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Del Mar City Council Meeting Agenda

City of Del Mar, Town Hall

1050 Camino del Mar, Del Mar, California 92014

Civility Works: The Del Mar Code of Civil Discourse: Together we will promote inclusion; listen to understand; show respect; be clear and fair; and focus on the issue.

Regular Meeting

Tuesday, January 6, 2026 at 4:30 PM

Tracy Martinez
Mayor

John W. Spelich
Deputy Mayor

Terry Gaasterland
Council Member

Dan Quirk
Council Member

Ashley Jones
City Manager

Leslie E. Devaney
City Attorney

Sarah Krietor
Administrative Services
Manager/City Clerk

Public Participation/Comment: Members of the public can participate in City Council meetings in-person or via written comment (Red Dot). Anyone may address the City Council for up to three minutes, at the Mayor's discretion, on items on the agenda. Members of the public wishing to speak on items not on the agenda may do so under Public Oral Communications. Agenda items may be addressed in any order at the discretion of the Mayor. When addressing the Council, please state your name for the record. Any electronic presentations must be received before 9 a.m. on the date of the Council meeting. No PowerPoint presentations can be loaded during the meeting.

In-Person Participation: Please submit a completed "Speaker Slip", including the item number you wish to speak on, to the City Clerk prior to the Mayor announcing the agenda item. The forms are located near the door at the rear of the Meeting Room. When called to speak, please approach the podium and state your name for the record.

Written Comments: Members of the public can participate in the meeting by submitting a written red dot comment via email to cityclerk@delmar.ca.us. The deadline to submit written comments is 12 p.m. on the day of the meeting and the subject line of your email should clearly state the agenda item you are commenting on.

Viewing the Meeting and Access to Agenda Materials: Members of the public can watch the meeting live on the City's website at: <http://delmar.12milesout.com/Video/Live> and on Cable TV Spectrum Ch. 24, AT&T Ch. 99 starting at 4:30 PM. Agenda materials and communications from the public on agenda items, "Red Dots", are available on the City's website: <http://www.delmar.ca.us/AgendaCenter> and a hard copy of the agenda materials are available at Del Mar City Hall and the Del Mar Library during their business hours.

Assistance for Persons with Disabilities: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Administrative Services Department at 1050 Camino del Mar or by calling (858) 755-9313. Notification of at least 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

- I. CALL TO ORDER/ROLL CALL
- II. CITY ATTORNEY CLOSED SESSION REPORT
- III. PLEDGE OF ALLEGIANCE
- IV. PUBLIC ORAL COMMUNICATIONS

Each person wishing to speak before the City Council on any matter not on the agenda shall submit a "Speaker Slip" to the City Clerk when Public Oral Communication is announced. Each speaker will have up to three (3) minutes to speak at the discretion of the Mayor and may be asked clarifying questions. Information received during Public Oral Communication may be received, placed on a future agenda, or referred to the City Manager by the City Council. State law generally precludes the City Council from discussing or acting upon any topic presented during oral communications that is not described on the posted agenda.

Note: there is a time limit of 30 minutes for this section of public communications and each speaker will be heard in the order of the submission of their speaker slip. Speakers who have turned in a speaker slip prior to the time oral communications was called on the agenda, but were not heard during the initial time period shall be called to speak at the end of the agenda.

- V. COMMUNITY ANNOUNCEMENTS
- VI. CITY MANAGER'S REPORT
- VII. CONSENT CALENDAR

All items listed on the Consent Calendar are considered to be routine and will be acted upon with one motion. There will be no separate discussion of these items unless a member of the City Council or the public so requests, in which event, the item will be pulled from the Consent Calendar and considered separately after the motion to approve the Consent Calendar. If you wish to remove an item from the Consent Calendar, please submit a "Speaker Slip" to the City Clerk.

1. Approval of Minutes: December 15, 2025 Regular and Special Meeting

Recommended Action: Approve Minutes.

Reference: Clerk's Minutes Book

2. Ratification of List of Demands dated January 6, 2026

Recommended Action: Ratify the List of Demands.

Reference: Clerk's File No. 201-3

3. Waiver of Reading of Ordinances on Agenda

Recommended Action: Waive Reading of Ordinances.

Reference: Clerk's File No. 401-4

4. Agreement with Hinderliter, de Llamas & Associates for Sales, Use, and District Tax Information, Audit, and Consulting Services

Recommended Action: Staff recommends the City Council: 1) Approve an Agreement for Sales, Use, and District Tax Information, Audit, and Consulting Services with Hinderliter, de Llamas & Associates (HdL) (Attachment A); and 2) Authorize the City Manager to execute the Agreement and any subsequent amendments provided for under the Agreement contingent upon satisfactory performance by the consultant.

Reference: Clerk's File No. 406-1

VIII. PUBLIC HEARING

5. Adoption of an Ordinance to Repeal and Replace Chapter 11.40 of the Del Mar Municipal Code to Prohibit the Use of Expanded Polystyrene and Single-Use, Non-Compostable Disposable Food Service Ware Citywide, and Single-Use Plastic Beverage Bottles at City Facilities and City-Sponsored Events

Recommended Action: Staff recommends that the City Council adopt an Ordinance (Attachment A) to repeal and replace Del Mar Municipal Code (DMMC) Chapter 11.40 to prohibit the use of expanded polystyrene and single-use, non-compostable disposable food service ware; the sale of expanded polystyrene coolers and ice chests or other food containers; and the use of single-use plastic beverage bottles at City facilities and City-sponsored events.

Reference: Clerk's File No. 401-4, 401-9

6. De Novo Hearing of an Appeal of the Planning Commission's Denial of a Variance (V24-003) Request for Reductions to Front and Rear Yard (Setbacks) Requirements for a Non-Conforming Lot

Applicant/Appellant: Reid and Beth Westburg

Location: Vacant Lot Adjacent to and East of 1439 Oribia Road (APN: 299-200-74-00)

Recommended Action: Staff recommends that the City Council conduct a de novo public hearing and adopt the attached Resolution (Attachment A) granting a

Variance to reduce front and rear setbacks (V24-003) required for the subject property.

Reference: Clerk's File No. 301-3

IX. COUNCIL MEETING RECESS

X. CITY COUNCIL OTHER BUSINESS

7. **2026 City Council Local and Regional Appointments**

Recommended Action: Staff recommends that the City Council: 1) Review the current list of Del Mar City Council regional and local appointments (Attachment A), make or reaffirm appointments for 2026, and authorize the elimination of any committees or subcommittees that are no longer deemed necessary; 2) Consider reappointment of former councilmember/resident Dwight Worden to continue to serve as the City's representative to the METRO JPA Board through the end of 2026; and 3) Discuss whether to direct staff to return to Council with an amendment to City Council Policy 101 to better align the policy with the Council's historical practice for local and regional appointments.

Reference: Clerk's File No. 401-1

XI. REGIONAL ORGANIZATION REPORTS

A Councilmember assigned as a liaison to a regional organization may make a written or oral report. State law precludes the Council from commenting on, discussing, or acting on a report unless the item of business within the report is described in the agenda.

- A. Clean Energy Alliance JPA (CEA) Board of Directors (Spelich/Gaasterland)
- B. CSA-17 Ambulance District Advisory Board (Martinez/Quirk)
- C. Fire Governance Board, Solana Beach/Del Mar/Encinitas (Martinez/Spelich)
- D. League of California Cities – San Diego Chapter (Gaasterland/Martinez)
- E. North County Transit District (NCTD) (Martinez/Spelich)
- Recommended Action:** Receive Report
- F. Regional Solid Waste Association (Spelich/Quirk)
- G. San Diego Association of Governments Board (SANDAG) (Gaasterland/Martinez/Spelich)
- H. SANDAG Borders Committee
- I. SANDAG Regional Planning Committee
- J. SANDAG Shoreline Preservation Working Group (Spelich/Gaasterland/Martinez)
- K. SANDAG LOSSAN Executive Task Force (Gaasterland/Martinez)
- L. San Diego Metropolitan Wastewater Commission/JPA (Worden)
- M. San Dieguito River Valley Regional Open Space Park JPA –Executive Committee (Gaasterland/Martinez)
- N. Other Regional Organization Reports

XII. COUNCIL COMMITTEES/SUBCOMMITTEES/COMMUNITY ORG REPORTS

A Councilmember assigned as a liaison to a City Committee, Council Subcommittee OR Community Organization may make a written or oral report. State law precludes the Council from commenting on, discussing, or acting on a report, unless the item of business within the report is described in this agenda.

- A. Del Mar Community Connections (Martinez/Spelich)
- B. Del Mar Village Association (Gaasterland/Martinez)
- C. Finance Committee (Gaasterland/Spelich)
- D. Housing Subcommittee (Gaasterland/Martinez)
- E. Human Resources Subcommittee (Gaasterland/Martinez)
- F. Legislative Subcommittee (Gaasterland/Martinez)
- G. Measure Q Citizen Oversight Committee (Quirk/Gaasterland)
- H. Parks and Recreation Committee (Martinez/Quirk)
- I. Del Mar Railroad Subcommittee (Gaasterland/Martinez)
- J. Lagoon Committee (Gaasterland/Spelich)
- K. Planning Process Subcommittee (Includes Sea-Level Rise Adaptation Plan Implementation (Gaasterland/Spelich)
- L. Shores Park Master Plan Ad-Hoc Advisory Committee (Gaasterland/Spelich)
- M. Sustainability Advisory Committee (Martinez/Gaasterland)
- N. Traffic and Parking Advisory Committee (Quirk/Spelich)
- O. Undergrounding Program Advisory Committee (Gaasterland/Spelich)
- P. Other Committee-Subcommittee Reports

XIII. UPCOMING AGENDA ITEMS

The following topics/items are tentatively planned for upcoming agendas. The title, wording, and planned date for these items are subject to change. Final agendas are posted at City Hall 72 hours in advance of the meetings and are also posted on our web site with the accompanying staff report. Please watch our web site: www.delmar.ca.us for City Council Agendas.

January 20, 2026
Resolution Approving Second Amended and Restated Regional Wastewater Disposal
Vactor Truck Purchase
Award of Contract for Cost Allocation Plan and Comprehensive User Fee Study
Introduction of an Ordinance to Process Administrative Corrections to Sections 23.12.070 and 23.12.071 of the Del Mar Municipal Code
City Tree Policy and Regulations Update
Cost Sharing Agreement with City of Solana Beach for Fire Management Transition Services

XIV. CERTIFICATION

I, Sarah Krietor, Administrative Services Manager/City Clerk for the City of Del Mar, hereby certify that a copy of this agenda was posted at City Hall on the 30th day of December, 2025 at approximately 1:15 p.m.



Sarah Krietor, Administrative Services Manager/
City Clerk

12/30/2025
Date



**CITY OF DEL MAR
CITY COUNCIL REGULAR MEETING MINUTES
DECEMBER 15, 2025
City of Del Mar Town Hall
1050 Camino del Mar, Del Mar California 92014**

The minutes set forth the actions taken by the City Council on the matters stated. Audio/video recordings of the City Council proceedings are retained for a period of ten years, in accordance with the City's Records Retention Schedule. Audio/video recordings, as well as written materials presented to the City Council, including Red Dots (materials provided to the City Council after the agenda has published), are available on the City's website at www.delmar.ca.us/AgendaCenter or by contacting the Administrative Services Department at (858) 755-9313.

CALL TO ORDER

Mayor Terry Gaasterland called the Regular Meeting to order at 4:35 p.m.

ROLL CALL

Present: Mayor Terry Gaasterland; Deputy Mayor Tracy Martinez; Councilmembers Dan Quirk and John Spelich

CITY ATTORNEY CLOSED SESSION REPORT

City Attorney Leslie Devaney reported that there were no absences, recusals, or reportable actions for the December 15, 2025, Closed Session.

PLEDGE OF ALLEGIANCE

Mayor Gaasterland led the Pledge of Allegiance.

PUBLIC ORAL COMMUNICATIONS

Mayor Gaasterland opened public oral communications and Shirli Weiss with two donations of time from Karl Willert and Amy Cheshire spoke. Mayor Gaasterland closed public oral communications.

Mayor Gaasterland and Councilmember Quirk requested a future agenda item related to the San Diego Association of Government's (SANDAG) Del Mar Bluffs 5 project and related mitigation work, which the City Manager will work to coordinate with SANDAG project staff.

CITY COUNCIL COMMUNITY ANNOUNCEMENTS

None.

CITY MANAGER'S REPORT

City Manager Ashley Jones reported that the Regional Taskforce on Homelessness is seeking volunteers to help conduct the annual "We All Count" homeless census on Thursday, January 29, 2026; draft amendments to the Community Plan Safety Element and a new Environmental Justice Element are available on the City's website for public review, which are planned for presentation to the Planning Commission and Sustainability Advisory Committee in January 2026, and the Council for consideration of adoption by April 2026; City Hall and the Public Works Administrative Office will be closed from December 24, 2025, through January 1, 2026 in observance of the holidays; and reminded the public that in 2026 the City Council will be meeting on the first and third Tuesday at 4:30pm in the Town Hall.

CONSENT CALENDAR

Administrative Services Manager/City Clerk Sarah Krietor read the titles of the items included on the Consent Calendar. There were no public speakers for the consent calendar items.

IT WAS MOVED BY MAYOR GAASTERLAND, SECONDED BY COUNCILMEMBER QUIRK TO APPROVE THE CONSENT CALENDAR ITEMS 1 THROUGH 8 AND ITEM 10. (VOTE 4-0)

Ayes: Mayor Gaasterland; Deputy Mayor Martinez; Councilmembers Quirk and Spelich; Noes: 0; Recuse: 0; Absent: 0; Abstain: 0.

ITEM 1: APPROVAL OF MINUTES: REGULAR MEETING DECEMBER 1, 2025 (CLERK'S MINUTES BOOK)

Council approved the minutes, on consent.

ITEM 2: RATIFICATION OF LIST OF DEMANDS, DATED DECEMBER 15, 2025 (CLERK'S FILE NO. 201-3)

Council approved the list of demands, on consent.

ITEM 3: WAIVER OF READING OF ORDINANCES ON AGENDA (CLERK'S FILE NO. 401-4)

Council waived the reading of ordinances, on consent.

ITEM 4: CONSTRUCTION CONTRACT WITH PORTILLO CONCRETE, INC. FOR FISCAL YEAR 2025-26 ASPHALT ROADWAY REPAIRS (CLERK'S FILE NO. 406-1)

Council awarded a \$75,000 construction contract to Portillo Concrete, Inc. for Fiscal Year (FY) 2025-26 asphalt roadway repairs and authorized the City Manager to execute the contract, on consent.

ITEM 5: APPROVAL OF ENCROACHMENT PERMIT 25-075 – A REQUEST TO RETAIN EXISTING UNPERMITTED PLANTER WALLS, BRICK COLUMNS, AND ASSOCIATED IMPROVEMENTS WITHIN THE PUBLIC RIGHT-OF-WAY AT 1639 LUNETTA DRIVE; APPLICANT: 1639 LLC (CLERK'S FILE NO. 802-1)

Council adopted Resolution 2025-36, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, APPROVING ENCROACHMENT PERMIT 25-075 TO PERMIT EXISTING PLANTER WALLS, BRICK COLUMNS, AND ASSOCIATED IMPROVEMENTS WITHIN THE PUBLIC RIGHT-OF-WAY ON THE SOUTH SIDE OF THE PROPERTY AT 1639 LUNETTA DRIVE (APN: 299-220-44-00) IN DEL MAR, CALIFORNIA", on consent.

ITEM 6: APPROVAL OF AN AGREEMENT WITH TYLER TECHNOLOGIES FOR ERP PRO SOFTWARE AS A SERVICE (CLERK'S FILE NO. 406-1)

Council approved a Software as a Service (SaaS) Agreement between the City of Del Mar and Tyler Technologies, Inc. for the implementation of a new Enterprise Resource Planning system; and authorized the City Manager to negotiate and execute the final Agreement, in consultation with the City Attorney, and any subsequent amendments

provided for under the Agreement contingent upon satisfactory performance by the vendor, on consent.

ITEM 7: APPROVAL OF EMERGENCY FUNDING FOR STORM DRAIN AND ROADWAY REPAIR ALONG SAN DIEGUITO DRIVE (CLERK'S FILE NO. 901-5, 906-5)

Council approved \$131,000 in emergency funding for construction and inspection services for the emergency work related to the Emergency Storm Drain and Roadway Repair along San Dieguito Drive; ratified any prior authorization by the City Manager to facilitate the emergency repairs; and authorized the City Manager to execute any documents necessary to complete the work, on consent.

ITEM 8: PROPOSED RECLASSIFICATION OF FINANCE DIVISION ACCOUNTING POSITION (CLERK'S FILE NO. 504-1)

Council adopted Resolution 2025-37, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, AUTHORIZING THE RECLASSIFICATION OF ONE ACCOUNTING TECHNICIAN I/II POSITION TO ACCOUNTANT I/II, AND AMENDING THE COMPENSATION PLAN FOR MANAGEMENT, PROFESSIONAL, AND CONFIDENTIAL EMPLOYEES", on consent.

PUBLIC HEARING

ITEM 9: INTRODUCTION OF AN ORDINANCE TO REPEAL AND REPLACE CHAPTER 11.40 OF THE DEL MAR MUNICIPAL CODE TO PROHIBIT THE USE OF EXPANDED POLYSTYRENE AND SINGLE-USE, NON-COMPOSTABLE DISPOSABLE FOOD SERVICE WARE CITYWIDE, AND SINGLE-USE PLASTIC BEVERAGE BOTTLES AT CITY FACILITIES AND CITY-SPONSORED EVENTS (CLERK'S FILE NO. 401-4)

An introduction to the item was provided by City Manager Jones. A presentation was provided by Special Projects and Programs Manager Kaitlyn Elliot-Norgrove. Assistant City Manager Clem Brown was available to answer questions.

Council questions focused on how EDCO can partner with the Del Mar Farmers Market to educate the public on organics recycling; difference between biodegradable versus compostable service ware and related public outreach; and whether the Sustainability Advisory Committee discussed prohibiting the sale of single use bottles.

Mayor Gaasterland opened the item to public comment and the following people spoke:

- 1) Ann Feeny
- 2) Karl Willert
- 3) Hailey Saavedra, La Jolla Country Day School/Surfrider Club
- 4) Robert Lutdy, La Jolla Country Day School/Surfrider Club
- 5) Janis Jones, Surfrider Foundation San Diego
- 6) Carol Kerridge
- 7) Diana Kutlow, representing Senator Catherine Blakespear
- 8) Vanessa Forsythe, California Nurses for Environmental Health and Justice
- 9) Jennifer Anderson, chair of the Sustainability Advisory Committee

Mayor Gaasterland closed the item to public comment.

Council discussion focused on appreciation of the Sustainability Advisory Committee and City staff for their work on the proposed ordinance; consideration of whether to direct staff to evaluate expanding the ordinance, in the future, to prohibit the sale of single use plastic bottles in the City; and desire to reduce plastic waste.

IT WAS MOVED BY MAYOR GAASTERLAND AND SECONDED BY DEPUTY MAYOR MARTINEZ TO INTRODUCE “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, REPEALING AND REPLACING CHAPTER 11.40 OF THE DEL MAR MUNICIPAL CODE PROHIBITING USE OF EXPANDED POLYSTYRENE AND SINGLE-USE NON-COMPOSTABLE PLASTIC DISPOSABLE FOOD SERVICE WARE”. (VOTE 4-0)

Ayes: Mayor Gaasterland; Deputy Mayor Martinez; Councilmembers Quirk and Spelich; Noes: 0; Recuse: 0; Absent: 0; Abstain: 0.

ITEM 10: TENTATIVE TRACT MAP TTM18-004, EXTENSION OF TIME REQUEST FOR A THREE-YEAR EXTENSION OF TIME FOR AN EIGHT-LOT SUBDIVISION RECONFIGURATION OF 18.1 ACRES KNOWN AS “LA ATALAYA”

**APPLICANT/OWNER: LA ATALAYA, LLC
ASSESSOR PARCEL NUMBERS (APNS): 299-200-65-00, 299-261-43-00, 299-261-42-00, 299-261-14-00, 299-192-24-00, 299-200-64-00, 299-200-62-00, AND 299-200-63-00 (CLERK’S FILE NO. 301-1)**

Mayor Gaasterland open and closed the public hearing. There were no public speakers for the item. The item was moved to the Consent Calendar for approval.

City Council approved Resolution 2025-38, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR APPROVING A THREE YEAR EXTENSION OF TIME FOR A TENTATIVE TRACT MAP (TTM18-004 EOT) TO SUBDIVIDE EIGHT LOTS TOTALING APPROXIMATELY 18.1 ACRES OF LAND KNOWN AS “LA ATALAYA” INTO EIGHT RECONFIGURED LOTS SOUTH OF SAN DIEGUITO DRIVE, NORTH OF ZAPO STREET, EAST OF GATUN STREET, AND WEST OF SERPENTINE DRIVE; TO MAKE RELATED ROADWAY AND UTILITY IMPROVEMENTS; IN THE CITY OF DEL MAR, CALIFORNIA”, on consent.

COUNCIL MEETING RECESS:

The City Council took a meeting recess from approximately 5:56 p.m. to 6:04 p.m.

CITY COUNCIL OTHER BUSINESS

ITEM 11: 2025 MAYOR COMMENTS - YEAR END REVIEW (CLERK’S FILE NO. 401-1)

Comments, including overview of 2025 accomplishments, were provided by Mayor Gaasterland.

There were no public speakers for the item.

Council discussion focused on appreciation to Mayor Gaasterland for her service as Mayor in 2025.

ITEM 12: SELECTION OF THE 2026 MAYOR AND DEPUTY MAYOR (CLERK’S FILE NO. 401-1)

Mayor Gaasterland opened the item to public comment and Carol Kerridge spoke. Mayor Gaasterland closed the item to public comment.

IT WAS MOVED BY MAYOR GAASTERLAND AND SECONDED BY COUNCILMEMBER QUIRK TO APPOINT TRACY MARTINEZ AS MAYOR AND JOHN SPELICH AS DEPUTY MAYOR FOR 2026. (VOTE 4-0)

Ayes: Mayor Gaasterland; Deputy Mayor Martinez; Councilmembers Quirk and Spelich; Noes: 0; Recuse: 0; Absent: 0; Abstain: 0.

REGIONAL ORGANIZATION AND COUNCIL COMMITTEES/SUBCOMMITTEES/COMMUNITY ORGANIZATION REPORTS

City Council representatives reported on the North County Transit District, Del Mar Community Connections; SANDAG Board of Directors; Shores Park Ad-hoc Master Planning Committee; and Undergrounding Program Advisory Committee.

ADJOURNMENT

Mayor Gaasterland adjourned the meeting at 6:35 p.m.

Sarah Krietor, Administrative Services Manager/
City Clerk



**DEL MAR CITY COUNCIL
SPECIAL MEETING MINUTES
CLOSED SESSION**

DECEMBER 15, 2025

City of Del Mar Town Hall
1050 Camino del Mar, Del Mar, California 92014

CALL TO ORDER

Mayor Terry Gaasterland called the meeting to order at 2:30 p.m.

ROLL CALL

Present: Mayor Terry Gaasterland; Deputy Mayor Tracy Martinez; Councilmembers Dan Quirk and John Spelich

CLOSED SESSION

- A) Conference with Legal Counsel- Existing Litigation
Lazier v. City of Del Mar
San Diego Superior Court Case No. 25CU058363C
Authority: Government Code Section 54956.9(d)(1)
Reportable Action: None.
- B) Conference with Legal Counsel- Existing Litigation
Seiber v. City of Del Mar
San Diego Superior Court Case No. 25CU013097C
Authority: Government Code Section 54956.9(d)(1)
Reportable Action: None.
- C) Conference with Legal Counsel - Significant Exposure to Litigation
Number of Cases: One
Description: Undergrounding Program Advisory Committee Assignments
Authority: Government Code Section 54956.9(d)(2)
Reportable Action: None.
- D) Public Employee Performance Evaluation
Title: City Manager
Authority: Government Code Section 54957
Reportable Action: None.

ADJOURNMENT

Mayor Gaasterland adjourned the meeting at 4:28 p.m.

Sarah Krietor, Administrative Services Manager/
City Clerk



LIST OF DEMANDS
CITY OF DEL MAR
for
City Council Meeting
January 6, 2026

Vendor Payment Checks	\$ 221,012.32
Voids	-
Electronic Fund Transfers (EFT)	548,890.38
Electronic Wires	123,352.77
Total	<u><u>\$ 893,255.47</u></u>

Approved by: 

Marco Camacho
Finance Manager/Treasurer

Date: 12/19/25

Approved by:

Terry Gaasterland
Mayor

Date:

Attachments: Check Registers

Bank : eusbnk EFT GENERAL ACCOUNT US BANK

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total	
7376	12/12/2025	kay01	ADAM KAYE	NOV-25	11/28/2025	COMM SRVCS NOV	3,975.00	3,975.00
	Voucher:	7376						
7377	12/12/2025	cha71	CHARTER COMM HOLDINGS	189123701	11/14/2025	FIBER CONNECTION PW NOV	567.52	
	Voucher:	7377		189123401	11/14/2025	CABLE/INTERNET PW NOV	231.19	798.71
7378	12/12/2025	coa21	COAST NEWS GROUP	00159233	11/14/2025	AD - NOTICE OF PREPARATION	143.38	
	Voucher:	7378		00159399	11/28/2025	AD - ORDIN ADOPT	62.00	205.38
7379	12/12/2025	cor07	CORODATA RECORDS MGT	RS7126102	11/30/2025	STORAGE SRVCS NOV	161.75	161.75
	Voucher:	7379						
7380	12/12/2025	cor22	CORVEL CORPORATION	1936266	11/14/2025	MED MAINT - NOV	256.00	
	Voucher:	7380		1938053	11/26/2025	WC SRVCS - NOV	189.44	
				1936861	11/15/2025	FNOL FEES - NOV	37.89	483.33
7381	12/12/2025	dix01	DIXIELINE LUMBER CO	06-0623688	12/2/2025	OPERATING SUPP PW	57.66	
	Voucher:	7381		06-0623074	11/25/2025	SM TOOLS PW	43.82	
				06-0623584	12/2/2025	OPERATING SUPP PW	34.16	
				06-0623246	11/26/2025	OPERATING SUPP PW	29.35	
				06-0622555	11/21/2025	EQUIP MAINT SUPP PW	11.24	
				06-0623554	12/1/2025	VEH MAINT SUPP PW	8.80	
				06-0623370	11/28/2025	MAINT/REPAIR SUPP PW	3.90	188.93
7382	12/12/2025	duk01	DUDEK	202507568	9/17/2025	SD LAGOON ENV SVCS AUG	2,415.00	2,415.00
	Voucher:	7382						
7383	12/12/2025	mik03	MIKHAIL OGAWA ENGINEER	12313	12/1/2025	FOG SRVCS NOV	1,523.13	
	Voucher:	7383		12314	12/1/2025	SEWER PROG SUPP NOV	959.20	
				12312	12/1/2025	DM TRASH DEVICE NOV	335.68	2,818.01
7384	12/12/2025	opt03	OPTIMIZED INVESTMENT PA	1548	12/5/2025	INVSTMT SRVCS NOV	2,669.93	2,669.93
	Voucher:	7384						
7385	12/12/2025	pru01	PRUDENTIAL OVERALL SUP	132346389	11/21/2025	UNIFORMS PW - 11/21	70.02	
	Voucher:	7385		132347544	11/28/2025	MATS PW - 11/28	15.47	
				132347545	11/28/2025	SHOP TOWELS PW - 11/28	4.41	89.90
7386	12/12/2025	sca12	SCA OF CA LLC	CA25004197	11/30/2025	SWEEPING SRVCS NOV	3,424.84	3,424.84
	Voucher:	7386						
7387	12/12/2025	wex01	WEX BANK	0496-00-495760-1	12/6/2025	GAS & OIL FIRE NOV	1,005.29	1,005.29
	Voucher:	7387						

Sub total for EFT GENERAL ACCOUNT US BANK: 18,236.07

Bank : qusbk GENERAL ACCOUNT US BANK

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total	
140478	12/12/2025	ago02	A GOOD ROOFER INC	M25528-1	11/25/2025	ROOF REPAIRS LG	16,178.00	16,178.00
		Voucher: 140478						
140479	12/12/2025	sbc03	AT&T	9391065056	11/27/2025	TELEPHONE NOV	31.01	
		Voucher: 140479		9391065055	11/27/2025	TELEPHONE NOV	30.98	61.99
140480	12/12/2025	azt02	AZTEC LANDSCAPING INC, I	J2211	11/30/2025	JANITORIAL SRVCS CH NOV	2,564.00	
		Voucher: 140480		j2212	11/30/2025	JANITORIAL SRVCS NOV	501.00	3,065.00
140481	12/12/2025	bab03	BABCOCK LABORATORIES,	CL50070-10666	12/2/2025	WATER TESTING	575.00	575.00
		Voucher: 140481						
140482	12/12/2025	bar29	BARNETT QUALITY CONTRC	25859	11/8/2025	UTILITY UG DIST X1A	4,287.36	4,287.36
		Voucher: 140482						
140483	12/12/2025	sol01	CITY OF SOLANA BEACH	221127	11/13/2025	PUMP STATION LEASE Q2	32,587.00	
		Voucher: 140483		221125	11/12/2025	PUMP STATION LEASE Q1	32,587.00	
				221128	11/24/2025	FY24 PUMP LEASE TRUEUP	3,784.00	68,958.00
140484	12/12/2025	cmr01	CMRTA	4325	12/8/2025	CMRTA MBRSHF FY26	150.00	150.00
		Voucher: 140484						
140485	12/12/2025	cou16	COUNTY OF SAN DIEGO - RI	26CTOFDMC05	12/1/2025	RCS PAGING SRVCS - NOV	70.00	70.00
		Voucher: 140485						
140486	12/12/2025	cul06	CRH CALIFORNIA WATER, IN	1496855	11/30/2025	WATER CH - NOV	159.42	
		Voucher: 140486		1492003	10/31/2025	WATER CH - OCT	100.42	259.84
140487	12/12/2025	dep04	DEPT. OF INDUSTRIAL RELA	OSIP 73538	12/1/2025	OSIP ASSESSMENT FY26	6,753.46	6,753.46
		Voucher: 140487						
140488	12/12/2025	kin02	KING GRAPHICS	51383	11/25/2025	UNIFORMS CS	150.00	150.00
		Voucher: 140488						
140489	12/12/2025	mar11	MARSHALLS INDUSTRIAL H/	795862/1	11/21/2025	SWITCHES PW	59.77	59.77
		Voucher: 140489						
140490	12/12/2025	nap01	NAPA AUTO PARTS	740979	8/12/2025	VEH MAINT SUPP PW	100.26	100.26
		Voucher: 140490						
140491	12/12/2025	nea02	NEAL ELECTRIC CORP	90169	11/21/2025	LANDSCAPE LIGHTS PHCC	1,680.00	
		Voucher: 140491		90164	11/21/2025	UPLIGHTS PHCC	1,290.00	2,970.00
140492	12/12/2025	nic04	NICOL, CARA S	12082025	12/8/2025	PHCC EVENT REFUND	800.00	800.00
		Voucher: 140492						
140493	12/12/2025	nor21	NORTH COUNTY CONCRETE	3512	11/30/2025	CONCRETE SRVCS PW	410.00	410.00
		Voucher: 140493						
140494	12/12/2025	pro24	PROGRESSIVE TECHNOLOG	594466	12/1/2025	ALARM MONITORING TH JAN/M/	162.00	
		Voucher: 140494		594465	12/1/2025	ALARM MONITORING CH JAN/M/	162.00	324.00

Bank : qusbnk GENERAL ACCOUNT US BANK (Continued)

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total	
140495	12/12/2025	rcp01	RCP BLOCK & BRICK INC.	33504518	11/21/2025	SAND/PALLET PW	775.21	775.21
		Voucher:	140495					
140496	12/12/2025	sho09	SHOPE FAMILY TRUST	12082025	12/8/2025	PHCC EVENT REFUND	800.00	800.00
		Voucher:	140496					
140497	12/12/2025	sou02	SOUTHCOAST HEATING & A	1461979	11/30/2025	HVAC SRVCS PW	698.61	698.61
		Voucher:	140497					
140498	12/12/2025	sou08	SOUTHWEST SIGNAL SERVI	84683	11/30/2025	SIGNAL MAINT NOV	490.42	
		Voucher:	140498	84684	11/30/2025	SIGNAL MAINT NOV	55.79	546.21
140499	12/12/2025	uni25	STAXUP - UNITS LLC	19306	12/5/2025	STORAGE CS DEC	289.85	289.85
		Voucher:	140499					
140500	12/12/2025	sta09	SWRCB, ATTN: AFRS	SW-0323466	11/5/2025	SWRCB ANN PERMIT PLNG	7,279.00	
		Voucher:	140500	WD-0311117	11/19/2025	ANNUAL PERMIT FEE	3,945.00	
				WD-0311475	11/19/2025	ANNUAL PERMIT FEE	2,360.00	13,584.00
140501	12/12/2025	t-mo01	T-MOBILE USA INC	980755647	11/21/2025	TELEPHONE NOV	12.10	12.10
		Voucher:	140501					
140502	12/12/2025	tor09	TORREY PACIFIC CORP	11262025	11/26/2025	REIMB SPRING TREE TRIMMING	3,328.00	3,328.00
		Voucher:	140502					
140503	12/12/2025	tor09	TORREY PACIFIC CORP	11262025	11/26/2025	REIMB FALL TREE TRIMMING	3,328.00	3,328.00
		Voucher:	140503					
140504	12/12/2025	tre07	TRENT DATA SYSTEMS IN	56117	11/21/2025	COMPUTER MAINT LFGDS	606.75	606.75
		Voucher:	140504					
140505	12/12/2025	uli02	ULINE	201276445	12/2/2025	UNIFORMS PW	59.62	59.62
		Voucher:	140505					
140506	12/12/2025	und01	UNDERGROUND SERVICE A	1120250240	12/1/2025	CONT SRVCS NOV	166.00	
		Voucher:	140506	25-261684	12/1/2025	CA STATE FEES	67.58	233.58
140507	12/12/2025	ver03	VERIZON WIRELESS	872374736-00003	11/18/2025	TELEPHONE NOV	266.88	
		Voucher:	140507	542070053-00002	11/20/2025	TELEPHONE NOV	168.70	435.58
140508	12/12/2025	cal86	VULCAN MATERIALS CO	5110576	11/21/2025	OPERATING SUPP PW	1,319.97	1,319.97
		Voucher:	140508					
140509	12/12/2025	wax02	WAXIE'S ENTERPRISES, LLC	83658733	11/25/2025	JANITORIAL SUPPLIES	871.35	
		Voucher:	140509	83667768	12/2/2025	JANITORIAL SUPPLIES	833.73	
				83665071	12/1/2025	JANITORIAL SUPPLIES	142.90	1,847.98
140510	12/12/2025	wes24	WESTFLEX INDUSTRIAL	5009620	11/18/2025	OPERATING SUPP PW	530.98	530.98
		Voucher:	140510					

Bank : qusbnk GENERAL ACCOUNT US BANK (Continued)

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
140511	12/12/2025	whi28 WHITE, ANNE	Ref000182795	12/4/2025	UB Refund Cst #00008434	170.53	170.53
		Voucher: 140511					
140512	12/12/2025	wil110 WILEY, DARRIN	12042025	12/4/2025	PHCC EVENT REFUND	800.00	800.00
		Voucher: 140512					
Sub total for GENERAL ACCOUNT US BANK:							134,539.65

47 checks in this report.

Grand Total All Checks: 152,775.72



Bank : qusbnk GENERAL ACCOUNT US BANK

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total	
4182	12/12/2025	irs01	IRS, UNITED STATES TREAS	Ben182887	12/12/2025	FEDERAL TAX: PAYMENT	44,961.27	44,961.27
		Voucher:	4182					
4187	12/12/2025	per01	PERS	Ben182889	12/12/2025	PERS CONTRIBUTIONS: PAYMEN	57,143.41	57,143.41
		Voucher:	4187					
4188	12/12/2025	edd01	EMPLOYMENT DEVELOPME	Ben182891	12/12/2025	STATE TAX: PAYMENT	12,891.64	12,891.64
		Voucher:	4188					
4189	12/12/2025	per02	PERS 457	Ben182893	12/12/2025	CALPERS 457 DEFERRED COMF	3,026.49	3,026.49
		Voucher:	4189					
Sub total for GENERAL ACCOUNT US BANK:							118,022.81	

Bank : eusbnk EFT GENERAL ACCOUNT US BANK

<u>Check #</u>	<u>Date</u>	<u>Vendor</u>	<u>Invoice</u>	<u>Inv Date</u>	<u>Description</u>	<u>Amount Paid</u>	<u>Check Total</u>
7388	12/12/2025	mis07	107413 STATE ST BANK & TF Ben182883	12/12/2025	401A PLAN: PAYMENT	555.16	555.16
		Voucher:	7388				
7389	12/12/2025	mis08	303845 STATE ST BANK & TF Ben182875	12/12/2025	MISSION SQUARE 457B: PAYMEI	8,482.13	8,482.13
		Voucher:	7389				
7390	12/12/2025	mis09	803808 STATE ST BANK & TF Ben182885	12/12/2025	RETIREMENT HEALTH SAVINGS	748.81	748.81
		Voucher:	7390				
7391	12/12/2025	uni21	DEL MAR CITY EMPLOYEES Ben182877	12/12/2025	DMCEA DUES: PAYMENT	273.00	273.00
		Voucher:	7391				
7392	12/12/2025	nat15	NATIONAL BENEFIT SERVICE Ben182881	12/12/2025	SEC. 125 FLEXIBLE SAVINGS AC	1,856.19	1,856.19
		Voucher:	7392				
7393	12/12/2025	par21	U.S. BANK PARS FFC 674602 Ben182879	12/12/2025	PUBLIC AGENCY RETIREMENT S	1,668.01	1,668.01
		Voucher:	7393				
Sub total for EFT GENERAL ACCOUNT US BANK:							13,583.30

10 checks in this report.

Grand Total All Checks: 131,606.11



Bank : eusbnk EFT GENERAL ACCOUNT US BANK

<u>Check #</u>	<u>Date</u>	<u>Vendor</u>	<u>Invoice</u>	<u>Inv Date</u>	<u>Description</u>	<u>Amount Paid</u>	<u>Check Total</u>
7394	12/16/2025	22n01	22ND DISTRICT AGRICULTUI	14322	10/20/2025	FG AFFORDABLE HSNG - Q1	142,162.78
	Voucher:	7394					
Sub total for EFT GENERAL ACCOUNT US BANK:							142,162.78

1 checks in this report.

Grand Total All Checks: 142,162.78



Bank : eusbnk EFT GENERAL ACCOUNT US BANK

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
7395	12/16/2025	mis08	303845 STATE ST BANK & TF SPCL20251216ICI	12/15/2025	457 PLAN 303845 CONTRIBUTIOI	260.48	260.48
	Voucher:	7395					
Sub total for EFT GENERAL ACCOUNT US BANK:							260.48

Bank : qusbk GENERAL ACCOUNT US BANK

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total	
8135	12/16/2025	irs01	IRS, UNITED STATES TREAS	SPCL20251216IR	12/15/2025	FEDTAX	911.53	911.53
		Voucher:	8135					
8136	12/16/2025	edd01	EMPLOYMENT DEVELOPME	SPCL20251216EC	12/15/2025	STTAX	129.25	129.25
		Voucher:	8136					
8137	12/16/2025	per01	PERS	SPCL20251216PE	12/15/2025	CALPERS ID 7409953276	4,289.18	4,289.18
		Voucher:	8137					
Sub total for GENERAL ACCOUNT US BANK:								5,329.96

4 checks in this report.

Grand Total All Checks: 5,590.44



Bank : eusbnk EFT GENERAL ACCOUNT US BANK

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total	
7396	12/19/2025	civ02	CIVIC SOLUTIONS INC	107418	12/2/2025	CONSULTING SRVCS NOV	12,180.00	12,180.00
	Voucher:	7396						
7397	12/19/2025	coa21	COAST NEWS GROUP	00159486	12/5/2025	AD - PUBLIC HEARING	166.63	
	Voucher:	7397		00159481	12/5/2025	AD - PUBLIC HEARING	162.75	
				00159487	12/5/2025	AD - PUBLIC HEARING	143.38	
				00159488	12/5/2025	AD - PUBLIC HEARING	135.63	
				00159482	12/5/2025	AD - PUBLIC HEARING	116.25	724.64
7398	12/19/2025	cor23	CORODATA SHREDDING INC DN 1552871		11/30/2025	SHREDDING SRVCS NOV	50.82	50.82
	Voucher:	7398						
7399	12/19/2025	dev02	DEVANEY PATE MORRIS & C	11221	12/12/2025	LEGAL FEES NOV	9,048.00	
	Voucher:	7399		11220	12/12/2025	LEGAL FEES NOV	886.50	
				11208	12/12/2025	LEGAL FEES NOV	402.00	
				11209	12/12/2025	LEGAL FEES NOV	122.00	
				11219	12/12/2025	LEGAL FEES NOV	49.00	10,507.50
7400	12/19/2025	dix01	DIXIELINE LUMBER CO	06-0624319	12/8/2025	TOOLS PW	59.19	
	Voucher:	7400		06-0625080	12/12/2025	OPERATING SUPP FIRE	27.04	
				06-0624321	12/8/2025	TOOLS PW	23.42	
				06-0623057	11/25/2025	OPERATING SUPP PW	23.15	
				06-0624325	12/8/2025	TOOLS PW	20.24	
				06-0624276	12/8/2025	ELECTRICAL SUPP PW	19.56	172.60
7401	12/19/2025	duk01	DUDEK	202509504	11/20/2025	SD LAGOON ENV SVCS OCT	9,168.75	
	Voucher:	7401		202510136	12/3/2025	SD LAGOON ENV SVCS OCT	46,582.21	55,750.96
7402	12/19/2025	fer07	FERGUSON ENTERPRISES I	0896724	12/5/2025	WATER METER PARTS	1,494.88	
	Voucher:	7402		0896467	12/5/2025	WATER METER PARTS	1,081.03	2,575.91
7403	12/19/2025	ful01	KURT MORGAN	44517	12/12/2025	BUSINESS CARDS	58.50	58.50
	Voucher:	7403						
7404	12/19/2025	man12	MANERI TRAFFIC CONTROL	24685	11/23/2025	STREET SIGNS PW	408.90	408.90
	Voucher:	7404						
7405	12/19/2025	mic11	MICHAEL BAKER INTERNATI	1268023	11/19/2025	CITY ENGR SRVCS OCT	56,566.77	56,566.77
	Voucher:	7405						
7406	12/19/2025	mik03	MIKHAIL OGAWA ENGINEER	12310	12/1/2025	CLEAN WATER SRVCS NOV	24,178.65	
	Voucher:	7406		12311	12/1/2025	SAN DIEGUITO TMDL NOV	668.76	24,847.41
7407	12/19/2025	nce01	NORTH COUNTY EVS INC	9027	12/12/2025	FIRE ENGINE MAINT #E238	36,017.47	36,017.47
	Voucher:	7407						

Bank : eusbnk EFT GENERAL ACCOUNT US BANK (Continued)

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total	
7408	12/19/2025	par51	PARKWOOD LANDSCAPE M, 110301	10/31/2025	LANDSCAPE SRVCS SHORES O	490.00	490.00	
		Voucher:	7408					
7409	12/19/2025	pit01	PITNEY BOWES GLOBAL FIN 3107535598	12/11/2025	EQUIP RENTAL 10/30 - 1/29	974.94	974.94	
		Voucher:	7409					
7410	12/19/2025	san03	SAN DIEGO COUNTY WATEF 1125-2	12/9/2025	RAW WATER NOV	129,986.80	129,986.80	
		Voucher:	7410					
7411	12/19/2025	tru09	TRUE NORTH COMPLIANCE DM25-11	12/2/2025	BLDG CODE PC INSP NOV	25,754.27	25,754.27	
		Voucher:	7411					
7412	12/19/2025	uti01	UTILITY SPECIALISTS INC 31128	11/30/2025	UP - 1A STRATFORD S OCT	13,361.25		
		Voucher:	7412	31131	11/30/2025	UP - X1A CREST CNYN REIMB	633.91	
				31130	11/30/2025	UP - 1B STRATFORD N REIMB	18.20	14,013.36
7413	12/19/2025	wex01	WEX BANK 0496-00-496530-7	12/6/2025	GAS & OIL PW NOV	3,366.90	3,366.90	
		Voucher:	7413					
7414	12/19/2025	gan04	WILLIAM GANDER, DBA RES DM-RT20251205	12/5/2025	SOLAR MONITORING NOV	200.00	200.00	
		Voucher:	7414					
Sub total for EFT GENERAL ACCOUNT US BANK:							374,647.75	

Bank : qusbnk GENERAL ACCOUNT US BANK

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total	
140513	12/19/2025	ame15	AMERICAN SOCIETY OF CIV	1047210445	12/17/2025	MBRSHJ. BRIDE	321.00	321.00
		Voucher: 140513						
140514	12/19/2025	sbc03	AT&T	9391059863	12/1/2025	TELEPHONE NOV	672.37	672.37
		Voucher: 140514						
140515	12/19/2025	azt02	AZTEC LANDSCAPING INC, I	J2218	12/8/2025	JANITORIAL SUPP NOV	294.80	
		Voucher: 140515		J2217	12/8/2025	JANITORIAL SUPP NOV	212.06	506.86
140516	12/19/2025	bab03	BABCOCK LABORATORIES,	CL50379-10666	12/8/2025	WATER TESTING	630.00	630.00
		Voucher: 140516						
140517	12/19/2025	bak01	BAKER IRON WORKS INC.	98824	12/9/2025	RESCUE BOAT DEPOSIT	2,500.00	2,500.00
		Voucher: 140517						
140518	12/19/2025	res01	CALWEN INC, DBA RESCUE	136950	11/26/2025	RESCUE EQUIP LFGRDS	2,413.73	
		Voucher: 140518		138934	12/4/2025	LIFEGUARD TOOLS	186.77	2,600.50
140519	12/19/2025	cin02	CINTAS	5307147301	12/10/2025	FIRST AID KIT SUPP PW	156.46	
		Voucher: 140519		5307147305	12/10/2025	FIRST AID KIT SUPP CH	125.27	281.73
140520	12/19/2025	cou03	COUNTY OF SAN DIEGO-A/F	2025460234	11/26/2025	RECORDING FEE	2.00	2.00
		Voucher: 140520						
140521	12/19/2025	dav24	DAVIS FARR LLP	3878	12/8/2025	AUDIT SRVCS JUL/NOV	25,000.00	25,000.00
		Voucher: 140521						
140522	12/19/2025	del06	DEL MAR AUTOMOTIVE SER	051397	12/8/2025	VEH MAINT PW #79	108.66	
		Voucher: 140522		051378	12/4/2025	VEH MAINT PW #72	87.88	196.54
140523	12/19/2025	fis12	FISHER INTEGRATED INC	2312	12/1/2025	VIDEO STREAMING NOV	1,100.00	
		Voucher: 140523		2300	11/3/2025	VIDEO STREAMING OCT	550.00	1,650.00
140524	12/19/2025	fri06	FRIEDMAN & SPRINGWATEF	1001019	12/9/2025	UG CONSULT SRVCS	3,808.00	3,808.00
		Voucher: 140524						
140525	12/19/2025	fur01	FURGERSON'S GARAGE	123609	12/4/2025	VEH MAINT CS	58.75	
		Voucher: 140525		123612	12/4/2025	VEH MAINT CS	58.75	
				123621	12/5/2025	VEH MAINT CS	58.75	176.25
140526	12/19/2025	haw01	HAWTHORNE MACHINERY C	PS001012407	11/26/2025	CATERPILLAR REPAIR PW	76.33	76.33
		Voucher: 140526						
140527	12/19/2025	kul04	KULLY SUPPLY INC	693215	12/9/2025	MAINT/REPAIR SUPP PW	566.10	566.10
		Voucher: 140527						
140528	12/19/2025	mar55	MARIANI, JAMES	12152025	12/15/2025	CITATION REFUND	54.00	54.00
		Voucher: 140528						
140529	12/19/2025	mar11	MARSHALLS INDUSTRIAL H/	796312/1	12/9/2025	OPERATING SUPP PW	493.09	493.09
		Voucher: 140529						

Bank : qusbnk GENERAL ACCOUNT US BANK (Continued)

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
140530	12/19/2025	con17	OCCUPATIONAL HEALTH CT 89071267	11/28/2025	EMPLOYEE TESTING NOV	206.00	
	Voucher:	140530	88926421	11/13/2025	EMPLOYEE TESTING NOV	101.00	307.00
140531	12/19/2025	pac05	PACIFIC PIPELINE SUPPLY S100483080-001	12/3/2025	WATER METER PARTS	1,537.28	1,537.28
	Voucher:	140531					
140532	12/19/2025	fir12	PAUL ROTTENBERG, DBA FI 2025-351	12/12/2025	FIRE STATS PROG NOV	125.00	125.00
	Voucher:	140532					
140533	12/19/2025	pre06	PRECISION CONCRETE CUT 25-0365	12/5/2025	RISK ASSESSMENT	5,483.50	5,483.50
	Voucher:	140533					
140534	12/19/2025	rec01	RECON ENVIRONMENTAL IN 72312	11/21/2025	CDM SEAWALL	1,164.00	1,164.00
	Voucher:	140534					
140535	12/19/2025	san138	SAN DIEGO ELEVATOR & LIF 11911	12/4/2025	ELEVATOR MAINT CH DEC	200.00	200.00
	Voucher:	140535					
140536	12/19/2025	sdg02	SAN DIEGO GAS & ELECTRI 0081 7377 2988 5	12/5/2025	UTILITIES NOV	12,140.13	
	Voucher:	140536	0066 5491 6833 1	12/5/2025	UTILITIES NOV	6,367.14	
			2100 0065 8024 7	12/8/2025	UTILITIES NOV	1,415.41	
			0067 3735 0888 1	12/4/2025	UTILITIES NOV	330.72	
			0092 4576 5583 8	12/12/2025	UTILITIES NOV	180.21	
			0012 6209 1548 9	12/2/2025	UTILITIES NOV	113.15	
			0085 7750 3585 7	12/4/2025	UTILITIES NOV	20.71	
			0066 5491 5032 1	12/3/2025	UTILITIES NOV	11.75	20,579.22
140537	12/19/2025	sig12	SIGNA DIGITAL SOLUTIONS AR-S339372	12/12/2025	COPIER MTC - FINANCE	396.46	396.46
	Voucher:	140537					
140538	12/19/2025	ter11	TERMINIX COMMERCIAL 466679835	12/5/2025	PEST CONTROL CH - DEC	159.00	
	Voucher:	140538	466678613	12/5/2025	PEST CONTROL CS - DEC	128.26	
			466679871	12/5/2025	PEST CONTROL - LIBRARY	113.26	
			466678653	12/5/2025	PEST CONTROL PHCC - DEC	109.18	509.70
140539	12/19/2025	ter01	TERMINIX INT CO LTD, PART 466141718	11/19/2025	PEST CONTROL PW NOV	140.98	140.98
	Voucher:	140539					
140540	12/19/2025	the49	THE RED NOSE RUN 12152025	12/15/2025	PHCC EVENT REFUND	800.00	800.00
	Voucher:	140540					
140541	12/19/2025	vec01	VECTOR RESOURCES INC 105822	12/16/2025	LOCK DOWN BUTTONS	3,995.23	3,995.23
	Voucher:	140541					
140542	12/19/2025	ver12	VERIZON Z1860861	12/8/2025	TELEPHONE NOV	2.64	2.64
	Voucher:	140542					

Bank : qusbk GENERAL ACCOUNT US BANK (Continued)

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total	
140543	12/19/2025	via01	VIATRON SYSTEMS INC	MPJ9792	12/11/2025	ANNUAL SFTWR MTC EDMS	9,471.00	9,471.00
		Voucher:	140543					
140544	12/19/2025	was02	WASTE MANAGEMENT OF C	0010339-4653-2	12/1/2025	MULCH PW	556.88	556.88
		Voucher:	140544					
140545	12/19/2025	wax02	WAXIE'S ENTERPRISES, LLC	83674232	12/5/2025	JANITORIAL SUPPLIES	737.11	737.11
		Voucher:	140545					
140546	12/19/2025	wes29	WEST COAST ARBORISTS IN	1-11743	12/8/2025	ARBORIST SRVCS STRATFORD	680.00	680.00
		Voucher:	140546					
140547	12/19/2025	wes24	WESTFLEX INDUSTRIAL	5009622	12/5/2025	ASPHALT CUTTER PW	251.90	251.90
		Voucher:	140547					
Sub total for GENERAL ACCOUNT US BANK:							86,472.67	

54 checks in this report.

Grand Total All Checks: 461,120.42





City of Del Mar Agenda Report

TO: Honorable Mayor and City Councilmembers

FROM: Kseniia Izgarskaia, Senior Management Analyst
Marco Camacho, Finance Manager/Treasurer
Via Ashley Jones, City Manager

DATE: January 6, 2026

SUBJECT: Agreement with Hinderliter, de Llamas & Associates for Sales, Use, and District Tax Information, Audit, and Consulting Services

REQUESTED ACTION/RECOMMENDATION:

Staff recommends the City Council: 1) Approve an Agreement for Sales, Use, and District Tax Information, Audit, and Consulting Services with Hinderliter, de Llamas & Associates (HdL) (Attachment A); and 2) Authorize the City Manager to execute the Agreement and any subsequent amendments provided for under the Agreement contingent upon satisfactory performance by the consultant.

BACKGROUND:

The City has historically contracted with an outside consulting firm to provide sales, use, and district tax information, audit, and consulting services related to the collection of Bradley-Burns sales tax revenue and Measure Q district transactions and use tax revenue. Since 2021, the City has contracted with HdL for these services. HdL's current contract is set to expire on January 11, 2026.

DISCUSSION/ANALYSIS:

On October 20, 2025, the City issued a Request for Qualifications (RFQ 2025-07) soliciting proposals from qualified firms to provide sales, use and district tax information, audit and consulting services for an initial three-year period with an option to extend the agreement for an additional two-year period. The sole firm that submitted a proposal was HdL.

HdL's proposal was evaluated by staff based on their experience, qualifications, customer service, and the audit and sales tax management strategy they demonstrated through years of satisfactory performance under their expiring agreement. Proposed costs and fees were also evaluated to ensure they were in line with current market rates for the services to be provided.

HdL is a proven industry leader in local tax management programs with technology-driven resources, expertise, and responsive customer service. They maintain the largest privately held sales, property, and business tax databases in California and are recognized pioneers in the field of local tax discovery, compliance, and administration services.

