

CALIFORNIA COASTAL COMMISSION

SAN DIEGO DISTRICT OFFICE
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SAN DIEGO, CA 92108-4402
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W18a

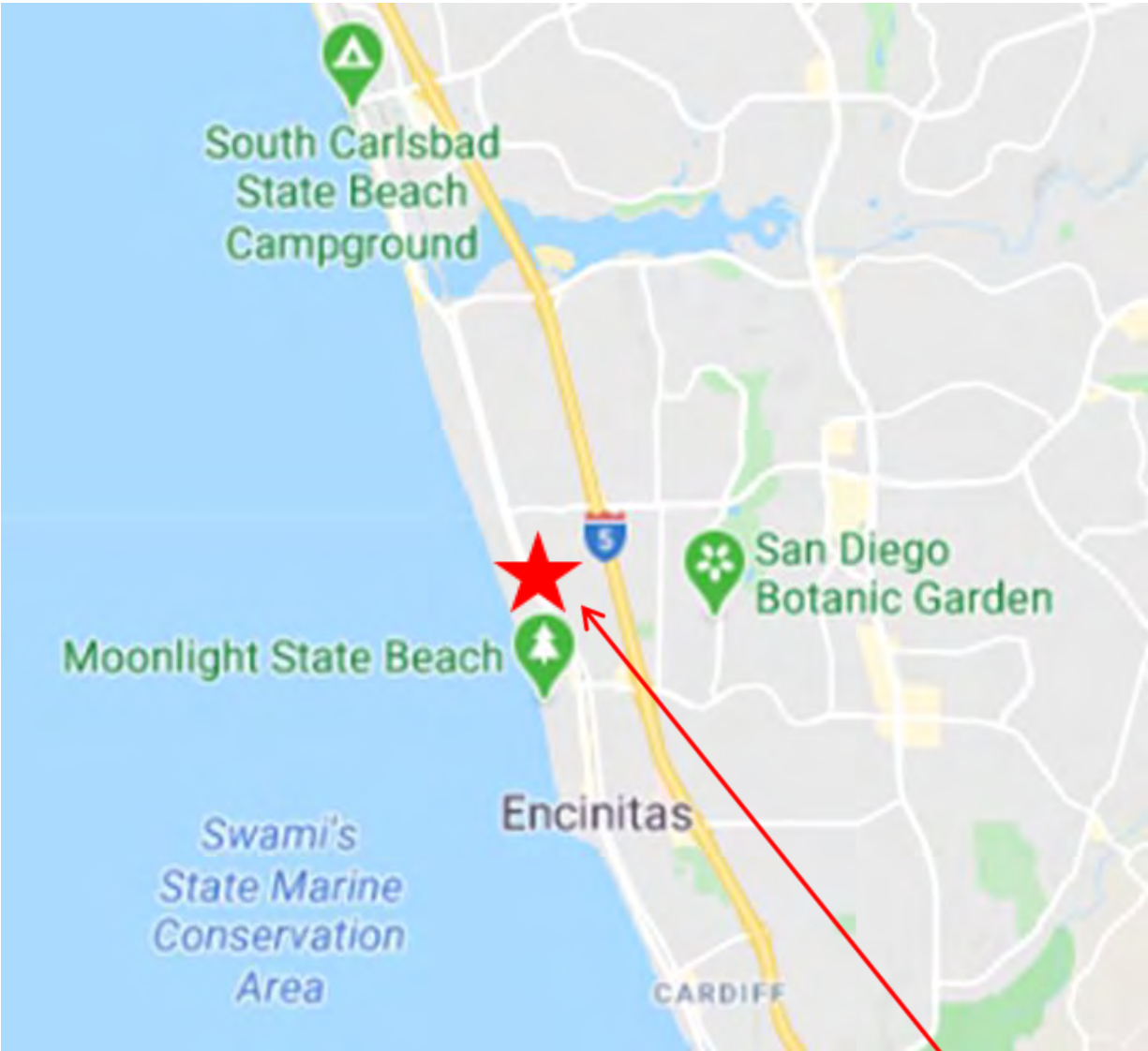
A-6-ENC-20-0022 (Hanlon SFR)

December 14, 2022

EXHIBITS

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SITE

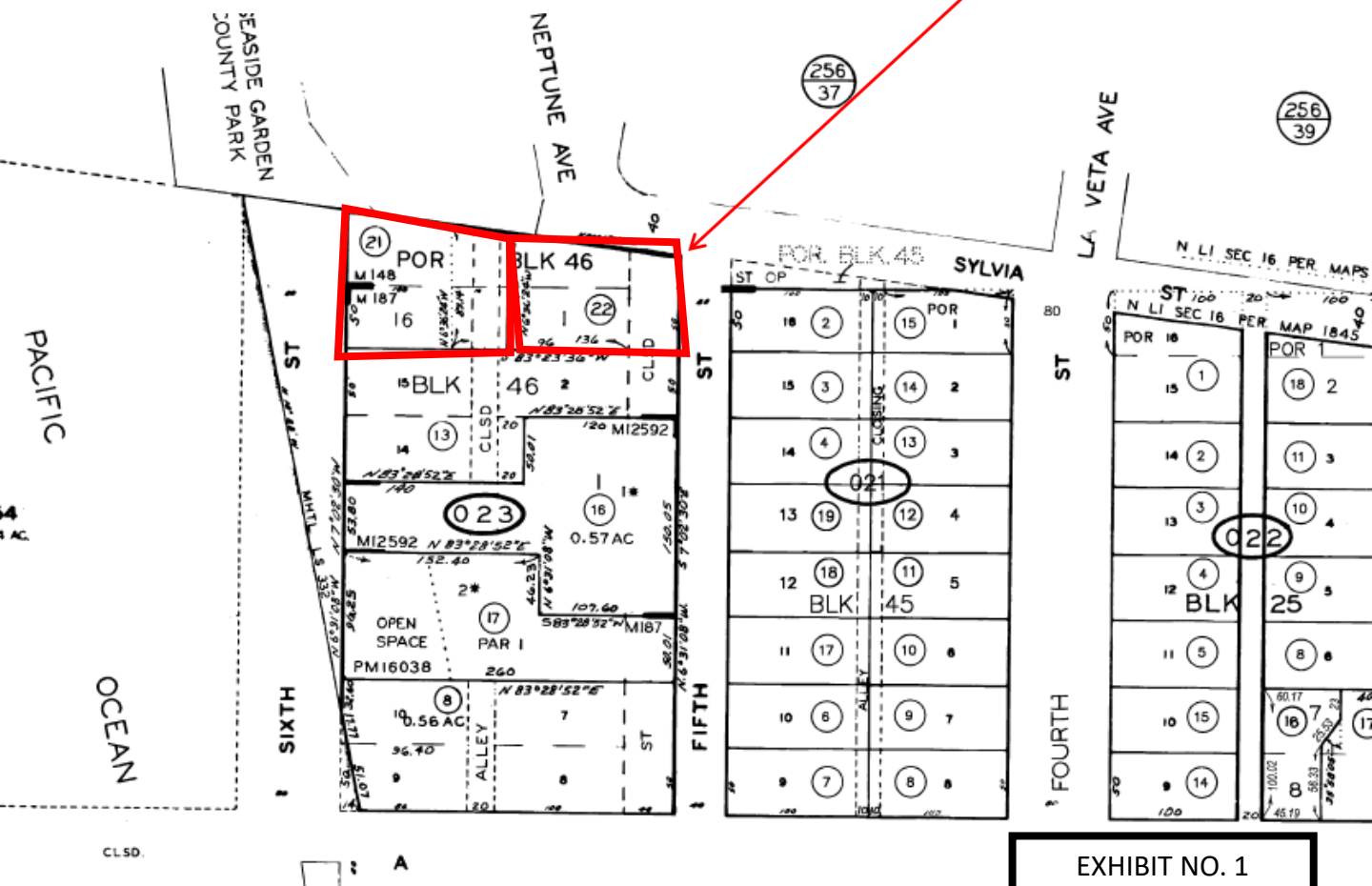


EXHIBIT NO. 1

APPLICATION NO.

