



NOTICE OF DECISION

Development Services Department

Project Name: 661 Melba Road - Parcel Map and Residence

Request: Subdivide one existing lot into two-lots; allow the partial

demolition of an existing single-family residence on Lot 1, and construct a new two-story single-family home with a basement level and a detached accessory dwelling unit

(ADU) on Lot 2.

Discretionary Actions: Tentative Parcel Map (SUB)

Coastal Development Permit (CDP)

CEQA Determination: EXEMPT

DECISION: APPROVED

Project Number: MULTI-005834-2022; SUB-005835-2022; CDP-005836-

2022; CPP-005837-2022

DSD Number: 2024-63

Location: 661 Melba Rd

Community: Old Encinitas

APN: 258-274-01

Applicant: Ryan Ortman

Representative: Brian Ardolino

Project Planner: Reb Batzel, Associate Planner, rbatzel@encinitasca.gov

Decision Date: June 18, 2024

Report Approval:

Katie Innes, Planning Manager

⊠Esteban Danna, Senior Planner

PROJECT DESCRIPTION

The proposed project is a request for a Tentative Parcel Map (TPM) and Coastal Development Permit (CDP) to subdivide a 0.43 gross acre property, located at 661 Melba Road, into two parcels; partially demolish an existing single-family residence (on Lot 1) and construct a new

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3,346-square-foot two-story single-family residence with a 653-square-foot basement, attached 531-square-foot two-car garage, and a 982-square-foot detached accessory dwelling unit on Parcel 2. The existing residence on the site will be partially demolished to accommodate the required setbacks between the newly created Lot 1 and 2. The portions of the existing house (to remain on both parcels) will meet the development standards of the Residential 11 (R-11 zone). Development of a single-family residence on Parcel 1 is proposed under a separate CDP (CDP-006253-2023).

PROJECT ANALYSIS

Background

The original lot was created as Lot 1 in Block K of Avocado Acres #5, according to Map thereof No. 2130, filed in the Office of the County Recorder of San Diego, September 19, 1928.

Per the Residential Building Record, the existing single-family residence was permitted by the County of San Diego in approximately 1952, prior to the City's incorporation.

Building Permit No. 92-689 approved the addition to the single-family residence.

Case No. 92-050 (Resolution No. OE92-11) approved a variance to encroach 3-feet into the required 20-feet rear yard setback for the second story addition to the existing single-family residence constructed above the existing garage.

Project Site Characteristics:

The project site is bounded by Arcadia Road to the east and Melba Road to the north. The project site consists of one 0.43 gross acre (0.38-net acre) that is currently developed with a single-family residence. The development proposed on Lot 2 takes access from Arcadia Road. The site is located in the Residential 11 (R-11) General Plan Land Use Designation, the Coastal Overlay zone, and the Special Study Overlay Zone. The R-11 Zone provides for single-family detached residential units with minimum lot sizes of 3,950 net square feet and maximum densities of eleven units per net acre. One primary dwelling is permitted on each legal lot. The proposed subdivision will include two new legal lots with net lot sizes and setbacks consistent with the R-11 Zone and will comply with all other required development standards for the R-11 zone, including lot coverage, FAR, building height, and off-street parking.

The table below summarizes the General Plan Designation, Zoning District, Overlay zones, and other notable City plans that pertain to the project site:

General Plan:	Residential 11 (R-11)
Specific Plan:	None
Zoning District:	Residential 11 (R-11)
Zoning Overlay:	Coastal Zone Overlay, Special Study Overlay
Other Key City Plan:	None
Notable State or Regional Plan and Law:	None

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Adjacent Area:

The properties within the vicinity of the project site are developed. The vicinity is characterized by infill development of single-family residential structures in an established residential neighborhood. Residential development borders the property to the north, south, east and west. A school (San Dieguito Academy) is located further to the east across Nardo Road.

The table below summarizes the characteristics of the adjacent area:

Direction	General Plan & Zoning District	Land Use
North	Residential 3 (R-3)	Single-family Residential
South	Residential 11 (R-11)	Single-family Residential
East	Residential 11 (R-11) and Public/Semi-Public (P/SP)	Single-family Residential and school facility
West	Residential 11 (R-11)	Single-family Residential

General Plan Consistency

The City of Encinitas General Plan includes a number of goals and policies that guide development and land use within the City. A discussion of how the project is consistent with applicable General Plan goals and policies is summarized below:

General Plan Goal or Policy	Explanation of Project Conformance	
Land Use Element Policy 1.12.	The project site is proposed to be subdivided and	
The residential character of the	developed with a detached single-family residence use	
city shall be substantially single-	consistent with the R-11 Zone. The proposed subdivision	
family detached housing.	and new construction of a single-family detached home	
	would continue to maintain the established residential	
	character along Arcadia Road and Melba Road.	
Land Use Element Policy 2.10.	The project submittal includes service availability letters for	
Development shall not be allowed	review and approval of the Encinitas Fire Department, all	
prematurely, in that access,	School Districts, the Cardiff Sanitary Division, and the San	
utilities, and services shall be	Dieguito Water District. All services are available, or are	
available prior to allowing the	conditioned to be available, as a part of this project.	
development.		
Land Use Goal 6. Every Effort	The proposed project will maintain the existing desirable	
shall be made to ensure that the	character of the Old Encinitas Community in that the	
existing desirable character of the	proposed detached single-family residence is of high	
communities is maintained.	design quality and consistent with the character of the surrounding residential neighborhood.	
Housing Element Goal 3. The	The project proposes to provide two lots for quality design	
City will encourage the	of future new single-family housing on Parcels 1 and 2.	
Maintenance and preservation of	The proposed subdivision will include two new legal lots	
the existing housing stock as well	with lot sizes consistent with the R-11 Zone. The two new	
as quality design in new housing.	legal lots meet the required development standards of the	
as quality design in new nodeling.	R-11 zone per Encinitas Municipal Code.	
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Municipal Code Analysis

Encinitas Municipal Code Section 30.16.010.A lists all the applicable standards for development within residential zones, including Residential 11. Below is a summary of the project's compliance with the zoning standards within Residential 11:

Development Standard	Project Proposed	Complies?
Zone/Land Use: (Example: Residential Single Family 11 (R-11) — This zone is intended to provide for single-family detached residential units with minimum lot sizes of 3,950 net square feet and maximum densities of 11 units per net acre. (One primary dwelling is permitted on each legal lot).	2 proposed lots Allowable density: 0.38 x 11 = 4.18 (rounded down to 4 units)	Yes ⊠ No □
Minimum Net Lot Area (sq. ft.): 3,950	Parcel 1: 11,096 sq. ft. Parcel 2: 5,522 sq. ft.	Yes ⊠ No □
Lot Width (ft.): 40	Parcel 1: 80 ft. Parcel 2: 40 ft.	Yes ⊠ No □
Lot Depth (ft.): 90	Parcel 1: 146 ft. Parcel 2: 146 ft.	Yes ⊠ No □
Front Yard Setback (ft.): 20	Parcel 1: See CDP-006253-2023 Parcel 2: Single-family residence: 20 ft. ADU: 108 ft. 7 in.	Yes ⊠ No □
Rear Yard Setback (ft.): Single-family residence: 20 ADU: 4	Parcel 1: N/A (See CDP-006253-2023) Parcel 2: Single-Family Residence: 46 ft. 11 in.	Yes ⊠ No □
	ADU: 4 ft.	

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Development Standard	Project Proposed	Complies?
Side Yard Setback for each interior side (ft.):	Parcel 1: CDP-006253-2023 Parcel 2:	Yes 🖾 No 🗌
Single-family residence: 5	Single-family residence - north	
ADU: 4	side yard setback: 5 ft.	
	Single-family residence - south side yard setback: 5 ft.	
	ADU - north side yard setback: 4 ft. 5 in.	
	ADU - south side yard setback: 4 ft. 5 in.	
Side Yard Setback (street side) (ft.): 10	Parcel 1: See CDP-006253-2023 Parcel 2: N/A	Yes ⊠ No □
Lot Coverage:* 40 percent	Parcel 1: See CDP-006253-2023	Yes ⊠ No □
	Parcel 2:	
	2,236 square feet/ 5,522 net square feet = 40 percent	
Floor Area Ratio**: 0.60	Parcel 1: See CDP-006253-2023	Yes ⊠ No □
	Parcel 2:	
	2,967 square feet/ 5,842 gross square feet = 0.51	
Building Height:		Yes ⊠ No □
Single-Family Residence:	Single-Family Residence:	
Pitched Roof (minimum 3:12 pitch): 26 feet maximum (measured from the lower of the existing or finished)	Pitched roof (minimum 3:12 pitch): 25 ft. 4 in.	
grade at the building wall). Flat roof: 22 feet maximum.	Flat roof element: 21 ft. 7 in.	
Two-stories maximum	Stories: two-stories	
ADU: 16 feet maximum if using reduced side and rear yard setback	ADU: 15 ft. 10 in.	

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Development Standard	Project Proposed	Complies?
Parking:		Yes ⊠ No □
Single-family residence:		
Two (2) enclosed parking spaces for single-family homes less than 2,500 square feet.	Single-family residence: Two enclosed parking spaces and one unenclosed parking space in the driveway are provided.	
One additional unenclosed parking space for homes greater than 2,500 square feet.	, i	
Accessory Dwelling Unit:		
One (1) parking space required for accessory dwelling units not within 0.5 miles of a major transit stop.	Accessory Dwelling Unit: One unenclosed parking space in the driveway is provided.	
FOOTNOTES: *For lot coverage calculation, up to 800 square feet of a	rea is excluded for an ADU.	

Tentative Parcel Map

for a garage.

The applicable development standards of the R-11 Zone require a minimum net lot area of 3,950 square feet, and minimum lot dimensions of 40 feet wide and 90 feet deep. The proposed lot areas and dimensions are consistent with the minimum required standards (as outlined in the table above).

**For FAR calculation, up to 800 square feet of area is excluded for an ADU, and up to 400 square feet (per unit) of area is excluded

Additionally, the applicant submitted letters of service availability from fire, water, sewer, and school service providers indicating that all required services are available for the project. All necessary public facilities and services are in place, or can be extended, to serve the project.

Average Lot Slope/Building Height

On lots in the R-3 to R-25 zones with greater than 10 percent average lot slope, the building height at the uphill side of the lot shall not exceed 12 feet above the crown of the Right-of-Way (ROW). The site is located within the R-11 Zone. The average lot slope for Parcel 1 was determined to be 4.9 percent, and the average lot slope for Parcel 2 was determined to be 6.1 percent, which is less than 10 percent. Therefore, the site is not subject to the additional height restriction of 12 feet above the crown of the right-of-way.

The proposed development on Parcel 2 will be subject to the standard 22-foot (flat roof element) and 26-foot (pitched roof element with a 3:12 roof pitch) height limitation for the R-11 zone.

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Basement

The building includes a 658-square-foot basement. The basement area for the single-family residence qualifies as a basement per EMC Chapter 30.04 (Definitions). Pursuant to the Municipal Code's definition of a "basement", one-half of the perimeter of the basement is less than or equal to four feet above the lower of natural or finished grade as defined by EMC Section 30.16.010.B.6. Additionally, for the purposes of building conformance with the two-story code limitation, the qualifying basement level does not count as a story and the structure as proposed is two-stories.

Allowable Density

The R-11 zoning designation allows for a maximum density of 11.0 dwelling units per net acre. Density is calculated based upon the project's slope adjusted net acreage in accordance with EMC Section 30.16.010.B.2 (Development Standards). The property does not contain any natural slopes that are required to be deducted to yield the slope adjusted net acreage.

A 2,178-square-foot (0.05 acre) right-of-way dedication was deducted from the 18,840-square-foot-gross acreage to yield the slope adjusted net acreage. The adjusted slope adjusted net acreage for the site is 16,617 square feet (0.38 acres). Based on the net acreage of 0.38 acres, the subject property allows a maximum density of four units (11 dwelling units per net acre for the 0.38 net acre equals 4.18 units per acre, which is rounded down to four units, in accordance with EMC Section 30.16.010.B1). Therefore, the proposed two-lot subdivision complies with the maximum density requirement of the R-11 Zone.