City Council Action:

Based on HdL's performance with Del Mar and their new proposal, staff recommends that the City Council approve the Agreement (Attachment A) with HdL for an initial period beginning on January 12, 2026, and ending on January 12, 2029, with the option to extend the agreement upon satisfactory service for an additional two-year period.

FISCAL IMPACT:

There is no fiscal action to be taken for this agenda item. The ongoing cost for sales tax consulting services, including access to HdL's web-based database, is \$7,600 annually. Funds for these services are included in the adopted Fiscal Year 2025-2026 and 2026-2027 Operating and Capital Budget.

ENVIRONMENTAL IMPACT:

The proposed City Council action does not constitute a "project" under the definition set forth in California Environmental Quality Act (CEQA) Guidelines Section 15378 because it will not have a potential to result in a direct or indirect physical change in the environment and is, therefore, not subject to CEQA.

NEXUS TO CITY COUNCIL GOALS AND PRIORITIES:

This is an operational item and is not related to City Council Goals and Priorities.

ATTACHMENTS:

Attachment A – Agreement with HdL for Sales, Use, and District Tax Information, Audit, and Consulting Services

**PROFESSIONAL SERVICES AGREEMENT BETWEEN
THE CITY OF DEL MAR AND HINDERLITER, DE LLAMAS & ASSOCIATES (HDL COMPANIES)
FOR SALES, USE AND DISTRICT TAX INFORMATION, AUDIT AND CONSULTING SERVICES**

This Professional Services Agreement (“Agreement”) is made and entered into this 12th day of January 2026, by and between the City of Del Mar, a Charter City and a municipal corporation (“City”), and Hinderliter, De Llamas & Associates (Hdl Companies) (“Consultant”) (collectively “Parties”).

WHEREAS, the City desires to employ a consultant to provide sales, use and district tax information, audit and consulting services (“Consulting Services”). Said work is to be performed in accordance with the terms and conditions set forth below and as described in the scope of services, attached hereto as Exhibit “A” and incorporated herein; and

WHEREAS, the City has initially determined that Consultant is qualified by experience and ability to perform the services desired by City, and Consultant is willing to perform such services; and

WHEREAS, Consultant will conduct all the work as described and detailed in this Agreement to be provided to the City.

NOW, THEREFORE, the Parties hereto mutually covenant and agree with each other as follows:

1. CONSULTING SERVICES.

1.1 Scope of Services. The Consultant shall perform the Consulting Services as set forth in the written Scope of Services, attached hereto as **Exhibit “A”** and incorporated herein. Such services shall be provided at the direction of the City.

1.2. Designated Point of Contact. City shall provide Consultant access to appropriate staff and resources for the coordination and provision of services. Prior to the start of services, each Party shall identify for the other a designated point of contact for administration and oversight of the services to be provided under this Agreement, with notification of any change to the point of contact within thirty (30) days.

1.3. City Modification of Scope of Services. City may order changes to the Scope of Services within the general scope of this Agreement consisting of additions, deletions, or other revisions. If such changes cause a change in the Consultant’s cost of, or time required for, completion of the Scope of Services, an equitable adjustment to Consultant’s compensation and/or contract time shall be made, subject to the City’s approval. All such changes shall be authorized in writing, executed by Consultant and City. If such a change results in an extension of the term of this Agreement or increases the maximum amount to be paid under this Agreement, no such change shall have any force or effect unless an amendment to this Agreement is approved by the City Council.

2. DURATION OF AGREEMENT.

2.1 Term, Time for Performance. This Agreement shall be effective for a period of three (3) years beginning on the date first written above. The Agreement may be extended for an additional two (2) year period, upon written approval of both parties. Time is of the essence for this Agreement and each provision of this Agreement, unless otherwise specified in this Agreement.

2.2 Delay. Any delay occasioned by causes beyond the control of Consultant may merit an extension of time for the completion of the Scope of Services. When such delay occurs, Consultant shall immediately notify the Project Coordinator in writing of the cause and the extent of the delay, whereupon the Project Coordinator shall ascertain the facts and the extent of the delay and grant an extension of time for the completion of the Consulting Services when justified by the circumstances provided that no extension of time shall be granted which would extend the time for performance beyond the date specified in section 2.1 above.

2.3 City's Right to Terminate for Default. Should Consultant be in default of any covenant or condition hereof, City may immediately terminate this Agreement for cause if Consultant fails to cure the default within ten (10) calendar days of receiving written notice of the default.

2.4 City's Right to Terminate without Cause. Without limiting its rights in the event of Consultant's default, City may terminate this Agreement, without cause, by giving written notice to Consultant. Such termination shall be effective upon receipt of the written notice. Consultant shall be compensated for all effort and material expended on behalf of City under the terms of this Agreement, up to the effective date of termination. All personal property remaining in City facilities or on City property thirty (30) days after the expiration or termination of this Agreement shall be, at City's election, considered the property of City.

3. PERFORMANCE AFTER TERMINATION. Upon termination of this Agreement as provided herein, Consultant shall, within such reasonable time period as may be directed by City Manager, complete those items of work which are in various stages of completion and which City Manager determines are necessary to be completed by Consultant to allow the project to be completed in a timely, logical, and orderly manner. Upon termination, all finished or unfinished documents, data, studies, surveys, drawings, models, photographs, reports, and other materials prepared by Consultant shall be delivered to the City Manager, upon his request, as property of City.

4. COMPENSATION.

4.1 Total Amount. Compensation to Consultant shall be provided in accordance with the rates described in the Scope of Services contained in **Exhibit "B"** and incorporated herein. Consultant shall bill the City for work provided and shall present a written request for such payment quarterly. City shall pay all invoices in arrears and shall in no event be required to pay for any services provided by Consultant in advance. Consultant acknowledges that it is not guaranteed any particular amount of work.

4.2 Additional Services. City may, as the need arises or in the event of an emergency, request additional services of Consultant. Should such additional services be required, Compensation therefore shall be paid to the Consultant in accordance with Scope of Services contained in Exhibit "A." City and Consultant shall agree to the costs prior to commencement of such work.

5. INDEPENDENT CONTRACTOR. Consultant is, for all purposes arising out of this Agreement, an independent contractor. The Consultant has and shall retain the right to exercise full control and supervision of all persons assisting the Consultant in the performance of said services hereunder, the City only being concerned with the finished results of the work being performed. Neither Consultant nor Consultant's employees shall in any event be entitled to any benefits to which City employees are entitled, including, but not limited to, overtime, any retirement benefits, workers' compensation benefits, any injury leave or other leave benefits,

Consultant being solely responsible for all such matters, as well as, compliance with social security and income tax withholding and all other regulations and laws governing such matters.

6. STATEMENT OF EXPERIENCE. Consultant agrees that it has the financial resources, service experience, completion ability, personnel, and experience in dealing with public agencies necessary for performing the Scope of Services and that such performance shall be in accordance with the standards customarily adhered to by an experienced and competent Consultant using the degree of care and skill ordinarily exercised by reputable Consultants practicing in the same field of service in the State of California. By executing this Agreement, Consultant represents that it has demonstrated trustworthiness and possesses the quality, fitness, and capacity to perform the Agreement in a manner satisfactory to City. Additionally, Consultant and all of Consultant's employees or agents shall secure and maintain in force such permits and licenses as are required by law in connection with the furnishing of services pursuant to this Agreement.

7. AUDIT OF RECORDS.

7.1 At any time during normal business hours and as often as may be deemed necessary, the Consultant shall make available to a representative of City for examination all of its records with respect to all matters covered by this Agreement and shall permit City to audit, examine, and/or reproduce such records. Consultant shall retain such financial and program service records for at least four (4) years after termination or final payment under this Agreement.

7.2 The Consultant shall include the City's right to audit under this section in any and all of their subcontracts, and shall ensure that these sections are binding upon all subcontractors.

8. CONFIDENTIALITY. All Consulting services performed by Consultant, including, but not limited to, all drafts, data, correspondence, proposals, reports, research and estimates compiled or composed by Consultant, pursuant to this Agreement, are for the sole use of the City, its agents and employees. Neither the documents nor their contents shall be released to any third party without the prior written consent of the City. This provision does not apply to information that (a) was publicly known, or otherwise known to Consultant, at the time that it was disclosed to Consultant by the City, (b) subsequently becomes publicly known through no act or omission of Consultant or (c) otherwise becomes known to Consultant other than through disclosure by the City. Except for any subcontractors that may be allowed upon prior agreement, neither the documents nor their contents shall be released to any third party without the prior written consent of the City. The sole purpose of this section is to prevent disclosure of City's confidential and proprietary information by Consultant or subcontractors.

9. CONFLICTS OF INTEREST.

9.1 Consultant shall at all times comply with all federal, state and local conflict of interest laws, regulations, and policies applicable to public contracts and procurement practices, including, but not limited to, California Government Code §§ 81000 et seq. (Political Reform Act) and §§ 1090 et seq. Consultant shall immediately disqualify itself and shall not use its official position to influence in any way any matter coming before the City in which the Consultant has a financial interest as defined in Government Code § 87103. Consultant represents that it has no knowledge of any financial interests, which would require it to disqualify itself from any matter on which it might perform services for the City.

9.2 Consultant shall comply with all of the reporting requirements of the Political Reform Act. The Consultant shall file a Fair Political Practices Commission Form 700 (Assuming Office Statement) within thirty (30) calendar days of the City's determination that the Consultant is subject to a conflict of interest code, if applicable. The Consultant shall also file a Form 700 (Annual Statement) on or before April 1, disclosing any financial interests held during the previous calendar year for which the Consultant was subject to a conflict of interest code.

9.3 If, in performing the Consulting Services set forth in this Agreement, the Consultant makes, or participates in, a "governmental decision" as described in Title 2, section 18704 of the California Code of Regulations, or performs the same or substantially all the same duties for the City that would otherwise be performed by a City employee holding a position specified in the department's conflict of interest code, the Consultant shall be subject to a conflict of interest code requiring the completion of one or more statements of economic interests disclosing the Consultant's relevant financial interests.

10. OWNERSHIP OF DOCUMENTS. All documents, data, studies, drawings, maps, models, photographs and reports prepared by Consultant under this Agreement shall be considered the property of City. Consultant shall be permitted to reference and use said materials for use in future studies, work, and marketing so long as said materials are considered "public documents" and are not subject to attorney-client privilege, or the subject of pending closed or executive session discussions.

11. INSURANCE

11.1 Consultant shall procure and maintain for the duration of the Agreement insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder and the results of that work by the Consultant, their agents, representatives, employees or subcontractors. Insurance shall be placed with insurers with a current A.M. Best's rating of no less than "A" and "VII" and are admitted to do business in the State of California, unless otherwise approved in writing by the City's Risk Manager.

11.2 Consultant's liabilities, including but not limited to Consultant's indemnity obligations, under this Agreement, shall not be deemed limited in any way to the insurance coverage required herein. All policies of insurance required hereunder must provide that the City is entitled to thirty (30) days prior written notice (ten (10) days for cancellation due to non-payment of premium) of cancellation or non-renewal of the policy or policies. Maintenance of specified insurance coverage is a material element of this Agreement.

11.3 Types and Amounts Required. Consultant shall maintain, at minimum, the following insurance coverage for the duration of this Agreement:

11.3.1 Commercial General Liability (CGL). Insurance written on an ISO Occurrence form CG 00 01 07 98 or equivalent providing coverage at least as broad which shall cover liability arising from any and all personal injury or property damage in the amount of **\$1,000,000** per occurrence and subject to an annual aggregate of **\$2,000,000**. There shall be no endorsement or modification of the CGL limiting the scope of coverage for either insured vs. insured claims or contractual liability. All defense costs shall be outside the limits of the policy.

11.3.2 Commercial Automobile Liability. For all of the Consultant's automobiles including owned, hired and non-owned automobiles, automobile insurance written on an ISO form CA 00 01 12 90 or a later version of this form or an equivalent form providing

coverage at least as broad for bodily injury and property damage for a combined single limit of **\$300,000** per occurrence. Insurance certificate shall reflect coverage for any automobile (any auto).

11.3.3 Workers' Compensation. For all of the Consultant's employees who are subject to this Agreement and to the extent required by applicable state or federal law, a Workers' Compensation policy providing at minimum **\$1,000,000** employers' liability coverage. The Consultant shall provide an endorsement that the insurer waives the right of subrogation against the City and its respective elected officials, officers, employees, agents and representatives.

11.3.4 Consulting Liability. Consulting liability (errors and omissions) coverage with a limit of **\$1,000,000** per claim and **\$2,000,000** annual aggregate. The Consultant shall ensure both that (1) the policy retroactive date is on or before the date of commencement of the Scope of Services; and (2) the policy will be maintained in force for a period of three years after substantial completion of the Scope of Services or termination of this Agreement whichever occurs last. The Consultant agrees that for the time period defined above, there will be no changes or endorsements to the policy that increase the City's exposure to loss. All defense costs shall be outside the limits of the policy.

11.4 Deductibles and Self-Insured Retentions. Any deductibles or self-insured retentions are the responsibility of the Consultant and must be declared to and approved by the City. At the option of the City, either (1) the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the City, its officers, officials, employees, and volunteers, or (2) the Consultant shall provide a financial guarantee satisfactory to the City guaranteeing payment of losses and related investigations, claim administration, and defense expenses.

11.5 Additional Required Provisions. The commercial general liability and automobile liability policies shall contain, or be endorsed to contain, the following provisions:

11.5.1 The City, its officers, officials, employees, and representatives shall be named as additional insureds. The City's Additional Insured status must be reflected on additional insured endorsement form which shall be submitted to the City.

11.5.2 The policies are primary and non-contributory to any insurance that may be carried by the City, as reflected in an endorsement which shall be submitted to the City.

11.6 Verification of Coverage. Consultant shall furnish the City with original certificates and amendatory endorsements affecting coverage required by this Section 11. The endorsement should be on forms provided by the City or on other than the City's forms provided those endorsements conform to City requirements. All certificates and endorsements are to be received and approved by the City before work commences. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements affecting the coverage required by these specifications at any time.

12. DEFENSE AND INDEMNIFICATION.

12.1 Consultant agrees to indemnify, defend (with attorneys approved by City), and hold harmless the City, and its officers, officials, agents and employees (the "Indemnified Parties") from any and all claims, demands, costs or liability that arise out of, or pertain to, or

relate to the Consultant, its employees, agents, and subcontractors performance of services under this Agreement. Consultant's duty to indemnify under this section shall not include liability for damages for death or bodily injury to persons, injury to property, or other loss, damage or expense arising from the sole negligence or willful misconduct by the City or its elected officials, officers, agents, and employees. Consultant's indemnification obligations shall not be limited by the insurance provisions of this Agreement. The Parties expressly agree that any payment, attorney's fees, costs or expense City incurs or makes to or on behalf of an injured employee under the City's self-administered workers' compensation is included as a loss, expense, or cost for the purposes of this section, and that this section will survive the expiration or early termination of this Agreement.

12.2 This indemnity is in addition to any other rights or remedies which City may have under the law or this Agreement. In the event of any claim or demand made against any party which is entitled to be indemnified hereunder, City may, at its sole discretion, reserve, retain or apply any monies due to Consultant under this Agreement for the purpose of resolving such claims; provided however, that City may release such funds if Consultant provides City with reasonable assurances of protection of the City's interest. The City shall, in its sole discretion determine whether such assurances are reasonable.

12.3 Consultant agrees that its duty to defend arises upon an allegation of liability based upon the performance of services under this Agreement by Consultant, its officers, agents, representatives, employees, sub-consultants, or anyone for whom Consultant is liable and that an adjudication of Consultant's liability is not a condition precedent to Consultant's duty to defend.

13. SUBCONTRACTORS.

13.1 The Consultant's hiring or retaining of third parties (i.e. subcontractors) to perform services related to the Project is subject to prior approval by the City.

13.2 All contracts entered into between the Consultant and its subcontractor shall also provide that each subcontractor shall obtain insurance policies, which shall be kept in full force and effect during any and all work on this Project and for the duration of this Agreement. The Consultant shall require the subcontractor to obtain all policies described in section 11 of this Agreement in the amounts required by the City, which shall not be greater than the amounts required of the Consultant.

13.3 In any dispute between the Consultant and its subconsultants, the City shall not be made a party to any judicial or administrative proceeding to resolve the dispute. The Consultant agrees to defend and indemnify the City as described in section 12 of this Agreement should the City be made a party to any judicial or administrative proceeding to resolve any such dispute or should the City incur any costs in responding to third-party discovery requests.

14. NON-DISCRIMINATION. Consultant shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, ancestry, physical or mental disability, medical condition, genetic information, marital status, military or veteran status, gender, gender identity, gender expression, sexual orientation, or any other class protected under state, federal, or local law. Consultant shall take affirmative action to insure that applicants are employed and that employees are treated during employment without regard to any class or category protected under state, federal, or local law and shall make reasonable accommodation to qualified individuals with disabilities. Such action shall include,

but not be limited to, the following: employment, upgrading, demotion, transfer, recruitment, or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. Consultant agrees to post in conspicuous places available to employees and applicants for employment any notices provided by City setting forth the provisions of this non-discrimination clause.

15. NOTICES. All communications to either party by the other party shall be delivered to the persons listed below. Any such written communications by mail shall be conclusively deemed to have been received by the addressee five (5) calendar days after the deposit thereof in the United States Mail, postage prepaid and properly addressed as noted below.

If to City:
City of Del Mar
City Clerk
1050 Camino del Mar
Del Mar, CA 92014
cityclerk@delmar.ca.us

If to Consultant:
HdL Companies
President/CEO
120 S. State College Blvd., Ste 200
Brea, CA 92821
anickerson@hdlcompanies.com

16 ASSIGNABILITY. This Agreement and any portion thereof shall not be assigned or transferred, nor shall any of the Consultant's duties be delegated or sub-contracted, without the express written consent of the City.

17. RESPONSIBILITY FOR EQUIPMENT. City shall not be responsible nor held liable for any damage to persons or property consequent upon the use, misuse, or failure of any equipment used by Consultant or any of Consultant's employees or subcontractors, even if such equipment has been furnished, rented, or loaned to Consultant by City. The acceptance or use of any such equipment by Consultant, Consultant's employees, or subcontractors shall be construed to mean that Consultant accepts full responsibility for and agrees to exonerate, indemnify and hold harmless City from and against any and all claims for any damage whatsoever resulting from the use, misuse, or failure of such equipment.

18. CALIFORNIA LAW; VENUE/MISC. This Agreement shall be construed and interpreted according to the laws of the State of California. Any action brought to enforce or interpret any portion of this Agreement shall be brought in the county of San Diego, California. Consultant hereby waives any and all rights it might have pursuant to California Code of Civil Procedure section 394.

19. COMPLIANCE WITH LAWS. The Consultant shall comply with all laws, ordinances, regulations, and policies of the federal, state, and local governments applicable to this Agreement, including California Labor Code section 1720, et seq., relating to payment of prevailing wages for public works projects, if applicable. Consultant shall indemnify and defend the Indemnified Parties from and against any liability incurred due to any failure on the part of Consultant to comply with any applicable Laws.

To the extent Consultant is required to comply with prevailing wage requirements, Consultant does hereby acknowledge that they are aware of, have read, and understand the terms and implications of SB 854 and Consultant and any subconsultants ensure that they are familiar with and comply with its requirements. Such requirements include, but are not limited to, the registration requirement with the Department of Industrial Relations, State of California (DIR), pursuant to Labor Code section 1725.5. As of March 1, 2015, in compliance with SB 854, the City requires all affected contractors and consultants to be registered with the DIR prior

to submitting a bid or proposal on any eligible District project. As of April 1, 2015, failure to comply with the requirements of SB 854 by any contractor or consultant, including registration with the DIR pursuant to Labor Code section 1725.5, shall be a material breach of this Agreement which may be terminated by the City in its sole and absolute discretion. Where applicable, this project is subject to compliance monitoring and enforcement by the DIR.

20. CONSULTANT'S CERTIFICATION OF AWARENESS OF IMMIGRATION REFORM AND CONTROL ACT OF 1986. Consultant certifies that Consultant is aware of the requirements of the Immigration Reform and Control Act of 1986 (8 USC §§ 1101-1525) and has complied and will comply with these requirements, including, but not limited to, verifying the eligibility for employment of all agents, employees, subcontractors, and consultants that are included in this Agreement.

21. ENTIRE AGREEMENT. This Agreement sets forth the entire understanding of the Parties with respect to the subject matters herein. There are no other understandings, terms or other agreements expressed or implied, oral or written, except as set forth herein.

22. AMENDMENTS. This Agreement may be modified or amended only by a written document executed by both Consultant and City and approved as to form by the City Attorney. No change, alteration, or modification of the terms or conditions of this Agreement, and no verbal understanding of the Parties, their officers, agents, or employees shall be valid unless agreed to in writing by both Parties.

23. NO WAIVER. No failure of either the City or the Consultant to insist upon the strict performance by the other of any covenant, term or condition of this Agreement, nor any failure to exercise any right or remedy consequent upon a breach of any covenant, term, or condition of this Agreement shall constitute a waiver of any such breach of such covenant, term or condition.

24. SEVERABILITY. The unenforceability, invalidity, or illegality of any provision of this Agreement shall not render any other provision unenforceable, invalid, or illegal.

25. DRAFTING AMBIGUITIES. The Parties agree that they are aware that they have the right to be advised by counsel with respect to the negotiations, terms and conditions of this Agreement, and the decision of whether or not to seek advice of counsel with respect to this Agreement is a decision which is the sole responsibility of each Party. This Agreement shall not be construed in favor of or against either Party by reason of the extent to which each Party participated in the drafting of the Agreement.

26. LEGAL FEES. In the event of the bringing of any action or suit by either party hereto against the other party hereunder to enforce or interpret any of the provisions, covenants or conditions of this Agreement, or arising out of any tortious conduct by either party incident to this Agreement, the prevailing party in such action or suit shall be entitled to recover all costs and expenses of suit, including reasonable attorneys' fees. In any action or suit brought to enforce this Agreement, the damages available shall be limited to specific performance or other such equitable relief that the court may order.

27. CONFLICTS BETWEEN TERMS. If an apparent conflict or inconsistency exists between the main body of this Agreement and the Exhibits, the main body of this Agreement shall control. If a conflict exists between an applicable federal, state, or local law, rule, regulation, order, or code and this Agreement, the law, rule, regulation, order, or code shall control. Varying degrees of stringency among the main body of this Agreement, the Exhibits,

and laws, rules, regulations, orders, or codes are not deemed conflicts, and the most stringent requirement shall control. Each Party shall notify the other immediately upon the identification of any apparent conflict or inconsistency concerning this Agreement.

28. EXHIBITS INCORPORATED. All Exhibits referenced in this Agreement are incorporated into the Agreement by this reference.

29. SIGNING AUTHORITY. The representative for each Party signing on behalf of a corporation, partnership, joint venture, or governmental entity hereby declares that authority has been obtained to sign on behalf of the corporation, partnership, joint venture, or entity and agrees to hold the other Party or Parties hereto harmless if it is later determined that such authority does not exist.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement the day and year first hereinabove written.

CITY OF DEL MAR,
a municipal corporation

HDL COMPANIES,
a California corporation

By: _____
Ashley Jones, City Manager

By: _____
Andrew Nickerson, President/CEO

ATTEST:

Sarah Krietor, Administrative Services
Manager/City Clerk

APPROVED AS TO FORM:

Leslie E. Devaney, City Attorney

EXHIBIT "A" **SCOPE OF SERVICES**

Consultant shall provide services to the City as described in the Consultant's proposal and shall include, but are not limited to, below:

1. Objective, Methodology and Reporting

- a. Monitor and analyze the quarterly distribution reports for sales, use and district tax with a focus on ensuring all identified errors are corrected for prior and future quarters.
- b. Identify opportunities for the City to recover the local allocation on purchase transactions subject to tax and facilitate the recovery of such funds.
- c. Assist the City with strategies to preserve and enhance sales, use and district tax generated by existing business with the City. This may include developing a specialized strategy specific to sales tax collection at the 22nd Agricultural District (Del Mar Fairgrounds).
- d. Provide written sales tax reports on a quarterly basis to the City, following the receipt of the quarterly distribution report. The report should include:
 - i. Provide quarterly sales tax data that including the following fields: Sales tax data for most recent 40 quarters, business name, permit ID, segment (ex. Restaurant, sales, etc.) field to indicate in more detail the type of store (ex: fast food restaurant, hotel food sales, etc.), business address, open/close business dates.
 - ii. Provide analysis of top businesses by category (sorted by gross sales and by top changes quarter year-to-date vs. prior year-to-date). Analysis should include reasons for top changes.
 - iii. Del Mar's sales tax receipts compared to other cities within the County quarterly and fiscal year to date.
 - iv. Del Mar's sales tax receipts compared to Consumer Price Indices (CPI)
 - v. County of San Diego sales tax receipts compared to other counties/regions within the State quarterly and fiscal year to date.
 - vi. Top 25 sales tax generators ranked by the amount produced with change over prior year's same quarter.
 - vii. Top 25 largest declines in the quarter with change over prior year's same quarter.
 - viii. Sales Tax Leakage report by industry category
 - ix. Historical sales tax by business category and geographic areas within the City.
 - x. Other reports mutually agreed upon.
- e. Provide updates on legislative actions or bills that can impact or materially alter sales and use tax revenue to the City.

2. Forecasting

- a. Analysis of sales trends by business category including variance by business of the major increases and decreases each quarter.
- b. Provide multi-fiscal year sales tax forecast (at least 5 years), incorporating growth assumptions regarding future development within the City. The forecast should include conservative, most likely, and optimistic scenarios.
- c. Other reports mutually agreed upon.

3. Sales, Use, and District Tax Information Services

- a. Provide an electronic database of the City's sales and use tax data to the City, including but not limited to:
 - i. Sales tax producers in the City, including business name, address, CDTFA #, current and historical sales tax allocations.
 - ii. Quarterly updates.
 - iii. Ability to create and maintain subsets of information by geographic area/features (i.e. Del Mar Village, Del Mar Fairgrounds)
 - iv. Ability to define, print and export data to spreadsheets.

EXHIBIT "B" **FEE SCHEDULE**

1. Sales and Use Tax Audit Services

HdL proposes a fee of 15% of all new sales and use tax revenue received by the City as a result of audit and recovery work performed by the firm. This audit fee applies to monies received in the first eight consecutive reporting quarters beginning with the receipt of the audit revenue in addition to any retroactive back quarter adjustments obtained by HdL.

Audit fees are billed only after completion of the audit, submittal of corrections to the CDTFA and receipt of revenues by the client. 100% of all new revenue generated by HdL flows to the City after the completion of the eight quarters. The fee constitutes the full reimbursement to HdL and covers all direct and indirect costs incurred by the firm under this contract. This includes all salaries of our employees, travel expenses and service contracting costs as well as the software to be delivered to the City under this proposal.

Invoices are submitted only for recoveries previously approved by the City. HdL does not bill for audit revenues until the client has received said monies. Further, if during the billing cycle, a taxpayer receives a refund for overpayment of taxes generated during that cycle, HdL credits back any proportionate share of the fee that may have been levied.

Invoices are submitted quarterly after the City has received the revenue from the audit correction. The invoice includes the name, address, and sales tax registration number of each company, and the specific amount of revenue allocated by the CDTFA to the City for those businesses. If a misallocation correction involves additional revenue from a company that had already been partially allocating revenues to the City, the City and HdL will agree in a Work Authorization, prior to billing, the methodology for identifying the incremental revenue attributable to HdL's work.

2. Sales and Use Tax Management Services

This includes access to the City's sales tax database through HdL's web-based software and quarterly meetings with one of HdL's principals. In preparation for each meeting, a principal of the firm analyzes the City's data in detail and meets with appropriate City officials to review trends, point out businesses that should be contacted as part of the City's business retention program and discuss and make recommendations regarding the economic and budget implications of the quarter's data. Also included is a non-confidential newsletter that can be shared with the City's council and the public. The price for this option is \$6,000 annually, billed quarterly.

3. District Tax Audit and Management Services

HdL can monitor and report on the City's Transactions and Use Tax Measure Q. The fee for this service is \$1,600* annually per measure and a 25% contingency fee against retroactive adjustments only (no prospective billing). Audit fees are billed only after the completion of the audit, submittal of corrections to the CDTFA and receipt of revenue by the City.

**The monthly fee will increase annually by the percentage increase in the San Diego Area Consumer Price Index (CPI) for the preceding twelve-month period or 3%, whichever is lower.*

4. Hourly Rates

Additional services beyond the scope of services above are priced separately depending on the complexity of the tasks involved. Such fees can either be fixed or time and materials, at the hourly rates below:

Position	Hourly Rate
Principal	\$325
Programmer	\$295
Senior Analyst	\$245
Analyst	\$195

The hourly rates may increase annually by the percentage increase in the San Diego Area Consumer Price Index (CPI) for the preceding twelve-month period or 3%, whichever is lower.

5. Special Projects

For Special Projects such as developing a specialized strategy for the sales tax collection for the 22nd Agricultural District or others, HdL will work with the City to finalize the project parameters. Pricing can then be provided for the entire project or can be billed hourly at the rates above.



City of Del Mar Agenda Report

TO: Honorable Mayor and City Councilmembers

FROM: Kaitlyn Elliott-Norgrove, Special Projects & Programs Manager
Clem Brown, Assistant City Manager
Via Ashley Jones, City Manager

DATE: January 6, 2026

SUBJECT: Adoption of an Ordinance to Repeal and Replace Chapter 11.40 of the Del Mar Municipal Code to Prohibit the Use of Expanded Polystyrene and Single-Use, Non-Compostable Disposable Food Service Ware Citywide, and Single-Use Plastic Beverage Bottles at City Facilities and City-Sponsored Events

REQUESTED ACTION/RECOMMENDATION:

Staff recommends that the City Council adopt an Ordinance (Attachment A) to repeal and replace Del Mar Municipal Code (DMMC) Chapter 11.40 to prohibit the use of expanded polystyrene and single-use, non-compostable disposable food service ware; the sale of expanded polystyrene coolers and ice chests or other food containers; and the use of single-use plastic beverage bottles at City facilities and City-sponsored events.

BACKGROUND:

The City of Del Mar (City) is a leader in sustainability practices and takes actions to protect natural resources, divert plastics and similar waste from landfills, increase the degradation of waste products in landfills, reduce greenhouse gas emissions, and increase City cleanliness and quality of life by reducing litter on City beaches and public areas.

The City previously implemented local regulations to decrease litter and pollution by prohibiting the use of the following single-use plastics citywide: 1) single-use plastic carry-out bags (2016); 2) expanded polystyrene (e.g., Styrofoam) and non-recyclable plastic disposable food service ware (2018); 3) plastic straws and stirrers, and the distribution of paper, biodegradable or reusable straws, unless requested by customers (2019); and 4) balloons filled with a gas lighter than air (2023).

At the recommendation of the City's Sustainability Advisory Committee (SAC), the City Council prioritized the development of an ordinance to further regulate the use of single-use disposable food service ware citywide and at City facilities and City-sponsored events as a Fiscal Year 2025 Tier 3 City Work Plan item.

City Council Action:

DISCUSSION/ANALYSIS:

In collaboration with SAC and its Plastics Subcommittee, staff thoroughly researched similar ordinances in San Diego County and sought feedback from the City's waste hauler, EDCO, and the Del Mar business community. Consistent with direction from the City Council and recommendations from SAC, staff prepared repeal and replace language for Chapter 11.40 of the DMMC that would:

- Prohibit food providers from dispensing prepared food to customers in expanded polystyrene or disposable food service ware made from single-use, non-compostable materials;
- Prohibit the use of expanded polystyrene or disposable food service ware made from single-use, non-compostable materials at City facilities, City-managed concessions, City-sponsored and co-sponsored events, and City-permitted events;
- Prohibit the sale of expanded polystyrene coolers and ice chests or other food containers; and
- Prohibit the use of single-use plastic beverage bottles at City facilities and City-sponsored events.

The primary difference between Chapter 11.40 as it is currently written and the proposed ordinance is the expansion of the prohibition to all disposable food service ware that is single use and/or non-compostable. Under the proposed ordinance, compostable materials must be compliant with EDCO's anerobic digester composting facility, through which the City's organic waste is processed. In other words, the proposed ordinance would require a food service provider to use disposable food service ware that is appropriate for EDCO's facilities. Permissible materials would include paper containers and straws that are not coated in wax or plastic and untreated wood or bamboo. Items made from other plant-based materials such as corn or potato starch would not be allowed as these materials are non-compliant with EDCO's facilities.

Summary of Council Direction - December 15, 2025, First Reading

The proposed ordinance was introduced to the City Council on December 15, 2025. The Council emphasized the importance of outreach and education leading up to and throughout implementation of the new regulations. Staff will work with EDCO and SAC to develop an outreach program, which will include sharing of information on the City's standard communications channels, updating the Go Green Del Mar website, and individualized business support in partnership with EDCO. Staff will also meet with representatives of the Del Mar Farmers Market to review the new requirements and offer resources to assist with the transition to the use of compliant materials.

Implementation Schedule

The new regulations would take effect 30 days after adoption, which falls on February 6, 2026. Consistent with the implementation of past plastic reduction ordinances, the new regulations include an enforcement "grace period" of an additional six months for the City and impacted businesses to exhaust existing inventories of non-compliant single-use food service ware, as well as providing time to procure new compliant materials.

Staff recommends the City Council adopt the proposed ordinance (Attachment A) to repeal and replace Chapter 11.40 to prohibit the use of expanded polystyrene and single-use, non-compostable disposable food service ware; the sale of expanded polystyrene coolers and ice chests or other food containers; and the use of single-use plastic beverage bottles at City facilities and City-sponsored events.

FISCAL IMPACT:

There is no fiscal action to be taken by the City Council related to this agenda item. If approved, the cost of ordinance implementation is expected to be minimal and will be covered with funds in the City's existing approved operating budget.

ENVIRONMENTAL IMPACT:

The proposed City Council action does not constitute a "project" under the definition set forth in California Environmental Quality Act (CEQA) Guidelines Section 15378 because it will not have a potential to result in a direct or indirect physical change in the environment and is, therefore, not subject to CEQA. No further action under CEQA is required.

NEXUS TO CITY COUNCIL GOALS AND PRIORITIES:

This is a Tier 3 Item on the Fiscal Year 2024-2025 Citywide Work Plan.

ATTACHMENTS:

Attachment A – Proposed Ordinance to Repeal and Replace DMMC Chapter 11.40
Exhibit A to Attachment A – Proposed Chapter 11.40 Language

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, REPEALING AND REPLACING CHAPTER 11.40 OF THE DEL MAR MUNICIPAL CODE PROHIBITING USE OF EXPANDED POLYSTYRENE AND SINGLE-USE NON-COMPOSTABLE PLASTIC DISPOSABLE FOOD SERVICE WARE

WHEREAS, the City of Del Mar, California (“City”) is a leader in sustainability and takes action to protect our natural resources, divert plastics and similar waste from landfills, increase the degradation of waste products in landfills, reduce greenhouse gas emissions, and increase City cleanliness and quality of life by reducing litter on City beaches and public areas; and

WHEREAS, the City is committed to implementing local regulations to decrease litter and pollution by prohibiting the use of expanded polystyrene and non-recyclable plastic disposable food service ware, plastic straws and stirrers; prohibiting the distribution of paper, biodegradable or reusable straws, unless requested by customers, and single-use plastic carry-out bags; and prohibiting the use, sale, and distribution of balloons filled with a gas lighter than air; and

WHEREAS, this Ordinance aims to support the City’s goal to divert 95% of its waste from landfills by 2035 in accordance with its adopted Climate Action Plan; and

WHEREAS, single-use, non-compostable material waste is generated by food providers, businesses, and vendors within the City of Del Mar; and

WHEREAS, there are many reusable or compostable alternatives to plastic disposable food service ware in current use; and

WHEREAS, the City of Del Mar’s current solid waste collection and disposal services provider converts the methane released by compostable organic waste into renewable natural gas (RNG), thereby reducing greenhouse gas emissions; and

WHEREAS, the City Council of the City of Del Mar conducted a noticed public hearing regarding the initial proposed ordinance at their regularly scheduled meeting on December 15, 2025. The public hearing was advertised pursuant to applicable law and testimony was invited and received; and

WHEREAS, the proposed ordinance is exempt from review under the California Environmental Quality Act (CEQA) based upon the common-sense exemption under 14 CCR 15061 (b)(3) and the reasoning in the California Supreme Court case *Save the Plastic Bag Coalition v. City of Manhattan Beach*, 52 Cal. 4th 155 (2011); and

WHEREAS, the proposed Ordinance amends Chapter 11.40 of the Del Mar Municipal Code to provide for the prohibition of expanded polystyrene and single-use, non-compostable disposable food service ware citywide, and single-use plastic beverage bottles at City facilities and City-sponsored events.

NOW, THEREFORE, the City Council of the City of Del Mar hereby ordains as follows:

SECTION ONE:

The above recitals are true and correct and are incorporated by reference into this action.

SECTION TWO:

Chapter 11.40 of the Del Mar Municipal Code is hereby repealed in its entirety and replaced to read as shown in the attached Exhibit A, which is incorporated herein by this reference as though set forth in full at this point.

SECTION THREE:

The City Council finds that approval of this Ordinance is exempt from the preparation of an environmental document pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15378. This action does not constitute a “project” under the definition set forth in CEQA Guidelines Section 15378 because it will not have a potential to result in a direct or indirect physical change in the environment and is, therefore, not subject to CEQA. No further action under CEQA is required.

SECTION FOUR:

If any section, sentence, clause, or phrase of this Ordinance is determined to be invalid, illegal, or unconstitutional by a decision or order of any court or agency of competent jurisdiction, then such decision or order will not affect the validity and enforceability of the remaining portions of this Ordinance. The City Council declares that it would have passed and adopted the Ordinance, and each section, sentence, clause, or phrase thereof, regardless of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION FIVE:

This Ordinance was introduced by the City Council on December 15, 2025.

SECTION SIX:

The City Clerk is direct to prepare and have published a summary of this Ordinance no less than five days prior to the consideration of its adoption and again within 15 days following adoption indicating votes cast.

SECTION SEVEN:

If any section, subsection, subdivision, paragraph, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

SECTION EIGHT:

Upon adoption, the Ordinance will take effect and be in force 30 days from the date that the City Council takes action to adopt the Ordinance.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Del Mar, California, at a regular meeting held on the 6th day of January 2026.

Terry Gaasterland, Mayor
City of Del Mar

APPROVED AS TO FORM:

Leslie E. Devaney, City Attorney
City of Del Mar

ATTEST AND CERTIFICATION:
STATE OF CALIFORNIA
COUNTY OF SAN DIEGO
CITY OF DEL MAR

I, SARAH KRIETOR, Administrative Services Manager/City Clerk of the City of Del Mar, California, DO HEREBY CERTIFY, that the foregoing is a true and correct copy of Ordinance No. XXXX, which has been published pursuant to law, and adopted by the City Council of the City of Del Mar, California, at a Regular Meeting held the 6th day of January 2026, by the following vote:

AYES:

NOES:

RECUSE:

ABSENT:

ABSTAIN:

Sarah Krietor, Administrative Services
Manager/City Clerk
City of Del Mar

CHAPTER 11.40 PROHIBITING THE USE OF EXPANDED POLYSTYRENE AND SINGLE-USE, NON-COMPOSTABLE DISPOSABLE FOOD SERVICE WARE CITYWIDE, AND SINGLE-USE PLASTIC BEVERAGE BOTTLES AT CITY FACILITIES AND CITY-SPONSORED EVENTS

11.40.010 – Purpose and Intent

The purpose of this Chapter is to reduce plastic waste in landfills and local trash receptacles and pollution by prohibiting the use of expanded polystyrene and single-use, non-compostable disposable food service ware that have adverse effects on the health and general welfare of City of Del Mar residents, visitors, and surrounding wildlife, and allow for the use of compostable food service ware that is accepted as organic waste by the City's waste hauler reduces greenhouse gas emissions.

11.40.020 – Definitions

The following definitions shall be applicable when the following words or phrases are used hereafter in this Chapter, whether or not these words or phrases are capitalized:

City means the City of Del Mar.

City contractor means any person that enters into an agreement with the City to furnish products or services to or for the City.

City facility means any building, structure, property, park, open space, or vehicle, owned, leased or operated by the City, its agents, agencies, departments or franchisees.

City-sponsored event means any event, activity or meeting organized or sponsored, in whole or in part, by the City or any department of the City.

Compostable means material that can be broken down into, or otherwise become part of, usable compost in a safe and timely manner, and is accepted as organic waste by the City's waste hauler.

Customer means any person obtaining prepared food from a restaurant or retail food vendor.

Disposable food service ware or *disposables* means single-use disposable products used in the restaurant and food service industry for serving or transporting prepared, ready-to-consume food or beverages. This includes but is not limited to plates, cups or drinkware, bowls, trays, wrappers or wrapping, platters, cartons, condiment containers, hinged or lidded containers, utensils, chopsticks, napkins, cup lids, cup sleeves, ramekins, straws, stirrers, splash sticks, cocktail sticks, toothpicks, and coolers, or any other container in or on which prepared foods are placed or packaged for consumption. This does not include single-use disposable packaging for unprepared foods.

Event means an organized recreational activity that includes 25 or more participants.

Food provider means any person or establishment that provides or sells prepared food within the City to the general public to be consumed on the premises or for take-away consumption. Food provider includes but is not limited to (1) a grocery store, supermarket, delicatessen, restaurant, café, cafeteria, coffee shop, snack shop, public food market, farmers' market, convenience store, or similar fixed place where prepared food is available for sale on the premises or for take-away consumption; and (2) any mobile store, food vendor, caterer, food truck, vending machine or similar mobile outlet. Food provider also includes any organization, group or individual that regularly provides prepared food to its members or the general public as a part of its activities or services.

Plastic means an organic synthetic or processed material containing thermoplastic or thermosetting polymers and that can be made into objects, films, or filaments.

Person means any person, business corporation, or event organizer or promoter; public, nonprofit or private entity, agency or institution; or partnership, association or other organization group, however organized.

Polystyrene means and includes expanded polystyrene which is a thermoplastic petrochemical material utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion-blow molding (extruded foam polystyrene). The term "polystyrene" also includes clear or solid polystyrene which is known as "oriented polystyrene."

Polystyrene cooler means any ice chest or similar device made of polystyrene foam, where such foam is not fully encased in another material.

Prepared food means any food or beverage that is (1) ready to consume without any further food preparation, alteration or repackaging; and (2) prepared, provided, sold or served by a food provider using any cooking, packaging or food preparation technique. Prepared food may be eaten either on or off the food provider's premises. For purposes of this Chapter, prepared food does not include (1) any raw uncooked meat, poultry, fish or eggs, unless provided for consumption without further food preparation; and (2) fresh produce provided for consumption without food preparation or repackaging, including fruits, vegetables, and herbs, sold by grocery stores, supermarkets, food markets, farmers' markets and other food vendors.

Recyclable means material that can be sorted, cleansed, and reconstituted for reuse using the City's available recycling programs.

Regulated entities means food service providers, retail establishments, City facilities, City-sponsored events, and other entities governed by this chapter.

Single-use means items designed for one-time or limited use before final disposal.

11.40.030 – Prohibition of the Use of Expanded Polystyrene and Single-Use, Non-Compostable Disposable Food Service Ware; the Sale of Expanded Polystyrene Coolers, Ice Chests, and Other Containers; and the Use of Single-Use Plastic Beverage Bottles at City Facilities and City-Sponsored Events.

A. Except as provided in DMMC Section 11.40.040, food providers are prohibited from dispensing prepared food to customers in expanded polystyrene or disposable food service ware made from single-use, non-compostable disposable materials.

B. All City facilities, City-managed concessions, City-sponsored and co-sponsored events, and City-permitted events are prohibited from using expanded polystyrene or disposable food service ware made from single-use, non-compostable disposable materials within the City.

C. Regulated entities shall not distribute or sell ice chests or food and beverage coolers made, in whole or in part, from polystyrene.

D. All City facilities, City-managed concessions, City-sponsored and co-sponsored events, and City-permitted events are prohibited from distributing single-use plastic beverage bottles.

11.40.040 - Exemptions.

A. Automatic Exemptions. The following uses are exempt from the provisions of this Chapter:

1. Food prepared or packaged outside the City, provided such food is not altered, packaged or repackaged within the City limits. Purveyors of food prepared or packaged outside the City are encouraged to follow the provisions of this Section.
2. Products, equipment, or other items prepared or packaged outside the City of Del Mar.

B. Food providers that are obligated to purchase or have purchased expanded polystyrene or single-use, non-compostable disposable food service ware under a contract entered into with the year prior to the operative date of the ordinance codified in this Chapter are exempt from the provisions of this Chapter for six months following its operative date.

C. Undue Hardship. The City Manager, or designee, may exempt any food provider or person from the requirements of this Chapter for a one-year period, upon written request by applicant that the conditions of this Chapter would cause undue hardship following the operative date of the ordinance codified in this Chapter, as follows:

1. A request for an exemption shall be filed in writing with the City Manager or designee and shall include documentation of the reason for the claimed exemption and any other information necessary for the City to make its decision. An exemption application shall include all information necessary for the City to make its decision, including, but not limited to, documentation showing the factual support for the claimed exemption. The City may require the applicant to provide additional information as necessary to make the required determinations.
2. The City Manager or designee may approve the exemption application for one year, with or without conditions, upon finding that compliance would create an undue hardship. Undue hardship shall be construed to include, but not limited to, situations where:
 - a. Situations unique to the food provider or non-food provider where there are no reasonable alternatives to expanded polystyrene or single-use non-compostable plastic disposable food service ware and compliance with this Chapter would cause significant economic hardship to that food provider.
 - b. Situations where no reasonably feasible available alternatives exist to a specific and necessary single-use, non-compostable plastic disposable food service container.
3. A food provider granted an exemption by the City must reapply prior to the end of the one-year exemption period and demonstrate continued undue hardship, if it wishes to have the exemption extended. Extensions may only be granted for intervals not to exceed one year.
4. Exemption decisions by the City Manager or designee are effective immediately and final and are not appealable.
5. The City Council may by resolution establish a fee for exemption applications. The application fee shall be an amount sufficient to cover the costs of processing the exemption application.

D. In cases of emergency or other situations where the City Manager or the City Manager's designee finds that relying on beverages in single-use plastic bottles is necessary for the protection of public

health, safety, and welfare, and no reasonable alternative will serve the same purpose; and where specific hydration requirements exist for employees working outside and with no reasonable alternative.

E. This Chapter does not apply to activities on the property of the 22nd District Agricultural Association (Del Mar Fairgrounds) within the City of Del Mar, although the City encourages the Fairgrounds to impose similar requirements on all its facilities.

11.40.050 - Enforcement and Administrative Remedies.

A. The City Manager, or designee, is authorized to establish regulations and to take any and all actions reasonable and necessary to obtain compliance with this Chapter, including, but not limited to, inspecting any food provider and commercial business premises to verify compliance.

B. Any violation of this Chapter shall be enforced through the administrative citation process set forth in [Chapter 1.10](#) of the Del Mar Municipal Code.

C. Each violation of this Chapter shall be considered a separate offense.

D. The remedies and penalties provided in this Section are cumulative and not exclusive, and nothing in this Chapter shall preclude any person from pursuing any other remedies provided by law. The City Attorney may seek legal, injunctive, or other equitable relief to enforce the provisions of this Chapter and any regulations or administrative procedure developed pursuant hereto.

E. Administrative enforcement of this Chapter shall proceed pursuant to [Chapter 1.10](#) of the DMMC.

F. Notwithstanding any other provision of this Chapter, this Chapter may be enforced through any remedy as provided for in this Section upon its effective date.

11.40.060 - Operative Dates.

A. This chapter shall become operative as to all food providers, businesses, vendors, and regulated entities six months after adoption by the City Council.

B. Within 30 days after its adoption, this chapter shall become effective for the City such that no city facilities, city-managed concessions, city-sponsored events or city-permitted events shall distribute or utilize disposable food service containers containing single-use non-compostable plastic.

11.040.070 - Severability

If any section, subsection, subdivision, paragraph, sentence, clause, phrase or portion of this chapter is, for any reason, held to be invalid or unconstitutional by any court or competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter. The City Council hereby declares that it would have adopted the ordinance codified in this chapter and each section, subsection, subdivision, paragraph, sentence, clause, phrase and portion of this chapter irrespective of the fact that one or more, sections, subsections, subdivisions, paragraphs, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional. To this end, the provisions of this chapter are declared severable.



City of Del Mar Agenda Report

TO: Honorable Mayor and City Councilmembers

FROM: Elizabeth Yee, Associate Planner
Matt Bator, AICP, Principal Planner
Karen Brindley, Planning and Community Development Director
Via Ashley Jones, City Manager

DATE: January 6, 2026

SUBJECT: De Novo Hearing of an Appeal of the Planning Commission's Denial of a Variance (V24-003) Request for Reductions to Front and Rear Yard (Setbacks) Requirements for a Non-Conforming Lot

Applicant/Appellant: Reid and Beth Westburg

Location: Vacant Lot Adjacent to and East of 1439 Oribia Road (APN: 299-200-74-00)

REQUESTED ACTION/ RECOMMENDATION

Staff recommends that the City Council conduct a de novo public hearing and adopt the attached Resolution (Attachment A) granting a Variance to reduce front and rear setbacks (V24-003) required for the subject property.

BACKGROUND

Site Description

The project site (Attachment B) is located on a vacant property, adjacent to and east of 1439 Oribia Road, which is also owned by the Applicant and is immediately west of the Crest Canyon Open Space Park located in the City of San Diego. The 13,070 square-foot project site is approximately 50 feet deep and 261 feet wide, is located directly behind (east) 1439 and 1441 Oribia Road, and has access from San Dieguito Road via a 20-foot-wide private access and utility easement over the northern portion of 1439 Oribia Road.

The project site is a legal parcel as confirmed in 2009 by recorded Certificate of Compliance COC-07-02 (Attachment C). A Certificate of Compliance (COC) is a recorded legal document issued by a city or county that confirms and certifies that lot complies with the provisions of the California Subdivision Map Act or the local subdivision laws in effect at the time of its creation. A lot does not need to conform with current development regulations (size, width, depth, etc.) to be deemed "legal" and therefore, developable. Many vacant nonconforming lots in Del Mar have been subject to submitting for COC review and issuance before filing for development entitlement approvals.

City Council Action:

The project site is located in the Very Low Density Residential (R1-40) Zone; the Bluff, Slope, and Canyon (BSC) Overlay Zone; the Very High Fire Hazard Severity Zone; and Wildland Urban Interface Area. The lot is currently vacant except for perimeter fencing.

The lot is substandard in:

- Lot size at 13,070 square feet in a zone that requires 40,000 square feet;
- Lot depth, with a 50-foot lot depth, where 100 feet is required;
- Lot frontage - does not have the 20 feet street frontage required for an R1-40 lot.

Because the parcel is only 50-feet-deep by 261-feet-long, under the R1-40 setback requirements the residential development envelope would result in a house that could be only be 5-feet-deep without the granting of a Variance. In accordance with the California Building Code, the smallest interior room dimension allowed is 7-feet. Therefore, no habitable dwelling unit can be approved and constructed on the subject lot without a Variance from the yard/setback dimensions required for the R1-40 Zone.

Future development of the property will be subject to the development standards set forth by the R1-40 Zone; the Bluff, Slope and Canyon Overlay Zone; and, the Fire and Building Code requirements that regulate development in the Very High Fire Hazard Severity Zone and Wildland Urban Interface Area.

Surrounding uses are single family-dwelling units and the Crest Canyon Open Space Park. There are two other vacant parcels north of this project site that have similar size and shape characteristics.

Variance Request

The Applicant is requesting relief from Del Mar Municipal Code (DMMC) Sections 30.10.070.C.a and 30.10.070.C.b (Very Low-Density Residential Development Standards) to reduce the required front and rear yard setbacks to accommodate future development of a residence on a substandard sized lot.

The Applicant/Appellant is requesting a Variance to allow a 10-foot front yard (setback) and 10 rear yard (setback) for a new residential dwelling unit; and is also requesting a 10-foot front yard (setback) and a 5-foot rear yard (setback) for a new detached garage, which would allow for adequate vehicular circulation and turn-around. The following chart shows the Variance relief request, and the Municipal Code required yards (setbacks), which are also depicted in Attachment D.

R1-40 Zone	Code Requires	Variance Request
Front Yard	20'	10' (House only)
Rear Yard	25'	10' (House only) 5' (Garage only)

The Variance request was made to accommodate the development proposed by the Applicant's Citizens' Participation Program (CPP), which would consist of a 2,455 square-foot

residential unit that includes a 496 square-foot Junior Accessory Dwelling Unit and a detached 495 square-foot garage.

This Variance application does not include any requests for physical development of the project site. If the Variance request is granted, any future proposed residential development of the single-unit home and detached garage would require review by the Design Review Board (DRB). The DRB would review the proposed residential dwelling unit and accessory uses under the R1-40, BSC, and Fire Hazard Zone development standards, City-wide Design Guidelines, and for environmental issues and potential hazards.

Planning Commission Review/Decision

On November 4, 2025, the Planning Commission (PC) conducted a public hearing to review and consider the Applicant's request for a Variance that would allow for the reduction to the R1-40 Zone front and rear setbacks to allow for a future development of a residential unit at the vacant lot adjacent to and east of 1439 Oribia Road.

After receiving presentations from staff and the Applicant's representative, members of the public testified to the high wildland fire risk associated with the Crest Canyon area and the limited evacuation route options that are currently available to nearby residents. Some members of the public felt that the subject Variance would exacerbate the limited evacuation conditions given the parcel's proximity to Crest Canyon Open Space Park. Public testimony also concerned the infringement on neighbor privacy from any future development of the subject parcel.

The Planning Commission discussed the concerns related to property access, adequate public infrastructure, public safety, privacy issues and uncertainty of the environmental impacts a future residential unit could bring and that by approving the Variance it would set a precedent for the remaining undeveloped parcels along Crest Canyon Open Space Park.

The Planning Commission voted to deny Variance application V24-003 (4-0-1, with Commissioner Leonard opposed). In denying the application, the Planning Commission found that the Applicant would not be deprived of privileges enjoyed by other similarly situated land-locked properties in the vicinity, that the Variance would authorize a use or activity that would decrease public safety, and that granting the Variance could intensify the use of the site that could be avoided by an alternative development plan. A resolution documenting the Planning Commission's determination has been included as Attachment E.

DISCUSSION/ANALYSIS

Appeal of Planning Commission Decision

On November 18, 2025, legal counsel for the Applicant filed an appeal of the Planning Commission decision to deny V24-003 (Attachment F). In the appeal document, the Appellant's counsel contends that the PC's denial of application V24-003 contains "findings not supported" and should be heard as a de novo ("new") hearing by the City Council.

