

**Citizen Participation Program Report
Case Nos. MULTI-4657-2021; SUB-4658-
2021; CDPNF-4659-2021; and CPP-4667-
2021
Fox Point Farms Tentative Map
Modification**

Overview

A Citizen Participation Program (CPP) public meeting was held for the Fox Point Farms Tentative Map Modification project on July 21, 2021 from 6 pm – 7 pm. The meeting was held virtually via Zoom, with 20 residents in attendance and 2 members of the applicant team. This CPP report includes a summary of the concerns and issues raised at that meeting, and how those concerns have been addressed. Attached to this report are the following:

- CPP meeting notice
- CPP mailout certification
- CPP meeting Zoom attendee report
- CPP meeting Zoom Q&A report
- Questions received via virtual comment card (SurveyPlanet)
- Emails received during comment period
- CPP meeting presentation

What techniques did you use to notify and involve the public regarding your application?

All property owners within a 500-foot radius as well as all occupants within a 500-foot radius from the project site were sent a copy of the neighborhood letter and the vicinity map in the mail (mailed on July 2, 2021). Additionally, representatives of Nolen Communities have met with neighboring residents on several occasions, and we intend to continue those meetings in the future.

What concerns, issues, and problems did you hear during the process? How have you addressed the concerns, issues, and problems raised?

Nolen Communities received public input from the public via the Q&A questions raised during the Zoom meeting, the verbal comments made during the Zoom meeting, the virtual comment cards, and emails. The comments received have been summarized below:

Questions Received via Email and Comment Card

- Gerri Jones: Will you be paying school fees and other infrastructure fees? Will you divert traffic in a way to not affect the neighbors? Why are you building this in a statewide drought? Why don't you add more affordable housing? Why only 20%?
 - RESPONSE: Yes, we are paying school fees and other infrastructure fees. We conducted a full traffic analysis which found that the project would not negatively impact the neighboring streets or traffic flows. There are sufficient water supplies for this project as indicated in our prior documentation from the Water District. And regarding the affordable housing comment, we are providing 40 affordable housing units at the "very low" income category, which is more than the City requires (even under its updated inclusionary ordinance).
- Joan Loban: Due to increased traffic in the area, I would suggest that it is absolutely necessary to update the traffic lights at the corner of Leucadia Blvd and Quail Gardens Drive. There currently are no green

arrow lights for a left turn going in either direction. In the past I have witnessed a few accidents and many close calls at this intersection. That is with current traffic patterns. It will be even worse with the addition of 250 more living units. Please update the traffic lights to include a green arrow left turn signal. This is imperative for the safety of our community.

- RESPONSE: As part of the project's conditions of approval, we are required to modify traffic signal operations at the Saxony/Leucadia Boulevard intersection, and also optimize signal timing at the Garden View/Leucadia Boulevard intersection. We are extending the left-turn pocket at the southbound approach to the Quail Gardens Drive/Leucadia Boulevard intersection on Quail Gardens Drive. On top of those measures that we are doing as the project applicant, the City is in the process of updating the signal timing at the corner of Quail Gardens Drive and Leucadia Boulevard, as part of a Caltrans grant that they recently received.
- Susan Pignataro: Hello. I recognize all the work that has gone into this, and think it will be transparent and offer the opportunity for more trust from surrounding neighbors when you provide the following:
 1. List of application changes since Council approval of project with reason for each change requested or required
 2. The City-required process and code number you will be going through to get these items approved
 3. List of City-mandated and voluntary project conditions including pesticides
 4. Process for approval of changes and citizen rights during the process
 5. Clear list of Best Practices on how very nearby residents within 2500 feet and pets will be protected from illness and property loss of use during construction.
 6. Clear schedule of greenhouse removal, soil movement and any other items that in your experience may affect surrounding resident health and use of their property, and how you will be protecting the surrounding residents from environmental and health affects of construction and future development including air and noise.
 7. Written schedule of construction and BMPs. There is concern that contaminated airflow from greenhouse removal to soil movement greater than has already been seemingly occurring in the area and will be affecting homes, residents, children and pets. It will help to detail what you will be doing to ensure resident safety.
 8. Additional car parking on Sidonia Street has already begun by various people entering the farm, plus others causing additional situations of cars to nearly collide and children riding bikes to be nearly missed from being hit. Can you please detail the city parking restrictions to be applied?

Thank you for your time and energies.

- RESPONSE: We have addressed Susan's comments individually:
 1. Aside from what we presented at the CPP meeting, there are no application changes since Council approval of the project.
 2. The City process and code number for this action is indicated on the CPP notice you received in the mail: Case numbers MULTI-4657-2021; SUB-4658-2021; CDPNF-4659-2021; and CPP-4667-2021
 3. The City-mandated conditions of approval are listed in the Planning Commission and City Council resolutions, which are available from the City or I can provide those upon request via email. Voluntary project conditions are also listed in those resolutions, as well as in the project's Environmental Impact Report. Related specifically to pesticides, though, we do not have any conditions of approval (mandated or voluntary). I'm not sure if you are referring to concerns about the past pesticide use by Cultivaris, or if you have concerns

about future pesticide use on the organic farm. What I can tell you is that Cultivaris did not actually grow anything in the ground – it was all grown in above-ground planters, and those planters are now gone and Cultivaris is off the property. Underneath the area that they utilized is a layer of concrete. I say this to be clear that the onsite soils are not contaminated, did not have pesticides sprayed on them, and will not create a health issue when we begin construction. I am aware that Cultivaris used a product called ProKure for odor control that the EPA is now investigating, but that has nothing to do with our project. We had nothing to do with their lease on the property, did not benefit in any way from their operation, and their lease ended on July 1st so they are no longer operating.

4. The process for approval of this Tentative Map Modification will require a Planning Commission hearing, which we anticipate to occur in several months. That will be a public hearing and is open to public comment.
- 5-7. I'll address comments 5, 6, 7 together. The demolition and construction schedule was summarized in our presentation. We anticipate that demolition will begin in August, followed by grading and improvements through the end of 2021. Extensive testing of the soil was done as part of the certified Environmental Impact Report. The reports that were prepared for that analysis include a Phase 1 Environmental Site Assessment, Limited Additional Soil Sampling, a Soil Management Plan and Community Health and Safety Plan, San Diego County DEH Voluntary Assistance Program concurrence, and a San Diego County DEH approval letter for the Soil Management Plan.

A total of 68 soil samples were taken across the project site, including 8 borings and 23 soil samples that were collected at each of the two pesticide mixing areas associated with the Dramm & Echter operation. These were analyzed in a laboratory per direction from the County DEH, and the results found that all samples were below the applicable limits except a small area of approximately 6 to 8 cubic yards that was identified to contain heavy oils. That specific area is addressed through the Soil Management Plan and the Community Health and Safety Plan. All of these plans are publicly-available through the City of Encinitas.

As part of the Demolition Permit application, we prepared both Asbestos Containing Material and Lead Based Paint surveys and reports. Those reports determined that the old house at the southwest corner of the property has asbestos-containing material in the texture on the walls. To abate that issue, we have prepared an Asbestos Management Plan which requires that very specific methods and procedures be put in place during the removal of that structure. There is also one piece of equipment in the greenhouses that contains asbestos, and one item that contains lead-based paint, which will be removed from the property intact and no special measures are required.

Fugitive dust and noise were analyzed in the environmental analysis for the project. As stated in that analysis, the project would comply with Rule 55 from the Air District which restricts any construction or demolition activities in a manner that discharges visible dust beyond the property line for an extended duration. In addition, visible roadway spillage, erosion, or track-out shall be minimized by the use of various measures listed in Rule 55.

The Soil Management Plan provided for various dust control measures such as watering during grading activities and limiting vehicle speeds to 5 miles per hour on unpaved portions of the site.

Lastly, the project will implement a Stormwater Pollution Prevention Plan as part of the grading permit.

8. As part of our binding agreement with the Fox Point community, we agreed to support any neighborhood efforts related to implementing a parking permit program within the existing Fox Point community for the benefit of existing residents. We stand by that commitment –

in fact, I discussed this in-person with several Fox Point residents the evening before the CPP meeting. Any proposal brought forth by the Fox Point community related to parking on Sidonia and adjacent public streets will be supported by us. Please just understand that we do not control how these streets function, since they are public streets. The City does.

