

CALIFORNIA COASTAL COMMISSION

SAN DIEGO DISTRICT OFFICE
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
PH (619) 767-2370 FAX (619) 767-2384
WWW.COASTAL.CA.GOV



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Prepared October 30, 2020 (for the November 5, 2020 Hearing)

To: Commissioners and Interested Parties
From: Karl Schwing, San Diego Coast District Deputy Director
Subject: **San Diego Coast District Deputy Director's Report for November 2020**

The following coastal development permit (CDP) waivers, immaterial CDP amendments, CDP extensions, and emergency CDPs for the San Diego Coast District Office are being reported to the Commission on November 5, 2020. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's San Diego Coast District Office in San Diego. Staff is asking for the Commission's concurrence on the items in the San Diego Coast District Deputy Director's report, and will report any objections received and any other relevant information on these items to the Commission when it considers the report on November 5th.

As a result of the COVID-19 emergency and the Governor's Executive Orders [N-29-20](#) and [N-33-20](#), this Coastal Commission meeting will occur virtually through video and teleconference. Please see the **Coastal Commission's Virtual Hearing Procedures** posted on the Coastal Commission's webpage at www.coastal.ca.gov for details on the procedures of this hearing. If you would like to receive a paper copy of the Coastal Commission's Virtual Hearing Procedures, please call 415-904-5202.

With respect to the November 5th hearing, interested persons may sign up to address the Commission on items contained in this report prior to the Commission's consideration of this report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

Items being reported on November 5, 2020 (see attached)

Waivers

- 6-20-0436-W UCSD Hubbs Hall Building Repairs (La Jolla, San Diego)
- 6-20-0470-W Gleeson ADU (San Diego County)
- 6-20-0483-W Wilson ADU (Solana Beach)

Immaterial Extensions

- A-6-ENC-18-0019-E1 North Coast Highway 101 Streetscape Project (Encinitas)

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October 29, 2020

Coastal Development Permit Waiver Improvements to Existing Structures or Repair and Maintenance Coastal Act Section 30610

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13250(c), Section 13252(e), or Section 13253(c), Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

Waiver: 6-20-0436-W

Applicant: University of California, San Diego

Location: Hubbs Hall, 8750 Biological Grade, La Jolla, San Diego, San Diego County (APN: 344-090-07)

Proposed Development: Repair and maintenance to Hubbs Hall, a 4-story concrete research building, including repair of existing pre-cast concrete cladding panels, concrete spalling, and deteriorated exterior concrete stairs; replacement of existing traffic coatings on concrete walkway and deck surfaces; and replacement of existing roofing system.

Rationale: The project requires a permit because the existing building is within 50 ft. of the edge of a coastal bluff. The project will repair deteriorating external surfaces and will not replace any structural components of the building. The new roof will match the appearance of the existing roof. Adequate parking is available on site for construction activities and no public parking areas will be impacted. No loading of construction materials will occur on the seaward side of the building. Any water used during the concrete repair work will be captured, contained, and safely disposed of off-site. The proposed development will not adversely impact coastal resources, public views, public access, or public recreational opportunities, and is consistent with the Chapter 3 policies of the Coastal Act.

[OVER]

Coastal Development Permit Waiver
6-20-0436

This waiver will not become effective until reported to the Commission at its November 2020 meeting. If three (3) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

John Ainsworth
Executive Director



Carrie Boyle
Coastal Program Analyst

cc: Commissioners/File

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October 22, 2020

Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

Waiver: 6-20-0470-W

Applicant: Mike Gleeson

Location: 4874 Sun Valley Rd, Lomas Santa Fe, San Diego County
(APN: 302-041-24)

Proposed Development: Conversion of an existing detached 586 sq. ft. garage into an accessory dwelling unit (ADU) and construction of an approximately 305 sq. ft. addition to the new ADU on a 1.07 acre lot with an existing 3,300 sq. ft. single-family residence with an attached 496 sq. ft. garage. The ADU will be connected to an existing septic tank on the property.

Rationale: The proposed project is located within the uncertified Lomas Santa Fe region of the County of San Diego. The project is located within an established residential neighborhood consisting of single-family residences similar in size and scale to the proposed development. There are no steep slopes, sensitive habitat, or public views that will be affected by the development. Adequate parking is provided. The project is consistent with the zoning and plan designations for the County of San Diego and its Land Use Plan, as well as applicable Chapter 3 policies of the Coastal Act, and no adverse impacts to coastal resources are anticipated.

This waiver will not become effective until reported to the Commission at its November 2020 meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

[OVER]

Coastal Development Permit Waiver
6-20-0470-W

Sincerely,

John Ainsworth
Executive Director



Carrie Boyle
Coastal Program Analyst

cc: Commissioners/File

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October 22, 2020

Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

Waiver: 6-20-0483-W

Applicant: Lee Wilson

Location: 218 S. Granados, Solana Beach, San Diego County.
(APN: 298-083-66-00)

Proposed Development: Construction of an approximately 160 sq. ft. addition connecting an existing one-story 2,405 sq. ft. single-family residence to an existing detached 480 sq. ft. garage on a 11,500 sq. ft. lot. Construction of an approximately 760 sq. ft. accessory dwelling unit (ADU) above the garage. Removal of four non-native trees.

Rationale: The proposed project is located in an established residential neighborhood consisting of single-family residences similar in size and scale to the proposed development; therefore, the project will not be out of character with the existing community. The proposed accessory unit is consistent with the City of Solana Beach standards for accessory units in an area designated for residential uses. The development will not block any public views, and adequate parking is provided. The project is consistent with the zoning and plan designations for the City of Solana Beach and its certified Land Use Plan, as well as all applicable Chapter 3 policies of the Coastal Act, and no adverse impacts to coastal resources are anticipated.

This waiver will not become effective until reported to the Commission at its November 2020 meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less

[OVER]

Coastal Development Permit Waiver

6-20-0483-W

than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

John Ainsworth
Executive Director



Carrie Boyle
Coastal Program Analyst

cc: Commissioners/File

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October 15, 2020

**NOTICE OF EXTENSION REQUEST
FOR COASTAL DEVELOPMENT PERMIT**

Notice is hereby given that City of Encinitas (Roy Sapa'u) has applied for a one-year extension for CDP #A-6-ENC-18-0019 (Leucadia Streetscape) granted by the California Coastal Commission on October 11, 2018.

for: Redevelopment of northbound and southbound Coast Highway 101 between A Street and La Costa Avenue to reduce travel lanes from 2 lanes to 1, bike lanes, roundabouts, crosswalks, bus turnout bays, landscaping, sidewalks and parking bays along the east side of Highway 101.

at: North Coast Highway 101 between A Street in the south, extending to La Costa Avenue in the north, Encinitas (San Diego County)

Pursuant to Section 13169 of the Commission Regulations, the Executive Director has determined that there are no changed circumstances affecting the proposed development's consistency with the Coastal Act. The Commission Regulations state that "if no objection is received at the Commission office within ten (10) working days of publishing notice, this determination of consistency shall be conclusive... and the Executive Director shall issue the extension." If an objection is received, the extension application shall be reported to the Commission for possible hearing.

This item will be heard by the Commission on November 5, 2020. Persons wishing to object or having questions concerning this extension application should contact Cort Hitchens at the San Diego Coast district office of the Commission by email at Cort.Hitchens@coastal.ca.gov, by phone at (619) 767-2370, or by mail at the address above. The deadline for receipt of objections is October 30, 2020 at 5:00 pm.

Sincerely,

John Ainsworth
Executive Director

Original on File signed by:

Cort Hitchens
Coastal Program Analyst

cc: Commissioners/File

From: [Sheila Cameron](#)
To: Hitchens_Cort@Coastal
Subject: OBJECTIONS TO MODIFICATIONS TO OR EXTENSIONS OF CDP #A-6-ENC-18-0019
Date: Friday, October 30, 2020 3:40:47 PM

Dear California Coastal Commission Chair and Members:

My name is Sheila Cameron and I am a former Council Member and Mayor of the City of Encinitas. I helped Incorporate this City by the sea and have spent many hours since we started our Incorporation effort in 1984 and becoming a City in 1986 volunteering to help guide this City in the fulfillment of the two principals on which we are founded: Protection of the "Community Character" of each of our varied communities and creating and maintaining our "Quality of Life" as our City grows.

