

1 [Approval of a cost sharing agreement to address Ocean Beach erosion issues.]

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3 **Resolution approving a Fiscal Cost Sharing Agreement with the U.S. Army Corps of**  
4 **Engineers concerning the study and development of alternatives to protect the Great**  
5 **Highway and Ocean Beach from beach and bluff erosion and authorizing other official**  
6 **acts in connection with this Agreement.**

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8 WHEREAS, The bluff erosion along the Great Highway South of Sloat Boulevard has  
9 threatened City owned and operated infrastructure; and

10 WHEREAS, City residents and visitors to San Francisco rely on Ocean Beach as a  
11 recreational amenity; and

12 WHEREAS, The Board of Supervisors in Resolution No. 698-99 urged a  
13 comprehensive planning process for long-term and short-term solutions to the erosion  
14 problem at Ocean Beach. A copy of said Resolution is on file with the Clerk of the Board of  
15 Supervisors in File No. 991163;

16 WHEREAS, In January 2000, the Mayor appointed the Ocean Beach Task Force to  
17 facilitate discussion among the public and private stakeholders concerning activities at Ocean  
18 Beach; and

19 WHEREAS, The City though general fund obligations has spent over \$1,000,000 on  
20 various solutions including the placement of a protective sand barrier on the beach and  
21 development of an emergency detour lane on the Great Highway; and

22 WHEREAS, The California Department of Boating and Waterways urged the  
23 Department of Public Works to work cooperatively with the U.S. Army Corps of Engineers  
24 (ACOE) on solutions to these problems; and

1           WHEREAS, In response, the Department of Public Works, Recreation and Park  
2 Department, and the Department on the Environment solicited services from the ACOE to  
3 help in studying and developing solutions to address beach and bluff erosion issues; and

4           WHEREAS, To assist the ACOE in its efforts, Congresswoman Nancy Pelosi was  
5 successful in securing a \$100,000 earmark for this project; and

6           WHEREAS, There are five phases of a federal project to develop a long-term plan:  
7 reconnaissance, feasibility, design, construction, and operations maintenance; and

8           WHEREAS, With this \$100,000 in federal funding, the ACOE completed the  
9 reconnaissance phase on September 30, 2002 and declared a federal interest in proceeding  
10 with the feasibility phase of the project; and

11           WHEREAS, The ACOE completed the reconnaissance phase and the project is now in  
12 its feasibility phase. The feasibility phase consists of scoping the project objectives,  
13 developing and reviewing alternatives, preparing environmental documents, and selecting a  
14 preferred alternative. The feasibility phase has an active community involvement component  
15 and will bring together the project's stakeholders. An Executive Committee comprised of  
16 representatives from the City, the GGNRA, the State Department of Boating and Waterways,  
17 and the ACOE, will guide various aspects of this phase of the project; and

18           WHEREAS, The Ocean Beach Task Force also has developed a list of alternatives that  
19 will be evaluated as part of the feasibility phase of a federal project to develop long-term  
20 solutions to erosion problems at Ocean Beach; and

21           WHEREAS, The federal budget has provided annual appropriations to the ACOE to  
22 perform studies that are in the federal interest, and, in order to allocate and expend such  
23 federal funds under the ACOE's formal project implementation process for a civil works  
24 project, the ACOE must enter into a Fiscal Cost Sharing Agreement ("Agreement") with the  
25 local participating government; and

1           WHEREAS, The ACOE determined that resolution of erosion issues at Ocean Beach is  
2 in the federal interest and, as a consequence, the ACOE has agreed to participate in studying  
3 the causes and impacts of erosion and development of alternative solutions to minimize the  
4 impacts of erosion on public facilities; and

5           WHEREAS, The ACOE has developed a specific planning process for project  
6 development and implementation, including the preparation of a comprehensive Project  
7 Management Plan for Shoreline Protection of Ocean Beach ("PMP"). The PMP identified  
8 studies to be performed and the roles responsibilities and various property owners and  
9 stakeholders; and

10          WHEREAS, The feasibility studies that will analyze alternatives on beach and bluff  
11 erosion issues under the Agreement and PMP are anticipated to cost approximately  
12 \$2,800,000; and

13          WHEREAS, Under the Agreement, the \$2,800,000 cost will be divided between ACOE,  
14 which will provide 50 percent of the funding, and the City, which will provide the remaining 50  
15 percent; and

16          WHEREAS, DPW has secured \$1,100,000 in grant funds from the State of California  
17 for this effort and has expended approximately \$77,000 of this grant on staff review and  
18 preparation of the Agreement and PMP. The unexpended grant funds (\$1,023,000) are  
19 available for the City's share of the Agreement; and

20          WHEREAS, DPW also has secured an additional \$150,000 in City Capital  
21 Improvement Program funds for the City's share of the Fiscal Cost Sharing Agreement; and

22          WHEREAS, DPW will need to obtain an additional \$227,000 to meet the City's financial  
23 obligation under the Agreement. Potential sources for the additional revenues include future  
24 grant funds, the General Fund, and the reauthorized local sales tax; and  
25

1 WHEREAS, The Agreement with the ACOE to address the Ocean Beach erosion  
2 issues is attached hereto and incorporated herein by reference as though fully set forth. This  
3 Agreement is part of the PMP, which is attached hereto and incorporated herein by reference  
4 as though fully set forth. A copy of said Agreement and PMP are on file with the Clerk of the  
5 Board of Supervisors in File No. \_\_\_\_\_; now, therefore be it

6 RESOLVED, That the Board hereby approves the Agreement with the ACOE  
7 concerning Ocean Beach erosion, including its exhibits and attachments, and authorizes the  
8 Director of the Department of Public Works and the Director of the Department of the  
9 Environment, ("Directors") to execute and deliver the Agreement on the Board's behalf, in  
10 substantially the form hereby approved, with such changes as may be made pursuant to the  
11 terms of this Resolution; and, be it

12 FURTHER RESOLVED, That the Directors, upon consultation with the City Attorney,  
13 are hereby authorized on behalf of the Board to make such modifications to the Agreement  
14 that hereafter become necessary or desirable in the interests of the Board, which  
15 modifications do not materially affect the substance of the Agreement or materially increase  
16 the obligations of the Board. Approval of any such modifications shall be conclusively  
17 evidenced by the execution of such Agreement or amendments thereto by the parties to the  
18 Agreement; and, be it

19 FURTHER RESOLVED, That the Directors are hereby authorized and directed on  
20 behalf of the Board to take any and all steps and to issue and deliver any and all certificates,  
21 agreements, notices, consents, memorandum, opinions and other documents which they  
22 might deem necessary or appropriate in order to consummate the execution and delivery of  
23 the Agreement and the transaction contemplated thereby; and, be it

24 FURTHER RESOVLED, That the Board of Supervisors urges the Directors to actively  
25 seek input and support from the Recreation and Park Department, Department of Parking and

1 Traffic, and the Public Utilities Commission on the feasibility phase of the ACOE process; and,  
2 be it

3 FURTHER RESOLVED, That any action taken by any City employee or official with  
4 respect to this Agreement and the actions contemplated herein are hereby ratified and  
5 affirmed.

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8 Recommended:

Approved: \_\_\_\_\_  
Mayor

9  
10  
11 \_\_\_\_\_  
12 Department Head

13 Approved: \_\_\_\_\_  
14 Controller

15 \_\_\_\_\_  
16 Department Head