDING SUBCONTRACTORS AND THIRD PARTIES, SHALL COMPLETE NCTD ROADWAY WORKER PROTECTION (RWP) TRAINING COURSE. CONTACT INFORMATION IS SUBJECT TO CHANGE (AND WILL CHANGE EFFECTIVE JULY 1, 2016) – PLEASE SEE NCTD'S WEBSITE AT GONCTD.COM/ROW FOR CURRENT CONTACT INFORMATION.
3. ALL PERSONS ENTERING THE RAILROAD ROW SHALL HAVE THE RWP STICKER AFFIXED TO THEIR HARD HAT AND RWP BADGE IN THEIR POSSESSION.
4. ALL PERSONNEL ENTERING THE RAILROAD ROW SHALL COMPLY WITH NCTD SAFETY REQUIREMENTS. FAILURE TO COMPLY SHALL BE GROUNDS FOR TERMINATION OF WORK AND REVOCATION OF THE RIGHT TO ENTER NCTD'S RIGHT-OF-WAY AND/OR RIGHT-OF-ENTRY (ROE) PERMIT.
5. ONLY AN NCTD AUTHORIZED RAILROAD FLAGMAN (RAILROAD FLAGMAN) IS PERMITTED TO PERFORM FLAGGING OPERATIONS WITHIN THE RAILROAD RIGHT-OF-WAY. NO PERSONNEL SHALL CROSS ANY TRACK WITHOUT THE APPROVAL FROM THE RAILROAD FLAGMAN. NO MEN OR EQUIPMENT SHALL BE ACTIVELY WORKING, PARKED OR STATIONARY ON NCTD'S ROW WITHOUT PRIOR APPROVAL FROM THE RAILROAD FLAGMAN.
6. IF APPLICABLE, ALL WORK ON OR ADJACENT TO THE SAN DIEGO TROLLEY SHALL ALSO ADHERE TO METROPOLITAN TRANSIT SYSTEM (MTS) REQUIREMENTS.
7. THE MOVEMENT OF TRAINS IS UNPREDICTABLE. TRAINS MAY APPROACH THE JOB SITE IN ANY DIRECTION, AT ANY SPEED, AT ANY TIME, AND MAY STOP AND OCCUPY THE TRACK WITHIN THE CONTRACTOR'S WORK ZONE FOR AN UNDETERMINED PERIOD OF TIME.

Underground Service Alert
of Southern California
CALL: **TOLL FREE 1-800-422-4133**
TWO WORKING DAYS
BEFORE YOU DIG

NOTICE TO CONTRACTOR

PURSUANT TO ASSEMBLY BILL 3019 NO EXCAVATION PERMIT IS VALID UNLESS THE CONTRACTOR CONTACTS AND OBTAINS AN INQUIRY I.D. NUMBER FROM "UNDERGROUND SERVICE ALERT" (1-800-422-4133) AT LEAST TWO WORKING DAYS PRIOR TO COMMENCING EXCAVATION.

EROSION CONTROL NOTES

1. THE TOPS OF ALL SLOPES TO BE DIKED OR TRENCHED TO PREVENT WATER FROM FLOWING OVER THE CREST OF SLOPES.
2. MANUFACTURED SLOPES AND PADS SHALL BE ROUNDED VERTICALLY AND HORIZONTALLY AS APPROPRIATE TO BLEND WITH THE SURROUND TOPOGRAPHY.
3. AS SOON AS CUTS OR EMBANKMENTS ARE COMPLETED, BUT NOT LATER THAN OCTOBER 1 ALL CUT AND FILL SLOPES SHALL BE STABILIZED WITH A HYDROMULCH MIXTURE OR AN EQUAL TREATMENT APPROVED BY THE CITY OF DEL MAR BETWEEN OCTOBER 1 AND APRIL 30. APPROVED SLOPE PROTECTION MEASURES SHALL PROCEED IMMEDIATELY BEHIND THE EXPOSURE OF CUT SLOPES AND/OR THE CREATION OF THE EMBANKMENT SLOPES.
4. THE CONTRACTOR/OWNER TO MAINTAIN THE PLANTING AND EROSION CONTROL MEASURES DESCRIBED ABOVE UNTIL RELIEVED OF THE SAME BY THE CITY OF DEL MAR. THE CONTRACTOR/OWNER TO REMOVE ALL SOIL INTERCEPTED BY THE GRAVEL BAGS, CATCH BASINS AND DESILTING BASINS AND KEEP THESE FACILITIES CLEAN AND FREE OF SILT AND SAND AS DIRECTED BY THE CITY OF DEL MAR. THE CONTRACTOR/OWNER SHALL REPAIR ANY ERODED SLOPES AS DIRECTED BY THE CITY OF DEL MAR.

SILTATION AND SEDIMENT CONTROL MEASURES NOTES

1. THE SEDIMENT BASINS SHALL BE PROVIDED AT THE LOWER END OF EVERY DRAINAGE AREA PRODUCING SEDIMENT RUNOFF. THE BASINS SHALL BE MAINTAINED AND CLEANED TO DESIGN CONTOURS AFTER EVERY RUNOFF PRODUCING STORM. THE BASINS SHOULD BE SEMI-PERMANENT STRUCTURES THAT WOULD REMAIN UNTIL SOIL STABILIZING VEGETATION HAS BECOME WELL ESTABLISHED ON ALL ERODIBLE SLOPES.
2. SEDIMENTATION BASINS MAY NOT BE REMOVED OR MADE INOPERATIVE WITHOUT PRIOR APPROVAL OF THE CITY ENGINEER.
3. SEWER OR STORM DRAIN TRENCHES THAT ARE CUT THROUGH BASIN DIKES OR BASIN INLET DIKES SHALL BE PLUGGED WITH GRAVEL BAGS FROM TOP OF PIPE TO TOP OF DIKE.
4. ALL UTILITY TRENCHES SHALL BE BLOCKED AT THE PRESCRIBED INTERVALS WITH A DOUBLE ROW OF GRAVEL BAGS WITH A TOP ELEVATION TWO GRAVEL BAGS BELOW THE GRADED SURFACE OF THE STREET. GRAVEL BAGS ARE TO BE PLACED WITH LAPPED COURSES. THE INTERVALS PRESCRIBED BETWEEN GRAVEL BAG BLOCKING SHALL DEPEND ON THE SLOPE OF THE GROUND SURFACE BUT NOT TO EXCEED THE FOLLOWING:

GRADED STREET	INTERVAL
LESS THAN 2%	AS REQUIRED
2% TO 4%	100 FEET
4% TO 10%	50 FEET
OVER 10%	25 FEET

5. AFTER UTILITY TRENCHES ARE BACKFILLED AND COMPACTED, THE SURFACES OVER SUCH TRENCHES SHALL BE MOUNDED SLIGHTLY TO PREVENT CHANNELING OF WATER IN THE TRENCH AREA. CARE SHOULD BE EXERCISED TO PROVIDE FOR CROSS FLOW AT FREQUENT INTERVALS WHERE TRENCHES ARE NOT ON THE CENTERLINE OF A CROWNED STREET.
6. PROVIDE A GRAVEL BAG SILT BASIN OR TRAP BY EVERY STORM DRAIN INLET TO PREVENT SEDIMENT FROM ENTERING DRAIN SYSTEM.
7. GRAVEL BAGS AND FILL MATERIAL SHALL BE STOCKPILED AT INTERVALS, READY FOR USE WHEN REQUIRED.
8. ALL EROSION CONTROL DEVICES WITHIN THE DEVELOPMENT SHOULD BE MAINTAINED DURING AND AFTER EVERY RUNOFF PRODUCING STORM, IF POSSIBLE, MAINTENANCE CREWS WOULD BE REQUIRED TO HAVE ACCESS TO ALL AREAS.
9. ANY PROPOSED ALTERNATE CONTROL MEASURES MUST BE APPROVED IN ADVANCE BY ALL RESPONSIBLE CITY AGENCIES.
10. ADDITIONAL EROSION CONTROL MEASURES SHALL BE IMPLEMENTED AS NECESSARY TO ENSURE THAT ON-SITE SEDIMENT IS NOT TRANSPORTED OFF SITE.

STORM WATER PROTECTION NOTES

1. DURING THE RAINY SEASON THE AMOUNT OF EXPOSED SOIL ALLOWED AT ONE TIME SHALL NOT EXCEED THAT WHICH CAN BE ADEQUATELY PROTECTED BY THE PROPERTY OWNER IN THE EVENT OF A RAINSTORM. 125% OF ALL SUPPLIES NEEDED FOR BMP MEASURES SHALL BE RETAINED ON THE JOB SITE IN A MANNER THAT ALLOWS FULL DEPLOYMENT AND COMPLETE INSTALLATION IN 48 HOURS OR LESS OF A FORECAST RAIN.
2. THE PROPERTY OWNER IS OBLIGATED TO INSURE COMPLIANCE WITH ALL APPLICABLE STORMWATER REGULATIONS AT ALL TIMES. THE BMP'S (BEST MANAGEMENT PRACTICES) THAT HAVE BEEN INCORPORATED INTO THIS PLAN SHALL BE IMPLEMENTED AND MAINTAINED TO EFFECTIVELY PREVENT THE POTENTIALLY NEGATIVE IMPACTS OF THIS PROJECT'S CONSTRUCTION ACTIVITIES ON STORMWATER QUALITY. THE MAINTENANCE OF THE BMP'S IS THE PERMITTEE'S RESPONSIBILITY, AND FAILURE TO PROPERLY INSTALL OR MAINTAIN THE BMP'S MAY RESULT IN ENFORCEMENT ACTION BY THE CITY OF DEL MAR OR OTHERS. IF INSTALLED BMP'S FAIL, THEY MUST BE REPAIRED OR REPLACED WITH AN ACCEPTABLE ALTERNATE WITHIN 24 HOURS, OR AS SOON AS SAFE TO DO SO.
3. A NOTICE OF INTENT (NOI) HAS BEEN, OR WILL BE FILED WITH THE STATE WATER RESOURCES CONTROL BOARD (SWRCB) AND THAT A STORMWATER POLLUTION PREVENTION PLAN (SWPPP) HAS BEEN OR WILL BE PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF CALIFORNIA GENERAL PERMIT FOR STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY (PERMIT NO. CAS000002) FOR ALL OPERATIONS ASSOCIATED WITH THESE PLANS. THE NOI NUMBER ASSIGNED BY SWRCB FOR THIS PROJECT IS WDID#_____. [NOT YET ASSIGNED, BUT WILL BE PROVIDED BEFORE PERMIT IS ISSUED], THE PERMITTEE SHALL KEEP A COPY OF THE SWPPP ON SITE AND AVAILABLE FOR REVIEW BY CITY.

City of Del Mar
1050 Camino del Mar, Del Mar, CA 92014
T 858.755-9313 F 858.755-2794
www.delmar.ca.us

APPROVED
PUBLIC WORKS DIRECTOR — DATE

CITY OF DEL MAR
WATER MAIN AND IRRIGATION METER SERVICES
13TH STREET & LITTLE ORPHAN ALLEY
NOTES

SHEET 2 OF 3 SHEETS

NO.	DATE	REVISIONS	BY	CHK	APRV

HNTB
401 B Street
Suite 301
San Diego, CA 92101

REGISTERED PROFESSIONAL ENGINEER — PATRICIA M. MCCOLL — NO. C36873 — EXP. 6-30-24 — CIVIL — STATE OF CALIFORNIA

	DATE
DESIGNED BY G. SHAW	10/22
DRAWN BY M. COOPER	10/22
CHECKED BY P. MCCOLL	10/22
SANDAG PM A. DEVAUX	10/22

SANDAG
NORTH COUNTY TRANSIT DISTRICT

DEL MAR BLUFFS STABILIZATION PROJECT 5

CITY OF DEL MAR NOTES
SHEET 2 OF 2

SCALE AS SHOWN
SANDAG CONTRACT NO. 5007812
DRAWING NO. U-002
SHEET NO.

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FOR REDUCED PLANS ORIGINAL SCALE IS IN INCHES
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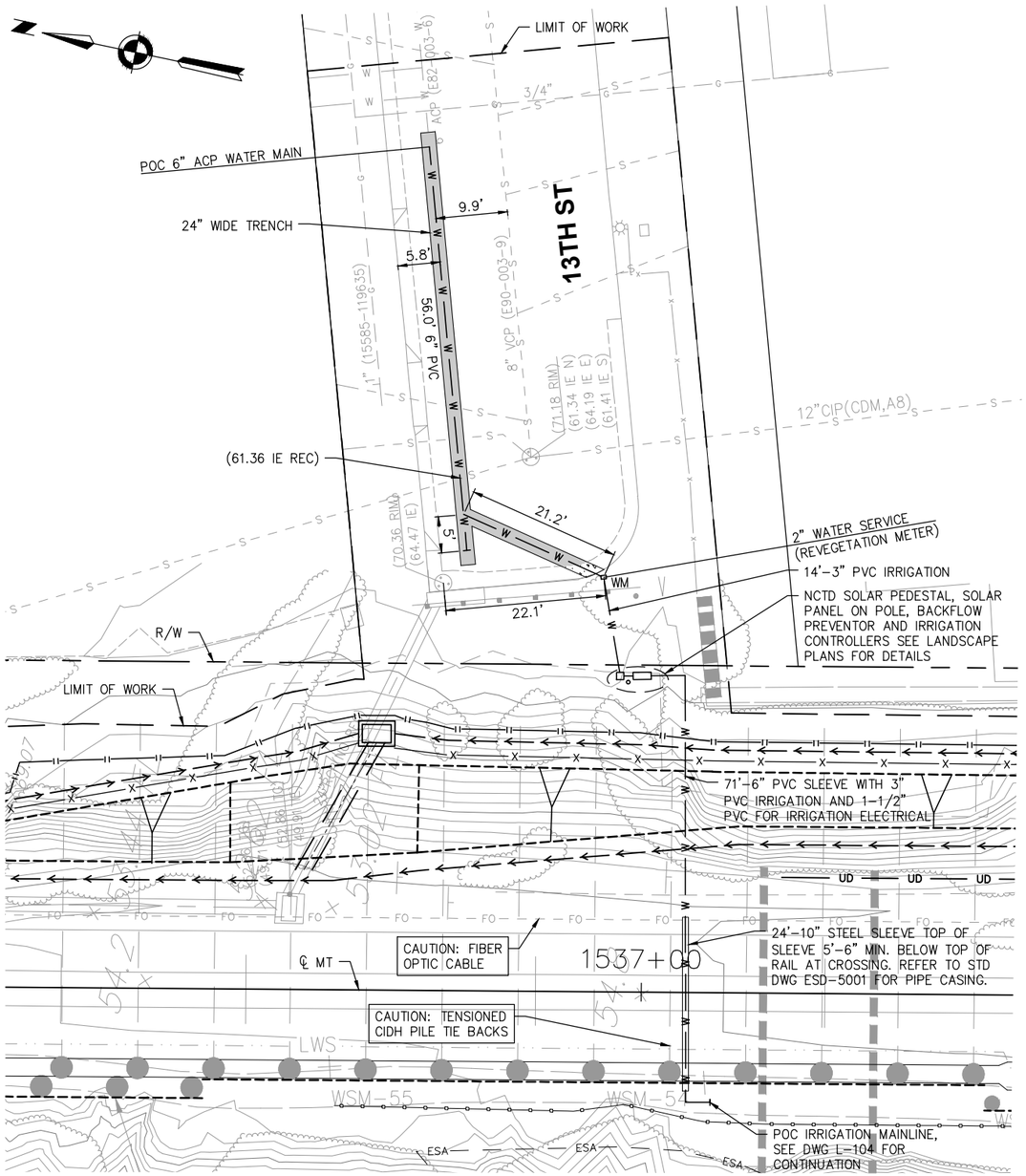
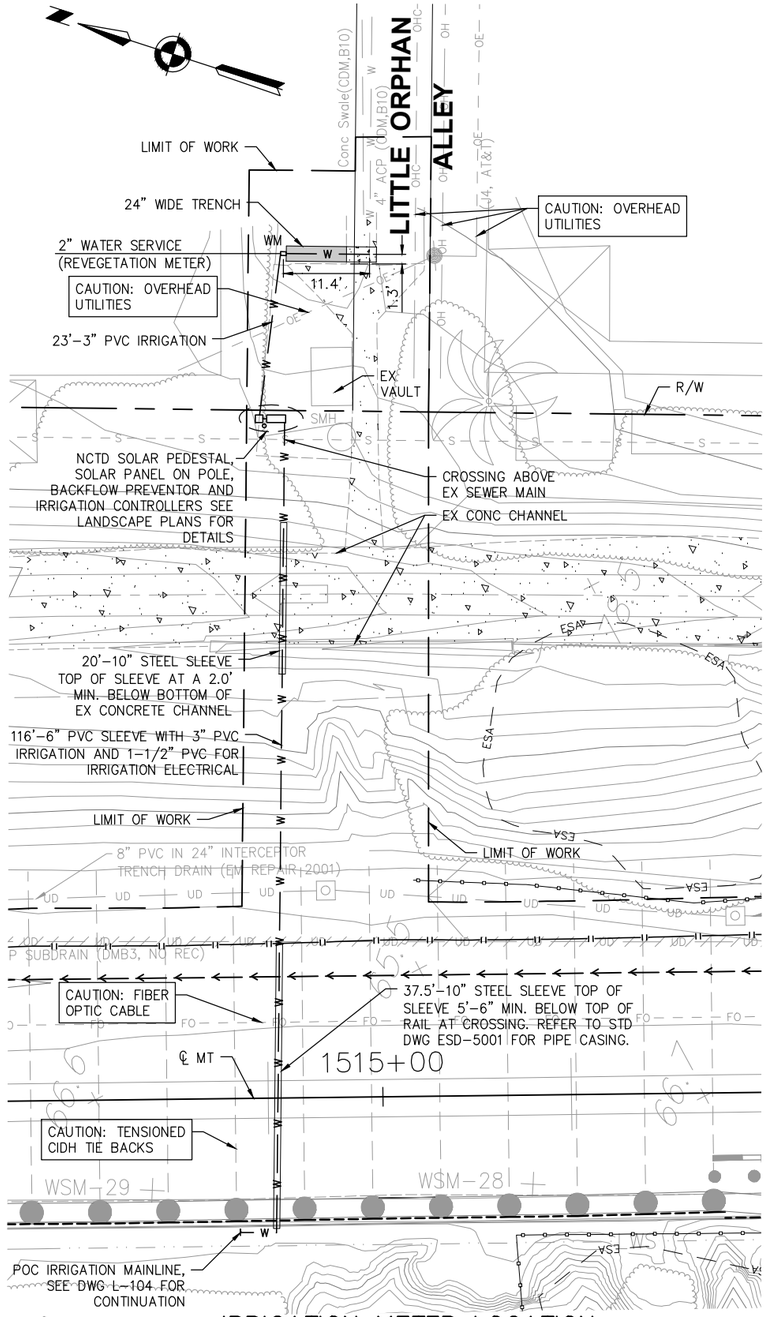
FINAL DESIGN NOT FOR CONSTRUCTION



IRRIGATION METER LOCATION AT 13TH ST

SCALE: 1"=10'

U1



IRRIGATION METER LOCATION AT LITTLE ORPHAN ALLEY

SCALE: 1"=10'

U2

10 0 10 30

SCALE: 1"=10'

NO.	DATE	REVISIONS	BY	CHK	APRV

HNTB
401 B Street
Suite 301
San Diego, CA 92101

REGISTERED PROFESSIONAL ENGINEER — PATRICIA M. MCCOLL — NO. C36873 — EXP. 6-30-24 — CIVIL — STATE OF CALIFORNIA

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DESIGNED BY G. SHAW	10/22
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CHECKED BY P. MCCOLL	10/22
SANDAG PM A. DEVAUX	10/22

SANDAG
NORTH COUNTY TRANSIT DISTRICT

DEL MAR BLUFFS STABILIZATION PROJECT 5

IRRIGATION AT 13TH ST AND LITTLE ORPHAN ALLEY

SCALE: AS SHOWN
SANDAG CONTRACT NO. 5007812
DRAWING NO. U-101
SHEET NO.

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Del Mar Bluffs Stabilization Project Phase 5

Encroachment Permit

Del Mar City Council
November 14, 2022

Agenda

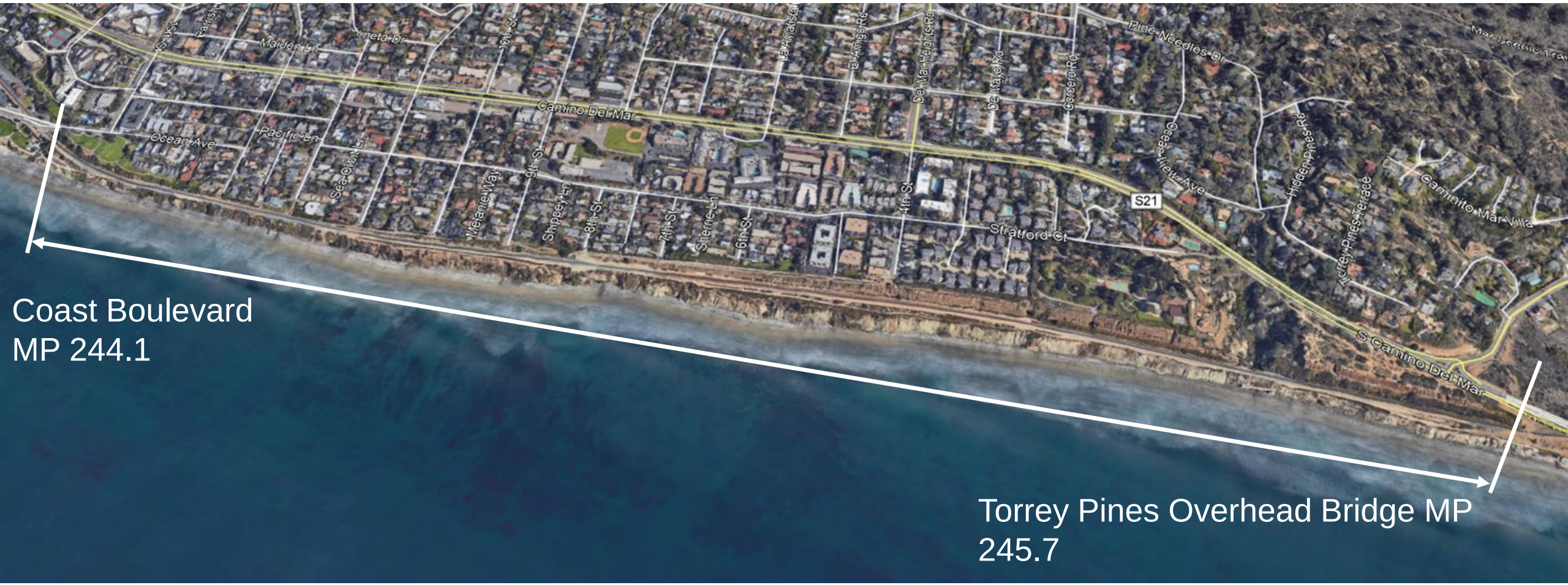
- Project Overview
- Temporary Encroachments
- Permanent Encroachments
- Other Project Components
- Public Outreach

Project Overview

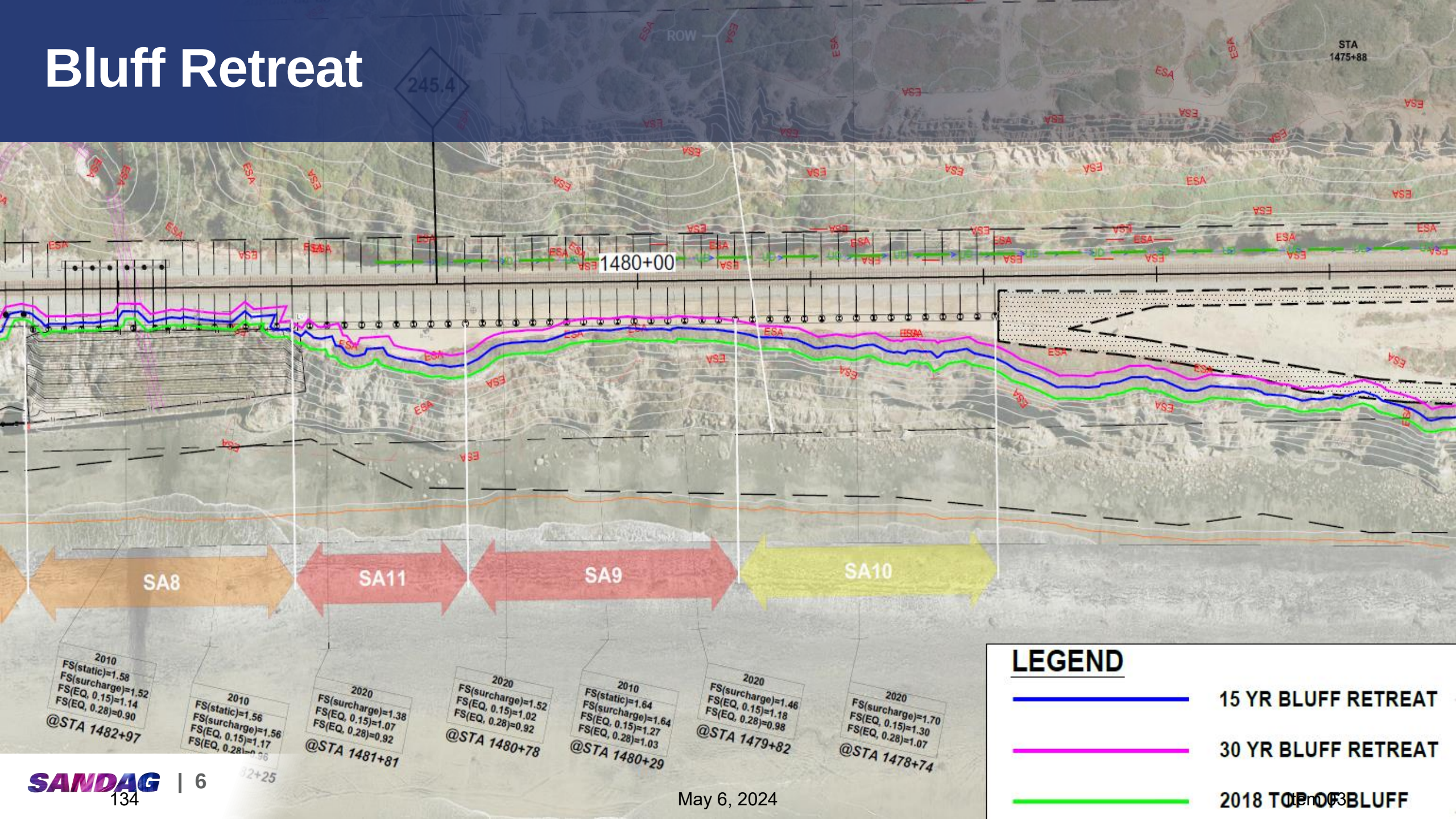
The LOSSAN San Diego Segment

A Critical Corridor

Project Location (Del Mar, CA)

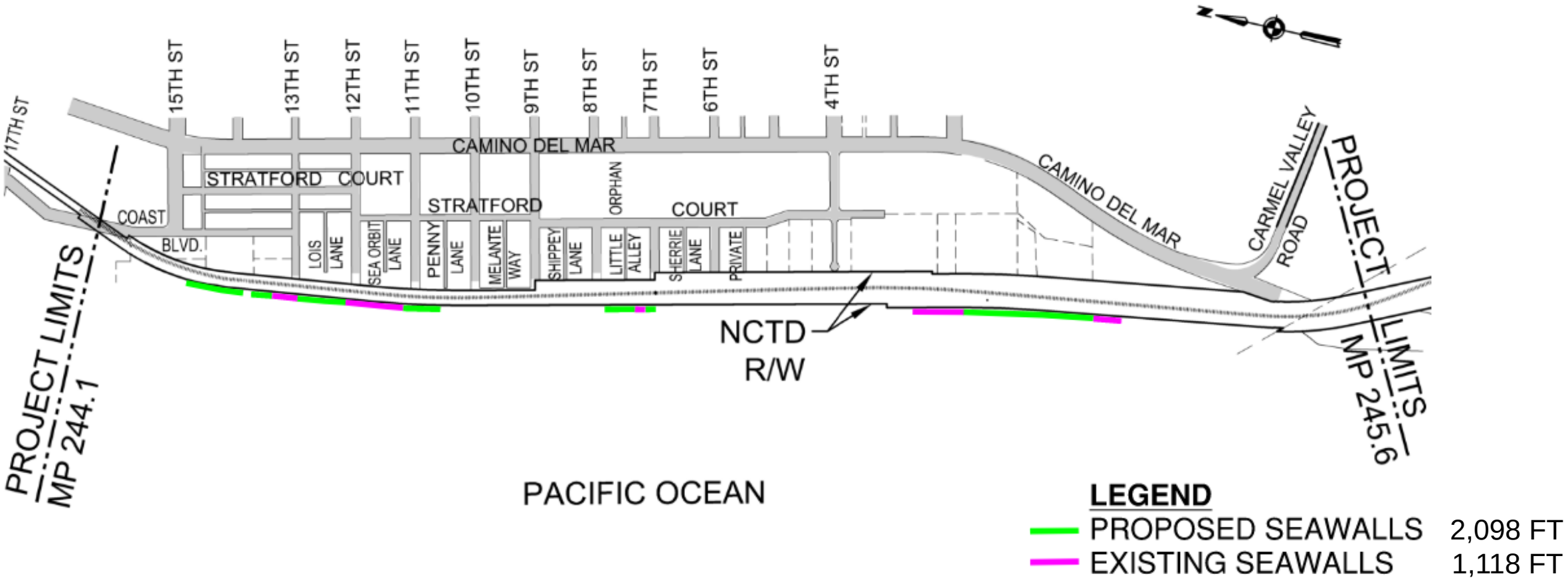


Bluff Retreat



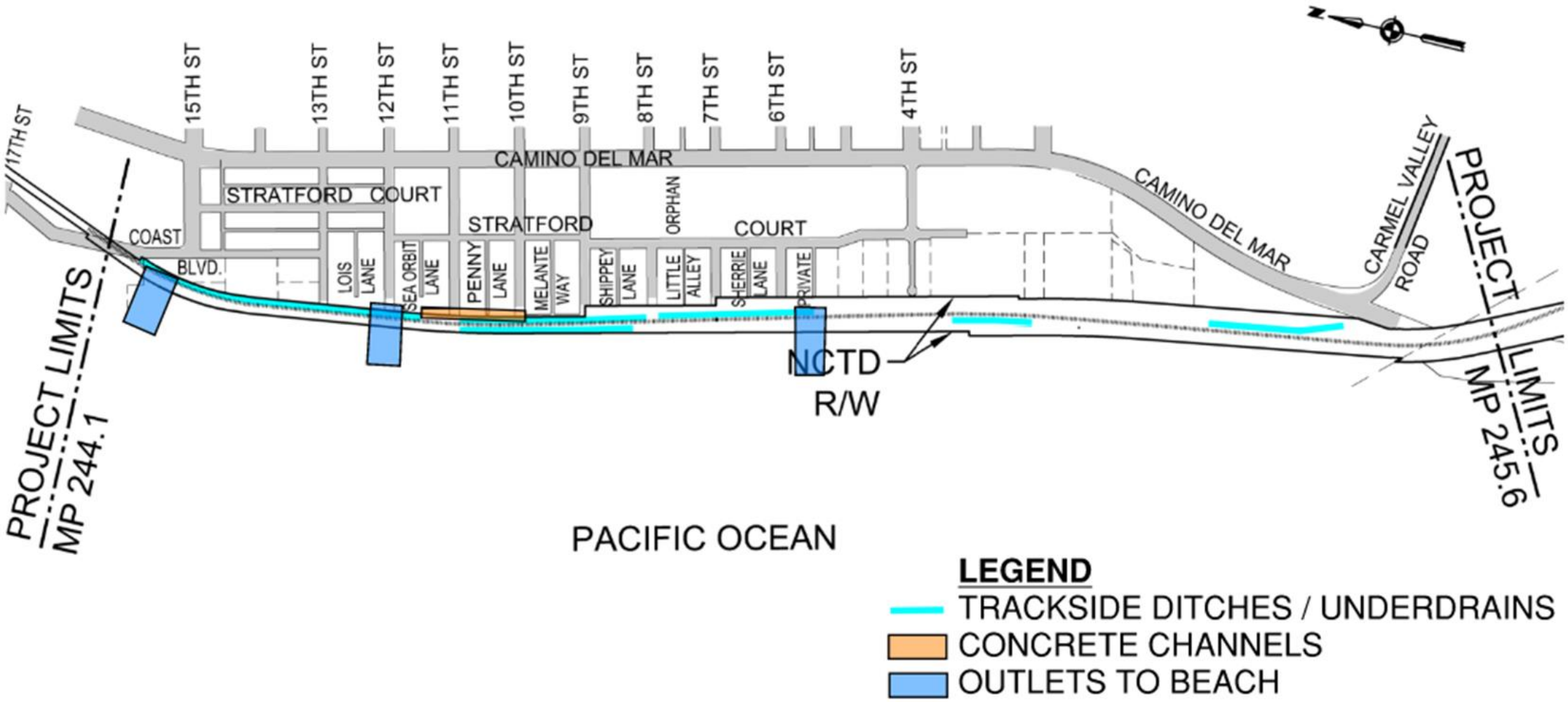
Del Mar Bluffs 5

Proposed and Existing Seawalls



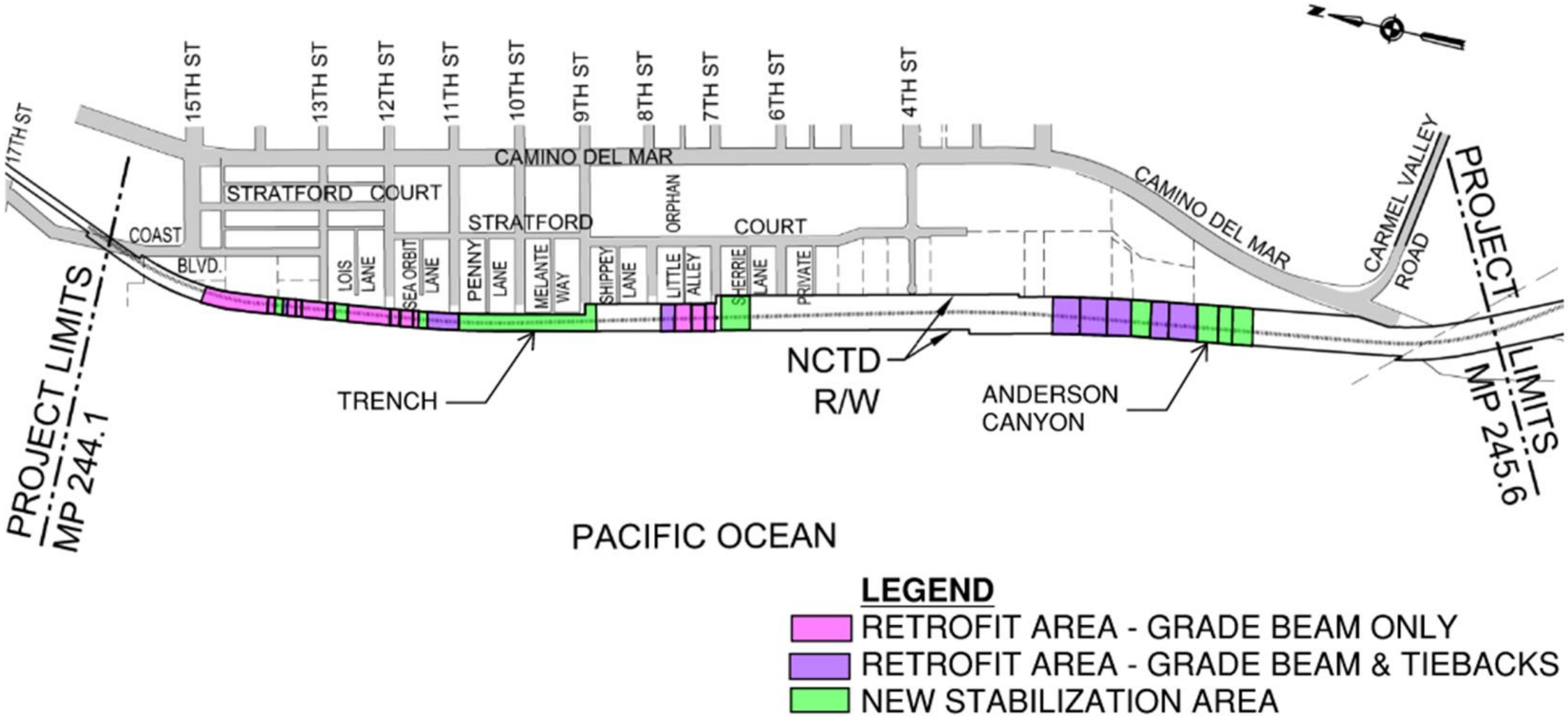
Del Mar Bluffs 5

Drainage Improvements



Stabilizing Rail Track

Soldier Piles (with tiebacks, where required)



Temporary Encroachments

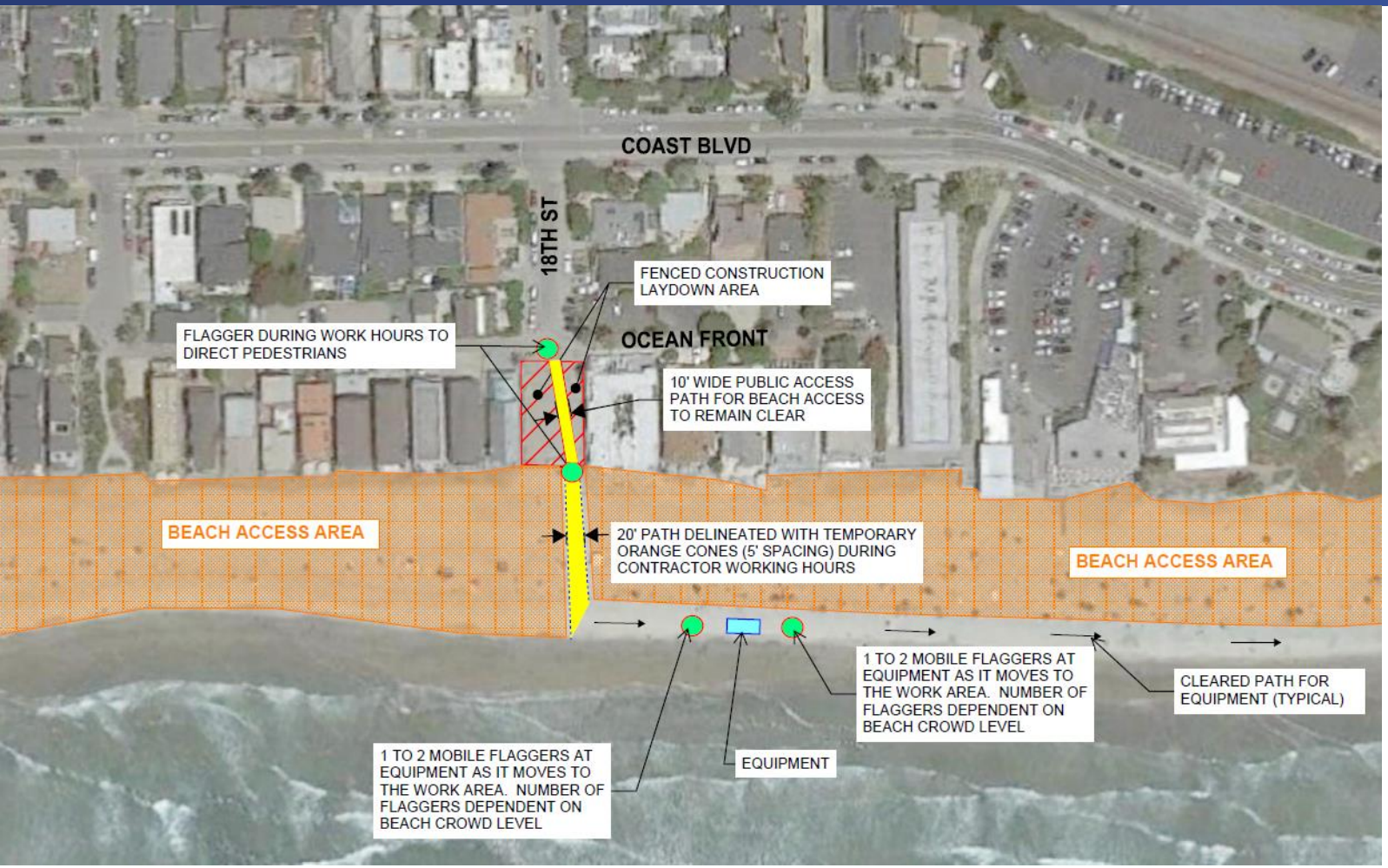
Del Mar Bluffs 5

Temporary Encroachments

- 18th Street Staging and Access
- Beach Access and Work Areas
- Work at Street Ends

Del Mar Bluffs 5

Temporary Encroachments – 18th Street Staging Area

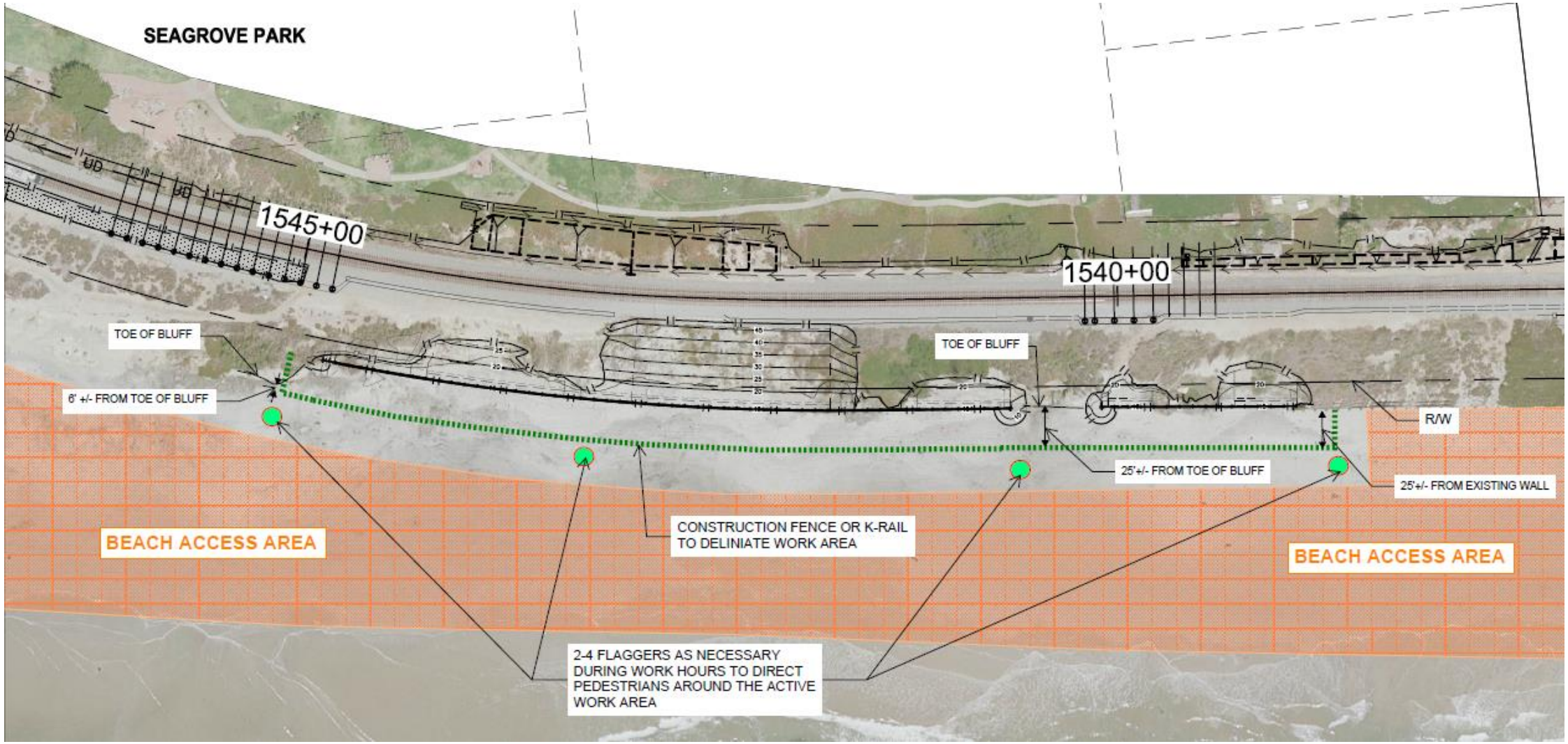


Staging and access for:

- Construction of seawall extensions
- Construction of drainage outlet on beach near 15th St
- Fill Placement and revegetation above seawalls
- Removal of existing drainage chute near 12th St
- Modification of drainage outlet on beach near 8th St
- Construction of drainage outlet on beach south of 6th St

Del Mar Bluffs 5

Temporary Encroachments – Example Beach Access Plan



Del Mar Bluffs 5

Temporary Encroachments – Street Ends

Temporary Construction Access Points:

- Coast Boulevard
- 11th Street
- 10th Street
- 4th Street
- Torrey Pines State Beach Access Road

Temporary Encroachments During Construction Work:

- 13th Street – Water line extension and irrigation control installation
- 12th Street – Construction of storm drain
- Sea Orbit Lane – Drainage improvements
- Little Orphan Alley – Irrigation control installation
- 4th Street – Drainage improvements

Permanent Encroachments

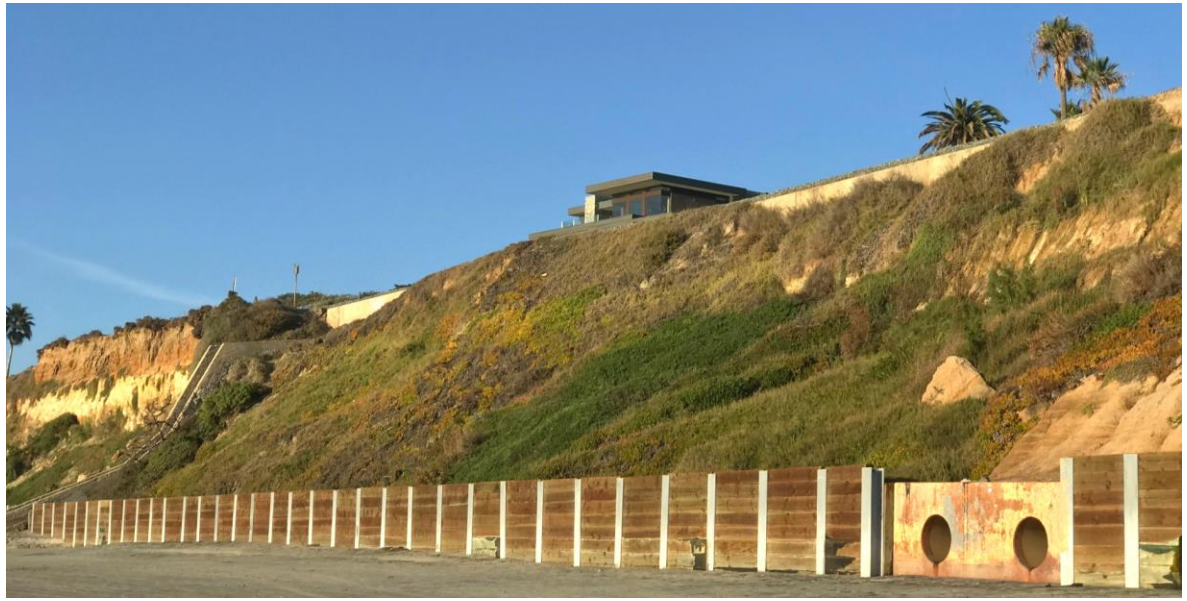
Del Mar Bluffs 5
Permanent Encroachments

Drainage Improvements:

- Outlets to Beach:
  - New outlet near 15th Street
  - Removal of chute and new outlet near 12th Street
  - New outlet South of 6th Street
- Modification of existing outlet near 8th Street
- Drainage Improvements at Street Ends:
  - Storm Drain Pipe at 12th Street
  - Channel Improvements at Sea Orbit Lane
  - Channel Improvements at 4th Street

Removeable Seawalls, Grading and Revegetation:

- 15th Street to 11th Street
- 7th Street to 8th Street



Del Mar Bluffs 5

Permanent Encroachments – Removeable Seawalls, Grading, Vegetation

Del Mar Bluffs 5

Permanent Encroachments – Drainage Outlets

12th Street Concrete Chute
(to be removed)

Sea Orbit Lane Double Outlet

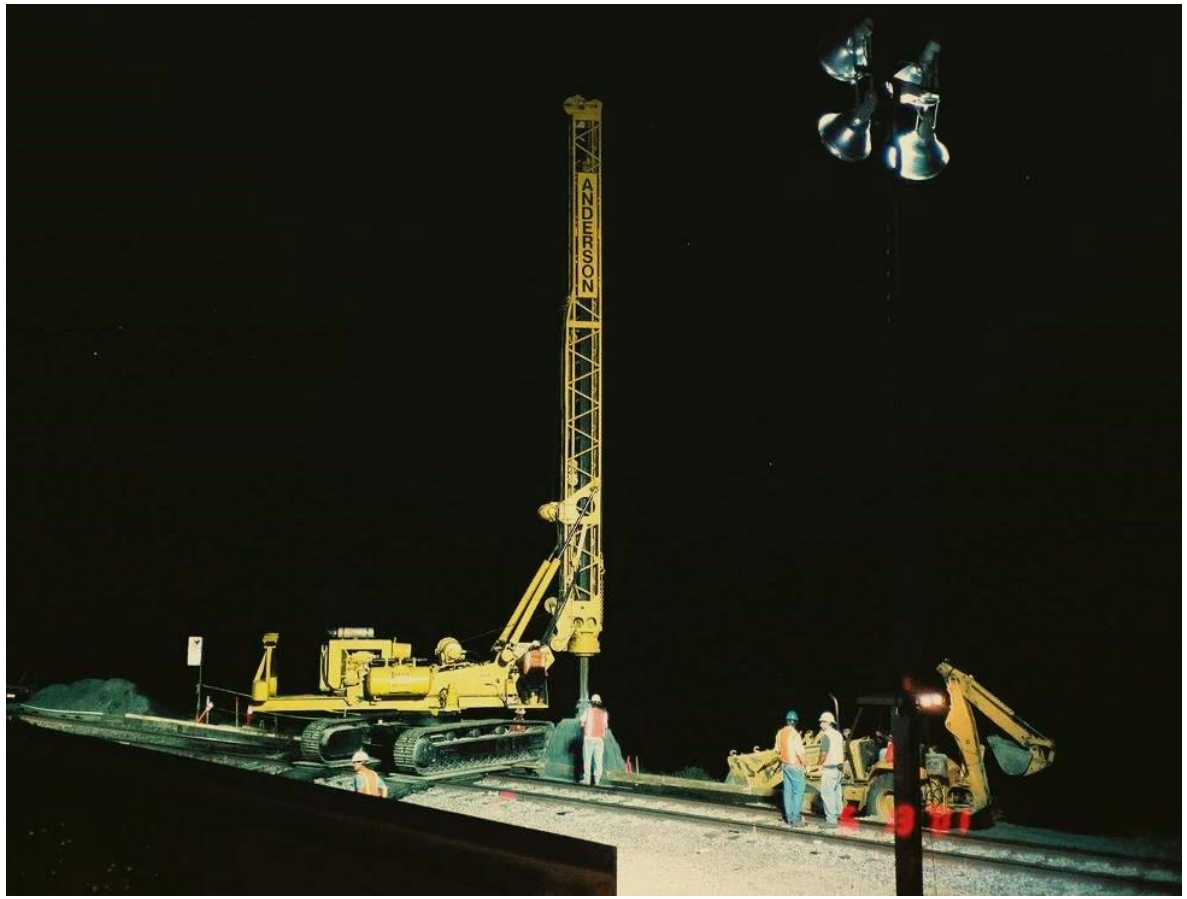
14th Street Outlet

Other Project Components

Del Mar Bluffs 5
Other Project Components

Work Within NCTD Right-of-Way:

- Installation of Trackbed Support
  - Solider Piles
  - Grade Beams
  - Tieback Anchors
  - Will Require Night Work
- Installation of Drainage Improvements:
  - Concrete Channels
  - Walls to Support Channels
    - Soil Nail Wall
    - Solider Pile Wall
  - Drainage Inlet Improvements
- Seawall Installation near Anderson Canyon



Del Mar Bluffs 5
Biological Mitigation

- Wetlands
  - Permanent impact to 0.18 acre of wetlands will be mitigated for at the San Dieguito Lagoon W-19 site
- Uplands
  - Sloped areas disturbed or graded during construction will be revegetated with appropriate native bluff species
- Endangered Species
  - California Gnatcatcher habitat will be avoided
- No construction will occur within 300 feet of habitat during the nesting season
  - A biologist will conduct nesting bird surveys
- Grunion
  - Construction will not occur during Grunion runs, which typically occur late at night outside of standard construction hours

Del Mar Bluffs 5

Sand and Recreation Mitigation

Federal Coastal Consistency Certification Condition:

Carry out a capital improvement project to plan, design, environmentally review, and construct three coastal access and recreation features once agreed between SANDAG, NCTD, and City of Del Mar including:

- A pedestrian railroad crossing
- A beach accessway from the bluff top to the beach
- A blufftop trail between 4th St and Seagrove Park

Projects will be informed by Coastal Connections Planning Study, Public Outreach to begin this winter.

Del Mar Bluffs 5
Community Outreach

Objectives

- Raise awareness
  - bluff stabilization efforts
  - overall corridor use and safety
- Communicate early and often
  - surrounding residents
  - rail corridor commuters
- Educate
  - continued need for stabilization efforts
  - necessity of on-going work

SANDAG Del Mar Bluffs Stabilization Phase 5
Fact Sheet

In partnership with:
Caltrans
North County Transit District
U.S. Department of Transportation
North Coast Corridor

For more information
Please visit: KeepSanDiegoMoving.com/DelMarBluffs
Call: (858) 549-RAIL TTY: (619) 699-1904
Email: LOSSANRail@KeepSanDiegoMoving.com

SANDAG
Del Mar Bluffs Stabilization Phase 5
Fact Sheet

Project Overview
SANDAG and North County Transit District (NCTD) are leading efforts to stabilize portions of the coastal bluffs in the City of Del Mar. This integral part of the 351-mile Los Angeles – San Diego – San Luis Obispo (LOSSAN) rail corridor is a vital link for passenger and freight movements within San Diego County, as well as between San Diego, Los Angeles, and points farther north. Del Mar Bluffs Stabilization is an ongoing, multiphase effort to maintain a stable track bed along the coastal bluffs and protect the railroad from erosion, landslides, and seismic events.

Phase 5 stabilization efforts will install additional columns to support the railroad and reinforce the bluffs and install retaining walls, drainage improvements including outlets to the beach, and other stabilization and erosion control measures on the upper bluffs, bluff face, and new sea walls to protect the bluff toe. Stabilization areas will be revegated with California native species. This stabilization effort is especially critical in protecting the bluffs in the event of an earthquake, large storm events, and sea level rise.

Benefits
Stabilization of the Del Mar Bluffs will increase safety and service reliability for passengers and freight by minimizing the chances of track damage due to bluff retreat and seismic events. Directing stormwater runoff more effectively across the bluffs will help lower the potential for erosion during large storm events. The installation of support columns will further help to protect the track bed from erosion and earthquakes. Once completed, the project will help to reduce service disruptions and orders for trains to travel slowly due to conditions.

Project Status
Del Mar Bluffs Stabilization 5 is currently in design and SANDAG has secured funding for construction.

Importance of the LOSSAN Corridor
The LOSSAN rail line is a vital component of the north-south corridor through the San Diego region. The NCTD COASTER commuter rail service, Amtrak's Pacific Surfliner intercity service, and BNSF Railway freight service all rely upon this segment of track to serve a combined 7.6 million passengers a year[1] and $1 billion in goods and services that are supported by rail line reliability.[2] In 2019, these services relied upon 46 passenger trains and six freight trains per day. SANDAG is currently evaluating tunnel options to move the trains off the bluffs and to protect this vital economic corridor for the San Diego region.

Schedule And Funding
Design Start
Early 2020
Construction Start
Mid-2023
Estimated Project Cost
$68 million
Funding Sources
- California Natural Resources Agency
- Transit and Intercity Rail Capital Program
- Federal Railroad Administration – State of Good Repair
- Federal Transportation Administration
- Trade Corridor Enhancement Program

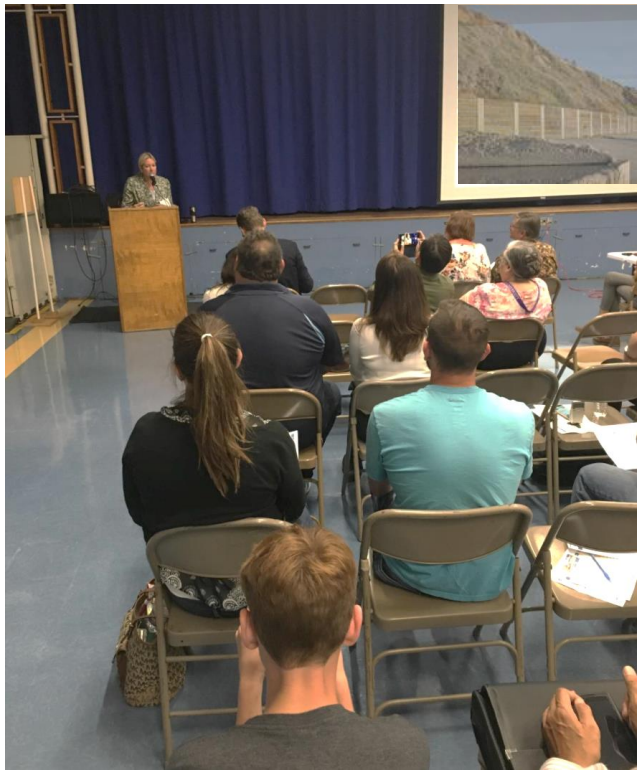
[1] Number of annual passengers along the LOSSAN rail corridor from San Luis Obispo to San Diego (LOSSAN Rail Corridor Agency)
[2] Annual amount of goods transported along the LOSSAN rail corridor from San Luis Obispo to San Diego (BNSF Railway, 2008: $1B, 2050 estimate: $2B)

November 2022
7063

Del Mar Bluffs 5
Community Outreach (Cont.)

Outreach Methods

- Public info sessions
- Door-to-door outreach
- Mailers/postcards
- Fact sheets
- Email blasts
- Social media
- Project website
- Project hotline/email
- Signage
- Seat drops on COASTER
- 3rd party coordination
- Tables at Farmers Markets
- City Council meetings
- Stakeholder briefings
- Media outreach
- Advertising – print/online



Hotline: (858) 549-RAIL
Email: LOSSANRail@KeepSanDiegoMoving.com

Del Mar Bluffs 5 Timeline

Connect with Us:

Allie DeVaux, Senior Engineer

Website:
KeepSanDiegoMoving.com/DelMarBluffs

Follow us on social media:
@SANDAGregion @SANDAG

Email:
LOSSANRail@KeepSanDiegoMoving.com

Hotline:
(858) 549-RAIL

SANDAG

Melinda Gould

From: James Hindman <jhindman2015@gmail.com>
Sent: Monday, November 14, 2022 10:14 AM
To: City Clerk Mail Box
Subject: Red dot comment on Encroachment Permit EP22-082(SANDAG)

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

My name is Jim Hindman. My wife Marianne and I have owned property at 128 Little Orphan Alley for over 19 years. Our ocean view from our house is through the west end of Little Orphan Alley. We are very concerned with any view blockage or restricted bluff access at the west end of Little Orphan Alley for “water meter, solar panels, and irrigation equipment” as stated in the encroachment permit details received in the mail. Please note our objection to this location due to our concern over view blockage and/or restricted bluff access. Thank you.
Jim & Marianne Hindman
949-300-7000

Sent from my iPhone

City of Del Mar
Memorandum

TO: Honorable Mayor and City Council Members

FROM: Madeline Shute, Assistant Planner
Karen Brindley, Planning and Community Development Director

DATE: November 17, 2022

SUBJECT: Red Dot Item 10: Encroachment Permit (EP) EP22-082 – SANDAG Bluff Stabilization V Improvements Relating to Shoreline Protection, Drainage Improvements, and Required Mitigation (Beach access for construction at 18th Street and adjacent to APNs: 299-240-01, 299-240-23)

Item 10 on the November 14, 2022, City Council agenda is a request to adopt the resolution approving SANDAG's request for an Encroachment Permit EP22-082 to authorize permission to work in the public right of way and on public property as necessary to construct the bluff stabilization improvements relating to shoreline protection, drainage improvements, required mitigation, and authorizing access for construction along the beach, south bluff, and adjacent to City-owned public property at APNs 299-240-01 and 299-240-23 in accordance with the California Coastal Commission (CCC) Federal Consistency Certification.

The resolution has been revised to clarify City and State jurisdiction areas related to the project. As revised, the CCC Federal Consistency Certification dated July 22, 2022, has been incorporated by reference within the resolution.

Attachment: Revised Resolution including Exhibit A CCC Federal Consistency Certification

RESOLUTION NO. 2022-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, APPROVING ENCROACHMENT PERMIT EP22-082 AND WAIVING THE PLANNING AND LAND USE APPLICATION FEE FOR A LONG-TERM MAJOR ENCROACHMENT PERMIT FOR IMPROVEMENTS RELATING TO THE BLUFFS STABILIZATION V PROJECT (APNs: 299-240-01, 299-240-23) IN DEL MAR, CALIFORNIA

WHEREAS, the City of Del Mar ("City") is the owner of the public rights-of-way ~~way along~~ at the street ends that provide access to the beach and shoreline; and

WHEREAS, the beach below the ordinary high water mark (mean high tide line) is held in public trust by the State Lands Commission; and

WHEREAS, San Diego Association of Governments ("Applicant") has filed an application for an Encroachment Permit (EP22-082) seeking approval for various improvements, more specifically described in the Agenda Report and attached Encroachment Permit plans, in the public right-of-way adjacent to parcels owned by the City of Del Mar, APNs: 299-240-01 and 299-240-23 ("Project") ~~parcels owned by the City of Del Mar~~; and

WHEREAS, Del Mar Municipal Code (DMMC) Chapter 23.28 requires an Encroachment Permit (EP) for permission to work in the public right-of-way and on public property and for any private improvements within the public right-of-way; specifically any improvements that extend at least 12 inches above the level of the sidewalk, roadway, or adjacent grade and requires City Council approval; and

WHEREAS, Section 23.28.070 of the DMMC provides that an Encroachment Permit may be approved or conditionally approved only if the decision maker makes all of the findings set forth in Section 23.28.070(C); and

WHEREAS, in accordance with the National Environmental Policy Act (NEPA), the project is categorically excluded from NEPA pursuant to Title 23 CFR 771.118(c)(8) which covers "maintenance, rehabilitation, and reconstruction of facilities that occupy substantially the same geographic footprint and do not result in a change in functional use, such as: improvements to bridges, tunnels, storage yards, buildings, stations, and terminals; construction of platform extensions, passing track, and retaining walls; and improvements to tracks and railbeds."; and

WHEREAS, on July 22, 2022, the California Coastal Commission (Coastal Commission) issued a federal consistency certification for the SANDAG/NCTD bluff stabilization project to stabilize the bluffs and existing railroad facilities within the NCTD railroad right-of-way, State public trust lands, and City of Del Mar property and right-of-way; and

WHEREAS, on November 14, 2022, the City Council of the City of Del Mar held a duly noticed public hearing to review the referenced entitlements, and at which time all persons desiring to be heard were heard; and

WHEREAS, evidence was submitted and considered to include without limitation:

a. Plans submitted by the applicant;

b. Written information submitted with the application;

c. Agenda Report, dated November 14, 2022, incorporated by reference as though fully set forth herein;

d. The Coastal Commission Federal Consistency Determination dated July 22, 2022, incorporated by reference as though fully set forth herein;

e. Additional information submitted during the hearing.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Del Mar that Encroachment Permit EP22-082 is hereby approved based on the Federal Consistency Certification dated July 22, 2022, as set forth in "Exhibit A" to this Resolution and the following findings in accordance with DMMC Chapter 23.28.070 (C):

Finding 1. The proposed encroachment will not endanger the public health, safety or welfare, or the surrounding property.

The proposed improvements will maintain existing public use of the surrounding right-of-way and will not obstruct accessibility or endanger public health, safety, or welfare. The bluff stabilization and drainage improvements are necessary to protect the public health, safety and welfare.

Finding 2. The proposed encroachment will not unreasonably interfere with the intended use of a City Right-of-Way or Easement.

The proposed access and improvements will not unreasonably interfere with the public use of the beach and park. The Applicant is required to coordinate with the Community Services Department during the entirety of the construction process to ensure public safety and public beach access and recreation impacts are minimized to the maximum extent practicable.

Finding 3. The proposed encroachment will not have an adverse impact on the welfare of the community or on the community's appearance or aesthetics.

The California Coastal Commission issued a federal consistency certification for the proposed bluff stabilization improvements relating to shoreline protection, drainage improvements, and required mitigation in the SANDAG/NCTD railroad right-of-way, State public trust lands, and the City of Del Mar property and right-of-way to ensure stabilization of the 1.6-mile railroad corridor for increased reliability of existing passenger rail services in

the Los Angeles-San Diego (LOSSAN) corridor. The City's authority for the Encroachment Permit is tied to authorization of access for construction along the beach, south bluff, and adjacent to private property at APNs 299-240-01 and 299-240-23 (from 15th Street south to Carmel Valley Road). The proposed improvements are generally consistent with the character of the existing bluff stabilization and railroad easement improvements and generally maintain the size and locations of existing features of the site as implemented in prior bluff stabilization project phases.

Finding 4. The proposed encroachment will not cause an unnecessary change in the character of the community.

The California Coastal Commission issued a federal consistency certification for the proposed bluff stabilization improvements relating to shoreline protection, drainage improvements, and required mitigation in the SANDAG/NCTD railroad right-of-way, State public trust lands, and the City of Del Mar property and right-of-way to ensure stabilization of the 1.6-mile railroad corridor for increased reliability of existing passenger rail services in the Los Angeles-San Diego (LOSSAN) corridor. The proposed encroachments are generally within the same locations as the previous shoreline protection, drainage improvements, and bluff stabilization improvements implemented in prior bluff stabilization project phases. No change in use is proposed to occur.

Finding 5. The proposed encroachment will not be a detriment to the interests of the general public.

The California Coastal Commission issued a federal consistency certification for the proposed bluff stabilization improvements relating to shoreline protection, drainage improvements, and required mitigation in the SANDAG/NCTD railroad right-of-way, State public trust lands, and the City of Del Mar property and right-of-way to ensure stabilization of the 1.6-mile railroad corridor for increased reliability of existing passenger rail services in the Los Angeles-San Diego (LOSSAN) corridor. The City's authority for the Encroachment Permit is tied to authorization of access for construction along the beach, south bluff, and adjacent to private property at APNs 299-240-01 and 299-240-23 (from 15th Street south to Carmel Valley Road). The proposed improvements will not permanently interfere with any present or future public use. Proposed improvements do not interfere with existing vehicular or pedestrian mobility of the surrounding right-of-way. The pedestrian path improvements, in particular, will enhance mobility along existing pathways in the City of Del Mar.

Finding 6. The proposed encroachment will not convert significant areas of public property to private use.

The proposed encroachments will not convert any existing public use areas to private use. All proposed improvements will enhance existing public use of these areas.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the City Council that, given the public benefits from the bluff stabilization project, including reducing City costs for

construction of the City's Powerhouse Park pathway lighting project, the City Council waives the planning and land use application fee associated with EP22-082.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the City Council that approval of EP22-082 shall be subject to the following conditions and the conditions of approval set forth in the Federal Consistency Certification dated July 22, 2022, as set forth in "Exhibit A" to this Resolution:

General Conditions:

GC-1 [Business License]

Prior to commencement of any work on site, all contractors and subcontractors shall obtain a valid City of Del Mar Business License. A copy of the approved Encroachment Permit shall be kept on site at all times, along with copies of the required Business Licenses for all contractors and subcontractors.

GC-2 [Development authorization limited to plan set]

This permit is granted based on submitted application materials dated **October 11, 2022** and so identified by the staff of the Del Mar Planning Department. Revisions to these plans and/or any proposals for modification to the project shall require review and prior authorization from the appropriate entities of the City of Del Mar.

GC-3 [Compliance with City noise regulations - Allowed hours and dates of construction activity]

The applicant/owner and all parties involved with implementation of the project shall comply with the regulations of the DMMC with regard to construction noise. The regulations stipulate that all construction activities are limited to the following periods: between 7:00 a.m. and 7:00 p.m. Monday through Friday and between 9:00 a.m. and 7:00 p.m. on Saturdays. Construction activities are prohibited during other hours and on Sundays and City Holidays. The City's noise ordinance, Chapter 9.20 of the Del Mar Municipal Code, includes the dates of City Holidays, and can be viewed on the City's web page (www.delmar.ca.us).

Additionally, no excavation or trenching shall occur within a City right-of-way on days when City of Del Mar City offices are closed. Those days include all Saturdays and Sundays and all days on which City Holidays are observed.

GC-4 [*Compliance with Conditions]*

The applicant/owner hereby agrees to do all work and otherwise comply with the terms and conditions of this permit, and all applicable rules and regulations of the City of Del Mar and/or other public agency.

GC-5 *[Revocation of permit due to noncompliance with conditions]*

This permit may be revoked by the City if noncompliance is noted to the applicant and satisfactory action is not taken by the applicant or his/her agents to achieve compliance within twenty-four (24) hours of notice.

GC-6 *[No Transfer in Property Interest]*

The granting of an encroachment permit pursuant to this chapter shall not constitute the transfer or relinquishment of any ownership or interest held by the City over the public right-of-way, nor shall such permit confer any vested or proprietary rights upon the holder of the permit beyond the right to utilize the encroachment area in the manner authorized by the permit and subject to all of the conditions set forth herein.

The applicant/owner agrees to protect all survey markers and monuments in the vicinity of the work and agrees to replace any markers or monuments, if damaged, to the satisfaction of the Public Works Director.

General Planning Encroachment Conditions:

GEP-1 [EP – Excavation Scheduling]

No excavation or trenching shall occur within a City right-of-way on days when City of Del Mar City offices are closed. Those days include all Saturdays and Sundays and all days on which City Holidays are observed.

GEP-2 [EP – Indemnification]

By accepting this permit and implementing the development authorized herein, the applicant agrees to indemnify, defend and save the City of Del Mar, its authorized agents, officers, representatives and employees harmless from and against any and all penalties, liabilities, annoyances, or loss resulting from claims or court action and arising out of any accident, loss or damage to persons or property happening or occurring as a proximate result of any work undertaken under the permit granted pursuant to the application or by reason of the permittee's installation, operation, maintenance or removal of the encroachment.

GEP-7 [EP - Permit Expiration/Potential for Permit Extension]

This permit and the authorization for use/work within a City right-of-way herein granted shall expire three years from the anticipated start date, on **June 1, 2026.**

The permittee may request a single Extension of Time of an approved Encroachment Permit by submitting a written request to the City Manager setting forth the reason that substantial work on the permit cannot be commenced by the scheduled expiration date. The City Manager shall grant the extension unless he/she determines that there has been

a change in circumstances since the time of the original grant of the permit which would create an inconsistency between the proposed encroachment and the provisions of DMMC Chapter 23.28. No extension shall be granted for a period greater than one (1) year.

GEP-8 [EP - Work to be performed by a Licensed Contractor]

All work authorized by an Encroachment Permit shall be performed by a licensed contractor from one of the following classes: “A” General Engineering Contractor, “C34” Pipeline Contractor or a “C42” Sanitation System Contractor. A copy of such a license shall be provided to the City prior to the commencement of work, and shall be retained at the project site. This requirement may be waived by the Director when the work to be performed is limited to minor improvements or maintenance for residential property adjacent to the City right-of-way or easement and when the work will be performed by the resident or owner of the benefited residential property. This information shall be provided prior to the commencement of any work in a public right-of-way.

GEP-9 [EP - Compliance with CAL-OSHA]

The permittee shall obey and enforce all safety orders, rules, regulations, and recommendations of the Department of Industrial Relations of the State of California, CAL-OSHA, applicable to the work and shall comply with all applicable laws, ordinances, codes, and regulations. Any omission on the part of the Director to specify protective measures or devices in the Encroachment Permit shall not excuse the permittee from complying with all applicable requirements of law.

GEP-10 [EP - Timely Performance of Work]

If any part of the work performed under an Encroachment Permit is not completed within the period indicated in either the submitted application materials or the conditions of approval of the Encroachment Permit, the Director of Public Works may notify the person performing the work, in writing, to complete the work within forty-eight (48) hours thereafter, legal holidays excepted. If the work is not completed within this time period, the Director of Public Works shall have full power to perform the work, including such measures as will restore the disturbed area to a safe and passable condition until the work can be completed. The cost thereof, including any inspection and administrative overhead costs incurred by City, shall be assessed against the permittee.

GEP-13 [EP - Notification of Utility Owner]

The applicant shall notify the appropriate Public Utility a minimum of seventy-two (72) hours prior to performing any work on or adjacent to any public utility. All such work shall be done only with authorization and with inspection by the appropriate utility owner.

GEP-14 *[EP - No authorization for street closure]*

The permit does not authorize closure of any road or street, unless specifically stated on the permit.

GEP-16 *[EP - Notification of Neighbors Prior to Commencement of Traffic Lane Disruption]*

Where the proposed work will involve a temporary traffic lane closure or detour, the applicant shall notify all neighbors along the street in the area in which work will take place a minimum of five (5) calendar days prior to the commencement of any work. The notification required herein shall be provided as follows:

a. Copies of written notice shall be distributed at the properties with frontage along the street where the traffic lane disruption will occur and at properties with frontage along the affected street that are within 200 (linear) feet of the area of traffic lane disruption. A copy of the notice to be provided shall be submitted for City approval prior to distribution, and
b. Temporary signs shall be placed along both sides of the street in the area where traffic lane disruption will occur and at the points 500 feet beyond the ends of the affected street area.

The notice required herein shall be provided / installed (as applicable) to the satisfaction of the Director of Planning and Community Development.

Public Works Conditions:

PW – *[Custom Condition]*

SANDAG is required to submit a Construction Safety Plan to the Coastal Commission and City of Del Mar. The purpose of the plan is to coordinate the scheduled construction work with City operations and minimize/avoid beach recreation impacts to the public.

All permanent irrigation related equipment shall be located within the NCTD right-of-way.

PW-1 *[Notification of Public Works Department prior to and after Completion of Work]*

The applicant agrees to notify the Director of Public Works in writing at least forty-eight (48) hours in advance of time when work authorized in this permit will be started. Applicant shall state the EP number, original date of approval and a short description of the work. Submit via email to publicworks@delmar.ca.us. Additionally, upon completion of the work, the applicant agrees to immediately notify the Director of Public Works in writing of such completion. Any improvement or modification of the right-of-way shall be subject to inspection and approval of work from the Public Works Director's representative.

PW-3 *[USA Markout]*

At least 72 hours prior to the excavation of any area within a right-of-way, the applicant shall contact Underground Services Alert (USA) at (800) 422-4133 for the purpose of identifying the location of buried utilities so as to avoid disturbance thereof. All proposed dig or trench areas shall be pre-marked with white paint prior to contacting for USA markout. No work shall commence until USA markout has occurred.

The permittee is advised that the locations of utility lines may vary from those shown on project plans and that coordination with the appropriate utility companies is, therefore, imperative. Any damage or repair thereof to utility lines caused as a result of project implementation shall be the permitee's responsibility. The applicant shall be responsible for removing or blocking out all pavement markings installed for the project immediately upon completion of the work authorized in the Encroachment Permit.

PW-4 *[Traffic Control Plan]*

Prior to the approval of the Encroachment Permit, the contractor shall submit a plan for traffic control prepared by a registered Civil or Traffic Engineer. The plan shall be subject to the review and written approval of the Public Works Director. The plan shall be prepared in accordance with the "Manual for Uniform Traffic Control Devices (MUCTD) in Construction and Maintenance Zones." The plan shall also be prepared and implemented to ensure that traffic control measures will be in place so as to protect pedestrian and motorists from any construction, equipment, or other related activities, (including parked vehicles) due to construction. If a detour for traffic is needed, a Traffic Control plan should be submitted for review and approval by the Public Works Director prior to the start of work.

PW-9 *[Traffic Control]*

The applicant shall be responsible for informing the public of the traffic conditions existing within the construction area at all times by placement of appropriate warning and advisory signs. The applicant shall also provide and maintain all traffic control and safety items. Permittee assumes sole and complete responsibility for the job and site conditions during the course of construction, including safety of all persons and property. This requirement shall apply continuously twenty-four (24) hours per day and shall not be limited to normal work hours. All stationary items (e.g., dumpsters, heavy equipment, construction supplies) that will be in the public right-of-way for long periods of time, including night time, needs to have the proper reflective delineation.

Community Services Conditions:

CS-1 *[Custom Condition]*

Prior to the commencement of work, and during the entire construction process, the applicant shall coordinate with the Community Services Department to ensure public safety and minimize public beach access and recreation impacts throughout the duration of the project.

CS-2 *[Lifeguard Tower and Sight Distance]*

Construction work zone barriers and equipment shall maintain sight distance from lifeguard towers. This effort is to be coordinated with the Community Services Department Lifeguard division and may be modified as necessary.

CS-3 *[Flag Person and Vehicle Operations on Public Beach]*

The Applicant shall provide a minimum of one (1) flag person to be present during all hours of operation and movement of heavy equipment and/or vehicles on the sandy beach. In addition, during construction, the Applicant shall be subject to all safety measures required by the Community Services Department and notify staff of days that require beach transit beyond the initial transit to and return from the work area. Additional driving conditions for beach driving include: speed not in excess of five (5) mph, avoid driving on the high tide wrack line, avoid disruption of wildlife, and yield safely to pedestrians at all times.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Del Mar, State of California, at a Regular Meeting held on the 14th day of November 2022.

_____
Dwight Worden, 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, SARAH KRIETOR, Administrative Services Manager/City Clerk of the City of Del Mar, California, DO HEREBY CERTIFY, that the foregoing is a true and correct copy of Resolution No. 2022-XX, adopted by the City Council of the City of Del Mar, California, at a Regular Meeting held the 14th day of November 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____

Sarah Krietor, Administrative Services Manager/City Clerk
City of Del Mar

CALIFORNIA COASTAL COMMISSION
455 MARKET STREET, SUITE 300
SAN FRANCISCO, CA 94105
FAX (415) 904-5400
TDD (415) 597-5885

July 22, 2022

Keith Greer
Principal Regional Planner
SANDAG
401 B Street, Suite 800
San Diego, CA 92101

Subject: Consistency Certification CC-0005-21 (Del Mar Bluffs Stabilization Project 5, Del Mar, San Diego County)

Dear Mr. Greer:

On June 8, 2022, the California Coastal Commission (Commission) conditionally concurred with the above-referenced consistency certification. The Commission found that the project was consistent with the California Coastal Management Program. The conditions included in the Commission's concurrence are attached to this letter. Please contact me at Wesley.Horn@Coastal.CA.gov should you have any questions regarding this matter.

Sincerely,

[redacted]

Wesley Horn
Environmental Scientist

CONDITIONS

1. **Authorization Term.**

    a. Authorization for all seawalls included in this consistency certification (including those subject to emergency repairs in 2021) shall expire thirty (30) years from the date of Commission action (i.e., June 8, 2052) or upon relocation and legal abandonment of the sections of railroad at issue in this action, whichever occurs first. No less than six months prior to the expiration of the authorization, SANDAG shall submit to the Coastal Commission a complete coastal development permit application or consistency certification to remove all of the seawalls and rip-rap included in this consistency certification and to restore the affected areas to natural conditions, except as allowed pursuant to subsection (b). If a complete permit application or consistency certification is filed before the end of the authorization period, the authorization period shall be automatically extended until the time the Commission acts on the consistency certification or permit.

    b. If relocation and legal abandonment of the rail line has not been completed in 30 years and SANDAG wishes to keep any portion of the seawalls or rip-rap in place beyond the 30 year time period, it must submit a complete, new consistency certification no less than six months prior to the expiration of the authorization. At that time, the Commission will need to consider authorization for the retention of the seawalls in light of the then-existing standard of review, including assessment of any needed mitigation for the ongoing impacts of the structure(s) and an evaluation of actions to reduce or eliminate those impacts. If a complete consistency certification is filed before the end of the authorization period, the authorization period shall be automatically extended until the time the Commission acts on the consistency certification.

2. **Coastal Access and Recreation.** SANDAG shall develop and implement a capital improvement project, similar to that described in **Exhibit 10** (“Draft CIP Sheet”), to complete planning, design, environmental review, and construction of three projects to provide and improve safe public coastal access and recreation in the project area through: (1) enhancement of the north-south trail system east of the rail track on the top of the bluff between Seagrove Park and 4th Street; (2) construction of a CPUC-approved pedestrian rail crossing near 7th Street or 11th Street; and (3) construction of a beach accessway at or between 7th and 11th Streets that does not involve significant grading or alteration of the bluff beyond the work that is being performed as part of the Del Mar Bluffs Stabilization Project 5. The design of these three coastal access and recreation improvement projects shall be informed by the Coastal Connections Study, and construction of each access project shall not begin until all necessary authorizations for that project are obtained, such as from the California Public Utilities Commission, City of Del Mar and North County Transit

District. Unless extended by the Executive Director of the Coastal Commission for good cause and based on diligent pursuit of project goals and milestones, SANDAG shall commence the construction of these three coastal access and recreation improvement projects within 36 months of the beginning of construction on the Del Mar Bluffs Stabilization Project 5 and complete construction within 60 months of the beginning of construction on the Del Mar Bluffs Stabilization Project 5. An extension by the Executive Director shall not exceed 24 months. A request by SANDAG for an extension beyond 24 months shall be subject to review and concurrence by the Commission.

3. **Mitigation for Permanent Impacts to Wetlands.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, SANDAG shall provide updated mitigation accounting tables, for the review and concurrence of the Executive Director, that demonstrate adequate credits have been released from the Resource Enhancement Mitigation Program (REMP) of the North Coast Corridor Public Works Plan/Transportation and Resource Enhancement Program (NCC PWP/TREP) to mitigate for all permanent losses to wetland habitat that would result from the project at a ratio of 1:1 (area created: area lost).

4. **Gnatcatcher Habitat Avoidance.** No project construction activities shall be carried out within 300 feet of identified areas of potential California gnatcatcher habitat (as shown in **Exhibit 9**) during the nesting season (February 15 to August 31).

5. **Construction Safety Plan.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, SANDAG shall submit a plan for the review and concurrence of the Executive Director that describes the methods (including signs, fencing, posting of security guards, etc.) which accounts for pedestrian safety around the active construction sites and/or staging areas during all project operations. A person(s) shall be onsite to safely detour pedestrian and/or vehicular traffic around active construction sites. Construction is prohibited during weekends from the Saturday of Memorial Day weekend through Labor Day inclusive, except to the extent necessary to protect life and property. Maintenance of equipment and material storage is permitted during weekends and during non-daytime hours (i.e., from one-hour after sunset to one-hour before sunrise).

6. **Construction Staging and Storage.** SANDAG shall locate and configure all designated areas for the storage and staging of project materials, equipment and project personnel vehicles in a manner that avoids, and if avoidance is infeasible, minimizes, loss of public parking spaces on public streets in the City of Del Mar and within the Torrey Pines State Beach parking lot.

7. **Structural Appearance.**

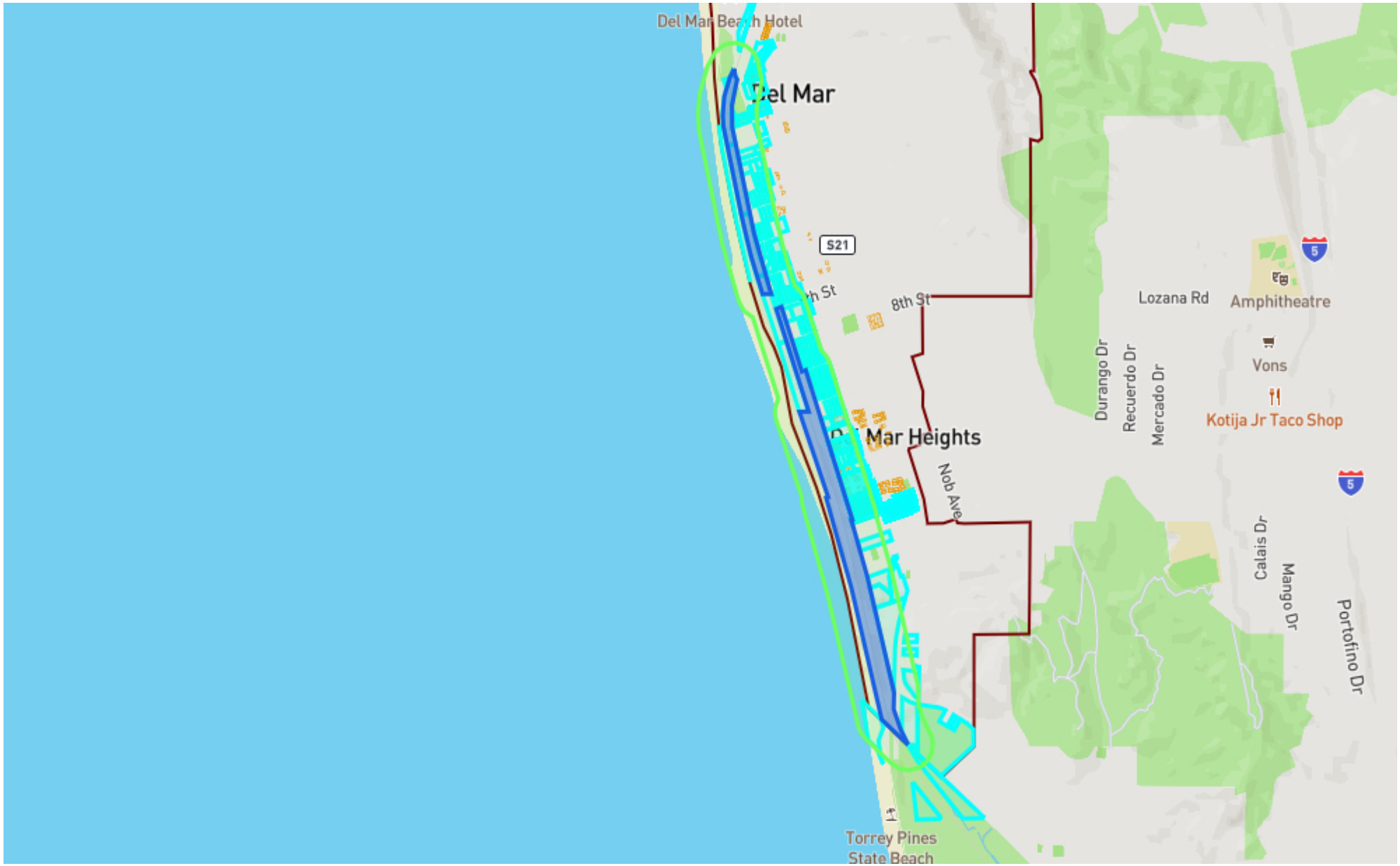
    a. PRIOR TO COMMENCEMENT OF CONSTRUCTION, SANDAG shall submit a plan for the review and concurrence of the Executive Director to

monitor and address the potential visual impacts of the Del Mar Bluffs Stabilization Project No. 5 upper bluff stabilization components in the event that they are exposed and visible from the blufftop and/or the public beach as a result of earth movement or other circumstances. SANDAG shall also monitor and address the potential visual impacts of the seawalls in the event that they are vandalized (e.g. graffiti). SANDAG shall carry out the approved plan, which shall include the following requirements:

i. Yearly for three years after construction, and then tri-annually until the seawalls are removed, SANDAG shall monitor the visual impacts of the Del Mar Bluffs Stabilization Project No. 5 project's upper bluffs stabilization components. If the project's upper bluff stabilization components are exposed and viewable from the public beach below the site, then SANDAG shall submit photographs to the Executive Director within 30 days of exposure identifying the extent of the exposure. Within 30 days of submitting photographs identifying the extent of the exposure of the components. Exposed components shall be colored in such a way that the result would be a natural, mottled appearance or, in SANDAG's discretion, SANDAG shall install a "breakaway" skirt wall to cover exposed earth and/or components. The breakaway skirt shall be colored in such a way that the result would be a natural, mottled appearance. SANDAG shall contact the Coastal Commission for a determination of whether or not the installation of the low "breakaway" skirt wall requires Commission concurrence.

ii. A plan to address the vandalism by regularly monitoring for graffiti or other visual changes and to promptly clean off or otherwise remedy the visual impacts caused by the vandalism.

300' Map



1" = 1940 ft	Sub Title	10/31/2022	

This map may represents a visual display of related geographic information. Data provided here on is not guarantee of acutual field conditions. To be sure of complete accuracy, please contact the responsible staff for most up-to-date information.