In accordance with DMMC Section 1.12.070, “an appeal on an application for a variance from the requirements of a zoning ordinance..., a proposed revocation or modification of a variance..., shall be exempt from the Initial Consideration process in Section [1.12.040](#). Such actions shall be heard by the City Council as a public hearing.”

Therefore, pursuant to the above-cited section, no Initial Consideration was scheduled for this appeal and the City Council is required make a determination on the application. The prior determination of the Planning Commission shall be deemed advisory only.

Pursuant to DMMC Chapter 1.12 (Appeals), an interested person may file an appeal with the City Clerk within ten working days following the determination for which a review is sought. DMMC 1.12.020(B) identifies the following Grounds for Appeal:

1. **Factual Error.** The statements or evidence relied upon by the decision maker when approving, conditionally approving or denying a permit, map, or other matter were inaccurate.
2. **New Information.** New information is available to the applicant or the interested person that was not available through reasonable efforts or due diligence at the time of the decision.
3. **Findings Not Supported.** The decision maker's stated findings to approve, conditionally approve, or deny the permit, map or other matter are not supported by the information provided to the decision maker.
4. **Conflicts.** The decision to approve, conditionally approve, or deny the permit is in conflict with a land use plan, a City policy, or the Municipal Code.

Below are the Appellant’s “grounds” for appeal:

1. Appellant: The Planning Commission’s Determination includes Factual Errors

The Appellant states in the appeal request that the Planning Commission claim that the Variance would increase fire risk and create a public safety hazard for the neighborhood and Crest Canyon Park is unfounded as no physical change to the land is proposed under this application. The Appellant further states that the existing Very High Fire Hazard Severity Zone does not prohibit development, as over three quarters of the City falls under that fire hazard designation.

The Appellant also states the following in the appeal:

- The Planning Commission erred in finding that the Variance would impact neighborhood character by increasing density and impeding view, as the Variance does not include any physical development at this time and future development would be subject to design review.

- The Planning Commission erred in finding that granting a Variance would set a precedent for other lots located behind the homes east of Oribia Road because any Variance requests for similar lots would be considered relative to the unique circumstances of each individual lot.
- In denying the application, the Planning Commission implied that current R1-40 setbacks when applied on the site would allow for a reasonable and productive use of the subject property. The Appellant further states that is not possible because the lot's residential zoning only allows for development of a single-family dwelling and accessory uses. The minimum interior width of a residential room is limited to 7 feet by the California Building Code, which cannot be achieved in the current buildable envelope when applying the setbacks of a R1-40 zone. Additionally, the DMMC allows for a minimum floor area of 2,000 square feet for the subject lot, which also could not be achieved with the required setbacks.

The Appellant also acknowledged that future development will be subject to the design review process, which would address the impacts from the views, neighborhood character and fire risk at that time.

2. Appellant: The Planning Commission's Determination is Not Supported by Information Provided to the Decision Maker

The Appellant states that the lot's location in the Very High Fire Hazard Severity Zone is an insufficient reason to deny the Variance request since because the zoning for the subject parcel does not prohibit the development of new residences and the Variance itself would not result in a physical change to the property. The Appellant contends that a residential structure that is located within the Very High Fire Hazard Severity Zone only requires Fire Department review and approval of a Fire Protection Plan (Attachment G), which has already occurred. The Appellant's CPP conceptual development design was reviewed and conditionally approved by the City's Fire Marshal for compliance with applicable fire protection standards and any future approved development will be reviewed for compliance with the Fire Protection Plan and all applicable building and fire codes in effect at the time.

For this section of the Appeal, the Appellant reiterates statements from the previous grounds for appeal (Factual Error), asserting that the Planning Commission was provided information from staff that is contrary to deliberative statements made by Commissioners that granting of the Variance would: impact the character of the neighborhood; potentially create environmental impacts; set a precedent for similar non-conforming lots in the neighborhood; and that the Appellant could still make reasonable, economically productive use of the lot with the required R1-40 Zone setbacks.

3. Appellant: The Planning Commission's Determination Conflict's with the Del Mar Municipal Code

The Appellant asserts that the Planning Commission's determination to deny the Variance application conflicts with Municipal Code Section 30.78.030 and that no evidence was provided at the hearing to contradict staff's proposed findings. The Appellant further indicates that the Planning Commission misapplied sections of the Community Plan to support denial of the Variance.

Staff Response to Appeal

Staff concurs with the Appellant's grounds for appeal. The subject lot is approximately 261-feet-long by 50-feet-deep, and has legal access rights over 1439 Oriibia Road, providing direct access to San Dieguito Drive. Without a certain degree of variance/relief from the R1-40 Zone yard and setback requirements, the lot is not capable of supporting 2,000 square-feet of bulk floor area as allowed by the R1-40 Zone development standards, nor could it accommodate a residential dwelling that complies with the minimum room width standards of the California Building Code. Utilizing the lot for allowed "accessory use" such as a pool, a sports/tennis court, detached garage or shed are not allowed without the development of a primary "allowed use," which is a single dwelling unit. Therefore, construction of a residential building for independent habitation is the only reasonable, economically productive use of the lot available to the Appellant.

Given the lot's location, the Applicant/Appellant was required to prepare a Fire Protection Plan (FPP) (Attachment G). The FPP has been reviewed and conditionally approved by the City's Fire Marshal and provides required design measures for the future construction of residential development on the site. This is the requirement for building within the Very High Fire Hazard Severity Zone, but it is important to note that the High Fire Hazard Severity zone does not expressly prohibit all development.

If approved, the granting of this Variance would only establish the buildable area. In contrast, it does not entitle the residential development itself, that future action would still be subject to the Design Review Board (DRB) consideration and decision. At that time, issues of concern such as private and public view blockage, neighborhood compatibility, and other potential impacts would be considered by the DRB for potential inconsistency with the Design Review Ordinance (DMMC Chapter 23.08).

Additional Analysis

Del Mar Municipal Code Section 30.78.030 (A - D) stipulates that a Variance application must comply with the following four standards, discussed below. At the Planning Commission's November 4, 2025, public hearing staff recommended that the required Variance standards could be met and that the Variance application should be approved. Those required standards and proposed findings are cited below as objective justification for reasonable use and future development of the Appellant's legally created lot.

A. A Variance from the terms of the Zoning Ordinance shall be granted only when, because of the special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

Proposed Finding: The lot is constrained by special circumstances related to its size, shape, and location. Given the rectangularly shaped lot's orientation to San Dieguito Drive, it has a "depth" of 50 feet where 100 feet is required. When the required 20-foot front yard (setback) and 25-foot rear yard (setback) are applied, the resulting "buildable" area is only 5 feet in depth. The Applicant/Appellant is requesting a Variance to allow a 10-foot front yard (setback) and 10-foot rear yard (setback) for a new residential dwelling unit; and is also requesting a 10-foot front yard (setback) and a 5-foot rear yard (setback) for a new detached garage. The requested Variance would allow for a buildable area depth of 30 feet for the dwelling and 35 feet for the detached garage (to accommodate on site ingress/egress), setback distances that are less than typically applied on conforming lots, but would allow for a one-story architectural design with adequate internal circulation.

B. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

Proposed Finding: The Variance would not grant special privileges due to the property's shape, topography, and location. Future development, similar to neighboring properties, could not be achieved without the reduction of the front and rear setbacks.

C. A variance will not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zoning regulation governing the parcel of property. The provisions of this section shall not apply to conditional use permits.

Proposed Finding: The proposed use, development of a single-unit home with associated structures and improvements, is allowed in the R1-40 Zone.

D. No variance shall be granted if the inability to enjoy the privilege enjoyed by other property in the vicinity and under identical zoning classification:

1. Could be avoided by an alternate development plan;

Proposed Finding: The project request could not be avoided by an alternate development plan and the site could not be developed with a single-unit home, in that the current buildable envelope consistent with R1-40 setbacks would result in a buildable envelope of five-feet-deep by 241-feet-wide space, which would not allow for a development that would meet minimum California Building Code requirements.

2. Is self-induced as a result of an action taken by the property owner or the owner's predecessor;

Proposed Finding: The need for a variance is not self-induced as the subject property is a legal lot with substandard size/shape and was granted a Certificate of Compliance. The limitations have caused the need for a variance from established setback requirements. These unique conditions were not created by the Applicant.

3. Would allow such a degree of variation as to constitute a rezoning or other amendment to the zoning code; or

Proposed Finding: The request would not allow variation as to constitute a rezone or amendment to which other property owners are not entitled since a dwelling unit and detached garage are allowed uses in the R1-40 zone.

4. Would authorize or legalize the maintenance of any private or public nuisance.

Proposed Finding: The request would not result in the authorization or legalization of a private or public nuisance since a dwelling unit and detached garage are allowed uses in the R1-40 zone. Further, the Applicant/Appellant has obtained conditional approval of a Fire Protection Plan that identifies design measures/improvements will substantiate compliance with Very High Fire Hazard Severity Zone and building/fire code requirements.

Conclusion And Alternative Consideration

Staff recommends that the Council consider approval of a Variance that would allow relief from the current front and rear setback requirements of the subject property. This relief would allow for a reasonable use of the property and design considerations, including placement of structures, etc., would be addressed by the DRB.

Should the City Council not agree with the requested Variance, the Council could alternatively continue the item and direct the Appellant to return with modifications to the Variance request that results in a reduction of the front and rear setbacks to accommodate an alternative development design that requires less relief from the established regulations.

FISCAL IMPACT

There is no fiscal impact or action to be taken by the City Council related to this agenda item, as this is a private development application. The Appellant has paid all fees associated with the appeal.

HOUSING IMPACT:

The Applicant is requesting a Variance from existing yard requirements (setbacks) that would make it more feasible to develop an additional single-unit dwelling on a substandard-sized vacant lot the "Very Low Density Residential (R1-40) Zone. Therefore, approval of the

requested discretionary development application would potentially facilitate the construction of a residential unit, therefore increasing City of Del Mar's housing supply or housing affordability.

ENVIRONMENTAL IMPACT:

Pursuant to the California Environmental Quality Act (CEQA), the proposed project has been analyzed and determined to be Categorical Exempt pursuant to CEQA Guidelines Section 15305 (a) (Class 5 – Minor Alterations in Land Use Limitations). This is appropriate for the proposed project because it involves requests for a Variance from the yard/setback requirements would not result in a change to the overall parcel or create a new parcel. It is further determined that none of the six exceptions to the use of a Categorical Exemption apply to this project (CEQA Guidelines Section 15300.2).

NEXUS TO CITY COUNCIL GOALS AND PRIORITIES:

This project is an operational item and does not relate to the City Council's Goals and Priorities.

ATTACHMENTS:

- Attachment A – Draft City Council Resolution
- Attachment B – Property Location Map
- Attachment C – Certificate of Compliance COC-07-02
- Attachment D – Setback Request Exhibit and Site Plan
- Attachment E – Planning Commission Denial Resolution
- Attachment F – Appeal Letter
- Attachment G – Fire Protection Plan

RESOLUTION NO. 2025-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, APPROVING VARIANCE APPLICATION **V24-003**, A REQUEST FOR RELIEF FROM DEL MAR MUNICIPAL CODE SECTIONS 30.10.070.C.1.(a) AND 30.10.070.C.1.(b) TO REDUCE THE REQUIRED FRONT AND REAR YARD SETBACKS OF THE SUBSTANDARD SIZED LOT FOR DEVELOPMENT OF A RESIDENTIAL DWELLING UNIT AND DETACHED GARAGE ON A VACANT LOT LOCATED ADJACENT TO 1439 ORIBIA ROAD (APN: 299-200-74-00), DEL MAR, CALIFORNIA

WHEREAS, Reid and Beth Westburg (Applicant) have filed an application for a Variance (V24-003) from DMMC Sections 30.10.070.C.1.a and 30.10.070.C.1.b to reduce the required front and rear yards (setbacks) of the substandard-sized lot for future development of a residential dwelling unit and detached garage on a vacant lot located adjacent to 1439 Oribia Road, Del Mar, California (APN: 299-200-74-00); and

WHEREAS, the subject lot is a legal parcel as confirmed by Certificate of Compliance COC-07-02, and

WHEREAS, the Project is listed among the classes of projects determined to have less than significant adverse effect on the environment and therefore is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305(a) – Minor Alterations in Land Use Limitations, in that the requested variance of front and rear yard setbacks would not result in the creation of a new parcel; and

WHEREAS, on November 4, 2025, the Planning Commission of the City of Del Mar held a public hearing on the Variance application (V24-003) at which time all persons desiring to be heard were heard; and

WHEREAS, the Planning Commission discussed and considered the following:

1. The Project site's proximity to Crest Canyon Open Space Park and how the proposed development could adversely affect the integrity of the Crest Canyon Open Space resources; and
2. The project's location and use, response access, circulation constraints, and potential fire hazards to surrounding properties due to the Very High Fire Zone the project site is located in; and
3. That Oribia Road and San Dieguito Drive are currently unable to support the current neighborhood densities and by adding additional density to this community would further constrain the ability for residences to evacuate during a wildland fire event; and

4. That existing leach lines on a neighboring property for their on-site septic system may conflict with environmental health standards and that documentation demonstrating system compliance was not provided during or before the hearing; and
5. That the approval of the proposed project could result in the Applicant possibly receiving unique and special benefits not currently afforded to other similarly situated parcels in the neighborhood because the historical records indicate that the similarly situated parcels are land locked; and

WHEREAS, the Planning Commission voted to deny Variance application V24-003 (4-0-1, Commissioner Leonard opposed) request for the setback reductions on a concern for public health and safety; and

WHEREAS, the Applicant requested an appeal to the Planning Commissions denial to be heard at a De Novo public hearing; and

WHEREAS, on January 6, 2026, the City Council of the City of Del Mar held a duly noticed public hearing to review the referenced entitlements, and at which time all persons desiring to be heard were heard; and

WHEREAS, oral and written evidence was submitted and considered to include without limitation:

- a. Drawings developed by the Applicant;
- b. Written information submitted with the application;
- c. Agenda Report, dated January 6, 2026, incorporated by reference as though fully set forth herein; and
- d. Additional information submitted and testimony provided during the hearing.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Del Mar that with regard to Variance application V24-003, the City Council makes the following findings:

- A. The lot is constrained by special circumstances related to its size, shape, and location. Given the rectangularly shaped lot's orientation to San Dieguito Drive, it has a "depth" of 50 feet where 100 feet is required. When the required 20-foot front yard (setback) and 25-foot rear yard (setback) are applied, the resulting "buildable" area is only 5 feet in depth. The Applicant/Appellant is requesting a Variance to allow a 10-foot front yard (setback) and 10 rear yard (setback) for a new residential dwelling unit; and is also requesting a 10-foot front yard (setback) and a 5-foot rear yard (setback) for a new detached garage. The requested Variance would allow for a buildable area depth of 30 feet for the dwelling and 35 feet for the detached garage (to accommodate on site ingress/egress), distances that are less than typically applied on conforming lots, but would allow for a one-story architectural design with adequate internal circulation.

- B. The Variance would not grant special privileges due to the property's shape, topography, and location. Future development, similar to neighboring properties, could not be achieved without the reduction of the front and rear setbacks.
- C. The proposed use, development of a single-unit home with associated structures and improvements, is allowed in the R1-40 Zone.
- D. No variance shall be granted if the inability to enjoy the privilege enjoyed by other property in the vicinity and under identical zoning classification:
 - 1. The project request could not be avoided by an alternate development plan and the site could not be developed with a single-unit home, in that the current buildable envelope consistent with R1-40 setbacks would result in a buildable envelope of five-foot-deep by 240-foot-wide space.
 - 2. The need for a variance is not self-induced as the subject property is a legal lot with substandard sizing and was granted a Certificate of Compliance. The limitations which cause the need for the variance are the lot size, shape, location and topography, none of which were created by the Applicant. The subject site has legal access from San Dieguito Drive through a 107-foot long by 20-foot-wide access/utility easement over the northern portion of 1439 Oribia Road, also owned by the Applicant.
 - 3. The request would not allow variation as to constitute a rezone or amendment to which other property owners are not entitled since a dwelling unit and detached garage are allowed uses in the R1-40 zone.
 - 4. The request would not result in the authorization or legalization of a private or public nuisance since a dwelling unit and detached garage are allowed uses in the R1-40 zone. Further, the Applicant/Appellant has obtained conditional approval of a Fire Protection Plan that identifies design measures/improvements that will substantiate compliance with Very High Fire Hazard Severity Zone and building/fire code requirements.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the City Council of the City of Del Mar that V24-003 is approved, subject to the following conditions:

[Note: The conditions listed below may have intentional gaps in numbering or lettering.]

General Conditions:

G-3 [Development Authorization Limited to Plan Set]

This Variance (V24-003) is granted based on a submitted plans date stamped **October 29, 2025**, depicting a 10-foot front yard setback and 10-foot rear yard setback for a single-unit residence, and a 10-foot front yard setback and 5-foot rear yard setback for a detached

garage structure. Any proposed revision to these plans and/or any proposals for modification shall require review and authorization from the appropriate entities of the City of Del Mar.

G-7 [Code Compliance]

Approval of this application shall not waive the requirement for compliance with the provisions of the DMMC or other applicable City regulations in effect at the time of Building Permit issuance, unless specifically waived in this permit authorization. Prior to Building Permit issuance, the applicants shall demonstrate compliance with Special Condition SC-1.

G-13 [Permit Expiration]

This Permit Variance (V24-003) shall expire three years from the date of approval, on **January 6, 2029**, unless a Building Permit has been issued and substantial construction has been accomplished in reliance upon the permit. Pursuant to the DMMC, substantial construction is defined as: completion of a minimum of 10% of the total amount of construction authorized by the permit, based on the monetary value of construction costs including grading, site preparation and construction but specifically excluding all costs associated with the acquisition of interest in the project site and all costs associated with the preparation and processing of permits or plans.

Special Conditions:

SC-1 [Separate Design Review Permit Required]

In accordance with the DMMC, any new development shall be subject to separate receipt of a valid Design Review Board Permit. Implementation of the Variance granted herein shall be subject to compliance with all terms and conditions of said Design Review Permit. All other requirements for the Community Plan, Zone and applicable Overlays apply.

SC-2 [Setbacks for the Project Site]

In accordance with the request made with the application for Variances from Del Mar Municipal Code (DMMC) Sections 30.10.070.C.1.a and 30.10.070.C.1.b to reduce the required front and rear yards (setbacks) to accommodate for the future development of a residential unit, all future development must adhere to new yards/setbacks, including that all architectural features and parts of the structure shall not encroach into the new setbacks of 10 feet in front for all structures, 10 feet at the rear for the dwelling unit, and five feet at the rear for the garage.

SC-3 [Fire Protection Plan (FPP) Compliance, Monitoring and Reporting]

All development shall comply with the Fire Protection Plan (Revised October 14, 2025) and stamped conditionally approved October 28, 2025. The Applicant shall provide proof of compliance with "Required Brush Clearing Maintenance Standards..." in FPP Section 5.3 to the City of Del Mar Fire Marshal on a biennial basis.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Del Mar, State of California, at a Regular Meeting held on the 6th day of January 2026.

Tracy Martinez, Mayor
City of Del Mar

APPROVED AS TO FORM:

Leslie E. Devaney, City Attorney
City of Del Mar

ATTEST AND CERTIFICATION:
STATE OF CALIFORNIA
COUNTY OF SAN DIEGO
CITY OF DEL MAR

I, Sarah Krietor, Administrative Services Manager/City Clerk of the City of Del Mar, California, DO HEREBY CERTIFY, that the foregoing is a true and correct copy of Resolution No. 2026-XX, adopted by the City Council of the City of Del Mar, California, at a Regular Meeting held the 6th day of January 2026, by the following vote:

AYES:

NOES:

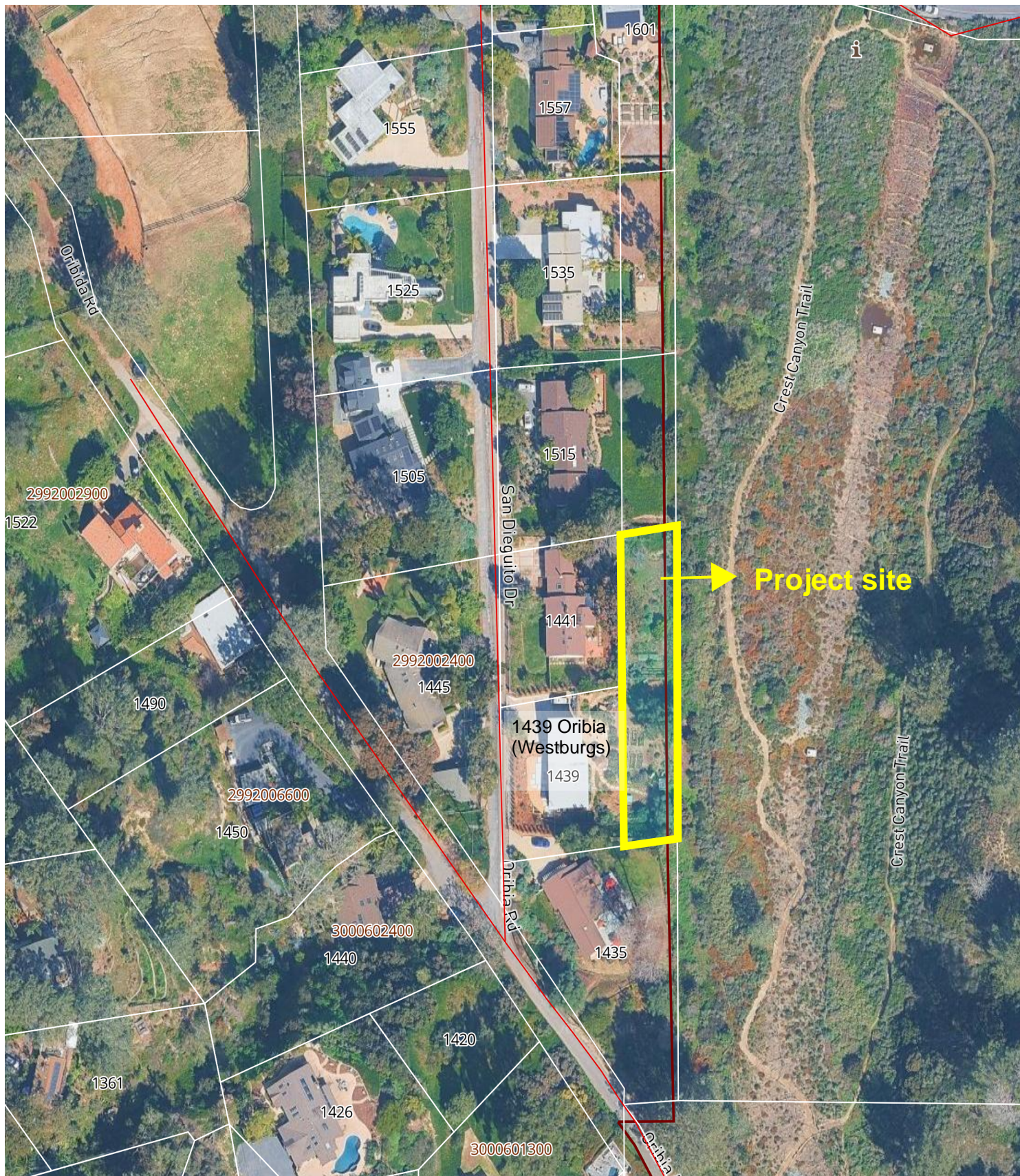
RECUSE:


ABSENT:

ABSTAIN:

Sarah Krietor, Administrative Services
Manager/City Clerk
City of Del Mar

ATTACHMENT B



<p>1" = 121 ft</p>	<p>Vacant Lot Adjacent to 1439 Oribia Road</p>	<p>10/29/2025</p>	
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This map may represent a visual display of related geographic information. Data provided here is not a guarantee of actual field conditions. To ensure complete accuracy, please contact the responsible staff for the most up-to-date information.

ATTACHMENT C

**PLEASE COMPLETE
THIS INFORMATION.**

RECORDING REQUESTED BY:

CITY CLERK

AND WHEN RECORDED MAIL TO:

CITY OF DEL MAR
1050 CAMINO DEL MAR
DEL MAR, CA 92014

5472

10
131



OCT 19, 2009 10:43 AM

OFFICIAL RECORDS
SAN DIEGO COUNTY RECORDER'S OFFICE
DAVID L. BUTLER, COUNTY RECORDER
FEES: 45.00

PAGES: 13



THIS SPACE FOR RECORDER'S USE ONLY

**CITY OF DEL MAR
CERTIFICATE OF COMPLIANCE COC-07-02**

(APN 299-200-67)

Pursuant to the provisions of the subdivision Map Act (Sec. 66410 et. seq., Government Code, State of California) and the City of Del Mar Subdivision Ordinance, (Title 24 of the City of Del Mar Municipal Code) I hereby certify that I have reviewed the application for Certificate of Compliance for the properties described below and found the properties to be in conformance with all requirements of the Subdivision Map Act and of the City of Del Mar Municipal Subdivision Ordinance. Pursuant to this review, I hereby certify that the referenced properties are legal lots of record. (City of Del Mar reference file: COC-07-02)

PROPERTY OWNER: Reid and Beth Westburg

LEGAL DESCRIPTION OF PARCELS: SEE EXHIBITS "A" (ATTACHED)

PLAT OF PARCELS: SEE EXHIBITS "B" (ATTACHED)

BY: 

Date: 9/4/09

Adam Birnbaum, AICP,
Planning Manager, Department of Planning and Community Development

This Certificate of Compliance shall in no way affect the requirements, or application thereof, of any City, County, State, Federal or local agency that regulates the development of real properties.

EXHIBIT 'A' - LEGAL DESCRIPTION FOR PARCEL 1A, APN: 299-200-67PARCEL 1A:

THAT PORTION OF LOT 765 OF ARDEN HEIGHTS UNIT NO. 6, ACCORDING TO MAP THEREOF NO. 1592, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTHERLY LINE OF SAID LOT DISTANT THEREON NORTH 83 DEGREES 52 MINUTES EAST, 155.12 FEET FROM THE NORTHWESTERLY CORNER OF SAID LOT; THENCE SOUTH 1 DEGREE 03 MINUTES 45 SECONDS EAST, 129.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 1 DEGREE 03 MINUTES 45 SECONDS EAST, 132.50 FEET; THENCE NORTH 83 DEGREES 40 MINUTES EAST, 105.51 FEET TO THE EASTERLY LINE OF SAID LOT; THENCE NORTH 00 DEGREES 14 MINUTES WEST ALONG SAID EASTERLY LINE 132.50 FEET TO A LINE WHICH BEARS NORTH 83 DEGREES 46 MINUTES 10 EAST FROM THE TRUE POINT OF BEGINNING; THENCE SOUTH 83 DEGREES 46 MINUTES 10 SECONDS WEST (PREVIOUSLY SHOWN AS SOUTH 83 DEGREES 40 MINUTES 10 SECONDS ON CHICAGO TITLE COMPANY'S PRELIMINARY TITLE REPORT DATED FEBRUARY 27, 2007, AND CORRECTED HEREON), 107.42 FEET TO THE TRUE POINT OF BEGINNING.

RESERVING THEREFROM AN EASEMENT AND RIGHT OF WAY FOR ROAD AND UTILITY PURPOSES TOGETHER WITH THE RIGHT TO CONVEY SIMILAR EASEMENTS OVER SAME TO OTHERS, OVER THE WESTERLY 30.00 FEET THEREOF, AND THE NORTHERLY 20 FEET OF THE ABOVE DESCRIBED LAND.

CONTAINS 14,038 SQUARE FEET, MORE OR LESS

PARCEL 1B:

AN EASEMENT AND RIGHT OF WAY FOR ROAD AND UTILITY PURPOSES TO BE USED IN COMMON WITH THE GRANTORS AND OTHERS OVER THAT PORTION OF LOTS 765, 766, 767, 768 AND VACATED STREETS ADJOINING SAID LOTS 767 AND 768 IN ARDEN HEIGHTS NO. 6, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1592, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, TOGETHER WITH A PORTION OF THE NORTHWEST QUARTER OF SECTION 13 TOWNSHIP 14 SOUTH, RANGE 4 WEST, SAN BERNARDINO BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

EASEMENT PARCEL "A":

A STRIP OF LAND 60.00 FEET IN WIDTH, THE NORTHWESTERLY AND WESTERLY LINE OF SAID 60.00 FOOT STRIP OF LAND BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEASTERLY CORNER OF SAID LOT 768; THENCE SOUTHWESTERLY IN A STRAIGHT LINE TO A POINT IN THE NORTHEASTERLY LINE OF SAID LOT 767, DISTANT THEREON NORTH 38 DEGREES 48 MINUTES WEST 40.00 FEET FROM THE NORTHWESTERLY TERMINUS OF A TANGENT 60.00 FEET RADIUS CURVE, CONCAVE NORTHERLY IN SAID NORTHEASTERLY LINE; THENCE CONTINUING SOUTHWESTERLY ALONG SAID LAST MENTIONED STRAIGHT LINE TO A LINE WHICH BEARS NORTH 1 DEGREE 03 MINUTES 45 SECONDS WEST FROM A POINT IN THE SOUTHERLY LINE OF SAID LOT 767 DISTANT THEREON NORTH 89 DEGREES 02 MINUTES EAST, 130.00 FEET FROM THE SOUTHWESTERLY CORNER THEREOF; THENCE SOUTH 1 DEGREE 03 MINUTES 45 SECONDS TO SAID POINT IN THE SOUTHERLY LINE OF SAID LOT 767; THENCE CONTINUING SOUTH 1 DEGREE 03 MINUTES 45 SECONDS EAST TO A POINT IN THE SOUTHERLY LINE OF SAID LOT 766 DISTANT THEREON NORTH 83 DEGREES 52 MINUTES EAST, 125.00 FEET FROM THE SOUTHWESTERLY CORNER THEREOF; THENCE CONTINUING SOUTH 1 DEGREE 03 MINUTES 45 SECONDS EAST TO THE SOUTHWESTERLY LINE OF SAID LOT 765, SAID STRIP OF LAND BEGINNING IN THE SOUTHWESTERLY LINE OF THE NORTHEASTERLY 10.00 FEET OF SAID LOT 768 AND THE SOUTHEASTERLY PROLONGATION OF SAID SOUTHWESTERLY LINE THEREOF AND ENDING IN THE SOUTHWESTERLY LINE OF SAID LOT 765.

EASEMENT PARCEL "B":

BEGINNING AT THE MOST NORTHERLY CORNER OF SAID LOT 768; THENCE NORTHERLY ALONG THE NORTHWESTERLY LINE OF THE PORTION OF SAN DIEGUITO DRIVE AS VACATED AND CLOSED PUBLIC USE, A DISTANCE OF 20.00 FEET TO THE CENTER LINE OF SAID DRIVE; THENCE SOUTHEASTERLY ALONG AND CENTER LINE TO THE EASTERLY LINE OF SAID ARDEN HEIGHTS UNIT NO. 6; THENCE NORTHERLY ALONG SAID EASTERLY LINE TO A POINT IN THE SOUTHEASTERLY PROLONGATION OF A LINE WHICH IS PARALLEL WITH AND 30.00 FEET NORTHEASTERLY MEASURED AT RIGHT ANGLES FROM SAID CENTER LINE; THENCE SOUTHEASTERLY ALONG SAID PARALLEL LINE TO A POINT IN THE EASTERLY LINE OF THE WESTERLY 50.00 FEET OF SAID SECTION 13; THENCE SOUTHERLY ALONG SAID EASTERLY LINE TO A POINT IN THE SOUTHEASTERLY PROLONGATION OF THE SOUTHWESTERLY LINE OF THE NORTHEASTERLY 10.00 FEET OF SAID LOT 768; THENCE NORTHWESTERLY ALONG SAID PROLONGATION TO AND ALONG SAID SOUTHWESTERLY LINE OF THE NORTHEASTERLY 10.00 FEET OF SAID LOT TO THE WESTERLY LINE OF SAID LOT 768; THENCE NORTHERLY ALONG SAID WESTERLY LINE TO THE POINT OF BEGINNING.

EXCEPTING FROM SAID PARCEL B THAT PORTION THEREOF LYING WITHIN PARCEL A HEREINABOVE DESCRIBED.

THE EASEMENT AND RIGHT OF WAY DESCRIBED HEREIN UNDER PARCEL B IS HEREBY DECLARED TO BE APPURTENANT TO THE LAND DESCRIBED IN PARCEL A ABOVE AND TO BE FOR THE USE AND BENEFIT OF THE PRESENT AND FUTURE OWNER OR OWNERS OF ALL OR ANY PART THEREOF.

CONTAINS 72,826 SQUARE FEET, MORE OR LESS.

PARCEL 2B:

AN EASEMENT AND RIGHT OF WAY FOR ROAD, SEWER, WATER, GAS POWER AND TELEPHONE LINES AND APPURTENANCES THERETO, OVER, UNDER, ALONG AND ACROSS A STRIP OF LAND 20 FEET IN WIDTH THE NORTHERLY LINE OF SAID 20 FOOT STRIP BEING DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTHERLY LINE OF SAID LOT 765, OF ARDEN HEIGHTS UNIT NO. 6, DISTANT THEREON NORTH 83°52 MINUTES EAST, 155.12 FEET (PREVIOUSLY SHOWN AS 155.21 FEET ON CHICAGO TITLE COMPANY'S PRELIMINARY TITLE REPORT DATED FEBRUARY 27, 2007, AND CORRECTED HEREON) FROM THE NORTHWEST CORNER OF SAID LOT; THENCE SOUTH 1 DEGREE 03 MINUTES 45 SECONDS EAST, 129 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 83 DEGREE 46 MINUTES 10 SECONDS EAST, 107.42 FEET (PREVIOUSLY SHOWN AS 107.12 FEET ON CHICAGO TITLE COMPANY'S PRELIMINARY TITLE REPORT DATED FEBRUARY, 2007, AND CORRECTED HEREON) TO THE EASTERLY LINE OF SAID LOT 765.

EXCEPTING THE WESTERLY 30 FEET THEREOF.

CONTAINS 1,543 SQUARE FEET, MORE OR LESS.



05-005
5/15/07

EXHIBIT 'B'
CITY OF DEL MAR
DEPARTMENT OF PLANNING
PLAT

SHEET: 1 OF 3

5476

EASEMENT NOTES:

- A** AN EASEMENT TO THE SAN DIEGO GAS AND ELECTRIC COMPANY FOR THE PURPOSE OF INGRESS AND EGRESS AND PUBLIC UTILITIES, RECORDED MAY 9, 1958 AS FILE No. 74987 IN BOOK 7074, PAGE 5 OF OFFICIAL RECORDS.
- B** AN EASEMENT TO DEL MAR UTILITIES FOR THE PURPOSE OF INGRESS AND EGRESS AND PUBLIC UTILITIES, RECORDED OCTOBER 16, 1958 AS FILE No. 17168 IN BOOK 7034, PAGE 196 OF OFFICIAL RECORDS.
- C** AN EASEMENT TO WHITNEY ENTERPRISES FOR THE PURPOSE OF INGRESS AND EGRESS AND PUBLIC UTILITIES, RECORDED DECEMBER 11, 1958 AS FILE No. 207503 IN BOOK 7390, PAGE 508 OF OFFICIAL RECORDS.
- D** AN EASEMENT TO WHITNEY ENTERPRISES FOR THE PURPOSE OF INGRESS AND EGRESS AND PUBLIC UTILITIES, RECORDED NOVEMBER 15, 1961 AS FILE No. 196270 OF OFFICIAL RECORDS.
- E** EASEMENTS FOR INGRESS AND EGRESS FOR ROAD, PIPELINE, AND PUBLIC UTILITY PURPOSES OVER EASEMENT PARCEL(S) 1B, HEREIN DESCRIBED, AS GRANTED TO VARIOUS PARTIES OF RECORD.
- F** AN EASEMENT TO THE CITY OF DEL MAR FOR THE PURPOSE OF WATER PIPELINES, RECORDED JANUARY 3, 1966 AS FILE No. 90 OF OFFICIAL RECORDS.
- G** EASEMENTS FOR INGRESS AND EGRESS FOR ROAD, PIPELINE, AND PUBLIC UTILITY PURPOSES OVER EASEMENT PARCEL 1B, HEREIN DESCRIBED, AS GRANTED TO VARIOUS PARTIES OF RECORD.

LEGAL DESCRIPTION:

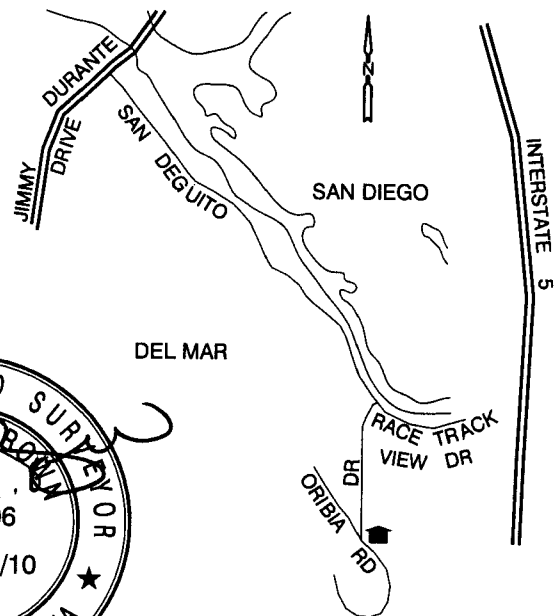
PORTION OF LOT 765 OF ARDEN HEIGHTS UNIT No. 6, ACCORDING TO MAP THEREOF No. 1592, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT SURVEY.

NOTES:

1. THIS IS NOT A BOUNDARY SURVEY. BOUNDARY INFORMATION PER RECORD DATA.
2. THE PROPERTY LINES SHOWN HEREON WERE CALCULATED FROM RECORD DATA USING A MIN. OF TWO (2) TIES TO CERTAIN FOUND SURVEY MONUMENTS.
3. THE EASEMENTS SHOWN ON THIS PLAT ARE FROM A PRELIMINARY TITLE REPORT PREPARED BY CHICAGO TITLE COMPANY, MARCH 12, 2007.

THE FOLLOWING EASEMENTS HAVE NO LOCATION SET FORTH AND THEREFORE CANNOT BE PLOTTED;

- a) AN EASEMENT TO SOUTH COAST LAND COMPANY FOR THE PURPOSE OF INGRESS AND EGRESS AND PUBLIC UTILITIES, IN THE DOCUMENT RECORDED JANUARY 11, 1923 IN BOOK 922, PAGE 132 OF DEEDS.
- b) AN EASEMENT TO SAN DIEGO GAS AND ELECTRIC FOR THE PURPOSE OF POLES, WIRES AND ANCHORAGE FOR THE TRANSMISSION AND DISTRIBUTION OF ELECTRICITY, IN THE DOCUMENT RECORDED JULY 18, 1917 IN BOOK 735, PAGE 347 OF DEEDS.



VICINITY MAP

■ = SITE LOCATION NTS

ADDRESS : 1439 ORIBIA ROAD
DEL MAR, CA 92014

PHONE No. : (858) 735-0562

THIS PLAT WAS PREPARED WITH MY KNOWLEDGE & CONSENT
 APPLICANT : BETH AND REID WESTBURG

ADDRESS : 1439 ORIBIA ROAD
DEL MAR, CA 92014

PHONE No. : (858) 735-0562

SIGNATURE : *Randy Brown*

SIGNATURE : *Beth L. Westburg*

MAP PREPARED BY : SOWARDS & BROWN ENGINEERING, INC.

ADDRESS : 2187 NEWCASTLE AVE. STE 103
CARDIFF BY THE SEA, CA. 92007

PHONE No. : (760) 436-8500

LS No. : 5406

JOB No. 05-005 5.15.07

EXHIBIT 'B'
CITY OF DEL MAR
DEPARTMENT OF PLANNING
PLAT

SHEET: 2 OF 3

5477



EXISTING & PROPOSED ZONING

ZONE: R1-40, BLUFF, SLOPE,
CANYON OVERLAY ZONE

DENSITY: ONE BUILDING SITE
PER ACRE OF NET AREA

USE: 1 SINGLE FAMILY DWELLING PER LOT

APN: 300-160-53

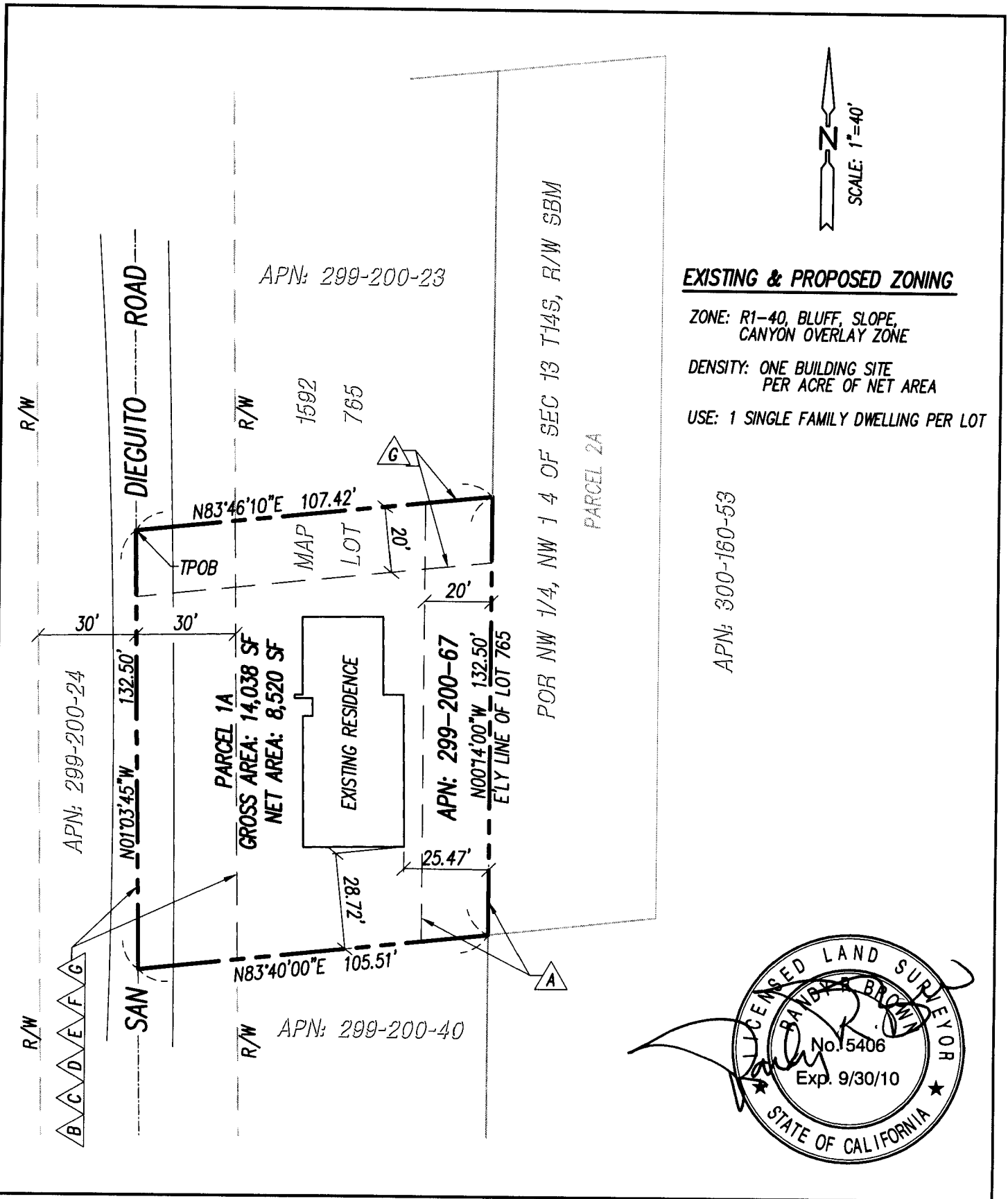


EXHIBIT 'B'

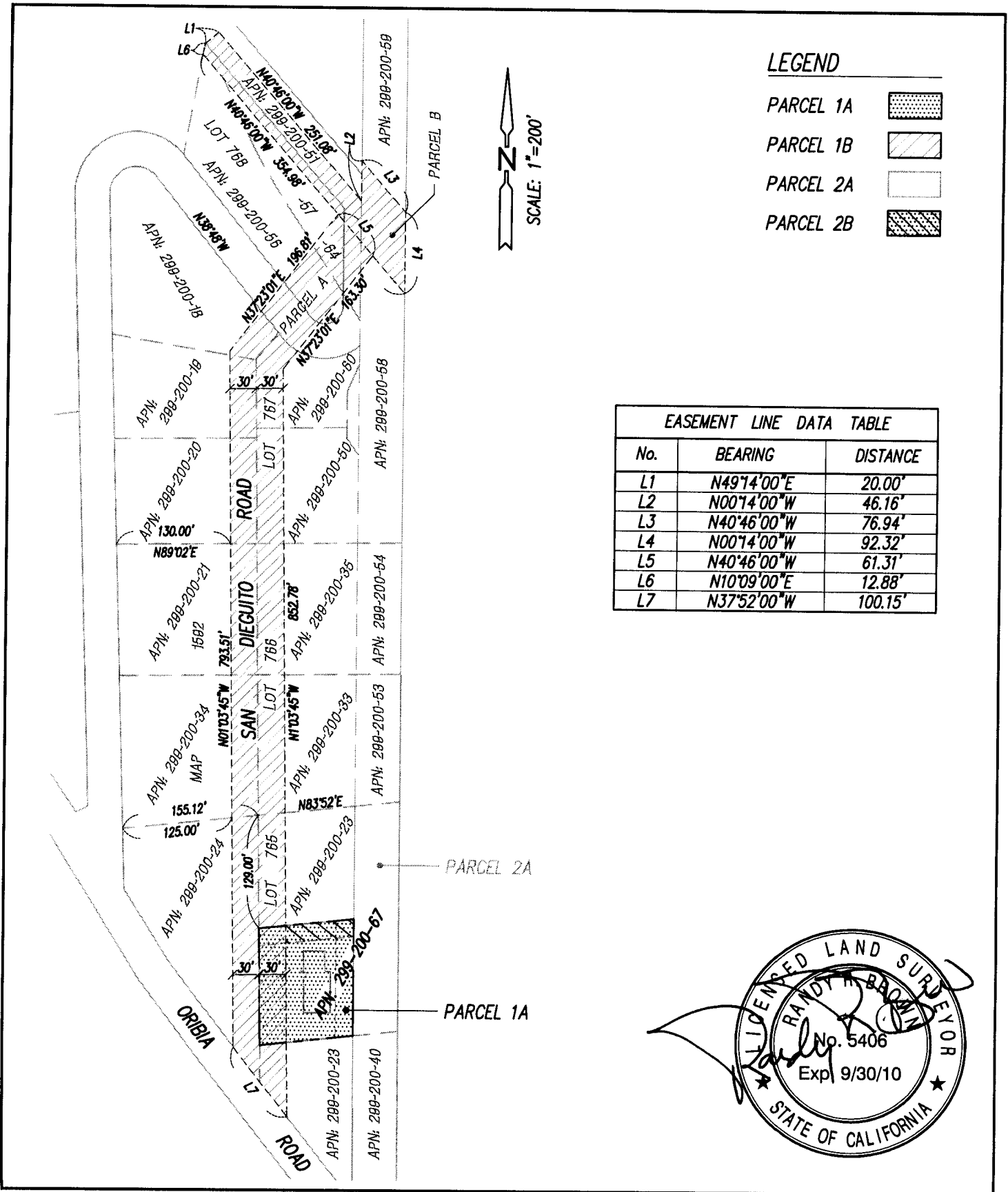
CITY OF DEL MAR

DEPARTMENT OF PLANNING

PLAT

SHEET: 3 OF 3

5478



LEGEND

- PARCEL 1A
- PARCEL 1B
- PARCEL 2A
- PARCEL 2B

No.	BEARING	DISTANCE
L1	N49°14'00"E	20.00'
L2	N00°14'00"W	46.16'
L3	N40°46'00"W	76.94'
L4	N00°14'00"W	92.32'
L5	N40°46'00"W	61.31'
L6	N10°09'00"E	12.88'
L7	N37°52'00"W	100.15'

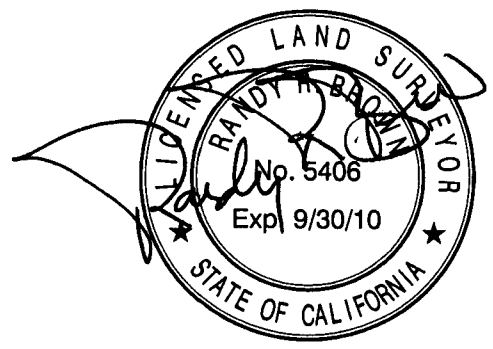


EXHIBIT 'A' - LEGAL DESCRIPTION FOR PARCEL 2A, APN: 299-200-67PARCEL 2A:

THAT PORTION OF THE WESTERLY 50 FEET OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 14 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF DEL MAR, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT SURVEY WHICH LIES SOUTHERLY OF THE EASTERLY PROLONGATION OF THE NORTHERLY LINE OF LOT 765 OF ARDEN HEIGHTS NO. 6, ACCORDING TO MAP THEREOF NO. 1592, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JULY 18, 1913 AND NORTHERLY OF A LINE DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTHERLY LINE OF SAID LOT 765, DISTANT THEREON NORTH 83°52' EAST, 155.12 FEET FROM THE NORTHWEST CORNER OF SAID LOT; THENCE SOUTH 1°03'45" EAST, 261.50 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 83°40' EAST, 155.79 FEET TO THE EAST LINE OF SAID WESTERLY 50 FEET OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 13.

CONTAINS 13,070 SQUARE FEET, MORE OR LESS.

PARCEL 2B:

AN EASEMENT AND RIGHT OF WAY FOR ROAD, SEWER, WATER, GAS POWER AND TELEPHONE LINES AND APPURTENANCES THERETO, OVER, UNDER, ALONG AND ACROSS A STRIP OF LAND 20 FEET IN WIDTH THE NORTHERLY LINE OF SAID 20 FOOT STRIP BEING DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTHERLY LINE OF SAID LOT 765, OF ARDEN HEIGHTS UNIT NO. 6, DISTANT THEREON NORTH 83°52 MINUTES EAST, 155.12 FEET (PREVIOUSLY SHOWN AS 155.21 FEET ON CHICAGO TITLE COMPANY'S PRELIMINARY TITLE REPORT DATED FEBRUARY 27, 2007, AND CORRECTED HEREON) FROM THE NORTHWEST CORNER OF SAID LOT; THENCE SOUTH 1 DEGREE 03 MINUTES 45 SECONDS EAST, 129 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 83 DEGREE 46 MINUTES 10 SECONDS EAST, 107.42 FEET (PREVIOUSLY SHOWN AS 107.12 FEET ON CHICAGO TITLE COMPANY'S PRELIMINARY TITLE REPORT DATED FEBRUARY 27, 2007, AND CORRECTED HEREON) TO THE EASTERLY LINE OF SAID LOT 765.

EXCEPTING THE WESTERLY 30 FEET THEREOF.

CONTAINS 1,543 SQUARE FEET, MORE OR LESS.

PARCEL 2C:

AN EASEMENT AND RIGHT OF WAY FOR ROAD AND UTILITY PURPOSES, TO BE USED IN COMMON WITH THE GRANTORS AND OTHER, OVER THAT PORTION OF LOTS 765, 766, 767, 768 AND THE VACATED STREETS ADJOINING SAID LOTS 767 AND 768 IN ARDEN HEIGHTS UNIT NO. 6, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1592, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, TOGETHER WITH A PORTION OF THE NORTHWEST QUARTER OF SECTION 13 TOWNSHIP 14 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, DESCRIBED AS FOLLOWS:

EASEMENT PARCEL "A":

A STRIP OF LAND 60.00 FEET IN WIDTH, THE NORTHWESTERLY AND WESTERLY LINE OF SAID 60.00 FOOT STRIP OF LAND BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEASTERLY CORNER OF SAID LOT 768; THENCE SOUTHWESTERLY IN A STRAIGHT LINE TO A POINT IN THE NORTHEASTERLY LINE OF SAID LOT 767, DISTANT THEREON NORTH 38 DEGREES 48 MINUTES WEST, 40.00 FEET FROM THE NORTHWESTERLY TERMINUS OF A TANGENT 60.00 FOOT RADIUS CURVE, CONCAVE NORTHERLY IN SAID NORTHEASTERLY LINE; THENCE CONTINUING SOUTHWESTERLY ALONG SAID LAST MENTIONED STRAIGHT LINE TO A LINE WHICH BEARS NORTH 1 DEGREE 03 MINUTES 45 SECONDS WEST FROM A POINT IN THE SOUTHERLY LINE OF SAID LOT 767, DISTANT THEREON NORTH 89 DEGREES 02 MINUTES EAST, 130.00 FEET FROM THE SOUTHWESTERLY CORNER THEREOF; THENCE SOUTH 1 DEGREE 03 MINUTES 45 SECONDS EAST TO SAID POINT IN THE SOUTHERLY LINE OF SAID LOT 767; THENCE CONTINUING SOUTH 1 DEGREE 03 MINUTES 45 SECONDS EAST TO A POINT IN THE SOUTHERLY LINE OF SAID LOT 766, DISTANT THEREON NORTH 83 DEGREES 52 MINUTES EAST, 125.00 FEET FROM THE SOUTHWESTERLY CORNER THEREOF, THENCE CONTINUING SOUTH 1 DEGREE 03 MINUTES 45 SECONDS EAST TO THE SOUTHWESTERLY LINE OF SAID LOT 765.

SAID STRIP OF LAND BEGINNING IN THE SOUTHWESTERLY LINE OF THE NORTHEASTERLY 10.00 FEET OF SAID LOT 768 AND THE SOUTHEASTERLY PROLONGATION OF SAID SOUTHWESTERLY LINE THEREOF AND ENDING IN THE SOUTHWESTERLY LINE OF SAID LOT 765.