Grading

Approximate earthwork quantities include 170 cubic yards of cut, 40 cubic yards of fill with 130 cubic yards of export. Maximum cut depth will be six feet and maximum fill height will be three feet seven inches. Therefore, the grading work related to cut and fill is exempt from Design Review in accordance with Encinitas Municipal Code Section 23.08.030.B.14 (Design Review – General Scope and Exemptions), since the proposed grading does not exceed the maximum eight-foot cut and/or four-foot fill limit for meeting the design review exemption.

Local Coastal Program Consistency

The proposed project is located within the Coastal Zone of the City of Encinitas and requires approval of a Coastal Development Permit for the project. With adherence to the development standards of the R-11 zone provided in the Encinitas Municipal Code, and the goals and policies of the General Plan, the project ensures consistency with the City's adopted Local Coastal Program. The project is consistent with all applicable policies of the General Plan, Local Coastal Program and Municipal Code requirements.

PUBLIC NOTICE AND PARTICIPATION

Citizen Participation Program

The applicant held a public meeting and submitted a Citizen's Participation Program (CPP) in accordance with EMC Section 23.06 (Citizen Participation Program). All property owners and tenants within 500 feet of the project site were notified of the CPP meeting and proposed project. The neighborhood meeting was held on March 4, 2023, at the project site. The project engineer

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and owner attended the meeting. One member of the public attended the meeting. The attendee had concerns with: 1) the speed of traffic on Melba Road and Arcadia Road, for which the applicant informed them the project would not remediate the travel speeds along the surrounding streets, but would notify the City of their concerns; and 2) the proposed lot configuration of the development, for which the applicant discussed the lot layout and future development of the site. No other comments were received.

Public Notice and Administrative Hearing

The Notice of Administrative Hearing and Pending Action on the Tentative Parel Map and Coastal Development Permit Application was mailed on May 2, 2024, to all property owners within 500 feet of the project site and to anyone who requested such notice in writing, in compliance with Encinitas Municipal Code Sections 30.01.070 (Noticed Public Hearings), and Government Code Sections 65090, 65091 and 65092, as applicable. Additionally, as a courtesy, the notice was posted at City Hall and on the Development Services Department's Internet site under "Public Notices". An Administrative Hearing was held on June 11, 2024.

Administrative Hearing

An Administrative Hearing was held pursuant to EMC Section 30.08.080 for consideration of the Tentative Parcel Map and Coastal Development Permit request on Tuesday, June 11, 2024, at 5 p.m. in the City Council Chambers.

ENVIRONMENTAL CONSIDERATIONS

The project has been determined to be exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15303(a) (New Construction or Conversion of Small Structures), 15304(a) (Minor Alterations to Land), and 15315 (Minor Land Divisions). Section 15303(a) exempts the construction of one single-family residence, or a second dwelling unit in a residential zone. Section 15304(a) exempts the grading on land with a slope of less than 10 percent. The property's average lot slope is 4.9 percent for Parcel 1 and 6.1 percent for Parcel 2, which meets the criteria for this exemption. Section 15315 exempts the division of property in urbanized areas zoned for residential use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances, or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent. None of the exceptions in CEQA Guidelines 15300.2 apply, therefore, the project may rely on the categorical exemptions and is exempt from environmental review.

FINDINGS

Based on the findings for a Tentative Parcel Map per Section 66474 of the California Government Code and the aforementioned analysis, the Development Services Department has made the following findings to support the approval, with conditions:

Findings for Tentative Map	Explanation of Finding
a. That the proposed map is not	The proposed subdivision is consistent with all goals
consistent with applicable and policies of the General Plan. The project	
general and specific plans as	not located within a specific plan and meets the

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Findings for Tentative Map	Explanation of Finding
specified in Section 65451 of the Subdivision Map Act.	applicable R-11 zoning standards for the minimum net lot area, minimum lot width, minimum lot depth, and allowable density.
 b. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans. 	As conditioned, the project design and improvements are consistent with applicable goals and policies of the General Plan. The project is not within a specific plan area.
c. That the site is not physically suitable for the proposed type of development.	The project site is physically suitable for the proposed two-lot subdivision. The proposed subdivision is consistent with the R-11 zoning standards for density, minimum lot area, minimum lot depth, and minimum lot width. Additionally, all necessary public facilities and services are in place, or conditioned to be extended, to serve the project.
d. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially or avoidably injure fish or wildlife or their habitat.	The proposed subdivision is located in an urbanized area and is surrounded by substantially developed properties. The project would not cause substantial environmental damage or substantially or avoidably injure fish, wildlife, or their habitat. The project has been determined to be exempt from further environmental review pursuant to CEQA Guidelines Sections 15303(a), 15315, and 15304(a).
e. That the design of the subdivision or the type of improvements is likely to cause serious public health problems.	All necessary public facilities and services are in place or can be extended to serve the project. The applicant has submitted letters of service availability from fire, sewer, water, and school service providers indicating that existing facilities are available to service the proposed project. The design of the subdivision would not result in serious public health problems. The project is exempt from environmental review pursuant to CEQA Guidelines Sections 15303(a), 15315, and 15304(a).
f. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the authorized agency may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of	All easements of record identified in the preliminary title report for the subject property are shown on the proposed tentative parcel map. No conflicts with easements of record have been identified.

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Findings for Tentative Map	Explanation of Finding
record or to easements	
established by judgment of a	
court of competent jurisdiction	
and no authority is hereby	
granted to a legislative body to	
determine that the public at large	
has acquired easements	
through or use of property within	
the proposed subdivision.	

