

CITY OF ENCINITAS

Notice of Preparation of a Draft Environmental Impact Report

FROM: City of Encinitas, Planning Division
505 S. Vulcan Avenue
Encinitas, California 92024

TO: State Clearinghouse, Responsible Agencies, Trustee Agencies, and Interested Persons

PROJECT TITLE: Fox Point Farms

PROJECT APPLICANT: Nolen Communities, LLC

PROJECT LOCATION: 1150 Quail Gardens Drive, Encinitas, CA 92024;
County Assessor Parcel No. 254-612-012

PROJECT CASE NUMBER: MULTI-3524-2019; CPP-3525-2019; SUB-3526-2019; USE-3527-2019;
DR-3528-2019; and CDPNF-3529-2019

Pursuant to the California Environmental Quality Act (CEQA), the City of Encinitas (City) is issuing this Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the proposed project. Implementation of the project may require approvals from public agencies. As such, the City seeks input as to the scope and content of the EIR based on your agency's purview of the project (if any). In addition, comments are being solicited from other interested persons. Comments received in response to this Notice will be reviewed and considered by the City in determining the scope of the EIR.

PROJECT DESCRIPTION AND LIKELY ENVIRONMENTAL EFFECTS:

Nolen Communities, LLC (applicant) proposes the development of an "Agrihood" community on an approximately 21.5-acre site in the City of Encinitas, consistent with the Concept Plan for this property which was approved as part of the City's Housing Element Update in 2019. The project site would be subdivided into multiple lots. The community would consist of 53 for-sale cottages/carriage units/townhomes, 197 apartments, edible landscaping, community gardens, trails, a bocce court, social spaces, a community library, and a community recreation center. The project would also include a shared public/private agricultural amenity area including a farm-to-table restaurant, farm stand, event lawns, discovery garden, greenhouse and community work area, and an outdoor education patio. Alternatives for project access at Sidonia Street are currently being evaluated by the City at this time. Lastly, the northern portion of the project site would remain in agricultural use, serving as an organic farm operation. Of the 250 residential units proposed in the community, 211 would be market-rate units and 39 would be "very low" (50 percent of area median income) affordable residential units. Additional information regarding the project may be obtained on the City's website at: <https://encinitasca.gov/I-Want-To/Public-Notices/Development-Services-Public-Notices> under "Environmental Notices." It is anticipated that the EIR will focus on the following environmental issue areas: aesthetics, air quality, biological resources, cultural resources, energy conservation, greenhouse gas emissions, geology and soils, hazards and hazardous materials, hydrology/water quality, noise, public services and recreation, transportation, tribal cultural resources, and utilities and service systems.

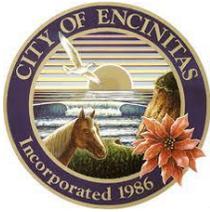


COMMENT PERIOD: Please send your comments no later than April 27, 2020, to Scott Vurbeff, Environmental Project Manager, Encinitas Planning Division, 505 S. Vulcan Avenue, Encinitas, CA 92024, or via email to svurbeff@encinitasca.gov.

Scott Vurbeff, Environmental Project Manager
City of Encinitas, Planning Division

March 27, 2020

Date



CITY OF ENCINITAS

Notice of Preparation of a Draft Environmental Impact Report Fox Point Farms ■ Letters Received

LIST OF LETTERS

Agencies:

California Department of Transportation
Native American Heritage Commission
San Diego Association of Governments
San Diego County
State Clearinghouse

Individuals and Organizations:

Andrew Matuszeski
Angelica Pedler (3 letters)
Barry Pedler
Brad Bosacki
Chris Nelson & Maeve Taaffe
Christine Hayes
Davis and Laura Woodward
Donna Carr
Douglas Shaw (two letters)
Drew Johnson
Elyce Nissinoff
Erin Hoherd
Joe and Peggy Williams
Joe Boyle
Kathy Johnson
Kim and Elaine Zirpolo (two letters)
Lauren Court Neighbors
Loralynn and Dave Sheeron
Loralynn Sheeron
Lucinda Hansen
Mia Marinos
Renee and Eric Norling
Robert Schiller
Scott Hinkle
Susan Pignataro
Trisha Hegg
Wendy Shaw
William Nissinoff
Wynn Roy

DEPARTMENT OF TRANSPORTATION

DISTRICT 11

4050 TAYLOR STREET, MS-240

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*Making Conservation
a California Way of Life.*

April 20, 2020

11-SD-5
PM 42.699
Fox Point Farms
NOP/SCH#2020039079

Mr. Scott Vurbef
Environmental Project Manager
City of Encinitas
505 S. Vulcan Ave.
Encinitas, CA 92024

Dear Mr. Vurbef:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Notice of Preparation for the Draft Environmental Impact Report (NOP) for the Fox Point Farms project located near Interstate 5 (I-5). The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability. The Local Development-Intergovernmental Review (LD-IGR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities.

Caltrans has the following comments:

Traffic Impact Study

- A Vehicle Miles of Travel (VMT) based Traffic Impact Study (TIS) should be provided for this project. Please use the Governor's Office of Planning and Research Guidance to identify VMT related impacts.¹
- The TIS may also need to identify the proposed project's near-term and long-term safety or operational issues, on or adjacent any existing or proposed State facilities.

¹ California Governor's Office of Planning and Research (OPR) 2018.
"Technical Advisory on Evaluating Transportation Impacts in CEQA."
http://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf

Environmental

Caltrans welcomes the opportunity to be a Responsible Agency under the California Environmental Quality Act (CEQA), as we have some discretionary authority of a portion of the project that is in Caltrans' Right-of-Way (R/W) through the form of an encroachment permit process. We look forward to the coordination of our efforts to ensure that Caltrans can adopt the alternative and/or mitigation measure for our R/W.

An encroachment permit will be required for any work within the Caltrans' R/W prior to construction. As part of the encroachment permit process, the applicant must provide approved final environmental documents for this project, corresponding technical studies, and necessary regulatory and resource agency permits. Specifically, CEQA determination or exemption. The supporting documents must address all environmental impacts within the Caltrans' R/W and address any impacts from avoidance and/or mitigation measures.

We recommend that this project specifically identifies and assesses potential impacts caused by the project or impacts from mitigation efforts that occur within Caltrans R/W that includes impacts to the natural environment, infrastructure (highways/roadways/on- and off-ramps) and appurtenant features (lighting/signs/guardrail/slopes). Caltrans is interested in any additional mitigation measures identified for the DEIR.

Right-of-Way

- R/W and access rights seem to be depicted correctly. Per Business and Profession Code 8771, perpetuation of survey monuments by a licensed land surveyor is required, if they are being destroyed by any construction.
- Any work performed within Caltrans R/W will require discretionary review and approval by Caltrans and an encroachment permit will be required for any work within the Caltrans R/W prior to construction.

Additional information regarding encroachment permits may be obtained by contacting the Caltrans Permits Office at (619) 688-6158 or by visiting the website at <http://www.dot.ca.gov/trafficops/ep/index.html>. Early coordination with Caltrans is strongly advised for all encroachment permits.

Mr. Scott Vurbef
April 20, 2020
Page 3

If you have any questions, please contact Kimberly Dodson, of the Caltrans Development Review Branch, at (619) 688-2510 or by e-mail sent to Kimberly.Dodson@dot.ca.gov .

Sincerely,

Kimberly Dodson

for

MAURICE EATON, Branch Chief
Local Development and Intergovernmental Review



NATIVE AMERICAN HERITAGE COMMISSION

April 1, 2020

Scott Vurbef
City of Encinitas, Development Services Dept.
505 S. Vulcan Ave.
Encinitas, CA 92024

Re: 2020039079, Fox Point Farms Project, San Diego County

Dear Mr. Vurbef:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

CHAIRPERSON
Laura Miranda
Luiseño

VICE CHAIRPERSON
Reginald Pagaling
Chumash

SECRETARY
Merri Lopez-Keifer
Luiseño

PARLIAMENTARIAN
Russell Attebery
Karuk

COMMISSIONER
Marshall McKay
Wintun

COMMISSIONER
William Mungary
Paiute/White Mountain
Apache

COMMISSIONER
Joseph Myers
Pomo

COMMISSIONER
Julie Tumamait-Stenslie
Chumash

COMMISSIONER
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NAHC HEADQUARTERS
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Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
 - a. A brief description of the project.
 - b. The lead agency contact information.
 - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
 - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).
 - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
 - a. Alternatives to the project.
 - b. Recommended mitigation measures.
 - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).

4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
 - a. Type of environmental review necessary.
 - b. Significance of the tribal cultural resources.
 - c. Significance of the project's impacts on tribal cultural resources.
 - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
 - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a. Avoidance and preservation of the resources in place, including, but not limited to:
 - i. Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i. Protecting the cultural character and integrity of the resource.
 - ii. Protecting the traditional use of the resource.
 - iii. Protecting the confidentiality of the resource.
 - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, § 15064.5(f) (CEQA Guidelines § 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code § 7050.5, Public Resources Code § 5097.98, and Cal. Code Regs., tit. 14, § 15064.5, subdivisions (d) and (e) (CEQA Guidelines § 15064.5, subs. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:
Andrew.Green@nahc.ca.gov.

Sincerely,



Andrew Green
Staff Services Analyst

cc: State Clearinghouse

From: Ferchaw, Tracy <Tracy.Ferchaw@sandag.org>
Sent: Monday, April 27, 2020 11:17 AM
To: Scott Vurbeff
Subject: Fox Point Farms - Notice of Preparation of a Draft Environmental Report

Follow Up Flag: Follow up
Flag Status: Completed

[NOTICE: Caution: External Email]

Mr. Vurbeff,

Thank you for the opportunity to comment on the City of Encinitas' Fox Point Farms (project case # MULTI-35242019) Draft EIR. SANDAG is submitting the following comments, below:

- SANDAG suggest a transportation analysis on impacts of the project on multimodal transportation, including impacts to walking and biking be considered. Mitigation should include consideration of how to provide safe and comfortable bicycling and walking connections to surrounding destinations. These could include buffered or protected bikeways, intersection crossing improvements, and other safety and comfort improvements.
- Special attention should be paid to pedestrian crossings, with considerations included for bulb-outs at intersections and other traffic calming features. It will be important to create a safe and comfortable walking environment to encourage nonmotorized travel within the project site.
- High quality bike parking, such as secure bike lockers, should be included at all community destinations, including the community center, greenhouse, restaurant, and farm area. Bike parking should be located as close as possible to entrances of buildings or open spaces in highly visible areas.

Please let Seth Litchney (seth.litchney@sandag.org) and Tracy Ferchaw (tracy.ferchaw@sandag.org) know if you have any questions.

Thank you very much,

Tracy Ferchaw
Associate Business Analyst

(619) 699-6977
401 B Street, Suite 800, San Diego, CA 92101

SANDAG



SANDAG hours: Tuesday-Friday and every other Monday from 8 a.m.-5 p.m.
Employees are teleworking while our offices are closed during the COVID-19 pandemic.



County of San Diego

MARK WARDLAW
DIRECTOR

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KATHLEEN A. FLANNERY
ASSISTANT DIRECTOR

April 27, 2020

Scott VurbEFF
Environmental Project Manager
City of Encinitas Planning Division
505 S. Vulcan Avenue
Encinitas, CA 92024

Via e-mail to: svurbEFF@encinitasca.gov

REQUEST FOR COMMENTS ON THE NOTICE OF PREPARATION DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE FOX POINT FARMS PROJECT IN THE CITY OF ENCINITAS

Dear Mr. VurbEFF:

The County of San Diego (County) reviewed the City of Encinitas' (City) Notice of Preparation of a Draft Environmental Impact Report for the Fox Point Farms (Project), dated March 27, 2020.

The County appreciates the opportunity to review the Project and offers the following comments for your consideration. Please note that none of these comments should be construed as County support for this Project.

VECTOR CONTROL

The County of San Diego Vector Control Program (VCP) is responsible for the protection of public health through the surveillance and control of mosquitoes that are vectors for human disease including West Nile virus (WNV). The VCP has completed their review and has the following comments regarding the proposed Project.

1. The VCP respectfully requests that the Project design features address potential impacts from possible mosquito breeding sources created by the Project and that the Project is constructed in a manner to minimize those impacts. Specifically, ensure construction-related depressions created by grading activities, vehicle tires, ditches, and landscaping do not result in depressions that will hold standing water. In addition, ensure drainage areas and other structures do not create a potential mosquito breeding source. Any area that is capable of accumulating and holding at least ½ inch of water for more than 96 hours can support mosquito breeding and development.
2. Please note, the VCP has the authority pursuant to State law and County Code to order the abatement of any mosquito breeding that does occur either during construction or after the Project is completed that is determined to be a vector breeding public nuisance. The

VCP will exert that authority as necessary to protect public health if the Project is not designed and constructed to prevent such breeding.

3. For your information, the County of San Diego Guidelines for Determining Significance for Vectors can be accessed at the following link:
http://www.sandiegocounty.gov/content/dam/sdc/pds/docs/vector_guidelines.pdf
and the California Department of Public Health Best Management Practices for Mosquito Control in California is available at the following link:
<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/MosquitoesandMosquitoBorneDiseases.aspx#>
4. The VCP appreciates the opportunity to participate in the environmental review process for this Project. If you have any questions regarding these comments, please contact Daniel Valdez at 858-688-3722 or by e-mail at Daniel.Valdez@sdcounty.ca.gov.

PARKS AND RECREATION

1. The County Department of Parks and Recreation (DPR) owns and manages land directly north of the proposed Project (Magdalena Ecke Open Space).
2. DPR requests that the developer specify on a map the location of areas that would be used on temporary basis during construction to serve as staging areas to ensure temporary impact areas do not encroach on open space property.

The County appreciates the opportunity to comment on this Project. We look forward to receiving future documents related to this Project and providing additional assistance, at your request. If you have any questions regarding these comments, please contact Timothy Vertino, Land Use / Environmental Planner, at (858) 495-5468, or via e-mail at timothy.vertino@sdcounty.ca.gov.

Sincerely,



Eric Lardy, AICP
Chief, Advance Planning Division
Planning & Development Services

cc: Benjamin Mills, Policy Advisor, Board of Supervisors, District 5
Nicole Boghossian, CAO Staff Officer, LUEG
Mary Bennett, Administrative Analyst, DEH
Emmet Aquino, Park Project Manager, DPR

From: Justin Le <Justin.Le@OPR.CA.GOV>
Sent: Tuesday, April 28, 2020 2:13 PM
To: Scott Vurbef
Subject: SCH# 2020039079

[NOTICE: Caution: External Email]

The State Clearinghouse would like to inform you that our office will be transitioning from providing a hard copy of acknowledging the close of review period on your project to electronic mail system.