AddressLine1	AddressLine2	AddressLine3	AddressLine4
3001710100	RHETT BEATRIZ M REVOCABLE TRUST	931 OCEAN AVE	DEL MAR CA 92014
3001710500	CETEL WEISS FAMILY TRUST 02-02-84	18422 CALLE LA SERRA	RCHO SANTA FE CA 92091
3001710400	JAEGER JOHN F&JOANNE S REVOCABLE TRUST 04-17-99	129 10TH ST #B	DEL MAR CA 92014
3001710300	HUBER CHRISTOPHER R SEPARATE PROPERTY TRUST 07-10-	7514 GIRARD AVE #1539	LA JOLLA CA 92037
3001710202	SCOLA STEPHEN J TRUST 09-16-04	113 MELANIE WAY	DEL MAR CA 92014
3001710201	SCRIPPS RANCH EQUITIES INC	10256 MEANLEY DR	SAN DIEGO CA 92131
3000940902	HOFFMEISTER INGRID M&GERALD E LIVING TRUST 01-19-2	146 10TH ST	DEL MAR CA 92014
3000940901	SAAG FAMILY TRUST 1 11-01-05	144 10TH ST	DEL MAR CA 92014
3000941001	FOUNTAS CHRISTOPHER N	2290 W FAWSETT RD	WINTER PARK FL 32789
3000941002	CURTIS SEAN M SEPARATE PROPERTY TRUST 01-15-01	138 10TH ST	DEL MAR CA 92014
3000941100	ISAACSON FAMILY TRUST 10-23-89	128 10TH ST	DEL MAR CA 92014
3000941900	MARTEN R T	800 KAYENTA PKWY	IVINS UT 84738
3000942000	MARKEE-BOLEY FAMILY TRUST 05-22-95	100 10TH ST	DEL MAR CA 92014
3000941200	PETERS FAMILY TRUST 01-11-73	120 10TH ST	DEL MAR CA 92014
3000940300	ANSTIS STUART M	111 11TH ST	DEL MAR CA 92014
3000940200	DEL MAR 107 LLC	105 FREMONT AVE #A	LOS ALTOS CA 94022
3000940100	DEL MAR 107 LLC	105 FREMONT AVE #A	LOS ALTOS CA 94022
3000942301	LEOPOLD FAMILY REVOCABLE TRUST 04-02-92	C/O SUSSMAN & ASSOCIATES	700 12TH AVE S #201 NASHVILLE TN 37203
3000942303	DE LEON AMADO N JR&AGNES C	121 11TH ST	DEL MAR CA 92014
3000942302	MONROE FAMILY TRUST 01-02-91	123 11TH ST	DEL MAR CA 92014
3000942304	MONAHAN GREGORY D REVOCABLE TRUST 04-12-02	119 11TH ST	DEL MAR CA 92014
3000912100	BINGHAM FAMILY TRUST 02-25-99	140 11TH ST	DEL MAR CA 92014
3000911001	S B PROPERTIES LP	P O BOX 600	SOLANA BEACH CA 92075
3000911202	FRIEDMAN RICK A&KARI ELINA REVOCABLE TRUST	118 11TH ST	DEL MAR CA 92014
3000911201	H&M TRUST 09-03-15	116 11TH ST	DEL MAR CA 92014
3000911300	SWARTZ MORRICE H&LORNA FAMILY TRUST A 03-30-92 ET	110 11TH ST	DEL MAR CA 92014
3000911700	TARKINGTON FAMILY TRUST 12-08-98	P O BOX 766	DEL MAR CA 92014
3000911100	LUNSFORD JEFFREY W&KERRIE S	P O BOX 2291	RCHO SANTA FE CA 92067
3000910500	BALDWIN FAMILY TRUST 04-08-21	119 12TH ST	DEL MAR CA 92014
3000910300	BALDWIN FAMILY TRUST 04-08-21	119 12TH ST	DEL MAR CA 92014
3000910200	SAFLEY FRANK JR&DEBORAH S	111 12TH ST	DEL MAR CA 92014
3000911800	TARKINGTON FAMILY TRUST 12-08-98	P O BOX 766	DEL MAR CA 92014
3000910100	GERRITY FAMILY TRUST 09-30-99	1045 METEOR PL	CASTLE ROCK CO 80108
3000910600	AMOS DONALD G TRUST 10-28-98	143 12TH ST	DEL MAR CA 92014
3000720800	DIXON LIVING TRUST 08-06-19	128 12TH ST	DEL MAR CA 92014
3000720901	COUNTRYMAN FAMILY TRUST 01-06-90	120 12TH ST	DEL MAR CA 92014
3000721000	SMITH JAMES M&ROSEMARY C	112 12TH ST	DEL MAR CA 92014
3000720700	KARDAN GUITI AFROOZ TR	130 12TH ST	DEL MAR CA 92014
3000720502	ROBSON LESLIE LIVING TRUST 04-15-14	C/O KEVIN JOHN WHALEY	147 13TH ST PO BOX 308 DEL MAR CA 92014
3000720501	VOORHIES TRUST 02-20-02	C/O MARCELLE ROSSMAN	11657 ALPS WAY ESCONDIDO CA 92026
3000720401	MCMENAMIN/KOSAKOFF REVOCABLE TRUST 08-25-05	P O BOX 774	DEL MAR CA 92014
3000720300	MORGAN WILLIAM P JR&GRETCHEN	125 13TH ST	DEL MAR CA 92014
3000710700	BLUE EMERALD ISLE LLC	25332 STAGELINE DR	LAGUNA HILLS CA 92653
3000110700	DONNELLY CHANTAL RDF OCEAN AVENUE TRUST 12-28-00 E	1935 EDGEWOOD DR	S PASADENA CA 91030
3000722600	LOOMIS WILLIAM F JR FAMILY TRUST 07-25-00	104 12TH ST	DEL MAR CA 92014
3000722500	HANDZEL MARK QUALIFIED PERSONAL RESIDENCE TRUST 12	100 12TH ST	DEL MAR CA 92014
3000720201	CURTIS EMERALD ISLE INVESTMENTS LLC	25332 STAGELINE DR	LAGUNA HILLS CA 92653
3000720202	PATTERSON FAMILY TRUST 12-14-12	123 13TH ST	DEL MAR CA 92014
3000722200	FOLDING DOOR TRUST 04-29-19	C/O JONATHAN CORN	P O BOX 7295 RCHO SANTA FE CA 92067
3000710600	MOINHOS DEVENTO	3719 NEWCREST POINT	SAN DIEGO CA 92130
3000710400	HILLENBRAND CARL&MARGARET REVOCABLE TRUST 10-25-11	C/O CARL HILLENBRAND/JOSEPH SAMMA	333 9TH ST DEL MAR CA 92014
3000711200	13TH STREET LLC	C/O WILLIAM H SCRIPPS	118 13TH ST DEL MAR CA 92014
3000710800	EDNEY BONNIE B FAMILY TRUST 01-10-97	1334 OCEAN AVE	DEL MAR CA 92014
3000710300	NICHOLAS CATHERINE C TRUST 09-15-94	1061 POISON LAKE RD	DOUGLAS WY 82633
3000110600	HARRINGTON THOMAS E&SUSAN C FAMILY TRUST 12-10-99	105 FREMONT AVE #A	LOS ALTOS CA 94022
3000110502	MONSEF JAY&TADJI LIVING TRUST 11-18-00	1760 SEAVIEW AVE	DEL MAR CA 92014
3000110501	MONSEF JAY&TADJI LIVING TRUST 11-18-00	1760 SEAVIEW AVE	DEL MAR CA 92014
3000112225	CHAN ALLEN	27890 CLINTON KEITH RD #D320	MURRIETA CA 92562
3000112202	HINDERSTEIN REVOCABLE FAMILY TRUST 08-15-95	4415 HONEYMOON BAY RD	GREENBANK WA 98253
3000112217	HANSEN KAYE I TRUST 02-14-00	P O BOX 419	DEL MAR CA 92014
3000112207	KAPLAN MICHAEL A&BARTLEY JOY A FAMILY TRUST 04-12-	155 15TH ST #7	DEL MAR CA 92014
3000112209	MILJAN NANCY LE WATT DURO R TR&WATT DEBRA L TR	C/O DURO & DEBRA WATT	8720 N 37TH AVE PHOENIX AZ 85051
3000112201	MONTGOMERY CANDACE REVOCABLE TRUST 12-12-21	P O BOX 657757	RANCHO SANTA FE CA 92067
3000112215	QUARTUCCI REVOCABLE TRUST 06-13-08	3345 N COTTONWOOD ST	ORANGE CA 92865
3000112227	GORDON CATHRYN E	PMB 130-249	2163 LIMA LOOP LAREDO TX 78045
3000112228	BRUNI ROBERT J&LIU SUDI	15828 CAMINITO CERCADO	SAN DIEGO CA 92128
3000112208	DUNFORD FAMILY TRUST 05-07-82	155 15TH ST #8	DEL MAR CA 92014
3000112205	WALTER JAMES S&SHERYL C TRUST 04-17-90 ET AL	5108 VIA ESTANCIA	YORBA LINDA CA 92887
3000112224	CHEE MARK LIVING TRUST 03-30-01	325 ARROYO DR	ENCINITAS CA 92024
3000112214	PHILIPPI 44 L L C	C/O R SCOT SELLERS	9457 S UNIVERSITY BLVD #843 HGHLNDS RANCH CO 80126
3000112226	WELSH MARY D REVOCABLE TRUST 06-08-18	155 15TH ST #26	DEL MAR CA 92014
3000112218	KAHMANN PROPERTIES L L C	15839 VALLEY VISTA B;VD	ENCINO CA 91436
3000112219	NEWKIRK PAUL A&ELAINE J TRS	P O BOX 2062	DEL MAR CA 92014
3000112212	FLORI P GREG&LISA B FAMILY TRUST 12-01-00	5010 RANCHO VERDE TRL	SAN DIEGO CA 92130
3000112210	DONAHUE PAUL JR&MARINA K	36 BEEKMAN TER	SUMMIT NJ 07901
3000112220	PANATTONI REVOCABLE TRUST 01-03-06	6533 RIDGE MANOR AVE	SAN DIEGO CA 92120
3000112216	CHU PAULINE K	C/O PAULINE CHU & PENNY BOURNE	1022 SANTA HELENA PARK CT SOLANA BEACH CA 92075
3000112203	RUTLEDGE FAMILY TRUST 12-23-92	P O BOX 676368	RCHO SANTA FE CA 92067
3000112221	EMRI REAL ESTATE LP	P O BOX 2015	DEL MAR CA 92014
3000112204	DELMAR PROPERTIES L L C	43541 CARLA DR	PAW PAW MI 49079
3000112222	WALSH FAMILY TRUST 05-06-08	820 LA MIRADA ST	LAGUNA BEACH CA 92651
3000112211	DONAHUE PAUL&MARINA K	C/O PAUL DONAHUE	36 BEEKMAN TER SUMMIT NJ 07901
2993101600	VILLAGE SQUARE COMMUNITY ASSN INC	C/O JENKINS&PERRY	1010 2ND AVE #2000 SAN DIEGO CA 92101
2993101705	ALLISON RICHARD B	1552 CAMINO DEL MAR #401	DEL MAR CA 92014
2993101723	1552 CAMINO DEL MAR L L C	C/O CIRCLE MANAGEMENT	4018 BRANDYWINE ST NW WASHINGTON DC 20016
2993101701	CROWE NANCY D SEPARATE PROPERTY TRUST 03-18-20	9109 GOLDEN EAGLE DR	LAS VEGAS NV 89134
2993101715	POULOS FAMILY TRUST 01-28-92	2601 S PAVILION CENTER DR #1084	LAS VEGAS NV 89135
2993101721	DALTON ROBERT E REVOCABLE TRUST 02-08-02	6893 CALLE PORTONE	RCHO SANTA FE CA 92091
2993101706	SPATARO ANNA M	1552 CAMINO DEL MAR #405	DEL MAR CA 92014
2993101712	MATINPOUR ALI&SORAYA LIVING TRUST	8370 GREENSBORO DR #1012	MC LEAN VA 22102
2993101718	610 OCEANVIEW L L C	C/O PEDAS FAMILY LP	4018 BRANDYWINE ST NW WASHINGTON DC 20016
2993101711	DALTON ROBERT E REVOCABLE TRUST 01-28-05	6893 CALLE PORTONE	RCHO SANTA FE CA 92091
2993101709	LAMB JOHN	5676 E CHENEY DR	PARADISE VLY AZ 85253
2993101722	BLAKELY FAMILY TRUST 03-12-01	1109 LUNETA DR	DEL MAR CA 92014
2993101703	HUBBERT FAMILY TRUST 02-20-91	933 N NORTHLAKE WAY #8	SEATTLE WA 98103
2993101704	TORRENCE RODERICK C&ROBIN J REV LIV TR 03-28-12	P O BOX 381	COOPERSTOWN NY 13326
2993101719	SIMS ROBERT G TRUST 05-10-07	P O BOX 2456	DEL MAR CA 92014
2993101714	GLASER FAMILY TRUST (FBO EXEMPT TRUST) 09-10-86	1552 CAMINO DEL MAR #505	DEL MAR CA 92014
2993101724	MCFALL-NGAI MARGARET	1059 AALAPAPA DR	KAILUA HI 96734
2993101713	GLASER FAMILY TRUST (FBO SURVIVORS TRUST) 09-10-86	1552 CAMINO DEL MAR #505	DEL MAR CA 92014
2993101707	VANCE EVELYN P TRUST 03-03-16	1552 CAMINO DEL MAR #409	DEL MAR CA 92014
2993101720	RANDSBURG CORP PF LEWIS DAVID E&JOSEPHINE E	W233 N2080 RIDGEVIEW PKWY STE 301	WAUKESHA WI 53188
2993101708	NASSERI FAMILY REVOCABLE 1997 TRUST 11-18-97	135 S SIERRA AVE #19	SOLANA BEACH CA 92075
2993100300	BATTER FAMILY TRUST 03-27-81	110 15TH ST	DEL MAR CA 92014
2993100506	SHIELL ROBERT SAFETY NET TRUST 04-30-74	853 S SPAULDING AVE	LOS ANGELES CA 90036
2993100522	WATKINS BERNADETTE DESCENDENTS TRUST 11-29-12	1552 CAMINO DEL MAR #525-527	DEL MAR CA 92014
2993100504	EVENSON TRUST 05-27-14	255 S GLENDORA AVE #1920	GLENDORA CA 91740
2993100517	HARRIS DONNA D TRUST 08-15-85	5228 S CORNING AVE	LOS ANGELES CA 90056
2993100519	PARNELL LISA M GIFT TRUST 11-21-12	1552 CAMINO DEL MAR #621	DEL MAR CA 92014
2993100521	HAYENGA LUBERTUS H&KAREN A	8340 N MORNING GLORY RD	PARADISE VLY AZ 85253

2993100507	MILLER DANIEL J&SHERYL L LIVING TRUST 09-24-97	3502 43RD AVE NE	SEATTLE WA 98105
2993100508	RED&BLUE HOLDINGS II L L C	5950 E CABALLO DR	PARADISE VLY AZ 85253
2993100520	WADE TIMOTHY P TRUST 08-25-22	1552 CAMINO DEL MAR #619	DEL MAR CA 92014
2993100511	DONOVAN JAMES D TRUST 05-03-04	1552 CAMINO DEL MAR #523	DEL MAR CA 92014
2993100503	HARRIS GARY&YVONNE REVOCABLE TRUST 01-11-08	853 KENT DR	CLAREMONT CA 91711
2993100516	DEGARZA EVA G	C/O HELENE COHEN	5930 ROYAL LN #E DALLAS TX 75230
2993100514	ANDERSON SCOTT&DIANA	1335 MASONIC AVE	SAN FRANCISCO CA 94117
2993100515	DEGARZA EVA G	C/O HELENE COHER	5930 ROYAL LN #E DALLAS TX 75230
2993100509	SLAYTON LISA	1552 CAMINO DEL MAR #519	DEL MAR CA 92014
2993100510	WATKINS BERNADETTE DESCENDANTS TRUST 11-29-12	1552 CAMINO DEL MAR #521	DEL MAR CA 92014
2993100505	SHIELL ROBERT SAFETY NET TRUST 04-30-74	853 S SPAULDING AVE	LOS ANGELES CA 90036
2993100518	HARRIS DONNA D TRUST 08-15-85	5228 S CORNING AVE	LOS ANGELES CA 90056
2993101500	VILLAGE SQUARE COMMUNITY ASSN INC	C/O JENKINS&PERRY	1010 2ND AVE #2000 SAN DIEGO CA 92101
2992301000	SEAGROVE S H LLC	SEAGROVE PARKING LLC C/O MARC BLU	5215 OLD ORCHARD RD #880 SKOKIE IL 60077
2992302800	SEAGROVE S H LLC	SEAGROVE PARKING LLC C/O MARC BLU	5215 OLD ORCHARD RD #880 SKOKIE IL 60077
3010333900	KELLEHER FAMILY TRUST 10-13-10	490 W OCEAN VIEW AVE	DEL MAR CA 92014
3010333800	SUNSHINE PROPERTIES TRUST	877 SIESTA KEY CIR	SARASOTA FL 34242
3010333700	COAST 2 COAST LIVING TRUST 07-20-15	P O BOX 2270	DEL MAR CA 92014
3010241400	DEAL FAMILY TRUST 09-02-81	362 OCEAN VIEW AVE	DEL MAR CA 92014
3010333500	BALGROSKY HINSHAW FAMILY TRUST 05-19-99	400 W OCEAN VIEW AVE	DEL MAR CA 92014
3010102700	OSINSKI STEVEN F&ELLEN P TRS	104 STRATFORD CT	DEL MAR CA 92014
3010103000	Z Z Z HOLDINGS LLC	100 STRATFORD CT	DEL MAR CA 92014
3010102900	RAKOG LTD	171 SAXONY RD #109	ENCINITAS CA 92024
3010100200	TORREY PACIFIC CORP	171 SAXONY RD #109	ENCINITAS CA 92024
3010100100	TORREY PACIFIC CORP	171 SAXONY RD #109	ENCINITAS CA 92024
3003215606	GARSH RONALD&BRIDGET	29289 REGENCY CIR	WESTLAKE OH 44145
3003215613	FRATANGELO DAWN M	523 COUNTY ROUTE 13	OLD CHATHAM NY 12136
3003215605	KENDALL ANNE D	300 DOLPHIN COVE CT	DEL MAR CA 92014
3003215638	KILLEEN PATRICIA A TRUST 07-28-92	128 SPINNAKER CT	DEL MAR CA 92014
3003215662	ATCHESON&FRITZE TRUST 06-13-18	2160 SANTA CLARA AVE	ALAMEDA CA 94501
3003215626	STEPHEN-HERMAN FAMILY TRUST 06-09-14	2346 ALDER ST	EUGENE OR 97405
3003215637	HUNT JUDY C	P O BOX 2182	DILLON CO 80435
3003215639	BECKER FAMILY BYPASS 1984 TRUST 01-20-84	4205 VICASA DR	CALABASAS CA 91302
3003215643	SMITH JACK E DECEDENTS TRUST 03-07-89	C/O LAUREN RITMAN TR	288 SURFVIEW CT DEL MAR CA 92014
3003215634	QUINTAS FAMILY LIVING TRUST 12-06-00	3357 PAR DR	OCEANSIDE CA 92056
3003215650	MIDDLETON FRED	1300 S EL CAMINO REAL #203	SAN MATEO CA 94402
3003215649	JOHNSON CARL&LAURA FAMILY TRUST 05-08-06	13386 WINSTANLEY WAY	SAN DIEGO CA 92130
3003215655	LEVE ROBERT E SURVIVORS TRUST 04-12-88	119 SPINNAKER CT	DEL MAR CA 92014
3003215657	GOTTLIEB MICHAEL&LEE	135 SPINNAKER CT	DEL MAR CA 92014
3003215656	AMBROSE DIANA W SEPARATE PROPERTY TRUST 12-13-99	121 SPINNAKER CT	DEL MAR CA 92014
3003215608	NEWELL JUDY A FAMILY TRUST 10-13-15	242 DOLPHIN COVE CT	DEL MAR CA 92014
3003215622	LAZARUS&HAMANN LIVING TRUST 12-20-99	232 BEACON ST #6	BOSTON MA 02116
3003215635	ESPINOZA OCTAVIO&ERIN L	5421 CAMINITO EXQUISITO	SAN DIEGO CA 92130
3003215616	CLENDANIEL DEBORAH L 2014 TRUST	55 ALCOTT RD	CONCORD MA 01742
3003215628	COPPAGE THOMAS T	224 DOLPHIN COVE CT	DEL MAR CA 92014
3003215603	PINNEY SEAN&JENNIFER S	112 FROST CT	WYCKOFF NJ 07481
3003215652	CONROY MARY TRUST 05-02-95	107 SPINNAKER CT	DEL MAR CA 92014
3003215620	CAMILLE INVESTMENTS LLC	200 E MAIN ST #1000	FORT WAYNE IN 46802
3003215651	CAINE SHAWN&MAUREEN FAMILY TRUST 10-01-15	1221 CAMINO DEL MAR	DEL MAR CA 92014
3003215614	ABLER CHARLES V	236 DOLPHIN COVE CT	DEL MAR CA 92014
3003215602	GANAPATHY KAUSHIK R	290 DOLPHIN COVE CT	DEL MAR CA 92014
3003215658	CHIEM ZHOU TRUST 03-22-17	5541 E SHADOW RIDGE DR	TUCSON AZ 85750
3003215648	STAHL JOHN K	102 SPINNAKER CT	DEL MAR CA 92014
3003215623	TESTA GABRIELE M&CARRADERO CATHERINE	1392 MONTEROSSO ST	DANVILLE CA 94506
3003215654	D M WOODS 117 LLC	1221 CAMINO DEL MAR	DEL MAR CA 92014
3003215619	DOHONEY CHARLES I JR&ELIZABETH J	6035 78TH AVE SE	MERCER ISLAND WA 98040
3003215601	BURKLE BRADLEY J LIVING TRUST 12-13-21	296 DOLPHIN COVE CT	DEL MAR CA 92014
3003215661	BEKKAR BRUCE	127 SPINNAKER CT	DEL MAR CA 92014
3003215604	MAHAJAN SURESH LIVING TRUST 10-16-03	292 DOLPHIN COVE CT #177	DEL MAR CA 92014
3003215659	ANSTADT FAMILY TRUST 04-14-06	25266 STAGELINE DR	LAGUNA HILLS CA 92653
3003215653	VEERAPONG JULA	131 SPINNAKER CT	DEL MAR CA 92014
3003215615	EMTAGE JOHN S REVOCABLE TRUST 07-08-05	232 DOLPHIN COVE CT	DEL MAR CA 92014
3003215644	HOFFMAN JOHN J FAMILY TRUST 12-22-97	C/O JAMES C HOFFMAN	404 W PALM DR ARCADIA CA 91007
3003215617	SANS SOUCIS TRUST 06-21-21	234 DOLPHIN COVE CT	DEL MAR CA 92014
3003215611	BRADLEY FAMILY TRUST 10-15-99	64/F ONE ISLAND EAST	18 WESTLANDS RD ISLAND EAST HONGKONG 00000
3003215640	MURRAY FAMILY TRUST 08-24-92	124 SPINNAKER CT	DEL MAR CA 92014
3003215646	BERNSTEIN GRAHAM SEPARATE TRUST 02-11-15	108 SPINNAKER CT	DEL MAR CA 92014
3003215612	SHEEHAN PATRICK J&PETERSEN VALERIE E	C/O SAUDI ARAMCO	P O BOX 5671 DHAHRAN 31311 00000
3003215631	ERSHLER DEBORAH A REVOCABLE 2012 TRUST 12-18-12	247 STRATFORD CT	DEL MAR CA 92014
3003215607	HAIDET GREGORY A&KATHLEEN O	5016 WINCHELL CT	DUBLIN OH 43017
3003215625	NEENAN DAVID G REVOCABLE TRUST 11-25-13	1606 BRENTFORD LN	FORT COLLINS CO 80525
3003215647	OCEAN FRONT TRUST 02-27-98	601 FAIRVIEW BLVD	INCLINE VILLAGE NV 89451
3003215645	HEYLER RANDALL&KELLY FAMILY TRUST 12-06-00	18 SEABLUFF	NEWPORT BEACH CA 92660
3003211400	TORREY PACIFIC CORP	171 SAXONY RD #109	ENCINITAS CA 92024
3003214410	JSSURFVIEW262 LLC	6057 155TH PL SE	BELLEVUE WA 98006
3003214420	LEAFSTEDT FAMILY TRUST 08-23-96	5430 E EL PARQUE ST	LONG BEACH CA 90815
3003214422	270 TRUST 08-06-15	270 SURFVIEW CT	DEL MAR CA 92014
3003214424	MAIER LYNN M TR&MILLER SUSAN A TR	266 SURFVIEW CT	DEL MAR CA 92014
3003214423	REISNER RALPH&DANUTE TR	268 SURFVIEW CT	DEL MAR CA 92014
3003214414	D M S DEL MAR SURFVIEW LLC	525 CHEMIN DEL COLLES	MOUGINS FRANCE 06250 00000
3003214405	MILLER SUSAN A TR	266 SURFVIEW CT	DEL MAR CA 92014
3003214406	BURMANN NAHID L	P O BOX 111	ROXBURY CT 06783
3003214404	BLATCHFORD FAMILY IRREVICABLE TRUST 03-13-02	7452 N CALLE SIN DESENGANO	TUCSON AZ 85718
3003214413	RITMAN WILLIAM&LAUREN FAMILY TRUST 07-20-06	288 SURFVIEW CT	DEL MAR CA 92014
3003214403	AMINIFARD BEJAN&SHEBELOVA TATIANA	294 SURFVIEW CT	DEL MAR CA 92014
3003214401	LARE LAWRENCE E&KAREN F TRS	C/O LAWRENCE LARE	161 SEA CLIFF WAY DEL MAR CA 92014
3003214415	STEIN DAVID A	284 SURFVIEW CT	DEL MAR CA 92014
3003214409	HIRSCH PETER M SEPARATE PROPERTY TRUST 05-23-02	264 SURFVIEW CT	DEL MAR CA 92014
3003214411	MERTENS JANE U SEPARATE PROPERTY TRUST	260 SURFVIEW CT	DEL MAR CA 92014
3003214412	SNIDER-BENNETT TRUST 10-17-18	258 SURFVIEW CT	DEL MAR CA 92014
3003214417	CHACKO JACOB M	280 SURFVIEW CT	DEL MAR CA 92014
3003214419	SONDEREKER JOHN W REVOCABLE TRUST 07-13-98	8801 ROBINSON RIDGE DR	LAS VEGAS NV 89117
3003214407	KHOE FAMILY TRUST 11-10-08	254 SURFVIEW CT	DEL MAR CA 92014
3003213300	CATE ALLAN REVOCABLE TRUST 08-02-07	P O BOX 8015	LA CRESCENTA CA 91224
3003213701	GORMAN FAMILY TRUST 09-09-15	145 4TH ST	DEL MAR CA 92014
3003213601	JIM&ROCHELLE PUTNAM FAMILY L L C	P O BOX 675968	RCHO SANTA FE CA 92067
3003213602	SCARDINO FAMILY TRUST 08-10-06	1110 N EASLEY CANYON RD	GLENDORA CA 91741
3003213402	MILLER GARY&MARKOVAC JASNA	404 STRATFORD CT	DEL MAR CA 92014
3003210901	MCELHINNEY LLOYD&KATHLEEN FAMILY TRUST B 09-25-90	P O BOX 1567	RANCHO SANTA FE CA 92067
3003210902	HAZAN FAMILY TRUST 03-09-05	1935 EDGEMONT ST	SAN DIEGO CA 92102
3003213500	REYNOLDS REVOCABLE LIVING TRUST 05-01-89	95 MT HAMILTON AVE	LOS ALTOS CA 94022
3003213200	FOURTH STREET LLC	849 ALMAR AVE #C442	SANTA CRUZ CA 95060
3003213800	NEENAN SHARON L REVOCABLE TRUST 11-23-13	1606 BRENTFORD LN	FT COLLINS CO 80525
3003214037	BURKE TIMOTHY L&VICKIE L	1409 ROSALIE ST	EVANSTON IL 60201
3003214012	MELSON CHELSEA A TRUST 1 01-09-97	424 STRATFORD CT #A26	DEL MAR CA 92014
3003214009	LAWEE LAURA	2683 VIA DE LA VALLE #G-260	DEL MAR CA 92014
3003214008	DANGELO ARJON 2005 TRUST 04-04-05	424 STRATFORD CT #A21	DEL MAR CA 92014
3003214016	ALLISON MOLLY J	424 STRATFORD CT #A32	DEL MAR CA 92014
3003214023	AGISHI AKIKO	3119 NICHOLS CANYON RD	LOS ANGELES CA 90046
3003214035	WICHNER REVOCABLE 1986 TRUST 07-24-86	424 STRATFORD CT #B32	DEL MAR CA 92014
3003214031	PHAM MIKHANH K	424 STRATFORD CT #B26	DEL MAR CA 92014

3003214017	A TRUST 08-10-20	424 STRATFORD CT #A34	DEL MAR CA 92014
3003214002	KEWIN SURVIVORS TRUST 11-07-02	424 STRATFORD CT #A11	DEL MAR CA 92014
3003214020	MCKAY WILLIAM 1989 TRUST 03-14-89	1434 DON PALOS DR	WALNUT CREEK CA 94597
3003214015	BLUE SAGE INVESTMENTS LLC	2240 VIA APRILIA	DEL MAR CA 92014
3003214024	TEMPLETON LARRY W&CHERI A	424 STRATFORD CT #B15	DEL MAR CA 92014
3003214001	BALCH REGINA E REVOCABLE LIVING TRUST 02-17-14	424 STRATFORD CT #A10	DEL MAR CA 92014
3003214027	STALLINGS FAMILY TRUST 12-20-01	3608 FIELDVIEW CT	PLEASANTON CA 94588
3003214011	HULSE JUDITH L 1990 TRUST 10-25-90	3273 STREAMSIDE CIR #410	PLEASANTON CA 94588
3003214005	S R S C TRUST 08-27-10	424 STRATFORD CT #A15	DEL MAR CA 92014
3003214006	SOMERVILLE PATRICIA A LIVING TRUST	1118 MONTEREY VISTA PL	ENCINITAS CA 92024
3003214004	MALEKEDELI MEHDI TRUST 06-05-96	4306 FORESTVIEW DR	MIDLAND MI 48642
3003214003	GUMBRELL CHARLOTTE A TRUST 04-04-04	424 STRATFORD CT #A12	DEL MAR CA 92014
3003214028	MALINO GARY M TRUST 09-01-15	1431 PACIFIC HWY #710	SAN DIEGO CA 92101
3003214025	CADY FAMILY TRUST 11-19-03	4940 PEARLMAN WAY	SAN DIEGO CA 92130
3003214038	REED RHONDA J	320 I ST	DAVIS CA 95616
3003214019	STEVENSON KATHRYN A TRUST 04-20-00	424 STRATFORD CT #A36	DEL MAR CA 92014
3003214033	BRASWELL GEOFFREY E	424 STRATFORD CT #B30	DEL MAR CA 92014
3003214010	MORGAN FAMILY LIVING TRUST 02-14-08	69758 CAMINO PACIFICO	RANCHO MIRAGE CA 92270
3003214032	STEVENS LEE M FAMILY TRUST 05-25-22	424 STRATFORD CT #B27	DEL MAR CA 92014
3003214034	HELDERS REVOCABLE FAMILY TRUST 06-15-94	245 VIA TIERRA	ENCINITAS CA 92024
3003214013	BENNETT JOHN W TR&BENNETT SUZANNE L TR	1524 SAVIN DR	EL CAJON CA 92021
3003214018	GREMEL DENNIS D	55401 204TH LN	MANKATO MN 56001
3003210300	FUNKE THOMAS M TRUST 11-29-17	C/O CAPITAL ASSET MANAGEMENT	2206 BALBOA AVE SAN DIEGO CA 92109
3003215904	WADE TIMOTHY P TRUST 08-25-22	1552 CAMINO DEL MAR #619	DEL MAR CA 92014
3003215902	LARE LAWRENCE E&KAREN F TRS	C/O LAWRENCE LARE	161 SEA CLIFF WAY DEL MAR CA 92014
3003215901	CASCONE FAMILY TRUST 10-20-98	526 STRATFORD CT #A	DEL MAR CA 92014
3003215903	GAASTERLAND THERESA	526 STRATFORD CT #C	DEL MAR CA 92014
3003210101	MARX OSCAR&KATHLEEN COMMUNITY PROPERTY TRUST 04-17	516 STRATFORD CT	DEL MAR CA 92014
3003216000	516 STRATFORD COURT LP	700 2ND ST	ENCINITAS CA 92024
3003215300	LUND FAMILY TRUST 03-18-92	135 6TH ST	DEL MAR CA 92014
3003215002	CARTER TRUST 10-06-98	159 6TH ST	DEL MAR CA 92014
3003215101	THOMAS GWYNN D	803 AMIFORD DR	SAN DIEGO CA 92107
3003215102	THOMAS GWYNN D	803 AMIFORD DR	SAN DIEGO CA 92107
3003215200	JACOBSON TRUST 07-18-97	P O BOX 2811	DEL MAR CA 92014
3001820701	SHAPIRO STEVEN	155 SHERRIE LN	DEL MAR CA 92014
3001820702	BOYCE&SCHAEFER TRUST 01-13-14	934 23RD ST	SAN DIEGO CA 92102
3001820800	STURGIS JEFFREY G&KANAKO N	150 6TH ST	DEL MAR CA 92014
3001821802	SCHIEFER WILLIAM E JR TRUST 05-08-90	825 COLLEGE BLVD #102	OCEANSIDE CA 92057
3001821801	OZAKI FAMILY TRUST 06-15-94	1655 CHESTNUT AVE	CARLSBAD CA 92008
3003215500	MERCALDO FAMILY TRUST 10-08-02	117 6TH ST	DEL MAR CA 92014
3001821002	AMEN RICHARD E QUALIFIED PERSONAL RESIDENCE TRUST	144 SHERRIE LN	DEL MAR CA 92014
3001821001	FRIEDER BILL&JANICE TRUST 04-03-91	P O BOX 890	DEL MAR CA 92014
3001821100	MARTENS ROBERT F&HOLLEY C F	1050 E 9TH ST #2B	CLEVELAND OH 44114
3001820902	REICHEL JOHN S FAMILY TRUST 01-10-17	6828 COUNTRY CLUB DR	LA JOLLA CA 92037
3001820901	AMEN FAMILY TRUST 08-12-96	144 SHERRIE LN	DEL MAR CA 92014
3001821701	DAVENPORT FAMILY TRUST 02-06-06	4043 NW THUNDER CREST RD	PORTLAND OR 97229
3001821601	MULLIGAN DENNIS E&MAUREEN C LIVING TRUST 02-24-04	141 7TH ST	DEL MAR CA 92014
3001821602	TEAM B 2018 TRUST 05-01-18	C/O PREMIER TRUST INC	4465 S JONES BLVD LAS VEGAS NV 89103
3001821402	NEWLIN COMMUNITY PROPERTY TRUST 08-16-10	1094 KLISH WAY	DEL MAR CA 92014
3001821401	MCCULLOUGH FAMILY TRUST 09-06-01	C/O JAMES MCCULLOUGH	P O BOX 307 HANALEI HI 96714
3001821501	ROBILLARD MARK A	135 7TH ST	DEL MAR CA 92014
3001821300	BROSCIOUS RUSSELL K JR	P O BOX 89	SUNBURY PA 17801
3001811400	156-158 7TH STREET LLC	C/O ERIC F PINCZOWER	11037 CHAMPAGNE POINT RD NE KIRKLAND WA 98034
3001811501	DEL MAR SUNSETS LLC	2310 S 2ND ST	AUSTIN TX 78704
3001811600	GILLIES GILLIAN B FAMILY TRUST 11-28-18	140 7TH ST	DEL MAR CA 92014
3001811702	PLASHKES FAMILY TRUST 06-06-07	P O BOX 2513	RCHO SANTA FE CA 92067
3001811701	SCHIOLDAGER AMY TRUST 03-06-08	117 WILDERNESS LN	LAFAYETTE CA 94549
3001811802	HINDMAN FAMILY TRUST 08-02-11	119 8TH ST	DEL MAR CA 92014
3001811801	ORPIN TRISTAN B&SALLY K FAMILY TRUST 02-24-09	C/O SALLY ORPIN	10766 GALLOP CREST CT SAN DIEGO CA 92130
3001812102	E K E LLC	10882 EQUESTRIAN RIDGE CT	SAN DIEGO CA 92130
3001812101	E K E LLC	10882 EQUESTRIAN RIDGE CT	SAN DIEGO CA 92130
3001812002	HANUMANASANA L L C	1300 E 7TH AVE	DENVER CO 80218
3001810602	ROCK/DYSART FAMILY REVOCABLE 1999 TRUST 07-06-99	152 LITTLE ORPHAN ALLEY	DEL MAR CA 92014
3001810601	BLOOMER FAMILY TRUST 12-23-10	2325 SAN YSIDRO DR	BEVERLY HILLS CA 90210
3001810500	BIERMAN FAMILY TRUST 02-06-2020	143 8TH ST	DEL MAR CA 92014
3001740800	BECKER BRAD TRUST 10-03-11	152 8TH ST	DEL MAR CA 92014
3001810400	SARIPALLI SHYAMALA D	P O BOX 2073	RCHO SANTA FE CA 92067
3001810300	LA CASITA TRUST 08-06-15	2855 LA CASITA AVE	LAS VEGAS NV 89120
3001810200	HINDMAN FAMILY TRUST 08-02-11	119 8TH ST	DEL MAR CA 92014
3001740900	MAURER TIMOTHY C FAMILY TRUST 10-07-94	142 8TH ST	DEL MAR CA 92014
3001741002	TASTAD PATRICIA L FAMILY TRUST 10-01-12	131 SHIPPEY LN	DEL MAR CA 92014
3001741001	CULP CHARLES H REVOCABLE TRUST 04-20-01 ET AL	P O BOX 48	RCHO SANTA FE CA 92067
3001741100	LITTLE KENNETH D	877 ISLAND AVE #410	SAN DIEGO CA 92101
3001741501	BEATTY GEORGE FAMILY TRUST 10-22-01	157 9TH ST	DEL MAR CA 92014
3001741502	CEFALO CHRISTINE	828 STRATFORD CT	DEL MAR CA 92014
3001741700	CHERRY ADAM Z SEPARATE PROPERTY TRUST 05-10-96	135 9TH ST	DEL MAR CA 92014
3001710900	COUGHLIN PATRICK J	142 9TH ST	DEL MAR CA 92014
3001711001	BEACH BLUFF PROPERTIES LLC	DANIELLE E NOCHOLAS MANAGER	409 S 5TH AVE BOZEMAN MT 59715
3001711002	BEACH BLUFF PROPERTIES LLC	DANIELLE E NOCHOLAS MANAGER	409 S 5TH AVE BOZEMAN MT 59715
3001711602	PARKES ROLAND TRUST 05-26-05	156 MELANIE WAY	DEL MAR CA 92014
3001741300	BEVASH FAMILY TRUST 04-28-21	110 8TH ST	DEL MAR CA 92014
3001741800	OCEAN BLUFF HOLDINGS LLC	P O BOX 2627	DEL MAR CA 92014
3001711100	BEACH BLUFF PROPERTIES LLC	409 S FIFTH AVE	BOZEMAN MT 59715
3001711302	SINER T ANN FAMILY TRUST 09-29-08	5730 E JOSHUA TREE LN	PARADISE VLY AZ 85253
3001711301	GRINDLE FAMILY 1993 TRUST 02-19-93	116 MELANIE WAY	DEL MAR CA 92014
3001711400	KINNEY FAMILY TRUST 12-31-86	106 9TH ST	DEL MAR CA 92014

PROOF OF PUBLICATION (2015.5 C.C.P.)

State Of California,
County of San Diego

I am a citizen of the United States and a resident of the County aforesaid: I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am an authorized representative of
Del Mar Times
a newspaper of general circulation, printed and published weekly in the County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of 05/28/2010, Case Number #37-2010-00051582-CU-PT-NC;
that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of the said newspaper and not in any supplement thereof on the following
Dates, to-wit:

November 3, 2022

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Dated: **November 3, 2022**
At: San Diego, California

CGaza
_____
Signature
Cris Gaza
UT Community Press

CITY OF DEL MAR
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on Monday, the 14th day of November, 2022, at 4:30 p.m., (or as soon thereafter as practicable) the City of Del Mar City Council will conduct a public hearing via teleconference on the following:

Encroachment Permit, EP22-082 (SANDAG), is a request for various improvements related to the bluffs stabilization project. SANDAG is proposing: construction of drainage outlet on the beach near 15th Street; construction of seawall at the beach (bluff toe), fill placement above the seawall, and construction of drainage outlet on the beach, removal of existing chute and bowl south of 15th Street to South of 11th Street; modification of drainage outlet on the beach and construction of seawall at the beach (bluff toe), and fill placement above the seawall north of 8th Street to 7th Street; construction of drainage outlet on the beach south of 6th Street; drainage improvements at the ends of 12th Street, Sea Orbit Lane, and 4th Street; water meter, solar panels and irrigation equipment located at the ends of 13th Street and Little Orphan Alley.
Applicant: SANDAG
APN(s): 299-240-01, 299-240-23

Those desiring to be heard in favor of or in opposition to this item will be given an opportunity to do so by commenting telephonically during the meeting or by submitting written comment. Members of the public can participate in the meeting by either submitting a written red dot comment via email to cityclerk@delmar.ca.us or by speaking live using the Zoom link and/or dial-in information provided on the agenda. The deadline to submit written comments is 12 p.m. on the day of the meeting and the subject line of your email should clearly state the agenda item you are commenting on. Those wishing to comment live can join the meeting using the Zoom link and dial in information on the agenda. No registration is required. All comments received by the deadline will be transmitted to the City Council prior to the start of the meeting. Written comments may also be submitted by mail to the City Council at 1050 Camino del Mar, Del Mar, CA, 92014. Attention: Administrative Services Manager/City Clerk. On any correspondence, please reference the hearing title and date. Materials related to this public hearing, will be available at least 72 hours in advance of the meeting on the City's website, http://www.delmar.ca.us/AgendaCenter, and at the Del Mar Library during their business hours. If you have questions about the information in this notice, please contact Madeline Shute, Assistant Planner at mshute@delmar.ca.us or (858) 375-9518.

Under California Government Code 65009, if you challenge the nature of the proposed action in Court, you may be limited to raising only those issues you or someone else raised telephonically at the public hearing described in this notice, or written correspondence delivered to the City at, or prior to, the public hearing.

/s/: Sarah Krietor, Administrative Services Manager/City Clerk
Date: October 26, 2022
DM7894193 11.03.22

Del Mar Bluffs Stabilization Project Phase 5

Construction Update

Del Mar City Council | Item 2
Allie DeVaux, Senior Engineer
March 4, 2024

Agenda

- Project Overview
- Construction
- Public Outreach
- Future Access Improvements

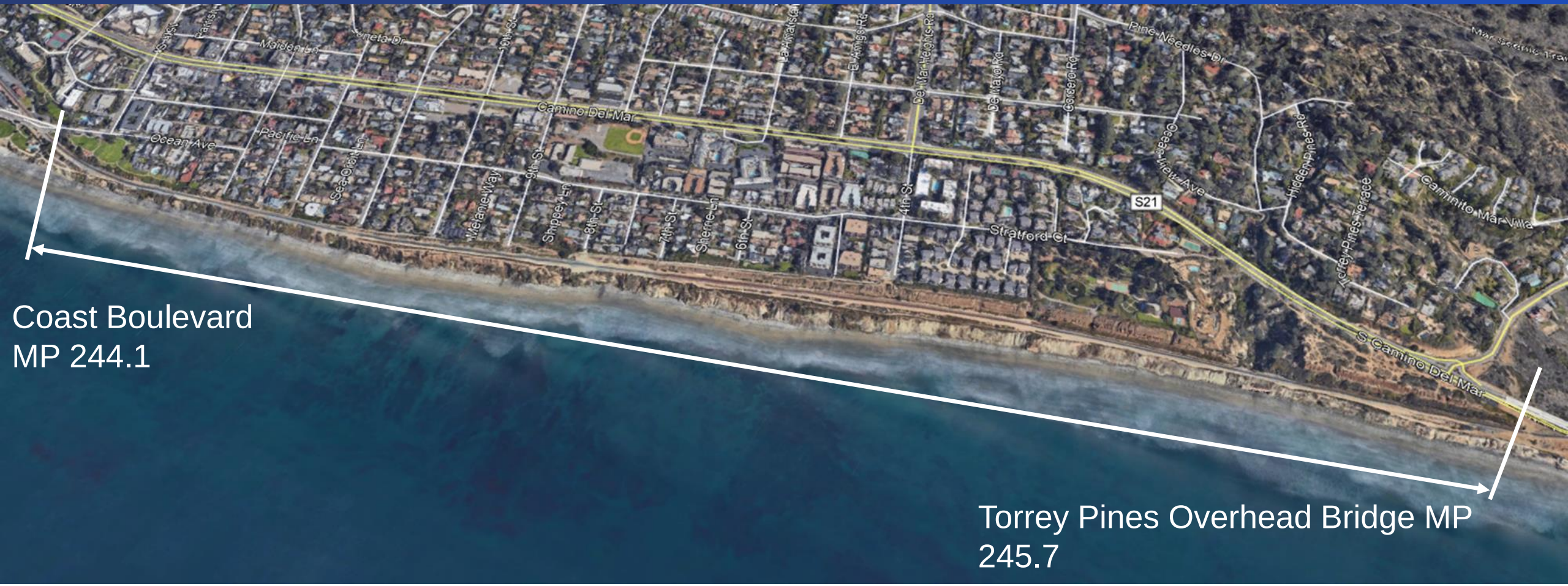
Project Overview

The LOSSAN San Diego Segment

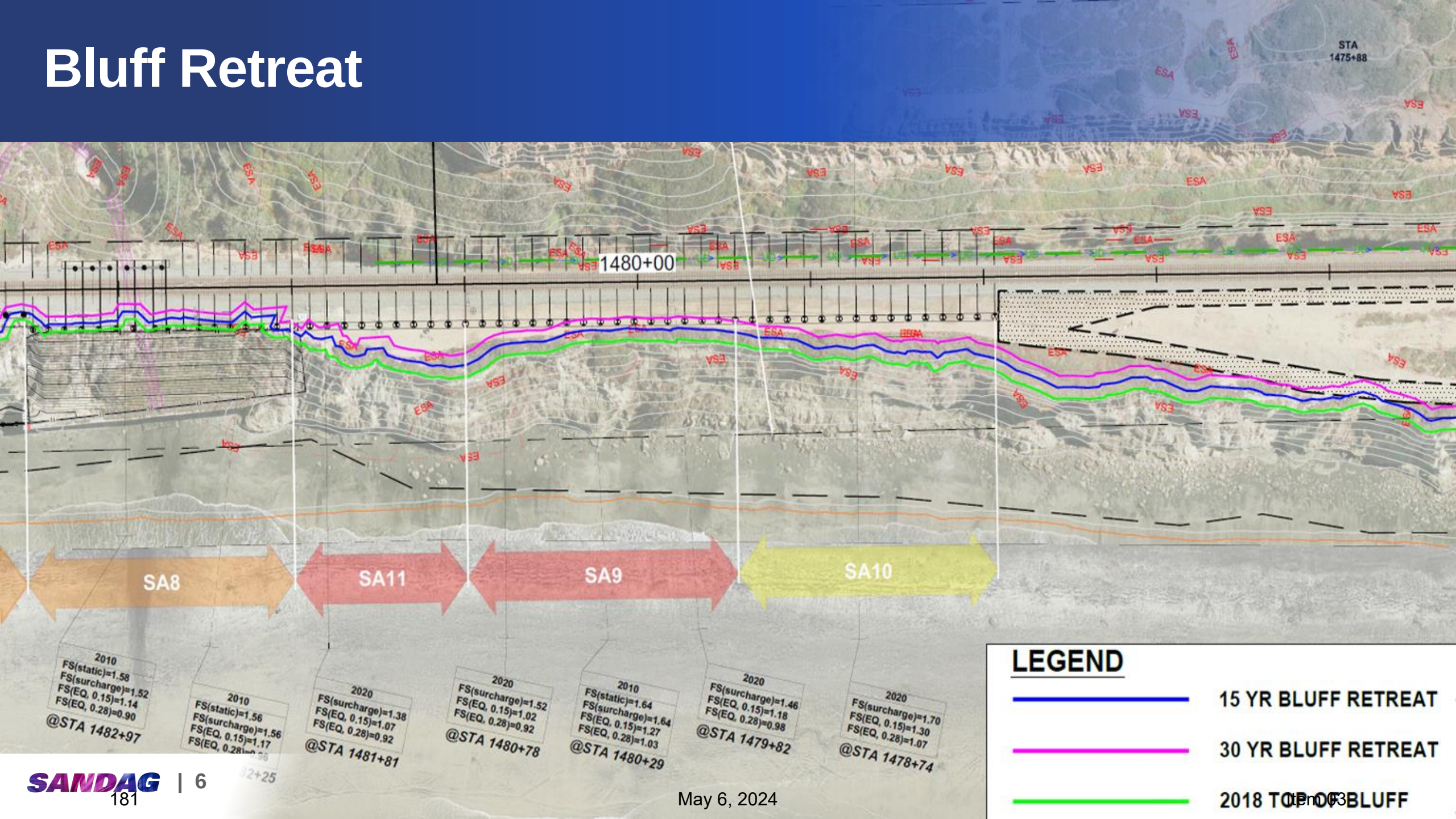
A Critical Corridor

Project Area

Del Mar, CA

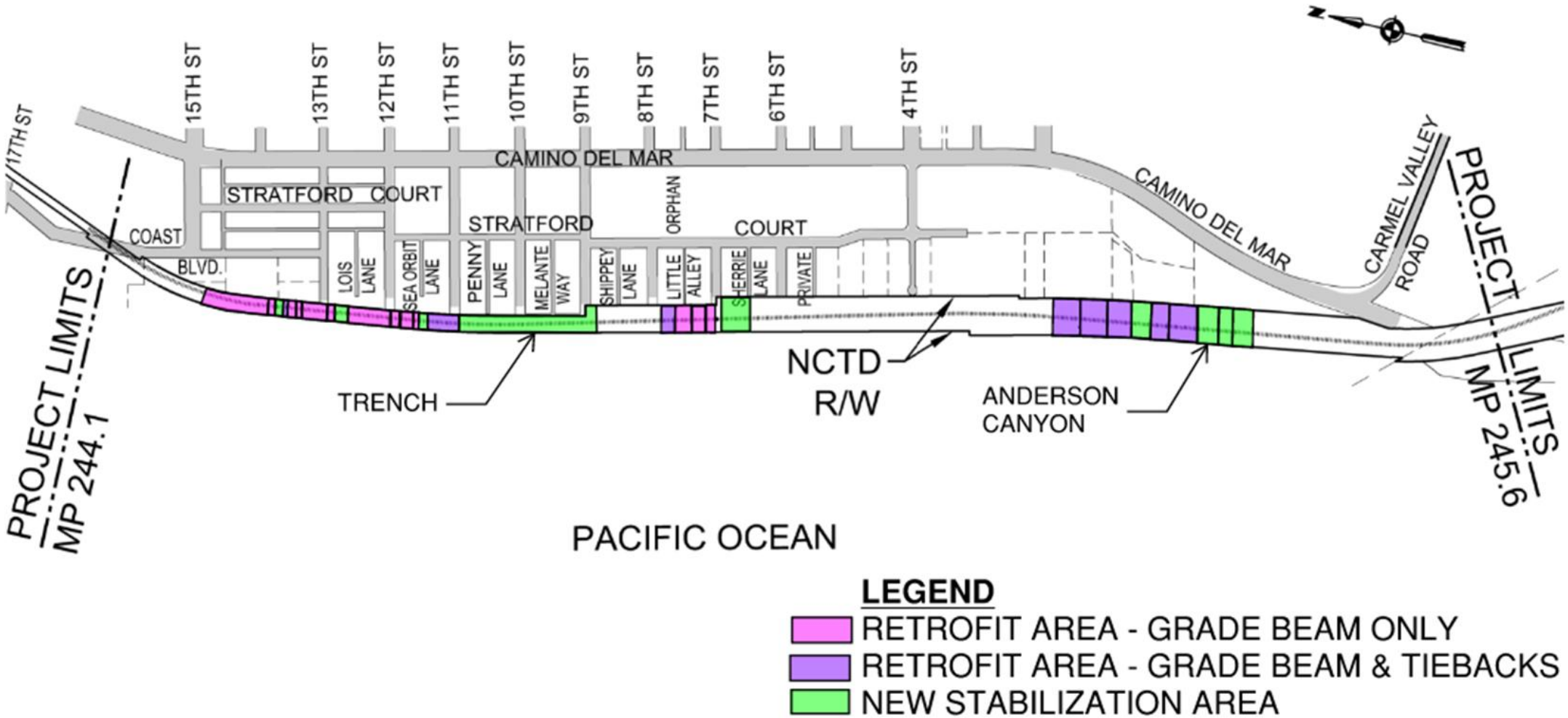


Bluff Retreat



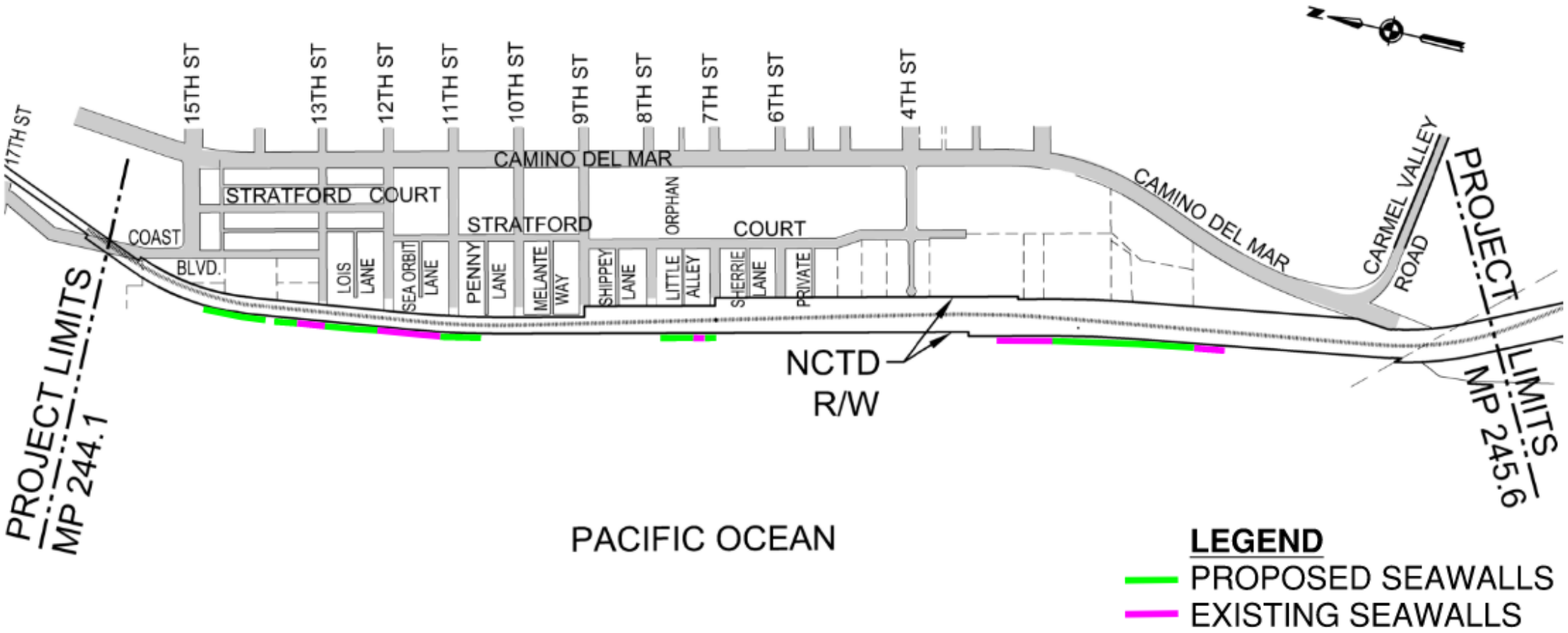
Stabilizing Rail Track

Soldier Piles (with tiebacks, where required)



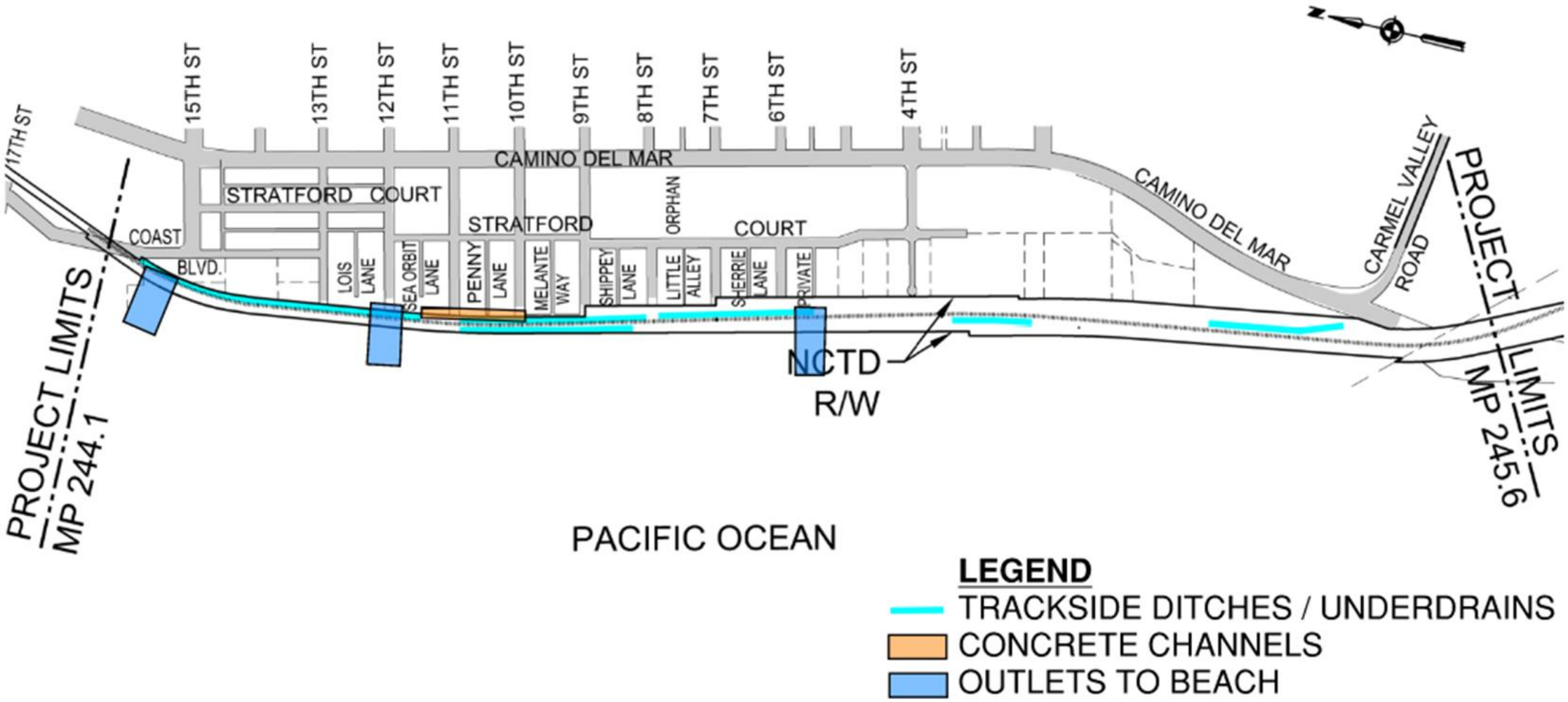
Del Mar Bluffs 5

Proposed and Existing Seawalls



Del Mar Bluffs 5

Drainage Improvements



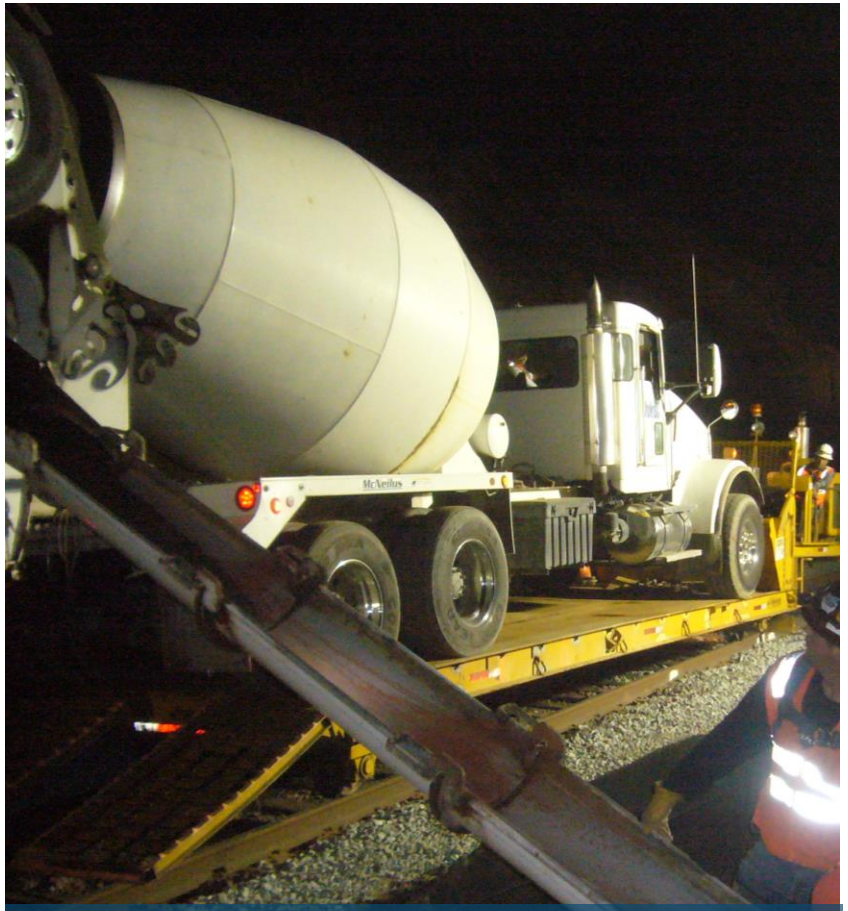
Construction

Construction Methods

Bluff Top

CIDH Pile

DMB Phase 2 & 3



Concrete Delivery

DMB Phase 2 & 3

Grade Beam Construction

DMB Phase 4

Del Mar Bluffs 5

Beach Work - Removeable Seawalls, Grading, Vegetation

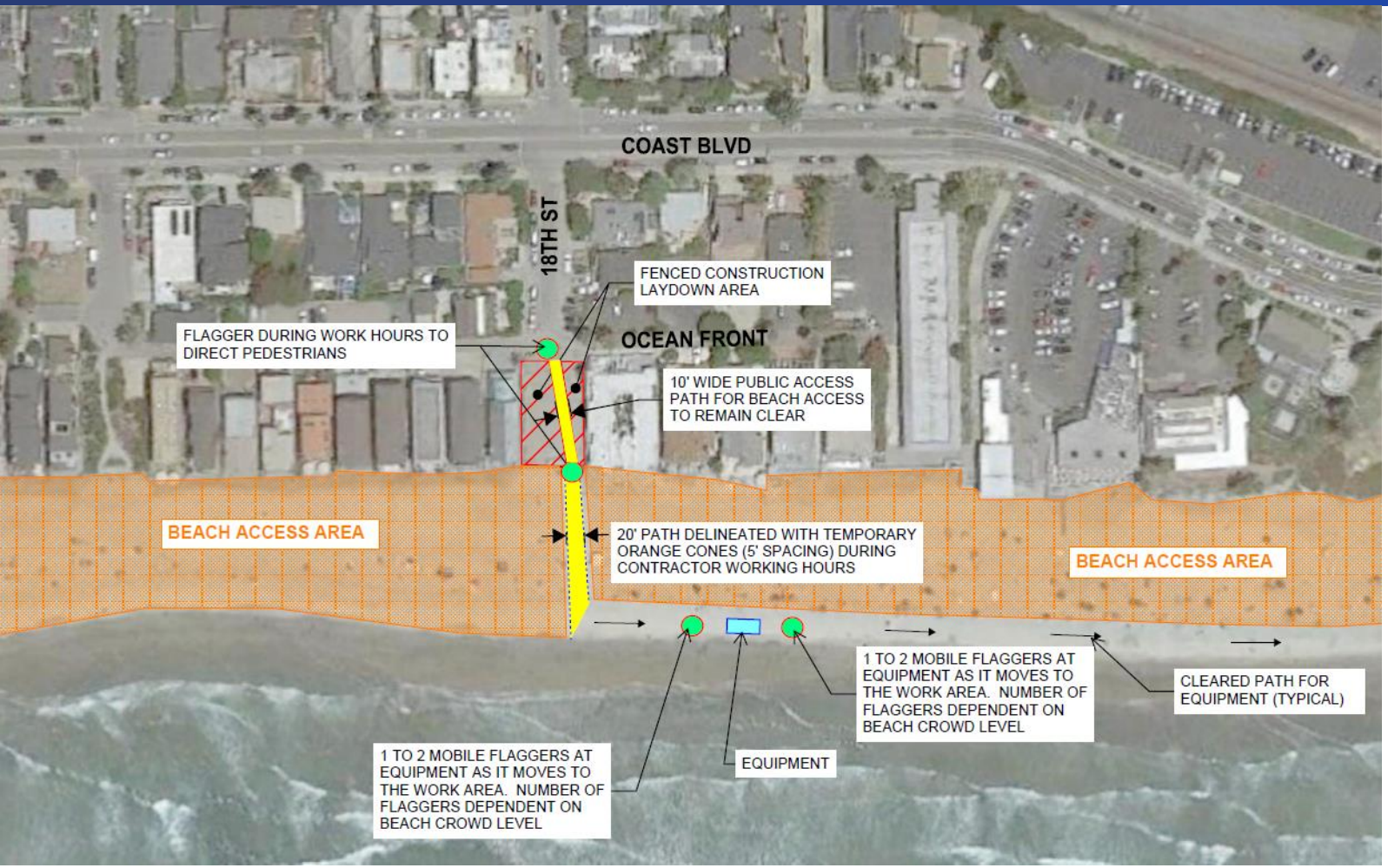
Construction Methods

Beach

- 18th Street Staging and Access
- Beach Access and Work Areas
- Work at Street Ends
- Beach Access from State Parks

Del Mar Bluffs 5

18th Street Staging Area

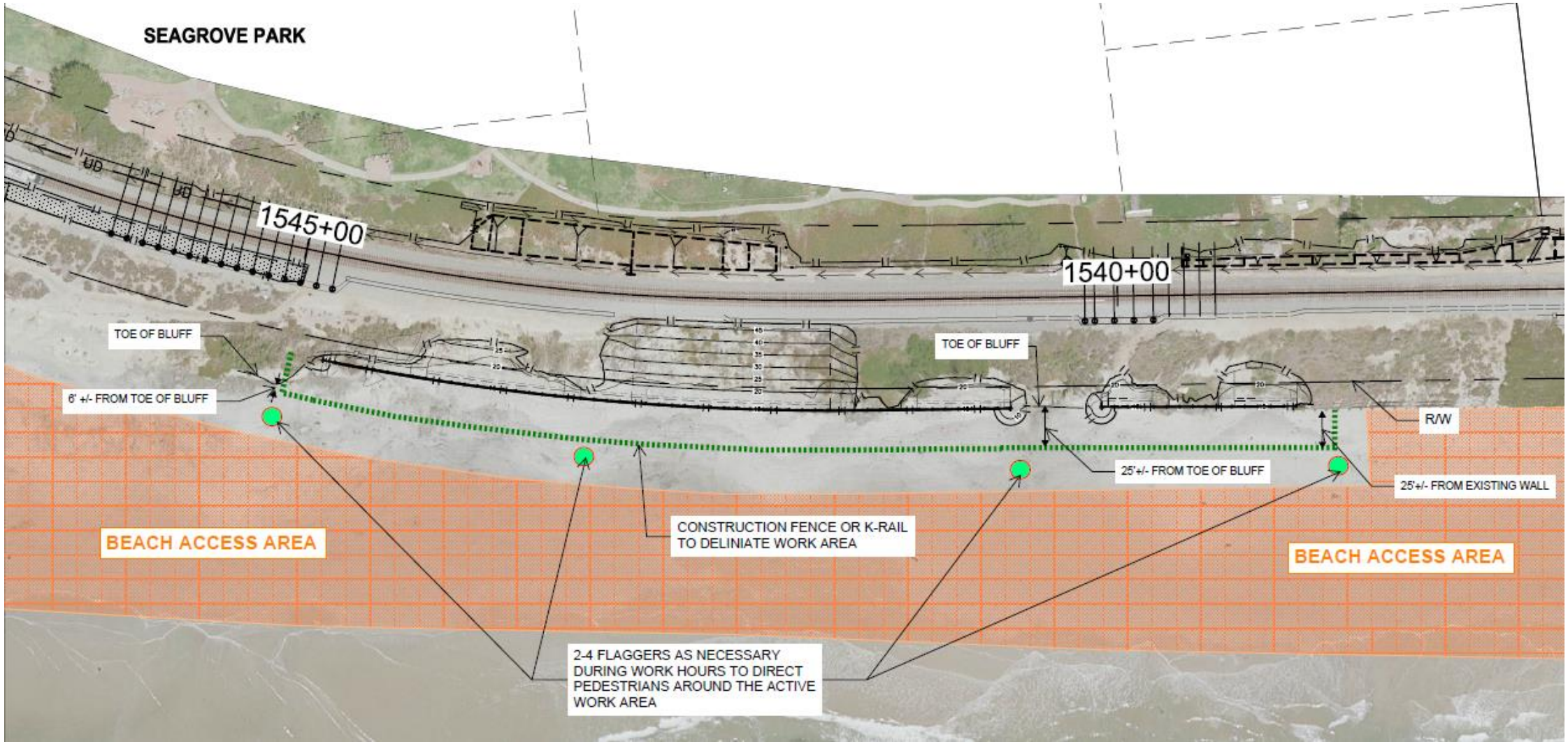


Staging and access for:

- Construction of seawall extensions
- Construction of drainage outlet on beach near 15th St
- Fill Placement and revegetation above seawalls
- Removal of existing drainage chute near 12th St
- Modification of drainage outlet on beach near 8th St
- Construction of drainage outlet on beach south of 6th St

Del Mar Bluffs 5

Example Beach Access Plan



Del Mar Bluffs 5
Street Ends

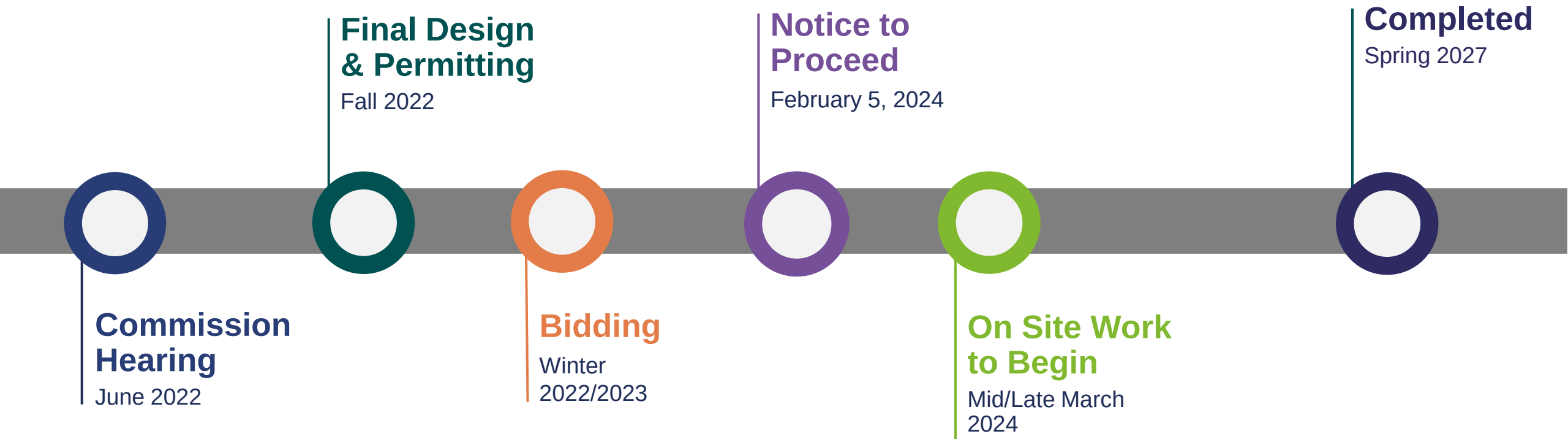
Temporary Construction Access Points:
- Coast Boulevard
- 11th Street
- 10th Street
- 4th Street
- Torrey Pines State Beach Access Road

Temporary Encroachments During Construction Work:
- 13th Street – Water line extension and irrigation control installation
- 12th Street – Construction of storm drain
- Sea Orbit Lane – Drainage improvements
- Little Orphan Alley – Irrigation control installation
- 4th Street – Drainage improvements

Del Mar Bluffs 5
Biological Mitigation

- Wetlands
  - Permanent impact to 0.18 acre of wetlands will be mitigated for at the San Dieguito Lagoon W-19 site
- Uplands
  - Sloped areas disturbed or graded during construction will be revegetated with appropriate native bluff species
- Endangered Species
  - California Gnatcatcher habitat will be avoided
- No construction will occur within 300 feet of habitat during the nesting season
  - A biologist will conduct nesting bird surveys
- Grunion
  - Construction will not occur during Grunion runs, which typically occur late at night outside of standard construction hours

Del Mar Bluffs 5 Timeline

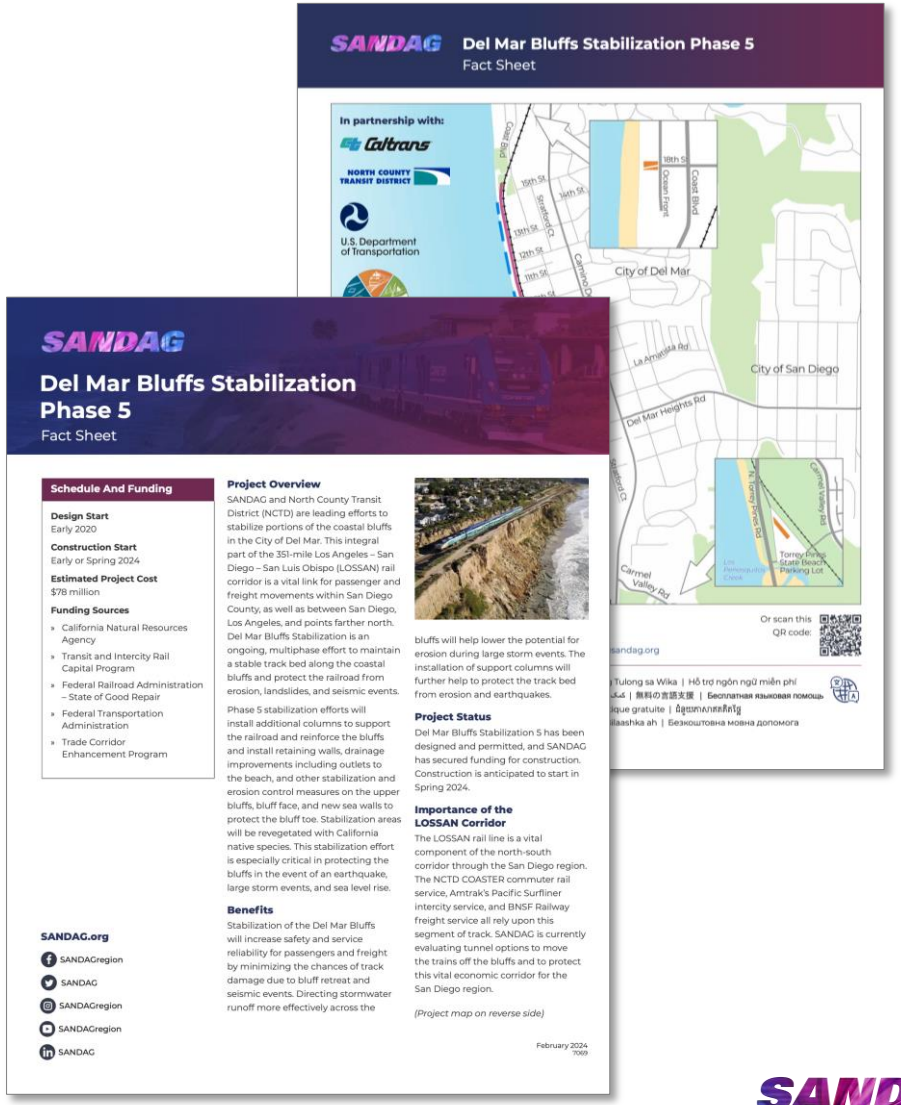


Public Outreach

Del Mar Bluffs 5
Community Outreach

Objectives

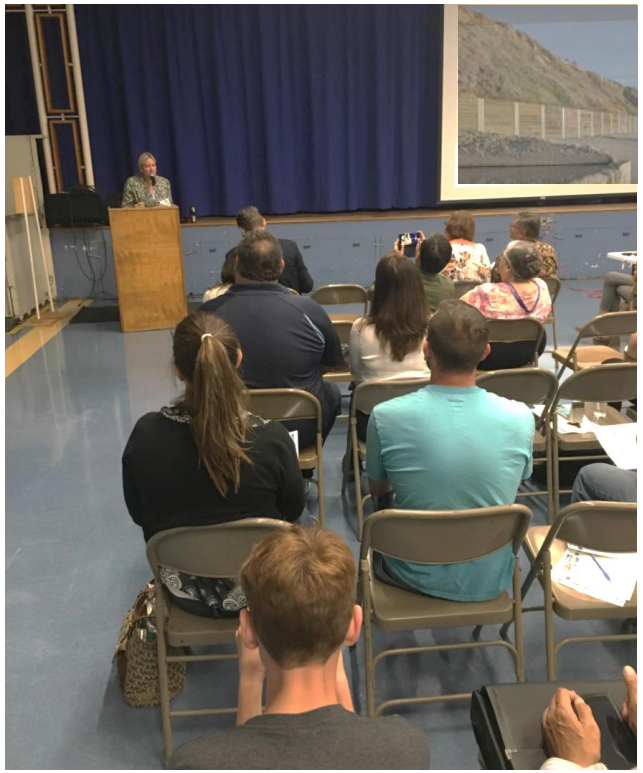
- Raise awareness
  - —bluff stabilization efforts
  - —overall corridor use and safety
- Communicate early and often
  - —surrounding residents
  - —rail corridor commuters
- Educate
  - —continued need for stabilization efforts
  - —necessity of on-going work



Del Mar Bluffs 5
Community Outreach (Cont.)

Outreach Methods

- Mailers/postcards
- Fact sheets
- Email blasts
- Social media
- Project website
- Project hotline/email
- Signage
- 3rd party coordination
- Tables at Farmers Markets
- Door-to-door outreach
- City Council meetings
- Stakeholder communications
- Press/media outreach



Hotline: (858) 549-RAIL
Email: LOSSANcorridor@SANDAG.org

Future Access Improvements

Del Mar Bluffs 5

Sand and Recreation Mitigation

Federal Coastal Consistency Certification Condition:

Carry out a capital improvement project to plan, design, environmentally review, and construct three coastal access and recreation features once agreed between SANDAG, NCTD, and City of Del Mar including:

- A pedestrian railroad crossing
- A beach accessway from the bluff top to the beach
- A blufftop trail between 4th St and Seagrove Park

Projects will be informed by Coastal Connections Planning Study.

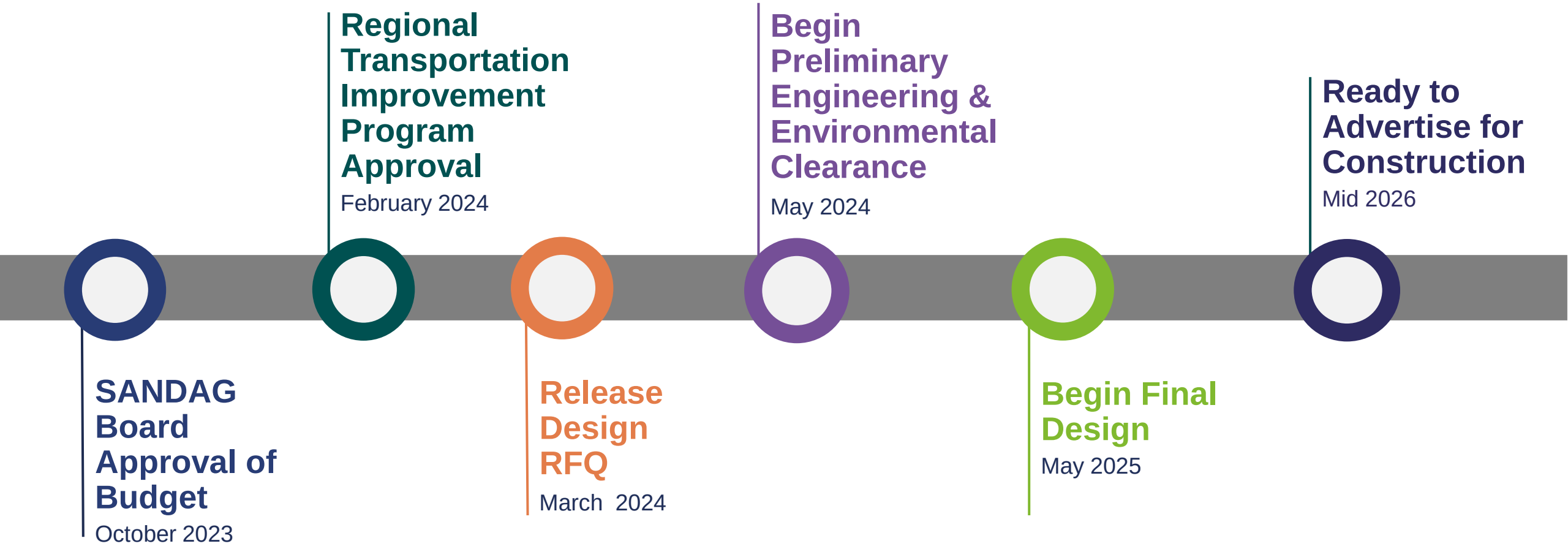
North – South Trail

- Seagrove Park to 4th St (0.8 miles)
- Accessible
- Connections to every street end (no alleys)

Undercrossing and Beach Access

- Feasible from engineering perspective
- Preferred Concept by Del Mar City Council
- Eliminates noise impacts compared to at-grade crossings
- Aligns with existing movement patterns
- Integrated with SANDAG planned seawalls

Del Mar Access Improvements Estimated Timeline



Stay connected with SANDAG

- Explore our website
  SANDAG.org
- Follow us on social media:
  @SANDAGregion @SANDAG
- Email: pio@sandag.org

DEL MAR CITY COUNCIL
SPECIAL MEETING MINUTES
CLOSED SESSION
APRIL 15, 2024
City of Del Mar Town Hall
1050 Camino del Mar, Del Mar, California

CALL TO ORDER
Mayor Druker called the meeting to order at 2:30 P.M.

ROLL CALL
Present: Mayor Dave Druker; Deputy Mayor Terry Gaasterland; Councilmembers Tracy Martinez, Dan Quirk, and Dwight Worden

CLOSED SESSION

A) Conference with Legal Counsel - Significant Exposure to Litigation
Number of Cases: Two
Description: 1) Personnel Matter; and 2) San Dieguito Drive Improvements
Authority: Government Code Section 54956.9(d)(2)
Reportable Action: None. Councilmember Quirk was recused from Item A(1) and abstained from Item A(2).

B) Real Property Negotiations
Property: San Dieguito Drive from Oribia Road to Racetrack View Drive
Negotiating Parties: City of Del Mar and San Dieguito Drive Property Owners
Under Negotiation: Potential dedication and improvement of the road and terms and conditions of the same
Authority: Government Code Section 54956.8
Reportable Action: None.

C) Conference with Legal Counsel - Initiation of Litigation
Number of Cases: One
Description: Regional Housing Needs Assessment (RHNA) Allocation
Authority: Government Code Section 54956.9(d)(4)
Reportable Action: None.

ADJOURNMENT
Mayor Druker adjourned the meeting at 4:15 P.M.

Sarah Krietor, Administrative Services Manager/
City Clerk

CITY OF DEL MAR
CITY COUNCIL REGULAR MEETING MINUTES
APRIL 15, 2024
City of Del Mar Town Hall
1050 Camino del Mar, Del Mar California 92014

The minutes set forth the actions taken by the City Council on the matters stated. Audio/video recordings of the City Council proceedings are retained for a period of ten years, in accordance with the City's Records Retention Schedule. Audio/video recordings, as well as written materials presented to the City Council, including Red Dots (materials provided to the City Council after the agenda has published), are available on the City's website at www.delmar.ca.us/AgendaCenter or by contacting the Administrative Services Department at (858) 755-9313.

CALL TO ORDER
Mayor Druker called the Regular Meeting to order at 4:30 p.m.

ROLL CALL
Present: Mayor Dave Druker; Deputy Mayor Terry Gaasterland; Councilmembers Tracy Martinez, Dan Quirk, and Dwight Worden

CITY ATTORNEY CLOSED SESSION REPORT
City Attorney Leslie Devaney reported out for the April 15, 2024, City Council Closed Session meeting. She reported that for Item A(1) Councilmember Quirk was recused. Councilmember Quirk abstained and did not participate in Item A(2). There were no reportable actions for the April 15, 2024, City Council Closed Session meeting.

PLEDGE OF ALLEGIANCE
Councilmember Worden led the Pledge of Allegiance.

PUBLIC ORAL COMMUNICATIONS
Mayor Druker opened public oral communication and the following people spoke:

1) Don Billing, San Diego Association of Governments (SANDAG), public engagement and railroad
2) Greg Rothnem, Regional Housing Needs Assessment (RHNA) allocation and State Employment Development Department (EDD) data
3) Camilla Rang, SANDAG Del Mar Bluffs Phase 5 (DMB5) Project concerns
4) Jon Imperato, Concerns regarding EDD data/RHNA allocations and DMB5 Project
5) Cristy Hahn, DMB5 Project concerns and impacts of sand dredging barge off the coast of Del Mar
6) Karl Willert, DMB5 Project concerns

Mayor Druker closed public oral communications.

CITY COUNCIL COMMENTS & COMMUNITY ANNOUNCEMENTS
Councilmember Martinez reported that the County of San Diego Board of Supervisors unanimously adopted a resolution initiated by Supervisor Terra Lawson-Remer supporting the affordable housing Exclusive Rights Negotiating Agreement (ENRA) between the City and the 22nd District Agricultural Association Board and development of housing at the Fairgrounds. Councilmember Worden requested an update from staff on the SANDAG DMB5 Project. Deputy Mayor Gaasterland provided additional comments related to the DMB5 Project and potential to place removed material on the beach. Councilmember Quirk reported on the City of San Clement and Orange County Transportation Authority

public workshops related to sea-walls, sand replenishment, and rail, and expressed desire for the City to collaborate with the City of San Clement on these issues.

CITY MANAGER'S REPORT

City Manager Ashley Jones responded to Council and community concerns related to the SANDAG DMB5 Project and reported on an upcoming tree planting event at the Fairgrounds hosted by the City and San Diego Gas & Electric on April 18, 2024, at 9:30 a.m. near the main gate on Jimmy Durante Blvd; $25,000 in grant funding received from the County of San Diego for the Riverpath Phase 3 Project; and Camino Del Mar Bridge Replacement project geotechnical boring work that will take place over the next four weeks that will provide soils and geotechnical information to be used for the bridge replacement. Principal Engineer Karen Falk answered additional questions about geotechnical boring work and reported that the bridge will remain open while the work is being done.

PRESENTATIONS

ITEM 1: PRESENTATION BY DEL MAR VILLAGE ASSOCIATION EXECUTIVE DIRECTOR JEN GROVE OF THE REGARDING SHORESAVER PILOT PROGRAM (CLERK'S FILE NO. 1404-1)

Mayor Druker introduced the item. A presentation was provided by Del Mar Village Association (DMVA) Executive Director Jen Grove.

City Council questions focused whether the program will be expanded following the completion of the pilot program; whether trash grabbers will be provided as part of the program; whether the tonnage of trash collected can be counted as part of the program; and number of baskets that will be available.

There were no public speakers for the item.

Council discussion focused on expressing appreciation to DMVA and the Del Mar Lifeguards for the efforts getting the program up and running.

CONSENT CALENDAR

Administrative Services Manager/City Clerk Sarah Krietor read the titles of the items included on the Consent Calendar. There were no public speakers for the consent calendar items.

IT WAS MOVED BY COUNCILMEMBER WORDEN, SECONDED BY DEPUTY MAYOR GAASTERLAND TO APPROVE THE CONSENT CALENDAR ITEMS 2 THROUGH 7, AND ITEM 10 WITH MAYOR DRUKER RECUSED FOR ITEM 7 (VOTE 5-0 WITH MAYOR DRUKER RECUSED FOR ITEM 7).

