



**NOTICE OF DECISION**  
Development Services Department

<b>Project Name:</b>	Allison/Mitchell Residence
<b>Request:</b>	Request for a coastal development permit to construct a new two-story single-family dwelling with an attached three garage and grading to exceed four feet of fill on a vacant property.
<b>Discretionary Actions:</b>	Administrative Design Review Permit (ADR) Coastal Development Permit (CDP)
<b>CEQA Determination:</b>	EXEMPT
<b>DECISION:</b>	APPROVED
<b>Project Number:</b>	MULTI-008365-2025, DR-008366-2025, and CDP-008038-2025
<b>DSD Number:</b>	2026-34
<b>Location:</b>	340 Fulvia Street
<b>Community:</b>	Leucadia
<b>APN:</b>	254-331-37
<b>Applicant:</b>	Kelly Allison & Larry Mitchell
<b>Representative:</b>	Logan Anderson, Marcela & Logan, Architects
<b>Project Planner:</b>	Raffi Mangassarian, Senior Planner <a href="mailto:rmangassarian@encinitasca.gov">rmangassarian@encinitasca.gov</a>
<b>Decision Date:</b>	April 14, 2026
<b>Report Approval:</b>	<input checked="" type="checkbox"/> Andrew Maynard, Planning Manager

**PROJECT DESCRIPTION**

A coastal development permit (CDP) to construct a new single-family dwelling with an attached three-car garage, on a 15,866-square foot net lot area vacant parcel. The project includes site

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improvements such as grading, drainage, driveway access and construction of the new single-family dwelling.

The applicant is requesting the following discretionary actions and scope of work:

1. Administrative Design Review (ADR)

- Grading for a residential pad that exceeds the four-foot fill threshold exemption in the Encinitas Municipal Code (EMC) Section 23.08.030B(14) (General Scope and Exemptions). The applicant proposes grading for a level pad to be located towards the center of the property beneath the proposed single-family residence. Because the property slopes downward from east to west, a maximum of 5.9 feet of fill would be located at the northwest corner of the house, along the proposed retaining wall. The grading fill is generally located along the western portion of the property.

2. Coastal Development Permit (CDP)

- Construct a new 4,168-primary single-family residence with an attached 832-square foot three-car garage and site improvements on a vacant lot. The proposed scope of work by area and floor location is shown below:

The two-story residence is of a contemporary architecture style with an off-white stucco exterior, wood siding, dark color wood siding, dark color aluminum wrapped columns, dark stained wood garage doors and a flat roof design.

- 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 to determine compliance with the City's Local Coastal Program.

**PROJECT ANALYSIS**

***Background***

The project site is fronted by Fulvia Street and Leucadia Boulevard to the north. The parcel was previously subdivided as part of a three-lot subdivision as described in the chart below;

	<b>Description</b>	<b>Grant Deed</b>
<b>Parcel 1 (East)</b>	The parcel is at the southwest corner of Leucadia Boulevard and Hymettus Avenue. The property was created as a portion of Lot 18 of Block 8, Map 1776, recorded January 11, 1924.	Document No. 1971-158062 recorded July 21, 1971.
<b>Parcel 2 (Center)</b>	The parcel is midblock between Hymettus Avenue and Fulvia Street, and between Parcels 1 and 3. The property was created as portions of Lots 2 and 18 of Block 8, Map 1776, recorded January 11, 1924.	Document No. 1971-158062 recorded July 21, 1971.
<b>Parcel 3 (West)</b>	The parcel is at the southeast corner of Leucadia Boulevard and Fulvia Street. The property was	Document No. 1971-175402 recorded August 9, 1971.

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	created as a portion of Lot 3 of Block 8, Map 1776, recorded, January 11, 1924.	
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Additionally, the three parcels as part of the previous subdivision applied for a boundary adjustment application, which was approved per Case No. MULTI-004845-2021, CDPNF-004847-2021 and BADJ-004846-2021 per DSD No. 2022-12 dated April 21, 2022. This permit noted that the single-family residence on Parcel 1 was being renovated with Building Permit No. BLDR- 012160-2020 dated April 18, 2020 and Grading Permit LDEV-013446-2020 dated November 20, 2020. Furthermore, consistent with the underlying R-3 Zone minimum net lot area, the property owner requested to reduce the center Lot 2 net lot area to benefit the adjacent Lots 1 and 3. The result of the lot line adjustment allowed the renovation of the single-family home on Parcel 1 to proceed given existing and proposed setbacks following the lot line adjustment, and increase the lot area of Parcel 3 because of its substandard lot area when compared to the R-3 Zone requirement for a minimum net lot area of 14,500 square feet which limits its useability.

