

RESOLUTION NO. 2020-58

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, ADOPTING THE CLEAN WATER CONSTRUCTION INSPECTION FEE AND AMENDING THE CITY OF DEL MAR FEE SCHEDULE TO INCLUDE THE NEW FEE

WHEREAS, the provisions of the California Mitigation Fee Act relating to fee and service charges provide for the adoption and implementation of fees, rates, and service charges for municipal services; and

WHEREAS, on July 6, 2020, the City Council approved the City of Del Mar Fee Schedule, a comprehensive fee schedule which includes fees and charges for providing Planning Review, Community Services, Public Works, Administration and Fire Prevention services, pursuant to and in accordance with Chapter 1.16 of the Municipal Code and applicable provisions of the California Mitigation Fee Act; and

WHEREAS, section 1.16.020 of the Municipal Code allows for the establishment by resolution of fees and charges in addition to those identified in that section; and

WHEREAS, the City desires to recover the costs it incurs to provide construction inspections required for compliance with the Clean Water Program to reduce the amount that general funds are diverted from general services to subsidize such services; and

WHEREAS, the methodology to establish the fee was based on calculations as further described in Exhibit "A"; and

WHEREAS, the Clean Water Construction Inspection Fee will be collected by the City at the time a building permit is issued; and

WHEREAS, the Clean Water Construction Inspection Fee would be valid for a two-year duration which is the same duration as a building permit. In the event a building permit is extended past the two-year expiration, an applicant would also be required to submit payment for another Clean Water Construction Inspection Fee valid for an additional two years; and

WHEREAS, the fee for Clean Water Program construction inspections contained in Exhibit "A" of this Resolution do not exceed the City's reasonable administrative costs of providing such services; and

WHEREAS, the City Council reserves the right to update the Fee Schedule annually, at the beginning of each Fiscal Year (July 1), based on the Consumer Price Index (U.S. City Average), not to exceed 3% in a given year; and

WHEREAS, the City has, pursuant to California Government Code section 66016, provided notice of, and a conducted public hearing, and has received written and oral presentations regarding the modification of the City's fees, rates, and service charges to recover the reasonable costs associated with the services actually provided.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the Clean Water Construction Inspection Fee Schedule attached hereto as Exhibit "A".

BE IT FURTHER RESOLVED that the fee adopted as part of this Resolution become effective on the sixtieth (60<sup>th</sup>) day following its adoption (the "Effective Date"). Upon the Effective Date, the fees identified and approved by this Resolution shall be levied, collected and disposed of in accordance with the California Mitigation Fee Act (California Government code section 66000 et seq.) and/or Chapter 1.16 of the Del Mar Municipal Code in effect as of the Effective Date, as applicable.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Del Mar, California, at a Regular Meeting held this 23<sup>rd</sup> day of November 2020.



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Ellie Haviland, Mayor  
City of Del Mar

APPROVED AS TO FORM:



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Leslie E. Devaney, City Attorney  
City of Del Mar

ATTEST AND CERTIFICATION:

STATE OF CALIFORNIA  
COUNTY OF SAN DIEGO  
CITY OF DEL MAR

I, ASHLEY JONES, Administrative Services Director/City Clerk of the City of Del Mar, California, DO HEREBY CERTIFY, that the foregoing is a true and correct copy of Resolution No. 2020-58, adopted by the City Council of the City of Del Mar, California, at a Regular Meeting held the 23rd day of November, 2020, by the following vote:

AYES: Mayor Haviland, Deputy Mayor Gaasterland, Council Members  
Druker, Parks and Worden

NOES: None

ABSENT: None

ABSTAIN: None



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

## Clean Water Construction Inspection Fee Cost of Service Study Methodology

The cost of service analysis for the Clean Water Construction Inspection Fee included the evaluation of a variety of factors and tasks explained in detail below.

### Prioritization:

All construction sites within the City's jurisdiction are assigned a prioritization level. Inspection priorities are directly related to the minimum inspection frequencies that the City will use for scheduling site inspections. City Staff uses the following criteria to prioritize construction sites and activities as high-priority.

