

CITY OF SOLANA BEACH

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



AGENDA

Joint REGULAR Meeting

Wednesday, November 8, 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 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

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*

United Against Hate Week

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.6.)

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 October 11, 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 October 07, 2023 – October 20, 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 2023-2024 General Fund Adopted Budget.

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

A.4. Fletcher Cove Tot Lot Replacement Project – Notice of Completion. (File 0730-40)

Recommendation: That the City Council

1. Adopt **Resolution 2023-123**:
 - a. Authorizing the City Council to accept, as complete, the Fletcher Cove Tot Lot Replacement, Bid No. 2023-01, constructed by R.E. Schultz Construction, Inc.
 - b. Authorizing the City Clerk to file a Notice of Completion.

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

A.5. Regional Transportation Improvement Program (RTIP) Amendment. (File 0840-30)

Recommendation: That the City Council

1. Adopt **Resolution 2023-122** approving an amendment to the SANDAG 2023 Regional Transportation Improvement Program (RTIP) of projects for Fiscal Years 2023 through 2027, to add a Traffic Signal Equipment Replacements and Upgrades project, and to program Regional Transportation Congestion Improvement Program (RTCIP) funds.
2. Appropriate \$25,000 to the Traffic Signal Upgrades Phase 1 CIP project from the RTCIP fund and reduce Gas Tax funding by \$25,000.
3. Authorize the City Treasurer to amend the Fiscal Year 2023-24 Adopted Budget accordingly.

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

A.6. Firefighter Self Contained Breathing Apparatus and Rapid Intervention Team Paks. (File 0260-40)

Recommendation: That the City Council

1. Adopt **Resolution 2023-127**:
 - a. Authorizing the purchase of firefighter self contained breathing apparatus and rapid intervention team paks in the amount of \$189,743.68.
 - b. Authorizing the appropriation of \$189,743.68 from Asset Replacement – Fire Equipment Expenditure account (1356120.66400).
 - c. Authorizing the City Treasurer to amend the Fiscal Year 2023/2024 Adopted Budget accordingly.

[Item A.6. 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.3.)

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: 611 Seabright Ln., Applicant: Boat, Case: DRP22-017, SDP22-015. (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 2023-112** conditionally approving a DRP and SDP to construct a 119 square-foot second-floor addition with associated improvements to two-story single-family residence at 611 Seabright Lane, Solana Beach.

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

B.2. Public Hearing: 312 N. Rios Ave., Applicant: Wadley, Case: DRP23-004, SDP23-005. (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 15303 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt **Resolution 2023-126** conditionally approving a DRP and SDP to demolish a single-family residence, construct a 2,236 square-foot split-level single-family residence with an attached 535 square-foot two-car garage, and perform associated site improvements at 312 North Rios Avenue, Solana Beach.

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

B.3. Introduce (1st Reading) Ordinance 525 – Accessory Dwelling Unit. (File 0610-10)

Recommendation: 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. Consider introduction of **Ordinance 525 – Accessory Dwelling Unit Ordinance.**

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

C. STAFF REPORTS: (C.1. – C.2.)

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. Marine Safety Center Revised Design and Photo Simulations. (File 0730-30)

Recommendation: That the City Council

1. Receive the report and provide input and direction on how to address the revised potential residential view impacts with the revised design of the Marine Safety Center.

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

C.2. Coastal Rail Trail - Discussion on Bicycle, Electric Bicycle and Pedestrian Safety Signage. (File 0840-35)

Recommendation: That the City Council

1. Discuss the new signage options and provide direction to Staff on the preferred signage, and locations, for installation on the CRT.

[Item C.2. 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 December 13, 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 November 8, 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 November 1, 2023 at 3:45 p.m. on the City Bulletin Board at the entrance to the City Council Chambers. Said meeting is held at 6:00 p.m., November 08, 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 Meeting - Closed Session

Wednesday, October 11, 2023 at 4:00 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 4:01 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

Report to Council Chambers and submit speaker slips to the City Clerk before the meeting recesses to closed session.

CLOSED SESSION:

- 1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
Pursuant to Government Code Section 54956.9(d)(2)
Two (2) Potential cases.
- 2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
Pursuant to Government Code Section 54956.9(d)(1)
- MacDonald v. City of Solana Beach (37-2023-00038867-CU-PO-CTL)
- 3. PUBLIC EMPLOYEE**
Pursuant to Government Code Section 54957
City Manager
- 4. PUBLIC EMPLOYEE**
Pursuant to Government Code Section 54957
Interim City Manager
- 5. CONFERENCE WITH LABOR NEGOTIATORS**
Pursuant to Government Code Section 54957.6

AGENDA ITEM A.1.

CITY OF SOLANA BEACH

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



MINUTES

Joint REGULAR Meeting

Wednesday, October 11, 2023 * 6:00 p.m.

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

Teleconference Location (Edson) Hyatt Regency Orlando, 9801 International Drive Orlando, FL 32819

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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 6:05 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.

Rachel Jacobs, Finance Dir.

Joseph Lim, Community Development Dir.

CLOSED SESSION REPORT:

FLAG SALUTE:

APPROVAL OF AGENDA:

Motion: Moved by Deputy Mayor Zito and second by Councilmember Becker 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.

Lane Sharman spoke about the Clean Energy Alliance (CEA) having no local energy programs or Staff other than a new CEO, that San Diego Community Power hired Staff, development community programs, and now ran in the black, and that CEA has operated for 3 years and is currently in the red. He said he had some recommendations including setting salaries according to financial performance, hire a qualified procurement officer rather than rely on a market intermediary, obtain long term power purchase agreements (PPAs) and supplies, reexamine the Carlsbad desalination agreement providing a no margin tariff, complete a management audit for 2023, and that the primary mission of the CEA should be about 24/7 decarbonization, tariff innovation, local program execution, and independence from SDG&E.

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.2.)

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. Register Of Demands. (File 0300-30)

Recommendation: That the City Council

1. Ratify the list of demands for August 26, 2023 – September 22, 2023.

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

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

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

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

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: 611 Seabright Lane, Applicant: Boat, Case: DRP22-017/SDP22-015. (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 2023-112** conditionally approving a DRP and SDP to construct a 119 square-foot second-floor addition with associated improvements to two-story single-family residence at 611 Seabright Lane, Solana Beach.

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

[Item B.1. Updated Report #1 \(added 10-10-23\)](#)

Deputy Mayor Zito recused himself due to the property interest within 500 ft. of the project property.

Greg Wade, City Manager, stated that Staff recommended to continue this hearing to October 25, 2023 to allow the applicant to recertify story poles and work with the view claimant.

Mayor Heebner opened the public hearing.

Motion: Moved by Mayor Heebner and second by Councilmember Becker to continue the hearing to a date certain of October 25, 2023. **Approved 4/0/1.** Ayes: Heebner, Edson, Becker, MacDonald. Noes: None. Absent: Zito (recused). Motion carried.

B.2. Public Hearing: 256 Pacific Ave., Applicant: Hester, Case: DRP22-018, SDP22-016. (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 15303 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt **Resolution 2023-115** conditionally approving a DRP and SDP to construct a 2,498 square-foot split-level single-family residence with an attached two-car garage and perform associated site improvements at 256 Pacific Avenue, Solana Beach.

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

Greg Wade, City Manager, introduced the item.

Katie Bensen, Assistant Planner, presented a PowerPoint (on file).

Mayor Heebner opened the public hearing.

Council disclosures.

Stephen Dalton, Architect, presented a PowerPoint (on file) reviewing the project proposal.

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

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

C. STAFF REPORTS: (C.1. – C.2.)

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. Temporary Public Arts Program Modifications. (File 0910-41)

Recommendation: That the City Council

1. Consider adoption of **Resolution 2023-116** authorizing modifications to the Temporary Public Arts Program loan duration and artist compensation from \$1,500 for a one-year loan to \$3,000 for a two-year loan and the addition of a new temporary public art location on Highland Drive.

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

[Item C.1. Supplemental Docs \(Updated 10-09-23\)](#)

Greg Wade, City Manager, introduced the item.

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

Council and Staff discussed locations reviewed for any sightline visibility issues.

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.

C.2. Purchasing Authority - Adoption (2nd Reading) of Ordinance 532. (File 0370-10)

Recommendation: That the City Council

1. Adopt **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 the procurement process.

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

Johanna Canlas, City Attorney, introduced the item and read the title.

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

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.

Councilmember Edson reported that NCTD (North County Transit District) paid for her travel and expenses to Orlando to attend the American Public Association Conference.

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 6:50 pm

Agency Designated Representative: Johanna N. Canlas, City Attorney
Unrepresented Employee: Interim City Manager

ACTION: Authorized the City Attorney to negotiate an agreement for Interim City Manager with Assistant City Manager, Dan King.

ADJOURN:

Mayor Heebner adjourned the meeting at 6:05 p.m.



STAFF REPORT CITY OF SOLANA BEACH

TO: Honorable Mayor and City Councilmembers
FROM: Gregory Wade, City Manager
MEETING DATE: November 8, 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: 10/07/2023 through 10/20/2023

Check Register - Disbursement Fund (Attachment 1)		\$	799,080.16
Net Payroll Council	October 12, 2023		4,974.94
Net Payroll Staff O08	October 13, 2023		253,884.48
TOTAL		\$	<u>1,057,939.58</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 October 7, 2023 through October 20, 2023 reflects total expenditures of \$1,057,939.58 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



STAFF REPORT CITY OF SOLANA BEACH

TO: Honorable Mayor and City Councilmembers
FROM: Gregory Wade, City Manager
MEETING DATE: November 8, 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 October 25, 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 10/25/2023						
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:

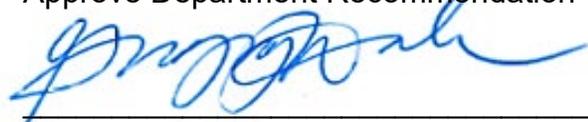
- Receive the report.
- Do not accept the report

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: November 8, 2023
ORIGINATING DEPT: Engineering Department
SUBJECT: **City Council Consideration of Resolution 2023-123 Authorizing the City Clerk to File a Notice of Completion for the Fletcher Cove Tot Lot Replacement Project**

BACKGROUND:

The construction contract for the Fletcher Cove Tot Lot Replacement, Bid No. 2023-01, was awarded to R.E. Schultz Construction, Inc. on February 8, 2023. Construction of the project started in April 2023 and was completed in June 2023. At the end of construction, a 90-day plant establishment period started. Now that the plant establishment period is completed, the Notice of Completion (NOC) can be filed.

This item is before the City Council for the consideration of Resolution 2023-123 (Attachment 1) to report the final project costs, accept the Fletcher Cove Tot Lot Replacement as complete and direct the City Clerk to file a NOC.

DISCUSSION:

R.E. Schultz Construction, Inc. completed all work on this project in accordance with the approved plans and specifications of Bid No. 2023-01 to the satisfaction of the City Engineer. The City will release the 5% retention, in the amount of \$16,439.85, 35 days after the NOC is approved by the City Council.

Two changes orders were approved and executed during construction of the project. Change Order No. 1, in the amount of \$11,095.94, compensated the contractor for the installation of rebar dowels to tie the concrete pavement under the rubber safety surface into the concrete curb and to fully compensate the contractor for the quantity of synthetic turf removed and installed near the ocean overlook. Change Order No. 2, in the amount of \$3,224.00, compensated the contractor for a repair to the synthetic turf that was

COUNCIL ACTION:

damaged by a hot barbeque grill and a short extension of the wood lodge pole fence along South Sierra Avenue.

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:

A construction contract was awarded to R.E. Schultz Construction, Inc. at the February 8, 2023, City Council meeting in the amount of \$314,477.08. An additional \$45,000 was approved for a construction contingency to cover unforeseen items during construction. There were two change orders approved and executed in the amount of \$14,319.94, which equates to an effective contingency of less than 5%.

Table 1 – Construction Cost Accounting

Item Description	Company	Cost
Construction Contract	R.E. Schultz Construction, Inc.	\$314,477.08
Change Order No. 1	R.E. Schultz Construction, Inc.	11,095.94
Change Order No. 2	R.E. Schultz Construction, Inc.	3,224.00
City Purchase of Playground Equipment	Landscape Structures, Inc.	126,617.09
Construction Support	VDLA	5,160.00
Total Project Costs		\$460,574.11
Appropriated Funds		\$491,254.17
Remaining Appropriated Funds		\$30,680.06

WORK PLAN:

The Fletcher Cove Tot Lot Replacement is consistent with Item B.8 (Fletcher Cove Park and Community Center Maintenance) of the Community Character Priorities section of the Fiscal Year (FY) 2023/24 Work Plan.

OPTIONS:

- Adopt Staff recommendation.
- Deny Staff recommendation and provide direction.

DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council adopt Resolution 2023-123:

1. Authorizing the City Council to accept, as complete, the Fletcher Cove Tot Lot Replacement, Bid No. 2023-01, constructed by R.E. Schultz Construction, Inc.
2. Authorizing the City Clerk to file a Notice of Completion.

CITY MANAGER'S RECOMMENDATION:

Approve Department Recommendation.



Gregory Wade, City Manager

Attachments:

1. Resolution 2023-123

RESOLUTION 2023-123

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, ACCEPTING AS COMPLETE THE FLETCHER COVE TOT LOT REPLACEMENT AND AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION

WHEREAS, a construction contract for the Fletcher Cove Tot Lot Replacement, Bid No. 2023-01, was awarded to R.E. Schultz, Inc. on February 8, 2023, and construction of the project started in April 2023; and

WHEREAS, two changes orders were executed during construction. Change Order No. 1 compensated the contractor for installation of rebar dowels to tie the concrete pavement under the rubber safety surface into the concrete curb and to fully compensate the contractor for the quantity of synthetic turf removed and installed near the ocean overlook. Change Order No. 2 compensated the contractor for a repair to the synthetic turf and a short extension of the wood lodge pole fence along South Sierra Avenue.

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 as complete the Fletcher Cove Tot Lot Replacement, Bid No. 2023-01, constructed by R. E. Schultz Construction, Inc.
3. That the City Council authorizes the City Clerk to file a Notice of Completion for the project.

PASSED AND ADOPTED this 8th day of November 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
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: November 8, 2023
ORIGINATING DEPT: Engineering Department
SUBJECT: **City Council Consideration of Resolution 2023-122 – Approving an Amendment to SANDAG’S 2023 Regional Transportation Improvement Program**

BACKGROUND:

The San Diego Association of Governments (SANDAG) is required by state and federal laws to develop and adopt a Regional Transportation Improvement Program (RTIP) every two years. The RTIP is a multi-year program of proposed major highway, arterial, transit, and bikeway projects including the *TransNet* Program of Projects. The current 2023 RTIP was adopted by the SANDAG Board on September 23, 2022 and covers the five-year fiscal period 2022/23 through 2026/27. The 2023 RTIP can be downloaded at the following SANDAG website:

<https://www.sandag.org/-/media/SANDAG/Documents/PDF/funding/funding-and-programming/regional-transportation-improvement-program/final-2023-rtip-2022-11-30.pdf>

This item is before the City Council to consider adopting Resolution 2023-122 amending the 2023 RTIP list of projects to program Regional Transportation Congestion Improvement Program (RTCIP) funding, and to revise the Capital Improvement Program (CIP) budget for Traffic Signal Upgrades Phase 1 by substituting Gas Tax funding with RTCIP funding.

DISCUSSION:

The RTIP is a planning document that lists all major transportation improvement projects for the region. A transportation project generally has to be listed in the RTIP to be eligible for *TransNet*, State and Federal funding. The RTIP for San Diego County is prepared by SANDAG. SANDAG prepares a five-year program and updates this program every two

CITY COUNCIL ACTION:

years with input provided by local agencies in the county. Amendments to the RTIP can be made quarterly with specified limitations.

SANDAG requires local agencies to submit a separate project submittal form for each project that is to be included in the RTIP. The submittal of the projects to SANDAG must include evidence of formal action by the legislative body of the City, preferably by resolution. SANDAG also requires that the local agency hold a public meeting prior to adoption or amendment of the five-year RTIP project list.

Adopting this RTIP amendment Resolution will allow the City to utilize RTCIP funds that the City collected from newly constructed residential units and to spend these funds towards improvements to the Regional Transportation System. RTCIP funds can only be used for the Regional Arterial System (RAS) and not any other transportation network. In our City, only Highway 101 and Lomas Santa Fe Drive, west of Interstate 5, are designated as part of the Regional Arterial System (RAS).

The TransNet Ordinance requires the RTCIP funds to be expended no later than seven years after collection. The City's current balance in the RTCIP funds is approximately \$301,000, of which \$24,714 and \$36,233 need to be expended by June 30, 2024 and June 30, 2025, respectively. An additional \$239,884 will need to be expended in the following five years. There are no projects currently programmed for the Regional Arterial System on which the above mentioned funding may be used. However, the City's current CIP includes the Traffic Signal Upgrades Phase 1 project. This CIP project is primarily for traffic signals on the Regional Arterial System and qualifies for RTCIP funding. Due to the required timing for the expenditure of these funds, Staff is recommending adding this CIP project into the RTIP with RTCIP funding. The Traffic Signal Upgrade project is currently funded with Gas Tax which has much more expenditure flexibility. Staff's recommendation would substitute Gas Tax funding with RTCIP funding. The unused Gas Tax funding may be used for other transportation related projects.

The following project is proposed to be added to the RTIP project list:

Traffic Signal Equipment Replacements and Upgrades

This project will provide funding for traffic signals on Highway 101 and Lomas Santa Fe Drive, west of Interstate 5. Regional Transportation Congestion Improvement Program (RTCIP) funding will be utilized. RTCIP funding to be programmed in the amounts of \$25,000 and \$36,000 in FY 2023-24 and FY 2024-25, respectively.

CEQA COMPLIANCE STATEMENT:

Amendments to the RTIP are not a project under CEQA. Environmental review is conducted prior to commencing each project as necessary.

FISCAL IMPACT:

The FY 2024 Capital Improvement Plan budget appropriated \$114,255 in Gas Tax funds for Traffic Signal Upgrades Phase 1. Staff is recommending that the budget for Traffic Signal Upgrades Phase 1 be revised to add \$25,000 in RTCIP funds and reduce Gas Tax funding by the same amount. The unused Gas tax funds would be available for future transportation related projects.

WORKPLAN:

N/A

OPTIONS:

- Adopt Staff recommendations.
- Provide direction to Staff.

DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council:

1. Adopt Resolution 2023-122 approving an amendment to the SANDAG 2023 Regional Transportation Improvement Program (RTIP) of projects for Fiscal Years 2023 through 2027, to add a Traffic Signal Equipment Replacements and Upgrades project, and to program Regional Transportation Congestion Improvement Program (RTCIP) funds.
2. Appropriate \$25,000 to the Traffic Signal Upgrades Phase 1 CIP project from the RTCIP fund and reduce Gas Tax funding by \$25,000.
3. Authorize the City Treasurer to amend the Fiscal Year 2023-24 Adopted Budget accordingly.

CITY MANAGER'S RECOMMENDATION:

Approve Department Recommendation.



Gregory Wade, City Manager

Attachment:

1. Resolution 2023-122

RESOLUTION 2023-122

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, APPROVING AN AMENDMENT TO THE TRANSNET LOCAL STREET IMPROVEMENT PROGRAM OF PROJECTS FOR FISCAL YEARS 2023 THROUGH 2027

WHEREAS, on November 4, 2004, the voters of San Diego County approved the San Diego Transportation Improvement Program Ordinance and Expenditure Plan (*TransNet* Extension Ordinance); and

WHEREAS, the *TransNet* Extension Ordinance provides that SANDAG, acting as the Regional Transportation Commission, shall approve on a biennial basis a multi-year program of projects submitted by local jurisdictions identifying those transportation projects eligible to use transportation sales tax (*TransNet*) funds; and

WHEREAS, the City of Solana Beach was provided with an estimate of annual *TransNet* local street improvement revenues for Fiscal Years 2023 through 2027; and

WHEREAS, the City of Solana Beach approved its 2023 *TransNet* Local Street Improvement Program of Projects (POP) on May 24, 2023 and the City of Solana Beach desires to make adjustments to its Program of Projects; and

WHEREAS, the City of Solana Beach has held a noticed public meeting with an agenda item that clearly identified the proposed amendment prior to approval of the projects by its authorized legislative body in accordance with Section 5(A) of the *TransNet* Extension Ordinance and Rule 7 of SANDAG Board Policy No. 31.

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 of Solana Beach requests that SANDAG make the following changes to its 2023 POP (the "Amendment") as programmed in the 2023 RTIP.
3. That City of Solana Beach approves an amendment to the SANDAG 2023 Regional Transportation Improvement Program (RTIP) of projects for Fiscal Years 2023 through 2027, to add a Traffic Signal Equipment Replacements and Upgrades project, and to program Regional Transportation Congestion Improvement Program (RTCIP) funds.
4. That pursuant to Section 2(C)(1) of the *TransNet* Extension Ordinance, the City of Solana Beach certifies that no more than 30 percent of its annual revenues shall be spent on local street and road maintenance-related projects as a result of the Amendment.

5. That pursuant to Section 4(E)(3) of the *TransNet* Extension Ordinance, the City of Solana Beach certifies that all new or changed projects, or major reconstruction projects, included in the Amendment and funded by *TransNet* revenues shall accommodate travel by pedestrians and bicyclists, and that any exception to this requirement permitted under the Ordinance and proposed was clearly noticed as part of the City of Solana Beach’s public hearing process for the Amendment.

6. That the City of Solana Beach does hereby certify that all other applicable provisions of the *TransNet* Extension Ordinance and SANDAG Board Policy 31 have been met.

7. That the City of Solana Beach agrees to indemnify, hold harmless, and defend SANDAG, the San Diego County Regional Transportation Commission, and all officers and employees thereof against all causes of action or claims related to City of Solana Beach’s *TransNet* funded projects.

8. That the City of Solana Beach appropriates \$25,000 to the Traffic Signal Upgrades Phase 1 CIP project from the RTCIP fund and reduces Gas Tax funding by \$25,000.

9. That City of Solana Beach authorizes the City Treasurer to amend the Fiscal Year 2023-24 Adopted Budget accordingly.

PASSED AND ADOPTED this 8th day of November 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 –
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: November 8, 2023
ORIGINATING DEPT: Fire Department
SUBJECT: **City Council Consideration of Resolution 2023-127 Approving the Purchase of Firefighter Self Contained Breathing Apparatus and Rapid Intervention Team Paks**

BACKGROUND:

A self contained breathing apparatus (“SCBA”) is a device worn by firefighters and other rescue workers to provide breathable air in toxic or hazardous environments that present an immediate danger to life and health. SCBAs are critical and highly technical pieces of personal protective equipment (PPE) for firefighters that include a high-pressure air tank, pressure regulator, and an inhalation connection (mouthpiece, mouth mask, or face mask), connected together and mounted to a carrying frame. SCBAs utilize lightweight, flame resistant materials that do not interfere with the ability to carry a rescued person over a firefighter’s shoulder or inhibit their movement when responding to fires. Also included with this system are two (2) Rapid Intervention Team (RIT) Paks that include additional equipment to support the SBCAs. In addition, modern firefighting SCBAs incorporate a Personal Alert Safety System (PASS) device or an Automatic Distress Signal Unit into their design, which emits distinctive high pitched alarm tones to help locate firefighters in distress.

SCBAs are one of the most important pieces of PPE that a firefighter relies on in a hazardous environment. A SCBA provides a firefighter clean breathing air while they perform physically strenuous activities, such as pulling fire hose, throwing ground ladders, and carrying people out of burning buildings. Without a properly functioning SCBA, a firefighter cannot perform their job effectively or safely.

This item is before the City Council to consider adoption of Resolution 2023-127 (Attachment 1) approving the purchase of firefighter SCBAs and Rapid Intervention Team Paks.

DISCUSSION:

The National Fire Protection Association (NFPA) 1981 standard regulates how a SCBA should be operated, maintained, cleaned, and stored. The NFPA standard is revised every five (5) years. According to the 1981 standard, a complete SCBA system will remain within compliance

CITY COUNCIL ACTION: _____ _____

for three (3) NFPA iterations/editions. The latest NFPA 1981 edition will become effective in 2024.

The Solana Beach Fire Department SCBA fleet will soon reach the third NFPA cycle (purchased in 2012) and will become out of compliance. Each SCBA system is tested annually to ensure the pressure reducers are functioning properly. This testing is highly complex and is documented to meet the Occupational Safety and Health Administration (OSHA) and NFPA requirements. The City's current SCBAs are deteriorating rapidly. Many of the SCBA Paks are out of repair, forcing each apparatus to downgrade to three (3) SCBAs per apparatus, as opposed to the standard four (4). Additionally, thousands of dollars are being spent each year on repair costs.

The Solana Beach Fire Department's existing SCBAs (which were purchased over 10 years ago) are approaching the end of their useful life and are no longer under warranty. Some have deteriorated rapidly, requiring expensive repairs and ongoing maintenance.

The new SCBA Model Scott Air-Pak X3 Pro offers several features that allow the use to be more efficient and includes safety features, such as heads-up display and PASS, that better protect firefighters from equipment failures. With the new, upgraded SCBAs, all active, on duty firefighters can safely and effectively respond to fires or other hazardous conditions and better ensure the protection of life and property in the community. Some of the additional upgrades include:

- Higher-pressure cylinders that allow an additional 15 minutes of breathing air, while maintaining same cylinder size and weight.
- Equipped with an Emergency Breathing Support System (EBSS) that allows a firefighter to connect their pack to a downed firefighter whose pack is either empty or broken.
- Lifetime repair warranty, which provides cost savings in maintenance costs.

The Solana Beach Fire Department also has existing automatic aid/boundary drop agreements with its surrounding jurisdictions. The Department's existing equipment is not compatible with neighboring departments, other than Encinitas and Del Mar, and cannot be interchanged in an emergency. The ability to share resources, such as air bottles, is critical for effectively fighting large fires or responding to hazardous materials incidents.

The new fleet of SCBAs will ensure that our equipment is in NFPA compliance, maintains interconnectivity with neighboring jurisdictions, obtains lifetime warranty, is upgraded to the latest SCBA technology, and provides the firefighters with the safest PPE.

The City's purchasing policy allows the City to participate in purchases and contracts, established by other public agencies, provided that cooperative agreement is established following a competitive process (Solana Beach Municipal Code 3.08.130(C)). On May 5, 2020, Sourcewell, a State of Minnesota local government agency and service cooperative, of which the City is a member, completed a competitive request for proposals process for the procurement of firefighting personal protective equipment, apparel, and accessories. Based on evaluation criteria, such as pricing, selection and variety of products offered, customer

support and ability to meet the contract requirements, Municipal Emergency Services (MES) was awarded Contract #032620 (Attachment 2) for an initial term of four years plus one annual option to renew. Staff has evaluated the pricing, products, and support provided by the contract and has determined that utilization of Contract #032620 for the purchase of SCBAs and RIT Paks to be in the City best interest.

A total of fifteen (15) SCBAs will be purchased to ensure that each fire apparatus carries the standard four SCBAs along with an additional three backup units. Each SCBA unit is equipped with an air cylinder and each fire apparatus has backup air cylinders. Each fire engine is equipped with four backup cylinders while the fire truck has a total of twelve for a total of 35 air cylinders in this procurement.

In conjunction with the new SCBAs, each firefighter will be issued a personal SCBA Mask and voice amplifier that seamlessly integrates with the new equipment. To guarantee operational continuity, 18 masks are needed for our firefighting team, with an extra one set aside as a backup.

Each of the two RIT Paks have been matched with a larger air cylinder to facilitate firefighter rescues in the event of a trapped or downed firefighter. Consequently, with the acquisition of the new SCBAs, it is imperative that we procure a compatible RIT-Pak. Accordingly, one RIT Pak is needed for the Fire Engine and the Fire Truck. The Reserve Engine unit will not be equipped with a RIT Pak.

Solana Beach received a quote from MES (Attachment 3) which provided substantial discounts beyond the contractual prices. The comparison of list price, discounts and totals savings for all the equipment is shown below:

Item	List Price	Contract Price	Contract Discount	SB Quoted Price	SB Additional Savings	SB Overall Discount
SCBAs	\$ 10,779.30	\$ 8,192.77	24%	\$ 7,322.60	\$ 869.67	32%
RIT Pak	\$ 5,133.95	\$ 4,671.89	9%	\$ 3,711.29	\$ 1,422.66	28%
Cylinders 45min	\$ 2,005.44	\$ 1,524.13	24%	\$ 995.00	\$ 529.13	50%
Cylinders 75min	\$ 2,455.29	\$ 1,866.02	24%	\$ 1,769.55	\$ 69.47	27%
4 Point Kevlar	\$ 493.85	\$ 449.40	9%	\$ 365.81	\$ 83.59	26%
Voice Amplifier	\$ 862.54	\$ 784.91	9%	\$ 623.52	\$ 161.39	28%
Total Costs & Savings	\$ 296,702.40	\$ 231,380.64	22%	\$ 189,743.68	\$ 41,636.96	36%

Furthermore, Staff has informally validated the competitive pricing of purchasing this equipment from other vendors. Staff's research further affirmed that MES is still the lowest cost for this purchase, with other vendors coming in between \$15,500 to \$84,000 more than MES. Staff has further confirmed MES prices were obtained through a competitive bidding process.

Staff is recommending the approval of purchasing the self-contained breathing apparatus and Rapid Intervention Team Paks through MES in the amount of \$189,743.68.

CEQA COMPLIANCE STATEMENT:

Not a project as defined by CEQA.

FISCAL IMPACT:

The new SCBA's will be purchased utilizing funds available in the City's Fire Asset Replacement Fund Reserves (Reserves). The total for the SCBAs is \$189,743.68 of which there are sufficient funds in the Reserves to cover the cost. The Fire Department originally planned to purchase the equipment in Fiscal Year 2024/2025. However, due to the critical need, the Fire Department is seeking to purchase the SCBAs now. The Fire Asset Replacement Funds reserve balance after this purchase would be approximately \$1,800,000.

WORK PLAN:

N/A

OPTIONS:

- Approve Staff recommendation.
- Approve Staff recommendation with modifications.
- Deny Staff recommendation and provide direction, as needed.

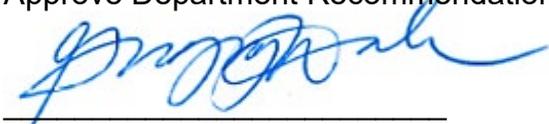
DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council adopt Resolution 2023-127:

1. Authorizing the purchase of firefighter self contained breathing apparatus and rapid intervention team paks in the amount of \$189,743.68.
2. Authorizing the appropriation of \$189,743.68 from Asset Replacement – Fire Equipment Expenditure account (1356120.66400).
3. Authorizing the City Treasurer to amend the Fiscal Year 2023/2024 Adopted Budget accordingly.

CITY MANAGER RECOMMENDATION:

Approve Department Recommendation



Gregory Wade, City Manager

Attachments:

1. Resolution 2023-127
2. Sourcewell MES Contract #032620
3. MES Solana Beach Quote

RESOLUTION 2023-127

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, APPROVING THE PURCHASE OF SELF CONTAINED BREATHING APPARATUS AND RAPID INTERVENTION TEAM PAKS IN THE AMOUNT OF \$189,744

WHEREAS, A self contained breathing apparatus (“SCBA”) is a critical piece of personal protective equipment worn by firefighters to provide breathable air in toxic or hazardous environments that present an immediate danger to life and health; and

WHEREAS, the National Fire Protection Association (NFPA) 1981 standard regulates how a SCBA should be operated, maintained, cleaned, and stored; and

WHEREAS, the Solana Beach Fire Department’s existing SCBAs are approaching the end of their useful life, are no longer under warranty, and will soon be out of NFPA compliance; and

WHEREAS, the new fleet of SCBAs will ensure that our equipment is in NFPA compliance, maintains interconnectivity with neighboring jurisdictions, obtains lifetime warranty, is upgraded to the latest SCBA technology, and provides the firefighters with the safest PPE; and

WHEREAS, for the SCBA replacements, pursuant to Solana Beach Municipal Code Section 3.08.130(C), the City obtained a price quote from Municipal Emergency Services (MES) utilizing the Sourcewell awarded Contract #032620; and

WHEREAS, the sale price of the SCBAs and RIT Paks to be purchased has been obtained through competitive bidding process conducted within the previous 24-months by MES; and

WHEREAS, the purchase of the SCBAs and RIT Paks through MES will be at a lower price than found elsewhere, with further substantial discounts from the Sourcewell Contract pricing, the total of which is a lower price than reasonably could be achieved through normal purchasing procedures.

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 purchase of self-contained breathing apparatus and rapid intervention team paks in the amount of \$189,744.

3. That the City Council authorizes the appropriation of \$189,744 from the Asset Replacement – Fire Equipment Expenditure Account (1356120.66400).
4. That the City Council authorizes the City Treasurer to amend the Fiscal Year 2023/2024 Adopted Budget accordingly.

PASSED AND ADOPTED this 8th day of November, 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



Solicitation Number: RFP #032620

CONTRACT

This Contract is between **Sourcewell**, 202 12th Street Northeast, P.O. Box 219, Staples, MN 56479 (Sourcewell) and **Municipal Emergency Services Inc.**, 12 Turnberry Ln, 2nd Floor, Sandy Hook, CT 06482 (Vendor).

Sourcewell is a State of Minnesota local government agency and service cooperative created under the laws of the State of Minnesota (Minnesota Statutes Section 123A.21) that offers cooperative procurement solutions to its members. Participation is open to all levels of governmental entity, higher education, K-12 education, nonprofit, tribal government, and other public entities located in the United States and Canada.

Vendor desires to contract with Sourcewell to provide equipment, products, or services to Sourcewell and its Members (Members) in the United States only.

1. TERM OF CONTRACT

- A. EFFECTIVE DATE. This Contract is effective upon the date of the final signature below.
- B. EXPIRATION DATE AND EXTENSION. This Contract expires May 7, 2024, unless it is cancelled sooner pursuant to Article 24. This Contract may be extended up to one additional one-year period upon request of Sourcewell and with written agreement by Vendor.
- C. SURVIVAL OF TERMS. Articles 11 through 16 survive the expiration or cancellation of this Contract.

2. EQUIPMENT, PRODUCTS, OR SERVICES

- A. EQUIPMENT, PRODUCTS, OR SERVICES. Vendor will provide the Equipment, Products, or Services as stated in its Proposal submitted under the Solicitation Number listed above. Vendor's Equipment, Products, or Services Proposal (Proposal) is attached and incorporated into this Contract.

All Equipment and Products provided under this Contract must be new/current model. Vendor may offer close-out or refurbished Equipment or Products if they are clearly indicated in Vendor's product and pricing list. Unless agreed to by the Member in advance, Equipment or Products must be delivered as operational to the Member's site.

This Contract offers an indefinite quantity of sales, and while substantial volume is anticipated, sales and sales volume are not guaranteed.

B. **WARRANTY.** Vendor warrants that all Equipment, Products, and Services furnished are free from liens and encumbrances, and are free from defects in design, materials, and workmanship. In addition, Vendor warrants the Equipment, Products, and Services are suitable for and will perform in accordance with the ordinary use for which they are intended. Vendor's dealers and distributors must agree to assist the Member in reaching a resolution in any dispute over warranty terms with the manufacturer. Any manufacturer's warranty that is effective past the expiration of the Vendor's warranty will be passed on to the Member.

C. **DEALERS AND DISTRIBUTORS.** Upon Contract execution, Vendor will make available to Sourcewell a means to validate or authenticate Vendor's authorized Distributors/Dealers relative to the Equipment, Products, and Services related to this Contract. This list may be updated from time-to-time and is incorporated into this Contract by reference. It is the Vendor's responsibility to ensure Sourcewell receives the most current version of this list.

3. PRICING

All Equipment, Products, or Services under this Contract will be priced as stated in Vendor's Proposal.

Regardless of the payment method chosen by the Member, the total cost associated with any purchase option of the Equipment, Products, or Services must always be disclosed in the pricing quote to the applicable Member at the time of purchase.

When providing pricing quotes to Members, all pricing quoted must reflect a Member's total cost of acquisition. This means that the quoted cost is for delivered Equipment, Products, and Services that are operational for their intended purpose, and includes all costs to the Member's requested delivery location.

A. **SHIPPING AND SHIPPING COSTS.** All delivered Equipment and Products must be properly packaged. Damaged Equipment and Products may be rejected. If the damage is not readily apparent at the time of delivery, Vendor must permit the Equipment and Products to be returned within a reasonable time at no cost to Sourcewell or its Members. Members reserve the right to inspect the Equipment and Products at a reasonable time after delivery where circumstances or conditions prevent effective inspection of the Equipment and Products at the time of delivery.

Vendor must arrange for and pay for the return shipment on Equipment and Products that arrive in a defective or inoperable condition.

Sourcwell may declare the Vendor in breach of this Contract if the Vendor intentionally delivers substandard or inferior Equipment or Products. In the event of the delivery of nonconforming Equipment and Products, the Member will notify the Vendor as soon as possible and the Vendor will replace nonconforming Equipment and Products with conforming Equipment and Products that are acceptable to the Member.

B. SALES TAX. Each Member is responsible for supplying the Vendor with valid tax-exemption certification(s). When ordering, Members must indicate if it is a tax-exempt entity.

C. HOT LIST PRICING. At any time during this Contract, Vendor may offer a specific selection of Equipment, Products, or Services at discounts greater than those listed in the Contract. When Vendor determines it will offer Hot List Pricing, it must be submitted electronically to Sourcwell in a line-item format. Equipment, Products, or Services may be added or removed from the Hot List at any time through a Sourcwell Price and Product Change Form as defined in Article 4 below.

Hot List program and pricing may also be used to discount and liquidate close-out and discontinued Equipment and Products as long as those close-out and discontinued items are clearly identified as such. Current ordering process and administrative fees apply. Hot List Pricing must be published and made available to all Members.

4. PRODUCT AND PRICING CHANGE REQUESTS

Vendor may request Equipment, Product, or Service changes, additions, or deletions at any time. All requests must be made in writing by submitting a signed Sourcwell Price and Product Change Request Form to the assigned Sourcwell Contract Administrator. This form is available from the assigned Sourcwell Contract Administrator. At a minimum, the request must:

- Identify the applicable Sourcwell contract number
- Clearly specify the requested change
- Provide sufficient detail to justify the requested change
- Individually list all Equipment, Products, or Services affected by the requested change, along with the requested change (e.g., addition, deletion, price change)
- Include a complete restatement of pricing documentation in Microsoft Excel with the effective date of the modified pricing, or product addition or deletion. The new pricing restatement must include all Equipment, Products, and Services offered, even for those items where pricing remains unchanged.

A fully executed Sourcwell Price and Product Request Form will become an amendment to this Contract and be incorporated by reference.

5. MEMBERSHIP, CONTRACT ACCESS, AND MEMBER REQUIREMENTS

A. **MEMBERSHIP.** Membership in Sourcewell is open to public and nonprofit entities across the United States and Canada; such as municipal, state/province, K-12 and higher education, tribal government, and other public entities.

The benefits of this Contract should be available to all Members that can legally access the Equipment, Products, or Services under this Contract within the United States. A Member's authority to access this Contract is determined through its cooperative purchasing, interlocal, or joint powers laws. Any entity accessing benefits of this Contract will be considered a Service Member of Sourcewell during such time of access. Vendor understands that a Member's use of this Contract is at the Member's sole convenience and Members reserve the right to obtain like Equipment, Products, or Services from any other source.

Vendor is responsible for familiarizing its sales and service forces with Sourcewell membership requirements and documentation and will encourage potential members to join Sourcewell. Sourcewell reserves the right to add and remove Members to its roster during the term of this Contract.

B. **PUBLIC FACILITIES.** Vendor's employees may be required to perform work at government-owned facilities, including schools. Vendor's employees and agents must conduct themselves in a professional manner while on the premises, and in accordance with Member policies and procedures, and all applicable laws.

6. MEMBER ORDERING AND PURCHASE ORDERS

A. **PURCHASE ORDERS AND PAYMENT.** To access the contracted Equipment, Products, or Services under this Contract, Member must clearly indicate to Vendor that it intends to access this Contract; however, order flow and procedure will be developed jointly between Sourcewell and Vendor. Typically a Member will issue a purchase order directly to Vendor. Members may use their own forms for purchase orders, but it should clearly note the applicable Sourcewell contract number. Members will be solely responsible for payment and Sourcewell will have no liability for any unpaid invoice of any Member.

B. **ADDITIONAL TERMS AND CONDITIONS.** Additional terms and conditions to a purchase order may be negotiated between a Member and Vendor, such as job or industry-specific requirements, legal requirements (such as affirmative action or immigration status requirements), or specific local policy requirements. Any negotiated additional terms and conditions must never be less favorable to the Member than what is contained in Vendor's Proposal.

C. **PERFORMANCE BOND.** If requested by a Member, Vendor will provide a performance bond that meets the requirements set forth in the Member's purchase order.

D. **SPECIALIZED SERVICE REQUIREMENTS.** In the event that the Member requires service or specialized performance requirements (such as e-commerce specifications, specialized delivery requirements, or other specifications and requirements) not addressed in this Contract, the Member and the Vendor may enter into a separate, standalone agreement, apart from this Contract. Sourcwell, including its agents and employees, will not be made a party to a claim for breach of such agreement.

E. **TERMINATION OF PURCHASE ORDERS.** Members may terminate a purchase order, in whole or in part, immediately upon notice to Vendor in the event of any of the following events:

1. The Member fails to receive funding or appropriation from its governing body at levels sufficient to pay for the goods to be purchased;
2. Federal or state laws or regulations prohibit the purchase or change the Member's requirements; or
3. Vendor commits any material breach of this Contract or the additional terms agreed to between the Vendor and a Member.

F. **GOVERNING LAW AND VENUE.** The governing law and venue for any action related to a Member's purchase order will be determined by the Member making the purchase.

7. CUSTOMER SERVICE

A. **PRIMARY ACCOUNT REPRESENTATIVE.** Vendor will assign an Account Representative to Sourcwell for this Contract and must provide prompt notice to Sourcwell if that person is changed. The Account Representative will be responsible for:

- Maintenance and management of this Contract;
- Timely response to all Sourcwell and Member inquiries; and
- Business reviews to Sourcwell and Members, if applicable.

B. **BUSINESS REVIEWS.** Vendor must perform a minimum of one business review with Sourcwell per contract year. The business review will cover sales to members, pricing and contract terms, administrative fees, supply issues, customer issues, and any other necessary information.

8. REPORT ON CONTRACT SALES ACTIVITY AND ADMINISTRATIVE FEE PAYMENT

A. **CONTRACT SALES ACTIVITY REPORT.** Each calendar quarter, Vendor must provide a contract sales activity report (Report) to the Sourcwell Contract Administrator assigned to this Contract. A Report must be provided regardless of the number or amount of sales during that quarter (i.e., if there are no sales, Vendor must submit a report indicating no sales were made).

The Report must contain the following fields:

- Customer Name (e.g., City of Staples Highway Department);
- Customer Physical Street Address;
- Customer City;
- Customer State;
- Customer Zip Code;
- Customer Contact Name;
- Customer Contact Email Address;
- Customer Contact Telephone Number;
- Sourcwell Assigned Entity/Member Number;
- Item Purchased Description;
- Item Purchased Price;
- Sourcwell Administrative Fee Applied; and
- Date Purchase was invoiced/sale was recognized as revenue by Vendor.

B. ADMINISTRATIVE FEE. In consideration for the support and services provided by Sourcwell, the Vendor will pay an administrative fee to Sourcwell on all Equipment, Products, and Services provided to Members. The Vendor will submit a check payable to Sourcwell for the percentage of administrative fee stated in the Proposal multiplied by the total sales of all Equipment, Products, and Services purchased by Members under this Contract during each calendar quarter. Payments should note the Sourcwell-assigned contract number in the memo and must be mailed to the address above "Attn: Accounts Receivable." Payments must be received no later than forty-five (45) calendar days after the end of each calendar quarter.

Vendor agrees to cooperate with Sourcwell in auditing transactions under this Contract to ensure that the administrative fee is paid on all items purchased under this Contract.

In the event the Vendor is delinquent in any undisputed administrative fees, Sourcwell reserves the right to cancel this Contract and reject any proposal submitted by the Vendor in any subsequent solicitation. In the event this Contract is cancelled by either party prior to the Contract's expiration date, the administrative fee payment will be due no more than thirty (30) days from the cancellation date.

9. AUTHORIZED REPRESENTATIVE

Sourcwell's Authorized Representative is its Chief Procurement Officer.

Vendor's Authorized Representative is the person named in the Vendor's Proposal. If Vendor's Authorized Representative changes at any time during this Contract, Vendor must promptly notify Sourcwell in writing.

10. ASSIGNMENT, AMENDMENTS, WAIVER, AND CONTRACT COMPLETE

A. **ASSIGNMENT.** Neither the Vendor nor Sourcewell may assign or transfer any rights or obligations under this Contract without the prior consent of the parties and a fully executed assignment agreement. Such consent will not be unreasonably withheld.

B. **AMENDMENTS.** Any amendment to this Contract must be in writing and will not be effective until it has been fully executed by the parties.

C. **WAIVER.** If either party fails to enforce any provision of this Contract, that failure does not waive the provision or the right to enforce it.

D. **CONTRACT COMPLETE.** This Contract contains all negotiations and agreements between Sourcewell and Vendor. No other understanding regarding this Contract, whether written or oral, may be used to bind either party.

E. **RELATIONSHIP OF THE PARTIES.** The relationship of the parties is one of independent contractors, each free to exercise judgment and discretion with regard to the conduct of their respective businesses. This Contract does not create a partnership, joint venture, master-servant, principal-agent, or any other relationship.