Please visit: <https://ceganet.opr.ca.gov/2020039079/2> for full details about your project and if any state agencies submitted comments by close of review period (note: any state agencies in **bold**, submitted comments and are available).

This email acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please email the State Clearinghouse at state.clearinghouse@opr.ca.gov for any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Justin Le | Student Assistant
Governor's Office of Planning and Research
State Clearinghouse Unit
1400 10th Street, Room 113
Sacramento, CA 95814
(916) 445-0613

From: andrew matuszeski <jandrewmat@yahoo.com>
Sent: Saturday, April 11, 2020 12:33 PM
To: Scott Vurbeff
Cc: Council Members
Subject: Fox Point Development

Follow Up Flag: Follow up
Flag Status: Flagged

[NOTICE: Caution: External Email]

Mr. Vurbeff and City Council Members,

Just a quick note on the Fox Point Farms development project.

Our family moved to Fox Point three years ago, but we've lived in Encinitas for over 20 years. I understand the need to accommodate housing, and the state requirements to do so. I only request that it be done with care to avoid negative impacts on existing neighborhoods as much as possible.

To that end, I respectfully implore you to require the applicant to implement the following changes to the project proposal:

- The Fire Department requires two points of road access. The current plan has road access on Quail Gardens and into our neighborhood on Sidonia. Please require the applicant to make Quail Gardens the primary ingress/egress, and reserve Sidonia as a gated emergency/fire access only. Without this change, the character of our neighborhood will be destroyed by a huge volume of traffic cutting through. In addition, ALL construction traffic needs to be routed through the Quail Gardens entrance, with no staging of equipment or materials in the existing neighborhood.
- When we lived on Devonshire adjacent to the hospital, there was a sticker parking system for resident parking only. Please implement the same on Sidonia and side streets to avoid spillover parking from the new development clogging our streets and reducing visibility to kids playing in the neighborhood.
- As we now know the zoning phrase "in perpetuity" meant nothing. Understandably, my neighbors are concerned that the remaining cultivated land in the "Agrihood" concept could easily be developed later as a Phase II of Fox Point Farms unless that land is protected in a legally binding way. The developer points to a 99-year lease as protection. But if you've ever broken a car lease to upgrade your ride, then you know that a lease isn't hard to renegotiate or break. I ask you to explore deed restrictions or other legally binding instruments to assure neighbors that the remaining ag land will be REAL "in perpetuity."
- The rains yesterday were a reminder that the Echter property is graded poorly, and dumps a literal river down the driveway onto and across the width of Sidonia Street, excavating potholes along the way. Runoff and grading are a serious issue, and I suspect that the small swales in the plan will be ineffective and will overtop in no time flat. The forecast is calling for more rain later in the week. Please come out and measure the flow rate coming down that driveway and do the math on how fast the planned swale will fill up. I think you'll be surprised.

These are reasonable requests. These are the requests you'd make if it was your neighborhood. Please use your considerable approval powers to do the right thing for our neighbors/your constituents in Fox Point.

Thanks.

—Andrew Matuszeski
1061 Passiflora Ave

[Sent from Yahoo Mail for iPhone](#)

From: Angelica Pedler <apedler@gmail.com>
Sent: Saturday, April 11, 2020 9:16 AM
To: Scott Vurbeff
Cc: Anna Colamussi; Jesse Owens
Subject: Re: Dramm& Echter- video 3

Follow Up Flag: Follow up
Flag Status: Flagged

[NOTICE: Caution: External Email]

This should work

<https://m.youtube.com/watch?v=ewpS2aj2EPA>

Sent from my iPhone

On Apr 10, 2020, at 5:57 PM, Scott Vurbeff <SVurbeff@encinitasca.gov> wrote:

Ok, thank you.

Scott

From: Angelica Pedler <apedler@gmail.com>
Sent: Friday, April 10, 2020 5:49 PM
To: Scott Vurbeff <SVurbeff@encinitasca.gov>
Subject: Re: Dramm& Echter- video 3

[NOTICE: Caution: External Email]

Thanks Scott, I'm having issues downloading it but I'll try again another way.

Have a good weekend

Angelica

Sent from my iPhone

On Apr 10, 2020, at 5:43 PM, Scott Vurbeff <SVurbeff@encinitasca.gov> wrote:

Angelica,

You video wasn't attached to the email.

Scott

From: Angelica Pedler <aspedler@gmail.com>
Sent: Friday, April 10, 2020 5:39 PM
To: Scott VurbEFF <SVurbEFF@encinitasca.gov>
Cc: Anna Colamussi <acolamussi@encinitasca.gov>; Jesse Owens <jowens@encinitasca.gov>
Subject: Dramm& Echter- video 3

[NOTICE: Caution: External Email]

Sent from my iPhone

On Apr 10, 2020, at 5:22 PM, Scott VurbEFF <SVurbEFF@encinitasca.gov> wrote:

Angelica,

Thank you for the videos, which have been forwarded to our development review engineers. This issue will be addressed as part of the proposed project design.

Sincerely,

**Scott VurbEFF | Environmental Project Manager |
Encinitas Development Services Dept.**
505 S. Vulcan Ave. | Encinitas, CA 92024 | ph. 760-633-
2692
svurbEFF@encinitasca.gov

In response to the COVID-19 pandemic, the City has issued a Proclamation of Local Emergency and activated its Emergency Operations Center (EOC). All City offices are currently closed to

the public until further notice. City staff will continue to conduct City business through teleconferencing and phone calls. We will continue our "virtual city hall" services via the [Customer Service Center](#) portal, where many permits and plans can be processed electronically. Contacts for city departments and services can be found via <https://encinitasca.gov/Home/City-News/ArticleID/216>.

From: Angelica Pedler <aspedler@gmail.com>
Sent: Wednesday, April 8, 2020 11:54 AM
To: Scott VurbEFF <SVurbEFF@encinitasca.gov>
Cc: Anna Colamussi <acolamussi@encinitasca.gov>
Subject: IMG_4571.mov - Dramm& Echter- video 2

[NOTICE: Caution: External Email]

A better perspective

Sent from my iPhone

This message contains confidential information and is intended only for the individual(s) addressed in the message. If you are not the named addressee, you should not disseminate, distribute, or copy this e-mail. If you are not the intended recipient, you are notified that disclosing, distributing, or copying this e-mail is strictly prohibited.

<IMG_4571.mov>

From: Angelica Pedler <aspedler@gmail.com>
Sent: Wednesday, April 8, 2020 11:53 AM
To: Scott Vurbeff
Cc: Anna Colamussi
Subject: IMG_4580.MOV - Dramm & Echter's runoff into Fox Point (Sidonia Street/
Sidonia Crt)

Follow Up Flag: Flag for follow up
Flag Status: Flagged

[NOTICE: Caution: External Email]

Hi Scott

This was taken a few minutes ago by a neighbor, it's an example of what happens to our street every time it rains. Bob's has never corrected this hopefully Nolen Communities or whatever developer ends up with this project fixes this.

Angelica

Sent from my iPhone

From: Scott Vurbeff <SVurbeff@encinitasca.gov>
Sent: Monday, April 13, 2020 3:05 PM
To: Scott Vurbeff
Subject: FW: Dramm& Echter- video 3

From: Angelica Pedler <aspedler@gmail.com>
Sent: Monday, April 13, 2020 2:26 PM
To: Scott Vurbeff <SVurbeff@encinitasca.gov>
Cc: Anna Colamussi <acolamussi@encinitasca.gov>; Jesse Owens <jowens@encinitasca.gov>
Subject: Re: Dramm& Echter- video 3

[NOTICE: Caution: External Email]

Hi Scott,

As you can see it's a big problem. The first house the water hits has been flooded a few times over the years (Mr. RB Bosacki, 1152 Sidonia Court).

The project needs the retention basin/ swale to be continuous all the way along the western edge of the property and sufficiently large/ deep to prevent future damage.

Thank you for acknowledging receipt of the video.

Angelica

From: Barry Pedler <Barry.Pedler@hunterindustries.com>
Sent: Monday, March 30, 2020 12:05 AM
To: Scott Vurbeff
Cc: Anna Colamussi; cblakespear@encinitas.gov; Kellie Shay Hinze; Tony Kranz; Joe Mosca; Jody Hubbard; Karen Brust; Barry Pedler
Subject: RE: Noland communities Fox Point Farms project parking & traffic issues.

[NOTICE: Caution: External Email]

Dear Mr. Vurbeff,

Regarding the "Fox Point Farms" housing element proposal, 1150 Quail Gardens Drive. The currently flawed proposal by Nolan Communities LLC has several serious issues that I hope you would investigate and resolve. The existing residential community of Fox Point to the west is completely opposed to the proposed plan, and we hope that you can resolve several issues so these disagreements do not escalate. The main issues are safety, parking, traffic, and civil rights.

Parking:

The Nolan Communities proposal does not include enough parking to avoid overflow outside the project. A total of 551 spaces, less the 85 spaces allocated for commercial, restaurant, visitor parking leaves only 466 = 1.86 cars per unit. Obviously not enough. Plus the doubled, 2-deep parking is not functional. The project does not yet have enough parking spaces for residents purposes, let alone supposed events. You will have the same situation on Sidonia St, as the city faced on Seeman Drive. The solution is using some of the Ag or commercial parcel land, golf course parking, underground parking, or lower density. Fox Point residents demand a continuous wall along Sidonia Street, and as the City granted on Seeman Drive, "No parking" on the East side of Sidonia, and resident permitted parking within the existing Fox Point community. As Councilor Krantz said, "*Overflow parking on Sidonia is not an option for me*"

Traffic: The SANDAG traffic report shows that Leucadia Blvd is currently over-burdened with 40,000 car trips per day. If this project plus 3 additional high density "housing element" projects planned for Quail Gardens Drive proceed, the already over trafficked Leucadia Blvd, will become unworkable and a risk for emergency vehicle access. The best solution is to have the new development (Fox Point Farms) traffic access a left turn access onto Quails Garden Dr. to use under-utilized La Costa Ave for access to the I-5 corridor. I'm sure that project property owner Bob Echter, as the biggest beneficiary of this project, would be happy to give an easement through his property at the north edge of the project, to allow a left turn onto Quails Garden drive. La Costa Avenue is the best solution to the serious traffic issue.

Safety: #1. The Leucadia Blvd and Sidonia St intersection is already extremely dangerous, and has been the site of many potentially fatal incidents, due to speeds, and

drivers headed towards I-5 being sun-blinded as they crest the slope during the hours before sunset. That is one reason why the new development's traffic cannot be dumped into our residential neighborhood, compounding that dangerous intersection.

#2. Our R3 residential streets are not designed for high density housing traffic. Fox Point is a residential community where children play on Sidonia Street. For the safety of our families we are completely opposed to any high-density project traffic access dumped into our community.

#3. Practically all Encinitas' recent housing developments are separated from pre-existing communities, by a wall, and have one entry/egress point. If for some reason the fire Marshall requires a second access point, I'm sure Bob Echter, will be happy to allow an easement at the northern end of the project so emergency vehicles can enter through the agricultural area, free of obstruction. The most accessible and expedient access point is, of course, off Leucadia Blvd. A break in the median strip for emergency vehicles would allow the fastest access through an Opticom gate.

#4. Decades of intensive agriculture on this site will have accumulated significant chemical residue. We hope that a continuous wall and retention basin swale can physically separate and help protect our existing residential neighborhood to keep our families safe.

Civil Rights: Due to restriction of gatherings and meetings as prescribed by the Governor's COVID-19 declaration, the people of Encinitas, and particularly older residents are being denied the right to attend city planning meetings and to address the council. It would be a violation of civil rights to ram this project through approvals while the residents are confined to their homes and cannot fully participate. This project should be put on pause until the situation allows open review and public comment.

We ask that you reject Nolan Communities' unacceptable proposal and require them to correct parking, traffic and safety issues, with 1) a continuous wall separating the existing R3 residential and new high-density development, 2) zero traffic entry/egress onto Sidonia street, 3) adding sufficient parking for the realistic outcomes, and 4) directing traffic north onto La Costa Blvd, to maximize safety and minimize environmental concerns of grid-locked traffic.

We all, including Nolan Communities should learn from experience and precedent of the Coral Cove project on Ashbury Street. **Complete separation** of the new and existing neighborhoods was the final solution, and planning this from day 1 will avoid years fighting and litigation.

.....Precedent (below) from Ashbury St,
Encinitas project, 2005

Neighbors, developer find fault with environmental report

By ADAM KAYE - STAFF WRITER

DEC. 6, 2005 12 AM

ENCINITAS — Some neighbors on Monday blasted a key finding in an environmental impact report for a planned 69-home subdivision on Vulcan Avenue.

Released Monday for a 45-day public review, the report prepared by Dudek & Associates states that the “environmentally superior alternative” for the 10-acre project would include two private streets linking the project to narrow Ashbury Street to the north. The alternative is considered superior because it integrates a new neighborhood with an old one, according to the report.

“The project would not be closed off respective to the surrounding community,” the report states.

A better alternative, two neighbors and a spokesman for developer Shea Homes said, would be to restrict all traffic from the project onto a single driveway served by Vulcan.

The proposed project is two blocks south of Vulcan’s intersection with La Costa Avenue in Leucadia.

In interviews Monday, neighbors Dan Cool and Neil Prince said that linking private streets from the project to Ashbury would introduce unwelcome traffic and parked cars onto Ashbury, Hygeia Avenue and other streets.

The 69 homes are estimated to add 443 vehicle trips daily onto Vulcan's average daily load, which ranges from 4,464 to 4,530 trips.

Cool and Prince said they have met regularly with a Shea Homes representative and have agreed that landscaping and a sidewalk would improve Ashbury — but not the linkages of private streets.

"We've worked with the developers for two years, we've had community participation, and we find the city, in its wisdom, has chosen an alternative without any participation from the neighborhood," Prince said. "We would like to see the proposal as worked out with the developer as the best alternative."

Prepared for the city by Dudek & Associates, Inc., the environmental report cites a city policy that discourages isolating new developments in making its recommendation to open up private streets to the development.

The policy encourages homes of new subdivisions to face those of surrounding neighborhoods.

"This alternative would provide an open interface with the surrounding neighborhood," Encinitas environmental coordinator Scott Vurbeff wrote in a summary of the report.

Neighbors can enjoy plenty of 'interface' just by walking from one street to the next, said Cool, a seven-year resident who lives across Ashbury Street from the planned project.

Most neighbors would rather the planned homes not face Ashbury, Cool said.