- Located within a hydrologic subarea where sediment is known or suspected to contribute to the highest priority water quality conditions identified in the associated Water Quality Improvement Plan;
- Located within the same hydrologic subarea and tributary to a water body segment listed as impaired for sediment on the Clean Water Act (CWA) section 303(d);
- Located within, directly adjacent to, or discharging directly to a receiving water within an Environmentally Sensitive Area;
- A site determined by the City to have high erosion potential and significant slopes.
- Enrollment under Statewide Construction General Permit, requiring a Storm Water Pollution Prevention Plan (SWPPP);
- Additional Items Evaluated:
  - Amount of disturbed soils at the site;
  - Scope of the construction project, e.g., grading, sidewalk installation, street light installation, house addition, redevelopment of commercial property.

The outcome of the evaluation is a prioritization of *standard* or *high-priority* designation for each construction site.

### Inspection Frequency

The City conducts inspections at all inventoried construction sites at a minimum of once per month during both the wet and dry seasons regardless of prioritization to ensure compliance with storm water codes, regulations, and ordinances. High priority sites are inspected at least once every two weeks (bi-weekly) during both wet and dry seasons to increase the identification of potential violations or issues at higher threat to water quality sites.

- Standard construction projects – *monthly inspections*
- High-Priority construction projects – *bi-weekly inspections*

### **Project Duration**

The average duration of private construction projects was calculated using the start and end dates of 141 projects (from 2014 to present) in the City's construction inventory.

Regardless of priority, the approximate average construction is *seventy (70) weeks*

### **Kickoff Meeting**

Each construction project has a kickoff meeting prior to construction. A representative from the Clean Water Program (CWP) attends these meetings to inform the construction contractor/owner of the City's requirements, processes, and expectations.

Kickoff meetings include coordination with Planning staff, travel to the meeting, meeting participation, and any follow-up. On average, kickoff meetings take *one hour*.

### **Inspection Time**

Site inspections include travel time to the sites, assessing the site, communication with contractors/owners, documentation management, and quality control. Construction inspections are generally conducted consecutively on the same day to maintain a time-efficient approach, minimizing travel time.

Regardless of priority, on average, construction site inspections take *forty-five (45) minutes or 0.75 hours*.

### **Follow-Up Inspections**

Follow-up inspections are required to confirm that the construction contractor/owner addresses Best Management Practice (BMP) issues identified during inspections. In some situations, BMP corrections can be verified through electronically submitted pictures. However, on average, follow-up inspections based on scheduled inspections are required at a rate of approximately *15% of the time*. Rain events can increase the number of follow-ups. Similar to the scheduled inspections, follow-up inspections take approximately *forty-five (45) minutes or 0.75 hours* to complete.

### **Annual Reporting**

The City is required to compile and analyze various CWP data, including construction inspection, follow-up, and enforcement data, on an annual basis to report to the Regional Water Quality Control Board. To perform this reporting process, including quality control review, it typically takes six (6) hours annually.

Using an average of 42 active projects in a year, based on recent inventories, the distributed amount of time spent per project is approximately *0.14 hours* for annual reporting.

## Hourly Cost

Currently, the fully loaded average cost of the staff providing the services above is \$105.9/hour.

## Construction Fee Calculations

Based on the above parameters, the costs to the City per average construction site are presented below.

Parameter	Project Priority	
	Standard	High-Priority
Inspection Frequency	Monthly	Bi-Weekly
Avg Project Duration (weeks)	70	70
Avg Inspections (quantity)	17	35
Avg Follow-up Inspections (quantity)	2.6	5.3
Avg Total Inspections (quantity) <i>Avg Inspections + Avg Follow-up Inspections</i>	19.6	40.3
Avg Time per Inspection (hours)	0.75	0.75
Avg Total Inspection Time (hours) <i>Avg Total Inspections x Avg Time per Inspection</i>	14.7	30.2
Kickoff Meeting (hours)	1	1
Annual Reporting (hours)	0.1	0.1
Avg Total Time per construction site (hours) <i>Kickoff Mtg + Avg Total Inspections Time + Annual Reporting</i>	15.8	31.3
Avg Hourly Cost	\$105.90	\$105.9
<b>Total Average Cost (Avg Total Time per construction site x Avg Hourly Cost)</b>	<b>\$1,669</b>	<b>\$3,313</b>