Based on the findings for a Coastal Development Permit as per Encinitas Municipal Code Section 30.80.090 (Coastal Development Permit) and the aforementioned analysis, the Development Services Department has made the following findings to support the approval, with conditions:

Findings for Coastal Development Permit	Explanation of Finding
The project is consistent with the certified Local Coastal Program of the City of Encinitas.	The project site is located within the R-11 zoning district and within the City's Coastal Zone. The project complies with all applicable requirements and policies of the General Plan. The project, as conditioned, also complies with all applicable Municipal Code standards and the findings can be made; therefore, the project is consistent with the Local Coastal Program for the City of Encinitas.
2. The proposed development conforms with Public Resources Code Section 21000 and following (CEQA) in that there are no feasible mitigation measures or feasible alternatives available which would substantially lessen any significant adverse impact that the activity may have on the environment.	The project is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Sections15303(a), 15315, and 15304(a).
3. For projects involving development between the sea or other body of water and the nearest public road, approval shall include a specific finding that such development is in conformity with the public access and public recreation policies of Section 30200 et. seq. of the Coastal Act.	The subject property is not located between the sea or other body of water and the nearest public road.

CONCLUSION

The Development Services Department determined the Tentative Parcel Map and Coastal Development permit applications and plans to be consistent with the City's certified Local Coastal Program, including all applicable goals and policies of the General Plan, all applicable provisions of the Municipal Code, and all applicable development standards for the R-11 Zone. Therefore,

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based on the aforementioned findings and subject to the following conditions of approval, the project is hereby approved.

CONDITIONS OF APPROVAL

SPECIFIC CONDITIONS:

SCA The following Planning-related condition shall be completed/fulfilled to the satisfaction of the Development Services Department:

- 1. Prior to approval of the final map, the existing single-family structure shall be brought into compliance with development standards per the newly created lots.
- The grading permit/building permit plans shall provide adequate details (including cross section details) of the fences, walls, and/or guardrails to demonstrate compliance with the maximum fence/wall height limitations.
- 3. The wet bar located within the qualifying basement shall meet the standards for a wet bar per the 2022 California Building Code.

SCB The following Engineering-related conditions shall be completed/fulfilled to the satisfaction of the Development Services Department:

- 1. ESP Survey Monuments: The existing survey monuments shall be referenced on the grading plan and shall be protected in-place. If any monument is disturbed or destroyed it shall be replaced by a licensed land surveyor and a Corner Record or Record of Survey shall be filed with the County prior to release of securities and/or building occupancy.
- 2. ESP Sewer Credits: The subject property is currently being served by two sewer laterals. The two parcels proposed per MULTI-005834-2022 shall be individually served. Prior to final map recordation, the applicant shall provide the City with written statement indicating which lot will receive the existing equivalent dwelling units (EDUs) credits.
- 3. ESP Structural BMP: Stormwater pollution control BMPs shall be designed in accordance with the City's BMP Manual and to the satisfaction of Engineering. Typical biobasin components include energy dissipation mechanisms, shallow surface ponding depth (6" minimum), mulch layer (3" minimum), media layer (typically 18" minimum), filter course layer, aggregate storage layer, impermeable liner, and overflow structure.

STANDARD CONDITIONS:

PLANNING:

CONTACT THE DEVELOPMENT SERVICES DEPARTMENT REGARDING COMPLIANCE WITH THE FOLLOWING CONDITION(S):

ADU 01 Accessory Dwelling Units: Prior to Building Permit issuance, a covenant regarding real property shall be recorded regarding the accessory unit providing that compliance with the following conditions shall be maintained: a) The accessory unit is approved for use as a second dwelling unit, accessory to the

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principal use of the property as a single-family residence. b) The use of the accessory unit shall be incidental, related, appropriate and clearly subordinate to the single-family residence. c) Sale or ownership of the accessory unit separate from the associated single-family residence is prohibited. d) All required parking for the accessory unit shall be located, constructed, and maintained as approved and shown on the approved plans.

- A 01 Approval General: At any time after two years from the date of this approval, on *June 18, 2026* at 5 p.m., or the expiration date of any extension granted in accordance with the Municipal Code, the application shall be deemed expired as of the above date.
- A 02 Approval General: This approval may be appealed to the City Council within 10-calendar days from the date of this approval in accordance with Chapter 1.12 of the Municipal Code.
- Approval General: This project is conditionally approved as set forth on the application and project drawings consisting of sixteen sheets including Project Data (Sheet A1), Site Plan (Sheet A1.1), Lot Coverage and Basement Diagrams (Sheet A1.2), Proposed Lower/Basement Floor Plan (Sheet A2), Proposed Mid-Level Floor Plan (Sheet A2.1), Proposed Upper-Level Floor Plan (Sheet A2.2), Roof Plan (Sheet A3), Exterior Elevations (Sheet A4), Exterior Elevations (Sheet A4.1), Section (Sheet A5), ADU Floor Plan (Sheet ADU2), ADU Roof and Slab Plan (Sheet ADU3), ADU Exterior Elevations (Sheet ADU4), ADU Section (Sheet ADU5), and Tentative Parcel Map (Sheet 1 of 2) and Preliminary Grading Plan (Sheet 2 of 2), designated as approved by the Development Services Director on June 18, 2024, and shall not be altered without express authorization by the Development Services Department.
- **A 08** Approval General: Approval of this request shall not waive compliance with any sections of the Municipal Code and all other applicable City regulations in effect at the time of Building Permit issuance unless specifically waived herein.
- **A 09** Approval General: Prior to any use or issuance of final occupancy of the project site pursuant to this permit, all conditions of approval contained herein shall be completed or secured to the satisfaction of the Development Services Department.
- **COV 01 Covenants:** Prior to *recordation of the Final Parcel Map*, the owner shall cause a covenant regarding real property to be recorded. Said covenant shall set forth the terms and conditions of this grant of approval and shall be of a form and content satisfactory to the Development Services Director.
- Development Fees: The applicant shall pay development fees at the established rate. Such fees may include but are not limited to: permit and plan checking fees, water and sewer service fees, school fees, traffic mitigation fees, flood control mitigation fees, park mitigation fees, and fire mitigation, and fire cost recovery fees.

 All plan check, permit, and service fees shall be paid in accordance with the table below to the satisfaction of the applicable Department Director or designee. The applicant is advised to contact the Development Services Department regarding Park Mitigation Fees (Planning Division), Flood Control and

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Traffic Fees (Engineering Division), applicable School District(s) regarding School Fees (Building Division), Fire Mitigation/Cost Recovery Fees (Fire Department), and the applicable Utility Departments or Districts regarding Water and/or Sewer Fees.