Ayes: Mayor Druker, Deputy Mayor Gaasterland, and Councilmembers Martinez, Quirk and Worden; Noes: 0; Recuse: Mayor Druker for Item 7 only; Absent: 0; Abstain: 0.

ITEM 2: APPROVAL OF MINUTES: APRIL 1, 2024 REGULAR AND SPECIAL MEETING (CLERK'S MINUTES BOOK)

Council approved the minutes, on consent.

ITEM 3: RATIFICATION OF LIST OF DEMANDS, DATED APRIL 15, 2024 (CLERK'S FILE NO. 201-3)

Council approved the list of demands, on consent.

ITEM 4: WAIVER OF READING OF ORDINANCES ON AGENDA (CLERK'S FILE NO. 401-4)

Council waived the reading of ordinances, on consent.

ITEM 5: AWARD OF CONSTRUCTION CONTRACT TO PRESTIGE PAVING COMPANY, INC. FOR THE 20TH STREET LIFEGUARD TOWER DRIVEWAY PROJECT (CLERK'S FILE NO. 103-6, 406-1)

Council awarded a $93,750 construction contract to Prestige Paving Company, Inc. for the 20th Street Lifeguard Tower Driveway Project; awarded a $14,875 Task Order to Dudek for Construction Management and Inspection Services; approved a 10% project contingency of $9,375; authorized the City Manager to execute the required documents and any contract changes necessary to complete the work; and amended the Fiscal Year 2023-2024 Operating and Capital Budget as described in the Fiscal Impact Section of this report, on consent.

ITEM 6: AMENDMENT TO THE TRAFFIC AND PARKING ADVISORY COMMITTEE WORK PLAN (CLERK'S FILE NO. 401-5)

Council approved the revised Fiscal Year (FY) 2024-25 TPAC Work Plan, on consent.

ITEM 7: SECOND READING OF AN ORDINANCE TO AMEND THE ZONING CODE AND CERTIFIED LOCAL COASTAL PROGRAM TO INCREASE DENSITY IN THE CENTRAL COMMERCIAL AND PUBLIC FACILITIES ZONES TO IMPLEMENT HOUSING ELEMENT PROGRAMS 1C AND 1H (CLERK'S FILE NO. 304-7, 401-4, 401-9)

Mayor Druker was recused from the item due to living within 500 feet of the subject matter of that discussion. Council adopted Ordinance 1006, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, AMENDING THE DEL MAR MUNICIPAL CODE (ZONING CODE) CHAPTER 30.22 CENTRAL COMMERCIAL (CC) ZONE REGULATIONS AND CHAPTER 30.31 PUBLIC FACILITIES (PF) ZONE; AND THE CITY'S CERTIFIED LCP ALL RELATING TO IMPLEMENTATION OF THE 6TH CYCLE HOUSING ELEMENT PROGRAMS 1C (CC ZONE) AND 1H (PF ZONE)", to increase the local housing stock capacity also required per California Government Code Section 65863, on consent.

COMMISSION AND COMMITTEE INTERVIEWS

ITEM 8: DESIGN REVIEW BOARD INTERVIEW AND APPOINTMENT (CLERK'S FILE NO. 401-5)

Mayor Druker introduced the item. Administrative Services Manager/City Clerk Krietor provided a brief presentation describing the interview and voting process.

There were no public speakers for the item.

IT WAS MOVED BY COUNCILMEMBER WORDEN SECONDED BY MAYOR DRUKER TO CONTINUE THE ITEM TO CONSIDER A THIRD APPLICANT WHOSE APPLICATION WAS RECEIVED AFTER THE DEADLINE. (VOTE 2-3) MOTION FAILED WITH DEPUTY MAYOR GAASTERLAND AND COUNCILMEMBERS MARTINEZ AND QUIRK VOTING NO.

Ayes: Mayor Druker and Councilmember Worden; Noes: Deputy Mayor Gaasterland and Councilmembers Martinez and Quirk; Recuse: 0; Absent: 0; Abstain: 0.

City Council interviewed the applicants Hendrik Jensen and Steve Mitgang and voted on the appointment. The first round of voting did not result in any applicant receiving the three votes required to be appointed to the Design Review Board. Mayor Druker and Councilmember Worden abstained from voting; Deputy Mayor Gaasterland and Councilmember Martinez voted for Hendrik Jensen; and Councilmember Quirk voted to appoint Steve Mitgang.

IT WAS MOVED BY COUNCILMEMBER QUIRK, SECONDED BY DEPUTY MAYOR GAASTERLAND TO VOTE AGAIN DUE TO LACK OF MAJORITY VOTES. (VOTE 3-2, WITH MAYOR DRUKER AND COUNCILMEMBER WORDEN VOTING NO).

Ayes: Deputy Mayor Gaasterland, Councilmembers Martinez and Quirk; Noes: Mayor Druker and Councilmember Worden; Recuse: 0; Absent: 0; Abstain: 0.

COUNCILMEMBER WORDEN MADE A SUBSTITUTE MOTION, SECONDED BY MAYOR DRUKER TO CONTINUE THE ITEM. (VOTE 2-3) MOTION FAILED WITH DEPUTY MAYOR GAASTERLAND, COUNCILMEMBERS MARTINEZ AND QUIRK VOTING NO.

Ayes: Mayor Druker, and Councilmember Worden; Noes: Deputy Mayor Gaasterland and Councilmembers Martinez and Quirk; Recuse: 0; Absent: 0; Abstain: 0.

Council voted again and the second round of voting did not result in an applicant receiving the required three votes to be appointed to serve on the DRB. Mayor Druker and Councilmember Worden abstained from voting; Deputy Mayor Gaasterland and Councilmember Martinez voted for Hendrik Jensen; and Councilmember Quirk voted to appoint Steve Mitgang.

IT WAS MOVED BY DEPUTY MAYOR GAASTERLAND, SECONDED BY COUNCILMEMBER QUIRK TO VOTE FOR A THIRD TIME. (VOTE 3-2, WITH MAYOR DRUKER AND COUNCILMEMBER WORDEN VOTING NO).

Ayes: Deputy Mayor Gaasterland, Councilmembers Martinez and Quirk; Noes: Mayor Druker and Councilmember Worden; Recuse: 0; Absent: 0; Abstain: 0.

In the third round of voting, Deputy Mayor Gaasterland and Councilmembers Martinez and Quirk voted to appoint Hendrik Jensen to the DRB to serve a full four-year term beginning April 15, 2024, and ending April 30, 2028. Mayor Druker and Councilmember Worden abstained from voting.

PUBLIC HEARING

ITEM 9: INTRODUCTION OF DENSITY BONUS ORDINANCE TO IMPLEMENT STATE LAW AND HOUSING ELEMENT PROGRAM 1G (CLERK'S FILE NO. 304-7, 401-4, 401-9)

DRAFT

An introduction to the item was provided by City Manager Jones. A presentation was provided by Principal Planner Amanda Lee. Planning and Community Development Director Karen Brindley, and Assistant City Attorneys Wendy House and Ralph Hicks were available to answer questions.

Council questions focused on senior housing; concessions and waivers; incentives; pre-application process; density bonus ordinance in relation to the California Coastal Act; equity sharing agreement; sale of deed restricted affordable housing/condo units; severability section of the proposed ordinance; height waivers; and floor to area ratio waivers.

There were no public speakers.

Council discussion focused on the amendment proposed by Councilmember Worden to Del Mar Municipal Code (DMMC) section 30.90.010 – Purpose, which was read into the record by Councilmember Worden (page 3 of 16 of the ordinance); requirements being imposed on the City by the State; California Coastal Commission's unanimous vote to oppose amendments to the density bonus law that would undermine the California Coastal Act; and appreciation to staff for their work on this item.

IT WAS MOVED BY COUNCILMEMBER WORDEN, SECONDED BY DEPUTY MAYOR GAASTERLAND TO INTRODUCE AN ORDINANCE TO REPEAL AND REPLACE THE EXISTING DENSITY BONUS REGULATIONS IN DEL MAR MUNICIPAL CODE (DMMC) DENSITY BONUS CHAPTER 30.90 IN COMPLIANCE WITH THE CITY'S CERTIFIED 6TH CYCLE HOUSING ELEMENT (2021-2029) PROGRAM 1G AND STATE DENSITY BONUS LAW (CALIFORNIA GOVERNMENT CODE SECTIONS 65915, ET SEQ.), WITH THE AMENDMENT READ INTO THE RECORD BY COUNCILMEMBER WORDEN (VOTE 5-0)

Ayes: Mayor Druker, Deputy Mayor Gaasterland, and Councilmembers Martinez, Quirk and Worden; Noes: 0; Recuse: 0; Absent: 0; Abstain: 0.

ITEM 10: RESOLUTION APPROVING THE DEL MAR PROJECTS FOR INCLUSION IN THE TRANSNET LOCAL STREET IMPROVEMENT PROGRAM OF PROJECTS FOR FISCAL YEARS 2024-2025 THROUGH 2028-2029 (CLERK'S FILE NO. 901-5, 1506-1)

There were no public speakers for the item. Mayor Druker opened and closed the public hearing and the item was moved to the Consent Calendar for approval of Resolution 2024-13, "A RESOLUTION OF THE OF THE CITY OF DEL MAR, CALIFORNIA, ADOPTING THE LIST OF DEL MAR PROJECTS FOR INCLUSION IN THE TRANSNET LOCAL STREET IMPROVEMENT PROGRAM OF PROJECTS FOR FISCAL YEARS 2025 THROUGH 2029", as part of the Regional Transportation Improvement Program.

COUNCIL MEETING RECESS:
The City Council took a meeting recess from approximately 7:45 p.m. to 7:51 p.m.

CITY COUNCIL OTHER BUSINESS

ITEM 11: SAN DIEGUITO DRIVE IMPROVEMENTS PROJECT UPDATE, ENGINEER'S REPORT RELATED TO PROJECT BENEFITS, AND PROPOSITION 218 RESOLUTIONS (CLERK'S FILE NO. 201-10, 401-7, 801-1)

An introduction to the item was provided by City Manager Jones. A presentation was provided by Project Manager II Martin Boyd and SCI Consulting President John Bliss. Assistant City Attorney Ralph Hicks and City Manager Jones were available to answer questions.

Council questions focused on drivable road widths; project contingency; timing for initiating the levy if the assessment district is approved by voters; timing for the construction contract award; clarification on the permitting process including whether a Coastal Development Permit (CDP) is required for this project; whether cost for a CDP is included in the project budget; status of the project's environmental review process; options for handling any savings from the project; rationale as to why Proposition 218 excludes increase in property value as a consideration when forming an assessment; payment of the assessment through property tax; rationale for developing the assessment by parcel; vote required to pass benefit assessment; whether the Council can require a higher voting requirement than is required by Proposition 218; whether private Oribia Road was engaged as part of the process; whether a minimum number of respondents/voters is required by Proposition 218; City communication efforts to reach voters in the proposed assessment district; and voting process.

Mayor Druker opened the item to public comment and the following people spoke:

1) Amy Cheshire with a donation of time from Greg Rothnem
2) Reid Westburg

Mayor Druker closed the item to public comment.

Council discussion focused on appreciation to staff for their work on the project and their presentation; benefit of providing an interest free assessment to residents on San Dieguito Drive and Oribia Road; rational for the proportionality included in the project benefit analysis completed by SCI; efficiencies gained by coordinating the San Dieguito Drive and X1A undergrounding project; public benefits associated with the proposed project; cost and approach of the project; City process for repaving roads in the City's existing street/roadway system and the Pavement Condition Assessment and paving management plan approved by the City Council on March 4, 2024; rational to how the per property assessment was decided versus other methods that may have been available.

IT WAS MOVED BY DEPUTY MAYOR GAASTERLAND, SECONDED BY COUNCILMEMBER MARTINEZ, TO ADOPT RESOLUTION 2024-14 AS AMENDED BY THE STAFF RED DOT, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, PROVIDING INTENTION TO LEVY ASSESSMENTS FOR FISCAL YEAR 2024-25, PRELIMINARILY APPROVING THE ENGINEER'S REPORT, AND PROVIDING FOR NOTICE OF HEARING, AND THE MAILING OF ASSESSMENT BALLOTS FOR THE SAN DIEGUITO DRIVE IMPROVEMENT DISTRICT". (VOTE 4-1, WITH COUNCILMEMBER QUIRK OPPOSED)

Ayes: Mayor Druker, Deputy Mayor Gaasterland, and Councilmembers Martinez, and Worden; Noes: Councilmember Quirk; Recuse: 0; Absent: 0; Abstain: 0.

IT WAS MOVED BY MAYOR DRUKER, SECONDED BY COUNCILMEMBER WORDEN TO ADOPT RESOLUTION 2024-15, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, ADOPTING PROCEDURES FOR THE PROPOSITION 218 ASSESSMENT BALLOT PROCEEDINGS FOR THE SAN DIEGUITO DRIVE IMPROVEMENT DISTRICT". (VOTE 4-1 WITH COUNCILMEMBER QUIRK OPPOSED)

Ayes: Mayor Druker, Deputy Mayor Gaasterland, and Councilmembers Martinez, and Worden; Noes: Councilmember Quirk; Recuse: 0; Absent: 0; Abstain: 0.

ITEM 12: COUNCIL CONSIDERATION TO CENSURE COUNCIL MEMBER DANIEL QUIRK FOR PERSONAL VIOLATIONS OF THE BROWN ACT, CITY COUNCIL POLICIES, DEL MAR MUNICIPAL CODE, AND RELATED MISCONDUCT (CLERK'S FILE NO. 101-2, 401-1)

An introduction to the item was provided by Mayor Druker. A presentation was provided by Special Counsel Irma Moisa.

Council questions focused on relationship between special counsel and the investigator; statement that the investigator and special counsel worked independently and were not directed by the City Council in any capacity; whether special counsel believes the investigation was conducted without bias; background of the investigator and special counsel; considerations related to the "guardrails" included in the proposed censure resolution; whether the proposed "guardrails" are commonly used to maintain respectful and productive employee/employer relationships; legal obligation of the City as an employer to provide a respectful work environment free of harassment; cost of the investigation; whether there was an initial investigator prior to the City hiring Ms. Kelepecz; inability of the first investigator to complete their investigation and need to hire a second investigator; whether the first investigator completed a draft report; schedule of San Dieguito Drive neighborhood and public meetings in July, August and September 2024; witness interviews; project costs and timelines for various City Capital Improvement Projects (CIP); and whether all Councilmembers read the investigators report.

Mayor Druker opened the item to public comment and the following people spoke:
1) Suren Dutia with a donation of time from Jas Grewal
2) Steve Quirk
3) Karen Lare

Mayor Druker closed the item to public comment.

Councilmember Quirk left the meeting at 9:08 p.m.

Council discussion and comments focused on appreciation and support for the City Manager; investigator's assessment that Councilmember Quirk was "credibility challenged"; appreciation to Special Counsel and the investigator for their work managing the investigation process; concerns related to Councilmember Quirk's Brown Act violations and related legal liabilities; concerns related to Councilmembers Quirk's violation of the City Manager's Employment Agreement, City Council and City Manager Guiding Principles, and Del Mar Municipal Code (DMMC) related to the division of the roles and responsibilities of the City Manager and City Council; concerns regarding Councilmember Quirk's interaction with staff in multiple City departments that violated the DMMC, City Manager's Employment agreement and City Council and City Manager Guiding Principles; concern that Councilmember Quirk may not change his behavior after completion of the investigation and desire for the City Council to take action via the proposed censure resolution to protect the City Manager and staff and maintain a respectful work environment for City employees; free speech rights of the Council as a body and Councilmembers as individuals; need for Council and staff to work within the established rules and framework; Councilmember Quirk's disrespectful and disparaging conduct directed towards staff and City consultants observed by other City Council members and described in the investigation report; concerns regarding Councilmember Quirk's tone of discourse when interacting with staff, including the other designated Council liaison on Councilmember Quirk's communications and meetings with staff; and Councilmember's attempts to meet with Councilmember Quirk to address concerns regarding his behavior.

Mayor Druker provided City Manager Jones the opportunity to comment. City Manager Jones provided comments regarding the roles and responsibilities of the City Manager and City Council; her role as City Manager to ensure that she and staff implement the direction provided by the full City Council in the public forum and not to take direction provided by individual Councilmembers; and expressed desire to work collaboratively with the entire City Council to address the important issues and challenges facing Del Mar.

Deputy Mayor Martinez provided closing comments focused on City Councilmembers' obligation to work together on behalf of the City, its residents, and City staff; Councilmember Quirk's repeated disrespectful behavior towards City staff; Councilmembers' obligation to protect the City from liability associated with Deputy Mayor Quirk's actions; and desire to move forward.

IT WAS MOVED BY COUNCILMEMBER WORDEN, SECONDED BY COUNCILMEMBER MARTINEZ TO ADOPT RESOLUTION 2024-16, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, CENSURING COUNCIL MEMBER DANIEL QUIRK FOR PERSONAL VIOLATIONS OF THE BROWN ACT, COUNCIL POLICIES, DEL MAR MUNICIPAL CODE, AND RELATED MISCONDUCT". (VOTE 4-0-1, WITH COUNCILMEMBER QUIRK ABSENT)

Ayes: Mayor Druker, Deputy Mayor Gaasterland, and Councilmembers Martinez, and Worden; Noes: 0; Recuse: 0; Absent: Councilmember Quirk; Abstain: 0.

REGIONAL ORGANIZATION AND COUNCIL COMMITTEES/SUBCOMMITTEES/COMMUNITY ORGANIZATION REPORTS

This item was deferred to the May 6, 2024 City Council meeting.

ADJOURNMENT

Mayor Druker adjourned the meeting at 9:29 p.m.

_____

Sarah Krietor, Administrative Services Manager/
City Clerk

DRAFT

DEL MAR CITY COUNCIL
SPECIAL MEETING MINUTES
RETREAT WORKSHOP
APRIL 22, 2024
Hotel Indigo
710 Camino del Mar, Del Mar, California

CALL TO ORDER
Mayor Druker called the meeting to order at 8:57 A.M.

ROLL CALL
Present: Mayor Dave Druker; Deputy Mayor Terry Gaasterland; Councilmembers Tracy Martinez and Dwight Worden; City Manager Ashley Jones; and Assistant City Manager Clem Brown

Absent: Councilmember Dan Quirk

CITY COUNCIL BUSINESS
The Mayor welcomed those in attendance and opened the meeting for public comment. There were no public speakers. There was one member of the public present, but they did not wish to speak.

The facilitator, Sommer Kehrli, Ph.D., with The Centre for Organization Effectiveness, gave an overview of the agenda that included a discussion of the Council's individual and collective strengths, overview of the City Council – City Manager form of government and the six roles of a governing body, various governance roles in reaching effective partnerships with other agencies, and an open discussion on specific Council items that were informed by pre-retreat interviews. The Council, City Manager, and Assistant City Manager participated in several group exercises using the results of their individual CliftonStrengths assessments with the goal of increasing self-awareness, better understanding what each is bringing to the team, and enhancing performance.

The retreat concluded with an open discussion on several topics including how to streamline City Council meetings to encourage more participation by the public; importance of Councilmembers communicating their questions and concerns about topics to be considered by the Council to the City Manager in advance of the Council meeting; importance of Councilmembers keeping each other informed about their regional and local appointments and interest in using a written report template that could be included in the Council agenda packet; shortening staff presentations when appropriate; and consideration to include more items on the Consent Calendar.

ADJOURNMENT
Mayor Druker adjourned the meeting at 2:10 P.M.

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Clem Brown, Assistant City Manager

LIST OF DEMANDS

CITY OF DEL MAR
for
City Council Meeting
May 6, 2024

Vendor Payment Checks		$ 639,973.48
Voids		(25,658.74)
Electronic Fund Transfers (EFT)		991,859.81
Electronic Wires		3,832.83
	Total	$ 1,610,007.38

Approved by:

Monica Molina
Finance Manager/Treasurer

Date:
4/29/2024

Approved by:

Dave Druker
Mayor

Date:

Attachments: Check Registers

Bank : eusbnk EFT GENERAL ACCOUNT US E

Check #	Date	Vendor		Invoice	Inv Date	Description	Amount Paid	Check Total
5804	4/12/2024	kay01	ADAM KAYE	MAR-24	3/1/2024	COMM SRVCS MAR	3,600.00	3,600.00
	Voucher:	5804						
5805	4/12/2024	avi03	AVI SYSTEMS INC	88951575	3/31/2024	A/V INTEGRATION	7,804.40	7,804.40
	Voucher:	5805						
5806	4/12/2024	sun07	CENTRALSQUARE TECH LLC	402606	2/1/2024	TRAKIT Q3 ACCESS FEE	5,055.47	
	Voucher:	5806		398193	12/4/2023	ETRAKIT	2,887.50	7,942.97
5807	4/12/2024	civ02	CIVIC SOLUTIONS INC	103487	4/1/2024	CONSULTING SRVCS MAR	13,095.00	13,095.00
	Voucher:	5807						
5808	4/12/2024	phi01	CLEAN EARTH	72404059953	3/27/2024	HSHLD HAZ WASTE FEB	373.92	373.92
	Voucher:	5808						
5809	4/12/2024	cof01	COFFEE AMBASSADOR, INC.	INV45294	3/28/2024	COFFEE - PW	276.19	276.19
	Voucher:	5809						
5810	4/12/2024	cor11	CORODATA MEDIA STORAGE	DS1308163	3/31/2024	STORAGE SRVCS MAR	233.33	233.33
	Voucher:	5810						
5811	4/12/2024	cor07	CORODATA RECORDS MGT IN	RS5000860	3/31/2024	STORAGE SRVCS MAR	155.36	155.36
	Voucher:	5811						
5812	4/12/2024	cor22	CORVEL CORPORATION	1579238	3/31/2024	MED MAINT FEE - MAR	250.00	250.00
	Voucher:	5812						
5813	4/12/2024	cos06	COSCO FIRE PROTECTION IN	1000660072	3/25/2024	MAINT/REPAIR SERVICE CAL	711.00	711.00
	Voucher:	5813						
5814	4/12/2024	del02	DEL MAR BLUE PRINT CO, IN	597340	3/27/2024	PRE HOSPITAL RUN SHEETS	361.05	361.05
	Voucher:	5814						
5815	4/12/2024	dix01	DIXIELINE LUMBER CO	06-0548153	4/3/2024	PACKING TAPE PRKG ENF	26.72	
	Voucher:	5815		06-0539302	1/26/2024	SMALL TOOLS PW	14.06	40.78
5816	4/12/2024	fer07	FERGUSON ENTERPRISES LL	0849816	3/28/2024	WATER METER PARTS	649.85	649.85
	Voucher:	5816						
5817	4/12/2024	ips02	IPS GROUP INC	INV95572	3/31/2024	PRKG MTR TRANS FEE MAR	3,524.49	3,524.49
	Voucher:	5817						
5818	4/12/2024	man12	MANERI TRAFFIC CONTROL II	21025	3/31/2024	CUSTOM TRAFFIC SIGNS PW	339.30	339.30
	Voucher:	5818						

Bank : eusbnk EFT GENERAL ACCOUNT US E (Continued)

Check #	Date	Vendor		Invoice	Inv Date	Description	Amount Paid	Check Total
5819	4/12/2024	mik03	MIKHAIL OGAWA ENGINEERIN	11331	4/1/2024	CLEAN WATER SRVCS MAR	21,648.66	
	Voucher:	5819		11334	4/1/2024	FOG SRVCS MAR	1,632.62	
				11335	4/1/2024	TRASH CAP DEV MAR	1,579.99	
				11333	4/1/2024	TRASH DEV CLEAN WATER -	823.82	
				11332	4/1/2024	SAN DIEGUITO TMDL MAR	767.99	26,453.08
5820	4/12/2024	par51	PARKWOOD LANDSCAPE MAI	106966	3/31/2024	LANDSCAPNG SRVCS MAR	16,950.00	16,950.00
	Voucher:	5820						
5821	4/12/2024	pit06	PITNEY BOWES INC	1025001315	3/15/2024	POSTAGE MACHINE SUPP M/	81.23	81.23
	Voucher:	5821						
5822	4/12/2024	pru01	PRUDENTIAL OVERALL SUPP	132245833	3/29/2024	UNIFORMS PW	73.73	73.73
	Voucher:	5822						
5823	4/12/2024	san03	SAN DIEGO COUNTY WATER	0224-2	3/11/2024	RAW WATER FEB	100,495.30	100,495.30
	Voucher:	5823						
5824	4/12/2024	san56	SAN ELIJO JOINT POWERS, A	03042024	3/4/2024	OPERATIONS & MAINT 4Q	287,553.00	287,553.00
	Voucher:	5824						
5825	4/12/2024	tow05	TOWNSEND PUBLIC AFFAIRS	21441	4/1/2024	LEGISLATIVE SRVCS APR	3,500.00	3,500.00
	Voucher:	5825						
5826	4/12/2024	wea05	WEATHERPROOFING TECHN	97532037	3/21/2024	PATCH/REPAIR CH ROOF	7,499.23	7,499.23
	Voucher:	5826						

Sub total for EFT GENERAL ACCOUNT US BANK: 481,963.21

Bank : gusbnk GENERAL ACCOUNT US BANK

Check #	Date	Vendor		Invoice	Inv Date	Description	Amount Paid	Check Total
138040	4/12/2024	zep01	ACUITY SPECIALTY PRODUCT	9009632646	4/1/2024	CLEANING SUPP FIRE	576.81	576.81
	Voucher:	138040						
138041	4/12/2024	amb03	AMBERWICK CORP	66723	3/1/2024	HAZARDOUS WASTE DISPOS	1,179.23	
	Voucher:	138041		66722	3/1/2024	HAZARDOUS WASTE DISPOS	1,004.00	2,183.23
138042	4/12/2024	ame02	AMERICAN WATER WORKS	7002173651	11/20/2023	MBRSHP P KIEFER 3/01/24-2/	501.00	501.00
	Voucher:	138042						
138043	4/12/2024	asc03	ASCENT ENVIRONMENTAL IN	20230114.01-6	3/27/2024	CONSULTING SRVCS FEB	18,134.60	18,134.60
	Voucher:	138043						
138044	4/12/2024	sbc03	AT&T	9391059863	4/1/2024	TELEPHONE MAR	453.81	453.81
	Voucher:	138044						
138045	4/12/2024	sbc03	AT&T	9391065053	3/27/2024	TELEPHONE MAR	27.79	27.79
	Voucher:	138045						
138046	4/12/2024	cal67	CALIFORNIA BUILDING STAN	JAN - MAR 2024	4/10/2024	BLDG STANDARDS FEE JAN/I	319.00	319.00
	Voucher:	138046						
138047	4/12/2024	cin02	CINTAS	5204642271	4/1/2024	FIRST AID KIT SUPP PW	196.66	196.66
	Voucher:	138047						
138048	4/12/2024	sol01	CITY OF SOLANA BEACH	220766	2/28/2024	FIRE RESOURCE POOL Q1/Q	37,793.04	37,793.04
	Voucher:	138048						
138049	4/12/2024	coa21	COAST NEWS GROUP	00152103	3/22/2024	AD NOTICE INVITING BIDS	510.00	
	Voucher:	138049		00152189	3/29/2024	AD PUBLIC HEARING	367.50	
				00152102	3/22/2024	AD PUBLIC HEARING	127.50	
				00152218	4/5/2024	AD PUBLIC HEARING	105.00	
				00152196	3/29/2024	AD PLANNING COMM AGEND	82.50	
				00152297	4/5/2024	AD ORDIN INTRO	60.00	1,252.50
138050	4/12/2024	cou01	COUNTY OF SAN DIEGO	FEB-24	4/3/2024	PARKING BAIL FEB	23,303.50	23,303.50
	Voucher:	138050						
138051	4/12/2024	del06	DEL MAR AUTOMOTIVE SERV	47262	4/2/2024	BEACH CLEANER BATTERY	194.73	194.73
	Voucher:	138051						
138052	4/12/2024	dep07	DEPT OF CONSERVATION	JAN - MAR 2024	4/10/2024	SMIP FEES JAN/MAR	1,178.00	1,178.00
	Voucher:	138052						
138053	4/12/2024	enc06	ENCINITAS GLASS COMPANY	051233	4/3/2024	GLASS INSTALL M RATHSAM	1,459.91	1,459.91
	Voucher:	138053						
138054	4/12/2024	fas03	FASTENAL COMPANY	CASAD77596	3/26/2024	FACILITY MAINT SUPP PW	292.97	292.97
	Voucher:	138054						

Bank : gusbnk GENERAL ACCOUNT US BANK (Continued)

Check #	Date	Vendor		Invoice	Inv Date	Description	Amount Paid	Check Total
138055	4/12/2024	fis12	FISHER INTEGRATED INC	2084	4/1/2024	VIDEO STREAMING MAR	1,650.00	1,650.00
	Voucher:	138055						
138056	4/12/2024	ats01	GARDA CL WEST LOCKBOX #	10773708	4/1/2024	ARMORED SRVCS APR	700.77	700.77
	Voucher:	138056						
138057	4/12/2024	haw01	HAWTHORNE MACHINERY CO	PS000974421	2/23/2024	VEH REPAIR PART PW	2.95	2.95
	Voucher:	138057						
138058	4/12/2024	han17	HOWARD HENRY WAYNE, JR	133	11/21/2023	VHF MOBILE RADIO INSTALL	695.00	695.00
	Voucher:	138058						
138059	4/12/2024	har45	KATHRYN HART	04082024	4/8/2024	REFUND REF CITE 47712944	50.00	50.00
	Voucher:	138059						
138060	4/12/2024	mma01	MMASC	9387	3/19/2024	MBRSHP E TORRES	125.00	125.00
	Voucher:	138060						
138061	4/12/2024	mun07	MUNICIPAL MAINTENANCE EQ	020549	3/27/2024	VAC CON SUPPLIES	674.94	674.94
	Voucher:	138061						
138062	4/12/2024	nap01	NAPA AUTO PARTS	707915	4/6/2024	VEH MAINT SUPP FIRE	260.81	
				707069	3/25/2024	VEH MAINT SUPP FIRE	108.64	369.45
	Voucher:	138062						
138063	4/12/2024	nct01	NCTD	706741	3/15/2024	LIC FEE PIPELINE 9TH/4TH S	220.00	220.00
	Voucher:	138063						
138064	4/12/2024	nex02	NEXTECH SYSTEMS INC	INV2516	3/26/2024	RRFB CONTROLLER PW	614.85	614.85
	Voucher:	138064						
138065	4/12/2024	pac28	PACIFIC MOBILE STRUCTURES	INV-00364000	4/1/2024	MOBILE OFFICE PW APR	226.20	226.20
	Voucher:	138065						
138066	4/12/2024	rcp01	RCP BLOCK & BRICK INC.	33054906	2/21/2024	BULK DECOMPOSED GRANIT	349.83	
				33054987	2/21/2024	BULK DECOMPOSED GRANIT	245.47	595.30
	Voucher:	138066						
138067	4/12/2024	san138	SAN DIEGO ELEVATOR & LIFT	4558	3/31/2024	ELEVATOR MAINT CH MAR	200.00	200.00
	Voucher:	138067						

Bank : gusbnk GENERAL ACCOUNT US BANK (Continued)

Check #	Date	Vendor		Invoice	Inv Date	Description	Amount Paid	Check Total
138068	4/12/2024	sdg02	SAN DIEGO GAS & ELECTRIC	0081 7377 2988 5	4/4/2024	UTILITIES MAR	6,206.64	
	Voucher:	138068		0066 5491 6833 1	4/4/2024	UTILITIES MAR	3,069.97	
				0067 3735 0888 1	4/4/2024	UTILITIES MAR	297.10	
				2100 0065 8024 7	4/4/2024	UTILITIES MAR	61.70	
				0096 3381 7034 7	4/4/2024	UTILITIES MAR	21.72	
				0065 9549 9411 6	4/4/2024	UTILITIES MAR	18.80	
				0085 7750 3585 7	4/4/2024	UTILITIES MAR	18.14	
				0099 5222 5392 9	4/2/2024	UTILITIES MAR	17.07	
				0097 5436 8967 5	4/4/2024	UTILITIES MAR	16.96	
				0053 7739 5442 0	4/4/2024	UTILITIES MAR	16.93	
				0057 1108 9098 1	4/4/2024	UTILITIES MAR	12.96	
				0066 5491 5032 1	4/2/2024	UTILITIES MAR	12.82	9,770.81
138069	4/12/2024	san112	SAN DIEGO HUMANE SOCIETY, &	APR-24	4/1/2024	ANIMAL SRVCS APR	4,048.00	4,048.00
	Voucher:	138069						
138070	4/12/2024	sig12	SIGNA DIGITAL SOLUTIONS INC	AR-S308820	4/9/2024	COPIER - CS QTRLY MAINT	194.42	194.42
	Voucher:	138070						
138071	4/12/2024	sou02	SOUTHCOAST HEATING & AIR C(	1376600	3/28/2024	HVAC SRVCS PW	719.63	719.63
	Voucher:	138071						
138072	4/12/2024	trc01	TR CONSTRUCTION	03252024	3/25/2024	ROOF REPAIR 20TH ST TOWER I	9,750.00	9,750.00
	Voucher:	138072						
138073	4/12/2024	wes52	WEST COAST LIGHTS & SIRENS,	25797	3/26/2024	LIGHTING/SIREN EQUIP FIRE F2	18,181.39	18,181.39
	Voucher:	138073						
138074	4/12/2024	bye01	WILLIAM BYERLEY	Ref000174927	4/4/2024	UB Refund Cst #00008307	45.75	45.75
	Voucher:	138074						
138075	4/12/2024	wol12	WOLFGANG WINDOW FILM INC	04092024	4/9/2024	WINDOW TINTING CS OFFICE BL	3,417.49	3,417.49
	Voucher:	138075						

Sub total for GENERAL ACCOUNT US BANK: 140,119.50

59 checks in this report.

Grand Total All Checks: 622,082.71

REVIEWED
By Marilen Santos at 2:06 pm, Apr 12, 2024

Bank : gusbnk GENERAL ACCOUNT US BANK

Check #	Date	Vendor		Invoice	Inv Date	Description	Amount Paid	Check Total
3985	4/19/2024	irs01	IRS, UNITED STATES TREASURY	Ben175114	4/19/2024	FEDERAL TAX: PAYMENT	35,252.18	35,252.18
	Voucher:	3985						
3987	4/19/2024	per01	PERS	Ben175116	4/19/2024	PERS CONTRIBUTIONS: PAYMEI	54,217.50	54,217.50
	Voucher:	3987						
3988	4/18/2024	edd01	EMPLOYMENT DEVELOPMENT D	Ben175118	4/19/2024	STATE TAX: PAYMENT	10,189.84	10,189.84
	Voucher:	3988						
3989	4/19/2024	ida01	IDAHO STATE TAX COMMISSION	Ben175120	4/19/2024	IDAHO STATE TAX COMMISSION	215.65	215.65
	Voucher:	3989						

Sub total for GENERAL ACCOUNT US BANK: 99,875.17

Bank : eusbnk EFT GENERAL ACCOUNT US BANK

Check #	Date	Vendor		Invoice	Inv Date	Description	Amount Paid	Check Total
5841	4/19/2024	mis07	107413 STATE ST BANK & TRUST	Ben175110	4/19/2024	401A PLAN: PAYMENT	523.29	523.29
	Voucher:	5841						
5842	4/19/2024	mis08	303845 STATE ST BANK & TRUST	Ben175104	4/19/2024	MISSION SQUARE 457B: PAYMEI	9,848.80	9,848.80
	Voucher:	5842						
5843	4/19/2024	mis09	803808 STATE ST BANK & TRUST	Ben175112	4/19/2024	RETIREMENT HEALTH SAVINGS	697.33	697.33
	Voucher:	5843						
5844	4/19/2024	uni21	DEL MAR CITY EMPLOYEES ASS	Ben175106	4/19/2024	DMCEA DUES: PAYMENT	253.00	253.00
	Voucher:	5844						
5845	4/19/2024	nat15	NATIONAL BENEFIT SERVICES, L	Ben175108	4/19/2024	SEC. 125 FLEXIBLE SAVINGS AC	1,308.33	1,308.33
	Voucher:	5845						
5846	4/19/2024	par21	U.S. BANK PARS FFC 674602240(	Ben175102	4/19/2024	PUBLIC AGENCY RETIREMENT S	1,320.76	1,320.76
	Voucher:	5846						
						Sub total for EFT GENERAL ACCOUNT US BANK:		13,951.51

Bank : gusbnk GENERAL ACCOUNT US BANK

Check #	Date	Vendor		Invoice	Inv Date	Description	Amount Paid	Check Total
8005	4/19/2024	cal62	CALPERS	17500973	4/4/2024	PERS 2024 REPLACEMENT BENI	3,832.83	3,832.83
	Voucher:		8005					
						Sub total for GENERAL ACCOUNT US BANK:		3,832.83

11 checks in this report.

Grand Total All Checks: 117,659.51

DC 4/17/24

Bank : eusbnk EFT GENERAL ACCOUNT US E

Check #	Date	Vendor		Invoice	Inv Date	Description	Amount Paid	Check Total
5827	4/19/2024	als02	ALS GROUP USA CORP	522401947	4/4/2024	WATER SAMPLING APR	676.00	676.00
	Voucher:	5827						
5828	4/19/2024	cha71	CHARTER COMM HOLDINGS	8448410060128	4/1/2024	CABLE/INTERNET PW APR	229.59	
	Voucher:	5828		8448410060153	4/10/2024	INTERNET TV STUDIO APR	119.98	349.57
5829	4/19/2024	dix01	DIXIELINE LUMBER CO	06-0548545	4/5/2024	FACILITY MAINT SUPP PW	271.77	
	Voucher:	5829		06-0549001	4/9/2024	FLASHLIGHT PW	56.75	
				06-0547348	3/27/2024	FACILITY MAINT SUPP PW	23.48	
				06-0548831	4/8/2024	OPERATING SUPP PW	7.61	
				06-0548194	4/3/2024	LIGHT BULBS PW	4.10	363.71
5830	4/19/2024	fer07	FERGUSON ENTERPRISES LL	0850328	4/1/2024	WATER METER PARTS	1,150.58	1,150.58
	Voucher:	5830						
5831	4/19/2024	ful01	KURT MORGAN	42160	4/15/2024	BUSINESS CARDS	70.20	70.20
	Voucher:	5831						
5832	4/19/2024	lou01	LOUKELTON DISTRIBUTING IN	81163	4/1/2024	JANITORIAL SUPP PW	502.74	502.74
	Voucher:	5832						
5833	4/19/2024	pru01	PRUDENTIAL OVERALL SUPP	132247020	4/5/2024	SHOP TOWELS PW	4.93	
	Voucher:	5833		132247021	4/5/2024	UNIFORMS PW	82.90	87.83
5834	4/19/2024	pru01	PRUDENTIAL OVERALL SUPP	132247019	4/5/2024	FLOOR MATS PW	15.47	15.47
	Voucher:	5834						
5835	4/19/2024	san03	SAN DIEGO COUNTY WATER	0324-2	4/9/2024	RAW WATER MAR	125,914.00	125,914.00
	Voucher:	5835						
5836	4/19/2024	sca12	SCA OF CA LLC	158078PS	3/31/2024	SWEEPING SRVCS MAR	5,454.94	5,454.94
	Voucher:	5836						
5837	4/19/2024	sol06	SOLANA CENTER FOR ENV	40-45-3-24	4/10/2024	SB1383 SUPP MAR	3,518.75	3,518.75
	Voucher:	5837						
5838	4/19/2024	tru09	TRUE NORTH COMPLIANCE S	DM24-03	4/5/2024	BLDG CODE PC & INSP MAR	22,890.74	22,890.74
	Voucher:	5838						
5839	4/19/2024	uti01	UTILITY SPECIALISTS INC	26224	3/31/2024	UP - 1B STRATFORD - FEB	27,636.00	
	Voucher:	5839		26223	3/31/2024	UP - X1A CREST - FEB	24,175.50	
				26222	3/31/2024	UP - 1A STRATFORD - FEB	16,392.50	
				26225	3/31/2024	UP - 2B BEACH COLONY - FE	14,486.25	
				26226	3/31/2024	UP - X1A CREST - REIMB	219.96	
				26227	3/31/2024	UP - 2B BEACH COLONY - RE	93.01	83,003.22

Bank : eusbnk EFT GENERAL ACCOUNT US E (Continued)

Check #	Date	Vendor		Invoice	Inv Date	Description	Amount Paid	Check Total
5840	4/19/2024	wex01	WEX BANK	0496-00-496530	4/6/2024	GAS & OIL PW MAR	4,381.45	4,381.45
	Voucher:	5840						

Sub total for EFT GENERAL ACCOUNT US BANK: 248,379.20

Bank : gusbnk GENERAL ACCOUNT US BANK

Check #	Date	Vendor		Invoice	Inv Date	Description	Amount Paid	Check Total
138076	4/19/2024	pre16	ADAM PRELL	04102024	4/10/2024	REFUND REF DEPOSIT PHCC	800.00	800.00
	Voucher:	138076						
138077	4/19/2024	aqu02	AQUA-METRIC SALES COMPA	INV0100779	4/2/2024	WATER METERS	1,256.79	1,256.79
	Voucher:	138077						
138078	4/19/2024	bar29	BARNETT QUALITY CONTROL	21845	3/9/2024	JDB BLUFF PROJ FEB	5,870.00	5,870.00
	Voucher:	138078						
138079	4/19/2024	sol01	CITY OF SOLANA BEACH	04052024	4/5/2024	OFF TRACK FEB	1,930.22	
	Voucher:	138079		04052024	4/5/2024	OFF TRACK MAR	1,033.13	
				04192024	4/19/2024	OFF TRACK JAN	518.58	
				220764	2/26/2024	SB DEP CHIEF 07/01-12/31/23	207.00	
				220762	2/23/2024	PALOMAR TRAINING FALL 23	142.00	3,830.93
138080	4/19/2024	cou01	COUNTY OF SAN DIEGO	04152024	4/15/2024	PARKING BAIL MAR	25,605.00	25,605.00
	Voucher:	138080						
138081	4/19/2024	fur01	FURGERSON'S GARAGE	118057	4/5/2024	VEH MAINT PW #71	1,700.22	
	Voucher:	138081		118087	4/11/2024	VEH MAINT PW #71	1,088.66	2,788.88
138082	4/19/2024	gal02	GALLS LLC	027495952	3/28/2024	UNIFORMS PHCC	117.97	
	Voucher:	138082		027447116	3/22/2024	TACTICAL PANTS PRKG ENF	100.91	
				027448069	3/22/2024	UNIFORMS PHCC	91.87	
				027443641	3/22/2024	UNIFORM SHIRTS PRKG ENF	54.37	
				027505865	3/28/2024	UNIFORM HATS PRKG ENF	51.68	416.80
138083	4/19/2024	gol16	GOLDFARB & LIPMAN LLP	472179	4/15/2024	LEGAL FEES MAR	136.00	136.00
	Voucher:	138083						
138084	4/19/2024	hom01	HOME DEPOT CREDIT SRVCS	6035 3225 0103	3/28/2024	FACILITY MAINT SUPP PW	4,208.12	4,208.12
	Voucher:	138084						
138085	4/19/2024	dar05	JEFFREY SCOTT ARVESON, D	04012024	4/1/2024	DEAD ANIMAL REMOVAL MAF	162.08	162.08
	Voucher:	138085						
138086	4/19/2024	kim04	KIMBALL MIDWEST	102087571	4/4/2024	MAINT/REPAIR SUPP PW	477.41	477.41
	Voucher:	138086						
138087	4/19/2024	sco09	LIOR SCOTT	04152024	4/15/2024	REFUND REF DUP PYMT	357.19	357.19
	Voucher:	138087						
138088	4/19/2024	mar11	MARSHALLS INDUSTRIAL HAF	775786/1	4/4/2024	VEH MAINT SUPP PW	188.99	188.99
	Voucher:	138088						
138089	4/19/2024	bat09	MARY BATCHELDER	04032024	4/3/2024	REFUND REF OVRPYMT	1,563.75	1,563.75
	Voucher:	138089						

Bank : gusbnk GENERAL ACCOUNT US BANK (Continued)

Check #	Date	Vendor		Invoice	Inv Date	Description	Amount Paid	Check Total
138090	4/19/2024	msc01	MSC JANITORIAL SERVICE IN	2024-3-10	3/31/2024	JANITORIAL SRVCS MAR	5,306.50	
	Voucher:	138090		2024-3-9	3/31/2024	JANITORIAL SRVCS MAR	455.00	5,761.50
138091	4/19/2024	nap01	NAPA AUTO PARTS	871256	2/15/2024	VEHICLE MAINT SUPP PW	300.43	300.43
	Voucher:	138091						
138092	4/19/2024	wai01	RENEE WAIT	04102024	4/10/2024	REFUND REF DEPOSIT PHCC	2,600.00	2,600.00
	Voucher:	138092						
138093	4/19/2024	ric32	RICK ALLEN POST	13631	4/1/2024	WELDING SRVCS PW	825.00	825.00
	Voucher:	138093						
138094	4/19/2024	san135	SAN DIEGO COUNTY WATER A	04112024	4/11/2024	SDCWA CAP CHRGS - 2260 JI	5,700.00	
	Voucher:	138094		04112024	4/11/2024	SDCWA CAP CHRGS - 465 HII	3,420.00	9,120.00
138095	4/19/2024	sdg02	SAN DIEGO GAS & ELECTRIC	0066 5392 2766	4/4/2024	UTILITIES MAR	942.11	
	Voucher:	138095		0069 0908 1676	4/4/2024	UTILITIES MAR	275.40	
				0055 0306 8492	4/12/2024	UTILITIES MAR	18.08	1,235.59
138096	4/19/2024	san20	SAN DIEGUITO RIVER PARK, A	04052024	4/5/2024	OFF TRACK FEB	965.11	
	Voucher:	138096		04052024	4/5/2024	OFF TRACK MAR	516.56	
				04192024	4/19/2024	OFF TRACK JAN	259.29	1,740.96
138097	4/19/2024	sou08	SOUTHWEST SIGNAL SERVIC	83260	3/31/2024	TRAFFIC SIGNAL MAINT MAR	806.25	
	Voucher:	138097		83262	3/31/2024	TRAFFIC SIGNAL MAINT MAR	711.06	
				83261	3/31/2024	TRAFFIC SIGNAL MAINT MAR	614.45	
				83310	3/31/2024	TRAFFIC SIGNAL MAINT MAR	472.50	2,604.26
138098	4/19/2024	str29	STREAMLINE AUTOMATION S	2024-40	4/13/2024	STREAMLINE SFTWR RNWL I	2,032.00	2,032.00
	Voucher:	138098						
138099	4/19/2024	ter01	TERMINIX INT CO LTD, PARTN	445312849	4/3/2024	PEST CONTROL SRVCS CH	150.00	
	Voucher:	138099		445377163	4/5/2024	PEST CONTROL SRVCS CS	121.00	
				445312905	4/3/2024	PEST CONTROL SRVCS LIBR	106.85	
				445377225	4/5/2024	PEST CONTROL SRVCS PHC	103.00	480.85
138100	4/19/2024	und01	UNDERGROUND SERVICE ALI	320240219	4/1/2024	CONT SRVCS MAR	165.75	165.75
	Voucher:	138100						
138101	4/19/2024	usb03	US BANK CORP PYMT SYSTE	4246-0445-5565	3/22/2024	US BANK CHARGES MAR	11,194.45	11,194.45
	Voucher:	138101						
138102	4/19/2024	ver12	VERIZON	Z9567521	4/8/2024	TELEPHONE MAR	2.64	
	Voucher:	138102		Z9473754	3/8/2024	TELEPHONE FEB	1.66	4.30
138103	4/19/2024	wes29	WEST COAST ARBORISTS IN(	212678	3/15/2024	TREE MAINT 03/01-03/15/24	1,586.43	1,586.43
	Voucher:	138103						

Sub total for GENERAL ACCOUNT US BANK:	87,313.46

42 checks in this report.

Grand Total All Checks: 335,692.66

MG 4/17/24

Bank : eusbnk EFT GENERAL ACCOUNT US E

Check #	Date	Vendor		Invoice	Inv Date	Description	Amount Paid	Check Total
5847	4/26/2024	als02	ALS GROUP USA CORP	522402142	4/18/2024	WATER SAMPLING APR	496.00	496.00
	Voucher:	5847						
5848	4/26/2024	cha71	CHARTER COMM HOLDINGS I	8448410060151	4/14/2024	INTERNET CH APR	1,259.15	
	Voucher:	5848		8448410010640	4/11/2024	ETHERNET INTERSTATE/PEC	447.86	
				8448410060151	4/15/2024	FIBER CONNECTION FIRE AF	295.84	
				8448410060152	4/14/2024	METRO ETHERNET FIRE APF	295.84	
				8448410060151	4/15/2024	INTERNET TV STUDIO APR	89.98	2,388.67
5849	4/26/2024	dev02	DEVANEY PATE MORRIS & CA	9139	3/21/2024	LEGAL FEES FEB	46,133.20	
	Voucher:	5849		9141	3/21/2024	CITY ATTORNEY FEB	2,171.60	
				9140	3/21/2024	CITY ATTORNEY FEB	292.80	
				9142	3/21/2024	CITY ATTORNEY FEB	170.80	48,768.40
5850	4/26/2024	dix01	DIXIELINE LUMBER CO	06-0549317	4/11/2024	SMALL TOOLS PW	208.03	
	Voucher:	5850		06-0549040	4/10/2024	OPERATING SUPP PW	67.21	
				06-0549226	4/10/2024	PAINT SUPP PW	27.18	302.42
5851	4/26/2024	fer07	FERGUSON ENTERPRISES LL	0851133	4/15/2024	WATER METER PARTS	1,465.68	
	Voucher:	5851		0851134	4/15/2024	WATER METER PARTS	1,354.07	
				0851683	4/16/2024	WATER METER PARTS	1,076.63	
				0851258	4/15/2024	WATER METER PARTS	91.35	3,987.73
5852	4/26/2024	hel04	HELIX ENVIRONMENTAL PLAN	122642	3/31/2024	RIVER PATH ENV ENG PHASE	8,611.25	8,611.25
	Voucher:	5852						
5853	4/26/2024	kle01	KLEINFELDER	1472401	3/27/2024	CDM BRIDGE FEB	66,822.10	66,822.10
	Voucher:	5853						
5854	4/26/2024	lou01	LOUKELTON DISTRIBUTING IN	81184	4/8/2024	JANITORIAL SUPP PW	1,315.90	
	Voucher:	5854		81186	4/8/2024	JANITORIAL SUPP PW	1,178.31	
				81210	4/15/2024	JANITORIAL SUPP PW	1,000.39	
				81211	4/15/2024	JANITORIAL SUPP PW	744.20	4,238.80
5855	4/26/2024	man12	MANERI TRAFFIC CONTROL I	21283	4/15/2024	PERMA PATCH SUPP PW	1,005.94	
	Voucher:	5855		21285	4/16/2024	CUSTOM TRAFFIC SIGNS PW	277.31	
				300254	4/12/2024	CUSTOM TRAFFIC SIGN PW	16.31	1,299.56
5856	4/26/2024	mit03	MITSUBISHI ELECTRIC PWR F	CPSD-M001696	4/8/2024	COMPUTER MAINT SUPP	1,649.00	1,649.00
	Voucher:	5856						
5857	4/26/2024	nv501	NV5 INC	379661	3/21/2024	GIS SRVCS MAR	1,134.50	1,134.50
	Voucher:	5857						

Bank : eusbnk EFT GENERAL ACCOUNT US E (Continued)

Check #	Date	Vendor		Invoice	Inv Date	Description	Amount Paid	Check Total
5858	4/26/2024	off03	OFFICE DEPOT	354910042001	3/4/2024	OPERATING SUPP CH	129.88	
	Voucher:	5858		361263988001	4/10/2024	OFFICE SUPPLIES PW	188.42	
				359335723001	4/8/2024	OFFICE SUPPLIES PL	100.26	418.56
5859	4/26/2024	par51	PARKWOOD LANDSCAPE MAI	107056	4/9/2024	LANDSCAPNG SRVCS	6,000.00	
	Voucher:	5859		107052	4/9/2024	LANDSCAPNG SRVCS	1,500.00	7,500.00
5860	4/26/2024	pru01	PRUDENTIAL OVERALL SUPP	132248185	4/12/2024	UNIFORMS PW	73.73	73.73
	Voucher:	5860						

Sub total for EFT GENERAL ACCOUNT US BANK: 147,690.72

Bank : gusbnk GENERAL ACCOUNT US BANK

Check #	Date	Vendor		Invoice	Inv Date	Description	Amount Paid	Check Total
138104	4/26/2024	atk02	ATKINSON, ANDELSON, LOYA	711825	3/31/2024	LEGAL SERVICES MAR	9,816.45	9,816.45
	Voucher:	138104						
138105	4/26/2024	bal13	BALI CONSTRUCTION INC	01	4/15/2024	WTR/WASTEWTR/PAVING	327,808.90	327,808.90
	Voucher:	138105						
138106	4/26/2024	bin06	BARBARA BINNS	04152024	4/15/2024	REFUND REF DEPOSIT PHCC	800.00	800.00
	Voucher:	138106						
138107	4/26/2024	cal33	CALOLYMPIC SAFETY	407000	4/4/2024	GLOVE SUPP PW	570.47	
	Voucher:	138107		407003	4/5/2024	GLOVE SUPP PW	148.13	
				407002	4/8/2024	SAFETY VESTS PW	107.78	826.38
138108	4/26/2024	sca11	CLEAN WATER SOCAL	24/25-56	4/8/2024	MBRSHP PW J BRIDE	1,000.00	1,000.00
	Voucher:	138108						
138109	4/26/2024	coa21	COAST NEWS GROUP	00152381	4/12/2024	AD NOTICE INVITING BIDS	615.00	
	Voucher:	138109		00152486	4/19/2024	AD ORDIN ADOPT	67.50	
				00152485	4/19/2024	AD ORDIN INTRO	60.00	742.50
138110	4/26/2024	cou16	COUNTY OF SAN DIEGO - RE	24CTOFDMC09	4/1/2024	RCS PAGING SRVCS - MAR	70.00	70.00
	Voucher:	138110						
138111	4/26/2024	gol16	GOLDFARB & LIPMAN LLP	471457	3/25/2024	LEGAL FEES FEB	476.00	476.00
	Voucher:	138111						
138112	4/26/2024	hot02	HOTEL INDIGO	103	4/22/2024	CC MTG RETREAT	790.45	790.45
	Voucher:	138112						
138113	4/26/2024	int22	INTERWEST CONSULTING GF	316011	3/31/2024	CONSULTING SRVCS MAR	3,658.75	3,658.75
	Voucher:	138113						
138114	4/26/2024	lnc01	L.N. CURTIS & SONS	INV810327	4/5/2024	CUSTOM FIRE HOSE	6,965.94	6,965.94
	Voucher:	138114						
138115	4/26/2024	los03	LOS ANGELES TRUCK CENTER	RA290035806:0	4/17/2024	VAC-CON REPAIR	1,445.84	1,445.84
	Voucher:	138115						
138116	4/26/2024	nap01	NAPA AUTO PARTS	886734	4/15/2024	VEHICLE MAINT SUPP PW	166.97	166.97
	Voucher:	138116						
138117	4/26/2024	ges03	NICOLE GESHER	04152024	4/15/2024	REFUND REF PHCC	574.50	574.50
	Voucher:	138117						
138118	4/26/2024	nce01	NORTH COUNTY EVS INC	8669	4/11/2024	FIRE ENGINE MAINT	300.00	300.00
	Voucher:	138118						
138119	4/26/2024	oca01	OCAMPO, BOBBY	Ref000172396	9/7/2023	UB REFUND CST #00007143	51.78	51.78
	Voucher:	138119						

Bank : gusbnk GENERAL ACCOUNT US BANK (Continued)

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138120	4/26/2024	con17	OCCUPATIONAL HEALTH CTR	82752195	4/10/2024	PRE EMPLOYMENT SCREENI	2,128.00	
	Voucher:	138120		82687433	4/3/2024	EMPLOYEE TESTING APR	324.00	2,452.00
138121	4/26/2024	ost02	OSTASHCHENKO, ALEXSAND	Ref000167954	10/6/2022	UB REFUND CST #00003615	119.85	119.85
	Voucher:	138121						
138122	4/26/2024	pac28	PACIFIC MOBILE STRUCTURE	INV-00369900	5/1/2024	MOBILE OFFICE PW MAY	226.20	226.20
	Voucher:	138122						
138123	4/26/2024	par35	PARADIGM MECHANICAL COF	6276	4/11/2024	HVAC SRVCS CH	25,250.00	
	Voucher:	138123		6275	4/11/2024	HVAC SRVCS CH	2,285.00	27,535.00
138124	4/26/2024	pso01	PSOMAS	206061R	4/16/2024	WTR / WASTEWTR / PAVING	8,837.50	8,837.50
	Voucher:	138124						
138125	4/26/2024	sta40	PSTRAX	6026	4/5/2024	CONTROLLED SUB MODULE	1,289.90	1,289.90
	Voucher:	138125						
138126	4/26/2024	rus01	RUSTY DEL MAR	530	6/6/2023	RESCUE BOARD FINS LFGRD	187.05	187.05
	Voucher:	138126						
138127	4/26/2024	sai01	SAINT PETER'S EPISCOPAL C	03272024	3/27/2024	JUL/DEC 2023 METER REV SI	6,670.00	6,670.00
	Voucher:	138127						
138128	4/26/2024	sdg01	SAN DIEGO GAS & ELECTRIC	0042 2198 4063	4/15/2024	UTILITIES MAR	4,499.86	4,499.86
	Voucher:	138128						
138129	4/26/2024	sdg02	SAN DIEGO GAS & ELECTRIC	0092 4576 5583	4/18/2024	UTILITIES MAR	68.04	68.04
	Voucher:	138129						
138130	4/26/2024	sig12	SIGNA DIGITAL SOLUTIONS IN	32427598	4/12/2024	COPIER - CH APR	766.91	766.91
	Voucher:	138130						
138131	4/26/2024	spa01	SPARKLETTS	18139543 04212	4/21/2024	WATER CH	85.42	
	Voucher:	138131		18139543 03242	3/24/2024	WATER CH	65.95	151.37
138132	4/26/2024	sta36	STANDARD PLUMBING SUPPL	WMQ929	4/10/2024	WATER PARTS PW	71.50	71.50
	Voucher:	138132						
138133	4/26/2024	sup01	SUPERIOR READY MIX CONC	416970	4/3/2024	FILL SAND PW	563.85	563.85
	Voucher:	138133						
138134	4/26/2024	ter01	TERMINIX INT CO LTD, PARTN	445745331	4/15/2024	PEST CONTROL SRVCS PW	133.00	
	Voucher:	138134		445496971	4/8/2024	PEST CONTROL SRVCS FIRE	54.00	187.00
138135	4/26/2024	uni28	UNITED RENTALS INC	231855127-001	3/29/2024	FORKLIFT RENTAL PW	2,463.91	2,463.91
	Voucher:	138135						
138136	4/26/2024	vel03	VELIA	01052023	1/5/2023	REFUND REF DEPOSIT PHCC	800.00	800.00
	Voucher:	138136						

Bank : gusbnk GENERAL ACCOUNT US BANK (Continued)

Check #	Date	Vendor		Invoice	Inv Date	Description	Amount Paid	Check Total
138137	4/26/2024	act03	WILLIAMS SCOTSMAN INC	9020687791	4/15/2024	MOBILE OFFICE PW APR/MA	156.12	156.12
	Voucher:	138137						
						Sub total for GENERAL ACCOUNT US BANK:		412,540.52

48 checks in this report.

Grand Total All Checks: 560,231.24

MG 4/24/24

Void Check Posting List

City of Del Mar

Document #: 864844 **Void Date:** 04/04/2024 **Posting #:** 32898 **Group:** dgarcia
Check #: 137985 **Bank code:** gusbnk **Check Date:** 03/29/24
Vendor: atk02 ATKINSON, ANDELSON, LOYA, RUDD
Post into: 10/2024 **Check amount:** 456.38

Doc Source		Account Number	Description	Amount	
disb		B 01.2110.0000	A/P GENERAL	456.38	CR
disb	S*	B 01.1100.0000	CASH AND INVESTMENTS	456.38	DB
disb	S*	B 72.1160.0000	UNION BANK - GENER	456.38	DB
disb	S*	B 72.1100.0000	CASH AND INVESTMENTS	456.38	CR

Balance Sheet Totals: 912.76 DB 912.76 CR Difference: 0.00

S* = Automatic Summary

Void Check Posting List

City of Del Mar

Document #: 865001 **Void Date:** 04/10/2024 **Posting #:** 32926 **Group:** dgarcia
Check #: 137546 **Bank code:** gusbnk **Check Date:** 12/08/23
Vendor: han17 HOWARD HENRY WAYNE, JR
Post into: 10/2024 **Check amount:** 695.00

Doc Source		Account Number	Description	Amount	
disb		B 01.2110.0000	A/P GENERAL	695.00	CR
disb	S*	B 01.1100.0000	CASH AND INVESTMENTS	695.00	DB
disb	S*	B 72.1160.0000	UNION BANK - GENER	695.00	DB
disb	S*	B 72.1100.0000	CASH AND INVESTMENTS	695.00	CR

Balance Sheet Totals: 1,390.00 DB 1,390.00 CR Difference: 0.00

S* = Automatic Summary

Void Check Posting List

City of Del Mar

Document #: 865411 **Void Date:** 04/15/2024 **Posting #:** 32952 **Group:** dgarcia
Check #: 137999 **Bank code:** gusbnk **Check Date:** 03/29/24
Vendor: pub07 PUBLIC SAFETY CONSULTING INC
Post into: 10/2024 **Check amount:** 19,652.94

Doc Source		Account Number	Description	Amount	
disb		B 01.2110.0000	A/P GENERAL	19,652.94	CR
disb	S*	B 01.1100.0000	CASH AND INVESTMENTS	19,652.94	DB
disb	S*	B 72.1160.0000	UNION BANK - GENER	19,652.94	DB
disb	S*	B 72.1100.0000	CASH AND INVESTMENTS	19,652.94	CR

Balance Sheet Totals: 39,305.88 DB 39,305.88 CR Difference: 0.00

Document #: 865414 **Void Date:** 04/15/2024 **Posting #:** 32952 **Group:** dgarcia
Check #: 138015 **Bank code:** gusbnk **Check Date:** 04/03/24
Vendor: hom01 HOME DEPOT CREDIT SRVCS
Post into: 10/2024 **Check amount:** 4,802.64

Doc Source		Account Number	Description	Amount	
disb		B 40.2110.0000	CIP A/P GENERAL	4,802.64	CR
disb	S*	B 40.1100.0000	CASH AND INVESTMENT	4,802.64	DB
disb	S*	B 72.1160.0000	UNION BANK - GENER	4,802.64	DB
disb	S*	B 72.1100.0000	CASH AND INVESTMENTS	4,802.64	CR

Balance Sheet Totals: 9,605.28 DB 9,605.28 CR Difference: 0.00

S* = Automatic Summary

Void Check Posting List

City of Del Mar

Document #: 866381 **Void Date:** 04/23/2024 **Posting #:** 33032 **Group:** dgarcia
Check #: 137164 **Bank code:** gusbnk **Check Date:** 09/15/23
Vendor: oca01 OCAMPO, BOBBY
Post into: 10/2024 **Check amount:** 51.78

Doc Source		Account Number	Description	Amount	
disb		B 51.2110.0000	A/P-GENERAL	51.78	CR
disb	S*	B 51.1100.0000	CASH AND INVESTMENTS	51.78	DB
disb	S*	B 72.1160.0000	UNION BANK - GENER	51.78	DB
disb	S*	B 72.1100.0000	CASH AND INVESTMENTS	51.78	CR
Balance Sheet Totals:		103.56 DB	103.56 CR	Difference:	0.00

S* = Automatic Summary

City of Del Mar
Agenda Report

TO: Honorable Mayor and City Council Members

FROM: Amanda Lee, Principal Planner
Karen Brindley, Planning and Community Development Director
Via Ashley Jones, City Manager

DATE: May 6, 2024

SUBJECT: Second Reading and Adoption of Density Bonus Ordinance to Implement State Law and Housing Element Program 1G

REQUESTED ACTION/RECOMMENDATION:
It is recommended that the City Council adopt the Ordinance (Attachment A) to repeal and replace the existing density bonus regulations in Del Mar Municipal Code (DMMC) Chapter 30.90 in compliance with the City's certified 6th Cycle Housing Element (2021-2029) Program 1G and State Density Bonus Law (California Government Code Sections 65915, et seq.)

DISCUSSION/ANALYSIS:
On April 15, 2024, the City Council unanimously introduced an Ordinance to repeal and replace the existing density bonus regulations in DMMC Chapter 30.90 in compliance with the City's Housing Element and State Law. The Ordinance is required to implement the City's 6th Cycle Housing Element (2021-2029) Program 1G commitment to demonstrate compliance with State Density Bonus Law (DBL). Failure to adopt an Ordinance does not relieve the City from complying with the State DBL.

The Ordinance generally defers to the current State law in effect and specifies how density bonus projects will be processed locally in a manner that implements the goals, objectives, and policies of the Del Mar Community Plan, including the Housing Element, and the certified Local Coastal Program (LCP). The Ordinance would take effect 30 days from the date of adoption since DMMC Chapter 30.90 is not a part of the City's certified LCP, and therefore is not subject to approval by the Coastal Commission. The Ordinance is simply implementing the requirements of State DBL consistent with its certified LCP.

Additional details can be accessed in the City Council Agenda Report on April 15, 2024:
https://www.delmar.ca.us/AgendaCenter/ViewFile/Agenda/_04152024-3436

HOUSING IMPACT: Adoption of the Ordinance will specify that the City of Del Mar implements the current State DBL in effect at the time of the proposed development application. This action will also fulfill the City's commitment in the certified 6th Cycle Housing Element (Program 1G).

City Council Action:

FISCAL IMPACT: There is no fiscal impact or action to be taken by the Council related to this agenda item.

ENVIRONMENTAL IMPACT: Ordinance Section Three identifies that the California Environmental Quality Act (CEQA) determination for the project per CEQA Guidelines Section 15162 is based on substantial evidence in the record that the certified 6th Cycle Housing Element Final Program Environmental Impact Report (PEIR) covers the proposed actions and no further environmental document is required. The 6th Cycle Housing Element PEIR and associated Mitigation, Monitoring, and Reporting Program was certified by the City Council on October 5, 2020 (State Clearinghouse (SCH) No. 2020029064). The Final PEIR is available at: www.delmar.ca.us/DocumentCenter/View/7171/Final-PEIR-91020

The Ordinance would not result in significant effects on the environment or an increase in the severity of effects on the environment as previously analyzed and identified in the Final PEIR. The ordinance is simply implementing the existing State DBL. Future projects will be subject to additional CEQA analysis at the project level as applicable. At a minimum, future development will be required to comply with the 6th Cycle PEIR MMRP mitigation measures and objective standards of the City's certified LCP. Pursuant to CEQA Guidelines Section 15162, no further environmental documentation is necessary.

NEXUS TO CITY COUNCIL GOALS AND PRIORITIES:
The amendments relate to a Tier 1 priority City Council special project that is required by the Housing Element to be completed by June 2024.

ATTACHMENTS:
Attachment A – Ordinance to Amend the City's Zoning Regulations/Certified LCP
Attachment B – Summary of State Density Bonus Law

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, TO REPEAL AND REPLACE THE DEL MAR MUNICIPAL CODE CHAPTER 30.90 DENSITY BONUS REGULATIONS FOR CONSISTENCY WITH STATE DENSITY BONUS LAW IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTIONS 65915 ET SEQ., RELATING TO IMPLEMENTATION OF THE 6TH CYCLE HOUSING ELEMENT PROGRAM 1G

WHEREAS, the City of Del Mar is a charter city and State housing law applies to all general law and charter cities in the State of California; and

WHEREAS, the State legislature declared that “housing is a statewide concern”, that California faces a housing crisis, and local jurisdictions are mandated to comply with applicable State housing laws; and

WHEREAS, the City of Del Mar Community Plan is the General Plan for the City and has an overall goal to “preserve and enhance the special character of Del Mar”, which includes maintaining the “village-like community of substantially single family residential character, a picturesque and rugged site, and a beautiful beach” as well as preserving and enhancing “Del Mar’s special residential character and small town atmosphere with its harmonious blending of buildings and landscape in proximity to a beautiful shoreline”; and

WHEREAS, the City’s certified Housing Element is one of many required components that is part of the Del Mar Community Plan consistent with State laws applicable to General Plans; and

WHEREAS, the certified Housing Element identifies programs and resources required for the preservation, improvement, and production of housing to meet the existing and projected needs of its population which requires the creation of additional affordable housing stock; and

WHEREAS, the certified Housing Element for the 6th Cycle (2021-2029) requires the City to accommodate a regional housing need allocation (RHNA) of 163 housing units, comprised of 37 very-low income units, 64 low-income units, 31 moderate-income units, and 31 above moderate-income units, and an additional 12 low income unit “carryover” from the 5th Cycle planning period (2013-2021) for a total obligation of 175 units, including 113 lower income units as well as 100 additional opportunities for moderate income households, lower income households, and special needs households; and

WHEREAS, the City has made and continues to make progress toward its housing programs and housing production targets in its certified Housing Element; and

WHEREAS, the City is required to implement State Density Bonus Law (DBL) in accordance with Government Code Sections 65915 et seq.; and

WHEREAS, failure to adopt this Ordinance will not relieve the City from complying with the current State law in effect; and

WHEREAS, the California Coastal Act is not preempted by State DBL; and

WHEREAS, the City of Del Mar is located entirely within the "Coastal Zone" boundary and is therefore subject to full compliance with the California Coastal Act, which at the local level is implemented by the City's certified Local Coastal Program (LCP); and

WHEREAS, State DBL applies the Coastal Act protections for environmental resources, public scenic views, coastal access, and public safety in coastal hazard areas to ensure they will not be compromised by housing development; and

WHEREAS, future proposed Density Bonus project developments must comply with current State DBL, the California Coastal Act, and the City's certified LCP and may be approved at a density above the maximum set in the Del Mar Community Plan, Zoning Code, and LCP if a certain number of units are income-restricted and reserved for affordable housing (very low, low, and moderate-income households); and

WHEREAS, State DBL provides that the California Coastal Act is not superseded, in any way altered, or lessened by its application; and

WHEREAS, density bonus project applicants must provide reasonable documentation to explain how requests for incentives will reduce development costs to build a project and demonstrate how waiver requests would provide relief from standards that otherwise would physically preclude development of a project without waiver approval; and

WHEREAS, the City has significant coastal resources that require protection under the Coastal Act, including but not limited to, the protection of scenic public coastal views which are found throughout the community, preservation of public access and recreation opportunities that must be assured including public access to the beach, viewpoints, and trail connections to the bluffs, lagoons, and open space preserve areas along the shoreline, and protection of environmentally sensitive habitat areas and coastal resources such as coastal bluffs, sandstone bluffs, wetlands, lagoons, river inlets, and protected tree species native to the City including Torrey Pines and Monterrey Cypress trees; and

WHEREAS, in order to effectively implement applicable State housing laws, the City must harmonize the Coastal Act and the City's LCP policies and regulations with the State's housing laws to ensure protection of sensitive coastal habitats and resources, public coastal view sheds, coastal parking for public access, and public health and safety; and

WHEREAS, the Notice of Planning Commission public hearing was posted in the Coast News and at City Hall on February 29, 2024; and

WHEREAS, on March 12, 2024, the Planning Commission unanimously recommended approval to the City Council; and

WHEREAS, on March 29, 2024, the notice of City Council public hearing was published in the Coast News; and

WHEREAS, adoption of this Ordinance will implement the 6th Cycle Housing Element commitment in Housing Element Program 1G.

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

SECTION ONE: That the City Council of the City of Del Mar, California, based on substantial evidence in the whole of the administrative record, hereby finds and declares that the above stated Recitals are true and correct and are incorporated by reference into this action.

SECTION TWO: That existing DMMC Chapter 30.90 shall be repealed and replaced in its entirety as follows:

Chapter 30.90 DENSITY BONUS

30.90.010 Purpose.

The purpose of this Chapter is to implement the State Density Bonus Law (California Government Code Section 65915 et seq., as may be amended from time to time) and specify the regulatory framework for providing density bonuses and incentives, waivers, and reductions in development standards for qualifying residential housing developments that propose affordable housing as those costs are provided for in California Health and Safety Code Section 50052.5. The intent of this Chapter is to encourage and facilitate the development of affordable housing consistent with the State Density Bonus law and to implement the goals, objectives, and policies of the Del Mar Community Plan, including the current Housing Element and Local Coastal Program.

If any portion of this Chapter conflicts with State Density Bonus Law or other applicable State law, then State law shall apply. Any ambiguities that may be found in this Chapter shall be interpreted in a manner to be consistent with State Density Bonus Law and with the City's certified Local Coastal Program.

30.90.020 Definitions.

The definitions found in the State Density Bonus Law shall apply to the terms contained in this Chapter.

30.90.030 Applicability.

A. A proposed housing development, as that term is defined by State Density Bonus Law, shall be eligible for a density bonus and other regulatory incentives provided by State Density Bonus Law, when the applicant, through submittal of an application in accordance with Section 30.90.040, seeks and agrees to provide dwelling units for very-low, low- or moderate-income households, senior households, transitional foster youth, disabled veterans, homeless persons, or lower income students in the threshold amounts specified by State Density Bonus Law.

B. The granting of a density bonus, concession or incentive pursuant to this Chapter shall not be interpreted, in and of itself, to require any of the following:

1. An amendment to the Del Mar Community Plan, Del Mar Zoning Code, or Del Mar Local Coastal Program; or

2. The waiver of a City ordinance or provisions of a City ordinance unrelated to development standards, a zoning change, study or other discretionary approval by the City.

30.90.040 Application Procedure.

A. An application requesting a density bonus, concession or incentive, waiver or reduction of development standards, adjusted parking ratios, or any combination thereof, shall be filed with the City in writing, on a form approved by the Planning and Community Development Director (Director).

B. The application shall be submitted to the City concurrently with the filing of any other entitlements required for the proposed housing development and the required application fee(s) established by City Council Resolution to recover the City's administrative costs of processing the application.

C. The application shall contain information sufficient to allow the City to fully evaluate the request under the requirements of this Chapter and State Density Bonus Law, including, without limitation, the following minimum information:

1. Requested Density Bonus.

a. Summary table showing the maximum number of dwelling units permitted by the zoning and Del Mar Community Plan (excluding any density bonus units), number of proposed affordable units by income level, proposed bonus percentage, number of density bonus units proposed, total number of dwelling units proposed on the site, and resulting density in units per acre.

b. A tentative map or preliminary site plan (drawn to scale) showing the number and location of all proposed units and designating the location of proposed affordable units and density bonus units.

c. The zoning and Community Plan designations and Assessor's Parcel Number(s) of the housing development site.

d. A description of all dwelling units existing on the site in the five-year period preceding the date of submittal of the application and identification of any units rented in the five-year period and whether they were rented as affordable units.

i. If dwelling units on the site are currently rented, identify the income and household size of all residents of currently occupied units, if known.

ii. If any dwelling units on the site were rented in the five-year period but are not currently rented, identify the income and household size of residents occupying the dwelling units when the site contained the maximum number of dwelling units, if known.

e. Description of any recorded covenant, ordinance, or law applicable to the site that restricted rents to levels affordable to very low-income or low-income households in the five-year period preceding the date of submittal of the application.

f. Any other information the Director reasonably determines necessary to process and evaluate the application consistent with State Density Bonus Law.

2. Requested Concessions or Incentives. If concessions or incentives are requested pursuant to State Density Bonus Law, the application shall include the following minimum information for each concession or incentive requested, shown on a site plan (if appropriate):

a. The applicable development standards of the base zone and overlay zones (base development standards) and the requested concession or regulatory incentive for each development standard where requested.

b. Except where mixed-use zoning is proposed as a concession or incentive, reasonable documentation to show why any requested concession or incentive will reduce affordable housing costs or rents.

c. If approval of mixed-use zoning is proposed, reasonable documentation that nonresidential land uses will reduce the costs of the housing development, that the nonresidential land uses are compatible with the housing development and the existing or planned development in the area where the proposed housing development will be located, and that mixed-use zoning will provide for affordable housing costs and rents.

d. If relief from a requirement for mixed-use zoning is proposed, reasonable documentation that residential use without a commercial component is compatible with the existing and planned development in the area where the proposed housing development will be located, and that not including a proposed commercial development will provide for affordable housing costs and rents.

3. Requested Waivers or Reductions of Development Standards. If waivers or reductions of development standards are requested pursuant to State Density Bonus Law, the application shall include the following minimum information for each waiver requested, shown on a site plan (if appropriate):

a. The applicable development standards of the base zone and overlay zones (base development standards) and the requested waiver or reduction of standards for each base development standard where requested.

b. Reasonable documentation that the development standards for which a waiver or reduction of a development standard is requested will have the effect of physically precluding the construction of a development at the densities or with the concessions or incentives permitted by California Government Code Section 65915.

4. Requested Adjusted Parking Ratios. If adjusted parking ratios are requested pursuant to State Density Bonus Law, the application shall include a table showing parking proposed under State Density Bonus Law in compliance with Government Code Section 65915(p) and Section 30.90.090, and reasonable documentation that the project is eligible for the requested parking reduction.

5. Donation of Land. If a density bonus is requested for the donation of land to the City, the application shall include the location of the land to be dedicated, proof of site control, proof of any debt associated with the land, and reasonable documentation that the requirements of Government Code Section 65915(g) can be met.

6. Childcare Facility. If a density bonus or incentive is requested for a childcare facility in a housing development pursuant to Government Code Section 65915(h), the application shall include reasonable documentation that the requirements of Government Code Section 65915(h) can be met.

7. Condominium Conversion. If a density bonus or incentive is requested for a condominium conversion of five or more units, the application shall include reasonable documentation that the requirements of Government Code Section 65915.5 and Del Mar Municipal Code Chapter 24.21 (Condominium Conversions) can be met.

8. Commercial Development Bonus. If a "development bonus", as defined by State Density Bonus Law, is requested for a commercial development project, the application shall include reasonable documentation that the requirements of Government Code Section 65915.7 can be met, which includes (where applicable) an agreement between the developer and a partnered affordable housing organization that allows for a contribution of affordable housing through a joint project or two separate projects encompassing affordable housing.

30.90.050 Local Coastal Program Consistency.

A. State Density Bonus Law provides that it shall not be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Public Resources Code Section 30000 et seq.), and further provides that the granting of a density bonus, concession or incentive shall not be interpreted, in and of itself, to require a Local Coastal Program amendment.

B. The requested density bonus and any requested incentive or concession, waiver or reduction of development standards, adjusted parking ratios, or any combination thereof, shall be consistent with the policies of the certified Local Coastal Program and shall have no significant adverse impacts to coastal resources or the environment, including but not limited to, preservation of public access to the shoreline, and protections for public scenic views, environmentally sensitive habitat areas, and public health and safety in coastal hazard areas.

C. For the purposes of Section 30.90.050:

1. "Coastal resources" means any resource which is afforded protection under the policies of Chapter 3 of the California Coastal Act (Public Resources Code Section 30200 et seq.), including but not limited to, public access, marine and other aquatic resources, environmentally sensitive habitat, and the visual quality of coastal areas.

2. "Environment" as defined by Public Resources Code Sections 21060.5 and 21083 means the physical conditions which exist within the area which will

be affected by a proposed project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historical or aesthetic significance. The area involved shall be the area in which significant effects would occur either directly or indirectly as a result of the project. The environment includes both natural and human-made conditions.

30.90.060 Review and Determination.

A. The City shall process an application within thirty (30) calendar days after receiving the application and shall notify the applicant in writing whether or not the application is deemed complete in a manner consistent with Government Code Section 65943. If additional time is required for the City to review an application, the City shall inform the applicant in writing of the reason for the additional time necessary to review the application.

B. If the City notifies the applicant that the application is deemed complete pursuant to Section 30.90.060(A), the City shall also provide the applicant with the following determinations, which shall be based on the development project at the time the application is deemed complete, and may be adjusted by the City based on any changes to the project during the course of development:

1. The amount of density bonus for which the applicant may be eligible;

2. If an adjusted parking ratio is requested, the parking ratio for which the applicant may be eligible; and

3. If an incentive or concession, or waiver or reduction of development standards has been requested, whether the applicant has provided adequate information for the City to make a determination as to those incentives, concessions, waivers, or reductions in development standards and if adequate information has not been provided, a list of what necessary information is required.

C. To ensure that an application for housing development conforms with the provisions of State Density Bonus Law and the Coastal Act, the record of decision shall state whether the application conforms to the following requirements under State law, as applicable:

1. That the housing development provides the housing required by State Density Bonus Law to be eligible for the density bonus and any requested incentive or concession, waiver or reduction of development standards, adjusted parking ratios, or any combination thereof, including the replacement of units rented or formerly rented to very low-income and low-income households as required by Government Code Section 65915(c)(3).

2. If an incentive or concession is requested, that any requested incentive will result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Health and Safety Code Section 50052.5, or for affordable rents, as defined in Health and Safety Code Section 50053; except that, if a mixed-use development is requested, the application must instead meet all of the requirements of Government Code Section 65915(k)(2).

3. If a waiver or reduction of development standards is requested, that the housing development project is eligible for a waiver, and the development standards for which a waiver is requested would have the effect of physically precluding the construction of the housing development at the densities or with the concessions or incentives permitted by State Density Bonus Law.

4. If parking reductions are requested, that the housing development is eligible for any requested parking reductions under Government Code Section 65915(p).

5. If the density bonus is based, all or in part, on donation of land, that all requirements in Government Code Section 65915(g) have been met.

6. If the density bonus or incentive is based, all or in part, on the inclusion of a childcare facility, that all requirements in Government Code Section 65915(h) have been met.

7. If the density bonus or incentive is based, all or in part, on the inclusion of a condominium conversion, that the requirements in Government Code Section 65915.5 and Del Mar Municipal Code Chapter 24.21 (Condominium Conversions) have been met.

8. That the requested density bonus, and any requested incentive or concession, waiver or reduction of development standards, adjusted parking ratios, or any combination thereof, is consistent with all applicable requirements of the certified Local Coastal Program.

D. The City shall grant an incentive or concession requested by the applicant unless it makes a written finding to deny, based upon substantial evidence, of any of the following:

1. That the incentive or concession does not result in identifiable and actual cost reductions consistent with State Density Bonus Law to provide for affordable housing costs, as defined in Health and Safety Code Section 50052.5, or for affordable rents, as defined in Health and Safety Code Section 50053; or

2. That the requested incentive or concession would have a specific, adverse impact upon public health or safety or on any real property listed in the California Register of Historic Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the housing development unaffordable to low- and moderate-income households. For purposes of this subsection, "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions as they existed on the date that the application for the housing development was deemed complete, as defined in Government Code Section 65589.5(d)(2); or

3. That the incentive or concession would be contrary to State or Federal law.

E. The City shall grant the waiver or reduction of development standards requested by the applicant unless it makes a written finding to deny, based upon substantial evidence, of any of the following:

1. That the waiver or reduction would have a specific, adverse impact upon health, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. For purposes of this subsection, "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions as they existed on the date that the application for the housing development was deemed complete, as defined in Government Code Section 65589.5(d)(2); or

2. That the waiver or reduction of development standards would have an adverse impact on any real property listed in the California Register of Historic Resources; or

3. That the requested waiver would be contrary to State or Federal law.

F. The City may deny a density bonus or incentive for a childcare facility if it makes a written finding, based on substantial evidence, that the community has adequate childcare facilities.

30.90.070 Affordable Housing Agreement.

A. An applicant seeking a density bonus for a housing development shall enter into an affordable housing agreement with the City, on a form approved by the City, to ensure the continued affordability of the units pursuant to State Density Bonus Law. Following execution of the agreement by all parties, the completed agreement shall be recorded by the applicant as a deed restriction against the property on which the project will be located. The agreement shall run with the land and be binding on all future owners and successors in interest of the property.

The approval and recordation of the agreement shall take place prior to final map approval, or where a map is not processed, prior to issuance of any building permit for the property on which the project will be located.

B. For rental projects, the affordable housing requirement shall require the continued affordability of all rental units that qualified the applicant for the receipt of the density bonus, incentive or concession, waiver or reduction of development standards, or adjusted parking ratio for a minimum of fifty-five (55) years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program; shall identify the type, size and location of each affordable unit; shall specify the eligible occupants; and shall specify phasing of the affordable units in relocation to the market-rate units. Rents for the lower income units shall be set at an affordable rent as defined by State Density Bonus Law.

C. For for-sale projects, the affordable housing requirement shall require that, the initial purchasers of those for-sale units that qualified the applicant for the receipt of the density bonus, incentive or concession, waiver or reduction of development standards, or adjusted parking ratio, are persons and households of lower or moderate income, as applicable, or if not purchased by lower or moderate income households within 180 days after the issuance of the certificate of occupancy, then pursuant to Government Code Section 65915(c), the units will be purchased by a qualified non-profit housing corporation as defined by State Density Bonus Law; and that the units will then be offered at an affordable housing cost, as that cost is defined in Health and Safety Code Section 50052.5. The City shall enforce an equity sharing agreement consistent with State Density Bonus Law unless it is in conflict with the requirements of another public funding source or law.

D. Where a density bonus, incentive or concession, waiver or reduction of development standards, or adjusted parking ratio is provided for a market-rate senior housing development, the applicant shall enter into a restrictive covenant with the City, running with the land, in a form approved by the City, requiring the housing development to be operated as “housing for older persons” consistent with State and Federal fair housing laws.

E. The affordable housing agreement shall also include the following information:

1. The number of units approved for the housing development, including the number and type of affordable and density bonus units;

2. The location, unit size(s) (square footage), and number of bedrooms of affordable units;

3. Schedule for production of affordable units;

4. Incentives or concessions or waiver or reduction of development standards provided by the City;

5. Where applicable, limits on tenure and conditions governing the initial sale of the affordable units;

6. Where applicable, tenure and conditions establishing rules and procedures for qualifying tenants, setting rental rates, filling vacancies, and operating and maintaining units for affordable rental dwelling units;

7. Compliance with State and Federal laws;

8. Prohibition against discrimination;

9. Indemnification of City;

10. City's right to inspect units and documents; and

11. Remedies; and

12. Any additional information or documentation that may be required by the City.

30.90.080 Density Bonus Calculation.

A. In determining the total number of units to be granted, each component of any density calculation, including base density and bonus density, resulting in fractional units shall be separately rounded up to the next whole number.

B. When calculating the number of affordable units needed for a given density bonus, any fractions of affordable dwelling units shall be rounded up to the next whole number.

C. Each housing development is entitled to only one density bonus for the life of that development. If a housing development qualifies for a density bonus under more than one category, the applicant shall identify the category under which the density bonus is requested to be granted.

D. The density bonus units shall not be included when determining the number of affordable units required to qualify a housing development for a density bonus pursuant to State Density Bonus Law.

E. The applicant may elect to accept a lesser percentage of density bonus than the housing development is entitled, or no density bonus, but no reduction will be permitted in the percentages of required affordable units contained in Government Code Section 65915, subdivisions (b), (c), and (f). Regardless of the number of

affordable units, no housing development shall be entitled to a density bonus higher than what is authorized under State Density Bonus Law.

30.90.090 Incentives; Parking Reductions.

A. Incentives are those defined by State Density Bonus Law. The number of incentives that may be requested shall be based upon the number the applicant is entitled to pursuant to State Density Bonus Law.

B. If a housing development is eligible for a density bonus pursuant to State Density Bonus Law, the applicant may request an onsite vehicular parking ratio specified in Government Code Section 65915(p).

C. Nothing in this Chapter requires the provision of direct financial incentives for the housing development, including but not limited to, the provision of financial subsidies, publicly owned land, fee waivers, or the waiver of dedication requirements. The City, at its sole discretion, may choose to provide such direct financial incentives.

30.90.100 Project Standards.

A. Building permits and final inspections or certificates of occupancy shall be issued concurrently for the market rate units and affordable units.

B. Affordable units shall be comparable in exterior appearance and overall quality of construction to market rate units in the same housing development and be consistent with the City's design review objective standards. Interior finishes and amenities may differ from those provided in the market rate units, but neither the workmanship nor the products may be of substandard or inferior quality.

C. To comply with fair housing laws, the affordable units shall contain the same or more proportional mix of bedroom sizes as the market-rate units.

D. In mixed-income buildings, the occupants of the affordable units shall have the same access to the common entrances and to the common areas, parking, and amenities of the project as the occupants of the market-rate housing units, and the affordable units shall be located throughout the building and not isolated on one floor or to an area on a specific floor.

30.90.110 Enforcement.

The regulations of this Chapter, including the terms of any density bonus housing agreement or documents prepared to administer the affordability and eligibility requirements, shall be enforced according to the provisions in Del Mar Municipal Code Chapter 1.08.

30.90.120 Appeal Process.

A. An appeal by an applicant or interested person seeking City Council review of a determination made pursuant to this Chapter shall be filed in accordance with Del Mar Municipal Code Chapter 1.12.

