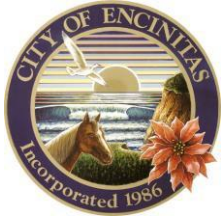


D-2

**Assembly Bill 52
Consultation**

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City of Encinitas

Development Services Department

505 South Vulcan Avenue, Encinitas, California 92024-3633

December 16, 2021

VIA ELECTRONIC MAIL AND U.S. MAIL

Ms. Cami Mojado
Cultural Resources Manager
San Luis Rey Band of Mission Indians
1889 Sunset Drive
Vista, CA 92081

**SUBJECT: AB 52 Notification for the Melba Residential Subdivision Project
City Case No. MULTI-4309-2021 / SUB-4310-2021 / CDPNF-4312-2021 / DR-4313-2021 /
CPP-4313-2021**

Dear Ms. Mojado,

Pursuant to Public Resources Code Section 21080.3.1, this letter serves as formal notification of the above-referenced development application for tribal consultation purposes. The project is a Density Bonus Tentative Map, Design Review Permit, and Coastal Development Permit (MULTI-004309-2021, SUB-00-4310-2021, DR-004311-2021, CDPNF-004312-2021 respectively) for a 6.646-gross acre property (289,499.76 gross square feet) for the demolition of all onsite structures, and construction of 30 detached single-family residences with 27 market-rate units and three very-low affordable units, a private road, utility, drainage, and stormwater improvements.

The project site includes the following addresses and assessor parcel numbers (APNs):

	Address	APN
1.	Balour Drive	259-181-02
2.	1180 Balour Drive	259-181-04
3.	1190 Island View Lane	259-181-03
4.	1220 Melba Road	259-180-16
5.	1230 Melba Road	259-180-33
6.	1234 Melba Road	259-180-09
7.	1240 Melba Road	259-180-10



0 180 360 Feet

Project Location
Melba Road Residential Subdivision
Figure 1

The project applicant has retained the services of Cogstone Resource Management, Inc. to conduct a Phase I Archaeological Survey for the project. The survey report completed by Cogstone Resource Management indicated that no significant cultural resources were observed on the project site. The consulting archaeologist recommended archaeological monitoring during construction activity.

Additionally, the following documents are available for your review and reference. Because of document size constraints, please contact me obtain a direct and secure download link from a shared drive for the documents.

1. Project Location Map
2. Grading Plan (Pasco Laret Suiter & Associates)
3. Geotechnical Study (GEOCON Incorporated)
4. Phase I Archaeological Study (Cogstone Resource Management, Inc)

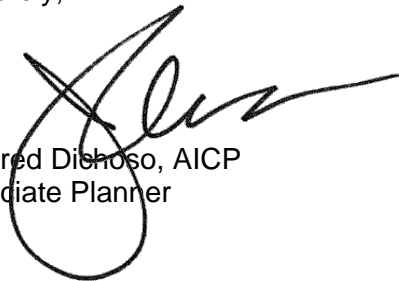
If you wish to request consultation for this project, please contact me within 30 days. My contact information is found below:

J. Alfred Dichoso, AICP
Associate Planner
Encinitas Development Services Department
505 South Vulcan Avenue
Encinitas, CA 92024
Phone: 760-633-2681
Email: jdichoso@encinitasca.gov

Please contact me if you need any additional information.

Sincerely,

J. Alfred Dichoso, AICP
Associate Planner

A handwritten signature in black ink, appearing to read 'J. Alfred Dichoso', with a large, stylized loop at the end.

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From: [J Dichoso](#)
To: [Carmen Mojado](#)
Cc: [Christina Willis](#); [Nick Koutoufidis](#); [Andrew Maynard](#)
Subject: AB52 Follow-up - Melba Density Bonus
Date: Monday, March 7, 2022 10:58:13 AM

Hi Carmen – I am following up on your questions for us that we left unanswered during our recent meeting. Primarily, I am looking for the engineering-focused questions so we can provide answers to your satisfaction.

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

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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.

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From: Cheryl Madrigal <CMadrigal@rincon-nsn.gov>
Sent: Wednesday, January 25, 2023 11:45 AM
To: J Dichoso <JDichoso@encinitasca.gov>
Cc: Deneen Pelton <DPelton@rincon-nsn.gov>; Nick Koutoufidis <nkoutoufidis@encinitasca.gov>; Christina Willis <Christina@brginc.net>
Subject: RE: Torrey Crest/Melba Road Subdivision MULTI-004309-2021

No problem at all. Great, thank you so much. Let me review and get back to you.