Since attending the first Workshops on the Leucadia North Coast Highway 101 concept in 2008, I have participated in meetings, studied, and raised observations and objections to this destructive Streetscape proposal, including speaking before the Coastal Commission..

First of all, this project should not go forward until the storm water and drainage problems as presented by Dr. John Helly, a UCSD professor and expert in this field have been resolved. Both the flooding challenges and pollution of the deliberate drainage disposal into our Pacific Ocean are still ongoing! Dr. Helly has submitted his professional analysis along with photos and illustrations that clearly show the depth of this aspect of the problems with even considering an Extension of and Modifications of the subject issue before you.

I hope the above is the Commission's foremost concern as appointed guardians of our Coastal waters and communities!
(California Coastal Act sections: 30230;30231; 30250)

I also support the salient points included in letters from Doug Fiske, Lynn Marr, and Leah Bissonette and others. They have brought up Restricted Access to the Coastal Beaches (The Act Sections: 30220; 30211) - a prime jurisdiction of the CCC; Increases in Green House Gases (CCC Authority Climate Change) and CEQA; and Slower Emergency Response Times in case of Fire.

The Fire concerns that are inherent in this entire Streetscape design as expressed by both the former Fire Chief Mark Muir, and our former Fire Marshal, Anita Puppington are vital to the safety of all our citizens. Leah Bissonette has correctly identified that narrowing this California Highway violates the California Fire Code adopted Ordinance of 2019-27 by the City in November 2019.

Further, the CDP change "is not immaterial" as claimed by the City! Going from 3 parking pods, extending to 10 parking pods entry and exit increases, creates a further obstruction and safety hazard . And it does not aid access to the businesses or the beaches! Now people will have to cross lanes of traffic from East to West.

This stretch of Coastal Highway 101 is both a designated Scenic Highway and Historic Highway. The Scenic designation by the State as well as the "Community Character" of the community of Leucadia are because of our iconic trees which line both sides of this North Coast 101 and the center median foliage.

Are you aware that City Staff has informed us that over 100 trees from El Portal to La Costa Avenue are to be cut down? Count them - almost every tree will be gone! What does that say about the increase in Greenhouse Gases and the California Coastal Commission's Legal Authority to Address Climate Change?

I request that you specifically review: Scenic and Visual Qualities - Section 30251: "The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance." Does destroying a Community's Character and cutting down over 100 trees meet this policy criteria?

This diminution of the Coastal 4 lane highway, according to City Staff reports estimates between 2,500 to 2,700 vehicles will be shoved over onto Vulcan Avenue - a two lane road with family apartments and the Ecke Central Elementary School with a very dangerous access onto La Costa Avenue...another two lane road not built to handle the excess traffic that belongs on Coast Highway 101.

Commissioners, there is a great deal of environmental and safety challenges inherent in this very expensive and unnecessary Streetscape proposal. Those of us who live here and know our Communities, and hearts of the majority of citizens, are offering insight into potential hazards that you as guardians of The California Coastal Act need to know.

A project of this size and scope should be put to a vote of the people as requested numerous times.

Please DENY this proposed Modification to or Extension of CDP #A-6-ENC-18-0019.

Respectfully submitted,
Sheila S. Cameron
1662 Caudor Street
Encinitas, CA 92024
(760) 436-1379

From: [Jim Mosher](#)
To: Hitchens_Cort@Coastal
Subject: City of Encinitas application for one-year extension for CDP #A-6-ENC-18-0019 (Leucadia Streetscape)
Date: Tuesday, October 20, 2020 10:42:01 AM

Dear Mr. Hitchens,

I am writing to object to the one-year extension to the subject Leucadia Streetscape redevelopment of northbound and southbound Coast Highway 101 in Encinitas. This seriously flawed project is already vastly over budget, now projected at over \$60 million, twice the estimated cost when it was approved. The planned reduction of traffic lanes and construction of roundabouts will further restrict traffic flow, increase emergency vehicle response times and idling vehicles will significantly add to the carbon emissions that have supposedly been of such great concern. Cyclists will be placed in closer proximity to motor vehicles when using the roundabouts. Additionally access to the beach, another coastal environmental, quality of life tenet will be compromised. Frankly, I was stunned that this project which clearly violates the standards that the California Coastal Commission professes was allowed to move forward.

Very Truly Yours,

James Mosher

(760) 943-0574 Cell

email: mosher1500@gmail.com

From: [gwenn Truax](#)
To: Hitchens_Cort@Coastal
Subject: Streetscape
Date: Wednesday, October 21, 2020 11:04:55 AM

As a long time resident in Encinitas I have, from the very beginning, thought this was an ill conceived idea. I followed the progress and attended various showings and “sales pitches” and meetings. My objections and those of many others fell on deaf ears. I am not alone in feeling this is not the best plan for the Leucadia area. I am not saying it does not need some improvement but narrowing the 2 lanes to 1 is absolutely idiotic. Is this to punish people who use it to go to work? Have you considered what it will do to Vulcan?

And here they are wanting an extension. **I definitely object to extending this permit.**

I have lived on Neptune Ave. for 60 years and often use that particular area when I am driving. Those two lanes are needed.

Gwenn Truax
gwennt@cox.net
760 753 4314

From: [Leah Bissonette](#)
To: Hitchens_Cort@Coastal
Subject: Proposed Extension of CDP A-6-ENC-18-009 (Leucadia Streetscape)
Date: Wednesday, October 21, 2020 3:21:51 PM

I hereby give notice that I am a Leucadia resident, I have been active in the proceedings on this case before the Commission in the past, and I am opposed to the requested 1-year extension of this CDP.

The CDP change should never have been granted to the City of Encinitas in the original proceeding and it should not be extended now. It should not have been granted to the City because: 1.) it creates a safety hazard by narrowing the road to a degree that it will not meet the California Fire Code Adopted Ordinance of 2019-27 by the City on November 2019; 2.) it makes beach access more difficult in direct violation of the directive of the Coastal Commission by eliminating one vehicle lane thereby adding congestion and creating difficulty in accessing the 3 beaches located on roads that are directly off of this stretch of H101; and 3.) the CDP change is not immaterial as claimed by the City because the change in the number of parking pods will affect the overall safety of the project since 10 pods will have 20 entry/exit points rather than the 6 entry/exit points consistent with 3 pods and additional entry/exit points will be particularly dangerous as cars must access these points and cross an otherwise restricted bike lane each time they want to park or return to H101.

The safety issues are particularly pertinent given recent developments. The fires throughout the State of California have demonstrated the need for both easy exits on coastal routes for residents and for rapid deployment of first responders. Restricting H101 to one lane in each direction without emergency access to the second lane is directly contrary to the safety needs of Californians living on or visiting the coast. The safety problem related to exit and entry points from parking pods is also highlighted by recent developments. Recently, the City of Encinitas installed equipment that restricts a lane on H101 in Cardiff to bicycles only. Largely because of the exit/entry problems from this bicycle-only lane, there have been more than 20 accidents there in less than 3 months. The parking pods on H101 adjoining the bike lane will create an even worse situation.

Rather than extending this CDP change, the Coastal Commission should exercise its rights and obligations under the Coastal Act to preserve coastal access and the safety of all Californians and subject this request to further review.

Leah Bissonette

From: [Doug Fiske](#)
To: Hitchens_Cort@Coastal
Subject: CDP #A-6-ENC-18-0019 (LeucadiaStreetscape)
Date: Wednesday, October 21, 2020 5:13:54 PM

Objection to Granting a One-year Extension for CDP #A-6-ENC-18-0019 (Leucadia Streetscape)

I object to granting an extension of the CDP stated above because the project violates the California Coastal Act of 1976.

In late July 2018, the San Diego district CCC staff issued its analysis of the Leucadia 101 Streetscape project and stated conditions the city of Encinitas would have to meet to comply with the California Coastal Act of 1976. Two commissioners and several residents submitted appeals. The appeals essentially agreed with the staff report. A fundamental point was that the proposed project would restrict access to the Leucadia coastal corridor and the beaches west of it. That judgment was unquestionably correct.

In late September 2018, the staff reversed its July position. The full commission unanimously approved the project in October. The commissioners' and residents' appeals were ignored.