- Sheila Cameron: Why are you changing to all condo units? No single-family homes? If changing from apartments to condos, are you changing the configuration of these units? Condos require more in the way of construction than apartments don't they? Is it by converting to condos and selling – you don't have to be landlords? What is the range of prices for very low (50% of area median income)? Are you only converting the 197 apartments to condos and, still keeping the 53 individual houses? Or are you going all condos? I do know that Condos have run into a lot of lawsuits in the past and require a different construction than apartments, so that's part of why I'm wondering.
 - RESPONSE: We described in our presentation why we are changing from apartment to condominium units. The original cottage, carriage, and townhome units that have always been for sale will remain unchanged, and we are not changing the configuration of any of the other units. It is a simple change from rental to homeownership. Condominiums do require more in the way of construction, and we have taken that into account in our plans. The range of pricing for the deed-restricted affordable units was shown on a prior slide, and is available on the City's website. In short, rents for those units will range from \$832/month (for studios) to \$1,189/month (for 3 bedroom units).
- Angelica Pedler: The Fox Point Residents want to ensure that the emergency gate located on Sidonia Street will never become a full access street. We want to confirm that it will not be possible for the residents & board members of the future Fox Point Farms Home Owners Association to open the emergency gate to a full access street. Please elaborate and reconfirm.
 - RESPONSE: We have not wavered from our original commitment to you and your neighbors regarding the emergency gate located on Sidonia Street. In addition to the legal agreement we executed with the Fox Point community, we are also bound by a City condition of approval (referred to as SCA-33, which we requested) stating that the emergency access gate at the intersection of Sidonia Street and Guildford Court shall not be converted to a general access point in the future. That condition of approval runs with the land. In other words, it applies not just to us, but also to the future Homeowner's Association that will govern the Fox Point Farms community.

Questions Received during Q&A and Verbal Comments at CPP Meeting

- What measures will be taken to control dust during the grading process?
 - RESPONSE: Fugitive dust and noise were analyzed in the environmental analysis for the Fox Point Farms project. As stated in that analysis, the project would comply with Rule 55 from the San Diego Air Pollution Control District (SDAPCD) which restricts any construction or demolition activities in a manner that discharges visible dust beyond the property line for an extended duration. In addition, visible roadway spillage, erosion, or track-out will be minimized by the use of various measures listed in Rule 55. The Soil Management Plan provided for various dust control measures such as watering during grading activities and limiting vehicle speeds to 5 miles per hour on unpaved portions of the site. Lastly, the project will implement a Stormwater Pollution Prevention Plan as part of the grading permit.
- I would like to understand why \$10,000 was given to E4E? For what purpose? Where and who did the

money come from? How did this arrange come about? At who's request? What is expected in return for the \$10,000?

- RESPONSE: In working with some of the neighbors during the Fox Point Farms entitlement process, there was a request to provide a shuttle system for project residents to reduce VMT by taking students to school. To implement such a system, the residents asked the project to include a monitoring component to ensure that the shuttle was used, and they specifically requested that the monitoring component be managed by a local non-profit. As such, as part of the City Council hearing, we voluntarily proposed to accept conditions including a condition to provide a shuttle and provide for an endowment for monitoring to ensure the success of the shuttle program. We selected E4E because it is an Encinitas-based non-profit, one of the few that we know of that seemed appropriate to carry out this task. The Project will fund the payment, and the expectation is that E4E will regularly monitor that the shuttle is being used, especially in the mornings to get children to and from school.
- How will the HOAs work and how many of them will there be? What will they actually control?
 - RESPONSE: We have been working with special legal counsel and the California Department of Real Estate (DRE) which oversees how HOAs are set up. There will be one Residential Association, and it will govern the residential community just like many of the other HOAs throughout the City.
- Who will manage the Farmstand, Farm-to-table restaurant, and other public spaces?
 - RESPONSE: The farmstand, farm-to-table restaurant, and other amenity spaces in Parcel 2 will be managed by a Nolen affiliate and that affiliate's associated management team. We have already identified and partnered with managers/chefs/farmers in this regard. We have chosen partners with extensive experience, and we are working to ensure the success of those uses, all of which are linked to the others' success. The farmstand relies on the farm for produce, and the farm relies on the farmstand and restaurant as a built-in buyer. The CSA boxes and fresh produce benefit the Fox Point Farms community as well as the larger community of Encinitas.
- Can you clarify how a State-certified affordable housing project gets approved for an alcohol-serving restaurant? Is an "agrihood" an option for State-certified affordable housing? I love CSA programs! I'm just wondering how they fit in with affordable housing.
 - RESPONSE: When we proposed this project back in 2017, we were clear about what uses were necessary as part of an "agrihood" beyond just housing. In working with City staff, the Encinitas Ranch Specific Plan was updated to reflect this agrihood concept and those appurtenant uses, which included a restaurant, farmstand, farm, event space, etc. Those modifications to the Encinitas Ranch Specific Plan were part of the City's Housing Element package that went to the State for approval. Importantly, the State's response (HCD and Coastal Commission) to the agrihood concept was overwhelmingly supportive. The non-residential uses are necessary components of the community in order for it to properly function as an agrihood, and because of that we need to ensure that each of those non-residential uses is successful.
- What do you mean by "market-rate" affordable housing?
 - RESPONSE: Market-rate affordable housing is just another name for housing that is affordable by virtue of its design; namely, smaller homes. It is sometimes referred to as "attainable" due to its lower price point, and sometimes called "affordable by design." We use these terms to

differentiate market-rate affordable housing from deed-restricted affordable housing, which is priced based on a State-determined methodology and income limits rather than the market itself.

If there are concerns, issues, and problems you are unable to address, explain why.

No new issues or concerns were raised specific to the Tentative Map Modification. Almost all of the comments received were related to the approved Fox Point Farms project and project implementation, which would not change as a result of the proposed Tentative Map Modification. We remain committed to continuing to work with the neighbors and the larger community in order to address any future concerns to the best of our ability.

ATTACHMENTS

ATTACHMENT A

CPP NOTICE

July 21, 2021

Nolen Communities

Would like to invite you to attend a:

NEIGHBORHOOD MEETING

Case Nos. MULTI-4657-2021; SUB-4658-2021;

CDPNF-4659-2021; and CPP-4667-2021

Fox Point Farms Tentative Map Modification

The Fox Point Farms Tentative Map Modification (proposed project) would modify the approved Tentative Map for Fox Point Farms (MULTI-3524-2019) to permit all 250 homes to be available as for-sale condominiums. This requested action would not result in any physical changes to the project.

The approved Tentative Map included 197 apartment homes and 53 for-sale condominium homes (for a total of 250 homes) as part of the development of an "agrihood" community on a 21.48-acre site located at 1150 Quail Gardens Drive (APN 254-612-12-00) in the Leucadia community of Encinitas. Other components of the approved project include edible landscaping, community gardens, trails, a bocce court, social spaces, a community library, and a community recreation center. The project will also include a shared public/private agricultural amenity area including a farm-to-table restaurant, farm stand, event lawns, discovery garden, greenhouse and community work area, and an outdoor education patio. The northern portion of the project site will remain in agricultural use, serving as an organic farm operation. Of the 250 residential units proposed in the community, 210 would be market-rate units and 40 would be deed restricted to be available to residents meeting "very low" income (50 percent of area median income) affordability standards.

The project site is currently occupied by private commercial greenhouse buildings (Dramm & Echter's flower-growing operation). Surrounding land uses include Encinitas Ranch Golf Course to the east, Leucadia Boulevard to the south, existing single-family residential development to the west, and the Magdalena Ecke Open Space Preserve to the north. Surrounding land uses include Encinitas Ranch Golf Course (to the east), Leucadia Boulevard (to the south), existing single-family residential development (to the west), and the Magdalena Ecke Open Space Preserve (to the north).