Cheryl

Cheryl Madrigal

Cultural Resources Manager

Tribal Historic Preservation Officer

Cultural Resources Department

Rincon Band of Luiseño Indians

1 West Tribal Road | Valley Center, CA 92082

Office: (760) 749 1092 ext. 323 | Cell: 760-648-3000

Fax: 760-749-8901

Email: cmadrigal@rincon-nsn.gov



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From: J Dichoso <JDichoso@encinitasca.gov>
Sent: Wednesday, January 25, 2023 10:47 AM
To: Cheryl Madrigal <CMadrigal@rincon-nsn.gov>
Cc: Deneen Pelton <DPelton@rincon-nsn.gov>; Nick Koutoufidis <nkoutoufidis@encinitasca.gov>; Christina Willis <Christina@brginc.net>
Subject: RE: Torrey Crest/Melba Road Subdivision MULTI-004309-2021

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello Cheryl – I'm sorry for the late reply. Please see the link below which includes all documents previously shared with you including the Arborist Report as discussed at our meeting last week.

 [22-11-21 AB52 Consultation - Torrey Crest-Melba Road Subdivision - MULTI-004309-2021](#)

Thank you. Let me know if you have any questions.



J. ALFRED DICHOSO, AICP

760.633.2681

jdichoso@encinitasca.gov

Development Services Department

www.encinitasca.org

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[Please tell us how we are doing.](#)

From: Cheryl Madrigal <CMadrigal@rincon-nsn.gov>
Sent: Wednesday, December 21, 2022 6:13 PM
To: J Dichoso <JDichoso@encinitasca.gov>
Cc: Deneen Pelton <DPelton@rincon-nsn.gov>; Nick Koutoufidis <nkoutoufidis@encinitasca.gov>
Subject: RE: Torrey Crest/Melba Road Subdivision MULTI-004309-2021

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Got it. Thanks

From: J Dichoso <JDichoso@encinitasca.gov>
Sent: Wednesday, December 21, 2022 6:10 PM
To: Cheryl Madrigal <CMadrigal@rincon-nsn.gov>
Cc: Deneen Pelton <DPelton@rincon-nsn.gov>; Nick Koutoufidis <nkoutoufidis@encinitasca.gov>
Subject: RE: Torrey Crest/Melba Road Subdivision MULTI-004309-2021

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Hello Cheryl – I just sent the appointment.

Thank you.



J. ALFRED DICHOSO, AICP

760.633.2681

jdichoso@encinitasca.gov

Development Services Department

www.encinitasca.org

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[Please tell us how we are doing.](#)

From: Cheryl Madrigal <CMadrigal@rincon-nsn.gov>
Sent: Wednesday, December 21, 2022 5:55 PM
To: J Dichoso <JDichoso@encinitasca.gov>
Cc: Deneen Pelton <DPelton@rincon-nsn.gov>; Nick Koutoufidis <nkoutoufidis@encinitasca.gov>
Subject: RE: Torrey Crest/Melba Road Subdivision MULTI-004309-2021

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Yes, feel free to invite the CEQA consultant. Thanks for asking!

Cheryl

Cheryl Madrigal

Cultural Resources Manager
Tribal Historic Preservation Officer
Cultural Resources Department

Rincon Band of Luiseño Indians

1 West Tribal Road | Valley Center, CA 92082
Office: (760) 749 1092 ext. 323 | Cell: 760-648-3000
Fax: 760-749-8901
Email: cmadrigal@rincon-nsn.gov



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From: J Dichoso <JDichoso@encinitasca.gov>
Sent: Wednesday, December 21, 2022 5:37 PM
To: Cheryl Madrigal <CMadrigal@rincon-nsn.gov>
Cc: Deneen Pelton <DPelton@rincon-nsn.gov>; Nick Koutoufidis <nkoutoufidis@encinitasca.gov>
Subject: RE: Torrey Crest/Melba Road Subdivision MULTI-004309-2021

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Hi Cheryl – Sorry for the late response. Is it acceptable for us to invite our CEQA consultant? With her, it would be myself, Nick Koutoufidis (staff CEQA coordinator, included in this email); a total of three. If no, that's acceptable, it'd be just myself and Nick.
Thank you.



J. ALFRED DICHOSO, AICP

760.633.2681

jdichoso@encinitasca.gov

Development Services Department

www.encinitasca.org

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Please tell us how we are doing.

From: Cheryl Madrigal <CMadrigal@rincon-nsn.gov>
Sent: Monday, December 19, 2022 6:53 AM
To: J Dichoso <JDichoso@encinitasca.gov>
Cc: Deneen Pelton <DPelton@rincon-nsn.gov>; Nick Koutoufidis <nkoutoufidis@encinitasca.gov>
!

