RESOLUTION NO. PC 2005-40

A RESOLUTION OF THE CITY OF ENCINITAS PLANNING COMMISSION APPROVING A DESIGN REVIEW AND COASTAL DEVELOPMENT PERMIT FOR THE DEMOLITION OF THE EXISTING RESIDENCE AND THE CONSTRUCTION OF TWO (2) ATTACHED SINGLE-FAMILY RESIDENCES, FOR THE PROPERTY LOCATED AT 2274 EDINBURG AVENUE

(CASE NO. 05-006 DR/CDP; APN: 261-082-19)

WHEREAS, a request for consideration of a Design Review and Coastal Development Permit was filed by Cohn and Associates to allow the demolition of the existing residence and the construction of two (2) attached single-family residences, in accordance with Chapters 23.08 and 30.80 of the Encinitas Municipal Code, for the property located in the Residential 11 (R-11) zone and within the Coastal Zone, legally described as:

LOTS 19 AND 20 IN BLOCK 25 OF CARDIFF, IN THE CITY OF ENCINITAS, COUNTY O SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF NO. 1298, FILED NOVEMBER 14, 1910 IN THE COUNTY RECORDER'S OFFICE OF SAN DIEGO COUNTY, CALIFORNIA.

WHEREAS, the Planning Commission conducted a noticed public hearing on the application on October 20, 2005, at which time all those desiring to be heard were heard; and

WHEREAS, the Planning Commission considered, without limitation:

1. The October 20, 2005 agenda report to the Planning Commission with attachments;
2. The General Plan, Local Coastal Program, Municipal Code and associated Land Use Maps;
3. Oral evidence submitted at the hearing;
4. Written evidence submitted at the hearing;
5. Project drawings consisting of 8 sheets, including Site Plan, Basement Floor Plan, First Floor Plan, Second Floor Plan, 2 sheets Elevations, Roof Plan, and Landscape Plan, all stamped received by the City of Encinitas on July 18, 2005, and the project colored elevations and color/materials board; and

WHEREAS, the Planning Commission made the following findings pursuant to Chapters 23.08 and 30.80 of the Encinitas Municipal Code:

(SEE ATTACHMENT "A")

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Encinitas hereby approves application Case No. 05-006 DR/CDP subject to the following conditions:

(SEE ATTACHMENT "B")

BE IT FURTHER RESOLVED that the Planning Commission, in its independent judgment, finds that this project is categorically exempt from environmental review pursuant to Sections 15301(l)(1) and 15303(a) of the California Environmental Quality Act (CEQA) Guidelines.

PASSED AND ADOPTED this 20th day of October, 2005, by the following vote, to wit:

AYES: Avis, Bagg, Chapo, McCabe, Snow

NAYS: None

ABSENT: None

ABSTAIN: None

Gene Chapo, Chair of the
Planning Commission of the
City of Encinitas

ATTEST:

Bill Weedman for

Patrick Murphy
Secretary

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

ATTACHMENT "A"
Resolution No. PC 2005-40
Case No. 05-006 DR/CDP

FINDINGS FOR DESIGN REVIEW

STANDARD: Section 23.08.080 of the Encinitas Municipal Code provides that an application for a design review permit must be granted unless, based upon the information presented in the application and during the Public Hearing, the authorized agency makes any of the following regulatory conclusions:

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

Facts: The subject property consists of two (2) legal lots. The applicant proposes the demolition of the existing residence that straddles the lot line between the existing lots and the construction of two (2) attached single-family residences, one on each underlying legal lot. Single-family units attached at the property line with no setback ("zero lot line development") may be allowed with approval of an application for Design Review in the subject Residential 11 (R-11) zone. All public utilities and services are in place to serve the proposed use. There is no specific plan applicable to the property.

Discussion: The project as proposed will comply with all applicable development standards of the subject R-11 zone, including parking, building height, lot coverage, floor area ratio (FAR), and setbacks, and will be required to comply with all applicable Building and Fire codes through the standard plan checking process. The project will be consistent with the General Plan and the provisions of the Municipal Code.