11. LIABILITY

Vendor must indemnify, save, and hold Sourcewell and its Members, including their agents and employees, harmless from any claims or causes of action, including attorneys' fees, arising out of the performance of this Contract by the Vendor or its agents or employees; this indemnification includes injury or death to person(s) or property alleged to have been caused by some defect in the Equipment, Products, or Services under this Contract to the extent the Equipment, Product, or Service has been used according to its specifications.

12. AUDITS

Sourcewell reserves the right to review the books, records, documents, and accounting procedures and practices of the Vendor relevant to this Contract for a minimum of six (6) years from the end of this Contract. This clause extends to Members as it relates to business conducted by that Member under this Contract.

13. GOVERNMENT DATA PRACTICES

Vendor and Sourcewell must comply with the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13, as it applies to all data provided by or provided to Sourcewell under this Contract and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the Vendor under this Contract.

If the Vendor receives a request to release the data referred to in this article, the Vendor must immediately notify Sourcewell and Sourcewell will assist with how the Vendor should respond to the request.

14. INTELLECTUAL PROPERTY

As applicable, Vendor agrees to indemnify and hold harmless Sourcewell and its Members against any and all suits, claims, judgments, and costs instituted or recovered against Sourcewell or Members by any person on account of the use of any Equipment or Products by Sourcewell or its Members supplied by Vendor in violation of applicable patent or copyright laws.

15. PUBLICITY, MARKETING, AND ENDORSEMENT

A. **PUBLICITY.** Any publicity regarding the subject matter of this Contract must not be released without prior written approval from the Authorized Representatives. Publicity includes notices, informational pamphlets, press releases, research, reports, signs, and similar public notices prepared by or for the Vendor individually or jointly with others, or any subcontractors, with respect to the program, publications, or services provided resulting from this Contract.

B. **MARKETING.** Any direct advertising, marketing, or offers with Members must be approved by Sourcewell. Materials should be sent to the Sourcewell Contract Administrator assigned to this Contract.

C. **ENDORSEMENT.** The Vendor must not claim that Sourcewell endorses its Equipment, Products, or Services.

16. GOVERNING LAW, JURISDICTION, AND VENUE

Minnesota law governs this Contract. Venue for all legal proceedings out of this Contract, or its breach, must be in the appropriate state court in Todd County or federal court in Fergus Falls, Minnesota.

17. FORCE MAJEURE

Neither party to this Contract will be held responsible for delay or default caused by acts of God or other conditions that are beyond that party's reasonable control. A party defaulting under this provision must provide the other party prompt written notice of the default.

18. SEVERABILITY

If any provision of this Contract is found to be illegal, unenforceable, or void then both Sourcewell and Vendor will be relieved of all obligations arising under such provisions. If the

remainder of this Contract is capable of performance, it will not be affected by such declaration or finding and must be fully performed.

19. PERFORMANCE, DEFAULT, AND REMEDIES

A. PERFORMANCE. During the term of this Contract, the parties will monitor performance and address unresolved contract issues as follows:

1. *Notification.* The parties must promptly notify each other of any known dispute and work in good faith to resolve such dispute within a reasonable period of time. If necessary, Sourcewell and the Vendor will jointly develop a short briefing document that describes the issue(s), relevant impact, and positions of both parties.
2. *Escalation.* If parties are unable to resolve the issue in a timely manner, as specified above, either Sourcewell or Vendor may escalate the resolution of the issue to a higher level of management. The Vendor will have thirty (30) calendar days to cure an outstanding issue.
3. *Performance while Dispute is Pending.* Notwithstanding the existence of a dispute, the Vendor must continue without delay to carry out all of its responsibilities under the Contract that are not affected by the dispute. If the Vendor fails to continue without delay to perform its responsibilities under the Contract, in the accomplishment of all undisputed work, any additional costs incurred by Sourcewell and/or its Members as a result of such failure to proceed will be borne by the Vendor.

B. DEFAULT AND REMEDIES. Either of the following constitutes cause to declare this Contract, or any Member order under this Contract, in default:

1. Nonperformance of contractual requirements, or
2. A material breach of any term or condition of this Contract.

Written notice of default and a reasonable opportunity to cure must be issued by the party claiming default. Time allowed for cure will not diminish or eliminate any liability for liquidated or other damages. If the default remains after the opportunity for cure, the non-defaulting party may:

- Exercise any remedy provided by law or equity, or
- Terminate the Contract or any portion thereof, including any orders issued against the Contract.

20. INSURANCE

A. REQUIREMENTS. At its own expense, Vendor must maintain insurance policy(ies) in effect at all times during the performance of this Contract with insurance company(ies) licensed or authorized to do business in the State of Minnesota having an "AM BEST" rating of A- or better, with coverage and limits of insurance not less than the following:

1. *Workers' Compensation and Employer's Liability.*

Workers' Compensation: As required by any applicable law or regulation.

Employer's Liability Insurance: must be provided in amounts not less than listed below:

Minimum limits:

\$500,000 each accident for bodily injury by accident

\$500,000 policy limit for bodily injury by disease

\$500,000 each employee for bodily injury by disease

2. *Commercial General Liability Insurance.* Vendor will maintain insurance covering its operations, with coverage on an occurrence basis, and must be subject to terms no less broad than the Insurance Services Office ("ISO") Commercial General Liability Form CG0001 (2001 or newer edition). At a minimum, coverage must include liability arising from premises, operations, bodily injury and property damage, independent contractors, products-completed operations including construction defect, contractual liability, blanket contractual liability, and personal injury and advertising injury. All required limits, terms and conditions of coverage must be maintained during the term of this Contract.

Minimum Limits:

\$1,000,000 each occurrence Bodily Injury and Property Damage

\$1,000,000 Personal and Advertising Injury

\$2,000,000 aggregate for Products-Completed operations

\$2,000,000 general aggregate

3. *Commercial Automobile Liability Insurance.* During the term of this Contract, Vendor will maintain insurance covering all owned, hired, and non-owned automobiles in limits of liability not less than indicated below. The coverage must be subject to terms no less broad than ISO Business Auto Coverage Form CA 0001 (2010 edition or newer).

Minimum Limits:

\$1,000,000 each accident, combined single limit

4. *Umbrella Insurance.* During the term of this Contract, Vendor will maintain umbrella coverage over Workers' Compensation, Commercial General Liability, and Commercial Automobile.

Minimum Limits:

\$2,000,000

5. *Professional/Technical, Errors and Omissions, and/or Miscellaneous Liability.*

During the term of this Contract, Vendor will maintain coverage for all claims the Vendor may become legally obligated to pay resulting from any actual or alleged negligent act, error, or omission related to Vendor's professional services required under this Contract.

Minimum Limits:

\$2,000,000 per claim or event

\$2,000,000 – annual aggregate

6. *Network Security and Privacy Liability Insurance.* During the term of this Contract, Vendor will maintain coverage for network security and privacy liability. The coverage may be endorsed on another form of liability coverage or written on a standalone policy. The insurance must cover claims which may arise from failure of Vendor's security resulting in, but not limited to, computer attacks, unauthorized access, disclosure of not public data – including but not limited to, confidential or private information, transmission of a computer virus, or denial of service.

Minimum limits:

\$2,000,000 per occurrence

\$2,000,000 annual aggregate

Failure of Vendor to maintain the required insurance will constitute a material breach entitling Sourcewell to immediately terminate this Contract for default.

B. **CERTIFICATES OF INSURANCE.** Prior to commencing under this Contract, Vendor must furnish to Sourcewell a certificate of insurance, as evidence of the insurance required under this Contract. Prior to expiration of the policy(ies), renewal certificates must be mailed to Sourcewell, 202 12th Street Northeast, P.O. Box 219, Staples, MN 56479 or sent to the Sourcewell Contract Administrator assigned to this Contract. The certificates must be signed by a person authorized by the insurer(s) to bind coverage on their behalf. All policies must include there will be no cancellation, suspension, non-renewal, or reduction of coverage without thirty (30) days' prior written notice to the Vendor.

Upon request, Vendor must provide to Sourcewell copies of applicable policies and endorsements, within ten (10) days of a request. Failure to request certificates of insurance by Sourcewell, or failure of Vendor to provide certificates of insurance, in no way limits or relieves Vendor of its duties and responsibilities in this Contract.

C. **ADDITIONAL INSURED ENDORSEMENT AND PRIMARY AND NON-CONTRIBUTORY INSURANCE CLAUSE.** Vendor agrees to name Sourcewell and its Members, including their officers, agents, and employees, as an additional insured under the Vendor's commercial general liability insurance policy with respect to liability arising out of activities, "operations," or "work" performed by or on behalf of Vendor, and products and completed operations of Vendor. The policy provision(s) or endorsement(s) must further provide that coverage is primary and not excess over or contributory with any other valid, applicable, and collectible insurance or self-insurance in force for the additional insureds.

D. **WAIVER OF SUBROGATION.** Vendor waives and must require (by endorsement or otherwise) all its insurers to waive subrogation rights against Sourcewell and other additional insureds for losses paid under the insurance policies required by this Contract or other insurance applicable to the Vendor or its subcontractors. The waiver must apply to all deductibles and/or self-insured retentions applicable to the required or any other insurance

maintained by the Vendor or its subcontractors. Where permitted by law, Vendor must require similar written express waivers of subrogation and insurance clauses from each of its subcontractors.

E. UMBRELLA/EXCESS LIABILITY. The limits required by this Contract can be met by either providing a primary policy or in combination with umbrella/excess liability policy(ies).

F. SELF-INSURED RETENTIONS. Any self-insured retention in excess of \$10,000 is subject to Sourcewell's approval.

21. COMPLIANCE

A. LAWS AND REGULATIONS. All Equipment, Products, or Services provided under this Contract must comply fully with applicable federal laws and regulations, and with the laws in the states and provinces in which the Equipment, Products, or Services are sold.

B. LICENSES. Vendor must maintain a valid status on all required federal, state, and local licenses, bonds, and permits required for the operation of the business that the Vendor conducts with Sourcewell and Members.

22. BANKRUPTCY, DEBARMENT, OR SUSPENSION CERTIFICATION

Vendor certifies and warrants that it is not in bankruptcy or that it has previously disclosed in writing certain information to Sourcewell related to bankruptcy actions. If at any time during this Contract Vendor declares bankruptcy, Vendor must immediately notify Sourcewell in writing.

Vendor certifies and warrants that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from programs operated by the State of Minnesota, the United States federal government, or any Member. Vendor certifies and warrants that neither it nor its principals have been convicted of a criminal offense related to the subject matter of this Contract. Vendor further warrants that it will provide immediate written notice to Sourcewell if this certification changes at any time.

23. PROVISIONS FOR NON-UNITED STATES FEDERAL ENTITY PROCUREMENTS UNDER UNITED STATES FEDERAL AWARDS OR OTHER AWARDS

Members that use United States federal grant or FEMA funds to purchase goods or services from this Contract may be subject to additional requirements including the procurement standards of the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards, 2 C.F.R. § 200. Members may also require additional requirements based on specific funding specifications. Within this Article, all references to "federal" should be interpreted to mean the United States federal government. The following list only applies when

a Member accesses Vendor's Equipment, Products, or Services with United States federal funds.

A. EQUAL EMPLOYMENT OPPORTUNITY. Except as otherwise provided under 41 C.F.R. § 60, all contracts that meet the definition of "federally assisted construction contract" in 41 C.F.R. § 60-1.3 must include the equal opportunity clause provided under 41 C.F.R. §60-1.4(b), in accordance with Executive Order 11246, "Equal Employment Opportunity" (30 FR 12319, 12935, 3 C.F.R. §, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and implementing regulations at 41 C.F.R. § 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor." The equal opportunity clause is incorporated herein by reference.

B. DAVIS-BACON ACT, AS AMENDED (40 U.S.C. § 3141-3148). When required by federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. § 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 C.F.R. § 5, "Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction"). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-federal entity must report all suspected or reported violations to the federal awarding agency. The contracts must also include a provision for compliance with the Copeland "Anti-Kickback" Act (40 U.S.C. § 3145), as supplemented by Department of Labor regulations (29 C.F.R. § 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States"). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-federal entity must report all suspected or reported violations to the federal awarding agency. Vendor must be in compliance with all applicable Davis-Bacon Act provisions.

C. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT (40 U.S.C. § 3701-3708). Where applicable, all contracts awarded by the non-federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. § 3702 and 3704, as supplemented by Department of Labor regulations (29 C.F.R. § 5). Under 40 U.S.C. § 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. § 3704 are applicable to construction

work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence. This provision is hereby incorporated by reference into this Contract. Vendor certifies that during the term of an award for all contracts by Sourcewell resulting from this procurement process, Vendor must comply with applicable requirements as referenced above.

D. RIGHTS TO INVENTIONS MADE UNDER A CONTRACT OR AGREEMENT. If the federal award meets the definition of "funding agreement" under 37 C.F.R. § 401.2(a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that "funding agreement," the recipient or subrecipient must comply with the requirements of 37 C.F.R. § 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency. Vendor certifies that during the term of an award for all contracts by Sourcewell resulting from this procurement process, Vendor must comply with applicable requirements as referenced above.

E. CLEAN AIR ACT (42 U.S.C. § 7401-7671Q.) AND THE FEDERAL WATER POLLUTION CONTROL ACT (33 U.S.C. § 1251-1387). Contracts and subgrants of amounts in excess of \$150,000 require the non-federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. § 7401- 7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. § 1251- 1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA). Vendor certifies that during the term of this Contract will comply with applicable requirements as referenced above.

F. DEBARMENT AND SUSPENSION (EXECUTIVE ORDERS 12549 AND 12689). A contract award (see 2 C.F.R. § 180.220) must not be made to parties listed on the government wide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 C.F.R. §180 that implement Executive Orders 12549 (3 C.F.R. § 1986 Comp., p. 189) and 12689 (3 C.F.R. § 1989 Comp., p. 235), "Debarment and Suspension." SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549. Vendor certifies that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation by any federal department or agency.

G. BYRD ANTI-LOBBYING AMENDMENT, AS AMENDED (31 U.S.C. § 1352). Vendors must file any required certifications. Vendors must not have used federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any federal contract, grant, or any other award

covered by 31 U.S.C. § 1352. Vendors must disclose any lobbying with non-federal funds that takes place in connection with obtaining any federal award. Such disclosures are forwarded from tier to tier up to the non-federal award. Vendors must file all certifications and disclosures required by, and otherwise comply with, the Byrd Anti-Lobbying Amendment (31 U.S.C. § 1352).

H. RECORD RETENTION REQUIREMENTS. To the extent applicable, Vendor must comply with the record retention requirements detailed in 2 C.F.R. § 200.333. The Vendor further certifies that it will retain all records as required by 2 C.F.R. § 200.333 for a period of three (3) years after grantees or subgrantees submit final expenditure reports or quarterly or annual financial reports, as applicable, and all other pending matters are closed.

I. ENERGY POLICY AND CONSERVATION ACT COMPLIANCE. To the extent applicable, Vendor must comply with the mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act.

J. BUY AMERICAN PROVISIONS COMPLIANCE. To the extent applicable, Vendor must comply with all applicable provisions of the Buy American Act. Purchases made in accordance with the Buy American Act must follow the applicable procurement rules calling for free and open competition.

K. ACCESS TO RECORDS (2 C.F.R. § 200.336). Vendor agrees that duly authorized representatives of a federal agency must have access to any books, documents, papers and records of Vendor that are directly pertinent to Vendor's discharge of its obligations under this Contract for the purpose of making audits, examinations, excerpts, and transcriptions. The right also includes timely and reasonable access to Vendor's personnel for the purpose of interview and discussion relating to such documents.

L. PROCUREMENT OF RECOVERED MATERIALS (2 C.F.R. § 200.322). A non-federal entity that is a state agency or agency of a political subdivision of a state and its contractors must comply with Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. § 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

24. CANCELLATION

Sourcewell or Vendor may cancel this Contract at any time, with or without cause, upon sixty (60) days' written notice to the other party. However, Sourcewell may cancel this Contract immediately upon discovery of a material defect in any certification made in Vendor's Proposal. Termination of this Contract does not relieve either party of financial, product, or service obligations incurred or accrued prior to termination.

Sourcewell
DocuSigned by:
By: Jeremy Schwartz
C0FD2A139D06489...
Jeremy Schwartz
Title: Director of Operations & Procurement/CPO
Date: 5/5/2020 | 5:05 PM CDT

Municipal Emergency Services Inc.
DocuSigned by:
By: Seth Cosans
BEDE7B96DF184BB...
Seth Cosans
Title: Contract Administrator
Date: 5/5/2020 | 5:06 PM CDT

Approved:
DocuSigned by:
By: Chad Coquette
7E42B8F817A64CC...
Chad Coquette
Title: Executive Director/CEO
Date: 5/5/2020 | 5:08 PM CDT

RFP 032620 - Firefighting Personal Protective Equipment, Apparel, and Accessories, with Related Cleaning and Maintenance Equipment

Vendor Details

Company Name: Municipal Emergency Services Inc
Does your company conduct business under any other name? If yes, please state: Lawmen Supply Company of New Jersey Inc.
Address: 12 Turnberry Ln
2nd Floor
Sandy Hook, CT 06482
Contact: Seth Cosans
Email: seth.cosans@mesfire.com
Phone: 410-960-2600
Fax: 410-960-2600
HST#: 651051374

Submission Details

Created On: Tuesday March 17, 2020 14:35:57
Submitted On: Tuesday March 24, 2020 15:22:27
Submitted By: Seth Cosans
Email: seth.cosans@mesfire.com
Transaction #: 0324bb6e-3b06-4962-a998-e3f0a01857b0
Submitter's IP Address: 173.49.115.251

Specifications

Table 1: Proposer Identity & Authorized Representatives

General Instructions (applies to all Tables) Sourcewell prefers a brief but thorough response to each question. Please do not merely attach additional documents to your response without also providing a substantive response. Do not leave answers blank; mark "NA" if the question does not apply to you (preferably with an explanation).

Line Item	Question	Response *
1	Proposer Legal Name (and applicable d/b/a, if any):	Municipal Emergency Services Inc.
2	Proposer Address:	12 Turnberry Ln 2nd Floor Sandy Hook, CT,06482
3	Proposer website address:	www.mesfire.com
4	Proposer's Authorized Representative (name, title, address, email address & phone) (The representative must have authority to sign the "Proposer's Assurance of Compliance" on behalf of the Proposer and, in the event of award, will be expected to execute the resulting contract):	Seth Cosans Contract Administrator seth.cosans@mesfire.com 410-960-2600
5	Proposer's primary contact for this proposal (name, title, address, email address & phone):	Seth Cosans Contract Administrator seth.cosans@mesfire.com 410-960-2600
6	Proposer's other contacts for this proposal, if any (name, title, address, email address & phone):	David Mooney Regional Vice President dmooney@mesfire.com 360-953-7773

Table 2: Company Information and Financial Strength

Line Item	Question	Response *
7	Provide a brief history of your company, including your company's core values, business philosophy, and industry longevity related to the requested equipment, products or services.	Municipal Emergency Services Inc was established in October of 2000. MES/Lawmen Supply Company is a national full-line first responder and public safety distributor in the US. We represent, stock and distribute over 60,000 thousand products from over 2000 manufacturers. We currently have over 180 outside sales reps, 100 mobile service technicians, as well as dedicated inside sales staff and customer service representatives, and over 16 warehouse locations across the United States. In 2012 MES acquired Lawmen Supply. This merger gives the company the unique ability to serve all first responders and public safety officials on a national level. MES/Lawmen annual sales are in excess of \$200MM and the majority of our sales are for fulfillment of contracts and purchases to local, state and federal first responder and public safety organizations. We are a financially stable company with an excellent reputation with our customers and suppliers. What makes MES/Lawmen distinctive is our national presence. Our size, number of sales representatives, service technicians, strategic warehouse locations and geographic coverage positions us to provide superior products and customer service to fire and public safety departments on a national level as no other sales and service distributor can provide.
8	Provide a detailed description of the products and services that you are offering in your proposal.	MES represents the best manufactures for first responder and public safety products in our industry including but not limited to turnout gear, structural, wildland, technical rescue, aircraft rescue, Hazmat and EMS. These products include Firefighting PPE protective clothing and gear, coats, pants, boots, gloves, hoods, CBRN, station wear, footwear, helmets, eye protection, SCBA and compressors and supply air devises, laundry, extractor machines drying cabinets and service for SCBA's and supply air compressor devises. Accessories include body armor.

9	What are your company's expectations in the event of an award?	MES's expectations upon an award from Sourewell is to update our sales force on the new contract vehicle for which the membership would have access and to roll out to that membership the same level of service that MES provides to all of our agencies everyday many of which are already members. Providing another wonderful way for customers to achieve their missions and for MES to help them reach each solution with the best value that we provide in the way we service all of our markets nation wide.	*
10	Demonstrate your financial strength and stability with meaningful data. This could include such items as financial statements, SEC filings, credit and bond ratings, letters of credit, and detailed reference letters. Upload supporting documents (as applicable) in the document upload section of your response.	MES is attaching a bank reference letter as well as audited financials from 2018 to show how stable and strong we are and have continued to grow.	*
11	What is your US market share for the solutions that you are proposing?	MES represents 25% market share nationwide and continues working to grow with the great contracts like Sourcewell provides.	*
12	What is your Canadian market share, if any?	N/A	*
13	Has your business ever petitioned for bankruptcy protection? If so, explain in detail.	No.	*
14	How is your organization best described: is it a manufacturer, a distributor/dealer/reseller, or a service provider? Answer whichever question (either a) or b) just below) best applies to your organization. a) If your company is best described as a distributor/dealer/reseller (or similar entity), provide your written authorization to act as a distributor/dealer/reseller for the manufacturer of the products proposed in this RFP. If applicable, is your dealer network independent or company owned? b) If your company is best described as a manufacturer or service provider, describe your relationship with your sales and service force and with your dealer network in delivering the products and services proposed in this RFP. Are these individuals your employees, or the employees of a third party?	MES is an authorized distributor reseller and service provider for the manufactures we represent nationwide with the exception a few areas. We do this all with our own company owned sales and service teams working closely with the manufactures we represent without any other network outsourcing. MES is an industry leader for both sales and service.	*
15	If applicable, provide a detailed explanation outlining the licenses and certifications that are both required to be held, and actually held, by your organization (including third parties and subcontractors that you use) in pursuit of the business contemplated by this RFP.	MES sales force experience is second to none in the public safety industry. They are trained and have the experience to size agencies for turnout gear and many other types of gear including body armor. They are knowledgeable subject matter specialists concerning NFPA standards for turnout gear and SCBA certification standards as they are changing. Our Service technicians are certified to evaluate test repair and work on 3M/Scott Safety SCBA systems and various other Air supply compressors and components that support 3M Scott SCBA's. MES is one of only very few Five Star certified 3M Scott National Service groups.	*
16	Provide all "Suspension or Debarment" information that has applied to your organization during the past ten years.	N/A	*
17	Within this RFP category there may be subcategories of solutions. List subcategory titles that best describe your products and services.	N/A	*

Table 3: Industry Recognition & Marketplace Success

Line Item	Question	Response *
18	Describe any relevant industry awards or recognition that your company has received in the past five years	As mentioned in another section MES is only one of a very few that is a 3m/Scott Safety Five Star Safety certified group and we are very proud of this. To achieve this as a distributor you must have certified technicians, mobile and stocking service locations and maintain certain standards for excellence for which MES has for many years.
19	What percentage of your sales are to the governmental sector in the past three years	95% of MES business is and has been to government. Local Towns, County, and State government agencies which are the bulk of our business. MES does sell to some contractors that service certain aspects of the safety market however that is a smaller part.
20	What percentage of your sales are to the education sector in the past three years	Less than 2%. MES does sell to some public safety groups that have security police forces or fire rescue training academies however those purchases are still not a bulk of our overall business.
21	List any state or cooperative purchasing contracts that you hold. What is the annual sales volume for each of these contracts over the past three years?	MES NPPGov Contracts the last three years sold \$56,194,974.17. NY HIRE Contract the last three years sold \$18,874,155.57. NJ State Contract the last three years sold \$27,572,071.00.
22	List any GSA contracts that you hold. What is the annual sales volume for each of these contracts over the past three years?	MES has a GSA contract. Last three years total sales \$14,837.00. MES's GSA contract has no COOP provision so no agency other than Federal or Military can purchase from that contract. It is also very limited and does not offer the same products requested within this RFP.

Table 4: References/Testimonials

Line Item 23. Supply reference information from three customers who are eligible for Sourcewell membership.

Entity Name *	Contact Name *	Phone Number *
Los Angeles City Fire Department	Assistant Chief Wade White	213-703-4504
West Metro Fire and Rescue	Fire Chief Don Lombardi	303-989-4307
City of Aurora Fire-Rescue Department	Deputy Chief of Operations Stephen McInerny II	303-326-8889

Table 5: Top Five Government or Education Customers

Line Item 24. Provide a list of your top five government, education, or non-profit customers (entity name is optional), including entity type, the state or province the entity is located in, scope of the project(s), size of transaction(s), and dollar volumes from the past three years.

Entity Name	Entity Type *	State / Province *	Scope of Work *	Size of Transactions *	Dollar Volume Past Three Years *
Miami Dade Fire Rescue	Government	Florida - FL	Fire Rescue PPE and Service	\$78,499.00 avg	\$6,986,426.25
San Diego Fire	Government	California - CA	Fire Rescue PPE and Service	\$ 48,997.00 avg	\$6,516,619.15
L.A. Co Fire	Government	California - CA	Fire Rescue PPE and Service	\$38,882.00 avg	\$6,415,498.09
Sacramento Metro Fire	Government	California - CA	Fire Rescue PPE and Service	\$52,477.00 avg	\$6,402,231.76
Houston Fire	Government	Texas - TX	Fire Rescue PPE and Service	\$41,346.00 avg	\$6,367,298.70

Table 6: Ability to Sell and Deliver Service

Describe your company's capability to meet the needs of Sourcewell Members across the US, and Canada if applicable. Your response should address in detail at least the following areas: locations of your network of sales and service providers, the number of workers (full-time equivalents) involved in each sector, whether these workers are your direct employees (or employees of a third party), and any overlap between the sales and service functions.

Line Item	Question	Response *
25	Sales force.	Municipal Emergency Services has a sales force of approximately 180 sales representatives in the field across the United States. This sales force is backed up by skilled inside regional office support throughout the USA to process sales orders, purchase orders with manufacturers and support customers. *
26	Dealer network or other distribution methods.	Municipal Emergency Services is the distributor/dealer for the products proposed. *
27	Service force.	Municipal Emergency Services has a mobile service force of approximately 100 service technicians fully trained and certified by the manufacturer. *
28	Describe in detail the process and procedure of your customer service program, if applicable. Include your response-time capabilities and commitments, as well as any incentives that help your providers meet your stated service goals or promises.	Municipal Emergency Services has 30+ customer service representatives to assist sales representatives and service technicians with order placing, job scheduling and followup. It is a company initiative that a response to an inquiry is made the same business day whenever possible and no later than the next business day. *
29	Identify any geographic areas of the United States or Canada that you will NOT be fully serving through the proposed contract.	MES will not be providing any coverage to Canada. MES distribution agreements are for the USA and that is where we have sales, service and customer service staff to maintain the market in the USA. MES covers 44 states so there are only a few areas in the USA MES does not have sales coverage. Maine, Rhode Island, Kentucky, Michigan, Wisconsin, and North Dakota. *
30	Identify any Sourcewell Member sectors (i.e., government, education, not-for-profit) that you will NOT be fully serving through the proposed contract. Explain in detail. For example, does your company have only a regional presence, or do other cooperative purchasing contracts limit your ability to promote another contract?	MES has a nationwide presence and coverage with sales force across the bulk of the states as well as strategically placed warehouses and service stations to support orders and service related work. *
31	Define any specific contract requirements or restrictions that would apply to our Members in Hawaii and Alaska and in US Territories.	Shipping for large, bulky or heavy items MES will quote as needed separately. From time to time MES may include shipping as added discount at no charge. When MES ships from our warehouses to get products to customers quickly shipping may be added and at other times drop shipments may have shipping included no charge due to shipping terms with manufacture's. Whatever the fairest and most equitable shipping situation MES will present to each order. Hawaii and Alaska orders shipping will be quoted as stated. MES will present these shipping terms at time of each quote. This would apply to all US Territories. *

Table 7: Marketing Plan

Line Item	Question	Response *
32	Describe your marketing strategy for promoting this contract opportunity. Upload representative samples of your marketing materials (if applicable) in the document upload section of your response.	Municipal Emergency Services is very familiar with promoting contracts. As the largest supplier of First Responder Equipment in the US, we recognize the value of contracts and the time and money that can be saved by agencies not having to go to bid and still receive the items they specify as a solution for their entity from contracts. Additionally MES has implemented an outbound call center (Sales Development Team) that is tasked with reaching out to customers to make them aware of new products, services, etc. Promoting a new contract would fit nicely in this team's scope of work.
33	Describe your use of technology and digital data (e.g., social media, metadata usage) to enhance marketing effectiveness.	Municipal Emergency Services has a marketing team that handles our print, digital and social media marketing campaigns. Content is regularly created and posted to our approximately 100,000 followers made up of customers and industry professionals.
34	In your view, what is Sourcewell's role in promoting contracts arising out of this RFP? How will you integrate a Sourcewell-awarded contract into your sales process?	Promotion from Sourcewell in concert with MES would be very important to all its membership. Sourcewell brings significant municipal contract experience and coupled with MES's national relationships would be powerful. Our sales staff is well versed in contracts of this type and their importance so integration into our program would be seamless.
35	Are your products or services available through an e-procurement ordering process? If so, describe your e-procurement system and how governmental and educational customers have used it.	Municipal Emergency Services has several e-procurement process options and order type and expected frequency would play a role in deciding which of these platforms are appropriate. As examples we have a normal e-commerce website in which members could be given a code to unlock discounts on specific items. We have a custom web store that specific department approved items can be populated and access for procurement granted to as many or few individuals as an agency deems appropriate. There is also dynamic quoting which is similar to the custom website but designed for a smaller number of items that are ordered in high volume. Of course we have the traditional method of ordering where a member can email and call the sales representative or office directly and place an order.

Table 8: Value-Added Attributes

Line Item	Question	Response *
36	Describe any product, equipment, maintenance, or operator training programs that you offer to Sourcewell Members. Include details, such as whether training is standard or optional, who provides training, and any costs that apply.	MES provides SCBA annual test service maintenance in and out of warranty. MES also performs training on SCBA set up of new certification packs, as well as many other general review of products. If specific requests for training are made outside of general review MES quotes those training on a case by case based on all of the products in need of training based on time and number of people needed to train which can vary.
37	Describe any technological advances that your proposed products or services offer.	MES has SOS stores which are Signature Online Stores which are unique in our industry and newer tech we can provide and can be built and configured to meet the needs of large customers as one example of services. MES represents the best PPE products in the industry that provides some of the most outstanding tech for first responders like programs that track turnout gear, and SCBA service, also protection advances in general that make turnout gear lighter and yet still keep firefighters safe under newer standards.
38	Describe any "green" initiatives that relate to your company or to your products or services, and include a list of the certifying agency for each.	N/A
39	Identify any third-party issued eco-labels, ratings or certifications that your company has received for the equipment or products included in your Proposal related to energy efficiency or conservation, life-cycle design (cradle-to-cradle), or other green/sustainability factors.	N/A
40	Describe any Women or Minority Business Entity (WMBE), Small Business Entity (SBE), or veteran owned business certifications that your company or hub partners have obtained. Upload documentation of certification (as applicable) in the document upload section of your response.	MES is not a (WMBE) so this does not apply. N/A
41	What unique attributes does your company, your products, or your services offer to Sourcewell Members? What makes your proposed solutions unique in your industry as it applies to Sourcewell members?	MES has the largest and experienced sales force that are subject matter specialists in the equipment we sell and amazing service technicians to service many of those products. This is what sets MES apart from any other group in the USA.
42	Identify your ability and willingness to provide your products and services to Sourcewell member agencies in Canada.	MES is not interested in providing an award of what we submit outside of the USA at this time. MES's distributor contracts are set for distribution in the USA.

Table 9: Warranty

Describe in detail your manufacturer warranty program, including conditions and requirements to qualify, claims procedure, and overall structure. You may upload representative samples of your warranty materials (if applicable) in the document upload section of your response in addition to responding to the questions below.

Line Item	Question	Response *
43	Do your warranties cover all products, parts, and labor?	The warranties provided by each manufacture being bid provides slightly different things. Most provide for coverage against mfg defects for a industry standard amount of time. Some cover parts and labor within warranty period however some do not cover labor.
44	Do your warranties impose usage restrictions or other limitations that adversely affect coverage?	All of the warranties for the companies MES is bidding shows coverage for normal wear and use. Abuse to a produce normally does have a provision to exclude coverage however MES works very closely with each mfg to work through any warranty issue with customers.
45	Do your warranties cover the expense of technicians' travel time and mileage to perform warranty repairs?	Most mfg warranty do not cover travel time and mileage unless there is a gross failure of the product and in those cases we work with the mfg to work through the issue on a case by case issue which is rare.
46	Are there any geographic regions of the United States (and Canada, if applicable) for which you cannot provide a certified technician to perform warranty repairs? How will Sourcewell Members in these regions be provided service for warranty repair?	MES will not be providing any coverage to Canada. MES distribution agreements are for the USA and that is where we have sales and service staff to maintain the market in the USA. There are only a few areas in the USA MES does not have sales and service coverage. We address this on a case by case basis as for the listed products we cover most of the USA Alaska and Hawaii.
47	Will you cover warranty service for items made by other manufacturers that are part of your proposal, or are these warranties issues typically passed on to the original equipment manufacturer?	MES is the distributor of products made by manufacturers we represent. MES follows the Manufacturers warranty. Depending on the Manufacturer MES works on some of the products under warranty and out of warranty repairs. Some of them are sent back to the manufacturer in and out of warranty for service all based on MFG policy.
48	What are your proposed exchange and return programs and policies?	Goods received in damaged or defective condition will be repaired or replaced as outlined by the manufactures warranty and guidelines. If the product was damaged while in transport, a claim will be filed with the carrier and we will then work to resolve the replacement asap. These evaluations are expected to be done within 30 days of delivery or sooner by the customer. After that time MES and most manufacturers will not be held responsible for whatever issue is presented. MES does our best to always resolve issues presented.
49	Describe any service contract options for the items included in your proposal.	MES lists service for items we submit for bid. These are both for annual testing, repair in and out of warranty with listed labor and parts cost discount.

Table 10: Payment Terms and Financing Options

Line Item	Question	Response *
50	What are your payment terms (e.g., net 10, net 30)?	Net 30
51	Do you provide leasing or financing options, especially those options that schools and governmental entities may need to use in order to make certain acquisitions?	Municipal Emergency Services, Inc utilizes Community Leasing Partners as a source for leasing/financing eligible items when requested.
52	Describe your formal trade-in program or policy for the products or equipment offered in your proposal, if any. Upload trade-in program materials (if applicable) in the document upload section of your response.	From time to time and when market conditions permit, Municipal Emergency Services may offer a trade in credit for items being replaced. When applicable, the value of the trade in will be based on market and product conditions at the time.
53	Briefly describe your proposed order process. Include enough detail to support your ability to report quarterly sales to Sourcewell as described in the Contract template. For example, indicate whether your dealer network is included in your response and whether each dealer (or some other entity) will process the Sourcewell Members' purchase orders.	Municipal Emergency Services has several ordering platforms and as stated previously, MES is a dealer so there would be no network outside of ourselves processing orders. All orders, regardless of the sales platform utilized will be marked that they are Sourcewell Contract orders within our internal systems to make quarterly reporting simplified. When a sales representative creates a quote, there is a "forced field" where the rep must select a contract (or none) but there is no default and the field cannot be bypassed. Once a quote is verified and approved by a member, the quote becomes the sales order, the sales order generates a purchase order to our supplier if not in stock in our facility, and then becomes an invoice- all a product of the original quote and does not have to be re-entered at every step. The ordering platforms offered are traditional orders, in which a customer contacts the sales representative or office with approval to order. Most orders on this contract would likely fall into this category due to the customization of many of these protective clothing items. We have several electronic platforms that can be utilized depending on the anticipated order size and frequency. We have a customizable web store in which the member would have a private website with approved items. We also have a dynamic quote system designed for smaller quantities of items in which the member can log in and order off of a quote with an extended expiration date.
54	Do you accept the P-card procurement and payment process? If so, is there any additional cost to Sourcewell Members for using this process?	MES limits P-Card and credit card purchases to \$10,000. There is no added fee to use this method.

Table 11: Pricing and Delivery

Provide detailed pricing information in the questions that follow below. Keep in mind that reasonable price and product adjustments can be made during the term of an awarded Contract as described in the RFP, the template Contract, and the Sourcwell Price and Product Change Request Form.

Line Item	Question	Response *
55	Describe your pricing model (e.g., line-item discounts or product-category discounts). Provide detailed pricing data (including standard or list pricing and the Sourcwell discounted price) on all of the items that you want Sourcwell to consider as part of your RFP response. If applicable, provide a SKU for each item in your proposal. Upload your pricing materials (if applicable) in the document upload section of your response.	MES will upload MSRP, list or net price sheets depending on manufacturer as we list them as well as discounts off of those MSRP, list price or net price lists as the Sourcwell price.
56	Quantify the pricing discount represented by the pricing proposal in this response. For example, if the pricing in your response represents a percentage discount from MSRP or list, state the percentage or percentage range.	MES will list the discount from MSRP, list or net price sheets depending on manufacturer as we list them for the Sourcwell proposed bid price.
57	Describe any quantity or volume discounts or rebate programs that you offer.	MES gives our best price based on the volume of business we do annually so any added volume discounts would only be when we have special pricing to list as Sourcwell indicated can be done on a case by case in the portal as they happen.
58	Propose a method of facilitating "sourced" products or related services, which may be referred to as "open market" items or "nonstandard options". For example, you may supply such items "at cost" or "at cost plus a percentage," or you may supply a quote for each such request.	For any open market requested items or items not found on contract MES would quote those as open market at the same agency discounted pricing we do every day.
59	Identify any element of the total cost of acquisition that is NOT included in the pricing submitted with your response. This includes all additional charges associated with a purchase that are not directly identified as freight or shipping charges. For example, list costs for items like pre-delivery inspection, installation, set up, mandatory training, or initial inspection. Identify any parties that impose such costs and their relationship to the Proposer.	Special requests such as training on items not always listed, inside delivery, lift gates so that deliveries can be more easily offloaded or anything else, MES is willing to work with the membership to price out to take care of the needs of the agencies and make sure their goals are met. MES's goal is to be the first and last supplier and service provider agency members think of and go to because we know there are other options and we are here to make sure you get the best value which is not always the low price for the best job.
60	If freight, delivery, or shipping is an additional cost to the Sourcwell Member, describe in detail the complete freight, shipping, and delivery program.	Shipping for large, bulky or heavy items MES will quote as needed separately. From time to time MES may include shipping as added discount at no charge. When MES ships from our warehouses to get products to customers quickly shipping may be added and at other times drop shipments may have shipping included no charge due to shipping terms with manufacture's. Whatever the fairest and most equitable shipping situation MES will present to each order. MES will present these shipping terms at time of each quote. Hawaii and Alaska orders shipping will be quoted as stated per quote. MES has a very substantial account with Federal Express so MES's rates are very low considering how much volume we ship every year.
61	Specifically describe freight, shipping, and delivery terms or programs available for Alaska, Hawaii, Canada, or any offshore delivery.	Shipping and or freight to Alaska or Hawaii are quoted per quote. MES is not interested in servicing Canada at this time. MES does no exporting unless shipped to a Federal/DOD location.
62	Describe any unique distribution and/or delivery methods or options offered in your proposal.	Unique distribution that MES offers is our many hubs through out the USA and if we do not have it in stock our relationships with our manufactures are second to none in the industry making MES the effective hammer in the market that we are today. Any special quicker shipping requests can be quoted upon request and MES will do our best to accommodate. MES has a very substantial account with Federal Express so MES's rates are very low considering how much volume we ship every year.

Table 12: Pricing Offered

Line Item	The Pricing Offered in this Proposal is: *	Comments
63	b. the same as the Proposer typically offers to GPOs, cooperative procurement organizations, or state purchasing departments.	

Table 13: Audit and Administrative Fee

Line Item	Question	Response *
64	Specifically describe any self-audit process or program that you plan to employ to verify compliance with your proposed Contract with Sourcwell. This process includes ensuring that Sourcwell Members obtain the proper pricing, that the Vendor reports all sales under the Contract each quarter, and that the Vendor remits the proper administrative fee to Sourcwell.	Within the MES ordering system as mentioned reference ordering there is a forced tab that must be selected when entering a quote to select a contract vehicle. Sourcwell being one of those that needs to be selected when quoting for that contract if awarded and once selected the sales representative then ensures that the item quoted is getting the sourcwell discounted price per the contract price list or in the case that there is any added discount also as listed to determine if shipping would be included as sometimes is or if needs to be added based on the situation we need to quote shipping. Quarterly a report is pulled by Vice President of Finance and then reviewed by the contract administrator then once review is complete fees are calculated using excel with the formula set to the fee percentage due and then that report is then sent back to the Vice President of Finance for his department's review. Once approved the fee is sent to Sourcwell for the quarterly sales. *
65	Identify a proposed administrative fee that you will pay to Sourcwell for facilitating, managing, and promoting the Sourcwell Contract in the event that you are awarded a Contract. This fee is typically calculated as a percentage of Vendor's sales under the Contract or as a per-unit fee; it is not a line-item addition to the Member's cost of goods. (See the RFP and template Contract for additional details.)	MES proposes a 1% fee for all sales quarterly. *

Table 14: Industry Specific Questions

Line Item	Question	Response *
66	If you are awarded a contract, provide a few examples of internal metrics that will be tracked to measure whether you are having success with the contract.	Upon an award MES would survey our sales force to see how the response of the membership customers wish to use this contract vehicle to purchase. And MES will be tracking success of the use of the contract by its membership when we look at the quarterly reports to see how much business is completed using this contract after it has had a couple quarters to be promoted both by Sourcewell and by MES.
67	Describe the unique design and feature attributes of the products and/or equipment offered in your proposal.	MES provides the very best that the fire and public safety industry manufacturers have to offer our market. Many of these products are similar however MES takes feedback from agencies and gives that back to manufacturers to improve products performance and safety while maintaining safety standards and certifications. MES has had many manufacturers make products just for MES to offer as a result so that MES can provide thermal imaging cameras, gloves, boots, or other products that are better than we normally see in the market.
68	Describe available options for customization of the products and/or equipment offered in your proposal.	MES offers the full range of options from all of the various manufactures represented to customize items within the extent that certifications allow.
69	Explain your processes for sizing, fitting, and the alteration of the products and/or equipment offered in your proposal, as applicable.	Once MES gets an order which involves a need for sizing of any product our regional sales force is in contact with the agency membership to schedule sizing. If fitting is needed after delivery MES is again available to help with that as well and any alterations can be ordered or addressed quickly.
70	If you provide on-site or in-person sales, service, training, and/or support, explain how those activities are handled and the unique attributes of your process.	MES has as mentioned in other tabs the largest and most experienced subject matter specialist in the industry for on site sales demo, training and support. Our sales force works closely with the manufactures having many of their folks ride with MES sales force to sales calls to demo and service products. This makes MES the reason we are the first ones agencies call and even though we may not always be the lowest price we are the best value in the industry. MES gets it done.
71	Describe your compliance with applicable national standards for the products and/or equipment offered in your proposal, such as: National Fire Protection Association (NFPA), Occupational Safety and Health Administration (OSHA), and American National Standards Institute (ANSI).	MES staff are subject matter specialist on NFPA standards for turnout gear, SCBA systems and all related gear so that as changes in certifications are happening we are there to help the market stay up to speed with all of their gear and certifications testing and service. Our Techs are updated on their training as well as our sales staff as needed.

Exceptions to Terms, Conditions, or Specifications Form

Only those Proposer Exceptions to Terms, Conditions, or Specifications that have been accepted by Sourcewell have been incorporated into the contract text.

Documents**Ensure your submission document(s) conforms to the following:**

1. Documents in PDF format are preferred. Documents in Word, Excel, or compatible formats may also be provided.
2. Documents should NOT have a security password, as Sourcewell may not be able to open the file. It is your sole responsibility to ensure that the uploaded document(s) are not either defective, corrupted or blank and that the documents can be opened and viewed by Sourcewell.
3. Sourcewell may reject any response where any document(s) cannot be opened and viewed by Sourcewell.

4. If you need to upload more than one (1) document for a single item, you should combine the documents into one zipped file. If the zipped file contains more than one (1) document, ensure each document is named, in relation to the submission format item responding to. For example, if responding to the Marketing Plan category save the document as "Marketing Plan."

- [Financial Strength and Stability](#) - MES Audited Financials 2018 FS.pdf - Saturday March 21, 2020 15:12:35
- [Marketing Plan/Samples](#) - MES Sourcewell 03262020 Marketing plan.doc - Sunday March 22, 2020 17:06:30
- WMBE/MBE/SBE or Related Certificates (optional)
- [Warranty Information](#) - Sourcewell 03262020 Warranty.doc - Tuesday March 24, 2020 09:27:04
- [Pricing](#) - MES PL.zip - Tuesday March 24, 2020 09:27:34
- [Additional Document](#) - MESWEL~1.PDF - Saturday March 21, 2020 15:12:11

Proposers Assurance of Comp

PROPOSER ASSURANCE OF COMPLIANCE

PROPOSER'S AFFIDAVIT

The undersigned, authorized representative of the entity submitting the foregoing proposal (the "Proposer"), swears that the following statements are true to the best of his or her knowledge.