The current project site, Parcel 2 (Center), has submitted plans for the current project proposal for a new two-story single-family dwelling with an attached three-car garage.

**Project Site Characteristics**

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

<b>General Plan</b>	Residential 3
<b>Specific Plan</b>	None
<b>Zoning District</b>	R-3
<b>Zoning Overlay</b>	Coastal Overlay Zone
<b>Notable State or Regional Plan and Law</b>	None

**Adjacent Area**

The area surrounding the subject property is developed. The table below summarizes the characteristics of the adjacent area:

Direction	General Plan and Zoning District	Land Use
North	Residential 3 & R-3	Single-Family Residence
South	Residential 3 & R-3 Residential 8 & R-8	Single-Family Residences
East	Residential 3 & R-3	Single-Family Residences
West	Residential 3 & R-3	Single-Family Residences

**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:

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General Plan Goal or Policy	Explanation of Project Conformance
<b>Land Use Element Policy 1.12.</b> The residential character of the city shall be substantially single-family detached housing.	The project site is proposed to be developed with a primary single-family residential unit consistent with the R-3 Zone and would maintain the established residential character of the Leucadia neighborhood.
<b>Land Use Element Policy 2.10.</b> Development shall not be allowed prematurely, in that access, utilities, and services shall be available prior to allowing the development.	The project submittal includes service availability for the Encinitas Fire Department, all School Districts, the Encinitas Sanitary Division, and the San Dieguito Water District. All services are available, or are conditioned to be available, as a part of this project.
<b>Land Use Goal 6.</b> Every Effort shall be made to ensure that the existing desirable character of the communities is maintained.	The project site is proposed to be developed with a primary single-family residential unit consistent with the R-3 Zone which would ensure that the existing desirable character of Leucadia is maintained.
<b>Housing Element Goal 3:</b> The City will encourage the maintenance and preservation of the existing housing stock as well as quality design in new housing.	The project proposes to develop the vacant site with a new single-family residence. The single-family residence land use is maintained and the existing housing stock is preserved with the addition of one new single-family residential unit on vacant land.

**Municipal Code Analysis**

Below is a table summarizing how the proposed project meets the applicable zoning standards for the R-3 Zone.

Development Standard	Proposed Project	Complies?
Minimum Net Lot Area: 14,500 square feet (SF)	15,866 SF (0.38 ac)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Minimum Lot Width: 80 feet	94.85 feet	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Minimum Lot Depth: 100 feet	240.59 feet	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Front Yard Setback: 25 feet	66 feet, 10-1/4 inches	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Interior Side Yard Setback (East PL): 10 feet	10 feet	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Interior Side Yard Setback (West PL): 10 feet	16 feet	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Rear Yard Setback: 25 feet	25 feet	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Lot Coverage: 35 percent	27.5 percent	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Building Height: Single-Family Residence:  <ul style="list-style-type: none"> <li>Flat Roof/Flat Roof Element: 22 feet maximum (measured from the lower of the existing or finished grade at the building wall) to the top of the finished</li> </ul>	<ul style="list-style-type: none"> <li>20 feet, 6 inches (measured from the lower grade) to top of the finished roof material above the exterior wall.</li> </ul>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

Development Standard	Proposed Project	Complies?
roof material above the exterior wall.  • Two-stories maximum	• Stories: Two (2)	
Parking:  <u>Single-family residence:</u>  • Two (2) enclosed parking spaces for <u>single-family</u> homes less than 2,500 square feet.  • One additional unenclosed parking <u>space</u> for homes greater than 2,500 square feet.	<u>Single-family residence:</u> Three enclosed parking spaces are provided in an attached garage.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

*Grading/Walls*

The administrative design review permit is required to fill the western slope behind retaining walls to create a small portion of the building pad and a patio at the northwestern portion of the site, along the western property line. A series of lower retaining walls will be utilized throughout the site ranging in height from two to four feet along the northern and western property lines. The retaining walls used to create the building pad will range in height from three to six feet along the western property line. The retaining walls along the eastern property line will range in height from two to six feet.

