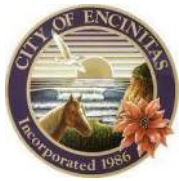


A-1

**Notice of
Preparation /
Public
Comments
Received**

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CITY OF ENCINITAS

Notice of Preparation of a Draft Environmental Impact Report

FROM: City of Encinitas,
Development Services
505 S. Vulcan Avenue,
Encinitas, California 92024

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

PROJECT: Torrey Crest Residential Subdivision

PROJECT APPLICANT: Torrey Pacific Corporation

PROJECT LOCATION: 1220-1240 Melba Road & 1190 Island View Lane, Encinitas, CA 92024;
County Assessor Parcel Numbers: 259-180-09, 259-180-10, 259-180-16,
259-180-33, 259-181-02; 259-181-03, and
259-181-04.

PROJECT CASE NUMBERS: MULTI-004309-2021, SUB-004310-2021, DR-004311-2021, & CDPNF-004312-2021

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.

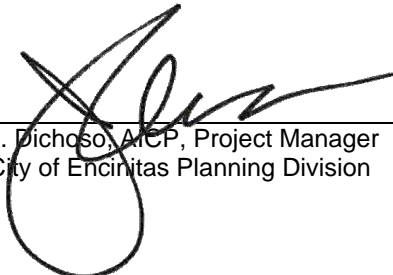
PROJECT DESCRIPTION AND ANTICIPATED ENVIRONMENTAL EFFECTS:

Torrey Pacific Corporation (Applicant) proposes the subdivision of an approximately 6.646-acre site to accommodate development of a single-family residential project located north of Melba Road, south of Oak Crest Middle School, east of Balour Drive, and west of Crest Drive in the City of Encinitas. The Project would consist of 30 detached single-family residences, of which 27 would be market-rate units and three (3) would be affordable units dedicated to "very low-income" qualifying residents. The Project would demolish of all onsite structures and include construction of a new private access from Melba Drive, associated utilities, drainage and storm water treatment improvements, and landscaping.

The Project site is comprised of seven parcels; County of San Diego Assessor Parcel Numbers (APNs) 259-180-09, 259-180-10, 259-180-16, 259-180-33, 259-181-02; 259-181-03, and 259-181-04, totaling approximately 6.646- acres. The project site is located within the the Residential 3 General Plan Land Use Designation and the Residential-3 (R-3) Zone. These land use and zoning designations are intended to support residential uses. The Project site is located within the Coastal Overlay Zone. City approval of a Density Bonus Tentative Map, Design Review Permit, and Coastal Development Permit (MULTI-004309-2021, SUB-004310-2021, DR-004311-2021, & CDPNF-4312-2021) will be required to allow for project development.

Project plans may be reviewed 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/community character, agricultural resources, air quality, biological resources, cultural resources, greenhouse gas emissions, geology and soils, hazards and hazardous materials, hydrology/water quality, land use & planning, noise, public services, transportation, tribal cultural resources, and utilities & service systems.

COMMENT PERIOD: Please send your comments to J. Dichoso, AICP, Project Manager, Encinitas Planning Division, 505 S. Vulcan Avenue, Encinitas, CA 92024, or via email to jdichoso@encinitasca.gov. **All comments must be received by no later than 6:00 p.m. on June 7, 2022.** This Notice of Preparation can also be reviewed at the Encinitas Library at 540 Cornish Drive, Encinitas, CA 92024 and the Cardiff-by-the-Sea Library at 2081 Newcastle Avenue, Cardiff-by-the-Sea, CA 92007.


J. Dichoso, AICP, Project Manager
City of Encinitas Planning Division

May 3, 2022
Date

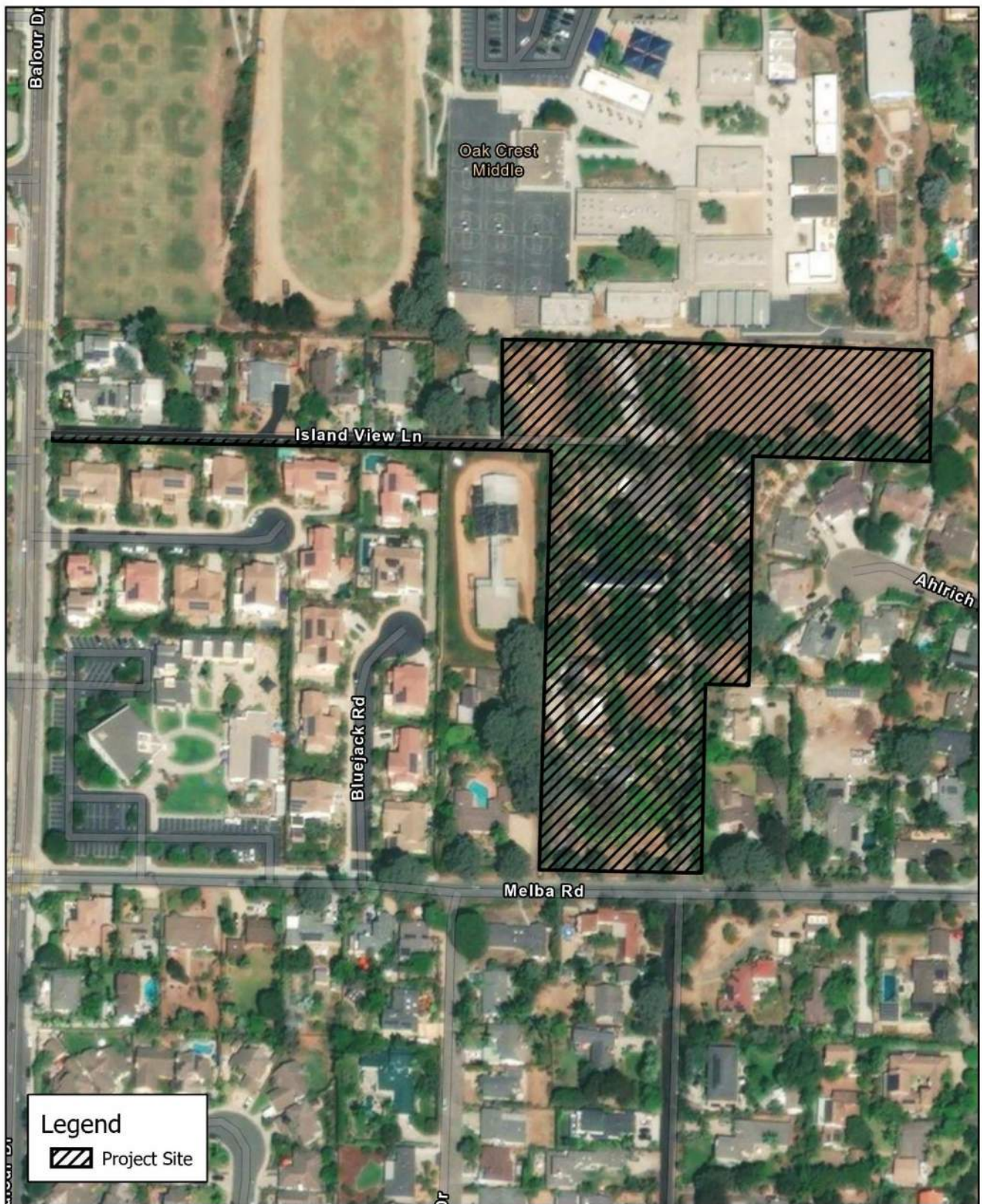
PROBABLE ENVIRONMENTAL EFFECTS: The environmental factors checked below would be potentially affected by this project and involve at least one impact that is a “Potentially Significant Impact” or a “Less Than Significant With Mitigation Incorporated”.

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> <u>Aesthetics</u> | <input checked="" type="checkbox"/> <u>Agriculture and Forest Resources</u> | <input checked="" type="checkbox"/> <u>Air Quality</u> |
| <input checked="" type="checkbox"/> <u>Biological Resources</u> | <input checked="" type="checkbox"/> <u>Cultural Resources</u> | <input type="checkbox"/> <u>Energy</u> |
| <input checked="" type="checkbox"/> <u>Geology & Soils</u> | <input checked="" type="checkbox"/> <u>Greenhouse Gas Emissions</u> | <input checked="" type="checkbox"/> <u>Hazards & Haz. Materials</u> |
| <input checked="" type="checkbox"/> <u>Hydrology & Water Quality</u> | <input checked="" type="checkbox"/> <u>Land Use & Planning</u> | <input type="checkbox"/> <u>Mineral Resources</u> |
| <input checked="" type="checkbox"/> <u>Noise</u> | <input type="checkbox"/> <u>Population & Housing</u> | <input checked="" type="checkbox"/> <u>Public Services</u> |
| <input type="checkbox"/> <u>Recreation</u> | <input checked="" type="checkbox"/> <u>Transportation</u> | <input checked="" type="checkbox"/> <u>Utilities & Service Systems</u> |
| <input type="checkbox"/> <u>Wildfire</u> | <input checked="" type="checkbox"/> <u>Tribal Cultural Resources</u> | <input type="checkbox"/> <u>Mandatory Findings of Significance</u> |

DETERMINATION: (To be completed by the Lead Agency)

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☒ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Please note that the Notice of Preparation signifies the beginning of the EIR review and public participation process. At the same time, the City of Encinitas contemplates further agency and public input as the Project proceeds through the City’s environmental review process. During this process and before public circulation of the Draft EIR, the City anticipates some changes or additions to the Project, its description, and probable impacts in response to this Notice of Preparation, and ongoing County staff input as it independently reviews the Project application and supporting documents. The iterative process is a necessary part of the City’s EIR review process. However, the City does not anticipate circulating any new or revised Notices of Preparation for the Project provided the project-related changes or additions do not trigger substantial changes in the Project or its circumstances, or present new information of substantial importance as defined by CEQA. Instead, the Draft EIR that will be circulated for agency and public review will provide all interested entities and parties the opportunity to further comment on the Project and its probable environmental impacts when submitting public comments on the Draft EIR. Those comments also will be the subject of written responses that will be included in the Final EIR.



Project Location
Torrey Crest Residential Subdivision
Figure 1

**CITY OF ENCINITAS
DEVELOPMENT SERVICES DEPARTMENT
NOTICE OF PREPARATION OF ENVIRONMENTAL IMPACT REPORT**

NOTICE IS HEREBY GIVEN that the City of Encinitas, Development Services, will be the Lead Agency and will prepare an Environmental Impact Report in accordance with the California Environmental Quality Act for the following project. The Department is seeking public and agency input on the scope and content of the environmental information to be contained in the Environmental Impact Report. A Notice of Preparation document, which contains a description of the probable environmental effects of the project, can be reviewed on at <https://encinitasca.gov/I-Want-To/Public-Notices/Development-Services-Public-Notices>, at the Development Services Department, 505 S. Vulcan Avenue, Encinitas, CA, and at the libraries listed below. Comments on the Notice of Preparation document must be sent to J. Dichoso, AICP, Development Services, 505 South Vulcan Avenue, Encinitas, CA 92024, or the email address listed below and should reference the project number and name.

TORREY CREST RESIDENTIAL SUBDIVISION

(MULTI-004309-2021, SUB-004310-2021, DR-004311-2021, CDPNF-004312-2021)

Torrey Pacific Corporation (Applicant) proposes the subdivision of an approximately 6.646- acre site to accommodate development of a single-family residential project located north of Melba Road, south of Oak Crest Middle School, east of Balour Drive, and west of Crest Drive in the City of Encinitas. The Project would consist of 30 detached single-family residences, of which 27 would be market-rate units and three (3) would be affordable units dedicated to “very low-income” qualifying residents. The Project would demolish all onsite structures and include construction of a new private access from Melba Drive, associated utilities, drainage and storm water treatment improvements, and landscaping.

The Project site is comprised of seven parcels; County of San Diego Assessor Parcel Numbers (APNs) 259-180-09, 259-180-10, 259-180-16, 259-180-33, 259-181-02; 259-181-03, and 259-181-04, totaling approximately 6.646- acres. The project site is located within the Residential 3 General Plan Land Use Designation and the Residential-3 (R-3) Zone and . These land use and zoning designations are intended to support residential uses. The Project site is located within the Coastal Overlay Zone. City approval of a Density Bonus Tentative Map, Design Review Permit, and Coastal Development Permit (MULTI-4309-2021, SUB-4310-2021, DR-4311-2021, CDPNF-4312-2021) will be required to allow for project development.

Comments on this Notice of Preparation document must be received no later than **June 7, 2022 at 6:00 p.m.** This Notice of Preparation can also be reviewed at the Encinitas Library (540 Cornish Dr, Encinitas, CA 92024), and the Cardiff-by-the-Sea Library (2081 Newcastle Ave, Cardiff, CA 92007). For additional information, please contact J. Dichoso, AICP, at 760 633-2681 or by email at jdichoso@encinitasca.gov.

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, PO Box 3044, Sacramento, CA 95812-3044
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814
P: (916) 445-0613 E: state.clearinghouse@opr.ca.gov

SCH #

PROJECT TITLE

Torrey Crest Residential Subdivision

LEAD AGENCY

City of Encinitas

CONTACT PERSON

J. Dichoso

STREET ADDRESS

505 South Vulcan Avenue

PHONE

(760) 633-2681

CITY

Encinitas

ZIP CODE

92024

COUNTY

San Diego

PROJECT LOCATION

COUNTY

San Diego

CITY/NEAREST COMMUNITY

City of Encinitas

CROSS STREETS

Melba Road and Oceanic Drive

ZIP CODE

92024

TOTAL ACRES

6.646

LONGITUDE/LATITUDE (DEGREES, MINUTES, AND SECONDS):

33, 2'26.7" N/117, 15'56" W

ASSESSOR'S PARCEL NUMBERS:

259-180-09, 259-180-10, 259-180-16,
259-181-02, 259-181-03, 259-181-04, and 259-181-33

SECTION

14

TOWNSHIP

13S

RANGE

4W

BASE

SBM

WITHIN 2 MILES:

STATE HIGHWAY:

INTERSTATE 5

AIRPORTS:

None

SCHOOLS:

Oakcrest Middle School, Ocean Knoll Elementary, and
San Dieguito Academy High School

RAILWAYS

LOSSAN Rail Corridor

WATERWAYS

San Elijo Lagoon

DOCUMENT TYPE

CEQA

☒ NOP

☐ Early Cons

☐ MND/IS

☐ Draft EIR

☐ Supplement/Subsequent EIR

(Prior SCH No.) _____

☐ Other

NEPA

☐ NOI

☐ EA

☐ Draft EIS

☐ FONSI

OTHER

☐ Joint Document

☐ Final Document

☐ Other _____

LOCAL ACTION TYPE

☐ General Plan Update

☐ General Plan Amendment

☐ General Plan Element

☐ Community Plan

☐ Specific Plan Amendment

☐ Master Plan

☐ Planned Unit Development

☐ Site Plan

☐ Rezone

☐ Prezone

☐ Use Permit

☒ Land Division (Subdivision, etc.)

☒ Coastal Permit

☒ Other Design Review Permit

☐ Other

☐ Other

DEVELOPMENT TYPE

☒ Residential

☐ Office

☐ Shopping/Commercial

☐ Industrial

☐ Educational

☐ Other

Units: 30

Sq. ft. _____

Sq. ft. _____

Sq. ft. _____

Sq. ft. _____

Sq. ft. _____

Acres: 6.646

Acres _____

Acres _____

Acres _____

Acres _____

Acres _____

Employees _____

Employees _____

Employees _____

Employees _____

Employees _____

☒ Transportation

☐ Mining

☐ Waste Treatment

☐ Hazardous Waste

Type _____

Mineral _____

Type _____

Type _____

☐ Recreational

☐ Water Facilities

☐ Power

Type _____

Type _____

MGD _____

Watts _____

PROJECT ISSUES DISCUSSED IN DOCUMENT

☒ Aesthetic/Visual

☒ Agricultural Land

☒ Air Quality

☒ Archaeological/Historical

☒ Biological Resources

☒ Coastal Zone

☒ Drainage/Absorption

☐ Economic/Jobs

☐ Fiscal

☐ Flood Plain/Flooding

☐ Forest Land/Fire Hazard

☒ Geological/Seismic

☒ Greenhouse Gas Emissions

☒ Land Use and Planning

☐ Minerals

☒ Noise

☐ Population/Housing Balance

☒ Public Services/Facilities

☐ Recreation/Parks

☒ Schools/Universities

☒ Septic Systems

☒ Soil Erosion/Compaction/Grading

☐ Solid Waste

☒ Toxic/Hazardous

☒ Traffic/Circulation

☒ Vegetation

☒ Water Quality

☐ Water Supply/Groundwater

☐ Wetland/Riparian

☒ Wildlife

☐ Growth Inducing

☒ Land Use

☒ Tribal Cultural Resources

☒ Cumulative Effects

☐ Wildfire

☐ Other _____

PRESENT LAND USE/ZONING/GENERAL PLAN DESIGNATION:

Residential/General Plan & Zoning: Residential 3 (R-3)

PROJECT DESCRIPTION

Torrey Pacific Corporation (Applicant) proposes the subdivision of an approximately 6.646-acre site to accommodate development of a single-family residential project located north of Melba Road, south of Oak Crest Middle School, east of Balour Drive, and west of Crest Drive in the City of Encinitas. The Project would consist of 30 detached single-family residences, of which 27 would be market-rate units and three (3) would be affordable units dedicated to "very low-income" qualifying residents. The Project would demolish of all onsite structures and include construction of a new private access from Melba Drive, associated utilities, drainage and storm water treatment improvements, and landscaping.

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REVIEWING AGENCIES CHECKLIST

- ☒ Air Resources Board
- ☐ Boating & Waterways, Department of
- ☐ California Emergency Management Agency
- ☐ California Highway Patrol
- ☒ Caltrans District # 11
- ☐ Caltrans Division of Aeronautics
- ☐ Caltrans Planning
- ☐ Central Valley Flood Protection Board
- ☐ Coachella Valley Mtns. Conservancy
- ☒ Coastal Commission
- ☐ Colorado River Board
- ☐ Conservation, Department of
- ☐ Corrections, Department of
- ☐ Delta Protection Commission
- ☒ Education, Department of
- ☒ Fish & Game Region #5
- ☐ Food & Agriculture, Department of
- ☐ Forestry and Fire Protection, Department of
- ☐ General Services, Department of
- ☐ Health Services, Department of
- ☒ Housing & Community Development
- ☒ Native American Heritage Commission

- ☒ Office of Historic Preservation
- ☐ Office of Public School Construction
- ☐ Parks & Recreation, Department of
- ☐ Pesticide Regulation, Department of
- ☐ Public Utilities Commission
- ☒ Regional WQCB #9
- ☐ Resources Agency
- ☐ Resources Recycling and Recovery, Department of
- ☐ S.F. Bay Conservation & Development Comm.
- ☐ San Gabriel & Lower L.A. Rivers & Mtns. Conservancy
- ☐ San Joaquin River Conservancy
- ☐ Santa Monica Mtns. Conservancy
- ☐ State Lands Commission
- ☐ SWRCB: Clean Water Grants
- ☒ SWRCB: Water Rights
- ☐ Tahoe Regional Planning Agency
- ☐ Toxic Substances Control, Department of
- ☐ Water Resources, Department of
- ☐ Other:
- ☐ Other:

LOCAL PUBLIC REVIEW PERIOD

Starting Date: 05/06/2022

Ending Date: 06/07/2022

Consultant: Consulting Firm: <u>BRG Consulting</u> Address: <u>304 Ivy Street</u> City/State/Zip: <u>San Diego, CA 92101</u> Contact: <u>Christina Willis</u> Phone: <u>619-298-7127 x 102</u>	Applicant: Applicant: <u>Torrey Pacific Corporation</u> Address: <u>171 Saxony Road #109</u> City/State/Zip: <u>Encinitas, CA 92024</u> Phone: <u>760-942-3256</u>
Lead Agency: J. Dichoso, Project Manager City of Encinitas 505 South Vulcan Avenue, Encinitas CA 92024 Phone: (760) 633-2681 / Jdichoso@encinitasca.gov	

Signature of Lead Agency Representative: Date: 5/5/2022

Authority Cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

Summary Form for Electronic Document Submittal

Form F

Lead agencies may include 15 hardcopies of this document when submitting electronic copies of Environmental Impact Reports, Negative Declarations, Mitigated Negative Declarations, or Notices of Preparation to the State Clearinghouse (SCH). The SCH also accepts other summaries, such as EIR Executive Summaries prepared pursuant to CEQA Guidelines Section 15123. Please include one copy of the Notice of Completion Form (NOC) with your submission and attach the summary to each electronic copy of the document.

SCH #: _____

Project Title: Torrey Crest Residential Subdivision Project

Lead Agency: City of Encinitas

Contact Name: J. Dichoso

Email: jdichoso@encinitasca.gov Phone Number: (760) 633-2681

Project Location: Encinitas, CA 92024
City

San Diego
County

Project Description (Proposed actions, location, and/or consequences).

Torrey Pacific Corporation (Applicant) proposes the subdivision of a 6.646-acre site to accommodate development of a single-family residential project located north of Melba Road, south of Oak Crest Middle School, east of Balour Drive, and west of Crest Drive in the City of Encinitas. The Project would consist of 30 detached single-family residences, of which 27 would be market-rate units and three (3) would be affordable units dedicated to "very low-income" qualifying residents. The Project would demolish of all on-site structures and include construction of a new private access from Melba Drive, associated utilities, drainage and storm water treatment improvements, and landscaping. The project site is located within the the Residential 3 General Plan Land Use Designation and the Residential-3 (R-3) Zone. These land use and zoning designations are intended to support residential uses. The Project site is located within the Coastal Overlay Zone. City approval of a Density Bonus Tentative Map, Design Review Permit, and Coastal Development Permit (MULTI-004309-2021, SUB-004310-2021, DR-004311-2021, and CDPNF-004312-2021) will be required to allow for project development.

Identify the project's significant or potentially significant effects and briefly describe any proposed mitigation measures that would reduce or avoid that effect.

The EIR will focus on the following environmental issue areas: aesthetics/community character, agricultural resources, air quality, biological resources, cultural resources, greenhouse gas emissions, geology and soils, hazards and hazardous materials, hydrology/water quality, land use & planning, noise, public services, transportation, tribal cultural resources, and utilities & service systems. Mitigation measures will be identified, as necessary, to reduce potentially significant impacts to less than significant, to the extent feasible.

If applicable, describe any of the project's areas of controversy known to the Lead Agency, including issues raised by agencies and the public.

Public comments received by the lead agency in response to the City of Encinitas' Citizen Participation Program identified the following key concerns:

- Undergrounding utilities
- Proposed density (number of homes should be reduced)
- Tree removal and proximity to habitat
- Impacts on emergency services
- Greenhouse gas
- Water Availability, Stormwater management/runoff
- Traffic
 - Traffic safety for pedestrians and cyclists
 - Single project entry and project's use of on-street parking
 - Increase in traffic caused by the Santa Fe development's cut through traffic on Crest Drive
- Community Character
 - Impacts to Neighborhood Character/Community Character
 - Architectural design of development
- Island View Lane – utility easements and retention of private road
- Historic Structures (1220, 1230 and 1240 Melba were built in 1938 and the 1190 Island View Lane was built in 1947)
- Potential light pollution from street lights

Provide a list of the responsible or trustee agencies for the project.

State Water Resources Control Board
California Coastal Commission

Public Comments Received

NATIVE AMERICAN HERITAGE COMMISSION

May 9, 2022

J. Dichoso
City of Encinitas
505 South Vulcan Avenue
Encinitas, CA 92024

Re: 2022050126, Torrey Crest Residential Subdivision Project, San Diego County

Dear Mr. Dichoso:

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

PARLIAMENTARIAN
Russell Attebery
Karuk

SECRETARY
Sara Dutschke
Miwok

COMMISSIONER
William Mungary
Paiute/White Mountain
Apache

COMMISSIONER
Isaac Bojorquez
Ohlone-Costanoan

COMMISSIONER
Buffy McQuillen
Yokayo Pomo, Yuki,
Nomlaki

COMMISSIONER
Wayne Nelson
Luiseño

COMMISSIONER
Stanley Rodriguez
Kumeyaay

EXECUTIVE SECRETARY
Raymond C. Hitchcock
Miwok/Nisenan

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov



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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, subds. (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
Cultural Resources Analyst

cc: State Clearinghouse

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California Department of Transportation

DISTRICT 11
4050 TAYLOR STREET, MS-240
SAN DIEGO, CA 92110
(619) 709-5152 | FAX (619) 688-4299 TTY 711
www.dot.ca.gov



June 7, 2022

Governor's Office of Planning & Research

Jun 07 2022

11-SD-5
PM 40.597
Torrey Crest
NOP/SCH#2022050126

J. Dichoso, AICP
Associate Planner IV
City of Encinitas
505 South Vulcan Avenue
Encinitas, CA 92024

STATE CLEARINGHOUSE

Dear Mr. Dichoso:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Notice of Preparation for the Torrey Crest project located near Interstate 5 (I-5). The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. The Local Development Review (LDR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities.

