DECEMBER 2022

DRAFT ENVIRONMENTAL IMPACT REPORT

PIRAEUS POINT

Case No.: MULTI-005158-2022; CDP-005161-2022; SUB-005159-2022; SUB-005391-2022; and DR-005160-2022

SCH No. 2022050516





Lead Agency:
City of Encinitas
Planning Division
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INTRODUCTION

Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15123, this section summarizes the proposed project, significant impacts, and proposed mitigation measures. The summary is organized around the following topics:

- Purpose of the Environmental Impact Report (EIR)
- Project Synopsis
- Issues Raised During Scoping
- Summary of Project Alternatives

PURPOSE OF THE ENVIRONMENTAL IMPACT REPORT

This Environmental Impact Report (EIR) has been prepared for the City of Encinitas (City), acting as the lead agency under CEQA Guidelines Sections 15050 and 15367, to analyze the potential environmental effects associated with implementation of the Piraeus Point project (collectively known as the project or the proposed project).

An EIR is a public informational document used in the planning and decision-making process. The purpose of the EIR is to demonstrate that the City has made a good faith effort at disclosing the potential for the project to result in significant impacts to the physical environment. As such, the EIR does not consider potential fiscal impacts, cost-benefit assessment, or social impacts. Nor does the EIR present recommendations to the decision-making bodies for approval or denial of the project based on the environmental findings. Rather, the EIR is intended to provide additional information about the project when, if, and at which time it is reviewed and considered by the City in its discretionary decision-making for the Piraeus Point project.

The City of Encinitas Planning Commission and City Council will consider the information in the EIR, public and agency comments on the EIR, and testimony at public hearings in their decision-making process. The public review comments will be incorporated and addressed in the Final EIR. As a legislative action, the final decision to approve, conditionally approve, or deny the proposed project is made by the City's City Council. The purpose of an EIR is to identify:

- Significant impacts of the proposed project on the environment and indicate the manner in which those significant impacts can be avoided or mitigated.
- Any unavoidable adverse impacts that cannot be mitigated.

- Reasonable and feasible alternatives to the proposed project that would eliminate any significant adverse environmental impacts or reduce the impacts to a less than significant level.

An EIR also discloses cumulative impacts, growth-inducing impacts, and impacts found not to be significant. CEQA requires that an EIR reflect the independent judgment of the lead agency regarding the impacts, disclose the level of significance of the impacts both without and with mitigation, and discuss the mitigation measures proposed to reduce the impacts.

The EIR is circulated to the public and other agencies that may have jurisdiction over affected lands or resources, such as the San Diego Regional Water Quality Control Board (RWQCB) and California Department of Fish and Wildlife. The purposes of public and agency review of an EIR include sharing expertise, disclosing agency analyses, checking for accuracy, detecting omissions, and understanding public concerns.

This EIR is being distributed to agencies, organizations, and interested groups and persons for a 60-day review period in accordance with CEQA Guidelines Section 15087. The City will consider and respond in writing to all environmentally-related comments received during the review period prior to any action being taken on the project.

PROJECT SYNOPSIS

Lennar Homes of California, LLC. (applicant) proposes the development of a 149-home residential townhome community in the City of Encinitas. The project site is identified as one of 16 sites included in the City of Encinitas Housing Element Update, which the City adopted on March 13, 2019.

The project site is comprised of one parcel totaling approximately 6.88 gross acres [County of San Diego Assessor parcel number (APN) 254-144-01-00]. Additionally, the project includes a proposed “off-site preserve area” comprised of APN 216-110-35-00, totaling approximately 4.95 acres (gross). The proposed off-site preserve area would be preserved in perpetuity and left in its current undeveloped state in order to mitigate for biological impacts resulting from development of the project site.

The project includes a street vacation along portions of Piraeus Street and Plato Place. With City approval, an approximately 0.25 acre area along Plato Place and 0.71 acre area along Piraeus Street, adjacent to the project boundary, would be vacated. With approval of the vacation,

approximately 0.96 acres would therefore be added to the total (gross) acreage of the project site.[1]

The proposed development would consist of 52 one-bedroom homes, 37 two-bedroom homes, and 60 three-bedroom homes for a total of 149 residential units, which would be built within 16 individual three-story residential buildings. Of the 149 residential units, 134 would be market-rate homes and 15 would be "very low" income affordable homes. Proposed amenities include a pool, spa, pool house, and lounge seating. A total of 246 private garage parking spaces are planned, along with an additional 25 shared surface parking spaces for use by residents and their guests.

The project site is located within the Coastal Zone. City approval of a Condominium Tentative Map, Density Bonus Application, Street Vacation, Design Review Permit, and Coastal Development Permit (non-appealable) will be required (MULTI-005158-2022; CDP-005161; DR-005160-2022; and SUB-005159-2022).

ISSUES RAISED DURING SCOPING

In accordance with CEQA Guidelines Section 15082, the City prepared and distributed a Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the project that was circulated for public review on May 26, 2022, with a comment deadline of June 25, 2022. The NOP comment period is intended to notify responsible agencies, trustee agencies, and the public that the City, acting as the lead agency, would be preparing an EIR for the project. The City determined the scope of the analysis for this EIR as a result of initial project review and consideration of agency and public comments received in response to the NOP. For more information regarding the NOP process, refer to Section 1.0. The NOP and the NOP comments are included in Appendix A to this EIR.

A Citizen Participation Program (CPP) public meeting was held for the proposed project on June 7, 2022 at Encinitas City Hall.

Key areas of concern, as conveyed during the NOP and CPP processes, are summarized below. While the list below summarizes all of the concerns raised, CEQA limits the EIR to evaluation of the project's physical impacts to the environment. A full range of economic and social considerations associated with the proposed project will be evaluated by City decisionmakers; however, pursuant to the provisions of CEQA, analysis and discussion of such considerations are not included in this EIR.

[1] Note that the project applicant is not including the additional 0.96 acres as part of the yield analysis.

- Visual effects; potential aesthetic impacts on historic viewsheds and scenic corridor
- Maintain the "rural" character of the local community and surrounding neighborhood
- Proposed building height relation to surrounding residential neighborhood
- Potential visual effects from proposed on-site retaining walls
- Compatibility with existing neighborhood character; project design
- Nighttime lighting effects on dark skies
- Residential density proposed; exceedance of residential zoning allowances
- Effects on air quality from dust generation during construction and increased vehicle traffic during operations
- Impacts on biological resources, particularly on the off-site preserve area (direct impacts on sensitive resources; indirect impacts from runoff, light, noise, domestic pets)
- Geologic/soils issues due to prior landslide events on-site and proximity to Rose Canyon and La Costa Faults; Instability of inland bluffs
- Release of hazardous materials or fumes from on-site soils (former on-site agricultural use) during project grading and excavation activities
- Protection of natural drainages from runoff; maintaining stormwater quality
- Drainage effects; potential for increased flooding to occur
- Noise - both during construction and from occupancy of rooftop decks by project residents and park-goers (nearby Olympus Park, south of project site); increased noise on Interstate 5 (I-5) from contribution of project traffic
- Increased traffic on local streets; traffic congestion during both construction and operations and potential effects on emergency response
- Maintaining pedestrian and bicycle safety on local streets (during project construction and operation); safety of children walking to local elementary school; lack of area sidewalks
- Access to public transportation
- Increased demands on water, wastewater, and electrical infrastructure
- Adequacy of water supplies and potential effects on increased water use restrictions
- Protection of tribal cultural resources; potential for known and unknown on-site resources to be present
- Project effects on fire/other emergency evacuation; limited emergency access
- Increased risk of wildfire
- Qualifications for low-income housing recipients
- Inadequate provision of on-site parking
- Effects on neighborhood cleanliness; generation of debris
- Access improvements onto La Costa Avenue from Piraeus Street
- Potential for provision of left turn lane onto Leucadia Avenue from Piraeus Street
- School capacity (e.g., Capri Elementary School) and potential overcrowding

- Use of the off-site parcel as mitigation land and overall buildable area of the subject site

SUMMARY OF SIGNIFICANT EFFECTS

Based on the analysis within this EIR, transportation impacts related to vehicles-miles-traveled (VMT) cannot be mitigated to less than significant levels. Therefore, transportation impacts are significant and unavoidable.

ISSUES TO BE RESOLVED BY THE DECISION-MAKING BODY

An EIR is an informational document intended to inform decision-makers and the public of the significant effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the proposed project. As the lead agency, the City of Encinitas must respond to each significant effect identified in this EIR by making "findings" for each significant effect. As part of the decision-making process, the City must determine whether or how to mitigate the associated significant effects of the project, including whether to implement a project alternative.

Approval of the project despite identified significant and unavoidable environmental impacts would require a Statement of Overriding Considerations, explaining why the benefits of the project outweigh the environmental effects, as set forth in this document.

SUMMARY TABLE

Table ES-1, Environmental Impact Summary, identifies the areas of environmental impact the project will generate, and when feasible, mitigation measures to reduce those potential impacts.

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Table ES-1:
Environmental Impact Summary

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
Aesthetics			
3.1-1 Would the project have a substantial adverse effect on a scenic vista?	Less than Significant	No mitigation measures required.	Less than Significant
3.1-2 Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	Less than Significant	No mitigation measures required.	Less than Significant
3.1-3 Would the project substantially degrade the existing visual character or quality of the site and its surroundings?	Less than Significant	No mitigation measures required.	Less than Significant
3.1-4 Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	Less than Significant	No mitigation measures required.	Less than Significant
3.1-5 Would the project result in cumulative aesthetic impacts?	Less than Significant	No mitigation measures required.	Less than Significant
Air Quality			
3.2-1 Would the project conflict with or obstruct implementation of the applicable air quality plan?	Less than Significant	No mitigation measures required.	Less than Significant
3.2-2 Would the project expose sensitive receptors to substantial pollutant concentrations?	Potentially Significant	**AQ-1 Install MERV-16 Filters Within Homes.** During project construction, MERV-16 filtration systems shall be installed within each residence.	Less than Significant
3.2-3 Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	Less than Significant	No mitigation measures required.	Less than Significant

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
3.2-4 Would the project would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard?	Less than Significant	No mitigation measures required.	Less than Significant
Biological Resources			
3.3-1 Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	Potentially Significant	**BIO-1** **On- and Off-site Preservation of Sensitive Habitat.** The majority of preservation goals and required mitigation ratios for impacted vegetation communities (see Tables 3-3, 4-1, and 6-1 of the Biological Technical Report; ECORP Consulting, Inc., November 2022) shall be met through establishment of the on-site and off-site adjacent Preserve Area. Prior to grading, establishment of the Preserve Area shall preserve in place 5.51 acres (on-site/off-site), including 100% (0.71-acre) of California Department of Fish and Wildlife sensitive Diegan Coastal Sage Scrub/Lemonade Berry Scrub and 72% (0.81-acre) of California Department of Fish and Wildlife sensitive Southern Mixed Chaparral/Chamise-Mission Manzanita Chaparral (Table 3-4 of the Biological Technical Report; ECORP Consulting, Inc., November 2022). Preservation in perpetuity of the vegetation and habitat within the aforementioned Preserve Area shall occur and be set aside as an open space conservation easement in favor of the City of Encinitas. In addition, prior to any grading, a long-term management plan shall be prepared for the mitigation areas, to the satisfaction of the City, and wildlife agencies. The preserve management plan shall provide an entity and endowment funding to maintain the biological open space in perpetuity. **BIO-2** **Biological Monitoring.** A qualified biologist (biological monitor) with experience monitoring for and identifying sensitive biological resources known to occur in the area shall be present during all site preparation,	Less than Significant

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
		vegetation clearing, and ground-disturbing activities related to the project regardless of permit association. A biological monitor shall be present to ensure wildlife species are relocated out of the impact area. The biological monitor, with assistance from crews when necessary, shall also deconstruct woodrat middens prior to vegetation clearing within the Development Area. Woodrat middens within the Fire Management Zone shall be protected in place to the maximum extent practicable, but may be deconstructed if deemed a fire hazard. Biological monitoring duties include, but are not limited to, conducting worker education training, verifying compliance with the project's biological resources protection requirements, and ensuring project activities stay within designated work areas. The biologist shall be responsible for providing Worker Environmental Awareness Training to all personnel working on the project prior to the start of ground-disturbing activities. The training shall include, but not be limited to, discussions of the sensitive biological resources associated with the project, project-specific measures to avoid or eliminate impacts to these resources, consequences for not complying with project permits and agreements, and contact information for the lead biologist. Attendees shall sign a sign-in sheet documenting their attendance at the training. During ground-disturbing activities, including any vegetation removal within the Development Area and Fire Management Zone the biological monitor shall have the right to halt all activities in the area affected if a special-status wildlife species is identified in a work area and is in danger of injury or mortality. If work is halted in the area affected as determined by the biological monitor, work shall proceed only after the hazard(s) to the individual is removed and the animal is no longer at risk, or the individual has been removed from harm's way in accordance with the project's permits and/or management/translocation plans. The	

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
		biological monitor shall take representative photographs of the daily activities and maintain a daily log that documents general project activities and compliance with the project's biological resources protection requirements. The biologist shall document non-compliances in the daily log, including any measures that were implemented to rectify the issue. **BIO-3** **Rare Plant Salvage and Avoidance.** Establishment of the off-site preserve area (Mitigation Measure BIO-1) shall result in avoidance and protection of 103 California adolphia in place. Nine California adolphia individuals identified within the FMZ shall be flagged prior to fuel reduction activities and avoided in place. Project-related impacts to 145 California adolphia individuals and 0.02-acre of California adolphia occupied habitat are anticipated to be unavoidable, therefore salvage of seed and donation to a City refuge or preserve, donation to a local native plant nursery, or propagation within an off-site mitigation area shall be required to the satisfaction of the City. A qualified biologist shall collect seed from the California adolphia during the appropriate time, store under appropriate conditions, and coordinate with the appropriate personnel to facilitate propagation of the seed. California adolphia individuals within the fuel modification zone (9 individuals) shall be flagged for avoidance by a qualified botanist prior to development and thinning of the fuel modification zone and a qualified botanist shall be present during vegetation thinning of the fuel modification zone to ensure avoidance is properly achieved. Run-off from the project shall be directed away from the off-site preserve area. Dust control measures shall be implemented during construction to minimize impacts to rare plants within the adjacent preserve area. (see mitigation measure BIO-1) as an ongoing requirement for long-term	

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
		maintenance activities associated with the project, including annual maintenance of the fuel modification zone. **BIO-4** **Coastal California Gnatcatcher Protection.** Focused surveys determined presence of this species on the project. Project-related impacts to two pairs (4 individuals) and their territories are unavoidable, therefore the project applicant shall obtain USFWS approval pursuant to Section 10 of the federal Endangered Species Act for the impacts to the coastal California gnatcatcher prior to the issuance of any grading permits. The on-site preservation of sensitive habitat (see mitigation measure BIO-1) would preserve one single male coastal California gnatcatcher territory in place and a small portion of one additional breeding pair's territory. The preserve area would allow for the safe passage of the two displaced pairs of coastal California gnatcatchers to preserved habitat north of the project site and continuous with open space areas to the north, northeast (which includes at least one additional breeding pair of coastal California gnatcatchers within 500 feet of the off-site preserve area), and to Batiquitos Lagoon State Marine Conservation Area which functions to preserve important coastal-inland wildlife movement. The project shall require development of a Low-Effect Habitat Conservation Plan under Section 10 of the Endangered Species Act. **BIO-5** **Pre-Construction Survey for Nesting Birds and Special-Status Avian Species.** Where feasible, ground-disturbing activities, including vegetation removal, shall be conducted during the non-breeding season (approximately September 1 through January 14) to avoid violations of the Migratory Bird Treaty Act and California Fish and Game Code §§3503, 3503.5 and 3513. Several species were identified as having potential to occur nest year-round; therefore, regardless of time of year, a pre-construction survey for nesting birds and special-status avian	

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
		species shall be conducted by a qualified biologist (experienced in the identification of avian species and conducting nesting bird surveys) if activities with the potential to disrupt nesting birds or special-status avian species are scheduled to occur. The survey shall include the project and adjacent areas where project activities have the potential to cause nest failure. The pre-construction survey shall be conducted no more than three days prior to the start of ground-disturbing activities (including vegetation removal and fuel modification zone thinning) within the bird breeding season. Site preparation and construction activities may begin if no nesting birds or special-status avian species are observed during the survey. If nesting birds or raptors or special-status avian species are found to be present, biological monitoring in accordance with mitigation measure BIO-3 in addition to nest avoidance and minimization measures shall be implemented to avoid potential project-related impacts to the species. Avoidance and minimization measures shall be developed by the qualified biologist and may include seasonal work restrictions, additional nesting bird survey and nest monitoring requirements, and/or establishment of non-disturbance buffers around active nests until the biologist has determined that the nesting cycle is completed. The width of non-disturbance buffers established around active nests shall be determined by the qualified biologist (typically 300 feet for songbirds and 500 feet for raptors and listed species). The qualified avian biologist shall consider and have the authority to reduce or increase non-disturbance buffers based on vertical distances, species life history, sensitivity to disturbances, individual behavior and sensitivity to disturbances, nest stage (incubation, feeding nestlings, etc.), location of nest and site conditions, presence of screening vegetation or other features, ambient and ongoing construction activities at the time of nest establishment, and	

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
		remaining project activities in the immediate area when determining non-disturbance buffers. Once nesting is deemed complete by the qualified biologist as determined through periodic nest monitoring, the non-disturbance buffer shall be removed by the qualified biologist and project work may resume in the area. The Pre-Construction Nesting Bird Survey shall be an ongoing requirement for long-term maintenance activities associated with the project, including annual maintenance of the fuel modification zone. **BIO-6** **Construction Fencing.** The limits of project impacts (including construction staging areas and access routes) shall be clearly delineated by the construction contractor under the direct supervision of a qualified biological monitor with bright orange plastic fencing, stakes, flags, or markers that shall be installed in a manner that does not impact habitats to be avoided, and such that they are clearly visible to personnel on foot and operating heavy equipment. Silt fence barriers shall be installed as required to prevent the spread of silt from the construction zone into adjacent habitats and aquatic features. Temporary construction fencing and markers shall be maintained in good repair until the completion of project construction. The applicant shall submit the final plans for project construction to the City for approval at least 30 days prior to initiating project impacts. These final plans shall include photographs that show the fenced limits of impact and areas to be impacted or avoided. The construction team shall strictly limit their activities, vehicles, equipment, and construction materials to the fenced area (development footprint). All equipment maintenance, staging, and dispensing of fuel, oil, coolant, or any other such activities shall occur in designated areas within the fenced project impact limits. These designated areas shall be located in previously compacted and	

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
		disturbed areas to the maximum extent practicable in such a manner as to prevent any runoff from entering adjacent open space and shall be shown on the construction plans. Equipment fueling shall take place within existing disturbed areas. Contractor equipment shall be checked for leaks prior to operation and repair, as necessary. "No-fueling" zones shall be designated on construction plans. **BIO-7** **Off-site Mitigation**. Prior to any grading, off-site mitigation shall be required for an additional 1.92 acres of impacts to sensitive and/or mitigated habitats not achieved within the preserve area including 1.60 acres of coastal sage scrub within the Coastal Zone and 0.32 acre of Southern Mixed Chaparral/Chamise-Mission Manzanita Chaparral. This can be achieved through purchasing of mitigation credits or acquiring additional land within the Coastal Zone. Because available land and established mitigation banks within the Coastal Zone are not available, and because the City of Encinitas Subarea Plan is still in draft form, purchasing of mitigation credits within a North County Multiple Habitat Planning Area mitigation bank (https://www.sandiegocounty.gov/content/sdc/pds/mitbnks.html) or at another City-approved preserve area in the process of being established shall be negotiated to the satisfaction of the City, California Department of Fish and Wildlife, and US Fish and Wildlife Service. **BIO-8** **Limited Building Zone Easement**. A Limited Building Zone Easement shall be granted to prohibit the building of structures that would require vegetation clearing within the protected biological open space for fuel management purposes. The easement must extend at least 100 feet from the Biological Open Space Boundary. Grant to the City of Encinitas a limited building zone easement to the satisfaction of the City. The only exceptions to this prohibition are structures that do not require fuel modification/vegetation	

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
		management. The limited building zone easement shall also include language that rare plant avoidance within the limited building zone shall be required by requiring a biologist on site prior to any fuel management activities. Prior to recordation of the Final Map, the applicant shall show the easement on the Final Map with the appropriate granting language on the title sheet concurrent with Final Map review. **BIO-9** **Open Space Signage.** In order to protect the proposed open space easement from entry, or disturbance, permanent fencing and signage shall be installed along the easement boundary as follows. Such fencing and signage shall be installed prior to any occupancy, final grading release, or use of the premises in reliance of the approved project permit. Open space signage shall be placed every 500 feet along the southern and western portion of the biological open space boundary. • Evidence shall be site photos and a statement from a California Registered Engineer, or licensed surveyor that the permanent walls or fences, and open space signs have been installed. • The sign must be corrosion resistant, a minimum of 6 inches by 9 inches in size, on posts not less than three feet in height from the ground surface, and must state the following: *Sensitive Environmental Resources Area Restricted by Easement* Entry without express written permission from the City of Encinitas is prohibited. To report a violation or for more information about easement restrictions and exceptions contact the City of Encinitas, Development Services Department.	

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
		Reference: MULTI-005158-2022 The applicant shall install the signage as indicated above and provide site photos and a statement from a California Registered Engineer, or licensed surveyor that the open space signage has been installed at the open space easement boundary. The City of Encinitas Development Services Department shall review the photos and statement for compliance with this condition.	
3.3-2 Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	Potentially Significant	Implement mitigation measures **BIO-1**, **BIO-2, BIO-3, BIO-7, BIO-8** and **BIO-9**.	Less than Significant
3.3-3 Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	Less than Significant	No mitigation measures required.	Less than Significant
3.3-4 Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	Potentially Significant	Implement mitigation measures **BIO-1** to **BIO-3** and **BIO-5** to **BIO-9.**	Less than Significant
3.3-5 Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	Less than Significant	No mitigation measures required.	Less than Significant

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
3.3-6 Would the project conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan?	Less than Significant	No mitigation measures required.	Less than Significant
3.3-7 Would the project result in cumulative impacts related to biological resources?	Potentially Significant	Implement mitigation measures **BIO-1** through **BIO-9.**	Less than Significant
Cultural Resources			
3.4-1 Would the project cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?	Potentially Significant	**CR-1** **Cultural Resources Monitoring Program.** Prior to the commencement of any ground disturbing activities, a Cultural Resource Mitigation Monitoring Program shall be established to provide for the identification, evaluation, treatment, and protection of any cultural resources that are affected by or may be discovered during the construction of the proposed project. The monitoring shall consist of the full-time presence of a qualified archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for prehistoric and historic archaeology. Further, a Native American monitor from a tribe that is traditionally and culturally affiliated (TCA) with the project area shall be retained to monitor all ground-disturbing activities associated with project construction, including vegetation removal, clearing, grading, trenching, excavation, or other activities that may disturb original (pre-project) ground, including the placement of imported fill materials and related roadway improvements (i.e., for access). • The requirement for cultural resource mitigation monitoring shall be noted on all applicable construction documents, including demolition plans, grading plans, etc. • Prior to the start of construction activities, the project proponent shall submit a letter of engagement or a copy of a monitoring	Less than Significant

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
		contract to the City to demonstrate that archaeological and culturally affiliated Native American monitors have been retained for the project. • The qualified archaeologist and TCA Native American monitor shall attend all applicable preconstruction meetings with the contractor and/or associated subcontractors. • Monitors shall be provided at least 72 hours notice of the initiation of construction and be kept reasonably apprised of changes to the construction schedule. In the event that a monitor is not present at the scheduled time, work can continue without the monitor present, as long as the notice was given and documented. • A reburial location shall be identified as an "environmentally sensitive area" on project plans and communicated to the consulting tribes. If cultural materials discovered during project construction are reburied in this location, the landowner shall record a deed restriction over the reburial area within 30 days of the completion of ground disturbing activities. If the location is not used for reburial of materials, then recording a deed restriction on this location shall not be required. *During Construction* • The qualified archaeologist shall maintain ongoing collaborative consultation with the TCA Native American monitor during all ground-disturbing or altering activities, as identified above. • The qualified archaeologist and/or TCA Native American monitor shall have the authority to temporarily halt ground-disturbing activities if archaeological artifact deposits or cultural features are discovered. In general, if subsurface deposits believed to be cultural or human in origin are discovered during construction, all	

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
		work shall halt within a 100-foot radius of the discovery and ground-disturbing activities shall be temporarily directed away from these deposits to allow a determination of potential significance, the subject of which shall be determined by the qualified archaeologist and the TCA Native American monitor. Ground-disturbing activities shall not resume until the qualified archaeologist, in consultation with the TCA Native American monitor, deems the cultural resource or feature has been appropriately documented and/or protected. At the qualified archaeologist's discretion, the location of ground-disturbing activities may be relocated elsewhere on the project site to avoid further disturbance of cultural resources. • If the professional archaeologist determines that the find does not represent a cultural resource, work may resume immediately and no agency notifications are required. • The avoidance and protection of discovered unknown and significant cultural resources and/or unique archaeological resources is the preferable mitigation for the proposed project. If avoidance is not feasible, a Data Recovery Plan may be authorized by the City as the lead agency under CEQA. If a Data Recovery Plan is required, then the TCA Native American monitor shall be notified and consulted in drafting and finalizing any such recovery plan. • The qualified archaeologist and/or TCA Native American monitor may also halt ground-disturbing activities around known archaeological artifact deposits or cultural features if, in their respective opinions, there is the possibility that they could be damaged or destroyed.	

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
		• The landowner shall relinquish ownership of all tribal cultural resources collected during the cultural resource mitigation monitoring conducted during all ground-disturbing activities, and from any previous archaeological studies or excavations on the project site, to the TCA Native American Tribe for respectful and dignified treatment and disposition, including reburial, in accordance with the tribe's cultural and spiritual traditions. All cultural materials that are associated with burial and/or funerary goods will be repatriated to the most likely descendant as determined by the Native American Heritage Commission per California Public Resources Code Section 5097.98. **CR-2** **Prepare Monitoring Report and/or Evaluation Report.** Prior to the release of the Grading Bond, a Monitoring Report and/or Evaluation Report, which describes the results, analysis, and conclusions of the cultural resource mitigation monitoring efforts (such as but not limited to the Research Design and Data Recovery Program), shall be submitted by the qualified archaeologist, along with the TCA Native American monitor's notes and comments, to the City's Development Services Director for approval. **CR-3** **Identification of Human Remains.** As specified by California Health and Safety Code Section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Coroner's office by telephone. No further excavation or disturbance of the discovery or any nearby area reasonably suspected to overlie adjacent remains (as determined by the qualified archaeologist and/or the TCA Native American monitor) shall occur until the coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code	

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
		5097.98. If such a discovery occurs, a temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected (as determined by the qualified archaeologist and/or the TCA Native American monitor), and consultation and treatment could occur as prescribed by law. As further defined by State law, the coroner shall determine within two working days of being notified if the remains are subject to his or her authority. If the coroner recognizes the remains to be Native American, he or she shall contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC shall make a determination as to the most likely descendent. If Native American remains are discovered, the remains shall be kept in situ ("in place"), or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of the TCA Native American monitor.	
3.4-2 Would the project cause a substantial adverse change in the significance of an archaeological resource as defined in CEQA Guidelines Section 15064.5?	Potentially Significant	Implement mitigation measures **CR-1** and **CR-2.**	Less than Significant
3.4-3 Would the project disturb any human remains, including those interred outside of formal cemeteries?	Potentially Significant	Implement mitigation measure **CR-3.**	Less than Significant
3.4-4 Would the project result in cumulative impacts related to historical and archaeological resources?	Potentially Significant	Implement mitigation measures **CR-1** to **CR-3**.	Less than Significant
Energy Conservation and Climate Change			
3.5-1 Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	Less than Significant	No mitigation measures required.	Less than Significant

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
3.5-2 Would the project conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	Less than Significant	No mitigation measures required.	Less than Significant
3.5-3 Would the project generate greenhouse gas emissions that when combined with other related cumulative projects, could have a significant impact on global climate change?	Less than Significant	No mitigation measures required.	Less than Significant
3.5-4 Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	Less than Significant	No mitigation measures required.	Less than Significant
3.5-5 Would the project conflict or obstruct a state or local plan for renewable energy or energy efficiency?	Less than Significant	No mitigation measures required.	Less than Significant
3.5-6 Would the project would in cumulative impacts related to energy conservation and climate change?	Less than Significant	No mitigation measures required.	Less than Significant
Geology and Soils			
3.6-1 Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning map?	Less than Significant	No mitigation measures required.	Less than Significant
3.6-2 Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?	Less than Significant	No mitigation measures required.	Less than Significant

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
3.6-3 Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?	Less than Significant	No mitigation measures required.	Less than Significant
3.6-4 Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?	Less than Significant	No mitigation measures required.	Less than Significant
3.6-5 Would the project result in substantial soil erosion or the loss of topsoil?	Less than Significant	No mitigation measures required.	Less than Significant
3.6-6 Would the project site be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	Less than Significant	No mitigation measures required.	Less than Significant
3.6-7 Would the project be located on expansive soil, creating substantial risks to life or property?	Less than Significant	No mitigation measures required.	Less than Significant
3.6-8 Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	Less than Significant	No mitigation measures required.	Less than Significant
3.6-9 Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	Potentially Significant	**GEO-1 Paleontological Data Recovery and Monitoring Plan.** A Data Recovery and Monitoring Plan shall be prepared to the satisfaction of the City. The plan shall document paleontological recovery methods. 1. Prior to grading permit issuance, the project applicant shall implement a paleontological monitoring and recovery program	Less than Significant

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
		consisting of the following measures, which shall be included on project grading plans to the satisfaction of the Development Services Department: a. The project applicant shall retain the services of a qualified paleontologist to conduct a paleontological monitoring and recovery program. A qualified paleontologist is defined as an individual having an MS or PhD degree in paleontology or geology, and who is a recognized expert in the identification of fossil materials and the application of paleontological recovery procedures and techniques. As part of the monitoring program, a paleontological monitor may work under the direction of a qualified paleontologist. A paleontological monitor is defined as an individual having experience in the collection and salvage of fossil materials. b. The qualified paleontologist shall attend the project preconstruction meeting to consult with the grading and excavation contractors concerning the grading plan and paleontological field techniques. c. The qualified paleontologist or paleontological monitor shall be on-site during grading and/or excavation of previously undisturbed deposits of moderate and high sensitivity geologic units (e.g., Santiago Formation) to inspect exposures for any contained fossils. If the qualified paleontologist or paleontological monitor ascertains that the noted formations are not fossil-bearing, the qualified paleontologist shall have the authority to terminate the monitoring program. The paleontological monitor shall work under the direction of a qualified paleontologist. An adaptive approach is recommended, which involves initial part-time paleontological	

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
		monitoring (e.g., up to 4 hours per day). As the project proceeds, the qualified paleontologist shall evaluate the monitoring results and, in consultation with the City and subject to the City's consent, may revise the monitoring schedule (i.e., maintain part-time monitoring, increase to full-time monitoring, or cease all monitoring). d. If fossils are discovered, recovery shall be conducted by the qualified paleontologist or paleontological monitor. In most cases, fossil salvage can be completed in a short period of time, although some fossil specimens (such as a complete large mammal skeleton) may require an extended salvage period. In these instances, the paleontologist (or paleontological monitor) shall have the authority to temporarily direct, divert, or halt grading to allow recovery of fossil remains in a timely manner. e. If subsurface bones or other potential fossils are found anywhere within the project site by construction personnel in the absence of a qualified paleontologist or paleontological monitor, the qualified paleontologist shall be notified immediately to assess their significance and make further recommendations. f. Fossil remains collected during monitoring and salvage shall be cleaned, sorted, and catalogued. Prepared fossils, along with copies of all pertinent field notes, photos, and maps, shall be deposited (as a donation) in a scientific institution with permanent paleontological collections such as the San Diego Natural History Museum. 2. Prior to building permit issuance, a final summary report outlining the results of the mitigation program shall be prepared by the	

