

CITY OF SOLANA BEACH
SOLANA BEACH CITY COUNCIL, SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY,
PUBLIC FINANCING AUTHORITY, & HOUSING AUTHORITY



AGENDA

Joint REGULAR Meeting
Wednesday, September 27, 2023 * 6:00 p.m.

City Hall / Council Chambers, 635 S. Highway 101, Solana Beach, California

- City Council meetings are video recorded and archived as a permanent record. The [video](#) recording captures the complete proceedings of the meeting and is available for viewing on the City's website.
- Posted Reports & Supplemental Docs contain records up to the cut off time prior to meetings for processing new submittals. Complete records containing meeting handouts, PowerPoints, etc. can be obtained through a [Records Request](#).

PUBLIC MEETING ACCESS

The Regular Meetings of the City Council are scheduled for the 2nd and 4th Wednesdays and are broadcast live. The video taping of meetings are maintained as a permanent record and contain a detailed account of the proceedings. Council meeting tapings are archived and available for viewing on the City's [Public Meetings](#) webpage.

WATCH THE MEETING

- Live web-streaming: Meetings web-stream live on the City's website on the City's [Public Meetings](#) webpage. Find the large Live Meeting button.
- Live Broadcast on Local Govt. Channel: Meetings are broadcast live on Cox Communications - Channel 19 / Spectrum (Time Warner)-Channel 24 / AT&T U-verse Channel 99.
- Archived videos online: The video taping of meetings are maintained as a permanent record and contain a detailed account of the proceedings. Council meeting tapings are archived and available for viewing on the City's [Public Meetings](#) webpage.

AGENDA MATERIALS

A full City Council agenda packet including relative supporting documentation is available at City Hall, the Solana Beach Branch [Library](#) (157 Stevens Ave.), La Colonia Community Ctr., and online www.cityofsolanabeach.org. Agendas are posted at least 72 hours prior to regular meetings and at least 24 hours prior to special meetings. Writings and documents regarding an agenda of an open session meeting, [received](#) after the official posting, and distributed to the Council for consideration, will be made available for public viewing at the same time. In addition, items received at least 1 hour 30 minutes prior to the meeting time will be uploaded online with the agenda posting. Materials submitted for consideration should be forwarded to the [City Clerk's Department](#) 858-720-2400. The designated location for viewing of hard copies is the City Clerk's office at City Hall during normal business hours.

PUBLIC COMMENTS

Written correspondence (supplemental items) regarding an agenda item at an open session meeting should be submitted to the City Clerk's Office at clerkoffice@cosb.org with a) Subject line to include the meeting date b) Include the Agenda Item # as listed on the Agenda.

- Correspondence received after the official posting of the agenda, but two hours prior to the meeting start time, on the meeting day, will be distributed to Council and made available online along with the agenda posting. All submittals received before the start of the meeting will be made part of the record.
- Written submittals will be added to the record and not read out loud.

And/Or

Verbal Comment Participation:

Please submit a speaker slip to the City Clerk prior to the meeting, or the announcement of the Section/Item, to provide public comment. Allotted times for speaking are outlined on the speaker's slip for each agenda section: Oral Communications, Consent, Public Hearings and Staff Reports. Public speakers have 3 minutes each to speak on each topic. Time may be donated by another individual

who is present at the meeting to allow an individual up to 6 minutes to speak. Group: Time may be donated by two individuals who are present at the meeting allowing an individual up to 10 minutes to speak. Group Hearings: For public hearings only, time may be donated by two individuals who are present at the meeting allowing an individual up to 15 minutes to speak.

SPECIAL ASSISTANCE NEEDED

In compliance with the Americans with Disabilities Act of 1990, persons with a disability may request an agenda in appropriate alternative formats as required by Section 202. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to the [City Clerk's office](#) (858) 720-2400 at least 72 hours prior to the meeting.

As a courtesy to all meeting attendees, please set all electronic devices to silent mode and engage in conversations outside the Council Chambers.

<u>CITY COUNCILMEMBERS</u>		
Lesa Heebner Mayor		
David A. Zito Councilmember District 1		Jewel Edson Councilmember District 3
Kristi Becker Councilmember District 2		Jill MacDonald Councilmember District 4

Gregory Wade
City Manager

Johanna Canlas
City Attorney

Angela Ivey
City Clerk

SPEAKERS:

Please submit your speaker slip to the City Clerk prior to the meeting or the announcement of the Item. Allotted times for speaking are outlined on the speaker's slip for Oral Communications, Consent, Public Hearings and Staff Reports.

READING OF ORDINANCES AND RESOLUTIONS:

Pursuant to [Solana Beach Municipal Code](#) Section 2.04.460, at the time of introduction or adoption of an ordinance or adoption of a resolution, the same shall not be read in full unless after the reading of the title, further reading is requested by a member of the Council. If any Councilmember so requests, the ordinance or resolution shall be read in full. In the absence of such a request, this section shall constitute a waiver by the council of such reading.

CALL TO ORDER AND ROLL CALL:

CLOSED SESSION REPORT:

FLAG SALUTE:

APPROVAL OF AGENDA:

PROCLAMATIONS/CERTIFICATES: *Ceremonial*

None at the posting of this agenda

PRESENTATIONS: Ceremonial items that do not contain in-depth discussion and no action/direction.

None at the posting of this agenda

ORAL COMMUNICATIONS:

Comments relating to items on this evening's agenda are taken at the time the items are heard. This portion of the agenda provides an opportunity for members of the public to address the City Council on items relating to City business and not appearing on today's agenda by submitting a speaker slip (located on the back table) to the City Clerk. Pursuant to the Brown Act, no action shall be taken by the City Council on public comment items. Council may refer items to the City Manager for placement on a future agenda. The maximum time allotted for each presentation is THREE MINUTES. No donations of time are permitted (SBMC 2.04.190). Please be aware of the timer light on the Council Dais.

COUNCIL COMMUNITY ANNOUNCEMENTS / COMMENTARY:

An opportunity for City Council to make brief announcements or report on their activities. These items are not agendized for official City business with no action or substantive discussion.

A. CONSENT CALENDAR: (Action Items) (A.1. - A.5.)

Items listed on the Consent Calendar are to be acted in a single action of the City Council unless pulled for discussion. Any member of the public may address the City Council on an item of concern by submitting to the City Clerk a speaker slip (located on the back table) before the Consent Calendar is addressed. Those items removed from the Consent Calendar by a member of the Council will be trailed to the end of the agenda, while Consent Calendar items removed by the public will be heard immediately after approval of the Consent Calendar to hear the public speaker.

All speakers should refer to the public comment section at the beginning of the agenda for details. Please be aware of the timer light on the Council Dais.

A.1. Minutes of the City Council.

Recommendation: That the City Council

1. Approve the Minutes of the City Council meetings held on February 7, 2023 and August 23, 2023.

[Item A.1. Report \(click here\)](#)

A.2. Register Of Demands. (File 0300-30)

Recommendation: That the City Council

1. Ratify the list of demands for August 05, 2023 – August 25, 2023.

[Item A.2. Report \(click here\)](#)

A.3. General Fund Adopted Budget for Fiscal Year 2023/2024 Changes. (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2023-202024 General Fund Adopted Budget.

[Item A.3. Report \(click here\)](#)

A.4. Alert & Warning System Agreement. (File 0240-60)

Recommendation: That the City Council

1. Approve **Resolution 2023-110**:
 - a. Approving the Alert & Warning Memorandum of Agreement between the County of San Diego and the City of Solana Beach.
 - b. Authorizing the City Manager to execute the Memorandum of Agreement on behalf of the City of Solana Beach.

[Item A.4. Report \(click here\)](#)

A.5. State Homeland Security Program 2022 Grant Funds. (File 0240-60)

Recommendation: That the City Council

1. Approve **Resolution 2023-109**:
 - a. Accepting \$11,200 in federal funds from a 2022 State Homeland Security Program (SHSP) grant awarded to the City of Solana Beach for the purchase of structural firefighting turnouts.
 - b. Authorizing the City Manager, or his designee, to sign and submit the required California Governor's Office of Emergency Services Fiscal Year (FY) 2022 Standard Assurances for Cal OES Federal Non-Disaster Grant Programs.
 - c. Approving a budget amendment of \$11,200 to the Federal Grant revenue account and the Minor Equipment expenditure account for the Fire Department both in the Public Safety Special Revenue fund.
 - d. Authorizing the City Treasurer to amend the FY 2023/24 Adopted Budget accordingly.

[Item A.5. Report \(click here\)](#)

NOTE: The City Council shall not begin a new agenda item after 10:30 p.m. unless approved by a unanimous vote of all members present. (SBMC 2.04.070)

B. PUBLIC HEARINGS: (B.1. – B.2.)

This portion of the agenda provides citizens an opportunity to express their views on a specific issue as required by law after proper noticing by submitting a speaker slip (located on the back table) to the City Clerk. After considering all of the evidence, including written materials and oral testimony, the City Council must make a decision supported by findings and the findings must be supported by substantial evidence in the record. An applicant or designee(s) for a private development/business project, for which the public hearing is being held, is allotted a total of fifteen minutes to speak, as per SBMC 2.04.210. A portion of the fifteen minutes may be saved to respond to those who speak in opposition. *All other speakers should refer to the public comment section at the beginning of the agenda for time allotment.* Please be aware of the timer light on the Council Dais.

B.1. Public Hearing: 228 N. Helix, Applicant: Bowers, Case: DRP22-013, SDP22-011.
(File 0600-40)

The proposed project meets the minimum zoning requirements under the SBMC, may be found to be consistent with the General Plan and may be found, as conditioned, to meet the discretionary findings required as discussed in this report to approve a DRP and SDP. Therefore, Staff recommends that the City Council:

1. Conduct the Public Hearing: Open the Public Hearing, Report Council Disclosures, Receive Public Testimony, and Close the Public Hearing.
2. Find the project exempt from the California Environmental Quality Act pursuant to Section 15303 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt **Resolution 2023-064** conditionally approving a DRP and SDP for a new two-story, single-family residence with a fully subterranean basement and an attached two-car garage and perform associated site improvements at 228 North Helix Avenue, Solana Beach.

[Item B.1. Report \(click here\)](#)

B.2. Public Hearing: 667 Marine View, Applicant: Dominguez, Case: DRP21-013. (File 0600-40)

The proposed project could be found to be consistent with the General Plan and the SBMC and could be found, as conditioned, to meet the discretionary findings required as discussed in this report to approve a DRP. Therefore, Staff recommends that the City Council:

1. Conduct the Public Hearing: Open the Public Hearing, Report Council Disclosures, Receive Public Testimony, and Close the Public Hearing.
2. Find the project exempt from the California Environmental Quality Act pursuant to Section 15304 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt **Resolution 2023-108** conditionally approving a DRP to conduct grading in excess of 100 cubic yards and perform associated site improvements on a lot with an existing single-story single-family residence at 667 Marine View Avenue, Solana Beach.

[Item B.2. Report \(click here\)](#)

C. STAFF REPORTS: (C.1. – C.3.)

Submit speaker slips to the City Clerk.

All speakers should refer to the public comment section at the beginning of the agenda for time allotments. Please be aware of the timer light on the Council Dais.

C.1. Miscellaneous Driving Rules Adoption (2nd Reading) of Ordinance 531 and Training and Diversion Program. (File 0230-20)

Recommendation: That the City Council

1. Adopt **Ordinance 531** amending Chapter 10.44 (Miscellaneous Driving Rules) of Title 10 (Vehicles and Traffic) of the Solana Beach Municipal Code regarding bicycles.
2. Approve **Resolution 2023-113** allocating \$10,000 to the Community Services – Professional Services account to provide training and diversion programs for first time violators.

[Item C.1. Report \(click here\)](#)

C.2. La Colonia Tot Lot Construction Contract. (File 0720-30)

Recommendation: That the City Council

1. Adopt **Resolution 2023-111**:
 - a. Awarding a construction contract to Western Rim Constructors, Inc. totaling \$1,124,554 for the La Colonia Tot Lot Replacement, Bid No. 2023-08.
 - b. Approving an amount of \$95,056 for construction contingency.
 - c. Authorizing the City Manager to execute the construction contract on behalf of the City.
 - d. Authorizing the City Manager to approve cumulative change orders up to the construction contingency amount.
 - e. Authorizing the City Manager to execute any and all agreements necessary to purchase the integrated components (including alternative dome/net structure) of the La Colonia Tot Lot playground equipment from GameTime, or their approved equipment supplier, at a cost not to exceed \$175,000.
 - f. Authorizing the City Manager to amend the PSA with Van Dyke Landscape Architects to increase the compensation by \$12,000 for additional expenses incurred during design and construction support services associated with the La Colonia Tot Lot Replacement.

[Item C.2. Report \(click here\)](#)

C.3. Purchasing Authority - Introduce (1st Reading) of Ordinance 532. (File 0370-10)

Recommendation: That the City Council

1. Introduce **Ordinance 532** amending Solana Beach Municipal Code (SBMC) Chapter 3.08 to increase the City Manager's purchasing authority from \$25,000 to \$50,000, and to revise the thresholds for procurement process.

[Item C.3. Report \(click here\)](#)

WORK PLAN COMMENTS:

Adopted June 28, 2023

COMPENSATION & REIMBURSEMENT DISCLOSURE:

GC: Article 2.3. Compensation: 53232.3. (a) Reimbursable expenses shall include, but not be limited to, meals, lodging, and travel. 53232.3 (d) Members of a legislative body shall provide brief reports on meetings attended at the expense of the local agency "City" at the next regular meeting of the legislative body.

COUNCIL COMMITTEE REPORTS: [Council Committees](#)

REGIONAL COMMITTEES: (outside agencies, appointed by this Council)

- a. City Selection Committee (meets twice a year) Primary-Heebner, Alternate-Edson
- b. Clean Energy Alliance (CEA) JPA: Primary-Becker, Alternate-Zito
- c. County Service Area 17: Primary-MacDonald, Alternate-Edson
- d. Escondido Creek Watershed Authority: Becker / Staff (no alternate).
- e. League of Ca. Cities' San Diego County Executive Committee: Primary-MacDonald, Alternate-Becker. Subcommittees determined by its members.
- f. League of Ca. Cities' Local Legislative Committee: Primary-MacDonald, Alternate-Becker
- g. League of Ca. Cities' Coastal Cities Issues Group (CCIG): Primary-MacDonald, Alternate-Becker
- h. North County Dispatch JPA: Primary-MacDonald, Alternate-Becker
- i. North County Transit District: Primary-Edson, Alternate-MacDonald
- j. Regional Solid Waste Association (RSWA): Primary-Zito, Alternate-MacDonald
- k. SANDAG: Primary-Heebner, 1st Alternate-Zito, 2nd Alternate-Edson. Subcommittees determined by its members.
- l. SANDAG Shoreline Preservation Committee: Primary-Becker, Alternate-Zito
- m. San Dieguito River Valley JPA: Primary-MacDonald, Alternate-Becker
- n. San Elijo JPA: Primary-Zito, Primary-Becker, Alternate-City Manager
- o. 22nd Agricultural District Association Community Relations Committee: Primary-Edson, Primary-Heebner

STANDING COMMITTEES: (All Primary Members) (Permanent Committees)

- a. Business Liaison Committee – Zito, Edson
- b. Fire Dept. Management Governance & Organizational Evaluation – Edson, MacDonald
- c. Highway 101 / Cedros Ave. Development Committee – Heebner, Edson
- d. Parks and Recreation Committee – Zito, Edson
- e. Public Arts Committee – Edson, Heebner
- f. School Relations Committee – Becker, MacDonald
- g. Solana Beach-Del Mar Relations Committee – Heebner, Edson

CITIZEN COMMISSION(S)

- a. Climate Action Commission – Zito, Becker

ADJOURN:

Next Regularly Scheduled Meeting is October 11, 2023

Always refer to the City's website Event Calendar for an updated schedule or contact City Hall. www.cityofsolanabeach.org 858-720-2400

AFFIDAVIT OF POSTING

STATE OF CALIFORNIA }
COUNTY OF SAN DIEGO } §
CITY OF SOLANA BEACH }

I, Angela Ivey, City Clerk of the City of Solana Beach, do hereby certify that this Agenda for the September 27, 2023 Council Meeting was called by City Council, Successor Agency to the Redevelopment Agency, Public Financing Authority, and the Housing Authority of the City of Solana Beach, California, was provided and posted on September 20, 2023 at 2:30 p.m. on the City Bulletin Board at the entrance to the City Council Chambers. Said meeting is held at 6:00 p.m., September 27, 2023, in the Council Chambers, at City Hall, 635 S. Highway 101, Solana Beach, California.

Angela Ivey, City Clerk
City of Solana Beach, CA

UPCOMING CITIZEN CITY COMMISSION AND COMMITTEE MEETINGS:

Regularly Scheduled, or Special Meetings that have been announced, are posted on each Citizen Commission's Agenda webpage. See the [Citizen Commission's Agenda webpages](#) or the City's Events [Calendar](#) for updates.

- **Budget & Finance Commission**
- **Climate Action Commission**
- **Parks & Recreation Commission**
- **Public Arts Commission**
- **View Assessment Commission**

CITY OF SOLANA BEACH

SOLANA BEACH CITY COUNCIL, SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY,
PUBLIC FINANCING AUTHORITY, & HOUSING AUTHORITY



MINUTES

Joint SPECIAL Meeting

Tuesday, February 7, 2023 * 6:00 p.m.

City Hall / Council Chambers, 635 S. Highway 101, Solana Beach, California

Teleconference Location Only - City Hall/Council Chambers, 635 S. Highway 101, Solana Beach, California

This meeting will be conducted in accordance with California Government Code sections 54953(e) and 54954.3 and other applicable law.

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CITY COUNCILMEMBERS

Lesa Heebner
Mayor

David A. Zito
Deputy Mayor / Councilmember District 1

Jewel Edson
Councilmember District 3

Kristi Becker
Councilmember District 2

Jill MacDonald
Councilmember District 4

Gregory Wade
City Manager

Johanna Canlas
City Attorney

Angela Ivey
City Clerk

CALL TO ORDER AND ROLL CALL:

Mayor Heebner called the meeting to order at 6:00 p.m.

Present: Lesa Heebner, David A. Zito, Jewel Edson, Kristi Becker, Jill MacDonald
Absent: None
Also Greg Wade, City Manager
Present: Johanna Canlas, City Attorney
Angela Ivey, City Clerk
Dan King, Assistant City Manager
Mo Sammak, City Engineer/Public Works Dir.
Rod Greek, Interim Finance Dir.
Joseph Lim, Community Development Dir.

FLAG SALUTE:

APPROVAL OF AGENDA:

Motion: Moved by Councilmember Becker and second by Deputy Mayor Zito to approve.
Approved 5/0. Ayes: Heebner, Zito, Edson, Becker, MacDonald. Noes: None. Motion carried unanimously.

ORAL COMMUNICATIONS: None

Comments relating to items on this evening’s agenda are taken at the time the items are heard. This portion of the agenda provides an opportunity for members of the public to address the City Council on items relating to City business and not appearing on today’s agenda by submitting a speaker slip (located on the back table) to the City Clerk. Pursuant to the Brown Act, no action shall be taken by the City Council on public comment items. Council may refer items to the City Manager for placement on a future agenda. The maximum time allotted for each presentation is THREE MINUTES. No donations of time are permitted (SBMC 2.04.190). Please be aware of the timer light on the Council Dais.

C. STAFF REPORTS: (C.1.)

Submit speaker slips to the City Clerk.

All speakers should refer to the public comment section at the beginning of the agenda for time allotments. Please be aware of the timer light on the Council Dais.

C.1. Authorizing Remote Teleconference Meetings of the Legislative Bodies of the City for the Period of February 7, 2023 through February 28, 2023 Pursuant to the Brown Act and Continuing Emergency. (File 0240-28)

Recommendation: That the City Council

1. Adopt **Resolution 2023-026** authorizing remote teleconference meetings of the legislative bodies of the City for the period of February 7, 2023 through February 28, 2023 pursuant to the provisions of the Brown Act.

[Item C.1. Report \(click here\)](#)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk’s Office.

Gregory Wade, City Manager, introduced the item.

Motion: Moved by Mayor Heebner and second by Councilmember Edson to approve. **Approved 5/0.** Ayes: Heebner, Zito, Edson, Becker, MacDonald. Noes: None. Motion carried unanimously.

ADJOURN:

Mayor Heebner adjourned the meeting at 6:04 p.m.

Angela Ivey, City Clerk

Council Approved: _____

CITY OF SOLANA BEACH

SOLANA BEACH CITY COUNCIL, SUCCESSOR AGENCY TO THE REDEVELOPMENT
AGENCY, PUBLIC FINANCING AUTHORITY, & HOUSING AUTHORITY



MINUTES

Joint Meeting - Closed Session

Wednesday, August 23, 2023 at 5:00 p.m.

City Hall / Council Chambers, 635 S. Highway 101, Solana Beach, California

CITY COUNCILMEMBERS

Lesa Heebner

Mayor

David A. Zito

Deputy Mayor / Councilmember District 1

Kristi Becker

Councilmember District 2

Jewel Edson

Councilmember District 3

Jill MacDonald

Councilmember District 4

Gregory Wade
City Manager

Johanna Canlas
City Attorney

Angela Ivey
City Clerk

CALL TO ORDER AND ROLL CALL:

Mayor Heebner called the meeting to order at 5:00 p.m.

Present: Lesa Heebner, David A. Zito, Jewel Edson, Kristi Becker, Jill MacDonald
Absent: None
Also Present: Greg Wade, City Manager
Johanna Canlas, City Attorney

PUBLIC COMMENT ON CLOSED SESSION ITEMS (ONLY): None

CLOSED SESSION:

1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Pursuant to Government Code section 54956.8

Property: APN: 263-352-03,04,05,06 and 07 and 263-342-02

City Negotiators: City Manager Greg Wade and City Attorney Johanna Canlas

Negotiating Parties: Matt Tucker, North County Transit District

Under negotiation: Purchase Price and Terms

No reportable action.

ADJOURN:

Mayor Heebner adjourned the meeting at 5:45 p.m.

Angela Ivey, City Clerk

Council Approved:

CITY OF SOLANA BEACH

SOLANA BEACH CITY COUNCIL, SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY,
PUBLIC FINANCING AUTHORITY, & HOUSING AUTHORITY



MINUTES

Joint REGULAR Meeting

Wednesday, August 23, 2023 * 6:00 p.m.

City Hall / Council Chambers, 635 S. Highway 101, Solana Beach, California

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CITY COUNCILMEMBERS

Lesa Heebner
Mayor

David A. Zito
Councilmember District 1
Kristi Becker
Councilmember District 2

Jewel Edson
Councilmember District 3
Jill MacDonald
Councilmember District 4

Gregory Wade
City Manager

Johanna Canlas
City Attorney

Angela Ivey
City Clerk

CALL TO ORDER AND ROLL CALL:

Mayor Heebner called the meeting to order at 6:00 p.m.

Present: Lesa Heebner, David A. Zito, Jewel Edson, Kristi Becker, Jill MacDonald
Absent: None
Also Present: Greg Wade, City Manager
Johanna Canlas, City Attorney

CLOSED SESSION REPORT: None

FLAG SALUTE:

APPROVAL OF AGENDA:

Motion: Moved by Councilmember Becker and second by Councilmember Zito to approve. **Approved 5/0.** Ayes: Heebner, Zito, Edson, Becker, MacDonald. Noes: None. Motion carried unanimously.

ORAL COMMUNICATIONS:

Comments relating to items on this evening's agenda are taken at the time the items are heard. This portion of the agenda provides an opportunity for members of the public to address the City Council on items relating to City business and not appearing on today's agenda by submitting a speaker slip (located on the back table) to the City Clerk. Pursuant to the Brown Act, no action shall be taken by the City Council on public comment items. Council may refer items to the City Manager for placement on a future agenda. The maximum time allotted for each presentation is THREE MINUTES. No donations of time are permitted (SBMC 2.04.190). Please be aware of the timer light on the Council Dais.

Peggy Walker, San Dieguito Alliance for Drug Free Youth, spoke about the Carlsbad City Council voting to draft a smoke-free multi-unit housing ordinance, that it was also in consideration at the City of Encinitas, and asked that Solana Beach reconsider it for future projects.

COUNCIL COMMUNITY ANNOUNCEMENTS / COMMENTARY:

An opportunity for City Council to make brief announcements or report on their activities. These items are not agendaized for official City business with no action or substantive discussion.

A. CONSENT CALENDAR: (Action Items) (A.1. - A.11.)

Items listed on the Consent Calendar are to be acted in a single action of the City Council unless pulled for discussion. Any member of the public may address the City Council on an item of concern by submitting to the City Clerk a speaker slip (located on the back table) before the Consent Calendar is addressed. Those items removed from the Consent Calendar by a member of the Council will be trailed to the end of the agenda, while Consent Calendar items removed by the public will be heard immediately after approval of the Consent Calendar to hear the public speaker.

All speakers should refer to the public comment section at the beginning of the agenda for details. Please be aware of the timer light on the Council Dais.

A.1. Minutes of the City Council.

Recommendation: That the City Council

1. Approve the Minutes of the City Council meetings held on June 14, 2023, June 28, 2023, July 12, 2023, and July 24, 2023.

Motion: Moved by Councilmember Edson and second by Councilmember Zito to approve. **Approved 5/0.** Ayes: Heebner, Zito, Edson, Becker, MacDonald. Noes: None. Motion carried unanimously.

A.2. Register Of Demands. (File 0300-30)

Recommendation: That the City Council

1. Ratify the list of demands for June 24, 2023 – August 04, 2023.

[Item A.2. Report \(click here\)](#)

Motion: Moved by Councilmember Edson and second by Councilmember Zito to approve. **Approved 5/0.** Ayes: Heebner, Zito, Edson, Becker, MacDonald. Noes: None. Motion carried unanimously.

A.3. General Fund Adopted Budget for Fiscal Year 2023/2024 Changes. (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2023-2024 General Fund Adopted Budget.

[Item A.3. Report \(click here\)](#)

Motion: Moved by Councilmember Edson and second by Councilmember Zito to approve. **Approved 5/0.** Ayes: Heebner, Zito, Edson, Becker, MacDonald. Noes: None. Motion carried unanimously.

A.4. League of California Cities' 2023 Annual Business Meeting Voting Delegates Designees. (File 0140-10)

Recommendation: That the City Council

1. Appoint Councilmember MacDonald, primary voting delegate, Councilmember Becker, 1st alternate, and City Manager Gregory Wade, 2nd alternate, as the voting delegates for the 2023 Annual Business Meeting of the League of California Cities Annual Conference.
2. Authorize the City Clerk to attest to the appointments and submit the Official Voting Form to the League of California Cities.

[Item A.4. Report \(click here\)](#)

Motion: Moved by Councilmember Edson and second by Councilmember Zito to approve. **Approved 5/0.** Ayes: Heebner, Zito, Edson, Becker, MacDonald. Noes: None. Motion carried unanimously.

A.5. Fire Management Agreement Amendment. (File 0260-10)

Recommendation: That the City Council

1. Adopt **Resolution 2023-095:**
 - a. Approve the Fifth Amendment to the Agreement for Cooperative Fire Management Services by and between the City of Del Mar, City of Encinitas, and the City of Solana Beach.
 - b. Authorize the City Manager to execute the fifth amendment.

[Item A.5. Report \(click here\)](#)

Motion: Moved by Councilmember Edson and second by Councilmember Zito to approve. **Approved 5/0.** Ayes: Heebner, Zito, Edson, Becker, MacDonald. Noes: None. Motion carried unanimously.

A.6. Destruction of Obsolete Records. (File 0170-50)

Recommendation: That the City Council

1. Adopt **Resolution 2023-103** authorizing the destruction of officially obsolete records.

[Item A.6. Report \(click here\)](#)

Motion: Moved by Councilmember Edson and second by Councilmember Zito to approve. **Approved 5/0.** Ayes: Heebner, Zito, Edson, Becker, MacDonald. Noes: None. Motion carried unanimously.

A.7. Irrigation Controllers for the Coastal Rail Trail and Fletcher Cove Park.
(File 0700-25)

Recommendation: That the City Council

1. Adopt **Resolution 2023-100**:
 - a. Authorizing the City Manager to execute Amendment No. 1 to the Professional Services Agreement with Nissho of California, Inc. for Fiscal Year 2023/24.
 - b. Authorizing the City Manager to execute a one-time purchase of four Calsense Irrigation Controllers and corresponding hardware and accessories from Nissho of California, Inc., in the amount of \$24,125.42, for the Coastal Rail Trail and Fletcher Cove Park.
 - c. Appropriating \$24,125.42 from the Asset Replacement Fund to the Parks Operating Budget.
 - d. Authorizing the City Treasurer to amend the FY 2023/24 Adopted Budget accordingly.

[Item A.7. Report \(click here\)](#)

Motion: Moved by Councilmember Edson and second by Councilmember Zito to approve. **Approved 5/0.** Ayes: Heebner, Zito, Edson, Becker, MacDonald. Noes: None. Motion carried unanimously.

A.8. Heating, Ventilation, and Air Conditioning (HVAC) Maintenance Services and As-Needed Repairs. (File 0700-25)

Recommendation: That the City Council

1. Adopt **Resolution 2023-101**:
 - a. Authorizing the City Manager to execute Amendment No. 3 to the Professional Services Agreement with Seaside Heating and Air for Fiscal Year 2023/24 increasing the compensation by \$43,685 for the purchase and installation of two rooftop HVAC units at City Hall, HVAC upgrades at the Fire Station, a construction contingency for the City Hall HVAC installation and installation of mini-split unit for IT at the Fire Station and as-needed repairs to the HVAC systems at City Hall and the La Colonia Community Center. Total not to exceed amount of the agreement for Fiscal Year 2023/24 is \$55,145.
 - b. Appropriating \$33,685 from the Facilities Replacement Fund to the Facilities Operating Budget.
 - c. Authorizing the City Treasurer to amend the FY 2023/24 Adopted Budget accordingly.

[Item A.8. Report \(click here\)](#)

Motion: Moved by Councilmember Edson and second by Councilmember Zito to approve. **Approved 5/0.** Ayes: Heebner, Zito, Edson, Becker, MacDonald. Noes: None. Motion carried unanimously.

A.9. Door Inspection, Maintenance, and As-Needed Repairs. (File 0700-25)

Recommendation: That the City Council

1. Adopt **Resolution 2023-102**:
 - a. Authorizing the City Manager to execute Amendment No. 1 to the Professional Services Agreement with National Garage Door for Fiscal Year 2023/24.
 - b. Authorizing the City Manager to approve a one-time purchase and installation of one Stanley ADA Controller at City Hall, in an amount of \$3,000 for Fiscal Year 2023/24.
 - c. Authorizing the City Manager to increase the As-Needed Repairs amount by \$10,000, for Fiscal Year 2023/24.
 - d. Authorizing the City Manager to execute amendments to the Professional Services Agreement with National Garage Door, in an amount not to exceed \$18,900, for Fiscal Years 2024/25, 2025/26, 2026/27.

[Item A.9. Report \(click here\)](#)

Motion: Moved by Councilmember Edson and second by Councilmember Zito to approve. **Approved 5/0.** Ayes: Heebner, Zito, Edson, Becker, MacDonald. Noes: None. Motion carried unanimously.

A.10. Shoreline Monitoring Program Services. (File 0610-12)

Recommendation: That the City Council

1. Adopt **Resolution 2023-107** authorizing the City Manager to execute a Professional Services Agreement with Coastal Frontiers.

[Item A.10. Report \(click here\)](#)

Motion: Moved by Councilmember Edson and second by Councilmember Zito to approve. **Approved 5/0.** Ayes: Heebner, Zito, Edson, Becker, MacDonald. Noes: None. Motion carried unanimously.

A.11. City Attorney Services. (File 0400-05)

Recommendation: That the City Council

1. Adopt **Resolution 2023-106** authorizing the Mayor and City Manager to execute the First Amendment to the Agreement between the City of Solana Beach and the Successor Agency to the Solana Beach Community Development Agency and Burke, Williams & Sorensen LLP.

[Item A.11. Report \(click here\)](#)

Motion: Moved by Councilmember Edson and second by Councilmember Zito to approve. **Approved 5/0.** Ayes: Heebner, Zito, Edson, Becker, MacDonald. Noes: None. Motion carried unanimously.

B. PUBLIC HEARINGS: (B.1.)

This portion of the agenda provides citizens an opportunity to express their views on a specific issue as required by law after proper noticing by submitting a speaker slip (located on the back table) to the City Clerk. After considering all of the evidence, including written materials and oral testimony, the City Council must make a decision supported by findings and the findings must be supported by substantial evidence in the record. An applicant or designee(s) for a private development/business project, for which the public hearing is being held, is allotted a total of fifteen minutes to speak, as per SBMC 2.04.210. A portion of the fifteen minutes may be saved to respond to those who speak in opposition. *All other speakers should refer to the public comment section at the beginning of the agenda for time allotment.* Please be aware of the timer light on the Council Dais.

B.1. Public Hearing: 508 S. Nardo Ave., Applicant: Hartnack, Application: DRP22-020/SDP22-018. (File 0600-40)

The proposed project meets the minimum zoning requirements under the SBMC, may be found to be consistent with the General Plan and may be found, as conditioned, to meet the discretionary findings required as discussed in this report to approve a DRP. Therefore, Staff recommends that the City Council:

1. Conduct the Public Hearing: Open the Public Hearing, Report Council Disclosures, Receive Public Testimony, and Close the Public Hearing.
2. Find the project exempt from the California Environmental Quality Act pursuant to Section 15301 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt **Resolution 2023-104** conditionally approving a DRP and SDP Waiver to convert a 555 square-foot attached garage to living area, construct a 784 square-foot living area addition and a 668 square-foot two-car attached garage to a single-story single-family residence, and perform associated site improvements at 508 South Nardo Avenue, Solana Beach.

[Item B.1. Report \(click here\)](#)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

Greg Wade, City Manager, introduced the item.

Katie Benson, Sr. Planner, presented a PowerPoint (on file).

Mayor Heebner opened the public hearing.

Council disclosures.

Andy Crocker, architect, said that they had nothing to present.

Motion: Moved by Councilmember Zito and second by Councilmember Edson to close the public hearing. **Approved 4/0/1.** Ayes: Heebner, Zito, Edson, MacDonald. Noes: None. Absent: Becker (recused). Motion carried unanimously.

Motion: Moved by Councilmember Edson and second by Councilmember Zito to approve. **Approved 4/0/1.** Ayes: Heebner, Zito, Edson, MacDonald. Noes: None. Absent: Becker (recused). Motion carried unanimously.

C. STAFF REPORTS: (C.1. – C.3.)

Submit speaker slips to the City Clerk.

All speakers should refer to the public comment section at the beginning of the agenda for time allotments. Please be aware of the timer light on the Council Dais.

C.1. Bicycle Safety and Education Programs and Consider Introduction (1st Reading) of Ordinance 531 - Miscellaneous Driving Rules. (File 0230-20)

Recommendation: That the City Council

1. Continue to discuss options for bicycle safety and education programs.
2. If the City Council so desires, introduce **Ordinance 531** amending Chapter 10.44 (Miscellaneous Driving Rules) of Title 10 (Vehicles and Traffic) of the Solana Beach Municipal Code regarding bicycles.

[Item C.1. Report \(click here\)](#)

[Item C.1. Supplemental Docs \(upd. 8-23-23 at 11:45am\)](#)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

Greg Wade, City Manager, introduced the item.

Dan King, Assistant City Manager, presented a PowerPoint (on file).

Council and Staff discussed the proposed ordinance that would give the Sheriff additional tools to issue citations as well as the option for an educational diversion program, the current City regulations that do not allow bicycles on sidewalks in certain areas such as Highway 101, Lomas Santa Fe, and parts of Cedros, that in some areas, people do not want to share the sidewalk with a bicycle or electric scooter when walking, , that bikes are allowed on sidewalks in neighborhoods unless there is a bike path or bike lane on the adjacent street, age appropriateness for ebikes, education programs with Skyline students, adding signage on the Coastal Rail Trail (CRT), and that most citations are for not wearing a helmet.

Kristin Brinner said that bicyclists feel the danger of fast cars passing them by, she liked section B about it being unlawful to bike on sidewalks, suggested adding “when endangering pedestrians” after the unlawful term, and the concerns of discretionary enforcement possibly leading to unjust and inequitable enforcement against people of color.

Council, Staff, and Captain Lawrence discussed warnings before citations, need for signage and some variations of signage in different areas or along the same path, sending a violator to training, considerations of bikes on sidewalks on the way to school when on busier streets without endangering pedestrians, the purpose of multi-use paths, getting a periodic Sheriff's report, sharing costs or funding programs that have hands on experience, and speed limits.

Motion: Moved by Deputy Mayor Zito and second by Councilmember Edson to approve adding the additional language “including yielding to pedestrians” to 10.44.010 A. **Approved 5/0.** Ayes: Heebner, Zito, Edson, Becker, MacDonald. Noes: None. Motion carried unanimously.

C.2. California Uniform Public Construction Cost Accounting Act (CUPCCAA).
(File 0700-10)

Recommendation: That the City Council

1. Receive the report and provide direction as necessary for the proposed implementation of the California Uniform Public Construction Cost Accounting Act and formation of the Solana Beach Qualified Contractor’s List.

[Item C.2. Report \(click here\)](#)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk’s Office.

Greg Wade, City Manager, introduced the item and presented a PowerPoint (on file).

Council and Staff discussed the item and also considering increasing the City Manager contract authority to \$50,000 and that this item would return to Council with an ordinance to update the municipal code.

C.3. City Manager’s Employment Agreement. (File 0520-00)

Recommendation: That the City Council

1. Consider and adopt **Resolution 2023-105** authorizing the Mayor to execute the Eighth Amendment to the Employment Agreement between the City of Solana Beach and Gregory Wade to reflect a base salary increase of 7% to \$263,031.00 effective July 1, 2023, a one-time stipend of \$11,000.00, and a \$1,000.00 increase to the annual vehicle allowance.

[Item C.3. Report \(click here\)](#)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk’s Office.

Johanna Canlas, City Attorney, stated that there was a requirement to read the issue into the record reporting the 7% salary increase, a one-time stipend of \$11,000 and a \$1,000 increase to the annual vehicle allowance.

Motion: Moved by Councilmember MacDonald and second by Mayor Heebner to approve. **Approved 5/0.** Ayes: Heebner, Zito, Edson, Becker, MacDonald. Noes: None. Motion carried unanimously.

WORK PLAN COMMENTS:

Adopted June 28, 2023

Mayor Heebner spoke about becoming a Bee City.

COMPENSATION & REIMBURSEMENT DISCLOSURE: None

GC: Article 2.3. Compensation: 53232.3. (a) Reimbursable expenses shall include, but not be limited to, meals, lodging, and travel. 53232.3 (d) Members of a legislative body shall provide brief reports on meetings attended at the expense of the local agency "City" at the next regular meeting of the legislative body.

COUNCIL COMMITTEE REPORTS: [Council Committees](#)

REGIONAL COMMITTEES: (outside agencies, appointed by this Council)

STANDING COMMITTEES: (All Primary Members) (*Permanent Committees*)

CITIZEN COMMISSION(S)

ADJOURN:

Mayor Heebner adjourned the meeting at 7:31 p.m.

Angela Ivey, City Clerk

Council Approved: _____



STAFF REPORT CITY OF SOLANA BEACH

TO: Honorable Mayor and City Councilmembers
FROM: Gregory Wade, City Manager
MEETING DATE: September 27, 2023
ORIGINATING DEPT: Finance
SUBJECT: Register of Demands

BACKGROUND:

Section 3.04.020 of the Solana Beach Municipal Code requires that the City Council ratify a register of demands which represents all financial demands made upon the City for the applicable period.

Register of Demands: 08/05/2023 through 08/25/2023

Check Register - Disbursement Fund (Attachment 1)		\$	879,693.39
Net Payroll Council	August 10, 2023		4,138.39
Net Payroll Staff 004	August 18, 2023		333,763.68
TOTAL		\$	<u>1,217,595.46</u>

DISCUSSION:

Staff certifies that the register of demands has been reviewed for accuracy, that funds are available to pay the above demands, and that the demands comply with the adopted budget.

CEQA COMPLIANCE STATEMENT:

Not a project as defined by CEQA.

FISCAL IMPACT:

The register of demands for August 5, 2023 through August 25, 2023 reflects total expenditures of \$1,217,595.46 from various City sources.

WORK PLAN:

N/A

CITY COUNCIL ACTION: _____

OPTIONS:


- Ratify the register of demands.
- Do not ratify and provide direction.

DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council ratify the above register of demands.

CITY MANAGER'S RECOMMENDATION:

Approve Department Recommendation.



Gregory Wade, City Manager

Attachments:

1. Check Register – Disbursement Fund



City of Solana Beach

Register of Demands

8/5/2023 - 8/25/2023

Department Vendor	Description	Date	Check/EFT Number	Amount
100 - GENERAL FUND				
MISSION SQUARE PLAN 302817	Payroll Run 2 - Warrant OC3	08/10/2023	9000940	\$5,495.34
MISSION SQUARE PLAN 302817	Payroll Run 1 - Warrant O04	08/17/2023	9000949	\$17,140.54
SOLANA BEACH FIREFIGHTERS ASSOC	Payroll Run 1 - Warrant O04	08/17/2023	9000954	\$850.00
SUN LIFE FINANCIAL	AUGUST 23 LIFE&ADD INS	08/25/2023	9000972	\$1,549.74
SUN LIFE FINANCIAL	AUGUST 23 SUPP LIFE INS	08/25/2023	9000972	\$400.00
SUN LIFE FINANCIAL	AUGUST 23 LTD	08/25/2023	9000972	\$1,860.63
SUN LIFE FINANCIAL	SEPTEMBER 23 LIFE&ADD INS	08/25/2023	9000972	\$1,569.52
SUN LIFE FINANCIAL	SEPTEMBER 23 SUPP LIFE INS	08/25/2023	9000972	\$410.00
SUN LIFE FINANCIAL	SEPTEMBER 23 LTD	08/25/2023	9000972	\$1,860.63
CALPERS	O04 PERS 08/18/23 PD (08/23/23 PERS)	08/23/2023	9082323	\$62,786.07
STERLING HEALTH SERVICES, INC.	O03 FSA/DCA CONTRIBUTIONS	08/10/2023	9000944	\$1,442.97
STERLING HEALTH SERVICES, INC.	O03 FSA/DCA CONTRIBUTIONS	08/10/2023	9000944	\$819.68
STERLING HEALTH SERVICES, INC.	OC2 FSA CONTRUBUTION	08/17/2023	9000956	\$216.67
STERLING HEALTH SERVICES, INC.	O04 FSA/DCA CONTRIBUTIONS	08/25/2023	9000971	\$611.68
STERLING HEALTH SERVICES, INC.	O04 FSA/DCA CONTRIBUTIONS	08/25/2023	9000971	\$1,442.97
ERIC O'BRIEN	07/22/23 FCCC RENTAL DEPOSIT REFUND	08/10/2023	104235	\$500.00
IAFF-MERP	O04 FF TRUST CONTRIBUTION	08/17/2023	9000959	\$2,300.00
SUSAN VON POSERN	17-18-25 DRP/SDP 17-18-25 REFUND	08/10/2023	104247	\$757.50
RYAN PERRY	07/29/23 FCCC RENTAL DEPOSIT REFUND	08/10/2023	104243	\$500.00
BIZZETT RUSSELL E	RFND-SB-0646358	08/17/2023	104254	\$22.50
TOM SISCO	RFND-SB-0646201	08/17/2023	104273	\$57.50
THOMAS HERNANDEZ JR	RFND-SB-0645709	08/17/2023	104272	\$42.50
DREW BAUER	RFND-SB0645807	08/17/2023	104261	\$42.50
TOTAL GENERAL FUND				\$102,678.94
1005100 - CITY COUNCIL				
FRIENDS OF SOLANA BEACH LIBRARY	FY22/23 LIBRARY MATERIALS MATCH	08/25/2023	9000975	\$10,000.00
XEROX CORPORATION	JUL-XEROX CLERK	08/10/2023	104250	\$123.54
TOTAL CITY COUNCIL				\$10,123.54
1005150 - CITY CLERK				
1 STOP TONER & INKJET, LLC	TONER - CLERKS OFFICE	08/10/2023	9000941	\$64.64
STAPLES CONTRACT & COMMERCIAL	7IN FUNNEL	08/10/2023	104246	\$10.36
TOTAL CITY CLERK				\$75.00
1005250 - LEGAL SERVICES				
BURKE WILLIAMS & SORENSEN	96-0001-JUNE 23 PROF SVC	08/25/2023	9000961	\$11,343.00
BURKE WILLIAMS & SORENSEN	96-0038-JUNE 23 PROF SVC	08/25/2023	9000961	\$9,755.80
BURKE WILLIAMS & SORENSEN	96-0040-JUNE 23 PROF SVC	08/25/2023	9000961	\$849.40
BURKE WILLIAMS & SORENSEN	96-0040.002-JUNE 23 PROF SVC	08/25/2023	9000961	\$1,096.00
BURKE WILLIAMS & SORENSEN	JUNE 23 -RETAIN	08/25/2023	9000961	\$11,644.00
BURKE WILLIAMS & SORENSEN	96-0001.002-JUNE 23 PROF SVC	08/25/2023	9000961	\$62.10
BURKE WILLIAMS & SORENSEN	96-0002-JUNE 23 PROF SVC	08/25/2023	9000961	\$1,142.40
BURKE WILLIAMS & SORENSEN	96-0006-JUNE 23 PROF SVC	08/25/2023	9000961	\$309.40
BURKE WILLIAMS & SORENSEN	96-0007-JUNE 23 PROF SVC	08/25/2023	9000961	\$414.00

BURKE WILLIAMS & SORENSEN	96-0014-JUNE 23 PROF SVC	08/25/2023	9000961	\$1,782.20
BURKE WILLIAMS & SORENSEN	96-0019-JUNE 23 PROF SVC	08/25/2023	9000961	\$1,366.20
TOTAL LEGAL SERVICES				\$39,764.50
1005300 - FINANCE				
SUPERIOR PRESS	DEPOSIT SLIPS/DEPOSIT BAGS	08/17/2023	104270	\$162.32
CALPERS	GASB 68 REPORTING SERVICES	08/14/2023	9081423	\$3,150.00
KFORCE INC.	08/03/23-TEMP SERVICES-FIN	08/17/2023	9000950	\$1,280.00
KFORCE INC.	07/20/23-TEMP SERVICES	08/17/2023	9000950	\$1,280.00
KFORCE INC.	07/27/23-TEMP SERVICES	08/17/2023	9000950	\$640.00
STAPLES CONTRACT & COMMERCIAL	SELFINK STAMPS-DATA TICKET	08/25/2023	104319	\$64.35
TOTAL FINANCE				\$6,576.67
1005350 - SUPPORT SERVICES				
XEROX CORPORATION	JUL-XEROX FIERY	08/10/2023	104250	\$132.61
XEROX CORPORATION	JUL-XEROX FIERY	08/10/2023	104250	\$132.61
XEROX CORPORATION	JUL-XEROX FIERY	08/10/2023	104250	\$122.84
XEROX CORPORATION	JUL-XEROX CLERK	08/10/2023	104250	\$271.68
XEROX CORPORATION	JUL-XEROX PLN/ENG	08/10/2023	104250	\$70.25
XEROX CORPORATION	JUL-XEROX PLN/ENG	08/10/2023	104250	\$546.78
XEROX CORPORATION	JUL-XEROX UPSTAIRS	08/10/2023	104250	\$162.00
XEROX CORPORATION	JUL-XEROX UPSTAIRS	08/10/2023	104250	\$298.25
READY REFRESH BY NESTLE	JUL 23-LC	08/17/2023	104267	\$47.96
READY REFRESH BY NESTLE	JUL 23-PW	08/17/2023	104267	\$11.41
READY REFRESH BY NESTLE	JUL 23-CH	08/17/2023	104267	\$386.04
STAPLES CONTRACT & COMMERCIAL	PAPER	08/25/2023	104319	\$60.81
STAPLES CONTRACT & COMMERCIAL	PAPER	08/25/2023	104319	\$403.56
TOTAL SUPPORT SERVICES				\$2,646.80
1005400 - HUMAN RESOURCES				
SHARP REES-STEALY MEDICAL GROUP	PRE-EMPLOYMENT SCREENINGS	08/10/2023	9000943	\$1,429.00
REGIONAL TRAINING CENTER	FY 24-SD EMPLOYMENT RELATIONS CONSRTM FEE	08/17/2023	104263	\$672.00
CODE 4 INVESTIGATIONS, INC.	BACKGROUND CHECK-FS	08/25/2023	9000970	\$750.00
DEPARTMENT OF JUSTICE	JUL 23-FINGERPRINT APP	08/25/2023	104284	\$64.00
COASTAL LIVE SCAN AND INSURANCE	JULY 23-FINGERPRINTS	08/25/2023	104281	\$60.00
STERLING HEALTH SERVICES, INC.	COBRA RENEWALL-09/01/23-08/31/24	08/17/2023	9000955	\$800.00
TOTAL HUMAN RESOURCES				\$3,775.00
1005450 - INFORMATION SERVICES				
COX COMMUNICATIONS INC	0013410039730701-07/19/23-08/18/23	08/17/2023	104256	\$315.84
CDW GOVERNMENT INC	ADOBE PRO SUB	08/25/2023	9000963	\$184.95
CDW GOVERNMENT INC	SONICWALL ADV	08/25/2023	9000963	\$899.99
VERIZON WIRELESS-SD	670601022-06/24/23-07/23/23	08/17/2023	104275	\$114.03
MALWAREBYTES	PROTECTION FOR SERVERS	08/25/2023	104308	\$101.78
AMAZON.COM SALES, INC	INV#1QQ3-Q3V1-KFGJ/SMART SWITCH	08/25/2023	104276	\$295.78
AMAZON.COM SALES, INC	INV#1QQ3-Q3V1-KFGJ/MONITOR	08/25/2023	104276	\$189.86
AMAZON.COM SALES, INC	INV:1QQ3-Q3V1-KFGJ- POWER STRIPS/HARD DRIVE	08/25/2023	104276	\$322.91
AMAZON.COM SALES, INC	INV:1QQ3-Q3V1-KFGJ/OUTLET POWER STRIP	08/25/2023	104276	\$42.40
TOTAL INFORMATION SERVICES				\$2,467.54
1005550 - PLANNING				
UT SAN DIEGO - NRTH COUNTY	PUB HRNG-DRP22-020/SDP22-018	08/17/2023	104274	\$482.00
DANIEL WELTE	REIMB-MEMBERSHIP DUES-CA ASSOC OF CODE ENF OFF	08/17/2023	104257	\$95.00
AMAZON.COM SALES, INC	PENS/ORGANIZER CADDY	08/10/2023	104231	\$16.86
AMAZON.COM SALES, INC	COLORED PAPER/PRINTING LABELS/PENS	08/10/2023	104231	\$67.37

				TOTAL PLANNING	\$661.23
1005560 - BUILDING SERVICES					
AMAZON.COM SALES, INC	PENS/ORGANIZER CADDY	08/10/2023	104231		\$13.46
				TOTAL BUILDING SERVICES	\$13.46
1005590 - CODE ENFORCEMENT					
VERIZON WIRELESS-SD	442224168-06/24/23-07/23/23	08/17/2023	104275		\$141.79
VERIZON WIRELESS-SD	442224168- 05/24/23-06/23/23	08/17/2023	104275		\$141.77
DEPARTMENT OF JUSTICE	JUL 23-FINGERPRINT APP	08/25/2023	104284		\$96.00
COASTAL LIVE SCAN AND INSURANCE	JULY 23-FINGERPRINTS	08/25/2023	104281		\$30.00
AMAZON.COM SALES, INC	COLORED PAPER/PRINTING LABELS/PENS	08/10/2023	104231		\$89.77
				TOTAL CODE ENFORCEMENT	\$499.33
1006120 - FIRE DEPARTMENT					
BUSINESS PRINTING COMPANY INC	BUSINESS CARDS-FS	08/25/2023	104278		\$214.54
REGIONAL COMMS SYS, MS 056 - RCS	JUL 23-CAP CODE	08/25/2023	104316		\$32.50
CITY OF ENCINITAS FIRE DEPARTMENT	KRONOS/VHF RADIO CARDS/PRECISION TRAINING GROUP	08/25/2023	104280		\$993.05
CITY OF ENCINITAS FIRE DEPARTMENT	KRONOS/VHF RADIO CARDS/PRECISION TRAINING GROUP	08/25/2023	104280		\$218.52
CITY OF ENCINITAS FIRE DEPARTMENT	KRONOS/VHF RADIO CARDS/PRECISION TRAINING GROUP	08/25/2023	104280		\$1,650.00
CHARLES MEAD	ROPE RESCUE - 04/17/23-04/21/23	08/25/2023	104309		\$1,050.00
WEX BANK	JUN 23-FUEL/CR TAX	08/25/2023	104323		\$1,773.57
ENTENMANN-ROVIN CO. INC	BADGE/WALLET-LORN/LOFTIS	08/25/2023	104286		\$379.27
ENTENMANN-ROVIN CO. INC	BADGE-STRICKLAND	08/25/2023	104286		\$273.14
HOWARD HENRY WAYNE JR	RADIO SERVICE/INSTALL MATERIALS	08/25/2023	104290		\$1,111.56
MUNICIPAL EMERGENCY SERVICES, INC	SCBA REPAIR/FLOW TEST	08/25/2023	104311		\$233.93
				TOTAL FIRE DEPARTMENT	\$7,930.08
1006130 - ANIMAL CONTROL					
HABITAT PROTECTION, INC	JUL 23-DEAD ANIMAL REMOVAL	08/17/2023	9000948		\$145.00
				TOTAL ANIMAL CONTROL	\$145.00
1006170 - MARINE SAFETY					
CAMEO PAPER & JANITORIAL SUPPLY INC	TOWELS/AIR FRESHENER	08/10/2023	104233		\$133.41
KAENON, LLC	SUNGLASSES	08/10/2023	104239		\$87.86
				TOTAL MARINE SAFETY	\$221.27
1006510 - ENGINEERING					
DEL MAR BLUE PRINT COMPANY, INC.	4 SETS MAPS	08/17/2023	104258		\$19.62
DEL MAR BLUE PRINT COMPANY, INC.	ENGINEERING EXHIBITS/NCTD PLANS	08/17/2023	104258		\$11.96
VERIZON WIRELESS-SD	362455526-07/02/23-08/01/23	08/25/2023	104322		\$52.16
UNDERGROUND SVC ALERT OF SOCAL INC	AUG 23-DIG ALERT	08/17/2023	9000957		\$62.50
				TOTAL ENGINEERING	\$146.24
1006520 - ENVIRONMENTAL SERVICES					
MISSION LINEN & UNIFORM INC	LAUNDRY-PW	08/17/2023	104265		\$13.13
MISSION LINEN & UNIFORM INC	LAUNDRY-PW	08/17/2023	104265		\$13.13
MISSION LINEN & UNIFORM INC	LAUNDRY-PW	08/25/2023	104310		\$13.13
SANTA FE IRRIGATION DISTRICT	005506-014-JUL 23	08/17/2023	104268		\$224.97
MIKHAIL OGAWA ENGINEERING, INC.	FY 23-STORMWATER PROGRAM	08/25/2023	9000968		\$1,202.59
MIKHAIL OGAWA ENGINEERING, INC.	FY 23-STORMWATER SERVICES	08/25/2023	9000968		\$4,088.79
VERIZON WIRELESS-SD	362455526-07/02/23-08/01/23	08/25/2023	104322		\$52.17
DOG WASTE DEPOT	MITTN BAGS	08/17/2023	104260		\$2,405.52
CLEAN EARTH ENVIROMENTAL SOLUTIONS	JUNE 23 - HHW	08/17/2023	104255		\$913.54
				TOTAL ENVIRONMENTAL SERVICES	\$8,926.97

1006530 - STREET MAINTENANCE

MISSION LINEN & UNIFORM INC	LAUNDRY-PW	08/17/2023	104265	\$21.33
MISSION LINEN & UNIFORM INC	LAUNDRY-PW	08/17/2023	104265	\$21.33
MISSION LINEN & UNIFORM INC	LAUNDRY-PW	08/25/2023	104310	\$21.33
DIXIELINE LUMBER CO INC	PAIL/TAPE/PAINTBRUSH	08/17/2023	104259	\$65.71
DIXIELINE LUMBER CO INC	FLASHLIGHT/GLOVES	08/25/2023	104285	\$116.33
DIXIELINE LUMBER CO INC	RATCHET/SOCKET SET/PAINT ROLLERS	08/17/2023	104259	\$98.29
SANTA FE IRRIGATION DISTRICT	011695-000-JUL 23	08/17/2023	104268	\$93.61
NAPA AUTO PARTS INC	REFRIGERANT FLUID	08/25/2023	104312	\$107.73
VERIZON WIRELESS-SD	362455526-07/02/23-08/01/23	08/25/2023	104322	\$52.17
ENCINITAS BEE COMPANY	LIVE BEE REMOVAL	08/17/2023	104262	\$275.00

TOTAL STREET MAINTENANCE**\$872.83****1006540 - TRAFFIC SAFETY**

REDFLEX TRAFFIC SYSTEMS, INC	JUL 23- RED LIGHT CAMERA	08/17/2023	9000953	\$7,694.85
VERIZON WIRELESS-SD	362455526-07/02/23-08/01/23	08/25/2023	104322	\$37.26
AT&T CALNET 3	9391012279 - 06/24/23-07/23/23	08/17/2023	104253	\$57.96
YUNEX LLC	FY24 TRAFFIC SIGNAL AND SAFETY	08/25/2023	9000974	\$264.54

TOTAL TRAFFIC SAFETY**\$8,054.61****1006550 - STREET CLEANING**

SANTA FE IRRIGATION DISTRICT	011695-000-JUL 23	08/17/2023	104268	\$54.98
PRIDE INDUSTRIES	JUL 23-TRASH ABATEMENT SERVICES	08/17/2023	104266	\$1,598.50
SCA OF CA, LLC	JUL 23- CITY-WIDE STREET SWEEPING	08/17/2023	104269	\$3,988.34
SCA OF CA, LLC	JUN 23- STREET SWEEPING SERVICES	08/25/2023	104318	\$3,910.15

TOTAL STREET CLEANING**\$9,551.97****1006560 - PARK MAINTENANCE**

MISSION LINEN & UNIFORM INC	LAUNDRY-PW	08/17/2023	104265	\$15.59
MISSION LINEN & UNIFORM INC	LAUNDRY-PW	08/17/2023	104265	\$15.59
MISSION LINEN & UNIFORM INC	LAUNDRY-PW	08/25/2023	104310	\$15.59
DIXIELINE LUMBER CO INC	WASHER/NUTS	08/17/2023	104259	\$0.84
DIXIELINE LUMBER CO INC	PAINT BRUSH/ROLLERS/PAIL	08/17/2023	104259	\$33.04
DIXIELINE LUMBER CO INC	FOUNTAIN PUMP	08/17/2023	104259	\$84.16
DIXIELINE LUMBER CO INC	GLOVE/FILTER MASK/CLOTH/SPRAYER	08/17/2023	104259	\$32.46
SANTA FE IRRIGATION DISTRICT	05979-005-06/02/23-08/01/23	08/17/2023	104268	\$436.57
SANTA FE IRRIGATION DISTRICT	005506-018- ONE MONTH-JUL 23	08/17/2023	104268	\$294.75
SANTA FE IRRIGATION DISTRICT	005506-019 - ONE MONTH-JUL 23	08/17/2023	104268	\$1,683.27
W.W. GRAINGER, INC	FLUSH SERVOMOTOR	08/17/2023	104264	\$361.87
CONSOLIDATED ELECTRICAL DIST INC	BOLLARD LEDS	08/10/2023	9000937	\$2,353.26
VERIZON WIRELESS-SD	362455526-07/02/23-08/01/23	08/25/2023	104322	\$74.53
THE HOME DEPOT PRO	LINERS	08/17/2023	104271	\$1,119.51

TOTAL PARK MAINTENANCE**\$6,521.03****1006570 - PUBLIC FACILITIES**

SEASIDE HEATING & AIR CONDITIONING	APR LC-PREVENTATIVE MAINTENANCE	08/10/2023	104245	\$180.00
SEASIDE HEATING & AIR CONDITIONING	APR MS-PREVENTATIVE MAINTENANCE	08/10/2023	104245	\$120.00
SEASIDE HEATING & AIR CONDITIONING	APR CH-PREVENTATIVE MAINTENANCE	08/10/2023	104245	\$360.00
SEASIDE HEATING & AIR CONDITIONING	REPLACED CONDENSER FAN MOTOR	08/10/2023	104245	\$365.00
SEASIDE HEATING & AIR CONDITIONING	REPLACED CONDENSER FAN MOTOR	08/10/2023	104245	\$495.00
DIXIELINE LUMBER CO INC	RUST-OLEUM SPRAY	08/17/2023	104259	\$12.71
DIXIELINE LUMBER CO INC	BLANK KEY/PAPER TAGS	08/17/2023	104259	\$15.12
DIXIELINE LUMBER CO INC	WASHERS/NUTS/ELECTRICAL OUTLET	08/17/2023	104259	\$22.27
DIXIELINE LUMBER CO INC	UTILITY BLADES/STAPLES	08/17/2023	104259	\$7.61
DIXIELINE LUMBER CO INC	RANGE DIG MULTIMETER	08/25/2023	104285	\$25.44

DIXIELINE LUMBER CO INC	RETURN AIR GRILLE	08/25/2023	104285	\$10.27
DIXIELINE LUMBER CO INC	CONTRACTOR HOSE	08/25/2023	104285	\$78.29
DIXIELINE LUMBER CO INC	TUBE CAPS/BALL VALVE	08/17/2023	104259	\$16.12
DIXIELINE LUMBER CO INC	BAGS/PAINT ROLLERS	08/17/2023	104259	\$82.48
DIXIELINE LUMBER CO INC	SCREWS	08/17/2023	104259	\$26.42
DIXIELINE LUMBER CO INC	COPPER PIPE	08/17/2023	104259	\$7.62
DIXIELINE LUMBER CO INC	CRIMPER/GLOVES	08/17/2023	104259	\$45.00
DIXIELINE LUMBER CO INC	GLOVES/HOSE CLAMP	08/17/2023	104259	\$37.13
DIXIELINE LUMBER CO INC	LIGHTBULBS	08/17/2023	104259	\$15.64
DIXIELINE LUMBER CO INC	SPRAY TEXTURE/LADDER	08/17/2023	104259	\$281.43
NAPA AUTO PARTS INC	ROPE/BATTERY	08/25/2023	104312	\$325.77
LALLEY CONSTRUCTION	ELECTRIC METER SERVICE PEDESTAL	08/10/2023	104241	\$520.00
LALLEY CONSTRUCTION	WATER LEAK	08/10/2023	104241	\$130.00
LALLEY CONSTRUCTION	ENTRY DOOR REPAIR/URINAL REPAIR	08/10/2023	104241	\$975.00
24 HOUR ELEVATOR, INC	AUG 23-ELEVATOR MAINT	08/17/2023	104251	\$194.48
BILL SMITH FOREIGN CAR SERVICE INC	OIL/FILTER	08/25/2023	104277	\$56.80
CINTAS CORPORATION NO. 2	FIRST AID SUPPLIES-PW	08/25/2023	104279	\$118.96
CALIFORNIA OFFICE CLEANING, INC	JUL 23- JANITORIAL/CUSTODIAL SVC	08/17/2023	9000946	\$8,875.00
CALIFORNIA OFFICE CLEANING, INC	JANITORIAL/CUSTODIAL SVC-FS	08/25/2023	9000962	\$200.00
SYMONS FIRE PROTECTION	FY23 FIRE SUPPRESSION EQUIPMENT SERVICES	08/25/2023	104320	\$474.00
PRIDE INDUSTRIES	JUL 23-TRASH ABATEMENT SERVICES	08/17/2023	104266	\$1,598.50
FERANDELL TENNIS COURTS, INC	FCP BASKETBALL IMPROVEMENTS	08/25/2023	104287	\$1,266.35
FERANDELL TENNIS COURTS, INC	FCP BASKETBALL IMPROVEMENTS	08/25/2023	104287	\$16,962.25
FERANDELL TENNIS COURTS, INC	FCP BASKETBALL IMPROVEMENTS	08/25/2023	104287	\$892.75
FERANDELL TENNIS COURTS, INC	FCP BASKETBALL IMPROVEMENTS CO	08/25/2023	104287	\$66.65
TOTAL PUBLIC FACILITIES				\$34,860.06
1007100 - COMMUNITY SERVICES				
GREGORY SAHAGIAN	PUBIC ARTS -UTILITY BOX ART WINNER	08/25/2023	104289	\$450.00
TOTAL COMMUNITY SERVICES				\$450.00
1007110 - GF-RECREATION				
ABLE PATROL & GUARD, INC	JULY 23 FCC EVENT SECURITY	08/10/2023	104230	\$634.50
1 STOP TONER & INKJET, LLC	TONER - LC	08/10/2023	9000941	\$85.41
CALIFORNIA OFFICE CLEANING, INC	JULY EVENT CLEANING	08/10/2023	9000936	\$180.00
KLEEGER INDUSTRIES, INC	10/22/23 DIA DE LOS MUERTOS RENTAL	08/10/2023	104240	\$1,500.00
TOTAL GF-RECREATION				\$2,399.91
1205460 - SELF INSURANCE RETENTION				
CONSOLIDATED ELECTRICAL DIST INC	CR23.901 CRT NORTH BOLLARD REP	08/25/2023	9000965	\$10,699.58
CONSOLIDATED ELECTRICAL DIST INC	CR23.901 CRT NORTH BOLLARD REP	08/25/2023	9000965	\$680.68
GEORGE HILLS COMPANY, INC.	JUN 23 - 2202.RIECKEN	08/10/2023	9000939	\$92.40
GEORGE HILLS COMPANY, INC.	JUN 23 - 2203.PEASE	08/10/2023	9000939	\$269.50
GEORGE HILLS COMPANY, INC.	JUN 23 - 2302.BARRERA	08/10/2023	9000939	\$130.90
GEORGE HILLS COMPANY, INC.	JUN 23 - 2305.MEISENHEIMER	08/10/2023	9000939	\$146.30
GEORGE HILLS COMPANY, INC.	JUN 23 - 2306.DUPREZ	08/10/2023	9000939	\$38.50
GEORGE HILLS COMPANY, INC.	JUN 23 - 2307.KELLY	08/10/2023	9000939	\$161.70
BURKE WILLIAMS & SORENSEN	96-0040.003-JUNE 23 PROF SVC	08/25/2023	9000961	\$1,783.20
YUNEX LLC	CR23.730- TRAFFIC LIGHT MAINT/REPAIR	08/25/2023	9000974	\$21,787.69
YUNEX LLC	CR23.730- TRAFFIC LIGHT MAINT/REPAIR	08/25/2023	9000974	\$2,612.31
TOTAL SELF INSURANCE RETENTION				\$38,402.76
1255465 - WORKERS COMPENSATION				
PINNACOL ASSURANCE	FY 24 Q2-WORKERS COMP INS-CO	08/25/2023	104314	\$521.00
TOTAL WORKERS COMPENSATION				\$521.00

1605360 - OPEB OBLIGATION

MIDAMERICA	SEPTEMBER 23	08/25/2023	9000967	\$7,320.00
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TOTAL OPEB OBLIGATION**\$7,320.00****202 - GAS TAX**

BEADOR CONSTRUCTION COMPANY, INC.	9383 LSF BRIDGE REPAIR RETENSION RELEASE	08/10/2023	104232	\$7,000.00
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TOTAL GAS TAX**\$7,000.00****2026510 - GAS TAX-ENGINEERING**

MICHAEL BAKER INTERNATIONAL, INC	JUN 23-LSF CORRIDOR III DESIGN	08/17/2023	9000951	\$20,549.90
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TOTAL GAS TAX-ENGINEERING**\$20,549.90****2047520 - MID 9C SANTA FE HILLS**

SANTA FE IRRIGATION DISTRICT	05979-009-06/02/23-08/01/23	08/17/2023	104268	\$936.84
SANTA FE IRRIGATION DISTRICT	05979-010-06/02/23-08/01/23	08/17/2023	104268	\$572.36
SANTA FE IRRIGATION DISTRICT	05979-011-06/02/23-08/01/23	08/17/2023	104268	\$638.12
SANTA FE IRRIGATION DISTRICT	05979-012-06/02/23-08/01/23	08/17/2023	104268	\$150.40
SANTA FE IRRIGATION DISTRICT	05979-006-06/02/23-08/01/23	08/17/2023	104268	\$1,797.20
SANTA FE IRRIGATION DISTRICT	05979-007-06/02/23-08/01/23	08/17/2023	104268	\$1,588.96
SANTA FE IRRIGATION DISTRICT	005979-021 - ONE MONTH-JUL 23	08/17/2023	104268	\$1,464.03
SANTA FE IRRIGATION DISTRICT	005979-022 - ONE MONTH-JUL 23	08/17/2023	104268	\$1,041.79
SANTA FE IRRIGATION DISTRICT	005979-023 - ONE MONTH-JUL 23	08/17/2023	104268	\$1,021.49
SANTA FE IRRIGATION DISTRICT	005979-024 - ONE MONTH-JUL 23	08/17/2023	104268	\$863.15
SANTA FE IRRIGATION DISTRICT	005979-025 - ONE MONTH-JUL 23	08/17/2023	104268	\$635.79
SANTA FE IRRIGATION DISTRICT	005979-026 - ONE MONTH-JUL 23	08/17/2023	104268	\$749.47
SANTA FE IRRIGATION DISTRICT	005979-015 - ONE MONTH-JUL 23	08/17/2023	104268	\$501.81
SANTA FE IRRIGATION DISTRICT	005979-016 - ONE MONTH-JUL 23	08/17/2023	104268	\$745.41
SANTA FE IRRIGATION DISTRICT	005979-017 - ONE MONTH-JUL 23	08/17/2023	104268	\$48.81
SANTA FE IRRIGATION DISTRICT	005979-018 - ONE MONTH-JUL 23	08/17/2023	104268	\$130.01
SANTA FE IRRIGATION DISTRICT	005979-019 - ONE MONTH-JUL 23	08/17/2023	104268	\$637.51
SANTA FE IRRIGATION DISTRICT	005979-020 - ONE MONTH-JUL 23	08/17/2023	104268	\$924.05
SANTA FE IRRIGATION DISTRICT	005979-014 - ONE MONTH-JUL 23	08/17/2023	104268	\$879.39
SANTA FE IRRIGATION DISTRICT	005979-029-06/16/23-08/15/23	08/25/2023	104317	\$942.32
SANTA FE HILLS HOA	JUL-SANTA FE HILLS HOA	08/10/2023	9000942	\$18,250.00

TOTAL MID 9C SANTA FE HILLS**\$34,518.91****2057530 - MID 9E ISLA VERDE**

ISLA VERDE HOA	JUL-ISLA VERDE HOA	08/10/2023	104238	\$433.33
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TOTAL MID 9E ISLA VERDE**\$433.33****2077550 - MID 9H SAN ELIJO #2**

SAN ELIJO HILLS II HOA	JUL-SAN ELIJO HILLS HOA	08/10/2023	104244	\$10,850.00
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TOTAL MID 9H SAN ELIJO #2**\$10,850.00****2087580 - COASTAL RAIL TRAIL MAINT**

SANTA FE IRRIGATION DISTRICT	005506-020 - ONE MONTH-JUL 23	08/17/2023	104268	\$1,877.02
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TOTAL COASTAL RAIL TRAIL MAINT**\$1,877.02****2117600 - STREET LIGHTING DISTRICT**

VERIZON WIRELESS-SD	362455526-07/02/23-08/01/23	08/25/2023	104322	\$14.91
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TOTAL STREET LIGHTING DISTRICT**\$14.91****2135550 - DEVELOPER PASS-THRU- PLANNING**

PAMELA ELLIOTT LANDSCAPE ARCHITECT	DRP22-019-JULY 23	08/17/2023	9000952	\$350.00
PAMELA ELLIOTT LANDSCAPE ARCHITECT	DRP22-024-JULY 23	08/17/2023	9000952	\$350.00
PAMELA ELLIOTT LANDSCAPE ARCHITECT	1714.08-JULY 23	08/17/2023	9000952	\$500.00
PAMELA ELLIOTT LANDSCAPE ARCHITECT	B23-0011-JULY 23	08/17/2023	9000952	\$350.00
PAMELA ELLIOTT LANDSCAPE ARCHITECT	DRP23-003-JULY 23	08/17/2023	9000952	\$350.00

PAMELA ELLIOTT LANDSCAPE ARCHITECT	DRP22-026-JULY 23	08/17/2023	9000952	\$350.00
PAMELA ELLIOTT LANDSCAPE ARCHITECT	B21-0534-JULY 23	08/17/2023	9000952	\$350.00
PAMELA ELLIOTT LANDSCAPE ARCHITECT	REV22-001-JULY 23	08/17/2023	9000952	\$500.00
PAMELA ELLIOTT LANDSCAPE ARCHITECT	DRP21-009-JULY 23	08/17/2023	9000952	\$350.00
PAMELA ELLIOTT LANDSCAPE ARCHITECT	1717.40-JULY 23	08/17/2023	9000952	\$500.00
PAMELA ELLIOTT LANDSCAPE ARCHITECT	DRP22-005-JULY 23	08/17/2023	9000952	\$350.00
PAMELA ELLIOTT LANDSCAPE ARCHITECT	DRP20-002-JULY 23	08/17/2023	9000952	\$450.00
TOTAL DEVELOPER PASS-THRU- PLANNING				\$4,750.00
240 - COMM DEV BLOCK GR (CDBG)				
PORTILLO CONCRETE, INC	PROJ 9355.23-RETENTION	08/25/2023	104315	\$2,750.00
TOTAL COMM DEV BLOCK GR (CDBG)				\$2,750.00
2406510 - COMM DEV BLOCK GR (CDBG)-CIP				
COMMUNITY RESOURCE CENTER	FY 23- CDBG-CV GRANT PROGRAM	08/25/2023	104282	\$31,150.00
TOTAL COMM DEV BLOCK GR (CDBG)-CIP				\$31,150.00
2505570 - COASTAL BUSINESS/VISITORS				
DEL MAR BLUE PRINT COMPANY, INC.	MOVIE NIGHT SPONSOR BOARD	08/25/2023	104283	\$70.25
SAM CASTELLANO	08/12 MOVIE NIGHT LIGHTING RENTAL	08/10/2023	104234	\$50.00
SAM CASTELLANO	08/12 MOVIE NIGHT LIGHTING RENTAL	08/10/2023	104234	\$50.00
TOTAL COASTAL BUSINESS/VISITORS				\$170.25
2556180 - CAMP PROGRAMS				
ORIGINAL WATERMEN, INC	JR GRD UNIFORM RESTOCK	08/25/2023	104313	\$452.55
WESS TRANSPORTATION SERVICES	07/20 SUMMER CAMP TRANSPORTATION	08/10/2023	104249	\$626.05
EXTRA GRAPHIC SCREEN PRINTING	JG SHIRTS	08/10/2023	104236	\$1,030.53
TOTAL CAMP PROGRAMS				\$2,109.13
2706120 - PUBLIC SAFETY- FIRE				
NATIONWIDE MEDICAL SURGICAL INC	CSA.17-SODIUM CHLORIDE/TRANEXAMIC ACID	08/25/2023	9000969	\$206.39
TOTAL PUBLIC SAFETY- FIRE				\$206.39
4506190 - SAND REPLNSHMNT/RETENTION				
REGIONAL WATER QUALITY CONTROL BRD	SCOUP PERMIT RENEWAL	08/10/2023	104242	\$2,734.00
TOTAL SAND REPLNSHMNT/RETENTION				\$2,734.00
4506510 - SANDREPLNSHMNT/RETNTN-CIP				
T.B. PENICK & SONS, INC.	9442.23 FCP CONCRETE RESTORATI	08/10/2023	104248	\$77,620.00
T.B. PENICK & SONS, INC.	9442.23 FCP CONCRETE RESTORATI	08/10/2023	104248	\$22,115.00
TOTAL SANDREPLNSHMNT/RETNTN-CIP				\$99,735.00
4596510 - MISC.CAPITALPROJECTS-ENG				
UT SAN DIEGO - NRTH COUNTY	NTC-BID: 2023-08	08/25/2023	104321	\$564.22
LA JOLLA STONE ETCHING	SB VETERAN MEMORIAL	08/25/2023	104291	\$500.00
TOTAL MISC.CAPITALPROJECTS-ENG				\$1,064.22
4596520 - MISC CAPITAL PROJ - ENVIR				
UNIVERSITY OF SAN DIEGO	JUN 23 CLIMATE ACTION PLAN UPDATE	08/10/2023	9000945	\$1,937.18
TOTAL MISC CAPITAL PROJ - ENVIR				\$1,937.18
5097700 - SANITATION				
MISSION LINEN & UNIFORM INC	LAUNDRY-PW	08/17/2023	104265	\$8.20
MISSION LINEN & UNIFORM INC	LAUNDRY-PW	08/17/2023	104265	\$8.20
MISSION LINEN & UNIFORM INC	LAUNDRY-PW	08/25/2023	104310	\$8.20
SANTA FE IRRIGATION DISTRICT	05979-008-06/02/23-08/01/23	08/17/2023	104268	\$94.48
SANTA FE IRRIGATION DISTRICT	005506-014-JUL 23	08/17/2023	104268	\$674.91
VERIZON WIRELESS-SD	362455526-07/02/23-08/01/23	08/25/2023	104322	\$14.91
AT&T CALNET 3	9391012277- 06/24/23-07/23/23	08/17/2023	104253	\$17.06
US BANK	9/1-2017 SEJPA INTEREST	08/25/2023	9000973	\$212,043.75

US BANK	9/1-WWR REF 2017	08/25/2023	9000973	\$93,403.13
US BANK	9/1-WWR REF 2017	08/25/2023	9000973	(\$249.24)
IDRAINS LLC	E- SEWER-STORMDRAIN MAINT-10,024	08/17/2023	104252	\$6,315.12
IDRAINS LLC	FY24 SEWER-STORMDRAIN CLEANING	08/17/2023	104252	\$525.00
BEADOR CONSTRUCTION COMPANY, INC.	9383 LSF BRIDGE REPAIR RETENSION RELEASE	08/10/2023	104232	\$737.30
TOTAL SANITATION				\$313,601.02
6718510 - BARBARA UNDERGROUNDING-DS				
WILLDAN	Q4-IMPROVMENT DISTRICT ADMIN	08/17/2023	9000958	\$24.44
WILLDAN	Q4-LOCAL IMPROVMENT DISTRICT ADMIN	08/17/2023	9000958	\$252.68
TOTAL BARBARA UNDERGROUNDING-DS				\$277.12
6728520 - PACIFIC UNDERGROUNDING-DS				
WILLDAN	Q4-IMPROVMENT DISTRICT ADMIN	08/17/2023	9000958	\$7.19
WILLDAN	Q4-LOCAL IMPROVMENT DISTRICT ADMIN	08/17/2023	9000958	\$250.80
TOTAL PACIFIC UNDERGROUNDING-DS				\$257.99
6738530 - MARSOLAN UNDERGROUNDNG-DS				
WILLDAN	Q4-IMPROVMENT DISTRICT ADMIN	08/17/2023	9000958	\$5.66
WILLDAN	Q4-LOCAL IMPROVMENT DISTRICT ADMIN	08/17/2023	9000958	\$250.62
COMPUTERSHARE CORPORATE TRUST	SOBEACH0724-MARSOLAN BND INT/PRIN 9/2	08/25/2023	9000964	\$8,677.50
COMPUTERSHARE CORPORATE TRUST	SOBEACH0724-MARSOLAN BND INT/PRIN 9/2	08/25/2023	9000964	\$10,000.00
TOTAL MARSOLAN UNDERGROUNDNG-DS				\$18,933.78
6768560 - SO SOLANA SEWER DISTR-DS				
COMPUTERSHARE CORPORATE TRUST	SOBEACH1106-SSSWR BND INT/PRIN 9/2	08/25/2023	9000964	\$9,167.50
COMPUTERSHARE CORPORATE TRUST	SOBEACH1106-SSSWR BND INT/PRIN 9/2	08/25/2023	9000964	\$20,000.00
TOTAL SO SOLANA SEWER DISTR-DS				\$29,167.50
REPORT TOTAL:				\$879,693.39



STAFF REPORT CITY OF SOLANA BEACH

TO: Honorable Mayor and City Councilmembers
FROM: Gregory Wade, City Manager
MEETING DATE: September 27, 2023
ORIGINATING DEPT: Finance
SUBJECT: **Report on Changes Made to the General Fund Adopted Budget for Fiscal Year 2023-24**

BACKGROUND:

Staff provides a report at each Council meeting that lists changes made to the current Fiscal Year (FY) General Fund Adopted Budget. The information provided in this Staff Report lists the changes made through August 23, 2023.