We are looking forward to meeting you and discussing any concerns or questions you may have regarding this proposed project. This will be your opportunity to give comments and to obtain responses directly from the applicant to improve your understanding of the project. A Powerpoint presentation summary of the proposed project will be presented on the virtual meeting and can also be requested in advance upon request. A comment card and return envelope may also be requested if internet access is not available. Comments will be allowed for seven days after the scheduled virtual meeting. If you are unable to attend the meeting or have questions prior, please contact us through email at bgrover@nolencommunities.com or fill out a comment survey through the website listed below.

Individuals will need to register with Zoom so that attendance can be tracked and recorded. Zoom will send out an individualized link to you with instructions. Zoom handles all registration and support once registered; however, if you are having issues during the meeting you can also email bgrover@nolencommunities.com. Participants can get more information about the project and register for the Zoom meeting on our website: www.nolencommunities.com/projects. After registering, you will receive a confirmation email containing information about joining the Zoom meeting.

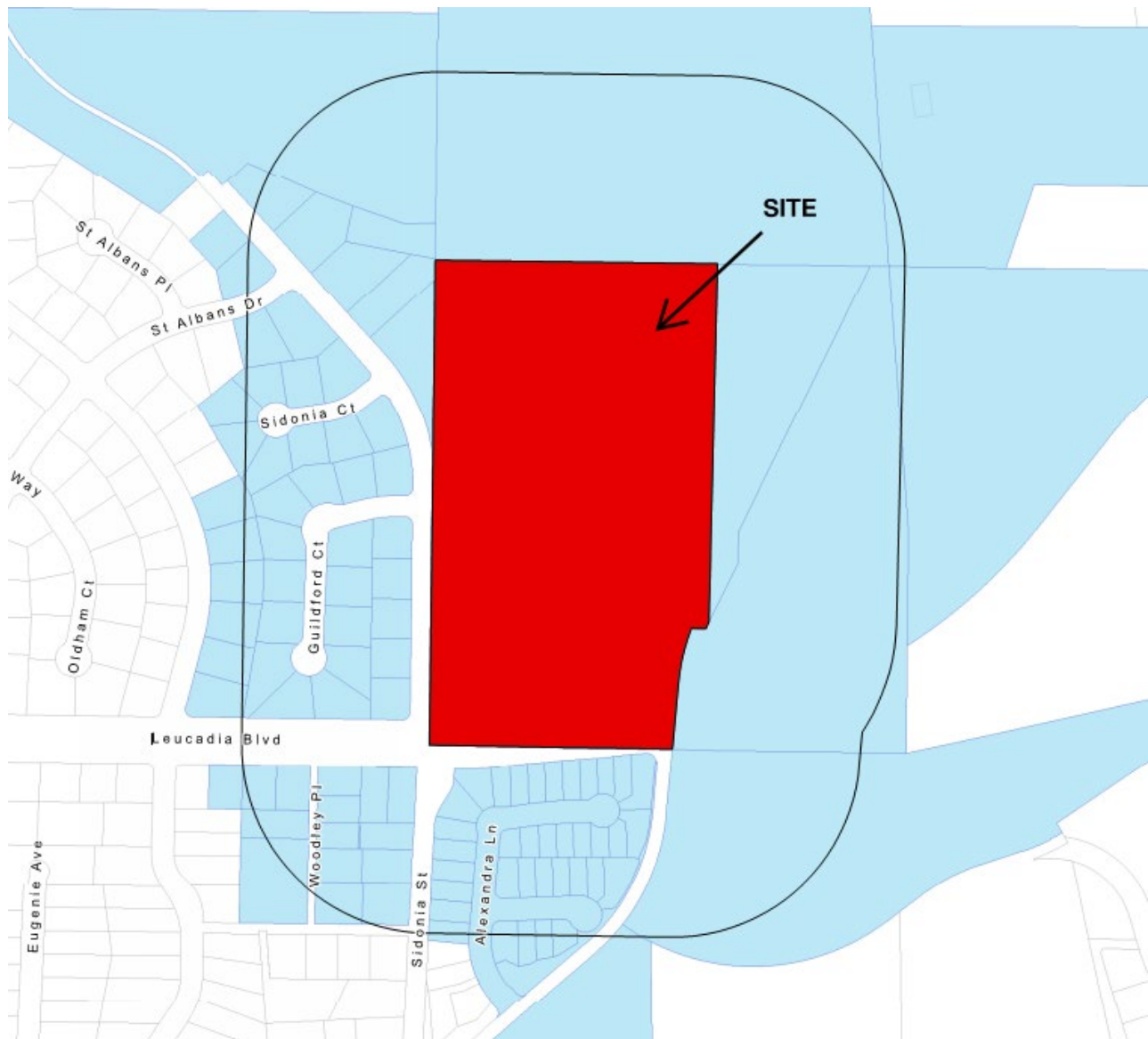
WEDNESDAY, JULY 21, 2021

6:00PM – 9:00PM

To register, you can sign up on our website:

www.nolencommunities.com/projects

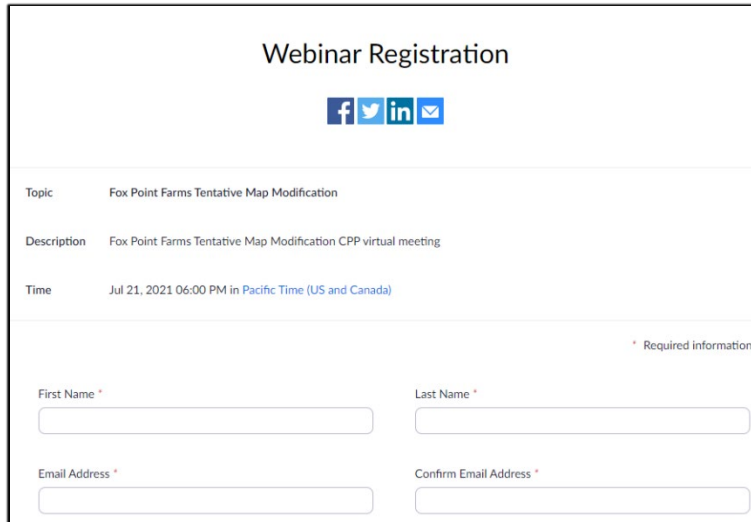
Vicinity Map



This notice is being sent to you in fulfillment of the City of Encinitas Citizen Participation Program requirements (EMC 23.06). This outreach effort to our neighbors is necessary because an application for development has been or will be filed with the City of Encinitas Development Services Department. The sole purpose of this process is to be a preliminary tool for opening a dialogue and to ensure that the project applicants and the citizens both have an opportunity early in the process to discuss, understand and try to resolve neighborhood issues related to potential impacts of a proposed project on the surrounding neighborhood. It is not meant to necessarily change or prevent a project as proposed. Questions about this notice and the proposed development should be directed to the contact person above. Questions regarding the Citizen Participation Program should be directed to Development Services at 760-633-2710.

Step by Step Instructions to Register for the CPP Meeting

1. Go to www.nolencommunities.com/projects
2. On our website, click the button to register for the CPP Meeting. All registration is handled directly through Zoom.
3. Zoom will take you to their registration page. Attendees must register for this CPP Meeting so that attendance can be taken, and attendees can comment.



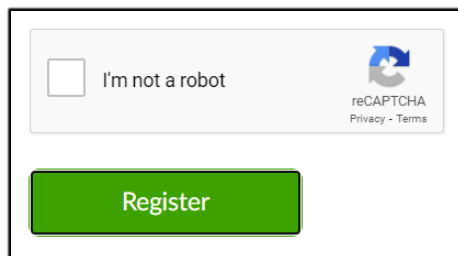
The screenshot shows a "Webinar Registration" form. At the top, there are social media icons for Facebook, Twitter, LinkedIn, and Email. Below these, the form details are as follows:

Topic	Fox Point Farms Tentative Map Modification
Description	Fox Point Farms Tentative Map Modification CPP virtual meeting
Time	Jul 21, 2021 06:00 PM in Pacific Time (US and Canada)

Below the details, there is a section for required information, indicated by an asterisk and the text "Required information". This section contains four input fields:

- First Name *
- Last Name *
- Email Address *
- Confirm Email Address *

4. Zoom will make you verify you are a person.




The screenshot shows a reCAPTCHA verification step. It includes a checkbox labeled "I'm not a robot" and the reCAPTCHA logo with the text "reCAPTCHA Privacy - Terms". Below this is a large green button labeled "Register".