Because the property slopes downward from east to west, a maximum of 5.9 feet of fill would be located in the western and northwestern portions of the property. The grading fill is generally located along the northwestern portion of the site. The purpose for the 5.9 feet of fill was to avoid the construction of taller retaining walls. The project proposed additional fill to reduce the height of the proposed retaining walls to no more than four to six feet. The amount of fill would also allow for a more level patio area and additional landscaping. Landscaping along the wall would include Clustered Field Sedge, Agave Blue Flame, Muhlenbergia Rigens (Deer Grass) and Chondropetalum Tectorum, plants which would soften the appearance of the retaining walls.

*Building Height*

The Municipal Code requires that on lots within the R-3 Zone with greater than a ten percent average lot slope, building height shall be measured from the uphill property line and shall be limited to 12 feet, plus four additional feet for allowable projections. The average lot slope is 12.2 percent, which exceeds the ten percent average lot slope allowance on the subject site. Due to the average lot slope exceeding the ten percent threshold, the subject residence is subject to the 12-foot height limitation, as well as the standard 22-foot height limitation to the top of finished roof at the building wall. The proposed roof is a flat roof, with little to no pitch, and does not qualify as a pitched roof, so all portions of the proposed residence shall be under that height limitation of 22

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feet. The maximum proposed height measured from the lowest grade is 20 feet, 9 inches. Therefore, the residence complies with all maximum building height limitations.

### *Garages*

EMC Section 30.48.040.A.1 (Private Garages, Attached) requires that an attached garage shall not exceed 1,000 square feet or 50 percent of living area of the principal residence, whichever is less. The project proposes an attached 832 square foot, fully enclosed three-car garage which complies with this code section since it is not more than 1,000 square feet and is less than 50 percent of the proposed residence, which is 3,833 square feet. Furthermore, per EMC Section 30.54.030.A, two enclosed parking spaces are required for each unit up to 2,500 square feet of floor area and three enclosed parking spaces for each unit in excess of 2,500 square feet. Given the square footage of the proposed residence, a three-car garage is required and provided per this standard. Additionally, the proposed attached garage complies with the underlying setbacks of the R-3 Zone.

### *Design Review Exemptions*

The proposed project includes the construction of a custom single-family residence on one legal lot. The applicant is proposing to construct a new 4,168-square-foot custom single-family residence with a 832-square foot attached three-car garage. The two-story residence is of a contemporary architecture style with an off-white stucco exterior, wood siding, dark color wood siding, dark color aluminum wrapped columns, dark stained wood garage doors and a flat roof design.

The proposed residence is designed with a dissimilar building footprint, orientation, elevations, and architectural features from surrounding residential units, and qualifies as a "custom home." Pursuant to EMC Section 23.08.030.B.7, the construction of a "custom home" is exempt from design review.

### ***Design Standards and Guidelines Consistency***

The proposed project is subject to the design standards for grading and landform design with the City of Encinitas Design Standards and Guidelines document. The project is consistent with the standards as follows.

- Grading and Landform Design (Chapter 3): Standards are met by having the proposed grading avoid long continuous slopes that have hard edges. The primary slope between the eastern and western portion of the lot has variable slope gradients and is blended at the top and bottom. The maximum cut depth will be approximately 7 feet, 8 inches and fill height will be approximately 5 feet, 9 inches in height. The majority of the cut will occur in the center and eastern portion of the site. The visual impact of the proposed cut will be minimal as the proposed residence will be built on top of and along the cut area, which will create the level building pad. The majority of the fill will occur in the western portion of the lot to level out the location of the proposed retaining wall and patio. Visual impacts will be reduced as this area of the lot will include various plants, shrubs and trees.
- Per Design Guidelines DS3.2.3, the height of the proposed retaining walls will be minimized by filling roughly four feet of dirt in front of the walls along the western property line. Additionally, to further minimize the visual of the retaining walls, a variety of landscaping inclusive of shrubs and grasses will be installed.

- Per Design Guidelines DG3.2.3, the retaining walls will be constructed with decorative stacked stone.

### ***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-3 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 submitted a Citizen's Participation Program (CPP) in accordance with EMC Section 23.06 (Citizen Participation Program) to obtain valuable feedback from the community. All 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 September 29, 2025, at 6:00 pm, at the office of Scott Construction, located at 2043 San Elijo Avenue. Two members of the public attended the meeting. No questions were raised regarding the extent of the scope. Attendees inquired about the design of the project and what was being proposed.