Conclusion: The Planning Commission finds that the project design is consistent with the General Plan and the provisions of the Municipal Code.

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

Facts: The applicant proposes the demolition of the existing residence that straddles the lot line between the two (2) legal lots which comprise the subject property and the construction of two (2) attached single-family residences, one on each underlying legal lot. Single-family units attached at the common property line may be permitted in the subject R-11 zone with the approval of a Design Review application.

Discussion: The proposed site plan, building massing, and plantings are designed to be respectful of views from neighboring properties. Proposed garage doors are rear-loaded in relation to Edinburg Avenue with alley access and will not be visible from the street. The front-yard areas will be fully landscaped and the side of the street will be fully available for on-street parking since there will be no driveway cut. Varied building articulation and spaces between units create usable and functional private open space for each proposed residence. The proposed grading is minimal and conforms to the existing topography of the site. Drainage and storm water treatment measures are well designed and in conformance with applicable codes. Proposed retaining walls will have little impact to adjacent properties since the subject property and adjacent properties are at approximately the same elevation and retaining walls will therefore be low in height. Proposed site walls and fences along the perimeter of the project reflect the design of the proposed residences with matching materials and colors and comply with applicable

standards. Although tightly constrained by narrow, substandard lots, the project presents varied wall planes and hip roof design for both residences to create visual interest and reduce apparent bulk and mass of the buildings. The residences share a common theme but will vary sufficiently in color and are complementary with each other and the existing development in the neighborhood. The building character is well established and carried throughout all elevations. The proposed architectural features are sufficiently dimensioned and articulated to provide visual relief and interest. Proposed site walls and fences are complementary of the proposed building materials and proposed plantings, which sufficiently screen and soften their appearance. The landscape plan provides an interesting and cohesive theme to the project. Sufficient space is provided to allow proposed plantings to reach maturity without overcrowding planter beds. Proposed plantings are in scale with the associated buildings or walls, provide adequate visual screening with minimal impact to views, and are complementary of the proposed architecture. All plantings will be watered by a permanent irrigation system.

Conclusion: The Planning Commission finds that the project is substantially consistent with the Design Review Guidelines.

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

Facts: The applicant proposes the demolition of the existing residence and the construction of two (2) attached single-family residences, one on each underlying legal lot. Single-family units attached at the common property line may be permitted in the subject R-11 zone with the approval of a Design Review application. All public utilities and services are in place to serve the proposed use.

Discussion: The project as proposed will comply with all applicable development standards of the subject R-11 zone, including parking, building height, lot coverage, floor area ratio (FAR), and setbacks, and will be required to comply with all applicable Building and Fire codes through the standard plan checking process. No evidence has been submitted or discovered that would suggest that the proposed project will adversely affect the surrounding neighborhood or community.

Conclusion: The Planning Commission finds that the project will not adversely affect the health, safety or general welfare of the community.

d. The project would cause the surrounding neighborhood to depreciate materially in appearance or value.

Facts: The project consists of the demolition of the existing residence constructed across the lot line between the two (2) underlying legal lots and the construction of two (2) single-family residences, one on each underlying lot and attached at the common property line. Single-family residences are a permitted use in the subject R-11 zone.

Discussion: The proposed new residences and site improvements including significant landscaping will enhance the appearance of the property and the neighborhood. The subject property provides sufficient area to accommodate the proposed development. No evidence has been submitted or discovered that would suggest that the proposed project will cause any material depreciation in appearance or value of the surrounding neighborhood.

Conclusion: The Planning Commission finds that the project will not cause the surrounding neighborhood to depreciate materially in appearance or value.

FINDINGS FOR A COASTAL DEVELOPMENT PERMIT

STANDARD: Section 30.80.090 of the Municipal Code provides that the authorized agency must make the following findings of fact, based upon the information presented in the application and during the Public Hearing, in order to approve a coastal development permit:

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

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

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.