1. The Proposer is submitting its proposal under its true and correct name, the Proposer has been properly originated and legally exists in good standing in its state of residence, the Proposer possesses, or will possess before delivering any products and related services, all applicable licenses necessary for such delivery to Sourcewell member agencies. The undersigned affirms that he or she is authorized to act on behalf of, and to legally bind the Proposer to the terms in this RFP and any resulting Contract.
2. The Proposer, or any person representing the Proposer, has not directly or indirectly entered into any agreement or arrangement with any other vendor or supplier, any official or employee of Sourcewell, or any person, firm, or corporation under contract with Sourcewell, in an effort to influence the pricing, terms, or conditions relating to this RFP in any way that adversely affects the free and open competition for a Contract award under this RFP; and, the Proposer has not participated in any collusion, or otherwise taken any action in restraint of free, competitive bidding in connection with the above named solicitation.
3. The contents of the Proposer's proposal have not been communicated by the Proposer or its employees or agents to any person not an employee or agent of the Proposer and will not be communicated to any such persons prior to the official opening of the proposals.
4. The Proposer has examined and understands the terms, conditions, scope, contract opportunity, specifications request, and other documents in this solicitation and affirms that any and all exceptions have been noted and included with the Proposer's Proposal.
5. The Proposer will, if awarded a Contract, provide to Sourcewell Members the /products and services in accordance with the terms, conditions, and scope of this RFP, with the Proposer-offered specifications, and with the other documents in this solicitation.
6. The Proposer agrees to deliver products and services through valid contracts, purchase orders, or means that are acceptable to Sourcewell Members. Unless otherwise agreed to, the Proposer must provide only new and first-quality products and related services to Sourcewell Members under an awarded Contract.
7. The Proposer will comply with all applicable provisions of federal, state, and local laws, regulations, rules, and orders.
8. The Proposer understands that Sourcewell will reject RFP proposals that are marked "confidential" (or "nonpublic," etc.), either substantially or in their entirety. Under Minnesota Statute §13.591, Subd. 4, all proposals are considered nonpublic data until the evaluation is complete and a Contract is awarded. At that point, proposals generally become public data. Minnesota Statute §13.37 permits only certain narrowly defined data to be considered a "trade secret," and thus nonpublic data under Minnesota's Data Practices Act.

The Proposer understands that it is the Proposer's duty to protect information that it considers nonpublic, and it agrees to defend and indemnify Sourcewell for reasonable measures that Sourcewell takes to uphold such a data designation.

By checking this box I acknowledge that I am bound by the terms of the Proposer's Affidavit, have the legal authority to submit this Proposal on behalf of the Proposer, and that this electronic acknowledgment has the same legal effect, validity, and enforceability as if I had hand signed the Proposal. This signature will not be denied such legal effect, validity, or enforceability solely because an electronic signature or electronic record was used in its formation. - Seth Cosans, Contract Administrator, Municipal Emergency Services Inc

The Proposer declares that there is an actual or potential Conflict of Interest relating to the preparation of its submission, and/or the Proposer foresees an actual or potential Conflict of Interest in performing the contractual obligations contemplated in the bid.

Yes No

The Bidder acknowledges and agrees that the addendum/addenda below form part of the Bid Document.

Check the box in the column "I have reviewed this addendum" below to acknowledge each of the addenda.

File Name	I have reviewed the below addendum and attachments (if applicable)	Pages
Addendum_7_Firefighting_Pers_Protect_Eqpt_RFP032620 Thu March 19 2020 10:31 AM	<input checked="" type="checkbox"/>	2
Addendum_6_Firefighting_Pers_Protect_Eqpt_RFP032620 Fri March 13 2020 02:36 PM	<input checked="" type="checkbox"/>	--
Addendum_5_Firefighting_Pers_Protect_Eqpt_RFP032620 Wed March 4 2020 05:07 PM	<input checked="" type="checkbox"/>	1
Addendum_4_Firefighting_Pers_Protect_Eqpt_RFP032620 Thu February 27 2020 03:55 PM	<input checked="" type="checkbox"/>	2
Addendum_3_Firefighting_Pers_Protect_Eqpt_RFP032620 Mon February 10 2020 06:01 PM	<input checked="" type="checkbox"/>	1
Addendum_2_Firefighting_Pers_Protect_Eqpt_RFP032620 Thu January 30 2020 05:45 PM	<input checked="" type="checkbox"/>	--
Addendum_1_Firefighting_Pers_Protect_Eqpt_RFP032620 Mon January 27 2020 09:48 AM	<input checked="" type="checkbox"/>	--

**AMENDMENT #1
TO
CONTRACT # 032620-MES**

THIS AMENDMENT is effective upon the date of the last signature below by and between **Sourcewell** and **Municipal Emergency Services Inc.** (Vendor).

Sourcewell awarded a contract to Vendor to provide Firefighting Personal Protective Equipment, Apparel, and Accessories, with Related Cleaning and Maintenance Equipment, to Sourcewell and its Participating Entities, effective May 5, 2020, through May 7, 2024 (Contract).

The parties wish to amend the Contract.

NOW THEREFORE, Section 20. Insurance–Subsection A. Requirements– Item 5. Professional/Technical, Errors and Omissions, and/or Miscellaneous Liability, of the Contract, is deleted in its entirety.

Except as amended by this Amendment, the Contract remains in full force and effect.

Sourcewell

Municipal Emergency Services Inc.

DocuSigned by:
Jeremy Schwartz
By: _____
C0FD2A139D06489...
Jeremy Schwartz, Director of Operations/CPO

DocuSigned by:
John Walker
By: _____
10644B472C64440...
John Walker, CFO

Date: 3/6/2023 | 9:46 PM CST

Date: 3/6/2023 | 3:21 PM CST

Approved:

DocuSigned by:
Chad Coquette
By: _____
7E42B8F817A64CC...
Chad Coquette, Executive Director/CEO

Date: 3/7/2023 | 6:02 AM CST



(877) 637-3473

Quote

Quote # QT1675852
Date 09/05/2023
Expires 01/31/2024
Sales Rep Leightner, Scott
PO # SCBA RFQ 2023
Shipping Method FedEx Ground
Customer Solana Beach Fire Department
Customer # C63111

Bill To

ZACH TOTH
 SOLANA BEACH FIRE DEPARTMENT
 500 LOMAS SANTA FE DRIVE
 SOLANA BEACH CA 92075
 United States

Ship To

ZACH TOTH
 SOLANA BEACH FIRE DEPARTMENT
 500 LOMAS SANTA FE DRIVE
 SOLANA BEACH CA 92075
 United States

Item	Alt. Item #	Units	Description	QTY	Unit Price	Amount
X8815025305304			Air-Pak X3 Pro SCBA (2018 Edition) with CGA, Parachute Buckles, 5.5, Standard, No Accessory Pouch, E-Z Flo+ Regulator with Quick Disconnect Hose (Rectus-type fittings), Universal EBSS, None, No, Pak-Tracker, No Case, 2 SCBA Per Box	14	\$7,322.60	\$102,516.40
X8815025305303			Air-Pak X3 Pro SCBA (2018 Edition) with CGA, Parachute Buckles, 5.5, Standard, No Accessory Pouch, E-Z Flo+ Regulator with Quick Disconnect Hose (Rectus-type fittings), Universal EBSS, None, No, Pak-Tracker, No Case, 1 SCBA Per Box	1	\$7,322.60	\$7,322.60
200969-01			CYL&VALV,CGA,CARB,45/5500 ASSY	35	\$995.00	\$34,825.00
201215-28			SCOTT NEW AV3000HT 4 POINT - KEVLAR - RT BRKT - SIZE MED	19	\$365.81	\$6,950.39
201275-01			EPIC 3 Voice Amplifier (Individually Packaged)	19	\$623.52	\$11,846.88
200954-15			RIT-PAK III,5.5,LG,AV,RECTUS	2	\$3,711.29	\$7,422.58
200975-01			CYL&VALV,CGA,CARB,75/5500 ASSY	2	\$1,796.55	\$3,593.10

ZACH - QUOTE ATTACHED FOR YOUR REVIEW. THIS ORDER QUALIFIES FOR FREE SHIPPING.

Subtotal \$174,476.95
Shipping Cost \$0.00
Tax Total \$15,266.73
Total \$189,743.68

This Quotation is subject to any applicable sales tax and shipping and handling charges that may apply. Tax and shipping charges are considered estimated and will be recalculated at the time of shipment to ensure they take into account the most current information.

All returns must be processed within 30 days of receipt and require a return authorization number and are subject to a restocking fee.

Custom orders are not returnable. Effective tax rate will be applicable at the time of invoice.

ATTACHMENT 3



QT1675852



STAFF REPORT CITY OF SOLANA BEACH

TO: Honorable Mayor and City Councilmembers
FROM: Gregory Wade, City Manager
MEETING DATE: November 8, 2023
ORIGINATING DEPT: Community Development Department
SUBJECT: **Continued Public Hearing: Request for a DRP and SDP to Construct a Second-Floor Addition to an Existing Two-Story, Single-Family Residence with an Attached Garage at 611 Seabright Lane. (Applicants: Laura and John Boat; Application: DRP22-017/SDP22-015; APN: 263-062-05; Resolution No. 2023-112)**

BACKGROUND:

The Applicants, Laura and John Boat, are requesting City Council approval of a Development Review Permit (DRP) and Structure Development Permit (SDP) to construct a 119 square-foot second-floor addition with associated improvements to a two-story single-family residence. The project proposes 10 cubic yards of excavation for footings to be exported offsite. The maximum building height of the proposed addition would be 25.0 feet above the existing and proposed grade (or 97.10 feet above Mean Sea Level (MSL)). The 10,397 square-foot lot is located within the Low Medium Residential (LMR) Zone and the Scale Residential Overlay Zone (SROZ).

A DRP is required for a proposed addition to a structure that would exceed 60 percent of the maximum allowable floor area. An SDP is required for an addition over 16 feet in height as measured from the pre-existing grade.

The issue before the Council is whether to approve, approve with conditions, or deny the Applicants' request as contained in Resolution 2023-112 (Attachment 1).

DISCUSSION:

As described later in this report, the project was revised following a recommendation by the View Assessment Commission (VAC) to deny the SDP. The revised project includes

COUNCIL ACTION:

a reduced scope and scale that is located entirely within the three-dimensional envelope of the originally certified story poles that depicted the original scope considered by the VAC and had been intended to remain through the City Council Public Hearing.

The Public Hearing for this project was originally scheduled and noticed for the October 11, 2023, Regular Meeting of the City Council. In an apparent effort to depict the revised proposed project, the Applicants in this case removed some of the story poles without authorization or certification. Though it is common for story poles to be modified during the discretionary phase of a project in an effort to accurately depict modified projects, such changes are required to be certified by a licensed land surveyor to ensure accuracy. In an interest to allow the story poles to be accurately re-installed and re-certified, the City Council opened the Public Hearing on October 11, 2023 and continued the matter, date-certain, to the October 25, 2023, Regular Meeting of the City Council.

The story poles were modified and the certification has been updated to reflect the revised project as depicted by the story poles in their current configuration, which accurately depicts the design of the proposed project. Following distribution of the materials for the October 25, 2023 City Council meeting, Staff became aware that the View Claimant would not be able to facilitate site visits prior to the continued Public Hearing. Following standard practice, a View Claimant is allowed one courtesy request to continue the date of a scheduled hearing by either the View Assessment Committee (VAC) or the City Council. Therefore, on October 25, 2023, the City Council continued the matter, date-certain, to the November 8, 2023, Regular Meeting of the City Council.

The subject 10,397 square-foot lot is located on the west side of Seabright Lane. The topography slopes gently down from Seabright Lane to the rear (west) property line. The property is developed with a two-story single-family residence with an attached two-car garage. The existing residence is legal nonconforming for the following four reasons; 1) a portion of the second story roof exceeds the maximum building height by approximately 3.9 feet; 2) the roof deck railing exceeds the maximum allowable building height by approximately 1.25 feet; 3) the garage encroaches diagonally into the front yard setback by a maximum of 5.33 feet; and 4) the northern exterior wall of the residence encroaches approximately 6 inches into the side yard setback. The Residential Building Record (RBR) maintained by the County Assessor identifies the existing improvements as being permitted prior to the City's incorporation. Pursuant to Solana Beach Municipal Code (SBMC) Section 17.16.050, "where a nonconforming use exists on a lot, additional uses, structures or structural internal and external additions may be established on the lot; provided such additional uses, structures, or structural additions do not increase the size, degree, or intensity of the existing nonconformity."

The Applicants are proposing to remodel the existing second floor, reconstruct the nonconforming portion of the roof in compliance with building height, and construct a 119 square-foot addition on the second floor. The project would not expand or intensify the remaining nonconforming aspects of the residence, which would be maintained in compliance with SBMC Chapter 17.16. The project plans are provided in Attachment 2.

Table 1 (on the following page) provides a comparison of the SBMC applicable zoning regulations with the Applicants' proposed design.

Table 1		
LOT INFORMATION		
Property Address:	611 Seabright Ln	Zoning Designation: LMR (4 du/ac)
Lot Size (Gross):	10,397 sf	# Units Allowed: 1 D/U, 1 ADU, 1 JADU
Max. Allowable Floor Area:	3,769 sf	# Units Ex/Proposed: 1 D/U
Proposed Floor Area:	2,861 sf	Setbacks:
Below Max. Floor Area by:	908 sf	Required
Max. Allowable Height:	25 ft	Proposed
Max. Existing Height:	(roof) 28.9 ft*	Front (E) 25 ft 20 ft***
	(deck rail) 26.3 ft**	Interior Side (N) 10 ft 9 ft 5 in****
Max. Proposed Height:	25.0 ft	Interior Side (S) 10 ft 11 ft
Highest Point/Ridge:	97.10 MSL	Rear (W) 25 ft 68 ft
*Legal nonconforming loft roof to be removed		***Legal nonconforming encroachment to be maintained
Legal nonconforming roof deck railing to be maintained		** Legal nonconforming encroachment to be maintained
PROPOSED PROJECT INFORMATION		
Proposed Floor Area Breakdown:		Required Permits:
Existing First Floor Living Area	2,182 sf	DRP for proposed total floor area to exceed 60% of maximum allowable
Existing Second Floor Living Area	560 sf	SDP for addition in excess of 16 feet in height
Existing Garage	390 sf	
Proposed Second Floor Addition	119 sf	
Subtotal	3,251 sf	
Off-Street Parking Exemption	- 390 sf	
Total Proposed Floor Area:	2,861 sf	
Required/Proposed Parking: 2 (SFR) / 2 Garage		Existing Development: Single-family residence with attached garage to remain that is legal nonconforming related to setbacks and height
Proposed Fences and Walls: Existing to remain		
Proposed Accessory Structure: No		
Proposed Grading: 10 CY of excavation for footings to be exported offsite.		

Staff has prepared draft findings for approval of the project in the attached Resolution 2023-112 for Council’s consideration based upon the information in this report. The applicable SBMC sections are provided in italicized text and conditions from the Community Development, Engineering, and Fire Departments are incorporated in the Resolution of Approval. 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.

The following is a discussion of the findings for a DRP as each applies to the proposed project as well as references to recommended conditions of approval contained in Resolution 2023-112.

Development Review Permit Compliance (SBMC Section 17.68.40):

A DRP is required because the total proposed floor area would exceed 60 percent of the maximum allowable for the property. The Council may approve, or conditionally approve, a DRP only if all of the findings listed below can be made. If the findings cannot be made, the Council shall deny the DRP. Resolution 2023-112 provides a 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 Applicants obtaining the required permit or approval from the other agency.

DRP Finding #1

General Plan Consistency

The proposed project may be found consistent with the General Plan, which designates the property as Low Medium Density Residential and is intended for single-family residential development at a maximum density of four 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.

Specific Plans and Special Overlays

The property is located in the SROZ, which specifies development standards to preserve and enhance the existing community character and aesthetic quality of the City of Solana Beach, by providing regulations to ensure and protect the character, traditional scale, and seaside orientation of established residential neighborhoods. The project, as designed, complies with the SROZ maximum allowable floor area.

The entire City of Solana Beach is located within the Coastal Zone. As a condition of project approval, the Applicants 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.

Zoning Ordinance Consistency

SBMC Section 17.20.010(C) specifies that the LMR Zone is intended for residential development in areas characterized primarily by detached single-family homes on both older and newer subdivided lots. SBMC Section 17.20.030 outlines property development regulations, which are analyzed below.

Minimum Yards/Setbacks:

Minimum yard dimensions (setbacks) for the LMR Zone are determined by the setback designator indicated on the City of Solana Beach official zoning map. The setback designator for the subject property is “c”, which requires 25-foot front and rear yard setbacks and 10-foot street and interior side yard setbacks. The existing residence is legal nonconforming as the northeast corner of the garage encroaches approximately 5.33 feet into the required front yard setback, and the northern exterior wall of the residence encroaches approximate 6 inches into the required side yard setback. The Applicants are proposing to maintain the existing footprint of the residence and garage in compliance with the Nonconforming regulations set forth in SBMC Chapter 17.16.

Maximum Floor Area Ratio:

The maximum allowable floor area calculation for 10,397 square-foot lot is as follows:

0.50 for first 6,000 ft ²	3,000 ft ²
0.175 for 6,000 to 15,000 ft ²	769 ft ²
<hr/> Maximum Allowable Floor Area:	<hr/> 3,769 ft ²

The existing residence includes a 2,182 square-foot first floor, a 560 square-foot second floor, and a 390 square-foot two-car garage. The proposed project includes a 119 square-foot addition to the second floor. The subtotal of the proposed gross floor area would be 2,861 square feet.

The SBMC parking regulations require two off-street parking spaces per single-family residence. When required spaces are provided in a garage and unobstructed, 200 square feet of floor area is exempted for each required space (or the total square footage of the garage if it is less than 400 square feet). The existing 390 square-foot garage provides two unobstructed parking spaces, and two spaces are required in total for the project; therefore, the project is afforded a 390 square-foot exemption from gross floor area calculation. With the exemption, the total gross floor area of the project would be 2,861 square feet, which is 908 square feet below the maximum allowable for the property.

Maximum Building Height:

The maximum building height for the LMR Zone is 25 feet. The existing legal nonconforming roof deck railing exceeds the maximum allowable height by approximately 1.25 feet and would be maintained with the project in compliance with the Nonconforming regulations set forth in SBMC Chapter 17.16. A portion of the existing legal nonconforming roof also exceeds the maximum allowable building height by approximately 3.9 feet and would be removed and reconstructed with the project to

comply with the maximum height allowance. The maximum height of the proposed addition would be 25.0 feet above the pre-existing and proposed grade or 97.10 feet above MSL. The proposed structures would exceed 16 feet in height from the pre-existing grade. Therefore, the project is subject to the requirements of SBMC Chapter 17.63 – View Assessment and the approval of an SDP. As a condition of approval, the Applicants would be required to submit a height certification to certify that no portion of the structure will exceed 25.0 feet from the existing grade or 97.10 feet above MSL.

Required Off-Street Parking:

A single-family residence requires two off-street parking spaces, pursuant to SBMC Section 17.52.040 and the Off-Street Parking Design Manual (OSPDM). A total of two off-street parking spaces are required by the project and two unobstructed 9-foot by 19-foot parking spaces are accommodated in the existing garage.

Fences, Walls and Retaining Walls:

Within the front yard setback, 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 2 feet 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 6 feet in height with an additional 2 feet that is 50% open to light and air. Fence and wall height is measured from the pre-existing grade.

Currently, the plans show the existing six-foot tall wooden fence enclosing and side and rear yards to remain and in compliance with the requirements of SBMC 17.20.040(O) and 17.60.070(C). If the Applicants decide to modify any of the fences and walls or construct additional fences and walls on the project site, a condition of project approval indicates that they would be required to comply with the Municipal Code.

Water Efficient Landscape:

The project is not subject to the current water efficient landscaping regulations of SBMC Chapter 17.56. According to SBMC Section 17.56.040, the regulations apply to modified landscape areas that exceed 500 square feet. The proposed project does not include any modification to landscape areas. As a condition of approval, should the Applicants decide to modify more than 500 square feet of aggregate landscape area, they would be required to prepare a conceptual landscape plan for review by the City's third-party landscape architect and approval by City Council under a Modification to the DRP. In addition, A 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.

DRP Finding #2

The development review criteria topics referenced in DRP Finding #2 are listed below with further discussion as to how they relate to the proposed Project:

1. Relationship with Adjacent Land Uses
2. Building and Structure Placement

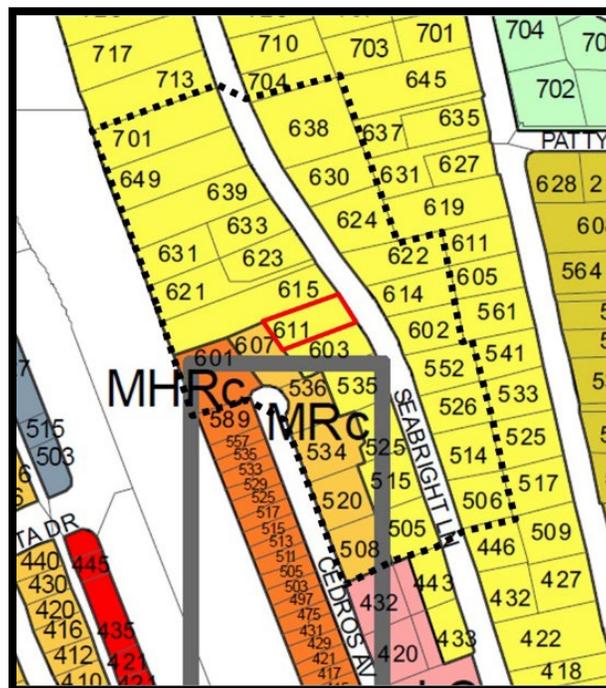
3. Landscaping
4. Roads, Pedestrian Walkways, Parking, and Storage Areas
5. Grading
6. Lighting
7. Usable Open Space

Relationship with Adjacent Land Uses:

The property and the surrounding neighborhood are located in the LMR Zone. These properties were constructed in a planned development prior to the City’s incorporation and are developed with a mix and one-and two-story single-family residences.

Neighborhood Comparison:

Staff compared the proposed project to 29 nearby properties located on Seabright Lane and North Cedros Avenue, as shown on the following map:



The properties evaluated in this comparison are also located in the LMR Zone as well as the Medium Residential and Medium-High Residential Zones. The surrounding properties are developed primarily with single-family homes ranging in size from 888 square feet to 4,050 square feet. The existing square footage information is obtained through the County Assessor records. It should be noted that the County Assessor does not include garages, covered patios or enclosed exterior areas, accessory buildings, or unfinished basements 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 garage:

Project Gross Building Area:	3,251 ft ²
Delete Attached Garage:	- 390 ft ²
<hr/> Project Area for Comparison to Assessor’s Data:	<hr/> 2,861 ft ²

Table 2, below, 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 ft2 (GIS)	Existing ft2 Onsite (Assessor’s)	Proposed / Recently Approved ft2	Max. Allowable ft2	Zone
1	701 Seabright Ln	22,000*	3,004		5,175	LMR
2	649 Seabright Ln	22,000*	6,810		5,175	LMR
3	639 Seabright Ln	18,000*	888		4,875	LMR
4	633 Seabright Ln	10,500*	2,660		3,788	LMR
5	631 Seabright Ln	11,200*	1,284		3,910	LMR
6	623 Seabright Ln	10,150*	2,659		3,726	LMR
7	621 Seabright Ln	13,300*	1,480		4,278	LMR
8	615 Seabright Ln	24,829	2,212		5,316	LMR
9	611 Seabright Ln	10,397	2,746	2,861	3,769	LMR
10	603 Seabright Ln	10,140	2,637		3,725	LMR
11	535 Seabright Ln	10,900	3,247		3,858	LMR
12	525 Seabright Ln	7,800	3,203		3,315	LMR
13	515 Seabright Ln	10,870	2,556		3,853	LMR
14	505 Seabright Ln	10,600	984		3,805	LMR
15	607 N Cedros Ave	9,115	3,320		3,545	MR
16	536 N Cedros Ave	9,392*	2,542		3,594	MR
17	534 N Cedros Ave	13,240*	2,745		4,267	MR
18	520 N Cedros Ave	10,920	1,244	3,471	3,781	MR
19	508 N Cedros Ave	10,460*	1,170		3,781	MR
20	601 N Cedros Ave	15,608	1,282	5,571	11,706	MHR
21	638 Seabright Ln	24,000	Unavailable		5,275	LMR
22	630 Seabright Ln	13,000	4,050		4,225	LMR
23	624 Seabright Ln	11,800	1,774		4,015	LMR
24	622 Seabright Ln	13,000	1,752		4,225	LMR
25	614 Seabright Ln	11,000	1,358		3,875	LMR
26	602 Seabright Ln	10,700	1,666		3,823	LMR
27	552 Seabright Ln	11,000	1,321		3,875	LMR
27	526 Seabright Ln	11,600	1,444		3,980	LMR
29	514 Seabright Ln	10,700	3,452		3,823	LMR
30	506 Seabright Ln	10,300	3,516		3,753	LMR

*The County Assessor lot size information provided in Table 2 appears to be exclusive of the vegetated slopes in the rear yards. For clarification, Staff has provided the actual lot size and maximum allowable floor area for the subject property in bold as well as the lot size listed with the County data.

Building and Structure Placement:

The proposed project includes a 14 square-foot living area addition and a 44 square-foot partially covered deck that would be exempt from the gross floor area calculation located on the west side of the existing second story as well as a 105 square-foot living area addition on the east side of the existing second story.

Landscape:

The proposed project does not include any modification to existing landscape areas or proposal of new landscape areas. As a condition of approval, should the Applicants decide to modify more than 500 square feet of aggregate landscape area, they would be required to prepare a conceptual landscape plan for review by the City's third-party landscape architect and approval by City Council under a Modification to the DRP. In addition, a 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.

Roads, Pedestrian Walkways, Parking, and Storage Areas:

The two required off-street parking spaces would be located within the existing legal nonconforming garage, which is accessed by the existing driveway on the west side of Seabright Lane. Pedestrian access to the property would be maintained from the existing walkway as well as access around both sides of the residence to the rear yard.

Grading:

The Applicants are proposing approximately 10 cubic yards of excavation for footings to construct the second-story addition. There would be no visible change to the existing grade with the project.

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 the construction of an addition to a single-family residence with an attached 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 approval, the Applicants will be required to pay the City's Park Impact Fee.

Structure Development Permit Compliance (SBMC Chapter 17.63):

The proposed structure exceeds 16 feet in height above the existing grade, therefore, the project must comply with all of the View Assessment requirements of SBMC Chapter 17.63. Story poles were installed depicting the original proposal, which included a first-floor remodel, a significantly larger second-floor addition, and expansion of the roof deck over the proposed addition. A Story Pole Height Certification was certified by a licensed land surveyor on March 8, 2023, showing a maximum building height of 25.00 feet (97.10 feet above MSL) above the existing and proposed grade. Notices were mailed to property owners and occupants within 300 feet of the project site establishing a deadline to file for View Assessment by April 23, 2023. The City received one application for View Assessment (Attachment 3) from the property owner (Nick Wildgoose; "Claimant") of 607 North Cedros Avenue, which is located immediately west of the subject property.

The project was presented to the View Assessment Commission (VAC) on June 20, 2023. The VAC has not met since the June 20, 2023 meeting; therefore, the minutes have not been approved. Table 3 below includes a draft of the disclosures and findings from the June 20, 2023 meeting.

Table 4								
Nick Wildgoose 607 N Cedros		Coad	Villasenor	Cohen	Moldenhauer	Stribling	Zajac	Najjar
Date Visited	Claimant	6/16	6/16	6/19	6/16	6/16		6/16
	Applicant	6/16	6/16	6/19	6/16	6/19		6/16
Primary Viewing Area		Living Room / Dining (NE)	Living Room / Great Room (E)	Kitchen / Sitting / Outdoor Deck (NW)	Living Room / Kitchen (E)	Bedroom (NW)		Dining Room (N)
#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	N	Y	N	Y		N
#4. No Cumulative View Impairment		Y	Y	Y	Y	Y		Y
#5. Neighborhood Compatibility		Y	Y	N	Y	N		Y

One VAC member was absent from the meeting. The six participating VAC members did not reach consensus on the primary viewing area. They were each able to make Findings 1, 2, and 4. They were split evenly on Finding 3. Four of the six participating VAC members were able to make Finding 5. The VAC members discussed shared concerns with the size of the proposed second-story addition and the proposed expansion of the roof deck. When offered a continuance, the Applicants did not consent and instead requested that the VAC make a recommendation. Chair Cohen made a motion to recommend denial of the project, which was seconded by Commissioner Coad. The

motion passed 5/1/1 Ayes: Villasenor, Najjar, Moldenhauer, Coad, Cohen. Nos: Stribling. Absent: Zajac. The Notice of Recommendation is included in Attachment 4.

The Applicants have revised the proposed project since the June 20, 2023, VAC meeting. The changes include an overall reduction of the proposed second-story addition by 759 square feet and removal of the proposed roof deck. The revised project plans dated September 28, 2023, are included in Attachment 2.

The revised project is located entirely within the three-dimensional envelope of the original story poles; therefore, the Applicants were not required to update the poles. However, after noticing the project for the October 11, 2023 City Council meeting, the Applicants modified the story poles. The project was, therefore, continued date-certain to the October 28, 2023 City Council meeting to allow for the story poles to be re-stalled and re-certified. The updated certification is included in Attachment 6.

As of the preparation of this Staff Report, the Claimant has maintained his application for view assessment.

The City Council should consider the recommendation from VAC, the information provided by the Applicants and Claimant, 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 Applicants 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 25.0 feet above the pre-existing and proposed grade or 97.10 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.

The Draft Resolution of Approval (Attachment 1) reflects the Applicants' request that the City Council consider the findings of the SDP and includes findings in support of the DRP. The Draft Resolution of Approval includes the applicable SBMC sections in italicized text and the recommended conditions of approval from the Community Development, Engineering, and Fire Departments. An additional condition of approval requires that the Applicants obtain a Coastal Development Permit, Waiver or Exemption from the California Coastal Commission prior to the issuance of Building or Grading Permits. 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 property frontage is unimproved with vegetation and a nonstandard driveway. If approved, the Applicants will be required to remove the existing landscaping and construct a 10-foot wide Decomposed Granite (DG) pathway graded at a two percent maximum 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 the Americans with Disabilities Act (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 28, 2023. The Applicants provided a letter to the City Council, which is included in Attachment 5. Staff has not received correspondence from neighbors regarding the proposed project except for the referenced View Assessment application from the adjacent neighbor.

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 2023-112 for Council's consideration based upon the information in this report. Conditions from the Community Development, Engineering, and Fire Departments are incorporated in the Resolution of Approval.

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 15301 of the State CEQA Guidelines. Class 1 consists of the minor alteration of existing private structures involving negligible or no expansion to the existing use including additions to existing structures that will not result in an increase of more than 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less.

FISCAL IMPACT: N/A

WORK PLAN: N/A

OPTIONS:

- Approve Staff recommendation adopting the attached Resolution 2023-112.
- 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 and SDP 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. 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 2023-112 conditionally approving a DRP and SDP to construct a 119 square-foot second-floor addition with associated improvements to two-story single-family residence at 611 Seabright Lane, Solana Beach.

CITY MANAGER'S RECOMMENDATION:

Approve Department Recommendation.



Gregory Wade, City Manager

Attachments:

1. Resolution 2023-112
2. Project Plans
3. Wildgoose View Claim
4. VAC Notice of Recommendation
5. Boat Letter to City Council
6. Story Pole Certification

RESOLUTION 2023-112

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, CONDITIONALLY APPROVING A DEVELOPMENT REVIEW PERMIT AND STRUCTURE DEVELOPMENT PERMIT TO CONSTRUCT A SECOND-STORY ADDITION TO AN EXISTING TWO-STORY, SINGLE-FAMILY RESIDENCE WITH AN ATTACHED TWO-CAR GARAGE AT 611 SEABRIGHT LANE, SOLANA BEACH.

**APPLICANTS: JOHN AND LAURA BOAT
CASE NO.: DRP22-017/SDP22-015**

WHEREAS, John and Laura Boat (hereinafter referred to as “Applicants”), have 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 June 20, 2023 based on an application for View Assessment by Nick Wildgoose (hereinafter referred to as “Claimant”) at 607 North Cedros Avenue; and

WHEREAS, the Applicants submitted a revised project for consideration of the City Council and the Claimant maintained his application for View Assessment; 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 October 11, 2023, the City Council opened the Public Hearing and continued the hearing date-certain to the October 25, 2023 Regular Meeting of the City Council; and

WHEREAS, the story poles were re-installed and re-certified on Friday, October 13, 2023, to reflect the proposed revised project; and

WHEREAS, the Claimant was not available to facilitate site visits prior to October 25, 2023; therefore, at the Public Hearing on October 25, 2023, the City Council continued the Public Hearing date-certain to the November 8, 2023 Regular Meeting of the City Council; and

WHEREAS, at the Continued Public Hearing on November 8, 2023, the City Council received and considered evidence concerning the proposed application; and

WHEREAS, the City Council determined the primary viewing area(s) at 607 North Cedros Avenue to be _____; and

WHEREAS, the City Council found the application request exempt from the California Environmental Quality Act pursuant to Section 15301 of the State CEQA Guidelines; and

WHEREAS, this decision is based upon the evidence presented at the 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 119 square-foot second-floor addition with associated improvements to a two-story single-family residence at 611 Seabright Lane, 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 Low Medium Density Residential in the General Plan and intended for single-family residential development with a maximum density of four 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: SBMC Section 17.20.010(C) specifies that the LMR Zone is intended for residential development in areas characterized primarily by detached single-family homes on both older and newer subdivided lots. SBMC Section 17.20.030 outlines property development regulations, which are analyzed below.

Minimum Yards/Setbacks:

Minimum yard dimensions (setbacks) for the LMR Zone are determined by the setback designator indicated on the City of Solana Beach official zoning map. The setback designator for the subject property is "c", which requires 25-foot front and rear yard setbacks and 10-foot street and interior side yard setbacks. The existing residence is legal nonconforming as the

northeast corner of the garage encroaches approximately 5.33 feet into the required front yard setback, and the northern exterior wall of the residence encroaches approximate 6 inches into the required side yard setback. The Applicants are proposing to maintain the existing footprint of the residence and garage in compliance with the Nonconforming regulations set forth in SBMC Chapter 17.16.

Maximum Floor Area Ratio:

The maximum allowable floor area calculation for 10,397 square-foot lot is as follows:

0.50 for first 6,000 ft ²	3,000 ft ²
0.175 for 6,000 to 15,000 ft ²	769 ft ²
<hr/>	
Maximum Allowable Floor Area:	3,769 ft ²

The existing residence includes a 2,182 square-foot first floor, a 560 square-foot second floor, and a 390 square-foot two-car garage. The proposed project includes a 119 square-foot addition to the second floor. The subtotal of the proposed gross floor area is 2,861 square feet.

The SBMC parking regulations require two off-street parking spaces per single-family residence. When required spaces are provided in a garage and unobstructed, 200 square feet of floor area is exempted for each required space (or the total square footage of the garage if it is less than 400 square feet). The existing 390 square-foot garage provides two unobstructed parking spaces, and two spaces are required in total for the project; therefore, the project is afforded a 390 square-foot exemption from gross floor area calculation. With the exemption, the total gross floor area of the project is 2,861 square feet, which is 908 square feet below the maximum allowable for the property.

Maximum Building Height:

The maximum building height for the LMR Zone is 25 feet. The existing legal nonconforming roof deck railing exceeds the maximum allowable height by approximately 1.25 feet and would be maintained with the project in compliance with the Nonconforming regulations set forth in SBMC Chapter 17.16. A portion of the existing legal nonconforming roof also exceeds the maximum allowable building height by approximately 3.9 feet and would be removed and reconstructed with the project to comply with the maximum height allowance. The maximum height of the proposed addition would be 25.0 feet above the pre-existing and proposed grade or 97.10 feet above MSL. The proposed structures would exceed 16 feet in height from the pre-existing grade. Therefore, the project is subject to the requirements of SBMC Chapter 17.63 – View Assessment and the approval of an SDP. As a condition of approval, the Applicants would be

required to submit a height certification to certify that no portion of the structure will exceed 25.0 feet from the existing grade or 97.10 feet above MSL.

Required Off-Street Parking:

A single-family residence requires two off-street parking spaces, pursuant to SBMC Section 17.52.040 and the Off-Street Parking Design Manual (OSPDM). A total of two off-street parking spaces are required by the project and two unobstructed 9-foot by 19-foot parking spaces are accommodated in the existing garage.

Fences, Walls and Retaining Walls:

Within the front yard setback, 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 2 feet 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 6 feet in height with an additional 2 feet that is 50% open to light and air. Fence and wall height is measured from the pre-existing grade.

Currently, the plans show existing fences to remain and in compliance with the requirements of SBMC 17.20.040(O) and 17.60.070(C). If the Applicants decide to modify any of the fences and walls or construct additional fences and walls on the project site, a condition of project approval indicates that they would be required to comply with the Municipal Code.

Water Efficient Landscape:

The project is not subject to the current water efficient landscaping regulations of SBMC Chapter 17.56. According to SBMC Section 17.56.040, the regulations apply to modified landscape areas that exceed 500 square feet. The proposed project does not include any modification to landscape areas. As a condition of approval, should the Applicants decide to modify more than 500 square feet of aggregate landscape area, they would be required to prepare a conceptual landscape plan for review by the City's third-party landscape architect and approval by City Council under a Modification to the DRP. In addition, A 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.

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 complementary to existing development in the immediate vicinity of the project site and the surrounding neighborhood. The development as proposed shall also be compatible in scale, apparent bulk, and massing with such existing development in the surrounding neighborhood. Site planning on or near the perimeter of the development shall give consideration to the protection of surrounding areas from potential adverse effects.*

The property is located within the LMR Zone as are the properties located in the immediate surrounding neighborhood on Seabright Lane and North Rios Avenue. Properties immediately to the west on North Cedros Avenue are located in the Medium Residential (MR) and Medium-High Residential (MHR) Zones. Properties on Seabright Lane, North Rios Avenue, and the east side of North Cedros Avenue are developed with a mix of one- and two-story single-family residences. Properties on the west side of North Cedros Avenue consist of an attached condominium “row home” development.

- b. *Building and Structure Placement: Buildings and structures shall be sited and designed to minimize adverse impacts on the surrounding properties and designed in a manner which visually and functionally enhance their intended use and complement existing site topography. Multi-family residential buildings shall be sited to avoid crowding and to allow for a functional use of the space between buildings.*

The proposed project includes a 14 square-foot living area addition and a 44 square-foot partially covered deck located on the west side of the existing second story and a 105 square-foot living area addition on the east side of the existing second story.

- 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. To the maximum extent practicable, landscaping and plantings shall be used to screen parking areas, storage areas, access roads, and other service uses of the site. Trees and other large plantings shall not obstruct significant views when installed or at maturity. Drought tolerant plant materials and water conserving irrigation systems shall be incorporated into all landscaping plans.*

The proposed project does not include any modification to existing landscape areas or proposal of new landscape areas. As a condition of approval, should the Applicants decide to modify more than 500 square feet of aggregate landscape area, they would be required to prepare a conceptual landscape plan for review by the City's third-party landscape architect and approval by City Council under a Modification to the DRP. In addition, a 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 two required off-street parking spaces would be located within the existing legal nonconforming garage, which is accessed by the existing driveway on the east side of the property from Seabright Lane. Pedestrian access to the property would be maintained from the existing driveway as well as access around both sides of the residence to the rear yard.

- 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 Applicants are proposing approximately 10 cubic yards of excavation for footings to construct the second-story addition. All excavated soil would be exported offsite. There will be no visible change to the existing grade with the project.

- 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).

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.

- 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 the construction of an addition to a single-family residence with an attached 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 approval, the Applicants will be required to pay the City's Park Impact 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 are being processed concurrently with the Development Review Permit, including the Structure Development 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 Applicants obtaining the required permit or approval from the other agency.*

The Applicants shall obtain approval from the California Coastal Commission prior to issuance of Building or Grading 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.

V. CONDITIONS:

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

A. Community Development Department Conditions:

- I. The Applicants shall pay required Fire Mitigation, Park Development and Public Use Facilities Impact Fees, as established by SBMC Chapter 15.60, Chapter 15.65, Chapter 15.66, and Resolution 2018-147.
- II.  The Building Permit plans must be in substantial conformance with the architectural plans presented to the City Council on October 25, 2023, and located in the project file with a submittal date of September 28, 2023.
- III. Prior to requesting a framing inspection, the Applicants shall be required to submit a height certification, signed by a licensed land

surveyor, certifying that the building envelope is in conformance with City Council approval on October 25, 2023, and that the maximum height of the proposed addition will not exceed 25.0 feet above the pre-existing and proposed grade or 97.10 feet above MSL, which is the maximum proposed structure height reflected on the project plans.

- 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 Applicants 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 a grading or building permit.
- 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. Should the Applicants propose to modify more than 500 square feet of landscape area, the project shall comply with the Water Efficient Landscape Ordinance (SBMC Chapter 17.56) and a Modification to the DRP will be required.
- VIII. 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.
- IX. Construction vehicles shall be parked on the subject property at all times when feasible. If construction activity prohibits parking on the subject property, the Applicants shall ensure construction vehicles are parked in such a way to allow sufficient vehicular access on Seabright Lane and minimize impact to the surrounding neighbors.
- X. The Applicants shall connect to temporary electrical service as soon as feasible to the satisfaction of the City.
- IV. 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. Engineering Department Conditions:

- I. The Applicants shall obtain an Encroachment permit in accordance with Chapter 11.20 of the SBMC, prior to the demolition and construction of any improvements within the public right-of way, including the following as shown on the Preliminary Grading Plan to the satisfaction of the City Engineer. For concrete work within the right-of-way, the contractor must have a valid State of California “A” or “C-8” contractor’s license.
 - a) Construction of a low profile mountable 9-inch by 9-inch by 12-inch concrete curb along the entire frontage of the property of Seabright Lane at the flow line of the street.
 - b) Installation of 10-foot wide stabilized, compacted, Decomposed Granite (DG) at 2 percent slope maximum from the property line down toward the curb.
 - c) Removal and construction of SDRSD modified G-14 driveway approach.
- II. An Encroachment Maintenance Removal Agreement (EMRA) will be recorded against this property for any non-standard improvements in the public-right-of-way.
- III. 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.
- IV. Construction fencing shall be located on the subject property unless the Applicants have obtained an Encroachment Permit in accordance with chapter 11.20 of the SBMC which allows otherwise.

C. Fire Department Conditions:

- I. 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.
- II. 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.

III. 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 903.2.01.

a. Sprinklers will be required if the Fire Marshall determines that significant modifications are proposed to the second floor during the building permit plan check.

IV. 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.

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 for the project shall expire 24 months from the date of this Resolution, unless the Applicants have 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 Applicants 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 Applicants 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 Applicants 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 Applicants 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 Applicants shall not be required to pay or perform any settlement unless such settlement is approved by the Applicants.