“It’s just very interesting that the community itself and the developer worked through a system to voice concerns and to work through things (and then) we get this (report) recommending something we don’t want,” he said. “Have we all been potted plants wasting our time?”

The so-called “Ashbury Buffer Alternative,” which has **no connections from the project to the Ashbury Street**, provides landscaping that the homeowners association would maintain, a sidewalk, and a street width that meets the fire department’s standards, said John Nabors, a spokesman for Shea Homes.

“We’re not supporting the (alternative with the linkages) because the neighborhood doesn’t like it,” he said.

In addition to the project’s relationship with Ashbury Street, the environmental report identifies these issues:

- To control traffic generated by the project, the developer would be required to improve the Vulcan Avenue intersection at LaCosta Avenue with expanded turn lanes and a traffic signal.

Contact staff writer Adam Kaye at (760) 943-2312 or akaye@nctimes.com.

Respectfully

Barry Pedler
Phone: 760-840-0834
barry.pedler@hunterindustries.com

From: Barry Pedler <bazpedler@gmail.com>
Sent: Tuesday, April 7, 2020 9:12 PM
To: Scott Vurbeff; Anna Colamussi
Cc: Catherine Blakespear; Kellie Shay Hinze; Tony Kranz; Jody Hubbard; Karen Brust; Joe Mosca; City Clerk
Subject: FW: FW: NOP Notice of Preparation Fox Point Farms Case#MULTI-3524-2019

Follow Up Flag: Follow up
Flag Status: Flagged

[NOTICE: Caution: External Email]

Dear Mr Vurbeff

I am replying to your NOP (Notice of Preparation) letter for the Environmental Impact Report, which I received March 27th in regard to the proposed development of 250 Homes on the Dramm & Echter property, Fox Point Farms 1150 Quail Gardens Drive.

My family have lived at 1128 Sidonia Street across from the Dramm & Echter property for 23 years. It is the only home my son and daughter have known. Along with many Fox Point residents, we have major concerns regarding the environmental impact of the proposed "Fox Point Farms" project as briefly summarized below.

- a) **Noise, safety, security:** We wish to minimize excessive vehicles on our residential streets, and address safety concerns, by keeping the new high-density R30 mixed-use proposed project separate from our existing R3 residential community to the west. On the eastern side of the proposed project, bordering Quail Gardens Drive, the city recently approved a 5' 6" cinder block wall, 6' above grade/street level, for privacy and noise abatement. As the most recent city-approved construction bordering this project, this wall type should naturally become the standard for our western edge of the project also, to be equally considerate of residents to the west.
- b) **Traffic:** As with other recently approved residential communities in Encinitas, like Coral Cove, Ashbury St off Vulcan, we need to separate the communities to avoid volumes of commuter traffic being dumped onto our residential street. As with our children, our neighbor's children, aged 7 and 9, ride their bikes and skateboards on Sidonia Street every day. There must not be traffic entry/egress onto Sidonia Street. Due to the currently impacted Leucadia Blvd traffic load, entry/egress for the project should be onto a dedicated north-bound exit onto Quails Garden Drive, via an easement, so that I-5 bound traffic can utilize La Costa Blvd.
 - a. The Sidonia St/Leucadia Blvd intersection is notoriously dangerous, as west-bound cars accelerate after cresting the long hill and regularly run the red light. Adding vehicle trips into this intersection from the project only increases the probability of fatalities.
 - b. 2 of our cars have been totalled/written-off while parked on Sidonia Street, in front of our house. Making it into a commuter artery for proposed project traffic would only increase speeds and danger to us. All project entry/agree must be onto Quails Garden drive.

- c) **Contamination:** The project site has historically had significant drainage issues with excess flows running off the site, at depth, across Sidonia street, making the road slippery. A retention swale on the west side of the proposed project needs to be continuous and significantly large enough to handle this issue.

- d) **Aesthetics:** The proposed **20ft high advertising billboard** on the corner of Sidonia Street, is completely incongruous in any residential neighborhood, and is clearly against city standards. I am sure you would not approve this.

In conclusion, we request that you mitigate impact on our family-based residential community of Fox Point, on Sidonia Street and to the west, by keeping us completely separated from the proposed mixed-use R30 project, by a solid sound proof wall, as you have approved on the eastern side of the same project, and all our neighboring communities along Leucadia Blvd to the south.

Thank you for your excellent work in keeping Encinitas a safe and family friendly community.
Yours Sincerely

Barry Pedler
1128 Sidonia Street
Encinitas
Parcel 2545532900

From: Brad Bosacki <brad.bosacki@gmail.com>
Sent: Wednesday, April 8, 2020 11:54 AM
To: Scott Vurbeff
Cc: Anna Colamussi
Subject: Fwd: Fox Point resident

Follow Up Flag: Follow up
Flag Status: Flagged

[NOTICE: Caution: External Email]

Sent from my iPhone

Begin forwarded message:

From: Brad Bosacki <brad.bosacki@gmail.com>
Date: April 8, 2020 at 11:49:21 AM PDT
To: acolamussi@encinitas.gov
Subject: Fwd: Fox Point resident

Sent from my iPhone

Begin forwarded message:

From: Brad Bosacki <brad.bosacki@gmail.com>
Date: April 8, 2020 at 12:24:46 AM PDT
To: brad.bosacki@gmail.com
Subject: Fox Point resident

We have lived in Encinitas since 1972 and bought our home on Sidonia Ct. in 1983. Leucadia Blvd. used to dead end at Sidonia St. until Encinitas Ranch was developed and the road was extended through to El Camino Real. Although that was a huge change and disruption to our little neighborhood, we all eventually rolled with the change. We now are facing another dramatic change due to affordable housing demands on our city. We all voted against the change in zoning but unfortunately it appears the plan is moving forward. We are very concerned with a few components that would drastically impact the integrity of our neighborhood!

First, NO to Nolen Community traffic, especially the idea of an egress to Sidonia St. which would be a traffic nightmare and allow the possibility of parking by Agrihood residents and their guests on Sidonia St. (the plan shows there will not be enough parking within the development)

All access should be from Quail Garden Rd. to preserve the safety and integrity of our neighborhood.

Secondly, a wall needs to be built to separate Nolen Community and the Fox Point neighborhood for the benefit of both.

Please entertain these fairly simple and respectful requests in support of citizens who have been part of the foundation of our loved city, Encinitas

Respectfully,

Robert "Brad" Bosacki and Jane Liebelt

Sent from my iPhone

From: Deana Gay <dgay@encinitasca.gov>
Sent: Thursday, April 2, 2020 9:20 AM
To: Scott Vurbeff
Subject: FW: Fox Point Farm Development
Attachments: Fox Point Farm Development - Concerned Resident Comments.docx

Hi Scott,

Please see message and attachment from Christian Nelson.

Thank you,
Deana Gay

From: Christian Nelson <cdnelson@san Diego.edu>
Sent: Wednesday, April 1, 2020 3:58 PM
To: Deana Gay <dgay@encinitasca.gov>
Cc: Anna Colamussi <acolamussi@encinitasca.gov>; Roy Sapau <RSapau@encinitasca.gov>; Planning <planning@encinitasca.gov>; Erik Steenblock <esteenblock@encinitasca.gov>; Council Members <council@encinitasca.gov>
Subject: Fox Point Farm Development

[NOTICE: Caution: External Email]

Good afternoon,

My attached letter voices concerns my wife and I have regarding the subject line development project.

Thank you,

Christian D. Nelson
cdnelson@san Diego.edu
760-822-2307

Chris Nelson & Maeve Taaffe
1034 Guildford Ct.
Encinitas, CA 92024
(760) 822-2307

Roy Sapa'u
City Planner, Encinitas City Plans Department
505 S. Vulcan Ave Encinitas, CA 92024
planning@encinitasca.gov
P: (760) 633-2710

1 April 2020

Mr. Sapa'u,

My correspondence today is in reference to the planned development of the Fox Point Farms. By now your office has received numerous comments regarding various citizen concerns about the Fox Point Farms development and its impact upon the adjacent Fox Point community. Fox Point community residents have voiced their concerns to include building a continuous wall from the intersection of Sidonia St. and Leucadia Blvd. to the first private home on the East side of Sidonia heading North, no pedestrian access from Fox Point Farms onto Sidonia St., only a fire department ingress gate located on Sidonia for emergency vehicle access purposes, zoned parking for Fox Point community residents to ensure overflow parking doesn't inundate the nearest Fox Point community roads and residents, and I concur with all of these to ensure the long standing tranquil Fox Point community maintains its charm. A charm that is just one of many magnets within our city that compel people to want to live and work here. I am very concerned that charm will be eradicated, and our city turned into another lackluster urban environment typical of Los Angeles urban sprawl.

My wife and I know the Fox Point Farm development is going to take place, and now is the time to ensure our concerns are noted and captured for the record. We want to voice pre-construction, construction, and post construction concerns:

- Pre-construction:
 - o Maintain an open line of communication that keeps all Fox Point Community residents apprised of ongoing actions. The current code limitation of only including residents within 500' of the development is not a sound decision as outlined in the 2019-10-22 Citizens Participation Plan. The City has the discretion to include "other groups that the City feels should be notified," and those groups should include all residents of Fox Point community because of the traffic impact on the two ingress/egress routes into this community. This can be expanded to communities along Quail Gardens in both directions as traffic patterns will impact them also.
- Construction:
 - o Construction vehicle ingress/egress should be limited to Quail Gardens as Sidonia St. is not a wide street and very tight at the intersection. Construction of other sites along

Leucadia Blvd. have proven to be a crystal ball into what to expect, i.e. traffic patterns (congestion, construction, supply, private vehicles of construction workers parked along roadways, work vehicles missing construction site and ending up in the residential neighborhood to find turnaround spots), construction trash (nails, screws, paper, wood scraps, and so on strewn about on the roads), dust, drainage concerns e.g. on Sidonia to the North towards end of street, trespassing, construction noise, controlled work hours during workdays and on weekends, and trespassing.

- Post:

- One of the consistent trespassing issues on the North end of Sidonia St. is a public belief that access to Indian Canyon is in the public domain, the reality is individuals have to trespass on private property to gain access. The landowners have had to consistently pay for repairs as their fences and no trespassing signs are torn down. This will multiple when Fox Point Farms is populated and they assume easy access is their right to get into the canyon from Sidonia St.
- If the Fox Point Farms through street connects Quail Gardens to Sidonia St. the daily throughput of resident traffic and traffic seeking to bypass the Quail Gardens and Leucadia Blvd. intersection will inundate the Fox Point community's two ingress/egress points. Drivers will become frustrated, drivers will increase vehicular speeds on the residential streets, accidents will occur and hopefully not at the expense of someone being injured or killed, especially a child.
- Zoned parking is good, but only as good as its enforcement. I have seen one sheriff SUV in the neighborhood in the last 12 months, there may have been other visits, but this community is peaceful and that will change. Enforcement of zoned parking is only as good as its enforcement and needs to be swift and financially painful to deter its occurrence. The concern of Fox Point residential streets being used as overflow parking stems from a lack of available parking for the number of units planned for the Fox Point Farm development; the planners have calculated sufficient space for 1.86 cars per residential unit. Add to this vehicular count visitors, day laborers, farm equipment, overflow from Fox Point Farm and Ranch golf course planned events and it gets much worse.

As a residents of the Fox Point community, as citizens of the City of Encinitas, as local taxpayers, as local voters, my wife and I implore the city as it moves forward with this development, and those planned in other city communities, to not ignore or destroy the fabric that created Encinitas. Your job responsibilities are vast and sometimes difficult, but it is the job you have chosen to take on so please act consciously as this development moves forward.

Please ensure our concerns are noted for the record and distributed to the proper POCs as development continues to move forward.

Sincerely,

Chris Nelson

Scott Vurbeff
Environmental Project Manager
City of Encinitas

March 30, 2020

Dear Mr. Vurbeff,

This is regarding the proposed development of Fox Point Farms, which I understand is a Dramm and Echter property.

I live in Encinitas on 1010 Guildford Court, which connects to Sidonia Street (Foxpoint homes). Sidonia is directly across from Dramm and Echter property under consideration for development. My husband and I bought this house in 1987. In 2001, he passed away from cancer at age 52. I have lived in this house for 33 years. I don't have any plans to move, unless my health status changes.

I have become apprehensive and anxious after hearing from my neighbors about the development of Fox Point Farms with Nolan Communities. My focus, as well as that of so many of my neighbors, is to keep my community, Fox Point, as a separate neighborhood from any of the development that occurs with Nolan properties.

Please consider doing the following regarding this development of land next to our Fox Point neighborhood:

- Any road access in and out of this new community should be to/from Quail Gardens Drive.
- It is essential to keep the two neighborhoods separate through the use of walls and landscaping.
- No parking should be allowed on the east side of Sidonia Street and only residents of Sidonia Street should be allowed to park on the west side of the street.

We are requesting that you consider following the layout of Ashbury Street in the Coral Cove Community off of Vulcan as a potential design model for Sidonia Street for the Dramm & Echter property.

It is important to myself and other homeowners in the Fox Point neighborhood that you keep each neighborhood separate. The new development should not be allowed road access to Sidonia Street at all, as it is not designed for the kind of massive traffic that would occur.

Please keep our existing Fox Point neighborhood separate and safe from additional traffic with the addition of the new development at the Dramm & Echter property. This has been done by City Planning Dept elsewhere and it can be done here as well.

Sincerely,

Christine Hayes
1010 Guildford Court, Encinitas

From: Laura Woodward <dalawoodward@gmail.com>
Sent: Monday, April 27, 2020 4:59 PM
To: Scott Vurbeff
Subject: Fox Point Farms EIR comments

Follow Up Flag: Follow up
Flag Status: Completed

[NOTICE: Caution: External Email]

Dear Scott

We reside at 827 Woodley Pl, Encinitas, CA 92024 directly across Leucadia Blvd. from the planned Fox Point Farms development and we have serious concerns about this project. Our biggest concerns are over increased traffic and parking, access from the development onto Sidonia St., having an alcohol serving restaurant in the neighborhood, drunk drivers, noise, and poisonous pesticide removal. Leucadia Blvd has very heavy fast traffic with frequent backups that make it very difficult, and dangerous for us to get out of our street. To go west we have to cross 2 lanes of traffic in order to get in the left turn lane for a u-turn. This lane is already frequently backed up. Having access from Fox Point Farms onto Sidonia from all the additional cars will make the intersection even more congested, and make a dangerous situation even worse.

This high density project does not seem to have enough parking for all its residents and visitors, pushing the cars out into the neighborhood. The presence of public serving businesses such as the restaurant and farmers market will increase the traffic and the need for parking. This same issue created a problem in recent years on Seeman Drive in Encinitas. We feel the issue of overflow parking needs to be addressed.