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
		qualified paleontologist and submitted to the Development Services Department for concurrence. This report shall include discussions of the methods used, stratigraphic section(s) exposed, fossils collected, and significance of recovered fossils, as well as appropriate maps.	
3.6-10 Would the project result in cumulative impacts related to geology and soils?	Potentially Significant	Implement mitigation measure **GEO-1**.	Less than Significant
Hazards and Hazardous Materials			
3.7-1 Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, or would it create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	Less than Significant	No mitigation measures required.	Less than Significant
3.7-2 Would have the potential to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	Less than Significant	No mitigation measures required.	Less than Significant
3.7-3 Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	Less than Significant	No mitigation measures required.	Less than Significant

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
3.7-4 Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	Less than Significant	No mitigation measures required.	Less than Significant
3.7-5 For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	Less than Significant	No mitigation measures required.	Less than Significant
3.7-6 Would the project impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	Less than Significant	No mitigation measures required.	Less than Significant
3.7-7 Would the project expose people or structures to a significant risk of loss, injury, or death involving wildland fires?	Less than Significant	No mitigation measures required.	Less than Significant
3.7-8 Would the project result in cumulative impact related to hazards and hazardous materials?	Less than Significant	No mitigation measures required.	Less than Significant
Hydrology and Water Quality			
3.8-1 Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	Less than Significant	No mitigation measures required.	Less than Significant

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
3.8-2 Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	Less than Significant	No mitigation measures required.	Less than Significant
3.8-3 Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site?	Less than Significant	No mitigation measures required.	Less than Significant
3.8-4 Would the substantially increase the rate or amount of surface runoff in a manner which would result flooding on- or 0ff-site?	Less than Significant	No mitigation measures required.	Less than Significant
3.8-5 Would the project create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	Less than Significant	No mitigation measures required.	Less than Significant
3.8-6 Would the implementation of the project risk the release of pollutants due to project inundation from a flood, tsunami, or seiche zones?	Less than Significant	No mitigation measures required.	Less than Significant
3.8-7 Would the project conflict with or obstruct implementation of a water quality control pan or sustainable groundwater management plan?	Less than Significant	No mitigation measures required.	Less than Significant
3.8-9 Would the project create cumulative hydrology and water quality impacts?	Less than Significant	No mitigation measures required.	Less than Significant

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
Land Use and Planning			
3.9-1 Would the project physically divide an established community?	Less than Significant	No mitigation measures required.	Less than Significant
3.9-2 Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	Less than Significant	No mitigation measures required.	Less than Significant
3.9-3 Would the project result in cumulative land use impacts?	Less than Significant	No mitigation measures required.	Less than Significant
Noise			
3.10-1 Would the project generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	Potentially Significant	**NOI-1** **Construction Noise Control Plan.** A Construction Noise Control Plan shall be prepared to the satisfaction of the City. The plan shall demonstrate compliance with the City's noise ordinance, including the requirements that construction equipment, or combination of equipment, would not sustain or exceed the City's 75 dBA significance threshold continuously over the course of an 8 hour period. **NOI-2** **Noise Barriers.** A minimum 5-foot noise barrier shall be located along private rooftop decks and a minimum 8-foot barrier shall be located around the on-site common pool area.	Less than Significant
3.10-2 Would the project generate excessive groundborne vibration or groundborne noise levels?	Less than Significant	No mitigation measures required.	Less than Significant

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
3.10-3 Would the project be located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	Less than Significant	No mitigation measures required.	Less than Significant
3.10-4 Would the project result in cumulative noise impacts?	Less than Significant	No mitigation measures required.	Less than Significant
Public Services and Recreation			
3.11-1 Would the project result in substantial adverse physical impacts to fire protection services due to the provision of new or physically altered governmental facilities?	Less than Significant	No mitigation measures required.	Less than Significant
3.11-2 Would the project result in substantial adverse physical impacts to police protection services due to the provision of new or physically altered governmental facilities?	Less than Significant	No mitigation measures required.	Less than Significant
3.11-3 Would the project result in substantial adverse physical impacts to schools due to the provision of new or physically altered governmental facilities?	Less than Significant	No mitigation measures required.	Less than Significant
3.11-4 Would the project increase the use of existing neighborhood and regional parks or other recreational facilities?	Less than Significant	No mitigation measures required.	Less than Significant
3.11-5 Would the project result in substantial adverse physical impacts to other public facilities due to the provision of new or physically altered governmental facilities?	Less than Significant	No mitigation measures required.	Less than Significant

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
3.11-6 Would the project result in a cumulatively considerable impact to public services and recreation?	Less than Significant	No mitigation measures required.	Less than Significant
Transportation			
3.12-1 Would the project conflict a plan, ordinance or policy addressing the circulation system, including transit roadway, bicycle and pedestrian facilities?	Less than Significant	No mitigation measures required.	Less than Significant
3.12-2 Would the project conflict with or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	Potentially Significant	No feasible mitigation measures identified.	Significant and Unavoidable
3.12-3 Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	Less than Significant	No mitigation measures required.	Less than Significant
3.12-4 Would the project result in inadequate emergency access?	Less than Significant	No mitigation measures required.	Less than Significant
3.12-5 Would the project result in cumulative transportation impacts?	Potentially Significant	No feasible mitigation measures identified.	Significant and Unavoidable

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
Tribal Cultural Resources			
3.13-1 Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: • Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)? • A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	Potentially Significant	Implement mitigation measures **CR-1** to **CR-3**.	Less than Significant
3.13-2 Would the project result in cumulative impacts related to tribal cultural resources?	Potentially Significant	Implement mitigation measures **CR-1** to **CR-3**.	Less than Significant

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
Utilities and Service Systems			
3.14-1 Would the project require or result in the relocation or construction of new or expanded water or wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	Less than Significant	No mitigation measures required.	Less than Significant
3.14-2 Would the project have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	Less than Significant	No mitigation measures required.	Less than Significant
3.14-3 Would the project result in a determination by the wastewater treatment provider which serves, or may serve, the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	Less than Significant	No mitigation measures required.	Less than Significant
3.14-4 Would the project generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	Less than Significant	No mitigation measures required.	Less than Significant
3.14-5 Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	Less than Significant	No mitigation measures required.	Less than Significant
3.14-6 Would the project result in a significant cumulative impact related to utilities and service systems?	Less than Significant	No mitigation measures required.	Less than Significant

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
Wildfire			
3.15-1 Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?	Less than Significant	No mitigation measures required.	Less than Significant
3.15-2 Would the project exacerbate wildfire risks due to slope, prevailing winds, and other factors and therefore would not expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of wildfire?	Potentially Significant	**WF-1 Fire Protection Plan** Prior to occupancy, the following measures identified in the Fire Protection Plan (Firewise2000, LLC 2022) shall be implemented to reduce potential fire threat and provide heightened fire protection. 1. A fuel modification zone shall be provided to the north of the proposed retaining wall located along the northern boundary of the development area, extending 100 feet from the north side of the wall. This fuel modification zone shall include 50 feet of irrigated Zones 1A and 1B adjacent to each structure followed by 50 feet of non-irrigated thinning Zone 2. The homeowners association shall be required to oversee and perform the described fuel treatments as described in the Fire Protection Plan on an ongoing basis. 2. Prior to occupancy, the homeowners association shall be approved and in place to ensure ongoing fire safety. 3. All newly constructed structures shall be built to ignition resistant building requirements, including the installation of automatic interior fire sprinkler systems. 4. All vents used in the proposed on-site structures shall be "Brandguard," "O'Hagin Fire & Ice Line – Flame and Ember Resistant," or equivalent type vents. 5. All operable windows shall be provided with metal (not vinyl) mesh bug screens over the operable opening to prevent embers from	Less than Significant

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
		entering the structure during high wind conditions when windows may be inadvertently left open. 6. As mitigation for driveways that exceed 150 feet in length, the following additional building measures shall be required of the structures shown in grey on the Fire Protection Plan Map (Appendix F of the Fire Protection Plan; Firewise2000, LLC 2022): a. Exterior walls facing the driveway shall have two hour rated walls. b. Interior fire sprinkler shall be extended to the attic space including the areas over bathrooms and closets. **WF-2 Construction Fire Protection Plan** 1. Prior to the commencement of project construction, the following measures shall be completed: a. During construction, at least 50 feet of clearance around the structures shall be kept free of all flammable vegetation as an interim fuel modification zone, with exception of where habitat protection is required. b. In reference to mitigation measure BIO-8, a Limited Building Zone easement shall be granted to the City of Encinitas.	
3.15-3 Would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	Less than Significant	No mitigation measures required.	Less than Significant

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
3.15-4 Would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	Less than Significant	No mitigation measures required.	Less than Significant
3.15-5 Would the project result in a significant cumulative impact related to wildfire?	Potentially Significant	Implement mitigation measures **WF-1** and **WF-2**.	Less than Significant

SUMMARY OF PROJECT ALTERNATIVES

CEQA Guidelines Section 15126.6 requires that an EIR describe a range of reasonable alternatives to a project that could feasibly attain the basic objectives of a project and avoid or lessen the environmental effects of a project. Further, CEQA Guidelines Section 15126.6(e) requires that a "no project" alternative be evaluated in an EIR as well as any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process. Section 5.0, Alternatives, of this EIR includes a detailed discussion and a qualitative analysis of alternatives that have been rejected by the City, as well as the following scenarios considered to be feasible alternatives to the project as proposed.

ALTERNATIVES TO THE PROPOSED PROJECT

Potential environmental impacts associated with three alternatives are compared below to assess impacts from the proposed project. Table ES-2, Comparison of Alternative Project Impacts to the Proposed Project, summarizes the potential impact of each alternative on the environmental resources evaluated in the EIR that require mitigation as compared to the proposed project.

Table ES-2: Comparison of Alternative Project Impacts to the Proposed Project

Topic	Alternative 1: No Project/No Development Alternative	Alternative 2: Reduced Development Footprint Alternative
Air Quality	<	=
Biological Resources	<	<
Cultural and Tribal Cultural Resources	<	<
Geology and Soils (Paleontological Resources)	<	<
Noise	<	=
Transportation	<	=
Wildfire	<	=

Notes:

= Impact is equivalent to impact of proposed project (neither environmentally superior nor inferior).

< Impact is less than impact of proposed project (environmentally superior).

> Impact is greater than impact of proposed project (environmentally inferior).

[1] Transportation impacts are based upon VMT (not traffic) Refer to Section 3.12, Transportation.

Alternative 1: No Project/No Development Alternative

Description of Alternative

As part of the City's 2013-2021 General Plan Housing Element Update (HEU), the project site was designated with an R-30 Overlay and allocated up to 206 residential units (6.88 acres x 30 DU/acre) prior to application of a density bonus. With the application of density bonus, the project could support up to 310 homes. No changes to the existing land use or zoning classification are required or proposed to allow for implementation of the project as currently proposed.

Under the No Project Alternative, the project as proposed would not be approved and future development would not occur. As such, the project site would remain undeveloped, vacant land. Although found to be a less than significant impact in this EIR, and therefore not further evaluated in this alternative analysis, this alternative would generally reduce effects related to aesthetics, air quality, energy conservation and greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, noise, public services and recreation, and utilities as no new development would occur on-site and the site would remain in its current condition. However, a significant and unavoidable impact relative to transportation would not occur with this alternative.

It should be noted that this alternative would not be consistent with the City's requirement to provide for housing per the HEU and the City's obligations under the Regional Housing Needs Assessment. Further, this alternative would not meet any of the stated project objectives, as no development would occur.

Alternative 1 Summary

As ground-disturbing activities would not occur as part of this alternative, impacts to sensitive biological resources would be reduced compared to the proposed project; however, this alternative would not ensure the long-term preservation of the off-site preserve area. Impacts relative to air quality; noise; cultural, tribal cultural, and paleontological resources (e.g., potential to inadvertently discover unknown resources); and wildfire would be reduced as the subject site would not be developed. This alternative would not result in transportation-related impacts as the project site is current undeveloped, and vacant land would not generate daily vehicle trips (or vehicle miles traveled).

As shown in Table ES-2, Comparison of Alternative Project Impacts to the Proposed Project, this alternative would result in reduced impacts relative to air quality, biological resources, cultural resources, geology and soils (paleontological resources), noise, tribal cultural resources, and transportation as compared to the proposed project. However, this alternative would not achieve

most of the project objectives including, but not limited to, providing housing options to support an inclusive, diverse community to meet current and future housing demand in the City; providing affordable housing for very low income families, thereby helping to meet the state-mandated affordable housing requirements within the community; or, providing dedicated on- and off-site open space for the long-term protection of sensitive habitat and species for biological mitigation purposes.

It should be noted that, based on the analysis included in Section 3.8, Hydrology and Water Quality, the proposed project would result in less than significant impacts to hydrology and water quality as it would incorporate the construction of new infrastructure improvements that would reduce runoff from the project site and treat water quality to standards consistent with the municipal separate storm sewer system (MS4) permit. Although not analyzed herein for this alternative because project impacts were determined to be less than significant, no such stormwater infrastructure improvements would be installed with the No Project/No Development Alternative and runoff from the site would continue to leave the property untreated (current condition). While this is part of the baseline under CEQA, it represents a greater potential impact to water quality and hydrology as compared the proposed project.

Alternative 2: Reduced Development Footprint Alternative

Description of Alternative

The Reduced Development Footprint Alternative would reduce the overall development footprint on-site and would allow for additional biological open space protection due to a reduction in the area required for brush clearance. As with the proposed project, the "off-site preserve area" would remain in its natural state under this alternative with no disturbance or improvements proposed. This parcel would serve as mitigation land for impacts resulting with development of the southern parcel ("project site").

The Reduced Development Footprint Alternative would result in construction of 149 multi-family residential units, similar to the proposed project. A similar mixture of unit types (52 one-bedroom homes, 37 two-bedroom homes, and 60 three-bedroom homes) is anticipated. Of the 149 residential units, 134 would be market-rate homes and 15 would be "very low" income affordable homes, similar to that proposed with the project. No amenities (e.g., pool, spa, pool house, or lounge seating) are proposed with the Reduced Footprint Alternative.

In order to achieve a reduced development footprint and maintain the same unit count, this alternative would require construction of two 5-story buildings, as compared to the 16 three-story buildings proposed with the project. As such, the on-site structures with the Reduced Development Footprint Alternative would reach an estimated 65 feet in total height.

Additionally, rooftop decks would not be proposed with the residential units and no amenities (common area/pool, spa, pool house, lounge seating) would be provided. This design approach would reduce potential adverse noise effects from traffic along Interstate 5 as compared to the project, although noise effects would still occur due to proximity of the freeway.

No individual parking garages would be provided for the residential units. Adequate parking (271 spaces) would be provided on-site in conformance with City requirements, similar to the proposed project.

Access to the site under this alternative would be provided via a single access point along Plato Place. No access would be provided from Piraeus Street.

Unlike the proposed project, this alternative does not propose vacating the approximately 0.25-acre area along the Plato Place frontage and 0.71 acres along the Piraeus Street frontage, adjacent to the project boundary. Maintaining the existing right-of-way would require more extensive on-site slope grading which would be visible from surrounding public roadways, as depicted in Figures 5.0-1B, 5.0-2B, and 5.0-4B.

This alternative would require approval of a Condominium Tentative Map, Density Bonus Tentative Map, Design Review Permit, and a Coastal Development Permit (non-appealable) to allow for development of the property, similar to that required for the proposed project. City approval of a waiver for building height limits pursuant to Density Bonus law would be required to allow for the exceedance in building height over that allowed within the Coastal Overlay Zone.

Figures 5.0-1A, -2A, -3A, and -4A show existing views of the project site from the southwest corner of Piraeus Street and Plato Place; near the southeastern portion of the project site; from 1690 Gascony Road (Station White); and from I-5, respectively (refer to Section 3.1 for additional descriptions of the existing views).

As shown in Figures 5.0-1B, -2B, and -4B, the on-site residential buildings would be substantially more visible from the corner of Piraeus Street and Plato Place, the southeastern portion of the project site, and I-5 when compared to the proposed project (refer to Section 3.1 for descriptions of views from each of these vantage points associated with development of the proposed project).

As shown in Figure 5.0-3B, the upper portions of the proposed alternative would be more visible as compared to the proposed project. However, views of the proposed alternative are not anticipated to be noticeable by passengers in vehicles traveling along Gascony Road or occupying the public seating area provided at this location, similar to the proposed project.

This alternative is anticipated to reduce, to a degree, significant impacts on biological resources, cultural and tribal cultural resources, and geology and soils (paleontological resources) as compared to the proposed project. Impacts relative to transportation (VMT), would remain significant and unavoidable, similar to the proposed project.

It is worth noting that demands on public parks and recreational facilities would increase under this alternative, as no on-site common amenity space would be provided. Additionally, as building heights would substantially increase to accommodate a reduced development footprint, this alternative would further increase the degree of change to the existing visual setting as compared to the proposed project.

The increased building height would also exceed allowable height limits for the R-30 Overlay Zone and would therefore conflict with relative General Plan goals and policies, thereby requiring City approval of a waiver to allow for construction. Further, the site is located within a Very High Fire Hazard Severity Zone and is considered to be at greater risk for potential wildfire occurrence; refer also to Section 3.15, Wildfire. As a result, a 100 foot Fuel Modification Zone is required in order to ensure public safety. City General Plan Land Use Element Policy 1.13 and Public Safety Element Policy 1.3 require that brush clearance around structures for fire safety not exceed a 30-foot perimeter in areas of native or significant brush, and as provided by Resource Management Policy 10.1. It is anticipated that the Reduced Development Footprint Alternative could achieve consistency with this requirement due to the on-site placement of buildings, as compared to the proposed project which would require deviation from these policies (as stated in Section 10.04.010 of the Municipal Code) in order to meet Fuel Modification Zone requirements; refer to discussion under Biological Resources, below, and Section 3.9, Land Use and Planning.

Alternative 2 Summary

As shown in Table ES-2, Comparison of Alternative Project Impacts to the Proposed Project, this alternative would result in similar impacts relative to air quality, noise, and wildfire. Impacts to biological resources, cultural resources, geology and soils (paleontological resources), and tribal cultural resources would be reduced to a degree, due to anticipated site design, grading requirements, and/or on-site building location. Additionally, impacts related to VMT would remain significant and unavoidable, as trip lengths per person would be unchanged as compared to the proposed project.

This alternative would achieve most of the project objectives, including but not limited to: providing housing options to support an inclusive, diverse community to meet current and future housing demand in the City; providing at least the minimum number of multi-family dwelling units and housing opportunities that are consistent with the goals of the adopted City of Encinitas Housing Element while protecting surrounding natural and aesthetic resources; providing

affordable housing within the project for very low income families, thereby helping to meet the state-mandated affordable housing requirements and further encouraging diversity within the community; providing dedicated on- and off-site open space for the long-term protection of sensitive habitat and species for biological mitigation purposes, as well for the protection of existing views, by concentrating development within a portion of the site; and providing a residential housing product aimed at meeting growing demand for for-sale multi-family townhomes. However, this alternative would not provide amenity space that would otherwise support community engagement and would not minimize visual impacts of the development, as building heights would exceed allowable limits within the City's Coastal Overlay Zone.

1.1 PURPOSE OF THE EIR

This Environmental Impact Report (EIR) addresses the environmental effects of the proposed Piraeus Point project (proposed project). The California Environmental Quality Act (CEQA) requires that government agencies consider the environmental consequences of projects over which they have discretionary approval authority.

The City of Encinitas (City) is the lead agency under CEQA and has determined that an EIR is required for the proposed project. An EIR is an informational document that provides both government decision-makers and the public with an analysis of the potential environmental consequences of a proposed project. This EIR has been prepared in accordance with the requirements of CEQA as set forth in Public Resources Code Section 21000 et seq. and 14 California Code of Regulations Section 15000 et seq. (CEQA Guidelines).

This EIR addresses the proposed project's environmental effects in accordance with CEQA Guidelines Section 15161. As referenced in CEQA Guidelines Section 15121(a), the primary purposes of an EIR are to inform decision-makers and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects of a project, and describe reasonable alternatives to a project.

This document analyzes the proposed project's environmental effects to the degree of specificity appropriate to the current proposed actions, as required by CEQA Guidelines Section 15146. The analysis considers the activities associated with the proposed project, including construction and operational activities, to determine the short- and long-term effects associated with their implementation. This EIR also considers the proposed project's direct and indirect impacts, and the cumulative impacts associated with other past, present, and reasonably foreseeable future projects.

Where potentially significant impacts are identified, the EIR specifies mitigation measures that are required to be adopted as conditions of approval or may be incorporated into the project to avoid or minimize the significance of impacts resulting from the project. In addition, this EIR is the primary reference document in the formulation and implementation of the project's Mitigation Monitoring and Reporting Program (MMRP).

Upon certification of the EIR, the project will be considered for approval by the City's Planning Commission. A decision to approve the proposed project would be accompanied by specific,

written findings, in accordance with CEQA Guidelines Section 15091, and a specific, written Statement of Overriding Considerations, in accordance with CEQA Guidelines Section 15093.

1.2 INTENDED USES OF THE EIR

This document is identified as a project-level EIR. It is an informational document intended to inform public agency decision-makers and the public of significant environmental effects of the proposed project, identify ways to minimize the significant effects, and describe reasonable alternatives to the project. Pursuant to CEQA, "the purpose of an environmental impact report is to identify the significant effect on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided." (Public Resources Code Section 21002.1[a]).

DISCRETIONARY ACTIONS AND APPROVALS

The following public entities and/or agencies may use this EIR when considering the project:

City of Encinitas

- Environmental Impact Report certification
- Condominium Tentative Map
- Density Bonus Permit
- Coastal Development Permit (non-appealable)
- Design Review Permit
- Street Vacation
- Public Right-of-Way Encroachment Permit
- Stormwater Quality Management Plan/Drainage Plan
- Grading Permit
- Building Permit
- Improvement Plans
- Landscape Plan

The following development fees would be due to the City upon project approval:

- School Fee
- Sewer Development Fee
- Water Service, Capacity, and Metering Fee
- Park Acquisition and Park Development Fee
- Traffic Impact Fee
- Fire Impact Fee
- Community Facility Fee

Other public agencies whose approval may be required (e.g., permits, financing approval, or participation agreement):

- U.S. Fish & Wildlife Service (USFWS) - Endangered Species Act (Section 10); Low-Effect Habitat Conservation Plan (HCP)
- State Water Resources Control Board (SWRCB) - General Construction Permit

1.3 EIR SCOPE, ISSUES, CONCERNS

To determine the scope of this EIR, the City took the following actions:

- Distributed a Notice of Preparation (NOP) for the proposed project to request input from the public, agencies, and stakeholder groups on the scope of the evaluation to be undertaken in the EIR.
- Held a scoping meeting to request input from public agencies on the scope of the evaluation to be undertaken in the EIR.

The NOP and response letters and scoping meeting summary are provided in Appendix A.

NOTICE OF PREPARATION OF ENVIRONMENTAL IMPACT REPORT

Pursuant to Section 15082 of the CEQA Guidelines, a NOP was circulated to the California Governor's Office of Planning and Research (State Clearinghouse) and responsible agencies for a 30-day public review period commencing on May 27, 2022. Written comment letters received during the 30-day NOP public review period are found in Appendix A. Additionally, Appendix A includes a detailed summary table of issues identified in the written comment letters received, which included state agencies, organizations, Native American tribes, and individuals. Key issues raised by commenters included the following:

- Visual effects; Potential aesthetic impacts on historic viewsheds and scenic corridor
- Nighttime lighting effects on dark skies
- Residential density proposed; Exceedance of residential zoning allowances
- Effects on air quality from dust generation during construction and increased vehicle traffic during operations
- Impacts on biological resources, particularly on the northern off-site preserve area (direct impacts on sensitive resources; indirect impacts from runoff, light, noise, domestic pets)
- Geologic/soils issues due to prior landslide events on-site and proximity to Rose Canyon and La Costa Faults; Instability of inland bluffs

- Release of hazardous materials or fumes from on-site soils (former on-site agricultural use) during project grading and excavation activities
- Protection of natural drainages from runoff; Maintaining stormwater quality
- Drainage effects; Potential for increased flooding to occur
- Noise - both during construction and from occupancy of rooftop decks by project residents and park-goers (nearby Olympus Park, south of project site); Increased noise on I-5 from contribution of project traffic
- Increased traffic on local streets; Traffic congestion during both construction and operations
- Maintaining pedestrian and bicycle safety on local streets (during project construction and operation); Safety of children walking to local elementary school; Lack of area sidewalks
- Access to public transportation
- Increased demands on water, wastewater, and electrical infrastructure
- Adequacy of water supplies and potential effects on increased water use restrictions
- Protection of tribal cultural resources; Potential for known and unknown on-site resources to be present
- Project effects on fire/other emergency evacuation; Limited emergency access
- Increased risk of wildfire
- Qualifications for low-income housing recipients
- Compatibility with existing neighborhood character; Project design
- Inadequate provision of on-site parking
- Effects on neighborhood cleanliness; Generation of debris

An Initial Study was not prepared as part of the CEQA scoping process for the proposed project because an EIR was determined to be the appropriate environmental document, pursuant to Section 15063 of the State CEQA Guidelines.

CITIZEN PARTICIPATION PROGRAM (CPP) MEETING

A Citizen Participation Program (CPP) public meeting was held for the proposed project on Tuesday, June 7, 2022 from 6:00 p.m. to 9:00 p.m. at Encinitas City Hall (Council Chambers). All property owners and occupants within a 500-foot radius of the project site were mailed a copy of the neighborhood letter and the vicinity map.

Key environmental concerns raised by meeting attendees were related to:

- Inadequate provision of on-site parking for residents and guests
- Substantial increase in traffic, including potential effects on emergency response
- Access improvements onto La Costa Avenue from Piraeus Street

- Potential for provision of left turn lane onto Leucadia Avenue from Piraeus Street
- Pedestrian safety issues, including for school-aged children
- Need for provision of sidewalks along Caudor Street and Plato Place; connections to existing sidewalk system
- School capacity (e.g., Capri Elementary School) and potential overcrowding
- Proposed residential density is to high; fewer units should be constructed
- Maintain the "rural" character of the local community and surrounding neighborhood
- Proposed building height relation to surrounding residential neighborhood
- Potential noise issues resulting from rooftop amenities
- Potential visual effects from proposed on-site retaining walls
- Sound and light pollution
- Use of the northern parcel as mitigation land and overall buildable area of the subject site

These issues have been considered in this EIR, where applicable. Based on consideration of the available technical reports and public comments, this EIR has been prepared at the project level under CEQA Guidelines Section 15161 to assess and document the environmental impacts of the proposed project, with the following topics evaluated in detail:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Energy Conservation and Climate Change
- Geology and Soils
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Public Services and Recreation
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems
- Wildfire

Other topics determined to have either no impact or a less than significant impact are discussed in Section 4.0, Effects Found Not to Be Significant, and listed below.

- Agriculture and Forestry Resources
- Mineral Resources
- Population and Housing

ENVIRONMENTAL REVIEW PROCESS

The Draft EIR, with an accompanying Notice of Completion (NOC), is being circulated to the State Clearinghouse, trustee agencies, responsible agencies, other government agencies, and interested members of the public for a 60-day review period in accordance with CEQA Guidelines Sections 15087 and 15105. During this period, public agencies and members of the public may

submit written comments on the analysis and content of the Draft EIR. In reviewing a Draft EIR, readers should focus on the sufficiency of the document in identifying and analyzing the possible impacts of the proposed project on the environment and on ways in which the significant effects of the proposed project might be avoided or mitigated.

Comment letters should be sent to:

Nick Koutoufidis, Environmental Project Manager
City of Encinitas, Planning Division
505 S. Vulcan Avenue
Encinitas, California 92024
Email: nkoutoufidis@encinitasca.gov
Phone: (760) 633-2692

Following the close of the public comment period, a Final EIR will be prepared to respond to all substantive comments related to environmental issues surrounding the proposed project. The Final EIR will be completed prior to the public hearing to consider certification of this EIR and approval of the Piraeus Point project.

1.4 REPORT ORGANIZATION

The EIR is organized as follows:

- **Section ES, Executive Summary**. Summarizes the description and background of the proposed project, addresses the format of this EIR, discusses alternatives, and includes the potential environmental impacts and any mitigation measures identified for the proposed project.

- **Section 1.0, Introduction.** Describes the purpose of the EIR, the background of the proposed project, the NOP and scoping process, the use of incorporation by reference, and the EIR certification process.

- **Section 2.0, Project Description.** Describes the proposed project and its objectives, the proposed project site and location, approvals anticipated to be included as part of the project, the necessary environmental clearances for the proposed project, and the intended uses of the EIR.

- **Section 3.0, Environmental Analysis.** Contains a detailed environmental analysis of the existing (baseline) conditions, potential project impacts, recommended mitigation measures, and possible unavoidable adverse impacts for the following environmental issue areas:

  - Aesthetics (Section 3.1)
  - Air Quality (Section 3.2)
  - Biological Resources (Section 3.3)
  - Cultural Resources (Section 3.4)
  - Energy Conservation and Climate Change (Section 3.5)
  - Geology and Soils (Section 3.6)
  - Hazards and Hazardous Materials (Section 3.7)
  - Hydrology and Water Quality (Section 3.8)
  - Land Use and Planning (Section 3.9)
  - Noise (Section 3.10)
  - Public Services and Recreation (Section 3.11)
  - Transportation (Section 3.12)
  - Tribal Cultural Resources (Section 3.13)
  - Utilities and Service Systems (Section 3.14)
  - Wildfire (Section 3.15)

- **Section 4.0, Effects Found Not to Be Significant**. Summarizes effects found not to be significant.

- **Section 5.0, Alternatives to the Proposed Project.** Analyzes a reasonable range of alternatives to the proposed project, including the CEQA-mandated "No Project" alternative. The alternatives seek to achieve the basic objectives of the proposed project while reducing potential environmental effects associated with the proposed project.

- **Section 6.0, Other CEQA Considerations.** Summarizes the project's significant and unavoidable impacts, energy conservation, and significant irreversible environmental changes. This section also includes a discussion of growth-inducing impacts, analyzing the potential environmental consequences of the foreseeable growth and development that could be induced by implementation of the proposed project.

- **Section 7.0, Preparers and Persons Consulted.** Identifies the preparers of the EIR, including the lead agency.

- **Section 8.0, References.** Identifies reference resources used during preparation of the EIR.

- **Appendices.** Contains the project's technical documentation.

Table 1.0-1, CEQA-Required Sections and Location in the EIR, lists the required sections of the EIR and their location in the document.

Table 1.0-1: CEQA-Required Sections and Location in the EIR

CEQA Requirement	CEQA Section	Location in EIR
Table of Contents	15122	Table of Contents
Executive Summary	15123	Section ES
Introduction		Section 1.0
Project Description	15124	Section 2.0
Environmental Setting	15125	Sections 2.0 and 3.0
Significant Environmental Effects of the Proposed Project	15126[a]	Section 3.0
Mitigation Measures	15126[e]	Section 3.0
Cumulative Impacts	15130	Section 3.0
Effects Found Not to Be Significant	15128	Section 4.0
Alternatives to the Proposed Project	15126[f]	Section 5.0
Significant Unavoidable Environmental Effects of the Proposed Project	15126[b]	Section 6.0
Significant Irreversible Environmental Changes of the Proposed Project	15126[c]	Section 6.0
Growth-Inducing Impacts of the Proposed Project	15126[d]	Section 6.0
Preparers and Persons Consulted	15129	Section 7.0
Technical Appendices and other materials, including comments letters on the NOP and scoping meeting.		Appendices

Based on established thresholds of significance, the impacts of the proposed project have been categorized as "no impact," "less than significant," "less than significant with mitigation," or "significant and unavoidable." Mitigation measures are recommended for potentially significant impacts to avoid or lessen those impacts. In the event the proposed project results in significant impacts even after implementation of all feasible mitigation measures, CEQA Guidelines section 15093 enables decision-makers to nonetheless approve the proposed project with adoption of a Statement of Overriding Considerations. This determination would require the decision-makers to discuss how the benefits of the proposed project outweigh identified unavoidable impacts.