As approved, the project violates the Coastal Act. The CDP extension requested would continue that violation.

The staff has not revealed what justified the reversal of its position between late July and late September 2018. The position went from legal to illegal. The commission went along with the illegality.

The commission now has the opportunity to correct its error by denying the CDP extension.

Doug Fiske
Leucadia

From: [Gary Shilling](mailto:Gary.Shilling@coastal.ca.gov)
To: Hitchens_Cort@Coastal
Subject: Proposed Extension of CDP A-6-ENC-18-009 (Leucadia Streetscape)
Date: Wednesday, October 21, 2020 5:34:47 PM

cort.hitchens@coastal.ca.gov

Proposed Extension of CDP A-6-ENC-18-009 (Leucadia Streetscape)

I hereby give notice that I am an Encinitas resident and I am opposed to the requested 1-year extension of this CDP.

The CDP change should never have been granted to the City of Encinitas in the original proceeding and it should not be extended now. It should not have been granted to the City because: 1.) it creates a safety hazard by narrowing the road to a degree that it will not meet the California Fire Code Adopted Ordinance of 2019-27 by the City on November 2019; 2.) it makes beach access more difficult in direct violation of the directive of the Coastal Commission by eliminating one vehicle lane thereby adding congestion and creating difficulty in accessing the 3 beaches located on roads that are directly off of this stretch of H101; and 3.) the CDP change is not immaterial as claimed by the City because the change in the number of parking pods will affect the overall safety of the project since 10 pods will have 20 entry/exit points rather than the 6 entry/exit points consistent with 3 pods and additional entry/exit points will be particularly dangerous as cars must access these points and cross an otherwise restricted bike lane each time they want to park or return to H101.

The safety issues are particularly pertinent given recent developments. The fires throughout the State of California have demonstrated the need for both easy exits on coastal routes for residents and for rapid deployment of first responders. Restricting H101 to one lane in each direction without emergency access to the second lane is directly contrary to the safety needs of Californians living on or visiting the coast. The safety problem related to exit and entry points from parking pods is also highlighted by recent developments. Recently, the City of Encinitas installed equipment that restricts a lane on H101 in Cardiff to bicycles only. Largely because of the exit/entry problems from this bicycle-only lane, there have been more than 20 accidents there in less than 3 months. The parking pods on H101 adjoining the bike lane will create an even worse situation.

Rather than extending this CDP change, the Coastal Commission should exercise its rights and obligations under the Coastal Act to preserve coastal access and the safety of all Californians and subject this request to further review.

Gary Shilling

**840 San Dieguito Drive
Encinitas CA 92024**

From: [Pat Crilly](#)
To: Hitchens_Cort@Coastal
Cc: Ainsworth_John@Coastal; pjcrilly@gmail.com; [Julie Thunder 4 Mayor](#); [Susan Turney](#); [Leah Bissonette](#)
Subject: Objection to request for Extension for CDP#A-6-ENC-18-0019 Leucadia Streetscape
Date: Friday, October 23, 2020 7:40:36 AM

As stated in the notice sent out on 15/10/2020 ,”persons wishing to object or have questions concerning this extension application should contact the commission”.

Here is my request prior to 30/10/2020:

As a homeowner/resident of Encinitas I object to this extension and this “ poorly planned” project for Encinitas. I request that in light of the past 10 months of struggling through this pandemic , the terrible economic effects it has had on our state and city this project with a price tag now close to 60 million dollars is a undoable burden for our city tax payers. If bike safety is a concern the NCTA (rail commission) offered to build a bike path on the east side on 101 a very prudent solution which would connect to the new Vulcan ave. trails, quickly shot down by Encinitas council.

Highway 101 running From La Costa to A street is a major road that is used by hundreds of people for work, recreation and more importantly fire/emergency units for the benefit of the greater population; removing lanes, adding roundabouts, no plan for safe parking, and added pollution are crazy and unsafe!

The other concern personally is the environmental impact (I am not an expert), but have read that no real studies have been completed on storm runoff , allowing runoff into our lagoons and the negative impacts to homeowners if the topography is alter.

In addition the most alarming and disappointing situation in Encinitas is our mayor and council jamming this “Pet Project” through keeping the real facts from the residents of Encinitas. Please do not give this extension to one person over the objections of the homeowners/taxpaying residents of Encinitas.

Dr. Patrick Crilly 458 Third Street ,Encinitas CA 92024

From: [Julie Thunder 4 Mayor](#)
To: Hitchens_Cort@Coastal
Subject: Encinitas application CDP #A-6-ENC-18-0019 (Leucadia Streetscape)
Date: Friday, October 23, 2020 2:03:29 PM

Dear Cort Hitchens,

Please note that I am in full objection to the Coastal Commission's approval of the Leucadia Streetscape redevelopment of Coast Highway 101 through Leucadia.

This project will increase emergency response times and severely impact beach access for thousands of people (due to the fence being installed along the rail corridor with no crossings planned).

Sincerely,

Julie Thunder
Resident of Encinitas, CA

From: [John Helly](#)
To: Hitchens_Cort@Coastal
Cc: stonesteps@cox.net; [Julie Thunder](#)
Subject: Objection to the Extension of CDP-#A-6-ENC-18-0019 (Leucadia Streetscape) Coastal Development Permit
Date: Sunday, October 25, 2020 2:19:01 PM
Attachments: [Coastal-Commission-202010-TransmittalLetter.pdf](#)
[Coastal-Commission-202010-small.pdf](#)

Aloha Cort.

Please find my submission in objection to the referenced Streetscape CDP Extension. There is a transmittal letter and longer report with color figures and URLs documenting the basis for the objection.

Please note that there are active Internet links (i.e., URLs) in the submission as references that point to web-resources so, if hard-copies are made, it would be helpful to point this out to the Commissioners so they can also review the document electronically so those links can be reviewed. I consider them to be part of the submission as well.

Also, the image in the attached PDF have been reduced in size to enable this to be sent through email. I can provide a higher-quality copy if that would be helpful. I am also sending a hard-copy via USPS for your records.

Mahalo.

J. Helly

--

John J. Helly / 760.840.8660 mobile

20 October 2020

405 Neptune Avenue
Encinitas, California 92024

Mr. Cort Hitchens
Coastal Program Analyst
California Coastal Commission
San Diego Coast District
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108
(619) 767-2370
Email: Cort.Hitchens@coastal.ca.gov

Subject: *Objection to the Extension of CDP-#A-6-ENC-18-0019 (Leucadia Streetscape)
Coastal Development Permit*

Dear Mr. Hitchens:

I am writing to object to this and any extension of CDP-#A-6-ENC-18-0019 (Leucadia Streetscape) Coastal Development Permit granted by the California Coastal Commission on October 11, 2018. The basis for my objection is detailed in the attached document.

Please feel free to contact me for additional information or if I can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "John J. Helly". The signature is fluid and cursive, with the first name "John" being the most prominent.

John J. Helly, PhD

20 October 2020
Encinitas, California

To the California Coastal Commission:

I am writing to object to any extension of CDP-#A-6-ENC-18-0019 (Leucadia Streetscape) Coastal Development Permit granted by the California Coastal Commission on October 11, 2018. There are three separate reasons that I object as detailed below. However, when considered jointly, these reasons interact to demonstrate a complete disregard by the City of Encinitas for the health and safety of the coast in both natural resources and the human community inhabiting it.

The City of Encinitas's actions fly in the face of the will of the community and proceed in fits and starts either out of incompetence or the intention to obscure a strategy that bypasses regulatory oversight through a series of incremental exceptions each of which claims to be innocuous yet that are cumulatively in violation of the principles of open government and environmental protection. I will provide a summary of that perspective after the individual reasons are enumerated below. It is difficult to come up with other explanations since most of this apparent deception pre-dates the COVID-19 effects on economic activity.

1 Streetscape EIR Documents Plan to Divert Stormwater into Groundwater

Streetscape is located directly in a flood zone that floods regularly as shown in Figures 1, 2, and 3. The hydrology section of the Streetscape EIR documents, as part of the basis for the original CDP, the construction of stormwater retention areas within parking areas alongside the railroad to facilitate the dispersion of stormwater into groundwater. This groundwater flows to the ocean bluffs (Figure 4) where it contributes to both upper and lower bluff erosion and failures (Figures 5, 6). Some of these failures have killed people ([Coast News 2014](#), [Coast News 2020](#), [Newsbreak](#)).

