

## **Attachment No. PC 2**

Approved Resolution No. 2024-72 from  
September 24, 2024, City Council Hearing

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## RESOLUTION NO. 2024-72

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING COASTAL DEVELOPMENT PERMIT AND ZONING EXEMPTION TO DEMOLISH AN EXISTING CITY FIRE STATION AND LIBRARY AND CONSTRUCT A NEW 5,400 TWO-STORY CITY FIRE STATION AND AN ATTACHED 3,700 ONE-STORY LIBRARY LOCATED AT 100 EAST BALBOA BLVD (PA2024-0140)

**WHEREAS**, Section 200 of the City of Newport Beach ("City") Charter vests the City Council with the authority to make and enforce all laws, rules, and regulations with respect to municipal affairs subject only to the restrictions and limitations contained in the Charter and the State Constitution, and the power to exercise, or act pursuant to any and all rights, powers and privileges, or procedures granted or prescribed by any law of the State of California;

**WHEREAS**, an application was filed by the City's Public Works Division ("Applicant"), with respect to property located at 100 East Balboa Boulevard, and legally described as Block 2 of the East Newport Tract ("Property") for a coastal development permit ("CDP") and zoning exemption (in lieu of a minor use permit) for the following:

- a. The demolition of the existing Balboa Branch Library and Fire Station No. 1 buildings and the removal of two diseased trees located within the Property; and
- b. The construction of a new Fire Station No. 1 and Balboa Branch Library of approximately 10,900 square feet. The proposed structure is approximately 33 feet 6 inches tall with a sloped roof, where Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code ("NBMC") allows for a maximum height of 31 feet with a sloped roof. The facility includes a proposed installation of a 3,675 square foot green space and 1,500 square foot playground area ("Project");

**WHEREAS**, the existing Balboa Branch Library was constructed in 1929 and is approximately 4,500 square feet in area, including a 360 square-foot City Museum;

**WHEREAS**, the existing Fire Station No. 1, which is approximately 3,400 square feet in area and was constructed in 1962, was authorized by the Planning Commission on July 7, 1960, under Use Permit No. 654 with no conditions of approval at the time of approval;

**WHEREAS**, the Property is designated as Public Facilities (PF) by the General Plan Land Use Element, which is intended to provide public facilities, including public schools, cultural institutions, government facilities, libraries, community centers, public hospitals, and public utilities;

**WHEREAS**, the Property is located within the Public Facilities (PF) Zoning District, which is intended to provide public facilities, including public schools, cultural institutions, government facilities, libraries, community centers, public hospitals, and public utilities;

**WHEREAS**, the Property is designated as Public Facilities (PF) by the Coastal Land Use Plan and Coastal Zoning District, which is intended to provide public facilities, including cultural institutions, government facilities, libraries, community centers, public utilities, and public schools;

**WHEREAS**, Section 20.10.040(A) (Applicability of Zoning Code) of the NBMC authorizes the City Council to exempt City implemented projects by adopting a resolution at a noticed public hearing upon setting forth the specific NBMC provisions that apply in the absence of the exemption;

**WHEREAS**, flexibility in the applicable development standards is necessary to allow the City to construct a functional Project that supports the public; specifically, relief from Title 20 (Planning and Zoning) of the NBMC ("Title 20") requirements for a minor use permit for governmental facilities in the PF zoning district and the 31-foot maximum height for a sloping roof within the Nonresidential, Shoreline Height Limitation Zone are necessary;

**WHEREAS**, relief from the Title 20 requirements for a minor use permit for governmental facilities in the Public Facilities (PF) Zoning District is appropriate since the Project has previously been reviewed and conceptually approved by the City Council, and the Project will include conditions of approval through the proposed CDP;

**WHEREAS**, relief from the Title 20 requirements for 31-foot maximum sloping roof height governmental facilities in the PF Zoning District is necessary due to the placement of required mechanical equipment within the roof;



**WHEREAS**, the proposed sloping roof is designed as a mansard roof which will act as a mechanical well to support necessary rooftop equipment, and act as a screen of the equipment from the surrounding neighborhood; alternatively, a lower roof would negatively impact the fire station's second floor ceiling height, create difficulty with mechanical equipment, and reduce the roof screening. Required findings for the increase in height above the base height limit for Title 21 (Local Coastal Program Implementation Plan) of the NBMC are addressed below in this resolution; and