Facts: The subject property consists of two (2) legal lots. The applicant proposes the demolition of the existing residence that straddles the lot line between the existing lots and the construction of two (2) attached single-family residences, one on each underlying legal lot. Single-family units attached at the property line with no setback ("zero lot line development") may be allowed with approval of an application for Design Review in the subject Residential 11 (R-11) zone. The project as proposed will comply with all applicable development standards of the subject R-11 zone, including parking, building height, lot coverage, floor area ratio (FAR), and setbacks, and will be required to comply with all applicable Building and Fire codes through the standard plan checking process. All public utilities and services are in place to serve the proposed use.

Discussion: Related to finding No. 1, with the approval of the Design Review request the proposed project will comply with all applicable Sections of the City's Municipal Code, General Plan and certified Local Coastal Program. Related to finding No. 2, the project has been determined to be categorically exempt from environmental review as per California Environmental Quality Act (CEQA) Guidelines Sections 15301(l)(1) and 15303(a). Finding No. 3 is not applicable since the project is not located between the sea or other body of water and the nearest public road.

Conclusion: The Planning Commission finds that 1) the project is consistent with the certified Local Coastal program of the City of Encinitas; 2) with implementation of the mitigation measures included as conditions of approval of this resolution, no potentially significant adverse impacts to the environment will result and the project is exempt from environmental review as per CEQA Guidelines Sections 15301(l)(1) and 15303(a), and 3) finding No. 3 is not applicable to the project since it is not located between the sea or other body of water and the nearest public road.

ATTACHMENT "B"
Resolution No. PC 2005-40
Case No. 05-006 DR/CDP

Applicant: Cohn and Associates
Location: 2274 Edingurg Avenue (APN 261-082-19)

SC1 **SPECIFIC CONDITIONS:**

SC2 At any time after two years from the date of this approval, October 20, 2007 at 5:00 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 15 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 July 18, 2005, consisting of eight (8) sheets including Site Plan, Basement Floor Plan, First Floor Plan, Second Floor Plan, 2 sheets Elevations, Roof Plan, and Landscape Plan, all designated as approved by the Planning Commission on October 20, 2005, and shall not be altered without express authorization by the Planning and Building Department.

SCA The following conditions shall be completed, fulfilled, and/or shown on drawings submitted for grading and/or improvement plan approval to the satisfaction of the Engineering Services Department:

1. The existing slope within the public right-of-way shall be regraded and located entirely on the private property.

2. The existing pavement in the alley is in poor condition. The applicant shall provide full-width alley improvements to the satisfaction of the City Engineer.

3. The applicant shall provide a minimum 3-foot wide grass or gravel swale along the property frontage to Edinburg Avenue. If a grass swale is provided, the swale shall be privately maintained in perpetuity.

4. The storm water pollution control BMP areas indicated on the plan shall bear a symbol clearly showing their extent and shall be designated by the note, "Landscape area for BMP to be privately maintained and not to be modified without a permit from the City". Wood chips do not qualify as a BMP.

5. If the sewer lateral will need to be pumped, the laterals from each of the residences shall be pumped to a private manhole at the property boundary and then gravity flow to the main.

SCB Chimneys presented on plans for building permit review and approval shall not be taller than the minimum necessary to comply with the UBC and shall comply with the height standards for chimneys as per Municipal Code Section 30.16.010B.7.a(2).

SCC All on-site concrete flat work other than the driveways shall be colored, textured, stamped, and/or otherwise enhanced. Plans submitted for grading and/or building permit issuance shall include a note to that effect and shall clearly show the areas to receive enhanced concrete.

G1 **STANDARD CONDITIONS:**

CONTACT THE PLANNING AND BUILDING DEPARTMENT REGARDING COMPLIANCE WITH THE FOLLOWING CONDITION(S):

G2 This approval may be appealed to the City Council within 15 calendar days from the date of this approval in accordance with Chapter 1.12 of the Municipal Code.