This stormwater is likely to be similar to the polluted runoff that flows to Cottonwood Creek (Figure 7). For example, from the City of Encinitas's Jurisdictional Runoff Management Program (January 2017) we already know that ... *Cottonwood Creek is 303(d) listed for DDT, selenium, and sediment toxicity stressors. Further, the Pacific Ocean at Moonlight Beach, where Cottonwood Creek meets the ocean, is listed as a 303(d) impaired water body for total coliform bacteria. Encinitas Creek drains the north-central portion of the city and drains into Batiquitos Lagoon, which is designated a Critical Coastal Area in the State of California 2002 Critical Coastal Areas Strategic Plan. Encinitas Creek is 303(d) listed for selenium and toxicity. Escondido Creek, 303(d) listed for DDT, enterococcus, fecal coliform, manganese, selenium, sulfates, total dissolved solids, total nitrogen, phosphate, and toxicity, drains the southern and northwest (Olivenhain) portion of the city and drains into the San Elijo Lagoon. San Elijo Lagoon is a 303(d) impaired water body listed for sediment/siltation, indicator bacteria, and eutrophic condition.*

Furthermore, the United States Supreme Court has found that the United States Environmental Protection Agency Clean Water Act requirements cannot be bypassed merely by passing pollutants through groundwater, as was recently argued by the County of Maui

and the Trump administration: *...The justices in a 6-3 opinion ruled that polluters must get permits for indirect water contamination that's the "functional equivalent" of a direct discharge into federal waterways.* ([Bloomberg News, 2020-04](#)). This decision bears directly on the mis-management of stormwater in Encinitas generally and Leucadia specifically.

2 City of Encinitas Plans to Intentionally Divert Contaminated, Untreated Stormwater into Groundwater Leading to Pacific Ocean and Stormsewer Dumping into Batiquitos Lagoon as Part of the Streetscape Design

The City is planning to (1) build Streetscape which will not only increase impervious surface runoff but also intentionally (i.e., by design) divert, one might say inject, contaminated stormwater into groundwater that flows to the navigable waters of the Pacific Ocean; (2) build additional untreated outfall capacity into Batiquitos Lagoon to accommodate a 60-inch stormsewer that they are explicitly expediting to enable Streetscape to proceed as per public testimony in City Council meetings (Figures 2, 8); (3) build a railroad underpass at El Portal Street with the plan to pump it out when it floods in a manner similar to what is being done currently in other parts of Leucadia (Figure 9) without regard to any comprehensive and already overdue Leucadia Stormwater Master Plan. Some of the monies allocated to Streetscape are already being spent to develop this plan and the City has withheld the details from the public despite repeated entreaties to reveal the plans.

3 City of Encinitas Has Repeatedly Failed to Develop and Publicly Review A Stormwater Management Plan

During 2011-2012, the San Diego County Grand Jury recommended that the City Council of Encinitas take the actions to (1) develop an immediate plan to solve Leucadia's storm water flooding, (2) include storm water flow through the bluff at Leucadia Roadside Park as part of an overall storm drain fix, and (3) explore storm drain capital improvement tax funding for Leucadia via formation of a Special Assessment District.

At the time, a current city council member, Tony Kranz, ran for City Council on fixing drainage. In a city council meeting, Kranz requested that the San Diego Grand Jury finding against Encinitas's handling of Leucadia storm drains be addressed and the public should be involved in the Encinitas response to the Grand Jury ([Encinitas City Council Meeting, June 20, 2012](#)). The grand jury findings and recommendations were ignored.

The current mayor and city council continue an erratic and difficult-to-understand pattern of behavior especially given Kranz's prior recognition of the problem. Consider the following:

1. North County Transit District indicated in a City Council meeting that it would not provide the permissions necessary for Streetscape to proceed unless the City of Encinitas (COE) did something about the flooding problems along the railroad tracks which threatened the ballast and the integrity of the right-of-way.
2. The COE contracted a company, Q3, to generate an engineering proposal based on stormwater modeling. The modeling was not fully revealed even through a public records act request and the COE insisted that Q3 provide early result to support

Streetscape plan by Dec, 2019. It is questionable that any analysis was actually done as described in the Scope of Work of the contract.

3. There was no deliverable product but Q3 nonetheless provided an early recommendation, based on nothing publicly revealed, of a 60 inch stormsewer pipe to be installed to dump into Batiquitos Lagoon. When directly challenged about the assumptions used to come up with this recommendation and what the impacts would be on the Lagoon and the relevant MS4 permit requirements, the Q3 representative responded that most of a 1-year storm would never make it to the Lagoon but disperse in the soil '...just like it has always been done' (paraphrased but the testimony is in the video record of the COE council meetings).
4. The historical rainfall for Leucadia, Figure 3, can be seen to be more complicated and important to consider in any rational design process and not done in some slap-dash fashion to satisfy the whims of a pet project of the current council and mayor.
5. The COE made non-public changes to the stormsewer outfall in Batiquitos Lagoon under the cover of the Ponto hotel development (Figure 8). This work was interrupted by the RWQCB for failure to adhere to construction BMPs. The current outfall (Figure 11) may already be in violation of the Army Corps of Engineers criteria for navigable waters given the tidal flushing of the outfall stream.
6. Q3 was supposed to deliver a full report in August, 2020. That report has been deferred to Winter 2021 in a recent council meeting while the COE rushes forward the un-warranted development of the Streetscape project.
7. Streetscape 70% design was released with only a placeholder for the stormwater plans despite the early recommendation of a 60 inch stormsewer dumping into Batiquitos Lagoon.

The COE has now rolled all this into a contract with Michael Baker Company to proceed to develop Streetscape with incomplete plans, no publicly reviewable stormwater plan and every possible attempt to bypass regulatory oversight for a serious problem that even the Grand Jury could see 10 years ago. They are proceeding with the Phase I of an unreviewed, half-baked plan for a project that sacrifices the public interest for private gain and, unless you act to refuse this extension, with the explicit approval of the California Coastal Commission.

I respectfully request that you reject the request for an extension and, further, require that the City of Encinitas produce a publicly reviewed, CEQA-compliant stormwater plan and implement it before proceeding with the Streetscape project.

Respectfully submitted by:

A handwritten signature in black ink, appearing to read "John J. Helly". The signature is fluid and cursive, with the first name "John" being the most prominent.

John J. Helly, PhD



Figure 1: Leucadia Floodplain Map. Representative flood extent depicted here to display to approximate domain of typical flooding.



Figure 2: Typical flooding in Leucadia in frequently occurring, non-100 year storms.