A-6-ENC-20-0022

Vicinity Map



California Coastal Commission



Fifth St

104 Fifth St

Sylvia St


Subject Site

100 Fifth St

Adjacent Parcel

Private Accessway

Revetment

EXHIBIT NO. 2
APPLICATION NO.
A-6-ENC-20-0022
Project Site
 California Coastal Commission



104 Fifth Street

100 Fifth Street

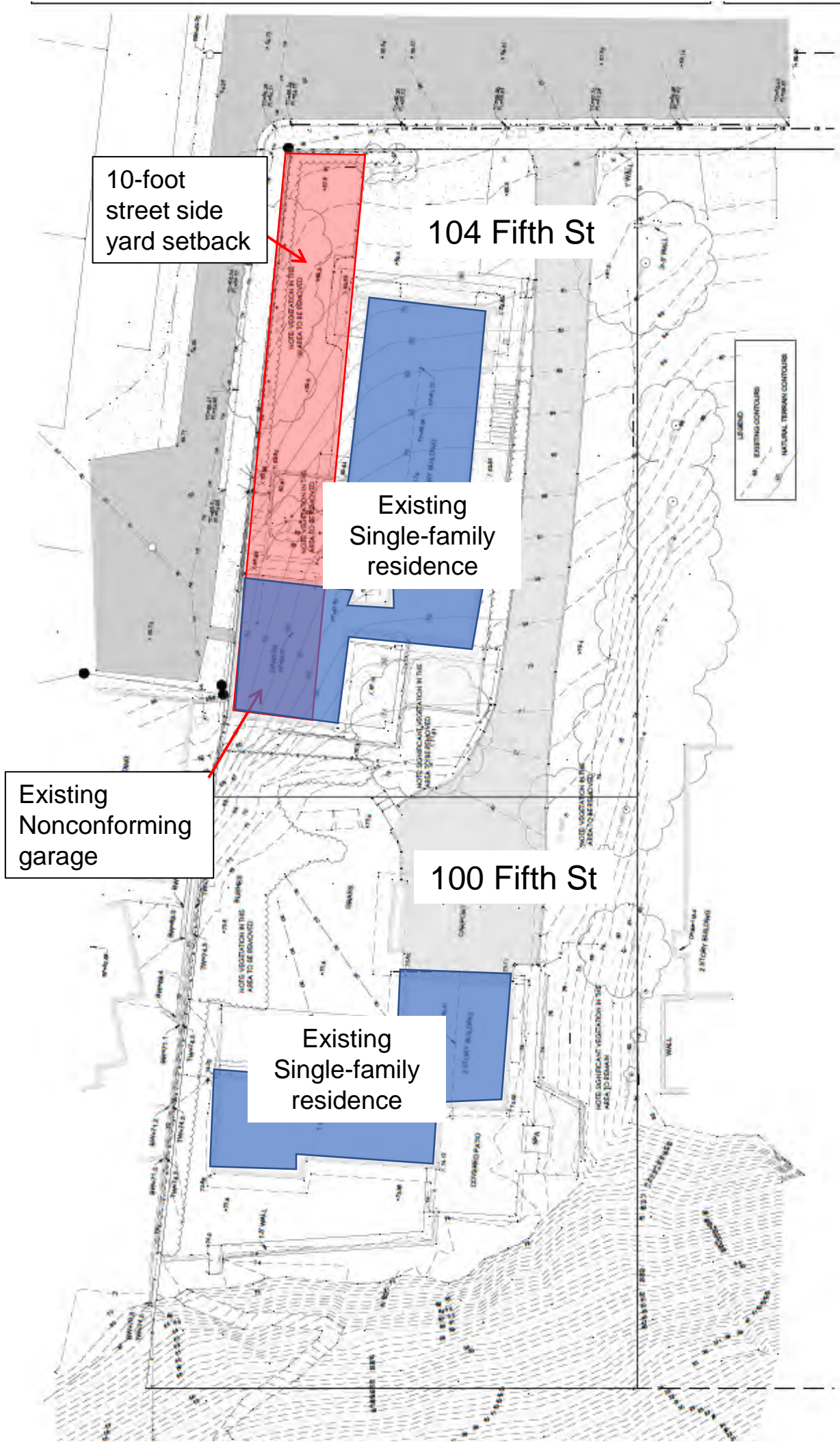
Private Path

Unpermitted private staircase on property

Unpermitted riprap

Unpermitted private staircase on adjacent property

EXHIBIT NO. 3
APPLICATION NO.
A-6-ENC-20-0022
Bluff face Development
 California Coastal Commission



Proposed
Site Plan

Fifth Street

10-foot
street side
yard setback

Pool and spa

ADU

Proposed
Residence

Proposed GSL

Beach

EXHIBIT NO. 5

APPLICATION NO.

