



NOTICE OF DECISION
Development Services Department

Project Name:	Vulcan Towers Lot Consolidation
Request:	Consolidation of two existing legal lots into one legal lot.
Discretionary Actions:	Boundary Adjustment (BADJ) Coastal Development Permit (CDP)
CEQA Determination:	EXEMPT
DECISION:	APPROVED
Project Number:	MULTI-006786-2023; BADJ-006787-2023; CDPNF-006788-2023
DSD Number:	2024-125
Location:	609 South Vulcan Avenue
Community:	Old Encinitas
APN:	258-201-27-00
Applicant:	Sixonine Vulcan, LLC
Representative:	Tom Sanford, Elwood Design & Construction
Project Planner:	Felipe Martinez, Assistant Planner Fmartinez@encinitasca.gov
Decision Date:	October 31, 2024
Report Approval:	<input checked="" type="checkbox"/> Andrew Maynard, Principal Planner <input checked="" type="checkbox"/> Christina Bustamante, AICP, Senior Planner

PROJECT DESCRIPTION

The applicant proposes the following discretionary actions and scope of work:

1. Boundary Adjustment – To consolidate two underlying legal lots into one legal lot.

2. Coastal Development Permit – The proposed project is located within the Coastal Zone of the City of Encinitas and requires approval of a Coastal Development Permit to demonstrate the project’s compliance with the City’s Local Coastal Program.

PROJECT ANALYSIS

Background

On April 6, 2023, Planning Commission approved Case No. MULTI-004933-2021, USE-005685-2022, DR-004934-2021, CDPNF-004935-2021 (Resolution No. PC 2023-04), for a Major Use Permit Modification, Design Review Permit, and Coastal Development Permit to authorize a remodel and addition to an existing commercial office building located on the subject site. The existing commercial building traverses two legal lots. The boundary adjustment application is the mechanism to consolidate the two lots in order to meet the required setbacks and development standards for the proposed development of the underlying zone.

Project Site Characteristics:

General Plan:	Office Professional
Specific Plan:	Downtown Encinitas Specific Plan (DESP)
Zoning District:	D-OP
Zoning Overlays:	Coastal Zone
Other Key City Plan:	None
Notable State or Regional Plan and Law:	None

The D-OP Zone is intended to provide primarily for the development of professional and administrative offices, with some accessory retail and service uses.

Adjacent Area:

Direction	General Plan & Zoning District	Land Use
North	Public/Semi-Public & Downtown Civic Center (D-CC) (DESP)	Encinitas City Hall
East	Residential 11 & R-11 (DESP)	Single-Family Residences
South	Office Professional & D-OP (DESP)	Commercial Office/Single-Family Residences
West	Transportation Corridor & Downtown Encinitas Specific Plan Transportation Corridor (D-TC) and Downtown Encinitas Specific Plan Commercial Mixed-Use 1 (D-CM-1)	Mixed-Use (Residential and variety of commercial uses adjacent to the existing rail line)

General Plan Consistency

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

General Plan Goal or Policy	Explanation of Project Conformance
Land Use Goal 6: Every effort shall be made to ensure that the existing desirable character of the communities are maintained.	The existing character of the community shall be maintained because the consolidating of the lots will not physically change the appearance of the subject site.

Municipal Code Analysis/Specific Plan Consistency

Lot Line Adjustment (Boundary Adjustment)

The project proposes to consolidate two legal lots into one legal lot.

Pursuant to Encinitas Municipal Code (EMC) Chapter 24.70 (Lot Line Adjustments), a lot line adjustment may be initiated to consolidate contiguous parcels under common ownership, and without creating a greater number of lots.

The subject lots are under the same ownership and are contiguous. Additionally, the two existing legal lots will be consolidated into one lot, thereby, demonstrating compliance with EMC Section 24.70, which requires that the boundary adjustment shall not create a greater number of lots than what is existing.

Additionally, pursuant to EMC Section 24.70.060 (Lot Line Adjustments - Approval of the Application), the lot line adjustment is required to comply with the zoning standards. Once the lots are consolidated the project will meet all applicable development standards. Below is a summary of the project’s compliance with the D-OP zoning standards upon the consolidation of the two lots into one lot:

Development Standard	Proposed Project	Complies?
Net Lot Area – 5,000 net square feet minimum	10,294 net square feet	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Lot Width – 50 feet	84.9 feet	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Lot Depth – 100 feet	137.8 feet	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Vulcan Avenue Setback – 0 feet	6 feet, 6 inches	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
East “E” Street Setback – 20 feet	1 foot, 3 inches	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> *
Rear Yard Setback – 10 feet	41 feet, 10 inches	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Lot Coverage Maximum Percentage – 90 percent	42 percent	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Floor Area Ratio (FAR) – 0.65	0.79	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> *
Building Height Maximum- 30 feet/two stories	Existing: 35-foot Proposed: 35-foot and 23-foot (addition)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> *
Off Street Parking – New Development Requirement: One space for every 300 square feet of floor area (up to 6,000 square feet) plus one space for every 250 square feet of floor area over 6,000 square feet.	15 spaces proposed	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> *