DISCUSSION:

The following table reports the revenue, expenditures, and transfers for 1) the Adopted General Fund Budget approved by Council on June 28, 2023 (Resolution 2023-089) and 2) any resolutions passed by Council that amended the Adopted General Fund Budget.

GENERAL FUND - ADOPTED BUDGET PLUS CHANGES As of 08/23/23						
General Fund - Operations						
Date	Action	Description	Revenues	Expenditures	Transfers from GF	Net Surplus
06/28/2023	Reso 2023-089	Adopted Budget	24,472,918	(23,078,124)	(980,000)	\$ 414,794
						414,794
General Fund - Measure S						
Date	Action	Description	Revenues	Expenditures	Transfers from GF	Net Surplus
06/28/2023	Reso 2023-089	Adopted Budget	4,400,000	(1,124,000)	(733,400)	\$ 2,542,600
						2,542,600
Combined General Fund Net Surplus						\$ 2,957,394

CEQA COMPLIANCE STATEMENT:

Not a project as defined by CEQA

COUNCIL ACTION:

FISCAL IMPACT:

N/A

WORK PLAN:

N/A

OPTIONS:

- Receive the report.
- Do not accept the report

DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council receive the report listing changes made to the FY 2023-2024 General Fund Adopted Budget.

CITY MANAGER'S RECOMMENDATION:

Approve Department Recommendation



Gregory Wade, City Manager



STAFF REPORT CITY OF SOLANA BEACH

TO: Honorable Mayor and City Councilmembers
FROM: Gregory Wade, City Manager
MEETING DATE: September 27, 2023
ORIGINATING DEPT: Fire Department
SUBJECT: **City Council Consideration of Resolution 2023-110 to Approve the Alert & Warning Memorandum of Agreement Between the County of San Diego and the City of Solana Beach**

BACKGROUND:

The Wireless Emergency Alert (WEA) system is a federally maintained alert and warning system, available to all jurisdictions to notify the public in times of imminent, severe, or extreme emergencies. The system is managed by the San Diego County Office of Emergency Services (OES) in a Memorandum of Agreement (MOA) with the Federal Emergency Management Agency (FEMA).

The County of San Diego also maintains a regional mass notification system, AlertSanDiego. Regional MOAs between the County of San Diego and the City of Solana Beach were signed in September 2018 and February 2020 for the use of AlertSanDiego and WEA within the framework, agreements, rules, and protocols agreed upon by the San Diego Unified Disaster Council and in agreement with the County's Emergency Operations Plan.

This item is before the City Council to request approval of Resolution 2023-110 (Attachment 1) approving the Alert & Warning MOA between the County of San Diego and City of Solana Beach.

DISCUSSION:

The jurisdictions within San Diego County have a need to rapidly notify the public during an emergency. The Alert & Warning MOA allows the City of Solana Beach to initiate WEA messages and generate AlertSanDiego campaigns to the public utilizing the OES

COUNCIL ACTION:

Mass Notification System. The Alert & Warning MOA (Attachment 2) will replace previous agreements regarding the AlertSanDiego and WEA. Entering into the MOA with County OES ensures that the City of Solana Beach can participate in essential public service programs designed to alert the public and keep them safe during life-threatening emergencies.

WEA messages are emergency notifications sent by authorized government entities alerting authorities through mobile carriers and broadcast to mobile phones receiving a signal from cell towers within or in close proximity to the alert area. Only individuals located in the area will receive the message through their WEA-capable cell phones (most carriers participate), including those who arrive in the area after the incident has occurred, until there is no longer a threat to public safety.

In addition to WEA, AlertSanDiego is a regional notification system that can send telephone notifications, texts, and emails to the public and businesses impacted by, or in danger of being impacted by, a disaster. AlertSanDiego is used by emergency response personnel. AlertSanDiego utilizes the region's 9-1-1 database, provided by local telephone companies, and now includes the addition of San Diego Gas and Electric (SDG&E) confidential customer database information. However, unlike AlertSanDiego, WEA reaches most mobile phones within a given area, designated by cell towers. AlertSanDiego only reaches designated landlines and pre-registered cell phones and emails of residents within the incident area.

The changes to the existing 2020 MOA are redlined in Attachment 3. Updates to the 2020 MOA include:

- Addition of background, responsibilities, and policy of Zonehaven, the new evacuation management software.
- Training on the new systems and updated training requirements for users and administrators.
- Policy and responsibility information on Non-Weather Emergency Messages (NWEM) and Emergency Alert System (EAS) alerts.
- Addition of SDG&E confidential customer information integration into AlertSanDiego via Government Code Section 8593.4.
- Update of the County of San Diego's website references to AlertSanDiego.org.

The presence of both alerting platforms is important for maintaining a comprehensive emergency public outreach system.

CEQA COMPLIANCE STATEMENT:

Not a project as defined by CEQA.

FISCAL IMPACT:

There is no direct fiscal impact associated with this Council action. The Alert and Warning System (Wireless Emergency Alert and AlertSanDiego) is funded by regional Homeland

Security Grant Program funds or by Unified Disaster Council dues, as determined by the Unified Disaster Council. Jurisdictions are not billed for utilizing the system.

WORK PLAN:

N/A

OPTIONS:

- Approve Staff recommendation.
- Approve Staff recommendation with alternative amendments / modifications.
- Deny Staff recommendation and provide direction.

DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council approve Resolution 2023-110:

1. Approving the Alert & Warning Memorandum of Agreement between the County of San Diego and the City of Solana Beach.
2. Authorizing the City Manager to execute the Memorandum of Agreement on behalf of the City of Solana Beach.

CITY MANAGER'S RECOMMENDATION:

Approve Department Recommendation.



Gregory Wade, City Manager

Attachments:

1. Resolution 2023-110
2. Alert & Warning Memorandum of Agreement with the County of San Diego and the City of Solana Beach, August 2023
3. Redlined 2020 Alert & Warning Memorandum of Agreement between the County of San Diego and the City of Solana Beach

RESOLUTION 2023-110

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, APPROVING THE ALERT & WARNING MEMORANDUM OF AGREEMENT BETWEEN THE COUNTY OF SAN DIEGO AND THE CITY OF SOLANA BEACH

WHEREAS, the Wireless Emergency Alert (WEA) system is a federally maintained alert and warning system, available to all jurisdictions to notify the public in times of imminent, severe, or extreme emergencies; and

WHEREAS, the County of San Diego Office of Emergency Services (OES), with the Federal Emergency Management Agency (FEMA), manages the San Diego Wireless Emergency Alert (WEA) system; and

WHEREAS, the County of San Diego Office of Emergency Services (OES) also maintains a regional mass notification system, AlertSanDiego; and

WHEREAS, the Memorandum of Agreement (MOA) establishes a regional agreement between the County of San Diego (County) and the City of Solana Beach for the use of WEA and AlertSanDiego; and

WHEREAS, entering into the Alert & Warning MOA with County OES ensures the City of Solana Beach can participate in an essential public service program designed to alert the public and keep them safe during life-threatening emergencies.

NOW, THEREFORE, the City Council of the City of Solana Beach, California, does resolve as follows:

1. That the above recitations are true and correct.
2. That the City Council authorizes the City Manager to execute the Alert & Warning Memorandum of Agreement between the County of San Diego and the City of Solana Beach

PASSED AND ADOPTED this 27th day of September, 2023 at a regularly scheduled meeting of the City Council of the City of Solana Beach, California by the following vote:

AYES: Councilmembers -
NOES: Councilmembers -
ABSTAIN: Councilmembers -
ABESENT: Councilmembers -

LESA HEEBNER, Mayor

APPROVED AS TO FORM:

ATTEST:

JOHANNA N. CANLAS, City Attorney

ANGELA IVEY, City Clerk

**ALERT & WARNING
MEMORANDUM OF AGREEMENT BETWEEN
THE COUNTY OF SAN DIEGO
AND THE
CITY OF SOLANA BEACH**

I. PURPOSE

This Agreement (“Agreement”) is made by and between the County of San Diego (“County”) and the [JURISDICTION] (“Jurisdiction”). This form establishes a regional agreement on the use of Alert & Warning modalities capable of being initiated through the Office of Emergency Services (County OES) Mass Notification System (“System”). This agreement will allow the Jurisdiction to initiate Wireless Emergency Alerts (WEA) and generate AlertSanDiego campaigns to their jurisdiction via the County OES Mass Notification System.

County OES recognizes that each San Diego County Operational Area Jurisdiction has a need to rapidly notify their residents before and/or during an emergency. County OES and the Sheriff Communication Center are authorized to disseminate Alert & Warning messages to the unincorporated county areas.

Each Jurisdiction is responsible for initiating their own Alert & Warning messages to their jurisdiction. This Memorandum of Agreement (MOA) replaces previous agreements regarding the AlertSanDiego mass notification system and replaces previous WEA MOAs.

II. BACKGROUND

County OES is responsible for procuring and maintaining the System (e.g., software), used to connect to the federal WEA aggregator and AlertSanDiego, the regional notification system used to send voice, text, and email notifications to the public and businesses within San Diego County. The System shall be funded by regional Homeland Security Grant Program funds when possible or by Unified Disaster Council dues, as determined by the Unified Disaster Council. Grant and Unified Disaster Council budgets are voted upon annually by the Unified Disaster Council. Jurisdictional usage of the System is unlimited. Jurisdictions are not billed for utilizing the System.

A. Wireless Emergency Alerts (WEA)

The Wireless Emergency Alert (WEA) system, is a federally maintained alert and warning system, available to all jurisdictions to notify the public in times of imminent, severe, or extreme hazards within the framework, agreements, rules and protocols agreed upon by the Federal Emergency Management Agency (FEMA), the Federal Communications Commission (FCC), and the Unified Disaster Council and in agreement with the Operational Area Emergency Operations Plan and the fifth amended Joint Powers Agreement, as applicable.

On behalf of the San Diego County Operational Area, County OES maintains an MOA with FEMA designating County OES as a Collaborative Operating Group (COG) with the Integrated Public Alert & Warning System (IPAWS).

With access to IPAWS through the County OES Mass Notification System, the Jurisdiction can initiate WEAs. WEAs are emergency notifications sent by authorized government alerting authorities, as determined by the Jurisdiction, through mobile carriers and broadcast to mobile phones receiving a signal from cell towers within or near the alert area. Please see examples of 90- and 360-character WEA messages in Appendix A.

Because WEA messages leverage mobile carrier cell phone towers and the broadcast range of a particular tower can be affected by many variables such as the height of antenna over surrounding terrain, the frequency of signal in use, the transmitter's power, the directional characteristics of the site antenna array, local geography and weather conditions, emergency notifications will more than likely occur outside of the intended notification area. WEA version 3.0 from FEMA/FCC incorporates 0.1-mile geo-targeting capability which allows jurisdictions to notify the public with greater accuracy.

Since WEAs may have regional implications and may be received by the public in surrounding jurisdictions, the initiation of WEAs requires regional coordination which is the responsibility of the initiating Jurisdiction ([See Section IV. Communication](#)).

B. AlertSanDiego

The County of San Diego maintains a regional notification system that is able to send voice, text, and email notifications to people within San Diego County who may be impacted by, or are in danger of being impacted by, a disaster. This system, branded as AlertSanDiego, is used by emergency response personnel to notify members of the public at risk with information about the event and/or protective actions (such as evacuation, shelter in place, etc.) It is Teletype/“Telecommunications Device for the Deaf” TTY/TDD capable.

The System has several feeds of contact information. The system ingests the region's 9-1-1 database monthly. It is provided by the local telephone companies and includes both listed and unlisted landline phone numbers for voice notifications.

Members of the public are also able to self-register their Voice Over Internet Protocol (VoIP), cellular telephone numbers, and/or email addresses to receive notifications via voice, text, email, and/or American Sign Language with English voice and text.

The System also ingests Confidential Customer Information (CCI) from San Diego Gas & Electric public utility data monthly. It is provided pursuant to Government Code section 8593.4.

Pursuant to the Non-Disclosure Agreement (Appendix C) the Jurisdiction is a Representative of the County of San Diego and it is hereby agreed to that the Jurisdiction is familiar with, and shall abide by, the terms of Appendix C as though it were a party hereto.

County OES will notify the individuals on the modalities listed in the CCI when they are first enrolled in the System. This notification will include a process to opt out of the System which would terminate County OES access to the individual's CCI for purposes of the System.

C. Zonehaven

Zonehaven is an evacuation management software that is replacing the current public safety grids to select and define alerting areas during an incident. The zones have been created using several factors and have been reviewed and approved by each jurisdiction. The zones, as created, may cross jurisdictional lines.

III. POLICY

A. EAS

Emergency Alert System (EAS) is a national public warning system commonly used by state and local authorities to deliver important emergency information, such as weather and AMBER alerts, to affected communities. EAS Participants – radio and television broadcasters, cable systems, satellite radio and television providers, and wireline video providers – deliver local alerts on a voluntary basis. The State of California has been divided into "EAS Operational Areas" for the purpose of disseminating emergency information. The San Diego EAS Operational Area encompasses the entire County.

Only County OES and the Sheriff's Communications Center are authorized to activate the EAS. Approved jurisdictional Alerting Authorities in the OA can contact the OES Duty Officer and request activation of the system. Determination will be made by OES in the event of the need to notify large areas of the county to take protective actions or to provide emergency information.

B. NWEM

Non-Weather Emergency Messages (NWEM)s are sent through FEMA's Integrated Public Alert and Warning System (IPAWS) to the National Weather Service (NWS) for broadcast over NOAA Weather Radio (NWR) All Hazards and other NWS dissemination systems. This capability was reintroduced in 2021 as a redesign of the previous enhanced NWEM dissemination functionality developed in 2006 as the All-Hazards Emergency Message Collection System (HazCollect).

Only County OES and the Sheriff's Communications Center are authorized to send NWEM alerts. Approved jurisdictional Alerting Authorities in the OA can contact the OES Duty Officer or the Sheriff's Communications Office and request activation of the system. Determination will be made by OES in the event of the need to notify large areas of the county to take protective actions or to provide emergency information.

C. WEA

If a Jurisdiction's Public Safety Official (i.e., Incident Command, or other authorized alerting authority as determined by the Jurisdiction) determines that the severity of an incident necessitates public alert through WEA, the Public Safety Official will request that a WEA is devised and sent out through the Jurisdiction's authorized sender.

Use of the WEA system is solely authorized for imminent, severe, or extreme hazards.

Imminent, Severe, or extreme hazards are incidents where an emergency threatens, or is

imminently expected to threaten, life, health, and/or property. WEAs must contain protective action instructions that recipients will follow to reduce vulnerability to an imminent and/or expected threat.

Protective action instructions include:

1. Shelter – Shelter in place
2. Evacuate – Relocate as instructed
3. Prepare – Make preparations
4. Execute – Execute a pre-planned activity
5. Avoid – Avoid the hazard
6. Monitor – Follow official information sources
7. All clear – The event no longer poses a threat or concern and the Shelter in place has ended.

The system is generally not authorized for:

1. Missing person notifications, except AMBER alerts which are sent out by the Center for Missing and Exploited Children in cooperation with California Highway Patrol
2. Non-emergency weather alerts
3. Traffic problems
4. Parking restrictions
5. Street closures
6. Structure fires impacting limited populations
7. Crime information
8. Notifications to update the public on important programs or special events
9. Routine, informational and/or educational messages
10. Other events with limited impact

The system is not authorized for:

1. Any message of commercial nature
2. Any message of a political nature
3. Any non-official business (e.g. articles, retirement announcements, etc.)

D. AlertSanDiego

If a Jurisdiction's Public Safety Official, as determined by the Jurisdiction, determines that the severity of an incident necessitates public alert through AlertSanDiego, the Public Safety Official is responsible for processing and disseminating the AlertSanDiego message.

The Jurisdiction is authorized to develop pre-established notification lists (either spreadsheets or geo-coded lists) and messages to meet their needs. These lists may include special populations (e.g. in-home care, schools, etc.), those susceptible to certain risks (e.g. homes within dam inundation zone), or employee call back lists. It is the responsibility of the Jurisdiction to create and maintain these lists.

Full Use (voice, text, email) of the AlertSanDiego system to contact registered, E-911, and utility

data is authorized for the following purposes:

1. Imminent, perceived, and/or expected threat to life and/or property
2. Disaster notifications
3. Evacuation notices
4. Public health emergencies
5. Any notification to provide emergency information to a defined community

Limited use (text and email only, no voice) of AlertSanDiego to contact registered mobile devices (not E-911 or utility data) are authorized for the following purposes:

1. Missing Persons at risk

A Missing Person at risk is defined in Penal Code 14215.B below:

“At-risk” means there is evidence of, or there are indications of, any of the following:

- (1) The person missing is the victim of a crime or foul play.
- (2) The person missing is in need of medical attention.
- (3) The person missing has no pattern of running away or disappearing.
- (4) The person missing may be the victim of parental abduction.
- (5) The person missing is mentally impaired, including cognitively impaired or developmentally disabled.

The System is not authorized for:

1. Routine, informational, and/or educational messages
2. Any message of commercial nature
3. Any message of a political nature
4. Any non-official business (e.g. articles, event notifications, retirement announcements, etc.)

Testing and training of the AlertSanDiego system is strictly limited to contact information uploaded by the Jurisdiction. No E-911, utility, or registered users may be notified without their prior written consent.

E. Zonehaven

The Jurisdiction Program Administrator(s) will be responsible for vetting and verifying which employees have completed required trainings in order to obtain access to the Zonehaven system. Jurisdiction Program Administrator(s) must be approved by the Jurisdiction Unified Disaster Council representative.

The Jurisdiction Program Administrator(s) will ensure that the fire, law, EMS, and dispatch agencies serving their jurisdiction are provided a copy of this agreement. The Jurisdiction is responsible for putting in place any internal agreements necessary to perform the responsibilities within this agreement.

Jurisdictions shall, without delay, remove any and all persons no longer employed or otherwise unauthorized to issue Alert & Warning messages on behalf of the Jurisdiction from the System.

Jurisdictions shall verify that all users with access to the system:

1. Are current agents of the jurisdiction with authority to access the system
2. Have read, understand, and agree to the terms of the MOA
3. Have satisfied, at minimum, the training requirements set forth in this MOA
4. Have signed the Rules of Behavior
5. Have read and agreed to the Non-Disclosure Agreement
6. Notify County OES that the above listed items have been verified

IV. COMMUNICATION

A. Cross Jurisdictional

Alerting Authorities, as determined by the Jurisdiction, responsible for disseminating Alert & Warning messages must take into consideration the importance of message coordination, resource sharing, and the need to minimize public alerting fatigue which may occur with system abuse or overuse.

Should the need for Alert & Warning be determined by Public Safety Officials, notification will be made by the initiating Jurisdiction to all potentially affected neighboring jurisdictions immediately. This may include, but not limited to, Unified Disaster Council member(s), Dispatch Agency(ies), Emergency Manager(s), and/or Special District(s), (e.g., Universities, Fire Protection Districts, Water Districts, etc.). This may be accomplished through a manual or an automated system.

B. Public

It is a best practice for the Jurisdiction to refer the public to their Jurisdiction's official website and/or Jurisdiction operated social media sites for further information regarding the emergency that warranted the Alert & Warning. If the website *AlertSD.org*, or any other registered domain name that leads to *AlertSanDiego.org* is used as part of a public Alert & Warning message, the Jurisdiction must notify County OES of their intent to reference the website immediately. The Jurisdiction is also responsible for providing regular updates to County OES so that the County OES website can be updated with the latest disaster information.

Incomplete or imperfect information is not a valid reason to delay or avoid issuing an Alert & Warning. Time is of the essence, as recipients of warnings will need time to consider, plan, and act after they receive an Alert & Warning. This is particularly true among individuals with disabilities and people with access and functional needs. They may require additional time to evacuate or may be at increased risk of harm without notification.

For all Alert & Warning messages sent, the initiating jurisdiction shall be responsible for managing public and media questions, comments, or concerns arising from the message.

During a regional emergency, it is a best practice for all jurisdictions to coordinate Alert & Warning

and Public Information through the Operational Area Emergency Operations Center.

C. Multi-Modal

A highly effective Alert & Warning program will use as many delivery methods as appropriate and necessary. Alert & Warning is comprised of multiple modalities which may include: EAS (Emergency Alert System), NWEM (Non-Weather Emergency Message), WEA (Wireless Emergency Alert), AlertSanDiego, San Diego County Emergency Website (AlertSD.org), and Social Media. Jurisdictions should use all modality levels as appropriate to reach the widest audience.

By utilizing multiple modalities, there is a greater likelihood that people with disabilities or other access and functional needs will receive the Alert & Warning message.

V. RESPONSIBILITIES

A. Jurisdictions

All jurisdictions in the San Diego County Operational Area are responsible for the Alerting & Warning of the people within their jurisdictional boundary of severe or extreme hazards that currently threaten or pose an imminent threat to life or property.

In Zonehaven, because the zone formations do not take jurisdictional boundaries into consideration, alerts may be sent into neighboring jurisdictions. It is the responsibility of the alerting jurisdiction to inform the neighboring impacted jurisdiction that the alert and public facing map is crossing over into their area of responsibility.

Jurisdiction will ensure that trained and authorized personnel are available to issue Alert & Warning 24 hours a day, 7 days a week through dispatch and/or other means. Jurisdiction Program Administrator will be responsible for vetting and verifying which employees have completed required trainings in order to obtain access to the AlertSanDiego, WEA, and Zonehaven systems (see Appendix A). Jurisdiction Program Administrators must be approved by the Jurisdiction Unified Disaster Council representative.

The Jurisdiction Program Administrator will ensure that the fire, law, EMS, and dispatch agencies serving their jurisdiction are provided a copy of this agreement. The Jurisdiction is responsible for putting in place any internal agreements necessary to perform the responsibilities within this agreement.

Jurisdictions shall, without delay, remove any and all persons no longer employed or otherwise unauthorized to issue Alert & Warning messages on behalf of the Jurisdiction from the System.

Jurisdictions shall verify that all users with access to the system:

1. Are current agents of the jurisdiction with authority to access the system
2. Have read, understand, and agree to the terms of the MOA
3. Have satisfied, at minimum, the training requirements set forth in this MOA
4. Have signed the Rules of Behavior

5. Have read and agreed to the Non-Disclosure Agreement
6. Notify County OES that the above listed items have been verified

B. State of California Alert & Warning Guidelines

All users agree to consider the State of California Alert & Warning Guidelines. The guidelines may be found online at www.CalAlerts.org

C. Training

AlertSanDiego and WEA

FEMA requires specific training for alert originators. For a step-by-step guide, please see Appendix A -Personnel Training Requirements. Initial train-the-trainer trainings will be available to the Jurisdiction by the System vendor. Trainings will then be provided to Jurisdiction administrators and communication center users. Ongoing training and refresher trainings can be provided upon request by a representative from the County.

Zonehaven

Initial Zonehaven train-the-trainer trainings will be available to the Jurisdiction by the System vendor. Trainings will then be provided to users at the administrative, communication centers, and field user levels. Ongoing training and refresher trainings can be provided upon request by a representative from the County.

D. Security

Per Federal Requirements, to ensure the joint security of the systems and the message data they store, process, and transmit, both parties agree to adhere to and enforce the Rules of Behavior (as specified in Appendix B). In addition, both parties agree to the following:

1. Ensure authorized users accessing the interoperable system(s) receive, agree to abide by and sign (electronically or in paper form) the IPAWS-OPEN Rules of Behavior as specified in Appendix B. The Jurisdiction is responsible for keeping the signed Rules of Behavior on file or stored electronically for each system user.
2. Document and maintain jurisdictional specific security policies and procedures and produce such documentation in response to official audits, inquiries, and/or requests.
3. Provide physical security and system environmental safeguards for devices supporting system interoperability with IPAWS-OPEN.
4. Where applicable, ensure that only individuals who have successfully completed FEMA-required training can utilize the alert and warning systems addressed in this agreement.

5. Where applicable, document and maintain records of successful completion of FEMA-required training and produce such documentation in response to official inquiries and/or requests.

E. County OES and Sheriff

The Sheriff's Communications Center and County OES are available to initiate requested WEA and AlertSanDiego messages from a Public Safety Official for emergencies affecting the unincorporated county area. If a WEA is initiated, the County OES Staff Duty Officer (SDO) and Sheriff Watch Commander will coordinate the Communication requirements as outlined above in section III. Communication.

Should the need for Alert & Warning be determined by Public Safety Officials, notification will be made by the initiating Jurisdiction to all potentially affected neighboring jurisdictions immediately. This may include, but is not limited to, Unified Disaster Council member(s), Dispatch Agency(ies), Emergency Manager(s), and/or Special District(s) (e.g., Universities, Fire Protection Districts, and Water Districts, etc.)

Only County OES and the Sheriff's Communications Center can send Emergency Alert System (EAS) broadcasts and NWEM alerts through IPAWS. NWEMs will accompany all EAS broadcasts.

Only County OES and the Sheriff's Communications Center can send Emergency Alert System (EAS) broadcasts and Non-Weather Emergency Messages (NWEMs) through FEMA's Integrated Public Alert and Warning System (IPAWS).

The Sheriff's Communications Center and County OES may be available to initiate requested WEA and AlertSanDiego messages from a Public Safety Official through standard mutual aid processes for emergencies in incorporated county areas if the Jurisdiction is unable to do so.

County OES will conduct an annual audit of trained and authorized users to ensure users are still employed or otherwise still authorized to issue Alert & Warning on behalf of the Jurisdiction.

F. Unified Disaster Council (UDC) Alert & Warning Subcommittee

The UDC Alert & Warning Subcommittee is a County-wide working group composed of participating City and County Agency Representatives. Coordinated by County OES, the UDC Alert & Warning Subcommittee shall meet as determined by the Unified Disaster Council and/or the Subcommittee, to conduct after action reviews of system usage, coordinate ongoing administration, modify policies and guidelines, or to address other issues related to Alert & Warning messages. All recommendations for substantive changes to this MOA shall be submitted to the Unified Disaster Council for approval.

G. Maintenance

This MOA will be reviewed once every four years, or upon request of the UDC or the Alert & Warning Subcommittee.

VI. GOVERNANCE

County OES will advise on Alert and Warning, in conjunction with the UDC Alert & Warning Subcommittee.

A. **DEFENSE AND INDEMNITY**

1. Claims Arising from Sole Acts or Omissions of County

The County of San Diego (“the County”) hereby agrees to defend and indemnify the [JURISDICTION] its agents, officers and employees (hereinafter collectively referred to in this paragraph as 'Jurisdiction'), from any claim, action or proceeding against the Jurisdiction, arising solely out of the acts or omissions of County in the performance of this Agreement. At its sole discretion, the Jurisdiction may participate at its own expense in the defense of any claim, action or proceeding, but such participation shall not relieve County of any obligation imposed by this Agreement. The Jurisdiction shall notify the County promptly of any claim, action or proceeding and cooperate fully in the defense.

2. Claims Arising from Sole Acts or Omissions of the Jurisdiction

The Jurisdiction hereby agrees to defend and indemnify the County, its agents, officers and employees (hereafter collectively referred to in this paragraph as “the County”) from any claim, action or proceeding against the County, arising solely out of the acts or omissions of the Jurisdiction in the performance of this Agreement. At its sole discretion, the County may participate at its own expense in the defense of any such claim, action or proceeding, but such participation shall not relieve the Jurisdiction of any obligation imposed by this Agreement. The County shall notify the Jurisdiction promptly of any claim, action or proceeding and cooperate fully in the defense.

3. Claims Arising from Concurrent Acts or Omissions

The County hereby agrees to defend itself, and the Jurisdiction hereby agrees to defend itself, from any claim, action or proceeding arising out of the concurrent acts or omissions of the County and the Jurisdiction. In such cases, the County and the Jurisdiction agree to retain their own legal counsel, bear their own defense costs, and waive their right to seek reimbursement of such costs, except as provided in paragraph E below.

4. Joint Defense

Notwithstanding paragraph C above, in cases where the County and the Jurisdiction agree in writing to a joint defense, the County and the Jurisdiction may appoint joint defense counsel to defend the claim, action or proceeding arising out of the concurrent acts or omissions of the Jurisdiction and the County. Joint defense counsel shall be selected by mutual agreement of the County and the Jurisdiction. The County and the Jurisdiction agree to share the costs of such joint defense and any agreed settlement in equal amounts, except as provided in paragraph 5 below. The County and the Jurisdiction further agree that neither party may bind the other to a settlement agreement without the written consent of both the County and the Jurisdiction.

5. Reimbursement and/or Reallocation

Where a trial verdict or arbitration award allocates or determines the comparative fault of the parties, the County and the Jurisdiction may seek reimbursement and/or reallocation of defense costs, settlement payments, judgments and awards, consistent with such comparative fault.

6. Application of California Law

Nothing in this Agreement is intended to, nor shall it limit or alter the application of California law as it relates to actions against, or liability of, government entities under the California law, including, but not limited to, the California Government Claims Act (Government Code Section 810 et. seq.).

7. Notice and Modification

This Agreement may be modified at any time with the prior written consent of both Parties. All modifications shall be in writing and signed by both parties. Any communication or notices to be provided pursuant to this Agreement must be sent to the attention of the signatories below, or their designees.

8. No Third Party Beneficiaries

Except as may be expressly provided herein, no provision of this Agreement is intended, nor shall it be interpreted, to provide or create any third party right or any other rights of any kind in any person or entity.

9. Choice of Law

This Agreement is governed by the laws of the State of California. Venue for all actions arising out of this Agreement must be exclusively in the state or federal courts located in San Diego County, California.

10. Counterparts

This Agreement may be executed in multiple copies or in one or more counterparts, each of which shall be deemed an original with the same effect as if all the signatures were on the same instrument.

11. Severability

The invalidity in whole or in part of any provision of this Agreement will not void or affect the validity of any other provisions of this Agreement.

12. Anti-assignment Clause

No Party may assign or delegate any duty or right under this Agreement. Any such purported assignment or delegation will void this entire Agreement, unless the Parties have previously approved such action in writing.

13. Authority to Enter into Agreement

Each of the signatories below represent that they have authority from their respective governing bodies to execute this Agreement and bind the parties to the terms of this Agreement.

VII. TERM AND TERMINATION

This Agreement shall become effective when it is signed by both parties. This Agreement may be terminated upon mutual consent at any time. Additionally, either party may terminate this Agreement following six (6) months' written notice to the other party.

VIII. SIGNATORY

Jeff Toney, Director, County of San Diego OES

Gregory Wade , City Manager,
City of Solana Beach

Date:

Date:

APPROVED AS TO FORM:

Johanna N. Canlas, City Attorney

Date:

ATTEST:

Angela Ivey, CMC, City Clerk

Date:

**ALERT & WARNING
MEMORANDUM OF AGREEMENT BETWEEN
THE COUNTY OF SAN DIEGO
AND THE
[JURISDICTION]**

Style Definition: Heading 1
Style Definition: Heading 2: Indent: Left: 0.44"

I. PURPOSE

This Agreement ("Agreement") is made by and between the County of San Diego ("County") and the [JURISDICTION] ("Jurisdiction"). ~~It is intended to establish~~This form establishes a regional agreement ~~for on~~ the use of Alert & Warning modalities capable of being initiated through the Office of Emergency Services (~~OES~~ mass notification system ~~County OES~~ Mass Notification System ("System")). This agreement will allow the Jurisdiction to initiate Wireless Emergency Alerts (WEA) and generate AlertSanDiego campaigns to their jurisdiction ~~utilizing via~~ the County OES Mass Notification System ("System").

County ~~Office of Emergency Services (OES)~~ recognizes that each San Diego County Operational Area ~~jurisdiction~~Jurisdiction has a need to rapidly notify their residents before and/or during an emergency. County OES and the Sheriff Communication Center are authorized to disseminate Alert & Warning messages to the ~~Unincorporated area~~unincorporated county areas.

Each ~~jurisdiction will be~~Jurisdiction is responsible for initiating their own Alert & Warning messages to their jurisdiction. This Memorandum of Agreement (MOA) replaces previous agreements regarding the AlertSanDiego mass notification system and replaces previous WEA ~~Memorandums of Agreement~~MOAs.

II. BACKGROUND

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County OES is responsible for procuring and maintaining the System (~~for e.g.~~ software), used to connect to the federal WEA aggregator and AlertSanDiego, the regional notification system used to send ~~telephone voice~~, text, and email notifications to ~~residents~~the public and businesses within San Diego County. The System ~~is~~shall be funded by regional Homeland Security Grant Program funds when possible or by Unified Disaster Council dues, as determined by the Unified Disaster Council. Grant and Unified Disaster Council budgets are voted upon annually by the Unified Disaster Council. Jurisdictional usage of the System ~~usage~~ is unlimited. Jurisdictions are not billed for utilizing the System.

A. Wireless Emergency Alerts (WEA)

The Wireless Emergency Alert (WEA) system, is a federally maintained alert and warning system, available to all jurisdictions to notify ~~residents~~the public in times of imminent, severe, or extreme hazards within the framework, agreements, rules and protocols agreed upon by the Federal Emergency Management Agency (FEMA), the Federal Communications Commission (FCC), and the Unified Disaster Council and in agreement with the Operational Area Emergency Operations Plan and the fifth amended Joint Powers Agreement, as applicable.

On behalf of the San Diego County Operational Area, ~~the~~ County OES maintains ~~a~~ Memorandum

~~of Agreement (an MOA) with the~~ FEMA designating County OES as a Collaborative Operating Group (COG) with the Integrated Public Alert & Warning System (IPAWS).

With access to IPAWS through the County OES Mass Notification System, the Jurisdiction can initiate ~~Wireless Emergency Alert (WEA) messages. WEA messages~~WEAs. WEAs are emergency notifications sent by authorized government alerting authorities, as determined by the Jurisdiction, through mobile carriers and broadcast to mobile phones receiving a signal from cell towers within or ~~in close proximity to~~near the alert area. Please see examples of 90- and 360-character WEA messages in Appendix A.

Because WEA messages leverage mobile carrier cell phone towers and the broadcast range of a particular tower can be affected by many variables such as the height of antenna over surrounding terrain, the frequency of signal in use, the transmitter's power, the directional characteristics of the site antenna array, local geography and weather conditions, emergency notifications ~~may~~will ~~more than likely~~ occur outside of the intended notification area. WEA version 3.0 from FEMA/FCC incorporates ~~100.1~~1-mile geo-targeting capability which allows jurisdictions to notify ~~residents~~the public with greater accuracy.

Since ~~WEA messages~~WEAs may have regional implications and may be received by ~~residents~~the public in surrounding jurisdictions, the initiation of ~~WEA messages~~WEAs requires regional coordination which is the responsibility of the initiating Jurisdiction ~~(See Section IV. Communication).~~(See Section IV. Communication).

B. AlertSanDiego

The County of San Diego ~~has instituted~~maintains a regional notification system that is able to send ~~telephone voice, text, and email~~ notifications, ~~texts and emails~~ to ~~residents and businesses~~people within San Diego County ~~who may be~~ impacted by, or are in danger of being impacted by, a disaster. This system ~~(software), called, branded as~~ AlertSanDiego, is used by emergency response personnel to notify ~~residents~~members of the public at risk with information about the event and/or protective actions (such as evacuation, shelter in place, ~~gas leak, missing person at risk,~~ etc.) It is Teletype/"Telecommunications Device for the Deaf" TTY/TDD capable.

The System has several feeds of contact information. The system ~~utilizes~~ingests the region's 9-1-1 database, monthly. It is provided by the local telephone companies, ~~which and~~ includes both listed and unlisted landline phone numbers. ~~It is TTY/TDD capable for voice notifications.~~

ResidentsMembers of the public are also able to self-register their Voice Over Internet Protocol (VoIP), cellular telephone numbers, and/or email addresses to receive notifications via ~~phone~~voice, text, email, and/or American Sign Language with English voice and text.

The System also ingests Confidential Customer Information (CCI) from San Diego Gas & Electric public utility data monthly. It is provided pursuant to Government Code section 8593.4.

Pursuant to the Non-Disclosure Agreement (Appendix C) the Jurisdiction is a Representative of the County of San Diego and it is hereby agreed to that the Jurisdiction is familiar with, and shall

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abide by, the terms of Appendix C, as though it were a party hereto.

Commented [DM1]: Appendix D or C?

Commented [V(2R1)]: C, thanks.

County OES will notify the individuals on the modalities listed in the CCI when they are first enrolled in the System. This notification will include a process to opt out of the System which would terminate County OES access to the individual's CCI for purposes of the System.

C. Zonehaven

Zonehaven is an evacuation management software that is replacing the current public safety grids to select and define alerting areas during an incident. The zones have been created using several factors and have been reviewed and approved by each jurisdiction. The zones, as created, may cross jurisdictional lines.

III. POLICY

A. EAS

Emergency Alert System (EAS) is a national public warning system commonly used by state and local authorities to deliver important emergency information, such as weather and AMBER alerts, to affected communities. EAS Participants – radio and television broadcasters, cable systems, satellite radio and television providers, and wireline video providers – deliver local alerts on a voluntary basis. The State of California has been divided into "EAS Operational Areas" for the purpose of disseminating emergency information. The San Diego EAS Operational Area encompasses the entire County.

Only County OES and the Sheriff's Communications Center are authorized to activate the EAS. Approved jurisdictional Alerting Authorities in the OA can contact the OES Duty Officer and request activation of the system. Determination will be made by OES in the event of the need to notify large areas of the county to take protective actions or to provide emergency information.

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B. NWEM

Non-Weather Emergency Messages (NWEM)s are sent through FEMA's Integrated Public Alert and Warning System (IPAWS) to the National Weather Service (NWS) for broadcast over NOAA Weather Radio (NWR) All Hazards and other NWS dissemination systems. This capability was reintroduced in 2021 as a redesign of the previous enhanced NWEM dissemination functionality developed in 2006 as the All-Hazards Emergency Message Collection System (HazCollect).

Only County OES and the Sheriff's Communications Center are authorized to send NWEM alerts. Approved jurisdictional Alerting Authorities in the OA can contact the OES Duty Officer or the Sheriff's Communications Office and request activation of the system. Determination will be made by OES in the event of the need to notify large areas of the county to take protective actions or to provide emergency information.

A.C. WEA

If a jurisdiction's public safety official (If a Jurisdiction's Public Safety Official (i.e., Incident

Command, or other authorized alerting authority as determined by the Jurisdiction) determines that the severity of an incident necessitates public alert through WEA, the Public Safety Official will request that a WEA is devised and sent out through ~~their respective dispatch agency~~ the Jurisdiction's authorized sender.

Use of the WEA system is solely authorized for imminent, severe, or extreme hazards.

Imminent, Severe, or extreme hazards are incidents where an emergency threatens, or is imminently expected to threaten, life, health, and/or property. ~~WEA messages~~ WEAs must contain protective action instructions that recipients will follow to reduce vulnerability to an imminent and/or expected threat.

Protective action instructions include:

1. Shelter – Shelter in place
2. Evacuate – Relocate as instructed
3. Prepare – Make preparations
4. Execute – Execute a pre-planned activity
5. Avoid – Avoid the hazard
6. Monitor – ~~Attend to~~ Follow official information sources
7. All clear – The event no longer poses a threat or concern and the Shelter in place has ended.
~~It is the responsibility of the jurisdiction to inform the public of the end of an incident.~~

The system is generally not authorized for:

1. Missing person notifications, except AMBER alerts which are sent out by the Center for Missing and Exploited Children in cooperation with California Highway Patrol
2. Non-emergency weather alerts
3. Traffic problems
4. Parking restrictions
5. Street closures
6. Structure fires impacting limited populations
7. Crime information
8. Notifications to update ~~residents~~ the public on important programs or special events
9. Routine, informational and/or educational messages
10. Other events with limited impact

The system is not authorized for:

1. Any message of commercial nature
2. Any message of a political nature
3. Any non-official business (e.g. articles, retirement announcements, etc.)

Commented [DM3]: Do we need to add this statement? It could be used against the County in the event that we fail to inform the public about the end of an emergency.

Commented [V(4R3): Agreed. I'll advocate to the subcommittee for its removal.

B.D. AlertSanDiego

If a ~~jurisdiction's~~Jurisdiction's Public Safety Official, as determined by the Jurisdiction, determines that the severity of an incident necessitates public alert through AlertSanDiego, the ~~public safety official will be~~Public Safety Official is responsible for processing and disseminating the AlertSanDiego message.

The Jurisdiction is authorized to develop pre-established notification lists (either spreadsheets or geo-coded lists) and messages to meet their needs. These lists may include special populations (e.g. in-home care, schools, etc.), those susceptible to certain risks (e.g. homes within dam inundation zone), or employee call back lists. It is the responsibility of the Jurisdiction to create and maintain these lists.

Full Use (voice, text, email) of the AlertSanDiego system to contact registered, E-911, and utility data is authorized for the following purposes:

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- 1. Imminent ~~or~~, perceived, and/or expected threat to life and/or property
- 2. Disaster notifications
- 3. Evacuation notices
- 4. Public health emergencies
- 5. Any notification to provide emergency information to a defined community

Limited use (text and email only, no voice) of AlertSanDiego email and text alerts for to contact registered mobile devices (not E-911 or utility data) are authorized for the following purposes:

- 1. Missing Persons at risk

A Missing Person at risk is defined in Penal Code 14215.B below:

"At-risk" means there is evidence of, or there are indications of, any of the following:

- (1) The ~~system~~ person missing is the victim of a crime or foul play.
- (2) The person missing is in need of medical attention.
- (3) The person missing has no pattern of running away or disappearing.
- (4) The person missing may be the victim of parental abduction.
- (5) The person missing is mentally impaired, including cognitively impaired or developmentally disabled.

The System is not authorized for:

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- 1. Routine, informational, and/or educational messages
- 2. Any message of commercial nature
- 3. Any message of a political nature
- 4. Any non-official business (e.g. articles, event notifications, retirement announcements, etc.)

Testing and training of the AlertSanDiego system is strictly limited to contact information uploaded by the Jurisdiction. No E-911, utility, or registered users may be notified without their prior written consent.

E. Zonehaven

The Jurisdiction Program Administrator(s) will be responsible for vetting and verifying which employees have completed required trainings in order to obtain access to the Zonehaven system. Jurisdiction Program Administrator(s) must be approved by the Jurisdiction Unified Disaster Council representative.

The Jurisdiction Program Administrator(s) will ensure that the fire, law, EMS, and dispatch agencies serving their jurisdiction are provided a copy of this agreement. The Jurisdiction is responsible for putting in place any internal agreements necessary to perform the responsibilities within this agreement.

Jurisdictions shall, without delay, remove any and all persons no longer employed or otherwise unauthorized to issue Alert & Warning messages on behalf of the Jurisdiction from the System.

Jurisdictions shall verify that all users with access to the system:

1. Are current agents of the jurisdiction with authority to access the system
2. Have read, understand, and agree to the terms of the MOA
3. Have satisfied, at minimum, the training requirements set forth in this MOA
4. Have signed the Rules of Behavior
5. Have read and agreed to the Non-Disclosure Agreement
6. Notify County OES that the above listed items have been verified

IV. COMMUNICATION

A. Cross Jurisdictional

Alerting Authorities, as determined by the Jurisdiction, responsible for disseminating Alert & Warning messages must take into consideration the importance of message coordination, resource sharing, and the need to minimize public alerting fatigue which may occur with system abuse or overuse.

Should the need for Alert & Warning be determined by ~~public safety officials~~ **Public Safety Officials**, notification will be made by the initiating Jurisdiction to all potentially affected neighboring jurisdictions immediately. This may include, but not limited to, Unified Disaster Council member(s), Dispatch Agency(ies), Emergency Manager(s), and/or Special District(s), ~~i.e.g.~~ **Universities, Fire Protection Districts, Water Districts, etc.). This may be accomplished through a manual or an automated system.**

B. Public

It is a best practice for the Jurisdiction to refer the public to their Jurisdiction's official website

~~and/or~~ Jurisdiction operated social media sites for further information regarding the emergency that warranted the Alert & Warning. If the website *AlertSD.org*, *SDCountyEmergency.com* or any other registered domain name that leads to *SDCountyEmergency.comAlertSanDiego.org* is used as part of ~~an alert or warning~~ a public Alert & Warning message, the Jurisdiction must ~~provide~~ notify County OES ~~with information of their intent to update~~ reference the ~~site before the alert is sent~~ website immediately. The Jurisdiction is also responsible for providing regular updates to County OES so that the County OES website can be updated with the latest ~~information about the~~ disaster information.

Incomplete or imperfect information is not a valid reason to delay or avoid issuing ~~a warning~~ an Alert & Warning. Time is of the essence, as recipients of warnings will need time to consider, plan, and act after they receive ~~an Alert & Warning message~~. This is particularly true among individuals with disabilities and people with access and functional needs. They may require additional time to evacuate or may be at increased risk of harm without notification.

For all Alert & Warning messages sent, the initiating jurisdiction ~~initiating the message~~ shall be responsible for managing public and media questions, comments, or concerns arising from the message.

During a regional emergency, it is a best practice for all jurisdictions to coordinate Alert & Warning and Public Information through the Operational Area Emergency Operations Center.

C. Multi-Modal

A highly effective Alert & Warning program will use as many delivery methods as appropriate and necessary. Alert & Warning is comprised of multiple modalities which may include: EAS (Emergency Alert System), NWEM (Non-Weather Emergency Message), WEA (Wireless Emergency Alert), AlertSanDiego, San Diego County Emergency Website (AlertSD.org), and Social Media. Jurisdictions should use all modality levels as appropriate to reach the widest audience.

By utilizing multiple modalities, there is a greater likelihood that people with disabilities or other access and functional needs will receive the Alert & Warning message.

V. RESPONSIBILITIES

A. Jurisdictions

All jurisdictions in the San Diego County Operational Area are responsible for the Alerting & Warning of ~~their residents~~ the people within their jurisdictional boundary of severe or extreme hazards that currently threaten or pose an imminent threat to life or property.

In Zonehaven, because the zone formations do not take jurisdictional boundaries into consideration, alerts may be sent into neighboring jurisdictions. It is the responsibility of the alerting jurisdiction to inform the neighboring impacted jurisdiction that the alert and public facing map is crossing over into their area of responsibility.

Commented [DM5]: See above.

Commented [V(6R5)]: This is a hard sticking point with jurisdictions since we are not following city lines. Essentially Del Mar can notify portions of San Diego along their border and the other way around. The system has in place automatic notifications, so that covers this. But if that piece should not work, the jurisdiction still needs to let the other jurisdiction know what's going on. It's a current state and national practice via NIMS and SEMS, we are just making it clear in the MOA.

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Jurisdiction will ensure that trained and authorized personnel are available to issue Alert & Warning 24 hours a day, 7 days a week through dispatch and/or other means. Jurisdiction Program Administrator will be responsible for vetting and verifying which employees have completed required trainings in order to obtain access to the AlertSanDiego, WEA, and WEA systemZonehaven systems (see Appendix A). Jurisdiction Program Administrators must be approved by the Jurisdiction Unified Disaster Council representative.

The Jurisdiction Program Administrator will ensure that the fire, law, EMS, and dispatch agencies serving their jurisdiction are provided a copy of this agreement. The Jurisdiction is responsible for putting in place any internal agreements necessary to perform the responsibilities within this agreement.

Jurisdictions will notify the County's Office of Emergency Servicesshall, without delay, remove any and all employeespersons no longer employed or otherwise unauthorized to issue Alert & Warning messages on behalf of the Jurisdiction from the System.

Jurisdictions shall verify that all users with access to the system

1. Are current agents of the jurisdiction with authority to access the system
2. Have read, understand, and agree to the terms of the MOA
3. Have satisfied, at minimum, the training requirements set forth in this MOA
4. Have signed the Rules of Behavior
5. Have read and agreed to the Non-Disclosure Agreement
6. Notify County OES that the above listed items have been verified

Commented [DM7]: It looks like these requirements are already listed above (Section III.E)

Commented [V(8R7)]: The subcommittee was adamant about listing them again to be crystal clear.

B. State of California Alert & Warning Guidelines

All users agree to abide byconsider the State of California Alert & Warning Guidelines. The guidelines may be found online at www.CalAlerts.org

Commented [DM9]: They don't have to follow them?

Commented [V(10R9)]: We confirmed they are guidelines and not requirements and we have a vision in the near future to become a bit more restrictive and innovative which would conflict with the guidelines. We assumed changing this verbiage gave us more leeway in that area.

C. Training

AlertSanDiego and WEA

FEMA requires specific training for alert originators. For a step-by-step guide, please see Appendix A -Personnel Training Requirements. Initial train-the-trainer trainings will be available to the Jurisdiction by the System vendor. Trainings will then be provided to Jurisdiction administrators and communication center users. Ongoing training and refresher trainings can be provided upon request by a representative from the County.

Zonehaven

Initial Zonehaven train-the-trainer trainings will be available to the Jurisdiction by the System vendor. Trainings will then be provided to users at the administrative, communication centers,

and field user levels. Ongoing training and refresher trainings can be provided upon request by a representative from the County.

D. Security

Per Federal Requirements, to ensure the joint security of the systems and the message data they store, process, and transmit, both parties agree to adhere to and enforce the Rules of Behavior (as specified in Appendix B). In addition, both parties agree to the following:

1. Ensure authorized users accessing the interoperable system(s) receive, agree to abide by and sign (electronically or in paper form) the IPAWS-OPEN Rules of Behavior as specified in Appendix B. The Jurisdiction is responsible for keeping the signed Rules of Behavior on file or stored electronically for each system user.
2. Document and maintain jurisdictional specific security policies and procedures and produce such documentation in response to official audits, inquiries, and/or requests.
3. Provide physical security and system environmental safeguards for devices supporting system interoperability with IPAWS-OPEN.
4. Where applicable, ensure that only individuals who have successfully completed FEMA-required training can utilize the alert and warning systems addressed in this agreement.
5. Where applicable, document and maintain records of successful completion of FEMA-required training and produce such documentation in response to official inquiries and/or requests.

E. County OES and Sheriff

The Sheriff's Communications Center and County OES are available to initiate requested WEA and AlertSanDiego messages from a Public Safety Official for emergencies affecting the unincorporated county area. If a WEA ~~message~~ is initiated, the County OES Staff Duty Officer (SDO) and Sheriff Watch Commander will coordinate the Communication requirements as outlined above in section III. Communication.

Should the need for Alert & Warning be determined by ~~public safety officials~~ Public Safety Officials, notification will be made by the initiating Jurisdiction to all potentially affected neighboring jurisdictions immediately. This may include, but is not limited to, Unified Disaster Council member(s), Dispatch Agency(ies), Emergency Manager(s), and/or Special District(s), +, (e.g., Universities, Fire Protection Districts, and Water Districts, etc.)

Only County OES and the Sheriff's Communications Center can send Emergency Alert System (EAS) broadcasts and NWEM alerts through IPAWS. NWEMs will accompany all EAS broadcasts.

Only County OES and the Sheriff's Communications Center can send Emergency Alert System (EAS) broadcasts and Non-Weather Emergency Messages (NWEMs) through FEMA's Integrated Public Alert and Warning System (IPAWS).

The Sheriff's Communications Center and County OES may be available to initiate requested WEA and AlertSanDiego messages from a Public Safety ~~Official~~Official through standard mutual aid processes for emergencies in incorporated county areas if the Jurisdiction is unable to do so.

County OES will conduct an annual audit of trained and authorized users to ensure users are still employed or otherwise still authorized to issue Alert & Warning on behalf of the Jurisdiction.

F. Unified Disaster Council (UDC) Alert & Warning Subcommittee

The UDC Alert & Warning Subcommittee is a County-wide working group composed of participating City and County Agency Representatives. Coordinated by County OES, the UDC Alert & Warning Subcommittee shall meet ~~semi-annually, following a major event, or~~ as determined by the Unified Disaster Council and/or the Subcommittee, to conduct after action reviews of system usage, coordinate ongoing administration, modify policies and guidelines, or to address other issues related to Alert & Warning messages. All recommendations for substantive changes to this MOA shall be submitted to the Unified Disaster Council for approval.

G. Maintenance

This MOA will be ~~maintained~~ reviewed once every four years, or upon request of the UDC or the Alert & Warning Subcommittee.

Commented [DM11]: What does it mean to maintain an MOA? Should this be "reviewed"?

VI. GOVERNANCE

County OES will advise on Alert and Warning, in conjunction with the UDC Alert & Warning Subcommittee.

A. DEFENSE AND INDEMNITY

1. Claims Arising ~~From~~ Sole Acts or Omissions of County

The County of San Diego ("the County") hereby agrees to defend and indemnify the [JURISDICTION] its agents, officers and employees (hereinafter collectively referred to in this paragraph as 'Jurisdiction'), from any claim, action or proceeding against the Jurisdiction, arising solely out of the acts or omissions of County in the performance of this Agreement. At its sole discretion, the Jurisdiction may participate at its own expense in the defense of any claim, action or proceeding, but such participation shall not relieve County of any obligation imposed by this Agreement. The Jurisdiction shall notify the County promptly of any claim, action or proceeding and cooperate fully in the defense.

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2. Claims Arising ~~From~~ Sole Acts or Omissions of the Jurisdiction

The Jurisdiction hereby agrees to defend and indemnify the County, its agents, officers and employees (hereafter collectively referred to in this paragraph as “the County”) from any claim, action or proceeding against the County, arising solely out of the acts or omissions of the Jurisdiction in the performance of this Agreement. At its sole discretion, the County may participate at its own expense in the defense of any such claim, action or proceeding, but such participation shall not relieve the Jurisdiction of any obligation imposed by this Agreement. The County shall notify the Jurisdiction promptly of any claim, action or proceeding and cooperate fully in the defense.

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3. Claims Arising ~~From~~ Concurrent Acts or Omissions

The County hereby agrees to defend itself, and the Jurisdiction hereby agrees to defend itself, from any claim, action or proceeding arising out of the concurrent acts or omissions of the County and the Jurisdiction. In such cases, the County and the Jurisdiction agree to retain their own legal counsel, bear their own defense costs, and waive their right to seek reimbursement of such costs, except as provided in paragraph E below.

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4. Joint Defense

Notwithstanding paragraph C above, in cases where the County and the Jurisdiction agree in writing to a joint defense, the County and the Jurisdiction may appoint joint defense counsel to defend the claim, action or proceeding arising out of the concurrent acts or omissions of the Jurisdiction and the County. Joint defense counsel shall be selected by mutual agreement of the County and the Jurisdiction. The County and the Jurisdiction agree to share the costs of such joint defense and any agreed settlement in equal amounts, except as provided in paragraph 5 below. The County and the Jurisdiction further agree that neither party may bind the other to a settlement agreement without the written consent of both the County and the Jurisdiction.

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5. Reimbursement and/or Reallocation

Where a trial verdict or arbitration award allocates or determines the comparative fault of the parties, the County and the Jurisdiction may seek reimbursement and/or reallocation of defense costs, settlement payments, judgments and awards, consistent with such comparative fault.

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6. Application of California Law

Nothing in this Agreement is intended to, nor shall it limit or alter the application of California law as it relates to actions against, or liability of, government entities under the California law, including, but not limited to, the California Government Claims Act (Government Code Section 810 et. seq.).

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7. Notice and Modification

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This Agreement may be modified at any time with the prior written consent of both Parties. All modifications shall be in writing and signed by both parties. Any communication or notices to be provided pursuant to this Agreement must be sent to the attention of the signatories below, or their designees.

8. No Third Party Beneficiaries

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Except as may be expressly provided herein, no provision of this Agreement is intended, nor shall it be interpreted, to provide or create any third party right or any other rights of any kind in any person or entity.

9. Choice of Law

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This Agreement is governed by the laws of the State of California. Venue for all actions arising out of this Agreement must be exclusively in the state or federal courts located in San Diego County, California.

10. Counterparts

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This Agreement may be executed in multiple copies or in one or more counterparts, each of which shall be deemed an original with the same effect as if all the signatures were on the same instrument.

11. Severability

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The invalidity in whole or in part of any provision of this Agreement will not void or affect the validity of any other provisions of this Agreement.

12. Anti-assignment Clause

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No Party may assign or delegate any duty or right under this Agreement. Any such purported assignment or delegation will void this entire Agreement, unless the Parties have previously approved such action in writing.

13. Authority to Enter into Agreement

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Each of the signatories below represent that they have authority from their respective governing bodies to execute this Agreement and bind the parties to the terms of this Agreement.

VII. TERM AND TERMINATION

This Agreement shall become effective when it is signed by both parties. This Agreement may be terminated upon mutual consent at any time. Additionally, either party may terminate this Agreement following six (6) months' written notice to the other party.

VIII. SIGNATORY

Jeff Toney, Director, County of San Diego OES

[Jurisdiction] City Manager

Date:

Date:

Appendix A

TRAINING

Style Definition: Heading 1: Outline numbered + Level: 1 + Numbering Style: I, II, III, ... + Start at: 1 + Alignment: Left + Aligned at: 0" + Indent at: 0"

I. PURPOSE

To ensure effective and efficient use of Alert & Warning, agencies must regularly train and exercise their Alert & Warning policies and procedures. It is recommended that jurisdictions create a training program consisting of readily available coursework divided into sections of system access and responsibilities.

II. POLICY

A. County of San Diego

The County of San Diego Office of Emergency Services and/or the Sheriff's Department will ~~offer~~be available to provide upon request the below training to those authorized to initiate Alert & Warning, upon completion of training requirements as outlined in Section III, Training in this Appendix.

1. In person or ~~video course~~virtual training on ~~Wireless Emergency Alerts utilizing the AlertSanDiego system.~~

B. Jurisdiction

The Jurisdiction will ensure that staff they authorize to initiate Alert & Warning complete the minimum training requirements as identified by the Federal Government in Section III of this Appendix. Training is outlined below.

III. TRAINING

- The FEMA Individual Study (IS) course can be taken online at <https://training.fema.gov/is/>
- For all other courses, please go to the San Diego Urban Area Security Initiative Training and Exercise Calendar at <https://sduasi.org/> or the California Specialized Training Institute Course Calendar at <http://csti.org>

A. **Technician** – ~~as defined by California Alert & Warning Guidelines,~~ is a level designed for those authorized to physically access and send Alert & Warnings (i.e. Dispatchers or other Public Safety Officials as determined by the Jurisdiction). ~~Technician level~~The following minimum training is required

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by FEMA and FCC for WEA and ~~recommended~~ for AlertSanDiego;

1. ~~Alert & Warning system user training~~
2. ~~IS-247a-247: Integrated Public Alert and Warning System (IPAWS) For Alert Originators~~
- 1-3. ~~IS-251 Integrated Public Alert and Warning System (IPAWS) For Alerting Authority Online Training (required under FEMA MOU) Administrators~~
- 2-4. ~~IPAWS Rules of Behavior: Read, understand, and sign the IPAWS Rules of Behavior.~~
5. ~~Review the Integrated Public Alert and Warning System (IPAWS) best practices at <https://www.fema.gov/best-practices>~~

B. Practitioner – ~~as defined by California Alert & Warning Guidelines,~~ is a level designed for those authorized to ~~request message sends and craft messages (i.e. and/or request to have messages sent (i.e. Incident Command or other Public Safety Officials as determined by the Jurisdiction). All coursework under the previous~~ **it is recommended** that practitioners complete all technician level ~~as well as training in addition to the following courses:~~

1. PER-304: Social Media for Natural Disaster Response and Recovery
2. G290-291: Basic PIO and JIC-JIS

C. Program Administrator – ~~as defined by California Alert & Warning Guidelines,~~ is a level designed for those overseeing the entire Alert & Warning program (i.e. Emergency Manager or other Public Safety Officials as determined by the Jurisdiction). ~~All coursework under the previous two levels as well as- It is required~~ that Program Administrators complete all Technician level training as well as the following:

1. ~~Training from the Alert & Warning system vendors designed to teach technical skill sets within the system training specific to data refresh and personnel management.~~
2. ~~Training from local GIS professionals within the jurisdiction, as the system(s) in use requires geo-coding and/or shape files. San Diego utilizes the Regional Public Safety Grid (RPSG) and all users should be comfortable with this GIS function.~~
- 3-2. ~~The individual should must be knowledgeable in cross-jurisdictional coordination techniques within the jurisdiction. Recommended courses are:~~

~~In addition to the above required training, it is recommended that Program Administrators Administrators complete the following:~~

1. ~~All Practitioner level training~~
 - a) L0388: Advanced Public Information Officer
 - b) ~~3-~~L-402: Liaison Officer

Program Administrators must be approved by the Jurisdiction’s Unified Disaster Council representative.

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Program ~~Administrator~~Administrators will be responsible for vetting and verifying which employees have completed required trainings as outlined above in order to obtain access to the ~~AlertSanDiego and~~ WEAAlert & Warning system.

~~Additionally, San Diego County OES also recommends an in-person or video course on Wireless Emergency Alerts utilizing the AlertSanDiego system, coordinated through the County's OES.~~

~~Additional information and tips to the Integrated Public Alert and Warning System (IPAWS) can be found at <https://www.fema.gov/best-practices>~~

IV. SYSTEM TESTING

A. **Jurisdiction**

There is no required system testing at the Jurisdictional level. It is recommended that Technicians, Practitioners, and Program Administrators, as outlined above, perform skills testing on a ~~quarterly basis.~~ Internal AlertSanDiego testing may be performed by the Jurisdiction. All WEA System Tests should be coordinated through County OES regular basis.

Any public facing Alert & Warning test must be coordinated through the ~~Unified Disaster Council~~County OES.

B. **County OES and Sheriff**

The AlertSanDiego system will be tested no less than once per week by the County OES Staff Duty Officer. This test will not be public facing. No public Alert & Warning shall be sent as part of the test.

In coordination with Federal Requirements, the IPAWS (WEA) system will be tested no less than once per month by the County OES Staff Duty Officer. This test will not be public facing. No public Alert & Warning shall be sent as part of the test.

V. ALERT AND WARNING GUIDELINES

Agencies should always maintain alerting capability. Maintaining the capability is imperative as disasters may strike at any time, and jurisdictions are responsible for informing the public in a timely manner of the threat and protective actions to take.

Agencies should issue alert and warning messages as soon as feasible given the circumstances of the situation. Designated alerting staff should have ready and reasonable access to the ~~AlertSanDiegoAlert & Warning~~ Alert & Warning system and be properly trained and well versed in how to operate the ~~equipment~~system.

Warning messages sent in error should be updated, clarified, or retracted immediately once the message has been confirmed as erroneous.

VI. MESSAGE DETAILS

It is recommended that Jurisdictions ~~continue to~~ utilize the Wireless Emergency Alert Request Form. This form has been standardized and used by dispatch agencies across San Diego.

A. Descriptors and Parameters for WEA

IPAWS requires that one designator be selected from each of the following areas. Users should select the most appropriate designator for the situation.

2-1. Standard Alert & Warning Descriptors:

Event Type

- CDW: Civil Danger Warning
- CEM: Civil Emergency Message
- EQW: Earthquake Warning
- EVI: Evacuation Immediate
- FRW: Fire Warning
- HMW: Hazardous Materials Warning
- LEW: Law Enforcement Warning
- LAE: Local Area Emergency
- NUW: Nuclear Power Plant Warning
- RHW: Radiological Hazard Warning
- SPW: Shelter in Place Warning

Category

- Geo: Geophysical (inc. landslide)
- Met: Meteorological (inc. flood)
- Safety: General emergency and public safety
- Security: Law Enforcement, military, homeland and local/private security
- Rescue: Rescue and recovery
- Fire: Fire suppression and rescue
- Health: Medical and public health
- Env: Pollution and other environmental
- Transport: Public and private transportation
- Infra: Utility, telecommunication, other non-transport infrastructure
- CBRNE: Chemical, Biological, Radiological, Nuclear or High-Yield Explosive threat or attack
- Other: Other events

Response

- Shelter: Take shelter in place
- Evacuate: Relocate as instructed
- Prepare: Make Preparations
- Execute: Execute a pre-planned activity
- Avoid: Avoid the Subject events
- Monitor: Attend to information sources

3-2. Standard Alert & Warning Parameters:

Urgency	Severity	Certainty
- Immediate	- Extreme	- Observed
- Expected	- Severe	- Likely

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B. Message Requirements

2-1. Duration of WEA Message Broadcast - Minimum 15 minutes – Maximum 24 hours. Broadcast duration is situationally dependent, and determines how long messages are received by new phones that enter the impacted area. If a jurisdiction determines that the incident has concluded before the scheduled expiration, they should initiate a “force expiration” of the alert to avoid unnecessary alerting.

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3-2. WEA Messages must provide clear direction on protective actions and include:

- a) Source; This will be the agency sending the Alert & Warning
- b) Threat; This will be the reason why the Alert & Warning is being issued
- c) Location; Be as specific as possible about the area affected
- d) Guidance; Use plain language when guiding the public to take action, if applicable identify timing
- e) Additional information; Where residents can go for additional information; This can be issuing the Jurisdiction’s website/social media

*Note: It is a best practice for the Jurisdiction to refer the public to their Jurisdiction’s official website or Jurisdiction operated social media sites for further information regarding the emergency that warranted the Alert & Warning. -If the website AlertSD.org, SDCountyEmergency.com or any other registered domain name that leads to SDCountyEmergency.comAlertSanDiego.org is used as part of an alert or warning public Alert & Warning message, the Jurisdiction must providenotify County OES with information of their intent to update the site before reference the alert is sent website immediately. The Jurisdiction is also responsible for providing regular updates to County OES so that the website can be updated with the latest information about the disaster.

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C. Examples

SOURCE
Say who the message is from

THREAT
Describe the event and its impact

LOCATION
State the impact area boundaries in a way that can be understood (e.g. use street names, landmarks, natural features, and political boundaries)

GUIDANCE/TIME
Tell people what protective action to take, the time when to do it, how to accomplish it, and how doing it reduces risk

ADDITIONAL INFO
Tell people where to get more information (e.g. website)

EXAMPLE (90 characters):

SD Sheriff-Wildfire affecting Ramona-Evacuate via SR67-Tune to local media and *AlertSD.org*



EXAMPLE (360 characters):

The National Weather Service has issued a TSUNAMI WARNING for San Diego County. A series of powerful waves and strong currents may impact beaches in San Diego. Get away from coastal waters, you are in danger. Move to high ground or inland now. Keep away from the coasts until local officials say it is safe to return. For more information go to *www.AlertSD.org*

Appendix B

IPAWS-OPEN Rules of Behavior

*Note: The below Rules of Behavior have been established by the Federal Emergency Management Agency (FEMA)

1.0 INTRODUCTION

The following rules of behavior apply to all persons with application access to San Diego County Office of Emergency Services Alert and Warning System(s). These individuals shall be held accountable for their actions related to the public alert and warning resources entrusted to them and must comply with the following rules or risk losing access privileges. The Rules of Behavior apply to users on official travel as well as at their primary workplace (e.g., Emergency Operations Center – EOC) and at any alternative workplace (e.g., telecommuting from a remote or satellite site) using any electronic device including laptop computers and portable electronic devices (PED's). PED's include cell phones, tablets, and plug-in and wireless peripherals that employ removable media (e.g. CDs, DVDs, etc.). PEDs also encompass USB flash memory (thumb) drives and external drives. These Rules of Behavior are consistent with existing DHS policies and DHS Information Technology (IT) Security directives and are intended to enhance the awareness of each user's responsibilities regarding accessing, storing, receiving and/or transmitting information using IPAWS-OPEN.