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J. Alfred,

Thank you so much for your response. Online meeting is fine and most likely, I will be the only one attending the meeting.

Thanks,

Cheryl

Cheryl Madrigal

Cultural Resources Manager

Tribal Historic Preservation Officer

Cultural Resources Department

Rincon Band of Luiseño Indians

1 West Tribal Road | Valley Center, CA 92082

Office: (760) 749 1092 ext. 323 | Cell: 760-648-3000

Fax: 760-749-8901

Email: cmadrigal@rincon-nsn.gov



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From: J Dichoso <JDichoso@encinitasca.gov>

Sent: Thursday, December 15, 2022 3:38 PM

To: Cheryl Madrigal <CMadrigal@rincon-nsn.gov>

Cc: Deneen Pelton <DPelton@rincon-nsn.gov>; Nick Koutoufidis <nkoutoufidis@encinitasca.gov>

Subject: RE: Torrey Crest/Melba Road Subdivision MULTI-004309-2021

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Hello Cheryl –

My apologies for the late reply. Thank you for responding and we recognize your request to consult.

My next email will be an appointment to meet after January 9, 2023.

I have a two questions -

1. Is it your preference to meet in person or online in a virtual meeting?
2. To whom would you like me to send the meeting invitation?

Thank you.



J. ALFRED DICHOSO, AICP

760.633.2681

jdichoso@encinitasca.gov

Development Services Department

www.encinitasca.org

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[Please tell us how we are doing.](#)

From: Cheryl Madrigal <CMadrigal@rincon-nsn.gov>

Sent: Monday, December 12, 2022 12:25 PM

To: J Dichoso <JDichoso@encinitasca.gov>

Cc: Deneen Pelton <DPelton@rincon-nsn.gov>

Subject: Torrey Crest/Melba Road Subdivision MULTI-004309-2021

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Dear Alfred,

This email is written on behalf of the Rincon Band of Luiseño Indians (“Rincon Band” or “Tribe”), a federally recognized Indian Tribe and sovereign government. We have received your notification regarding the above-mentioned project and we request consultation to assess potential impacts to cultural resources. The identified location is within the Traditional Use Area (TUA) of the Luiseño people. As such, the Rincon Band is traditionally and culturally affiliated to the project area.

After review of the provided documents and our internal information, the Rincon Band has specific concerns that the project may impact tangible Tribal Cultural Resources (TCRs), Traditional Cultural Landscapes (TCLs), and potential Traditional Cultural Properties (TCPs). Embedded in these resources and within the TUA are Rincon’s history, culture, and continuing traditional identity.

Thank you for providing the Tribe with copies of existing documents pertaining to the project such as the cultural survey including the archaeological site records, archaeological record search results, geotechnical report, and the grading plans. The Rincon Band would like to consult on the project in order to learn more about any potential impacts to cultural resources. Please provide meeting dates for the week of January 9, 2023 or later.

If you have additional questions or concerns, please do not hesitate to contact our office at your convenience at (760) 749 1092 ext. 323 or via electronic mail at cmadrigal@rincon-nsn.gov. Thank you for the opportunity to protect and preserve our cultural assets.

Cheryl

Cheryl Madrigal

Cultural Resources Manager

Tribal Historic Preservation Officer

Cultural Resources Department

Rincon Band of Luiseño Indians

1 West Tribal Road | Valley Center, CA 92082

Office: (760) 749 1092 ext. 323 | Cell: 760-648-3000

Fax: 760-749-8901

Email: cmadrigal@rincon-nsn.gov



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Rincon Band of Luiseño Indians

CULTURAL RESOURCES DEPARTMENT

One Government Center Lane | Valley Center | CA 92082
(760) 749-1092 | Fax: (760) 749-8901 | rincon-nsn.gov



March 16, 2023

Sent via email: jdichoso@encinitasca.gov

City of Encinitas
Development Services Department
J. Alfred Dichoso
505 South Vulcan Avenue
Encinitas, CA 92024

Re: Conclusion of Consultation on the Melba Road & Island View Lane Residential Project

Dear Mr. Dichoso,

This letter is written on behalf of the Rincon Band of Luiseño Indians (“Rincon Band” or “Tribe”), a federally recognized Indian tribe and sovereign government. Thank you for providing the Rincon Band with the project description and associated reports for the above referenced project.