Safety is one of Caltrans' strategic goals. Caltrans strives to make the year 2050 the first year without a single death or serious injury on California's roads. We are striving for more equitable outcomes for the transportation network's diverse users. To achieve these ambitious goals, we will pursue meaningful collaboration with our partners. We encourage the implementation of new technologies, innovations, and best practices that will enhance the safety on the transportation network. These pursuits are both ambitious and urgent, and their accomplishment involves a focused departure from the status quo as we continue to institutionalize safety in all our work.

Caltrans is committed to prioritizing projects that are equitable and provide meaningful benefits to historically underserved communities, to ultimately improve transportation accessibility and quality of life for people in the communities we serve.

We look forward to working with the City of Encinitas in areas where the City and Caltrans have joint jurisdiction to improve the transportation network and connections between various modes of travel, with the goal of improving the experience of those who use the transportation system.

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.

Complete Streets and Mobility Network

Caltrans views all transportation improvements as opportunities to improve safety, access and mobility for all travelers in California and recognizes bicycle, pedestrian and transit modes as integral elements of the transportation network. Caltrans supports improved transit accommodation through the provision of Park and Ride facilities, improved bicycle and pedestrian access and safety improvements, signal prioritization for transit, bus on shoulders, ramp improvements, or other enhancements that promotes a complete and integrated transportation network. Early coordination with Caltrans, in locations that may affect both Caltrans and the City of Encinitas is encouraged.

To reduce greenhouse gas emissions and achieve California's Climate Change target, Caltrans is implementing Complete Streets and Climate Change policies into State Highway Operations and Protection Program (SHOPP) projects to meet multi-modal mobility needs. Caltrans looks forward to working with the City to evaluate potential Complete Streets projects.

Bicycle, pedestrian, and public transit access during construction is important. Mitigation to maintain bicycle, pedestrian, and public transit access during construction is in accordance with Caltrans' goals and policies.

Land Use and Smart Growth

Caltrans recognizes there is a strong link between transportation and land use. Development can have a significant impact on traffic and congestion on State transportation facilities. In particular, the pattern of land use can affect both local

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

"Provide a safe and reliable transportation network that serves all people and respects the environment"

vehicle miles traveled and the number of trips. Caltrans supports collaboration with local agencies to work towards a safe, functional, interconnected, multi-modal transportation network integrated through applicable "smart growth" type land use planning and policies.

The City should continue to coordinate with Caltrans to implement necessary improvements at intersections and interchanges where the agencies have joint jurisdiction.

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' 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. We would appreciate meeting with you to discuss the elements of the EIR that Caltrans will use for our subsequent environmental compliance.

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 including but not limited to highways, roadways, structures, intelligent transportation systems elements, on-ramps and off-ramps, and appurtenant features including but not limited to lighting, signage, drainage, guardrail, slopes and landscaping. Caltrans is interested in any additional mitigation measures identified for the project's draft Environmental Document.

Broadband

Caltrans recognizes that teleworking and remote learning lessen the impacts of traffic on our roadways and surrounding communities. This reduces the amount of VMT and decreases the amount of greenhouse gas (GHG) emissions and other pollutants. The availability of affordable and reliable, high speed broadband is a key component in

supporting travel demand management and reaching the state's transportation and climate action goals.

Right-of-Way

- 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 emailing D11.Permits@dot.ca.gov or by visiting the website at <https://dot.ca.gov/programs/traffic-operations/ep>. Early coordination with Caltrans is strongly advised for all encroachment permits.

If you have any questions or concerns, please contact Kimberly Dodson, LDR Coordinator, at (619) 985-1587 or by e-mail sent to Kimberly.Dodson@dot.ca.gov.

Sincerely,

Maurice A. Eaton

MAURICE EATON
Branch Chief
Local Development Review



United States Department of the Interior

U.S. FISH AND WILDLIFE SERVICE

Ecological Services
Carlsbad Fish and Wildlife Office
2177 Salk Avenue, Suite 250
Carlsbad, California 92008



In Reply Refer to:
FWS-SD-2022-0050915

June 7, 2022
Sent Electronically

J. Dichoso
Project Manager
Encinitas Planning Division
505 S. Vulcan Avenue
Encinitas, California 92024

Subject: Comments on the Notice of Preparation of an Environmental Impact Report for the Torrey Crest Residential Subdivision, City of Encinitas, San Diego County, California

Dear J. Dichoso:

The U.S. Fish and Wildlife Service (Service) has reviewed the Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the Torrey Crest Residential Subdivision (project), in the City of Oceanside (City), California. Our comments and recommendations are based on the information provided in the NOP and our knowledge of sensitive and declining vegetation communities in San Diego County; and our participation in the Multiple Habitat Conservation Program (MHCP) and the City's draft MHCP Subarea Plan (SAP).

The primary concern and mandate of the Service is the protection of public fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and threatened and endangered animals and plants occurring in the United States. The Service is also responsible for administering the Federal Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*), including habitat conservation plans (HCP) developed under section 10(a)(1) of the Act.

The proposed 6.64-acre site is located north of Melba Road, south of Oak Crest Middle School, east of Balour Drive, and west of Crest Drive in the City of Encinitas. The property is surrounded by existing development and will result in the development of a single residential project.

The federally and state threatened Del Mar Manzanita (*Arctostaphylos glandulosa* ssp. *crassifolia*; manzanita) (Service 2010), Encinitas baccharis (*Baccharis vanessae*; baccharis) (Service 2021a), and Orcutt's spineflower (*Chorizanthe orcuttiana*; spineflower) (Service 2021b) have been known to occur in soils found on the project site and surrounding vicinity. (Web Soil Survey 2022). Therefore, we recommend that protocol-level surveys be conducted for manzanita, baccharis, and spineflower at the project site. If manzanita, baccharis, and spineflower is found at the project site, the EIR should include alternatives that avoid, minimize, and/or mitigate potential impacts to this species.

We appreciate the opportunity to comment on this NOP. If you have any questions regarding our comments, please contact [Taylor Curtis](mailto:Taylor_Curtis@fws.gov)¹ at 760-431-9440, extension 371.

Sincerely,

for Jonathan D. Snyder
Assistant Field Supervisor

LITERATURE CITED

[Service] U.S. Fish and Wildlife Service. 2010. *Arctostaphylos glandulosa subsp. crassifolia* 5 Year Review. Retrieved from Environmental Conservation Online System: https://ecos.fws.gov/docs/tess/species_nonpublish/1678.pdf.

[Service] U.S. Fish and Wildlife Service. 2021a. *Baccharis vanessae (Encinitas baccharis)* 5 year Review. Retrieved from Environmental Conservation Online System: https://ecos.fws.gov/docs/tess/species_nonpublish/3494.pdf.

[Service] U.S. Fish and Wildlife Service. 2021b. *Chorizanthe orcuttiana, Orcutt's Spineflower*, 5 Year Review. Retrieved from Environmental Conservation Online System.

Web Soil Survey. 2022. U.S. Department of Agriculture Natural Resources Conservation Service *Web Soil Survey* website. Retrieved on June 1, 2022. <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>.

¹ Taylor_Curtis@fws.gov

J Dichoso

From: Dave Dullaghan <dave.dullaghan@gmail.com>
Sent: Friday, May 6, 2022 8:34 PM
To: Nick Koutoufidis
Cc: J Dichoso; Lori Forsythe
Subject: Re: Notice of Preparation for the Draft EIR for the Torrey Crest Project (MULTI-004309-2021)
Attachments: DSC_0808.jpeg

[NOTICE: Caution: External Email]

Nick, Jay,

Thank you for forwarding this note and giving us the opportunity to comment. To set the record straight, I live at 1207 Ahlrich Ave, on the East side of the proposed TPC development.

1. I fully understand the pressure and legal responsibility to comply with State Law w.r.t affordable housing. However, the density bonus and the inclusion of three or four 'affordable' houses in the 92024 zip code is a complete joke, and you know it. To make the point, I am retired and on a fixed income and intend to apply for one of the 'affordable homes' as my current income falls below the California and San Diego poverty line and I would likely qualify on the basis of annual income. My point is that it's a complete joke but I understand that it's outside of our control.

2. I have written to Jay previously to protest at the location of proposed Lots 23, 24, 25 and 26, which all back onto our property. I am most concerned about lots 24 and 25. The challenge we have is that a 75 foot Torrey Pine tree (55+ inches trunk diameter (per the Staver Report)) sits 9 feet from the boundary fence. In spite of the fact that a Tree Protection Zone is proposed by Torrey Pacific , the applicant has proposed to cut the roots of this tree approximately 25 feet from the boundary. The tree is currently recorded as in 'good' condition per the Staver report. My concern is that a mature 75+ foot Torrey Pine is likely to be undermined and suffer from reduced stability once any roots are cut on the West side. I have previously mentioned to Jay that we refuse to take responsibility for any loss of life or damage to property on the West side if this tree is undermined as a result of this development and falls on the new houses or is weakened by the proposed development, resulting in a tree fall. I have requested that plots 23, 24,25, and 26 be re-examined from a safety perspective and that any development take into account the potential 'fall or drop zone' of this substantial (heavy) and historic tree. Photo attached. By the way, this is one of the tallest Torrey Pine trees in Encinitas, and given that there are only 4,000 Torrey's on the planet, it's possibly one of the tallest in the world !

To close, we are not against the development of homes on the Staver property. What we object to is the density of the proposed development and the seeming disregard for the safety of the future occupants (plots 24 and 25 specifically) who will be living beneath a weakened 75 foot Torrey Pine containing tons and tons of wood.

God help them... If the developments on Plots 23, 24 ,25, and 26 are approved, you are basically signing off on the fact that this development is safe and all safety factors have been taken into consideration. We respectfully disagree and would like to see fewer homes on the Torrey Pacific application and a more rigorous approach and review of the safety of any future occupants.

Many thanks,
David and Janine Dullaghan
1207 Ahlrich Ave
Encinitas, 92024, CA
(858) 472 2633



J Dichoso

From: Nancy Jo Olin Heldt <nancyjobear@gmail.com>
Sent: Monday, May 9, 2022 4:41 PM
To: J Dichoso
Subject: Torrey Crest Residential Subdivision

[NOTICE: Caution: External Email]

to JDichoso



The thought of 30 homes with one way in and one way out onto Melba is appalling. The traffic and safety between bicycles, cars, babies in carriages, people walking is overwhelming.

Safety issues regarding fires and being able to exit quickly. The environmental issues will be enormous - giving up so much green only to be replaced with concrete. The runoff of contaminated water from the years of using chemicals is threatening to our entire neighborhood. And speaking of neighborhood - there is NO value in a development like this, nor does it respect the flavor of Encinitas. There are many ways the family could make money on their sale yet the disrespect they are showing to Encinitas and that the Encinitas City Council seems to favor this kind of development is a slap in our faces and the taxes that we pay to help to preserve our neighborhood.

A plan like this disrespects the people that live here. Do you really believe the affordable homes will go to people that need it or will the reality be a cousin, son or niece of the Stavors or developers that can't afford to live here?

Nancy Jo Heldt

[415 377 8083](tel:4153778083)

Nancy Jo Heldt

415 377 8083

J Dichoso

From: Travis Clarke <tclarke@teamwass.com>
Sent: Tuesday, May 10, 2022 9:01 AM
To: J Dichoso
Subject: Melba Project

[NOTICE: Caution: External Email]

Dear Mr. Dichoso,

I'm writing to express my strong displeasure over the proposed Melba St. project. There are a litany of reasons why this project should be denied including:

- Traffic – 30 homes x 2 cars on a quiet street with a traffic study done during the pandemic when schools and business were closed should be giant red flag. The increased noise, air pollution and wear and tear on our local streets should not be allowed!
- Environment – This location is full of beautiful trees with birds in them, rabbits that call this home and is a natural environmental break among the surrounding community of homes. To destroy all that to put 30 homes would be a travesty. I used to walk my kids there when they were young to actually see nature – that long driveway off Melba was our “nature walk” when they were young.
- Water - At a time of extreme drought caused by climate change the thought of cramming 30 homes in 6.6 acres seems ludicrous. At some point we're going to build and develop ourselves into extinction! As we are constantly being told we need to fight climate change and limit greenhouse gases why would we destroy some of the biggest carbon cleaning trees in our community to put 30 homes in?
- Local impact on the surrounding homes – The immediately surrounding homes in this area would be severely impacted both in the short term during construction and long term as their beautiful homes with a natural, almost mountain aesthetic are transformed into an urban sub-division. The homes on the south side of melba that the new proposed road intersects would be staring into on-coming cars and have headlights shining into their homes at night. Who's going to mitigate the negative economic loss of the value of those homes? And I don't even live in one of those homes!
- Negative Infrastructure impact – While I'm not admittedly an engineer I've heard of the possible negative impacts to the surrounding homes via drainage, how the utilities would have to be put in and the impacts caused by all of that. There is no way putting 30 homes and all that comes with that in 6 acres won't negatively impact the surrounding area.

I could go on and on and list a litany of other factors but I know you know that this project should not be approved. The question is will you stand up and say no. How many large projects have been going in around the community? We just lost Sunshine Gardens (another place my children loved) to a huge development, we just lost the area across from Encinitas Ranch to an even large development. Aside from the nostalgic element of losing all these areas, the culminative effect on the broader community will be negative! And this proposed development will have the biggest impact of all because they are trying to shoehorn 100 pounds of shit into a 10 pound box. PLEASE DENY THEIR PERMIT!!!

Sincerely,



TRAVIS CLARKE Executive Vice President, Action Sports & Olympics
C: (619) 279.2145 | TCLARKE@TEAMWASS.COM

WASSERMAN [CARLSBAD](#) | T: (760) 602-6200
[Web](#) | [Twitter](#) | [Instagram](#)

From: Rich Byer <rbyer@bycor.com>
Sent: Wednesday, May 11, 2022 6:32 AM
To: J Dichoso <JDichoso@encinitasca.gov>
Subject: torrey crest subdivision

[NOTICE: Caution: External Email]

I am writing in favor of the project. I have owned and lived at 914 Doris Drive since 1981 and believe the new project is totally consistent with the neighborhood and should be approved



Rich Byer | President
BYCOR General Contractors, Inc.
6490 Marindustry Place | San Diego, Ca 92121
O: (858) 587-1901 | D: (858) 362-8927 | M: (619) 341-1001
Lic #444203 | www.bycor.com



J Dichoso

From: Blaze Newman <blazenewman@gmail.com>
Sent: Wednesday, May 11, 2022 4:31 PM
To: J Dichoso
Subject: Re: Notice of Preparation for the Draft EIR for the Torrey Crest Project (MULTI-004309-2021)
Attachments: image002.jpg

[NOTICE: Caution: External Email]

I didn't make any comments. I asked questions, to which I'd really like answers.

A form email offends me.

On Wed, May 11, 2022, 3:29 PM J Dichoso <JDichoso@encinitasca.gov> wrote:

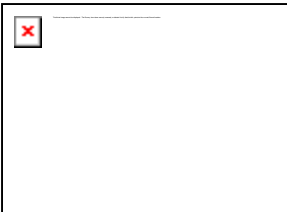
Hello Blaze - Thank you for your comments.

Your written comments during this 30-day Notice of Preparation (NOP) public review period help the City of Encinitas identify issues to be included in the Draft Environmental Impact Report (EIR).

After the project impacts have been analyzed, the California Environmental Quality Act requires a 45-day public review period for the Draft EIR. You will be notified of the Draft EIR public review period.

The decision-makers shall consider the EIR, EIR public review comments, and the City's responses to your comments on the Draft EIR.

Thank you.



J. ALFRED DICHOSO, AICP

Associate Planner

760.633.2681 | jdichoso@encinitasca.gov

Development Services Department

505 South Vulcan Ave, Encinitas, CA 92024

www.cityofencinitas.org

**Correspondents should be aware that all communications to and from this address are subject to public disclosure and may be reviewed by third parties.*

Conduct business with the City of Encinitas [online](#) from the convenience of your office, home, or a mobile device!

Many of our services are available online. Please click [here](#) to find a list of all available online services. You can schedule a virtual appointment with Planning staff. Appointments are available by clicking [here](#). Zoning information is also available online [here](#).

The Development Services counter is open for in-person services on Monday-Thursday from 8 am-5 pm, and every other Friday from 8 am-4 pm. We value your needs, so it is our goal to reply to your inquiry within two business days.

From: Blaze Newman <blazenewman@gmail.com>

Sent: Wednesday, May 11, 2022 11:15 AM

To: Nick Koutoufidis <nkoutoufidis@encinitasca.gov>; J Dichoso <JDichoso@encinitasca.gov>

Cc: watsduo@yahoo.com; Steve Miller <stevemiller4@mac.com>

Subject: Re: Notice of Preparation for the Draft EIR for the Torrey Crest Project (MULTI-004309-2021)

[NOTICE: Caution: External Email]

When can I expect answers to my questions?

On Sat, May 7, 2022 at 1:16 PM Blaze Newman <blazenewman@gmail.com> wrote:

I have some questions about this project:

1. Will the 3 affordable units be sold or available as rentals?
2. If sold, what is the guesstimated sale price?
3. If rentals, what is the guesstimated rent?

4. What is planned to prevent this development from massively impacting the neighborhood due to on-street parking--by owners and also their visitors?
5. What is being done to preserve the aged Torrey Pines trees on the property?

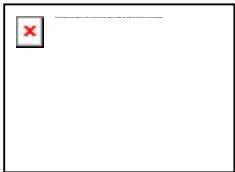
On Fri, May 6, 2022 at 5:27 PM Nick Koutoufidis <nkoutoufidis@encinitasca.gov> wrote:

Hello,

Please see the attached Notice of Preparation (NOP) for the Draft Environmental Impact Report (DEIR) for the Torrey Crest Residential Subdivision project.

COMMENT PERIOD: Please send your comments to J. Dichoso, AICP, Project Manager, Encinitas Planning Division, 505 S. Vulcan Avenue, Encinitas, CA 92024, or via email to jdichoso@encinitasca.gov. All comments must be received by no later than **6:00 p.m.** on **June 7, 2022**. This Notice of Preparation can also be reviewed at the Encinitas Library at 540 Cornish Drive, Encinitas, CA 92024 and the Cardiff-by-the-Sea Library at 2081 Newcastle Avenue, Cardiff-by-the-Sea, CA 92007.

Thank you.



Nick Koutoufidis, MBA

Development Services Department

505 South Vulcan Ave, Encinitas, CA

P: 760.633.2692

J Dichoso

From: Jim and Nancy Austin <theaustins@jimnnancy.com>
Sent: Thursday, May 12, 2022 3:51 PM
To: J Dichoso
Subject: G8T1-GH00-1264-KWF6_2022-05-12T01_10_29-0700.mp4
Attachments: clip.mp4

[NOTICE: Caution: External Email]

Dear Mr. Dichoso:

Re the Torrey Crest Residential Subdivision (MULTI-004309-2021, etc.), this is video from my Blink camera, just installed last Sunday.

The video shows a bobcat walking around the side of our house. Our home borders the chain link fence and the former flower field on which this development is proposed. I caught similar video on Monday and Tuesday nights. It was probably the same animal.

I am sending this to you to demonstrate the variety of wildlife in the area. I understand Brian Staver claimed his consultant could only find lizards and finches in the area. Not true. We have coyotes, great horned owls, skunks, possums, rabbits, as well as a variety of small birds. Crows and hawks are often over our neighborhood.

I will be writing you with additional comments concerning the EIR, but I did want to show you the type of wildlife in this area, as this should be a consideration in reviewing this project.

Yours sincerely,

James W. Austin
1226 Ahlrich Ave
Encinitas CA 92024
760-436-5815

J Dichoso

From: Laurie Chen <lauriechen1@gmail.com>
Sent: Thursday, May 12, 2022 10:06 AM
To: J Dichoso
Cc: Wayne Chen; Jeryl Anne
Subject: EIR Scoping Meeting - Project Case Numbers MULTI-004309-2021, SUB-004310-2021, DR-004311-2021, & CDPNF-004312 2021

[NOTICE: Caution: External Email]

Dear Mr. J Dichoso,

As homeowners on Witham Road, Encinitas, we request a public EIR scoping meeting to provide residents with the opportunity to publicly express our concerns about the impacts of this project.

Sincerely,
Laurie Chen

CEQA (the California Environmental Quality Act), a regulatory agency, dictates:

§ 21083.9. **SCOPING MEETINGS (a) Notwithstanding Section 21080.4, 21104, or 21153, a lead agency shall call at least one scoping meeting for either of the following:** (1) A proposed project that may affect highways or other facilities under the jurisdiction of the Department of Transportation if the meeting is requested by the department. The lead agency shall call the scoping meeting as soon as possible, but not later than 30 days after receiving the request from the Department of Transportation. (2) **A project of statewide, regional, or areawide significance.** https://resources.ca.gov/CNRALegacyFiles/ceqa/docs/2019_CEQA_Statutes_and_Guidelines.pdf

J Dichoso

From: vmdrewelow@aol.com
Sent: Thursday, May 12, 2022 2:36 PM
To: J Dichoso
Subject: Concern and meeting request

[NOTICE: Caution: External Email]

Hello J Dichoso,

We would like to request a public EIR Scoping meeting to provide us residents with the opportunity to publicly express our concerns about the impacts of this project - EIR Scoping Meeting - Project Case Numbers MULTI-004309-2021, SUB-004310-2021, DR-004311-2021, & CDPNF-004312 2021.

Thank you for the opportunity to be part of this meeting,

Sincerely
Vania Drewelow

J Dichoso

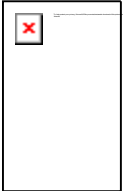
From: Gregory Harris <gregory92024@gmail.com>
Sent: Thursday, May 12, 2022 10:02 AM
To: J Dichoso
Subject: EIR Scoping Meeting - Project Case Numbers MULTI-004309-2021, SUB-004310-2021, DR-004311-2021, & CDPNF-004312 2021

[NOTICE: Caution: External Email]

Dear Mr. Dichoso,

I am requesting a public EIR scoping on the above-referenced project in order to voice my serious concerns about the health, safety, traffic and noise issues that will arise from adding such a large number of new residences to a neighborhood that was never intended for so many houses.

Thanks,
Gregory Harris
Technology Consultant



Read my #1 Amazon Bestseller [*A World of Lessons*](#)

Tel: +1 760-650-2007

Note: this email may contain Amazon Affiliate links.

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J Dichoso

From: Lili <lilianaharris@gmail.com>
Sent: Thursday, May 12, 2022 12:51 PM
To: J Dichoso
Subject: EIR Scoping Meeting - Project Case Numbers MULTI-004309-2021, SUB-004310-2021, DR-004311-2021, & CDPNF-004312 2021

[NOTICE: Caution: External Email]

Dear Mr. Dichoso,

I'm writing to request a public EIR scoping meeting where we can express our concerns about this project!

Lili Harris

--

"A hunch is creativity trying to tell you something"

Frank Capra

J Dichoso

From: Lili <lilianaharris@gmail.com>
Sent: Wednesday, May 11, 2022 8:27 PM
To: J Dichoso
Subject: 1220 Melba deleterious development

[NOTICE: Caution: External Email]

Dear Jay & Planning Commission,

We were walking around our neighborhood by Crest and Melba and were alarmed to see that a historic property is about to be demolished to make way for 30 homes.

Multi-004309-2021, sub-004310-2021, DR-004311-2021

That is deleterious to this entire area. Melba at Crest is not designed for that amount of additional traffic. It would do serious damage to the character of the neighborhood in addition to destroying dozens of trees. We understand the desire to infill, but 30 homes is a huge amount and would detract enormously. It's irresponsible and dangerous. There is no precedent for that sort of house packing anywhere in the area.

There would be a huge negative impact to the neighborhood in terms of noise, overcrowded streets, and a huge loss of character. This is an older, quieter area with children and older homes on larger lots.

The street is used heavily by pedestrians and children on bikes. It is a regular school route. An additional 60-90 cars on that road would make it unusable and dangerous. What's worse, widening or attempting to "improve" the road would immediately and irreparably detract from the quiet character of the community. It would also attract criminals interested in robbing multi-million dollar properties.

The plan to destroy a historic property to replace it with 30 homes in place of 1 is absolutely wrong, and would be a heinous scar on our neighborhood.

Please deny this project!!!

Lili

--

"A hunch is creativity trying to tell you something"

Frank Capra

J Dichoso

From: TomKarenHenderson@att.net
Sent: Thursday, May 12, 2022 10:19 AM
To: J Dichoso; Planning
Subject: EIR Scoping Meeting - Project Case Numbers MULTI-004309-2021, SUB-004310-2021, DR-004311-2021, & CDPNF-004312 2021

[NOTICE: Caution: External Email]

Dear Sir:

I would like to ask you to provide a public EIR scoping meeting for the above project to provide residents with the opportunity to publicly express our concerns about the impacts of this project.

Sincerely,

Tom Henderson

Tom & Karen Henderson

1005 Wotan Dr. #2
Encinitas, CA 92024
760-452-6263 (home land line)
619-917-7602 (Tom's cell)
Email: TomKarenHenderson@att.net

J Dichoso

From: lelandben@sbcglobal.net
Sent: Thursday, May 12, 2022 2:12 PM
To: J Dichoso
Cc: 'Jaime Lealund'
Subject: EIR Scoping Meeting - Project Case Numbers MULTI-004309-2021, SUB-004310-2021, DR-004311-2021, & CDPNF-004312 2021

[NOTICE: Caution: External Email]

Good afternoon J Dichoso,

My name is Ben Leland and I reside at 1218 Ahlrich. I am requesting a public EIR scoping meeting to provide residents with the opportunity to publicly express our concerns about the impacts of this project.