2.0 APPLICATION RULES

2.1 Official Use

- IPAWS-OPEN is a Federal application to be used only in the performance of the user's official duties in support of public safety as described in the National Incident Management System (NIMS).
- The use of the IPAWS-OPEN for unauthorized activities is prohibited and could result in verbal or written warning, loss of access rights, and/or criminal or civil prosecution.
- By utilizing IPAWS-OPEN, the user of the interoperable system(s) consents to allow system monitoring to ensure appropriate usage for public safety is being observed.
- If software interoperating with IPAWS-OPEN enables users to geo-target public alert messages by means of geospatial polygons or circles, then the user shall restrict any such geospatial boundaries so as to remain within the geographical limits of their public warning authority (or as near as possible).

2.2 Access Security

- All Email addresses provided in connection with interoperable system(s) user accounts must be associated to an approved email, approved by the user's emergency management organization. The use of personal email accounts to support emergency messaging through IPAWS-OPEN is prohibited.

- Every interoperable system user is responsible for remote access security as it relates to their use of IPAWS-OPEN and shall abide by these Rules of Behavior.

2.3 Interoperable System User Accounts and Passwords

- All users must have a discrete user account ID which cannot be the user's social security number. To protect against unauthorized access, passwords linked to the user ID are used to identify and authenticate authorized users.
- Accounts and passwords shall not be transferred or shared. The sharing of both a user ID and associated password with anyone (including administrators) is prohibited.
- Accounts and passwords shall be protected from disclosure and writing passwords down or electronically storing them on a medium that is accessible by others is prohibited.
- The selection of passwords must be complex and include:
 - At least eight characters in length
 - At least two (02) upper case and two (02) lower case letters
 - At least two (02) numbers and one (01) special character.
- Passwords must not contain names, repetitive patterns, dictionary words, product names, personal identifying information (e.g., birthdates, SSN, phone number), and must not be the same as the user ID.
- Users are required to change their passwords at least once every 90 days.
- Passwords must be promptly changed whenever a compromise of a password is known or suspected.

2.4 Integrity Controls & Data Protection

- All computer workstations accessing IPAWS-OPEN must be protected by up-to-date anti-virus software. Virus scans must be performed on a periodic basis and when notified by the anti-virus software.
- Users accessing interoperable system(s) to utilize IPAWS-OPEN must:
 - Physically protect computing devices such as laptops, PEDs, smartphones, etc;
 - Protect sensitive data sent to or received from IPAWS-OPEN;
 - Not use peer-to-peer (P2P) file sharing, which can provide a mechanism for the spreading of viruses and put sensitive information at risk;

- Not program computing devices with automatic sign-on sequences, passwords or access credentials when utilizing IPAWS-OPEN.

Users may not provide personal or official IPAWS-OPEN information solicited by e-mail. If e-mail messages are received from any source requesting personal information or asking to verify accounts or other authentication credentials, immediately report this and provide the questionable e-mail to the Local System Administrator and/or the San Diego County Office of Emergency Services Help Desk.

- Only devices officially issued through or approved by DHS, FEMA and/or approved emergency management organizations are authorized for use to interoperate with IPAWS-OPEN and use of personal devices to access and/or store IPAWS-OPEN data and information is prohibited.
- If a smartphone or other PED is used to access the interoperable system(s) to utilize IPAWS- OPEN, the device must be password protected and configured to timeout or lock after 10 minutes of inactivity.
- If sensitive information is processed, stored, or transmitted on wireless devices, it must be encrypted using approved encryption methods.

2.5 System Access Agreement

- I understand that I am given access to the interoperable system(s) and IPAWS-OPEN to perform my official duties.
- I will not attempt to access data, information or applications I am not authorized to access nor bypass access control measures.
- I will not provide or knowingly allow other individuals to use my account credentials to access the interoperable system(s) and IPAWS-OPEN.
- To prevent and deter others from gaining unauthorized access to sensitive resources, I will log off or lock my computer workstation or will use a password-protected screensaver whenever I step away from my work area, even for a short time and I will log off when I leave for the day.
- To prevent others from obtaining my password via “shoulder surfing”, I will shield my keyboard from view as I enter my password.
- I will not engage in, encourage, or conceal any hacking or cracking, denial of service, unauthorized tampering, or unauthorized attempted use of (or deliberate disruption of) any data or component within the interoperable system(s) and IPAWS-OPEN.
- I agree to inform my Local System Administrator when access to the interoperable system(s) and/or IPAWS- OPEN is no longer required.

- I agree that I have completed a locally delivered Computer Security Awareness type training prior to my initial access to the interoperable system(s) and IPAWS-OPEN and that as long as I have continued access, I will complete a locally delivered Computer Security Awareness type training on an annual basis. Locally delivered trainings are trainings delivered by your local jurisdiction, a local jurisdiction within the County, the County, or the State.

2.6 Accountability

- I understand that I have no expectation of privacy while using any services or programs interoperating with IPAWS-OPEN.
- I understand that I will be held accountable for my actions while accessing and using interoperable system(s) and IPAWS-OPEN, including any other connected systems and IT resources.
- I understand it is my responsibility to protect sensitive information from disclosure to unauthorized persons or groups.
- I understand that I must comply with all software copyrights and licenses pertaining to the use of IPAWS- OPEN.

2.7 Incident Reporting

- I will promptly report IT security incidents, or any incidents of suspected fraud, waste or misuse of systems to the Local System Administrator and the San Diego County Office of Emergency Services.

3.0 IPAWS-OPEN Rules of Behavior Statement of Acknowledgement

I have read and agree to comply with the requirements of these Rules of Behavior. I understand that the terms of this agreement are a condition of my initial and continued access to San Diego County Office of Emergency Services Alert and Warning System(s) and IPAWS-OPEN and related services and that if I fail to abide by the terms of these Rules of Behavior, my access to any and all IPAWS-OPEN information systems may be terminated and I may be subject to criminal or civil prosecution. I have read and presently understand the above conditions and restrictions concerning my access.

Name (Print): _____

Signature: _____ Date: _____

Appendix C

INFORMATION SHARING AND NONDISCLOSURE AGREEMENT

This Information Sharing and Nondisclosure Agreement (“Agreement”) is made as of February __, 2022 (“Effective Date”) between San Diego Gas & Electric Company, a California corporation (“Company”) and County of San Diego (“CSD”). The parties hereby agree as follows:

1. Definition of Confidential Information.

1.1 “Confidential Information” means the names, addresses, telephone numbers, and email addresses of Company’s accountholders residing in the County of San Diego. Confidential Information does not include information (1) known to CSD or its Representatives prior to obtaining same from Company; (2) in the public domain at the time of disclosure by the Company; (3) lawfully obtained by the CSD or its Representative from a third party who did not receive same, directly or indirectly, from Company; (4) that is or was independently developed by persons who had no access to the Confidential Information; or (5) approved for release by written authorization of an authorized representative of the Company. Any party claiming that any of the foregoing five exceptions apply will have the burden of proof to establish such applicability.

1.2 “Representatives” means directors, officers, employees, partners, affiliates, agents, and/or advisors.

2. Access to Confidential Information. Company shall provide Confidential Information to CSD for the sole purpose of enrolling CSD residents in a County-operated or city-operated public emergency warning system.

3. Notification and Opt-Out. CSD shall notify the individuals listed in the Confidential Information when they are enrolled in the public emergency warning system. This notification will include a process to opt out of the warning system and terminate CSD’s access to the individual’s contact information for purposes of the warning system.

4. Limited Use; Nondisclosure. CSD hereby agrees that it shall use the Confidential Information solely for the purpose of enrolling and providing notifications to CSD residents in a County-operated or city-operated public emergency warning system consistent with the provisions of Government Code section 8593.4. CSD shall ensure the confidentiality of the Confidential Information is protected under reasonable security procedures, and shall not disclose Company’s Confidential Information to any individual other than a Representative. Except as otherwise provided herein, CSD will keep confidential and not disclose the Confidential Information. CSD shall cause each of its Representatives to become familiar with, and abide by, the terms of this Agreement as though it was a party hereto. CSD shall ensure that a local government or a third-party contractor or agent that assists with or administers the emergency warning system may not use the Confidential Information for any purpose other than for emergency notification consistent with Government Code section 8593.4.

5. Court or Administrative Order. Notwithstanding the provisions of Article 2 above, CSD and its Representatives may disclose any of the Confidential Information in the event, but only to the extent, that, based upon reasonable advice of counsel, it is required to do so by the disclosure requirements of any law, rule, or regulation or any order, decree, subpoena or ruling or other similar process of any court, securities exchange, governmental agency or governmental or regulatory authority. To the extent allowed by law, prior to making or permitting any of its Representatives to make such disclosure, CSD shall provide Company with prompt written notice of any such requirement so that the Company (with CSD’s assistance, at Company’s expense) may seek a protective order or other appropriate remedy.

6. Document Retention. At any time when the Confidential Information is no longer needed for the public emergency warning system, CSD shall promptly deliver to Company or destroy (with such destruction to be certified to the Company) all portions of documents (and all copies thereof, however stored) furnished to or prepared by CSD and its Representatives that contain or are based on or derived

from Confidential Information and all other portions of documents in CSD's possession that contain or that are based on or derived from Confidential Information (to the extent so derived). This same procedure shall apply to the contact information of an individual who has terminated CSD's access pursuant to section 3 of this Agreement. Notwithstanding the foregoing, CSD will not be required to return or destroy Confidential Information that has been created solely by CSD's automatic archiving and back-up procedures, but only to the extent created and retained in a manner consistent with such procedures and not for any other purpose, and *provided* that such automatically archived or backed-up copies will be subject to the confidentiality provisions of this Agreement.

7. Term; Survival. The term of this Agreement shall commence on the Effective Date and shall continue until terminated by mutual agreement of the parties in writing or until all Confidential Information is destroyed or returned to Company by CSD. However, the obligations and restrictions on CSD set forth herein, and the Company's rights to enforce the same, shall nevertheless remain in full force and effect with respect to Confidential Information while any part of the Confidential Information is possessed by CSD. Moreover, CSD represents, warrants, and covenants that security procedures and practices appropriate to the nature of Confidential Information involved are in place and will be used at all times with respect thereto to protect it from unauthorized access, destruction, use, modification, or disclosure. Without limiting the generality of the foregoing or any other provision of this Agreement, CSD shall access, collect, store, use, and disclose the Confidential Information under policies, practices and notification requirements no less protective than those under which Company operates.

8. Assignment. Neither party shall permit this Agreement or any of its rights or obligations hereunder to be assigned or delegated voluntarily, involuntarily, by merger, consolidation, dissolution, operation of law, or any other manner, without the other party's prior written consent (which consent may not be unreasonably withheld), and any attempted assignment without such consent will be null and void.

9. Remedies. The parties acknowledge that the Confidential Information is valuable and unique and that damages would be an inadequate remedy for breach of this Agreement, and the obligations of each party and its Representatives are specifically enforceable. Accordingly, the parties agree that in the event of a breach or threatened breach of this Agreement by CSD, the Company shall be entitled to seek an injunction preventing such breach, without the necessity of proving damages or posting any bond. Any such relief shall be in addition to, and not in lieu of, money damages or any other available legal or equitable remedy. **Neither party nor any of its Representatives shall have any liability to any other party or its Representatives for any special, indirect, incidental or consequential loss or damage whatsoever, including, without limitation, lost profits or lost investment opportunity, even if such party has been advised in advance that such damages could occur.**

10. Other Business Opportunities. The holding of discussions between the parties and the disclosure of Confidential Information shall not be construed as an obligation on the part of either party to refrain from engaging at any time in the same business or any business similar or dissimilar to the business in which the other party is now engaged. Further, except as otherwise agreed in writing, Confidential Information received concerning the Company's future plans is tentative and does not represent firm decisions or commitments by either party. Either party may meet with third persons and may receive information similar to the Confidential Information which the party received under this Agreement.

11. No Implied Licenses. Nothing in this Agreement will be construed as granting any rights to CSD, by license or otherwise, to any of the Company's Confidential Information, except as specifically stated in this Agreement.

12. No Warranty. Each party acknowledges and agrees that the Company and its Representatives make no express or implied representation or warranty as to the accuracy or completeness of the Confidential Information and that the Company and its Representatives shall have no liability relating to or arising from the use of the Confidential Information or for any errors therein or omissions therefrom.

13. No Waiver. It is understood and agreed that no failure or delay by either party in exercising any right, power or privilege available hereunder or under applicable law shall operate as a waiver thereof, nor

shall any single or partial exercise thereof preclude any other or further exercise thereof of any other such right, power or privilege.

14. Entire Agreement; Amendment; Counterparts. This Agreement contains the entire agreement between the parties with respect to the subject matter hereof, and may be amended only in writing signed by both parties. This Agreement supersedes any previous confidentiality or nondisclosure agreement or contractual provisions between the parties to the extent they relate to the subject matter hereof. This Agreement may be executed by the parties hereto on any number of separate counterparts, each of which shall be an original and all of which taken together shall constitute one and the same instrument. Delivery of an executed signature page of this Agreement by electronic means, including an attachment to an email, shall be effective as delivery of an executed original counterpart of this Agreement.

15. Governing Law. The formation, interpretation and performance of this Agreement shall be governed by the internal laws of the State of California, excluding, however, any conflict of laws rule which would apply the law of another jurisdiction.

16. Attorneys' Fees. If any action at law or in equity is brought to enforce or interpret the provisions of this Agreement, the prevailing party shall be entitled to recover from the unsuccessful party all costs, expenses (including expert testimony) and reasonable attorneys' fees, including allocated costs and fees of in-house counsel, incurred therein by the prevailing party.

17. Venue and Jurisdiction. In the event of any litigation to enforce or interpret any terms of this Agreement, the parties agree that such action will be brought in the Superior Court of the County of San Diego, California (or, if the federal courts have exclusive jurisdiction over the subject matter of the dispute, in the U.S. District Court for the Southern District of California), and the parties hereby submit to the exclusive jurisdiction of such courts.

18. Notices. Any notice, request, claim, demand, or other communication between the Parties required or permitted by this Agreement, or otherwise made in connection with this Agreement must be in writing and will be deemed effective: (a) when delivered in person; (b) on the next business day if transmitted by national overnight courier to a physical address (not a PO Box), with confirmation of delivery; (c) upon transmission if sent by electronic mail, *provided* that the sender shall also either send a hard copy of the notice on the same business day in accordance with one of the other transmission methods as confirmation of delivery or obtain written acknowledgement of receipt of the notice from the recipient. In each of the foregoing cases, notice must be addressed as follows (or at such other address for a Party as specified in a notice given in accordance with this Article):

If to Company:

San Diego Gas & Electric Company 8330 Century Park Court, SD1340 San Diego, CA 92123 Email: tporter@sdge.com Attention: Thom Porter	With a copy to: San Diego Gas & Electric Company 8330 Century Park Court, CP32A San Diego, CA 92123 Email: fbacaj@sdge.com Attention: General Counsel
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If to CSD:

Jeff Toney San Diego County Office of Emergency Services 5580 Overland Avenue, Suite 100 San Diego, CA 92123 Email: jeff.toney@sdcounty.ca.gov Attention: Jeff Toney	With a copy to: Mark Day Senior Deputy County Counsel 1600 Pacific Highway, Room 355 San Diego, CA 92101 Email: mark.day@sdcounty.ca.gov Attention: Mark Day
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These addresses may be changed by written notice to the other party provided that no notice of a change of address shall be effective until actual receipt of the notice. Copies of notices are for informational purposes only, and a failure to give or receive copies of any notice shall not be deemed a failure to give notice.

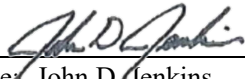
19. Savings Clause; Effect of Uniform Trade Secrets Act. If any provision of this Agreement or the application thereof to any person, place, or circumstance, shall be held by a court of competent jurisdiction to be invalid, unenforceable, or void, the remainder of the Agreement and such provisions as applied to other persons, places, and circumstances shall remain in full force and effect. In the event of any conflict between any provision hereof and any provision of the Uniform Trade Secrets Act of California, the provision affording the greater degree of protection to the Company shall control.

IN WITNESS WHEREOF, each party has caused this Agreement to be executed by its authorized representative as of the Effective Date.

COUNTY OF SAN DIEGO

SAN DIEGO GAS & ELECTRIC COMPANY,
a California corporation

By: e-Signed by Jeff D. Toney
Name: Jeff Toney
Title: Director, San Diego Office of
Emergency Services

By: 
Name: John D. Jenkins
Title: Vice President – Electric Systems
Operations

Approved as to legal form: F.B.



STAFF REPORT CITY OF SOLANA BEACH

TO: Honorable Mayor and City Councilmembers
FROM: Gregory Wade, City Manager
MEETING DATE: September 27, 2023
ORIGINATING DEPT: Fire Department
SUBJECT: **City Council Consideration of Resolution 2023-109
Accepting \$11,200 in 2022 State Homeland Security
Program Grant Funds for the Purchase of Structural
Firefighting Turnouts**

BACKGROUND:

Activities implemented under State Homeland Security Program (SHSP) grants must support terrorism preparedness by building or enhancing capabilities that relate to the prevention of, protection from, response to and recovery from terrorism in order to be considered eligible. Many capabilities which support terrorism preparedness simultaneously support preparedness for other hazards and catastrophic incidents. The activities must also align with the national, state, and urban area strategic objectives.

Structural firefighting turnouts are a type of personal protective equipment used by firefighters as an outer layer of uniform worn during a fire emergency. These turnouts have high-flame-resistant properties with thicker protective layers but are lightweight enough to allow for comfortable movement in a crisis. Purchase of these turnouts are eligible for SHSP grant funding.

This item is before the City Council to request approval of Resolution 2023-109 (Attachment 1) accepting \$11,200 in 2022 State Homeland Security Program grant funds for the purchase of structural firefighting turnouts.

DISCUSSION:

The City is directly receiving a total of \$11,200 awarded through the County of San Diego under SHSP for Federal Fiscal Year 2022 (Attachment 2). The funding allocated to the City will enhance its preparedness, prevention, and response capabilities. SHSP grant funds can only be expended on equipment authorized for purchase by the Department of

COUNCIL ACTION:

Homeland Security. The City will apply the \$11,200 of the funds from the 2022 program to purchase multiple sets of structural firefighting turnouts.

This Federal grant is a reimbursement grant and requires the City to expend funds prior to requesting reimbursement. Under SHSP, expenditures must be made by the grant recipient and the reimbursement requested from the County of San Diego Office of Emergency Services. Presently, the deadline to expend funds and request reimbursement is May 31, 2024.

The State of California administers the grant and requires all grant recipients to adhere to the FY 2022 State Grant Program Standard Assurances, which outlines policies and regulations pertaining to the use of federal grant funds (Attachment 3).

CEQA COMPLIANCE STATEMENT:

Not a project as defined by CEQA.

FISCAL IMPACT:

There is no negative fiscal impact associated with this action. The City is not required to provide a matching or cost share for grants under SHSP, nor is it required to fund the replacement of grant funded equipment in the future (at the end of its useful life). Staff does not anticipate incurring any significant increase in costs for maintaining the equipment during its lifespan.

A budget amendment is needed in the Public Safety Special Revenue fund to record the expected grant revenue and related expenditure amount of \$11,200.

WORK PLAN:

N/A

OPTIONS:

- Approve Staff recommendation.
- Approve Staff recommendation with alternative amendments / modifications.
- Deny Staff recommendation.

DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council approve Resolution 2023-109:

1. Accepting \$11,200 in federal funds from a 2022 State Homeland Security Program (SHSP) grant awarded to the City of Solana Beach for the purchase of structural firefighting turnouts.

2. Authorizing the City Manager, or his designee, to sign and submit the required California Governor's Office of Emergency Services Fiscal Year (FY) 2022 Standard Assurances for Cal OES Federal Non-Disaster Grant Programs.
3. Approving a budget amendment of \$11,200 to the Federal Grant revenue account and the Minor Equipment expenditure account for the Fire Department both in the Public Safety Special Revenue fund.
4. Authorizing the City Treasurer to amend the FY 2023/24 Adopted Budget accordingly.

CITY MANAGER'S RECOMMENDATION:

Approve Department Recommendation.



Gregory Wade, City Manager

Attachments:

1. Resolution 2023-109
2. FY 2022 San Diego County Office of Emergency Services Award Letter to Jurisdictions
3. California Governor's Office of Emergency Services Standard Assurances for Cal OES Federal Non-Disaster Grant Programs
4. FY 2022 State Homeland Security Program (SHSP) Grant Approved Allocation

RESOLUTION 2023-109

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, APPROVING THE PURCHASE OF STRUCTURAL FIREFIGHTING TURNOUTS IN THE AMOUNT OF \$11,200 AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE SHSP STANDARD ASSURANCES FOR CAL OES FEDERAL NON-DISASTER GRANT PROGRAM DOCUMENT

WHEREAS, Fire Department personnel wear structural firefighting turnout as personal protective equipment during fire emergencies; and

WHEREAS, the Solana Beach Fire Department received a grant through the State Homeland Security Grant Program (SHSP) in the amount of \$11,200 for the purchase of structural firefighting turnouts; and

WHEREAS, a Standard Assurances for Cal OES Federal Non-Disaster Grant Program document needs to be executed in order to receive these grant funds.

NOW, THEREFORE, the City Council of the City of Solana Beach, California, does resolve as follows:

1. That the above recitations are true and correct.
2. That the City Council accepts \$11,200 in federal funds from a 2022 State Homeland Security Program grant awarded to the City of Solana Beach for the purchase of structural firefighting turnouts.
3. That the City Council authorizes the City Manager, or his designee, to sign and submit the required California Governor's Office of Emergency Services Fiscal Year 2022 Standard Assurances for Cal OES Federal Non-Disaster Grant Program document and any other documents necessary to receive the grant funds.
4. That the City Council authorizes the budget amendment of \$11,200 to the Federal Grant revenue account and Minor Equipment expenditure account for the Fire Department both in the Public Safety Special Revenue Fund.
5. That the City Council authorizes the City Treasurer to amend the FY 2023/24 Adopted Budget accordingly.

PASSED AND ADOPTED this 27th day of September, 2023 at a regularly scheduled meeting of the City Council of the City of Solana Beach, California by the following vote:

AYES: Councilmembers -
NOES: Councilmembers -
ABSTAIN: Councilmembers -
ABESENT: Councilmembers -

LESA HEEBNER, Mayor

APPROVED AS TO FORM:

ATTEST:

JOHANNA N. CANLAS, City Attorney

ANGELA IVEY, City Clerk



County of San Diego Office of Emergency Services
5580 Overland Ave., Suite 100
San Diego, CA 92123 -1251
Phone: (858) 565-3490 Fax: (858) 565-3499
Email: oes@sdcountry.ca.gov



2/7/2023

City of Solana Beach
505 S Vulcan Avenue
Encinitas, CA 92024

SUBJECT: NOTIFICATION OF FEDERAL FUNDING AWARD
FY 2022 Homeland Security Grant Program (HSGP)
Subaward #2022-0043, Cal OES ID #073-00000

The purpose of this letter is to notify you that the County of San Diego Office of Emergency Services has approved your FY2022 SHSP award in the amount of \$11,200 as listed below:

Subrecipient Name:	City of Solana Beach
Subrecipient UEI:	ZZ6EMQMRKDQ4
Federal Award ID (FAIN)	EMW-2022-SS-00043
Subaward Period of Performance:	09/01/22 to 05/31/24
Subrecipient Award Amount:	\$11,200
Federal Award Project Description:	Implementation of homeland security management grant to support state, local, tribal and territorial efforts to prevent terrorism and other catastrophic events.
Federal Awarding Agency:	US Department of Homeland Security
CFDA Number:	97.067/Homeland Security Grant Program
Research & Development Award (Y/N):	No
Indirect Cost Rate:	N/A
Match Requirement:	N/A

This grant award is subject to all provisions of Uniform Guidance (2 CFR Part 200), which can be accessed at www.ecfr.gov. Non-federal entities that expend \$750,000 or more annually in Federal Awards must have a Single Audit performed each year. Please forward a copy of your most current Single Audit report to the contact below.

Subrecipients are to comply with all applicable federal, state, and local Environmental Planning and Historic Preservation (EHP) requirements. Additionally, Aviation/Watercraft requests, Establish/Enhance Emergency Operations Center projects, projects requiring EHP review, and Noncompetitive Procurement requests require additional approvals. Subrecipients must obtain written approval for these activities prior to incurring any costs, in order to be reimbursed for any related costs under this Grant Subaward. Subrecipients are also required to obtain a Performance Bond prior to the purchase of any equipment item over \$250,000, including any Aviation or Watercraft financed with Homeland Security dollars. Performance Bonds must be submitted to the contact below no later than the time of reimbursement.

Please complete and return the attached OES Grant Management Assessment Questionnaire, 2022 Grant Assurances and Signature Authorization Form, current Procurement Policies and Salvage Guidelines. A hard copy of the Grant Assurances and Signature Authorization Forms must be mailed.

Your performance period ends May 31, 2024. Please submit your reimbursement requests in a timely manner, no later than June 30, 2024.

Unified San Diego County Emergency Services Organization

CARLSBAD • CHULA VISTA • CORONADO • COUNTY OF SAN DIEGO • DEL MAR • EL CAJON • ENCINITAS • ESCONDIDO • IMPERIAL BEACH • LA MESA
LEMON GROVE • NATIONAL CITY • OCEANSIDE • POWAY • SAN DIEGO • SAN MARCOS • SANTEE • SOLANA BEACH • VISTA

For further assistance, please contact Val Dama at (858) 289-2883 or Valentine.Dama@sdcounty.ca.gov

Sincerely,

Kurian,

Martin

Digitally signed by Kurian,
Martin
Date: 2023.02.10
08:19:13 -08'00'

Martin Kurian, Departmental Budget Manager
County of San Diego, Office of Emergency Services

Attachments: OES Grant Management Assessment Questionnaire
2022 Grant Assurances
SHSP 2022 Approved FMFW



Standard Assurances For Cal OES Federal Non-Disaster Grant Programs

As the duly authorized representative of the Applicant, I hereby certify that the Applicant has the legal authority to apply for federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay any non-federal share of project cost) to ensure proper planning, management, and completion of the project described in this application, within prescribed timelines.

I further acknowledge that the Applicant is responsible for reviewing and adhering to all requirements within the:

- (a) Applicable Federal Regulations (see below);
- (b) Federal Program Notice of Funding Opportunity (NOFO);
- (c) Federal Preparedness Grants Manual;
- (d) California Supplement to the NOFO; and
- (e) Federal and State Grant Program Guidelines.

Federal Regulations

Government cost principles, uniform administrative requirements, and audit requirements for federal grant programs are set forth in Title 2, Part 200 of the Code of Federal Regulations (C.F.R.). Updates are issued by the [Office of Management and Budget \(OMB\)](http://www.whitehouse.gov/omb/) and can be found at <http://www.whitehouse.gov/omb/>.

State and federal grant award requirements are set forth below. The Applicant hereby agrees to comply with the following:

1. Proof of Authority

The Applicant will obtain proof of authority from the city council, governing board, or authorized body in support of this project. This written authorization must specify that the Applicant and the city council, governing board, or authorized body agree:

- (a) To provide all matching funds required for the grant project and that any cash match will be appropriated as required;
- (b) Any liability arising out of the performance of this agreement shall be the responsibility of the Applicant and the city council, governing board, or authorized body;
- (c) Grant funds shall not be used to supplant expenditures controlled by the city council, governing board, or authorized body;



Standard Assurances For Cal OES Federal Non-Disaster Grant Programs

- (d) Applicant is authorized by the city council, governing board, or authorized body to apply for federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-federal share of project cost, if any) to ensure proper planning, management and completion of the project described in this application; and
- (e) Official executing this agreement is authorized by the Applicant.

This Proof of Authority must be maintained on file and readily available upon request.

2. Period of Performance

The period of performance is specified in the Award. The Applicant is only authorized to perform allowable activities approved under the award, within the period of performance.

3. Lobbying and Political Activities

As required by Section 1352, Title 31 of the United States Code (U.S.C.), for persons entering into a contract, grant, loan, or cooperative agreement from an agency or requests or receives from an agency a commitment providing for the United States to insure or guarantee a loan, the Applicant certifies that:

- (a) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
- (b) If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.
- (c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.



Standard Assurances For Cal OES Federal Non-Disaster Grant Programs

The Applicant will also comply with provisions of the Hatch Act (5 U.S.C. §§ 1501- 1508 and §§ 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with federal funds.

Finally, the Applicant agrees that federal funds will not be used, directly or indirectly, to support the enactment, repeal, modification or adoption of any law, regulation or policy without the express written approval from the California Governor's Office of Emergency Services (Cal OES) or the federal awarding agency.

4. Debarment and Suspension

As required by Executive Orders 12549 and 12689, and 2 C.F.R. § 200.214 and codified in 2 C.F.R. Part 180, Debarment and Suspension, the Applicant will provide protection against waste, fraud, and abuse by debarring or suspending those persons deemed irresponsible in their dealings with the federal government. The Applicant certifies that it and its principals, recipients, or subrecipients:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency;
- (b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in paragraph (2)(b) of this certification; and
- (d) Have not within a three-year period preceding this application had one or more public transaction (federal, state, or local) terminated for cause or default.

Where the Applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

5. Non-Discrimination and Equal Employment Opportunity

The Applicant will comply with all state and federal statutes relating to non-discrimination, including:



Standard Assurances For Cal OES Federal Non-Disaster Grant Programs

- (a) Title VI of the Civil Rights Act of 1964 (Public Law (P.L.) 88-352 and 42 U.S.C. § 2000d et. seq.) which prohibits discrimination on the basis of race, color, or national origin and requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services;
- (b) Title IX of the Education Amendments of 1972, (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex in any federally funded educational program or activity;
- (c) Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794), which prohibits discrimination against those with disabilities or access and functional needs;
- (d) Americans with Disabilities Act (ADA) of 1990 (42 U.S.C. §§ 12101- 12213), which prohibits discrimination on the basis of disability and requires buildings and structures be accessible to those with disabilities and access and functional needs;
- (e) Age Discrimination Act of 1975, (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age;
- (f) Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd—2), relating to confidentiality of patient records regarding substance abuse treatment;
- (g) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), relating to nondiscrimination in the sale, rental or financing of housing as implemented by the Department of Housing and Urban Development at 24 C.F.R. Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units—i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)— be designed and constructed with certain accessible features (See 24 C.F.R. § 100.201);
- (h) Executive Order 11246, which prohibits federal contractors and federally assisted construction contractors and subcontractors, who do over \$10,000 in Government business in one year from discriminating in employment decisions on the basis of race, color, religion, sex, sexual orientation, gender identification or national origin;
- (i) Executive Order 11375, which bans discrimination on the basis of race, color, religion, sex, sexual orientation, gender identification, or national origin in hiring and employment in both the United States federal workforce and on the part of government contractors;
- (j) California Public Contract Code § 10295.3, which prohibits discrimination based on domestic partnerships and those in same sex marriages;



Standard Assurances

For Cal OES Federal Non-Disaster Grant Programs

- (k) DHS policy to ensure the equal treatment of faith-based organizations, under which all applicants and recipients must comply with equal treatment policies and requirements contained in 6 C.F.R. Part 19;
- (l) The Applicant will comply with California's Fair Employment and Housing Act (FEHA) (California Government Code §§ 12940, 12945, 12945.2), as applicable. FEHA prohibits harassment and discrimination in employment because of ancestry, familial status, race, color, religious creed (including religious dress and grooming practices), sex (which includes pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy, childbirth or breastfeeding), gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, mental and physical disability, genetic information, medical condition, age, pregnancy, denial of medical and family care leave, or pregnancy disability leave, military and veteran status, and/or retaliation for protesting illegal discrimination related to one of these categories, or for reporting patient abuse in tax supported institutions;
- (m) Any other nondiscrimination provisions in the specific statute(s) under which application for federal assistance is being made; and
- (n) The requirements of any other nondiscrimination statute(s) that may apply to this application.

6. Drug-Free Workplace

As required by the Drug-Free Workplace Act of 1988 (41 U.S.C. § 701 et seq.), the Applicant certifies that it will maintain a drug-free workplace and a drug-free awareness program as outlined in the Act.

7. Environmental Standards

The Applicant will comply with state and federal environmental standards, including:

- (a) California Environmental Quality Act (CEQA) (California Public Resources Code §§ 21000- 21177), to include coordination with the city or county planning agency;
- (b) CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, §§ 15000- 15387);
- (c) Federal Clean Water Act (CWA) (33 U.S.C. § 1251 et seq.), which establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters;
- (d) Federal Clean Air Act of 1955 (42 U.S.C. § 7401) which regulates air emissions from stationary and mobile sources;



Standard Assurances

For Cal OES Federal Non-Disaster Grant Programs

- (e) Institution of environmental quality control measures under the National Environmental Policy Act (NEPA) of 1969 (P.L. 91-190); the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA; and Executive Order 12898 which focuses on the environmental and human health effects of federal actions on minority and low-income populations with the goal of achieving environmental protection for all communities;
- (f) Evaluation of flood hazards in floodplains in accordance with Executive Order 11988;
- (g) Executive Order 11514 which sets forth national environmental standards;
- (h) Executive Order 11738 instituted to assure that each federal agency empowered to enter into contracts for the procurement of goods, materials, or services and each federal agency empowered to extend federal assistance by way of grant, loan, or contract shall undertake such procurement and assistance activities in a manner that will result in effective enforcement of the Clean Air Act and the Federal Water Pollution Control Act Executive Order 11990 which requires preservation of wetlands;
- (i) The Safe Drinking Water Act of 1974, (P.L. 93-523);
- (j) The Endangered Species Act of 1973, (P.L. 93-205);
- (k) Assurance of project consistency with the approved state management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.);
- (l) Conformity of Federal Actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.);
- (m) Wild and Scenic Rivers Act of 1968 (16 U.S.C. § 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

The Applicant shall not be: 1) in violation of any order or resolution promulgated by the State Air Resources Board or an air pollution district; 2) subject to a cease and desist order pursuant to § 13301 of the California Water Code for violation of waste discharge requirements or discharge prohibitions; or 3) determined to be in violation of federal law relating to air or water pollution.



Standard Assurances

For Cal OES Federal Non-Disaster Grant Programs

8. Audits

For subrecipients expending \$750,000 or more in federal grant funds annually, the Applicant will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and Title 2 of the Code of Federal Regulations, Part 200, Subpart F Audit Requirements.

9. Cooperation and Access to Records

All Applicants must cooperate with any compliance reviews or investigations conducted by DHS. In accordance with 2 C.F.R. § 200.337, the Applicant will give the awarding agency, the Comptroller General of the United States and, if appropriate, the state, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award. The Applicant will require any subrecipients, contractors, successors, transferees and assignees to acknowledge and agree to comply with this provision.

10. Conflict of Interest

The Applicant will establish safeguards to prohibit the Applicant's employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

11. Financial Management

False Claims for Payment - The Applicant will comply with 31 U.S.C §§ 3729-3733 which sets forth that no subrecipient, recipient, or subrecipient shall submit a false claim for payment, reimbursement or advance.

12. Reporting - Accountability

The Applicant agrees to comply with applicable provisions of the Federal Funding Accountability and Transparency Act (FFATA) (P.L. 109-282), specifically (a) the reporting of subawards obligating \$30,000 or more in federal funds and (b) executive compensation data for first-tier subawards. This includes the provisions of FFATA, which includes requirements for executive compensation, and also requirements implementing the Act for the non-federal entity at 2 C.F.R. Part 25 Financial Assistance Use of Universal Identifier and Central Contractor Registration and 2 C.F.R. Part 170 Reporting Subaward and Executive Compensation Information.

13. Whistleblower Protections

The Applicant also must comply with statutory requirements for whistleblower protections at 10 U.S.C. § 2409, 41 U.S.C. § 4712, and 10 U.S.C. § 2324, 41 U.S.C. § 4304 and § 4310.



Standard Assurances For Cal OES Federal Non-Disaster Grant Programs

14. Human Trafficking

The Applicant will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act of 2000, as amended (22 U.S.C. § 7104) which prohibits grant award recipients or a subrecipient from: (1) engaging in trafficking in persons during the period of time that the award is in effect; (2) procuring a commercial sex act during the period of time that the award is in effect; (3) using forced labor in the performance of the award or subawards under the award.

15. Labor Standards

The Applicant will comply with the following federal labor standards:

- (a) The Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), as applicable, and the Copeland Act (40 U.S.C. § 3145 and 18 U.S.C. § 874) and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally-assisted construction contracts or subcontracts, and
- (b) The Federal Fair Labor Standards Act (29 U.S.C. § 201 et al.) as they apply to employees of institutes of higher learning (IHE), hospitals and other non-profit organizations.

16. Worker's Compensation

The Applicant must comply with provisions which require every employer to be insured to protect workers who may be injured on the job at all times during the performance of the work of this Agreement, as per the workers compensation laws set forth in California Labor Code §§ 3700 et seq.

17. Property-Related

If applicable to the type of project funded by this federal award, the Applicant will:

- (a) Comply with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of federal participation in purchase;
- (b) Comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires subrecipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more;



Standard Assurances

For Cal OES Federal Non-Disaster Grant Programs

- (c) Assist the awarding agency in assuring compliance with Section 106 of the
- (d) National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470), Executive Order 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §469a-1 et seq.); and
- (e) Comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. § 4831 and 24 CFR Part 35) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

18. Certifications Applicable Only to Federally-Funded Construction Projects

For all construction projects, the Applicant will:

- (a) Not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the federal awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with federal assistance funds to assure nondiscrimination during the useful life of the project;
- (b) Comply with the requirements of the awarding agency with regard to the drafting, review and approval of construction plans and specifications; and
- (c) Provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.

19. Use of Cellular Device While Driving is Prohibited

Applicants are required to comply with California Vehicle Code sections 23123 and 23123.5. These laws prohibit driving motor vehicle while using an electronic wireless communications device to write, send, or read a text-based communication. Drivers are also prohibited from the use of a wireless telephone without hands-free listening and talking, unless to make an emergency call to 911, law enforcement, or similar services.



Standard Assurances For Cal OES Federal Non-Disaster Grant Programs

20. California Public Records Act and Freedom of Information Act

The Applicant acknowledges that all information submitted in the course of applying for funding under this program, or provided in the course of an entity's grant management activities that are under Federal control, is subject to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and the California Public Records Act, California Government Code section 6250 et seq. The Applicant should consider these laws and consult its own State and local laws and regulations regarding the release of information when reporting sensitive matters in the grant application, needs assessment, and strategic planning process.

NONPROFIT SECURITY GRANT PROGRAM (NSGP) – PROGRAM SPECIFIC ASSURANCES / CERTIFICATIONS

21. Acknowledgment of Federal Funding from DHS

All recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds.

22. Activities Conducted Abroad

All recipients must ensure that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

23. Best Practices for Collection and Use of Personally Identifiable Information (PII)

DHS defines personally identifiable information (PII) as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. All recipients who collect PII are required to have a publicly-available privacy policy that describes standards on the usage and maintenance of PII they collect. Recipients may also find the DHS Privacy Impact Assessments: Privacy Guidance and Privacy template a useful resource respectively.

24. Copyright

All recipients must affix the applicable copyright notices of 17 U.S.C. §§ 401 or 402 and an acknowledgement of U.S. Government sponsorship (including the award number) to any work first produced under federal financial assistance awards.



Standard Assurances

For Cal OES Federal Non-Disaster Grant Programs

25. Duplication of Benefits

Any cost allocable to a particular federal financial assistance award provided for in 2 C.F.R. Part 200, Subpart E may not be charged to other federal financial assistance awards to overcome fund deficiencies, to avoid restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions, or for other reasons. However, these prohibitions would not preclude recipients from shifting costs that are allowable under two or more awards in accordance with existing federal statutes, regulations, or the federal financial assistance award terms and conditions.

26. Energy Policy and Conservation Act

All recipients must comply with the requirements of 42 U.S.C. § 6201 which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.

27. Federal Debt Status

All recipients are required to be non-delinquent in their repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. See OMB Circular A-129.

28. Fly America Act of 1974

All recipients must comply with Preference for U.S. Flag Air Carriers: (air carriers holding certificates under 49 U.S.C. § 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. § 40118) and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.

29. Hotel and Motel Fire Safety Act of 1990

In accordance with Section 6 of the Hotel and Motel Fire Safety Act of 1990, all Applicants must ensure that all conference, meeting, convention, or training space funded in whole or in part with federal funds complies with the fire prevention and control guidelines of the Federal Fire Prevention and Control Act of 1974, as amended, 15 U.S.C. § 2225a.



Standard Assurances

For Cal OES Federal Non-Disaster Grant Programs

30. Non-supplanting Requirement

All recipients who receive federal financial assistance awards made under programs that prohibit supplanting by law must ensure that federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-federal sources.

31. Patents and Intellectual Property Rights

Unless otherwise provided by law, recipients are subject to the Bayh-Dole Act, Pub. L. No. 96-517, as amended, and codified in 35 U.S.C. § 200 et seq. All recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from financial assistance awards located at 37 C.F.R. Part 401 and the standard patent rights clause located at 37 C.F.R. § 401.14.

32. SAFECOM

All recipients who receive federal financial assistance awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

33. Terrorist Financing

All recipients must comply with Executive Order 13224 and U.S. law that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. Recipients are legally responsible to ensure compliance with the Order and laws.

34. Reporting of Matters Related to Recipient Integrity and Performance

If the total value of the recipient's currently active grants, cooperative agreements, and procurement contracts from all federal assistance offices exceeds \$10,000,000 for any period of time during the period of performance of this federal financial assistance award, you must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at 2 C.F.R. Part 200, Appendix XII, the full text of which is incorporated here by reference in the award terms and conditions.



Standard Assurances For Cal OES Federal Non-Disaster Grant Programs

35. USA Patriot Act of 2001

All recipients must comply with requirements of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act), which amends 18 U.S.C. §§ 175–175c.

36. Use of DHS Seal, Logo, and Flags

All recipients must obtain permission from their DHS Financial Assistance Office, prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

37. Performance Goals

In addition to the Biannual Strategy Implementation Report (BSIR) submission requirements outlined in the Preparedness Grants Manual, subrecipients must demonstrate how the grant-funded project addressed the core capability associated with this project. The capability gap reduction must be addressed in the Project Description of the BSIR for each project.

38. Applicability of DHS Standard Terms and Conditions to Tribes

The DHS Standard Terms and Conditions are a restatement of general requirements imposed upon recipients and flow down to subrecipients as a matter of law, regulation, or executive order. If the requirement does not apply to Indian tribes or there is a federal law or regulation exempting its application to Indian tribes, then the acceptance by Tribes of, or acquiescence to, DHS Standard Terms and Conditions does not change or alter its inapplicability to an Indian tribe. The execution of grant documents is not intended to change, alter, amend, or impose additional liability or responsibility upon the Tribe where it does not already exist.



Standard Assurances For Cal OES Federal Non-Disaster Grant Programs

IMPORTANT

The purpose of the assurance is to obtain federal and state financial assistance, including any and all federal and state grants, loans, reimbursement, contracts, etc. The Applicant recognizes and agrees that state financial assistance will be extended based on the representations made in this assurance. This assurance is binding on the Applicant, its successors, transferees, assignees, etc. Failure to comply with any of the above assurances may result in suspension, termination, or reduction of grant funds.

All appropriate documentation, as outlined above, must be maintained on file by the Applicant and available for Cal OES or public scrutiny upon request. Failure to comply with these requirements may result in suspension of payments under the grant or termination of the grant or both and the subrecipient may be ineligible for award of any future grants if the Cal OES determines that any of the following has occurred: (1) the recipient has made false certification, or (2) violates the certification by failing to carry out the requirements as noted above.

All of the language contained within this document must be included in the award documents for all subawards at all tiers. All recipients are bound by the Department of Homeland Security Standard Terms and Conditions 2021, Version 11.4, hereby incorporated by reference, which can be found at:
<https://www.dhs.gov/publication/fy15-dhs-standard-terms-and-conditions>.

The undersigned represents that he/she is authorized to enter into this agreement for and on behalf of the Applicant.

Subrecipient: _____

Signature of Authorized Agent: _____

Printed Name of Authorized Agent: _____

Title: _____ Date: _____

FY 2022 STATE HOMELAND SECURITY PROGRAM (SHSP) GRANT ALLOCATION PROPOSAL

JURISDICTION	FY2021 - ALLOCATION			FY2022 - Allocation					
	LE - 25% of FY21 Allocation	Non-LE Allocation	TOTAL	Sworn LE Personnel Figures (2021)	LE - 30% of FY21 Allocation	Non-LE Population (2021)	Non-LE Allocation	TOTAL	% Change from FY2021 to FY2022
CITIES									
CARLSBAD	18,412	64,909	83,321	132	21,061	115,501	56,787	77,848	-6.57%
CHULA VISTA	31,971	147,469	179,440	275	43,877	274,449	128,053	171,930	-4.19%
CORONADO	6,137	16,191	22,328	46	7,339	22,357	15,024	22,363	0.16%
DEL MAR	-	7,234	7,234	-	-	4,258	6,909	6,909	-4.49%
EL CAJON	17,984	59,639	77,623	123	19,625	103,243	51,290	70,915	-8.64%
ENCINITAS	-	37,546	37,546	-	-	62,289	32,928	32,928	-12.30%
ESCONDIDO	22,694	85,083	107,777	154	24,571	151,688	73,012	97,583	-9.46%
ESCONDIDO RINCON DEL DIABLO	-	7,142	7,142	-	-	-	6,289	6,289	-11.94%
IMPERIAL BEACH	-	19,684	19,684	-	-	27,774	17,453	17,453	-11.33%
LA MESA	9,848	36,386	46,234	70	11,169	59,578	31,713	42,882	-7.25%
LEMON GROVE	-	18,884	18,884	-	-	26,345	16,812	16,812	-10.97%
NATIONAL CITY	13,559	37,502	51,061	86	13,721	62,749	33,134	46,855	-8.24%
NATIONAL CITY - LINCOLN ACRES	-	827	827	-	-	-	723	723	-12.58%
OCEANSIDE	32,113	97,816	129,929	226	36,059	176,754	84,250	120,309	-7.40%
POWAY	-	30,823	30,823	-	-	48,936	26,941	26,941	-12.59%
SAN DIEGO	291,590	-	291,590	2,036	324,847	-	-	324,847	11.41%
SAN MARCOS	-	55,878	55,878	-	-	96,302	48,178	48,178	-13.78%
SAN MARCOS FPD	-	7,402	7,402	-	-	-	6,566	6,566	-11.29%
SANTEE	-	35,356	35,356	-	-	56,800	30,467	30,467	-13.83%
SOLANA BEACH	-	12,243	12,243	-	-	13,827	11,200	11,200	-8.52%
VISTA	-	58,872	58,872	-	-	103,268	51,302	51,302	-12.86%
VISTA FPD	-	10,858	10,858	-	-	-	9,179	9,179	-15.46%
TOTAL CITIES	444,308	847,744	1,292,052	3,148	502,269	1,406,118	738,210	1,240,479	-3.99%
FIRE DISTRICTS/OTHER									
ALPINE FPD	-	13,492	13,492	-	-	16,224	12,274	12,274	-9.03%
DEER SPRINGS FPD	-	11,407	11,407	-	-	12,242	10,489	10,489	-8.05%
LAKESIDE FPD	-	38,411	38,411	-	-	63,835	33,621	33,621	-12.47%
NORTH COUNTY FPD	-	32,415	32,415	-	-	52,380	28,485	28,485	-12.12%
PORT OF SAN DIEGO	19,125	-	19,125	140	22,337	-	-	22,337	16.79%
RANCHO SANTA FE FPD	-	22,904	22,904	-	-	34,208	20,338	20,338	-11.20%
SAN MIGUEL FPD	-	71,006	71,006	-	-	126,111	61,544	61,544	-13.33%
VALLEY CENTER FPD	-	13,567	13,567	-	-	16,367	12,338	12,338	-9.06%
TOTAL FIRE DISTRICTS/OTHER	19,125	203,202	222,327	140	22,337	321,367	179,090	201,427.00	-9.40%
2-1-1 SAN DIEGO CONTRACT		70,000	70,000				70,000	70,000	0.00%
COUNTY DEPTS									
UDC SHARE	0	102,357	102,357	-	-	-	102,357	102,357	0.00%
M&A (5%)	0	168,160	168,160	-	-	-	160,535	160,535	-4.53%
HHSA-PHPR	-	80,000	80,000	-	-	-	80,000	80,000	0.00%
OES	-	1,050,941	1,050,941	-	-	-	917,301	917,301	-12.72%
SHERIFF	377,369	-	377,369	2,749	438,607	-	-	438,607	16.23%
TOTAL COUNTY DEPTS	377,369	1,401,458	1,778,827	2,749	438,607	-	1,260,193	1,698,800	-4.50%
TOTAL ALLOCATIONS	840,802	2,522,404	3,363,206	6,037	963,213	1,727,485	2,247,493	3,210,706	-4.53%

Notes:

*Personnel Cap: Each jurisdiction's allocation has a personnel cap of 50%.

*San Diego Sheriff includes: Unincorporated San Diego County and the contracted cities of Del Mar, Encinitas, Imperial Beach, Lemon Grove, Poway, San Marcos, Santee, Solana Beach and Vista.



STAFF REPORT CITY OF SOLANA BEACH

TO: Honorable Mayor and City Councilmembers
FROM: Gregory Wade, City Manager
MEETING DATE: September 27, 2023 (continued hearing from 6/14/2023)
ORIGINATING DEPT: Community Development Department
SUBJECT: **Public Hearing: Request for Development Review Permit and Structure Development Permit for a Replacement Two-Story Single-Family Residence with a Basement and Attached Two-Car Garage and Associated Site Improvements at 228 North Helix Avenue (Case #: DRP22-013, SDP22-011; Applicant: Ryan Bowers; APN: 263-321-21-00; Resolution No. 2023-064)**

BACKGROUND:

This item is continued from the June 14, 2023, City Council meeting. The Applicant, Ryan Bowers, is requesting City Council approval of a Development Review Permit (DRP) and Structure Development Permit (SDP) to demolish a single-story, single-family residence and construct a replacement two-story, single-family residence with a basement and an attached garage and perform associated site improvements. The 4,491 square-foot lot is located at 228 North Helix Avenue and is within the Medium Residential (MR) Zone and the Scaled Residential Overlay Zone (SROZ).

The Applicant proposes to construct a 1,867 square-foot residence with a 1,612 square-foot fully subterranean basement, an attached 455 square-foot garage and 40 square feet of covered and enclosed exterior area. The proposed development includes grading in the amount of 1,187 cubic yards (CY) aggregate. The tallest point of the proposed residence would be 22.90 feet above the proposed grade and the highest point of the structure would not exceed 83.50 feet above Mean Sea Level (MSL). The building height is currently proposed to be reduced as discussed in the Structure Development Permit section of this Staff Report. The project requires a DRP for three reasons: 1) a structure that exceeds 60 percent of the maximum allowable floor area; 2) a second floor that exceeds 35 percent of the first-floor area; and 3) aggregate grading in excess of 100 CY. The project requires an SDP because the proposed development exceeds 16 feet in height above existing grade.

CITY COUNCIL ACTION:

The issue before the Council is whether to approve, approve with conditions, or deny the Applicant’s request as contained in Resolution 2023-064 (Attachment 1).

DISCUSSION:

The subject property is located on the east side of North Helix Avenue, adjacent to the intersection of Hill Street and North Helix Avenue. The lot is irregularly shaped with 64 feet of frontage along North Helix Avenue, a southern property line of approximately 79 feet, a northern property line of approximately 80 feet and an eastern property line of 50 feet. The existing topography slopes downward from the street to the east. The elevation at the front property line is at approximately 65 feet above Mean Seal Level (MSL) and the rear property line is approximately 60 MSL, resulting in a change in elevation of approximately 5 feet. With the proposed project, the driveway location would be located at the northwestern portion of the lot. The project plans are provided in Attachment 2.

Table 1 (below) provides a comparison of the Solana Beach Municipal Code (SBMC) applicable zoning regulations with the Applicants proposed design.

Table 1																															
LOT INFORMATION																															
Property Address: 228 N Helix Ave Lot Size (Net): 4,491 ft ² Max. Allowable Floor area: 2,246 ft ² Proposed Floor area: 2,230 ft ² Below Max. Floor area by: 16 ft ² Max. Allowable Height: 25 ft. Max. Proposed Height: 22.90 ft.83.50 Highest Point/Ridge: MSL	Zoning Designation: MR (5-7 du/ac) # of Units Allowed: 1 Dwelling Unit, 1 ADU, 1 JADU # of Units Requested: 1 Dwelling Unit Setbacks: <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;"></th> <th style="width: 20%; text-align: center;">Required</th> <th colspan="2" style="text-align: center;">Proposed</th> </tr> <tr> <th></th> <th></th> <th style="text-align: center;">1st</th> <th style="text-align: center;">2nd</th> </tr> <tr> <th></th> <th></th> <th style="text-align: center;">Floor</th> <th style="text-align: center;">Floor</th> </tr> </thead> <tbody> <tr> <td>Front (W)</td> <td style="text-align: center;">20 ft.*</td> <td style="text-align: center;">20.00 ft.</td> <td style="text-align: center;">33.70 ft.</td> </tr> <tr> <td>Interior Side (N)</td> <td style="text-align: center;">5 ft.</td> <td style="text-align: center;">5.00 ft.</td> <td style="text-align: center;">5.88 ft.</td> </tr> <tr> <td>Interior Side (S)</td> <td style="text-align: center;">5 ft.</td> <td style="text-align: center;">5.07 ft.</td> <td style="text-align: center;">5.85 ft.</td> </tr> <tr> <td>Rear (E)</td> <td style="text-align: center;">15 ft.**</td> <td style="text-align: center;">20.55 ft.</td> <td style="text-align: center;">20.55 ft.</td> </tr> </tbody> </table> <p>*Per SBMC 17.20.030D where any lot has a depth of less than 100 feet or fronts on a public right-of-way 55 feet or greater in width, the minimum required front yard shall be reduced to 20 feet. **Per SBMC17.20.030D where any lot has a depth of less than 90 feet the minimum required rear yard shall be 15 feet.</p>		Required	Proposed				1 st	2 nd			Floor	Floor	Front (W)	20 ft.*	20.00 ft.	33.70 ft.	Interior Side (N)	5 ft.	5.00 ft.	5.88 ft.	Interior Side (S)	5 ft.	5.07 ft.	5.85 ft.	Rear (E)	15 ft.**	20.55 ft.	20.55 ft.		
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PROPOSED PROJECT INFORMATION																															
Floor area Breakdown: <table style="width: 100%; border-collapse: collapse;"> <tbody> <tr> <td style="width: 60%;">First Floor</td> <td style="text-align: right;">1,143 ft²</td> </tr> <tr> <td>Second Floor</td> <td style="text-align: right;">724 ft²</td> </tr> <tr> <td>Fully Subterranean Basement</td> <td style="text-align: right;">1,612 ft²</td> </tr> <tr> <td>Covered and Enclosed Exterior Area</td> <td style="text-align: right;">40 ft²</td> </tr> <tr> <td>Garage</td> <td style="text-align: right;">455 ft²</td> </tr> <tr> <td>Subtotal</td> <td style="text-align: right;">3,974 ft²</td> </tr> <tr> <td>Basement Exemption</td> <td style="text-align: right;">- 1,612 ft²</td> </tr> </tbody> </table>	First Floor	1,143 ft ²	Second Floor	724 ft ²	Fully Subterranean Basement	1,612 ft ²	Covered and Enclosed Exterior Area	40 ft ²	Garage	455 ft ²	Subtotal	3,974 ft²	Basement Exemption	- 1,612 ft ²	Requested Permits: DRP: A DRP is required for a structure that exceeds 60% of the maximum allowable floor area, for a second story that exceeds 35% of the first-floor area, and aggregate for grading in excess of 100 CY																
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Basement Exemption	- 1,612 ft ²																														

Off-Street Parking Exemption	- 400 ft ²	SDP: A SDP is required for a new structure that exceeds 16 feet in height from the existing grade.
Total Floor area	1,962 ft²	
Proposed Grading: 1,187 CY of Aggregate Grading (836 CY Cut; 45 CY of Fill; 18 CY Excavation for Footings; 288 CY Removal & Recompaction)		
Proposed Parking: 2-Car Garage Proposed Fences and Walls: Yes Proposed Accessory Dwelling Unit: No Proposed Accessory Structure: No		Existing Development: Single-Family Residence and shed

The following is a discussion of the findings for a DRP and SDP as each applies to the proposed project as well as references to recommended conditions of approval contained in Resolution 2023-064.

Development Review Permit Compliance (SBMC Section 17.68.40):

A DRP is required for a structure that exceeds 60% of the maximum allowable floor area. The total floor area proposed is 1,962 square feet and 2,246 is the maximum. Therefore, the proposal is 87% of the allowable floor area.

In addition to meeting zoning requirements, the project must also be found in compliance with development review criteria. The following is a list of the development review criteria topics:

1. Relationship with Adjacent Land Uses
2. Building and Structure Placement
3. Landscaping
4. Roads, Pedestrian Walkways, Parking, and Storage Areas
5. Grading
6. Lighting
7. Usable Open Space

The Council may approve, or conditionally approve, a DRP only if all of the findings listed below can be made. Resolution 2023-064 provides the full discussion of the findings.

1. The proposed development is consistent with the general plan and all applicable requirements of the zoning ordinance including special regulations, overlay zones, and specific plans.
2. The proposed development complies with the development review criteria.
3. All required permits and approvals issued by the city, including variances, conditional use permits, comprehensive sign plans, and coastal development permits have been obtained prior to or concurrently with the development review permit.

4. If the development project also requires a permit or approval to be issued by a state or federal agency, the city council may conditionally approve the development review permit upon the Applicant obtaining the required permit or approval from the other agency.

If the above findings cannot be made, the Council shall deny the DRP.

In addition to meeting zoning requirements, the project must also be found in compliance with the development review criteria. The following is a discussion of the applicable development review criteria as they relate to the proposed project.

Relationship with Adjacent Land Uses:

The property is located within the MR Zone. Properties to the north, south, east and west are also located within the MR Zone. The surrounding properties are developed with one and two-story, single-family residences, and multi-family buildings.

The project, as designed, is consistent with the permitted uses for the MR Zone as described in SBMC Sections 17.20.010 and 17.12.020. The property is designated Medium Density Residential in the General Plan and intended for single-family residences developed at a maximum density of five to seven (5-7) dwelling units per acre. The proposed development could be found to be consistent with the objectives of the General Plan as it encourages the development and maintenance of healthy residential neighborhoods, the stability of transitional neighborhoods, and the rehabilitation of deteriorated neighborhoods.

The property is not located within any of the City's Specific Plan areas; however, it is located within the boundaries of the Scaled Residential Overlay Zone (SROZ) and within the Coastal Zone. The project has been evaluated, and could be found to be in conformance with, the regulations of the SROZ, which are discussed further later in this report. As a condition of project approval, the Applicant would be required to obtain a Coastal Development Permit, Waiver or Exemption from the California Coastal Commission prior to the issuance of Building or Grading Permits.

Building and Structure Placement:

The site is currently developed with a one-story, single-family residence and a detached shed. The Applicant proposes to demolish the existing structures and build a new two-story residence with a basement and attached garage. The proposed residence, as designed, would be located within the buildable area.

The MR Zone requires a 25-foot front-yard setback, 25-foot rear-yard setback and 5-foot interior side-yard setbacks. Per SBMC 17.20.030D a lot less than 100 feet in depth has a reduced front yard setback of 20 feet, and when the lot depth is less than 90 feet, the rear yard setback is reduced to 15 feet. Therefore, the required setbacks for the subject property are a 20-foot front yard setback, 15-foot rear yard setback and 5-foot side yard

setbacks. The additions are proposed to be located within the buildable area. The proposed first floor is set back 20 feet from the front property line, 22.55 feet from the rear property line, 5 feet from the north side property line and 5.07 feet from the south side property line. The proposed second floor is set back 33.70 feet from the front property line, 20.55 feet from the rear property line, 5.88 feet from the north side property line and 5.85 feet from the south side property line.

The 1,612 square-foot basement level will consist of a family room, two bedrooms, two bathrooms, powder room, laundry/craft room, and storage/mechanical room. The 1,143 square-foot first floor consists of a kitchen, pantry, dining room, living room, and powder room and the 724 square-foot second floor includes a primary suite and deck. The proposed garage is located towards the northwest side of the property and would establish vehicular and pedestrian access from North Helix Avenue.

According to the SROZ, the proposed subterranean basement is considered “Basement-No Exposed Sides” in which the basement living area can be exempt from the calculation of floor area if there are no exposed sides. A building side is considered exposed when the finished floor of the living area directly above the basement (at any point) is more than three feet above the adjacent natural or finished grade, whichever is lower. Currently, the plans show a basement with no exposure; therefore, the proposed basement living area of 1,612 square feet would be exempt from the calculation of floor area.

The SBMC parking regulations require two (2) off-street parking spaces, 9’ x 19’ clear, per single-family residence. The SBMC sections 17.48.040 and 17.20.030 indicate that when required parking spaces are provided within a garage, up to 200 square feet of floor area is exempted for each required space. As designed, the proposed residence would provide two (2) parking spaces in the proposed 455 square-foot garage; therefore, the project is afforded a 400 square-foot exemption.

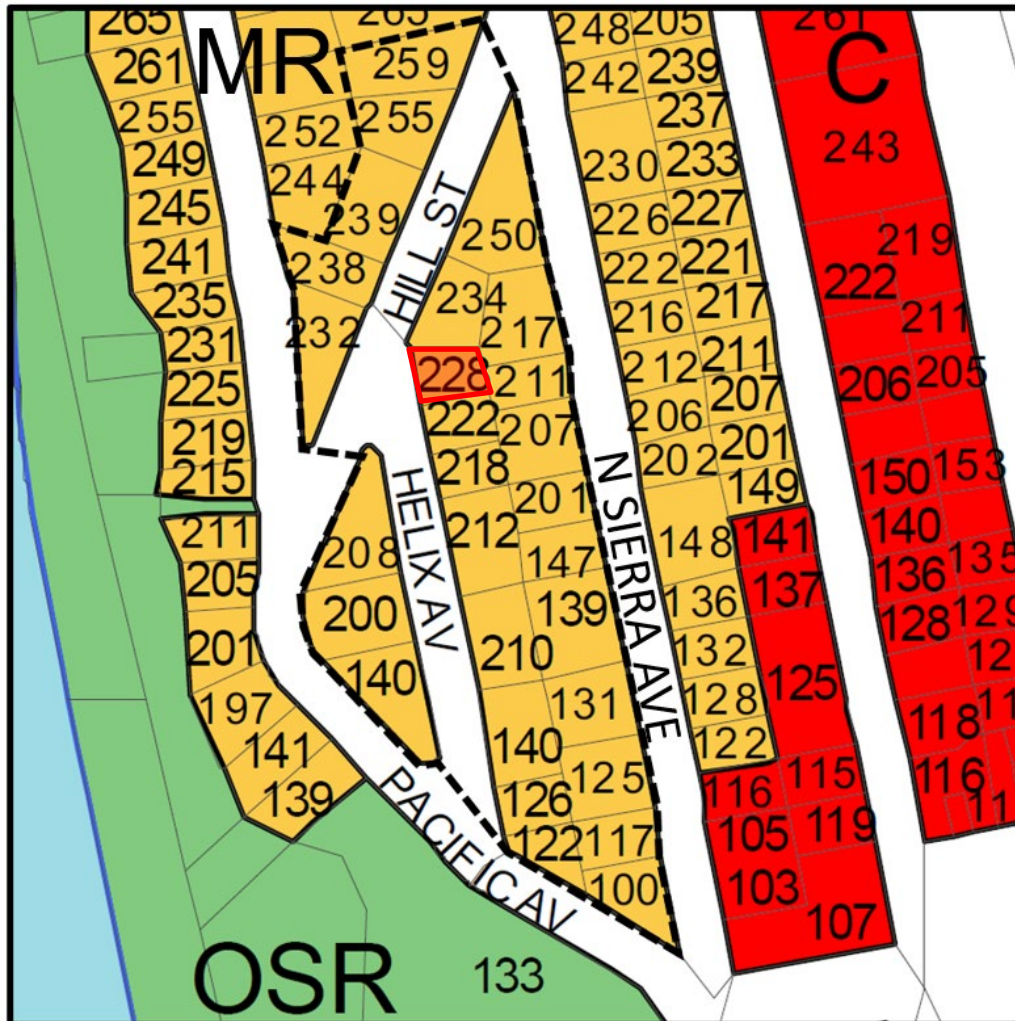
With the basement exemption (1,612 square feet) and the garage exemption (400 square feet), the total proposed floor area would be 1,962 square feet, which is 284 square feet below the maximum allowable floor area for the 4,491 square-foot lot located in the SROZ. The maximum floor area calculation for this project, pursuant to the SROZ regulations, is as follows:

$$\frac{0.50 \times 4,491 \text{ ft}^2}{\text{Total Allowable Floor area:}} \quad \frac{2,246 \text{ ft}^2}{2,246 \text{ ft}^2}$$

The proposed project, as designed, meets the minimum required setbacks and is below the maximum allowable floor area for the property.

Neighborhood Comparison:

Staff compared the proposed project to 27 other properties within the surrounding area. This area includes properties along both sides of North Helix Avenue and Hill Street, and the west side of South Sierra Avenue as shown on the following map:



The properties evaluated in this comparison are located in the MR Zone and the SROZ. The existing homes range in size from 320 square feet to 6,718 square feet, according to the County Assessor records. It should be noted that the County Assessor does not include the garage, covered porch area, unfinished basement, or accessory building area in the total square footage. Accordingly, the building area of the proposed project has been calculated for comparison purposes by deleting the area of the proposed garage, the covered porch, and ceiling height over 15 feet as follows:

Project Gross Building Area:	3,974ft ²
Delete Basement:	- 1,612 ft ²
Delete Covered and Enclosed Exterior Area:	- 40 ft ²
Delete Garage:	- 455 ft ²
<hr/> Project Area for Comparison to Assessor's Data:	<hr/> 1,867 ft ²

Table 2 is based upon the County Assessor’s data and SanGIS data. It contains neighboring lot sizes, the square footage of existing development and the maximum allowable square footage for potential development on each lot.

Table 2						
#	Property Address	Lot Size in ft ² (SanGis)	Existing ft ² (Assessor)	Proposed / Recently Approved ft ²	Max. Allowable ft ²	Zone
1	120 N HELIX AVE	3,322	2,355		1661	MR
2	122 N HELIX AVE	3,444	1,610		1722	MR
3	128-132 N HELIX AVE	6,933	4,665		3163	MR
4	140 N HELIX AVE	3,485	2,349		1743	MR
5	142 N HELIX AVE	3,501	2,306		1751	MR
6	210 N HELIX AVE	3,548	2,306		1774	MR
7	212 N HELIX AVE	3,568	2,349		1784	MR
8	218 N HELIX AVE	3,275	2,352		1638	MR
9	222 N HELIX AVE	3,526	1,342		1763	MR
10	228 N HELIX AVE	4,491	320	1,867	2246	MR
11	234-238 HILL ST	5,331	2,168		2666	MR
12	250 HILL ST	10,213	6,718		3737	MR
13	239 HILL ST	6,972	3,086		3170	MR
14	255 HILL ST	5,956	1,670		2978	MR
15	259 HILL ST	7,412	4,431		3247	MR
16	140 PACIFIC AVE	7,379	2,570		3241	MR
17	200 PACIFIC AVE	7,446	4,646		3253	MR
18	208 PACIFIC AVE	8,009	4,353		3352	MR
19	232 PACIFIC AVE	7,227	2,664		3215	MR
20	238 PACIFIC AVE	5,059	3,046		2530	MR
21	100 S SIERRA AVE	7,441	4,192		3252	MR
22	117 S SIERRA AVE	4,182	2,319		2091	MR
23	121 S SIERRA AVE	6,319	2,146		3056	MR
24	131 S SIERRA AVE	6,328	1,575		3057	MR
25	137-139 S SIERRA AVE	8,450	3,301		3429	MR
26	147 S SIERRA AVE	4,258	3,385		2129	MR
27	201 S SIERRA AVE	4,403	1,288		2202	MR
28	207 S SIERRA AVE	6,347	4,140		3061	MR
29	211 S SIERRA AVE	4,012	832		2006	MR
30	217-221 S SIERRA AVE	6,946	2,231		3166	MR

Fences, Walls and Retaining Walls:

Within the front yard setback area, the SBMC Section 17.20.040(O) allows fences and walls, or any combination thereof, to be no higher than 42 inches in height as measured

from existing grade, except for an additional two feet of fence that is at least 80% open to light. Fences, walls and retaining walls located within the rear and interior side yards are allowed to be up to six feet in height with an additional 24 inches that is 50% open to light and air. The proposed project includes a new six-foot tall retaining wall on the north side of the property adjacent to the north property line.

Landscape:

The project is subject to the current water efficient landscaping regulations of SBMC Chapter 17.56. A Landscape Documentation Package is required for new development projects with an aggregate landscape equal to or greater than 500 square feet requiring a building permit, plan check or development review. The Applicant provided a conceptual landscape plan that has been reviewed by the City's third-party landscape architect, who has recommended approval. The Applicant will be required to submit detailed construction landscape drawings that will be reviewed by the City's third-party landscape architect for conformance with the conceptual plan. In addition, the City's third-party landscape architect will perform inspections during the construction phase of the project. A separate condition has been added to require that native or drought-tolerant and non-invasive plant materials and water-conserving irrigation systems are required to be incorporated into the landscaping to the extent feasible.

Parking:

SBMC Section 17.52.040 and the Off-Street Parking Design Manual (OSPDM) require two (2) parking spaces for a single-family residence. The Applicant proposes to establish driveway access to the property from North Helix Avenue on the northwest portion of the lot. SBMC Section 17.08.030 indicates that required parking up to 200 square feet per parking space provided in a garage is exempt from the floor area calculation. The proposed 455 square-foot garage would provide two parking spaces. Two spaces are required; therefore, 400 square feet of garage area is exempt from the project's floor area calculation.

Grading:

The project includes 836 cubic yards of cut, 45 cubic yards of fill, 18 cubic yards of excavation for footings, and 288 cubic yards of removal and recompaction. The project includes grading in the amount 1,187 cubic yards aggregate.

Lighting:

A condition of project approval requires that all new exterior lighting fixtures comply with the City-Wide Lighting Regulations of the Zoning Ordinance (SBMC 17.60.060). All light fixtures shall be shielded so that no light or glare is transmitted or reflected in such concentrated quantities or intensities as to be detrimental to the surrounding area.

Usable Open Space:

The project consists of a new two-story single-family residence with a fully subterranean basement and an attached two-car garage on a developed residential lot; therefore, usable open space and recreational facilities are neither proposed nor required according to SBMC Section 17.20.040. As a condition of project approval, the Applicant will be required to pay the applicable Park Development Fee.

Structure Development Permit Compliance:

The proposed structure exceeds 16 feet in height above the pre-existing grade; therefore, the project must comply with all of the View Assessment requirements of SBMC Chapter 17.63 and the Applicant was required to complete the SDP process. The Applicant had story poles erected onsite and the Story Pole Height Certification was issued by a licensed land surveyor on September 1, 2022, which showed the highest story pole certified at 87.33 MSL and 25 feet above the proposed grade. Notices to apply for View Assessment were mailed to property owners and occupants within 300 feet of the project site, which established a deadline to file for View Assessment on December 12, 2022. The City received three (3) applications for View Assessment (Attachments 4-6) from the following property owners: Jill Martin, "Claimant 1" of [REDACTED] N. Helix Ave., located immediately south of the subject property; Naomi Clum, "Claimant 2" of [REDACTED] N. Sierra Ave., located northeast of the subject property; and Anthony Gatti "Claimant 3" of [REDACTED] N. Helix Ave., located south of the subject property.

The project was revised, and additional story poles were erected onsite, to illustrate the changes made to address the view claims. The Story Pole Height Certification was issued by a licensed land surveyor on January 20, 2023, which showed the highest story pole certified at 87.33 MSL and 25 feet above the proposed grade. Notices to apply for View Assessment were mailed to property owners and occupants within 300 feet of the project site, which established a deadline to file for View Assessment on March 16, 2023. The City received updated view claims from the three (3) original Claimants (Martin, Clum and Gatti) (Attachments 4-6).

The project was presented to the View Assessment Commission (VAC) on April 18, 2023. Draft minutes from the April 18, 2023, meeting are included in Attachment 7. Tables 3 through 5 below include the disclosures and findings from the April 18, 2023, meeting.

Claimant 1: Jill Martin, [REDACTED] N. Helix Ave. (Table 3)

Five out of the six participating VAC members found the primary viewing area to be in the living room and/or kitchen areas, one VAC member found the primary viewing area to be from the primary bedroom, and one VAC member was absent. One out of the six participating VAC members was able to make finding 3.

Table 3								
Jill Martin █ N Helix Ave		Coad	Villasenor	Cohen	Moldenhauer	Stribling	Zajac	Najjar
Date Visited	Claimant		4/14	4/14	4/15	4/15	4/15	4/14
	Applicant		4/14	4/14	4/15	4/15	4/15	4/14
Primary Viewing Area			Living Room / Kitchen	Living Room / Kitchen	Living Room / Kitchen	Primary Bedroom	Living Room / Kitchen	Kitchen
#1. Communication Taken Place			Y	Y	Y	Y	Y	Y
#2. No Public View Impairment			Y	Y	Y	Y	Y	Y
#3. Designed to Minimize View Impairment			N	N	N	Y	N	N
#4. No Cumulative View Impairment			N	N	N	Y	N	N
#5. Neighborhood Compatibility			Y	N	N	N	Y	Y

Claimant 2: Naomi Clum, █ N. Sierra Ave. (Table 4)

Five out of the six participating VAC members found the primary viewing area to be in the living room and/or kitchen areas, one VAC member found the primary viewing area to be from the primary bedroom, and one VAC member was absent. All six of the participating VAC members were able to make finding 3.