Fee Name	Department/Division	Timing for fee collection ¹
Affordable Housing Monitoring Fee	Planning Division	Prior to building permit issuance
Fire mitigation fee	Fire Prevention	Prior to building permit issuance
Fire cost recovery fee	Fire Prevention	Prior to building/fire permit issuance
Flood control mitigation fee	Engineering Division	With grading permit issuance/or prior to final building permit issuance
Inclusionary housing in-lieu fee	Planning Division	Prior to final map recordation or prior to building permit issuance
Parkland acquisition fee	Planning Division	Prior to certificate of occupancy
Parkland development fee	Planning Division	Prior to certificate of occupancy
Plan check fee	Building, Engineering, Fire Prevention and Planning Divisions	At plan check submittal
Permit fee	Building Division and Engineering Division	At permit issuance
School fees	Building Division	Prior to building permit issuance
Traffic mitigation fee	Engineering Division	Prior to building permit issuance
Water and sewer fee	Engineering Division	Prior to permit issuance
¹ Initiating use in reliance on this approval may apply when no permits required.		

EM 01 Electrical and Mechanical Equipment: All roof-mounted equipment and appurtenances, including air conditioners and their associated vents, conduits and other mechanical and electrical equipment, shall be architecturally integrated, and shall be shielded from view and sound buffered to the satisfaction of the

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Development Services Department. Note: All rooftop equipment shall be assumed visible unless demonstrated otherwise to the satisfaction of the Development Services Department, and adequate structural support shall be incorporated into building design. Rooftop vent pipes shall be combined below the roof and shall utilize decorative caps where visible from any point.

EM 02

Electrical and Mechanical Equipment: All ground-mounted mechanical and electrical equipment shall be screened, and sound buffered through use of a wall, fence, landscaping, berm, or combination thereof and shall be designed to be compatible with the primary building's exterior to the satisfaction of the Development Services Department.

HC 01

Height Certification: Prior to issuing a final inspection on framing, the applicant shall provide a survey from a licensed surveyor or a registered civil engineer verifying that the building height is in compliance with the approved plans. The height certification/survey shall be supplemented with a copy of the site plan and elevations depicting the exact point(s) of certification to the satisfaction of the Development Services Director. The engineer/surveyor shall contact the Development Services Department to identify and finalize the exact point(s) to be certified prior to conducting the survey.

I 01

Indemnification: To the maximum extent permitted by law, the Owner(s) shall waive any claims of liability against the City, and shall indemnify, hold harmless and defend the City of Encinitas, and its agents, officers and employees from and against any and all actions, claims, damages, liabilities and/or proceedings arising from: (i) the City's approval of any and all entitlements or permits relating to the project; (ii) any injury to or death of any person, or damage or injury of any kind to property which may arise from or be related to the direct or indirect operations of the Owner(s) or its contractors, subcontractors, agents, employees, or other persons acting on the Owner(s)'s behalf relating to the project; and (iii) the operation of the project.

The Owner(s) agree to execute an indemnity agreement provided by the City prior to *Building Permit issuance / recordation of the Final Parcel Map / Grading Permit issuance* and the Development Services Director, or designee, is hereby authorized to execute the same. The Owner(s) further agree that such indemnification and hold harmless shall include all defense related fees and costs associated with the defense of the City by counsel approved by the City. This indemnification shall not terminate upon expiration of the conditions of approval or completion of the project, but shall survive in perpetuity.

L 04

Landscaping: All landscaping, fences, walls, etc. on the site and in any adjoining public parkways (the area between the front property line and the street) shall be permanently maintained by the owner, assigns or any successors in interest in the *property owner*. The maintenance program shall include normal care and irrigation of the landscaping; repair and replacement of plant materials and irrigation systems as necessary; and general cleanup of the landscaped and open areas, parking lots and walkways, walls, fences, etc. Failure to maintain landscaping and the site in general may result in the setting of a public hearing to revoke or modify the approval.

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P04

Parking: Garages enclosing required parking spaces shall be available and usable for the parking of owner/tenant vehicles at all times, and not be rented or conveyed separately from the appurtenant dwelling unit without City approval.

MAPS 02

Maps: Approval of the Tentative Parcel Map and all associated permits will expire on *June 18, 2026* at 5 p.m., two years after the approval of this project, unless the conditions have been met or an extension of time has been approved pursuant to the Municipal Code.

MAPS 04

Maps: All project grading shall conform with the approved *Tentative Parcel Map*. In cases where no grading is proposed at the time of the *Tentative Parcel Map*, or in cases where the Grading Plan later submitted is not consistent with the approved *Tentative Parcel Map*, the applicant may be subject to Chapter 23.08.030 of the Municipal Code and required to obtain a Design Review permit for grading prior to issuance of Grading Permits.

UTILITY 01

Utility Connections: All utility connections shall be designed to coordinate with the architectural elements of the site so as not to be exposed except where necessary. Locations of pad mounted transformers, meter boxes, and other utility related items shall be included in the site plan submitted with the Building Permit application with an appropriate screening treatment. Transformers, terminal boxes, meter cabinets, pedestals, ducts and other facilities may be placed above ground provided they are screened with landscaping.

WF 01

Walls and Fences: All retaining and other freestanding walls, fences, and enclosures shall be architecturally designed in a manner similar to, and consistent with, the primary structures (stucco-coated masonry, split-face block, slump stone, etc.). These items shall be approved by the Development Services Department prior to the issuance of *building and/or grading permits*.

WF 02

Walls and Fences: Any wall, fence or combination thereof exceeding six feet in height and facing any neighboring property or visible from the public right-of-way shall be subject to design review pursuant to Section 23.08.040.A.1 of the Encinitas Municipal Code. Where a minimum two feet horizontal offset is provided, within which screening vegetation is provided to the satisfaction of the Development Services Department, the fence/wall may not be considered one continuous structure for purpose of measuring height and may be exempted from design review provided none of the offset fences or walls exceed six feet in height.