A-6-ENC-20-0022

Proposed Development



California Coastal Commission

Fifth Street

**Proposed
Second
Floor**

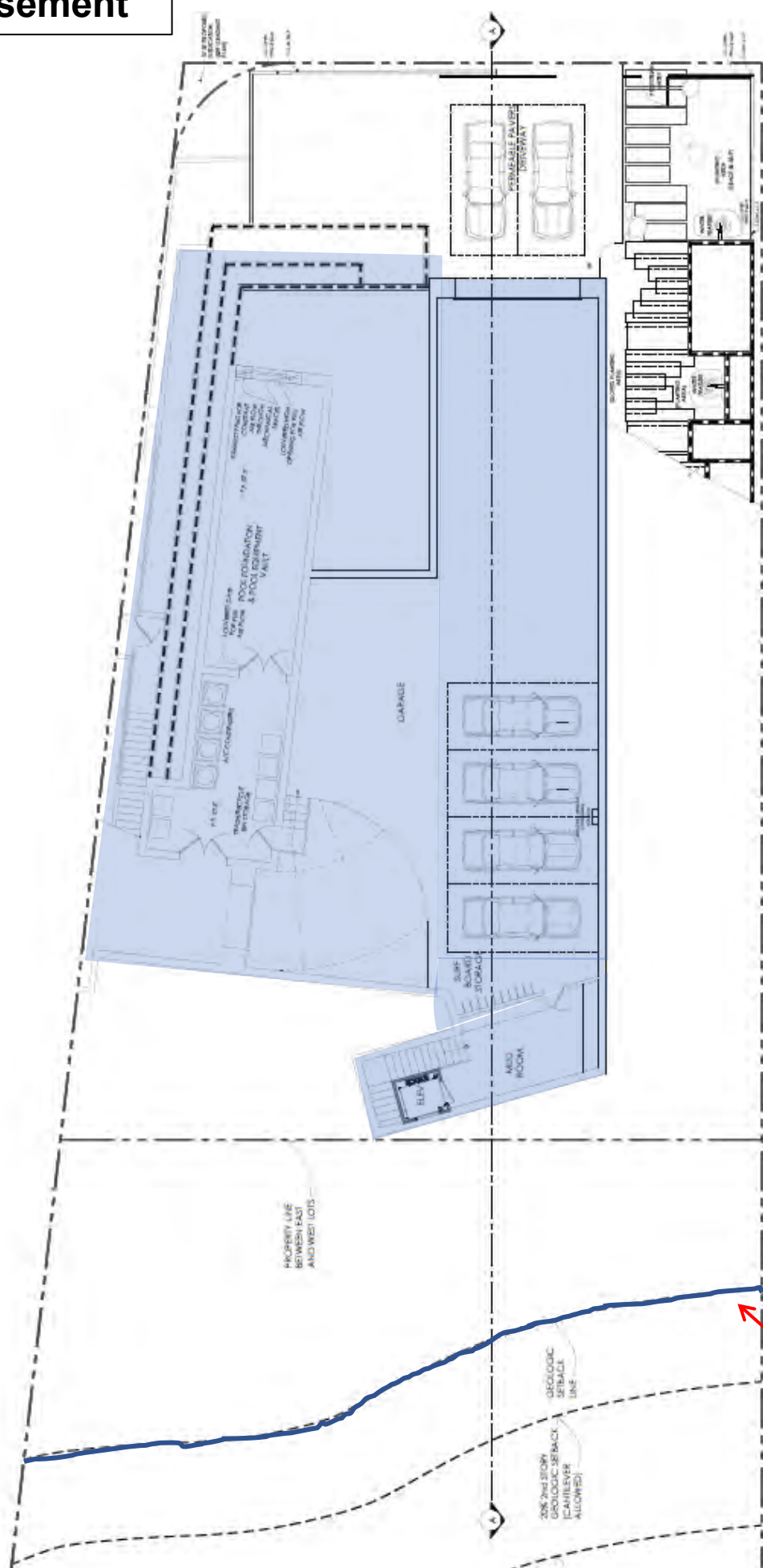
Proposed
GSL

Proposed
Cantilever
Roof Deck

Beach

Proposed Basement

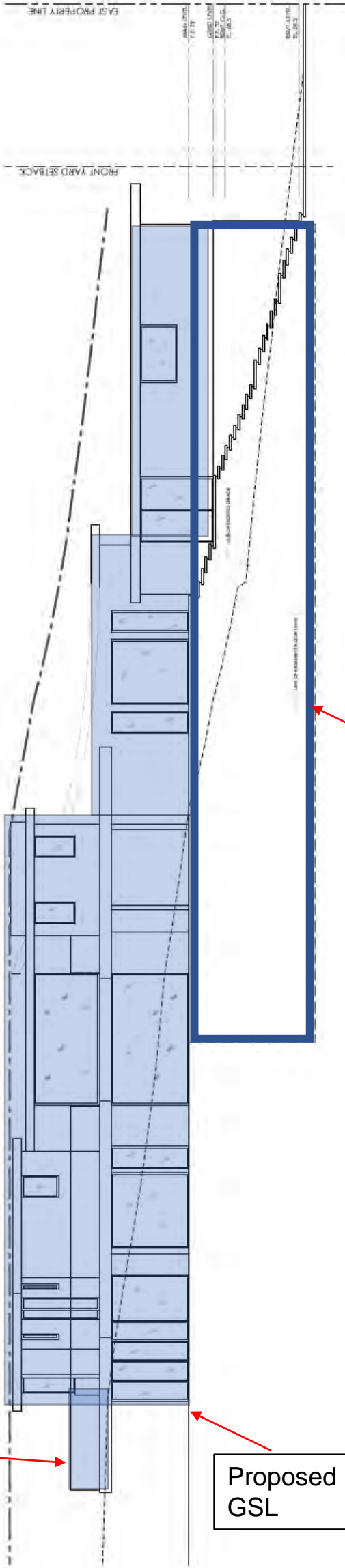
Fifth Street



Proposed
GSL

Beach


Fifth Street

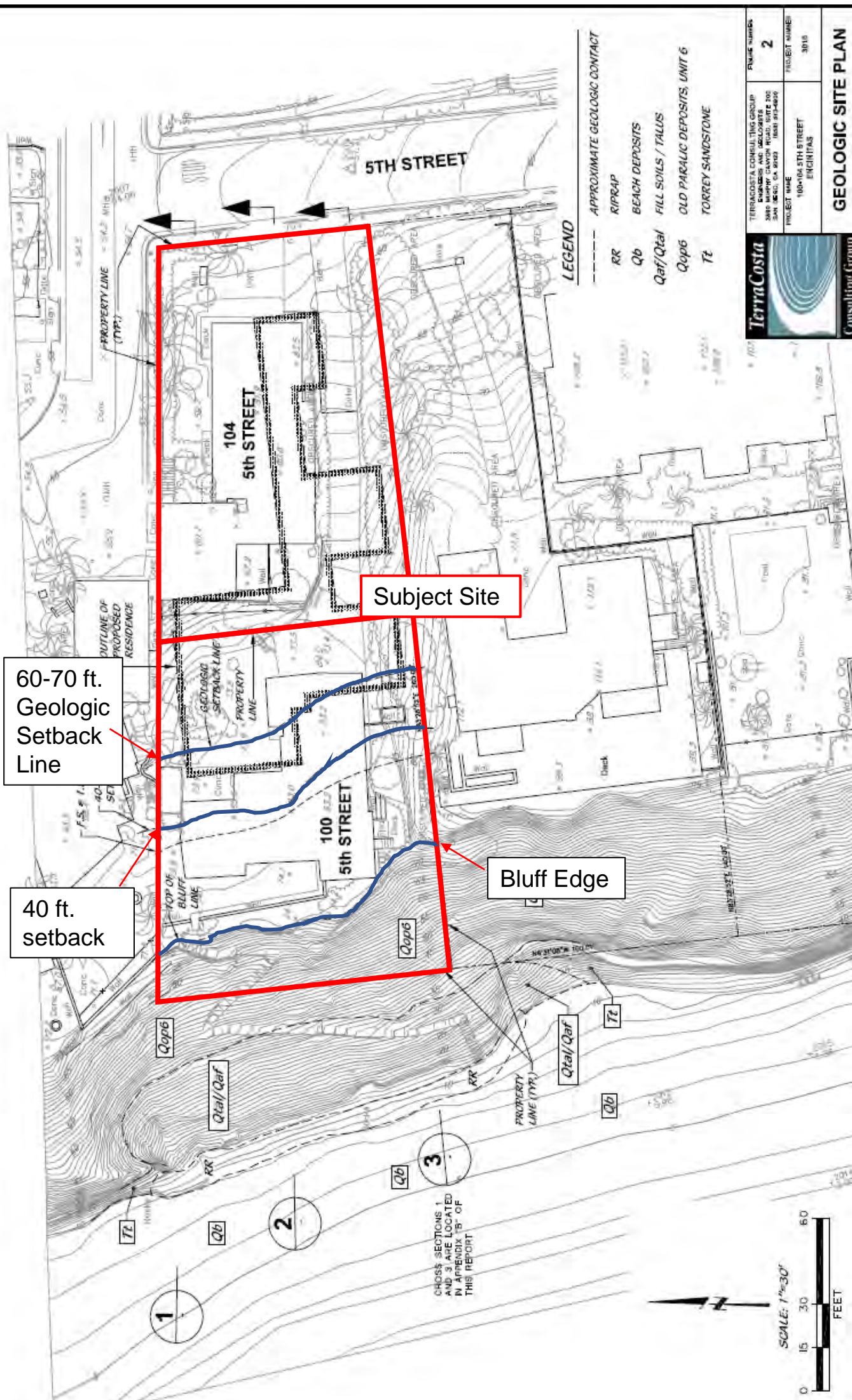


Proposed
Basement

Cantilevered Roof
Deck

Proposed
GSL

EXHIBIT NO. 6
APPLICATION NO.
A-6-ENC-20-0022
Proposed Elevations
 California Coastal Commission



APPROXIMATE GEOLOGIC CONTACT	
RR	RIPRAP
Qb	BEACH DEPOSITS
Qaf/Qtal	FILL SOILS / TALUS
Qop6	OLD PARALIC DEPOSITS UNIT 6
Tt	TORREY SANDSTONE

TERRACOSTA CONSULTING GROUP 3400 MARINE CANYON ROAD, SUITE 200 SAN DIEGO, CA 92108 (619) 517-4600	
PROJECT NAME	100-104 5TH STREET ENCINITAS
PROJECT NUMBER	3015
PLATE NUMBER	2



GEOLOGIC SITE PLAN

EXHIBIT NO. 7

APPLICATION NO.