NOTICE TO APPLICANTS: 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 8th day of November, 2023, by the following vote:

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

LESA HEEBNER, Mayor

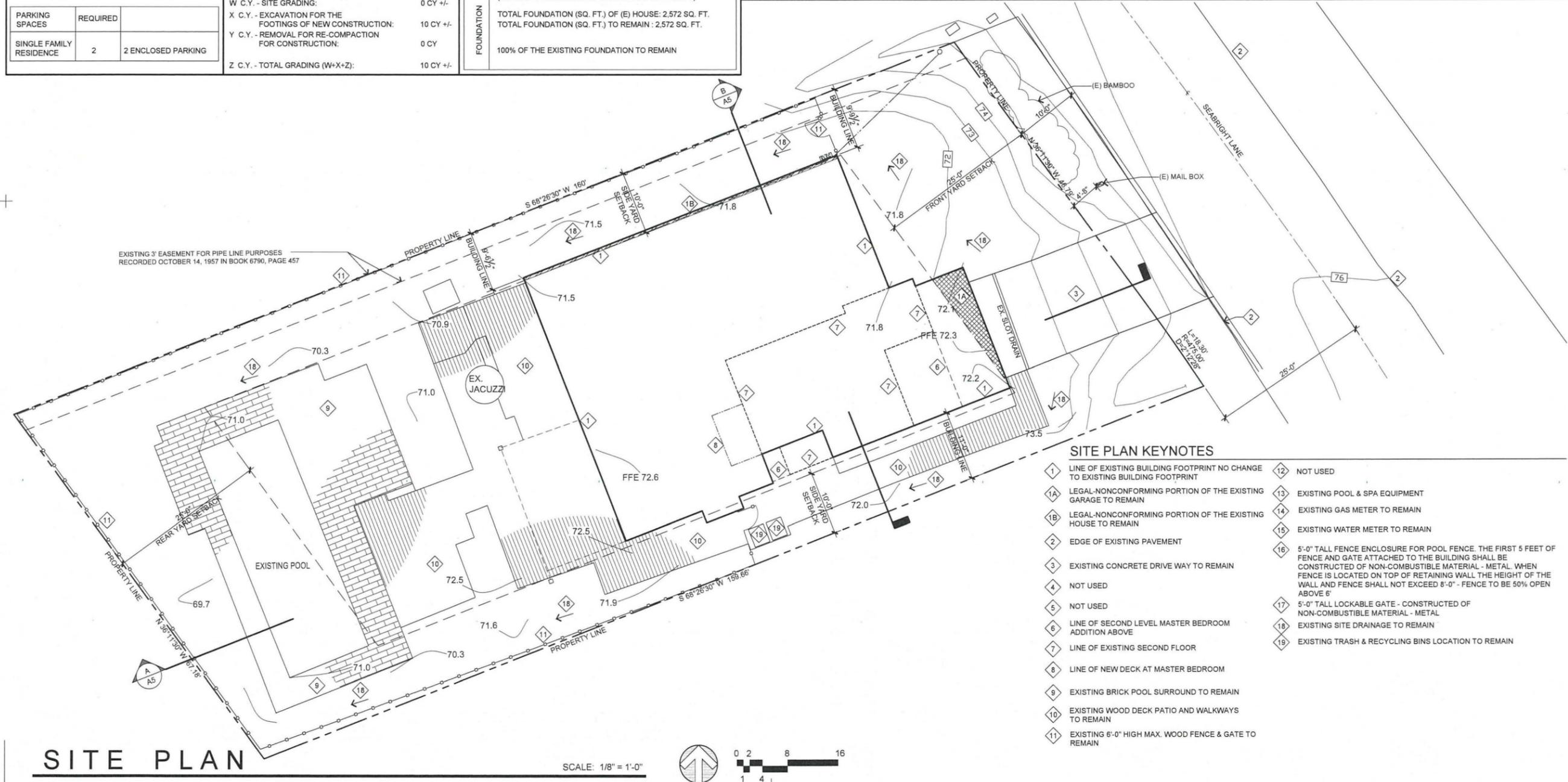
APPROVED AS TO FORM:

ATTEST:

JOHANNA N. CANLAS, City Attorney

ANGELA IVEY, City Clerk

VICINITY MAP		TABLE - LEGAL-NONCONFORMING		BREAKDOWN OF PROPERTY AREA		AREA CALCULATIONS		PROJECT DATA																																	
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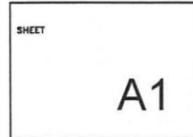


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BOAT RESIDENCE
 SOLANA BEACH, CALIFORNIA
 611 SEABRIGHT LANE

SUBMITTAL DATE	PURPOSE
8/1/22	DRP/SDP I
9/19/22	DRP/SDP II
2/1/23	DRP/SDP III
3/10/23	DRP/SDP IV
8/16/23	DRP/SDP V
9/12/23	DRP/SDP VI

DATE MODIFIED:	9/12/23
DRAWN BY:	GCIMCS
JOB NUMBER:	2113
DWG FILE:	BS_SITE



LEGEND

-  EXISTING LIVING AREA TO REMAIN
-  EXISTING GARAGE TO REMAIN
-  PROPOSED LIVING AREA ADDITION

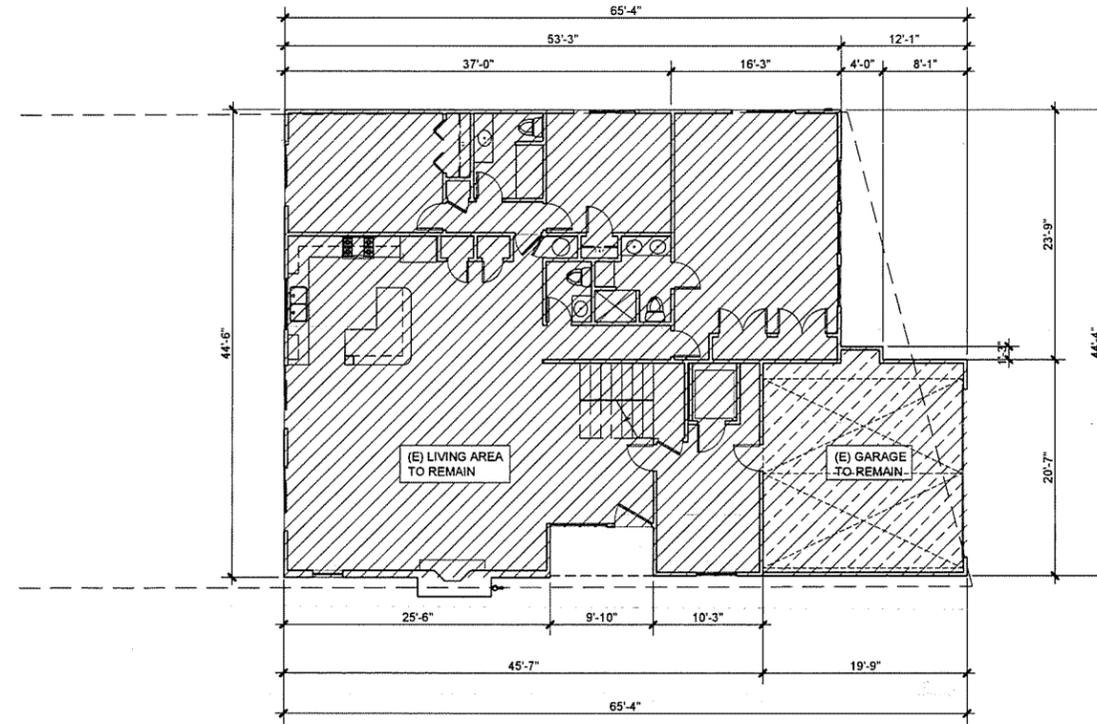
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AREA CALCULATIONS

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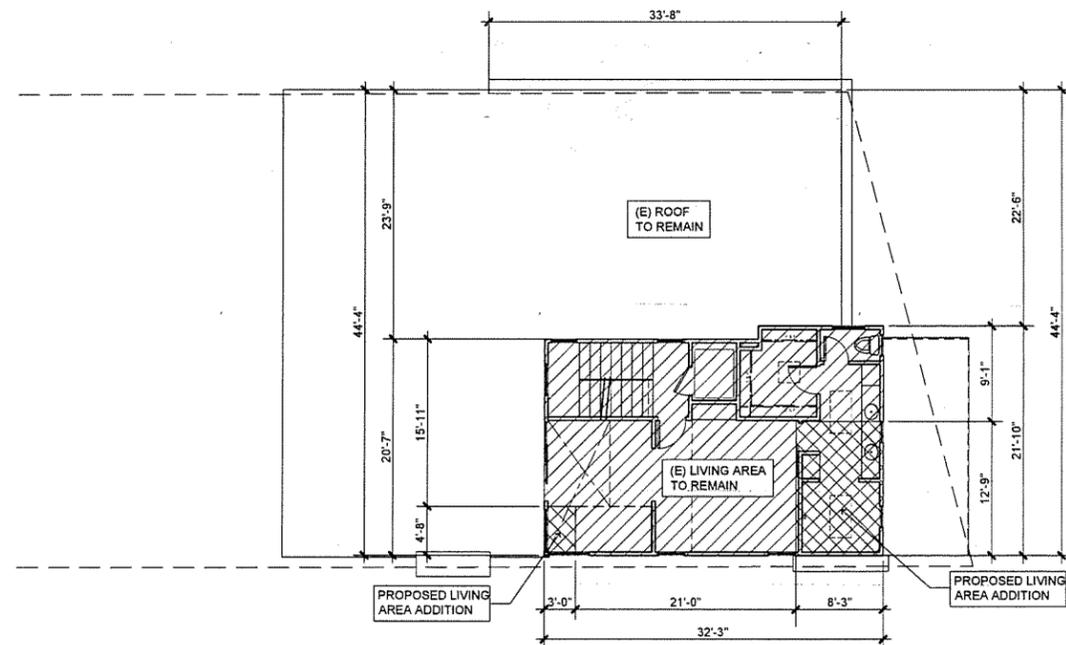
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FIRST FLOOR PLAN

SCALE: 1/8" = 1'-0"

AREA DIAGRAM



SECOND FLOOR PLAN

SCALE: 1/8" = 1'-0"

AREA DIAGRAM



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BOAT RESIDENCE
SOLANA BEACH, CALIFORNIA
611 SEABRIGHT LANE

SUBMITTAL DATE	PURPOSE
8/1/22	DRP/SDP I
9/19/22	DRP/SDP II
2/1/23	DRP/SDP III
3/10/23	DRP/SDP IV
8/16/23	DRP/SDP V
9/12/23	DRP/SDP VI
DATE MODIFIED:	9/12/23
DRAWN BY:	GCIMCS
JOB NUMBER:	2113
DWG FILE:	BS_PLAN



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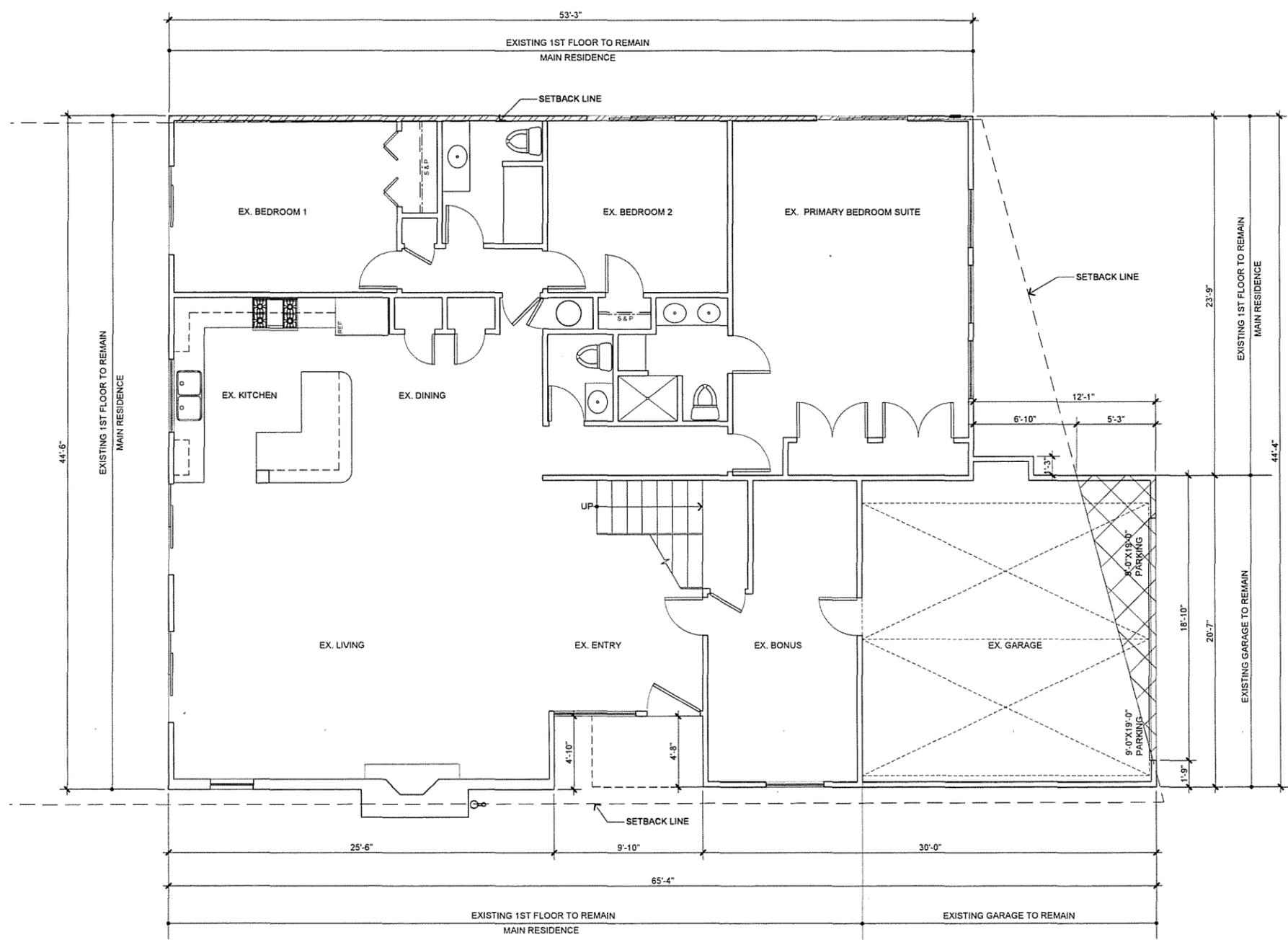
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	EXISTING WALL TO REMAIN
	EXISTING WALL TO BE REMOVED
	PORTION OF EXISTING GARAGE LEGAL-NONCONFORMING ENCROACHMENT INTO THE 25'-0" FRONT YARD SETBACK
	PORTION OF EXISTING HOUSE LEGAL-NONCONFORMING ENCROACHMENT INTO THE 10'-0" SIDE YARD SETBACK
	EXISTING ROOF DECK LEGAL-NONCONFORMING ENCROACHMENT INTO THE 25'-0" MAX. HEIGHT LIMIT

Category	Calculations
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EXISTING / DEMO FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"



SHEET
EX



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BOAT RESIDENCE
611 SEABRIGHT LANE
SOLANA BEACH, CALIFORNIA

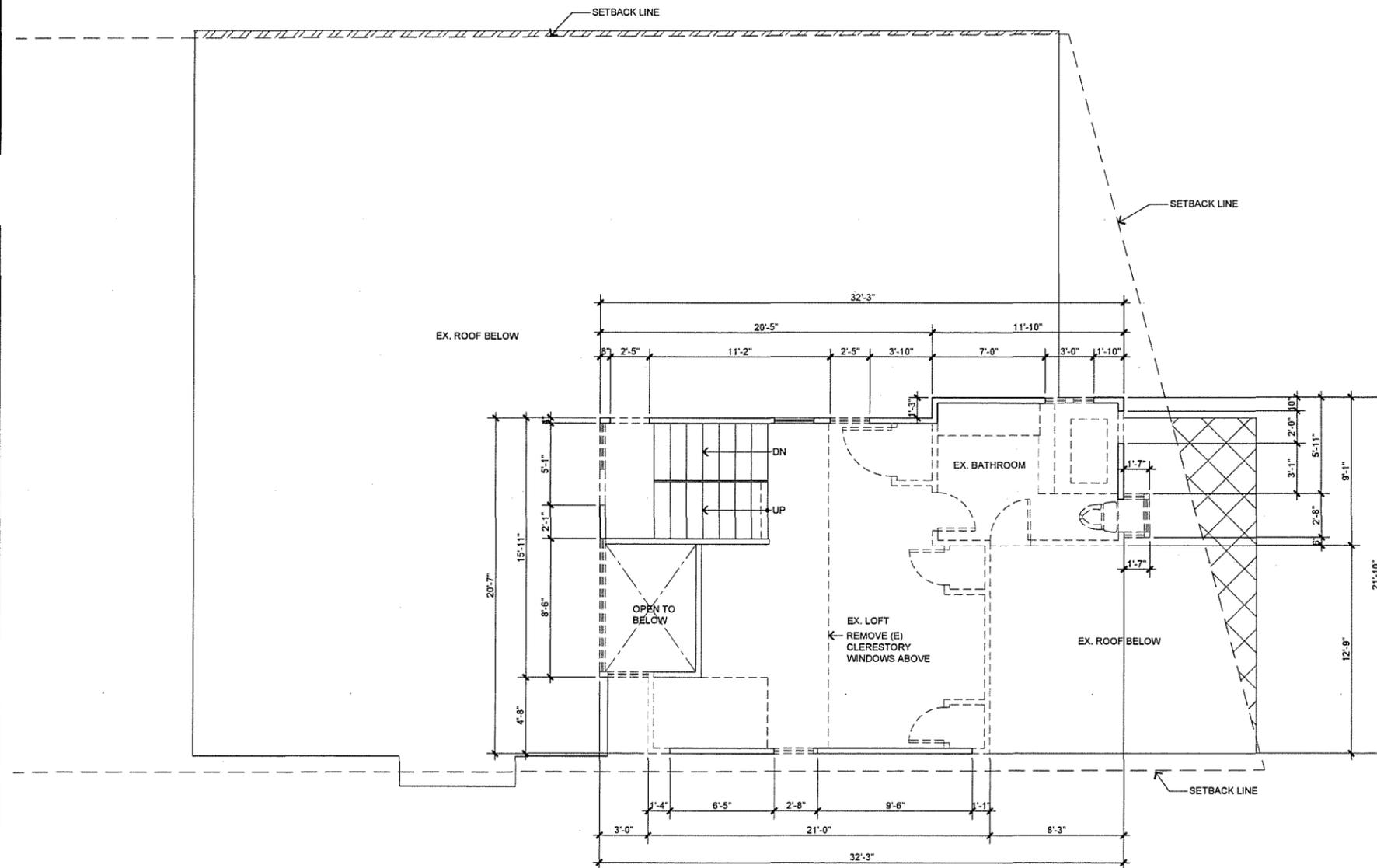
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9/12/23	DRP/SDP VI

DATE MODIFIED:	9/12/23
DRAWN BY:	GC
JOB NUMBER:	2113
DWG FILE:	BS_PLAN

SHEET
EX.1

WALL LEGEND	
	EXISTING WALL TO REMAIN
	EXISTING WALL TO BE REMOVED
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EXISTING / DEMO SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0"



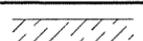
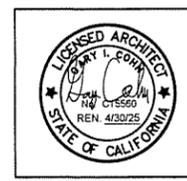
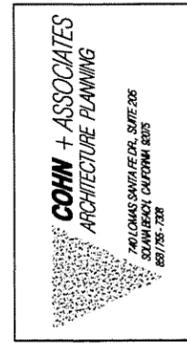
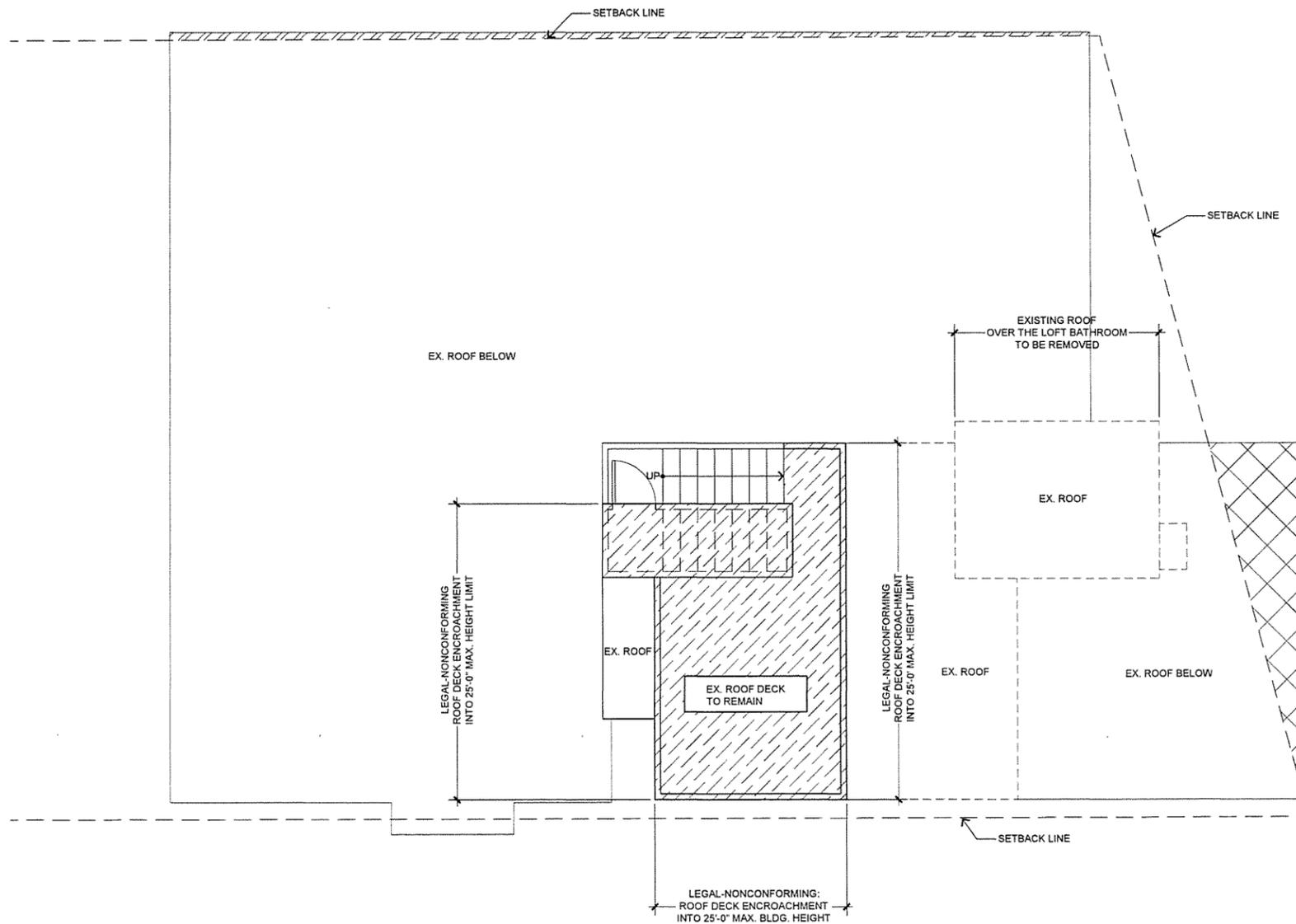
WALL LEGEND	
	EXISTING WALL TO REMAIN
	EXISTING WALL TO BE REMOVED
	PORTION OF EXISTING GARAGE LEGAL-NONCONFORMING ENCROACHMENT INTO THE 25'-0" FRONT YARD SETBACK
	PORTION OF EXISTING HOUSE LEGAL-NONCONFORMING ENCROACHMENT INTO THE 10'-0" SIDE YARD SETBACK
	EXISTING ROOF DECK LEGAL-NONCONFORMING ENCROACHMENT INTO THE 25'-0" MAX. HEIGHT LIMIT

TABLE - LEGAL-NONCONFORMING	
ROOF	<p><u>EXISTING ROOF CALCULATIONS</u></p> <p>TOTAL ROOF (SQ. FT.) OF EXISTING HOUSE: 2,582 SQ. FT. TOTAL ROOF (SQ. FT.) TO BE REMOVED: 417 SQ. FT. TOTAL ROOF (SQ. FT.) TO REMAIN: 2,165 SQ. FT.</p> <p>$2,165 / 2,582 = 83.85\%$ OF EXISTING ROOF TO REMAIN</p>
EXTERIOR WALLS	<p><u>EXISTING EXTERIOR WALLS CALCULATIONS</u></p> <p>TOTAL WALL PERIMETER OF EXISTING 1ST FLOOR: 230'-3" TOTAL WALL PERIMETER OF EXISTING 2ND FLOOR: 111'-4" TOTAL WALL PERIMETER OF EXISTING HOUSE: 341'-7"</p> <p>TOTAL WALL LENGTH TO BE REMOVED @ 1ST FLOOR: 0'-0" TOTAL WALL LENGTH TO BE REMOVED @ 2ND FLOOR: 63'-6"</p> <p>TOTAL WALL LENGTH TO REMAIN: 278'-1" $278'-1" / 341'-7" = 81.41\%$ OF EXISTING WALLS TO REMAIN</p>
FLOOR STRUCTURE	<p><u>EXISTING FLOOR STRUCTURE CALCULATIONS</u></p> <p>TOTAL FLOOR STRUCTURE (SQ. FT.) OF (E) HOUSE: 564 SQ. FT. TOTAL FLOOR STRUCTURE (SQ. FT.) OF REMAIN: 564 SQ. FT.</p> <p>100% OF THE EXISTING FLOOR STRUCTURE TO REMAIN</p>
FOUNDATION	<p><u>EXISTING FOUNDATION CALCULATIONS</u></p> <p>(EXISTING FOUNDATION INCLUDES SLAB + FOOTINGS)</p> <p>TOTAL FOUNDATION (SQ. FT.) OF (E) HOUSE: 2,572 SQ. FT. TOTAL FOUNDATION (SQ. FT.) TO REMAIN: 2,572 SQ. FT.</p> <p>100% OF THE EXISTING FOUNDATION TO REMAIN</p>



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BOAT RESIDENCE
611 SEABRIGHT LANE
SOLANA BEACH, CALIFORNIA

SUBMITTAL DATE	PURPOSE
8/1/22	DRP/SDP I
9/19/22	DRP/SDP II
2/1/23	DRP/SDP III
3/10/23	DRP/SDP IV
8/16/23	DRP/SDP V
9/12/23	DRP/SDP VI

DATE MODIFIED:	9/12/23
DRAWN BY:	GC
JOB NUMBER:	2113
DWG FILE:	BS_PLAN

EXISTING / DEMO ROOF PLAN

SCALE: 1/4" = 1'-0"



SHEET
EX.2



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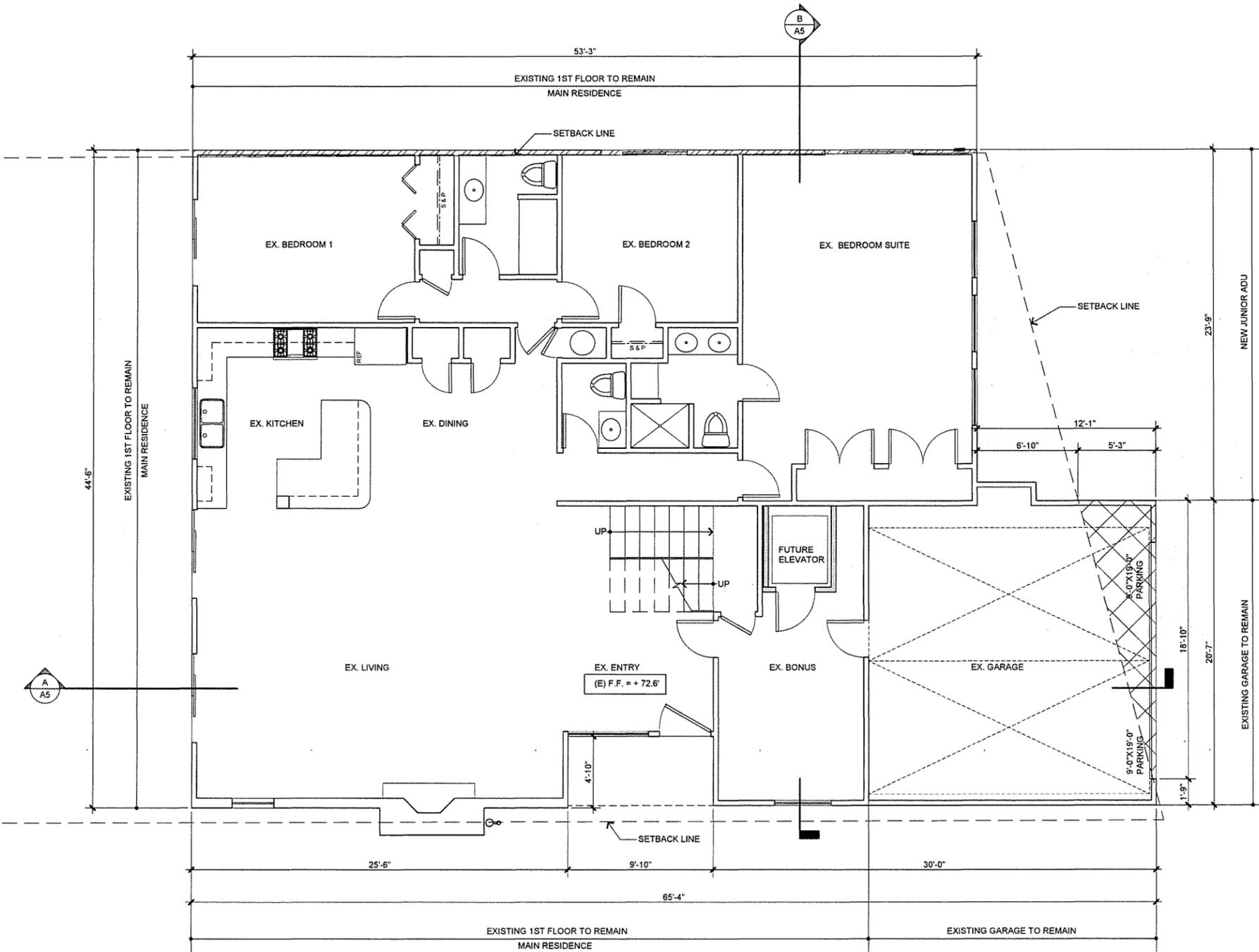
BOAT RESIDENCE
611 SEABRIGHT LANE
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SUBMITTAL DATE	PURPOSE
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9/12/23	DRP/SDP VI

DATE MODIFIED:	9/12/23
DRAWN BY:	GCMCS
JOB NUMBER:	2113
DWG FILE:	BS_PLAN

WALL LEGEND	
	EXISTING WALL TO REMAIN
	NEW WOOD STUD WALL
	PORTION OF EXISTING GARAGE LEGAL-NONCONFORMING ENCROACHMENT INTO THE 25'-0" FRONT YARD SETBACK
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FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"



SHEET
A2



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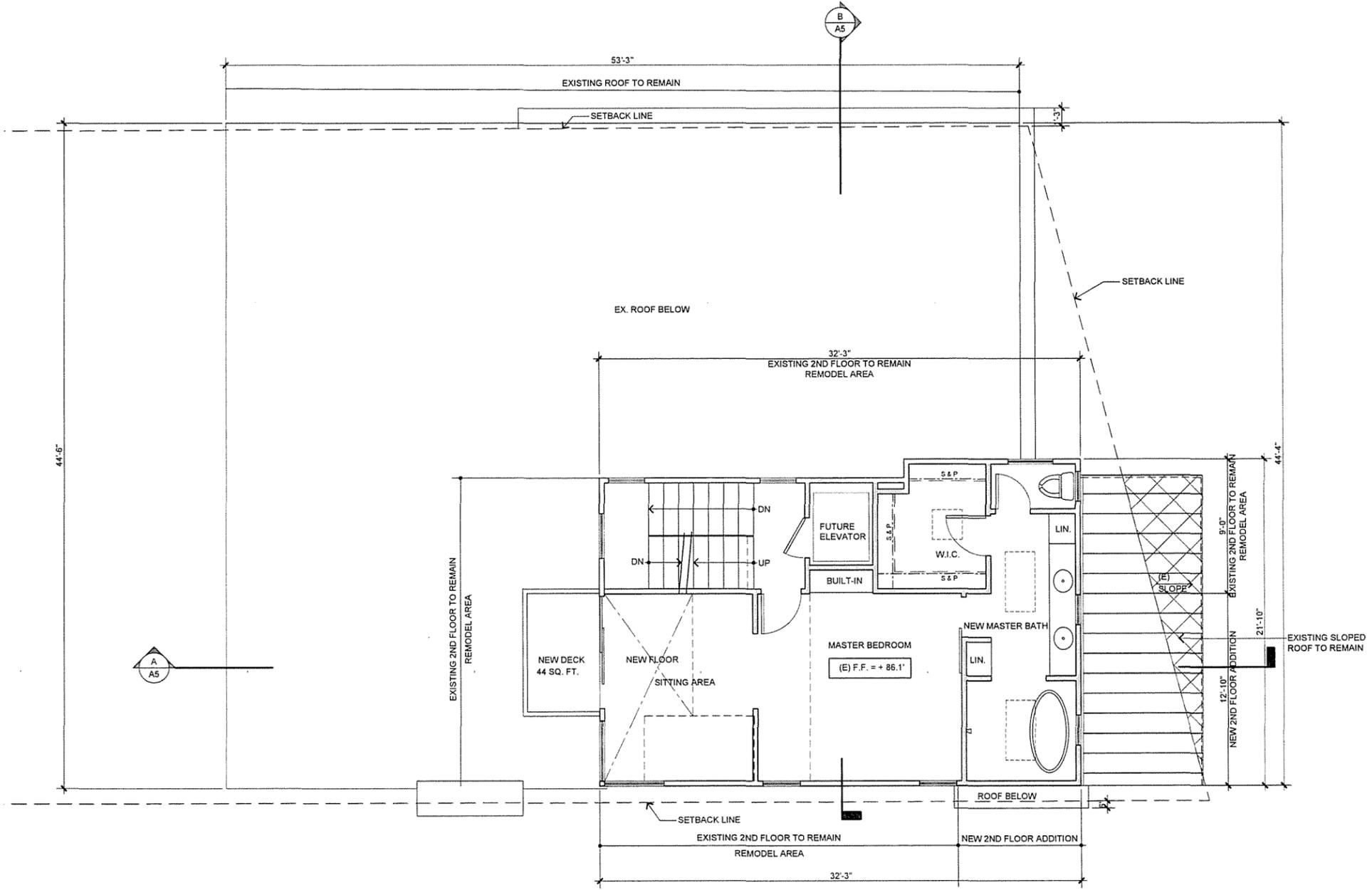
BOAT RESIDENCE
611 SEABRIGHT LANE
SOLANA BEACH, CALIFORNIA

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DATE MODIFIED: 9/12/23
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JOB NUMBER: 2113
DWG FILE: BS_PLAN

WALL LEGEND	
	EXISTING WALL TO REMAIN
	NEW WOOD STUD WALL
	PORTION OF EXISTING GARAGE LEGAL-NONCONFORMING ENCROACHMENT INTO THE 25'-0" FRONT YARD SETBACK
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SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0"





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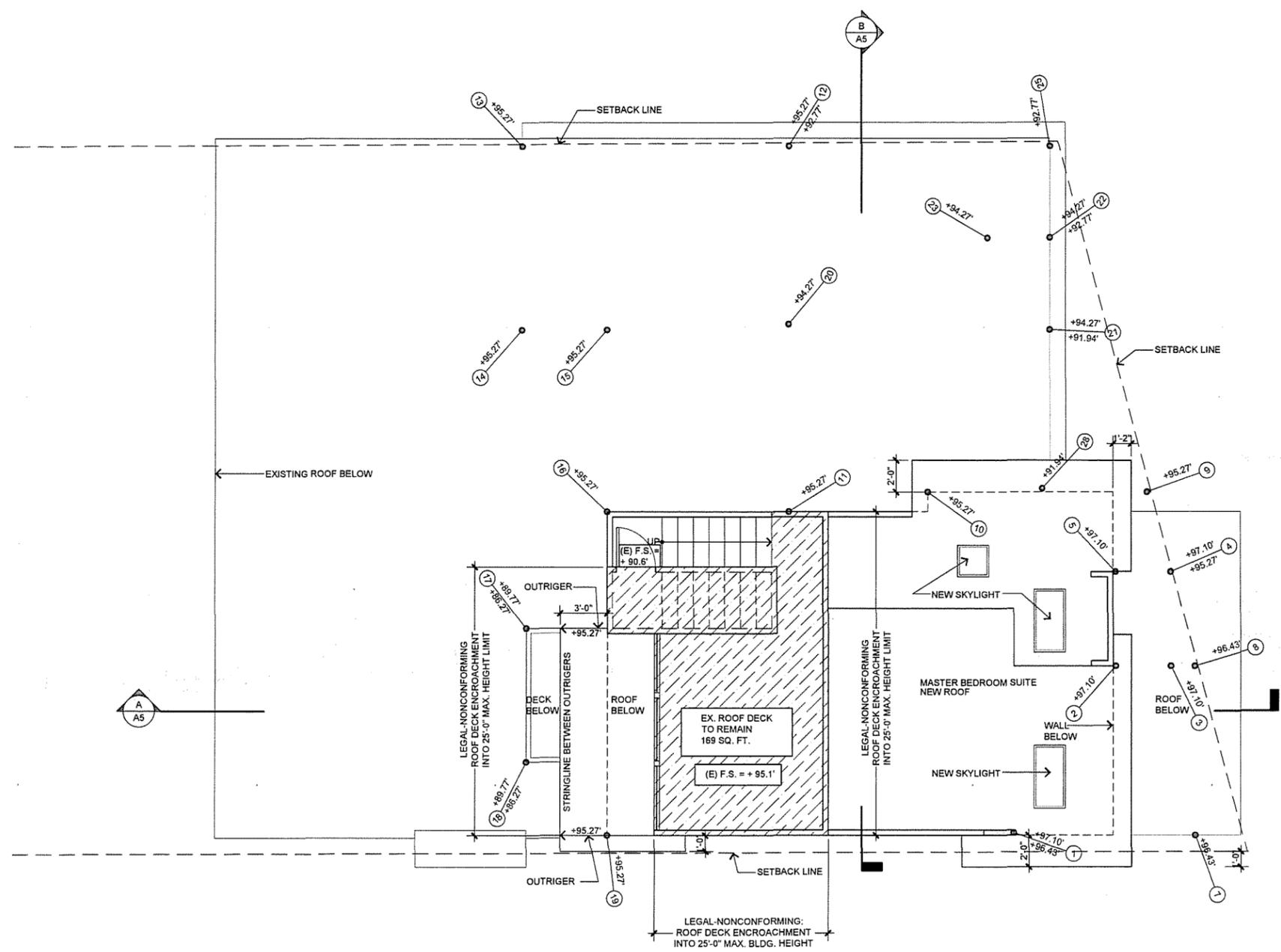
BOAT RESIDENCE
611 SEABRIGHT LANE
SOLANA BEACH, CALIFORNIA

SUBMITTAL DATE	PURPOSE
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DATE MODIFIED:	9/12/23
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JOB NUMBER:	2113
DWG FILE:	BS_PLAN

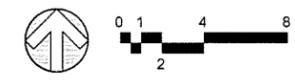
WALL LEGEND	
	EXISTING WALL TO REMAIN
	NEW WOOD STUD WALL
	PORTION OF EXISTING GARAGE LEGAL-NONCONFORMING ENCROACHMENT INTO THE 25'-0" FRONT YARD SETBACK
	PORTION OF EXISTING HOUSE LEGAL-NONCONFORMING ENCROACHMENT INTO THE 10'-0" SIDE YARD SETBACK
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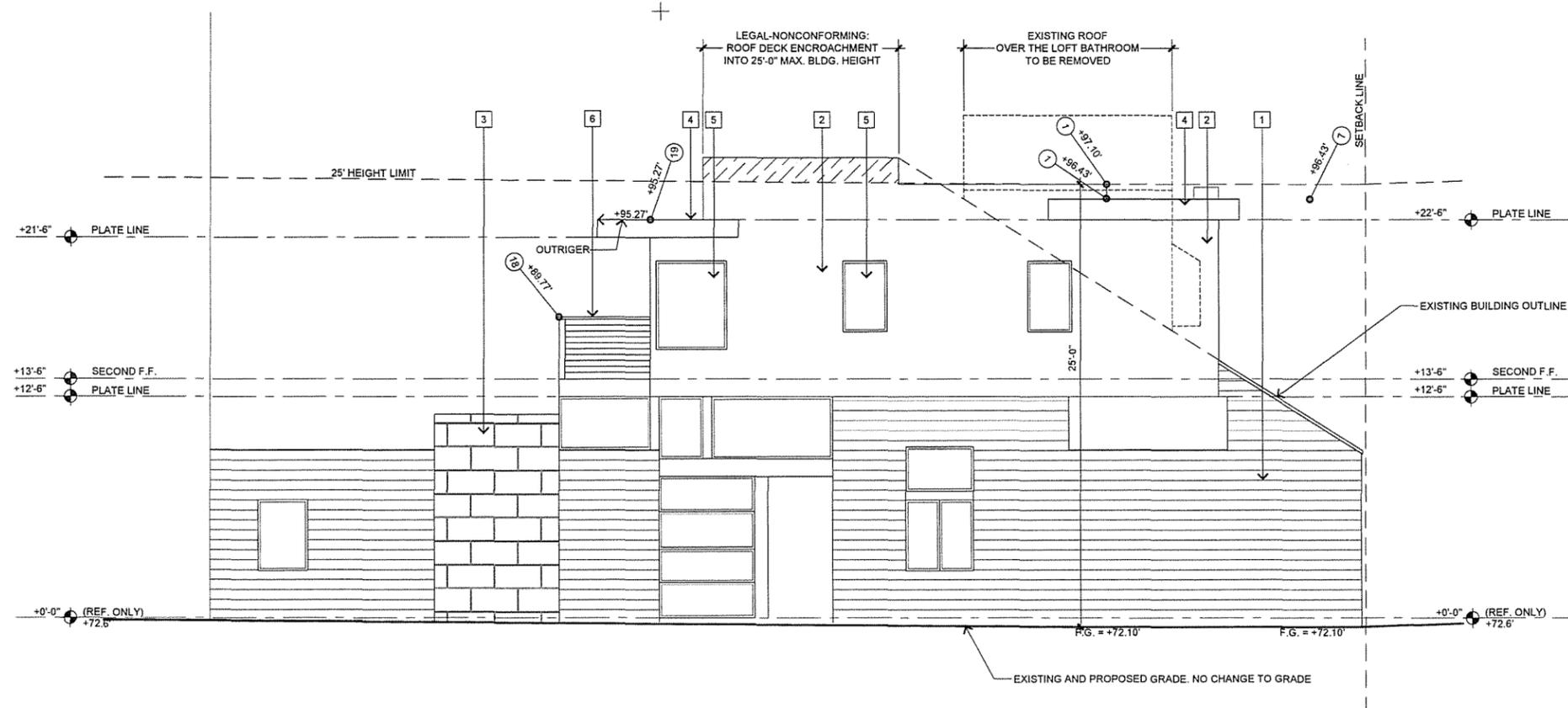


ROOF PLAN + STORY POLE PLAN

SCALE: 1/4" = 1'-0"



SHEET
A3



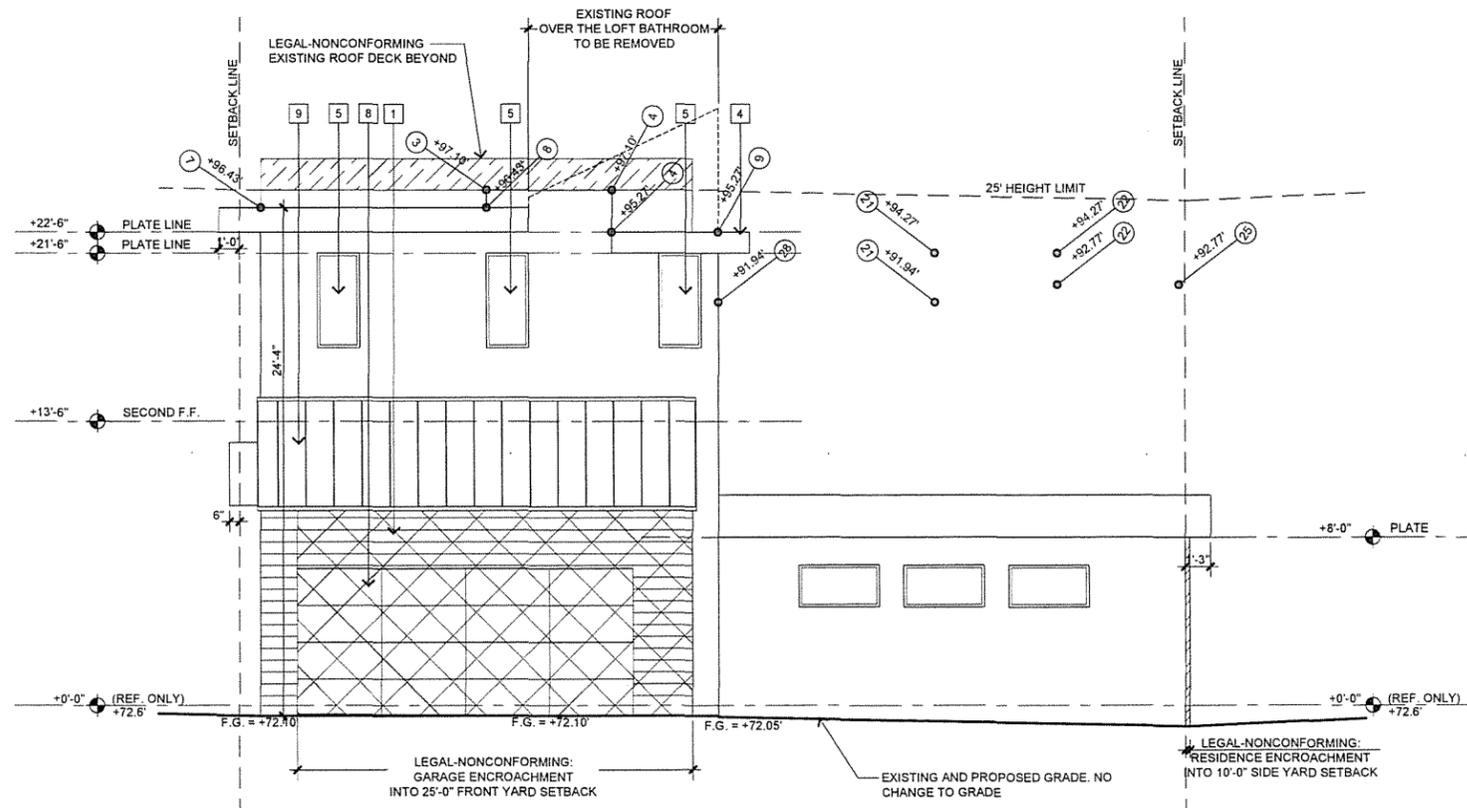
SOUTH ELEVATION

SCALE: 1/4" = 1'-0"



MATERIAL & COLOR SCHEDULE/KEYNOTES				
	DESCRIPTION	MANUF.	COLOR	FINISH
1	HORIZONTAL WOOD SIDING		NATURAL	
2	EXT. CEMENT PLASTER		GREY	
3	NOT USED			
4	METAL FASCIA		GREY	
5	WINDOW / DOOR FRAME		DARK BRONZE	
6	CABLE RAIL		GREY	
7	GLASS RAIL			
8	GLASS GARAGE DOOR			
9	NEW METAL ROOF		GREY	

***NOTE:**
 PROVIDE COLOR SAMPLES ON SITE FOR OWNER'S APPROVAL FOR ALL EXTERIOR MATERIALS.
 COLOR COAT AN AREA A MIN. 4'X4' - PAINT OR STAIN: WOOD SIDING & TRIM SAMPLES FOR APPROVAL PRIOR TO INSTALLATION