G4 Prior to building 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 Planning and Building Director. The Owner(s) agree, in acceptance of the conditions of this approval, to waive any claims of liability against the City and agrees to indemnify, hold harmless and defend the City and City's employees relative to the action to approve the project.

G5 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.

G7 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.

G13 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 Planning and Building and Engineering Services Departments. The applicant is advised to contact the Planning and Building Department regarding Park Mitigation Fees, the Engineering Services Department regarding 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.

G19 Garages enclosing required parking spaces shall be kept available and usable for the parking of owner/tenant vehicles at all times.

G21 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.

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.

DR2 Side and rear elevations and window treatments shall be trimmed and architecturally treated so as to substantially match the front elevations. This treatment shall be reflected in building plans and shall be found satisfactory by the Planning and Building Department prior to the issuance of building permits.

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.

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 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).

L3 All parking areas and driveways shall conform with Chapter 30.54 of the Municipal Code and the City's Offstreet Parking and Design Manual incorporated by reference therein.

L4(a) All landscaping, fences, walls, etc. on the site, 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. 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. This condition shall be recorded with the covenant required by this Resolution.

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 Engineering and Planning and Building Departments. The property owner shall be responsible for the removal in a timely manner of any graffiti posted on such walls.

B1 **BUILDING CONDITION(S):**

CONTACT THE ENCINITAS BUILDING DIVISION REGARDING COMPLIANCE WITH THE FOLLOWING CONDITION(S):

B2R The applicant shall submit a complete set of construction plans to the Building Division for 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 CONDITIONS:**

CONTACT THE ENCINITAS FIRE DEPARTMENT REGARDING COMPLIANCE WITH THE FOLLOWING CONDITIONS:

F13 ADDRESS NUMBERS: Address numbers shall be placed in a location that will allow them to be clearly visible from the street fronting the structure. The numbers shall contrast with their background, and shall be no less in height than: Four inches (4") for single family homes and duplexes; Eight inches (8") for commercial and multi-family residential buildings; and Twelve inches (12") for industrial buildings.

F15A AUTOMATIC FIRE SPRINKLER SYSTEM - SINGLE-FAMILY DWELLINGS AND DUPLEXES: 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 issuance of building permit(s).

F18 CLASS "A" ROOF: All structures shall be provided with a Class "A" roof assembly to the satisfaction of the Encinitas Fire Department.

E1 **ENGINEERING CONDITIONS:**

CONTACT THE ENGINEERING SERVICES DEPARTMENT REGARDING COMPLIANCE WITH THE FOLLOWING CONDITIONS:

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

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 Engineering 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 A separate grading plan shall be submitted and approved and a separate grading permit issued for the borrow or disposal site 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: Such report shall be submitted and approved at first submittal of a grading plan.

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 Engineering Services Director for the proposed haul route. The developer shall comply with all conditions and requirements the Engineering 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.

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 Engineering 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 Engineering Services Director.

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 Engineering Services Director and appropriate fees paid, in addition to any other permits required.

ES6 In accordance with Chapter 23.36 of the Municipal Code, the owner shall execute and record a covenant with the County Recorder agreeing not to oppose the formation of an assessment district to fund the installation of right-of-way improvements.

ES7 In accordance with Chapter 23.36 of the Municipal Code, the owner shall execute and record a covenant with the County Recorder agreeing not to oppose the formation of an assessment district to fund the undergrounding of utility facility improvements.

EU1 **Utilities**

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., SBC/Pacific Bell, and other applicable authorities.

EU4A The existing overhead utilities service to the property shall be undergrounded.

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 modification or removal of the SWPC facilities without a permit from the City is prohibited.

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.