Rincon’s Tribal Historic Preservation Office has reviewed the provided documents. We believe potential exists that archaeological resources will be unearthed during ground-disturbing activities associated with the proposed project. The Rincon Band recommends archaeological and tribal monitoring for all ground disturbing activities, a monitoring report, and protocols for discovery of cultural material and human remains. Additionally, we believe that tribal cultural resources such as native trees and shrubs utilized in traditional practices will be impacted by this project. We recommend working closely with the San Pasqual Band of Mission Indians to further consult on opportunities for a cultural resources monitoring program including an avoidance and habitat restoration plan for the project. We understand that other Tribes potentially have knowledge particular to this project site and may request additional measures. Please note that the Rincon Band supports all efforts to completely avoid cultural resources as preferred mitigation.

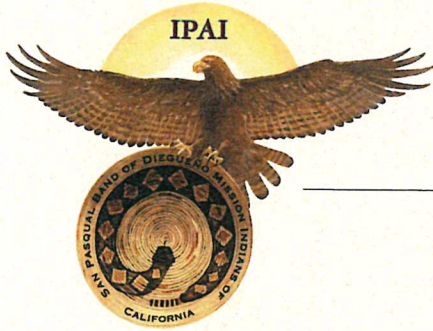
The Tribe has no further comments regarding this project, and we can conclude consultation at this time. If you have additional questions or concerns, please do not hesitate to contact our office at your convenience at (760) 749 1092 or via electronic mail at cmadrigal@rincon-nsn.gov. Thank you for the opportunity to protect and preserve our cultural assets.

Sincerely,



Cheryl Madrigal
Tribal Historic Preservation Officer
Cultural Resources Manager

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SAN PASQUAL BAND OF MISSION INDIANS

SAN PASQUAL RESERVATION

August 11, 2022

Anna Colamussi
City of Encinitas
Planning Manager
Development Services Department
505 South Vulcan Ave, Encinitas, CA 92024

Sent Via: USPS Certified Mail

RE: California Environmental Quality Act Public Resources Code section 21080.3(b) Request for Formal Notification of Proposed Projects Within the San Pasqual Band of Mission Indian's Geographic Area of Traditional and Cultural Affiliation

To whom this may concern,

With this letter, in accordance with Public Resources Code Section 21080.3.1(b), the San Pasqual Band of Mission Indians ("Band"), which is traditionally and culturally affiliated with the geographic area incorporating your agency's geographic area of jurisdiction and sphere of influence, present a formal standing request for government to government consultation and notice of and information on all ongoing and proposed projects for which your agency serves or will serve as a lead agency under the California Environmental Quality Act (CEQA), per Public Resources Code section 21000 et seq.

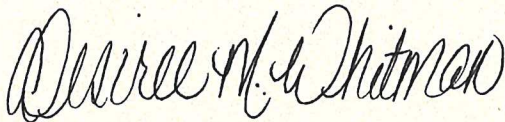
Pursuant to Public Resources Code section 21080.3.1(b), and until further notice, the Band hereby designates the following people as the Band's lead contacts for the purposes of consultation and receiving notices of all ongoing and proposed and projects from your agency:

Desiree Morales Whitman
Tribal Historic Preservation Officer (THPO)
16400 Kumeyaay Way, Valley Center, California 92082
Phone: 760-749-3200
Direct Line: 760-651-5142
Fax: 760-751-3485
Email: Desireem@sanpasqualtribe.org
THPO@sanpasqualtribe.org

Angelina Gutierrez
THPO Monitor Supervisor
16400 Kumeyaay Way, Valley Center, California 92082
Phone 760-749-3200
Direct Line: 760 651-5219
Fax: 760-751-3485 Email: Angelinag@sanpasqualtribe.org

We request that all notices be sent via certified U.S. Mail with return receipt. Following receipt and review of the information your agency provides, within the 30-day period proscribed by Public Resources Code section 21080.3.1(d), the Band may request consultation, as defined by Public Resources Code section 21080.3.1(b), pursuant to Public Resources Code section 21080.3.2 to mitigate any project impacts a specific project may cause to tribal cultural resources (TCRs).