I appreciate your time reading my email and taking into consideration my request.

Sincerely,

Ben Leland

619-733-6368

J Dichoso

From: Brett tiano <bretttiano@sbcglobal.net>
Sent: Thursday, May 12, 2022 2:24 PM
To: J Dichoso
Subject: EIR Scoping Meeting - Project Case Numbers MULTI-004309-2021, SUB-004310-2021, DR-004311-2021, & CDPNF-004312 2021

[NOTICE: Caution: External Email]

Requesting a public EIR scoping meeting to provide residents with the opportunity to publicly express concerns about the impacts of this project.

CEQA (the California Environmental Quality Act), a regulatory agency, dictates:

§ 21083.9. **SCOPING MEETINGS (a) Notwithstanding Section 21080.4, 21104, or 21153, a lead agency shall call at least one scoping meeting for either of the following:** (1) A proposed project that may affect highways or other facilities under the jurisdiction of the Department of Transportation if the meeting is requested by the department. The lead agency shall call the scoping meeting as soon as possible, but not later than 30 days after receiving the request from the Department of Transportation. **(2) A project of statewide, regional, or areawide significance.**

Brett A. Tiano
953 Doris Drive
Encinitas, CA 92024

J Dichoso

From: Jerylanne <jerylanne68@gmail.com>
Sent: Friday, May 13, 2022 9:10 PM
To: J Dichoso; Council Members; Anna Colamussi; Roy Sapau

[NOTICE: Caution: External Email]

6:50 ↗

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whether the draft Housing Element substantially complies with the requirements of housing element law (refer to Appendix A-1, HCD Review Letter). The City must conduct HCD's findings prior to the adoption of its final Housing Element. State law requires

City of Encinitas Housing Element Update
Page 4.9-12

4.0 Environmental Analysis

4.9 Land Use and F

HCD review the final element and report its findings of whether the element substantially in compliance with Housing Element Law to the City within 90 days.

Regional Housing Needs Assessment

Government Code Section 65584 requires that cities and counties with a regional coalition of governments (COG) establish the housing needs associated with projected population growth for defined regions in the State. HCD uses the Department of Finance population projections to determine the regional housing need that is distributed to the city and county by SANDAG through the Regional Housing Needs Assessment (RHNA) planning process (see Section 3.2 for details of the assessment process and details of its application to the City).

b. California Coastal Act

The California Coastal Act (Public Resources Code, Division 20, sections 30000 et seq.) was adopted by the California legislature on January 1, 1977. The Coastal Act establishes the following goals for the coastal zone affecting land use:

- a. Protect, maintain and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources.

J Dichoso

From: Jerylanne <jerylanne68@gmail.com>
Sent: Friday, May 13, 2022 9:10 PM
To: J Dichoso; Council Members; Anna Colamussi; Roy Sapau

[NOTICE: Caution: External Email]

whether the draft Housing Element substantially complies with the requirements of housing element law (refer to Appendix A-1, HCD Review Letter). The City must consider HCD's findings prior to the adoption of its final Housing Element. State law requires

City of Encinitas Housing Element Update
Page 4.9-12

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- a. Protect, maintain and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources.

Sent from my iPhone

J Dichoso

From: JOHN SCHUSTER <jreas@pacbell.net>
Sent: Friday, May 13, 2022 3:46 PM
To: J Dichoso
Subject: EIR Scoping Meeting - Project Case Numbers MULTI-004309-2021, SUB-004310-2021, DR-004311-2021, & CDPNF-004312 2021

[NOTICE: Caution: External Email]

Mr. J Dichoso, Project Manager in Encinitas City Planning Division

Dear Mr. Dichoso: My wife Eleanor and I have lived on Crest Drive, four houses south of Melba Road, for over 48 years, and are concerned about the proposed 30 home project along Melba. We request that a public EIR scoping meeting be held to provide neighborhood residents the opportunity to publicly express our concerns about the impacts of this project.

Respectfully,
John R. Schuster

J Dichoso

From: Lori Forsythe <lforsythe@me.com>
Sent: Monday, May 23, 2022 10:41 AM
To: J Dichoso
Subject: Torrey Crest Residential Subdivision EIR

[NOTICE: Caution: External Email]

Bill and Lori Forsythe
1208 Ahlrich Ave Encinitas, CA 92024

EIR concerns - Architect and Aesthetics

Torrey Crest Citizens Participation Plan Final Report

c. iii.

What about varying the depths of the homes from the front of the street. Can you introduce horizontal relief on the front of the buildings so it doesn't look like a bunch of row houses lined up?

".....Furthermore, the second-story floor plans of the two story homes step back from the first-story floor plans in a manner that contributes positively to one's experience of the proposed homes in relationship to the adjacent homes as a visitor or resident."

We neighbors would also like a "positive experience," Since our property sits 10ft from the house #20 we should be considered "adjacent neighbors". House # 20 **had** a second-story "step back" on the original proposal. An upstairs balcony was added (east side) and #20 turned into a box house that does not "contributes positively to one's experience of the proposed homes in relationship to the adjacent homes as a visitor or resident."

Please remove the upstairs patio and give us linear relief with a second-story step-back as promised.

vii. Concerns about second-floor patios being constructed close to property line with views into existing homes.

"The ridge line topography of the site provides material views to the west and east on many of the lots. The intent to provide access to the view to the ocean or inland mountains over neighboring lots."

Essentially the upstairs patio (House #20) will only have a direct view into our yard. House # 20 is 10 ft from the property line of our backyard. Our neighbors east (1226 Ahlrich Ave) have 2 very large Canary Pines (65 -70 ft.) which will block any mountain view for this lot. The patio was not on the original plans presented to us.

We have asked Brian Staver multiple times to remove this patio. He has always said *"It is possible."* He met with my husband and I and said he would *"try to alleviate our concerns."* He hasn't and in fact has done the opposite.

Brian Staver informed us in a phone call on 3-22-2022 that we needed to *"start planting a screen."* A complete flippant answer to our concerns. That statement also proves he does not care about the view, Brian's telling us to block it. We are a fixed income family. Telling us to plant a large screen and expecting us to pay for the extra water is inappropriate and a hardship on us.

Attachment C - Transcript of recording of February 8, 2021 CPP Zoom Meeting

54:31

(Community Member) asked about #20 house and a second story patio.

(Brian Staver) *"This home that you're referring to **does not** have a patio of any sorts on the second story."*

55:04

(Community member) “Brian, we just had a meeting, and that house, Number 20, has a patio upstairs facing directly into our backyard.”

(Brian) “*There is a patio on the first floor, on the side of the house, but **there’s not a patio** on the second floor.*”

We have been lied to by this developer (Brian Staver). Please hold the developer to his word that was given to us and the community.

Thank you,

Bill and Lori Forsythe

J Dichoso

From: Lori Forsythe <lforsythe@me.com>
Sent: Monday, May 23, 2022 11:41 AM
To: J Dichoso
Subject: Torrey Crest Residential Subdivision EIR Trees

[NOTICE: Caution: External Email]

Bill and Lori Forsythe
1208 Ahlrich Ave Encinitas
Citizens Participation Plan Final Report

2. TREES We have lived here for 29 years and are the caretakers of Cypress x4 and x5.

As of now, the arborist report states:
(pg 8)

Tree No x5. Hesperocyparis Macrocarpa - Monterey Cypress - East of Lot 20 A Boundary line tree.(x5) TPZ fencing will be placed 5' West of the trunk of the tree along the property line tree. TPZ fencing will be placed 15' North and South of the trunk. Roots may be cut outside of the TPZ.

Cut 5' from trunk!

Tree No. x4 Hesperocyparis Macrocarpa - Monterey Cypress - South of Cul de Sac A Boundary line tree. A TPZ shall be established 15' from the center of the trunk that combines with the TPZ established Tree No. x4 as shown on the Preliminary Grading Plan. Roots may be cut outside of the TPZ. x5 tree the adjacent property owner reported that the tree has been used frequently over many years by various raptors and owls.

Tree No. x5 could have roots cut 5' from trunk. This is a tree that is 61'-75' tall. It is at least 85 years old and in good condition. This would kill the tree. Cutting it 5' from trunk is not acceptable to us. House # 20 needs to be moved off the tree 15'. This is an irreplaceable Cypress which could live 2-300 years. The carbon this tree will sequester is valuable for The City of Encinitas.

City of Encinitas Urban Forest Management Program Administrative Manual Procedures:

"If trenching is unavoidable, the following distance should be maintained." Page 19.

15 feet distance from the trunk.

The trunk to be measured 4.5 feet from ground and over 19" diameter.

Our tree trunks are #x5 23.2" in diameter. x4 multiple trunk with largest at 22.8"

Both trees are over 19" in diameter and the TPZ needs to be 15' from trunk as stated in the City of Encinitas Urban Forest Management Program Administrative Manual Procedures Page 19.

Tree Protection Plan Requirements 4. Irrigation and Maintenance (pg. 11)

It is expected that the adjacent property owners that share a boundary line tree or have a tree that over hangs the project property line, will continue to irrigate, and maintain their side of the tree. Temporary irrigation systems will be used on the project side of the protected trees to provide regular watering as required.

Torrey Crest purchased the land that boundary tree No. x4 is on in August 2019. **They have never contributed to the watering of this tree.** We have been the sole care-takers of this tree for 29 years.

Boundary tree No. x5 borders on the Staver's property development on Melba. Our first meeting with Brian was on February 1st 2021 and he asked if he could "remove tree No. x5". We told him no.

March 22, 2021 on a phone call with Brian he said again, "we will pay to have tree No. x5 removed." Again the answer is no.

This proves that Torrey Crest does not want this boundary trees to survive.

Both of these Cypress should be considered as Heritage Trees for the City of Encinitas. They meet all the criteria for that status. I applied for # x4 to become one of the Heritage trees and was blocked by the developer. Again proving these historical trees are not going to be protected by the developer and The City of Encinitas needs to step in and protect them.

Thank you,

Bill and Lori Forsythe

From: Jeryl Anne Kessler <jerylanne68@gmail.com>
Sent: Tuesday, May 24, 2022 5:14 PM
To: City Clerk; Council Members; J Dichoso; Anna Colamussi; Roy Sapau
Subject: Staver Property should be this not homes how do we get this funds to acquire the property?

[NOTICE: Caution: External Email]

"implement a program for the conservation and management of habitats of federal and state endangered, threatened, or rare species," as well as the MSCP Subarea Plan's Biological Goal (Section 1.2.1) to help conserve both diversity and functionality of the southwestern county ecosystem through preservation and adaptive management. In 2021, the County applied for 12 grants, which included proposals for restoration of habitats within preserves, and were awarded nine of the grants.

Dictionary Hill Preserve Coastal California Gnatcatcher Habitat Restoration Project

Funding Source: WCB Proposition 68 Grant and County funding

Funding Amount: \$551,535 (Prop 68 funds \$527,000 and County funds \$24,560)

Project Timeline: June 2021 – March 2024

Target Species or Habitat: Coastal California gnatcatcher, coastal cactus wren, Quino checkerspot butterfly, Monarch butterfly, and coastal sage scrub habitat

Management Action: Invasive plant treatment and native plant establishment

The Dictionary Hill Preserve Coastal California Gnatcatcher Habitat Restoration Project will restore and enhance habitat on Dictionary Hill Preserve to benefit coastal California gnatcatcher and other coastal sage scrub dependent species. This project was approved for funding at the May 2021 WCB hearing for the full project amount of \$551,535. Dictionary Hill Preserve is located within a stepping-stone linkage for coastal California gnatcatcher, providing suitable habitat patches between established breeding areas in proximity to the Preserve and between Core Resource Areas, and supports up to four territories.

Starting in Winter 2021, the project initiated a three-year program for the treatment of large stands of invasive non-native plants identified throughout the Preserve to benefit the on-site coastal sage scrub and sensitive species that occur in this vegetation community, including MSCP covered San Diego goldenstar, variegated dudleya, San Diego barrel cactus, Southern California rufous-crowned sparrow, Belding's orange-throated whiptail, and Cooper's hawk. The project will install 1,750 coastal sage scrub species over four acres of disturbed coastal sage scrub to expand existing nesting and foraging habitat for coastal California gnatcatcher, install 25 pounds of Quino checkerspot butterfly host plant/nectar species seed mix, install 25 pounds of Monarch butterfly host plant/nectar species seed mix, and install 175 pounds of coastal sage scrub seed mix. Restoration areas have been chosen and in 2022 implementation of the restoration and enhancement work will begin. Following installation of the coastal sage scrub species, Quino checkerspot butterfly seed mix, and Monarch butterfly seed mix, as well as initial removal of invasive non-native plant species, monitoring and maintenance activities will continue to ensure successful installation of native plants and eradication of invasive, non-native plant species.

How can we get this type of funding? This Staver housing project is an environmental nightmare. It goes against Encinitas's Climate action plan. Please support our community in acquiring the property before it's too late.

J Dichoso

From: Carolyn Cope <cope3@cox.net>
Sent: Wednesday, May 25, 2022 3:55 PM
To: J Dichoso
Subject: Melba Property

[NOTICE: Caution: External Email]

Afternoon, Jeryl Anne Kessler had been in contact with me via the Encinitas Historical Society since the initial sale of the property. I certainly understand the concerns and sadness in the possibility of yet another pristine area being swallowed up with development. At that time, I certainly could not justify this property and homes as being historic until the information was uncovered about the possibility of historic plantings of the tress from a well known local. Of course, I also would love to have this area be declared "open space" or park or hiking trails. Being born and raised here I have watched year after year as prolific gardens, greenhouses and open flower fields being replace with construction. I have been involved with this "battle" before and wish the best outcome for what could be the last true open space.

Carolyn Cope, President Encinitas Historical Society

J Dichoso

From: Jeryl Anne Kessler <jerylanne68@gmail.com>
Sent: Wednesday, May 25, 2022 1:19 PM
To: Council Members; J Dichoso; Deana Gay
Subject: Community's extraordinary rewilding plan

[NOTICE: Caution: External Email]

https://smileymovement.org/news-list/langholm-initiative?fbclid=IwAR2n9sfvzyOI3rSkXsyJESwXEePQkv4wYsjHaldyswgfK0MR_P6pzg4wHa4

Tuesday, 31 May 2022



This site is still in beta phase. Kindly bear with us until it's perfect

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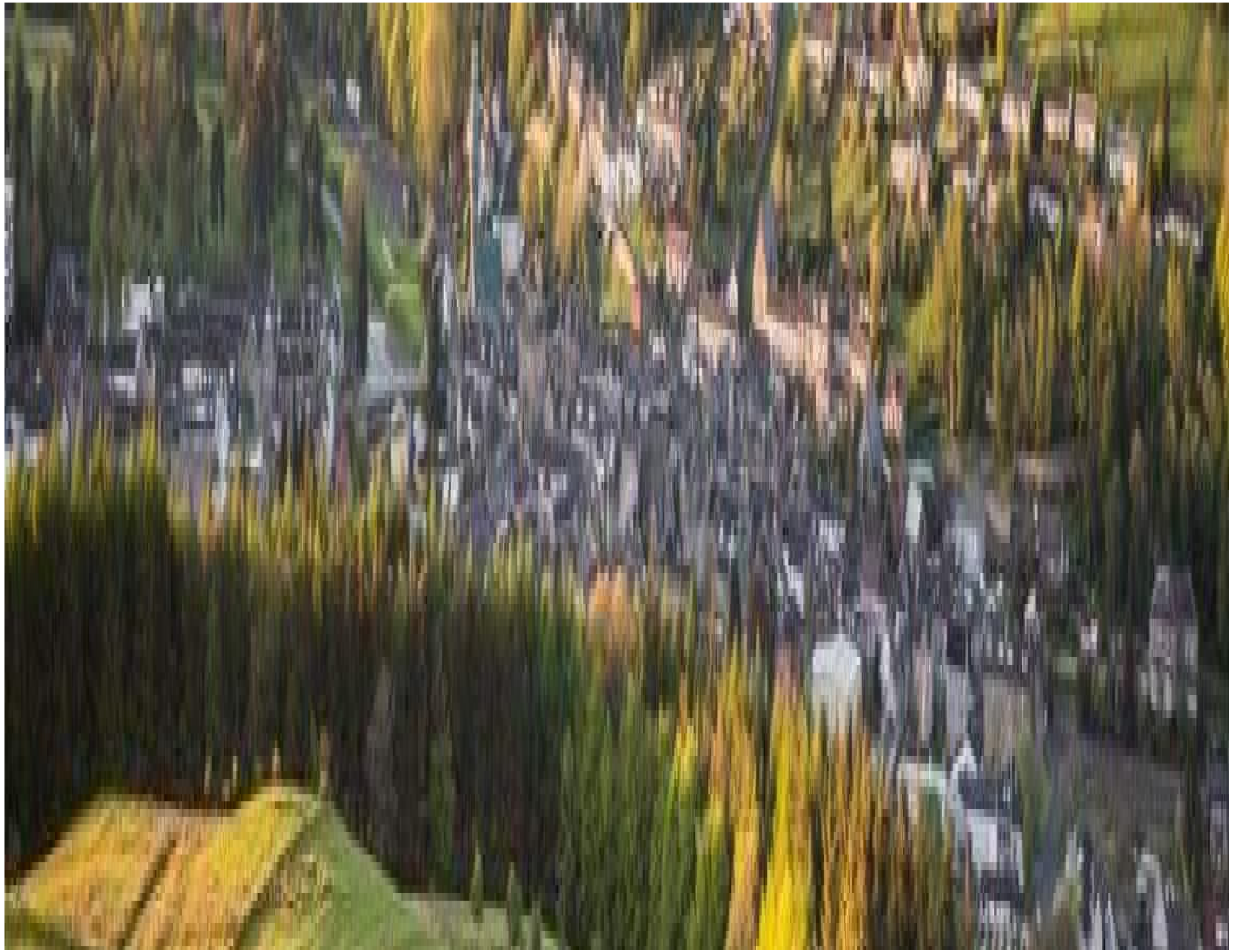


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Community's extraordinary rewilding plan

Next
Story







Charlie Duffield | 17 Feb 2022

Life on Land | UN Goals | **UN Goals**   < share

A rewilding project in Scotland is sharing its story of hope, to try and further fundraise to support the local environment.

In the middle of the pandemic, 10,500 acres of land came up for sale on the edge of Langholm town, in Dumfries and Galloway. The community decided to come together, and embark on an "impossible dream".

The Langholm Initiative started a campaign to try and raise enough funds for the community to buy the land, to create a vast nature reserve – they wanted to play a part in the climate emergency response, by restoring nature, and regenerating their town more sustainably.

In just six months, they managed to raise £3.8 million to buy 5,200 acres of woodlands, moorlands, meadows, rivers and peatlands. In fact, they made history, by successfully bringing the land into community ownership. Now they're busy creating the Tarras Valley nature reserve – one of the largest, community-led ecological restoration projects in Southern Scotland.

“We're living proof that communities can make a difference in the face of this climate crisis,” they said.

(Read more about the farmers who have received funds to rewild England)

Doubling the nature reserve

Now they're back to finish what they started, and want to double the size of their reserve. The Langholm community are trying to fundraise £2.2 million in five months to allow them to bring in the remaining 5,300 acres of land into community ownership.

They explained: “Our vision is for this land to be restored and regenerated into a biodiverse haven, a mosaic of rich habitats that are teeming with wildlife.

“We want to create nature-based jobs, build eco-tourism and help regenerate our town. Being able to double the size of our reserve means doubling the impact we can have for nature, community, and climate.”

(Read more about the rewilding activists who gained an audience with the Crown Estate)

It's a race against time to secure the additional 5,300 acres. The land will be kept off the open market for a very limited time, and the community needs to raise the funds by May 2022.

Raising these funds means that the community will be able to restore this land into a wildlife rich haven, a vast legacy for future generations.

The Langholm Initiative also works on additional employability, enterprise, anti-poverty and environmental protection and education projects.

Inspired to act?

DONATE: Donate to the Langholm Moor Second-Stage Community Buyout crowdfunder and you could receive a reward in exchange for your donation, whilst helping local people find ways for their ecosystems to thrive and flourish.

JOIN: Join as a member of the Langholm Initiative and see what you can do to give back.

VOLUNTEER: For more rewilding projects, see how you can get involved with the charity Rewilding Britain.

Look Inside Scrapstore: The Charity Diverting Tonnes Of Waste From Landfill



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On land

Today

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On land

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On land

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J Dichoso

From: kevin williams <kw49392@gmail.com>
Sent: Wednesday, May 25, 2022 11:07 AM
To: J Dichoso
Subject: TREES ON MELBA RD.

[NOTICE: Caution: External Email]

HI J I'M WRITING THIS LETTER ABOUT SOME TREES ON MY PROPERTY NEARER MY FENCE LINE ON MY NORTH WEST CORNER BRIAN WANTS TO CUTS THE ROOTS 2FEET OF MY PROPERTY LINE AND THE LAW SAYS 15 FEET, SO WE NEED TO TALK!!! SO HE DOES NOT KILL MY TREES ,THANKS KEVIN WILLIAMS PLEASE KEEP IN TOUCH !!

J Dichoso

From: kevin williams <kw49392@gmail.com>
Sent: Wednesday, May 25, 2022 10:58 AM
To: J Dichoso
Subject: MELBA RD.

[NOTICE: Caution: External Email]

HI J I GOT THE ENVIRONMENTAL IMPACT REPORT, AND I NEED TO TALK TO YOU ABOUT THE RAIN RUN OFF, BECAUSE WHEN IT RAINS HARD I GET RUN OFF ON MY PROPERTY ,ON THE NORTH SIDE !! SO I NEED TO COME DOWN TO SHOW YOU WHERE SO I T DOES NOT GET WORSE WHEN THEY START CONSTRUCTION!! THANKS KEVIN WILLIAMS 1274 MELBA RD. ENCINITAS

J Dichoso

From: Suvesh Chandiok <chandioksuvesh@gmail.com>
Sent: Thursday, May 26, 2022 5:55 PM
To: J Dichoso
Subject: EIR Scoping Project case numbers- MULTI-004309-2021, SUB-004310-2021, DR-004311-2021, & CDPNF-004312 2021.

[NOTICE: Caution: External Email]

Dear Mr Dichoso

This is to voice my concerns re above project and it's unfavorable impact on the community. And my objection to proceeding without further review and necessary changes to address the myriad issues .

At the outset , removal of 172 mature trees goes against the green charter of our city . Some of the trees were originally planted by Anton van Amersfoort.

The housing density and the proposed architectural style are not in sync with our community.

As your traffic study would make it evident the increase in traffic within a few blocks of the many local schools poses safety concern for children who walk and bike to the schools. And add to commute time and stress and pollution for local residents.

Thank you

Sincerely

Suvesh & Amita Chandiok
932 Bluejack Road
Encinitas CA 92024

Sent from my iPhone

Please excuse typos & brevity

J Dichoso

From: Lori Forsythe <lforsythe@me.com>
Sent: Thursday, May 26, 2022 10:22 PM
To: J Dichoso
Subject: EIR Scoping - Project Case Numbers MULTI-004309-2021, SUB-004310-2021, DR-004311-2021, & CDPNF-004312 2021.

[NOTICE: Caution: External Email]

Cypress tree # x5 Tree measurement for TPZ and root cut.

The City of Encinitas Urban Forest Manual states a tree bigger than 19 inches in diameter will not be cut inside of 15 feet from any side. That is because it is safest for the tree if they stay outside of the 15 feet.

Torrey Crest is telling me that the measurement for cutting a tree is the trees midline.

My Boundary tree # x5 is going to be cut 5 feet from the side of the trunk. They are claiming 8 feet from midline.

The City of Encinitas does not say anything about midline.

This needs to be clarified. If a boundary tree is on private property in the City of Encinitas it should be treated with the same standards to be kept alive.

Cypress x5 is 65-75 ft tall. Cutting the roots 5 ft from the side is unacceptable. Even 8 ft is unacceptable.

Thank you,
Sincerely,

Lori Forsythe

J Dichoso

From: Nancy Jo Olin Heldt <nancyjobear@gmail.com>
Sent: Thursday, May 26, 2022 11:43 AM
To: J Dichoso
Subject: Torrey Pacific Corp

[NOTICE: Caution: External Email]

Once again, I am writing regarding the Staver project. It saddens me and troubles me to think the people in our local government will not protect us against changing a beautiful quiet community into a crowded unsafe environment. Taking down up to 173 trees, changing larger lots into a crowded pavement of 30 + homes with one way in and out is shameless. Aside from the safety regarding children on bikes, too many cars, barely enough room at this point with no real sidewalk on Melba, already so crowded on weekday mornings, another 2+ cars per household will add in itself total confusion and unforeseen accidents!

Then culturally, the Staver property is one of the few remaining local agricultural sites with several historical buildings.