5. You will be forwarded to a confirmation screen on Zoom. This email link is specific to you. If you forward it, only one person can use it at a time. Everyone should register individually.

Webinar Registration Approved

Topic Fox Point Farms Tentative Map Modification

Description Fox Point Farms Tentative Map Modification CPP virtual meeting

Time Jul 21, 2021 06:00 PM in [Pacific Time \(US and Canada\)](#)
 [Add to calendar](#) ▾

Webinar ID 831 5127 0415

To Join the Webinar

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join. https://us06web.zoom.us/j/83151270415?tk=LT6xelJG-2X6vGXbir38QllLbrYLoKerHSilz82o1p0.DQIAAAATXDOyDxZzR0dLVXcxbFRsV0RXaE1DVG5BSzZRAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAA&pwd=eWM4WlhUUHNWWkz5Tdlam5lbINxQT09&uuiid=WN_It-xaGRkTxqIMP3hJUKwvA

To Cancel This Registration

You can [cancel](#) your registration at any time.

6. You will also be sent a confirmation email from Zoom.

Thank you for registering for Fox Point Farms Tentative Map Modification. You can find information about this webinar below.

Fox Point Farms Tentative Map Modification	
Date & Time	Jul 21, 2021 06:00 PM Pacific Time (US and Canada)
Webinar ID	831 5127 0415
Passcode	123456

Please submit any questions to: bgrover@nolencommunities.com.
You can [cancel](#) your registration at any time.

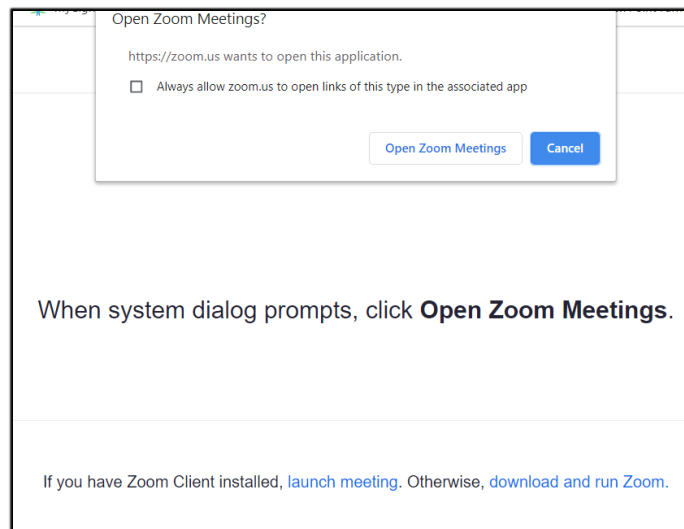
7. Zoom now requires passcodes to join meetings and stop spammers. The email has the passcode: 123456 included.

Zoom Tutorial

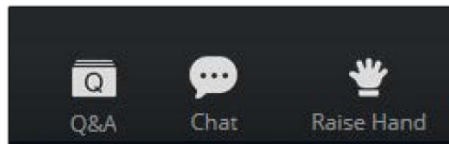
We recommend watching the Zoom.com tutorials. Please download the latest Zoom software to make sure all features are up to date. Zoom will prompt you to do so.

Joining a meeting: <https://support.zoom.us/hc/en-us/articles/201362193>

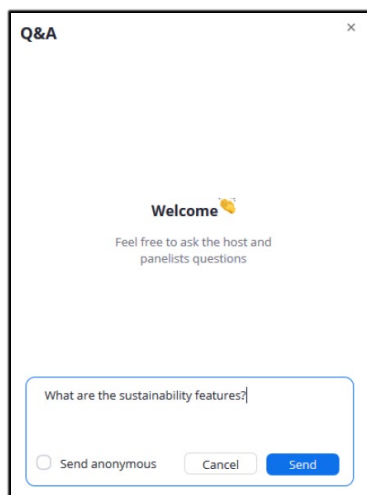
1. From your confirmation email, click the link to Open Zoom Meetings.



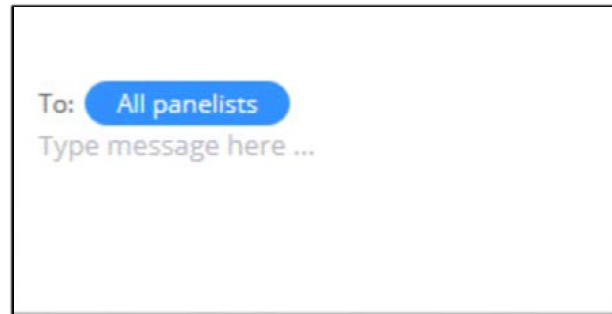
2. You'll need to put in the passcode: 123456
3. You will be taken to the Zoom landing page.
4. There are multiple functions for attendees: Q&A, Chat, and Raise Hand



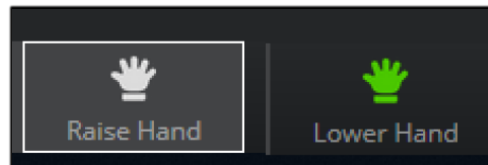
5. The Question and Answer (Q&A) feature for webinars allows attendees to ask questions during the webinar and for the panelists, co-hosts and host to answer their questions. All participants will see every question.



6. The Chat feature is for attendees to directly communicate with the Host.



7. Every attendee will be muted at the start of the meeting. Only the Host can unmute an attendee. The attendee must "raise their hand" and the host will unmute the attendee. If only connected by phone, an attendee can raise their hand by pressing *9.



ATTACHMENT B

CPP MAILOUT CERTIFICATION



City of
ENCINITAS

**Citizen Participation Plan
Neighborhood Notice Mail Out
Certification**

7/1/2021

Case Number: **CPP-004667-2021**

Location: **1150 Quail Gardens Dr, Encinitas, CA 92024**

Applicant: **Brian Grover**

For the referenced project, I certify that I have completed the mailing of the Citizen Participation Plan neighborhood notice materials as approved by the City and that the mailing has been sent to the complete list of addresses provided. I also acknowledge that any errors and/or omissions may invalidate any Citizen Participation Program activities conducted in reliance of these materials. Any such noticing defect may result in re-noticing and may cause additional cost or delay to my project.

July 2, 2021

Date Citizen Participation Plan materials mailed



Signature

RETURN TO:

City of Encinitas
Development Services Department
505 S. Vulcan Ave
Encinitas, CA 92024

ATTACHMENT C
ATTENDEE REPORT

ATTENDEE REPORT - FOX POINT FARMS TENTATIVE MAP MODIFICATION CPP MEETING

Attendee Report

Report Generated: 7/22/2021 23:06
 Topic: Webinar ID: Actual Start Time: Actual Duration (minutes): # Registered: # Cancelled: Unique Viewers: Total Users: Max Concurrent Views: 19
 Fox Point Farms Tent 831 5127 0415 7/21/2021 17:57 62 52 1 20 27 19

Host Details

Attended: User Name (Original Name) Email Join Time Leave Time Time in Session (r Country/Region Name)
 Yes Brian Grover bgrover@nolencommunities.com 7/21/2021 17:57 7/21/2021 18:59 62 The United States

Panelist Details

Attended: User Name (Original Name) Email Join Time Leave Time Time in Session (r Country/Region Name)
 Yes Sean Kilkenny skilkenny@nolencommunities.com 7/21/2021 18:06 7/21/2021 18:59 53 The United States