The CEQA Guidelines provide, in part:

> *CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."*

Where the decision of the public agency allows the occurrence of significant effects that are identified in the Final EIR but are not mitigated, the agency must state in writing the reasons to support its action based on the Final EIR and/or other information in the record. This statement

may be necessary if the agency also makes the finding under Section 15091(a)(2) or (a)(3) of the CEQA Guidelines.

If an agency makes a Statement of Overriding Considerations, the statement should be included in the record of the project approval and should be mentioned in the Notice of Determination (CEQA Guidelines Section 15093).

1.5 INCORPORATION BY REFERENCE

In accordance with Section 15150 of the CEQA Guidelines, the following documents are incorporated by reference into this EIR and available for public review at the City of Encinitas, with a brief synopsis of each provided.

CITY OF ENCINITAS 2013-2021 HOUSING ELEMENT UPDATE (2019)

In March 2019, the Encinitas City Council adopted the Housing Element Update (HEU) which provides the City with a coordinated and comprehensive strategy for promoting the production of safe, decent, and affordable housing for all within the City. The purpose of the HEU is to ensure that the City establishes policies, procedures, and incentives to increase the quality and quantity of the housing supply in the City. The HEU includes the 2013 - 2021 Housing Element Update and a series of discretionary actions to update and implement the City's Housing Element, including an amendment to the City's General Plan and Local Coastal Plan (described below), the Encinitas Ranch Specific Plan (described below) and adoption of updated Development Standards and Zoning Standards for properties that were included in the HEU.

The HEU identifies 16 sites; the project site is identified as the Cannon Property (Piraeus - Site Number 02). The site's General Plan and Zoning designation is Rural Residential 2 (RR2), with an R-30 overlay covering the project site as part of the City's HEU. Under the R-30 overlay zoning, the 6.88-acre project site could be developed with up to 206 base residential units [6.88 net acres x 30 dwelling units per acre (DU/acre)] prior to application of a density bonus. With the application of density bonus, the project could support up to 310 homes [(6.88 gross acres x 30 DU/acre) x 1.5 density bonus].

On October 8, 2019, the City received certification from the State Department of Housing and Community Development (HCD) which confirmed the HEU was compliant with the State's requirements. As contained in its certification letter, HCD concluded:

> *All approvals necessary to implement appropriate zoning and development standards, including CCC approval of an LCPA, are required to find Encinitas' Housing Element compliant with state Housing Element law (Article 10.6 of the Government Code). The*

September 16, 2019 correspondence, and associated documentation satisfy the requirements described in HCD's reviews. As a result, the March 13, 2019 adopted Housing Element complies with state Housing Element law (Article 10.6 of the Government Code).

CITY OF ENCINITAS 2013 - 2021 HOUSING ELEMENT UPDATE ENVIRONMENTAL ASSESSMENT (2018)

In June 2018, the Encinitas City Council approved the Final Environmental Assessment (EA) for the City of Encinitas 2013-2021 Housing Element Update. The EA was intended to provide public agency decision-makers and the public with an analysis of the HEU's environmental effects and identify feasible alternatives and mitigation measures that would avoid or substantially lessen any significant effects.

The EA expanded upon previous analysis conducted in the City of Encinitas 2013-2021 Housing Element Program Environmental Impact Report (State Clearinghouse No. 2015041044) for the *At Home in Encinitas, the City of Encinitas Housing Element Update.* Although the proposed HEU was not subject to CEQA, the EA conformed to the required content for a Draft EIR found in State CEQA Guidelines Article 9 (Section 15120 et seq.) and the required content for a Supplemental EIR found in State CEQA Guidelines Section 15163. The project site, identified as the Cannon Site (Site #2), was analyzed as part of the EA.

CITY OF ENCINITAS GENERAL PLAN AND CERTIFIED LOCAL COASTAL PROGRAM

The Encinitas General Plan serves as a policy document that provides long-range guidance to City officials responsible for decision-making with regard to the City's future growth and long-term protection of its resources. The General Plan is intended to ensure decisions made by the City conform to long-range goals established to protect and further the public interest as the City continues to grow and to minimize adverse effects potentially occurring upon ultimate buildout of the General Plan. The General Plan also provides guidance to ensure future development conforms to the City's established plans, objectives, and/or policies, as appropriate. Specific to the project site, the General Plan designates the site as SP-3, which refers to the Encinitas Ranch Specific Plan. In Sections 3.1 to 3.15 of this EIR, various relevant General Plan policies and goals are listed in the regulatory sections pertaining to each topic.

More than half of Encinitas lies within the boundaries of the California Coastal Zone (approximately 7,875 acres of a total 13,266 acres in the City). The California Coastal Act (Public Resources Code Section 30000 et seq.) is intended to protect the natural and scenic resources of the Coastal Zone. All local governments located wholly or partially within the Coastal Zone are

required to prepare a Local Coastal Program (LCP) for those areas of the Coastal Zone within its jurisdiction. The state's goals for the Coastal Zone include the following:

- Protect, maintain, and where feasible, enhance and restore the overall quality of the Coastal Zone environment and its natural and artificial resources.
- Assure orderly, balanced utilization and conservation of Coastal Zone resources taking into account the social and economic needs of the people of the state.
- Maximize public access to and along the coast and maximize public recreational opportunities in the Coastal Zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners.
- Assure priority for coastal-dependent and coastal-related development over other development on the coast.
- Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the Coastal Zone.

The City's General Plan includes issues and policies related to California Coastal Act requirements; therefore, the General Plan serves as an LCP Land Use Plan for the City. The General Plan/LCP incorporates land use plans for future development in the Coastal Zone, provisions of the City's Zoning Regulations, zone overlays for sensitive resources, and other implementing measures to ensure the protection of coastal resources. For those lands located within the Coastal Zone, any conflicts that occur between the Land Use Plan and any policy or provision of the General Plan not a part of the LCP, the Land Use Plan takes precedence. Any such conflicts are to be resolved so as to achieve the highest degree of protection for resources in the Coastal Zone.

The City is responsible for the issuance of Coastal Development Permits within the Coastal Zone, excluding submerged lands, tidelands, or public trust lands.

CALIFORNIA COASTAL COMMISSION STAFF REPORT: STAFF RECOMMENDATION ON CITY OF ENCINITAS LOCAL COASTAL PROGRAM AMENDMENT (MAY 31, 2019)

Subsequent to the City's approval of the HEU, the City processed a Local Coastal Program (LCP) Amendment to update the City's LCP to include the 15 HEU sites. On September 11, 2019, the HEU was approved by the California Coastal Commission.

Specific to the project site, the Coastal Commission found that (see page 26 of the staff report):

> *"Of all the sites within the Coastal Zone, three are considered vacant, nine are considered built out, and one is comprised of parcels that are both vacant and developed. In order for the City to meet its RHNA allotment, vacant sites need to accommodate 50% of the units (i.e. 571 units). Because of that, the current inventory features sites that have a variety of current uses, including residential, greenhouses, agricultural sales, parking lots, offices, church facilities, as well as vacant or no current development. The Encinitas LUP has a number of policies in place to concentrate development and discourage incompatible development in conformance with Chapter 3, especially in regard to residential and adjacent nonresidential structures, and for the revitalization of blighted or underutilized properties along major corridors in the City, such as Highway 101 and Encinitas Boulevard. While a number of the inventoried sites to be re-designated have lower density land use designations (in some cases, significantly lower, as is the case with the **Cannon property**, Echter Property, and Greek Church Parcel), the R-30 Overlay is intended to respect neighborhood character, be compatible with community specific settings and provide reasonable transitions between existing residences and potential development sites. All of the sites are located within, contiguous with, or in close proximity to, existing developed areas..."*

Additionally, the Coastal Commission found that (see pages 27-28 of the staff report):

> *"Ten of the thirteen sites within the Coastal Zone overlap with scenic resources, whether it is a view corridor, critical viewshed, or is located along a scenic road. Review of site locations reveal that development will occur in areas that will not impede coastal views. The **Cannon property** (Site 2), for example, is located within the I-5 Scenic Corridor and Critical Viewshed for two viewpoints along I-5 and La Costa Ave. However, the development is proposed to occur on the inland side of the vista points, and the site itself is upslope of the I-5 Corridor and will therefore not impact scenic views.*
>
> *Furthermore, a number of policies within the Encinitas LUP that protect scenic views and seek to maximize visual access to coastal and inland views in conformity with Chapter 3 of the Coastal Act will remain in effect and be unchanged by the Housing Element Update. Policy 4.5 in particular provides for the development of the Scenic/Visual Corridor Overlay Zone, which is designed to protect the integrity of vista points and scenic highways through design review of development within 2,000 feet of vista points or along scenic roads. Specifically, future development within scenic view corridors, along scenic highways and/or adjacent to significant viewsheds or vista points are subject to compliance with regulations that consider the project's overall visual impact and may condition or limit project bulk, mass, height, architectural design, and grading. Other visual factors may be applied as part of Design Review approval and will also be considered for coastal*

development permit approval when the development on the site is formally proposed. Additionally, where development is proposed on slopes greater than 25%, special standards would apply, including that slopes of greater than 25% should be preserved in their natural state and that no principal structure or improvement should be placed, and no grading undertaken, within 25 feet of any point along an inland bluff edge. Therefore, future development will be reviewed on a case-by-case basis to verify consistency with Encinitas General Plan and LUP standards. Therefore, the Commission finds the proposed Housing Element Update consistent with the relevant Chapter 3 policies."

It is worth noting that a deviation from this policy is permitted upon a finding that strict application thereof would preclude reasonable use of the project site. Different from other properties in the City, Housing Element sites, under state law, must yield a minimum residential unit count that is determined based on applying the minimum allowable density of 25 units per acre. As such, "reasonable use of the property" for a Housing Element site is interpreted as achieving the minimum allowable residential yield.

CITY OF ENCINITAS CLIMATE ACTION PLAN

Climate action plans (CAPs) serve as comprehensive road maps that outline the specific activities a community or municipality will take to reduce GHG emissions and the potential impacts of climate change within the borders of a particular jurisdiction. In developing a CAP, jurisdictions evaluate the volume of GHGs emitted during a baseline year and determine the amount of emissions that need to be reduced to achieve statewide GHG reduction targets.

The City's CAP was originally adopted in January 2018 and was most recently updated and adopted on November 18, 2020. The CAP serves as a guiding document and outlines a course of action for community and municipal operations to reduce GHG emissions and the potential impacts of climate change within the jurisdiction. The CAP benchmarks GHG emissions in 2012 and identifies what reductions are required to meet GHG reduction targets based on State goals embodied in State Assembly Bill (AB) 32. The 2020 CAP Update incorporates the residential units proposed under the 2013-2021 HEU into the business-as-usual projection and legislatively adjusted projection and presents associated updates and revisions to the CAP measures. The CAP aims to achieve local community wide GHG reduction targets of 13 percent below 2012 levels by 2020 and 44 percent below 2012 levels by 2030.

To achieve these objectives, the CAP identifies a summary of baseline GHG emissions and the potential growth of these emissions over time; the expected climate change effects on the City; GHG emissions reduction targets and goals to reduce the community's contribution to global warming; and identification of strategies, specific actions, and supporting measures to comply

with statewide GHG reduction targets and goals, along with strategies to help the community adapt to climate change impacts.

As part of the CAP implementation, each strategy, action, and supporting measure will be continually assessed and monitored. Reporting on the status of implementation of these strategies, periodic updates to the GHG emissions inventory, and other monitoring activities will help ensure that the CAP is making progress. The project is consistent with the General Plan and accounted for in the Housing Element Update. In November 2020, the City's CAP was updated to address increased GHG emissions resulting from development of the 17 candidate sites identified in the HEU. Updates to the CAP assumed a maximum realistic yield of 2,494 dwelling units across the candidate sites (City of Encinitas 2020). Therefore, the City's CAP accounts for GHG emissions resulting from construction and operation of the project. The project is required to comply with the City's CAP by implementing the appropriate CAP measures.

CITY OF ENCINITAS MUNICIPAL CODE

Title 30, Zoning, of the Encinitas Municipal Code was adopted to promote and protect the public health, safety, and welfare through the orderly regulation of land uses in the City. Title 30 is intended to "regulate the use of real property and the buildings, structures, and improvements located thereon so as to protect, promote, and enhance the public safety, health and welfare" (Ord. 86-19). Further, the Zoning Regulations are "adopted pursuant to, and to implement provisions of, the City of Encinitas General Plan and certified Local Coastal Program Land Use Plan. The regulatory provisions … shall implement the provisions of the General Plan to carry out the objectives contained therein" (Ord. 94-06). While the General Plan land use designations provide basic criteria and guidelines for future development in the City, specific development standards are included in the Zoning Regulations to better define such guidelines. The land use designations identified in the General Plan Land Use Element correspond to the boundaries of one or more zoning districts identified on the City's Zoning Map (i.e., specific plan areas).

Housing Plan Update 2019 R-30 OL Implementing Zone

City land use policy calls for the need to accommodate future housing development and meet Regional Housing Needs Assessment (RHNA's) state housing law compliance for affordability. To reinforce and expand on the City's commitment to encouraging affordable housing, developing more complete neighborhoods, and enhancing and preserving the community's character, the R-30 OL Zone was created to implement the R-30 OL General Plan land use designation. Like the R-30 OL land use designation, the R-30 OL Zone is an overlay zone that retains the underlying zoning standards for applicable properties. However, if an attached or detached multifamily residential project is proposed, a property owner may develop under special provisions of the R-30 OL Zone

that include new incentive land use and development standards to create more housing for the community.

The R-30 OL Zone is intended to:

1. Implement the R-30 OL General Plan land use designation, which creates an incentive to develop housing by offering property owners the opportunity to build homes with increased height and density;
2. Allow for a moderate increase in residential density and to accommodate a mixture of residential building types and unit sizes;
3. Enhance the feasibility of developing higher density housing to increase the supply of available housing options within the City's five communities;
4. Meet the state's Regional Housing Needs Assessment (RHNA) rezoning requirements;
5. Ensure that the vision set forth in the Housing Plan is implemented; and,
6. Respect neighborhood character, be compatible with community specific settings and provide reasonable transitions between existing residences and potential development sites.

Residential projects in the R-30 OL Zone may include residential and limited ancillary or auxiliary uses, with a minimum of 25 dwelling units per net acre and a maximum of 30 dwelling units per net acre. The R-30 OL Zone's development standards also apply to sites in the DVCM R-30 OL Zone of the Downtown Specific Plan and the N-R3 (R-30 OL) and N-L-VSC (R-30 OL) Zones of the North 101 Corridor Specific Plan.

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2.1 PROJECT OVERVIEW AND LOCATION

The Piraeus Point Project (proposed "project") would result in future development of a 149-unit townhome community (for-sale units). The project site is located in the City of Encinitas in northwestern coastal San Diego County, California. The site lies within the community of Leucadia, one of five communities designated within the City of Encinitas; refer to Figures 2.0-1, Regional/Local Vicinity Map, and Figure 2.0-2, Aerial Photograph/Surrounding Land Uses.

Existing land uses in the project vicinity include single family residences to the east and south; Plato Place to the south; and Piraeus Street and Interstate 5 (I-5) to the west. Vacant land and Sky Loft Road are present to the north. La Costa Avenue is located further to the north, adjacent to the north of the proposed off-site preserve area, as described below. Sky Loft Road traverses the proposed off-site preserve area in the east-west direction.

The project site is comprised of one parcel totaling approximately 6.88 gross acres [County of San Diego Assessor parcel number (APN) 254-144-01-00]. Additionally, the project includes a proposed "off-site preserve area" comprised of APN 216-110-35-00. The proposed off-site preserve area would be preserved in perpetuity and left in its current undeveloped state in order to mitigate for biological impacts resulting from development of the project site. APN 216-110-35-00 totals approximately 4.95 acres (gross). Refer to Figure 2.0-2, Aerial Photograph/Surrounding Land Uses, and Figure 2.0-3, Conceptual Site Plan, for reference.

The project also includes a street vacation along portions of Piraeus Street and Plato Place. With City approval, an approximately 0.25 acre area of Plato Place and 0.71 acres along Piraeus Street, adjacent to the project boundary, would be vacated. With approval of the vacation, approximately 0.96 acres would be added to the total (gross) acreage of the project site.[1]

The proposed development would consist of 52 one-bedroom homes, 37 two-bedroom homes, and 60 three-bedroom homes for a total of 149 residential units, which would be built within 16 individual three-story residential buildings. Of the 149 residential units, 134 would be market-rate homes and 15 would be "very low" income affordable homes. Proposed amenities include a pool, spa, pool house, and lounge seating. A total of 246 private garage parking spaces are planned, along with an additional 25 shared surface parking spaces for use by residents and their guests.

[1] Note that the project applicant is not including the additional 0.96 acres as part of the unit yield analysis.

The project requires approval of a Condominium Tentative Map, Density Bonus Tentative Map, Street Vacation, Design Review Permit, and a non-appealable Coastal Development Permit, all issued by the City of Encinitas, to allow for development of the property. The Condominium Tentative Map is required to subdivide the 149 condominiums into separate parcels pursuant to the State of California Subdivision Map Act so that they may be sold as individual units. The Density Bonus Permit is to allow for affordable housing and incentives/waivers allowed under State Density Bonus Law (described below). The Design Review Permit is required in order to ensure project consistency with design review guidelines established by the City of Encinitas. The Street Vacation is to vacate excess right-of-way on a portion of Piraeus Street and a portion of Plato Place. The non-appealable Coastal Development Permit is required in conjunction with issuance of the Design Review Permit, given the project's location within the Coastal Zone. It should be noted that the Coastal Development Permit is non-appealable because the project site is not located within 100 feet of a California Coastal Commission jurisdictional resource.

As stated, the project would utilize State Density Bonus Law. Density Bonus Law allows projects to utilize up to three concessions and unlimited waivers. One incentive and one waiver are proposed. The incentive requested for the project is the elimination of the City's undergrounding utilities requirement for existing overhead utilities pursuant to Encinitas Municipal Code Section 23.36.120. All of the existing San Diego Gas & Electric utility poles that currently surround the project site are 12 kilovolt and would typically be required to be undergrounded. However, the undergrounding of those utilities would involve substantial improvement costs, and the cost savings associated with this incentive request would enable the project to instead provide for deed-restricted affordable housing on-site. The waiver requested for the project is necessary because the project exceeds the allowable encroachment into steep slopes pursuant to Encinitas Municipal Code Section 30.34.030 (Hillside/Inland Bluff Overlay Zone). The project requires an approximately 40% encroachment into steep slope areas, and without this waiver, the project footprint would be substantially reduced, impacting the project's ability to provide for deed-restricted affordable housing on-site.

In March 2019, the City of Encinitas City Council adopted an update to its General Plan Housing Element which provides the City with a coordinated and comprehensive strategy for promoting the production of safe, decent, and affordable housing for all within the City. The purpose of the Housing Element is to ensure that the City establishes policies, procedures, and incentives to increase the quality and quantity of the housing supply in the City. The project site is identified as the "Cannon Property (Piraeus) - Site Number 02" in the City's Housing Element.

2.2 PROJECT OBJECTIVES

California Environmental Quality Act (CEQA) Guidelines Section 15124(b) requires a project description to contain a statement of objectives that includes the underlying purpose of the proposed project. The intended objectives of the Piraeus Point project are identified below. The underlying purpose of the project is to create a community that provides a mixture of product types that would offer opportunities for housing across income groups in conformance with the City's 2013-2021 Housing Element.

1. Provide housing options to support an inclusive, diverse community to meet current and future housing demand in the City.

2. Provide at least the minimum number of multi-family dwelling units and housing opportunities that are consistent with the goals of the adopted City of Encinitas Housing Element while protecting surrounding natural and aesthetic resources.

3. Provide affordable housing within the project for very low income families, thereby helping to meet the state-mandated affordable housing requirements and further encouraging diversity within the community.

4. Provide dedicated on-site and off-site open space for the long-term protection of sensitive habitat and species for biological mitigation purposes, as well for the protection of existing views, by concentrating development within a portion of the site.

5. Provide a residential housing product aimed at meeting growing demand for for-sale multi-family townhomes.

6. Create a walkable environment that promotes and enhances the pedestrian experience throughout the site, with safe, convenient, and attractive connections including a walking paseo and an outdoor common area to support community engagement.

7. Minimize visual impacts of the development by providing landscaped buffers, distancing structures from adjacent roadways, and respecting maximum height allowances of the applicable zoning.

2.3 PROJECT COMPONENTS

2.3.1 RESIDENTIAL USES

A brief summary of the proposed residential use types is included in Table 2.0-1, Residential Land Use Summary. The project would accommodate development of 149 new residential townhome units, offering a variety of housing types that would allow for diversity in unit size and resident incomes. The community would consist of 52 one-bedroom homes, 37 two-bedroom homes, and 60 three-bedroom homes for a total of 149 residential homes. The units would be provided within 16 separate three-story residential buildings.

Table 2.0-1: Residential Land Use Summary

Plan Area	Unit Type	Square Footage per Unit (Net SF)	Number of DUs	Percentage of Total
Plan 1	1 bedroom/1 bath	783	52	34%
Plan 2	2 bedroom/2.5 bath	1,169	37	26%
Plan 3	3 bedroom/2.5 bath	1,404	60	40%
Total:			**149 units**	--

SF = square feet; DU = dwelling unit

Refer to Figure 2.0-3, Conceptual Site Plan, for a depiction of how the proposed unit types would be located within the proposed development area. Conceptual designs of the unit types are shown on Figures 2.0-4A through 2.0-4E, Representative Elevations.

Of the 149 total units, 134 would be for-sale market-rate residential units and 15 would be very low income affordable residential units (affordable to households earning no more than 50 percent of area median income). The units would be three stories in height and would comply with development requirements of the City's Housing Element, including restrictions on maximum average unit size.

The project site is identified as the "Cannon Property (Piraeus) – Site Number 02" in the City's Housing Element. Per the R-30 overlay zone that applies to this parcel, up to 161 residential units could be developed without application of allowances under state Density Bonus laws (5.36 net acres x 30 DU/acre). With the application of density bonus, the project could support up to 310 homes [(6.88 gross acres x 30 DU/acre) x 1.5 density bonus]. The 149 multi-family residential units proposed with the project would therefore be within the allowable unit count.

2.3.2 AMENITIES AND OPEN SPACE

Proposed amenities include a pool, spa, pool house, fire pit with seating, and lounge seating, totaling approximately 6,245 square feet (SF). Such amenities would be located in the central portion of the project site and would be available for use by residents and their guests.

A total of 38,575 SF of private open space is proposed for use by project residents. This includes approximately 10,400 SF of open space for the 1-bedroom units (52 units); 10,175 SF of open space for the 2-bedroom units (37 units); and 18,000 SF of open space for the 3-bedroom units (60 units). Overall, a total of 51,171 SF of open space is proposed for the project (private plus public), with 343 SF of open space provided per unit. Proposed open space would be in conformance with that required under the existing zoning (minimum 300 SF per unit x 149 units = 44,700 SF). Additionally, (off-site) landscaped areas are proposed adjacent to the project site along Piraeus Street and Plato Place that can be used by residents for lounging, walking, and other active and passive recreational activities.

2.3.3 ACCESS AND CIRCULATION

Access to the site would be provided at one primary entry drive from Piraeus Street. In addition, an emergency/fire access would be provided from the south at Plato Place. In conformance with City requirements, the project would implement a traffic control plan to ensure that adequate circulation on surrounding local roadways is maintained during project construction and that no hazardous conditions are created that would interfere with public safety and/or emergency vehicle movement.

Interior circulation is proposed via a two-lane, 26-foot-wide interior roadway that would extend through the site and provide connection between Piraeus Street and Plato Place. The main roadway, along with internal/emergency access drives would provide vehicular access to the residential units and recreational amenities. The on-site access drives would provide direct access to the private garages and would be privately owned and maintained. All private access drives have been designed to meet City standards.

An on-site community paseo with enhanced hardscape and landscape plantings is planned within the interior of the site, providing pedestrian connection between the residential uses and the pool/common area, while also providing connection to the off-site sidewalk system. Sidewalks/pathways would be constructed along the on-site drives and along the frontage onto Piraeus Street and Plato Place.

Additionally, a street vacation is requested as part of the project. With City approval, an approximately 0.25 acre area along the Plato Place frontage and 0.71 acres along the Piraeus Street frontage, adjacent to the project boundary, would be vacated.

2.3.4 LANDSCAPING

Ornamental landscaping would be planted along the eastern, southern, and western project perimeters to visually enhance the development and provide a buffer from adjacent uses. Additionally, limited landscaping would be planted along the northern boundary of the proposed project site, between the development and the proposed off-site biological open space to provide a buffer and serve as a transition between the development and the natural open space. Landscaping would also be planted within the interior of the site, along the on-site private drives, and in the vicinity of the pool/spa/recreation area; refer to Figures 2.0-5A and -5B, Conceptual Landscape Plan. Maintenance of all landscaping would be the responsibility of the Homeowner's Association (HOA).

The project design includes a variety of walls and fences within the property. An 8-foot high glass fence (glass panels with stainless steel post tubing) with gated entry is proposed along the on-site pool enclosure for security purposes. Additionally, construction of a number of concrete masonry retaining walls are proposed along the majority of the northern, eastern, southern, and western boundaries of the development area.

Along the northern property boundary, the retaining wall would range from approximately 0.4 feet to a maximum height of approximately 24.9 feet. Along the eastern property boundary, retaining walls would range from approximately zero feet to a maximum height of approximately 29.7 feet. Along the southern project boundary, retaining walls would range from approximately 2.8 feet to a maximum height of approximately 8.6 feet. Along the western property boundary, retaining walls would range from approximately zero feet to a maximum height of approximately 11.6 feet in height, near the proposed entry drive. The proposed walls and fences are depicted in Figure 2.0-6, Wall and Fencing Plan, as well as the grading plans (available under separate cover) prepared for the project. See also Section 3.1, Aesthetics, for additional discussion of proposed walls and fences.

It should also be noted that as part of ongoing landscape maintenance, the project would be required to provide routine brush clearing to minimize the risk of a wildfire event. The width of such brush clearing zones would exceed the City's 30-foot maximum width requirement, as identified in the City's General Plan; however, such preventative measures would be consistent with requirements identified by the City of Encinitas Fire Department to ensure that potential hazards are minimized and public safety is maintained. Refer also to Section 3.9, Land Use and Planning, and Section 3.15, Wildfire, for additional discussion.

2.3.5 PARKING

A total of 271 on-site parking spaces are proposed. On-site residential parking would be provided in the form of 246 private garage spaces. An additional 25 outdoor shared surface parking spaces are proposed adjacent to the on-site pool use/common use area for resident and guest use, as well as along the northern portion of the community. Refer also to Section 2.4, General Plan Land Use and Zoning, below, for additional discussion.

2.3.6 SIGNAGE

One monument sign is proposed at the entry drive along Piraeus Street. The sign would be approximately 5 feet in height and 14 feet in length. The sign would be constructed of charcoal gray concrete with wooden slats and would identify the name of the development using metal lettering painted white and backlit (during nighttime hours for visibility).

Limited signage is also proposed within the development area for informational purposes (e.g., building identification, directional signage, etc.). All project signage would be consistent with City of Encinitas signage design standards to minimize potential aesthetic effects and to ensure consistency with the character of the overall development and the surrounding area.

2.3.7 UTILITIES

Water

Water service for the project would be provided by the San Dieguito Water District (SDWD). The SDWD provides water service to the communities of Leucadia, Old Encinitas, Cardiff, and portions of New Encinitas. Water is sourced from Lake Hodges and the San Diego County Water Authority. Potable water is treated at the R.E. Badger Filtration Plant located in Rancho Santa Fe; recycled water is treated and generated at the San Elijo Water Reclamation Facility (City of Encinitas 2016).

A Project Facility Availability Form was issued by the SDWD on January 14, 2022 and is included in Appendix N. The SDWD has indicated that adequate water service can be provided to the site.

The project proposes the construction of an 8-inch private water main for fire protection purposes, as well as a 4-inch private water main for domestic water service. Both mains would be constructed as looped systems with the points of connection located off of Plato Place and Piraeus Street.

Estimated average daily water demand for the project are anticipated to be 46.6 gallons per minute (gpm) for domestic service, with maximum daily demand reaching 79.2 gpm. Average fire flow demand is estimated to be 2,500 gpm, with maximum daily water demand and fire flow

demand combined reaching 2,579 gpm. Refer to Section 3.14, Utilities and Service Systems, for additional discussion regarding proposed improvements for the provision of water service.

Sewer

Sewer service for the project would be provided by the Leucadia Wastewater District (LWD). The LWD is one of six member agencies of the Encina Wastewater Authority (a joint powers authority). The LWD operates a regional wastewater treatment and disposal facility located in the City of Carlsbad.

The project would construct an 8-inch public sewer main to accommodate wastewater flows generated by the project. The proposed point of connection to the existing public sewer system would occur in Piraeus Street.

Average daily wastewater flows from the project site are estimated to be 32,035 gallons per day (gpd), with peak flows reaching 112,123 gpd. Refer to Section 3.14, Utilities and Service Systems, for specific details regarding proposed improvements for the provision of sewer service.

Stormwater

Under current conditions, the majority of the proposed development area drains north via surface/sheet flow before entering an existing storm drain conveyance system at the northwest corner of the property. Once in the storm drain system, runoff from the northeastern and central portions of the proposed development area flows to the west, crossing I-5 into an earthen ditch. The remainder of the site flows south via surface/sheet flow and enters the existing storm drain system at the southwest corner of the property. The existing system carries runoff across I-5 and discharges into an existing concrete lined ditch where it combines with runoff from the northeastern and central portions of the site. From this point, drainage from both basins continues north until it reaches Batiquitos Lagoon, and eventually, the Pacific Ocean.

Under the proposed condition, runoff from the majority of the site would flow to the proposed on-site storm drain system and be conveyed to the south to a proposed biofiltration basin located adjacent to Plato Place. Once the runoff is treated and stored, it would be discharged into the existing storm drain system near the very southwestern corner of the proposed development area.

Runoff generated from the (generally) northernmost and western portions of the project site would primarily sheet flow west towards Piraeus Street where it would be collected in a concrete ditch and discharged into an existing headwall in proximity to the northwest corner of the proposed development area.

In conformance with the City of Encinitas' stormwater design standards and the multiple separate storm sewer system (MS4) permit, all runoff generated on-site would be conveyed to a proposed biofiltration basin adjacent to Plato Place. The biofiltration basin would be sized for pollution and flow control purposes. Flow rates generated on-site would be controlled via a low-flow orifice consistent with hydromodification program requirements as outlined in the City of Encinitas Best Management Practices (BMP) Manual.

In larger storm events, runoff not filtered through the engineered soil would be conveyed via an overflow outlet structure consisting of a 3-foot by 3-foot grate located on top of the outlet structure. Runoff conveyed via the outlet structure would bypass the treatment and flow control BMPs and would be conveyed directly to the proposed storm drain system perpendicular to Piraeus Street.

Refer to Section 3.8, Hydrology and Water Quality, for specific details regarding the proposed stormwater improvements.

Electricity and Natural Gas

San Diego Gas & Electric (SDG&E) currently provides electrical services to the surrounding area. All future electrical lines extended to the site would be undergrounded with the proposed improvements.

Per City of Encinitas Ordinance 2021-13, the use of natural gas is prohibited in residential uses, and therefore, the use of natural gas is not proposed. Specifically, Section 100.0, Subpart (e) of the California Energy Code is amended in Section 23.12. 080(D) of the City's Municipal Code to require all newly constructed buildings to meet the requirements of an "All -Electric Building" (no natural gas or propane plumbing installed within the building and no gas meter connection).