Table 4								
Naomi Clum █ N Sierra		Coad	Villasenor	Cohen	Moldenhauer	Stribling	Zajac	Najjar
Date Visited	Claimant		4/14	4/17	4/15	4/15	4/15	4/14
	Applicant		4/14	4/17	4/15	4/15	4/15	4/14
Primary Viewing Area			Living Room / Dining Room	Kitchen / Sitting Area	Living Room / Dining Room	Primary Bedroom	Living Room / Dining Room	Kitchen
#1. Communication Taken Place			Y	Y	Y	Y	Y	Y
#2. No Public View Impairment			Y	Y	Y	Y	Y	Y
#3. Designed to Minimize View Impairment			Y	Y	Y	Y	Y	Y

#4. No Cumulative View Impairment		Y	N	Y	Y	N	Y
#5. Neighborhood Compatibility		Y	N	Y	N	Y	Y

Claimant 3: Anthony Gatti, [REDACTED] N. Helix Ave. (Table 5)

Five out of the six participating VAC members found the primary viewing area to be in the primary bedroom, one VAC member found the primary viewing area to be from the second-floor deck, and one VAC member was absent. One out of the six participating VAC members was able to make finding 3.

Table 5								
Anthony Gatti [REDACTED] N Helix Ave		Coad	Villasenor	Cohen	Moldenhauer	Stribling	Zajac	Najjar
Date Visited	Claimant		4/14	4/18	4/15	4/15	4/15	4/14
	Applicant		4/14	4/18	4/15	4/15	4/15	4/14
Primary Viewing Area			Primary Bedroom	Primary Bedroom	Primary Bedroom	Primary Bedroom	2 nd Level Deck	Primary Bedroom
#1. Communication Taken Place			Y	Y	Y	Y	Y	Y
#2. No Public View Impairment			Y	Y	Y	Y	Y	Y
#3. Designed to Minimize View Impairment			N	N	N	N	Y	N
#4. No Cumulative View Impairment			N	N	N	Y	N	N
#5. Neighborhood Compatibility			Y	N	N	N	Y	Y

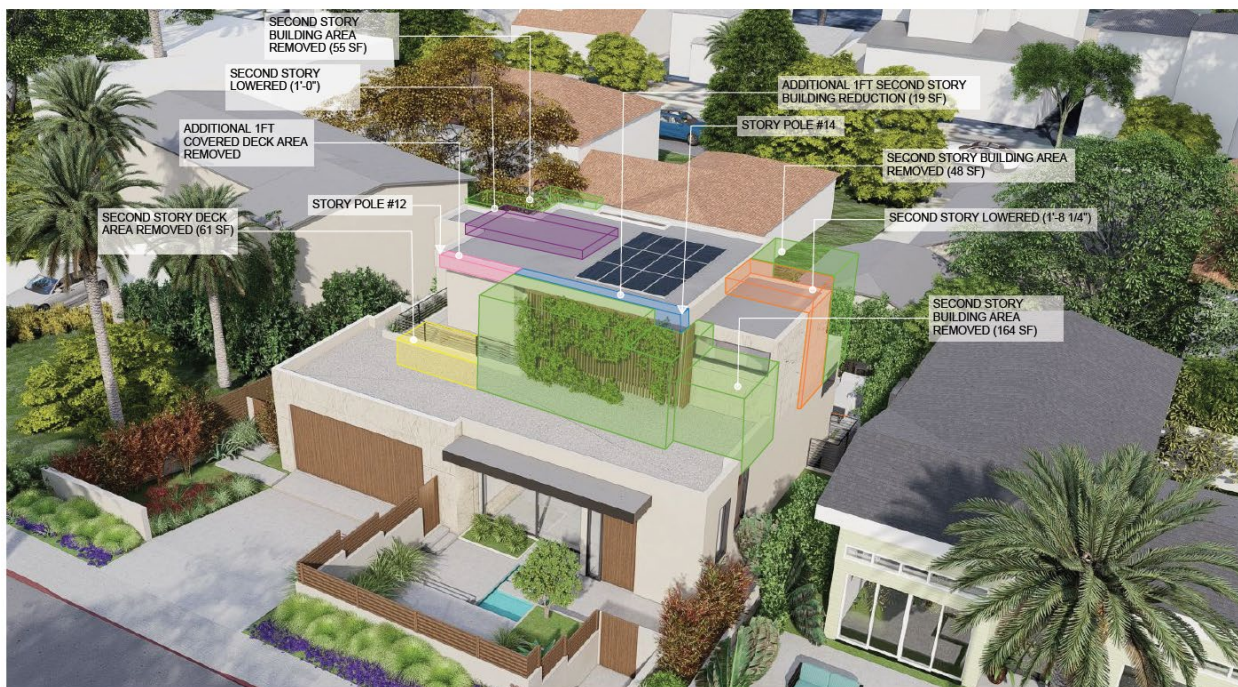
Chairperson Cohen made a motion to recommend denial of the project to City Council, which was seconded by Commissioner Zajac. The motion passed 6/0/1 Ayes: Bishop, Cohen, Moldenhauer, Stribling, Zajac, Najjar. Noes: none. Absent: Coad. The Notice of Recommendation is included in Attachment 8.

Proposed Alternative Design

After the April 18, 2023, VAC Hearing, the Applicant removed the story poles that represented the original design. The project was scheduled for the May 24, 2023, Council Meeting, at which the Applicant requested a continuance from City Council to June 24,

2023. At the June 14, 2023, City Council Meeting, the Applicant presented an alternative design to address neighbors' view concerns and the project was continued.

The Applicant has since redesigned the project to address neighbors' view concerns and direction from Council. Story poles consistent with the renderings in Attachment 3 were installed and certified August 9, 2023, and the Story Pole Height Certification shows the highest story pole certified at 83.50 MSL and 22.90 feet above the proposed grade (Attachment 3). The previous design, presented to Council on June 14, 2023, showed the highest story pole certified at 84.50 MSL and 23.39 feet above the proposed grade (Attachment 9). This results in a height reduction of 1.00 foot at the highest point of the structure (primary closet). The building pad has also been lowered by 1.83 feet. The floor area of the second floor has been reduced by 301 square feet. The massing of the second story has been moved eastward seven (7) feet six (6) inches to address view concerns from the adjacent property to the south (Claimant 1). After reviewing the story poles with Claimant 1, the Applicant reduced the massing on the west side of the second story by an additional foot from the current location of story pole numbers 12 and 14. At this time, no view claims have been withdrawn. The redesign does not expand the building envelope, nor does it increase the floor area. A letter addressed to Council from the Applicant detailing the proposed design changes is included in Attachment 10. The proposed changes are reflected below.



NORTH HELIX AVE - PROPOSED DESIGN ENVELOPE REDUCTION

Below are illustrations comparing the previous design with the alternative design:



NORTH HELIX AVE - PREVIOUS DESIGN



NORTH HELIX AVE - PROPOSED DESIGN

The City Council should consider the recommendation from VAC, the information provided by the Applicant and Claimants, and the View Assessment Ordinance (SBMC

17.63) including the definition of a “Viewing Area” and the five required findings, which are provided below:

SBMC Section 17.63.020(I): “Viewing area” shall be that area of the structure (excluding bathrooms, hallways, garages or closets) or lot (excluding the building setback areas) where the view assessment committee, or the city council on appeal, determines the best and most important view exists. The finished floor elevation of any viewing area must be at or above existing grade adjacent to the exterior wall of the part of the building nearest to that viewing area. The determination shall be made by balancing the nature of the view to be protected and the importance of the area of the structure or lot from where the view is taken.

SBMC Section 17.63.040(F): Findings. In making a decision on a matter for which view assessment has been requested, the view assessment committee shall be required to make the following findings:

- 1. The applicant for the structure development permit has made a reasonable attempt to resolve the view impairment issues with the person(s) requesting view assessment. Written evidence of a good faith voluntary offer to meet and discuss view issues, or of a good faith voluntary offer to submit the matter to mediation, is hereby deemed to be a reasonable attempt to resolve the view impairment issues.*
- 2. The proposed structure does not significantly impair a view from public property (parks, major thoroughfares, bike ways, walkways, equestrian trails) which has been identified in the city’s general plan, local coastal program, or city designated viewing areas.*
- 3. The structure is designed and situated in such a manner as to minimize impairment of views.*
- 4. There is no significant cumulative view impairment caused by granting the application. Cumulative view impairment shall be determined by: (a) Considering the amount of view impairment caused by the proposed structure; and (b) considering the amount of view impairment that would be caused by the construction on other parcels of structures similar to the proposed structure.*
- 5. The proposed structure is compatible with the immediate neighborhood character.*

A condition of approval has been added to the Draft Resolution of Approval (Attachment 1) to require that the Applicant submit a height certification prepared by a licensed land surveyor prior to the framing inspection certifying that the maximum height of the proposed addition will not exceed 22.90 feet above the proposed grade or 83.50 feet

above MSL, which is the maximum proposed structure height reflected on the project plans, should the City Council make the necessary finding to approve the project.

In conclusion, the proposed project, as conditioned, could be found to be consistent with the Zoning regulations, and the General Plan. Staff has prepared draft findings for approval of the project in the attached Resolution 2023-064 for the Council's consideration based upon the information in the report. The applicable SBMC sections are provided in the italicized text and conditions from the Community Development, Engineering, and Fire Departments are incorporated in the Resolution of Approval. Additionally, as a condition of project approval, the Applicant would be required to obtain a Coastal Development Permit, Waiver or Exemption from the California Coastal Commission prior to the issuance of a Building Permit. The Council may direct Staff to modify the Resolution to reflect the findings and conditions it deems appropriate as a result of the Public Hearing process. If the Council determines the project is to be denied, Staff will prepare a Resolution of Denial for adoption at a subsequent Council meeting.

Property Frontage and Public Right-of-Way Improvements:

The existing right-of-way adjacent to this project is improved with concrete curb, gutter, and sidewalk. A few sidewalk panels are damaged. There is no vehicular driveway to the existing site. The site drainage pattern is generally from west to east.

If approved, this project will be authorized to construct one 17-foot-wide driveway to North Helix Avenue. The Applicant will be required to remove and reconstruct several damaged sidewalk panels and to relocate an existing fire hydrant to accommodate construction of the proposed driveway. The storm water run-off generated due to development will be detained in a detention basin and will be discharged at a reduced rate equal to the pre-existing conditions. The general direction and characteristics of the discharged run-off will be consistent with the pre-existing condition.

Public Hearing Notice:

Notice of the City Council Public Hearing for the project was published in the Union Tribune more than 10 days prior to the public hearing. The same public notice was mailed to property owners and occupants within 300 feet of the proposed project site on September 14, 2023. As of the date of preparation of this Staff Report, Staff has not received any official correspondence.

In conclusion, the proposed project, as conditioned, could be found to be consistent with the Zoning regulations and the General Plan. Staff has prepared draft findings for approval of the project in the attached Resolution 2023-064 for the Council's consideration based upon the information in this report. Conditions from the Community Development, Engineering, and Fire Department are incorporated in the Resolution of Approval.

Should the Council determine that the findings can be made to approve the project; the SDP will be approved concurrently with the DRP. The Council may direct Staff to modify the Resolution to reflect the findings and conditions it deems appropriate as a result of the Public Hearing process. If the Council determines the project is to be denied, Staff will prepare a Resolution of Denial for adoption at a subsequent Council meeting.

CEQA COMPLIANCE STATEMENT:

The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the State CEQA Guidelines. Class 3 consists of construction and location of limited numbers of new, small facilities or structures. Examples of this exemption include one single-family residence or second dwelling unit in a residential zone. In urbanized areas, up to three-single-family residences may be constructed or converted under this exemption.

FISCAL IMPACT: N/A

WORK PLAN: N/A

OPTIONS:

- Approve Staff recommendation adopting the attached Resolution 2023-064.
- Approve Staff recommendation subject to additional specific conditions necessary for the City Council to make all required findings for the approval of a DRP and SDP.
- Deny the project if all required findings for the DRP cannot be made.


DEPARTMENT RECOMMENDATION:

The proposed project meets the minimum zoning requirements under the SBMC, may be found to be consistent with the General Plan and may be found, as conditioned, to meet the discretionary findings required as discussed in this report to approve a DRP and SDP. Therefore, Staff recommends that the City Council:

1. Conduct the Public Hearing: Open the Public Hearing, Report Council Disclosures, Receive Public Testimony, and Close the Public Hearing.
2. Find the project exempt from the California Environmental Quality Act pursuant to Section 15303 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt Resolution 2023-064 conditionally approving a DRP and SDP for a new two-story, single-family residence with a fully subterranean basement and an attached two-car garage and perform associated site improvements at 228 North Helix Avenue, Solana Beach.

CITY MANAGER'S RECOMMENDATION:

Approve Department Recommendation.



Gregory Wade, City Manager

Attachments:

1. Resolution 2023-064
2. Project Plans
3. Story Pole Height Certification, August 9, 2023
4. Martin Application for View Assessment
5. Clum Application for View Assessment
6. Gatti Application for View Assessment
7. Draft Minutes from the April 18, 2023, VAC Meeting
8. NOR from April 18, 2023, VAC Meeting
9. Story Pole Height Certification, June 1, 2023
10. Applicant Letter to Council and Renderings, September 14, 2023

RESOLUTION 2023-064

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, CONDITIONALLY APPROVING A DEVELOPMENT REVIEW PERMIT AND STRUCTURE DEVELOPMENT PERMIT FOR A REPLACEMENT TWO-STORY SINGLE-FAMILY RESIDENCE WITH A BASEMENT AND ATTACHED TWO-CAR GARAGE AND ASSOCIATED SITE IMPROVEMENTS AT 228 NORTH HELIX AVENUE

APPLICANTS: Ryan Bowers
APPLICATION: DRP22-013/SDP22-011

WHEREAS, Ryan Bowers (hereinafter referred to as “Applicant”) has submitted an application for a Development Review Permit (DRP) and Structure Development Permit (SDP) pursuant to Title 17 (Zoning) of the Solana Beach Municipal Code (SBMC); and

WHEREAS, the View Assessment Committee recommended denial of the project on April 18, 2023, based on applications for View Assessment from 222 North Helix Avenue, 219 North Sierra Avenue, and 218 North Helix Avenue; and

WHEREAS, the Public Hearing was conducted pursuant to the provisions of Solana Beach Municipal Code Section 17.72.030; and

WHEREAS, at the Public Hearing on September 27, 2023, the City Council received and considered evidence concerning the proposed application; and

WHEREAS, the City Council determined the primary viewing area(s) to be _____; and

WHEREAS, the City Council of the City of Solana Beach found the project requested in the application exempt from the California Environmental Quality Act pursuant to Section 15303 of the State CEQA Guidelines; and

WHEREAS, this decision is based upon the evidence presented at the Public Hearing, and any information the City Council gathered by viewing the site and the area as disclosed at the hearing.

NOW THEREFORE, the City Council of the City of Solana Beach, California, does resolve as follows:

- I. That the foregoing recitations are true and correct.
- II. That the request for a DRP and SDP to construct a 1,867 square-foot residence with a 1,612 square-foot fully subterranean basement and an attached 455 square-foot garage at 228 North Helix Avenue, is conditionally approved based upon the following Findings and subject to the following Conditions:

III. FINDINGS

A. In accordance with Section 17.68.040 (Development Review Permit) of the City of Solana Beach Municipal Code, the City Council finds the following:

- I. *The proposed project is consistent with the General Plan and all applicable requirements of SBMC Title 17 (Zoning Ordinance), including special regulations, overlay zones and specific plans.*

General Plan Consistency: The project, as conditioned, is consistent with the City's General Plan designation of Medium Density Residential, which allows for a maximum of five to seven (5-7) dwelling units per acre. The development is also consistent with the objectives of the General Plan as it encourages the development and maintenance of healthy residential neighborhoods, the stability of transitional neighborhoods, and the rehabilitation of deteriorated neighborhoods.

Zoning Ordinance Consistency: The project is consistent with all applicable requirements of the Zoning Ordinance (Title 17) (SBMC 17.20.030 and 17.48.040), which delineates maximum allowable Floor Area Ratio (FAR), Permitted Uses and Structures (SBMC Section 17.20.020) which provides for uses of the property for a single-family residence. Further, the project adheres to all property development regulations established for the Medium Residential (MR) Zone and cited by SBMC Section 17.020.030.

The project is consistent with the provisions for minimum yard dimensions (i.e., setbacks) and the maximum allowable Floor area (FAR), maximum building height, and parking requirements.

- II. *The proposed development complies with the following development review criteria set forth in Solana Beach Municipal Code Section 17.68.040.F:*

- a. *Relationship with Adjacent Land Uses: The development shall be designed in a manner compatible with and where feasible, complimentary to existing and potential development in the immediate vicinity of the project site. Site planning on the perimeter of the development shall give consideration to the protection of surrounding areas from potential adverse effects, as well as protection of the property from adverse surrounding influences.*

The property is located within the Medium Residential (MR) Zone. Properties to the north, south, east and west are also located within the MR Zone. The surrounding properties are developed with one and two-story, single-family residences.

The project, as designed, is consistent with the permitted uses for the MR Zone as described in SBMC Sections 17.20.010 and 17.12.020. The property is designated Medium Density Residential in the General Plan and intended for single-family residences developed at a maximum density of five to seven (5-7) dwelling units per acre. The proposed development could be found to be consistent with the objectives of the General Plan as it encourages the development and maintenance of healthy residential neighborhoods, the stability of transitional neighborhoods, and the rehabilitation of deteriorated neighborhoods.

The property is not located within any of the City's Specific Plan areas; however, it is located within the boundaries of the Scaled Residential Overlay Zone (SROZ) and within the Coastal Zone. The project has been evaluated, and could be found to be in conformance with, the regulations of the SROZ, which are discussed further later in this report. As a condition of project approval, the Applicant would be required to obtain a Coastal Development Permit, Waiver or Exemption from the California Coastal Commission prior to the issuance of Building or Grading Permits.

- b. Building and Structure Placement: Buildings and structures shall be sited and designed in a manner which visually and functionally enhances their intended use.*

The site is currently developed with a one-story, single-family residence and a detached shed. The Applicant proposes to demolish the existing structures and build a new two-story residence with a basement and attached garage. The proposed residence, as designed, would be located within the buildable area.

The MR Zone requires a 25-foot front-yard setback, 25-foot rear-yard setback and 5-foot interior side-yard setbacks. Per SBMC 17.20.030D a lot less than 100 feet in depth has a reduced front yard setback of 20 feet, and when the lot depth is less than 90 feet, the rear yard setback is reduced to 15 feet. Therefore, the required setbacks for the subject property are a 20-foot front yard setback, 15-foot rear yard setback and 5-foot side yard setbacks. The additions are proposed to be located within the buildable area. The proposed first floor is set back 20 feet from the front property line, 22.55 feet from the rear property line, 5 feet from the north side property line and 5.07 feet from the south side property line. The proposed second floor is set back 33.70 feet from the front property line, 20.55 feet from the rear property

line, 5.88 feet from the north side property line and 5.85 feet from the south side property line.

The 1,612 square-foot basement level will consist of a family room, two bedrooms, two bathrooms, powder room, laundry/craft room, and storage/mechanical room. The 1,143 square-foot first floor consists of a kitchen, pantry, dining room, living room, and powder room and the 724 square-foot second floor includes a primary suite and deck. The proposed garage is located towards the northwest side of the property and would establish vehicular and pedestrian access from North Helix Avenue.

According to the SROZ, the proposed subterranean basement is considered “Basement- No Exposed Sides” in which the basement living area can be exempt from the calculation of floor area if there are no exposed sides. A building side is considered exposed when the finished floor of the living area directly above the basement (at any point) is more than three feet above the adjacent natural or finished grade, whichever is lower. Currently, the plans show a basement with no exposure; therefore, the proposed basement living area of 1,612 square feet would be exempt from the calculation of floor area.

With the basement exemption (1,612 square feet) and the garage exemption (400 square feet), the total proposed floor area would be 1,962 square feet, which is 284 square feet below the maximum allowable floor area for the 4,491 square-foot lot located in the SROZ. The maximum floor area calculation for this project, pursuant to the SROZ regulations, is as follows:

$0.50 \times 4,491 \text{ ft}^2$	2,246 ft ²
<hr/> Total Allowable Floor area:	2,246 ft ²

The proposed project, as designed, meets the minimum required setbacks and is below the maximum allowable floor area for the property.

- c. *Landscaping: The removal of significant native vegetation shall be minimized. Replacement vegetation and landscaping shall be compatible with the vegetation of the surrounding area. Trees and other large plantings shall not obstruct significant views when installed or at maturity.*

The project is subject to the current water efficient landscaping regulations of SBMC Chapter 17.56. A Landscape Documentation Package is required for new development

projects with an aggregate landscape equal to or greater than 500 square feet requiring a building permit, plan check or development review. The Applicant provided a conceptual landscape plan that has been reviewed by the City's third-party landscape architect, who has recommended approval. The Applicant will be required to submit detailed construction landscape drawings that will be reviewed by the City's third-party landscape architect for conformance with the conceptual plan. In addition, the City's third-party landscape architect will perform inspections during the construction phase of the project. A separate condition has been added to require that native or drought-tolerant and non-invasive plant materials and water-conserving irrigation systems are required to be incorporated into the landscaping to the extent feasible.

- d. *Roads, Pedestrian Walkways, Parking and Storage Areas: Any development involving more than one building or structure shall provide common access roads and pedestrian walkways. Parking and outside storage areas, where permitted, shall be screened from view to the extent feasible, by existing topography, by the placement of buildings and structures, or by landscaping and plantings.*

The SBMC parking regulations require two (2) off-street parking spaces, 9' x 19' clear, per single-family residence. The SBMC sections 17.48.040 and 17.20.030 indicate that when required parking spaces are provided within a garage, up to 200 square feet of floor area is exempted for each required space. As designed, the proposed residence would provide two (2) parking spaces in the proposed 455 square-foot garage; therefore, the project is afforded a 400 square-foot exemption.

- e. *Grading: To the extent feasible, natural topography and scenic features of the site shall be retained and incorporated into the proposed development. Any grading or earth-moving operations in connection with the proposed development shall be planned and executed so as to blend with the existing terrain both on and adjacent to the site. Existing exposed or disturbed slopes shall be landscaped with native or naturalized non-native vegetation and existing erosion problems shall be corrected.*

The project includes 836 cubic yards of cut, 45 cubic yards of fill, 18 cubic yards of excavation for footings, and 288 cubic yards of removal and recompaction. The project includes grading in the amount 1,187 cubic yards aggregate.

- f. Lighting: Light fixtures for walkways, parking areas, driveways, and other facilities shall be provided in sufficient number and at proper locations to assure safe and convenient nighttime use. All light fixtures shall be appropriately shielded so that no light or glare is transmitted or reflected in such concentrated quantities or intensities as to be detrimental to the surrounding areas per SBMC 17.60.060 (Exterior Lighting Regulations).*

All new exterior lighting fixtures will comply with the City-Wide Lighting Regulations of the Zoning Ordinance (SBMC 17.60.060). All light fixtures shall be shielded so that no light or glare is transmitted or reflected in such concentrated quantities or intensities as to be detrimental to the surrounding area.

- g. Usable Open Space: Recreational facilities proposed within required usable open space shall be located and designed to maintain essential open space values.*

The project consists of additions to an existing two-story, single-family residence with a lowered garage on a developed residential lot; therefore, usable open space and recreational facilities are neither proposed nor required according to SBMC Section 17.20.040. The Applicants are required to pay the applicable Park Development Fee.

- III. All required permits and approvals including variances, conditional use permits, comprehensive sign plans, and coastal development permits have been obtained prior to or concurrently with the development review permit.*

All required permits, including a Structure Development Permit, are being processed concurrently with the Development Review Permit.

- IV. If the development project also requires a permit or approval to be issued by a state or federal agency, the city council may conditionally approve the development review permit upon the Applicant obtaining the required permit or approval from the other agency.*

The Applicant is required to obtain approval from the California Coastal Commission prior to issuance of Building Permits.

- B. In accordance with Section 17.63.040 (Structure Development Permit) of the Solana Beach Municipal Code, the City Council finds the following:
- I. The Applicant for the Structure Development Permit has made a reasonable attempt to resolve the view impairment issues with the person(s) requesting view assessment. Written evidence of a good faith*

voluntary offer to meet and discuss view issues, or of a good faith voluntary offer to submit the matter to mediation, is hereby deemed to be a reasonable attempt to resolve the view impairment issues.

To be completed based on Council findings.

- II. *The proposed structure does not significantly impair a view from public property (parks, major thoroughfares, bike ways, walkways, equestrian trails) which has been identified in the city's general plan, local coastal program, or city designated viewing areas.*

To be completed based on Council findings.

- III. *The structure is designed and situated in such a manner as to minimize impairment of views.*

To be completed based on Council findings.

- IV. *There is no significant cumulative view impairment caused by granting the application. Cumulative view impairment shall be determined by: (a) Considering the amount of view impairment caused by the proposed structure; and (b) considering the amount of view impairment that would be caused by the construction on other parcels of structures similar to the proposed structure.*

To be completed based on Council findings.

- V. *The proposed structure is compatible with the immediate neighborhood character.*

To be completed based on Council findings.

IV. CONDITIONS

Prior to use or development of the property in reliance on this permit, the Applicant shall provide for and adhere to the following conditions:

A. Community Development Department Conditions:

- I. The Applicant shall pay required Fire Mitigation, Park Development, Public Use Facilities, and Public Facilities Impact Fees.
- II. Building Permit plans must be in substantial conformance with the architectural plans presented to the City Council on September 27, 2023 and located in the project file with a submittal date of September 13, 2023.

- III. Prior to requesting a framing inspection, the Applicant shall submit a height certificate prepared by a licensed land surveyor prior to the framing inspection certifying that the tallest point of the proposed residence will not exceed ____*To be completed based on Council Findings*____ feet above the proposed grade on the west elevation and the highest point of the structure will not exceed ____*To be completed based on Council Findings*____ feet above the Mean Sea Level (MSL) in conformance with the plans as approved by the City Council on September 27, 2023.
 - IV. Any proposed onsite fences, walls and retaining walls and any proposed railing located on top, or any combination thereof, shall comply with applicable regulations of SBMC Section 17.20.040 and 17.60.070 (Fences and Walls).
 - V. The Applicant shall obtain required California Coastal Commission (CCC) approval of a Coastal Development Permit, Waiver or Exemption as determined necessary by the CCC, prior to the issuance of Building and Grading Permits.
 - VI. All new exterior lighting fixtures shall be in conformance with the City-wide lighting regulations of the Zoning Ordinance (SBMC 17.60.060). All light fixtures shall be appropriately shielded so that no light or glare is transmitted or reflected in such concentrated quantities or intensities as to be detrimental to the surrounding area.
 - VII. Construction vehicles shall be parked on the subject property at all times feasible. If construction activity prohibits parking on the subject property, the Applicant shall ensure construction vehicles are parked in such a way to allow sufficient vehicular access on the street and minimize impact to the surrounding neighbors.
 - VIII. Pursuant to SBMC 17.68.040 subsection K, the signed final development plan shall be the official site layout for the property and shall be attached to any application for a building permit for the subject property. Any subsequent revisions or changes to the final development plan as approved by the Council will require an amendment to the approved DRP.
- B. Fire Department Conditions:
- I. GATES: All gates or other structures or devices, which could obstruct fire access roadways or otherwise hinder emergency operations, are prohibited unless they meet standards approved by the Fire Department. An approved emergency key-operated switch and/or an approved emergency traffic control-activating strobe light sensor shall

be installed per the Solana Beach Municipal Code Title 15 Building and Construction Chapter 15.32 Fire Code Section 15.32.200 Section 503.6. All Knox Box products shall be purchased through Solana Beach Fire website at www.knoxbox.com/2566

- II. POSTING OR STRIPING ROADWAYS “NO PARKING FIRE LANE”: Fire Department access roadways, when required, shall be properly identified as per Solana Beach Fire Department standards. The means by which fire lanes are designated shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility per the Solana Beach Municipal Code Title 15 Building and Construction Chapter 15.32 Fire Code Section 15.32.170 Section 503 Section 503.3 and 503.4.3. Fire lane shall be maintained and extended with proposed relocation of fire hydrant.
- III. OBSTRUCTION OF ROADWAYS DURING CONSTRUCTION: All roadways shall be a minimum of 20 feet in width during construction and maintained free and clear, including the parking of vehicles per the 2019 California Fire Code Chapter 5 Section 503.4 and 503.2.1.
- IV. FIRE HYDRANTS AND FIRE FLOWS: The applicant shall provide fire hydrants of a type, number, and location satisfactory to the Solana Beach Fire Department. A letter from the water agency serving the area shall be provided that states the required fire flow is available. Fire hydrants shall be of a bronze type. Multi-family residential or industrial fire hydrants shall have two (2) 4” inch and two (2) 2 ½” inch NST outlets. Residential fire hydrants shall have one (1) 4” inch NST outlet, and one (1) 2 ½” inch NST outlets per the Solana Beach Municipal Code Title 15 Building and Construction Chapter 15.32 Fire Code Section 15.32.210 Section 507 Section 507.5.1 to 507.5.1.02. Proposed fire hydrant shall be of the new residential type.
- V. ADDRESS NUMBERS: STREET NUMBERS: Approved numbers and/or addresses shall be placed on all new and existing buildings and at appropriate additional locations as to be plainly visible and legible from the street or roadway fronting the property from either direction of approach. Said numbers shall contrast with their background, and shall meet the following minimum standards as to size: 4” high with a ½” inch stroke width for residential buildings, 8” high with a ½” stroke for commercial and multi-family residential buildings, 12” high with a 1” stroke for industrial buildings. Additional numbers shall be required where deemed necessary by the Fire Marshal, such as rear access doors, building corners, and entrances to commercial centers per the 2019 California Fire Code Chapter 5 Section 505.1.

- VI. AUTOMATIC FIRE SPRINKLER SYSTEM-ONE- AND TWO-FAMILY DWELLINGS: Structures shall be protected by an automatic fire sprinkler system designed and installed. Plans for the automatic fire sprinkler system shall be submitted as Deferred Submittal and approved by the Solana Beach Fire Department prior to installation per the Solana Beach Municipal Code Title 15 Building and Construction Chapter 15.32 Fire Code Section 15.32.230 Section 903.2.
- VII. CLASS “A” ROOF: All structures shall be provided with a Class “A” Roof covering to the satisfaction of the Solana Beach Fire Department and per the 2019 California Building Code Chapter 15 Section 1505.
- VIII. SOLAR PHOTOVOLTAIC INSTALLATIONS (Solar Panels): Solar Photovoltaic systems shall be installed per Solana Beach Fire Department requirements and per the 2019 California Fire Code Chapter 12 Section 1204.
- IX. Basement:
- All basements shall be designed and equipped with emergency exit systems consisting of operable windows, window wells or exit doors that lead directly outside via staircase and exit door or exit door at grade.
 - Window wells/Light wells that intrude into side yard or backyard setbacks of five feet or less, shall require a hinged grating covering the window well/lightwell opening. The grating shall be capable of supporting a weight of 250lb person; yet must be able to be opened by someone of minimal strength with no special knowledge, effort or use of key or tool. Any modification of previously approved plans related to this condition shall be subject to re-submittal and review by City Staff (Fire, Building, Planning)

C. Engineering Department Conditions:

General:

- I. The Applicant is required to obtain an Encroachment Permit in accordance with SBMC Section 11.20 for the below frontage improvements being done in the public right-of-way. The frontage improvements shall be done to the satisfaction of the City Engineer prior to the occupancy of the proposed project:
 - a. Construction of the SDRSD G-14D driveway.
 - b. Construction of any damaged sidewalk panels or curb & gutter as directed by the City Inspector.

- c. Relocation of the fire hydrant.
 - d. Placement of landscaping and walkway steps.
- II. The Applicant shall record the Encroachment Maintenance Removal Agreement (EMRA) with the County of San Diego prior to the release of the Grading Bond and Security Deposit/Final Inspection of the Building Permit. The EMRA shall be recorded against this property for all private improvements in the Public Right-Of-Way including but not limited to:
 - a. Walkway steps
 - b. Landscaping
- III. It is recommended that the drainage discharge be extended to the public right-of-way on N. Sierra Ave. Please work with the adjacent property owner to explore the feasibility of this recommendation.
- IV. All construction demolition materials shall be recycled according to the City's Construction and Demolition recycling program and an approved Waste Management Plan shall be submitted.
- V. Construction fencing shall be located on the subject property unless the Applicant has obtained an Encroachment Permit in accordance with chapter 11.20 of the SBMC which allows otherwise.

Grading:

- I. The Applicant shall obtain a Grading Permit in accordance with Chapter 15.40 of the Solana Beach Municipal Code. Conditions prior to the issuance of a grading permit shall include, but not be limited to, the following:
 - a. The Applicant shall obtain a grading permit subject to submittal of a plan prepared by a Registered Civil Engineer and approved by the City Engineer. On-site grading design and construction shall be in accordance with Chapter 15.40 of the Solana Beach Municipal Code.
 - b. The Applicant shall obtain a Soils Report prepared by a Registered Soils Engineer and approved by the City Engineer. All necessary measures shall be taken and implemented to assure slope stability, erosion control and soil integrity. The grading plan shall incorporate all recommendations contained in the soils report.

- c. The Applicant shall provide a Drainage Report prepared by a Registered Civil Engineer. This report shall address the design for detention basin and corresponding outflow system to ensure the rate of runoff for the proposed development is at or below that of pre-existing condition. All recommendations of this report shall be incorporated into the Preliminary Grading Plan. A detention basin easement(s) shall be recorded for maintenance of the detention basins by the property owner(s) in perpetuity, prior to the release of the Grading Bond and Security Deposit.
- d. The Applicant shall show all retaining walls and drainage structures. Retaining walls shown on the grading plan shall conform to the San Diego Regional Standards or be designed by a licensed civil engineer. Engineering calculations for all designed walls with a surcharge and nonstandard walls shall be submitted at grading plan check. Retaining walls may not exceed the allowable height within the property line setback as determined by the City of Solana Beach Municipal Code. Contact the Community Development Department for further information.
- e. The Applicant is responsible to protect the adjacent properties during construction. If any grading, construction activity, access or potential construction-related impacts are anticipated beyond the property lines, as determined by the City Engineer, the Applicant shall obtain a letter of permission from the adjoining property owners. All required letters of permission shall be submitted to the City Engineer prior to the issuance of the grading permit.
- f. The Applicant shall pay a grading plan check fee in accordance with the current Engineering Fee Schedule at initial grading plan submittal. Inspection fees shall be paid prior to issuance of the grading permit.
- g. The Applicant shall obtain and submit grading security in a form prescribed by the City Engineer.
- h. The Applicant shall obtain haul permit for import / export of soil. The Applicant shall transport all excavated material to a legal disposal site.
- i. The Applicant shall submit certification from the Engineer of Record and the Soils Engineer that all public or private drainage facilities and finished grades are functioning and are installed in accordance with the

approved plans. This shall be accomplished by the Engineer of Record incorporating as-built conditions on the Mylar grading plans and obtaining signatures of the Engineer of Record and the Soils Engineer certifying the as-built conditions.

- j. An Erosion Prevention and Sediment Control Plan shall be prepared by the Applicant. Best management practices shall be developed and implemented to manage storm water and non-storm water discharges from the site at all times during excavation and grading activities. Erosion prevention shall be emphasized as the most important measure for keeping sediment on site during excavation and grading activities. Sediment controls shall be used as a supplement to erosion prevention for keeping sediment on site.
- k. The Applicant shall show all proposed on-site private drainage facilities intended to discharge water run-off. Elements of this design shall include a hydrologic and hydraulic analysis verifying the adequacy of the facilities and identify any easements or structures required to properly convey the drainage. The construction of drainage structures shall comply with the standards set forth by the San Diego Regional Standard Drawings.
- l. Post Construction Best Management Practices meeting City and RWQCB Order No. R9-2013-001 requirements shall be implemented in the drainage design.
- m. No increased cross lot drainage shall be allowed.
- n. Prior to obtaining a building permit, the Applicant shall submit a building pad certification statement from a soils engineer and an engineer or land surveyor licensed in Land Surveying per SBMC 15.40.230E. If a demo permit is required for removing existing structures before grading, the Applicant shall obtain the demo permit separately in order to certify the grading prior to issuance of the Building Permit.

V. ENFORCEMENT

Pursuant to SBMC 17.72.120(B) failure to satisfy any and all of the above-mentioned conditions of approval is subject to the imposition of penalties as set forth in SBMC Chapters 1.1.6 and 1.18 in addition to any applicable revocation proceedings.

VI. EXPIRATION

The Development Review Permit and Structure Development Permit for the project will expire 24 months from the date of this Resolution, unless the Applicant has obtained building permits and has commenced construction prior to that date, and diligently pursued construction to completion. An extension of the application may be granted by the City Council according to SBMC 17.72.110.

VII. INDEMNIFICATION AGREEMENT

The Applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify the Applicant of any claim, action, or proceeding. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, the Applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Applicant shall not be required to pay or perform any settlement unless such settlement is approved by the Applicant.

NOTICE TO APPLICANT: Pursuant to Government Code Section 66020, you are hereby notified that the 90-day period to protest the imposition of the fees, dedications, reservations or other exactions described in this resolution commences on the effective date of this resolution. To protest the imposition of any fee, dedications, reservations or other exactions described in this resolution you must comply with the provisions of Government Code Section 66020. Generally the resolution is effective upon expiration of the tenth day following the date of adoption of this resolution, unless the resolution is appealed or called for review as provided in the Solana Beach Zoning Ordinance.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Solana Beach, California, held on the 27th day of September, 2023, by the following vote:

AYES: Councilmembers –
NOES: Councilmembers –
ABSENT: Councilmembers –
ABSTAIN: Councilmembers –

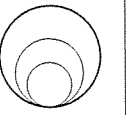
LESA HEEBNER, MAYOR

APPROVED AS TO FORM:

ATTEST:

JOHANNA N. CANLAS, City Attorney

ANGELA IVEY, City Clerk



eos
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**JENNIFER
BOLYN**
Architect

NORTH HELIX RESIDENCE

228 N HELIX AVENUE
SOLANA BEACH, CA 92075

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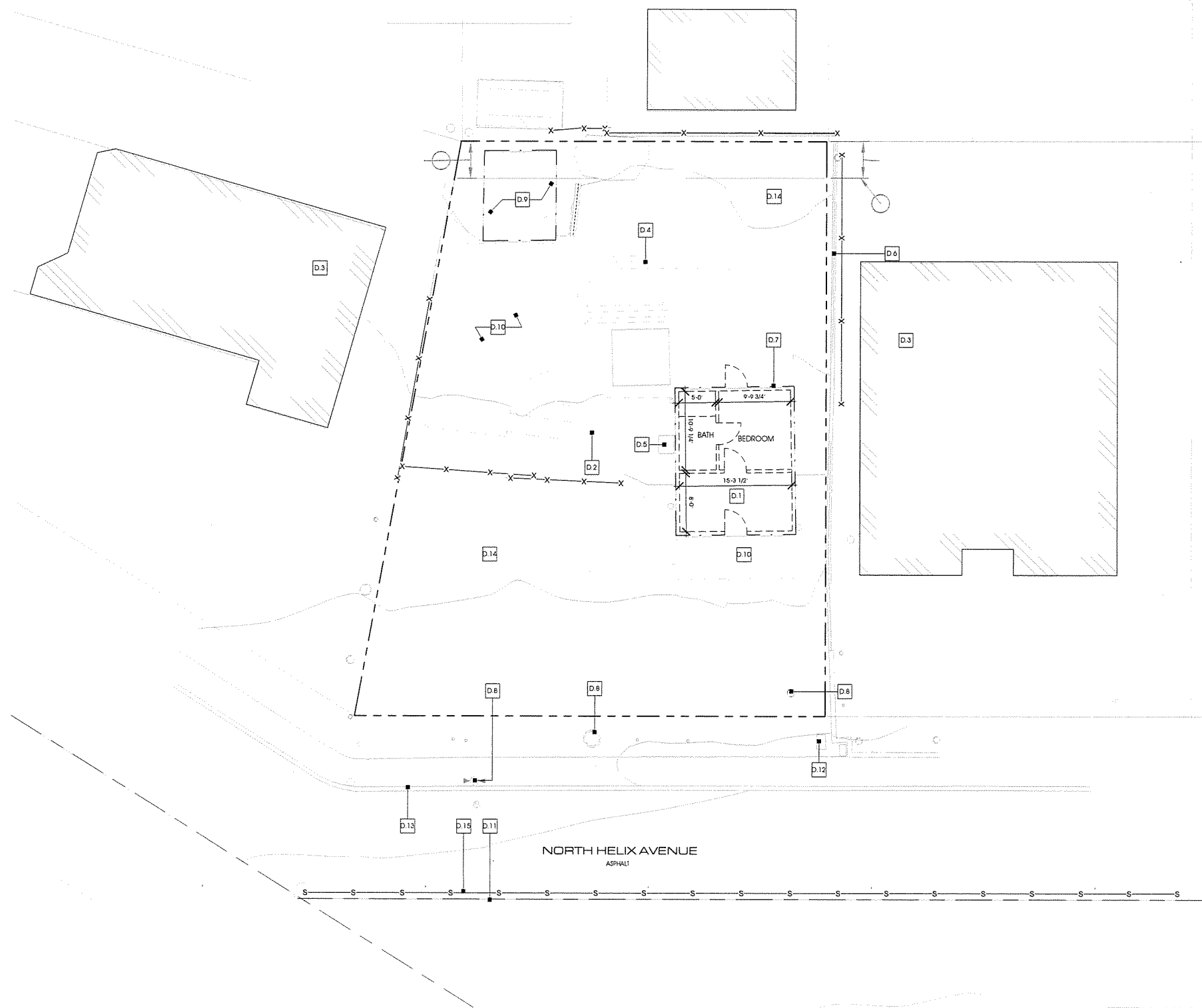
ABBREVIATIONS:		PROJECT INDEX		PROJECT DIRECTORY		PROJECT INFORMATION	
A.B	ANCHOR BOLT	HGT-HT	HEIGHT	ARCHITECTURAL		SCOPE OF WORK:	NEW SINGLE FAMILY RESIDENCE, TWO STORY OVER BASEMENT, ATTACHED TWO CAR GARAGE, ASSOCIATED NEW LANDSCAPE, HARDSCAPE, AND RETAINING WALLS
A.C	ACR CONDITIONER	H.M.	HOLLOW METAL	CS1.0	COVER SHEET	LEGAL:	LOT 16, BLOCK 21, SOLANA BEACH, MAP 1749, IN THE CITY OF SOLANA BEACH, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER MAY5, 1923.
A.D.	ACUSTIC	HRIZ	HORIZONTAL	D1	DEMOLITION PLAN	APN#:	263-321-21-00
A.D.	ADJUSTABLE	HR	HOUR	SP1	SITE PLAN	EXISTING/PROPOSED USE:	RESIDENTIAL
A.F.F.	ABOVE FINISH FLOOR	INSUL	INSULATION	A1.0	BASEMENT FLOOR PLAN	ZONE:	MIRd
ALUM	ALUMINUM	INT	INTERIOR	A1.1	FIRST FLOOR PLAN	OVERLAY ZONE:	SCALED RESIDENTIAL OVERLAY ZONE (SROZ)
APPL	APPLICABLE	JB	JAMB	A1.2	SECOND FLOOR PLAN	SPRINKLERED:	YES, PER CFC SECTION 903.2.1.1 INSTALLED PER NFPA 13D.
APPROX	APPROXIMATE	J	JOINT	A2.0	F.A.R. DIAGRAM	PROPOSED GRADING:	PER CIVIL DRAWINGS
@	AT	JAM	LAMINATE	A3.0	ROOF PLAN	GROSS LOT SIZE:	4,491 SF
BD	BOARD	LAV	LAVATORY	A4.0	BUILDING EXTERIOR ELEVATIONS	MAX FLOOR AREA RATIO:	FIRST 6,000 SF - 50% 50% X 4,491 = 2,245.5 SF
BLDG	BUILDING	LT	LIGHT	A4.1	BUILDING EXTERIOR ELEVATIONS	PROPOSED FAR:	1,962 SF
BLK	BLOCK	LWT	LIGHT WEIGHT	A5.0	BUILDING SECTIONS	HEIGHT LIMIT:	25'-0"
BLKG	BLOCKING	MAX	MAXIMUM	A5.1	BUILDING SECTIONS	NOTE	OWNER TO INCLUDE SOLAR PANELS IN PROJECT
B.F.	BUILDING PAPER	MFG	MANUFACTURER	A6.0	STORY POLES PLAN	STRUCTURE HEIGHT	
BTWN	BETWEEN	MN	MINIMUM	A6.1	STORY POLES ELEVATIONS	STRUCTURE HEIGHT LIMIT	25'-0"
B.U.	BUILT UP	M.L.	METAL LATH	A6.2	STORY POLES ELEVATIONS	EXISTING STRUCTURE HEIGHT	12.08 FT (75.17 AMSL)
CAB	CABINET	MTD	MOUNTED	CIVIL		PROPOSED MAXIMUM STRUCTURE HEIGHT	22.90 FT (83.50 AMSL)
CAT	CATALOG	NEW	NEW	C0	PRELIMINARY GRADING PLAN	VICINITY MAP	
CBC	CALIFORNIA BUILDING CODE	N/A	NOT APPLICABLE	C1	BMP SITE PLAN EXHIBIT		
C.I.	CAST IRON	N.I.C.	NOT IN CONTRACT	C2	DETENTION VAULT		
C.J.	CONTROL JOINT	NO. - #	NUMBER	LANDSCAPE			
C.L.	CENTER LINE	N.T.S.	NOT TO SCALE	L1	CONCEPT PLAN		
CLG	CEILING	O.C.	ON CENTER				
CLR	CLEAR	OV	OVER				
CMU	CONCRETE MASONRY UNIT	OZ	OUNCE				
COL	COLUMN	PL	PLATE				
COMP	COMPACTED	PLAS	PLASTIC				
CONC	CONCRETE	PLY	PLYWOOD				
CONT	CONTINUOUS	P.O.C.	POINT OF CONNECTION				
c	FENNY	PR	PAIR				
DBL	DOUBLE	PROP	PROPERTY				
D.F.	DOUGLAS FIR	FSI	FOUNDATIONS PER SQUARE INCH				
D.H.	DOUBLE HUNG	P.T.	PRESSURE TREATED				
DA	DIAMETER	RDWD	REDWOOD				
DN	DOWN	RENF	REINFORCED				
DS	DOWNSPOUT	REQD	REQUIRED				
DWG	DRAWING	ROCK	ROCK				
EA	EACH	R.W.L.	RAIN WATER LEADER				
E.I.F.S.	EXTERIOR INSULATION & FINISH SYSTEM	R.W.S.	RECESSED WATER SERVICE				
E.J.	EXPANSION JOINT	SC	SOLID CORE				
ELEV	ELEVATION	SD	STORM DRAIN				
EQ	EQUAL	SECT	SECTION				
E.W.	EACH WAY	SF	SQUARE FOOTAGE				
EXIST (E)	EXISTING	SH	SHEET				
EXP	EXPANSION	SM	SIMILAR				
EXT	EXTERIOR	SL	SILL				
F.D.	FLOOR DRAIN	S.M.	SHEET METAL				
F.E.	FIRE EXTINGUISHER	S.P.	SINGLE PLY				
F.G.	FIBERGLASS	SPEC	SPECIFICATION				
F.H.	FINISH GRADE	SS	SQUARE				
FIN	FINISH	SS	SANITARY SEWER LINE				
FIN	FINISH	STD	STANDARD				
F.O.S.	FACE OF STUD	STL	STEEL				
F1	FOOT/FEET	SUSP	SUSPENDED				
FIG	FOOTING	SW	SWITCH				
F.D.	FLOOR DRAIN	T & B	TOP & BOTTOM				
F.E.	FIRE EXTINGUISHER	T & G	TONGUE & GROOVE				
F.G.	FIBERGLASS	T.C.	TOP OF CURB				
F.H.	FINISH GRADE	TEMP	TEMPORARY				
FIN	FINISH	T.P.	TOP OF PAVING				
FLR	FLOOR	T.S.	TUBE STEEL				
F.O.S.	FACE OF STUD	TYP	TYPICAL				
FT	FOOT/FEET	U.B.C.	UNIFORM BUILDING CODE				
GA	GAUGE	U.O.N.	UNLESS OTHERWISE NOTED				
GD	GRADE	V.B.	VAPOR BARRIER				
G.I.	GALVANIZED IRON	VERT	VERTICAL				
GL	GLASS	V.F.	VERIFY IN FIELD				
G.L.B.	GLUE LAM BEAM	V.T.R.	VENT THROUGH ROOF				
GYP BD	GYP BOARD	W	WITH				
H.C.	HANDICAPPED	W/O	WITHOUT				
HD	HEAD	WANS	WANSICOT				
HDR	HEADER	WD	WOOD				
H/T/M/D	HANDMADE	W.H.	WATER HEATER				
		W.I.	WROUGHT IRON				
		W.W.F.	WOVEN WIRE FABRIC				

REVISIONS
05-04-2022 1ST SUBMITTAL
06-30-2022 2ND SUBMITTAL
08-25-2022 3RD SUBMITTAL
10-19-2022 4TH SUBMITTAL
01-18-2023 5TH SUBMITTAL
05-20-2023 VAC REVIEW
06-05-2023 CITY COUNCIL
07-28-2023 6TH SUBMITTAL
08-23-2023 7TH SUBMITTAL
09-12-2023 CITY COUNCIL

PHASE
PLANNING SET
DATE
07-27-2023
JOB NO.
21-19

LANDSCAPE:	EXISTING	PROPOSED
NON-LANDSCAPE AREA	1,139 SF	2,350 SF
NON-IRRIGATED LANDSCAPE	2,720 SF	0 SF
IRRIGATED LANDSCAPE	0 SF	1,926 SF
WATER FEATURES	59 SF	98 SF
DECORATIVE HARDSCAPE	573 SF	117 SF
TOTAL LOT AREA	4,491 SF	4,491 SF

LANDSCAPE:	EXISTING	PROPOSED
IRRIGATED LANDSCAPE	1,926 SF	0 SF
WATER FEATURES	98 SF	98 SF
DECORATIVE HARDSCAPE	117 SF	117 SF
AGGREGATE LANDSCAPE AREA	2,141 SF	2,141 SF



KEYNOTES

- D.1 (E) RESIDENCE TO BE DEMOLISHED, REMOVE FOOTINGS ENTIRELY
- D.2 (E) PATHWAY TO BE REMOVED
- D.3 ADJACENT RESIDENCE, NAP
- D.4 (E) SITE STAIR TO BE REMOVED
- D.5 (E) WATER HEATER TO BE REMOVED
- D.6 (E) RETAINING WALL TO REMAIN
- D.7 OUTLINE OF (E) RESIDENCE STRUCTURE TO BE REMODELED. SEE CIVIL FOR GRADING INFORMATION
- D.8 (E) FIRE HYDRANT TO BE RELOCATED
- D.9 (E) SHED TO BE REMOVED
- D.10 (E) CONCRETE PAD TO BE REMOVED
- D.11 CENTER LINE OF STREET
- D.12 (E) WATER METER
- D.13 (E) CURB TO BE REMOVED AND REPLACED
- D.14 LANDSCAPE TO BE REMOVED
- D.15 SEWER MAIN



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JENNIFER
BOLYN
ARCHITECT

All sizes, depths, and arrangements indicated on these drawings are the property of EOS Architecture, Inc. and are intended to provide a conceptual plan. The specific details of any and all construction shall be determined by the owner and the contractor. The drawings are provided as a guide only and are not to be used for construction without the approval of the architect.

NORTH HELIX RESIDENCE
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REVISIONS

05-04-2022	1ST SUBMITTAL
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08-23-2023	7TH SUBMITTAL
09-12-2023	CITY COUNCIL

PHASE

PLANNING SET

DATE

07-27-2023

JOB NO.

21-19

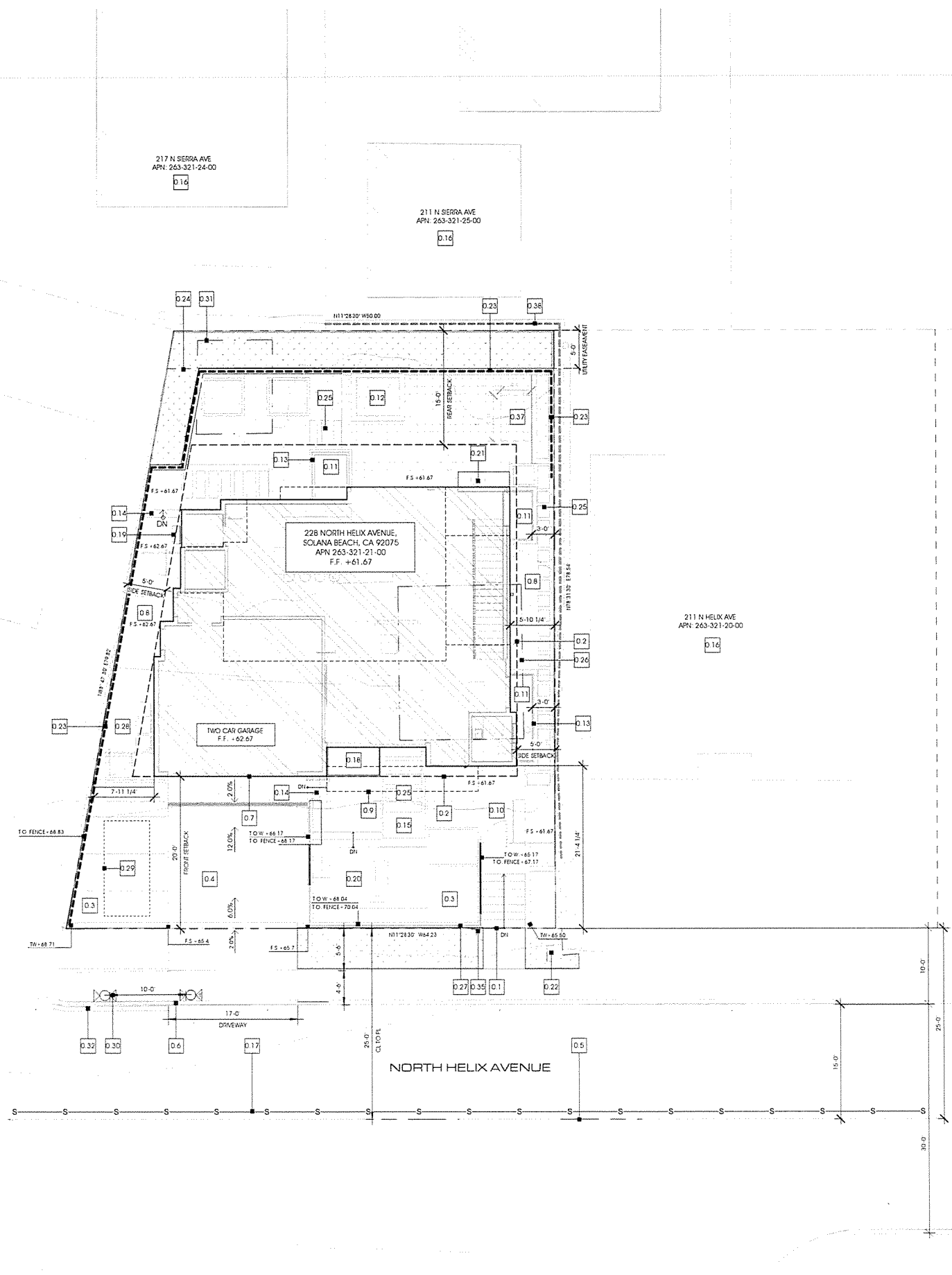
DEMOLITION PLAN

DEMOLITION PLAN

1/8" = 1'-0"

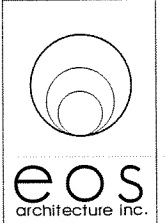


NOTE: NO FENCE OR WALL SHALL BE HIGHER THAN 42" FROM EXISTING GRADE IN FRONT SETBACK



KEYNOTES

- 0.1 PROPERTY LINE, TYP.
- 0.2 SETBACK LINE, TYP.
- 0.3 LANDSCAPE PER LANDSCAPE PLANS
- 0.4 DRIVEWAY
- 0.5 CENTER LINE OF STREET
- 0.6 CITY CURB STANDARD
- 0.7 LINE OF PROPOSED FIRST FLOOR
- 0.8 GRADE PER CIVIL
- 0.9 LINE OF ROOF OVERHANG
- 0.10 HARDSCAPE PER CIVIL AND LANDSCAPE
- 0.11 LIGHTWELL WITH EMERGENCY EGRESS LIFT GATE - SEE NOTES
- 0.12 PROPOSED SPA
- 0.13 42" WROUGHT IRON GUARDRAIL WITH EPOXY FINISH
- 0.14 SITE STAIR
- 0.15 WATER FEATURE PER LANDSCAPE
- 0.16 ADJACENT RESIDENCE, N/A
- 0.17 EXISTING SEWER PER CITY OF SOLANA BEACH DWG NO CG-3087
- 0.18 PLANTER PER LANDSCAPE PLAN
- 0.19 PROPOSED A/C CONDENSER LOCATION
- 0.20 SEM-PRIVATE COURTYARD PER LANDSCAPE
- 0.21 BARBECUE AREA
- 0.22 EXISTING WATER METER, UPGRADE AS REQUIRED
- 0.23 PROPOSED NEW RETAINING WALL PER CIVIL PLANS
- 0.24 5'-0" UTILITY EASEMENT PER CIVIL
- 0.25 CONCRETE STEPPERS, PER LANDSCAPE
- 0.26 LINE OF EXISTING BUILDING
- 0.27 FENCE & GATE PER LANDSCAPE PLANS NOT TO EXCEED 6'-0" HEIGHT IN SIDE SETBACKS 42" IN FRONT SETBACK, WITH AN ADDITIONAL 24" ALLOWABLE ABOVE IF AT LEAST 50% OPEN TO LIGHT & AIR
- 0.28 TRASH AND RECYCLING LOCATION
- 0.29 3FT HIGH STORMWATER DETENTION TANK, 233 CF MIN. PER CIVIL
- 0.30 FIRE HYDRANT, LOCATION PER CIVIL, RESIDENTIAL TYPE PER SBMC 15.32.170
- 0.31 LINE OF EXISTING ACCESSORY STRUCTURE TO BE REMOVED
- 0.32 FIRE LANE "NO PARKING" IN ACCORDANCE WITH SBMC 15.32.170
- 0.35 ADDRESS NUMBER SIGNAGE
- 0.37 4x6 SPA EQUIPMENT VAULT, PER LANDSCAPE PLAN
- 0.38 EXISTING RETAINING WALL PER CIVIL PLANS



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BOLYN
Architect

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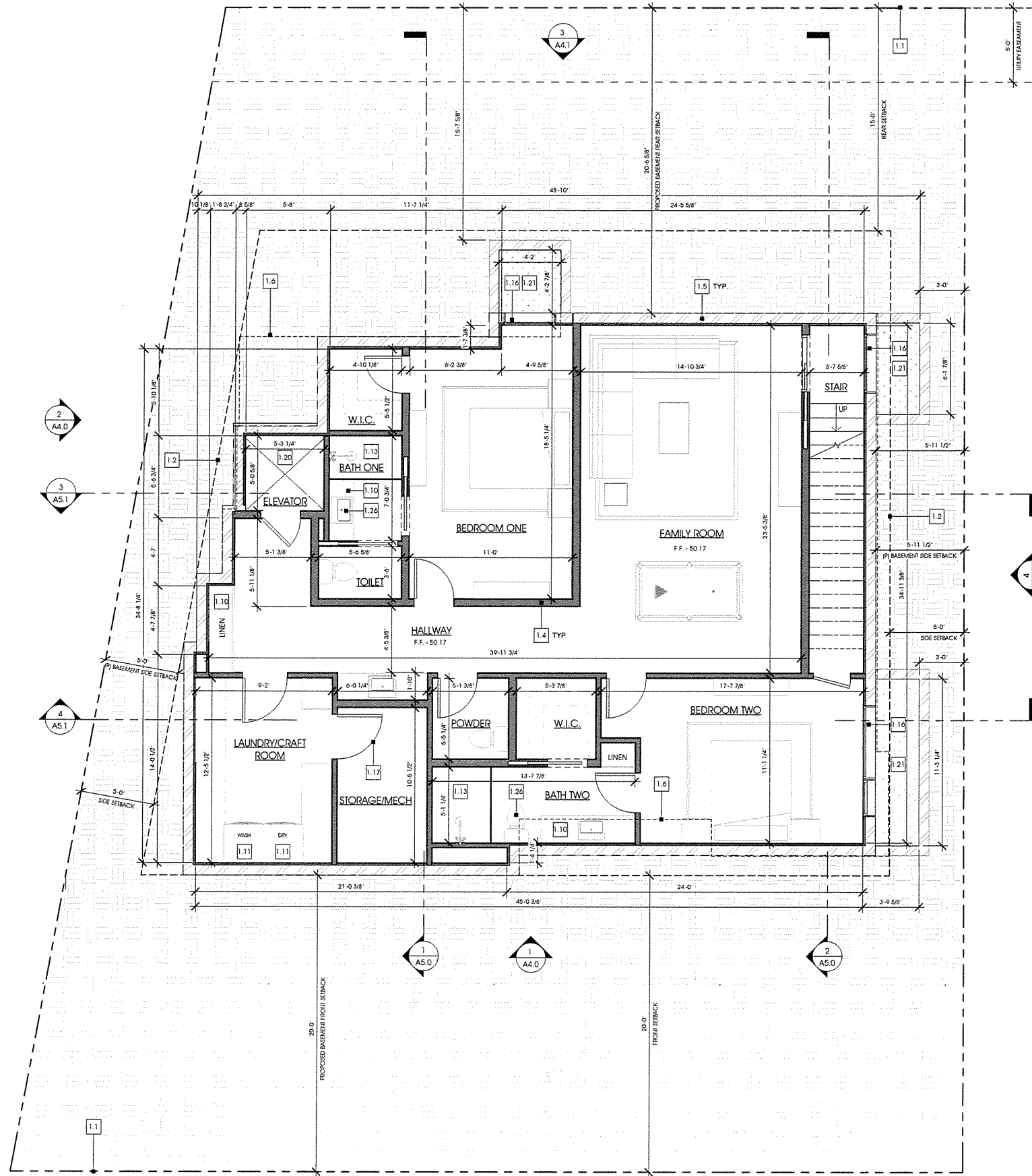
NOTES

1. GATES: ALL GATES OR OTHER STRUCTURES OR DEVICES WHICH COULD OBSTRUCT FIRE ACCESS ROADWAYS OR OTHERWISE HINDER EMERGENCY OPERATIONS, ARE PROHIBITED UNLESS THEY MEET STANDARDS APPROVED BY THE FIRE DEPARTMENT. AN APPROVED EMERGENCY KEY-CREATED SWITCH AND/OR AN APPROVED EMERGENCY TRAFFIC CONTROL-ACTIVATING STROBE LIGHT SENSOR SHALL BE INSTALLED PER THE SOLANA BEACH MUNICIPAL CODE TITLE 15 BUILDING AND CONSTRUCTION CHAPTER 15.32 FIRE CODE SECTION 15.32.200 SECTION 503.4
2. POSTING OR STOPPING ROADWAYS: "NO PARKING-FIRE LANE" - FIRE DEPARTMENT ACCESS ROADWAYS, WHEN REQUIRED, SHALL BE PROPERLY DESIGNATED AS PER SOLANA BEACH FIRE DEPARTMENT STANDARDS. THE MEANS BY WHICH FIRE LANES ARE DESIGNATED SHALL BE MAINTAINED IN A CLEAN AND LEGIBLE CONDITION AT ALL TIMES AND BE REPLACED OR REPAIRED WHEN NECESSARY TO PROVIDE ADEQUATE VISIBILITY PER THE SOLANA BEACH MUNICIPAL CODE TITLE 15 BUILDING AND CONSTRUCTION CHAPTER 15.32 FIRE CODE SECTION 15.32.170 SECTION 503 SECTION 503.3 AND 503.4.3. FIRE LANE SHALL BE MAINTAINED AND EXTENDED WITH PROPOSED RELOCATION OF FIRE HYDRANT.
3. OBSTRUCTION OF ROADWAYS DURING CONSTRUCTION: ALL ROADWAYS SHALL BE A MINIMUM OF 20 FEET IN WIDTH DURING CONSTRUCTION AND MAINTAINED FREE AND CLEAR, INCLUDING THE PARKING OF VEHICLES PER THE 2019 CALIFORNIA FIRE CODE CHAPTER 5 SECTION 503.4 AND 503.2.1.
4. FIRE HYDRANTS AND FIRE FLOWS: THE APPLICANT SHALL PROVIDE FIRE HYDRANTS OF A TYPE, NUMBER, AND LOCATION SATISFACTORY TO THE SOLANA BEACH FIRE DEPARTMENT. A LETTER FROM THE WATER AGENCY SERVING THE AREA SHALL BE PROVIDED THAT STATES THE REQUIRED FIRE FLOW IS AVAILABLE. FIRE HYDRANTS SHALL BE OF A BRONZE TYPE, MULTI-FAMILY RESIDENTIAL OR INDUSTRIAL FIRE HYDRANTS SHALL HAVE TWO (2) 4" INCH AND TWO (2) 2 1/2" INCH NET OUTLETS. RESIDENTIAL FIRE HYDRANTS SHALL HAVE ONE (1) 4" INCH NET OUTLET AND ONE (1) 2 1/2" INCH NET OUTLET PER THE SOLANA BEACH MUNICIPAL CODE TITLE 15 BUILDING AND CONSTRUCTION CHAPTER 15.32 FIRE CODE SECTION 15.32.210 SECTION 507 SECTION 507.5.1 TO 507.5.1.02. PROPOSED FIRE HYDRANT SHALL BE OF THE NEW RESIDENTIAL TYPE.
5. ADDRESS NUMBERS - STREET NUMBERS: APPROVED NUMBERS AND/OR ADDRESSES SHALL BE PLACED ON ALL NEW AND EXISTING BUILDINGS AND AT APPROPRIATE ADDITIONAL LOCATIONS AS TO BE PLAINLY VISIBLE AND LEGIBLE FROM THE STREET OR ROADWAY FRONTING THE PROPERTY FROM EITHER DIRECTION OF APPROACH. SAID NUMBERS SHALL CONTRAST WITH THEIR BACKGROUND, AND SHALL MEET THE FOLLOWING MINIMUM STANDARDS AS TO SIZE: 4" HIGH WITH A 1/2" INCH STROKE WIDTH FOR RESIDENTIAL BUILDINGS. ADDITIONAL NUMBERS SHALL BE REQUIRED WHERE DEEMED NECESSARY BY THE FIRE MARSHAL.
6. AUTOMATIC FIRE SPRINKLER SYSTEMS: ONE- AND TWO-FAMILY DWELLINGS: STRUCTURES SHALL BE PROTECTED BY AN AUTOMATIC FIRE SPRINKLER SYSTEM DESIGNED AND INSTALLED. PLANS FOR THE AUTOMATIC FIRE SPRINKLER SYSTEM SHALL BE SUBMITTED AS DEFERRED SUBMITTAL AND APPROVED BY THE SOLANA BEACH FIRE DEPARTMENT PRIOR TO INSTALLATION PER THE SOLANA BEACH MUNICIPAL CODE TITLE 15 BUILDING AND CONSTRUCTION CHAPTER 15.32 FIRE CODE SECTION 15.32.230 SECTION 903.2.
7. CLASS "A" ROOF: ALL STRUCTURES SHALL BE PROVIDED WITH A CLASS "A" ROOF COVERING TO THE SATISFACTION OF THE SOLANA BEACH FIRE DEPARTMENT AND PER THE 2019 CALIFORNIA BUILDING CODE CHAPTER 15 SECTION 1505.
8. SOLAR PHOTOVOLTAIC INSTALLATIONS (SOLAR PANELS): SOLAR PHOTOVOLTAIC SYSTEMS SHALL BE INSTALLED PER SOLANA BEACH FIRE DEPARTMENT REQUIREMENTS AND PER THE 2019 CALIFORNIA FIRE CODE CHAPTER 12 SECTION 1204.
9. ALL BASEMENTS SHALL BE DESIGNED AND EQUIPPED WITH EMERGENCY EXIT SYSTEMS, CONSISTING OF OPERABLE WINDOWS, WINDOW WELLS OR EXIT DOOR THAT LEADS DIRECTLY OUTSIDE VIA STAIRCASE AND EXIT DOOR OR EXIT DOOR AT GRADE.
10. WINDOW WELL/LIGHT WELLS THAT INTRUDE INTO SIDE YARD OR BACKWARD SETBACKS OF FIVE FEET OR LESS SHALL REQUIRE A HINGED GRATING COVERING THE WINDOW WELL/LIGHTWELL OPENING. THE GRATING SHALL BE CAPABLE OF SUPPORTING A WEIGHT OF 250LB PERSON, YET MUST BE ABLE TO BE OPENED BY SOMEONE OF MINIMAL STRENGTH WITH NO SPECIAL KNOWLEDGE, EFFORT OR USE OF KEY OR TOOL. ANY MODIFICATION OF PREVIOUSLY APPROVED PLANS RELATED TO THIS CONDITION SHALL BE SUBJECT TO RE-SUBMITTAL AND REVIEW BY CITY STAFF (FIRE, BUILDING, PLANNING).

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JOB NO.
21-19
SITE PLAN

SITE PLAN
1/8" = 1'-0"

SP1



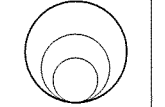
BASEMENT FLOOR PLAN

1/4" = 1'-0"



KEYNOTES

- 1.1 PROPERTY LINE, TYP.
- 1.2 SETBACK LINE, TYP.
- 1.4 INTERIOR WALL: 2x WOOD STUD FRAMING W/ 5/8" GWB THROUGHOUT
- 1.5 RETAINING WALLS PER CIVIL
- 1.6 LINE OF LEVEL ABOVE
- 1.10 BUILT-IN CABINETS
- 1.11 APPLIANCE PER OWNER
- 1.13 WALK-IN SHOWER
- 1.16 WINDOW, TYP.
- 1.17 DOOR, TYP.
- 1.20 ELEVATOR
- 1.21 LIGHTWELL, EQUIPPED WITH AN APPROVED PERMANENTLY AFFIXED LADDER, WITH A WIDTH NOT LESS THAN 12" AND SHALL PROJECT NOT LESS THAN 3" FROM THE WALL AND SPACED NOT MORE THAN 18" ON CENTER VERTICALLY FOR THE FULL HEIGHT OF THE WALL.
- 1.26 PLUMBING FIXTURE, TYP.