Attendee Details

Attended	User Name (Original Name)	First Name	Last Name	Email	Registration Time	Approval Status	Join Time	Leave Time	Time in Session (r Country/Region Name)
Yes	Sarah Morrell	Sarah	Morrell	sarah.morrell@gmail.com	7/21/2021 18:03	approved	7/21/2021 18:03	7/21/2021 18:59	56 The United States
Yes	Renee Norring	Renee	Norring	rnorring@cox.net	7/19/2021 16:00	approved	7/21/2021 18:05	7/21/2021 18:58	53 The United States
Yes	Charles Wolfe	Charles	Wolfe	cawolfe@teez.org	7/16/2021 15:51	approved	7/21/2021 18:01	7/21/2021 18:59	58 The United States
Yes	L Gartrell	L	Gartrell	laurie.gartrell@gmail.com	7/19/2021 16:54	approved	7/21/2021 18:35	7/21/2021 18:35	1 The United States
Yes	Julie Thunder	Julie	Thunder	jthunder92007@gmail.com	7/9/2021 7:50	approved	7/21/2021 18:03	7/21/2021 18:06	3 The United States
Yes	Julie Thunder	Julie	Thunder	jthunder92007@gmail.com	7/21/2021 18:20	approved	7/21/2021 18:20	7/21/2021 18:59	40 The United States
Yes	Cindy Cremona	Cindy	Cremona	cindy.cremona@gmail.com	7/16/2021 13:50	approved	7/21/2021 18:01	7/21/2021 18:59	58 The United States
Yes	Robert Schiller	Robert	Schiller	rjs123@pacbell.net	7/21/2021 8:34	approved	7/21/2021 17:59	7/21/2021 18:59	60 The United States
Yes	Sean Kilkenny	Sean	Kilkenny	skilkenny@nolencommunities.com	7/21/2021 17:56	approved	7/21/2021 18:00	7/21/2021 18:02	3 The United States
Yes	Sean Kilkenny	Sean	Kilkenny	skilkenny@nolencommunities.com	7/21/2021 18:03	approved	7/21/2021 18:03	7/21/2021 18:06	4 The United States
Yes	Peggy Williams	Peggy	Williams	peghomemal@yahoo.com	7/20/2021 7:58	approved	7/21/2021 18:04	7/21/2021 18:56	53 The United States
Yes	Sophia Gee	Sophia	Gee	sophiepark@gmail.com	7/16/2021 9:36	approved	7/21/2021 18:01	7/21/2021 18:54	53 The United States
Yes	Angelica Pedler	Angelica	Pedler	aspedler@gmail.com	7/21/2021 13:44	approved	7/21/2021 18:45	7/21/2021 18:59	14 The United States
Yes	David Dekker	David	Dekker	dvdkkr@protonmail.com	7/16/2021 10:10	approved	7/21/2021 18:02	7/21/2021 18:59	57 The United States
Yes	Kathleen Lees	Kathleen	Lees	mcmillenees@cox.net	7/21/2021 17:45	approved	7/21/2021 18:00	7/21/2021 18:57	58 The United States
Yes	Paul Barnes	Paul	Barnes	paulbarnes@gmail.com	7/21/2021 18:32	approved	7/21/2021 18:32	7/21/2021 18:59	27 The United States
Yes	Ron Dodge	Ron	Dodge	Ron.Dodge@earthlink.net	7/21/2021 14:15	approved	7/21/2021 18:04	7/21/2021 18:59	55 The United States
Yes	Chris Purkiss	Chris	Purkiss	cpurkiss@live.com	7/10/2021 4:08	approved	7/21/2021 18:01	7/21/2021 18:59	58 The United States
Yes	Brad Bosacki	Brad	Bosacki	Bosackis@cox.net	7/21/2021 13:24	approved	7/21/2021 18:00	7/21/2021 18:56	57 The United States
Yes	Loralynn Williams	Loralynn	Williams	Loralynn8@gmail.com	7/8/2021 9:02	approved	7/21/2021 18:03	7/21/2021 18:58	56 The United States
Yes	Serena Silberman	Serena	Silberman	silberman.serena@gmail.com	7/11/2021 15:47	approved	7/21/2021 18:22	7/21/2021 18:59	37 The United States
Yes	Brad McAtee	Brad	McAtee	Bradmcatee@gmail.com	7/10/2021 7:43	approved	7/21/2021 18:00	7/21/2021 18:17	18 The United States
No	Trish	Trish	Schiller	trish123@pacbell.net	7/16/2021 12:13	approved	--	--	--
No	A	A	D	Annisiaside@aol.com	7/10/2021 6:37	approved	--	--	--
No	Doug	Doug	Fiske	dougkfiske@gmail.com	7/9/2021 11:29	approved	--	--	--
No	Tracy	Tracy	Harrison	thadnott@gmail.com	7/1/2021 14:06	approved	--	--	--
No	Dolores	Dolores	Welty	dwelty2076@earthlink.net	7/20/2021 21:06	approved	--	--	--
No	Martin	Martin	Hasso	mhasso@mac.com	7/21/2021 17:21	approved	--	--	--
No	Denise	Denise	Hauwert-Marshall	Dhauwert-marshall@outlook.com	7/21/2021 14:52	approved	--	--	--
No	Will	Will	Tong	will.tong1@gmail.com	7/20/2021 9:40	approved	--	--	--
No	Mike	Mike	Moore	mikemoore5@gmail.com	7/9/2021 20:52	approved	--	--	--
No	Jennifer	Jennifer	Klein	jarak@yahoo.com	7/10/2021 11:16	approved	--	--	--
No	Rob	Rob	Riordan	robert.alan.riordan@gmail.com	7/9/2021 8:41	approved	--	--	--
No	Stephanie	Stephanie	Denevan	swipf09@gmail.com	7/19/2021 12:11	approved	--	--	--
No	anna	anna	hysell	annarobin07@gmail.com	7/9/2021 8:55	approved	--	--	--
No	Kathy	Kathy	Madsen	Kathylmadsen@gmail.com	7/9/2021 10:11	approved	--	--	--
No	Michele	Michele	Cantwell	Michele.cantwell@gmail.com	7/9/2021 10:17	approved	--	--	--
No	Anne Marie	Anne Marie	Oldham	oldham.annemarie@gmail.com	7/14/2021 18:19	approved	--	--	--
No	Janice	Janice	Monte	Jemontie@gmail.com	7/9/2021 11:11	approved	--	--	--
No	ron	ron	ranson	rranson@ucsd.edu	7/9/2021 11:54	approved	--	--	--
No	Linda	Linda	Meeiker	lucucadiaindia@dslexreme.com	7/9/2021 18:30	approved	--	--	--
No	Rachel	Rachel	White	rdwhite1215@gmail.com	7/18/2021 15:13	approved	--	--	--
No	Cindy	Cindy	Hansen	cindyshopper1@hotmail.com	7/11/2021 22:07	approved	--	--	--
No	scott	scott	hinkle	scott@ghjinc.com	7/19/2021 8:57	approved	--	--	--
No	Geri	Geri	Jones	Gijstj@aol.com	7/9/2021 8:39	approved	--	--	--
No	Sarah	Sarah	Kruer Jager	skruer@monarchgroup.com	7/21/2021 16:30	approved	--	--	--
No	Chandra	Chandra	Conway	chandraconway@mac.com	7/9/2021 15:48	approved	--	--	--
No	Jill	Jill	Houghton	jillhoughton@gmail.com	7/4/2021 8:24	approved	--	--	--
No	Brian	Brian	Grover	bgrover@gmail.com	6/30/2021 13:39	cancelled by host	--	--	--
No	Sam	Sam	Shevde	Sshevde@gmail.com	7/12/2021 10:33	approved	--	--	--
No	Adam	Adam	Sloustcher	asloustcher@gmail.com	7/10/2021 7:22	approved	--	--	--
No	ELI	ELI	SANCHEZ	byel@cox.net	7/16/2021 14:40	approved	--	--	--
No	SC	SC	Pignataro	Catiep@pm.me	7/21/2021 5:27	approved	--	--	--
No	Don	Don	Reed	aum@cox.net	7/7/2021 14:58	approved	--	--	--
No	Christine	Christine	Shelton	Designsbyschs@gmail.com	7/10/2021 14:31	approved	--	--	--

Other Attended

User Name	Join Time	Leave Time	Time in Session (minutes)	Country/Region Name
18585310421	7/21/2021 18:06	7/21/2021 18:59	53	The United States
14086797000	7/21/2021 18:12	7/21/2021 18:59	47	The United States
18585310421	7/21/2021 18:02	7/21/2021 18:03	2	The United States