Since the Staver property was a Nursery, the amount of THC that will need to be monitored and the earth needs to be tested more regarding more contaminants, with complete soil removal from the site.

With 27 homes proposed and an addition of 3 affordable homes whom is in charge to make sure that these affordable don't go to a relative of the Stavers or developers? AND is the trade really fair regarding 3 affordable homes that will entirely change a neighborhood? Come on, truly?

As I said before, the traffic, already so crowded at school times will become crowded ALL THE TIME.

PLEASE PROTECT US, YOUR OWN INTEGRITY IS AT STAKE. You are here to protect the integrity of your citizens, their safety, and not bow to developers and greed of money! Just look at our country? Do you too want to add to greed and power?

Thank you,
Nancy Heldt
1040 Crest Dr.
Encinitas

Nancy Jo Heldt
415 377 8083

J Dichoso

From: Hari Jot Kaur Khalsa <harijotk@yahoo.com>
Sent: Thursday, May 26, 2022 5:43 PM
To: J Dichoso
Subject: EIR Scoping - Project Case Numbers MULTI-004309-2021, SUB-004310-2021, DR-004311-2021, & CDPNF-004312 2021

[NOTICE: Caution: External Email]

Dear Dichoso,

This is in regards to EIR Scoping - Project Case Numbers MULTI-004309-2021, SUB-004310-2021, DR-004311-2021, & CDPNF-004312 2021

Please know that as a concerned citizen and neighbor of this proposed property development, whose children go to Ocean Knoll and Oak Crest local public schools, it is extremely important to me that your Environmental Impact Report is very very thorough.

I am extremely concerned about the ground particulates, toxins and chemicals that may be released as my children are studying at their respective schools, let alone the immediate neighbors to the property. You much make sure that there are no environmental toxins that are in the earth there that will be released.

My concerns lie with the hydrology and consequences of hardscape that is uphill from where my immediate neighbors and I live. In 2020 our homes were flooded out, literally a river flowing through my neighbors homes, because the city line failed and there had been too much impermeable surfaces added up hill from us, multiple developments in the neighborhood and an ever expanding SDA, with rubber for a field.

Additionally, there are so few wildlife corridors available in Encinitas, and you can really tell when you are in an open native space, how many animals are trying to find refuge in this sea of housing and development, as if humans are the only animals with rights to live in this area and on these lands. We have displaced enough of our natural world and covered it with concrete and hardscapes, please keep this area open for the plants and animals that live here. Keep the trees tall, protect our delicate native plants and animals.

Thank you for your consideration.

I am sure that as a citizen of Encinitas my concerns will be addressed and measures taken to protect the children, plants, animals, hydrology, and neighbors.

Don't worry about the lawyers, worry about the citizens and our home (earth)

Sincerely,
Hari Jot Khalsa-Rhodes

J Dichoso

From: Wendy Van Vechten <wvanvechten@cox.net>
Sent: Thursday, May 26, 2022 3:23 PM
To: J Dichoso
Subject: Torrey Crest Residential Subdivision Concerns Melba Staver Development

[NOTICE: Caution: External Email]

With regards to the development of the Melba/ Torrey Crest Subdivision.
Impacts that are of concern include:

Traffic on Melba, especially during school drop off/ pick up.

Drainage of the property onto Melba, the church below, and the homes behind it.

Solar energy provision, and climate change mitigation steps including hardscape reduction, more landscaping and large specimen street trees. Saving as many mature trees as possible.

Soil contamination remediation.

Affordable units distributed throughout the development. Vetting low income qualified buyers to make sure that family members/ investors are not given preference.

J Dichoso

From: Laura Ziehl <revziehl@sbcglobal.net>
Sent: Thursday, May 26, 2022 3:03 PM
To: J Dichoso
Subject: EIR Scoping - Project Case Numbers MULTI-004309-2021, SUB-004310-2021, DR-004311-2021, & CDPNF-004312 2021

[NOTICE: Caution: External Email]

Dear members of the Encinitas city planning commission,

I write to ask your consideration for necessary alterations to the proposed development on Melba. I am the lead pastor of Bethlehem Lutheran Church, 925 Balour Dr. We are proud to be a welcome place in the neighborhood for all people, and our grounds are used regularly by families after school, neighbors walking dogs and any who would benefit from our ministry.

I have been a member of the Encinitas community for 13 years and am proud to call Encinitas home. I must state that, as a congregation, we have been negatively impacted by the Warmington development immediately east of our property. Most significantly our Family Center building has been flooded numerous times due to an insufficient plan for drainage from the Warmington properties. This has cost the congregation thousands of dollars and countless repairs and interruption to our preschool program. In addition, much of the beloved wildlife has disappeared and the old growth trees that ringed our property have been replaced with walls. I must add that our new neighbors are gracious and kind people.

And now it is to begin again. I am deeply concerned about the drainage issues that will certainly result for those very same new neighbors, as well as for us. I am heart broken to learn that 172 of 173 old growth trees will be removed, destroying habitat and wildlife in one fell swoop. A decision, once made, that can never be reversed.

I write to ask you to please consider a compromise to the destruction that is planned. Please consider not granting the density bonus and restricting the number of units on the property to allow for the salvation of many of the trees and the wildlife that call those places home. By preserving green space this will also alleviate the significant drainage issues that will result from the current plan. If this is not possible, reduce the footprint of the homes to allow for greater green space and preservation of needed trees.

As a congregation, we are strongly in favor of affordable housing in Encinitas and I applaud the low income housing units that are a part of the plan. They are much needed in our community. I do not see these two issues as irrevocably tied together.

I know you are under great constraints and that this is a complicated issue. I thank you for your consideration and for anything that you can do to preserve the property's green space for generations to come.

Yours in fellowship,
Pastor Laura Ziehl

J Dichoso

From: Jeryl Anne Kessler <jerylanne68@gmail.com>
Sent: Friday, May 27, 2022 11:48 AM
To: J Dichoso; Council Members
Subject: Notice of preparation Cultural preservation
Attachments: BOTANCIAL GARDENS SALE FROM ANTON TO LARABEES.pdf; Pp 12,13,18 old deeds (2).pdf

[NOTICE: Caution: External Email]

I would like the history completed by a local historian on this property. The Cogstone report only goes to the 1950s we all know that is not far enough back for this historical sacred property of Encinitas. Also, Cogstone is from Orange County and is not familiar with the local history and the impacts the property had on the community. I feel like it would qualify for this Historical District category as we were told by the Architectural Historian. With the three homes built in the 1930s and the spectacular trees on Melba and throughout the property which were planted by Anton Van Amersfoort. I know that Carolyn Cope the president of the Encinitas Historical Society wrote you a letter about the significance of the property. I would like you to include this in the report.

Thorough research on the property and homes had not been done. We know that they were built in the 1930s now from a conversation that Brian had with the neighbors. These beautiful homes need to be preserved along with the administrative and greenhouses. Reflective of 1930 a time period when agriculture was beginning to thrive in the area. They could qualify as a historic district. I see the power lines are also original put in the 1950s along with the spectacular tree line on Melba.

- Historic District: Historic districts are unified geographic entities which contain a concentration of historic buildings, structures, or sites united historically, culturally, or architecturally. Historic districts are defined by precise geographic boundaries. Therefore, districts with unusual boundaries require a description of what lies outside the area, in order to define the edge of the district and to explain the exclusion of adjoining areas.

This was in the Cogstone report. Looks like a War Hero lived on the property.

Background History In May of 1951, the home at 1220 Melba Road was listed for sale by “the owner” (owner unknown) for \$14,750. It was described as an acre home with a view of both the ocean and mountains. It consisted of two twin bedrooms and a 9X18 full length “glass run room” (sunroom) (Pasadena Independent 1951). In 1967, an article in News-Pilot (Newspapers.com 1967) states the current resident at 1220 Melba Road was Commander Leo C. Wilder (age 72). A World War II veteran, Commander Wilder was a Coast and Geodetic Survey officer on loan to the Army during the war. In addition to providing mapping services, the Coast and Geodetic Survey provided training for navigation, small-boat use, and amphibious landing techniques to service members. Commander Wilder served as head of boat operation instruction (Theberge 2015). Wilder and his wife resided at 1220 Melba Road since at least 1957 and were members of the California Calavo Growers Association (The Arroyo Grande Valley Herald Recorder 1957). Wilder was retired by 1957. As the property was put up for sale in 1951, it is assumed that the Wilders moved in sometime during or not long after this year. It is not known how long the Wilders remained at this location, however at some point between 1957 and 1983 the property came into the ownership of the nonprofit Veterans of Foreign Wars. A Bank of America Corporation Grant Deed dated February 16, 1983, and cosigned by a Notary Public on March 4, 1983, states that the property associated with APN: 259-180-16 [1220 Melba Road] was transferred from Veterans of Foreign Wars Colonel Frank M. Brezina Post 5431 to Torrey Pacific Corporation; Escrow No. 1039-181 (Bank of America 1983). Veterans of Foreign Wars (VFW) of the United States is listed as a domestic nonprofit incorporated on May 15, 1947 (OpenCorporates 2021). The VFW provides programs and services to support American veterans and their families (VFW 2021). It is assumed that

Colonel Frank M. Brezina was the assigned VFW District Officer who was authorized to sign the deed which transferred the parcel to its current owner, the family-owned Torrey Pacific

UCR Center for Bibliographical Studies and Research

Blade Tribune / 30 September 1922

Blade Tribune, Volume XXXIII, Number 39, 30 September 1922

Issue Article

the election held Tuesday to vote on the consolidation of the **Cardiff** and San Jacinto Irrigation Districts the consolidation was carried by unanimous vote. There were approximately 46 votes cast. Five directors elected were W. H. Schaaf, **Anton Van Amersfoort**, and Fred Cutts, Encinitas, and Charles Webster and George Beech, **Cardiff**. Ira Conner, **Cardiff** is elected assessor and tax collector of the district. The consolidation of these districts means the application of water from the Hodges dam to the entire section from **Cardiff** to Merle. Surveys are completed for the distribution and

James is greatly interested in the house building campaign now going on and believes that by affording the opportunity to purchase desirable building property at attractive prices he will aid in the good work of filling the need of homes for those who are daily looking for a location in Oceanside.

Particulars regarding his plans for a campaign to locate home-sites in Oceanside by the sale of this property will be given by Mr. James in next week's Blade.

URGED BY LOST MEN TO INSPECT LANDSLIDE MINE

"I would rather be on the top of the ground than under it," was the laughing reply of Mrs. H. B. Bangs, born of 1404 Monterey Road, South Pasadena, which saved her from the fate of being entombed with the Tarzana miners who went to their death in an Argonaut mine.

Mr. and Mrs. Thompson, Mr. and Mrs. E. B. Levin and their young daughter, Barbara, who have just returned to this city, are said to have been the last outsiders to see the doomed mine.

They stood at the shaft as the work started to go down. One of the foremen shouted an invitation to descend, but the women refused.

THE OCEANSIDE BLADE

DISTRICTS ARE CONSOLIDATED

Tuesday's Election Joins **Cardiff** and San Jacinto For Irrigation Development

At the election held Tuesday to vote on the consolidation of the **Cardiff** and San Jacinto Irrigation Districts the consolidation was carried by unanimous vote. There were approximately 46 votes cast. The five directors elected were W. H. Schaaf, Encinitas, Van Amersfoort, and Fred Cutts, Encinitas, and Charles Webster and George Beech, **Cardiff**. Ira Conner, **Cardiff** was elected assessor and tax collector of the district.

The consolidation of these districts means the application of water from the Hodges dam to the entire section from **Cardiff** to Merle. Surveys are completed for the distribution and preliminary work has begun in its construction.

THE OCEANSIDE BLADE

Full functionality has been restored. Please report any oddities you find. Thanks for your patience.

UCR Center for Bibliographical Studies and Research

Blade Tribune / 3 May 1923

Blade Tribune, Volume XXXIV, Number 18, 3 May 1923

Issue Article

under water from Lake Hodges. Certainly the Santa Fe has done more than its part in helping to build up the northern part of San Diego county. "A unique feature is that the San Jacinto irrigation district money were unanimous in the organization of the district and unanimous, in voting a \$400,000 bond issue for water. This is a record in the state of California. Another year a vivid scene "Garden of Eden" will be in the making in San Diego county. "Too much credit cannot be given the directors of the district. Messrs. W. H. Schaaf, George Beech, Chas. H. Webster, **Anton Van Amersfoort** and Fred Cutts, also the chief are.

Comments (0)

Please log in to add comments.

Tags (0)

Please log in to add tags.

THE OCEANSIDE BLADE

LOCAL NEWS

DELIN'S VARIETY STORE

OPENING in all the glory

C. and E. JOLLIFF

THE OCEANSIDE BLADE

Blade Tribune / 11 October 1923

Blade Tribune, Volume XXXIV, Number 41, 11 October 1923

Issue Article

ENCINITAS

Text

Why may this text contain mistakes?

Correct this text

ENCINITAS

Mr. and Mrs. T. J. Bulman, Mrs. Henry Lux and Mrs. Beauchamp motored to San Diego on Tuesday. Mr. and Mrs. Paddock, who have been visiting relatives in Idaho the past three months are expected back in Encinitas very shortly. Mr. and Mrs. Edw. Soyester of Carbondale, Colo., have arrived and will spend the winter here. At present they are staying with Mrs. Thebo. Mr. A. G. Tingman left today to attend the Riverside Fair. He was especially invited as the guest of the Indians at the fiesta, to be held during the fair. Mr. Henry Lux has almost completed a new bungalow on his property near the ocean. It is an up-to-date five-room house, and is being built for rental purposes. The Fay residence, now occupied by Mr. Rupe and family, is being treated to a new coat of paint.

ENCINITAS

BEAD LINES

ENCINITAS

NO HUNTING Fishing or Trespassing LIBBY LAKE THE OWNERS SPECIAL SALE OF BLANKETS Nashua Wool Blankets In Grey, Pink, Blue and Buff Colored Plaid, and Solid

CARLSBAD

216

tificate first above written.

Clifford
Clark JohnstonClifford Clark Johnston
Notary Public in and for the County of
San Diego, State of California.
My commission expires April 4, 1942.Recorded at request of Southern Title & Trust Co. Aug 11 1938 at 9 A.M.
ROGER N. HOWE County Recorder
By Deputy H. Zervas

Fee \$1.00 4

43386

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F-1884 DWF/fnr1

GRANT DEED

We, E. Grace Tubbs and Charley N. Tubbs, wife and husband

For and in consideration of Ten and no/100 Dollars,

Do hereby grant to Thomas J. Stephenson and Bertha E. Stephenson husband and wife,
as joint tenants,All that real property situated in the City of San Diego County of San Diego, State
of California, bounded and described as follows:Lots Twenty-one and Twenty-two in Block 57 of
Ocean Beach, according to the Map thereof No.
279, filed in the office of the Recorder of said
San Diego County, May 28, 1887.

SOUTHERN TITLE & TRUST COMPANY		
AUG 11 1938	AUG 11 1938	AUG 11 1938
5 DOLLARS	1 DOLLAR	50 CENTS

WITNESS my hand this First day of August, 1938.

Signed and Executed in Presence of } Charley N. Tubbs
F. R. Larimer } E. Grace TubbsSTATE OF CALIFORNIA,)
COUNTY OF SAN DIEGO) ss.On this first day of August, 1938, before me, the undersigned a Notary Public in
and for said County and State, residing therein, duly commissioned and sworn, personally
appeared E. Grace Tubbs and Charley N. Tubbs known to me to be the persons described in
and whose names are subscribed to the within instrument and acknowledged to me that they
executed the same.IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal, at my
office, in said County of San Diego, State of California, the day and year in this
certificate first above written.C. G. Mitchell
Notary Public in and for the County of
San Diego, State of California.Recorded at request of SOUTHERN TITLE & TRUST CO. AUG 11 1938 at 9 A.M.
ROGER N. HOWE County Recorder
By Deputy H. Zervas

Fee \$1.00 4

43386

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D-2219-HAD-fb

GRANT DEED

I, GERTRUDE A. STANSBURY, a widow,

For and in consideration of TEN DOLLARS,

Do hereby grant to JAMES A. CRUM and ROSE L. CRUM, husband and wife, as joint tenants,

All that real property situated in the County of San Diego, State of California,
bounded and described as follows:Lot Three of La Mesa County Club Tract No. 1, according
to the Map thereof No. 1739, filed in the office of the
Recorder of said San Diego County, October 13, 1922.SOUTHERN TITLE & TRUST COMPANY
AUG 11 1938 2 DOLLARSWITNESS my hand this 27th day of July, 1938.
Signed and executed in presence of ---) Gertrude A. StansburySTATE OF CALIFORNIA,)
COUNTY OF LOS ANGELES) ss.On this 2nd day of August, 1938 before me, the undersigned a Notary Public in and
for said County and State, residing therein, duly commissioned and sworn, personally
appeared Gertrude A. Stansbury known to me to be the person described in and whose name
is subscribed to the within instrument and acknowledged to me that she executed the same.IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal, at my
office, in said County of Los Angeles, State of California, the day and year in this
certificate first above written.Hazel Helm
Notary Public in and for the County of
Los Angeles, State of California.
My commission expires Aug 28, 1939.Recorded at request of SOUTHERN TITLE & TRUST CO. AUG 11 1938 at 9 A.M.
ROGER N. HOWE County Recorder
By Deputy H. Zervas

Fee \$1.00 4

43390

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GRANT DEED

D-2233-HAD-fb

I, Anton van Amersfoort, a single man,

For and in consideration of TEN DOLLARS,

Do hereby grant to Irving W. Phillips, a single man,

All that real property situated in the County of San Diego, State of California,
bounded and described as follows:

All that portion of the Northeast Quarter of the Southwest Quarter of Section 14, Township 13 South, Range 4 West, S.B.M., according to United States Government Survey, approved April 19, 1881, described as follows:

Beginning at the Southeast corner of said Northeast Quarter of the Southwest Quarter of said Section 14, being a point on the North line of Palomares Heights Annex, according to Map No. 2186, filed in the office of the Recorder of said San Diego County, October 25, 1928; thence North 89° 54' West along the South line of said Northeast Quarter of the Southwest Quarter, being also along the said North line of said Palomares Heights Annex, 558.02 feet; thence North 0° 37' East 650.06 feet; thence South 89° 37' East, 557.46 feet to a point on the East line of said Northeast Quarter of the Southwest Quarter of said Section 14; thence South 0° 34' West along said East line, 650.54 feet to the point of beginning; containing 8.33 acres, more or less.

RESERVING therefrom an easement and right of way for road purposes over the South twenty feet thereof.

WITNESS my hand this 4th day of August, 1938.

Signed and executed in presence of } Anton van Amersfoort
H. A. Durham

STATE OF CALIFORNIA }
COUNTY OF SAN DIEGO } ss.

On this 4th day of August, 1938 before me, the undersigned a Notary Public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared Anton van Amersfoort known to me to be the person described in and whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal, at my office, in said County of San Diego, State of California, the day and year in this certificate first above written.



C. G. Mitchell
Notary Public in and for the County of San Diego, State of California.

Recorded at request of SOUTHERN TITLE & TRUST CO. AUG 11 1938 at 9 A.M.
ROGER N. HOWE County Recorder
By Deputy H. Zervas

Fee \$1.10 7

43892

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RECONVEYANCE UNDER TRUST DEED

THIS INDENTURE, Made this 5th day of August, 1938

WITNESSETH: THAT WHEREAS, That certain promissory note for the sum of Sixteen Hundred Seventy-five (\$1675.00) Dollars, with interest mentioned, as secured by that certain deed of trust made by W. C. Beane and Harriett Beane, his wife, of San Diego, San Diego County, California, to Paul Endicott and Russell K. Pitzer, Trustees, of Pomona, Los Angeles County, California, as parties of the second part, which said deed of trust is dated the 8th day of February, 1933 and recorded in the office of the County Recorder of the County of San Diego State of California, on the 25 day of February 1933, in Book 197, page 67 of Official Records.

TOGETHER with all other sums and indebtedness secured by said deed of trust, have been fully paid and satisfied;

NOW, THEREFORE, in consideration of such payment, and also the sum of One Dollar (\$1.00), the receipt whereof is hereby acknowledged, the said Paul Endicott and Russell K. Pitzer, Trustees, do hereby remise, release, quitclaim and reconvey without warranty unto W. C. Beane and Harriett Beane, his wife, their heirs and assigns, all the estate in the premises described in and granted by said deed of trust to said Paul Endicott and Russell K. Pitzer, Trustees, and now held by said Trustees, reference being hereby made to said deed of trust and the said record thereof for a particular description of said premises;

TO HAVE AND TO HOLD the same without warranty unto the said W. C. Beane and HARRIETT BEANE, his wife, their heirs and assigns forever;

IN WITNESS WHEREOF, the said Paul Endicott and Russell K. Pitzer, Trustees, have hereunto set their hands and seals the day and year first above written.

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES } ss.

Paul Endicott Trustee (SEAL)
Russell K. Pitzer Trustee (SEAL)

On this 5th day of August, 1938, before me, L. R. Hill a Notary Public in and for said County of Los Angeles, State of California, residing therein, duly commissioned and sworn, personally appeared Paul Endicott and Russell K. Pitzer, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same as such Trustees.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day

RIGHT OF WAY

I, Irving W. Phillips hereinafter called the "Grantor" for and in consideration of the sum of One Dollar, and other value received do hereby grant to the San Diego Consolidated Gas & Electric Company, a corporation, its successors and assigns, hereinafter called the "Grantee," the right, easement and privilege of placing, erecting, constructing, repairing, replacing, maintaining and using, for the transmission and distribution of electricity and for all purposes connected therewith, a line of poles with wires suspended thereon and all necessary and proper guys, anchorage, crossarms and braces and other fixtures for use in connection therewith, together with the right of ingress thereto and egress therefrom to and along said line, over and across the Grantor's land situate in the County of San Diego, State of California, and more particularly described as follows:

That certain portion of the Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section Fourteen (14) Township Thirteen (13) South, Range Four (4) West, San Bernardino Meridian, conveyed to Irving W. Phillips by deed recorded in Book 808 at page 218, Official Records of the said County of San Diego.

The route of said line of poles and wires across said land shall be as follows:

Beginning at a point on the South line of said Northeast Quarter (NE $\frac{1}{4}$) of Southwest Quarter (SW $\frac{1}{4}$) of Section Fourteen (14), distant thereon Three Hundred Forty three and Fifty five Hundredths (343.55) feet Westerly from the southeast corner thereof; thence from said point of beginning North One (1) Degrees, Nine (09) Minutes, Eleven (11) Seconds East, One Hundred Sixty eight and Four Tenths (168.4) feet; thence North (0) Degrees, three (03) Minutes, Eleven (11) Seconds East a distance of Two Hundred Fifteen (215) feet.

The Grantee is also hereby granted the right to trim any trees along said line of poles and wires whenever considered by it necessary for the proper operation and use of the rights hereby granted.

IN WITNESS WHEREOF, the Grantor — executed these presents this 26th day of Oct. 1938.

Executed in the Presence of:

Irving W. Phillips

Drawn by ---
Checked by ---

Edith C. Phillips Witness.

STATE OF CALIFORNIA,
COUNTY OF SAN DIEGO

On this ___ day of ___, 19___ before me R.S. Ruffin a Notary Public in and for the said County and State, residing therein, duly commissioned and sworn, personally appeared Edith C. Phillips, known to me to be the person whose name is subscribed to the within instrument, as a Witness thereto, who being by me duly sworn, deposes and says: that he resides in San Diego, California and that he was present and saw Irving W. Phillips personally known to him to be the same person whose name is subscribed to the within and annexed instrument, execute and deliver the same and he acknowledged to said affiant that he executed the same; and that said affiant subscribed her name thereto as a Witness.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first written.



R.S. Ruffin
Notary Public in and for the County of
San Diego, State of California.
My commission expires May 25, 1939.

RECORDED AT REQUEST OF GRANTOR JAN 5, 1939 at 5 Min. Past 9 A.M.
ROGER H. HOWE, COUNTY RECORDER
By Deputy H. Zarvas
FEE \$1.00--- 8
454

---00000000---

HOLC FORM 652-B California
Grant Deed
Approved 8-22-27

Property Management No.---

HOME OWNERS' LOAN CORPORATION, a corporate instrumentality of the United States of America, with its principal place of business at Washington D.C. in consideration of Ten (\$10.00) Dollars, to it in hand paid receipt of which is hereby acknowledged does hereby grant to HARRY E. RADEBAUGH and GERTRUDE M. RADEBAUGH, husband and wife, as joint tenants, all that real property situated in the County of San Diego, State of California, described as follows:

Lots 39 and 40 in Fractional Block 211, of Heisl's Sub-division of the west three fourths of the south half of Pueblo Lot 1342, according to Map thereof No. 487, filed in the office of the County Recorder of said San Diego County, May 23, 1873.

PHOTOGRAPHED BY S. WRIGHT JR. DEPUTY RECORDER

110

Recorded at Request of Union Title Insurance Co. (Whelan) Mar. 2, 1923 at 9 o'clock A. M.

John E. Perry, County Recorder,

Y250 Fee \$1.00

By E. C. Parsons, Deputy.