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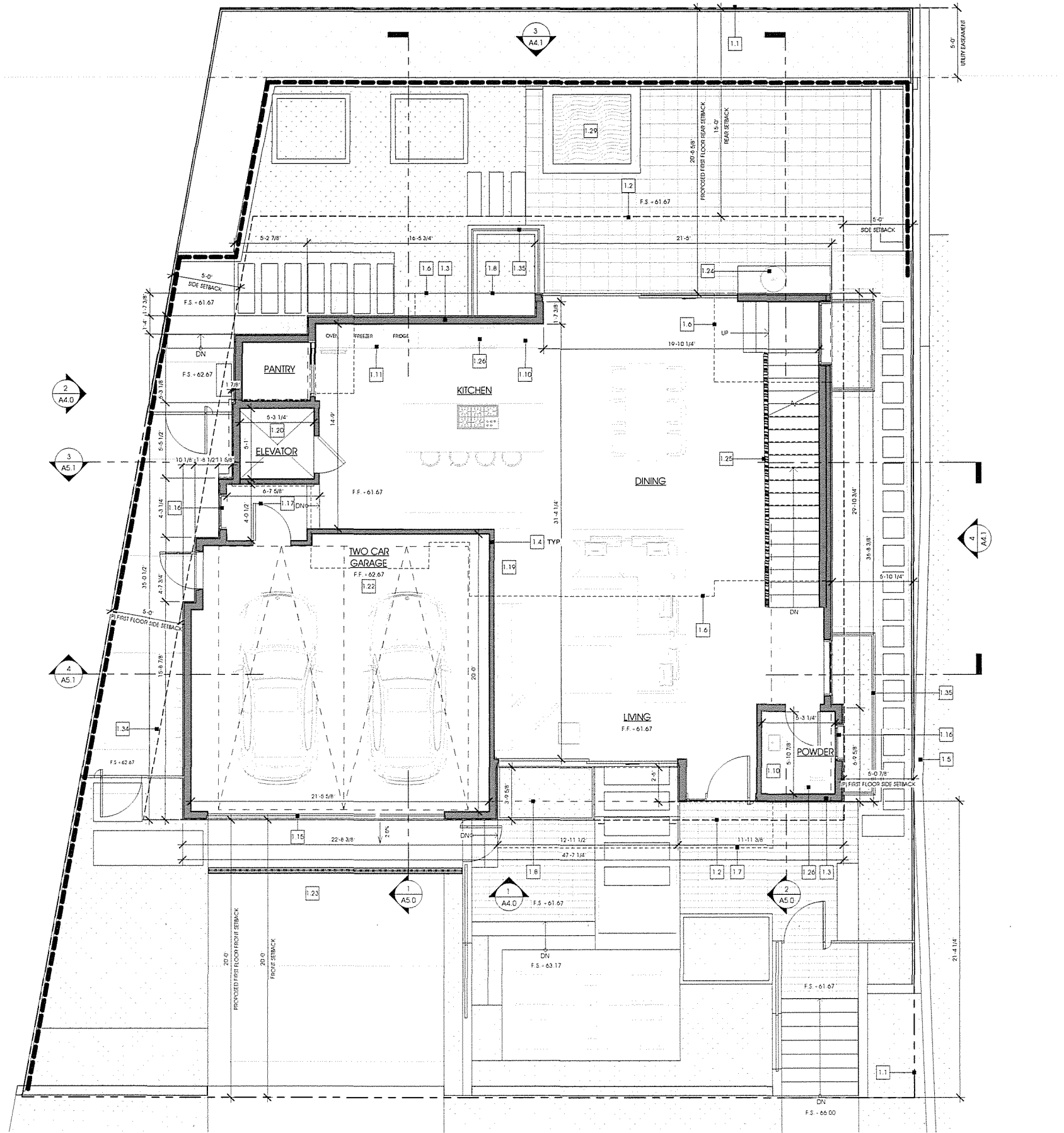
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BASEMENT FLOOR PLAN

A1.0

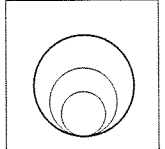


FIRST FLOOR PLAN

1/4" = 1'-0"

KEYNOTES

- 1.1 PROPERTY LINE, TYP.
- 1.2 SETBACK LINE, TYP.
- 1.3 EXTERIOR WALL, EXTERIOR FINISH PER EXTERIOR ELEVATIONS INSIDE 5/8" GWS.
- 1.4 INTERIOR WALL, 2x WOOD STUD FRAMING W/ 5/8" GWS THROUGHOUT
- 1.5 RETAINING WALLS PER CIVIL
- 1.6 LINE OF LEVEL ABOVE
- 1.7 LINE OF ROOF/OVERHANG ABOVE
- 1.8 LINE OF LOWER-LEVEL BELOW
- 1.10 BUILT-IN CABINETS
- 1.11 APPLIANCE PER OWNER
- 1.15 GARAGE DOOR
- 1.16 WINDOW, TYP.
- 1.17 DOOR, TYP.
- 1.19 GAS FIREPLACE
- 1.20 ELEVATOR
- 1.22 PARKING SPACES TO BE 19' X 9' CLEAR
- 1.23 DRIVEWAY
- 1.24 BSQ
- 1.25 VERTICAL TRELLIS
- 1.26 PLUMBING FIXTURE, TYP.
- 1.29 SPA
- 1.34 TRASH AND RECYCLING LOCATION
- 1.35 42" WROUGHT IRON GUARDRAIL WITH EPOXY FINISH



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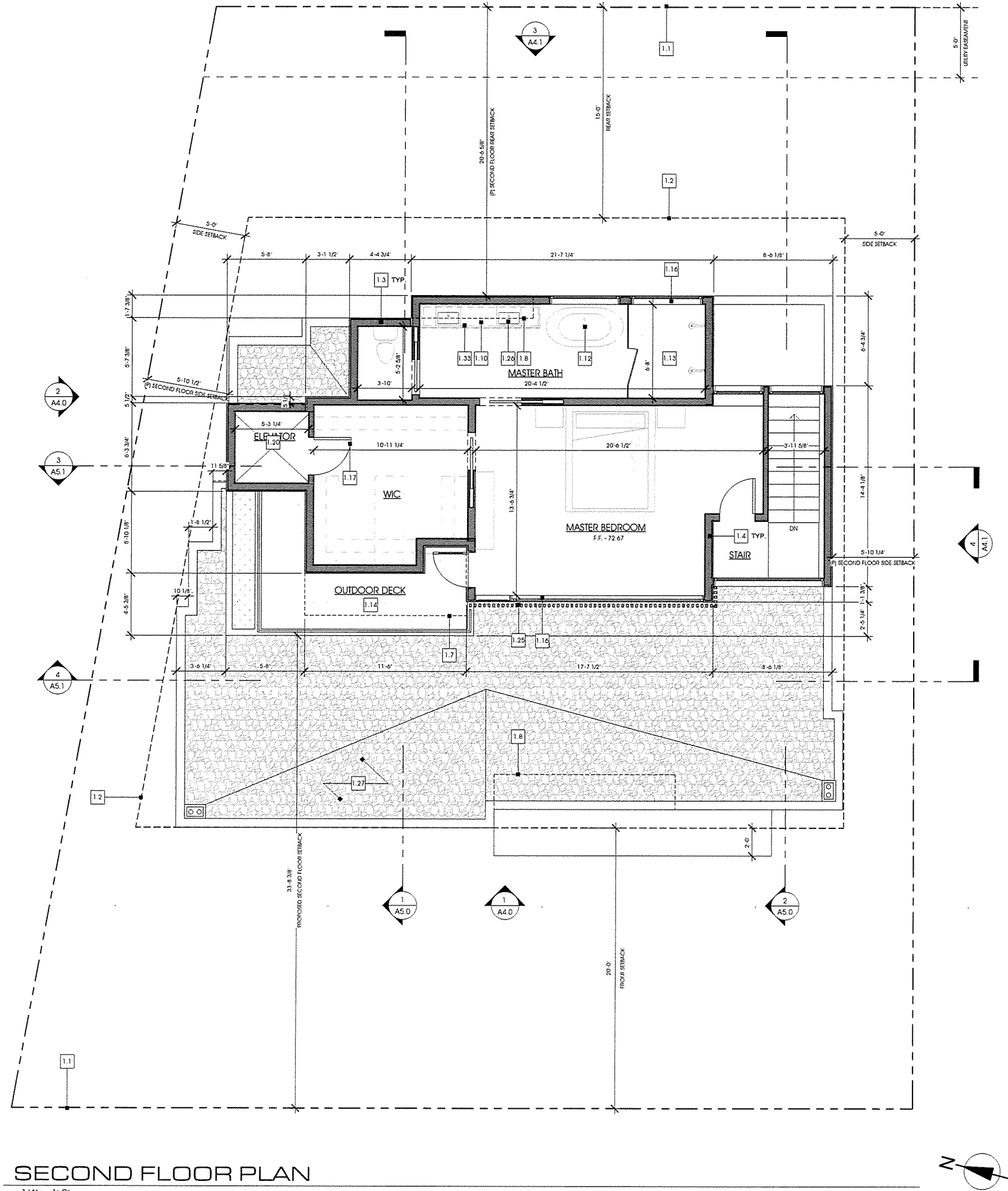
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FIRST FLOOR PLAN

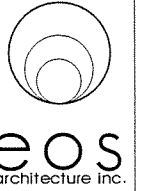
A1.1



SECOND FLOOR PLAN
1/4" = 1'-0"

KEYNOTES

- 1.1 PROPERTY LINE, TYP.
- 1.2 SETBACK LINE, TYP.
- 1.3 EXTERIOR WALL: EXTERIOR FINISH PER EXTERIOR ELEVATIONS INSIDE 5/8" GWS
- 1.4 INTERIOR WALL: 2x WOOD STUD FRAMING W/ 5/8" GWS THROUGHOUT
- 1.7 LINE OF ROOF/OVERHANGS ABOVE
- 1.8 LINE OF LOWER-LEVEL BELOW
- 1.10 BUILT-IN CABINETS
- 1.12 TUB
- 1.13 WALK-IN SHOWER
- 1.14 TILE DECK
- 1.16 WINDOW, TYP.
- 1.17 DOOR, TYP.
- 1.20 ELEVATOR
- 1.25 VERTICAL IRISSES
- 1.26 PLUMBING FIXTURE, TYP.
- 1.27 GRAVEL ON FLAT ROOF FOR AESTHETICS
- 1.33 LINE OF SKYLIGHT ABOVE, PER ROOF PLAN



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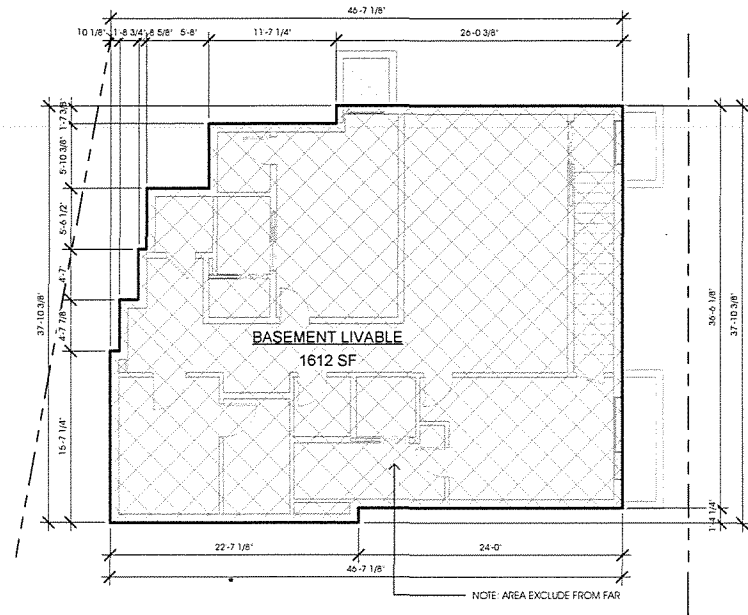
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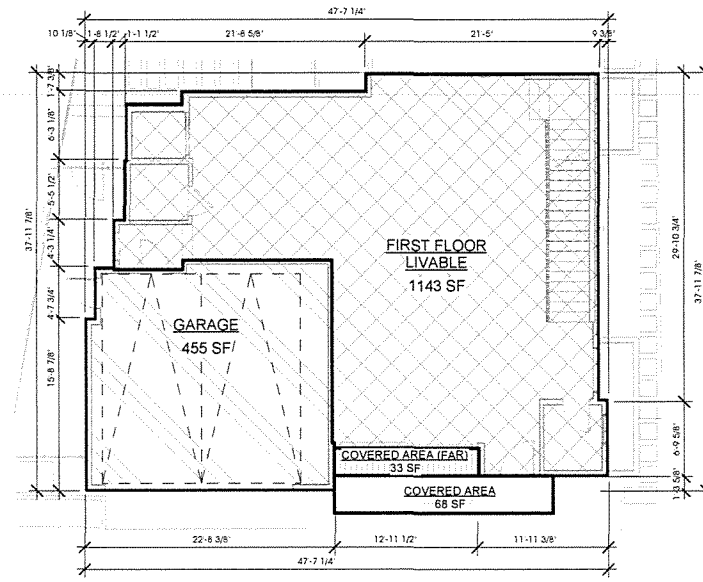
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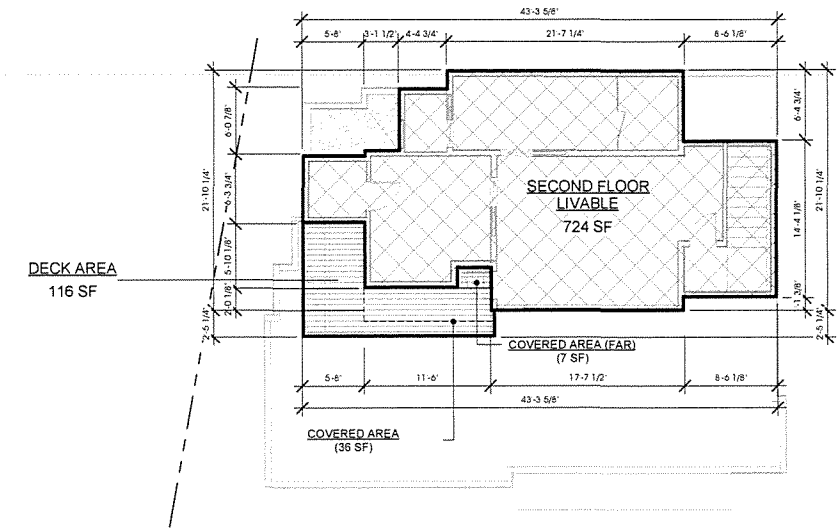
SECOND FLOOR PLAN



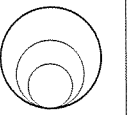
BASEMENT FAR DIAGRAM
1/8" = 1'-0"



FIRST FLOOR FAR DIAGRAM
1/8" = 1'-0"



SECOND FLOOR FAR DIAGRAM
1/8" = 1'-0"



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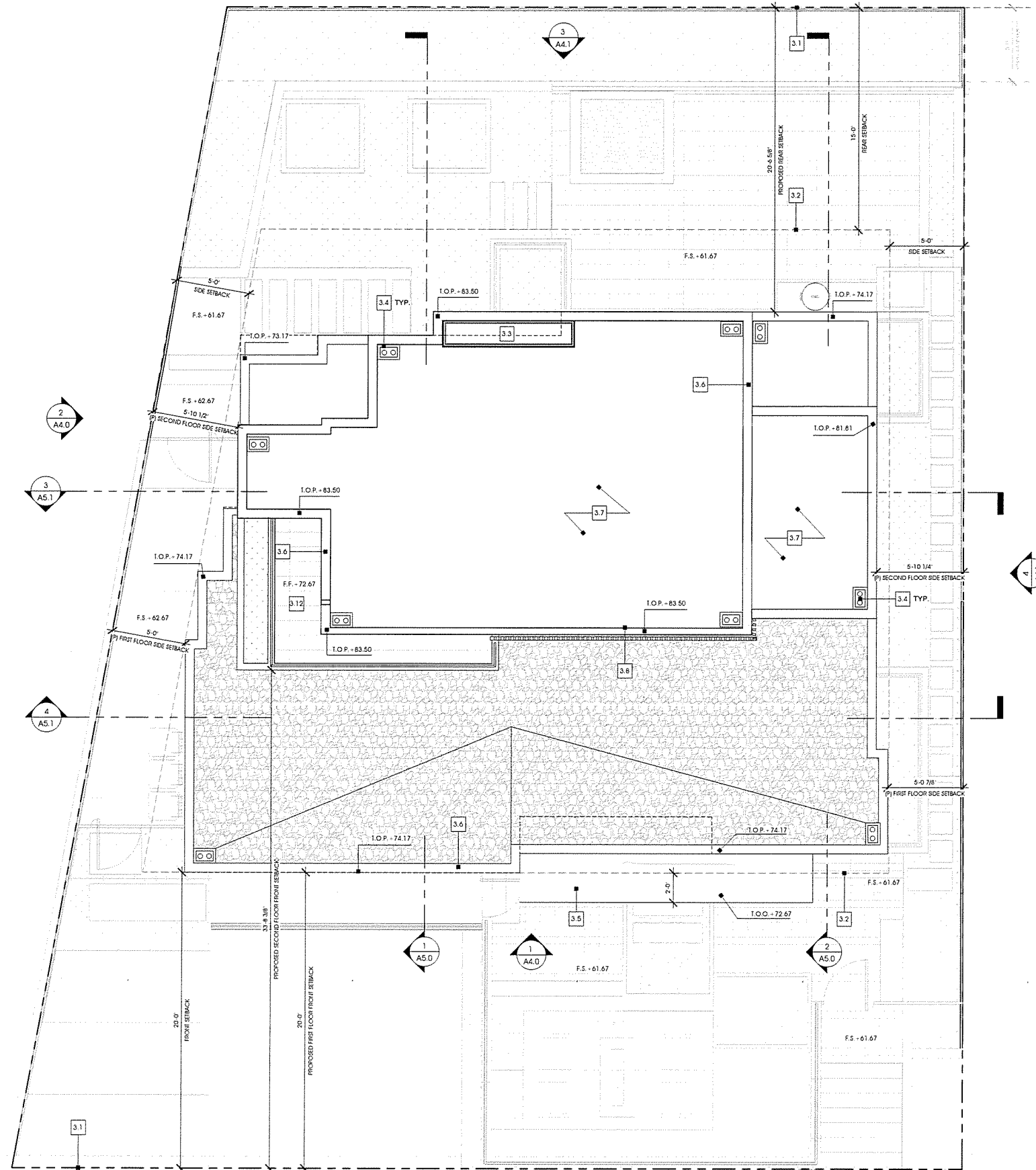
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F.A.R. DIAGRAM

PROJECT FLOOR AREA		LEGEND	
PRINCIPAL RESIDENCE			
BASEMENT LIVABLE	1,612 SF		LIVABLE AREA
FIRST FLOOR LIVABLE	1,143 SF		GARAGE AREA
SECOND FLOOR LIVABLE	724 SF		COVERED OUTDOOR AREA - IN FAR
COVERED AND ENCLOSED EXTERIOR AREA	40 SF		DECK AREA
GARAGE	455 SF		
SUBTOTAL	3,974 SF		
BASEMENT EXEMPTION	-1,612 SF		
GARAGE EXEMPTION	-400 SF		
TOTAL PROPOSED FLOOR AREA	1,962 SF		
TOTAL ALLOWABLE AREA	2,245.5 SF		
PROPOSED FAR BELOW ALLOWABLE	283.5 SF		
TOTAL PROPOSED DECK AREA	116 SF		

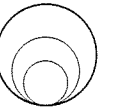


ROOF PLAN
1/4" = 1'-0"



KEYNOTES

- 3.1 PROPERTY LINE, TYP.
- 3.2 SETBACK LINE, TYP.
- 3.3 SKYLIGHT
- 3.4 ROOF DRAIN
- 3.5 OVERHANG
- 3.6 PARAPET, TYP.
- 3.7 B.U.R. ROOFING
- 3.8 VERTICAL TRELLIS PROJECTION
- 3.12 DECK BELOW



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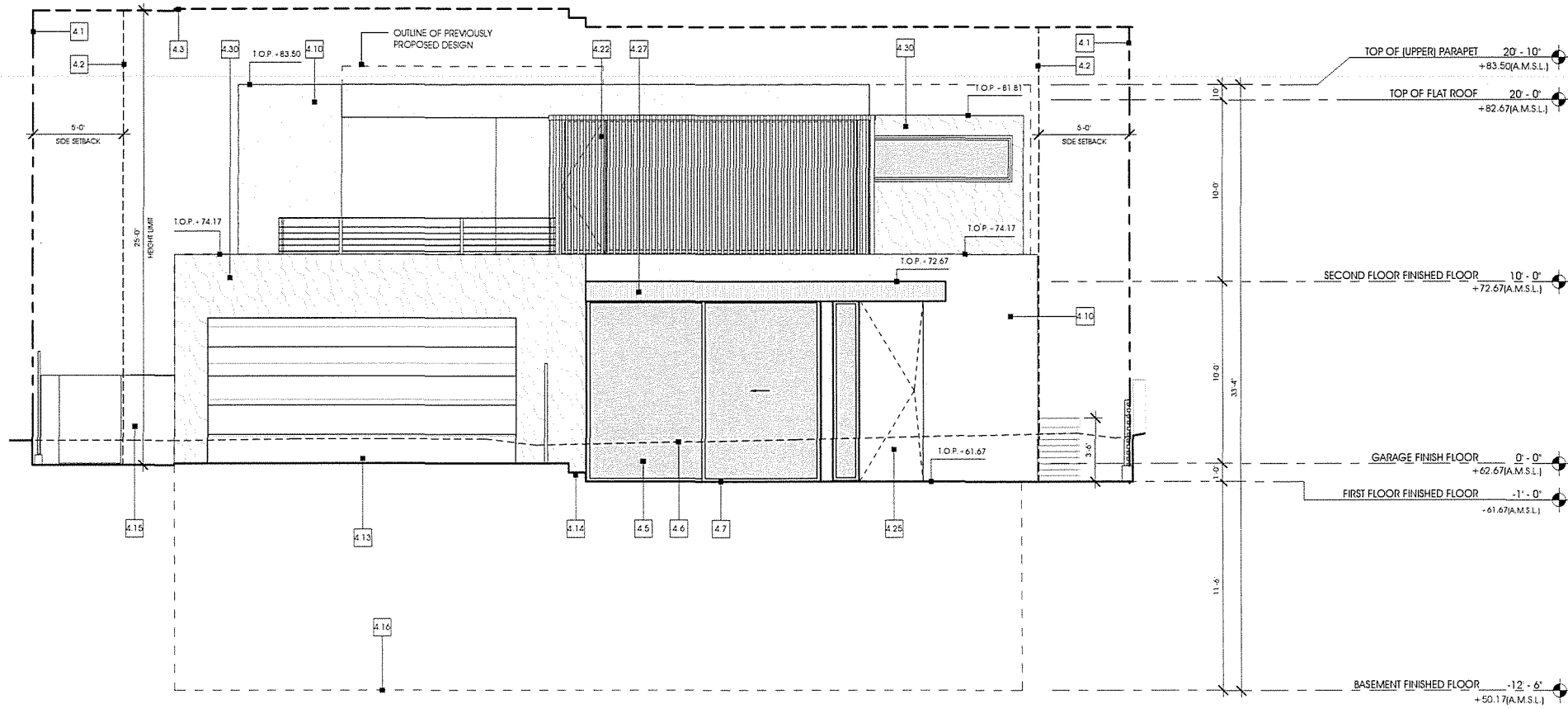
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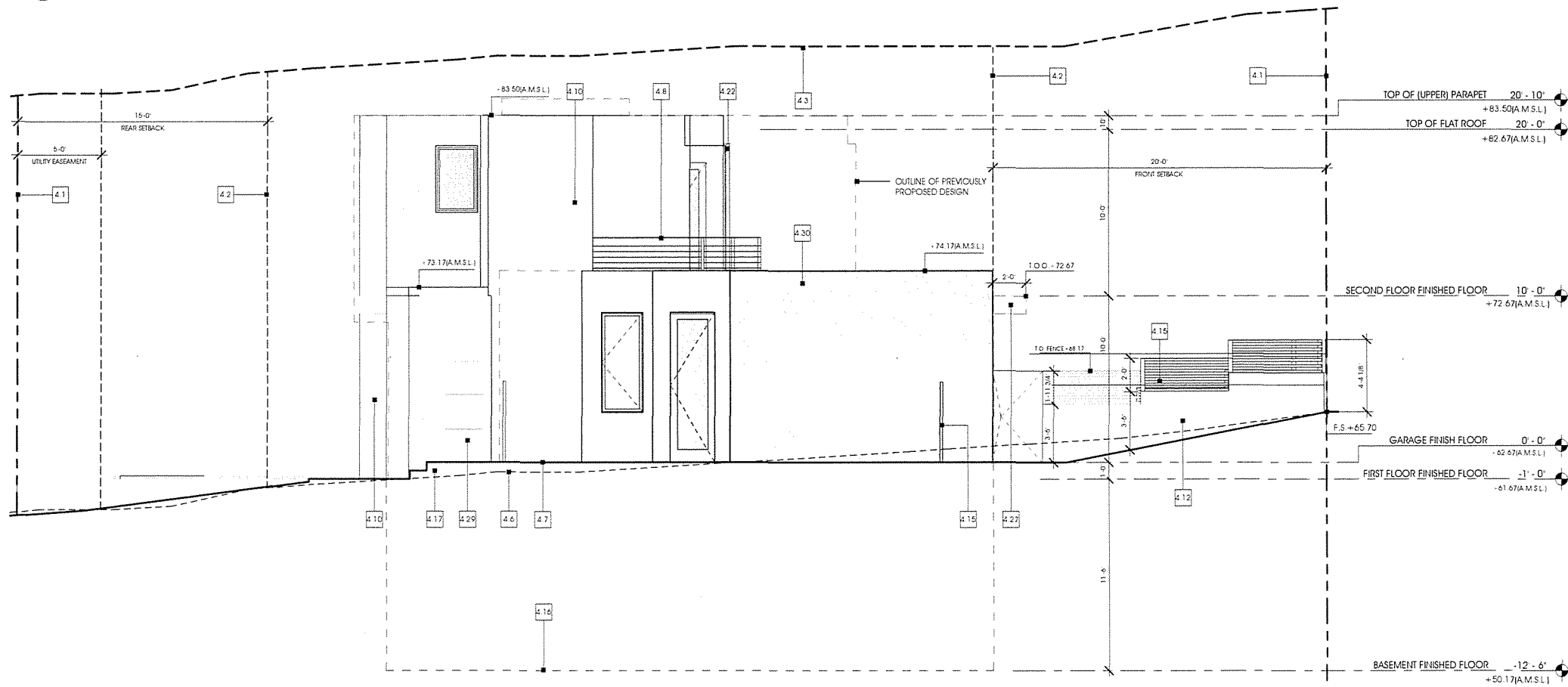
21-19

ROOF PLAN

A3.0



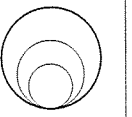
1 WEST ELEVATION
1/4" = 1'-0"



2 NORTH ELEVATION
1/4" = 1'-0"

KEYNOTES

- 4.1 PROPERTY LINE, TYP.
- 4.2 SETBACK LINE, TYP.
- 4.3 25'-0" HEIGHT LIMIT FROM LOWER OF EXISTING OR PROPOSED GRADE
- 4.5 WINDOW/DOOR TYP.
- 4.6 LINE OF EXISTING GRADE AT BUILDING LINE
- 4.7 LINE OF PROPOSED GRADE AT BUILDING LINE
- 4.8 42" GUARDRAIL
- 4.10 STUCCO FINISH
- 4.12 DRIVEWAY
- 4.13 GARAGE DOOR
- 4.14 SITE STAIRS
- 4.15 FENCE & GATE PER LANDSCAPE PLANS NOT TO EXCEED 6'-0" HEIGHT IN SIDE SETBACKS 42" IN FRONT SETBACK, WITH AN ADDITIONAL 24" ALLOWABLE ABOVE IF AT LEAST 50% OPEN TO LIGHT & AIR
- 4.16 LINE OF BASEMENT BELOW
- 4.17 SITE STAIR PER CIVIL/LANDSCAPE PLANS
- 4.22 VERTICAL TRELLIS
- 4.25 ENTRY DOOR
- 4.27 OVERHANG
- 4.29 PROPOSED A/C CONDENSER LOCATION
- 4.30 STONE CLADDING



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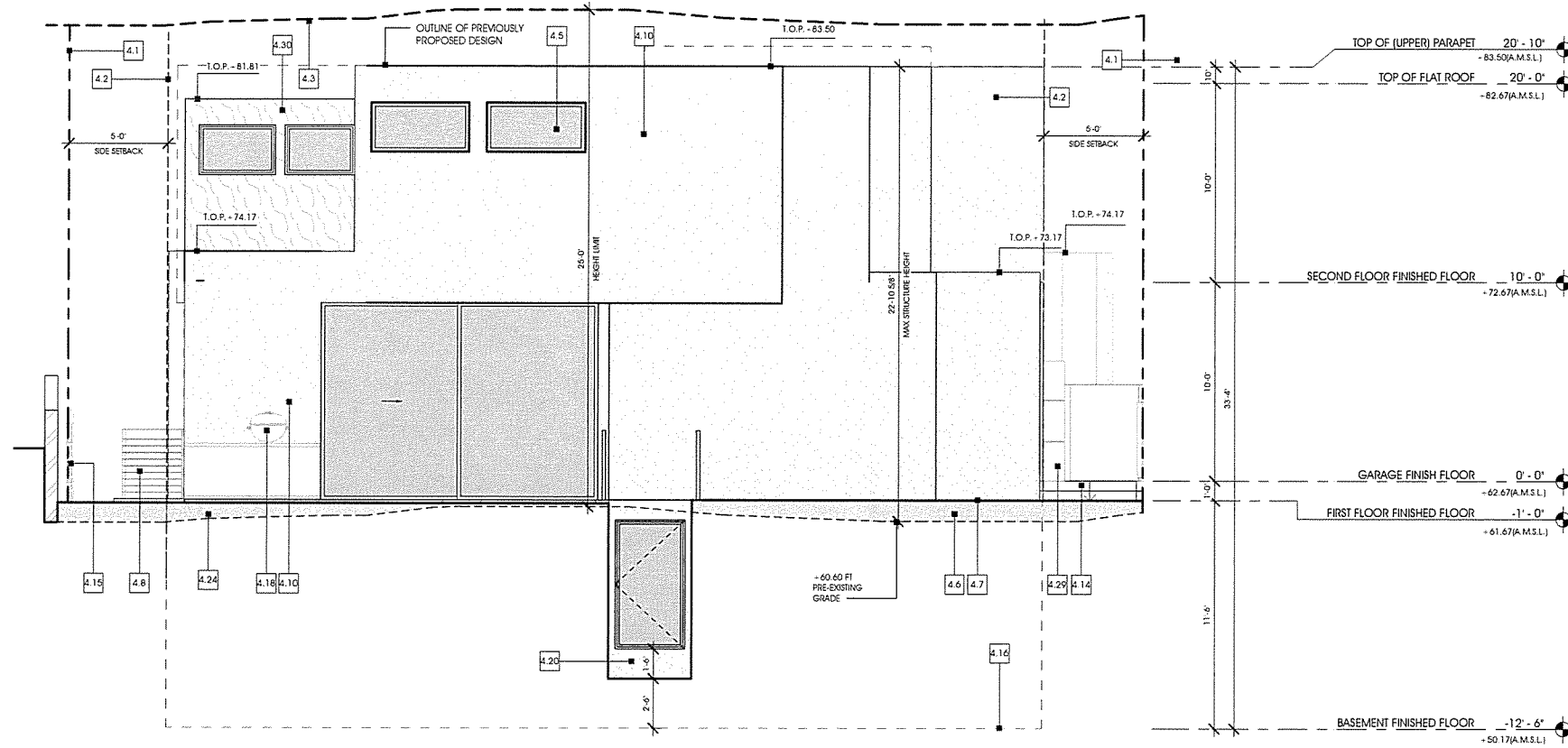
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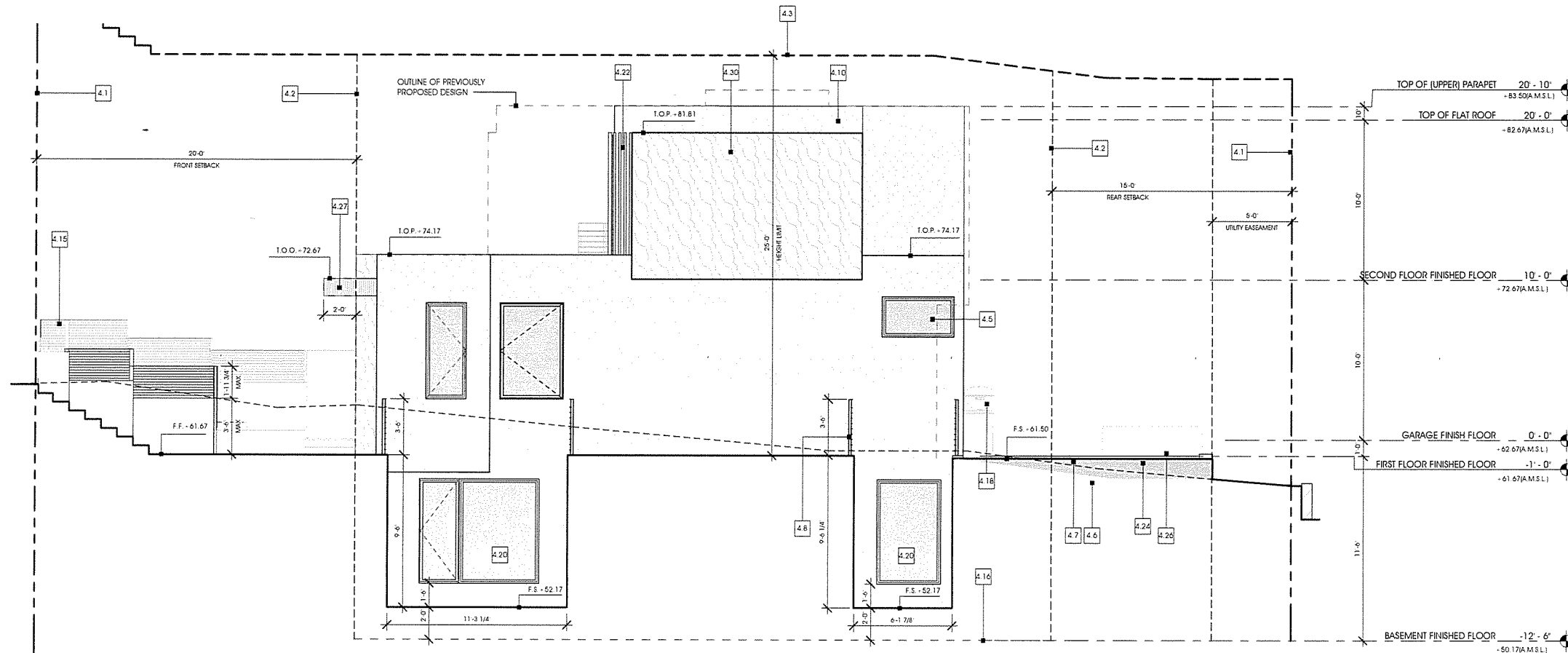
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BUILDING EXTERIOR ELEVATIONS

A4.0



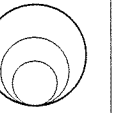
3 EAST ELEVATION
1/4" = 1'-0"



4 SOUTH ELEVATION
1/4" = 1'-0"

KEYNOTES

- 4.1 PROPERTY LINE, TYP.
- 4.2 SETBACK LINE, TYP.
- 4.3 25'-0" HEIGHT LIMIT FROM LOWER OF EXISTING OR PROPOSED GRADE
- 4.5 WINDOW/DOOR TYP.
- 4.6 LINE OF EXISTING GRADE AT BUILDING LINE
- 4.7 LINE OF PROPOSED GRADE AT BUILDING LINE
- 4.8 42" GUARDRAIL
- 4.10 STUCCO FINISH
- 4.14 SITE STAIRS
- 4.15 FENCE & GATE PER LANDSCAPE PLANS NOT TO EXCEED 6'-0" HEIGHT IN SIDE SETBACKS 42" IN FRONT SETBACK, WITH AN ADDITIONAL 24" ALLOWABLE ABOVE IF AT LEAST 50% OPEN TO LIGHT & AIR
- 4.16 LINE OF BASEMENT BELOW
- 4.18 BSG
- 4.20 LIGHTWELL, EQUIPPED WITH AN APPROVED PERMANENTLY AFFIXED LADDER, WITH A WIDTH NOT LESS THAN 12", AND SHALL PROJECT NOT LESS THAN 3" FROM THE WALL, AND SPACED NOT MORE THAN 18" ON CENTER, VERTICALLY FOR THE FULL HEIGHT OF THE WALL. HINGED GRATING COVERING THE WINDOW/CELLARWELL OPENING, THE GRATING SHALL BE CAPABLE OF SUPPORTING A WEIGHT OF 250LB PERSON, YET MUST BE ABLE TO BE OPENED BY SOMEONE OF MINIMAL STRENGTH WITH NO SPECIAL KNOWLEDGE, EFFORT OR USE OF KEY OR TOOL. ANY MODIFICATION OF PREVIOUSLY APPROVED PLANS RELATED TO THIS CONDITION SHALL BE SUBJECT TO RE-SUBMITAL AND REVIEW BY CITY STAFF.
- 4.22 VERTICAL TRELLIS
- 4.24 FILL TYP.
- 4.26 SPA
- 4.27 OVERHANG
- 4.29 PROPOSED A/C CONDENSER LOCATION
- 4.30 STONE CLADDING



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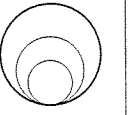
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BUILDING EXTERIOR ELEVATIONS

KEYNOTES

- 5.1 PROPERTY LINE, TYP.
- 5.2 SETBACK LINE, TYP.
- 5.3 25'-0" HEIGHT LIMIT FROM LOWER OF EXISTING OR PROPOSED GRADE
- 5.4 LINE OF EXISTING GRADE AT SECTION
- 5.5 LINE OF PROPOSED BUILDING PAD AT SECTION



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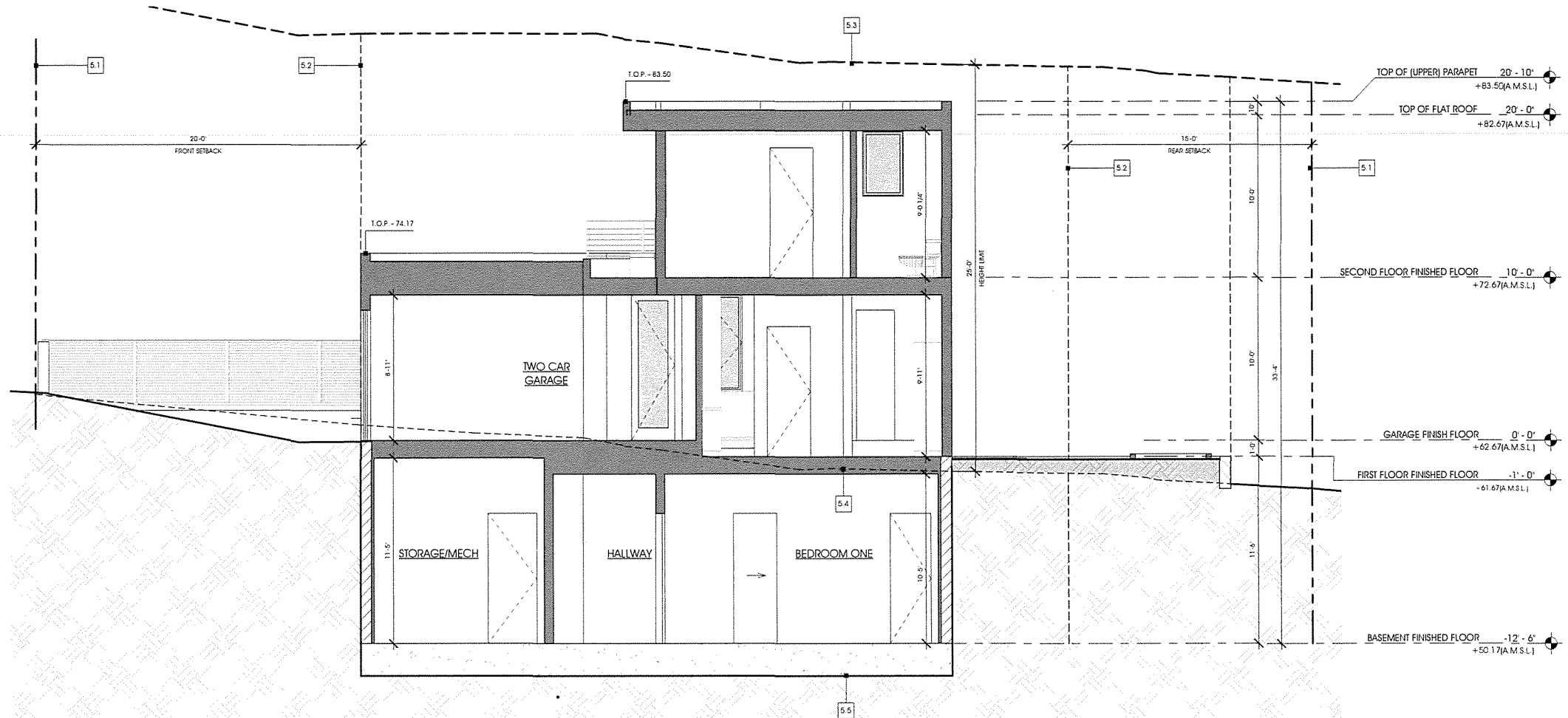
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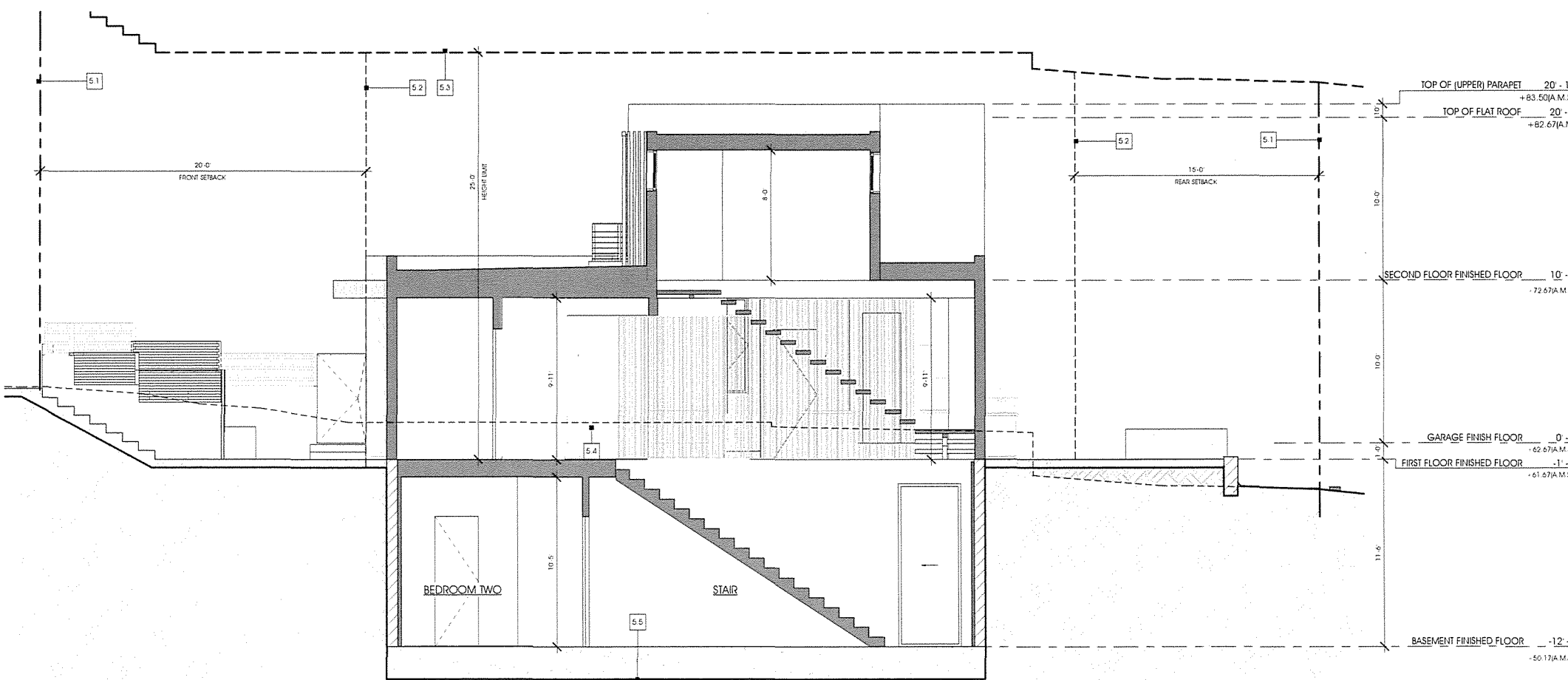
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BUILDING SECTIONS

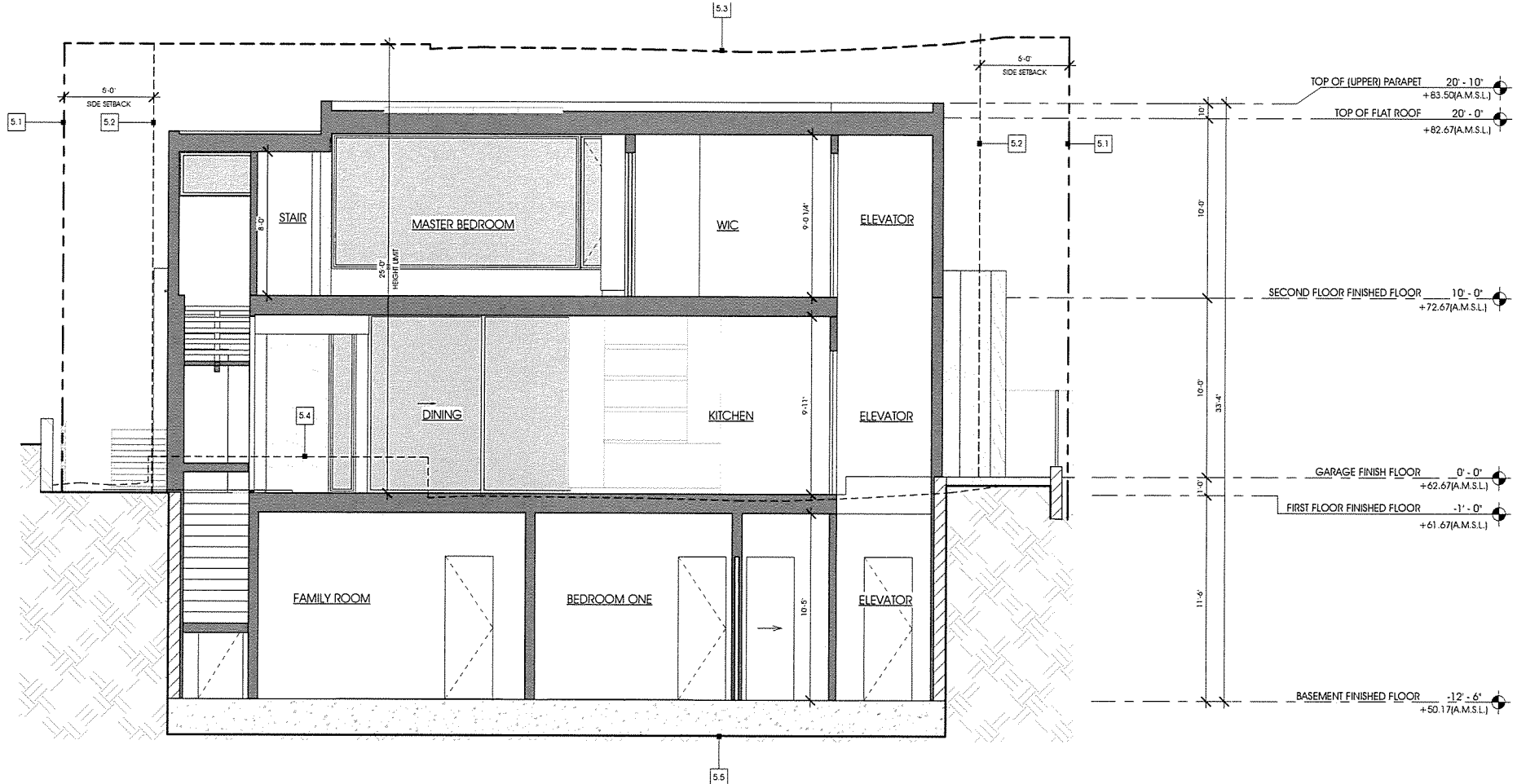
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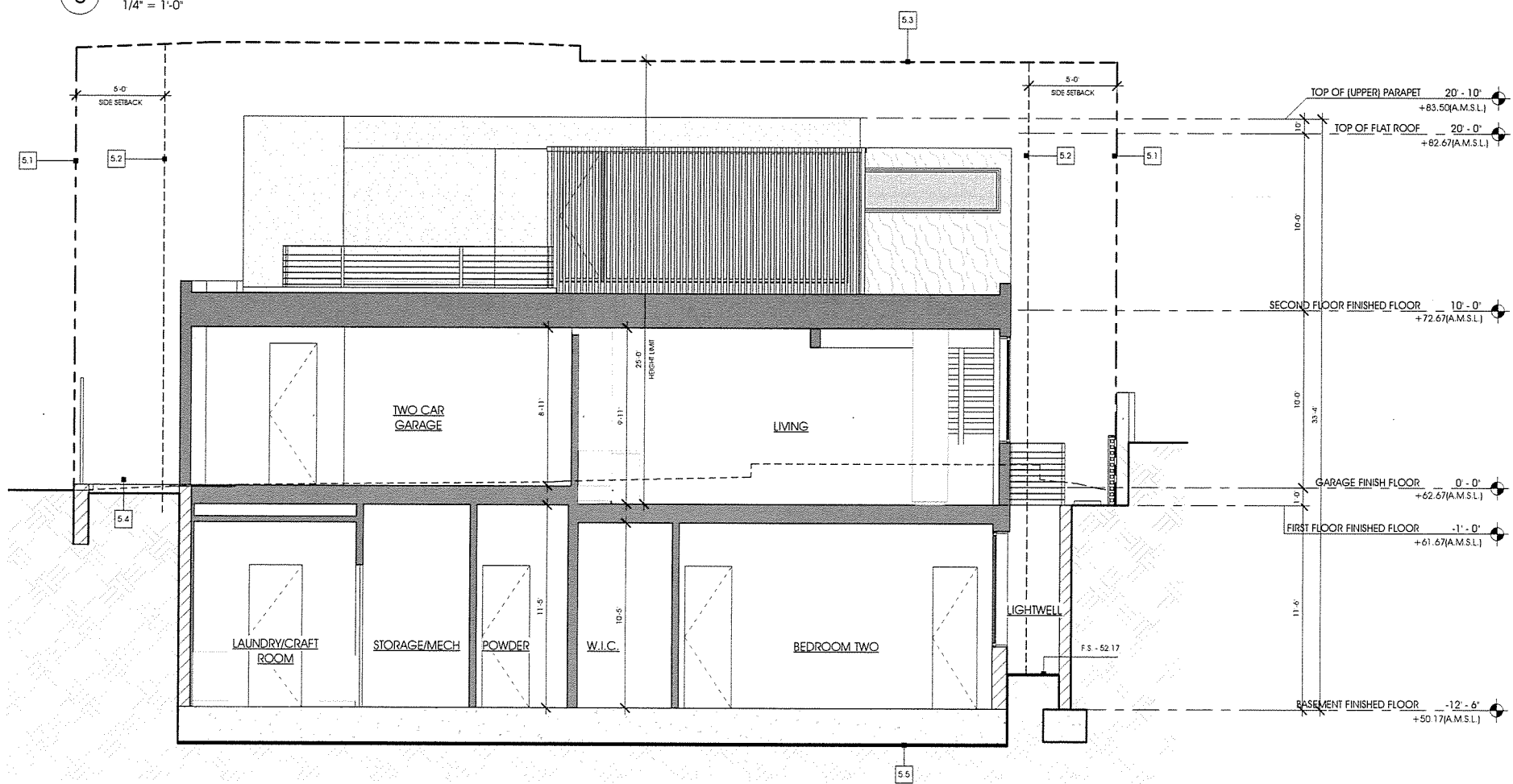
1 BUILDING SECTION
1/4" = 1'-0"



2 BUILDING SECTION
1/4" = 1'-0"



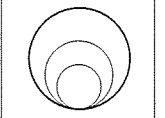
3 BUILDING SECTION
1/4" = 1'-0"



4 BUILDING SECTION
1/4" = 1'-0"

KEYNOTES

- 5.1 PROPERTY LINE, TYP.
- 5.2 SETBACK LINE, TYP.
- 5.3 25'-0" HEIGHT LIMIT FROM LOWER OF EXISTING OR PROPOSED GRADE
- 5.4 LINE OF EXISTING GRADE AT SECTION
- 5.5 LINE OF PROPOSED BUILDING PAD AT SECTION



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LA JOLLA CA 92037
PH: 858.459.0575
EMAIL: eos@eosarc.com

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Architect

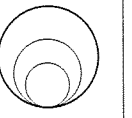
All work, design, and programs required or permitted by the City of Solana Beach, California, shall be subject to the review and approval of the City Council. The City Council may require additional information or clarification from the applicant. The applicant shall be responsible for providing such information and clarification. The City Council may require the applicant to provide additional information or clarification. The City Council may require the applicant to provide additional information or clarification. The City Council may require the applicant to provide additional information or clarification.

NORTH HELIX RESIDENCE
228 N HELIX AVENUE
SOLANA BEACH, CA 92075

REVISIONS
05-04-2022 1ST SUBMITTAL
06-30-2022 2ND SUBMITTAL
08-25-2022 3RD SUBMITTAL
10-19-2022 4TH SUBMITTAL
01-18-2023 5TH SUBMITTAL
05-20-2023 VAC REVIEW
06-05-2023 CITY COUNCIL
07-28-2023 6TH SUBMITTAL
08-23-2023 7TH SUBMITTAL
09-12-2023 CITY COUNCIL

PHASE
PLANNING SET
DATE
07-27-2023
JOB NO.
21-19

BUILDING SECTIONS



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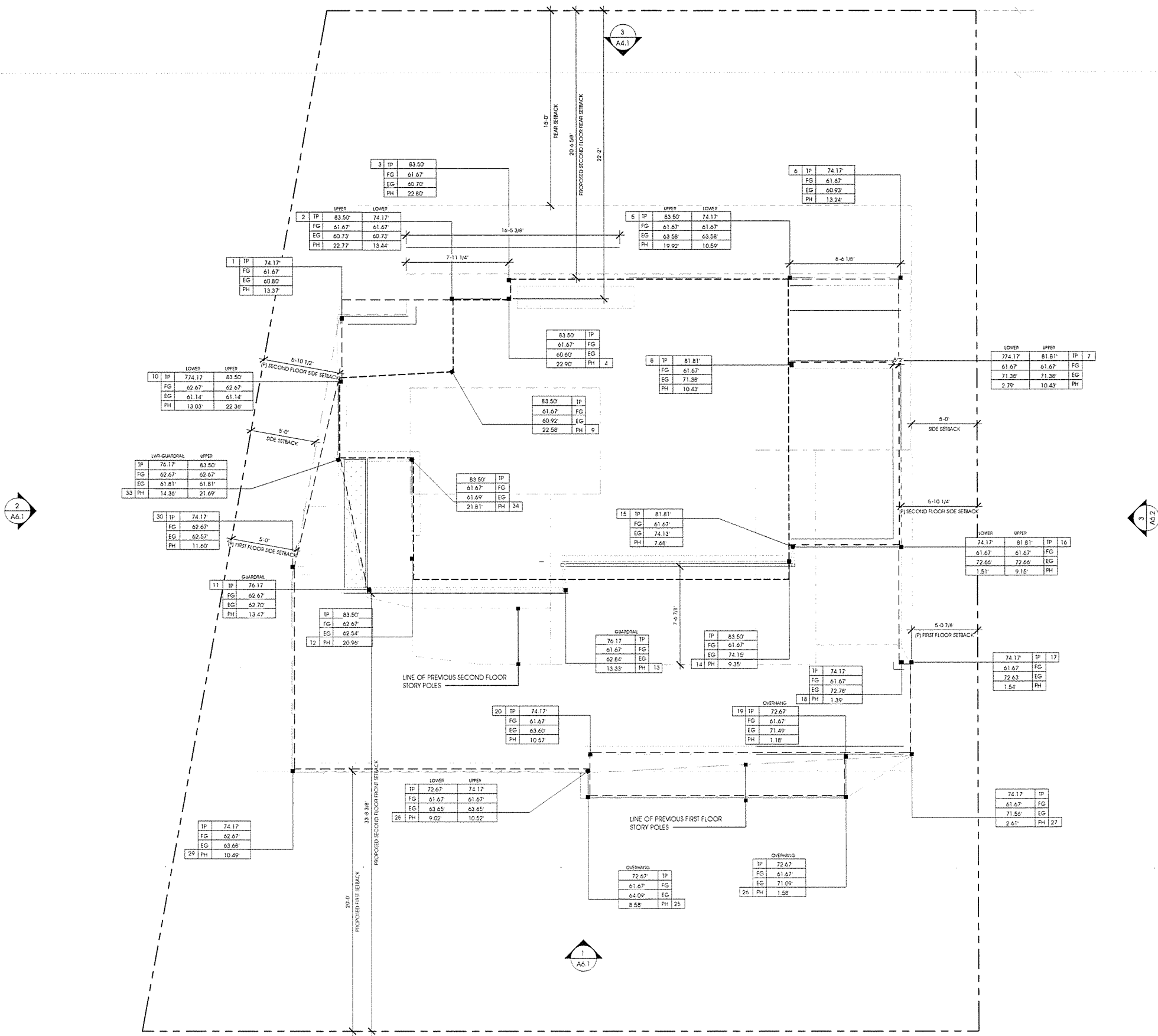
NORTH HELIX RESIDENCE
228 N HELIX AVENUE
SOLANA BEACH, CA 92075

REVISIONS
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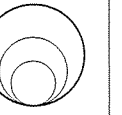
STORY POLES PLAN

A6.0



STORY POLE PLAN
1/4" = 1'-0"





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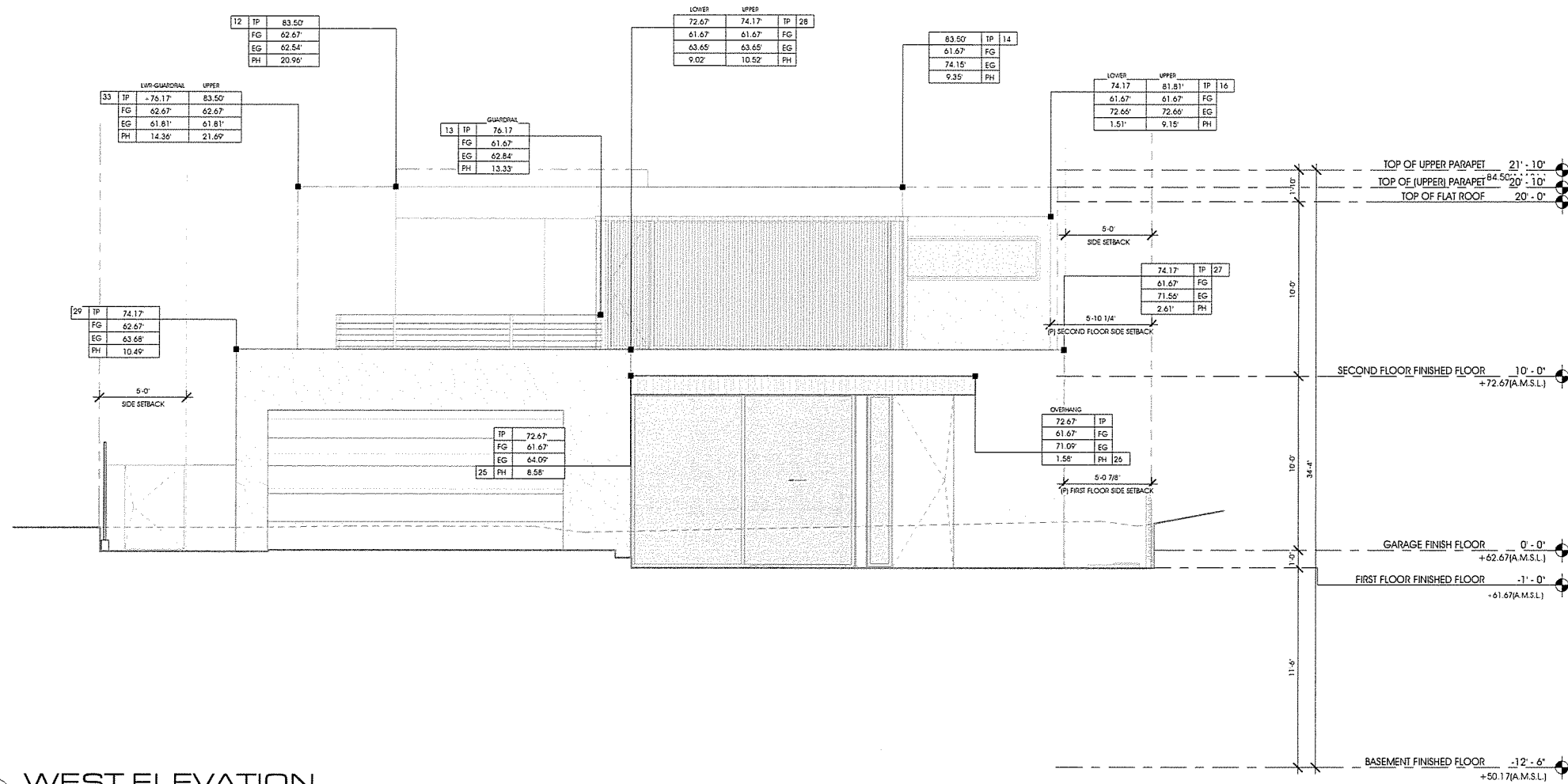
NORTH HELIX RESIDENCE
228 N HELIX AVENUE
SOLANA BEACH, CA 92075

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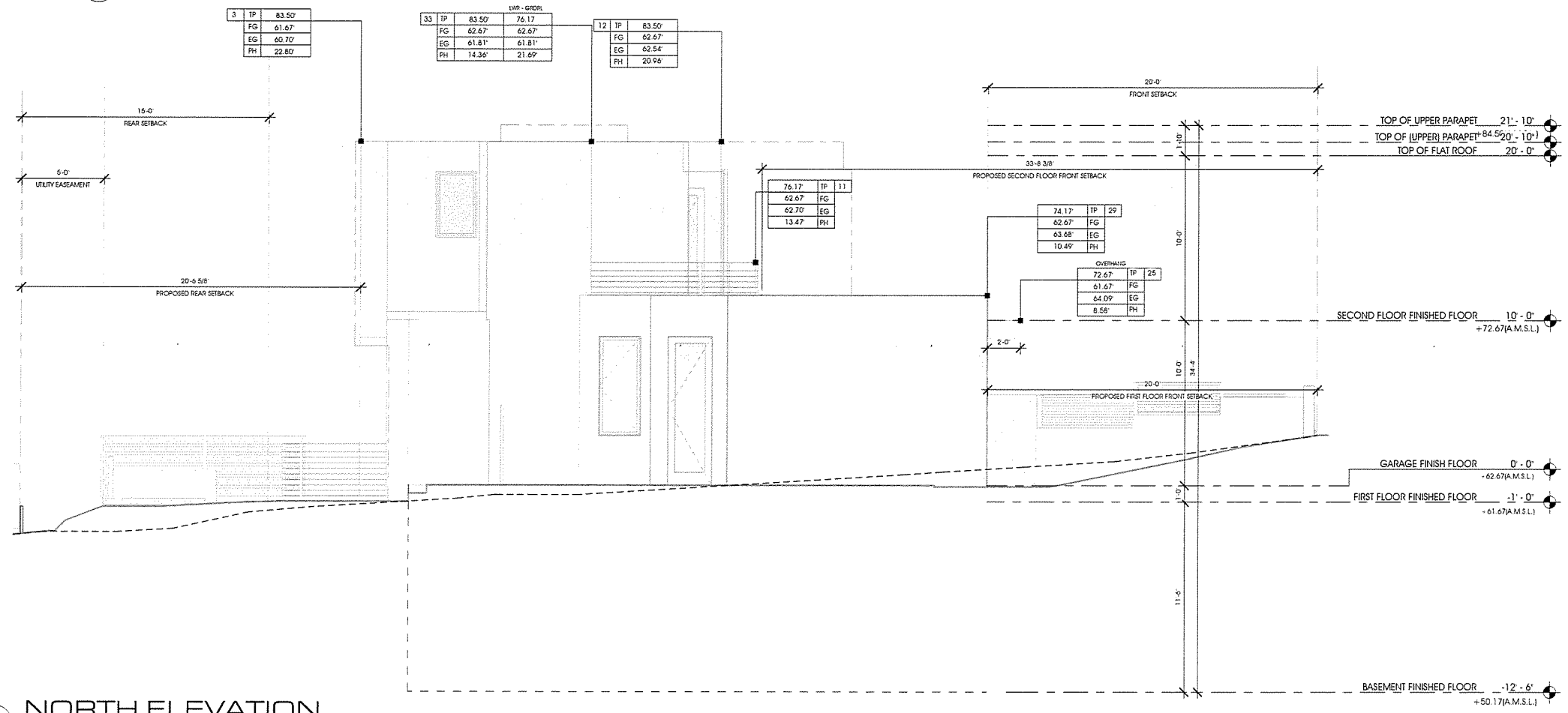
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DATE
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JOB NO.
21-19

STORY POLES ELEVATIONS

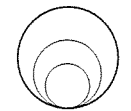
A6.1



1 WEST ELEVATION
1/4" = 1'-0"



2 NORTH ELEVATION
1/4" = 1'-0"



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NORTH HELIX RESIDENCE
228 N HELIX AVENUE
SOLANA BEACH, CA 92075

REVISIONS

05-04-2022	1ST SUBMITTAL
06-30-2022	2ND SUBMITTAL
08-25-2022	3RD SUBMITTAL
10-19-2022	4TH SUBMITTAL
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09-12-2023	CITY COUNCIL

PHASE

PLANNING SET

DATE

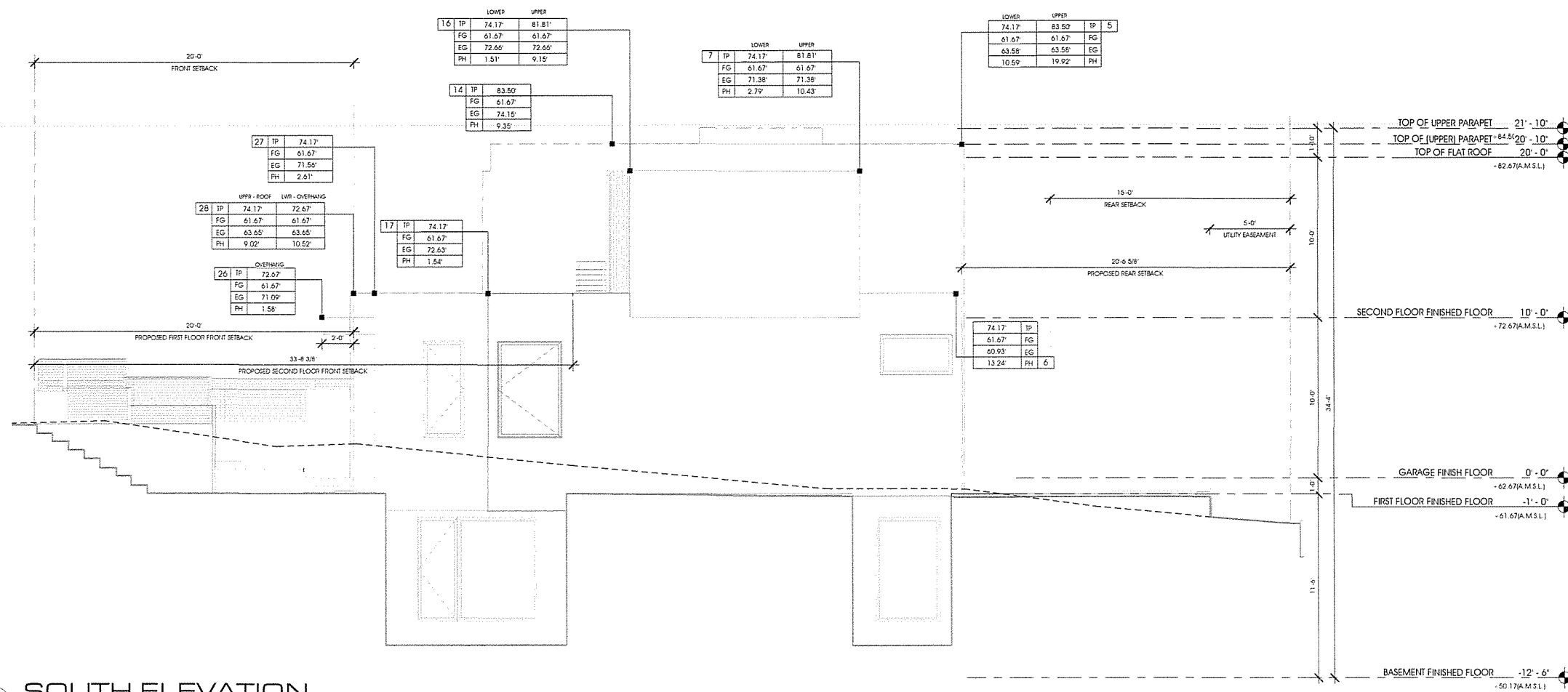
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JOB NO.

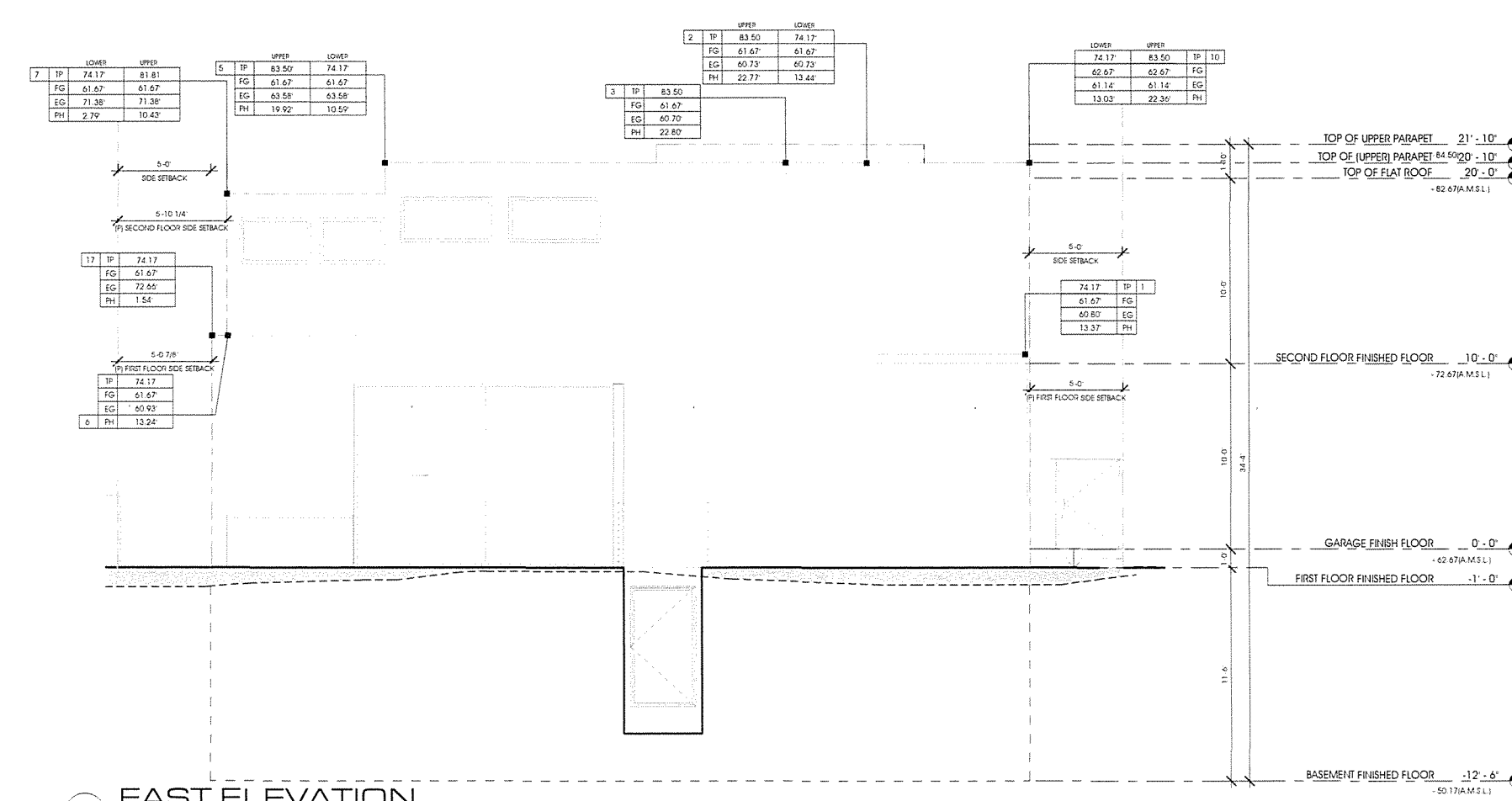
21-19

STORY POLES ELEVATIONS

A6.2

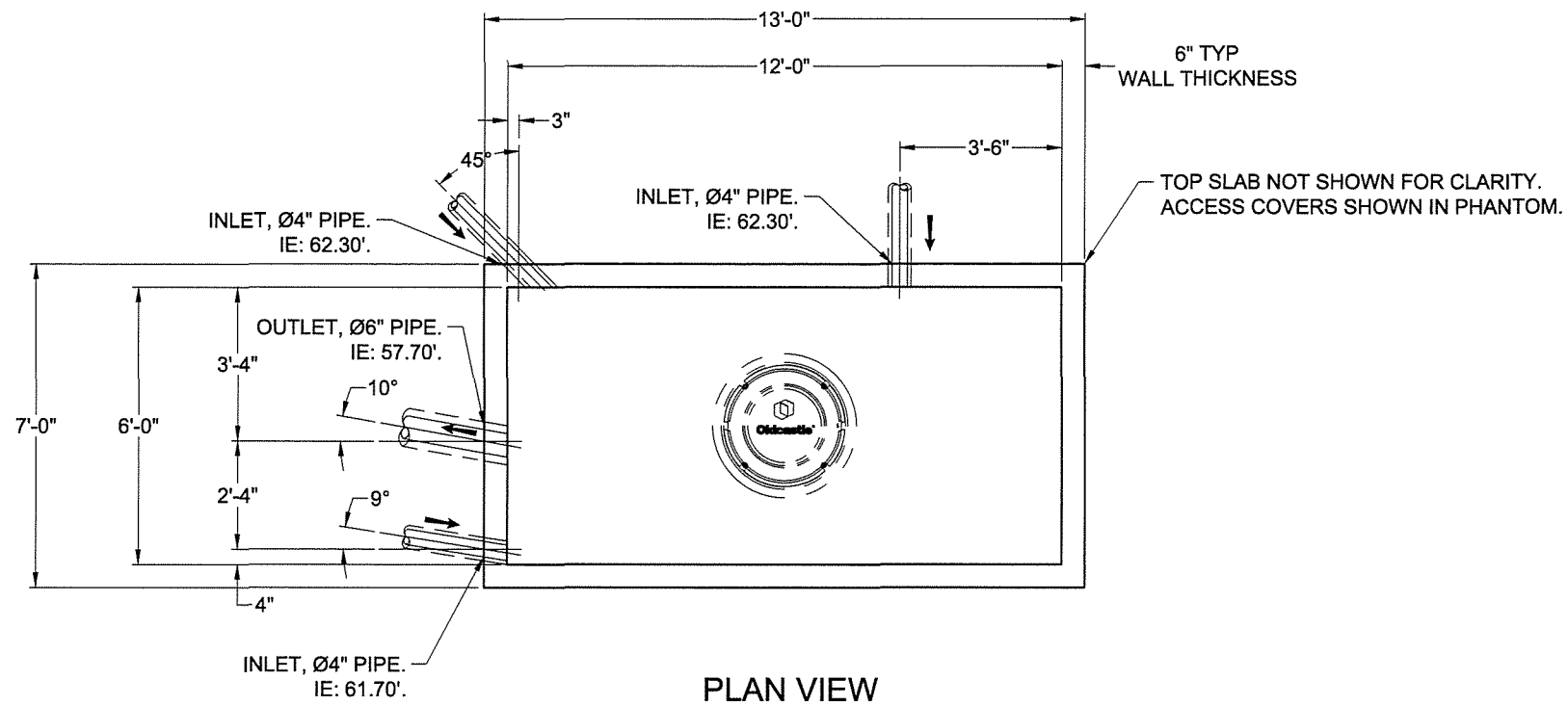


3 SOUTH ELEVATION
1/4" = 1'-0"



1 EAST ELEVATION
1/4" = 1'-0"

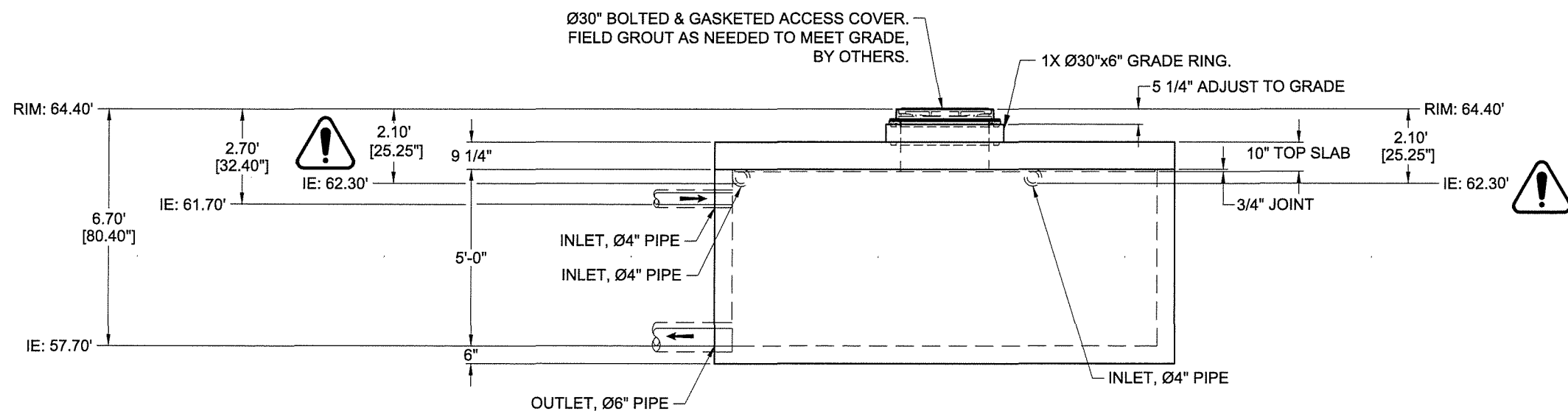
STORAGE VOLUME: 360 cf



PLAN VIEW



LOWERED INLET IE TO FIT PIPE WITHIN VAULT.