ATTACHMENT D

Q&A REPORT

Q&A REPORT - FOX POINT FARMS TENTATIVE MAP MODIFICATION CPP MEETING

Question Report

Report Generated:

7/22/2021 23:12

Topic

Webinar ID

Actual Start Time

Actual Duration (minutes)

Question

Fox Point Farms Tentative Map Mc831 5127 0415

7/21/2021 17:57 62

16

Question Details

#	Question	Asker Name	Asker Email	Answer(s)
1	What measures will be taken to control dust during the grading process?	Charles Wolfe	cawolfe@ieee.org	live answered
2	Charles Wolfe 1164 Sidonia Ct. Encinitas Would like to understand why \$10,000 was given to E4E? For what purpose? Where and who did the money come from? How did this arrange come about? At who's request? What is expected in return for the \$10,000?	Charles Wolfe Cindy Cremona	cawolfe@ieee.org	live answered
3	How will the HOS's work and how many of them will there be? What will they actually control?	Kathleen Lees	cindy.cremona@gmail.com	live answered
4	Who will manage the Farmer's Market, Farm to table restaurant, other public spaces?	Kathleen Lees	mcmillenlees@cox.net	live answered
5	Thank you Kathleen - great question!	Julie Thunder	jthunder92007@gmail.com	live answered
6	Can you clarify how a state-certified affordable housing project gets approved for an alcohol serving restaurant?	Julie Thunder	jthunder92007@gmail.com	live answered
7	Thank you. But is an 'agrihood' an option for state-certified affordable housing?	Julie Thunder	jthunder92007@gmail.com	live answered
8	I love CSA programs! Just wondering how they fit in with affordable housing?	Julie Thunder	jthunder92007@gmail.com	live answered
9	yes!	Julie Thunder	jthunder92007@gmail.com	live answered
10	market rate 'affordable housing' ???	Julie Thunder	jthunder92007@gmail.com	live answered
11	no i didn't raise my hand.	Anonymous Attendee		thank you
12	Hi Brian it's Angelica I was late to the meeting	Angelica Pedler	aspedler@gmail.com	live answered
13	did you talk about the HOA and opening the street in the future?	Angelica Pedler	aspedler@gmail.com	yes, we did, but Brian can repeat.
14	sorry	Angelica Pedler	aspedler@gmail.com	live answered
15	Thank you :)	Angelica Pedler	aspedler@gmail.com	live answered

ATTACHMENT E
COMMENT CARD QUESTIONS (SURVEYPLANET)

Comment Card Questions
(from SurveyPlanet virtual comment cards)

Geri Jones
gljstj@aol.com

- Will you be paying school fees and other infrastructure fees?
- Will you divert traffic in a way to not affect the neighbors?
- Why are you building this in a statewide drought?
- Why don't you add more affordable housing? Why only 20%?

Joan Loban
jmllob@aol.com

- Due to increased traffic in the area I would suggest that it is absolutely necessary to update the traffic lights at the corner of Leucadia Blvd and Quail Gardens Dr. There currently are no green arrow lights for a left turn going in either direction. In the past I have witnessed a few accidents and many close calls at this intersection. That is with current traffic patterns. It will be even worse with the addition of 250 more living units. Please update the traffic lights to include a green arrow left turn signal. This is imperative for the safety of our community. Thank you.

SC Pignataro
catiep@pm.me

- Please provide a list of application changes since Council approval of project with reason for each change requested or required
- Please provide a list of city mandated and voluntary project conditions including pesticides
- Process for approval of changes and citizen rights during the process
- Clear list of Best Practices on how very nearby residents within 2500 feet and pets will be protected from illness and property loss of use during construction.
- Clear schedule of greenhouse removal, soil movement and any other items that in your experience may affect surrounding resident health and use of their property.
- Additional car parking on Sidonia Street has already begun by various people entering the farm, plus others causing additional situations of cars to nearly collide and children riding bikes to be nearly missed from being hit. Can you please detail the city parking restrictions to be applied? Thank you for your time and energies.

Angelica Pedler
aspedler@gmail.com

- The Fox Point Residents want to ensure that the emergency gate located on Sidonia Street will never become a full access street. We want to confirm that it will not be possible for the residents & board members of the future Fox Point Farms Home Owners Association to open the emergency gate to a full access street. Please elaborate and reconfirm at your neighborhood meeting on July 21, 2021.

ATTACHMENT F
EMAILS RECEIVED

From: [Sheila Cameron](#)
To: [Brian Grover](#)
Subject: Re: Fox Point Farms meeting tonight
Date: Wednesday, July 21, 2021 12:17:23 PM

One more question, Brian: Are you only converting the 197 apartments to condos and still keeping the 53 individual houses? or are you going all condos? I do know that Condos have run into a lot of lawsuits in the past and require a different construction than apartments, so that's part of why I'm wondering...

Thanks again, Sheila

On Wed, Jul 21, 2021 at 12:08 PM Sheila Cameron <sheilaleucadia@gmail.com> wrote:

Hi Brian,

Yes, I suggest you be prepared to explain along the lines of my questions tonight. I'm not much on zoom meetings - they are too frustrating for me. I have commented via letters to the City Council.

So, yes, can we have a quick phone call? I'll call you - its noon time so don't know if you'll be available now. I would just like my questions answered now and not sit through 3 hours tonight!

Thank you, Sheila

(760) 436-1379

On Wed, Jul 21, 2021 at 11:09 AM Brian Grover <bgrover@nolencommunities.com> wrote:

Thanks for the email Sheila. We will address these questions in our CPP meeting this evening. I'm also happy to discuss on the phone with you if you like - let me know.

-Brian

On Wed, Jul 21, 2021 at 10:33 AM Sheila Cameron <sheilaleucadia@gmail.com> wrote:

Hi Brian,

A few Questions: (1) Why are you changing to all condo units? No single family homes?

(2) If changing from Apartments to condos, are you changing the configuration of these units.

Condos require more in the way of construction than apartments don't they?

(3) Is it by converting to condos and selling - you don't have to be landlords?

(4) What is the range of prices for very low (50% of area median income)?

Thank you, Sheila S. Cameron sheilaleucadia@gmail.com

--

Brian P. Grover
Managing Partner

Nolen Communities, LLC
858.336.9337
www.nolencommunities.com

From: [WordPress](#)
To: info@nolencommunities.com
Subject: Website Contact Form: Line item changes
Date: Wednesday, July 21, 2021 5:27:44 AM

You have received the following message from the Nolen Communities website:

From: SC Pignataro

Subject: Line item changes

Sender: catiep@pm.me

Message: Hello. I recognize all the work that has gone into this and think it will be transparent and offer the opportunity for more trust from surrounding neighbors when you provide the following:

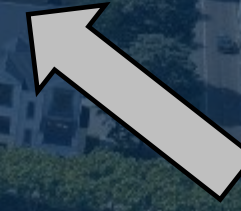
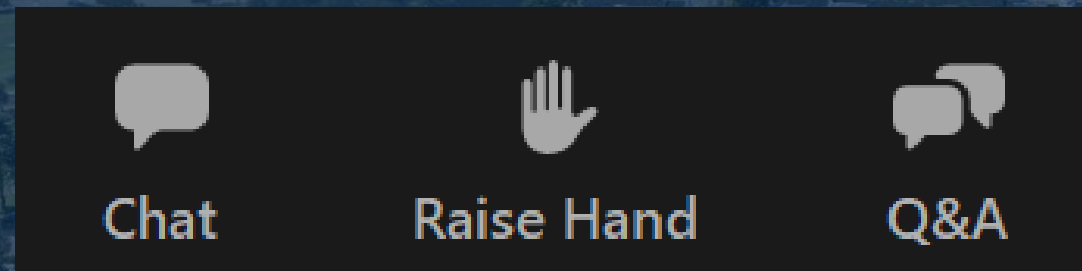
1. A list of application changes since the approval of this project by the city Council with reason for change.
2. The city required process and code number you will be going through to get these items approved.
3. How are you will be protecting the surrounding residents from environmental and health affects of construction and future development including air and noise.
4. Written schedule of construction and BMP's. Note: there is concern that contaminated airflow from greenhouse removal to soil movement greater than has already been seemingly occurring in the area and will be affecting homes, residents, children and pets. It will help to detail what you will be doing to ensure resident safety.