-000-

Sarah E. Beckwith, a widow

For and in consideration of Ten & no/100 \$ DOLLARS,

DO HEREBY GRANT TO Lexie Beckwith

ALL THAT REAL PROPERTY situated in City of San Diego County of San Diego,
State of California, bounded and described as follows:Lots Six (6), Seven (7) and North Twenty-two (22) feet of Lot Eight (8)
in Block Thirty-seven (37) of La Jolla Park, City of San Diego, County of San Diego,
State of California, according to Map thereof No. 282 filed in the office of the County
Recorder of said San Diego County, March 22nd, 1909.

FOR VALUE TRANSFERRED
 U.T. CO. OF S.D. SAN
 DIEGO, CAL. MAR 2
 1923 \$1.00

TO HAVE AND TO HOLD the above granted and described premises unto the said
Grantee her heirs and assigns forever,

WITNESS my hand and seal this 17th day of February 1923

Signed and executed in presence of ---)

Sarah E. Beckwith (Seal)

STATE OF CALIFORNIA, /ss
COUNTY OF SAN DIEGO, /On this 17th day of February A. D. Nineteen Hundred and Twenty Three before
me, Earl Kenyon a Notary Public in and for said County and State, re-siding therein, duly
commissioned and sworn, personally appeared Sarah E. Beckwith, a widow known to me to be
the person described in and whose name is subscribed to the within instrument and as-
knowledgeed to me that she executed the same.IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official
Seal, at my office, in said County of San Diego, State of California, the day and year
in this certificate first above written.

Earl Kenyon

Notary Public in and for the County of
San Diego, State of California.

My commission expires February 28th, 1925

Recorded at Request of Union Title Insurance Co. (Whelan) Mar. 2, 1923 at 9 o'clock A. M.

John E. Perry, County Recorder,

Y251 Fee \$.80

By E. C. Parsons, Deputy.

-000-

THIS INSTRUMENT, Made this 9th. day of February A. D. 1923 BETWEEN JAMES C.
BIXES, Sheriff of the County of San Diego, of the first part, and ANTON VAN AMERFOORT,
assignee of Charles N. Woodworth, of the County of San Diego, and State of California,
of the second part:WITNESSETH: WHEREAS, in and by a certain Judgment or Decree, made and
entered by the Superior Court of the County of San Diego, State of California, on the
14th. day of June, 1921, in a certain action then pending in said Court, wherein Charles N.
Woodworth was Plaintiff, J. Frank Colles, Esther M. Colles, J. E. Parker, Don Ingwersoll,
John Doe, Jane Doe and the John Doe Company, a Corporation, were Defendants It was among
other things ordered, adjudged and decreed, that all and singular the mortgaged premises

Photographed By P. A. JENSEN, Deputy Recorder

J Dichoso

From: grace stobbe <gestobbe@yahoo.com>
Sent: Saturday, May 28, 2022 9:06 AM
To: J Dichoso
Subject: EIR Scoping - Project Case Numbers MULTI-004309-2021, SUB-004310-2021, DR-004311-2021, & CDPNF-004312 2021

[NOTICE: Caution: External Email]

I am writing to express my concerns about my neighborhood. I have lived here almost 35 years. I am afraid of many things with the upcoming 30 houses to be built off Melba drive.

As I walk my neighborhood on Melba, I enjoy the ambiance with the rural look and the many trees and birds.

The traffic on Melba and Balour has increased drastically over the years to the point of total standstills of cars when schools let out. The bikes and cars flying down Melba to schools is already too great and adding 30 more homes with 2 cars each will create a huge traffic problem.

I hate to lose the beautiful trees and wildlife that life in this area.

Please reduce the number of homes. Save trees and keep the wonderful ambiance as much as you can.

Sincerely,
Grace Stobbe, Oceanic Drive

J Dichoso

From: jeryl Anne kessler <jerylanne68@hotmail.com>
Sent: Monday, May 30, 2022 6:25 PM
To: J Dichoso
Subject: Fw: Anton
Attachments: img352.jpg; img353.jpg; img353B.jpg; img355.jpg; img355B.jpg; img357.jpg; img357B.jpg; img359.jpg; img360.jpg; img360B.jpg

[NOTICE: Caution: External Email]

From: jeryl Anne kessler <jerylanne68@hotmail.com>
Sent: Wednesday, April 27, 2022 5:05 PM
To: printandgo@fedex.com <printandgo@fedex.com>
Subject: Fw: Anton

From: Tineke Switzer <ectineke@gmail.com>
Sent: Friday, February 4, 2022 7:46 PM
To: jerylanne68@hotmail.com <jerylanne68@hotmail.com>
Subject: Fwd: Anton

Hi,

I will be sending the pictures to you in two emails. The pictures that have writing on the back have jpegs with the letter 'B'. Thus not all the pictures have writing on the back.

As you can see there are pictures with houses, some faraway in the background.

I hope you can find some landmarks in them to help with your research.

Tineke (van Amersfoort) Switzer

-





July 1952

Encinitas

Anton v. A.



312

Row Anton near
Queenfoot



Crescent Ranch
Encinitas
Calif

Jan 20, 1955

Anton van Amerfoort
Crescent Ranch
Encinitas
Calif.





Uncle Arthur

J Dichoso

From: Jeryl Anne Kessler <jerylanne68@gmail.com>
Sent: Monday, May 30, 2022 6:38 PM
To: J Dichoso; Council Members
Subject: public records please for culture with Staver project

[NOTICE: Caution: External Email]

<https://casetext.com/case/van-amersfoort-v-young>

This is a lawsuit that Anton had with the water rights. He needed to water all the trees he planted along Melba Road. Please review this document. It points out how important he was in the development of the city of Encinitas. We believe he owned the Staver property and planted all the trees along Melba road and throughout Encinitas possibly on Crest.

Van Amersfoort v. Young

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Opinion

Docket No. 4221.

June 22, 1951.

APPEAL from a judgment of the Superior Court of San Diego County. Joe L. Shell, Judge. Affirmed.

Action for injunctive relief and damages. Judgment for plaintiffs affirmed.

Wm. Mackenzie Brown and Fred E. Lindley for Appellants.

Harry O. Juliani for Respondents.

MUSSELL, J.

Defendants appeal from a judgment permanently enjoining them from interfering with or in any manner preventing the free and unobstructed use by plaintiffs of a roadway across the lands of defendants.

The trial court found as follows:

1. That since the month of August, 1935, the plaintiff, A. Van Amersfoort, has been and now is the owner of an 80-acre tract of land lying northerly of defendants' land known as the "Hammond Ranch," which is situated easterly from the town of Encinitas, San Diego County, California.
2. That at the time of the purchase of said land by plaintiff there was a well defined roadway running from the county road at the west line of defendants' property in the easterly direction to and past the site of the old Hammond house on defendants' land, then turning north and running along the east side of an old fence, to the north line of defendants' property, and there entering upon the property of plaintiffs. (It was then stated that the road was 12 feet in width and the center line was particularly described.)
3. That from August, 1935, to the time of filing this action, the plaintiff used said roadway openly, notoriously and continuously for the purpose of going to and from his land, the 80 acres lying at the north of defendants' property, for the purpose of cultivating or improving said land.
4. That the use of the roadway aforementioned was not by permission or a license from the defendants or from any of their predecessors in interest of the Hammond ranch.
5. That during the month of March, 1949, the defendants placed barbed wire upon and across the roadway at the gate-opening, leading from defendants' land into plaintiffs' land, and thereby barred the plaintiffs from entering their land.
6. That plaintiffs were thus prevented from entering their property for the period of approximately 30 days, as a result

of which their fruit trees upon said land were damaged for lack of care, in the sum of \$30.

From the foregoing facts the court concluded that by the use of the said road openly, notoriously and adversely, for more than five years, commencing in the year 1935, the plaintiffs had acquired an easement by prescription in the described roadway; that said easement was acquired by the plaintiffs prior to the acquisition of the property by the defendants; that the defendants are entitled to maintain gates at the ends of the roadway in question and that the plaintiffs are entitled to the injunctive relief prayed for in the complaint.

The decisive question here involved is whether the findings and judgment are sufficiently supported by the evidence.

Plaintiffs' land, an 80-acre tract, abuts the defendants' land directly to the north thereof and was purchased by plaintiff A. Van Amersfoort in August, 1935, from one Richard M. Kimball. The defendants purchased their land during the spring of 1945 from the Elliott Company, which had acquired it from the Hammond family some time in 1932.

Plaintiffs testified that they had continuously used the road from 1935 until the fall of 1947, when they found a portion of it plowed by a tenant of the defendants; that for about two months thereafter they deviated slightly from the old road by reason of such plowing and then immediately began again to follow the entire course of the old road as they had done during the period since 1935; that their use of the questioned right of way was not by permission of the owner or of anyone else. Plaintiff A. Van Amersfoort testified that shortly after acquiring the 80 acres, he started to clear it and planted eucalyptus and pine trees on the south border; that he openly and continuously used the roadway in question to go to and from his land by automobile and from time to time planted fruit trees on the land, raised crops and in 1946 employed a crew of well drillers, who drilled a water well near the south line of his property.

Defendant Young testified that he made a thorough inspection of the Hammond property in 1944 and that there was no roadway running north from the site of the old Hammond farmhouse along the east side of the Hammond property. However, several of plaintiffs' witnesses, two of

whom were members of the old Hammond family, who had lived on the Hammond ranch for many years, testified to the existence of the road and to its continuous and open use by the plaintiffs for nearly 14 years and the evidence is overwhelming that the roadway existed and was in fact used continuously, openly and without objection on the part of anyone by the plaintiffs until the defendant Young plowed up a portion of it during the winter of 1947-1948 and objected to plaintiffs' crossing the plowed area.

During the month of March, 1949, the defendants obstructed plaintiffs' use of the right of way and barred them from entering their land and the present action followed.

Defendants argue that the plaintiffs used the roadway in question under a permissive use and in support of this contention rely upon the testimony of Richard Kimball, whose uncle formerly owned the plaintiffs' property. Kimball testified that he, on several occasions, went over the land with his uncle and that his uncle always asked Mr. Hammond's permission to cross the Hammond property to go to the land, which is now owned by the plaintiffs; that on one occasion he heard Mr. Hammond tell his uncle that a right of way would have to be on the extreme west line of the property because he didn't want them going through the ranch; that this statement was made in 1924 or 1925. However, Mr. Kimball stated that he did not tell the real estate broker who handled the sale of the property to plaintiffs nor did he inform the plaintiffs that his uncle's use was permissive only and there is no suggestion in the record that plaintiffs or either of them were ever informed of such a claimed permissive use except defendant Young's testimony that in 1945-1946 he gave plaintiffs' tenant, one Charles Lilliegreen, permission to cross the ranch for the purpose of putting in and harvesting a bean crop. This testimony was denied by witness Lilliegreen.

It is also argued by the defendants that the fact that one Roy Lux, who was manager of defendants' property for the prior owner thereof, during some five years until his death in March, 1944, also had a lease from the plaintiffs from 1937 to 1944, which fact interrupted the adverse user by the plaintiffs. However, the record shows that during all of the period of time when Lux was using a portion of plaintiffs' property, the plaintiff A. Van Amersfoort himself was

continuing to openly, continuously and notoriously use the road for the purpose of access to and egress from his property and was actively engaged in the development thereof.

[1] Whether the use of an easement is adverse and under a claim of right, or permissive and with the owner's consent, and the nature of the user is sufficient to put the owner on notice, are questions of fact. **[2]** If there is any substantial evidence to support the judgment, it must be affirmed. **[3]** All conflicts must be resolved in favor of the prevailing party and the evidence viewed in a light most favorable to him.

(*O'Banion v. Borba*, [32 Cal.2d 145, 147-148](#) [195 P.2d 10].)

In that case the court, in discussing the acquisition of easements by prescription concerning the presence or absence of a presumption that the use is under a claim of right adverse to the owner of the servient tenement, and of which he has constructive notice upon the showing of an open, continuous, notorious and peaceable use for the prescriptive period, said, at page 149:

"The preferable view is to treat the case the same as any other, that is, the issue is ordinarily one of fact, giving consideration to all the circumstances and the inferences that may be drawn therefrom. The use may be such that the trier of fact is justified in inferring an adverse claim and user and imputing constructive knowledge thereof to the owner. There seems to be no apparent reason for discussing the matter from the standpoint of presumptions. For the trial court the question is whether the circumstances proven do or do not justify an inference showing the required elements. In the appellate court the issue is merely whether there is sufficient evidence to support the judgment of the trial court. . . ."

In *Adams v. Estate of Smith*, [88 Cal.App.2d 910, 912](#) [[199 P.2d 730](#)], it was said:

"The rule which governs was stated in *Pacific Gas Electric Co. v. Crockett Land Cattle Co.*, [70 Cal.App. 283, 291](#) [[233 P. 370](#)], as follows: ` Accordingly, it has been held in this state that where an open and uninterrupted use of an easement for a sufficient length of time to create the presumption of a grant is shown the law will presume the elements of hostile intent and that the use is adverse and under a claim of right

(*Franz v. Mendonca*, [131 Cal. 205](#) [[63 P. 361](#)]; *Fleming v. Howard*, [150 Cal. 28](#) [[87 P. 908](#)]; *Clark v. Clark*, [133 Cal. 667](#) [[66 P. 10](#)]). If the other party relies upon the fact that these acts were permissive or in the nature of a license, or merely given as a matter of accommodation, it is incumbent upon him to rebut the presumption of a nonappearing grant. Otherwise the presumption stands as sufficient proof and establishes the right (*Yuba Cons. Goldfield v. Hilton*, [16 Cal.App. 228](#) [[116 P. 712, 715](#)]; *Costello v. Sharp*, [65 Cal.App. 152](#) [[223 P. 567](#)]; *Ricoli v. Lynch*, [65 Cal.App. 53](#) [[223 P. 88](#)]). If there is any evidence which throws any light upon the question as to whether the occupancy was under a license or a claim of right it presents a question of fact, and a finding thereon is here conclusive (*Wells v. Dias*, *supra* ([57 Cal.App. 670](#) [[207 P. 913](#)]); *Ricoli v. Lynch*, *supra*).¹ The several elements of the rule have been declared in many cases. (See *McMorris v. Pagano*, [63 Cal.App.2d 446](#) [[146 P.2d 944](#)]; *Stevens v. Mostachetti*, [73 Cal.App.2d 910](#) [[167 P.2d 809](#)].)"

In *Murray v. Fuller*, [82 Cal.App.2d 400, 406](#) [[186 P.2d 157](#)], it was held that the use of a driveway by plaintiffs and their predecessors and their tenants without express permission amounted to trespass and afforded grounds for legal redress in favor of defendant's predecessors and it was, therefore, sufficient to initiate a prescriptive title.

[4] In the instant case the evidence was sufficient to support the inference that the adverse user of the roadway by the plaintiff had ripened into a prescriptive right and had already been established before the defendants acquired the Hammond property in 1945. The record shows that the plaintiffs had no other roadway by which they could reach their property and the evidence is sufficient to support the conclusion of the trial court that plaintiffs' use of the road in question was sufficient to establish a prescriptive title.

Judgment affirmed.

Barnard, P.J., and Griffin, J., concurred.

[JX](#)[Opinion](#) [Case details](#)

From Casetext: Smarter Legal Research

Van Amersfoort v. Young

Court of Appeal of California, Fourth District

Jun 22, 1951

105 Cal.App.2d 22 (Cal. Ct. App. 1951)

[Copy Citations](#)[Download PDF](#)[Check Treatment](#)

Docket No. 4221.

June 22, 1951.

APPEAL from a judgment of the Superior Court of San Diego County. Joe L. Shell, Judge. Affirmed.

Action for injunctive relief and damages. Judgment for plaintiffs affirmed.

Wm. Mackenzie Brown and Fred E. Lindley for Appellants.

Harry O. Juliani for Respondents.



Red flags, copy-with-cite, case summaries, annotated statutes and more.

[Learn more >](#)

MUSSELL, J.

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23 by plaintiffs of a roadway across the lands of defendants. *23

The trial court found as follows:

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2. That at the time of the purchase of said land by plaintiff there was a well defined roadway running from the county road at the west line of defendants' property in the easterly direction to and past the site of the old Hammond house on defendants' land, then turning north and running along the east side of an old fence, to the north line of defendants' property, and there entering upon the property of plaintiffs. (It was then stated that the road was 12 feet in width and the center line was particularly described.)

3. That from August, 1935, to the time of filing this action, the plaintiff used said roadway openly, notoriously and continuously for the purpose of going to and from his land, the 80 acres lying at the north of defendants' property, for the purpose of cultivating or improving said land.
4. That the use of the roadway aforementioned was not by permission or a license from the defendants or from any of their predecessors in interest of the Hammond ranch.
5. That during the month of March, 1949, the defendants placed barbed wire upon and across the roadway at the gate-opening, leading from defendants' land into plaintiffs' land, and thereby barred the plaintiffs from entering their land.
6. That plaintiffs were thus prevented from entering their property for the period of approximately 30 days, as a result of which their fruit trees upon said land were damaged for lack of care, in the sum of \$30.

From the foregoing facts the court concluded that by the use of the said road openly, notoriously and adversely, for more than five years, commencing in the year 1935, the plaintiffs had acquired an easement by prescription in the described roadway; that said easement was acquired by the plaintiffs prior to the acquisition of the property by the defendants; that the defendants are entitled to maintain gates at the ends of the roadway in question and that the plaintiffs are entitled to the injunctive relief prayed for in the complaint.

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25 Kimball testified that he, on several occasions, went over the land with *25 his uncle and that his uncle always asked Mr. Hammond's permission to cross the Hammond property to go to the land, which is now owned by the plaintiffs; that on one occasion he heard Mr. Hammond tell his uncle that a right of way would have to be on the extreme west line of the property because he didn't want them going through the ranch; that this statement was made in 1924 or 1925. However, Mr. Kimball stated that he did not tell the real estate broker who handled the sale of the property to plaintiffs nor did he inform the plaintiffs that his uncle's use was permissive only and there is no suggestion in the record that plaintiffs or either of them were ever informed of such a claimed permissive use except defendant Young's testimony that in 1945-1946 he gave plaintiffs' tenant, one Charles Lilliegreen, permission to cross the ranch for the purpose of putting in and harvesting a bean crop. This testimony was denied by witness Lilliegreen.

It is also argued by the defendants that the fact that one Roy Lux, who was manager of defendants' property for the prior owner thereof, during some

five years until his death in March, 1944, also had a lease from the plaintiffs from 1937 to 1944, which fact interrupted the adverse user by the plaintiffs. However, the record shows that during all of the period of time when Lux was using a portion of plaintiffs' property, the plaintiff A. Van Amersfoort himself was continuing to openly, continuously and notoriously use the road for the purpose of access to and egress from his property and was actively engaged in the development thereof.

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26 "The preferable view is to treat the case the same as any other, that is, the issue is ordinarily one of fact, giving consideration *26 to all the circumstances and the inferences that may be drawn therefrom. The use may be such that the trier of fact is justified in inferring an adverse claim and user and imputing constructive knowledge thereof to the owner. There seems to be no apparent reason for discussing the matter from the standpoint of presumptions. For the trial court the question is whether the

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- 27 [4] In the instant case the evidence was sufficient to support *27 the inference that the adverse user of the roadway by the plaintiff had ripened into a prescriptive right and had already been established before the defendants acquired the Hammond property in 1945. The record shows that the plaintiffs had no other roadway by which they could reach their property and the evidence is sufficient to support the conclusion of the trial court that plaintiffs' use of the road in question was sufficient to establish a prescriptive title.

Judgment affirmed.

Barnard, P.J., and Griffin, J., concurred.

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J Dichoso

From: Frances Hartsell <cookielover@roadrunner.com>
Sent: Wednesday, June 1, 2022 1:01 PM
To: J Dichoso
Cc: MASHE Team
Subject: EIR Scoping - Project Case Numbers MULTI-004309-2021, SUB-004310-2021, DR-004311-2021, & CDPNF-004312

[NOTICE: Caution: External Email]

As a resident of this area I am concerned about water needs and traffic problems.

Traffic Problems

You are considering constructing new homes in an area where there are several schools. The heavy traffic caused by children attending these schools is a safety concern. Also Melba Road is a narrow street. Cars parked on this street gives very little space for moving vehicles to pass each other. The city has given bicycle riders the right to ride down the middle of the street which is a danger to both drivers and cyclists. The traffic on Witham Road is very heavy before and after school. Also the road bumps installed on Beechtree has caused drivers to avoid this street and use Witham Road.

Water

We are in a drought. As the drought continues rationing will probably go into effect. Has consideration been given to the existing water supply and the needs of the current residents? Where will future water sources come from?

Using other properties to contain storm runoff is not a positive solution. One winter of heavy rain could cause damage to properties. Then would the property owner be expected to pay for damages caused by the runoff? Most likely insurance rates would rise if insurance has to cover severe damage.

Please include these situations in your review and inform the committee of your findings.

Thank you,

Frances Hartsell
241 Witham Rd
Encinitas, CA

J Dichoso

From: Jennifer Hewitson <jhewitson@cox.net>
Sent: Thursday, June 2, 2022 4:24 PM
To: J Dichoso
Subject: EIR Scoping,BiologicalResources,Proj.Case#sMULTI-004309-2021, SUB-004310-2021, DR-004311-2021,& CDPNF-004312 2021. 1220-1240 Melba,1190IslandView
Attachments: PastedGraphic-1.tiff

[NOTICE: Caution: External Email]

Dear Planner Dichoso and EIR
Coordinators,

6-2-2022

RE: Above Project EIR

I request the EIR thoroughly analyze Biological/ Environmental Resources of the Staver/ "Torrey Crest" property,1220-1240 Melba Rd and 1190 Island View Lane.

I have grave concerns over potential loss of quality habitat and the risks of a superficial glance at wildlife that may be taken.

The planned removal of nearly ALL trees on this site threatens wildlife, causes loss of carbon sequestration, creates a potential heat island due to dense housing, roofing and hardscape, and would mean a permanent loss of rare remaining connective corridor/ linkage habitat.

1) I request a No Project determination on this site due to its high value as threatened habitat and wildlife corridor. Purchase by city or outside entity for preservation is highly preferable.

2) OR As a condition of permit: Required preservation of mature boundary trees, surrounding generous easements for open space and wildlife corridors, and a less environmentally damaging project design including low profile smaller buildings, and working around trees where possible..

Important notes:

A) On 2-4-22, there are active nesting Great Horned Owls in one of the large Palm trees. They are heard and evidence is visually observable. There are multiple other raptor species using this land and tree cover to hunt, hide, and nest, and they return annually to do so. Cooper's Hawks, Red Shouldered Hawks and the Great Horned owls in particular are a continual presence due to tall trees and open grassy fields to hunt.

B) Monarch Butterflies are using this property intensely much of the year. Their potential listing as endangered, the loss of habitat and overwintering trees makes them a critical species to consider. This habitat loss adds to cumulative effects as many other locations are bulldozed in the immediate area which threatens their survival.

C) This land serves as a WILDLIFE CORRIDOR used by multiple species to travel through a suburban area. From Oak Crest Park open space, via Boy's and Girls Club land and a narrow Brow Ditch Easement lined by native shrubs and other cover they access the property and on to other open spaces.

D) Endangered California Gnat Catchers are present in nearby Oak Crest Park Open Space as well as Ocean Knoll Canyon. Likelihood of this species utilizing this property is HIGH.

Endangered Pocket Mouse specimen has been observed found dead on site. Species is likely utilizing this rural tree covered supportive open space.

In order to acquire a just and realistic assessment of the wildlife relying on this rich habitat, neighbors have compiled a list of over 75 observed species viewed from surrounding properties.

* E) I attached a few recent photos of resident species observed while walking by the property including a Coyote, Monarch Butterfly, Cooper's Hawk, and a dead suspected Pocket Mouse specimen found at driveway entrance in October 2021. Specimen is frozen and could be genetically tested.

THANK YOU for your time and attention to these important details, and requests.
Sincerely, Jennifer Hewitson, 1145 Wotan Dr. Encinitas, 760-815-4003

As a lifelong resident of this immediate area I am available for any questions about afore mentioned wildlife, specimen, recent history of habitat and experience.