The presence of an alcohol serving restaurant in the neighborhood is also of concern because of the danger of drunk driving on our streets, and the possibility of noise from the public events. These issues should be addressed.

We are concerned about the clean up of hazardous waste, pesticides and herbicides deposited over years of greenhouse operations. The issue of protection for the neighborhoods during construction is of serious concern.

Thank You,

Davis and Laura Woodward

From: donnacarrmd@aol.com
Sent: Sunday, April 26, 2020 6:34 PM
To: Scott Vurbeff; productionandesign@gmail.com; loralynn8@gmail.com
Subject: Fox Point Farms
Attachments: Fox Point Farms.docx

Follow Up Flag: Follow up
Flag Status: Completed

[NOTICE: Caution: External Email]

Dear Mr. Verbeff:

Attached is a general letter that was forwarded to Brian Grover at Nolen Communities and to City Council. I would appreciate if you read this letter and I would like to add additional information in regard specifically to environmental impact. In general, this massive complex of high density housing will impact all our residents and the environment in an extremely NEGATIVE way! We all bought our properties with the understanding (BY LAW) that our neighboring greenhouses would be " AGRICULTURE IN PERPETUITY." Myself and most of our neighbors would NOT have purchased our property if we had known that City Council, with a "stroke of the pen", and without a care about our neighborhood, would just simply rezone it for high density housing and low income housing and also zoning for a restaurant. I have owned my property at 1201 Sidonia Street (at the north end of Sidonia) for 31 years. As a homeowner we rely on LAWS to govern our community and this is a violation of our property rights and our rights as a tax paying member of the Encinitas community. This horrible development plan will damage our neighborhood environment with traffic, noise pollution, dark sky pollution, chemicals, and air pollution, just to name a few of many concerns. This would devastate our local wildlife who have called this area home, including our bobcats, coyotes, hawks, skunks, deer (yes I have had deer on my property), possum, raccoon, rabbits, snakes and many other creatures that we coexist with. It also abuts Magdalena Ecke Park which is an open space reserve and harbors many of these animals. There are also many owls and the critically endangered California gnatcatcher and it is illegal to disturb their nesting grounds. This project seems designed to fill a low-income housing mandate and to provide a financial windfall to those involved. It is our hope that our existing community does not have to resort to legal avenues to mitigate this project. The latter would devastate our community and the air, and water, and sky that the residents and the wildlife depend on.

Most Sincerely:

Dr. Donna Carr
1201 Sidonia Street
DonnaCarrMD@aol.com
760-436-7836

To Whom it May Concern
RE- Fox Point Farms
Nolan Communities, LLC

This is a list of considerations that would make a terrible situation a bit better

1) There HAS to be NO access from this monstrous development along Sidonia Street. There MUST be a wall!

Otherwise, this would completely ruin our sense of community and make our homes intolerable to live in. A person already has to drive on the left side of the street when proceeding south, so as not to get slammed by cars cruising from St. Albans and Sidonia Court without even a hesitation at the "T" onto the road onto Sidonia Street. This has been dangerous for those of us who live on Sidonia Street since they rerouted all the Fox Point eastward traffic onto our then-quiet street because the persons who lived on Pasiflora didn't want the traffic light at their street, even though it is Fox Point traffic! I and our adjacent houses are not even a part of this development, but get all the traffic. It seems like City Council does not care about our street's residents - EVER! Additionally, there would be ridiculous amounts of foot traffic on an already busy road. And of course, with this these pedestrians come an increasing number of people who trespass onto my property at the northern dead end of Sidonia St. thinking this is access to Indian Head Canyon park. It is private property, despite what Google Maps denote. Also, there will be wall-to-wall parking as the overflow will spill onto our street. And the last issue about the wall would be at least some mitigation of all the noise that will emanate from this "city" and its construction. As an aside, I requested an investigation regarding a stop sign on St. Albans Road at the T with Sidonia Street.

2) There should be a wall on the north side of the property that abuts Magdalena Ecke Park. I am sure without a wall, there will be people trespassing thru the gate onto my property from yet another side, trying to access Sidonia Street past my house and down my driveway. It would also disturb the wildlife including our resident bobcats that use the "open space" Magdalena Ecke park as home. This should be dedicated open space, as was the intention, when the park was formed. It might cut down on some of the noise that will permeate our quiet neighborhood.

3) There should not be ANY commercial properties. We do not need a restaurant in this area and I am sure once it has been changed to commercial, the next thing will be a 7 Eleven or other entity which will move in once the "local" restaurant has failed. It's just an added burden to the surrounding houses of more people, more traffic and MORE noise.

4) There should not be any "selling points" about access to Indian Head Canyon Park. There is NO public easement or access and NEVER has been, although the Parks Department and even members of the City Council seem to think so. We did an easement search when we purchased the 13 acres of my property in 1989 and there is NO SUCH EASEMENT! There is a municipal easement via a private road off my driveway that is for maintenance of the culvert at the bottom. The city keeps a lock on this non-pedestrian easement. The only time the city seems to acknowledge that this is private property is when they send me a FIRE Abatement notice each fall and I have to spend several thousand dollars to clear a firebreak. At that point the city seems clear that it is my property and my responsibility. I will have to get my attorney involved if there are any references to travel across my property to access parks.

5) The issue of drainage needs to be addressed. With any rain other than a drizzle, the water pours out of the driveway at Dramm and Eichters and Sidonia turns into a torrent of rainwater, that makes pedestrian and automobile passage very difficult. This causes problems for the house at the south end of Sidonia Street and St. Albans drive and erodes my property. This water eventually drains into outgoing water with all its pollutants.

6) I think every problem should be addressed in regard to the residents who purchased all our homes with the assurance that this land would be agriculture of some manner per its zoning. With a stroke of the pen, this is negated and the project is under the influence of those with the "deep pockets", such as Mr. Echter and the developers.

Thank you for your attention to these matters and for ongoing cooperation.

Most Sincerely:

Dr. Donna Carr – Owner
1201 Sidonia Street
760-436-7836
DonnaCarrMD@aol.com

From: Douglas Shaw <douguitarshaw@pacbell.net>
Sent: Monday, April 27, 2020 2:08 PM
To: Scott Vurbeff
Subject: Comments for EIR re: Fox Point Farms development

Follow Up Flag: Follow up
Flag Status: Completed

[NOTICE: Caution: External Email]

Dear Scott,

I am writing to you to voice concerns I share with my neighbors over the proposed Fox Point Farms development adjacent to our neighborhood - MULTI-3524-2019, SUB-003526-2019, USE-003527-2019, DR-003528-2019, CDPNF-003529-2019.

My family has lived at 1185 Sidonia St. for the past 20 years, and on Passiflora Ave. before that since 1986. We have always enjoyed the peace and tranquility of our "semi-rural" neighborhood with its strong and historical agricultural influence. Many of us chose this neighborhood for those reasons. We see the proposed ingress/egress from Fox Point Farms onto Sidonia Street as a dangerous threat to our neighborhood's character, and equally or more important, it's **safety**. **We, the residents of the existing Fox Point neighborhood should not bear the impact of additional traffic, parking generated by the proposed Fox Point Farms development, nor other potential environmental repercussions.**

I, like most of my neighbors, have personally witnessed several serious auto accidents at the corner of Sidonia St. and Leucadia Blvd. Several of my neighbors have been involved in these accidents, some with serious injuries. Out of necessity for our safety, we all are extremely cautious when entering and exiting our neighborhood - whether turning onto Sidonia St. from Leucadia Blvd., or exiting our Fox Point neighborhood onto Leucadia Blvd. - especially when making the turn to travel east on Leucadia. Many cars travelling west on Leucadia Blvd. fail to see or pay attention to the light at Sidonia St., approach the intersection at higher than speed limit velocities, and either fail to stop or are unaware of the red light completely. I see from the City's "2nd Cycle Review Comments" that **there were 36 collisions at the corner of Quail Gardens Road and Leucadia Blvd. in the past 8 years. How many accidents have there been at the corner of Sidonia and Leucadia? Please include this in your studies and make this information to the public/our neighborhood. I'm sure the cumulative number will be eye-opening and should be a very serious concern related to the proposed development.**

If an ingress/egress from the Fox Point Farms development onto Sidonia St. were to be allowed, adding the number of daily vehicle trips generated from the 250 new homes projected in that development to our existing neighborhood's volume will both create an untenable log-jam at the Sidonia-Leucadia Blvd. intersection, but surely **lead to more accidents with potentially more injuries or casualties.**

Further, allowing egress onto Sidonia from Fox Point Farms would also lead to parking issues along Sidonia when spaces in the new development are not available, or simply out of proximity or convenience for residents or visitors. Potential noise generated from additional cars would also pose a quality of life issue for neighbors in Fox Point who currently enjoy quiet and tranquility.

Additional environmental concerns my family and neighbors have related to the Fox Point Farms development include:

- Grading and Drainage: Potential of stirring up/releasing toxic residue from chemicals and fertilizer used for years of flower growing in the current greenhouses.
 - Concerns for unhealthful odors and air-borne pollution during construction
 - Draining of toxic liquids into our existing neighborhood down Sidonia street, and potentially further downstream into Batiquitos Lagoon and the ocean.
- Impact/potential overload on sewer and drainage systems with the addition of 250 new homes in the vicinity.
- Impact of addition of 250 homes on existing gas, electric, water and communications infrastructure, including phone, TV, and Internet.
- Impact to the many species of wildlife that live adjacent (our home is at the north end of Sidonia St., at the edge of Indian Head Canyon) to our existing neighborhood, including bobcats, coyotes, hawks, skunks, deer, possum, raccoon, rabbits, snakes, owls, protected Gnat-catchers, and many other creatures that we coexist with.
- Noise pollution from the 250 new homes and associated vehicles, proposed restaurant and event area.
 - Our neighborhood has always enjoyed peace, quiet, and tranquility. How will the addition of the above mentioned developments effect our quality of life?

Here are my strong recommendations for changes to the development plan to help avoid the issues described above and protect our existing Fox Point neighborhood:

- **Do not include an egress from Fox Point Farms onto Sidonia St.**
 - If a second access road is required for emergency vehicle access, build that second entrance on Quail Gardens Road or Leucadia Blvd. where there would be no impact to existing residential neighborhoods.
- **Include in the Fox Point Farms plans the construction of a wall around all sides of the development** to completely separate the new development from the existing Fox Point neighborhood. This measure would stop all pedestrians and/or vehicles from access to Sidonia, and has worked well in other recent developments in our city.

I commend the efforts of the City and the developers to try to find desirable solutions to create low-income housing and accommodate state requirements. From what I have seen, the overall design of the Fox Point Farms is attractive and seems well-planned, **except as outlined above**. However, the integration into the existing neighborhood with major impacts to traffic flow and other existing infrastructure appears misguided, unfair and unacceptable.

I implore you, our planning commission, city council members, and Nolan Communities developers to **PLEASE pay heed** to the concerns outlined above that I know I share with my Fox Point neighbors. Find ways to eliminate dangerous and undesirable impacts to our existing neighborhoods - we should not pay the price of new development!

Thank you for considering and incorporating my input into the process of review of the proposed Fox Point Farms development.

Douglas Shaw

1185 Sidonia St.
760 525-6745

From: Douglas Shaw <douguitarshaw@pacbell.net>
Sent: Monday, April 27, 2020 5:50 PM
To: Scott Vurbeff
Subject: Additional Comments for EIR re: Fox Point Farms development

Follow Up Flag: Follow up
Flag Status: Completed

[NOTICE: Caution: External Email]

Scott,

As a follow up to my email from earlier today, I'd also like to call your attention to stated Goals and policies of the Circulation Element of the General Plan for Encinitas (and reiterated in comments provided by the City in the "2nd Review Cycle Comments", published April 17, 2020):

GOAL 2: The City will make every effort to develop a varied transportation system that is capable of serving both the existing population and future residents while preserving community values and character.

POLICY 2.3: Design the circulation system serving new development in such a way to minimize through traffic in all residential neighborhoods.

POLICY 2.4: When considering circulation patterns and standards, primary consideration will be given to the reservation of character and safety of existing residential neighborhoods. Where conflicts arise between convenience of motorists and neighborhood safety/community character preservation, the latter will have first priority.

Please take these guidelines into careful consideration along with input you have received from our existing neighborhood as you conduct your review of this proposal.

Thank you,

Douglas Shaw

Begin forwarded message:

From: Douglas Shaw <douguitarshaw@pacbell.net>
Subject: Comments for EIR re: Fox Point Farms development
Date: April 27, 2020 at 2:08:15 PM PDT
To: svurbeff@encinitasca.gov

Dear Scott,

I am writing to you to voice concerns I share with my neighbors over the proposed Fox Point Farms development adjacent to our neighborhood - MULTI-3524-2019, SUB-003526-2019, USE-003527-2019, DR-003528-2019, CDPNF-003529-2019.

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Further, allowing egress onto Sidonia from Fox Point Farms would also lead to parking issues along Sidonia when spaces in the new development are not available, or simply out of proximity or convenience for residents or visitors. Potential noise generated from additional cars would also pose a quality of life issue for neighbors in Fox Point who currently enjoy quiet and tranquility.

Additional environmental concerns my family and neighbors have related to the Fox Point Farms development include:

- Grading and Drainage: Potential of stirring up/releasing toxic residue from chemicals and fertilizer used for years of flower growing in the current greenhouses.
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 - Draining of toxic liquids into our existing neighborhood down Sidonia street, and potentially further downstream into Batiquitos Lagoon and the ocean.
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- Impact to the many species of wildlife that live adjacent (our home is at the north end of Sidonia St., at the edge of Indian Head Canyon) to our existing neighborhood, including bobcats, coyotes, hawks, skunks, deer , possum, raccoon, rabbits, snakes, owls, protected Gnat-catchers, and many other creatures that we coexist with.
- Noise pollution from the 250 new homes and associated vehicles, proposed restaurant and event area.
 - Our neighborhood has always enjoyed peace, quiet, and tranquility. How will the addition of the above mentioned developments effect our quality of life?

Here are my strong recommendations for changes to the development plan to help avoid the issues described above and protect our existing Fox Point neighborhood:

- **Do not include an egress from Fox Point Point Farms onto Sidonia St.**
 - If a second access road is required for emergency vehicle access, build that second entrance on Quail Gardens Road or Leucadia Blvd. where there would be no impact to existing residential neighborhoods.
- **Include in the Fox Point Farms plans the construction of a wall around all sides of the development** to completely separate the new development from the existing Fox Point neighborhood. This measure would stop all pedestrians and/or vehicles from access to Sidonia, and has worked well in other recent developments in our city.