ELEVATION VIEW

NOTES:

1. DESIGN LOADINGS:
 - A. AASHTO HS-20-44 W/ IMPACT.
 - B. DESIGN FILL: 1' MAXIMUM.
 - C. ASSUMED WATER TABLE = BELOW INVERT.
 - D. DRY LATERAL EARTH PRESSURE (EFP) = 45 PCF.
 - E. LATERAL LIVE LOAD SURCHARGE = 80 PSF (APPLIED TO 8' BELOW GRADE).
 - F. NO LATERAL SURCHARGE FROM ADJACENT BUILDINGS, WALLS, PIERS, OR FOUNDATIONS.
2. CONCRETE 28 DAY COMPRESSIVE STRENGTH SHALL BE 5,000 PSI MINIMUM.
3. STEEL REINFORCEMENT: REBAR, ASTM A-615 OR A-706, GRADE 60.
4. CEMENT: ASTM C-150 SPECIFICATION.
5. REQUIRED NATIVE ALLOWABLE SOIL BEARING PRESSURE = 2,500 PSF.
6. REFERENCE STANDARD:
 - A. ASTM C 890
 - B. ASTM C 913
7. THIS STRUCTURE IS DESIGNED TO THE PARAMETERS NOTED HEREIN. PLEASE VERIFY THAT THESE PARAMETERS MEET PROJECT REQUIREMENTS (I.E. LIVE LOAD, FILL RANGE, WATER TABLE). IF DESIGN PARAMETERS ARE INCORRECT, REVIEWING ENGINEER/AUTHORITY SHALL NOTIFY OLDCASTLE INFRASTRUCTURE UPON REVIEW OF THIS SUBMITTAL.
8. OVERSIZED HOLES TO ACCOMMODATE SPECIFIC PIPE TYPE MUST BE CONCENTRIC TO PIPE ID. AFTER PIPES ARE INSTALLED, ALL ANNULAR SPACES SHALL BE FILLED WITH A MINIMUM OF 3000 PSI CONCRETE FOR FULL THICKNESS OF PRECAST WALLS. PIPES ARE TO BE FLUSH WITH THE INSIDE SURFACE OF THE CONCRETE STRUCTURE.
9. CONTRACTOR RESPONSIBLE TO VERIFY ALL SIZES, LOCATIONS AND ELEVATIONS OF OPENINGS.
10. CONTRACTOR RESPONSIBLE TO ENSURE ADEQUATE BEARING SURFACE IS PROVIDED (I.E. COMPACTED AND LEVEL PER PROJECT SPECIFICATIONS).
11. SECTION HEIGHTS, SLAB/WALL THICKNESSES AND KEYWAYS ARE SUBJECT TO CHANGE DUE TO AVAILABILITY AND PRODUCTION PLANT CAPABILITY.
12. MAXIMUM PICK WEIGHT: TBD.

- PRELIMINARY -
NOT FOR CONSTRUCTION



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Detention Vault 6'x12'					
CUSTOMER Pasco Laret Suiter & Associates - Encinitas					
JOB NAME Helix-Bowers Residence - Solana Beach, CA					
DATE 6/28/22	MFG 070-FO	DRAWN PPS	ENGINEER CDH	CHECKED CDH	SALES ORDER -
INTERNAL DRAWING ID 22-750988-6x12_				REVISION 1	SHEET
Helix-Bowers Residence				REV DATE 8/24/22	1 OF 1

22-750988-6x12_Helix-Bowers Residence.dwg, 2022-08-24 10:51 AM, Alexia Savant 9.325

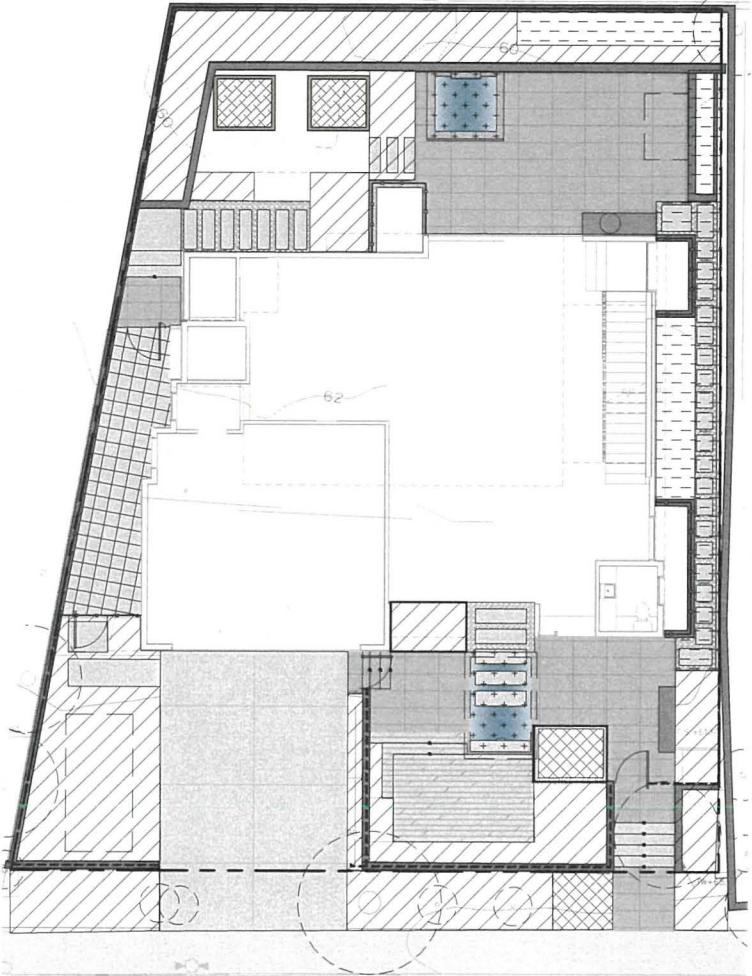
REV	DESCRIPTION	BY	DATE

APPLICANTS STATEMENT OF COMPLIANCE

I AM FAMILIAR WITH THE REQUIREMENTS FOR LANDSCAPE AND IRRIGATION PLANS CONTAINED IN THE CITY'S WATER EFFICIENT LANDSCAPE REGULATIONS. I HAVE PREPARED THIS PLAN IN COMPLIANCE WITH THOSE REGULATIONS AND THE LANDSCAPE DESIGN MANUAL. I CERTIFY THAT THE PLAN IMPLEMENTS THOSE REGULATIONS TO PROVIDE EFFICIENT USE OF WATER.

[Signature]
APPLICANT SIGNATURE

DATE 08-24-23

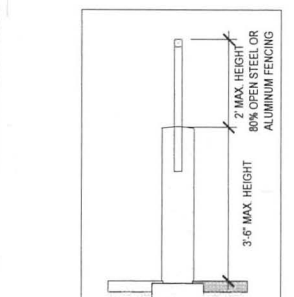
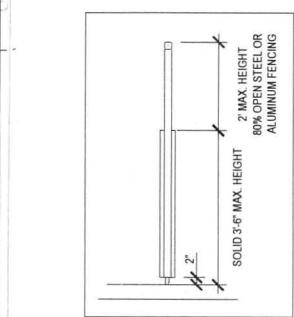
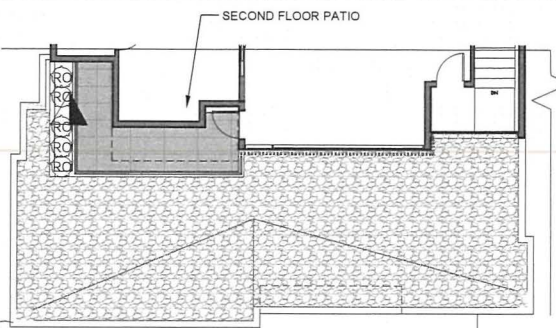
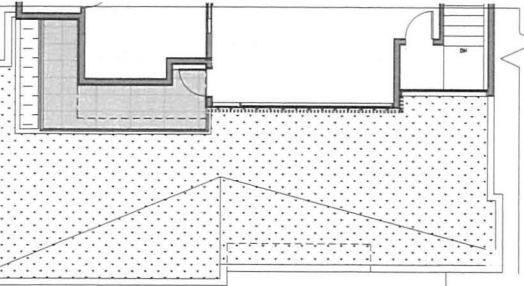


HYDROZONE PLAN

HYDROZONE LEGEND:

- 1 LOW WATER USE - 958 SF
- 2 WATER FEATURE - 98 SF
- 3 MODERATE WATER USE - 159 SF
- 4 LOW GREEN ROOF - 655 SF
- 5 MODERATE TREE - 56 SF
- 6 SPECIAL LANDSCAPE AREA - 42 SF

ROOF LEVEL HYDROZONE PLAN



AREA USE CALCULATIONS:

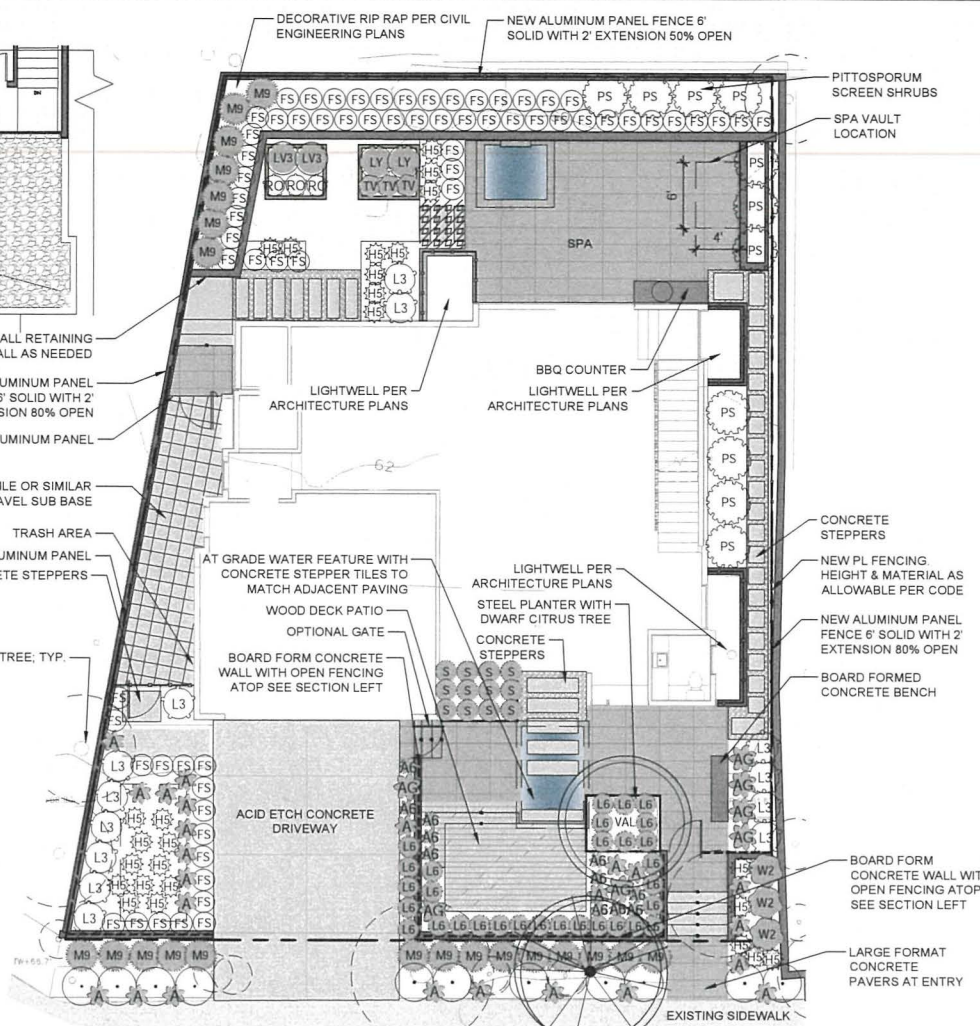
AREA OF WORK: DECORATIVE HARDSCAPE	117 SF
IRRIGATED LANDSCAPE	1,926 SF
WATER FEATURES	98 SF
AGGREGATE LANDSCAPE AREA	2141 SF

CITY OF SOLANA BEACH ESTIMATED TOTAL WATER USE (ETWU) WORKSHEET

Line	Hydro-zone Number (1 - 5 Below - use as many tables as necessary to complete all hydrozones)	1	2	3	4	5	SLA	
Evapotranspiration Rate (ET _o) See "A" below	1	Use 41 (west of I-5) / 47 (east of I-5)						
Conversion Factor - .62	2	0.62						
(Line 1 x Line 2)	3	25.42 (west of I-5) / 29.14 (east of I-5)						
Plant Factor (PF) See "B" below	4	0.3	1.0	0.6	0.3	0.6		
Hydrozone Area (HA) - in square feet	5	958	98	159	655	56	42	
(Line 4 x Line 5)	6	287.4	98	95.4	196.5	33.6		
Irrigation Efficiency (IE) See "C" below	7	.81	1.0	.75	.81	.75		
(Line 6 x Line 7)	8	354.8	98	127.2	242.6	44.8		
TOTAL of all Line 8 boxes + SLA	9	867.4						
Line 3 x Line 9 Estimated Total Water Use - ETWU (gallons per year) Total shall not exceed MAWA below	10	22,049						

MAXIMUM APPLIED WATER APPLICATION (MAWA) calculation:

$$\frac{25.42}{25.42 \text{ or } 29.14} \times \frac{55}{1926} \times \frac{1}{1} \times \frac{42}{42} = \frac{MAWA}{27,407}$$

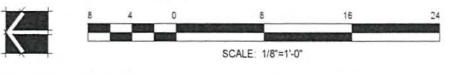
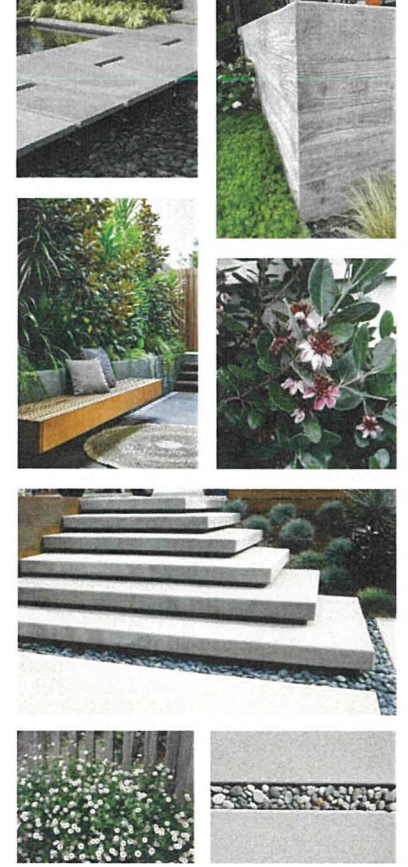


CONCEPT PLAN

TREES	QTY	BOTANICAL NAME	COMMON NAME	CONTAINER	HEIGHT	WUCOLS
	1	Bauhinia x blakeana	Hong Kong Orchid Tree	24" BOX	30'	MEDIUM
	1	Citrus x sinensis 'Dwarf Valencia'	Dwarf Valencia Orange	24" BOX	12'	MEDIUM
SHRUBS	QTY	BOTANICAL NAME	COMMON NAME	CONTAINER	HEIGHT	WUCOLS
	6	Agave x 'Blue Glow'	Blue Glow Agave	5 GAL	6" FLOWER SPIKE	LOW
	11	Aloe striata	Coral Aloe	5 GAL	1.5'	LOW
	21	Aloe x 'Grassy Lassie'	Aloe	5 GAL	1'	LOW
	69	Carex tumulicola	Foothill Sedge	1 GAL	1'	LOW
	11	Ceanothus x 'Centennial'	Centennial Wild Lilac	5 GAL	1'	LOW
	1	Distictis x 'Rivers'	Royal Trumpet Vine	5 GAL	EQUAL TO WALL OR FENCE HEIGHT	MEDIUM
	26	Hesperaloe parviflora 'Brakelights'™	Brakelights Red Yucca	5 GAL	5'	LOW
	15	Leucadendron x 'Safari Sunset'	Red Conebush	5 GAL	10'	LOW
	38	Lomandra longifolia 'Breeze'	Mat Rush	5 GAL	3'	LOW
	2	Laurus nobilis 'MonRik'	Little Ragu Sweet Bay	5 GAL	4'	MEDIUM
	2	Lavandula stoechas 'Otto Quast'	Spanish Lavender	1 GAL	4'	LOW
	21	Muhlenbergia rigens	Deer Grass	5 GAL	4'	LOW
	11	Pittosporum tenuifolium 'Silver Sheen'	Silver Sheen Tawhiwhi	24" box	12'-25'	MEDIUM
	8	Rosmarinus officinalis 'Lockwood de Forest'	Dwarf Rosemary	5 GAL	2'	LOW
	14	Sansevieria zeylanica	Mother-in-law Tongue	5 GAL	4'	LOW
	3	Thymus vulgaris	Common Thyme	1 gal.	1'	LOW
	3	Westringia fruticosa 'Morning Light'	Morning Light Coast Rosemary	5 GAL	4'	LOW
GROUND COVERS	QTY	BOTANICAL NAME	COMMON NAME	CONTAINER SIZE	HEIGHT	WUCOLS
	22 sf	Dymondia margaretae	Dymondia	FLATS @ 12"	6"	LOW
	655 sf	Dudleya edulis	San Diego Dudleya	1 GAL	12" o.c.	LOW
		Bouteloua gracilis	Blue Grama Grass	1 GAL	2" o.c.	LOW
		Festuca californica	California Fescue	1 GAL	12" o.c.	LOW
		Achillea millefolium	Yarrow	1 GAL	12" o.c.	LOW

- NOTES:**
- CONTRACTOR TO LOCATE AND CONFIRM ALL UTILITIES PRIOR TO CONSTRUCTION - NOTIFY LANDSCAPE ARCHITECT OF ANY DESIGN CONFLICTS
 - REFER TO CIVIL PLAN FOR GRADING AND DRAINAGE INFORMATION
 - HAND DIGGING IS REQUIRED AROUND ALL TREES TO REMAIN.

- PLANTING NOTES:**
- ALL PLANTING AREAS SHALL BE COVERED WITH A 3" LAYER OF DECORATIVE ROCK OR 3" LAYER OF BARK MULCH UNLESS SHOWN OTHERWISE ON PLAN.
 - ALL SUCCULENTS REQUIRE CACTUS MIX OR OTHER APPROVED SOIL TYPE TO BE PLACED MIN. 12" AROUND THE BASE OF EACH PLANT.
 - ALL TREES PLANTED WITHIN 5' OF HARDSCAPE MUST BE INSTALLED WITH A ROOT BARRIER ALONG THE HARDSCAPE EDGE SPANNING OUT 5' IN EACH DIRECTION FROM THE CENTER OF THE TREE FOR A TOTAL LENGTH OF 10'
 - REFER TO HYDROZONE PLAN FOR IRRIGATION RECOMMENDATIONS.
 - ALL LANDSCAPE AND IRRIGATION SHALL CONFORM TO THE STANDARDS OF THE COUNTY-WIDE LANDSCAPE REGULATIONS AND THE CITY OF SOLANA BEACH LANDSCAPE REGULATIONS AND ALL OTHER APPLICABLE LANDSCAPE RELATED COUNTY AND REGIONAL STANDARDS.
 - CONTRACTOR TO SETUP A PRE-CONSTRUCTION WALKTHROUGH TO TAG ANY EXISTING PLANTS TO REMAIN AND EXISTING PLANTS TO BE DEMOLISHED.
 - CONTRACTOR TO ENSURE THAT NEW TREE LOCATIONS ARE SPOTTED PER LANDSCAPE ARCHITECT'S SITE DIRECTION. TREE INSTALLATION SHALL ALSO INCLUDE COORDINATION OF DELIVERY AND PROTECTION OF TREES PRIOR TO INSTALLATION. KNOWLEDGE OF UNDERGROUND UTILITIES, PROPER DRAINAGE, AND STAKING PER STANDARD DETAIL.
 - ALL HARDSCAPE ELEMENTS SHOWN ON THE PLAN HAVE BEEN DRAWN WITH AN ARTISTIC CONCEPTUALIZATION. SOME ELEMENTS MAY BE REFINED OR SIMPLIFIED IN SUBSEQUENT DESIGN DEVELOPMENT STAGES FOR REASONS OF FEASIBILITY OR FURTHER STAKEHOLDER INPUT.
 - PROPOSED LANDSCAPING SHALL MAINTAIN REQUIRED CLEARANCES FROM MECHANICAL EQUIPMENT AND UTILITY APPURTENANCES, WHILE SCREENING THEM FROM VIEW.
 - REINFORCED STRAW MATTING TO BE INSTALLED IN ALL AREAS THAT ARE GRADED OR OTHERWISE DISTURBED DURING CONSTRUCTION



PROJECT CLIENT:
N HELIX RESIDENCE
LANDSCAPE CONCEPT PLAN
228 N HELIX AVENUE
SOLANA BEACH, CA 92075

SHEET TITLE:
CONCEPT PLAN

PROJECT CLIENT:
N HELIX RESIDENCE
LANDSCAPE CONCEPT PLAN
228 N HELIX AVENUE
SOLANA BEACH, CA 92075

NOT FOR CONSTRUCTION

revisions

drawing prepared by - CDLA
sheet plot date - 08-24-23
carson douglas job number - 22-004
design start date - MARCH 2022

L-1

SHEET 1 OF 1



CITY OF SOLANA BEACH

635 SOUTH HIGHWAY 101 • SOLANA BEACH • CALIFORNIA 92075 • (858) 720-2400 • FAX (858) 755-1782

STORY POLE HEIGHT CERTIFICATION

Date: AUGUST 9, 2023

Assessor's Parcel No.: 263-321-21

Site Address: 228 N HELIX AVE.

Owner's Name: BOWERS

This is to certify that on AUGUST 9, 2023 the story poles located on the above referenced site were surveyed by the undersigned, and found to be in conformance with the attached story pole plot plan. In addition, the following measurements were found:

- Highest point of the story poles: 83.50' (M.S.L.)* SP#4
- Pre-existing grade: 60.60' (M.S.L.)*
- Finished grade elevation: 61.67' (M.S.L.)*
- Finished floor elevation: — (M.S.L.)*

TOTAL MAXIMUM HEIGHT: 22.90'

PLEASE NOTE: The story poles must show and include the total height must include roofing materials. At framing inspection, a **Height Certification** will be required which must be in exact conformance with the maximum height shown on Story Pole Height Certification.

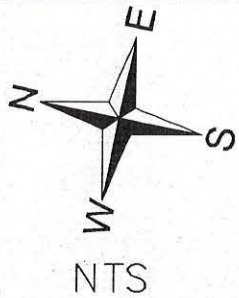
For additional information, please contact me at 760-224-7653 (phone number)


Licensed Land Surveyor

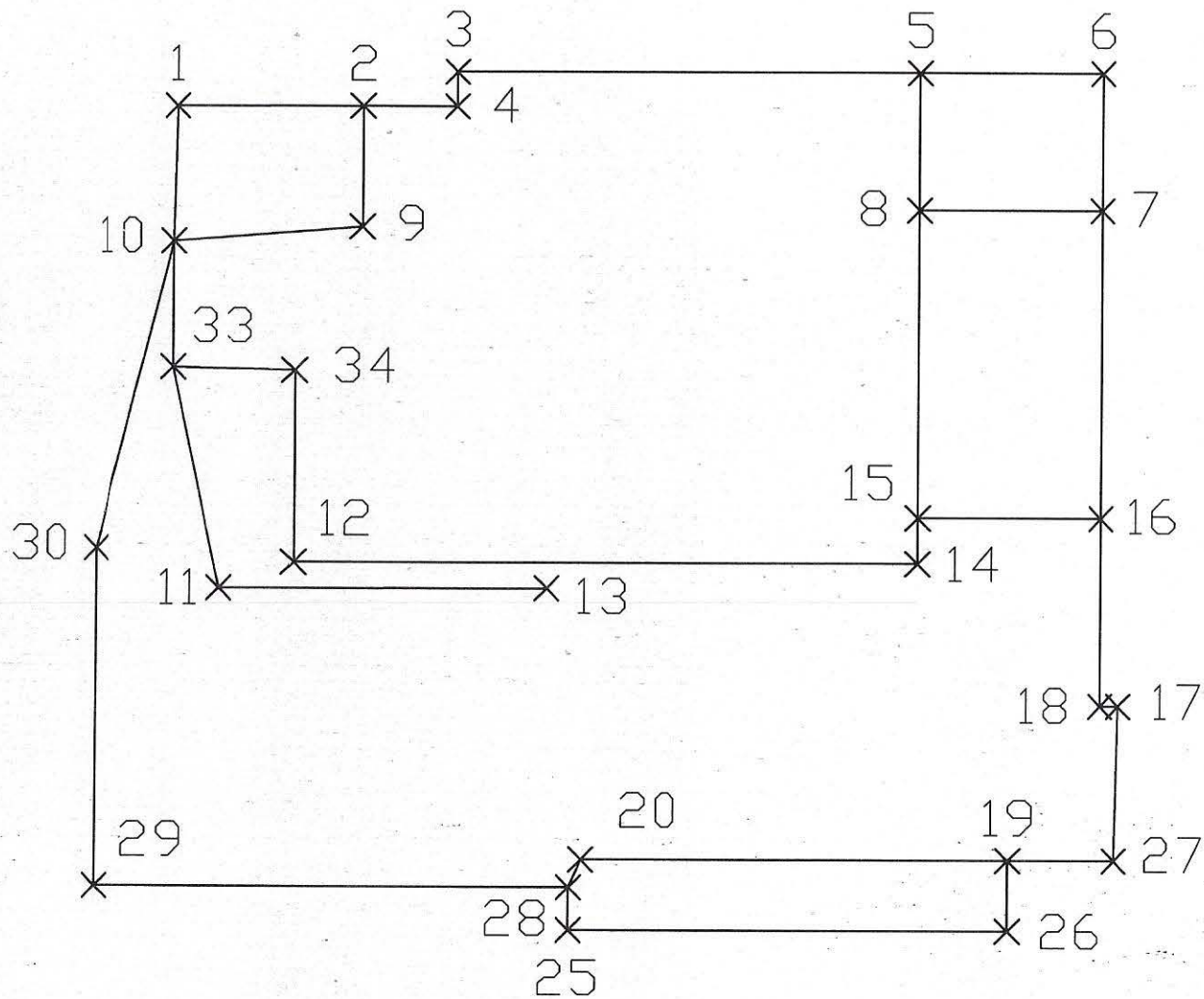


Seal of Registration:

*Mean Sea Level (MSL) — all measurements must utilize an established benchmark that will not change over the course of the project. TOP OF WALL @ COR OF WALL BTWN SITE WTR MTRS "TN" (PER TOPO) ELEV. = 67.77'



BOWERS RESIDENCE
228 N. HELIX AVE
CSP 22-1661R



AUGUST 6, 2023

C-STORY POLES, INC.

Chris Collins PLS 8591
 POB 230972 Encinitas, CA 92023
 (760) 224-7653 chris@cstorypoles.com

Bowers Residence
 228 North Helix Avenue
 W.O. CSP 22-1661R
 CC, SM, RM

8/8/2023

Page 1 of 1

* "T" T-post, "B" Bucket, "R" Roof, "FS" Finished Surface

SP#	BASE ELEV	PLAN ELEV	C/F LENGTH	DESCRIPTION *
1	60.80	74.17	F - 13.37	
2	60.73	83.50	F - 22.77	UPR
	60.73	74.17	F - 13.44	LWR
3	60.70	83.50	F - 22.80	
4	60.60	83.50	F - 22.90	
5	63.58	83.50	F - 19.92	UPR
	63.58	74.17	F - 10.59	LWR
6	60.93	74.17	F - 13.24	
7	71.38	81.81	F - 10.43	UPR
	71.38	74.17	F - 2.79	LWR
8	71.38	81.81	F - 10.43	
9	60.92	83.50	F - 22.58	
10	61.14	83.50	F - 22.36	UPR
	61.14	74.17	F - 13.03	LWR
11	62.70	76.17	F - 13.47	
12	62.54	83.50	F - 20.96	
13	62.84	76.17	F - 13.33	
14	74.15	83.50	F - 9.35	
15	74.13	81.81	F - 7.68	
16	72.66	81.81	F - 9.15	UPR
	72.66	74.17	F - 1.51	LWR
17	72.63	74.17	F - 1.54	
18	72.78	74.17	F - 1.39	
19	71.49	72.67	F - 1.18	
20	63.60	74.17	F - 10.57	
25	64.09	72.67	F - 8.58	
26	71.09	72.67	F - 1.58	
27	71.56	74.17	F - 2.61	
28	63.65	74.17	F - 10.52	UPR
	63.65	72.67	F - 9.02	LWR

29	63.68	74.17	F - 10.49	
30	62.57	74.17	F - 11.60	
33	61.81	83.50	F - 21.69	UPR
	61.81	76.17	F - 14.36	LWR
34	61.69	83.50	F - 21.81	

DEC 12 2022

APPLICATION FOR VIEW ASSESSMENT
(Structure Development Permit)

Community Development Dept.
City of Solana Beach

Project No.: DRP22-013 / SDP22-011 ; APN 243-321-21-00

1. Address of property for which the structure development permit has been requested:

228 N. Helix Ave., SB, CA

2. Provide the following information for the individual filing this Application for Assessment:

Name: Jill Martin

Address: [REDACTED] N. Helix Ave. SB, CA

Phone Number: [REDACTED]

Email: [REDACTED]

3. Description of the viewing area as defined in Solana Beach Zoning Ordinance, Section 17.63.020(I) and extent of impairment:

see appended

4. Identify the portion of the proposed structure which is the most objectionable and suggestions to minimize the view impairment:

see appended

5. Description of the Claimants attempt(s) to resolve this issue with the owner/representative of the property for which a Structure Development Permit has been requested:

see appended

[Signature]
Signature of Applicant for Assessment

12-11-2022
Date Submitted

STAFF USE ONLY:

Application for Assessment fee paid?

[Signature]

Details per VAC Application Form [Appended herewith]

Project File: DRP22-013/ SDP22-011

APN: 263-321-21-00

- 1) Project Address:
228 N Helix Ave, Solana Beach, CA 92075
- 2) VAC Applicant, Address & Contact info:
Jill (& Jeremy) Martin, [REDACTED] N Helix Ave, Solana Beach, CA 92075; [REDACTED];
[REDACTED]
- 3) Viewing Area with Obstructed View:
Our single-story house has a primary viewing area within the living room and kitchen (open concept-style) from which a panorama of blue skies and palm trees, resembling a painted mural, is viewed looking out from our north-facing clerestory windows. At multiple timepoints throughout each year, we enjoy watching the returning families of nesting snowy egrets and yellow-crowned night herons from atop the very palm trees which are captured within this panoramic view. The next-door proposed structure at 228 N Helix would fully (100%) obstruct our view and replace the aesthetically pleasing sky and palm trees with an exterior wall of the structure. The loss of this view would also negatively impact the amount of natural light we experience day-to-day. I have attached multiple photos of the obstructed view from our north-facing clerestory windows and images of our 222 N Helix architectural plan (per our single-story remodel in 2018) which shows the floor plan of the primary viewing area and a north elevation showing our clerestory windows.
- 4) Proposed Offending Structure:
The portion of the proposed structure which is particularly objectionable is the 2nd story, at least the front-most portion thereof, positioned in direct alignment with our north-facing clerestory windows. This view obstruction can possibly be remedied by eliminating, minimizing, and/or offsetting the 2nd story in a manner which shifts the alignment of the 2nd story exterior wall away from our north-facing clerestory windows.
- 5) Description of Meetings with Owner/Representative of Project:
I met with the architect representing the buyers (prospective owners) on two occasions to discuss my objections to their proposed structure in so far as it pertained to our obstructed view as described above. [Note: The buyers are not yet owners. The buyers are in a long escrow and my understanding is that they have not yet closed escrow.] Our first meeting on Oct 20th, 2022, resulted in the architect/buyers adding several story poles for our discussion purposes. At our second meeting on Dec 5th, 2022, I was able to show the architect from inside our viewing area why the added discussion poles would not provide a resolution and would still result in a nearly 100% obstruction by the exterior wall of their proposed structure. While no resolution was reached at the conclusion of our 2nd meeting, the architect mentioned she would discuss some possible 2nd story design revisions with the buyers. I have not heard from the architect since our Dec 5th meeting.



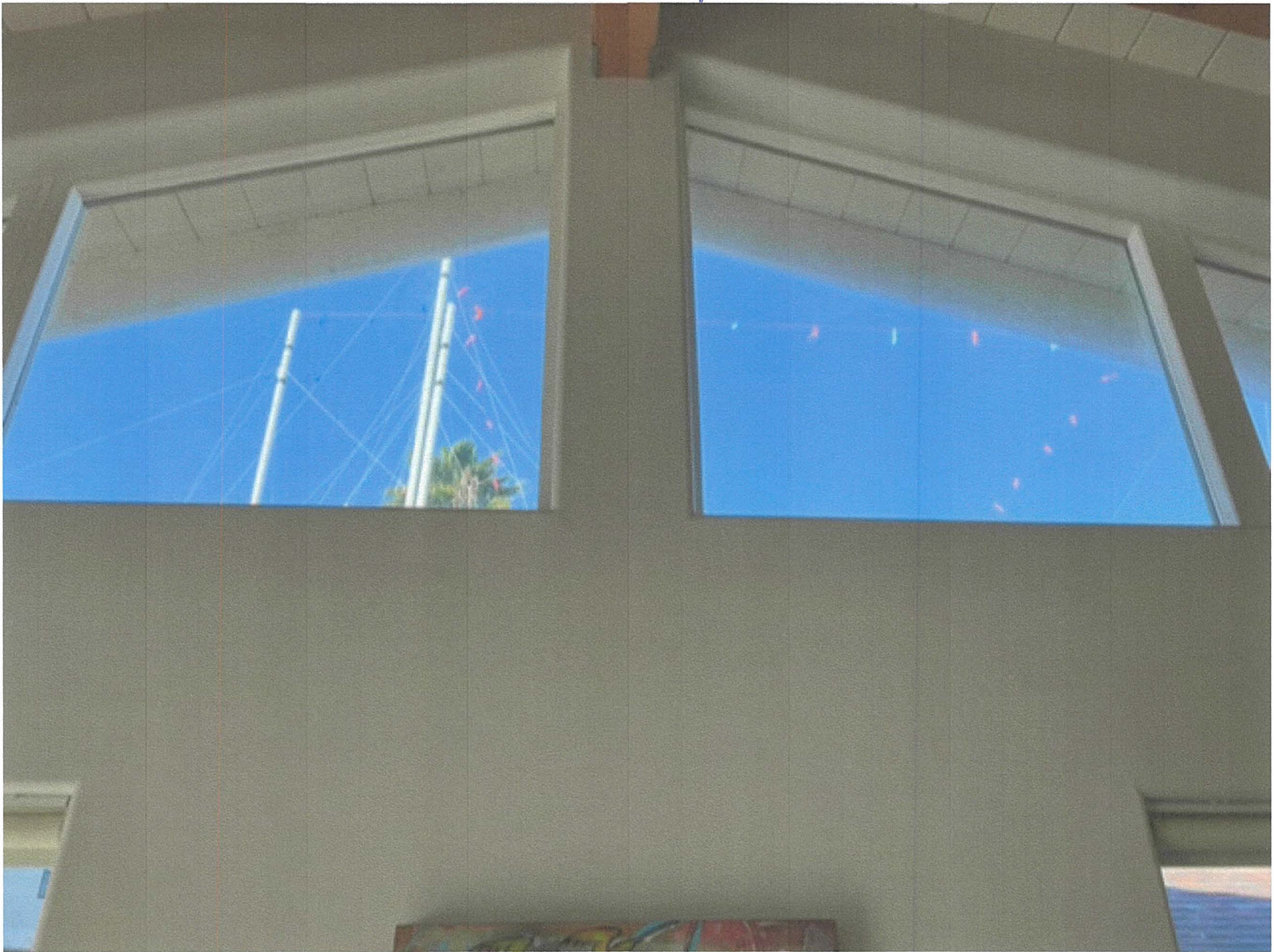
Show
in next
photo

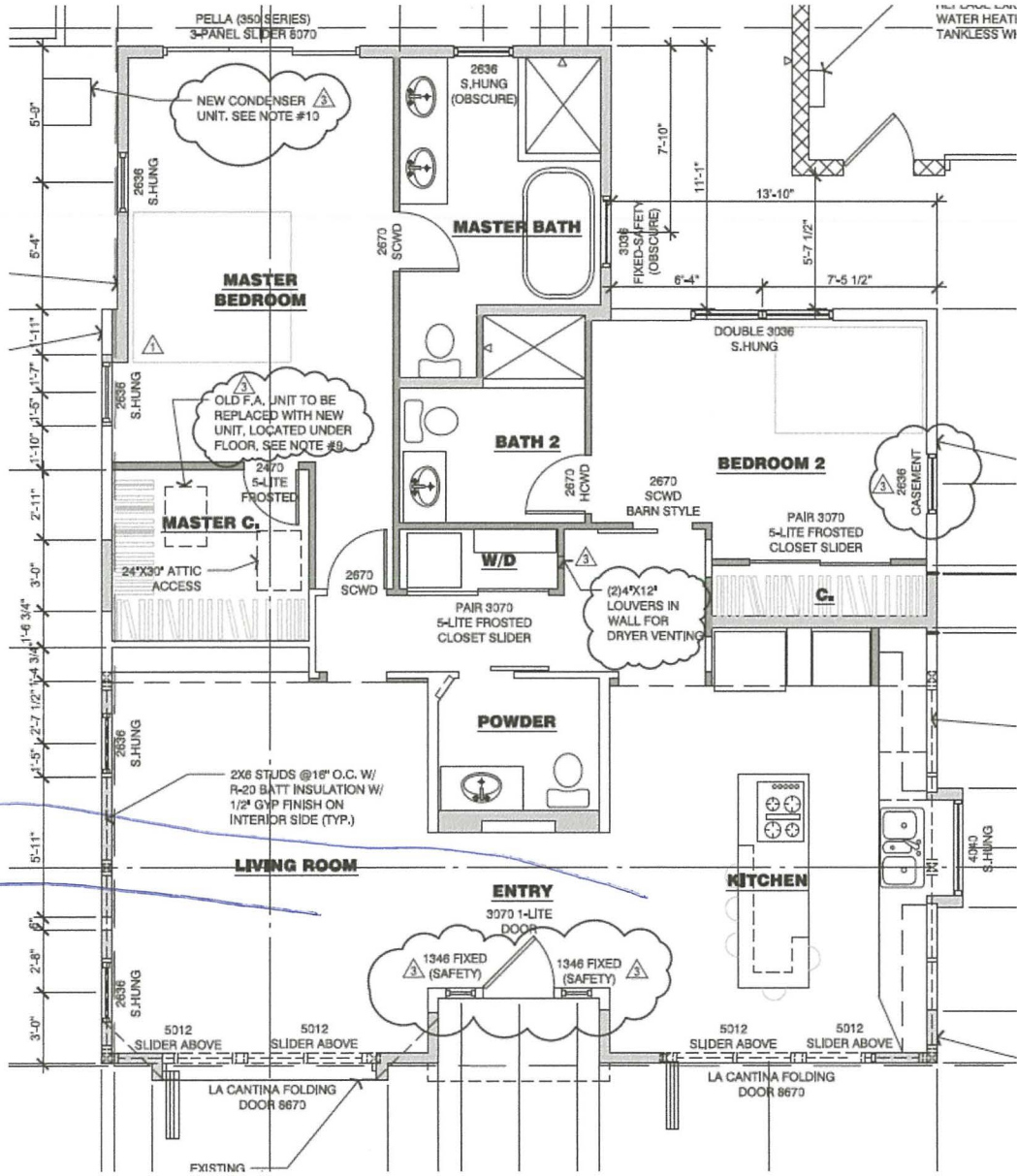
then
windows

Keep in mind there is another flag higher
out of view which will result in a view through
these windows of only an exterior wall

This view looks up the wall
through clerestory windows showing
the proposed exterior wall will fully

abstract
our
view

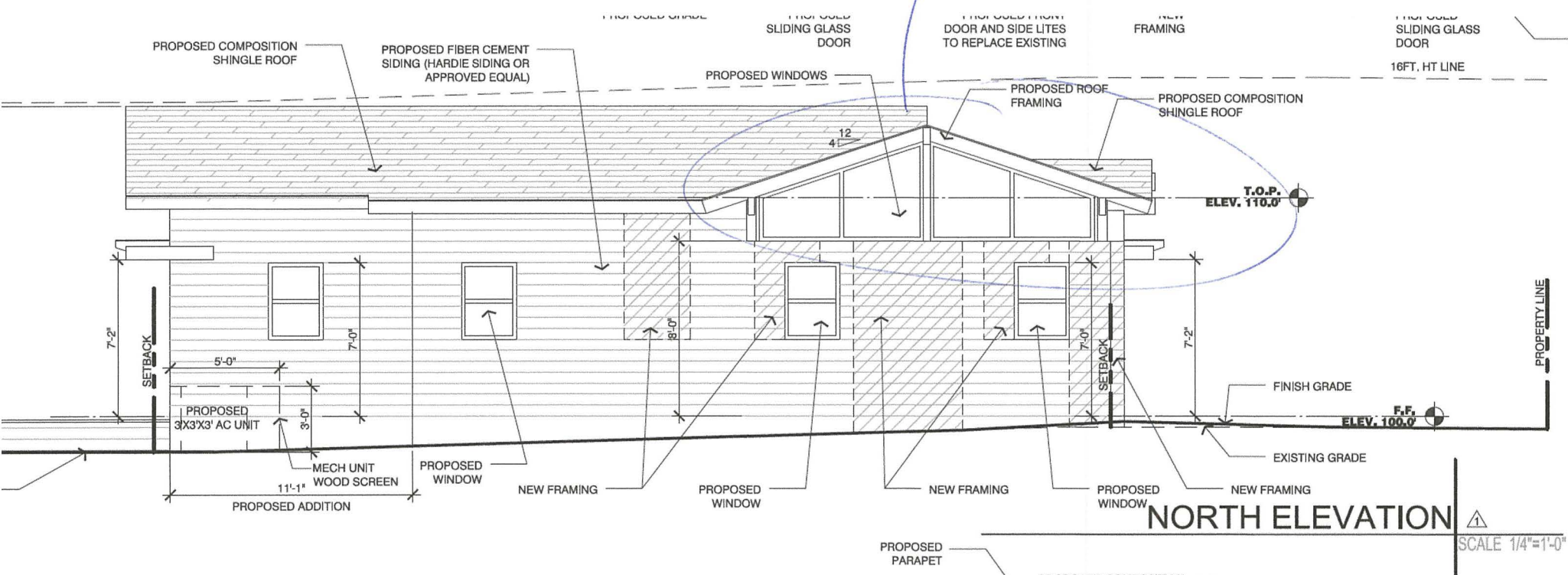




Viewing Area

due to high ceilings and open concept design, our viewing area is within living room & kitchen

these windows are fully constructed by proposed structure



PROPOSED COMPOSITION SHINGLE ROOF

PROPOSED FIBER CEMENT SIDING (HARDIE SIDING OR APPROVED EQUAL)

PROPOSED WINDOWS

EXISTING SLIDING GLASS DOOR

EXISTING FRONT DOOR AND SIDE LITES TO REPLACE EXISTING

NEW FRAMING

EXISTING SLIDING GLASS DOOR

16 FT. HT LINE

PROPOSED ROOF FRAMING

PROPOSED COMPOSITION SHINGLE ROOF

T.O.P. ELEV. 110.0'

F.F. ELEV. 100.0'

FINISH GRADE

EXISTING GRADE

PROPERTY LINE

NORTH ELEVATION

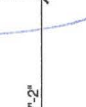
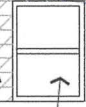
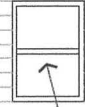
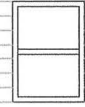
SCALE 1/4"=1'-0"

7'-2" SETBACK

PROPOSED 3'X3'X3' AC UNIT

MECH UNIT WOOD SCREEN

11'-1" PROPOSED ADDITION



5'-0"

3'-0"

8'-0"

7'-0"

7'-2"



PROPOSED PARAPET

PROPOSED COMPOSITION

Tiffany Wade

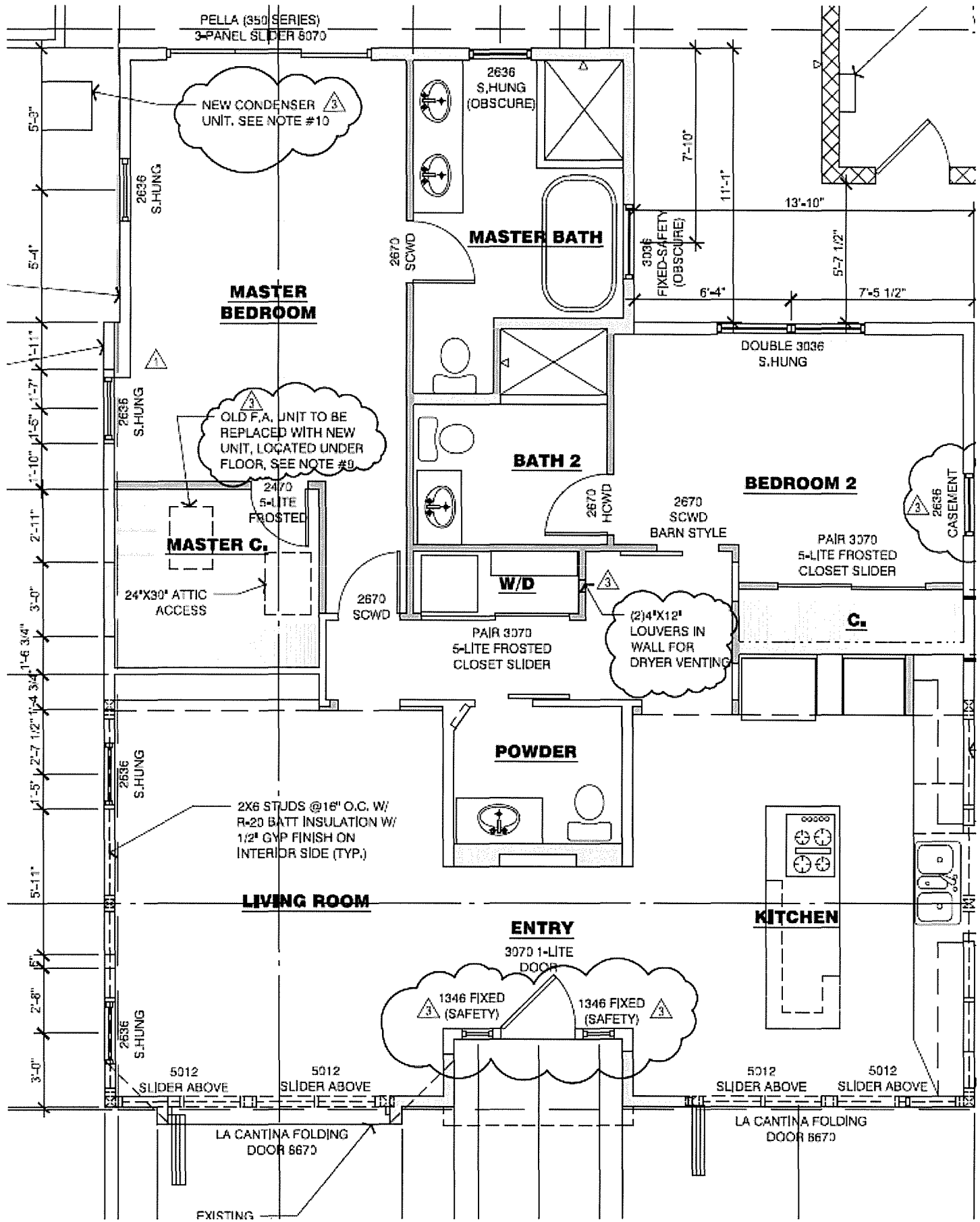
From: Jill Martin [REDACTED]
Sent: Sunday, December 11, 2022 10:43 AM
To: Corey Andrews
Cc: Jill D. Martin
Subject: VAC application submission re: 228 N Helix Project (APN: 263-321-21-00)
Attachments: Jill Martin_VAC application form.pdf; Jill Martin_VAC application.pdf

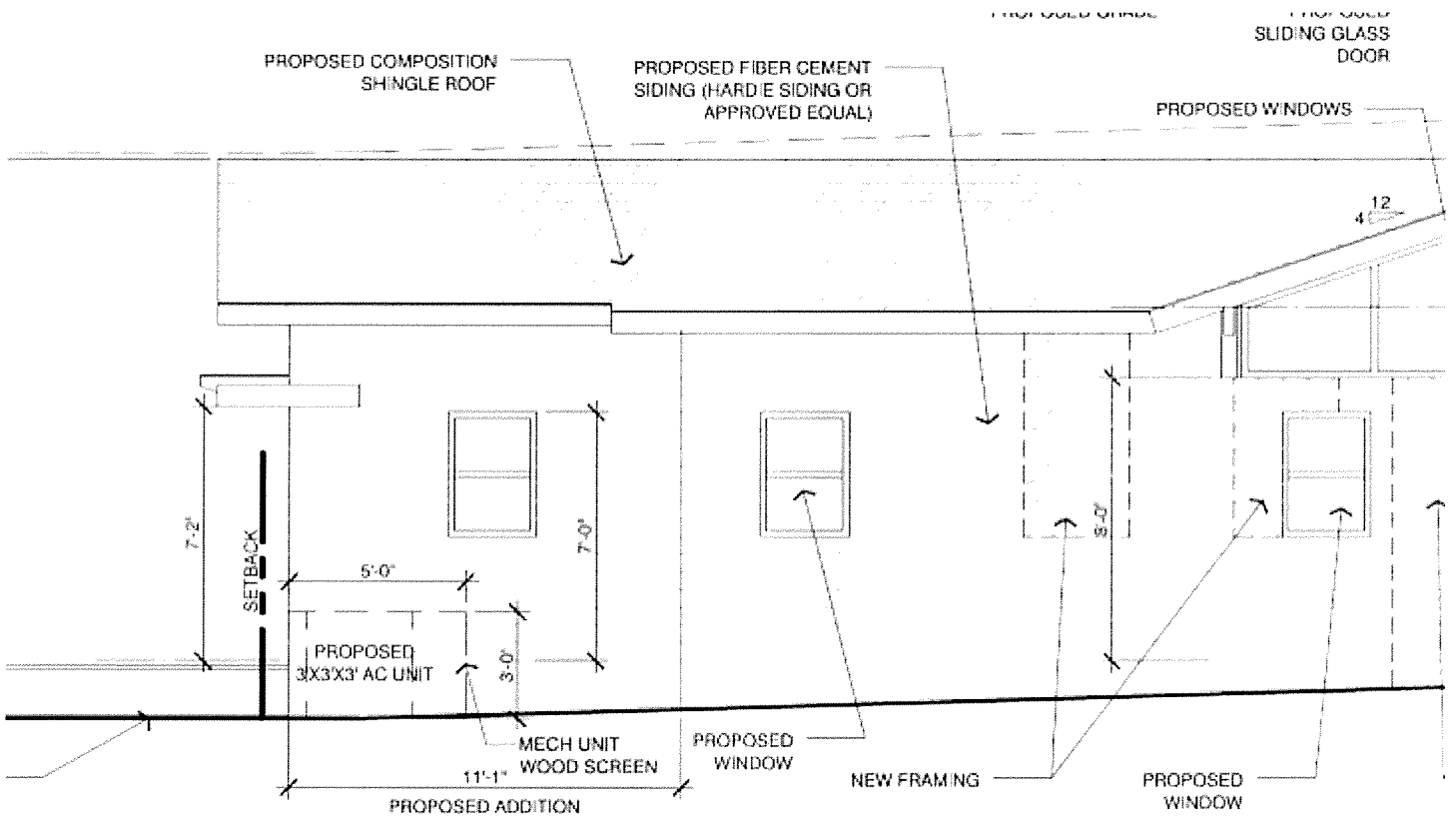
Hi Corey,

Many thanks for your time on the phone last Thursday regarding the VAC application submission process... Your feedback was very helpful! I will follow up this emailed submission with an in-person submission package which will include the application fee.

Best regards,
Jill

VAC Applicant: Jill Martin
[REDACTED] N Helix Ave.
Solana Beach, CA 92075
[REDACTED]
[REDACTED]





P





Tiffany Wade

From: Jill Martin [REDACTED]
Sent: Wednesday, February 1, 2023 3:31 PM
To: Corey Andrews
Subject: Re: VAC application submission re: 228 N Helix Project (APN: 263-321-21-00)

Hi Corey,

I wanted to supplement my file with the attached photos, if possible. The contractor who remodeled our house had done a photo shoot awhile ago and when I was looking through these photos the other day, I realized that their photographer captured the view through our north-facing clerestory windows in a manner consistent with my description of the view in my VAC application.

Many thanks,
Jill Martin



On Dec 11, 2022, at 10:42 AM, Jill Martin [REDACTED] wrote:

Hi Corey,

Many thanks for your time on the phone last Thursday regarding the VAC application submission process... Your feedback was very helpful! I will follow up this emailed submission with an in-person submission package which will include the application fee.

Best regards,

Jill

VAC Applicant: Jill Martin

█ N Helix Ave.

Solana Beach, CA 92075

█

█

<Jill Martin_VAC application form.pdf>

<Jill Martin_VAC application.pdf>

<Jill Martin_Primary View Area.png>

<Jill Martin_North facing clerestory windows.png>

<JillMartin_obstructed view.jpeg>

<JillMartin_obstructed view2.jpeg>

**APPLICATION FOR VIEW ASSESSMENT
(Structure Development Permit)**

Project No.: APN: 263-321-21-00


1. Address of property for which the structure development permit has been requested:
228 N. Helix Ave.

2. Provide the following information for the individual filing this Application for Assessment:
Name: Jill Martin
Address: [REDACTED] N. Helix Ave.
Phone Number: [REDACTED]
Email: [REDACTED]

3. Description of the viewing area as defined in Solana Beach Zoning Ordinance, Section 17.63.020(I) and extent of impairment:
appended herewith

4. Identify the portion of the proposed structure which is the most objectionable and suggestions to minimize the view impairment:
appended herewith

5. Description of the Claimants attempt(s) to resolve this issue with the owner/representative of the property for which a Structure Development Permit has been requested:
appended herewith


Signature of Applicant for Assessment

3-15-2023
Date Submitted

STAFF USE ONLY:

Application for Assessment fee paid? _____

Amended View Assessment Application & Application Form [Appended herewith]
Project File: DRP22-013/ SDP22-011; APN: 263-321-21-00

1) Project Address: 228 N Helix Ave, Solana Beach, CA 92075

2) VAC Applicant, Address & Contact info:

Jill (& Jeremy) Martin

██████ N Helix Ave, Solana Beach, CA 92075
████████████████████
████████████████████

3) Viewing Area with Obstructed View:

Our modest single-story house has a primary viewing area within the living room and kitchen (open concept-style) from which a panorama of blue skies and palm trees, resembling a painted mural, is viewed looking out from our north-facing clerestory windows. At multiple timepoints throughout each year, we enjoy watching the returning families of nesting snowy egrets and yellow-crowned night herons from atop the very palm trees captured within this panoramic view. Importantly, this view is enjoyed at varying angles depending upon where you are standing in the kitchen or in the living room and is our only aesthetically pleasing (and calming) unadulterated view of nature from inside our home. The next door proposed changes to the structure at 228 N Helix would obstruct this primary view and replace the aesthetically pleasing sky and palm trees with a sizeable portion of its exterior wall (see appended photo with shading). The loss of this view, even partially, would negatively impact the amount of natural light we experience day-to-day and ruin the aesthetic experience of viewing the sky and treetop mural. It is challenging to ascertain exactly which of the original story poles will remain as an obstruction. The shaded photo considers only new pole 23 but I believe other original or amended poles will still account for even more of an obstruction beyond that shown. Please also refer to the multiple photos provided in our original view assessment application showing the obstructed view from our north-facing clerestory windows and images of our 222 N Helix architectural plan (per our single-story remodel in 2018) which shows the floor plan of the primary viewing area and a north elevation showing our clerestory windows.



4) Proposed Offending Structure:

The portion of the proposed structure which is particularly objectionable is the overall height of the proposed structure and the front-most southwest portion of the 2nd floor, positioned in direct alignment with our north-facing clerestory windows. This view obstruction can possibly be remedied by eliminating, minimizing, and/or offsetting the 2nd story in a manner which shifts the alignment of the 2nd story exterior wall away (in a northeast direction) from our north-facing clerestory windows.

5) Description of Meetings with Owner/Representative of Project:

The architect, on behalf of the investors/ developers, has claimed in recent email correspondence with neighbors that the proposed changes, which prompted the city's second notification letter dated February 14, 2023, were in response to "ongoing coordination with neighbors." Indeed, the city's second notification letter states "[t]he Applicant has since revised the project to address neighborhood concerns." These statements are not true in our instance, nor do I know of any neighbor for whom these statements would be true. My last meeting with the architect on December 14th of 2022 ended unprofessionally on her part. I have not heard a word from her since. One of the investors/ developers* subsequently met with me on February 8th, 2023. At this meeting, the investor/ developer apologized to me for the architect's behavior, and I described to him why the proposed changes would not resolve my view issues. However, no further discussion with the investors/ developers has since transpired. So, it will be no surprise that we take issue with their characterization of the dynamic between us as "ongoing coordination" and "addressing neighborhood concerns."

*The investors /developers are not the actual owners yet. My understanding is that they are in a contractual long escrow and will not close until and if they get this SDP/DRP.

DEC 12 2022

APPLICATION FOR VIEW ASSESSMENT

(Structure Development Permit)

Community Development Dept.
Solana Beach

Project No.: DP R22-013/SDP22-011:APN:263-321-4-00

1. Address of property for which the structure development permit has been requested:

228 N. Helix Ave.
Solana Beach CA. 92075

2. Provide the following information for the individual filing this Application for Assessment:

Name: Vigomi Cium

Address: [REDACTED] N. S.erra Ave.

Phone Number: [REDACTED]

Email: [REDACTED]

3. Description of the viewing area as defined in Solana Beach Zoning Ordinance, Section 17.63.020(I) and extent of impairment:

see
appended

4. Identify the portion of the proposed structure which is the most objectionable and suggestions to minimize the view impairment:

see
appended

5. Description of the Claimants attempt(s) to resolve this issue with the owner representative of the property for which a Structure Development Permit has been requested:

see
appended

[Handwritten Signature]

Signature of Applicant for Assessment

12.12.22

Date Submitted

STAFF USE ONLY:

Application for Assessment fee paid?

[Handwritten Initials]

Details per VAC Application Form
(Appended Herewith)

**APPLICATION FOR VIEW ASSESSMENT
(Structure Development Permit)**

Project No. DPR22-013/SDP22-011:APN:263-321-21-00

1) Project Address:

228 North Helix Ave. Solana Beach, Ca 92075

2) VAC Applicant, Address & Contact Info:

Naomi Clum

█ North Sierra Ave, Solana Beach, CA 92075

█

█

3) Descriptoin of the viewing area as defined in Solana beach Zoning Ordinance,

Section 17.63.020(I) and extent of impairment: From my dining area the western view is blocked by the second story of the house. It also blocks that natural light coming in during the afternoon starting around 3 pm. The proposed second story and 12 inches above the normal building height would block the sunlight coming into my bedroom, kitchen and dining area. What is now a view of a tree line and blue skies along with the sun setting behind the bluff would be greatly impaired. I have sat and watched this over several days. Additionally it appears as if the second story would also have windows that would give the second story a direct view into all of the above stated areas.

4) Proposed Offending Structure/Suggestions for Remedy: The proposed second story at the North end of the property is the most offensive portion. It is above the normal acceptable height and is the area that blocks the view and light. This objectionable obstruction and height could be kept with the Solana Beach height limits and moved to the south eastern portion of the property, or the second story could be eliminated.

5) Description of Meetings with Owner/Representative of Project: I have been unable to personally meet due to my working hours.









beach let this be approved? Regulations and ordinances are put in place because that fits the community best. The house is not wanted due to the negative effects described above. It is outrageously over the building height and size! This should not be allowed at this location!

Naomi Camelia Clum











DEC 12 2022

Community Development Dept.
City of Solana Beach

APPLICATION FOR VIEW ASSESSMENT
(Structure Development Permit)

DRP 22-013

See Attachment

Project No.: _____

1. Address of property for which the structure development permit has been requested:

2. Provide the following information for the individual filing this Application for Assessment:
Name: _____
Address: _____
Phone Number: _____
Email: _____
3. Description of the viewing area as defined in Solana Beach Zoning Ordinance, Section 17.63.020(I) and extent of impairment: _____

4. Identify the portion of the proposed structure which is the most objectionable and suggestions to minimize the view impairment: _____

5. Description of the Claimants attempt(s) to resolve this issue with the owner/representative of the property for which a Structure Development Permit has been requested: _____

Anthony C. Adams

Signature of Applicant for Assessment

12-12-22

Date Submitted

STAFF USE ONLY:

Application for Assessment fee paid?

J.R.

APPLICATION FOR VIEW ASSESSMENT (Structure Development Permit)

Project No.: DRP22-013/SDP22-011

APN: 263-321-21-00

1. Address of property for which the structure development permit has been requested:

228 N Helix Ave, Solana Beach, CA 92075

2. Provide the following information for the individual filing this Application for Assessment:

Anthony Gatti

[REDACTED] N Helix Ave, Solana Beach, CA. 92075
[REDACTED]
[REDACTED]

3. Description of the viewing area as defined in Solana Beach Zoning Ordinance, Section 17.63.020(I) and extent of impairment:

Our two (2) story home was constructed in 2008 and purchased by our family in May 2021. Our home sits lower on the street due to the natural slope of the land and was specifically designed for the primary view to be the second floor landing at the top of the staircase connecting the first floor to the second floor, along with the master bedroom windows facing north directly in the primary view path of the proposed development.

One of the main architectural features of our house that was emphasized in the marketing of our house were the large windows and the unobstructed primary view to the north. The two (2) and only exterior walls at the top of the second floor landing are designed to include six(6) feet of windows to provide natural light to flow through the house and to capture a picturesque primary view of the existing palm trees, hills of Solana Beach and natural nesting of birds in the trees.

The proposed structure would obstruct our existing primary view.

4. Identify the portion of the proposed structure which is the most objectionable and suggestions to minimize the view impairment:

The second (2nd) story height of the proposed structure and its set-back on the south side of the structure is the most objectionable.

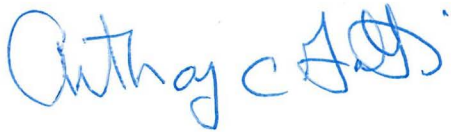
If the proposed structure eliminated or minimized its 2nd story and/or shifted the layout of the proposed 2nd floor from the south side of the property line to the north side of the property line, this would preserve some of the existing primary view corridor at our house.

5. Description of the Claimants attempt(s) to resolve this issue with the owner/ representative of the property for which a Structure Development Permit has been requested:

We have had very minimal outreach/communication from the potential owners. It is our understanding a partnership of individuals have entered into a long escrow of over 1-year with a business plan to develop a spec home to be sold as an investment.

The partnership/owners have designated their architect as the main contact for communication. The owners/architect held one neighborhood outside meeting. At this meeting, we invited the architect into our home to view, first hand, our primary view from our 2nd floor landing. We stated our position that our primary view would be significantly compromised by the proposed structure.

We have responded in a timely fashion to the architect's emails. In our opinion, there have been very minimal proposed changes from the owners/architect. Their main theme of communication has been to dismiss our concerns that our 2nd floor landing is our primary view.



Signature of Applicant for Assessment

Date Submitted 12-12-22

STAFF USE ONLY:

Application for Assessment fee paid? _____

6-2019

AMENDED (3/16/23) APPLICATION FOR VIEW ASSESSMENT (Structure Development Permit)

Project No.: DRP22-013/SDP22-011
APN: 263-321-21-00

1. Address of property for which the structure development permit has been requested:

228 N Helix Ave, Solana Beach, CA 92075

2. Provide the following information for the individual filing this Application for Assessment:

Anthony Gatti
[REDACTED] N Helix Ave, Solana Beach, CA. 92075

3. Description of the viewing area as defined in Solana Beach Zoning Ordinance, Section 17.63.020(I) and extent of impairment:

Our two (2) story home was constructed in 2008 and purchased by our family in May 2021. Our home sits lower on the street due to the natural slope of the land and was specifically designed for the primary view to be the second floor landing at the top of the staircase connecting the first floor to the second floor, along with the master bedroom windows facing north directly in the primary view path of the proposed development.

One of the main architectural features of our house that was emphasized in the marketing of our house were the large windows and the unobstructed primary view to the north. The two (2) and only exterior walls at the top of the second floor landing are designed to include six(6) feet of windows to provide natural light to flow through the house and to capture a picturesque primary view of the existing palm trees, hills of Solana Beach and natural nesting of birds in the trees.

The proposed structure would obstruct our existing primary view.

Unfortunately, the amended story poles did not provide a solution for blocking our view and light into our home. I have included photos that show how the proposed structure completely blocks our view and natural light.



CITY OF SOLANA BEACH
View Assessment Commission Action Minutes
Tuesday, April 18, 2023 - 6:00 P.M. Regular Mtg.
City Hall/Council Chambers
635 South Highway 101, Solana Beach, CA 92075

Minutes contain a summary of the discussions and actions taken by the View Assessment Commission during a meeting are video recorded and archived as a permanent record. The video recording captures the complete proceedings of the meeting and is available for viewing on the City's website.

1. CALL TO ORDER and ROLL CALL

Chairperson Cohen called the View Assessment Commission Meeting to order at 6:01 PM on Tuesday, April 18, 2023, in the Council Chambers at 635 South Highway 101, Solana Beach.

Present: VAC Members: Matthew Cohen, Robert Moldenhauer, Linda Najjar, Frank Stribling, Rich Villasenor, and Robert Zajac

Staff Members: Joseph Lim, Community Development Director; Tiffany Wade, Associate Planner; John Delmer, Assistant Planner; and Tim Campen, Deputy City Attorney.

Absent: Pat Coad

2. ORAL COMMUNICATIONS (Speaker time limit: 3 minutes)

There were no speakers.

3. APPROVAL OF AGENDA

Chairperson Cohen called for a motion to approve the agenda. Motion made by Commissioner Zajac, seconded by Commissioner Moldenhauer, which passed 6/0/1 (Absent: Coad)

4. APPROVAL OF MINUTES

A. February 21, 2023

Chairperson Cohen called for a motion to approve the February 21, 2023, Minutes. Motion made by Commissioner Moldenhauer to approve the minutes, seconded by Commissioner Najjar, which passed 6/0/1 (Absent: Coad)

5. Staff Comments / Discussion (10 minutes total)

There were no Staff Comments.

Note: Speaker time limits:

- **Applicant, including representatives:** total of 15 minutes
- **Claimant, including representatives:** total of 15 minutes
- **Public speakers:** 3 minutes each
(may be reduced based on number of speakers, not to exceed 20 minutes total)
- **Applicant, response to any new info:** total of 5 minutes

Chairperson Cohen read the Chairperson preamble.

6. DRP22-013/SDP22-011 Bowers Residence – 228 N Helix Ave., Solana Beach

Applicant Information:

Name: Ryan Bowers
Phone: [REDACTED]
Email: [REDACTED]

Architect:

Name: Jennifer Bolyn, EOS Architecture
Phone: (858) 459-0575
Email: jen@eosarc.com

Claimant Information:

Name: Jill Martin
Address: [REDACTED] N. Helix Ave.
Phone: [REDACTED]
Email: [REDACTED]

Name: Naomi Clum
Address: [REDACTED] N. Sierra Ave.
Phone: [REDACTED]
Email: [REDACTED]

Name: Anthony Gatti
Address: [REDACTED] N. Helix Ave.
Phone: [REDACTED]
Email: [REDACTED]

Project Description:

The Applicant is requesting the approval of a Development Review Permit (DRP) and Structure Development Permit (SDP) for a new two-story single-family residence with a basement and attached two-car garage. The 4,491 square-foot lot is located within the Medium Residential (MR) Zone and the Scaled Residential Overlay Zone (SROZ). The following is a breakdown of the new proposed floor area:

Proposed Basement	1,593 SF
Proposed First Floor	1,111 SF
Proposed Second Floor	1,025 SF
Covered and Enclosed Exterior Area	40 SF
Proposed Garage	454 SF
<hr/> Subtotal	<hr/> 4,223 SF
Basement Exemption	- 1,593 SF
Required Parking Exemption	- 400 SF
<hr/> Total Floor Area Proposed	<hr/> 2,230 SF

Maximum Allowable Floor Area (SROZ)	2,246 SF
-------------------------------------	----------

The project would include grading in the amount of 1,060 CY aggregate. **The tallest point of new construction is proposed at 24.55 feet above the proposed grade with a pole height of 85.33 MSL, the highest point of new construction has a pole height of 86.33 MSL.** The project requires a DRP for three reasons: 1) a structure that exceeds 60% of the maximum allowable floor area; 2) a new second story that exceeds 35% of the first-floor area, and; 3) aggregate grading that exceeds 100 CY.

Chairperson Cohen opened the public hearing, and the Commissioners stated their disclosures (as shown on table below) regarding dates they visited the properties.

Chairperson Cohen asked staff for clarification on the story poles currently on site, Staff clarified that the proposal currently under review is represented by the story poles with orange and green flags. The story poles with the pink and blue flags represent a previous design.

Tiffany Wade, Associate Planner, gave a PowerPoint presentation describing the project. A copy of the PowerPoint will be included in the project file.

Ryan Bowers, Applicant, and Jennifer Bolyn, Architect, gave a PowerPoint presentation describing the intent of the proposed design. A copy of the PowerPoint presentation will be included in the project file.

Jill Martin (222 N Helix Ave.), Claimant, presented a PowerPoint presentation describing her concerns of view obstruction resulting from the proposed project. A copy of the PowerPoint presentation will be included in the file.

Naomi Clum (219 N Sierra Ave.), Claimant, presented a PowerPoint presentation describing her concerns of view obstruction resulting from the proposed project. A copy of the PowerPoint presentation will be included in the file.

Anthony Gatti (218 N Helix Ave), Claimant, presented a PowerPoint presentation describing his concerns of view obstruction resulting from the proposed project. A copy of the PowerPoint presentation will be included in the file.

Chair Cohen noted that the VAC members received a written public comment from the property owners of 211 N Sierra.

Kale Major (217 N Sierra), provided a public comment on agenda item #6 and stated that he believes the proposed project is incompatible with the surrounding neighborhood.

Ms. Bolyn responded to the items that were brought up by the Claimants and public speaker.

The Commissioners had questions for Ms. Bolyn, she addressed all questions.

VAC Meeting Minutes
Tuesday, April 18, 2023
Page 4 of 5

Chairperson Cohen closed the public hearing, and the commissioners made their findings as shown in the tables below.