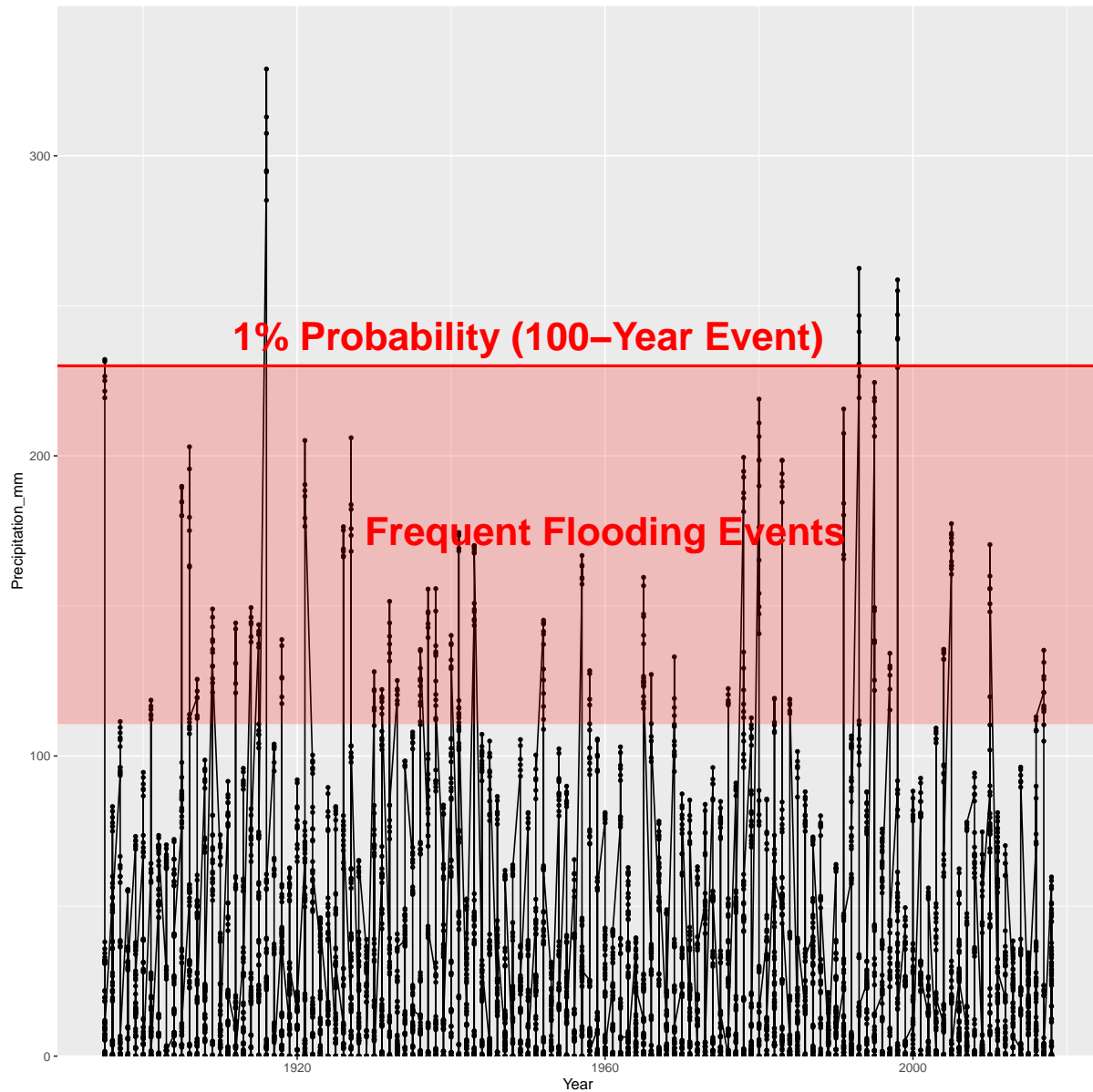


Figure 3: History of precipitation in Leucadia. These data indicate a much higher frequency of flooding events than reportedly being addressed by the City of Encinitas’s contractors.



Figure 4: Groundwater flowing onto the beach south of Beacons Beach.



Figure 5: Upper bluff failure example A.



Figure 6: Upper bluff failure example B.



Figure 7: Cottonwood Creek stormwater discharge onto and across Moonlight Beach, Encinitas.



Figure 8: Modifications being made to the Batiquitos Lagoon stormwater dumping to integrate a 60-inch stormwater pipe using a design that has not yet been publicly revealed or reviewed. Yellow lines indicate new construction plans based on data from the City of Encinitas.

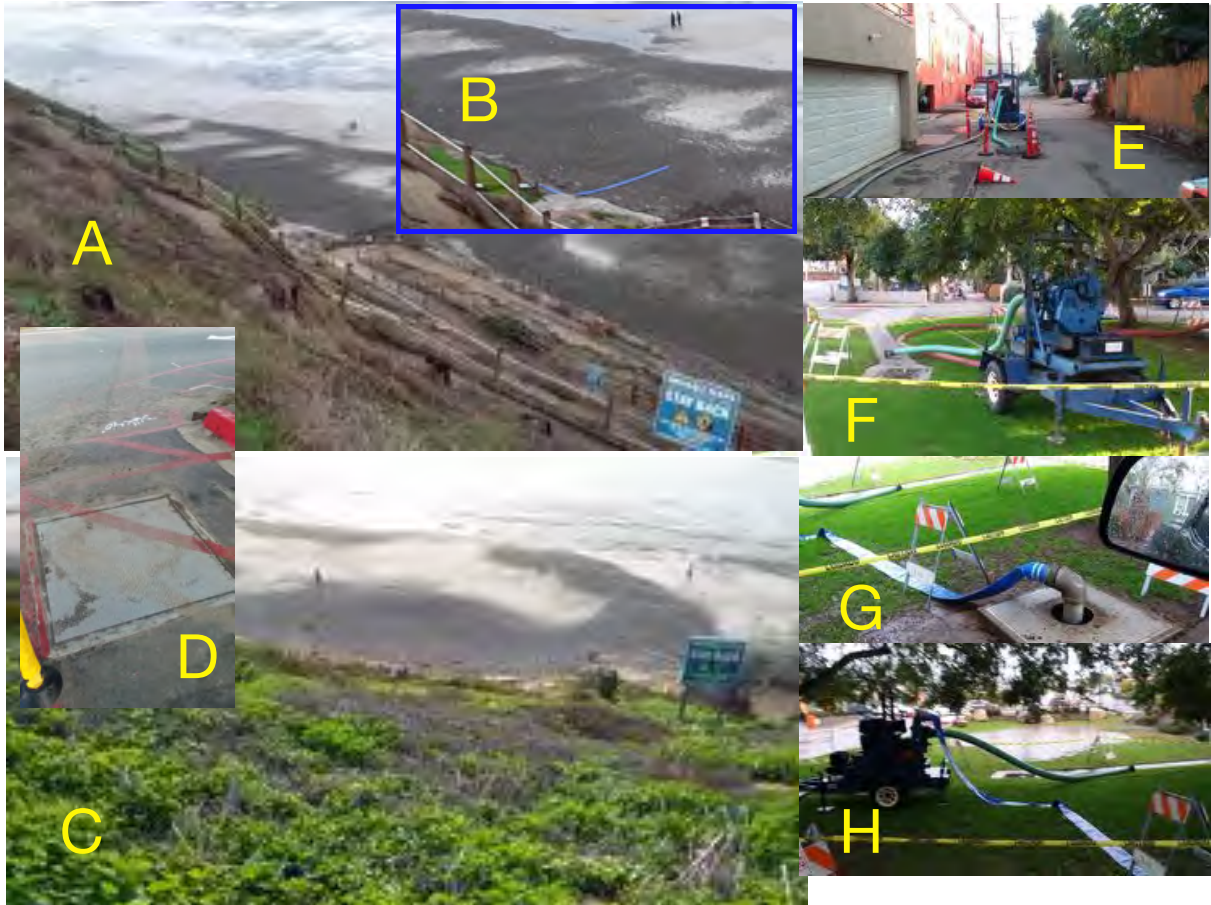


Figure 9: Current pumping approach of moving stormwater onto beach at Beacons Beach.



Figure 10: Modifications to the stormwater discharge related to activate previously dormant outfall to Batiquitos Lagoon as part of long-term strategy to bypass regulation for the integration of the 60-inch stormsewer as part of Streetscape (as indicated in Figure 8).



Figure 11: Existing outfall into Batiquitos Lagoon.

From: [Dean Turney](#)
To: Hitchens_Cort@Coastal
Subject: Objection to the Extension of CDP-#A-6-ENC-18-0019 (Leucadia Streetscape) Coastal Development Permit
Date: Monday, October 26, 2020 2:38:39 PM
Attachments: [Coastal-Commission-10272020-TransmittalLetter.docx](#)
[Coastal-Commission-10272020 Complaint.docx](#)

Dr Mr. Hitchens;

Attached are our cover letter and complaint against granting the extension of CDP-#A-6-ENC-18-0019 (Leucadia Streetscape) Coastal Development Perm.

Thanks for Your Consideration,
Dean and Susan Turney
467 Fulvia Street
Encinitas, CA 92024
760-846-1919

27 October 2020

467 Fulvia Street
Encinitas, California 92024

Mr. Cort Hitchens
Coastal Program Analyst
California Coastal Commission
San Diego Coast District
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108
(619) 767-2370
Email: Cort.Hitchens@coastal.ca.gov

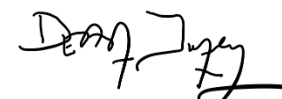
Subject: *Objection to the Extension of CDP-#A-6-ENC-18-0019 (Leucadia Streetscape) Coastal Development Permit*


Dear Mr. Hitchens:

We are writing to object to this and any extension of CDP-#A-6-ENC-18-0019 (Leucadia Streetscape) Coastal Development Permit granted by the California Coastal Commission on October 11, 2018. We feel there is a better more inclusive design available for the 101 through Leucadia. The basis for our objection is detailed in the attached document.