Respectfully,



Desiree Morales Whitman
Tribal Historic Preservation Officer (THPO)
16400 Kumeyaay Way, Valley Center, California 92082

SAN LUIS REY BAND OF MISSION INDIANS

1889 Sunset Drive • Vista, California 92081

760-724-8505 • FAX 760-724-2172

www.slrmissionindians.org

December 28th, 2021

J.Alfred Dichoso, AICP
Associate Planner
Encinitas Development Services Department
City of Encinitas
505 South Vulcan Ave.
Encinitas, CA 92024

VIA ELECTRONIC MAIL
Jdichoso@encinitasca.gov

RE: Formal Request for Tribal Consultation Pursuant to the California Environmental Quality Act (CEQA), Public Resources Code section 21080.3.1, subs. (b), (d) and (e) for the Melba Residential Subdivision Project, Encinitas, CA (MULTI-4309-2021 / SUB-4310-2021 / CDFN-4312-2021 / DR-4313-2021 / CPP-4313-2021

Dear Mr.Dichoso :

This letter constitutes a formal request for tribal consultation under the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code section 21080.3.1 subdivisions (b), (d) and (e)) for the mitigation of potential project impacts to tribal cultural resource for the above referenced project. The San Luis Rey Band of Mission Indians requested formal notice and information for all projects within your agency's geographical jurisdiction and received notification on December 16th, 2021, regarding the above referenced project.

The San Luis Rey Band of Mission Indians requests consultation on the following topics checked below, which shall be included in consultation if requested (Public Resources Code section 21080.3.2, subd. (a)):

- ☒ Alternatives to the project
- ☒ Recommended mitigation measures
- ☒ Significant effects of the project

The San Luis Rey Band of Mission Indians also requests consultation on the following discretionary topics checked below (Public Resources Code section 21080.3.2 (subd. (a)):

- ☒ Type of environmental review necessary

X Significance of tribal cultural resources, including any regulations, policies or standards used by your agency to determine significance of tribal cultural resources

X Significance of the project's impacts on tribal cultural resources

X Project alternatives and/or appropriate measures for preservation or mitigation that we may recommend, including, but not limited to:

- (1) Avoidance and preservation of the resources in place, pursuant to Public Resources Code section 21084.3, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks or other open space, to incorporate the resources with culturally appropriate protection and management criteria;
- (2) Treating the resources with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resources, including but not limited to the following:
 - a. Protecting the cultural character and integrity of the resource;
 - b. Protection the traditional use of the resource; and
 - c. Protecting the confidentiality of the resource.
- (3) 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.
- (4) Protecting the resource.

Additionally, the San Luis Rey Band of Mission Indians requests to receive any cultural resources assessments or other assessments that have been completed on all or part of the project's potential "area of project effect" (APE), including, but not limited to:

1. The results of any record search that may have been conducted at an Information Center of the California Historical Resources Information System (CHRIS), including, but not limited to:
 - A listing of any and all known cultural resources have already been recorded on or adjacent to the APE;
 - Copies of any and all cultural resource records and study reports that may have been provided by the Information Center as part of the records search response;
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - Whether the records search indicates a low, moderate or high probability that unrecorded cultural resources are located in the potential APE; and
 - If a survey is recommended by the Information Center to determine whether previously unrecorded cultural resources are present.

2. The results of any archaeological inventory survey that was conducted, including:
 - Any report that may contain site forms, site significance, and suggested mitigation measures.
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 in accordance with Government Code Section 6254.10.
3. The results of any Sacred Lands File (SFL) check conducted through Native American Heritage Commission. The request form can be found at http://www.nahc.ca.gov/slf_request.html. USGS 7.5-minute quadrangle name, township, range, and section required for the search.
4. Any ethnographic studies conducted for any area including all or part of the potential APE; and
5. Any geotechnical reports regarding all or part of the potential APE.

We would like to remind your agency that CEQA Guidelines section 15126.4, subdivision (b)(3) states that preservation in place is the preferred manner of mitigating impacts to archaeological sites. Section 15126.4, subd. (b)(3) of the CEQA Guidelines has been interpreted by the California Court of Appeal to mean that “feasible preservation in place must be adopted to mitigate impacts to historical resources of an archaeological nature unless the lead agency determines that another form of mitigation is available and provides superior mitigation of impacts.” *Madera Oversight Coalition v. County of Madera* (2011) 199 Cal.App.4th 48, disapproved on other grounds, *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439.

The San Luis Rey Band of Mission Indians expects to begin consultation within 30 days of your receipt of this letter. Please contact the San Luis Rey Band of Mission Indians lead contact person identified in our previous request for notification.

Name: Cami Mojado
Title: Cultural Resources Manager
Address: 1889 Sunset Drive, Vista, CA 92081
Office Phone Number: 760-724-8505
Direct Cell Phone Number: 760-917-1736
Office Fax Number 760-724-2172
Email Address: cjmojado@slrmissionindians.org

Sincerely,

Cami Mojado
Cultural Resources Manager
San Luis Rey Band of Mission Indians