B. An applicant may also elect to initiate judicial proceedings to contest the City's denial of an application for a density bonus, incentive or concession, as authorized under State Density Bonus Law.

30.90.130 Severability.

Should a court of competent jurisdiction determine that these regulations are void or if certain terms or provisions are voided, then those regulations shall either become void in their entirety or where the courts have determined that certain terms or provisions are void by operation of the law then those terms and provisions shall have no force or effect.

SECTION THREE:
Pursuant to the California Environmental Quality Act (CEQA), the proposed action has been the subject of prior environmental analysis in the 6th Cycle Housing Element Update Final Program Environmental Impact Report (SCH No. 2020029064) certified by the City Council on October 5, 2020 (Resolution 2020-52), which analyzed and disclosed anticipated impacts of future housing development. Refer to the Final 6th Cycle PEIR: www.delmar.ca.us/DocumentCenter/View/7171/Final-PEIR-91020

No new or substantially greater impacts would result. As such, pursuant to CEQA Guidelines Sections 15162, and based on the review of the entire record, including without limitation, the Final PEIR referenced above, the proposed action does not require a subsequent EIR or further environmental review.

SECTION FOUR:
This Ordinance was introduced by the City Council on April 15, 2024.

SECTION FIVE:
The City Clerk is directed to prepare and have published a summary of this Ordinance no less than five days prior to the consideration of its adoption and again within 15 days following adoption indicating votes cast.

SECTION SIX:
If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION SEVEN:
The Ordinance will take effect and be in force 30 days from the date that the City Council takes action to adopt the Ordinance.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council held on the 6th day of May 2024.

_____
Dave Druker, 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, SARAH KRIETOR, Administrative Services Manager/City Clerk of the City of Del Mar, California, DO HEREBY CERTIFY, that the foregoing is a true and correct copy of Ordinance No.____, which has been published pursuant to law, and adopted by the City Council of the City of Del Mar, California, at a Regular Meeting held the 6th day of May, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Sarah Krietor, Administrative Services Manager/City Clerk
City of Del Mar

SUMMARY OF DENSITY BONUS LAW

Background on State Density Bonus Law (DBL) - Government Code § 65915

Allows housing or mixed-use development at a density above maximum set in the General Plan (Del Mar Community Plan) and Zoning Code. In exchange for increased density, a certain number of the units must be income-restricted and reserved for very-low income, low-income, or moderate-income households. The Coastal Act and policies of the certified Local Coastal Program apply to DBL projects. DBL provides three types of benefits that qualifying applicants may request from the City to facilitate affordable housing development:

1) Incentives or concessions that provide project cost reductions;

2) Waivers and reductions of development standards that would physically preclude project development at the density permitted per DBL and with incentives granted per DBL; and

3) Reductions in parking requirements per Government Code § 65915(p).

Project Eligibility and Location

Any housing development that proposes five or more dwelling units and incorporates at least one of the housing-related requirements below is eligible for a density bonus:

Density Bonus awarded per Project Type per State Density Bonus Law	
Projects with 5% "Very Low Income", 10% "Low Income", or 20% "Moderate Income" rental units restricted for at least 55 years	20% density bonus
Projects with 10% "Very Low Income" units for transitional foster youth, disabled veterans, or homeless restricted at least 55 years	
Senior housing projects that limit age of tenants, not the income (Civil Code § 51.3 and 51.12)	
Projects with 15% "Very Low Income", 24% "Low Income", or 44% "Moderate Income" rental units restricted for at least 55 years	50% density bonus
Projects with 100% affordable units (excluding manager unit) with max 20% moderate units	
Projects that donate land (at least one acre) for very low-income (Gov Code § 65915(g))	15% to 35% density bonus
Projects that provide a child care facility (Gov Code §65915(h))	Equivalent square footage of child care facility for bonus units

Potential DBL project locations include the North Commercial and Professional Commercial Zones and will include the Central Commercial Zone (Ordinance pending per Housing Element).

Maximum Density Bonus

Opportunities for a project density bonus are set on a sliding scale based on percentage of units in the project that will be set aside as income-restricted; and number of units in specified household income categories (very low, low, or moderate). The maximum density bonus that can be awarded is 50% of the base units (pre-density bonus), which applies to projects that include at least 44% moderate-income units or 24% low-income units or 15% very low-income units. The density bonus calculation is based on the allowable density of the base zone. No additional density will be awarded beyond the 50% density bonus.

Incentives/Concessions and Determination of Economic Infeasibility

An applicant may request incentives/concessions to reduce costs to build a DBL project with affordable units. Incentives and concessions have the same meaning under DBL. Typically, development projects must comply with design standards and development regulations (i.e., height, floor area ratio, lot coverage, and setbacks). DBL allows projects to deviate from design standards and development regulations if the standard regulations would make the project economically infeasible to build. Requested incentives or concessions must result in identifiable and actual cost reductions for affordable housing development. An applicant shall provide reasonable documentation to explain how the request will reduce costs to build the project. The City may deny an incentive or concession if it finds it would be contrary to state or federal law, or would have a specific, adverse and unavoidable impact on public health, safety or on a listed historic property.
DBL allows up to five “incentives” to be requested based on the number of income-restricted units:

Income Category	% of Reserved Units				
Very Low	5%	10%	15%	16%	100% lower income (up to 20% moderate income)
Low	10%	17%	24%	N/A	
Moderate	10% for sale	20% for sale	30% for sale	45% for sale	
Senior	N/A	N/A	100%	N/A	N/A
Maximum Incentives	1	2	3	4	5

Waivers and Determination of Physical Infeasibility

A waiver is a reduction or modification of “development standards” and other regulations when those requirements would make project construction physically infeasible without waiver approval. “Development standards” includes a site or construction condition, including, but not limited to, height, setbacks, floor area, open space requirements or parking. The determination of physical infeasibility considers the density permitted per DBL and scenarios with project incentive(s) granted. There is no limit to the number of waivers an applicant can request. However, waiver requests must be accompanied by reasonable documentation that explains the request and visually demonstrates in exhibits that the existing development standard, if not waived or reduced, would physically preclude development of the project. The City may deny a waiver if it finds it would be contrary to state or federal law, or would have a specific, adverse and unavoidable impact on public health, safety or on a listed historic property.

City of Del Mar
Agenda Report

TO: Honorable Mayor and City Council Members

FROM: Sarah Krietor, Administrative Services Manager
Kseniia Izgarskaia, Senior Management Analyst
Via Ashley Jones, City Manager

DATE: May 6, 2024

SUBJECT: Amendments to the City's Personnel Rules and Regulations Manual

REQUESTED ACTION/RECOMMENDATION:
Staff recommends that the City Council adopt the Resolution (Attachment A) amending the City's Personnel Rules and Regulations Manual (Exhibit A to Attachment A) to comply with changes to state legislation related to sick and bereavement leaves.

DISCUSSION/ANALYSIS:
The City of Del Mar Personnel Rules and Regulations Manual (Personnel Rules) outlines the benefits, rules, and personnel policies applicable to City of Del Mar (City) employees, which exist to ensure consistent and fair treatment of all City employees. From time to time, it is necessary for the City to revise its Personnel Rules due to changes in state or federal law and/or industry best practices. Recent state legislation expanded the required duration of employer-provided paid sick leave which impacts the City's part-time seasonal employees. The legislation also changed California employer obligations for granting leave for reproductive loss events. Additionally, staff recommends administrative updates to improve consistency of definitions related to family medical leave and bereavement leave.

Sick Leave for Part-Time, Temporary Employees
Currently, the City's Personnel Rules and Regulations Manual Section 11.02.1 - Sick Leave for Part-Time, Temporary Employees provides part-time seasonal employees with paid sick leave accrued at the rate of one (1) hour of paid sick leave for every thirty (30) hours worked, with the maximum accrual of 24 hours in a 12-month period.

On October 4, 2023, Governor Newsom signed Senate Bill 616 (SB 616) into law effective January 1, 2024, amending California Labor Code sections 245.5, 246, and 246.5 and increasing the required amount of employer-provided sick leave to a minimum of forty (40) hours or 5 days, whichever is greater, per each calendar year or 12-month period. The City's current sick leave accrual practices for all full-time regular employees are compliant with the new legislation; however, changes are required for part-time, seasonal employees.

The proposed revisions to the Personnel Rules Section 11.02.1 (Attachment B) implement the provisions of SB 616 by increasing the amount of paid sick leave for part-time seasonal employees from 24 hours to 40 hours per 12-month period. In order to streamline the process

City Council Action:

and make it more operationally practicable, the proposed amendment would also eliminate the accrual method and switch to crediting sick leave as an upfront bank each 12-month period, with a 90-day waiting period for new employees to use the leave. Additionally, staff recommends administrative changes to section 11.02.01(b)(4)(b) to add clarifications related to the use of sick leave to care for a family member and align the definitions with those provided in Section 11.14 Family Care Leave.

Bereavement Leave

The City's Personnel Rules and Regulations Manual Section 11.03 - Bereavement Leave, currently provides employees with three (3) paid days of bereavement leave and the option for employees to use an additional three (3) days of their accrued leave balances.

On October 10, 2023, Governor Newsom signed Senate Bill 848 (SB 848) that enacted Government Code Section 12945.6 and created protected leave for reproductive loss events. A reproductive loss event means "the day or, for a multiple-day event, the final day of a failed adoption, failed surrogacy, miscarriage, stillbirth, or an unsuccessful assisted reproduction." Under SB 848, employees are entitled to take up to five (5) days of reproductive loss leave (which may be taken nonconsecutively) per reproductive loss event and up to a total amount of 20 days of reproductive loss leave within a 12-month period.

Staff is proposing revisions to Personnel Rules Section 11.03 - Bereavement Leave (Attachment C) implementing the requirements of SB 848 to add reproductive loss events to the list of qualifying events for taking bereavement leave. Reproductive loss bereavement leave must be taken within three (3) months of the reproductive loss event. If, prior to or immediately following a reproductive loss event, an employee is on or chooses to go on Pregnancy Disability Leave, under the California Family Rights Act, or any other leave entitlement under state or federal law, the employee must complete their reproductive loss leave within three (3) months of the end date of the other leave.

Other Administrative Updates

Staff also recommends administrative updates to Personnel Rules Section 11.02 – Sick Leave for Full-Time Employees to align family definitions with those provided in Section 11.14 Family Care Leave, remove language that no longer applies, and ensure consistency with other applicable provisions related to sick leave. A redlined Section 11.02 with the recommended changes is provided as Attachment D.

FISCAL IMPACT:

There is no fiscal action to be taken by the Council related to this agenda item.

ATTACHMENTS:

Attachment A – Resolution Amending the Personnel Rules and Regulations Manual
Exhibit A to Attachment A - Amended Personnel Rules and Regulations Manual
Attachment B – Redlined Section 11.02.1 – Sick Leave for Part-Time, Temporary Employees
Attachment C – Redlined Section 11.03 – Bereavement Leave
Attachment D – Redlined Section 11.02 – Sick Leave for Full-Time Employees

RESOLUTION NO. 2024-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, AMENDING THE CITY'S PERSONNEL RULES AND REGULATIONS MANUAL

WHEREAS, the purpose of the City's Personnel Rules and Regulations Manual (Personnel Rules) is to outline the benefits, rules, and personnel policies applicable to employees of the City of Del Mar; and

WHEREAS, the Personnel Rules are designed as a guide to ensure consistent, fair, and uniform treatment of all City employees; and

WHEREAS, circumstances such as changes to state or federal law require that benefits, rules and policies described in the Personnel Rules change from time to time; and

WHEREAS, the City Council has reviewed and agreed to make revisions to the Personnel Rules in order to comply with legislative changes to California Labor Code sections 245.5, 246, and 246.5 (as amended by Senate Bill 616) and with Section 12945.6 of the California Government Code (as adopted by Senate Bill 848) that went into effect January 1, 2024; and

WHEREAS, the City Council has also agreed to make administrative revisions to the Personnel Rules pertaining to sick leave for full-time employees.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Del Mar, California, that:

1. The above recitals are true and correct.

2. Section 11.02.1 – Sick Leave for Part-Time, Temporary Employees; Section 11.03 – Bereavement Leave; and Section 11.02 – Sick Leave for Full-Time Employees of the Personnel Rules are hereby amended and approved by the City Council, and incorporated in the Personnel Rules as shown in Exhibit "A" to this Resolution.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Del Mar, California, at a Regular Meeting held on the 6th day of May 2024.

_____

Dave Druker, 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, SARAH KRIETOR, Administrative Services Manager/City Clerk of the City of Del Mar, California, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution No. 2024-XX, adopted by the City Council of the City of Del Mar, California, at a Regular Meeting held the 6th day of May, 2024, by the following vote:

AYES:

NOES:

RECUSE:

ABSENT:

ABSTAIN:

_____
Sarah Krietor, Administrative Services Manager/City Clerk
City of Del Mar

11.02 Sick Leave for Full-Time Employees.

(a) The City provides a sick leave program for the purpose of minimizing the economic hardships that may result from an unexpected personal or dependent illness or injury. Sick leave should not be viewed as a right, but rather it is a privilege of paid time away from work duties where such absence is necessary.

(b) **Accrual**. Sick leave shall be accrued at the rate of eight (8) hours for each calendar month of service for all non-fire full-time employees. Fire employees who regularly work a schedule that averages fifty-six (56) hours per week shall accrue sick leave at the rate of 11.6 hours for each calendar month of service. There shall be no limit to the amount of sick leave that an employee may accumulate.

(c) **Use**.

(1) Sick leave may be used for personal illness or injury, emergency or routine medical or dental appointments, including pregnancy as provided in the Maternity Leave subsection, and for reasonable travel time to and from health care facilities.

(2) In accordance with the Healthy Workplaces, Healthy Families Act of 2014 ("California Paid Sick Leave Law"), an employee may use accrued paid sick leave for any of the following reasons:

(a) For the employee's own diagnosis, care, or treatment of an existing health condition or preventative care.

(b) For the diagnosis, care, or treatment of an existing health condition or preventative care for an employee's family member, including:

i. Child (means a child under the age of 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability including a biological, adopted, foster or step-child, legal ward, or a child of a person standing in loco parentis. In circumstances where an employee's leave qualifies for CFRA, child means a biological, adopted, or foster child, a step child, a legal ward, a child of a domestic partner or a person to whom the employee stands loco parentis including any adult child over the age of 18).

ii. Spouse (means a husband or wife as defined or recognized under California State law for purposes of marriage) or Domestic Partner (Domestic partner has the same meaning as defined in section 297 of the California Family Code)

iii. Parent (Parent means the biological parent of an employee or an individual who stands or stood in loco parentis (in place of a parent) to an employee when the employee was a child).

iv. Grandparent (means a parent of the employee's parent)

v. Grandchild (Grandchild means a child of the employee's child).

vi. Sibling (means a person related to another person by blood, adoption, or affinity through a common legal or biological parent).

vii. Designated Person (Any individual related by blood or whose association with the employee is equivalent to that of a family relationship. Must be identified at the time of the requested leave. Employees may identify one designated person per 12-month period).

(c) To obtain any relief or services related to being a victim of domestic violence, sexual assault, or stalking including the following with appropriate certification of the need for such services:

i. A temporary restraining order or restraining order.

ii. Other injunctive relief to help ensure the health, safety or welfare of themselves or their children.

iii. To seek medical attention for injuries caused by domestic violence, sexual assault, or stalking.

iv. To obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence, sexual assault, or stalking.

v. To obtain psychological counseling related to an experience of domestic violence, sexual assault, or stalking.

vi. To participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault, or stalking, including temporary or permanent relocation.

(3) An employee shall provide reasonable advance notification of their need to use accrued paid sick leave to their supervisor if the need for paid sick leave use is foreseeable (e.g., doctor's appointment scheduled in advance). If the need for paid sick leave use is unforeseeable, the employee shall

provide notice of the need for the leave to their supervisor as soon as is practicable.

(4) An employee who uses paid sick leave must do so in minimum increments of two hours of sick leave.

(5) Paid sick leave will not be considered hours worked for purposes of overtime calculation. An employee will not receive cash-out compensation for unused accrued paid sick leave upon termination, resignation, retirement or other separation from employment from the City. Unused accrued sick leave can be converted to service credit at the time of retirement from the City as allowed by law and the California Public Employees' Retirement system (CalPERS) agreement.

(d) **Personal Leave**. Employees have the option of taking a maximum of up to three (3) days sick leave each year as personal leave days (subset of total accrued sick leave). An employee may take personal leave if the employee has a current sick leave balance that is at least equal to the number of personal leave days the employee opts to take. Employees are required to obtain approval from their Department Head prior to taking personal leave.

(e) **Sick Leave Transfer**. The purpose of this provision is to provide a means of alleviating personal financial hardship for employees who are suffering from a long-term catastrophic illness or injury, or desire to care for immediate family members suffering from such an illness or injury.

Under this provision an employee may transfer the monetary value of existing accrued sick leave hours, in eight hour increments, to another employee who is on an authorized unpaid leave of absence and who has exhausted or will exhaust available leave balances. An employee may transfer sick leave to another employee provided the donating employee has a remaining sick leave balance of at least one-hundred and twenty (120) hours.

The donated sick leave shall be the property of the City until distribution. The monetary value of the donated sick leave will be placed into an account administered by the Finance Manager. The funds shall be distributed to the receiving employee so as to maintain the receiving employee's regular pay. Said payments shall be subject to payroll taxes and authorized payroll deductions, but shall not be treated as time worked for the accrual of vacation, sick leave or other accruals or credits.

Any donated hours not used by the receiving employee will remain in the transfer account for use by other needy employees.

Sick leave transfers are subject to the approval of the City Manager. An employee in need of a sick leave transfer in accordance with this provision shall make written application to the City Manager via their Department Head. The written request should outline the anticipated period of extended leave and the required sick leave hours.

Every effort will be made to assure that no pressure, either implicit or explicit, is placed on any employee by any other employee to make a donation or participate in a sick leave transfer.

(f) **Sick Leave Conversion** Employees who have a sick leave balance of 120 hours and who use 48 hours or less in a calendar year may convert the difference between 72 hours and the actual hours used from sick leave hours to vacation at a rate of one (1) vacation hour for two (2) sick leave hours. The conversion of sick leave to vacation shall be made during the month of January each year.

Converted vacation hours shall not be counted in an employee's accrued vacation balance when determining the maximum vacation accrual. Converted vacation hours in excess of the maximum vacation accrual must be used during the calendar year.

(g) **Rehire.** If an employee separates from employment with the City and is re-hired by the City within one year of the date of separation, previously accrued and unused paid sick leave hours shall be reinstated not to exceed 48 hours of accrued leave. However, if a rehired employee had not yet worked the requisite 90 days of employment to use paid sick leave at the time of separation, the employee must still satisfy the 90 days of employment requirement collectively over the periods of employment with the City before any paid sick leave can be used.

(h) **Short Term Disability Insurance Benefits**. Covered employees qualifying for Short Term Disability Insurance benefits (for non-industrial injuries/illnesses) may elect to coordinate Short Term Disability Insurance benefits with unused sick leave, such that the employee receives his/her usual gross salary.

(i) In accordance with section 11.14 Family Medical Leave subsection (h) and the California Family Rights Act (CFRA) an employee may use their accrued sick leave balance for the care of a child, spouse or parent for a qualified serious health condition or in connection with the birth, adoption, or foster care of a child if mutually agreed upon by the City and the employee.

11.02.1 **Sick Leave for Part-Time, Temporary Employees**

(a) The following policy applies only to Regular Part-time Employees, Temporary Employees, and Seasonal Employees.

(b) Effective January 1, 2024, as required by the California Paid Sick Leave Law the City of Del Mar will provide paid sick leave to Regular Part-time, Temporary, and Seasonal Employees as follows:

(1) An employee is credited a bank of forty (40) hours of sick leave at the start of employment with the City. An employee is not eligible to begin using any paid sick leave until after 90 days of employment with the City.

(2) An employee is only allowed to use up to a maximum of forty (40) hours or five days, whichever is greater, of paid sick leave in a 12-month period, calculated based on the employee's anniversary date.

(3) Any unused paid sick leave does not carryover year to year while continuously employed. Any unused paid sick leave shall expire on the employee's anniversary date, and a new bank of forty (40) hours shall be credited to the employee each year in the pay period in which the employee's anniversary falls.

(4) An employee may use up to five (5) days or 40 hours, whichever is greater, of paid sick leave in a 12-month period for any of the following reasons:

(a) For the employee's own diagnosis, care, or treatment of an existing health condition or preventative care.

(b) For the diagnosis, care, or treatment of an existing health condition or preventative care for an employee's family member, including:

i. Child (means a child under the age of 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability including a biological, adopted, foster or step-child, legal ward, or a child of a person standing in loco parentis. In circumstances where an employee's leave qualifies for CFRA, child means a biological, adopted, or foster child, a step child, a legal ward, a child of a domestic partner or a person to whom the employee stands loco parentis including any adult child over the age of 18.).

ii. Spouse (means a husband or wife as defined or recognized under California State law for purposes of marriage) or Domestic

Partner (Domestic partner has the same meaning as defined in section 297 of the California Family Code).

iii. Parent (Parent means the biological parent of an employee or an individual who stands or stood in loco parentis (in place of a parent) to an employee when the employee was a child.).

iv. Grandparent. (Grandparent means a parent of the employee's parent)

v. Grandchild. (Grandchild means a child of the employee's child)

vi. Sibling. (Sibling means a person related to another person by blood, adoption, or affinity through a common legal or biological parent.)

vii. Designated Person (any individual related by blood or whose association with the employee is equivalent to that of a family relationship. Must be identified at the time of the requested leave. Employees may identify one designated person per 12-month period).

(c) To obtain any relief or services related to being a victim of domestic violence, sexual assault, or stalking including the following with appropriate certification of the need for such services:

i. A temporary restraining order or restraining order.

ii. Other injunctive relief to help ensure the health, safety or welfare of themselves or their children.

iii. To seek medical attention for injuries caused by domestic violence, sexual assault, or stalking.

iv. To obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence, sexual assault, or stalking.

v. To obtain psychological counseling related to an experience of domestic violence, sexual assault, or stalking.

vi. To participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault, or stalking, including temporary or permanent relocation.

(5)An employee shall provide reasonable advance notification of their need to use accrued paid sick leave to their supervisor if the need for paid sick leave use is foreseeable (e.g., doctor's appointment scheduled in advance). If the need for paid sick leave use is unforeseeable, the employee shall provide notice of the need for the leave to their supervisor as soon as is practicable.

(6) An employee who uses paid sick leave must do so in minimum increments of two hours of sick leave.

(7) Paid sick leave will not be considered hours worked for purposes of overtime calculation. An employee will not receive compensation for unused accrued paid sick leave upon termination, resignation, retirement or other separation from employment from the City.

(8) If an employee separates from employment with the City and is re-hired by the City within one year of the date of separation, previously accrued and unused paid sick leave hours shall be reinstated to the extent required by law. However, if a rehired employee had not yet worked the requisite 90 days of employment to use paid sick leave at the time of separation, the employee must still satisfy the 90 days of employment requirement collectively over the periods of employment with the City before any paid sick leave can be used.

11.03 Bereavement Leave.

(a) Employees may have three (3) paid work days leave of absence for each death in their immediate family for the purpose of bereavement, and for the arranging of and attendance at the funeral, or for each reproductive loss event as defined in Government Code Section 12945.6. Immediate family for the purpose of bereavement leave includes:

1. Spouse (means a husband or wife as defined or recognized under California State law for purposes of marriage),
2. Domestic partner (Domestic partner has the same meaning as defined in section 297 of the California Family Code),
3. Child (means a child under the age of 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability including a biological, adopted, foster or step-child, legal ward, or a child of a person standing in loco parentis. In circumstances where an employee's leave qualifies for CFRA, child means a biological, adopted, or foster child, a step child, a legal ward, a child of a domestic partner or a person to whom the employee stands loco parentis including any adult child over the age of 18),
4. Parent (means the biological parent of an employee or an individual who stands or stood in loco parentis (in place of a parent) to an employee when the employee was a child),
5. Sibling (means a person related to another person by blood, adoption, or affinity through a common legal or biological parent),
6. Grandparent (means a parent of the employee's parent),
7. Grandchildr (means a child of the employee's child),
8. Aunt, uncle;
9. The aforementioned can either be natural, step or in-law, or any person over which the employee acts as legal guardian.
10. Designated Person (Any individual related by blood or whose association with the employee is equivalent to that of a family relationship. Must be identified at the time of the requested leave. Employees may identify one designated person per 12-month period).

(b) Employees have the option to extend bereavement leave beyond the three (3) paid days provided, for a total of up to six (6) days. The employee may take up to three (3) additional unpaid days or use leave from his/her current accrued and available leave balances, such as vacation, personal leave, sick leave, or compensatory time off that is otherwise available to the employee.

(c) The employee may be required to submit proof of relative's death before final approval of leave with pay is granted.

(d) Leave taken under these provisions must be taken within three (3) months of the death of the immediate family member but need not necessarily be taken on consecutive days. If, prior to or immediately following a reproductive loss event,

an employee is on or chooses to go on Pregnancy Disability Leave, leave under the California Family Rights Act, or any other leave entitlement under state or federal law, the employee must complete their reproductive loss bereavement leave within three (3) months of the end date of the other leave.

(e) Employees are eligible for this leave, as needed for each qualifying event, after thirty (30) days of employment.

(f) Eligible employees taking bereavement leave for reproductive loss events are entitled up to a total amount of 20 days of leave within a 12-month period.

11.02.1 **Sick Leave for Part-Time, Temporary Employees**

(a) The following policy applies only to Regular Part-time Employees, Temporary Employees, and Seasonal Employees.

(b) Effective ~~July 1, 2015~~January 1, 2024, as required by the California Paid Sick Leave Law the City of Del Mar will provide paid sick leave to Regular Part-time, Temporary, and Seasonal Employees as follows:

(1) An employee ~~begins to accrue paid sick leave at the rate of one (1) hour of paid sick leave for every thirty (30) hours worked beginning on the first day of employment.~~is credited a bank of forty (40) hours of sick leave at the start of employment with the City. An employee is not eligible to begin using any ~~accrued~~ paid sick leave until after 90 days of employment with the City.

(2) An employee is only allowed to use up to a maximum of ~~three (3) days or 24~~forty (40) hours or five days, whichever is greater, of paid sick leave in a 12-month period, calculated based on the employee's anniversary date.

(3) ~~An employee can only accrue paid sick leave up to a cap of six (6) days or 48 hours ongoing.~~ Any unused ~~accrued~~ paid sick leave does not carryover year to year while continuously employed. ~~up to the cap. An employee stops accruing sick leave when the cap is reached and will begin to accrue sick leave again when the total amount of accrued sick leave falls below the cap.~~ Any unused paid sick leave shall expire~~at the end of the calendar year~~ on the employee's anniversary date, and a new bank of forty (40) hours shall be credited to the employee ~~in the first pay period of the calendar year~~ each year in the pay period in which the employee's anniversary falls.

(4) An employee may use up to ~~three~~ five (5~~3~~) days or 40~~24~~ hours, whichever is greater, of ~~accrued~~ paid sick leave in a 12-month period for any of the following reasons:

(a) For the employee's own diagnosis, care, or treatment of an existing health condition or preventative care.

~~(a)~~(b) For the diagnosis, care, or treatment of an existing health condition or preventative care for an employee's family member, including:

i. Child (means a child under the age of 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability including a biological, adopted, foster or step-child, legal ward, or a child of a person standing in loco parentis. In circumstances where an employee's leave qualifies for CFRA, child means a biological, adopted, or foster child, a step child, a legal ward, a child of a domestic partner or a person

to whom the employee stands loco parentis including any adult child over the age of 18.~~including a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis~~).

ii. Spouse (means a husband or wife as defined or recognized under California State law for purposes of marriage) or ~~Registered~~ Domestic Partner (Domestic partner has the same meaning as defined in section 297 of the California Family Code).

iii. Parent (Parent means the biological parent of an employee or an individual who stands or stood in loco parentis (in place of a parent) to an employee when the employee was a child.~~including biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child~~).

iv. Grandparent. (Grandparent means a parent of the employee's parent)

v. Grandchild. (Grandchild means a child of the employee's child)

vi. Sibling. (Sibling means a person related to another person by blood, adoption, or affinity through a common legal or biological parent.)

vii. Designated Person (any individual related by blood or whose association with the employee is equivalent to that of a family relationship. Must be identified at the time of the requested leave. Employees may identify one designated person per 12-month period).

~~(b)~~(c) To obtain any relief or services related to being a victim of domestic violence, sexual assault, or stalking including the following with appropriate certification of the need for such services:

i. A temporary restraining order or restraining order.

ii. Other injunctive relief to help ensure the health, safety or welfare of themselves or their children.

iii. To seek medical attention for injuries caused by domestic violence, sexual assault, or stalking.

iv. To obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence, sexual assault, or stalking.

v. To obtain psychological counseling related to an experience of domestic violence, sexual assault, or stalking.

vi. To participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault, or stalking, including temporary or permanent relocation.

(5)An employee shall provide reasonable advance notification of their need to use accrued paid sick leave to their supervisor if the need for paid sick leave use is foreseeable (e.g., doctor's appointment scheduled in advance). If the need for paid sick leave use is unforeseeable, the employee shall provide notice of the need for the leave to their supervisor as soon as is practicable.

(6) An employee who uses paid sick leave must do so in minimum increments of two hours of sick leave.

(7) Paid sick leave will not be considered hours worked for purposes of overtime calculation. An employee will not receive compensation for unused accrued paid sick leave upon termination, resignation, retirement or other separation from employment from the City.

(8) If an employee separates from employment with the City and is re-hired by the City within one year of the date of separation, previously accrued and unused paid sick leave hours shall be reinstated to the extent required by law. However, if a rehired employee had not yet worked the requisite 90 days of employment to use paid sick leave at the time of separation, the employee must still satisfy the 90 days of employment requirement collectively over the periods of employment with the City before any paid sick leave can be used.

11.03 Bereavement Leave.

(a) ~~(a)~~ Employees may have three (3) paid work days leave of absence for each death in their immediate family for the purpose of bereavement, and for the arranging of and attendance at~~,~~ the funeral, or for each reproductive loss event as defined in Government Code Section 12945.6. ~~—~~Immediate family for the purpose of bereavement leave includes:

1. Spouse (means a husband or wife as defined or recognized under California State law for purposes of marriage),
2. D~~d~~omestic partner (Domestic partner has the same meaning as defined in section 297 of the California Family Code),
3. C~~c~~hild (means a child under the age of 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability including a biological, adopted, foster or step-child, legal ward, or a child of a person standing in loco parentis. In circumstances where an employee's leave qualifies for CFRA, child means a biological, adopted, or foster child, a step child, a legal ward, a child of a domestic partner or a person to whom the employee stands loco parentis including any adult child over the age of 18),
4. P~~p~~arent (means the biological parent of an employee or an individual who stands or stood in loco parentis (in place of a parent) to an employee when the employee was a child),
5. Sibling (means a person related to another person by blood, adoption, or affinity through a common legal or biological parent),
6. G~~g~~randparent~~s~~ (means a parent of the employee's parent),
7. G~~g~~randchildre~~n~~ ~~,~~ (means a child of the employee's child),
8. ~~A~~a~~a~~unt, uncle;
9. T~~t~~he aforementioned can either be natural, step or in-law, or any person over which the employee acts as legal guardian.
10. ~~1.~~ Designated Person (Any individual related by blood or whose association with the employee is equivalent to that of a family relationship. Must be identified at the time of the requested leave. Employees may identify one designated person per 12-month period).

(b) Employees have the option to extend bereavement leave beyond the three (3) paid days provided, for a total of up to six (6) days. The employee may take up to three (3) additional unpaid days or use leave from his/her current accrued and available leave balances, such as vacation, personal leave, sick leave, or compensatory time off that is otherwise available to the employee.

(c) The employee may be required to submit proof of relative's death before final approval of leave with pay is granted.

(d) Leave taken under these provisions must be taken within three (3) months of the death of the immediate family member but need not necessarily be taken on consecutive days. If, prior to or immediately following a reproductive loss event,

an employee is on or chooses to go on Pregnancy Disability Leave, leave under the California Family Rights Act, or any other leave entitlement under state or federal law, the employee must complete their reproductive loss bereavement leave within three (3) months of the end date of the other leave.

(e) Employees are eligible for this leave, as needed for each qualifying event, after thirty (30) days of employment.

(f) Eligible employees taking bereavement leave for reproductive loss events are entitled up to a total amount of 20 days of leave within a 12-month period.

11.02 Sick Leave for Full-Time Employees.

(a) The City provides a sick leave program for the purpose of minimizing the economic hardships that may result from an unexpected personal or dependent illness or injury. Sick leave should not be viewed as a right, but rather it is a privilege of paid time away from work duties where such absence is necessary.

(b) **Accrual**. Sick leave shall be accrued at the rate of eight (8) hours for each calendar month of service for all non-fire full-time employees. Fire employees who regularly work a schedule that averages fifty-six (56) hours per week shall accrue sick leave at the rate of 11.6 hours for each calendar month of service. There shall be no limit to the amount of sick leave that an employee may accumulate.

(c) **Use**.

(1) Sick leave may be used for personal illness or injury, emergency or routine medical or dental appointments, including pregnancy as provided in the Maternity Leave subsection, and for reasonable travel time to and from health care facilities.

(2) In accordance with the Healthy Workplaces, Healthy Families Act of 2014 ("California Paid Sick Leave Law"), an employee may use ~~three (3) days or 24 hours of~~ accrued paid sick leave ~~in a 12-month period~~ for any of the following reasons:

(a) For the employee's own diagnosis, care, or treatment of an existing health condition or preventative care.

(b) For the diagnosis, care, or treatment of an existing health condition or preventative care for an employee's family member, including:

i. Child (means a child under the age of 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability including a biological, adopted, foster or step-child, legal ward, or a child of a person standing in loco parentis. In circumstances where an employee's leave qualifies for CFRA, child means a biological, adopted, or foster child, a step child, a legal ward, a child of a domestic partner or a person to whom the employee stands loco parentis including any adult child over the age of 18~~including a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis~~).

ii. Spouse (means a husband or wife as defined or recognized under California State law for purposes of marriage) or ~~Registered~~ Domestic Partner (Domestic partner has the same

meaning as defined in section 297 of the California Family Code)

iii. Parent (Parent means the biological parent of an employee or an individual who stands or stood in loco parentis (in place of a parent) to an employee when the employee was a child~~including biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child~~).

iv. Grandparent ~~.~~ (means a parent of the employee's parent)

v. Grandchild (Grandchild means a child of the employee's child~~.~~).~~.~~

vi. Sibling (means a person related to another person by blood, adoption, or affinity through a common legal or biological parent).

vii. Designated Person (Any individual related by blood or whose association with the employee is equivalent to that of a family relationship. Must be identified at the time of the requested leave. Employees may identify one designated person per 12-month period).

(c) To obtain any relief or services related to being a victim of domestic violence, sexual assault, or stalking including the following with appropriate certification of the need for such services:

i. A temporary restraining order or restraining order.

ii. Other injunctive relief to help ensure the health, safety or welfare of themselves or their children.

iii. To seek medical attention for injuries caused by domestic violence, sexual assault, or stalking.

iv. To obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence, sexual assault, or stalking.

v. To obtain psychological counseling related to an experience of domestic violence, sexual assault, or stalking.

vi. To participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault, or stalking, including temporary or permanent relocation.

(3) An employee shall provide reasonable advance notification of their need to use accrued paid sick leave to their supervisor if the need for paid sick leave use is foreseeable (e.g., doctor's appointment scheduled in advance). If the need for paid sick leave use is unforeseeable, the employee shall provide notice of the need for the leave to their supervisor as soon as is practicable.

(4) An employee who uses paid sick leave must do so in minimum increments of two hours of sick leave.

(5) Paid sick leave will not be considered hours worked for purposes of overtime calculation. An employee will not receive cash-out compensation for unused accrued paid sick leave upon termination, resignation, retirement or other separation from employment from the City. Unused accrued sick leave can be converted to service credit at the time of retirement from the City as allowed by law and the California Public Employees' Retirement system (CalPERS) agreement.

~~(d) **Family Care**. Up to twenty-four* hours of sick leave may be used per calendar year to care for members of the employee's immediate family who is ill or injured, as defined in Section 11.02(c)(2)(b).~~

~~*State law provides that one-half of annual sick leave accrual may be used for dependent care.~~

(de) **Personal Leave**. Employees have the option of taking a maximum of up to three (3) days sick leave each year as personal leave days (subset of total accrued sick leave). An employee may take personal leave if the employee has a current sick leave balance that is at least equal to the number of personal leave days the employee opts to take. Employees are required to obtain approval from their Department Head prior to taking personal leave.

(ef) **Sick Leave Transfer**. The purpose of this provision is to provide a means of alleviating personal financial hardship for employees who are suffering from a long-term catastrophic illness or injury, or desire to care for immediate family members suffering from such an illness or injury.

Under this provision an employee may transfer the monetary value of existing accrued sick leave hours, in eight hour increments, to another employee who is on an authorized unpaid leave of absence and who has exhausted or will exhaust available leave balances. An employee may transfer sick leave to another

employee provided the donating employee has a remaining sick leave balance of at least one-hundred and twenty (120) hours.

The donated sick leave shall be the property of the City until distribution. The monetary value of the donated sick leave will be placed into an account administered by the Finance ~~Director~~Manager. The funds shall be distributed to the receiving employee so as to maintain the receiving employee's regular pay. Said payments shall be subject to payroll taxes and authorized payroll deductions, but shall not be treated as time worked for the accrual of vacation, sick leave or other accruals or credits.

Any donated hours not used by the receiving employee will remain in the transfer account for use by other needy employees.

Sick leave transfers are subject to the approval of the City Manager. An employee in need of a sick leave transfer in accordance with this provision shall make written application to the City Manager via their Department Head. The written request should outline the anticipated period of extended leave and the required sick leave hours.

Every effort will be made to assure that no pressure, either implicit or explicit, is placed on any employee by any other employee to make a donation or participate in a sick leave transfer.

(fg) **Sick Leave Conversion** ~~**(Not Applicable to Management and Professional Employees).**~~ Employees who have a sick leave balance of 120 hours and who use 48 hours or less in a calendar year may convert the difference between 72 hours and the actual hours used from sick leave hours to vacation at a rate of one (1) vacation hour for two (2) sick leave hours. The conversion of sick leave to vacation shall be made during the month of January each year.

Converted vacation hours shall not be counted in an employee's accrued vacation balance when determining the maximum vacation accrual. Converted vacation hours in excess of the maximum vacation accrual must be used during the calendar year.

(g~~i~~) **Rehire.** If an employee separates from employment with the City and is re-hired by the City within one year of the date of separation, previously accrued and unused paid sick leave hours shall be reinstated not to exceed 48 hours of accrued leave. However, if a rehired employee had not yet worked the requisite 90 days of employment to use paid sick leave at the time of separation, the employee must still satisfy the 90 days of employment requirement collectively over the periods of employment with the City before any paid sick leave can be used.

(hj) **Short Term Disability Insurance Benefits**. Covered employees qualifying for Short Term Disability Insurance benefits (for non-industrial injuries/illnesses) may elect to coordinate Short Term Disability Insurance benefits with unused sick leave, such that the employee receives his/her usual gross salary.

(ik) In accordance with section 11.14 Family Medical Leave subsection (h) and the California Family Rights Act (CFRA) an employee may use their accrued sick leave balance for the care of a child, spouse or parent for a qualified serious health condition or in connection with the birth, adoption, or foster care of a child if mutually agreed upon by the City and the employee.

City of Del Mar
Agenda Report

TO: Honorable Mayor and City Council Members

FROM: Joe Bride, Public Works Director
Via Ashley Jones, City Manager

DATE: May 6, 2024

SUBJECT: Fourth Amendment to the Metro Wastewater Joint Powers Authority Agreement

REQUESTED ACTION/RECOMMENDATION:
Staff recommends the City Council: 1) Approve the Fourth Amendment to the Metro Wastewater Joint Powers Authority Agreement (Attachment A); and 2) Authorize the City Manager to execute the Amendment.

DISCUSSION/ANALYSIS:
The City of Del Mar is a participating agency (PA) in the Metropolitan Sewerage System (Metro System), which ultimately discharges wastewater to the Point Loma Wastewater Treatment Plant. Del Mar is one of twelve PAs that convey wastewater to the Metro System for treatment under the Regional Wastewater Disposal Agreement between the City of San Diego and Participating Agencies and the Metro Wastewater Joint Powers Authority Agreement (Attachment B).

The City of Del Mar also contracts with the San Elijo Joint Power Authority (SEJPA) to transport the City's wastewater to the San Elijo Water Reclamation Facility in Encinitas, California. Infrastructure was installed to allow the City the option of either pumping wastewater to the Metro System or SEJPA. The City of Del Mar has been pumping most of the City's wastewater to SEJPA since April 2018. However, Del Mar needs to maintain its connection to the Metro System for peak wastewater flows and/or emergencies.

This proposed Fourth Amendment makes two amendments to the Metro Wastewater Joint Powers Authority Agreement to reflect updates in officers for the Metro Wastewater Joint Powers Authority (Metro JPA): (1) It amends section 3.02 - Treasurer and Auditor, by expanding the definition to allow the Metro JPA Board to appoint anyone authorized by the Joint Powers Law to be treasurer/auditor, whereas currently the language of the Metro JPA only allows the finance manager or director of one of the PAs to be designated as the auditor/treasurer; and (2) It amends section 3.05 – Legal Advisor, by striking the provision that requires the Metro JPA's legal advisor to also be counsel to one of the PAs. This strikeout is proposed to avoid potential or perceived conflicts of interest, although it does not preclude the Metro JPA's legal advisor from also being legal counsel to one of the PAs. Neither amendment changes either of the current appointments for treasurer/auditor or legal advisor. These are merely clean-up items that accompany the Metro JPA's recent organizational assessment.

City Council Action:

Comparisons between the old and proposed new language are below for information and ease or review. The strikeout shows the old language in comparison to the new underlined language.

~~3.02 Treasurer and Auditor. Pursuant to Section 6505.6 of the Government Code, the finance manager or director of one of the Participating Agencies shall be designated as the Auditor and Treasurer of the JPA. The Auditor and Treasurer shall be the depository, shall have custody of all of the accounts, funds, and money of the JPA from whatever source, shall have the duties and obligations set forth in Section 6505 and 6505.5 of the Government Code and shall assure that there shall be strict accountability of all funds and reporting of all receipts and disbursements of the JPA.~~

3.02 Treasurer and Auditor. The Treasurer and Auditor may be any person(s) duly appointed by the Board and permitted to serve as the JPA Treasurer and/or Auditor pursuant to Government Code Sections 6505.5 and/or 6505.6. The Treasurer shall be the depository, shall have custody of all of the accounts, funds, and money of the JPA from whatever source, and shall have the duties and obligations set forth in Government Code sections 6505, 6505.5 and/or 6505.6 as applicable, and shall assure that there shall be strict accountability of all funds and reporting of all receipts and disbursements of the JPA. The officer performing the duties of Auditor shall have the duties and obligations set forth in Government Code section 6505, 6505.5 and/or 6505.6, as applicable.

3.05 Legal Advisor. The Board shall have the power to appoint the legal advisor of the JPA who shall perform such duties as may be prescribed by the Board. ~~Such legal advisor shall be legal counsel to one of the Participating Agencies.~~

FISCAL IMPACT:
There is no fiscal impact or action to be taken by the City Council related to this agenda item.

ENVIRONMENTAL IMPACT:
This action is considered exempt from the California Environmental Quality Act (CEQA) because it is not a “project” per Section 15378(b)(5) of CEQA Guidelines. The action involves an organizational or administrative activity of government that will not result in the direct or indirect physical change in the environment.

PRIOR CITY COUNCIL REVIEW:
On August 6, 2007, the City Council approved the Third Amendment to the Metro Wastewater Joint Powers Authority Agreement (Attachment C)

ATTACHMENTS:
Attachment A – Fourth Amendment to the Metro Wastewater Joint Powers Authority Agreement
Attachment B – Metro Wastewater Joint Powers Authority Agreement
Attachment C – Third Amendment to the Metro Wastewater Joint Powers Authority Agreement

FOURTH AMENDMENT TO JOINT EXERCISE OF POWERS AGREEMENT FOR THE METRO WASTEWATER JOINT POWERS AUTHORITY TO AMEND SECTIONS 3.02 AND 3.05 OF THE JOINT POWERS AGREEMENT

This Fourth Amendment to the Joint Exercise of Powers Agreement for the Metro Wastewater Joint Powers Authority is made effective as of the date of the last signature by a Participating Agency (defined below), in the County of San Diego, State of California by each of the Participating Agencies of the Metro Wastewater JPA, a Joint Powers Agency ("**JPA**") existing and organized pursuant to the provisions of Government Code section 6500 *et seq*.

RECITALS

WHEREAS, on October 25, 2000, the City of Coronado, a municipal corporation; the City of Del Mar, a municipal corporation; the City of El Cajon, a municipal corporation; the City of Imperial Beach, a municipal corporation; the City of La Mesa, a municipal corporation; the Lemon Grove Sanitation District, a political subdivision of the State of California, the City of Poway, a municipal corporation; Padre Dam Municipal Water District, a political subdivision of the State of California; and the County of San Diego (on behalf of: the Winter Gardens Sewer Maintenance District, a maintenance district established pursuant to California Streets & Hwys. Code section 5820 et seq.; the Lakeside/Alpine Sanitation District, a political subdivision of the State of California; and the Spring Valley Sanitation District, a political subdivision of the State of California) (the "**Participating Agencies**") entered into a Joint Exercise of Powers Agreement ("**Agreement**"), creating the JPA for the purpose of taking responsibility, actions, and decisions pertaining to the Regional Waste Water Disposal Agreement; and

WHEREAS, on February 12, 2003, the Otay Water District was added as a Participating Agency of the JPA; and

WHEREAS, on June 4, 2003, the City of National City was added as a Participating Agency of the JPA; and

WHEREAS, on October 17, 2007, the City of Chula Vista was added as a Participating Agency of the JPA; and

WHEREAS, Article VIII, Section 8.05 of the Agreement allows for amendments of the Agreement; and

WHEREAS, the Participating Agencies wish to make certain amendments to reflect updates in officers and employees of the organization.

AGREEMENT

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

A. Pursuant to Article VIII, Section 8.05 of the Agreement, each of the Participating Agencies hereby amend the Joint Exercise of Powers Agreement for the Metro Wastewater JPA, as follows:

1. Article III, Section 3.02 is hereby revised in its entirety to read as follows:

3.02 Treasurer and Auditor. The Treasurer and Auditor may be any person(s) duly appointed by the Board and permitted to serve as the JPA Treasurer and/or Auditor pursuant to Government Code Sections 6505.5 and/or 6505.6. The Treasurer shall be the depository, shall have custody of all of the accounts, funds, and money of the JPA from whatever source, and shall have the duties and obligations set forth in Government Code sections 6505, 6505.5 and/or 6505.6 as applicable, and shall assure that there shall be strict accountability of all funds and reporting of all receipts and disbursements of the JPA. The officer performing the duties of Auditor shall have the duties and obligations set forth in Government Code section 6505, 6505.5 and/or 6505.6, as applicable.

2. Article III, Section 3.05 is hereby revised in its entirety to read as follows:

3.05 Legal Advisor. The Board shall have the power to appoint the legal advisor of the JPA who shall perform such duties as may be prescribed by the Board.

B.. All other terms and conditions of the Joint Exercise of Powers Agreement for the Metro Wastewater JPA shall remain in full force and effect and shall remain binding upon each of the Participating Agencies.

IN WITNESS WHEREOF, the parties have executed this Fourth Amendment as of the date first written above.

1. CITY OF CORONADO ATTEST

By: _____ _____

2. CITY OF DEL MAR ATTEST

By: _____ _____

3. CITY OF EL CAJON ATTEST

By: _____ _____

4. CITY OF IMPERIAL BEACH

ATTEST

By: _____ _____

5. CITY OF LA MESA

ATTEST

By: _____ _____

6. LEMON GROVE SANITATION DISTRICT

ATTEST

By: _____ _____

7. CITY OF POWAY

ATTEST

By: _____ _____

8. PADRE DAM MUNICIPAL WATER DISTRICT

ATTEST

By: _____ _____

9. COUNTY OF SAN DIEGO on behalf of WINTER GARDENS SEWER MAINTENANCE DISTRICT, LAKESIDE SANITATION DISTRICT, ALPINE SANITATION DISTRICT, AND SPRING VALLEY SANITATION DISTRICT

ATTEST

By: _____ _____

10. OTAY WATER DISTRICT

ATTEST

By: _____ _____

11. NATIONAL CITY

ATTEST

By: _____ _____

12. CHULA VISTA ATTEST

By: _____ _____

Metro Wastewater JPA Agreement and Bylaws

In 2001 the Metro Joint Powers Authority ("Metro JPA") was formed to provide the PAs with a stronger voice in the operations of the Metro System, for which they collectively pay approximately 35% of the operation and capital costs. When the Metro JPA was created, all but three of the PAs joined the Metro JPA. As of October 2007, with the addition of the City of Chula Vista, all PAs are members of the Metro JPA

As a legal entity, the Metro JPA can hire consultants to carry out audits of the City of San Diego Metro System operations.

Included in this section are the Metro JPA Agreement and the Metro JPA's Bylaws. The Metro JPA maintains a website which includes all agenda packets and minutes for the Metro Commission/JPA, Metro TAC, and Finance Committee meetings. Other information such as pertinent reports and studies are also posted to the website and members are notified that they are available for download and/or review.

October 25, 2000

JOINT EXERCISE OF POWERS AGREEMENT

METRO WASTEWATER JPA

SDPUB\CMC\235197

JOINT EXERCISE OF POWERS AGREEMENT

METRO WASTEWATER JPA

THIS JOINT POWERS AGREEMENT (the "Agreement"), dated _____, is entered into by and between the CITY OF CORONADO, a municipal corporation; the CITY OF DEL MAR, a municipal corporation; the CITY OF EL CAJON, a municipal corporation; the CITY OF IMPERIAL BEACH, a municipal corporation; the CITY OF LA MESA, a municipal corporation; the LEMON GROVE SANITATION DISTRICT, a municipal corporation, the CITY OF POWAY, a municipal corporation; PADRE DAM MUNICIPAL WATER DISTRICT, a political subdivision of the State of California; and the COUNTY OF SAN DIEGO on behalf of Winter Gardens Sewer Maintenance District, a maintenance district established pursuant to California Streets & Hwys. Code section 5820 et seq.; Alpine Sanitation District, a political subdivision of the State of California; the Lakeside Sanitation District, a political subdivision of the State of California; and Spring Valley Sanitation District, a political subdivision of the State of California (the "Participating Agencies").

W I T N E S S E T H:

WHEREAS, the Participating Agencies are all authorized to own, lease, purchase, receive and hold property and contract rights necessary or convenient for their governmental operations; and

WHEREAS, the Participating Agencies receive sewer treatment services as part of the Metropolitan Sewerage System pursuant to the Regional Wastewater Disposal Agreement entered into by and among the City of San Diego and the Participating Agencies dated June 25, 1998 (the "Metro Agreement"); and

WH EAS, the Metro Agreement calls for the creation and operation of the Metro Commission which is an advisory body on which each Participating Agency sits and on which San Diego serves on an ex-officio non-voting basis; and

WHEREAS, the Participating Agencies have determined that it is in the best interests of the communities which they serve that a Joint Exercise of Powers Agency be formed with the authority and responsibility to take actions and make decisions pertaining to the Metro Agreement in their mutual interest; and

WHEREAS, the Metro Agreement requires the Participating Agencies to pay for capital improvements required by the Metropolitan Sewerage System; and

WHEREAS, the Marks-Roos Local Bond Pooling Act of 1985, Article 4 (commencing with Section 6584) of Chapter 5, Division 7, Title 1 of the Government Code of the State of California (the "Bond Law"), authorizes agencies formed under the Act (as hereinafter defined) to assist in the financing of public capital improvements to be used by the public agencies which are parties to the agreements creating such agencies; and

WHEREAS, in enacting the Bond Law, the Legislature of the State of California declared, in Section 6584.5 of the Government Code of the State of California, that (a) there is a critical need within the State of California to expand, upgrade and otherwise improve the public capital facilities of local government necessary to support the rehabilitation and construction of residential and economic development; and (b) that it is (was) the intent of the Legislature to assist in the reduction improvements and promote greater use of existing and new financial instruments and mechanisms such as bond pooling by local agencies; and

WHEREAS, the Participating Agencies have determined that it is in the best interest of the communities which they serve that a joint exercise of powers agency be formed pursuant to the Act for the purposes of financing needed public capital improvements and reducing local borrowing costs for financing such improvements as authorized therein, and that the formation of such an authority will be consistent with and in furtherance of the intent and purposes of the Bond Law.

NOW, THEREFORE, in consideration of the above premises and of the mutual promises herein contained, the Participating Agencies agree as follows:

ARTICLE I

DEFINITIONS

Section 1.01. Definitions. Unless the context otherwise requires, the words and terms defined in this Article shall, for the purpose hereof, have the meanings herein specified.

"Act" means Articles 1 through 4 (commencing with Section 6500) of Chapter 5, Division 7, Title 1 of the Government Code of the State of California.

"Agreement" means this agreement.

"Bond Law" means the Marks-Roos Local Bond Pooling Act of 1985, being Article 4 of the Act (commencing with Section 6584 of the Government Code), as now in effect or hereafter amended, or any other law available for use by the JPA in the authorization and issuance of certificates of participation, bonds or other evidence of indebtedness to provide for the financing of Obligations and/or Public Capital Improvements.

"Bond Purchase Agreement" means an agreement between the JPA and a Participating Agency, pursuant to which the JPA agrees to purchase Obligations from said Participating Agency.

"Board" means the Board of Directors referred to in Section 2.04, which shall be the governing body of the JPA .

"Bonds" means the bonds of the JPA issued pursuant to the Bond Law.

"Directors" means the members of the Board appointed to the Board pursuant to Section 2.03.

"Fiscal Year" means the period from July 1st to and including the following June 30th.

"Government Code" means the Government Code of the State of California.

"JPA" means the Metro Wastewater JPA formed by this Agreement.

"Members" and "Participating Agencies" means the City of Coronado, the City of Del Mar, the City of El Cajon, the City of Imperial Beach, the City of La Mesa, the Lemon Grove Sanitation District, the City of Poway, the Padre Dam Municipal Water District, and the County of San Diego on behalf of the Winter Gardens Sewer Maintenance District, the Alpine Sanitation District, the Lakeside Sanitation District and the Spring Valley Sanitation District.

"Metropolitan Sewerage System" or "Metro System" shall mean and consist of those facilities and contract rights to facilities which are shown and/or described in Exhibit "A" attached to and incorporated in the Regional Wastewater Disposal Agreement.

"Obligations" has the meaning given to the term "Bonds" in Section 6585(c) of the Government Code, as in effect on the date hereof, and as hereafter amended.

"Public Capital Improvement" has the meaning given to such term in Section 6585(g) of the Government Code, as in effect on the date hereof, and as hereafter amended.

"Regional Wastewater Disposal Agreement" and "Metro Agreement" shall mean that certain agreement dated June 25, 1998 by and between the City of San Diego and all of the Participating Agencies relating to the Metropolitan Sewerage System.

"Secretary" means the Secretary of the JPA appointed pursuant to Section 3.01.

"Treasurer" means the Auditor and Treasurer of the JPA appointed pursuant to Section 3.02.

ARTICLE II

GENERAL PROVISIONS

Section 2.01. Purpose. This Agreement is made pursuant to the Act providing for the joint exercise of powers common to the Participating Agencies, and for other purposes as permitted under the Act, the Bond Law and as agreed by one or more of the Participating Agencies. The purpose of this Agreement is to create a Public Agency with the authority to take action pertaining to the Participating Agencies' responsibilities and obligations to provide for the financing of public capital improvements for the Metro Sewerage System which are constructed pursuant to the Metro Agreement and to take such other actions as are necessary for the Participating Agencies to fulfill the obligations and responsibilities and obtain rights and benefits set forth in the Metro Agreement.

Section 2.02. Creation of JPA. Pursuant to the Act, there is hereby created a public entity to be known as the "Metro Wastewater JPA." The JPA shall be a public entity separate and apart from the Participating Agencies, and shall administer this Agreement.

Section 2.03. Board. The JPA shall be administered by a Board of nine (9) Directors, unless and until changed by amendment of this Agreement. The Board shall be composed of one appointee from each of the Participating Agencies. The Board shall be called the "Board of Directors of the Metro Wastewater JPA." All voting power of the JPA shall reside in the Board.

Section 2.04. Meetings of the Board.

(a) Regular Meetings. The Board shall provide for its regular meetings; provided, however, that at least one regular meeting shall be held each month. The date, hour and place of the holding of regular meetings shall be fixed by resolution of the Board and a copy of such resolution shall be filed with each Participating Agency. The Board may meet in joint session with other public agencies and advisory bodies, including the Metro Commission, in accordance with state law.

(b) Special Meetings. Special meetings of the Board may be called in accordance with the provisions of Section 54956 of the Government Code.

(c) Call, Notice and Conduct of Meetings. All meetings of the Board, including without limitation, regular, adjourned regular and special meetings, shall be called, noticed, held and conducted in accordance with the provisions of Sections 54950 *et seq.* of the Government Code.

Section 2.05. Minutes. The Secretary shall cause to be kept minutes of the meetings of the Board and shall, as soon as possible after each meeting, cause a copy of the minutes to be forwarded to each Director and to each Participating Agency.

Section 2.06. Voting. Each Director shall have one vote.

Section 2.07. Quorum; Required Votes; Approvals. Directors holding a majority of the votes shall constitute a quorum for the transaction of business, except that less than a quorum may adjourn from time to time. The affirmative votes of at least a majority of the Directors present at any meeting at which a quorum is present shall be required to take any action by the Board.

Section 2.08. Bylaws. The Board may adopt, from time to time, such bylaws, rules and regulations for the conduct of its meetings as are necessary for the purposes this Agreement.

ARTICLE III

OFFICERS AND EMPLOYEES

Section 3.01. Chair, Vice Chair and Secretary. The Board shall elect a Chair and Vice Chair from among the Directors, and shall appoint a Secretary who may, but need not, be a Director. The officers shall perform the duties normal to said offices. The Chair shall sign all contracts on behalf of the JPA , or shall appoint in writing a designee to sign contracts on behalf of the JPA , and shall perform such other duties as may be imposed by the Board. The Vice Chair shall act, sign contracts and perform all of the Chair's duties in the absence of the Chair. The Secretary shall countersign all contracts signed by the Chair or Vice Chair on behalf of the JPA , perform such other duties as may be imposed by the Board and cause a copy of this Agreement to be filed with the Secretary of State within thirty (30) days of the effective date hereof pursuant to the Act.

Section 3.02. Treasurer. Pursuant to Section 6505.6 of the Government Code, the finance manager or director of one of the Participating Agencies shall be designated as the Auditor and Treasurer of the JPA . The Auditor and Treasurer shall be the depository, shall have custody of all of the accounts, funds and money of the JPA from whatever source, shall have the duties and obligations set forth in Sections 6505 and 6505.5 of the Government Code and shall assure that there shall be strict accountability of all funds and reporting of all receipts and disbursements of the JPA .

Section 3.03. Officers in Charge of Records, Funds and Accounts. Pursuant to Section 6505.1 of the Government Code, the Treasurer shall have charge of, handle and have access to all accounts, funds and money of the JPA and all records of the JPA relating thereto; and the Secretary shall have charge of, handle and have access to all other records of the JPA .

Section 3.04. Bonding Persons Having Access to JPA Records, Funds and Accounts. From time to time, the Board may designate persons, in addition to the Secretary and the Treasurer, having charge of, handling or having access to any records, funds or accounts and the respective amounts of the official bonds of the Secretary and the Treasurer and such other persons pursuant to Section 6505.1 of the Government Code.

Section 3.05. Legal Advisor. The Board shall have the power to appoint the legal advisor of the JPA who shall perform such duties as may be prescribed by the Board. Such legal advisor shall be legal counsel to one of the Participating Agencies.

Section 3.06. Other Employees. The Board shall have the power to appoint and employ such other consultants and independent contractors as may be necessary for the purposes of this Agreement.

All of the privileges and immunities from liability, exemption from laws, ordinances and rules, all pension, relief, disability, workers' compensation and other benefits which apply to the activities of officers, agents or employees of the Participating Agencies when performing their respective functions shall apply to them to the same degree and extent while engaged in the performance of any of the functions and other duties under this Agreement.

None of the officers, agents or employees directly employed by the Board shall be deemed, by reason of their employment by the Board, to be employed by the Participating Agencies or, by reason of their employment by the Board, to be subject to any of the requirements of the Participating Agencies.

Section 3.07. Assistant Officers. The Board may appoint such assistants to act in the place of the Secretary or other officers of the JPA (other than any Director) as the Board shall from time to time deem appropriate.

ARTICLE IV

POWERS

Section 4.01. General Powers. The JPA shall exercise in the manner herein provided the powers common to the Participating Agency Members, or as otherwise permitted under the Act, and necessary to the accomplishment of the purposes of this Agreement, subject to the restrictions set forth in Section 4.04.

As provided in the Act, the JPA shall be a public entity separate from the Participating Agencies. The JPA shall have the power to finance or refinance the acquisition or construction of Public Capital Improvements on behalf of each Participating Agency Member which are acquired or constructed pursuant to the Regional Wastewater Disposal Agreement.

Section 4.02. Power to Issue Revenue Bonds. The JPA shall have all of the powers provided in the Act, including but not limited to the Bond Law and including the power to issue Bonds, certificates of participation and/or other evidences of indebtedness under the Bond Law.

Section 4.03. Specific Powers. The JPA is hereby authorized, in its own name, to do all the acts necessary for the exercise of the foregoing powers, including but not limited to, any or all of the following:

(a) to make and enter into contracts;

(b) to employ agents and employees;

(c) to finance and refinance the acquisition or construction of Public Capital Improvements acquired or constructed pursuant to the Regional Wastewater Disposal Agreement;

(d) to sue and be sued in its own name;

(e) to issue Bonds and otherwise to incur debts, liabilities or obligations, provided that no such Bonds, debt, liability or obligation shall constitute a debt, liability or obligation of the Participating Agencies;

(f) to apply for, accept, receive and disburse grants, loans and other aid from any agency of the United States of America or of the State of California;

(g) to invest any money in the treasury of the JPA pursuant to Section 6505.5 of the Government Code that is not required for the immediate necessities of the JPA , as the JPA determines is advisable, in the same manner and upon the same conditions as local agencies, pursuant to Section 53601 of the Government Code;

(h) to apply for letters of credit or other forms of financial guarantees in order to secure the repayment of Bonds, certificates of participation and/or other evidences of indebtedness and enter into agreements in connection therewith;

(i) to carry out and enforce all the provisions of this Agreement;

(j) to make and enter into Bond Purchase Agreements;

(k) to purchase Obligations of the Participating Agencies; and

(l) to exercise any and all powers which are provided for in the Act and in Section 6588 of the Government Code, as they exist on the date of this Agreement and as they may hereafter be amended.

Section 4.04. Restrictions on Exercise of Powers. The powers of the JPA shall be exercised in the manner provided in the Act and in the Bond Law, and, except for those powers set forth in the Bond Law, shall be subject (in accordance with Section 6509 of the Government Code) to the restrictions upon the manner of exercising such powers that are imposed upon the Participating Agencies in the exercise of similar powers.

Section 4.05. Obligations of JPA . The debts, liabilities and obligations of the JPA shall not be the debts, liabilities and obligations of the Participating Agencies or any of them.

ARTICLE V

METHODS OF PROCEDURE; CREDIT TO MEMBERS

Section 5.01. Assumption of Responsibilities by the JPA . As soon as practicable after the date of execution of this Agreement, the Directors shall give notice (in the manner required by

Section 2.04) of the organizational meeting of the Board. At said meeting the Board shall provide for its regular meetings as required by Section 2.04 and elect a Chair and Vice Chair and appoint the Secretary.

Section 5.02. Credit to the Participating Agencies. All accounts or funds created and established pursuant to any instrument or agreement to which the JPA is a party, and any interest earned or accrued thereon, shall inure to the benefit of each of the Participating Agencies in their respective proportions for which such funds or accounts were created.

ARTICLE VI

ELECTION TO FINANCE; CONTRIBUTIONS; ACCOUNTS AND REPORTS; FUNDS

Section 6.01. Participating Agencies Election to Finance Public Capital Improvements. Each of the Participating Agencies may elect to have the JPA issue bonds to finance its share of Public Capital Improvements acquired or constructed pursuant to the Regional Wastewater Disposal Agreement. Each Participating Agency's share of the Public Capital Improvements acquired or constructed pursuant to the Regional Wastewater Disposal Agreement shall be determined by the procedure set forth in the Regional Wastewater Disposal Agreement.

Section 6.02. Contributions. The Participating Agencies may in the appropriate circumstance when required hereunder: (a) make contributions from their treasuries for the purposes set forth herein, (b) make payments of public funds to defray the cost of such purposes, and (c) make advances of public funds for such purposes, such advances to be repaid as provided herein. The provisions of Section 6513 of the Government Code are incorporated into this Agreement.

Section 6.03. Accounts and Reports. To the extent not covered by the duties assigned to a trustee chosen by the JPA , the Treasurer shall establish and maintain such funds and accounts as may be required by good accounting practice or by any provision of any trust agreement entered into with respect to the proceeds of any Bonds, certificates of participation and/or other evidences of indebtedness issued, created or incurred by the JPA . The books and records of the JPA in the possession of a trustee or the Treasurer shall be open to inspection at all reasonable times by representatives of each Participating Agency. The Treasurer, within 120 days after the close of each Fiscal Year, shall give a complete written report of all financial activities for such fiscal year to each Participating Agency to the extent such activities are not covered by the report of such trustee. The trustee appointed under any trust agreement and/or indenture shall establish suitable funds, furnish financial reports and provide suitable accounting procedures to carry out the provisions of said trust agreement and/or indenture. Said trustee may be given such duties in said trust agreement and/or indenture as may be desirable or necessary to carry out the purposes of this Agreement.

Section 6.04. Funds. Subject to the applicable provisions of any instrument or agreement that the JPA may enter into, which may provide for a trustee to receive, have custody of and disburse funds of the JPA , the Treasurer shall receive, have custody of and disburse JPA funds as nearly as possible in accordance with generally accepted accounting practices, and shall make the disbursements required by this Agreement or to carry out any of the provisions or purposes of this Agreement.

Section 6.05. Annual Budget and Administrative Expenses. The Board may adopt a budget for administrative expenses, which shall include all expenses not included in any financing transaction of the JPA , annually prior to July 1 of each year. These expenses shall be designated Administrative Expenses of the JPA and shall be allocated by the Board proportionately to each of the Participating Agencies based on its Proportionate Flow in the Metropolitan Sewerage System and the strength of its wastewater as determined by the City of San Diego pursuant to the Regional Wastewater Disposal Agreement.

Section 6.06. Financing Expenses. The estimated annual expenses of the JPA to administer any financing transaction of the JPA shall be designated Financing Expenses and shall be allocated by the Board proportionately to each Participating Agency which is a participant in the financing being administered by the JPA proportionately to each Participating Agency's share of the amount of the Bonds issued by the JPA .

ARTICLE VII

TERM

Section 7.01. Term. This Agreement shall become effective as of the date hereof and shall continue in full force and effect so long as any Bonds, certificates of participation and/or other evidences of indebtedness of the JPA remain outstanding.

Section 7.02. Disposition of Assets. Upon termination of this Agreement, all property of the JPA , both real and personal, shall be divided among the parties hereto in such manner as shall be agreed upon by the parties.

ARTICLE VIII

MISCELLANEOUS PROVISIONS

Section 8.01. Notices. Notices hereunder shall be in writing and shall be sufficient if delivered to the notice address of each party hereto for legal notices or as otherwise provided by a party hereto in writing to the other party.

Section 8.02. Section Headings. All section headings in this Agreement are for convenience of reference only and are not to be construed as modifying or governing the language in the section referred to or to define or limit the scope of any provision of this Agreement.

Section 8.03. Consent. Whenever in this Agreement any consent or approval is required the same shall not be unreasonably withheld.

Section 8.04. Law Governing. This Agreement is made in the State of California under the Constitution and laws of the State of California and is to be so construed.

Section 8.05. Amendments. This Agreement may be amended at any time, or from time to time, except as limited by contract with the owners of Bonds issued by the JPA or certificates of participation in payments to be made by the JPA or the Participating Agencies or by applicable

regulations or laws of any jurisdiction having authority, by one or more supplemental agreements executed by both of the parties to this Agreement or for any other purpose including, without limitation, addition of new parties (including any legal entities or taxing areas heretofore or hereafter created) in pursuance of the purposes of this Agreement.

Section 8.06. Enforcement by JPA. The JPA is hereby authorized to take any or all legal or equitable actions, including but not limited to injunction and specific performance, necessary or permitted by law to enforce this Agreement.

Section 8.07. Severability. Should any section or provision of this Agreement be decided by any court of competent jurisdiction to be illegal or in conflict with any law of the State of California, or otherwise be rendered unenforceable or ineffectual, the validity of the remaining sections and provisions hereof shall not be affected thereby.

Section 8.08. Successors. This Agreement shall be binding upon and shall inure to the benefit of the successors of each Participating Agency. None of the Participating Agencies may assign any right or obligation hereunder without the written consent of all of the others.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed and attested by their proper officers thereunto duly authorized and their official seals to be hereto affixed, on the day and year first set forth above.

1. CITY OF CORONADO — ATTEST

by _____ _____

2. CITY OF DEL MAR — ATTEST

by _____ _____

3. CITY OF EL CAJON — ATTEST

by _____ _____

4. CITY OF IMPERIAL BEACH — ATTEST

by _____ _____

5. CITY OF LA MESA — ATTEST

by _____ _____

6. LEMON GROVE SANITATION DISTRICT — ATTEST

by _____ _____

7. CITY OF POWAY ATTEST

by _____ _____

8. PADRE DAM MUNICIPAL WATER DISTRICT ATTEST

by _____ _____

9. COUNTY OF SAN DIEGO on behalf of WINTER GARDENS SEWER MAINTENANCE DISTRICT LAKESIDE/ALPINE SANITATION DISTRICT AND SPRING VALLEY SANITATION DISTRICT ATTEST

by _____ _____

FIRST AMENDMENT TO JOINT EXERCISE OF POWERS AGREEMENT FOR THE METRO WASTEWATER JOINT POWERS AUTHORITY TO ADD THE OTAY WATER DISTRICT AS A PARTICIPATING AGENCY

This First Amendment to the Joint Exercise of Powers Agreement for the Metro Wastewater Joint Powers Authority, is made and entered into on this 12th day of February, 2003, which date shall be the date of the last signature affixed hereto, in the County of San Diego, State of California by the Metro Wastewater JPA, a Joint Powers Authority ("JPA") existing and organized pursuant to the provisions of Government Code Section 6500 et seq. and the Otay Water District ("Otay").

RECITALS

WHEREAS, on October 25, 2000, the City of Coronado, a municipal corporation; the City of Del Mar, a municipal corporation; the City of El Cajon, a municipal corporation; the City of Imperial Beach, a municipal corporation; the City of La Mesa, a municipal corporation; the Lemon Grove Sanitation District, a political subdivision of the State of California, the City of Poway, a municipal corporation; Padre Dam Municipal Water District, a political subdivision of the State of California; and the County of San Diego (on behalf of: the Winter Gardens Sewer Maintenance District, a maintenance district established pursuant to California Streets & Hwys. Code section 5820 et seq.; the Lakeside/Alpine Sanitation District, a political subdivision of the State of California; and the Spring Valley Sanitation District, a political subdivision of the State of California) (the "Participating Agencies") entered into a Joint Exercise of Powers Agreement ("Agreement"), creating the JPA for the purpose of taking responsibility, actions, and decisions pertaining to the Regional Waste Water Disposal Agreement; and

WHEREAS, Article 8 of the Agreement provides that the Agreement may be amended by one or more supplemental agreements in order to add new parties in pursuance of the purposes of the Agreement; and

WHEREAS, the JPA desires that Otay join the JPA as a Participating Agency; and

WHEREAS, each of the Participating Agencies have approved the addition of Otay as a Participating Agency of the JPA; and

WHEREAS, the Board of Directors of Otay has approved joining the JPA as a Participating Agency of the JPA.

AGREEMENT

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. Pursuant to Article 8 of the Agreement, the Joint Exercise of Powers Agreement for the Metro Wastewater JPA is hereby amended to add Otay as a JPA Participating Agency.

2. All other terms and conditions of the Joint Exercise of Powers Agreement for the Metro Wastewater JPA shall remain in full force and effect and shall be binding upon Otay.

IN WITNESS WHEREOF, the parties have executed this First Amendment as of the date first written above, which date shall be the date of the last signature affixed hereto.

1 CITY OF CORONADO

By: _____

Date: 2/4/03

ATTEST

_____

2 CITY OF DEL MAR

By: _____

Date _____

ATTEST

_____

3 CITY OF EL CAJON

By _____

Date: _____

ATTEST

_____

4 CITY OF IMPERIAL BEACH

By: _____

Date: _____

ATTEST

_____

5. CITY OF LA MESA

By: _____

Date: _____

ATTEST

_____

SECOND AMENDMENT TO JOINT EXERCISE OF POWERS AGREEMENT FOR THE METRO WASTEWATER JOINT POWERS AUTHORITY TO ADD THE CITY OF NATIONAL CITY AS A PARTICIPATING AGENCY

This Second Amendment to the Joint Exercise of Powers Agreement for the Metro Wastewater Joint Powers Authority, is made and entered into on this 4th day of June, 2003, which date shall be the date of the last signature affixed hereto, in the County of San Diego, State of California by the Metro Wastewater JPA, a Joint Powers Agency ("JPA") existing and organized pursuant to the provisions of Government Code section 6500 et seq. and the City of National City ("National City").

RECITALS

WHEREAS, on October 25, 2000, the City of Coronado, a municipal corporation; the City of Del Mar, a municipal corporation; the City of El Cajon, a municipal corporation; the City of Imperial Beach, a municipal corporation; the City of La Mesa, a municipal corporation; the Lemon Grove Sanitation District, a political subdivision of the State of California, the City of Poway, a municipal corporation; Padre Dam Municipal Water District, a political subdivision of the State of California; and the County of San Diego (on behalf of: the Winter Gardens Sewer Maintenance District, a maintenance district established pursuant to California Streets & Hwys. Code section 5820 et seq.; the Lakeside/Alpine Sanitation District, a political subdivision of the State of California; and the Spring Valley Sanitation District, a political subdivision of the State of California) (the "Participating Agencies") entered into a Joint Exercise of Powers Agreement ("Agreement"), creating the JPA for the purpose of taking responsibility, actions, and decisions pertaining to the Regional Waste Water Disposal Agreement; and

WHEREAS, Article 8 of the Agreement provides that the Agreement may be amended by one or more supplemental agreements in order to add new parties in pursuance of the purposes of the Agreement; and

WHEREAS, on February 12, 2003, the Otay Water District was added as a Participating Agency of the JPA; and

WHEREAS, the JPA desires that National City join the JPA as a Participating Agency; and

WHEREAS, each of the Participating Agencies have approved the addition of National City as a Participating Agency of the JPA; and

WHEREAS, the City Council of National City has approved joining the JPA as a Participating Agency of the JPA.

SDPUB\PDS\276631

AGREEMENT

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. Pursuant to Article 8 of the Agreement, the Joint Exercise of Powers Agreement for the Metro Wastewater JPA is hereby amended to add National City as a JPA Participating Agency.

2. All other terms and conditions of the Joint Exercise of Powers Agreement for the Metro Wastewater JPA shall remain in full force and effect and shall be binding upon National City.

IN WITNESS WHEREOF, the parties have executed this Second Amendment as of the date first written above, which date shall be the date of the last signature affixed hereto.

1. CITY OF CORONADO — ATTEST

By: _____ _____

Date: 4/23/03

2. CITY OF DEL MAR — ATTEST

By: _____ _____

Date: _____

3. CITY OF EL CAJON — ATTEST

By: _____ _____

Date: _____

4. CITY OF IMPERIAL BEACH — ATTEST

By: _____ _____

Date: _____

5. CITY OF LA MESA — ATTEST

By: _____ _____

Date: _____

SDPUB\PDS\276631

THIRD AMENDMENT TO JOINT EXERCISE OF POWERS AGREEMENT FOR THE METRO WASTEWATER JOINT POWERS AUTHORITY TO ADD THE CITY OF CHULA VISTA AS A PARTICIPATING AGENCY

This Third Amendment to the Joint Exercise of Powers Agreement for the Metro Wastewater Joint Powers Authority, is made and entered into on this 17th day of OCTOBER, 2007, in the County of San Diego, State of California by each of the participating agencies of the Metro Wastewater JPA, a Joint Powers Agency ("JPA") existing and organized pursuant to the provisions of Government Code section 6500 et seq., and the City of Chula Vista ("Chula Vista").

RECITALS

WHEREAS, on October 25, 2000, the City of Coronado, a municipal corporation; the City of Del Mar, a municipal corporation; the City of El Cajon, a municipal corporation; the City of Imperial Beach, a municipal corporation; the City of La Mesa, a municipal corporation; the Lemon Grove Sanitation District, a political subdivision of the State of California, the City of Poway, a municipal corporation; Padre Dam Municipal Water District, a political subdivision of the State of California; and the County of San Diego (on behalf of: the Winter Gardens Sewer Maintenance District, a maintenance district established pursuant to California Streets & Hwys. Code section 5820 et seq.; the Lakeside/Alpine Sanitation District, a political subdivision of the State of California; and the Spring Valley Sanitation District, a political subdivision of the State of California) (the "Participating Agencies") entered into a Joint Exercise of Powers Agreement ("Agreement"), creating the JPA for the purpose of taking responsibility, actions, and decisions pertaining to the Regional Waste Water Disposal Agreement; and

WHEREAS, Article VIII of the Agreement provides that the Agreement may be amended by one or more supplemental agreements in order to add new parties in pursuance of the purposes of the Agreement; and

WHEREAS, on February 12, 2003, the Otay Water District was added as a Participating Agency of the JPA; and

WHEREAS, on June 4, 2003, the City of National City was added as a Participating Agency of the JPA; and

WHEREAS, the JPA and each of the Participating Agencies desire that Chula Vista join the JPA as a Participating Agency; and

WHEREAS, the City Council of Chula Vista has approved joining the JPA as a Participating Agency of the JPA, and has approved additional modifications to the Agreement as set forth herein; and

WHEREAS, each of the Participating Agencies have approved the addition of Chula Vista as a Participating Agency of the JPA, and have approved additional modifications to the Agreement as set forth herein.

AGREEMENT

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

A. Pursuant to Article VIII, Section 8.05 of the Agreement, the Joint Exercise of Powers Agreement for the Metro Wastewater JPA is hereby amended to add Chula Vista as a JPA Participating Agency.

B. Pursuant to Article VIII, Section 8.05 of the Agreement, each of the Participating Agencies and City of Chula Vista hereby amend the Joint Exercise of Powers Agreement for the Metro Wastewater JPA, as follows:

1. The Seventh Recital is amended to read as follows:

   WHEREAS, in enacting the Bond Law, the Legislature of the State of California declared in Section 6584.5 of the Government Code of the State of California, that (a) there is a critical need within the State of California to expand, upgrade and otherwise improve the public capital facilities of local government necessary to support the rehabilitation and construction of residential and economic development; and (b) that it is (was) the intent of the Legislature to assist in the reduction of local borrowing costs, help accelerate the construction, repair, and maintenance of public capital improvements, and promote greater use of existing and new financial instruments and mechanisms, such as bond pooling by local agencies.

2. Article I, Section 1.01, definition of "Board" is revised as follows:

   "Board" means the Board of Directors referred to in Section 2.03, which shall be the governing body of the JPA.

3. Article I, Section 1.01, definition of "'Members' and 'Participating Agencies'" is revised as follows:

   "Members" and "Participating Agencies" means the City of Coronado, the City of Del Mar, the City of El Cajon, the City of Imperial Beach, the City of La Mesa, the Lemon Grove Sanitation District, the City of Poway, the Padre Dam Municipal Water District, the County of San Diego on behalf of the Winter Gardens Sewer Maintenance District, the Alpine Sanitation District, the Lakeside Sanitation District and the Spring Valley Sanitation District, the Otay Water District, the City of

National City and the City of Chula Vista.

4. Article II, Section 2.03 is amended to read as follows:

Section 2.03. Board. The JPA shall be administered by a Board of Directors. The Board shall be composed of one appointee from each of the Participating Agencies. In addition to appointing its member to the Board, each Participating Agency shall appoint one alternate. The alternate appointed by a Participating Agency shall have the authority to attend, participate in and vote at any meeting of the Board when the regular member is absent. The Board shall be called the "Board of Directors of the Metro Wastewater JPA." All voting power of the JPA shall reside in the Board.

5. Article VII is amended to add Section 7.03 as follows:

Section 7.03. Withdrawal of a Participating Agency from the JPA.

(a) Notice of Withdrawal. Notwithstanding anything to the contrary set forth in this Agreement, and subject to the terms and conditions set forth in this Section and any other terms and conditions required by law or contract, a Participating Agency may withdraw from the JPA at any time by providing the Board with written notice of its intent to withdraw in accordance with the notice provisions set forth in Section 8.01. The withdrawal shall become effective ninety (90) days after such notice is given. The withdrawal of any Participating Agency from the JPA shall not terminate this Agreement.

(b) Surviving Liability.

(1) The withdrawing Participating Agency shall remain liable for its share of the budgeted and administrative expenses of the JPA pursuant to Section 6.05, Annual Budget and Administrative Expenses, for the fiscal year in which the withdrawal is effective.

(2) If the JPA has issued Bonds or incurred any other form of indebtedness at the election of the withdrawing Participating Agency to finance all or some portion of such agency's share of Public Capital Improvements acquired or constructed pursuant to the Regional Wastewater Disposal Agreement and all or some portion of such Bonds or other indebtedness of the JPA remains outstanding at the time of such agency's withdrawal from the JPA, such withdrawing Participating Agency shall remain liable for and obligated to make (i) the scheduled payments of its proportionate share of the revenues pledged to repay such Bonds or other indebtedness of the JPA pursuant to any lease, installment sale or purchase agreement, loan agreement or other agreement or contract

entered into by such agency to evidence, provide for and/or secure such payment and (ii) pursuant to Section 6.06, its proportionate share of Financing Expenses, if any, related to the administration of such Bonds or other evidence of indebtedness of the JPA.

(c) Credit to Withdrawing Participating Agency. A withdrawing Participating Agency is entitled to any sum due that Participating Agency pursuant to Section 5.02, Credit to the Participating Agencies, at the end of the fiscal year in which the Participating Agency's withdrawal is effective; provided, however, nothing herein shall be construed to entitle a withdrawing Participating Agency to any interest accrued by any investments of JPA surplus funds if the maturity date of said investment occurs later than the fiscal year in which the Participating Agency's withdrawal is effective.

(d) Acknowledgement of Surviving Liabilities and Obligations. A Participating Agency wishing to withdraw from the JPA shall provide the JPA with a written acknowledgement, acceptable in a form and content to the JPA, of the liabilities and obligations of the withdrawing Participating Agency, as specified in this Section, which shall survive the withdrawal of the Participating Agency from the JPA. The withdrawing Participating Agency shall also provide the JPA with a written opinion from its counsel that any such surviving liabilities and obligations of the withdrawing Participating Agency described in Section 7.03(b)(2) of this Agreement, will (assuming that the JPA is not in breach or default of any material term of the lease, installment sale or purchase agreement, loan agreement or other agreement or contract entered into by such agency, described in Section 7.03(b)(2)) remain legal, valid and binding obligations of the withdrawing Participating Agency, enforceable in accordance with their respective terms, subject to bankruptcy, insolvency, reorganization, moratorium and other laws affecting the enforcement of creditors' rights in general and to the application of equitable principles, if equitable remedies are sought, and to the limitations on legal remedies against local public entities, such as the withdrawing Participating Agency, in the State of California.

6. Article VIII, Section 8.05 is amended to read as follows:

Article 8, Section 8.05. Amendments. This Agreement may be amended at any time, or from time to time, except as limited by contract with the owners of Bonds issued by the JPA or certificates of participating in payments to be made by the JPA or the Participating Agencies or by applicable regulations or laws of any jurisdiction having authority, by one or more supplemental agreements executed by all of the parties to this Agreement or for any other purpose, including, without limitation, addition of new parties (including any legal entities or taxing areas heretofore or

hereafter created) in pursuant of the purposes of this Agreement.

C. All other terms and conditions of the Joint Exercise of Powers Agreement for the Metro Wastewater JPA shall remain in full force and effect and shall be binding upon each of the Participating Agencies and upon Chula Vista.

IN WITNESS WHEREOF, the parties have executed this Third Amendment as of the date first written above.

1. CITY OF CORONADO — ATTEST

By: _____ _____

2. CITY OF DEL MAR — ATTEST

By: _____ _____

3. CITY OF EL CAJON — ATTEST

By: _____ _____

4. CITY OF IMPERIAL BEACH — ATTEST

By: _____ _____

5. CITY OF LA MESA — ATTEST

By: _____ _____

6. LEMON GROVE SANITATION DISTRICT — ATTEST

By: _____ _____

7. CITY OF POWAY — ATTEST

By: _____ _____

8. PADRE DAM MUNICIPAL WATER DISTRICT — ATTEST

By: _____ _____

SDPUB\PDESOUSA\335624.2

RESOLUTION NO. 2007-34

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR APPROVING THE THIRD AMENDMENT TO THE METRO WASTEWATER JOINT POWERS AUTHORITY AGREEMENT TO ADD THE CITY OF CHULA VISTA AS A PARTICIPATING AGENCY

WHEREAS, on October 25, 2000, the City of Coronado, a municipal corporation; the City of Del Mar, a municipal corporation; the City of El Cajon, a municipal corporation; the City of Imperial Beach, a municipal corporation; the City of La Mesa, a municipal corporation; the Lemon Grove Sanitation District, a political subdivision of the State of California, the City of Poway, a municipal corporation; Padre Dam Municipal Water District, a political subdivision of the State of California; and the County of San Diego (on behalf of: the Winter Gardens Sewer Maintenance District, a maintenance district established pursuant to California Streets & Hwys. Code section 5820 et seq.; the Lakeside/Alpine Sanitation District, a political subdivision of the State of California; and the Spring Valley Sanitation District, a political subdivision of the State of California) (the "Participating Agencies") entered into a Joint Exercise of Powers Agreement ("Agreement"), creating the JPA for the purpose of taking responsibility, actions, and decisions pertaining to the Regional Wastewater Disposal Agreement; and

WHEREAS, Article VIII of the Agreement provides that the Agreement may be amended by one or more supplemental agreements in order to add new parties in pursuance of the purposes of the Agreement; and

WHEREAS, on February 12, 2003, the Otay Water District was added as a Participating Agency of the JPA; and

WHEREAS, on June 4, 2003, the City of National City was added as a Participating Agency of the JPA; and

WHEREAS, on July 17, 2007, the City Council of Chula Vista approved joining the JPA as a Participating Agency, and has approved additional modifications to the Agreement, as set forth in the Third Amendment attached hereto as Exhibit "A;" and

WHEREAS, it is the desire of the City Council of the City of Del Mar to approve execution of the Third Amendment to the Agreement to add the City of Chula Vista as a Participating Agency of the JPA, and to make additional modifications to the Agreement as set forth in the Third Amendment attached hereto as Exhibit "A."

NOW, THEREFORE, IT IS HEREBY RESOLVED, DETERMINED AND ORDERED, by the City Council of the City of Del Mar as follows:

That the City Manager and Mayor are hereby authorized to finalize and execute the Third Amendment attached hereto as Exhibit "A," adding the City of Chula Vista as a Participating Agency of the Metro Wastewater Joint Powers Authority and approving the additional modifications to the Agreement as set forth therein

PASSED AND ADOPTED AND APPROVED this 6th day of August, 2007, by the following vote:

Carl Hilliard, Mayor

ATTEST AND CERTIFICATION

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO
CITY OF DEL MAR

I, Mercedes Martin, City Clerk of the City of Del Mar, California, DO HEREBY CERTIFY, that the foregoing is a true and correct copy of Resolution 2007-34, adopted by the City Council of the City of Del Mar, California at a Regular Meeting held the 6th day of August, 2007, by the following vote:

AYES: Councilmembers Abarbanel, Crawford, Druker; Mayor Hilliard

NOES: None

ABSENT: Councilmember Earnest

ABSTAIN: None

Mercedes Martin, City Clerk

EXHIBIT "A"

THIRD AMENDMENT TO JOINT EXERCISE OF POWERS AGREEMENT FOR THE METRO WASTEWATER JOINT POWERS AUTHORITY TO ADD THE CITY OF CHULA VISTA AS A PARTICIPATING AGENCY

THIRD AMENDMENT TO JOINT EXERCISE OF POWERS AGREEMENT FOR THE METRO WASTEWATER JOINT POWERS AUTHORITY TO ADD THE CITY OF CHULA VISTA AS A PARTICIPATING AGENCY

This Third Amendment to the Joint Exercise of Powers Agreement for the Metro Wastewater Joint Powers Authority, is made and entered into on this _____ day of _____, 2007, in the County of San Diego, State of California by each of the participating agencies of the Metro Wastewater JPA, a Joint Powers Agency ("JPA") existing and organized pursuant to the provisions of Government Code section 6500 et seq., and the City of Chula Vista ("Chula Vista").

