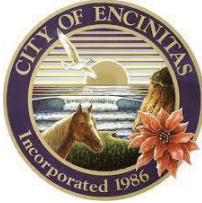


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**APPENDIX A-1**  
**NOTICE OF PREPARATION AND SCOPING**  
**DOCUMENTS**

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# CITY OF ENCINITAS

## Notice of Preparation of a Draft Environmental Impact Report

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

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

**PROJECT TITLE:** Marea Village Mixed Use Development Project

**PROJECT APPLICANT:** Encinitas Beach Land Venture, LLC

**PROJECT LOCATION:** 1900 & 1950 North Coast Highway 101, Encinitas, CA 92024;  
County Assessor Parcel Numbers: 216-041-20; 216-041-21; 216-041-06

**PROJECT CASE NUMBERS:** MULTI-003780-2020, DR-003786-2020, BADI-003787-2020 & CDP-003788-2020

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:

Encinitas Beach Land Venture I, LLC (Applicant) proposes a mixed-use development located at the southwest corner of La Costa Avenue and North Coast Highway 101 in the City of Encinitas. The project would consist of 94 for-lease apartments, a 30-room boutique resort hotel, and 18,262 square feet (SF) of mixed-use commercial. The project would also include a subterranean parking garage, a walking paseo, pedestrian plaza, and an outdoor seating area. Of the 94 apartment units proposed, 19 would be density bonus affordable units dedicated to "low-income" qualifying residents. The project is comprised of two sites; County of San Diego Assessor Parcel Numbers (APNs) 216-041-20 and 216-041-21 (Site 1), and 216-041-06 (Site 2) totaling approximately 3.8 acres. The project is within North Highway 101 Corridor Specific Plan boundary, with the site (and/or portions of) being located within the Coastal Zone, Hillside/Inland Bluff Overlay Zone, and/or a designated Scenic Highway/Visual Corridor. Site 1 is designated as Visitor Serving Commercial (VSC) by the General Plan and zoned as Commercial Residential Mixed 1 (N-CRM-1). Site 2 is designated as General Commercial (GC) by the General Plan and zoned as Limited Visitor-Serving Commercial (N-LVSC) with a Residential-30 (R-30) Zone overlay. As part of the City of Encinitas Housing Element Update, Site 1 of the project was allocated a minimum of 33 residential units if the site is developed at a mixed-use ratio. City approval of a density bonus tentative map, design review permit, and coastal development permit will be required to allow for project development.



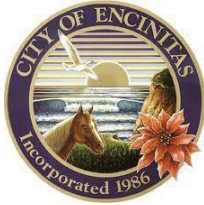
Project plans may be reviewed on the City's website at: <https://encinitasca.gov/I-Want-To/Public-Notices/Development-Services-Public-Notices> under "Environmental Notices." It is anticipated that the EIR will focus on the following environmental issue areas: aesthetics, air quality, biological resources, cultural resources, energy conservation, greenhouse gas emissions, geology and soils, hazards and hazardous materials, hydrology/water quality, land use, noise, public services, recreation, transportation, tribal cultural resources, and utilities and service systems.

**COMMENT PERIOD:** Please send your comments to Scott Vurbeff, Environmental Project Manager, Encinitas Planning Division, 505 S. Vulcan Avenue, Encinitas, CA 92024, or via email to [svurbeff@encinitasca.gov](mailto:svurbeff@encinitasca.gov). **All comments must be received by no later than 6:00 p.m. on March 15, 2021.**

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

February 12, 2021

Date



**CITY OF ENCINITAS**  
**Notice of Preparation of a Draft Environmental Impact Report**  
**Marea Village Mixed Use Development Project ■ Comment Letters Received**

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**LIST OF LETTERS**

**Date of Letter**

***Agencies***

California Department of Fish and Wildlife .....	3/15/21
California Department of Transportation, District 11 .....	3/15/21
Native American Heritage Commission .....	2/17/21
San Diego Association of Governments .....	3/12/21

***Individuals***

Carol and Dave Allen .....	3/11/21
Tom Alper.....	2/22/21
Ben B. ....	3/15/21
Tom and Judith Boyd .....	3/12/21
Dora Clarke .....	3/13/21
Thomas Clarke.....	3/13/21
Mrs. Thomas Clarke.....	3/13/21
Jill Denver .....	3/17/21
Kevin Finan .....	3/13/21
Dr. Glenn Frieder .....	3/14/21
Lynne Gilson, Letter 1 .....	3/12/21
Lynne Gilson, Letter 2 .....	3/14/21
Janet Gonzales .....	3/12/21
Peter and Ruth Heidmann.....	3/11/21
Caroline Jopes, Letter 1 .....	3/13/21
Caroline Jopes, Letter 2 .....	3/13/21
Caroline Jopes, Letter 3 .....	3/14/21
David and Dena Kerr.....	3/14/21
Brooke McKallor.....	3/15/21
Sand Miller .....	3/12/21
Steve Nelson.....	2/15/21
Steve and Meg Norton .....	2/21/21
John M "Rusty" Powell .....	3/13/21
William Racine, Letter 1 .....	2/16/21
William Racine, Letter 2 .....	2/22/21
Tiffany Rogers.....	3/15/21
Laura Ross.....	3/14/21
Clara Sanchez.....	3/14/21
Jim and Zeenia Schmitz .....	3/12/21
Desire and Chris Smith .....	3/14/21
Elena and John Thompson .....	3/15/21
Tim and Frances Walters .....	3/15/21
Bonnie Woelfel .....	3/12/21

**From:** Ludovissy, Jennifer@Wildlife <Jennifer.Ludovissy@Wildlife.ca.gov>  
**Sent:** Monday, March 15, 2021 3:22 PM  
**To:** Scott Vurbeff  
**Cc:** Drewe, Karen@Wildlife; Mayer, David@Wildlife; Howell, Susan@Wildlife; Wildlife CEQA Comment Letters; state.clearinghouse@opr.ca.gov; jonathan\_d\_snyder@fws.gov; Burlaza, Melanie@Wildlife  
**Subject:** Copy of Comment Letter Re: Marea Village Mixed Use Development Project  
**Attachments:** 2021020272 NOP Marea Village DEIR Encinitas.pdf

**[NOTICE: Caution: External Email]**

Mr. Vurbeff,

Please see attached copy for your records. If you have any questions, please contact Melanie Burlaza at [Melanie.Burlaza@wildlife.ca.gov](mailto:Melanie.Burlaza@wildlife.ca.gov).

Thank you!  
Jenny

**JENNY LUDOVISSY** | Staff Services Analyst  
She/Her/Hers



**South Coast Region 5**  
3883 Ruffin Rd, San Diego, CA 92123  
Office (858) 467-2702 | Cell (858) 716-7147

 Please consider the environment before printing this e-mail.



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
South Coast Region  
3883 Ruffin Road  
San Diego, CA 92123  
(858) 467-4201  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

GAVIN NEWSOM, Governor  
CHARLTON H. BONHAM, Director



March 15, 2021

Scott Vurbef  
City of Encinitas  
505 S. Vulcan Avenue  
Encinitas, CA 92024  
[SVurbef@encinitasca.gov](mailto:SVurbef@encinitasca.gov)

**Subject: Comments on the Notice of Preparation of the Marea Village Mixed Use Development Project Draft EIR, SCH #2021020272**

Dear Mr. Vurbef:

The California Department of Fish and Wildlife (CDFW) has reviewed the above-referenced Notice of Preparation (NOP) for the Marea Village Mixed Use Development Project (Project) Draft Environmental Impact Report (DEIR).

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

**CDFW's Role**

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State [Fish & G. Code, §§ 711.7, subdivision (a) & 1802; Pub. Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines, § 15386, subdivision (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect state fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" (see Fish & G. Code, § 2050) of any species protected under the California Endangered Species Act (CESA; Fish & G. Code, § 2050 et seq.) or the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 et seq.), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

CDFW also administers the Natural Community Conservation Planning (NCCP) program, a California regional habitat conservation planning program. The City of Encinitas (City)

*Conserving California's Wildlife Since 1870*

participated in the NCCP program by preparing a draft Subarea Plan (SAP) under the San Diego County Multiple Habitat Conservation Plan (MHCP). However, the SAP has not been finalized and has not been adopted by the City or received permits from the Wildlife Agencies (jointly, CDFW and the U.S. Fish and Wildlife Service (USFWS)).

**Project Location:** The 3.8-acre Project site is located at the southwest corner of La Costa Avenue and North Coast Highway 101 in the City of Encinitas. The Project site address is 1900 and 1950 N. Coast Highway 101. The Project site is surrounded by residential to the west, commercial to the south, the 101 highway and residential and commercial to the east, and commercial and the Batiquitos Lagoon to the north. The Project site is partly developed with mixed commercial uses and is partly undeveloped land.

**Project Description and Summary:** The proposed Project encompasses approximately 3.8 acres that includes 94 for-lease apartments, a 30-room boutique resort hotel, and 18,262 square feet of mixed-use commercial. The Project would include a subterranean parking garage, a walking paseo, pedestrian plaza, and an outdoor seating area. The Project site is currently partly developed; construction of the Project would involve demolition, clearing and grading of the existing development.

## COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (i.e., biological) resources.

### Specific Comments

- 1) Biological Baseline Assessment. CDFW recommends providing a complete assessment and impact analysis of the flora and fauna within and adjacent to the Project area, with emphasis upon identifying endangered, threatened, sensitive, regionally and locally unique species, and sensitive habitats. Impact analysis will aid in determining any direct, indirect, and cumulative biological impacts, as well as specific mitigation or avoidance measures necessary to offset those impacts. CDFW recommends avoiding any sensitive natural communities found on or adjacent to the Project. CDFW also considers impacts to Species of Special Concern a significant direct and cumulative adverse effect without implementing appropriate avoid and/or mitigation measures. The DEIR should include the following information:
  - a) Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region [CEQA Guidelines, § 15125(c)]. The DEIR should include measures to fully avoid and otherwise protect Sensitive Natural Communities from Project-related impacts. Project implementation may result in impacts to rare or endangered plants or plant communities that have been recorded adjacent to the Project vicinity. CDFW considers these communities as threatened habitats having both regional and local significance. Plant communities, alliances, and associations with a state-wide ranking of S1, S2, S3 and S4 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by visiting <https://www.wildlife.ca.gov/Data/VegCAMP/Natural-Communities#sensitive%20natural%20communities>;

- b) A thorough, recent, floristic-based assessment of special status plants and natural communities, following CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (see <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>);
  - c) A complete, recent, assessment of the biological resources associated with each habitat type onsite and within adjacent areas that could also be affected by the Project. CDFW's CNDDDB in Sacramento should be contacted to obtain current information on any previously reported sensitive species and habitat. CDFW recommends that CNDDDB Field Survey Forms be completed and submitted to CNDDDB to document survey results. Online forms can be obtained and submitted at [http://www.dfg.ca.gov/biogeodata/cnddb/submitting\\_data\\_to\\_cnddb.asp](http://www.dfg.ca.gov/biogeodata/cnddb/submitting_data_to_cnddb.asp);
  - d) CNDDDB indicates the occurrence of several special status species within the Project vicinity, these include California least tern, light-footed Ridgway's rail (*Rallus obsoletus levipes*), and western snowy plover (*Charadrius nivosus nivosus*). The DEIR should have a complete, recent, assessment of rare, threatened, and endangered, and other sensitive species onsite and within the area of potential effect, including California Species of Special Concern and California Fully Protected Species (Fish & G. Code, §§ 3511, 4700, 5050 and 5515). Species to be addressed should include all those which meet the CEQA definition of endangered, rare or threatened species (CEQA Guidelines, § 15380). Seasonal variations in use of the Project area should also be addressed. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the USFWS; and,
  - e) A recent, wildlife and rare plant survey. CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if build out could occur over a protracted time frame, or in phases.
- 2) Biological Direct, Indirect, and Cumulative Impacts. Due to the proximity of the Project site to the Batiquitos Lagoon, it is essential to understand how the open space and the biological diversity within it may be impacted by Project activities. This should aid in identifying specific mitigation or avoidance measures necessary to offset those impacts. CDFW recommends providing a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts. The following should be addressed in the DEIR:
- a) A discussion regarding indirect Project impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands (e.g., preserve lands associated with a Natural Community Conservation Plan (NCCP, Fish & G. Code, § 2800 et. seq.). Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated in the DEIR;



- b) A discussion of potential adverse impacts from lighting, noise, temporary and permanent human activity, and exotic species and identification of any mitigation measures;
  - c) A discussion on Project-related changes on drainage patterns and downstream of the Project site; the volume, velocity, and frequency of existing and post-Project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and, post-Project fate of runoff from the Project site. The Project includes plans for an underground parking structure; therefore, the discussion should also address the proximity of the extraction activities to the water table, whether dewatering would be necessary and the potential resulting impacts on the habitat (if any) supported by the groundwater. Mitigation measures proposed to alleviate such Project impacts should be included;
  - d) An analysis of impacts from land use designations and zoning located nearby or adjacent to natural areas that may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the DEIR; and,
  - e) A cumulative effects analysis, as described under CEQA Guidelines section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.
- 3) Sensitive Bird Species. The Project plans indicate that existing shrubs and trees will be removed, and a significant portion of the site will be demolished and graded. A review of California Natural Diversity Database (CNDDDB) indicates occurrences of special status bird species, including California gnatcatcher (*Polioptila californica*; gnatcatcher) within 0.80 mile of the Project vicinity. California least tern (*Sternula antillarum browni*; terns) also nests at the Batiquitos Lagoon, 0.22 mile away from the northern border of the Project site. The California least tern nests in open areas free of vegetation and has been known to occur on construction sites due to the cleared habitat. Project activities occurring during the breeding season of nesting birds could result in the incidental loss of fertile eggs, or nestlings, or otherwise lead to nest abandonment in trees directly adjacent to the Project boundary. The Project could also lead to the loss of foraging habitat for sensitive bird species.
- a) CDFW recommends that measures be taken, primarily, to avoid Project impacts to nesting birds. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (Code of Federal Regulations, Title 50, § 10.13). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA).
  - b) Proposed Project activities including (but not limited to) staging and disturbances to native and nonnative vegetation, structures, and substrates should occur outside of the avian breeding season which generally runs from February 15 through August 31 (as early as January 1 for some raptors) to avoid take of birds or their eggs. If avoidance of the avian breeding season is not feasible, CDFW recommends surveys by a qualified biologist with experience in conducting breeding bird surveys to detect protected native birds occurring in suitable nesting habitat that is to be disturbed and

(as access to adjacent areas allows) any other such habitat within 300-feet of the disturbance area (within 500-feet for raptors). Project personnel, including all contractors working onsite, should be instructed on the sensitivity of the area. Reductions in the nest buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors.

- 4) California Least Tern. Due to the Project's proximity to the coast and the known California least tern nesting site at the Batiquitos Lagoon, CDFW recommends that the DEIR stipulate that a biologist with expertise in monitoring California least tern conduct surveys for presence or absence before the start of construction and monitor for California least tern throughout the construction phase. Furthermore, the DEIR should include an evaluation of impacts to the nearby tern colony and other sensitive lagoon species from project construction or from the final project as constructed.
- 5) Bat Species. Bat species may occur within the Project vicinity, the pallid bat (*Antrozous pallidus*) and the western mastiff bat (*Eumops perotis*) are both California Species of Special Concern. Despite the high diversity and sensitivity of bats in Southern California, numerous bat species are known to roost in trees and structures throughout San Diego County. Project activities may have the potential to adversely impact bat populations within the vicinity.
  - a. Bats are considered non-game mammals and are afforded protection by state law from take and/or harassment (Fish and Game Code § 4150, California Code of Regulations § 251.1). The DEIR should provide a thorough discussion of potential impacts to bats from construction and operation of the Project to adequately disclose potential impacts and to identify appropriate avoidance and mitigation measures. The DEIR shall describe feasible measures which could minimize significant adverse impacts (CEQA Guidelines §15126.4[a][1]).
  - b. CDFW recommends the DEIR provide a thorough discussion and adequate disclosure of potential impacts to bats and roosts from Project construction including (but not limited to) disturbances to vegetation, trees, and structures; demolition; grading; and excavating. If necessary, to reduce impacts to less than significant, the DEIR should provide bat-specific avoidance and/or mitigation measures [CEQA Guidelines, § 15126.4(a)(1)].
- 6) Tree Removal: Sheet L-1 of the Project plan document indicates the existing tree inventory to be removed. Although most of the current tree inventory is nonnative, these mature trees can still serve as habitat for native fauna. Habitat loss is one of the leading causes of native biodiversity loss. To compensate for any loss of trees, CDFW recommends replacing all non-native trees removed as a result of the proposed work activities at least a 1:1 ratio with native trees.
  - a) Due to tree removal, Project activities have the potential to result in the spread of tree insect pests and disease into areas not currently exposed to these stressors. This could result in expediting the loss of oaks, alders, sycamore, and other trees in California which support a high biological diversity including special status species. To reduce impacts to less than significant the final environmental document should describe an infectious tree disease management plan and how it will be implemented

in order to avoid significant impacts under CEQA. All trees identified for removal resulting from the Project should be inspected for contagious tree diseases including but not limited to: thousand canker fungus (*Geosmithia morbida*), see <http://www.thousandcankers.com/>; Polyphagous Shot Hole Borer (*Euwallacea spp.*), see <http://eskalenlab.ucr.edu/avocado.html>; and goldspotted oak borer (*Agrilus auroguttatus*), see <http://ipm.ucanr.edu/PMG/PESTNOTES/pn74163.html>. To avoid the spread of infectious tree diseases, diseased trees should not be transported from the Project site without first being treated using best available management practices relevant for each tree disease observed.

- 7) Landscaping. Sheet L-2 of the Project plan document includes a landscape plan, in which no invasive plant material is proposed. Habitat loss and invasive plants are a leading cause of native biodiversity loss. CDFW recommends that the DEIR also stipulate that no invasive plant material shall be used. Furthermore, we recommend using native, locally appropriate plant species for landscaping on the Project site. A list of invasive/exotic plants that should be avoided as well as suggestions for suitable landscape plants can be found at <https://www.cal-ipc.org/solutions/prevention/landscaping/>.