A-6-ENC-20-0022

Geologic Setback Line

California Coastal Commission

1979

Dirt
Pathway

1989

Wooden
staircase
/retaining
walls

Staircase

Riprap

EXHIBIT NO. 8

APPLICATION NO.

A-6-ENC-20-0022

Unpermitted Development



California Coastal Commission

RESOLUTION NO. PC 2020-07

A RESOLUTION OF THE CITY OF ENCINITAS PLANNING COMMISSION APPROVING A PARCEL MAP WAIVER, MINOR USE PERMIT, DESIGN REVIEW PERMIT, AND COASTAL DEVELOPMENT PERMIT TO DEMOLISH TWO EXISTING SINGLE-FAMILY RESIDENCES, CONSOLIDATE TWO EXISTING UNDERLYING LEGAL LOTS INTO ONE LOT, AND CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE WITH AN OVERSIZED GARAGE WITHIN A BASEMENT, AND SITE AND GRADING IMPROVEMENTS FOR THE PROPERTIES LOCATED AT 100 FIFTH STREET AND 104 FIFTH STREET

(CASE NOS. MULTI-002926-2019, CDP-002927-2019, SUB-002973-2019, USE-003434-2019, and DR-003484-2019; APN 258-023-21 and 22)

WHEREAS, Lauren Williams, AIA, on behalf of Marco and Nicole Hanlon, submitted an application to demolish the existing single-family residences on two adjacent lots each, consolidate the two underlying legal lots into one lot, and construct a new single-family residence with an oversized garage within a basement, and site improvements to include grading exceeding four feet of fill, retaining walls exceeding six feet in height, landscaping and best management practices on the newly consolidated lot located on a coastal bluff for the properties located at 100 Fifth Street and 104 Fifth Street, **legally described in Exhibit A**; and

WHEREAS, the Planning Commission conducted a duly noticed public hearings on March 19, 2020;

NOW, THEREFORE, BE IT RESOLVED that the Encinitas Planning Commission hereby APPROVES Case Nos. MULTI-002926-2019, CDP-002927-2019, SUB-002973-2019, USE-003434-2019, and DR-003484-2019 based on the following Environmental Determination and Findings:

Section 1. California Environmental Quality Act Determination

The project has been determined to be exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15332 which exempts in-fill development when:

CEQA Guidelines Section 15332	Explanation of CEQA Conformance
a. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.	The project is consistent with all applicable policies of the General Plan and requirements of the Municipal Code.
b. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.	The project is located within the City of Encinitas. The project area is 22,852 gross square feet (0.52 acres). Previously developed properties surround the site and all public utilities are in place to serve the project.

EXHIBIT NO. 9

APPLICATION NO.

A-6-ENC-20-0022

Local Resolution



California Coastal Commission

c. The project site has no value as habitat for endangered, rare or threatened species.	The project site has no value as habitat for endangered, rare or threatened species.
d. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.	The proposed project is a primary single-family residence that will maintain the existing character of the residential neighborhood and surrounding residential area. The proposed single-family residence is similar to, consistent with, and appropriate for the residential vicinity, zoning, and character. Therefore, no significant effects relating to traffic, noise, air quality, or water quality would result.
e. The site can be adequately served by all required utilities and public services.	The proposed project is a primary single-family residence located within an established residential neighborhood. All public services are in place to serve the project and the established residential neighborhood.

As demonstrated in the table above, the proposed project meets this exemption. 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.

Section 2. Discretionary Action(s) Findings

Based on the findings for a Parcel Map Waiver per Encinitas Municipal Code Section 24.60.050 and the aforementioned analysis, Planning Commission has made the following findings to support the approval, with conditions:

Finding for Parcel Map Waiver	Explanation of Finding
The proposed subdivision and each of the lots proposed to be created comply with requirements as to area, on-site improvements, design, access, floodwater drainage control, adequate boundary monumentation, dedications of right-of-way, payment of development fees, appropriate improved public streets and other off-site improvements, sanitary disposal facilities, water supply availability, fire protection facilities, environmental review and protection, grading, and any and all other requirements of this Title and the State Subdivision Map Act which would be applicable to review and approval of a tentative parcel map.	The proposed project consolidates two existing lots into one legal lot, and no new lots are proposed by this application. All necessary on- and off-site improvements are in place. All utilities and services are in place for the development. The resulting consolidated lot complies with all standards of the R11 zone, including lot area, width and depth standards, and therefore, all applicable provisions of the Municipal Code and the Subdivision Map Act are met.

Based on the findings for a Use Permit per Encinitas Municipal Code Section 30.74.070 (Use Permit) and the aforementioned analysis, Planning Commission has made the following findings to support the approval, with conditions:

Findings for Minor Use Permit	Explanation of Finding
1. The location, size, design or operating characteristics of the proposed project will be incompatible with or will adversely affect or will be materially detrimental to adjacent uses, residences, buildings, structures or natural resources, with consideration given to, but not limited to:	
a. The inadequacy of public facilities, services and utilities to serve the proposed project.	Previously developed properties surround the site and all public utilities are in place to serve the project. The proposed project will be compatible with the surrounding uses and residences.
b. The unsuitability of the site for the type and intensity of use or development, which is proposed.	The suitability and intensity of development of the proposed basement garage was reviewed. The request to exceed the standard allowable area for the garage is not significant in nature relative to the size of the 22,852-gross square foot of total building area, the resultant bulk and mass, and its location within the basement. The proposed 4,820-SF garage located within the basement exceeds the maximum area of 1,000 SF. As conditioned, the proposed project meets all applicable zoning requirements as outlined in the Encinitas Municipal Code for projects located in the R11 zone. It is commonplace for single-family homes in the area to include attached accessory land uses. The proposed attached garage would be consistent with the neighborhood and compliant with the underlying zoning with the issuance of the minor use permit. The proposed garage is located within the basement and its area would not contribute to the overall FAR of the property, thereby maintaining the existing residential character of the neighborhood and surrounding area.

c. The harmful effect, if any, upon environmental quality and natural resources of the city.	Previously developed residential properties surround the subject property. There are no environmental issues associated with the project. The project has been determined to be exempt from environmental review pursuant to CEQA guidelines Section 15332.
2. The impacts of the proposed project will adversely affect the policies of the Encinitas General Plan or the provisions of this Code; or	The proposed project, as conditioned, is consistent with the policies of the General Plan, and applicable provisions of the Encinitas Municipal Code. The project will blend in and will complement the Leucadia community area. The project meets all of the zoning standards of the R11 zone, including setbacks, lot coverage, and building height.
3. The project fails to comply with any other regulations, conditions or policies imposed by this Code.	As conditioned, the project would comply with all requirements of the R11 zone, and applicable chapters of the Encinitas Municipal Code.