RECITALS

WHEREAS, on October 25, 2000, the City of Coronado, a municipal corporation; the City of Del Mar, a municipal corporation; the City of El Cajon, a municipal corporation; the City of Imperial Beach, a municipal corporation; the City of La Mesa, a municipal corporation; the Lemon Grove Sanitation District, a political subdivision of the State of California, the City of Poway, a municipal corporation; Padre Dam Municipal Water District, a political subdivision of the State of California; and the County of San Diego (on behalf of: the Winter Gardens Sewer Maintenance District, a maintenance district established pursuant to California Streets & Hwys. Code section 5820 et seq.; the Lakeside/Alpine Sanitation District, a political subdivision of the State of California; and the Spring Valley Sanitation District, a political subdivision of the State of California) (the "Participating Agencies") entered into a Joint Exercise of Powers Agreement ("Agreement"), creating the JPA for the purpose of taking responsibility, actions, and decisions pertaining to the Regional Waste Water Disposal Agreement; and

WHEREAS, Article VIII of the Agreement provides that the Agreement may be amended by one or more supplemental agreements in order to add new parties in pursuance of the purposes of the Agreement; and

WHEREAS, on February 12, 2003, the Otay Water District was added as a Participating Agency of the JPA; and

WHEREAS, on June 4, 2003, the City of National City was added as a Participating Agency of the JPA; and

WHEREAS, the JPA and each of the Participating Agencies desire that Chula Vista join the JPA as a Participating Agency; and

WHEREAS, the City Council of Chula Vista has approved joining the JPA as a Participating Agency of the JPA, and has approved additional modifications to the Agreement as set forth herein; and

WHEREAS, each of the Participating Agencies have approved the addition of Chula Vista as a Participating Agency of the JPA, and have approved additional modifications to the Agreement as set forth herein.

AGREEMENT

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

A. Pursuant to Article VIII, Section 8.05 of the Agreement, the Joint Exercise of Powers Agreement for the Metro Wastewater JPA is hereby amended to add Chula Vista as a JPA Participating Agency.

B. Pursuant to Article VIII, Section 8.05 of the Agreement, each of the Participating Agencies and City of Chula Vista hereby amend the Joint Exercise of Powers Agreement for the Metro Wastewater JPA, as follows:

1. The Seventh Recital is amended to read as follows:

   WHEREAS, in enacting the Bond Law, the Legislature of the State of California declared in Section 6584.5 of the Government Code of the State of California, that (a) there is a critical need within the State of California to expand, upgrade and otherwise improve the public capital facilities of local government necessary to support the rehabilitation and construction of residential and economic development; and (b) that it is (was) the intent of the Legislature to assist in the reduction of local borrowing costs, help accelerate the construction, repair, and maintenance of public capital improvements, and promote greater use of existing and new financial instruments and mechanisms, such as bond pooling by local agencies.

2. Article I, Section 1.01, definition of "Board" is revised as follows:

   "Board" means the Board of Directors referred to in Section 2.03, which shall be the governing body of the JPA.

3. Article I, Section 1.01, definition of "'Members' and 'Participating Agencies'" is revised as follows:

   "Members" and "Participating Agencies" means the City of Coronado, the City of Del Mar, the City of El Cajon, the City of Imperial Beach, the City of La Mesa, the Lemon Grove Sanitation District, the City of Poway, the Padre Dam Municipal Water District, the County of San Diego on behalf of the Winter Gardens Sewer Maintenance District, the Alpine Sanitation District, the Lakeside Sanitation District and the Spring Valley Sanitation District, the Otay Water District, the City of

National City and the City of Chula Vista.

4. Article II, Section 2.03 is amended to read as follows:

Section 2.03. Board. The JPA shall be administered by a Board of Directors. The Board shall be composed of one appointee from each of the Participating Agencies. In addition to appointing its member to the Board, each Participating Agency shall appoint one alternate. The alternate appointed by a Participating Agency shall have the authority to attend, participate in and vote at any meeting of the Board when the regular member is absent. The Board shall be called the "Board of Directors of the Metro Wastewater JPA." All voting power of the JPA shall reside in the Board.

5. Article VII is amended to add Section 7.03 as follows:

Section 7.03. Withdrawal of a Participating Agency from the JPA.

(a) Notice of Withdrawal. Notwithstanding anything to the contrary set forth in this Agreement, and subject to the terms and conditions set forth in this Section and any other terms and conditions required by law or contract, a Participating Agency may withdraw from the JPA at any time by providing the Board with written notice of its intent to withdraw in accordance with the notice provisions set forth in Section 8.01. The withdrawal shall become effective ninety (90) days after such notice is given. The withdrawal of any Participating Agency from the JPA shall not terminate this Agreement.

(b) Surviving Liability.

(1) The withdrawing Participating Agency shall remain liable for its share of the budgeted and administrative expenses of the JPA pursuant to Section 6.05, Annual Budget and Administrative Expenses, for the fiscal year in which the withdrawal is effective.

(2) If the JPA has issued Bonds or incurred any other form of indebtedness at the election of the withdrawing Participating Agency to finance all or some portion of such agency's share of Public Capital Improvements acquired or constructed pursuant to the Regional Wastewater Disposal Agreement and all or some portion of such Bonds or other indebtedness of the JPA remains outstanding at the time of such agency's withdrawal from the JPA, such withdrawing Participating Agency shall remain liable for and obligated to make (i) the scheduled payments of its proportionate share of the revenues pledged to repay such Bonds or other indebtedness of the JPA pursuant to any lease, installment sale or

purchase agreement, loan agreement or other agreement or contract entered into by such agency to evidence, provide for and/or secure such payment and (ii) pursuant to Section 6.06, its proportionate share of Financing Expenses, if any, related to the administration of such Bonds or other evidence of indebtedness of the JPA.

(c) Credit to Withdrawing Participating Agency. A withdrawing Participating Agency is entitled to any sum due that Participating Agency pursuant to Section 5.02, Credit to the Participating Agencies, at the end of the fiscal year in which the Participating Agency's withdrawal is effective; provided, however, nothing herein shall be construed to entitle a withdrawing Participating Agency to any interest accrued by any investments of JPA surplus funds if the maturity date of said investment occurs later than the fiscal year in which the Participating Agency's withdrawal is effective.

(d) Acknowledgement of Surviving Liabilities and Obligations. A Participating Agency wishing to withdraw from the JPA shall provide the JPA with a written acknowledgement, acceptable in a form and content to the JPA, of the liabilities and obligations of the withdrawing Participating Agency, as specified in this Section, which shall survive the withdrawal of the Participating Agency from the JPA. The withdrawing Participating Agency shall also provide the JPA with a written opinion from its counsel that any such surviving liabilities and obligations of the withdrawing Participating Agency described in Section 7.03(b)(2) of this Agreement, will (assuming that the JPA is not in breach or default of any material term of the lease, installment sale or purchase agreement, loan agreement or other agreement or contract entered into by such agency, described in Section 7.03(b)(2)) remain legal, valid and binding obligations of the withdrawing Participating Agency, enforceable in accordance with their respective terms, subject to bankruptcy, insolvency, reorganization, moratorium and other laws affecting the enforcement of creditors' rights in general and to the application of equitable principles, if equitable remedies are sought, and to the limitations on legal remedies against local public entities, such as the withdrawing Participating Agency, in the State of California.

6. Article VIII, Section 8.05 is amended to read as follows:

Article 8, Section 8.05. Amendments. This Agreement may be amended at any time, or from time to time, except as limited by contract with the owners of Bonds issued by the JPA or certificates of participating in payments to be made by the JPA or the Participating Agencies or by applicable regulations or laws of any jurisdiction having authority, by one or more supplemental agreements executed by all of the parties to this Agreement or for any other purpose, including, without limitation,

addition of new parties (including any legal entities or taxing areas heretofore or hereafter created) in pursuant of the purposes of this Agreement.

C. All other terms and conditions of the Joint Exercise of Powers Agreement for the Metro Wastewater JPA shall remain in full force and effect and shall be binding upon each of the Participating Agencies and upon Chula Vista.

IN WITNESS WHEREOF, the parties have executed this Third Amendment as of the date first written above.

1. CITY OF CORONADO — ATTEST

By: _____ _____

2. CITY OF DEL MAR — ATTEST

By: Carl DeMaio of, MAYOR — Lourdine Boekke-Espana CITY MANAGER 8/10/07

3. CITY OF EL CAJON — ATTEST

By: _____ _____

4. CITY OF IMPERIAL BEACH — ATTEST

By: _____ _____

5. CITY OF LA MESA — ATTEST

By: _____ _____

6. LEMON GROVE SANITATION DISTRICT — ATTEST

By: _____ _____

7. CITY OF POWAY — ATTEST

By: _____ _____

SDPUB\PDESOUSA\335624.2

8. PADRE DAM MUNICIPAL WATER DISTRICT

ATTEST

By: _____ _____

9. COUNTY OF SAN DIEGO on behalf of WINTER GARDENS SEWER MAINTENANCE DISTRICT, LAKESIDE SANITATION DISTRICT, ALPINE SANITATION DISTRICT, AND SPRING VALLEY SANITATION DISTRICT

ATTEST

By: _____ _____

10. OTAY WATER DISTRICT

ATTEST

By: _____ _____

11. NATIONAL CITY

ATTEST

By: _____ _____

12. CHULA VISTA

ATTEST

By: _____ _____

SDPUB\PDESOUSA\335624.2

City of Del Mar
Agenda Report

TO: Honorable Mayor and City Council Members

FROM: Kaitlyn Elliott-Norgrove, Special Projects & Programs Manager
Via Ashley Jones, City Manager

DATE: May 6, 2024

SUBJECT: Acceptance of a Donation of Water Fountain/Bottle Filling Stations from the Del Mar Village Association

REQUESTED ACTION/RECOMMENDATION:
Staff recommends that the City Council accept a donation of six water fountain/bottle filling stations and associated installation from the Del Mar Village Association (DMVA) to replace existing fountains in public locations throughout the City (Attachment A).

DISCUSSION/ANALYSIS:
In support of the City and DMVA's mutual sustainability goals, the Del Mar Village Association (DMVA) is proposing to donate to the City new replacement water fountain/bottle filling stations at six existing locations in the City. Over the last year, DMVA Executive Director Jen Grove has been working in close partnership with the City Manager and City staff to identify six existing water fountains in public locations that need replacement. A location map where the new fountains are proposed for placement is included as Attachment A, along with photos of the existing stations to be replaced included as Attachment B.

The replacement stations will occupy the same footprints as the existing stations, maintaining ADA compliance and existing features, while also offering a bottle filling component which will help reduce plastic waste throughout the community and encourage use of refillable/multi-use beverage containers. Pictures of the proposed new stations are included as Attachment C.

The total value of the donation is estimated at $65,000, which includes the cost of the new stations and associated installation. Public Works will work closely with DMVA to facilitate proper installation of the new stations. Once installed, the stations will be the responsibility of the City to maintain along with the rest of the public fountains citywide.

City Council Action:

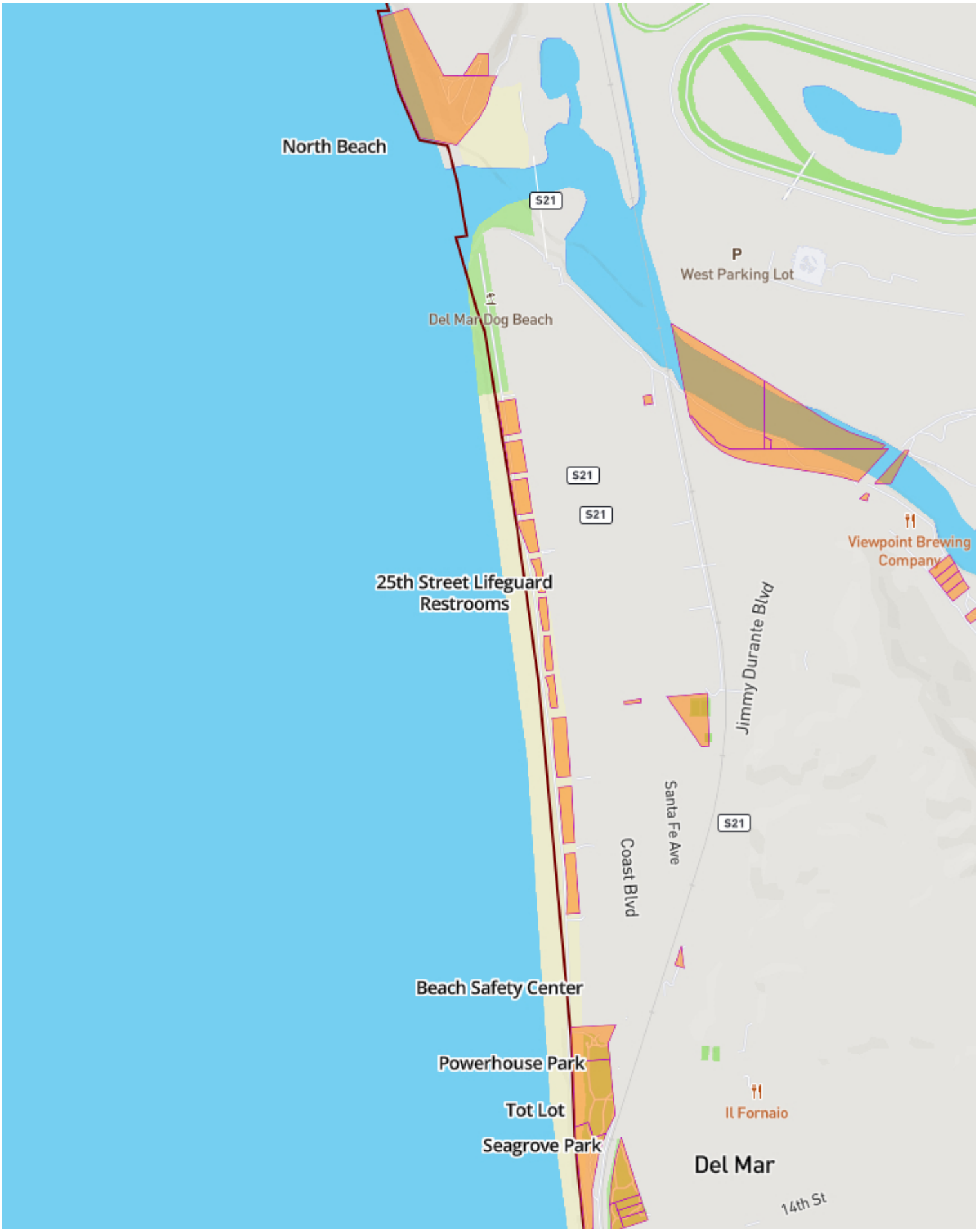
FISCAL IMPACT:
There is no immediate fiscal impact to the City related to the acceptance of the donation. Once placed, the new stations will be maintained by the City in accordance with manufacturer specifications and will become part of the City's routine maintenance program.

ENVIRONMENTAL IMPACT:
The proposed City Council action does not constitute a "project" under the definition set forth in California Environmental Quality Act (CEQA) Guidelines Section 15378 because it will not have a potential to result in a direct or indirect physical change in the environment and is, therefore, not subject to CEQA. No further action under CEQA is required.

NEXUS TO CITY COUNCIL GOALS AND PRIORITIES:
While acceptance of this donation does not relate to a specific City priority project, it does support the City's climate action and sustainability goals that are a priority for the City.

ATTACHMENTS:
Attachment A – Location Map
Attachment B – Pictures of Existing Stations
Attachment C – Pictures of New Stations

Water Fountain & Bottle Filling Stations



ATTACHMENT B – EXISTING STATIONS

NORTH BEACH

ATTACHMENT B – EXISTING STATIONS

25TH ST LIFEGUARD RESTROOMS

ATTACHMENT B – EXISTING STATIONS

BEACH SAFETY CENTER

ATTACHMENT B – EXISTING STATIONS

POWERHOUSE PARK

ATTACHMENT B – EXISTING STATIONS

TOT LOT

ATTACHMENT B – EXISTING STATIONS

SEAGROVE PARK

ATTACHMENT C – NEW STATIONS

NEW PEDESTAL STATIONS

ATTACHMENT C – NEW STATIONS

NEW WALL-MOUNTED STATION (25TH STREET LIFEGUARD RESTROOMS)

City of Del Mar
Agenda Report

TO: Honorable Mayor and City Council Members

FROM: Joe Bride, Public Works Director
Diana Martinez, Associate Management Analyst
Via Ashley Jones, City Manager

DATE: May 6, 2024

SUBJECT: Introduction of an Ordinance Amending the Del Mar Municipal Code Chapter 21.12 – Water Supply – Water Rates and Charges; Chapter 21.70 – Emergency Water Management; and Chapter 22.04 – General (Sewers and Sewage Disposal)

REQUESTED ACTION/RECOMMENDATION:
Staff recommends that the City Council hold a public hearing; hear testimony; accept all written protests against water and wastewater rate increases from affected rate payers; introduce the proposed Ordinance (Attachment A); and schedule a second reading by title only and adoption of the Ordinance on May 20, 2024.

EXECUTIVE SUMMARY
The City of Del Mar is in the process of setting water and wastewater rates to take effect July 1, 2024. Existing rates and charges for these services were last established in 2019, which included a five-year rate plan with annual adjustments each year on January 1st. The last rate increase for these services occurred on January 1, 2024.

Based on increased costs to provide water and wastewater service, staff recommends a new five-year rate structure for both utilities, effective July 1, 2024, with adjustments on July 1st of 2024, 2025, 2026, 2027, and 2028.

California law, established by Proposition 218, requires that ratepayers be given the right to protest increases in water and wastewater rates prior to approval. A notice for the proposed new five-year rates was mailed to all utility ratepayers, current residents, and property owners in the City of Del Mar on March 21, 2024, consistent with the legally required 45-day public hearing notification period (Attachment B).

The notice provides a high-level summary of the factors that influence rates and the projected rates for each utility for all customer types and displays the rates on a bimonthly basis, which is consistent with the customer billing schedule. There are currently 1,900 active water customer accounts. Under the provisions of Proposition 218, if the City receives written protests from a majority of affected ratepayers (more than 950

City Council Action:

ratepayers), the City Council cannot approve the proposed rate increases. At the time of publication of this report, no qualifying written protests had been received.

The City's Finance Committee reviewed a presentation on the proposed rates and related study on January 23, 2024, and expressed support for the proposed rate schedule.

In addition, the cost of service studies and proposed rates were reviewed with the City Council on February 20, 2024, at which time the Council unanimously directed staff to proceed with the required Proposition 218 public noticing process. Staff's agenda report and the cost-of-service studies for the Water and Wastewater Funds are included as Attachment C and can be found online along with a video of the meeting at: www.delmar.ca.us/AgendaCenter.

DISCUSSION/ANALYSIS

The City of Del Mar maintains separate Water and Wastewater Enterprise Funds, each with its own rate stabilization, operating, capital, and pension reserves. The City's water and wastewater utilities are funded from water and wastewater rates and fees are charged to the City's customers based on their use of the respective utility services. The rate structures of both the water and wastewater rates consist of a fixed service charge and a variable, flow-based charge for which customers are billed bi-monthly.

Under the requirements of Proposition 218, HF&H Consultants, Inc. (consultant) completed a "cost of service study" for both utility funds, which included evaluating projected external costs as well as City operating and capital costs and projected revenues (Attachment C).

Based on the forecasted external and internal costs over the next five years, as well as anticipated capital infrastructure projects, the necessary annual revenue adjustments for the water and wastewater funds are as follows:

	2024	2025	2026	2027	2028	2029
Water Fund	3%	2%	2%	2%	2%	2%
Wastewater Fund	4%	2%	2%	2%	2%	2%

Emergency Water Management Rates

Chapter 21.70 of the Del Mar Municipal Code identifies a modified demand rate structure that may be implemented by the City Council during times of declared drought conditions or other demand water management situations. These rates are calculated by formula in proportion to the normal rate structure to assure adequate revenue for cost recovery and to encourage conservation. Although the City has been in a Stage 1 - Drought Watch Condition since 2016, and reaffirmed by City Council on July 11, 2022, drought rates have not been placed into effect. However, by including emergency water management rates as part of this process, they are available if it is necessary for the City to implement them. Additionally, Chapter 21.70

also includes provisions for a modified drought rate structure for wastewater rates if necessary.

Changes to Del Mar Municipal Code
Attachment A includes the proposed ordinance and corresponding Exhibits A, B and C to enact the necessary changes to the applicable chapters of the Del Mar Municipal Code (DMMC) for the proposed rates. Attachment D identifies proposed changes to the affected sections of the DMMC with red-line/strike-out edits.

Process and Next Steps
Since the City's utility rates are established in the DMMC, it is required that the City Council adopt the new rates by ordinance to amend them. The recommended action is an introduction and first reading of the proposed ordinance. A second reading and adoption of the ordinance is scheduled for May 20, 2024.

PRIOR CITY COUNCIL REVIEW:
On February 20, 2024, the City Council received an overview of the Water and Wastewater Rate Study and Proposed Rate Schedule and unanimously approved a recommendation to initiate the Proposition 218 public noticing process.

FISCAL IMPACT:
The proposed rates and charges will provide adequate funding to maintain the City's water and wastewater utilities and provide water and wastewater service proportional to the cost of providing services to the different classes of users within the City.

ENVIRONMENTAL IMPACT:
The action being considered is exempt from the California Environmental Quality Act (CEQA) because it is not a "project" per Section 15378(b)(5) of CEQA Guidelines. The action involves an organizational or administrative activity of government that will not result in the direct or indirect physical change in the environment.

NEXUS TO CITY COUNCIL GOALS AND PRIORITIES:
Water and Wastewater Studies and Rate Changes are a Tier 1 priority scheduled to be completed in Fiscal Year 2023-24.

ATTACHMENTS:
Attachment A – Proposed Ordinance Establishing Water and Wastewater Rates
Exhibit A- Revised DMMC Chapter 21.12
Exhibit B- Revised DMMC Chapter 21.70
Exhibit C- Revised DMMC Chapter 22.04
Attachment B – Water and Wastewater Rates Notice of Public Hearing
Attachment C – February 20, 2024 City Council Agenda Report – Overview of Water and Wastewater Rates & Cost of Service Study by HF&H Consultants
Attachment D – Redlined Del Mar Municipal Code Chapter 21.12, 21.70 and 22.04

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, AMENDING THE DEL MAR MUNICIPAL CODE CHAPTER 21.12 – WATER SUPPLY – WATER RATES AND CHARGES, CHAPTER 21.70 – EMERGENCY WATER MANAGEMENT, CHAPTER 22.04 - SEWERS AND SEWAGE DISPOSAL – GENERAL

WHEREAS, the City Council wishes to maintain water and wastewater rates and charges that are equitable and fairly distribute the burden of cost among the various classes of customers while encouraging conservation; and

WHEREAS, the City Council desires to propose five-year rate schedules that would take effect on July 1, 2024, July 1, 2025, July 1, 2026, July 1, 2027, and July 1, 2028; and

WHEREAS, the City has completed a review of the water and wastewater rates in conjunction with the proposed budgetary needs of the water and wastewater utilities for five Fiscal Years 2024-25, 2025-26, 2026-27, 2027-28 and 2028-29; and

WHEREAS, the review indicated the need to increase the rates and fixed charges to meet the revenue requirements necessary to adequately operate the water and sewer utility systems; and

WHEREAS, the City's Finance Committee reviewed the proposed rates and expressed support of the proposed rate schedules; and

WHEREAS, the City Council, in response to increased costs to provide water and wastewater services has previously amended said rates; and

WHEREAS, Article XIIID, Section 6(a) of the State Constitution (Proposition 218), passed by the voters of California on November 5,1996, requires municipalities to give written notice to the owners of parcels upon which proposed water-, refuse- and/or sewer-related fees or charges are to be applied; and

WHEREAS, Proposition 218 requires that a public hearing shall be conducted not less than 45 days after the mailing of a notice of a public hearing on property-related fee adjustments to the record owners of each identified parcel upon which the fee is proposed for imposition; and

WHEREAS, Proposition 218 provides that, if written protests against proposed property-related fees are presented by a majority of the property owners of record upon which the proposed fees would be imposed, the fee adjustment shall not be implemented; and

WHEREAS, the City has considered all comments and correspondence, and the findings and conclusions made by the City pursuant to this Ordinance are based upon all of the oral and written evidence presented to it and taken as a whole; and

WHEREAS, based on the record and evidence before the City Council, the City Council has determined that it is necessary to revise the Del Mar Municipal Code to implement the recommended rates and charges; and

WHEREAS, the City Council initially considered the proposed rates and charges for water and wastewater services at their regular meeting on February 20, 2024; and

WHEREAS, a duly noticed public hearing was held before the Del Mar City Council at its regular meeting of May 6, 2024, where the City Council and the public considered the recommendation for changes in the determination of the rates and charges for water, wastewater, and clean water services.

NOW, THEREFORE, the City Council of the City of Del Mar, California, does ordain as follows:

SECTION ONE: FINDINGS.

a. Notice of the proposed amended water and wastewater rates and charges and of the public hearing thereon was given pursuant to Proposition 218 to record owners of all affected parcels on March 21, 2024.

b. The Ordinance was introduced and the public hearing required by Proposition 218 was duly held by the City Council, pursuant to notice, on May 6, 2024.

c. Zero (0) written protests were received in opposition to the proposed amended water and wastewater rates and charges, constituting less than a majority of the affected property owners.

d. Revenues derived do not exceed the funds required to provide the property-related service imposed.

e. Revenues derived are not being used for any purpose other than that for which the fee is imposed.

f. The fee imposed does not exceed the proportional cost of the service.

g. No fee is imposed unless the service is actually used by, or immediately available to, the owner of the property.

h. No fee is imposed to fund general governmental services such as police, fire, ambulance, or library services where the service is available to the public at large in substantially the same manner as it is to property owners.

SECTION TWO:

The Del Mar Municipal Code is amended as shown in the following exhibits:
Chapter 21.12 is amended as indicated in Exhibit A to this Ordinance;
Chapter 21.70 is amended as indicated in Exhibit B to this Ordinance;
Chapter 22.04 is amended as indicated in Exhibit C to this Ordinance;

SECTION THREE:

The City Council of the City of Del Mar hereby declares that should any section, paragraph, sentence, phrase, term or word of this Ordinance, hereby adopted, be declared for any reason to be invalid, it is the intent of the City Council that it would have adopted all other portions of this Ordinance irrespective of any such portion declared invalid.

SECTION FOUR:

The Ordinance was introduced by the City Council on May 6, 2024.

SECTION FOUR:

This Ordinance shall become effective thirty days following its passage and adoption; however, it shall not take effect prior to July 1, 2024.

SECTION FIVE:

The City Clerk is directed to prepare and have published a summary of this Ordinance no less than five days prior to the consideration of its adoption and again within 15 days following adoption indicating votes cast.

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City of Del Mar, California, held this 20th day of May 2024.

_____
Dave Druker, Mayor
City of Del Mar, California

APPROVED AS TO FORM:

_____
Leslie E. Devaney, City Attorney

ATTEST AND CERTIFICATION
STATE OF CALIFORNIA
COUNTY OF SAN DIEGO
CITY OF DEL MAR

ATTEST AND CERTIFICATION:

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO
CITY OF DEL MAR

I, SARAH KRIETOR, Administrative Services Manager/City Clerk of the City of Del Mar, California, DO HEREBY CERTIFY, that the foregoing is a true and correct copy of Ordinance No. XXXX, which has been published pursuant to law, and adopted by the City Council of the City of Del Mar, California, at a Regular Meeting held the 20th day of May, 2024, by the following vote:

AYES:

NOES:

RECUSE:

ABSENT:

ABSTAIN:

_____
Sarah Krietor, Administrative Services Manager/City Clerk
City of Del Mar

Chapter 21.12 WATER SUPPLY—WATER RATES AND CHARGES

21.12.010 Purpose.

A. The purpose of this Chapter is to provide water rates and charges.

B. Deposit and Documentation Required Upon Application for Service; Refund of Deposit. All applicants for water service shall complete the required forms supplied by the City before approval of water service can be given. Forms will be returned to the City within ten working days of application of service. Applicants failing to return the required forms will be subject to discontinuation of service. All applicants for water service shall deposit with the City a deposit for water service as provided in this Code. After the deposit has been held for 12 consecutive billing periods, during which time service has been continuous and bills have been paid within the allowable period without incurring a late penalty, the deposit will be automatically refunded without interest.

(Ord. No. 554; Ord. No. 664; Ord. No. 687; Ord. No. 768; Ord. No. 828)

21.12.020 Rates and Charges for Water Service.

The minimum bimonthly rate for all water furnished to a consumer through a water meter shall be determined by the size of water meter combined with usage as follows:

A. *Bimonthly Service Charge*. All water service customers of the City shall be subject to a fixed bimonthly service charge. The amount of the service charge shall be determined by the size of the water meter as follows:

Meter Size	Meter Bimonthly Service Charge Effective:				
	7/1/24	7/1/25	7/1/26	7/1/27	7/1/28
⅝"	$88.70	$90.47	$92.28	$94.13	$96.01
¾"	$129.41	$132.00	$134.64	$137.33	$140.08
1"	$210.81	$215.03	$219.33	$223.72	$228.19
1 ½"	$414.33	$422.62	$431.07	$439.69	$448.48
2"	$658.55	$671.72	$685.15	$698.85	$712.83
3"	$1,309.82	$1,336.02	$1,362.74	$1,389.99	$1,417.79
4"	$2,042.49	$2,083.34	$2,125.01	$2,167.51	$2,210.86
22nd DAA*	$76,298.59	$77,824.56	$79,381.05	$80,968.67	$82,588.04
*Total bimonthly charge for all meters					

B. *Bimonthly Commodity Charge*. All water service customers of the City shall be subject to commodity rates for each unit (100 cubic feet, 748 gallons) of water used. Commodity rates applicable to water service customers are as follows:

1. *Residential.*

Bimonthly Usage	Bimonthly Rate per Unit of Water Used, Effective:				
	7/1/24	7/1/25	7/1/26	7/1/27	7/1/28
Tier 1: 0-22 units	$6.26	$6.39	$6.52	$6.65	$6.78
Tier 2: 23+ units	$7.37	$7.52	$7.67	$7.82	$7.98
All usage/per unit	$6.81	$6.95	$7.09	$7.23	$7.37

2. *Non-Residential*. Commercial, Institutional, Fairgrounds, Irrigation.

The commodity rate per unit of water use is as follows:

	7/1/24	7/1/25	7/1/26	7/1/27	7/1/28
Commercial/ Institutional	$6.80	$6.94	$7.08	$7.22	$7.36
Irrigation	$7.11	$7.25	$7.40	$7.55	$7.70
Fairgrounds	$8.08	$8.24	$8.40	$8.57	$8.74

3. *Billing*. Charges for water service are billed on a bimonthly basis. Tier rate usage limits shall be double the monthly values for bimonthly billing purposes. Further adjustments of usage limits shall be made on a proportional basis only if the actual billing period exceeds 70 days.

C. *Special Use Charges*.

1. Fire Service charges will be assessed as follows:

Service Size	Monthly Charge
2—4"	$18.26
6"	23.08

2. A monthly service charge set forth in the City of Del Mar Fee Schedule per backflow prevention device will be assessed.

D. *Outside City Users*. When it appears to be in the best interest of the City and the people thereof, and when approved in writing by the City Manager, the owner or occupant of property situated outside the City may be permitted to have such property connected to the water system of the City. In addition to other fees, assessments or charges provided by this Chapter, the owner or occupant of property situated outside the City shall pay a water service charge equal to 100 percent of the charge for applicable service established by this Section.

In the event that the owner or occupant of such property fails to pay such water service charge, the City Manager shall have the right, upon five days notice, to disconnect the owner's or occupant's property from the water system.

E. *Pass Through Fees and Charges for Wholesale Water and Water Treatment and Delivery*. In accordance with Government Code § 53756, as it may be amended from time to time, all San Diego County Water Authority, Metropolitan Water District of Southern California, and the City of San Diego fees and charges for wholesale water, water related services and the treatment and delivery of water shall be passed through to Del Mar water utility customers.

(Ord. No. 488; Ord. No. 554; Ord. No. 564; Ord. No. 628; Ord. No. 650; Ord. No. 654; Ord. No. 664; Ord. No. 687; Ord. No. 713; Ord. No. 730; Ord. No. 768; Ord. No. 828; Ord. No. 903; Ord. No 948 , § 2, Exh. A, 6-3-2019; Ord. No. 968 , § 1, 7-20-2020)

21.12.030 Procedure for Altering Water Rates.

The City Manager shall, from time to time, prepare a recommendation for any change as deemed to be necessary for the ensuing fiscal year. Such recommendation shall be based upon a study of any increase or decrease in the cost of maintenance, repair and replacement of the water system.

The City Council shall, after public notice and hearing thereon, by ordinance, approve, disapprove or modify the recommendation of the City Manager. The effective date of any change in the water rates shall be specified in the ordinance passed by the City Council.

(Ord. No. 472)

21.12.040 Same—Fire Service and Automatic Fire Sprinkler Service.

The rates to be so charged and collected each month for fire service and automatic fire sprinkler service within the City shall be established by ordinance.

21.12.050 Same—Construction of Water Service.

The rates to be charged and collected for construction of water service and meter installation shall be established by ordinance.

21.12.060 Same—Service to City Departments.

The rates for water and water service supplied to the various departments of the City shall be the same as those rates in effect for all other consumers within the City, as in this Chapter specified, and the water and water service so furnished shall be charged to their respective budget accounts and paid for monthly from such funds into the fund provided for by the receipts from sale of water.

21.12.070 Reading of Meters; Average Bills When Meters Not Read; Billing When Meter Fails to Function; Where Water Bills to be Mailed.

Under ordinary conditions, continuous service meters shall be read monthly on approximately the same day of the month, and a bill issued showing the period covered by the meter readings, the quantity of water used, and the total charge for the service rendered. When it is impossible to read the meter due to any obstructions, an average bill, or a series of average bills, will be rendered, will be adjusted at the next actual reading date. If the

meter fails to register, the charge for water will be based upon the average of the comparable period of the preceding year, taking into consideration the volume of business, weather conditions, and any other factors that may assist in determining an equitable charge. Unless the applicant for water service shall direct otherwise, all bills will be mailed to the premises where service is furnished.

21.12.080 Testing of Water Meters.

When the accuracy of a water meter is questioned, the department shall, upon the request of a consumer on the form provided, cause an official test to be made upon deposit by the consumer, an amount determined by the meter size and as established by ordinance.

If, upon examination of the meter to ascertain the accuracy of its operation, it shall be found to register over three percent more water than actually passed through it, another meter will be substituted therefor, and the fee charged for such test will be refunded to the person making the application. An adjustment for a period of three months prior to the test will be made on the basis of the percentage the meter is in error.

21.12.090 When Bills to be Mailed; When Bills Due; Re-establishment of Service.

A. Water bills based on meter readings shall be prepared and mailed to the consumers bimonthly. Bills will be due and payable upon receipt. No less than 19 days shall be allowed from the date of mailing such bills for payment thereof, and bills will be deemed delinquent thereafter. A ten percent penalty per billing period will be charged on all delinquent bills.

B. If service is terminated in accordance with the provisions of the Title, service will not be renewed until the delinquent bill is paid together with penalties and charges, including the cost of reconnection as defined in this Title. An additional deposit will also be required pursuant to the rates established in this Chapter.

C. In the case of service to rental property, the property owner shall be liable for any billings not paid by the tenant.

(Ord. No. 554)

21.12.100 Adjustment of Bills.

Water bill adjustments may be made by the City in accordance with administrative regulations approved by the City Manager.

21.12.110 Persons Using Water Without Proper Application Liable for All Water Chargeable to Premises.

A person taking possession of any premises and using water through an active service connection without having made application to the City for water service shall be held liable for the water delivered from the date of the last recorded meter reading, and if the meter was found inoperative, the quantity of water consumed shall be estimated.

If proper application for water service is not made promptly upon notification to do so by the department without further notice.

21.12.120 Service May Be Denied Former Consumers Having Outstanding Bills.

When an application for water service is made by a former consumer who has failed to pay all bills for service previously rendered, the City may refuse to furnish water to such applicant until the outstanding bills are paid, plus any applicable penalties.

21.12.130 Department May Render Additional Services; Charges.

A. The department may render any reasonable service in connection with the supply of water service to consumers upon application at the main office of the department; provided that reasonable charges may be made for any expense involved in rendering the service.

B. All bills for labor, material furnished, or other charges not provided for otherwise, shall become due and payable at the same time and in the same manner as the next regular billing for water, and shall become delinquent at the same time as is provided for delinquent payments on regular water bills.

21.12.140 Water Rates and Charges.

The following rates and charges are established:

A. *Refundable Water Deposit.* The deposit shall be three times the base monthly service charge for new accounts, with a refund upon request after two years of acceptable payment history or upon termination of the account. If a customer's service is discontinued because of nonpayment, the customer is required to deposit with the City an amount equal to three times the base monthly service charge. When two consecutive years of acceptable payments have been made or upon termination of the account, the deposit will be refunded at the request of the customer.

B. *Notification to Pay Bill (Door Hangers).* If a door hanger or any other personally delivered form of notification is required to notify customers of pending water shutoff, a charge as set forth in the City of Del Mar Fee Schedule will be paid before the water will be reconnected.

C. *Water Reconnect Penalties.* When it is necessary to shut off a customer's water because of nonpayment, the City will impose a penalty in an amount set forth in the City of Del Mar Fee Schedule and customer will be billed at actual costs of labor and vehicle for after hours reconnection. The penalty and all outstanding charges must be paid before the water will be reconnected.

   If a disconnected service is illegally reconnected by the customer, a penalty in an amount set forth in the City of Del Mar Fee Schedule will be assessed. If it is necessary to remove the meter to prevent the customer from reconnecting the water, the customer will be required to pay an amount set forth in the City of Del Mar Fee Schedule and all outstanding charges before the meter can be reinstalled.

D. *Testing of Water Meters.* When the accuracy of a water meter is questioned by the customer, the City will remove the meter and send it out to be calibrated if requested by the customer and the meter is found to be in good working order, the customer will be charged the actual cost of the testing to the City. If the meter is found to be faulty, the City will incur the cost of calibration.

(Ord. No. 512; Ord. No. 828; Ord. No. 968 , § 2, 7-20-2020)

Chapter 21.70 EMERGENCY WATER MANAGEMENT[1]

21.70.010 Purpose.

This Chapter establishes an emergency water management program in order to conserve water supplies, minimize the effects of water supply shortages, and allow the City to respond to water emergency conditions. (Cal. Const. Art. X, §§ 2 and 7; and Water Code § 375.)

(Ord. No. 603; Ord. No. 816; Ord. No. 828; Ord. No. 903; Ord. No. 998 , § 1, 6-19-2023)

21.70.020 Scope of Chapter.

The provisions of this Chapter shall apply to all persons using water delivered by the City.

(Ord. No. 998 , § 1, 6-19-2023)

21.70.030 Water Conservation Policy.

A. It is the policy of the City that all public and private users of water delivered by the City shall use such water for reasonable purposes and in a reasonable manner in a conscientious effort to conserve water.

B. When the emergency water use regulations in this Chapter are not declared to be in effect, those regulations may still be considered as recommended methods for voluntarily conserving water.

C. The City may initiate and maintain education programs to encourage the conservation of water.

(Ord. No. 998 , § 1, 6-19-2023)

Cross reference(s)—Water conservation program, Ch. 21.60.

21.70.040 Water Management Regulations.

A. *Levels.* During water shortages, the City shall impose water use regulations in levels. Sections 21.70.100 et seq. of this Chapter contain a sequential, regulatory program of increasingly more stringent prohibitions on the use of water delivered within the City. When the City declares that a particular water shortage level is in effect, the regulations contained in a declared level shall be complied with by all persons using water delivered by the City.

B. *Declaration of Level.*

[1]Ord. No. 998 , § 1, adopted June19, 2023 amended Ch. 21.70 in its entirety to read as set out herein. Former Ch. 21.70, §§ 21.70.010—21.70.160 pertained to similar subject matter. Historical notations have been retained for reference purposes.

1. The City shall monitor the projected supply of water and the demand for water by persons within its jurisdiction and, in consultation with those agencies providing water to City, determine when water management regulations are required in order for the City to deal with water shortages.
2. When it is determined that a particular level of water management regulation is required, either the City Council or the City Manager may issue a declaration which will announce the level of regulatory management that is to be imposed. Moving to Level 6 requires a properly noticed public hearing.
3. The declaration shall be made by public announcement posted at City Hall. Also, the City Manager may publish a notice of the determination in a newspaper of general circulation and on the City website.
4. If the declaration is made by the City Manager, the matter shall be placed on the agenda of the City Council at its next meeting. The City Council shall thereupon ratify the City Manager's declaration, rescind the declaration, or issue its own declaration.
5. The regulatory level announced in the declaration shall become effective seven days following the date of posting; except, when a water emergency is declared, the regulatory level shall become effective immediately upon posting.

(Ord. No. 998 , § 1, 6-19-2023)

21.70.050 Modification of Regulation as Applied In Special Circumstance.

A. *Appeals Board.* An Appeals Board for this Chapter shall consist of the City Council.

B. *Appeal.*

1. Any person subject to the regulations and decisions imposed in accordance with the provisions of this Chapter may submit an appeal, in writing, to the City Clerk.
2. The City Manager may render a decision or set the matter to be heard by the Appeals Board which will render a written decision within 30 calendar days of the receipt of the appeal.
3. If the appellant is dissatisfied with the City Manager's determination, the appellant may seek a review by the Appeals Board.

C. *Modification Authorized.* In accordance with the procedures provided above, the City Manager and the Appeals Board are authorized to make minor and limited modifications to any regulation in this Chapter when it has been demonstrated that due to special circumstances as applied to a particular case, the application of the unmodified regulation constitutes a threat to health, safety or welfare or will result in an undue, unreasonable hardship. Provided, however, that such modification shall not cause water to be wasted or used in an unreasonable manner and the purposes of this Chapter can be accomplished.

(Ord. No. 998 , § 1, 6-19-2023)

21.70.060 Prohibition.

A. It is unlawful for any person to knowingly use water or permit the use of water supplied by the City in a manner contrary to any provision of this Chapter declared to be in effect. (Misdemeanor in accordance with Water Code § 377.)

B. The use of reclaimed or "grey" water in accordance with the regulations of the Department of Health Services and in accordance with any other applicable regulations, is not subject to the regulations of this Chapter.

C. It is a misdemeanor for anyone to tamper with or otherwise interfere with the operation of a water meter without the express authority, in writing, of the City.

D. It is unlawful for any person to knowingly present false information to the City when information is requested by the City in accordance with the provisions of this Chapter.

E. Compliance with this Section is a condition imposed upon the continued uninterrupted delivery of water.

(Ord. No. 998 , § 1, 6-19-2023)

21.70.090 Enforcement—Restricting or Discontinuing Water Service.

A. A continued, willful failure to comply with the conditions imposed upon the continued, uninterrupted delivery of water may result in a Notice of Violation being mailed to the metered customer, accompanied by a copy of relevant portions of these regulations.

B. Failure to correct the violation by bringing water use into compliance with the conditions imposed upon the continued, uninterrupted delivery of water will result in a Notice of Hearing Re: Violation being mailed to the metered customer.

C. The City Manager shall conduct the hearing. The noticed person shall have the opportunity to present information and arguments in response to the notice.

D. Following the hearing, if an uncured violation is found to exist, the City Manager may order either:

1. The installation of a flow restrictor in the meter for a minimum of 72 hours; or

2. Discontinuance of water service for a specified period of time.

E. When it is necessary to install a flow restrictor or to discontinue service, a metered customer shall pay a fee of $250.00 to the City. When it is necessary to remove a flow restrictor or to re-establish water service, a metered customer shall pay a fee of $250.00 to the City. The fees referenced in this subparagraph are payable by the metered customer when the service is rendered. Further, payment in full of all outstanding fees is a condition to the restoration of full service.

(Ord. No. 998 , § 1, 6-19-2023)

21.70.110 Water Shortage Level 1—Watch Condition.

A. A Water Shortage Level 1 condition is also referred to as a " Water Storage Watch" condition. Level 1 shall be declared to encourage voluntary water conservation with an aim towards reducing water demand by up to 10%. This Level 1 condition applies when the Water Authority notifies its member agencies to activate the appropriate voluntary provisions of the water shortage contingency plan.

B. When Level 1 is declared and in effect, all persons shall comply with the voluntary water usage reductions and other mandatory conditions as may be identified by the Governor, State of California, or San Diego County Water Authority.

C. When Level 1 is declared and in effect, metered customers of the City shall receive uninterrupted water delivery subject to the modified volumetric rates as follows:

Volumetric rates applied to usage by customer classes.

Bimonthly Usage	Bimonthly Rate per Unit of Water Used During Water Shortage Level 1				
	7/1/2024	7/1/2025	7/1/2026	7/1/2027	7/1/2028
Single-Family					
Tier 1: 1-22 units	$6.34	$6.47	$6.60	$6.74	$6.87
Tier 2: 23+ units	$7.47	$7.62	$7.77	$7.92	$8.08
Multi-Family	$6.91	$7.06	$7.20	$7.34	$7.48
Commercial/ Institutional	$6.89	$7.03	$7.17	$7.31	$7.46
Irrigation	$7.33	$7.48	$7.63	$7.79	$7.94
Fairgrounds	$8.29	$8.45	$8.62	$8.79	$8.96

C. Irrigating "Non-Functional Turf" at commercial, industrial, and institutional sites is prohibited. "Non-Functional Turf," as defined in section 996 of title 23 of the California Code of Regulations, as may be amended from time to time, is defined as any turf (grass) that is solely ornamental and not regularly used for human recreational purposes or for civic or community events. "Non-Functional Turf" does not include sports fields and turf that is regularly used for human recreational purposes of for civic or community events.

1. Notwithstanding subsection (C)(1), the use of water is not prohibited by this section to the extent necessary to ensure the health of trees and other perennial non-turf plantings or to the extent necessary to address an immediate health and safety need.

2. Notwithstanding subsection (C)(1), the City may approve a request for continued irrigation of non-functional turf where the user certifies that the turf is a low water use plant with a plant factor of 0.3 or less, and demonstrates the actual use is less than 40% of reference evapotranspiration.

D. Wasteful and Unreasonable Water Uses are prohibited as listed in section 995 of title 23 of the California Code of Regulations to prevent unreasonable use of water and to promote water conservation. The following water usage activities are prohibited:

1. Washing down paved surfaces, including but not limited to sidewalks, driveways, parking lots, tennis courts, or patios, except when it is necessary to alleviate safety or sanitation hazards.

2. Water waste resulting from inefficient landscape irrigation, such as runoff, low head drainage, or overspray, etc. Similarly, irrigation causing water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures are prohibited.

3. Irrigation is prohibited during and within 48 hours after measurable rainfall of at least one-fourth of one inch of rain.

4. Use of a handheld hose equipment without a positive shut-off nozzle to wash vehicles, except where the hose is fitted with a shut-off nozzle. It is encouraged to use a bucket to wash vehicles or at a commercial site with recirculated water.

5. Use of potable water to operate ornamental fountains with exceptions for those fountains that use pumps to recirculate water and only require refilling to replace evaporative losses.

6. Use of potable water for street cleaning or construction purposes, unless non-potable water is unavailable or as-needed to protect the health and safety of the public.

E. In addition to the water usage reductions and other conditions referenced in subsections B, C, and D above, when Level 1 is declared and in effect all persons are requested to comply with the following water demand reduction measures;

1. Irrigate residential and commercial landscape before 10:00 a.m. or after 6:00 p.m.; limited to three applications per week.
2. Serve and re-fill water in restaurants, bars, and other food service establishments only upon request.
3. Offer guests in hotels, motels, and other commercial lodging establishments the option of not laundering towels and linens daily.
4. Repair all water leaks within 72 hours of notification by the City.

Additional Conditions on Uninterrupted Delivery: None.

(Ord. No. 816; Ord. No. 828; Ord. No 948 , § 2, Exh. B, 6-3-2019; Ord. No. 984 , § 1, 12-13-2021; Ord. No. 991 , § 1, 7-11-2022; Ord. No. 998 , § 1, 6-19-2023)

21.70.120 Water Shortage Level 2—Warning Condition.

A. Water Shortage Level 2 condition is also referred to as a " Water Shortage Warning" condition. Level 2 shall be declared when the City determines that water usage should be reduced up to 20 percent from the ordinary demand requirement, as determined by the City.

B. When Level 2 is declared and in effect, metered customers of the City shall receive uninterrupted water delivery subject to the modified volumetric rates as follows:

Bimonthly Usage	Bimonthly Rate per Unit of Water Used During Water Shortage Level 2				
	7/1/2024	7/1/2025	7/1/2026	7/1/2027	7/1/2028
Single-Family					
Tier 1: 1-22 units	$6.44	$6.57	$6.70	$6.84	$6.97
Tier 2: 23+ units	$7.58	$7.73	$7.89	$8.04	$8.21
Multi-Family	$7.04	$7.19	$7.33	$7.48	$7.62
Commercial/ Institutional	$6.99	$7.14	$7.28	$7.43	$7.57
Irrigation	$7.68	$7.83	$7.99	$8.15	$8.31
Fairgrounds	$8.58	$8.75	$8.92	$9.10	$9.28

C. When Level 2 is declared and in effect, the demand reduction measures listed in Level 1 shall become mandatory. Additional measures may be implemented based on City Council direction or Emergency Orders.

(Ord. No. 816; Ord. No. 828; Ord. No. 903; Ord. No 948 , § 2, Exh. B, 6-3-2019; Ord. No. 991 , § 1, 7-11-2022; Ord. No. 998 , § 1, 6-19-2023)

21.70.130 Water Shortage Level 3— Acute Condition.

A. A Water Shortage Level 3 condition is also referred to as an "Acute Water Shortage" condition. Level 3 shall be declared when the City determines that water usage should be reduced up to 30 percent from the ordinary demand requirement, as determined by the City.

B. When a Level 3 is declared and in effect, metered customers of the City shall receive uninterrupted water delivery subject to the modified volumetric rates as follows:

Volumetric rates applied to usage by customer classes.

Bimonthly Usage	Bimonthly Rate per Unit of Water Used During Water Shortage Level 3				
	7/1/2024	7/1/2025	7/1/2026	7/1/2027	7/1/2028
Single-Family					
Tier 1: 1-22 units	$6.55	$6.69	$6.83	$6.96	$7.10
Tier 2: 23+ units	$7.72	$7.87	$8.03	$8.19	$8.35
Multi-Family	$7.20	$7.35	$7.50	$7.65	$7.80
Commercial/ Institutional	$7.12	$7.27	$7.42	$7.56	$7.71
Irrigation	$8.27	$8.43	$8.61	$8.78	$8.96
Fairgrounds	$9.02	$9.20	$9.38	$9.57	$9.76

C. In addition to the water usage reductions and other conditions referenced in Level 1 and Level 2, when Level 3 is declared and in effect all persons are requested to comply with the following water demand reduction measures:

1. Irrigate residential and commercial landscape before 10:00 a.m. or after 6:00 p.m.; limited to two applications per week. Irrigation is prohibited during and within 48 hours after measurable rainfall of at least one-fourth of one inch of rain.
2. Repair all water leaks within 48 hours of notification by the City.
3. Only wash vehicles or at a commercial site with recirculated water.

(Ord. No. 816; Ord. No. 828; Ord. No. 903; Ord. No 948 , § 2, Exh. B, 6-3-2019; Ord. No. 998 , § 1, 6-19-2023)

21.70.140 Water Shortage Level 4—Critical Condition.

A. A Water Shortage Level 4 condition is also referred to as a " Critical Water Shortage " condition. Level 4 shall be declared when the City requires a demand reduction of 40 percent in order for the City of Del Mar to have maximum supplies available to meet anticipated demands from the ordinary demand requirement, as determined by the City.

B. When Level 4 is declared and in effect, metered customers of the City shall receive uninterrupted water delivery subject to the modified volumetric rates as follows:

Volumetric rates applied to usage by customer classes.

Bimonthly Usage	Bimonthly Rate per Unit of Water Used During Water Shortage Level 4				
	7/1/2024	7/1/2025	7/1/2026	7/1/2027	7/1/2028
Single-Family					
Tier 1: 1-22 units	$6.69	$6.83	$6.97	$7.11	$7.25
Tier 2: 23+ units	$7.88	$8.04	$8.20	$8.36	$8.53
Multi-Family	$7.41	$7.56	$7.71	$7.86	$8.02
Commercial/ Institutional	$7.28	$7.43	$7.58	$7.73	$7.88
Irrigation	$9.50	$9.69	$9.89	$10.09	$10.29
Fairgrounds	$9.75	$9.95	$10.14	$10.34	$10.55

C. The water usage reductions and other conditions established in Level 1, Level 2, and Level 3 will remain in place. Additional demand reduction measures will be established by the City Council and implemented.

(Ord. No. 816; Ord. No. 828; Ord. No. 903; Ord. No 948 , § 2, Exh. B, 6-3-2019; Ord. No. 998 , § 1, 6-19-2023)

21.70.150 Water Shortage Level 5—Emergency Condition.

A. A Water Shortage Level 5 condition is also referred to as a "Water Shortage Emergency" condition. A Level 5 shall be declared when the City requires a demand reduction of 50 percent in order for the City of Del Mar to have maximum supplies available to meet anticipated demands from the ordinary demand requirement, as determined by the City.

B. When Level 5 is declared and in effect, metered customers of the City shall receive uninterrupted water delivery subject to the modified volumetric rates as follows:

Volumetric rates applied to usage by customer classes.

Bimonthly Usage	Bimonthly Rate per Unit of Water Used During Water Shortage Level 5				
	7/1/2024	7/1/2025	7/1/2026	7/1/2027	7/1/2028
Single-Family					
Tier 1: 1-22 units	$6.87	$7.02	$7.16	$7.30	$7.45
Tier 2: 23+ units	$8.09	$8.26	$8.42	$8.59	$8.76
Multi-Family	$7.68	$7.84	$8.00	$8.16	$8.31
Commercial/ Institutional	$7.48	$7.63	$7.79	$7.94	$8.10
Irrigation	$13.82	$14.09	$14.38	$14.67	$14.97
Fairgrounds	$11.26	$11.48	$11.70	$11.94	$12.18

C. The water usage reductions and other conditions established in Level 1, Level 2, Level 3, and Level 4 will remain in place. Additional demand reduction measures will be established by the City Council and implemented.

(Ord. No. 998 , § 1, 6-19-2023)

21.70.160 Water Shortage Level 6—Catastrophic Condition.

A. A Water Shortage Response Level 6 condition is also referred to as a "Catastrophic Water Shortage" condition. Level 6 shall be declared when the City declares a water shortage emergency pursuant to California Water Code Section 350 which requires a demand reduction of greater than 50 percent in order for the City of Del Mar to have maximum supplies available to meet anticipated demands from the ordinary demand requirement, as determined by the City.

B. When Level 6 is declared and in effect, metered customers of the City shall receive uninterrupted water delivery subject to the modified volumetric rates as follows:

Volumetric rates applied to usage by customer classes.

Bimonthly Usage	Bimonthly Rate per Unit of Water Used During Water Shortage Level 6				
	7/1/2024	7/1/2025	7/1/2026	7/1/2027	7/1/2028
Single-Family					
Tier 1: 1-22 units	$6.97	$7.12	$7.26	$7.41	$7.55
Tier 2: 23+ units	$8.21	$8.38	$8.54	$8.71	$8.89
Multi-Family	$7.88	$8.04	$8.20	$8.36	$8.53
Commercial/ Institutional	$7.59	$7.75	$7.91	$8.06	$8.22
Irrigation	N/A	N/A	N/A	N/A	N/A
Fairgrounds	$14.05	$14.32	$14.60	$14.90	$15.19

Note: Irrigation use is assumed to be curtailed at this Shortage Level.

B. The water usage reductions and other conditions established in Level 1, Level 2, Level 3, Level 4 and Level 5 will remain in place. Additional demand reduction measures will be established by the City Council and implemented.

(Ord. No. 998 , § 1, 6-19-2023)

21.70.170 Wastewater Utility Rates During Water Shortage Conditions.

A. Wastewater customers are billed for sewer service based on their water usage. During water shortage periods, water usage will decline and threaten the fiscal stability of the wastewater utility. Therefore, during water shortage periods, wastewater charges will be calculated based on the assumption that sewer usage is the same as the commensurate month from the last non-drought fiscal year. Drought sewer charges will be lifted after one full year of non-drought consumption records can be established.

1. *Residential.* Sewer discharges will be estimated based on the assumed sewage usage during the last non-drought year.

2. *Commercial.* Sewer discharges will be estimated based on 90 percent of the water usage during the last non-drought year. A user may petition to have their sewer discharge (water usage) assumption lowered if their annual water demand drops below their non-drought water demands by a level below the drought reduction levels plus an additional 20 percent. As a user can meet the previously defined criteria, their sewage discharge assumptions will be lowered to the current water demands, adding back any water savings required under the drought requirements. As an example, if the drought reductions are 20 percent, and the user drops their water consumption by 45 percent, then the resulting sewer will be calculated based on 120 percent of the current water consumption.

3. *Fairgrounds.* Sewer commodity charges during drought conditions will be calculated based on the greater of (1) the rolling average of the past same bimonthly period during the last three fiscal years or (2) the actual metered sewage.

(Ord. No 948 , § 2, Exh. B, 6-3-2019; Ord. No. 998 , § 1, 6-19-2023)

21.70.180 Additional Conditions on Uninterrupted Delivery.

In accordance with California Government Code § 53756, the rates posted above will be adjusted accordingly to account for any increases in the purchase cost of wholesale water, or increases in inflationary measure.

(Ord. No. 998 , § 1, 6-19-2023)

Chapter 22.04 GENERAL

22.04.010 Definitions.

For the purpose of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section.

A. Unless otherwise defined herein, terms related to water quality shall be as adopted in the latest edition of Standard Methods for Examination of Water and Wastewater, published by the American Public Health Association, the American Water Works Association and the Water Environment Federation. The testing procedures for waste constituents and characteristics shall be as provided in 40 CFR 136 (Code of Federal Regulations).

B. Other terms not herein specifically defined shall have the same definition as set forth in the latest adopted editions of the California Codes of Regulations applicable to building construction adopted pursuant to the California Building Standards Law.

C. Subject to the foregoing provisions, the following definitions shall apply in these regulations:

1. *Applicant* means any person who applies for connections to the sewer system.

2. *Assessment* means a levy of special assessment which is shown on the records of the City. Any other assessment for a sewer main shall be construed as a nominal or partial assessment for the purposes of this Chapter.

3. *Best Management Practices* means schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce the introduction of Fats, Oils, and Grease (FOG) to the sewer facilities as more specifically provided for in Subsection 22.08.051.B. of these regulations.

4. *Change in Operations.* Any change in the ownership, food types, operational procedures or business practices that have the potential to increase the amount of FOG generated and/or discharged by Food Service Establishments in an amount that alone or in conjunction with other FOG discharges causes or creates a potential for sanitary sewer overflows (SSOs) to occur.

5. *City.* The City of Del Mar or the City Council of Del Mar.

6. *Composite Sample.* A collection of individual samples obtained at selected intervals based on an increment of either flow or time. The resulting mixture (composite sample) forms a representative sample of the waste stream discharged during the sample period.

7. *Department.* The Department of Public Works of the City. Action of the Department may be taken by the Director of Public Works or his duly authorized representative.

8. *Director.* The person designated by the City Manager to have charge of the administration and supervision of the Public Works Department, and such other duties as the City Manager may prescribe.

9. *Discharger.* Any person who discharges or causes a discharge of wastewater or waste directly or indirectly to the sewer facilities. Discharger shall mean the same as User.

10. *Effluent.* Any liquid outflow from a Food Service Establishment that is discharged to the sewer facilities.

11. *Equivalent Dwelling Unit* means the unit of measure which is based on the flow characteristics of an average single-family residence in terms of sewage quantity and constituent quality.

12. *Extension* means an extension of an existing sewer main.

13. *Fats, Oils, and Grease ("FOG")* means any substance such as a vegetable or animal product that is used in, or is a by-product of, the cooking or food preparation process, and that turns or may turn viscous or solidifies or may solidify with a change in temperature or due to other conditions. Discharges of FOG to the sewer system from a Food Service Establishment constitute the discharge of industrial waste.

14. *FOG Control Program* means the FOG control program required by and developed pursuant to SWRCB Order No. 2006-0003-DWQ, Section (D)(13)(vii) and by the RWQCB directive R9-2007-0005.

15. *FOG Control Program Administrator* means the individual designated by the City Manager to administer the FOG Control Program. Except as otherwise set forth in this Chapter, the FOG Control Program Administrator is responsible for all determinations of compliance with the FOG control program.

16. *Food Service Establishment* means facilities defined in California Uniform Retail Food Facilities Law (CURFFL), California Health and Safety Code Section 113785, and any commercial entity discharging directly or indirectly to the City's sewer system, operating in a permanently constructed structure such as a room, building, or place, or portion thereof, maintained, used, or operated for the purpose of storing, preparing, serving, manufacturing, packaging, or otherwise handling food for sale to other entities, or for consumption by the public, its members or employees, and which has any process or device that uses or produces FOG, or grease vapors, steam, fumes, smoke or odors that are required to be removed by a Type I or Type II hood.

17. *Food Grinder* means any device installed for the purpose of grinding food waste or food preparation by-products for disposal to the sewer system.

18. *General Business/Institutional* shall mean all businesses, offices, governmental agency offices and any other similar user not otherwise included in another category and with a combined sewer strength of less than or equal to a Single-Family Residence.

19. Grab Sample. A sample taken from a waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time.

20. *Gravity Grease Interceptor* means a multi-compartment device that is constructed in different sizes and is generally required to be located, according to the California Plumbing Code, underground between a Food Service Establishment and the connection to the sewer system. These devices primarily use gravity to separate FOG from the wastewater as it moves from one compartment to the next. These devices must be cleaned, maintained, and have the FOG removed and disposed of in a proper manner on regular intervals to be effective.

21. *Grease* means any material which is extractable from an acidified sample of a waste by hexane or other designated solvent and as determined by the appropriate procedure in "Standard Methods" (includes fats and oils).

22. *Grease Control Device* means any gravity grease interceptor, hydromechanical grease interceptor or other mechanism, device, or process, which attaches to, or is applied to, wastewater plumbing fixtures and lines, the purpose of which is to trap, collect or treat FOG prior to discharge into the

sewer system. "Grease control device" may also include any other proven method to reduce FOG subject to the approval of the City.

23. *Hotel/Motel* means all living units of a transient nature including hotel and motel rental room units, and also living units of a permanent nature which do not contain any kitchen facilities. Excluded from the category are Major Full Service Hotels.

24. *Hot Spots* means areas in sewer lines that have experienced sanitary sewer overflows or that must be cleaned or maintained frequently to avoid blockages of the sewer system.

25. *Hydromechanical Grease Interceptor* means a grease control device that is used to serve individual fixtures and have limited effect and should only be used in those cases where the use of a gravity grease interceptor or other grease control device is determined to be impossible or impracticable. Formerly referred to as a grease trap.

26. *Industrial Wastewater* means all water-carried wastes and wastewater of the community, excluding domestic wastewater and uncontaminated water. Includes all waste-water from any producing, manufacturing, processing, institutional, commercial or agricultural source.

27. *Inflow* means surface, storm water or urban runoff which enters the sewer system. Inflow may, in certain circumstances, cause a rapid increase in wastewater flows.

28. *Infiltration* means water entering the sewer system from the ground through such means as defective pipes, pipe joints, connections, or manhole walls.

29. *Inspector* means a person authorized by the City Manager to inspect any existing or proposed wastewater or waste generation, conveyance, processing and/or disposal facilities.

30. *Interceptor* means a hydromechanical or gravity grease interceptor.

31. *Interference* means any discharge which, alone or in conjunction with discharges from other sources, inhibits or disrupts the City's sewer system, collection processes or operations; or is a cause of violation of Chapter 22 of the City of Del Mar Municipal Code.

32. *Limited Food Preparation Establishment* means an establishment engaged only in reheating, hot holding or assembly of ready-to-eat (precooked and prepackaged) food products from which establishment there is only a de minimus discharge of FOG to the sewer system. A limited food service preparation establishment is not considered a Food Service Establishment under this Chapter. A limited food preparation establishment does not include any preparation that changes the form, flavor or consistency of food. Any person who contends that he/she/it meets the definition of a limited food preparation establishment shall have the burden to establish that he/she/it meets the criteria set forth in this definition.

33. *Main* means an existing sewer main in the sanitary sewer system of the City.

34. *Major Full Service Hotel* shall mean a full service facility having rooms, restaurant(s) and/or bars serving food, and/or providing room service from an onsite kitchen.

35. *Manifest* means that receipt to be retained by the generator of wastes for disposing of recyclable wastes or other liquid or solid wastes as required by the City or a regulatory agency.

36. *New Construction* means any structure planned or under construction for which a sewer connection permit has not been issued.

37. *Person* means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

38. *Pretreatment* or *Treatment* means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing to the sewer system.

39. *Regulatory Agencies* means regulatory Agencies shall mean those agencies having regulatory jurisdiction over environmental quality matters, including, but not limited to:

    a. United States Environmental Protection Agency, Region IX, San Francisco and Washington, DC (EPA).

    b. California State Water Resources Control Board (SWRCB).

    c. California Regional Water Quality Control Board, San Diego Region (RWQCB).

    d. Air Pollution Control District County of San Diego, Air Quality Management District (AQMD).

    e. California Department of Health Services (DOHS).

    f. San Diego County Department of Environmental Health (DEH).

40. *Remodeling* means a physical or operational change (a) causing an increase in the amount of FOG discharged to the sewer system by a Food Service Establishment which amount, alone or in conjunction with other FOG discharges, causes or creates a potential for an SSO to occur; or (b) exceeding a cost of $50,000.00 to a Food Service Establishment, requiring a building permit, and involving any one or combination of the following: (1) under slab plumbing in the food processing area, (2) a 30 percent increase in the net public seating area, (3) a 30 percent increase in the size of the kitchen area, or (4) any change in the size or type of food preparation equipment.

41. *Residential* shall refer to all living or dwelling units (as defined by the Uniform Building Code) of a permanent, rather than transient nature, including single-family residences, apartments, manufactured homes, townhouses and condominiums.

42. *Restaurant* shall mean all establishments whose principal activity involves on-premise service of meals and food, including coffee shops and cafes. Also included in this category are bakeries whose principal activity involves the production of baked goods onsite.

43. *Sample Point* means a location approved by the City, from which industrial wastewater can be collected that is representative in content and consistency of the entire flow of industrial wastewater being discharged to the sewer system.

44. *Sampling Facilities* means structure(s) provided at the user's expense for the City or user to measure and record wastewater constituent mass concentrations, collect a representative sample, or provide access to plug or terminate the discharge to the sewer system.

45. *Sewage* means wastewater.

46. *Sewer Connection* or *lateral* means the service pipes extending from the private property line to the public sewer main in a public street, alley or easement.

47. *Sewer System* means the sewer system of the City, as acquired by the City from the Del Mar Utilities, together with any additions thereto.

48. *Shopping Center* shall be defined as more than one commercial unit connected to the same water meter where at least one business exists whose principal activity falls into the restaurant category. Also included in this category are any businesses defined as a Take-Out-Food Business.

49. *Sludge* means any solid, semi-solid or liquid decant, subnate or supernate from a manufacturing process, utility service, or pretreatment facility.

50. *Supermarket* shall mean all businesses whose principal activity involves retail sale of groceries and which have onsite waste grinders attached to the sanitary sewer system.

51. *Take-Out-Food Business* shall be defined as all drive-ins, sandwich shops, fast food outlets and similar businesses whose principal activity involves food services but which do not provide on-premises eating facilities or which provide only disposable eating implements (paper plates, plastic utensils, etc.)

52. Twenty-five percent (25%) Rule. Requirement for gravity grease interceptors to be maintained such that the combined FOG and solids accumulation does not exceed 25 percent of the design hydraulic depth of the gravity grease interceptor. This is to ensure that the minimum hydraulic retention time and required available hydraulic volume is maintained to effectively intercept and retain FOG prior to entry into the public sewer system.

53. *User* means any person who discharges or causes a discharge of wastewater or waste directly or indirectly to sewer facilities. "User" shall mean the same as Discharger.

54. *Waste* means sewage and any and all other waste substances, liquid, solid, gaseous or radioactive, associated with human habitation or of human or animal nature, including such wastes placed within containers of whatever nature prior to and for the purpose of disposal.

55. *Wastewater* means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which is contributed into or permitted to enter the sewer system.

56. *Waste Minimization Practices* means plans or programs intended to reduce or eliminate discharges to the sewer system or to conserve water, including, but not limited to, product substitutions, housekeeping practices, inventory control, employee education, and other steps as necessary to minimize waste or wastewater produced.

57. *Wastehauler* means any person carrying on or engaging in vehicular transport of waste as part of, or incidental to, any business for that purpose.

58. *Wastewater* means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which is contributed into or permitted to enter the sewer system.

59. *Wastewater Constituents and Characteristics* means the individual chemical, physical and bacteriological parameters, including volume and flow rate, and such other parameters that serve to define, classify or measure the quality and quantity of wastewater.

D. Words used in these regulations in the singular may include the plural and the plural the singular. Use of masculine shall mean feminine and use of feminine shall mean masculine. Shall is mandatory; may is permissive or discretionary.

(Ord. No. 106, § 1; Ord. No. 488; Ord. No. 472; Ord. No. 655; Ord. No. 828; Ord. No. 831)

22.04.020 Service and Connection Charges.

A. The sewer service and connection charges for each residential, commercial or other persons using the municipal sanitary sewer system of the City shall be:

1. *Bimonthly Service Charge.*

Single Family: The bimonthly wastewater (sewer) service for single family is equal to the charge for a ⅝" meter of $127.10, regardless of size, beginning January 1, 2024; $141.60 beginning July 1, 2024;

$144.43 beginning July 1, 2025; $147.32 beginning July 1, 2026; $150.27 beginning July 1, 2027; and $153.28 beginning July 1, 2028.

Multi-Family, Commercial, Institutional: The sewer service for each multi-family, commercial or institutional service using the municipal sanitary system of the City shall be:

Bimonthly Service Charge Effective:					
Meter Size	7/1/24	7/1/25	7/1/26	7/1/27	7/1/28
⅝"	$141.60	$144.43	$147.32	$150.27	$153.28
¾"	$212.40	$216.65	$220.98	$225.40	$229.91
1"	$354.00	$361.08	$368.30	$375.67	$383.18
1 ½"	$708.00	$722.16	$736.60	$751.33	$766.36
2"	$1,132.80	$1,155.4	$1,178.57	$1,202.14	$1,226.18
3"	$2,265.60	$2,310.91	$2,357.13	$2,404.27	$2,452.36
Fairgrounds	$53,045.02	$54,105.92	$55,188.04	$56,291.80	$57,417.64

2. *Bimonthly Commodity/Volume Charge.* For single family residential users the bimonthly commodity/volume charge will be based on winter water usage subject to the limitations of the sewer cap which is set annually each July 1. The sewer cap will be derived using 100 percent of the water usage for the lowest billing period (two months) during the wet winter months, October through April. If that calculation yields a number less than eight units, the cap will be set at eight units.

   Each billing period the single-family residential customer sewer commodity charge will be calculated by using 100 percent of the water used during that billing period by the single family residential commodity rate in effect. If the 100 percent calculation yields a water usage amount that exceeds the individual customer's cap, the customer will be billed for the cap amount. The cap will not apply in calculating the commodity charge for residential customers who have installed sub-meters or irrigation meters where household use without irrigation can be calculated.

Bimonthly Commodity Rate/Volume Charge (cost per unit based on winter water use) Effective:					
	7/1/24	7/1/25	7/1/26	7/1/27	7/1/28
Single-Family Residential	$9.44	$9.63	$9.82	$10.02	$10.22
General/Multi-Family	$9.44	$9.63	$9.82	$10.02	$10.22
Fairgrounds:* (*100% of metered use)	$9.44	$9.63	$9.82	$10.02	$10.22

* The sewer commodity rate for the Fairgrounds is subject to change pending results of required annual strength testing. If strength measurements increase, the commodity rate will increase accordingly. Reductions in strength measurements will result in a commensurate decrease in the commodity rate.

3. *Pass Through Fees and Charges for Wastewater Treatment and Transportation.* All City of San Diego fees and charges for the treatment and transportation of Del Mar's wastewater shall be passed through to Del Mar sewer utility customers.

4. *Fats, Oils, and Grease Program Non-Compliance Bimonthly Service Surcharge and Volume Charge.* Restaurants not compliant with the City's Fats, Oils, and Grease Program as identified in this Chapter 22.04 and Chapter 22.08 of the Del Mar Municipal Code may be assessed an additional FOG Program Non-Compliance Surcharge in addition to the monthly service charges identified above. The FOG Program Non-Compliance Surcharge shall be assessed on a bimonthly basis as a fixed additional bimonthly service charge as follows:

7/1/19	1/1/20	1/1/21	1/1/22	1/1/23	1/1/24
$82.11	$86.22	$90.53	$95.05	$99.81	$104.80

An additional volume charge will also apply to 90 percent of water usage as follows:

7/1/19	1/1/20	1/1/21	1/1/22	1/1/23	1/1/24
$12.42	$13.01	$13.66	$14.34	$15.06	$15.81

5. *Sub Meters.* If the property owner determines that it is in his/her best interest, a sub meter may be used to establish the wastewater units of return to sewer for the residential customer.

   a. Readings obtained from sub meters installed for the purpose of measuring exclusively indoor water use in hundred cubic feet (HCF) may be used by the City for the purpose of calculating the sewer commodity charge if the following conditions are met:

      (1) An application requesting that the water readings from a sub meter be considered in determining the sewer commodity charge must be completed by the customer prior to the installation of a new sub meter. The application must, as a minimum, grant the City reasonable access to the property to read the sub meter on a periodic basis.

      (2) The use of the sub meter must be pre-approved by the Public Works Director.

      (3) The sub meter must be connected to a water line exclusively used for indoor water use, and shall read in units of water (HCF). The applicant agrees to City inspection and verification of indoor use.

      (4) The sub meter must be registered, inspected and certified by the County Department of Agriculture, Weights, and Measures before its installation and every four years thereafter.

      (5) A monthly service charge will be imposed for the meter reading during which the usage is recorded. That charge shall be 50 percent of the monthly water service charge for a ⅝" water meter.

   b. It shall be the responsibility of the property owner to obtain and install, at the property owner's expense, the sub meter subject to the requirements of this section.

   c. A penalty, requiring removal of the sub meter for a period of five years, will be imposed by the City for any sub meter found to be tampered with, adjusted, or improperly installed to produce false readings. It shall be the responsibility of the property owner to pay for the removal of the sub meter.

B. *Connection and Installation Fees.* The connection fee for a new connection needing to acquire capacity in the sewer system for the first time or upsizing an existing connection will be set as follows:

Meter Size	1/1/15	
⅝"	$6,443.54	
¾"	$9,665.31	
1"	$16,108.84	
1½"	$32,217.69	
2"	$51,548.30	
3"	$103,096.61	

Existing customers upsizing their water meter will be given a credit commensurate with the connection fee for the current meter.

C. *Sewer Installation Fee.* The owner or applicant for a connection to the City sewer system shall pay to the City an amount equal to the cost for labor and materials of the installation.

(Ord. No. 561; Ord. No. 651; Ord. No. 655; Ord. No. 665; Ord. No. 688; Ord. No. 699; Ord. No. 714; Ord. No. 731; Ord. No. 769; Ord. No. 828; Ord. No. 903; Ord. No 948 , § 2, Exh. C, 6-3-2019)

22.04.030 Same—Billing and Payment.

All sewer service charges imposed under the provisions of this Chapter shall be due and payable at the times and in the manner provided for the payment of water bills. Such sewer service charges shall be billed to the owner or occupant of the premises on the same bill on which the water is billed to such owner or occupant, and shall be subject to the same penalties for delinquency. Such combined bill for water consumed and for sewer service charge shall be paid in its entirety and may not be severed for the separate payment of either portion thereof. Where the premises consume water from a source other than the City water system, the sewer service charge shall be billed to the owner or occupant of the premises in a separate bill. The sewer service charge may be collected by suit in any court of competent jurisdiction or any other manner.

(Ord. No. 106, § 20; Ord. No. 301, § 3)

22.04.040 Suspension of Sewer Service.

When deemed necessary by the Director of Public Works for the preservation of public health or safety or for the protection of public or private property, he may suspend sewer service to any person or persons using the sewer system in a manner or way to endanger the public health or safety of public or private property. In suspending service, he may sever all pertinent connections to the public sewer. If such endangerment shall be imminent, then the Director may act immediately to suspend sewer service coincident with notice or warning to such person.

(Ord. No. 106, § 16)

22.04.050 Right of Inspection.

The officers, employees or inspectors of the Water Utilities Department shall have the right to enter upon the premises of any person at reasonable hours to inspect or determine if this Chapter is being violated.

22.04.060 City Manager to Enforce Chapter Provisions.

The City Manager is hereby charged with the duty of enforcing this Chapter.

22.04.070 Negotiations with Applications.

The City Manager is authorized to carry on any preliminary negotiations or investigation with any person seeking the use of the sewage facilities of the City.

22.04.080 Application of Revenues.

Except as provided in Chapter 22.12, revenues derived under the provisions of this Chapter shall be used only for the acquisition, construction, reconstruction, maintenance and operation of the sanitary sewer system, and any surplus thereof shall be applied to the retirement of the bonded indebtedness now outstanding on the sanitary sewer system of the City. Such revenue shall not be used for the acquisition or construction of new local street sewers or laterals as distinguished from main trunk, interceptor and outfall sewers.

22.04.090 Notice to be Given when Premises are Vacated in Order for Water to be Cut Off.

In case a house or place of business becomes vacant, the regular minimum sewer service charge shall be charged and collected from the owner thereof, whether sanitary service is used or not, until the day upon which the office of the department is notified in writing of the fact that the property is unoccupied, and is requested to shut off water and sanitary service.

22.04.100 Unlawful to Permit Surface Drainage to Enter System.

No person shall allow, or permit to be allowed, whether knowingly or not, any surface or storm water runoff to enter into any portion of the City sewerage system through either sewer mains, laterals, manholes or any other location in the system.

22.04.110 Wastewater Utility Rates During Demand Management/Drought Conditions.

Wastewater customers are billed for sewer service based on their water usage. During drought periods, water usage will decline and threaten the fiscal stability of the wastewater utility. Therefore, during drought periods, wastewater charges will be calculated based on the assumption that sewer usage is the same as the commensurate month from the last non-drought fiscal year. Drought sewer charges will be lifted after one full year of non-drought consumption records can be established.

A. *Residential.* Sewer discharges will be estimated based on the assumed sewage usage during the last non-drought year.

B. *Commercial.* Sewer discharges will be estimated based on 90 percent of the water usage during the last non-drought year. A user may petition to have their sewer discharge (water usage) assumption lowered if their annual water demand drops below their non-drought water demands by a level below the drought reduction levels plus an additional 20 percent. As a user can meet the previously defined

criteria, their sewage discharge assumptions will be lowered to the current water demands, adding back any water savings required under the drought requirements. As an example, if the drought reductions are 20 percent, and the user drops their water consumption by 45 percent, then the resulting sewer will be calculated based on 120 percent of the current water consumption.

C. *Fairgrounds.* Sewer commodity charges during drought conditions will be calculated based on the greater of:

(1) The rolling average of the same bi-monthly period from the last three fiscal years, or

(2) The actual metered sewage.

(Ord. No. 828; Ord. No 948 , § 2, Exh. C, 6-3-2019)

Notice of Public Hearing

Regarding Proposed Water and Wastewater Rates

Monday, May 6, 2024

City Council Meeting Begins at 4:30 p.m.

Del Mar Civic Center—Town Hall

1050 Camino del Mar, Del Mar, CA 92014

On Monday, May 6, 2024, the Del Mar City Council will hold a Public Hearing regarding proposed water and wastewater rates and to consider all written protests against the proposed rate increases. The new rates, if adopted, will take effect on or after July 1, 2024. Interested parties are invited to attend.

Why are you receiving this notice?

The City of Del Mar is mailing this notice to you because you are a water and/or wastewater customer directly responsible for payment of water and/or wastewater service fees, or are the owner of record for a property that receives water or wastewater service. This notice describes proposed changes to the rates for water and wastewater service, and provides notice of the upcoming public hearing at which these proposed changes will be considered by the Del Mar City Council.

Costs for Water and Wastewater

Del Mar provides water and wastewater service to approximately 1,900 customers. The City of Del Mar is also responsible for preventing urban runoff and pollution to nearby lagoons and the Pacific Ocean.

Rates and charges for these services, billed bi-monthly (every two months), are the primary source of funding to operate the water and wastewater systems. Costs include system operations, capital projects, administration, debt service, and costs related to responsible long-term operational or financial management, such as maintaining adequate fund reserves and contingency planning.

Del Mar's rates consist of two parts: the service charge and volume charge. The "service charge" is a fixed bi-monthly amount based on meter size to recover fixed costs, which do not vary with the volume of water used by a customer for items such as infrastructure maintenance, meter reading, customer billing, and debt service. The "volume charge" is a commodity rate to recover costs that vary based on how much water is used or how much wastewater is generated.

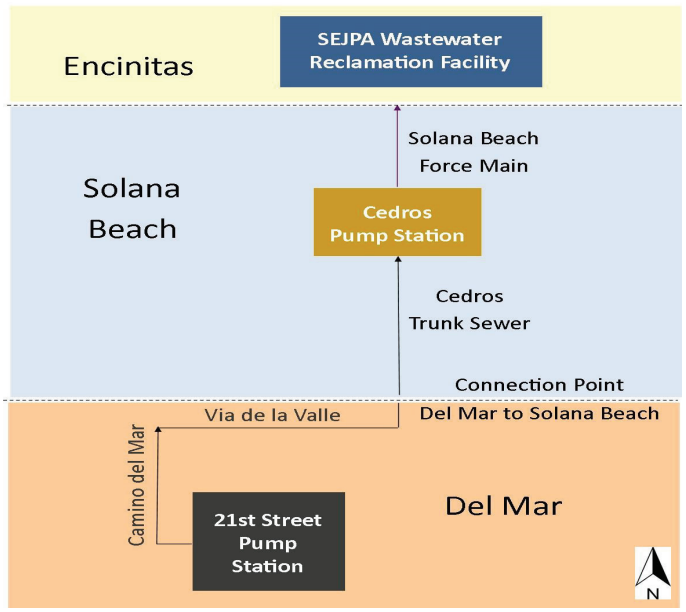
Reasons for Rate Increases

Costs to provide water and wastewater rise annually. Since 2019, the City's cost to buy imported water has increased by 24%. Rising costs for energy and infrastructure construction and maintenance, as well as the cost for personnel to operate the systems impact the cost to provide these services in a safe and reliable manner. Over the next five years, the City of Del Mar will spend nearly $2.5 million on capital infrastructure rehabilitation projects for the water and wastewater systems.

Cost-Effective Services

Del Mar continuously seeks ways to make these utilities more cost efficient. An example is the partnership in recent years with the San Elijo Wastewater Joint Powers Authority (located in Cardiff) and the City of Solana Beach for wastewater treatment services, which results in long-term less expensive wastewater treatment.

Del Mar Connection to
San Elijo Wastewater Reclamation Facility



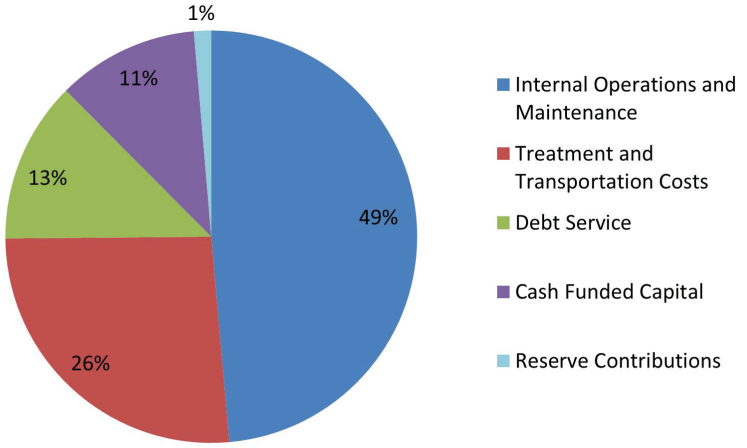
Safe • Reliable • Cost Effective

Wastewater

- Del Mar produces about 140 million gallons of wastewater each year.
- Del Mar's wastewater is treated primarily by the San Elijo Joint Powers Authority (SEJPA) and a small amount by the City of San Diego.
- The cost to provide wastewater service in Del Mar is about $4.8 million per year.
- 26% of the costs are pass-thru costs for treatment and transportation, which Del Mar has limited ability to control.
- Over the next five years, Del Mar plans to spend approximately $2,500,00 on wastewater infrastructure projects, such as root management and pipeline rehabilitation.
- Wastewater costs include major pipeline repairs and system upgrades.

21st Street Sewer Pump Station

Distribution of Costs (Based on 2024)



Sample Customer Rate Change

Sample single-family residential household water use, based on 5/8" meter and 17 units bi-monthly (every two months) water use .

	Current	July 2024
Fixed Charge - 5/8" Meter	$127.10	$141.60
Variable based on 17 units bi-monthly	($8.98/unit) $152.66	($9.44/unit) $160.48
Total Bi-monthly	**$279.76**	**$302.08**
	Bi-monthly Change	**$22.32**

Proposed Wastewater Rates

Proposed Bi-Monthly (every 2 months) Fixed Service

	Current Rates	Proposed Rates 7/1/2024	7/1/2025	7/1/2026	7/1/2027	7/1/2028
Rate Increase:		*varies*	*2%*	*2%*	*2%*	*2%*
Single-Family Residential	$ 127.10	$ 141.60	$ 144.43	$ 147.32	$ 150.27	$ 153.28
Meter Size						
5/8"	$ 127.10	$ 141.60	$ 144.43	$ 147.32	$ 150.27	$ 153.28
3/4"	$ 190.66	$ 212.40	$ 216.65	$ 220.98	$ 225.40	$ 229.91
1"	$ 317.74	$ 354.00	$ 361.08	$ 368.30	$ 375.67	$ 383.18
1 1/2"	$ 635.48	$ 708.00	$ 722.16	$ 736.60	$ 751.33	$ 766.36
2"	$ 1,016.76	$ 1,132.80	$ 1,155.46	$ 1,178.57	$ 1,202.14	$ 1,226.18
3"	$ 2,033.52	$ 2,265.60	$ 2,310.91	$ 2,357.13	$ 2,404.27	$ 2,452.36
Fairgrounds	$ 55,024.00	$ 53,045.02	$ 54,105.92	$ 55,188.04	$ 56,291.80	$ 57,417.64

Proposed Bi-Monthly (every 2 months) Volumetric Rates

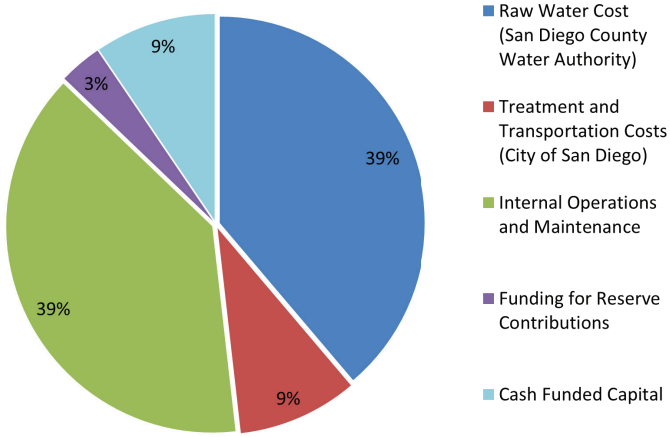
Rate Increase:	*varies*	*2%*	*2%*	*2%*	*2%*	
Single Family Residential	$ 8.98	$ 9.44	$ 9.63	$ 9.82	$ 10.02	$ 10.22
Multi-Family Residential	$ 8.98	$ 9.44	$ 9.63	$ 9.82	$ 10.02	$ 10.22
Commercial	$ 8.98	$ 9.44	$ 9.63	$ 9.82	$ 10.02	$ 10.22
Institutional	$ 8.98					
Hotels/Motels without Restaurants	$ 8.84					
Hotels/Motels with Restaurants	$ 12.73					
Restaurants	$ 15.06					
Shopping Centers	$ 10.45					
Fairgrounds	$ 10.27	$ 11.49	$ 11.72	$ 11.95	$ 12.19	$ 12.43

Water

- Del Mar imports nearly 100% of its water through the San Diego County Water Authority and contracts with the City of San Diego for water treatment and transportation to Del Mar. Recycled water is purchased from the San Elijo Joint Powers Authority for irrigation.
- The cost to provide water service in Del Mar is about $5.1 million per year. More than half of the City's costs are pass-thru costs, which the City cannot control.
- Water use in Del Mar is down by 7% since 2019. Though the City purchases less water, fixed costs for the water system (such as maintaining pipes, pumps, and storage reservoirs and customer service) are spread across less water use, which impacts rates.
- Over the next five years, Del Mar anticipates spending approximately $2,300,000 on water projects, such as replacing pipes, valves and fire flow improvements.
- Revenues must increase 3% in year one, and 2% per year thereafter, to cover water system costs.