## General Comments

- 1) Project Description and Alternatives. To enable CDFW to adequately review and comment on the proposed Project from the standpoint of the protection of plants, fish, and wildlife, we recommend the following information be included in the DEIR:
  - a) A complete discussion of the purpose and need for, and description of, the proposed Project, including all staging areas and access routes to the construction and staging areas; and,
  - b) A range of feasible alternatives to Project component location and design features to ensure that alternatives to the proposed Project are fully considered and evaluated. The alternatives should avoid or otherwise minimize direct and indirect impacts to sensitive biological resources and wildlife movement areas.
- 2) Compensatory Mitigation. The DEIR should include mitigation measures for adverse Project-related impacts to sensitive plants, animals, and habitats. Mitigation measures should emphasize avoidance and reduction of Project impacts. For unavoidable impacts, onsite habitat restoration or enhancement should be discussed in detail. If onsite mitigation is not feasible or would not be biologically viable and therefore would not adequately mitigate the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed. Areas proposed as mitigation lands should be protected in perpetuity with a conservation easement, financial assurance, and dedicated to a qualified entity for long-term management and monitoring. Under Government Code section 65967, the Lead Agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or non-profit organization to effectively manage and steward land, water, or natural resources on mitigation lands that it approves.
- 3) Long-term Management of Mitigation Lands. For proposed preservation and/or restoration, the DEIR should include measures to protect the targeted habitat values from direct and indirect negative impacts in perpetuity. The objective should be to offset the Project-induced

qualitative and quantitative losses of wildlife habitat values. Issues that should be addressed include (but are not limited to) restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, and increased human intrusion. An appropriate non-wasting endowment should be set aside to provide for long-term management of mitigation lands.

## CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist the City of Encinitas in identifying and mitigating Project impacts on biological resources. If you have any questions or comments regarding this letter, please contact Melanie Burlaza, Environmental Scientist, by email at [Melanie.Burlaza@wildlife.ca.gov](mailto:Melanie.Burlaza@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
D700B4520375406...

David Mayer  
Environmental Program Manager I  
South Coast Region

ec: CDFW

Karen Drewe, San Diego – [Karen.Drewe@wildlife.ca.gov](mailto:Karen.Drewe@wildlife.ca.gov)  
Susan Howell, San Diego – [Susan.Howell@wildlife.ca.gov](mailto:Susan.Howell@wildlife.ca.gov)  
Jennifer Ludovissy, San Diego – [Jennifer.Ludovissy@wildlife.ca.gov](mailto:Jennifer.Ludovissy@wildlife.ca.gov)  
CEQA Program Coordinator, Sacramento – [CEQAcommentletters@wildlife.ca.gov](mailto:CEQAcommentletters@wildlife.ca.gov)  
State Clearinghouse, Sacramento – [State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)  
Jonathan Snyder, USFWS – [Jonathan D Snyder@fws.gov](mailto:Jonathan_D_Snyder@fws.gov)

## References

- California Department of Fish and Wildlife. 2020. California Natural Diversity Database. Available from: <https://wildlife.ca.gov/Data/CNDDDB>.
- California Department of Fish and Wildlife. 2020. Lake and Streambed Alteration Program. Available from: <https://wildlife.ca.gov/Conservation/LSA>
- Cowardin et al. 1970. Classification of Wetlands and Deepwater Habitats of the United States.
- Sawyer, J.O., Keeler-Wolf, T., and Evens J.M. 2008. A Manual of California Vegetation, 2nd ed. ISBN 978-0-943460-49-9.

**From:** Dodson, Kimberly@DOT <kimberly.dodson@dot.ca.gov>  
**Sent:** Monday, March 15, 2021 1:25 PM  
**To:** Scott Vurbeff  
**Cc:** State.Clearinghouse@opr.ca.gov; Eaton, Maurice A@DOT  
**Subject:** Marea Village Mixed Use NOP SCH#2021020272  
**Attachments:** SD\_5\_44.232\_Marea Village Mixed Use 03-15-2021.pdf

[NOTICE: Caution: External Email]

Hi Scott,

Please see the attached comments for the Marea Village Mixed Use Project NOP.

Thank you,

Kimberly D. Dodson, GISP  
Associate Transportation Planner  
Caltrans District 11 LD-IGR Branch  
4050 Taylor St., MS-240  
San Diego, CA 92110  
[Kimberly.Dodson@dot.ca.gov](mailto:Kimberly.Dodson@dot.ca.gov)  
Telework phone: 619-985-1587

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 11  
4050 TAYLOR STREET, MS-240  
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FAX (619) 688-4299  
TTY 711  
www.dot.ca.gov



Making Conservation  
a California Way of Life.

March 15, 2021

11-SD-5

PM 44.232

Marea Village Mixed Use Development  
NOP/SCH#2021020272

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

Dear Mr. Vurbef:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Notice of Preparation for the Draft Environmental Impact Report (NOP) for the Marea Village Mixed Use Development located near Interstate 5 (I-5). Per the project's NOP, the Marea Village project proposes 94 for-lease apartments, a 30-room boutique resort hotel, and 18,262 square feet of mixed-use commercial. The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability. The Local Development-Intergovernmental Review (LD-IGR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities.

Caltrans has the following comments:

**Traffic Impact Study**

- A Vehicle Miles of Travel (VMT) based Traffic Impact Study (TIS) should be provided for this project. Please use the Governor's Office of Planning and Research Guidance to identify VMT related impacts.<sup>i</sup>
- 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.

---

<sup>i</sup> 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](http://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf)

- Please also include a Local Mobility Analysis if required.

### **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 system. 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 system. 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.

### **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 vehicle miles traveled and the number of trips. Caltrans supports collaboration with local agencies to work towards a safe, functional, interconnected, multi-modal transportation system 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

Mr. Scott Vurbef  
March 15, 2021  
Page 3

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 (highways/roadways/on- and off-ramps) and appurtenant features (lighting/signs/guardrail/slopes). Caltrans is interested in any additional mitigation measures identified for the DEIR.

### **Right-of-Way**

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

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



Mr. Scott Vurbef  
March 15, 2021  
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If you have any questions, please contact Kimberly Dodson, of the Caltrans Development Review Branch, at (619) 985-1587 or by e-mail sent to [Kimberly.Dodson@dot.ca.gov](mailto:Kimberly.Dodson@dot.ca.gov).

Sincerely,

**electronically signed by**

MAURICE EATON, Branch Chief  
Local Development and Intergovernmental Review



## NATIVE AMERICAN HERITAGE COMMISSION

February 17, 2021

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

**Re: 2021020272, Marea Village Mixed Use Development Project, San Diego County**

Dear Mr. Vurbef:

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

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

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

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

CHAIRPERSON  
**Laura Miranda**  
Luiseño

VICE CHAIRPERSON  
**Reginald Pagaling**  
Chumash

SECRETARY  
**Merri Lopez-Keifer**  
Luiseño

PARLIAMENTARIAN  
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Karuk

COMMISSIONER  
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**Julie Tumamait-  
Stenslie**  
Chumash

COMMISSIONER  
[Vacant]

COMMISSIONER  
[Vacant]

COMMISSIONER  
[Vacant]

EXECUTIVE SECRETARY  
**Christina Snider**  
Pomo

**NAHC HEADQUARTERS**  
1550 Harbor Boulevard  
Suite 100  
West Sacramento,  
California 95691  
(916) 373-3710  
[nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov)  
[NAHC.ca.gov](http://NAHC.ca.gov)

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

- 1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:** Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

  - a.** A brief description of the project.
  - b.** The lead agency contact information.
  - c.** Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
  - d.** A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
- 2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:** A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subs. (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](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](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](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](mailto:Andrew.Green@nahc.ca.gov).

Sincerely,



Andrew Green  
Cultural Resources Analyst

cc: State Clearinghouse

**From:** Ferchaw, Tracy <Tracy.Ferchaw@sandag.org>  
**Sent:** Friday, March 12, 2021 3:54 PM  
**To:** Scott Vurbeff  
**Cc:** Litchney, Seth; Ferchaw, Tracy  
**Subject:** Marea Village Mixed Use Development Project NOP  
**Attachments:** Marea Village Mixed Use Development Project- SANDAG Comments (002).pdf

[NOTICE: Caution: External Email]

Thank you for the opportunity to comment on the Marea Village Mixed Use Development Project. SANDAG is submitting the attached comments. If you have any questions, please contact Seth Litchney ([seth.litchney@sandag.org](mailto:seth.litchney@sandag.org)) or Tracy Ferchaw ([tracy.ferchaw@sandag.org](mailto:tracy.ferchaw@sandag.org)).

Thank you,

Tracy Ferchaw, MBA  
Associate Business Analyst

(619) 699-1977  
401 B Street, Suite 800, San Diego, CA 92101

**SANDAG**



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



401 B Street, Suite 800  
San Diego, CA 92101-4231  
(619) 699-1900  
Fax (619) 699-1905  
sandag.org

March 12, 2021

File Number 3100400

Mr. Scott Vurbeff  
City of Encinitas  
505 S. Vulcan Avenue  
Encinitas, CA 92024

Dear Mr. Vurbeff:

Subject: Maria Village Mixed use Development Project

Thank you for the opportunity to comment on the Maria Village Mixed use Development Project. The San Diego Association of Governments (SANDAG) appreciates the City's efforts to implement the policies included in San Diego Forward: The Regional Plan that emphasize the need for better land use and transportation coordination. These policies will help provide people with more travel and housing choices, protect the environment, create healthy communities, and stimulate economic growth. SANDAG comments are based on policies included in the Regional Plan and are submitted from a regional perspective.

SANDAG commends Land Venture I, LLC for proposing a mixed-use coastal development along a key travel corridor connecting Leucadia with Carlsbad and other parts of Encinitas. In developing the EIR, SANDAG encourages the Marea Village Mixed-Use Development to include several multimodal strategies to reduce vehicle miles traveled that may result from this project.