Based on the findings for a Design Review Permit as per Encinitas Municipal Code Section 23.08.080 and the aforementioned analysis, Planning Commission has made the following findings to support the approval, with conditions:

Findings for a Design Review Permit	Explanation of Finding
a. The project design is inconsistent with the General Plan, a Specific Plan or the provisions of the Municipal Code.	The project design is consistent with all applicable provisions of the General Plan and requirements of the Municipal Code. The project site is not located in a Specific Plan area.
b. The project design is substantially inconsistent with the Design Review Guidelines.	The view of the graded landform from the public view would appear as a natural landform and minimizes a manufactured appearance. The slopes descending from the west would be blended, rounded, and landscaped to look natural in appearance. The grading would not be visible from any public areas.
c. The project would adversely affect the health, safety, or general welfare of the community.	The project complies with all applicable standards outlined in the Municipal Code. The project is exempt from the requirements of CEQA and would not adversely affect the health, safety or general welfare of the community.

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

Finding for Coastal Development Permit	Explanation of Finding
1. The proposed project is consistent with the certified Local Coastal Program of the City of Encinitas.	The proposed project is consistent with the certified Local Coastal Program of the City of Encinitas. Based upon the information contained in the site-specific geotechnical study, the applicant has demonstrated that the new structure would not create an unnecessary surcharge load on the bluff. The City's third-party geotechnical consultant (Geopacifica) concluded that the geotechnical study provided as a part of the project review have addressed all site conditions and have provided all the necessary information to satisfy the requirements of the Encinitas Municipal Code. The building setback of 53 feet from the top of bluff accommodates the calculated factor of safety (1.5) setback for the seismic condition of 15 feet, plus an erosion rate of 0.51 feet/year over 75 years which results in a total of 38 feet.
2. The proposed project is consistent with the certified Local Coastal Program of the City of Encinitas. The proposed development conforms with Public Resources Code Section 21000 et al. (CEQA) and 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.	Previously developed properties surround the project site. There are no environmental issues associated with the project. The project would not have a harmful effect on environmental quality or natural resources. The project conforms with Public resources Code Section 21000 (CEQA). The project has been determined to be exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15322. The project meets these criteria of the exemptions. None of the exceptions in CEQA Guidelines Section 15300.2 exists and no historic resources will be impacted by the proposed project.
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.	Public access is not available or feasible on the site because it is a steep private blufftop property located on the west side of the intersection of Sylvia Street and Fifth Street. In accordance with Section 30212 of the Coastal Act, public beach and shore access and recreational opportunities already exist and both are available approximately 785 feet south of the project site at Moonlight Beach.

The above environmental determination and findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED that based on the Environmental Determination and Findings hereinbefore adopted by the Planning Commission, Case Nos. MULTI-002926-2019, CDP-002927-2019, SUB-002973-2019, USE-003434-2019, and DR-003484-2019 is hereby subject to the conditions in Exhibit B.

PASSED AND ADOPTED this 19th day of March, 2020, by the following vote, to wit:

AYES: Ehlers, Doyle, Flicker
NOES: None.
ABSTAIN: Sherod
ABSENT: Farrow

 4/3/2020

Bruce Ehlers, Chair

ATTEST:



Roy Sapa'u
Secretary

NOTE: This action is subject to Chapter 1.04 of the Municipal Code, which specifies time limits for legal challenges.

EXHIBIT "A"
RESOLUTION NO. PC 2020-07
CASE NOS. MULTI-002926-2019, CDP-002927-2019, SUB-002973-2019,
USE-003434-2019, and DR-003484-2019

LEGAL DESCRIPTION

PARCEL A-1:

THOSE PORTIONS OF LOTS ONE AND SIXTEEN, BLOCK FORTY-SIX, PITCHER'S SUBDIVISION OF ENCINITAS, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 187 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY APRIL 4, 1887, TOGETHER WITH THE WESTERLY 40 FEET OF 5TH STREET ADJOINING SAID LOT ONE ON THE EAST AND THAT PORTION OF THE ALLEY IN SAID BLOCK 46 LYING BETWEEN SAID LOTS ONE AND SIXTEEN AS CLOSED DECEMBER 3, 1913 BY ORDER OF THE BOARD OF SUPERVISORS OF SAN DIEGO TOGETHER WITH THAT PORTION OF BLOCK 46 OF ENCINITAS IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 148, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY JUNE 12, 1883 AND THOSE PORTIONS OF THE WEST 40 FEET OF 5TH STREET ADJOINING SAID BLOCK 46 ON THE EAST AND OF THE ALLEY IN SAID BLOCK 46 AS CLOSED TO PUBLIC USE DECEMBER 3, 1913 BY ORDER OF THE BOARD OF SUPERVISORS WHICH LIES NORTHERLY OF THE NORTHERLY LINE (OF THE EASTERLY EXTENSION THEREOF) OF THE SAID BLOCK 46 OF PITCHER'S SUBDIVISION OF ENCINITAS, ACCORDING TO MAP THEREOF NO. 187, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY APRIL 4, 1887 AND SOUTHERLY OF THE SOUTHERLY LINE OF SECTION 9, TOWNSHIP 13 SOUTH, RANGE 4 WEST SAN BERNARDINO MERIDIAN AS SAID SOUTHERLY LINE IS SHOWN ON THE MAP OF SEA SIDE GARDENS NO. 1800 AND IN MAP OF NORTH ENCINITAS NO. 1845 LYING WESTERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE SOUTHEASTERLY CORNER OF SAID LOT 1 OF MAP 187; THENCE ALONG THE SOUTHERLY LINE THEREOF SOUTH 83°23'36" WEST, 96.00 FEET TO THE TRUE POINT OF BEGINNING OF SAID LINE, THENCE NORTH 6°36'24" WEST 89.14 FEET MORE OR LESS TO SAID SOUTHERLY LINE OF SECTION 9.

EXCEPTING THEREFROM, THAT PORTION, IF ANY HERETOFORE OR NOW LYING BELOW THE MEAN TIDE OF THE PACIFIC OCEAN.

THIS LEGAL IS MADE PURSUANT TO THAT CERTAIN CERTIFICATE OF COMPLIANCE RECORDED DECEMBER 2, 1991 AS INSTRUMENT NO. 91-617677 OF OFFICIAL RECORDS.

PARCEL A-2:

AN EASEMENT FOR INGRESS AND EGRESS AND FOR ROADWAY AND UTILITY PURPOSES AND APPURTENANCES THERETO OVER, UNDER, ALONG AND ACROSS THE SOUTHERLY 20.00 FEET OF THOSE PORTIONS OF LOTS ONE AND SIXTEEN, BLOCK FORTY SIX, PITCHER'S SUBDIVISION OF ENCINITAS, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 187 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY APRIL 4, 1887,

TOGETHER WITH THE WESTERLY 40 FEET OF 5TH STREET ADJOINING SAID LOT ONE ON THE EAST AND THAT PORTION OF THE ALLEY IN SAID BLOCK 46 LYING BETWEEN SAID LOTS ONE AND SIXTEEN AS CLOSED DECEMBER 3, 1913 BY ORDER OF THE BOARD OF SUPERVISORS OF SAN DIEGO.

EXCEPTING THEREFROM THAT PORTION LYING WITHIN THE HEREINABOVE DESCRIBED PARCEL A-I.