2.3.8 CONSTRUCTION PHASING

The project site is currently undeveloped; the demolition or removal of existing structures is therefore not required to allow for the proposed land uses and supporting infrastructure. Development of the site would occur at one time and would not be phased. All proposed site improvements (grading and excavation) are anticipated to be constructed within a period of approximately 8 months. An estimated 10.5-month vertical construction schedule is anticipated to build the 149 residential townhome units and associated amenities. Table 2.0-2, below, provides the estimated project construction schedule.

Table 2.0-2: Anticipated Construction Schedule

Construction Phase	Duration
Site Preparation	13 days
Grading	7.5 months
Building Construction	10.5 months
Architectural Coating	1.5 months
Paving	1 month

2.3.9 GRADING

The project site would be graded to allow for the proposed improvements. Grading required for project implementation would include approximately 83,000 cubic yards (c.y.) of cut and 25,400 c.y. of fill. Approximately 57,600 c.y. of soil would be exported off-site for disposal. Proposed maximum cut slopes would be approximately 33 feet in height; maximum fill slopes would be approximately 24 feet in height.

2.3.10 ENERGY EFFICIENCY

The project includes the following energy efficiency features:

1. The project would install low flow water fixtures in all residential units.
2. All lighting within the project would be designed using LED technology for both indoor and outdoor areas.
3. The project would provide separate waste containers to allow for simpler material separations, or the project would pay for a waste collection service that recycles the materials in accordance with California Assembly Bill 341 to achieve a 75% waste diversion. One hundred percent of all green waste would be diverted from landfills and recycled as mulch.
4. No fireplaces or hearths would be installed in the residential units.
5. The project would be 100 percent electric; no use of natural gas is proposed (consistent with City Ordinance 2021-13, adopted October 27, 2021).
6. The project would be required to utilize Tier 4 construction equipment with diesel particulate filters attached or equivalent.

7. The project would install solar panels capable of generating up to 149 kilowatts of solar power.

8. The project would install 4 electric vehicle (EV) parking spaces with charging stations in the vicinity of the on-site pool/common use area.

9. The project would comply with ENERGYSTAR appliance requirements and would meet ENERGYSTAR for Homes.

10. The project would install water efficient/drought tolerant and/or native landscape, use smart evapotranspiration controllers, would use reclaimed water project landscaping areas and would limit conventional turf.

11. The project would install high-efficiency heating, ventilation, and air conditioning systems.

12. The project would install high-efficiency water heaters or solar water heater systems.

13. The project would comply with CalGreen Tier II standards.

Transportation Demand Management (TDM) Program

The project would also implement a Transportation Demand Management (TDM) program to reduce automobile trips, both internal and external to the community. TDM measures proposed for the project include the following:

- "Implement Electric Bikeshare Program" - Electric bikeshare programs provide users with on-demand access to electric pedal assist bikes for short-term rentals to encourage a mode shift from vehicle use to electric bicycles. The project applicant would work with the City and its bikeshare vendor to expand this program into the project area.

- "Provide Community Based Travel Planning" - The project's homeowners association (HOA) would provide alternative modes of transportation information to residents and tenants as a part of the "new resident" or "new tenant" package. The HOA would also provide residents with transit schedules within the area, and alert residents when new transit services are added or when services are charged. The HOA would also act as a travel advisor, providing new residents and tenants with information regarding how members of households can travel in alternative ways that meet their needs.

2.3.11 FUEL MODIFICATION ZONES

A minimum 100-foot-wide fuel modification zone (FMZ) would be provided between the residential structures and wildland fuels. This area would include contiguous fuel modification along the northern area of the project site.

2.4 GENERAL PLAN LAND USE AND ZONING

The off-site preserve area (APN 216-110-35) currently has General Plan land use designations of RR1 (Rural Residential; 0.51-1.0 dwelling units/acre) and RR2 (Rural Residential; 1.01-2.0 dwelling units/acre), and is zoned RR1 (1 dwelling unit per acre maximum) and RR2 (2 dwelling unit per acre maximum). The proposed off-site preserve area is approximately 4.95 acres (gross) in size.

The project site (APN 254-144-01) currently has a General Plan land use designation of R30 OL (Residential 30 Overlay) and RR2 (Rural Residential; 1.01-2.00 dwelling units per acre) and is zoned RR2 with a R-30 overlay zone as part of the City's Housing Element. Under the R-30 overlay designation and zoning, the project site could be developed with up to 161 residential units without application of allowances under state Density Bonus laws [(5.36 net acres x 30 DU/acre)]. With the application of a density bonus, the project could support up to 310 homes [(6.88 gross acres x 30 DU/acre) x 1.5 density bonus]. No changes to the existing land use or zoning are required or proposed to allow for project implementation.

2.5 ENVIRONMENTAL SETTING

2.5.1 REGIONAL SETTING

The City of Encinitas is located in northwestern coastal San Diego County. The City is bordered to the south by Solana Beach and to the west by the Pacific Ocean. The City of Carlsbad borders Encinitas to the northeast and extends farther to the east and north, across Batiquitos Lagoon. Regional access to the site is via I-5.

2.5.2 LOCAL SETTING

The project site is located within the community of Leucadia, one of five designated communities in the City of Encinitas. The Pacific Ocean lies approximately 0.9 mile west of the site and Batiquitos Lagoon lies approximately 0.6 mile to the north.

Local access to the site is via I-5 to eastbound La Costa Avenue, then south to Piraeus Street. The site is bordered by La Costa Avenue to the north, Plato Place to the south, and Piraeus Street to the west. Direct access into the site would be from Piraeus Street from the west. Additionally,

Sky Loft Road traverses the off-site preserve area; refer to Figure 2.0-2, Aerial Photograph/Surrounding Land Uses.

Surrounding land uses include single-family residences directly to the east and distanced to the southeast/south; Piraeus Street and I-5 to the west; and vacant land and La Costa Avenue to the north. The site is located on the eastern side of a drainage that empties into Batiquitos Lagoon to the north, at the western edge of a developed suburban neighborhood setting, and just east of the northbound lanes of I-5.

On-site elevations range from approximately 15 to 175 feet above mean sea level across the project site (ECORP 2022). Topography of the project site is relatively flat, with slopes on the western and northern edges. A steep slope is present in the vicinity of where the project site meets the proposed off-site preserve area. Within the off-site preserve area, a steep slope occurs in a northeasterly direction.

The project site is currently undeveloped, vacant land; refer to Figure 2.0-2, Aerial Photograph/Surrounding Land Uses. The dominant vegetation community within the proposed development area is deerweed scrub and disturbed land cover. In the central portion of the development area is a patch of coastal sage scrub community (California sagebrush-California buckwheat scrub). A chaparral community, chamise chaparral, occupies the northern portion of the site. No large trees are present within the development area.

Within the proposed off-site preserve area, chamise chaparral is the only vegetation community found within both the proposed development area and preserve area and occurs at the boundary line between the two areas. The dominant vegetation communities present throughout off-site the preserve area are the coastal sage scrub community California brittle bush scrub and annual brome grassland. One walnut tree and a few Mexican fan palms are present within the preserve area. In the northernmost portion of off-site the preserve area is Lemonade berry scrub. A patch of nonnative giant reed break occurs just north of Skyloft Road. Chamise chaparral occupies the project site.

According to the U.S. Department of Agriculture's Natural Resources Conservation Service Web Soil Survey website, six soil types are located within the project area. These soil types include: Cieneba coarse sandy loam, 5 to 15 percent slopes, eroded; Corralitos loamy sand, 9 to 15 percent slopes; Gaviota fine sandy loam, 9 to 30 percent slopes; Gaviota fine sandy loam, 30 to 50 percent slopes; Marina loamy coarse sand, 9 to 30 percent slopes; and rough broken land (ECORP 2022).

2.5.3 PLANNING CONTEXT/PROJECT BACKGROUND

The project site is identified in the City of Encinitas General Plan Housing Element as a potential site for future development of new residential housing within the City. The City of Encinitas General Plan Housing Element Update (HEU) was adopted by the City on March 13, 2019. Subsequently, on June 13, 2019, the California Coastal Commission unanimously approved the Local Coastal Program Amendment (LCPA) associated with the City's Housing Plan Update. On July 10, 2019, the Encinitas City Council adopted Ordinance No. 2019-08, accepting the California Coastal Commission's LCPA as amended. On October 8, 2019, the California Department of Housing and Community Development (HCD) certified the City's Housing Element.

2.6 REQUIRED APPROVALS

The City of Encinitas is the lead agency for the project, as it is the agency with primary authority over the project's discretionary approvals. Several other agencies, identified as responsible and trustee agencies, would also use the EIR for their consideration of approvals or permits under their respective authorities.

For the purposes of CEQA, the term trustee agency means a state agency having jurisdiction by law over natural resources affected by a project, which are held in trust for the people of the state of California. The term responsible agency includes all public agencies other than the lead agency that may have discretionary actions associated with the implementation of the proposed project or an aspect of subsequent implementation of the project. Accordingly, the approvals anticipated to be required from the lead agency, trustee agencies, and/or responsible agencies are listed in Table 2.0-3, Required Approvals and Permits.

Table 2.0-3: Required Approvals and Permits

Permit/Action Required	Approving Agency	Lead/Trustee/Responsible Agency
Condominium Tentative Map	City of Encinitas (City)	Lead Agency
Density Bonus Tentative Map	City	Lead Agency
Street Vacation	City	Lead Agency
Coastal Development Permit (CDP) (Non-appealable)	City	Lead Agency
Endangered Species Act - Section 10 Low-Effect Habitat Conservation Plan (HCP)	US Fish and Wildlife Service (USFWS)	Responsible Agency
Design Review Permit	City	Lead Agency
Landscape Plan	City	Lead Agency
Environmental Impact Report (EIR)	City	Lead Agency
General Construction Stormwater Permit	San Diego Regional Water Quality Control Board (RWQCB)	Responsible Agency
National Pollutant Discharge Elimination System (NPDES) Permit	San Diego RWQCB	Responsible Agency
Construction Permit and/or Encroachment Permit	City	Lead Agency
Stormwater Quality Management Plan/ Drainage Plan	City	Lead Agency
Grading Permit	City	Lead Agency
Building Permit	City	Lead Agency
Improvement Plans	City	Lead Agency

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PIRAEUS POINT
ENVIRONMENTAL IMPACT REPORT

Regional/Local Vicinity Map

Figure 2.0-1

Michael Baker INTERNATIONAL

Not to Scale

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PIRAEUS POINT
ENVIRONMENTAL IMPACT REPORT

Aerial Photograph/Surrounding Land Uses

Figure 2.0-2

Michael Baker INTERNATIONAL

File: 189273Figures.indd

Source: ESRI, Nearmap, SanGIS

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Required Parking

1 Bedroom	52x1.0/du	52.0 spaces
2 Bedrooms	37x1.5/du	55.5 spaces
3 Bedrooms	60x1.5/du	90.0 spaces
Total		197.5 spaces (1.32 spaces/du)

Provided Parking

Garage:	246 spaces
Open Parking:	25 spaces
Total	271 spaces (1.82 spaces/du)

Electric Vehicle Charging Spaces
Total parking spaces required: 25 x 15% = 4 spaces
Total parking spaces provided: 4 spaces

Recreational vehicle parking will be prohibited.

Legend

1. Pedestrian Concrete Paving, Typ.
2. Pedestrian Crosswalk w/ Concrete Pavers, Typ.
3. Vehicular Paving, Typ.
4. Pool House
5. Pool
6. Spa
7. Property Line
8. Shade Structure
9. Bar Height Ledge w/ Seating
10. Outdoor Couches with Table
11. Security Fence and Gate Around Pool, Typ.
12. Pool Deck Chairs, Typ.
13. Lounge Seating , Typ.
14. Planting Area, Typ.
15. Retaining Walls, Typ.
16. Biofiltration Area
17. Monument Sign
18. Utility Backflow
19. Vehicular Access Gate

Source: Schmidt Design Group, ktgy Architecture + Planning, LENNAR HOMES, September 16, 2022 (PIRAEUS POINT, ENCINITAS, CA #2021-0513)

Conceptual Site Plan

Figure 2.0-3

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WEST ELEVATION



SOUTH ELEVATION

MATERIAL LEGEND

1. STUCCO
2. SIDING
3. SECTIONAL GARAGE DOOR
4. METAL RAILING
5. GLASS RAILING



EAST ELEVATION



NORTH ELEVATION

Michael Baker INTERNATIONAL

File: 189273Figures.indd

Source: ktgy Architecture + Planning, LENNAR HOMES, November 2022 (PIRAEUS POINT, ENCINITAS, CA #2021-0513)

PIRAEUS POINT
ENVIRONMENTAL IMPACT REPORT

Representative Elevations - Building A

Figure 2.0-4A

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WEST ELEVATION



SOUTH ELEVATION

MATERIAL LEGEND

1. STUCCO
2. SIDING
3. SECTIONAL GARAGE DOOR
4. METAL RAILING
5. GLASS RAILING



EAST ELEVATION



NORTH ELEVATION

Michael Baker INTERNATIONAL

File: 189273Figures.indd

Source: ktgy Architecture + Planning, LENNAR HOMES, November 2022 (PIRAEUS POINT, ENCINITAS, CA #2021-0513)

PIRAEUS POINT
ENVIRONMENTAL IMPACT REPORT

Representative Elevations - Building C

Figure 2.0-4B

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WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION



NORTH ELEVATION

PIRAEUS POINT
ENVIRONMENTAL IMPACT REPORT

Representative Elevations - Building E-2

Figure 2.0-4C

Michael Baker INTERNATIONAL

File: 189273Figures.indd

Source: ktgy Architecture + Planning, LENNAR HOMES, November 2022 (PIRAEUS POINT, ENCINITAS, CA #2021-0513)

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WEST ELEVATION



SOUTH ELEVATION

MATERIAL LEGEND

1. STUCCO
2. SIDING
3. SECTIONAL GARAGE DOOR
4. METAL RAILING
5. GLASS RAILING



EAST ELEVATION



NORTH ELEVATION

Michael Baker INTERNATIONAL

File: 189273Figures.indd

Source: ktgy Architecture + Planning, LENNAR HOMES, November 2022 (PIRAEUS POINT, ENCINITAS, CA #2021-0513)

PIRAEUS POINT
ENVIRONMENTAL IMPACT REPORT

Representative Elevations - Building F

Figure 2.0-4D

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WEST ELEVATION



SOUTH ELEVATION

MATERIAL LEGEND

1. STUCCO
2. SIDING
3. SECTIONAL GARAGE DOOR
4. METAL RAILING
5. GLASS RAILING



EAST ELEVATION



NORTH ELEVATION

Michael Baker INTERNATIONAL

File: 189273Figures.indd

Source: ktgy Architecture + Planning, LENNAR HOMES, November 2022 (PIRAEUS POINT, ENCINITAS, CA #2021-0513)

PIRAEUS POINT
ENVIRONMENTAL IMPACT REPORT

Representative Elevations - Building G

Figure 2.0-4E

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CONCEPT PLANT SCHEDULE

	TOTAL
ACCENT TREES (24" BOX)	52
ALOE X 'HERCULES' / HERCULES ALOE	
ARBUTUS X 'MARINA' / MARINA STRAWBERRY TREE MULTI-TRUNK	
CERCIS OCCIDENTALIS / WESTERN REDBUD MULTI-TRUNK	
SLOPE TREES (24" BOX)	4
PLATANUS RACEMOSA / CALIFORNIA SYCAMORE MULTI-TRUNK	
PRUNUS ILICIFOLIA / HOLLY LEAF CHERRY	
QUERCUS AGRIFOLIA / COAST LIVE OAK MULTI-TRUNK	
QUERCUS BERBERIDIFOLIA / SCRUB OAK	
STREET TREES (24" BOX)	34
QUERCUS AGRIFOLIA / COAST LIVE OAK	
TABEBUIA IMPETIGINOSA / PINK TRUMPET TREE	
ULMUS X 'FRONTIER' / FRONTIER ELM	
SHADE TREES (24" BOX)	4
GEIJERA PARVIFLORA / AUSTRALIAN WILLOW	
OLEA EUROPAEA / OLIVE MULTI-TRUNK	
TIPUANA TIPU / TIPU TREE	

	TOTAL
SLOPE TREES IN RIGHT OF WAY (24" BOX)	9
PLATANUS RACEMOSA / CALIFORNIA SYCAMORE MULTI-TRUNK	
PRUNUS ILICIFOLIA / HOLLY LEAF CHERRY	
QUERCUS AGRIFOLIA / COAST LIVE OAK MULTI-TRUNK	
QUERCUS BERBERIDIFOLIA / SCRUB OAK	
ACCENT TREES IN RIGHT OF WAY (24" BOX)	35
ALOE X 'HERCULES' / HERCULES ALOE	
ARBUTUS X 'MARINA' / MARINA STRAWBERRY TREE MULTI-TRUNK	
CERCIS OCCIDENTALIS / WESTERN REDBUD MULTI-TRUNK	
STREET TREES IN RIGHT OF WAY (24" BOX)	34
QUERCUS AGRIFOLIA / COAST LIVE OAK	
TABEBUIA IMPETIGINOSA / PINK TRUMPET TREE	
ULMUS X 'FRONTIER' / FRONTIER ELM	

	TOTAL
SLOPE PLANTING (70% 1 GAL, 30% 5 GAL)	52,796 SF
BACCHARIS PILULARIS 'PIGEON POINT' / PIGEON POINT COYOTE BRUSH	
DUDLEYA BRITTONII / GIANT CHALK DUDLEYA	
ENCELIA CALIFORNICA / CALIFORNIA ENCELIA	
ERIGERON KARVINSKIANUM / SANTA BARBARA DAISY	
ERIODICTYON CRASSIFOLIUM / THICK-LEAVED YERBA SANTA	
FESTUCA RUBRA ARENARIA / CREEPING RED FESCUE	
HETEROMELES ARBUTIFOLIA / TOYON	
IVA HAYESIANA / SAN DIEGO POVERTY WEED	
LEYMUS TRITICOIDES 'LAGUNITA' / LAGUNITA WILD RYE	
OPUNTIA LITTORALIS / SHORE CACTUS	
PENNISETUM MESSIACUM 'RED BUNNY TAILS' / RED BUNNY TAILS FOUNTAIN GRASS	
SESLERIA AUTUMNALIS / AUTUMN MOOR GRASS	
YUCCA SCHIDIGERA / MOHAVE YUCCA	
YUCCA WHIPPLEI / CHAPARRAL YUCCA	
ZAUSCHNERIA CALIFORNICA / CALIFORNIA FUCHSIA	
ACCENT PLANTING (50% 1 GAL, 50% 5 GAL)	39,971 SF
AGAVE ATTENUATA / FOXTAIL AGAVE	
ALOE ARBORESCENS / TORCH ALOE	
BAHIOPSIS LACINIATA / SAN DIEGO SUNFLOWER	
CAREX SPP. / SEDGE	
CARPENTERIA CALIFORNICA 'ELIZABETH' / ELIZABETH BUSH ANEMONE	
DIANELLA SPP. / DIANELLA	
DUDLEYA BRITTONII / GIANT CHALK DUDLEYA	
ERIGERON KARVINSKIANUM / SANTA BARBARA DAISY	
FESTUCA GLAUCA / BLUE FESCUE	
FESTUCA RUBRA ARENARIA / CREEPING RED FESCUE	
FURCRAEA MACDOUGALII / MACDOUGALL'S CENTURY PLANT	
LOMANDRA LONGIFOLIA 'BREEZE' / MAT RUSH	
RHAMNUS CALIFORNICA 'EVE CASE' / CALIFORNIA COFFEEBERRY	
RIBES SPP. / GOOSEBERRY	
ROSA CALIFORNICA / CALIFORNIA WILD ROSE	
SESLERIA AUTUMNALIS / AUTUMN MOOR GRASS	
VERBENA LILACINA 'DE LA MINA' / DE LA MINA LILAC VERBENA	
BASIN PLANTING IN ROW (30% 1 GAL, 10% 5 GAL, 60% FLATS)	7,522 SF
ANEMOPSIS CALIFORNICA / YERBA MANSA	
CAREX PANSA / SANDDUNE SEDGE	
CAREX PRAEGRACILIS / CALIFORNIA FIELD SEDGE	
CAREX SPISSA / SAN DIEGO SEDGE	
CHONDROPETALUM TECTORUM / SMALL CAPE RUSH	
ESCHSCHOLZIA CALIFORNICA / CALIFORNIA POPPY	
JUNCUS SPP. / RUSH SPECIES	
LEYMUS CONDENSATUS 'CANYON PRINCE' / CANYON PRINCE GIANT WILD RYE	
LUPINUS ARBOREUS / YELLOW TREE LUPINE	
VINES ON RETAINING WALLS (100% 1 GAL)	1,097 SF
CLEMATIS PAUCIFLORA / SMALL-FLOWERED CLEMATIS	
FICUS PUMILA / CREEPING FIG	
LONICERA SUBSPICATA / SOUTHERN HONEYSUCKLE	

NOTE:
ALL PROPOSED PLANT SPECIES CONFORM TO THE COUNTY OF SAN DIEGO STANDARDS FOR DEFENSIBLE SPACE AND TO THE FIRE PROTECTION PLAN (FPP).

ALL TRUNKS OF TREES SHALL BE LOCATED A MIN. OF 5'-0" FROM WET UTILITIES. DEEPROOT ROOT BARRIER TO BE UTILIZED WHERE TREES ARE WITHIN 10' OF UTILITIES, HARDSCAPE, AND BUILDING FOUNDATIONS.

THE PROJECT WILL PROVIDE A MINIMUM OF 50% NATIVE VEGETATION PER THE CITY OF ENCINITAS CODE.

PLANTING CALCULATIONS

PLANTING AREA REQUIRED:
15% OF 233,329 SF NET LOT AREA: 0.80 AC (34,999 SF)

PLANTING AREA PROPOSED:
52,796 SF SLOPE PLANTING
39,971 SF ACCENT PLANTING
7,522 SF BASIN PLANTING
100,289 SF TOTAL

TREE REQUIREMENT (30 PER 5.3565 NET AC): 161

PROPOSED TREES: 172 TOTAL
94 ON SITE TREES
78 OFF SITE TREES

*SEE PLANTING LEGEND FOR QUANTITIES

PARKING LANDSCAPE CALCULATIONS

LANDSCAPE AREA REQUIRED:
15% OF 8,910 SF PARKING AREA: 1,300 SF
LANDSCAPE AREA PROVIDED: 1,324 SF
TREES REQUIRED: 3
TREES PROPOSED: 3



Conceptual Landscape Plan

Figure 2.0-5A

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CONCEPT PLANT SCHEDULE

	TOTAL
ACCENT TREES (24" BOX)	52
ALOE X 'HERCULES' / HERCULES ALOE	
ARBUTUS X 'MARINA' / MARINA STRAWBERRY TREE MULTI-TRUNK	
CERCIS OCCIDENTALIS / WESTERN REDBUD MULTI-TRUNK	
SLOPE TREES (24" BOX)	4
PLATANUS RACEMOSA / CALIFORNIA SYCAMORE MULTI-TRUNK	
PRUNUS ILICIFOLIA / HOLLY LEAF CHERRY	
QUERCUS AGRIFOLIA / COAST LIVE OAK MULTI-TRUNK	
QUERCUS BERBERIDIFOLIA / SCRUB OAK	
STREET TREES (24" BOX)	34
QUERCUS AGRIFOLIA / COAST LIVE OAK	
TABEBUIA IMPETIGINOSA / PINK TRUMPET TREE	
ULMUS X 'FRONTIER' / FRONTIER ELM	
SHADE TREES (24" BOX)	4
GEIJERA PARVIFLORA / AUSTRALIAN WILLOW	
OLEA EUROPAEA / OLIVE MULTI-TRUNK	
TIPUANA TIPU / TIPU TREE	

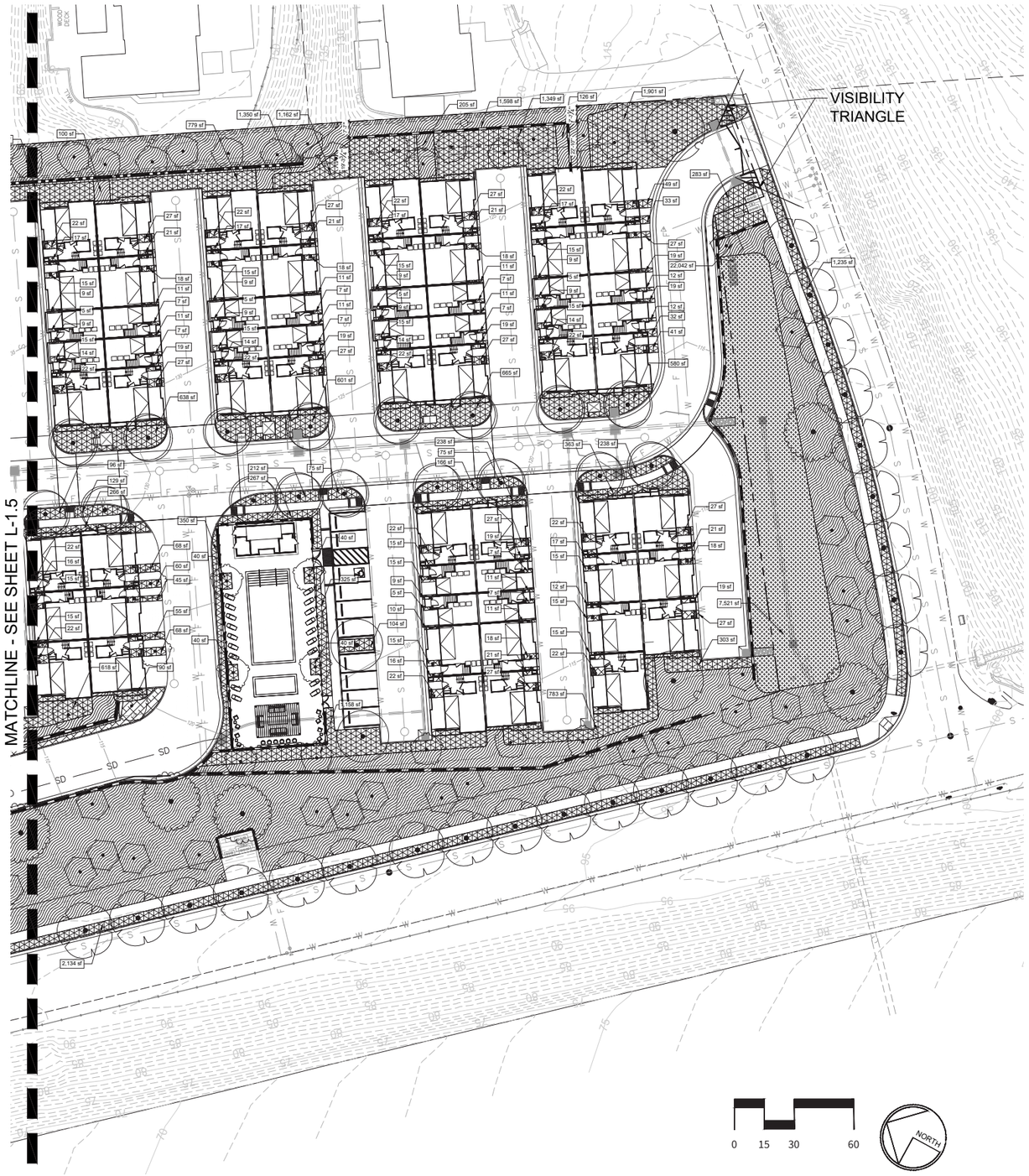
	TOTAL
SLOPE TREES IN RIGHT OF WAY (24" BOX)	9
PLATANUS RACEMOSA / CALIFORNIA SYCAMORE MULTI-TRUNK	
PRUNUS ILICIFOLIA / HOLLY LEAF CHERRY	
QUERCUS AGRIFOLIA / COAST LIVE OAK MULTI-TRUNK	
QUERCUS BERBERIDIFOLIA / SCRUB OAK	
ACCENT TREES IN RIGHT OF WAY (24" BOX)	35
ALOE X 'HERCULES' / HERCULES ALOE	
ARBUTUS X 'MARINA' / MARINA STRAWBERRY TREE MULTI-TRUNK	
CERCIS OCCIDENTALIS / WESTERN REDBUD MULTI-TRUNK	
STREET TREES IN RIGHT OF WAY (24" BOX)	34
QUERCUS AGRIFOLIA / COAST LIVE OAK	
TABEBUIA IMPETIGINOSA / PINK TRUMPET TREE	
ULMUS X 'FRONTIER' / FRONTIER ELM	

	TOTAL
SLOPE PLANTING (70% 1 GAL, 30% 5 GAL)	52,796 SF
BACCHARIS PILULARIS 'PIGEON POINT' / PIGEON POINT COYOTE BRUSH	
DUDLEYA BRITTONII / GIANT CHALK DUDLEYA	
ENCELIA CALIFORNICA / CALIFORNIA ENCELIA	
ERIGERON KARVINSKIANUM / SANTA BARBARA DAISY	
ERIODICTYON CRASSIFOLIUM / THICK-LEAVED YERBA SANTA	
FESTUCA RUBRA ARENARIA / CREEPING RED FESCUE	
HETEROMELES ARBUTIFOLIA / TOYON	
IVA HAYESIANA / SAN DIEGO POVERTY WEED	
LEYMUS TRITICOIDES 'LAGUNITA' / LAGUNITA WILD RYE	
OPUNTIA LITTORALIS / SHORE CACTUS	
PENNISETUM MESSIACUM 'RED BUNNY TAILS' / RED BUNNY TAILS FOUNTAIN GRASS	
SESLERIA AUTUMNALIS / AUTUMN MOOR GRASS	
YUCCA SCHIDIGERA / MOHAVE YUCCA	
YUCCA WHIPPLEI / CHAPARRAL YUCCA	
ZAUSCHNERIA CALIFORNICA / CALIFORNIA FUCHSIA	
ACCENT PLANTING (50% 1 GAL, 50% 5 GAL)	39,971 SF
AGAVE ATTENUATA / FOXTAIL AGAVE	
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CARPENTERIA CALIFORNICA 'ELIZABETH' / ELIZABETH BUSH ANEMONE	
DIANELLA SPP. / DIANELLA	
DUDLEYA BRITTONII / GIANT CHALK DUDLEYA	
ERIGERON KARVINSKIANUM / SANTA BARBARA DAISY	
FESTUCA GLAUCA / BLUE FESCUE	
FESTUCA RUBRA ARENARIA / CREEPING RED FESCUE	
FURCRAEA MACDOUGALII / MACDOUGALL'S CENTURY PLANT	
LOMANDRA LONGIFOLIA 'BREEZE' / MAT RUSH	
RHAMNUS CALIFORNICA 'EVE CASE' / CALIFORNIA COFFEEBERRY	
RIBES SPP. / GOOSEBERRY	
ROSA CALIFORNICA / CALIFORNIA WILD ROSE	
SESLERIA AUTUMNALIS / AUTUMN MOOR GRASS	
VERBENA LILACINA 'DE LA MINA' / DE LA MINA LILAC VERBENA	
BASIN PLANTING IN ROW (30% 1 GAL, 10% 5 GAL, 60% FLATS)	7,522 SF
ANEMOPSIS CALIFORNICA / YERBA MANSA	
CAREX PANSA / SANDDUNE SEDGE	
CAREX PRAEGRACILIS / CALIFORNIA FIELD SEDGE	
CAREX SPISSA / SAN DIEGO SEDGE	
CHONDROPETALUM TECTORUM / SMALL CAPE RUSH	
ESCHSCHOLZIA CALIFORNICA / CALIFORNIA POPPY	
JUNCUS SPP. / RUSH SPECIES	
LEYMUS CONDENSATUS 'CANYON PRINCE' / CANYON PRINCE GIANT WILD RYE	
LUPINUS ARBOREUS / YELLOW TREE LUPINE	
VINES ON RETAINING WALLS (100% 1 GAL)	1,097 SF
CLEMATIS PAUCIFLORA / SMALL-FLOWERED CLEMATIS	
FICUS PUMILA / CREEPING FIG	
LONICERA SUBSPICATA / SOUTHERN HONEYSUCKLE	

NOTE:
ALL PROPOSED PLANT SPECIES CONFORM TO THE COUNTY OF SAN DIEGO STANDARDS FOR DEFENSIBLE SPACE AND TO THE FIRE PROTECTION PLAN (FPP).