**WHEREAS**, a public hearing was held by the City Council on September 24, 2024, in the Council Chambers located at 100 Civic Center Drive, Newport Beach, California. A notice of time, place and purpose of the hearing was given in accordance with California Government Code Section 54950 *et seq.* ("Ralph M. Brown Act"), Chapters 20.62 and 21.62 (Public Hearings) of the NBMC, and City Council Policy G-1 (Retention, Removal, and Maintenance of City Trees). Evidence, both written and oral, was presented to, and considered by, the City Council at this public hearing for the Project and appeal of the decision to remove a tree.

**NOW, THEREFORE**, the City Council of the City of Newport Beach resolves as follows:

**Section 1:** The City Council does hereby approve Coastal Development Permit No. PA2024-0140 and in accordance with Section 20.10.040(A) (Applicability of Zoning Code) of the NBMC does hereby exempt the Project as depicted in the preliminary plans, subject to the conditions set forth in "Exhibit A," which is attached hereto and incorporated herein by reference.

**Section 2:** The City Council finds the adoption of this resolution is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15301 (Class 1 – Existing Facilities), Section 15302 (Class 2 – Replacement or Reconstruction), and 15303 (Class 3 – New Construction or Conversion of Small Structures). The Class 1 exemption applies to additions to existing structures provided that the additional will not result in an increase of more than 10,000 square feet if the project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and the areas in which the project is located is not environmentally sensitive; Class 2 exempts replacement or reconstruction of existing structures where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced; and Class 3 exempts the construction and location of limited numbers of new, small facilities or

structures including but not limited to structures not exceeding 10,000 square feet in floor area in urbanized areas on sites zoned for such use.

In this case, the Project, including removal of the tree, consists of the demolition of the existing 4,140 square foot branch library, 360 square foot Balboa Historical Museum and 3,423-square-foot fire station and replacement with construction of a new Fire Station No. 1 and Balboa Branch Library of approximately 10,900 square feet. The Project as proposed results in a net public area increase of approximately 3,000 square feet, does not require any change in the zoning designation, and is located in an urbanized area with adequate public services to serve the area. Based on the foregoing, the Project including removal of the tree is categorically exempt under the Class 1, Class 2 and Class 3 exemption.

The exceptions to these categorical exemptions under Section 15300.2 are not applicable. The Project including removal of the tree does not impact an environmental resource of hazardous or critical concern, does not result in cumulative impacts, does not have a significant effect on the environment due to unusual circumstances, does not damage scenic resources within a state scenic highway, is not a hazardous waste site, and is not identified as a historical resource. As detailed above, the City's arborist consultant, determined that the tree to be removed is diseased. Concerns were also raised regarding impacts that removal of the tree would have on blue herons nesting. According to the evidence provided at the hearing, blue herons are opportunistic and would find another local habitat if the current site was unavailable. City staff observed and presented to the PB&R Commission that there are numerous nesting site opportunities around the harbor. Based on the public's concerns regarding nesting by blue herons, the PB&R Commission approved the removal of the diseased tree, subject to the delaying removal of the tree until September 2025, following nesting season and, as a further precaution, the conditioned removal of the tree on the City confirming no active nests are in place prior to removal. Therefore, the exception to this categorical exception does not apply.

**Section 3:** In accordance with Subsection 21.52.015(F) (Coastal Development Permits - Findings and Decision) of the NBMC, the following findings and facts in support of such findings as set forth:

Finding of Consistency with Section 21.52.015(F)(1):

*Conforms to all applicable sections of the certified Local Coastal Program.*



Facts in Support of Finding with 21.52.015(F)(1):