Please feel free to contact us for additional information or if we can provide further information.

Sincerely,


Dean Turney


Susan Turney

October 27, 2020
Encinitas, California

To the California Coastal Commission:

We are writing to object to any extension of CDP-#A-6-ENC-18-0019 Coastal Development Permit (LeucadiaStreetscape) granted by the California Coastal Commission on October 11, 2018. There are several reasons that we object as detailed below. These reasons demonstrate the lack of concern for the health and safety of the coast, its natural resources, and community of Encinitas by the City of Encinitas.

The City of Encinitas' actions ignore the will of the community. The city has had many starts and stops on this project. This piece meal approach obscures a strategy that bypasses regulatory oversight through a series of incremental exceptions each of which claims to be innocuous. But they are cumulatively in violation of the principles of open government and environmental protection.

1 City of Encinitas Has Repeatedly Failed to Provide a Review of a Stormwater Management Plan

San Diego County Grand Jury recommended that the City Council of Encinitas take the actions to (1) develop an immediate plan to solve Leucadia's storm water flooding, (2) include storm water flow through the bluff at Leucadia Roadside Park as part of an overall storm drain fix, and (3) explore storm drain capital improvement tax funding for Leucadia via formation of a Special Assessment District. Not only does the current Streetscape Plan not address drainage issues this plan increases the impervious surface area thereby adding to an already bad flooding condition.

2 The Streetscape Plan Intentionally Diverts Contaminated Untreated Stormwater into the Batiquitos Lagoon and the Pacific Ocean as Part of the Streetscape Design

The City Streetscape Plan will not only increase impervious surface runoff but also intentionally divert contaminated stormwater into groundwater that flows to the navigable waters of the Pacific Ocean and the Batiquitos Lagoon. The City plans to pump contaminated flood water from the planned El Portal undercrossing into the Pacific Ocean as it does now and will continue to do at Leucadia Park. The lack of a Leucadia Stormwater Master Plan is reason enough to deny this requested extension. Before tax dollars are spent to make the flooding/ pumping situation worst, this necessary and required stormwater plan should be in place.

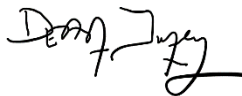
3 The Streetscape Plan Does Not Address the Public Access Problem at Leucadia Blvd and the 101

Leucadia Boulevard, the railroad tracks, and Highway 101 intersection is the elephant in the room that the current Streetscape plan does not address. The 101 Left turn lane from the north and the right turn lane from the south, the traffic lanes from Leucadia Boulevard, and

the railroad crossing currently ties up traffic. This creates a blockage to beach access that will only be made more difficult by the lane reduction proposed by this streetscape plan.

The City of Encinitas has now awarded a contract to Michael Baker Company to proceed with Streetscape with its incomplete plans, no publicly reviewable stormwater plan, and every possible attempt to bypass regulatory oversight for a serious problem that even the Grand Jury could see 10 years ago. All this before your approval of their requested extension thereby overstepping the Coastal Commissions required approvals. They are proceeding with the Phase I of an unreviewed, half-baked plan for a project that sacrifices the public interest for private gain and, unless you act to refuse this extension, with the explicit approval of the California Coastal Commission. We request that you reject the request for an extension and, further, require that the City of Encinitas produce a publicly reviewed, CEQA-compliant stormwater plan and implement it before proceeding with the Streetscape project. Respectfully submitted by:

Encinitas Residents,



Dean Turney



Susan Turney

From: [Jenny Burns](#)
To: Hitchens_Cort@Coastal
Subject: I Object to the Extension Request for CDP #A-6-ENC-18-0019
Date: Tuesday, October 27, 2020 2:11:14 PM

To Cort Hutchins- Please send my email to all of the CCC, and the staff.

Dear Cort, CCC, and Staff,

I Object to the Extension Request for CDP #A-6-ENC-18-0019

Has the CCC reviewed the Streetscape plans that shows the changes to build 10 parking pods on Highway 101, instead of 3 parking pods in the NCTD rOw?

Has the CCC reviewed the City of Encinitas Ordinance 2019-27 adopting the new regulations of the 2019 CA Fire Code, and reviewed the violations of the CA Fire Code, due to these changes?

The CDP change should never have been granted to the City of Encinitas in the original proceeding and it should not be extended now. It should not have been granted to the City because:

- 1.) it creates a safety hazard by narrowing the road to a degree that it will not meet the 2019 California Fire Code, Adopted by the City Ordinance of 2019-27, on November 2019;
- 2.) it makes beach access more difficult in direct violation of the directive of the Coastal Commission by eliminating one vehicle lane thereby adding congestion and creating difficulty in accessing the 3 beaches located on roads that are directly off of this stretch of H101; and
- 3.) the CDP change is not immaterial as claimed by the City because the change in the number of parking pods will affect the overall safety of the project since 10 pods will have 20 entry/exit points rather than the 6 entry/exit points consistent with 3 pods and additional entry/exit points will be particularly dangerous as cars must access these points and cross an otherwise restricted bike lane each time they want to park or return to H101.

The replacement of the 4-6 foot sidewalk with the 5-10 foot sidewalk is due to SANDAG's requirement that the Leucadia CRT be built West of the tracks in the NCTD rOw! The city was not allowed to build the parking pods in the NCTD rOw as claimed in the plans they submitted to you on October 2018. They did not note to you that the NCTD rOw was too narrow for the parking pods, and they gave you the wrong information! They went ahead and put the parking pods on 101, violating the original CDP conditions, and failing to consider the safety of the Residents and visitors trying to gain access to the beach. They are in violation of the CA Fire Ordinance 2019-27 street widths requirements, and did not do any further studies to show the violations of this very material change.

This amendment to the CDP should of never have been approved by the CCC, since it is not an Immaterial change, and the Extension Request for CDP #A-6-ENC-18-0019 should be denied.

The EIR stated there would be significant, unmitigable damage, that is, negative

environmental impact, to our circulation element. This significant impact is what would result in slower emergency response times, a well documented health and safety issue, also evidenced by on the record statements from former Fire Chief and Council member Mark Muir, and former Fire Marshal Anita Popping. Anita Popping's analysis and public statements, on the record, are new, so that constitutes new evidence of expert testimony as to the negative impacts on health and safety.

What has also changed is that we have had more opportunity to experience back-ups and congestion, stop and go traffic, caused by lane closures due to the Encinitas Hotel development on La Costa and North 101. Fifteen parcels have been Upzoned since you 1st approved this project in 2018, from RR1, RR2 to R-42 units/ acre. One of them is next to the Hotel and more to come! Many more projects have been developed on Leucadia's Highway 101, since 2018, that will create more and more back ups, interfering with access to the Beaches. These back-ups should be quantified for the CCC to further demonstrate that reducing N101 to one lane in each direction reduces access to the beaches in Leucadia and will result in more Greenhouse Gas emissions. The CCC website states that it is now supposed to be focusing more on climate change, and paying attention to GHG emissions

The safety issues are particularly pertinent given other recent developments. The fires throughout the State of California have demonstrated the need for both easy exits on coastal routes for residents and for rapid deployment of first responders. Restricting H101 to one lane in each direction without Emergency access to the second lane is directly contrary to the safety needs of Californians living on or visiting the coast. The safety problem related to exit and entry points from parking pods is also highlighted by recent developments. Recently, the City of Encinitas installed equipment that restricts a lane on H101 in Cardiff to bicycles only. Largely because of the exit/entry problems from this bicycle-only lane, there have been more than 20 accidents there in less than 3 months. The parking pods on H101 adjoining the bike lane will create an even worse situation.

Rather than extending this CDP change, the Coastal Commission should exercise its rights and obligations under the Coastal Act to preserve coastal access and the safety of all Californians and subject this request to further review.

After further review, I hope that the CCC findings determine that CDP #A-6-ENC-18-0019 needs to go through a new approval process.