BUILDING:

CONTACT THE DEVELOPMENT SERVICES DEPARTMENT REGARDING COMPLIANCE WITH THE FOLLOWING CONDITION(S):

BLDG 02

Single Family and Duplex: The applicant shall submit a complete set of construction plans to the Development Services Department for building permit plan check processing. The submittal shall include a Soils/Geotechnical Report, structural calculations, and State Energy compliance documentation (Title 24). Construction plans shall include a site plan, a foundation plan, floor and roof

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framing plans, floor plan(s), section details, exterior elevations, and materials specifications. Submitted plans must show compliance with the latest adopted editions of the California Building Code (The Uniform Building Code with California Amendments, the California Mechanical, Electrical and Plumbing Codes). These comments are preliminary only. A comprehensive plan check will be completed prior to permit issuance and additional technical code requirements may be identified and changes to the originally submitted plans may be required.

EV 01

Electric Vehicle Charging Ready: New one- and two-family dwellings, including townhouses with private garages must include a dedicated 208/240-volt branch circuit rated to 40 amperes minimum for each unit capable of accommodating a future Level 2 home electric vehicle charging station. See Encinitas Municipal Code 23.12.110.

GWS 01

Greywater Systems: Newly constructed single-family dwelling units shall be preplumbed for a greywater system permitted and constructed in accordance with Chapter 15 of the California Plumbing Code and including a stub-out in a convenient location for integration of the greywater system with landscape irrigation systems and accepting greywater from all sources permissible in conformance with the definition of greywater as per Section 14876 of the California Water Code. Exception: A greywater system shall not be permitted where a qualified soils engineer determines in a written, stamped report, or percolation test shows, that the absorption capacity of the soil at the project site is unable to accommodate the discharge of a greywater irrigation system.

GWS 02

Greywater Systems: The greywater system shall be identified on the Building Permit construction plans and installed to the satisfaction of the Building Official prior to Final CO or occupancy.

SPV 01

Solar Photovoltaic Panels: New single-family dwellings (including detached Accessory Dwelling Units; see CA Title 24, Part 6, Energy Code Section 100.1(b)) shall install a PV system sized according to CA Title 24, Part 6, Energy Code Section 150.1(c).

ENGINEERING:

CONTACT THE DEVELOPMENT SERVICES DEPARTMENT REGARDING COMPLIANCE WITH THE FOLLOWING CONDITION(S): <u>Grading</u>

- **GRD 01 Grading Regulations:** All City Codes, regulations, and policies in effect at the time of building/grading permit issuance shall apply.
- **GRD 02 Grading Datum:** All drawings submitted for Engineering permits are required to be based on the NAVD 88 datum; the NGVD 29 datum will not be accepted.
- GRD 03 Grading Plan: The applicant shall submit a Grading Plan for review and obtain a Grading Permit prior to the commencement of any clearing or grading of the site. The Grading Plan shall include, but not be limited to, the design for site grading,

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drainage improvements, erosion control, stormwater pollution control, and on-site pavement.

GRD 04

Grading – Responsible Charge: The grading for this project is defined in Chapter 23.24 of the Encinitas Municipal Code. Grading shall be performed under the observation of a civil and geotechnical engineer whose responsibility it shall be to coordinate site inspection and testing to ensure compliance of the work with the approved grading plan, submit required reports to the Development Services Department and verify compliance with Chapter 23.24 of the Encinitas Municipal Code.

GRD 05

Grading – Offsite Authorization: No grading shall occur outside the limits of the project boundary and easements unless a letter of permission is obtained from the owners of the affected properties and provided to the Development Services Department.

GRD 09

Grading – Reports: Geotechnical, Drainage/Hydrology, Stormwater Quality, and Traffic studies/report (as applicable) shall be prepared by a qualified engineer licensed by the State of California to perform such work. The reports shall be submitted with the first grading plan submittal and shall be approved prior to issuance of any grading or improvement permit for the project.

GRD 10

Grading – Haul Route: Prior to hauling dirt or construction materials to any proposed construction site within this project the developer shall submit to and receive approval from the Development Services Department for the proposed haul route. The applicant shall comply with Municipal Code section 23.24.410 as well as all conditions and requirements the Development Services Department may impose with regards to the hauling operation.

Drainage Conditions

DRAIN 01

Drainage – Erosion Control: An erosion control system shall be designed and installed onsite during all construction activity. The system shall prevent discharge of sediment and all other pollutants onto adjacent streets and into the storm drain system. The City of Encinitas Stormwater Standards Manual shall be employed to determine appropriate stormwater pollution control practices during construction.

DRAIN 02

Drainage – Drainage System: A drainage system capable of handling and disposing of all surface water originating within the project site, and all surface waters that may flow onto the project site from adjacent lands, shall be required. Said drainage system shall include any easements and structures required by the Development Services Department to properly handle the drainage.

DRAIN 03

Drainage – Flood Control Fee: Pursuant to Municipal Code Chapter 23.96, the applicant shall pay the current adopted Flood Control Fee for the creation of new impervious surfaces prior to issuance of the building or grading permit for this project to the satisfaction of the Development Services Department.

DRAIN 05

Drainage – Concentrated Flows: Concentrated flows across driveways and/or sidewalks shall not be permitted.

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DRAIN 06

Drainage – Flow Rate: The drainage system shall be designed to ensure that runoff resulting from a 100-year frequency storm underdeveloped conditions is equal to or less than the runoff from a storm of the same frequency and duration under existing conditions. Both 6 hour and 24-hour storm durations shall be analyzed to determine the mitigation necessary to accomplish the desired results.