EAST ELEVATION

SCALE: 1/4" = 1'-0"



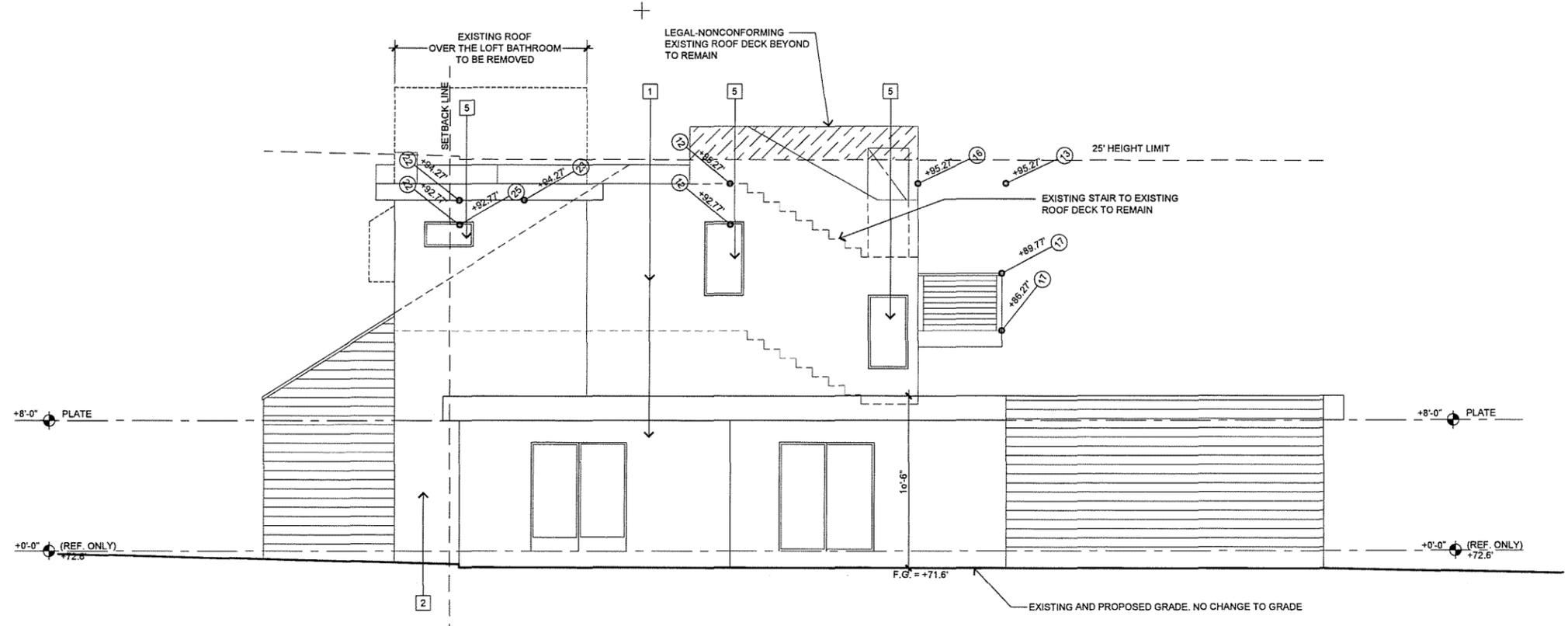
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 611 SEABRIGHT LANE
 SOLANA BEACH, CALIFORNIA

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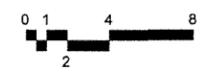
DATE MODIFIED:	9/12/23
DRAWN BY:	GCIMCS
JOB NUMBER:	2113
DWG FILE:	BS_PLAN

SHEET
A4



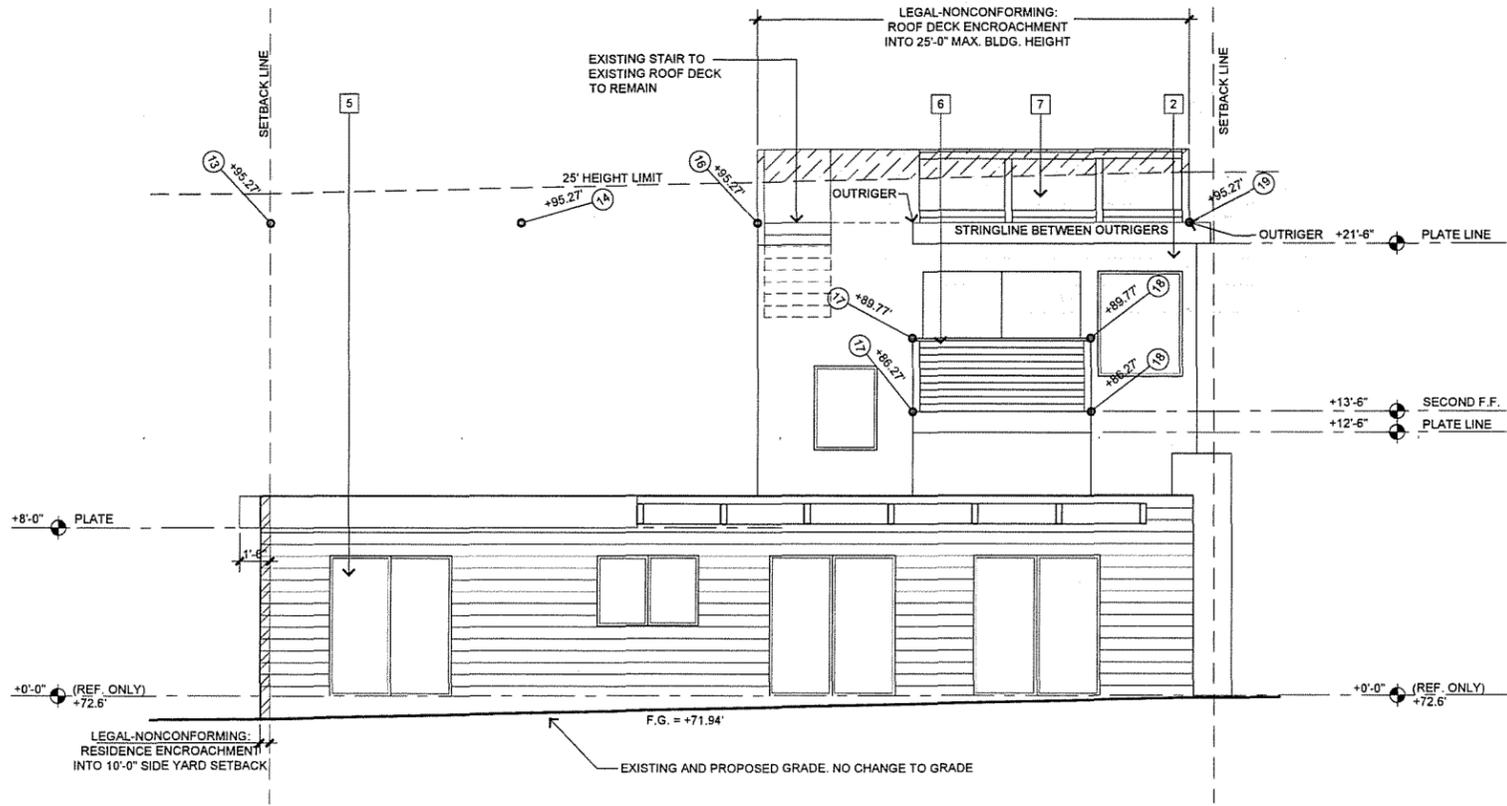
NORTH ELEVATION

SCALE: 1/4" = 1'-0"



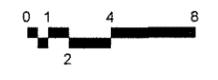
MATERIAL & COLOR SCHEDULE/KEYNOTES				
	DESCRIPTION	MANUF.	COLOR	FINISH
1	HORIZONTAL WOOD SIDING		NATURAL	
2	EXT. CEMENT PLASTER		GREY	
3	NOT USED			
4	METAL FASCIA		GREY	
5	WINDOW / DOOR FRAME		DARK BRONZE	
6	CABLE RAIL		GREY	
7	GLASS RAIL			
8	GLASS GARAGE DOOR			
9	NEW METAL ROOF		GREY	

*NOTE:
PROVIDE COLOR SAMPLES ON SITE FOR OWNER'S APPROVAL FOR ALL EXTERIOR MATERIALS.
COLOR COAT AN AREA A MIN. 4'X4' - PAINT OR STAIN: WOOD SIDING & TRIM SAMPLES FOR APPROVAL PRIOR TO INSTALLATION



WEST ELEVATION

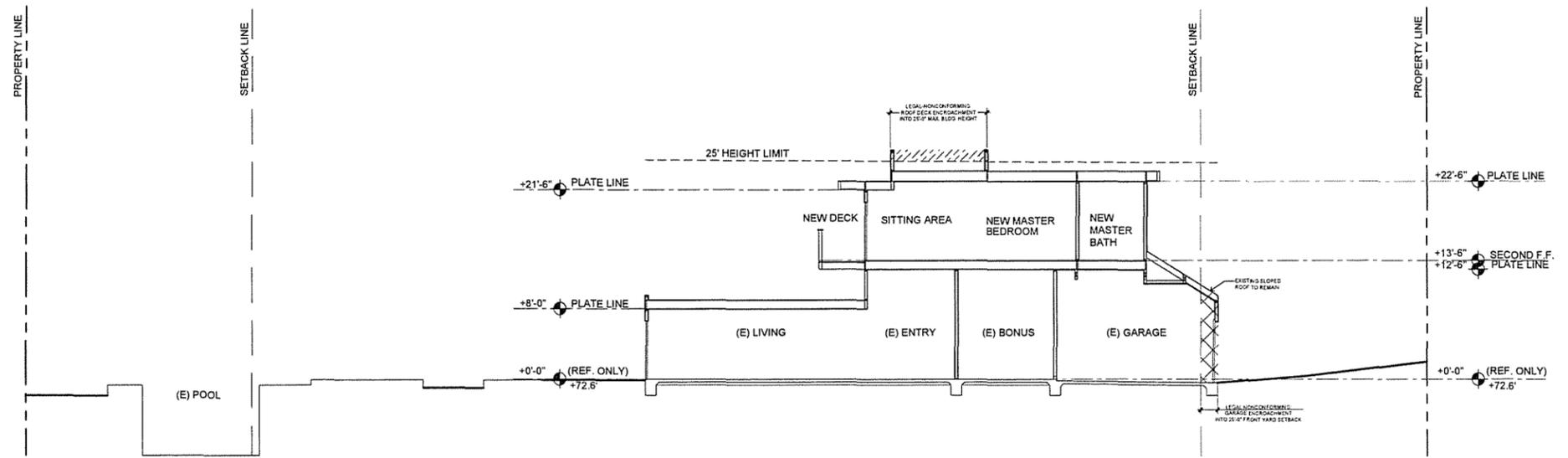
SCALE: 1/4" = 1'-0"



BOAT RESIDENCE
611 SEABRIGHT LANE
SOLANA BEACH, CALIFORNIA

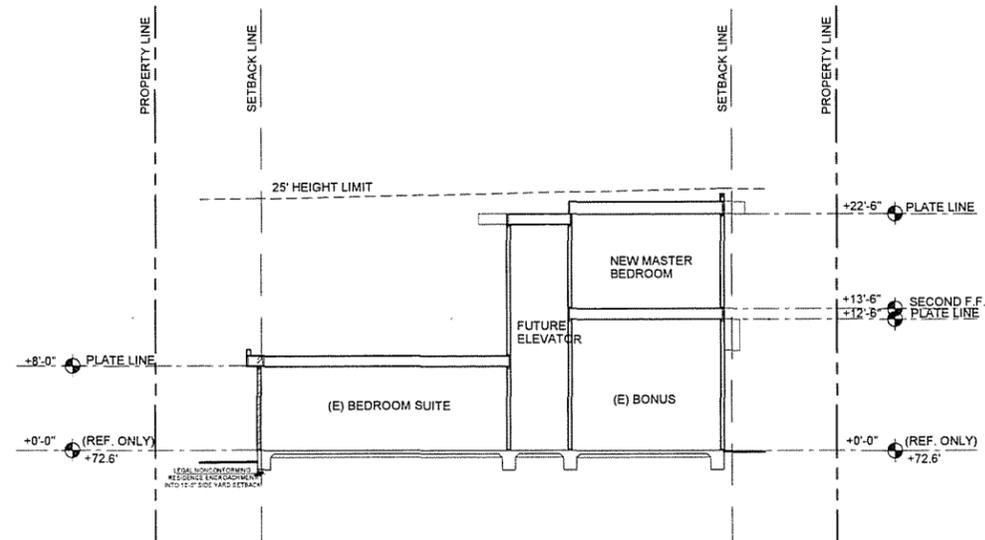
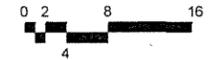
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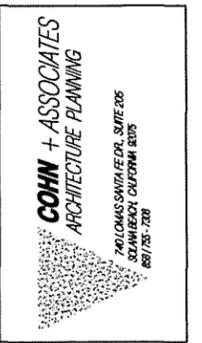
SECTION A

SCALE: 1/8" = 1'-0"



SECTION B

SCALE: 1/8" = 1'-0"



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DATE MODIFIED: 9/12/22
 DRAWN BY: MCS
 JOB NUMBER: 2113
 DWG FILE: BS_PLAN

SHEET
A5

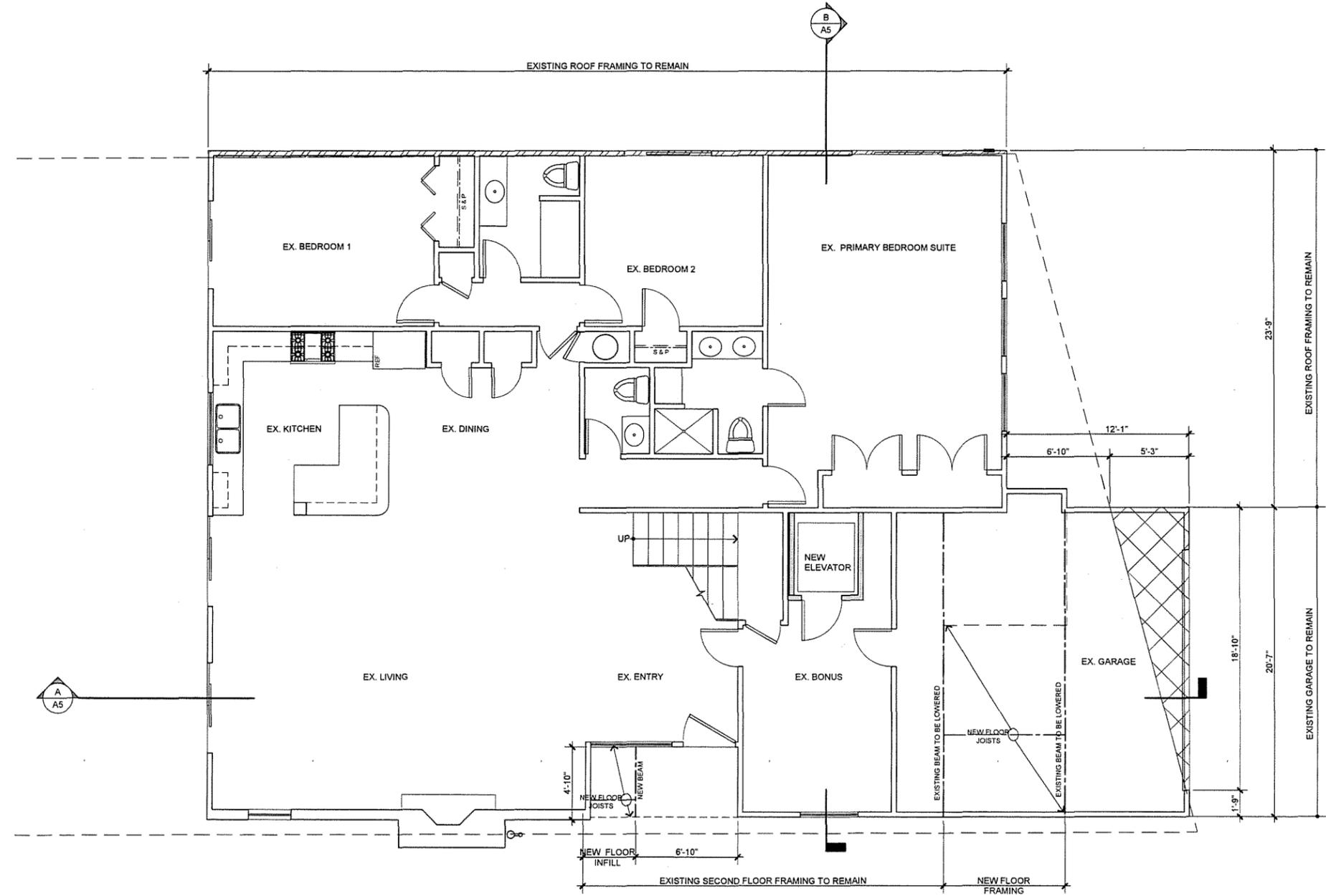


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9/12/23	DRP/SDP VI

DATE MODIFIED:	8/15/23
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JOB NUMBER:	2113
DWG FILE:	BS_PLAN



WALL LEGEND	
	EXISTING WALL TO REMAIN
	NEW WOOD STUD WALL

SECOND FLOOR FRAMING PLAN

SCALE: 1/4" = 1'-0"



SHEET
S1



CITY OF SOLANA BEACH

635 SOUTH HIGHWAY 101 • SOLANA BEACH, CA 92075 • (858) 720-2400 • Fax (858) 720-2455

www.cityofsolanabeach.org

CITY OF SOLANA BEACH View Assessment Commission Notice of Recommendation Tuesday, June, 2023 - 6:00 P.M. Regular Mtg.

PROJECT CASE NO: DRP22-017/SDP22-015 Boat Residence

PROJECT LOCATION: 611 Seabright Lane, Solana Beach

APPLICANT NAME: John and Laura Boat

APPLICANT CONTACT: Gary Cohn, Cohn + Associates Architecture

PRESENT VAC MEMBERS: Matt Cohen, Robert Moldenhauer, Frank Stribling, Linda Najjar, Rich Villasenor and Pat Coad

STAFF MEMBERS: Joseph Lim, Community Development Director; Tim Campen, Assistant City Attorney; Katie Benson, Senior Planner; John Delmer, Junior Planner

ABSENT: Robert Zajac

ASSESSMENT FILED BY:

Name: Nick Wildgoose
Address: 607 North Cedros Avenue

PROJECT DESCRIPTION:

The Applicants are requesting the approval of a Development Review Permit (DRP) and Structure Development Permit (SDP) to construct a second-story addition to a two-story single-family residence with an attached two-car garage. The following is a breakdown of the proposed floor area:

Existing First Floor Living Area	2,182 SF
Existing Second Floor Living Area	564 SF
Existing Garage	390 SF
Proposed Second Floor Living Area Addition	878 SF
<hr/> Subtotal	<hr/> 4,014 SF
JADU Conversion (1 st Floor)	- 466 SF
Required Parking Exemption	- 390 SF
<hr/> Total Floor Area Proposed	<hr/> 3,158 SF
Maximum Allowable Floor Area (SROZ)	3,769 SF

The 10,397 square-foot lot is located within the Low-Medium Residential (LMR) Zone. The project includes grading in the amount of 10 CY of excavation for footings to be exported off site. **The maximum building height of the proposed addition would be 25.0 feet above the existing and proposed grade (or 97.10 feet above MSL).** The project requires a DRP for an addition that would exceed 60% of the maximum allowable floor area for the property and a second floor that would exceed 35% of the floor area of the existing first floor.

VAC RECOMMENDATION:

The project was heard at the regularly scheduled, June 20, 2023, VAC meeting. After the Commissioners presented their findings Chair Cohen motioned to recommend denial of the project, seconded by Commissioner Coad. Motion passed 5/1/1 (No: Stribling, Absent: Zajac)

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.

Yes – The present VAC members found that written accounts and oral testimony at the public meeting showed that there had been a reasonable attempt by the Applicants to communicate.

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.

Yes – The present VAC members found that 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.

Divided – Three out of the six participating VAC members found 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.

Yes – 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.

5. The proposed structure is compatible with the immediate neighborhood character.

Yes – The majority (5 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.

VAC Vote:

Chair Cohen motioned to recommend denial of the project, seconded by Commissioner Coad. Motion passed 5/1/1 (No: Stribling, Absent: Zajac)

Issue Date of VAC Recommendation: June 20, 2023

For 

Corey Andrews, Principal Planner
Staff Liaison, View Assessment Committee



Matthew Cohen, Chair
View Assessment Committee

APR 24 2023

Community Development Dept
CITY OF SOLANA BEACH

APPLICATION FOR VIEW ASSESSMENT
(Structure Development Permit)

Project No.: DRP22-017

1. Address of property for which the structure development permit has been requested:
611 Seabright Lane.
SOLANA BEACH.

2. Provide the following information for the individual filing this Application for Assessment:
Name: NICK WILDGOOSE
Address: 607 N CEDROS AVE S/B
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: Easterly view from my living room obscured.

4. Identify the portion of the proposed structure which is the most objectionable and suggestions to minimize the view impairment: the western part and its height. Reduce size and height of proposed addition.

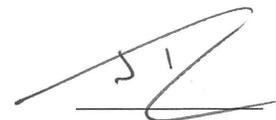
5. Description of the Claimants attempt(s) to resolve this issue with the owner/representative of the property for which a Structure Development Permit has been requested: I have texted the owner my concerns.


Signature of Applicant for Assessment

4/24/23.
Date Submitted

STAFF USE ONLY:

Application for Assessment fee paid?



October 2, 2023

TO: City Council of Solana Beach
FROM: John and Laura Boat, 611 Seabright Lane, Solana Beach CA
RE: DRP22-017/SDP22-015 Boat Residence – 611 Seabright Lane, Solana Beach
HEARING DATE: October 11, 2023

Mayor Heebner and members of the Council:

We want to emphasize that we withdrew most of the project originally proposed. The 2nd story addition that was the subject of the view claim and VAC recommendation has been completely eliminated from the project. The remaining portion of the project has been shrunk so that it only involves a 119 sq ft addition over the existing garage and a 44 sq ft coffee deck. Nobody has ever mentioned or complained about these additions, not our neighbors, not the VAC, not the view claimant.

If you visit our house, the “peak roof” over the existing bathroom facing Seabright will be lowered/leveled-off to conform with the current height limit (correcting an existing legal non-conformance). The story poles on the sloped garage facing Seabright show the prior, larger, remodel idea that nobody complained about and was not the subject of the view complaint or VAC hearing. The current 119 sq ft extension is entirely within the existing story pole outline and WILL NOT extend past the existing bathroom wall.

Our original idea, that has been completely scrapped from this application, was: convert our downstairs master bedroom to a JADU to create a ground floor unit for an aging parent. Enlarge our existing top floor to create a replacement master bedroom and add 2 children’s bedrooms and laundry adjacent to the new master so that it would be a functional family house (parents in proximity to kids). The 2 existing small bedrooms downstairs would then become our offices (we work from home). Even though this project has been abandoned, we are told by staff that since the VAC took action and the view claimant has not withdrawn his claim, we still need to address the SDP:

A. STRUCTURE DEVELOPMENT PERMIT (SDP) / VIEW ASSESSMENT COMMISSION

1. The second story addition with new roof deck that was the subject of the view assessment claim by Nick Wildgoose of 607 N Cedros **HAS BEEN WITHDRAWN, IS NOT BEING PURSUED AND IS NO LONGER PART OF THIS PROJECT.**
2. The VAC recommendation of denial of our project was mostly due to the fact we were proposing a roof deck on the “new” northern 2nd floor addition and one member didn’t like the bulk of the new 2nd floor addition. **THE NEW SECOND FLOOR ADDITION HAS BEEN WITHDRAWN, IS NOT BEING PURSUED AND IS NO LONGER PART OF THIS PROJECT.**
3. We understand that Katie Benson provided the view claimant, Mr. Wildgoose, our revised plans and explained to Mr. Wildgoose that the “new” northern 2nd floor addition **HAS BEEN WITHDRAWN, IS NO LONGER BEING PURSUED AND IS NOT A PART OF THIS PROJECT,** but he has not withdrawn his view claim. Wildgoose advised us that he was filing his view claim to mete-out revenge against us because, in 2017/18, we objected to our ocean view being blocked by the initial plans of spec builder, Greg Agee, to build a new house at 607 North Cedros Avenue. Mr. Wildgoose’s correspondence to us on April 4, 2023 regarding the project was as follows:

4:29 **B**

68%

< **N** Nick Wildgoose Cedro... ▾ ⋮

Hi John, I received your application for building permits. I'm going to be submitting an application to block it on every level.
Nick Wildgoose
607 n Cedros

3:48 PM

3:57 PM

Hey Nick, do you have any specifics we can address?

Karma is a fucking bitch bud.

3:59 PM

4:00 PM

Ok

You caused so many problems for my builder on my property. You should have thought ahead

4:00 PM

4:05 PM

Sorry you feel that way.

You are the reason I don't have an ocean view and am unable to burn wood in my fireplace outside. You can stick your story poles up your ass. That's all they'll be good for.

4:08 PM

4:18 PM

Wow. Ok.

At least you have the decency not to deny it.

4:25 PM

4:26 PM

Really not feeling anything productive will come from this exchange.

Oh I disagree. There's so many productive things that are about to come. Just not for you.

4:29 PM



It's bizarre that Mr. Wildgoose somehow blames us for him not having an ocean view when he purchased the property already built, with no ocean view. As background, 607 N Cedros was purchased by spec builder Greg Agee in September, 2017. Mr. Agee filed a Project Application with the City of Solana Beach on October 16, 2017 and stated that he was the sole person with any financial interest in the property. When Mr. Agee finished the house, it was listed on the open market in October, 2020 and purchased by Mr. Wildgoose in November, 2020. As an aside, Mr. Agee's architect accompanied Mr. Wildgoose to the VAC hearing. In line with his express stated purpose of dishing out revenge against us, Mr. Wildgoose did not retract his view claim.

4. No portion of our current project, as revised, was the subject of the view claim or VAC meeting, so we are unsure what exactly we are supposed to talk about. Nobody – not the VAC, not Mr. Wildgoose, not any of our other neighbors – have ever mentioned, discussed or objected to the small additions that we are currently seeking. Nevertheless, I guess we still have to go through the “required findings”:

SDP REQUIRED FINDINGS:

First, The Council must find “the primary viewing area(s)...” As stated, there is nothing to find since we withdrew the objected portion of the project entirely. **So, the viewing area is “none.”**

- 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.”

WE COMPLETELY REMOVED THE ENTIRE PART OF OUR PROJECT THAT WAS THE SUBJECT OF THE VIEW CLAIM. THERE IS NOTHING LEFT TO RESOLVE. WHEN APPROCHED BY THE VIEW CLAIMANT ABOUT HIS OBJECTIONS TO OUR ORIGINAL PLANS, OUR RESPONSE WAS “DO YOU HAVE ANY SPECIFICS WE CAN ADDRESS?” NO SPECIFICS WERE EVER PRESENTED. WE HAVE NOT HAD ANY COMMUNICATION WITH MR. WILDGOOSE SUBSEQUENT TO HIS TEXTS WITH THE IMPLIED THREATS. WE DO NOT KNOW MR. WILDGOOSE, BUT BASED ON INFORMATION WE GATHERED, THE ONLY ACTION WE HAVE TAKEN IN THIS REGARD IS TO INSTALL ADDITIONAL SECURITY CAMERAS AROUND OUR PROPERTY.

- 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.”

WE COMPLETELY REMOVED THE ENTIRE PART OF OUR PROJECT THAT WAS THE SUBJECT OF THE VIEW CLAIM. THERE IS NOTHING LEFT. THERE IS NO IMPAIRMENT OF VIEW FROM PUBLIC PROPERTY.

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

WE COMPLETELY REMOVED THE ENTIRE PART OF OUR PROJECT THAT WAS THE SUBJECT OF THE VIEW CLAIM. THERE IS NOTHING LEFT. THERE ARE NO VIEWS BEING IMPAIRED.

- 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.

WE COMPLETELY REMOVED THE ENTIRE PART OF OUR PROJECT THAT WAS THE SUBJECT OF THE VIEW CLAIM. THERE IS NOTHING LEFT. THERE ARE NO VIEWS BEING IMPAIRED

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

WE'RE TRYING TO IMPROVE OUR EXISTING HOUSE TO REMOVE THE FUNKY NON-CONFORMING SLOPED ROOF OVER THE BATHROOM AND LESSEN THE IMPACT OF THE SEVERE SLOPING GARAGE ROOF SO THAT IT NOT SUCH AN EYESORE TO THE NEIGHBORHOOD. THE ADDITION IS MINOR.

B. DEVELOPMENT REVIEW PERMIT (DRP) / DEVELOPMENT REVIEW CRITERIA

We understand that there are criteria that need to be met for the DRP, which are listed below.

1. "Relationship with Adjacent Land Uses. The development shall be designed in a manner compatible with and complementary to existing development in the immediate vicinity of the project site and the surrounding neighborhood. The development as proposed shall also be compatible in scale, apparent bulk, and massing with such existing development in the surrounding neighborhood. Site planning on or near the perimeter of the development shall give consideration to the protection of surrounding areas from potential adverse effects."

WE ARE ADDING 119 SQUARE FEET TO THE FRONT OF THE HOUSE AND A SMALL 44 SQ FT COFFEE DECK IN THE BACK. IN THE PROCESS WE WILL BE REMOVING THE NON-CONFORMING HEIGHT OF THE PART OF THE STRUCUTRE THAT IS ABOVE THE EXISTING BATHROOM. THE SIZE AND BULK OF OUR HOUSE WILL NOT CHANGE IN ANY SIGNIFICANT MANNER AND WILL BE SIMILAR OR SMALLER THAN MANY OTHER HOUSES ON OUR STREET.

2. Building and Structure Placement. Buildings and structures shall be sited and designed to minimize adverse impacts on the surrounding properties and designed in a manner which visually and functionally enhance their intended use and complement existing site topography. Multi-family residential buildings shall be sited to avoid crowding and to allow for a functional use of the space between buildings.

WE ARE CONSTRUCTING ENTIRELY WITHIN THE EXISTING BUILDING FOOTPRINT.

3. Landscaping. The removal of significant native vegetation shall be minimized. Replacement vegetation and landscaping shall be compatible with the vegetation of the surrounding area. To the maximum extent practicable, landscaping and plantings shall be used to screen parking areas, storage areas, access roads, and other service uses of the site. Trees and other large plantings shall not obstruct significant views when installed or at maturity. Drought tolerant plant materials and water conserving irrigation systems shall be incorporated into all landscaping plans.

WE ARE NOT DISTURBING ANY OF OUR EXISTING LANDSCAPING

4. 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.

WE ARE NOT CHANGING OUR EXISTING GARAGE OR EXISTING PARKING DRIVEWAY OR OFF-STREET PARKING AREAS.

5. 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.

WE RE-DESIGNED AND SHRUNK OUR EXISTING REMODEL TO UTILIZE EXISTING BEAMS SO TO AVOID HAVING TO DO ANY MAJOR GRADING/EXCAVATING.

6. 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 area. All exterior lighting, including lighting in designated "dark sky" areas, shall be in conformance with SBMC 17.60.060 (Exterior Lighting Regulations).

WE ARE NOT PROPOSING ANY NEW EXTERNAL LIGHTING WITH THIS PROJECT. THERE IS NO GROUND-LEVEL CONSTRUCTION, ACCESS TO THE NEWLY CONSTRUCTED AREA IS FROM THE INSIDE OF OUR EXISTING HOUSE.

7. Usable Open Space. Recreational facilities proposed within required usable open space areas shall be located and designed to maintain essential open space values. Consideration shall be given to type and quantity of such uses, including but not limited to golf courses, picnic and barbecue areas, tot lots, open playing fields, swimming pools and spas, and court facilities.

THIS DOES NOT SEEM APPLICABLE TO OUR PROJECT.

We respectfully request the City Council approve the project as presented. Thank you for your time and consideration.

Sincerely,

John and Laura Boat



CITY OF SOLANA BEACH

635 SOUTH HIGHWAY 101 • SOLANA BEACH • CALIFORNIA 92075 • (858) 720-2400 • FAX (858) 755-1782

STORY POLE HEIGHT CERTIFICATION

Date: MARCH 7, 2023 OCT. 11, 2023 RE-CERT

RECEIVED

MAR 08 2023

Community Development Dept
CITY OF SOLANA BEACH

Assessor's Parcel No.: 263-062-05

Site Address: 611 SEABRIGHT LN

Owner's Name: BOAT

OCT 11, 2023 RE-CERT

This is to certify that on MARCH 7, 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: 97.10' (M.S.L.)* SP#1

Pre-existing grade: 72.10' (M.S.L.)*

Finished grade elevation: 72.10' (M.S.L.)*

Finished floor elevation: — (M.S.L.)*

TOTAL MAXIMUM HEIGHT: 25.00'

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. EXSTG FIN FLR, W/LY SIDE HSE. ELEV. = 72.6'

C-STORY POLES, INC.

Chris Collins PLS 8591
 POB 230972 Encinitas, CA 92023
 (760) 224-7653 chris@cstorypoles.com

Boat Residence
 611 Seabright Lane, Solana Beach
 W.O. CSP23-1687
 CC, SM, RM

2/6/2023
 Page 1 of 2

O INDICATES - NOT INCLUDED IN 10-11-23 RE-CERT

* "T" T-post, "B" Bucket, "R" Roof, "FS" Finished Surface

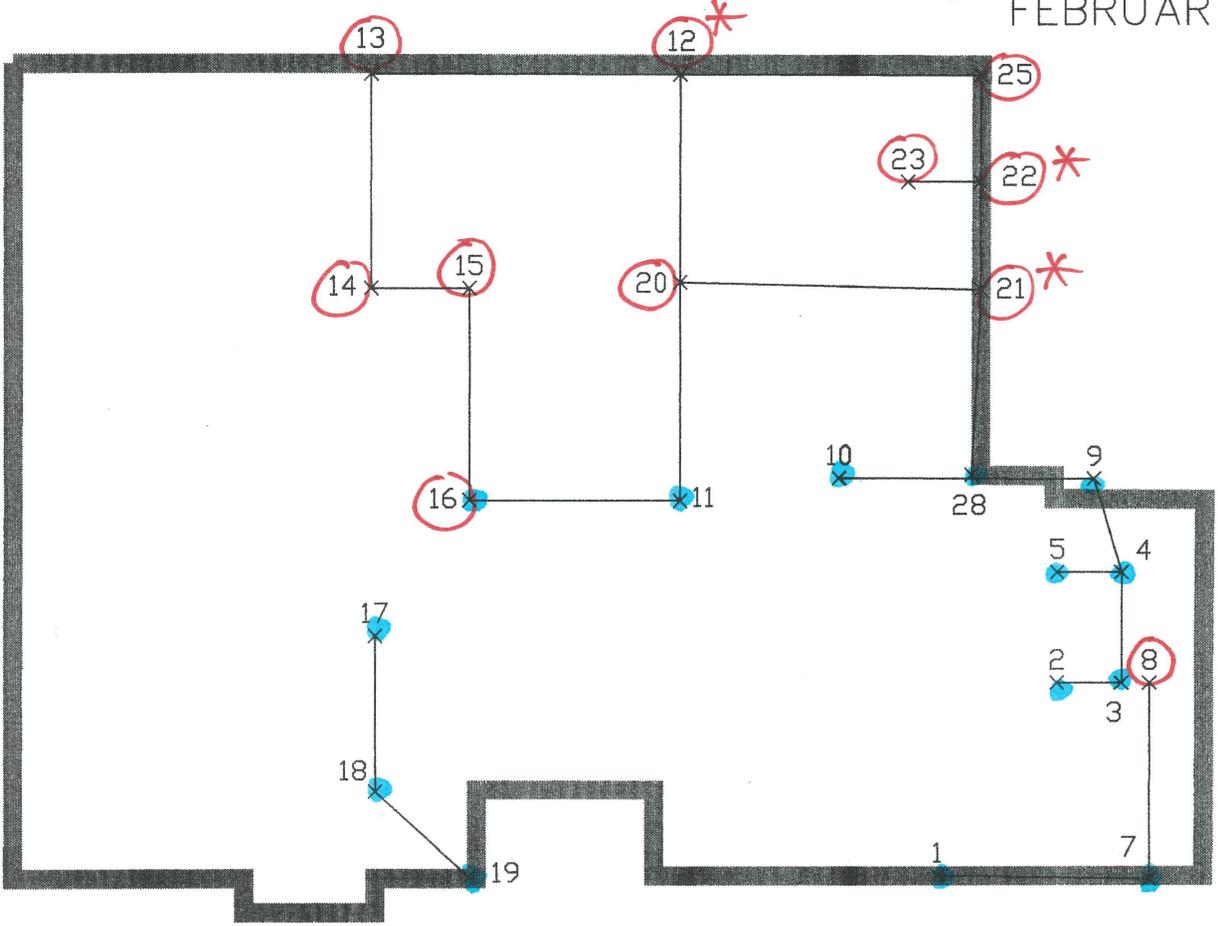
SP#	BASE ELEV	PLAN ELEV	C/F LENGTH	DESCRIPTION *
* 1	72.10	97.10	F - 25.00	UPR @ BLDG
-	72.10	96.43	F - 24.33	LWR -
2	86.81	97.10	F - 10.29	ROOF
3	84.97	97.10	F - 12.13	"
* 4	85.03	97.10	F - 12.07	UPR "
-	85.03	95.27	F - 10.24	LWR -
5	87.15	97.10	F - 9.95	ROOF
7	72.10	96.43	F - 24.33	@ BLDG
8	83.99	96.43	F - 12.44	ROOF
9	72.05	95.27	F - 23.22	STK @ BLDG
10	82.01	95.27	F - 13.26	ROOF attach to bldg
11	82.10	95.27	F - 13.17	ROOF attach to bldg
* 12	82.20	95.27	F - 13.07	UPR ROOF
-	82.20	92.77	F - 10.57	LWR -
13	82.20	95.27	F - 13.07	ROOF
14	81.86	95.27	F - 13.41	ROOF
15	81.86	95.27	F - 13.41	ROOF
16	82.02	95.27	F - 13.25	ROOF
* 17	82.01	89.77	F - 7.76	UPR ROOF
-	82.01	86.27	F - 4.26	LWR ROOF
* 18	82.02	89.77	F - 7.75	UPR ROOF
-	82.02	86.27	F - 4.25	LWR -
19	82.00	95.27	F - 13.27	ROOF
20	81.85	94.27	F - 12.42	ROOF
* 21	82.22	94.27	F - 12.05	UPR ROOF
-	82.22	91.94	F - 9.72	LWR -
* 22	82.27	94.27	F - 12.00	UPR ROOF
-	82.27	92.77	F - 10.50	LWR -
23	81.64	94.27	F - 12.63	ROOF

CONT'D PG 2 OF 2

25	82.27	92.77	F - 10.50	Roof
28	82.08	91.94	F - 9.86	Roof attach to bldg

BOAT RESIDENCE
611 SEABRIGHT LANE
SOLANA BEACH
CSP 23-1687
FEBRUARY 3, 2023

○ INDICATES TAKEN DOWN POLES
NOT A PART OF RECEIPT
10-11-23



NOT TO SCALE



STAFF REPORT CITY OF SOLANA BEACH

TO: Honorable Mayor and City Councilmembers
FROM: Gregory Wade, City Manager
MEETING DATE: November 8, 2023
ORIGINATING DEPT: Community Development Department
SUBJECT: **Public Hearing: Request for a DRP and SDP to Demolish a Single-Family Residence, Construct a Replacement Split-Level Single-Family Residence with an Attached Two-Car Garage, and Perform Associated Site Improvements at 312 North Rios Avenue. (Applicants: Martin and Kristen Wadley; Application: DRP23-004/SDP23-005; APN: 263-360-14; Resolution 2023-126)**

BACKGROUND:

The Applicants, Martin and Kristen Wadley, are requesting City Council approval of a Development Review Permit (DRP) and Structure Development Permit (SDP) to demolish a single-family residence, construct a 2,236 square-foot split-level single-family residence with an attached 535 square-foot two-car garage, and perform associated site improvements at 312 North Rios Avenue. The 5,868 square-foot lot is located within the Medium-High Residential (MHR) Zone. The project includes grading in the amount of 210 cubic yards of excavation, 30 cubic yards of fill, 12 cubic yards of excavation for footings, 80 cubic yards of removal and recompaction (remedial), 180 cubic yards to be exported off site, for an aggregate grading total of 332 cubic yards. The maximum building height of the proposed addition would be 22.37 feet above the proposed grade and 120.20 feet above Mean Sea Level (MSL).

The project meets three thresholds for the requirement of a DRP, including: 1) grading in excess of 100 cubic yards; 2) construction in excess of 60 percent of the maximum allowable floor area; and 3) construction of a second story that exceeds 35 percent of the floor area of the first floor. The project requires an SDP because the proposed development exceeds 16 feet in height above the pre-existing grade.

The issue before the Council is whether to approve, approve with conditions, or deny the Applicants' request as contained in Resolution 2023-126 (Attachment 1).

DISCUSSION:

The subject 5,868 square-foot lot is located on the east side of North Rios Avenue. The topography slopes gently upward from North Rios Avenue to the rear (east) property line with an approximately seven-foot increase in elevation. The property is currently

developed with a single-story single-family residence, a detached single-car garage, and a detached shed. The proposed project includes demolition of all existing improvements on the property.

The Applicants are proposing to construct a 2,236 square-foot split-level single-family residence with a 535 square-foot attached two-car garage and perform associated site improvements including grading, drainage, hardscape, landscaping, fences, and walls. The Applicants are also proposing a 291 square-foot detached Accessory Dwelling Unit (ADU) located in the northeast corner of the property that is not subject to the DRP or SDP, pursuant to SBMC Section 17.20.040(D). The ADU is shown voluntarily on the project plans, which are included in Attachment 2.

Table 1 (below) provides a comparison of the SBMC applicable zoning regulations with the Applicants' proposed design.

Table 1			
LOT INFORMATION			
Property Address:	312 N Rios Ave	Zoning Designation:	MHR (8-12 du/ac)
Lot Size (Gross):	5,868 sf	# Units Allowed:	1 D/U, 1 ADU, 1 JADU
Max. Allowable Floor Area:	4,401 sf	# Units Ex/Proposed:	1 D/U, 1 ADU
Proposed Floor Area:	2,371 sf	Setbacks:	Required Proposed
Below Max. Floor Area by:	2,030 sf	Front (W)	20 ft 20 ft
Max. Allowable Height:	25.0 ft	Interior Side (N)	5 ft 5 ft
Max. Proposed Height:	22.37 ft	Interior Side (S)	5 ft 5 ft
Highest Point/Ridge:	120.20 MSL	Rear (E)	25 ft 29 ft
PROPOSED PROJECT INFORMATION			
Proposed Floor Area Breakdown:		Required Permits:	
Main Level Living Area	1,604 sf	DRP for grading in excess of 100 cubic yards, proposed total floor area to exceed 60% of maximum allowable, and for a second story in excess to 35% of the first floor.	
Upper Level Living Area	632 sf		
Lower Level Garage	535 sf		
Subtotal	2,771 sf	SDP for addition in excess of 16 feet in height	
Off-Street Parking Exemption	- 400 sf		
Total Proposed Floor Area:	2,371 sf		
Required/Proposed Parking: 2 (SFR) / 2 Garage		Existing Development: Single-family residence, detached garage, detached shed to be demolished	
Proposed Fences and Walls: Yes			
Proposed Accessory Structure: No			
Proposed Grading: 210 CY of excavation, 30 CY of fill, 12 CY of excavation for footings, 80 CY of remedial grading, 180 CY to be exported off site, and an aggregate grading total of 332 CY			

Staff has prepared draft findings for approval of the project in the attached Resolution 2023-126 for Council's consideration based upon the information in this report. The applicable SBMC sections are provided in italicized text and conditions from the Community Development, Engineering, and Fire Departments are incorporated in the Resolution of Approval. 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.

The following is a discussion of the findings for a DRP as each applies to the proposed project as well as references to recommended conditions of approval contained in Resolution 2023-126.

Development Review Permit Compliance (SBMC Section 17.68.40):

A DRP is required because the aggregate proposed grading would exceed 100 cubic yards, the total proposed floor area would exceed 60 percent of the maximum allowable for the property, and the proposed second story (upper level) would exceed 35 percent of the first floor (main and lower levels). The Council may approve, or conditionally approve, a DRP only if all of the findings listed below can be made. If the findings cannot be made, the Council shall deny the DRP. Resolution 2023-126 provides a 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 Applicants obtaining the required permit or approval from the other agency.

DRP Finding #1

General Plan Consistency

The General Plan designates the property as Medium-High Density Residential and is intended for multi-family residential development at a maximum density of 8 to 12 dwelling units per acre. The lots in this neighborhood range between 5,000 to 6,000 square feet and include single-family and duplex residential development, which results in 8 to 12 dwelling units per acre. Therefore, the proposed development is consistent with the intended development in the General Plan. The proposed development could also 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.

Specific Plans and Special Overlays

The entire City of Solana Beach is located within the Coastal Zone. As a condition of project approval, the Applicants 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.

Zoning Ordinance Consistency

SBMC Section 17.20.010(C) specifies that the MHR Zone for a wide range of residential development types including detached single-family and attached duplex units at the low end of the density range and multi-family attached units at the higher end of the density range. SBMC Section 17.20.030 outlines property development regulations, which are analyzed below.