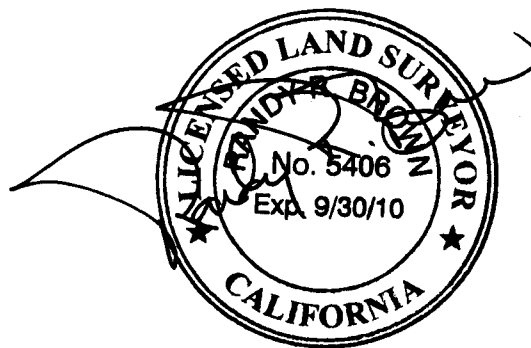
EASEMENT PARCEL "B":

BEGINNING AT THE MOST NORTHERLY CORNER OF SAID LOT 768; THENCE NORTHERLY ALONG THE NORTHWESTERLY LINE OF THAT PORTION OF SAN DIEGUITO DRIVE, AS VACATED AND CLOSED TO PUBLIC UTILITIES, A DISTANCE OF 20.00 FEET TO THE CENTER LINE OF SAID DRIVE; THENCE SOUTHEASTERLY ALONG SAID CENTER LINE TO THE EASTERLY LINE OF SAID ARDEN HEIGHTS UNIT NO. 6; THENCE NORTHERLY ALONG SAID EASTERLY LINE TO A POINT IN THE SOUTHEASTERLY PROLONGATION OF A LINE WHICH IS PARALLEL WITH AND 30.00 FEET NORTHEASTERLY MEASURED AT RIGHT ANGLES FROM SAID CENTER LINE; THENCE SOUTHEASTERLY ALONG SAID PARALLEL LINE TO A POINT IN THE EASTERLY LINE OF THE WESTERLY 50.00 FEET OF SAID SECTION 13; THENCE SOUTHERLY ALONG SAID EASTERLY LINE TO A POINT IN THE SOUTHEASTERLY PROLONGATION OF THE SOUTHWESTERLY LINE OF THE NORTHEASTERLY 10.00 FEET OF SAID LOT 768; THENCE NORTHWESTERLY ALONG SAID PROLONGATION TO AND ALONG SAID SOUTHWESTERLY LINE OF THE NORTHEASTERLY 10.00 FEET OF SAID LOT TO THE WESTERLY LINE OF SAID LOT 768; THENCE NORTHERLY ALONG SAID WESTERLY LINE TO THE POINT OF BEGINNING.

EXCEPTING FROM SAID PARCEL B THAT PORTION THEREOF, LYING WITHIN PARCEL A HEREINABOVE DESCRIBED.

THE EASEMENT AND RIGHT OF WAY DESCRIBED HEREIN UNDER PARCEL B IS HEREBY DECLARED TO APPURTENANT TO THE LAND DESCRIBED IN PARCEL A ABOVE AND TO BE FOR THE USE AND BENEFIT OF THE PRESENT AND FUTURE OWNER OR OWNERS OF ALL OR ANY PART THEREOF.

CONTAINS 72,826 SQUARE FEET, MORE OR LESS.



05-005
5/15/07

EXHIBIT 'B'
CITY OF DEL MAR
DEPARTMENT OF PLANNING
PLAT

SHEET: 1 OF 3

5482

EASEMENT NOTES:

△ EASEMENTS FOR INGRESS AND EGRESS FOR ROAD, PIPELINE, AND PUBLIC UTILITY PURPOSES OVER EASEMENT PARCEL(S) 2B, 2C, HEREIN DESCRIBED, AS GRANTED TO VARIOUS PARTIES OF RECORD.

THE FOLLOWING EASEMENTS HAVE NO LOCATION SET FORTH AND THEREFORE CANNOT BE PLOTTED;

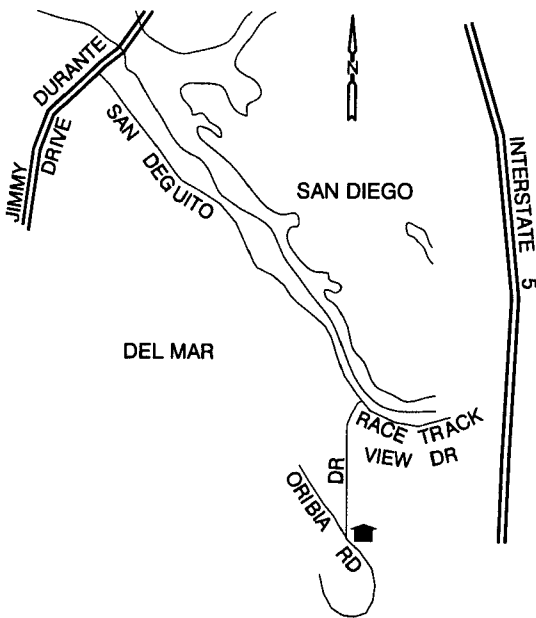
- a) AN EASEMENT TO SOUTH COAST LAND COMPANY FOR THE PURPOSE OF INGRESS AND EGRESS AND PUBLIC UTILITIES, IN THE DOCUMENT RECORDED JANUARY 11, 1923 IN BOOK 922, PAGE 132 OF DEEDS.
- b) AN EASEMENT TO SAN DIEGO GAS AND ELECTRIC FOR THE PURPOSE OF POLES, WIRES AND ANCHORAGE FOR THE TRANSMISSION AND DISTRIBUTION OF ELECTRICITY, IN THE DOCUMENT RECORDED JULY 18, 1917 IN BOOK 735, PAGE 347 OF DEEDS.

LEGAL DESCRIPTION:

PORTION OF THE WESTERLY 50 FEET OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 14 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF DEL MAR, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT SURVEY.

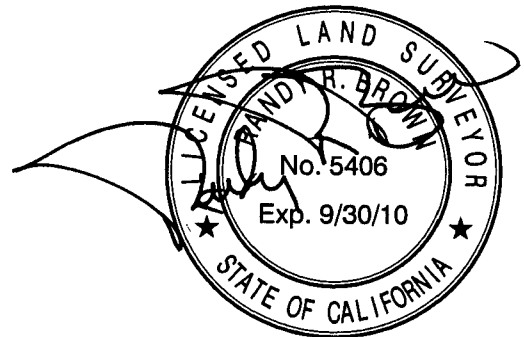
NOTES:

1. THIS IS NOT A BOUNDARY SURVEY. BOUNDARY INFORMATION PER RECORD DATA.
2. THE PROPERTY LINES SHOWN HEREON WERE CALCULATED FROM RECORD DATA USING A MIN. OF TWO (2) TIES TO CERTAIN FOUND SURVEY MONUMENTS.
3. THE EASEMENTS SHOWN ON THIS PLAT ARE FROM A PRELIMINARY TITLE REPORT PREPARED BY CHICAGO TITLE COMPANY, MARCH 12, 2007.



VICINITY MAP

■ = SITE LOCATION NTS



ADDRESS : 1439 ORIBIA ROAD
DEL MAR, CA 92014

PHONE No. : (858) 735-0562

THIS PLAT WAS PREPARED WITH MY KNOWLEDGE & CONSENT
 APPLICANT : BETH AND REID WESTBURG

ADDRESS : 1439 ORIBIA ROAD
DEL MAR, CA 92014

PHONE No. : (858) 735-0562

SIGNATURE : *Randall H. Brown*

SIGNATURE : *Beth H. Westburg*

MAP PREPARED BY : SOWARDS & BROWN ENGINEERING, INC.
 ADDRESS : 2187 NEWCASTLE AVE. STE 103
CARDIFF BY THE SEA, CA. 92007

PHONE No. : (760) 436-8500

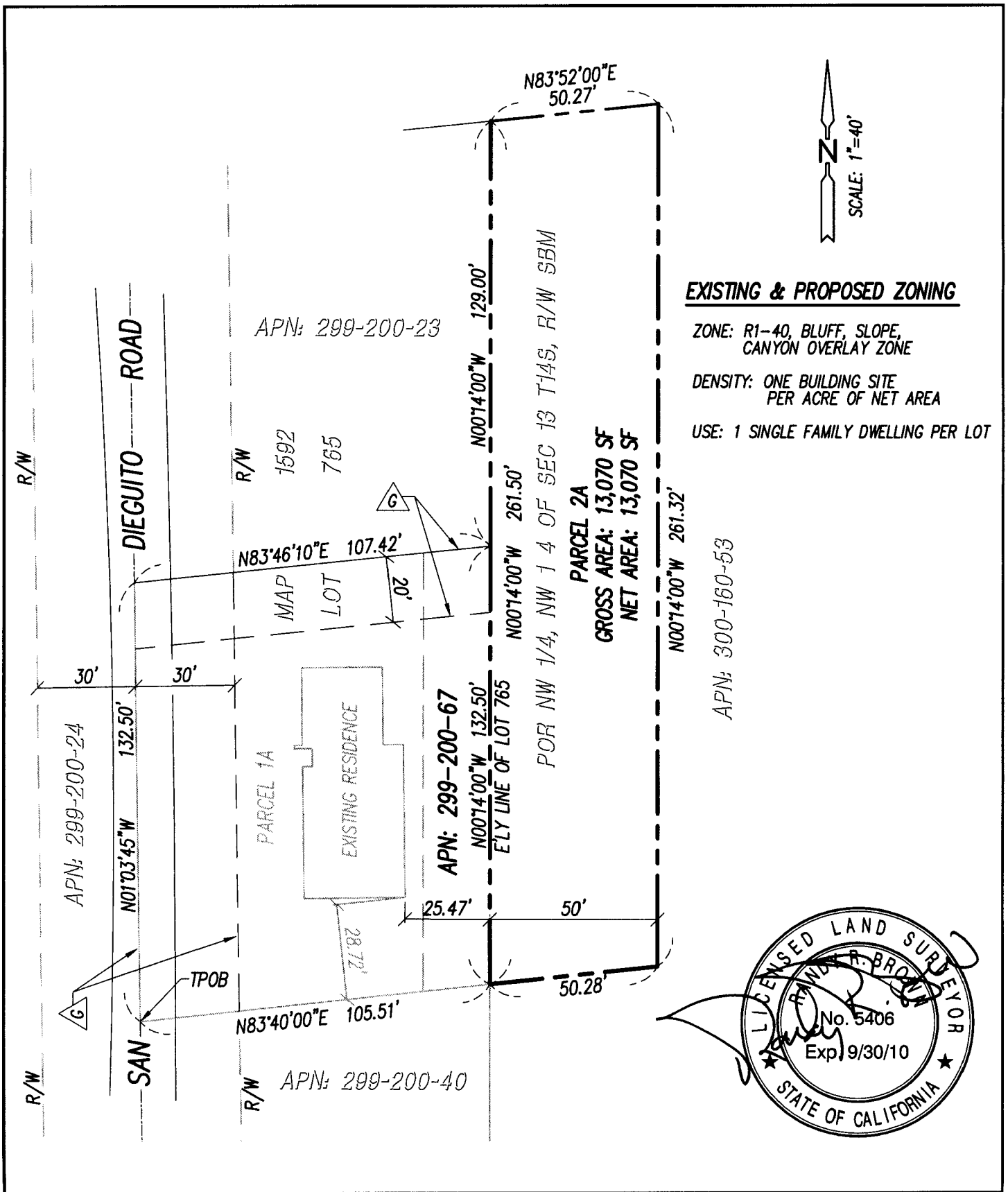
LS No. : 5406

JOB No. 05-005 5.15.07

EXHIBIT 'B'
CITY OF DEL MAR
DEPARTMENT OF PLANNING
PLAT

SHEET: 2 OF 3

5483



EXISTING & PROPOSED ZONING

ZONE: R1-40, BLUFF, SLOPE,
 CANYON OVERLAY ZONE

DENSITY: ONE BUILDING SITE
 PER ACRE OF NET AREA

USE: 1 SINGLE FAMILY DWELLING PER LOT

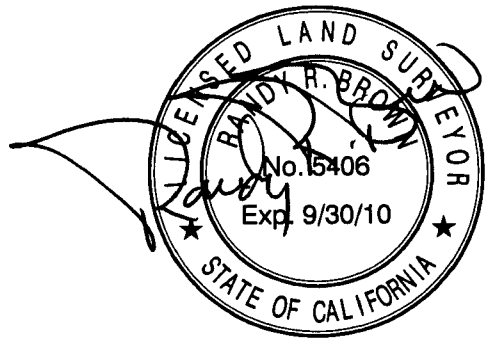
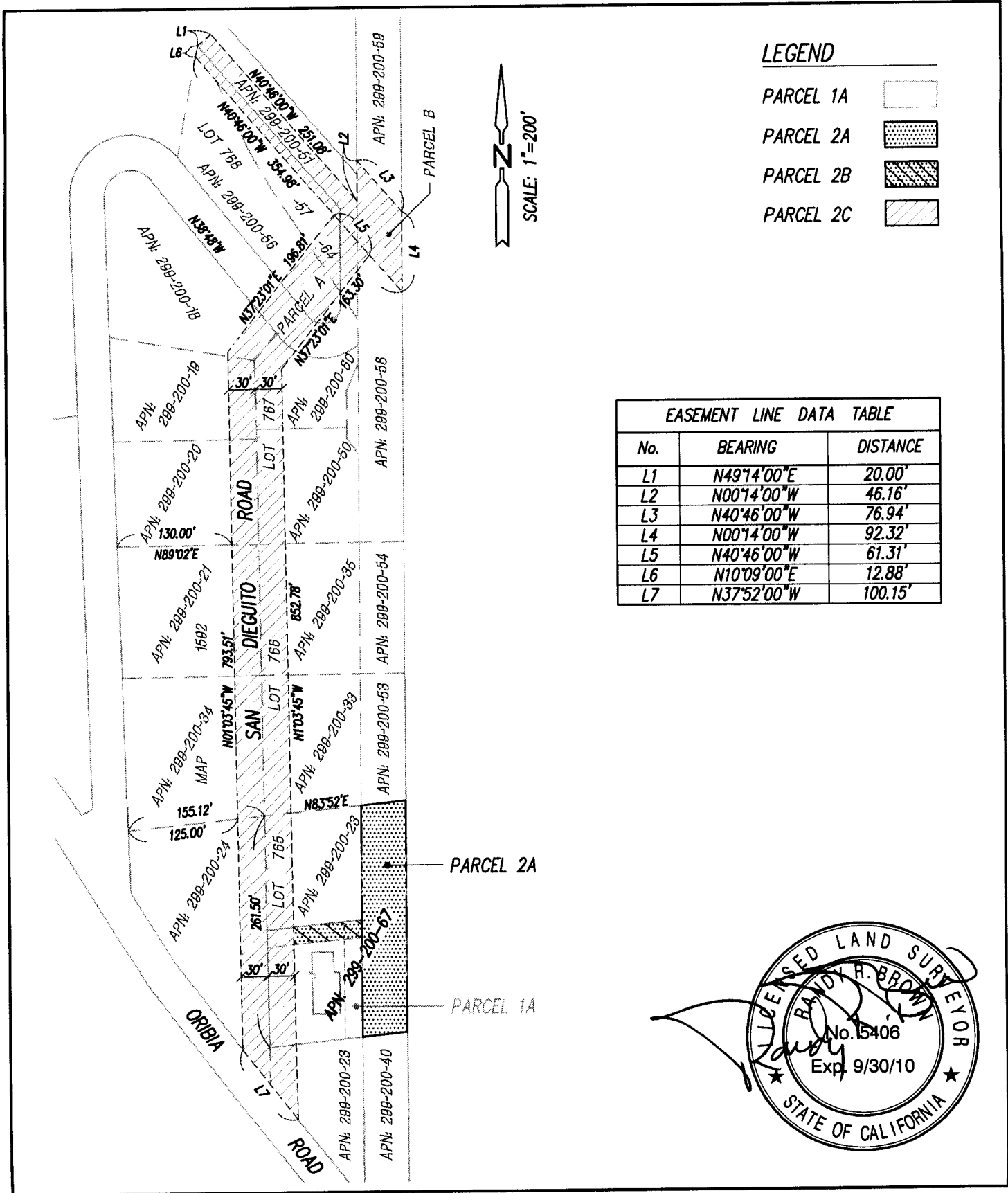


EXHIBIT 'B'

CITY OF DEL MAR DEPARTMENT OF PLANNING PLAT

SHEET: 3 OF 3

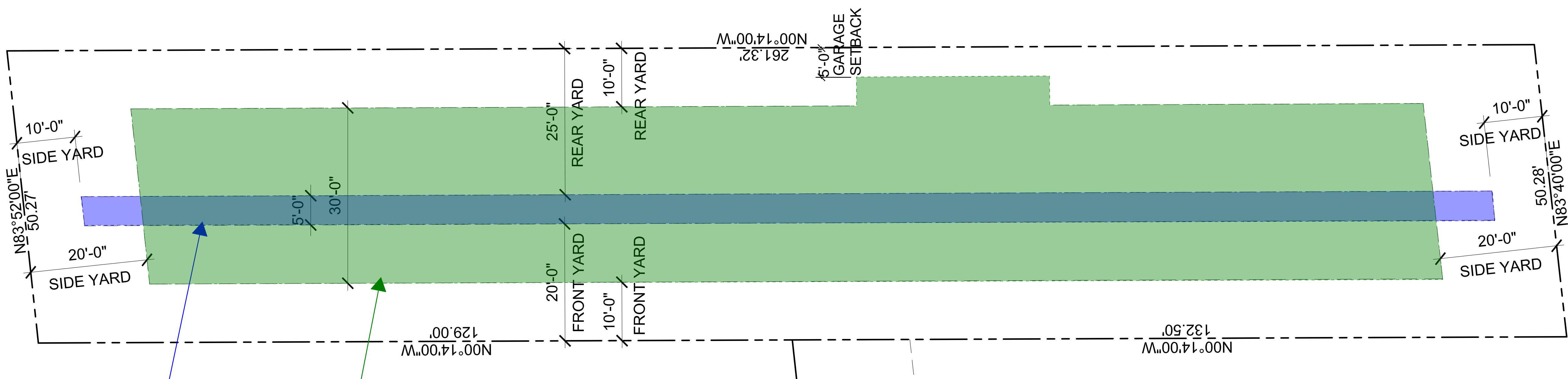
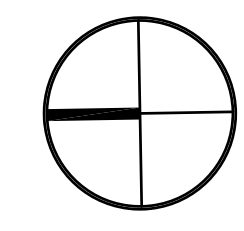
5484



ATTACHMENT D

CITY OF SAN DIEGO OPEN SPACE RESERVE

RECEIVED
Oct 29 2025
City of Del Mar
Planning Department



BUILDABLE
FOOTPRINT PER
REQUIRED
SETBACKS

BUILDABLE
FOOTPRINT PER
PROPOSED
SETBACKS

20' ACCESS EASEMENT

SAN DIEGUITO ROAD

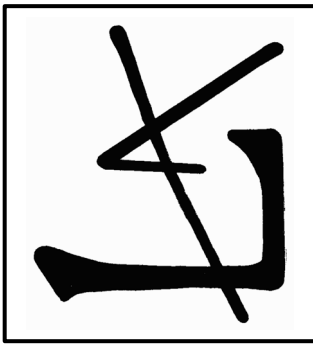
PROJECT DATA		SITE INFO	
OWNERS BETH & REID WESTBURG 1439 ORIBIA ROAD DEL MAR, CA	APPLICANT KIT LEEGER LEEGER ARCHITECTURE BOX 2310 DEL MAR, CA 92014 760-815-4713 KLEGER@LEEGERARCH.COM	ZONING: R1-40, BSC OVERLAY	SETBACKS: REQUIRED: FRONT: 20', REAR: 25', SIDE: 10' PROPOSED: FRONT: 10', REAR: 10'/5', SIDE: 20'/20'
SITE ADDRESS O ORIBIA ROAD DEL MAR, CA	APN: 299-200-67	LOT AREA: GROSS: 13,070 S.F. NET: 13,070 S.F.	

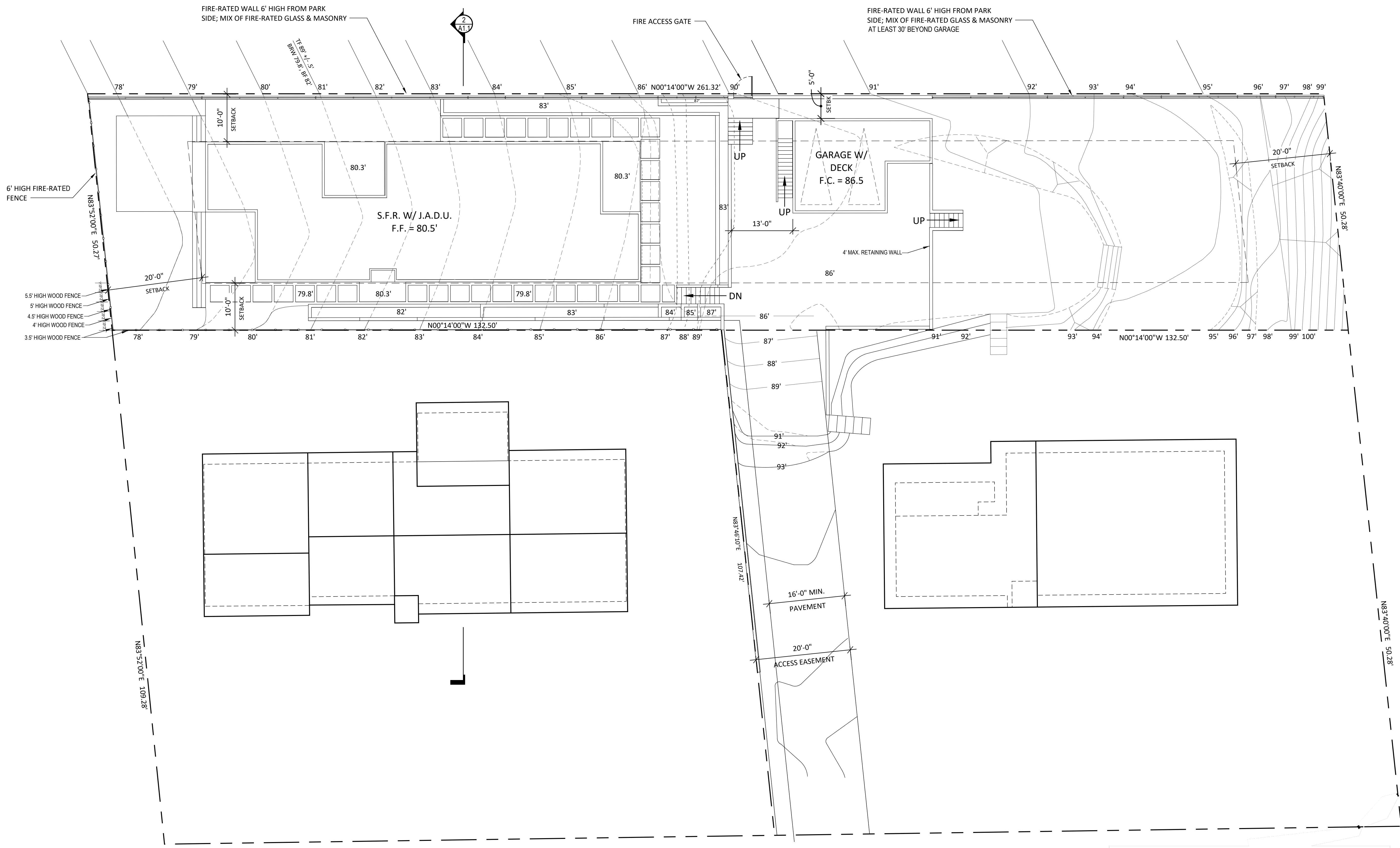
SITE
PLAN
1" = 10'-0"

ISSUED:
9/30/25
PRINTED:

WESTBURG
O ORIBIA ROAD
DEL MAR, CA

LEEGER ARCHITECTURE
KATHLEEN LEEGER, AIA, CERTIFIED GREEN BUILDING PROFESSIONAL
LEEGERARCH.COM
P.O. BOX 2310
DEL MAR, CA 92014

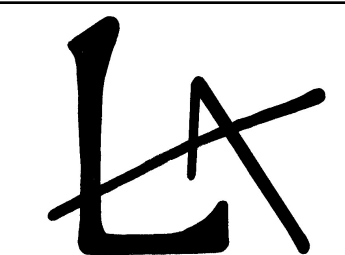




1 SITE PLAN

SCALE: 1" = 10'-0"

2



LEEGER ARCHITECTURE

KATHLEEN LEEGER, AIA, CERTIFIED GREEN BUILDING PROFESSIONAL
 LEEGERARCH.COM P.O. BOX 2310
 760.815.4713 DEL MAR, CA 92014

WESTBURG RESIDENCE

WITH J.A.D.U.
 0 ORIBIA ROAD
 DEL MAR CA, 92014

ISSUED: 09/23/2025
 PRINTED:

FOR CITY STAMPS

RECEIVED
 Oct 29 2025
 City of Del Mar
 Planning Department

SITE PLAN

A1. 1

ATTACHMENT E

RESOLUTION NO. PC 2025-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DEL MAR, CALIFORNIA DENYING VARIANCE APPLICATION **V24-003**, A REQUEST FOR RELIEF FROM DEL MAR MUNICIPAL CODE SECTIONS 30.10.070.C.1.(a) AND 30.10.070.C.1.(b) TO REDUCE THE REQUIRED FRONT AND REAR YARD SETBACKS OF THE SUBSTANDARD SIZED LOT FOR DEVELOPMENT OF A RESIDENTIAL DWELLING UNIT AND DETACHED GARAGE ON A VACANT LOT LOCATED ADJACENT TO 1439 ORIBIA ROAD, DEL MAR, CALIFORNIA (APN: 299-200-74-00)

WHEREAS, Reid and Beth Westburg (Applicant), applied for a Variance (**V24-003**) from DMMC Sections 30.10.070.C.1.(a) and 30.10.070.C.1.(b), to reduce the required residential front and rear yards setbacks of a substandard-sized lot in order to prepare for future development of a residential dwelling unit and detached garage. The property is currently vacant and located adjacent to 1439 Oribia Road, Del Mar, California (APN: 299-200-74-00); and

WHEREAS, the project is listed among the classes of projects determined to have less than significant adverse effect on the environment and therefore, is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305(a) – Minor Alterations in Land Use Limitations, in that the requested variance of front and rear yard setbacks would not result in the creation of a new parcel; and

WHEREAS, the subject lot is a legal parcel as confirmed by Certificate of Compliance COC-07-02; and

WHEREAS, on November 4, 2025, the Planning Commission of the City of Del Mar held a duly noticed public hearing on the Variance application (**V24-003**) at which time all persons desiring to be heard were heard; and

WHEREAS, oral and written evidence was submitted at a duly public noticed hearing and considered to include without limitation:

- a. Plans submitted by the Applicant.
- b. Written information submitted with the application.
- c. Oral testimony from Staff, the Applicant, and the public.
- d. Staff report, dated November 4, 2025, which is incorporated by this reference, as though fully set forth herein.
- e. Additional information submitted during the hearing.

WHEREAS, the Planning Commission discussed the Project site's proximity to Crest Canyon Open Space Park and how the proposed development could adversely affect the integrity of the Crest Canyon Open Space resources; and

WHEREAS, the Planning Commission discussed the considerable fire and public safety concerns related to the project's location and the proposed uses, including emergency response access, circulation constraints, and potential fire hazards to surrounding properties due to the Very High Fire Zone the project site is located in; and

WHEREAS, the Planning Commission considered the existing conditions of Oribia Road and San Dieguito Drive to express that these roads are currently unable to support the existing neighborhood needs, where the granting of this variance could result in greater traffic burden, due to the increase of density, during the evacuation in a wildland fire event; and

WHEREAS, the Planning Commission considered the constraints and the location of the existing leach lines that have crossed from 1441 San Dieguito Drive onto the vacant project site and have determined that the existing leach lines may conflict with environmental health standards and that documentation demonstrating system compliance was not provided during or before the hearing; and

WHEREAS, the Planning Commission considered that approval of the proposed project could result in the Applicant possibly receiving unique and special benefits not currently afforded to other similarly situated parcels in the neighborhood; and

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Del Mar that with regard to application V24-003, the application is not consistent with the following Standards required by Del Mar Municipal Code Section 30.78.030:

1. A variance from the terms of the Zoning Ordinance shall be granted only when, because of the special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

2. Any variance granted shall be subject to such conditions that will ensure that the adjustment thereby authorized will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated. Here, other properties that are similarly situated cannot be developed because of access constraints.

3. A variance will not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zoning regulation governing the parcel of property. The provisions of this Section shall not apply to conditional use permits.

4. No variance shall be granted if the inability to enjoy the privilege enjoyed by other property in the vicinity and under identical zoning classification:

- a. Could be avoided by an alternate development plan;
- b. Is self-induced as a result of an action taken by the property owner or the owner's predecessor;
- c. Would allow such a degree of variation as to constitute a rezoning or other amendment to the zoning code; or
- d. Would authorize or legalize the maintenance of any private or public nuisance.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Del Mar that approval of application V24-003 would increase public safety concerns related to traffic congestion during wildland fire evacuation events, impact the sensitive environmental resources of Crest Canyon, set a precedent for other similarly situated parcels that would result in a

compounding of public safety and environmental issues, and that a variance could be avoided by an alternate development plan.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Planning Commission of the City of Del Mar that Variance application **V24-003** is denied.

PASSED AND ADOPTED by the Planning Commission of the City of Del Mar, this 4th day of November 2025 by the following vote:

AYES: Chair Posner, Commissioners Grewal, Rittenbaum, and Spieker

NOES: Commissioner Leonard

ABSENT: None

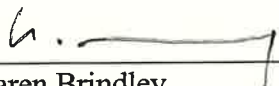
ABSTAIN: None

RECUSED: None



Philip Posner, Chair
Planning Commission
City of Del Mar, California

ATTEST:



Karen Brindley
Planning and Community Development Director
City of Del Mar, California

ATTACHMENT F



AANNESTAD ANDELIN & CORN LLP

160 CHESTERFIELD DRIVE • SUITE 201
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www.aac.law • (760) 944-9006

Coastal Property Rights, Land Use & Litigation

November 18, 2025

VIA IN-PERSON DELIVERY

Del Mar City Council
c/o Sarah Krietor, Administrative Services Manager/City Clerk
1050 Camino del Mar
Del Mar, California 92014
skrietor@delmar.ca.us

RECEIVED

NOV 18 2025

City of Del Mar
Administrative Services Dept.

Re: Appeal of Planning Commission Determination to City Council (V24-003)

Dear Ms. Krietor:

Please accept this appeal of the Del Mar Planning Commission's November 4, 2025, decision denying Variance Application No. V24-003 by my clients, Reid and Beth Westburg. A check for the appeal fee of \$1,678 is enclosed. The information required by Del Mar Municipal Code section 1.12.020 is set forth below:

Appellant's full name, address, and phone number

Reid and Beth Westburg, 1439 Oribia Road, Del Mar, California 92014, (858) 735-0562.

Subordinate entity

Del Mar Planning Commission

Date of the determination

November 4, 2025

Determination for which review is sought

Planning Commission decision to deny Variance Application No. V24-003 submitted by Reid and Beth Westburg.

Appellant's interest in the appealed determination

Reid and Beth Westburg are the applicants and owners of the subject property.

Grounds for the appeal with supporting documentation

Please note that we have not received service of the Planning Commission's resolution or findings supporting its decision. We reserve the right to supplement the information included in this appeal.

1. Factual Error. The statements or evidence relied upon by the decision maker when approving, conditionally approving or denying a permit, map, or other matter were inaccurate.

The Westburgs' variance application seeks to expand the building envelope for their lot. Though the City of Del Mar has issued a certificate of compliance certifying it as a legal lot, the buildable area of the lot with standard setbacks is only five (5) feet deep from front to rear—too small to construct *any* residential structure on this residentially zoned lot. The only matter before the Planning Commission was this variance. There was no project, i.e., proposed construction, grading, or other physical alteration under consideration. Any new structures would be reviewed under separate procedures.

In denying the variance application, the Planning Commission erroneously found that granting the variance would increase fire risk and create a public safety hazard for the neighborhood and the adjacent Crest Canyon Open Space Park. Granting the application could not possibly have increased fire risk because no physical change to the land is proposed under this application. Regardless, the City of Encinitas Fire Department, reviewing the Westburgs' fire protection plan on behalf of the City of Del Mar, approved the plan (attached to the staff report as Exhibit C) and found it consistent with applicable fire protection standards. It was mentioned at the hearing that the Westburgs' lot is in a "Very High Fire Hazard Severity Zone," but that designation does not prohibit new development. Approximately three-quarters of the City of Del Mar falls under this designation, so if development were prohibited, most of the city would be unbuildable. To the contrary, a fire hazard designation only prescribes certain fire resistance standards for new structures (Gov. Code, § 51182(a)(5)) and requires defensible space around structures to 100 feet or to the property line, whichever is less (*id.*, § 51182(a)(1)(A)). New structures are allowed to be built as long as they "compl[y] with all applicable state and local building standards." (*Id.*, § 51182(a)(5).) No structure is proposed in violation of applicable state and local building standards, as certified by the fire department. The Planning Commission's finding that the variance would increase fire risk is unsupported and contrary to all evidence in the record.

The Planning Commission also erred in finding that the variance would impact neighborhood character by increasing density and impeding views. Again, the application before the Planning Commission did not include any physical change, and any future development would be subject to design review to address view impacts and consistency with neighborhood character.

The Planning Commission erred in finding that the purported environmental sensitivity of the site justified denial of the variance. No physical change to the site was under consideration by the Planning Commission, the granting of the variance is exempt from CEQA, and no evidence was presented to take the variance out of the exemption. (See CEQA Guidelines, § 15305(a) [Class 5 – Minor Alterations in Land Use Limitations].) The deputy city attorney at the hearing advised that he was "very comfortable" that the variance fit within the CEQA exemption.

The Planning Commission erred in finding that granting a variance would set a precedent for other lots behind the row of homes east of Oribia Road. There is only one other undeveloped lot of similar size in this location, and in the many decades that that lot has existed, there has never been any suggestion of intent by the owner(s) to develop it, let alone any application submitted. The other lots situated behind the homes east of Oribia Road are much smaller and—unlike the Westburg’s lot, which has been certified as a legal lot—those lots likely could not support any stand-alone residential development, even if a similar variance were granted. The specter of a continuous row of new residential dwellings is therefore sheer speculation. In any event, each variance application is to be judged on its own merits.

To the extent that the denial of the variance application was based on an express or implied finding that the standard setbacks will allow the Westburgs to make reasonable, economically productive use of their lot, such finding is erroneous. This lot is in a single-family residential zone, meaning that the only development allowed is a single-family dwelling and accessory structures. (See Del Mar Mun. Code, § 30.10.030.) At minimum, a single-family dwelling must include “a kitchen and living, sleeping, and eating areas that are used by or intended to be used and occupied by one or more persons living together” (Del Mar Mun. Code, § 30.04.040(J); see also Cal. Building Code, § 202.) The interior dimensions of each room in the dwelling unit must measure at least 7 feet wide. (Cal. Res. Building Code, § 304.2). At a minimum, the owner of a parcel in this zone is entitled to construct a dwelling of 2,000 square feet. (Del Mar Mun. Code, § 30.10.070.) All the above is impossible under the existing setback restrictions. The Planning Commission thus cannot find that the denial of the variance application does not constitute a regulatory taking (discussed in greater detail below).

2. New Information. New information is available to the applicant or the interested person that was not available through reasonable efforts or due diligence at the time of the decision.

Not applicable.

3. Findings Not Supported. The decision maker’s stated findings to approve, conditionally approve, or deny the permit, map or other matter are not supported by the information provided to the decision maker.

The Planning Commission’s finding that granting the variance would increase fire risk and create a public safety hazard for the neighborhood and the adjacent Crest Canyon Open Space Park is unsupported. Granting the application could not possibly have increased fire risk because no physical change to the land is proposed under this application. Regardless, the City of Encinitas Fire Department, reviewing the Westburgs’ fire protection plan on behalf of the City of Del Mar, approved the plan (attached to the staff report as Exhibit C) and found it consistent with applicable fire protection standards. It was mentioned at the hearing that the Westburgs’ lot is in a “Very High Fire Hazard Severity Zone,” but as already explained, that designation does not prohibit new development. Approximately three-quarters of the City of Del Mar falls under this designation, so if development were prohibited, most of the city would be unbuildable. To the contrary, a fire hazard designation only prescribes certain fire resistance standards for new structures (Gov. Code, § 51182(a)(5)) and requires defensible space around structures to 100 feet or to the property line, whichever is less (*id.*, § 51182(a)(1)(A)). New structures are allowed to be built as long as they

“compl[y] with all applicable state and local building standards.” (*Id.*, § 51182(a)(5).) No structure is proposed in violation of applicable state and local building standards, as certified by the fire department. The Planning Commission’s finding that the variance would increase fire risk is contrary to all evidence in the record.

The Planning Commission’s finding that the variance would impact neighborhood character by increasing density and impeding views is also unsupported. Again, the application before the Planning Commission did not include any physical change, and any future development would be subject to design review to address view impacts and consistency with neighborhood character.

The Planning Commission’s finding that the purported environmental sensitivity of the site justified denial of the variance is unsupported. No physical change to the site was under consideration by the Planning Commission, the granting of the variance is exempt from CEQA, and no evidence was presented to take the variance out of the exemption. (See CEQA Guidelines, § 15305(a) [Class 5 – Minor Alterations in Land Use Limitations].) The deputy city attorney at the hearing advised that he was “very comfortable” that the variance fit within the CEQA exemption.

The Planning Commission’s finding that granting a variance would set a precedent for other lots behind the row of homes east of Oribia Road is unsupported by the evidence. There is only one other undeveloped lot of similar size in this location, and in the many decades that that lot has existed, there has never been any suggestion of intent by the owner(s) to develop it, let alone any application submitted. The other lots situated behind the homes east of Oribia Road are much smaller and—unlike the Westburg’s lot, which has been certified as a legal lot—those lots likely could not support any stand-alone residential development, even if a similar variance were granted. The specter of a continuous row of new residential dwellings is therefore sheer speculation. In any event, each variance application is to be judged on its own merits.

To the extent that the denial of the variance application was based on an express or implied finding that the standard setbacks will allow the Westburgs to make reasonable, economically productive use of their lot, such finding is unsupported. This lot is in a single-family residential zone, meaning that the only development allowed is a single-family dwelling and accessory structures. (See Del Mar Mun. Code, § 30.10.030.) At minimum, a single-family dwelling must include “a kitchen and living, sleeping, and eating areas that are used by or intended to be used and occupied by one or more persons living together . . .” (Del Mar Mun. Code, § 30.04.040.J; see also Cal. Building Code, § 202.) The interior dimensions of each room in the dwelling unit must measure at least 7 feet wide. (Cal. Res. Building Code, § 304.2). At a minimum, the owner of a parcel in this zone is entitled to construct a dwelling of 2,000 square feet. (Del Mar Mun. Code, § 30.10.070.) All the above is impossible under the existing setback restrictions. The Planning Commission thus cannot find that the denial of the variance application does not constitute a regulatory taking (discussed in greater detail below).

4. Conflicts. The decision to approve, conditionally approve, or deny the permit is in conflict with a land use plan, a City policy or the Municipal Code.

The standards for the granting of a variance are found in section 30.78.030 of the Del Mar Municipal Code. As set forth in the staff report for the Planning Commission meeting, the proposed

variance satisfies each of the required standards, and the denial of the variance conflicts with the Municipal Code. The relevant portion of the staff report is quoted in full as follows:

A. A Variance from the terms of the Zoning Ordinance shall be granted only when, because of the special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

Proposed Finding:

The lot is constrained by special circumstances related to its size, shape, and location. Given the rectangularly shaped lot's orientation to San Dieguito Drive, it has a "depth" of 50 feet where 100 feet is required. When the required 20 feet front yard (setback) and 25-foot rear yard (setback) are applied, the resulting "buildable" area is only 5 feet in depth. The Applicant is requesting a Variance to allow a 10-foot front yard (setback) and 10 rear yard (setback) for a new residential dwelling unit with a 10-foot front yard (setback) and a 5-foot rear yard (setback) for a new detached garage. The requested Variance would allow for a buildable area depth of 30 feet for the dwelling and 35 feet for the detached garage, distances that are less than typically applied on conforming lots, but would allow for a one-story architectural design with adequate internal circulation.¹

B. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

Proposed Finding:

The Variance would not grant special privileges due to the property's shape, topography, and location. Future development, similar to neighboring properties, could not be achieved without the reduction of the front and rear setbacks. The side setbacks are proposed to be increased from 10 feet to 20 feet to compensate for the modifications to the front and rear setbacks.

C. A variance will not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zoning

¹ In addition to what is recited in the staff report's proposed findings, most rectangularly shaped properties in the City of Del Mar are aligned with front and rear yards oriented along their shorter sides with side yards oriented along the long axis, the reason being that the front yard is established based off the lot's street frontage. This site, however, is aligned in the opposite direction, with wider front and rear yards running the full length of the long narrow property because, in this case, the property has a single driveway access easement that empties roughly into the center of the length of the property, and the location of the access drive sets the front lot line from which all of the zoning setbacks are established. This orientation results in nonsensical front and rear yard setbacks for this lot.

regulation governing the parcel of property. The provisions of this section shall not apply to conditional use permits.

Proposed Finding:

The proposed use, development of a single-unit home with associated structures and improvements, is allowed in the R1-40 Zone.

D. No variance shall be granted if the inability to enjoy the privilege enjoyed by other property in the vicinity and under identical zoning classification:

1. Could be avoided by an alternate development plan;

Proposed Finding:

The project request could not be avoided by an alternate development plan, in that the current buildable envelope consistent with R1-40 setbacks would result in a buildable envelope of five-foot-deep by 240-foot-wide space.

2. Is self-induced as a result of an action taken by the property owner or the owner's predecessor;

Proposed Finding:

The need for a variance is not self-induced as the subject property is a legal lot with substandard sizing and was granted a Certificate of Compliance. The limitations which cause the need for the variance are the lot size, shape, location and topography, none of which were created by the Applicant.

3. Would allow such a degree of variation as to constitute a rezoning or other amendment to the zoning code; or

Proposed Finding:

The request would not allow variation as to constitute a rezone or amendment to which other property owners are not entitled since a dwelling unit and detached garage are allowed uses in the R1-40 zone.

4. Would authorize or legalize the maintenance of any private or public nuisance.

Proposed Finding:

The request would not result in the authorization or legalization of a private or public nuisance since a dwelling unit and detached garage are allowed uses in the R1-40 zone.

No evidence was supplied at the hearing to contradict the above proposed findings. The vote to deny the variance was based solely on vague, non-specific “concerns” about public safety and fire danger due to the site’s proximity to Crest Canyon, the supposed environmental sensitivity of the site, and inconsistency with the community plan due to increased density and potential impact on views. Not only are these not supported by evidence, as discussed in greater detail above, but they are not factors for the Planning Commission to consider under the ordinance. The only element under the ordinance that is arguably on point is subsection D.4, but the Planning Commission did not suggest that any of these considerations rose to the level of a nuisance. Even if it had, there is no evidence in the record to support a finding of nuisance. Nor could any such evidence exist, since no physical change to the land or change in use is under consideration.

At least some members of the Planning Commission inappropriately relied on the Community Plan, Goal 3, Objectives and Policies section A.6, at page 57, which reads: “Establish sufficient controls on yard requirements of irregularly shaped lots and lots which lack street frontage to overcome tendency toward overcrowding, loss of privacy to nearby lots, and blockage of views.” This general statement of policy is not the standard for granting or denying a variance, and it certainly does not countenance rendering a legal lot entirely unbuildable.

If the Community Plan were relevant, the Planning Commission should also have considered section E, which states that the City should “ENCOURAGE AND FACILITATE PROVISION OF LOWER COST HOUSING FOR LOW AND MODERATE INCOME HOUSEHOLDS.” Likewise section F.1, which “[e]ncourage[s] harmonious development which is in scale with the character of existing development.” Even in Very Low Density Residential zones, the Community Plan contemplates the development of lots: “This land use category is *intended to allow single family development* that preserves an open character on land within areas that include steep slopes, bluffs and/or canyons.” (Italics added.) None of this—or indeed any reasonable development of the Westburgs’ lot—is possible without the requested variance. Del Mar’s Community Plan does not establish a policy to prohibit development on a legal lot altogether.

The Planning Commission inappropriately based its decision on numerous factors other than the variance standard set forth in the Municipal Code. At least one commissioner commented that in ruling on the variance application, the Planning Commission was making a “policy decision.” The review of a variance application is not a policy decision; it is a review to make findings as to whether the application meets the standards of the Municipal Code. (See Del Mar. Mun. Code, § 30.78.030.) Policy for the city is set by the voters through City Council.

A 5-foot-wide building envelope is simply unbuildable, and disturbingly, based on comments from a majority of the commissioners, as confirmed by their votes, this Planning Commission has determined the Westburgs’ lot should remain unbuildable. It is well settled under the law that where the government “seeks to sustain regulation that deprives land of all economically beneficial use,” the government has effected a taking of property for which the landowner must receive just compensation. (*Lucas v. S.C. Coastal Council* (1992) 505 U.S. 1003, 1027.) This is a form of regulatory taking, and it is precisely what the Planning Commission has done here. Indeed, the deputy city attorney warned the Planning Commission before its vote that a denial of the variance would be “very problematic” from a legal standpoint, but the Planning Commission did not heed his sound advice. The City Council must accept this appeal to correct this injustice.

Del Mar City Council
November 18, 2025
Page 8 of 8

The evidence to support the Westburg's appeal is found in the staff report, reproduced and enclosed with this letter.

Very truly yours,

AANNESTAD ANDELIN & CORN LLP



Lee M. Andelin

cc: Robert Scott
Kit Leeger
Reid Westburg
Beth Westburg

Enclosures



City of Del Mar Staff Report

PLANNING COMMISSION
STAFF REPORT
September 9, 2025

APPLICATION: V24-003

REQUEST: A request for a Variance from Del Mar Municipal Code (DMMC) Sections 30.10.070.C.a and 30.10.070.C.b to reduce the required front and rear yard setbacks to accommodate future development of a residential unit.

APPLICANT/OWNER: Reid and Beth Westburg

AGENT: Kit Leeger, Leeger Architecture

SITE LOCATION: Vacant Lot Adjacent to and East of 1439 Oribia Road

ASSESSOR PARCEL NUMBER: 299-200-74-00

COMMUNITY PLAN: Very Low Density Residential

ZONE: R1-40 (Very Low Density Residential),

OVERLAY ZONE: Bluff Slope and Canyon and Coastal Appeals

ENVIRONMENTAL STATUS:

Pursuant to the California Environmental Quality Act (CEQA), the proposed project has been analyzed and determined to be Categorical Exempt pursuant to CEQA Guidelines Section 15305 (a) (Class 5 – Minor Alterations in Land Use Limitations). This is appropriate for the proposed project because it involves requests for a Variance from the yard/setback requirements would not result in a change to the overall parcel or create a new parcel. It is further determined that none of the six exceptions to the use of a Categorical Exemption apply to this project (CEQA Guidelines Section 15300.2).

HOUSING IMPACT:

The Applicant is requesting a Variance from existing yard requirements (setbacks) that would make it more feasible to develop an additional single-unit dwelling on a substandard-sized vacant lot the "Very Low Density Residential (R1-40) Zone. Therefore, approval of the requested discretionary development application would potentially facilitate the construction of a residential unit, therefore increasing City of Del Mar's housing supply or housing affordability.

BACKGROUND:

The project site is located on a vacant property, adjacent to and east of 1439 Oribia Road, which is also owned by the Applicant (Exhibit A) and is immediately west of the Crest Canyon Open Space Park (City of San Diego). The 13,070 square-foot project site is approximately 50 feet deep and 261 feet wide, is located directly behind (east) 1439 and 1441 Oribia Road, and is accessed via a 20-foot-wide private access and utility easement over the northern portion of 1439 Oribia Road. The project site is a legal parcel as confirmed in 2009 by recorded Certificate of Compliance COC-07-02. The COC certifies that the subject vacant lot complies with the provisions of the California Subdivision Map Act (Exhibit B) and is deemed to have been legally created.

The project site is located in the R1-40 Zone, and the Bluff, Slope, and Canyon Overlay Zone, and Wildland Urban Interface. The lot is currently vacant except for perimeter fencing. The lot is substandard in: lot size at 13,070 square feet in a zone that requires 40,000 square feet; lot depth, with a 50 foot lot depth, where 100 feet is required; and does not currently have the 20 feet street frontage required for an R1-40 lot. Future development of the property will be subject to the development standards set forth by the R1-40 Zone, Bluff, Slope and Canyon Overlay Zone, and Fire and Building Code requirements that regulate development in the Wild Urban Interface.

Given the lot's location, the Applicant was required to prepare a Fire Protection Plan (Exhibit C). The FPP has been reviewed and conditionally approved by the City's Fire Marshal and provides required mitigations for the future construction of residential development on the site.

Surrounding uses are single family-dwelling units. There are three other parcels north of this project site that have similar size and shape characteristics.

PROJECT DESCRIPTION:

The Applicant is requesting relief from DMMC Sections 30.10.070.C.a and 30.10.070.C.b to reduce the required front and rear yard setbacks to accommodate future development of a residential unit on a substandard sized lot. The following chart shows the Variance relief request, and the Municipal Code required yards (setbacks) :

R1-40 Zone	Code Requires	Variance Request
Front Yard	20'	10' (House only)
Side Yard	10'	20'
Rear Yard	25'	10' (Houseonly) 5' (Garage only)

The current and proposed yard/setback requests are shown in Exhibit D.

Design Review Considerations

If the requested Variance is granted, the applicant will be required to obtain the appropriate Design Review approvals for the proposed improvements. As proposed, the revisions would be reviewed by the Design Review Board (DRB) for compliance with the City's Design Review Ordinance (DMMC 23.08).

ANALYSIS:

Del Mar Municipal Code Section 30.78.030 (A - D) stipulates that a Variance application must comply with the following four standards (findings). The required standards/findings are cited below and are followed by staff's proposed findings for Variance approval.

A. A Variance from the terms of the Zoning Ordinance shall be granted only when, because of the special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

Proposed Finding: The lot is constrained by special circumstances related to its size, shape, and location. Given the rectangularly shaped lot's orientation to San Dieguito Drive, it has a "depth" of 50 feet where 100 feet is required. When the required 20 feet front yard (setback) and 25-foot rear yard (setback) are applied, the resulting "buildable" area is only 5 feet in depth. The Applicant is requesting a Variance to allow a 10-foot front yard (setback) and 10 rear yard (setback) for a new residential dwelling unit with a 10-foot front yard (setback) and a 5-foot rear yard (setback) for a new detached garage. The requested Variance would allow for a buildable area depth of 30 feet for the dwelling and 35 feet for the detached garage, distances that are less than typically applied on conforming lots, but would allow for a one-story architectural design with adequate internal circulation.

B. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

Proposed Finding: The Variance would not grant special privileges due to the property's shape, topography, and location. Future development, similar to neighboring properties, could not be achieved without the reduction of the front and rear setbacks. The side setbacks are proposed to be increased from 10 feet to 20 feet to compensate for the modifications to the front and rear setbacks.

C. A variance will not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zoning regulation governing the parcel of property. The provisions of this section shall not apply to conditional use permits.

Proposed Finding: The proposed use, development of a single-unit home with associated structures and improvements, is allowed in the R1-40 Zone.

D. No variance shall be granted if the inability to enjoy the privilege enjoyed by other property in the vicinity and under identical zoning classification:

1. Could be avoided by an alternate development plan;

Proposed Finding: The project request could not be avoided by an alternate development plan, in that the current buildable envelope consistent with R1-40 setbacks would result in a buildable envelope of five-foot-deep by 240-foot-wide space.

2. Is self-induced as a result of an action taken by the property owner or the owner's predecessor;

Proposed Finding: The need for a variance is not self-induced as the subject property is a legal lot with substandard sizing and was granted a Certificate of Compliance. The limitations which cause the need for the variance are the lot size, shape, location and topography, none of which were created by the Applicant.

3. Would allow such a degree of variation as to constitute a rezoning or other amendment to the zoning code; or

Proposed Finding: The request would not allow variation as to constitute a rezone or amendment to which other property owners are not entitled since a dwelling unit and detached garage are allowed uses in the R1-40 zone.

4. Would authorize or legalize the maintenance of any private or public nuisance.

Proposed Finding: The request would not result in the authorization or legalization of a private or public nuisance since a dwelling unit and detached garage are allowed uses in the R1-40 zone.

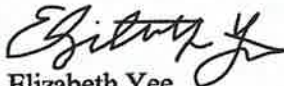
CORRESPONDENCE:

As of the writing of this report, we have no letters of concern or objection have been received regarding the requested Variance. . The Applicants submitted a letter explaining the reasoning for the Variance request (Exhibit E).

RECOMMENDATION:

It is staff's recommendation, supported by analysis provided herein, that the Planning Commission adopt the draft Resolution of approval included with this report as Exhibit F, as required findings for approval of the Variance request can be made for the requested yard and setback modifications.

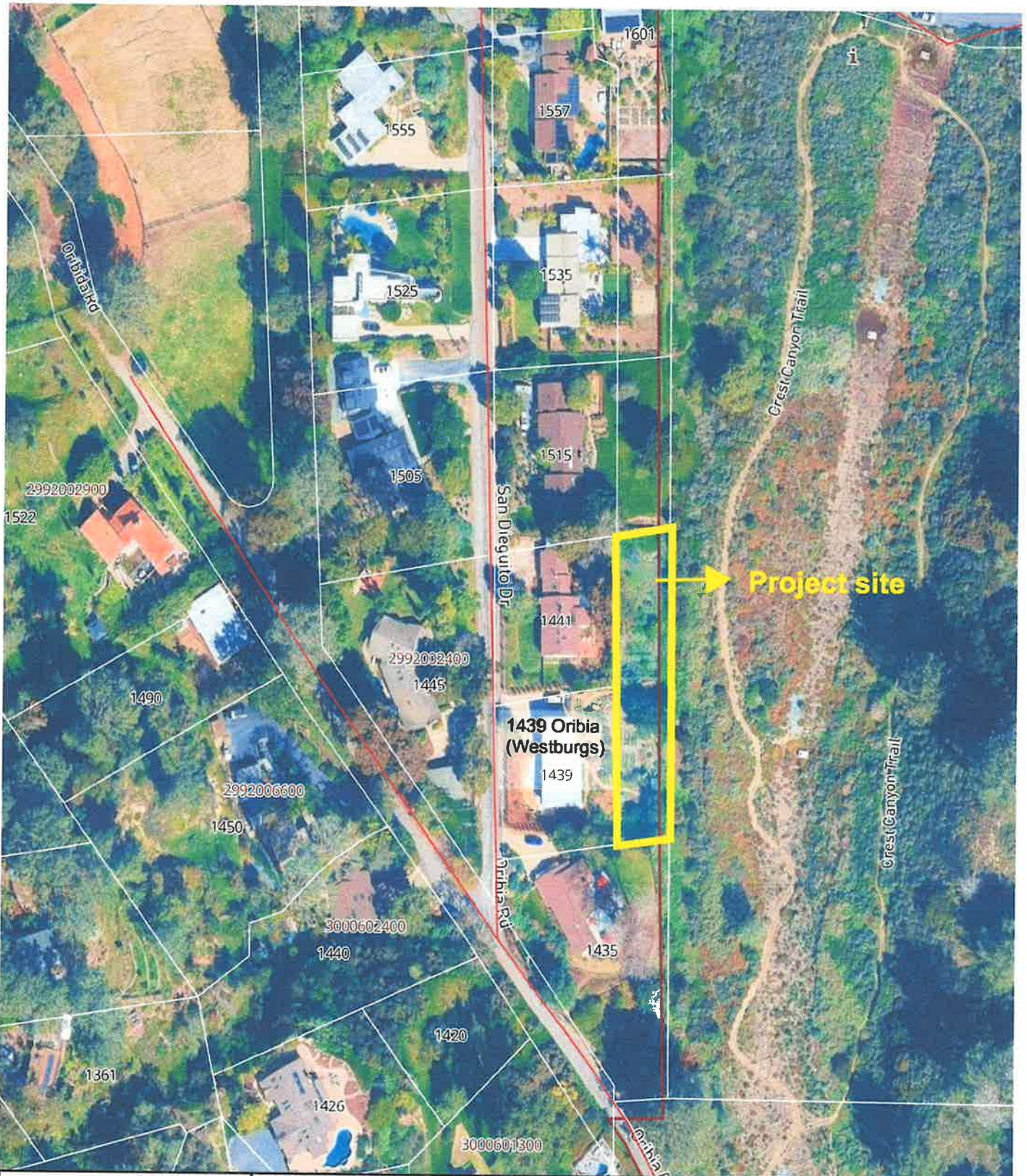
Respectfully Submitted,



Elizabeth Yee
Contract Planner

- Exhibit A – Property Location Map
- Exhibit B – Certificate of Compliance CoC 07-02
- Exhibit C – Approved Fire Protection Plan
- Exhibit D – Setback Request Exhibit and Site Plan
- Exhibit E – Applicant Letter
- Exhibit F – Draft PC Resolution

Exhibit A: Project Vicinity Map



<p>1" = 121 ft</p>	<p>Vacant Lot Adjacent to 1439 Oribia Road</p>	<p>10/29/2025</p>	
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This map may represent a visual display of related geographic information. Data provided here is not a guarantee of actual field conditions. To ensure complete accuracy, please contact the responsible staff for the most up-to-date information.