1. The Property is in the PF Zoning District, which requires projects to obtain a required permit (e.g., conditional use permit or minor use permit) to establish development standards. The Project's development standards would have been established during the review of a minor use permit. However, the Applicant is requesting exemption from obtaining a minor use permit as the required development standards will be established through the Project's coastal development permit. The Project is consistent with the required findings of the certified Local Coastal Program.
  - a. The existing Fire Station No. 1 was approved by the Planning Commission on July 7, 1960, under Use Permit No. 654. At the time of approval, no conditions of approval were given in relation to a maximum floor area limit. Subsequently, the existing Fire Station No. 1 was constructed in 1962, and its current floor area is 3,432 square-feet. The existing Balboa Branch Library was constructed in 1929 and has a current floor area of approximately 4,500 square feet (which includes the 360-square-foot City Museum). The Project includes the demolition of the existing Fire Station No. 1 and Balboa Branch Library and construction of a new Fire Station No. 1 and Balboa Branch Library. Since the Project is located in the PF coastal zoning district, there are no specific development standards required. The Project will have total building area approximating to 10,900 square feet, which is appropriate for the approximately 24,000-square-foot Property.
  - b. The Project provides a setback of approximately 11 feet from the property line along Island Avenue, approximately one-foot from the property line along East Balboa Boulevard, approximately 15 feet from the eastern interior property line, and approximately 82 feet from the property line along East Bay Avenue.
  - c. The highest guardrail is less than 20 feet from the established grade (9.00 feet NAVD88) and the highest ridge will be approximately 33 feet and 6 inches from the established grade. The PF zoning district does not include specific development standards for height, but instead establishes standards through the minor use permit, the Property is located in Nonresidential, Shoreline Height Limit Area, which limits the height of a structure to 26 feet for a flat roof and 31 feet for a sloping roof. The Project includes an approximately 33-foot 6-inch sloping roof, which is appropriate and necessary for the fire station

to support roof-mounted mechanical equipment. Additional findings required for exceeding the height limit per Section 21.30.060(C)(3)(a) (Increase in Height Limit) of the NBMC are addressed below in this resolution.

2. The neighborhood is predominantly developed with residential uses to the north, south, and east, which includes two- and three-story, one- and two-unit dwellings. The block directly west of the Property includes mixed-use and commercial development. The existing Fire Station No. 1 and Balboa Branch Library have existed since 1962 and 1929, respectively, and provide essential services to the surrounding community. In 2021, an assessment evaluating the facilities' condition was conducted, and both facilities were rated as poor condition, due to environmental and age-related deterioration. The Balboa Branch Library's proposed design, bulk, and scale of the development is intended to provide a modern, right-sized neighborhood branch library with a children's room, and work/study areas, including up-to-date technology. The proposed Fire Station No. 1 layout will be able to house four staff members and two apparatus bay parking spots. The proposed 1,500 square foot playground area is to establish a recreational component in the neighborhood that complements the proposed Balboa Branch Library. Additionally, the Project provides improved vehicular access along Island Avenue and East Bay Avenue, and additional street parking along East Balboa Boulevard, Island Avenue, and East Bay Avenue.
3. The Property currently provides 13 on-site parking spaces. Additionally, there is one street parking space available on East Balboa Boulevard. The Project will provide 14 on-site parking spaces and increase the street parking supply to 8 spaces due to street layout improvements associated with the Project.
4. The Property is located on an inland property in a developed area approximately 600 feet from the bay, and approximately 850 feet from the ocean. The Property is separated from the bay (the nearest body of water) by East Balboa Blvd and a row of residences. The finished floor elevation of the first floor of the proposed structure is 9 feet based on the North American Vertical Datum of 1988 (NAVD88), which complies with the minimum 9.0-foot (NAVD88) elevation standard for new structures. The identified distances from the coastal hazard areas coupled with the 9.00-foot NAVD88 finish floor elevation will help to ensure the project is reasonably safe for the economic life of the structure.
5. The Property is in an area known for the potential of seismic activity and liquefaction. A Geologic Stability Report will be provided during plan check. All projects are



required to comply with the California Building Code (“CBC”) and Building Division standards and policies. Geotechnical investigations specifically addressing liquefaction are required to be reviewed and approved before the issuance of building permits. Permit issuance is also contingent on the inclusion of design mitigation identified in the investigations. Construction plans are reviewed for compliance with approved investigations and CBC before building permit issuance.