The project location near NCTD BREEZE Route 101, COASTER service, the beach, several popular retail sites and restaurants, and the anticipated hotel will enable use of many last-mile connection options that reduce the need to drive alone. SANDAG encourages inclusion of additional pedestrian amenities such as wayfinding signs that direct residents and visitors to the COASTER, beaches, hotel, and local retail centers. In addition, Land Venture I, LLC should consider working with the City of Encinitas to enhance safety for people riding bikes and walking on Coast Highway near the site. Moreover, the planned paseos and pedestrian plazas should consider other active transportation amenities on-site such as secured bike and micromobility parking spots, a residential bikeshare program, and micromobility e-charging options. Parcel delivery lockers can be placed on-site to minimize residents leaving the complex to pick-up or drop-off packages.

The developer should also consider establishing a carshare program for use by residents and visitors. This program would be further benefited by having priority parking spots for the rideshare program in subterranean parking. Another program that could be established is a subsidized or discounted transit pass program for residents, visitors, and employees. This program should also be implemented in the hotel for hotel guests to encourage out of town guests to explore San Diego using nearby transit. To further encourage hotel visitors and on-site employees to utilize the existing transit amenities, priced parking could be considered in addition to shared

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parking strategies. Finally, integration of passenger loading zones can make future microtransit or other rideshare connections more seamless and convenient for residents and visitors.

When preparing the EIR, please consider leveraging the SANDAG [Mobility Management Toolbox](#), which describes more than 30 multimodal strategies that can be implemented at the project level to mitigate transportation impacts. Additionally, SANDAG's iCommute program provides several other resources and tools to plan, design, and implement customized Transportation Demand Management (TDM) programs. More information on available regional TDM programs can be accessed through [iCommuteSD.com](#).

We appreciate the ability to comment on the City of San Diego's Stone Creek Draft EIR. If you have any questions, please contact me at (619) 699-1943 or [seth.litchney@sandag.org](mailto:seth.litchney@sandag.org).

Sincerely,



Seth Litchney (Mar 12, 2021 15:41 PST)

SETH LITCHNEY  
Senior Regional Planner

SLI/TFE

**From:** Dave Allen <daveydelt@aol.com>  
**Sent:** Thursday, March 11, 2021 1:49 PM  
**To:** Scott Vurbeff  
**Subject:** Questions/Comments Concerning New Housing & Retail Projects Near La Costa Ave and PCH

**[NOTICE: Caution: External Email]**

Mr. Scott Vurbeff,

We are residents of Leucadia Seabluffe Village located at 1750 N. Coast highway, and have concerns regarding existing and planned projects near our community that would significantly impact the safety of motorists, pedestrians, and cyclists.

As you know, the "Marea Beach Resort" project has recently being completed and scheduled for opening sometime in March. Other projects that are in the permitting/planning stages include:

- \* Marea Village { Apartment, hotel, retail shops} located just South of the Marea Village Resort
- \* Multi unit housing development planned for 1967 N. Vulcan Ave

In addition to the projects noted above that are within the City of Encinitas, there are (2) projects in Carlsbad planned for an area near Avenida Encinas and PCH that will also have an impact on traffic and congestion in Northwest Leucadia.

The following are questions/comments that we have concerning these projects:

- 1) We understand that a traffic study was conducted by LOS Engineering to determine the potential impact on increased traffic volume that will occur if all of these projects are improved and built. What were the results/conclusions determined by this study? Were the results of this study taken into consideration by the Encinitas Planning Division when reviewing the various project applications? Is this information shared with the City of Carlsbad Planning Division?
- 2) There is a traffic round-about schedule to be installed near the entrance of Leucadia Seabluffe Village as part of "Streetscape" - will this be installed prior to any further developments are approved?
- 3) What are the results of any drainage studies that have been done to understand the impact of these developments on storm water run-off (in particular any impact on the Batiquitos Lagoon?).
- 4) The Marea Village project would necessitate significant excavation and digging to accommodate underground parking. Has the impact of these activities on the coastal bluffs been determined? If so, what were the results?
- 5) At present, underground water naturally flows from East to West into the ocean. Will the Marea Village project have an impact on this flow? If so, is it acceptable?

Thanks in advance for your reply.

We would be able to meet with you in person or via telephone, if preferred.

Sincerely,

Carol and Dave Allen  
1744 Kennington Rd

760-944-8870

**From:** Tom Alper <tralper8@gmail.com>  
**Sent:** Monday, February 22, 2021 1:37 PM  
**To:** Scott Vurbeff  
**Subject:** Overdevelopment/Public Safety - NW Leucadia

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

[NOTICE: Caution: External Email]

Dear Scott:

As I'm sure you know, the opposition to overdevelopment in NW Leucadia is growing daily. If you haven't seen the Encinitas traffic study prepared in December 2020 by LOS Engineering, Inc. please review it. In addition to the three proposed developments in NW Leucadia (La Costa Ave by PCH) there are two huge developments in the planning stages about a mile or two north of La Costa Ave. The Ponto Beachfront (Avenida Encinas) is 136 townhomes plus commercial and retail—creating an estimated 2,912 additional Daily trips and there is a 322 room resort hotel development (southeast corner of Avenida Encinas and Carlsbad Blvd.) that is estimated to generate an additional 3,220 additional Daily trips. The total additional DAILY trips is estimated to be 9,700 including the new Marea Beach Resort hotel—which hasn't even opened yet!

The approval of only one of these new developments, in addition to the soon to be opened Marea Beach Resort hotel, creates a traffic and public safety nightmare. Some of the public safety concerns are:

- Inadequate Infrastructure necessary to keep pedestrians, motorists and cyclists safe -Traffic from new hotel and other proposed developments increase risk to motorists that enter/exit the 255 unit Seabluff community from PCH. A roundabout desperately needs to be completed in front of Seabluff BEFORE any more developments are approved.
- Absence of adequate drainage on PCH risks pollution run-off into ocean and protected Batiquitos Lagoon.
- Local Beach water threatened by run-off from cars dripping oil, tire residuals as well as soil contamination, abatement and excavation associated with the proposed Marea Village development.

Of all the proposed developments the worst of them is clearly "Marea Village"—94 apartments, 30 hotel rooms and retail—next door (south) of the new Marea Beach Resort Hotel. Not only will it generate approximately 1,358 additional daily trips risking public safety on PCH but it also risks public safety due to destabilization of the fragile bluffs about 100 yards away. The digging, grading an excavation necessary to build its proposed two story subterranean parking structure risks destabilizing the already fragile bluffs very close to where three people died when they were buried alive in a bluff collapse in August 2019. I urge City representatives to take this bluff instability issue seriously—and look, in person, at the beach between South Ponto and Grandview at High Tide. The ocean water along this stretch of bluffs frequently goes all the way up to the bluffs at high tide and Beachgoers naturally move their towels close to the bluffs as the tide rises. The underground water that flows downhill from I-5 towards the ocean and literally seeps through the bluffs could also be blocked or diverted by the proposed subterranean parking which could further destabilize the bluffs. Allowing subterranean parking to be built so close to fragile bluffs is a terrible idea and a tragedy waiting to happen. In addition, this development creates more potential financial liability exposure for the city (the City of Encinitas is named in a pending lawsuit from the August 2019 bluff collapse).

It's in the best interest of the citizens of the City of Encinitas to place a moratorium on all new development in NW Leucadia until the important public safety issues referenced above are adequately resolved.

Thank you,

Tom Alper

P.S. Is it true that the the mayor on Encinitas received a large campaign contribution from the Marea Village developer (Larry Jackel and/or Fenway Capital Partners)?

Sent from my iPad

**From:** Ben B. <bbinford04@gmail.com>  
**Sent:** Monday, March 15, 2021 8:46 PM  
**To:** Scott Vurbeff  
**Subject:** Public Safety at Risk Due to Overdevelopment

[NOTICE: Caution: External Email]

Hi Mr. Vurbeff,

My name is Ben Binford and I live on Grandview Street in Leucadia. I am proud to call this amazing town my home. I am writing today because I was informed about the Marea Village development that is being planned right now, and I was told I could email you my comments about it.

The proposed developments will cause harm and irreparable damage to our beautiful coastal corridor and environment. Leucadia Cares outlined how the development will cause many public safety issues and create irreversible environmental damage. I am sure you have heard from them on all of these points, so I will not repeat them.

For me personally, though, it pains me to think about my future children growing up here and having to worry about the safety of swimming and surfing in the water and to think of sweet Leucadia congested with traffic and overdevelopment. As a surfer who spends almost every day at Grandview, I don't want to have to question whether or not it is safe for me to go in the water without getting sick.

I stand with Leucadia Cares and their request for the City of Encinitas to have a moratorium on growth in Northwest Leucadia for the next several months to allow time to address and resolve the public safety concerns of the Marea Village Development that Leucadia Cares has outlined.

Leucadia is a special town with personality and quirkiness and it deserves to maintain its charm throughout time. Also, public safety and the wellness of our ocean waters should always be a priority.

I truly hope you will consider my comments and those of other concerned residents. Thank you so much!

Best,  
Ben

**From:** judith boyd <judboyd@hotmail.com>  
**Sent:** Friday, March 12, 2021 3:22 PM  
**To:** Scott Vurbef  
**Subject:** Leucadia development and safety issues

[NOTICE: Caution: External Email]

Dear Scott Vurbef,

My husband and I oppose the Marea Village development which includes a two story subterranean parking structure. The increased traffic on our corridor is a risk to pedestrians, motorists, and bikes. We do not have the infrastructure in place to handle the added volume.

On a personal note, I live on Avocado Street and even today it can take up to 5 minutes to make a right hand turn onto I01. Traffic is a real problem in this area.