One that will include all of the current changes to the Streetscape plans, the new building developments that have gone up on Highway 101 since 2018, the massive developments currently being built, and the many more to come that are on the books to be built. Additionally, any non accounted for changes that will be brought on by the questionable 15 Million drainage plans for Leucadia's Highway 101.

Please consider this matter very carefully, as the lives of all of the Residents and visitors to the Leucadia beaches lie in your hands!

Jenny Burns
760-633-3882
Leucadia

From: [bob.beckerecker](#)
To: Hitchens_Cort@Coastal
Subject: Streetscape extension
Date: Tuesday, October 27, 2020 3:26:59 PM

Mr. Hitchens,

Am emailing you regarding an extension request From the City of Ecinitas CDP#A-6-ENC-18-0019 commonly known as "Streetscape", for a coastal development extension for a permit.

Am opposed to this extension. This is a very unpopular growth proposal introduced by the City of Encinitas on its residence. It has been misrepresented to its citizens, a number of times, as the city ramrodded their interest before the interest of its citizens, throughout its conception and submission to the coastal commission.

Citizens have brought up some of the following points of concerns: reducing area residents quality of life, health, safety and welfare. Introducing a greater need for parking, while not addressing or satisfying the current needs of guest parking. It imposes congestion as a form of slowing traffic to improve transportation circulation for all forms of transportation travel time, by reducing current travel lanes and narrowing the width of streets, it adds considerable off street parking that brings with it car pollution such as noise, air and water (car oil etc... drips) all toward increasing density not servicing the growth proposal, area and its current residents. Most of these issues were added on to the otherwise accepted design from citizens in the form of morphing away from its organically accepted design, throughout the submission process. This area of Encinitas is known for its flooding and lack of storm water run off solutions, this current proposal only exacerbates and magnifies this issue, and does not improve it but rather puts bandages on a very large problem. It takes more than it gives to the City of Encinitas residents, their guests and our coast line.

Please allow the Citizens of Encinitas an opportunity to participate in an open and fully disclosed proposal of Streetscape that follows proven Urban/City Planning designs and most of all that are environmentally friendly to surrounding citizen residents and all of the open space most of all the Ocean and serves its citizen and guest. By not allowing this extension it will put this growth proposal back into the citizens ability to put a more comprehensive, considerate and realistic design that can be presented to the Coastal Commission for its review and approval. Most of all is representative of the citizens of Encinitas. Please deny this request for an extension.

Scott Graydon Carter
Leucadian

From: [Lynn Autumn](#)
To: Hitchens.Cort@Coastal
Subject: Objections to Modifications to or Extensions of CDP #A-6-ENC-18-0019
Date: Thursday, October 29, 2020 11:08:17 PM

I hereby give notice that I am an Encinitas resident, and I am one of five Encinitas citizens and two former Coastal Commissioners who have appealed the original CDP for Leucadia North Highway 101 Streetscape through the California Coastal Commission. I have been active in the proceedings on this CDP numerous times before the Coastal Commission in the past, and I am now opposed to the requested 1-year extension of this public works development project, referenced here as your Notice of one-year [Immaterial] Extension Requeest for CDP #A-6-ENC-18-0019

Because the development violates Coastal Act Law, the CDP should never have been granted to the City of Encinitas in the original proceeding, and it should not now be extended. There are several new circumstances, and more information which further proves that this project, N101 Leucadia Streetscape, would definitively violate Coastal Act Law, specifically, by limiting coastal access and egress, were it to be developed, contrary to the expressed desires of the general public, and at taxpayer expense.

By limiting coastal access, N101 Leucadia Streetscape would pose a public health and safety hazard. The EIR states there would be significant, unmitigatable damage, that is, significant negative environmental impact, to our circulation element. This significant negative impact results in slower emergency response times, a well documented health and safety issue, also evidenced by on the record statements from former Fire Chief and Councilmember Mark Muir, and former Fire Marshal Anita Puppig. Anita Puppig's analysis and public statements, on the record, are new, so that constitutes new evidence of expert testimony as to the negative impacts on health and safety, which would result from this flawed project's being forced on citizens who have petitioned and organized against it since it was first proposed, beginning in 2008.

1. Fire Chief Mark Muir and Fire Marshal Anita Puppig have been outspoken in addressing their concerns, on the record, about N101 Leucadia Streetscape: It would create a safety hazard by narrowing the road to a degree that it will not meet the California Fire Code Adopted Ordinance of 2019-27 by the City on November 2019;
2. N101 Leucadia Streetscape would make beach access and egress more difficult in direct violation of the directive of the Coastal Commission by eliminating one motor vehicle lane northbound and one motor vehicle lane southbound, on a major arterial, North Highway 101, in the Coastal Zone, also adding four narrow, road obstructing one-lane roundabouts, with no throughway cross-streets, due to the RR tracks, and limited right hand turns allowed, southbound, during peak traffic periods, so that the traffic flow is essentially north and south.
3. The EIR had stated that traffic was projected to be slowed with the lane diets and four one-lane roundabouts to an average of 30 MPH. Although we feel it can be demonstrated that these road obstructions and deletions would NOT be improvements, and that the traffic would be slowed significantly more than down to 30 MPH, that stated goal or projection has already been achieved because of speed cushions and 30 MPH signage, installed, taking the posted speed limit down to 30 MPH when current Mayor Catherine Blakespear and Encinitas City Council declared an emergency, so as to avoid adhering to the most recent traffic speed surveys required by the State of California.
4. Concerned residents and highway users feel that, legally, there should have been a Resolution of Overriding Considerations presented by the City of Encinitas to us citizens and to the CCC to demonstrate how and why it could be legal for another lane on our major arterial, in the Coastal Zone, to be eliminated; thereby, restricting Coastal access and egress for commuters, adjacent residents and tourists.
5. Bicyclists would also be funneling through four narrow, one-lane roundabouts with all motor vehicle traffic thereby adding further hazards, further congestion, further stop and go traffic, and mounting public safety hindrances
6. N101 Leucadia Streetscape would increase the difficulty for the public in accessing the three public beaches

located within the scope of the project.

7. N101 Leucadia Streetscape would increase the difficulty for residents and business patrons adjacent to and on N101 to access our homes and local businesses.

8. The CDP change is not immaterial as claimed by the City because the change in the number of parking pods will affect the overall safety of the project since 10 pods will have 20 entry/exit points rather than the 6 entry/exit points consistent with 3 pods and additional entry/exit points will be particularly dangerous as cars must access these points and cross an otherwise restricted bike lane each time they attempt to park or to return to North Highway 101.

9. Recent developments further emphasize why this extension should not now be granted. Again, public statements and analysis by former Fire Chief Mark Muir and now former Fire Marshal Anita Popping emphasize their grave concerns relative to increased times required for emergency response vehicles, which would be posed by further lane elimination for motor vehicles and installation of four narrow, one-lane roundabouts, through which bicyclists would also funnel with all motor vehicle traffic.

10. Additional safety issues are particularly pertinent given climate change and the reality of catastrophic fires throughout the State of California. These fires clearly demonstrate the need for both easy exits on coastal routes for residents and for rapid deployment of first responders. Restricting N101 to one lane in each direction without emergency access to the second lane is directly contrary to the safety needs of Californians living on or visiting the coast.

11. Safety problems related to exit and entry points from parking pods are also highlighted by recent developments. Recently, the City of Encinitas installed equipment that restricts a lane on South Highway 101, in Cardiff, to bicycles only. Largely because of the exit/entry problems from this bicycle-only lane, there have been more than 20 accidents/incidents there in less than 3 months. Parking pods on North Highway 101, in Old Encinitas and Leucadia, with an adjoining bike lane, funneling through four roundabouts, would create a measurably worse scenario. These recent developments and resulting accidents should be quantified and analyzed before the City pushes forward with an extension and more changes to the before approved project.

Rather than extending this CDP change, the Coastal Commission should exercise its rights and obligations under the Coastal Act to preserve coastal access and the safety of all Californians and subject this request to further review.

It is Appellants understanding, and the understanding of additional citizens now objecting to this extension and modification of the CDP, that the only reason CCC shall consider our objections is if the project is in violation of Coastal Act Law. By reading and considering our objections, it should be clear to you that we are objecting due to the primary reason that the project violates the Coastal Act. By limiting coastal access, it would pose a public health and safety hazard.