PARCEL B:

THOSE PORTIONS OF LOTS ONE AND SIXTEEN, BLOCK FORTY-SIX, PITCHER'S SUBDIVISION OF ENCINITAS, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 187 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY APRIL 4, 1887, TOGETHER WITH THE WESTERLY 40 FEET OF 5TH STREET ADJOINING SAID LOT ONE ON THE EAST AND THAT PORTION OF THE ALLEY IN SAID BLOCK 46 LYING BETWEEN SAID LOTS ONE AND SIXTEEN AS CLOSED DECEMBER 3, 1913 BY ORDER OF THE BOARD OF SUPERVISORS OF SAN DIEGO; TOGETHER WITH THAT PORTION OF BLOCK 46 OF ENCINITAS IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 148, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY JUNE 12, 1881 AND THOSE PORTIONS OF THE WEST 40 FEET OF 5TH STREET ADJOINING SAID BLOCK 46 ON THE EAST AND OF THE ALLEY IN SAID BLOCK 46 AS CLOSED TO PUBLIC USE DECEMBER 3, 1913 BY ORDER OF THE BOARD OF SUPERVISORS WHICH LIES NORTHERLY OF THE NORTHERLY LINE (OF THE EASTERLY EXTENSION THEREOF) OF THE SAID BLOCK 46 OF PITCHER'S SUBDIVISION OF ENCINITAS, ACCORDING TO MAP THEREOF NO. 187, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY APRIL 4, 1887 AND SOUTHERLY OF THE SOUTHERLY LINE OF SECTION 9, TOWNSHIP 13 SOUTH, RANGE 4 WEST SAN BERNARDINO MERIDIAN AS SAID SOUTHERLY LINE IS SHOWN ON THE MAP OF SEA SIDE GARDENS NO. 1800 AND IN MAP OF NORTH ENCINITAS NO. 1845 LYING EASTERLY OF THE FOLLOWING DESCRIBED LINE.

BEGINNING AT THE SOUTHEASTERLY CORNER OF SAID LOT 1 OF MAP 187; THENCE ALONG THE SOUTHERLY LINE THEREOF SOUTH $83^{\circ}23'36''$ WEST, 96.00 FEET TO THE TRUE POINT OF BEGINNING OF SAID LINE THENCE NORTH $6^{\circ}36'24''$ WEST 89.14 FEET MORE OR LESS TO SAID SOUTHERLY LINE OF SECTION 9.

EXCEPTING THEREFROM, THAT PORTION, IF ANY HERETOFORE OR NOW LYING BELOW THE MEAN TIDE OF THE PACIFIC OCEAN.

THIS LEGAL IS MADE PURSUANT TO THAT CERTAIN CERTIFICATE OF COMPLIANCE RECORDED DECEMBER 2, 1991 AS INSTRUMENT NO. 91-617677 OF OFFICIAL RECORDS.

APN: 258-023-21-00 AND 258-023-22-00

EXHIBIT "B"
RESOLUTION NO. PC 2020-07
CASE NOS. MULTI-002926-2019, CDP-002927-2019, SUB-002973-2019,
USE-003434-2019, and DR-003484-2019

CONDITIONS OF APPROVAL

Applicant: Lauren Williams, AIA, on behalf of Marco and Nicole Hanlon

Location: 100 Fifth Street (APN 258-023-21) and 104 Fifth Street (258-023-22)

SC1 SPECIFIC CONDITIONS:

SC2 At any time after two years from the date of this approval, on March 19, 2022, at 5 p.m., or the expiration date of any extension granted in accordance with the Municipal Code, the City may require a noticed public hearing to be scheduled before the authorized agency to determine if there has been demonstrated a good faith intent to proceed in reliance on this approval. If the authorized agency finds that a good faith intent to proceed has not been demonstrated, the application shall be deemed expired as of the above date (or the expiration date of any extension). The determination of the authorized agency may be appealed to the City Council within 10 days of the date of the determination.

SC5 This project is conditionally approved as set forth on the application and project drawings stamped received by the City on March 13, 2020, consisting of 18 sheets including a Title Sheet & Site Plan (Sheet as 01), Topographic Survey (02), Preliminary Grading Plan (03a and 03b), Slope Analysis (03c), Floor Plans (04 through 06), Roof Plans (07 and 08), Elevations (09 through 11), Sections (12 and 13), Preliminary Landscape Plan (One sheet), and Colored North Elevation (One Sheet); all designated as approved by the Planning Commission on March 19, 2020, and shall not be altered without express authorization by the Development Services Department.

SCA The following conditions shall be completed and/or fulfilled to the satisfaction of the Development Services Department:

1. Prior to building permit issuance, the applicant shall obtain an assigned address for the single-family residence.
2. Prior to final occupancy, a Planning Final Inspection shall be completed.
3. To the satisfaction of the Development Services Department, all onsite landscaping shall be at least 50 percent of native species. All vegetation planted on the site shall consist of drought tolerant species and non-invasive plants.
4. To the satisfaction of the Development Services Department, the proposed custom single-family residence shall be compatible with the surrounding environment in earth tones includes shades of green, brown, and gray, with no white or light shades, and no bright tones except as minor accents.

5. Any and all light sources associated with the subject project shall be shielded in such a manner that the light is directed away from streets or adjoining properties.
6. Erosion control landscaping shall be manually watered.
7. No permanent irrigation shall be permitted on the bluff face and within 40 feet of the bluff edge.
8. Any surface drains that must be relocated during construction shall drain to the street.
9. No improvements (i.e. fences/walls, landscaping, hardscape, etc.) shall be permitted within five feet of the bluff edge. All existing improvements within five feet of the bluff edge shall be removed or relocated to the satisfaction of the Development Services Department prior to final inspection.
10. Prior to grading/building permit issuance, an Open Space Easement shall be executed and recorded to the satisfaction of the Development Services Department to conserve the coastal bluff face between the coastal bluff edge and the western property line. Said coastal bluff conservation action shall prohibit the alteration of landforms, removal of vegetation, or the removal/erection of structures of any type except as permitted by written authorization by the City of Encinitas Development Services Department and/or California Coastal Commission. Said Open Space Easement shall be clearly depicted on the plans submitted for building permit plan issuance in reliance on this approval to the satisfaction of the Development Services Department.
11. The owner shall grant 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 Fifth Street and Sylvia Street to create a 15.00 feet radius.
12. For purposes of public improvement requirements, the owner shall be responsible for the construction of public improvements along the property frontages to Fifth Street and Sylvia Street. An ADA compliant pedestrian ramp shall be constructed at the intersection. A sidewalk shall be constructed to the north to connect to the existing. All new driveway aprons shall be constructed per SDRSD G-14D. The existing "Miracle 8-1929 Constr Co" sidewalk stamping shall be preserved and replaced.
13. All overhead utility service lines to the residences shall be installed underground.
14. The applicant shall provide standard post construction stormwater quality treatment BMP facilities to collect and treat all runoff generated by new and/or removed and replaced impervious surfaces for each parcel.
15. The existing survey monuments shall be shown 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 shall file a Corner Record with the County.

16. 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 City Engineer.
17. The proposed shoring retaining wall shall be included with the grading plans and be reviewed by the City's third-party reviewer. Additional plan check fees shall be required.
18. No grading shall be performed within the bluff setback including any temporary excavations for the proposed basements.

SCB The following condition of approval was added at the March 19, 2020 Planning Commission public hearing:

1. The applicant agrees, on behalf of themselves and all successors and assigns, that no bluff or shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to California Government Code Section 30253(b) of the Coastal Act including, but not limited to, the residence and foundation, in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, bluff retreat, landslides, or other natural hazards in the future. By acceptance of this Permit, the applicants hereby waive, on behalf of themselves and all successors and assigns, any rights to construct such devices that may exist under applicable law.