Regards,

Tom and Judith Boyd  
151 Avocado Street  
Encinitas, Ca. 92024

**From:** dora clarke <decbysea@gmail.com>  
**Sent:** Saturday, March 13, 2021 12:24 PM  
**To:** Scott Vurbeff  
**Subject:** Marea Development Development

**[NOTICE: Caution: External Email]**

I am a resident of Encinitas and when I heard of this project, I was appalled! To destroy and develop this area that has been already impacted by irresponsible development, would add more destruction to our environment, all for greed!!

Dora Clarke

**From:** thomas clarke <tomasdora@yahoo.com>  
**Sent:** Saturday, March 13, 2021 11:57 AM  
**To:** Scott Vurbeff  
**Subject:** Marea Village development

**[NOTICE: Caution: External Email]**

As a local resident, we are looking at a major destruction of our peace and environment. We need to stop this!

**From:** thomas clarke <tomasdora@yahoo.com>  
**Sent:** Saturday, March 13, 2021 12:03 PM  
**To:** Scott Vurbeff  
**Subject:** The Marea Village development

**[NOTICE: Caution: External Email]**

I am a local resident of Encintas and I am writing my concerns about the Marea Village development. I feel it will be devastating to our community and environment. It is a horrific plan to destroy our cliffs and lagoon. Please take consideration to our planet and survival of everyone.

Thank you

Mrs Thomas Clarke



**From:** Jill Denver <jdenver02@yahoo.com>  
**Sent:** Wednesday, March 17, 2021 6:00 PM  
**To:** Scott Vurbeff  
**Subject:** Concerns of Marea Project

**[NOTICE: Caution: External Email]**

-120 unit commercial-residential-hotel project with retail, 90 rental apartments and 30 hotel rooms plus parking for 260 cars. Cars will be parked outside (border of property fence) and in a subterranean garage to be built.

-Over-densification of this fragile coastal zone, currently sorely lacking adequate infrastructure for a project of this size next to an existing 130 room hotel and very unsafe today in terms of vehicular access, ped and bike access, access to the beach.

-Concerns over the fragile coastal environment over densification, the construction of a subterranean parking garage (fragile and crumbling bluff, lawsuit over this now), night lighting, noise and sound from HVAC systems, trash pick-up and delivery services, run-off, surface water pollution from cars, pets, chemicals, people, night sky lighting and more. All of this stands to impact the neighboring community and protected, adjacent Batiquitos lagoon.

-Concerns over dated traffic study, not conducted at peak summer season.

Jill Denver

**From:** Kevin Finan <kfinan@msn.com>  
**Sent:** Saturday, March 13, 2021 5:53 PM  
**To:** Scott Vurbeff  
**Subject:** Fwd: Proposed Marea Village Development

[NOTICE: Caution: External Email]

Sent from my iPad

Begin forwarded message:

**From:** KEVIN FINAN <kfinan@msn.com>  
**Date:** March 13, 2021 at 5:19:53 PM PST  
**To:** svurbeff@encinitas.gov  
**Subject:** Proposed Marea Village Development

Dear Mr Vurbeff,

I am writing because of my concern that the proposed Marea Village development project is being forced through the approval process without careful consideration for the impact of the development on traffic, public safety, the environment, beach water pollution, and bluff stability.

Combined with developments proposed in Carlsbad just to the north, the additional 94 Apts and 30 hotel rooms in Marea Village, the shopping/restaurant parking, and Leucadia Streetscape, not only will traffic be driven to a standstill, but without planning and mitigation before the project is approved, we face years of extremely unsafe entry and exit onto both LaCosta Ave and Hwy 101. Attempting to exit any street in Leucadia onto Hwy 101 and proceeding north is risky at best, without the impact of the development already planned. There is simply no excuse for not requiring the traffic, pedestrian, and bicycle issues to be resolved before the development is approved and certainly before it breaks ground.

I believe proceeding with the planned Marea Village development prior to adequate environmental review and mitigation will place both the city and the development at a great liability risk should there be another bluff collapse, increase in traffic accidents/injuries, or significant ocean water degradation.

I appreciate your careful consideration of the issues raised, and hope you will make recommendations appropriate for protecting the safety and quality of life in Encinitas/Leucadia.

Very Respectfully,

Kevin Finan  
1841 Haymarket Rd  
Encinitas, CA

**From:** Glenn Frieder <drg@drglennfrieder.com>  
**Sent:** Sunday, March 14, 2021 7:31 PM  
**Cc:** Scott Vurbef; leucadiacares@gmail.com  
**Subject:** Re: We Oppose Marea Village Development

[NOTICE: Caution: External Email]

Dr Glenn B. Frieder  
drg@drglennfrieder.com  
760 230-2928 home office  
760 481-9210 iPhone

>  
> Dear Mr. Vurbef,  
>  
> As a property owner in our lovely town of Leucadia, I want to express that I strongly oppose the Marea Village development for the following reasons:  
>  
> 1) A development of this type will create nearly 10,000 additional daily trips in our already very busy traffic areas. This will create more safety issues, as well as more pollution of our beach waters by run-off from cars dripping oil, tire residuals, and exhaust.  
>  
> 2) Inadequate infrastructure for keeping pedestrians, motorists, and cyclists safe. This is one of the busiest cycling and walking areas in North County San Diego!  
>  
> 3) Excavation, grading, and digging needed to build the two-story subterranean parking for the proposed Marea Village risks destabilizing fragile bluffs about 100 yards away where 3 people tragically died in a bluff collapse. Underground water that naturally flows downhill from I-5 corridor towards the ocean could be blocked or diverted by Marea Village subterranean parking and further destabilize the fragile bluffs.  
>  
> This development and other proposed developments in NW Leucadia will cause permanent and irreparable harm to our coastal corridor and environment. I ask that the City of Encinitas have a moratorium on growth in NW Leucadia for the next 6 months to allow time to address and resolve these important environmental and public safety issues.  
>  
> With warm regards and love of our Leucadia beach town,  
>  
Dr Glenn Frieder  
> 1816 Eucalyptus Ave  
> Leucadia, CA 92024  
> laura.ross@mac.com  
>

**From:** Lynne Gilson <gilson.lynne@gmail.com>  
**Sent:** Friday, March 12, 2021 3:59 PM  
**To:** Scott Vurbeff  
**Subject:** Marea Village

**[NOTICE: Caution: External Email]**

Dear Mr. Vurbeff,

I am writing to object to the Marea Village development plan as it now exists. And given the rampant huge development projects proposed and underway all within a couple of blocks of this one, while the city simultaneously claims it will narrow Leucadia 101 to one lane, AND Encinitas having ZERO beach/bluff maintenance plans for this end of Encinitas, all I can say is "you've got to be sh\*tting me".

Leucadia deserves better treatment. No project the size of Marea Village should be considered until we see a complete plan for northern Leucadia, rather than the piecemeal stuff that is thrown at us. We should be shown a plan that includes ALL the proposed developments, "Streetscape", bicycle lane improvements, railroad corridor expansion, groundwater and pollution management, AND Beach maintenance for District 1.

And before we go any further, I want to see whether or not "Streetscape" works for what is already here, and I want a beach/bluff maintenance strategy agreed upon and enacted.

In case you are not aware, the Mayor has done much to trumpet the "Encinitas-Solana Beach Sand Replenishment project", but fails to point out that it only helps the Encinitas beaches in Districts 2 and 3 (i.e. south of Beacons Beach through Cardiff-By-The-Sea). For northern Leucadia (South Ponto beach to Beacons Beach), the location for these proposed developments, there is not a single plan. Zero. Nada. When I talked with Mayor Blakespeare about this last Nov. at first she lied, saying that it is not the city that makes plans for the beach maintenance. Then she said she had no idea if there were any plans. Stunning (whether that was another lie or the truth, either way it is stunning). It's 23% of Encinitas coastline. So I checked with Jamie Timberlake, who said "yep, no plans".

Educate yourselves, the city council, and the citizens. Please get a holistic plan together. Act fairly and responsibly with Leucadia's District 1. Put a hold on any further development plans until you are actually ready with infrastructure.

Sincerely,  
Lynne Gilson  
Homeowner, Grandview St. Encinitas

**From:** Lynne Gilson <gilson.lynne@gmail.com>  
**Sent:** Sunday, March 14, 2021 9:25 PM  
**To:** Scott Vurbeff  
**Subject:** Marea Village

**[NOTICE: Caution: External Email]**

Dear Mr. Vurbeff,

The more I think about the proposed Marea Village expansion, the more stunned I am that Encinitas is considering it.

The amount of the bluff that is proposed to be dug out is unsafe, in addition to not respecting the natural structure and beauty of our coastline.

I live on Grandview St., close to the site of the Grandview bluff collapse which killed three people. Prior to that horrific event I told folks that the digging out of the first stage of the Marea Resort would be increasing the fracturing of the bluffs and increasing collapses. Yes, I am a scientist, but you didn't need to be one to have that thought. All of the homeowners in our neighborhood could feel the ground shake from the work being done at Marea.

The loss of those lives by being crushed to death is bad enough. But now the city also has a lawsuit (my tax dollars hard at work). While it may be difficult to prove definitively, it will not be hard to find experts who will attest that the way the natural bluff was being abused probably in some way contributed to the collapse. To repeat this, would be a most incredible folly.

It is time for Encinitas to show some respect for northern Leucadia.

Sincerely,  
Lynne Gilson, Ph.D.

**From:** Janet Gonzales <janzales@gmail.com>  
**Sent:** Friday, March 12, 2021 3:27 PM  
**To:** Scott Vurbeff  
**Subject:** Avenida Encinas development

[NOTICE: Caution: External Email]

Dear Sir,

The proposed development in the area of the Marea Beach Resort will adversely impact the quality of life for the citizens living near there.