Thank you

ATTACHMENT G
CPP PRESENTATION

The Presentation Will Begin Shortly

How to participate in this Zoom meeting:



To directly contact the presenter, use the chat box. Questions posted in the chat box will not be responded to – please use the Q&A feature.

To be able to speak, please use the “raise hand” button and the presenter will unmute you when appropriate. Attendees by phone, *9 will raise your hand.

To ask a written question about the project, use the Q&A button.

**Questions will be addressed after the formal presentation*



FOX POINT FARMS

CULTIVATING COMMUNITY THROUGH AGRICULTURE

**TENTATIVE MAP MODIFICATION
CPP PUBLIC MEETING**

July 21, 2021

OVERVIEW

Who We Are

How We Got Here

Status of Approved Project

What We Are Changing and Why

How Is It Different?

Affordable Housing

What Is Next?

Contact Us

WHO WE ARE



We strive to create highly-amenitized, context-sensitive communities that embrace their surroundings and provide people with unique places to live, work, and play

HOW WE GOT HERE

2017 - Agrihood concept presented to City Council

October 2019 - Housing Element Update adopted

- Fox Point Farms property was rezoned for a minimum of 246 homes

December 2019 - Project application submitted for 250 homes (197 apartments and 53 condos) in addition to a farm, restaurant, community event space, and farmstand

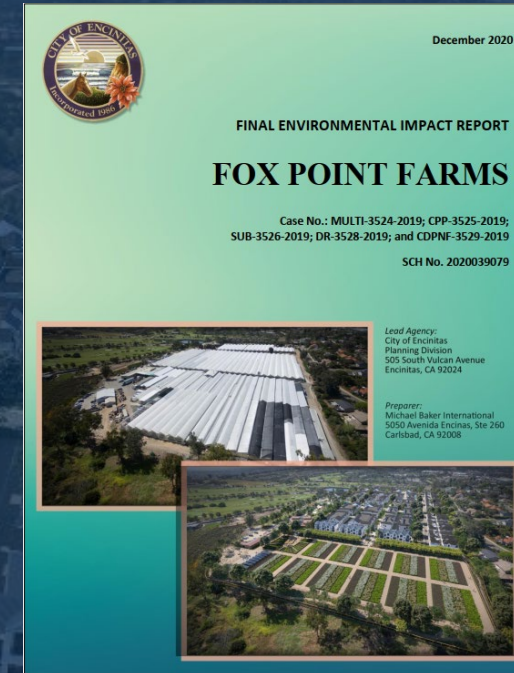
February 2020 - CPP meeting

March through November 2020 - Numerous meetings with Fox Point community

September/October 2020 - EIR public review period

December 2020 - Planning Commission hearing (unanimous approval)

January 2021 - City Council hearing (unanimous approval)



STATUS OF APPROVED PROJECT

The Fox Point Farms project (MULTI-3524-2019; CPP-3525-2019; SUB-3526-2019; DR-3528-2019; CDPNF-3529-2019) was approved by the Planning Commission on December 17, 2020, and later approved by the City Council on January 28, 2021

A demolition permit was approved by the City of Encinitas on July 14, 2021

A grading permit will be issued in August 2021



WHAT WE ARE CHANGING AND WHY

Feedback from the community → more for-sale homes rather than for-rent apartments

All other Housing Element projects → 100% for-rent apartments

No new opportunities for attainable homeownership in Encinitas

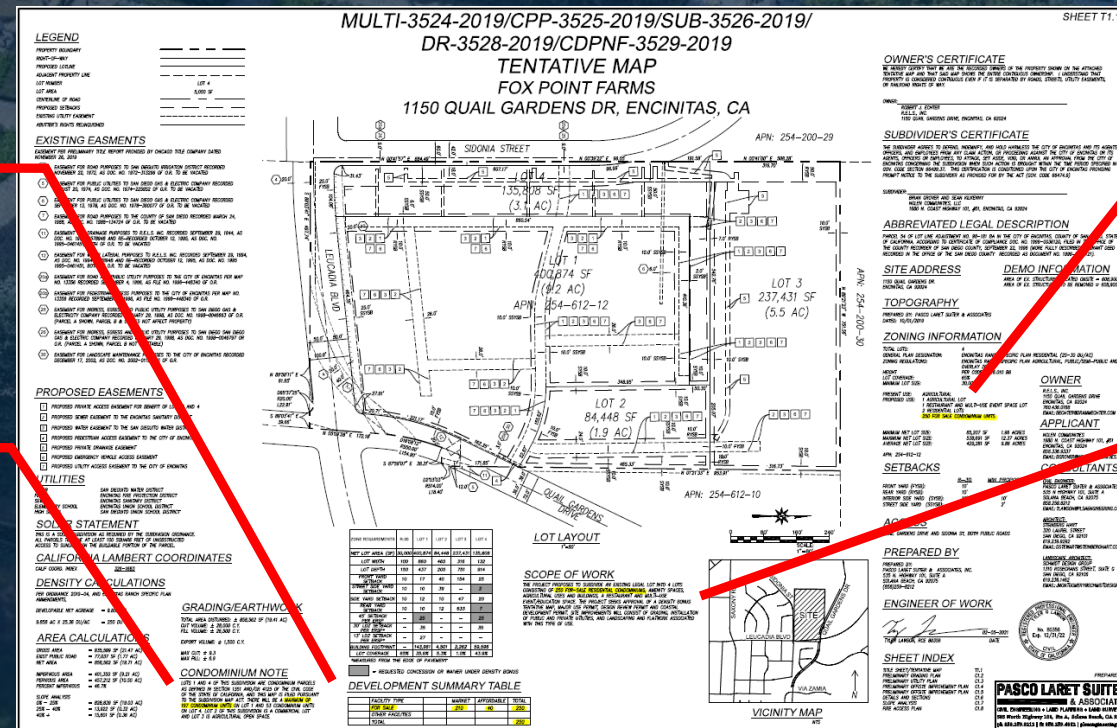
We have decided to modify the approved Tentative Map to permit all 250 homes to be available as for-sale condominiums, which in turn would diversify the types of homeownership opportunities available in the City of Encinitas.

DEVELOPMENT SUMMARY TABLE

FACILITY TYPE	MARKET	AFFORDABLE	TOTAL
FOR SALE	210	40	250
OTHER FACILITIES			
TOTAL			250

CONDOMINIUM NOTE

LOTS 1 AND 4 OF THIS SUBDIVISION ARE CONDOMINIUM PARCELS AS DEFINED IN SECTION 1351 AND/OR 4125 OF THE CIVIL CODE OF THE STATE OF CALIFORNIA, AND THIS MAP IS FILED PURSUANT TO THE SUBDIVISION MAP ACT. THERE WILL BE A **MAXIMUM OF 197 CONDOMINIUM UNITS** ON LOT 1 AND 53 CONDOMINIUM UNITS ON LOT 4. LOT 2 OF THIS SUBDIVISION IS A COMMERCIAL LOT AND LOT 3 IS AGRICULTURAL OPEN SPACE.



PROPOSED USE: 1 AGRICULTURAL LOT
1 RESTAURANT AND MULTI-USE EVENT SPACE LOT
2 RESIDENTIAL LOTS
250 FOR SALE CONDOMINIUM UNITS

SCOPE OF WORK

THE PROJECT PROPOSES TO SUBDIVIDE AN EXISTING LEGAL LOT INTO 4 LOTS CONSISTING OF 250 FOR-SALE RESIDENTIAL CONDOMINIUMS, AMENITY SPACES, AGRICULTURAL USES AND BUILDINGS, A RESTAURANT AND MULTI-USE EVENT/EDUCATION SPACE. THE PROJECT SEEKS APPROVAL OF A DENSITY BONUS TENTATIVE MAP, MAJOR USE PERMIT, DESIGN REVIEW PERMIT AND COASTAL DEVELOPMENT PERMIT. SITE IMPROVEMENTS WILL CONSIST OF GRADING, INSTALLATION OF PUBLIC AND PRIVATE UTILITIES, AND LANDSCAPING AND FLATWORK ASSOCIATED WITH THIS TYPE OF USE.