Street Conditions

- Street Right-of-Way Permit: Prior to any work being performed in the public right-of-way or City easement, a right-of-way construction permit shall be obtained from the Development Services Department and appropriate fees paid, in addition to any other permits required.
- Street Encroachment Agreement: Private improvements constructed within the present or future public right-of-way shall be considered temporary. The owner shall enter into an Encroachment Maintenance and Removal covenant agreeing to maintain the improvements in perpetuity and to remove those improvements at the direction of the City.
- Street Dedication General: The owner shall dedicate to the City of Encinitas all public streets and easements required by these conditions or shown on the site development plan. The offer shall be made by execution of an easement document or by a certificate on the Map or Parcel Map prior to issuance of any building/grading permit for this project. All land so offered shall be dedicated to the City free and clear of all liens and encumbrances and without cost to the City. Streets that are already public are not required to be rededicated.
- Street Dedication per Document Radius: The owner shall dedicate an easement for additional Public Street Right-of-Way subject to the terms and conditions set forth in the City of Encinitas Resolution 2009-52 adopted October 28, 2009 to the City of Encinitas along the property frontage at the intersection of Melba Road and Arcadia Road to create a 20.00 foot radius. The CDP site plan shall be revised to show the proposed dedication of right-of-way. All building setbacks, lot coverage, FAR, etc. shall be adjusted to account for this easement.
- Street Dedication per Map: The owner shall dedicate an easement for additional Public Street Right-of-Way subject to the terms and conditions set forth in the City of Encinitas Resolution 2009-52 adopted October 28, 2009 to the City of Encinitas per the Parcel Map along the property frontages of Melba Road and Arcadia Road to ensure a property line to centerline distance of 28 feet.
- Street Improvements Standard: The owner shall construct public improvements along the property frontages of Melba Road and Arcadia Road. Street improvements shall include pavement widening and the construction of standard curb, gutter and contiguous sidewalk along the entire property frontage. The pavement section shall be based on in situ R-value testing but shall be a minimum of 4" of AC over 6" Class II Base. The curb line shall be located 18 feet from centerline. Driveway aprons shall be constructed per SDRSD standards. Any required transitions shall be located outside of the property frontage.

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- ST 23 Street - Improvement Plans: All required public improvements shall be designed on a Public Improvement Plan approved by the City and permitted with a Public Improvement Permit. Adequate financial surety shall be posted prior to issuance of a Public Improvement Permit.
- **ST 26** Street - Public Facility Protection: All street signs, lights, lamps, utilities, etc. located within the public right-of-way shall be protected in-place during construction or replaced to the satisfaction of the Development Services Department.
- **ST 30** Streets - Traffic Control Plan: Prior to commencement of any work in the public right-of-way or other work that may cause a traffic disturbance, the applicant shall obtain approval of a Traffic Control Plan from the City's Traffic Engineering division, as necessary.
- **ST 31** Streets - Striping Plan: A street striping plan shall be prepared and included with the public improvement plans.

Utilities Conditions

- **UT 01** Utility - Regulations/Coordination: The owner shall comply with all the rules, regulations, and design requirements of the respective utility agencies regarding services to the project. The owner shall be responsible for coordination with SDG&E. AT&T, Cox, SDWD, OMWD, LWD, and all other applicable utility companies.
- **UT 02 Utility - Underground:** All proposed utility services within the project shall be installed underground including existing utilities unless exempt by the Municipal Code.
- **UT 03** Utility - Underground Existing Services: All existing overhead utility services to the property shall be reconstructed underground and the overhead lines removed.
- **UT 13** Utility - Separate Laterals: Separate sewer laterals shall be provided for each unit within the development.
- **UT 16** Utility - Existing & Proposed Facilities: The location of all utility facilities such as backflow preventers, transformers, etc. shall be plotted and adequate screening shall be provided to the satisfaction of the Development Services Department. Private facilities shall be located out of the public right-of-way to the maximum extent practicable. Any authorized encroachment into the public right-of-way will require an Encroachment Maintenance and Removal Covenant.

Stormwater Pollution Control Conditions

STORM 02 Stormwater - LID BMP's: Best Management Practices shall be utilized for stormwater pollution and flow control per the City of Encinitas BMP Design Manual to the satisfaction of the Development Services Department. The Grading Plan/Permit Site Plan shall identify all landscape areas designed for stormwater pollution control and incorporate Low Impact Development (LID) BMP's. A note

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shall be placed on the plans indicating that the BMP's are to be privately maintained and the facilities not modified or removed without a permit from the City.

Stormwater – Post Construction BMP Required: The applicant shall provide permanent post construction stormwater quality treatment BMP facilities to collect and treat all runoff generated by all new and/or removed and replaced impervious surfaces prior to discharge from the subject site. A note shall be placed on the plans indicating that the BMPs are to be privately maintained and the facilities not modified or removed without a permit from the City.

Stormwater – Roof Drains: For stormwater pollution control purposes, all runoff from all roof drains shall discharge onto grass and landscape areas prior to collection and discharge onto the street and/or into the public storm drain system unless directly connected to an adequately designed BMP facility to the maximum extent practical. Grass/landscape areas and BMPs designated for stormwater pollution control shall not be modified without a permit from the City. A note shall be placed on the plans indicating that the BMP's are to be privately maintained and the facilities not modified or removed without a permit from the City.

Map Conditions

- MAP 01 Map General: A Final Subdivision Map or Parcel Map shall be prepared by a California licensed land surveyor or civil engineer licensed prior to January 1, 1982. The map or parcel map shall comply with Chapter 1 of the City of Encinitas Engineering Design Manual and the project boundary shall be tied to two City approved first order monuments on the North American Datum NAD 83, 1991.35 epoch.
- MAP 02 Map Phasing: Should the owner decide to record final maps and develop phases in a different numerical sequence than the approved phasing as shown on the Tentative Map, all conditions required of the preceding phases shall be completed to the satisfaction of the Development Services Department.
- MAP 05 Map Improvement Securities: Public/private grading/improvement plans shall be approved, and adequate surety shall be posted prior to a public hearing for approval of the Map/Parcel Map. Prior to recordation of the Final/Parcel Map, a Performance bond and Labor and Materials bond, or cash deposit, shall be posted for all the required public/private improvements and a covenant recorded against the subject property securing the improvements.

SAN DIEGUITO WATER DISTRICT CONDITIONS:

CONTACT THE SAN DIEGUITO WATER DISTRICT REGARDING COMPLIANCE WITH THE FOLLOWING CONDITION(S):

SDWD EWS 01 Existing Water Service – Map: The subject property is currently being served by an 5/8-inch water meter. Upon development, each parcel shall be individually metered. The owner may apply capacity credit toward the installation of new water meters. All water meters that will receive capacity credit shall be paid for

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and installed at one time. Prior to map recordation, the owner shall provide SDWD with a written statement indicating which lot(s) will receive capacity credits.