ALL TRUNKS OF TREES SHALL BE LOCATED A MIN. OF 5'-0" FROM WET UTILITIES. DEEPROOT ROOT BARRIER TO BE UTILIZED WHERE TREES ARE WITHIN 10' OF UTILITIES, HARDSCAPE, AND BUILDING FOUNDATIONS.

THE PROJECT WILL PROVIDE A MINIMUM OF 50% NATIVE VEGETATION PER THE CITY OF ENCINITAS CODE.



Michael Baker INTERNATIONAL

File: 189273Figures.indd

Source: Schmidt Design Group, ktgy Architecture + Planning, LENNAR HOMES, September 16, 2022 (PIRAEUS POINT, ENCINITAS, CA #2021-0513)

PIRAEUS POINT
ENVIRONMENTAL IMPACT REPORT

Conceptual Landscape Plan

Figure 2.0-5B

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PROPERTY LINE

PROPERTY LINE

PLATO PLACE

PROPERTY LINE

PROPERTY LINE

RIGHT OF WAY

PIRAEUS STREET

RIGHT OF WAY

PIRAEUS STREET

LEGEND:

GEOGRID RETAINING WALLS.
HEIGHTS PER CIVIL'S PLANS
COLOR AND TYPE: MONTECITO

SHORING RETAINING WALLS
WITH 42" POST AND CABLE
GUARDRAIL. HEIGHTS PER
CIVIL'S PLANS COLOR AND TYPE:
JACK ON JACK BLOCK

CMU RETAINING WALL WITH
8'-0" GLASS FENCE
CMU COLOR: SAND
SERVES AS NOISE WALLS

LEGEND:

GEOGRID RETAINING WALLS
WITH 42" POST AND CABLE
GUARDRAIL HEIGHTS PER CIVIL'S
PLANS COLOR AND TYPE:
MONTECITO

8'-0" GLASS FENCE.
SERVES AS NOISE WALLS

0 15 30 60

NORTH

Michael Baker
INTERNATIONAL

File: 189273Figures.indd

Source: Schmidt Design Group, ktgy Architecture + Planning, LENNAR HOMES, September 16, 2022 (PIRAEUS POINT, ENCINITAS, CA #2021-0513)

PIRAEUS POINT
ENVIRONMENTAL IMPACT REPORT

Wall and Fencing Plan

Figure 2.0-6

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Section 3.0
Environmental Analysis

This Environmental Impact Report (EIR) analyzes those environmental issue areas as stated in the Notice of Preparation (NOP) where potentially significant impacts have the potential to occur (see Appendix A).

SECTION CONTENT AND DEFINITION OF TERMS

The EIR examines the following environmental factors outlined in the CEQA Guidelines Appendix G Environmental Checklist Form, as follows:

- 3.1 Aesthetics
- 3.2 Air Quality
- 3.3 Biological Resources
- 3.4 Cultural Resources
- 3.5 Energy Conservation and Climate Change
- 3.6 Geology and Soils
- 3.7 Hazards and Hazardous Materials
- 3.8 Hydrology and Water Quality
- 3.9 Land Use and Planning
- 3.10 Noise
- 3.11 Public Services and Recreation
- 3.12 Transportation
- 3.13 Tribal Cultural Resources
- 3.14 Utilities and Service Systems
- 3.15 Wildfire

The following environmental issue areas are addressed in Section 4.0, Effects Not Found to Be Significant:

- Agriculture and Forestry Resources
- Mineral Resources
- Population and Housing

Each potentially significant environmental issue is addressed in a separate section of the EIR (Sections 3.1 through 3.15) and is organized into the following general subsections:

- ***Environmental Setting*** describes the physical conditions that exist at this time and that may influence or affect the issue under investigation.

- ***Regulatory Framework*** describes the pertinent policy, standards, and codes that exist at this time and which may influence or affect the regulatory environment of the proposed project.

- ***Impact Analysis and Mitigation Measures*** describes the thresholds that are the basis of conclusions of significance, which are primarily the criteria in the CEQA Guidelines Appendix G Environmental Checklist.

IMPACT ANALYSIS

The level of significance identifies the degree or severity of an impact with implementation of the proposed project. Project impacts are the potential environmental changes to the existing physical conditions that may occur if the proposed project is implemented. Impacts are classified as potentially significant impact, less than significant impact, or no impact.

Major sources used in crafting significance criteria include the CEQA Guidelines; local, state, federal, or other standards applicable to an impact category; and officially established significance thresholds. "An ironclad definition of significant effect is not possible because the significance of any activity may vary with the setting" (CEQA Guidelines Section 15064[b][1]). Principally, "a substantial, or potentially substantial, adverse change in any of the physical conditions within an area affected by the project, including land, air, water, flora, fauna, ambient noise, and objects of historic and aesthetic significance" constitutes a significant impact (CEQA Guidelines Section 15382).

Evidence, based on factual and scientific data, is presented to show the cause-and-effect relationship between the proposed project and the potential changes in the environment. The exact magnitude, duration, extent, frequency, range, or other parameters of a potential impact are ascertained, to the extent possible, to determine whether impacts may be significant when compared to the presented criteria. All of the potential direct and reasonably foreseeable indirect, construction-related (short-term), and operational and maintenance (long-term) effects are considered. Each section also addresses cumulative impacts (described further below) and identifies any significant and unavoidable impacts.

MITIGATION MEASURES

Mitigation measures are those project-specific measures that would be required of the proposed project to avoid a significant adverse impact; minimize a significant adverse impact; rectify a significant adverse impact by restoration; reduce or eliminate a significant adverse impact over time by preservation and maintenance operations; or compensate for the impact by replacing or providing substitute resources or environment. Mitigation measures are included throughout

Sections 3.1 through 3.15, where necessary, to address an identified potentially significant impact.

Where significant impacts cannot be feasibly mitigated to less than significant levels, they would be considered significant and unavoidable impacts. To approve a project with unavoidable significant impacts, the lead agency must adopt a Statement of Overriding Considerations. In adopting such a statement, the lead agency is required to balance the benefits of a project against its unavoidable environmental impacts in determining whether to approve the project. If the benefits of a project are found to outweigh the unavoidable adverse environmental effects, the adverse effects may be considered "acceptable" and the project approved (CEQA Guidelines Section 15093[a]).

CUMULATIVE IMPACT EVALUATION

Cumulative impacts are defined in the CEQA Guidelines (Section 15355) as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." A cumulative impact occurs from a "change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor, but collectively significant, projects taking place over a period of time." Consistent with CEQA Guidelines Section 15130(a), the discussion in this EIR focuses on the identification of any significant cumulative impacts and, where present, the extent to which the proposed project would constitute a considerable contribution to the cumulative impact. CEQA Guidelines Section 15130(b) states the following:

> *The discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great of detail as is provided for the effects attributable to the project alone. The discussion should be guided by the standards of practicality and reasonableness and should focus on the cumulative impact to which the identified other projects contribute rather than the attributes of other projects which do not contribute to the cumulative impact.*

Cumulative Impact Methodology

To identify the projects to be analyzed in the evaluation of cumulative impacts, CEQA Guidelines Section 15130(b) requires that an EIR employ one of the following:

- **List Approach** – Entails listing past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside of the control of the agency; or,

- **Projection Approach** – Uses a summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document that has been adopted or certified, which described or evaluated regional or area-wide conditions contributing to the cumulative impact.

The approach and geographic scope of the cumulative impact evaluation vary depending on the environmental topic area being analyzed. The individual cumulative impacts discussion in the section addressing each environmental topic presents impacts and mitigation measures for the proposed project. Each impact begins with a summary of the approach and the geographic area relevant to that environmental topic area. For most environmental topic areas, the list approach is used. The list of potentially relevant projects, a detailed methodology, and relevant planning documents are considered in each cumulative impact discussion.

Past projects include those land uses that have been previously developed and comprise the existing environment. Present projects include those projects recently approved or under construction. Probable future projects are those that are reasonably foreseeable, such as those for which an application is on file and in process with a local planning department. The cumulative projects listed in Table 3.0-1, Cumulative Projects, have been determined to be reasonably foreseeable. The list was developed in consultation with the City's Planning Division. These projects are considered in the cumulative impact analysis as appropriate. Refer to Figure 3.0-1, Cumulative Projects Map, for the location of each project relative to the project site.

Table 3.0-1: Cumulative Projects

Map No.	HEU Site No. (if applicable)	Project Name	Location	Development Proposed	Status
-	Portion = Site 2	Cannon Property (Piraeus) - **Proposed Project**	Piraeus Street and Plato Place	149	Under Review
1	--	Encinitas Beach Resort (Alila Marea Resort)	Highway 101/La Costa Avenue	130 room hotel with 5,827 SF restaurant/bar	Constructed / Operational
2	--	Surfer's Point Hotel	NE Corner of Highway 101/La Costa Avenue	24 unit timeshare hotel resort	Under Review

Table 3.0-1, continued

Map No.	HEU Site No. (if applicable)	Project Name	Location	Development Proposed	Status
3	--	516 La Costa Development	516 La Costa Avenue	17 room hotel / 3,089 SF restaurant	Under Review
4	--	Skyloft	Skyloft Road between Piraeus Street and Burgundy Road	17 single family residential units	Under Review
5	--	Weston Subdivision	510 La Costa Avenue	46 single family residential units	Under Construction
6	9	Echter Property (Fox Point Farms)	1150 Quail Gardens Drive	250	Under Construction
7	AD2a, AD2b, and AD2c	Quail Meadows Apartments	Mays Hollow Lane, 225 Quail Gardens Drive	483[2]	In Review
8	Portion = Site 7	Marea Village (Jackel Properties)	1950 Highway 101	94 for-lease apartments/34-room boutique hotel/18,261 SF mixed-use development	Approved
9	8a	Rancho Santa Fe Parcels (Gaffey/Goodsen)	2220, 2230, and 2228 Encinitas Boulevard	283[1]	Approved
10	AD8	Vulcan & La Costa Avenue	1967 N Vulcan Avenue	68[2]	In Review
11	12	Sunshine Gardens	630 Encinitas Boulevard	140[1]	Under Construction
12	--	Moonlight Mixed Use	154, 184, & 196 N Coast Highway 101	50,408 Commercial Area proposed with 45 residential units	In Review
13	--	NINE7ZERO PCH Leucadia	978 N. Coast Highway	Mixed Use with 9 residential units	In Review
14	5	Moonlight Station	550-590, 696 Encinitas Blvd.	202	In Review
15	AD31	Clark Avenue Apartments	662, 672 & 682 Clark Avenue and 556 Union Street	199	Approved

Table 3.0-1, continued

Map No.	HEU Site No. (if applicable)	Project Name	Location	Development Proposed	Status
16	--	Bella Vista Subdivision	Bella Vista Drive (APN: 216-122-17-00)	17 residential units	In Review

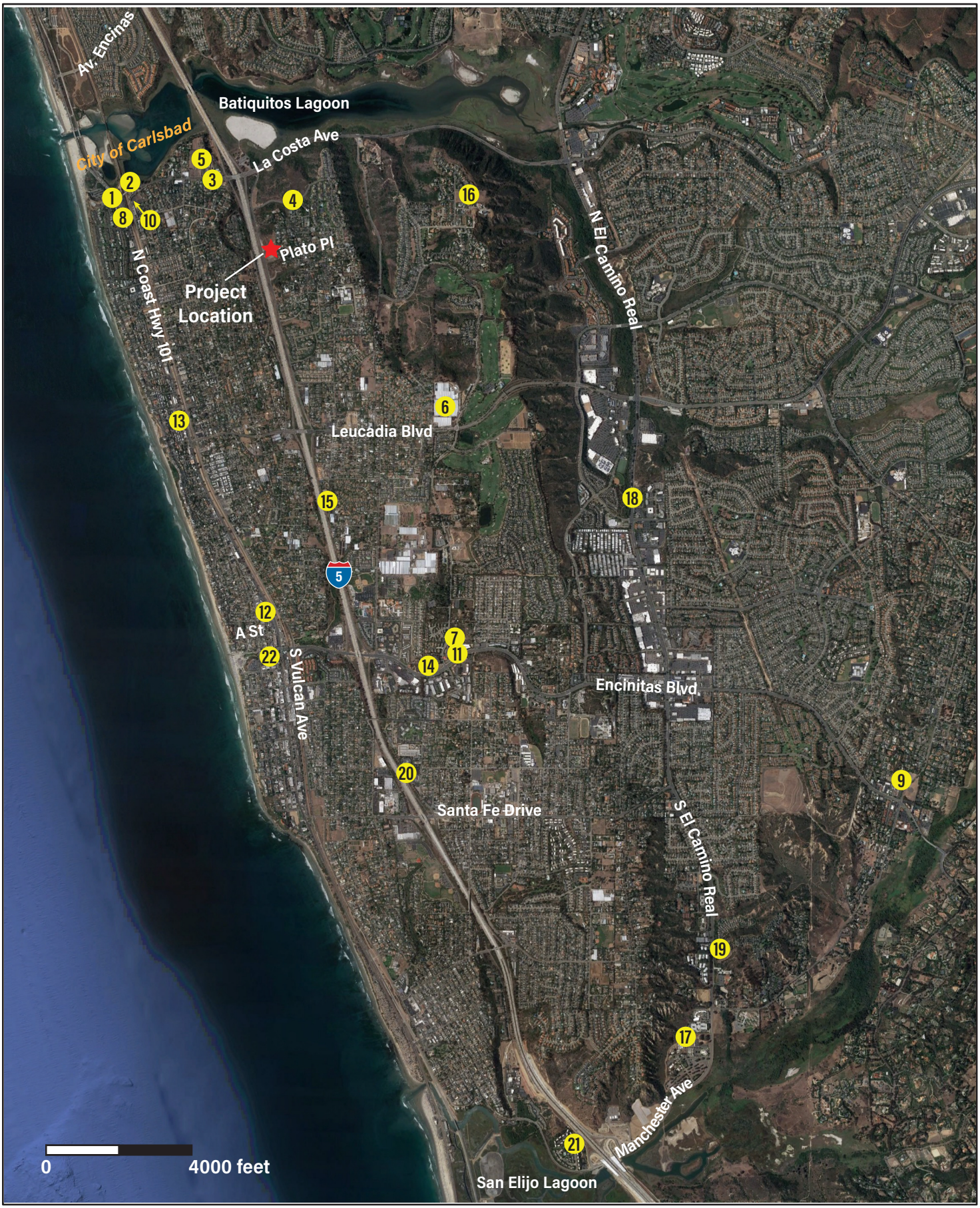
Notes:
SF = square feet; HEU = (General Plan) Housing Element Update
[1] Denotes the number of DUs that would theoretically be constructed with application of the density bonus allowance and/or as previously approved by the City.
[2] Denotes the number of DUs proposed with the application as currently being processed through the City.
Source: City of Encinitas 2013 - 2021 General Plan Housing Element Update; Table C-2: Net Acreage and Unit Yield Per Site; Correspondence with City of Encinitas, Planning Division, September 2022; Local Transportation Assessment (Intersecting Metrics 2022; available under separate cover).

While they had not done so at the time the NOP was filed for the proposed project, it is reasonably foreseeable the remaining General Plan Housing Element Update (HEU) sites will also file an application; therefore, to be conservative, all of the 2013-2021 Housing Element Update sites have been included in the cumulative impact analysis to the extent that they may contribute to certain issue-specific cumulative effects (i.e., public services such as school services; recreation; sewer capacity; transportation, etc.). Thus, the cumulative analysis in this EIR is based on a "worst-case" assumption that all of the HEU sites are developed. The remaining HEU sites (not including the proposed project and those listed in Table 3.0-1) are identified in Table 3.0-2, Housing Element Update Sites, and are shown with the estimated potential number of dwelling units that may be allowed with application of the density bonus allowance.

Table 3.0-2: Housing Element Update Sites[1]

Map No.	HEU Site No.	Project Name	Location	Allocated DUs in HEU
17	1	Greek Church Parcel	3459 Manchester Avenue	50
18	6a	Armstrong Parcels	N. El Camino Real	55
19	AD1	Sage Canyon	Sage Canyon Drive	60
20	AD9	Seacoast Church	1050 Regal Road	35
21	A11	Manchester Avenue West Sites	2951 Manchester Avenue	41
22	AD14	Harrison Sites	364 and 371 2nd Street	21
			Total	**262**

Notes:
DU = dwelling units; HEU = (General Plan) Housing Element Update
[1] Housing Element Update sites not included in Table 3.0-1, above.
Source: City of Encinitas 2013-2021 Housing Element Update, Table C-2: Net Acreage and Unit Yield Per Site; Correspondence with City of Encinitas, Planning Division, September 2022.



PIRAEUS POINT
ENVIRONMENTAL IMPACT REPORT

Cumulative Projects Map

Figure 3.0-1

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Section 3.1
Aesthetics

This section discusses the proposed project relative to potential effects on designated scenic resources or vistas, conflicts with applicable zoning and other regulations governing scenic quality, and adverse lighting and glare effects. The analysis in this section is largely based on viewshed characteristics, site topography, available public views in the project vicinity, and photo simulations prepared for the project based on building plans. Guidelines and policies that pertain to aesthetic resources are identified in the *City of Encinitas General Plan* (1991) and the *City of Encinitas 2013-2023 Housing Element Update Environmental Assessment* (2018).

ENVIRONMENTAL SETTING

Project Setting

The project site is located at the northeast corner of Piraeus Street and Plato Place in the Leucadia community of Encinitas, in central coastal San Diego County. Undeveloped land borders the site to the north (proposed off-site preserve area). Existing single-family residential development lies immediately to the east of the project site and at a distance to the south and southeast across Plato Place. Piraeus Street parallels the western property boundary, with Interstate 5 (I-5) running north-south further to the west.

The project site is currently undeveloped, vacant land. On-site vegetation communities generally consist of deerweed scrub, disturbed land cover, coastal sage scrub community (California sagebrush-California buckwheat scrub), and chamise chapparal. No large trees are present within the project site. Chamise chaparral is present in the northern portion of the project site. The northern off-site preserve area is generally occupied by chamise chapparal, coastal sage scrub community, California brittle bush scrub, annual brome grassland, Lemonade berry scrub, and giant reed break. One walnut tree and several Mexican fan palms are also located within the northern off-site preserve area.

Site topography is relatively flat with slopes along the western and northern edges. Between the project site and the off-site preserve area exists a steep slope.

Project Viewshed

The viewshed is generally the area that is visible from an observer's viewpoint and includes the screening effects of intervening vegetation, topography, and/or physical structures. Viewsheds may occur from designated scenic viewpoints or from singular vantage points where an unobstructed view of visual components within the landscape exists. A viewshed is composed of such elements as topography and natural land features (e.g., hillsides, mountains) which may

limit or restrict potential views, as well as other physical features within the landscape, such as buildings, vegetation, and water features. Potential visual impacts within a viewshed may be affected by the distance of the viewer from a site, the frequency and length of views, the personal perception of the viewer, and physical and/or atmospheric conditions at the time viewing occurs.

Within the surrounding viewshed, varied views of the site from vehicles (or other modes of transit, such as bicycles) are afforded as passengers travel along I-5, La Costa Avenue, Sky Loft Road, Piraeus Street, and/or Plato Place, as well as other roadways proximate to the site. Intermittent views may also occur from area roads at a distance to the north of the site (e.g., from across Batiquitos Lagoon) and/or at higher elevations. However, the viewshed is somewhat limited to those properties in proximity to the project site, as views from surrounding public vantage points (in particular to the west and south, as well as further to the east of the site beyond the adjacent existing residential uses) are restricted due to intervening vegetation and existing development.

Additionally, critical viewsheds are defined in the City's General Plan Resource Management Element as those areas that extend radially for approximately 2,000 feet from designated vista points and cover areas upon which development could potentially obstruct, limit, or degrade the view. The project site lies within an identified critical viewshed area (City of Encinitas 1991); refer to Figure 3.1-1A, Scenic Resources.

Viewer Response

Viewer response is based on both viewer sensitivity and exposure. These elements influence how a viewer may potentially respond to a change in the visual landscape, particularly with regard to development of a site from a generally undeveloped condition. Viewer response varies based on the type of viewer and the characteristics of the visual environment that would ultimately be affected (e.g., urban versus rural environment, established large-scale commercial area versus low-density residential uses, etc.).

Viewer Sensitivity

Viewer sensitivity to a change in the visual environment can be influenced by a number of factors, including the awareness of the viewer, personal interest in a particular visual resource, and/or viewer activity during the time that views of a resource occur (i.e., vehicle driver versus passenger, active versus passive viewing). In addition, a community's goals or values can influence viewer sensitivity to a particular site, land area, or viewshed. Viewer sensitivity may vary between those people with a vested interest in a community (e.g., residents) versus those traveling through an area with little or no knowledge of the community or the existing visual landscape. Based on these conditions, viewer sensitivity can be assigned a value of low, moderate, or high.

Viewer Groups

Viewer groups would mainly consist of individuals traveling in proximity to the project site, generally along Piraeus Street, Plato Place, Sky Loft Road, I-5, La Costa Avenue, and Gabbiano Lane. Viewer groups are anticipated to consist of local residents and/or visitors traveling through the area viewing the subject site from surrounding public roads, as well as area sidewalks or trails. Roadway users would primarily be drivers and passengers in cars, trucks, and on motorcycles, as well as bicyclists.

Viewer Exposure

Views of the site from vehicles (or other modes of transportation) traveling along area roadways would vary due to distance. Views would generally be restricted by existing development, intervening vegetation, area topography, and the length of time the site is actually visible from a particular location along an area roadway. In determining the exposure of each viewer group, several factors are considered, including the number of viewers experiencing visual changes, duration of views, anticipated speed at which viewers would be traveling, and the relation of the viewer to the project site. Table 3.1-1 below summarizes the anticipated viewer groups and the potential viewing experience of each.

Table 3.1-1: Viewer Groups and Anticipated Exposure

Anticipated Viewer Group	Number of Viewers	Distance to the Project	Anticipated Views	Quality of Existing View	Viewer Sensitivity	Duration of Viewer Exposure
Piraeus Street (vehicles, bicyclists, pedestrians)	Varies	Adjacent to project site	Project site is visible; Views vary based upon viewing location	Low -Moderate	Moderate	Varies; estimated 45-60 seconds depending on travel speed (posted speed limit is 45 mph)
Plato Place (vehicles, pedestrians)	Varies	Adjacent to project site	Project site is visible; Northern off-site preserve area is obscured from view	Low -Moderate	Moderate	Varies; estimated 10-15 seconds depending on travel speed (no posted speed limit)
Sky Loft Road (vehicles)	Varies	0.13 miles (north or project site)	Portions of the project site are visible; Northern off-site preserve area is visible	Low - Moderate	Moderate	Varies; estimated 15-20 seconds depending on travel speed (posted speed limit is 25 mph)

Table 3.1-1, continued

Anticipated Viewer Group	Number of Viewers	Distance to the Project	Anticipated Views	Quality of Existing View	Viewer Sensitivity	Duration of Viewer Exposure
Interstate 5 (vehicles)	Varies	0.02 miles (west of project site)	Entire project site is visible	Low -Moderate	Low - Moderate	Varies; estimated 10-20 seconds depending on travel speed (posted speed limit is 65 mph)
La Costa Avenue (vehicles, bicyclists, pedestrians)	Varies	0.3 miles (north of project site)	Entire project site and northern off-site preserve area are visible	Moderate	Low - Moderate	Varies; estimated 10-15 seconds depending on travel speed (posted speed limit is 55 mph)
Gabbiano Lane/Public Trails Across Batiquitos Lagoon (vehicles, bicyclists, pedestrians)	Varies	0.7 miles (northwest of project site)	Views of project site are intermittent/ obscured; portions of northern off-site preserve area may be visible	Moderate	Low	Varies; estimated 5-30 seconds depending on travel speed
Residences in Surrounding Area (Private Views)	Varies; not public views	Varies	Portions of project site and off-site preserve area may be visible or visible to a degree from certain vantage points	Moderate	Moderate	Varies; average of 10 to 12 hours per day

Notes: mph = miles per hour

Principal Viewpoints Considered (Key Views)

Intermittent views of the site are experienced by viewers from varying public vantage points within the surrounding viewshed (e.g., residential properties to the east and southeast; Batiquitos Lagoon). The following are key public views from which it is anticipated that the proposed improvements would have the highest degree of visibility; refer also to Figure 3.1-1B, Key View Map:

- **Key View 1:** View from the southwest corner of Piraeus Street and Plato Place looking north/northeast.

- **Key View 2:** View from Plato Place near the southeastern portion of the site looking west/northwest.
- **Key View 3:** View from 1690 Gascony Road (Station White) looking west.
- **Key View 4:** View from southbound Interstate 5 looking east.

Station White

Station White is a historic overlook located directly east of Gascony Road in Encinitas. The observation post was constructed in 1942 and designated as a World War II outlook due to the clear views of the Pacific Ocean it provided. After chief spotter Richard Scott contracted polio and was no longer able to manage Station White operations, many local volunteers, primarily women, acquired spotting duties at the observation post. In June 2006, Station White was dedicated as a historic viewshed within the City of Encinitas.

In March 2011, Encinitas City Council passed Resolution 2011-04, consistent with the Local Coastal Program, to add a new Policy 4.9 to the Resource Management Element of the City's General Plan, as described below. In recognition of Station White's historic views as culturally and historically significant to the local community, the new policy designated Station White as the first historical viewshed within the City, and the Visual Resource Sensitivity Map of the General Plan was revised to include Station White as a historic viewshed.

In addition, Policy 4.10 (previously Policy 4.9) was revised to include proposed development adjacent to historic viewsheds as an additional location subject to road and development design criteria outlined in the Resource Management Element, and to the provisions outlined in the Scenic/Visual Corridor Overlay Zone. Additionally in 2011, the City Council amended Chapter 30.34, Section 80 of the City's Municipal Code to add subsection C "Historic Viewsheds," thereby including such viewsheds within the City's Scenic/Visual Corridor Overlay Zone. This addition granted the City's Planning Commission the authority to establish historic viewsheds based on variety of resources, such as written descriptions or photos.

REGULATORY FRAMEWORK

Federal

There are no federal regulations pertaining to aesthetics or visual resources that are applicable to the proposed project.

State

Caltrans Scenic Highway Program

The State of California adopted a Scenic Highway Program (Streets and Highways Code Section 260 et seq.) to preserve and protect scenic highway corridors from change that would diminish the visual quality of areas adjacent to highways. The scenic designation is based on the amount of natural landscape visible by motorists, the scenic quality of the landscape, and the extent to which development intrudes upon the motorist's enjoyment of the view.

Interstate 5 in the vicinity of the project site is designated as an eligible state scenic highway under Caltrans' Scenic Highway Program. The segment identified as eligible for consideration as a state scenic highway extends from State Route 74 near the City of San Juan Capistrano to the north to its intersection with State Route 75, across the San Diego Bay from the City of Coronado to the south.

California Coastal Act

The California Coastal Act protects coastal resources, assists local governments in implementing coastal planning and regulatory powers, and controls construction along the state's 1,100 miles of shoreline through the issuance of Coastal Development Permits (CDPs). Under the act, local governments are encouraged to adopt Local Coastal Programs (LCP) within their jurisdictions. The LCP consists of a Land Use Plan (LUP) with goals and regulatory policies as well as a set of implementing ordinances. Even if a local government has an approved LCP, the California Coastal Commission (CCC) occasionally retains jurisdiction over some lands and continues to issue permits in those "retained jurisdictional" areas.

Local

City of Encinitas General Plan

The City's General Plan includes background information, goals, and policies aimed at the protection and maintenance of community character and aesthetic resources (which incorporate goals and policies of the City's LCP). Relevant goals and policies are listed below.

Circulation Element

GOAL 4: **The City should make every effort to develop a circulation system that highlights the environmental and scenic amenities of the area. (Coastal Act/30251)**

Policy 4.1: Design roads to enhance scenic areas. (Coastal Act/30251)

Policy 4.2: Promote and encourage roadside and median landscaping.

Policy 4.10: Develop street lighting standards, where appropriate, consistent with neighborhood/community character and night sky viewing.

Policy 4.11: Keep street lighting, curbs, and gutter requirements consistent with individual neighborhood character.

Policy 4.12: Encourage undergrounding of utilities within street rights-of-way and transportation corridors. (Coastal Act/30251)

Land Use Element

GOAL 1: **Encinitas will strive to be a unique seaside community providing a balance of housing, commercial light industrial/office development, recreation, agriculture and open space compatible with the predominant residential character of the community.**

Policy 1.12: The residential character of the City shall be substantially single-family detached housing.

GOAL 3: **To assure successful planning for future facilities and services, and a proper balance of uses within the city, the City of Encinitas will establish and maintain a maximum density and intensity of residential and commercial uses of land within the City which will:**

a) provide a balance of commercial and residential uses which creates and maintains the quality of life and small-town character of the individual communities; and

b) protect and enhance the City's natural resources and indigenous wildlife.

GOAL 6: **Every effort shall be made to ensure that the existing desirable character of the communities is maintained.**

GOAL 7: **Development in the community should provide an identity for the City while maintaining the unique identity of the individual communities. (Coastal Act/30253)**

GOAL 9: **Preserve the existence of present natural open spaces, slopes, bluffs, lagoon areas, and maintain the sense of spaciousness and semirural living within the I-5 View Corridor and within other view corridors, scenic**

highways and vista/view sheds as identified in the Resource Management Element. (Coastal Act/30240/30251)

Policy 9.2: Encourage retention of buffer zones such as natural vegetation or earth barriers, bluffs, and canyons to protect adjacent areas of freeway corridor from pollutants of noise, exhaust, and light. (Coastal Act/30240/30251)

Resource Management Element

GOAL 3: **The City will make every effort possible to preserve significant mature trees, vegetation and wildlife habitat within the Planning Area.**

Policy 3.6: Future development shall maintain significant mature trees to the extent possible and incorporate them into the design of development projects.

GOAL 4: **The City, with the assistance of the State, federal, and regional agencies, shall provide the maximum visual access to coastal and inland views through the acquisition and development of a system of coastal and inland vista points. (Coastal Act/30251)**

Policy 4.5: The City will designate "Scenic/Visual Corridor Overlay" areas within which the character of development would be regulated to protect the integrity of the Vista Points according to the following criteria (Coastal Act/30251/30253):

- Critical viewshed areas should meet the following requirements:
  - Extend radically for 2,000 feet from the Vista Point
  - Cover areas upon which development could potentially obstruct, limit, or degrade the view
- Development within the critical viewshed area should be subject to design review based on the following:
  - Building height, bulk, roof line, and color and scale should not obstruct, limit, or degrade the existing views;
  - Landscaping should be located to screen adjacent undesirable views (parking lot areas, mechanical equipment, etc.).