### ***Public Notice***

The Notice of Pending Action on the Administrative Design Review Permit and Coastal Development Permit was mailed on March 12, 2026, 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 Section 30.01.070 and 30.80.080, 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."

### ***Public Comments***

Staff received one letter with supporting documentation on March 23, 2026 during the 10-day public comment period, identifying two objections to the proposed project.

The first objection stated that the proposed application violated a recorded private view easement benefiting 858 Hymettus. The second objection asserted that the proposed application failed to depict a sewer easement for the benefit of 858 Hymettus.

Regarding the first objection, the City responded that it does not enforce private contracts or agreements, and that the view easement is a civil matter between the property owners. However, the City forwarded the information to the applicant to facilitate coordination with the neighboring property owner and to address the concern. In response, the applicant prepared an exhibit demonstrating compliance, which was subsequently forwarded to the reporting party through the City project planner.

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With respect to the second objection, staff evaluated the issue and determined that a sewer lateral had previously been installed from 858 Hymettus to Fulvia Avenue through the subject property. An approved boundary adjustment (Case No. MULTI-004845-2021, BADJ-004846-2021 and CDPNF-004847-2021) dated as approved on April 21, 2022, as DSD-2022-12 included a condition of approval SAC-1 requiring that a utility easement be recorded upon the sale of the lots. To date, the sewer easement has not been recorded. Accordingly, a specific condition (SCA-7) has been added to this Notice of Decision requiring that the sewer easement benefiting Parcel 1 (858 Hymettus) be recorded prior to the issuance of any grading or construction permits.

Staff reviewed and responded to both objections, addressed the concerns raised, and incorporated the submitted letter and supporting documentation into the administrative record.

## 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 single-family dwelling units in a residential zone from environmental review. The project is consistent with this exemption, as it proposes the construction of a single-family 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 Design Review Permit as per Encinitas Municipal Code Section 23.08.080 and the aforementioned analysis, Development Services Department has made the following findings to support the approval, with conditions:**

- a. **The project design is inconsistent with the General Plan, a Specific Plan or the provisions of the Municipal Code.**

The project's proposed grading regarding fill amounts will exceed the four-foot fill allowance, but will be consistent with all applicable provisions of the General Plan and the Design Guidelines. Although the amount of fill will be 5.9 feet in height, the enhanced design of the project creates multiple planes of view with varied undulation of the exterior façade to create interesting visual planes. Furthermore, retaining walls will be shielded from view with the use of landscaping elements such as plants and shrubs that will further enhance the visual design of the fill component of the project and be aesthetically pleasing. The project site is not located in a Specific Plan area. The project design will complement the existing adjacent development.

- b. **The project design is substantially inconsistent with the Design Review Guidelines.**

The project as designed is consistent with the Design Review Standards and Guidelines. The grading work is designed to blend in with the existing adjacent topography and appear natural in form. The project proposes a level pad. The slopes descending from the level pad would be blended, rounded, and landscaped to look natural in appearance.

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**c. The project would adversely affect the health, safety, or general welfare of the community.**

The proposed use is allowed within the subject R-3 Zone. No evidence has been submitted for the proposed project that identifies the project would adversely affect the health, safety, or general welfare of the surrounding neighborhood or community. All services/infrastructures (i.e., stormwater facilities, water, and sewer) are available to serve the subject property. 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. No adverse impact to the environment is anticipated.

**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:**

**1. The project is consistent with the certified Local Coastal Program of the City of Encinitas; and**

The proposed primary single-family residence and grading complies with all Encinitas Municipal Code development standards of the R-3 Zone, and all relevant state government code sections. The project is also consistent with the applicable goals and policies of the City's General Plan and is therefore consistent with the certified Local Coastal Program comprised of the General Plan and the Municipal Code.

**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**

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. No potentially significant adverse impacts to the environment would result from the project and the project is exempt from environmental review pursuant to CEQA Guidelines Section 15303(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.**

This finding is not applicable because the property is not located between the sea and the nearest public road.

**CONCLUSION**

The Development Services Department has determined that the application and plans for an Administrative Design Review Permit and Coastal Development Permit are consistent with the City's certified Local Coastal Program, including all applicable policies of the General Plan and provisions of the Municipal Code.