Minimum Yards/Setbacks:

Minimum yard dimensions (setbacks) are determined by the setback designator indicated on the City of Solana Beach official zoning map. The setback designator for the subject property is “d”, which requires 25-foot front and rear yard setbacks and 5-foot interior side yard setbacks. The minimum front yard setback is reduced to 20 feet for lots that front on a public right-of-way greater than 55 feet in width. An eight-foot dedication of right-of-way is required with the project that will result in a 48-foot right-of-way. When the property on the east side of the street dedicates 8 feet, the resulting width (also known as the ultimate right-of-way) will be 56 feet. Therefore, the minimum front yard setback for the project is reduced to 20 feet. The proposed residence would be located entirely within the buildable area with allowable roof eave and detached accessory structure encroachments into permissible setbacks.

Maximum Floor Area:

The maximum allowable floor area ratio for the MHR Zone is 75 percent of the gross lot area. The maximum allowable floor area for the 5,868 square-foot lot 4,401 square feet.

The Applicants are proposing to construct a split-level single-family residence that would include 2,236 square feet of living area and a 535 square-foot attached two-car garage. The project also includes a 291 square-foot detached ADU that would not count toward the gross floor area for the project.

The SBMC parking regulations require two off-street parking spaces per single-family residence. When required unobstructed spaces are provided in a garage, 200 square feet of floor area is exempted for each required space. The proposed 535 square-foot garage would accommodate two unobstructed parking spaces and two spaces are required for the single-family development; therefore, 400 square feet of the garage is exempt from the calculation of floor area.

With the applicable exemption, the total proposed floor area of the project would be 2,371 square feet, which is 2,030 square feet below the maximum allowable gross floor area for the property.

Maximum Building Height:

The maximum building height for the MHR Zone is 25 feet. The maximum height of the proposed residence would be 22.37 feet above the proposed grade and 120.20 feet above MSL. The proposed structures would exceed 16 feet in height from the pre-existing grade. Therefore, the project is subject to the requirements of SBMC Chapter 17.63 – View Assessment and the approval of an SDP. Compliance with those provisions is discussed later in this report.

Required Off-Street Parking:

A single-family residence requires two off-street parking spaces, pursuant to SBMC Section 17.52.040 and the Off-Street Parking Design Manual (OSPDM). A total of two off-street parking spaces are required by the project and two unobstructed 9-foot by 19-foot parking spaces are accommodated in the proposed attached garage.

Fences, Walls and Retaining Walls:

Within the front yard setback, 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 2 feet 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 6 feet in height with an additional 2 feet that is 50% open to light and air. Fence and wall height is measured from the pre-existing grade.

The proposed project includes perimeter site walls with gates on either side of the residence to enclose the side and rear yards. The site walls would include a maximum height of 42 inches in the front yard setback and 6 feet in along the side and rear property lines. The proposed fences and walls are in compliance with the requirements of SBMC 17.20.040(O) and 17.60.070(C). If the Applicants decide to modify any of the fences and walls or construct additional fences and walls on the project site, a condition of project approval indicates that they would be required to comply with the Municipal Code.

Water Efficient Landscape:

The project is subject to the current Water Efficient Landscape Ordinance (WELO) 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 Applicants provided a conceptual landscape plan that has been reviewed by the City's third-party landscape architect, who has recommended approval. If the project is approved, the Applicants 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

approved plan and the WELO. In addition, the City’s consultant will perform an inspection during the construction phase of the project to verify compliance.

DRP Finding #2

The development review criteria topics referenced in **DRP Finding #2** are listed below with further discussion as to how they relate to the proposed Project:

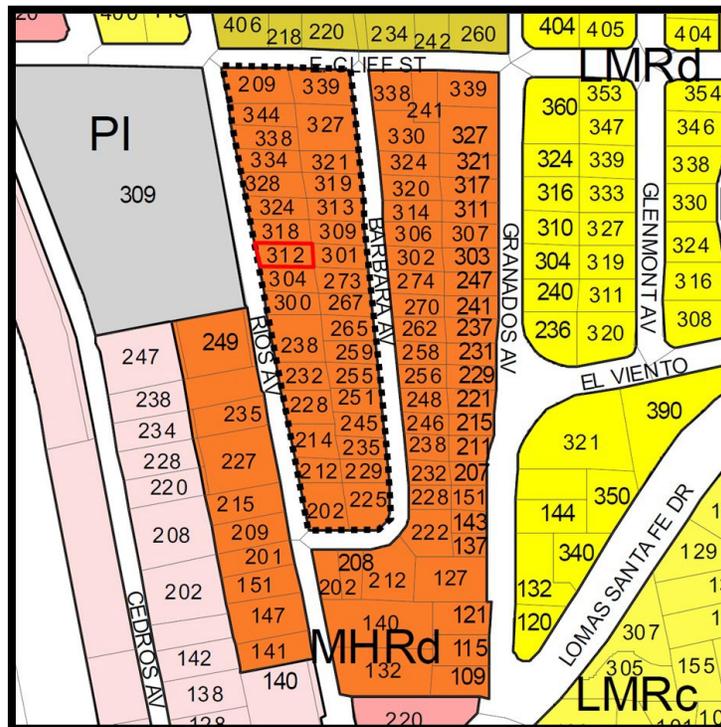
- 1. Relationship with Adjacent Land Uses
- 2. Building and Structure Placement
- 3. Landscaping
- 4. Roads, Pedestrian Walkways, Parking, and Storage Areas
- 5. Grading
- 6. Lighting
- 7. Usable Open Space

Relationship with Adjacent Land Uses:

The property and the surrounding neighborhood are located in the MHR Zone and are developed with a mix and one-and two-story single-family and duplex residences. The property immediately to the west is located in the Public Institutional (PI) Zone and developed with the Solana Beach School District Office and Child Development Center.

Neighborhood Comparison:

Staff compared the proposed project to 33 nearby properties located on North Rios Avenue and Barbara Avenue, as shown on the following map:



The properties evaluated in this comparison are also located in the MHR Zone. The surrounding properties are developed primarily with single-family and duplex residences ranging in size from 466 square feet to 3,354 square feet. The existing square footage information is obtained through the County Assessor records. It should be noted that the County Assessor’s “square footage” information is based on livable area, whereas, the City’s consideration of “gross floor area” is based on the appearance of bulk and mass. The County Assessor square footage value does not include garages, covered patios or partially enclosed exterior areas, clear-story areas, sunrooms, accessory buildings, or unfinished basements. However, the County Assessor does include all livable area including finished basements and ADU’s. Accordingly, the building area of the proposed project has been calculated for comparison purposes by deleting the area of the garage:

Project Gross Building Area:	2,771 sf
Delete Attached Garage:	- 535 sf
Project Area for Comparison to Assessor’s Data:	2,236 sf

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

Table 2						
#	Property Address	Lot Size in ft2 (GIS)	Existing ft2 Onsite (Assessor’s)	Proposed / Recently Approved ft ²	Max. Allowable ft ²	Zone
1	202 N Rios Ave	9,340	2,846		7,005	MHR
2	212 N Rios Ave	4,700	466		3,525	MHR
3	214 N Rios Ave	7,150	1,220		5,363	MHR
4	228 N Rios Ave	6,840	1,542		5,130	MHR
5	232 N Rios Ave	6,170	1,382		4,628	MHR
6	238 N Rios Ave	5,200	2,783		3,900	MHR
7	262 N Rios Ave	5,790	3,049		4,343	MHR
8	300 N Rios Ave	5,500	1,674		4,125	MHR
9	304 N Rios Ave	6,120	821		4,590	MHR
10	312 N Rios Ave	5,868	712	2,236	4,401	MHR
11	318 N Rios Ave	5,860	952		4,395	MHR
12	324 N Rios Ave	6,140	1,222		4,605	MHR
13	328 N Rios Ave	6,820	1,702		5,115	MHR
14	334 N Rios Ave	6,250	1,394		4,688	MHR
15	338 N Rios Ave	6,750	1,068		5,063	MHR
16	344 N Rios Ave	6,540	1,400		4,905	MHR
17	205 E Cliff St	9,800	3,226		7,350	MHR
18	339 Barbara Ave	9,600	3,354		7,200	MHR
19	327 Barbara Ave	12,200	N/A		9,150	MHR
20	321 Barbara Ave	5,840	1,680		4,380	MHR
21	319 Barbara Ave	6,160	1,803		4,620	MHR

Table 2						
#	Property Address	Lot Size in ft2 (GIS)	Existing ft2 Onsite (Assessor's)	Proposed / Recently Approved ft2	Max. Allowable ft2	Zone
22	313 Barbara Ave	5,780	816		4,335	MHR
23	309 Barbara Ave	5,670	1,645		4,253	MHR
24	301 Barbara Ave	5,780	712		4,335	MHR
25	273 Barbara Ave	5,640	1,976		4,230	MHR
26	267 Barbara Ave	5,460	1,462		4,095	MHR
27	265 Barbara Ave	5,820	1,661		4,365	MHR
28	259 Barbara Ave	5,200	1,326		3,900	MHR
29	255 Barbara Ave	5,500	1,222		4,125	MHR
30	251 Barbara Ave	5,560	1,796		4,170	MHR
31	245 Barbara Ave	5,250	2,383		3,938	MHR
32	237 Barbara Ave	4,980	2,310		3,735	MHR
33	229 Barbara Ave	5,020	1,360		3,765	MHR
34	225 Barbara Ave	8,860	975		6,645	MHR

Building and Structure Placement:

The proposed project would utilize the majority of the buildable area of the property with the lower and main levels of the proposed residence and the garage. The upper level would be located on the southern side of the buildable area. The residence would have the appearance of a two-story home from the front of the property on North Rios Avenue. The lower level would be built between one and three feet below the existing grade with a finished floor elevation of 98.50 feet above MSL. The main level would step up 3.5 feet to a finished floor elevation of 102.00 feet above MSL. The upper level would step up 6.67 feet to a finished floor elevation of 108.67 feet above MSL.

The 535 square-foot two-car garage would be located on the lower level. The 1,604 square-foot main level would consist of a kitchen, living, and dining area on the east side of the residence that would open to a rear patio. The northwest corner of the main level would include two bedrooms (one to be utilized as an office) with ensuite bathrooms and a powder room. The 632 square-foot upper level would consist of the primary suite.

Landscape:

The proposed landscape plan includes a variety of shrubs, grasses, and vines as well as Giant Bird of Paradise plants located along the front and rear property lines with a height of 12 feet and two clusters of Mexican Fan Palms located on the north and south sides of the front yard with a height of 10 feet.

Should the City Council approve the project, the Applicants would be required to submit a landscape construction plan in substantial conformance with the planting plan presented to the City Council. Generally, any alternative tree and shrub species proposed

during the plan check or construction phase shall have the same (or lesser) mature height and location as the conceptual plan approved by the City Council in order to be approved ministerially by Staff. Otherwise, increases in trees or shrub mature heights or adding new planting locations would require City Council approval of a Modification to the DRP. Additionally, any replaced plant species must be consistent with the water use requirements of the plants replaced, provided that the replaced vegetation does not result in mixing high water use plants with low water use plants in the same hydro-zone. A condition has also 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.

Roads, Pedestrian Walkways, Parking, and Storage Areas:

The two required off-street parking spaces would be located within the proposed garage, which would be accessed by a driveway from North Rios Avenue on the southern side of the front yard. Pedestrian access would be located immediately north of the driveway with on-grade hardscape stairs and a walkway to the main entrance of the residence. Decomposed Granite (DG) walkways would follow along both sides of the property to the rear yard. The trash enclosure would be located within the proposed garage.

Grading:

The Applicants are proposing 210 cubic yards of excavation, 30 cubic yards of fill, 12 cubic yards of excavation for footings, 80 cubic yards of removal and recompaction (remedial), 180 cubic yards to be exported off site, for an aggregate grading total of 332 cubic yards. The proposed cut is associated with the lower level of the residence that would be partially built into the existing grade as well as the lowered walkway on the southern side of the residence. Various low retaining walls would be constructed along the driveway, front entry walkway, property perimeter, rear yard to step the property between the varying street, garage, main level, and upper yard elevations. Additionally, two detention basins would be located in the front yard to facilitate drainage.

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 the construction of a replacement single-family residence with an attached garage; therefore, usable open space and recreational facilities are neither proposed nor required according to SBMC Section 17.20.040. As a condition of approval, the Applicants will be required to pay the City's Park Impact Fee.

Structure Development Permit Compliance (SBMC Chapter 17.63):

The proposed structure exceeds 16 feet in height above the existing grade, therefore, the project must comply with all of the View Assessment requirements of SBMC Chapter 17.63. A Story Pole Height Certification was certified by a licensed land surveyor on May 31, 2023, showing a maximum building height of 22.37 feet above the proposed grade (120.20 feet above MSL). Notices were mailed to property owners and occupants within 300 feet of the project site establishing a deadline to file for View Assessment by July 31, 2023.

One application for View Assessment was received from Donald Mullis (View Claimant) at 313 Barbara Avenue, which is located two houses to the northeast of the subject property. After working with the View Claimant, the Applicants submitted a revised design that reduced the westernmost extent of the upper level by two feet. The View Claimant subsequently requested to withdraw the application for View Assessment prior to the project being scheduled for a View Assessment Committee (VAC) meeting. The revised project is reflected in the project proposed to the City Council and included in Attachment 2.

Therefore, if the Council is able to make the required findings to approve the DRP, the SDP would be approved administratively. As a condition of approval, a height certificate prepared by a licensed land surveyor will be required prior to the framing inspection certifying that the tallest point of the proposed residence will not exceed 22.37 feet above the proposed grade or 120.20 feet above MSL.

Property Frontage and Public Right-of-Way Improvements:

The existing property frontage is unimproved with a flat dirt area and a two-foot-high stone retaining wall. As previously noted, an eight-foot dedication of right-of-way will be required with the project that will result in a 48-foot right-of-way. When the property on the east side of the street dedicates 8 feet, the resulting width (also known as the ultimate right-of-way) will be 56 feet. If approved, the Applicants will also be required to construct a City-standard sloping 9-inch curb along the entire property frontage. Although the City typically requires a ten-foot-wide decomposed granite (DG) walking and parking path fronting a new project, the Applicant is requesting approval of a ten-foot-wide pervious paver area graded at maximum 2 percent toward the flow line for walking and parking purposes. A San Diego Regional Standard Drawings (SDRSD) modified driveway approach (also proposed to be pervious pavers) with 2:1 transitions to the adjacent pathway is also proposed.

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 October 27, 2023, Staff has not received formal correspondence regarding the proposed project other than correspondence related to the since withdrawn application for View Assessment.

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 2023-126 for the Council's consideration based upon the information in this report. Conditions from the Community Development, Engineering, and Fire Departments are incorporated in the Resolution of Approval.

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 2023-126.
- 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 and SDP cannot be made.

DEPARTMENT RECOMMENDATION:

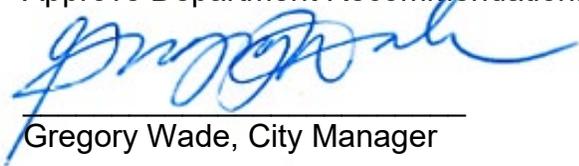
The proposed project meets the minimum zoning requirements under the SBMC, may be found to be consistent with the General Plan and may be found, as conditioned, to meet the discretionary findings required as discussed in this report to approve a DRP. Therefore, Staff recommends that the City Council:

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 2023-126 conditionally approving a DRP and SDP to demolish a single-family residence, construct a 2,236 square-foot split-level single-family residence with an attached 535 square-foot two-car garage, and perform associated site improvements at 312 North Rios Avenue, Solana Beach.

CITY MANAGER’S RECOMMENDATION:

Approve Department Recommendation.



Gregory Wade, City Manager

Attachments:

1. Resolution 2023-126
2. Project Plans

RESOLUTION 2023-126

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, CONDITIONALLY APPROVING A DEVELOPMENT REVIEW PERMIT AND STRUCTURE DEVELOPMENT PERMIT TO DEMOLISH A SINGLE-FAMILY RESIDENCE, CONSTRUCT A REPLACEMENT SPLIT-LEVEL SINGLE-FAMILY RESIDENCE WITH AN ATTACHED TWO-CAR GARAGE AND PERFORM ASSOCIATED SITE IMPROVEMENTS AT 312 NORTH RIOS, SOLANA BEACH.

**APPLICANTS: MARTIN AND KRISTEN WADLEY
CASE NO.: DRP23-004/SDP
APN: 263-311-13**

WHEREAS, Martin and Kristen Wadley (hereinafter referred to as “Applicants”), have 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 Public Hearing was conducted pursuant to the provisions of Solana Beach Municipal Code Section 17.72.030; and

WHEREAS, at the Public Hearing on November 8, 2023, the City Council received and considered evidence concerning the proposed application; and

WHEREAS, the City Council found the application request 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 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 demolish a single-family residence, construct a 2,236 square-foot split-level single-family residence with an attached 535 square-foot two-car garage, and perform associated site improvements at 312 North Rios 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 General Plan designates the property as Medium-High Density Residential and is intended for multi-family residential development at a maximum density of 8 to 12 dwelling units per acre. The lots in this neighborhood range between 5,000 to 6,000 square feet and include single-family and duplex residential development, which results in 8 to 12 dwelling units per acre. Therefore, the proposed development is consistent with the intended development in the General Plan. The proposed development is also 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.

Zoning Ordinance Consistency: SBMC Section 17.20.010(C) specifies that the MHR Zone for a wide range of residential development types including detached single-family and attached duplex units at the low end of the density range and multi-family attached units at the higher end of the density range. SBMC Section 17.20.030 outlines property development regulations, which are analyzed below.

The entire City of Solana Beach is located within the Coastal Zone. As a condition of project approval, the Applicants 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.

Minimum Yards/Setbacks:

Minimum yard dimensions (setbacks) are determined by the setback designator indicated on the City of Solana Beach official zoning map. The setback designator for the subject property is “d”, which requires 25-foot front and rear yard setbacks and 5-foot interior side yard setbacks. The minimum front yard setback is reduced to 20 feet for lots that front on a public right-of-way greater than 55 feet in width. An eight-foot dedication of right-of-way is required with the project that will result in a 48-foot right-of-way. When the property on the east side of the street dedicates 8 feet, the resulting width (also known as the ultimate right-of-way) will be 56 feet. Therefore, the minimum front yard setback for the project is reduced to 20 feet. The proposed residence would be located entirely within the buildable area with allowable roof eave and detached accessory structure encroachments into permissible setbacks.

Maximum Floor Area Ratio:

The maximum allowable floor area ratio for the MHR Zone is 75 percent of the gross lot area. The maximum allowable floor area for the 5,868 square-foot lot 4,401 square feet.

The Applicants are proposing to construct a split-level single-family residence that would include 2,236 square feet of living area and a 535 square-foot attached two-car garage. The project also includes a 291 square-foot detached ADU that would not count toward the gross floor area for the project.

The SBMC parking regulations require two off-street parking spaces per single-family residence. When required unobstructed spaces are provided in a garage, 200 square feet of floor area is exempted for each required space. The proposed 535 square-foot garage will accommodate two unobstructed parking spaces and two spaces are required for the single-family development; therefore, 400 square feet of the garage is exempt from the calculation of floor area.

With the applicable exemption, the total proposed floor area of the project is 2,371 square feet, which is 2,030 square feet below the maximum allowable gross floor area for the property.

Maximum Building Height:

The maximum building height for the MHR Zone is 25 feet. The maximum height of the proposed residence is 22.37 feet above the proposed grade and 120.20 feet above MSL. The proposed structures will exceed 16 feet in height from the pre-existing grade. Therefore, the project is subject to the requirements of SBMC Chapter 17.63 – View Assessment and the approval of an SDP.

Required Off-Street Parking:

A single-family residence requires two off-street parking spaces, pursuant to SBMC Section 17.52.040 and the Off-Street Parking Design Manual (OSPDM). A total of two off-street parking spaces are required by the project and two unobstructed 9-foot by 19-foot parking spaces are accommodated in the proposed garage.

Fences, Walls and Retaining Walls:

Within the front yard setback, 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 2 feet 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 6 feet in height with an additional 2 feet that is 50% open to light and air. Fence and wall height is measured from the pre-existing grade.

The proposed project includes perimeter site walls with gates on either side of the residence to enclose the side and rear yards. The site walls will include a maximum height of 42 inches in the front yard setback and 6 feet in along the side and rear property lines. The proposed fences and walls are in compliance with the requirements of SBMC 17.20.040(O) and 17.60.070(C). If the Applicants decide to modify any of the fences and walls or construct additional fences and walls on the project site, a condition of project approval indicates that they would be required to comply with the Municipal Code.

Water Efficient Landscape:

The project is subject to the current Water Efficient Landscape Ordinance (WELO) 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 Applicants provided a conceptual landscape plan that has been reviewed by the City's third-party landscape architect, who has recommended approval. If the project is approved, the Applicants 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 approved plan and the WELO. In addition, the City's consultant will perform an inspection during the construction phase of the project to verify compliance.

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 complementary to existing development in the immediate vicinity of the project site and the surrounding neighborhood. The development as proposed shall also be compatible in scale, apparent bulk, and massing with such existing development in the surrounding neighborhood. Site planning on or near the perimeter of the development shall give consideration to the protection of surrounding areas from potential adverse effects.*

The property and the surrounding neighborhood are located in the MHR Zone and are developed with a mix and one-and two-story single-family and duplex residences. The property immediately to the west is located in the Public Institutional (PI)

Zone and developed with the Solana Beach School District Office and Child Development Center. The project is found to be compatible and complementary with regard to scale, apparent bulk, and massing to the existing development in the surrounding neighborhood.

- b. Building and Structure Placement: Buildings and structures shall be sited and designed to minimize adverse impacts on the surrounding properties and designed in a manner which visually and functionally enhance their intended use and complement existing site topography. Multi-family residential buildings shall be sited to avoid crowding and to allow for a functional use of the space between buildings.*

The proposed project will utilize the majority of the buildable area of the property with the lower and main levels of the proposed residence and the garage. The upper level will be located on the southern side of the buildable area. The residence will have the appearance of a two-story home from the front of the property on North Rios Avenue. The lower level will be built between one and three feet below the existing grade with a finished floor elevation of 98.50 feet above MSL. The main level would step up 3.5 feet to a finished floor elevation of 102.00 feet above MSL. The upper level would step up 6.67 feet to a finished floor elevation of 108.67 feet above MSL.

The 535 square-foot two-car garage will be located on the lower level. The 1,604 square-foot main level would consist of a kitchen, living, and dining area on the east side of the residence that would open to a rear patio. The northwest corner of the main level would include two bedrooms (one to be utilized as an office) with ensuite bathrooms and a powder room. The 632 square-foot upper level will consist of the primary suite. The proposed residence is found to be sited and designed to minimize adverse impacts on the surrounding properties.

- 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. To the maximum extent practicable, landscaping and plantings shall be used to screen parking areas, storage areas, access roads, and other service uses of the site. Trees and other large plantings shall not obstruct significant views when installed or at maturity. Drought tolerant plant materials and water conserving irrigation systems shall be incorporated into all landscaping plans.*

The proposed landscape plan includes a variety of shrubs, grasses, and vines as well as Giant Bird of Paradise plants located along the front and rear property lines with a height of 12 feet and two clusters of Mexican Fan Palms located on the north and south sides of the front yard with a height of 10 feet.

Should the City Council approve the project, the Applicants would be required to submit a landscape construction plan in substantial conformance with the planting plan presented to the City Council. Generally, any alternative tree and shrub species proposed during the plan check or construction phase shall have the same (or lesser) mature height and location as the conceptual plan approved by the City Council in order to be approved ministerially by Staff. Otherwise, increases in trees or shrub mature heights or adding new planting locations would require City Council approval of a Modification to the DRP. Additionally, any replaced plant species must be typical of the water use requirements of the plants replaced, provided that the replaced vegetation does not result in mixing high water use plants with low water use plants in the same hydro-zone. A condition has also 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 two required off-street parking spaces will be located within the proposed garage, which will be accessed by a driveway from North Rios Avenue on the southern side of the front yard. Pedestrian access will be located immediately north of the driveway with on-grade hardscape stairs and a walkway to the main entrance of the residence. Decomposed Granite (DG) walkways will follow along both sides of the property to the rear yard. The trash enclosure will be located within the proposed garage.

- 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 Applicants are proposing 210 cubic yards of excavation, 30 cubic yards of fill, 12 cubic yards of excavation for footings, 80 cubic yards of removal and recompaction (remedial), 180 cubic yards to be exported off site, for an aggregate grading total of 332 cubic yards. The proposed cut is associated with the lower level of the residence that will be partially built into the existing grade as well as the lowered walkway on the southern side of the residence. Various low retaining walls will be constructed along the driveway, front entry walkway, property perimeter, rear yard to step the property between the varying street, garage, main level, and upper yard elevations. Additionally, two detention basins will be located in the front yard to facilitate drainage.

- 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).*

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.

- 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 the construction of a replacement single-family residence with an attached garage; therefore, usable open space and recreational facilities are neither proposed nor required according to SBMC Section 17.20.040. As a condition of approval, the Applicants will be required to pay the City's Park Impact 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 are being processed concurrently with the Development Review Permit, including the Structure Development 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 Applicants obtaining the required permit or approval from the other agency.*

The Applicants shall obtain approval from the California Coastal Commission prior to issuance of Building or Grading Permits.

- B. In accordance with Section 17.63.040 (Structure Development Permit) of the Solana Beach Municipal Code, the City Council finds the following:

The proposed structure exceeds 16 feet in height above the existing grade, therefore, the project must comply with all of the View Assessment requirements of SBMC Chapter 17.63. A Story Pole Height Certification was certified by a licensed land surveyor on May 31, 2023, showing a maximum building height of 22.37 feet above the proposed grade (120.20 feet above MSL). Notices were mailed to property owners and occupants within 300 feet of the project site establishing a deadline to file for View Assessment by July 31, 2023.

One application for View Assessment was received from Donald Mullis (View Claimant) at 313 Barbara Avenue, which is located two houses to the northeast of the subject property. After working with the View Claimant, the Applicants submitted a revised design that reduced the westernmost extent of the upper level by two feet. The View Claimant subsequently requested to withdraw the application for View Assessment prior to the project being scheduled for a View Assessment Committee (VAC) meeting. The revised project is reflected in the project proposed to the City Council.

Therefore, if the Council is able to make the required findings to approve the DRP, the SDP would be approved administratively. As a condition of approval, a height certificate prepared by a licensed land surveyor will be required prior to the framing inspection certifying that the tallest point of the proposed residence will not exceed 22.37 feet above the proposed grade or 120.20 feet above MSL.

V. CONDITIONS:

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

A. Community Development Department Conditions:

- I. The Applicants shall pay required Fire Mitigation, Park Development and Public Use Facilities Impact Fees, as established by SBMC Chapter 15.60, Chapter 15.65, Chapter 15.66, and Resolution 2018-147.
- II. The Building Permit plans must be in substantial conformance with the architectural plans presented to the City Council on November 8, 2023, and located in the project file with a submittal date of October 26, 2023.
- III. Prior to requesting a framing inspection, the Applicants shall be required to submit a height certification, signed by a licensed land surveyor, certifying that the building envelope is in conformance with City Council approval on November 8, 2023, and that the maximum height of the proposed addition will not exceed 22.37 feet above the proposed grade or 120.20 feet above MSL, which is the maximum proposed structure height reflected on the project plans.
- 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 Applicants 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 a grading or building permit.
- VI. The Applicants shall provide a full Landscape Documentation Package in compliance with SBMC Chapter 17.56 and in substantial conformance with the conceptual landscape plan included in the project plans presented to the City Council on November 8, 2023, prior to Building Permit issuance and consistent with the building construction and grading plans. The Applicants shall obtain and submit landscape security in a form prescribed by the City Engineer in addition to the grading security. The landscape plan and installation will be reviewed and inspected by the City's third-party landscape professional. The landscape security deposit shall be released when applicable regulations have been satisfied and the installation has passed inspection by the City's third-party landscape professional.
- VII. 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.

- VIII. 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.
- IX. Construction vehicles shall be parked on the subject property at all times when feasible. If construction activity prohibits parking on the subject property, the Applicants shall ensure construction vehicles are parked in such a way to allow sufficient vehicular access on Pacific Avenue and minimize impact to the surrounding neighbors.
- X. The Applicants shall connect to temporary electrical service as soon as feasible to the satisfaction of the City.
- IV. 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. Engineering Department Conditions:

- I. The Applicants shall 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 9-inch by 9-inch by 12-inch concrete curb along the property frontage with transitions to the existing improvements on both ends to the satisfaction of the City Engineer.
 - b. Construction of the 10-foot-wide pervious paver area graded at a maximum two percent toward the flow line for walking and parking purposes to the satisfaction of the City Engineer.
 - c. Construction of the SDRSD modified driveway approach with two-to-one transitions to the proposed pervious pavers pathway.
 - d. Landscaping areas.
- II. An eight-foot width of property frontage along North Rios Avenue shall be dedicated to the City of Solana Beach as Public Right-Of-Way. The Applicants shall provide the Plat and Legal Description prepared by a

Registered Civil Engineer. The document shall be recorded with the County of San Diego prior to release of the grading bond.

- III. Per current rates, the Applicants shall pay in full the one-time sewer capacity fee of \$4,500.00 per Equivalent Dwelling Unit (EDU) prior to Building Permit Issuance. The EDU assignment is determined by SBMC 14.08.060. The proposed ADU unit would increase the property's EDU assignment by 0.8 EDU. The cost the Applicants are responsible for is \$3,600.00 concurrently with Building Permit Issuance (0.8 EDU multiplied by \$4,500.00).
- IV. The discharge pipes from the two bio basins shall be directed in to the planting area with rip rap to spread the concentrated flow.
- V. 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.
- VI. Construction fencing shall be located on the subject property unless the Applicants have obtained an Encroachment Permit in accordance with chapter 11.20 of the SBMC which allows otherwise.
- VII. Grading:
 - a. The Applicants 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 Applicants 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 Applicants 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 Applicants 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 Applicants are 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 Applicants 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 building in accordance with SBMC Section 15.40.140 and to the satisfaction of the City Engineer.
- g. The Applicants 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 Applicants shall obtain and submit grading security in a form prescribed by the City Engineer.
- i. The Applicants shall obtain haul permit for import / export of soil. The Applicants shall transport all excavated material to a legal disposal site.
- j. The Applicants 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 Applicants 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 the foundation inspection, the Applicants 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.

C. 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 per the Solana Beach Municipal Code Title 15 Building and Construction Chapter 15.32 Fire Code Section 15.32.170 Section 503 Section 503.2.1 and 503.2.3.
- II. **CONSTRUCTION MATERIALS:** Prior to delivery of combustible building construction materials to the project site all the following conditions shall be completed to the satisfaction of the Solana Beach Fire Department and per the 2022 California Fire Code Chapter 33:
 - a. All wet and dry utilities shall be installed and approved by the appropriate inspecting department or agency.

- b. As a minimum the first lift of asphalt paving shall be in place to provide a permanent all-weather surface for emergency vehicles.
 - c. Water supply for fire protection (fire hydrants and standpipes) shall be installed, in service and accepted by the Fire Department and applicable water district.
- 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. 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.
- V. 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.
- VI. 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.
- VII. SOLAR PHOTOVOLTAIC INSTALLATIONS (Solar Panels): Solar Photovoltaic systems shall be installed per Solana Beach Fire Department requirements and per the 2022 California Fire Code Chapter 12 Section 1205.

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 for the project shall expire 24 months from the date of this Resolution, unless the Applicants have 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 Applicants 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 Applicants 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 Applicants 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 Applicants 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 Applicants shall not be required to pay or perform any settlement unless such settlement is approved by the Applicants.

NOTICE TO APPLICANTS: 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 8th day of November, 2023, by the following vote:

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

ABSTAIN: Councilmembers –

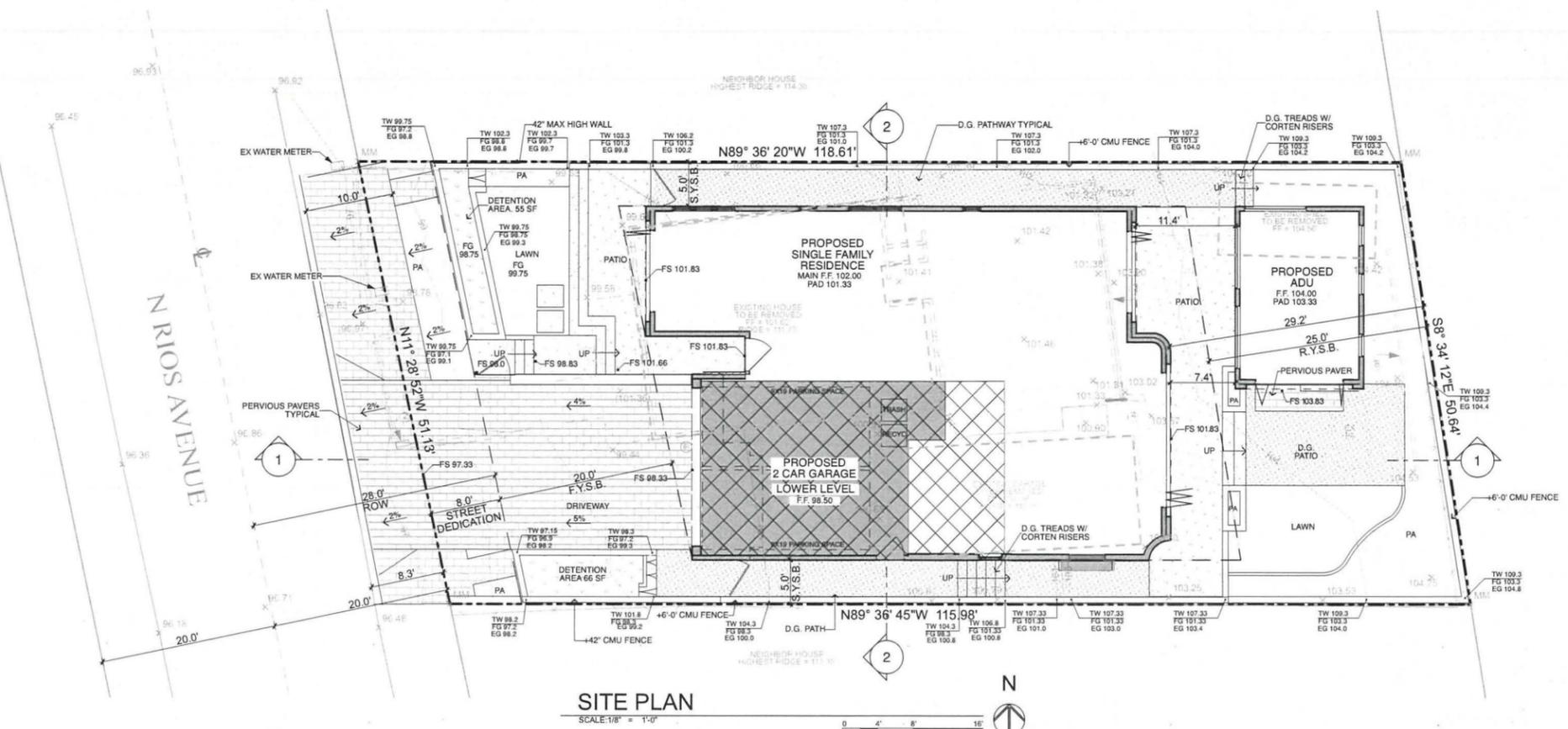
LESA HEEBNER, Mayor

APPROVED AS TO FORM:

ATTEST:

JOHANNA N. CANLAS, City Attorney

ANGELA IVEY, City Clerk



PROJECT INFORMATION
APN: 263-362-1400
SITE ADDRESS:
312 NORTH RIOS AVE
Solana Beach, CA 92075

LEGAL DESCRIPTION
LOT 2 OF THE RESUBDIVISION OF LOTS 2 TO 11
INCLUSIVE OF CYPRESS TRACT IN THE CITY OF
SOLANA BEACH, COUNTY OF SAN DIEGO, STATE
OF CALIFORNIA, ACCORDING TO THE OFFICE
NO. 1843 FILED IN THE OFFICE OF THE COUNTY
RECORDER OF SAID COUNTY, JULY 3, 1925.

ZONING
ZONE: MHRd
SPECIAL ZONE OVERLAY: N/A

SETBACKS:
FRONT YARD: 20'-0" (ROW 55'-0")
SIDE YARD: 5'-0"
STREET SIDE YARD: 10'-0"
REAR: 25'-0"
R-3, U
EXISTING LOT USE: EXISTING SFR
PROPOSED USE: SINGLE FAMILY RESIDENCE
CONSTRUCTION: VB, SPRINKLERED REQUIRED
NFPA 13D

FLOOR AREA RATIO: 0.50 X 6,000
LOT COVERAGE: N/A
BUILDING HEIGHT: 25.00'
LOT SIZE: 5,868 SF
PROPOSED: 20'-0", 5'-0", 28'-11", 22.37'

PARKING:
OFF STREET PARKING: 2 SPACES REQUIRED
OFF STREET PARKING: 2 SPACES PROVIDED IN GARAGE
REGULAR PARKING: 2 SPACES PROVIDED
HANDICAPPED PARKING: N/A
LOADING SPACES: N/A
SITE AREA: 5,868 SF
VEHICLE USE AREA (VUA): 400 SF
VUA LANDSCAPE AREA: 66 SF
SITE LANDSCAPE AREA: 2,254 SF

PROJECT DATA
GROSS LOT AREA: 5,868 SF
NET LOT AREA: 5,459 SF

PROPOSED BUILDING AREA:
EXISTING RESIDENCE: (TO BE REMOVED) 1,148 SF
EXISTING ONE CAR GARAGE: (TO BE REMOVED) 360 SF

PROPOSED RESIDENCE 1ST FLOOR: 1,604 SF
PROPOSED RESIDENCE 2ND FLOOR: 632 SF
PROPOSED RESIDENCE GARAGE: 535 SF
SUBTOTAL OF FLOOR AREA: 2,771 SF

OFF-STREET PARKING EXEMPTION: 400 SF
TOTAL PROPOSED FLOOR AREA: 3,371 SF

PROPOSED ADU: 291 SF

FLOOR TO AREA RATIO ALLOWABLE:
5,000 x 0.6 = 3,000 s.f.
608 x 0.3 = 200 s.f.
Total = 3,200 s.f.

OWNER:
Martin and Kirsten Wadley
312 North Rios Ave
Solana Beach, CA, 92075
ph (760) 672-8369
e. martinwadley@outlook.com

OWNER'S REPRESENTATIVE:
Craig Friehauf
FRIEHAUF ARCHITECTS, Inc.
341 South Cedros Ave Suite D
Solana Beach, CA, 92075
ph. 858.792.6116
e. friehaufinc@sbcbjcal.net

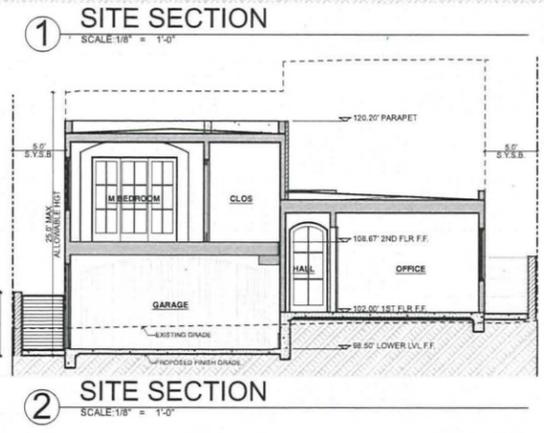
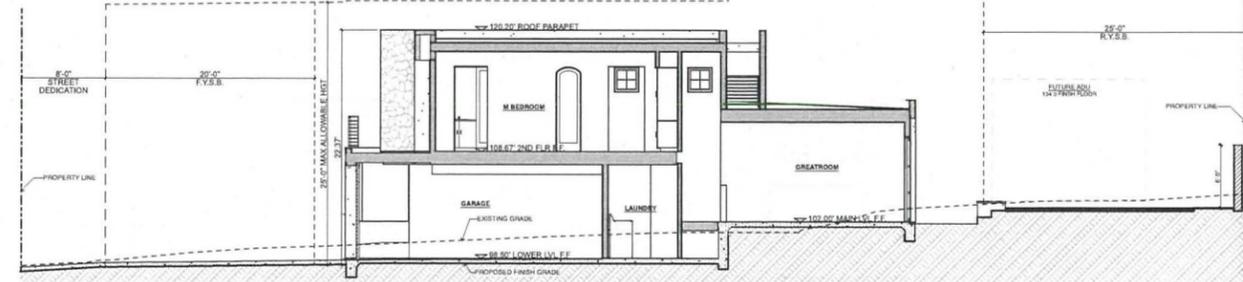
	Existing (SF)	Proposed Total (SF)
Non-landscaped Area*	0	0
Non-irrigated Landscape*	0	0
Irrigated Landscape	639	843
Water Features*	0	0
Decorative Hardscape*	955	1411
Total Lot Area	5868	5868

	Area of Work* (SF)
Irrigated Landscape	843
Water Features*	0
Decorative Hardscape*	1411
Aggregate Landscape Area*	2254

EARTHWORK QUANTITIES:

	ADU	NON-ADU	PROJECT SCOPE	TOTAL GRADING
CUT	10 CY	210 CY		220 CY
FILL	0 CY	30 CY		30 CY
EXCAVATION FOR FOOTINGS	4 CY	12 CY		16 CY
REMOVAL/RECOMPACTION	11 CY	80 CY		91 CY
AGGREGATE	25 CY	332 CY		357 CY
IMPORT/EXPORT	10 CY	180 CY		190 CY

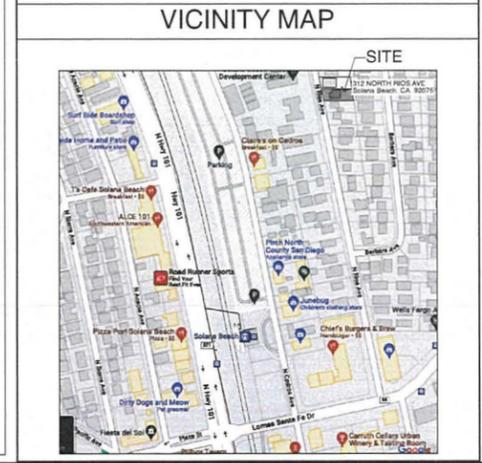
* EARTHWORK QUANTITIES ARE ESTIMATED FOR PERMIT PURPOSES ONLY AND REPRESENT COMPACTED (IN PLACE) VOLUMES ONLY. THESE VALUES ARE CALCULATED ON A THEORETICAL BASIS. ACTUAL QUANTITIES MAY VARY DUE TO OBSERVED SHRINKAGE AND/OR SWELL FACTORS.

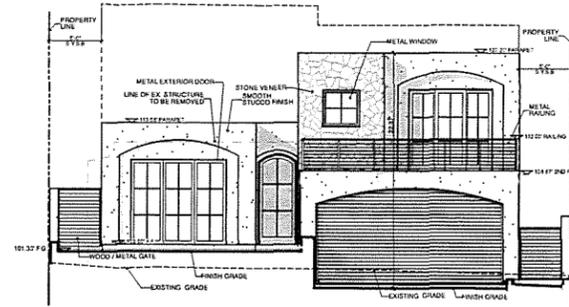


FIRE DEPARTMENT NOTES

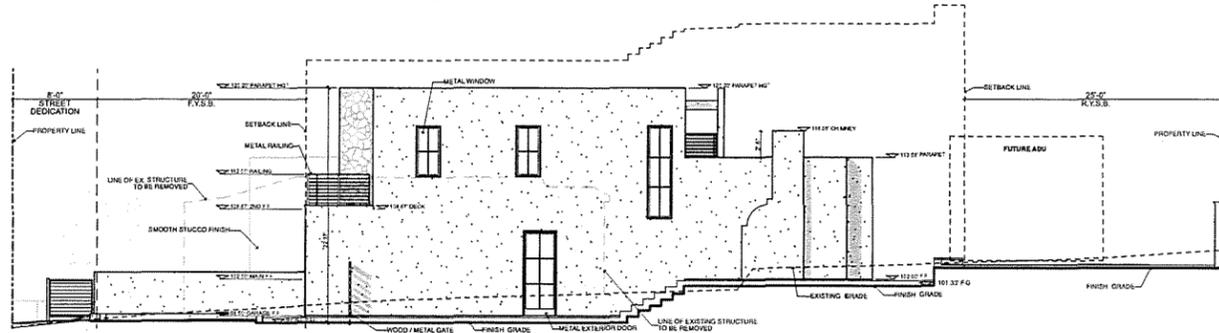
- OBSTRUCTION OF ROADWAYS DURING CONSTRUCTION:**
All roadways shall be a minimum of 20 feet in width during construction and maintained free and clear, including the parking of vehicles, in accordance with the California Fire Code and the Solana Beach Fire Department.
- ADDRESS NUMBERS: STREET NUMBERS:**
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" stroke for residential buildings, 8" high with a 1/2" stroke for commercial and multi-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.
- 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.
- SMOKE DETECTORS/CARBON MONOXIDE ALARMS/FIRE SPRINKLER SYSTEM:** Smoke detectors / carbon monoxide alarms / fire sprinklers shall be inspected by the Solana Beach Fire Department.
- CLASS "A" ROOF:** All Structures shall be provided with a Class "A" Roof covering to the satisfaction of the Solana Beach Fire Department.
- 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 approval by the Fire Department.