Much of Del Mar's water supply is imported from hundreds of miles away.

Distribution of Costs (Based on 2024)



Sample Customer Rate Change

Sample single-family residential household water use, based on 5/8" meter and 17 units bi-monthly (every two months) water use.

	Current	July 2024
Fixed Charge - 5/8" Meter	$88.04	$88.70
Variable based on 22 units bi-monthly	($6.22/unit) $136.84	($6.26/unit) $137.72
Total Bi-monthly	**$224.88**	**$226.42**
	Bi-monthly Change	**$1.54**

Proposed Water Rates

Bi-Monthly Fixed Service Charges (every 2 months)	Current Rates	Proposed Rates 7/1/2024	7/1/2025	7/1/2026	7/1/2027	7/1/2028
	Rate Increase:	*varies*	*2%*	*2%*	*2%*	*2%*
Meter Size						
5/8"	$ 88.04	$ 88.70	$ 90.47	$ 92.28	$ 94.13	$ 96.01
3/4"	$ 132.06	$ 129.41	$ 132.00	$ 134.64	$ 137.33	$ 140.08
1"	$ 220.08	$ 210.81	$ 215.03	$ 219.33	$ 223.72	$ 228.19
1 1/2"	$ 440.16	$ 414.33	$ 422.62	$ 431.07	$ 439.69	$ 448.48
2"	$ 704.24	$ 658.55	$ 671.72	$ 685.15	$ 698.85	$ 712.83
3"	$ 1,408.46	$ 1,309.82	$ 1,336.02	$ 1,362.74	$ 1,389.99	$ 1,417.79
4"	$ 2,200.72	$ 2,042.49	$ 2,083.34	$ 2,125.01	$ 2,167.51	$ 2,210.86
Fairgrounds	$ 67,968.00	$ 76,298.59	$ 77,824.56	$ 79,381.05	$ 80,968.67	$ 82,588.04

Bi-Monthly Fixed Commodity Charges (every 2 months)	Current Rates		Proposed Rates ($/hcf) 7/1/2024	7/1/2025	7/1/2026	7/1/2027	7/1/2028
		Rate Increase:	*varies*	*2%*	*2%*	*2%*	*2%*
Single Family Residential		Single Family Residential					
Tier 1 (0-20 hcf)	$ 6.22	Tier 1 (0-22 hcf)	$ 6.26	$ 6.39	$ 6.52	$ 6.65	$ 6.78
Tier 2 (21+ hcf)	$ 7.47	Tier 2 (21+ hcf)	$ 7.37	$ 7.52	$ 7.67	$ 7.82	$ 7.98
Multi-Family Residential	$ 6.41	Multi-Family Residential	$ 6.81	$ 6.95	$ 7.09	$ 7.23	$ 7.37
Commercial/Institutional	$ 6.52	Commercial/Institutional	$ 6.80	$ 6.94	$ 7.08	$ 7.22	$ 7.36
Irrigation	$ 6.96	Irrigation	$ 7.11	$ 7.25	$ 7.40	$ 7.55	$ 7.70
Fairgrounds	$ 6.52	Fairgrounds	$ 8.08	$ 8.24	$ 8.40	$ 8.57	$ 8.74

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Del Mar, CA 92014

Demand Management Rates

Del Mar's water rate structure includes demand management rates which can be implemented by the City Council in response to a water shortage. These demand management rates cover increased costs for water and encourage conservation. Proposed rate increases only apply to the commodity rates. For example: During a Stage 2 reduction, Single Family FY 2024-25 rates would increase 2.8%: $6.26 * (1+ 0.028) = $6.44 per HCF for water use in the first tier and $7.37* (1+ 0.028) = $7.58 per HCF for water use in the second tier.

Maximum Drought Rate Factors by Water Conservation Stage

Customer Class	Stage 1 Shortage Up to (10% Reduction)	Stage 2 Shortage Up to (20% Reduction)	Stage 3 Shortage Up to (30% Reduction)	Stage 4 Shortage Up to (40% Reduction)	Stage 5 Shortage Up to (50% Reduction)	Stage 6 Shortage Up to (56% Reduction)
Single Family	1.013	1.028	1.047	1.069	1.098	1.114
Multi-Family	1.015	1.034	1.058	1.088	1.128	1.157
Commercial	1.013	1.029	1.048	1.071	1.100	1.117
Irrigation*	1.032	1.080	1.163	1.336	1.944	N/A
Fairgrounds	1.026	1.062	1.116	1.207	1.393	1.738

** "N/A" due to assumption of irrigation use being suspended at Stage 6.*

HOW TO PROTEST PROPOSED RATES

An owner or tenant of property receiving City water and wastewater service may protest the proposed increased service charges by submitting a written protest by mail or in person to the City Clerk, 1050 Camino del Mar, Del Mar, CA 92014. Written protests must indicate opposition to the proposed rate increases. Written protests must be received (not postmarked) by the City Clerk before or during the public hearing date of May 6, 2024. The protest must be signed by property owner(s) or tenant(s) and must include the assessor's parcel number(s) or street address(es) of all property(ies) served. Only one protest may be filed per parcel. Because an original signature is required, protests submitted by email, facsimile, or other electronic means will **not** be accepted. Oral protests will not be accepted.

If a majority of the affected customers do not file written protests of the proposed rate changes, the Council will then consider and may adopt the rate changes described in this notice. If a majority of affected customers file written protests, the City Council will not adopt the proposed rate adjustments and the City will reconsider the rate structure and rates. Pursuant to Government Code Section 53759, there is a 120-day statute of limitations for any judicial action or proceeding challenging any new, increased, or extended water and sewer fee or charge. Cost data regarding the proposed increased charges is available for review during business hours at the City Clerk's Office, City Hall, 1050 Camino del Mar, Del Mar. For questions, call (858) 755-9313. Additional information about the proposed increases may be found online at: www.delmar.ca.us/Utility-Rates

City of Del Mar Agenda Report

TO: Honorable Mayor and City Council Members

FROM: Joe Bride, Public Works Director
Monica Molina, Finance Manager/Treasurer
Via Ashley Jones, City Manager

DATE: February 20, 2024

SUBJECT: Overview of Water and Wastewater Rate Study and Proposed Rate Schedule and Recommendation to Initiate the 218 Public Noticing Process

REQUESTED ACTION/RECOMMENDATION:
Staff recommends that the City Council receive a presentation from City staff and HF&H Consultants and direct staff to proceed with the required Proposition 218 public noticing process for recommended water and wastewater rates effective July 1, 2024.

DISCUSSION/ANALYSIS:

The City of Del Mar maintains separate Water and Wastewater Enterprise Funds, each with its own rate stabilization, operating, capital and pension reserves. The City's water and wastewater utilities are funded from water and wastewater rates and fees are charged to the City's customers based on their use of the respective utility services. The rate structures of both the water and wastewater rates consist of a fixed service charge and a variable, flow-based, charge for which customers are billed bi-monthly.

Proposition 218 requires utility agencies to forecast future expenditures over the rate study period and set the appropriate rates to generate an equal amount of revenues. Typical fund expenditures are estimated based on historical costs, including operations and maintenance, capital improvements, capital equipment replacement, emergencies, and reserve funding. Additional factors include recent and actual water consumption patterns (by customer-type, meter size, and the associated impact on water and wastewater revenues) and inflation forecasts.

The City of Del Mar does not have a direct connection to a water supply or own a potable water filtration plant, therefore water system external expenditures include the costs for buying raw water from the San Diego County Water Authority (SDCWA), and the costs of contracting with the City of San Diego to treat the raw water to potable drinking water quality standards and transport the water to Del Mar. Also, Del Mar does not own a wastewater treatment facility, therefore wastewater system expenditures include contracting with both the San Elijo Wastewater Joint Powers Authority (JPA) and the City of San Diego Metropolitan Wastewater System (Metro) for wastewater treatment services and the City of San Diego and Solana Beach for wastewater transportation services.

Internal expenditures include Capital Projects and Operation and Maintenance (O&M) expenditures. O&M expenditures for the water and wastewater enterprises include fuel, salaries,

City Council Action:

benefits, analytical sampling/analysis, materials, supplies, insurance, vehicle maintenance, utilities and administrative expenses.

The Public Works Department oversees Capital Improvement Programs for the Water and Wastewater Systems to meet the City's critical water and wastewater demands (ensuring functioning reliable water and wastewater infrastructure) as well as achieving regulatory health and safety requirements. Specific projects are prioritized and scheduled based on risk analysis, life cycle expectations, and input from system operators and residential feedback. Project cost estimates are developed based on unit costs of similar projects and forecasted escalation rates. Both programs are designed to only invest funding in the City's most critical needs and non-critical projects are deferred to provide funding for the critical projects.

The wastewater fund is also subject to debt service expenses. The 21st Street pump station was funded through a state revolving loan program. Annual payments of $344,017, which began on August 1, 2013, are to be paid through August 2032 at an interest rate of 2.9% per annum. In addition, the City entered into a finance agreement in June 2015 with the California Infrastructure and Economic Development Bank (iBank) for the replacement of a sewage pipeline. Annual payments of approximately $218,000, which began on August 1, 2016, are to be paid through August 2035 at an interest rate of 2.17% annum.

In 2019, the City adopted a five-year rate schedule for water and wastewater rates for Fiscal Years (FYs) 2019-2020 through 2023-2024. The City is in the fifth year of the five-year rate schedule. The current rate period ends on July 1, 2024. The current rate schedule has produced sufficient revenues to cover overall expenses, however, unforeseen high inflation rates have increased external costs higher than expected. For example, potable water supply and treatment costs from the San Diego County Water Authority and City of San Diego have increased 27% since 2019, whereas the prior rate study only assumed an increase of approximately 16.2 %. Other expenses that have been subject to higher-than-expected inflation are equipment, supplies, fuel, and vehicle repairs/replacements.

The City has compensated for these unexpected external cost increases by implementing internal cost savings measures such as utilizing streamlined meter reading software to increase efficiencies and reduce labor costs and maximizing wastewater pump efficiencies and lower energy usage. Also, the City has reduced Capital Improvement Project costs by bundling water and wastewater projects into larger bid packages which has resulted in lower mobilization and unit costs.

The current rates are not set to generate sufficient revenue needed to cover anticipated future increases in fixed and variable costs associated with the City's water and wastewater systems. In order to collect sufficient revenue for covering the cost of these utility services, a rate adjustment is required. In May 2023, the City of Del Mar administered a Request for Qualification (RFQ) process and awarded a professional services agreement to HF&H Consultants, LLC (HF&H) for Water and Wastewater Utility Rate Studies. Attachment A details the analysis to perform a cost-of-service study and set proposed water and wastewater rates for FYs 2024-2025 through FY 2028-2029. The information was presented to the Finance Committee on January 23, 2024, and the feedback provided by the Committee was incorporated into the presentation.

Next Steps

Following the introduction of the proposed five-year rates and the cost of service study to the City Council on February 20, 2024, the next step will be to send a notice with the proposed rates to all property owners and utility customers 45-days in advance of a public hearing that will be scheduled for May 6, 2024, in accordance with the process set forth by Proposition 218. The purpose of the public hearing on May 6, 2024, will be for the City Council to adopt the proposed rates by ordinance, unless there is a majority protest (in writing). A second reading will be scheduled for May 20, 2024, and the new rates would take effect on July 1, 2024.

FISCAL IMPACT:
There is no fiscal action to be taken by the City Council related to this agenda item. In order to collect sufficient revenue to cover the cost of providing water and wastewater service, it is necessary for a rate adjustment to take effect July 1, 2024, and on July 1 of the subsequent four years. The proposed five-year rate adjustments allow the Water and Wastewater Fund to balance its annual operating budget while building-up available funds for future capital costs and stabilizing rates for customers. Approval of this item does not require a budget adjustment to the Fiscal Year 2023-24 Operating and Capital Budget.

ENVIRONMENTAL IMPACT:
The action being considered is exempt from the California Environmental Quality Act (CEQA) because it is not a “project” per Section 15378(b)(5) of CEQA Guidelines. The action involves an organizational or administrative activity of government that will not result in the direct or indirect physical change in the environment.

ATTACHMENTS:
Attachment A – Water and Wastewater Rate Cost of Service Study – HF&H Consultants

CITY OF DEL MAR

Water and Wastewater Rate Cost-of-Service Study

Final Report – March 8, 2024
Revised April 12, 2024

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CITY OF DEL MAR
1050 Camino Del Mar
Del Mar, CA 92014

WATER AND WASTEWATER RATE COST-OF-SERVICE STUDY

Revised April 12, 2024

HF&H CONSULTANTS, LLC
590 Ygnacio Valley Rd, Suite 105
Walnut Creek, CA 94596

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HF&H CONSULTANTS, LLC
Managing Tomorrow's Resources Today

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April 12, 2024

Joe Bride
Public Works Director, City Engineer
City of Del Mar
1050 Camino Del Mar
Del Mar, CA 92014

Subject: Water and Wastewater Rate Cost-of-Service Study – Final Report

Dear Joe Bride:

HF&H is pleased to submit this cost-of-service report to the City of Del Mar (City). The report summarizes the analysis that was conducted to develop the recommended water and wastewater rates for FY 2024-25 through FY 2028-29. The rates proposed in this report reflect the current and projected cost of providing water and wastewater service for the next five years.

We greatly appreciate your assistance in developing the cost-of-service analysis.

Please note this report was revised April 2024 to revise calculation errors in Figure I-5 and Figure V-14, which provided sample FY 2024-25 water rates adjusted for each of the six stages of water shortages, corresponding to the drought factors proposed. The calculation errors have no effect on the Notice of Public Hearing mailed in advance of the Public Hearing scheduled for May 6, 2024 to adopt new water and wastewater rates. This is because the notice includes the drought rate factors to be approved and potentially applied to any then-current commodity rates, rather than the adjusted commodity rates themselves. The revised calculations do not change the recommended rates and charges included within this report or within the Notice of Public Hearing.

Sincerely,

HF&H CONSULTANTS, LLC

Rick Simonson
Senior Vice President

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GLOSSARY

AMI - advanced metering infrastructure**.**

AWWA – American Water Works Association.

Breakpoint – The volume of water per billing period separating tiers in tiered rate structures.

City – City of Del Mar and/or the City's Water or Wastewater Enterprise

CCF – Hundred cubic feet (see HCF below).

CIP - Capital Improvement Program.

Commodity Charges – The product of rates per unit of metered water use multiplied by a customers metered water use during the billing period.

CY – Calendar Year.

Drought Rate Factors – Factors applied to Commodity charges to stabilize revenue to meet the City's water revenue requirement during periods of conservation when there are significant reductions in water usage, and hence in water revenues.

EMU – Equivalent Meter Unit.

Fairgrounds – 22nd Agricultural Association Fairgrounds in Del Mar. This is the largest water and wastewater customer served by the City of Del Mar.

FY - Fiscal Year.

Flat rates - Fixed charges per account that do not vary based on metered water use. Flat rates are found in unmetered water systems and in wastewater rates. Flat rates are not uniform rates (see below).

GPD - Gallons Per Day.

HCF - Hundred cubic feet of metered water; 748 gallons; a cube of water 4.6 feet on edge. One HCF per month is about 25 gallons per day.

Meter charges - One-time charges for the purchase of a meter. Meter charges are not Service Charges (see below).

Multi-Family Residential – Refers to the current Multi Family Residential customer class. Includes all multi-family customer accounts, including those receiving irrigation from the same potable meter.

O&M - Operating and Maintenance, in reference to the costs of running facilities.

PAYGo - Pay-As-You-Go, in reference to funding capital improvements from cash rather than from borrowed sources such as bonds or loans.

SDCWA – San Diego County Water Authority.

SEJPA – San Elijo Joint Powers Authority.

Service Charges – Fixed charges paid by City customers per meter size, regardless of the amount of water used. The charge is proportionate to the capacity of the customer's service.

Study Period – Five-year planning period analyzed in this study, which includes fiscal year 2024-25 to fiscal year 2028-29.

Uniform rates - Constant charges per unit of water use that do not change depending on the amount used. Uniform rates are not flat rates (see above).

Volumetric Rates – The rates assessed per unit of metered water use during the billing period to determine the volumetric portion of a wastewater bill.

WSCP – Water Shortage Contingency Plan.

ACKNOWLEDGEMENTS

City Council

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Terry Gaasterland, Deputy Mayor
Tracy Martinez, Councilmember
Dan Quirk, Councilmember
Dwight Worden, Councilmember

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LIMITATIONS

This document was prepared solely for the City of Del Mar in accordance with the contract between the City and HF&H and is not intended for use by any other party for any other purpose.

In preparing this study, we relied on information from the City, which we consider accurate and reliable. Our analysis is based on the best available information at the time of the study.

Rounding differences caused by stored values in electronic models may exist.

This document represents our understanding of relevant laws, regulations, and court decisions but should not be relied upon as legal advice. Questions concerning the interpretation of legal authorities referenced in this document should be referred to a qualified attorney.

WATER AND WASTEWATER RATE COST-OF-SERVICE STUDY

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I. EXECUTIVE SUMMARY

This study documents the process by which the City's water and wastewater rates were analyzed to ensure that rates continue to meet the cost of service. This report describes how the revenue requirement (expenses) is apportioned between customer classes receiving water and wastewater service, the appropriate changes in the respective classes' rates to cover their costs, and the proposed water and wastewater rate designs that are appropriate to ensure that customers continue paying their proportionate share.

The Executive Summary presents the findings and recommendations in this report.

STUDY OBJECTIVES

The City undertook this rate study to meet the following key objectives.

1. **Provide revenue sufficiency and financial stability -** Ensure revenues from future water and wastewater rates continue covering costs without depleting reserves and maintaining necessary debt service coverage requirements. Revenue requirement projections (i.e., expenses) are increasing with expanded capital program expenses to upgrade aging infrastructure.

2. **Maintain adequate reserves to meet City policies** – Confirm future rates will continue to generate revenues that will keep the City's reserve balance in line with its target threshold to have sufficient reserves on hand for operational cash flow, debt service payments, unplanned emergencies, retirement funding liability, and capital project funding.

3. **Rate payer equity -** Revisit allocation of City's costs to verify each customer class pays their proportionate share of expenses for each utility. Each customer within each customer class must pay their proportionate share of expenses via volumetric and service capacity charges.

FINDINGS AND RECOMMENDATIONS

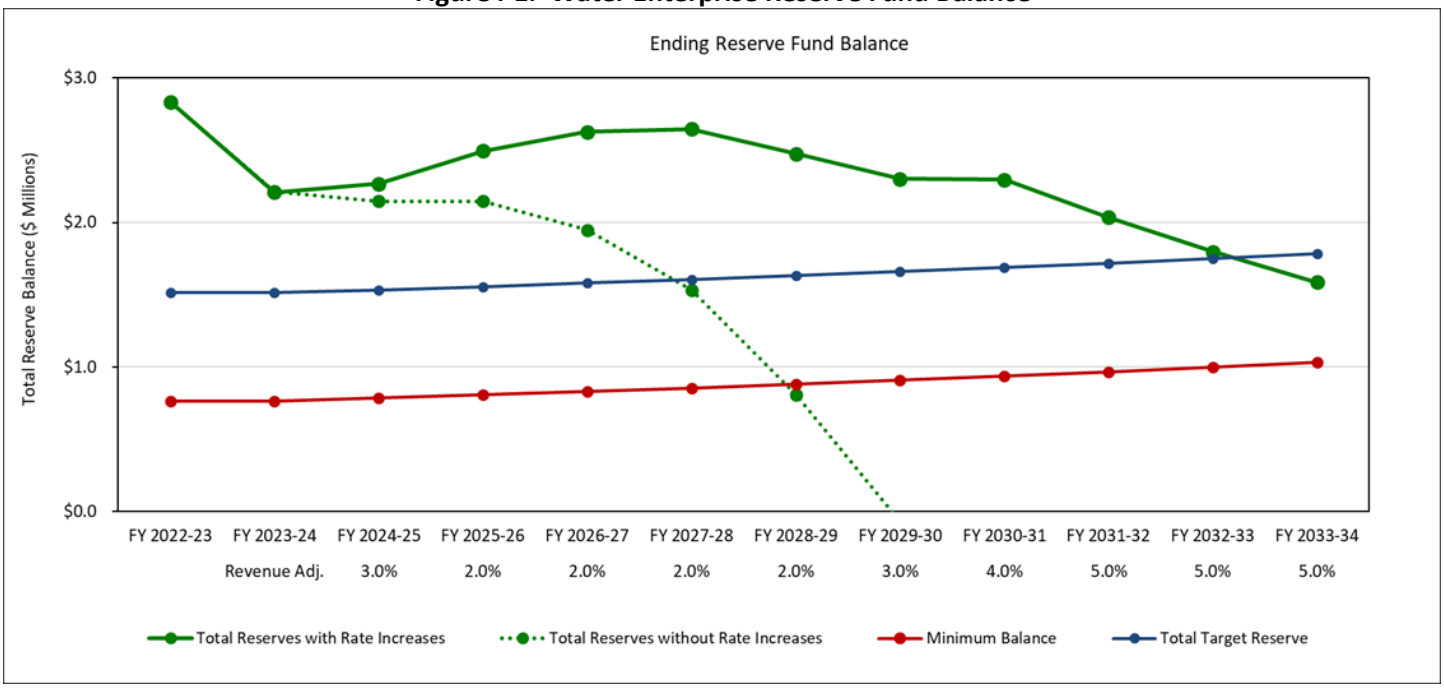
The following discussion summarizes HF&H's findings and recommendations for both the Water and Wastewater Enterprises.

1. **Water rate revenue increases are necessary.** Recent historically high, nationwide inflation rates, as well as increases to water treatment and water supply expenses, as well as funding for capital improvement projects are driving the need to increase water rates beginning FY 2024-25. Water treatment and water supply expenses together comprise more than 50% of the City's water expenses and these costs are set by third-party agencies. A revenue increase of 3% in FY 2024-25 and 2% annual increases each fiscal year FY 2025-26 through FY 2028-29 are recommended. Refer to **Section III** for further details.

2. **The City will continue to meet all Water Enterprise reserve targets with recommended revenue increases.** Increasing water rate revenues will allow the City to continue to maintain sufficient reserves to meet all adopted operating and capital reserve targets. Beyond FY 2028-29, the City will be required to use more reserves in combination with larger revenue increases, if cost projections hold. Cost increases should be monitored to ensure modeled rate increases are sufficient. The City should

re-analyze rates within five years to ensure rates are providing enough support so that reserves continue to meet the target threshold. See **Figure I-1** for reference and refer to **Section III** for further information.

Figure I-1. Water Enterprise Reserve Fund Balance



3. **Water rates are recommended for realignment to the cost of service.** The cost-of-service analysis of the FY 2024-25 revenue requirement indicates adjustments are required to realign water rates to reflect the proportional benefits each customer class receives. With the recommended adjustments, rate revenues for each customer class would adjust based on **Figure I-2**.

   Based on the cost-of-service analysis, overall revenue from Commodity Charges would increase by 4.8% and revenue from Service Charges would increase by 0.6%. The Fairgrounds received a larger cost allocation than during the previous study, as their proportionate share grew from 14.9% to 17.6%. The increase can be attributed to an increased share of the raw water supply costs allocated to the Fairgrounds based on recent water demand patterns. This expense is the largest expense category in the cost allocation exercise. The Fairgrounds share of the revenue requirement to be recovered through the FY 2024-25 rates will be $850,661 (17.6%) and the remaining City customer's share will be $3,978,871 (82.4%). Refer to **Section IV**.

Figure I-2. Cost-of-Service Water Rates Revenue Summary

Components of Rate Structure	Revenue at Current Rates FY 2023-24		Cost of Service Proposed Rates FY 2024-25		Difference COS Minus Current	
Single-Family Residential						
Commodity Revenue	$1,373,266	58%	$1,418,687	59%	$45,421	3.3%
Service Charge Revenue	$1,010,762	42%	$997,352	41%	($13,411)	-1.3%
Subtotal - SFR	$2,384,028	100%	$2,416,039	100%	$32,010	1.3%
Multi-Family Residential						
Commodity Revenue	$325,737	58%	$360,237	61%	$34,500	10.6%
Service Charge Revenue	$240,067	42%	$230,007	39%	($10,060)	-4.2%
Subtotal - MFR	$565,804	100%	$590,244	100%	$24,439	4.3%
Commercial						
Commodity Revenue	$298,277	63%	$287,910	63%	($10,367)	-3.5%
Service Charge Revenue	$178,794	37%	$170,196	37%	($8,598)	-4.8%
Subtotal - Commercial	$477,071	100%	$458,107	100%	($18,965)	-4.0%
Irrigation						
Commodity Revenue	$355,844	69%	$361,865	70%	$6,021	1.7%
Service Charge Revenue	$158,462	31%	$152,617	30%	($5,845)	-3.7%
Subtotal - Irrigation	$514,306	100%	$514,482	100%	$176	0.0%
Fairgrounds						
Commodity Revenue	$339,848	45%	$392,870	46%	$53,021	15.6%
Service Charge Revenue	$407,808	55%	$457,792	54%	$49,984	12.3%
Subtotal - Fairgrounds	$747,656	100%	$850,661	100%	$103,005	13.8%
Total						
Commodity Revenue	$2,692,972	57%	$2,821,569	58%	$128,596	4.8%
Service Charge Revenue	$1,995,894	43%	$2,007,963	42%	$12,070	0.6%
Total	$4,688,866	100%	$4,829,532	100%	$140,666	3.0%

4. **Updated Fixed Service Charges are recommended. Figure I-3** shows the current and cost-of-service Fixed Service Charges during the period of FY 2024-25 through FY 2028-29. The customers with a 5/8" meter will see a 0.7% increase, while customers served by meters ranging between ¾" to 4" will see a decrease. The Fairgrounds will see a 12.3% increase to their existing Fixed Service Charge. Refer to **Section V**.

Figure I-3. Current and Proposed Service Charge Rates

Bi-Monthly Fixed Service Charges	Current Rates rate increase:	Proposed Rates FY 2024-25 *eff. 7/1/2024* *varies*	FY 2025-26 *eff. 7/1/2025* *2%*	FY 2026-27 *eff. 7/1/2026* *2%*	FY 2027-28 *eff. 7/1/2027* *2%*	FY 2028-29 *eff. 7/1/2028* *2%*
Meter Size						
5/8"	$88.04	$88.70	$90.47	$92.28	$94.13	$96.01
3/4"	$132.06	$129.41	$132.00	$134.64	$137.33	$140.08
1"	$220.08	$210.81	$215.03	$219.33	$223.72	$228.19
1 1/2"	$440.16	$414.33	$422.62	$431.07	$439.69	$448.48
2"	$704.24	$658.55	$671.72	$685.15	$698.85	$712.83
3"	$1,408.46	$1,309.82	$1,336.02	$1,362.74	$1,389.99	$1,417.79
4"	$2,200.72	$2,042.49	$2,083.34	$2,125.01	$2,167.51	$2,210.86
Fairgrounds	$67,968.00	$76,298.59	$77,824.56	$79,381.05	$80,968.67	$82,588.04

5. **Updated Commodity Charges are recommended. Figure I-4** shows the current and cost-of-service Commodity Charges during the period of FY 2024-25 through FY 2028-29. Single Family Residential tiers were adjusted to reflect updated patterns of demand. As a result, the Tier 1 breakpoint would increase from 20 to 22 HCF. All Commercial, Multi-Family, Irrigation customers and the Fairgrounds will see increased rates. Refer to **Section V**.

Figure I-4. Current and Proposed Commodity Charge Rates

			Proposed Rates ($/hcf)				
Bi-Monthly Commodity Charges	**Current** Rates ($/hcf)	**Bi-Monthly Commodity Charges rate increase:**	**FY 2024-25** *eff. 7/1/2024* *varies*	**FY 2025-26** *eff. 7/1/2025* *2%*	**FY 2026-27** *eff. 7/1/2026* *2%*	**FY 2027-28** *eff. 7/1/2027* *2%*	**FY 2028-29** *eff. 7/1/2028* *3%*
Single Family Residential		Single Family Resid.					
Tier 1 (0-20 hcf)	$6.22	Tier 1 (0-22 hcf)	$6.26	$6.39	$6.52	$6.65	$6.78
Tier 2 (21+ hcf)	$7.47	Tier 2 (23+ hcf)	$7.37	$7.52	$7.67	$7.82	$7.98
Multi-Family Residential	$6.41	Multi-Family Resid.	$6.81	$6.95	$7.09	$7.23	$7.37
Commercial/Insitutional	$6.52	Commercial/Instit.	$6.80	$6.94	$7.08	$7.22	$7.36
Irrigation	$6.96	Irrigation	$7.11	$7.25	$7.40	$7.55	$7.70
Fairgrounds	$6.52	Fairgrounds	$8.08	$8.24	$8.40	$8.57	$8.74

6. **Drought Rate Factors are recommended to replace Demand Management.** In place of the City's current practice of assessing a surcharge to Service Charges and Commodity Charges during times of drought when water use, and therefore revenues, decrease, HF&H recommends a set of drought rate factors that would be applied solely to the Commodity Charges to cover fixed costs when water shortage reduces water demand and water sales decrease in response. The factors would be implemented during declared water shortage stages in accordance with the City's Water Shortage Contingency Plan (WSCP), state mandated reductions in the level of potable water usage, or other natural disaster or event that results in a water shortage and an unforeseen drop in water demand that requires reductions in water use. **Figure I-5** shows the Drought Rate Factors that would be applied to the proposed FY 2024-25 rates that would normally be in effect absent declared shortages. Refer to **Section V**.

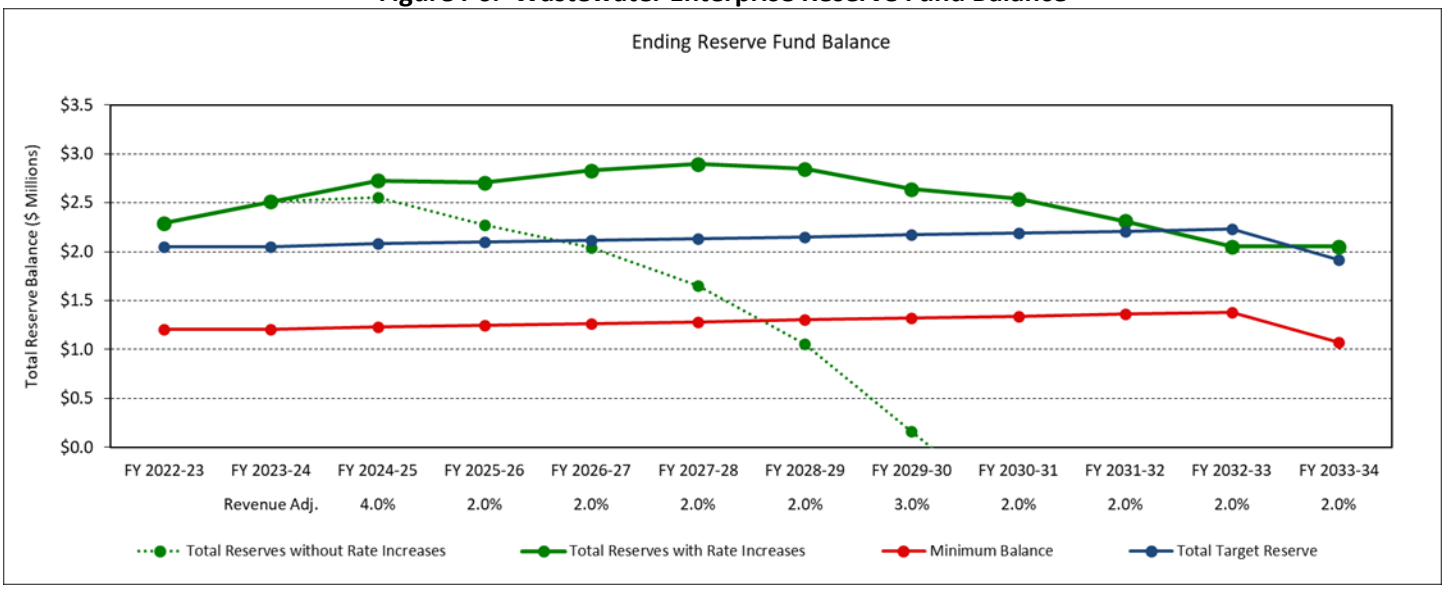
Figure I-5. Sample Rates With Drought Rate Factors – FY 2024-25 Rates

Water Emergency Shortage Stage		Stage 1	Stage 2	Stage 3	Stage 4	Stage 5	Stage 6
Single Family Drought Rate Factors		1.013	1.028	1.047	1.069	1.098	1.114
Multi-Family Drought Rate Factors		1.015	1.034	1.058	1.088	1.128	1.157
Commercial Drought Rate Factors		1.013	1.029	1.048	1.071	1.100	1.117
Irrigation Drought Rate Factors		1.032	1.080	1.163	1.336	1.944	N/A
Fairgrounds Drought Rate Factors		1.026	1.062	1.116	1.207	1.393	1.738
Sample FY 2024-25 Rates		**Sample Rates with Drought Rate Factors Applicable to % Reductions**					
Single Family Residential							
Tier 1 (0-22 hcf)	$6.26	$6.34	$6.44	$6.55	$6.69	$6.87	$6.97
Tier 2 (23+ hcf)	$7.37	$7.47	$7.58	$7.72	$7.88	$8.09	$8.21
Multi-Family Residential	$6.81	$6.91	$7.04	$7.20	$7.41	$7.68	$7.88
Commercial/Institutional	$6.80	$6.89	$6.99	$7.12	$7.28	$7.48	$7.59
Irrigation	$7.11	$7.33	$7.68	$8.27	$9.50	$13.82	N/A
Fairgrounds	$8.08	$8.29	$8.58	$9.02	$9.75	$11.26	$14.05

7. **Wastewater rate revenue increases are necessary.** Recent historically, high nationwide inflation rates, as well as increases to wastewater treatment and conveyance expenses, as well as funding for capital improvement projects are driving the need to increase wastewater rates beginning FY 2024-25. Water treatment and water supply expenses together comprise more than 26% of the City's wastewater expenses and these costs are set by third-party agencies. A revenue increase of 4% in FY 2024-25 and 2% annual increases in each fiscal year for FY 2025-26 through FY 2028-29, are recommended. Refer to **Section VII** for further details.

8. **The City will continue to meet all Wastewater Enterprise reserve targets with recommended revenue increases.** Increasing water rate revenues will allow the City to continue to maintain sufficient reserves to meet all adopted operating and capital reserve targets. Beyond FY 2028-29, the City will be required to use more reserves in combination with larger revenue increases, if cost projections hold. Cost increases should be monitored to ensure modeled rate increases are sufficient. The City should re-analyze rates within five years to ensure rates are providing enough support so that reserves continue to meet the target threshold. See **Figure I-6** for reference and refer to **Section VII** for further information.

Figure I-6. Wastewater Enterprise Reserve Fund Balance



9. **Wastewater rates are recommended for realignment to the cost of service.** The cost-of-service analysis of the FY 2024-25 revenue requirement indicates adjustments are required to realign wastewater rates to reflect the proportional benefits each customer class receives. With the recommended adjustments, rate revenues for each customer class would adjust based on **Figure I-7**.

   Based on the cost-of-service analysis, overall revenue from Volumetric Rates would decrease by 0.3% and revenue from Service Charges would increase by 8.9%. The Fairgrounds allocation has decreased since the previous cost-of-service study, which yielded an overall allocation of 17.25%. The decrease can be attributed to a reduced proportionate share of flow-related costs allocated to the Fairgrounds. Because of the Fairgrounds reduced volumetric share of contributed wastewater relative to all other City customers. Fairgrounds flow rebounded in 2023, but the proportionate share of flows they send to SEJPA has not returned to pre-pandemic levels yet. The Fairgrounds share of the revenue requirement to be recovered through the FY 2024-25 rates will be $670,430 (15.1%) and the remaining City customer's share will be $3,784,186 (84.9%). Refer to **Section VIII**.

Figure I-7. Cost-of-Service Wastewater Rates Revenue Summary

Components of Rate Structure	Revenue at Current Rates FY 2023-24		Cost of Service Proposed Rates FY 2024-25		Difference COS Minus Current	
Single Family Residential						
Fixed Charge Revenue	$1,063,827	48.6%	$1,185,192	50.1%	$121,365	11.4%
Volumetric Rates Revenue	$1,125,095	51.4%	$1,182,515	49.9%	$57,420	5.1%
Subtotal	$2,188,922	100.0%	$2,367,708	100.0%	$178,785	8.2%
Multi Family Residential						
Fixed Charge Revenue	$348,501	50.6%	$388,267	52.0%	$39,766	11.4%
Volumetric Rates Revenue	$340,624	49.4%	$358,008	48.0%	$17,384	5.1%
Subtotal	$689,125	100.0%	$746,275	100.0%	$57,150	8.3%
Commercial						
Fixed Charge Revenue	$259,277	37.2%	$288,864	43.1%	$29,587	11.4%
Volumetric Rates Revenue	$438,153	62.8%	$381,339	56.9%	($56,814)	-13.0%
Subtotal	$697,430	100.0%	$670,204	100.0%	($27,227)	-3.9%
Fairgrounds						
Fixed Charge Revenue	$330,144	46.6%	$318,270	47.5%	($11,874)	-3.6%
Volumetric Rates Revenue	$377,664	53.4%	$352,160	52.5%	($25,503)	-6.8%
Subtotal	$707,808	100.0%	$670,430	100.0%	($37,377)	-5.3%
Total Fixed Charge Revenue	$2,001,750	46.7%	$2,180,594	49.0%	$178,844	8.9%
Total Volumetric Charge Revenue	$2,281,536	53.3%	$2,274,023	51.0%	($7,513)	-0.3%
Total Revenue	**$4,283,285**	100.0%	**$4,454,617**	100.0%	**$171,331**	4.0%

10. **Update Service Charges are recommended. Figure I-8** shows the current and cost-of-service Service Charges during the period of FY 2024-25 through FY 2028-29. All City customers, aside from the Fairgrounds, will see an increased Service Charge. The Fairgrounds will see a 3.6% decrease to their existing Service Charge. Refer to **Section IX**.

Figure I-8. Current and Proposed Service Charge Rates

Bi-Monthly Fixed Service Charges	Current Rates rate increase:	Proposed Rates FY 2024-25 *eff. 7/1/2024* *varies*	FY 2025-26 *eff. 7/1/2025* *2%*	FY 2026-27 *eff. 7/1/2026* *2%*	FY 2027-28 *eff. 7/1/2027* *2%*	FY 2028-29 *eff. 7/1/2028* *2%*
Single-Family Residential (per DU)	$127.10	$141.60	$144.43	$147.32	$150.27	$153.28
Meter Size						
5/8"	$127.10	$141.60	$144.43	$147.32	$150.27	$153.28
3/4"	$190.66	$212.40	$216.65	$220.98	$225.40	$229.91
1"	$317.74	$354.00	$361.08	$368.30	$375.67	$383.18
1.5"	$635.48	$708.00	$722.16	$736.60	$751.33	$766.36
2"	$1,016.76	$1,132.80	$1,155.46	$1,178.57	$1,202.14	$1,226.18
3"	$2,033.52	$2,265.60	$2,310.91	$2,357.13	$2,404.27	$2,452.36
Fairgrounds	$55,024.00	$53,045.02	$54,105.92	$55,188.04	$56,291.80	$57,417.64

11. **The Volumetric Rates may be simplified.** The City's wastewater treatment and conveyance charges do not vary based on wastewater strength. Therefore, there is no longer a nexus to charge high

strength customers a higher volumetric rate than other commercial customers. As a result, the recommendation will reduce the number of volumetric rates from six to two. Refer to **Section VIII** for further explanation.

12. **Updated Volumetric Rates are recommended. Figure I-9** shows the current and cost-of-service Volumetric Rates during the period of FY 2024-25 through FY 2028-29. All Commercial, Multi-Family, and Single-Family Residential customers will be assessed the same rate for billed wastewater flows. This change results in significant decreases to the rates assigned to Hotels with Restaurants, Restaurants, and Shopping Center customers. The Fairgrounds will continue to pay a separate rate. Refer to **Section IX**.

Figure I-9. Current and Proposed Volumetric Rates

Bi-Monthly Volumetric Rates	Current Rates rate increase:	Revised Customers	Proposed Rates FY 2024-25 *eff. 7/1/2024* *varies*	FY 2025-26 *eff. 7/1/2025* *2%*	FY 2026-27 *eff. 7/1/2026* *2%*	FY 2027-28 *eff. 7/1/2027* *2%*	FY 2028-29 *eff. 7/1/2028* *2%*
Single Family Residential	$8.98	Single Family Residential	$9.44	$9.63	$9.82	$10.02	$10.22
Multi-Family Residential	$8.98	Multi-Family Residential	$9.44	$9.63	$9.82	$10.02	$10.22
Commercial	$8.98	Commercial	$9.44	$9.63	$9.82	$10.02	$10.22
Institutional	$8.98						
Hotels/Motels w/o Restaurants	$8.84						
Hotels/Motels w/ Restaurants	$12.73						
Restaurants	$15.06						
Shopping Centers	$10.45						
Fairgrounds	$10.27	Fairgrounds	$11.49	$11.72	$11.95	$12.19	$12.43

13. **Combined water and wastewater bill increases will vary by customer type and level of water use.** Sample bi-monthly bill comparisons, for FY 2024-25, are provided in **Section XI.** Using 2022 as a test year, bills at current rates (which reflects rates implemented on January 1, 2024) were compared to bills under the proposed rates, effective July 1, 2024, to determine the level of adjustment customers could pay annually for water and wastewater service.

    Residential bill impacts vary. 75% of single family households will see an increase of at least 3% in their combined water and wastewater payments, based on the rate shown in the figure above, with the largest annual increase being 7% for the year. For the customers facing larger increases, these adjustments are attributable to the increased fixed service charge for wastewater service. Multi-family accounts can expect an annual increase between 4-7% for the year.

    Commercial customer bills demonstrate the highest order of variability due to the adjustment in wastewater rates. Previously, customers charged more to account for their wastewater strength will see a significant decrease. Accounts connected to shopping centers, restaurants, and hotels with a restaurant (or providing food service) will see the largest decrease in their combined utility bills, with some seeing a decrease of as much as 22%. There are 19.2% of Commercial customers that would see a decrease. While these customers will likely see lower utility bills, the majority of customers (80.8%)

can expect an increase of up to 7% of their annual utility bills for water and wastewater services. The increases capture the increases to fixed service charges for all wastewater customers and the increases to volumetric rates for customers previously categorized as Commercial or Institutional. The increases in bills reflect the higher Commodity Charges proposed, as well.
Refer to Section XI for further analysis.

II. INTRODUCTION

The City provides water service to its residential and commercial accounts, including 1,433 Single Family Residential meters, 183 Multi-Family Residential meters, 139 Irrigation meters, 114 combined Commercial and City meters, and the 22nd Agricultural Association Fairgrounds (Fairgrounds). As a member of San Diego County Water Authority (SDCWA), the City receives raw water that is then treated by the City of San Diego for potable use.

The City provides wastewater collection service to a population of 3,830, including 1,395 Single Family Residential accounts, 184 Multi-Family accounts, 11 non-residential (e.g. Commercial, Institutional, and City) accounts, and the Fairgrounds. Most City wastewater is conveyed through the City's network and is transported via a force main operated by Solana Beach for treatment overseen by San Elijo Joint Powers Authority (SEJPA). Occasionally, a small portion of wastewater is conveyed to the San Diego Metro System for treatment, when necessary (during operation challenges or system maintenance).

Separate enterprise funds are maintained for the wastewater and water programs provided by the City's Public Works Department. As such, each enterprise fund maintains its own rate stabilization, operating, capital, equipment, debt service, self-insurance, and pension reserves.

The water rates in this study were developed using rate-making principles set forth by the American Water Works Association (AWWA) in *Principles of Water Rates, Fees and Charges* (M1 Manual). This Manual's cost-of-service principles endeavor to distribute costs to customer classes (also referred to as classes) and to individual customers in proportion to customers impacts on the water system. Pursuant to the M1 Manual, rate studies generally contain three elements: (1) a revenue requirements analysis, which determines how much revenue is needed from rates to recover a utility's projected costs; (2) a cost-of-service analysis, which allocates the revenue requirements to the rate components;[1] and (3) a rate design analysis, which determines any modifications that are required to align the rate structure with the cost of service.

Similarly, the wastewater rates in this study were developed using rate-making principles in compliance with Proposition 218. Therefore, the wastewater rate analysis employs the same three elements as the water rate analysis: (1) a revenue requirements analysis; (2) a cost-of-service analysis; and (3) a rate design analysis.

Rate studies always include a revenue requirements analysis. A cost-of-service analysis is typically only conducted periodically. It is recommended that a cost-of-service analysis be conducted at least every five years to account for any material differences in the costs of providing service and in the water usage among customer classes, which will affect their respective shares of the cost of service. The City last conducted a cost-of-service study in 2019 for each of the respective utilities.

[1] The cost-of-service analysis in the current study tailors the base/extra capacity method to account for unique conditions, circumstances, and factors related to the City's cost of providing water service, which the M1 Manual does not specifically address. The adjustments to the M1 base/extra capacity method of allocating costs are described in more detail in Chapter IV.

The City hired HF&H Consultants (HF&H) to conduct a cost-of-service study to set water and wastewater rates for FY 2024-25 through FY 2028-29 (Study Period). Since the previous study, changes in usage patterns among customer classes has occurred, which affects the factors that are used to allocate costs. The costs to which the allocation factors are applied also changed. Hence, there will be differences between the previous and current cost-of-service analyses. Adjustments are made to reflect the differences and rates are set accordingly.

The cost-of-service analysis proportionately allocates the revenue that is required from rates to the components of the rate structure and to the customer classes. Costs are classified corresponding to the function they serve. Each function's costs are further allocated to each component of the rates in proportion to the level of service required by customers. The levels of service are related to volumes of peak and non-peak demand, infrastructure capacity, and customer service. A cost-of-service analysis ensures that the rates yield charges that are proportional to the cost of providing service to each customer.

STUDY PURPOSE

The purpose of this study is to conduct a cost-of-service analysis that will determine rates that proportionally recover the cost of providing the City's water service. Toward that end, the cost-of-service analysis determines how much revenue should be generated by each component of the rate structure so that rate payers within each customer class are charged for their proportionate share of the cost of providing service on a parcel basis. The cost-of-service analysis is tailored specifically to the City's customer classes and the rate structures that are appropriate for each class.

STUDY PROCESS

In 2023, the City contracted with HF&H to perform a cost-of-service study to set water and wastewater rates for FY 2024-25 and FY 2028-29. A ten-year analysis provided support for long-term planning. The primary goal of this study is to ensure that rates continue to reflect the current cost of providing water and wastewater service, as required by Proposition 218.

A comprehensive rate study comprises three steps: 1) revenue requirement projections; 2) cost-of-service analysis; and 3) rate design. Revenue requirement projections identify how much revenue is needed from rates. The cost-of-service analysis determines how much of the revenue should come from the fixed and variable charges. This step also confirms the proportionate amount to be paid by each customer class. The final step, rate design, establishes the structure of the fixed service charges and the variable volume charges for each customer class.

The water cost-of-service analysis was conducted following industry practices promulgated by the American Water Works Association.[2] At the outset of the analysis, the types of customer classes were reviewed, as were the types of rate structures that are appropriate to the City's customer classes.

The wastewater cost-of-service analysis was conducted following industry practices promulgated by the Water Environment Federation Manual of Practice No. 27, Financing and Charges for Wastewater Systems, 2004. At the initial stages of the project, HF&H reviewed the types of customer classes and the types of rate structures that are appropriate to the City's customer classes.

[2] *Principles of Water Rates, Fees, and Charges*. American Water Works Association Manual M1. 2017.

REPORT ORGANIZATION

The report includes both the water rates study and wastewater rates study. The report is bifurcated to cover the analysis associated with each study. Therefore, the report is divided into four initial sections addressing the water rate study: Water Revenue Requirements, Water Rate Cost of Service Analysis, Water Rate Design, and Comparison to Water Agencies. Next, there are four subsequent sections addressing the wastewater rate study: Wastewater Revenue Requirements, Wastewater Rate Cost of Service Analysis, Wastewater Rate Design, and Comparison to Wastewater Agencies. Finally, the closing section is the Combined Utility Bill Impacts, which looks at the overall impacts to customers when both water and wastewater rate adjustments are considered.

A Glossary of technical terms and acronyms is provided following the Table of Contents.

III. WATER REVENUE REQUIREMENTS

The revenue requirements analysis starts by determining the FY 2024-25 revenue requirements based on the budgeted O&M and capital expenditures. Revenue requirements for each fiscal year are then projected over the Study Period. Revenue increases needed to cover the projected revenue requirements are then determined.

REVENUE REQUIREMENT ASSUMPTIONS AND PROJECTIONS

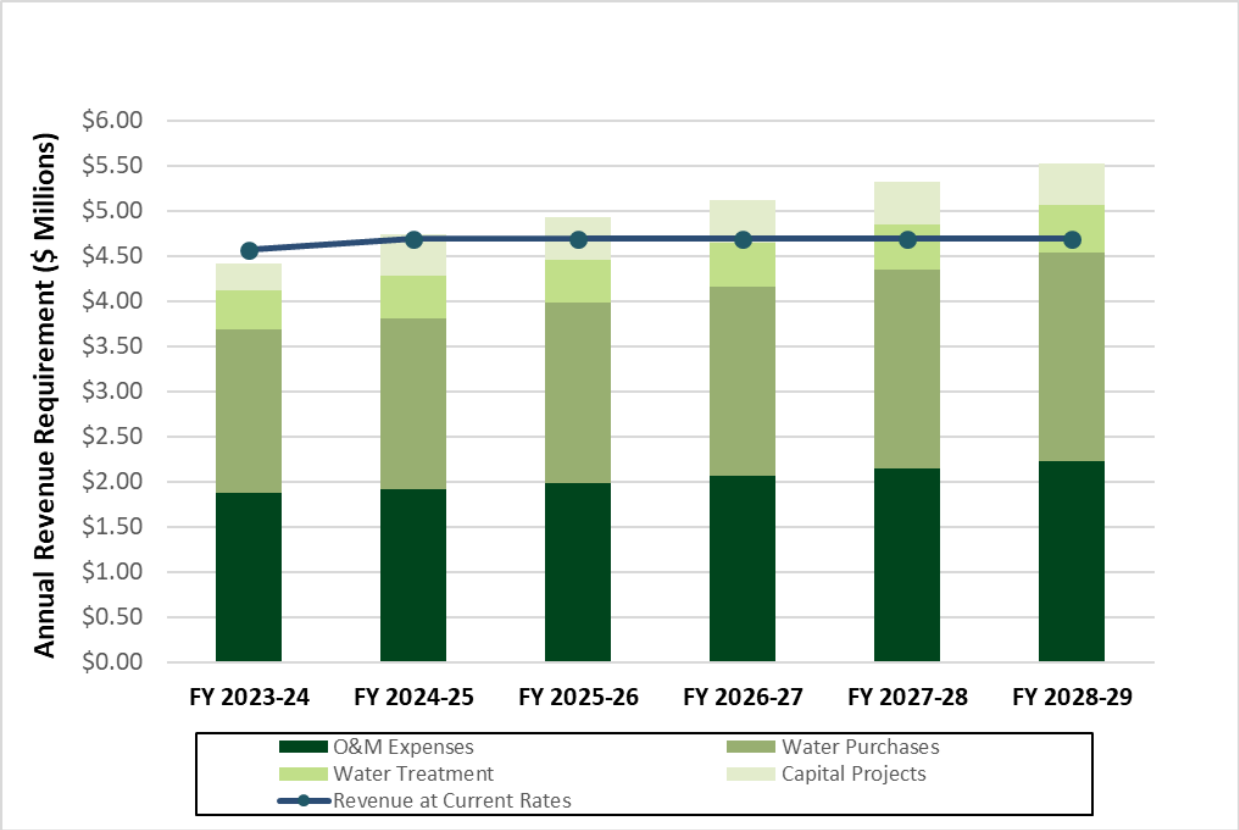
Expense projections become the revenue requirements. The City's operating and capital budgets were relied on for FY 2024-25 expenses in the first-year revenue requirement. The operating and maintenance (O&M) expenses were projected over a ten-year period, through FY 2033-34, using appropriate escalation factors. Capital expenses were projected according to the City's current capital improvement program (CIP). While a ten-year model was built, for brevity, **Figure III-1** reflects the assumptions which were used to project revenue requirements through FY 2028-29 in order to set rates for the next five-year period. All assumptions were reviewed with City staff. Purchased water cost increases reflect the projected average annual increase from 2024-2029, made by San Diego County Water Authority (SDCWA). HF&H worked with City staff to project expenses for additional years where approved budgets were not available.

Figure III-1. Projection Assumptions

Assumptions	FY 2023-24	FY 2024-25	FY 2025-26	FY 2026-27	FY 2027-28	FY 2028-29
General inflation	per Budget	3.0%	3.0%	3.0%	3.0%	3.0%
Salary/wage cost increases	per Budget	5.0%	5.0%	5.0%	5.0%	5.0%
Benefit cost increases	per Budget	5.0%	5.0%	5.0%	5.0%	5.0%
Utility cost increases	per Budget	4.0%	4.0%	4.0%	4.0%	4.0%
Purchased water cost increases	per Budget	5.0%	5.0%	5.0%	5.0%	5.0%
Interest of Reserve Balance	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%
Construction Cost Inflation	per Budget	3.8%	3.4%	3.4%	3.4%	3.4%
Growth in Residential Accounts	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Growth in Commercial Accounts	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Change in Water Use per Residential Customer	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Change in Water Use per Non-Residential Customer	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%

The application of these projections to O&M and capital expenses are summarized graphically in **Figure III-2** and are described below in more detail.

Figure III-2. Total Annual Projected Revenue Requirement for Water Enterprise



O&M Expenses

The City's O&M expenses include salaries, benefits, materials, supplies, insurance, vehicle maintenance, utilities, and administrative expenses, and City administrative charges. Expense projections were calculated using assumptions reviewed with City staff. No additional headcount has been projected through the five-year rate setting period. Collectively, this category represents approximately 40% of the total revenue requirement. These O&M expenses are projected to increase annually by an average of 4% over the five-year period, averaging $2.0 million per fiscal year from FY 2024-25 through FY 2028-29. Individual expense line items present in both water and wastewater studies were escalated by the same factor for consistency.

Raw Water Purchases

Raw water costs, purchased from SDCWA, make up the largest portion of the annual revenue requirement. Based on SDCWA projections, raw water costs are assumed to increase by an average of 5% annually. This expense averages $2.1 million per fiscal year from FY 2024-25 through FY 2028-29. Increases to water purchase expenses have not accounted for any supplemental water demand due to new connections, as the City does not anticipate additional growth.

Water Treatment Expenses

The City of San Diego charges the City for water treatment and delivery services that are passed along to the City's customers. Collectively, these expenses comprise approximately 10% of the overall revenue

requirement and are projected to increase to keep pace with inflation through FY 2028-29. The average annual cost of treatments is estimated to be $490,000 during the period of study. When combined, raw water purchases and treatment and delivery expenses, costs controlled by external agencies, account for more than half of the overall expenses to be recovered through water rates.

Capital Project Costs

CIP expenditures projections average $465,551 annually during the five-year period. All projects have been assumed to be cash funded. **Figure III-3** provides a detailed listing of the Water Enterprise five-year CIP. The City's focus continues to be on addressing risk-based sections of its system through the Annual High Priority 1 Improvements program. Also, an Automated Meter Infrastructure (AMI) Study has been included to evaluate the feasibility of replacing the City's existing, manually-read, meter infrastructure with AMI. The project costs exclude previously considered recycled water projects after discussions were held with staff (and with the Finance Committee in January 2024) in an effort to reduce potential rate increases. All project costs shown have been escalated using an assumed Construction Cost Index of 3.8% for FY 2024-25 and 3.4% thereafter based on historical changes in the Engineering News Record-Construction Cost Index.

Figure III-3. Water Enterprise Five-Year Capital Improvement Plan

Capital Projects	FY 2024-25	FY 2025-26	FY 2026-27	FY 2027-28	FY 2028-29	Total
Annual High Priority 1 Improvements	$352,000	$76,000	$176,000	$176,000	$176,000	**$956,000**
Citywide Pressure Upgrades	$240,000	$0	$0	$0	$0	**$240,000**
Reservoir Rehabilitation Program	$0	$210,000	$90,000	$0	$0	**$300,000**
Crest Reservoir Piping Upgrade	$0	$0	$64,000	$156,000	$0	**$220,000**
High Zone Pressure Relief Stations	$0	$0	$0	$0	$154,000	**$154,000**
Automated Meter Infrastructure Study	$0	$50,000	$0	$0	$0	**$50,000**
Seismic Equipment Assessment	$0	$0	$0	$0	$65,000	**$65,000**
Water Valve Replacements	$25,000	$25,000	$25,000	$25,000	$25,000	**$125,000**
Total Capital Projects	$617,000	$361,000	$355,000	$357,000	$420,000	**$2,110,000**
Construction Cost Index	1.038	1.073	1.109	1.146	1.185	
Total Inflated CIP	**$640,179**	**$387,195**	**$393,601**	**$409,168**	**$497,610**	**$2,327,753**
	Average Annual PAYGo-Funded CIP					$465,551

RESERVES

The City uses its reserves to stabilize rates against annual fluctuations in capital expenditures, variances between projected and actual water demands, and unanticipated expenditures and other expenditure variances. In some years, there is surplus revenue that is available to replenish reserves. In other years, reserves are drawn down to cover the cost of service.

Reserves are required to stabilize rates and to provide for contingencies. Reserves can be drawn on in years when the City's Water Enterprise Fund experiences above average costs and augmented during years when costs are below average. The City's reserves are used for operating and capital purposes. Each of these purposes has its own requirements that lead to a minimum and optimum target balance. Rates must be set so that the fund balance achieves the target balance.

Operating Reserve

The operating component of the reserves provides working capital for month-to-month O&M expenditures. With sufficient working capital, the City can operate without cash flow constraints. The City's approved reserve policy is 45 days of operating expenses The City's Reserves should never drop below this minimum balance.

Self-Insurance Reserve

The City maintains a Self-Insurance Fund for the Water utility with a targeted minimum balance of $50,000. The purpose of the reserve is solely to pay out claims related to Water utility damage.

Pension Reserve

The City has a fully funded Pension Reserve to pay for the Water Enterprise's share of staff costs. The targeted minimum balance is set to $200,000.

Capital Reserve

The capital improvement component of the reserves provides working capital for the City's capital improvement program. The fund balance needs to be sufficient to at least pay contractors without delays caused by cash flow limitations. The fund balance can be larger so that the City can fund larger construction projects on a pay-as-you-go basis, thereby eliminating financing costs. The City's approved policy requires a reserve threshold of $350,000. This total is less than the five-year average of annual capital improvement expenses, $465,551. The City could contemplate increasing this reserve to account for rising construction costs.

Equipment Replacement Reserve

This reserve is maintained to fund capital outlay projects, such as the replacement or purchase of new vehicles, large maintenance items, machinery, and equipment. An approved policy reserve target of $200,000 is maintained. The reserve provides an emergency source of funding in the event of an unanticipated breakdown or failure.

Rate Stabilization Fund

The Rate Stabilization Fund provides funding which the City can draw upon prior to passing funding for unanticipated events onto its customers. For example, in the event of a water shortage, the City could utilize reserves from the Rate Stabilization Fund prior to enacting Demand Management Rates. The reserve helps to offset the financial burden ratepayers might experience when the City is required to raise rates. The current approved reserve target is set at $200,000.

REVENUE INCREASES

Rates are set to generate sufficient revenue to cover annual expenses. In addition, rates are set to maintain adequate reserves. **Figure III-4** summarizes the projected revenue from current rates, annual revenue requirements, annual variances, and the rate increases necessary to cover the City's costs.

Figure III-4. Rate Increase Calculations

	FY 2024-25	FY 2025-26	FY 2026-27	FY 2027-28	FY 2028-29
Revenue from Current Rates	$4,688,866	$4,688,866	$4,688,866	$4,688,866	$4,688,866
Revenue Requirement	($4,738,931)	($4,922,345)	($5,114,021)	($5,314,341)	($5,523,712)
Non-Operating Revenue	$74,000	$74,960	$75,949	$76,967	$78,016
Transfer to Reserves	($164,601)	$0	$0	$0	$0
Net Revenue Requirement	($4,829,532)	($4,847,385)	($5,038,072)	($5,237,374)	($5,445,696)
Revenue Surplus/(Shortfall)	($140,666)	($158,519)	($349,206)	($548,508)	($756,830)
Proposed Revenue Increase	**3.0%**	**2.0%**	**2.0%**	**2.0%**	**2.0%**
Revenue at Proposed Rates	$4,829,532	$4,926,123	$5,024,645	$5,125,138	$5,227,641
Revenue Surplus/(Shortfall)	**$0**	**$78,737**	**($13,427)**	**($112,236)**	**($218,055)**

Rate increases account for rate revenue and future revenue requirements. As shown in **Figure III-4**, the City's reserves have been used to keep the revenue increases low (i.e., there are projected revenue shortfalls in FY 2026-27 through FY 2028-29 after accounting for the revenue increases, which will be covered by reserves). The revenue requirement (shown in greater detail in **Figure III-2**) increases due to increasing water supply costs and capital expenditures. The proposed revenue increases serve to decrease the projected shortfalls facing the City.

The rates are derived in Chapter V. With these rate increases, the City is able to pay for its annual O&M and capital expenses and maintain adequate reserves, as further discussed below.

RESERVE FUND BALANCE

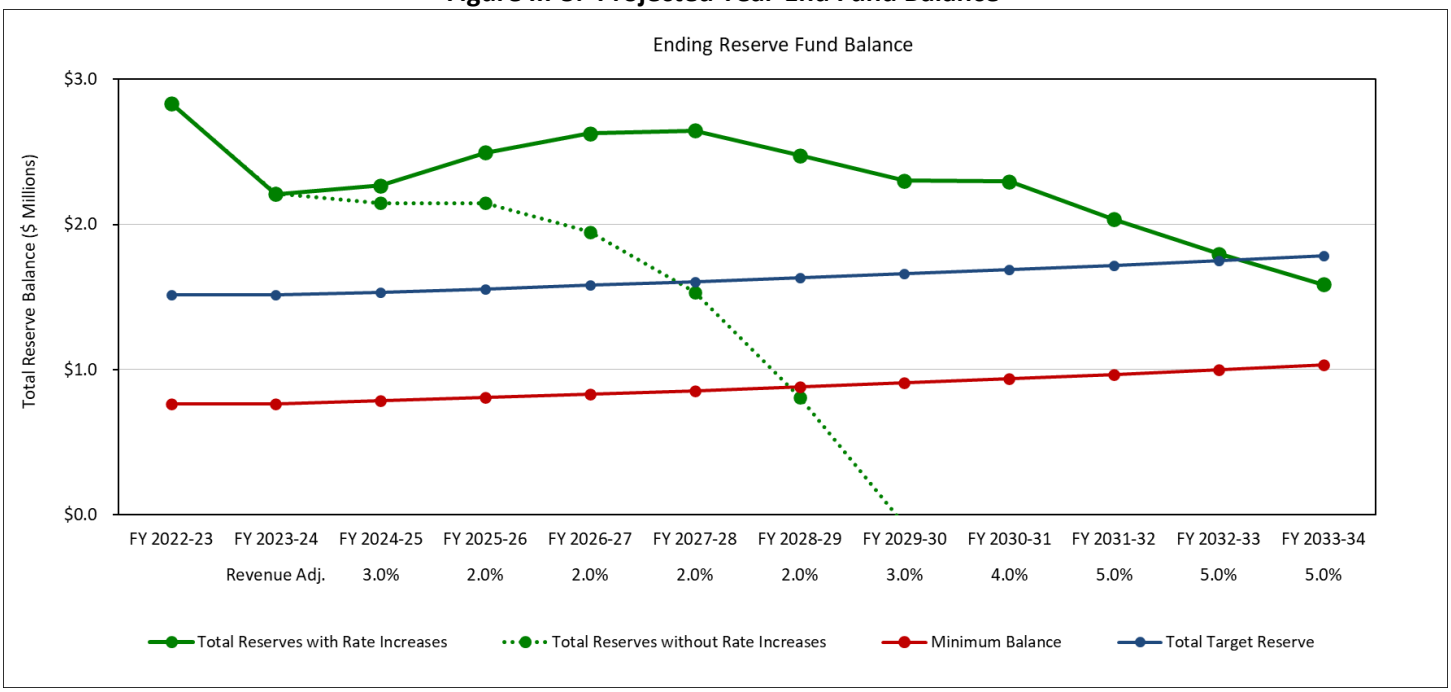
Figure III-5 shows the annual fluctuations (solid green line) in the fund balance that are caused by the differences between the revenue requirement and revenue from rates with the rate increases; the dashed green line is the projected fund balance without rate increases. The revenue and rate increases in **Figure III-4** were derived to balance increasing rates while maintaining a level of reserves that continues to meet the City's reserve target (blue line) through FY 2028-29.

For purposes of rate setting, the following combined reserve target balances were established. The red line labeled, "Minimum Balance" represents the target balance for the Operating Reserve, Self-Insurance Reserve, and the Pension Reserve. The blue line labeled, "Total Target Reserve" is the sum of the Minimum Balance plus the Capital Reserve, Equipment Replacement Reserve, and Rate Stabilization reserve targets.

The ten-year projection in **Figure III-5** demonstrates the use of reserves beyond FY 2028-29 as expense projections outpace revenue increases. Initially, revenue increases are kept between 2-3% annually through FY 2028-29. However, the cumulative growth of expenses, driven by 5% projected increases in water supply costs, overtakes revenue growth, requiring a greater share of reserves to support rate revenues. Consequently, reserves project to decline beginning in FY 2028-29, despite larger revenue increases. The reserve fund balance projects to fall below the Target Reserve by FY 2033-34. The inflationary increases recommended in FY 2024-25 through FY 2028-29 serve as an "ounce of prevention" to possible, larger increases in the future. In contrast, the dashed green line, reflects that without revenue increases,

the year-end fund balance of $2.8 million in FY 2022-23 is projected to drop below the City's Minimum Reserve by FY 2028-29.

Figure III-5. Projected Year-End Fund Balance



IV. WATER RATE COST OF SERVICE ANALYSIS

METHODOLOGY

The revenue requirement analysis establishes how much revenue is required from rates. The next step in the analysis is determining the cost of service. Cost-of-service analysis is used to derive rates that proportionally allocate the cost of service. The cost-of-service analysis performed in this study follows a procedure described by the AWWA, which is referred to as the "base/extra capacity method." This method allocates the revenue requirements to the components of the rate structure.

A cost-of-service analysis determines the unit cost of the services provided to the City's water customers. Each customer class is charged the same unit cost for its share of the services that it requires. In this way, the total revenue requirement is proportioned between the Service Charges and the Commodity Charges. This methodology is consistent with industry standards promulgated by the American Water Works Association and referred to as the "base/extra capacity method."

The City provides demand services and customer services to water customers. Demand services include the costs related to meeting average and peak levels of demand. Customer services include the costs related to customer accounts and the capacity that customers require.

The analytical procedure contains the following steps:

1. Cost classification - Costs in the FY 2024-25 revenue requirement are classified into the service categories related to providing for customer demands and for customer service. FY 2024-25 costs are used for the cost-of-service analysis because they are the most recent budget year.

2. Cost allocation - The classified costs are allocated to the functions associated with each service. For demand services, the functions are levels of service that comprise average day, maximum day, and maximum hour demands. For customer services, the functions are customer accounts and customer capacity.

The classifications of major costs are summarized as follows:

Demand services

- Base day – non-seasonal daily demand based on winter water use.
- Average day – average daily demand utilizing base supply plus a small portion for peaking beyond winter water use levels.
- Maximum day – peaking on the maximum day: peak supply, transmission mains to distribution storage, booster pumps.
- Maximum hour – peak hour on the maximum day: a portion of distribution storage, distribution mains to customers, hydrants, conservation programs.

Customer services

- Accounts: meter reading, billing, accounting, customer service, fire services.
- Capacity: a portion of distribution storage, distribution mains to customers, hydrants, conservation programs. Composite services Indirect allocations for costs that are not directly related to either the demand or customer service functions: reserves transfers, debt service.

Working with City staff, the individual line items in the revenue requirements were classified into either the demand or customer service categories. Certain costs, however, are not directly related to either demand or customer services. Such costs are considered to be composite in function and are allocated based on a composite of the direct allocations to the demand and customer service categories.

CUSTOMER CLASSES

The cost-of-service analysis distributes the revenue requirements among customer classes in proportion to their service requirements. There is no industry standard that specifies which customer classes should be used. The law allows utilities to exercise discretion in determining the appropriate customer classes provided the rates yield charges that are proportional to the cost of providing service for each category. As a result, the base/extra capacity method needs to be tailored to the customer classes.

The City currently has multiple customer classes: Single Family Residential, Multi-Family Residential, Commercial/Institutional, Irrigation, and Fairgrounds. These classes were last reviewed as part of the previous cost-of-service study in 2019. The segregation into separate customer classes stems from the typical pattern of usage by each class. For example, Single-Family Residential use produces periods of peak demands during summer months, for which the system must be designed to meet to address these customers indoor and outdoor water needs. No revisions to the number of types of customer classes are recommended at this time.

The Fairgrounds are the largest customer in terms of demand and service-related capacity placed on the City's water system. Based on historical methodology, costs are allocated separately between the Fairgrounds and all other City customers. This methodology is further discussed below.

COST-OF-SERVICE ALLOCATIONS

A cost-of-service analysis is a process of determining how much services cost for each customer class. To provide water service, infrastructure must be constructed, operated, and maintained, which must be paid for from cash or debt. The type and size of infrastructure depends on how much service customers require. Water systems are designed to provide sufficient capacity to meet customer demands for service wherever, whenever, and for as long as demanded.

Although each customer places unique demands on the system, water system design is based on the maximum or peak demand for service placed on the system by all customers during the peak demand period. The size of the infrastructure that is needed will depend on the maximum demand. Higher demands will require larger, more costly infrastructure as well as increased operating and O&M costs. The goal of a cost-of-service analysis is to allocate the cost of the capacity to meet the peak demand in proportion to how much of the capacity is required by each customer. The proportions correspond to the maximum amount of capacity provided by the infrastructure. This means that customers that place greater demands on the infrastructure – customers with greater service needs will be apportioned a greater share of the operating and capital costs of the infrastructure required to meet that demand. This reasoning drives the practice of allocating costs separately between the Fairgrounds and remaining City customers.

Figure IV-1 allocates the FY 2024-25 revenue requirement between the Fairgrounds and the City customers. **Figure IV-2** summarizes the percentage allocations used in apportioning the revenue requirement between the Fairgrounds and the City customers. A discussion of the methodology behind the allocation of costs follows.

Figure IV-1. Allocation of FY 2024-25 Revenue Requirement to Fairgrounds

	Rev. Req't FY 2024-25	Fairgrounds Allocation Factor	Fairgrounds Proportion	City Proportion
O&M Expenses				
Administrative Personnel	$341,657	Staff Allocation	$90,334	$251,323
Operations Personnel	$502,653	Staff Allocation	$132,901	$369,751
O&M - Tools, Supplies, Insurance	$306,100	Distribution Sizing	$120,959	$185,141
O&M - Admin Expenses	$542,960	Hydaulic Capacity	$52,231	$490,729
O&M Variable	$28,640	Distribution Sizing	$11,317	$17,323
Contractual Services	$161,850	Total Use	$19,541	$142,309
Water Supply	$1,902,040	Total Use	$229,638	$1,672,402
Water Treatment	$461,090	Staff Allocation	$121,912	$339,178
Total Allocable O&M	$4,246,990		$778,833	$3,468,157
Fairgrounds O&M Composite			18.3%	81.7%
Capital Outlay	$26,390	Hydaulic Capacity	$10,428	$15,962
Capital Expenses (PAYGo)	$465,551	Hydaulic Capacity	$44,785	$420,766
Subtotal - O&M and Capital	$4,738,931		$834,046	$3,904,884
Non-Operating Revenue	($74,000)	FG O&M Composite	($13,570)	($60,430)
Transfers to/(from) Reserves	$164,601	FG O&M Composite	$30,185	$134,416
Total Revenue Requirement	**$4,829,532**		**$850,661**	**$3,978,871**
% of Total	100.0%		17.6%	82.4%

Figure IV-2. Fairgrounds Allocation Factors

Fairgrounds (FG) Allocation Factors	Fairgrounds	City	Total	Notes
Staff Allocation	26.4%	73.6%	100.0%	Historical City assumption
Hydaulic Capacity	9.6%	90.4%	100.0%	Percentage of Equivalent Meter Units
Distribution Sizing	39.5%	60.5%	100.0%	Historical City assumption
Total Water Use	12.1%	87.9%	100.0%	Percentage of avg. CY 2020-2022 recorded water use
FG O&M Composite	18.3%	81.7%	100.0%	Calculated in Figure 1

Fairgrounds Allocation Factors

Staff Allocation

The City estimates roughly 26% of personnel staffing costs can be attributed to serving the Fairgrounds. This allocation was used in the previous 2019 study and confirmed with City staff as part of the current analysis.

Hydraulic Capacity

The City's water system provides water to 1,869 metered connections. Of these meters, the Fairgrounds receive water and requires available capacity for one – 8" meter and two -10" meters. Connections are converted to Equivalent Meter Units (EMUs) to apportion the revenue requirement costs for operations

and maintenance (O&M) administrative expenses, water supply expenses, and capital improvement costs. An EMU represents the number of 5/8-inch meters to which a larger meter is equivalent. For example, a 1-inch meter provides 2.50 times as much capacity as a 5/8" meter. The capacity multipliers are based on the meter data provided by the City of the manufacturer's nominal capacity. The Fairgrounds make up 320 EMUs of the total 3,327 EMUs served by the system, as shown in **Figure IV-3**. This accounts for 9.6% of the overall hydraulic capacity.

Figure IV-3. Capacity Calculations of City's Water Meters

Applicable Service Size	Total Meters	Capacity Multiplier	EMUs
	a	c	a * c
5/8" Meters	1,131	1.00	1,131
3/4" Meters	387	1.50	581
1" Meters	250	2.50	625
1.5" Meters	46	5.00	230
2" Meters	49	8.00	392
3" Meters	3	16.00	48
4" Meters	0	25.00	0
8" Meters	1	80.00	80
10" Meters	2	120.00	240
Total	**1,869**	**Total EMUs**	**3,327**

Distribution System Sizing

The City's water distribution system sizing was calculated assuming 39.5% of the peak demand of the system was due to the Fairgrounds. The revenue requirement costs for O&M tools, supplies, and insurance, O&M variable costs (e.g. fuel and electricity), and capital outlay (e.g. machinery and vehicle replacement) were allocated, using the assumption Fairgrounds accounted for 39.5% of these overall costs. This allocation was used in the previous 2019 study and confirmed with City staff as part of the current analysis.

Total Water Use

The Fairgrounds average water use accounts for 12.1% of the overall water demand recorded for calendar years 2020-2022. **Figure IV-4** summarizes the average annual consumption by water customers over the three-year period. This allocation was applied to raw water supply and contractual services expenses, which vary based on the level of water demanded.

Figure IV-4. Water Use Analysis

Customer Class	2020-2022 Average Annual Water Use (HCF)
Single Family	208,179
Multi Family	52,877
Non-Residential	93,244
Fairgrounds	48,649
Total Consumption	**402,949**

Operations & Maintenance Composite

Non-operating revenue and transfers to reserves were allocated to the Fairgrounds and City customers based on each's proportionate share of the total O&M costs, as derived in **Figure IV-1**.

Results of Initial Allocation

Fairgrounds was apportioned 17.6% of the overall revenue requirement. The Fairgrounds allocation has increased since the previous cost-of-service study, which yielded an overall allocation of 14.9%. The increase can be attributed to an increased share of the Fairgrounds share of the raw water supply costs. This expense is the largest expense category in the cost allocation exercise and the Fairgrounds share increased from the previous study's share of 10.9% to 12.1%. Thus, the Fairgrounds share of the revenue requirement to be recovered through the FY 2024-25 rates will be $850,661 (17.6%) and the remaining City customer's share will be $3,978,871 (82.4%).

Demand Service Allocation Factors

A cost-of-service analysis categorizes costs between the demand and customer service functions. Within the demand service function, further allocations are made to varying levels of service ranging from base, non-seasonal, indoor demand, which are the least discretionary, to the highest level of seasonal peak demand for outdoor water use and irrigation during the peak hour of the peak day, which are the most discretionary. With these further allocations, rates can be designed for each customer class's Water Use Charges.

The costs allocated to the customer service function are differentiated between those that are related to accounts and those that are related to capacity. Those two categories are used in deriving the Service Charges.

As described below, there are three levels of demand used for the demand service function cost-of-service analysis.

Average (Base) Day demand

Average Day demand is the average of calendar year (CY) 2020-2022 customer billing data. The City's Average Day demand represents only 44% of the current peak demand.

Maximum Day demand

Maximum Day demand includes Average Day demand plus peak day demand in the irrigation season. The Maximum Day demand for each customer class relies on the maximum monthly demand averaged over the three year period of CY 2020-22. The monthly demand was prorated to a daily volume by dividing by the number of days in the subject month. If peaking did not exceed Maximum Day demand, the City's facilities could be sized at 67% of current peak demands.

Maximum Hour demand

Maximum Hour demand represents the Maximum Hour demand on the Maximum Day. The City does not maintain data on its Maximum Hour demand. Hence, this value is estimated based on the State of California's design requirements for new and existing source capacity.[3] Facilities that are needed for Maximum Hour demands are sized at a minimum of 1.5 times Maximum Day Demand.

Allocation percentages were calculated for each demand service level using load factors derived from customer billing data for CY 2020-22 (Average and Maximum Day) and engineering design criteria (Maximum Hour). Load factors are the ratio of higher levels of demand to the Average Day demand. **Figure IV-5** summarizes the units of service and load factors for each of the service levels**.**

Load Factors

The load factors are the ratio of the flows for the peak service levels (i.e., Maximum Day, and Maximum Hour) compared to the Average Day, non-seasonal flow. The load factors represent how much higher Maximum Day and Maximum Hour flows are compared with Average Day demand.

Figure IV-5. Service Level Demands and Load Factors

	Levels of Demand		
	Average Day	Maximum Day	Maximum Hour
Demand by Customer Category			
Single Family Residential	570	713	1,070
Multi Family Residential	145	181	271
Commercial	116	142	213
Irrigation	139	252	378
Fairgrounds	133	388	581
Total	1,104	1,676	2,513
Ratio of Flows to Avg Day			
Single Family Residential	1.00	1.25	1.88
Multi Family Residential	1.00	1.25	1.87
Commercial	1.00	1.22	1.84
Irrigation	1.00	1.81	2.71
Fairgrounds	1.00	2.91	4.36
Level of Service	1,104	1,676	2,513
Avg Day Demand	1,104	1,104	1,104
Ratio of Level of Service to Avg Day	**1.00**	**1.52**	**2.28**

Note: Daily totals are shown

The load factors indicate how much additional capacity is required to supply higher levels of service and serve as the source of the allocation percentages that are needed to allocate costs. They are derived in **Figure IV-6**. For example, the Maximum Day load factor for the system is 1.52. Of that total 1.52 load, 0.52 is in excess of Average Day demand and is related to the Maximum Day peak, which is 34% of the total

[3] "If daily water usage data are available, identify the day with the highest usage during the past ten years to obtain Maximum Daily Demand (MDD); determine the average hourly flow during MDD and multiply by a peaking factor of at least 1.5 to obtain the [peak hour demand]." 22 CCR § 64554.

Maximum Day load (i.e., 0.52/1.52 = 34%). For purposes of allocating costs associated with meeting Average Day demands, 34% is allocated to the Maximum Day service and 66% is allocated to the Average Day service.

Figure IV-6. Demand Service Levels

Allocation Basis	Load Factors	Demand Service Levels: Average Day	Maximum Day	Maximum Hour	Totals
Average Day	**1.00**	1.00			1.00
Allocation %		*100%*			*100%*
Maximum Day	**1.52**	1.00	0.52		1.52
Allocation %		*66%*	*34%*		*100%*
Maximum Hour	**2.28**	1.00	0.52	0.76	2.28
Allocation %		*44%*	*23%*	*33%*	*100%*

Maximum Day demand includes Average Day, and Maximum Day components. And Maximum Hour demand has all three service levels of demand. While system capacity is essentially designed to meet peak demands, and peak users should assume cost responsibility for the capacity required to serve this peak demand, it is important to understand that the cost of facilities that are sized for peak demands is not borne by only customers that peak, all levels of demand utilize the facility.

Using distribution pipelines as an example, they are sized to meet Maximum Hour demands. Even though they are sized for the highest level of service, lower peak demands are also accommodated by these pipelines. Hence, the cost of the pipelines is not allocated 100% to the Maximum Hour service level. The cost is apportioned across the lower service levels, too. Thus, the costs of peaking are shared by all customers and not exclusively allocated to those who peak the most.

Cost-of-Service Allocations and Allocation Factors

The allocation factors in **Figure IV-7** were used to apportion the Fairgrounds allocation of costs in **Figure IV-8** and to apportion the City customers' allocation of costs in **Figure IV-9**. **Figure IV-7** includes the demand service level factors previously derived in **Figure IV-6**, in addition to Customer Service and Composite allocations. The Customer Service factors are either 100% customer account or 100% capacity allocations. The CIP Composite and O&M Composite allocations are based on the subtotals of the O&M and capital costs that were directly allocated to either the demand or customer service categories.

Figure IV-7. Cost-of-Service Allocation Factors

System-Wide Cost Allocation Factors	Demand Services			Customer Services		Total
	Average Day	Maximum Day	Maximum Hour	Accounts	Capacity	
Demand Services						
Base Day	100.0%	0.0%	0.0%	0.0%	0.0%	100.0%
Max Day	65.9%	34.1%	0.0%	0.0%	0.0%	100.0%
Max Hour	43.9%	22.7%	33.3%	0.0%	0.0%	100.0%
Customer Services						
Capacity	0.0%	0.0%	0.0%	0.0%	100.0%	100.0%
Accounts	0.0%	0.0%	0.0%	100.0%	0.0%	100.0%
Composite Allocations						
City O&M Composite	54.7%	3.3%	0.0%	0.0%	42.0%	100.0%
CIP Composite	43.2%	19.0%	13.3%	19.4%	5.1%	100.0%
FG O&M Composite	39.8%	5.3%	0.0%	0.0%	54.9%	100.0%

Figure IV-8. Fairgrounds Cost-of-Service Allocations

	Fairgrounds Rev. Req't FY 2024-25	Allocation Factor	Commodity Charge			Service Charge	
			Average Day	Maximum Day	Maximum Hour	Accounts	Capacity
O&M Expenses							
Administrative Personnel	$90,334	Capacity	$0	$0	$0	$0	$90,334
Operations Personnel	$132,901	Capacity	$0	$0	$0	$0	$132,901
O&M - Tools, Supplies, Insurance	$120,959	Capacity	$0	$0	$0	$0	$120,959
O&M - Admin Expenses	$52,231	Capacity	$0	$0	$0	$0	$52,231
O&M Variable	$11,317	Capacity	$0	$0	$0	$0	$11,317
Contractual Services	$19,541	Capacity	$0	$0	$0	$0	$19,541
Water Supply	$229,638	Base Day	$229,638	$0	$0	$0	$0
Water Treatment	$121,912	Max Day	$80,323	$41,590	$0	$0	$0
Total Allocable O&M	$778,833		$309,960	$41,590	$0	$0	$427,284
Fairgrounds O&M Composite		*FG O&M Composite*	39.8%	5.3%	0.0%	0.0%	54.9%
Capital Outlay	$10,428	Capacity	$0	$0	$0	$0	$10,428
Capital Expenses (PAYGo)	$44,785	CIP Composite	$19,357	$8,493	$5,970	$8,691	$2,273
Subtotal - O&M and Capital	$834,046		$329,318	$50,082	$5,970	$8,691	$439,985
		Expense Composite	*39.5%*	*6.0%*	*0.7%*	*1.0%*	*52.8%*
Non-Operating Revenue	($13,570)	FG O&M Composite	($5,401)	($725)	$0	$0	($7,445)
Transfers to/(from) Reserves	$30,185	FG O&M Composite	$12,013	$1,612	$0	$0	$16,560
Total Revenue Requirement	$850,661		$335,930	$50,970	$5,970	$8,691	$449,100
					$392,870	**$8,691**	**$449,100**
			% of total revenue requirement		**46.2%**		**53.8%**
					Voluemtric Charge COS		*Service Charge COS*

Source: Fairgrounds revenue requirement from Figure IV-1.

Figure IV-9. City Customers Cost-of-Service Allocations

	City Rev. Req't FY 2024-25	Allocation Factor	Commodity Charge: Average Day	Commodity Charge: Maximum Day	Commodity Charge: Maximum Hour	Service Charge: Accounts	Service Charge: Capacity
O&M Expenses							
Administrative Personnel	$251,323	Capacity	$0	$0	$0	$0	$251,323
Operations Personnel	$369,751	Capacity	$0	$0	$0	$0	$369,751
O&M - Tools, Supplies, Insurance	$185,141	Capacity	$0	$0	$0	$0	$185,141
O&M - Admin Expenses	$490,729	Capacity	$0	$0	$0	$0	$490,729
O&M Variable	$17,323	Capacity	$0	$0	$0	$0	$17,323
Contractual Services	$142,309	Capacity	$0	$0	$0	$0	$142,309
Water Supply	$1,672,402	Base Day	$1,672,402	$0	$0	$0	$0
Water Treatment	$339,178	Max Day	$223,470	$115,708	$0	$0	$0
Total Allocable O&M	$3,468,157		$1,895,872	$115,708	$0	$0	$1,456,576
		City O&M Composite	54.7%	3.3%	0.0%	0.0%	42.0%
Capital Outlay	$15,962	Capacity	$0	$0	$0	$0	$15,962
Capital Expenses (PAYGo)	$420,766	CIP Composite	$181,868	$79,794	$56,091	$81,659	$21,354
Subtotal - O&M and Capital	$3,904,884		$2,077,740	$195,502	$56,091	$81,659	$1,493,892
		Expense Composite	*53.2%*	*5.0%*	*1.4%*	*2.1%*	*38.3%*
Non-Operating Revenue	($60,430)	City O&M Composite	($33,034)	($2,016)	$0	$0	($25,380)
Transfers to/(from) Reserves	$134,416	Base Day	$134,416	$0	$0	$0	$0
Total Revenue Requirement	**$3,978,871**		$2,179,122	$193,486	$56,091	$81,659	$1,468,513
	0.0%				**$2,428,699**	**$81,659**	**$1,468,513**
			% of total revenue requirement		**61.0%**		**39.0%**
					Voluemtric Charge COS		*Service Charge COS*

Source: City customers revenue requirement from Figure IV-1.

The expenses that are allocated to the Demand Service Levels are recovered from the City's Commodity Charges. Further, the allocations to individual customer classes are proportioned in **Figure IV-10** to each customer class's water demand levels in each category of service. For example, the Single Family Residential class is allocated 58.76% of the Average Day costs based on its share of 58.76% of the Average Day flow (570 HCF of the total flow of 971 HCF).

Figure IV-10. Customer Class Cost-of-Service Allocations for Demand Service Levels

City Consumption Charge Cost of Service	Average Day	Max Day	Max Hour	Total
Revenue Requirement Categories				
O&M Expenses	$1,895,872	$115,708	$0	$2,011,580
Capital Outlay	$0	$0	$0	$0
Capital Expenses (PayGo)	$181,868	$79,794	$56,091	$317,753
Non-Operating Revenue	($33,034)	($2,016)	$0	($35,050)
Transfers to/(from) Reserves	$134,416	$0	$0	$134,416
Total Consumption Charge COS	$2,179,122	$193,486	$56,091	$2,428,699
Units of Service (hcf)				
Single Family Residential	570	713	1,070	
Multi Family Residential	145	181	271	
Commercial	116	142	213	
Irrigation	139	252	378	
	971	1,288	1,932	
Proportional Allocation Factors				
Single Family Residential	58.76%	55.36%	55.36%	
Multi Family Residential	14.92%	14.03%	14.03%	
Commercial	11.95%	11.02%	11.02%	
Irrigation	14.36%	19.59%	19.59%	
	100.00%	100.00%	100.00%	
Revenue Requirement Allocations				
Single Family Residential	$1,280,520	$107,114	$31,052	$1,418,687
Multi Family Residential	$325,220	$27,147	$7,870	$360,237
Commercial	$260,398	$21,329	$6,183	$287,910
Irrigation	$312,984	$37,895	$10,986	$361,865
	$2,179,122	$193,486	$56,091	$2,428,699

Figure IV-11 summarizes the small shift in the Service Charge revenues to the Commodity Charge revenues to align with the cost-of-service. The exercise performed indicates the proportion of Service Charge revenues will decrease from 43% to 42% of total rate revenues, while the share of Commodity Charge revenues will increase from 56% to 57%.