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The construction of a new single-family residence with an attached garage, is consistent with the General Plan Land Use Designation and applicable General Plan policies. The project will be required to comply with all applicable Building and Fire Codes through the standard building permit plan checking process. The project meets all development standards for the R-3 Zone. Therefore, 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 Engineering-related conditions shall be completed/fulfilled to the satisfaction of the Development Services Department:**

1. **ESP – Dedications & Underground 500:** If the development creates 500 square feet or more of habitable area, or 750 square feet or more of combined habitable/non-habitable area, undergrounding of service lines and/or a street dedication will be required.
2. **ESP – Improvement Requirement:** If the development creates 2,000 square feet or more of habitable area, or 2,500 square feet or more of combined habitable/non-habitable area, public improvements will be required.
3. **ESP – Setback Boundary Survey:** The proposed building(s) lie on a building setback. A boundary survey performed by a licensed land surveyor is recommended to ensure that the proposed building does not encroach into the building setbacks per chapter 30.16 of the Municipal Code.
4. **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.
5. **ESP – Fees:** The applicant shall pay all applicable mitigation and impact fees including but not limited to Traffic Mitigation fees and Wastewater Capacity fees. These impact fees shall be paid in full prior to occupancy or use and reliance on the Major Use Permit.
6. **ESP – Boundary Walls:** All retaining walls proposed on the property boundary shall be capable of withstanding a surcharge.
7. **ESP- Sewer Easement:** As required by Condition SCA-1 of Boundary Adjustment MULTI-004845-2021, the sewer easement benefiting Parcel 1 shall be recorded prior to the issuance of any construction grading permits for the development of Parcel 2. The easement document and legal description shall be reviewed and approved by the Development Services Department Engineering Division, prior to recordation.

**SCB The following Sewer-related conditions shall be completed and/or fulfilled to the satisfaction of the Leucadia Wastewater District:**

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1. Applicant shall complete the Sewer Certification Form from LWD prior to any building permit issuance.
2. Prior to signature of grading plan, the applicant must open a plan check application with LWWD in order for the sewer lateral to be reviewed.

**STANDARD CONDITIONS:**

**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 **April 14, 2028** 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, unless a timely extension is filed 15 days prior to the expiration date.
- A 04**      **Approval - General:** This project is conditionally approved as set forth on the application and project drawings consisting of 11 sheets including Cover Sheet (Sheet A000); Civil Drawings (3 sheets); Site Plan (A001); Landscape Plan (Sheet L1.01); Floor Plans (A100 and A101); Roof Plan (Sheet A102); Elevations (Sheets A200 and A201) all designated as approved by the Development Services Director on **April 14, 2026**, 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 **grading permit issuance** 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.
- DR 01**      **Design Review:** 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.
- DR 03**      **Design Review:** 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.

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**DF 01**

**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 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 <sup>1</sup>
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
<sup>1</sup> 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 Development Services Department. Note: All rooftop equipment shall be assumed

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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 **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 01      Landscaping:** 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.

**L 02      Landscaping:** 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

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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).

- 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.
- L 05**      **Landscaping:** Upon completion of the installation of the landscaping and the irrigation system, a final field observation shall be conducted, and a certification of substantial completion shall be provided to the City. The certificate shall specifically indicate that plants were installed as specified and that the irrigation system was installed as designed. The certificate of substantial completion shall be completed and signed by a State licensed landscape architect, landscape contractor, or an irrigation designer who also holds a State license in the landscape field.
- L 06**      **Landscaping:** The project shall provide 50 percent of the total landscape area as southern California native landscaping.
- 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.
- 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 ***grading permit***.
- 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

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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.

**WF 03**      **Walls and Fences:** 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.

**BUILDING CONDITIONS:**

**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.

**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 pre-plumbed 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**      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 CONDITIONS:**

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

**Grading**

- 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, 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 Engineering 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 Engineering Department.
  
- GRD 06      Grading – Borrow/Disposal Sites:** Separate grading plans shall be submitted and approved, and separate grading permits issued for borrow or disposal sites if located within the city limits. Import material shall be free of organic material, trash, debris, and environmental contaminants.
  
- GRD 07      Grading – Slopes:** All newly created slopes within this project shall be no steeper than 2:1.
  
- GRD 08      Grading – Variable Slopes:** All newly created slopes within this project shall be no steeper than 2:1. Variable slopes should be designed in order to mimic the natural slope appearance. If variable slopes are used, the average slope gradient shall be no steeper than 2:1. The average slope is the horizontal distance “H” to vertical distance “V” measured from the toe to the top of slope.
  
- 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.

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- 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 Engineering 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 Engineering Department may impose with regards to the hauling operation.
  