6. The Property is located approximately 600 feet southerly from coastal waters. A Preliminary Construction Pollution Prevention Plan (“CPPP”) will be provided prior to building permit issuance to implement temporary Best Management Practices (“BMPs”) during construction to minimize erosion and sedimentation and to minimize pollution of runoff and coastal waters derived from construction chemicals and materials.
7. Proposed landscaping will comply with Section 21.30.075 (Landscaping) of the NBMC. A condition of approval is included that requires drought-tolerant species. Before the issuance of building permits, the final landscape plans will be reviewed to verify invasive species are not planted. The Project proposes to have 3,675 square-footage of green space and a 1,500 square-foot playground area. In addition, a total of 16 trees will be on the Property at the time of completion.
8. The Property is not located adjacent to a coastal view road, public access way, or Coastal Viewpoint as identified in the Coastal Land Use Plan. The nearest coastal viewpoint is Balboa Pier and is not visible from the Property. The Property is located adjacent to East Balboa Blvd which is accessible to the public and provides some limited opportunities to view the bay through Island Avenue, West Ocean Front, and the beach, which is located southerly from the Property. Additionally, the Project does not contain any unique features that could degrade the visual quality of the coastal zone.
9. The Project’s design provides improved vehicular access which would require the removal of two special landmark trees. However, prior to the removal of any special tree, a Tree Risk Assessment must be prepared and identify special mitigation implementation measures to retain the tree(s). City Council Policy G-1 permits the removal of City Trees set forth in Section IV.A (Removal of Special City Trees) if its removal is related to death, disease, interference with infrastructure, or the creation of hazardous situation.



10. A Tree Risk Assessment and tomographic study was conducted by Dudek Consultants in December of 2022, for three eucalyptus trees located at the Property. The inspection evaluated each tree and its risk to the public and surrounding infrastructure. Subsequently, a second Tree Risk Assessment and sonic tomography study was conducted in August of 2023 by Dudek at the Property. Based on the assessments, two eucalyptus trees were removed due to their increased level of observed decay and risk of failure.
11. During the March 5, 2024, PB&R meeting, Public Works staff recommended removal of a Canary Island Date Palm and a Blue Gum Eucalyptus tree due to unavoidable construction impacts and disease of the trees. It is estimated that it may take up to five years for the decay to reach the one-third safety threshold, in which the removal of trees is recommended due to public safety reasons. PB&R supported the recommended removal of both trees but requested that the tree removal would not occur until September 2025, and for Public Works staff to report back to PB&R regarding the health of the trees.
12. Condition of Approval Nos. 3 and 4 requires the Applicant to conduct pre-construction nesting surveys. The survey will allow the Applicant to identify areas with active nests and to create buffers to protect the nests from disturbance during construction.

Finding of Consistency with Section 21.52.015(F)(2):

*Conforms with the public access and public recreation policies of Chapter 3 of the Coastal Act if the project is located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone.*

Facts in Support of Finding with 21.52.015(F)(2):

1. The Property is located between the nearest public road and the sea or shoreline. Section 21.30A.040 (Determination of Public Access/Recreation Impacts) of the NBMC requires that the provision of public access bear a reasonable relationship between the requirement and the project's impact and be proportional to the impact. In this case, the Project replaces an existing Fire Station No. 1 and Balboa Branch Library with a new Fire Station No. 1 and Balboa Branch Library, which was conceptually approved by City Council on May 14, 2024. Prior to its conceptual approval, meetings were held to discuss the layout and design of the new building. As a result, these meetings enabled the design to be well thought out by providing a neighborhood recreation component essential to the community,

improved access to the Property, and a modern fire station that would accommodate four staff members. Additionally, the new library will provide several amenities such as a children's room and work/study areas. The Project does not involve a change in land use, density, or intensity that will result in increased demand for public coastal access and recreation opportunities. Furthermore, the Project is designed and sited (appropriate height, setbacks, etc.) so as not to block or impede existing public coastal access opportunities.

2. Vertical access to the bay and beach is available adjacent to the Property along Island Avenue. Lateral access is available on the beach to the south along Island Avenue and West Ocean Front. Lateral access to the bay and beach is available by a public sidewalk along West Ocean Front. The Project does not include any features that would obstruct access along these routes.
3. The existing development is provided vehicular access from the side of the lot on East Bay Avenue. The proposed development would maintain the same vehicular access from East Bay Avenue and provide additional vehicular access from Island Avenue.