EXHIBIT B

**PLEASE COMPLETE
THIS INFORMATION.**



RECORDING REQUESTED BY:

OCT 19, 2009 10:43 AM

CITY CLERK

OFFICIAL RECORDS
SAN DIEGO COUNTY RECORDER'S OFFICE
DAVID L. BUTLER, COUNTY RECORDER
FEES: 45.00

AND WHEN RECORDED MAIL TO:

PAGES: 13

CITY OF DEL MAR
1050 CAMINO DEL MAR
DEL MAR, CA 92014

5472

10
131



THIS SPACE FOR RECORDER'S USE ONLY

**CITY OF DEL MAR
CERTIFICATE OF COMPLIANCE COC-07-02**

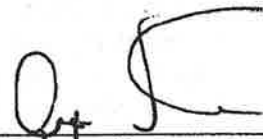
(APN 299-200-67)

Pursuant to the provisions of the subdivision Map Act (Sec. 66410 et. seq., Government Code, State of California) and the City of Del Mar Subdivision Ordinance, (Title 24 of the City of Del Mar Municipal Code) I hereby certify that I have reviewed the application for Certificate of Compliance for the properties described below and found the properties to be in conformance with all requirements of the Subdivision Map Act and of the City of Del Mar Municipal Subdivision Ordinance. Pursuant to this review, I hereby certify that the referenced properties are legal lots of record. (City of Del Mar reference file: COC-07-02)

PROPERTY OWNER: Reid and Beth Westburg

LEGAL DESCRIPTION OF PARCELS: *SEE EXHIBITS "A" (ATTACHED)*

PLAT OF PARCELS: *SEE EXHIBITS "B" (ATTACHED)*

BY: 

Date: 9/14/09

Adam Birnbaum, AICP,
Planning Manager, Department of Planning and Community Development

This Certificate of Compliance shall in no way affect the requirements, or application thereof, of any City, County, State, Federal or local agency that regulates the development of real properties.

EXHIBIT 'A' - LEGAL DESCRIPTION FOR PARCEL 1A, APN: 299-200-67

PARCEL 1A:

THAT PORTION OF LOT 765 OF ARDEN HEIGHTS UNIT NO. 6, ACCORDING TO MAP THEREOF NO. 1592, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTHERLY LINE OF SAID LOT DISTANT THEREON NORTH 83 DEGREES 52 MINUTES EAST, 155.12 FEET FROM THE NORTHWESTERLY CORNER OF SAID LOT; THENCE SOUTH 1 DEGREE 03 MINUTES 45 SECONDS EAST, 129.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 1 DEGREE 03 MINUTES 45 SECONDS EAST, 132.50 FEET; THENCE NORTH 83 DEGREES 40 MINUTES EAST, 105.51 FEET TO THE EASTERLY LINE OF SAID LOT; THENCE NORTH 00 DEGREES 14 MINUTES WEST ALONG SAID EASTERLY LINE 132.50 FEET TO A LINE WHICH BEARS NORTH 83 DEGREES 46 MINUTES 10 EAST FROM THE TRUE POINT OF BEGINNING; THENCE SOUTH 83 DEGREES 46 MINUTES 10 SECONDS WEST (PREVIOUSLY SHOWN AS SOUTH 83 DEGREES 40 MINUTES 10 SECONDS ON CHICAGO TITLE COMPANY'S PRELIMINARY TITLE REPORT DATED FEBRUARY 27, 2007, AND CORRECTED HEREON), 107.42 FEET TO THE TRUE POINT OF BEGINNING.

RESERVING THEREFROM AN EASEMENT AND RIGHT OF WAY FOR ROAD AND UTILITY PURPOSES TOGETHER WITH THE RIGHT TO CONVEY SIMILAR EASEMENTS OVER SAME TO OTHERS, OVER THE WESTERLY 30.00 FEET THEREOF, AND THE NORTHERLY 20 FEET OF THE ABOVE DESCRIBED LAND.

CONTAINS 14,038 SQUARE FEET, MORE OR LESS

PARCEL 1B:

AN EASEMENT AND RIGHT OF WAY FOR ROAD AND UTILITY PURPOSES TO BE USED IN COMMON WITH THE GRANTORS AND OTHERS OVER THAT PORTION OF LOTS 765, 766, 767, 768 AND VACATED STREETS ADJOINING SAID LOTS 767 AND 768 IN ARDEN HEIGHTS NO. 6, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1592, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, TOGETHER WITH A PORTION OF THE NORTHWEST QUARTER OF SECTION 13 TOWNSHIP 14 SOUTH, RANGE 4 WEST, SAN BERNARDINO BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

EASEMENT PARCEL "A":

A STRIP OF LAND 60.00 FEET IN WIDTH, THE NORTHWESTERLY AND WESTERLY LINE OF SAID 60.00 FOOT STRIP OF LAND BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEASTERLY CORNER OF SAID LOT 768; THENCE SOUTHWESTERLY IN A STRAIGHT LINE TO A POINT IN THE NORTHEASTERLY LINE OF SAID LOT 767, DISTANT THEREON NORTH 38 DEGREES 48 MINUTES WEST 40.00 FEET FROM THE NORTHWESTERLY TERMINUS OF A TANGENT 60.00 FEET RADIUS CURVE, CONCAVE NORTHERLY IN SAID NORTHEASTERLY LINE; THENCE CONTINUING SOUTHWESTERLY ALONG SAID LAST MENTIONED STRAIGHT LINE TO A LINE WHICH BEARS NORTH 1 DEGREE 03 MINUTES 45 SECONDS WEST FROM A POINT IN THE SOUTHERLY LINE OF SAID LOT 767 DISTANT THEREON NORTH 89 DEGREES 02 MINUTES EAST, 130.00 FEET FROM THE SOUTHWESTERLY CORNER THEREOF; THENCE SOUTH 1 DEGREE 03 MINUTES 45 SECONDS TO SAID POINT IN THE SOUTHERLY LINE OF SAID LOT 767; THENCE CONTINUING SOUTH 1 DEGREE 03 MINUTES 45 SECONDS EAST TO A POINT IN THE SOUTHERLY LINE OF SAID LOT 766 DISTANT THEREON NORTH 83 DEGREES 52 MINUTES EAST, 125.00 FEET FROM THE SOUTHWESTERLY CORNER THEREOF; THENCE CONTINUING SOUTH 1 DEGREE 03 MINUTES 45 SECONDS EAST TO THE SOUTHWESTERLY LINE OF SAID LOT 765, SAID STRIP OF LAND BEGINNING IN THE SOUTHWESTERLY LINE OF THE NORTHEASTERLY 10.00 FEET OF SAID LOT 768 AND THE SOUTHEASTERLY PROLONGATION OF SAID SOUTHWESTERLY LINE THEREOF AND ENDING IN THE SOUTHWESTERLY LINE OF SAID LOT 765.

EASEMENT PARCEL "B":

BEGINNING AT THE MOST NORTHERLY CORNER OF SAID LOT 768; THENCE NORTHERLY ALONG THE NORTHWESTERLY LINE OF THE PORTION OF SAN DIEGUITO DRIVE AS VACATED AND CLOSED PUBLIC USE, A DISTANCE OF 20.00 FEET TO THE CENTER LINE OF SAID DRIVE; THENCE SOUTHEASTERLY ALONG AND CENTER LINE TO THE EASTERLY LINE OF SAID ARDEN HEIGHTS UNIT NO. 6; THENCE NORTHERLY ALONG SAID EASTERLY LINE TO A POINT IN THE SOUTHEASTERLY PROLONGATION OF A LINE WHICH IS PARALLEL WITH AND 30.00 FEET NORTHEASTERLY MEASURED AT RIGHT ANGLES FROM SAID CENTER LINE; THENCE SOUTHEASTERLY ALONG SAID PARALLEL LINE TO A POINT IN THE EASTERLY LINE OF THE WESTERLY 50.00 FEET OF SAID SECTION 13; THENCE SOUTHERLY ALONG SAID EASTERLY LINE TO A POINT IN THE SOUTHEASTERLY PROLONGATION OF THE SOUTHWESTERLY LINE OF THE NORTHEASTERLY 10.00 FEET OF SAID LOT 768; THENCE NORTHWESTERLY ALONG SAID PROLONGATION TO AND ALONG SAID SOUTHWESTERLY LINE OF THE NORTHEASTERLY 10.00 FEET OF SAID LOT TO THE WESTERLY LINE OF SAID LOT 768; THENCE NORTHERLY ALONG SAID WESTERLY LINE TO THE POINT OF BEGINNING.

EXCEPTING FROM SAID PARCEL B THAT PORTION THEREOF LYING WITHIN PARCEL A HEREINABOVE DESCRIBED.

THE EASEMENT AND RIGHT OF WAY DESCRIBED HEREIN UNDER PARCEL B IS HEREBY DECLARED TO BE APPURTENANT TO THE LAND DESCRIBED IN PARCEL A ABOVE AND TO BE FOR THE USE AND BENEFIT OF THE PRESENT AND FUTURE OWNER OR OWNERS OF ALL OR ANY PART THEREOF.

CONTAINS 72,826 SQUARE FEET, MORE OR LESS.

5475

PARCEL 2B:

AN EASEMENT AND RIGHT OF WAY FOR ROAD, SEWER, WATER, GAS POWER AND TELEPHONE LINES AND APPURTENANCES THERETO, OVER, UNDER, ALONG AND ACROSS A STRIP OF LAND 20 FEET IN WIDTH THE NORTHERLY LINE OF SAID 20 FOOT STRIP BEING DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTHERLY LINE OF SAID LOT 765, OF ARDEN HEIGHTS UNIT NO. 6, DISTANT THEREON NORTH 83°52 MINUTES EAST, 155.12 FEET (PREVIOUSLY SHOWN AS 155.21 FEET ON CHICAGO TITLE COMPANY'S PRELIMINARY TITLE REPORT DATED FEBRUARY 27, 2007, AND CORRECTED HEREON) FROM THE NORTHWEST CORNER OF SAID LOT; THENCE SOUTH 1 DEGREE 03 MINUTES 45 SECONDS EAST, 129 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 83 DEGREE 46 MINUTES 10 SECONDS EAST, 107.42 FEET (PREVIOUSLY SHOWN AS 107.12 FEET ON CHICAGO TITLE COMPANY'S PRELIMINARY TITLE REPORT DATED FEBRUARY, 2007, AND CORRECTED HEREON) TO THE EASTERLY LINE OF SAID LOT 765.

EXCEPTING THE WESTERLY 30 FEET THEREOF.

CONTAINS 1,543 SQUARE FEET, MORE OR LESS.



05-005
5/15/07

EXHIBIT 'B'
CITY OF DEL MAR
DEPARTMENT OF PLANNING
PLAT

SHEET: 1 OF 3

5476

EASEMENT NOTES:

- A** AN EASEMENT TO THE SAN DIEGO GAS AND ELECTRIC COMPANY FOR THE PURPOSE OF INGRESS AND EGRESS AND PUBLIC UTILITIES, RECORDED MAY 9, 1958 AS FILE No. 74987 IN BOOK 7074, PAGE 5 OF OFFICIAL RECORDS.
- B** AN EASEMENT TO DEL MAR UTILITIES FOR THE PURPOSE OF INGRESS AND EGRESS AND PUBLIC UTILITIES, RECORDED OCTOBER 16, 1958 AS FILE No. 17168 IN BOOK 7034, PAGE 196 OF OFFICIAL RECORDS.
- C** AN EASEMENT TO WHITNEY ENTERPRISES FOR THE PURPOSE OF INGRESS AND EGRESS AND PUBLIC UTILITIES, RECORDED DECEMBER 11, 1958 AS FILE No. 207503 IN BOOK 7390, PAGE 508 OF OFFICIAL RECORDS.
- D** AN EASEMENT TO WHITNEY ENTERPRISES FOR THE PURPOSE OF INGRESS AND EGRESS AND PUBLIC UTILITIES, RECORDED NOVEMBER 15, 1961 AS FILE No. 196270 OF OFFICIAL RECORDS.
- E** EASEMENTS FOR INGRESS AND EGRESS FOR ROAD, PIPELINE, AND PUBLIC UTILITY PURPOSES OVER EASEMENT PARCEL(S) 1B, HEREIN DESCRIBED, AS GRANTED TO VARIOUS PARTIES OF RECORD.
- F** AN EASEMENT TO THE CITY OF DEL MAR FOR THE PURPOSE OF WATER PIPELINES, RECORDED JANUARY 3, 1966 AS FILE No. 90 OF OFFICIAL RECORDS.
- G** EASEMENTS FOR INGRESS AND EGRESS FOR ROAD, PIPELINE, AND PUBLIC UTILITY PURPOSES OVER EASEMENT PARCEL 1B, HEREIN DESCRIBED, AS GRANTED TO VARIOUS PARTIES OF RECORD.

LEGAL DESCRIPTION:

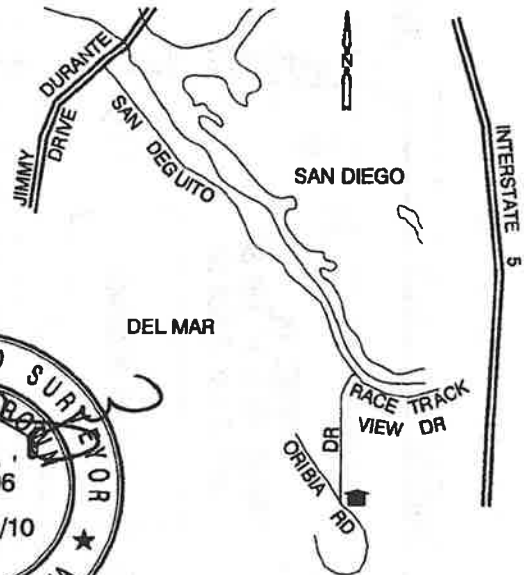
PORTION OF LOT 765 OF ARDEN HEIGHTS UNIT No. 6, ACCORDING TO MAP THEREOF No. 1592, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT SURVEY.

NOTES:

1. THIS IS NOT A BOUNDARY SURVEY. BOUNDARY INFORMATION PER RECORD DATA.
2. THE PROPERTY LINES SHOWN HEREON WERE CALCULATED FROM RECORD DATA USING A MIN. OF TWO (2) TIES TO CERTAIN FOUND SURVEY MONUMENTS.
3. THE EASEMENTS SHOWN ON THIS PLAT ARE FROM A PRELIMINARY TITLE REPORT PREPARED BY CHICAGO TITLE COMPANY, MARCH 12, 2007.

THE FOLLOWING EASEMENTS HAVE NO LOCATION SET FORTH AND THEREFORE CANNOT BE PLOTTED;

- a) AN EASEMENT TO SOUTH COAST LAND COMPANY FOR THE PURPOSE OF INGRESS AND EGRESS AND PUBLIC UTILITIES, IN THE DOCUMENT RECORDED JANUARY 11, 1923 IN BOOK 922, PAGE 132 OF DEEDS.
- b) AN EASEMENT TO SAN DIEGO GAS AND ELECTRIC FOR THE PURPOSE OF POLES, WIRES AND ANCHORAGE FOR THE TRANSMISSION AND DISTRIBUTION OF ELECTRICITY, IN THE DOCUMENT RECORDED JULY 18, 1917 IN BOOK 735, PAGE 347 OF DEEDS.



VICINITY MAP

■ = SITE LOCATION NTS

ADDRESS : 1439 ORIBIA ROAD
DEL MAR, CA 92014
 PHONE No. : (858) 735-0562

SIGNATURE : *[Signature]*
 SIGNATURE : *Beth L. Westburg*

THIS PLAT WAS PREPARED WITH MY KNOWLEDGE & CONSENT
 APPLICANT : BETH AND REID WESTBURG
 ADDRESS : 1439 ORIBIA ROAD
DEL MAR, CA 92014
 PHONE No. : (858) 735-0562

MAP PREPARED BY : SOWARDS & BROWN ENGINEERING, INC.
 ADDRESS : 2187 NEWCASTLE AVE. STE 103
CARDIFF BY THE SEA, CA. 92007

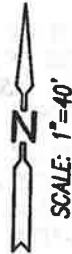
November 4, 2025
 PHONE No. : (760) 436-8500
 LS No. : 5406

Item 1
 JOB No. 05-005 5.15.07

EXHIBIT 'B'
 CITY OF DEL MAR
 DEPARTMENT OF PLANNING
 PLAT

SHEET: 2 OF 3

5477



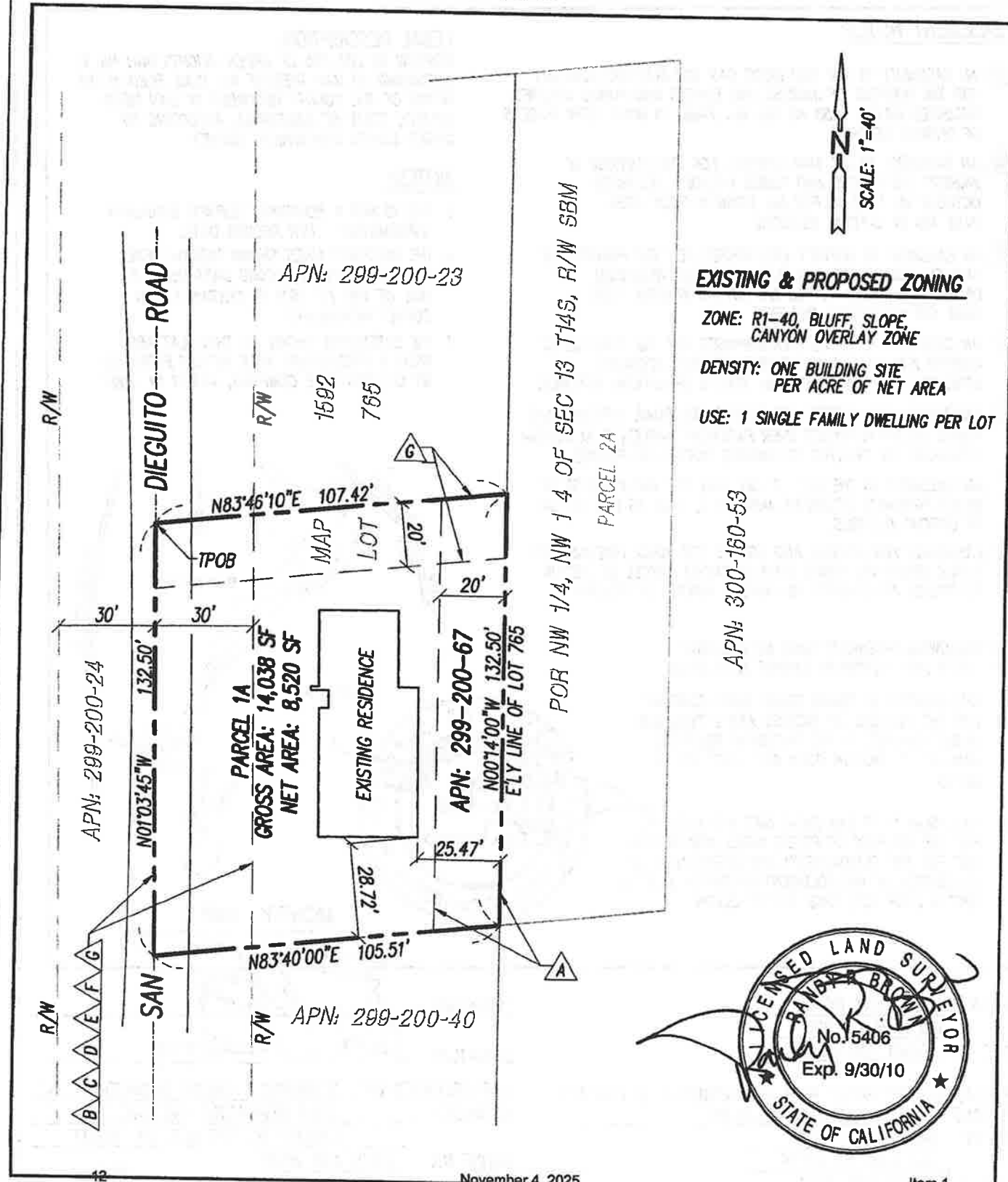
EXISTING & PROPOSED ZONING

ZONE: R1-40, BLUFF, SLOPE,
 CANYON OVERLAY ZONE

DENSITY: ONE BUILDING SITE
 PER ACRE OF NET AREA

USE: 1 SINGLE FAMILY DWELLING PER LOT

APN: 300-160-53



November 4, 2025

Item 1

EXHIBIT 'B'

CITY OF DEL MAR

DEPARTMENT OF PLANNING

PLAT

SHEET: 3 OF 3

5478

LEGEND

- PARCEL 1A
- PARCEL 1B
- PARCEL 2A
- PARCEL 2B



EASEMENT LINE DATA TABLE		
No.	BEARING	DISTANCE
L1	N49°14'00"E	20.00'
L2	N00°14'00"W	46.16'
L3	N40°46'00"W	76.94'
L4	N00°14'00"W	92.32'
L5	N40°46'00"W	61.31'
L6	N10°09'00"E	12.88'
L7	N37°52'00"W	100.15'

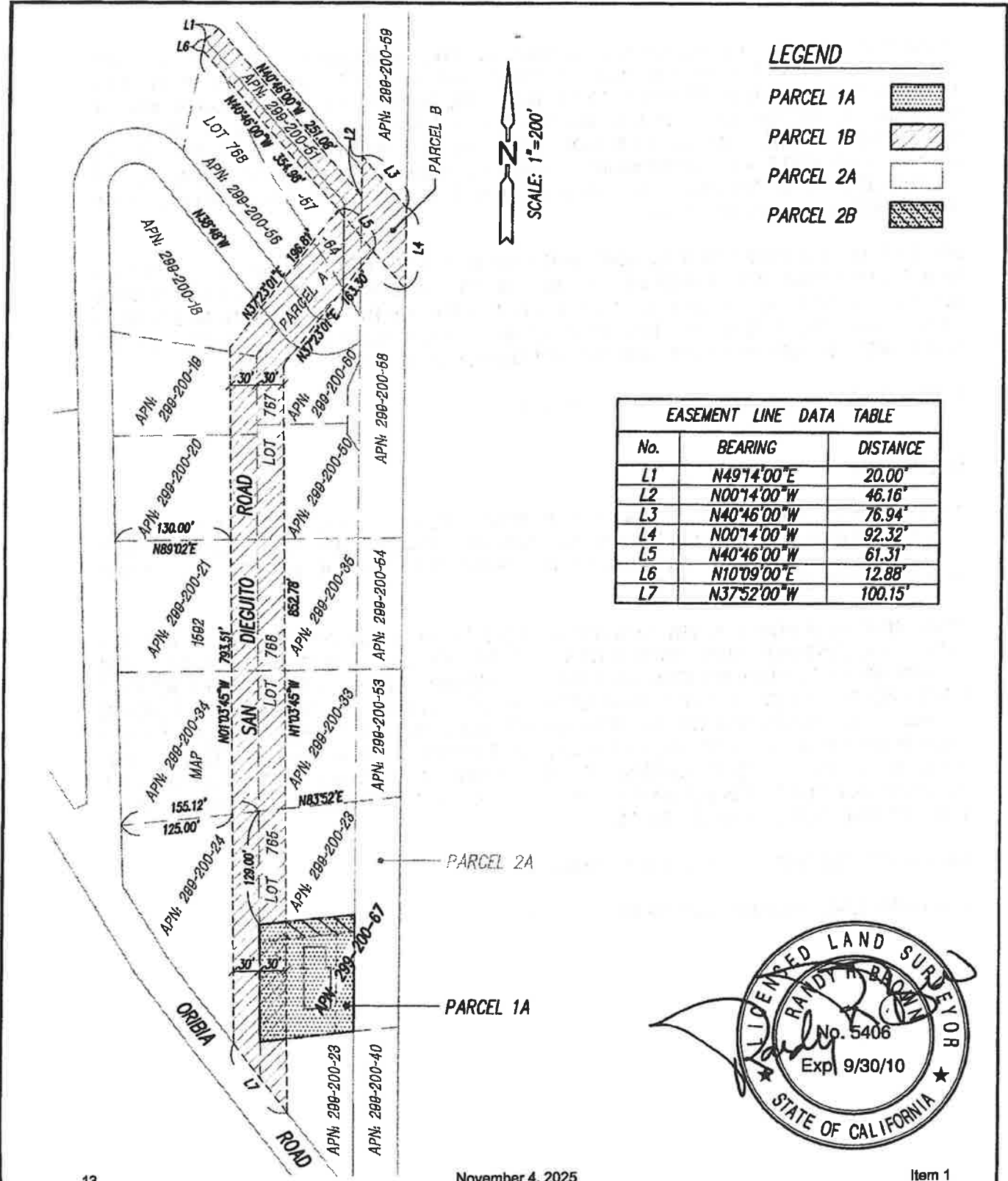


EXHIBIT 'A' - LEGAL DESCRIPTION FOR PARCEL 2A, APN: 299-200-67PARCEL 2A:

THAT PORTION OF THE WESTERLY 50 FEET OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 14 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF DEL MAR, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT SURVEY WHICH LIES SOUTHERLY OF THE EASTERLY PROLONGATION OF THE NORTHERLY LINE OF LOT 765 OF ARDEN HEIGHTS NO. 6, ACCORDING TO MAP THEREOF NO. 1592, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JULY 18, 1913 AND NORTHERLY OF A LINE DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTHERLY LINE OF SAID LOT 765, DISTANT THEREON NORTH 83°52' EAST, 155.12 FEET FROM THE NORTHWEST CORNER OF SAID LOT; THENCE SOUTH 1°03'45" EAST, 261.50 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 83°40' EAST, 155.79 FEET TO THE EAST LINE OF SAID WESTERLY 50 FEET OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 13.

CONTAINS 13,070 SQUARE FEET, MORE OR LESS.

PARCEL 2B:

AN EASEMENT AND RIGHT OF WAY FOR ROAD, SEWER, WATER, GAS POWER AND TELEPHONE LINES AND APPURTENANCES THERETO, OVER, UNDER, ALONG AND ACROSS A STRIP OF LAND 20 FEET IN WIDTH THE NORTHERLY LINE OF SAID 20 FOOT STRIP BEING DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTHERLY LINE OF SAID LOT 765, OF ARDEN HEIGHTS UNIT NO. 6, DISTANT THEREON NORTH 83°52 MINUTES EAST, 155.12 FEET (PREVIOUSLY SHOWN AS 155.21 FEET ON CHICAGO TITLE COMPANY'S PRELIMINARY TITLE REPORT DATED FEBRUARY 27, 2007, AND CORRECTED HEREON) FROM THE NORTHWEST CORNER OF SAID LOT; THENCE SOUTH 1 DEGREE 03 MINUTES 45 SECONDS EAST, 129 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 83 DEGREE 46 MINUTES 10 SECONDS EAST, 107.42 FEET (PREVIOUSLY SHOWN AS 107.12 FEET ON CHICAGO TITLE COMPANY'S PRELIMINARY TITLE REPORT DATED FEBRUARY 27, 2007, AND CORRECTED HEREON) TO THE EASTERLY LINE OF SAID LOT 765.

EXCEPTING THE WESTERLY 30 FEET THEREOF.

CONTAINS 1,543 SQUARE FEET, MORE OR LESS.

EXHIBIT 'B'
CITY OF DEL MAR
DEPARTMENT OF PLANNING
PLAT

SHEET: 1 OF 3

5482

EASEMENT NOTES:

△ EASEMENTS FOR INGRESS AND EGRESS FOR ROAD, PIPELINE, AND PUBLIC UTILITY PURPOSES OVER EASEMENT PARCEL(S) 2B, 2C, HEREIN DESCRIBED, AS GRANTED TO VARIOUS PARTIES OF RECORD.

THE FOLLOWING EASEMENTS HAVE NO LOCATION SET FORTH AND THEREFORE CANNOT BE PLOTTED;

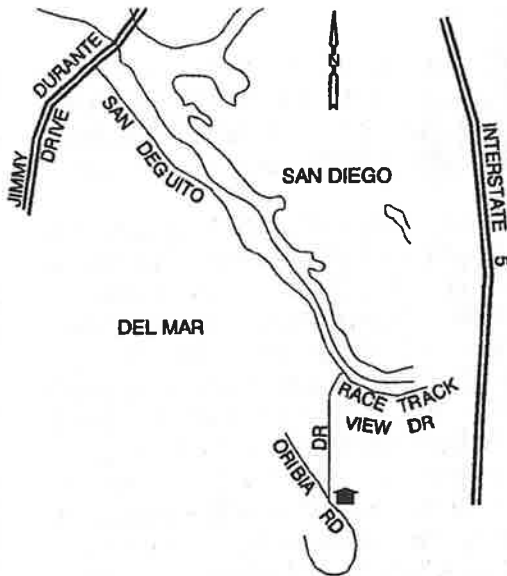
- a) AN EASEMENT TO SOUTH COAST LAND COMPANY FOR THE PURPOSE OF INGRESS AND EGRESS AND PUBLIC UTILITIES, IN THE DOCUMENT RECORDED JANUARY 11, 1923 IN BOOK 922, PAGE 132 OF DEEDS.
- b) AN EASEMENT TO SAN DIEGO GAS AND ELECTRIC FOR THE PURPOSE OF POLES, WIRES AND ANCHORAGE FOR THE TRANSMISSION AND DISTRIBUTION OF ELECTRICITY, IN THE DOCUMENT RECORDED JULY 18, 1917 IN BOOK 735, PAGE 347 OF DEEDS.

LEGAL DESCRIPTION:

PORTION OF THE WESTERLY 50 FEET OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 14 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF DEL MAR, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT SURVEY.

NOTES:

- 1. THIS IS NOT A BOUNDARY SURVEY. BOUNDARY INFORMATION PER RECORD DATA.
- 2. THE PROPERTY LINES SHOWN HEREON WERE CALCULATED FROM RECORD DATA USING A MIN. OF TWO (2) TIES TO CERTAIN FOUND SURVEY MONUMENTS.
- 3. THE EASEMENTS SHOWN ON THIS PLAT ARE FROM A PRELIMINARY TITLE REPORT PREPARED BY CHICAGO TITLE COMPANY, MARCH 12, 2007.



VICINITY MAP

■ = SITE LOCATION NTS



ADDRESS : 1439 ORIBIA ROAD
DEL MAR, CA 92014
 PHONE No. : (858) 735-0562

SIGNATURE : *[Signature]*
 SIGNATURE : *Beth L. Westburg*

THIS PLAT WAS PREPARED WITH MY KNOWLEDGE & CONSENT
 APPLICANT : BETH AND REID WESTBURG
 ADDRESS : 1439 ORIBIA ROAD
DEL MAR, CA 92014
 PHONE No. : (858) 735-0562

MAP PREPARED BY : SOWARDS & BROWN ENGINEERING, INC.
 ADDRESS : 2187 NEWCASTLE AVE. STE 103
CARDIFF BY THE SEA, CA. 92007
 PHONE No. : (760) 436-8500
 LS No. : 5406

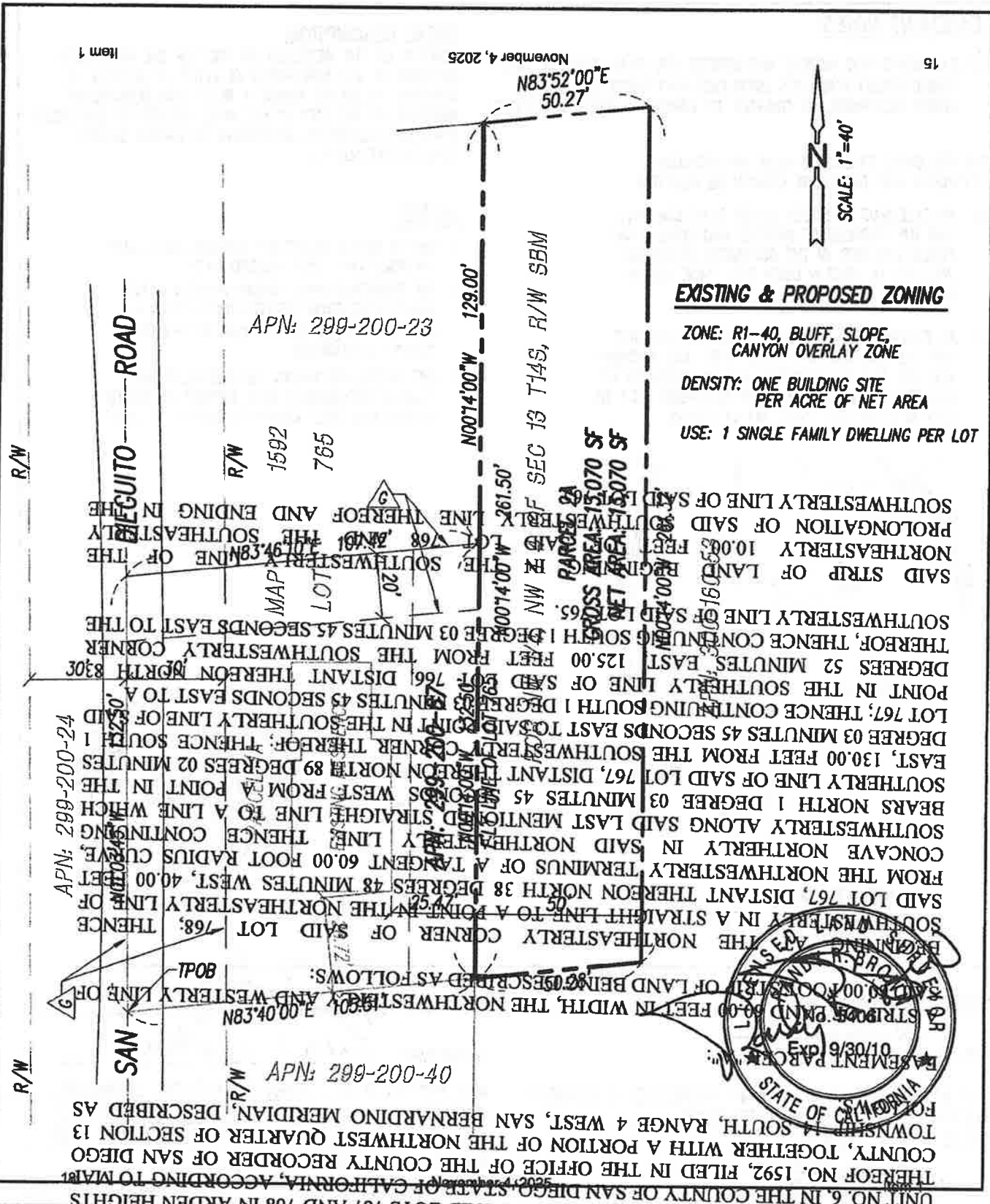
November 1, 2007

Item 1
 JOB No. 05-005 5.15.07

EXHIBIT 'B'
CITY OF DEL MAR
DEPARTMENT OF PLANNING
PLAT

SHEET: 2 OF 3

5483



Item 1

November 4, 2025

15

N83°52'00\"/>



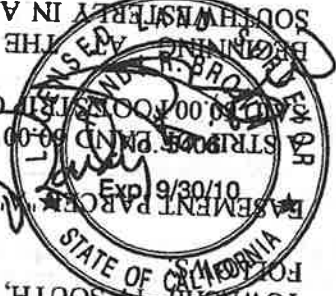
EXISTING & PROPOSED ZONING

ZONE: R1-40, BLUFF, SLOPE,
CANYON OVERLAY ZONE

DENSITY: ONE BUILDING SITE
PER ACRE OF NET AREA

USE: 1 SINGLE FAMILY DWELLING PER LOT

AN EASEMENT AND RIGHT OF WAY FOR ROAD AND UTILITY PURPOSES, TO BE USED IN COMMON WITH THE GRANTORS AND OTHER, OVER THAT PORTION OF LOTS 765, 766, 767, 768 AND THE VACATED STREETS ADJOINING SAID LOTS 767 AND 768 IN ARDEN HEIGHTS UNIT NO. 6, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1592, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, TOGETHER WITH A PORTION OF THE NORTHWEST QUARTER OF SECTION 13 TOWNSHIP 14 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, DESCRIBED AS



THE NORTHWESTERLY CORNER OF SAID LOT 768, THENCE SOUTHWESTERLY IN A STRAIGHT LINE TO A POINT IN THE NORTHWESTERLY CORNER OF SAID LOT 767, DISTANT THEREON NORTH 38 DEGREES 48 MINUTES WEST, 40.00 FEET FROM THE NORTHWESTERLY TERMINUS OF A TANGENT 60.00 FOOT RADIUS CURVE, THENCE CONTINUING SOUTHWESTERLY ALONG SAID LAST MENTIONED STRAIGHT LINE TO A POINT IN SAID LOT 767, DISTANT THEREON NORTH 89 DEGREES 02 MINUTES EAST, 130.00 FEET FROM THE SOUTHWESTERLY CORNER THEREOF, THENCE SOUTH 1 DEGREE 03 MINUTES EAST 45 SECONDS EAST TO SAID POINT IN THE SOUTHERLY LINE OF SAID LOT 767, THENCE CONTINUING SOUTH 1 DEGREE 03 MINUTES EAST TO A POINT IN THE SOUTHERLY LINE OF SAID LOT 766, DISTANT THEREON NORTH 83 DEGREES 52 MINUTES SOUTH 1 DEGREE 03 MINUTES EAST 45 SECONDS EAST TO THE SOUTHWESTERLY LINE OF SAID LOT 765. SAID STRIP OF LAND BEING 10.00 FEET WIDE AND BEGINNING AT THE NORTHWESTERLY PROLONGATION OF SAID SOUTHWESTERLY LINE OF SAID LOT 765. SAID STRIP OF LAND BEING 10.00 FEET WIDE AND BEGINNING AT THE NORTHWESTERLY PROLONGATION OF SAID SOUTHWESTERLY LINE OF SAID LOT 765.

APN: 299-200-23
 APN: 299-200-24
 APN: 299-200-25
 APN: 299-200-26
 APN: 299-200-27
 APN: 299-200-28
 APN: 299-200-29
 APN: 299-200-30
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 APN: 299-200-32
 APN: 299-200-33
 APN: 299-200-34
 APN: 299-200-35
 APN: 299-200-36
 APN: 299-200-37
 APN: 299-200-38
 APN: 299-200-39
 APN: 299-200-40

EASEMENT PARCEL "B":

BEGINNING AT THE MOST NORTHERLY CORNER OF SAID LOT 768; THENCE NORTHERLY ALONG THE NORTHWESTERLY LINE OF THAT PORTION OF SAN DIEGUITO DRIVE, AS VACATED AND CLOSED TO PUBLIC UTILITIES, A DISTANCE OF 20.00 FEET TO THE CENTER LINE OF SAID DRIVE; THENCE SOUTHEASTERLY ALONG SAID CENTER LINE TO THE EASTERLY LINE OF SAID ARDEN HEIGHTS UNIT NO. 6; THENCE NORTHERLY ALONG SAID EASTERLY LINE TO A POINT IN THE SOUTHEASTERLY PROLONGATION OF A LINE WHICH IS PARALLEL WITH AND 30.00 FEET NORTHEASTERLY MEASURED AT RIGHT ANGLES FROM SAID CENTER LINE; THENCE SOUTHEASTERLY ALONG SAID PARALLEL LINE TO A POINT IN THE EASTERLY LINE OF THE WESTERLY 50.00 FEET OF SAID SECTION 13; THENCE SOUTHERLY ALONG SAID EASTERLY LINE TO A POINT IN THE SOUTHEASTERLY PROLONGATION OF THE SOUTHWESTERLY LINE OF THE NORTHEASTERLY 10.00 FEET OF SAID LOT 768; THENCE NORTHWESTERLY ALONG SAID PROLONGATION TO AND ALONG SAID SOUTHWESTERLY LINE OF THE NORTHEASTERLY 10.00 FEET OF SAID LOT TO THE WESTERLY LINE OF SAID LOT 768; THENCE NORTHERLY ALONG SAID WESTERLY LINE TO THE POINT OF BEGINNING.

EXCEPTING FROM SAID PARCEL B THAT PORTION THEREOF, LYING WITHIN PARCEL A HEREINABOVE DESCRIBED.

THE EASEMENT AND RIGHT OF WAY DESCRIBED HEREIN UNDER PARCEL B IS HEREBY DECLARED TO APPURTENANT TO THE LAND DESCRIBED IN PARCEL A ABOVE AND TO BE FOR THE USE AND BENEFIT OF THE PRESENT AND FUTURE OWNER OR OWNERS OF ALL OR ANY PART THEREOF.

CONTAINS 72,826 SQUARE FEET, MORE OR LESS.



05-005
5/15/07

EXHIBIT 'B'

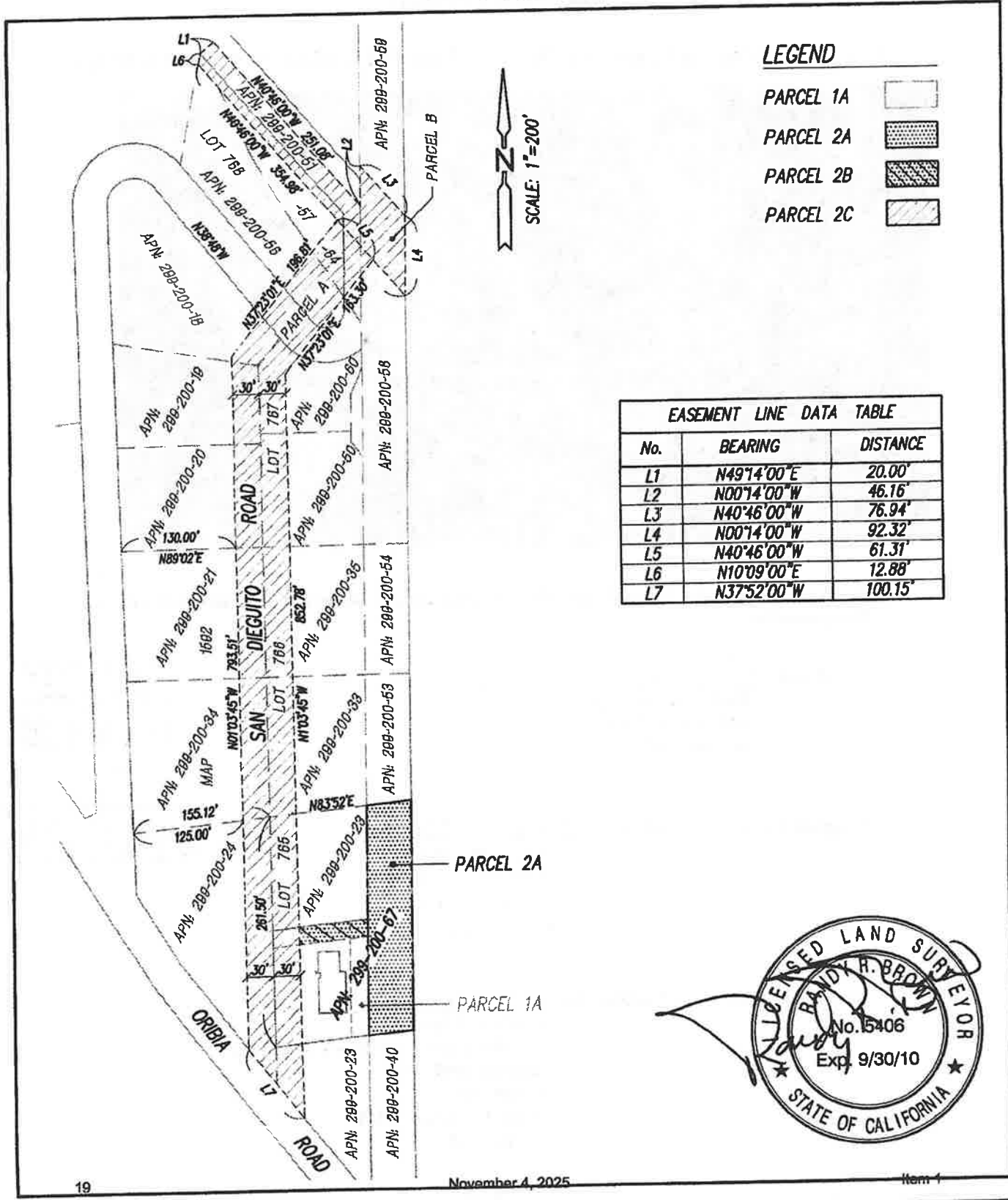
CITY OF DEL MAR

DEPARTMENT OF PLANNING

PLAT

SHEET: 3 OF 3

5484



LEGEND

- PARCEL 1A
- PARCEL 2A
- PARCEL 2B
- PARCEL 2C

EASEMENT LINE DATA TABLE		
No.	BEARING	DISTANCE
L1	N49°14'00"E	20.00'
L2	N00°14'00"W	46.16'
L3	N40°46'00"W	76.94'
L4	N00°14'00"W	92.32'
L5	N40°46'00"W	61.31'
L6	N10°09'00"E	12.88'
L7	N37°52'00"W	100.15'



**FIRE PROTECTION PLAN
BETH WESTBURG RESIDENCE
1439 Oribia Drive
Del Mar, California**

July 9, 2018 (revised January 28, 2020, March 11, 2020, October 14, 2025)



Figure 1.

The Applicant hereby acknowledges the construction and other requirements of this Fire Protection Plan:

Applicant: Beth L. Westburg
Beth L. Westburg
1439 Oribia Road
Del Mar, CA 92014

**CITY OF ENCINITAS FIRE DEPARTMENT
PLANS APPROVED SUBJECT TO THE FOLLOWING:**
 Approved With Conditions Approved As Submitted
Plans are accepted for construction subject to the requirements of the Fire Code and Building Laws, of the City of Encinitas, California. This approval is not a guarantee of safety or insurance. Approval applies to plans as submitted and for construction indicated therein. Construction approved is subject to final inspection and acceptance.
10/28/2025 4:40:23 PM

Original Report Prepared by: Ronald Woychak
Ronald Woychak
FIREWISE 2000, Inc.
1320 Scenic Drive
Escondido, CA 92029

Final inspection required to verify brush clearing treatment in accordance with this (FPP) Fire Protection Plan in City Open Space.

Revision Prepared and Certified by: Melvin A. Johnson
Melvin A Johnson
Certified CEQA Wildfire Consultant
Firewise 2000, LLC
PO Box 339
Lower Lake, CA 95457
760-745-3947

WESTBURG RESIDENCE FIRE PROTECTION PLAN

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FIRE PROTECTION PLAN

1.0 GENERAL DESCRIPTION

The WESTBURG Residence project is located within the City of Del Mar. The property sits on a vacant parcel behind the residence at 1439 Oribia Road (see Figure 1). The east property line of the parcel is the dividing line between the City of San Diego and the City of Del Mar. Because the subject property abuts an Open Space Preserve with native vegetation, it is within an area designated as a Very High Fire Hazard Severity Zone (VHFHSZ). The property is surrounded by developed residential property on three sides. The Del Mar Fire Department (DMFD) is the jurisdictional fire protection agency. The Del Mar Fire Department contracts with the City of Encinitas Fire Department for management services which includes review of commercial and residential plans, and fire prevention inspections.

The proposed project consists of the construction of a 2500-sf single-family residence with an attached ADU and a 495-sf detached garage. The parcel size is 0.35 gross acres. The proposed type of construction is V-B and the occupancy classification is R-3/U. Refer to the site plan in Exhibit A for the illustration of property lines, structure footprint and off-site vegetation conditions.

A Fire Protection Plan (FPP) must be submitted to and approved by the Encinitas Fire Department which provides. The approved FPP shall be recorded with the County Recorder's office. The FPP assesses the overall (on-site and off-site) wildland fire hazards and risks that may threaten life and property associated with the proposed WESTBURG Residence. In addition, the FPP establishes both short-term and long-term vegetation management actions required to minimize any projected wildland fire hazards, and assigns annual maintenance responsibilities for each of the required Vegetation Management actions.

1.1 General Information

Owner: Beth Westburg
1439 Oribia Road
Del Mar, CA 2014

Approving Departments: Agency having Jurisdiction the City of Del Mar, CA

Fire Authority/Fire Construction Permits: Del Mar & Encinitas Fire Departments/City of Del Mar
Water City of San Diego
Building Permits: City of Del Mar

The purpose of this FPP is to provide Fuel Modification Zone treatment and construction feature direction for developers, architects, builders, the DMFD, and the individual lot owner to use in making the structures in the proposed project relatively safe from future wildfires. Exhibits attached to this FPP that provide additional information shall be considered part of this FPP.

This revised FPP is based upon the following requirements (or those in force at the time of construction) listed in the California Code of Regulations Title 14, section 1280 and Title 24, Part 9; 2022 California Fire Code (CFC) including Appendices to Chapters 1 & 4 and Appendices B, F & H and Local Amendments; Chapter 7A-California Building Code; 2022 California Residential Code sections R337; California Government Code, sections 51175 through 51189; California Public Resources Codes sections 4201 through 4204; 2024 International Wildland-Urban Interface Code; National Fire Protection Association Standards (NFPA) 13-D & 1140, 2022 Editions; Del Mar Fire Department Ordinance No. 1022 & 1023 which adopts the 2016 2022 CFC.

2.0 WILDLAND FIRE HAZARD AND RISK ASSESSMENT

In assessing the wildland fire hazard, it is necessary to consider plant succession and the climax plant communities. The vegetation described below is the most likely climax plant community that will exist without human intervention and the one utilized for planning purposes.

2.1 On and Off-Site Fire Hazard and Risk Assessment

The proposed project is located adjacent to a dedicated Open Space Preserve owned by the City of San Diego, consisting of a nature trail (Crest Canyon Trail) with trail heads. The Open Space preserve is set aside to protect native coastal sage habitat and state-protected stands of Torrey Pines (See Photo 1). The Open Space Preserve is approximately 160 acres in size and is surrounded on three sides by residential development. The City of San Diego Parks and Recreation Department has a program to conduct brush clearing work along the City boundary to provide a 100 feet of fuel buffer from every structure on the adjacent private property. The City cycles through the area every two years to complete the work. There is recent evidence of brush clearing activity by the City workers out to at least 30 feet from the property line (See Photo EXHIBIT F). The owner can apply for a *Right-of-Entry Permit* from the San Diego Parks and Recreation Department to conduct additional brush clearing work if necessary. This vegetation treatment provides an extended buffer from the hazardous fuel that threatens the private property.



Photo 1. View looking east from the property at the adjacent Open Space Preserve.

For fire behavior modeling purposes, the native vegetation is best described as a Fuel Model SCAL 18 (sage/buckwheat, with 1 hour fuels of 5.5 tons/acre and 10 hour fuels of .8 tons/acre). All of these plants are adapted to intense wildfires, needed for species regeneration, especially the Torrey Pine (*Pinus torreyana*).

The City Open Space Preserve offers the greatest wildland fire threat to the proposed project (See Photo 1). The record search for any fire history in the area did not show any past wildland fire occurrence over 10 acres. Some of the preserve does show evidence of past vegetation disturbance in the flat area just east of the subject property.

2.2 Climate

The climate within the project area would be characterized as Mediterranean. It has generally mild and wet (14 -16 inches per year) winters, the bulk of the annual precipitation falling between January and March. Long, hot and very dry summer seasons frequently occur with occasional multi-year droughts.

The most critical weather pattern is a hot, dry offshore wind, typically called a Santa Ana. Such wind conditions are usually associated with strong (>60 MPH), hot, dry winds with very low (<15%) relative humidity. Santa Ana winds originate over the dry desert land and can occur anytime of the year; however, they generally occur in the late fall (September through November). This is also when non-irrigated vegetation is at its lowest moisture content.

The subject property is located less than one mile (0.80 mile) from the ocean which keeps the humidity relatively high even during the hot summer months. While the coastal sage scrub vegetation and annual grasses tend to dry out during the summer, the broad-leaf evergreen shrubs (Lemonade berry, ceanothus, and Toyon) maintain their high fuel moistures.

The typical prevailing summer time wind pattern is out of the south or southwest and normally is of a much lower velocity (5-19 MPH) with occasional gusts to 30-MPH) and is associated with higher relative humidity readings. All other (northwest, south, west) wind directions may be occasionally strong and gusty. However, they are generally associated with cooler moist air and often have higher relative humidity (> 40%). They are considered a serious wildland fire weather condition when wind speeds reach > 20-MPH.

All residential structures in the area are threatened by wind-blown embers. Ignition resistant construction, to include venting that resists ember intrusion will generally mitigate against a windblown ember threat (see Section 5.4 for a discussion of these features). The goal of this FPP is to prevent the loss of lives, buildings and personal property when wildfires occur. The challenge is using a 'best practices' approach to construction and vegetation management, within a fully functioning coastal sage scrub habitat. This goal is accomplished by requiring the home to be built with ignition resistant materials and properly designed and maintained vegetation management treatments that safely mitigate the fire hazard to insignificant levels.