La Costa Ave and 101 is already a heavily travelled corner, without adding LOS Engineering Inc traffic study of an additional 10,000 daily trips.

Plus our coastal corridor is already overbuilt and open space is dwindling.

I moved to Encinitas in 1979, bought my home in 1985 on Arcadia Rd and raised my family which now includes grandchildren in this beautiful area.

Please help retain some of our charm and small beach town ambiance and limit the size of coastal development.

Thank you,

Janet Gonzales

Sent from my iPhone

**From:** Peter Heidmann <pete.heidmann@gmail.com>  
**Sent:** Thursday, March 11, 2021 5:39 PM  
**To:** Scott Vurbeff  
**Subject:** Marea village

[NOTICE: Caution: External Email]

I live on Andrew street near the the new hotel. My wife and I are very concerned about the planned developments in the area. Too many too dense.

We moved to this neighborhood because we liked the small beach friendly community.

All our neighbors are distressed at where things are heading too. Not only will it degrade our community, but will undermine the value of our properties.

We understand that people have rights to develop but there must be consideration for the existing home owners. Please help stop the excess developments

Please help,  
Ruth and Peter Heidmann

**From:** Caroline Jopes <carolinejopes@gmail.com>  
**Sent:** Saturday, March 13, 2021 6:45 AM  
**To:** Scott Vurbeff  
**Subject:** Marsa village

**[NOTICE: Caution: External Email]**

This is a really bad idea. Make the intelligent decision to nix it.



**From:** Caroline Jopes <carolinejopes@gmail.com>  
**Sent:** Saturday, March 13, 2021 6:51 AM  
**To:** Scott Vurbeff  
**Subject:** Marse development

**[NOTICE: Caution: External Email]**

Does Encinitas have the funds to pay all those "home" buyers, i.e., investment clients, for the soon-to-be necessity of planned retreat? Please think in terms of the future that looms instead of immediate campaign perspectives.

**From:** Caroline Jopes <carolinejopes@gmail.com>  
**Sent:** Sunday, March 14, 2021 8:30 AM  
**To:** Scott Vurbef  
**Subject:** Re: Marea development

**[NOTICE: Caution: External Email]**

I would like to correct my misspelling of Marea development. Still a really gross misuse of that parcel; however, "Marea" means tide in spanish, a clue to what will happen when Encinitas overdevelops that property and sea levels rise, as they are doing already. Planned retreat isn't popular with property owners, but eventually they'll have to accept it. Why plan a situation that will require it?

On Sat, Mar 13, 2021, 6:51 AM Caroline Jopes <[carolinejopes@gmail.com](mailto:carolinejopes@gmail.com)> wrote:

Does Encinitas have the funds to pay all those "home" buyers, i.e., investment clients, for the soon-to-be necessity of planned retreat? Please think in terms of the future that looms instead of immediate campaign perspectives.

**From:** David Kerr <drkerr@ucsd.edu>  
**Sent:** Sunday, March 14, 2021 6:50 PM  
**To:** Scott Vurbuff  
**Subject:** NW Leucadia

**[NOTICE: Caution: External Email]**

Mr. Verbuff,

I am a long time resident of NW Leucadia (Asbury and Eucalyptus). I am writing to you to urge a moratorium in growth in the is sector of Leucadia. I am fearful of the traffic flow down Vulcan, La Costa and the 101 with the addition of the new Marea Beach resort and the proposed development along the 101 and La Costa Ave. will be untenable. Vulcan traffic has already increased substantially after the 101 was necked down for bicycles.

Please consider slowing things down while these issues are addressed.

Thanks  
David and Dena Kerr  
760-632-0139

**From:** Brooke McKallor <brookemckallor@gmail.com>  
**Sent:** Monday, March 15, 2021 6:57 PM  
**To:** Scott Vurbeff  
**Subject:** Comments Regarding the Marea Village Development

**[NOTICE: Caution: External Email]**

Hi Mr. Vurbeff,

My name is Brooke Mckallor and I live on Range Street in Leucadia. I am 28 years old and have lived here for almost 3 years now and I am proud to call this amazing town my home. I am writing today because I was informed about the Marea Village development that is being planned right now, and I was told I could email you my comments about it. So, here we go!

The proposed developments will cause harm and irreparable damage to our beautiful coastal corridor and environment. Leucadia Cares outlined how the development will cause many public safety issues and create irreversible environmental damage. I am sure you have heard from them on all of these points, so I will not repeat them.

For me personally, though, it pains me to think about my future children growing up here and having to worry about the safety of swimming and surfing in the water and to think of sweet Leucadia congested with traffic and overdevelopment. As a surfer who spends almost every day at Grandview or Beacons, I don't want to have to question whether or not it is safe for me to go in the water without getting sick.

I stand with Leucadia Cares and their request for the City of Encinitas to have a moratorium on growth in Northwest Leucadia for the next several months to allow time to address and resolve the public safety concerns of the Marea Village Development that Leucadia Cares has outlined.

Leucadia is a special town with personality and quiriness and it deserves to maintain its charm throughout time. Also, public safety and the wellness of our ocean waters should always be a priority.

I truly hope you will consider my comments and those of other concerned residents. Thank you so much!

Warm wishes,  
Brooke

**From:** sand@sandmiller.com  
**Sent:** Friday, March 12, 2021 9:46 AM  
**To:** Scott Vurbeff  
**Subject:** Marea Village development

**[NOTICE: Caution: External Email]**

I am opposed to the current proposed Marea Village development. I favor a moratorium on growth in Northwest Leucadia until traffic impacts and more public input can be studied.

Sand Miller  
1841 Wilstone Ave  
Encinitas, CA 92024  
760-522-7892

**From:** Steve Nelson <steve.srnoffice@gmail.com>  
**Sent:** Monday, February 15, 2021 9:43 AM  
**To:** Scott Vurbeff  
**Subject:** Proposed Marea Village

**[NOTICE: Caution: External Email]**

Dear Scott,

I saw the recent notice posted in the coast News regarding the proposed development of the Marea Village. As a resident and owner in Leucadia, I find this proposal totally in conflict with the city's needs.

In light of the adjacent development of the Alila Marea hotel we do not need another resort hotel. Furthermore the addition of 94 high density apartments is both an eyesore and will further contribute to traffic congestion on an already crowded Hwy 101.

I find this project offensive as a mixed use of the land and not a positive contribution to the city of Encinitas and especially the community of Leucadia.

It would be my hope the city of Encinitas can find a more attractive use of this land that would be in harmony with the community of Leucadia.

I hope the City rejects this proposal as it would further an already challenging traffic situation with another hotel and an ugly dense housing project that will be a blight to Leucadia.

Sincerely

Steve

**Steven R. Nelson**  
MOBILE [408.203.9819](tel:408.203.9819)

Sent from my iPad

**From:** Nortons <nortsurf4@yahoo.com>  
**Sent:** Sunday, February 21, 2021 4:51 PM  
**To:** Scott Vurbeff  
**Subject:** Marea Village EIR  
**Attachments:** EIR for Marea Village.docx; EIR for Marea Village - map.docx

[NOTICE: Caution: External Email]

Hi Scott,

Thank you for your "Notice of Preparation of a Draft Environmental Impact Report" dated February 12th for the propose Marea Village Mixed Use Development.

Based on my review of the Notice (specifically the issue areas that the EIR will focus on), I drafted and presented via Zoom to both the City Council and the Planning Commission last week the attached brief piece regarding my -- and very many residents in the northwest corner of Leucadia -- major concerns over the apparent lack of attention to the traffic and public safety implications of said proposed development.

I hope that my (our) message of great concern has reached you via the Council members and/or Planning Commissioners. Please confirm and I welcome your feedback at your earliest opportunity. These issues over traffic, public safety and the current inadequate infrastructure in this small area is going to remain as an extremely important topic every time the City considers future developments within this tiny La Costa Ave. corridor!

By the way, we are already seeing very substantial traffic back up on west bound La Costa Ave. (we're at 283) due to the longer intervals between green lights at the 101 because of the new, not-even-open Alila Marea Hotel...just wait until it opens! And, one can only imagine the terrible implications for the already highly dangerous, poorly controlled La Costa/Vulcan Ave. intersection!

Thank you in advance for your considerations and I would be happy to talk with you about these concerns.

Steve Norton  
(760) 633-4536

Dear Planning Commission members,

Thank you for this opportunity to address you tonight. I gave the following presentation to Council members last night and have also sent you a copy of the following but feel it's also important to read it to you in case you haven't had the opportunity to review it.

As long-term residents of a single-family home off of La Costa Ave. in northwest Leucadia, my wife and I have been closely following the recent and very rapid development of our area. That development includes the imminent opening of the very large Alila Marea Hotel at La Costa and 101 and the numerous proposed houses, apartments, hotels, and multi-use developments in the mere one-mile road corridor from the I-5 to the 101 and slightly south from there.

As daily walkers to Ponto Beach, we have been increasingly more concerned about our safety and that of bicyclists along La Costa Ave.- a two-lane road without an elevated off-road sidewalk, unlike almost every other major transit road within our city. Not only have the car speeds remained in excess of the posted 35 mph limit, but, as you very well know, drivers have become ever more distracted with the advent of cell phones and the perceived need to remain constantly connected to their work, family and friends!

Consequently, during our walks we are constantly at risk, with our eyes always focused on oncoming traffic, largely because of the absence of a proper off-road sidewalk and, of course, the very hazardous La Costa/Vulcan Ave. intersection.