Policy 4.6: The City will maintain and enhance the scenic highway/visual corridor viewsheds. (Coastal Act/30251)

Policy 4.7: The City will designate the following view corridors as scenic highway/visual corridor viewsheds (Coastal Act/3025130253):

- La Costa Avenue from just west of I-5 to El Camino Real

Policy 4.8: The City will designate Scenic/Visual Corridor Overlay and scenic highway viewshed areas as illustrated on the Visual Resource Sensitivity Map (Figure 3) (Coastal Act/30251)

Policy 4.9: The City will designate historic viewsheds in order to preserve historical views which represent a significant cultural or historic resource to the community. The following historic viewsheds will be developed and maintained as feasible:

- Station White

Policy 4.10: It is intended that development would be subject to the design review provisions of the Scenic/Visual Corridor Overlay Zone for those locations within scenic view corridors, along scenic highways, and adjacent to significant viewsheds, historic viewsheds, and vista points with the addition of the following design criteria:

- Road Design
  - Type and physical characteristics of roadway should be compatible with natural character of corridor, and with the scenic highway function.
- Development Design
  - Building and vegetation setbacks, scenic easements, and height and bulk restrictions should be used to maintain existing views and vistas from the roadway.
  - Development that is allowed within a viewshed area must respond in scale, roof line, materials, color, massing, and location on site to the topography, existing vegetation, and colors of the native environment.

2013-2021 City of Encinitas General Plan Housing Element Update

In March 2019, the City Council adopted the Housing Element Update (HEU) which provides the City with a coordinated and comprehensive strategy for promoting the production of safe,

decent, and affordable housing for all within the City. The purpose of the HEU is to ensure that the City establishes policies, procedures, and incentives to increase the quality and quantity of the housing supply in the City. The HEU includes a series of discretionary actions to update and implement the City's Housing Element. Relevant policies and goals related to aesthetics are provided below:

GOAL 2: **Sound housing will be provided in the City of Encinitas for all persons.**

Policy 2.4: Coordinate the provision of open areas in adjoining residential developments to maximize the benefit of the open space.

Policy 2.5: Encourage street planting, landscaping, and undergrounding of utilities.

Policy 2.6: Encourage high standards of design, materials, and workmanship in all construction and developments.

Policy 2.7: Discourage residential development of steep slopes, canyons, and floodplains.

Local Coastal Program (LCP)

The Coastal Act calls for the identification and preservation of significant viewsheds in the Coastal Zone. Section 30251 of the Coastal Act states that "the scenic and visual qualities of the coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas…" According to the past actions and precedents set by the CCC, the primary concern of this section of the Coastal Act is the protection of ocean and coastal views from public areas (highways, parks, beach access ways, viewpoints, etc.).

Approximately two-thirds of Encinitas is located in the Coastal Zone and falls under CCC jurisdiction. As stated above, in accordance with the Coastal Act, the City has adopted and implements an LCP, which is incorporated into its General Plan as well as into provisions of the Municipal Code and various specific plans. Those policies of the General Plan relevant to the LCP are identified with shaded text throughout the document.

The goals and policies of the LCP are intended to protect, maintain, and enhance the Coastal Zone environment; ensure balanced utilization and conservation; maximize public access to and along the coast; prioritize coastal-dependent and related development; and encourage coordinated state and local initiatives to implement beneficial programs and other educational uses. Any project in the Coastal Zone is subject to review by the City and/or the CCC.

The project site lies within the Coastal Overlay Zone and, as a result, requires a Coastal Development Permit (non-appealable) to ensure conformance the California Coastal Act. The City is responsible for issuance of a Coastal Development Permit for the project site. Projects within the Coastal Zone Overlay are subject certain design restrictions for developing in the Coastal Zone (i.e., building height limits, retaining view corridors, maintaining coastal access, and protection of coastal resources).

City of Encinitas Municipal Code

As part of the City's Municipal Code, the Zoning Regulations (Title 30) are used as an implementation mechanism for achieving the goals, objectives, and policies identified in the General Plan. While the General Plan land use designations provide basic criteria and guidelines for future development in the City, specific objective development standards are included in the Zoning Regulations to better define such guidelines. The land use designations identified in the General Plan Land Use Element correspond to the boundaries of one or more zoning districts identified on the City's Zoning Map (i.e., specific plan areas).

Scenic/Visual Corridor Overlay Zone

The Resource Management Element of the City's General Plan identifies visual resources within the City's boundaries that are considered to contribute to the scenic quality of the local Encinitas community, as well as the larger region. Such visual resources include a variety of scenic vista points, critical viewsheds, scenic roadways, and scenic view corridors (City of Encinitas 1991).

The project site is located adjacent to the I-5 corridor which, from certain vantage points, offers views to the north along the coastline and west to the Pacific Ocean. Additionally, views to the Batiquitos Lagoon may also occur from various vantage points within the City limits in the vicinity of the project site.

Interstate 5 in the vicinity of the project site is identified as a Scenic View Corridor. Additionally, La Costa Avenue between Highway 101 and El Camino Real is designated as a scenic road (City of Encinitas 1991). Two proposed vista points are located to the north of the site: one at the northwest corner of La Costa Avenue and the southbound off-ramp, and one at the northeast corner of La Costa Avenue and the I-5 northbound on-ramp; refer to Figure 3.1-1A, Scenic Resources. The City's Resource Management Element requires the City to designate Scenic/Visual Corridor Overlay Zones within which the character of proposed development is regulated to protect the integrity of the City's designated vista points. Critical viewsheds are defined in the Resource Management Element as those areas that extend radially for approximately 2,000 feet from the vista point and cover areas upon which development could potentially obstruct, limit, or degrade the view. Development within these critical viewshed areas

is subject to design review to ensure building height, bulk, roofline, color, and scale do not limit or degrade existing views and that landscaping is used to screen undesirable views.

City of Encinitas Design Guidelines

Where a project is subject to design review pursuant to Sections 23.08.030 and 23.08.040 of the Encinitas Municipal Code, it is recommended that applicants review the City of Encinitas' Design Guidelines for applicability to the development being proposed. The design guidelines are intended to guide future development in the City while maintaining the character and architectural design exhibited by the City's varied communities, contributing to a positive physical image and identity, and allowing for creativity and innovation in design.

The following provides a brief list of objective design measures from the City's Design Guidelines that specifically pertain to maintaining existing views:

2.5.1 Generally, ground level view corridors should be provided from public streets. This requires space between buildings and/or development of landscaped areas that connect to open space.

2.5.2 Landscaped areas should be developed and plant materials selected so as to create and/or preserve view corridors.

2.5.3 Site planning for individual parcels shall consider internal view (for example, courtyards) as well as views looking outward.

A. Outward views should be framed with tree and shrub massing. Plantings should also soften views of the buildings from surrounding areas.

B. Where public streets are located at or below grade of development, the adjacent parkways and slopes should be landscaped with diverse plant materials to enhance motorists' views.

C. Parking areas adjacent to view corridors or streets shall be screened.

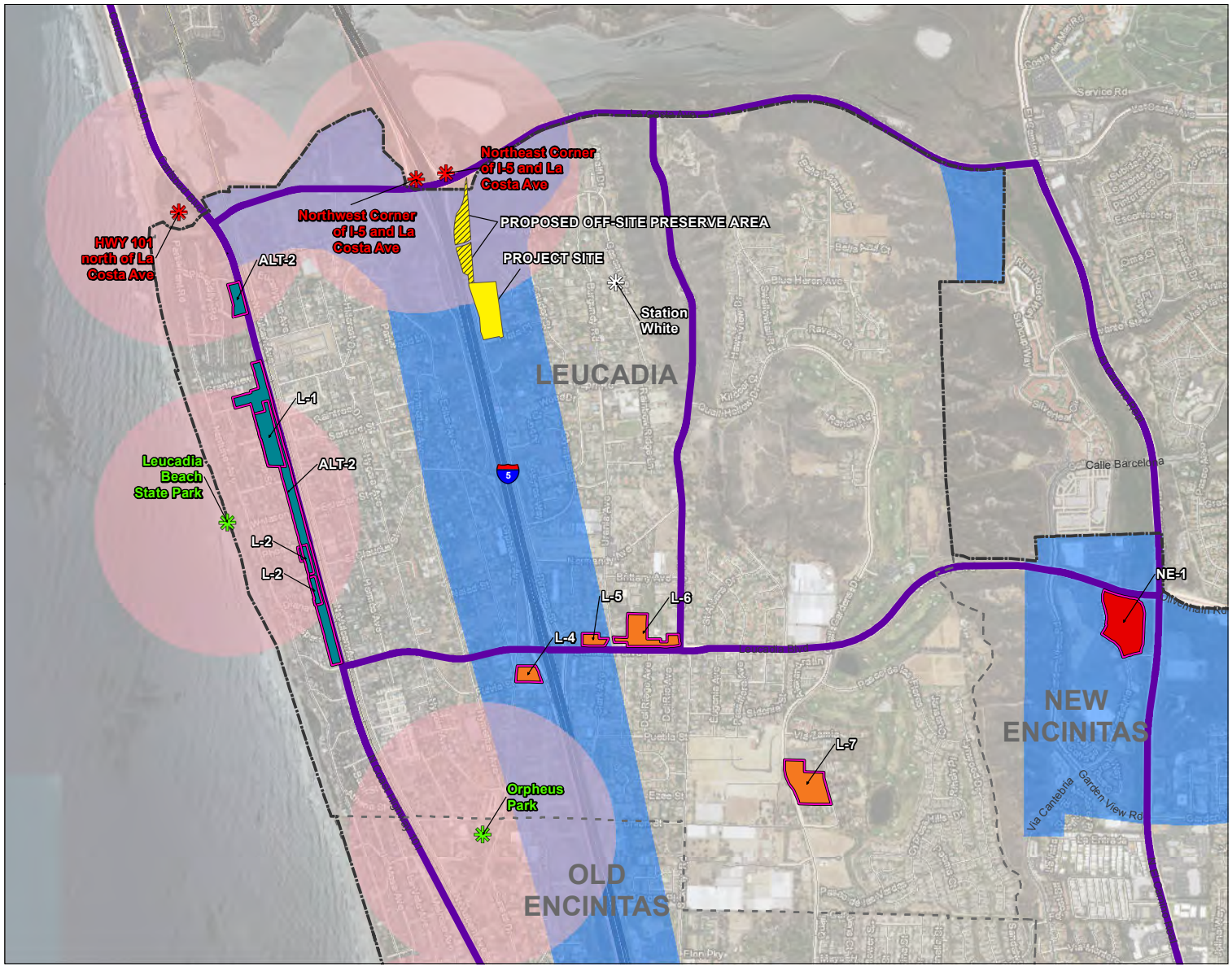
2.5.4 Projects should be designed to preserve some of the significant views through the site. Projects should be designed to preserve significant public views. A significant public view is a view of a significant feature (ocean, lagoon or backcountry) as viewed from public parks and General Plan designated vista points and scenic view corridors. Trees and vegetation that are themselves part of the view quality should be retained.

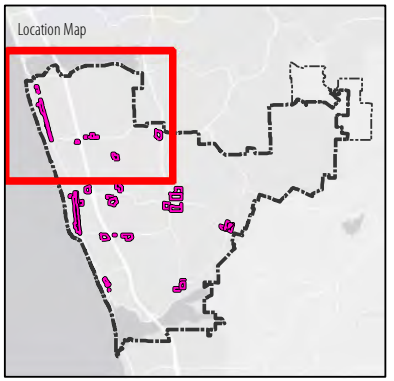
2.5.5 Projects should be designed to preserve some of the significant views through the site enjoyed by residents of nearby properties.

A. Complete preservation of these views is difficult, if not impossible. Project viability can be severely reduced or destroyed in an attempt to preserve views for adjacent properties. The smaller the site, the more difficult the solution. On larger sites, however, clustering the buildings can preserve portions of these views or creating view opportunities. The reckless and unnecessary blockage of views should be avoided to provide for some view preservation. View preservation through the site shall be considered when trees are selected for landscaping the project.

B. A significant view refers to a medium- to long range view from the primary living area of significant features including the coast, ocean, lagoons, backcountry canyons, valleys, ridges and other distinctive geographic features. The primary living area is the area most often occupied by the occupants of the residence relative to other portions of the residence and is where the view is observed. The determination of the primary living area is to be made on a case-by-case basis, but typically would be a living room, family room, kitchen, or dining area, or outdoor patio or deck immediately next to the primary living area.

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City Limits
Sphere of Influence
Community Area Boundaries
Housing Sites
Vista Point Critical Viewshed
Scenic View Corridor
Scenic View Corridor and Vista Point Critical Viewshed Areas
Scenic Roads

Vista Points
Historic
Proposed
Existing

Ne ighborhood Prototype
Neighborhood Center/ Mixed Use - Large Site
Residential Infill - Medium to Large Site
Main Street/Mixed Use - Small Site

Michael Baker INTERNATIONAL

File: 189273Figures.indd

0 Feet 1,500

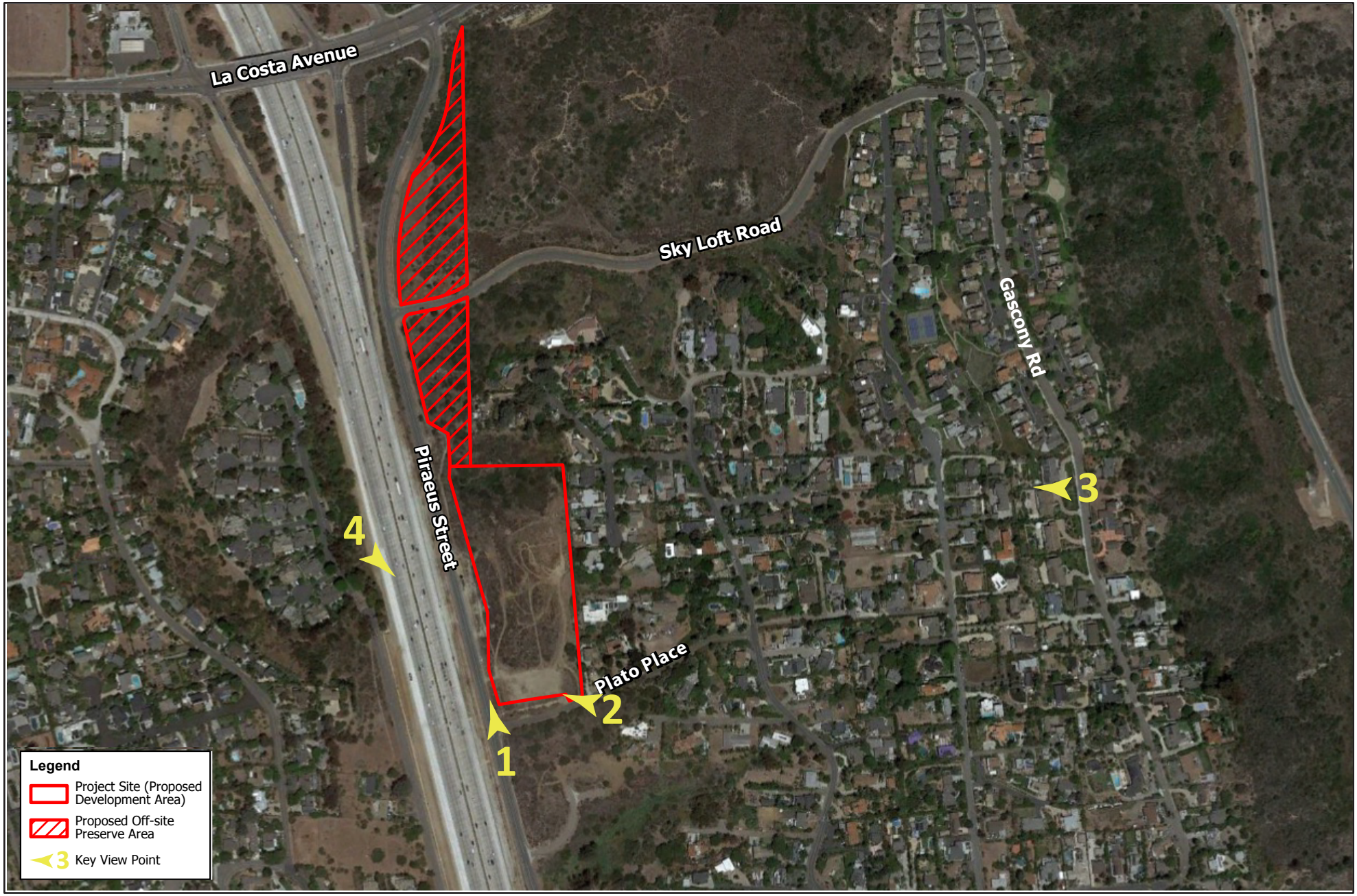
Source: City of Encinitas General Plan Housing Element Update EIR 2018

PIRAEUS POINT
ENVIRONMENTAL IMPACT REPORT

Scenic Resources

Figure 3.1-1A

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0 250 500 Feet

Source: GoogleEarth, 2022.

PIRAEUS POINT
ENVIRONMENTAL IMPACT REPORT

Key View Map

Figure 3.1-1B

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PIRAEUS POINT
ENVIRONMENTAL IMPACT REPORT

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Key View 1 - View from Southwest Corner of Piraeus Street and Plato Place (Existing View)

Figure 3.1-2A

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Key View 1 - View from Southwest Corner of Piraeus Street and Plato Place (Proposed View)

Figure 3.1-2B

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PIRAEUS POINT
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Key View 2 - View from Plato Place Near Southeastern Portion of Project Site (Existing View)

Figure 3.1-3A

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Key View 2 - View from Plato Place Near Southeastern Portion of Project Site (Proposed View)

Figure 3.1-3B

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PIRAEUS POINT
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Key View 3 - View from 1690 Gascony Road (Station White; Existing View)

Figure 3.1-4A

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Key View 3 - View from 1690 Gascony Road (Station White; Proposed View)

Figure 3.1-4B

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PIRAEUS POINT
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Key View 4 - View from Southbound Interstate 5 Looking East (Existing View)

Figure 3.1-5A

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Key View 4 - View from Southbound Interstate 5 Looking East (Proposed View)

Figure 3.1-5B

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PIRAEUS POINT
ENVIRONMENTAL IMPACT REPORT

Conceptual View - Street Perspective

Figure 3.1-6

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Source: ktgy Architecture + Planning, LENNAR HOMES, (PIRAEUS POINT, ENCINITAS, CA #2021-0513)

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PIRAEUS POINT
ENVIRONMENTAL IMPACT REPORT

Conceptual View - Pool Area

Figure 3.1-7

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File: 189273Figures.indd

Source: ktgy Architecture + Planning, LENNAR HOMES, (PIRAEUS POINT, ENCINITAS, CA #2021-0513)

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PIRAEUS POINT
ENVIRONMENTAL IMPACT REPORT

Conceptual View - Street Perspective

Figure 3.1-8

Michael Baker INTERNATIONAL

File: 189273Figures.indd

Source: ktgy Architecture + Planning, LENNAR HOMES, September 2022 (PIRAEUS POINT, ENCINITAS, CA #2021-0513)

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STANDARDS OF SIGNIFICANCE

Thresholds of Significance

According to Appendix G of the CEQA Guidelines, the project would have a significant impact related to aesthetics if, except as provided in Public Resources Code Section 21099, it would:

1. Have a substantial adverse effect on a scenic vista.
2. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.
3. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings. If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality.
4. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

PROJECT IMPACTS AND MITIGATION

SCENIC VISTA

Impact 3.1-1	**The project would not have a substantial adverse effect on a scenic vista. Impacts would be less than significant.**

As stated, the City's General Plan Resource Management Element identifies a number of scenic resources within the City's boundaries that are considered to contribute to the scenic quality of the local Encinitas community, as well as the larger region. Various resources identified include scenic vista points, critical viewsheds, scenic roadways, and scenic view corridors; refer to Figure 3.1-1A, Scenic Resources.

Interstate 5 in the vicinity of the project site is identified as a Scenic View Corridor. Additionally, La Costa Avenue between Highway 101 and El Camino Real is designated as a scenic road (City of Encinitas 1991). The project site lies within the Scenic View Corridor for I-5. Development within these critical viewshed areas is subject to the overlay restrictions and to the City's design review process to ensure that the architectural style and character of proposed structures and other improvements do not conflict with the surrounding character, obstruct scenic views, or reduce the value of any scenic resource.

Additionally, two proposed vista points are located to the north of the site: one at the northwest corner of La Costa Avenue and the southbound off-ramp, and one at the northeast corner of La

Costa Avenue and the I-5 northbound on-ramp. The City's Resource Management Element requires the City to designate Scenic/Visual Corridor Overlay Zones within which the character of proposed development is regulated to protect the integrity of the City's designated vista points. Critical viewsheds are defined in the Resource Management Element as those areas that extend radially for approximately 2,000 feet from the vista point and cover areas upon which development could potentially obstruct, limit, or degrade the view. The project site lies within the critical viewshed area for each of the two vistas points to the north along La Costa Avenue. Refer to Figure 3.1-1A, Scenic Resources.

As part of the City's design review process, project design characteristics such as building height, scale, building coverage, roofline, materials, color, and/or bulk would be evaluated as appropriate to ensure that the proposed development does not limit or degrade existing views and that landscaping is used to screen undesirable views. The project has been designed in conformance with applicable Scenic/Visual Corridor Overlay restrictions and would not have a substantial adverse effect on a designated scenic vista. Potential project effects on key public viewpoints within the surrounding viewshed are evaluated below; refer to Figure 3.1-1A, Scenic Resources.

Visual simulations from four key public vantage points within the project vicinity were rendered to provide a comparison of "before" and "after" conditions on the project site. The visual simulations for the viewpoints are provided in Figures 3.1-2A to 3.1-5B. Additionally, refer to Figure 2.0-3, Conceptual Site Plan, and Figures 2.0-4A through 2.0-4E which illustrate the intended architectural design for the project. The resulting "before" and "after" images aid in illustrating that the proposed project would meet applicable design regulations (i.e., height, scale, lot size, etc.) and would have a substantial adverse effect on a scenic vista or existing visual quality of such resources within the surrounding community. However, overall viewer response to the visual changes on the site would depend on the vantage location, distance to the site, and the degree to which the development is visible. Additional views of the proposed development are shown in Figures 3.1-6 and 3.1-8.

Key View 1: View from the Southwest Corner of Piraeus Street and Plato Place Looking North/Northeast.

Key View 1 is from the corner of Piraeus Street and Plato Place, looking north/northeast to the project site; refer to Figures 3.1-2A and 3.1-2B. Views from this location would mainly be experienced by passengers in vehicles, bicyclists, and pedestrians traveling north on Piraeus Street and by passengers in vehicles traveling west on Plato Place.

Currently from this view, as seen in Figure 3.1-2A, the vegetation communities of the project site comprise the focal points and background. The view experienced would be influenced by travel

speed and would largely consist of the existing roadway conditions and development along both roadways. Although some viewers may appreciate the current undeveloped state of the site, the existing visual quality and character of the project site experienced from this viewpoint is considered low-moderate due to the lack of scenic resources, such as rock outcroppings, historic buildings, and mature trees; refer also to Impact 3.1-2 below.

As seen in Figure 3.1-2B, views of the proposed development from Key View 1 would generally consist of multi-family residential units in the background and landscaping/streetscaping in the foreground, including the proposed sidewalks along Plato Place and Piraeus Street. Traveling further north along Piraeus Street, the main view would be the northern off-site preserve area, which would remain in its current undeveloped state.

While the scale, density, and height of the proposed project would alter the existing view, the change in the view does not rise to a level of significance because the project would be similar to existing uses in the surrounding viewshed. Furthermore, the scale, density, and height of the project is consistent with the City's General Plan and HEU, as well as applicable zoning regulations, as applicable. As shown, landscaping planted with the project would continue to mature over time, thus further screening the development from public view and limiting views into the site. Although such landscaping would reduce the visibility of the project within the visual setting, such enhancements would continue to further improve the aesthetics of the site over time while reinforcing the overall community character.

Therefore, the project would not have a substantial adverse effect on a scenic vista or other scenic resource from this vantage point. Impacts would be less than significant.

Key View 2: View from Plato Place Near the Southeastern Portion of the Site Looking West/Northwest

Key View 2 is the view from Plato Place near the southeastern portion of the project site, looking west/northwest; refer to Figures 3.1-3A and 3.1-3B. Views from this location would primarily be experienced by passengers in vehicles traveling along Plato Place. An existing off-site residential driveway and existing off-site ornamental landscaping are the focal points, and the vegetation communities of the project site comprise the background; refer to Figure 3.1-3A. The view experienced would be influenced by travel speed on Plato Place and intermediate landscaping. Although some viewers may appreciate the undeveloped state of the site from this vantage point, the existing visual quality and character of the subject property is considered low to moderate due to the lack of scenic resources or other on-site elements having scenic value.

As seen in Figure 3.1-3B, public views of the proposed development to the west/northwest from Key View 2 would generally consist of residential units in the background and landscaping/streetscaping in the foreground. This view would also include the proposed entry

drive along Plato Place. Traveling west along Plato Place, the foreground would include enhanced views of the proposed sidewalk and ornamental landscaping along the roadway. While the scale, density, and height of the project would alter the existing view from this vantage point, the change in the view does not reach a level of significance as the project would be visually similar to existing uses in the surrounding viewshed.

Furthermore, the scale, density, and height of the project is consistent with that intended by the City's General Plan and HEU, as well as with zoning regulations pertaining to scale, height, lot coverage, etc. Therefore, the project would not have a substantial adverse effect on a scenic vista or other scenic resource from this vantage point. Impacts would be less than significant.

Key View 3: View from 1690 Gascony Road (Station White) Looking West

Key View 3 is from the corner of 1690 Gascony Road (Station White) looking west to the project site; refer to Figures 3.1-4A and 3.1-4B. Views from this location would mainly be experienced by passengers in vehicles and pedestrians traveling east and west on Gascony Road and by nearby residences.

Under existing conditions, as shown in Figure 3.1-4A, a single-family residence and ornamental landscaping comprise the foreground, with the middleground and background generally consisting of existing residential uses, established landscaping, and, ultimately, the Pacific Ocean. The project site is not readily visible within the existing visual setting from this vantage point.

As seen in Figure 3.1-4B, views of the proposed development from this vantage point would consist of the very upper portions of several proposed multi-family residential units. Changes to existing public views experienced from Key View 3 would therefore be minimal in nature and are not anticipated to be noticeable by passengers in vehicles traveling along Gascony Road or occupying the public seating area provided at this location. Furthermore, the scale, density, and height of the project is consistent with the City's General Plan and HEU. Therefore, the project would not have a substantial adverse effect on the designated historic viewshed from this vantage point; no discernable change in public views experienced is anticipated. Impacts would be less than significant.

Key View 4: View from Southbound Interstate 5 Looking East

Key View 4 is the view looking east to the site from southbound I-5; refer to Figures 3.1-5A and 3.1-5B. Views from this location would be experienced by passengers in vehicles traveling along the freeway.

As seen in Figure 3.1-5A, the existing view is dominated by the lanes of southbound and northbound I-5 in the foreground and middleground, and a series of manufactured slopes

adjacent to Piraeus Street spanning the length of the site in the background. Mature vegetation is present along the existing slopes. Views of the site from this vantage point occur across the multiple lanes of I-5, which typically supports high volumes of traffic during daytime hours, thus degrading the overall quality of the view. Views experienced would be further influenced by travel speed. Although some viewers may appreciate the current undeveloped state of the site, the existing visual quality and character experienced from this vantage point is considered to be low-moderate due to the absence of scenic resources.

As seen in Figure 3.1-5B, similar to that under existing conditions, views of the proposed development from Key View 4 would remain dominated by traffic along I-5 and by the slopes extending along Piraeus Street. The proposed multi-family residential units, manufactured slopes, retaining walls, and existing and proposed landscaping would be visible in the background.

While the scale, density, and height of the proposed structures, combined with the proposed manufactured slopes and retaining walls, would alter the existing view from this vantage point, the change experienced does not rise to a level of significance because views would not substantially differ from views of other existing land uses in the surrounding viewshed as one travels along I-5. Furthermore, the project has been designed consistent with the scale, density, and height of future development as identified in the City's General Plan and HEU, as well as applicable zoning regulations that are intended to maintain community character and protect designated scenic views. Proposed landscaping would continue to mature over time, thus further screening the development from public view and visually blending the structures, slopes, and retaining walls into the surrounding setting. Further, the site lacks any scenic resources (e.g., rock outcroppings, ridgelines, etc.), and therefore, existing views would not be altered in this regard due to project disturbance or removal.

For the reasons stated above, the project is not anticipated to result in a substantial adverse effect on a scenic vista or other scenic resource from this vantage point. Impacts would be less than significant.

Summary

Based on the above discussions, adverse effects on existing public views from designated scenic vista points or scenic viewsheds would not occur as the result of project implementation. Impacts in this regard would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

SCENIC RESOURCES

Impact 3.1-2 **The project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. Impacts would be less than significant.**

Interstate 5 runs north-south approximately 150 feet west of the project site. Within San Diego County, I-5 is not a listed state scenic highway under Caltrans' Scenic Highway Program. Therefore, the project site is not located within a state scenic highway (Caltrans n.d.). However, I-5 in the vicinity of the project site is designated as an eligible state scenic highway. The segment identified as eligible for consideration as a state scenic highway extends from State Route 74 near the City of San Juan Capistrano to the north to its intersection with State Route 75, across the San Diego Bay from the City of Coronado to the south (Caltrans n.d.).

As stated previously, the General Plan Resources Management Element identifies I-5 as a scenic view corridor. La Costa Avenue from just west of Highway 101 east to El Camino Real is identified as a scenic roadway. The project site also lies within the designated Station White historic viewshed. Potential project effects on these designated scenic resources are evaluated under Impact 3.2-1, above.

No rock outcroppings are present on the project site. As the property is vacant and undeveloped, no historic structures are located on-site. Additionally, no large trees are present within the boundaries of the project site (ECORP 2022). No public or mature trees would therefore be removed as part of the project.

Therefore, the project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

CONFLICT WITH ZONING OR OTHER REGULATIONS

Impact 3.1-3 **The project would not conflict with applicable zoning and other regulations governing scenic quality. Impacts would be less than significant.**

According to Appendix G of the CEQA Guidelines, potential aesthetic impacts are evaluated differently based on whether the project is located in a non-urbanized or urban area. Per this threshold, projects located in non-urbanized areas would result in a significant aesthetic impact

if the project substantially degraded the existing visual character or quality of public views of the site and its surroundings (public views are those that are experienced from publicly accessible vantage points). Projects located in urbanized areas would result in a significant aesthetic impact if the project would conflict with applicable zoning and other regulations governing scenic quality. Because the project site is located within an urbanized area of the City, the latter criteria is applied for analyzing potential effects of the proposed project on aesthetic resources. Below is a discussion of the project's consistency with key zoning and other regulations governing scenic quality of the project site.

Although the project would alter existing views of the subject site, such development would be consistent with the goals and policies defined in the General Plan and HEU. The project site is included in the City of Encinitas 2013-2021 Housing Element Update which was adopted by the City of Encinitas on March 13, 2019 (City of Encinitas 2018). Potential aesthetic impacts related to future development of the project were considered in the environmental analysis for the HEU. As determined in the HEU Environmental Assessment, aesthetic impacts from implementation of the HEU would be less than significant as long as each project complies with the City's Municipal Code and other City regulations related to visual resources (City of Encinitas 2018).

The City of Encinitas General Plan includes issues and policies related to California Coastal Act requirements; therefore, the City of Encinitas General Plan also serves as a Local Coastal Plan (LCP) guiding development within the City. The project site lies within the Coastal Overlay Zone and requires a Coastal Development Permit (non-appealable) to ensure conformance the California Coastal Act. Projects within the Coastal Zone Overlay are subject certain design restrictions for developing in the Coastal Zone (i.e., building height limits, retaining view corridors, maintaining coastal access, protection of coastal resources, etc.).

The project has been designed in conformance with the requirements of the Coastal Overlay Zone to ensure the protection of coastal and scenic resources within the community. As described herein, the project is not anticipated to restrict or affect any designated vista points within the City.

Maximum building height proposed is 35 feet, consistent with requirements of the R-30 overlay zone. Per Municipal Code Section 30.16.101B.a.iii, a maximum of 5 feet is allowed beyond the 35-foot height limit for "allowed projections" such as mechanical equipment and other screening. As such, the proposed on-site structures (including projections) would not exceed 40 feet in height.