Jill Martin ■■■ N Helix Ave		Coad	Villasenor	Cohen	Moldenhauer	Stribling	Zajac	Najjar
Date Visited	Claimant		4/14	4/14	4/15	4/15	4/15	4/14
	Applicant		4/14	4/14	4/15	4/15	4/15	4/14
Primary Viewing Area			Living Room / Kitchen	Living Room / Kitchen	Living Room / Kitchen	Primary Bedroom	Living Room / Kitchen	Kitchen
#1. Communication Taken Place			Y	Y	Y	Y	Y	Y
#2. No Public View Impairment			Y	Y	Y	Y	Y	Y
#3. Designed to Minimize View Impairment			N	N	N	Y	N	N
#4. No Cumulative View Impairment			N	N	N	Y	N	N
#5. Neighborhood Compatibility			Y	N	N	N	Y	Y

Naomi Clum ■■■ N Sierra		Coad	Villasenor	Cohen	Moldenhauer	Stribling	Zajac	Najjar
Date Visited	Claimant		4/14	4/17	4/15	4/15	4/15	4/14
	Applicant		4/14	4/17	4/15	4/15	4/15	4/14
Primary Viewing Area			Living Room / Dining Room	Kitchen / Sitting Area	Living Room / Dining Room	Primary Bedroom	Living Room / Dining Room	Kitchen
#1. Communication Taken Place			Y	Y	Y	Y	Y	Y
#2. No Public View Impairment			Y	Y	Y	Y	Y	Y
#3. Designed to Minimize View Impairment			Y	Y	Y	Y	Y	Y
#4. No Cumulative View Impairment			Y	N	Y	Y	N	Y
#5. Neighborhood Compatibility			Y	N	Y	N	Y	Y

Anthony Gatti [REDACTED] N Helix Ave		Coad	Villasenor	Cohen	Moldenhauer	Stribling	Zajac	Najjar
Date Visited	Claimant		4/14	4/18	4/15	4/15	4/15	4/14
	Applicant		4/14	4/18	4/15	4/15	4/15	4/14
Primary Viewing Area			Primary Bedroom	Primary Bedroom	Primary Bedroom	Primary Bedroom	2 nd Level Deck	Primary Bedroom
#1. Communication Taken Place			Y	Y	Y	Y	Y	Y
#2. No Public View Impairment			Y	Y	Y	Y	Y	Y
#3. Designed to Minimize View Impairment			N	N	N	N	Y	N
#4. No Cumulative View Impairment			N	N	N	Y	N	N
#5. Neighborhood Compatibility			Y	N	N	N	Y	Y

Chairperson Cohen opened the public hearing and made a motion to recommend denial of the project to the City Council, seconded by Zajac, which passed 6/0/1. (Absent: Coad)

7. VAC Member Comments / Discussion (10 minutes total)

Chairperson Cohen welcomed Deputy City Attorney Tim Campen to the View Assessment Commission.

8. ADJOURNMENT

Chairperson Cohen adjourned the meeting at 8:27 PM.

Minutes as approved by V.A.C. on _____.

Respectfully submitted,

 John Delmer, Assistant Planner

 Joseph Lim, Community Development Director



CITY OF SOLANA BEACH

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CITY OF SOLANA BEACH

View Assessment Commission Notice of Recommendation

Tuesday, April 18, 2023 - 6:00 P.M. Regular Mtg.

PROJECT CASE NO: DRP22-013/SDP22-011 Bowers Residence

PROJECT LOCATION: 228 N Helix Ave, Solana Beach

APPLICANT NAME: Ryan Bowers

APPLICANT CONTACT: Jennifer Bolyn, EOS Architecture

PRESENT VAC MEMBERS: Matt Cohen, Robert Moldenhauer, Frank Stribling, Linda Najjar, Rich Villasenor and Robert Zajac

STAFF MEMBERS: Joseph Lim, Community Development Director; Tim Campen, Assistant City Attorney; Tiffany Wade, Assistant Planner; John Delmer, Junior Planner

ABSENT: Pat Coad

ASSESSMENT FILED BY:

1. Name: Jill Martin
Address: [REDACTED] N. Helix Ave.
2. Name: Naomi Clum
Address: [REDACTED] N. Sierra Ave.
3. Name: Anthony Gatti
Address: [REDACTED] N. Helix Ave.

PROJECT DESCRIPTION:

The Applicant is requesting the approval of a Development Review Permit (DRP) and Structure Development Permit (SDP) for a new two-story single-family residence with a basement and attached two-car garage. The 4,491 square-foot lot is located within the Medium Residential (MR) Zone and the Scaled Residential Overlay Zone (SROZ). The following is a breakdown of the new proposed floor area:

Proposed Basement	1,593 SF
Proposed First Floor	1,111 SF
Proposed Second Floor	1,025 SF
Covered and Enclosed Exterior Area	40 SF
Proposed Garage	454 SF
<u>Subtotal</u>	<u>4,223 SF</u>
Basement Exemption	- 1,593 SF
Required Parking Exemption	- 400 SF
Total Floor Area Proposed	2,230 SF
Maximum Allowable Floor Area (SROZ)	2,246 SF

The project would include grading in the amount of 1,060 CY aggregate. **The tallest point of new construction is proposed at 24.55 feet above the proposed grade with a pole height of 85.33 MSL, the highest point of new construction has a pole height of 86.33 MSL.** The project requires a DRP for three reasons: 1) a structure that exceeds 60% of the maximum allowable floor area; 2) a new second story that exceeds 35% of the first-floor area, and; 3) aggregate grading that exceeds 100 CY.

VAC RECOMMENDATION:

The project was heard at the regularly scheduled, April 18, 2023, VAC meeting. After the Commissioners presented their findings Chair Cohen motioned to recommend denial of the project, seconded by Commissioner Zajac. Motion passed 6/0/1 (Absent: Coad)

FINDINGS:

1. The Applicant for the Structure Development Permit has made a reasonable attempt to resolve the view impairment issues with the Claimants requesting view assessment. Written evidence of a good faith voluntary effort to meet and discuss view issues, or of a good faith voluntary offer to submit the matter to mediation, is hereby deemed to be a reasonable attempt to resolve view impairment issues.

Claimant 1: Jill Martin, 222 N Helix Ave.

Yes – Written accounts and oral testimony at the public meeting showed that there had been communication between the Applicant and the Claimant.

Claimant 2: Naomi Clum, 219 N Sierra Ave.

Yes – Written accounts and oral testimony at the public meeting showed that there had been communication between the Applicant and the Claimant.

Claimant 3: Anthony Gatti, 218 N Helix Ave.

Yes – Written accounts and oral testimony at the public meeting showed that there had been communication between the Applicant and the Claimant.

2. The proposed structure does not significantly impair any view from public property (parks, major thoroughfares, bikeways, walkways, equestrian trails), which has been identified in the City's General Plan or City designated viewing areas.

Claimant 1: Jill Martin, [REDACTED] N Helix Ave.

Yes – The subject property is not located within designated public viewing areas; therefore, the proposed structure does not significantly impair views from public property.

Claimant 2: Naomi Clum, [REDACTED] N Sierra Ave.

Yes – The subject property is not located within designated public viewing areas; therefore, the proposed structure does not significantly impair views from public property.

Claimant 3: Anthony Gatti, [REDACTED] N Helix Ave.

Yes – The subject property is not located within designated public viewing areas; therefore, the proposed structure does not significantly impair views from public property.

3. The proposed structure is designed and situated in such a manner as to minimize impairment of views.

Claimant 1: Jill Martin, [REDACTED] N Helix Ave.

No – The majority (5 of 6) of the present VAC members found that the proposed residence was not designed or situated to minimize impairment of views.

Claimant 2: Naomi Clum, [REDACTED] N Sierra Ave.

Yes – The present VAC members unanimously found that the proposed residence was designed or situated to minimize impairment of views.

Claimant 3: Anthony Gatti, [REDACTED] N Helix Ave.

No – The majority (5 of 6) of the present VAC members found that the proposed residence was not designed or situated to minimize impairment of views.

4. There is no significant cumulative view impairment caused by granting the application as proposed.

Claimant 1: Jill Martin, [REDACTED] N Helix Ave.

No – The majority (5 of 6) of the present VAC members found that there would be significant cumulative view impairment caused by granting the application if adjacent lots were allowed to construct a development of a similar size and height.

Claimant 2: Naomi Clum, [REDACTED] N Sierra Ave.

Yes – The majority (4 of 6) of the present VAC members found that there would not be significant cumulative view impairment caused by granting the application if adjacent lots were allowed to construct a development of a similar size and height.

Claimant 3: Anthony Gatti, [REDACTED] N Helix Ave.

No – The majority (5 of 6) of the present VAC members found that there would be significant cumulative view impairment caused by granting the application if adjacent lots were allowed to construct a development of a similar size and height.

5. The proposed structure is compatible with the immediate neighborhood character.

Claimant 1: Jill Martin, [REDACTED] N Helix Ave.

Divided – The present VAC members were split (3 to 3) when voting on the compatibility of the proposed development with the immediate neighborhood character.

Claimant 2: Naomi Clum, [REDACTED] N Sierra Ave.

Yes – The majority (4 of 6) of the present VAC members found that the proposed development is compatible with the immediate neighborhood character. The development would be compatible with the existing neighboring structures in terms of design, bulk, scale, height and size.

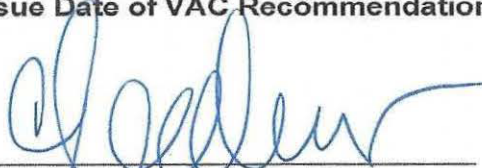
Claimant 3: Anthony Gatti, [REDACTED] N Helix Ave.

Divided – The present VAC members were split (3 to 3) when voting on the compatibility of the proposed development with the immediate neighborhood character.

VAC Vote:

Chair Cohen motioned to recommend denial of the project, seconded by Commissioner Zajac. Motion passed 6/0/1 (Absent: Coad)

Issue Date of VAC Recommendation: April 18, 2023



Corey Andrews, Principal Planner
Staff Liaison, View Assessment Committee



Matthew Cohen, Chair
View Assessment Committee



CITY OF SOLANA BEACH

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STORY POLE HEIGHT CERTIFICATION

Date: JUNE 1, 2023

Assessor's Parcel No.: 263-321-21

Site Address: 228 N HELIX AVE

Owner's Name: BOWER

This is to certify that on JUNE 1, 2023 the story poles located on the above referenced site were surveyed by the undersigned, and found to be in conformance with the attached story pole plot plan. In addition, the following measurements were found:

Highest point of the story poles:	<u>84.50'</u>	(M.S.L.)*	SP#43
Pre-existing grade:	<u>61.11'</u>	(M.S.L.)*	
Finished grade elevation:	<u>63.50'</u>	(M.S.L.)*	
Finished floor elevation:	<u>—</u>	(M.S.L.)*	

TOTAL MAXIMUM HEIGHT: 23.39

PLEASE NOTE: The story poles must show and include the total height must include roofing materials. At framing inspection, a Height Certification will be required which must be in exact conformance with the maximum height shown on Story Pole Height Certification

For additional information, please contact me at 760-224-7653 (phone number)

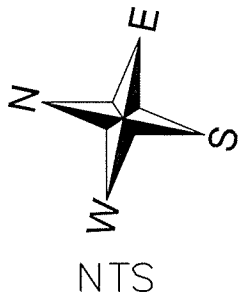

Licensed Land Surveyor



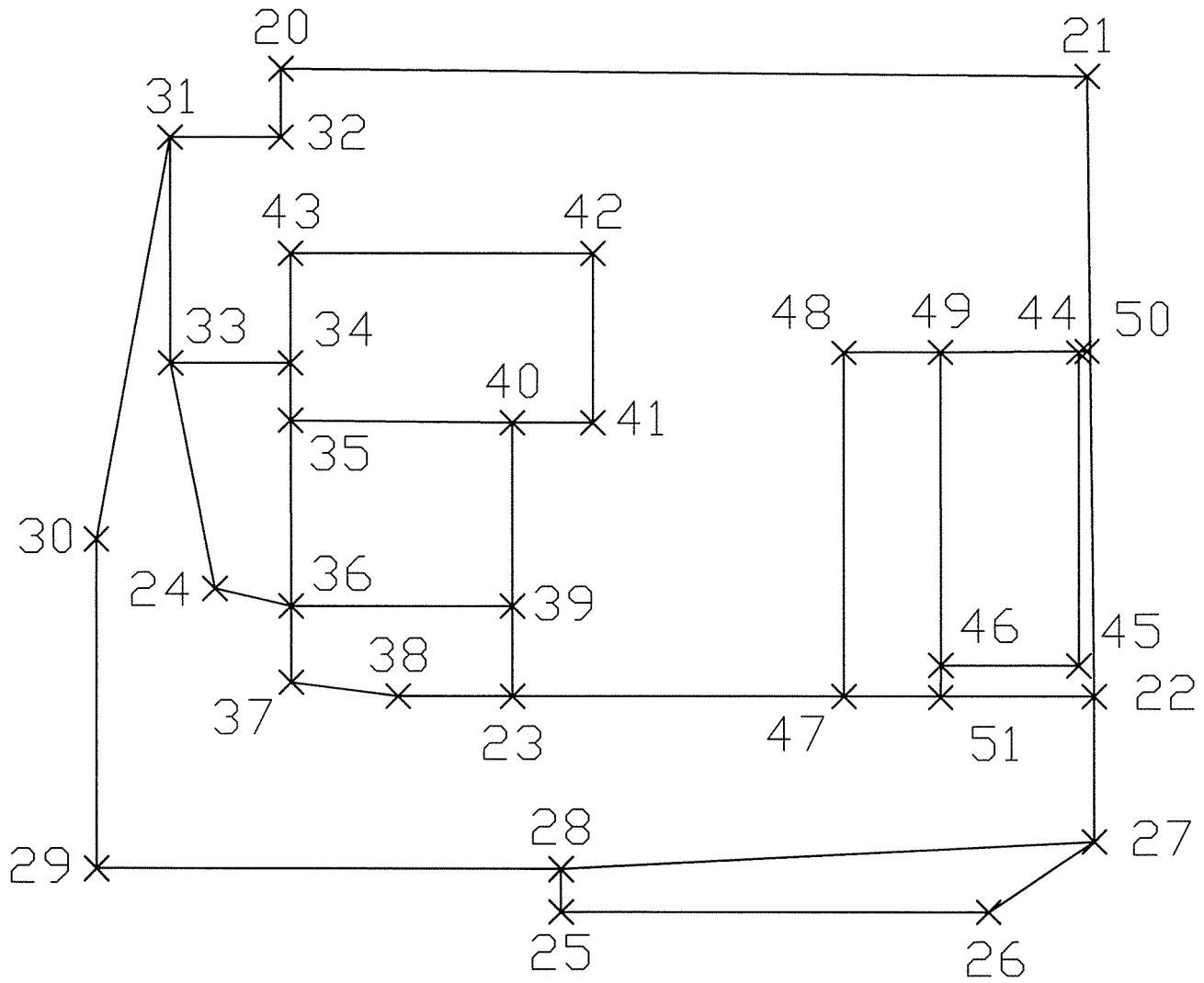
Seal of Registration:

*Mean Sea Level (MSL) — all measurements must utilize an established benchmark that will not change over the course of the project. TOP OF WALL @ COR OF WALL BTWN SITE

WTR MTR'S "TW" (PER TOPO) ELEV. = 67.77'



BOWERS RESIDENCE
228 N. HELIX AVE
CSP 22-1661R1



C-STORY POLES, INC.

Chris Collins PLS 8591
 POB 230972 Encinitas, CA 92023
 (760) 224-7653 chris@cstorypoles.com

Bowers Residence
 228 North Helix Avenue
 W.O. CSP 22-1661RR
 CC, SM, RM

6/1/2023
 Page 1 of 1

* "T" T-post, "B" Bucket, "R" Roof, "FS" Finished Surface

SP#	BASE ELEV	PLAN ELEV	C/F LENGTH	DESCRIPTION *
20	60.68	83.50	F - 22.82	B
21	61.47	83.50	F - 22.03	T
22	72.80	74.17	F - 1.37	R
23	63.10	83.50	F - 20.40	UPR T
	63.10	81.81	F - 18.71	LWR
24	62.86	76.17	F - 13.31	T
25	64.09	72.67	F - 8.58	T
26	71.09	72.67	F - 1.58	R
27	71.56	74.17	F - 2.61	UPR R
	71.56	72.67	F - 1.11	LWR
28	63.65	74.17	F - 10.52	UPR T
	63.65	72.67	F - 9.02	LWR
29	63.68	74.17	F - 10.49	T
30	62.57	74.17	F - 11.60	T
31	60.83	83.50	F - 22.67	UPR B
	60.83	74.17	F - 13.34	LWR
32	60.79	83.50	F - 22.71	B
33	61.81	83.50	F - 21.69	UPR B
	61.81	76.17	F - 14.36	LWR
34	61.72	83.50	F - 21.78	B
35	62.08	84.50	F - 22.42	UPR T
	62.08	82.33	F - 20.25	LWR
36	63.05	82.33	F - 19.28	UPR T
	63.05	76.17	F - 13.12	LWR
37	63.23	76.17	F - 12.94	T
38	63.49	81.81	F - 18.32	UPR T
	63.49	76.17	F - 12.68	LWR
39	63.01	82.33	F - 19.32	T
40	62.33	83.50	F - 21.17	T
41	62.38	84.50	F - 22.12	T

42	64.61	84.50	F - 19.89	WOOD DECK
43	61.11	84.50	F - 23.39	B
44	72.52	79.50	F - 6.98	R
45	72.60	79.50	F - 6.90	R
46	74.84	79.50	F - 4.66	R
47	73.41	83.50	F - 10.09	UPR
	73.41	81.81	F - 8.40	LWR
48	73.49	83.50	F - 10.01	R
49	74.79	81.81	F - 7.02	R
50	72.38	83.50	F - 11.12	R
51	74.84	81.81	F - 6.97	R



Attn: View Assessment Council Members
c/o Ms. Tiffany Wade
Associate Planner, Community Development Department
City of Solana Beach
635 South Highway 101

RE: DRP22-013/ SDP22-011
North Helix Residence
228 North Helix Avenue
Solana Beach, CA

September 13, 2023

Dear Members of City Council,

Thank you for granting the continuance for this project. We have made extensive design modifications based on the feedback of the City Council and the neighbors. The story poles reflect these changes. The proposed modifications reduced the envelope from that which was reviewed by City Council at the June 14th meeting, as follows:

Description of changes:

- Reduced the height of building by 1'-0" at master closet.
- Reduced the second floor by 301 square feet, omitting east facing office.
- Reduced second floor deck by 61 square feet.
- Reduced the second floor on the west side 7'-6" feet to the east in order to create a view corridor for the southerly neighbors.
- Note: The building was reduced an additional 1ft on the west side from the current location of story poles #12 and #14, in order to improve view access for southerly neighbors.
- We omitted all non – privacy, second story windows from eastern and southern walls. The east facing windows are high clerestory for light and air only, there are no windows on the second floor southerly facing façade.
- We added façade articulation and reduced the bulk and mass on the east facing wall. This was done by omitting the office and relocating the elevator. The length of the eastern most second floor wall was reduced by 16'-5 3/8" feet.
- We lowered the first-floor level and rear yard by 1.83 feet.
- Note: The grade in the existing easterly easement area (five feet wide along the eastern property line) matches the existing grade and is being modified to improve drainage.
- We have sent all plan revisions to all immediate neighbors, and we have conversations with all neighbors in order to address their concerns to the extent possible.
- The first floor increased in size slightly (not beyond the previously poled envelope) to align with the second floor on the rear façade. This was done to reduce the stair projection to the west on the second floor and make the second-floor envelope reductions possible. The first floor was increased by 32 square feet. We are now 283 square feet (12.5%) below the allowable FAR for this lot.
-

Please see attached diagrams that help explain these modifications. We have significantly reduced the bulk and scale of this project to integrate neighbor and City Council feedback and we now feel that the project is in concert with the bulk and scale of the neighborhood.

Thank you for your consideration and warmest regards.

Jennifer Bolyn, AIA Principal Architect



NORTH HELIX AVE - PROPOSED DESIGN



NORTH HELIX AVE - PROPOSED DESIGN



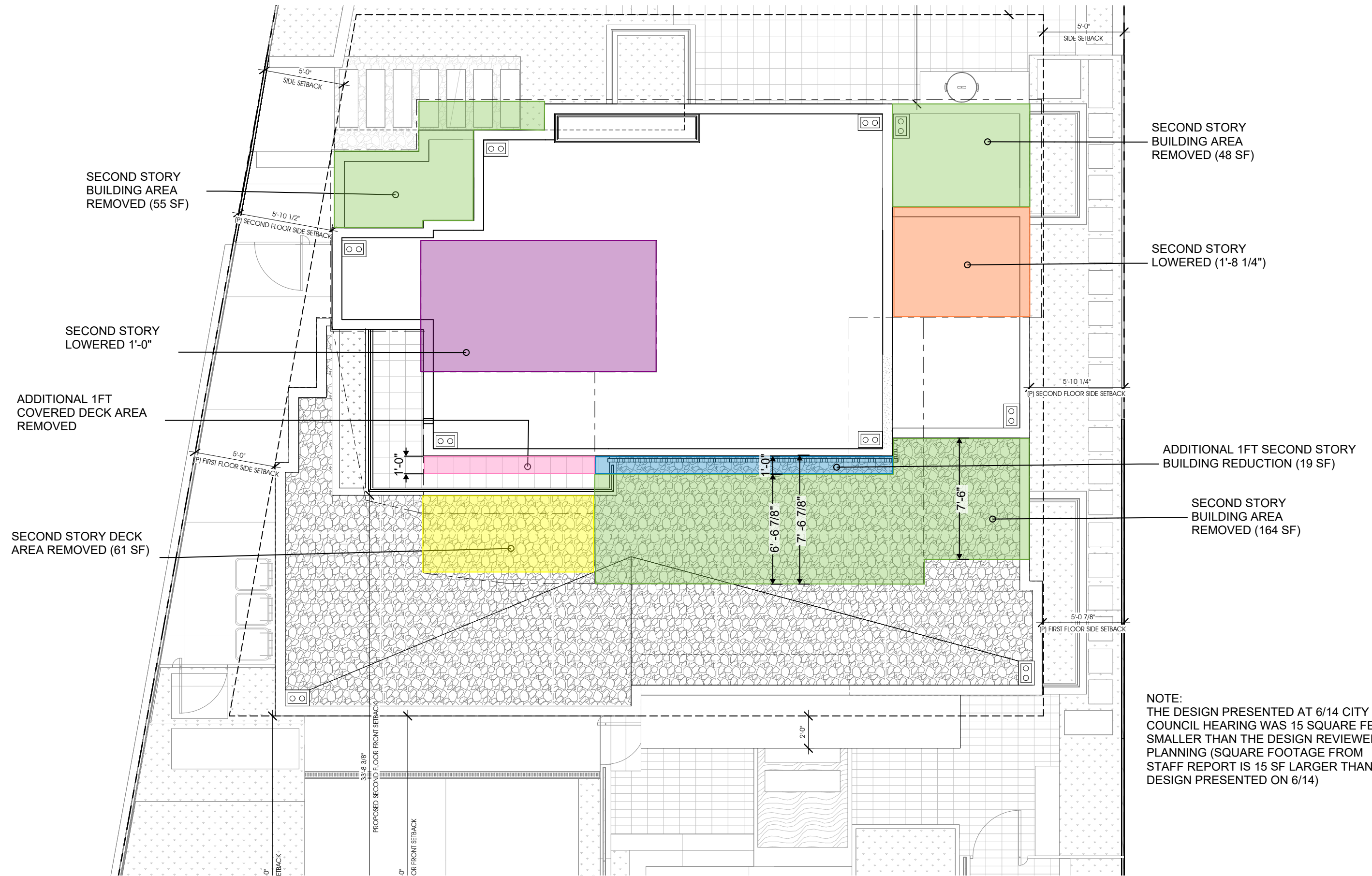
NORTH HELIX AVE - PREVIOUS DESIGN



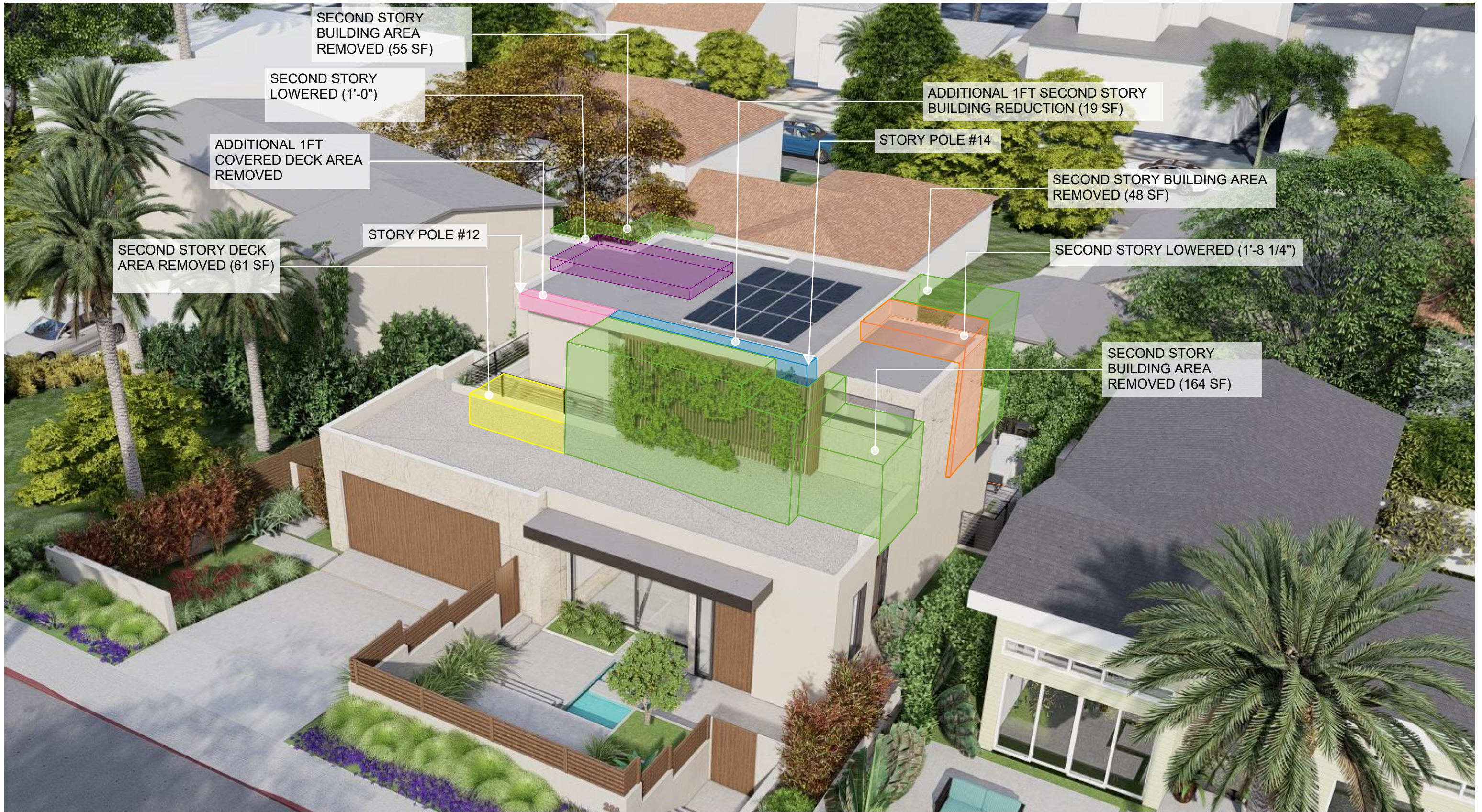
NORTH HELIX AVE - PROPOSED DESIGN



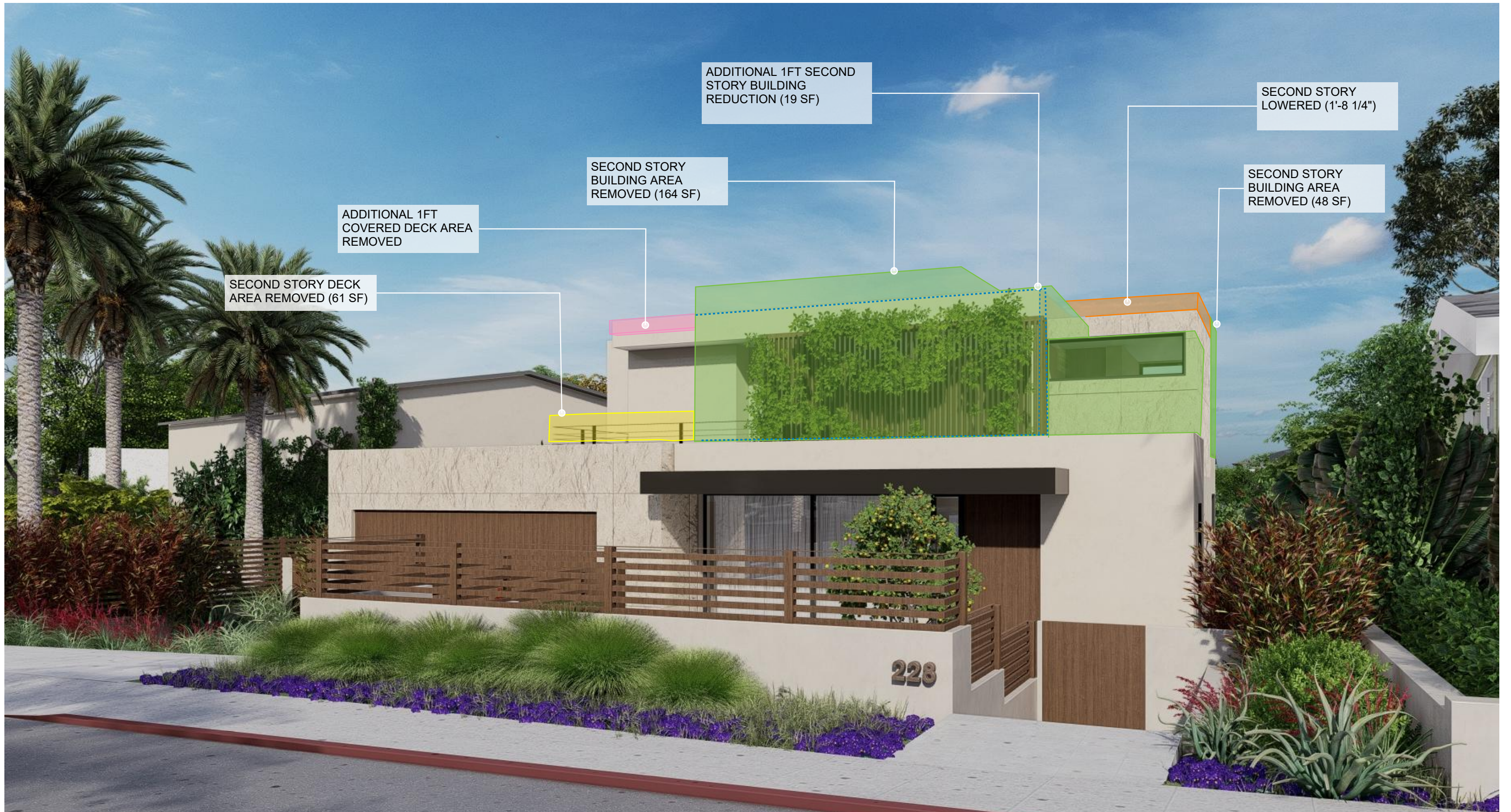
NORTH HELIX AVE - PREVIOUS DESIGN



NORTH HELIX AVE - PROPOSED DESIGN ENVELOPE REDUCTION - ROOF PLAN



NORTH HELIX AVE - PROPOSED DESIGN ENVELOPE REDUCTION



NORTH HELIX AVE - PROPOSED DESIGN ENVELOPE REDUCTION



STAFF REPORT CITY OF SOLANA BEACH

TO: Honorable Mayor and City Councilmembers
FROM: Gregory Wade, City Manager
MEETING DATE: September 27, 2023
ORIGINATING DEPT: Community Development Department
SUBJECT: **Public Hearing: Request for a Development Review Permit to Conduct Grading in Excess of 100 Cubic Yards and Perform Associated Site Improvements on a Lot with an Existing Single-Story, Single-Family Residence at 667 Marine View Avenue, Solana Beach (Case # DRP21-013; Applicant: Andrea Dominguez; APN: 298-390-35; Resolution 2023-108)**

BACKGROUND:

The Applicant, Andrea Dominguez, is requesting City Council (Council) approval of a Development Review Permit (DRP) to conduct grading in excess of 100 cubic yards on a lot with an existing single-story, single-family residence. The 25,517 square-foot lot is located at 667 Marine View Avenue and is within both the Estate Residential (ER-2) Zone and Dark Sky Areas.

The Applicant proposes grading in the amounts of 200 cubic yards of cut and 570 cubic yards of fill. The total aggregate grading quantity would be 770 cubic yards. The project requires a DRP for aggregate grading in excess of 100 cubic yards.

The issue before the Council is whether to approve, approve with conditions, or deny the Applicant's request as contained in Resolution 2023-108 (Attachment 1).

DISCUSSION:

The subject property is located on the west side of Marine View Avenue just north of Highland Drive. The 25,517 square-foot lot fronts on Marine View Avenue to the east, with residential properties to the north, south, and west.

The topography of the project site slopes downward from the street. The highest elevation is at the southeast corner of the lot, along the front property line which is approximately 167 MSL. The rear property line is at approximately 146 MSL which results in a change

CITY COUNCIL ACTION:

in elevation of approximately 21 feet. The lot is currently developed with a single-story, single-family residence with a driveway along Marine View Avenue near the southeast corner of the lot. There are three recorded easements on the lot, two public utility easements and one right-of-way and waterline easement along the east property line.

In June of 2020, a stop work notice was issued for unpermitted site grading. The Applicant stopped work and submitted this application for a DRP in August of 2021. Prior to the unpermitted site grading, the rear yard was undeveloped with landscaping and perimeter fences surrounding the lot. Most of the groundcover landscaping has been removed as a result of the site grading. The Applicant is requesting approval to conduct grading to level the site for a future building pad, construct a retaining wall to create a new driveway on the northeast corner of the lot, construct retaining walls to stabilize two concrete pads in the southwest portion of the lot, and perform associated site improvements. The project plans are provided in Attachment 2. If the Council is able to make the required findings and approve the project, a Condition of Approval has been added to the Resolution that would require the Applicant to pay double building permit fees for completing work without required permits.

Table 1 provides a comparison of the zoning regulations with the Applicant’s proposed design.

Table 1	
LOT INFORMATION	
Property Address:	667 Marine View Ave
Lot Size (Net):	25,517 ft ²
Zone:	ER-2 (1-2 du/ac)
Overlay Zone(s):	Dark Sky Area
# of Units Allowed:	1 Dwelling Unit, 1 ADU, 1 JADU
# of Units Existing:	1 Dwelling Unit
Setbacks:	Required
Front (W)	25 ft.
Interior Side (N)	10 ft.
Interior Side (S)	10 ft.
Rear (E)	40 ft.
As proposed, the project meets the required setbacks for the zone.	
PROPOSED PROJECT INFORMATION	
Required Permits:	
DRP: A DRP is required for grading in excess of 100 cubic yards (aggregate)	
Proposed Grading:	Cut: 200 cubic yards Fill: 570 cubic yards Import: 370 cubic yards
Aggregate Grading Quantity: 770 cubic yards	
Existing Parking: 0	Existing Development:
Proposed Parking: 2 (located on driveway)	Single-story, single-family residence.
Proposed Fences and Walls: Yes	

Development Review Permit Compliance (SBMC Section 17.68.40):

A DRP is required because the proposal includes an aggregate grading quantity that would exceed 100 cubic yards. In addition to meeting the zoning requirements, the project must also be found in compliance with development review criteria. The following is a list of the development review criteria topics:

1. Relationship with Adjacent Land Uses
2. Building and Structure Placement
3. Landscaping
4. Roads, Pedestrian Walkways, Parking, and Storage Areas
5. Grading
6. Lighting
7. Usable Open Space

The following is a discussion of the findings for a DRP as each applies to the proposed project as well as reference to recommended conditions of approval contained in Resolution 2023-108 The Council may approve, or conditionally approve, a DRP only if all of the findings listed below can be made:

1. The proposed development is consistent with the general plan and all applicable requirements of this title, including special regulations, overlay zones, and specific plans.
2. The proposed development complies with the development review criteria.
3. All required permits and approvals issued by the city, including variances, conditional use permits, comprehensive sign plans, and coastal development permits have been obtained prior to or concurrently with the development review permit.
4. If the development project also requires a permit or approval to be issued by a state or federal agency, the city council may conditionally approve the development review permit upon the Applicant obtaining the required permit or approval from the other agency.

If any of the above findings cannot be made, the Council shall deny the DRP.

In addition to meeting zoning requirements, the project must also be found in compliance with development review criteria. The following is a discussion of the applicable development review criteria as they relate to the proposed project.

Relationship with Adjacent Land Uses:

The subject site is located within the Estate Residential (ER-2) Zone. The surrounding neighborhood consists of a mix of properties that are one- and two-story, single-family

residences. The project site is currently developed with a 781 square-foot single-story, single-family residence. The Applicant proposes to level the existing grade to create a future building pad and construct retaining walls for a new driveway.

As designed, the project is consistent with the permitted uses for the ER-2 Zone as described in Solana Beach Municipal Code (SBMC) Sections 17.20.010 and 17.12.020, which permits one single-family residence. The property is designated Estate Residential in the General Plan and intended for single-family residential development with a maximum density of four (0-2) dwelling units per acre. The proposed development could be found to be consistent with the objectives of the General Plan as it encourages the development and maintenance of healthy residential neighborhoods, the stability of transitional neighborhoods, and the rehabilitation of deteriorated neighborhoods.

The property is not located within any of the City's Specific Plan areas; however, it is located within the boundaries of the Dark Sky Area. The project has been evaluated and the building permit plans would be conditioned to be in conformance with the regulations of the Dark Sky Area. The project is also located within the Coastal Zone. As a condition of project approval, the Applicant will be required to obtain a Coastal Development Permit, Waiver, or Exemption from the California Coastal Commission prior to the issuance of building or grading permits.

Building and Structure Placement:

The site is currently developed with a 781 square-foot, single-story residence. No changes to the existing residence are proposed.

The ER-2 Zone requires 25-foot front-yard setback, 10-foot side-yard setbacks, and a 40-foot rear-yard setback. The proposed project, as designed, meets the required setbacks.

Fences, Walls and Retaining Walls:

The Applicant proposes to construct new retaining walls within the front-yard, interior-side yard, and the buildable area. The proposed retaining walls within the front and side yard are a maximum of 3.5 feet above pre-existing grade. The retaining wall within the buildable area is a maximum of 5 feet above pre-existing grade. The portion of the existing 3.3-foot fence within the front yard and buildable area is proposed to remain. The portion of the existing 3.3-foot fence within the public right-of-way is proposed to be relocated onto private property. If the Applicant decides to modify any of the design of the proposed fences and walls or construct additional fences and walls, a condition of project approval indicates that they would be required to comply with SBMC 17.20.040(O) and 17.60.070(C) and (D).

Landscape:

The project is not subject to the water efficient landscaping regulations of SBMC Chapter 17.56. According to SBMC Section 17.56.040, the regulations apply to modified irrigated

landscaped areas that exceed 2,500 square feet. The proposed project does not include any proposed landscape; therefore, it does not require a landscape review.

Parking:

SBMC Section 17.52.040 and the Off-Street Parking Design Manual (OSPDM) require two (2) parking spaces for a single-family residence. Currently, the property does not provide parking that is compliant with the OSPDM. The project proposes adding two parking spaces located on the proposed driveway near the north side property line. The proposed parking spaces are compliant with the OSPDM.

Grading:

The Applicant proposes to level the existing grade to create a future building pad and construct retaining walls for a new driveway and concrete pad. The new retaining walls are proposed within the required front-yard, interior-side yard, and the buildable area.

The Applicant proposes grading in the amounts of 200 cubic yards of cut and 570 cubic yards of fill, for a total aggregate grading quantity of 770 cubic yards. The project proposes 370 cubic yards of import.

Lighting:

The property is located within the City's Dark Sky Area; therefore, a condition of project approval includes that all new exterior lighting fixtures comply with the City-Wide Lighting Regulations of the Zoning Ordinance (SBMC 17.60.060). All light fixtures shall be shielded so that no light or glare is transmitted or reflected in such concentrated quantities or intensities as to be detrimental to the surrounding area.

Usable Open Space:

The project consists of grading for a residential use; therefore, usable open space and recreational facilities are neither proposed nor required according to SBMC Section 17.20.040.

Property Frontage & Public Right-of-Way Improvements:

The existing property frontage is unimproved with some vegetation. If approved, the Applicant will be required to remove the existing landscaping and construct an 8-ft wide D.G. pathway graded at 2% slope for walking and parking purposes. In addition, a mountable concrete curb for drainage will be required if the project is approved. The driveway approach will also be reconstructed as a condition of approval to meet ADA standards.

Public Hearing Notice:

Notice of the City Council Public Hearing for the project was published in the Union Tribune more than 10 days prior to the public hearing. The same public notice was mailed to property owners and occupants within 300 feet of the proposed project site on September 18, 2023. As of the date of preparation of this Staff Report, Staff has not received any formal correspondence from neighbors or interested parties in support of, or in opposition to, the proposed project.

CEQA COMPLIANCE STATEMENT:

The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15304 of the State CEQA Guidelines. Section 15304 is a Class 4 exemption for minor alterations in the condition of land.

FISCAL IMPACT: N/A

WORK PLAN: N/A

OPTIONS:

- Approve Staff recommendation adopting the attached Resolution 2023-108.
- Approve Staff recommendation subject to additional specific conditions necessary for the City Council to make all required findings for the approval of a DRP.
- Deny the project if all required findings for the DRP cannot be made.

DEPARTMENT RECOMMENDATION:

The proposed project could be found to be consistent with the General Plan and the SBMC and could be found, as conditioned, to meet the discretionary findings required as discussed in this report to approve a DRP. Therefore, Staff recommends that the City Council:

1. Conduct the Public Hearing: Open the Public Hearing, Report Council Disclosures, Receive Public Testimony, and Close the Public Hearing.
2. Find the project exempt from the California Environmental Quality Act pursuant to Section 15304 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt Resolution 2023-108 conditionally approving a DRP to conduct grading in excess of 100 cubic yards and perform associated site improvements on a lot with an existing single-story single-family residence at 667 Marine View Avenue, Solana Beach.

CITY MANAGER'S RECOMMENDATION:

Approve Department Recommendation.



Gregory Wade, City Manager

Attachments:

1. Resolution 2023-108
2. Project Plans

RESOLUTION 2023-108

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, CONDITIONALLY APPROVING A DEVELOPMENT REVIEW PERMIT TO CONDUCT GRADING IN EXCESS OF 100 CUBIC YARDS AND PERFORM ASSOCIATED SITE IMPROVEMENTS ON A LOT WITH AN EXISTING SINGLE-STORY SINGLE-FAMILY RESIDENCE AT 667 MARINE VIEW AVENUE, SOLANA BEACH

APPLICANT: Andrea Dominguez
CASE NO.: DRP 21-013

WHEREAS, Andrea Dominguez (hereinafter referred to as “Applicant”), has submitted an application for a Development Review Permit (DRP) pursuant to Title 17 (Zoning) of the Solana Beach Municipal Code (SBMC); and

WHEREAS, the Public Hearing was conducted pursuant to the provisions of Solana Beach Municipal Code Section 17.72.030; and

WHEREAS, at the Public Hearing on September 27, 2023, the City Council received and considered evidence concerning the proposed application; and

WHEREAS, the City Council of the City of Solana Beach found the application request exempt from the California Environmental Quality Act pursuant to Section 15304 of the State CEQA Guidelines; and

WHEREAS, this decision is based upon the evidence presented at the Public Hearing, and any information the City Council gathered by viewing the site and the area as disclosed at the Public Hearing.

NOW THEREFORE, the City Council of the City of Solana Beach, California, does resolve as follows:

- I. That the foregoing recitations are true and correct.
- II. That the request for a DRP to conduct grading in excess of 100 cubic yards on a lot with an existing single-family residence is conditionally approved based upon the following Findings and subject to the following Conditions:

III. FINDINGS

- A. In accordance with Section 17.68.040 (Development Review Permit) of the City of Solana Beach Municipal Code, the City Council finds the following:

- I. The proposed project is consistent with the General Plan and all applicable requirements of SBMC Title 17 (Zoning Ordinance), including special regulations, overlay zones and specific plans.*

General Plan Consistency: The project, as conditioned, is consistent with the City's General Plan designation of Estate Residential, which allows for a maximum of one to two dwelling units per acre. The development is also consistent with the objectives of the General Plan as it encourages the development and maintenance of healthy residential neighborhoods, the stability of transitional neighborhoods, and the rehabilitation of deteriorated neighborhoods.

Zoning Ordinance Consistency: The project is consistent with all applicable requirements of the Zoning Ordinance (Title 17) (SBMC 17.20.030 and 17.48.040), which delineates maximum allowable Floor Area Ratio (FAR), Permitted Uses and Structures (SBMC Section 17.20.020), which provides for uses of the property for a single-family residence. Further, the project adheres to all property development regulations established for the Estate Residential (ER-2) and cited by SBMC Section 17.020.030.

The project meets the minimum required front-, street side-, interior side-, and rear yard setbacks.

II. *The proposed development complies with the following development review criteria set forth in Solana Beach Municipal Code Section 17.68.040.F:*

- a. *Relationship with Adjacent Land Uses: The development shall be designed in a manner compatible with and where feasible, complimentary to existing and potential development in the immediate vicinity of the project site. Site planning on the perimeter of the development shall give consideration to the protection of surrounding areas from potential adverse effects, as well as protection of the property from adverse surrounding influences.*

The subject site is located within the Estate Residential (ER-2) Zone. The surrounding neighborhood consists of a mix of properties that are one- and two-story, single-family residences. The project site is currently developed with a 781 square-foot single-story, single-family residence. The Applicant proposes grading and retaining walls to create a future building pad and a driveway.

As designed, the project is consistent with the permitted uses for the ER-2 Zone as described in Solana Beach Municipal Code (SBMC) Sections 17.20.010 and 17.12.020, which permits one single-family residence. The property is designated Estate Residential in the General Plan and intended for single-family residential development with a maximum density of four (0-2) dwelling units per acre. The proposed development could be

found to be consistent with the objectives of the General Plan as it encourages the development and maintenance of healthy residential neighborhoods, the stability of transitional neighborhoods, and the rehabilitation of deteriorated neighborhoods.

The property is not located within any of the City's Specific Plan areas; however, it is located within the boundaries of the Dark Sky Area. The project has been evaluated and the building permit plans would be conditioned to be in conformance with the regulations of the Dark Sky Area. The project is also located within the Coastal Zone. As a condition of project approval, the Applicant will be required to obtain a Coastal Development Permit, Waiver, or Exemption from the California Coastal Commission prior to the issuance of building or grading permits.

- b. Building and Structure Placement: Buildings and structures shall be sited and designed in a manner which visually and functionally enhances their intended use.*

The site is currently developed with a 781 square-foot, single-story residence. No changes to the existing residence are proposed.

The ER-2 Zone requires 25-foot front-yard setback, 10-foot side-yard setbacks, and a 40-foot rear-yard setback. The proposed project, as designed, meets the minimum required front-yard, side-yard and rear-yard setbacks.

- c. Landscaping: The removal of significant native vegetation shall be minimized. Replacement vegetation and landscaping shall be compatible with the vegetation of the surrounding area. Trees and other large plantings shall not obstruct significant views when installed or at maturity.*

The project is not subject to the water efficient landscaping regulations of SBMC Chapter 17.56. According to SBMC Section 17.56.040, the regulations apply to modified irrigated landscaped areas that exceed 2,500 square feet. The proposed project does not include any proposed landscape; therefore, it does not require a landscape review.

- d. Roads, Pedestrian Walkways, Parking and Storage Areas: Any development involving more than one building or structure shall provide common access roads and pedestrian walkways. Parking and outside storage areas, where permitted, shall be screened from view, to the extent feasible, by existing*

topography, by the placement of buildings and structures, or by landscaping and plantings.

SBMC Section 17.52.040 and the Off-Street Parking Design Manual (OSPDM) require two (2) parking spaces for a single-family residence. Currently, the property does not provide parking that is compliant with the off-street design manual (OSPDM). The project proposes adding two parking spaces located on the proposed driveway. The proposed parking spaces are compliant with the OSPDM.

The existing property frontage is unimproved with some vegetation. If approved, the Applicant will be required to remove the existing landscaping and construct an 8-ft wide D.G. pathway graded at 2% slope for walking and parking purposes. In addition, a mountable concrete curb for drainage will be required if the project is approved. The driveway approach will also be reconstructed as a condition of approval to meet ADA standards.

- e. Grading: To the extent feasible, natural topography and scenic features of the site shall be retained and incorporated into the proposed development. Any grading or earth-moving operations in connection with the proposed development shall be planned and executed so as to blend with the existing terrain both on and adjacent to the site. Existing exposed or disturbed slopes shall be landscaped with native or naturalized non-native vegetation and existing erosion problems shall be corrected.*

The Applicant proposes to level the existing grade to create a future building pad and construct retaining walls for a new driveway. New retaining walls are proposed within the required front-yard, interior-side yard, and the buildable area.

The Applicant proposes grading in the amounts of 200 cubic yards of cut, 570 cubic yards of fill. The total aggregate grading quantity would be 770 cubic yards. The project requires a DRP for aggregate grading in excess of 100 cubic yards.

- f. Lighting: Light fixtures for walkways, parking areas, driveways, and other facilities shall be provided in sufficient number and at proper locations to assure safe and convenient nighttime use. All light fixtures shall be appropriately shielded so that no light or glare is transmitted or reflected in such concentrated quantities or intensities as to be detrimental to the surrounding areas per SBMC 17.60.060 (Exterior Lighting Regulations).*

The property is located within the City's Dark Sky Area; therefore, a condition of project approval includes that all new exterior lighting fixtures comply with the City-Wide Lighting Regulations of the Zoning Ordinance (SBMC 17.60.060). All light fixtures shall be shielded so that no light or glare is transmitted or reflected in such concentrated quantities or intensities as to be detrimental to the surrounding area.

- g. Usable Open Space: Recreational facilities proposed within required usable open space shall be located and designed to maintain essential open space values.*

The project consists of grading for a residential use; therefore, usable open space and recreational facilities are neither proposed nor required according to SBMC Section 17.20.040.

- III. All required permits and approvals including variances, conditional use permits, and comprehensive sign plans have been obtained prior to or concurrently with the development review permit.*

All required permits shall be processed concurrently with the DRP.

- IV. If the development project also requires a permit or approval to be issued by a state or federal agency, the city council may conditionally approve the development review permit upon the Applicant obtaining the required permit or approval from the other agency.*

As a condition of approval, the Applicant is required to obtain approval from the California Coastal Commission (CCC) prior to issuance of Building and Grading Permits.

IV. CONDITIONS

Prior to use or development of the property in reliance on this permit, the Applicant shall provide for and adhere to the following conditions:

A. Community Development Department Conditions:

- I. The Applicant shall pay required Public Facilities Fees, as established by SBMC Section 17.72.020 and Resolution 1987-36.
- II. Building Permit plans must be in substantial conformance with the architectural plans presented to the City Council on September 27, 2023, and located in the project file with a submittal date of September 18, 2023.
- III. The Applicant shall pay double building permit fees for completing

work without required permits.

- IV. Any proposed onsite fences, walls and retaining walls and any proposed railing located on top, or any combination thereof, shall comply with applicable regulations of SBMC Section 17.20.040 and 17.60.070 (Fences and Walls).
- V. The Applicant shall obtain required California Coastal Commission (CCC) approval of a Coastal Development Permit, Waiver or Exemption as determined necessary by the CCC, prior to the issuance of Building and Grading Permits.
- VI. Native or drought tolerant and non-invasive plant materials and water conserving irrigation systems shall be incorporated into any proposed landscaping and compatible with the surrounding area to the extent feasible.
- VII. All new exterior lighting fixtures shall be in conformance with the City-wide lighting regulations of the Zoning Ordinance (SBMC 17.60.060).
- VIII. All light fixtures shall be appropriately shielded so that no light or glare is transmitted or reflected in such concentrated quantities or intensities as to be detrimental to the surrounding area.
- IX. The aesthetic-illumination of the proposed residence or landscaping is prohibited.
- X. Construction vehicles shall be parked on the subject property at all times feasible. If construction activity prohibits parking on the subject property, the Applicant shall ensure construction vehicles are parked in such a way to allow sufficient vehicular access on the street and minimize impact to the surrounding neighbors.
- XI. The Applicant shall connect to temporary electrical service as soon as feasible to the satisfaction of the City. The use of gas-powered generator(s) during construction activity is discouraged and shall be limited only to selective use at the discretion of the City.
- XII. Pursuant to SBMC 17.68.040 subsection K, the signed final development plan shall be the official site layout for the property and shall be attached to any application for a building permit for the subject property. Any subsequent revisions or changes to the final development plan as approved by the Council will require an amendment to the approved DRP.

B. Fire Department Conditions:

- I. Access road minimum dimensions: Fire apparatus access roads shall have an unobstructed improved width of not less than 20 feet; curb line to curb line, and an unobstructed vertical clearance of not less than 13 feet 6 inches. Exception: Single-Family residential driveways; serving no more than two single-family dwellings, shall have minimum of 16 feet, curb line to curb line, of unobstructed improved width. Access roads shall be designed and maintained to support the imposed loads of not less than 75,000 pounds and shall be provided with an approved paved surface to provide all-weather driving capabilities.
- II. Dead ends: All dead-end fire access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus. A cul-de-sac shall be provided in residential areas where the access roadway serves more than four (4) structures. The minimum unobstructed paved radius width for a cul-de-sac shall be 36 feet in residential areas with no parking.
- III. Grade: The gradient for a fire apparatus access roadway shall not exceed 20.0%. Grades exceeding 15.0% (incline or decline) shall not be permitted without mitigation. Minimal mitigation shall be a surface of Portland cement concrete, with a deep broom finish perpendicular to the entire direction of travel. Additional mitigation measures may be required where deemed appropriate. The angle of departure and angle of approach of a fire access roadway shall not exceed seven degrees (12 percent).
- IV. Gates: All gates or other structures or devices, which could obstruct fire access roadways or otherwise hinder emergency operations, are prohibited unless they meet standards approved by the Fire Department. An approved emergency key-operated switch and/or an approved emergency traffic control-activating strobe light sensor shall be installed per Solana Beach Fire Department standards.
- V. Obstruction of roadways during construction: All roadways shall be a minimum of 20 feet in width during construction and maintained free and clear, including the parking of vehicles, in accordance with the California Fire Code and the Solana Beach Fire Department.
- VI. Address numbers: STREET NUMBERS: Approved numbers and/or addresses shall be placed on all new and existing buildings and at appropriate additional locations as to be plainly visible and legible from the street or roadway fronting the property from either direction of approach. Said numbers shall contrast with their background, and shall meet the following minimum standards as to size: 4" high with a ½" inch

stroke width for residential buildings, 8” high with a ½” stroke for commercial and multi-family residential buildings, 12” high with a 1” stroke for industrial buildings. Additional numbers shall be required where deemed necessary by the Fire Marshal, such as rear access doors, building corners, and entrances to commercial centers.

- VII. Address numbers for structures located off roadway: Where structures are located off a roadway on long easements/driveways, a monument marker shall be placed at the entrance where the easement/driveway intersects the main roadway. Permanent address numbers with height conforming to Fire Department standards shall be affixed to this marker.
 - VIII. Automatic fire sprinkler system-one- and two-family dwellings: Structures shall be protected by an automatic fire sprinkler system designed and installed to the satisfaction of the Fire Department. Plans for the automatic fire sprinkler system shall be approved by the Fire Department prior to installation. Per the Solana Beach Municipal Code Title 15 Building and Construction Chapter 15.32 Fire Code Section 15.32.230 Section 903.2. Any new SFR will be required to have fire sprinklers.
 - IX. Class “A” roof: All structures shall be provided with a Class “A” Roof covering to the satisfaction of the Solana Beach Fire Department.
 - X. Solar photovoltaic installations (Solar Panels): Solar Photovoltaic systems shall be installed per the California Fire Code and Solana Beach Fire Department requirements.
 - XI. Basement:
 - a. All basements shall be designed and equipped with emergency exit systems consisting of operable windows, window wells or exit door that's leads directly outside via staircase and exit door or exit door at grade.
 - b. Window wells/Light wells that intrude into side yard or backyard setbacks of five feet or less, shall require a hinged grating covering the window well/lightwell opening. The grating shall be capable of supporting a weight of 250lb person; yet must be able to be opened by someone of minimal strength with no special knowledge, effort or use of key or tool. Any modification of previously approved plans related to this condition shall be subject to re-submittal and review by City staff (Fire, Building, Planning)
- C. Engineering Department Conditions:

- XII. The City will accept 4-feet of the existing 10-foot irrevocable offer of dedication, changing the right-of-way line to 24-feet from the Marine View Avenue centerline.
- XIII. The Applicant is required to obtain an Encroachment Permit in accordance with SBMC Section 11.20 for the below frontage improvements being done in the public right-of-way. The frontage improvements shall be done to the satisfaction of the City Engineer prior to the occupancy of the proposed project:
 - a. Construction of the 8-ft wide D.G area compacted and graded at maximum 2% towards the flow line for walking and parking purposes. The proposed modular wall to protect the existing power pole shall be designed to accommodate a 5-foot wide accessible path.
 - b. Construction of the 9" wide sloping concrete curb along the property frontage with transitions to the existing improvements on both ends to the satisfaction of the City Engineer.
 - c. Removal of the existing fence and palm trees in the right of way.
- XIV. All construction demolition materials shall be recycled according to the City's Construction and Demolition recycling program and an approved Waste Management Plan shall be submitted.
- XV. Construction fencing shall be located on the subject property unless the Applicant has obtained an Encroachment Permit in accordance with chapter 11.20 of the SBMC which allows otherwise.
- XVI. The Applicant shall obtain a Grading Permit in accordance with Chapter 15.40 of the Solana Beach Municipal Code. Conditions prior to the issuance of a grading permit shall include, but not be limited to, the following:
 - a. The Applicant shall obtain a grading plan prepared by a Registered Civil Engineer and approved by the City Engineer. On-site grading design and construction shall be in accordance with Chapter 15.40 of the Solana Beach Municipal Code.
 - b. The Applicant shall obtain a Soils Report prepared by a Registered Soils Engineer and approved by the City Engineer. All necessary measures shall be taken and implemented to assure slope stability, erosion control and soil integrity. The grading plan shall incorporate all recommendations contained in the soils report.
 - c. The Applicant shall provide a Drainage Report prepared by a Registered Civil Engineer. This report shall address the design for detention basin and corresponding outflow system to ensure the rate of runoff for the proposed development is at or below that of pre-existing condition. All recommendations of this report shall

be incorporated into the Preliminary Grading Plan. A detention basin easement(s) shall be recorded for maintenance of the detention basins by the property owner(s) in perpetuity, prior to the release of the Grading Bond and Security Deposit.

- d. The Applicant shall show all retaining walls and drainage structures. Retaining walls shown on the grading plan shall conform to the San Diego Regional Standards or be designed by a licensed civil engineer. Engineering calculations for all designed walls with a surcharge and nonstandard walls shall be submitted at grading plan check. Retaining walls may not exceed the allowable height within the property line setback as determined by the City of Solana Beach Municipal Code. Contact the Community Development Department for further information.
- e. The Applicant is responsible to protect the adjacent properties during construction. If any grading, construction activity, access or potential construction-related impacts are anticipated beyond the property lines, as determined by the City Engineer, the Applicant shall obtain a letter of permission from the adjoining property owners. All required letters of permission shall be submitted to the City Engineer prior to the issuance of the grading permit.
- f. Cut and fill slopes shall be set back from site boundaries and buildings in accordance with SBMC 15.40.140 and to the satisfaction of the City Engineer.
- g. The Applicant shall pay a grading plan check fee in accordance with the current Engineering Fee Schedule at initial grading plan submittal. Inspection fees shall be paid prior to issuance of the grading permit.
- h. The Applicant shall obtain and submit grading security in a form prescribed by the City Engineer.
- i. The Applicant shall obtain haul permit for import / export of soil. The Applicant shall transport all excavated material to a legal disposal site.
- j. The Applicant shall submit certification from the Engineer of Record and the Soils Engineer that all public or private drainage facilities and finished grades are functioning and are installed in accordance with the approved plans. This shall be accomplished by the Engineer of Record incorporating as-built conditions on the Mylar grading plans and obtaining signatures of the Engineer of Record and the Soils Engineer certifying the as-built conditions.
- k. An Erosion Prevention and Sediment Control Plan shall be prepared by the Applicant. Best management practices shall be developed and implemented to manage storm water and non-storm water discharges from the site at all times during

excavation and grading activities. Erosion prevention shall be emphasized as the most important measure for keeping sediment on site during excavation and grading activities. Sediment controls shall be used as a supplement to erosion prevention for keeping sediment on site.

- I. The Applicant shall show all proposed on-site private drainage facilities intended to discharge water run-off. Elements of this design shall include a hydrologic and hydraulic analysis verifying the adequacy of the facilities and identify any easements or structures required to properly convey the drainage. The construction of drainage structures shall comply with the standards set forth by the San Diego Regional Standard Drawings.
- m. Post Construction Best Management Practices meeting City and RWQCB Order No. R9-2013-001 requirements shall be implemented in the drainage design.
- n. No increased cross lot drainage shall be allowed.
- o. Prior to obtaining a building permit, the Applicant shall submit a building pad certification statement from a soils engineer and an engineer or land surveyor licensed in Land Surveying per SBMC 15.40.230E. If a demo permit is required for removing existing structures before grading, the Applicant shall obtain the demo permit separately to certify the grading prior to issuance of the Building Permit.

D. City Council Conditions:

- I. N/A

V. EXPIRATION

The Development Review Permit for the project will expire 24 months from the date of this Resolution, unless the Applicant has obtained building permits and has commenced construction prior to that date, and diligently pursued construction to completion. An extension of the application may be granted by the City Council according to SBMC 17.72.110.

VI. INDEMNIFICATION AGREEMENT

The Applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this

development approval and any environmental document or decision. The City will promptly notify the Applicant of any claim, action, or proceeding. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, the Applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Applicant shall not be required to pay or perform any settlement unless such settlement is approved by the Applicant.

NOTICE TO APPLICANT: Pursuant to Government Code Section 66020, you are hereby notified that the 90-day period to protest the imposition of the fees, dedications, reservations or other exactions described in this resolution commences on the effective date of this resolution. To protest the imposition of any fee, dedications, reservations or other exactions described in this resolution you must comply with the provisions of Government Code Section 66020. Generally the resolution is effective upon expiration of the tenth day following the date of adoption of this resolution, unless the resolution is appealed or called for review as provided in the Solana Beach Zoning Ordinance.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Solana Beach, California, held on the 27th day of September 2023, by the following vote:

AYES: Councilmembers –
NOES: Councilmembers –
ABSENT: Councilmembers –
ABSTAIN: Councilmembers –

LESA HEEBNER, MAYOR

APPROVED AS TO FORM:

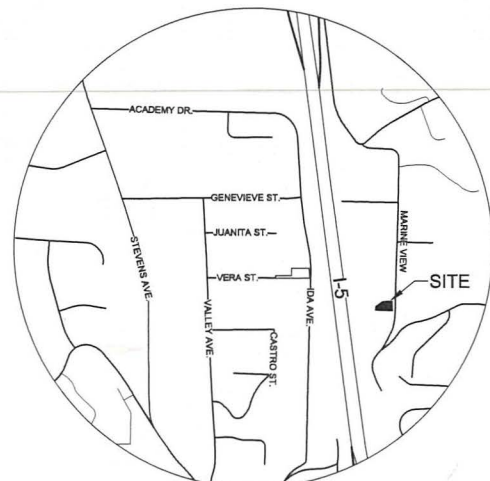
ATTEST:

JOHANNA N. CANLAS, City Attorney

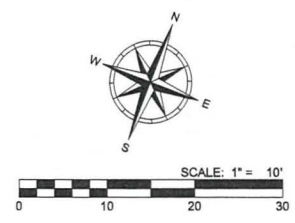
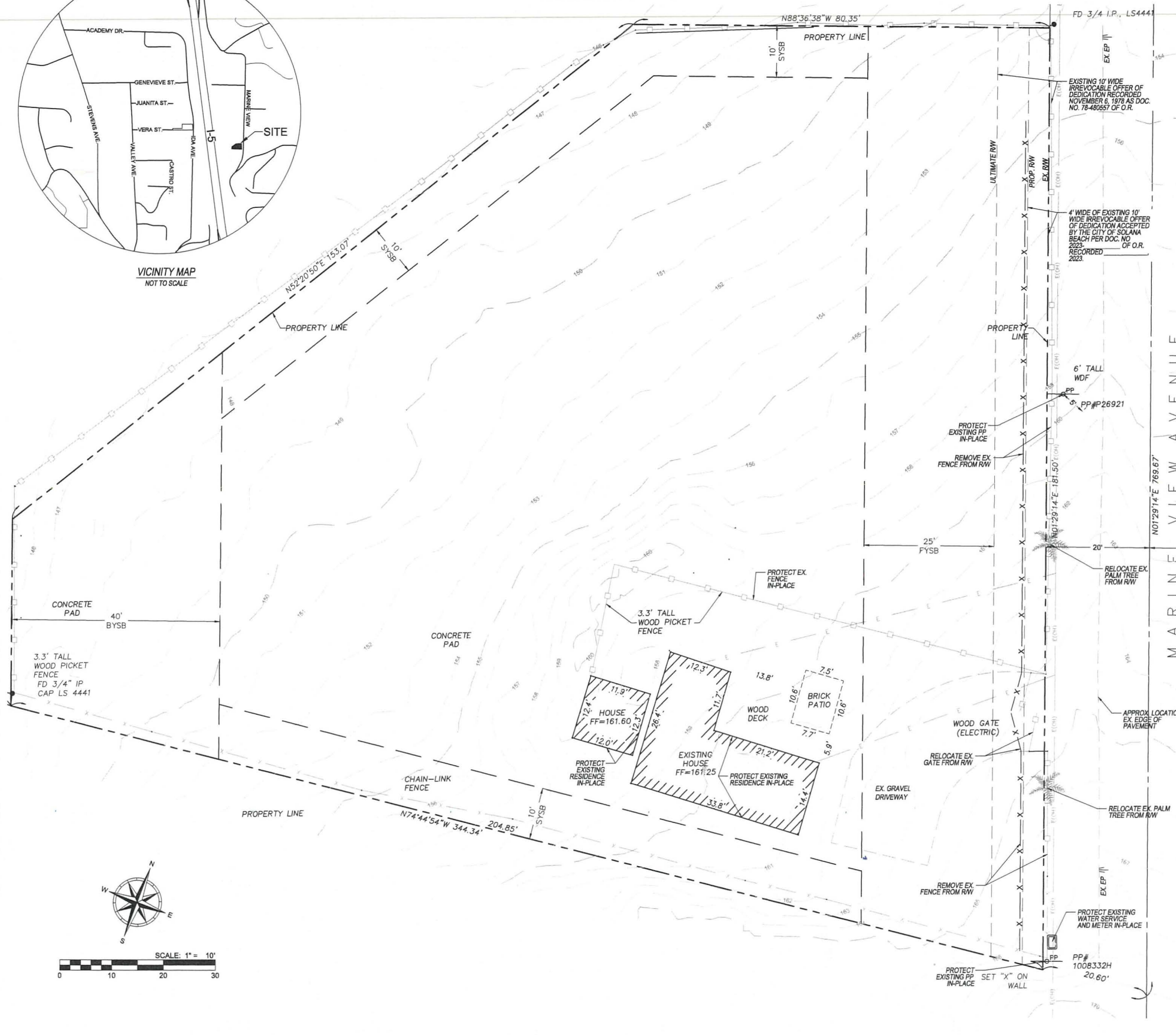
ANGELA IVEY, City Clerk

GENERAL NOTES

- APPROVAL OF THIS GRADING PLAN DOES NOT CONSTITUTE APPROVAL OF VERTICAL OR HORIZONTAL ALIGNMENT OF ANY PRIVATE ROAD SHOWN HEREIN FOR PUBLIC ROAD PURPOSES.
- FINAL APPROVAL OF THESE GRADING PLANS IS SUBJECT TO FINAL APPROVAL OF THE ASSOCIATED IMPROVEMENT PLANS WHERE APPLICABLE. FINAL CURB GRADE ELEVATIONS MAY REQUIRE CHANGES IN THESE PLANS.
- IMPORT MATERIALS SHALL BE LEGALLY OBTAINED.
- A SEPARATE PERMIT FROM THE CITY ENGINEER WILL BE REQUIRED FOR ANY WORK IN THE PUBLIC RIGHT-OF-WAY.
- ALL SLOPES OVER THREE (3) FEET IN HEIGHT SHALL BE LANDSCAPED AND IRRIGATED.
- THE CONTRACTOR SHALL VERIFY THE EXISTENCE AND LOCATION OF ALL UTILITIES BEFORE COMMENCING WORK. NOTICE OF PROPOSED WORK SHALL BE GIVEN TO THE FOLLOWING AGENCIES:
UNDERGROUND S.A. (800)-227-2600
- A SOILS REPORT SHALL BE PROVIDED AS REQUIRED BY THE CITY OF SOLANA BEACH PRIOR TO ISSUANCE OF A GRADING PERMIT.
- APPROVAL OF THESE PLANS BY THE CITY ENGINEER DOES NOT AUTHORIZE ANY WORK OR GRADING TO BE PERFORMED UNTIL THE PROPERTY OWNER'S PERMISSION HAS BEEN OBTAINED AND A VALID GRADING PERMIT HAS BEEN ISSUED.
- THE CITY ENGINEER'S APPROVAL OF THESE PLANS DOES NOT CONSTITUTE THE BUILDING OFFICIAL'S APPROVAL OF ANY FOUNDATION FOR STRUCTURES TO BE PLACED ON THE AREA COVERED BY THESE PLANS. NO WAIVER OF THE GRADING ORDINANCE REQUIREMENTS CONCERNING MINIMUM COVER OVER EXPANSIVE SOILS IS MADE OR IMPLIED.
- ALL OPERATIONS CONDUCTED ON THE PREMISES, INCLUDING THE WARMING UP, REPAIR, ARRIVAL, DEPARTURE OR RUNNING OF TRUCKS, EARTHMOVING EQUIPMENT, CONSTRUCTION EQUIPMENT AND ANY OTHER ASSOCIATED GRADING EQUIPMENT SHALL BE LIMITED TO THE PERIOD BETWEEN 7:00 a.m. AND 6:00 p.m. EACH DAY, MONDAY THROUGH FRIDAY, AND NO EARTHMOVING OR GRADING OPERATIONS SHALL BE CONDUCTED ON THE PREMISES ON SATURDAYS, SUNDAYS OR HOLIDAYS WITHOUT THE WRITTEN PERMISSION OF THE CITY ENGINEER.
- ALL MAJOR SLOPES SHALL BE ROUNDED INTO EXISTING TERRAIN TO PRODUCE A CONTOURED TRANSITION FROM CUT OR FILL FACES TO NATURAL GROUND AND ADJUTING CUT OR FILL FACES.
- NOTWITHSTANDING THE MINIMUM STANDARDS SET FORTH IN THE GRADING ORDINANCE, AND NOTWITHSTANDING THE APPROVAL OF THESE GRADING PLANS, THE PERMITTEE IS RESPONSIBLE FOR THE PREVENTION OF DAMAGE TO THE ADJACENT PROPERTY. NO PERSON SHALL EXCAVATE ON LAND SO CLOSE TO THE PROPERTY LINE AS TO ENDANGER ANY ADJOINING PUBLIC STREET, SIDEWALK, ALLEY, FURROW OF ANY SEWAGE DISPOSAL SYSTEM, OR ANY OTHER PUBLIC OR PRIVATE PROPERTY WITHOUT SUPPORTING AND PROTECTING SUCH PROPERTY FROM SETTLING, CRACKING, EROSION, SILTING SCOUR OR OTHER DAMAGE WHICH MIGHT RESULT FROM THE GRADING DESCRIBED ON THIS PLAN. THE CITY WILL HOLD THE PERMITTEE RESPONSIBLE FOR CORRECTION ON NON-DEDICATED IMPROVEMENTS WHICH DAMAGE ADJACENT PROPERTY.
- SLOPE RATIOS: CUT 1:2 FILL 1:2
CUT, 70 CY (OUTSIDE OF STRUCTURE) FILL: 60 CY (OUTSIDE OF STRUCTURE) EXPORT: 10 CY
CUT, 10 CY (BELOW THE STRUCTURE) FILL: 30 CY (BELOW THE STRUCTURE) IMPORT: 20 CY
(NOTE: A SEPARATE VALID PERMIT MUST EXIST FOR OFFSITE IMPORT OR EXPORT AREAS.)
** THE QUANTITIES ESTIMATED ABOVE ARE FOR PERMIT PURPOSES ONLY AND SHOULD NOT BE USED FOR CONSTRUCTION BIDS. CONTRACTORS ARE RESPONSIBLE FOR THEIR OWN EARTHWORK QUANTITIES.
- SPECIAL CONDITIONS: IF ANY ARCHAEOLOGICAL RESOURCES ARE DISCOVERED ON THE SITE OF THIS GRADING DURING GRADING OPERATIONS, SUCH OPERATIONS WILL CEASE IMMEDIATELY, AND THE PERMITTEE WILL NOTIFY THE CITY ENGINEER OF THE DISCOVERY. GRADING OPERATIONS WILL NOT COMMENCE UNTIL THE PERMITTEE HAS RECEIVED WRITTEN AUTHORITY FROM THE CITY ENGINEER TO DO SO.
- ALL GRADING SHOWN ON THIS PLAN SHALL BE COMPLETED AS A SINGULAR UNIT WITH NO PROVISION FOR PARTIAL RELEASES. SHOULD IT BE ANTICIPATED THAT A PORTION OF THIS PROJECT BE COMPLETED SEPARATELY, A SEPARATE PLAN AND PERMIT APPLICATION SHALL BE SUBMITTED FOR APPROVAL.
- THE CONTRACTOR SHALL NOTIFY THE CITY OF SOLANA BEACH 858.720.2470 24 HOURS BEFORE GRADING OPERATIONS BEGIN.
- FINISHED GRADING AND PLANTING SHALL BE ACCOMPLISHED ON ALL SLOPES PRIOR TO OCTOBER 1, OR IMMEDIATELY UPON COMPLETION OF ANY SLOPES GRADED BETWEEN OCTOBER 1 AND APRIL 1. PRIOR TO ANY PLANTING, ALL LANDSCAPING SHALL BE APPROVED BY THE PLANNING DEPARTMENT AT THE DEVELOPMENT REVIEW STAGE, OR BY SEPARATE LANDSCAPE PLAN.
- ALL OFF-SITE HAUL ROUTES SHALL BE SUBMITTED BY THE CONTRACTOR TO THE CITY ENGINEER FOR APPROVAL 72 HOURS PRIOR TO THE BEGINNING OF WORK.
- UPON FINAL COMPLETION OF THE WORK UNDER THE GRADING PERMIT, BUT PRIOR TO FINAL GRADING APPROVAL AND/OR FINAL RELEASE OF SECURITY, AN AS-GRADED CERTIFICATE SHALL BE PROVIDED STATING: "THE GRADING UNDER PERMIT NO. SBGR-216 HAS BEEN PERFORMED IN SUBSTANTIAL CONFORMANCE WITH THE APPROVED GRADING PLAN OR AS SHOWN ON THE ATTACHED AS-GRADED PLAN". THIS STATEMENT SHALL BE FOLLOWED BY THE DATE AND SIGNATURE OF THE CIVIL ENGINEER WHO CERTIFIES SUCH A GRADING OPERATION.
- THE CONTRACTOR SHALL DESIGN, CONSTRUCT, AND MAINTAIN ALL SAFETY DEVICES INCLUDING SHORING, AND SHALL BE RESPONSIBLE FOR CONFORMING TO ALL LOCAL, STATE, AND FEDERAL SAFETY AND HEALTH STANDARDS, LAWS AND REGULATIONS.