<p>Proposed Building Square Footage (SF): 8,341 SF</p> <p>6,000 SF / 300 SF = 20 + 2,341 SF / 250 SF = 9.4</p> <p style="text-align: center;">----- 29.4 (rounded to 30 spaces)</p> <p>Legal Non-Conforming Requirement: Addition of new building square footage (attached or detached) to existing building(s) on a development site requires that parking be provided at current ratios for the additional square footage without any reduction to existing parking.</p> <p>Existing Building SF: 8,521 SF Proposed Building SF: 8,341 SF * 180 SF reduction</p> <p style="text-align: center;">Existing Spaces: 22 Spaces for Major Use Permit: - 8 ----- 14 spaces</p>		
<p>Landscaping Requirement – 15 percent</p>	<p>Existing: 8.7 percent Proposed: 29.32 percent</p>	<p>Yes <input checked="" type="checkbox"/>* No <input type="checkbox"/></p>

*Legal non-conforming

Nonconformities

The existing commercial building was constructed in 1983 under the County of San Diego’s (County) jurisdiction. As constructed, and since the City of Encinitas incorporation in 1986, there are five legal nonconformities for the site. All existing nonconformities will not be expanded, enlarged, or intensified in accordance with the Downtown Encinitas Specific Plan Chapter 11.3.B.4 and Encinitas Municipal Code Chapter 30.76.

1. Floor Area Ratio

The existing building was approved by the County with a floor area ratio (FAR) of 0.81 for the entire site, under the assumption of a single lot. If the lot is not consolidated, the FAR would need to be calculated for each underlying lot, making the project more nonconforming. The previously approved project (Case No. Multi-004933-2021) proposes reducing the overall floor area by 180 square feet, resulting in a revised FAR of 0.79 for the entire site, (calculation based on a one single lot assumption). Although the project will not eliminate the FAR nonconformity, it will reduce it, leading to a development that is more conforming than the current condition. The existing nonconformity will not be expanded, enlarged, or intensified, in accordance with Encinitas Municipal Code Chapter 30.76.

2. Setbacks

The existing building was approved under the County with the northerly street side yard setback, and interior side yard setback being less than the current requirement under the D-OP Zone. Currently, the existing structure is setback, one-foot, three inches from East E Street and zero feet from the interior side yard property line. Under the current D-OP zone, the minimum setback required from E Street is 20 feet. The street side yard setback nonconformity will remain, but not be expanded, enlarged, or intensified as a result of the boundary line adjustment, in accordance with Encinitas Municipal Code Chapter 30.76.

The interior side yard setback is also currently nonconforming. The boundary adjustment to consolidate the two underlying lots will remove the zero-lot line setback nonconformity.

3. Building Height

The existing building was approved under the County of San Diego jurisdiction at 35-feet tall and three stories. Under the current D-OP Zone, the maximum building height is 30 feet and 2 stories. The project proposes to maintain the existing building height at 35-feet tall and three stories. It also proposes a “stepped” design to permit an addition on the east side of the building at a maximum height of 23 feet from the lower of the existing or finished grade. Therefore, the height nonconformity will remain, but not be expanded, enlarged or intensified in accordance with Encinitas Municipal Code Chapter 30.76, and the new addition will be in compliance with the height standards of the D-OP zone.

4. Landscaping

The existing building was approved under the County with a total landscape area of eight percent of the total lot area. Under the current D-OP Zone, a minimum of 15 percent of the lot must be devoted to landscaping, which includes decorative pavers. The project proposes to increase the overall landscaping with additional planted areas and decorative pavers. The proposed landscape area totals 29.32 percent of the project site, resolving the previous legal nonconformity.

5. Parking

a. Parking Count

Office and commercial developments located within the Downtown Encinitas Specific Plan have a parking requirement of one space for every 300 square feet of floor area (up to 6,000 square feet) plus one space for every 250 square feet of floor area over 6,000 square feet. Based on the building square footage, the existing structure with proposed floor area changes, would require 30 parking spaces if being newly constructed on the site today.

In 1983, under the County’s jurisdiction, 14 parking spaces were required and have been maintained for the commercial building/use. In 1992, the city approved an educational institution on the site through Major Use Permit Resolution no. PC-92-27 (Case No. 92-070 MUP), which required eight additional spaces be added to the site and be used solely for the use of the school.