Rates need to be designed to generate each class's share of the revenue requirement related to volumetric charges. The next section provides the recommended modifications to the Service Charge and Commodity Charges needed to meet the cost of service.

Figure IV-11. Cost-of-Service Revenue Summary

Components of Rate Structure	Revenue at Current Rates FY 2023-24		Cost of Service Proposed Rates FY 2024-25		Difference COS Minus Current	
Single-Family Residential						
Commodity Revenue	$1,373,266	58%	$1,418,687	59%	$45,421	3.3%
Service Charge Revenue	$1,010,762	42%	$997,352	41%	($13,411)	-1.3%
Subtotal - SFR	$2,384,028	100%	$2,416,039	100%	$32,010	1.3%
Multi-Family Residential						
Commodity Revenue	$325,737	58%	$360,237	61%	$34,500	10.6%
Service Charge Revenue	$240,067	42%	$230,007	39%	($10,060)	-4.2%
Subtotal - MFR	$565,804	100%	$590,244	100%	$24,439	4.3%
Commercial						
Commodity Revenue	$298,277	63%	$287,910	63%	($10,367)	-3.5%
Service Charge Revenue	$178,794	37%	$170,196	37%	($8,598)	-4.8%
Subtotal - Commercial	$477,071	100%	$458,107	100%	($18,965)	-4.0%
Irrigation						
Commodity Revenue	$355,844	69%	$361,865	70%	$6,021	1.7%
Service Charge Revenue	$158,462	31%	$152,617	30%	($5,845)	-3.7%
Subtotal - Irrigation	$514,306	100%	$514,482	100%	$176	0.0%
Fairgrounds						
Commodity Revenue	$339,848	45%	$392,870	46%	$53,021	15.6%
Service Charge Revenue	$407,808	55%	$457,792	54%	$49,984	12.3%
Subtotal - Fairgrounds	$747,656	100%	$850,661	100%	$103,005	13.8%
Total						
Commodity Revenue	$2,692,972	57%	$2,821,569	58%	$128,596	4.8%
Service Charge Revenue	$1,995,894	43%	$2,007,963	42%	$12,070	0.6%
Total	$4,688,866	100%	$4,829,532	100%	$140,666	3.0%

Note: FY 2023-24 revenues assume 12 months of rates implemented on January 1, 2024.

V. WATER RATE DESIGN

The City has historically charged water customers the combination of a fixed Service Charge and a variable Commodity Charge based on metered water use. As previously discussed, this is a common set of charges that is prevalent throughout the water industry. This chapter explains the derivation of the Commodity and Service Charge rates that reflect the projected cost of service.

CURRENT RATES

The City's current water rate structure is composed of two components: Service Charges and Commodity Charges.

Current Service Charges

The Service Charges are fixed rates that are charged on a fixed rate graduated in proportion to the capacity of the service provided for all customers. All customers are billed on a bi-monthly basis. **Figures V-1** summarizes the current Service Charges, which were last increased on January 1, 2024.

Figure V-1. Current Service Charges

Bi-Monthly Fixed Service Charges	Current Rates
Meter Size	
5/8"	$88.04
3/4"	$132.06
1"	$220.08
1 1/2"	$440.16
2"	$704.24
3"	$1,408.46
4"	$2,200.72
Fairgrounds	$67,968.00

Current Commodity Charges

The Commodity Charges are the product of rates per unit of metered water use multiplied times the metered water use during the bi-monthly billing period. Water is metered in "units" of HCF of metered water use, whereby one unit or HCF equals 748 gallons. Commodity Charges are charged to five distinct customer classes, Single Family Residential, Multi-Family Residential, Commercial/Institutional, Irrigation, and Fairgrounds customers.

For Single Family Residential customers, the Commodity Charges consist of two tiers that charge higher rates as the level of consumption increases. For all other customers, the Commodity Charge is a uniform rate per HCF of metered water use. **Figure V-2** reflects all current Commodity Charge rates.

All components of the rate structure were reviewed, including the composition of the customer classes, the structures of the Service Charges, Commodity Charges, and Demand Management Rates.

Figure V-2. Current Commodity Charges

Bi-Monthly Commodity Charges	Current Rates ($/HCF)
Single Family Residential	
Tier 1 (0-20 hcf)	$6.22
Tier 2 (21+ hcf)	$7.47
Multi-Family Residential	$6.41
Commercial/Insitutional	$6.52
Irrigation	$6.96
Fairgrounds	$6.52

SERVICE CHARGE DESIGN

Service Charges are fixed rates that are billed each billing period to recover the cost of the service functions. The cost-of-service analysis determined how much of the revenue requirement is attributable to the customer service function. The function has two components – customer services (accounts) and customer capacity – each of which is itemized in the cost-of-service analyses in **Figure IV-8** and **Figure IV-9**. Costs attributable to customer services are allocated to customers in proportion to the number of meters. Costs attributable to customer capacity are allocated to customers in proportion to the capacity of their services. The sum of the two components equals the Service Charge rate per connection.

Figure V-3 lists the units of service corresponding to each of the cost components. Capacity costs associated with the distribution system are apportioned among the connections in proportion to the capacity associated with each connection. Connections are converted to Equivalent Meter Units (EMU's) to apportion the customer capacity cost component. An EMU represents the number of 5/8-inch meters to which a larger meter is equivalent. For example, a 1-inch meter provides 2.50 times as much capacity as a 5/8-inch meter. The capacity multipliers are based on the meter data provided by the City of the manufacturer's nominal capacity. There are 3,327 total EMUs. In effect, the 1,869 services of assorted sizes have the equivalent capacity as 3,327 5/8-inch meters. Specifically, there are 1,866 meters providing 3,007 total EMUs of capacity for City customers, excluding the Fairgrounds.

Figure V-3. Service Charge Units of Service

Applicable Service Size	Total Meters	Capacity Multiplier	EMUs
	a	c	a * c
5/8" Meters	1,131	1.00	1,131
3/4" Meters	387	1.50	581
1" Meters	250	2.50	625
1.5" Meters	46	5.00	230
2" Meters	49	8.00	392
3" Meters	3	16.00	48
4" Meters	0	25.00	0
City Total	**1,866**	**City Total EMUs**	**3,007**
8" Meters	1	80.00	80
10" Meters	2	120.00	240
Grand Total	**1,869**	**Total EMUs**	**3,327**

Note: Capacity multiplier assumes 5/8" meter = 1 EMU = 20 gallons per minute.

Figure V-4 derives the unit costs for the customer service and customer capacity cost components for City customers. Each service is allocated $7.29 per bi-monthly period for the customer service cost component. That amount represents the costs the City incurs to maintain each meter regardless of the capacity of the service (e.g., customer billing, administration overhead). Each service is also allocated $81.41 per bi-monthly period per EMU. That amount represents a portion of the cost of providing distribution system capacity for each account, and increases based on the capacity of the meter.

Figure V-4. Service Charge Unit Costs

FY 2024-25 City Service Expenses	Customer Service Component	Customer Capacity Component
Cost Allocation	$81,659	$1,468,513
Units of Service	**1,866**	**3,007**
	Meters	EMUs
Annual Unit Cost	$43.76	$488.45
Bi-Monthly Unit Cost	**$7.29**	**$81.41**
	per Meter	per EMU

Figure V-5 combines the customer service and capacity components into a single Service Charge for each size service and compares proposed rates to the current rates.

Figure V-5. Proposed Bi-Monthly Service Charge Rates – FY 2024-25

Service Size	Service Component ($/bi-mo.)	Capacity Component $/EMU	Capacity Multiplier	Capacity Total	COS Service Charges ($/bi-mo.)	Total Current Charge	$ Difference
	a	b	c	d = b * c	e = a + d	f	g = e - f
5/8" Meters	$7.29	$81.41	1.00	$81.41	**$88.70**	$88.04	$0.66
3/4" Meters	$7.29	$81.41	1.50	$122.11	**$129.41**	$132.06	($2.65)
1" Meters	$7.29	$81.41	2.50	$203.52	**$210.81**	$220.08	($9.27)
1 1 /2" Meters	$7.29	$81.41	5.00	$407.04	**$414.33**	$440.16	($25.83)
2" Meters	$7.29	$81.41	8.00	$651.26	**$658.55**	$704.24	($45.69)
3" Meters	$7.29	$81.41	16.00	$1,302.52	**$1,309.82**	$1,408.46	($98.64)
4" Meters	$7.29	$81.41	25.00	$2,035.19	**$2,042.49**	$2,200.72	($158.23)

Note: Rounding differences caused by stored values in electronic models may exist.

With the proposed rates, all meter sizes would see an increase. The increase in rates reflects the 3.2% increase to service charge revenues to be collected from Single-Family Residential, Multi-Family Residential, Commercial, and Irrigation customers, shown in **Figure IV-11.** The proposed rates reflect a change from the previous methodology by which Service Charges were calculated only based on the capacity ratio of each meter. In contrast, the proposed rates include a service component assessed equally to all City customers, regardless of meter size to recover service-related costs and a capacity component to recover capacity-related costs.

Figure V-6 shows the proposed five-year schedule of Service Charge rates. The Fairgrounds Service Charge for FY 2024-25 is result of dividing the Service Charge cost allocation in **Figure IV-8**, $457,792, into equal bi-monthly increments to generate the charge shown below.

Figure V-6. Current and Proposed Service Charge Rates

Bi-Monthly Fixed Service Charges	Current Rates rate increase:	Proposed Rates FY 2024-25 *eff. 7/1/2024* *varies*	FY 2025-26 *eff. 7/1/2025* *2%*	FY 2026-27 *eff. 7/1/2026* *2%*	FY 2027-28 *eff. 7/1/2027* *2%*	FY 2028-29 *eff. 7/1/2028* *2%*
Meter Size						
5/8"	$88.04	$88.70	$90.47	$92.28	$94.13	$96.01
3/4"	$132.06	$129.41	$132.00	$134.64	$137.33	$140.08
1"	$220.08	$210.81	$215.03	$219.33	$223.72	$228.19
1 1 /2"	$440.16	$414.33	$422.62	$431.07	$439.69	$448.48
2"	$704.24	$658.55	$671.72	$685.15	$698.85	$712.83
3"	$1,408.46	$1,309.82	$1,336.02	$1,362.74	$1,389.99	$1,417.79
4"	$2,200.72	$2,042.49	$2,083.34	$2,125.01	$2,167.51	$2,210.86
Fairgrounds	$67,968.00	$76,298.59	$77,824.56	$79,381.05	$80,968.67	$82,588.04

WATER USE CHARGE DESIGN

As previously discussed, the City's Commodity Charges are different for its customer classes. Single Family Commodity charges are tiered, which is appropriate because of the variation in demands within a comparatively homogenous class of customers. The tiered rate structure corresponds to levels of service that range from low, essential needs to high, discretionary needs. The rate for each tier is set to reflect the

cost of providing for the amount of peaking that is required. Calculating the tiered rates for residential customers needs to ensure that the rates reflect the cost of providing service across the range of tiers.

All other customers pay uniform Commodity charges, which is appropriates because these customers each have varying levels of demand and less predictable peaking patterns of demand.

Single Family Residential Commodity Charges

The City's Single Family Residential customers are currently charged a two-tier increasing block rate structure.[4] Tier quantity and the location of the breakpoint between tiers results from evaluating the City's historical water consumption. The breakpoint was calculated using the total Single Family Residential daily demand consumption divided by the number of accounts, as shown in **Figure V-7**.

Figure V-7. Breakpoint Locations – Single Family Residential

ustomer (hcf per month)	Average Day	Maximum Day	Maximum Hour
Singel-Family Residential			
hcf per day	570	713	1,070
hcf per month	17,112	21,392	
# of Accounts	1,558	1,558	
Average flow per Acct (hcf/mo)	11	14	15+
Average flow per Acct (hcf/bi-mo)	22	28	29+

The Average Day breakpoint of 22 HCF per bi-monthly period was set as the breakpoint between the first and second tier to delineate peaking and average levels of demand, following the City's current practice.

With breakpoints that correspond to the service levels in the cost-of-service analysis, it is possible to calculate the rate per tier by dividing the cost of service per tier by the water demand in each tier. The resulting rates represent the *unit cost* of service for each tier.[5]

Figure V-8 shows the calculations of the incremental cost per tier. The costs in each column were determined in **Figure IV-10**, such that the allocation of $1,418,687 for Single-Family Residential is distributed to the three demand service levels. To maintain the two-tier structure, the Maximum Day and Maximum Hour service level volumes and allocations were added together. The unit costs are the result of the cost of service at each tiered demand service level divided by the level of respective demand. The incremental rates are additive. In other words, demand in Tier 1 only pays the Average Day rate. Demand in Tier 2 pays the Average Day rate plus the Maximum Day and Maximum Hour increments. The bi-monthly rates for Single Family Commodity Charges resulting from the cost-of-service are shown in **Figure V-8**.

[4] For simplicity, we use the term "tiered rates" synonymously with "increasing block rates." "Inclining block rates" is commonly used for "increasing block rates." However, because an incline can slope both up or down, it is ambiguous in this context and therefore is not used in this study.

[5] In this report, "rates" and "unit costs" are synonymous.

Figure V-8. Calculation of Proposed Commodity Charge Rates – Single Family Residential

Single Family Residential COS per Unit	Average Day	Maximum Day	Maximum Hour	Total
Cost of Service - Commodity	$1,280,520	$107,114	$31,052	$1,418,687
	Tier 1	Tier 2		
COS Revised	$1,280,520	$138,166		
Monthly Demand per Tier				
Average Day - Tier 1 (0 - 11 hcf)	80,760			
Max Day - Tier 2 (12 - 14 hcf)	16,743	16,743		
Max Hour - Tier 3 (15+ hcf)	107,174	107,174		
	204,677	123,917		
Cost-of-Service per Unit (hcf)	$6.26	$1.11		
Bi-Monthly Tiers				
Tier 1 (0 - 22 hcf)	**$6.26**			
Tier 2 (23+ hcf)	**$7.37**			

Note: Rounding differences caused by stored values in electronic models may exist

Uniform Commodity Charges

We recommend the City apply the same uniform rate structure for all Multi-Family, Commercial/Institutional, Irrigation, and Fairgrounds customers. The proposed adjustments for FY 2024-25 are intended to increase the uniform rate to re-align with the cost of service for each customer class. **Figure V-9** derives the uniform Commodity Charge for each class based on their respective share of water demand and the cost allocations derived in **Figure IV-8** for Fairgrounds and **Figure IV-10** for City customers.

Figure V-9. Calculation of Commercial/Multi Family Uniform Commodity Charges

Customer Class	Multi-Family	Commercial	Irrigation	Fairgrounds
Cost of Service Commodity Charge	$360,237	$287,910	$361,865	$392,870
Annual water use (hcf)	52,877	42,338	50,888	48,649
Unit rate per hcf	**$6.81**	**$6.80**	**$7.11**	**$8.08**

Commodity Charges Summary

The five-year schedule of proposed Commodity Charges for Single Family Residential, Multi-Family Residential, Commercial, Irrigation, and Fairgrounds customers is shown in **Figure V-10**. After rates are revised to meet the cost-of-service in FY 2024-25, all rates will increase uniformly by 2% each of the next four fiscal years.

Figure V-10. Current and Proposed Commodity Charges

Bi-Monthly Commodity Charges	Current Rates ($/hcf)	Bi-Monthly Commodity Charges rate increase:	Proposed Rates ($/hcf) FY 2025-26 *eff. 7/1/2024* *varies*	FY 2026-27 *eff. 7/1/2025* *2%*	FY 2027-28 *eff. 7/1/2026* *2%*	FY 2028-29 *eff. 7/1/2027* *2%*	FY 2029-30 *eff. 7/1/2028* *3%*
Single Family Residential		Single Family Resid.					
Tier 1 (0-20 hcf)	$6.22	Tier 1 (0-22 hcf)	$6.26	$6.39	$6.52	$6.65	$6.78
Tier 2 (21+ hcf)	$7.47	Tier 2 (23+ hcf)	$7.37	$7.52	$7.67	$7.82	$7.98
Multi-Family Residential	$6.41	Multi-Family Resid.	$6.81	$6.95	$7.09	$7.23	$7.37
Commercial/Insitutional	$6.52	Commercial/Instit.	$6.80	$6.94	$7.08	$7.22	$7.36
Irrigation	$6.96	Irrigation	$7.11	$7.25	$7.40	$7.55	$7.70
Fairgrounds	$6.52	Fairgrounds	$8.08	$8.24	$8.40	$8.57	$8.74

Drought Rate Factors

During prolonged shortages, customers are required to conserve or even ration their water use. The magnitude of the water savings can significantly reduce water sales revenue from commodity charges.

Currently the City has Demand Management Rates in place which go into effect during declared water shortages. The rates apply a surcharge to both the Service Charges and Commodity Charges. The Demand Management Rates applied to Service Charges are graduated by meter size. The surcharge applied to all Commodity Charges is a uniform rate per HCF, which is the same for all customer classes.

HF&H recommends a set of drought rate factors that would be applied solely to the Commodity Charges and implemented during declared water shortage stages in accordance with the City's Water Shortage Contingency Plan (WSCP), state mandated reductions in the level of potable water usage, or other natural disaster or event that results in a water shortage and an unforeseen drop in water demand that requires reductions in water use.

The drought rate factors were developed to reflect variations in the level of outdoor and discretionary water use of each customer class. Customer classes with more discretionary water use for landscaping and irrigation activities would be required to reduce demand more during periods of shortage. As a result, customer classes with larger discretionary water use habits, and a greater ability to conserve water, would see larger increases via the proposed drought rate factors. It is proposed that the shortage reductions would vary by customer class, based on their respective abilities to conserve water. A customer class's ability to conserve is directly related to the proportion of their current water use which is highly discretionary and considered a non-beneficial use (e.g., water used for landscape purposes, "outdoor" water use) and less discretionary use for health and safety (e.g., water used for cooking, cleaning, bathing, "indoor" water use). Each class's reduction was determined by reducing their proportion of water that is for "outdoor" water use (seasonal water use) 3.0 times more than their "indoor" (average winter water use) water use. At Stage 6, it is assumed all Irrigation use would be suspended. A three-year analysis of 2020-2022 water use data informed the proposed factors associated with each water conservation stage.

The drought rate factors would be applied to each of the Commodity Charges. The higher rates will generate the revenue which was lost due to conservation and has been calculated to keep the City revenue neutral so they can cover the portion of fixed costs paid through the consumption rate revenues.

Analysis

Based on CY 2020-2022 metered water use data, the resulting reductions are summarized in **Figure V-11**. The reductions shown represent the customer class reductions required to achieve the reduction associated with each shortage stage. The customer class reductions are greater or less than the overall average for each stage depending on how much of each class's water demand is seasonal.

Figure V-11. WSCP Required Water Use Reductions by Class

Class	Stage 1 Shortage Up to (10% Reduction)	Stage 2 Shortage Up to (20% Reduction)	Stage 3 Shortage Up to (30% Reduction)	Stage 4 Shortage Up to (40% Reduction)	Stage 5 Shortage Up to (50% Reduction)	Stage 6 Shortage Up to (56% Reduction)
Single Family	8%	16%	24%	31%	39%	43%
Multi-Family	9%	18%	27%	37%	46%	51%
Commercial	8%	16%	24%	32%	40%	43%
Irrigation	17%	34%	52%	69%	86%	100%
Fairgrounds	14%	29%	43%	58%	72%	83%

Figure V-12A and **Figure V-12B** show the calculation of each customer class's respective shortage reduction required during each shortage stage. The annual demand for each class is separated into indoor and outdoor water use where indoor water use is defined as the minimum average monthly period multiplied times 12 to get the annualized indoor water use over 12 months. Subtracting indoor water use from the total annual water use determines the seasonal outdoor water use. March represented the lowest period of use for the City's customers.

The percentage reductions for each customer class required to achieve the overall reduction for a particular stage are derived so that outdoor water use is reduced 3.0 times indoor water use. In a Stage 1 shortage, a 5.7% reduction in indoor water use and a 17.2% reduction in outdoor water use are required to achieve an overall 10% reduction. Applying the same reduction factors to each class results in different overall reductions for the class based on the relative proportions of their indoor and outdoor water use. In each stage reduction each customer class is required to conserve different percentages. This is because of the variation in water use patterns among the customer classes. Note, the larger reduction for Multi-Family versus Single Family customers is due to the inclusion of Multi-Family Residential accounts with irrigation. These customers are identified separately by the City but their potable irrigation water is recorded on the same meter as domestic use.

Figure V-12A. Calculation of 10-30% Shortage Reductions by Stage and Customer Class

10% Shortage Level 1 Reduction (up to 10% reduction)									
	Baseline Annual Demand (HCF)			Reductions					
Class	Total	Indoor	Outdoor	Indoor	Outdoor	Indoor	Outdoor	Total	Total
Single Family	208,198	170,183	38,015	5.7%	17.2%	9,753	6,536	16,288	8%
Multi-Family	52,877	37,220	15,657	5.7%	17.2%	2,133	2,692	4,825	9%
Commercial	42,338	34,252	8,086	5.7%	17.2%	1,963	1,390	3,353	8%
Irrigation	50,888	-	50,888	0.0%	17.2%	-	8,749	8,749	17%
Fairgrounds	48,649	11,886	36,763	5.7%	17.2%	681	6,320	7,002	14%
Total	402,949	253,541	149,408			14,530	25,687	40,216	**10.0%**
20% Shortage Level 2 Reduction (up to 20% reduction)									
	Baseline Annual Demand (HCF)			Reductions					
Class	Total	Indoor	Outdoor	Indoor	Outdoor	Indoor	Outdoor	Total	Total
Single Family	208,198	170,183	38,015	11.5%	34.4%	19,505	13,071	32,577	16%
Multi-Family	52,877	37,220	15,657	11.5%	34.4%	4,266	5,384	9,650	18%
Commercial	42,338	34,252	8,086	11.5%	34.4%	3,926	2,780	6,706	16%
Irrigation	50,888	-	50,888	0.0%	34.4%	-	17,497	17,497	34%
Fairgrounds	48,649	11,886	36,763	11.5%	34.4%	1,362	12,641	14,003	29%
Total	402,949	253,541	149,408			29,060	51,373	80,433	**20.0%**
30% Shortage Level 3 Reduction (up to 30% reduction)									
	Baseline Annual Demand (HCF)			Reductions					
Class	Total	Indoor	Outdoor	Indoor	Outdoor	Indoor	Outdoor	Total	Total
Single Family	208,198	170,183	38,015	17.3%	51.8%	29,358	19,674	49,032	24%
Multi-Family	52,877	37,220	15,657	17.3%	51.8%	6,421	8,103	14,524	27%
Commercial	42,338	34,252	8,086	17.3%	51.8%	5,909	4,185	10,093	24%
Irrigation	50,888	-	50,888	0.0%	51.8%	-	26,336	26,336	52%
Fairgrounds	48,649	11,886	36,763	17.3%	51.8%	2,050	19,026	21,076	43%
Total	402,949	253,541	149,408			43,738	77,323	121,062	**30.0%**

The service charges are fixed and generate 41.6% of the total rate revenue regardless of shortages. The remaining 58.4% of revenue is generated by the volumetric rates. In deriving the Drought Rate Factors, the factors will only apply to the volumetric rates because short-term reductions in water use correlate with short-term fluctuations in variable costs. Conversely, short-term reductions in water use would not affect fixed costs, or costs that would require a long-term change in customer demand (e.g. population decline) to be affected. Each customer class has its own set of Drought Rate Factors corresponding to its reduction in each stage of shortage.

The formula for the Drought Rate Factors comprises conservation and variable cost components. The conservation component adjusts to account for the required reduction in water demand. A portion, not all, of the costs (e.g., power, water purchases) covered by Commodity Charge rates are variable and will not be incurred when less water is used during short-term demand reductions. To ensure the Drought Rate Factors do not result in excess revenue collection, the variable cost component of the calculation reduces the factor to account for the portion of variable costs, which is covered by the quantity charges, and will not be incurred when demand decreases.

Figure V-12B. Calculation of 40-56% Shortage Reductions by Stage and Customer Class

40% Shortage Level 4 Reduction (up to 40% reduction)									
	Baseline Annual Demand (HCF)			Reductions					
Class	Total	Indoor	Outdoor	Indoor	Outdoor	Indoor	Outdoor	Total	Total
Single Family	208,198	170,183	38,015	22.9%	68.8%	39,040	26,162	65,202	31%
Multi-Family	52,877	37,220	15,657	22.9%	68.8%	8,538	10,775	19,313	37%
Commercial	42,338	34,252	8,086	22.9%	68.8%	7,857	5,565	13,422	32%
Irrigation	50,888	-	50,888	0.0%	68.8%	-	35,021	35,021	69%
Fairgrounds	48,649	11,886	36,763	22.9%	68.8%	2,727	25,300	28,027	58%
Total	402,949	253,541	149,408			58,162	102,823	160,985	**40.0%**
50% Shortage Level 5 Reduction (up to 50% reduction)									
	Baseline Annual Demand (HCF)			Reductions					
Class	Total	Indoor	Outdoor	Indoor	Outdoor	Indoor	Outdoor	Total	Total
Single Family	208,198	170,183	38,015	28.7%	86.1%	48,843	32,731	81,573	39%
Multi-Family	52,877	37,220	15,657	28.7%	86.1%	10,682	13,481	24,163	46%
Commercial	42,338	34,252	8,086	28.7%	86.1%	9,830	6,962	16,792	40%
Irrigation	50,888	-	50,888	0.0%	86.1%	-	43,814	43,814	86%
Fairgrounds	48,649	11,886	36,763	28.7%	86.1%	3,411	31,653	35,064	72%
Total	402,949	253,541	149,408			72,766	128,641	201,407	**50.0%**
56% Shortage Level 6 Reduction (up to 56% reduction)									
	Baseline Annual Demand (HCF)			Reductions					
Class	Total	Indoor	Outdoor	Indoor	Outdoor	Indoor	Outdoor	Total	Total
Single Family	208,198	170,183	38,015	30.0%	100.0%	51,055	38,015	89,070	43%
Multi-Family	52,877	37,220	15,657	30.0%	100.0%	11,166	15,657	26,823	51%
Commercial	42,338	34,252	8,086	30.0%	100.0%	10,276	8,086	18,361	43%
Irrigation	50,888	-	50,888	0.0%	100.0%	-	50,888	50,888	100%
Farigrounds	48,649	11,886	36,763	30.0%	100.0%	3,566	36,763	40,329	83%
Total	402,949	253,541	149,408			76,062	149,408	225,471	**56.0%**

The Drought Rate Factors are the product of the conservation component multiplied by the variable cost component. Each component is defined as follows:

Drought Rate Factor = Conservation Component multiplied times Variable Cost Component, where

Conservation Component = $1/(1 - a)$, where

a = required percentage reduction, which varies by customer class.

Variable Cost Component = $(b - (c * a))/b$, where

a = required percentage reduction, which varies by customer class.

b = percentage of revenue from total service charges and volumetric rates for all customer classes that is attributable to volumetric rates, an amount that is 58.4% based on the cost-of-service analysis.

c = percentage of total revenue requirement covered by service charges and volumetric rates that varies based on fluctuations in demand, an amount that is currently 49.5%.[6]

The following example illustrates how the formula determined the 1.028 Drought Rate Factor in **Figure V-13** for the Single Family Residential customer class in a Stage 2 shortage in which an overall conservation goal of 20% if required.

Conservation Component: 1/(1 - *a*) = 1/(1 - 0.15647) = 1.18549, where

a = required percentage reduction is 15.647% for the Residential customer class (see **Figure V-13** where a rounded 16% is shown).

Variable Cost Component: (*b* - (*c* * *a*))/*b* = (0.58423 - (0.49524 * 0.15647))/0.58423 = 0.867365, where

a = 15.647% reduction for Residential customers in a Stage 2 shortage.

b = 58.423% of total rate revenue is generated by quantity charges; and

c = 49.524% of revenue requirement is related to variable costs.

Drought Rate Factor = 1.18549 * 0.67365 = 1.028, as it is shown in **Figure V-13** (Single Family, Stage 2 Shortage).

The Single Family Residential Water Use Charge rates in effect under non-shortage conditions would be multiplied by 1.028 (or an additional 2.8%) to derive the Commodity Charge rates to be in effect during a Stage 2 water shortage. **Figure V-13** shows the Drought Rate Factors that would be applied to the rates that would normally be in effect absent declared shortages. The Stage 6 value for Irrigation customers is shown as "n/a" because all Irrigation water use is assumed to be suspended at this shortage stage. Hence, a factor would be applied.

Figure V-13. Drought Rate Factors by WSCP-Defined Shortage Stage

Class	Stage 1 Shortage Up to (10% Reduction)	Stage 2 Shortage Up to (20% Reduction)	Stage 3 Shortage Up to (30% Reduction)	Stage 4 Shortage Up to (40% Reduction)	Stage 5 Shortage Up to (50% Reduction)	Stage 6 Shortage Up to (56% Reduction)
Single Family	1.013	1.028	1.047	1.069	1.098	1.114
Multi-Family	1.015	1.034	1.058	1.088	1.128	1.157
Commercial	1.013	1.029	1.048	1.071	1.100	1.117
Irrigation	1.032	1.080	1.163	1.336	1.944	n/a
Farigrounds	1.026	1.062	1.116	1.207	1.393	1.738

[6] The cost of SFPUC water is the largest example of a variable cost, which varies with water demand.

Implementation

The recommended Drought Rate Factors in **Table V-13** are implemented only during periods of declared water shortage emergencies. Once a mandatory shortage is declared, the City Council has discretion to enact Drought Rate Factors corresponding to the level of shortage reduction implemented using the factors provided in **Table V-13** or calculated using the formula for a specific level of reduction. The adjustments can go in either direction from stage to stage depending on whether the level of reduction is increasing or decreasing during the shortage. At least 30 days prior to making the adjustment, notice must be provided to rate payers, which can be included in the customer's bills. No protest process is required. These adjustments would be temporary, and rates would return to the regular schedule at the conclusion of the water shortage emergency.

The Drought Rate Factors could be applied when the City requires its customers to reduce water use. At such times, the Drought Rate Factors would be multiplied times the Commodity Charges proposed in the current rate study. The City can choose to enact Drought Rate Factors when the water emergency demand levels will fall short of the respective year of modeled demand.

The Drought Rate Factors only apply to the tiered and uniform Commodity Charges and not to Service Charge rates, which are independent of water demand. The Drought Rate Factors are multiplied times the non-water shortage, normal-year Water Use Charge rates proposed in this report. The Drought Rate Factors would be adopted as part of the rate notification in the Proposition 218 implementation process. Once adopted, the City could apply the Drought Rate Factors as needed during conservation stages.

As a further example, **Figure V-14** has Commodity Charge rates after applying the Drought Rate Factors to the rates proposed for FY 2024-25. The table shows the proposed Drought Rate Factors followed by the rates that correspond to each stage of conservation.

Figure V-14. Sample Rates With Drought Rate Factors – FY 2024-25 Rates

Water Emergency Shortage Stage		Stage 1	Stage 2	Stage 3	Stage 4	Stage 5	Stage 6
Single Family Drought Rate Factors		1.013	1.028	1.047	1.069	1.098	1.114
Multi-Family Drought Rate Factors		1.015	1.034	1.058	1.088	1.128	1.157
Commercial Drought Rate Factors		1.013	1.029	1.048	1.071	1.100	1.117
Irrigation Drought Rate Factors		1.032	1.080	1.163	1.336	1.944	N/A
Fairgrounds Drought Rate Factors		1.026	1.062	1.116	1.207	1.393	1.738
Sample FY 2024-25 Rates		**Sample Rates with Drought Rate Factors Applicable to % Reductions**					
Single Family Residential							
Tier 1 (0-22 hcf)	$6.26	$6.34	$6.44	$6.55	$6.69	$6.87	$6.97
Tier 2 (23+ hcf)	$7.37	$7.47	$7.58	$7.72	$7.88	$8.09	$8.21
Multi-Family Residential	$6.81	$6.91	$7.04	$7.20	$7.41	$7.68	$7.88
Commercial/Institutional	$6.80	$6.89	$6.99	$7.12	$7.28	$7.48	$7.59
Irrigation	$7.11	$7.33	$7.68	$8.27	$9.50	$13.82	N/A
Fairgrounds	$8.08	$8.29	$8.58	$9.02	$9.75	$11.26	$14.05

Note that if reductions in water use are higher or lower than the specified stages set in the WSCP due to state mandated reductions in the level of potable water usage, or other natural disaster or event that results in a water shortage and an unforeseen drop in water demand, the Drought Rate Factors will be adjusted in accordance with the formula above.

VI. COMPARISON TO WATER AGENCIES

Neighboring Agency Comparison

The Finance Committee (January 2024) asked to take a closer look at comparing water rates to similar agencies. **Figure VI-1** compares single-family customer water rates of smaller coastal cities in the San Diego region, assuming water use totaling 22 HCF in a bi-monthly period, the average bi-monthly water use of the city's single family residential customers. The current and recommended FY 2024-25 rates for Del Mar are included.

Figure VI-1. Neighboring Agency Water Bi-Monthly Bill Comparison

Water Agency	Fixed Charge	Volumetric Charge	TotaL Water Bill	Water Treatment	Population Served	Miles of Water Mains	Population Per Mile
Sweetwater Authority (National City)	$26.09	$140.06	**$166.15**	Purdue WTP	200,000	388	515
Olivenhain MWD (Solana Beach, 40% Encinitas)	$72.62	$103.94	**$176.56**	OMWD	87,000	466	187
San Dieguito WD (60% Encinitas)	$72.68	$110.26	**$184.94**	Badger WFD	37,856	168	225
Sante Fe Irrigation District (Fairbanks Ranch, Rancho Santa Fe, Solana Beach)	$98.51	$110.44	**$208.95**	Badger WFD	19,800	150	132
Del Mar (Current)	$88.04	$139.34	**$227.38**	City of SD	3,830	27	142

Note: All agencies compared received water via SDCWA.

Some factors that are likely to contribute to the City having the highest water rates are as follows:

1. All agencies aside from the City have their own water filtration plants, providing them with more control over their water treatment costs. In contrast, Del Mar must rely on the City of San Diego to treat the water at the Miramar filtration plant before it is pumped to Del Mar for its use.

2. A population per miles of water mains ratio was developed to compare each agency. The City has the lowest ratio. Therefore 3,830 people must pay for the maintenance and eventual replacement of 27 miles of water mains. In other words, the City population is less concentrated along the miles of water mains maintained compared to other agencies and the costs of water service are spread over the smallest population of agencies compared.

While the City currently has the highest water bills, the variance between the City bill and neighboring agencies should decrease in the future as other agencies increase their rates more rapidly. Based on this study, proposed increases in the next five years will be only 2-3%. In contrast, other agencies are proposing 5% to 10 % per year rate increases in part to address neglected CIP programs needing critical financing. The City has been taken a proactive approach to its CIP program over the years of addressing critical needs without having to suddenly raise rates.

Also, during the proposed rate period, the City is scheduled to investigate an automated meter reading program which may reduce future rate increases. Santa Fe Irrigation District, who installed an automated meter reading system previously, benefits from this infrastructure as their rates are lower within the comparison.

VII. WASTEWATER REVENUE REQUIREMENTS

A spreadsheet model was developed to derive revenue requirements for a ten-year planning period, FY 2024-25 through FY 2033-34. The revenue requirements represent the costs that must be covered by revenue from rates and other sources. The City's budget for FY 2024-25 served as the starting point for projecting the City's expenses and revenues. The escalation factors summarized in **Figure VII-1** were incorporated in the model for projecting expenses and revenues for the duration of the Study Period. For brevity, only the first five years of modeling assumptions are shown. Factors driving these annual increases are discussed in more detail following **Figure VII-2**.

Figure VII-1. Key Modeling Assumptions

Assumptions	FY 2023-24	FY 2024-25	FY 2025-26	FY 2026-27	FY 2027-28	FY 2028-29
General Inflation	Per Budget	3.0%	3.0%	3.0%	3.0%	3.0%
Salaries and Wages	Per Budget	5.0%	5.0%	5.0%	5.0%	5.0%
Benefits	Per Budget	5.0%	5.0%	5.0%	5.0%	5.0%
Utilities	Per Budget	4.0%	4.0%	4.0%	4.0%	4.0%
Construction Cost Inflation	Per Budget	3.9%	3.4%	3.4%	3.4%	3.4%
Growth in Residential Accounts	Per Budget	0.0%	0.0%	0.0%	0.0%	0.0%
Growth in Commercial Accounts	Per Budget	0.0%	0.0%	0.0%	0.0%	0.0%
Interest on Fund Balance	1.00%	1.0%	1.0%	1.0%	1.0%	1.0%
Interest on Fund Balance - Debt Reserve	0.41%	0.4%	0.4%	0.4%	0.4%	0.4%
Treatment Costs	Per Budget	5.0%	5.0%	4.0%	4.0%	4.0%

The application of these projections to O&M and capital expenses are summarized graphically in **Figure VII-2** and are described below in more detail.

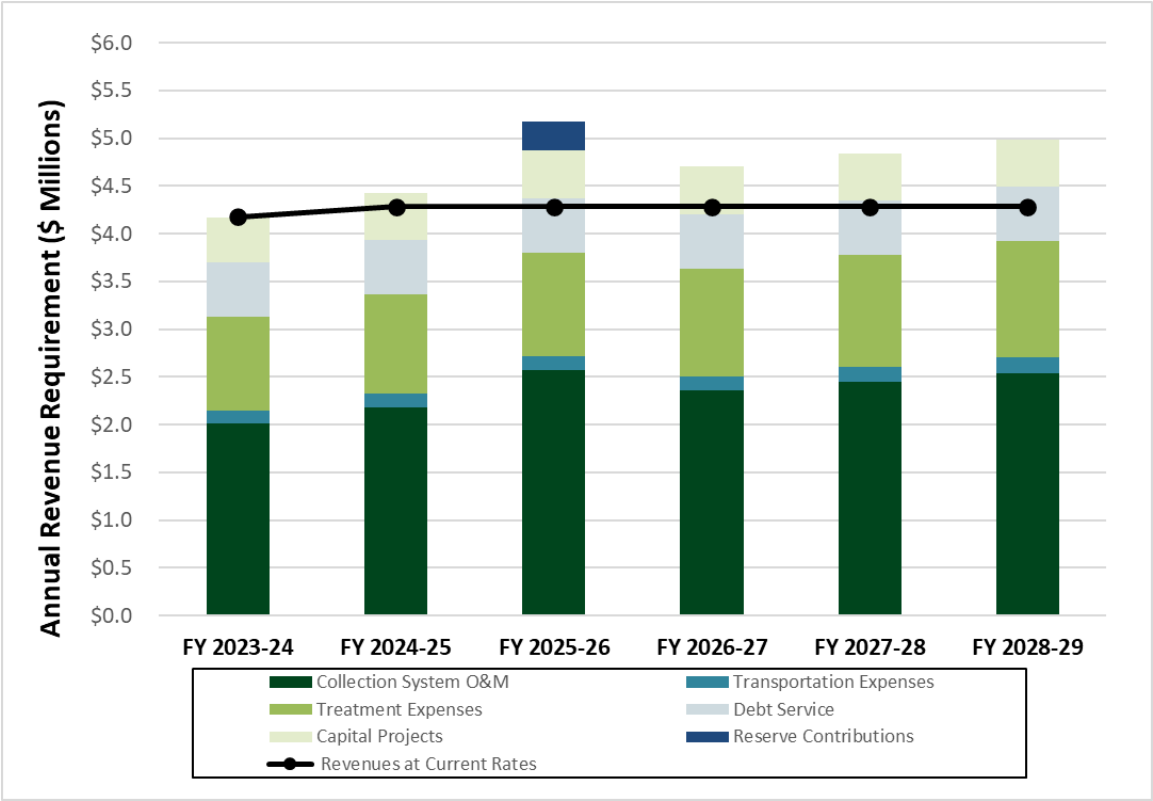
Operating & Maintenance (O&M) Expenses

The City's Collection System Operations and Maintenance (O&M) expenses include salaries, benefits, materials, supplies, insurance, vehicle maintenance, utilities, and administrative expenses, and City administrative charges. Expense projections were calculated using assumptions reviewed with City staff. Collectively, this category represents approximately 50% of the total revenue requirement. These O&M expenses are projected to increase annually by an average of 5% over the five-year period, averaging $2.4 million per fiscal year from FY 2024-25 through FY 2028-29. No additional headcount in staffing is assumed during the five-year rate setting period.

Wastewater Transportation Expenses

The City pays Solana Beach and San Diego Metro for conveyance of wastewater to their respective treatment plants. These costs are determined by the respective agency and billed to the City for reimbursement. Transportation expenses attributable to San Diego Metro service comprise approximately 10% of the total amount of this categorical expense. Future San Diego Metro service expenses were assumed to remain flat as the City relies more on the Solana Beach force main to deliver wastewater to the SEJPA treatment plant. Transportation costs resulting from the Solana Beach force main are assumed to increase 5% annually, based on input from City staff. Wastewater transportation expenses make up approximately 3% of the total revenue requirement and average $153,000 per fiscal year.

Figure VII-2. Total Annual Projected Revenue Requirements for Wastewater Enterprise



Wastewater Treatment Expenses

San Diego Metro and SEJPA charge the City for its share of wastewater treatment expenses. according to the City's share of flow contributed to each treatment plant. Like transportation expenses paid to San Diego Metro, treatment expenses have also been assumed to remain constant during the five-year period. The City's treatment expenses paid to SEJPA account for 95% of the categorical expense. Based on input from City staff, SEJPA treatment expenses are assumed to increase 5% annually. Note, increases to future costs have not accounted for any increases due to growth, as the City does not anticipate an expansion of its ratepayers.

Treatment expenses make up the second largest portion of the revenue requirement paid for with City wastewater rates. Across both treatment agencies, annual projected expenses will average more than $1.1 million. The combined sum of wastewater transportation and treatment expenses accounts for more than 25% of the total revenue requirement. In other words, more than one-quarter of all City wastewater expenses are controlled by third parties, which are passed on to ratepayers.

Debt Service

The City has existing debt service that was previously issued to fund various capital infrastructure improvements. The pump station at 21st street was funded through a Clean Water State Revolving Fund (CWSRF) Loan in 2013. This debt service is scheduled to conclude in 2032. In 2015, the City issued debt service to fund the San Elijo pipeline, through IBank. This debt service will be repaid over a 20-year period, ending in 2035. Annual debt service payments average $567,700 during the five-year period.

No future debt service issuance has been assumed in this study.

Capital Project Costs

Capital Improvement Program (CIP) expenditure projections average $499,361 annually during the five-year period. All projects have been assumed to be cash funded. **Figure VII-3** provides a detailed listing of the Wastewater Enterprise five-year CIP. The City's focus continues to be on addressing risk-based sections of its system through the Annual High Priority 1 Repairs and Annual Medium Priority Repairs programs to maintain system reliability. All project costs shown have been escalated using an assumed Construction Cost Index of 3.8% for FY 2024-25 and 3.4% thereafter based on historical changes in the Engineering News Record-Construction Cost Index.

Figure VII-3. Wastewater Five-Year Capital Improvement Plan

Capital Projects	FY 2024-25	FY 2025-26	FY 2026-27	FY 2027-28	FY 2028-29	Total
Wastewater Enterprise Fund						
Annual High Priority 1 Repairs	$375,000	$375,000	$400,000	$400,000	$0	**$1,550,000**
Annual Medium Priority 2 Repairs	$0	$0	$0	$0	$400,000	**$400,000**
Wastewater Overflow Containment	$0	$0	$0	$0	$0	**$0**
San Diego Forcemain Cleanout Project	$50,000	$150,000	$0	$0	$0	**$200,000**
Condition Assessment	$0	$60,000	$0	$0	$0	**$60,000**
San Dieguito Drive Pump Station Rehabilitation	$0	$0	$0	$0	$0	**$0**
Little Orphan Alley PS Removal	$0	$0	$0	$0	$40,000	**$40,000**
Total Capital Projects	$425,000	$585,000	$400,000	$400,000	$440,000	**$2,250,000**
Construction Cost Index	1.039	1.074	1.111	1.149	1.188	
Total Inflated CIP	**$441,621**	**$628,562**	**$444,409**	**$459,530**	**$522,681**	**$2,496,803**
	Average Annual PAYGo-Funded CIP					$499,361

Reserve Contributions

Based on conversations with the City, it was assumed the City would spend nearly all the $300,000 balance in this reserve during FY 2024-25. The City plans to replenish this amount in FY 2025-26 to satisfy the target balance.

RESERVES

The City uses its reserves to stabilize rates against annual fluctuations in capital expenditures, variances between projected and actual water demands, and unanticipated expenditures and other expenditure variances. In some years, there is surplus revenue that is available to replenish reserves. In other years, reserves are drawn down to cover the cost of service.

Reserves are required to stabilize rates and to provide for contingencies. Reserves can be drawn on in years when the City's Wastewater Enterprise Fund experiences above average costs and augmented during years when costs are below average. The City's reserves are used for operating and capital purposes. Each of these purposes has its own requirements that lead to a minimum and optimum target balance. Note, the types of reserves held by the Wastewater Enterprise mirror the reserves held by the Water Enterprise, including the target balance.

Rates must be set so that the fund balance achieves the target balance.

Operating Reserve

The operating component of the reserves provides working capital for month-to-month O&M expenditures. With sufficient working capital, the City can operate without cash flow constraints. The City's approved reserve policy is 45 days of operating expenses The City's Reserves should never drop below this minimum balance.

Self-Insurance Reserve

The City maintains a Self-Insurance Fund for the Water utility with a targeted minimum balance of $50,000. The purpose of the reserve is solely to pay out claims related to Wastewater utility damage.

Pension Reserve

The City has a fully funded Pension Reserve to pay for the Water Enterprise's share of staff costs. The targeted minimum balance is set to $200,000.

Debt Service Reserve

A target balance of $561,800 is maintained to satisfy the City's current debt obligations. Once each of the obligations is paid off, the funds will become available to the City. The obligations are scheduled to mature in FY 2032-33 and FY 2035-36. This reserve is unique to only the Wastewater Enterprise as the Water Enterprise has no existing obligations.

Capital Reserve

The capital improvement component of the reserves provides working capital for the City's capital improvement program. The fund balance needs to be sufficient to at least pay contractors without delays caused by cash flow limitations. The fund balance can be larger so that the City can fund larger construction projects on a pay-as-you-go basis, thereby eliminating financing costs. The City's approved policy requires a reserve threshold of $350,000. This total is less than the five-year average of annual capital improvement expenses, $465,551. The City could contemplate increasing this reserve to account for rising construction costs.

Equipment Replacement Reserve

This reserve is maintained to fund capital outlay projects, such as the replacement or purchase of new vehicles, large maintenance items, machinery, and equipment. An approved policy reserve target of $300,000 is maintained. The reserve provides an emergency source of funding in the event of an unanticipated breakdown or failure.

Rate Stabilization Fund

The Rate Stabilization Fund provides funding which the City can draw upon prior to passing funding for unanticipated events onto its customers. For example, in the event of a water shortage, the City could utilize reserves from the Rate Stabilization Fund as a short-term solution while flows remain lower. The reserve helps to offset the financial burden ratepayers might experience when the City is required to raise rates. The current approved reserve target is set at $200,000.

REVENUE INCREASES

Rates are set to generate sufficient revenue to cover annual expenses. In addition, rates are set to maintain adequate reserves. **Figure VII-4** summarizes the projected revenue from current rates, annual revenue requirements, annual variances, and the rate increases necessary to cover the City's costs.

Figure VII-4. Rate Increase Calculations

	FY 2024-25	FY 2025-26	FY 2026-27	FY 2027-28	FY 2028-29
Revenue from Current Rates	$4,283,285	$4,283,285	$4,283,285	$4,283,285	$4,283,285
Revenue Requirement	($4,430,849)	($4,870,204)	($4,704,142)	($4,843,548)	($4,988,655)
Non-Operating Revenue	$37,000	$38,110	$39,253	$40,431	$41,644
Transfer to Reserves	($60,768)	$0	$0	$0	$0
Net Revenue Requirement	($4,454,617)	($4,832,094)	($4,664,889)	($4,803,118)	($4,947,011)
Revenue Surplus/(Shortfall)	($171,331)	($548,809)	($381,603)	($519,832)	($663,725)
Proposed Revenue Increase	**4.0%**	**2.0%**	**2.0%**	**2.0%**	**2.0%**
Revenue at Proposed Rates	$4,454,617	$4,543,709	$4,634,583	$4,727,275	$4,821,820
Revenue Surplus/(Shortfall)	**$0**	**($288,385)**	**($30,305)**	**($75,843)**	**($125,190)**

Rate increases account for rate revenue and future revenue requirements. The revenue requirement (shown in greater detail in **Figure VII-2**) increases due to wastewater transportation and treatment costs and capital expenditures. The proposed revenue increases serve to decrease the projected shortfalls facing the City. As shown in Figure VII-4, the City's reserves have been used to keep the revenue increases low (i.e., there are projected revenue shortfalls in FY 2025-26 through FY 2028-29 after accounting for the revenue increases, which will be covered by reserves.

The rates are derived in Chapter V. With these rate increases, the City is able to pay for its annual O&M and capital expenses and maintain adequate reserves, as further discussed below.

DEBT SERVICE COVERAGE

Figure VII-5 shows the debt service coverage provided by the revenue increases in **Figure VII-4.** The City is required to maintain a minimum coverage ratio of 1.20. A higher ratio provides a greater margin of safety to bondholders and enhances the credit rating on bonds. Moreover, a higher credit rating benefits ratepayers by reducing the cost of future borrowing, if needed.

Figure VII-5. City Debt Coverage Ratio Calculations (with rate adjustments)

	FY 2023-24	FY 2024-25	FY 2025-26	FY 2026-27	FY 2027-28	FY 2028-29
Revenue Sources	$4,207,175	$4,503,550	$4,594,626	$4,685,557	$4,780,237	$4,875,948
Operating Expenses	($3,132,620)	($3,362,640)	($3,502,545)	($3,637,044)	($3,777,024)	($3,922,717)
Net Revenue	$1,074,555	$1,140,910	$1,092,081	$1,048,513	$1,003,212	$953,231
Debt Service	$532,491	$535,037	$537,657	$540,353	$543,127	$545,983
Debt Coverage Ratio	**2.02**	**2.13**	**2.03**	**1.94**	**1.85**	**1.75**

Note: Revenue sources includes sewer rate revenues, non-operating revenues, and investment interest.

RESERVE FUND BALANCE

Figure VII-6 shows the annual fluctuations (solid green line) in the fund balance that are caused by the differences between the revenue requirement and revenue from rates with the rate increases; the dashed green line is the projected fund balance without rate increases. The revenue and rate increases in **Figure VII-4** were derived to balance increasing rates while maintaining a level of reserves that continues to meet the City's reserve target (blue line) through FY 2028-29.

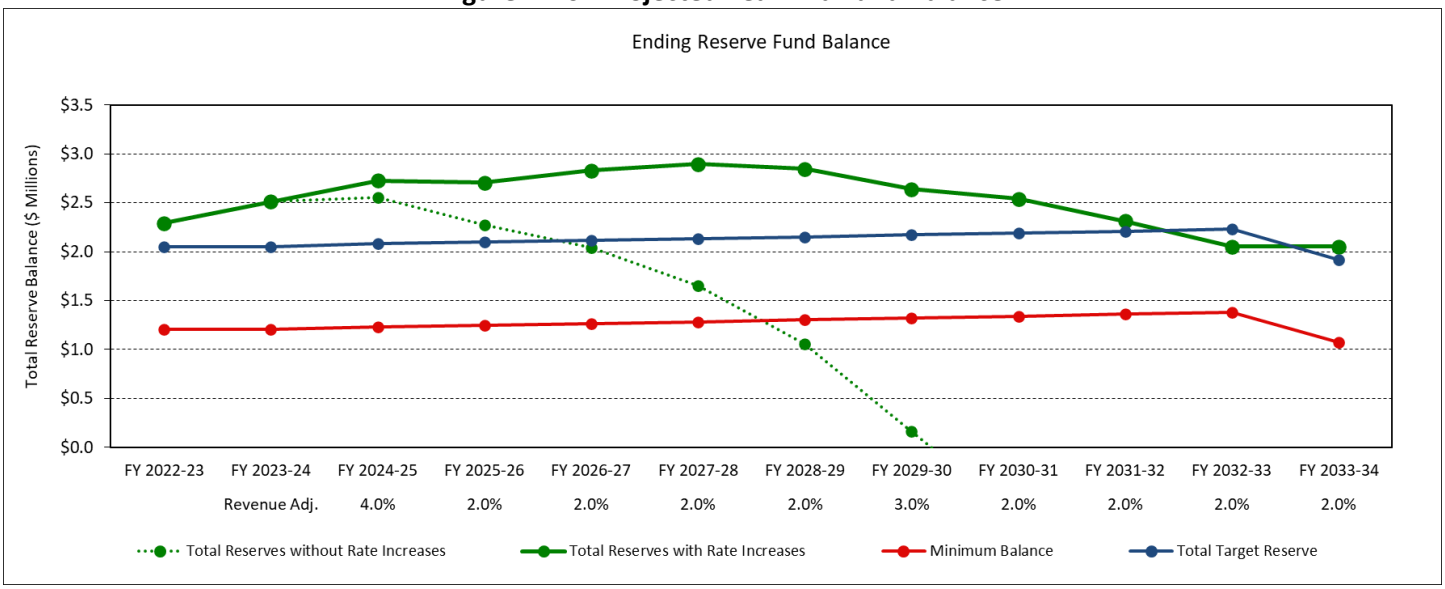
For purposes of rate setting, the following combined reserve target balances were established. The red line labeled, "Minimum Balance" represents the target balance for the Operating Reserve, Self-Insurance Reserve, Pension Reserve, and Debt Service Reserve. The blue line labeled, "Total Target Reserve" is the sum of the Minimum Balance plus the Capital Reserve, Equipment Replacement Reserve, and Rate Stabilization reserve targets.

The ten-year projection in **Figure III-6** demonstrates the use of reserves beyond FY 2028-29 as expense projections outpace revenue increases. Initially, after the 4% increase in FY 2024-25, revenue increases are kept to 2-3% annually through FY 2033-34. However, the cumulative growth of expenses, driven by 5% projected increases in water supply costs, overtakes revenue growth, requiring a greater share of reserves to support rate revenues. Consequently, reserves project to decline beginning in FY 2028-29, despite larger revenue increases. The reserve fund balance projects to fall below the Target Reserve by FY 2032-33.

While this is a similar scenario to the reserve fund balance projection of the Water Enterprise discussed in Section III, the maturity of the City's SRF loan obligation in FY 2032-33 reduces wastewater expenses and the overall target reserve threshold (see blue line). Therefore, the forecast for future wastewater rate increases is more positive when compared to the Water Enterprise. Over the ten-year period, wastewater rates would be increased cumulatively by 25.5% while water rates would be increased cumulatively by 38.3%. Further, the Wastewater Enterprise fund balance projects to meet the target reserve balance while the Water Enterprise fund balance would fall short of the target reserve by $200,000, or 11%.

If revenue levels remain stagnant, the dashed green line reflects that without revenue increases, the year-end fund balance of $2.2 million in FY 2022-23 is projected to drop below the City's Minimum Reserve by FY 2028-29.

Figure VII-6. Projected Year-End Fund Balance



VIII. WASTEWATER RATE COST OF SERVICE ANALYSIS

METHODOLOGY

The revenue requirement analysis establishes how much revenue is required from rates. The next step in the analysis is determining the cost of service. Cost-of-service analysis is used to derive rates that proportionally allocate the cost of service. This is achieved by allocating the revenue requirements to the components of the rate structure.

A cost-of-service analysis determines how much each customer and customer class should pay based on its respective share of service-related expenses and flow. The volume of wastewater discharged influences the design of the collection and treatment systems. The cost-of-service analysis allocates expenses to "cost components on the basis of operating considerations or design capacity of each facility." Therefore, a larger proportion of expenses associated with wastewater flow on the sewer system are allocated to customers who place a greater burden on the system.

Note, the City's agreements with its wastewater conveyance and treatment providers align costs with wastewater volume. Costs for these services are not affected by the strength of wastewater. Hence, the cost of service accounts only for flow and service-related expenses.

CUSTOMER CLASSES

The cost-of-service analysis distributes the revenue requirements among customer classes in proportion to their service requirements. Like water rates, there is no industry standard that specifies which customer classes should be used. The law allows utilities to exercise discretion in determining the appropriate customer classes provided the rates yield charges that are proportional to the cost of providing service for each category. As a result, the allocation of costs needs to be tailored to the customer classes.

The City currently has multiple customer classes: Single Family Residential, Multi-Family Residential, Commercial, Institutional, Hotels/Motels without Restaurants, Hotels/Motels with Restaurants, Restaurants, Shopping Centers, Fairgrounds, and Fats, Oils, and Greases (FOG) Non-Compliance Customers.

These classes were last reviewed as part of the previous cost-of-service study in 2019.

VOLUMETRIC RATES MODIFICATIONS

Changes to the customer classes affect how costs are allocated among all wastewater customers. HF&H recommends reducing all current Non-Residential customer classes to two classes: 1) Commercial; and 2) Fairgrounds. Simplifying the customer classes is possible because the third-party agencies, who bill the City for transportation and treatment of wastewater, charge for services according to the volume of wastewater. There is no distinction for these charges to reflect wastewater strength, as was considered under previous service agreements. Because these agencies do not make a wastewater strength distinction in their billing, there is no nexus for the City charging high strength wastewater customers a higher rate for sewer service. Therefore, all Commercial, Multi-Family, and Single-Family customers will be charged a uniform rate per volume of metered water use. Single-Family Residential bills will continue the practice of the sewer bill cap, set by winter water use. Also, Multi-Family Residential and Commercial

customers will continue to be charged for 90% of metered water use to account for volumes of water recorded that do not return to the sewer. The method for how sewer flows are calculated for billing purposes would remain, but how customers are charged would be revised from current practices.

Note, the proposed rates exclude revisions to the (FOG Non-Compliance surcharges. HF&H recommends the surcharges assessed FOG Non-Compliance customers be converted into miscellaneous fees charged to customers who are out of compliance with City requirements for its FOG program. The surcharges would recover the additional costs incurred by the City for non-compliance.

The result of these modifications to the volumetric rates affects the cost of service allocations discussed below.

COST-OF-SERVICE ALLOCATIONS

The cost-of-service analysis allocation process follows the same process as the one performed for the allocation of water costs. The FY 2024-25 revenue requirement was summarized by function and these functional costs were allocated between the Fairgrounds and City customers. The proportionate shares of the revenue requirement were then further allocated among the fixed and variable components for cost recovery.

Figure VIII-1 allocates the FY 2024-25 revenue requirement between the Fairgrounds and the City customers. **Figure VIII-2** summarizes the percentage allocations used in apportioning the revenue requirement between the Fairgrounds and the City customers. A discussion of the methodology behind the allocation of costs follows.

Figure VIII-1. Allocation of FY 2024-25 Revenue Requirement to Fairgrounds

Description	Rev. Req't FY 2024-25	Fairgrounds Allocation Factor	Fairgrounds Proportion	City Proportion
Collection System O&M				
Adminstrative Personnel	$401,129	Flow	$58,275	$342,854
Operations Personnel	$478,591	Flow	$69,528	$409,063
O&M - Tools, Supplies, Insurance	$1,115,230	Flow	$162,017	$953,213
O&M - Admin Expenses	$27,180	Hydraulic Capacity	$3,462	$23,718
O&M Variable	$135,320	Flow	$19,659	$115,661
Wastewater Treatment	$1,039,550	Flow	$151,022	$888,528
Wastewater Conveyance	$139,740	Flow	$20,301	$119,439
Subtotal O&M	**$3,336,740**		$484,265	$2,852,475
Fairgrounds O&M Composite			*22.2%*	*130.8%*
Debt Service	$568,848	System Sizing	$94,998	$473,851
Subtotal O&M + Admin	**$3,905,588**			
Capital Outlay	$25,900	System Sizing	$4,325	$21,575
Capital Expenses (PAYGo)	$499,361	System Sizing	$83,393	$415,967
Subtotal Expenses	**$4,430,849**		$666,981	$3,763,868
Expense Composite				
Non-Operating Revenues	($37,000)	FG O&M Composite	($5,370)	($31,630)
Transfers to/from Reserves	$60,768	FG O&M Composite	$8,819	$51,949
Total Revenue Requirement	**$4,454,617**		**$670,430**	**$3,784,186**
	% of total revenue requirement		15.1%	84.9%

Figure VIII-2. Fairgrounds Allocation Factors

Fairgrounds (FG) Allocation Factors	Fairgrounds	City	Total	Notes
Staff Allocation	26.4%	73.6%	100.0%	Historical City assumption
Hydraulic Capacity	12.7%	87.3%	100.0%	Percentage of EMUs
System Sizing	16.7%	83.3%	100.0%	Historical City assumption
Flow	14.5%	85.5%	100.0%	Percentage of CY 2019-2023 metered wastewater flow
FG O&M Composite	14.5%	85.5%	100.0%	Calculated in Figure VIII-1

Fairgrounds Allocation Factors

Staff Allocation

The City estimates roughly 26% of personnel staffing costs can be attributed to serving the Fairgrounds. This allocation was used in the previous 2019 study and confirmed with City staff as part of the current analysis.

Hydraulic Capacity

The City has reported a count of 1,693 water meters tied to City sewer accounts. Of these water meters, the Fairgrounds receive water and requires available capacity for one – 8" meter and two -10" meters. The size of the water service and the capacity afforded to the service serves as a proxy for the capacity of

wastewater flow to be discharged into the City's collection system. Connections are converted to Equivalent Meter Units (EMUs) to apportion the revenue requirement costs for operations and maintenance (O&M) administrative expenses. The capacity multipliers are the same as used in the water rate study and this aligns with historical practice. The Fairgrounds make up 320 EMUs of the total 2,512 EMUs served by the system, as shown in **Figure VIII-3**. This accounts for 12.7% of the overall hydraulic capacity.

Figure VIII-3. Capacity Calculations for City Wastewater Service

Applicable Service Size	Total Meters	Capacity Multiplier	EMUs
Single Family Customers	1,395	1.00	1,395
5/8" Meters	143	1.00	143
3/4" Meters	44	1.50	66
1" Meters	42	2.50	105
1.5" Meters	23	5.00	115
2" Meters	40	8.00	320
3" Meters	3	16.00	48
4" Meters	0	25.00	0
6" Meters	0	60.00	0
8" Meters	1	80.00	80
10" Meters	2	120.00	240
Total	**1,693**		**2,512**

Collection System Sizing

The City's wastewater collection system sizing was calculated assuming 16.7% of the peak flows of the system were attributable to the Fairgrounds. The revenue requirement costs for debt service, capital outlay (e.g. machinery and vehicle replacement), and capital improvements were allocated, using the assumption Fairgrounds accounted for 16.7% of these overall costs. This allocation was used in the previous 2019 study and confirmed with City staff as part of the current analysis.

Wastewater Flow

The Fairgrounds average wastewater flow over the past five years accounts for 14.5% of the overall conveyed and treated. **Figure VIII-4** summarizes the average annual flows between the Fairgrounds and other City customers from 2019-2023. City flows are the difference of the flows from the Fairgrounds wastewater meter subtracted from the total flows recorded by SEJPA. This allocation was applied to wastewater treatment, conveyance, and utility expenses, which vary based on the level of wastewater volume. Based on previous studies, personnel and supplies costs were also allocated using this factor.

Figure VIII-4. Wastewater Flow Analysis

Metered Flow by Calendar Year	Recorded 2023	Recorded 2022	Recorded 2021	Recorded 2020	Recorded 2019	5-Year Average
Total Recorded Flow (MG)	146.10	135.44	111.21	145.37	160.42	139.71
Fairgrounds Flow (MG)	22.92	13.79	12.96	18.70	33.10	20.30
City Flow (MG)	123.18	121.65	98.25	126.67	127.31	119.41
Proportion of City Flow	*84.3%*	*89.8%*	*88.3%*	*87.1%*	*79%*	*85.5%*
Proportion of Fairgrounds Flow	*15.7%*	*10.2%*	*11.7%*	*12.9%*	*21%*	***14.5%***

Note: 2021 includes only ten months of recorded volumes due to instrument failure.

Operations & Maintenance Composite

Non-operating revenue and transfers to reserves were allocated to the Fairgrounds and City customers based on each's proportionate share of the total O&M costs, as derived in **Figure VIII-1**.

Results of Initial Allocation

Fairgrounds was apportioned 15.1% of the overall revenue requirement. The Fairgrounds allocation has decreased since the previous cost-of-service study, which yielded an overall allocation of 17.25%. The decrease can be attributed to a reduced proportionate share of flow-related costs allocated to the Fairgrounds. While the five-year period of wastewater flows analyzes accounts for pre-pandemic, pandemic, and post-pandemic wastewater discharge patterns, the share of the Fairgrounds flow decreased from 16.5% to 14.5% from the previous study. The expenses allocated according to share of contributed wastewater flow are the largest portion of costs allocated. Therefore, it stands to reason that Fairgrounds is receiving a smaller share of costs because their proportionate burden placed on the system, the largest cost driver, decreased. Thus, the Fairgrounds share of the revenue requirement to be recovered through the FY 2024-25 rates will be $670,430 (15.1%) and the remaining City customer's share will be $3,784,186 (84.9%).

Cost-of-Service Allocations and Allocation Factors

The allocation factors in **Figure VIII-5** were used to apportion the Fairgrounds allocation of costs in **Figure VIII-6** and to apportion the City customers' allocation of costs in **Figure VIII-7**. The CIP Composite, Expense Composite, and Fairgrounds O&M Composite allocations are based on the subtotals of the O&M and capital costs that were directly allocated to either the service or flow categories.

Figure VIII-5. Cost-of-Service Allocation Factors

System-Wide Allocation Factors	Service	Flow	Total
Flow Only	0.0%	100.0%	100.0%
Customer Meters	100.0%	0.0%	100.0%
O&M Composite	60.6%	39.4%	100.0%
CIP Composite	18.1%	81.9%	100.0%
Expense Composite	48.5%	51.5%	100.0%
FG O&M Composite	60.6%	39.4%	100.0%

Figure VIII-6. Fairgrounds Cost-of-Service Allocations

Description	Farigrounds Rev. Req't FY 2024-25	Allocation Factor	Cost Allocation Service	Cost Allocation Flow
Collection System O&M				
Adminstrative Personnel	$58,275	Customer Meters	$58,275	$0
Operations Personnel	$69,528	Customer Meters	$69,528	$0
O&M - Tools, Supplies, Insurance	$162,017	Customer Meters	$162,017	$0
O&M - Admin Expenses	$3,462	Customer Meters	$3,462	$0
O&M Variable	$19,659	Flow Only	$0	$19,659
Wastewater Treatment	$151,022	Flow Only	$0	$151,022
Wastewater Conveyance	$20,301	Flow Only	$0	$20,301
Subtotal O&M	**$484,265**		**$293,282**	**$190,982**
Fairgrounds O&M Composite	$0	*O&M Composite*	*60.56%*	*39.44%*
Debt Service	$94,998	Flow Only	$0	$94,998
Subtotal O&M + Admin	**$579,262**		**$293,282**	**$285,980**
Capital Outlay	$4,325	Customer Meters	$4,325	$0
Capital Expenses (PAYGo)	$83,393	CIP Composite	$15,095	$68,298
Subtotal Expenses	**$666,981**		$312,703	$354,278
Non-Operating Revenues	($5,370)	FG O&M Composite	($3,252)	($2,118)
Transfers to/from Reserves	$8,819	Customer Meters	$8,819	$0
Total Revenue Requirement	**$670,430**		**$318,270**	**$352,160**
	% of total revenue requirement		***47.5%***	***52.5%***
			Service Charge COS	Volumetric Charge COS

Source: Fairgrounds revenue requirement from Figure VIII-1.

Figure VIII-7. City Customers Cost-of-Service Allocations

Description	City Rev. Req't FY 2024-25	Allocation Factor	Cost Allocation Service	Cost Allocation Flow
Collection System O&M				
Adminstrative Personnel	$342,854	Customer Meters	$342,854	$0
Operations Personnel	$409,063	Customer Meters	$409,063	$0
O&M - Tools, Supplies, Insurance	$953,213	Customer Meters	$953,213	$0
O&M - Admin Expenses	$23,718	Customer Meters	$23,718	$0
O&M Variable	$115,661	Flow Only	$0	$115,661
Wastewater Treatment	$888,528	Flow Only	$0	$888,528
Wastewater Conveyance	$119,439	Flow Only	$0	$119,439
Subtotal O&M	**$2,852,475**		**$1,728,848**	**$1,123,628**
Debt Service	$473,851	Flow Only	$0	$473,851
Subtotal O&M + Admin	**$3,326,326**		**$1,728,848**	**$1,597,478**
Capital Outlay	$21,575	Customer Meters	$21,575	$0
Capital Expenses (PAYGo)	$415,967	CIP Composite	$75,295	$340,672
Subtotal Expenses	**$3,763,868**		$1,825,718	$1,938,150
		Expense Composite	*48.5%*	*51.5%*
Non-Operating Revenues	($31,630)	Expense Composite	($15,343)	($16,287)
Transfers to/from Reserves	$51,949	Customer Meters	$51,949	$0
Total Revenue Requirement	**$3,784,186**		**$1,862,324**	**$1,921,863**
	% of total revenue requirement		***49.2%***	***50.8%***
			Service Charge COS	Volumetric Charge COS

Source: City customers revenue requirement from Figure VIII-1.

Units of Service

The units of service provided by the City to its customers are the sum of the services provided to each of the City's customer classes.

Estimates of City customer flows (excluding the Fairgrounds) associated with each customer class are shown in **Figure VIII-8**. Flow volumes were calculated using recorded water use for CY 2022. Flow volumes were adjusted based on the City's current rate structure such that the billed sewer flows were used. Single Family Residential flow volumes accounted for the cap of the maximum of the lowest two-month bill period or 8 HCF while all Mult Family and Commercial flow volumes were adjusted to 90% of the total water use. All Commercial customers were grouped together based on the volumetric rate modification described previously. The Fairground's billed flow was generated from the CY 2023 metered data, recently made available, shown in **Figure VIII-4**, and shown as **Figure VIII-8** for convenience.

At the time the analysis was performed, 2023 water use data was not available so that City customers' flows could be analyzed independently from the flow volumes read by SEJPA. The Fairgrounds usage increased significantly during 2023, constituting a three-year high. Further, the proportionate share of the

Fairgrounds' wastewater volumes relative to the total flows recorded grew closer to the 2019 proportion, aligning with pre-pandemic patterns, when more events were held, which caused the Fairgrounds to have higher flows. Post-pandemic, we assume the Fairgrounds share of wastewater volumes will continue to normalize such that their proportionate share will return closer to 20% of the overall volume. These assumptions are reflected in the cost of service and the rates derived.

Figure VIII-8. Wastewater Flow Analysis

Metered Flow by Calendar Year	Recorded 2023	Recorded 2022	Recorded 2021	Recorded 2020	Recorded 2019	5-Year Average
Total Recorded Flow (MG)	146.10	135.44	111.21	145.37	160.42	139.71
Fairgrounds Flow (MG)	22.92	13.79	12.96	18.70	33.10	20.30
City Flow (MG)	123.18	121.65	98.25	126.67	127.31	119.41
Proportion of City Flow	*84.3%*	*89.8%*	*88.3%*	*87.1%*	*79%*	*85.5%*
Proportion of Fairgrounds Flow	*15.7%*	*10.2%*	*11.7%*	*12.9%*	*21%*	***14.5%***

Note: 2021 includes only ten months of recorded volumes due to instrument failure.

Figure VIII-9 summarizes the units of service by customer class.

Figure VIII-9. Summary of Units of Service by Customer Class

Customer Class	EMUs	Billed Flow (HCF)
Single Family Residential	1,395	125,289
Multi Family Residential	457	37,931
Commercial (all customers)	340	40,403
City Customers Total	2,192	203,624
Fairgrounds	240	30,645

Unit Costs of Service

The functionalized costs in **Figure VIII-6** and **Figure VIII-7** are divided by the respective units of service in **Figure VIII-9** to determine the unit costs. The Fairgrounds service charge is exclusive to a single account. The flow-related cost allocation of $352,160 is divided by 30,645 HCF to determine a unit cost of $11.49 per HCF.

The derivation of the unit costs applicable to the City customers is shown in **Figure VIII-10**. These unit costs are the costs of providing the units of service to all customer classes without exception, thereby ensuring that all customers pay their share in proportion to their respective units of service.

Figure VIII-10. Unit Costs of Service (City)

	Service	Flow	Total
Allocationed Functional Costs	$1,862,324	$1,921,863	$3,784,186
Units of Service	2,192	203,624	
Unit Costs	**$849.60** per EMU	**$9.44** per hcf	

Figure VIII-11 summarizes the small shift away from the overall Volumetric Rate revenues to the Service Charge revenues to align with the cost-of-service. The exercise performed indicates the proportion of

Service Charge revenues will increase from 46.7% to 49.0% of total rate revenues, while the share of Volumetric Rate revenues will decrease from 53.3% to 51.0%. Similarly, the cost-of-service indicates the proportion of Fairgrounds Volumetric Rate revenue relative to total revenue will decrease slightly while the Service Charge revenue proportion increases.

Rates need to be designed to generate each class's share of the revenue requirement related to volumetric charges. The next section provides the recommended modifications to the Service Charges and Volumetric Rates needed to meet the cost of service.

Figure VIII-11. Cost-of-Service Revenue Summary

Components of Rate Structure	Revenue at Current Rates FY 2023-24		Cost of Service Proposed Rates FY 2024-25		Difference COS Minus Current	
Single Family Residential						
Fixed Charge Revenue	$1,063,827	48.6%	$1,185,192	50.1%	$121,365	11.4%
Volumetric Rates Revenue	$1,125,095	51.4%	$1,182,515	49.9%	$57,420	5.1%
Subtotal	$2,188,922	100.0%	$2,367,708	100.0%	$178,785	8.2%
Multi Family Residential						
Fixed Charge Revenue	$348,501	50.6%	$388,267	52.0%	$39,766	11.4%
Volumetric Rates Revenue	$340,624	49.4%	$358,008	48.0%	$17,384	5.1%
Subtotal	$689,125	100.0%	$746,275	100.0%	$57,150	8.3%
Commercial						
Fixed Charge Revenue	$259,277	37.2%	$288,864	43.1%	$29,587	11.4%
Volumetric Rates Revenue	$438,153	62.8%	$381,339	56.9%	($56,814)	-13.0%
Subtotal	$697,430	100.0%	$670,204	100.0%	($27,227)	-3.9%
Fairgrounds						
Fixed Charge Revenue	$330,144	46.6%	$318,270	47.5%	($11,874)	-3.6%
Volumetric Rates Revenue	$377,664	53.4%	$352,160	52.5%	($25,503)	-6.8%
Subtotal	$707,808	100.0%	$670,430	100.0%	($37,377)	-5.3%
Total Fixed Charge Revenue	$2,001,750	46.7%	$2,180,594	49.0%	$178,844	8.9%
Total Volumetric Charge Revenue	$2,281,536	53.3%	$2,274,023	51.0%	($7,513)	-0.3%
Total Revenue	**$4,283,285**	100.0%	**$4,454,617**	100.0%	**$171,331**	4.0%

Note: FY 2023-24 revenues assume 12 months of rates implemented on January 1, 2024..

IX. WASTEWATER RATE DESIGN

The City has historically charged water customers the combination of a fixed Service Charge and a variable volumetric charge based on the product of metered water use and the Volumetric Rates. As previously discussed, this is a common set of charges that is prevalent throughout the wastewater industry. This chapter explains the derivation of the Volumetric Rates and Service Charges that reflect the projected cost of service.

CURRENT RATES

The City's current wastewater rate structure is composed of two components: Service Charges and Volumetric Rates.

Current Service Charges

The Service Charges are fixed rates that are charged on a fixed rate graduated in proportion to the capacity of the water meter serving each customer. The City assumes all single-family accounts are served by a 5/8" meter, recognizing that certain customers have larger water meters due to fire flow requirements, which is immaterial to sewer flow impacts. All customers are billed on a bi-monthly[7] basis. **Figures IX-1** summarizes the current Service Charges, which were last increased on January 1, 2024.

Figure IX-1. Current Service Charges

Bi-Monthly Fixed Service Charges	Current Rates
Single-Family Residential (per DU)	$127.10
Meter Size	
5/8"	$127.10
3/4"	$190.66
1"	$317.74
1.5"	$635.48
2"	$1,016.76
3"	$2,033.52
Fairgrounds	$55,024.00

Current Volumetric Rates

Customers are billed based on metered water use per bi-monthly period multiplied by their respective Volumetric. Water is metered in "units" of HCF of metered water use, whereby one unit or HCF equals 748 gallons. Volumetric Rates are charged to the following customer classes: Single Family Residential, Multi-Family Residential, Commercial, Institutional, Irrigation, Hotels/Motels without Restaurants, Hotels/Motels with Restaurants, Restaurants, Shopping Centers, and Fairgrounds customers.

[7] Bi-monthly periods assume a billing period of 60 days.

The Fairgrounds have a wastewater flow meter and their bill reflects the volume of water recorded. Unless sub-metered, the City bills all other customers according to metered water use. Single Family Residential customers bills are subject to the maximum of the minimum bi-monthly water use or 8 HCF, for which the current volumetric rate of $8.98 is applied. For Multi-Family Residential and all other types of commercial customers, the City bills based on 90% of metered water use, assuming 10% of flow does not return to the sewer.

No adjustments are recommended to the City's current practices of a wastewater cap or to the 90% return to sewer factor applied to Multi-Family and commercial customers sewer bills.

Figure IX-2. Current Volumetric Rates

Bi-Monthly Volumetric Rates	Current Rates ($/HCF)
Single Family Residential	$8.98
Multi-Family Residential	$8.98
Commercial	$8.98
Institutional	$8.98
Hotels/Motels w/o Restaurants	$8.84
Hotels/Motels w/ Restaurants	$12.73
Restaurants	$15.06
Shopping Centers	$10.45
Fairgrounds	$10.27

SERVICE CHARGE DESIGN

The bi-monthly Service Charges for City customers are calculated using the unit cost determined in **Figure VIII-10**. The charge is graduated in proportion to the water meter capacity, as is current practice. The unit cost is divided by 6 to generate the bi-monthly amount per meter.

Figure IX-3. Proposed City Customers Bi-Monthly Service Charge Rates – FY 2024-25

Service Size	$/EMU	Capacity Multiplier	COS Total	Total Current Charge	$ Difference
	a	b	c = a * b	d	e = c - d
Single Family Meters	$141.60	1.00	$141.60	$127.10	$14.50
5/8" Meters	$141.60	1.00	$141.60	$127.10	$14.50
3/4" Meters	$141.60	1.50	$212.40	$190.66	$21.74
1" Meters	$141.60	2.50	$354.00	$317.74	$36.26
1.5" Meters	$141.60	5.00	$708.00	$635.48	$72.52
2" Meters	$141.60	8.00	$1,132.80	$1,016.76	$116.04
3" Meters	$141.60	16.00	$2,265.60	$2,033.52	$232.08

The bi-monthly Service Charge for Fairgrounds customers is the bi-monthly rate of the cost allocation calculated in **Figure VIII-6**, $318,270. The bi-monthly rate of $53,045.02 would be charged to each bill.

With the proposed rates, all Service Charges billed to City customers would see an increase, while the Fairgrounds would see a decrease. The increase in rates reflects the increase to service charge revenues calculated in **Figure VIII-9**. The Fairgrounds Service Charge is decreasing as the nominal share of Service Charge revenue is decreasing based on the cost of service, as previously identified in **Figure VIII-11. Figure IX-4** shows the proposed five-year schedule of Service Charges.

Figure IX-4. Current and Proposed Service Charge Rates

Bi-Monthly Fixed Service Charges	Current Rates	Proposed Rates				
		FY 2024-25	FY 2025-26	FY 2026-27	FY 2027-28	FY 2028-29
		eff. 7/1/2024	*eff. 7/1/2025*	*eff. 7/1/2026*	*eff. 7/1/2027*	*eff. 7/1/2028*
	rate increase:	*varies*	*2%*	*2%*	*2%*	*2%*
Single-Family Residential (per DU)	$127.10	$141.60	$144.43	$147.32	$150.27	$153.28
Meter Size						
5/8"	$127.10	$141.60	$144.43	$147.32	$150.27	$153.28
3/4"	$190.66	$212.40	$216.65	$220.98	$225.40	$229.91
1"	$317.74	$354.00	$361.08	$368.30	$375.67	$383.18
1.5"	$635.48	$708.00	$722.16	$736.60	$751.33	$766.36
2"	$1,016.76	$1,132.80	$1,155.46	$1,178.57	$1,202.14	$1,226.18
3"	$2,033.52	$2,265.60	$2,310.91	$2,357.13	$2,404.27	$2,452.36
Fairgrounds	$55,024.00	$53,045.02	$54,105.92	$55,188.04	$56,291.80	$57,417.64

VOLUMETRIC RATES DESIGN

The Volumetric Rates were determined via the unit cost exercise in the previous Section. The resulting Volumetric Rate for each of the revised customer classes is shown in **Figure IX-5**, as well as the proposed rates for FY 2025-26 through FY 2028-29, assuming 2.0% annual increases are applied. Volumetric Rates are increasing to reflect the additional burdens placed on the sewer system.

Figure IX-5. Current and Proposed Volumetric Rates

Bi-Monthly Volumetric Rates	Current Rates	Revised Customers	Proposed Rates				
			FY 2024-25	FY 2025-26	FY 2026-27	FY 2027-28	FY 2028-29
			eff. 7/1/2024	*eff. 7/1/2025*	*eff. 7/1/2026*	*eff. 7/1/2027*	*eff. 7/1/2028*
	rate increase:		*varies*	*2%*	*2%*	*2%*	*2%*
Single Family Residential	$8.98	Single Family Residential	$9.44	$9.63	$9.82	$10.02	$10.22
Multi-Family Residential	$8.98	Multi-Family Residential	$9.44	$9.63	$9.82	$10.02	$10.22
Commercial	$8.98	Commercial	$9.44	$9.63	$9.82	$10.02	$10.22
Institutional	$8.98						
Hotels/Motels w/o Restaurants	$8.84						
Hotels/Motels w/ Restaurants	$12.73						
Restaurants	$15.06						
Shopping Centers	$10.45						
Fairgrounds	$10.27	Fairgrounds	$11.49	$11.72	$11.95	$12.19	$12.43

X. COMPARISON TO WASTEWATER AGENCIES

In the previous chapter, the Service Charges and Volumetric Rate structures were compared for the current and proposed rates. A further understanding of the differences between the two structures can be gained by comparing bills for each customer class.

NEIGHBORING AGENCY COMPARISON

The Finance Committee (January 2024) asked to take a closer look at comparing wastewater rates to similar agencies. **Figure X-1** compares single-family customer wastewater rates of smaller coastal cities in the San Diego region, assuming a bi-monthly sewer flow volume of 16 HCF. The current and FY 2024-25 rates for Del Mar are included.

Figure X-1. Neighboring Agency Wastewater Bi-Monthly Bill Comparison

Wastewater Agency	Fixed Charge	Volumetric Charge	Total WW Bill	WW Transport	WW Treatment	Miles of Sewer Mains	Population Served	Population Per Mile
Encinitas Sanitary Division (City of Encinitas)	$5.83	$83.04	**$88.87**	Encinitas	SEJPA	40	17,000	425
Cardiff Sanitary Division (City of Encinitas)	$7.86	$88.16	**$96.02**	Encinitas	SEJPA	82	20,000	244
National City	$102.36	$0.00	**$102.36**	City of SD	Metro	97	56,173	579
Solana Beach (San Elijo)	$113.72	$0.00	**$113.72**	Solana Beach	SEJPA	50	12,941	259
Fairbanks Ranch CSD	$205.00	$0.00	**$205.00**	Fairbanks Ranch	Fairbanks Ranch	16	3,148	197
Del Mar (current)	$127.10	$143.68	**$270.78**	Solana Beach	SEJPA	25	3,830	153

Some factors that are likely to contribute to the City having the highest water rates are as follows:

1. The City must contract with the City of Solana Beach and the City of San Diego to transport wastewater to treatment plants. However, most of the other agencies are in close proximity to their wastewater treatment plants, saving them the expense of conveying wastewater.

2. A population per miles of water mains ratio was developed to compare each agency. The City has the lowest ratio. Therefore 3,830 people must pay for the maintenance and eventual replacement of 25 miles of sewer mains. In other words, the City population is less concentrated along the miles of sewer mains maintained compared to other agencies and the costs of water service are spread over the smallest population of agencies compared.

While the City currently has the highest wastewater bills, we anticipate other agencies will raise rates to be more in line with the City's rates in the near future. Based on this study, proposed increases in the next five years will be only 2-4%. In contrast, other agencies are proposing 5% to 19% per year rate increases, (i.e. the City of Encinitas) in part to address neglected CIP programs needing critical financing. Fairbanks Ranch CSD will be raising fees 24% on July 1, 2024. The City has been taking a proactive approach to its CIP program over the years of addressing critical needs without having to suddenly raise rates.

Also, during the proposed rate period, the City will continue to pursue cost saving measures, such as contracting out sewer cleaning services. Solana Beach contracts out sewer cleaning services and this may allow them to charge lower rates.

XI. COMBINED UTILITY BILL IMPACTS

In the previous sections, the proposed water and wastewater rates were compared for the current and proposed rates. However, a customer's level of water demand may fluctuate throughout the year and bill amounts correspond accordingly. Comparing bills provides customers with further understanding of how both water and wastewater bills may adjust under the proposed rates for their specific meter size. **Figure XI-1** through **Figure XI-6** show how combined water and wastewater bills at current rates compare to bills at the proposed rates across a range of water usage. The final difference rows in each figure state the nominal change the and percentage change that customers can expect at the billed levels of water use for a given meter size.

Figure XI-1. Single Family Residential Bill Comparison

Single Family Residential customers - (5/8" meter)				
Water Use	**Low**	**Average**	**High**	**Very High**
Demand Assumptions				
hcf/bi-monthly period	11	22	44	66
gallons per day	137	274	549	823
% of bills up to flow assumption	*33%*	*61%*	*88%*	*95%*
Assumed Sewer Cap (hcf)	8	16	32	48
Utility Bill at Current Rates				
Water Bill	$156.46	$227.38	$391.72	$556.06
Wastewater Bill	$198.94	$270.78	$414.46	$558.14
Total Bill	**$355.40**	**$498.16**	**$806.18**	**$1,114.20**
Bills at Proposed Rates				
Water Bill	$157.56	$226.42	$388.56	$550.70
Wastewater Bill	$217.12	$292.64	$443.68	$594.72
Total Bi-Monthly Bill	**$374.68**	**$519.06**	**$832.24**	**$1,145.42**
$ Difference	$19.28	$20.90	$26.06	$31.22
% Difference	*5.4%*	*4.2%*	*3.2%*	*2.8%*

Percentage of bills based on 2022 billing data.

Figure XI-2. Multi-Family Residential Bill Comparison

Multi Family Residential customers - (1" meter)				
Water Use	**Low**	**Average**	**High**	**Very High**
Demand Assumptions				
hcf/bi-monthly period	23	46	92	138
gallons per day	287	574	1,147	1,721
Sewer volume (hcf)	21	41	83	124
% of bills up to flow assumption	*53%*	*79%*	*88%*	*93%*
Utility Bill at Current Rates				
Water Bill	$367.51	$514.94	$809.80	$1,104.66
Wastewater Bill	$506.32	$685.92	$1,063.08	$1,431.26
Total Bill	**$873.83**	**$1,200.86**	**$1,872.88**	**$2,535.92**
Bills at Proposed Rates				
Water Bill	$367.44	$524.07	$837.33	$1,150.59
Wastewater Bill	$552.24	$741.04	$1,137.52	$1,524.56
Total Bi-Monthly Bill	**$919.68**	**$1,265.11**	**$1,974.85**	**$2,675.15**
$ Difference	$45.85	$64.25	$101.97	$139.23
% Difference	*5.2%*	*5.4%*	*5.4%*	*5.5%*

Percentage of bills based on 2022 billing data.