G1 **STANDARD CONDITIONS:**

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

- M1 This approval may be appealed to the City Council within 10 calendar days from the date of this approval pursuant to Chapter 1.12 of the Municipal Code.
- G3 This project is located within the Coastal Appeal Zone and may be appealed to the California Coastal Commission pursuant to Coastal Act Section 30603 and Chapter 30.04 of the City of Encinitas Municipal Code. An appeal of the Planning Commission's decision must be filed with the Coastal Commission within 10 working days following the Coastal Commission's receipt of the Notice of Final Action. Applicants will be notified by the Coastal Commission as to the date the Commission's appeal period will conclude. Appeals must be in writing to the Coastal Commission, San Diego Coast District office.
- G4 Prior to **building permit issuance/recordation of the Certificate of Compliance**, 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.
- G5 The Owner(s) shall waive any claims of liability against the City and indemnify, hold harmless and defend the City and City's employees regarding any component of the City's approval, by executing an indemnity agreement in substantially the form as provided by the Development Services Department prior to **grading/building permit issuance/recordation of the Certificate of Compliance** and the Development Services Director, or designee, is hereby authorized to execute the same.

- G6 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.
- G8 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 reduced (8 ½ inches x 11 inches) copy of the site plan and elevations depicting the exact point(s) of certification. 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.
- G11 All retaining and other freestanding walls, fences, and enclosures shall be architecturally designed in a manner similar to, and consistent with, the primary structures (e.g. stucco-coated masonry, split-face block or slump stone). These items shall be approved by the Development Services Department prior to the issuance of building and/or grading permits.
- G12 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 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. Ground-mounted mechanical and electrical equipment shall also be screened through use of a wall, fence, landscaping, berm, or combination thereof to the satisfaction of the Development Services Department. All exterior accessory structures shall be designed to be compatible with the primary building's exterior to the satisfaction of the Development Services Department.
- G13 Prior to any use 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.
- G14 The applicant shall pay development fees at the established rate. Such fees may include, but not be 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/Cost Recovery Fees. Arrangements to pay these fees shall be made prior to **building permit issuance** to the satisfaction of the Development Services Departments. The applicant is advised to contact the Development Services Department regarding Park Mitigation Fees, Flood Control and Traffic Fees, applicable School District(s) regarding School Fees, the Fire Department regarding Fire Mitigation/Cost Recovery Fees, and the applicable Utility Departments or Districts regarding Water and/or Sewer Fees.
- G20 Garages enclosing required parking spaces shall be kept available and usable for the parking of owner/tenant vehicles at all times and may not be rented or conveyed separately from the appurtenant dwelling unit.

- G22 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.
- G23 Building plans for all new dwelling units shall include installation of wiring for current or conduits for future installation of photovoltaic energy generation system(s) and an electric vehicle charging station.
- G24 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 pursuant to Section 23.08.030.B.1.
- G25 Newly constructed single-family dwelling units shall be pre-plumbed for a graywater system permitted and constructed in accordance with Chapter 16 of the California Plumbing Code and including a stub-out in a convenient location for integration of the graywater system with landscape irrigation systems and accepting graywater from all sources permissible in conformance with the definition of graywater as per Section 14876 of the California Water Code. **Exception:** A graywater system shall not be permitted where a percolation test shows the absorption capacity of the soil is unable to accommodate the discharge of a graywater irrigation system.

LANDSCAPING

- L1 The project is subject to Chapter 23.26 of the Municipal Code (Water Efficient Landscape Program), which requires a landscape and irrigation plan to be prepared by a State licensed landscape designer. The requirements for the plans are listed in Chapter 23.26. The landscape and irrigation plans including the required signature block of the State licensed landscape designer must be submitted as part of the building permit application for the project.
- L2 All required plantings and automated irrigation systems shall be in place prior to use or occupancy of new buildings or structures. All required plantings and automated irrigation systems shall be maintained in good condition, and whenever necessary, shall be replaced with new materials to ensure continued compliance with applicable landscaping, buffering, and screening requirements. All landscaping and irrigation systems shall be maintained in a manner that will not depreciate adjacent property values and otherwise adversely affect adjacent properties. All irrigation lines shall be installed and maintained underground (except drip irrigation systems).
- L5 All masonry freestanding or retaining walls visible from points beyond the project site shall be treated with a protective sealant coating to facilitate graffiti removal. The sealant shall be of a type satisfactory to the Development Services Department. The

property owner shall be responsible for the removal in a timely manner of any graffiti posted on such walls.

USE PERMITS

- U1 At all times during the effective period of this permit, the responsible party shall obtain and maintain in valid force and effect, each and every license and permit required by a governmental agency for the operation of the authorized activity.
- U2 In the event that any of the conditions of this permit are not satisfied, the Development Services Department shall cause a noticed hearing to be set before the authorized agency to determine whether the City of Encinitas should revoke this permit.
- U3 Upon a showing of compelling public necessity demonstrated at a noticed hearing, the City of Encinitas, acting through the authorized agency, may add, amend, or delete conditions and regulations contained in this permit.
- U4 Nothing in this permit shall relieve the applicant from complying with conditions and regulations generally imposed upon activities similar in nature to the activity authorized by this permit.
- U5 Nothing in this permit shall authorize the applicant to intensify the authorized activity beyond that which is specifically described in this permit.
- U7 Any future modifications to the approved project will be reviewed relative to the findings for substantial conformance with a use permit contained in Section 30.74.105 of the Municipal Code. Modifications beyond the scope described therein will require submittal of an amendment to the use permit and approval by the authorized agency.
- U8 All project grading shall conform with that shown on the approved project plans. If no grading is proposed on the approved plans, or subsequent grading plans are inconsistent with the grading shown on the approved plans, a use permit modification for such grading shall be obtained from the authorized agency of the City prior to issuance of grading or building permits.

PARCEL MAP WAIVER/CERTIFICATES OF COMPLIANCE

- BA1 Completion of this lot consolidation shall require the recordation of a Certificate of Compliance. New legal descriptions reflecting the adjusted parcels shall be prepared to the satisfaction of the Development Services Department. Pursuant to Municipal Code Section 24.70.110, a subdivision map of record reflecting the boundaries resulting from this action may serve as a substitute for a Certificate of Compliance.
- BA2 In accordance with Section 66412(d) of the California Subdivision Map Act, deeds reflecting this lot consolidation shall be recorded in the Office of the County Recorder. Conformed copies of the deeds shall be presented to the Development Services Department prior to the preparation of the Certificate of Compliance referenced in Condition BA1, above.

DESIGN REVIEW

- DR1 Any future modifications to the approved project will be reviewed relative to the findings for substantial conformance with a design review permit contained in Section 23.08.140 of the Municipal Code. Modifications beyond the scope described therein may require submittal of an amendment to the design review permit and approval by the authorized agency.
- DR3 All project grading shall conform with the approved plans. If no grading is proposed on the approved plans, or subsequent grading plans are inconsistent with the grading shown on the approved plans, a design review permit for such grading shall be obtained from the authorized agency of the City prior to issuance of grading or building permits.

BLUFFTOP DEVELOPMENT:

- BL1 Owner(s) shall enter into and record a covenant satisfactory to the City Attorney waiving any claims of liability against the City and agreeing to indemnify and hold harmless the City and City's employees relative to the approved project. This covenant is applicable to any bluff failure and erosion resulting from the development project.
- BL2 The owner shall participate in and comply with any comprehensive plan adopted by the City to address coastal bluff recession and shoreline erosion problems in the City. This condition shall apply to future owners, encumbrances, successors, heirs, personal representatives, transferees and assigns of the respective parties.
- BL3 An "as-built geotechnical report" shall be submitted to the Development Services Departments, for review and acceptance, prior to approval of the foundation inspection. The report shall outline all field test locations and results, and observations performed by the consultant during construction of the proposed structure(s), and especially relative to the depths and actual location of the foundations. The report shall also verify that the recommendations contained in the Geotechnical Investigation Report, prepared and submitted in conjunction with the application, have been properly implemented and completed.