I speak to you tonight in light of the City's very recent "Notice of Preparation of a Draft Environmental Impact Report" for the proposed Marea Village Mixed Use Development Project, just south of the new Alila Marea Hotel. Specifically, within that notice, it states that the EIR will focus on 16 different environmental issue areas. The 14<sup>th</sup> item is "transportation", which can be interpreted in a number of different ways, although I suspect that it does not include "traffic and public safety." We would like to suggest to all members tonight that "traffic and public safety" should be a stand-alone topic of study AND one at the top of the priority list for investigation, not the 14<sup>th</sup> out of 16 items, if in fact it is even included in the City's definition of "transportation".

Given the very serious traffic issues already highlighted in the February 2020 traffic study for the proposed apartment complex at La Costa and Vulcan, we simply cannot imagine any comprehensive EIR that does not address the major traffic and public safety issues and implications for La Costa Ave., which the City managers hopefully continue to support maintaining as a two-lane road.

In sum, we ask that the City ensure that the forthcoming EIR fully address this very important topic, one which the City managers claim is of utmost importance when considering any future development within our city. And, I might add, traffic and public safety should be thoroughly addressed before any future developments within this very small quadrant of our City. Specifically, the Alila Marea Hotel, Marea Village, the 1967 Vulcan Ave. apartment complex and the likely development at Surfer's Point are ALL within ¼ mile of each other. Please think of the huge associated traffic and public safety issues before going ahead with these proposed developments!

Thanks in advance for all of your considerations,

Steve and Meg Norton

283 La Costa Ave.



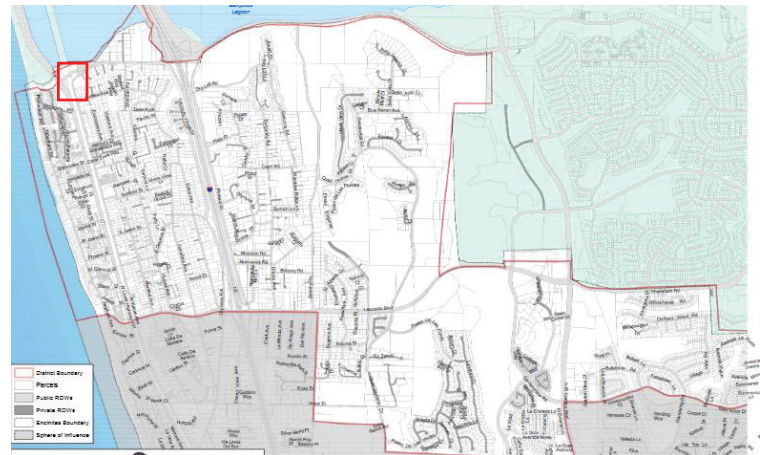
As you surely are aware, the developments nearing completion or currently being discussed are all located within a ¼ mile of each other. Below is a visual aid to seeing what a tiny proportion of Encinitas will be impacted by these developments. Note, these projects are not single-family residences, but hotels and apartments accommodating well over 300 people. And this does not show the projects on La Costa Ave. about ½ mile closer to I-5 where approximately 48 homes and a boutique hotel are planned!



Map of Encinitas Voting Districts



Enlarged area includes  
Alila Marea Hotel, Marea Village,  
1967 N. Vulcan, and Surfer's Point!



Encinitas District 1

**From:** rusty@jpowell.com  
**Sent:** Saturday, March 13, 2021 10:15 AM  
**To:** Scott Vurbeff  
**Cc:** janice@jpowell.com; Leucadiacares@gmail.com  
**Subject:** Opposition to Marea Village

**[NOTICE: Caution: External Email]**

Dear City of Encinitas

While I am certainly not opposed to all development in Leucadia, I am very concerned that too many projects are being pursued concurrently without sufficient cumulative analysis of the many environmental and social impact to the community. To my knowledge, there are at least 5 large development projects currently proposed for northern Leucadia and South Carlsbad, in addition to the recently completed Marea Hotel. Traffic, parking, drainage, intersection capacities are just a few of the significant impacts.

As a result, I want to go on record as opposing any approvals for the Marea Village project until a comprehensive study is prepared to address the cumulative impacts of proposed developments in northern Leucadia and Southern Carlsbad. Together, the numerous proposed projects will create significant problems. Encinitas and Carlsbad need to work together to address the cumulative impacts, rather than approach these proposed developments as if they are separate unrelated projects in independent Cities.

Thank you for your consideration.

Sincerely

John M. "Rusty" Powell

1824 Wilstone Avenue  
Leucadia, CA 92024  
(760) 942-1803 Res.  
(760) 500-1721 cell  
(760) 942-1596 fax  
email: [rusty@jpowell.com](mailto:rusty@jpowell.com)

**From:** William Racine <[wcracine@yahoo.com](mailto:wcracine@yahoo.com)>  
**Sent:** Tuesday, February 16, 2021 1:31 PM  
**To:** City Clerk <[CityClerk@encinitasca.gov](mailto:CityClerk@encinitasca.gov)>  
**Subject:** EIR for Marea Village - City Council Meeting of February 16, 2021

**[NOTICE: Caution: External Email]**

My wife and I have lived on La Costa Avenue for the last 42 years. We have been witnesses to the tremendous increases in traffic and traffic accidents on the road over that time. One or both of us walk to the beach almost every day even though the journey is becoming more and more dangerous.

I am concerned that the subject EIR will not adequately address the negative traffic impacts that Marea Village will add to an already dangerous situation on La Costa Avenue. I have listed below the existing problems on La Costa Avenue, along with possible solutions. The EIR should address these problems and suggest ways Marea Village will add to them. The EIR also should provide suggested ways that Marea Village should mitigate their increased impacts of traffic and speed on the many pedestrians who walk on La Costa Avenue.

### Crosswalk at La Costa and Vulcan

Trying to cross Vulcan on La Costa can only be described a very dangerous proposition. There is no crosswalk or signal to protect pedestrians and dog walkers. Westbound and eastbound cars turn south from La Costa to Vulcan while northbound cars on Vulcan turn on to La Costa. There is a lone stop sign on Vulcan with no other traffic control devices, so we end up with a free-for-all which has and will continue to result in injury accidents.

I suggest installing a crosswalk with flashing yellow lights to alert motorists when someone is walking across Vulcan. This would be similar to the crosswalk / signal arrangements that one sees on Hwy 101 in Encinitas and Carlsbad.

### Sidewalk along La Costa

Currently, there are bicycle and pedestrian lanes marked on the south side of La Costa Avenue. Motorists routinely drift in and out of the bicycle and pedestrian lanes, especially where the road curves. This is an extremely dangerous situation which has resulted in many near misses of pedestrians.

I suggest installing a raised sidewalk to the south of the current pedestrian lane to separate cars and bikes from pedestrians.

### Speed Limit on La Costa

Motorists routinely drive well over the 35 mph limit on La Costa. This, of course, contributes to traffic hazards on our street. We need some traffic calming measures to protect motorists, pedestrians and cyclists.

I suggest lowering the speed limit to 25 mph from Hwy 101 to the freeway. I also suggest installing speed bumps similar to those recently installed on Hwy 101 in Leucadia.

### Signal at 101 and La Costa

As currently configured, this traffic signal allows pedestrian crossing of Hwy 101 only on the south side of La Costa. As a result all pedestrians (and their dogs in many cases) who are going north on 101 toward Ponto beach will have to cross in front of the new hotel. This negative impact on hotel guests could be mitigated if pedestrians could walk diagonally across 101. In addition, it would be far safer for pedestrians to avoid the cars entering and leaving the hotel driveway.

I suggest installing a signal that will stop all traffic at the La Costa / 101 intersection to allow pedestrians to walk parallel or diagonally across Hwy 101. This would be similar to the signals at Hwy 101 Carlsbad Village Drive in Carlsbad.

Marea Village, along with the numerous other proposed developments along La Costa Avenue, will add considerable traffic and increase the risks to pedestrians and cyclists alike. These negative impacts must be spelled out in the Marea Village EIR and mitigation should be provided prior to approval of the development.

W C Racine  
Leucadia

**From:** William Racine <wcracine@yahoo.com>  
**Sent:** Monday, February 22, 2021 1:52 PM  
**To:** Scott Vurbeff  
**Subject:** Comments on Draft EIR for Marea Village

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

[NOTICE: Caution: External Email]

## Comments on Notice of Draft Environmental Impact Report

### Marea Village Mixed Use Development

#### Transportation Issues

I have reviewed the Marea Village EIR Notice and associated conceptual plans for the development. The design appears to be well thought out and it could be an interesting addition to the Highway 101 corridor in Leucadia. However, the traffic generated by the project will severely impact the already congested and dangerous conditions on Hwy 101, La Costa Ave and Vulcan Ave.

As a resident of La Costa Ave, I am very concerned that the EIR will not properly address the negative impacts of Marea Village on an already overused infrastructure and hazardous traffic situation. Some of the basic traffic issues that should be addressed in the EIR include the following.

Increased Congestion on both La Costa Ave and Hwy 101

Hazards to Pedestrians, Cyclists and Drivers at Vulcan and La Costa Ave

Walking Safety on La Costa Ave from Sheridan to Hwy 101

Speeding Motorists on La Costa Ave

Pedestrians Crossing Hwy 101 at La Costa Ave

The Draft EIR should document these and other baseline traffic problems and fully estimate the increased traffic issues associated with the proposed project. Also, the baseline traffic conditions should not be based on the lighter traffic during the pandemic but should be based on traffic flows before and after the pandemic. Baseline traffic also should include increased trips to and from the new hotel on Hwy 101 and La Costa Ave.