- GRD 11      **Grading – Drainage Plan:**** The project’s building plan(s) shall include an engineered drainage and stormwater quality treatment BMP site plan prior to approval of building permit. The plan shall provide at a minimum the design for precise grading, drainage improvements, erosion control, stormwater pollution control, and impervious surfaces.
  
- GRD 12      **Grading – Permit Exemption:**** A grading permit shall be obtained for this project unless the proposed grading is exempt under section 23.24.090 of the Municipal Code. If the proposed grading is exempt from permit requirement, the applicant shall provide a precise site plan prior to approval of a building permit. The building site plan shall provide design for precise grading, drainage improvements, erosion control, stormwater pollution control, and impervious surfaces.
  
- GRD 13      **Grading – Structural Review:**** All proposed temporary shoring and/or non-standard structural retaining wall shall be included as part of the grading plans and will be reviewed by the City’s third-party reviewer. Additional plan check fees shall be required.

**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 04      **Drainage – Hold Harmless:**** The owner of the subject property shall execute and record a covenant holding the City harmless for drainage prior to approval of any grading or building permit for this project.
  
- DRAIN 05      **Drainage – Concentrated Flows:**** Concentrated flows across driveways and/or sidewalks shall not be permitted.

**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**

**ST 01     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 Engineering Department and appropriate fees paid, in addition to any other permits required.

**ST 03     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.

**ST 04     Street – Dedication per Document:** The owner shall dedicate to the City of Encinitas a 2' feet wide Easement for 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 to Fulvia Street to ensure a property line to center line distance of 27 feet. The plat, existing legal description, and easement legal description including lot closures shall be included with the grading permit application.

**ST 04a     Street – Dedication per Document:** The owner shall dedicate to the City of Encinitas a 5' feet wide Easement for 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 to Leucadia Avenue to ensure a property line to center line distance of 35 feet. The plat, existing legal description, and easement legal description including lot closures shall be included with the grading permit application.

**ST 11     Street – Structural Section:** The design of all private driveways and drainage systems shall be approved by the Engineering Department prior to issuance of any grading, improvement or building permit for this project. The structural section of all private streets shall conform to City of Encinitas minimum standards or be based on R-value tests, whichever is greater.

**ST 13     Street – Improvements Standard:** The owner shall construct public improvements along the property frontage of Fulvia Street. Street improvements shall include pavement widening and the construction of AC berm G5 Type B 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 berm flowline shall be located 14.5 feet from centerline. Driveway aprons shall be constructed per SDRSD standards.

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- ST 13a**      **Street – Improvements Standard:** The owner shall construct public improvements along the property frontage of Leucadia Avenue. Street improvements shall include pavement widening and the construction of standard curb, gutter and noncontiguous 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 25 feet from centerline. The sidewalk shall be located 30 feet from centerline.
  
- ST 25**      **Street – Public Improvement Repairs:** Any portion of the existing sidewalk or any other public improvements damaged during construction shall be repaired and/or replaced to the next joint to the satisfaction of the Engineering Department.
  
- 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 Engineering 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.

**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 04**      **Utility – Underground Existing Facilities:** The owner shall be responsible for the relocation and undergrounding of existing public utilities and appurtenances, as required including but not limited to pedestals, cabinets, vaults, poles, and guy wires.
  
- 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 Engineering 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.
  
- UT 18**      **Utility – Clearance:** No excavation shall be permitted within five (5) feet of any utility pole or anchor without written approval of the utility pole owner.

**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 Engineering 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 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.

**STORM 03 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.

**STORM 11 Stormwater – Securities:** Stormwater Quality Best Management Practice (BMP) facilities shall be designed and approved by the Engineering Department and secured with a performance bond prior to the issuance of a Grading permit for this project.

**STORM 12 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.

**SAN DIEGUITO WATER DISTRICT CONDITIONS:**

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

**SDWD BF 04 Backflow – Residential:** A private backflow preventer shall be installed on each water meter meeting SDWD standards. The location of the proposed backflow preventer shall be shown on the plans for SDWD approval. Property shall be subject to testing and reporting requirements per SDWD Resolution 2023-05.

**SDWD EWS 02 Existing Water Service – None:** The subject property is currently not being served. Upon development, each parcel shall be individually metered.

