

CALIFORNIA COASTAL COMMISSION

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



November 28, 2018

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TO: COMMISSIONERS AND INTERESTED PARTIES

FROM: JOHN AINSWORTH, EXECUTIVE DIRECTOR

SUBJECT: EXECUTIVE DIRECTOR'S DETERMINATION that the action by the City of Solana Beach, certifying the City's Local Coastal Program Amendment No. LCP-6-SOL-16-0020-1 (Public Recreation Fee), is adequate to effectively certify its local coastal program (for Commission review at its meeting of December 12-14, 2018)

BACKGROUND

At its May 11, 2017 meeting, the Coastal Commission certified, with suggested modifications, the City of Solana Beach Local Coastal Program Amendment No. LCP-6-SOL-16-0020-1 regarding the adoption of a public recreation fee related to shoreline development. By its action adopting Resolution No. 2018-140 on November 13, 2018, the City Council has acknowledged and accepted all of the Commission's suggested modifications. The modifications addressed, in part, how the estimated beach area was calculated, wage rate assumptions and various other modifications that include clarification as to how fees should be collected over time, when beach area, beach attendance and survey numbers should be updated, removal of credit for public benefit offsets, and specifics on how sea cave and notch infill projects should be considered. At this time, the City does not have a fully certified LCP so coastal development permit (CDP) authority rests with the Commission. However, the amended land use plan would still provide guidance for the Commission's review of CDPs with the standard of review remaining the Chapter 3 policies of the Coastal Act.

As provided for in Section 13544 of the Commission's Code of Regulations, the Executive Director must determine if the action of the City of Solana Beach is legally sufficient to finalize Commission review of the LCP amendment. The City's actions have been reviewed and determined to be adequate by the Executive Director. Section 13554 of the Commission's Code of Regulations then requires this determination be reported to the Commission for its concurrence.

RECOMMENDATION

Staff recommends that the Commission **CONCUR** with the Executive Director's determination as set forth in the attached letter (to be sent after Commission endorsement).

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
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SAN DIEGO, CA 92108-4402
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December 17, 2018

Mayor David A. Zito
City of Solana Beach
635 South Highway 101
Solana Beach, CA 92075

RE: Certification of the City of Solana Beach Local Coastal Program Amendment
No. LCP-6-SOL-16-0020-1 (Public Recreation Fee)

Dear Mayor Zito,

The California Coastal Commission has reviewed the City's Resolution No. 2018-140 together with the Commission's action of May 11, 2017 certifying City of Solana Beach's Local Coastal Program Amendment No. LCP-6-SOL-16-0020-1 pertaining to the adoption of a public recreation fee associated with shoreline development. In accordance with Section 13544 of the Commission's Code of Regulations, I have made the determination that the City's actions are legally adequate, and the Commission has concurred at its meeting of December 13, 2018.

By its action on November 13, 2018, the City has formally acknowledged and accepted the Commission's certification of the Local Coastal Program Amendment including all suggested modifications. The modifications addressed, in part, how the estimated beach area was calculated, wage rate assumptions and various other modifications that include clarification as to how fees should be collected over time, when beach area, beach attendance and survey numbers should be updated, removal of credit for public benefit offsets, and specifics on how sea cave and notch infill projects should be considered. Although the City does not yet have a fully certified LCP and coastal development permit authority rests with the Coastal Commission, the amended land use plan will still serve as guidance in the future review of coastal development permit requests.

In conclusion, I would like to congratulate you and all other elected or appointed officials, staff and concerned citizens for continuing to work towards full implementation of the Coastal Act. We remain available to assist you and your staff in any way possible as you continue to develop and implement the City's local coastal program.

Sincerely,

John Ainsworth
Executive Director

By: Deborah N. Lee
District Manager