I am confident that a proper traffic baseline will show that traffic on La Costa Ave is already well over its design capacity. Therefore, no new developments should be allowed until developers and/or the City of Encinitas mitigate all traffic issues.

In summary, the existing infrastructure will not support any additional development impacting traffic on La Costa Ave. In fact, significant upgrades are required now to reduce current traffic congestion and hazardous conditions. These upgrades and additional mitigation measures for Marea Village should be completed prior to beginning construction at Marea Village.

Submitted to Scott Vurbeff by W C Racine

February 22, 2021

**From:** Tiffany Rogers <tiffrogers74@me.com>  
**Sent:** Monday, March 15, 2021 10:15 AM  
**To:** Scott Vurbeff  
**Subject:** Marea Village Development -PLEASE READ

[NOTICE: Caution: External Email]

Hi Scott,

I am writing to you in regards to the development just south of the new Alila hotel. This is a very difficult email for me to send as I am a survivor of the bluff collapse that occurred at Grandview on August 2, 2019. As I was sitting there chatting with my best friend and her family the bluff collapse killing 3 ladies that were near and dear to my heart my then five-year-old daughter and I barely escaped some cuts and bruises. At times I have wondered if the development of the new hotel contributed to the bath collapse. I strongly urge you to not develop the land south of the new hotel as I do not feel it would be safe for any of us to go to the beach is down there.

This is about all I can write to you right now because of the sensitivity of the issue but I'm sure you can respect where I'm coming from. Please feel free to reach out if you have any questions.

Thank you,  
Tiffany Rogers  
619-857-7855

Sent from my iPhone

**From:** LAURA A ROSS <laura.ross@me.com>  
**Sent:** Sunday, March 14, 2021 6:07 PM  
**To:** Scott Vurbeff  
**Cc:** leucadiacares@gmail.com  
**Subject:** We Oppose Marea Village Development

[NOTICE: Caution: External Email]

Dear Mr. Vurbeff,

As a property owner in our lovely town of Leucadia, I want to express that I strongly oppose the Marea Village development for the following reasons:

- 1) A development of this type will create nearly 10,000 additional daily trips in our already very busy traffic areas. This will create more safety issues, as well as more pollution of our beach waters by run-off from cars dripping oil, tire residuals, and exhaust.
- 2) Inadequate infrastructure for keeping pedestrians, motorists, and cyclists safe. This is one of the busiest cycling and walking areas in North County San Diego!
- 3) Excavation, grading, and digging needed to build the two-story subterranean parking for the proposed Marea Village risks destabilizing fragile bluffs about 100 yards away where 3 people tragically died in a bluff collapse. Underground water that naturally flows downhill from I-5 corridor towards the ocean could be blocked or diverted by Marea Village subterranean parking and further destabilize the fragile bluffs.

This development and other proposed developments in NW Leucadia will cause permanent and irreparable harm to our coastal corridor and environment. I ask that the City of Encinitas have a moratorium on growth in NW Leucadia for the next 6 months to allow time to address and resolve these important environmental and public safety issues.

With warm regards and love of our Leucadia beach town,

Laura Ross  
1816 Eucalyptus Ave  
Leucadia, CA 92024  
laura.ross@mac.com

**From:** Clara Sanchez <clarajsanch@gmail.com>  
**Sent:** Sunday, March 14, 2021 10:19 PM  
**To:** Scott Vurbef  
**Subject:** Marea Village

**[NOTICE: Caution: External Email]**

Mr Vurbef:

I have lived in Encinitas since 1984 and in my current location since 1997. While I understand development is going to occur; I am very concerned that infrastructure including sewer/water issues and traffic have not been adequately addressed with all of the proposed developments in our small area. It is difficult enough now, before the new Alila beach resort is open, to leave my cul de sac, let alone considering what traffic will be like when all of the proposed developments are built.

I understand a traffic study was done in November 2020. However, how accurate can a traffic study be during covid and fall months? It seems a ridiculous, effortless waste of time and money.

Can the city's existing waste plumbing accommodate all of the proposed developments?

I suggest you drive on La Costa during work hours or when I-5 freeway has traffic issues to see for yourself what travel is like now on La Costa between I-5 and the coast before any more development has occurred.

Best Regards,

Clara Sanchez  
321 La Costa Ave.  
Encinitas, CA 92024



**Mail Delivery Subsys**

**From:** Zenia Schmitz <zeesjims@gmail.com>  
**Sent:** Friday, March 12, 2021 1:49 PM  
**To:** Scott Vurbef  
**Cc:** leucadiacares@gmail.com  
**Subject:** Public Safety at Risk due to Over-Development

[NOTICE: Caution: External Email]

Scott,

My husband and I have owned property in Leucadia since 1975. We chose to retire into that property in 1998. We have seen a lot of changes over the decades; some good and some not so good.

It has recently been brought to our attention that there are significant changes coming along our coastline and along the 101 highway south of the Marea Village development. This is extremely concerning to us as the amount of traffic has increased ten fold in recent years making it difficult to exit Bishops Gate Road in our development at Sea Bluff village and 101 highway. The concerns are so significant to the point of needing another round about or a signal at that entrance/exit. Any future development is only going to exacerbate this existing problem.

We are urging the City of Encinitas and its Planning Division to reconsider any/all further developments to the South of Marea Village and HALT these projects until further consideration can be applied to the existing traffic concerns.

Regards,  
Jim and Zeenia Schmitz

Sent from my iPad





**From:** Elena Thompson <elenathompson@cox.net>  
**Sent:** Monday, March 15, 2021 7:32 AM  
**To:** Scott Vurbeff; Planning; Tony Kranz  
**Cc:** Kathy Hollywood  
**Subject:** 3-15-21 Marea Village EIR Comments

[NOTICE: Caution: External Email]

Hello City Staff,

Our comments are:

- good there is an EIR being conducted
- traffic studies should be current, conducted in 2021 during peak summer season (June, July, August) now that the adjacent hotel is up and operational
- concerned about all environmental impacts in this fragile lagoon, coastal region
- concerned about over-development of this quadrant of Leucadia - where little to no public safety exists such as a sidewalk on La Costa Avenue, crosswalks to bus stops, crosswalk at La Costa (it was removed), overflow parking impacts
- concerned about night lighting impacts on night sky and neighboring SeaBluffe
- concerned about the sound and hum of HVAC systems impacting environmental health, with commercial so close to residential units (255 SeaBluffe units)
- concerned that Proposition A is being ignored

A nice project, but size and scale is too much for the area. Please lob off the apartments and keep the hotel, pool and commercial-retail, make above modifications to appease the community.

Please consider ALL these items.

Thank you,

Elena & John Thompson

**From:** Frances Walters <franceswalters55@gmail.com>  
**Sent:** Monday, March 15, 2021 5:04 PM  
**To:** Scott Vurbeff  
**Subject:** Northwest Leucadia

**[NOTICE: Caution: External Email]**

Dear Mr. Vurbeff,

I am trying to wrap my head around all of the new construction and proposed new construction in this area. I need you and the Planning Division to please use your common sense and think of this area as not just a dumping ground for rubber stamp approval developments.

I understand that the owners of these parcels of land want to improve them but please NOT at the expense of our neighborhoods.

-Traffic - where do I begin? I've lived here for 14 years and the increase has been horrendous. While trying to keep pedestrians and bicyclists safe it has made existing traffic back up from the coast to the freeway, as in gridlock! Impossible to move. It makes me fearful I could not receive emergency help fast enough. And with "Streetscape" going forward there really will be gridlock especially during Spring and Summer.

-Excavating/grading - I still will be willing to bet the recent bluff collapse that killed 3 people was caused by the Marea Hotel. I run by there all the time and heard it and felt it. I thought the bluffs in front of the hotel would go, but unfortunately I wasn't far off. More of this? Really? With the bluffs so fragile? And a subterranean parking garage for said hotel?

-Environment - with all the cars sitting and idling, going nowhere. There goes the pollution into beaches/lagoons. I realize there needs to be growth and development, but Leucadia needs to have a SMART plan. We don't even have sidewalks or safe rail crossing! La Costa Avenue is going to be hit so hard with all these proposed developments, not to mention the builders are putting together designs that are just boxes and not trying to blend in with the environment. One of the proposed apartment buildings looks like it belongs in the commercial district of Carlsbad. That makes it obvious the developers are just looking to build cheaply and run. No quality, no pride in their work. We need a MORATORIUM on growth around here. Please put the brakes on and and take the time to address and resolve these issues. These are important public safety issues that deserve your care and time for all of us. Even the vacationers who don't live here, they need to have safe travels.

Thank you for your consideration,

Tim and Frances Walters

1863 Wilstone Ave.

Encinitas (Leucadia)

**From:** Bonnie Woelfel <bwoelfel13@gmail.com>  
**Sent:** Friday, March 12, 2021 8:32 AM  
**To:** Scott Vurbeff  
**Subject:** Marea Village

**[NOTICE: Caution: External Email]**

I oppose this development. The hotel taking up our whole intersection at La Costa is enough! There is no possible way Coast Highway can handle this amount of traffic. I am also concerned about runoff into the ocean. Our sand at Grandview Beach is more mud than sand after we watched the dumping of the "sand" from the digging of the hotel parking lot. I felt it with my own hands and it was not sand. Please do not ruin our beaches and quiet in the neighborhood.

Bonnie Woelfel, local Leucadia resident