HOW IS IT DIFFERENT?

This modification does not result in any physical changes to the project (number of units, parking, architecture, amenities, etc)

It simply allows for the previously-entitled 197 apartments to instead be sold as condominiums

This results in some of the smallest, most efficient, and most “attainable” for-sale homes available in the City:

- Studios (600 sf)
- 1-bedroom flats (700 sf – 900 sf)
- Carriage units (725 sf)
- 2-bedroom flats (900 sf – 1,100 sf)
- 2-bedroom townhomes (1,150 sf)
- 3-bedroom flats (1,300 sf)
- 3-bedroom cottage homes (1,600 sf)



AFFORDABLE HOUSING

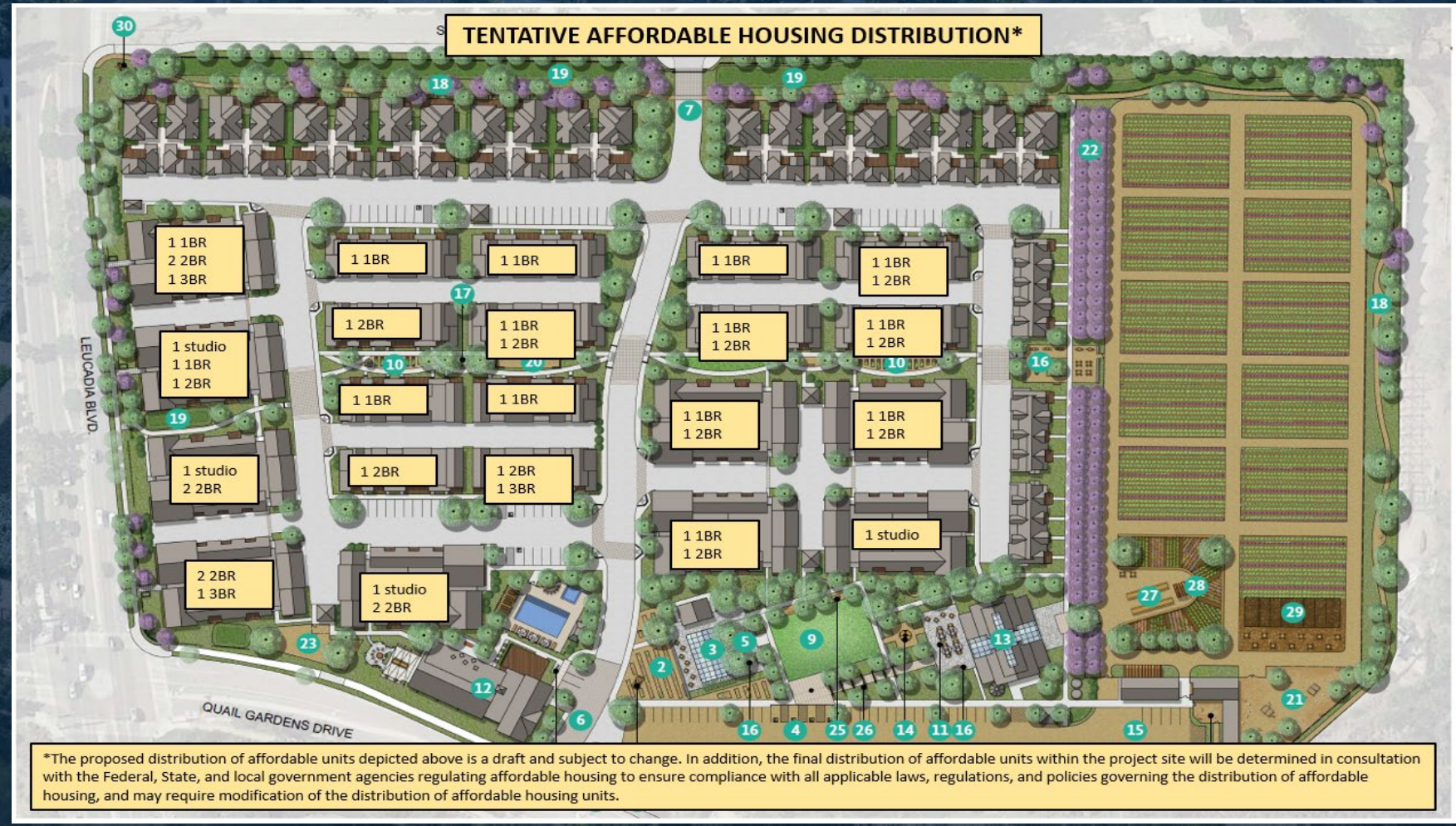
There are also no changes to:

- Number of deed-restricted units (40)
- Level of affordability (“very low”; 50% Area Median Income)
- Location/size/distribution of deed-restricted units (see below; same as prior)
- Type of use (all 40 deed-restricted units will still be rented, not sold)

Maximum Annual Income Limits				
Household Size	30% AMI (Extremely Low)	50% AMI (Very Low)	80% AMI (Low)	120% AMI (Moderate)
1	\$25,450	\$42,450	\$67,900	\$79,850
2	\$29,100	\$48,500	\$77,600	\$91,300
3	\$32,750	\$54,550	\$87,300	\$102,700
4	\$36,350	\$60,600	\$97,000	\$114,100
5	\$39,300	\$65,450	\$104,800	\$123,250
6	\$42,200	\$70,300	\$112,550	\$132,350
7	\$45,100	\$75,150	\$120,300	\$141,500
8	\$42,000	\$80,000	\$128,050	\$150,600

Affordable Housing Costs					
Renters	Unit Size	30% AMI (Extremely Low)	50% AMI (Very Low)	60% AMI (Low)	110% AMI (Moderate)
	Studio	\$499	\$832	\$999	\$1,831
	1-Bedroom	\$571	\$951	\$1,141	\$2,092
	2-Bedroom	\$642	\$1,070	\$1,284	\$2,354
	3-Bedroom	\$713	\$1,189	\$1,427	\$2,615
	4-Bedroom	\$770	\$1,284	\$1,541	\$2,824
5-Bedroom	\$827	\$1,379	\$1,655	\$3,034	
Homeowners	Unit Size	30% AMI (Extremely Low)	50% AMI (Very Low)	70% AMI (Low)	110% AMI (Moderate)
	Studio	\$499	\$832	\$1,165	\$2,136
	1-Bedroom	\$571	\$951	\$1,331	\$2,441
	2-Bedroom	\$642	\$1,070	\$1,498	\$2,746
	3-Bedroom	\$713	\$1,189	\$1,664	\$3,051
	4-Bedroom	\$770	\$1,284	\$1,797	\$3,295
5-Bedroom	\$827	\$1,379	\$1,931	\$3,539	

Effective: 4-26-2021 --- San Diego Median Income: \$95,100 -- Source: <http://www.hcd.ca.gov/grants-funding/income-limits/state-and-federal-income-limits.shtml>



*The proposed distribution of affordable units depicted above is a draft and subject to change. In addition, the final distribution of affordable units within the project site will be determined in consultation with the Federal, State, and local government agencies regulating affordable housing to ensure compliance with all applicable laws, regulations, and policies governing the distribution of affordable housing, and may require modification of the distribution of affordable housing units.

WHAT IS NEXT?

June 2021 - Application for Tentative Map Modification has been submitted to the City

Anticipated August 2021 - Grading and Improvement Plans approved, grading permit issued, start of construction

September 2021 - Submitting construction documents for Building Permits

January 2022 - Building construction scheduled to begin



Contact Us

We look forward to
working with you

Brian Grover and Sean Kilkenny
Nolen Communities, LLC

info@nolencommunities.com
www.nolencommunities.com





FOX POINT FARMS

CULTIVATING COMMUNITY THROUGH AGRICULTURE