DOC # 2006-0515186

JUL 21, 2006 11:23 AM

OFFICIAL RECORDS
SAN DIEGO COUNTY RECORDER'S OFFICE
GREGORY J. SMITH, COUNTY RECORDER
FEES: 58.00
PAGES: 18

2006-0515186

Recording Requested By And
When Recorded Mail To:

FB
18P

6941

City Clerk
City of Encinitas
505 S. Vulcan Avenue
Encinitas, CA 92024

SPACE ABOVE FOR RECORDER'S USE

4W
9/31/06

COVENANT REGARDING REAL PROPERTY:
DESIGN REVIEW AND COASTAL DEVELOPMENT PERMIT

Assessor's Parcel
No. 261-082-19

Case No.: 05-006 DR/CDP

A. Antonio and Tracey Grayeb and Salvador Mendoza ("OWNER" hereinafter) are the owner's of real property which is commonly known as 2274 Edinburg Avenue ("PROPERTY" hereinafter) and which is described as follows:

LOTS 19 AND 20 IN BLOCK 25 OF CARDIFF, IN THE CITY OF ENCINITAS, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1298, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON NOVEMBER 14, 1910.

B. In consideration of the approval of Case No. 05-006 DR/CDP by the City of Encinitas ("CITY" hereinafter), OWNER hereby covenants and agrees for the benefit of CITY, to comply with the terms and conditions of the permit as follows:

See Exhibit "A", Resolution No. PC 2005-40 dated October 20, 2005, which is attached hereto and made a part hereof.

C. This Covenant shall run with the land and be binding upon and inure to the benefit of the future owners, encumbrances, successors, heirs, personal representatives, transferees and assigns of the respective parties.

D. OWNER agrees that OWNER'S duties and obligations under this Covenant are a lien upon the PROPERTY. Upon notice and opportunity to respond, CITY may add to the property tax bill of the PROPERTY any past due financial obligation owing to CITY by way of this Covenant.

E. If either party is required to incur costs to enforce the provisions of this Covenant, the prevailing party shall be entitled to full reimbursement of all costs, including reasonable attorneys' fees, from the other party.

F. Failure of OWNER to comply with the terms of this Covenant shall constitute consent to the filing by CITY of a Notice of Violation of Covenant.

G. Upon OWNER satisfaction of OWNER'S duties and obligations contained herein, OWNER may request and CITY shall execute a Satisfaction of Covenant.

H. By action of the City Council, CITY may assign to a person or persons impacted by the performance of this Covenant, the right to enforce this Covenant against OWNER.

ACCEPTED AND AGREED: OWNER:

Dated 7-11-06 by _____
ANTONIO GRAYEB
Print Name also

Dated 7-11-06 by _____
TRACEY GRAYEB
Print Name also

Dated 7-11-06 by _____
Print Name also SALVADOR Mendoza

(Notarization of OWNER'S signature is attached.)

https://landrecords.encinitasca.gov/index.html?apn=2583412600

ENERGOV | Encinitas MC | City Mapping Tools | Census Tract Data f... | Development Plan... | Intranet | OneDrive | Tentative Agendas... | LaserFiche | California Code, BP... | Assessor Tax Maps | Other favorites

Land Records

Location Information

Parcel Information

APN: 2610825200 Zoom to Parcel

Address: EDINBURG AVE

Land Information

» Map 1298

» 2006-515186

Location Information

Print Map

Enter Subtitle:

2274

Create PDF Map

Beginning print process.
Generating map image...
Loading map image...
Creating PDF...
PDF creation complete.

**Note: If the PDF document did not open in a new browser window or tab, check to see if popups/redirects are being blocked.



https://hyperion.encinitasca.gov/siteprofiler/

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Encinitas

Site Profiler

Address and Owner

Parcel Information

APN: 2610825200 Zoom to Parcel

Mailing Information

Owner: GRAYEB FAMILY TRUST 01-26-21
Address: 2274 EDINBURG AVE
City: CARDIFF
State: CA
Zip Code: 92007
Owner Occupied: No

Site Addresses

2274 Edinburg Ave
Type: Residential