I commend the efforts of the City and the developers to try to find desirable solutions to create low-income housing and accommodate state requirements. From what I have seen, the overall design of the Fox Point Farms is attractive and seems well-planned, **except as outlined above**. However, the integration into the existing neighborhood with major impacts to traffic flow and other existing infrastructure appears misguided, unfair and unacceptable.

I implore you, our planning commission, city council members, and Nolan Communities developers to **PLEASE pay heed** to the concerns outlined above that I know I share with my Fox Point neighbors. Find ways to eliminate dangerous and undesirable impacts to our existing neighborhoods - we should not pay the price of new development!

Thank you for considering and incorporating my input into the process of review of the proposed Fox Point Farms development.

Douglas Shaw
1185 Sidonia St.
760 525-6745

From: Drew Johnson <captain_drew@reagan.com>
Sent: Monday, April 13, 2020 1:41 PM
To: Scott Vurbeff; Anna Colamussi
Subject: Fox Point Farms Project

Follow Up Flag: Follow up
Flag Status: Flagged

[NOTICE: Caution: External Email]

Dear Mr. Verbeff & Ms. Colamussi,

This note is in response to the planned "Fox Point Farms Project".

We have owned our property in the Fox Point Subdivision since 1977 and quite frankly, building the proposed development would be akin to dropping a nuclear bomb on our neighborhood!

It was an ideal neighborhood to raise our kids in. It is quiet, with virtually NO "traffic" and safe. The proposed development would completely destroy all of that! In the very least, it would make our property values go down!

The proposed "exit" onto Sidonia is especially grievous! It would ensure a heavy flow of vehicles down Sidonia onto St. Albans Dr. and Passiflora, to access Leucadia Blvd.

Said 'traffic' would bring noise, pollution and make the neighborhood FAR less 'safe' than it is now!

I know you have likely received a large negative response from our neighbors, as they have shown me some of them. I will keep mine brief, as I know others have expressed 'their' concerns already. Please know, that virtually NO ONE, who is aware of this project, is in favor of it.

You will fail in your duty as a "public servant" if you allow these powerful "interests" to destroy our neighborhood!

--

Semper Vigilo, Fortis, Paratus et Fidelis!
One Nation Under God; In God We Trust & Very Warm Regards,

--

Drew Johnson
Captain - FedEx-Retired
US Navy Reserve-Retired
Presidentially Appointed Vigilante

From: Elyce Nissinoff <enissinoff@gmail.com>
Sent: Monday, April 6, 2020 11:23 AM
To: Scott Vurbeff
Cc: Anna Colamussi
Subject: Fox point

Follow Up Flag: Follow up
Flag Status: Flagged

[NOTICE: Caution: External Email]

I am against the Fox Point development. My main concern is the traffic and potential for more traffic accidents at the corner of Leucadia and Quail Gardens. I have lived on Lauren Court for 10 years. There are daily accidents in the middle of this intersection.

There needs to be a green arrow for traffic traveling north and south. Whether I am in my car, riding a bike or walking my dog, drivers are oblivious and think the green light means they can turn Left. I have come close to being personally hit by a car , whether walking, biking or driving. I have written and called on this matter several times. No one responds or even looks into the number of reported accidents. The problem will only get worse as you add more residences to the north west corner of this intersection.

The area has been designated for agriculture. Encinitas' city problem for low income housing should not be put on land designated for agriculture.

Should the project be approved, there should be an entrance/exit on Sidonia st as well as Quail Gardens. This would help with the construction and the potential for accidents at the Leucadia/Quail Gardens intersection.

On another note, when the property was up for a vote on cannabis, people voted it down. They did not know the housing development would come next. I think most people would now vote for the cannabis instead of the housing. That is agricultural. They were not told the property could become residential.

Please fix the intersection before moving forward on any future developments.

If there must be a development-put an entrance/exit on Sidonia.

Sincerely,
Elyce Nissinoff

11:00 AM Mon Apr 6

< Inbox



New comment date

2545532900

CASE #MULTI-3524-2019

CURRENT RESIDENT

1128 SIDONIA ST A

ENCINITAS, CA 92024

FROM: City of Encinitas, Planning Division
505 S. Vulcan Avenue
Encinitas, California 92024

PROJECT TITLE: Fox Point Fa

PROJECT APPLICANT: Nolen Comm

PROJECT LOCATION: 1150 Quail G
County Asse

PROJECT CASE NUMBER: MULTI-3524-
DR-3528-201

Pursuant to the California Environmental Quality Act
Preparation (NOP) of an Environmental Impact Re
project may require approvals from public agencies.
of the EIR based on your agency's purview of the pr
other interested persons. Comments received in res
City in determining the scope of the EIR.

PROJECT DESCRIPTION AND LIKELY ENVIRON
Nolen G

Sent from my iPad

From: Erin Hoherd <erinhoherd@gmail.com>
Sent: Thursday, April 9, 2020 4:07 PM
To: Scott Vurbeff; Anna Colamussi
Subject: NO to Foxpoint Farms

[NOTICE: Caution: External Email]

To whom it may concern,

I strongly urge you not to move forward with the Fox Point Farms project. The proposed housing development would have tremendous negative impact on the Fox Point neighborhood. Our community has serious and legitimate concerns with increased traffic, a lack of adequate parking within the Farms, pollution (both noise and debris) for 2+ years during construction, and most importantly, a lesser quality of life for the current Fox Point residents.

When are developers going to realize that enough is enough and we are ruining everything that was once so great about Encinitas?

Thank you,

Erin Hoherd

Fox Point resident

From: joe williams <williajt@gmail.com>
Sent: Friday, April 10, 2020 6:41 PM
To: Scott Vurbeff; Anna Colamussi; Council Members
Subject: Fox Point Farms project concerns

Follow Up Flag: Follow up
Flag Status: Flagged

[NOTICE: Caution: External Email]

Scott Vurbeff,

We're writing this letter to highlight some serious concerns our family has about the Fox Point Farms development project.

We've been home owners on St. Albans Drive in Fox Point for close to 30 years. We started raising our family before the Leucadia Blvd raceway was opened up to El Camino Real so we've seen many changes not only within the city but in Fox Point as well. So, I'll start with our most troubling issue with the Fox Point Farms (FPF) project.

Traffic

We have 109 homes today in Fox Point with entry into and out of our development on Sidonia or Passiflora. Over the years as traffic on Leucadia Blvd raceway has increased it gets backed up a bit during rush hour and has become somewhat risky with west bound speeding vehicles blowing through the Sidonia traffic light at all hours of the day. Everyone in our family has had close calls there and many of us expect there will be a fatality someday from someone getting t-boned. With 250 new homes it's not going to get any better. So, why make the situation worse?

Expanding Fox Point with an additional 250 homes

Frankly we're just not sure what to say about the proposal to have FPF enter and exit their development onto Sidonia. It is just mindboggling. How can any reasonable person consider that acceptable and expect it to work? Surly you can expect an uproar from the 109 families in this development. There's just no way

that additional traffic will just use Sidonia to get in and out onto the raceway. And even if they did it will create an unacceptable burden for the current residents. Today we use both Sidonia and Passiflora and those 250 residents will as well. Sure, there's entry/exit for them on Quail Gardens but why would you use it if you want quick westbound access to the beaches or the freeway?

Along with the additional traffic we'll see overflow street parking be a problem on Sidonia and surrounding streets as well. The additional foot traffic is not wanted either. And of course, we're concerned about crime as well.

Since other developments have been built in Encinitas next to existing communities with a wall separation that's what we want to see here as well. Not a fence or something that will look like crap in a few years but a high wall along the entire west side of FPF with no street or pedestrian access to Fox Point

Soil Quality

Many years ago, I had a long conversation with the Echter care taker who lived in the farm house on the corner of Leucadia Blvd and Sidonia. He told me when the Encinitas train station was located north of Encinitas Blvd there was a dump on the east side of Vulcan Ave where Cottonwood Creek Park is located. As part of the area redevelopment the dump was excavated and the contents relocated to what is now the Echter property just to the northwest of the home located on the west side of Quail Gardens. Of course, this is second hand information but it does sound plausible and could hamper the farm to table growing area.

Aesthetics

We also understand there is a plan to put up a 20-foot-high water tower on the corner of Sidonia and Leucadia. While we believe the current one on the golf course looks great, we just don't believe it's something we want to see on the corner of our development.

Thanks for listening.

Joe and Peggy Williams
1017 St. Albans Dr.

Dear Mr VurbEFF

I am writing to you in regard to the issued notice of Preparation (NOP) for the proposed development of 250 Homes and Agricultural entertainment on the Dramm & Echter property, Fox Point Farms.

I have lived in Encinitas, with my son, daughter and Fiancé at 1033 Guildford Court, 100 yards from Dramm & Echter for the last 9 years and gone through many proposals for this agricultural plot of land that somehow managed to get rezoned

My Fiancé and I, along with many Fox Point residents, have major concerns regarding the proposed "Fox Point Farms" project. I will list our concerns below:

1. **Keep the neighborhoods separate.** Other developments in Encinitas have kept new and old developments separate without traffic impact on the existing neighborhood.
2. **Noise levels.** I have spoken with Brian Grover from Nolen properties and asked for a wall On Sidonia street to mitigate noise levels from Fox Point farms. He said he has no intention of building a block wall and this was due to the City of Encinitas not wanting developments with Block walls around them, they only a boundary fence. Is this correct?
3. **Soils.** How can they grow an organic Agricultural farm after years of using pesticides in the soil?
4. **Soils.** Was this parcel of land an old Landfill?
5. **Air Quality** What is the air quality for surrounding residents going to be like when they start construction with all the old pesticides and old land fill material being unearthed?
6. **Aesthetics .** Why are they 20 foot high Billboards under the disguise as water towers? These are not an Architectural feature and are not aesthetically pleasing.
7. **Cultural resources** Why do you need to build another restaurant when there is one at the golf course 100yds away that has not worked and is open to the public? We have neighbors in Fox point that have ran restaurants for 40 years and they all agree the location will not work.
8. **Traffic.** We want to stop this type of traffic not increase it and discourage all overflow traffic from the proposed project guest and entertainment sites coming into our neighborhood and changing the character and quality of our lives.
9. **Traffic**
I have been blindsided in my car twice exiting Guildford Court on to Sidonia Street and my fiancé has had her car totaled on Sidonia Street turning from Leucadia Blvd. My son has had also had egress issues in his car from Guildford court so with what you are proposing is ludicrous and dangerous for us residents of Fox Run.

10. We do not want an opening on Sidonia street so that Fox Point Farms can use our neighborhood for overflow parking due to the restaurant and a limited parking they have for the house and apartments. We also do not want our neighborhood having a new influx of traffic and endangering our streets and children

So In conclusion, I want to see both neighborhoods separate with a solid wall along Sidonia street with no car or pedestrian access. This has been provided at another development that Bob Echeter also owned on Vulcan and Ashbury at Coral Cove communities built by Shea homes.

We don't want 20 foot high Billboards (Watertowers)

We don't want impact of cars or Fox farms residents parking in our neighborhood.

We don't want Noise issues, Gas emissions, Air quality compromised, Biological particles in our air, Water quality effected ETC due to Fox Point farms construction.

Yours Sincerely

Joe Boyle

100 Guildford court

619-379-524

April 13, 2020

Dear Mr. Vurbeff, Environmental Project Manager

This letter is in response to the Notice of Preparation of a Draft Environmental impact Report for the Fox Point Farms project.

I have been a Fox Point property owner since 1979. My husband and I were drawn to the area because of its quiet, rural feel. It is Encinitas at its best.

Concerns and Recommendations:

- I am one of the owners who wasn't notified by the Planning Department of the proposed project because I was outside the minimal limit for notification— Everyone in Fox Point will be adversely affected by the very high density and location of the proposed project.
- I am concerned that the chemicals used on the 50+ year old working farm are hazardous to the health of Fox Point homeowners. When the construction starts, machinery will create dust filled with debris. I am also concerned about the people who may plant food gardens on their property and possibly in the communal garden. I have always heard that plants pull nutrients from the soil. New residents will be eating oil, fertilizers and pesticides.
- The project has obviously been designed to maximize income. The proposal seems to indicate that each unit will be given 2 parking spots (tandem). Many families have more than 2 cars. I could not find an area on the plans that would accommodate that many cars. What about guest parking? The area around the recreation center and other common areas should not be counted on to take care of resident overflow parking.
- The farm area on the plans does not indicate where farm equipment, materials, supplies, worker's cars and other necessary items would be stored.
- Fox Point residents are concerned that the project will not be self-contained. Cars from the project will likely leave using the Sidonia exit. Cars backed up waiting for the street light on Leucadia Blvd. will likely turn right on Sidonia and go down to St Albans St. to get to Passiflora, thus having a quicker exit onto Leucadia Blvd. The result being a huge increase in traffic count through Fox Point.
- Another concern regarding the project not being self-contained is the need for additional security for Fox Point properties.
- Reduced quality of life during the years it will take to complete a massive project like this is a major concern. Noise, contaminated dust and increased traffic are just a few of the nuisances Fox Point residents are dreading.

- The 20 feet high billboard water tower signs are atrocious. They are in NO way an “architectural feature”. They are **For Sale** signs. Trying to tweak the city’s sign ordinance for this developer only serves to insult a stable community who has paid taxes to Encinitas for 40+ years.
- Native plants and wildlife need to be protected.
- Although I hate the idea, a tall wall surrounding Fox Point Farms with emergency only egress off of Sidonia (preferably not Sidonia) should be built and maintained by the builder and subsequent HOA. Plants should be planted in front of the wall to dampen the harshness of the wall, also maintained by developer and HOA.
- No pedestrian access to Sidonia should be allowed.
- Emergency (gated and locked) egress only on Sidonia side
- Overall density of project should be reconsidered. The traffic count on Leucadia Blvd is already very high. Several of my neighbors have either had accidents or had multiple close calls when they entered Leucadia Blvd from Sidonia at the traffic light.

From my perspective, this project has not been well thought out. The density is too high. It does not fit the feel/scope of the neighborhood, and it will add nothing but ill will.

It appears that the city of Encinitas is caught in the middle of a conflict between quality of life and the state’s mandate to increase market value and low income housing. I believe we could all agree that the density of this project is not good for Encinitas and it is not the direction this city should be moving.

Thank you for your consideration of these matters. Quality of life, including the safety issues noted are of utmost importance.

With Kind Regards,

A handwritten signature in cursive script that reads "Kathryn Johnson".