*E) Photos

Coyote 5-16-2022





Monarch 7/18/2021

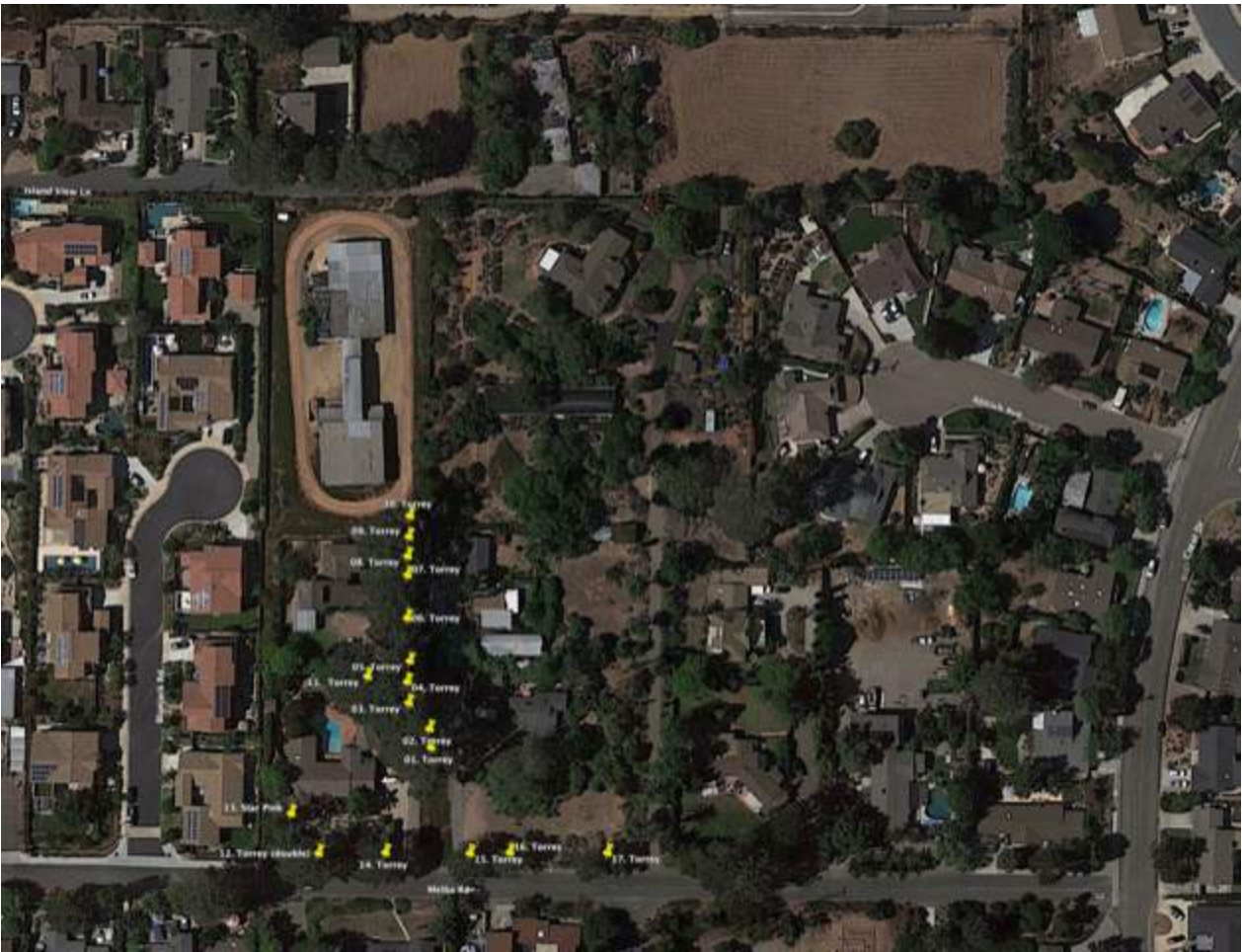




potential Pocket Mouse specimen. 10-24-2021



Overhead map showing trees.



J Dichoso

From: K K <kkassan@gmail.com>
Sent: Friday, June 3, 2022 8:12 AM
To: J Dichoso
Subject: Wonton Drive
Attachments: 20220603_080943.jpg

[NOTICE: Caution: External Email]

Hello Jay - how can I help?

SAVE OUR NEIGHBORHOOD



**30 Homes
Is Too Much!**

Protect Our Children

**Call AND Email Jay Dichoso
to say "NO!"**

760-633-2681

jdichoso@encinitasca.gov

STOP!

SAVE
OUR

NEIGHBORHOOD



CALL!
THE
CITY
AND
SAY
NO!

J Dichoso

From: Lydia Megowan <megowan.lydia@gmail.com>
Sent: Friday, June 3, 2022 4:43 PM
To: J Dichoso
Subject: EIR Scoping - Project Case Numbers MULTI-004309-2021, SUB-004310-2021, DR-004311-2021, & CDPNF-004312 2021

[NOTICE: Caution: External Email]

Mr. Dichoso,

Our purpose in writing you is to help ensure the thoroughness of the city 's EIR. While you are surely aware of all the categories of concern including neighborhood character, aesthetics, wildlife, historical structures and plantings, increased water runoff, and hazardous materials, our passion lies with safety, convenience, traffic congestion, and population.

This housing development, if it moves forward, is located in the middle of 2 preschools, two elementary schools, a middle school and high school. It proposes massive destruction of trees, habitat and open space to replace with 30 homes. Thirty homes could easily represent 120 additional people and at least 60 additional cars entering and exiting this very narrow, high volume corridor. Melba Rd cannot be widened, therefore will remain two lanes. At least twice a day the traffic is so congested with cars, electric bikes, pedal bikes, pedestrians and strollers going to and from schools in the area that getting out to appointments, let alone emergencies is seriously compromised.

Additionally, there is no room for overflow parking on Melba Rd leading to parking on Oceanic Dr, a private street, and Wotan. Oceanic Dr has only one entrance and exit. Exiting from Wotan and Crest onto Santa Fe drive is dangerous, at best.

Thank you for taking into consideration these very real and serious concerns.

Lydia Megowan
Margaret Oberting
1023 Oceanic Dr
Encinitas.

J Dichoso

From: Jennifer Hewitson <jhewitson@cox.net>
Sent: Saturday, June 4, 2022 3:21 PM
To: J Dichoso
Subject: EIR SCOPING,Population&Hsing,Proj.Cs#sMULTI-004309-2021, SUB-004310-2021, DR-004311-2021, & CDPNF-004312 2021

[NOTICE: Caution: External Email]

Dear Planner Dichoso and EIR Coordinators,
2022

June 4,

I request that the EIR include category * POPULATION. & HOUSING for analysis, as this project proposes dramatic impacts and problematic changes to the neighborhood, without benefit to community. It seems important to assess additional population, the impacts, and the cumulative effects of adding many units, mostly market rate, along with other nearby projects in planning stages on Santa Fe Drive, and Lake Drive, with lots more market rate units.

This area is Rural/ suburban with large lots mostly surrounding this site. Low impact development is the historic norm in this area, and preservation of open space goes along with that.

Existing homes on site are 6, 3 of which are considered Low Income.

Existing Zoning is R-3 and allows 20 homes.

Requesting use of Density Bonus Law AB2345 provides 50% bonus allowing up to 30 units, and REQUIRES builder to designate 3 as low income.

Replacement of the 3 existing low income homes being TORN DOWN is also required in order to assure a GAIN in affordable housing, which Density Bonus Law aims to provide.

I would like to see the EIR address the balance of added Market Rate Homes vs. Low income homes and assure a benefit of additional low income units IF the project is allowed to go forward.

I would hope EIR will consider:

OPTION 1), No Project option and KEEP existing historic, low income units and open space.

OPTION 2) Assure a designation of 2-3 ADDITIONAL Low Income units to boost the existing number already in use in this very low density low impact property.

OPTION 3) DENIAL of Density Bonus Designation. R-3 zoning and housing numbers with ADU's would provide MORE low income housing than this project.

Thank you for your consideration of this important issue.

Sincerely, Jennifer Hewitson

1145 Wotan Dr. Encinitas Ca. 92024
760-815-4003

J Dichoso

From: kevin williams <kw49392@gmail.com>
Sent: Saturday, June 4, 2022 1:53 PM
To: J Dichoso
Subject: ERI , PROJECT, TORREY CREST RESIDENTIAL SUBDIVISION ON MELBA RD.

[NOTICE: Caution: External Email]

PUT MY NOTES ON THE TREES WITH MY OTHER EMAILS THANKS KEVIN WILLIAMS

J Dichoso

From: kevin williams <kw49392@gmail.com>
Sent: Saturday, June 4, 2022 1:50 PM
To: J Dichoso
Subject: Re: TREES ON MELBA RD.

[NOTICE: Caution: External Email]

ERI, PROJECT TORREY CREST RESIDENTIAL SUBDIVISION ON MELBA RD.

On Wed, May 25, 2022 at 11:06 AM kevin williams <kw49392@gmail.com> wrote:

HI J I'M WRITING THIS LETTER ABOUT SOME TREES ON MY PROPERTY NEARER MY FENCE LINE ON MY NORTH WEST CORNER BRIAN WANTS TO CUTS THE ROOTS 2FEET OF MY PROPERTY LINE AND THE LAW SAYS 15 FEET, SO WE NEED TO TALK!!! SO HE DOES NOT KILL MY TREES ,THANKS KEVIN WILLIAMS PLEASE KEEP IN TOUCH !!

J Dichoso

From: kevin williams <kw49392@gmail.com>
Sent: Saturday, June 4, 2022 1:45 PM
To: J Dichoso
Subject: ERI , PROJECT ,TORREY CREST RESIDENTIAL SUBDIVISION ON MELBA RD.

[NOTICE: Caution: External Email]

HI JAY I AM WRITING THIS DRAFT FOR THE [ERI] ON MELBA RD. TORREY CREST RESIDENTIAL SUBDIVISION, I HAVE A PROBLEM WITH LOT 27 A TWO STORY HOUSE PLAN 4 THAT IS AN INFRINGEMENT ON MY PROPERTY! THE HOUSE THEY PLAN TO PUT ON LOT 27 LOOKS RIGHT INTO MY HOUSE ! I ASKED BRIAN STAVERS TO CHANGE IT TO A ONE STORY HOUSE FROM DAY 1 WE WALKED AROUND MY PROPERTY AND HE AGREED WITH ME AND HE SAID NO PROBLEM ! ON THE NEW PLANES HE HAS A TWO STORY HOUSE PLAN 4 ON LOT 27 AND ONE STORY HOUSE ON LOT 28 PLAN 2 I WANT HIM TO SWITCH 27 PLAN4 WITH 28 PLAN 2 LIKE HE SAID HE WOULD DO, THEY PLAN TO PUT THREE HOUSES AROUND MY PROPERTY AT LEAST ONE OF THE 3 HOUSES CAN BE A 1 STORY HOUSE SO IT DOES NOT AFFECT MY PRIVACY !!! THANKS FOR YOUR TIME, SINCERELY KEVIN WILLIAMS 1274 MELBA RD. ENCINITAS

J Dichoso

From: Lani Asato <lasato@gmail.com>
Sent: Sunday, June 5, 2022 12:04 PM
To: J Dichoso
Subject: EIR Scoping - Project Case Numbers MULTI-004309-2021, SUB-004310-2021, DR-004311-2021, & CDPNF-004312 2021

[NOTICE: Caution: External Email]

Dear Mr. Dischoso,

I am a neighbor that will be affected by the building of "Torrey Crest" on Melba Rd and I'd like to voice my concerns regarding the environmental, social, and infrastructure effects of this proposed development. In particular my family is concerned with:

Transportation (Traffic) Safety. The existing traffic problem in our community will only be exacerbated by adding more families and more cars. There is a traffic safety concern for children who attend the many schools within a few blocks of the proposed development (e.g. Oak Crest Middle School, Ocean Knoll Elementary School, San Dieguito Academy, Saint John School, Bethlehem Lutheran Preschool).

Wildlife and natural spaces. One of the main reasons we love our neighborhood is because there are some untouched places that offer wildlife important habitat. Save more of the mature trees and replace those that are removed with 36-48" boxed trees. Restore native habitat & provide more open space and native plants to support the existing wildlife. Increased hardscape contributes to global warming.

Aesthetics (views, community character, architecture): Density & architectural style are not in sync with our community. The removal of 172 of the 173 mature trees will forever change the character of our neighborhood.

Hazards & Hazardous Materials. TPC proposes to bury contaminated soil close to the Oak Crest Middle School, which means measures must be taken to protect children ("sensitive receptors") from contaminants during the construction process. Require more thorough testing, including more locations and a more comprehensive list of contaminants. and complete removal of contaminated soil from the site.

Hydrology & Water Quality. Since this property is the highest point in the neighborhood, there is a serious potential for storm runoff onto neighboring properties. There is a need for a very thorough analysis of this proposal.

Population & Housing. The proposed massive destruction of trees, habitat, and open space to accommodate 27 market-rate homes and 3 "very-low-income" homes displaces current renters and results in only a single net gain in "affordable" homes.

Respectfully yours,
Lani Asato
806 Crest Dr.
Encinitas, CA 92024

J Dichoso

From: Jennifer Hewitson <jhewitson@cox.net>
Sent: Sunday, June 5, 2022 3:04 PM
To: J Dichoso
Subject: EIR SCOPING,Hydrology&WaterQuality,#s,MULTI-004309-2021, SUB-004310-2021, DR-004311-2021, & CDPNF-004312 2021

[NOTICE: Caution: External Email]

Re: EIR scoping Torrey Crest Project, Hydrology & Water Quality concerns Stormwater Run- off, Problems and Cumulative Effects

Case #s, MULTI-004309-2021, SUB-004310-2021, DR-004311-2021, & CDPNF-004312 2021

6-5-22

Dear Planner Dichoso and EIR Coordinators,

I would like the EIR to consider the potential problems and cumulative effects of the stormwater runoff that will be generated from a dense housing project in what has been a rural landscape. Aside from the few houses and small greenhouses, it is tree covered, shrub and grassland with fairly good absorption in the thin soils cover across the 6 plus acres, as it carries the reasonable amount of flow towards Melba, Balour and Witham Rd. It is a natural amount of flow following its long time pathways.

I request that the EIR address the following issues:

- 1) Potential diversion of runoff from all the various directional flows, being forced down to Melba, Rd into a SINGLE small bioretention basin, Diverting water from historic flow can be a violation of state law as I understand.
- 2) Use of Drilling and technology untested on residential projects in this part of Southern California, a potentially of great concern.
- 3) Potential soil contaminants that may be carried in this water since after years of agricultural use, dangerous pesticides have been documented in the soils.
- 4) Pollutants running off new impervious road, driveways roofs etc...there is much to be concerned about. On PAPER these calculations for drainage and control may seem to work, but we know real life is not so cooperative.
- 5) Health and Safety on beaches where bluffs continue to erode at faster rates. LIVES are at stake when chunks of bluff drop onto innocent beachgoers, our own dentists' family members were victims just a few years ago.
- 6) Effects of Water seepage from irrigation as well as the loss of sand to buffer surf. Plans for runoff to be sent downward to find rock formations that will carry it away to who knows where is un-natural, and changes everything about how soils and sand move to our beaches. Loss of sand is a major factor in our erosion and beach loss, a dangerous environmental problem.
- 7) Impacts on Ocean Knoll Elementary School to the West, due to proximity, lower elevation and highly prized native plant and animal filled canyon. This canyon is in the midst of a restoration project by the highly respected California Coastal Conservancy, working with the San Diego Botanic Gardens, Cottonwood Creek Conservancy and EUSD children

and families. Runoff sent downward may directly impact this fragile ecosystem, part of the protected watershed, and part of the elementary school's valuable natural space learning resources.

8) Effects on protected watershed, which seeps from Ocean Knoll Canyon and goes to Cottonwood Creek, then makes its way to the Ocean.

Moonlight Beach is the recipient of this runoff, so pollutants already entering that beach from multiple density projects on Encinitas Blvd. can be exacerbated by adding this project.

9) Effects on Bethlehem Pre-school to the West of site which has dealt with major water damage from a poorly planned dense project to its East and its mismanaged run-off flowing down- hill. Young children are sensitive receptors vulnerable to contamination, and moisture caused mold. This project will exacerbate the existing problems for Bethlehem Pre-school and church property, as well as homes and schools west of project site.

I respectfully request that the EIR consider:

- * Including the SWMM analysis requested by the City and the digital input and output files.
- * Including a reliable determination of the actual depth of the water table, and a computation of how much it can be expected to change during heavy rain events.
- * Evaluate the need for Coastal Commission review of drywell plan unproven in this kind of project at top of a hill.
- * Show how precipitation history translates into duration and volume of seepage history into neighboring canyons.
- * Address the need to eliminate stormwater overflow into neighboring properties, with maintenance by the HOA, and continual access to City inspectors.

Thank you for your time and attention to these serious matters, Jennifer Hewitson
Wotan drive, Encinitas 760-815-4003

Article from Oside News

<https://osidenews.com/2021/10/06/san-diego-botanic-garden-approved-for-coastal-conservancy-grant-to-enhance-and-restore-ocean-knoll-canyon/>

J Dichoso

From: Jennifer Hewitson <jhewitson@cox.net>
Sent: Sunday, June 5, 2022 4:05 PM
To: J Dichoso
Subject: EIR SCOPING, Land Use & Planning #s, MULTI-004309-2021, SUB-004310-2021, DR-004311-2021, & CDPNF-004312 2021

[NOTICE: Caution: External Email]

Re: EIR Scoping Torrey Crest Project, LAND USE & PLANNING: Concerns of balance of housing vs. necessary open space and trees.

#s, MULTI-004309-2021, SUB-004310-2021, DR-004311-2021, & CDPNF-004312 2021 Melba Rd and Island view Lane

6-5-22

Dear Planner Dichoso and EIR Coordinators,

I would like the EIR to address the following concerns regarding land use and planning.

Encinitas, particularly in this location is Rural/ Suburban, NOT Urban. R-3 is existing zoning on this site. Density Bonus designation is not appropriate in this rural wildlife rich environment. At top of the hill all runoff is heavier, faster, and more problematic when housing is densified and hardscape increased.

Assess lot sizes and building design and make changes to conserve space and energy and better control run-off

Reduce impacts, through smaller greener home design, larger easements for wildlife habitat and corridors.

Consider lack of water availability and an addition of water storage tank requirements for conservation of water and to mitigate run off.

Consider project cohesiveness with surrounding neighborhood, R-3 zoning, farm, low impact housing and low profile design.

Assess cumulative impacts of dense development on varying landscapes. Decisions to group smaller units of housing together, reduce hardscape, and preserve open space areas can create better outcomes for residents of all economic backgrounds.

PRIORITIZING open space in a city with diminishing habitat could benefit the builder AND community if land use were balanced.

Thank you for your consideration,
Jennifer Hewitson
1145 Wotan Dr, Encinitas
760-815-4003

J Dichoso

From: Jennifer Hewitson <jhewitson@cox.net>
Sent: Sunday, June 5, 2022 4:26 PM
To: J Dichoso
Subject: EIR, Aesthetics/Visual Resources, #s, MULTI-004309-2021, SUB-004310-2021, DR-004311-2021, & CDPNF-004312 2021

[NOTICE: Caution: External Email]

Re: ΕΙΡ Σχοπινγ, Τορρεν Χρεστ , Αεσθητικσ ανδ ρισυναλ Ρεσουρχεσ, Χονχερνσ οφ λοσσ ανδ δαμαγινγ ιμπαχτσ.
Case #s, MULTI-004309-2021, SUB-004310-2021, DR-004311-2021, & CDPNF-004312 2021 Melba Rd. and Island View Lane

6-5-22

Δεαρ Πλαννερ Διχουσο ανδ ΕΙΡ χοορδινατορσ,

The main characteristics of this property and surrounding neighborhoods should be considered in the EIR. The site's value as Rural, Bucolic, Historic, Tree Covered, and largely native shrub, exotic plants and meadows, should be acknowledged, Sparsely populated with 5 homes on 6.5 acres, and abutting one of the LAST REMAINING horse farms in the area, this is a rare type of property. The neighboring homes are mostly low density and are zoned R-3 just as this property is now.

The character of neighborhood will be permanently marred by this project as designed, and will create a precedent that will affect future developments on other special sites.

I request that the EIR consider the following:

- 1) The existing neighborhood's eclectic style, rural historic feel, visual resources like Melba's Tree Tunnel and canopy, green space and wildlife habitats, and need for new project to fit into existing neighborhoods..
- 2) Impacts of removing 172 trees which will forever change this neighborhood and remove the beauty and calm that aids in mental health of all citizens.
- 3) Ιμπαχτσ οφ νεω streetlights in the cul-de-sac and near entryway to Melba Road on wildlife relying on darkness of sky. Use of low ground focussed light posts would minimize disturbance to habitat and natural light in rural and natural setting.
- 4) Require smaller and more variety in floor plans (courtyard and "master down" configurations)
Increase amount of open space and landscaping, and reduce hardscape.
- 5) Removal of balconies and overly large homes looming over neighboring yards.
- 6) Addition as a condition of permit requirement of larger specimen replacement trees for any removed trees with 1.1 replacement.

Thank you for consideration of these important issues.

Sincerely, Jennifer Hewitson

1145 Wotan Dr. Encinitas 760-815-4003

J Dichoso

From: Jennifer Hewitson <jhewitson@cox.net>
Sent: Sunday, June 5, 2022 11:39 AM
To: J Dichoso
Subject: EIR,Cultural/HistoricResourceCase,MULTI-004309-2021, SUB-004310-2021, DR-004311-2021, & CDPNF-004312 2021, Melba&Island View Ln.

[NOTICE: Caution: External Email]

Re: EIR scoping, Torrey Crest Project, Cultural & Historic Resources, Concerns, Potential loss,& Need for Preservation.
Case #s, MULTI-004309-2021, SUB-004310-2021, DR-004311-2021, & CDPNF-004312 2021 Melba Rd. and Island View Lane

6-5-22

Dear Planner Dichoso and EIR Coordinators,

I request the EIR include thorough Historic/Cultural Research of this property and the following historic homes built in 1938 or earlier.

Addresses, 1220,1230, 1230B and 1240B Melba Rd.

An in depth study should consider the most important historic decades of significant change on the site, from mid 1800s -1900's and include the critical period of 1920s and 30's.

EIR should look into WHO built and lived in the homes at both 1220 and 1230 and used the smaller buildings 1230B and 1240B.

The EIR should include the truly important measures of what makes this property pertinent and pivotal to our city's history. The land and afore mentioned buildings have stories to tell about important figures who helped form the roots of Encinitas.

Anton van Amersfoort was an owner of this land. An incredibly innovative grower, he played a major role in changing how and what could be grown here through the use of new irrigation techniques. He was a huge land owner, a powerful leader, director of the Encinitas Water District, AND the owner for 20 years of much of The Quail Botanic Gardens site. He was also instrumental in the development of the Avocado industry, one of our most important crops and a financial and cultural boon for the region! He likely planted many of the oldest Cypress trees on and around the Melba property, worthy of preservation.

IT MATTERS

* I request that this property and historic homes be EVALUATED and considered for preservation on site, as it seems to meet criteria 1,2 and 4 below to be worthy of the effort.

To be eligible for the CRHR a resource must:

1. be associated with events that have made a significant contribution to the broad patterns of history;
2. be associated with the lives of significant persons of the past;
3. embody distinctive characteristics of type, period, or method of construction or represent the work of a master, or possess high artistic value, or represent a significant and distinguishable entity those components may lack individual

distinction; or

4. yielded or may likely yield information important in history or prehistory

* I request that the EIR include

Assessment and Cultural Landscape Report that documents the history, significance and treatment of the cultural landscape. The history and integrity of the landscape is an important part of Encinitas history of agriculture, early dry farming and addition of irrigation for flourishing avocado industry.

This is a rural remnant of our agricultural growth and success in the region and an important location connecting us to the past, present, and future, providing rare opportunity to save our history through cultural landscape preservation.

* i request that the EIR consider:

A NO Project OPTION.

1) City can: Preserve the site and historic homes for Low income Housing, Designate eligible for listing in National Register of Historic Places, and preserve the open space and ancient historic trees as wildlife habitat.

OPTION 2) A condition of permit, that the developer preserve and build around the ancient trees and historic homes, and allow these homes to fulfill his affordable unit requirements.

Thank you for your consideration,

Sincerely, Jennifer Hewitson

Wotan Dr. Encinitas, 760-815-4003





J Dichoso

From: Jennifer Hewitson <jhewitson@cox.net>
Sent: Sunday, June 5, 2022 11:33 AM
To: J Dichoso
Subject: EIR Scoping, Agriculture & Forest Res. Case#s MULTI-004309-2021, SUB-004310-2021, DR-004311-2021, & CDPNF-004312 2021,

[NOTICE: Caution: External Email]

RE. EIR, Torrey Crest Project, Agriculture & Forest Resources. Concerns, Trees and Historic Agriculture loss.
Case #s MULTI-004309-2021, SUB-004310-2021, DR-004311-2021, & CDPNF-004312 2021, Melba Rd and Island View Lane

6-5-22

Dear Planner Dichoso and EIR coordinators,

This property contains valuable forestry resources and important agricultural history. It is covered in both exotic and native trees and shrubs, planted by prominent figures through many decades since the early 1900s, and has been in agriculture/ horticultural use of some kind since that era. The ancient Cypress trees on and around this property were planted back in the 20's likely by then owner Anton Van Amersfoort who planted many Cypress on his other properties including on Quail Gardens Rd. Both Crest and Wotan Dr. were once lined with Monterrey Cypress and Pines. These few remaining on and around this property may be the oldest historic trees left in Encinitas.

This is a forest in a growing sea of suburban development where EVERY fragment of open space is critical to both wildlife and human health. This is a wildlife corridor with tree cover, grassy meadow, native shrubs to provide safe travel from Oak Crest Park to Melba Rd. and on to other open space behind Crest Drive and to Ocean Knoll Canyon. With quality food sources, tall trees and native bush, it remains a supportive habitat with perch, hunt, nest and hide options for multiple species.