**SDWD WS 02 Water System – Fees/Charges:** The developer shall comply with SDWD’s fees, charges, rules and regulations.

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- 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):**

- FIRE 01 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: four-inch high with a half-inch inch stroke width for residential buildings, eight inches high with a half-inch stroke for commercial and multi-family residential buildings, 12-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.
- FIRE 05 Class “A” Roof:** All structures shall be provided with a Class “A” Roof covering to the satisfaction of the Encinitas Fire Department.
- FIRE 14 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 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 Access Road Minimum Dimensions:** Fire apparatus access roads identified as Circulation Element Roads and areas within the Very High Fire Hazard Severity Zone shall have an unobstructed improved width of not less than 24 feet and all other roads shall be not less than 20 feet; curb line to curb line. Exceptions: Single-Family residential driveways; serving no more than TWO single-family dwellings, shall have minimum of 16 feet, curb line to curb line, of unobstructed improved width. Access roads shall be designed and maintained to support the imposed loads of not less than 75,000 pounds and shall be provided with an approved

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paved surface to provide all-weather driving capabilities and provide a vertical clearance of not less than 13 feet 6 inches.

**FIRE 26**      **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 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 be appealed to the City Council within 10 days of the date of this determination. The appeal must be filed, accompanied by a \$467 filing fee, prior to 5:00 p.m. on the 10<sup>th</sup> calendar day following the date of this Notice of Decision. Any filing 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:  
  
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Andrew Maynard  
Planning Manager

## Certificate Of Completion

Envelope Id: 51F04430-2161-4999-A05C-DB076C4B83B5  
 Subject: Complete with Docusign: 008365-2025 MULTI (340 Fulvia Street) 2026-34.docx  
 Source Envelope:  
 Document Pages: 22  
 Certificate Pages: 3  
 AutoNav: Enabled  
 Envelopeld Stamping: Enabled  
 Time Zone: (UTC-08:00) Pacific Time (US & Canada)

Status: Completed  
 Envelope Originator:  
 Brayden James  
 505 S Vulcan Ave  
 Encinitas, CA 92024  
 bjames@encinitasca.gov  
 IP Address: 209.215.56.226

## Record Tracking

Status: Original  
 4/14/2026 10:33:40 AM  
 Holder: Brayden James  
 bjames@encinitasca.gov  
 Location: DocuSign

## Signer Events

Andrew Maynard  
 amaynard@encinitasca.gov  
 Security Level: Email, Account Authentication  
 (None)

## Signature

DocuSigned by:  
  
 A774B5E3CC6548F...

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

## Timestamp

Sent: 4/14/2026 10:34:34 AM  
 Viewed: 4/14/2026 10:35:31 AM  
 Signed: 4/14/2026 10:35:45 AM

**Electronic Record and Signature Disclosure:**  
 Accepted: 4/14/2026 10:35:31 AM  
 ID: f12104e9-4acd-4c39-a2e9-8227a6124302

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	4/14/2026 10:34:34 AM
Certified Delivered	Security Checked	4/14/2026 10:35:31 AM
Signing Complete	Security Checked	4/14/2026 10:35:45 AM
Completed	Security Checked	4/14/2026 10:35:45 AM

Payment Events	Status	Timestamps
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## Electronic Record and Signature Disclosure

## **ELECTRONIC RECORD AND SIGNATURE DISCLOSURE**

From time to time, City of Encinitas (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

### **Getting paper copies**

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

### **Withdrawing your consent**

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

### **Consequences of changing your mind**

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

### **All notices and disclosures will be sent to you electronically**

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

### **How to contact City of Encinitas:**

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: [IT-Service-Desk@encinitasca.gov](mailto:IT-Service-Desk@encinitasca.gov)

### **To advise City of Encinitas of your new email address**

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at [IT-Service-Desk@encinitasca.gov](mailto:IT-Service-Desk@encinitasca.gov) and in the body of such request you must state:

your previous email address, your new email address. We do not require any other information from you to change your email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

### **To request paper copies from City of Encinitas**

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to [IT-Service-Desk@encinitasca.gov](mailto:IT-Service-Desk@encinitasca.gov) and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

### **To withdraw your consent with City of Encinitas**

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an email to [IT-Service-Desk@encinitasca.gov](mailto:IT-Service-Desk@encinitasca.gov) and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

### **Required hardware and software**

The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: <https://support.docusign.com/guides/signer-guide-signing-system-requirements>.

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To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

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- Until or unless you notify City of Encinitas as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by City of Encinitas during the course of your relationship with City of Encinitas.