Kathryn Johnson

KJohnson.Properties@yahoo.com

858-361-4827

Fox Point Property Owner 40+ years

From: KimElaine Zirpolo <productionandesign@gmail.com>
Sent: Thursday, April 2, 2020 3:53 PM
To: Tony Kranz; Scott Vurbeff; Kathy Hollywood; Joe Mosca; Jody Hubbard; Catherine Blakespear; Kellie Shay Hinze
Subject: Private property not an easement

[NOTICE: Caution: External Email]

Hello ,

My name is KimElaine Zirpolo . I live at 1201 B Sidonia st . I am in the guest house . Donna Carr owns the property we live on .

I am sending you the property on the e zoning map .

- this is not an easement it is private property, please do not advertise to your new community that this is accessible .

- the city can come on the property to clean the “ basin” that exists and we cooperate .

- we want a solid fence or wall to separate the community you are building from our back yard . Please look at the property line. You can clearly see where the property comes up to Fox Point Farms .

- we would like the fence/ wall to be built before the construction .

- please tell people that they can access Fox Basin from Quail gardens Rd , that is where they can enter without trespassing on the property .

- please don't make the trail from Sidonia be a selling point .

Sincerely ,
KimElaine Zirpolo

<https://ezoning.encinitasca.gov/index.html>

From: KimElaine Zirpolo <productionandesign@gmail.com>
Sent: Tuesday, March 31, 2020 1:11 PM
To: Scott Vurbeff; Catherine Blakespear; Kellie Shay Hinze; Kathy Hollywood;
Tony Kranz; Joe Mosca; Jody Hubbard; Karen Brust
Subject: FOX POINT FARMS

[NOTICE: Caution: External Email]

Hello,

My name is KimElaine Zirpolo and I live at 1201 Sidonia street .

The property I live on abuts the community that is being proposed.

I oppose the 250 units being built , The noise and debris from building will hurt us directly. I wont even be able to open our windows of my home as i am asthmatic . Anything in the dirt you dig up can have an effect on my health, as I also have Aspergillosis . So if I inhale mold spores I get very sick.

Environmentally once your digging on an agricultural site, that any chemical they used on the plants and flowers will be toxic to us.

I believe we should have been the home that was notified that you were going to construct a high density community at our back door.

We deal with trespassing here often and with the building of this community , we will be inundated with folks trying to get to the basin to hike.

Our street as well will take on too many vehicles with the ability to come onto Sidonia and disrupt every day life.

Kids ride bikes and skateboard and play here , it will no longer be safe for them.

The congestion on Leucadia blvd will be inevitable as it is congested as we speak . The light at Leucadia/ Sidonia is very dangerous and often people do not see the red light and its down right scary.

The noise from such a large community that outnumbers the homes we have here presently will be awful . Combined with a restaurant and event space. THIS WILL ABUT OUR HOUSE .

Please I beg you to lower the amount of homes going in. 250 is an astronomical number for such a small neighborhood.

We need a wall around the entire community , even before construction as I will not be able to open my windows of my home.

I have no idea why you would destroy a neighborhood .

We are tax payers and voters and you just didn't care to tell us this was happening.

I oppose Fox Point Farms and I will continue to erect signs to let neighbors know that this was just swept under the rug so we could not fight the building of this community.

Sincerely,
KimElaine Zirpolo

April 21, 2020

To: Scott Vurbeff, Environmental Project Manager, City of Encinitas
Anna Colamussi, Principal Planner, City of Encinitas

Re: Comments on Fox Point Farms Project

Objections by Lauren Ct neighbors to the traffic aspects of the Fox Farms Agrihood

We object to degrading the usability of Quail Gardens Drive with excessive traffic. Quail Gardens Drive cannot be the only access to and from the Fox Farms agrihood. That would bottleneck the Quail Gardens/Leucadia Blvd intersection with unsustainable traffic volume, and would cause pollution, delay, and aesthetic degradation. The new traffic volume must be shared equitably and *not funneled entirely onto Quail Gardens Drive*.

- There must be a daily entrance/exit on Sidonia Ave.
 - Alternatively, a separate entrance on Leucadia Blvd.
 - Alternatively, a restriction on the number of new vehicles permitted in the development.
1. We live on Lauren Ct, which is reached via Quail Gardens Drive. Our street is the nearest residential street to the development, going north, and the first left after passing the site, about a third of a mile from the Dram & Echter entrance. A number of the homes on Lauren Ct look directly at the development site from their back yards.
 2. We therefore have a strong interest in the traffic bottlenecks that could arise from the Fox Farms agrihood. Quail Gardens Drive is our only direct access to Leucadia Boulevard. If the Quail Gardens/Leucadia Blvd. intersection were to be blocked or bottlenecked, our only option to reach the same point is driving over two miles in the other direction via Saxony Road, which means going well over six miles to shop at, for example, the Stater Bros. food store in Encinitas Ranch Center and return home.
 3. For these reasons we have *repeatedly* asked to be informed of proceedings in this matter. We signed the sheets for that purpose at the open meeting at City Hall, and we have registered by other means. However, we only found out about this comment period by accident and received no notice whatsoever. You must fix this problem. It is unjust and it makes us feel we are being intentionally steam-rolled.
 4. The proposed 250 units will generate a large amount of extra traffic and it must be minimized and equitably distributed. Each unit will have a vehicle and many will have more than one, so the number of residents' vehicles will be at least 375-400 (the plan shows 404 resident spaces). The residents' guests also have spaces set aside (the plan shows 73 spaces exclusively for guests, which will also be used for extra resident vehicles). At rush hours, a

large number will be trying to exit onto Leucadia Blvd or go north on Quail Gardens. Also, a public restaurant and public event amenities will bring in hundreds more vehicles (the plan shows 84 restaurant spaces). It is inconceivable that this volume can be handled solely at the Quail Gardens/Leucadia intersection without unreasonable delays.

5. That would be environmentally dreadful. Hundreds of vehicles idling to await a turn at the light, residents driving miles out of the way just to go shopping, backups on Leucadia Blvd, and the aesthetic impact of the “Orange-County-ification” caused by unrelenting dense traffic that destroys the quasi-open space of the area and the walkability. It is also clearly unsafe because the density and lack of alternative access would impede fire and emergency vehicles.
6. We are not opposed to the development per se. We acknowledge the need for affordable housing. We are opposed to putting the entire burden of extra traffic unreasonably on us and our neighbors.
 - a. If the density of the development were reduced from 250 units to, say, 150, that would reduce traffic.
 - b. If the density is not reduced, there cannot be approval of Quail Gardens Dr. as the only daily access to the site. There must be a daily entrance on Sidonia or on Leucadia.
 - c. Also, there should be a requirement of only 100 new vehicles in the development, which would force using carpools, public transportation, biking, and walking, all of which are environmentally better.

Mark and Mary Tuller
1428 Lauren Ct
Encinitas CA 92024
tullermark@gmail.com 760-944-7746
tullermary@gmail.com

Derek and Judith Harris
1402 Lauren Ct
Encinitas, CA 92024
judy.derek@gmail.com 858-484-5089

Dr. Kristopher and Ms. Nicola (Gurwith) Johnson
1408 Lauren Ct
Encinitas CA 92024
ngurwithjohnson@gmail.com 202-329-0170
Kristopher.p.johnson@gmail.com 202-412-0296

Dr. Marc Gurwith and Mrs. Dorothy Gurwith
Owners of 1408 Lauren Ct

13157 La Paloma RD
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mjgurwith@gmail.com 650 405 9853
dgurwith@cbnorcal.com 650 823 4193

Neil Mintz and Anna Mintz
1454 Lauren Ct
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neilmintz@yahoo.com 760-803-3918
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Bill and Elyce Nissinoff
1466 Lauren Ct
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Trey and Brigette Ryan
1460 Lauren Court
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Brigettemryan@yahoo.com 858-342-1803
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Erica and Miles Kan
1465 Lauren Ct
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Linda and Ron Temko
Owners of 1448 Lauren Ct
PO Box 910739
San Diego, CA 92191-0737
lindatemko@gmail.com. 760-310-4567
ritemko@gmail.com 858-822- 9939

Bernard Zacharias and Nancy Hamzey
1427 Lauren Ct.
Encinitas, Ca 92024
nhamzey@cox.net 760-436-0718
zzacharias@cox.net

From: Loralynn <loralynn8@gmail.com>
Sent: Sunday, April 26, 2020 8:48 PM
To: Scott Vurbeff
Subject: Fox Point Farms project

Follow Up Flag: Follow up
Flag Status: Completed

[NOTICE: Caution: External Email]

Dear Mr. Vurbeff, Environmental Project Manager

This is a follow up from our previous letter. In response to the Notice of Preparation of a Draft Environmental Impact Report for the Fox Point Farms project.

As a resident of Fox Point on the northern end of Sidonia St, we are very concerned about the north end of the project's proposed agricultural field/farm area. We feel that the wall/fence surrounding this area as well as along Sidonia St should be a more than the 3 ft post and cable as on their current conceptual design. We are also aware that the developer is completely against a solid block or concrete wall design. A minimum 5 ft fence of an architectural mesh design or some similar product that would not permit pedestrians and animals to easily pass is necessary.

Environmentally a mostly solid 5ft fence will protect the ecosystem of wildlife and plants on the outside from walkers and dogs tempted to leave the trail. There is no place to further exit the area if one leaves the trail.

A mostly solid 5ft fence will protect the wildlife from encroaching into the "farming area". The bobcats, snakes, rodents, squirrels, gophers, skunks, and other local wildlife are not welcome guests of agriculture, but still need to be protected to ensure a healthy ecosystem in the designated open space.

A mostly solid 5ft fence with landscaping might also mitigate any chemical or pesticide drift from the agriculture to surrounding land. Even if it is planned as an "organic farm", I know organic does NOT mean pesticide/chemical free. Can the ag area be required to be pesticide free from an environmental concern on surrounding areas?

A mostly solid 5ft fence/wall should also be required in the design of the project along Sidona St and around the north end for environmental protections on several levels and thus override any aesthetic design ideas of a post and cable fence. Please request that Nolen Communities make the right choice on this issue.

We are encouraging you to review the concerns and comments of surrounding residences and act accordingly to mitigate the negative effects this project will impose on the existing neighborhoods.

Thank you and Regards,

Loralynn and Dave Sheeron
1171 Sidonia St
Encinitas, CA

[Loralynn8@gmail.com](mailto:loralynn8@gmail.com)

From: Loralynn <loralynn8@gmail.com>
Sent: Wednesday, April 8, 2020 12:25 PM
To: Scott Vurbeff
Subject: Fox Point Farms project

Follow Up Flag: Follow up
Flag Status: Flagged

[NOTICE: Caution: External Email]

Dear Mr. Vurbeff, Environmental Project Manager

In response to the Notice of Preparation of a Draft Environmental Impact Report for the Fox Point Farms project.

As a residence of Fox Point since 1995, we are very concerned about the new proposed Fox Point Farms development. For the new high density Fox Point Farms housing development to be a good neighbor, it should be self contained and NOT have any need to spread to surrounding neighborhoods for overflow parking or to make our neighborhood streets into a hazardous busy thoroughfare.

We live on the north end of the development on Sidonia St. To keep the development self contained, we would want a fence/wall to continue around the trail by the agriculture field. There is no place to further exit the area if one leaves the proposed trails. Keep the people and dogs on the trail and do not provide the temptation to leave. The wildlife and native plants outside the trail area need to be safeguarded.

It should also be important for the agriculture area to keep out and protect the wildlife in their own space. We have coyotes, bobcats, squirrels, birds of prey, rodents, snakes, roadrunners, possums, raccoons, owls, quail, among other species and native plants that need a safe place to live without humans and dogs disturbing their space.

The proposed access onto Sidonia Street is also a major issue for many residence of Fox Point, PLEASE have this as a fire/emergency exit ONLY and not a public exit. We would like the plans to include a wall along the Sidonia St side to keep any and all car or pedestrian traffic from invading our neighborhood. This is extremely important to those of us living on Sidonia. We wish to minimize the impact (noise, safety, & security concerns) and those of additional vehicles on Sidonia, St Albans, and Passifora.

We DO NOT want the overflow parking to end up in our neighborhood either. The Fox Point Farms needs to be more realistic on their parking situation and not just quote the code minimum. Our neighborhood does not want to become a parking lot for other areas. Increase in car traffic in Fox Point will add unwanted noise pollution and make our streets more dangerous.

The intersection at Sidonia and Leucadia Blvd is already quite dangerous. There are numerous accidents when the east/west cars run the red light, some quite serious. I am not sure how one would lower the

accident rate at this intersection, but options should be investigated, before Leucadia Blvd gets more congested.

To alleviate some of the traffic on Leucadia Blvd, trips from the proposed development could possibly be directed north to Quail Gardens Dr and then to La Costa Blvd instead of Leucadia Blvd.

Currently during heavy rains, the greenhouse property runoff on the north end often runs right through and floods our yard. It is not completely clear if the "agriculture area" is going to be open fields or greenhouses, however drainage for the area should be reviewed. We do not want our yard continued to be flooded during heavy rain. Is it know if the "agricultural area" is planned as greenhouse or fields?

The proposed 20 ft water tower sign on the street corners is not aesthetically in line with the area. I would think the design and size is already against current city codes and this eyesore hopefully would not be permitted.

We are encouraging you to review the concerns and comments of surrounding residences and act accordingly to mitigate the negative effects this project will impose on the existing neighborhoods.

Thank you and Regards,

Loralynn and Dave Sheeron
1171 Sidonia St
Encinitas, CA

loralynn8@gmail.com

From: cindy shopper <cindyshopper1@hotmail.com>
Sent: Thursday, April 2, 2020 5:15 PM
To: Scott Vurbeff
Cc: Council Members
Subject: Fox Point High Density
Attachments: TowerTank.jpg

[NOTICE: Caution: External Email]

Dear Mr Vurbeff,

I am the original owner of property in Fox Point and the only original owner on my block Sidonia Street. I raised my two children here, one who remains in Encinitas.

Traffic: The city wants to put high density housing across the street and dump the new traffic on a residential street, Sidonia St. Sidonia Street started as a cul-de-sac next to the Ecke Ranch with farm animals and lots of open space. Now it is the main entrance to Fox Point. Initially, the extra wide Passiflora was the only entry/exit. A member of the city government who lived on Passiflora (and later moved) was instrumental in getting a traffic signal on Sidonia and narrowing the entrance to Passiflora. We were assured Sidonia St would never be a busy street. Several times a day I am unable to back out of my driveway because of the line of cars waiting for the traffic signal to turn green. Imagine now 50 cars coming out of the high density development onto Sidonia St. Not only would the residents on Sidonia be trapped, but no one coming from a connector street would be able to exit. The next group of cars coming from the new development would go onto Passiflora causing the residents on Passiflora to be trapped as well as stopping all Fox Point residents from exiting on the connector streets to Passiflora. Sidonia St was never designed to handle the traffic in the first place. Fox Point is an older community. If a high density neighborhood with very mobile young families dumps traffic onto it, many seniors will be in danger being unable to drive away. Even if a nice low density project were built, the residents of Fox Point would be trapped by more traffic.