SCOPE OF WORK
DEMOLISH EXISTING SINGLE FAMILY RESIDENCE AND CONSTRUCT NEW 2 STORY SINGLE FAMILY RESIDENCE. SITE WORK TO INCLUDE LANDSCAPE, HARDSCAPE, SITE WALLS AND FENCING

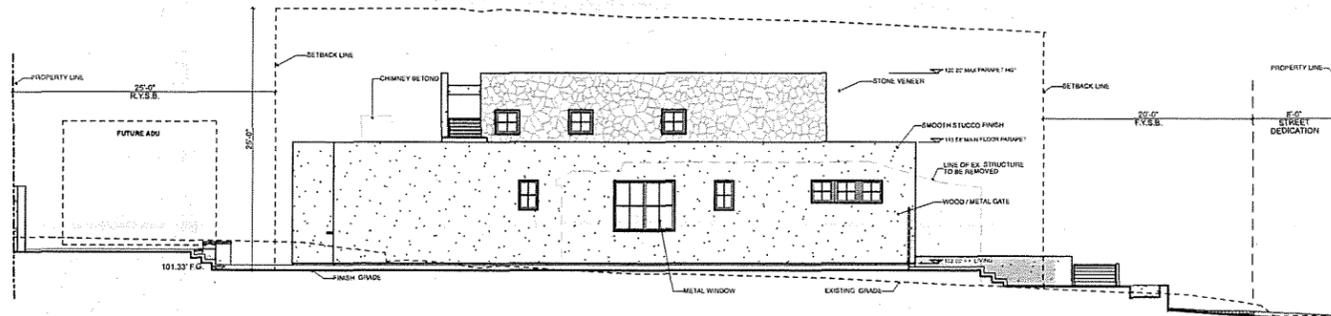




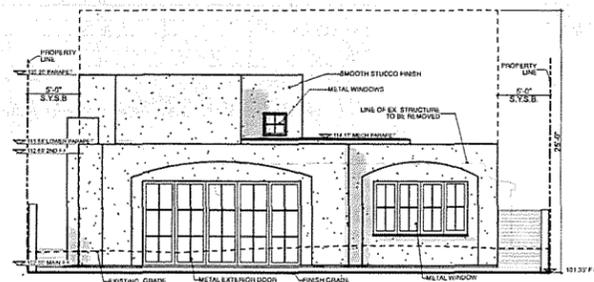
WEST ELEVATION*
SCALE: 1/8" = 1'-0"



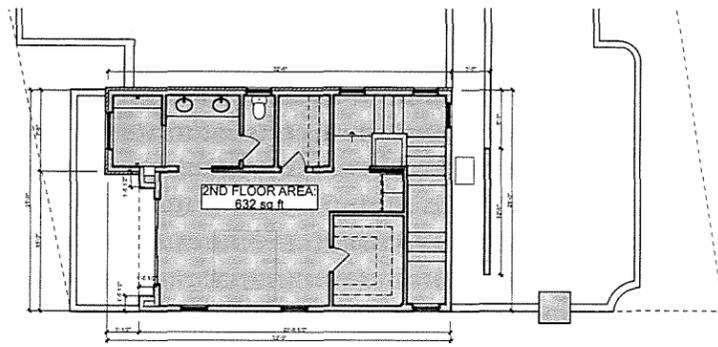
SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



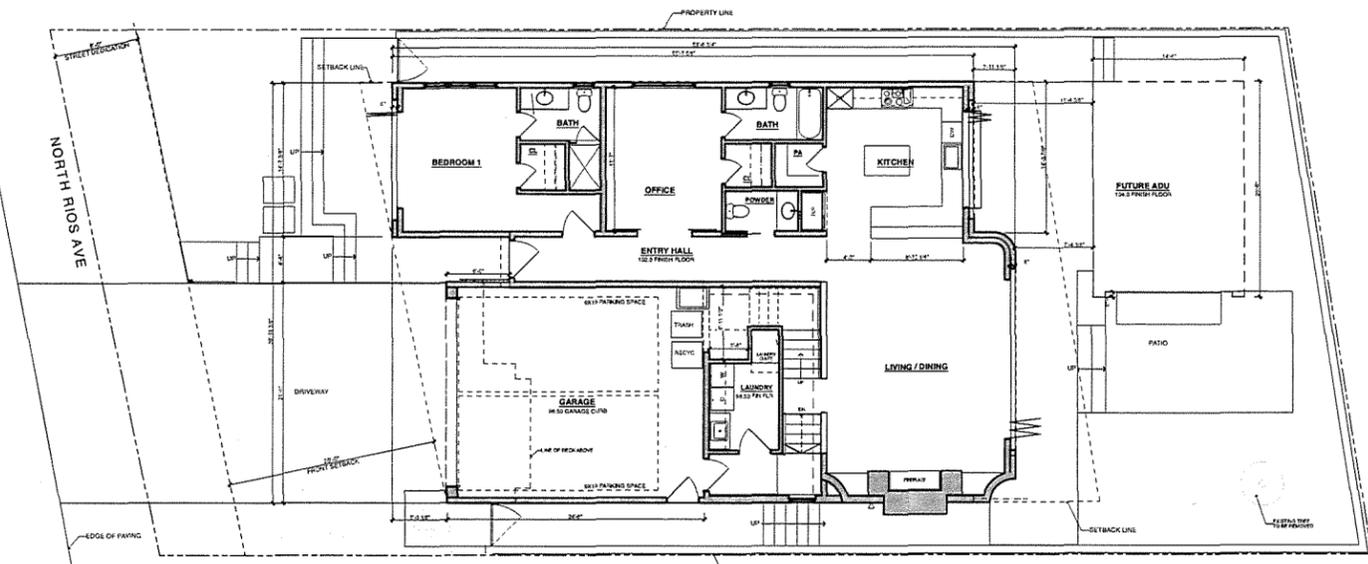
NORTH ELEVATION
SCALE: 1/8" = 1'-0"



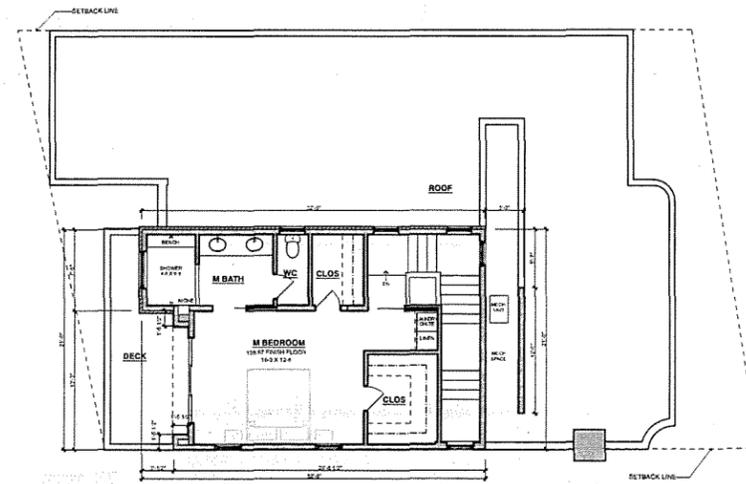
EAST ELEVATION
SCALE: 1/8" = 1'-0"



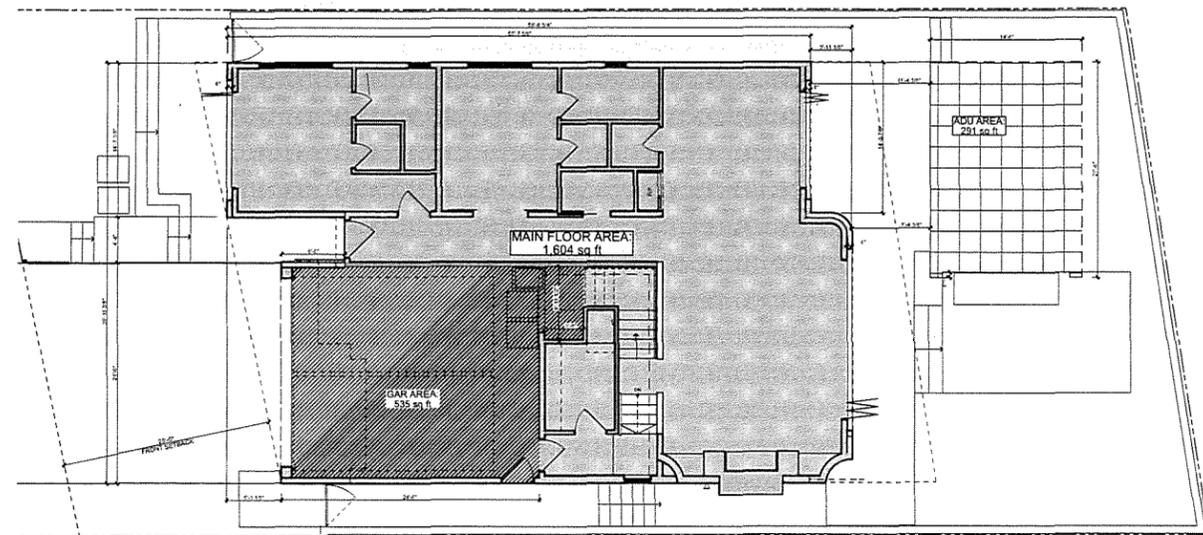
SECOND FLOOR AREA
SCALE: 1/8" = 1'-0"



MAIN FLOOR PLAN
SCALE: 1/8" = 1'-0"



SECOND FLOOR PLAN
SCALE: 1/8" = 1'-0"



MAIN FLOOR AREA
SCALE: 1/8" = 1'-0"

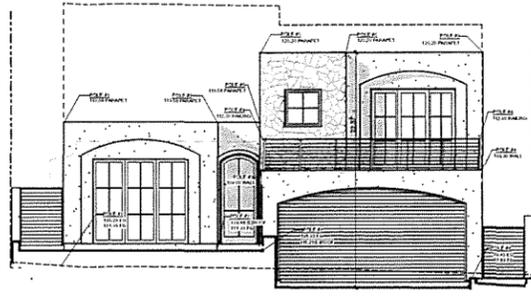


DATE:

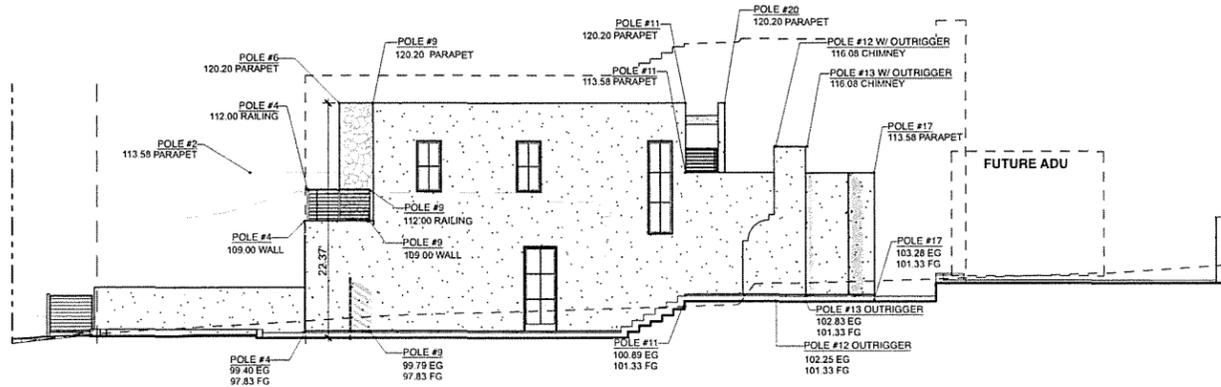
MARCH 9, 2023
MAY 8, 2023
MAY 26, 2023
OCT 26, 2023

SHEET NO.

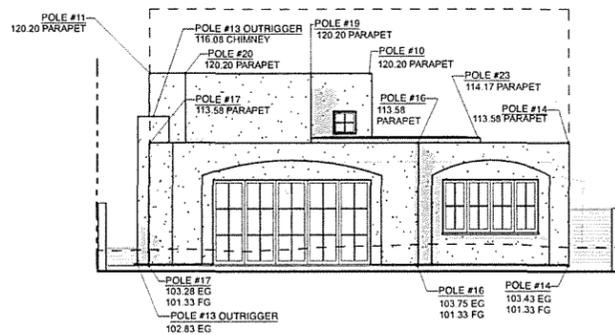
2



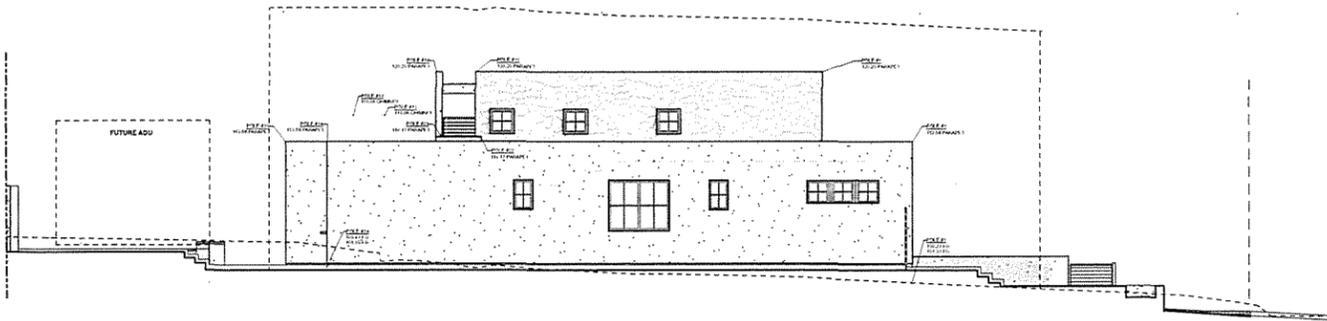
WEST ELEVATION* (STORY POLES)
SCALE 1/8" = 1'-0"



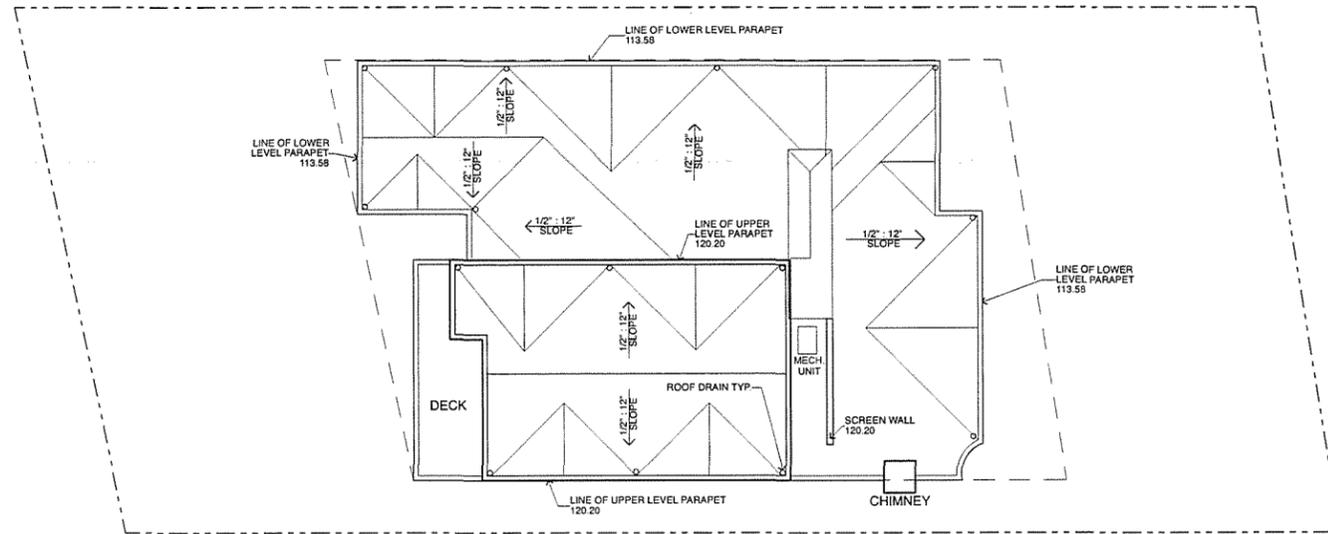
SOUTH ELEVATION (STORY POLE)
SCALE 1/8" = 1'-0"



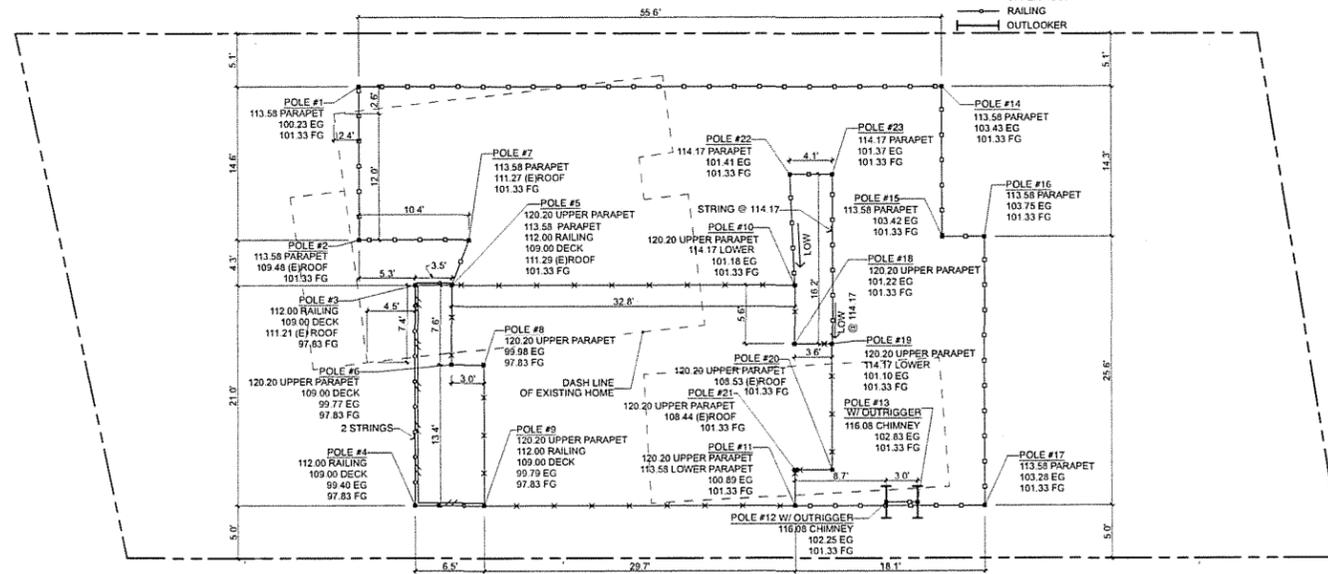
EAST ELEVATION (STORY POLE)
SCALE 1/8" = 1'-0"



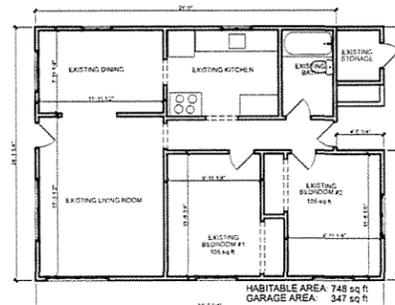
NORTH ELEVATION (STORY POLE)
SCALE 1/8" = 1'-0"



ROOF PLAN
SCALE 1/8" = 1'-0"

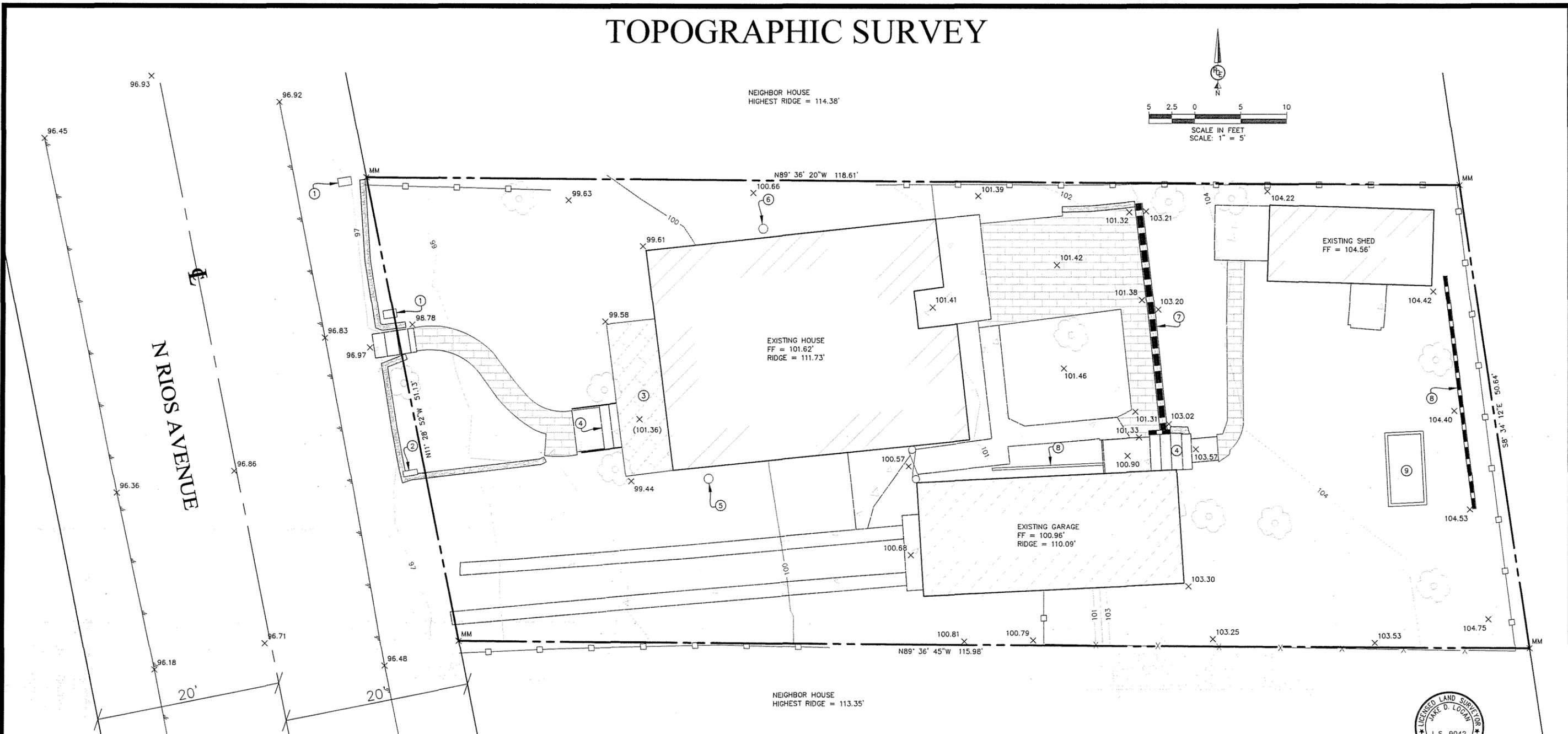


STORY POLE PLAN
SCALE 1/8" = 1'-0"



EXISTING RESIDENCE
SCALE 1/8" = 1'-0"

TOPOGRAPHIC SURVEY



LEGEND

- | | | | |
|--|---------------------|-----|--------------------------|
| | CALCULATED BOUNDARY | ① | WATER METER |
| | EDGE OF PAVEMENT | ② | MAILBOX |
| | CONCRETE | ③ | RAISED WOOD DECK |
| | WOOD FENCE | ④ | STEPS |
| | CHAINLINK FENCE | ⑤ | IRRIGATION CONTROL VALVE |
| | GATE | ⑥ | GAS METER |
| | ROCK WALL | ⑦ | KEYSTONE WALL |
| | WOOD | ⑧ | BRICK GARDEN WALL |
| | CONCRETE | ⑨ | WOOD PLANTER |
| | BRICK | () | ABOVE GROUND ELEVATION |
| | TREE | MM | MISSING MONUMENT |

BOUNDARY NOTE

- BOUNDARY PLOTTED PER RECORD INFORMATION PROVIDED IN RECORD OF SURVEY MAP NO. 22489, MAP NO. 1843 & FOUND MONUMENTS.
- THIS IS NOT A PRECISE BOUNDARY SURVEY.**
- DUE TO MISSING PROPERTY CORNER MONUMENTS, IF PROPERTY LINES, PROPERTY CORNERS, AND/OR PROPERTY LINE SETBACKS ARE CRITICAL FOR THIS PROJECT THE MISSING MONUMENTS WILL NEED TO BE SET AND A CORNER RECORD FILED WITH THE COUNTY OF SAN DIEGO MUST BE PERFORMED.
- A PRELIMINARY TITLE REPORT WAS NOT MADE AVAILABLE AT THE TIME OF THIS SURVEY THEREFORE EXISTING EASEMENTS, IF ANY, HAVE NOT BEEN PLOTTED HEREON.

LEGAL DESCRIPTION

LOT 75 OF RESUBMISSION OF LOTS 2 TO 11 INCLUSIVE OF CYPRESS TRACT, IN THE CITY OF SOLANA BEACH, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1843, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, JULY 3, 1925 AS DESCRIBED IN DEED RECORDED ON NOVEMBER 18, 2021 AS DOC# 2021-0797032.

BENCH MARK

- BENCHMARK FOR THIS SURVEY IS POINT ID NO. 2001, DESIGNATED AS SOLB-1, A 2.5" CITY OF SOLANA BEACH BRASS DISC SET IN CONCRETE DRAINAGE INLET ON THE EAST SHOULDER OF HIGHWAY 101, 0.1 MI. SOUTH OF LOMAS SANTA FE DRIVE IN THE CITY OF SOLANA BEACH, CA., HAVING A PUBLISHED NAVD 88 ELEVATION OF 71.45'.



RANCHO COASTAL
ENGINEERING & SURVEYING
SINGLE SOURCE DEVELOPMENT CONSULTANT
310 VIA VERA CRUZ, #205
SAN MARCOS, CA. 92078
(760) 510-3152 Ph / (760) 510-3153 Fax

PRIVATE CONTRACT		
SHEET 1	COUNTY OF SAN DIEGO APN: 263-362-14	1 SHEETS
TOPOGRAPHIC SURVEY		
MARTIN WADDE 312 NORTH RIOS AVENUE SOLANA BEACH, CA 92075		
MAILING ADDRESS:	TELEPHONE:	
SURVEYOR OF WORK: JAKE D. LOGAN	CHECKED BY:	JOB NO. 8054
PLS 9042		

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.
- THE SOILS REPORTS 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 MAJORITY OF THE GRADING ORDINANCE REQUIREMENTS CONCERNING MINIMUM COVER OVER EXPANSIVE SOILS IS MADE OR IMPLIED.
- ALL OPERATIONS CONDUCTED ON THE PREMISES, INCLUDING THE MARKING 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 ABUTTING CUT OR FILL FACES.
- NOTWITHSTANDING THE MINIMUM STANDARDS SET FORTH IN THE THE GRADING ORDINANCE, AND NOTWITHSTANDING THE APPROVAL OF THESE GRADING PLANS, NO PERSON SHALL EXCAVATE ON LAND SO CLOSE TO THE PROPERTY LINE AS TO ENDANGER ANY ADJOINING PUBLIC STREET, SIDEWALK, ALLY, FUNCTION OF ANY SEMI-PUBLIC SYSTEM OR ANY OTHER PUBLIC OR PRIVATE PROPERTY WITHOUT SUPPORTING AND PROTECTING SUCH PROPERTY FROM SETTLING, CRACKING, EROSION, SLIDING SCOUR OR OTHER DAMAGE WHICH MIGHT RESULT FROM THE GRADING DESCRIBED ON THIS PLAN. THE PERMITTEE SHALL BE RESPONSIBLE FOR CORRECTION ON NON-DEDICATED IMPROVEMENTS WHICH DAMAGE ADJACENT PROPERTY.
- SLOPE RATIOS: CUT 2:1 FILL 2:1
CUT: 220 CY FILL 190 CY EXPORT 190 CY
REMEDIAL GRADING: 91 CY REMOVAL/RECOMPACTION
(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, AS 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.

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. EROSION CONTROL MEASURES 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 PER APPROVED LANDSCAPE PLANS AS REQUIRED BY THE DEVELOPMENT REVIEW CONDITIONS, OR BY TEMPORARY EROSION CONTROL CONFORMING TO THE FOLLOWING:

NON-IRRIGATED HYDROSESS MIX WITH A FIBER MATRIX APPLIED AT 4,000 LB/ACRE.

LBS/ACRE	% PURITY/ACRE	SEED SPECIES
20	70% PLUS	ATRIPELEX GLAUCA
50		PLANTAGE INSULARIS
8		ENCELIS FARINOSA
7	SCARIFIED	LOTUS SCOPARIUS
91	50% PLUS	EXCHOSMOLTZIA CALIF.

- THE TOPS OF ALL SLOPES TALLER THAN 5' SHALL BE DIKED OR TRENCHED TO PREVENT WATER FLOWING OVER CRESTS OF SLOPES.
- CATCH BASINS, DESTILTING 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 SITES 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 SYSTEM WILL BE DONE AT THE DEVELOPER'S EXPENSE.

PRELIMINARY GRADING PLAN

LEGAL DESCRIPTION

LOT 75 OF RESUBDIVISION OF LOTS 2 TO 11 INCLUSIVE OF CYPRESS TRACT, IN THE CITY OF SOLANA BEACH, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1843, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, JULY 3, 1925.

A.P.N.

263-362-14
312 N. RIOS AVENUE
SOLANA BEACH, CA 92075

SITE ADDRESS

OWNER/PERMITTEE

MARTIN MADLEY
312 N. RIOS AVENUE
SOLANA BEACH, CA 92075

TOPOGRAPHIC SURVEY

RANCHO COASTAL ENGINEERING & SURVEYING
310 VIA VERA CRUZ #205
SAN MARCOS, CA 92078
760.510.3152

OWNER'S CERTIFICATE

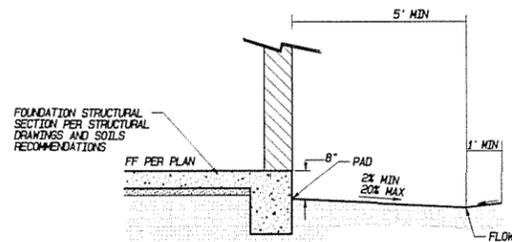
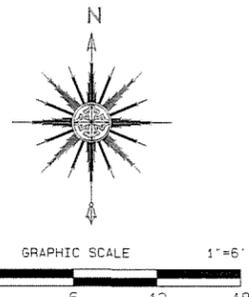
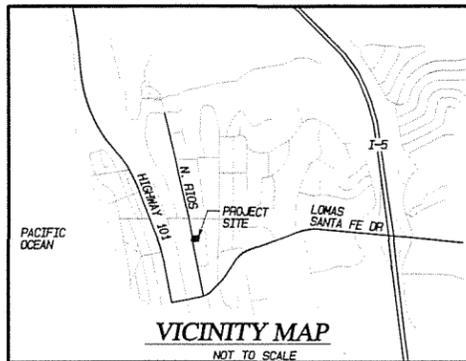
I, AS OWNER/DEVELOPER OF THE PROPERTY DESCRIBED HEREIN ACKNOWLEDGE THESE PLANS HAVE BEEN PREPARED AT MY DIRECTION WITH MY FULL CONSENT. I FULLY UNDERSTAND AND ACCEPT THE TERMS AND CONDITIONS CONTAINED HEREIN AND AS ATTACHED BY REFERENCE ON THIS GRADING PLAN.

IT IS AGREED THAT FIELD CONDITIONS MAY REQUIRE CHANGES TO THESE PLANS.

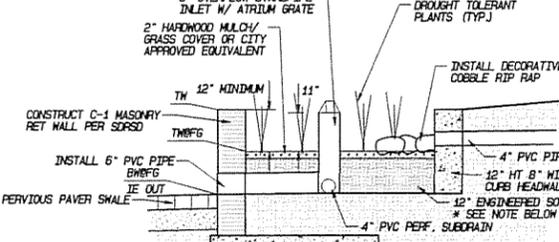
IT IS FURTHER AGREED THAT THE OWNER (DEVELOPER) SHALL HAVE A REGISTERED CIVIL ENGINEER MAKE SUCH CHANGES, ALTERATIONS OR ADDITIONS TO THESE PLANS WHICH THE CITY ENGINEER DETERMINES ARE NECESSARY AND DESIRABLE FOR THE PROPER COMPLETION OF THE IMPROVEMENTS.

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.

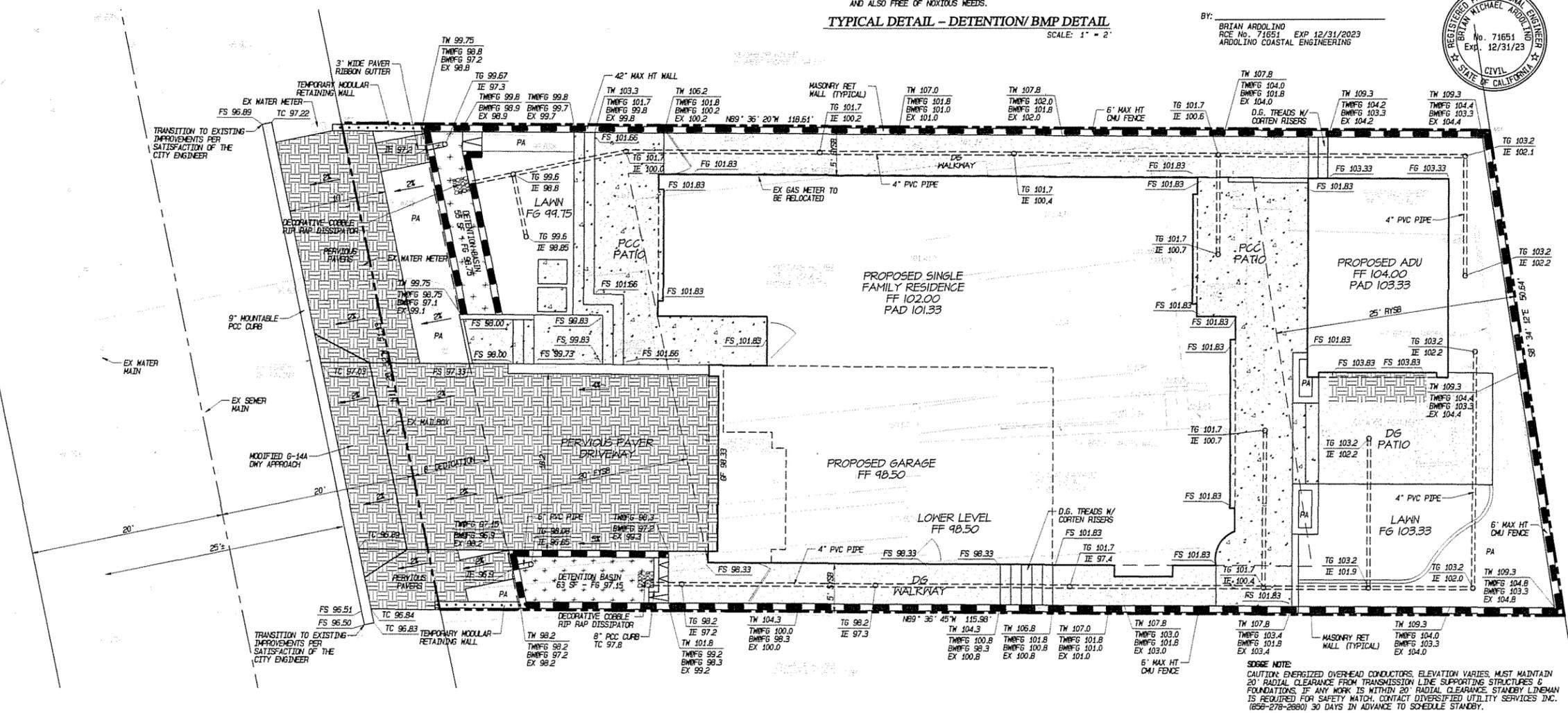
MARTIN MADLEY DATE
312 N. RIOS AVENUE
SOLANA BEACH, CA 92075



TYPICAL DETAIL - PAD ELEVATION DETAIL NOT TO SCALE



TYPICAL DETAIL - DETENTION/BMP DETAIL SCALE: 1" = 2'



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

- STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION INCLUDING THE REGIONAL SUPPLEMENTAL AMENDMENTS.
- CALIFORNIA DEPARTMENT OF TRANSPORTATION "MANUAL OF TRAFFIC CONTROLS FOR CONSTRUCTION AND MAINTENANCE WORK ZONES"
- STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS

STANDARD DRAWINGS

- SAN DIEGO REGIONAL STANDARD DRAWINGS
- STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION STANDARD PLANS

No.	ITEM DESCRIPTION	STD. DWG.	SYMBOL
1.	MASONRY RETAINING WALL	C-1	

LEGEND

ITEM DESCRIPTION	SYMBOL
PROPERTY BOUNDARY	
EXISTING CONTOURS	
PROPOSED CONTOURS	
PROPOSED LIMIT OF GRADING	
FLOWLINE DIRECTION	
SETBACK LINE	
PROPOSED RETAINING WALL	
PROPOSED DETENTION/ BMP AREA	

EARTHWORK QUANTITIES:

	ADU	NON-ADU PROJECT SCOPE	TOTAL GRADING
CUT	10 CY	210 CY	220 CY
FILL	0 CY	30 CY	30 CY
EXCAVATION FOR FOOTINGS	4 CY	12 CY	16 CY
REMOVAL/RECOMPACTION	11 CY	80 CY	91 CY
AGGREGATE	25 CY	332 CY	357 CY
IMPORT/EXPORT	10 CY	180 CY	190 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.

DECLARATION OF RESPONSIBLE CHARGE

I 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. 2014-063.

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
RCE No. 71651 EXP 12/31/2023
ARDOLINO COASTAL ENGINEERING



NOTE: CAUTION ENERGIZED OVERHEAD CONDUCTORS. ELEVATION VARIES. MUST MAINTAIN 20' RADIAL CLEARANCE FROM TRANSMISSION LINE SUPPORTING STRUCTURES & FOUNDATIONS. IF ANY WORK IS WITHIN 20' RADIAL CLEARANCE, STANDBY SERVICES IS REQUIRED FOR SAFETY WATCH. CONTACT RADICALIZED UTILITY SERVICES INC. (656-278-2600) 30 DAYS IN ADVANCE TO SCHEDULE STANDBY.

COASTAL COMMISSION PERMIT NO.

ENGINEER OF WORK	CITY APPROVED CHANGES	APVD DATE	RECOMMENDED FOR APPROVAL	APPROVED FOR CONSTRUCTION	BENCH MARK	CITY OF SOLANA BEACH	DRAWING NO.
By: BMA Name: BRIAN ARDOLINO R.C.E. 71651 Date: 12/31/23			By: _____ Review Engineer	By: _____ City Engineer R.C.E.	DESCRIPTION: "SOLB-1" - PT NO. 2001 LOCATION: 2" BRASS DISK ON POC DRAINAGE INLET LOCATION: E. SIDEWALK ON LOT 75, 1 MILE SOUTH OF LOMAS SANTA FE DRIVE RECORDED FROM R/S NO. 18971 ELEV. 71.42 DATE: NAVD-88	PRELIMINARY GRADING PLAN FOR: 312 N. RIOS AVENUE	SHEET 1 OF 1

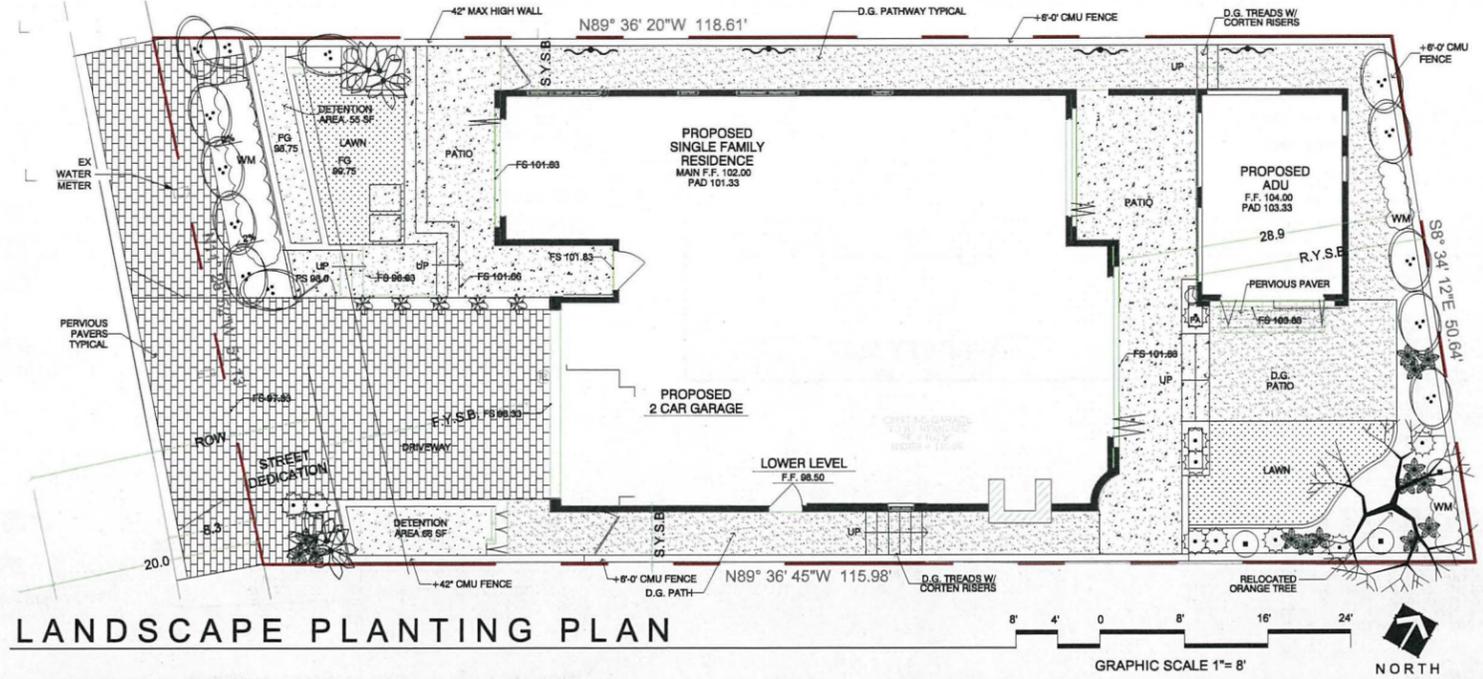
ANY CHANGES OR DEVIATIONS FROM THIS DRAWING ARE THE RESPONSIBILITY OF THE OWNER. INSTALLATION SHALL COMPLY WITH ALL LOCAL CODES AND INDUSTRY STANDARDS. DRAWINGS SHALL NOT BE USED FOR CONSTRUCTION. ALL IDEAS, DESIGNS AND WRITTEN MATERIALS REPRESENTED BY THIS DRAWING ARE THE PROPERTY OF MONICA MROZ AND SHALL NOT BE USED BY ANY ONE WITHOUT THE WRITTEN CONSENT OF MONICA MROZ.