As shown in the visual simulations prepared and discussed further above under Threshold 3.1-1, the project would not adversely affect scenic views along the La Costa Avenue or I-5 scenic corridors. Additionally, the project would not interfere with existing facilities along La Costa

Avenue (sidewalk and bike lane) that would provide continued coastal access (Pacific Ocean) to the west of the subject site.

The *City of Encinitas General Plan* includes issues and policies related to California Coastal Act requirements; therefore, the *City of Encinitas General Plan* serves as an LCP Land Use Plan for the City. The LCP incorporates land use plans for future development in the Coastal Zone, provisions of the City's Zoning Regulations, zone overlays for sensitive resources, and other implementing measures to ensure the protection of coastal resources. For those lands located within the Coastal Zone, any conflicts that occur between the Land Use Plan and any policy or provision of the General Plan that is not a part of the LCP, the Land Use Plan takes precedence. Any such conflicts shall result in identifying a resolution that achieves the highest degree of protection for resources in the Coastal Zone.

The City is responsible for the issuance of Coastal Development Permits within the Coastal Zone, excluding submerged lands, tidelands, or public trust lands. Relative to the City's LCP, subsequent to the City's approval of the HEU, the City processed an amendment to update the City's LCP to include the HEU sites. On September 11, 2019, the HEU was approved by the California Coastal Commission. The following excerpts are specific to the project site, where the Coastal Commission found that (CCC 2019):

> *Cannon Property (Piraeus) (Site 2) - This site is a vacant property located at the corner of Piraeus Street and Plato Place, both of which are two-lane local streets. The southern portion of the site is flat due to previous grading, with the majority of the rest of the site sloping up towards a flat pad on the northeast corner. Some mature trees and vegetation are on the northern portion of the site. The land use classification of the site is Rural Residential 2 (RR2)…*
>
> *…Three of the sites were identified as having sensitive vegetative communities, including the Cannon property (Site 2), the Encinitas Blvd and Quail Gardens Sites (Site 5), and Sage Canyon (Site AD1). Additionally, Sage Canyon was identified as having wetlands on-site. All future development on sites with coastal sage scrub or wetlands will be subject to the certified LCP policies as well as mitigation measures within the EA, which includes avoidance and minimization measures for impacts to vegetation communities from grading and development, as well as suitable mitigation in accordance with the North County Multiple Habitat Conservation Program…*
>
> *…While a number of the inventoried sites to be re-designated have lower density land use designations (in some cases, significantly lower, as is the case with the Cannon Property, Echter Property, and Greek Church Parcel), the R-30 Overlay is intended to respect neighborhood character, be compatible with community specific settings and provide*

reasonable transitions between existing residences and potential development sites. All of the sites are located within, contiguous with, or in close proximity to, existing developed areas…

…Ten of the thirteen sites within the Coastal Zone overlap with scenic resources, whether it is a view corridor, critical viewshed, or is located along a scenic road. Review of site locations reveal that development will occur in areas that will not impede coastal views. The Cannon property (Site 2), for example, is located within the I-5 Scenic Corridor and Critical Viewshed for two viewpoints along I-5 and La Costa Avenue. However, the development is proposed to occur on the inland side of the vista points, and the site itself is upslope of the I-5 Corridor and will therefore not impact scenic views.

The project would be subject to the certified LCP policies as well as mitigation measures for sensitive vegetation communities, which include avoidance and minimization measures for impacts to vegetation communities from grading and development, as well as suitable mitigation in accordance with the North County Multiple Habitat Conservation Program; refer Section 3.3, Biological Resources. The development would also be consistent with the existing character of the area and community, and would not impede coastal views as it would be located on the inland side of identified viewpoints within the vicinity; refer to Section 3.1, Aesthetics.

For these reasons, land use conflicts within the R-30 Overlay zone, in which the project site is located, would be minimized in accordance with Section 30242 of the Coastal Act, and as such, the CCC found the City's HEU to be consistent with the relevant policies of the CCC. Because the project is consistent with the 2019 HEU, the project would not conflict with any land use plan, policy, or regulation adopted by the CCC.

Additionally, the northern off-site preserve area (APN 216-110-35) of the project site is not identified in the HEU and was therefore not included in the evaluation herein of HEU consistency with the Coastal Act. However, proposed off-site preserve area is similarly subject to the Coastal Overlay Zone. As the off-site preserve area would remain in its natural state, no development would occur that would substantially degrade the scenic quality of any coastal resources or the character of designated scenic views in the area. No conflict with the Coastal Act would result in this regard.

The project would adhere to State Density Bonus Law by providing 15 "very low income" affordable residential units (affordable to households earning no more than 50 percent of the area median income). Density Bonus Law allows projects to utilize up to three concessions and unlimited waivers. Depending on the request, such allowances may increase allowed maximum building heights or residential density, or other such design aspects, thereby causing a project to have a more substantial effect on the visual setting and/or designated scenic views in the vicinity.

One incentive is proposed. The incentive requested is for exception to the City's undergrounding utilities requirement for existing overhead utilities, pursuant to Encinitas Municipal Code Section 23.36.120. All existing San Diego Gas & Electric utility poles that surround the project site are 12 kilovolt and would typically be required to be undergrounded (refer to Section 2.0, Project Description, for additional discussion). However, given that the overhead utility poles are present in the visual landscape under existing conditions, the project would not result in development that would adversely affect scenic views along the I-5 corridor, La Costa Avenue, or otherwise adversely affect existing scenic views or resources within the surrounding area in this regard. Additionally, one waiver is requested as the project exceeds the allowable encroachment into steep slopes pursuant to Encinitas Municipal Code Section 30.34.030 (Hillside/Inland Bluff Overlay Zone). The project requires an approximately 40% encroachment into steep slope areas, and without this waiver, the project footprint would be substantially reduced, impacting the project's ability to provide for deed-restricted affordable housing on-site. However, no conflict with State Density Bonus Law allowances would occur as a result of City approval of the incentive or waiver requested by the applicant.

Summary

As described above, and as illustrated in the figures provided, development of the project site as proposed would not adversely alter existing views to the site from off-site public vantage points. Although the project would result in a visual change in existing public views of the project site, such development is consistent with the underlying zoning and applicable design guidelines.

Furthermore, the approximately 4.95-acre parcel immediately north of the project site (off-site preserve area) would be preserved in its current undeveloped state. No change to existing views due to development of the proposed off-site preserve area would occur, and no conflict with applicable zoning or other regulations pertaining to scenic quality would result.

Therefore, the project would not conflict with applicable zoning and other regulations governing scenic quality. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

CREATE NEW SOURCE OF SUBSTANTIAL LIGHT OR GLARE

Impact 3.1-4 **The project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. Impacts would be less than significant.**

Artificial light during evening and nighttime hours emanates from building interiors and passes through windows, from street lighting for purposes of vehicular circulation and bike and pedestrian safety, and from other exterior sources (e.g., building illumination, security lighting, parking lot lighting, landscape lighting, and signage). The degree of illumination may vary widely depending on the amount of light generated, height of the light source, shielding by barriers or obstructions, type of light source, and weather conditions. Light spill is typically defined as the presence of unwanted light on properties adjacent to the property being illuminated. Artificial light can be a nuisance to adjacent residential areas and diminish the view of the clear night sky. Residences and hotels are considered light sensitive, since occupants have expectations of privacy during evening hours and may be subject to disturbance by bright light sources.

Glare is caused by the reflection of sunlight or artificial light on highly polished surfaces such as window glass or reflective materials and, to a lesser degree, from broad expanses of light-colored surfaces. Daytime glare is common in urban areas and is typically associated with exterior facades largely or entirely comprising highly reflective glass. Glare can also occur during evening and nighttime hours with the reflection of artificial light sources such as automobile headlights. Glare-sensitive uses include residences, hotels, transportation corridors, and aircraft landing corridors.

The project would install on-site lighting to provide an adequate level of nighttime lighting for safe motorized and non-motorized circulation and to increase public safety for nighttime pedestrian and bicyclist use. Lighting would also be installed at the access driveways off of Plato Place and Piraeus Street to identify the project entrance and to provide safe ingress and egress. In addition to safety lighting for on-site drives and parking areas, exterior building lights are proposed, both as architectural details on the residential units and at the pool and spa deck area in the southwestern portion of the site.

As demonstrated by the Lighting Plan prepared for the project (Visual Concepts Lighting, Inc. 2022; see Appendix B), all proposed lighting would conform with City design standards which require low-level lighting that would not exceed 0.5 foot-candle levels at the property line; light poles at a maximum height of 18 feet in height; and low-level lighting directed downward via 90-degree cutoffs to reduce light overspill onto adjacent properties (including the proposed off-site preserve area adjacent to the north and existing residential uses to the east). The Conceptual Lighting Plan was prepared as part of the project improvement plans to demonstrate that on-site lighting levels with project implementation would meet City requirements for nighttime lighting

levels at the property line. Consistency with City requirements would ensure the minimization of potential impacts associated with the provision of night-lighting that might otherwise adversely affect nighttime views in the area. Refer also to Section 3.3, Biological Resources, which addresses potential indirect effects on adjacent habitats from project lighting.

Additionally, the project does not include construction or installation of structures using highly reflective materials or surfaces that could otherwise create a new source of substantial glare adversely affecting daytime views in the area. Refer to Figures 2.0-4A to 2.0-4E which illustrate the proposed building elevations, including the type of construction materials and colors anticipated. The project also does not include large expanses of glass or high gloss surface colors that would have the potential to cause substantial reflection and/or glare effects. Any metal surfaces integrated into the proposed building facades would be surfaced with non-reflective paint or otherwise treated (i.e., galvanized) to minimize or reduce the potential for glare to occur. Additionally, the project would be subject to the City's design review process to ensure consistency with applicable objective design guidelines.

In accordance with Title 24 of the California Building Code, solar photovoltaic (PV) panels would be installed on the roofs of the residential townhomes. Rooftop PV panels would generally be visible in views looking toward to the project site. The solar panels would be capable of providing approximately 149 kilowatts of solar power for the on-site uses. Due to the nature of their intended function, PV solar PV panels are designed to be highly absorptive of incoming sunlight and are not anticipated to create substantial glare that would affect motorists or on- and off-site receptors. The installation of PV panels is required to achieve building code standards and to generate adequate energy for continued operational needs, while the duration of any received glare and exposure of receptors at specific on- or off-site locations to any glare generated by the project would be temporary. Therefore, the installation of solar panels would not contribute to a substantial glare effect.

Based on the discussion above, the project as proposed would not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

CUMULATIVE IMPACTS

Impact 3.1-5 **The project would not result in a significant cumulative aesthetic impact. Impacts would be less than cumulatively considerable.**

Geographic Scope

The cumulative setting for aesthetics consists of existing and future uses within the proposed project's viewshed. The community of Leucadia generally offers an urbanized visual setting. The City's General Plan and Municipal Code, in combination with other regulatory planning documents and ordinances, provide guidance for the types of allowable development in Encinitas, thereby influencing future land uses and the overall character at buildout.

The geographic scope for cumulative impacts related to aesthetic resources includes existing development and reasonably foreseeable future development projects. Such projects may be viewed in conjunction with the proposed project from public roadways or public lands in the surrounding viewshed and may therefore have the potential to contribute to an overall change in the existing visual setting. Cumulative projects considered are identified in Table 3.0-1 and shown in Figure 3.0-1 in Section 3.0 of this EIR. Additionally, to be conservative, the cumulative analysis is based on the "worst-case" assumption that all 2019 HEU sites develop under maximum density bonus unit allowances. The cumulative impact analysis includes all 2019 HEU sites to the extent they may contribute to certain issue-specific cumulative effects; refer to Table 3.0-2.

Potential Cumulative Impacts

The cumulative impact analysis focuses on whether the combination of the proposed project with other cumulative projects would have a cumulative aesthetic impact on the local viewshed. The proposed project's impact would be cumulatively considerable if, when considered with other existing, approved, proposed, and reasonably foreseeable development in the region, it would result in substantial alteration of the visual character of the region, significant impacts to scenic vistas, or substantial increases in daytime glare and nighttime lighting.

As mentioned under Impact 3.1-3, the Resources Management Element of the City's General Plan identifies two scenic vista points to the northwest of the project site (northeast and northwest corners of I-5 and La Costa Avenue). The project site is visible from both of these designated vista points. Additionally, according to the Visual Resource Sensitivity Map included in the Resource Management Element, the project site is located entirely within two scenic view corridors (La Costa Avenue from just west of I-5 to El Camino Real and I-5 from La Costa Avenue south within the City). As designed, the project was determined to have a less than significant impact on such resources, due to project design, setting, and public views experienced relative to such scenic resources a such views would not be substantially changed or adversely degraded. Future

development projects within the study area would similarly be required to consider and evaluate proximity to and potential effects on such resources on a site-specific basis, and to identify proper mitigation measures to reduce any such significant effects.

No scenic resources, such as mature trees, rock outcroppings, or historic buildings, would be affected by the proposed development, as such resources are not located on the project site; refer to Impact 3.1-2 above. Cumulative projects within the study area would similarly be required to evaluate potential effects on such resources on a site-specific basis, and with consideration for the intended improvement characteristics, to identify whether a cumulative impact would occur.

The visual setting in the project vicinity is generally characterized by residential development, undeveloped land, and open space/recreational uses (such as Batiquitos Lagoon). As the project proposes a similar use to that existing in surrounding residential developments within the surrounding area, the project would not result in a substantial change to the affected viewshed. Rather, it is anticipated that the development as proposed would visually blend in with the surrounding residential neighborhoods when viewed in conjunction with existing development. The degree to which the proposed building elements would be visible within the viewshed would further be reduced by proposed ornamental landscaping on-site, as well as site design wherein views to some on-site buildings would be blocked by others due to line of sight. Furthermore, the northern off-site preserve area would remain in perpetuity and left in its current state; thus, no development would occur that would contribute to a substantial cumulative visual change to existing views in this regard.

Other existing, approved, proposed, or reasonably foreseeable projects that could combine with the proposed project to contribute to an increase in daytime glare or nighttime lighting would include residences and commercial uses in proximity to the project site and in the surrounding area. Further, similar to the proposed project, other cumulative projects considered would be subject to applicable City lighting and glare requirements, including design measures identified in the Encinitas Municipal Code, to ensure that such development does not adversely affect daytime or nighttime views in the area.

All cumulative projects in the vicinity of the project site, and development of other future land uses in the surrounding viewshed, would be conditioned via the City's discretionary review process on a site-specific basis to avoid, reduce, and mitigate significant visual impacts relative to the proposed improvements. All future development would be evaluated on a project-specific basis to ensure that no conflict with applicable regulations pertaining to scenic resources would occur, or that any such effects are reduced to the extent feasible as appropriate.

In combination with other cumulative projects and with development of other future land uses in the surrounding area, the proposed project would not result in a significant impact to scenic vistas, damage to scenic resources on the project site, conflict with applicable zoning and other regulations governing scenic quality, or creation of a new source of substantial light or glare that would adversely affect day or nighttime views in the area. Therefore, the project would not contribute to a significant cumulative impact related to aesthetics or glare. Impacts would be **less than cumulatively considerable.**

Mitigation Measures: None required.

Level of Significance: Less than cumulatively considerable.

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Section 3.2
Air Quality

This section characterizes existing air quality in the project area, includes a summary of applicable air quality regulations, and analyzes potential air quality impacts associated with the proposed project. Air quality impacts were assessed in accordance with methodologies recommended by the California Air Resources Board (CARB) and the San Diego Air Pollution Control District (SDAPCD).

This section is based on technical data presented in the *Air Quality Assessment* prepared by Ldn Consulting, Inc. (2022a; see Appendix C-1) and the *Health Risk Screening Letter* (2022b; see Appendix C-2). Additionally, supporting information was utilized from the *Transportation Impact Study*, prepared by Intersecting Metrics (2022; see Appendix K). Analysis in this section also draws upon data in the *City of Encinitas General Plan* (1991) and the *City of Encinitas 2013-2021 Housing Element Update Environmental Assessment* (2018). Third-party technical reports were peer reviewed by Michael Baker International and the City of Encinitas.

ENVIRONMENTAL SETTING

Air quality and dispersion of air pollution in an area is determined by such natural factors as topography, meteorology, and climate, coupled with atmospheric stability. The factors affecting the dispersion of air pollution with respect to the air basin are discussed below.

Topography

The topography in the San Diego Air Basin (SDAB) varies greatly, from beaches on the west to mountains and desert on the east. Much of the topography in between consists of mesa tops intersected by canyon areas. The region's topography influences air flow and the dispersal and movement of pollutants in the basin. The mountains to the east prevent air flow mixing and prohibit dispersal of pollutants in that direction.

Meteorology and Climate

Encinitas, like the rest of San Diego County's coastal area, has a Mediterranean climate characterized by warm, dry summers and mild, wet winters. The mean annual temperature in the City is 60 degrees Fahrenheit (°F). The average annual precipitation is 11 inches, falling primarily from November to April. Winter low temperatures in the City average about 54°F, and summer high temperatures average about 71°F. The average relative humidity is 69 percent and is based on the yearly average humidity at Lindbergh Field.

The dominant meteorological feature affecting the region is the Pacific high-pressure zone, which produces the prevailing westerly to northwesterly winds. These winds tend to blow pollutants

away from the coast toward the inland areas. Consequently, air quality near the coast is generally better than that at the base of the coastal mountain range. Most of the City consists of coastal plains, which lie adjacent to the Pacific Ocean and extend approximately 6 miles east of the Pacific Ocean. Because of its locational advantage, the westerly portion of the City has a mild climate with cool summers on the coast, where fog is common.

Fluctuations in the strength and pattern of winds from the Pacific high-pressure zone interacting with the daily local cycle produce periodic temperature inversions that influence the dispersal or containment of air pollutants in the SDAB. Beneath the inversion layer, pollutants become "trapped" as their ability to disperse diminishes. The prevailing westerly wind pattern is sometimes interrupted by regional Santa Ana conditions. A Santa Ana wind occurs when a strong high pressure system develops over the Nevada-Utah area and overcomes the prevailing westerly coastal winds, sending strong, steady, hot, dry northeasterly winds over the mountains and out to sea. Strong Santa Anas tend to blow pollutants out over the ocean, producing clear days inland. However, at the onset or during breakdown of these conditions or if the Santa Anas are weak, local air quality may be adversely affected.

Sensitive Receptors

Sensitive receptors are more susceptible to the effects of air pollution than the general population. Sensitive populations (sensitive receptors) in proximity to localized sources of toxics and carbon monoxide are of concern. Land uses considered sensitive receptors include residences, schools, playgrounds, childcare centers, long-term health care facilities, rehabilitation centers, convalescent centers, and retirement homes. The nearest sensitive receptors are adjacent residences to the west of the project site and Capri Elementary School, at 941 Capri Road, approximately 0.4 miles southeast of the project site.

Air Pollutants of Concern

Air pollutants emitted into the ambient air by stationary and mobile sources are regulated by federal and state laws. These regulated air pollutants are known as criteria air pollutants and are categorized into primary and secondary pollutants. Primary air pollutants are those that are emitted directly from sources. Carbon monoxide (CO), reactive organic gases (ROG), nitrogen oxide (NO_X), sulfur dioxide (SO_2), coarse particulate matter (PM_{10}), fine particulate matter ($PM_{2.5}$), lead, and fugitive dust are primary air pollutants. Of these, CO, SO_2, PM_{10}, and $PM_{2.5}$ are criteria pollutants. ROG and NO_X are criteria pollutant precursors and go on to form secondary criteria pollutants through chemical and photochemical reactions in the atmosphere (for example, ozone [O_3] is formed by a chemical reaction between ROG and NO_X in the presence of sunlight). Ozone and nitrogen dioxide (NO_2) are the principal secondary pollutants.

Sources and health effects commonly associated with criteria pollutants are summarized in Table 3.2-1, Criteria Air Pollutants Summary of Common Sources and Effects**.**

Table 3.2-1: Criteria Air Pollutants Summary of Common Sources and Effects

Pollutant	California Standard	Federal Primary Standard	Year	Maximum Concentration[3]	Days (Samples) State/Federal Std. Exceeded
Ozone (O_3)[1] (1-hour)	0.09 ppm for 1 hour	NA[6]	2018 2019 2020	0.102 ppm 0.083 0.123	1/0 0/0 2/0
Ozone (O_3)[1] (8-hour)	0.070 ppm for 8 hours	0.070 ppm for 8 hours	2018 2019 2020	0.077 ppm 0.075 0.012	5/5 1/1 12/10
Carbon Monoxide (CO)[2] (1-hour)	20 ppm for 1 hour	35 ppm for 1 hour	2018 2019 2020	1.900 ppm 4.100 3.300	0/0 0/0 0/0
Nitrogen Dioxide (NO_2)[2]	0.18 ppm for 1 hour	0.100 ppm for 1 hour	2018 2019 2020	0.055 ppm 0.054 0.054	0/0 0/0 0/0
Fine Particulate Matter ($PM_{2.5}$)[2,5]	No Separate Standard	35 µg/m^3 for 24 hours	2018 2019 2020	* 18.9 µg/m^3 40.2	* */0 */1
Particulate Matter (PM_{10})[1,4,5]	50 µg/m^3 for 24 hours	150 µg/m^3 for 24 hours	2018 2019 2020	38.0 µg/m^3 * *	0/0 * *

ppm = parts per million; PM_{10} = particulate matter 10 microns in diameter or less; µg/m^3 = micrograms per cubic meter; $PM_{2.5}$ = particulate matter 2.5 microns in diameter or less; NA = not applicable; * = insufficient data available to determine the value

Notes:

1. Data collected from the San Diego-Kearny Villa Road Monitoring Station located at 6125A Kearny Villa Road, San Diego CA, 92145.
2. Data collected from the San Diego-Rancho Carmel Drive Monitoring Station located at 11403 Rancho Carmel Drive, San Diego CA 92128.
3. Maximum concentration is measured over the same period as the California Standards.
4. PM_{10} exceedances are based on state thresholds established prior to amendments adopted on June 20, 2002.
5. PM_{10} and $PM_{2.5}$ exceedances are derived from the number of samples exceeded, not days.
6. The federal standard was revoked in June 2005.

REGULATORY FRAMEWORK

Federal and State

The federal Clean Air Act delegates the regulation of air pollution control and the enforcement of the National Ambient Air Quality Standards (NAAQS) to the states. In California, the task of air quality management and regulation has been legislatively granted to CARB, with subsidiary responsibilities assigned to air quality management districts and air pollution control districts at

the regional and county levels. CARB, which became part of the California Environmental Protection Agency in 1991, is responsible for ensuring implementation of the California Clean Air Act of 1988, responding to the federal Clean Air Act, and regulating emissions from motor vehicles and consumer products.

CARB has established California Ambient Air Quality Standards (CAAQS), which are generally more restrictive than the NAAQS. The CAAQS describe adverse conditions; that is, pollution levels must be below these standards before an air basin can attain the standard. Air quality is considered "in attainment" if pollutant levels are continuously below the CAAQS and violate the standards no more than once each year. The CAAQS for O_3, CO, SO_2 (1-hour and 24-hour), NO_2, PM_{10} and $PM_{2.5}$, and visibility-reducing particles are values that are not to be exceeded. All others are not to be equaled or exceeded. The NAAQS and CAAQS are presented in Table 3.2-2, Ambient Air Quality Standards.

Table 3.2-2: Ambient Air Quality Standards

Pollutant	Averaging Time	California Standards	National Standards	
		Concentration	Primary	Secondary
O_3	1 hour	0.09 ppm (180 µg/m^3)	—	Same as Primary Standard
	8 hours	0.070 ppm (137 µg/m^3)	0.070 ppm (137 µg/m^3)	
NO_2	1 hour	0.18 ppm (339 µg/m^3)	0.100 ppm (188 µg/m^3)	Same as Primary Standard
	Annual Arithmetic Mean	0.030 ppm (57 µg/m^3)	0.053 ppm (100 µg/m^3)	
CO	1 hour	20 ppm (23 mg/m^3)	35 ppm (40 mg/m^3)	None
	8 hours	9.0 ppm (10 mg/m^3)	9 ppm (10 mg/m^3)	
SO_2	1 hour	0.25 ppm (655 µg/m^3)	0.075 ppm (196 µg/m^3)	—
	3 hours	—	—	0.5 ppm (1,300 µg/ m^3)
	24 hours	0.04 ppm (105 µg/m^3)	0.14 ppm (for certain areas)	—
	Annual	—	0.030 ppm (for certain areas)	—
PM_{10}	24 hours	50 µg/m^3	150 µg/m^3	Same as Primary Standard
	Annual Arithmetic Mean	20 µg/m^3	—	
$PM_{2.5}$	24 hours	—	35 µg/m^3	Same as Primary Standard
	Annual Arithmetic Mean	12 µg/m^3	12.0 µg/m^3	15.0 µg/m^3
Lead	30-day Average	1.5 µg/m^3	—	—
	Calendar Quarter	—	1.5 µg/m^3 (for certain areas)	Same as Primary Standard
	Rolling 3-Month Average	—	0.15 µg/m^3	
Hydrogen sulfide	1 hour	0.03 ppm (42 µg/m^3)	—	—

Table 3.2-2, continued

Pollutant	Averaging Time	California Standards	National Standards	
		Concentration	Primary	Secondary
Vinyl chloride	24 hours	0.01 ppm (26 µg/m^3)	—	—
Sulfates	24 hours	25 µg/m^3	—	—
Visibility-reducing particles	8 hours (10:00 a.m. to 6:00 p.m. PST)	Insufficient amount to produce an extinction coefficient of 0.23 per kilometer due to the number of particles when the relative humidity is less than 70%	—	—

Source: CARB 2016.

Notes: µg/m^3 = micrograms per cubic meter; CO = carbon monoxide; mg/m^3 = milligrams per cubic meter; NO_2 = nitrogen dioxide; O_3 = ozone; PM_{10} = particulate matter with an aerodynamic diameter less than or equal to 10 microns; $PM_{2.5}$ = particulate matter with an aerodynamic diameter less than or equal to 2.5 microns; ppm = parts per million by volume; SO_2 = sulfur dioxide

San Diego County Regional Air Quality Strategy

The SDAPCD is the local agency responsible for the administration and enforcement of air quality regulations in San Diego County. The air district regulates most air pollutant sources, except for motor vehicles, marine vessels, aircraft, and agricultural equipment, which are regulated by CARB or the US Environmental Protection Agency. State and local government projects, as well as projects proposed by the private sector, are subject to SDAPCD requirements if the sources are regulated by the district. Additionally, the SDAPCD, along with CARB, maintains and operates ambient air quality monitoring stations at numerous locations throughout San Diego County. These stations are used to measure and monitor criteria and toxic air pollutant levels in the ambient air.

The SDAPCD and the San Diego Association of Governments (SANDAG) are responsible for developing and implementing the clean air plan for attainment and maintenance of the ambient air quality standards in the SDAB; refer to Table 3.2-3, San Diego Basin Attainment Status by Pollutant. The San Diego County Regional Air Quality Strategy (RAQS) was initially adopted in 1992. The RAQS outlines the air district's plans and control measures designed to attain the state air quality standards for ozone. The SDAPCD has also developed input to the State Implementation Plan (SIP), which is required under the federal Clean Air Act for pollutants that are designated as being in nonattainment of the NAAQS for the basin.

Table 3.2-3: San Diego Air Basin Attainment Status by Pollutant

Criteria Pollutant	Federal Designation	State Designation
Ozone (8-Hour)	Nonattainment	Nonattainment
Ozone (1-Hour)	Attainment *	Nonattainment
Carbon Monoxide	Attainment	Attainment
PM_{10}	Unclassifiable **	Nonattainment
$PM_{2.5}$	Attainment	Nonattainment
Nitrogen Dioxide	Attainment	Attainment
Sulfur Dioxide	Attainment	Attainment
Lead	Attainment	Attainment
Sulfates	No Federal Standard	Attainment
Hydrogen Sulfide	No Federal Standard	Unclassified
Visibility	No Federal Standard	Unclassified

Notes:
* The federal 1-hour standard of 12 pphm [parts per hundred million] was in effect from 1979 through June 15, 2005. The revoked standard is referenced here because it was employed for such a long period and because this benchmark is addressed in State Implementation Plans.
** At the time of designation, if the available data does not support a designation of attainment or nonattainment, the area is designated as unclassifiable.
Source: SDAPCD 2020.

The RAQS relies on information from CARB and SANDAG, such as mobile and area source emissions, as well as information from local jurisdictions regarding projected growth, to project future emissions and establish the strategies necessary for the reduction of emissions through regulatory controls. Projects that propose development consistent with the growth anticipated by the RTP/SCS would be consistent with the RAQS. In the event that a project proposes development which is less intensive than anticipated in the RAQS, the project would likewise be consistent with the strategy. If a project proposes development that is greater than that anticipated in the growth projections, the project could conflict with the RAQS and the SIP and could have a potentially significant impact on air quality.

The SIP relies on the same information from SANDAG to develop emissions inventories and emissions reduction strategies that are included in the attainment demonstration for the air basin. The plan also includes rules and regulations that have been adopted by the SDAPCD to control emissions from stationary sources. These SIP-approved rules may be used as guidelines to determine whether a project's emissions would have the potential to conflict with the SIP and thereby hinder attainment of the NAAQS for ozone.

SDAPCD Measures to Reduce Particulate Matter in San Diego County

In 2005, the SDAPCD adopted the *Measures to Reduce Particulate Matter in San Diego County*. This document identifies fugitive dust as the major source of directly emitted particulate matter

in the county, with mobile sources and residential wood combustion as minor contributors. Data on $PM_{2.5}$ source apportionment indicates that the main contributor to $PM_{2.5}$ in the county is combustion organic carbon, followed closely by ammonium sulfate and ammonium nitrate from combustion sources. The main contributors to PM_{10} include resuspended soil and road dust from unpaved and paved roads, construction and demolition sites, and mineral extraction and processing. Based on the report's evaluation of control measures recommended by CARB to reduce particulate matter emissions, the SDAPCD adopted Rule 55, Fugitive Dust Control, in June 2009. The SDAPCD requires that construction activities implement the measures listed in Rule 55 to minimize fugitive dust emissions. Rule 55 requires the following:

1. No person shall engage in construction or demolition activity in a manner that discharges visible dust emissions into the atmosphere beyond the property line for a period or periods aggregating more than 3 minutes in any 60-minute period.

2. Visible roadway dust as a result of active operations, spillage from transport trucks, erosion, or track-out/carry-out shall be minimized by the use of any of the equally effective track-out/carry-out and erosion control measures listed in Rule 55 that apply to the project or operation. These measures include track-out grates or gravel beds at each egress point; wheel-washing at each egress during muddy conditions; soil binders, chemical soil stabilizers, geotextiles, mulching, or seeding; watering for dust control; and using secured tarps or cargo covering, watering, or treating of transported material for outbound transport trucks. Erosion control measures must be removed at the conclusion of each workday when active operations cease, or every 24 hours for continuous operations.

In addition, the SDAPCD established Rule 20.2, which outlines the screening criteria for the preparation of air quality impact assessments (AQIA). Should emissions be found to exceed these thresholds, additional modeling is required to demonstrate that the project's total air quality impacts are below the state and federal ambient air quality standards. These screening thresholds for construction and daily operations are shown in Table 3.2-4, Screening Thresholds for Criteria Pollutants.

Table 3.2-4: Screening Thresholds for Criteria Pollutants

Emissions	Pollutant						
	ROG[1]	NO_X	CO	SO_X	PM_{10}	$PM_{2.5}$	VOCs
Construction Emissions							
Daily Maximum (lbs/day)	75	250	550	250	100	55	75
Annual (tons/year)	40	40	100	40	15	15	40
Operational Emissions							
Daily Maximum (lbs/day)	75	250	550	250	100	55	75
Annual (tons/year)	40	40	100	40	15	15	40

Notes: ROG = reactive organic gases; NO_X = nitrogen oxides; CO = carbon monoxide; SO_X = sulfur oxides; PM_{10} = particulate matter up to 10 microns; $PM_{2.5}$ = particulate matter up to 2.5 microns; lbs = pounds

1. SDAPCD Rule 20.2 does not establish threshold for ROG. Therefore, the threshold of significance for ROG from the South Coast Air Quality Management District is used. The ROG annual emissions threshold is calculated from 75 lbs/day multiplied by 365 days/year and divided by 2000 lbs/ton.