Tower: In the current plans there would be a promotional billboard in the shape of a water tank located directly outside my master bedroom on Sidonia Street according to the plans submitted by Nolen Communities. Why does this project need two promotional "water towers"? Are those billboards even legal? The tank should only be placed on Quail Gardens. It is not attractive and looks like a cell tower which I suspect will be its true use. Why not restore the current yellow house as an historic landmark? Or have some type of flower display showing our heritage (bromeliads, poinsettias, ferns, ...). I once talked to the landscape architect who designed Leucadia Blvd. He designs like a composer or an artist. He did a beautiful work of art. Why not put in beautiful landscape to blend into the original design?

Crime: On June 23, 2019 at 1am a young male tried to break into my home by breaking or damaging several windows. He was caught. Police case #19131758. A neighbor believed he came from a rental house on Sidonia St. I suspect the same thing. I asked if there were any

Christian policemen there. One responded. I gave him a CD which has interviews of people who had encountered people from a group calling themselves "the dark side". Only one other owner lives on my street. Recently on 3/18/2020 someone in my backyard was banging on the wall just after midnight. My security lights and chimes did not come on. This was a sophisticated criminal. I opened the window and they stopped. They came back a half hour later and did the same thing. There was no damage. A few weeks prior I had a sprinkler that spewed water straight up into the air and several drip lines were broken. A stepping stone propped up a pop-up sprinkler damaging the spring. A drain cover was removed and the sock taken out. My irrigation repairman said the sprinkler had been cut off. Adding more renters will increase the crime.

Our main goal for Fox Point as a community is to maintain its property values, to keep it as its own community for a "good place to raise children", and to therefore, limit traffic to our streets.

Please consider emulating the design of Ashbury Street (Coral Cove Community) off Vulcan as an example of a design for Fox Point as it pertains to the Dramm & Echter property development.

All traffic access in and out of Coral Cove enters and exits from Coral Cove Way. Please do the same for Fox Point with entry and exit for the new high density development only off Quails Garden Drive. 2) There should not be pedestrian access, just like the City did on Ashbury Street. 3) Please separate the two neighborhoods by creating a wall and landscaping as seen on Ashbury street for the East side of Sidonia Street adjacent Fox Point Farms project. 4 Please add No Parking signs on Sidonia Street East Side, like the City did on Ashbury Street and Seeman Drive. 5) Please add Resident Permitted Parking Only on Sidonia Street West side of street and Guilford Court. Please keep both neighborhoods separate. 6) Please do not put a tower on the corner of Sidonia St and Leucadia Blvd.

Thank you,

Lucinda Hansen
1104 Sidonia St
Encinitas, CA 92024

cindyshopper1@hotmail.com

From: Mia Marinos <mmarinos3@yahoo.com>
Sent: Thursday, April 23, 2020 8:18 PM
To: Scott Vurbeff
Cc: Anna Colamussi
Subject: No to Nolen Communities Agrihood
Attachments: Nolen communities appeal_mam.docx

Follow Up Flag: Follow up
Flag Status: Completed

[NOTICE: Caution: External Email]

Good evening Scott Vurbeff and Anna Colamussi,

Attached is my letter of appeal for the Nolen Communities Agrihood. Please ready with thoughtful and meaningful intention. Thank you!

Mia Marinos

To whom it may concern,

I am a current resident on Oldham Court, a few blocks west of Dramm & Echter property. I am writing to express my concerns about the Agrihood that Nolen Communities is planning to build. I have been a La Costa/Encinitas resident for the past 30 years and have been around long enough to see the changes that have been happening in this area. As an environmental advocate and firm supporter of keeping nature wild, it goes without saying that cramming 250 residential units into this space is not only overly zealous but the amount of traffic it would create would be horrendous and clearly unnecessary.

Seeing the toll that new businesses, neighborhoods, apartment communities, etc. has taken on the few open areas we have left in this small community is disastrous. The wildlife are running out of natural space. The increased amount of foot traffic onto these preexisting open spaces, especially next to Dramm & Echter, will only have a deleterious and harmful effect on these pristine open spaces. Many of us who reside in the immediate neighborhood would be devastated to see the increased amount of people swarming these areas eliminating our ability to enjoy the tranquil and aesthetic value that this open space provides.

I do believe that having community, especially one that is aligned with the values of fresh, organic gardening is important to all. Already there has been so much

disruption of open space that we don't need to contribute any longer to the overgrowth of Encinitas by adding bodies and cars to a space that naturally won't allow it.

Looking through the lens of this current pandemic, I believe it goes without saying that when human influence is at a minimum, the wildlife of this Earth begins to reclaim the spaces they have occupied long before humans were in existence. Building this grandiose "community" would be the biggest folly this residential and open area would endure. There is already too much development. I would keep the land as it is meant to be; free and wild, or with a very minimal amount of impact and development.

I truly appreciate your consideration in this highly sensitive and important issue.

Sincerely,

Mia Marinos

To whom it may concern,

I am a current resident on Oldham Court, a few blocks west of Dramm & Echter property. I am writing to express my concerns about the Agrihood that Nolen Communities is planning to build. I have been a La Costa/Encinitas resident for the past 30 years and have been around long enough to see the changes that have been happening in this area. As an environmental advocate and firm supporter of keeping nature wild, it goes without saying that cramming 250 residential units into this space is not only overly zealous but the amount of traffic it would create would be horrendous and clearly unnecessary.

Seeing the toll that new businesses, neighborhoods, apartment communities, etc. has taken on the few open areas we have left in this small community is disastrous. The wildlife are running out of natural space. The increased amount of foot traffic onto these preexisting open spaces, especially next to Dramm & Echter, will only have a deleterious and harmful effect on these pristine open spaces. Many of us who reside in the immediate neighborhood would be devastated to see the increased amount of people swarming these areas eliminating our ability to enjoy the tranquil and aesthetic value that this open space provides.

I do believe that having community, especially one that is aligned with the values of fresh, organic gardening is important to all. Already there has been so much disruption of open space that we don't need to contribute any longer to the overgrowth of Encinitas by adding bodies and cars to a space that naturally won't allow it.

Looking through the lens of this current pandemic, I believe it goes without saying that when human influence is at a minimum, the wildlife of this Earth begins to reclaim the spaces they have occupied long before humans were in existence. Building this grandiose "community" would be the biggest folly this residential and open area would endure. There is already too much development. I would keep the land as it is meant to be; free and wild, or with a very minimal amount of impact and development.

I truly appreciate your consideration in this highly sensitive and important issue.

Sincerely,

Mia Marinos

From: Renee Norling <rnorling@cox.net>
Sent: Saturday, April 25, 2020 4:12 PM
To: Scott Vurbeff
Cc: 'rick norling'
Subject: Fox Point Farms

Follow Up Flag: Follow up
Flag Status: Completed

[NOTICE: Caution: External Email]

Dear Mr. Vurbeff,

My husband and I have owned property in the Fox Point housing development for 30 years. We moved to this area, in part because my husband, Eric, had grown up here in Encinitas and attended Capri Elementary, Central school, Oak Crest Middle school and San Dieguito High school. His father, Walter Norling, had been active in the community since the 1960's as a principal of Oak Crest, the San Dieguito adult school, a member of the council for the Encinitas Senior center and the Leucadia Town Council. For these reasons, we have a well- rooted stake and interest in the community and wish it to maintain its status as a good place to raise your family. We raised our two children here and would like to help raise our grandchildren here in Fox Point as well, the first one due this year. Our main goal for Fox Point as a community is to maintain its property values, to keep it as its own community for a "good place to raise children, and to therefore, limit traffic to our streets.

Along with many Fox Point residents (approximately 109 homes), we have major concerns regarding the environmental impact of the proposed Fox Point Farms project . We wish to minimize excessive vehicles on our residential streets, and address safety concerns, by keeping the new high-density R30 mixed-use proposed project separate from our existing R3 residential community to the west. As with other recently approved residential communities in Encinitas, like Coral Cove, we need to separate the communities to avoid volumes of commuter traffic being dumped onto our residential street. We have many children and families already using the Sidonia exit from our neighborhood already. There must not be traffic entry/egress onto Sidonia Street from the new project. Instead, it should be onto a dedicated north-bound exit onto Quails Gardens Drive so that I-5 bound traffic can utilize La Costa Blvd. Our communities must be separated with a continuous wall, preventing housing element parking onto our small street and dumping of thousands of vehicle trips per day into our residential community. If the Fir Marshall insists on a second access to the development, then it should be onto Quails Gardens road which has better access. The worst option is to try to access an emergency via a small residential street, choked by high-density housing and over-parking deep in a residential community. It is dangerous and irresponsible planning.

Again, we are asking for:

- 1) All traffic access in and out of the new Fox Points Farms project to be only off of Quail Gardens Drive. This was done in the Coral Cove community near Ashbury Street and Vulcan and should be done here as well.
- 2) There should not be pedestrian access onto Sidonia Street from the project, just like the City did on Ashbury Street

- 3) Please separate the two neighborhoods by creating a wall and landscaping area as seen on Ashbury Street for the East side of Sidonia Street, adjacent to the project.
- 4) Please add No Parking signs on Sidonia street East side, like was added on Ashbury Street and Seeman Drive
- 5) Please add Resident Permitted Parking Only on Sidonia Street West side of the street and on Guildford Court.

PLEASE KEEP BOTH NEIGHBORHOODS SEPARATE.

Thank you for your consideration and all of the work you do to keep Encinitas a safe and family friendly community.

Sincerely,

Renee and Eric Norling
1017 Guildford Court
Encinitas, CA 92024
rnorling@cox.net

From: Robert Schiller <rjs123@pacbell.net>
Sent: Sunday, April 26, 2020 4:29 PM
To: acolamussi@encinitas.ca.gov; Scott Vurbeff
Subject: Fox Point Farms Development

Follow Up Flag: Follow up
Flag Status: Completed

[NOTICE: Caution: External Email]

Dear Mr. Vurbeff,

RE: Fox Point Farms Development

I am writing to you in regards to the environmental impact report you will be preparing for the Fox Points Farm project. I live in Fox Point at 1019 Saint Albans Place and have the following concerns.

Traffic: Leucadia Blvd already has too much traffic, with this development another 250 households will only make it worse. It seems the best solution is to have all Fox Point Farms traffic exit onto Quails Garden Drive. A simple solution would be to add dedicated turn signals for vehicles going north and south on Quails Garden at the intersection of Leucadia Blvd. This would reduce the frequent occurrence of crashes at that occur and make traffic flow much better.

Noise & Air Pollution: What are your recommendations to reduce both air and noise pollution for these proposed 250 new homes.

Soil Contamination: This property has been used for farming for over 70 years. What type of pesticides and other contaminates are in the soil? Very long time Leucadia residents claim that this property was also used as a land fill. How in-depth will your study be to determine the contamination levels. I noticed strange color water exiting the property onto the sidewalk on Quail Gardens Drive during the recent rains. This was once an Ecke property, many of the Ecke properties that have been developed had major soil issues.

Neighborhood Separation: The residents of Fox Point do not want the proposed develop to have an entrance and exit from Sidonia Drive. We also want a wall or fence separating the new development from the existing. Why should we be impacted by a new development when all traffic can be managed with exits onto Quails Garden Drive. There are no homes that would be impacted on Quails Garden Drive. If needed we are open to having an emergency vehicle gate.

Entertainment: With entertainment comes noise. I used to live by Quails Botanical Gardens, we had noise issues when they had weddings or special events. What plans will you put in place to control excessive noise? Remember we are zoned at R3.

I look forward to reviewing your report.

Thank You

Robert Schiller

From: Scott Hinkle <Scott@ghjinc.com>
Sent: Friday, April 10, 2020 9:53 AM
To: Scott Vurbeff
Cc: cherock.alcoser@gmail.com
Subject: Neighbors to Fox Point Farms

Follow Up Flag: Follow up
Flag Status: Flagged

[NOTICE: Caution: External Email]

Mr. Vurbeff,

My name is Scott Hinkle. I live with my wife and 3 children at 1155 Sidonia Street in Encinitas. I am writing in regards to the development behind my home, with which I share a fence. I have several issues with the proposed development as do the other residents that share a border with the development.

In addition to the concerns that most other Fox Point residents have shared with you, there are concerns and issues that are specific to those of us that share a fence with the proposed development. These include but are limited to privacy, safety, drainage, displacement into our property of rodents, gophers, snakes, etc.

As it relates to safety and privacy, a solid wall running the length of Sidonia is essential. Additionally, when we purchased our home 14 years ago, one of the most attractive features was the fact that the farm behind our home was zoned for agriculture in perpetuity. That meant privacy, seclusion, little noise, etc. Since it appears that this development is well down the road, we probably cannot stop it. That being said, maintaining our privacy and safety is paramount. Once again, a permanent and impassable separation will be a good first step.

Under the current plan, the walking path running on the north and west side of the development, just behind our home has no fence or effective border between our two properties. Therefore, the hundreds of residents and outsiders that will be using the walking path will be able to peer into my backyard, and into my bedroom window as well as the second story bedroom windows of my children. This is obviously unacceptable. Once again, a permanent border as well as significant trees, greenery is necessary to preserve our privacy.

In addition, since we now know that "in perpetuity" no longer means forever, what is to stop the development from building similar high-density homes behind by backyard fence? There should be some safeguards against further development of their property "in perpetuity."

I would like to show/discuss these issues that are specific to the 4 or 5 home that either share a fence with the development or border the open space to the north of the property. I can be reached via email or on my cell at 760-473-7030.

I look forward to hearing from you.

Regards,

Scott Hinkle, JD, CFP
Partner
Grant, Hinkle & Jacobs, Inc.
777 South Highway 101
Suite 105
Solana Beach, CA 92075
P: 858-350-4000
F: 858-350-0670
www.ghjinc.com

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**** For scheduling and/or immediate assistance, please contact Christine Speller at chris@ghjinc.com or by calling (858) 350-4073. ****

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From: Susan "Catie" Pignataro <Catiep@protonmail.com>
Sent: Monday, March 30, 2020 2:16 PM
To: Scott Vurbeff; Anna Colamussi; Carrie Bedord
Subject: Accomodation Inquiry: Public Comment Requests / Civil, Political, Constituional Rights

[NOTICE: Caution: External Email]

Dear Scott, Anna and Carrie,

Thank you for working within our city. I hope you and your loved ones are well during these scary times and apparently our new normal for the near future.