**PRELIMINARY GRADING PLAN
PRE-EXISTING GRADES**



LEGAL DESCRIPTION
PARCEL 3 OF PARCEL MAP 8089, IN THE CITY OF SOLANA BEACH, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, NOVEMBER 22, 1978.

A.P.N.: 298-390-35-00
SITE ADDRESS: 667 MARINE VIEW AVENUE DEL MAR, CA 92014
OWNER/PERMITTEE: ANDREA DOMINGUEZ 667 MARINE VIEW AVENUE DEL MAR, CA 92014
TOPOGRAPHIC SURVEY: 9555 GENESEE AVENUE, SUITE 200 SAN DIEGO, CA 92121 (858)-587-8070
LOT AREA: GROSS: 25,517 SF (0.586 AC.) NET: 23,714 SF (0.544 AC.)
RESIDENCE AREA: ±781 SF
ZONING: ZONE: EP-2b OVERLAY ZONE: DARK SKY AREAS OVERLAY ZONE

WORK TO BE DONE
THE IMPROVEMENTS CONSIST OF THE FOLLOWING WORK TO BE DONE ACCORDING TO THESE PLANS AND THE LATEST EDITIONS OF:
STANDARD SPECIFICATIONS
(1) STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION INCLUDING THE REGIONAL SUPPLEMENTAL AMENDMENTS.
(2) CALIFORNIA DEPARTMENT OF TRANSPORTATION "MANUAL OF TRAFFIC CONTROLS FOR CONSTRUCTION AND MAINTENANCE WORK ZONES"
(3) STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS

STANDARD DRAWINGS
(1) SAN DIEGO REGIONAL STANDARD DRAWINGS
(2) STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION STANDARD PLANS

SCOPE OF WORK
TO PERMIT THE ILLEGAL GRADING AND CONSTRUCTION OF A CONCRETE PAD TO PERMIT THE FUTURE GRADING FOR A NEW DRIVEWAY AND PAD.

LEGEND

ITEM DESCRIPTION	SYMBOL
PROPERTY LINE	---
CENTERLINE OF ROAD	---
SETBACKS	---
EXISTING CONTOUR LINE	---151---
PRE-EXISTING CONTOUR LINE	---15.1---
EXISTING CHAIN LINK FENCE	X X
EXISTING WOODEN FENCE	□ □

ABBREVIATIONS
FYSB FRONT YARD SETBACK
BYSB BACK YARD SETBACK
SYSB SIDE YARD SETBACK
FS FINISHED SURFACE
FG FINISHED GRADE
EP EDGE PAVEMENT


OWNER'S CERTIFICATE
I, _____ AS OWNER/DEVELOPER OF THE PROPERTY DESCRIBED HEREIN ACKNOWLEDGE THESE PLANS HAVE BEEN PREPARED AT MY DIRECTION WITH MY FULL CONSENT. I FULLY UNDERSTAND AND ACCEPT THE TERMS AND CONDITIONS CONTAINED HEREIN AND AS ATTACHED BY REFERENCE ON THIS GRADING PLAN.
IT IS AGREED THAT FIELD CONDITIONS MAY REQUIRE CHANGES TO THESE PLANS.
IT IS FURTHER AGREED THAT THE OWNER (DEVELOPER) SHALL HAVE A REGISTERED CIVIL ENGINEER MAKE SUCH CHANGES, ALTERATIONS OR ADDITIONS TO THESE PLANS WHICH THE CITY ENGINEER DETERMINES ARE NECESSARY AND DESIRABLE FOR THE PROPER COMPLETION OF THE IMPROVEMENTS.

I FURTHER AGREE TO COMMENCE WORK ON ANY IMPROVEMENTS SHOWN ON THESE PLANS WITHIN EXISTING CITY RIGHT-OF-WAY WITHIN 60 DAYS OF THE CONSTRUCTION PERMIT AND TO PURSUE SUCH WORK ACTIVELY ON EVERY NORMAL WORKING DAY UNTIL COMPLETED, IRRESPECTIVE AND INDEPENDENT OF ANY OTHER WORK ASSOCIATED WITH THIS PROJECT OR UNDER MY CONTROL.

ANDREA DOMINGUEZ
667 MARINE VIEW AVENUE
DEL MAR, CA 92014
DATE

DECLARATION OF RESPONSIBLE CHARGE
I, BRIAN M. ARDOLINO, HEREBY DECLARE 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 THE DESIGN IS CONSISTENT WITH CURRENT STANDARDS AND THE CITY OF SOLANA BEACH RESOLUTION NO. 2007-170.

I UNDERSTAND THAT THE CHECK OF PROJECT DRAWINGS AND SPECIFICATIONS BY THE CITY OF SOLANA BEACH IS CONFINED TO A REVIEW ONLY AND DOES NOT RELIEVE ME OF RESPONSIBILITIES FOR PROJECT DESIGN.

By: *Brian Ardolino* 8/01/23
BRIAN ARDOLINO
RCE No. 71651 EXP 12/31/2023
PASCO LARET SUITER & ASSOCIATES


 **Received**
City of Solana Beach Planning Department
09/18/2023 jdelmer

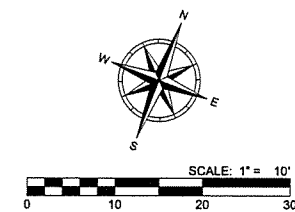
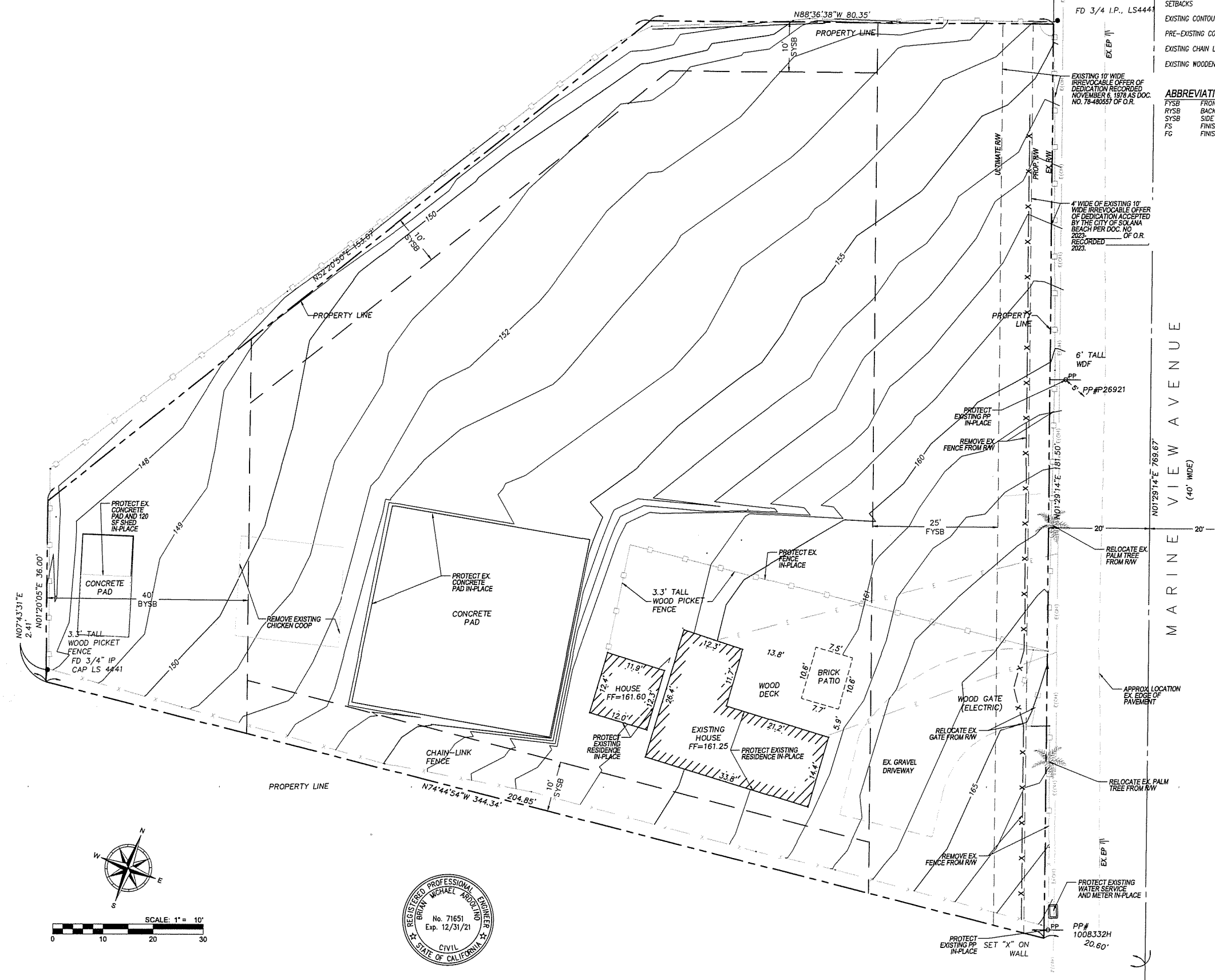
ENGINEER OF WORK	CITY APPROVED CHANGES	APPD	DATE	RECOMMENDED FOR APPROVAL	APPROVED FOR CONSTRUCTION	BENCH MARK	CITY OF SOLANA BEACH	DRAWING NO.
RDM By: <i>Brian Ardolino</i> Date: 8/01/23 Name: BRIAN ARDOLINO R.C.E. 71651 Exp: 12/31/23				By: _____ Review Engineer Date: _____	By: _____ City Engineer R.C.E. _____ Date: _____ Exp: _____	DESCRIPTION: 2.5" BRASS DISC IN STREET WELL MONUMENT LOCATION: CENTER OF CURB-DE-SAC OF SAN JULIO ROAD, 500 FEET NORTHERLY OF HIGHLAND DRIVE RECORD FROM: ROS NO. 18971 SOLB-4 ELEV. 315.148 DATUM: NAVD 88	PRELIMINARY GRADING PLAN FOR: 667 MARINE VIEW AVENUE	ATTACHMENT 2

PRELIMINARY GRADING PLAN

EXISTING GRADES

ITEM DESCRIPTION	SYMBOL
PROPERTY LINE	---
CENTERLINE OF ROAD	---
SETBACKS	---
EXISTING CONTOUR LINE	---
PRE-EXISTING CONTOUR LINE	---
EXISTING CHAIN LINK FENCE	X X
EXISTING WOODEN FENCE	□ □ □

ABBREVIATIONS	
FYSB	FRONT YARD SETBACK
RYSB	BACK YARD SETBACK
SYSB	SIDE YARD SETBACK
FS	FINISHED SURFACE
FG	FINISHED GRADE



ENGINEER OF WORK By: <i>Brian Ardolino</i> Date: 8/01/23 Drawn By: <i>Brian Ardolino</i> R.C.E. 71651 Exp: 12/31/23	CITY APPROVED CHANGES APPD DATE	RECOMMENDED FOR APPROVAL By: _____ Review Engineer Date: _____	APPROVED FOR CONSTRUCTION By: _____ City Engineer R.C.E. Date: _____ Exp: _____	BENCH MARK DESCRIPTION: 2.5" BRASS DISC IN STREET WELL MONUMENT LOCATION: CENTER OF CUL-DE-SAC OF SAN JULIO ROAD, 500 FEET NORTHERLY OF HIGHLAND DRIVE RECORD FROM: ROS NO. 18971 SOLB-4 ELEV: 315.148 DATUM: NAVD 88	CITY OF SOLANA BEACH PRELIMINARY GRADING PLAN FOR: <h2 style="margin: 0;">667 MARINE VIEW AVENUE</h2>	DRAWING NO. SHEET 2 OF 4 <small>PLSA 3703</small>
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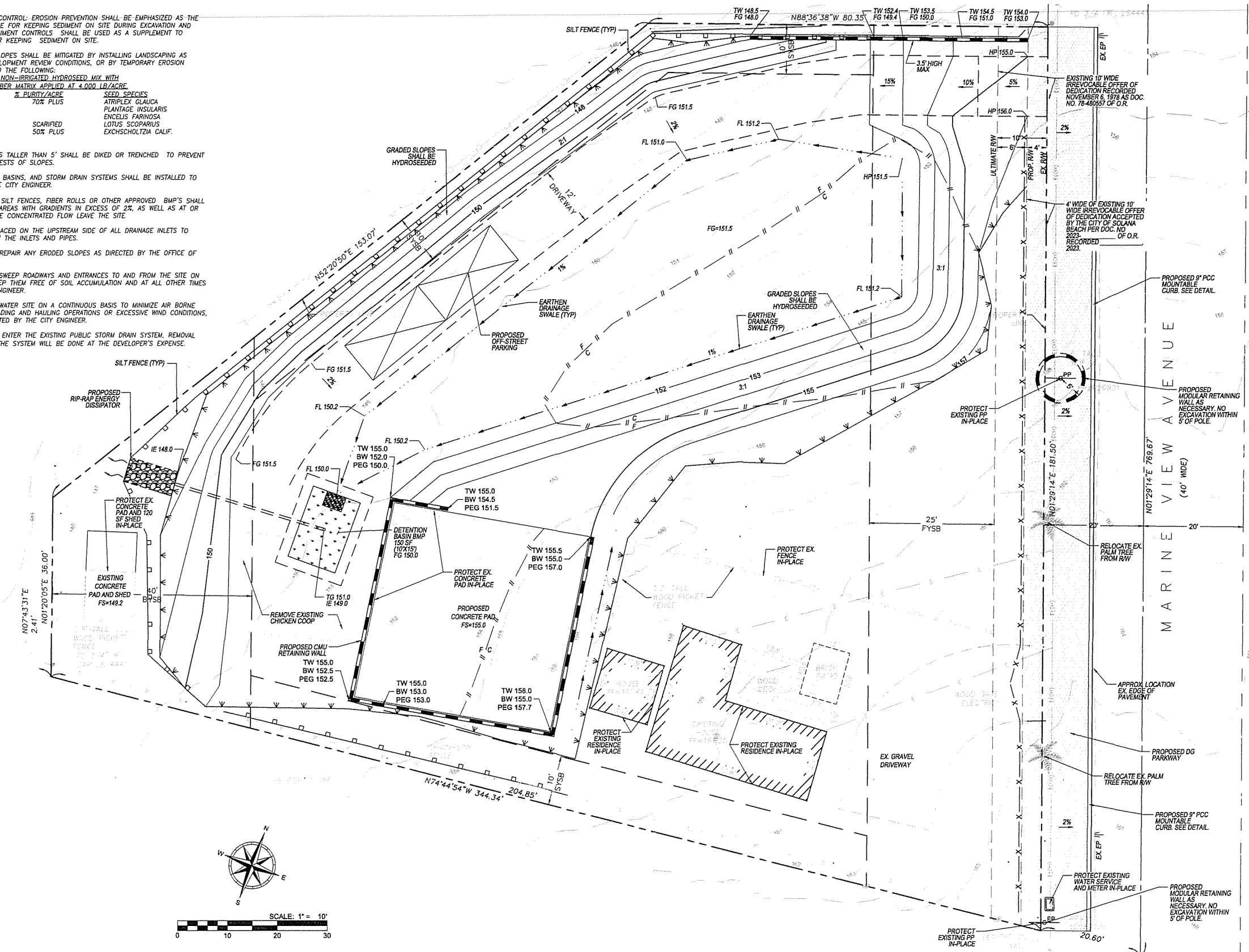
PRELIMINARY GRADING PLAN

PRE-EXISTING AND PROPOSED GRADES

EROSION CONTROL NOTES

- STORM WATER AND NON-STORM WATER DISCHARGE CONTROL: BEST MANAGEMENT PRACTICES SHALL BE DEVELOPED AND IMPLEMENTED TO MANAGE STORM WATER AND NON-STORM WATER DISCHARGES FROM THE SITE AT ALL TIMES DURING EXCAVATION AND GRADING ACTIVITIES.
- EROSION AND SEDIMENT CONTROL: EROSION PREVENTION SHALL BE EMPHASIZED AS THE MOST IMPORTANT MEASURE FOR KEEPING SEDIMENT ON SITE DURING EXCAVATION AND GRADING ACTIVITIES. SEDIMENT CONTROLS SHALL BE USED AS A SUPPLEMENT TO EROSION PREVENTION FOR KEEPING SEDIMENT ON SITE.
- EROSION CONTROL ON SLOPES SHALL BE MITIGATED BY INSTALLING LANDSCAPING AS REQUIRED BY THE DEVELOPMENT REVIEW CONDITIONS, OR BY TEMPORARY EROSION CONTROL CONFORMING TO THE FOLLOWING:

NON-IRRIGATED HYDROSEED MIX WITH A FIBER MATRIX APPLIED AT 4,000 LB/ACRE		
LB5/ACRE	% PURITY/ACRE	SEED SPECIES
20	70% PLUS	ATRIPLEX GLAUCA
30		PLANTAGO INSULARIS
8		ENCELIS FARINOSA
6	SCARIFIED	LOTUS SCOPARIUS
7	50% PLUS	EXCHSCHOLTZIA CALIF.
91		
- THE TOPS OF ALL SLOPES TALLER THAN 5' SHALL BE DIKED OR TRENCHED TO PREVENT WATER FLOWING OVER CRESTS OF SLOPES.
- CATCH BASINS, DESILTING BASINS, AND STORM DRAIN SYSTEMS SHALL BE INSTALLED TO THE SATISFACTION OF THE CITY ENGINEER.
- SAND BAG CHECK DAMS, SILT FENCES, FIBER ROLLS OR OTHER APPROVED BMP'S SHALL BE PLACED IN UNPAVED AREAS WITH GRADIENTS IN EXCESS OF 2%, AS WELL AS AT OR NEAR EVERY POINT WHERE CONCENTRATED FLOW LEAVE THE SITE.
- SAND BAGS SHALL BE PLACED ON THE UPSTREAM SIDE OF ALL DRAINAGE INLETS TO MINIMIZE SILT BUILDUP IN THE INLETS AND PIPES.
- THE CONTRACTOR SHALL REPAIR ANY ERODED SLOPES AS DIRECTED BY THE OFFICE OF THE CITY ENGINEER.
- THE CONTRACTOR SHALL SWEEP ROADWAYS AND ENTRANCES TO AND FROM THE SITE ON A REGULAR BASIS TO KEEP THEM FREE OF SOIL ACCUMULATION AND AT ALL OTHER TIMES DIRECTED BY THE CITY ENGINEER.
- THE CONTRACTOR SHALL WATER SITE ON A CONTINUOUS BASIS TO MINIMIZE AIR BORNE DUST CREATED FROM GRADING AND HAULING OPERATIONS OR EXCESSIVE WIND CONDITIONS, AND AT ALL TIMES DIRECTED BY THE CITY ENGINEER.
- IN THE EVENT SILT DOES ENTER THE EXISTING PUBLIC STORM DRAIN SYSTEM, REMOVAL OF THE SILT FROM THE THE SYSTEM WILL BE DONE AT THE DEVELOPER'S EXPENSE.

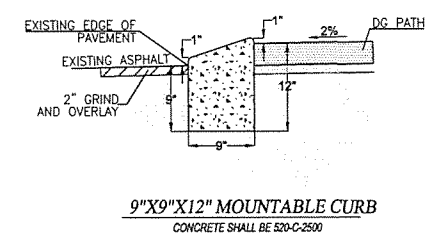


LEGEND

ITEM DESCRIPTION	SYMBOL
PROPERTY LINE	---
CENTERLINE OF ROAD	—+—
SETBACKS	— —
PROPOSED CONTOUR LINE	—151—
EXISTING CONTOUR LINE	—151—
EXISTING CHAIN LINK FENCE	—x—x—
EXISTING WOODEN FENCE	—o—o—
PROPOSED RETAINING WALL	— — —
GRADING LIMITS	—v—v—
SILT FENCE	—x—x—
PROPOSED STORM DRAIN PIPE	— — —
PROPOSED CONCRETE HARDSCAPE	— — —

ABBREVIATIONS

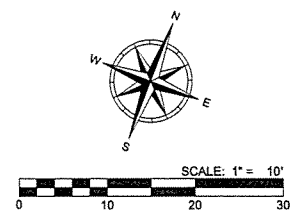
FYSB	FRONT YARD SETBACK
RYSB	BACK YARD SETBACK
SYSB	SIDE YARD SETBACK
FS	FINISHED SURFACE
FG	FINISHED GRADE
TW	FINISHED GRADE AT TOP OF WALL
BW	FINISHED GRADE AT BOTTOM WALL
EG	EXISTING GRADE
PEG	PRE-EXISTING GRADE



EARTHWORK QUANTITIES :

SITE GRADING:
 CUT: 200 CY
 FILL: 570 CY
 IMPORT: 370 CY
 EXCAVATION FOR FOOTINGS: 0 CY
 REMOVAL & RECOMPACTION (UNDER STRUCTURE): 0 CY
 AGGREGATE GRADING: 770 CY

* EARTHWORK QUANTITIES ARE ESTIMATED FOR PERMIT PURPOSES ONLY AND REPRESENT COMPACTED (IN PLACE) VOLUMES ONLY. THESE VALUES ARE CALCULATED ON A THEORETICAL BASIS. ACTUAL QUANTITIES MAY VARY DUE TO OBSERVED SHRINKAGE AND/OR SWELL FACTORS.



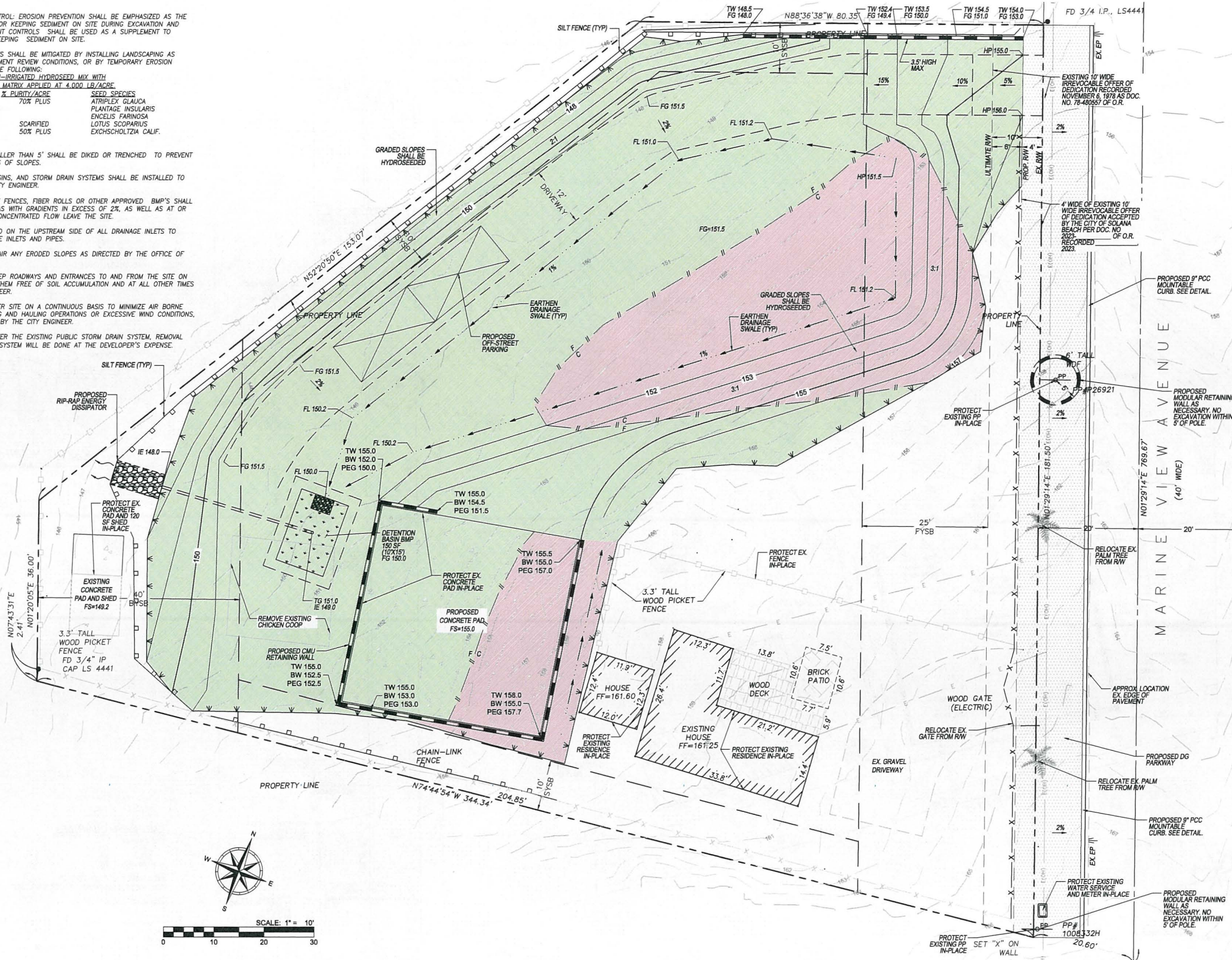
ENGINEER OF WORK	CITY APPROVED CHANGES	APP'D	DATE	RECOMMENDED FOR APPROVAL	APPROVED FOR CONSTRUCTION	BENCH MARK	CITY OF SOLANA BEACH	DRAWING NO.
RDM By: <i>Brian Ardolino</i> Date: 9/10/23 Name: BRIAN ARDOLINO R.C.E. 71651 Exp: 12/31/23				By: _____ Review Engineer Date: _____	By: _____ City Engineer R.C.E. Date: _____ Exp: _____	DESCRIPTION: 2.5" BRASS DISC IN STREET WELL MONUMENT LOCATION: CENTER OF CURVE S-C OF SAN JULIO ROAD, 500 FEET NORTHERLY OF HIGHLAND DRIVE RECORD FROM: ROS NO. 18971 SOLB-4 ELEV: 315.148 DATUM: NAVD 88	667 MARINE VIEW AVENUE <small>PRELIMINARY GRADING PLAN FOR</small>	SHEET 3 OF 4 <small>PLSA 3703</small>

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**PRELIMINARY GRADING PLAN
PRE-EXISTING AND PROPOSED GRADES**

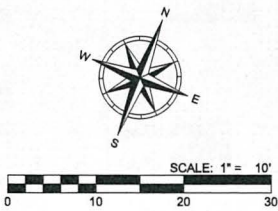
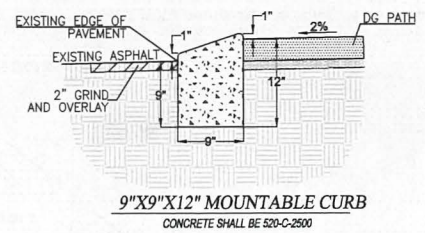


LEGEND

ITEM DESCRIPTION	SYMBOL
PROPERTY LINE	---
CENTERLINE OF ROAD	---
SETBACKS	---
PROPOSED CONTOUR LINE	---
EXISTING CONTOUR LINE	---
EXISTING CHAIN LINK FENCE	---
EXISTING WOODEN FENCE	---
PROPOSED RETAINING WALL	---
GRADING LIMITS	---
SILT FENCE	---
PROPOSED STORM DRAIN PIPE	---
PROPOSED CONCRETE HARDCAPE	---
GRADING EXCAVATION	---
GRADING EMBANKMENT	---

ABBREVIATIONS

FYSB	FRONT YARD SETBACK
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ENGINEER OF WORK		CITY APPROVED CHANGES		APPD	DATE	RECOMMENDED FOR APPROVAL	APPROVED FOR CONSTRUCTION	BENCH MARK	CITY OF SOLANA BEACH	DRAWING NO.
RDM	By: <i>Brian Ardolino</i> Date: 8/01/23					By: _____	By: _____	DESCRIPTION: 2.5" BRASS DISC IN STREET WELL MONUMENT LOCATION: CENTER OF CURB-DE-SAC OF SAN JULIO ROAD, 500 FEET NORTHERLY OF HIGHLAND DRIVE RECORD FROM: RDS NO. 18977, SOLE-4 ELEV. 315.148 DATUM: NAVD 88	PRELIMINARY GRADING PLAN FOR: 667 MARINE VIEW AVENUE	
Drawn By	Name: BRIAN ARDOLINO R.C.E. 71651 Exp: 12/31/23					Review Engineer Date: _____	City Engineer R.C.E. Exp: _____			SHEET 4 OF 4



STAFF REPORT

CITY OF SOLANA BEACH

TO: Honorable Mayor and City Councilmembers
FROM: Gregory Wade, City Manager
MEETING DATE: September 27, 2023
ORIGINATING DEPT: City Manager's
SUBJECT: **City Council Consideration of Adoption of Ordinance 531 Amending Chapter 10.44 (Miscellaneous Driving Rules) of Title 10 (Vehicles and Traffic) of the Solana Beach Municipal Code Regarding Bicycles, In Addition, City Council Consideration of Resolution 2023-113 Approving \$10,000 for a Bicycle and Electric Bicycle Training and Diversion Program**

BACKGROUND:

At the July 12, 2023 City Council (Council) meeting, Council held a robust discussion on bicycle and electric bicycle (E-bikes) safety. These discussions centered around potential measures to implement throughout the community to increase the safety of all bicycle riders in light of the recent tragedies in Encinitas and Carlsbad. Council directed Staff to come back to a subsequent Council meeting to introduce an ordinance amending the City's current Municipal Code to include additional violations that the Sheriff's Department can enforce for unsafe bicycle and E-bike behavior.

At the August 23, 2023 Council meeting, Council introduced Ordinance 531 amending Chapter 10.44 of Title 10 of the Solana Beach Municipal Code (SBMC) and directed Staff to develop a training and diversion program for citations for first time bicycle and E-bike violations. Council did make one modification to Ordinance 531 when introducing it, which is included in track changes in Attachment 1.

This item is before the Council to consider adoption of Ordinance 531 (Attachment 1) amending Chapter 10.44 of Title 10 of the SBMC. In addition, Council is asked to consider adopting Resolution 2023-113 approving an allocation of \$10,000 for a bicycle and E-bike training and diversion program.

CITY COUNCIL ACTION:

DISCUSSION:

Ordinance 531 amends Chapter 10.44 Title 10 to include more violations for bicycle and E-bike-related behavior than just the prohibition of riding bicycles on sidewalks. The amended language now gives our Sheriff deputies the ability to give citations for various dangerous behaviors, as well as implement a diversion program for first time offenders that allows them to complete a training course to remove the citation and fine. Staff will work with the Sheriff's Department and the San Diego Bicycle Coalition to offer these trainings to satisfy the diversion program. Staff will also continue to work with the local School Districts, and potentially share costs, to offer additional training courses for children that intend to ride their bicycles and E-bikes to school. Approval of Resolution 2023-113 will allocate \$10,000 to provide these training and diversion programs.

In addition, there was discussion at the August 23, 2023 Council meeting regarding the inclusion of other motorized transportation devices such as scooters, skateboards and motorized one-wheel vehicles (scooters, segways, pints, unicycles, etc.). The Vehicle Code already prohibits scooters on sidewalks. Vehicle Code Section 21235(g) provides that the operator of a motorized scooter shall not operate a motorized scooter upon a sidewalk, except as may be necessary to enter or leave an adjacent property. If Council desires to explore including additional rules and regulations for these modes of transportation, Staff can return at a future Council meeting.

CEQA COMPLIANCE STATEMENT:

This action is not a project, as defined in Section 15378 of the California Environmental Quality Act (CEQA) and is therefore, not subject to environmental review. The Ordinance, if adopted, would not result in either a physical change in the environment or a reasonably foreseeable indirect physical change in the environment.

FISCAL IMPACT:

If Council adopts Ordinance 531, it is recommended that the Council also adopts Resolution 2023-113 allocating \$10,000 for the City work with the Coalition to provide training classes including those that would satisfy the voluntary diversionary program for citations. The allocation of \$10,000 would be to the Community Services – Professional Services account.

WORK PLAN:

This item is consistent with Community Character Priorities – Capital Projects Priority Item 20 – Electric Bicycle (E-Bike) Safety and Education Program in the 2023/24 Work Plan.

OPTIONS:

- Approve Staff recommendation.
- Do not approve Staff recommendation.
- Provide direction to Staff.

DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council:

1. Adopt Ordinance 531 amending Chapter 10.44 (Miscellaneous Driving Rules) of Title 10 (Vehicles and Traffic) of the Solana Beach Municipal Code regarding bicycles.
2. Approve Resolution 2023-113 allocating \$10,000 to the Community Services – Professional Services account to provide training and diversion programs for first time violators.

CITY MANAGER'S RECOMMENDATION:

Approve Department Recommendation.



Gregory Wade, City Manager

Attachments:

1. Ordinance 531
2. Resolution 2023-113

ORDINANCE 531

AN ORDINANCE OF THE CITY COUNCIL OF SOLANA BEACH, CALIFORNIA, AMENDING CHAPTER 10.44 (MISCELLANEOUS DRIVING RULES) OF TITLE 10 (VEHICLES AND TRAFFIC) OF THE SOLANA BEACH MUNICIPAL CODE REGARDING BICYCLES

WHEREAS, the City of Solana Beach (City) enacted Section 10.44.010 of Chapter 10.44, Title 10 of the Solana Beach Municipal Code, to regulate bicycle use within City limits; and

WHEREAS, pursuant to Section 10.08.010 of the Solana Beach Municipal Code, violations of Chapter 10.44 are punishable by infractions, unless otherwise stated; and

WHEREAS, the City has seen a noticeable increase in the number of electric bicycles (e-bikes) within the City; and

WHEREAS, the City has experienced a rise in collisions involving e-bikes resulting in injuries, including serious injuries; and

WHEREAS, the City Council desires to provide the chief officer in command of Solana Beach law enforcement services or designee the ability to require bicycle operators and passengers, including those on e-bikes, the opportunity to take an approved bicycle safety course in lieu of a citation for a first offense for a violation of Section 10.44.010; and

WHEREAS, the City wishes to amend Section 10.44.010 of the Solana Beach Municipal Code accordingly to enhance the public health, safety, and welfare.

NOW THEREFORE, the City Council of the City of Solana Beach, California, does ordain as follows:

SECTION ONE. FINDINGS.

The City Council finds and determines that the foregoing recitals are true and correct and are hereby incorporated herein as findings and determinations of the City Council. The recitals constitute findings in this matter and, together with the staff report, other written reports, public testimony and other information contained in the record, are an adequate and appropriate evidentiary basis for the actions taken in this Ordinance.

SECTION TWO. ENVIRONMENTAL REVIEW.

This action is not a project, as defined in Section 15378 of the California Environmental Quality Act (CEQA) and is therefore, not subject to environmental review. The adoption

of this ordinance does not result in either a physical change in the environment or a reasonably foreseeable indirect physical change in the environment.

SECTION THREE. AMENDMENT TO SOLANA BEACH MUNICIPAL CODE SECTION 10.44.010.

Section 10.44.010 of the Solana Beach Municipal Code is hereby amended as follows (deletions in strikeout and additions in underline):

10.44.010 ~~Bicycles. Riding bicycles on sidewalks prohibited.~~

A. Any person operating or riding a bicycle shall exercise reasonable care and observe all applicable laws including yielding to pedestrians.

B. It is unlawful for any person to ride a bicycle upon any sidewalk in a business district or on any street with a designated bicycle path or way.

C. It shall be unlawful for the operator of any bicycle to carry any other person upon the handlebars of any such bicycle or for any person to so ride, or in any other manner not designed for passenger riding, upon any such bicycle upon any street, roadway, highway, or public place.

D. Every operator or passenger riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the operator or passenger of a vehicle established by this title, except those provisions which by their nature can have no application.

E. In lieu of the imposition of the penalties authorized by this title and/or the filing of charges in a court of competent jurisdiction, the chief of police or designee may allow a first-time violator of this chapter to complete a police department-approved bicycle safety course.

SECTION FOUR. SEVERABILITY.

If any section, subsection, paragraph, sentence, clause, phrase or term (each a "Provision") in this Ordinance, or any Provision's application to any person or circumstance, is held illegal, invalid, or unconstitutional by a court of competent jurisdiction, all other Provisions not held illegal, invalid, or unconstitutional, or such Provision's application to other persons or circumstances, shall not be affected. The City Council declares that it would have passed this Ordinance, and each Provision therein, whether any one or more Provisions be declared illegal, invalid, or unconstitutional.

SECTION FIVE. PUBLICATION AND EFFECTIVE DATE.

This Ordinance shall become effective thirty (30) days after its adoption. Within fifteen (15) days after its adoption, the City Clerk of the City of Solana Beach shall cause this

Ordinance to be published pursuant to the provisions of Government Code Section 36933.

INTRODUCED AND FIRST READ at a regular meeting of the City Council of the City of Solana Beach, California on the [INSERT DAY] day of [INSERT MONTH], 2023; and

THEREAFTER ADOPTED at a regular meeting of the City Council of the City of Solana Beach, California on the ___ day of _____, 2023, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

LESA HEEBNER, Mayor

APPROVED AS TO FORM:

ATTEST

JOHANNA N. CANLAS, City Attorney

ANGELA IVEY, City Clerk

RESOLUTION 2023-113

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, AUTHORIZING THE ALLOCATION OF \$10,000 FOR A BICYCLE AND ELECTRONIC BICYCLE TRAINING AND DIVERSION PROGRAM

WHEREAS, at the July 12, 2023 City Council (Council) meeting, Council held a robust discussion on bicycle and electric bicycle (E-bikes) safety; and

WHEREAS, at the August 23, 2023 Council meeting, Council introduced Ordinance 531 amending Chapter 10.44 of Title 10 of the Solana Beach Municipal Code (SBMC) and directed Staff to develop a training and diversion program for citations for first time bicycle and E-bike violations; and

WHEREAS, at the September 27, 2023 Council meeting, Council adopted Ordinance 531, including the diversion program for first-time offenders. An allocation of funding is necessary to provide the training and diversion program.

NOW, THEREFORE, the City Council of the City of Solana Beach, California, does resolve as follows:

1. That the above recitations are true and correct.
2. That the City Council authorizes the allocation of \$10,000 to the Community Services – Professional Services account to fund the training and diversion program.

PASSED AND ADOPTED this 27th day of September 2023, at a regular meeting of the City Council of the City of Solana Beach, California by the following vote:

AYES: Councilmembers –
NOES: Councilmembers –
ABSTAIN: Councilmembers –
ABSENT: Councilmembers –

LESA HEEBNER, Mayor

APPROVED AS TO FORM:

ATTEST:

JOHANNA N. CANLAS, City Attorney

ANGELA IVEY, City Clerk



STAFF REPORT CITY OF SOLANA BEACH

TO: Honorable Mayor and City Councilmembers
FROM: Gregory Wade, City Manager
MEETING DATE: September 27, 2023
ORIGINATING DEPT: Engineering Department
SUBJECT: **City Council Consideration of Resolution 2023-111 Awarding a Construction Contract for the La Colonia Tot Lot Construction Project and Amend the PSA with VDLA for Construction Support Services**

BACKGROUND:

The play structure at La Colonia Park was installed in 2003 and experiences high daily use. In March 2021, the City executed a Professional Services Agreement (PSA) with Van Dyke Landscape Architects (VDLA) for the design of new Tot Lots at La Colonia Park and Fletcher Cove Park. On May 4, 2022, a Community Workshop was held as part of a Special Council Meeting to discuss the progress to date on the Tot Lot Projects and to obtain additional feedback from the community and City Council on the design features selected for the new Tot Lots. Project updates were provided to the City Council on July 13, 2022, and September 28, 2022. The projects were originally combined for efficiency purposes (design, community feedback, Council feedback, etc.) but were separated in final design. Construction of the Fletcher Cove Tot Lot was completed in June 2023. Construction of the La Colonia Tot Lot is now ready to move forward.

This item is before the City Council to consider approving Resolution 2023-111 (Attachment 1) to award a construction contract to the lowest responsible and responsive bidder, Western Rim Constructors, Inc. (Western Rim), for the replacement of the La Colonia Tot Lot and to amend the PSA with VDLA for construction support services.

DISCUSSION:

Award of Construction Contract

Construction documents for the La Colonia Tot Lot Replacement, Bid No. 2023-08, were prepared and the project was advertised for construction bids. On September 14, 2023,

CITY COUNCIL ACTION:

five bids for the Bid No. 2023-08 were received and publicly opened by the City Clerk. The bid results are listed below.

Bid Results

Contractors	Base Bid
Western Rim Constructors, Inc.	\$1,124,554.00
Marina Landscape, Inc.	\$1,188,695.50
De La Fuente (DLF) Construction, Inc.	\$1,199,614.86
R.E. Schultz Construction, Inc.	\$1,219,287.90
Fordyce Construction, Inc.	\$1,250,940.50

The lowest bid submitted by Western Rim was found to be complete and responsive to the bid specifications. Prior work references were checked and found to be satisfactory, and Western Rim has a valid contractor's license. Staff is recommending that Western Rim be awarded the construction contract. The contract duration is 120 working days (24 weeks). It is anticipated the project will be completed by May 24, 2024. Staff is also recommending a construction contingency of \$95,056 (approximately 8.5%) to cover unexpected changes or site conditions encountered during construction.

Amendment of PSA with VDLA

In addition to the construction contract with Western Rim, Staff is recommending an amendment to the PSA with VDLA for additional expenses incurred during design and construction support services. The additional expenses incurred during design include additional coordination with the equipment manufacturer to provide three roof and color options, an additional presentation to the City Council on the additional roof and color options and the substitution for the dome climber detailed below. The construction support services will include standard as-needed construction administration tasks such as reviewing submittals, responding to design specific requests for information and periodic site inspections. The requested amendment to the PSA with VDLA, if approved, would increase the compensation amount by \$12,000.

Playground Equipment Changes

On August 29, 2023, the City was notified that the original dome/net climbing structure approved by Council is no longer available. The manufacturer provided two replacement options. Attachment 2 shows renderings of the **VistaArc Orbiter** and Attachment 3 shows renderings of the **GT Wave**. Aesthetically, the **VistaArc Orbiter** appears more like the originally approved dome/net structure and the **GT Wave** appears to have more recreational features including an additional slide. It should be noted that slides were rated highly on the community surveys received during the public outreach component of the design. There is a slight cost difference between the two options with the **GT Wave** being approximately \$5,500 more expensive (\$69,440 for **VistaArc Orbiter** versus \$74,902 for **GT Wave**). Staff is seeking formal Council direction on the selection of this replacement play structure.

Additionally, the City will be purchasing three components of the playground equipment directly from the manufacturer to take advantage of a discount program the manufacturer has established to keep their factory busy during a slower time of the year. In order to receive this manufacturer's discount, the cost of the equipment must be paid in full by a check, the order must be placed by October 27, 2023 and the equipment must be shipped by December 31, 2023. If approved by the City Council, the City will purchase the integrated components of the La Colonia Tot Lot playground equipment from GameTime, or their approved equipment supplier, at a cost not to exceed \$175,000. This approach would save the City approximately \$80,000.

CEQA COMPLIANCE STATEMENT:

The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15302 of the State CEQA Guidelines. A Notice of Exemption was filed with the San Diego County Clerk on December 1, 2022.

FISCAL IMPACT:

The anticipated project costs are listed on the following page.

Item	Amount
Construction Contract – Western Rim	\$1,124,554
Construction Contingency (8.5%)	95,056
Construction Support – VDLA	12,000
Tot Lot Equipment Ordered by City	175,000
County DEHQ Permit for Changes to Recycled Water Irrigation System	3,390
Total	\$1,410,000

The Capital Improvement Plan (CIP) budget includes \$1,410,000 for the replacement of the La Colonia Tot Lot. Funding sources for construction include General Fund (\$500,000), General Fund, Measure S (\$674,000), State Per Capita Grant Program (\$186,000) and County Neighborhood Reinvestment Program Grant (\$50,000). No additional funding is required at this time to complete construction of the project. Final project costs will be reported to the City Council after construction is finished as part of filing the Notice of Completion.

WORK PLAN:

This project is consistent with portions of Item B.2 (La Colonia Park Improvements) of the Community Character Priorities of the FY 2023/24 Work Plan.

OPTIONS:

- Adopt Staff recommendations and provide direction on alternative net climbing structure.

- Postpone contract award and provide direction to Staff.
- Reject construction bids and provide alternative direction to Staff.

DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council adopt Resolution 2023-111:

1. Awarding a construction contract to Western Rim Constructors, Inc. totaling \$1,124,554 for the La Colonia Tot Lot Replacement, Bid No. 2023-08.
2. Approving an amount of \$95,056 for construction contingency.
3. Authorizing the City Manager to execute the construction contract on behalf of the City.
4. Authorizing the City Manager to approve cumulative change orders up to the construction contingency amount.
5. Authorizing the City Manager to execute any and all agreements necessary to purchase the integrated components (including alternative dome/net structure) of the La Colonia Tot Lot playground equipment from GameTime, or their approved equipment supplier, at a cost not to exceed \$175,000.
6. Authorizing the City Manager to amend the PSA with Van Dyke Landscape Architects to increase the compensation by \$12,000 for additional expenses incurred during design and construction support services associated with the La Colonia Tot Lot Replacement.

CITY MANAGER'S RECOMMENDATION:

Approve Department Recommendation.



Gregory Wade, City Manager

Attachments:

1. Resolution 2023-111
2. VistaArc Orbiter dome/net climbing structure
3. GT Wave dome/net climbing structure

RESOLUTION 2023-111

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, AWARDING A CONSTRUCTION CONTRACT FOR THE LA COLONIA TOT LOT CONSTRUCTION PROJECT, BID NO. 2023-08, TO WESTERN RIM CONSTRUCTORS, INC. AND APPROVING AN AMENDMENT TO THE PSA WITH VAN DYKE LANDSCAPE ARCHITECTS FOR CONSTRUCTION SUPPORT

WHEREAS, the Capital Improvement Program portion of the Fiscal Year (FY) 2023/24 Adopted Budget contains an appropriation for the replacement of the La Colonia Tot Lot; and

WHEREAS, in response to an advertisement for construction bids, the City received five bids for construction of the new playground at the La Colonia Park; and

WHEREAS, on September 14, 2023, the City Clerk opened the construction bids and publicly read the bids aloud.

NOW, THEREFORE, the City Council of the City of Solana Beach, California, does resolve as follows:

1. That the foregoing recitations are true and correct.
2. That the City Council awards a construction contract to Western Rim Constructors, Inc. in the amount of \$1,124,554 for the La Colonia Tot Lot Replacement, Bid No. 2023-08.
3. That the City Council approves an amount of \$95,056 for construction contingency.
4. That the City Council authorizes the City Manager to execute the construction contract on behalf of the City.
5. That the City Council authorizes the City Manager to approve cumulative change orders up to the construction contingency amount.
6. That the City Council authorizes the City Manager to execute any and all agreements necessary to purchase the integrated components of the La Colonia Tot Lot playground equipment from GameTime, or their approved equipment supplier, at a cost not to exceed \$175,000.

7. That the City Council authorizes the City Manager to amend the PSA with Van Dyke Landscape Architects to increase the compensation by \$12,000 for additional expenses incurred during design and construction support services associated with the La Colonia Tot Lot Replacement.

PASSED AND ADOPTED this 27th day of September 2023, at a regularly scheduled meeting of the City Council of the City of Solana Beach, California by the following vote:

AYES: Councilmembers –
NOES: Councilmembers –
ABSENT: Councilmembers –
ABSTAIN: Councilmembers –

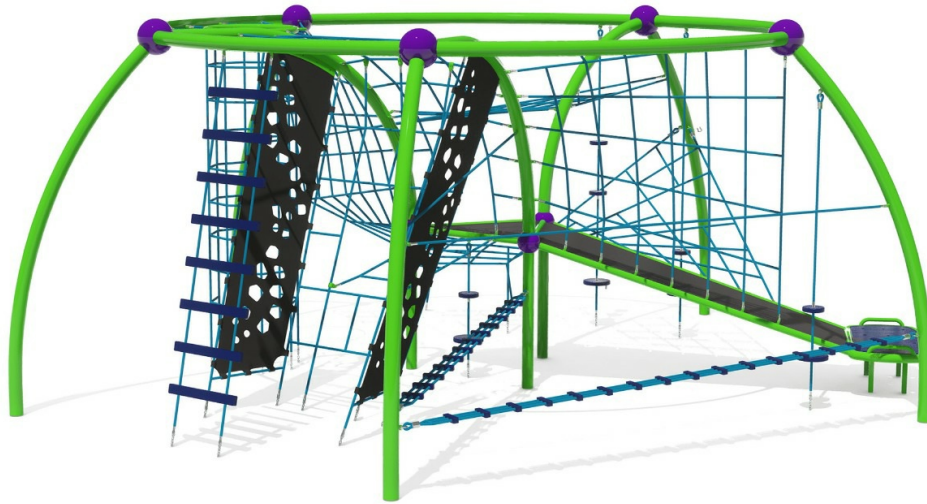
LESA HEEBNER, Mayor

APPROVED AS TO FORM:

ATTEST:

JOHANNA N. CANLAS, City Attorney

ANGELA IVEY, City Clerk

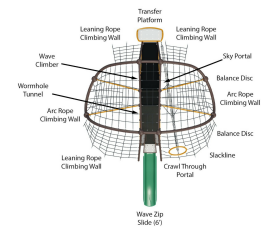
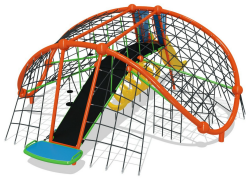
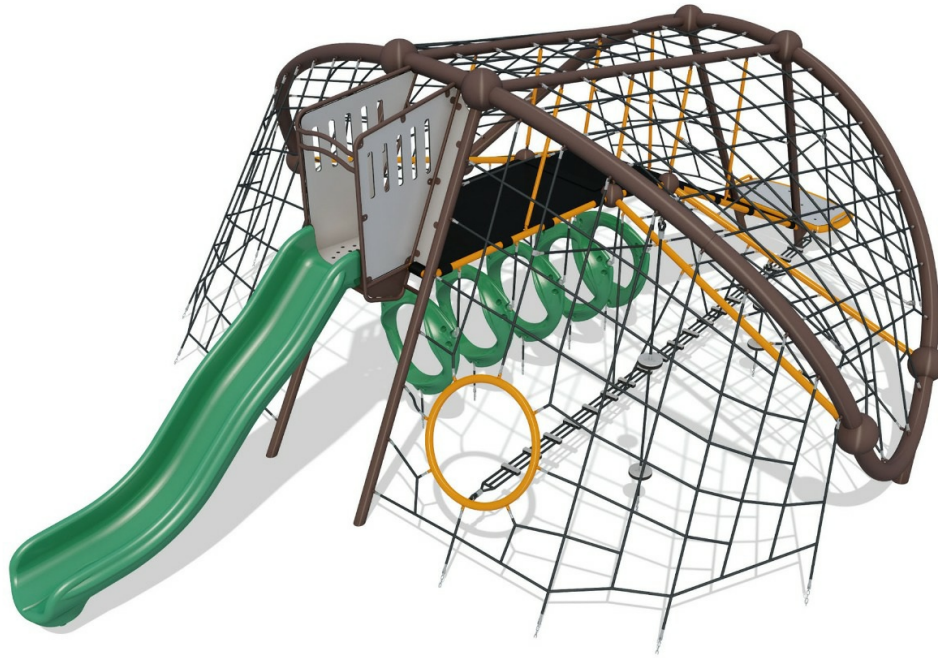


VistaArc Orbiter

VistaArc orbiter is a multi-sided climber designed for children to climb in, through, up, and around. Featuring our WeaveTech[®] ropes for maximum strength and durability, this climber is sure to be a fun and challenging addition to your park or playground. The rope structure includes GameTime's EveryBody Plays transfer platform attached to a SureGrip accessible route to the structure, followed by an exciting slide at the end!

VistaArc Orbiter

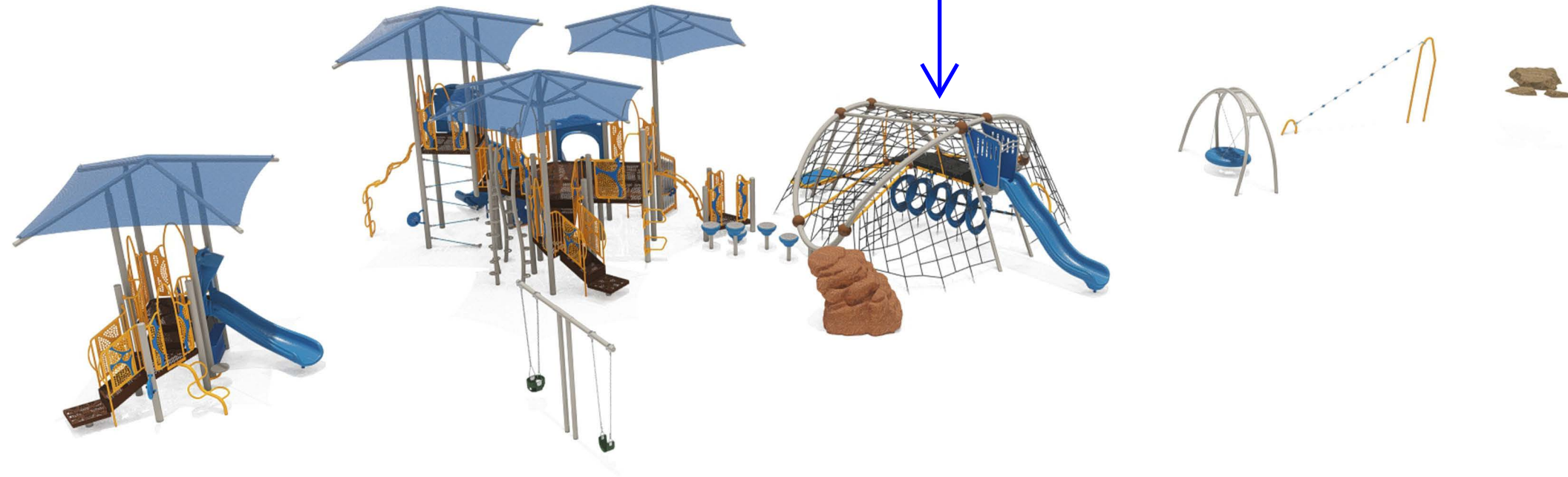




GT Wave

GT Wave™ is an innovative inclusive net climbing structure from our custom play division. It is **the industry's first net climber with a transfer platform attached to an accessible route leading to a six-foot zip slide**. Children of all abilities experience a wide range of play adventures, as well as physical, social-emotional, and cognitive skill development. [VistaRope Catalog](#) [See the GTWave in 3D!](#)

GT Wave





STAFF REPORT CITY OF SOLANA BEACH

TO: Honorable Mayor and City Councilmembers
FROM: Gregory Wade, City Manager
MEETING DATE: September 27, 2023
ORIGINATING DEPT: City Manager/City Attorney
SUBJECT: **Discuss and Consider Introduction of Ordinance 532 Amending Solana Beach Municipal Code Chapter 3.08 Related to Purchasing**

BACKGROUND:

As required by Government Code section 54202, Chapter 3.08 of the City of Solana Beach Municipal Code (SBMC) contains guidance on the City's procurement requirements for the purchase of goods, services, and equipment (Purchasing Ordinance). The Purchasing Ordinance regulates when formal bidding, informal bidding, or when no competitive bidding is required for the purchase of supplies, services, and equipment. The last increase to the City Manager's purchasing authority occurred in 2015.

The cost of goods and services has substantially increased since the Purchasing Ordinance was last amended almost a decade ago. The San Diego regional consumer price index-urban consumers (CPI) has significantly increased over that time period.

The impacts of the pandemic have further hampered the City's ability to procure goods, equipment and services in a timely manner due to lingering delays within supply chains. As a result, Staff proposes changes to Municipal Code Chapter 3.08 to provide greater flexibility, administrative efficiencies, reduced costs, and enhanced ability to acquire goods and services in a timely manner.

At the August 23, 2023 Council Meeting, the City Council directed Staff to return with revisions to the City's Purchasing ordinance increasing certain thresholds. The action before the City Council is to consider introducing Ordinance 532 amending SBMC Chapter 3.08.

4884-4826-6625 v1

CITY COUNCIL ACTION:

DISCUSSION:

The City frequently enters into contracts with all manner of consultants in carrying out City services or projects and for the purchase of supplies and equipment to effectively run the City and its operations. Establishing a clear threshold whereby the City Manager can execute a contract facilitates City business.

The cost of goods and services has substantially increased since the Purchasing Ordinance was last amended. Accordingly, Staff recommends that the Council increase the City Manager's purchasing authority from \$25,000 to \$50,000, and to increase the floor for the requirements of competitive bidding from \$2,500 to \$5,000 (ten percent of the City Manager's authority). Again, for the City Manager to execute a contract, the budget must be available for the goods or services. To the extent that the cost of the goods or services exceeds the recommended \$50,000 threshold, or if funds were not available, and in those situations where the project has not been previously approved by the City Council, Staff would present the item to the City Council for approval.

CEQA COMPLIANCE STATEMENT:

The adoption of this ordinance is not subject to CEQA pursuant to Section 15060(c)(2) and 15060(c)(3) of the State CEQA Guidelines, because it will not result in a direct or reasonably foreseeable indirect physical change in the environment and is not a "project," as defined in Section 15378 of the CEQA Guidelines.

FISCAL IMPACT:

The introduction and adoption of the ordinance has no significant impact on the budget. It is anticipated that there may be savings in Staff time with a more efficient and streamlined procurement process as proposed.

WORK PLAN: N/A

OPTIONS:

- Approve Staff recommendation.
- Approve Staff recommendation with alternative amendments / modifications.
- Take no action.

DEPARTMENT RECOMMENDATION:


Staff recommends that the City Council:

1. If desired, introduce Ordinance No. 532 amending Solana Beach Municipal Code (SBMC) Chapter 3.08 to increase the City Manager's purchasing

authority from \$25,000 to \$50,000, and to revise the thresholds for procurement process.

CITY MANAGER'S RECOMMENDATION:

Approve Department Recommendation



Gregory Wade, City Manager

Attachments:

1. Ordinance No. 532

ORDINANCE 532

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, AMENDING TITLE 3, CHAPTER 3.08 OF THE SOLANA BEACH MUNICIPAL CODE REGARDING PURCHASING

WHEREAS, California Government Code section 54202 provides that every city “shall adopt policies and procedures, including bidding regulations, governing purchases of supplies and equipment” and that “[p]urchases of supplies and equipment by the [city] shall be in accordance with said duly adopted policies and in accordance with all provisions of law governing same;” and

WHEREAS, Chapter 3.08 of the Solana Beach Municipal Code contains procurement procedures for the purchase of goods, services, and equipment; and

WHEREAS, there have been significant increases to the San Diego regional consumer price index-urban consumers (CPI) since the City’s last revision to its purchasing regulations; and

WHEREAS, the impacts of the pandemic have further hampered the City’s ability to procure goods, equipment, and services in a timely manner due to lingering delays within supply chains; and

WHEREAS, it is recommended that the Council increase the City Manager’s purchasing authority from \$25,000 to \$50,000, and to increase the floor for the requirements of competitive bidding from \$2,500 to \$5,000 (ten percent of the City Manager’s authority); and

WHEREAS, the authority vested in the City Manager for the approval of small to medium size purchases ensures that the procurement process does not become overly cumbersome by creating undue delays in the approval process for small to medium size purchases; and

WHEREAS, the proposed changes to Municipal Code Chapter 3.08 will provide greater flexibility, administrative efficiencies, reduced costs, and enhanced ability to acquire goods and services in a timely manner.

The City Council of the City of Solana Beach, California, DOES HEREBY ORDAIN as follows:

SECTION 1. All of the above recitals are true and correct and are incorporated herein.

SECTION 2. The adoption of the ordinance is not subject to CEQA pursuant to Section 15060(c)(2) and 15060(c)(3) of the State CEQA Guidelines, because it will not result in a direct or reasonably foreseeable indirect physical change in the environment and is not a “project,” as defined in Section 15378 of the CEQA Guidelines.

SECTION 3. Sections 3.08.030, 3.08.050, 3.08.060, 3.08.070, 3.08.080, 3.08.085, 3.08.095, 3.08.100, and 3.08.140 of the Solana Beach Municipal Code are hereby amended to read as follows (underlines are additions and ~~strikeouts~~ are deletions)::

3.08.030 Duties and authority of the purchasing officer.

The purchasing officer shall have the authority to:

A. Negotiate, process the purchase of, and contract for all supplies, services and equipment needed by any city department or agency which derives its support wholly or in part from the city; provided however, that any single expenditure or contract in excess of ~~\$25,000~~ \$50,000 shall require city council approval.

B. Make procurements:

1. In accordance with the purchasing procedures prescribed by this chapter; and
2. In accordance with relevant administrative policies approved by the city manager for internal control and operations management.

C. Act to procure for the city the needed supplies, equipment and services with the necessary quality, capacity, safety, performance ability and overall cost, considering labor and maintenance costs and other applicable factors required to meet the service objectives of the using department or agency at the least expense to the city.

D. Discourage collusion in bidding and discourage vendor uniform bidding; endeavor to obtain the most open competition possible on all purchases.

E. Prepare and recommend administrative regulations, including revisions and amendments thereto, governing the purchase of supplies, services and equipment for the city; said regulations shall be effective upon approval by the city manager.

F. Remain informed of current developments in the field of purchasing, prices, market conditions and new products.

G. Prescribe and maintain such forms as are reasonably necessary for the operation of this chapter and other rules and regulations.

H. Transfer between departments any unused goods and supplies within any fiscal year.

I. Sell or exchange any and all equipment, materials, fixtures and other personal property of the city having a salvage value and which is obsolete or unserviceable, or is surplus to the city, or for which replacement is to be purchased. The purchasing officer or designee may sell the same for the best price obtainable in the open market or, when he/she deems it advisable, to the highest bidder at public sale, or he/she may exchange the same for other property or for credit on other property. In the event the purchasing officer determines that any such obsolete or surplus property has no salvage value, he/she may dispose of it as he/she deems advisable in accordance with Chapter 2.52 SBMC et seq. Any employees involved in declaring property surplus, or in the sale of said property, are excluded from acquiring the surplus property in any way.

J. Prescribe, design and issue forms needed for the operation of this chapter and other applicable rules and regulations.

K. Grant authority to any department director to purchase or contract for specified supplies and equipment; but shall require that such purchases or contracts be made in conformity with purchasing procedures established in this chapter. All fiduciary duties and responsibilities of the purchasing officer are incumbent upon the department directors when acting in the capacity of purchasing officer, particularly when negotiating contracts for professional services.

L. Grant each department director authority to perform the duties and exercise the authority of the purchasing officer with a limit on purchases from the same vendor, purchased on the same day, to less than ~~\$2,500~~ \$5,000 in value, except to the extent that the city manager reserves the duties and authority for himself/herself.

M. Grant a one percent advantage in the bid price to in-town vendors whenever supplies and equipment are subject to sales tax. Price alone shall not be the determining factor but shall be considered along with the other factors, including, but not limited to, the ability of the bidder to deliver, prior experience with the bidder and other factors relating to the particular needs of the city for the supplies and equipment to be purchased.

3.08.050 Use of purchase orders required and exceptions.

A. Purchase of supplies, services and equipment in excess of ~~\$2,500~~ \$5,000 shall be made only by purchase order. Except as otherwise provided in this chapter, no purchase order shall be issued unless the prior approval of the purchasing officer has been obtained. SBMC 3.08.070 and 3.08.080 shall not apply to the purchase of supplies, services or equipment under the following circumstances:

1. Emergency purchases as provided in SBMC 3.08.060; or
2. Purchases from the same vendor, made on the same day, by each department, of an estimated value of less than ~~\$2,500~~ \$5,000; or
3. Billing for utilities, and other similar payments, unless there exists maintenance or service agreements; or
4. Services provided only by another governmental agency where there exists a service agreement.

B. The purchasing officer may establish accounts with vendors for specified supplies, services and equipment. Open accounts shall be made pursuant to provisions of this chapter. The aggregate purchases under an open vendor account shall not exceed ~~\$2,500~~ \$5,000 per transaction. The accounts shall be open at the discretion of the purchasing officer after considering risk and need.

C. Except in cases of emergency or in cases where specific authority has first been obtained from the city council, the purchasing officer shall not issue any purchase order

for supplies, services and equipment unless there exists an unencumbered appropriation in the fund account against which such purchase is to be charged.

3.08.060 Emergency purchases.

The city manager or designee may make emergency purchases, not to exceed ~~\$25,000~~ \$50,000, free of the provisions of this chapter upon a showing by any department that the purchase required is for the immediate protection of life, health, or property and there is a present, immediate and existing emergency which could not reasonably be foreseen, or to prevent or mitigate an emergency condition from occurring. Emergency purchases that exceed ~~\$25,000~~ \$50,000 in response to conditions that endanger life, health or safety are free from the provisions of this chapter, but are required to be ratified by the city council at the soonest available regular city council meeting.

3.08.070 Informal purchasing procedures.

The purchasing officer may make purchases of supplies, equipment or services with a value of less than ~~\$25,000~~ \$50,000 by following the informal bid procedures provided in this section:

A. Purchases of supplies, services and equipment of an estimated value of less than ~~\$25,000~~ \$50,000 may be made by the purchasing officer in accordance with the procedures set forth in this section. The purchasing officer shall solicit informal competitive bids for all such purchases; provided, however, informal competitive bidding shall not be required for any purchase that has an estimated value of less than ~~\$2,500~~ \$5,000.

B. Except where competitive bidding is not required, informal bids shall be solicited for purchases of supplies, services or equipment and awarded to the lowest responsible bidder, as follows:

1. The informal bids may be oral or written;
2. Whenever possible, at least three informal bids or quotations shall be obtained, and the award be given to the lowest responsible bidder;
3. The purchasing officer shall solicit informal bids or quotations from prospective responsible vendors by written request, by telephone, by public notice posted on a bulletin board in City Hall and/or by adjudicated newspaper publication;

4. The informal bid purchase shall not require city council approval; the city manager, or designee, is authorized to execute the contract for any such purchase.

3.08.080 Formal contract procedure.

Except as otherwise specifically provided in this section or in other sections of this chapter, purchases of supplies, services and equipment of an estimated value of ~~\$25,000~~ \$50,000 or more shall be by formal sealed written competitive bids. Awards of such contracts shall be made by the city council to the lowest responsible bidder in accordance with the following provisions:

A. Notices Inviting Bids. Notices inviting bids shall include a general description of the supplies, services or equipment to be purchased. Notices shall also state where bid forms and specifications may be secured as well as the time and place for opening bids. Notices inviting bids must be given by publication in a newspaper of general circulation throughout the city at least 10 calendar days before the date of opening the bids. The notice shall be published twice, not less than five days apart per Public Contract Code Subsection 20164 of the State of California. The notice shall specify that the award shall be made to the lowest responsible bidder in accordance with SBMC 3.08.080.

B. Bidders' Security. When considered necessary by the purchasing officer, bidders' security may be prescribed in the notices inviting bids. Bidders shall not be entitled to the return of bid securities. The city council, on the refusal or failure of the successful bidder to execute the contract, may award the contract to the next lowest responsible bidder.

C. Confidentiality of Bids. Any bid received pursuant to the provisions of this chapter shall not be disclosed directly or indirectly to any other bidder until the bidding is closed and further bidding is excluded.

D. Bid Opening Procedure. Sealed bids shall be submitted to the city clerk or designee and shall be identified as bids on the sealed envelope. All bids submitted by the deadline shall be opened at the time and place stated in the public notice. All bids received shall be open for public inspection in the city clerk's office during business hours for 30 days after the bid opening. Bids will be destroyed in accordance with the city's adopted records retention schedule. The city reserves the right to confirm mathematical accuracy of the bids prior to award of the contract.

E. Rejection of Bids. The city council may, at its discretion, reject any and all bids presented and readvertise for bids.

F. Tie Bids. If two or more bids are received for the same total amount, quality and service being equal, and if public interest will not permit the delay of readvertising for bids, the city council may accept the one it chooses or accept the lowest bid made by negotiation with the tie bidders.

G. Contracts Exceeding Bid Amount. Change orders for contracts for the purchase of supplies, services or equipment may not exceed the bid amount by more than 25 percent.

H. Performance Bonds. The purchasing officer shall have the authority to require a performance bond before entering into a contract. The bond will be in an amount reasonably necessary to protect the best interest of the city. If a performance bond is required, the form and amount shall be described in the notice inviting bids.

I. Splitting or Separating Purchases or Contract. Contracts for the purchase of supplies, equipment or services may not be split or separated into smaller work orders for the express purpose of circumventing purchasing procedures.

J. Returning Retention Withholdings. The purchasing officer shall be required to return the required 10 percent retention withholdings in accordance with the original signed contract, or 60 calendar days after a notice of completion has been signed by the authorized department director and the authorized project coordinator, provided there are no outstanding stop orders or mechanics liens.

3.08.085 Purchase of used equipment.

If opportunities arise to purchase used equipment, such equipment may be purchased without competitive bidding, provided all the following conditions are met:

A. The equipment being sold is warranted or, in the case of an “as-is, where-is” purchase, there is an inspection by a qualified party who certifies that the condition of the item is acceptable and adequate for efficient city use.

B. The dealer of the equipment is a bona fide and reputable dealer as verified through reference checks or the equipment is being purchased from another governmental entity.

C. The selling price of the equipment is less than ~~\$25,000~~ \$50,000, including tax, installation, freight, and any other additional acquisition costs.

D. If no bids are received from the formal bidding process for the purchase of used equipment with a selling price of over ~~\$25,000~~ \$50,000, a written request to commence negotiation with a vendor(s) must be submitted to the city manager for approval. Acceptance of the contract is subject to city council approval.

Justification for the sole source purchase of used equipment must be documented and maintained as part of the procurement file.

It is not allowable to purchase used equipment when procedures for the acquisition of new equipment have been circumvented to avoid the competitive bidding process.

3.08.095 Award and execution of contracts.

Except in emergency situations pursuant to SBMC 3.08.060, all contracts for supplies, services and equipment in an estimated amount of ~~\$25,000~~ \$50,000, or more, shall be awarded by the city council. Contracts for supplies, services and equipment in an estimated amount of less than ~~\$25,000~~ \$50,000 shall be executed by the city manager or designee.

3.08.100 Change orders for contracts covering the purchase of supplies, services or equipment.

A. Change orders for contracts for the purchases of supplies, services and equipment may not exceed the original bid amount by more than 25 percent.

B. Change orders for an amount of less than ~~\$25,000~~ \$50,000 may be approved by the city manager if unencumbered funds are available.

C. Change orders for an amount of ~~\$25,000~~ \$50,000 or more shall require city council approval.

D. Any change order that results in the need for additional appropriation shall be approved by the city council.

3.08.140 Contracts for professional services.

Because of their unique nature, it is in the best interest of the public, as allowed by state law, that contracts for professional services such as attorneys, accountants, architects, planning consultants, computer consultants, engineers, auditors, financial advisors, public relations consultants, real estate agents and brokers, insurance and bond agents and brokers, or other professional or consultant services of a similar nature, or at the discretion of the purchasing officer, be selected on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required, negotiated between parties rather than on the basis of cost alone. Therefore, the city manager is not limited to awarding professional services contracts to the lowest responsible bidder, but rather on the basis of demonstrated competence and qualifications for the types of service to be performed at a fair and reasonable price.

The procurement of professional services shall be as follows:

A. The city manager may exempt professional service contracts from the bid requirements of SBMC 3.08.070 for contracts less than ~~\$25,000~~ \$50,000 when it is necessary or convenient for the management of the city's affairs.

B. The purchasing officer shall ascertain from informed sources the names of not less than three professionals qualified for the service desired who are professionally and financially qualified to undertake the proposed assignment. When three such professionals are not readily identifiable, the city manager may determine that a lesser number of professionals is adequate.

C. A request for proposal shall be provided to all potential candidates outlining the scope of services required, time frame for completion, pricing structure, liability insurance information and coverage and other pertinent information. Professionals must submit their responses in the specified format no later than the stated final due date for proposals. The response must include liability insurance information and coverage.

D. The evaluation process will be based on the criteria stated in the request for proposal but will generally include the scope of services offered, the professional's capabilities and previous experience in the field.

E. After the proposals are evaluated, the purchasing officer will negotiate an agreement with the selected professional. If an agreement is not reached within a reasonable time, the purchasing officer will terminate discussion with the first candidate and open negotiations with the second choice.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Solana Beach hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, phrase, or portion may be declared invalid or unconstitutional.

SECTION 5. This ordinance shall be effective thirty (30) days after its adoption. Within fifteen (15) days after its adoption, the City Clerk shall cause this ordinance to be published pursuant to state law.

INTRODUCED at a regular meeting of the City Council of the City of Solana Beach, California held on the 27th day of September 2023, and thereafter,

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Solana Beach, California, on the ___ day of _____, 2023, by the following vote:

AYES: Councilmembers –
NOES: Councilmembers –
ABSTAIN: Councilmembers –
ABSENT: Councilmembers –

LESA HEEBNER, Mayor

APPROVED AS TO FORM:

ATTEST:

JOHANNA N. CANLAS, City Attorney

ANGELA IVEY, City Clerk