B1 BUILDING CONDITION(S):

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

- B2R The applicant shall submit a complete set of construction plans to the Development Services Department for building permit plancheck 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 plancheck 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.

F1 **FIRE CONDITION(S):**

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

- F6 **GATES:** All gates or other structures or devices, which could obstruct fire access roadways or otherwise hinder emergency operations, are prohibited unless they meet standards approved by the Fire Department. An approved emergency key-operated switch and/or an approved emergency traffic control-activating strobe light sensor shall be installed per Encinitas Fire Department standards.
- F13 **ADDRESS 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: four inches high with a half-inch stroke width for residential buildings, eight inches high with a half-inch stroke for commercial and multi-family residential buildings, twelve inches high with a one-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.
- F15A **AUTOMATIC FIRE SPRINKLER SYSTEM-ONE- AND TWO-FAMILY DWELLINGS:** Structures shall be protected by an automatic fire sprinkler system designed and installed to the satisfaction of the Fire Department. Plans for the automatic fire sprinkler system shall be approved by the Fire Department prior to installation.
- F18 **CLASS "A" ROOF:** All structures shall be provided with a Class "A" Roof covering to the satisfaction of the Encinitas Fire Department.
- F22 **BASEMENT:**
1. All basements shall be designed and equipped with emergency exit systems consisting of operable windows, window wells or exit door that's leads directly outside via staircase and exit door or exit door at grade.
 2. 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 250-pound 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)

E1 **ENGINEERING CONDITION(S):**

- E2 All City Codes, regulations, and policies in effect at the time of building/grading permit issuance shall apply.

E3 All drawings submitted for Engineering permits are required to reference the NAVD 88 datum; the NGVD 29 datum will not be accepted.

EG1 Grading Conditions

EG3 The developer shall obtain a grading permit prior to the commencement of any clearing or grading of the site.

EG4 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 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 Director and verify compliance with Chapter 23.24 of the Encinitas Municipal Code.

EG5 No grading shall occur outside the limits of the project unless a letter of permission is obtained from the owners of the affected properties.

EG6 Separate grading plans shall be submitted and approved and separate grading permits issued for borrow or disposal sites if located within the city limits.

EG7 All newly created slopes within this project shall be no steeper than 2:1.

EG8 A soils/geological/hydraulic report (as applicable) shall be prepared by a qualified engineer licensed by the State of California to perform such work. The report shall be submitted with the first grading plan submittal and shall be approved prior to issuance of any grading permit for the project.

EG9 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 Director for the proposed haul route. The developer shall comply with all conditions and requirements the Development Services Director may impose with regards to the hauling operation.

EG10 In accordance with Section 23.24.370 (A) of the Municipal Code, no grading permit shall be issued for work occurring between October 1st of any year and April 15th of the following year, unless the plans for such work include details of protective measures, including desilting basins or other temporary drainage or control measures, or both, as may be deemed necessary by the field inspector to protect the adjoining public and private property from damage by erosion, flooding, or the deposition of mud or debris which may originate from the site or result from such grading operations.

EG13 Owner shall provide a precise grading plan prior to approval of building permit. Grading plan shall provide design for drainage improvements, erosion control, storm water pollution control, and on-site pavement.

ED1 Drainage Conditions

ED2A 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 Best Management Practice Manual shall be employed to determine appropriate storm water pollution control practices during construction.

- ED3 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 Director to properly handle the drainage.
- ED5 The owner shall pay the current local drainage area fee prior to issuance of the building permit for this project or shall construct drainage systems in conformance with the Master Drainage Plan and City of Encinitas Standards as required by the Development Services Director.
- ED6 The owner of the subject property shall execute a hold harmless covenant regarding drainage across the adjacent property prior to approval of the any grading or building permit for this project.
- ED7 Concentrated flows across driveways and/or sidewalks shall not be permitted.

ES1 **Street Conditions**

- ES3 The owner shall make an offer of dedication to the City for all public streets and easements required by these conditions or shown on the site development plan. The offer shall be made by execution of a grant deed prior to issuance of any building permit for this project. All land so offered shall be granted 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.
- ES5 Prior to any work being performed in the public right-of-way, a right-of-way construction permit shall be obtained from the Development Services Director and appropriate fees paid, in addition to any other permits required.
- ES10 Improvements constructed within the present or future public right-of-way shall be considered temporary. The owner shall enter into an encroachment removal covenant agreeing to remove those improvements at the direction of the City.

EU1 **Utilities Conditions**

- EU2 The owner shall comply with all the rules, regulations, and design requirements of the respective utility agencies regarding services to the project.
- EU3 The owner shall be responsible for coordination with S.D.G. & E., AT&T, and other applicable authorities.
- EU4 All proposed utilities within the project shall be installed underground including existing utilities unless exempt by the Municipal Code.

ESW1 Storm Water Pollution Control Conditions

- ESW3 Best Management Practice shall be utilized for storm water pollution control to the satisfaction of the City Engineer. The surface run off shall be directed over grass and landscaped areas prior to collection and discharge onto the street and/or into the public storm drain system. If pipes are used for area drainage, inlets shall be located to allow maximum flow distance over grass and non-erodable landscape areas. A grass lined ditch, reinforced with erosion control blanket, or a rip-rap lined drainage ditch shall be used instead of a concrete ditch where feasible. Hardscaped areas and driveways shall be sloped toward grassy and landscaped areas. Driveways with a grass or gravel lined swale in the middle can be used if the site topography does not allow for the discharge of driveway runoff over landscaped areas. The **Grading Plan** shall identify all landscape areas designed for storm water pollution control (SWPC). 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.
- ESW5 The project must meet storm water quality and pollution control requirements. The applicant shall design and construct landscape and/or turf areas and ensure that all flows from impervious surfaces are directed across these areas prior to discharging onto the street. A **Grading Plan** identifying all landscape areas designed for storm water pollution control (SWPC) and Best Management Practice shall be submitted to the City for Development Services Department approval. A note shall be placed on the plans indicating that the modification or removal of the SWPC facilities without a permit from the City is prohibited.
- ESW6 Storm Water Pollution Control (SWPC) facilities shall be designed and approved by the City Engineer, and secured with a performance bond prior to the issuance of a **grading** permit for this project.
- ESW9 For storm water 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. Grass and landscape areas designated for storm water pollution control shall not be modified without a permit from the City. A note to this effect shall be placed on the **Grading** plan.

ECB1 Coastal Bluff Conditions

- ECB2 In order to prevent any runoff from discharging over the coastal bluff, a drainage collection system shall be designed to intercept all the on-site runoff. The runoff shall be directed to a holding tank/wet well. The wet-well pump system shall be designed to handle a 50-year storm event and must be pumped onto a street or into a controlled storm drain system. No storm or irrigation water shall flow over the bluff edge.
- ECB3P If an automatic irrigation system is proposed for this project, it shall be designed to avoid any excess watering. The system shall also be designed to automatically shut off in case of a pipe break. Automatic shut-off system, moisture shut-off sensors, and other advanced controls will be required for the installation of an automatic irrigation system.

ES1 **Street Conditions**

- ES5 Prior to any work being performed in the public right-of-way, a right-of-way construction permit shall be obtained from the Development Services Director and appropriate fees paid, in addition to any other permits required.