Encinitas Municipal Code Section 30.54.020.A.2. allows for existing parking counts to be maintained for existing buildings, and only applies the current parking ratios to new building square footage on a development site. The project is proposing to reduce the building square footage by 180 square feet and revoke the previously issued Major Use Permit, which allowed the educational institution use on the site. This establishes the project’s legal non-

conforming parking count at 14 parking spaces, consistent with what was previously approved by the County. The project proposes 15 parking spaces, in compliance with the legal non-conforming standards outlined above. Therefore, the parking count nonconformity will remain, but not be expanded, enlarged or intensified in accordance with Encinitas Municipal Code Chapter 30.76.

b. Parking Design

The City's Off-street Parking Design Manual outlines the minimum requirements for parking spaces, including but not limited to, the size and location of spaces. Currently, seven of the existing parking spaces are under sized and two are partially located within the dedicated public right of way. As a result of this project, all undersized parking spaces will be resized to meet current standards, and the parking spaces located partially within the right of way will be shifted to be wholly onsite. These modifications resolve the previous legal non-conformity.

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 D-OP Zone (and compliance with the limitations on legal nonconformities) 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

Public Notice

The Notice of Pending Action on the Boundary Adjustment and Coastal Development Permit was mailed on May 23, 2024, to all property owners and occupants within 500 feet of the project site and to anyone who requested such notice in writing in compliance with Encinitas Municipal Code Sections 30.01.070 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." No comments were received.

ENVIRONMENTAL CONSIDERATIONS

The project is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15305(a), which exempts minor lot line adjustments that do not result in the creation of any new parcel. The project meets the criteria of the exemption. None of the exceptions in CEQA Guidelines Section 15300.2 exists and no historic resources will be impacted by the proposed project.

DISCUSSION

The applicant is requesting to consolidate two legal lots into one lot. The new consolidated net lot area will be a total of 10,294 net square feet. The resulting consolidated lot would meet all

applicable D-OP zoning development standards with the limitations on legal nonconformities. The proposed project is in conformance with EMC Chapters 30.16 (Residential Zones), 30.76 (Nonconformities), 24.70 (Lot Line Adjustments), and 30.80 (Coastal Development Permit).

FINDINGS

Based on the findings for a Lot Line Adjustment per Encinitas Municipal Code Section 24.70.060 and the aforementioned analysis, the Development Services Department has made the following findings to support the approval, with conditions:

- A. Create a condition, which does not comply with zoning and development regulation. All parcels resulting from a lot line adjustment shall comply with minimum City requirements for lot size, dimensions, access, parking and circulation, and all other applicable development standards established through the zoning and development code. The lot line adjustment shall also be found to promote available design standards and guidelines as established through the zoning and development code. The lots resulting from a lot line adjustment and existing and/or potential development on those lots shall be found to be within limitations for lot density and intensity of development and use as established through the zoning and development code. Insert finding.**

The resulting consolidated lots will comply with the D-OP Zoning and development regulation as well as all other applicable provisions of the City's municipal code, except for the existing legal non-conformities, which include setbacks, floor area ratio, building height, landscaping and parking. The existing nonconformities will not be expanded, enlarged, or intensified in accordance with Encinitas Municipal Code Chapter 30.76.

- B. Create a condition which does not comply with building regulations.**

The proposed project does not create a condition, which would not comply with the building regulations.

- C. Materially, adversely affect an agreement for the security for the construction of public improvements**

Public improvements and utility services are available to serve the site.

- D. Extends beyond the City limit boundary**

The parcels are located within the City of Encinitas boundaries.

- E. Requires substantial alteration of any existing improvement or creates a need for any new improvement.**

The proposed lot consolidation does not create a need for any new improvements.

- F. Adjusts the boundary line between lots that are subject to an agreement for public improvements, unless the City Engineer finds that the proposed adjustment will not materially affect such agreement for the security thereof.**

The lot line adjustment only affects the interior common property line of the subject lots. Public improvements and utilities services are available to serve the site, therefore no agreement for public improvements will be affected by the proposed adjustment.

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

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

The project site is located within the D-OP zoning district and within the City's Coastal Zone. The proposed lot consolidation would result in a lot that is consistent with the required minimum lot area, lot depth, lot width of the D-OP Zone and other development standards, including the nonconformity regulations. The project complies with all applicable requirements and policies of the General Plan. The project, as conditioned, also complies with all applicable Municipal Code standards and the findings can be made; therefore, the project is consistent with the Local Coastal Program for the City of Encinitas.

- 2. The proposed development conforms with Public Resources Code Section 21000 and following (CEQA) in that there are no feasible mitigation measures or feasible alternatives available which would substantially lessen any significant adverse impact that the activity may have on the environment.**

The project is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15305(a), which exempts minor lot line adjustments that do not result in the creation of any new parcel.

- 3. For projects involving development between the sea or other body of water and the nearest public road, approval shall include a specific finding that such development is in conformity with the public access and public recreation policies of Section 30200 et. seq. of the Coastal Act.**

The subject property is located on the intersection of South Vulcan Avenue and East E Street, which is not located between the sea or other body of water and the nearest public road.