**Section 4:** In accordance with Subsection 21.30.060(C) (Height Limits and Exceptions) of the NBMC, the following findings and facts in support of such findings as set forth:

Finding of Consistency with Section 21.30.060(C)(3)(a):

*The Project is sited and designed to protect public views to and along the ocean and scenic coastal areas.*

Facts In Support of Findings with Section 21.30.060(C)(3)(a):

1. Fact 8 in Support of Finding of Consistency with 21.52.015(F)(1) is hereby incorporated by reference.
2. The Property is southerly located approximately 600 feet from coastal waters and is surrounded by existing residential and mixed-use properties. Therefore, the Project will not impact public views to and along the ocean and scenic coastal areas.

Finding of Consistency with Section 21.30.060(C)(3)(b):

*The Project is sited and designed to minimize visual impacts and be visually compatible with the character of surrounding areas.*

Facts In Support of Findings with Section 21.30.060(C)(3)(b):

1. The Project's sloping roof's design allows the mechanical equipment to be screened from public view by the means of a mechanical well. As a result, this method will protect views from neighboring residential properties. If the sloped roof was to be lowered, then it would result in potentially lowering the floor to ceiling height of the fire station's second floor and may negatively impact the roof-mounted equipment by not providing an adequate method of screening.
2. Fact 1 in Support of Finding of Consistency with 21.52.015(F)(2) is hereby incorporated by reference.
3. Fact 2 in Support of Finding with 21.52.015(F)(1) is hereby incorporated by reference.

Finding of Consistency with Section 21.30.060(C)(3)(c):

*Where feasible, the Project will restore and enhance visual quality in visually degraded areas.*

Facts In Support of Findings with Section 21.30.060(C)(3)(c):

1. Fact 8 in Support of Finding of Consistency with 21.52.015(F)(1) is hereby incorporated by reference.
2. The Project's design will enhance the area by replacing two governmental facilities that needed major repair due to environmental and age-related deterioration. The new and modified design of both facilities will continue to provide essential services to the surrounding community.

**Section 5:** The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.



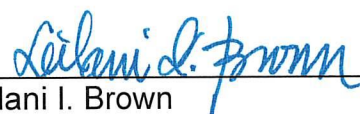
**Section 6:** If any section, subsection, sentence, clause or phrase of this resolution is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

**Section 7:** This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting the resolution.

**ADOPTED** this 24<sup>th</sup> day of September 2024.

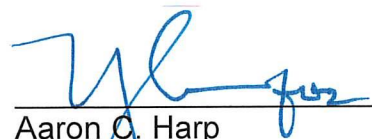
  
Will O'Neill  
Mayor

**ATTEST:**

  
Leilani I. Brown  
City Clerk



**APPROVED AS TO FORM:**  
CITY ATTORNEY'S OFFICE

  
Aaron C. Harp  
City Attorney

Attachment: Exhibit A - Conditions of Approval

**EXHIBIT "A"**

**CONDITIONS OF APPROVAL**

*(Project specific conditions are italicized)*

1. The development shall be in substantial conformance with the approved site plan, floor plans, and building elevations stamped and dated with the date of this approval (except as modified by applicable conditions of approval).
2. No demolition or construction materials, equipment debris, or waste, shall be placed or stored in a location that would enter the sensitive habitat, receiving waters, or storm drains or result in impacts to environmentally sensitive habitat areas, streams, the beach, wetlands or their buffers.
3. *The Applicant is responsible for compliance with the Migratory Bird Treaty Act (MBTA). In compliance with the MBTA, grading, brush removal, building demolition, tree trimming, and similar construction activities shall occur between August 16 and January 31, outside of the peak nesting period. If such activities must occur inside the peak nesting season from February 1 to August 15, compliance with the following is required to prevent the taking of native birds under MBTA:*
  - A. *The construction area shall be inspected for active nests. If birds are observed flying from a nest or sitting on a nest, it can be assumed that the nest is active. Construction activity within 300 feet of an active nest shall be delayed until the nest is no longer active. Continue to observe the nest until the chicks have left the nest and activity is no longer observed. When the nest is no longer active, construction activity can continue in the nest area.*
  - B. *It is a violation of state and federal law to kill or harm a native bird. To ensure compliance, consider hiring a biologist to assist with the survey for nesting birds, and to determine when it is safe to commence construction activities. If an active nest is found, one or two short follow-up surveys will be necessary to check on the nest and determine when the nest is no longer active.*
4. *A pre-construction nesting survey shall be conducted prior to any demolition and construction on the Property.*
5. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) shall be implemented before and throughout the duration of construction activity as designated in the Construction Erosion Control Plan.
6. The discharge of any hazardous materials into storm sewer systems or receiving waters shall be prohibited. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. A designated