The 173 trees plus small trees and shrubs sequester carbon, provide shade and restful green space to support mental health.

The Torrey Crest project, as proposed, will destroy ALL of these valuable resources and displace countless species.

*1) I request the EIR consider a "No Project" decision on this property and designate it eligible for registry as a historic agricultural landscape.

*2) Alternatively, I request a Condition for permit require that the project be re-designed to preserve a substantial wildlife Corridor via large easements with preservation of the mature and historic trees, as well as the homes and entire historic agricultural landscape.

* I request that the EIR consider:

The history and integrity of the landscape as an important part of Encinitas history of agriculture, early dry farming and addition of irrigation for the flourishing avocado industry.

This is a RARE example of a local agricultural site with in tact historical buildings, and land that has sustained horticultural and agricultural use continually, by various important residents. Amazingly, it

still harbors historic trees planted by the founders of our most successful and innovative agricultural businesses!

Thank you for your consideration,
Sincerely, Jennifer Hewitson,
1145 Wotan Dr. Encinitas, 760-815-4003

J Dichoso

From: Steve Schuette <sschuette2@gmail.com>
Sent: Sunday, June 5, 2022 9:28 PM
To: J Dichoso
Subject: Torrey Crest project - EIR Scoping

[NOTICE: Caution: External Email]

RE: Case Numbers: MULTI-004309-2021, SUB-004310-2021, DR-004311-2021, & CDPNF-004312-2021

Dear Mr. Dichoso,

I am a concerned resident who lives within a few hundred yards from the above referenced proposed development.

I would like to express my concerns that the upcoming EIR carefully address the aesthetics and high density of this development and address it's conflict with the surrounding neighborhood. I believe this project will be out of tune with our neighborhood and stick out like a sore thumb. The unimaginative architecture and high density will forever degrade our community's character. And the removal of all but one mature tree will really change the semi-rural feel of our neighborhood.

Traffic impacts is another concern of mine. The existing traffic problem will only be intensified by this development. There are five schools within a matter of blocks and the pedestrian safety of our children needs to be addressed along with all the bicycles.

These issues along with water runoff and contaminated soil need to be thoroughly evaluated and tested as part of this EIR and then properly mitigated.

I thank you for taking the time to consider my concerns.

Regards,

Steve Schuette
760 942-1195
sschuette2@gmail.com

J Dichoso

From: JOHN SCHUSTER <jreas@pacbell.net>
Sent: Sunday, June 5, 2022 8:44 PM
To: J Dichoso
Subject: EIR Scoping - Project Case Numbers MULTI-004309-2021, SUB-004310-2021, DR-004311-2021, & CDPNF-004312-2021

[NOTICE: Caution: External Email]

Dear Mr. Dichoso:

I have been a resident at 1072 Crest Dr., a few houses south of Melba Rd., for over 48 years, originally choosing this place because of it's semi-rural atmosphere, it's nearness to schools, churches, shopping opportunities, and Interstate 5. My children and grandchildren attended Encinitas public schools from elementary through high school. My wife Eleanor and I have been active members of this community and believe it is an excellent place to live and thrive. I and my neighbors are very concerned about the negative impacts of the "Torrey Crest" 30 home project currently proposed for development adjacent to Melba Rd.

1. **Aesthetics:** The density and architectural style are not in sync with the surrounding neighborhood. The removal of 172 of the 173 mature trees will forever change the character of our neighborhood. Torrey Pines and other trees within the street, slope and access easements should be protected from removal by the City of Encinitas, which inherited the easements from San Diego County when Encinitas incorporated.
2. **Biological Resources:** This area is an important wildlife corridor and these animals rely on the tree canopy and habitat. Much more of the mature trees within the boundaries of the proposed development should be retained, and those that must be removed should be replaced with 36" to 48" boxed trees. Native habitat should be restored while providing open space and native plants to support the existing wildlife.
3. **Cultural Resources:** This property is one of the few remaining local agricultural sites with several intact historical buildings. Some of the trees were originally planted by Anton Van Amersfoort, an important figure in Encinitas history.
4. **Hazards and Hazardous Materials:** The project plan proposed for the development intends to bury contaminated soil close to the Oak Crest Middle School. This means measures must be taken during construction to protect children from contaminants as well as ensure that the buried contaminated soil doesn't cause contamination of surrounding areas due to subsurface water penetration and migration. Instead, there should be a very comprehensive set of testing locations within the boundaries of the development, and a thorough, comprehensive list compiled of the contaminants, and rather than site burial, the contaminated soil should be removed from the project site.
5. **Hydrology and Water Quality:** Since the property is the highest point in the neighborhood, there is a serious potential for storm water runoff onto neighboring properties, including Oak Crest Middle School, and eventually flowing into Cottonwood Creek. The dry-well solution proposed for the project is not thoroughly tested, and it is unclear where water runoff will eventually end up. The high-density design proposed for the development has such a large portion of hardscape spread out within the boundaries that grading and storm water management is a major challenge and must be thoroughly modeled. The potential for lawsuits over this issue should not be ignored.
6. **Population and Housing:** The proposed project causes a massive destruction of trees, habitat, and open space to accommodate 27 market-rate homes and only three "very-low-income" homes while it displaces current renters from the property resulting in a net gain of only a single "affordable" home. Additionally, how will the City of Encinitas ensure that the three "affordable" homes go to those for whom they are intended? Recent news reports of "affordable" homes being sold to professional investors and property developers rather than to those who actually qualify for affordable housing based on income, raises concern.
7. **Transportation (Traffic) Safety and Access:** The existing traffic problem in our community will be exacerbated by adding more families and more cars. Getting in and out of the development through the single location on Melba Rd. will have a severe impact on traffic during the peak hours before and after school. The traffic safety concern centers mainly on children who attend the many schools within a few blocks of the proposed development. These schools include Oak

Crest Middle School, Ocean Knoll Elementary School, San Dieguito Academy, Saint John School, and Bethlehem Lutheran Preschool.

John R. Schuster

J Dichoso

From: Diane Stoecker <dianestoecker@yahoo.com>
Sent: Sunday, June 5, 2022 6:55 PM
To: J Dichoso
Subject: Proposed housing project

[NOTICE: Caution: External Email]

Dear Mr. Dichoso,

I am writing as a resident of Encinitas with regard to the proposed housing project in the vicinity of Oak Crest Middle School.

I have concerns which include noise, increased traffic, water quality, and cultural and tribal cultural resources. I have also been made aware of the cutting down of Torrey Pines trees. No.

I am concerned about the overall effect this project holds on our environment.

Sincerely,
Diane Stoecker
Five Crowns Way
Encinitas, CA 92024

J Dichoso

From: Jaime Bradburn <bradburnjaime@hotmail.com>
Sent: Monday, June 6, 2022 10:32 AM
To: J Dichoso; lelandben@sbcglobal.net
Subject: Torrey Crest EIR: Project Case Number MULTI-004309-2021, SUB-00431-2021, DR-004311-2021 & CDPNF-004312-2021

[NOTICE: Caution: External Email]

Hi Jay!

We are writing to inform you of our concerns with the above referenced project and what we would like to be addressed in the EIR for this development.

We live at the below address which is a bordering property of the proposed Torrey Crest project...
1218 Ahlrich Ave
Encinitas, CA 92024

Hazards and Hazardous Materials

First and foremost we are VERY concerned with the culdesac street proposed to be right up next to our property line and on top of the roots of our historical cypress tree. There is a possibility someone could drive their car right through our fence and into outdoor living space. We have children and animals who frequent our backyard. There are no other backyard fence property lines on the edge of a culdesac anywhere in our neighborhood. And likely not anywhere in Encinitas. Furthermore the location of the culdesac on top of our cypress tree roots could damage, or worse kill our historical tree. We are not ok with this tree being removed or damaged at all. Our cypress in the north west corner of our property has a trunk diameter over 19". The City of Encinitas Urban Forest Management Program states the tree protection zone (TPZ) should be 15' from both sides of the trunk. Which would not allow for this culdesac to be here.

Hazards and Hazardous Materials

The project proposes to bury contaminated soil. Our home is a bordering property. We have children (who are considered "sensitive receptors"). We have animals, gardens and outdoor living space. We are very concerned about the contaminated soil and dust during construction. There needs to be more thorough testing at more locations and a more comprehensive list of contaminants.

Hydrology & Water Quality

The Torrey Crest property is the highest point in the neighborhood and there is a very serious potential for storm water runoff on to ours and other neighbors' properties. The dry well solution is not tested and it is not clear where the water will eventually end up. We think there needs to be a very thorough analysis of this proposal and the need for California Coastal Commission review. This could damage our gardens, orchards and our home foundations.

Biological Resources

We would like to see more of the mature trees saved and replace those that have to be removed with 36-48" boxed trees. Perhaps the plan could provide more open space and native plants to support the existing wildlife.

Thank you for your consideration and time to review all of our concerns!

Sincerely,
Ben and Jaime Leland
619-733-6368

J Dichoso

From: Trudi Crockett <trudi@resortimpressions.com>
Sent: Monday, June 6, 2022 4:37 PM
To: J Dichoso
Subject: EIR Scoping - Project Case Numbers MULTI-004309-2021, SUB-004310-2021, DR-004311-2021, & CDPNF-004312 2021.

[NOTICE: Caution: External Email]

Dear Mr. Dichoso,

Please reduce the number of homes allowed on the historic Staver property!

30 houses is way too many for this location on Melba and will be way too crowded!

Also, it is a tragedy to lose so many trees on this historic piece of land.

We wish the ambience could be saved by only permitting a small number of new homes to be built.

The owner could still make the same profit with less , more expensive homes than cramming in close together so many dwellings that will cause so many problems.

Best Regards,
Trudy Crockett
1309 Ahlrich Ave.
Encinitas, CA 92024

Trudi Crockett
Owner/Artist
Resort Impressions
PO Box 126
Del Mar, CA 92014
Phone: (760) 942-1876 or (800) 944-2278
Fax:(760) 942-2631
www.resortimpressions.com

J Dichoso

From: cdrewelow1@aol.com
Sent: Monday, June 6, 2022 12:21 PM
To: J Dichoso
Subject: EIR Scoping - Project Case Numbers MULTI-004309-2021, SUB-004310-2021, DR-004311-2021, & CDPNF-004312-2021

[NOTICE: Caution: External Email]

EIR Scoping - Project Case Numbers MULTI-004309-2021, SUB-004310-2021, DR-004311-2021, & CDPNF-004312-2021

Mr J Dichoso, Project Manager in the City Planning Division

Mr Dichoso, I have been a resident of Ahlrich Ave for the past 21+ years and my property borders the proposed TPC Torrey Crest development on the Staver property.

As the city of Encinitas recently issued a notice of preparation of a Draft EIR for this development, I am writing to ensure that the city do a thorough EIR, helping preserve the rural feeling of our neighborhood, and protecting the existing wildlife corridor and nesting grounds.

Some of my main concerns are:

Since this property is the highest point in the neighborhood, there is a serious potential for storm runoff on to neighboring properties. The dry-well solution is not tested, and it is unclear where the water will eventually end up. There is a need for a very thorough analysis of this proposal. This is a serious concern for our property who sits on a slope down from the proposed development. I am seriously concerned that my property will be subject to flooding.

The density and architectural style proposed are not in sync with our community. The removal of the 172 out of 173 mature trees and proposed massive destruction of trees, habitat and open space to accommodate 30 homes is heartbreaking and will forever change the character of our neighborhood.

This important wildlife corridor should be protected. There is an abundance of birds, coyotes, bobcats, raccoons, skunks, squirrels, bunnies, hawks, owls, butterflies, reptiles and insects who live and pass through.

Save more of the mature trees and replace the ones that are removed with 48" boxed trees. Restore native habitat and provide more open space and native plants to support the existing wildlife.

The property has cultural value as is one of the few remaining local agricultural sites with several intact historical buildings. Shouldn't this be taken in consideration?

In regards to the hazardous materials that the TCP proposes to bury close to the Middle School, there should be more through testing in more locations and with a more comprehensive list of contaminants, with complete removal of contaminated soil from the site.

With so many schools within a few blocks of the proposed development (eg Oak Crest middle school, Ocean Knoll Elementary school, Saint John School, San Dieguito Academy, Bethlehem Lutheran Preschool, The Rhoades Preschool, Kids by the Sea Preschool, Santa Fe Christian Preschool) there is already an existing traffic problem in our community and a traffic safety concern for children who attend those many schools, which will only be exacerbated by adding more families and more cars.

Finally, I am very concerned about the construction of so many 2 story houses facing ours with the possibility of future ADUs added on to those properties.

Thank you and I hope that you take in consideration all that is listed above.

Sincerely,
Cristina Drewelow

J Dichoso

From: Mark Drewelow <Mark@c2conline.net>
Sent: Monday, June 6, 2022 12:26 PM
To: J Dichoso
Cc: cdrewelow1@aol.com (cdrewelow1@aol.com)
Subject: EIR Scoping - Project Case Numbers MULTI-004309-2021, SUB-004310-2021, DR-004311-2021, & CDPNF-004312-2021

[NOTICE: Caution: External Email]

EIR Scoping - Project Case Numbers MULTI-004309-2021, SUB-004310-2021, DR-004311-2021, & CDPNF-004312-2021

Mr J Dichoso, Project Manager in the City Planning Division

Mr Dichoso, I have been a resident of Ahlrich Ave for the past 21+ years and my property borders the proposed TPC Torrey Crest development on the Staver property.

As the city of Encinitas recently issued a notice of preparation of a Draft EIR for this development, I am writing to ensure that the city do a thorough EIR, helping preserve the rural feeling of our neighborhood, and protecting the existing wildlife corridor and nesting grounds.

Some of my main concerns are:

- Since this property is the highest point in the neighborhood, there is a serious potential for storm runoff on to neighboring properties. The dry-well solution is not tested, and it is unclear where the water will eventually end up. There is a need for a very thorough analysis of this proposal. This is a serious concern for our property who sits on a slope down from the proposed development. I am seriously concerned that my property will be subject to flooding.
- The density and architectural style proposed are not in sync with our community.
- The removal of the 172 out of 173 mature trees and proposed massive destruction of trees, habitat and open space to accommodate 30 homes is heartbreaking and will forever change the character of our neighborhood.
- This important wildlife corridor should be protected. There is an abundance of birds, coyotes, bobcats, raccoons, skunks, squirrels, bunnies, hawks, owls, butterflies, reptiles and insects who live and pass through.
- Save more of the mature trees and replace the ones that are removed with 48" boxed trees. Restore native habitat and provide more open space and native plants to support the existing wildlife.
- The property has cultural value as is one of the few remaining local agricultural sites with several intact historical buildings. Shouldn't this be taken in consideration?
- In regards to the hazardous materials that the TCP proposes to bury close to the Middle School, there should be more thorough testing in more locations and with a more comprehensive list of contaminants, with complete removal of contaminated soil from the site.
- With so many schools within a few blocks of the proposed development (eg Oak Crest middle school, Ocean Knoll Elementary school, Saint John School, San Dieguito Academy, Bethlehem Lutheran Preschool, The Rhoades Preschool, Kids by the Sea Preschool, Santa Fe

Christian Preschool) there is already an existing traffic problem in our community and a traffic safety concern for children who attend those many schools, which will only be exacerbated by adding more families and more cars.

Finally, I am very concerned about the construction of so many 2 story houses facing ours with the possibility of future ADUs added on to those properties.

Thank you and I hope that you take in consideration all that is listed above.

Captain Mark Drewelow

+1-619-972-8695 (GMT -8)

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J Dichoso

From: Edith H. Fine <efine@fineonline.com>
Sent: Monday, June 6, 2022 12:54 PM
To: J Dichoso
Subject: Input on proposed Melba development

[NOTICE: Caution: External Email]

June 6, 2022

J. Dichoso, AICP Project Manager, Encinitas Planning Division

Dear J. Dichoso,

In my fifty years as a resident of Encinitas, I've seen many changes.

I am deeply concerned about the negative impacts the proposed development on Melba will have on our community. I appreciate the chance to share my thoughts.

On page 2 of the proposal, 15 areas of "Potentially Significant Impact" or a "Less Than Significant With Mitigation Incorporated." **FIFTEEN!!**

Further, I find this statement: "The proposed project MAY have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT is required.**" (Has this been done? If so, by whom? What are the findings?)

My areas of focus:

1. WATER California is in a drought. I'm already frugal with water. Think of the amount of water required for these new homes—toilets/bathing/cooking/watering landscaping, etc. for multiple residents in each home.

2. TRAFFIC As a former teacher, I'm worried about the impact of multiple cars per new residence not only on parking, but on Melba for Ocean Knoll families where traffic already wraps around to Balour during school hour, as well as for parishioners at St. Andrews and Bethlehem Lutheran (where I once taught preschool) particularly during school and commuting times.

3. TREES Please witness the old growth trees that line Melba, particularly the beautiful, mature Torrey Pines. It's a fact that trees are vital to the environment, especially in mitigating the effects of global warming. These will all be cut down? Bad decision.

Like proposed development on Rancho Santa Fe Road, this Melba proposal really pushes beyond common sense and what's best for our city.

Thank you for reconsidering the proposal, especially the impacts I've highlighted.

Best,

Edith H. Fine (2115 Bottlebrush Place, 92024; efine@fineonline.com; edithfine.com)

J Dichoso

From: Lori Forsythe <lforsythe@me.com>
Sent: Monday, June 6, 2022 11:21 AM
To: J Dichoso
Subject: EIR Scoping - Project Case Numbers MULTI-004309-2021, SUB-004310-2021, DR-004311-2021, & CDPNF-004312 2021.

[NOTICE: Caution: External Email]

Key Concerns

The proposed project plans on removing many mature trees. The site includes 173 trees over 4" in diameter plus smaller trees and shrubs.

The EIR should analyze the impact of clearing all of the mature trees and native plants in regards to wildlife.

We personally share 2 fence lines that are along the east and north side of the Torrey Crest development. We have observed many raptor species that use the mature trees over the 29 years we've lived here.

The EIR should analyze the impact on these raptors after the removal of these mature trees.

The EIR should analyze the potential creation of Heat Islands after bulldozing all trees and plants and replacing with buildings and pavement.

We would like the EIR to analyze this project and how the City of Encinitas could obtain their goals of carbon sequestration by leaving the property "as is" and planting more trees to have it be open space for the community to enjoy.

This property would be a good purchase by the City of Encinitas for the Boys and Girls club along with Oak Crest middle School to have open space.

The EIR should make sure ALL of the property is tested for contaminated soil. Some of the property is outside of the existing fence line and that property should also be tested for contamination.

We would like the EIR to analyze the homes proposed and how they impact the existing neighbors. The developer has said they wanted it to be a good experience for the homes being built but has not addressed the existing neighbors in relationship to the homes built.

For example:

Homes too close to existing neighbors.

Balconies that are directly on neighbors property.

Street lights that illuminate existing neighbors yards.

Culdesac too close to existing neighbors backyard.

Boundary trees that will be at risk from homes too close.

The heat these homes will create for existing neighbors with hardscape and wind blocks by being so close together.

Runoff into homes below grade.

Thank you,
Sincerely,
Bill and Lori Forsythe
1208 Ahlrich Ave Encinitas, CA 92024

J Dichoso

From: Jerry Franck <jerryfranck@gmail.com>
Sent: Monday, June 6, 2022 1:45 PM
To: J Dichoso
Cc: Courtney Marsh; Kerry
Subject: EIR Scoping - Project Case Numbers MULTI-004309-2021, SUB-004310-2021, DR-004311-2021, & CDPNF-004312-2021

[NOTICE: Caution: External Email]

To: J Dichoso, Project Manager in the City Planning Division
Subject: EIR Scoping - Project Case Numbers MULTI-004309-2021, SUB-004310-2021, DR-004311-2021, & CDPNF-004312-2021

As the residents of 1250 Melba Road, we would like to submit the following points of concern in regards to the proposed Torrey Crest development project:

1) Trees

*Our border trees to the Staver property (x11, x12, x13) are between 3-6 ft from our fence line which renders their roots into a critical proximity to the development project. According to the Encinitas Urban Forest Management Program, the minimum trenching distance to trees with trunk diameters greater than 19" shall be 15ft. The developer however proposes to sever our roots 2ft from their fence line which would effectively kill our trees. From any standpoint this is unacceptable and needs to be addressed.

*Additionally, the heritage tree approval for our Cypress tree on Melba Rd has been delayed by the planning commission, which concerns us because this tree's historical value to the city of Encinitas needs to be taken into account by the developer. Its proximity to the Staver lot puts it in danger of being damaged during excavation of the proposed project.

2) Privacy & View Impact

*Proposed Lots 30 and 29 are large two-story houses that infringe on our privacy. Our entire backyard's focal point would be heavily impacted by these houses because of their proximity to our fence line and their height. Both houses would also have patios on their second floors that would look straight down into our backyard and master bedroom located on the west side of our house. *See attached photos for reference.*

*Additionally, Lot 30 would obstruct our only ocean view.

3) Storm Runoff

As the plans currently stand, there is a serious potential for storm runoff on to neighboring properties and especially ours. The dry-well solution is not tested, and it is unclear where the water will eventually end up. There is a need for a very thorough analysis of this proposal.

4) Wildlife Impact

This development project would heavily impact the wildlife corridor that exist at this location and kill the habitat for dozens of species. The Biological Assessment Report from Torrey Crest states the following falsehoods:

*page 11 / 5.2. Wildlife: "A total of 2 wildlife species were identified onsite...Western Fence Lizard", "House Finch"

*page 13 / 5.3.3.1 Sensitive Wildlife Observed: "No sensitive wildlife was observed onsite", "No historic raptors nest were observed within the trees onsite."

Anyone that spends even just two minutes at the location will find these assessments to be categorically false. There is an abundance of wildlife and members of this neighborhood have been documenting it for months. *Attached is a map with pictures of their findings.*

Please confirm receipt and entry of this email into the public records.

Thank you,
Jerry Franck, Courtney Marsh & the Marsh family





Black-throated Grey Warbler

Biological Assessment Report
July 22, 2021

Pg. 11
5.2. Wildlife

"A total of 2 wildlife species were identified onsite...Reptile species Western Fence

"Bird Species observed House Finch"

Bushtit



Kestrel
Hawk

House Finch

Hermit Thrush

Ravens



J Dichoso

From: Jennifer Hewitson <jhewitson@cox.net>
Sent: Monday, June 6, 2022 11:19 AM
To: J Dichoso
Subject: EIR Scoping, Traffic & Safety, #s, MULTI-004309-2021, SUB-004310-2021, DR-004311-2021, & CDPNF-004312 2021

[NOTICE: Caution: External Email]

Re: EIR Scoping Torrey Crest Project Traffic & Safety concerns and cumulative impacts
#s, MULTI-004309-2021, SUB-004310-2021, DR-004311-2021, & CDPNF-004312 2021

6-6-22

Dear Planner Dichoso and EIR Coordinators,

As a lifelong resident and parent of 2 kids who walked to school here, I am highly aware of the impacts of changes in density, and increased dangers on Melba Rd. and surrounding streets.

I would like the EIR to consider the following traffic and safety issues potentially exacerbated by the above project, and provide the requested actions.

Analysis of Potential dangers having a single point entrance and exit on a cul-de-sac for 30 homes which will increase cross traffic on Melba Rd. A second entrance requirement should be considered.

Analysis of fire and emergency vehicle access, and threats to safety with only the single narrow entrance and exit with undersized turnaround at top of cul de sac.

Analysis of the impacts to traffic and mitigation measures for lessening a potential increase in traffic levels on Melba and surrounding streets.

Analysis of the safety risk to walking and bike-riding children from traffic going in and out of Torrey Crest, particularly during construction. This on a street leading to 5 schools in the immediate area.

Analysis of the cumulative impacts of the numerous recent, current, and planned developments on Santa Fe Drive, Lake Drive, and Encinitas Blvd. which will impact traffic load in the entire neighborhood.

Traffic-calming alternatives and NO widening of the road or straightening the sidewalks, which would mean destruction of mature Torrey Pines and other trees in the right-of-way. CALMING solutions are needed to decrease speeds of motorists, and reduce safety hazards to children on Melba Rd, and on Wotan Dr which will bare the burden of added car trips from the new project.

Thank you for your attention to these important issues.

Jennifer Hewitson.
Wotan Dr, Encinitas
760-815-4003

J Dichoso

From: Jennifer Hewitson <jhewitson@cox.net>
Sent: Monday, June 6, 2022 11:12 AM
To: J Dichoso
Subject: EIR Scoping,Dust/Health& Safety,Case#s MULTI-004309-2021, SUB-004310-2021, DR-004311-2021, & CDPNF-004312 2021,

[NOTICE: Caution: External Email]

Re: EIR scoping, Torrey Crest Project, Dust and Health and Safety of Children, sensitive receptors to contaminants.
Case #s MULTI-004309-2021, SUB-004310-2021, DR-004311-2021, & CDPNF-004312 2021,

6-6-22

Dear Planner Dichoso and EIR Coordinators,

I request that the EIR consider the following concerns regarding dust and health and safety of surrounding citizens.

Due to location of this project site directly next to a middle school and also near a pre school, both full of children who are sensitive receptors to contaminants, the careful handling of dust management and close monitoring to assure safety is needed.