Figure XI-3. Commercial/Institutional Customer Bill Comparison

Commercial/Institutional customers - (1" meter)				
Water Use	**Low**	**Average**	**High**	**Very High**
Demand Assumptions				
hcf/bi-monthly period	26	52	313	573
Sewer volume (hcf)	23	47	282	516
Utility Bill at Current Rates				
Water Bill	$389.60	$559.12	$898.16	$1,237.20
Wastewater Bill	$524.28	$739.80	$2,850.10	$4,951.42
Total Bill	**$913.88**	**$1,298.92**	**$3,748.26**	**$6,188.62**
Bills at Proposed Rates				
Water Bill	$387.61	$564.41	$918.01	$1,271.61
Wastewater Bill	$571.12	$797.68	$3,016.08	$5,225.04
Total Bi-Monthly Bill	**$958.73**	**$1,362.09**	**$3,934.09**	**$6,496.65**
$ Difference	$44.85	$63.17	$185.83	$308.03
% Difference	*4.9%*	*4.9%*	*5.0%*	*5.0%*

Figure XI-4. Hotels with Restaurant Customer Bill Comparison

Hotels with Restaurant customers - (2" meter)				
Water Use	**Low**	**Average**	**High**	**Very High**
Demand Assumptions				
hcf/bi-monthly period	26	226	544	863
Sewer volume (hcf)	23	203	490	777
Utility Bill at Current Rates				
Water Bill	$873.76	$2,177.76	$4,251.12	$6,331.00
Wastewater Bill	$1,309.55	$3,600.95	$7,254.46	$10,907.97
Total Bill	**$2,183.31**	**$5,778.71**	**$11,505.58**	**$17,238.97**
Bills at Proposed Rates				
Water Bill	$835.35	$2,195.35	$4,357.75	$6,526.95
Wastewater Bill	$1,349.92	$3,049.12	$5,758.40	$8,467.68
Total Bi-Monthly Bill	**$2,185.27**	**$5,244.47**	**$10,116.15**	**$14,994.63**
$ Difference	$1.96	($534.24)	($1,389.43)	($2,244.34)
% Difference	*0.1%*	*-9.2%*	*-12.1%*	*-13.0%*

Figure XI-5. Restaurant Customer Bill Comparison

Restaurant - (2" meter)				
Water Use	**Low**	**Average**	**High**	**Very High**
Demand Assumptions				
hcf/bi-monthly period	72	146	273	400
Sewer volume (hcf)	65	131	246	360
Utility Bill at Current Rates				
Water Bill	$1,173.68	$1,656.16	$2,484.20	$3,312.24
Wastewater Bill	$1,995.66	$2,989.62	$4,721.52	$6,438.36
Total Bill	**$3,169.34**	**$4,645.78**	**$7,205.72**	**$9,750.60**
Bills at Proposed Rates				
Water Bill	$1,148.15	$1,651.35	$2,514.95	$3,378.55
Wastewater Bill	$1,746.40	$2,369.44	$3,455.04	$4,531.20
Total Bi-Monthly Bill	**$2,894.55**	**$4,020.79**	**$5,969.99**	**$7,909.75**
$ Difference	($274.79)	($624.99)	($1,235.73)	($1,840.85)
% Difference	*-8.7%*	*-13.5%*	*-17.1%*	*-18.9%*

Figure XI-6. Fairgrounds Customer Bill Comparison

Fairgrounds	Low	Average	High	Very High
Demand Assumptions				
hcf/bi-monthly period	3,999	7,998	11,095	14,192
Sewer volume (hcf)	2,862	5,724	9,958	14,192
Utility Bill at Current Rates				
Water Bill	$94,041.48	$120,114.96	$140,307.40	$160,499.84
Wastewater Bill	$84,416.74	$113,809.48	$157,292.66	$200,775.84
Total Bill	**$178,458.22**	**$233,924.44**	**$297,600.06**	**$361,275.68**
Bills at Proposed Rates				
Water Bill	$108,610.51	$140,922.43	$165,946.19	$190,969.95
Wastewater Bill	$85,929.40	$118,813.78	$167,462.44	$216,111.10
Total Bi-Monthly Bill	**$194,539.91**	**$259,736.21**	**$333,408.63**	**$407,081.05**
$ Difference	$16,081.69	$25,811.77	$35,808.57	$45,805.37
% Difference	*9.0%*	*11.0%*	*12.0%*	*12.7%*

The figures above provide information as to how a customer's bi-monthly bill will increase or decrease for a single combined water and wastewater bill. Annually, customers can expect bills to modulate based on seasonal water demands or changing water needs. **Figure XI-7** through **Figure XI-9** provide additional context as to how City customers could see their combined utility bill payments for these services adjust over a full year. The analysis compares prospective bills at proposed rates for FY 2024-25 with bills at current rates, using recorded water use from CY 2022.

Figure XI-7. Annual Single-Family Residential Customer Combined Bill Adjustments

Single Family Residential Customers Annual Bill Adjustment	% of accounts
Decrease	0.6%
0-1% increase	0.6%
1-2% increase	12.1%
2-3% increase	11.8%
3-4% increase	23.4%
4-5% increase	21.6%
5-6% increase	18.5%
6-7% increase	11.6%
Total	100.0%

If customers use water at the same levels of past demand, their bills will likely increase. The majority of single family households will see an increase of at least 3% in their combined water and wastewater payments, based on the figure above, with the largest annual increase being 7% for the year. Increases greater than 5% are attributable to the increased fixed service charged for wastewater service. All accounts regardless of water use will be required to pay the fixed service charge.

Figure XI-8. Annual Multi-Family Residential Customer Combined Bill Adjustments

Multi Family Residential Customers	
Annual Bill Adjustment	% of accounts
4-5% increase	15.9%
5-6% increase	36.5%
6-7% increase	47.6%
Total	100.0%

Assuming future water usage follows 2022 patterns, multi-family accounts can expect an annual increase between 4-7% for the year.

Figure XI-9. Annual Commercial Customer Combined Bill Adjustments

Commercial Customers Customers	
Annual Bill Adjustment	% of accounts
15% to 22% decrease	7.5%
7% to 14% decrease	7.5%
0% to 6% decrease	4.2%
0-7% increase	80.8%
Total	100.0%

Commercial customer bills demonstrate the highest order of variability due to the adjustment in wastewater rates. Previously, customers charged more to account for their wastewater strength will see a significant decrease, as shown in **Figure XI-4** and **Figure XI-5**. Accounts connected to shopping centers, restaurants, and hotels with a restaurant will see the largest decrease in their combined utility bills. While these customers will likely see lower utility bills, the majority of customers (80.8%) can expect an increase of up to 7% of their annual utility bills for water and wastewater services. The increases capture the increases to Fixed Service charges for all wastewater customers and the increases to Volumetric Rates for customers previously categorized as Commercial or Institutional. The increases in bills reflect the higher Commodity Charges proposed, as well.

Chapter 21.12 WATER SUPPLY—WATER RATES AND CHARGES

21.12.010 Purpose.

A. The purpose of this Chapter is to provide water rates and charges.

B. Deposit and Documentation Required Upon Application for Service; Refund of Deposit. All applicants for water service shall complete the required forms supplied by the City before approval of water service can be given. Forms will be returned to the City within ten working days of application of service. Applicants failing to return the required forms will be subject to discontinuation of service. All applicants for water service shall deposit with the City a deposit for water service as provided in this Code. After the deposit has been held for 12 consecutive billing periods, during which time service has been continuous and bills have been paid within the allowable period without incurring a late penalty, the deposit will be automatically refunded without interest.

(Ord. No. 554; Ord. No. 664; Ord. No. 687; Ord. No. 768; Ord. No. 828)

21.12.020 Rates and Charges for Water Service.

The minimum bimonthly rate for all water furnished to a consumer through a water meter shall be determined by the size of water meter combined with usage as follows:

A. *Bimonthly Service Charge*. All water service customers of the City shall be subject to a fixed bimonthly service charge. The amount of the service charge shall be determined by the size of the water meter as follows:

Meter Size	Meter Bimonthly Service Charge Effective:				
	7/1/24	7/1/25	7/1/26	7/1/27	7/1/28
⅝"	$$88.70	$90.47	$92.28	$94.13	$96.01
¾"	129.41	$132.00	$134.64	$137.33	$140.08

1"	$210.81	$215.03	$219.33	$223.72	$228.19
1 ½"	$414.33	$422.62	$431.07	$439.69	$448.48
2"	$658.55	$671.72	$685.15	$698.85	$712.83
3"	$1,309.82	$1,336.02	$1,362.74	$1,389.99	$1,417.79
4"	$2,042.49	$2,083.34	$2,125.01	$2,167.51	$2,210.86
22nd DAA*	$76,298.59	$77,824.56	$79,381.05	$80,968.67	$82,588.04
*Total bimonthly charge for all meters					

B. *Bimonthly Commodity Charge*. All water service customers of the City shall be subject to commodity rates for each unit (100 cubic feet, 748 gallons) of water used. Commodity rates applicable to water service customers are as follows:

1. *Residential.*

Bimonthly Usage	Bimonthly Rate per Unit of Water Used, Effective:				
	7/1/24	7/1/25	7/1/26	7/1/27	7/1/28
Tier 1 0-22 units	$6.26	$6.39	$6.52	$6.65	$6.78
Tier 2 23+ units	$7.37	$7.52	$7.67	$7.82	$7.98
All usage/per unit	$6.81	$6.95	$7.09	$7.23	$7.37

2. *Non-Residential*. Commercial, Institutional, Fairgrounds, Irrigation.

The commodity rate per unit of water use is as follows:

	7/1/24	7/1/25	7/1/26	7/1/27	7/1/28
Commercial/ Institutional	$6.80	$6.94	$7.08	$7.22	$7.36
Irrigation	$7.11	$7.25	$7.40	$7.55	$7.70
Fairgrounds	$8.08	$8.24	$8.40	$8.57	$8.74

3. *Billing*. Charges for water service are billed on a bimonthly basis. Tier rate usage limits shall be double the monthly values for bimonthly billing purposes. Further adjustments of usage limits shall be made on a proportional basis only if the actual billing period exceeds 70 days.

C. *Special Use Charges*.

1. Fire Service charges will be assessed as follows:

Service Size	Monthly Charge
2—4"	$18.26
6"	23.08

2. A monthly service charge set forth in the City of Del Mar Fee Schedule per backflow prevention device will be assessed.

D. *Outside City Users*. When it appears to be in the best interest of the City and the people thereof, and when approved in writing by the City Manager, the owner or occupant of property situated outside the City may be permitted to have such property connected to the water system of the City. In addition to other fees, assessments or charges provided by this Chapter, the owner or occupant of property situated outside the City shall pay a water service charge equal to 100 percent of the charge for applicable service established by this Section.

In the event that the owner or occupant of such property fails to pay such water service charge, the City Manager shall have the right, upon five days notice, to disconnect the owner's or occupant's property from the water system.

E. *Pass Through Fees and Charges for Wholesale Water and Water Treatment and Delivery*. In accordance with Government Code § 53756, as it may be amended from time to time, all San Diego County Water Authority, Metropolitan Water District of Southern California, and the City of San Diego fees and charges for wholesale water, water related services and the treatment and delivery of water shall be passed through to Del Mar water utility customers.

(Ord. No. 488; Ord. No. 554; Ord. No. 564; Ord. No. 628; Ord. No. 650; Ord. No. 654; Ord. No. 664; Ord. No. 687; Ord. No. 713; Ord. No. 730; Ord. No. 768; Ord. No. 828; Ord. No. 903; Ord. No 948 , § 2, Exh. A, 6-3-2019; Ord. No. 968 , § 1, 7-20-2020)

21.12.030 Procedure for Altering Water Rates.

The City Manager shall, from time to time, prepare a recommendation for any change as deemed to be necessary for the ensuing fiscal year. Such recommendation shall be based upon a study of any increase or decrease in the cost of maintenance, repair and replacement of the water system.

The City Council shall, after public notice and hearing thereon, by ordinance, approve, disapprove or modify the recommendation of the City Manager. The effective date of any change in the water rates shall be specified in the ordinance passed by the City Council.

(Ord. No. 472)

21.12.040 Same—Fire Service and Automatic Fire Sprinkler Service.

The rates to be so charged and collected each month for fire service and automatic fire sprinkler service within the City shall be established by ordinance.

21.12.050 Same—Construction of Water Service.

The rates to be charged and collected for construction of water service and meter installation shall be established by ordinance.

21.12.060 Same—Service to City Departments.

The rates for water and water service supplied to the various departments of the City shall be the same as those rates in effect for all other consumers within the City, as in this Chapter specified, and the water and water service so furnished shall be charged to their respective budget accounts and paid for monthly from such funds into the fund provided for by the receipts from sale of water.

21.12.070 Reading of Meters; Average Bills When Meters Not Read; Billing When Meter Fails to Function; Where Water Bills to be Mailed.

Under ordinary conditions, continuous service meters shall be read monthly on approximately the same day of the month, and a bill issued showing the period covered by the meter readings, the quantity of water used, and the total charge for the service rendered. When it is impossible to read the meter due to any obstructions, an average bill, or a series of average bills, will be rendered, will be adjusted at the next actual reading date. If the meter fails to register, the charge for water will be based upon the average of the comparable period of the preceding year, taking into consideration the volume of business, weather conditions, and any other factors that may assist in determining an equitable charge. Unless the applicant for water service shall direct otherwise, all bills will be mailed to the premises where service is furnished.

21.12.080 Testing of Water Meters.

When the accuracy of a water meter is questioned, the department shall, upon the request of a consumer on the form provided, cause an official test to be made upon deposit by the consumer, an amount determined by the meter size and as established by ordinance.

If, upon examination of the meter to ascertain the accuracy of its operation, it shall be found to register over three percent more water than actually passed through it, another meter will be substituted therefor, and the fee charged for such test will be refunded to the person making the application. An adjustment for a period of three months prior to the test will be made on the basis of the percentage the meter is in error.

21.12.090 When Bills to be Mailed; When Bills Due; Re-establishment of Service.

A. Water bills based on meter readings shall be prepared and mailed to the consumers bimonthly. Bills will be due and payable upon receipt. No less than 19 days shall be allowed from the date of mailing such bills for

payment thereof, and bills will be deemed delinquent thereafter. A ten percent penalty per billing period will be charged on all delinquent bills.

B. If service is terminated in accordance with the provisions of the Title, service will not be renewed until the delinquent bill is paid together with penalties and charges, including the cost of reconnection as defined in this Title. An additional deposit will also be required pursuant to the rates established in this Chapter.

C. In the case of service to rental property, the property owner shall be liable for any billings not paid by the tenant.

(Ord. No. 554)

21.12.100 Adjustment of Bills.

Water bill adjustments may be made by the City in accordance with administrative regulations approved by the City Manager.

21.12.110 Persons Using Water Without Proper Application Liable for All Water Chargeable to Premises.

A person taking possession of any premises and using water through an active service connection without having made application to the City for water service shall be held liable for the water delivered from the date of the last recorded meter reading, and if the meter was found inoperative, the quantity of water consumed shall be estimated.

If proper application for water service is not made promptly upon notification to do so by the department without further notice.

21.12.120 Service May Be Denied Former Consumers Having Outstanding Bills.

When an application for water service is made by a former consumer who has failed to pay all bills for service previously rendered, the City may refuse to furnish water to such applicant until the outstanding bills are paid, plus any applicable penalties.

21.12.130 Department May Render Additional Services; Charges.

A. The department may render any reasonable service in connection with the supply of water service to consumers upon application at the main office of the department; provided that reasonable charges may be made for any expense involved in rendering the service.

B. All bills for labor, material furnished, or other charges not provided for otherwise, shall become due and payable at the same time and in the same manner as the next regular billing for water, and shall become delinquent at the same time as is provided for delinquent payments on regular water bills.

21.12.140 Water Rates and Charges.

The following rates and charges are established:

A. *Refundable Water Deposit.* The deposit shall be three times the base monthly service charge for new accounts, with a refund upon request after two years of acceptable payment history or upon termination of the account. If a customer's service is discontinued because of nonpayment, the customer is required to deposit with the City an amount equal to three times the base monthly service

charge. When two consecutive years of acceptable payments have been made or upon termination of the account, the deposit will be refunded at the request of the customer.

B. *Notification to Pay Bill (Door Hangers).* If a door hanger or any other personally delivered form of notification is required to notify customers of pending water shutoff, a charge as set forth in the City of Del Mar Fee Schedule will be paid before the water will be reconnected.

C. *Water Reconnect Penalties.* When it is necessary to shut off a customer's water because of nonpayment, the City will impose a penalty in an amount set forth in the City of Del Mar Fee Schedule and customer will be billed at actual costs of labor and vehicle for after hours reconnection. The penalty and all outstanding charges must be paid before the water will be reconnected.

If a disconnected service is illegally reconnected by the customer, a penalty in an amount set forth in the City of Del Mar Fee Schedule will be assessed. If it is necessary to remove the meter to prevent the customer from reconnecting the water, the customer will be required to pay an amount set forth in the City of Del Mar Fee Schedule and all outstanding charges before the meter can be reinstalled.

D. *Testing of Water Meters.* When the accuracy of a water meter is questioned by the customer, the City will remove the meter and send it out to be calibrated if requested by the customer and the meter is found to be in good working order, the customer will be charged the actual cost of the testing to the City. If the meter is found to be faulty, the City will incur the cost of calibration.

(Ord. No. 512; Ord. No. 828; Ord. No. 968 , § 2, 7-20-2020)

Chapter 21.70 EMERGENCY WATER MANAGEMENT[1]

21.70.010 Purpose.

This Chapter establishes an emergency water management program in order to conserve water supplies, minimize the effects of water supply shortages, and allow the City to respond to water emergency conditions. (Cal. Const. Art. X, §§ 2 and 7; and Water Code § 375.)

(Ord. No. 603; Ord. No. 816; Ord. No. 828; Ord. No. 903; Ord. No. 998 , § 1, 6-19-2023)

21.70.020 Scope of Chapter.

The provisions of this Chapter shall apply to all persons using water delivered by the City.

(Ord. No. 998 , § 1, 6-19-2023)

21.70.030 Water Conservation Policy.

A. It is the policy of the City that all public and private users of water delivered by the City shall use such water for reasonable purposes and in a reasonable manner in a conscientious effort to conserve water.

B. When the emergency water use regulations in this Chapter are not declared to be in effect, those regulations may still be considered as recommended methods for voluntarily conserving water.

C. The City may initiate and maintain education programs to encourage the conservation of water.

(Ord. No. 998 , § 1, 6-19-2023)

Cross reference(s)—Water conservation program, Ch. 21.60.

21.70.040 Water Management Regulations.

A. *Levels.* During water shortages, the City shall impose water use regulations in levels. Sections 21.70.100 et seq. of this Chapter contain a sequential, regulatory program of increasingly more stringent prohibitions on the use of water delivered within the City. When the City declares that a particular water shortage level is in effect, the regulations contained in a declared level shall be complied with by all persons using water delivered by the City.

B. *Declaration of Level.*

[1]Ord. No. 998 , § 1, adopted June19, 2023 amended Ch. 21.70 in its entirety to read as set out herein. Former Ch. 21.70, §§ 21.70.010—21.70.160 pertained to similar subject matter. Historical notations have been retained for reference purposes.

1. The City shall monitor the projected supply of water and the demand for water by persons within its jurisdiction and, in consultation with those agencies providing water to City, determine when water management regulations are required in order for the City to deal with water shortages.
2. When it is determined that a particular level of water management regulation is required, either the City Council or the City Manager may issue a declaration which will announce the level of regulatory management that is to be imposed. Moving to Level 6 requires a properly noticed public hearing.
3. The declaration shall be made by public announcement posted at City Hall. Also, the City Manager may publish a notice of the determination in a newspaper of general circulation and on the City website.
4. If the declaration is made by the City Manager, the matter shall be placed on the agenda of the City Council at its next meeting. The City Council shall thereupon ratify the City Manager's declaration, rescind the declaration, or issue its own declaration.
5. The regulatory level announced in the declaration shall become effective seven days following the date of posting; except, when a water emergency is declared, the regulatory level shall become effective immediately upon posting.

(Ord. No. 998 , § 1, 6-19-2023)

21.70.050 Modification of Regulation as Applied In Special Circumstance.

A. *Appeals Board.* An Appeals Board for this Chapter shall consist of the City Council.

B. *Appeal.*

1. Any person subject to the regulations and decisions imposed in accordance with the provisions of this Chapter may submit an appeal, in writing, to the City Clerk.
2. The City Manager may render a decision or set the matter to be heard by the Appeals Board which will render a written decision within 30 calendar days of the receipt of the appeal.
3. If the appellant is dissatisfied with the City Manager's determination, the appellant may seek a review by the Appeals Board.

C. *Modification Authorized.* In accordance with the procedures provided above, the City Manager and the Appeals Board are authorized to make minor and limited modifications to any regulation in this Chapter when it has been demonstrated that due to special circumstances as applied to a particular case, the application of the unmodified regulation constitutes a threat to health, safety or welfare or will result in an undue, unreasonable hardship. Provided, however, that such modification shall not cause water to be wasted or used in an unreasonable manner and the purposes of this Chapter can be accomplished.

(Ord. No. 998 , § 1, 6-19-2023)

21.70.060 Prohibition.

A. It is unlawful for any person to knowingly use water or permit the use of water supplied by the City in a manner contrary to any provision of this Chapter declared to be in effect. (Misdemeanor in accordance with Water Code § 377.)

B. The use of reclaimed or "grey" water in accordance with the regulations of the Department of Health Services and in accordance with any other applicable regulations, is not subject to the regulations of this Chapter.

C. It is a misdemeanor for anyone to tamper with or otherwise interfere with the operation of a water meter without the express authority, in writing, of the City.

D. It is unlawful for any person to knowingly present false information to the City when information is requested by the City in accordance with the provisions of this Chapter.

E. Compliance with this Section is a condition imposed upon the continued uninterrupted delivery of water.

(Ord. No. 998 , § 1, 6-19-2023)

21.70.090 Enforcement—Restricting or Discontinuing Water Service.

A. A continued, willful failure to comply with the conditions imposed upon the continued, uninterrupted delivery of water may result in a Notice of Violation being mailed to the metered customer, accompanied by a copy of relevant portions of these regulations.

B. Failure to correct the violation by bringing water use into compliance with the conditions imposed upon the continued, uninterrupted delivery of water will result in a Notice of Hearing Re: Violation being mailed to the metered customer.

C. The City Manager shall conduct the hearing. The noticed person shall have the opportunity to present information and arguments in response to the notice.

D. Following the hearing, if an uncured violation is found to exist, the City Manager may order either:

1. The installation of a flow restrictor in the meter for a minimum of 72 hours; or

2. Discontinuance of water service for a specified period of time.

E. When it is necessary to install a flow restrictor or to discontinue service, a metered customer shall pay a fee of $250.00 to the City. When it is necessary to remove a flow restrictor or to re-establish water service, a metered customer shall pay a fee of $250.00 to the City. The fees referenced in this subparagraph are payable by the metered customer when the service is rendered. Further, payment in full of all outstanding fees is a condition to the restoration of full service.

(Ord. No. 998 , § 1, 6-19-2023)

21.70.110 Water Shortage Level 1—Watch Condition.

A. A Water Shortage Level 1 condition is also referred to as a " Water Storage Watch" condition. Level 1 shall be declared to encourage voluntary water conservation with an aim towards reducing water demand by up to 10%. This Level 1 condition applies when the Water Authority notifies its member agencies to activate the appropriate voluntary provisions of the water shortage contingency plan.

B. When Level 1 is declared and in effect, all persons shall comply with the voluntary water usage reductions and other mandatory conditions as may be identified by the Governor, State of California, or San Diego County Water Authority.

C. When Level 1 is declared and in effect, metered customers of the City shall receive uninterrupted water delivery subject to the modified volumetric rates as follows:

Volumetric rates applied to usage by customer classes.

Bimonthly Usage	Bimonthly Rate per Unit of Water Used During Water Shortage Level 1				
	7/1/2024	7/1/2025	7/1/2026	7/1/2027	7/1/2028
Single-Family					
Tier 1: 1-22 units	$6.34	$6.47	$6.60	$6.74	$6.87
Tier 2: 23+ units	$7.47	$7.62	$7.77	$7.92	$8.08
Multi-Family	$6.91	$7.06	$7.20	$7.34	$7.48
Commercial/ Institutional	$6.89	$7.03	$7.17	$7.31	$7.46
Irrigation	$7.33	$7.48	$7.63	$7.79	$7.94
Fairgrounds	$8.29	$8.45	$8.62	$8.79	$8.96

C. Irrigating "Non-Functional Turf" at commercial, industrial, and institutional sites is prohibited. "Non-Functional Turf," as defined in section 996 of title 23 of the California Code of Regulations, as may be amended from time to time, is defined as any turf (grass) that is solely ornamental and not regularly used for human recreational purposes or for civic or community events. "Non-Functional Turf" does not include sports fields and turf that is regularly used for human recreational purposes of for civic or community events.

1. Notwithstanding subsection (C)(1), the use of water is not prohibited by this section to the extent necessary to ensure the health of trees and other perennial non-turf plantings or to the extent necessary to address an immediate health and safety need.

2. Notwithstanding subsection (C)(1), the City may approve a request for continued irrigation of non-functional turf where the user certifies that the turf is a low water use plant with a plant factor of 0.3 or less, and demonstrates the actual use is less than 40% of reference evapotranspiration.

D. Wasteful and Unreasonable Water Uses are prohibited as listed in section 995 of title 23 of the California Code of Regulations to prevent unreasonable use of water and to promote water conservation. The following water usage activities are prohibited:

1. Washing down paved surfaces, including but not limited to sidewalks, driveways, parking lots, tennis courts, or patios, except when it is necessary to alleviate safety or sanitation hazards.

2. Water waste resulting from inefficient landscape irrigation, such as runoff, low head drainage, or overspray, etc. Similarly, irrigation causing water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures are prohibited.

3. Irrigation is prohibited during and within 48 hours after measurable rainfall of at least one-fourth of one inch of rain.

4. Use of a handheld hose equipment without a positive shut-off nozzle to wash vehicles, except where the hose is fitted with a shut-off nozzle. It is encouraged to use a bucket to wash vehicles or at a commercial site with recirculated water.

5. Use of potable water to operate ornamental fountains with exceptions for those fountains that use pumps to recirculate water and only require refilling to replace evaporative losses.

6. Use of potable water for street cleaning or construction purposes, unless non-potable water is unavailable or as-needed to protect the health and safety of the public.

E. In addition to the water usage reductions and other conditions referenced in subsections B, C, and D above, when Level 1 is declared and in effect all persons are requested to comply with the following water demand reduction measures;

1. Irrigate residential and commercial landscape before 10:00 a.m. or after 6:00 p.m.; limited to three applications per week.
2. Serve and re-fill water in restaurants, bars, and other food service establishments only upon request.
3. Offer guests in hotels, motels, and other commercial lodging establishments the option of not laundering towels and linens daily.
4. Repair all water leaks within 72 hours of notification by the City.

Additional Conditions on Uninterrupted Delivery: None.

(Ord. No. 816; Ord. No. 828; Ord. No 948 , § 2, Exh. B, 6-3-2019; Ord. No. 984 , § 1, 12-13-2021; Ord. No. 991 , § 1, 7-11-2022; Ord. No. 998 , § 1, 6-19-2023)

21.70.120 Water Shortage Level 2—Warning Condition.

A. Water Shortage Level 2 condition is also referred to as a " Water Shortage Warning" condition. Level 2 shall be declared when the City determines that water usage should be reduced up to 20 percent from the ordinary demand requirement, as determined by the City.

B. When Level 2 is declared and in effect, metered customers of the City shall receive uninterrupted water delivery subject to the modified volumetric rates as follows:

Volumetric rates applied to usage by customer classes.

Bimonthly Usage	Bimonthly Rate per Unit of Water Used During Water Shortage Level 2				
	7/1/2024	7/1/2025	7/1/2026	7/1/2027	7/1/2028
Single-Family					
Tier 1: 1-22 units	$6.44	$6.57	$6.70	$6.84	$6.97

Tier 2: 23+ units	$7.58	$7.73	$7.89	$8.04	$8.21
Multi-Family	$7.04	$7.19	$7.33	$7.48	$7.62
Commercial/ Institutional	$6.99	$7.14	$7.28	$7.43	$7.57
Irrigation	$7.68	$7.83	$7.99	$8.15	$8.31
Fairgrounds	$8.58	$8.75	$8.92	$9.10	$9.28

C. When Level 2 is declared and in effect, the demand reduction measures listed in Level 1 shall become mandatory. Additional measures may be implemented based on City Council direction or Emergency Orders.

(Ord. No. 816; Ord. No. 828; Ord. No. 903; Ord. No 948 , § 2, Exh. B, 6-3-2019; Ord. No. 991 , § 1, 7-11-2022; Ord. No. 998 , § 1, 6-19-2023)

21.70.130 Water Shortage Level 3— Acute Condition.

A. A Water Shortage Level 3 condition is also referred to as an "Acute Water Shortage" condition. Level 3 shall be declared when the City determines that water usage should be reduced up to 30 percent from the ordinary demand requirement, as determined by the City.

B. When a Level 3 is declared and in effect, metered customers of the City shall receive uninterrupted water delivery subject to the modified volumetric rates as follows:

Volumetric rates applied to usage by customer classes.

Bimonthly Usage	Bimonthly Rate per Unit of Water Used During Water Shortage Level 3				
	7/1/2024	7/1/2025	7/1/2026	7/1/2027	7/1/2028
Single-Family					
Tier 1: 1-22 units	$6.55	$6.69	$6.83	$6.96	$7.10
Tier 2: 23+ units	$7.72	$7.87	$8.03	$8.19	$8.35
Multi-Family	$7.20	$7.35	$7.50	$7.65	$7.80
Commercial/ Institutional	$7.12	$7.27	$7.42	$7.56	$7.71
Irrigation	$8.27	$8.43	$8.61	$8.78	$8.96
Fairgrounds	$9.02	$9.20	$9.38	$9.57	$9.76

C. In addition to the water usage reductions and other conditions referenced in Level 1 and Level 2, when Level 3 is declared and in effect all persons are requested to comply with the following water demand reduction measures:

1. Irrigate residential and commercial landscape before 10:00 a.m. or after 6:00 p.m.; limited to two applications per week. Irrigation is prohibited during and within 48 hours after measurable rainfall of at least one-fourth of one inch of rain.

2. Repair all water leaks within 48 hours of notification by the City.

3. Only wash vehicles or at a commercial site with recirculated water.

(Ord. No. 816; Ord. No. 828; Ord. No. 903; Ord. No 948 , § 2, Exh. B, 6-3-2019; Ord. No. 998 , § 1, 6-19-2023)

21.70.140 Water Shortage Level 4—Critical Condition.

A. A Water Shortage Level 4 condition is also referred to as a " Critical Water Shortage " condition. Level 4 shall be declared when the City requires a demand reduction of 40 percent in order for the City of Del Mar to have maximum supplies available to meet anticipated demands from the ordinary demand requirement, as determined by the City.

B. When Level 4 is declared and in effect, metered customers of the City shall receive uninterrupted water delivery subject to the modified volumetric rates as follows:

Volumetric rates applied to usage by customer classes.

Bimonthly Usage	Bimonthly Rate per Unit of Water Used During Water Shortage Level 4				
	7/1/2024	7/1/2025	7/1/2026	7/1/2027	7/1/2028
Single-Family					
Tier 1 1-22 units	$6.69	$6.83	$6.97	$7.11	$7.25
Tier 2 23+ units	$7.88	$8.04	$8.20	$8.36	$8.53
Multi-Family	$7.41	$7.56	$7.71	$7.86	$8.02
Commercial/ Institutional	$7.28	$7.43	$7.58	$7.73	$7.88
Irrigation	$9.50	$9.69	$9.89	$10.09	$10.29
Fairgrounds	$9.75	$9.95	$10.14	$10.34	$10.55

C. The water usage reductions and other conditions established in Level 1, Level 2, and Level 3 will remain in place. Additional demand reduction measures will be established by the City Council and implemented.

(Ord. No. 816; Ord. No. 828; Ord. No. 903; Ord. No 948 , § 2, Exh. B, 6-3-2019; Ord. No. 998 , § 1, 6-19-2023)

21.70.150 Water Shortage Level 5—Emergency Condition.

A. A Water Shortage Level 5 condition is also referred to as a "Water Shortage Emergency" condition. A Level 5 shall be declared when the City requires a demand reduction of 50 percent in order for the City of Del Mar to have maximum supplies available to meet anticipated demands from the ordinary demand requirement, as determined by the City.

B. When Level 5 is declared and in effect, metered customers of the City shall receive uninterrupted water delivery subject to the modified volumetric rates as follows:

Volumetric rates applied to usage by customer classes.

Bimonthly Usage	Bimonthly Rate per Unit of Water Used During Water Shortage Level 5				
	7/1/2024	7/1/2025	7/1/2026	7/1/2027	7/1/2028
Single-Family					

Tier 1 1-22 units	$6.87	$7.02	$7.16	$7.30	$7.45
Tier 2 23+ units	$8.09	$8.26	$8.42	$8.59	$8.76
Multi-Family	$7.68	$7.84	$8.00	$8.16	$8.31
Commercial/ Institutional	$7.48	$7.63	$7.79	$7.94	$8.10
Irrigation	$13.82	$14.09	$14.38	$14.67	$14.97
Fairgrounds	$11.26	$11.48	$11.70	$11.94	$12.18

C. The water usage reductions and other conditions established in Level 1, Level 2, Level 3, and Level 4 will remain in place. Additional demand reduction measures will be established by the City Council and implemented.

(Ord. No. 998 , § 1, 6-19-2023)

21.70.160 Water Shortage Level 6—Catastrophic Condition.

A. A Water Shortage Response Level 6 condition is also referred to as a "Catastrophic Water Shortage" condition. Level 6 shall be declared when the City declares a water shortage emergency pursuant to California Water Code Section 350 which requires a demand reduction of greater than 50 percent in order for the City of Del Mar to have maximum supplies available to meet anticipated demands from the ordinary demand requirement, as determined by the City.

B. When Level 6 is declared and in effect, metered customers of the City shall receive uninterrupted water delivery subject to the modified volumetric rates as follows:

Volumetric rates applied to usage by customer classes.

Bimonthly Usage	Bimonthly Rate per Unit of Water Used During Water Shortage Level 6				
	7/1/2024	7/1/2025	7/1/2026	7/1/2027	7/1/2028
Single-Family					
Tier 1 1-22 units	$6.97	$7.12	$7.26	$7.41	$7.55
Tier 2 23+ units	$8.21	$8.38	$8.54	$8.71	$8.89
Multi-Family	$7.88	$8.04	$8.20	$8.36	$8.53
Commercial/ Institutional	$7.59	$7.75	$7.91	$8.06	$8.22
Irrigation	N/A	N/A	N/A	N/A	N/A
Fairgrounds	$14.05	$14.32	$14.60	$14.90	$15.19

Note: Irrigation use is assumed to be curtailed at this Shortage Level.

B. The water usage reductions and other conditions established in Level 1, Level 2, Level 3, Level 4 and Level 5 will remain in place. Additional demand reduction measures will be established by the City Council and implemented.

(Ord. No. 998 , § 1, 6-19-2023)

21.70.170 Wastewater Utility Rates During Water Shortage Conditions.

A. Wastewater customers are billed for sewer service based on their water usage. During water shortage periods, water usage will decline and threaten the fiscal stability of the wastewater utility. Therefore, during water shortage periods, wastewater charges will be calculated based on the assumption that sewer usage is the same as the commensurate month from the last non-drought fiscal year. Drought sewer charges will be lifted after one full year of non-drought consumption records can be established.

1. *Residential.* Sewer discharges will be estimated based on the assumed sewage usage during the last non-drought year.

2. *Commercial.* Sewer discharges will be estimated based on 90 percent of the water usage during the last non-drought year. A user may petition to have their sewer discharge (water usage) assumption lowered if their annual water demand drops below their non-drought water demands by a level below the drought reduction levels plus an additional 20 percent. As a user can meet the previously defined criteria, their sewage discharge assumptions will be lowered to the current water demands, adding back any water savings required under the drought requirements. As an example, if the drought reductions are 20 percent, and the user drops their water consumption by 45 percent, then the resulting sewer will be calculated based on 120 percent of the current water consumption.

3. *Fairgrounds.* Sewer commodity charges during drought conditions will be calculated based on the greater of (1) the rolling average of the past same bimonthly period during the last three fiscal years or (2) the actual metered sewage.

(Ord. No 948 , § 2, Exh. B, 6-3-2019; Ord. No. 998 , § 1, 6-19-2023)

21.70.180 Additional Conditions on Uninterrupted Delivery.

In accordance with California Government Code § 53756, the rates posted above will be adjusted accordingly to account for any increases in the purchase cost of wholesale water, or increases in inflationary measure.

(Ord. No. 998 , § 1, 6-19-2023)

Chapter 22.04 GENERAL

22.04.010 Definitions.

For the purpose of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section.

A. Unless otherwise defined herein, terms related to water quality shall be as adopted in the latest edition of Standard Methods for Examination of Water and Wastewater, published by the American Public Health Association, the American Water Works Association and the Water Environment Federation. The testing procedures for waste constituents and characteristics shall be as provided in 40 CFR 136 (Code of Federal Regulations).

B. Other terms not herein specifically defined shall have the same definition as set forth in the latest adopted editions of the California Codes of Regulations applicable to building construction adopted pursuant to the California Building Standards Law.

C. Subject to the foregoing provisions, the following definitions shall apply in these regulations:

1. *Applicant* means any person who applies for connections to the sewer system.

2. *Assessment* means a levy of special assessment which is shown on the records of the City. Any other assessment for a sewer main shall be construed as a nominal or partial assessment for the purposes of this Chapter.

3. *Best Management Practices* means schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce the introduction of Fats, Oils, and Grease (FOG) to the sewer facilities as more specifically provided for in Subsection 22.08.051.B. of these regulations.

4. *Change in Operations.* Any change in the ownership, food types, operational procedures or business practices that have the potential to increase the amount of FOG generated and/or discharged by Food Service Establishments in an amount that alone or in conjunction with other FOG discharges causes or creates a potential for sanitary sewer overflows (SSOs) to occur.

5. *City.* The City of Del Mar or the City Council of Del Mar.

6. *Composite Sample.* A collection of individual samples obtained at selected intervals based on an increment of either flow or time. The resulting mixture (composite sample) forms a representative sample of the waste stream discharged during the sample period.

7. *Department.* The Department of Public Works of the City. Action of the Department may be taken by the Director of Public Works or his duly authorized representative.

8. *Director.* The person designated by the City Manager to have charge of the administration and supervision of the Public Works Department, and such other duties as the City Manager may prescribe.

9. *Discharger.* Any person who discharges or causes a discharge of wastewater or waste directly or indirectly to the sewer facilities. Discharger shall mean the same as User.

10. *Effluent.* Any liquid outflow from a Food Service Establishment that is discharged to the sewer facilities.

11. *Equivalent Dwelling Unit* means the unit of measure which is based on the flow characteristics of an average single-family residence in terms of sewage quantity and constituent quality.

12. *Extension* means an extension of an existing sewer main.

13. *Fats, Oils, and Grease ("FOG")* means any substance such as a vegetable or animal product that is used in, or is a by-product of, the cooking or food preparation process, and that turns or may turn viscous or solidifies or may solidify with a change in temperature or due to other conditions. Discharges of FOG to the sewer system from a Food Service Establishment constitute the discharge of industrial waste.

14. *FOG Control Program* means the FOG control program required by and developed pursuant to SWRCB Order No. 2006-0003-DWQ, Section (D)(13)(vii) and by the RWQCB directive R9-2007-0005.

15. *FOG Control Program Administrator* means the individual designated by the City Manager to administer the FOG Control Program. Except as otherwise set forth in this Chapter, the FOG Control Program Administrator is responsible for all determinations of compliance with the FOG control program.

16. *Food Service Establishment* means facilities defined in California Uniform Retail Food Facilities Law (CURFFL), California Health and Safety Code Section 113785, and any commercial entity discharging directly or indirectly to the City's sewer system, operating in a permanently constructed structure such as a room, building, or place, or portion thereof, maintained, used, or operated for the purpose of storing, preparing, serving, manufacturing, packaging, or otherwise handling food for sale to other entities, or for consumption by the public, its members or employees, and which has any process or device that uses or produces FOG, or grease vapors, steam, fumes, smoke or odors that are required to be removed by a Type I or Type II hood.

17. *Food Grinder* means any device installed for the purpose of grinding food waste or food preparation by-products for disposal to the sewer system.

18. *General Business/Institutional* shall mean all businesses, offices, governmental agency offices and any other similar user not otherwise included in another category and with a combined sewer strength of less than or equal to a Single-Family Residence.

19. Grab Sample. A sample taken from a waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time.

20. *Gravity Grease Interceptor* means a multi-compartment device that is constructed in different sizes and is generally required to be located, according to the California Plumbing Code, underground between a Food Service Establishment and the connection to the sewer system. These devices primarily use gravity to separate FOG from the wastewater as it moves from one compartment to the next. These devices must be cleaned, maintained, and have the FOG removed and disposed of in a proper manner on regular intervals to be effective.

21. *Grease* means any material which is extractable from an acidified sample of a waste by hexane or other designated solvent and as determined by the appropriate procedure in "Standard Methods" (includes fats and oils).

22. *Grease Control Device* means any gravity grease interceptor, hydromechanical grease interceptor or other mechanism, device, or process, which attaches to, or is applied to, wastewater plumbing fixtures and lines, the purpose of which is to trap, collect or treat FOG prior to discharge into the

sewer system. "Grease control device" may also include any other proven method to reduce FOG subject to the approval of the City.

23. *Hotel/Motel* means all living units of a transient nature including hotel and motel rental room units, and also living units of a permanent nature which do not contain any kitchen facilities. Excluded from the category are Major Full Service Hotels.

24. *Hot Spots* means areas in sewer lines that have experienced sanitary sewer overflows or that must be cleaned or maintained frequently to avoid blockages of the sewer system.

25. *Hydromechanical Grease Interceptor* means a grease control device that is used to serve individual fixtures and have limited effect and should only be used in those cases where the use of a gravity grease interceptor or other grease control device is determined to be impossible or impracticable. Formerly referred to as a grease trap.

26. *Industrial Wastewater* means all water-carried wastes and wastewater of the community, excluding domestic wastewater and uncontaminated water. Includes all waste-water from any producing, manufacturing, processing, institutional, commercial or agricultural source.

27. *Inflow* means surface, storm water or urban runoff which enters the sewer system. Inflow may, in certain circumstances, cause a rapid increase in wastewater flows.

28. *Infiltration* means water entering the sewer system from the ground through such means as defective pipes, pipe joints, connections, or manhole walls.

29. *Inspector* means a person authorized by the City Manager to inspect any existing or proposed wastewater or waste generation, conveyance, processing and/or disposal facilities.

30. *Interceptor* means a hydromechanical or gravity grease interceptor.

31. *Interference* means any discharge which, alone or in conjunction with discharges from other sources, inhibits or disrupts the City's sewer system, collection processes or operations; or is a cause of violation of Chapter 22 of the City of Del Mar Municipal Code.

32. *Limited Food Preparation Establishment* means an establishment engaged only in reheating, hot holding or assembly of ready-to-eat (precooked and prepackaged) food products from which establishment there is only a de minimus discharge of FOG to the sewer system. A limited food service preparation establishment is not considered a Food Service Establishment under this Chapter. A limited food preparation establishment does not include any preparation that changes the form, flavor or consistency of food. Any person who contends that he/she/it meets the definition of a limited food preparation establishment shall have the burden to establish that he/she/it meets the criteria set forth in this definition.

33. *Main* means an existing sewer main in the sanitary sewer system of the City.

34. *Major Full Service Hotel* shall mean a full service facility having rooms, restaurant(s) and/or bars serving food, and/or providing room service from an onsite kitchen.

35. *Manifest* means that receipt to be retained by the generator of wastes for disposing of recyclable wastes or other liquid or solid wastes as required by the City or a regulatory agency.

36. *New Construction* means any structure planned or under construction for which a sewer connection permit has not been issued.

37. *Person* means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

38. *Pretreatment* or *Treatment* means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing to the sewer system.

39. *Regulatory Agencies* means regulatory Agencies shall mean those agencies having regulatory jurisdiction over environmental quality matters, including, but not limited to:

    a. United States Environmental Protection Agency, Region IX, San Francisco and Washington, DC (EPA).

    b. California State Water Resources Control Board (SWRCB).

    c. California Regional Water Quality Control Board, San Diego Region (RWQCB).

    d. Air Pollution Control District County of San Diego, Air Quality Management District (AQMD).

    e. California Department of Health Services (DOHS).

    f. San Diego County Department of Environmental Health (DEH).

40. *Remodeling* means a physical or operational change (a) causing an increase in the amount of FOG discharged to the sewer system by a Food Service Establishment which amount, alone or in conjunction with other FOG discharges, causes or creates a potential for an SSO to occur; or (b) exceeding a cost of $50,000.00 to a Food Service Establishment, requiring a building permit, and involving any one or combination of the following: (1) under slab plumbing in the food processing area, (2) a 30 percent increase in the net public seating area, (3) a 30 percent increase in the size of the kitchen area, or (4) any change in the size or type of food preparation equipment.

41. *Residential* shall refer to all living or dwelling units (as defined by the Uniform Building Code) of a permanent, rather than transient nature, including single-family residences, apartments, manufactured homes, townhouses and condominiums.

42. *Restaurant* shall mean all establishments whose principal activity involves on-premise service of meals and food, including coffee shops and cafes. Also included in this category are bakeries whose principal activity involves the production of baked goods onsite.

43. *Sample Point* means a location approved by the City, from which industrial wastewater can be collected that is representative in content and consistency of the entire flow of industrial wastewater being discharged to the sewer system.

44. *Sampling Facilities* means structure(s) provided at the user's expense for the City or user to measure and record wastewater constituent mass concentrations, collect a representative sample, or provide access to plug or terminate the discharge to the sewer system.

45. *Sewage* means wastewater.

46. *Sewer Connection* or *lateral* means the service pipes extending from the private property line to the public sewer main in a public street, alley or easement.

47. *Sewer System* means the sewer system of the City, as acquired by the City from the Del Mar Utilities, together with any additions thereto.

48. *Shopping Center* shall be defined as more than one commercial unit connected to the same water meter where at least one business exists whose principal activity falls into the restaurant category. Also included in this category are any businesses defined as a Take-Out-Food Business.

49. *Sludge* means any solid, semi-solid or liquid decant, subnate or supernate from a manufacturing process, utility service, or pretreatment facility.

50. *Supermarket* shall mean all businesses whose principal activity involves retail sale of groceries and which have onsite waste grinders attached to the sanitary sewer system.

51. *Take-Out-Food Business* shall be defined as all drive-ins, sandwich shops, fast food outlets and similar businesses whose principal activity involves food services but which do not provide on-premises eating facilities or which provide only disposable eating implements (paper plates, plastic utensils, etc.)

52. Twenty-five percent (25%) Rule. Requirement for gravity grease interceptors to be maintained such that the combined FOG and solids accumulation does not exceed 25 percent of the design hydraulic depth of the gravity grease interceptor. This is to ensure that the minimum hydraulic retention time and required available hydraulic volume is maintained to effectively intercept and retain FOG prior to entry into the public sewer system.

53. *User* means any person who discharges or causes a discharge of wastewater or waste directly or indirectly to sewer facilities. "User" shall mean the same as Discharger.

54. *Waste* means sewage and any and all other waste substances, liquid, solid, gaseous or radioactive, associated with human habitation or of human or animal nature, including such wastes placed within containers of whatever nature prior to and for the purpose of disposal.

55. *Wastewater* means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which is contributed into or permitted to enter the sewer system.

56. *Waste Minimization Practices* means plans or programs intended to reduce or eliminate discharges to the sewer system or to conserve water, including, but not limited to, product substitutions, housekeeping practices, inventory control, employee education, and other steps as necessary to minimize waste or wastewater produced.

57. *Wastehauler* means any person carrying on or engaging in vehicular transport of waste as part of, or incidental to, any business for that purpose.

58. *Wastewater* means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which is contributed into or permitted to enter the sewer system.

59. *Wastewater Constituents and Characteristics* means the individual chemical, physical and bacteriological parameters, including volume and flow rate, and such other parameters that serve to define, classify or measure the quality and quantity of wastewater.

D. Words used in these regulations in the singular may include the plural and the plural the singular. Use of masculine shall mean feminine and use of feminine shall mean masculine. Shall is mandatory; may is permissive or discretionary.

(Ord. No. 106, § 1; Ord. No. 488; Ord. No. 472; Ord. No. 655; Ord. No. 828; Ord. No. 831)

22.04.020 Service and Connection Charges.

A. The sewer service and connection charges for each residential, commercial or other persons using the municipal sanitary sewer system of the City shall be:

1. *Bimonthly Service Charge.*

Single Family: The bimonthly wastewater (sewer) service for single family is equal to the charge for a ⅝" meter of $127.10, regardless of size, beginning January 1, 2024; $141.60 beginning July 1, 2024;

$144.43 beginning July 1, 2025; $147.32 beginning July 1, 2026; $150.27 beginning July 1, 2027; and $153.28 beginning July 1, 2028.

Multi-Family, Commercial, Institutional: The sewer service for each multi-family, commercial or institutional service using the municipal sanitary system of the City shall be:

Bimonthly Service Charge Effective:						

Meter Size	7/1/24	7/1/25	7/1/26	7/1/27	7/1/28
⅝"	$141.60	$144.43	$147.32	$150.27	$153.28
¾"	$212.40	$216.65	$220.98	$225.40	$229.91
1"	$354.00	$361.08	$368.30	$375.67	$383.18
1 ½"	$708.00	$722.16	$736.60	$751.33	$766.36
2"	$1,132.80	$1,155.4	$1,178.57	$1,202.14	$1,226.18
3"	$2,265.60	$2,310.91	$2,357.13	$2,404.27	$2,452.36
Fairgrounds	$53,045.02	$54,105.92	$55,188.04	$56,291.80	$57,417.64

2. *Bimonthly Commodity/Volume Charge.* For single family residential users the bimonthly commodity/volume charge will be based on winter water usage subject to the limitations of the sewer cap which is set annually each July 1. The sewer cap will be derived using 100 percent of the water usage for the lowest billing period (two months) during the wet winter months, October through April. If that calculation yields a number less than eight units, the cap will be set at eight units.

   Each billing period the single-family residential customer sewer commodity charge will be calculated by using 100 percent of the water used during that billing period by the single family residential commodity rate in effect. If the 100 percent calculation yields a water usage amount that exceeds the individual customer's cap, the customer will be billed for the cap amount. The cap will not apply in calculating the commodity charge for residential customers who have installed sub-meters or irrigation meters where household use without irrigation can be calculated.

	7/1/24	7/1/25	7/1/26	7/1/27	7/1/28
Single-Family Residential	$9.44	$9.63	$9.82	$10.02	$10.22
General/Multi-Family	$9.44	$9.63	$9.82	$10.02	$10.22
Fairgrounds:* (*100% of metered use)	$9.44	$9.63	$9.82	$10.02	$10.22

* The sewer commodity rate for the Fairgrounds is subject to change pending results of required annual strength testing. If strength measurements increase, the commodity rate will increase accordingly. Reductions in strength measurements will result in a commensurate decrease in the commodity rate.

3. *Pass Through Fees and Charges for Wastewater Treatment and Transportation.* All City of San Diego fees and charges for the treatment and transportation of Del Mar's wastewater shall be passed through to Del Mar sewer utility customers.

4. *Fats, Oils, and Grease Program Non-Compliance Bimonthly Service Surcharge and Volume Charge.* Restaurants not compliant with the City's Fats, Oils, and Grease Program as identified in this Chapter 22.04 and Chapter 22.08 of the Del Mar Municipal Code may be assessed an additional FOG Program Non-Compliance Surcharge in addition to the monthly service charges identified above. The FOG Program Non-Compliance Surcharge shall be assessed on a bimonthly basis as a fixed additional bimonthly service charge as follows:

7/1/19	1/1/20	1/1/21	1/1/22	1/1/23	1/1/24
$82.11	$86.22	$90.53	$95.05	$99.81	$104.80

An additional volume charge will also apply to 90 percent of water usage as follows:

7/1/19	1/1/20	1/1/21	1/1/22	1/1/23	1/1/24
$12.42	$13.01	$13.66	$14.34	$15.06	$15.81

5. *Sub Meters.* If the property owner determines that it is in his/her best interest, a sub meter may be used to establish the wastewater units of return to sewer for the residential customer.

   a. Readings obtained from sub meters installed for the purpose of measuring exclusively indoor water use in hundred cubic feet (HCF) may be used by the City for the purpose of calculating the sewer commodity charge if the following conditions are met:

(1) An application requesting that the water readings from a sub meter be considered in determining the sewer commodity charge must be completed by the customer prior to the installation of a new sub meter. The application must, as a minimum, grant the City reasonable access to the property to read the sub meter on a periodic basis.

(2) The use of the sub meter must be pre-approved by the Public Works Director.

(3) The sub meter must be connected to a water line exclusively used for indoor water use, and shall read in units of water (HCF). The applicant agrees to City inspection and verification of indoor use.

(4) The sub meter must be registered, inspected and certified by the County Department of Agriculture, Weights, and Measures before its installation and every four years thereafter.

(5) A monthly service charge will be imposed for the meter reading during which the usage is recorded. That charge shall be 50 percent of the monthly water service charge for a ⅝" water meter.

b. It shall be the responsibility of the property owner to obtain and install, at the property owner's expense, the sub meter subject to the requirements of this section.

c. A penalty, requiring removal of the sub meter for a period of five years, will be imposed by the City for any sub meter found to be tampered with, adjusted, or improperly installed to produce false readings. It shall be the responsibility of the property owner to pay for the removal of the sub meter.

B. *Connection and Installation Fees.* The connection fee for a new connection needing to acquire capacity in the sewer system for the first time or upsizing an existing connection will be set as follows:

Meter Size	1/1/15	
⅝"	$6,443.54	
¾"	$9,665.31	
1"	$16,108.84	
1½"	$32,217.69	
2"	$51,548.30	
3"	$103,096.61	

Existing customers upsizing their water meter will be given a credit commensurate with the connection fee for the current meter.

C. *Sewer Installation Fee.* The owner or applicant for a connection to the City sewer system shall pay to the City an amount equal to the cost for labor and materials of the installation.

(Ord. No. 561; Ord. No. 651; Ord. No. 655; Ord. No. 665; Ord. No. 688; Ord. No. 699; Ord. No. 714; Ord. No. 731; Ord. No. 769; Ord. No. 828; Ord. No. 903; Ord. No 948 , § 2, Exh. C, 6-3-2019)

22.04.030 Same—Billing and Payment.

All sewer service charges imposed under the provisions of this Chapter shall be due and payable at the times and in the manner provided for the payment of water bills. Such sewer service charges shall be billed to the owner

or occupant of the premises on the same bill on which the water is billed to such owner or occupant, and shall be subject to the same penalties for delinquency. Such combined bill for water consumed and for sewer service charge shall be paid in its entirety and may not be severed for the separate payment of either portion thereof. Where the premises consume water from a source other than the City water system, the sewer service charge shall be billed to the owner or occupant of the premises in a separate bill. The sewer service charge may be collected by suit in any court of competent jurisdiction or any other manner.

(Ord. No. 106, § 20; Ord. No. 301, § 3)

22.04.040 Suspension of Sewer Service.

When deemed necessary by the Director of Public Works for the preservation of public health or safety or for the protection of public or private property, he may suspend sewer service to any person or persons using the sewer system in a manner or way to endanger the public health or safety of public or private property. In suspending service, he may sever all pertinent connections to the public sewer. If such endangerment shall be imminent, then the Director may act immediately to suspend sewer service coincident with notice or warning to such person.

(Ord. No. 106, § 16)

22.04.050 Right of Inspection.

The officers, employees or inspectors of the Water Utilities Department shall have the right to enter upon the premises of any person at reasonable hours to inspect or determine if this Chapter is being violated.

22.04.060 City Manager to Enforce Chapter Provisions.

The City Manager is hereby charged with the duty of enforcing this Chapter.

22.04.070 Negotiations with Applications.

The City Manager is authorized to carry on any preliminary negotiations or investigation with any person seeking the use of the sewage facilities of the City.

22.04.080 Application of Revenues.

Except as provided in Chapter 22.12, revenues derived under the provisions of this Chapter shall be used only for the acquisition, construction, reconstruction, maintenance and operation of the sanitary sewer system, and any surplus thereof shall be applied to the retirement of the bonded indebtedness now outstanding on the sanitary sewer system of the City. Such revenue shall not be used for the acquisition or construction of new local street sewers or laterals as distinguished from main trunk, interceptor and outfall sewers.

22.04.090 Notice to be Given when Premises are Vacated in Order for Water to be Cut Off.

In case a house or place of business becomes vacant, the regular minimum sewer service charge shall be charged and collected from the owner thereof, whether sanitary service is used or not, until the day upon which the office of the department is notified in writing of the fact that the property is unoccupied, and is requested to shut off water and sanitary service.

22.04.100 Unlawful to Permit Surface Drainage to Enter System.

No person shall allow, or permit to be allowed, whether knowingly or not, any surface or storm water runoff to enter into any portion of the City sewerage system through either sewer mains, laterals, manholes or any other location in the system.

22.04.110 Wastewater Utility Rates During Demand Management/Drought Conditions.

Wastewater customers are billed for sewer service based on their water usage. During drought periods, water usage will decline and threaten the fiscal stability of the wastewater utility. Therefore, during drought periods, wastewater charges will be calculated based on the assumption that sewer usage is the same as the commensurate month from the last non-drought fiscal year. Drought sewer charges will be lifted after one full year of non-drought consumption records can be established.

A. *Residential.* Sewer discharges will be estimated based on the assumed sewage usage during the last non-drought year.

B. *Commercial.* Sewer discharges will be estimated based on 90 percent of the water usage during the last non-drought year. A user may petition to have their sewer discharge (water usage) assumption lowered if their annual water demand drops below their non-drought water demands by a level below the drought reduction levels plus an additional 20 percent. As a user can meet the previously defined criteria, their sewage discharge assumptions will be lowered to the current water demands, adding back any water savings required under the drought requirements. As an example, if the drought reductions are 20 percent, and the user drops their water consumption by 45 percent, then the resulting sewer will be calculated based on 120 percent of the current water consumption.

C. *Fairgrounds.* Sewer commodity charges during drought conditions will be calculated based on the greater of:

(1) The rolling average of the same bi-monthly period from the last three fiscal years, or

(2) The actual metered sewage.

(Ord. No. 828; Ord. No 948 , § 2, Exh. C, 6-3-2019)

City of Del Mar
Agenda Report

TO: Honorable Mayor and City Council Members

FROM: Karen Falk, Principal Engineer
Joe Bride, Public Works Director
Via Ashley Jones, City Manager

DATE: May 6, 2024

SUBJECT: Camino Del Mar Bridge Project Update

REQUESTED ACTION/RECOMMENDATION:
Staff recommends that the City Council receive an update on the Camino del Mar Bridge Replacement project and provide feedback on the aesthetic options under consideration.

BACKGROUND:
The Camino Del Mar Bridge Replacement Project (Project) is one of the City's current Capital Improvement Program projects that will replace the roadway bridge over the San Dieguito River adjacent to North Beach. The existing bridge was constructed in 1932 and is beyond its useful life. The bridge was determined to be structurally deficient as part of the 2012 Final Rehabilitation Strategy Report completed by the California Department of Transportation (Caltrans). The report concluded replacement is the most cost-effective solution. Caltrans' concurrence allows a replacement bridge to receive significant Federal Highway Administration (FHWA) financing for the Project.

The existing bridge is approximately 600 feet long, 61 feet wide, and includes one northbound and one southbound vehicular roadway, one northbound and one southbound bike lane, and a pedestrian walkway on the west side. In comparison to the existing bridge, the replacement bridge would be located along the same horizontal alignment, would be slightly longer, wider, and higher, and would result in a reduction in the number of piers in the river mouth. The additional bridge width of 7-feet, 5 inches would accommodate two-way pedestrian and bicycle movement across the bridge. The roadway approach zones within Camino del Mar would also require modifications to accommodate the raised elevation of the bridge from approximately Sandy Lane to 300 feet north of the existing bridge. There will be no change in vehicular capacity as the existing two-lane Camino del Mar roadway would continue to provide one vehicle traffic lane in each direction.

City Council Action:

The proposed additional 28 feet in bridge length and additional 8 feet in bridge height near the center of the bridge would accommodate a mid-range sea level rise scenario of 38 inches by the year 2100 during a 100-year flood, while maintaining safe roadway design and avoiding roadway conflicts with driveways and coastal access points. The proposed design is consistent with the current best available science projections for sea level rise. This includes the draft 2024 State of California guidance that is currently in process, which states there is greater certainty and a narrowing range of sea level rise through 2050 (0.8 feet average) when compared to the prior 2018 State guidance and identifies an updated projection of 1.6 to 3.1 feet of sea level rise by 2100 (Intermediate-Low and Intermediate scenarios).

In 2018, City Council reviewed and selected a Bridge Type and, in 2019, determined that the bridge construction was to be staged to maintain multi-directional vehicular and pedestrian access to the maximum extent feasible throughout construction. The project is estimated to be constructed over 36 months using five construction stages (site preparation, east-side bridge replacement, west-side bridge replacement, closure of the center median, and final improvements). Pedestrian coastal (beach) access at four existing coastal access points near the bridge also would be maintained throughout the construction period.

DISCUSSION/ANALYSIS:

The Project has completed the Preliminary Engineering/Environmental Phase of the project. The City's design consultant, Kleinfelder, has satisfied the review comments from Caltrans and finalized the Type Selection Report establishing design criteria for the new bridge. The required CEQA analysis was completed, and the Initial Study/Mitigated Negative Declaration was adopted by City Council in April 2023. Caltrans is the federal lead agency for the project's National Environmental Policy Act (NEPA) review, which does not require City Council action. The NEPA Categorical Exemption is expected to be finalized by Caltrans this month following concurrence from the State Lands Commission.

Kleinfelder initiated the final design in April 2023. Included in this phase are field investigations, coordination with external utilities for the temporary displacement and design of infrastructure in the new bridge, final bridge and roadway designs, and resource agency permitting. Design and coordination with permitting agencies will continue through the end of 2025. This includes the California Coastal Commission, United States Army Corps of Engineers, United States Fish and Wildlife Service, National Oceanic Atmospheric Administration National Marine Fisheries Service, California Department of Fish and Wildlife, San Diego Regional Water Quality Control Board, and State Lands Commission.

City staff will issue a request for proposals for a construction management consultant later this year to onboard a team that will complete a constructability review and later be responsible for construction oversight and inspection.

Upon completion of design, Caltrans will review the final bid package and provide authorization for construction. This is tentatively scheduled for January through June 2026. With Caltrans approval, a Request for Bids will be issued with the bid phase

occurring approximately June through November 2026. Notice to Proceed for the 36-month construction is forecasted for December 2026 – December 2029.

Project Costs

The City's design consultant, Kleinfelder, updated the Engineer's Estimate in 2023, escalating costs from the 2021 Engineer's Estimate of $40 million to $51.5 million for construction cost. This is based on the design team's expertise and actual costs from other similar projects. This increase of 29% over two years is primarily attributable to varying market conditions such as increases in material cost, inflation, labor cost increases, etc.

These project costs are being provided for the purpose of planning and anticipating impact to the City's General Fund and Capital Reserve Fund. Bidding will determine the actual project cost; bid award is anticipated to occur in November 2026. Kleinfelder has included a 3.2% yearly escalation factor to escalate the costs to the midpoint of construction (2028), bringing the estimated cost for construction to $60 million. The total capital cost is estimated at $72.5 million, including the additional money that will be spent on the project for engineering analysis and design, environmental review, permitting, inspection, and construction oversight. Table 1 summarizes the cost estimates and future cost to the City.

Table 1 – Summary of Estimated Costs

Task	2021	2023	2028
Rehabilitation Analysis	$225,000	$225,000	$225,000
Preliminary Engineering/Environmental	$2,000,000	$2,000,000	$2,000,000
Final Design	$3,000,000	$3,000,000	$3,000,000
Construction	$40,000,000	$51,500,000	$60,000,000
Other Costs During Construction	$4,775,000	$7,275,000	$7,275,000
TOTAL	**$50,000,000**	**$64,000,000**	**$72,500,000**

Project Funding

The FHWA Highway Bridge Program (HBP) will provide 88.53% of the funding for eligible project costs, or $64.2 million. The HBP is a program that provides federal aid to local public agencies to replace structurally deficient, locally owned public bridges to keep the public safe. The HBP has many statutory, regulatory, and policy limitations on how funds can be used. Caltrans provides local assistance for the Federal funding and the Caltrans HBP Manager periodically reviews project components to ensure that they are eligible for HBP reimbursement. Typically, eligible project costs are those that replace what is existing and bring it from "poor" to "fair" or "good" condition using modern standards.

The City is obligated to fund the remaining $8.3 million, or 11.47%, in local match. To date, the City has received $5.7 million in grant funding towards the local match. Specifically, in 2021, due to the serious economic impacts of the COVID-19 pandemic on the City's finances, the County of San Diego Board of Supervisors approved $3.5 million in funding for the Project. In 2022, the Project was included in the State of California's

updated list of State Priority Legislative Budget Projects (PLBP) to receive $2.2 million as part of State Assembly Bill 179 budget legislation.

Table 2 below provides a summary of the funding sources, identifying a funding gap of approximately $2.6 million. The City continues to seek funding to supplement its local match from local and state resources.

Table 2 – Funding Sources

Source	Amount
Federal Funding (88.53%)	
Federal Highway Administration – Highway Bridge Program	$64,200,000
Local Match (11.47%)	
County of San Diego Board of Supervisors (May 2021)	$3,500,000
State Priority Legislative Budget Projects (AB 179) (2022)	$2,200,000
Funding Gap	*$2,600,000*
TOTAL PROJECT COST	***$72,500,000***

Aesthetic Treatment Allotment

HBP allows a limited allotment of up to 2% of the bridge cost (structure cost only) for aesthetic enhancements. City staff are requesting input from the City Council on the prioritization and importance of the aesthetic treatments options as summarized in Table 3 below. The 2023 estimated bridge structure cost is $40 million, making the allotment limited to $800,000. Aesthetic project costs over this allotment are considered non-eligible and must be fully funded by the City.

Table 3 – Aesthetic Treatment Options

No.	Improvement	Estimated Cost	Running Total
1	Pedestrian Outlooks on West Side – two curved outlooks, approximately 30 feet long and 10 feet wide	$160,000	$160,000
2	Decorative Railing on West Side – improvement from standard handrail included in project	$390,000	$550,000
3	Decorative Columns – stamped or colored concrete	$80,000	$630,000
4	Bike Lane Buffer Enhancements – positive barrier	$75,000	$705,000
5	Decorative Median – stamped or colored concrete	$395,000	$1,100,000

Items will be reviewed by City Advisory Committees (i.e., Design Review Board) prior to approval, if desired by the City Council. The bid schedule will be prepared with the aesthetic options included as alternate items, allowing the City Council to make an informed decision based on actual costs during the bid award.

FISCAL IMPACT:
There is no fiscal action to be taken by the City Council related to this agenda item.

ENVIRONMENTAL IMPACT:
The City Council action is a project status update that is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060(c) because the action does not involve the exercise of discretionary powers, will not result in a direct or foreseeable indirect physical change in the environment; and is not a "project" as defined in CEQA Guidelines Section 15378. On April 3, 2023, City Council adopted Resolution 2023-11 adopting the Final Initial Study/Mitigated Negative Declaration for the Camino del Mar Bridge Replacement project, which assessed the potential environmental impacts of the project that is the subject of this status update. Caltrans is the federal lead agency for the project's National Environmental Policy Act (NEPA) review, which does not require any City Council action.

NEXUS TO CITY COUNCIL GOALS AND PRIORITIES:
The Camino Del Mar Bridge Replacement Project is a City Council Tier 1 Priority Project.

City of Del Mar
Agenda Report

TO: Honorable Mayor and City Councilmembers

FROM: Mayor Dave Druker and Deputy Mayor Terry Gaasterland

DATE: May 6, 2024

SUBJECT: Consideration of a Ballot Measure to Adjust City Council Compensation

REQUESTED ACTION/RECOMMENDATION:
Mayor Druker and Deputy Mayor Gaasterland recommend that the City Council consider initiation of a November 2024 General Municipal Election ballot measure to adjust Councilmember compensation to be more aligned with State Code and regional compensation for elected officials and include language allowing the City Council to make modest inflation-based adjustments to Council compensation via ordinance instead of requiring a vote of the electorate.

BACKGROUND:
In 1988, the Del Mar electorate voted to approve Councilmember compensation of $300/month, with a provision that Council compensation "can be amended or repealed only by a vote of the electors (Attachment A)." Therefore, future adjustments must be voter approved as memorialized in Del Mar Municipal Code Chapter 2.20.030 (Attachment B), and Councilmember compensation has remained $300/month for the last 26 years.

On March 11, 2024, the City Council held a Goals & Priorities Setting Workshop (Workshop) which included discussion of a proposal submitted by Mayor Druker for the Council to place a measure to adjust Councilmember compensation on the November 2024 ballot. Council consensus at the Workshop was for Mayor Druker and Deputy Mayor Gaasterland to return with a more detailed proposal for Council consideration at a future meeting.

DISCUSSION/ANALYSIS:

California Government Code
Senate Bill (SB 329) amended California Government Code Section 36516 effective January 1, 2024, increasing the population-based maximum Council salary set by ordinance, from $300 to $950 per month for small cities, and allowed more flexibility for

---

City Council Action:

councils to adjust their compensation for inflation. SB 329 was sponsored by the League of California Cities as shown in Attachment C.

California Government Code Section 36516 (Attachment D), as revised by SB 329, establishes regulations for compensating City Councilmembers for their service. Under Code Section 36516, City Council salaries may be established one of two ways: 1) City Councils may adopt an ordinance establishing City Council compensation not to exceed $950/month for cities with a population under 35,000; or 2) at any municipal election, the question of whether a City Council shall receive a salary for their services and the amount, may be submitted to the electorate.

Regional Council/Governing Body Compensation

Similar to how the City evaluates compensation and benefits for employees, Attachment E, provides a summary of the compensation and benefits provided to elected officials in the San Diego Region. As indicated, Del Mar is by far the lowest paying City for elected official compensation while the work of our elected officials is on par with the duties and responsibilities of other elected officials throughout the region.

The median salary for elected officials in San Diego is $1,750/month, for the north coastal cities the median salary is $1,290/month, and of the smaller cities in the region (under 35,000) the median compensation is $803/month. The data also indicates that all the cities in San Diego except Del Mar provide health benefits to their elected officials, and approximately 79% also provide retirement benefits through CalPERS, both of which are costly to the organization. The amount paid for health benefits alone typically ranges from $1,200 to $2,500 monthly, which Del Mar Councilmembers do not receive.

Additionally, some governing agencies, such as the San Diego Association of Governments (SANDAG) and the North County Transit District (NCTD), provide a stipend to Board members per meeting. The number of meetings that Del Mar Councilmembers participate in per month tends to be on the high end in comparison to other jurisdictions, and includes City Council meetings, regional meetings, City advisory committee meetings, and Council sub-committee meetings.

Regular meetings of the City Council occur twice per month, and are usually preceded by a closed session Council meeting. The Council holds special meetings for goal setting, budget preparation, an annual teambuilding/retreat, and additionally as may be needed. The City currently has 8 active advisory committees and 6 City Council subcommittees, and there are two Councilmember liaisons assigned to participate on each. The Councilmembers also collectively represent the City of Del Mar on 17 outside agency boards and committees. As such, the current monthly compensation provided to Del Mar City Councilmembers is arguably low and may not entirely offset the direct cost to the Councilmember for their representation of the City.

Conclusions/Recommendation

After reviewing the regional City Council compensation information and applicable California Government Code described above, Mayor Druker and Deputy Mayor Gaasterland recommend the City Council initiate a ballot measure to increase Council compensation from $300/month to $950/month to better align the City's compensation with the population based maximums provided for in State Code and other cities in the region, and to fairly compensate Councilmembers for their time spent in meetings and other Council related activities. The fact that all other cities in the County provide health benefits, and the value of those benefits, was also taken into consideration as part of the recommendation to increase the monthly stipend to $950. Note, however, the recommendation does not include health benefits.

Additionally, it is recommended that the proposed ballot measure include language allowing the City Council to make modest inflation-based adjustments to Council compensation via ordinance instead of requiring a vote of the electorate, which would align the City's practice with recently amended State Code, and provide greater efficiency while saving on future election costs to the City.

If the City Council votes to initiate the ballot measure, the next step in the process is for staff to return to City Council before August 9, 2024 deadline with a resolution ordering a proposed Council compensation ordinance be submitted to Del Mar voters for consideration as part of the November 5, 2024 General Municipal Election.

NEXUS TO CITY COUNCIL GOALS AND PRIORITIES:

This is an operational item and not specifically related to the identified Council goals and Priorities.

FISCAL IMPACT:

The annual cost of increasing Council Member compensation from $300 to $950 per month is an additional $39,000/annually. It is estimated that adding this ballot measure to the 2024 General Municipal Election will cost approximately $7,000.

ATTACHMENT:

Attachment A- Resolution 88-49 Certifying the April 1988 Election Results
Attachment B- Del Mar Municipal Code 2.20.030
Attachment C- League of California Cities SB 329
Attachment D- California Government Code Section 36516
Attachment E- City Council & Mayor Compensation Regional Salary Survey

RESOLUTION NO. 88-49

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR CALIFORNIA, RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD ON APRIL 12, 1988, DECLARING THE RESULT AND SUCH OTHER MATTERS REQUIRED BY LAW.

WHEREAS, a General Municipal Election was conducted in the City of Del Mar, California, on Tuesday, April 12, 1988, as required by law; and

WHEREAS, notice of the election was given in time, form and manner as provided by law; that voting precincts were properly established; that election officers were appointed and that in all respects the election was held and conducted and the votes were cast, received and canvassed and the returns made and declared in time, form and manner as required by the provisions of the Elections Code of the State of California for the holding of elections in charter cities; and

WHEREAS, the City Clerk canvassed the returns of the election and has certified the results to this City Council, the results are attached and made a part hereof as Exhibit "A".

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, DOES RESOLVE AS FOLLOWS:

SECTION 1. That the whole number of ballots cast in the City except absent voters ballots was 1,860.

That the whole number of absent voter ballots cast in the City was 461, making a total of 2,321 votes cast in the City.

SECTION 2. That the names of persons voted for at the election for Member of the City Council are as follows:

Veronica A. "Ronnie" Delaney

Jan McMillan

H.K. "Swede" Throneson

Mark T. Livingston

Gay Hugo

Jacqueline Winterer

SECTION 3. That the measures voted upon at the election are as follows:

MEASURE A

SHALL THE TRANSIENT OCCUPANCY TAX INCREASED FROM 6% TO 8% BY ORDINANCE NO. 432 ON FEBRUARY 18, 1986, BE RETAINED AS LAW?

YES _____ NO_____

MEASURE B

SHALL THE ADMISSIONS TAX INCREASED FROM 7% TO 10% BY ORDINANCE NO. 453, ADOPTED ON JUNE 16, 1986, BE RETAINED AS LAW?

YES _____ NO_____

MEASURE C

SHALL THE FOLLOWING ORDINANCE BE ENACTED?

THE PEOPLE OF THE CITY OF DEL MAR DO ORDAIN AS FOLLOWS:

SECTION 2.20.030 OF THE DEL MAR MUNICIPAL CODE IS AMENDED TO READ:

EACH CITY COUNCILMEMBER SHALL RECEIVE A MONTHLY SALARY OF $300.00.

THIS SECTION CAN BE AMENDED OR REPEALED ONLY BY A VOTE OF THE ELECTORS.

MEASURE D

SHALL THE ORDINANCE KNOWN AS THE DEL MAR BEACH PRESERVATION INITIATIVE BE ADOPTED?

YES _____ NO _____

SECTION 4. That the number of votes given at each precinct and the number of votes given in the City to each of the persons above named for the respective office for which the persons were candidates and for and against the measure were as listed in Exhibit "A" attached.

SECTION 5. The City Council does declare and determine that:

JAN MCMILLAN was elected as Member of the City Council for the full term of four years; and

GAY HUGO was elected as Member of the City Council for the full term of four years; and

JACQUELINE WINTERER was elected as Member of the City Council for the full term of four years.

That as a result of the election, a majority of the voters voting on Measure A relating to Transient Occupancy Tax voted in favor of it, and that the proposition was carried, and shall be deemed adopted and ratified.

That as a result of the election, a majority of the voters voting on Measure B relating to Admissions Tax voted in favor of it, and that the proposition was carried, and shall be deemed adopted and ratified.

That as a result of the election, a majority of the voters voting on Measure C relating to Council Salaries voted in favor of it, and that the proposition was carried, and shall be deemed adopted and ratified.

That as a result of the election, a majority of the voters voting on Measure D relating to the Del Mar Beach Preservation Initiative voted in favor of it, and that the proposition was carried, and shall be deemed adopted and ratified.

SECTION 6. The City Clerk is directed to enter on the records of the City Council of the City, the certification of the results of the election (Exhibit "A", attached hereto).

SECTION 7. That the City Clerk is directed to deliver to each of the persons elected a Certificate of Election signed by the Clerk and to administer to each persons elected the Oath of Office prescribed in the Constitution of the State of California.

PASSED AND ADOPTED by the City Council of the City of Del Mar, California on this 19th day of April, 1988 by the following vote:

AYES: Councilmembers Barnett, Eisenberg, Gillies, Hopkins; Mayor Delaney

NOES: None

ABSENT: None

ABSTAIN: None

Ronnie Delaney.
RONNIE DELANEY, Mayor

ATTEST:

Jo Seibert
JO SEIBERT, City Clerk

CITY CLERK'S CERTIFICATE OF CANVASS

GENERAL MUNICIPAL ELECTION - APRIL 12, 1988

	Total	#1	#2	#3	#4	#5	Absentee	Provisional & Late Absentee
Registered Voters	4266	918	705	936	953	754	440	36
DELANEY	1098	167	105	162	212	146	284	22
McMILLAN	1219	129	174	164	313	273	154	12
THRONESON	1031	160	89	160	203	118	278	23
LIVINGSTON	984	157	88	142	205	116	257	19
HUGO	1191	137	161	153	314	261	152	13
WINTERER	1203	143	157	173	311	253	152	14
"A" Yes	1731	202	198	236	397	311	359	28
"A" No	399	81	54	57	94	60	49	4
"B" Yes	1611	172	179	228	370	295	339	28
"B" No	482	94	64	65	116	74	63	6
"C" Yes	1130	150	132	172	249	179	225	23
"C" No	1038	133	119	130	257	200	189	10
"D" Yes	1317	133	187	182	340	280	181	14
"D" No	924	166	73	138	183	109	233	22
VOTES CAST	2321	309	270	329	536	401	440	36
% TURNOUT	54.4	33.7	38.3	35.1	56.2	53.2	100	100

April 19, 1988
DATE

EXHIBIT "A"

JO SEIBERT, City Clerk

Chapter 2.20 CITY COUNCIL

2.20.010 Election and Tenure.

The electors of the City of Del Mar shall elect Councilmembers at the General Municipal Election held every two years. The General Municipal Election shall be consolidated with the Statewide General Election held in November of even numbered years. Councilmembers shall serve a term of four years, staggered to result in two seats being open at one election and three seats being open at the next election.

(Ord. No. 322; Ord. No. 371; Ord. No. 680)

2.20.020 Presiding Officer.

A. City Council shall meet at their usual place of meeting on the first Tuesday in December after the General Municipal Election, provided that the Elections Official has certified the election, and shall pass a resolution reciting the fact of the election, shall install the newly elected officers and shall choose one of its members as Mayor and one of its members as Deputy Mayor.

B. The Mayor, and the Deputy Mayor, shall serve a term of one year, or until a successor for each position is chosen. Three affirmative votes shall be required to choose or change the Mayor or Deputy Mayor.

C. In addition to the powers and duties of a Councilmember, the Mayor, or in the Mayor's absence, the Deputy Mayor, shall be the presiding officer of the City Council.

(Ord. No. 680)

2.20.030 Compensation.

A. Councilmembers shall receive a salary of $300.00 per month. (Adopted by a vote of the people 4/12/1988.)

B. Upon the submission of an itemized account, any Councilmember may be reimbursed for the actual and necessary expenses incurred in the performance of official duty.

2.20.040 Regular Meetings.

A. Regular meetings of the City Council shall be held on the first and third Monday of each month, commencing at 4:30 p.m. in the Town Hall, 1050 Camino del Mar. If a regular meeting falls on a holiday, the regular meeting shall be held on the next business day.

B. The City Council may, by resolution, designate another date, time, and location for a regular meeting.

(Ord. No. 951 , § 1, 8-5-2019)

2.20.050 Rules of Procedure.

The City Council may, from time to time, adopt by resolution, rules of procedure for the conduct of meetings. These resolutions shall be compiled and maintained by the City Clerk and made available to the public and to the City Council during every meeting.

2.20.060 Orderly Conduct.

A. Any person who fails to comply with a direction given by the presiding officer for the purpose of maintaining order at a City Council meeting shall be guilty of a misdemeanor.

B. All persons shall comply with the meeting procedures announced by resolution of the City Council and no person shall interfere with or interrupt a City Council meeting.

C. The presiding officer may designate a member of the County Sheriff's Department as Sergeant at Arms who shall carry out the directions of the presiding officer, to include making arrests as directed by the presiding officer.

Cal Cities-sponsored legislation would reduce barriers to elected office, adjust council pay for inflation

Feb 8, 2023

Low compensation is often cited as a barrier to elected office, especially for people from diverse backgrounds.

Sen. Bill Dodd introduced a bill on Tuesday that would allow general law cities to adjust council member salaries for inflation and tie future increases to the California Consumer Price Index. Known as **SB 329 (https://ctweb.capitoltrack.com/public/search.aspx?id=ad485199-37cd-42cd-8217-d19b4d257119&session=23&s=sb%20329&t=bill)** , the bill is sponsored by the League of California Cities.

“Diversity and inclusion make for better policymaking at all levels of government,” said Cal Cities Executive Director and CEO Carolyn Coleman. “Cal Cities is proud to sponsor this important legislation that lessens barriers for those interested in governing at the local level. This overdue reform is another tool communities can choose to use that can help ensure our city councils are reflective of the residents who live, work, and play in their communities.”

Currently, city councils in general law cities may vote to receive a limited salary, not to exceed caps based on population size provided in state law. In previous decades, the Legislature updated these numbers for inflation. However, these amounts have not been adjusted since 1984 despite significant increases in the cost of living.

As a result, council members in most cities are currently capped at $300 per month. Those in larger cities can receive salaries up to $1,000 per month.

SB 329 would allow general law cities to adjust council member salaries from their 1984 numbers to today's numbers. This would essentially triple what is in current law, bringing it roughly in line with inflation.

Government officials, policy experts, and activists often cite low compensation as a barrier to elected office. In theory, anyone can run for elected office. However, lengthy time commitments and limited pay discourage many, especially low-income residents, single parents, people of color, and young people, from running. For many, being a council member is a full-time commitment with part-time pay.

1400 K Street, Suite 400
Sacramento, CA 95814

P: (916) 658-8200
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ATTACHMENT D

GOVERNMENT CODE - GOV

TITLE 4. GOVERNMENT OF CITIES [34000 - 45345] *(Title 4 added by Stats. 1949, Ch. 79.)*
DIVISION 3. OFFICERS [36501 - 41805] *(Division 3 added by Stats. 1949, Ch. 79.)*
PART 1. GENERAL [36501 - 36525] *(Part 1 added by Stats. 1949, Ch. 79.)*

36516. (a) (1) A city council may enact an ordinance providing that each member of the city council shall receive a salary based on the population of the city as set forth in paragraph (2).

(2) The salaries approved by ordinance under paragraph (1) shall be as follows:

(A) In cities up to and including 35,000 in population, up to and including nine hundred fifty dollars ($950) per month.

(B) In cities over 35,000 up to and including 50,000 in population, up to and including one thousand two hundred seventy-five dollars ($1,275) per month.

(C) In cities over 50,000 up to and including 75,000 in population, up to and including one thousand six hundred dollars ($1,600) per month.

(D) In cities over 75,000 up to and including 150,000 in population, up to and including one thousand nine hundred dollars ($1,900) per month.

(E) In cities over 150,000 up to and including 250,000 in population, up to and including two thousand five hundred fifty dollars ($2,550) per month.

(F) In cities over 250,000 population, up to and including three thousand two hundred dollars ($3,200) per month.

(3) For the purposes of this subdivision, the population of a city shall be determined by the last preceding federal census, or a subsequent census, or estimate validated by the Department of Finance.

(4) The salary of council members may be increased beyond the amount provided in this subdivision by an ordinance or by an amendment to an ordinance, but the amount of the increase shall not exceed the greater of either of the following:

(A) An amount equal to 5 percent for each calendar year from the operative date of the last adjustment of the salary in effect when the ordinance or amendment is enacted.

(B) An amount equal to inflation since January 1, 2024, based upon the California Consumer Price Index, which shall not exceed 10 percent for each calendar year.

(5) No ordinance shall be enacted or amended to provide automatic future increases in salary.

(b) Notwithstanding subdivision (a), at any municipal election, the question of whether city council members shall receive a salary for services, and the amount of that salary, may be submitted to the electors. If a majority of the electors voting at the election favor it, all of the council members shall receive the salary specified in the election call. The salary of council members may be increased beyond the amount provided in this section or decreased below the amount in the same manner.

(c) Unless specifically authorized by another statute, a city council may not enact an ordinance providing for compensation to city council members in excess of that authorized by the procedures described in subdivisions (a) and (b). For the purposes of this section, compensation includes payment for service by a city council member on a commission, committee, board, authority, or similar body on which the city council member serves. If the other statute that authorizes the compensation does not specify the amount of compensation, the maximum amount shall be one hundred fifty dollars ($150) per month for each commission, committee, board, authority, or similar body.

(d) Any amounts paid by a city for retirement, health and welfare, and federal social security benefits shall not be included for purposes of determining salary under this section, provided that the same benefits are available and paid by the city for its employees.

(e) Any amounts paid by a city to reimburse a council member for actual and necessary expenses pursuant to Section 36514.5 shall not be included for purposes of determining salary pursuant to this section.

(f) A city council member may waive any or all of the compensation permitted by this section.

(g) (1) For the purposes of this section, a city council shall consider the adoption of an ordinance to increase compensation in open session during at least two regular meetings of the city council.

(2) At the first meeting, the city council shall present the proposed ordinance, which shall include findings demonstrating the need for the increased compensation. The ordinance shall not be adopted at the first meeting.

(3) At least seven days after the first meeting, the city council shall hold a second meeting to consider whether to adopt the ordinance.

(Amended by Stats. 2023, Ch. 27, Sec. 2. (SB 329) Effective January 1, 2024.)

City	Mayor Monthly Salary	Council Monthly Salary	Mayor Auto	Council Auto	Tech/Cell	Health Benefits	Other Benefits	Population*
San Diego	$19,873	$14,905	n/a	n/a	$47.04/mo or City provided	Yes	life insurance; SDCERS	1,381,162
San Marcos	$11,732	$11,732	$300/mo	$300/mo		Yes, $1,999.81/mo	CalPERS; life insurance; $2,100/year FSA	94,854
Chula Vista	$13,116	$5,247	$1,000/mo	$550/mo	$60/mo	Yes	CalPERs, Life ins.	279,170
Vista	$3,236	$3,118	n/a	n/a		Yes		97,766
Oceanside	$3,058	$2,833	n/a	n/a		Yes	CalPERS, Life ins.	172,199
Carlsbad	$2,455	$2,355	$450/mo	$350/mo		Yes; shared cost	CalPERs, Life ins.	114,160
El Cajon	$3,167	$2,194	$550/mo	$450/mo		Yes; Cafeteria plan, $1,450/mo	CalPERS	104,414
Escondido	$5,895	$2,088	$750/mo	$750/mo		Yes; different plan options	CalPERS, Life ins.	150,270
Santee	$3,001	$1,781	$550/mo	$450/mo	$90/mo	Yes	CalPERS	59,051
Encinitas	$1,820	$1,720	$350/mo	$350/mo		Up to $2,264/mo, cafeteria plan	CalPERs, Life ins.	61,369
Poway	$2,307	$1,648	$500/mo	$360/mo	$60/mo CC; $90/mo Mayor	Yes	CalPERS, EAP, $15K Life	48,078
National City	$5,212	$1,547	$750/mo	n/a		Yes, cafeteria $1,200/mo	Life ins., CalPERS	55,550
La Mesa**	$2,000	$1,000	$400/mo	$350/mo		Yes; Cafeteria plan	Life ins.	60,360
Coronado	$914	$914	$225/mo***	$150/mo***		Yes; Cafeteria plan, $2,303/mo	Life ins., option for CalPERs	18,702
Solana Beach	$960	$860	$350/mo	$350/mo		Yes; Cafeteria $ 1,586.82/mo	CalPERS, FSA (official paid)	12,802
Lemon Grove	$1,405	$803	$175/mo	$175/mo	City provided ipad	Yes (medical, dental, vision)	$50k life, option for CalPERS, EAP, CP 457	27,224
Imperial Beach	$1,441	$641	None	None		Yes; Cafeteria	CalPERs, Life ins.	25,791
Del Mar	$300	$300	$50/mo	None		No	No	3,882

Median All Cities	$2,727.84	$1,750.32
Median Nor. Coastal Cities	$1,820.00	$1,290.00
Median (Under 35,000)	$960.00	$803.00

*All population data is based on US Census Dataset 'City and Town Population Totals 2022'
***Salaries will change after the Nov 2024 election: Mayor: $3,800/month, Councilmember: $1,900/month*
***Auto allowance is a general expense allowance