fueling and vehicle maintenance area with appropriate berms and protection to prevent spillage shall be provided as far away from storm drain systems or receiving waters as possible.

7. Debris from demolition shall be removed from work areas each day and removed from the project site within 24 hours of the completion of the project. Stockpiles and construction materials shall be covered, enclosed on all sites, not stored in contact with the soil, and located as far away as possible from drain inlets and any waterway.
8. Trash and debris shall be disposed of in proper trash and recycling receptacles at the end of each construction day. Solid waste, including excess concrete, shall be disposed of in adequate disposal facilities at a legal disposal site or recycled at a recycling facility.
9. Revisions to the approved plans may require an amendment to this Coastal Development Permit or the processing of a new coastal development permit.
10. The Applicant shall comply with all federal, state, and local laws. A material violation of any of those laws in connection with the use may be caused by the revocation of this Coastal Development Permit.
11. *Prior to the issuance of building permits, the Applicant shall submit a final construction erosion control plan. The plan shall be subject to review and approval by the Building Division.*
12. *Prior to the issuance of building permits, the Applicant shall submit a final drainage and grading plan. The plan shall be subject to review and approval by the Building Division.*
13. *Prior to the issuance of a building permit, a copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans.*
14. *Prior to the issuance of a building permit, the Applicant shall submit a final landscape and irrigation plan. These plans shall incorporate drought-tolerant plantings, non-invasive plant species, and water-efficient irrigation design. The plans shall be approved by the Planning Division.*
15. All landscape materials and irrigation systems shall be maintained by the approved landscape plan. All landscaped areas shall be maintained in a healthy and growing condition and shall receive regular pruning, fertilizing, mowing, and trimming. All landscaped areas shall be kept free of weeds and debris. All irrigation systems

shall be kept operable, including adjustments, replacements, repairs, and cleaning as part of regular maintenance.

16. Construction activities shall comply with Section 10.28.040 of the Newport Beach Municipal Code, which restricts hours of noise-generating construction activities that produce noise to between the hours of 7:00 a.m. and 6:30 p.m., Monday through Friday. Noise-generating construction activities are not allowed on Saturdays, Sundays, or Holidays.

All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 and other applicable noise control requirements of the Newport Beach Municipal Code.

17. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by the current property owner or agent.
18. This Coastal Development Permit No. PA2024-0140 shall expire unless exercised within 24 months from the date of approval as specified in Section 21.54.060 (Time Limits and Extensions) of the Newport Beach Municipal Code, unless an extension is otherwise granted.

#### **Building Division**

19. The Applicant is required to obtain all applicable permits from the City's Building Division and Fire Department. The construction plans must comply with the most recent, City-adopted version of the California Building Code. The construction plans must meet all applicable State Disabilities Access requirements.

STATE OF CALIFORNIA                    }  
COUNTY OF ORANGE                    }       ss.  
CITY OF NEWPORT BEACH               }

I, Leilani I. Brown, City Clerk of the City of Newport Beach, California, do hereby certify that the whole number of members of the City Council is seven; the foregoing resolution, being Resolution No. 2024-72 was duly introduced before and adopted by the City Council of said City at a regular meeting of said Council held on the 24<sup>th</sup> day of September, 2024; and the same was so passed and adopted by the following vote, to wit:

AYES: Mayor Will O'Neill, Mayor Pro Tem Joe Stapleton, Councilmember Noah Blom,  
Councilmember Robyn Grant, Councilmember Lauren Kleiman, Councilmember  
Erik Weigand  
NAYS: None  
ABSENT: Councilmember Brad Avery

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 25<sup>th</sup> day of September, 2024.

  
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Leilani I. Brown  
City Clerk



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