CITY OF SOLANA BEACH REQUIREMENTS:

- The landscape design plan, at a minimum, shall:
 - Be prepared by a licensed landscape architect, licensed civil engineer, licensed architect or other landscape professional licensed by the state to do this work.
 - Include a statement signed under penalty of perjury by the person who prepared the plan that provides, "I am familiar with the requirements for landscape and irrigation plans contained in the City of Solana Beach 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."
 - Address fire safety issues and demonstrate compliance with applicable requirements for defensible space around buildings and structures and shall avoid the use of fire prone vegetation.
 - Show features and characteristics of the property and project including but not limited to property lines, streets, street names, pervious and impervious hardscapes such as driveways, walkways, and other paved areas, the footprint of existing and proposed buildings and structures, water features, fences, and retaining walls. Elevations may be required for new structures in the landscaped areas such as trellises, fences, gazebos, etc.
 - Include a list of all vegetation by common and botanical plant name, which exists in the proposed landscaped area. The plan shall state what vegetation will be retained and what will be removed.
 - Include a list of all vegetation by common and botanical plant name that will be added to each landscaped area. Provide the plant factor for each species on the list. The plan shall include the total quantities by container size and species. If the applicant intends to plant seeds, the plan shall describe the seed mixes and applicable purity and germination specifications.
 - The plan shall be accompanied by a drawing showing on a page or pages the specific location of all vegetation, retained or planted, the plant spacing and plant size, natural features, water features, and hardscape areas. The drawing shall include a legend listing the common and botanical plant name and plant factor of each plant shown on the drawing.
 - All plants shall be grouped in hydrozones and the irrigation shall be designed to deliver water to hydrozones based on the moisture requirements of the plant grouping. A hydrozone may mix plants of moderate and low water use or mix plants of high water use with plants of moderate water use. No high water use plants shall be allowed in a low water use hydrozone. The plan shall also demonstrate how the plant groupings accomplish the most efficient use of water.
 - The plan shall be accompanied by a drawing showing on a page or pages each hydrozone and specifying each as low, moderate, high water or mixed water use. Hydrozones shall be delineated and labeled by number, letter or other method.
 - Identify areas permanently and solely dedicated to edible plants.
 - Demonstrate that landscaping when installed and at maturity will be positioned to avoid obstructing motorists' views of pedestrian crossings, driveways, roadways and other vehicular travel ways. If the landscaping will require maintenance to avoid obstructing motorists' views, the plan shall describe the maintenance, the frequency of the proposed maintenance and the party responsible for maintenance.
 - Avoid the use of landscaping with known surface root problems adjacent to a paved area, unless the plan provides for installation of root control barriers or other appropriate devices to control surface roots.
 - Plants in a transitional area shall consist of a combination of site adaptive and compatible native and/or non-native species. No invasive species shall be introduced or tolerated in a transitional area. The irrigation in a transitional area shall be designed so that no overspray or runoff shall enter an adjacent area that is not irrigated.
 - Include a detailed description of each water feature that will be included in the landscaped area, including at a minimum feature type and surface area.
 - Identify type of mulch and application depth.
 - Identify type and quantity of soil amendments.
 - Identify location, installation details and 24-hour retention or infiltration capacity of any applicable stormwater best management practices that encourage onsite retention and infiltration of stormwater. Stormwater best management practices are encouraged in the landscape design plan. (See Section 23.26.190.)
 - Identify areas irrigated with recycled water.
 - Identify any applicable rain harvesting or catchment technologies as discussed in Section 23.26.190 and their 24-hour retention or infiltration capacity.
 - Identify any applicable graywater discharge piping, system components and areas of distribution.
 - On a project other than a single-family residence, the plan shall identify passive and active recreational areas. (Ord. 2016-01)

LANDSCAPE NOTES:

- MINIMUM TREE SEPARATION DISTANCE
TRAFFIC SIGNAL, STOP SIGN - 20 FEET
UNDERGROUND UTILITY LINES - 5 FEET (SEWER - 10 FEET)
ABOVE GROUND UTILITY STRUCTURES (TRANSFORMERS, HYDRANTS, UTILITY POLE, ETC.) - 10 FEET
DRIVEWAYS - 10 FEET
INTERSECTIONS (INTERSECTING CURB LINES OF TWO STREETS) - 25 FEET
- ALL LANDSCAPE AND IRRIGATION SHALL CONFORM TO THE STANDARDS OF THE CITY MUNICIPAL CODE, THE GREEN BUILDING CODE AND THE CITY OF ENCINITAS LANDSCAPE STANDARDS AND OTHER LANDSCAPE RELATED CITY AND REGIONAL STANDARDS.
- PROVIDE FULL COVERAGE IRRIGATION TO ALL PLANTING AREAS AS SHOWN. THE PERMANENT IRRIGATION SYSTEM SHALL BE BOTH DRIP AND BUBBLERS/SPRAY WITH WATER-BUDGETING FEATURES.
- PLANTING AREAS SHOWN ON LEGEND ARE FOR CONTRACTOR'S CONVENIENCE IN ESTIMATING ONLY. CONTRACTOR IS RESPONSIBLE FOR PROVIDING PLANT MATERIALS SUFFICIENT TO COVER AREAS SHOWN ON PLANS AS APPROVED BY LANDSCAPE ARCHITECT.
- CONTRACTOR SHALL INSTALL A 3" THICK LAYER OF 3/8" - 1/2" BARK MULCH IN ALL SHRUB AREAS.
- ALL PLANT MATERIAL SHALL BE APPROVED BY OWNER PRIOR TO INSTALLATION. PLANTS NOT APPROVED BY OWNER SHALL BE SUBJECT TO REJECTION AT ANY TIME.
- AFTER PRELIMINARY APPROVAL, CONTRACTOR SHALL MAINTAIN NEW PLANTING AREAS FOR A PERIOD OF SIXTY (60) DAYS PRIOR TO OWNER'S ACCEPTANCE OF PLANTING INSTALLATION. MAINTENANCE SHALL INCLUDE WEEDING, WATERING, TRASH PICK UP AND ANY OTHER MEANS NECESSARY TO PROMOTE NORMAL PLANT GROWTH AND ESTABLISHMENT.
- ALL TREES SHALL BE ERECTED IN A VERTICAL MANNER AND CONTRACTOR SHALL MAINTAIN PLANTS IN A VERTICAL CONDITION AND BE RESPONSIBLE FOR THE STABILITY OF ALL PLANTS.
- CONTRACTOR SHALL PROVIDE AN AGRICULTURAL SUITABILITY TEST FOR RECOMMENDATIONS FOR PLANTING BACKFILL, AMENDMENT SAND FERTILIZER RECOMMENDATIONS, PLANT AMENDMENT RECOMMENDATIONS SHALL BE APPROVED BY OWNER AND AN EXTRA TO THE CONTRACT PRICE PRIOR TO INCORPORATION INTO THE SOIL.



PLANTING LEGEND

SYM.	BOTANICAL NAME	COMMON NAME	SIZE	WUCOLS	FULL SIZE	NOTES
	CHAMAEROPS HUMILIS	MEDITERRANEAN FAN PALM	36" BOX	LOW/.3	10'HT x 6'W	SPECIMEN
	STRELITZIA NICHOLLI	GIANT BIRD OF PARADISE	24" BOX	MEDIUM/.6	12'HT x 8'W	FULL POT
	LOMANDRA LONGIFOLIA	LOMANDRA 'PLATINIUM BEAUTY'	2 GAL	LOW/.3	3'HT x 3'W	FULL POT
	AGAVE ATTENUATA 'RAY OF LIGHT'	AGAVE ATTENUATA	5 GAL	LOW/.3	2.5'HT x 3'W	FULL POT
	PORTULACARIA MINIMA	DWARF ELEPHANT FOOD	2 GAL	VLOW/.1	1'HT x 2'W	FULL POT
	WESTRINGIA 'MUNDI'	DWARF COAST ROSEMARY, 3" O.C.	5 GAL	LOW/.3	1.5'HT x 4'W	FULL POT
	KURAPIA NODIFOLIA	KURAPIA	SOD	LOW/.3	6" HT x 2'W	PER PLAN
	FIGUS REPANS	CREEPING FIG	5 GAL	MEDIUM/.6	5'HT x 5' W	STAKED
	JUNCUS PATENS	CALIFORNIA GREY RUSH	1 GAL	LOW/.3	2' HT x 2'W	2' O.C.

ESTIMATED TOTAL WATER USE (ETWU) WORKSHEET

Wadley	-	312 North Rios Ave
Applicant Last Name	Project Plan Check Number	Project Address

The project's Estimated Total Water Use is calculated using the following formula: $ETWU = (ETO) \times (0.62) \left(\frac{PF \times HA}{IE} + SLA \right)$

ETO = Estimated total water use per year (gallons per year)
 ETO = Evapotranspiration rate (inches per year)
 PF = Plant Factor from WUCOLS (see Definitions)
 HA = Hydro-zone Area (square feet). Define hydro-zones by water use: very low, low, moderate and high
 SLA = Special Landscape Area (square feet). Edible plants, irrigated with recycled water, & turf used for active play
 0.62 = Conversion Factor (to gallons per square foot)
 IE = Irrigation Efficiency

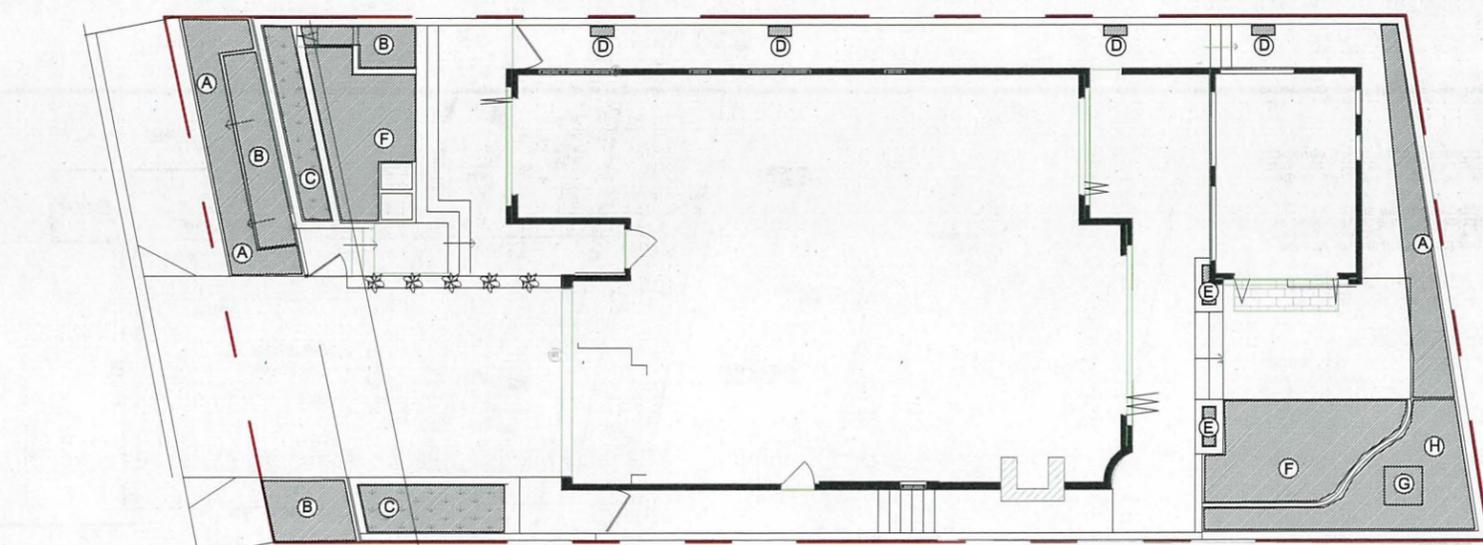
CITY OF SOLANA BEACH ESTIMATED TOTAL WATER USE (ETWU) WORKSHEET

Line	Hydro-zone Number (1 - 4 Below - use as many tables as necessary to complete all hydrozones)								SLA
	1	2	3	4	5	6	7	8	
Evapotranspiration Rate (ETO) See "A" below	Use 41 (west of I-5) / 47 (east of I-5)								
Conversion Factor - 0.62	0.62								
(Line 1 x Line 2)	(25.42) (west of I-5) / 29.14 (east of I-5)								
Plant Factor (PF) See "B" below	.6	.3	.3	.6	.3	.3	.3	.3	
Hydrozone Area (HA) - in square feet (Line 4 x Line 5)	52.8	30	49.5	4.8	2.7	78.9	22.5	40.5	
Irrigation Efficiency (IE) See "C" below	.81	.81	.81	.81	.81	.75	.81	.81	
(Line 6 - Line 7)	65.1	37	61.1	5.9	3.3	105.1	27.7	50	
TOTAL of all Line 8 boxes + SLA	355.2								
Line 3 x Line 9 Estimated Total Water Use - ETWU (gallons per year) Total shall not exceed MAWA below	9029.0								

MAXIMUM APPLIED WATER APPLICATION (MAWA) calculation:

Evapotranspiration adjustment factor (ETAF) use .55 residential, .45 non-residential

$25.42 \left(\frac{.55}{(ETAF \times 843)} + 0 \right) = (1 - ETAF \times 0) = MAWA \quad 11,785$



HYDROZONE LEGEND

HYDRO-ZONE	SF	PLANT FACTOR	DESCRIPTION	EXPOSURE
A - 1	88	MED/.6	SCREENING SHRUBS	FULL SUN
B - 2	100	LOW/.3	SHRUBS & SUCCULENTS	FULL SUN
C - 3	121	LOW/.3	DETENTION BASIN PLANTS	PART SUN
D - 4	8	MED/.6	VINES ON FENCE	PART SUN/SHADE
E - 5	9	LOW/.3	ACCENT SHRUB IN PLANTER	FULL SUN
F - 6	263	LOW/.3	WALK ON GROUND COVER	FULL SUN
G - 7	28	MED/.6	RELOCATED TREE	SUN
H - 8	182	LOW/.3	SHRUBS & SUCCULENTS	PART SUN

I AM FAMILIAR WITH THE REQUIREMENTS FOR LANDSCAPE AND IRRIGATION PLANS CONTAINED IN THE CITY OF SOLANA BEACH 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.

Monica Mroz
MONICA MROZ, LANDSCAPE ARCHITECT
5/3/23
DATE

Monica Mroz, ASLA
Landscape Architect
4970 Cresta Drive
San Diego CA 92115
619 286 2203
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LANDSCAPE PLAN FOR:
THE WADLEY RESIDENCE
312 North Rios Ave
Solana Beach, CA 92075
PREPARED FOR KIRSTEN AND MARTIN WADLEY

Date	Issue
9-16-22	PRELIMINARY PLAN
10-12-22	LANDSCAPE PLAN
2-16-23	CITY REVIEW
5-3-23	CITY REVIEW

Project No. MJM 2210
Sheet Title
LANDSCAPE & WATER CONSERVATION PLAN
Sheet # 1 OF 1
L1





STAFF REPORT CITY OF SOLANA BEACH

TO: Honorable Mayor and City Councilmembers
FROM: Gregory Wade, City Manager
MEETING DATE: November 8, 2023
ORIGINATING DEPT: Community Development Department/City Attorney's Office
SUBJECT: **Accessory Dwelling Unit Ordinance Introduction**

BACKGROUND:

Over the past few years, Governor Newsom has signed into effect a multitude of new laws that impact the permitting and construction of Accessory Dwelling Units (ADUs): SB-13, SB-897, AB-68, AB-345, AB-881, AB-916, AB-2221, and AB-3182. As of January 2023, these laws resulted in changes to the statewide regulatory standards applicable to ADUs.

This item is before the City Council to consider introduction of updated language to the City's Accessory Dwelling Unit Ordinance that would be consistent with the aforementioned bills.

DISCUSSION:

City Council (Council) has expressed support for encouraging development of accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) as one of several tools to provide additional housing options throughout the City and to meet the City's Regional Housing Needs Allocation (RHNA). Council has provided direction to Staff on ADU development through discussions during the 6th Cycle Housing Element update. Within the City's Housing Element are several policies intended to promote the construction of ADUs. Specifically, Program 1B proposes to consider revisions to current regulations to allow ADU development in sensitive areas of the City, provided that criteria are met that ensure that the creation of an ADU will not be detrimental to sensitive habitat or other similar areas.

COUNCIL ACTION:

Council approved its current ADU regulations with the adoption of Ordinance 508 in December 2019. Since its adoption, the City has received 102 applications for ADUs. Between January 1, 2020, and October 30, 2023, the City's ADU ordinance has resulted in the construction of 31 new ADUs. Table 1 below is a breakdown of ADU development since the adoption of Ordinance 508.

Table 1 – Current Status					
Year	Applied	Under Review	Permits Issued	Completed Construction	Expired/ Withdrawn
2023 (since 6/30/23)	25	22	3	0	-
2022	29	9	8	7	5
2021	23	3	5	8	7
2020	25	2	3	16	4
Total	102	36	19	31	16

Based on the above permit information, the City is on track to permit 70% more ADU's than anticipated in the City's Housing Element. However, per the City's Housing Element, the City has committed to consider amendments to the existing ordinance that will continue to encourage additional ADU development to address the City's share of the regional housing need. To further this effort, Council met in July 2023 to discuss possible amendments to the City's ADU ordinance. The topics of discussion included, but were not limited to, ADU grading limitations, development of ADU's on properties with sensitive areas such as environmentally sensitive habitat, ADU's on bluff top properties, hillside overlay area/steep slopes, and very high fire hazard severity zones.

Local jurisdictions have little discretion and limited authority to adopt local regulations and restrictions when it comes to regulating ADUs and JADUs. Staff has prepared a draft ADU Ordinance for Council consideration that is consistent with State Law and includes regulations that are permitted for local jurisdictions to implement including minimum building separations, design and architectural compatibility with the existing primary dwelling, and standards to prevent impacts to historic and environmentally sensitive resources. The draft ordinance includes the following changes:

- Updated definitions for ADUs and JADUs.
- Modifications to height limitations consistent with State Law.
- Parking modifications consistent with State Law that provide new exceptions for ADU off-street parking requirements and provisions that may encourage ADU/JADU development east of the Interstate 5 Freeway.
- Elimination of prohibitions of ADU and JADU development on properties within Environmentally Sensitive Habitat Areas, Hillside Overlay Zone, and Very High Fire Hazard Severity Zone.
- Inclusion of limitations on architectural features and accessory structures.
- Other Municipal Code clean up related to ADUs, Guest Houses and ALUs

The draft Ordinance includes many of the same provisions that were previously adopted including, but not limited to, prohibition of ADUs/JADUs being used as short-term vacation rentals, offering incentives to encourage development of affordable accessory dwelling units, architectural compatibility, size limitations, etc.

CEQA COMPLIANCE STATEMENT:

The amendment of the City's ADU Ordinance is exempt from the California Environmental Quality Act under the common sense exemption Section 15061(b)(3) of CEQA Guidelines, since there would be no possibility of a significant effect on the environment; and under Section 15281(h) of the CEQA Guidelines, which exempts from CEQA the adoption of an ordinance regarding accessory dwelling units in a single-family, two family or multiple-family dwelling residential zone to implement Section 65852.2 or Section 65852.22 of the Government Code.

FISCAL IMPACT:

There are no direct fiscal impacts related to this item.

WORK PLAN:

Adoption of an updated Ordinance allowing ADU development on properties with sensitive areas will further the City's Work Plan - Community Character Priority Item 1.

DEPARTMENT RECOMMENDATION:

Conduct the public hearing and consider introduction of Ordinance 525 – Accessory Dwelling Unit Ordinance.

CITY MANAGER'S RECOMMENDATION:

Approve Department Recommendation.

Gregory Wade, City Manager

Attachment:

1. Draft Ordinance 525 – Accessory Dwelling Unit Ordinance

ORDINANCE 525

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, REPEALING SECTION 17.20.040(D) AND ADOPTING A REVISED SECTION 17.20.040(D) OF THE SOLANA BEACH MUNICIPAL CODE TO PROVIDE FOR REGULATIONS CONCERNING JUNIOR AND ACCESSORY DWELLING UNITS

WHEREAS, the City Council of the City of Solana Beach seeks to implement Assembly Bill 345 (AB 345), Assembly Bill 3182 (AB 3182), Assembly Bill 68 (AB 68), Assembly Bill 881 (AB 881), Assembly Bill 671 (AB 671), and Senate Bill 13 (SB 13) through the implementation of regulations concerning accessory dwelling units; and

WHEREAS, Section 65852.150 of the California Government Code provides that the Legislature's intent with the aforementioned Bills was that local agencies adopt an ordinance relating to matters including unit size, parking, fees, and other requirements, that are not arbitrary, excessive, or burdensome so as to unreasonably restrict the ability of homeowners to create accessory dwelling units in zones in which they are authorized by local ordinance; and

WHEREAS, the proposed regulations and standards are intended to be consistent with State Law and are intended to incentivize and promote the creation ADUs that can offer affordable rents for all household income levels; and

WHEREAS, the proposed amendments include implementation of one of the housing element program policies (Program 1B); and

WHEREAS, ADU and/or JADU development will assist the City in satisfying a portion of the housing units allocated to the City through the Regional Housing Needs Allocation; and

WHEREAS, the proposed provisions are consistent with the policies and programs of the City's General Plan and the certified Land Use Plan of the City's Local Coastal Plan; and

WHEREAS, the proposed regulations include objective standards for development of ADUs and JADUs that protect the health, safety and welfare of the community; and

WHEREAS, the City Council of the City of Solana Beach seeks to update the Accessory Dwelling Unit Regulations to comply with the Housing Policies and Programs outlined in the Housing Element Housing Plan.

NOW, THEREFORE, the City Council of the City of Solana Beach hereby ordains as follows:

Section 1. All of the above statements are true and correct and are hereby incorporated into this Ordinance by reference; and

Section 2. Section 17.08.030 Definitions. Shall be amended to add the following definitions:

ACCESSORY DWELLING UNIT – a residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence, which may be a single dwelling unit or a multifamily dwelling.

An accessory dwelling unit shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel that the primary residence is or will be situated. An accessory dwelling unit also includes an efficiency unit or a manufactured home, as defined in Section 18007 of the Health and Safety Code.

ACCESSORY DWELLING UNIT, ATTACHED - an accessory dwelling unit that is physically attached to a primary residence and share an interior wall or as an additional story above the primary dwelling unit.

ACCESSORY DWELLING UNIT, DETACHED - an accessory dwelling unit that is not an attached accessory dwelling unit.

JUNIOR ACCESSORY DWELLING UNIT - shall have the meaning defined in Section 65852.22 of the California Government Code. An interior unit that is 500 square feet or less and built entirely within a single-family home shall be considered a junior accessory dwelling unit.

Section 3. Section 17.20.040(D) of the Solana Beach Municipal Code is amended to read as follows:

17.20.040 Specific requirements.

D. Accessory Dwelling Units. The purpose of this subsection is to provide regulations for the establishment of accessory dwelling units in residential zones and to define an approval process for such accessory dwelling units. The intent of this subsection is to provide opportunities for more affordable housing in areas where adequate public facilities and services are available, and impacts upon the residential neighborhoods directly affected would be minimized. It is the goal of the council that accessory dwelling units be equitably distributed throughout the city.

1. Junior and accessory dwelling units are residential uses consistent with the uses permitted in zones that allow for residential or mixed-use residential development.
2. All development standards contained in the underlying zoning district or overlay shall apply to accessory dwelling units unless they are inconsistent with the provisions of this Section 17.20.040, in which case the standards of this Section 17.20.040 shall apply.
3. Junior and accessory dwelling units developed pursuant to the requirements of this subsection shall not cause the lot upon which the accessory dwelling unit is located to exceed the allowable density otherwise permitted for the lot. Therefore, the ADU/JADU shall not count as units when calculating density of the lot.
4. Junior and accessory dwelling units shall be permitted in zones which allow residential or mixed-use residential development and shall comply with the following standards:
 - a. A detached primary single-family dwelling unit shall exist or be proposed on the lot, or existing multifamily dwelling units shall exist on the lot.
 - b. The accessory dwelling unit may be created within the existing walls of a primary residence or accessory structure (an "interior" accessory unit), may be created by an addition attached to an existing or proposed primary residence (an "attached" accessory dwelling unit), or may be a new structure detached from the primary residence (a

"detached" accessory dwelling unit). It must be located on the same lot as the existing or proposed single family home or multifamily dwelling.

c. Any construction of a junior or accessory dwelling unit shall conform to all property development regulations of the zone in which the property is located including, but not limited to, height limits, setback, lot coverage, landscape, and floor area ratio (FAR), as well as all fire, health, safety and building provisions of this title, subject to the following exceptions:

i. No setback is required for an existing living area converted to a junior or accessory dwelling unit or for an existing accessory structure converted to an accessory dwelling unit, or for a new accessory dwelling unit constructed in the same location and built to the same dimensions as an existing structure.

ii. For all other accessory dwelling units, a minimum setback of four feet is required from the rear and side property lines.

iii. Limits on lot coverage, floor area ratio, open space, and size must permit at least an eight hundred (800) square feet detached or attached accessory dwelling unit with four-foot side and rear yard setbacks, if the proposed accessory dwelling unit is in compliance with all other development standards.

iv. Architectural features, such as eaves, awnings, canopies, bay windows, and balconies attached to a junior or accessory dwelling unit may project two feet from the exterior side of the structure. These architectural features shall not be allowed to project into the required side or rear yard setback.

v. Attached or detached accessory structures (such as decks, patio covers, carports, and architectural features greater than two feet measured from the exterior side of the unit) associated with a junior or accessory dwelling unit shall comply to the underlying zoning regulations. These structures shall not project into the required side or rear yard setback nor be located on the roof.

d. No more than one junior accessory dwelling unit or one accessory dwelling unit shall be permitted per single-family lot, except as permitted in subsection 5(b) below.

e. For a junior accessory dwelling unit or an accessory dwelling unit, there shall be a separate entrance from the main entrance to the proposed or existing single-family residence.

f. The floor area of an attached or detached accessory dwelling unit shall not exceed 850 square feet for a studio or one bedroom or one thousand (1,000) square feet for a unit that contains more than one bedroom. No accessory dwelling unit may be smaller than the size required to allow an efficiency unit as defined in Section 17958.1 of the Health & Safety Code.

g. A new structure or an addition to an existing structure for an accessory dwelling unit shall not exceed the following height limitations measured from pre-existing grade or finished grade, whichever is lower, to the highest point of the roof.

- i. A height of 16 feet for a detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit.
 - ii. A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code. An additional two feet in height shall be allowed to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit.
 - iii. A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed multifamily, multistory dwelling.
 - iv. A height of 25 feet or the height limitation in the local zoning ordinance that applies to the primary dwelling, whichever is lower, for an accessory dwelling unit that is attached to a primary dwelling. This clause shall not allow an accessory dwelling unit to exceed two stories.
- h. Junior and accessory dwelling units shall only be used for rentals of terms of 30 consecutive days or more.
- i. The following provisions are applicable to junior accessory dwelling units:
- i. A junior accessory dwelling unit shall not exceed 500 square feet in size and shall contain at least an efficiency kitchen which includes cooking appliances and a food preparation counter and storage cabinets that are of reasonable size in relation to the junior accessory dwelling unit.
 - ii. The junior accessory dwelling unit shall include access to sanitation facilities.
 - iii. Parking is not required for a junior accessory dwelling unit.
 - iv. One of the dwellings on the lot must be the bona fide principal residence of at least one legal owner of the lot, as evidenced at the time of approval and upon demand thereafter of the junior accessory dwelling unit by appropriate documents of title and residency.
 - v. Prior to issuance of a building permit for a junior accessory dwelling unit, the owner shall record a covenant in a form prescribed by the city attorney, which shall run with the land and provide for the following:
 - (a) A prohibition on the separate ownership, sale, transfer, or other conveyance of the junior accessory dwelling unit separate from the sale of the single-family residence;
 - (b) A restriction on the size and attributes of the junior accessory dwelling unit consistent with this section;

- (c) A prohibition against renting the junior accessory dwelling unit for fewer than 30 consecutive calendar days; and
- (d) A requirement that either the primary residence or the junior accessory dwelling unit be the owner's bona fide principal residence, unless the owner is a governmental agency, land trust, or housing organization.

j. One off-street parking space shall be provided for the accessory dwelling unit, which may be provided as tandem parking on an existing driveway and shall be permitted in setback areas in locations determined by the director of community development or the director's designee unless the director of community development or the director's designee makes specific findings that parking in setback areas or tandem parking is not feasible based upon specific site topographical or fire and life safety conditions. No off-street parking shall be required for the accessory dwelling unit in any of the following instances:

- i. The accessory dwelling unit is located within one-half mile walking distance of a public transit stop.
- ii. The accessory dwelling unit is located within an architecturally and historically significant historic district.
- iii. The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.
- iv. The accessory dwelling unit is located in an area of the city where on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
- vi. The accessory dwelling unit is located within one block of a car share vehicle pick-up location, as established by the city.
- vii. The accessory dwelling unit is located east of I-5 freeway.

k. Design.

- i. A junior accessory dwelling unit or accessory dwelling unit, whether attached or detached, shall utilize the same architectural style, exterior materials, and colors as the existing or proposed primary dwelling, and the quality of the materials shall be the same or exceed that of the primary dwelling.
- ii. The primary entrance to the junior accessory dwelling unit or accessory dwelling unit shall not be visible from the street adjacent to the front yard setback.
- iii. A minimum building separation of six feet shall be maintained (eave to eave) between the primary residence and a detached accessory dwelling unit. A minimum building separation of 10 feet shall be maintained (eave to eave) from the entrance of an accessory dwelling unit if it is facing the wall of another structure on the property.
- iv. Accessory dwelling unit parking in setback areas visible from the street shall be screened by vegetation that has a maximum maturity height of 42 inches.

l. Except as provided in subparagraph (p) below, accessory dwelling units shall provide a new or separate utility connection directly between the accessory dwelling unit and the utility. The connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size in square feet or the number of its plumbing fixtures, upon the water or sewer system; provided, however, that this fee or charge shall not exceed the reasonable cost of providing this service. A sub-meter may be allowed to meet this requirement.

m. The installation of a new or separate utility connection directly between the accessory dwelling unit and the utility shall not be required, and a related connection fee or capacity charge shall not be imposed for the following:

i. Junior accessory dwelling unit.

ii. Accessory dwelling unit meeting the requirements of Section 4(a)

n. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

o. No impact fees may be imposed on a junior or accessory dwelling unit that is less than seven hundred fifty (750) square feet in size. For purposes of this section, "impact fees" include the fees specified in Sections 66000 and 66477 of the Government Code, but do not include utility connection fees or capacity charges. For accessory dwelling units that have a floor area of seven hundred fifty (750) square feet or more, impact fees shall be charged proportionately in relation to the square footage of the primary dwelling unit.

5. The following types of accessory dwelling units are required to be permitted. Other accessory dwelling units, including attached and detached accessory dwelling units, are also permitted if they conform to the requirements of subsection (4):

a. One junior accessory dwelling unit or accessory dwelling unit within the existing space of a single-family dwelling or accessory structure or the proposed space of a single-family structure, if all the following apply:

i. In an accessory structure an expansion beyond the existing physical structure is limited to 150 square feet and is permitted solely to accommodate ingress and egress.

ii. The unit has exterior access separate from the existing or proposed single family dwelling.

iii. The side and rear setbacks are sufficient for fire and safety.

iv. Any junior accessory dwelling unit complies with Section (D)(4)(i).

b. One new detached accessory dwelling unit not larger than eight hundred (800) square feet or more than the height limitations allowed under Section (D)(4)(g), with side and rear yard setbacks of at least four (4) feet on a lot with an existing or proposed single-family dwelling. A junior accessory dwelling unit complying with Section (D)(4)(i) may be developed on the same lot.

c. Accessory dwelling units within the portions of an existing multifamily dwelling structure that are not used as livable space, provided that each unit complies with state building standards for dwellings. An accessory dwelling unit shall not be created within any portion of the habitable area of an existing dwelling unit in a multifamily structure. Up to 25 percent of the number of existing multifamily units in the building, but at least one unit, shall be allowed.

d. Up to two detached accessory dwelling units on a lot with an existing multifamily dwelling structure, provided that the height does not exceed the height limitations allowed under Section (D)(4)(g) and that four-foot side and rear yard setbacks are maintained.

6. Applications for junior and accessory dwelling units conforming to the requirements of subsection (D)(4) or (5) of this section shall be considered ministerially without discretionary review or a hearing, and the director of community development shall approve or deny such applications within sixty (60) days after receiving a complete application. Incomplete applications will be returned with an explanation of what additional information is required. The city shall grant a delay in processing if requested by the applicant. If the permit application is submitted with a permit application to create a new single-family dwelling on the lot, the application for the junior or accessory dwelling unit shall not be acted upon until the application for the new single-family dwelling is approved, but thereafter shall be ministerially processed within sixty (60) days of receipt of a complete application and approved if it meets the requirements of this section. Occupancy of the junior or accessory dwelling unit shall not be allowed until the city approves occupancy of the primary dwelling.

7. In cases of conflict between this section and any other provision of this title, the provisions of this section shall prevail. To the extent that any provision of this section is in conflict with State law, the applicable provision of State law shall control, but all other provisions of this section shall remain in full force and effect.

8. The city may offer incentives to encourage development of accessory dwelling units. If owners of accessory units elect to record a ninety-nine (99) year deed restriction to rent the unit to lower income households, the city will consider waiving fees, reducing parking and development standards, or approving other forms of assistance specified in Chapter 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code. Receipt of such incentives shall require the owner to:

a. Rent the accessory dwelling unit to a lower income household, as defined annually by the State Department of Housing and Community Development at a rate that shall not exceed an amount which is equal to thirty (30) percent of the gross monthly income of a low-income household, at eighty (80) percent of the San Diego County median income, adjusted for household size.

b. File an annual agreement with the city's community development department documenting the household's eligibility to occupy the accessory unit.

c. Record a covenant specifying the property restrictions on the accessory dwelling unit for the ninety (99) year term.

d. Assign the covenant using a form of assignment and assumption approved by the director of community development in the director's reasonable direction in the event that the property is transferred or sold.

Section 4. Section 17.20.020(B)(1)(d) of the Solana Beach Municipal Code is amended to read as follows:

d. Accessory dwelling units shall be allowed as an accessory use in the (ER-1), (ER-2), (LR), (LMR), (MR), (MHR), and (HR) zones subject to the requirements set forth in SBMC 17.20.040(D).

Section 5. Section 17.20.020(B)(2) of the Solana Beach Municipal Code is removed.

Section 6. Table 17.12.020 of the Solana Beach Municipal Code is amended to read as follows (changes shown in underline and strikeout):

	USE	ZONE																
		ER-1	ER-2	LR	LMR	MR	MHR	HR	C	SC	LC	OP	PI	LI	A	OSR	ROW	
	1. RESIDENTIAL USES																	
13	Guest Houses	PL	PL	PL	E	E	E	E	E	E	E	E	E	E	PL	E	E	13
14	Accessory Living Units	PL	PL	PL	PL	PL	C	C	E	E	E	E	E	E	PL	E	E	14
13	Accessory Dwelling Units	P	P	P	P	P	P	P	PL	PL	PL	E	E	E	E	E	E	13

Section 7. Section 17.12.010(D)(1)(k) of the Solana Beach Municipal Code is amended to read as follows:

k. Accessory Dwelling Unit. A residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence, which may be a single dwelling unit or a multifamily dwelling. An accessory dwelling unit shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel that the primary residence is or will be situated. An accessory dwelling unit also includes an efficiency unit or a manufactured home, as defined in Section 18007 of the Health and Safety Code.

Section 8. Section 17.12.010(D)(1)(l) Accessory Living Unit. of the Solana Beach Municipal Code shall be removed.

Section 9. Section 17.24.020(B)(3)(c) of the Solana Beach Municipal Code shall be added to read as follows:

c. Accessory Dwelling Units shall be permitted as an accessory use to an existing or proposed residential structure.

Section 10. Section 17.48.040(C)(1)(c) of the Solana Beach Municipal Code shall be modified to read as follows:

c. Required parking within garages (200 square feet per space up to a maximum of 400 square feet for a single-family residence) shall be excluded from the calculation of floor area ratio.

Section 11. Section 17.52.040(A) "Accessory Living Units" shall be removed.

~~Accessory living units~~ ~~1 space in addition to those required for primary residence.~~

Section 12. The City Council finds that this Ordinance is exempt from the provisions of the California Environmental Quality Act ("CEQA") pursuant to Section 21080.17 of the Public Resources Code relating to the construction of second units, which exempts the adoption of an ordinance by a city to implement the provisions of Government Code Section 65852.2. The City Council further finds that the Ordinance is exempt from CEQA pursuant to Section 15305 of the CEQA Guidelines, which exempts minor alterations in land use limitations that will not result in any changes in land use or density. The Ordinance updates the provisions of the City's Municipal Code to conform with state law requirement relating to development of ADUs and Junior ADUs, and it does not change permitted land uses on any property nor increase the density of residential uses that property owners are permitted to develop on their property. Further, none of the exceptions to the Section 15305 exemption included in Section 15300.2 of the CEQA Guidelines are applicable. Therefore, adoption of the Ordinance is exempt from the provisions of CEQA.

Section 13. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Chapter, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Chapter, or its application to any other person or circumstance. The City Council declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

EFFECTIVE DATE: This Ordinance shall be 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 8th day of November, 2023; and

THEREAFTER ADOPTED at a regular meeting of the City Council of the City of Solana Beach, California, on the ___ day of _____, 202__, 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: November 8, 2023
ORIGINATING DEPT: Engineering Department
SUBJECT: **City Council Consideration of Revised Design and Review of Photo Simulations for the Marine Safety Center**

BACKGROUND:

The Marine Safety Center (MSC) at Fletcher Cove was constructed in or around the 1940s and requires constant repairs and maintenance to meet the needs of the Marine Safety Department. In May 2017, a Needs Assessment and Feasibility Study (Study) for the MSC was presented to the Council. The Study determined the best course of action was to replace the existing MSC facility.

In October 2018, the City Council authorized the City Manager to enter into a Professional Services Agreement (PSA) with domusstudio architecture (domus). The PSA provides for the preparation of preliminary design plans and application packages for discretionary permit processing for the MSC Improvement Project. In November 2019, three design options were presented to the City Council and a preferred design alternative was chosen. Refinement of the preferred alternative has taken place, and an update was presented to the City Council in October 2020.

In order to assess the potential view impacts of the proposed MSC design from nearby residences, story poles of the selected design alternative were installed in April 2022. Following installation of the story poles, site visits were conducted by Staff and photos were taken from residences whose residents had submitted comments to the City regarding potential view impacts from the proposed MSC. In February 2023, the comments received on the potential view impacts were presented to the City Council. At that meeting, Council received public testimony and provided direction to modify the design to reduce the potential view impacts. Following Council's direction, Staff worked closely with the project's architect and developed a new design option that would result in lesser view impacts as compared to the previous option.

This item is before the City Council to provide an update focusing on the revised design option per Council's direction and the corresponding photo simulations for the proposed MSC and to receive comments/direction.

CITY COUNCIL ACTION:

DISCUSSION:

Story poles were installed in late April 2022 to delineate the three-dimensional building envelope and footprint of the selected design alternative for the Marine Safety Center. Although this effort was not an official View Assessment process, it was done as a preliminary effort to demonstrate the proposed project and to assess potential view impacts for the surrounding residential properties, as well as to the community at large. Courtesy notifications were sent to residential properties within a 300-foot radius of the proposed MSC building in order to obtain public feedback on the proposed MSC building. The City received comments from nine separate residences, with eight of the nine residences being located in the Las Brisas Condominium complex, which is immediately south of Fletcher Cove Park. The one property not located in the Las Brisas Condominium complex is located at the corner of the Plaza Street/Pacific Avenue/North Sierra Avenue intersection.

City Staff visited all nine residences from which comments were received to take pictures of the potential view impacts from various different vantage points. At the February 2023 Council meeting, Staff presented photographs of the existing conditions at the residences along with the story poles as well as photo simulations of the preferred alternative superimposed on the existing conditions.

Based on the photo simulations and public comments received, the City Council provided the following direction:

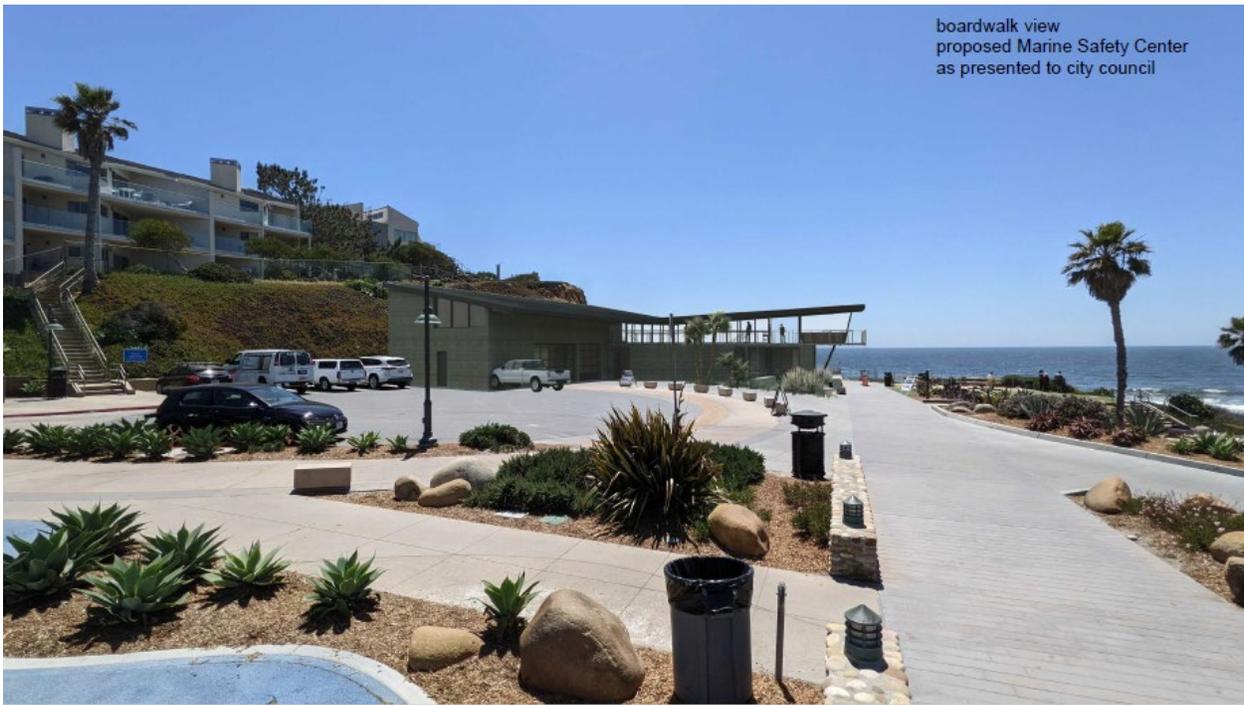
- Consider design options that reduce view impacts while respecting the needs of the Marine Safety Department;
- Maximize public views, especially from Fletcher Cove Park;
- Build the Marine Safety Center as far into the southern bluff as possible;
- Eliminate the northward projection of the second story over the boardwalk;
- Create a separate observation station in the approximate location of the existing building but set back from the boardwalk overlook area;
- Eliminate any excess space from the first floor and move as much of the necessary uses into the building that is tucked into the southern bluff;
- Eliminate the butterfly roof and use a low slope shed roof that compliments the roof on the Fletcher Cove Restrooms building;
- Reduce the second-floor deck space on the east side.

Following the direction provided by the City Council, a revised conceptual design was prepared for the MSC that reduced the potential view impacts. A comprehensive review of the revised design and photos simulations (including potential view impairment) will be presented during the City Council meeting. The following images show two community viewpoint photo simulations of the existing Marine Safety Centre, the proposed design presented to City Council in February 2023 and the proposed revised design.

Boardwalk View – Existing



Boardwalk View – February 2023 Design



Boardwalk View – Revised Design



Plaza Street View – Existing



Plaza Street View – February 2023 Design



Plaza Street View – Revised Design



CEQA COMPLIANCE STATEMENT:

The final environmental analysis was be completed during the final design phase of the project.

FISCAL IMPACT:

The existing PSA with domus will end with the 30% design plans for the project. Once the preliminary engineering/design is completed and the discretionary permits are obtained, Staff is estimating that it would cost an additional \$500,000 to complete environmental studies, final design plans and specifications. All of these items are required before the project could be advertised for construction bids. The final design cost is a rough estimate calculated by Staff in order to give an idea of the funding needed to complete the design of a new MSC. These costs would be subject to negotiations with the selected consultant once the Project reaches that phase. The \$500,000 for final design is included in the Fiscal Year 2023/24 Capital Improvement Program section of the FY 2023/24 – 2024/25 Adopted Budget and is available in Fund 459 (City CIP/General Fund) for this purpose. Construction funding for the project is not identified at this time.

WORK PLAN:

The project is consistent with Item B.1 of the Community Character Priorities section of the FY 2023/24 Work Plan.

OPTIONS:

- Receive report.
- Provide direction to Staff.

DEPARTMENT RECOMMENDATION:

Staff recommends the City Council receive this report and provide input and direction on how to address the revised potential residential view impacts with the revised design of the Marine Safety Center.

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: November 8, 2023
ORIGINATING DEPT: City Manager's
SUBJECT: **City Council Discussion on Bicycle, Electric Bicycle and Pedestrian Safety Signage on the Coastal Rail Trail**

BACKGROUND:

At the September 27, 2023, City Council (Council) meeting, Council adopted Ordinance 531 related to bicycle (including electric bicycle) safety and creating a training and diversion program for first time violations. As part of that action, Council also directed Staff to create safety signage to install on the Coastal Rail Trail (CRT) to advise pedestrians and bicyclists of the rules on the shared pathway, encourage courteous use of the CRT and to display a speed limit for electric bicycles (e-bikes) and bicycles.

This item is before the Council to discuss the new signage options (Attachment 1) and provide direction to Staff on the preferred signage, and locations, for installation on the CRT.

DISCUSSION:

At the direction of Council, Staff has prepared signage options for installation on the CRT. Staff designed one larger sign (18" wide, 36" tall) with four separate messages to be placed at the four major entrances to the CRT. These signs are recommended to be placed at the following locations:

- At the northbound entrance of the CRT at Via de la Valle, just past the CRT Arches
- At the corner of Lomas Santa Fe and Highway 101, headed south on the CRT
- At the corner of Lomas Santa Fe and Highway 101, headed north on the CRT
- At the entrance of the CRT on Highway 101 headed south on the CRT, south of Harbaugh Trails

CITY COUNCIL ACTION:

Staff also designed smaller signs (14" wide, 18" tall) to be placed periodically along the CRT in both north- and southbound directions to remind users on the trail of the various safety messages. The locations are up for discussion, but Staff recommends at a minimum, placing signs at the bottom of both pedestrian bridges in both directions as a reminder to users as they enter the CRT.

Staff also selected various color palettes for the signs for Council to consider. The intent of the color palette for these signs was to highlight the important safety information in as visible a manner as possible, but also to be aesthetically appealing and match the theme of the CRT.

CEQA COMPLIANCE STATEMENT:

This action is not a project as defined by CEQA.

FISCAL IMPACT:

The estimated \$2,000 cost for the initial purchase and installation of these signs will be charged to Traffic Safety, Minor Equipment account (1006540.64190).

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 discuss the new signage options and provide direction to Staff on the preferred signage, and locations, for installation on the CRT.

CITY MANAGER'S RECOMMENDATION:

Approve Department Recommendation.



Gregory Wade, City Manager

Attachments:

1. Proposed CRT Bicycle Safety Signage



Shared Pathway

Please be courteous to all Coastal Rail Trail users.



**Max Bike Speed
10 MPH**



**Cyclists Slow Down
Near Pedestrians**



**Stay Right,
Pass on the Left**



**Move Off Path
When Stopped**



Shared **Pathway**



SLOW DOWN



Shared **Pathway**



SLOW DOWN



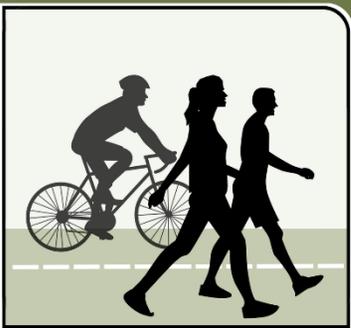
Shared **Pathway**



**Cyclists Slow Down
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**Keep Right,
Pass on the Left**



Shared **Pathway**



**Move Off Path
When Stopped**



Shared **Pathway**



**Cyclists Slow Down
Near Pedestrians**