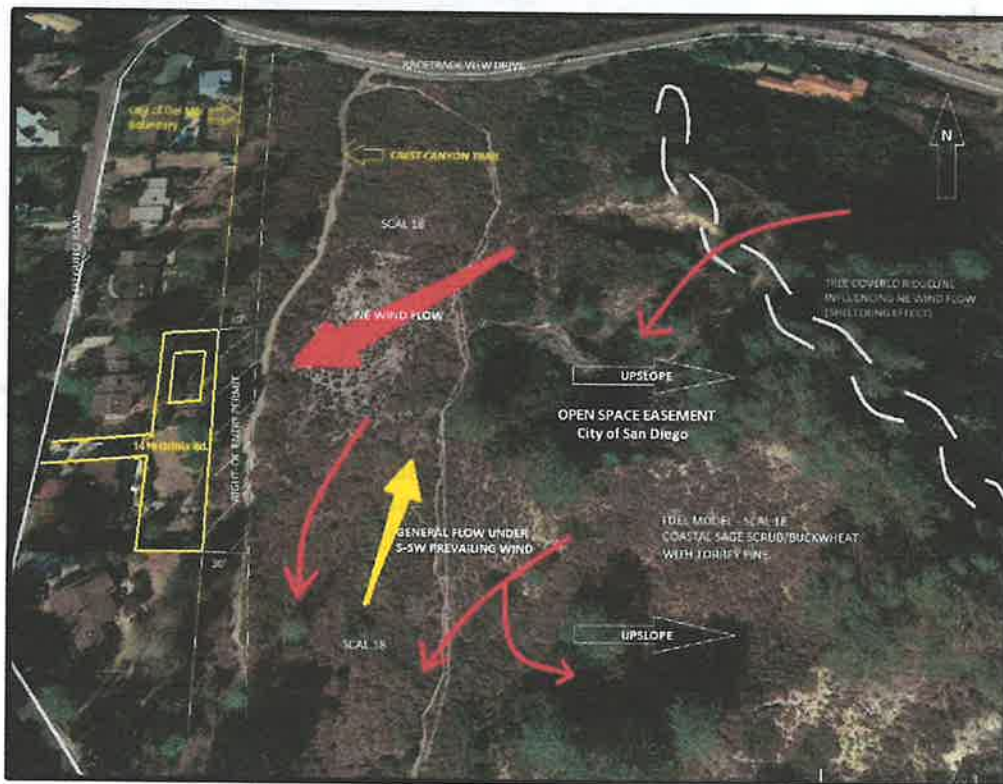


Figure 2. Fire behavior factors influenced by terrain in the immediate area.

2.3 Predicting Wildland Fire Behavior

The BEHAVE 5.0.5 Fire Behavior Prediction and Fuel Modeling System developed by USDA–Forest Service research scientists Patricia L. Andrews and Collin D. Bevens at the Intermountain Forest Fire Laboratory, Missoula, Montana, is one of the best systematic methods for predicting wildland fire behavior. The BEHAVE fire behavior computer modeling system is utilized by wildland fire experts and managers nationwide. The program projects the expected rate-of-spread and flame lengths with a reasonable degree of certainty for use in Fire Protection Planning purposes. **FIREWISE 2000, Inc.** used the BEHAVE 5.0.5 Fire Behavior Prediction Model for the WESTBURG residence to make the fire behavior assessments discussed below.

2.4 Wildland Fire Behavior Calculations for the Off-Site Hazardous Vegetative Fuels

Wildland fire behavior calculations have been projected for the hazardous vegetative fuels on the undeveloped areas in proximity to the proposed project. These projections are based on scenarios that are ‘worst case’ San Diego County fire weather assumptions in the vicinity of the project area. Historical weather data was obtained from the RAWs (Remote Automatic Weather Station) network stations closest to the project area.

The worst case scenarios are depicted below in Tables 2.4.1 and 2.4.2. All tables display the expected Rate of Fire Spread (expressed in mi/hr), and Flame Length (expressed in feet) include the calculation inputs used in the BEHAVE program which were obtained from project site observations and fuel moisture levels typically observed during the local fire season. The tables also show the change in Rate of Fire Spread, and Flame Length following the completion of the required Vegetation Management work which is characterized by Fuel Model SCAL 8 (Coastal sage scrub/buckwheat) and gr1 (Short Sparse Dry Climate Grass 50%). In Table 2.4.1, a fire behavior analysis was conducted to determine the flame lengths predicted under 60-MPH northeast winds. Table 2.4.2 projected the fire behavior for a wildfire burning under a prevailing 10-MPH southwest wind.

Table 2.4.1	
<i>Fire Scenario # 1 - Fire Approaching from the North or East</i>	
<i>Late Fire Season With 60 MPH North, Northeast and East Wind Conditions</i>	
<i>(Fire Behavior reflects a fire burning up canyon partially sheltered from wind)</i>	
<p>Fire Behavior Calculation Input Data</p> <ul style="list-style-type: none"> • 5 percent slope • 24 mph 20-foot wind speed • 135° wind direction from upslope north • Fire spread direction 120° from upslope 	<p>Anticipated Fuel Moistures</p> <ul style="list-style-type: none"> * 1-Hour Fine Fuel Moisture of.....2% * 10-Hour Fuel Moisture of.....5% * 100-Hour Fuel Moisture of.....6% * Live Herbaceous Fuel Moisture of.....50% * Live Woody Fuel Moisture of.....60%
Expected Fire Behavior	
Combined Fuel Model [SCAL 18 - Sage/Buckwheat]	
Flame Length	- 20.7 feet
Rate of Spread	- 57.5 ft/min
Fireline Intensity	- 4118 btu/ft/s
Expected Fire Behavior in Treated Fuels	
(Zone 2 off-site)	
Fuel Model - gr1 – Short Sparse Dry Climate Grass 50%	
Rate of Spread	- 25.9 ft/min
Fireline Intensity	- 44 btu/ft/s
Flame Length	- 2.6 feet

Table 2.4.2 <i>Fire Scenario # 2 - Fire Approaching from the South or West</i> <i>Late Fire Season With 10 MPH South, Southwest and West Wind Conditions</i> <i>(Fire Behavior reflects a fire burning down canyon)</i>	
Fire Behavior Calculation Input Data <ul style="list-style-type: none"> • 1-2 percent slope • 10 mph 20-foot wind speed • 270° wind direction from upslope north • 315° fire spread from upslope north 	Anticipated Fuel Moistures <ul style="list-style-type: none"> * 1-Hour Fine Fuel Moisture of.....2% * 10-Hour Fuel Moisture of.....5% * 100-Hour Fuel Moisture of.....8% * Live Herbaceous Fuel Moisture of.....50% * Live Woody Fuel Moisture of.....60%
Expected Fire Behavior Combined Fuel Model SCAL 18 - Sage/Buckwheat	
Flame Length - 10.9 feet	
Rate of Spread - 14.4 ft/min	
Fireline Intensity - 1031 btu/ft/s	
Expected Fire Behavior in Treated Fuels (Zone 2 off-site)	
Fuel Model - gr1 – Short Sparse Dry Climate Grass 50%	
Rate of Spread - 8.9 ft/min (<1 mi/hr)	
Fireline Intensity – 15 btu/ft/s	
Flame Length - 1.6 feet	

3.0 ASSESSING STRUCTURE IGNITIONS IN THE WILDLAND/URBAN INTERFACE

Structure ignitions from wildland wildfires basically come from three sources of heat: convective firebrands (flying embers), direct flame impingement, and radiant heat. The Behave Plus Fire Behavior Computer Modeling Program does not address wind blown embers or firebrands. However, even though ignition resistant exterior building materials will be used in the construction of the Westburg Residence (see EXHIBIT 'E' for the description of 'Ignition-Resistant Construction'), wind driven embers and radiant heat issues are addressed in this FPP.

3.1 Firebrands

Firebrands are pieces of burning materials that detach from a burning fuel due to the strong convection drafts in the flaming zone. Firebrands may also be referred to as embers. Firebrands can be carried a long distance (one mile or more) by fire drafts and strong winds. Severe wildland/urban interface fires can produce heavy showers of firebrands. The chance of these firebrands igniting a structure will depend on the size and number of the firebrands, how long each ember burns after contact, and the type of building materials, building design, and construction features of the structure. Firebrands landing on combustible roofing and decks are common sources for structure ignition. They can also enter a structure through unscreened vents, decks and chimneys, unprotected skylights, and overhangs.

Even with non-combustible roofing, firebrands landing on leaves, needles, and other combustibles located on a roof (due to lack of maintenance) can cause structure ignition. Any open windows, doors or other types of unscreened openings are sources for embers to enter a structure during a wildland fire. If these maintenance issues are addressed on a regular basis, firebrands should not be a significant concern for the Westburg Residence as the building will be constructed with ignition resistant building materials.

3.2 Radiant Heat/Direct Flame Impingement

Radiation and convection involve the transfer of heat directly from the flame. Unlike radiation heat transfer, convection requires that the flames or heat column contact the structure. An ignition from radiation (given an exposed flammable surface) heat transfer depends on two aspects of the flame: 1) the radiant heat flux to a combustible surface and, 2) the duration (length of time) of the radiant flux. The radiant heat flux depends on the flame zone size, flame-structure distance, and how much the combustible material of the structure is exposed to the flame. While the flame from a wildfire may approach 1,800 degrees Fahrenheit, it is the duration of heat that is more critical. For an example, a blow torch flame typically approaches 2,100 degrees Fahrenheit yet a person can easily pass his/her hand through the flame. Heat duration only becomes critical to a home with a wood exterior surface if the heat is allowed to remain for 30-90 seconds.

Research scientist Jack Cohen of the United States Forest Service has found that a home's characteristics--its exterior materials and design in relation to the immediate area around a home within 100 feet--principally determine the home ignition potential. He calls the home and its immediate surroundings the home ignition zone. In a study of ignition of wood wallboard, tests by a USDA Forest Service research team described in the Proceedings, 1st International Fire and Materials Conference showed that flame impingement for sufficient length of time (approximately 1 min.) ignites a typical hardboard siding material. Since the requirement in this FPP is for a non-combustible wall or 1-hour fire resistive construction for the exterior portion of a structure, the home's exterior reaching ignition temperature is very unlikely due to either radiant or convective heat.

Fire agencies consider vegetation management as a principal approach to wildland fire hazard reduction. Whenever the flame length, 1-2 minutes in duration or more, is equal to or more than the separation of combustible vegetation from a combustible structure, there is a high probability of structure ignition. Contact with a fire's convection heat column also may cause ignition but the temperature of the column's gases are generally not hot enough or long enough in duration to sustain the ignition of the structure.

Comparing the expected wildland fire behavior projections in each of the scenarios in Section 2.3.1 against the required fuel modification zones outlined in Section 5.0 demonstrates substantial reductions in the expected flame length and fireline intensity.

By requiring the structures exposed to the threat of wildfire to incorporate the following guidelines, those structures will be provided with the most effective treatment for minimizing losses from flame impingement and associated radiant heat intensities.

- Each structure is constructed of ignition resistant building materials.
- The area surrounding each structure contains an irrigated zone (defensible space) and a thinning zone (low fuel volume buffer strip) between the irrigated zone and the untreated fuels.

The homeowner shall be required to maintain their property to Zones, 0, 1, and 2 vegetation management standards and shall keep the roofs and rain gutters free of leaves, needles and other combustible debris. All firewood and other combustible materials must be properly stored away from the structures (minimum 30') so that burning embers falling on or near the structures have no suitable host. The WESTBURG Residence owner is responsible for maintaining their home and for keeping all doors and windows tightly closed whenever a wildland fire is reported in the vicinity.

3.3 Fire Resistant Plant Palette

Wildland fire research has shown that some types of plants, including many natives, are more fire resistant than others. These low fuel volume, non-oily, non-resinous plants are commonly referred to as 'fire resistant'. This term comes with the proviso that each year these plants are pruned, all dead wood is removed and all grasses or other plant material are removed from beneath the circumference of their canopies. Some native species are not considered 'undesirable' from a wildfire risk management perspective provided they are properly maintained year round (refer

to EXHIBIT 'C' for a list of prohibited plant species). Should any plant appear on both the Recommended and Prohibited Lists, the plant shall be removed and/or replaced with approved species.

4.0 FIRE DEPARTMENT RESPONSE TIMES & FIRE ACCESS

The Westburg residence is within the response area of the Del Mar Fire Department. The closest engine to the proposed project is Del Mar Fire Station at 2200 Jimmy Durante Blvd., approximately 0.81 miles or an approximate 4 minute response time. The Del Mar Fire Department contracts with the City of Encinitas for management services which includes review of commercial and residential plans, and fire prevention inspections. There is no assurance that the Del Mar fire apparatus will be in its station when a wildfire threatens the property at 1439 Oribia Road. In this situation, other nearby fire departments would likely respond equipment under mutual aid agreements. This is why **FIREWISE 2000** planned projects use 'defensible space', ignition resistant building features, and key fuel treatment strategies that enable residents to substantially increase their ability to survive a wildfire on their own and without the loss of their structure. The goal of this FPP therefore is to make the WESTBURG Residence and its occupants as safe as possible and able to survive on their own until such time as firefighting equipment arrives and/or residents can be safely evacuated.

Fire Department Access

Fire apparatus access is a byway of San Dieguito Road (Public Street) to the driveway entrance of the residence. The driveway has a 20 foot wide easement of which 16 feet shall be paved and is 107 feet long to the front of the residential structure and garage (See EXHIBIT A). To comply with Section 503.1.1 of the CFC, the project will require that fire apparatus be provided to meet the 150-foot hose pull requirement to all portions of the structure. However, as per the Encinitas Fire Department, the intersection of San Dieguito Dr. and Oribia Rd. provides the required turnaround capabilities (see Appendix I). The driveway shall be designated as a FIRE LANE with red painted curbs or signed as a FIRE LANE – NO PARKING. All fire apparatus access roads shall have an unobstructed vertical clearance of not less than 13 feet 6 inches. Firefighter pathway shall be at least 48" wide and be provided as a flat paved or hard-surface walkway accessing all sides of the structure. It is highly recommended that off-site access with a gate be installed along the east property line for firefighters to the Open Space easement. A gate to Crest Canyon is being proposed, as shown on the site plan.

5.0 VEGETATION MANAGEMENT ZONE DESCRIPTIONS & REQUIRED TREATMENTS

Below are the descriptions and required treatments for the Fuel Modification Zones. All distances in this report are measured horizontally. These distances are depicted on the attached Fuel Modification Zone Map – EXHIBIT B. Due to the limited size and dimension of the lot, a fuel modification zone of 100 feet cannot be met entirely within the property boundary. To provide additional fuel modification, brush clearing treatments will have to extend off-site in the City Open Space Easement. The property owner does have the option to apply for a Right-of-Entry Permit from the City of San Diego Parks and Recreation Department to conduct brush clearing activities.

5.1 Fuel Modification Zone 0

Defined:

Zone 0, also known as the "Immediate" or "Ember Resistant Zone", is the area located within five feet of a building that reduces the likelihood of structure ignition by embers. This zone includes the level graded area under and around all decks, stairs and any outbuildings and requires the most stringent wildland fire fuel reduction and maintenance. This area shall be kept clear of combustibles, plant-based landscaping mulch, and all vegetation.

Zone 0 Requirements

- Zone 0 will be composed of hardscaping, either concrete, gravel, rock, or pavers surrounding the perimeter of each structure.

- No wooden, vinyl or other combustible materials may be attached to a structure. Wrought iron, chain link or similar non-flammable materials will be permitted in Zone 0
- Firewood and lumber are prohibited in this area.
- All branches within ten (10) feet of any chimney or stovepipe outlet must be removed.

Required Maintenance

- Maintenance shall be year-round by the lot owners and any subsequent owner according to the requirements listed in this PFPP.
- Remove any combustible material monthly within Zone 0 including all dead vegetative matter.
- Remove any combustible material quarterly in rain gutters located above Zone 0.
- Dead branches that overhang roofs, are below or adjacent to windows, or which are adjacent to wall surfaces must be removed.

5.2 Fuel Modification Zone 1

Defined:

Zone 1 is commonly called the defensible space zone and shall be free of all combustible construction and materials. It is an irrigated landscape zone which varies in width from 30 to 50 feet. It is measured from the exterior walls of the structure outward to the property line. It provides the best protection against the high radiant heat produced by a wildfire. It also provides a generally open area in which fire suppression forces can operate during wildfire events. This zone includes a level-graded pathway of at least 3-feet wide around the structure for firefighter access.

In review of the project site plan (See EXHIBIT A), the setbacks for the structure only allow for 10 feet on the east and west side yards. Due to the narrow dimensions of the lot, the 50-foot Zone 1 requirement cannot be met.

Required Landscaping

- Plants in this zone shall be fire resistant and shall not include any pyrophytes that are high in oils and resins such as pines, eucalyptus, cedar, cypress or juniper species. Thick or leathery leaf species with high moisture content are the most 'fire resistant'.
- Zone 1 will be cleared of all fire prone and undesirable plant species. (See EXHIBIT 'C').
- Xeriscape™ designs, where compatible and hardscape such as concrete, rock, pavers, and similar non-combustible features are encouraged to break up fuel continuity within Zone 1.
- Focus should be on approved ground covers and lawns that shall be maintained at a height that does not exceed 4 inches.
- Vegetation and combustible ground covers (mulch, bark, wood chips, etc.) are not permitted within 5 feet of the exterior wall of the structure.
- Shrubs should be low-growing and well-irrigated and should be selected from an approved plant list approved by the DMFD. Shrubs shall be single specimens or a grouping not exceeding three plants. Mature height of plants shall not exceed 18 inches. At mature growth, single plants or groupings of plants shall be separated from each other by at least 5 feet. Plants shall not be located under vents or windows or within five feet to either side of a window. Single specimens of plants or a grouping not exceeding three plants are allowed under mature trees.
- Trees shall be single specimens or groupings of not more than three trees selected from the approved plant list. Trees are to be planted such that the mature canopies will be at least 10 feet from the exterior walls of the structure or from the most distal point of a combustible projection, an attached accessory structure, or an accessory structure within 10 feet of a habitable building.
- An automatic irrigation system is required. Areas inside the drip line of native oak trees shall not be irrigated.

Required Maintenance

- The lot shall be maintained year round by the individual property owner within their property boundary (lot lines) as required by the DMFD.
- Irrigation sprinkler systems shall be checked weekly to insure proper working order.

- Any dead or dying plant material shall be removed and replaced monthly. Shrubs and trees are to be bi-annually maintained free of dead material.
- Trees shall be maintained such that the branches and limbs closest to the ground are pruned to a height from the ground that is equal to 1/3 the overall height of the tree or six feet from the ground, whichever is higher. There is one 40-foot high Monterey pine on the property. The owner has consulted an arborist who recommends removal of the Monterey pine due to its diseased condition and decided to remove the Monterey pine due to its close proximity to the structure and the property line. Due to the high flammability of said tree, *Firewise2000* agrees with the recommendation.
- One Coast live oak also exists on the property which can be retained as long as pruning standards are met.
- All trees must be maintained to the current ANSI A300 standards [*Tree, Shrub, and Other Woody Plant Maintenance —Standard Practices (Pruning)*] (see www.treecareindustry.org/public/gov_standards_a300.htm).

5.3 Fuel Modification Zone 2

Defined:

Zone 2 is a 30-foot wide off-site thinning zone in the City-owned Open Space preserve. The purpose of the brush clearing activity is to reduce the fuel load to make the fire behavior less severe to protect structures on the adjacent private land. Zone 2 is a 30' non-irrigated area just off the PL on the east side of the property (See Exhibit B – Fuel Modification Zone Map). The City of San Diego Parks and Recreation Department in conjunction with the San Diego Fire Department has developed an annual program to clear hazard brush 30 feet away from the City property line along the City Open Space boundaries. The brush clearing activities are completed on a two year cycle. Recent contact with the City Program Manager indicated that the clearing was completed this past year (2017) and the evidence is shown in EXHIBIT G – Photo #4. The objective for the Brush Clearing Program is to remove 50% of the vegetation (or fuel load) to reduce the fire intensity and flame length to protect structures.

Required Brush Clearing Maintenance Standards on the City Property:

- Conduct brush clearing to reduce both the vertical height and spacing of the vegetation to achieve a 50% reduction in cover (See Exhibit G – Photo #4).
- Remove all dead and dying vegetation and highly flammable exotic or non-native species.
- Native annual and perennial grasses will be allowed to grow and produce seed during the winter and spring. As grasses begin to cure (dry out), they will be cut/mowed to 4 inches or less in height.
- Prune broad-leaf shrubs to a vertical height of 4 feet, such as Lemonade berry (*Rhus integrifolia*), Toyon (*Heteromeles arbutifolia*), and Baccharis sp. with an objective to remove 50% of foliage.
- If native shrubs are located within a tree's drip line, the lowest branch of the tree shall be a distance from the ground of at least three times the height of the shrub or 10 feet, whichever is greater.
- Allowances for the needs of protected species and habitats will be considered in this zone.

6.0 CONSTRUCTION STANDARDS

The structure shall meet all wildland/interface standards to the satisfaction of the DMFD Ordinance No. 1022 & 1023. Design and construction shall meet the requirements listed in the 2022 Edition of the California Fire and Building Codes, with special adherence to Chapter 7A, and the 2022 Edition of the California Residential Code section R337, with other local amendments/ordinances as adopted by DMFD. Other applicable codes include the 2024 International Wildland-Urban Interface Code (IWUIC) and any codes in force at the time of construction.

The following items are special added fire protection measures to meet equivalency for non-compliance with the 100' fuel modification:

- All swinging exterior doors shall be self-closing and self-latching (does not apply to slider doors).

- Residential fire sprinklers to NFPA 13D standards shall be installed to include attics, bathrooms, closet spaces and garage.
- In addition, the residence shall install exterior fire sprinklers under the eaves facing the east side of the property as added protection.
- To aid in radiant heat deflection and mitigate the reduced width of Zone 1 along the east property line, construction of a six (6) foot high non-combustible block and tempered glass wall along the east side of the property. Post and glass frame assemblies shall be composed of metal such as steel, and 6063-T5 aluminum alloys or equivalent, respectively, which will not melt and allow the glass to fall out. The fire wall would extend at least 150 feet or the combined length of the residence and garage, whichever is greater, a minimum of 30' beyond the ends of the structures until it either meets adjacent similar fire-rated fencing or wraps the property corner up to 30'. (See EXHIBIT B – Fuel Modification Zone Map). The purpose of the fire wall is to deflect radiant heat and act as a physical barrier to stop blowing embers into the property.
- Access gates shall be installed on the exterior fence as shown on page 2 of Exhibit A.

All accessory structures such as decks, balconies, patios, covers, gazebos and fences shall be built from non-combustible or ignition resistant materials. The homeowner is not restricted from having concrete patios, concrete walkways or swimming pools within the Vegetation Management Zones in compliance with other codes. Refer to EXHIBIT 'E' for photos and descriptions of non-combustible decks, patio covers, and railings for these accessory structures. Construction or building permits shall not be issued until the fire code official inspects and approves required vegetation clearance, fire apparatus access and water supply for the construction site. The issuance of building permits with regard to these requirements shall be in accordance standards required by the City of Del Mar. Prior to the delivery of combustible building construction materials to the project site the following conditions shall be completed to the satisfaction of the DMFD:

- All wet and dry utilities shall be installed and approved by the appropriate inspecting department or agency.
- Clearance of Zone 1 vegetation and approved Zone 2 vegetation management shall be provided prior to combustible material arriving on the site and shall be maintained throughout the duration of construction. Fire code officials may require additional vegetation management and/or defensible space when warranted.

7.0 INFRASTRUCTURE

7.1 Water Supply

The Westburg Residence water supply will be provided by the City of San Diego Water Department (SDWD). Fire flow requirements need to comply with 2022 CFC – Appendix B. The Residence will be equipped with an automatic fire sprinkler system in accordance with NFPA 13D. The system shall be extended to cover the garage interior and to the exterior under the eaves. See Exhibit I for fire flow test results and compliance. The nearest fire hydrant is located at the intersection of San Dieguito Road and Oribia Road, approximately 190 feet north of the driveway entrance.

7.2 Access Roads/Driveways and Gates

Main ingress and egress for the WESTBURG Residence will be from the private driveway onto San Dieguito Road, a public street. The private driveway has a 20-foot-wide easement of which 16 feet shall be paved and extends 107 feet into the property. The driveway entrance shall be signed as 'FIRE LANE- NO PARKING'. DMFD fire code requires fire access not to exceed a maximum grade of 15%. Fire access roads shall meet the requirements of the DMFD or as otherwise approved in this FPP, and shall be a paved surface capable of supporting loads of 75,000 lbs gross vehicle weight. Fire access roads shall be maintained for clear access for emergency vehicles (no vehicle storage allowed).

Any gates to be installed shall meet DMFD fire codes and shall be approved by the DMFD prior to fabrication and installation. A 'Knox' override key switch must be installed outside the gate in an approved, readily visible, and unobstructed location at or near the gate to provide emergency access.

8.0 CONCLUSION

This FPP evaluated the adverse environmental effects that the proposed residential development may have from a wildland fire and to properly mitigate those impacts to ensure that the proposed project does not unnecessarily expose people or structures to a significant risk of loss, injury or death involving wildland fires.

With the implementation of the fuel modification, ignition resistant construction measures, and other mitigation measures described in this FPP, the proposed project will be provided with a higher degree of protection from wildfire than many existing homes in San Diego County.

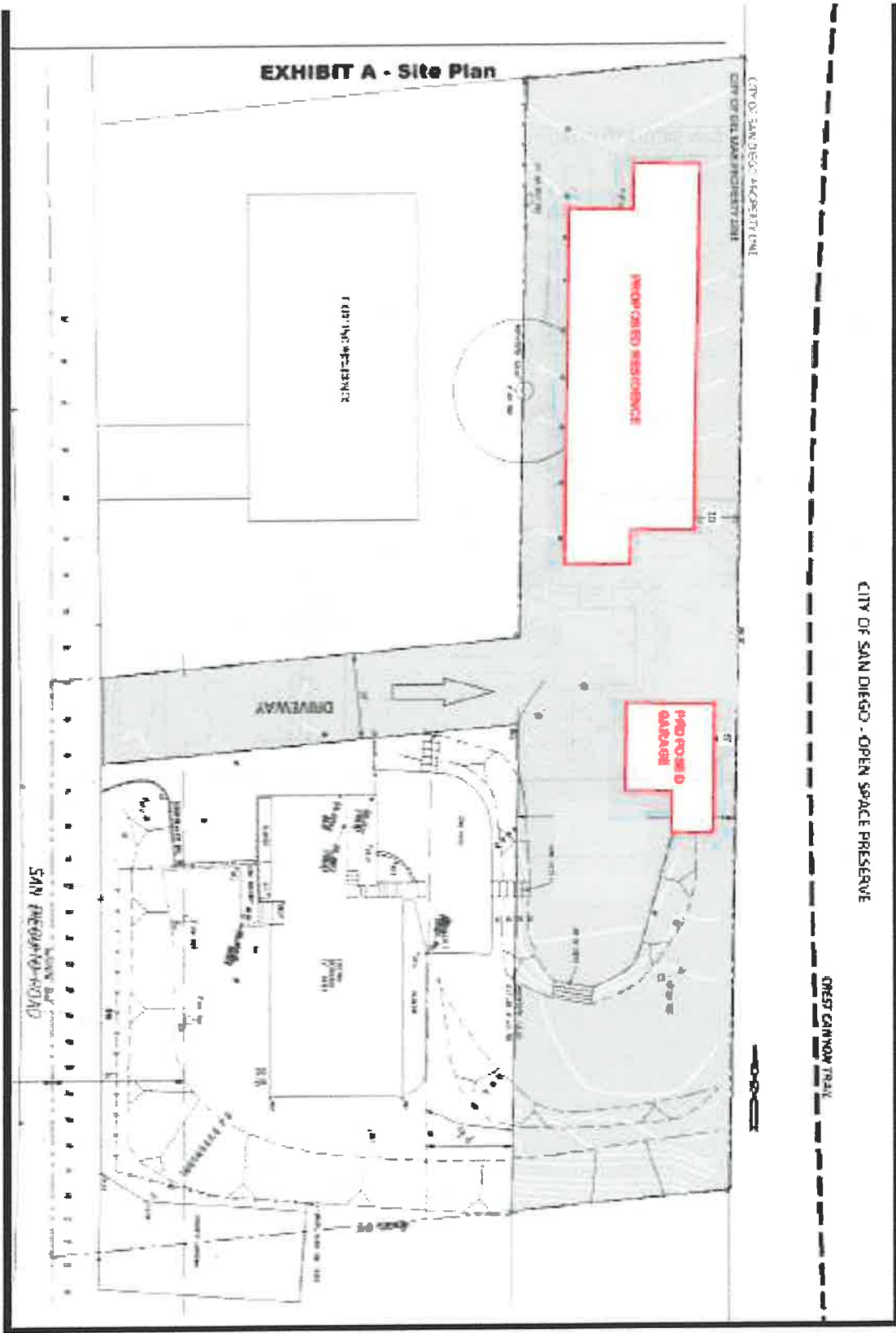
Additionally, improvements including improved access, irrigated landscaping, and offsite brush clearing, benefit the existing nearby residences providing a safer environment for those in the surrounding neighborhood.

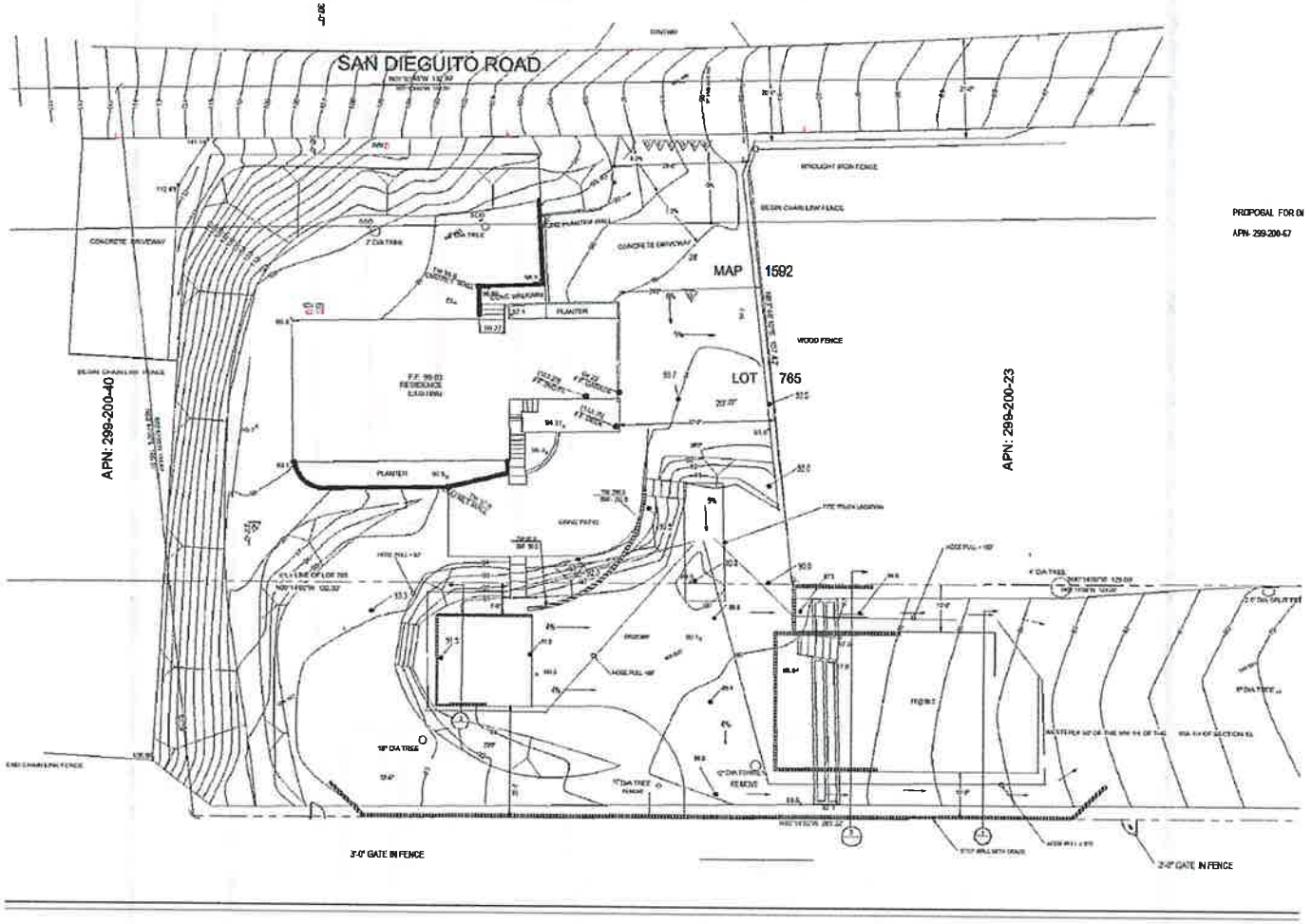
This plan and its requirements shall be incorporated by reference into the final project Conditions of Approval.

9.0 EXHIBITS

EXHIBITS:

SITE PLAN	EXHIBIT A
FUEL MODIFICATION ZONE MAP	EXHIBIT B
UNDESIREABLE PLANT LIST FOR SAN DIEGO COUNTY	EXHIBIT C
LITERATURE REFERENCES	EXHIBIT D
NON-COMBUSTIBLE/FIRE RESISTIVE BUILDING MATERIALS	EXHIBIT E
IGNITION-RESISTANT CONSTRUCTION REQUIREMENTS	EXHIBIT F
PROJECT PHOTOS	EXHIBIT G
SAN DIEGO CITY PARKS & RECREATION BRUSH POLICY	EXHIBIT H
FIRE FLOW TEST RESULTS	EXHIBIT I
ENCINITAS FIRE DEPARTMENT CORRESPONDENCE	EXHIBIT J





PREPROPOSAL FOR DM
APN: 299-200-47

EXHIBIT C- UNDESIRABLE PLANT LIST

The following species are highly flammable and should be avoided when planting within the first 50 feet adjacent to a structure. The plants listed below are more susceptible to burning due to rough or peeling bark, production of large amounts of litter, vegetation that contains oils, resin, wax, or pitch, large amounts of dead material in the plant, or plantings with a high dead to live fuel ratio. Many of these species, if existing on the property and adequately maintained (pruning, thinning, irrigation, litter removal, and weeding) may remain as long as the potential for spreading a fire has been reduced or eliminated.

<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>
<u>Abies species</u>	Fir Trees
<u>Acacia species</u>	Acacia (trees, shrubs, groundcovers)
<u>Adenostoma sparsifolium**</u>	Red Shanks
<u>Adenostoma fasciculatum**</u>	Chamise
<u>Agonis juniperina</u>	Juniper Myrtle
<u>Araucaria species</u>	Monkey Puzzle, Norfolk Island Pine
<u>Artemisia californica**</u>	California Sagebrush
<u>Bambusa species</u>	Bamboo
<u>Cedrus species</u>	Cedar
<u>Chamaecyparis species</u>	False Cypress
<u>Coprosma pumila</u>	Prostrate Coprosma
<u>Cryptomeria japonica</u>	Japanese Cryptomeria
<u>Cupressocyparis leylandii</u>	Leylandii Cypress
<u>Cupressus forbesii**</u>	Tecate Cypress
<u>Cupressus glabra</u>	Arizona Cypress
<u>Cupressus sempervirens</u>	Italian Cypress
<u>Dodonea viscosa</u>	Hopseed Bush
<u>Eriogonum fasciculatum**</u>	Common Buckwheat
<u>Eucalyptus species</u>	Eucalyptus
<u>Heterotheca grandiflora**</u>	Telegraph Plant
<u>Juniperus species</u>	Junipers
<u>Larix species</u>	Larch
<u>Lonicera japonica</u>	Japanese Honeysuckle
<u>Miscanthus species</u>	Eulalia Grass
<u>Muehlenbergia species**</u>	Deer Grass
<u>Palmae species</u>	Palms
<u>Picea species</u>	Spruce Trees
<u>Pickeringia Montana**</u>	Chaparral Pea
<u>Pinus species</u>	Pines
<u>Podocarpus species</u>	Fern Pine
<u>Pseudotsuga menziesii</u>	Douglas Fir
<u>Rosmarinus species</u>	Rosemary
<u>Salvia mellifera**</u>	Black Sage
<u>Taxodium species</u>	Cypress
<u>Taxus species</u>	Yew
<u>Thuja species</u>	Arborvitae
<u>Tsuga species</u>	Hemlock
<u>Urtica urens**</u>	Burning Nettle

**** San Diego County native species**

EXHIBIT 'C' References:

Gordon, H. White, T.C. 1994. Ecological Guide to Southern California Chaparral Plant Series. Cleveland National Forest.

Willis, E. 1997. San Diego County Fire Chief's Association. Wildland/Urban Interface Development Standards

City of Oceanside, California. 1995. Vegetation Management. Landscape Development Manual. Community Services Department, Engineering Division.

City of Vista, California 1997. Undesirable Plants. Section 18.56.999. Landscaping Design, Development and Maintenance Standards.

www.bewaterwise.com. 2004. Fire-resistant California Friendly Plants.

www.ucfpl.ucop.edu. 2004. University of California, Berkeley, Forest Products Laboratory, College of Natural Resources. Defensible Space Landscaping in the Urban/Wildland Interface. A Compilation of Fire Performance Ratings of Residential Landscape Plants.

County of Los Angeles Fire Department. 1998. Fuel Modification Plan Guidelines. Appendix I, Undesirable Plant List, and Appendix II, Undesirable Plant List.

EXHIBIT D

Literature References

1. Standard Fire Behavior Fuel Models: A Comprehensive Set for Use with Rothermel's Surface Fire Spread Model, General Technical Report RMRS-GTR-153. June 2005. Joe H. Scott, Robert E. Burgan, United States Department of Agriculture - Forest Service, Rocky Mountain Research Station, Missoula, Montana.
2. BehavePlus: Fire Modeling System, version 5.0.5: Variables. General Technical Report RMRS-GTR-213WWW Revised. September 2009. Patricia L. Andrews, United States Department of Agriculture - Forest Service, Rocky Mountain Research Station, Missoula, Montana.
3. BEHAVEPlus Fire Modeling System, Version 5.0.0 General Technical Report RMRS-GTR-106WWW Revised. June 2008. Patricia L. Andrews, Collin D. Bevins and Robert C. Seli. United States Department of Agriculture - Forest Service, Rocky Mountain Research Station, Missoula, Montana.
4. BEHAVEPlus Fire Modeling System, Version 5.0 User's Guide. General Technical Report RMRS-GTR-106WWW Revised. July, 2009. Patricia L. Andrews, Collin D. Bevins, Robert C. Seli. United States Department of Agriculture - Forest Service, Rocky Mountain Research Station, Missoula, Montana.
5. California Code of Regulations, Title 14, section 1280; California Public Resources Codes sections 4201 through 4204
6. California Government Code, sections 51175 through 51189
7. Del Mar Fire Department Ordinance No. 921, which adopts 2016 2022CFC.
8. 2022 Fire Code portion of the CBSC, including appendices to Chapters 1 & 4 and appendices B, F & H
9. The 2022 California Fire Code with and adopted Local Amendments.
10. The 2022 California Residential Code, Section R337.
11. Chapter 7A-California of the 2022 Building Code.
12. County of San Diego Consolidated Fire Code.
13. National Fire Protection Association - NFPA 13D Standard for the Installation of Sprinkler Systems in One and Two-Family Dwellings and Manufactured Homes. 2025 Edition
14. National Fire Protection Association - NFPA 1140 Standard for Wildland Fire Protection 2022
15. National Fire Protection Association - NFPA 1142, 2022 Edition. Table C.11 (b) Time-Distance Table Using an Average Speed of 35 mph
16. *The California State and Local Responsibility Area Fire Hazard Severity Zone Map – Fire and Resource Assessment Program of CAL FIRE*
17. City of San Diego, Parks & Recreation *Brush Management Program*, and Section 142.412 San Diego Municipal Code.

EXHIBIT E

NON-COMBUSTIBLE AND FIRE RESISTIVE BUILDING MATERIALS

Prior to selection of a non-combustible approve material for your specific design or purpose it is suggested that you first search the Office of the State Fire Marshal web site http://osfm.fire.ca.gov/licensinglistings/licenselisting_bml_searchcotest.php. Navigate to DECKING FOR WILDLAND URBAN INTERFACE (W.U.I) or search by specific Company. If your material is approved, then check with your Local Jurisdiction to see if they also have it on an approved list.

The following examples of non-combustible and fire resistant building materials may be used for balconies, carpports decks, patio covers and floors.

I. NON-COMBUSTIBLE HEAVY GAGE ALUMINUM MATERIALS –

Metals USA Building Products Group - Ultra-Lattice



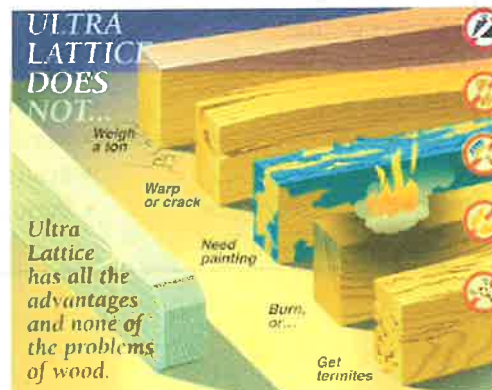
Ultra-Lattice Attached Patio Cover



Ultra-Lattice Attached Patio Cover



Ultra-Lattice Stand Alone Shade Cover



Ultra-Lattice Vs. Wood

II. FRX Exterior Fire-Retardant Treated (FRT) Wood

FRX® fire retardant treated wood may be used in exterior applications permitted by the codes where: public safety is critical, other materials would transfer heat or allow fires to spread, sprinkler systems cannot easily be installed, corrosive atmospheres necessitate excessive maintenance of other materials, or fire protection is inadequate or not readily available. The International Building, Residential and Urban-Wildland Interface Codes and regulations permit the use of fire retardant treated wood in specific instances. See below for typical exterior uses and typical residential uses.



For information on fire retardant treated wood for exterior uses, visit www.frxwood.com

COMMON APPLICATIONS

FRX® fire retardant treated wood may be used in exterior applications permitted by the codes where public safety is critical, other materials would transfer heat or allow fires to spread, sprinkler systems cannot easily be installed, corrosive atmospheres necessitate excessive maintenance of other materials, and where fire protection is inadequate or not readily available.

TYPICAL EXTERIOR USES

- Wall coverings
- Roof coverings
- Balconies
- Stairways
- Decks
- Open-air roof systems
- Canopies and awnings
- Storefronts and facades
- Eaves, soffits and fascia
- Construction staging
- Agricultural buildings and horse stalls
- Scaffolding and scaffold planks
- Various other residential and commercial uses

Trex Accents Fire Defense Decking

The perfect blend of beauty and brawn.

Trex's #1 selling platform, Trex Accents®, exceeds the strict fire regulations set by the State of California and San Diego County.

- Offers superior safety performance:
 - Exceeds ASTM E84 Class B Flame Spread.
 - Exceeds 12-7A-4 Part A (underflame) and Part B (Burning Brand).
- Self-extinguishing even under extreme fire exposure.
- Approved for use by the California State Fire Marshal's Office and San Diego County. Read the California Department of Forestry and Fire Protection, Office of the State Fire Marshal



III. TREX COMPANY, INC.

EXHIBIT F

IGNITION-RESISTANT CONSTRUCTION REQUIREMENTS

The following is a summary of the current requirements for ignition resistant construction for high fire hazard areas under Chapter 7A of the California Building Code (CBC) 2022 edition and the current California Residential Code, Section R337 and the California Fire Code, Code, Chapter 49. However, the requirements listed below are **NOT** all inclusive and all exterior building construction including roofs, eaves, exterior walls, doors, windows, decks, and other attachments must meet the current CBC Chapter 7A ignition resistance requirements, the California Fire Code, and any additional County and/or City codes in effect at the time of building permit application. See the current applicable codes for a detailed description of these requirements and any exceptions.

1. All structures will be built with a Class A Roof Assembly and shall comply with the requirements of Chapter 7A of the California Building Code. Roofs shall have a roofing assembly installed in accordance with its listing and the manufacturer's installation instructions.
2. Roof valley flashings shall be not less than 0.019-inch (0.48 mm) No. 26 gage galvanized sheet corrosion-resistant metal installed over not less than one layer of minimum 72-pound (32.4 kg) mineral-surfaced nonperforated cap sheet complying with ASTM D3909, at least 36-inch-wide (914 mm) running the full length of the valley.
3. Attic or foundation ventilation louvers or ventilation openings in vertical walls shall be covered with a minimum of 1/16-inch and shall not exceed 1/8-inch mesh corrosion-resistant metal screening or other approved material that offers equivalent protection.
4. Where the roof profile allows a space between the roof covering and roof decking, the spaces shall be constructed to resist the intrusion of flames and embers, be firestopped with approved materials or have one layer of a minimum 72-pound (32.4 kg) mineral-surfaced nonperforated cap sheet complying with ASTM D3909 installed over the combustible decking.
5. Enclosed roof eaves and roof eave soffits with a horizontal underside, sloping rafter tails with an exterior covering applied to the under-side of the rafter tails, shall be protected by one of the following:
 - noncombustible material
 - Ignition-resistant material
 - One layer of 5/8-inch Type X gypsum sheathing applied behind an exterior covering on the underside of the rafter tails or soffit
 - The exterior portion of a 1-hour fire resistive exterior wall assembly applied to the underside of the rafter tails or soffit including assemblies using the gypsum panel and sheathing products listed in the Gypsum Association Fire Resistance Design Manual
 - Boxed-in roof eave soffit assemblies with a horizontal underside that meet the performance criteria in Section 707A.10 when tested in accordance with the test procedures set forth in ASTM E2957.

- Boxed-in roof eave soffit assemblies with a horizontal underside that meet the performance criteria in accordance with the test procedures set forth in SFM Standard 12-7A-3.
Exceptions: The following materials do not require protection:
 1. Gable end overhangs and roof assembly projections beyond an exterior wall other than at the lower end of the rafter tails.
 2. Fascia and other architectural trim boards.
6. The exposed roof deck on the underside of unenclosed roof eaves shall consist of one of the following:
- Noncombustible material, or
 - Ignition-resistant material, or
 - One layer of 5/8-inch Type X gypsum sheathing applied behind an exterior covering on the underside exterior of the roof deck, or
 - The exterior portion of a 1-hour fire resistive exterior wall assembly applied to the underside of the roof deck designed for exterior fire exposure including assemblies using the gypsum panel and sheathing products listed in the Gypsum Association fire Resistance Design Manual.
- Exceptions:** The following materials do not require protection:
1. Solid wood rafter tails on the exposed underside of open roof eaves having a minimum nominal dimension of 2 inch (50.8 mm).
 2. Solid wood blocking installed between rafter tails on the exposed underside of open roof eaves having a minimum nominal dimension of 2-inch (50.8 mm).
 3. Gable end overhangs and roof assembly projections beyond an exterior wall other than at the lower end of the rafter tails.
 4. Fascia and other architectural trim boards.
7. Vents - ventilation openings for enclosed attics, enclosed eave soffit spaces, enclosed rafter spaces formed where ceilings are applied directly to the underside of roof rafters, and underfloor ventilation openings shall be fully covered with metal wire mesh, vents, other materials, or other devices that meet one of the following requirements:
- A. Vents listed to ASTM E2886 and complying with all the following:
 - i. There shall be no flaming ignition of the cotton material during the Ember Intrusion Test.
 - ii. There shall be no flaming ignition during the Integrity Test portion of the Flame Intrusion Test.
 - iii. The maximum temperature of the unexposed side of the vent shall not exceed 662°F (350°C).
 - B. Vents shall comply with all of the following:
 - i. The dimensions of the openings therein shall be a minimum of 1/16-inch (1.6 mm) and shall not exceed 1/8-inch (3.2 mm).
 - ii. The materials used shall be noncombustible.
Exception: Vents located under the roof covering, along the ridge of roofs, with the exposed surface of the vent covered by noncombustible wire mesh, may be of combustible materials.
 - iii. The materials used shall be corrosion resistant.
8. Vents shall not be installed on the underside of eaves and cornices.

Exceptions:

1. Vents listed to ASTM E2886 and complying with all the following:
 - There shall be no flaming ignition of the cotton material during the Ember Intrusion Test.
 - There shall be no flaming ignition during the Integrity Test portion of the Flame Intrusion Test.
 - The maximum temperature of the unexposed side of the vent shall not exceed 662°F (350°C).
2. The enforcing agency shall be permitted to accept or approve special eave and cornice vents that resist the intrusion of flames and burning embers.
3. Vents complying with the requirements of Section 706A.2 shall be permitted to be installed on the underside of eaves and cornices in accordance with either one of the following conditions:
 - 3.1. The attic space being ventilated is fully protected by an automatic sprinkler system installed in accordance with Section 903.3.1.1 or,
 - 3.2. The exterior wall covering, and exposed underside of the eave are of noncombustible materials, or ignition-resistant materials, as determined in accordance with SFM Standard 12-7A-5 Ignition-Resistant Material and the requirements.
9. All chimney, flue or stovepipe openings that will burn solid wood will have an approved spark arrester. An approved spark arrester is defined as a device constructed of nonflammable materials, having a heat and corrosion resistance equivalent to 12-gauge wire, 19-gauge galvanized steel or 24-gauge stainless steel, or other material found satisfactory by the Fire Protection District, having ½-inch perforations for arresting burning carbon or sparks nor block spheres having a diameter less than 3/8 inch (9.55 mm). It shall be installed to be visible for the purposes of inspection and maintenance and removeable to allow for cleaning of the chimney flue.
10. All residential structures will have automatic interior fire sprinklers installed according to the National Fire Protection Association (NFPA) 13D 2019 edition - Standard for the Installation of Sprinkler Systems in One and Two-family Dwellings and Manufactured Homes. Fire sprinklers are not required in unattached non-habitable structures greater than 50 feet from the residence.
11. The exterior wall covering, or wall assembly shall comply with one of the following requirements:
 - Noncombustible material, or
 - Ignition resistant material, or
 - Heavy timber exterior wall assembly, or
 - Log wall construction assembly, or
 - Wall assemblies that have been tested in accordance with the test procedures for a 10-minute direct flame contact expose test set forth in ASTM E2707 with the conditions of acceptance shown in Section 707A.3.1 of the California Building Code, or
 - Wall assemblies that meet the performance criteria in accordance with the test procedures for a 10-minute direct flame contact exposure test set forth in SFM Standard 12-7A-1.

Exception: Any of the following shall be deemed to meet the assembly performance criteria and intent of this section including:

 - a. One layer of 5/8-inch Type X gypsum sheathing applied behind the exterior covering or cladding on the exterior side of the framing, or

- b. The exterior portion of a 1-hour fire resistive exterior wall assembly designed for exterior fire exposure including assemblies using the gypsum panel and sheathing products listed in the Gypsum Associate Fire Resistance Design Manual.
12. Exterior walls shall extend from the top of the foundation to the roof and terminate at 2-inch nominal solid blocking between rafters at all roof overhangs, or in the case of enclosed eaves, terminate at the enclosure.
13. No attic ventilation openings or ventilation louvers shall be permitted in soffits, in eave overhangs, between rafters at eaves, or in other overhanging areas.
1. All projections (exterior balconies, decks, patio covers, unenclosed roofs and floors, and similar architectural appendages and projections) or structures less than five feet from a building shall be of non-combustible material, one-hour fire resistive construction on the underside, heavy timber construction or pressure-treated exterior fire-retardant wood. When such appendages and projections are attached to exterior fire-resistive walls, they shall be constructed to maintain the same fire-resistant standards as the exterior walls of the structure.
15. Deck Surfaces shall be constructed with one of the following materials:
- Material that complies with the performance requirements of Section 709A.4 when tested in accordance with both ASTM E2632 and ASTM E2726, or
 - Ignition-resistant material that complies with the performance requirements of 704A.3 when tested in accordance with ASTM E84 or UL 723, or
 - Material that complies with the performance requirements of both SFM Standard 12-7A-4 and SFM Standard 12-7A-5, or
 - Exterior fire-retardant treated wood, or
 - Noncombustible material, or
 - Any material that complies with the performance requirements of SFM Standard 12-7A-4A when the attached exterior wall covering is also composed of noncombustible or ignition-resistant material.
16. Accessory structures attached to buildings with habitable spaces and projections shall be in accordance with the Building Code. When the attached structure is located and constructed so that the structure or any portion thereof projects over a descending slope surface greater than 10 percent, the area below the structure shall have all underfloor areas and exterior wall construction in accordance with Chapter 7A of the Building Code.
17. Exterior windows, skylights and exterior glazed door assemblies shall comply with one of the following requirements:
- Be constructed of multiplane glazing with a minimum of one tempered pane meeting the requirements of Section 2406 Safety Glazing, or
 - Be constructed of glass block units, or
 - Have a fire-resistance rating of not less than 20 minutes when tested according to NFPA 257, or
 - Be tested to meet the performance requirements of SFM Standard 12-7A-2.

18. All eaves, fascia and soffits will be enclosed (boxed) with non-combustible materials. This shall apply to the entire perimeter of each structure. Eaves of heavy timber construction are not required to be enclosed as long as attic venting is not installed in the eaves. For the purposes of this section, heavy timber construction shall consist of a minimum of 4x6 rafter ties and 2x decking.
19. Excerpt from CA Building Code - 710A.3.3 Accessory Buildings 120 Square Feet (11.15 m²) or less, Located 3 Feet (914 mm) or More but Less Than 50 Feet (15,240mm). When required by the enforcing agency, accessory buildings of 120 square feet (11.15 m²) or less and separated from an applicable building on the same lot by a distance of 3 feet (914 mm) or more but less than 50 feet (15,240mm) shall be constructed of noncombustible materials or of ignition-resistant materials as described in Section 704.A.2.
20. All rain gutters, down spouts and gutter hardware shall be constructed from metal or other noncombustible material to prevent wildfire ignition along eave assemblies.
21. Gutters shall be provided with the means to prevent the accumulation of leaf litter and debris within the gutter that contribute to roof edge ignition.
22. All side yard fence and gate assemblies (fences, gate and gate posts) when attached to the home shall be of non-combustible material. The first five feet of fences and other items attached to a structure shall be of non-combustible material.
23. Exterior garage doors shall resist the intrusion of embers from entering by preventing gaps between doors and door openings, at the bottom, sides and tops of doors, from exceeding 1/8 inch. Gaps between doors and door openings shall be controlled by one of the methods listed in this section.
 - Weather-stripping products made of materials that:
 - (a) have been tested for tensile strength in accordance with ASTM D638 (Standard Test Method for Tensile Properties of Plastics) after exposure to ASTM G155 (Standard Practice for Operating Xenon Arc Light Apparatus for Exposure of Non-Metallic Materials) for a period of 2,000 hours, where the maximum allowable difference in tensile strength values between exposed and non-exposed samples does not exceed 10%; and (b) exhibit a V-2 or better flammability rating when tested to UL 94, Standard for Tests for Flammability of Plastic Materials for Parts in Devices and Appliances.
 - Door overlaps onto jambs and headers.
 - Garage door jambs and headers covered with metal flashing.
24. Exterior doors shall comply with one of the following:
 1. The exterior surface or cladding shall be of noncombustible material or,
 2. The exterior surface or cladding shall be of ignition-resistant material or,
 3. The exterior door shall be constructed of solid core wood that complies with the following requirements:
 - 3.1. Stiles and rails shall not be less than 1-3/8 inches thick.
 - 3.2. Panels shall not be less than 1-1/4 inches thick, except for the exterior perimeter of the panel that shall be permitted to taper to a tongue not less than 3/8 inch thick.
 4. The exterior door assembly shall have a fire-resistance rating of not less than 20 minutes when tested according to NFPA 252 or,

5. The exterior surface or cladding shall be tested to meet the performance requirements of Section 707A.3.1 when tested in accordance with ASTM E2707 or,
6. The exterior surface or cladding shall be tested to meet the performance requirements of SFM Standard 12-7A-1.