I am writing this as an inquiry upon receipt of the Fox Point Farms NOP of an EIR.

Request: Please advise on how the city is planning to ensure our Civil, Political and Constitutional Rights regarding this specific process, and all others if City Planning has decided to accept submissions where public comment is required by Act and or Law.

Please address how the city will be making accommodations for those without computers, access to the internet, access to the city offices per COVID19 shut down, lack of internet skills required and who can't assemble will be able to participate to see the plans, assemble, have open discussion with others affected by this project, share their opinions.

Detail:

Per disability and eldercare, my family and I, along with various neighbors in similar situations who have been ordered to stay at home due to health and safety are concerned about our rights to understand, assemble, and provide public comment.

I agreed to write to you and make some calls.

My understanding from The Department of Conservation today is that per the Governor's orders and due to the reasons above, only "ground up" construction and associated work is to be done.

There are a few other state office return calls I'm awaiting as well as written response. It was suggested I write this to you though at this point.

Thank you for your time. I look forward to your response.

Susan Pignataro
408.679.7000

Sent with [ProtonMail](#) Secure Email.

From: trisha hegg <trishahegg@gmail.com>
Sent: Tuesday, March 31, 2020 11:18 AM
To: Scott Vurbefff
Cc: Anna Colamussi; Trisha Hegg
Subject: FOX POINT Property owner against access from DRAMM + ECHERT / Fox Point Farms

[NOTICE: Caution: External Email]

Dear Mr Vurbefff-

I am writing you to voice my concern of the proposed project at Dramm + Echert, Fox Point farms and its impact on our neighborhood at Fox Point.

I have owned my home for 17 1/2 years in Fox Point, and there is a reason for it. We CARE about our community, and the safety of our families.

We have been made aware of the plans that Nolen Communities is planning on using our neighborhood as their future parking lot and thoroughfare onto Leucadia Blvd.

The new development with it's 250 homes, restaurants, Agri-entertainment etc will generate a minimum of 2500 - 5000 car trips daily depending on the number of residents in each unit.

We don't need this density of people and cars bleeding over into our neighborhood. There is no given reason for other than POOR PLANNING.

The intersection of Leucadia & Sidonia has been a DISASTER since day 1 of moving here. The amount of cars that run the red light both west bound and east bound is unimaginable.

I have called the police to complain on many near missed with speeding cars coming directly at my side and my teenage drivers.

In addition, I have been in contact with the city traffic planner to come up with a solution on Leucadia to stop the cars between Quail Gardens and Sidonia. The cars are traveling at a rate of over 45 mph when they run the light.

Adding the proposed 2500-5000 car trips to this mess is going to cause a fatality , sooner than later.

As I property owner in Fox Point , I will continue to FIGHT to keep these communities separate with NO ACCESS through or around FOX POINT.

IN addition , the current plan for parking to accommodate the volume of homes & units is not in any way going to satisfy the need of its residents.

NOT OUR PROBLEM.

I would appreciate the opportunity to have my VOICE HEARD.

Thank you -

Trisha Hegg

1011 St Albans Place
Encinitas, CA 92024

From: Wendy Shaw <dwshaws@pacbell.net>
Sent: Monday, April 27, 2020 6:46 PM
To: Scott Vurbeff
Subject: Comments for EIR re: Fox Point Farms development

Follow Up Flag: Follow up
Flag Status: Completed

[NOTICE: Caution: External Email]

Scott,

My husband, Doug Shaw, submitted this letter below, to you. I am in agreement with his statements. Please pay attention to the needs of our neighborhood of Fox Point while developing Fox Point Farms. I know you see these issues clearly, please, yes, PLEASE make a change so that we do not lose our safety and quality of life for the new development.

Several years ago I was the lucky one, I stopped just in time as a car ran the red light at Leucadia Blvd and Sidonia. She would have bashed in the the passenger side of the car, right where my son was sitting. I was shaking for days. I do know many others in our Fox Point that have not been as lucky. This added traffic will not be safe. What if I hadn't slowed down. What if this was your son sitting next to you?

Put yourself in our shoes, what would you want for your family, kids in the neighborhood, safety for your street? Close your eyes, really, do this right now, and imagine what this would look like with the increased traffic, with cars and people. How does this feel in your gut? Are you making decisions to please the bottom line of money, or the best for the people? Please make the right decision.

Thanks for your consideration.

Wendy Shaw
1185 Sidonia St
Encinitas, CA

Dear Scott,

I am writing to you to voice concerns I share with my neighbors over the proposed Fox Point Farms development adjacent to our neighborhood - MULTI-3524-2019, SUB-003526-2019, USE-003527-2019, DR-003528-2019, CDPNF-003529-2019.

My family has lived at 1185 Sidonia St. for the past 20 years, and on Passiflora Ave. before that since 1986. We have always enjoyed the peace and tranquility of our "semi-rural" neighborhood with its strong and historical agricultural influence. Many of us chose this neighborhood for those reasons. We see the proposed ingress/egress from Fox Point Farms onto Sidonia Street as a dangerous threat to our neighborhood's character, and equally or more important, it's safety. **We, the residents of the existing Fox Point neighborhood should not bear the impact of additional traffic, parking**

generated by the proposed Fox Point Farms development, nor other potential environmental repercussions.

I, like most of my neighbors, have personally witnessed several serious auto accidents at the corner of Sidonia St. and Leucadia Blvd. Several of my neighbors have been involved in these accidents, some with serious injuries. Out of necessity for our safety, we all are extremely cautious when entering and exiting our neighborhood - whether turning onto Sidonia St. from Leucadia Blvd., or exiting our Fox Point neighborhood onto Leucadia Blvd. - especially when making the turn to travel east on Leucadia. Many cars travelling west on Leucadia Blvd. fail to see or pay attention to the light at Sidonia St., approach the intersection at higher than speed limit velocities, and either fail to stop or are unaware of the red light completely. I see from the City's "2nd Cycle Review Comments" that **there were 36 collisions at the corner of Quail Gardens Road and Leucadia Blvd. in the past 8 years.** How many accidents have there been at the corner of Sidonia and Leucadia? Please include this in your studies and make this information to the public/our neighborhood. I'm sure the cumulative number will be eye-opening and should be a very serious concern related to the proposed development.

If an ingress/egress from the Fox Point Farms development onto Sidonia St. were to be allowed, adding the number of daily vehicle trips generated from the 250 new homes projected in that development to our existing neighborhood's volume will both create an untenable log-jam at the Sidonia-Leucadia Blvd. intersection, but surely **lead to more accidents with potentially more injuries or casualties.**

Further, allowing egress onto Sidonia from Fox Point Farms would also lead to parking issues along Sidonia when spaces in the new development are not available, or simply out of proximity or convenience for residents or visitors. Potential noise generated from additional cars would also pose a quality of life issue for neighbors in Fox Point who currently enjoy quiet and tranquility.

Additional environmental concerns my family and neighbors have related to the Fox Point Farms development include:

- Grading and Drainage: Potential of stirring up/releasing toxic residue from chemicals and fertilizer used for years of flower growing in the current greenhouses.
 - Concerns for unhealthful odors and air-borne pollution during construction
 - Draining of toxic liquids into our existing neighborhood down Sidonia street, and potentially further downstream into Batiquitos Lagoon and the ocean.
- Impact/potential overload on sewer and drainage systems with the addition of 250 new homes in the vicinity.
- Impact of addition of 250 homes on existing gas, electric, water and communications infrastructure, including phone, TV, and Internet.
- Impact to the many species of wildlife that live adjacent (our home is at the north end of Sidonia St., at the edge of Indian Head Canyon) to our existing neighborhood, including bobcats, coyotes, hawks, skunks, deer , possum,

raccoon, rabbits, snakes, owls, protected Gnat-catchers, and many other creatures that we coexist with.

- Noise pollution from the 250 new homes and associated vehicles, proposed restaurant and event area.
 - Our neighborhood has always enjoyed peace, quiet, and tranquility. How will the addition of the above mentioned developments effect our quality of life?

Here are my strong recommendations for changes to the development plan to help avoid the issues described above and protect our existing Fox Point neighborhood:

- **Do not include an egress from Fox Point Farms onto Sidonia St.**
 - If a second access road is required for emergency vehicle access, build that second entrance on Quail Gardens Road or Leucadia Blvd. where there would be no impact to existing residential neighborhoods.
- **Include in the Fox Point Farms plans the construction of a wall around all sides of the development** to completely separate the new development from the existing Fox Point neighborhood. This measure would stop all pedestrians and/or vehicles from access to Sidonia, and has worked well in other recent developments in our city.

I commend the efforts of the City and the developers to try to find desirable solutions to create low-income housing and accommodate state requirements. From what I have seen, the overall design of the Fox Point Farms is attractive and seems well-planned, **except as outlined above**. However, the integration into the existing neighborhood with major impacts to traffic flow and other existing infrastructure appears misguided, unfair and unacceptable.

I implore you, our planning commission, city council members, and Nolan Communities developers to **PLEASE pay heed** to the concerns outlined above that I know I share with my Fox Point neighbors. Find ways to eliminate dangerous and undesirable impacts to our existing neighborhoods - we should not pay the price of new development!

Thank you for considering and incorporating my input into the process of review of the proposed Fox Point Farms development.

Douglas Shaw
1185 Sidonia St.
760 525-6745

From: William Nissinoff <wnissinoff@gmail.com>
Sent: Tuesday, April 7, 2020 2:43 PM
To: Scott Vurbeff
Cc: Anna Colamussi
Subject: Fox Point Farms Development, Encinitas

Follow Up Flag: Follow up
Flag Status: Flagged

[NOTICE: Caution: External Email]

Hello:

I am writing in regard to the proposed Fox Point Farms Development currently under consideration for development in Encinitas. I reside at 1466 Lauren Court, Encinitas and have lived in my home for the past 10 years. My street is located approximate 1/4 mile north of the proposed development (off of Quail Gardens Dr.)

I would first like to point out that the character of the neighborhood and the surrounding area was a main attraction in my decision to purchase my home. I especially like the protected open space the area provides, as well as the agricultural use on the proposed site. As a matter of fact, I was in favor of allowing cannabis to be grown on the site when that was originally proposed. That use certainly kept intact the character of the area. I believe that if this use was put up for a vote again, it would most likely pass (especially considering the current alternative).

I have reviewed the drawings and plans for the proposed Fox Point Farms development. To me, it looks like the developers have spent considerable efforts trying to design a community that "fits in", while at the same time meeting the certain housing requirements of the City. While not opposed to development in general, I would **not** like to see this project approved for several reasons:

1. I believe that additional studies must first be done on the traffic impact from this development. The corner of Quail Gardens Dr. and Leucadia Blvd. is extremely hazardous. I know this first hand both as a driver and a pedestrian. It is extremely difficult to make a right turn onto Leucadia Blvd. (i.e. to head west) from Quail Gardens Dr. as traffic coming up Leucadia Blvd. is traveling at a high rate of speed (it's almost a blind spot). Also, turning left onto Leucadia Blvd. (i.e. to head east) from Quail Gardens Dr. is very troublesome. There are no left turn only lights on Quail Gardens Dr. and there are a large number of accidents in this intersection. As a pedestrian, I have

almost been hit several times crossing this intersection. Before considering adding additional cars through this area, the City should address and fix the current problems.

2. It is my understanding that the City (due to pressure from the residents living off of Sidonia St) is now considering removing the entrance/exit from that street, thereby pushing all of the traffic onto Quail Gardens Dr. To me this is unacceptable. First, the issues highlighted in 1 above will only get worse if Quail Gardens Dr. provides the only entrance/exit for the proposed community. Second, you will now also create additional backup and congestion onto Quail Gardens Dr. which certainly was not designed to handle this type of traffic. In my opinion, if the development is approved, Sidonia should also have an entrance/exit. This will alleviate some of the problems on Quail Gardens already mentioned. Also, there is a stoplight on Sidonia and Leucadia Blvd. It is obvious that Sidonia can safely handle/share in some of the traffic impact and should be required to do so.
3. The project changes the whole feel of the surrounding area (one from agricultural to much higher density). When purchasing my property, it was my understanding that this site would be kept for agricultural purposes (not a housing development).
4. I believe there are other areas in Encinitas more suitable for this type of development; and better suited to meet the housing issues the City requires while addressing the traffic concerns.

Should you have any questions or require additional information please let me know.

Sincerely,

William Nissinoff
1466 Lauren Court
Encinitas, Ca 92024
Tel: 760-390-2901

From: Wynn Roy <roysreef@cs.com>
Sent: Tuesday, April 7, 2020 8:04 PM
To: Scott Vurbef
Subject: Fox point farms development

Follow Up Flag: Follow up
Flag Status: Flagged

[NOTICE: Caution: External Email]

Dear Mr Vurbef,

I am writing to you with great concerns about the proposed development on Sidonia Street and Leucadia Blvd.

As a life long resident of Leucadia I have seen many changes. Some for the better and some that have affected our quality of life in the worst ways. Once these changes are made, it's done and we as a community must accept it and move on.. for me, this will be a hard one to move on from.

The proposed High density development will directly impact my beloved Fox Point neighborhood and alter the lives of every single family who has made a home here.

Safety and noise are my main concerns. More cars mean more traffic and more accidents. I was involved in a car accident on Leucadia Blvd. My car was totaled as a result of a red light runner. Fortunately, my kids and I escaped unscathed. Many of my neighbors have either witnessed accidents or have similar stories.

We are a neighborhood where kids ride bikes, skateboards and play ball in cul de sacs. Parents breath easy knowing their kids can go outside and play with their friends. Currently, most of the vehicles who enter Fox Point are residents. We all watch out for one another.

If there is an entrance/exit to the proposed 250 units and commercial space on Sidonia our feeling of safety will turn to fear. Fear that someone will be driving fast and hit a pet or worse, a child. In my opinion, Fox Point will become the "short cut" to exit in the morning. Passiflora will see the most traffic because there is no light and In turn, no wait time.

Also, we will see the noise level increased substantially.

Its not fair to ruin a safe, established neighborhood in order to approve the plans of a financially driven developer. There should not be an entrance/exit on Sidonia Street.

Please consider our important and valid concerns while you conduct your research. What we desire is to retain what we have.. A quiet and safe family neighborhood.

Sincerely,
Wynn Roy

Sent from my iPhone