The EIR should:

Assure monitoring by outside entity on the extensive grading activities and necessary monitoring of dust management, which cannot be handled solely by builders.

Assure analysis of the soils on site which are known to contain contaminants, on all parts of property where greenhouses existed or still exist, and near sheds and storage areas where chemicals may have been stored, before any grading is allowed.

Provide analysis of how potential dust created will affect the middle school as well as children and families living near the project site. Coastal winds will want to spread dust to surrounding homes, so any remaining contaminated soils will be highly hazardous to health and safety of all residents nearby.

Thank you for your consideration of these important issues.

Sincerely, Jennifer Hewitson

1145 Wotan Drive Encinitas, 760-815-4003

J Dichoso

From: Jennifer Hewitson <jhewitson@cox.net>
Sent: Monday, June 6, 2022 11:08 AM
To: J Dichoso
Subject: EIR Scoping, Environmental Justice, Hazards & Hazardous Materials#s, MULTI-004309-2021, SUB-004310-2021, DR-004311-2021, & CDPNF-004312 2021

[NOTICE: Caution: External Email]

Re: EIR Scoping, Torrey Crest Project, Environmental Justice, Hazards & Hazardous Materials and children, sensitive receptors to toxins.

CASE #s, MULTI-004309-2021, SUB-004310-2021, DR-004311-2021, & CDPNF-004312 2021

6-6-22

Dear Planner Dichoso and EIR Coordinators,

I request that the EIR address the following concerns regarding environmental justice, and hazards and hazardous materials.

Analyze the plans for removal and burial of known hazardous chemicals found in the soils, and the appropriate amount of testing around the entire property, especially where greenhouses and storage sheds have been and where they are still present..

Assess the appropriateness and planned location of any burial of hazardous materials near a middle school filled with children who are sensitive receptors, as well as the proposed burial location in respect to Low Income housing units proposed on the site.

Consider the impacts from the removal of trees and green space reduction on carbon sequestration and access to open space for lower income homes in a high density project.

This is a reduction of known physical and mental health benefits for those new and lower income residents where open space is destroyed, as well as for existing neighbors who have had the past benefits of such a green space. Removal of such assets from an existing neighborhood are a negative impacts on residents, and citizens who enjoy walking Melba Rd. along the green open space corridor.

Thank you for your consideration to these important factors.

Sincerely, Jennifer Hewitson
1145 Wotan Dr. Encinitas.
760-815-4003

J Dichoso

From: Susan Sherwin <suzie.sherwin@me.com>
Sent: Monday, June 6, 2022 5:28 PM
To: J Dichoso
Subject: EIR Scoping- Project Case Numbers MULTI-004309-2021, SUB-004310-2021, DR-004311-2021, & CDPNF-004312-2021

[NOTICE: Caution: External Email]

Dear Mr. Dichoso,

Thank you for your time and attention as being the Project Manager in City Planning.

I appreciate having a voice via the Notice of Participation in regards to EIR for the Staver property. As a long time resident of Encinitas (1/2 century!), married in backyard of 1030 Oceanic Drive home in 1975, raised 2 children who attended local schools, taught at Bethlehem Pre-School, award-winning teacher at Ocean Knoll Elementary, and citizen who's witnessed many changes in our community, I have some concerns to be considered to hopefully help you ensure the thoroughness of the EIR.

Listed in priority of concern:

1.) Hazards/Hazardous Materials

*Property has been farmed/greenhouses/homes from 1930's-1990's with use of dangerous/toxic pesticides/lead paint for at least 60+ years!

*Being adjacent/uphill to Oak Crest Middle School and near many other schools/homes and at highest elevation in the neighborhood, thorough testing of soils for all contaminants is imperative *Best practices for safe removal of all toxic soils would insure environmental justice of the debt that's been incurred from use of hazardous materials

*Environmental debt of soil contamination is responsibility of Staver Family

2.) Hydrology/Water Quality

Water runoff is a unique challenge for any building (north, south, east, west) downhill of the highest elevation which is the Staver Property. Every neighbor on Oceanic Drive (25 homes) have been effected by water damage, seepage, and mold. Our son could never dig deeper than 3'-4' in "his backyard" before he hit "concrete", which is really an impervious, most dense classification of sandstone. Until we put in sub-foundation drains surrounding entire house, if a rain soaked down to that layer of sandstone with water from higher elevations moving downhill, it was pressurized to flow/seep into our sub terrainian family room several times. Mold has been a challenge in rooms elevated above ground by framing/flooring. After any rain, water can be observed flowing west from cracks and drains the whole north/south length of Oceanic Drive for several weeks.

*April 10, 2020, when Encinitas received 5+ inches of rain in 24 hours, our successful drainage system capturing and flowing into permaculture orchards/garden beds was completely overwhelmed by the volume of water flow. Never witnessed before channels of flowing water crossed our property, running westward, undermining a 3' rock wall and flowing under a fence and flooded/pooled in neighbors downhill backyard. Videos I took of the rain water run off from Staver property and flowing downhill/westward onto Melba, largely bypassed the city storm drain north/west of Oceanic Drive. (I have many videos documenting water flow that day if needed.) *Water drainage systems need to be thoroughly studied and implemented for best practices given the unique geology of this area *Water drainage of property as a whole, as well as between proposed houses, needs to be planned with thorough knowledge of geology and hydrology *Covering majority of 6+ acres with impenetrable surfaces, will only add another environmental debt to this neighborhood if not thoroughly and scientifically mapped out and planned for *Given downhill-water flow,

disturbed-hazardous soils of unknown variety and exact locations may be carried to many schools, homes, canyons, lagoons and the ocean.

That additional environmental debt would not be a prudent debt to incur.

*Testing of hazardous soils in conjunction with water flow must be responsibly done.

3.) Transportation/Traffic

During the 1980's and 1990's, we felt our children were safe walking to our 3 local schools, even though Melba didn't have a sidewalk for some of that time. The street was not used as a high-volume traffic conduit from El Camino Real as it is today.

Excessive speed of cars going west and east is a safety concern to pedestrians, bicycles, and other cars pulling onto Melba.

Three schools, Oak Crest Middle, Ocean Knoll Elementary and San Dieguito Academy have a combined enrollment of 3,600 students all getting to school within a 30 minute period.

*An accurate accounting of all vehicles and their speed (e-bikes included) is necessary to get a true picture of safety concerns (during school year, before and after school).

*Traffic calming measures (chicanes, gradual-curb to curb- speed bumps at top and bottom of Melba, solar powered digital speed sign reflecting vehicle speed) in alignment with other rural-feeling neighborhood streets would help with safety.

*Include traffic calming strategies which incorporate protecting existing Torrey/oak trees and maintain the current width of Melba to preserve rural-neighborhood character.

4.) Biological Resources

The 6+ acres of the Staver Property, is a huge refuge for wildlife. We live on 1/3 acre, less than 500 feet on from the proposed development. In the last month, a coyote killed a possum in our backyard, numerous rabbits and skunks roam the yard and neighborhood. We witness a plethora of migrating birds in our water fountains, 4 hummingbird hatchings this last month, red-shouldered hawks being chased by crows, owls, and many more. Blue bellied and fence lizards, rosy boa snakes and numerous butterflies can be seen on our patch of paradise. Once in awhile, you can hear coyotes howling together at night.

*Research what can be done to lessen the impact of losing a habitat of 6+ acres of wildlife *Retain the site to be an extension of Oak Crest Park and a learning/nature center for local schools and community *Keep all Torrey Pines and California Live Oak on Melba, as they help define our neighborhood character *Require any removed trees to be replanted with natives in 48" boxed sizes *Incorporate native trees and shrubs to be used in visual buffer planting on Melba and in development. (Tree of Life Nursery in San Juan Capistrano excellent resource on plants, planting for water conservation, California Coastal Sage.) *Require chicanes be planted with native plants

5.)Population and Housing

*Require environment debt of doubling housing density by adding low income housing is done fairly. There have been 3 rentals on the property for decades. If the state and city have the goal to increase housing density, especially low income, it would seem adding 3 more to existing 3 would equitably maximize the trade of doubling houses.

Your time, attention and considerations are greatly appreciated!

Sincerely,

Suzie Sherwin

1030 Oceanic Drive

Encinitas CA 92024

(760)809-1771

Suzie.sherwin@mac.com

Sent from my iPad

J Dichoso

From: Pamela Waldman <pamelawaldman@att.net>
Sent: Monday, June 6, 2022 8:13 AM
To: J Dichoso; Crystal Najera; Deana Gay; Council Members
Subject: EIR

[NOTICE: Caution: External Email]

To J. and the City of Encinitas:

New housing developments should represent improvements to the City and its citizens, NOT degradation, based on "favors" to the builder. The intent of City policy is to require those who profit from development to bear the cost. Granting incentives transfers the financial burden to future taxpayers and/or homeowners.

Please consider these requests:

1. **DECLINE** the TPC request for an "undergrounding exemption" along the strip of Island View Lane, which is owned by TCP. The 15-foot wide strip along Island View Lane, which is used to compute gross acreage, is an integral part of the TPC property that is proposed for development and should be subject to the same undergrounding regulations as the rest of the property.
2. **REQUIRE** that all utilities in the development as well as on the easement on the southern side of Island View Lane be UNDERGROUNDED.
3. **REQUIRE** that the developer provides an UNDERGROUND STORM DRAIN CONVEYANCE on the IVL easement.
4. Please make certain that the environmental impact report happens and covers all of the checked boxes:

PROBABLE ENVIRONMENTAL EFFECTS: The environmental factors checked below would be potentially affected by this project and involve at least one impact that is a "Potentially Significant Impact" or a "Less Than Significant With Mitigation Incorporated".

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> <u>Aesthetics</u> | <input checked="" type="checkbox"/> <u>Agriculture and Forest Resources</u> | <input checked="" type="checkbox"/> <u>Air Quality</u> |
| <input checked="" type="checkbox"/> <u>Biological Resources</u> | <input checked="" type="checkbox"/> <u>Cultural Resources</u> | <input type="checkbox"/> <u>Energy</u> |
| <input checked="" type="checkbox"/> <u>Geology & Soils</u> | <input checked="" type="checkbox"/> <u>Greenhouse Gas Emissions</u> | <input checked="" type="checkbox"/> <u>Hazards & Haz. Materials</u> |
| <input checked="" type="checkbox"/> <u>Hydrology & Water Quality</u> | <input checked="" type="checkbox"/> <u>Land Use & Planning</u> | <input type="checkbox"/> <u>Mineral Resources</u> |
| <input checked="" type="checkbox"/> <u>Noise</u> | <input type="checkbox"/> <u>Population & Housing</u> | <input checked="" type="checkbox"/> <u>Public Services</u> |
| <input type="checkbox"/> <u>Recreation</u> | <input checked="" type="checkbox"/> <u>Transportation</u> | <input checked="" type="checkbox"/> <u>Utilities & Service Systems</u> |
| <input type="checkbox"/> <u>Wildfire</u> | <input checked="" type="checkbox"/> <u>Tribal Cultural Resources</u> | <input type="checkbox"/> <u>Mandatory Findings of Significance</u> |

DETERMINATION: (To be completed by the Lead Agency)

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☒ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

Thank you,
Pamela and Cye Waldman

J Dichoso

From: Rich Wargo <wargorich@gmail.com>
Sent: Sunday, June 5, 2022 4:21 PM
To: J Dichoso
Subject: Comment: Torrey Crest / Draft EIR NOP
Attachments: Torrey Crest NOP commentRW.docx

[NOTICE: Caution: External Email]

J -

Please find attached my comments to the NOP of the Draft EIR for the Torrey Crest Subdivision.

Kind Regards -
Rich Wargo
1002 Wotan Drive

To: State, Responsible and Trustee Agencies

From: Richard Wargo
1002 Wotan Drive
Encinitas, CA 92024

RE: Response to NOP of a Draft EIR re: Torrey Crest Residential Subdivision

I am a 26-year resident of 1002 Wotan Drive, directly across Melba road from the proposed subdivision. As such I have a long baseline (quarter century) of knowledge and observations pertaining to the development site and surrounding neighborhood. These are my comments on the topics indicated in the EIR NOP. I would be happy to offer further information as desired.

Aesthetics / Community Character –

The EIR needs to address impact of removal of mature Torrey pines within and adjacent to the project – especially those along Melba road. These trees are a key element of the community character not only for aesthetic and quality of life values for residents and the wider community but for the myriad ecosystem services they provide which include but are not limited to: soil and water retention, benefits of tree canopy, carbon cycling and sequestration, and habitat and resources for raptors diurnal and nocturnal. All aspects of those services should be researched and quantified in the EIR.

It is inescapable that removal of the trees would cause an immediate and irreversible negative impact on the immediate and surrounding community. I live adjacent to the property and have and continue to observe numerous generations of Cooper's hawks roosting as well as Harris and Red Tailed hawks utilizing the trees and property for perching and foraging. Additionally varieties of owls also utilize these trees and as residents they frequently make their presence known via their nighttime communications.

The EIR should consider adverse effects of destruction of habitat and overall removal of tree and plant life and loss of open space on community character.

The EIR should also consider light pollution generated by the development and whether the density and architectural style of the project is consistent or approximates that of the surrounding neighborhood.

Biology –

The EIR should consider the impact of destruction of habitat and overall removal of tree and plant life and open space on the following:

- the wide variety of organisms utilizing the habitat, including but not limited to native plants, resident butterfly and pollinator populations, and of course mammals, birds and reptiles.
- endangered and threatened flora and fauna in the surrounding area including Encinitas Baccharis, gnatcatchers, legless lizards and pacific pocket mice
- the effect of replacing natural habitat with hardscape and buildings on heat cycling, carbon capture and sequestration, and soil and water retention and the downstream effects of those on biological resources.

Geology and Soils –

The EIR should determine and quantify whether the geology can handle the runoff that will be generated by the massive conversion of a large absorptive surface area into mostly impermeable hardscape. The area already has seasonal springs where water does not infiltrate during even moderate rain events, and residents are well aware of impermeable soils on their own property that undoubtedly extends all around and within the project site.

Hydrology and Water Quality –

All water runs downhill. The EIR needs to address where and how the now concentrated runoff from the project will ultimately end up – and what those downstream effects will be. In a nearby canyon? In Cottonwood Creek drainage? On Moonlight Beach? Batiquitos lagoon? Or will it disrupt and affect nearby properties via injection of large amounts of runoff into the aquifer? There seems to be a great number of unknown effects here.

Noise –

The EIR needs to address:

- construction noise on the surrounding community both via direct and indirect means (delivery traffic).
- proximity noise from new homes abutting existing properties

Tribal and Cultural Resources –

Indigenous communities have resided in the region long before contact. The EIR should involve Indigenous communities in assessing cultural impacts on the site.

Greenhouse Gases –

It is obvious that conversion from vegetated open space to a large number of GHG producing homes will have an impact on the balance of GHG emission/sequestration. The EIR should quantify this change and analyze the project's conformance with the City of Encinitas Climate Action plan and goals of increasing tree canopies.

Traffic –

The EIR should address the effect of increased ADT on Wotan drive, which will provide the fastest, least impacted route to freeway access via the main arterial route at Santa Fe Drive.

The EIR should also address how to balance the mitigation of impacts from increased ADT on Melba road with the preservation of trees and community character on Melba road.

Air Quality –

The EIR should address impacts to air quality during demolition, construction and during removal of contaminants and impact of vegetation removal on air quality.

Energy –

With GHG reduction a paramount concern, the EIR should address lifecycle impact of the completed project on GHG budget.

Hazardous Materials –

It is well known that much if not all the site was used in commercial agriculture, and that the site is immediately adjacent to sensitive receptors at a Middle School and Boys and Girls club. EIR should consider all potential substances that have been historically used in agriculture for the region, including ornamentals such as Carnations and insure proper assay for existence of those chemicals on the site, and determine proper removal or treatment strategies to mitigate the effects of hazardous materials.

EIR Scoping Concern: Wildlife Displacement

June 7, 2022

J. Dichoso, AICP, Project Manager
City of Encinitas Planning Division
505 S. Vulcan Avenue
Encinitas, California 92024

Project: Torrey Crest Residential Subdivision
Project Case Numbers: MULTI-004309-2021, SUB-004310-2021, DR-004311-2021, & CDPNF-004312- 2021

In response to the City's Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR), dated May 3, 2022, my husband and I would like to add our personal input regarding the scope and content of the EIR to all the concerns raised by the community. This communication focuses on the displacement of wildlife that will result from loss of habitat.

My husband and I have lived at 1150 Island View Lane since 1997, in close proximity to 1190 Island View Lane, which is now part of the Staver's property and their proposed development. [Note: "1170" and "1180" Island View were reserved for future development on lots that are now part of this project. Technically speaking, the easement on the south side of Island View Lane runs with the 1190 Island View property, and therefore, all homes on Island View Lane should be considered adjacent to the proposed development.]

Urban forest. The area proposed for development currently provides a large open area with many mature trees in the midst of a sprawling urban landscape.



Aerial View of Property from Melba Road

Drone footage taken in the summer of 2021 shows the skyline of this landscape and the prominent oasis of large trees that support a plentitude of wildlife species facing a dwindling habitat from urban development:

<https://academiccoachingandwriting.sharefile.com/share/view/s289b90e27aa8410b8e84fa42fd13489c>

We request that the EIR carefully evaluate the impact of losing this island of mature trees that provides critical habitat to a diverse wildlife.

Diversity of wildlife. In the last several months we have observed the following bird species nest and successfully raise their young in our backyard at 1150 Island View Lane:

- Western Blue Bird
- Mourning Dove
- House Finch
- Allen's Hummingbird
- Northern Mockingbird
- Hooded Oriole
- House Wren



Allen's Hummingbird Nesting at 1150 Island View Lane

EIR Scoping Concern: Wildlife Displacement

My neighbors on the eastern boundary of the property and my husband and I put together this list of birds that are resident or frequent visitors in our backyards.

BIRDS (Alphabetical Order)			
Year-Round Birds			Migratory Birds
Western Blue Birds	Allen's Hummingbird	Starling	<u>Rufous</u> Hummingbirds
Bushtit	Anna's Hummingbird	Cliff Swallow	Hooded Orioles
American Crow	Western Scrub Jay	Violet-green Swallow	Cedar Waxwings
Eurasian Collared Dove	Dark-eyed Junco	California Towhee	
Mourning Dove	American Kestrel	Spotted Towhee	
Great Egret	Cassin's Kingbird	Hermit Thrush	
House Finch	Ruby-crowned Kinglet	Wren Tit	
Red-shafted Flicker	Western Meadowlark	Black-throated Gray Warbler	
Pacific Flycatcher	Northern Mockingbird	Hermit Warbler	
American Goldfinch	Barn Owl	Orange-crowned Warbler	
Lawrence's Goldfinch	Great Horned Owl	Townsend's Warbler	
Lesser Goldfinch	Black Phoebe	<u>Yellow-rumped</u> Warbler	
Black-headed Grosbeak	Say's Phoebe	Acorn Woodpecker	
Cooper's Hawk	Common Raven	<u>Nuttall's</u> Woodpecker	
Red-shouldered Hawk	Greater Roadrunner (infrequent)	<u>Bewick's</u> Wren	
Red-Tailed Hawk	English or House Sparrow	House Wren	
Sharp-shinned Hawk	Song Sparrow		
Great Blue Heron	White-crowned Sparrow		

Upon request we can provide a list of mammals, reptiles, and insects (including monarch butterflies, honey bees, and native bees) that are frequent visitors in our backyards.

We request that the EIR thoroughly survey the diversity of wildlife and evaluate the impact of developing this habitat on existing wildlife.



Great Horned Owl Resting after Night of Hunting at 1150 Island View Lane

Nesting raptors. There are many raptors nesting in our neighborhood. Although our backyard does not afford the large trees and open space that the raptors need, we have frequent visits from the American Kestrel, Cooper's Hawk, Red-shouldered Hawk, Red-tailed Hawk, and Great Horned Owl. We observe them soaring above us, mating in the spring time, carrying nesting materials onto the Staver property and the trees on its perimeter, and hunting for food to feed their young.

We request that the EIR rigorously study the impact of the loss of this important nesting area and the displacement of these raptors with the proposed development on this property.



Male Kestrel Hunting at 1150 Island View Lane



Monarch Butterfly Emerging from Chrysalis at 1150 Island View Lane

Critical habitat for conservation of species of concern. The U.S. Fish and Wildlife Service (USFWS) provides a database, which can be used to generate a list of species that may be present in a specific area.

Among the many species listed in the generated report for this area, residents have frequently observed the Allen's hummingbird, Lawrence goldfinch, Nuttalls' Woodpecker, and Wrentit, to name a few.

We request that the EIR carefully consider all potential species listed by the USFWS as a conservation concern and conduct surveys for likely candidates such as the Coastal California Gnatcatcher and Monarch Butterfly.



Wrentit at 1150 Island View Lane



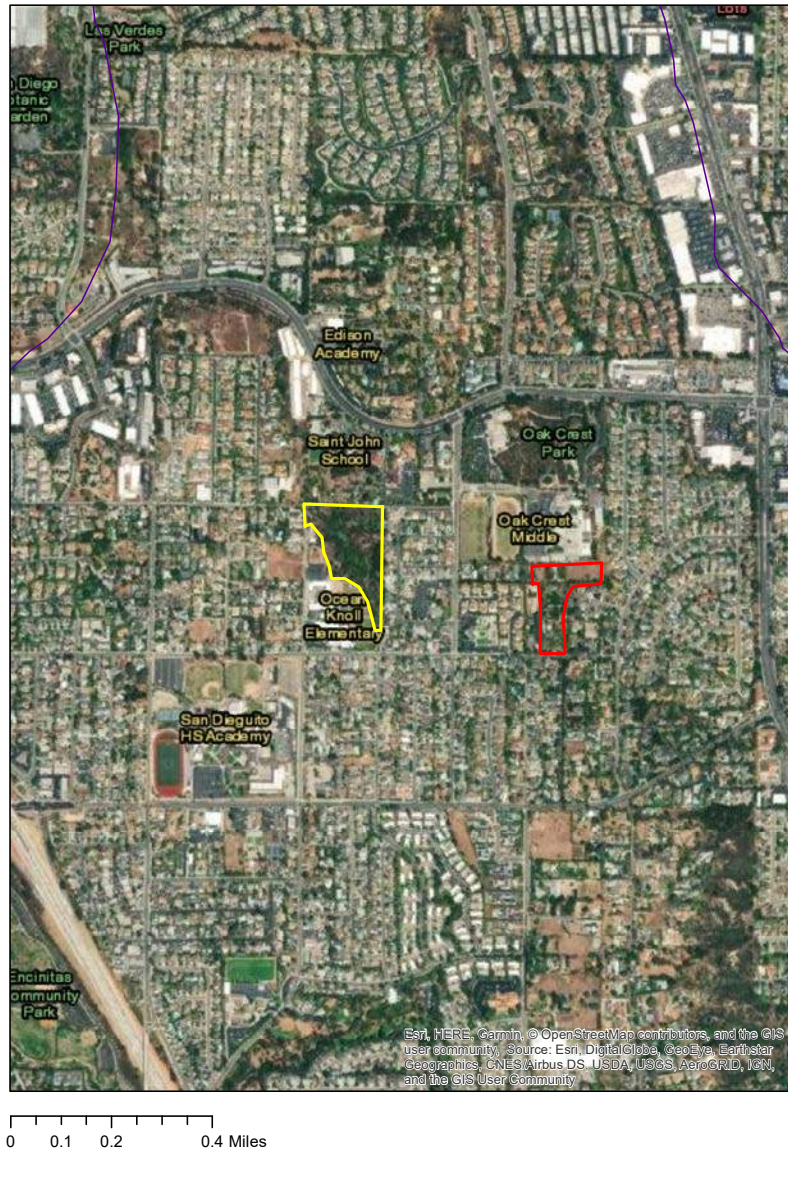
Native Bee at 1208 Ahlrich Avenue

Endemic plants and animals. Torrey Pines are an endangered tree, growing only two places in California, including coastal northern San Diego County. There are five Torrey Pines, ten native Coast Live Oaks—one of which is 60 feet tall with a canopy of 46-60 feet—and four California Sycamores—two of which are over 60 feet tall—along with a number of endemic plant and animal species in this area.

We request that the EIR carefully survey all endemic species and consider ways of preserving them.

Wildlife corridor. Currently there is a patchwork of open space in this area that includes the proposed development site, Oak Crest Park, and the Ocean Knoll Canyon. Recently, the California State Coastal Conservancy approved a grant to San Diego Botanic Garden to enhance and restore more than half of Ocean Knoll Canyon, an important section of the Cottonwood Creek Watershed. The canyon is a multi-benefit ecosystem, serving as a refuge for native plants and animals – some of which are endangered.

Ocean Knoll Canyon Vicinity



We request that the Project area (outlined in red) be thoroughly evaluated in light of the role it serves in connecting critical habitats within the surrounding areas.

EIR Scoping Concern: Wildlife Displacement

We look forward to seeing how these concerns have been addressed in the Draft EIR when it becomes available.

Respectfully,

Sally and Glenn Jensen

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