

NOTICE OF DECISION
Development Services Department

Project Name:	Brennan & Lauryn Best Accessory Dwelling Unit (ADU)
Request:	Construct a detached ADU
Discretionary Actions:	Coastal Development Permit (CDP)
CEQA Determination:	Exempt
DECISION:	APPROVED
Project/Permit Number:	CDPNF-006584-2023 / BLDR-025618-2023
DSD Number:	2024-68
Address:	1724 Mackinnon Ave
Community:	Cardiff-by-the-Sea
APN:	260-301-08
Applicant:	Brennan & Lauryn Best
Representative:	Dylan Scott
Project Planner:	Hoger Saleh, Assistant Planner, Hsaleh@encinitasca.gov
Decision Date:	June 18, 2024
Report Approval:	<input checked="" type="checkbox"/> Katie Innes, Planning Manager <input checked="" type="checkbox"/> Esteban Danna, Senior Planner

PROJECT DESCRIPTION

The project proposes a Coastal Development Permit to authorize the construction of a new 420-square-foot, one-bedroom attached accessory dwelling unit (ADU) over an existing garage.

PROJECT ANALYSIS

Municipal Code Analysis

The project site is located with the Residential 8 (R-8) Zone, Scenic Visual Corridor Overlay, Special Study, and Coastal Overlay Zone. The proposed ADU complies with all relevant sections of the zoning and development standards of the Encinitas Municipal Code.

Local Coastal Program Consistency

The project site is located in the Coastal Overlay Zone. The project requires a Coastal Development Permit pursuant to Encinitas Municipal Code Section 30.48.040.T.21. Pursuant to this code section, ADUs that are not completely contained in the existing primary structure, or include increases in habitable area, or include conversion of non-habitable space, are considered self-contained residential units, and require a coastal development permit. The project complies with the Local Coastal Program, including all goals and policies of the General Plan and all R8 Zone development standards.

Public Notice and Citizen Participation

The Notice of Pending Action on the Coastal Development Permit was mailed on May 24, 2024, to all property owners and occupants 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 30.80.080 (Coastal Development Permits). Additionally, as a courtesy, the notice was posted at City Hall and on the Development Services Department's Internet site under "Public Notices."

ENVIRONMENTAL CONSIDERATIONS

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, Section 15303 (a) – Class 3 - (New Construction or Conversion of Small Structures) exempts the construction of secondary (accessory) dwelling units in a residential zone from environmental review. The project is consistent with this exemption, as it proposes the construction of an accessory dwelling unit within a residential zone. The project does not qualify as one of the exceptions prescribed under Section 15300.2 of the CEQA Guidelines and no historic resources are affected by the proposed project.

FINDINGS

Based on the findings for a Coastal Development Permit as per Encinitas Municipal Code Section 30.80.090 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
1. The project is consistent with the certified Local Coastal Program of the City of Encinitas; and	The project, as conditioned, complies with all Municipal Code requirements, policies of the General Plan and the Local Coastal Program. The project meets all required R-8 zoning standards.

Findings for Coastal Development Permit	Explanation of Finding
<p>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; and</p>	<p>The project is exempt from further environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines, Section 15303 (a) – Class 3 (New Construction or Conversion of Small Structures). No exceptions in Section 15300.2 exist.</p>
<p>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.</p>	<p>The project site is located at 1724 Mackinnon Ave, which is not located between the sea and the first public road. Therefore, the requirements of Section 30200 et. seq. of the Coastal Act does not apply.</p>

CONDITIONS OF APPROVAL

STANDARD CONDITIONS:

SPECIFIC CONDITIONS:

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

1. This approval is for the Coastal Development Permit associated with the accessory dwelling unit only. Subsequent approvals are required for construction activities related to the proposed addition.

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

- 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 04** **Approval - General:** This project is conditionally approved as set forth on the application and project drawings, consisting of 5 sheets including ***Sheets A-100 (Cover Sheet), A-100.1 (Site Plan), A-101 and A-102 (Floor Plan), A-103 (Roof Plan), A-201 – A-202 (Elevations)*** all designated as approved by the ***Development Services*** 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.

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 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.

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** and the Development Services Director, or designee, is hereby authorized to execute the same. The Owner(s) further agrees 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.

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.

BUILDING CONDITION(S):

ITEM NAME: BRENNAN & LAURYN BEST ADU
PROJECT NUMBER: CDP-006584-2023 / BLDR-025618-2023
JUNE 18, 2024

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

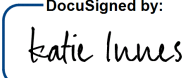
BLDG 02 Single Family and Duplex: The applicant shall submit a complete set of construction plans to the Development Services Department for building permit plan check processing. The submittal shall include a Soils/Geotechnical Report, structural calculations, and State Energy compliance documentation (Title 24). Construction plans shall include a site plan, a foundation plan, floor and roof 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.

DISCLOSURES

This notice constitutes a decision of the Development Services Department only for the discretionary entitlement. Additional permits, such as Building and Grading Permits, may be required by the Development Services Department or other City Departments. 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 not be appealed to the City Council. **The action of the Development Services Department may not be appealed to the Coastal Commission.**

SIGNATURE

DocuSigned by:

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KATIE INNES
PLANNING MANAGER

Certificate Of Completion

Envelope Id: EBF93286806146ECA99071FC366CD878	Status: Completed
Subject: Complete with DocuSign: 006584-2023 CDPNF (1724 Mackinnon Ave) 2024-68.docx	
Source Envelope:	
Document Pages: 5	Signatures: 1
Certificate Pages: 1	Initials: 0
AutoNav: Enabled	Envelope Originator:
Envelope Stamping: Enabled	Brayden James
Time Zone: (UTC-08:00) Pacific Time (US & Canada)	505 S Vulcan Ave
	Encinitas, CA 92024
	bjames@encinitasca.gov
	IP Address: 209.215.56.226


Record Tracking

Status: Original	Holder: Brayden James	Location: DocuSign
6/18/2024 10:16:47 AM	bjames@encinitasca.gov	

Signer Events

Katie Innes
 kinnes@encinitasca.gov
 Principal Planner
 City of Encinitas
 Security Level: Email, Account Authentication (None)

Signature

DocuSigned by:

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Signature Adoption: Pre-selected Style
 Using IP Address: 209.215.56.226

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Electronic Record and Signature Disclosure:
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In Person Signer Events	Signature	Timestamp
Editor Delivery Events	Status	Timestamp
Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp
Carbon Copy Events	Status	Timestamp
Witness Events	Signature	Timestamp
Notary Events	Signature	Timestamp
Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	6/18/2024 10:17:18 AM
Certified Delivered	Security Checked	6/18/2024 10:18:01 AM
Signing Complete	Security Checked	6/18/2024 10:18:06 AM
Completed	Security Checked	6/18/2024 10:18:06 AM
Payment Events	Status	Timestamps