** FAHJ – Fire Authority Having Jurisdiction
SFM – State Fire Marshal
NFPA – National Fire Protection Association

Special Construction Features: As noted in Section 5.3, these are in addition to those requirements listed above, and provide added protection either from embers or radiant heat.

- All operable windows shall be provided with metal mesh bug screens or similar non-combustible screens over the operable opening to replace traditional vinyl bug screens to prevent embers from entering the structure during high wind conditions when windows may be inadvertently left open.
- Automatic fire sprinklers shall be installed in the attic, bathrooms, closets, garage and under the eaves on the east side of the residence. Fire sprinklers shall be upgraded to a four (4) head calculation for the sprinkler design. The four head calculation must have a minimum .05 density design, QR and intermediate temperature heads; the heads may be of a small orifice type such as 3/8 or 7/16. Listed domestic demand shutoff valves may be used to try to minimize upgrading meter sizes where possible. Copper piping is required in the attics; CPVC will only be permitted in the attic if listed heads are used to protect piping in accordance with their listing.
- All swinging exterior doors shall be self-closing (e.g. pneumatic or spring loaded hinges) and be self-latching.
- All vents shall be "Brandguard", "O'Hagin fire & ice" line - flame and ember resistant or other equivalent flame and ember resistant vents. Vents must be CSFM listed or acceptable to the RCFPD.
- Vehicle garage doors shall have automatic door closers (standard on most new automatic garage door openers as a security feature), that can be set to close after a certain period of time with no activity.
- To aid in radiant heat deflection and mitigate the reduced width of Zone 1 along the east property line, construction of a six (6) foot high non-combustible block and tempered glass wall along the east side of the property. Post and glass frame assemblies shall be composed of metal such as steel, and 6063-T5 aluminum alloys or equivalent, respectively, which will not melt and allow the glass to fall out. The fire wall would extend at least 150 feet or the combined length of the residence and garage, whichever is greater, a minimum of 30' beyond the ends of the structures until it either meets adjacent similar fire-rated fencing or wraps the property corner up to 30'. (See EXHIBIT B – Fuel Modification Zone Map). The purpose of the fire wall is to deflect radiant heat and act as a physical barrier to stop blowing embers into the property.
- Access gates shall be installed on the exterior fence as shown on page 2 of Exhibit A.

EXHIBIT G – Photos

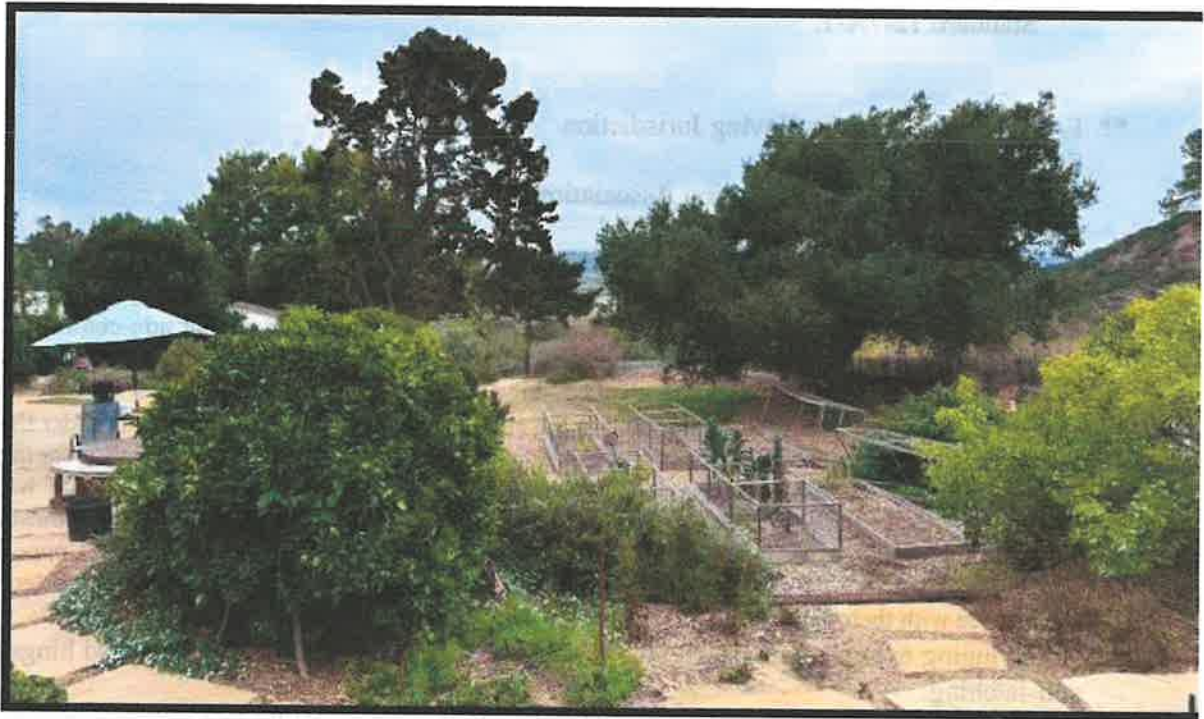


Photo 2. View looking north from the south end of the Westburg property.

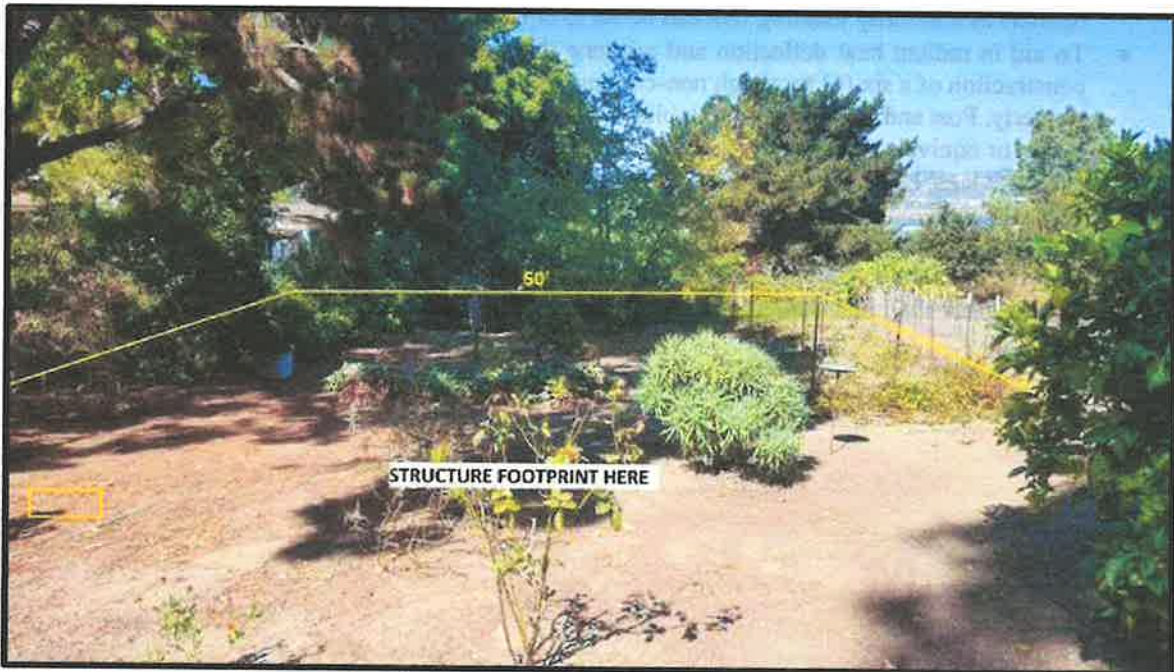


Photo 3. View of north end of property where structure is to be constructed.

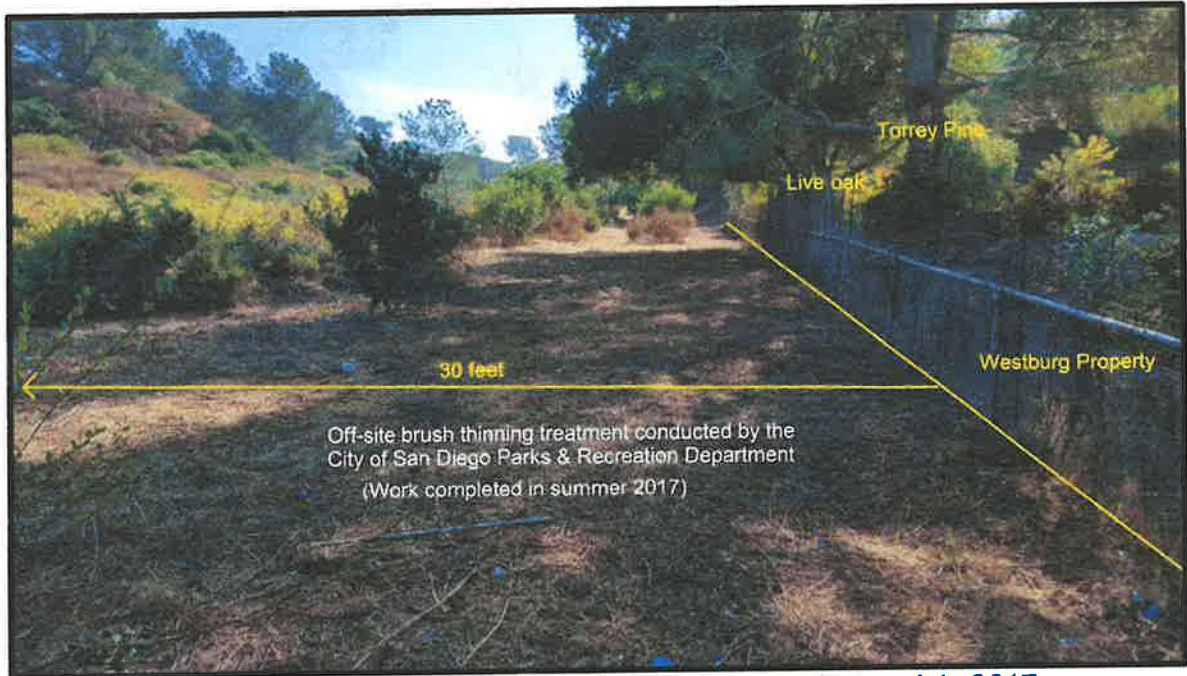


Photo 4. View looking south of off-site brush clearing work in 2017.



Photo 5. View of brush clearing looking from east property line at Open Space Preserve on City of San Diego.



Photo 6. View looking south at off-site Zone 2 fuel modification.



Photo 7. View of location of driveway entrance off San Dieguito Road

EXHIBIT H

City of San Diego - Parks and Recreation Department

Open Space Parks Brush Management Program

Brush Management

Of the 26,282 total acres of open space managed by the Park and Recreation Department's Open Space Division, approximately 904 acres are located within 100 feet of structures. Among other duties related to open space land management, the Open Space Division is responsible for conducting brush management (vegetation thinning) on city owned open space adjacent to privately-owned lots which are developed with "previously conforming" (legal) structures built prior to establishment of the city's first brush management regulations in 1989.

The Open Space Division conducts brush management in accordance with [Section 142.0412 of the San Diego Municipal Code](#) and the [San Diego Fire-Rescue Department's Canyon Fire Safety](#) guidelines and policies related to brush management.

Specifically, the Open Space Division will thin brush on city property only within 100 horizontal feet of a previously conforming structure unless a site-specific report, which indicates that a greater distance is necessary, is approved by the San Diego Fire-Rescue Department (per SDMC Section 142.0412(i) or a previously recorded entitlement requires a width more or less than the standard 100 feet. In no case shall new development (new structures or additions to existing structures) qualify for additional brush management on city open space beyond the 100 feet associated with a previously conforming structure.

EXHIBIT I

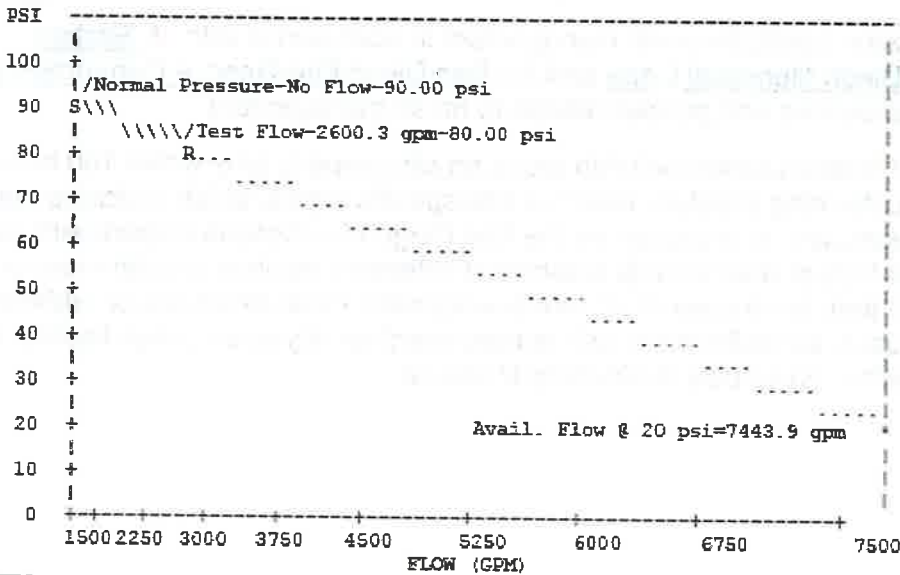
FLOW TEST SUMMARY REPORT pagel

LOCATION: 1439 Oribia Rd Del Mar, CA 92014

DATE: 12-17-18
TIME: 8:00 am

Static Hydrant Number:	3	Flowing Hydrant Number:	1 and 2
Elevation:	0	Elevation:	14
Dist. Between Hydrants:	170		
Diameter of Main:			
Outlet Diameter:	2.50 in	Number flowing: 2	Coeff.: 0.90
Static pressure:	90.00 psi	Residual pressure:	80.00 psi
Pitot Reading:	60.00 psi	Flow:	2600.3 gpm
Flow at 20 psi:	7443.9 gpm		

GRAPH:



NOTES:

- (1) Flowing hydrant is assumed to be on a circulating main or downstream of the pressure test hydrant on a dead-end system.
- (2) Flow analysis assumes a gravity flow system with no distribution pumps and having no demand, other than the test flow.
- (3) Distance between hydrants, elevations & main diameter are for information only.

EXHIBIT J

From: Hans Schmidt <hschmidt@encinitasca.gov>
Date: January 28, 2020 at 8:48:37 AM PST
To: "dacdesign1@mac.com" <dacdesign1@mac.com>
Subject: Turn Around requirement

Mr. Countryman,

The turnaround requirement for 1439 San Dieguito Dr. can be eliminated. The intersection of San Dieguito Dr. and Oribia Rd. provides the required turnaround capabilities.

If you have any further questions please contact me.

Thank you,

Hans Schmidt – Acting Fire Marshal
505 S Vulcan Ave Encinitas, CA 92024
PH. 760 633 2823
FAX 760 943 2226
hschmidt@encinitasca.gov

Serving the Cities of Encinitas, Solana Beach, and Del Mar



PLANNING | ENTITLEMENTS | SUSTAINABILITY

EXHIBIT E

October 20, 2025

City of Del Mar Planning Commission
C/o Elizabeth Yee, Associate Planner
1050 Camino del Mar
Del Mar, CA 92014

**Re: Application V24-003
Vacant Lot adjacent to 1439 Oribia Road
Reid and Beth Westburg, Applicants/Owners**

To the Chair and Members of the Del Mar Planning Commission,

The referenced application is a request for a variance associated with the proposed construction of a single-family residence on a vacant lot in the R1-40 Zone. The property also has a Bluff, Slope and Canyon (BSC) Overlay Zone designation, although it contains no steep slopes or other sensitive resources.

The Westburg family owns property at 1439 Oribia Road upon which their (main) residence is situated and the adjacent vacant lot that is the subject of this variance request. In 2009, a Certificate of Compliance (COC) was issued by the City of Del Mar which certified that the subject lot meets the state's Subdivision Map Act and confirms that the lot was lawfully created and exists as separate legal lot. An access easement across the lot at 1439 Oribia Road provides vehicular access to the vacant lot.

The project involves three component building parts: a main residence, a detached garage and attached Junior Accessory Dwelling Unit (Jr. ADU). The total square footage would be a modest 3,000 sq. ft. and no portion of the project would exceed 14 feet or one-story in height. The requested Variance would allow portions of the residence and garage to encroach into the site's designated front and rear yard setbacks.

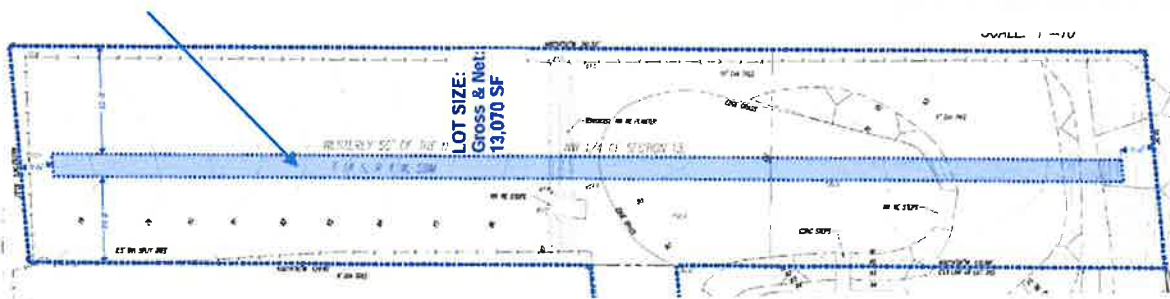
The Del Mar Zoning Code requires that the Planning Commission make certain findings to grant a Variance. Foremost among these is that: *... because of the special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.*

This property has numerous special circumstances:

1. The lot is substandard in size. While the subject lot, at 13,070 square feet of area, is generally consistent with immediately surrounding lots, the R1-40 Zone calls for a minimum lot size of 40,000 square feet and the lot is considerably smaller than the zoning minimum;
2. The lot also does not meet the R1-40 Zone's minimum lot depth. The Zone calls for a depth of 100 feet, measured from the front property line to the rear property line, and in this case the lot's depth is only 50 feet; and most consequentially
3. The location, the orientation of, and the access to the lot, and the application of zoning standards reliant on the lot's alignment, orientation, and access create special circumstances that restrict the buildable area of the lot to only a narrow five-foot wide swath.

Most rectangularly shaped properties in the City are aligned with front and rear yards oriented along their shorter sides with side yards oriented along the long axis. This is because the front yard is established based off the lot's street frontage. This site; however, is aligned in the opposite direction, with wider front and rear yards running the full length of the long narrow property because, in this case, the location of the access drive sets the front property from which all of the zoning setbacks are established.

As shown in the diagram below, when the otherwise applicable 20-foot-wide front and 25-foot-wide rear yard setbacks are applied, all that would be left as "buildable area" for the residence and garage would be a five-foot-wide sliver of land. This five-foot wide section is not sufficient to construct a home similar to those found on other properties in the vicinity.



Del Mar Planning Commission
Re: Application V24-003 (Westburg)
October 20, 2025

Attachment A includes a suggested set of findings that we believe support conditional approval of the Variance. The suggested findings explain how the other required findings for a variance are met, specifically that:

1. The application will not constitute a grant of special privilege;
2. It will not grant a use not otherwise allowed in the R1-40 Zone;
3. It will not grant a privilege not enjoyed by other properties in the Zone and vicinity, that of being allowed to be developed with a single-family home;
4. With the narrow sliver of land that would be left as building area when otherwise applicable setbacks are applied, there is no feasible alternate development option for construction of a residence;
5. The special nonconforming dimensions of the lot that necessitate a variance were not caused (self-induced) by the applicant; and
6. Construction of a residence with the requested encroachment into setbacks would not cause a nuisance.

We also note the project includes a Jr. ADU which would be deed-restricted as affordable housing. Providing affordable housing is a goal of the City's Community Plan and associated Housing Element. Absent a setback variance to provide a feasible building envelope, the Jr. ADU could not be constructed.

We believe the information herein, along with the content of the attached suggested findings for the Variance demonstrate its compliance with the applicable code sections. The collective set of special circumstances with this site clearly demonstrate the necessity of a variance for setback encroachments. In fact, it is exactly these types of special circumstance for which the variance process exists.

We respectfully request approval of the variance with the staff-recommended conditions attached and we are available to answer any questions and welcome you to the property to see the site and surroundings.

Sincerely,



Robert J. Scott, PhD, AICP, LEED-AP
Principal Planner

cc: Reid and Beth Westburg
Kit Leeger, Architect

Attachment: Suggested Findings in Support of Variance, V24-003

EXHIBIT F

RESOLUTION NO. PC-2025-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DEL MAR, CALIFORNIA APPROVING VARIANCE APPLICATION V24-003, A REQUEST FOR RELIEF FROM DEL MAR MUNICIPAL CODE SECTIONS 30.10.070.C.1.(a) AND 30.10.070.C.1.(b) TO REDUCE THE REQUIRED FRONT AND REAR YARD SETBACKS OF THE SUBSTANDARD SIZED LOT FOR DEVELOPMENT OF A RESIDENTIAL DWELLING UNIT AND DETACHED GARAGE ON A VACANT LOT LOCATED ADJACENT TO 1439 ORIBIA ROAD, DEL MAR, CALIFORNIA (APN: 299-200-74)

WHEREAS, Reid and Beth Westburg (Applicant), applied for a Variance (V24-003) from DMMC Sections 30.10.070.C.1.a and 30.10.070.C.1.b to reduce the required front and rear yards (setbacks) of the substandard-sized lot for future development of a residential dwelling unit and detached garage on a vacant lot located adjacent to 1439 Oribia Road, Del Mar, California (APN: 299-200-74); and

WHEREAS, the project is listed among the classes of projects determined to have less than significant adverse effect on the environment and therefore, is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305 – Minor Alterations in Land Use Limitations; and

WHEREAS, the subject lot is a legal parcel as confirmed by Certificate of Compliance COC-07-02, and

WHEREAS, on November 3, 2025, the Planning Commission of the City of Del Mar held a public hearing on the Variance application (V24-003) at which time all persons desiring to be heard were heard; and

WHEREAS, evidence was submitted and considered to include without limitation:

- a. Plans submitted by the applicant.
- b. Written information submitted with the application.
- c. Oral testimony from Staff, the applicant, and the public.
- d. Staff report, dated November 3, 2025, which is incorporated by this reference, as though fully set forth herein.
- e. Additional information submitted during the hearing.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Del Mar that with regard to application V24-003, the Planning Commission makes the following findings:

1. The lot is constrained by special circumstances related to its size, shape, and location. Given the rectangularly shaped lot's orientation to San Dieguito Drive, it has a "depth" of 50 feet where 100 feet is required. When the required 20 feet front yard (setback) and 25-foot rear yard (setback) are applied, the resulting "buildable" area is only 5 feet in depth. The

Applicant is requesting a Variance to allow a 10-foot front yard (setback) and 10 rear yard (setback) for a new residential dwelling unit with a 10-foot front yard (setback) and a 5-foot rear yard (setback) for a new detached garage. The requested Variance would allow for a buildable area depth of 30 feet for the dwelling and 35 feet for the detached garage, distances that are less than typically applied on conforming lots, but would allow for a one-story architectural design with adequate internal circulation.

2. The Variance would not grant special privileges due to the property's shape, topography, and location. Future development, similar to neighboring properties, could not be achieved without the reduction of the front and rear setbacks. The side yard setbacks are proposed to be increased to compensate for the modifications to the front and rear setbacks.
3. The proposed use, the development of a single-unit home with associated structures and improvements, is allowed in the R1-40 Zone.
4. The project request could not be avoided by an alternate development plan in that the current buildable envelope consistent with R1-40 setbacks would result in a buildable envelope of five-foot-deep by 240-foot-wide space.
5. The need for a variance is not self-induced as the subject property is a legal lot with substandard sizing and was granted a Certificate of Compliance. The limitations which cause the need for the variance are the lot size, shape, location and topography, none of which were created by the Applicant.
6. The request would not allow variation as to constitute a rezone or amendment to which other property owners are not entitled since a dwelling unit and detached garage are allowed uses in the R1-40 zone.
7. The request would not result in the authorization or legalization of a private or public nuisance since a dwelling unit and detached garage are allowed uses in the R1-40 zone.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Planning Commission of the City of Del Mar that Variance application V24-003 is approved, subject to the following conditions:

[Note: The conditions listed below may have intentional gaps in numbering or lettering.]

General Conditions:

G-3 *[Development Authorization Limited to Plan Set]*

This Variance (V24-003) is granted based on submitted plans date stamped **October 29, 2025**, and so identified by the staff of the Del Mar Planning and Community Development Department. Revisions to these plans and/or any proposals for modification shall require review and prior authorization from the appropriate entities of the City of Del Mar.

G-7 [Code Compliance]

Approval of this application shall not waive the requirement for compliance with the provisions of the DMMC or other applicable City regulations in effect at the time of Building Permit issuance, unless specifically waived in this permit authorization. Prior to Building Permit issuance, the applicants shall demonstrate compliance with Special Condition SC-1.

G-13 [Permit Expiration]

This Permit Variance (V24-003) shall expire three years from the date of approval, on **November 4, 2028**, unless a Building Permit has been issued and substantial construction has been accomplished in reliance upon the permit. Pursuant to the DMMC, substantial construction is defined as: completion of a minimum of 10% of the total amount of construction authorized by the permit, based on the monetary value of construction costs including grading, site preparation and construction but specifically excluding all costs associated with the acquisition of interest in the project site and all costs associated with the preparation and processing of permits or plans.

Special Conditions:

SC-1 [Separate Design Review Permit Required]

In accordance with the DMMC, any new development shall be subject to separate receipt of a valid Design Review Board Permit. Implementation of the Variance granted herein shall be subject to compliance with all terms and conditions of said Design Review Permit. All other requirements for the Community Plan, Zone and applicable Overlays apply.

SC-2 [Setbacks for the Project Site]

In accordance with the request made with the application for Variances from Del Mar Municipal Code (DMMC) Sections 30.10.070.C.1.a and 30.10.070.C.1.b to reduce the required front and rear yards (setbacks) to accommodate for the future development of a residential unit, all future development must adhere to new yards/setbacks, including that all architectural features and parts of the structure shall not encroach into the new setbacks of 10 feet in front for all structures, 10 feet at the rear for the dwelling unit, and five feet at the rear for the garage.

SC-3 [Fire Protection Plan (FPP) Compliance, Monitoring and Reporting]

All development shall comply with the Fire Protection Plan (Revised October 14, 2025) and stamped conditionally approved October 28, 2025. The Applicant shall provide proof of compliance with "Required Brush Clearing Maintenance Standards..." in FPP Section 5.3 to the City of Del Mar Fire Marshal on a biennial basis.

PASSED AND ADOPTED by the Planning Commission of the City of Del Mar, this **4th** day of **November 2025** by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Philip Posner, Chair
Del Mar Planning Commission

ATTEST:

Karen Brindley
Planning and Community Development Director
City of Del Mar, California

**FIRE PROTECTION PLAN
BETH WESTBURG RESIDENCE
1439 Oribia Drive
Del Mar, California**

July 9, 2018 (revised January 28, 2020, March 11, 2020, October 14, 2025)



The Applicant hereby acknowledges the construction and other requirements of this Fire Protection Plan:

Applicant: Beth L. Westburg
Beth L. Westburg
1439 Oribia Road
Del Mar, CA 92014

**CITY OF ENCINITAS FIRE DEPARTMENT
PLANS APPROVED SUBJECT TO THE FOLLOWING:**
 Approved With Conditions Approved As Submitted
Plans are accepted for construction subject to the requirements of the Fire Code and Building Laws, of the City of Encinitas, California. The Stamping of these plans and specifications SHALL NOT be held to permit or approve the violation of any City, County, State, Federal Laws or other restrictions. Approval applies to plans as submitted and for construction indicated thereon. Construction approval is subject to final inspection and acceptance.

[Signature]
10/28/2025 4:49:23 PM

Original Report Prepared by: Ronald Woychak
Ronald Woychak
FIREWISE 2000, Inc.
1320 Scenic Drive
Escondido, CA 92029

Final inspection required to verify brush clearing treatment in accordance with this (FPP)Fire Protection Plan in City Open Space.

Revision Prepared and Certified by: Melvin A Johnson
Melvin A Johnson
Certified CEQA Wildfire Consultant
Firewise 2000, LLC
PO Box 339
Lower Lake, CA 95457
760-745-3947

WESTBURG RESIDENCE FIRE PROTECTION PLAN

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FIRE PROTECTION PLAN

1.0 GENERAL DESCRIPTION

The WESTBURG Residence project is located within the City of Del Mar. The property sits on a vacant parcel behind the residence at 1439 Oribia Road (see Figure 1). The east property line of the parcel is the dividing line between the City of San Diego and the City of Del Mar. Because the subject property abuts an Open Space Preserve with native vegetation, it is within an area designated as a Very High Fire Hazard Severity Zone (VHFHSZ). The property is surrounded by developed residential property on three sides. The Del Mar Fire Department (DMFD) is the jurisdictional fire protection agency. The Del Mar Fire Department contracts with the City of Encinitas Fire Department for management services which includes review of commercial and residential plans, and fire prevention inspections.

The proposed project consists of the construction of a 2500-sf single-family residence with an attached ADU and a 495-sf detached garage. The parcel size is 0.35 gross acres. The proposed type of construction is V-B and the occupancy classification is R-3/U. Refer to the site plan in Exhibit A for the illustration of property lines, structure footprint and off-site vegetation conditions.

A Fire Protection Plan (FPP) must be submitted to and approved by the Encinitas Fire Department which provides. The approved FPP shall be recorded with the County Recorder's office. The FPP assesses the overall (on-site and off-site) wildland fire hazards and risks that may threaten life and property associated with the proposed WESTBURG Residence. In addition, the FPP establishes both short-term and long-term vegetation management actions required to minimize any projected wildland fire hazards, and assigns annual maintenance responsibilities for each of the required Vegetation Management actions.

1.1 General Information

Owner: Beth Westburg
1439 Oribia Road
Del Mar, CA 2014

Approving Departments: Agency having Jurisdiction the City of Del Mar, CA

Fire Authority/Fire Construction Permits: Del Mar & Encinitas Fire Departments/City of Del Mar
Water City of San Diego
Building Permits: City of Del Mar

The purpose of this FPP is to provide Fuel Modification Zone treatment and construction feature direction for developers, architects, builders, the DMFD, and the individual lot owner to use in making the structures in the proposed project relatively safe from future wildfires. Exhibits attached to this FPP that provide additional information shall be considered part of this FPP.

This revised FPP is based upon the following requirements (or those in force at the time of construction) listed in the California Code of Regulations Title 14, section 1280 and Title 24, Part 9; 2022 California Fire Code (CFC) including Appendices to Chapters 1 & 4 and Appendices B, F & H and Local Amendments; Chapter 7A-California Building Code; 2022 California Residential Code sections R337; California Government Code, sections 51175 through 51189; California Public Resources Codes sections 4201 through 4204; 2024 International Wildland-Urban Interface Code; National Fire Protection Association Standards (NFPA) 13-D & 1140, 2022 Editions; Del Mar Fire Department Ordinance No. 1022 & 1023 which adopts the ~~2016~~ 2022 CFC.

2.0 WILDLAND FIRE HAZARD AND RISK ASSESSMENT

In assessing the wildland fire hazard, it is necessary to consider plant succession and the climax plant communities. The vegetation described below is the most likely climax plant community that will exist without human intervention and the one utilized for planning purposes.

2.1 On and Off-Site Fire Hazard and Risk Assessment

The proposed project is located adjacent to a dedicated Open Space Preserve owned by the City of San Diego, consisting of a nature trail (Crest Canyon Trail) with trail heads. The Open Space preserve is set aside to protect native coastal sage habitat and state-protected stands of Torrey Pines (See Photo 1). The Open Space Preserve is approximately 160 acres in size and is surrounded on three sides by residential development. The City of San Diego Parks and Recreation Department has a program to conduct brush clearing work along the City boundary to provide a 100 feet of fuel buffer from every structure on the adjacent private property. The City cycles through the area every two years to complete the work. There is recent evidence of brush clearing activity by the City workers out to at least 30 feet from the property line (See Photo EXHIBIT F). The owner can apply for a *Right-of-Entry Permit* from the San Diego Parks and Recreation Department to conduct additional brush clearing work if necessary. This vegetation treatment provides an extended buffer from the hazardous fuel that threatens the private property.



Photo 1. View looking east from the property at the adjacent Open Space Preserve.

For fire behavior modeling purposes, the native vegetation is best described as a Fuel Model SCAL 18 (sage/buckwheat, with 1 hour fuels of 5.5 tons/acre and 10 hour fuels of .8 tons/acre). All of these plants are adapted to intense wildfires, needed for species regeneration, especially the Torrey Pine (*Pinus torreyana*).

The City Open Space Preserve offers the greatest wildland fire threat to the proposed project (See Photo 1). The record search for any fire history in the area did not show any past wildland fire occurrence over 10 acres. Some of the preserve does show evidence of past vegetation disturbance in the flat area just east of the subject property.

2.2 Climate

The climate within the project area would be characterized as Mediterranean. It has generally mild and wet (14 -16 inches per year) winters, the bulk of the annual precipitation falling between January and March. Long, hot and very dry summer seasons frequently occur with occasional multi-year droughts.

The most critical weather pattern is a hot, dry offshore wind, typically called a Santa Ana. Such wind conditions are usually associated with strong (>60 MPH), hot, dry winds with very low (<15%) relative humidity. Santa Ana winds originate over the dry desert land and can occur anytime of the year; however, they generally occur in the late fall (September through November). This is also when non-irrigated vegetation is at its lowest moisture content.

The subject property is located less than one mile (0.80 mile) from the ocean which keeps the humidity relatively high even during the hot summer months. While the coastal sage scrub vegetation and annual grasses tend to dry out during the summer, the broad-leaf evergreen shrubs (Lemonade berry, ceanothus, and Toyon) maintain their high fuel moistures.

The typical prevailing summer time wind pattern is out of the south or southwest and normally is of a much lower velocity (5-19 MPH) with occasional gusts to 30-MPH) and is associated with higher relative humidity readings. All other (northwest, south, west) wind directions may be occasionally strong and gusty. However, they are generally associated with cooler moist air and often have higher relative humidity (> 40%). They are considered a serious wildland fire weather condition when wind speeds reach > 20-MPH.

All residential structures in the area are threatened by wind-blown embers. Ignition resistant construction, to include venting that resists ember intrusion will generally mitigate against a windblown ember threat (see Section 5.4 for a discussion of these features). The goal of this FPP is to prevent the loss of lives, buildings and personal property when wildfires occur. The challenge is using a ‘best practices’ approach to construction and vegetation management, within a fully functioning coastal sage scrub habitat. This goal is accomplished by requiring the home to be built with ignition resistant materials and properly designed and maintained vegetation management treatments that safely mitigate the fire hazard to insignificant levels.

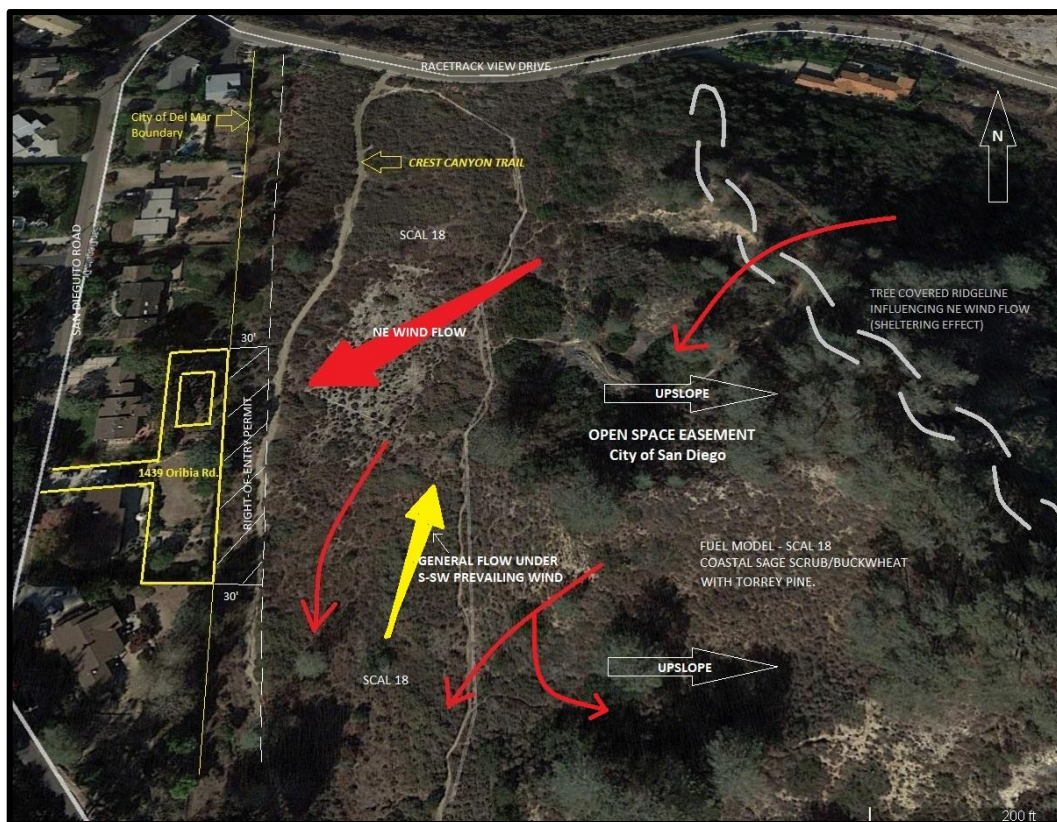


Figure 2. Fire behavior factors influenced by terrain in the immediate area.

2.3 Predicting Wildland Fire Behavior

The BEHAVE 5.0.5 Fire Behavior Prediction and Fuel Modeling System developed by USDA–Forest Service research scientists Patricia L. Andrews and Collin D. Bevins at the Intermountain Forest Fire Laboratory, Missoula, Montana, is one of the best systematic methods for predicting wildland fire behavior. The BEHAVE fire behavior computer modeling system is utilized by wildland fire experts and managers nationwide. The program projects the expected rate-of-spread and flame lengths with a reasonable degree of certainty for use in Fire Protection Planning purposes. **FIREWISE 2000, Inc.** used the BEHAVE 5.0.5 Fire Behavior Prediction Model for the WESTBURG residence to make the fire behavior assessments discussed below.

2.4 Wildland Fire Behavior Calculations for the Off-Site Hazardous Vegetative Fuels

Wildland fire behavior calculations have been projected for the hazardous vegetative fuels on the undeveloped areas in proximity to the proposed project. These projections are based on scenarios that are ‘worst case’ San Diego County fire weather assumptions in the vicinity of the project area. Historical weather data was obtained from the RAWS (Remote Automatic Weather Station) network stations closest to the project area.

The worst case scenarios are depicted below in Tables 2.4.1 and 2.4.2. All tables display the expected Rate of Fire Spread (expressed in mi/hr), and Flame Length (expressed in feet) include the calculation inputs used in the BEHAVE program which were obtained from project site observations and fuel moisture levels typically observed during the local fire season. The tables also show the change in Rate of Fire Spread, and Flame Length following the completion of the required Vegetation Management work which is characterized by Fuel Model SCAL 18 (Coastal sage scrub/buckwheat) and gr1 (Short Sparse Dry Climate Grass 50%). In Table 2.4.1, a fire behavior analysis was conducted to determine the flame lengths predicted under 60-MPH northeast winds. Table 2.4.2 projected the fire behavior for a wildfire burning under a prevailing 10-MPH southwest wind.

Table 2.4.1 <i>Fire Scenario # 1 - Fire Approaching from the North or East</i> <i>Late Fire Season With 60 MPH North, Northeast and East Wind Conditions</i> <i>(Fire Behavior reflects a fire burning up canyon partially sheltered from wind)</i>	
Fire Behavior Calculation Input Data	Anticipated Fuel Moistures
<ul style="list-style-type: none"> • 5 percent slope • 24 mph 20-foot wind speed • 135° wind direction from upslope north • Fire spread direction 120° from upslope 	<ul style="list-style-type: none"> * 1-Hour Fine Fuel Moisture of.....2% * 10-Hour Fuel Moisture of.....5% * 100-Hour Fuel Moisture of.....6% * Live Herbaceous Fuel Moisture of.....50% * Live Woody Fuel Moisture of.....60%
Expected Fire Behavior Combined Fuel Model [SCAL 18 - Sage/Buckwheat]	
Flame Length - 20.7 feet	
Rate of Spread - 57.5 ft/min	
Fireline Intensity - 4118 btu/ft/s	
Expected Fire Behavior in Treated Fuels (Zone 2 off-site) Fuel Model - gr1 – Short Sparse Dry Climate Grass 50%	
Rate of Spread - 25.9 ft/min	
Fireline Intensity - 44 btu/ft/s	
Flame Length - 2.6 feet	

Table 2.4.2 <i>Fire Scenario # 2 - Fire Approaching from the South or West</i> <i>Late Fire Season With 10 MPH South, Southwest and West Wind Conditions</i> <i>(Fire Behavior reflects a fire burning down canyon)</i>	
Fire Behavior Calculation Input Data	Anticipated Fuel Moistures
<ul style="list-style-type: none"> • 1-2 percent slope • 10 mph 20-foot wind speed • 270° wind direction from upslope north • 315° fire spread from upslope north 	<ul style="list-style-type: none"> * 1-Hour Fine Fuel Moisture of.....2% * 10-Hour Fuel Moisture of.....5% * 100-Hour Fuel Moisture of.....8% * Live Herbaceous Fuel Moisture of.....50% * Live Woody Fuel Moisture of.....60%
Expected Fire Behavior Combined Fuel Model SCAL 18 - Sage/Buckwheat	
Flame Length - 10.9 feet	
Rate of Spread - 14.4 ft/min	
Fireline Intensity - 1031 btu/ft/s	
Expected Fire Behavior in Treated Fuels (Zone 2 off-site) Fuel Model - gr1 – Short Sparse Dry Climate Grass 50%]	
Rate of Spread - 8.9 ft/min (<1 mi/hr)	
Fireline Intensity – 15 btu/ft/s	
Flame Length - 1.6 feet	

3.0 ASSESSING STRUCTURE IGINITIONS IN THE WILDLAND/URBAN INTERFACE

Structure ignitions from wildland wildfires basically come from three sources of heat: convective firebrands (flying embers), direct flame impingement, and radiant heat. The Behave Plus Fire Behavior Computer Modeling Program does not address wind blown embers or firebrands. However, even though ignition resistant exterior building materials will be used in the construction of the Westburg Residence (see EXHIBIT ‘E’ for the description of ‘Ignition-Resistant Construction’), wind driven embers and radiant heat issues are addressed in this FPP.

3.1 Firebrands

Firebrands are pieces of burning materials that detach from a burning fuel due to the strong convection drafts in the flaming zone. Firebrands may also be referred to as embers. Firebrands can be carried a long distance (one mile or more) by fire drafts and strong winds. Severe wildland/urban interface fires can produce heavy showers of firebrands. The chance of these firebrands igniting a structure will depend on the size and number of the firebrands, how long each ember burns after contact, and the type of building materials, building design, and construction features of the structure. Firebrands landing on combustible roofing and decks are common sources for structure ignition. They can also enter a structure through unscreened vents, decks and chimneys, unprotected skylights, and overhangs.

Even with non-combustible roofing, firebrands landing on leaves, needles, and other combustibles located on a roof (due to lack of maintenance) can cause structure ignition. Any open windows, doors or other types of unscreened openings are sources for embers to enter a structure during a wildland fire. If these maintenance issues are addressed on a regular basis, firebrands should not be a significant concern for the Westburg Residence as the building will be constructed with ignition resistant building materials.

3.2 Radiant Heat/Direct Flame Impingement

Radiation and convection involve the transfer of heat directly from the flame. Unlike radiation heat transfer, convection requires that the flames or heat column contact the structure. An ignition from radiation (given an exposed flammable surface) heat transfer depends on two aspects of the flame: 1) the radiant heat flux to a combustible surface and, 2) the duration (length of time) of the radiant flux. The radiant heat flux depends on the flame zone size, flame-structure distance, and how much the combustible material of the structure is exposed to the flame. While the flame from a wildfire may approach 1,800 degrees Fahrenheit, it is the duration of heat that is more critical. For an example, a blow torch flame typically approaches 2,100 degrees Fahrenheit yet a person can easily pass his/her hand through the flame. Heat duration only becomes critical to a home with a wood exterior surface if the heat is allowed to remain for 30-90 seconds.

Research scientist Jack Cohen of the United States Forest Service has found that a home's characteristics--its exterior materials and design in relation to the immediate area around a home within 100 feet--principally determine the home ignition potential. He calls the home and its immediate surroundings the home ignition zone. In a study of ignition of wood wallboard, tests by a USDA Forest Service research team described in the Proceedings, 1st International Fire and Materials Conference showed that flame impingement for sufficient length of time (approximately 1 min.) ignites a typical hardboard siding material. Since the requirement in this FPP is for a non-combustible wall or 1-hour fire resistive construction for the exterior portion of a structure, the home's exterior reaching ignition temperature is very unlikely due to either radiant or convective heat.

Fire agencies consider vegetation management as a principal approach to wildland fire hazard reduction. Whenever the flame length, 1-2 minutes in duration or more, is equal to or more than the separation of combustible vegetation from a combustible structure, there is a high probability of structure ignition. Contact with a fire's convection heat column also may cause ignition but the temperature of the column's gases are generally not hot enough or long enough in duration to sustain the ignition of the structure.

Comparing the expected wildland fire behavior projections in each of the scenarios in Section 2.3.1 against the required fuel modification zones outlined in Section 5.0 demonstrates substantial reductions in the expected flame length and fireline intensity.

By requiring the structures exposed to the threat of wildfire to incorporate the following guidelines, those structures will be provided with the most effective treatment for minimizing losses from flame impingement and associated radiant heat intensities.

- Each structure is constructed of ignition resistant building materials.
- The area surrounding each structure contains an irrigated zone (defensible space) and a thinning zone (low fuel volume buffer strip) between the irrigated zone and the untreated fuels.

The homeowner shall be required to maintain their property to Zones, 0, 1, and 2 vegetation management standards and shall keep the roofs and rain gutters free of leaves, needles and other combustible debris. All firewood and other combustible materials must be properly stored away from the structures (minimum 30') so that burning embers falling on or near the structures have no suitable host. The WESTBURG Residence owner is responsible for maintaining their home and for keeping all doors and windows tightly closed whenever a wildland fire is reported in the vicinity.

3.3 Fire Resistant Plant Palette

Wildland fire research has shown that some types of plants, including many natives, are more fire resistant than others. These low fuel volume, non-oily, non-resinous plants are commonly referred to as 'fire resistant'. This term comes with the proviso that each year these plants are pruned, all dead wood is removed and all grasses or other plant material are removed from beneath the circumference of their canopies. Some native species are not considered 'undesirable' from a wildfire risk management perspective provided they are properly maintained year round (refer

to EXHIBIT ‘C’ for a list of prohibited plant species). Should any plant appear on both the Recommended and Prohibited Lists, the plant shall be removed and/or replaced with approved species.

4.0 FIRE DEPARTMENT RESPONSE TIMES & FIRE ACCESS

The Westburg residence is within the response area of the Del Mar Fire Department. The closest engine to the proposed project is Del Mar Fire Station at 2200 Jimmy Durante Blvd., approximately 0.81 miles or an approximate 4 minute response time. The Del Mar Fire Department contracts with the City of Encinitas for management services which includes review of commercial and residential plans, and fire prevention inspections. There is no assurance that the Del Mar fire apparatus will be in its station when a wildfire threatens the property at 1439 Oribia Road. In this situation, other nearby fire departments would likely respond equipment under mutual aid agreements. This is why **FIREWISE 2000** planned projects use ‘defensible space’, ignition resistant building features, and key fuel treatment strategies that enable residents to substantially increase their ability to survive a wildfire on their own and without the loss of their structure. The goal of this FPP therefore is to make the WESTBURG Residence and its occupants as safe as possible and able to survive on their own until such time as firefighting equipment arrives and/or residents can be safely evacuated.

Fire Department Access

Fire apparatus access is a byway of San Dieguito Road (Public Street) to the driveway entrance of the residence. The driveway has a 20 foot wide easement of which 16 feet shall be paved and is 107 feet long to the front of the residential structure and garage (See EXHIBIT A). To comply with Section 503.1.1 of the CFC, the project will require that fire apparatus be provided to meet the 150-foot hose pull requirement to all portions of the structure. However, as per the Encinitas Fire Department, the intersection of San Dieguito Dr. and Oribia Rd. provides the required turnaround capabilities (see Appendix I). The driveway shall be designated as a FIRE LANE with red painted curbs or signed as a FIRE LANE – NO PARKING. All fire apparatus access roads shall have an unobstructed vertical clearance of not less than 13 feet 6 inches. Firefighter pathway shall be at least 48” wide and be provided as a flat paved or hard-surface walkway accessing all sides of the structure. It is highly recommended that off-site access with a gate be installed along the east property line for firefighters to the Open Space easement. A gate to Crest Canyon is being proposed, as shown on the site plan.

5.0 VEGETATION MANAGEMENT ZONE DESCRIPTIONS & REQUIRED TREATMENTS

Below are the descriptions and required treatments for the Fuel Modification Zones. All distances in this report are measured horizontally. These distances are depicted on the attached Fuel Modification Zone Map – EXHIBIT B. Due to the limited size and dimension of the lot, a fuel modification zone of 100 feet cannot be met entirely within the property boundary. To provide additional fuel modification, brush clearing treatments will have to extend off-site in the City Open Space Easement. The property owner does have the option to apply for a Right-of-Entry Permit from the City of San Diego Parks and Recreation Department to conduct brush clearing activities.

5.1 Fuel Modification Zone 0

Defined:

Zone 0, also known as the “Immediate” or “Ember Resistant Zone”, is the area located within five feet of a building that reduces the likelihood of structure ignition by embers. This zone includes the level graded area under and around all decks, stairs and any outbuildings and requires the most stringent wildland fire fuel reduction and maintenance. This area shall be kept clear of combustibles, plant-based landscaping mulch, and all vegetation.

Zone 0 Requirements

- Zone 0 will be composed of hardscaping, either concrete, gravel, rock, or pavers surrounding the perimeter of each structure.

- No wooden, vinyl or other combustible materials may be attached to a structure. Wrought iron, chain link or similar non-flammable materials will be permitted in Zone 0
- Firewood and lumber are prohibited in this area.
- All branches within ten (10) feet of any chimney or stovepipe outlet must be removed.

Required Maintenance

- Maintenance shall be year-round by the lot owners and any subsequent owner according to the requirements listed in this PFPP.
- Remove any combustible material monthly within Zone 0 including all dead vegetative matter.
- Remove any combustible material quarterly in rain gutters located above Zone O.
- Dead branches that overhang roofs, are below or adjacent to windows, or which are adjacent to wall surfaces must be removed.

5.2 Fuel Modification Zone 1

Defined:

Zone 1 is commonly called the defensible space zone and shall be free of all combustible construction and materials. It is an irrigated landscape zone which varies in width from 30 to 50 feet. It is measured from the exterior walls of the structure outward to the property line. It provides the best protection against the high radiant heat produced by a wildfire. It also provides a generally open area in which fire suppression forces can operate during wildfire events. This zone includes a level-graded pathway of at least 3-feet wide around the structure for firefighter access.

In review of the project site plan (See EXHIBIT A), the setbacks for the structure only allow for 10 feet on the east and west side yards. Due to the narrow dimensions of the lot, the 50-foot Zone 1 requirement cannot be met.

Required Landscaping

- Plants in this zone shall be fire resistant and shall not include any pyrophytes that are high in oils and resins such as pines, eucalyptus, cedar, cypress or juniper species. Thick or leathery leaf species with high moisture content are the most 'fire resistant'.
- Zone 1 will be cleared of all fire prone and undesirable plant species. (See EXHIBIT 'C').
- Xeriscape™ designs, where compatible and hardscape such as concrete, rock, pavers, and similar non-combustible features are encouraged to break up fuel continuity within Zone 1.
- Focus should be on approved ground covers and lawns that shall be maintained at a height that does not exceed 4 inches.
- Vegetation and combustible ground covers (mulch, bark, wood chips, etc.) are not permitted within 5 feet of the exterior wall of the structure.
- Shrubs should be low-growing and well-irrigated and should be selected from an approved plant list approved by the DMFD. Shrubs shall be single specimens or a grouping not exceeding three plants. Mature height of plants shall not exceed 18 inches. At mature growth, single plants or groupings of plants shall be separated from each other by at least 5 feet. Plants shall not be located under vents or windows or within five feet to either side of a window. Single specimens of plants or a grouping not exceeding three plants are allowed under mature trees.
- Trees shall be single specimens or groupings of not more than three trees selected from the approved plant list. Trees are to be planted such that the mature canopies will be at least 10 feet from the exterior walls of the structure or from the most distal point of a combustible projection, an attached accessory structure, or an accessory structure within 10 feet of a habitable building.
- An automatic irrigation system is required. Areas inside the drip line of native oak trees shall not be irrigated.

Required Maintenance

- The lot shall be maintained year round by the individual property owner within their property boundary (lot lines) as required by the DMFD.
- Irrigation sprinkler systems shall be checked weekly to insure proper working order.