- **SDWD WS 02 Water System Fees/Charges:** The developer shall comply with SDWD's fees, charges, rules and regulations.
- **SDWD WS 04 Water System Grading/Improvement Plans:** The developer shall show all existing and proposed water facilities on improvement and/or grading plans for SDWD Approval (if applicable).
- **SDWD WS 07 Water System Water Agencies' Standards:** The developer shall install the water system according to Water Agencies' (WAS) standards.
- **SDWD WS 08 Water System Water Meter Location:** Water meters shall be located in front of the parcel they are serving and outside of any existing or proposed travel way. Appurtenances shall not be placed in roadside ditches. Cost of relocation shall be the responsibility of the developer.

FIRE CONDITIONS:

CONTACT THE FIRE DEPARTMENT REGARDING COMPLIANCE WITH THE FOLLOWING CONDITION(S):

- Address Numbers STREET NUMBERS: Approved numbers and/or addresses shall be placed on all new and existing buildings and at appropriate additional locations as to be plainly visible and legible from the street or roadway fronting the property from either direction of approach. Said numbers shall contrast with their background, and shall meet the following minimum standards as to size: 4-inch high with a ½-inch stroke width for residential buildings, 8-inch high with a ½-stroke for commercial and multi-family residential buildings, 12-inch high with a 1-inch stroke for industrial buildings. Additional numbers shall be required where deemed necessary by the Fire Marshal, such as rear access doors, building corners, and entrances to commercial centers.
- Address Numbers for Structures Located off Roadway: Where structures are located off a roadway on long easements/driveways, a monument marker shall be placed at the entrance where the easement/driveway intersects the main roadway. Permanent address numbers with height conforming to Fire Department standards shall be affixed to this marker.
- FIRE 04 Alarm/Smoke Detectors/Carbon Monoxide/Fire Sprinkler: Smoke detectors/carbon monoxide alarms/fire sprinklers shall be inspected by the Encinitas Fire Department.
- FIRE 05 Construction Class "A" Roof: All structures shall be provided with a Class "A" Roof covering to the satisfaction of the Encinitas Fire Department.
- FIRE 08 General Basement: All basements shall be designed and equipped with emergency exit systems consisting of operable windows, window wells or exit door

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that's leads directly outside via staircase and exit door or exit door at grade. b) Window wells/Light wells that intrude into side yard or backyard setbacks of five feet or less, shall require a hinged grating covering the window well/lightwell opening. The grating shall be capable of supporting a weight of 250lb person; yet must be able to be opened by someone of minimal strength with no special knowledge, effort or use of key or tool. Any modification of previously approved plans related to this condition shall be subject to re-submittal and review by City staff (Fire, Building, Planning).

- **FIRE 13 General Grade:** The gradient for a fire apparatus access roadway shall not exceed 20.0%. Grades exceeding 15.0% (incline or decline) shall not be permitted without mitigation. Minimal mitigation shall be a surface of Portland cement concrete, with a deep broom finish perpendicular to the entire direction of travel. Additional mitigation measures may be required where deemed appropriate. The angle of departure and angle of approach of a fire access roadway shall not exceed seven degrees (12 percent).
- **General Response Maps:** Any new development, which necessitates updating of emergency response maps by virtue of new structures, hydrants, roadways or similar features, shall be required to provide map updates in one of the following formats (AutoCad DWG, DXF, ESRI shapefile, ESRI personal geodatabase, or XML format) and shall be charged a reasonable fee for updating all response maps.
- FIRE 18 Protection System Automatic Fire Sprinkler: One- and two-family dwellings: Structures shall be protected by an automatic fire sprinkler system designed and installed to the satisfaction of the Fire Department. Plans for the automatic fire sprinkler system shall be approved by the Fire Department prior to installation.
- FIRE 20

 Road Access Road Minimum Dimensions: Fire apparatus access roads shall have an unobstructed width of not less than 24 feet, exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and have an unobstructed vertical clearance of 13 feet 6 inches. Roads serving only residential dwellings, that are not within the Very High Fire Hazard Severity Zone, shall have an unobstructed with of not less than 20 feet. Residential driveways serving no more than two single-family dwellings shall have an unobstructed width of not less than 16 feet.
- FIRE 26 Hose Pull: 150 foot Hose pull required. Measured from the furthest portion of structures to fire department access.

DISCLOSURES

This notice constitutes a decision of the Development Services Department for the discretionary entitlement only. Additional permits, such as building and grading permits, may be required by the Development Services Department, or other City Departments or Divisions. It is the property owner's and applicant's responsibility to obtain all necessary permits required for the type of project proposed.

In accordance with the provisions of Municipal Code Section 1.12, the decision of the Development Services Department may be appealed to the City Council within 10 calendar days of the date of this determination. The appeal must be filed, accompanied by a \$431 filing fee, prior to 5:00 pm on the 10th calendar day following the date of this Notice of Decision. Any filing

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of an appeal will suspend this action as well as any processing of permits in reliance thereon in accordance with Encinitas Municipal Code Section 1.12.020(D)(1), until such time as an action is taken on the appeal. The action of the Development Services Department may not be appealed to the Coastal Commission.

SIGNATURE

Docusigned by:

Latic Innus

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KATIE INNES PLANNING MANAGER

Status: Completed

Encinitas, CA 92024

Certificate Of Completion

Envelope Id: 03B23880D339459FA2AAD8B1B1534497

Subject: Complete with Docusign: 005834-2022 MULTI (661 Melba Rd) 2024-63.docx

Source Envelope:

Signatures: 1 Document Pages: 23 Envelope Originator: Certificate Pages: 1 Initials: 0 Brayden James 505 S Vulcan Ave

AutoNav: Enabled

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Time Zone: (UTC-08:00) Pacific Time (US & Canada) bjames@encinitasca.gov IP Address: 209.215.56.226

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6/18/2024 8:47:43 AM bjames@encinitasca.gov

Signer Events Signature **Timestamp**

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