CONCLUSION

The resulting consolidated lot would meet all applicable D-OP zoning development standards, with the exception of the required street side yard setback, and floor area ratio, which are nonconforming. The existing nonconformities will not be expanded, enlarged, or intensified in accordance with Encinitas Municipal Code Chapter 30.76. Staff has determined that the proposed Lot Line Adjustment and Coastal Development Permit application are consistent with all applicable policies of the General Plan, Local Coastal Program, and applicable provisions of the

Municipal Code and requirements of the D-OP zone. Therefore, the project is approved based upon the aforementioned findings, and subject to the following conditions of approval.

CONDITIONS OF APPROVAL

STANDARD CONDITIONS:

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

- A 02** **Approval – General:** This approval may be appealed to the City Council within 10 calendar days from the date of this approval in accordance with Chapter 1.12 of the Municipal Code.

- A 04** **Approval – General:** This project is conditionally approved as set forth on the application and project drawings consisting of three sheets including, **Exhibit “A” –Legal Description for Lot Consolidation (Sheet 1 of 2), Exhibit “B” – Plat for Lot Consolidation (Sheet 2 of 2) and a Lot Width and Depth Exhibit**, all designated as approved by the **Development Services Director** on **October 31, 2024**, and shall not be altered without express authorization by the Development Services Department.

- A 05** **Approval - General:** All conditions of approval of Planning Commission Resolution No. PC-2023-04 (Case No. MULTI-004933-2021) dated April 6, 2023, shall remain in full force and effect unless specifically modified herein.

- 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.

- BA/COC 01** **Boundary Adjustments/Certificates of Compliance:** In accordance with Section 66412(d) of the California Subdivision Map Act, deeds reflecting this Lot Line Adjustment shall be recorded in the Office of the County Recorder. Conformed copies of the deeds shall be presented to the Development Services Department prior to the preparation of the Certificate of Compliance referenced in Condition **BA/COC 03**.

- BA/COC 02** **Boundary Adjustments/Certificates of Compliance:** This approval will expire in two years, on **October 31, 2026** at 5 p.m., unless the conditions have been met or an extension has been approved by the authorized agency.

- BA/COC 03** **Boundary Adjustments/Certificates of Compliance:** Completion of this Lot Line Adjustment shall require the recordation of a Certificate of Compliance. New legal descriptions reflecting the adjusted parcels shall be prepared to the satisfaction of the Development Services Department. Pursuant to Municipal Code Section 24.70.110, a subdivision map of record reflecting the boundaries resulting from this action may serve as a substitute for a Certificate of Compliance.

LM/PMW 03 The required Certificate of Compliance shall be recorded prior to Building Permit issuance.

I 01 **Indemnification:** To the maximum extent permitted by law, the Owner 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 or its contractors, subcontractors, agents, employees, or other persons acting on the Owner's behalf relating to the project; and (iii) the operation of the project.

The Owner agrees to execute an indemnity agreement provided by the City prior to **recordation of Certificate of Compliance** and the Development Services Director, or designee, is hereby authorized to execute the same. The Owner further agrees that such indemnification and hold harmless shall include all defense related fees and costs associated with the defense of the City by counsel approved by the City. This indemnification shall not terminate upon expiration of the conditions of approval or completion of the project but shall survive in perpetuity.

DISCLOSURES

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

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

Certificate Of Completion

Envelope Id: 7A220E41DB44438180F2A7600B55F756	Status: Completed
Subject: Complete with DocuSign: 006786-2023 MULTI (609 S Vulcan Ave) 2024-125.docx	
Source Envelope:	
Document Pages: 10	Signatures: 1
Certificate Pages: 4	Initials: 0
AutoNav: Enabled	Envelope Originator:
Envelope Stamping: Enabled	Brayden James
Time Zone: (UTC-08:00) Pacific Time (US & Canada)	505 S Vulcan Ave
	Encinitas, CA 92024
	bjames@encinitasca.gov
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Andrew Maynard
 amaynard@encinitasca.gov
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Signature

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Envelope Summary Events

Status

Timestamps

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Certified Delivered	Security Checked	10/31/2024 4:40:48 PM
Signing Complete	Security Checked	10/31/2024 4:40:59 PM
Completed	Security Checked	10/31/2024 4:40:59 PM

Payment Events

Status

Timestamps

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: msalmon@cityofencinitas.org

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 msalmon@cityofencinitas.org 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 msalmon@cityofencinitas.org 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 msalmon@cityofencinitas.org 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>.

Acknowledging your access and consent to receive and sign documents electronically

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.

By selecting the check-box next to ‘I agree to use electronic records and signatures’, you confirm that:

- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- 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.