The EIR contracted by the City of Encinitas clearly stated there would be significant, unmitigatable damage, that is, negative environmental impact, to our City's circulation element. This significant impact is what would result in slower emergency response times, a well documented health and safety issue, also evidenced by on the record statements from former Fire Chief and Councilmember Mark Muir, and former Fire Marshal Anita Popping. Anita Popping's analysis and public statements, on the record, are new, so that constitutes new evidence of expert testimony as to the negative impacts on health and safety.

What has also changed is that we have had more opportunity to personally experience more back-ups and congestion, stop and go traffic, caused by lane closures due to the hotel development on La Costa and North 101. These back-ups should be quantified and analyzed by the City for the CCC, which would further demonstrate that permanently reducing N101 to one lane in each direction, for motor vehicles, will result in more Greenhouse Gas emissions.

The City of Encinitas' theory appears to be that because of these road obstructions, and lane diets, more people will divert from North Highway 101 to Interstate 5, the freeway, to avoid

the nightmare of the stop and go traffic, back-ups and gridlock created on our public highway. On our public highway, the same number of cars would take at least twice as long, or MORE, to travel the same distance. However, the freeway is often clogged. Many people who live adjacent to North Highway 101, or who have businesses here, or who want to patronize businesses here, or visit friends and family here, MUST use N101 for access and egress. We cannot simply “divert” to the freeway.

Additionally, the general public has a right to take advantage of Historic North Highway 101 by touring it, from La Jolla to Oceanside, and beyond. These tourists are a lifeline for small businesses along N101, on the west side, only, due to the RR tracks. What the City should be focusing on is creating a bicycle and pedestrian pathway in the RR Right of way, which is part of our Bicycle Master Plan and Bicycle Master Plan Update. This pathway must be made in conjunction with any parking pods that are being planned.

Similarly, the RR undercrossings, including the one planned to be installed at El Portal between Vulcan and North 101, should have been planned and approved by the CCC concurrently with the N101 Leucadia Streetscape. These are projects being planned and developed at the same time, within the same area of the City of Encinitas, which have direct ramifications upon one another. For instance, a signalized pedestrian crosswalk will be necessary at the undercrossing, making an initial roundabout at El Portal redundant and dangerous. Moreover, piecemeal development is forbidden, as you are well aware, by Coastal Act Law, which prohibition against piecemeal development is clearly referenced in the City of Encinitas General and Specific Plans, and our LCP.

The CCC is focusing more than ever, now, on climate change and is paying careful attention to GHG emissions. There is no doubt, as further traffic analysis would clearly demonstrate, that eliminating another lane for motorists would increase stop and go traffic and would significantly negatively impact Encinitas’ circulation element, as also proven through the EIR. The CCC had required the City of Encinitas to provide more and continuing reports on traffic during peak daily and particularly, peak seasonal periods, including more comprehensive data on traffic during Spring Break, Summer Break and Winter Holidays. According to it's own statement on it's web page, the CCC states

<https://www.coastal.ca.gov/climate/whyinvolved.html>

The California Coastal Commission's Legal Authority to Address Climate Change

Human activity is contributing to global climate change, which will have increasingly significant impacts on California and its coastal environments and communities. The [Coastal Act](#) mandates the California Coastal Commission to “protect, conserve, restore, and enhance” the state’s coastal resources. As a result, the Commission must consider climate change, including global warming and potential sea level rise, through its planning, regulatory, and educational activities, and work to reduce greenhouse gas emissions and the detrimental impacts of global warming on our coast.

In addition, the [California Environmental Quality Act](#) (CEQA) requires public agencies to evaluate whether their discretionary actions have a significant effect on the physical environment.

In conclusion, as a former Appellant, and a concerned citizen, I object to any extension or modification of CDP #A-6-ENC-18-0019 because it violates Coastal Act Law. By limiting coastal access this poorly engineered project would restrict residents' and local businesses' ability to travel to and from our homes and shops; by limiting coastal access, N101 Leucadia Streetscape would slow emergency response times and cause more accidents related to back-ups and congestion, with all motor vehicles' and bicycles' funneling through four narrow, one-lane roundabouts. Motor vehicle traffic on our public highway, primary arterial, would be limited to only one lane northbound and one lane southbound. This singular motor vehicle lane, itself, must also be shared with bicyclists, if bicyclists are so inclined. By thus limiting coastal access and egress, the N101 Leucadia Streetscape would make evacuation in case of an emergency much slower and more problematic for coastal residents; it would block, through road obstructing, narrow roundabouts, a major arterial, a primary part of our circulation element.

Importantly, the majority of Encinitas citizens do not support this project because of the increased stop and go traffic that would inevitably result, because of slower emergency response times, because of more traffic cutting through residential side streets and a school zone, and because we are aware of and truly concerned about climate change. This project, because of increased stop and go traffic, would absolutely add to climate change and to a measurable increase in greenhouse gases. I urge you to deny the so-called "immaterial" modification and to deny the extension of CDP #A-6-ENC-18-0019.

Sincerely,
Lynn Marr
434 La Veta Avenue
Encinitas, CA 92024
760-436-0129

From: [DW](#)
To: Hitchens_Cort@Coastal; Hitchens_Cort@Coastal
Subject: [SPAM]Letter opposing the extension of the CDP for CDP #A-6-ENC-18-0019 - Encinitas streetscape
Date: Friday, October 30, 2020 12:45:30 PM
Attachments: [Oppose extension of Encinitas streetscape CDP for another_year.doc](#)

Hi, Cort.

Here is my letter opposing the extension of the CDP

Please also distribute to the Coastal Commission and other staff in the office.

Thank you.

Donna Westbrook

Date: Oct. 30, 2020

To: Coastal Commission – CDP #A-6-ENC-18-0019 (Leucadia streetscape) granted on Oct.11, 2018

Re: Oppose extension of Encinitas streetscape CDP for another year

Look at the width of the one lane that must serve both vehicles and bikes. Where do the emergency vehicles go? Through the side streets? Sit and wait until traffic clears?



The city council has said the purpose of this streetscape design is to push traffic back onto I-5 (the freeway, Coast News). The city's streetscape is taking a major coastal access road, the coast highway 101 and reducing it to allow fewer cars and people access by discouraging people in vehicles to use this part of the coast. The Coastal Act doesn't allow a city to redesign a major roadway to impede people from using the road access to the beach. No amount of bicycles can replace the function of cars bringing families to the coast.

Second reason to deny this CDP extension:

The use of the NCTD property wasn't approved by the NCTD Board of Directors. If the use is put to a vote the Directors may decide not to enter into an MOU with the city of Encinitas. The MOU that was presented to the Coastal Commission staff was signed by the NCTD Chief Development Officer, Tracey Foster. There is nothing that shows the Board approved city use of the railroad property. So the increase parking on the NCTD may be illusionary. From all indications this MOU wasn't presented to the public. How can a project be vetted if it hasn't been presented to the public for their comments?

To: Coastal Commission – CDP #A-6-ENC-18-0019 (Leucadia streetscape) granted on Oct.11, 2018
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Third reason to deny this CDP extension:

The time extension for the CDP is one year for the original 2.5 mile redesign that was approved Oct. 11, 2018. The city doesn't have the money to complete the project. Instead, the city is piece mealizing the project in phases. Phase 1 is 0.5 miles that may take up to a year and a half to complete if the city has the money.

Fourth reason to deny this CDP extension:

This is a procedural reason. I have asked to see the official application by the city with the date/time stamp of the CCC office on the application. As of this writing, that document hasn't been provided. Did the city of Encinitas apply for the time extension before the CDP expired as evidenced by the date/time stamp on the application? The application should be denied if that document isn't available.

The Coastal Commission has other letters opposing the issuance of a time extension for this streetscape CDP that violates the Coastal Act. Please vote for access by the public and not push them back up to I-5 as the city council wants to do. This project should be redesigned and that can only happen with a no vote on the request for a time extension.

Thank you.

Donna Westbrook

Postscript:

This request for a time extension should be duly noticed as an agenda item and visible to anyone looking for it. Instead it is hidden as an oral report under the Deputy Director's section. Please have this item placed on the regular agenda.