- Any dead or dying plant material shall be removed and replaced monthly. Shrubs and trees are to be bi-annually maintained free of dead material.
- Trees shall be maintained such that the branches and limbs closest to the ground are pruned to a height from the ground that is equal to 1/3 the overall height of the tree or six feet from the ground, whichever is higher. There is one 40-foot high Monterey pine on the property. The owner has consulted an arborist who recommends removal of the Monterey pine due to its diseased condition and decided to remove the Monterey pine due to its close proximity to the structure and the property line. Due to the high flammability of said tree, *Firewise2000* agrees with the recommendation.
- One Coast live oak also exists on the property which can be retained as long as pruning standards are met.
- All trees must be maintained to the current ANSI A300 standards [*Tree, Shrub, and Other Woody Plant Maintenance—Standard Practices (Pruning)*] (see www.treecareindustry.org/public/gov_standards_a300.htm).

5.3 Fuel Modification Zone 2

Defined:

Zone 2 is a 30-foot wide off-site thinning zone in the City-owned Open Space preserve. The purpose of the brush clearing activity is to reduce the fuel load to make the fire behavior less severe to protect structures on the adjacent private land. Zone 2 is a 30' non-irrigated area just off the PL on the east side of the property (See Exhibit B – Fuel Modification Zone Map). The City of San Diego Parks and Recreation Department in conjunction with the San Diego Fire Department has developed an annual program to clear hazard brush 30 feet away from the City property line along the City Open Space boundaries. The brush clearing activities are completed on a two year cycle. Recent contact with the City Program Manager indicated that the clearing was completed this past year (2017) and the evidence is shown in EXHIBIT G – Photo #4. The objective for the Brush Clearing Program is to remove 50% of the vegetation (or fuel load) to reduce the fire intensity and flame length to protect structures.

Required Brush Clearing Maintenance Standards on the City Property:

- Conduct brush clearing to reduce both the vertical height and spacing of the vegetation to achieve a 50% reduction in cover (See Exhibit G – Photo #4).
- Remove all dead and dying vegetation and highly flammable exotic or non-native species.
- Native annual and perennial grasses will be allowed to grow and produce seed during the winter and spring. As grasses begin to cure (dry out), they will be cut/mowed to 4 inches or less in height.
- Prune broad-leaf shrubs to a vertical height of 4 feet, such as Lemonade berry (*Rhus integrifolia*), Toyon (*Heterolmeles arbutifolia*), and Baccharis sp. with an objective to remove 50% of foliage.
- If native shrubs are located within a tree's drip line, the lowest branch of the tree shall be a distance from the ground of at least three times the height of the shrub or 10 feet, whichever is greater.
- Allowances for the needs of protected species and habitats will be considered in this zone.

6.0 CONSTRUCTION STANDARDS

The structure shall meet all wildland/interface standards to the satisfaction of the DMFD Ordinance No. 1022 & 1023. Design and construction shall meet the requirements listed in the 2022 Edition of the California Fire and Building Codes, with special adherence to Chapter 7A, and the 2022 Edition of the California Residential Code section R337, with other local amendments/ordinances as adopted by DMFD. Other applicable codes include the 2024 International Wildland-Urban Interface Code (IWUIC) and any codes in force at the time of construction.

The following items are special added fire protection measures to meet equivalency for non-compliance with the 100' fuel modification:

- All swinging exterior doors shall be self-closing and self-latching (does not apply to slider doors).

- Residential fire sprinklers to NFPA 13D standards shall be installed to include attics, bathrooms, closet spaces and garage.
- In addition, the residence shall install exterior fire sprinklers under the eaves facing the east side of the property as added protection.
- To aid in radiant heat deflection and mitigate the reduced width of Zone 1 along the east property line, construction of a six (6) foot high non-combustible block and tempered glass wall along the east side of the property. Post and glass frame assemblies shall be composed of metal such as steel, and 6063-T5 aluminum alloys or equivalent, respectively, which will not melt and allow the glass to fall out. The fire wall would extend at least 150 feet or the combined length of the residence and garage, whichever is greater, a minimum of 30' beyond the ends of the structures until it either meets adjacent similar fire-rated fencing or wraps the property corner up to 30'. (See EXHIBIT B – Fuel Modification Zone Map). The purpose of the fire wall is to deflect radiant heat and act as a physical barrier to stop blowing embers into the property.
- Access gates shall be installed on the exterior fence as shown on page 2 of Exhibit A.

All accessory structures such as decks, balconies, patios, covers, gazebos and fences shall be built from non-combustible or ignition resistant materials. The homeowner is not restricted from having concrete patios, concrete walkways or swimming pools within the Vegetation Management Zones in compliance with other codes. Refer to EXHIBIT 'E' for photos and descriptions of non-combustible decks, patio covers, and railings for these accessory structures. Construction or building permits shall not be issued until the fire code official inspects and approves required vegetation clearance, fire apparatus access and water supply for the construction site. The issuance of building permits with regard to these requirements shall be in accordance standards required by the City of Del Mar. Prior to the delivery of combustible building construction materials to the project site the following conditions shall be completed to the satisfaction of the DMFD:

- All wet and dry utilities shall be installed and approved by the appropriate inspecting department or agency.
- Clearance of Zone 1 vegetation and approved Zone 2 vegetation management shall be provided prior to combustible material arriving on the site and shall be maintained throughout the duration of construction. Fire code officials may require additional vegetation management and/or defensible space when warranted.

7.0 INFRASTRUCTURE

7.1 Water Supply

The Westburg Residence water supply will be provided by the City of San Diego Water Department (SDWD). Fire flow requirements need to comply with 2022 CFC – Appendix B. The Residence will be equipped with an automatic fire sprinkler system in accordance with NFPA 13D. The system shall be extended to cover the garage interior and to the exterior under the eaves. See Exhibit I for fire flow test results and compliance. The nearest fire hydrant is located at the intersection of San Dieguito Road and Oribia Road, approximately 190 feet north of the driveway entrance.

7.2 Access Roads/Driveways and Gates

Main ingress and egress for the WESTBURG Residence will be from the private driveway onto San Dieguito Road, a public street. The private driveway has a 20-foot-wide easement of which 16 feet shall be paved and extends 107 feet into the property. The driveway entrance shall be signed as 'FIRE LANE- NO PARKING'. DMFD fire code requires fire access not to exceed a maximum grade of 15%. Fire access roads shall meet the requirements of the DMFD or as otherwise approved in this FPP, and shall be a paved surface capable of supporting loads of 75,000 lbs gross vehicle weight. Fire access roads shall be maintained for clear access for emergency vehicles (no vehicle storage allowed).

Any gates to be installed shall meet DMFD fire codes and shall be approved by the DMFD prior to fabrication and installation. A 'Knox' override key switch must be installed outside the gate in an approved, readily visible, and unobstructed location at or near the gate to provide emergency access.

8.0 CONCLUSION

This FPP evaluated the adverse environmental effects that the proposed residential development may have from a wildland fire and to properly mitigate those impacts to ensure that the proposed project does not unnecessarily expose people or structures to a significant risk of loss, injury or death involving wildland fires.

With the implementation of the fuel modification, ignition resistant construction measures, and other mitigation measures described in this FPP, the proposed project will be provided with a higher degree of protection from wildfire than many existing homes in San Diego County.

Additionally, improvements including improved access, irrigated landscaping, and offsite brush clearing, benefit the existing nearby residences providing a safer environment for those in the surrounding neighborhood.

This plan and its requirements shall be incorporated by reference into the final project Conditions of Approval.

9.0 EXHIBITS

EXHIBITS:

SITE PLAN	EXHIBIT A
FUEL MODIFICATION ZONE MAP	EXHIBIT B
UNDESIREABLE PLANT LIST FOR SAN DIEGO COUNTY	EXHIBIT C
LITERATURE REFERENCES	EXHIBIT D
NON-COMBUSTIBLE/FIRE RESISTIVE BUILDING MATERIALS	EXHIBIT E
IGNITION-RESISTANT CONSTRUCTION REQUIREMENTS	EXHIBIT F
PROJECT PHOTOS	EXHIBIT G
SAN DIEGO CITY PARKS & RECREATION BRUSH POLICY	EXHIBIT H
FIRE FLOW TEST RESULTS	EXHIBIT I
ENCINITAS FIRE DEPARTMENT CORRESPONDENCE	EXHIBIT J

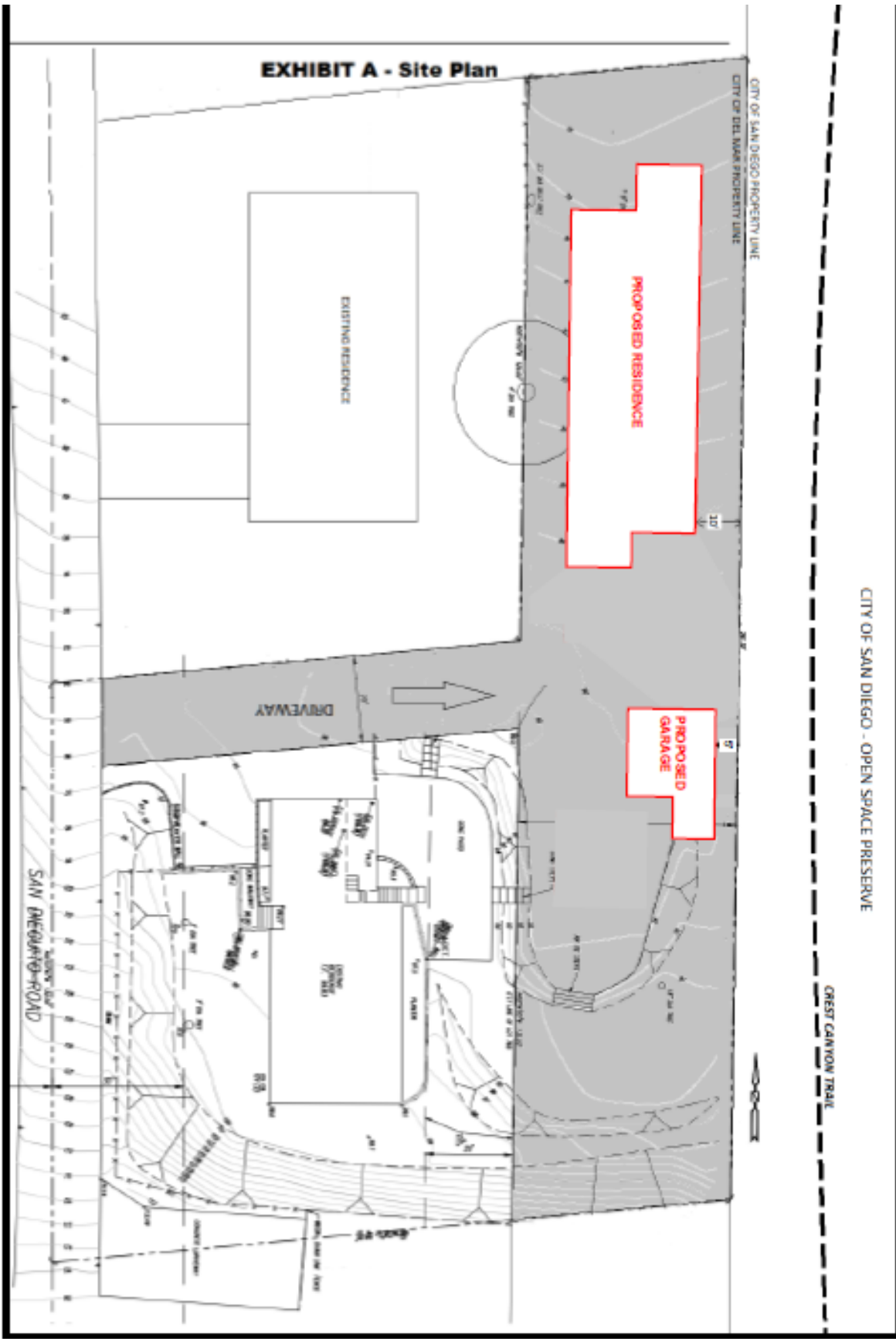


EXHIBIT C- UNDESIRABLE PLANT LIST

The following species are highly flammable and should be avoided when planting within the first 50 feet adjacent to a structure. The plants listed below are more susceptible to burning due to rough or peeling bark, production of large amounts of litter, vegetation that contains oils, resin, wax, or pitch, large amounts of dead material in the plant, or plantings with a high dead to live fuel ratio. Many of these species, if existing on the property and adequately maintained (pruning, thinning, irrigation, litter removal, and weeding) may remain as long as the potential for spreading a fire has been reduced or eliminated.

<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>
<u>Abies species</u>	Fir Trees
<u>Acacia species</u>	Acacia (trees, shrubs, groundcovers)
<u>Adenostoma sparsifolium**</u>	Red Shanks
<u>Adenostoma fasciculatum**</u>	Chamise
<u>Agonis juniperina</u>	Juniper Myrtle
<u>Araucaria species</u>	Monkey Puzzle, Norfolk Island Pine
<u>Artemisia californica**</u>	California Sagebrush
<u>Bambusa species</u>	Bamboo
<u>Cedrus species</u>	Cedar
<u>Chamaecyparis species</u>	False Cypress
<u>Coprosma pumila</u>	Prostrate Coprosma
<u>Cryptomeria japonica</u>	Japanese Cryptomeria
<u>Cupressocyparis leylandii</u>	Leylandii Cypress
<u>Cupressus forbesii**</u>	Tecate Cypress
<u>Cupressus glabra</u>	Arizona Cypress
<u>Cupressus sempervirens</u>	Italian Cypress
<u>Dodonea viscosa</u>	Hopseed Bush
<u>Eriogonum fasciculatum**</u>	Common Buckwheat
<u>Eucalyptus species</u>	Eucalyptus
<u>Heterotheca grandiflora**</u>	Telegraph Plant
<u>Juniperus species</u>	Junipers
<u>Larix species</u>	Larch
<u>Lonicera japonica</u>	Japanese Honeysuckle
<u>Miscanthus species</u>	Eulalia Grass
<u>Muehlenbergia species**</u>	Deer Grass
<u>Palmae species</u>	Palms
<u>Picea species</u>	Spruce Trees
<u>Pickeringia Montana**</u>	Chaparral Pea
<u>Pinus species</u>	Pines
<u>Podocarpus species</u>	Fern Pine
<u>Pseudotsuga menziesii</u>	Douglas Fir
<u>Rosmarinus species</u>	Rosemary
<u>Salvia mellifera**</u>	Black Sage
<u>Taxodium species</u>	Cypress
<u>Taxus species</u>	Yew
<u>Thuja species</u>	Arborvitae
<u>Tsuga species</u>	Hemlock
<u>Urtica urens**</u>	Burning Nettle

** San Diego County native species

EXHIBIT 'C' References:

Gordon, H. White, T.C. 1994. Ecological Guide to Southern California Chaparral Plant Series. Cleveland National Forest.

Willis, E. 1997. San Diego County Fire Chief's Association. Wildland/Urban Interface Development Standards

City of Oceanside, California. 1995. Vegetation Management. Landscape Development Manual. Community Services Department, Engineering Division.

City of Vista, California 1997. Undesirable Plants. Section 18.56.999. Landscaping Design, Development and Maintenance Standards.

www.bewaterwise.com. 2004. Fire-resistant California Friendly Plants.

www.ucfpl.ucop.edu. 2004. University of California, Berkeley, Forest Products Laboratory, College of Natural Resources. Defensible Space Landscaping in the Urban/Wildland Interface. A Compilation of Fire Performance Ratings of Residential Landscape Plants.

County of Los Angeles Fire Department. 1998. Fuel Modification Plan Guidelines. Appendix I, Undesirable Plant List, and Appendix II, Undesirable Plant List.

EXHIBIT D

Literature References

1. Standard Fire Behavior Fuel Models: A Comprehensive Set for Use with Rothermel's Surface Fire Spread Model, General Technical Report RMRS-GTR-153. June 2005. Joe H. Scott, Robert E. Burgan, United States Department of Agriculture - Forest Service, Rocky Mountain Research Station, Missoula, Montana.
2. BehavePlus: Fire Modeling System, version 5.0.5: Variables. General Technical Report RMRS-GTR-213WWW Revised. September 2009. Patricia L. Andrews, United States Department of Agriculture - Forest Service, Rocky Mountain Research Station, Missoula, Montana.
3. BEHAVEPlus Fire Modeling System, Version 5.0.0 General Technical Report RMRS-GRT-106WWW Revised. June 2008. Patricia L. Andrews, Collin D. Bevins and Robert C. Seli. United States Department of Agriculture - Forest Service, Rocky Mountain Research Station, Missoula, Montana.
4. BEHAVEPlus Fire Modeling System, Version 5.0 User's Guide. General Technical Report RMRS-GRT-106WWW Revised. July, 2009. Patricia L. Andrews, Collin D. Bevins, Robert C. Seli. United States Department of Agriculture - Forest Service, Rocky Mountain Research Station, Missoula, Montana.
5. California Code of Regulations, Title 14, section 1280; California Public Resources Codes sections 4201 through 4204
6. California Government Code, sections 51175 through 51189
7. Del Mar Fire Department Ordinance No. 921, which adopts ~~2016~~ 2022CFC.
8. 2022 Fire Code portion of the CBSC, including appendices to Chapters 1 & 4 and appendices B, F & H
9. The 2022 California Fire Code with and adopted Local Amendments.
10. The 2022 California Residential Code, Section R337.
11. Chapter 7A-California of the 2022 Building Code.
12. County of San Diego Consolidated Fire Code.
13. National Fire Protection Association - NFPA 13D Standard for the Installation of Sprinkler Systems in One and Two-Family Dwellings and Manufactured Homes. 2025 Edition
14. National Fire Protection Association - NFPA 1140 Standard for Wildland Fire Protection 2022
15. National Fire Protection Association - NFPA 1142, 2022 Edition. Table C.11 (b) Time-Distance Table Using an Average Speed of 35 mph
16. *The California State and Local Responsibility Area Fire Hazard Severity Zone Map – Fire and Resource Assessment Program of CAL FIRE*
17. City of San Diego, Parks & Recreation *Brush Management Program*, and Section 142.412 San Diego Municipal Code.

EXHIBIT E

NON-COMBUSTIBLE AND FIRE RESISTIVE BUILDING MATERIALS

Prior to selection of a non-combustible approve material for your specific design or purpose it is suggested that you first search the Office of the State Fire Marshal web site http://osfm.fire.ca.gov/licensinglistings/licenselisting_bml_searchcotest.php. Navigate to DECKING FOR WILDLAND URBAN INTERFACE (W.U.I) or search by specific Company. If your material is approved, then check with your Local Jurisdiction to see if they also have it on an approved list.

The following examples of non-combustible and fire resistant building materials may be used for balconies, carpports decks, patio covers and floors.

I. NON-COMBUSTIBLE HEAVY GAGE ALUMINUM MATERIALS –

Metals USA Building Products Group - Ultra-Lattice



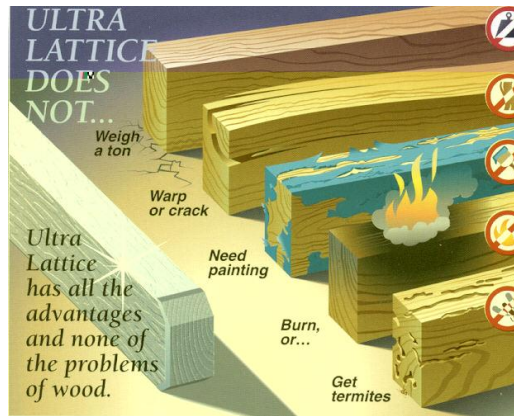
Ultra-Lattice Attached Patio Cover



Ultra-Lattice Attached Patio Cover



Ultra-Lattice Stand Alone Shade Cover



Ultra-Lattice Vs. Wood

II. FRX Exterior Fire-Retardant Treated (FRT) Wood

FRX® fire retardant treated wood may be used in exterior applications permitted by the codes where: public safety is critical, other materials would transfer heat or allow fires to spread, sprinkler systems cannot easily be installed, corrosive atmospheres necessitate excessive maintenance of other materials, or fire protection is inadequate or not readily available. The International Building, Residential and Urban-Wildland Interface Codes and regulations permit the use of fire retardant treated wood in specific instances. See below for typical exterior uses and typical residential uses.



For information on fire retardant treated wood for exterior uses, visit www.frxwood.com

COMMON APPLICATIONS

FRX® fire retardant treated wood may be used in exterior applications permitted by the codes where public safety is critical, other materials would transfer heat or allow fires to spread, sprinkler systems cannot easily be installed, corrosive atmospheres necessitate excessive maintenance of other materials, and where fire protection is inadequate or not readily available.

TYPICAL EXTERIOR USES

- Wall coverings
- Roof coverings
- Balconies
- Stairways
- Decks
- Open-air roof systems
- Canopies and awnings
- Storefronts and facades
- Eaves, soffits and fascia
- Construction staging
- Agricultural buildings and horse stalls
- Scaffolding and scaffold planks
- Various other residential and commercial uses

Trex Accents Fire Defense Decking

The perfect blend of beauty and brawn.

Trex's #1 selling platform, Trex Accents®, exceeds the strict fire regulations set by the State of California and San Diego County.

- Offers superior safety performance:
 - Exceeds ASTM E84 Class B Flame Spread.
 - Exceeds 12-7A-4 Part A (underflame) and Part B (Burning Brand).
- Self-extinguishing even under extreme fire exposure.
- Approved for use by the California State Fire Marshal's Office and San Diego County. Read the California Department of Forestry and Fire Protection, Office of the State Fire Marshal



III. TREX COMPANY, INC.

EXHIBIT F

IGNITION-RESISTANT CONSTRUCTION REQUIREMENTS

The following is a summary of the current requirements for ignition resistant construction for high fire hazard areas under Chapter 7A of the California Building Code (CBC) 2022 edition and the current California Residential Code, Section R337 and the California Fire Code, Code, Chapter 49. However, the requirements listed below are **NOT** all inclusive and all exterior building construction including roofs, eaves, exterior walls, doors, windows, decks, and other attachments must meet the current CBC Chapter 7A ignition resistance requirements, the California Fire Code, and any additional County and/or City codes in effect at the time of building permit application. See the current applicable codes for a detailed description of these requirements and any exceptions.

1. All structures will be built with a Class A Roof Assembly and shall comply with the requirements of Chapter 7A of the California Building Code. Roofs shall have a roofing assembly installed in accordance with its listing and the manufacturer's installation instructions.
2. Roof valley flashings shall be not less than 0.019-inch (0.48 mm) No. 26 gage galvanized sheet corrosion-resistant metal installed over not less than one layer of minimum 72-pound (32.4 kg) mineral-surfaced nonperforated cap sheet complying with ASTM D3909, at least 36-inch-wide (914 mm) running the full length of the valley.
3. Attic or foundation ventilation louvers or ventilation openings in vertical walls shall be covered with a minimum of 1/16-inch and shall not exceed 1/8-inch mesh corrosion-resistant metal screening or other approved material that offers equivalent protection.
4. Where the roof profile allows a space between the roof covering and roof decking, the spaces shall be constructed to resist the intrusion of flames and embers, be firestopped with approved materials or have one layer of a minimum 72-pound (32.4 kg) mineral-surfaced nonperforated cap sheet complying with ASTM D3909 installed over the combustible decking.
5. Enclosed roof eaves and roof eave soffits with a horizontal underside, sloping rafter tails with an exterior covering applied to the under-side of the rafter tails, shall be protected by one of the following:
 - noncombustible material
 - Ignition-resistant material
 - One layer of 5/8-inch Type X gypsum sheathing applied behind an exterior covering on the underside of the rafter tails or soffit
 - The exterior portion of a 1-hour fire resistive exterior wall assembly applied to the underside of the rafter tails or soffit including assemblies using the gypsum panel and sheathing products listed in the Gypsum Association Fire Resistance Design Manual
 - Boxed-in roof eave soffit assemblies with a horizontal underside that meet the performance criteria in Section 707A.10 when tested in accordance with the test procedures set forth in ASTM E2957.

- Boxed-in roof eave soffit assemblies with a horizontal underside that meet the performance criteria in accordance with the test procedures set forth in SFM Standard 12-7A-3.
Exceptions: The following materials do not require protection:
 1. Gable end overhangs and roof assembly projections beyond an exterior wall other than at the lower end of the rafter tails.
 2. Fascia and other architectural trim boards.
6. The exposed roof deck on the underside of unenclosed roof eaves shall consist of one of the following:
- Noncombustible material, or
 - Ignition-resistant material, or
 - One layer of 5/8-inch Type X gypsum sheathing applied behind an exterior covering on the underside exterior of the roof deck, or
 - The exterior portion of a 1-hour fire resistive exterior wall assembly applied to the underside of the roof deck designed for exterior fire exposure including assemblies using the gypsum panel and sheathing products listed in the Gypsum Association fire Resistance Design Manual.
- Exceptions:** The following materials do not require protection:
1. Solid wood rafter tails on the exposed underside of open roof eaves having a minimum nominal dimension of 2 inch (50.8 mm).
 2. Solid wood blocking installed between rafter tails on the exposed underside of open roof eaves having a minimum nominal dimension of 2-inch (50.8 mm).
 3. Gable end overhangs and roof assembly projections beyond an exterior wall other than at the lower end of the rafter tails.
 4. Fascia and other architectural trim boards.
7. Vents - ventilation openings for enclosed attics, enclosed eave soffit spaces, enclosed rafter spaces formed where ceilings are applied directly to the underside of roof rafters, and underfloor ventilation openings shall be fully covered with metal wire mesh, vents, other materials, or other devices that meet one of the following requirements:
- A. Vents listed to ASTM E2886 and complying with all the following:
 - i. There shall be no flaming ignition of the cotton material during the Ember Intrusion Test.
 - ii. There shall be no flaming ignition during the Integrity Test portion of the Flame Intrusion Test.
 - iii. The maximum temperature of the unexposed side of the vent shall not exceed 662°F (350°C).
 - B. Vents shall comply with all of the following:
 - i. The dimensions of the openings therein shall be a minimum of 1/16-inch (1.6 mm) and shall not exceed 1/8-inch (3.2 mm).
 - ii. The materials used shall be noncombustible.
Exception: Vents located under the roof covering, along the ridge of roofs, with the exposed surface of the vent covered by noncombustible wire mesh, may be of combustible materials.
 - iii. The materials used shall be corrosion resistant.
8. Vents shall not be installed on the underside of eaves and cornices.

Exceptions:

1. Vents listed to ASTM E2886 and complying with all the following:
 - There shall be no flaming ignition of the cotton material during the Ember Intrusion Test.
 - There shall be no flaming ignition during the Integrity Test portion of the Flame Intrusion Test.
 - The maximum temperature of the unexposed side of the vent shall not exceed 662°F (350°C).
2. The enforcing agency shall be permitted to accept or approve special eave and cornice vents that resist the intrusion of flames and burning embers.
3. Vents complying with the requirements of Section 706A.2 shall be permitted to be installed on the underside of eaves and cornices in accordance with either one of the following conditions:
 - 3.1. The attic space being ventilated is fully protected by an automatic sprinkler system installed in accordance with Section 903.3.1.1 or,
 - 3.2. The exterior wall covering, and exposed underside of the eave are of noncombustible materials, or ignition-resistant materials, as determined in accordance with SFM Standard 12-7A-5 Ignition-Resistant Material and the requirements.
9. All chimney, flue or stovepipe openings that will burn solid wood will have an approved spark arrester. An approved spark arrester is defined as a device constructed of nonflammable materials, having a heat and corrosion resistance equivalent to 12-gauge wire, 19-gauge galvanized steel or 24-gauge stainless steel, or other material found satisfactory by the Fire Protection District, having ½-inch perforations for arresting burning carbon or sparks nor block spheres having a diameter less than 3/8 inch (9.55 mm). It shall be installed to be visible for the purposes of inspection and maintenance and removeable to allow for cleaning of the chimney flue.
10. All residential structures will have automatic interior fire sprinklers installed according to the National Fire Protection Association (NFPA) 13D 2019 edition - Standard for the Installation of Sprinkler Systems in One and Two-family Dwellings and Manufactured Homes. Fire sprinklers are not required in unattached non-habitable structures greater than 50 feet from the residence.
11. The exterior wall covering, or wall assembly shall comply with one of the following requirements:
 - Noncombustible material, or
 - Ignition resistant material, or
 - Heavy timber exterior wall assembly, or
 - Log wall construction assembly, or
 - Wall assemblies that have been tested in accordance with the test procedures for a 10-minute direct flame contact expose test set forth in ASTM E2707 with the conditions of acceptance shown in Section 707A.3.1 of the California Building Code, or
 - Wall assemblies that meet the performance criteria in accordance with the test procedures for a 10-minute direct flame contact exposure test set forth in SFM Standard 12-7A-1.

Exception: Any of the following shall be deemed to meet the assembly performance criteria and intent of this section including;

 - a. One layer of 5/8-inch Type X gypsum sheathing applied behind the exterior covering or cladding on the exterior side of the framing, or

- b. The exterior portion of a 1-hour fire resistive exterior wall assembly designed for exterior fire exposure including assemblies using the gypsum panel and sheathing products listed in the Gypsum Associate Fire Resistance Design Manual.
12. Exterior walls shall extend from the top of the foundation to the roof and terminate at 2-inch nominal solid blocking between rafters at all roof overhangs, or in the case of enclosed eaves, terminate at the enclosure.
13. No attic ventilation openings or ventilation louvers shall be permitted in soffits, in eave overhangs, between rafters at eaves, or in other overhanging areas.
1. All projections (exterior balconies, decks, patio covers, unenclosed roofs and floors, and similar architectural appendages and projections) or structures less than five feet from a building shall be of non-combustible material, one-hour fire resistive construction on the underside, heavy timber construction or pressure-treated exterior fire-retardant wood. When such appendages and projections are attached to exterior fire-resistive walls, they shall be constructed to maintain the same fire-resistant standards as the exterior walls of the structure.
15. Deck Surfaces shall be constructed with one of the following materials:
 - Material that complies with the performance requirements of Section 709A.4 when tested in accordance with both ASTM E2632 and ASTM E2726, or
 - Ignition-resistant material that complies with the performance requirements of 704A.3 when tested in accordance with ASTM E84 or UL 723, or
 - Material that complies with the performance requirements of both SFM Standard 12-7A-4 and SFM Standard 12-7A-5, or
 - Exterior fire-retardant treated wood, or
 - Noncombustible material, or
 - Any material that complies with the performance requirements of SFM Standard 12-7A-4A when the attached exterior wall covering is also composed of noncombustible or ignition-resistant material.
16. Accessory structures attached to buildings with habitable spaces and projections shall be in accordance with the Building Code. When the attached structure is located and constructed so that the structure or any portion thereof projects over a descending slope surface greater than 10 percent, the area below the structure shall have all underfloor areas and exterior wall construction in accordance with Chapter 7A of the Building Code.
17. Exterior windows, skylights and exterior glazed door assemblies shall comply with one of the following requirements:
 - Be constructed of multiplane glazing with a minimum of one tempered pane meeting the requirements of Section 2406 Safety Glazing, or
 - Be constructed of glass block units, or
 - Have a fire-resistance rating of not less than 20 minutes when tested according to NFPA 257, or
 - Be tested to meet the performance requirements of SFM Standard 12-7A-2.

18. All eaves, fascia and soffits will be enclosed (boxed) with non-combustible materials. This shall apply to the entire perimeter of each structure. Eaves of heavy timber construction are not required to be enclosed as long as attic venting is not installed in the eaves. For the purposes of this section, heavy timber construction shall consist of a minimum of 4x6 rafter ties and 2x decking.
19. Excerpt from CA Building Code - 710A.3.3 Accessory Buildings 120 Square Feet (11.15 m²) or less, Located 3 Feet (914 mm) or More but Less Than 50 Feet (15,240mm). When required by the enforcing agency, accessory buildings of 120 square feet (11.15 m²) or less and separated from an applicable building on the same lot by a distance of 3 feet (914 mm) or more but less than 50 feet (15,240mm) shall be constructed of noncombustible materials or of ignition-resistant materials as described in Section 704.A.2.
20. All rain gutters, down spouts and gutter hardware shall be constructed from metal or other noncombustible material to prevent wildfire ignition along eave assemblies.
21. Gutters shall be provided with the means to prevent the accumulation of leaf litter and debris within the gutter that contribute to roof edge ignition.
22. All side yard fence and gate assemblies (fences, gate and gate posts) when attached to the home shall be of non-combustible material. The first five feet of fences and other items attached to a structure shall be of non-combustible material.
23. Exterior garage doors shall resist the intrusion of embers from entering by preventing gaps between doors and door openings, at the bottom, sides and tops of doors, from exceeding 1/8 inch. Gaps between doors and door openings shall be controlled by one of the methods listed in this section.
 - Weather-stripping products made of materials that:
 - (a) have been tested for tensile strength in accordance with ASTM D638 (Standard Test Method for Tensile Properties of Plastics) after exposure to ASTM G155 (Standard Practice for Operating Xenon Arc Light Apparatus for Exposure of Non-Metallic Materials) for a period of 2,000 hours, where the maximum allowable difference in tensile strength values between exposed and non-exposed samples does not exceed 10%; and (b) exhibit a V-2 or better flammability rating when tested to UL 94, Standard for Tests for Flammability of Plastic Materials for Parts in Devices and Appliances.
 - Door overlaps onto jambs and headers.
 - Garage door jambs and headers covered with metal flashing.
24. Exterior doors shall comply with one of the following:
 1. The exterior surface or cladding shall be of noncombustible material or,
 2. The exterior surface or cladding shall be of ignition-resistant material or,
 3. The exterior door shall be constructed of solid core wood that complies with the following requirements:
 - 3.1. Stiles and rails shall not be less than 1-3/8 inches thick.
 - 3.2. Panels shall not be less than 1-1/4 inches thick, except for the exterior perimeter of the panel that shall be permitted to taper to a tongue not less than 3/8 inch thick.
 4. The exterior door assembly shall have a fire-resistance rating of not less than 20 minutes when tested according to NFPA 252 or,

5. The exterior surface or cladding shall be tested to meet the performance requirements of Section 707A.3.1 when tested in accordance with ASTM E2707 or,
6. The exterior surface or cladding shall be tested to meet the performance requirements of SFM Standard 12-7A-1.

** FAHJ – Fire Authority Having Jurisdiction
SFM – State Fire Marshal
NFPA – National Fire Protection Association

Special Construction Features: As noted in Section 5.3, these are in addition to those requirements listed above, and provide added protection either from embers or radiant heat.

- All operable windows shall be provided with metal mesh bug screens or similar non-combustible screens over the operable opening to replace traditional vinyl bug screens to prevent embers from entering the structure during high wind conditions when windows may be inadvertently left open.
- Automatic fire sprinklers shall be installed in the attic, bathrooms, closets, garage and under the eaves on the east side of the residence. Fire sprinklers shall be upgraded to a four (4) head calculation for the sprinkler design. The four head calculation must have a minimum .05 density design, QR and intermediate temperature heads; the heads may be of a small orifice type such as 3/8 or 7/16. Listed domestic demand shutoff valves may be used to try to minimize upgrading meter sizes where possible. Copper piping is required in the attics; CPVC will only be permitted in the attic if listed heads are used to protect piping in accordance with their listing.
- All swinging exterior doors shall be self-closing (e.g. pneumatic or spring loaded hinges) and be self-latching.
- All vents shall be "Brandguard", "O'Hagin fire & ice" line - flame and ember resistant or other equivalent flame and ember resistant vents. Vents must be CSFM listed or acceptable the RCFPD.
- Vehicle garage doors shall have automatic door closers (standard on most new automatic garage door openers as a security feature), that can be set to close after a certain period of time with no activity.
- To aid in radiant heat deflection and mitigate the reduced width of Zone 1 along the east property line, construction of a six (6) foot high non-combustible block and tempered glass wall along the east side of the property. Post and glass frame assemblies shall be composed of metal such as steel, and 6063-T5 aluminum alloys or equivalent, respectively, which will not melt and allow the glass to fall out. The fire wall would extend at least 150 feet or the combined length of the residence and garage, whichever is greater, a minimum of 30' beyond the ends of the structures until it either meets adjacent similar fire-rated fencing or wraps the property corner up to 30'. (See EXHIBIT B – Fuel Modification Zone Map). The purpose of the fire wall is to deflect radiant heat and act as a physical barrier to stop blowing embers into the property.
- Access gates shall be installed on the exterior fence as shown on page 2 of Exhibit A.

EXHIBIT G – Photos



Photo 2. View looking north from the south end of the Westburg property.



Photo 3. View of north end of property where structure is to be constructed.



Photo 4. View looking south of off-site brush clearing work in 2017.



Photo 5. View of brush clearing looking from east property line at Open Space Preserve on City of San Diego.



Photo 6. View looking south at off-site Zone 2 fuel modification.



Photo 7. View of location of driveway entrance off San Dieguito Road


EXHIBIT H

City of San Diego - Parks and Recreation Department

Open Space Parks Brush Management Program

[Brush Management](#)

Of the 26,282 total acres of open space managed by the Park and Recreation Department's Open Space Division, approximately 904 acres are located within 100 feet of structures. Among other duties related to open space land management, the Open Space Division is responsible for conducting brush management (vegetation thinning) on city owned open space adjacent to privately-owned lots which are developed with "previously conforming" (legal) structures built prior to establishment of the city's first brush management regulations in 1989.

The Open Space Division conducts brush management in accordance with  [Section 142.0412 of the San Diego Municipal Code](#) and the [San Diego Fire-Rescue Department's Canyon Fire Safety](#) guidelines and policies related to brush management.

Specifically, the Open Space Division will thin brush on city property only within 100 horizontal feet of a previously conforming structure unless a site-specific report, which indicates that a greater distance is necessary, is approved by the San Diego Fire-Rescue Department (per SDMC Section 142.0412(i) or a previously recorded entitlement requires a width more or less than the standard 100 feet. In no case shall new development (new structures or additions to existing structures) qualify for additional brush management on city open space beyond the 100 feet associated with a previously conforming structure.

EXHIBIT I

FLOW TEST SUMMARY REPORT pagel

LOCATION:1439 Oribia Rd Del Mar, CA 92014

DATE: 12-17-18
TIME: 8:00 am

Static Hydrant Number: 3 Flowing Hydrant Number: 1 and 2
Elevation: 0 Elevation: 14

Dist. Between Hydrants: 170

Diameter of Main:

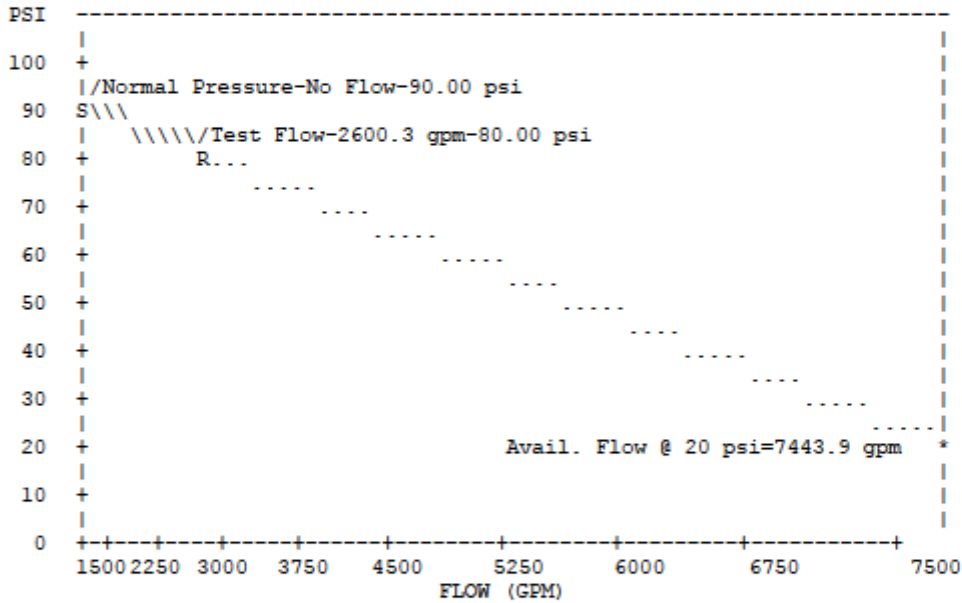
Outlet Diameter: 2.50 in Number flowing: 2 Coeff.: 0.90

Static pressure: 90.00 psi Residual pressure: 80.00 psi

Pitot Reading: 60.00 psi Flow: 2600.3 gpm

Flow at 20 psi: 7443.9 gpm

GRAPH:



NOTES:

- (1) Flowing hydrant is assumed to be on a circulating main or downstream of the pressure test hydrant on a dead-end system.
- (2) Flow analysis assumes a gravity flow system with no distribution pumps and having no demand, other than the test flow.
- (3) Distance between hydrants, elevations & main diameter are for information only.

EXHIBIT J

From: Hans Schmidt <hschmidt@encinitasca.gov>
Date: January 28, 2020 at 8:48:37 AM PST
To: "dacdesign1@mac.com" <dacdesign1@mac.com>
Subject: Turn Around requirement

Mr. Countryman,

The turnaround requirement for 1439 San Dieguito Dr. can be eliminated. The intersection of San Dieguito Dr. and Oribia Rd. provides the required turnaround capabilities.

If you have any further questions please contact me.

Thank you,

Hans Schmidt – Acting Fire Marshal
505 S Vulcan Ave Encinitas, CA 92024
PH. 760 633 2823
FAX 760 943 2226
hschmidt@encinitasca.gov

Serving the Cities of Encinitas, Solana Beach, and Del Mar



City of Del Mar Agenda Report

TO: Honorable Mayor and City Councilmembers

FROM: Sarah Krietor, Administrative Services Manager/City Clerk
Kseniia Izgarskaia, Senior Management Analyst
Via Ashley Jones, City Manager

DATE: January 6, 2026

SUBJECT: 2026 City Council Local and Regional Appointments

REQUESTED ACTION/RECOMMENDATION:

Staff recommends that the City Council: 1) Review the current list of Del Mar City Council regional and local appointments (Attachment A), make or reaffirm appointments for 2026, and authorize the elimination of any committees or subcommittees that are no longer deemed necessary; 2) Consider reappointment of former councilmember/resident Dwight Worden to continue to serve as the City's representative to the METRO JPA Board through the end of 2026; and 3) Discuss whether to direct staff to return to Council with an amendment to City Council Policy 101 to better align the policy with the Council's historical practice for local and regional appointments.

BACKGROUND:

Councilmembers represent the City on regional boards and organizations, act as liaisons to City Council advisory committees, represent the City Council on community organizations, and work on specific matters in Council subcommittees.

According to City Council Policy 101 (Attachment B), "Appointments of Councilmembers to Regional Organizations, and Local Council Committees and Subcommittees," the Council shall "make or reaffirm both regional and subcommittee appointments" biannually, unless changes are requested by Council. Historically, the Council has reviewed and made changes to local appointments annually, which provides the Council with an opportunity to assess assignments, balance the workload of Councilmembers, and discuss whether certain City committees/subcommittees have achieved their objectives and should be disbanded.

DISCUSSION/ANALYSIS:

Council Local and Regional Appointments

To help facilitate the Council appointment process, staff has included a draft 2026 City Council Local and Regional Appointments reflecting current 2025 appointments, including any changes to meeting schedules, and vacancies as Attachment A to this agenda report.

City Council Action:

It should be noted that the following regional organizations pay stipends to appointed representatives: Regional Solid Waste Authority; North County Transit District; San Diego Association of Governments (SANDAG); Metropolitan Wastewater Commission; and the San Diego County Water Authority. Pursuant to regulations of the Fair Political Practices Commission (FPPC), the City is required to report this information to the FPPC annually. It has also been the City Council's long-standing practice for Councilmembers to abstain from voting to appoint themselves to a stipend-paying representative position.

METRO Wastewater JPA

The Metropolitan Wastewater Joint Powers Authority (METRO JPA) is a coalition of municipalities and special districts that share in the use of the City of San Diego's regional wastewater facilities. METRO JPA allows residents to serve as the City's appointed board representative. Resident and former Councilmember Dwight Worden has been serving on METRO JPA as the Del Mar representative since 2022, with a current term expiration date on December 31, 2025. Given the depth of his knowledge and upcoming work with staff to modify the City's agreements to reflect the City's current use of the METRO system, it is recommended that the Council consider reappointment of Dwight Worden to serve as a representative of the City on the METRO JPA Board through the end of 2026. It should be noted that this appointment comes with a \$150 stipend per meeting.

Council Subcommittee-Civic Center Operations Guide Update

Staff brought a proposed update to the Civic Center Operations Guide to City Council for consideration in January 2024 and was directed to work with a City Council Subcommittee made up of Councilmember Gaasterland and prior Councilmember Dwight Worden (whose seat is now vacant) to further refine the Guide and return to Council with recommended changes. Update of the Civic Center Operations Guide was identified as a Tier 2 City Council Priority on the Fiscal Year 2025-2026 and 2026-2027 Work Plan. Staff recommends that the City Council discuss and make appointments as appropriate to the Subcommittee to work with staff on this work plan item in the coming calendar year.

City Council Policy 101- Appointments of Councilmembers to Regional Organizations, and Local Council Committees and Subcommittees

In practice, the City Council has reviewed and updated local and regional appointments on an annual basis consistently for the last twenty years, with only a couple exceptions in 2011 and 2013. However, this practice is not totally aligned with City Council Policy 101 which states, "*It shall be the policy of the City Council to make or reaffirm Council Members' appointments to regional organizations, and local committees and subcommittees, prior to the second January meeting of City Council in odd years following an election in November of even numbered years unless requested by a Council Member regarding his/her own position.*" As such, it is recommended that the City Council discuss and provide direction to staff on whether to prepare an amendment to Council Policy 101 to better align with the Council's long standing annual practice related to Council appointments.

ATTACHMENTS:

Attachment A – Draft 2026 City Council Local and Regional Appointments
Attachment B – City Council Policy 101



DRAFT
DEL MAR CITY COUNCIL
2026 REGIONAL & LOCAL APPOINTMENTS

***Note: Prepared by staff for discussion purposes, reflects current 2025 Council appointments**

CITIZEN ADVISORY COMMITTEES (Citizen Advisory Committee meeting dates and times are available on the City's Public Meeting Calendar at <https://www.delmar.ca.us/calendar.aspx?CID=14>)

Committee	Council Liaisons	
<u>Finance Committee</u> Meets Quarterly	John Spelich	Terry Gaasterland
<u>Measure Q Citizen Oversight Committee</u> Meets twice per year or as-needed	Dan Quirk	Terry Gaasterland (alternate)
<u>Parks & Recreation Committee</u> Meets Quarterly	Tracy Martinez	Dan Quirk (alternate)
<u>Lagoon Committee</u> Meets Quarterly	Terry Gaasterland	John Spelich (alternate)
<u>Shores Park Master Plan Ad-Hoc Advisory Committee</u> Meets As-Needed	Terry Gaasterland	John Spelich
<u>Sustainability Advisory Committee</u> Meets Quarterly	Tracy Martinez	Terry Gaasterland (alternate)
<u>Traffic and Parking Advisory Committee (TPAC)</u> Meets twice per year or as-needed	Dan Quirk	John Spelich (alternate)
<u>Undergrounding Program Advisory Committee</u> Meets Quarterly	Terry Gaasterland	John Spelich



DRAFT
DEL MAR CITY COUNCIL
2026 REGIONAL & LOCAL APPOINTMENTS

**Note: Prepared by staff for discussion purposes, reflects current 2025 Council appointments*

COUNCIL SUBCOMMITTEES *(The following Council subcommittees meet to discuss specific topics or special projects and/or meet intermittently to interact with staff, as needed)*

Subcommittee	Council Liaisons	
Housing Subcommittee	Terry Gaasterland	Tracy Martinez
Human Resources Subcommittee	Terry Gaasterland	Tracy Martinez
Del Mar Railroad Subcommittee <small>*Same liaisons as SANDAG Board</small>	Tracy Martinez	Terry Gaasterland
Planning Process Subcommittee (includes Sea Level-Rise Adaptation Plan Implementation)	John Spelich	Terry Gaasterland
Clean Water Rate Project On Hold		
Legislative Subcommittee* <small>* Members serve 2-year terms</small>	Terry Gaasterland	Tracy Martinez

COMMUNITY ORGANIZATIONS

Organization	Council Liaisons	
Del Mar Community Connections	Tracy Martinez	John Spelich
Del Mar Village Association	Terry Gaasterland	Tracy Martinez
Del Mar Non-Profits Quarterly Meetings	Mayor	Deputy Mayor



DRAFT
DEL MAR CITY COUNCIL
2026 REGIONAL & LOCAL APPOINTMENTS

*Note: Prepared by staff for discussion purposes, reflects current 2025 Council appointments

REGIONAL ORGANIZATIONS

Organization	Primary	Alternate
<u>Clean Energy Alliance Joint Powers Authority (JPA)</u> Meets last Thursday of the month at 2:00 p.m. (Except November and December)	John Spelich	Terry Gaasterland
<u>CSA-17 Ambulance District Adv. Board</u> Meets quarterly at 4:00 p.m. 1 st Tuesday (Feb/May/Aug/Nov). This board oversees ambulance services in Del Mar, Encinitas, Solana Beach, and Rancho Santa Fe.	Tracy Martinez	No Alternate
<u>Fire Governance Board</u> (Solana Beach, Del Mar, Encinitas)	Tracy Martinez	John Spelich
<u>LAFCO Cities Advisory Committee</u> Meets intermittently	City Manager	Assistant City Manager
<u>League of California Cities – San Diego Division</u> Meets the 2 nd Monday of the month at 11:30 a.m.	Mayor	Deputy Mayor
<u>METRO Commission/ METRO Wastewater JPA*</u> Meets 1 st Thursday of the month at Noon	Dwight Worden (resident representative)	
<u>North County Transit District*</u> Meets 3 rd Thursday of the month at 2:00 pm	Tracy Martinez	John Spelich
<u>Regional Solid Waste Association (RSWA)*</u> Meets quarterly at 9:00 am or as-needed	John Spelich	Dan Quirk
<u>San Diego County Water Authority*</u> Meets 4 th Thursday of the month at 9:00 am Appointed 3/12/2023	Mel Katz	City Manager
<u>San Dieguito River Valley Regional Open Space Park (JPA) – Exec. Committee</u> Meets 3 rd Friday of the month 11:00 a.m. usually at County Admin. Bldg. (Usually only meets 6-8 times/year)	Terry Gaasterland	Tracy Martinez
<u>SANDAG Board of Directors*</u> Meets 2 nd Friday at 10:30 a.m. & 4 th Friday at 9:00 a.m.	Terry Gaasterland	Tracy Martinez (1 st) John Spelich (2 nd)



DRAFT
DEL MAR CITY COUNCIL
2026 REGIONAL & LOCAL APPOINTMENTS

*Note: Prepared by staff for discussion purposes, reflects current 2025 Council appointments

Organization	Primary	Alternate
<u>SANDAG LOSSAN Executive Task Force</u>	Terry Gaasterland	Tracy Martinez
<u>SANDAG Shoreline Preservation Working Group</u> Meets quarterly, 1 st Thursday of the month at 11:30 a.m.	John Spelich	Terry Gaasterland (1 st) Tracy Martinez (2 nd)
SANDAG Committees- Appointments by North County Coastal Region		
<u>SANDAG Borders Committee*</u> Meets quarterly 4th Friday of the month at 1:30 p.m.	Terry Gaasterland	No Del Mar Rep.
<u>SANDAG Regional Planning Committee*</u> Meets on the 5th Friday of the month (Jan/Mar/May/Jul/Oct) at 9:00 a.m.	Tracy Martinez	No Del Mar Rep.

*Receives stipend.



**CITY OF DEL MAR
CITY COUNCIL POLICY BOOK**

101	APPOINTMENTS OF COUNCIL MEMBERS TO REGIONAL ORGANIZATIONS, AND LOCAL COUNCIL COMMITTEES AND SUBCOMMITTEES	DATE REVISED:	9-15-2014
		BY RESOLUTION:	2014-70
		PAGES:	1 OF 1

POLICY:

It shall be the policy of the City Council to make or reaffirm Council Members' appointments to regional organizations, and local committees and subcommittees, prior to the second January meeting of City Council in odd years following an election in November of even numbered years unless requested by a Council Member regarding his/her own position.



City of Del Mar Council Liaison Report

TO: City Council Members

FROM: Tracy Martinez, Mayor

DATE: January 6, 2026

NCTD:

Informational Report/Highlights:

1) RECEIVED AN UPDATE ON CURRENT NCTD REDEVELOPMENT PROJECTS: The North County Transit – San Diego Railroad (NCTD) Board of Directors (Board) received a status update on NCTD’s initiative to continue advancing strategic redevelopment projects. The redevelopment efforts currently in process include seven NCTD-owned sites, including the Oceanside Transit Center, Carlsbad Village Transit Station, Poinsettia Transit Station, Escondido Transit Center, and three SPRINTER stations. NCTD’s priorities for redevelopment include transit prioritization, long-term revenues, and community integration. By providing opportunities for mixed-use redevelopment, the sites will provide riders with greater amenities, active and greener community spaces, and connections to the regional transportation network. The Board expressed support for NCTD’s redevelopment efforts, highlighting the blend of both affordable and market-rate units in the proposed projects, and the involvement of local stakeholders in the development process.

2) APPROVED LABOR AGREEMENT BETWEEN NORTH COUNTY TRANSIT – SAN DIEGO RAILROAD AND THE TEAMSTERS LOCAL NO. 542 FOR MAINTENANCE EMPLOYEES: The Board approved the labor agreement between NCTD and the Teamsters Local No. 542 for Maintenance employees effective October 1, 2025 through September 30, 2030. The agreement includes general wage increases through 2030, longevity pay based on years of service for eligible employees, CalPERS pension and medical benefits, and standard benefits and employment policies generally applicable to NCTD staff.

3) APPROVED LABOR AGREEMENT BETWEEN THE NORTH COUNTY TRANSIT – SAN DIEGO RAILROAD AND THE LOCAL 1309 AMALGAMATED TRANSIT UNION FOR ROAD SUPERVISOR/DISPATCH SUPERVISOR, OPERATIONS CONTROL SUPERVISOR, AND MAINTENANCE CLERKS: Additionally, the Board approved the labor agreement between NCTD and the Local 1309 Amalgamated Transit Union (ATU) for Road Supervisors/Dispatch Supervisors, Operations Control Supervisors, and Maintenance Clerks effective July 1, 2025 through June 30, 2030. The agreement offers general wage increases through 2030, longevity pay based on years of service for eligible

employees, CalPERS pension and medical benefits, and standard benefits and employment policies generally applicable to NCTD staff.

4) **RECEIVED EMPLOYEE SERVICE RECOGNITION PRESENTATION:** The Board received a presentation of service awards to employees with 30+ years of service to NCTD. NCTD's Chief Executive Officer, Shawn M. Donaghy and the Board expressed their appreciation to these employees for their devoted service to NCTD over the years.