Source: Ldn Consulting 2022a (see Appendix C-1).

Other SDAPCD Rules and Regulations

As discussed above under Regional Air Quality Strategy, state law dictates that local air districts such as the SDAPCD have primary responsibility for controlling emissions from non-mobile (stationary) sources. The stationary source control measures identified in the RAQS and the SIP have been developed by the air district into regulations through a formal rulemaking process. Rules are developed to set limits on the amount of emissions from various types of sources and/or by requiring specific emissions control technologies. Following rule adoption, a permit system is used to impose controls on new and modified stationary sources and to ensure compliance with regulations by prescribing specific operating conditions or equipment on a source.

SDAPCD Regulation XIV (Title V Operating Permits) contains the requirements for implementing the Title V permit program. The program requires all major sources of criteria air contaminants, all major sources of hazardous air pollutants, all sources that emit more than 100 tons per year of any regulated air contaminant, and certain other specified sources to obtain Title V permits. Permits are issued pursuant to Regulation XIV and incorporate state and local requirements that are contained in existing SDAPCD permits for these sources. Examples of operations that require permits are surface coating operations, adhesive materials application, automotive refinishing operations, dry cleaning operations, fiberglass or plastic product manufacturing, and gas stations.

The SDAPCD also implements New Source Review (NSR) in the air basin. Prior to installation of new, modified, relocated, or replacement equipment that results in an increase of air pollution emissions, the SDAPCD requires that an Authority to Construct be obtained and that the equipment be evaluated in accordance with applicable NSR rules. A Permit to Operate from the SDAPCD would be required to authorize operation or use of the equipment. If such equipment would exceed air pollutant thresholds, it must use Best Available Control Technology (BACT) to

reduce emissions. BACT definitions and requirements are outlined in SDAPCD Rule 20.1, NSR–General Provisions.

It is difficult to ensure that new or modified sources do not interfere with attainment or maintenance of the established air quality standards for ozone. Since ozone is a secondary pollutant (i.e., ozone is not directly emitted, but results from complex chemical reactions in the atmosphere from precursor pollutants), control of the precursors is required. This analysis assumes that Volatile Organic Compounds (VOC) and Reactive Organic Gases (ROG) are essentially the same due to the fact that emissions generated from the Project represent non-methane organic compounds. Control of emissions of ROGs and nitrogen oxides, the ozone precursors, is essential. The SDAPCD adopted Rule 67.0.1, Architectural Coatings, which establishes VOC content limits for architectural coatings, in 2015.

Additionally, SDAPCD Rule 1210, Toxic Air Contaminant Public Health Risks–Public Notification and Risk Reduction, implements the public notification and risk reduction requirements of the California Air Toxics "Hot Spots" Act (AB 2588) and requires facilities to reduce risks to acceptable levels within five years.

Adopted in 1996 and mostly recently revised in 2019, Rule 1200, Toxic Air Contaminants - New Source Review, requires evaluation of potential health risks for any new, relocated, or modified emission units that may increase emissions of one or more toxic air contaminant(s). In regard to an increase of cancer risk, Rule 1200 requires the following:

- **T-BACT Not Applied.** The increase in maximum incremental cancer risk at every receptor location is equal to or less than one in one million for any project for which new, relocated, or modified emission units that increases maximum incremental cancer risk are not equipped with T-BACT; and
- **T-BACT Applied.** Except as provided in (d)(1)(iii), the increase in maximum incremental cancer risk at every receptor location is equal to or less than 10 in one million for any project for which all new, relocated, or modified emission units that increases maximum incremental cancer risk are equipped with T-BACT (SDAPCD 2019).

Compliance with this rule does not relieve a person from having to comply with other applicable requirements in these rules and regulations, or state and federal law.

SDAPCD Rule 51 - Odor Impacts

The State of California Health and Safety Code, Division 26, Part 4, Chapter 3, Section 41700 SDAPCD Rule 51 (Public Nuisance), and the City's Municipal Code prohibit emissions from any source in such quantities of air contaminants or other material that cause injury, detriment,

nuisance, or annoyance to the public health or damage to property. Projects required to obtain permits from SDAPCD are evaluated by SDAPCD staff for potential odor nuisance, and conditions may be applied (or control equipment required) where necessary to prevent occurrence of public nuisance.

SDAPCD Rule 51 also prohibits emission of any material that causes nuisance to a considerable number of persons or endangers the comfort, health, or safety of any person. A project that proposes a use that would produce objectionable odors would be deemed to have a significant odor impact if it would affect a considerable number of off-site receptors. Odor issues are subjective by the nature of odors themselves and due to the fact that their measurements are difficult to quantify. Therefore, this guideline is qualitative and focuses on existing and potential surrounding uses and the location of sensitive receptors.

San Diego County Department of Environmental Health

Section 101080 of the California Health and Safety Code authorizes a local health officer to declare a local health emergency in the health officer's jurisdiction, or any part thereof, when the health officer determines that there is an imminent and proximate threat of the introduction of any contagious, infections, or communicable disease, chemical agent, non-communicable biological agent, toxin, or radioactive agent. On March 13, 2020, the San Diego County Health Officer issued an Order that was implemented to garner additional tools to assist with San Diego County's compliance with Executive Order N-33-20 issued by the Governor of the State of California and the California Department of Public Health's gathering guidance due to COVID-19. The San Diego County Health and Human Services Department and the Health Officer continue to amend the original order to provide guidance and recommendations for residents and business of San Diego County to safely conduct business, including construction activities, during this COVID-19 pandemic

Local

City of Encinitas General Plan

The *General Plan* is the primary source of long-range planning and policy direction used to guide growth and preserve the quality of life in the City of Encinitas. The Encinitas General Plan states that a goal of the City is to analyze proposed land uses to ensure that the designations would contribute to a proper balance of land uses within the community. The relevant goals and policies for the project include:

Resource Management Element

GOAL 5: **The City will make every effort to participate in programs to improve air and water quality in the San Diego region.**

Policy 5.1: The City will monitor and cooperate with the ongoing efforts of the U. S. Environmental Protection Agency, the San Diego Air Pollution Control District, and the State of California Air Resources Board in improving air quality in the regional air basin. The City will implement appropriate strategies from the San Diego County SIP which are consistent with the goals and policies of this plan.

GOAL 13: **Create a desirable, healthful, and comfortable environment for living while preserving Encinitas, unique natural resources by encouraging land use policies that will preserve the environment.**

Policy 13.1: The City shall plan for types and patterns of development which minimize water pollution, air pollution, fire hazard, soil erosion, silting, slide damage, flooding and severe hillside cutting and scarring.

STANDARDS OF SIGNIFICANCE

Thresholds of Significance

The State of California has developed guidelines to address the significance of air quality impacts based on Appendix G of the CEQA Guidelines. The proposed project would have a significant impact related to air quality if it would:

1. Conflict with or obstruct the implementation of the applicable air quality plan.
2. Expose sensitive receptors to substantial pollutant concentrations.
3. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.
4. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard.

PROJECT IMPACTS AND MITIGATION

CONFLICT WITH AIR QUALITY PLAN

Impact 3.2-1 **The project would not conflict with or obstruct implementation of the applicable air quality plan. Impacts would be less than significant.**

The project site is located within the San Diego Air Basin and is regulated by the SDAPCD. As described above, the SIP and RAQS are the applicable air quality plans for the SDAPCD. Consistency with the SIP and RAQS means that a project is consistent with the goals, objectives, and assumptions set forth in the SIP and RAQS that are designed to achieve Federal and state air quality standards.

The basis for the RAQS and SIP is the growth rate in population in the region as projected by SANDAG. SANDAG's latest growth forecasts were defined in consultation with local governments and with reference to local general plans. In March 2019, the City adopted its General Plan Housing Element Update (HEU) that included updated employment and residential growth projections. The HEU Environmental Assessment (EA) determined that the HEU would result in a cumulative impact on air quality due to the increase in residential units which were not accounted for in the RAQS and SIP at that time. Although the RAQS does not reflect the increased population associated with the HEU, the City previously mitigated this issue by providing SANDAG with updated housing and land use data to update the RAQS as required by the HEU EA to ensure that any revisions to the residential and employment growth projections used by SDAPCD are accounted for in the RAQS and the SIP.

The project would be consistent with the City's General and HEU land use and zoning designations. In addition, because the City previously mitigated the increase in residential associated residential and employment growth, which were not currently accounted for in the RAQS projections by providing updating information to SANDAG for inclusion in future updates to the RAQS and SIP, the project would not cause the SANDAG's population forecast to be exceeded and ensure that any revisions to the residential and employment growth projections used by SDAPCD are accounted for in the RAQS and the SIP. Therefore, emissions generated by the project would be addressed in the RAQS and SIP. In addition, as discussed in Impact 3.2-2, below, the project would result in emissions that would be below the SDAPCD thresholds. Therefore, the project would not conflict with or obstruct implementation of the RAQS and SIP.

The proposed project would not result in a long-term impact on the region's ability to meet state and federal air quality standards, would be consistent with General Plan Policy 5.1 and Policy 13.1, and the impact would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

EXPOSE SENSITIVE RECEPTORS TO POLLUTANTS

Impact 3.2-2 **The project would not expose sensitive receptors to substantial pollutant concentrations. Impacts would be less than significant with mitigation incorporated.**

The nearest sensitive receptors to the project site are single-family residences to the east. According to the SDACPD's Rule 1200, a project would result in a significant impact to a sensitive receptor if the project's emissions of any toxic air contaminant resulted in a cancer risk greater than 10 in 1 million.

Construction

Emissions of pollutants, such as fugitive dust and heavy equipment exhaust, that are generated during construction are generally highest near the construction site. Emissions from project construction were estimated using the California Emissions Estimator Model (CalEEMod) version 2020.4.0. CalEEMod is the state-wide accepted modeling software used for preparing air quality analysis. The model utilizes project-specific inputs including location, construction schedule, and proposed uses.

Demolition and construction of the project is expected to occur over an approximately 19.5-month period. Table 3.2-5, Expected Construction Emissions Summary, provides the detailed emission estimates for each year of construction, as calculated with CalEEMod (Appendix C-1).

Table 3.2-5: Expected Construction Emissions Summary (pounds per day)

Year	ROG	NO_x	CO	SO_2	PM_{10} (Total)	$PM_{2.5}$ (Total)
2023	0.51	7.38	21.30	0.06	19.82	10.15
2024	0.64	7.32	20.25	0.06	8.09	3.73
2025	62.95	3.31	22.39	0.04	1.24	0.34
Significance Threshold (lb/day)	**75**	**250**	**550**	**250**	**100**	**55**
Is Threshold Exceeded?	**No**	**No**	**No**	**No**	**No**	**No**

Notes:

1. Emissions were calculated using CalEEMod, version 2020.4.0. Winter emissions represent worst-case.
2. Modeling assumptions include compliance with standard dust control measures (water exposed surfaces three times daily) and SDAPCD Rule 67.0.1 (architectural coatings with ROG content of less than 50 grams per liter for flat coatings and 100 grams per liter for non-flat coatings).

Source: Ldn Consulting, Inc. 2022a (see Appendix C-1).

As shown in Table 3.2-5, emissions of criteria pollutants during construction would be below the thresholds of significance for each year of construction. As project criteria pollutant emissions during construction would not exceed SDAPCD air quality standards and would be temporary, impacts would be **less than significant** and no mitigation measures are required.

Long-Term (Operational) Emissions

Operational impacts would include impacts associated with vehicular traffic, as well as area sources such as energy use (i.e., natural gas for cooking purposes in future restaurants), water and wastewater, landscaping maintenance, consumer products use (i.e., household cleaners, automotive products), and architectural coatings use for maintenance purposes. Operational impacts associated with vehicular traffic and area sources were estimated using CalEEMod.

Mobile Source Emissions

Mobile sources are emissions from motor vehicles, including tailpipe and evaporative emissions. Depending upon the pollutant being discussed, the potential air quality impact may be of either regional or local concern. For example, ROG, NO_X, SO_X, PM_{10}, and $PM_{2.5}$ are all pollutants of regional concern (NO_X and ROG react with sunlight to form O_3 [photochemical smog], and wind currents readily transport SO_X, PM_{10}, and $PM_{2.5}$); however, CO tends to be a localized pollutant, dispersing rapidly at the source.

Table 3.2-6, Long-Term Operational Air Emissions, presents the anticipated mobile source emissions. As shown, emissions generated by vehicle traffic associated with the project would not exceed established SDAPCD thresholds. In addition, consistent with General Plan Policy 3.11, the project would include bicycle parking spaces on-site to encourage bicycle travel. Impacts from mobile source air emissions would be **less than significant**.

Area Source Emissions

Area source emissions would be generated from consumer products, architectural coating, and landscaping. As required, all architectural coatings for the proposed on-site structures would comply with SDAPCD *Rule 67.0.1 - Architectural Coating*. As shown in Table 3.2-6, area source emissions from the project would not exceed SDAPCD thresholds for ROG, NO_X, CO, SO_X, PM_{10}, or $PM_{2.5}$.

Energy Source Emissions

Energy source emissions would be generated as a result of electricity and natural gas associated with the proposed project for space heating and cooling, water heating, ventilation, lighting, appliances, and electronics. Per City regulations, the project does not propose the use of natural gas, as such use is prohibited for residential use. As a design feature, the project would install

high efficiency lighting fixtures. In addition, although not quantified and included in Table 3.2-7, the project would install solar panels capable of generating 149 kilowatt (kW) of solar power, which would be consistent with General Plan Policy 15.1, Policy 15.2, and Policy 15.3. As shown in Table 3.2-6, energy source emissions from the project would not exceed SDAPCD thresholds for ROG, NO_X, CO, SO_X, PM_{10}, or $PM_{2.5}$.

Table 3.2-6: Long-Term Operational Air Emissions

Emissions Source	Pollutant (lbs/day)[1]					
	ROG	NO_X	CO	SO_X	PM_{10}	$PM_{2.5}$
Proposed Project Summer Emissions						
Area Source Emissions	4.07	0.14	12.28	0.00	0.07	0.07
Energy Emissions[2]	0.00	0.00	0.00	0.00	0.00	0.00
Mobile Emissions[3]	2.48	2.47	22.23	0.05	5.41	1.47
Total Emissions[4]	**6.55**	**2.61**	**34.51**	**0.05**	**5.48**	**1.53**
SDAPCD Threshold	75	250	550	250	100	55
Is Threshold Exceeded?	**No**	**No**	**No**	**No**	**No**	**No**
Proposed Project Winter Emissions						
Area Source Emissions	4.07	0.14	12.28	0.00	0.07	0.07
Energy Emissions[2]	0.00	0.00	0.00	0.00	0.00	0.00
Mobile Emissions[3]	2.42	2.67	22.81	0..05	5.41	1.47
Total Emissions[4]	**6.49**	**2.81**	**35.09**	**0.05**	**5.48**	**1.53**
SDAPCD Threshold	75	250	550	250	100	55
Is Threshold Exceeded?	**No**	**No**	**No**	**No**	**No**	**No**

Notes:
1. Emissions were calculated using CalEEMod, version 2020.4.0.
2. As a design feature, the project would install high efficiency lighting fixtures.
3. The mobile source emissions were calculated using the trip generation data provided in the *Transportation Impact Study,* Intersecting Metrics 2022 (Appendix K).

Source: Ldn Consulting, Inc. 2022a (see Appendix C-1).

Total Operational Emissions

Table 3.2-6 presents the results of the operational emission calculations, in pounds per day, and includes a comparison with the significance criteria. Based on the estimates of the emissions associated with project operations, the emissions of all criteria pollutants would be below the significance thresholds. As such, the project would not expose sensitive receptors to substantial pollutant concentrations during operations/occupancy. Impacts would be **less than significant**.

Health Risk

Construction

The project construction activities are anticipated to involve the operation of diesel-powered equipment, which would emit Diesel Particulate Matter (DPM). In 1998, the CARB identified diesel exhaust as a Toxic Air Contaminant (TAC). Cancer health risks associated with exposures to

diesel exhaust typically are associated with chronic exposure, in which a 30-year exposure period often is assumed. The project would construct residential buildings in compliance with the California Code of Regulations (CCR), Title 13, Sections 2449(d)(3) and 2485, which minimize the idling time of construction equipment either by turning it off when not in use or by reducing the time of idling to no more than five minutes. Implementation of these regulations would reduce the amount of DPM emissions from project construction.

The closest sensitive receptors to the project site are single-family residential uses to the east. However, health impacts on sensitive receptors associated with exposure to DPM from project construction are anticipated to be less than significant because construction activities are expected to last approximately 19.5 months, which is well below the 30-year exposure period used in health risk assessments. Additionally, emissions would be short-term and intermittent in nature, and therefore would not generate TAC emissions at high enough exposure concentrations to represent a health hazard. Impacts are **less than significant**.

Operations

The project would construct residential uses and would result in limited operational activities with the potential health risks, including landscaping maintenance operations. None of these activities would result in the generation of excessive TAC emissions, or associated health risks from the project's operation. Therefore, operation of the proposed project is not anticipated to result in an elevated cancer risk to nearby sensitive receptors and the impact would be **less than** significant.

Proximity to I-5

An Air Quality Heath Risk Assessment (HRA) was prepared to evaluate potential health risks to project residents due to Diesel Particulate Matter (DPM) originating from proximity to I-5; refer to Appendix C-2. The analysis was prepared using the California Office of Environmental Health Hazard Assessment (OEHHA) methodologies (Office of Environmental Health Hazard Assessment) as outlined by the California Air Pollution Control Officers Association (CAPCOA).

The project site is located adjacent to I-5 between the off ramp of La Costa Avenue and Leucadia Boulevard. According to Caltrans, annual average daily trips (ADT) on I-5 are 213,000 ADT. Based on this data, I-5 would generate 0.0013 grams/second of diesel particulates over the modeled segment (Ldn Consulting, Inc. 2022b). Detailed EMFAC Model and Normalization calculations are provided in Attachment B of Appendix C-2.

Based on calculations included in the HRA, cancer risks for project residents resulting from exposure to suspended diesel particulates would exceed the established SDAPCD excess cancer risk significance threshold of 10 per one million exposed and could be considered a significant

impact (Ldn Consulting, Inc. 2022b). Refer also to Table 2: Cancer Risk at Worst-Case Outdoor Receptors (Unmitigated) of Appendix C-2.

In a study funded by CARB, the Lawrence Berkeley National Laboratory found that installation of Minimum Efficiency Reporting Value (MERV) 16 filtration on a supply ventilation system reduced $PM_{2.5}$ by 96-97 percent and ultrafine particles (UFP) by 97-99 percent relative to outdoors (Ldn Consulting, Inc. 2022b) and such filters are therefore recommended for homes with exposure to higher levels of $PM_{2.5}$. To ensure that levels for the proposed residential units remain below significance thresholds, mitigation measure **AQ-1** would require installation of MERV-16 filtrations systems within each proposed residence to reduce potential indoor levels of $PM_{2.5}$. Detailed descriptions of the mitigated cancer risk using MERV 16 filtration are included in Table 3: Cancer Risk at Worst-Case Indoor Receptors (Mitigated with MERV 16) of Appendix C-2. Impacts would be **less than significant with mitigation incorporated.**

Mitigation Measures:

AQ-1 **Install MERV-16 Filters Within Homes.** During project construction, MERV-16 filtration systems shall be installed within each residence.

Level of Significance: Less than significant with mitigation incorporated.

OTHER EMISSIONS SUCH AS THOSE LEADING TO OBJECTIONABLE ODORS

Impact 3.2-3	**The project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. Impacts would be less than significant.**

Individual responses to odors are highly variable and can result in various effects, including psychological (i.e., irritation, anger, or anxiety) and physiological (i.e., circulatory and respiratory effects, nausea, vomiting, and headache). Generally, the impact of an odor results from a variety of interacting factors such as frequency, duration, offensiveness, location, and sensory perception. Although offensive odors seldom cause physical harm, they can be annoying and cause distress among the public and generate citizen complaints.

The frequency is a measure of how often an individual is exposed to an odor in the ambient environment. The sensory perception refers to the perceived intensity of the odor strength or concentration. The duration of an odor refers to the elapsed time over which an odor is experienced. The offensiveness of the odor is the subjective rating of the pleasantness or unpleasantness of an odor. The location accounts for the type of area in which a potentially affected person lives, works, or visits; the type of activity they are engaged in; and the sensitivity of the impacted receptor.

CARB's (2005) *Air Quality and Land Use Handbook* identifies the sources of the most common odor complaints received by local air districts. Land uses and industrial operations associated with odor complaints include agricultural uses, wastewater treatment plants, food-processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding.

Potential odors produced during construction would be attributable to concentrations of unburned hydrocarbons from vehicles and equipment exhaust. Such odors would occur on a short-term, temporary basis. Further, such odors would disperse rapidly from the project site and would generally occur at levels that would not affect substantial numbers of people. Therefore, impacts associated with odors during construction would be less than significant**.**

Mitigation Measures: None required.

Level of Significance: Less than significant.

CUMULATIVE IMPACTS

Impact 3.2-4	**The project would not result in a significant impact from a net increase of any criteria pollutant for which the region is nonattainment under an applicable federal or state ambient air quality standard or other cumulative impacts related to air quality. Impacts would be less than cumulatively considerable.**

Geographic Scope

Air pollution is largely a cumulative impact. The nonattainment status of regional pollutants is a result of past and present development, and the SDAPCD develops and implements plans for future attainment of ambient air quality standards. Based on these considerations, project-level thresholds of significance for criteria pollutants are relevant in the determination of whether the project's individual emissions would have a cumulatively significant impact on air quality. Cumulative projects that would have the potential to be considered in a cumulative context with the project's incremental contribution, and that are included in the analysis of cumulative impacts relative to air quality, are identified in Table 3.0-1 and Figure 3.0-1 in Section 3.0, Environmental Analysis, of this EIR.

Additionally, to be conservative, the cumulative analysis is based on the "worst-case" assumption that all 2019 HEU sites develop under maximum density bonus unit allowances. The cumulative impact analysis includes all 2019 HEU sites to the extent they may contribute to certain issue-specific cumulative effects (see Table 3.0-2).

Potential cumulative air quality impacts may result when the emissions from cumulative projects combine to degrade air quality conditions below attainment levels for the SDAB, delay

attainment of air quality standards, affect sensitive receptors, or subject surrounding areas to objectionable odors. The cumulative study area for air quality includes the SDAB, which is contiguous with San Diego County because air quality is evaluated at the air basin level. Cumulative impacts on sensitive receptors and odors are more localized and include surrounding areas close to the project site.

Potential Cumulative Impacts

As shown in Table 3.2-3, the SDAPCD is in federal nonattainment status for ozone (8-hour) and state nonattainment status for ozone (8-hour and 1-hour), PM_{10}, and $PM_{2.5}$. Projects that emit these pollutants or their precursors (i.e., VOC and NO_x for ozone) potentially contribute to poor air quality. The SDAPCD significance thresholds consider the cumulative impact of a project that adds emissions to the entire air basin, in this case a basin already in nonattainment for several criteria. As indicated in Tables 3.2- 5 and 3.2-6, construction and operations/occupancy emissions would not exceed the SDAPCD significance thresholds. Other projects included in the cumulative project list would similarly be required to evaluate if such projects would exceed significance thresholds and contribute to an overall cumulative air impact in the basin.

As noted above, the SCAQMD concludes that it is not currently possible to accurately quantify ozone-related health impacts caused by NO_X or VOC emissions from relatively small projects (defined as projects with regional scope) due to photochemistry and regional model limitations. Other cumulative projects would similarly analyze their projected construction and operation air emissions to determine if the project exceeds the SDAPCD thresholds. If the other cumulative projects do not exceed SDAPCD thresholds for construction and operational air emissions, the projects would have a less than significant impact for air quality health impacts as well. Additionally, as construction emissions identified in Table 3.2-5 are low relative to standards, simultaneous construction of the cumulative projects would cause a less than significant cumulative impact on air quality (refer also to Appendix C-1).

The thresholds were developed to address criteria pollutants on an air-basin scale because air quality is an inherently cumulative issue. Because the proposed project is below these thresholds, it therefore would not result in a considerable contribution to regional air quality impacts. As noted under Impact 3.2-1 above, although the RAQS does not reflect the increased population associated with the HEU update, the City previously mitigated this issue by providing SANDAG with updated housing and land use data to update the RAQS as required by the HEU EA. In addition, as detailed above, the proposed project's emissions fall below established thresholds and therefore, the project's contribution to this cumulative impact would be **less than cumulatively considerable**.

Mitigation Measures: None required.

Level of Significance: Less than cumulatively considerable.

Section 3.3
Biological Resources

This section evaluates the existing biological resources setting and the potential effects caused by implementation of the proposed project, including impacts on sensitive species and habitat. The following discussion addresses the existing biological resources conditions of the affected environment, identifies and analyzes environmental impacts, and identifies measures to reduce or avoid adverse impacts anticipated from implementation of the project, as applicable.

The analysis in this section is substantially based on the *Biological Technical Report* prepared by ECORP Consulting, Inc. (2022; Appendix D). Third-party technical reports have been peer-reviewed by Michael Baker International and the City of Encinitas.

ENVIRONMENTAL SETTING

The project site is currently vacant and comprises two parcels located directly east of Interstate 5 (I-5) between Leucadia Boulevard and La Costa Avenue in the Leucadia community of Encinitas. The project site ("development area") would be developed with the proposed residential townhome uses and amenities. An off-site preserve area adjacent to the north would be preserved in perpetuity and left in its current state in order to mitigate for impacts resulting with future development of the project site.

The proposed "development area" considered, or project footprint, includes the proposed residential development and amenity area (on-site impacts), off-site improvements (i.e., off-site impacts) required by the City adjacent to the property along Piraeus Street and Plato Place, and the fuel modification zone (FMZ) which totals approximately 6.78 acres. The area where the residential uses are proposed lies entirely within the southern parcel (APN 254-144-01-00). The proposed off-site preserve area comprises the northern parcel (APN 216-110-35-00) and a small northern portion of the project site (APN 254-144-01-00), and totals approximately 5.51 acres. Refer also to Figure 3.3-1, Biological Study Area/Impacts.

Surrounding land uses include single-family residences to the east and south; Plato Place to the south; and Piraeus Street and I-5 to the west. Vacant land and La Costa Avenue are present to the north. Sky Loft Road traverses the off-site preserve area in an east-west direction.

The project site is approximately 0.9 miles east of California coastline and is located within the Coastal Zone. Topography of the site is relatively flat within the development area with slopes present along the western and northern edges. There is a steep drop where the development area meets the off-site preserve area. Within the preserve area, a steep slope occurs in a northeasterly direction. Elevation ranges from 15 feet to 175 feet above mean sea level across the project site.

Additionally, the project site is located within a Very High Fire Hazard Severity Zone (Caltrans n.d). As such, the establishment and maintenance of a FMZ to the north of the townhomes would be required as part of the project. The FMZ would include clearing/modifying trees and shrubs within 80 feet of the proposed habitable structures as a wildland fire safety measure.

Appendix D documents the biological surveys completed within and along the boundaries of the subject property. The biological assessment revealed that a number of special-status species have been previously recorded in the project vicinity. More detailed discussion of the potential presence of sensitive habitat, plants, and animal species on-site is provided below.

Literature Review

Project-related documentation was reviewed to collect site-specific data regarding habitat suitability for special-status species. Additional information was obtained from a variety of outside data sources. Preliminary database searches were performed on the following websites to identify special-status species with the potential to occur in the area (ECORP 2022; refer to Appendix D for additional details):

- U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS) *Web Soil Survey;*
- State and Federally Listed Endangered and Threatened Animals of California;
- Special Animals List;
- California Department of Fish and Wildlife's (CDFW) Vegetation Classification and Mapping Program;
- *The Jepson Manual: Vascular Plants of California;*
- *The Manual of California Vegetation, 2nd Edition;*
- US Fish and Wildlife Service (USFWS) Critical Habitat Portal and Information for Planning and Consultation (IPaC) Trust Resource List;
- USFWS National Wetland Inventory;
- North County Multiple Habitat Conservation Program (MHCP) (San Diego Association of Governments (SANDAG);
- Draft Encinitas Subarea Plan;
- Various online websites.

Field Reconnaissance

On March 10, 2022, the entire project site, as well as adjacent natural areas, were surveyed on foot by ECORP. Focused, protocol-level surveys were not conducted as part of the site visit due to the developed conditions of the site and results of the literature review. Plant and wildlife species observed during the survey were recorded, and representative photographs of the property were taken. The individuals who conducted the surveys, the date and time of the surveys, and survey conditions are available in the *Biological Technical Report*; refer to Appendix D.

Protocol Surveys

Focused surveys for rare plants and vegetation mapping were conducted from spring through summer of 2022. Four special-status plant species (California adolphia, wart-stemmed ceanothus, Engelmann oak, and ashy spike-moss) were identified within the project site and the 100-foot wide study are buffer. Refer to Attachment A of Appendix D.

Focused breeding season surveys for the coastal California gnatcatcher were conducted in the spring of 2022. The surveys confirmed the presence of this species on the project site. A total of five CAGN territories (two pair within the proposed development area, one territorial male within the off-site preserve area, and two pairs within the 500-foot survey buffer east of the property boundary and north of Sky Loft Road. A small portion of one of the gnatcatcher territories overlaps the northern preserve area; refer to Attachment B of Appendix D.

Additionally, focused surveys for Pacific pocket mouse were conducted in the summer of 2022 Results of the survey were negative. Refer to Attachment C of Appendix D.

Existing Conditions

Biological Setting

Vegetation Communities

The vegetation communities observed on the project site are characteristic of coastal sage scrub, chaparral, and grassland communities. The vegetation communities and land cover types present on-site in both the development area and the preserve area are depicted on Figure 3.3-2, Vegetation Communities and Land Cover Types within the Project Site, and described in further detail below. Refer to Appendix D for a complete list of plant species observed within the project site during the field surveys. Table 3.3-1 provides the acreage of each vegetation community/land use on-site in the development area and the off-site preserve area, with each discussed in detail following the table.

Table 3.3-1: Vegetation Communities and Land Covers within the Survey Area

Vegetation Communities and Land Covers (Oberbauer/MCV)	Development Area (Impact) (Acres)			Development Area (Impact) Total (Acres)	Preserve Area (No Impact) (Acres)		SDG&E Easement	Total (Acres)
	On-site	Off-site Improvements	FMZ		On-site (Acres)	Off-site Adjacent (Acres)		
Diegan Coastal Sage Scrub/ California Sagebrush-California Buckwheat Scrub	0.77	0.16	-	0.93	-	-	-	0.93
Diegan Coastal Sage Scrub/Brittle Bush Scrub	-	-	-	-	-	2.43	-	2.43
Diegan Coastal Sage Scrub/ Lemonade Berry Scrub1	-	-	-	-	-	0.71	-	0.71
Southern Mixed Chaparral/ Chamise-Mission Manzanita Chaparral1	0.65	<0.01	0.48	1.13	0.56	0.25	0.02	1.97
Coastal Scrub/ Deerweed Scrub	1.38	0.06	-	1.44	-	-	-	1.44
Nonnative Grassland/Annual Brome Grassland	-	-	-	-	-	1.38	-	1.38
Nonnative Riparian/Giant Reed Break	-	-	-	-	-	0.18	-	0.18
Disturbed/ Disturbed	2.96	0.27	0.05	3.28	<0.01	-	-	3.28
			Total	**6.78**	**0.56**	**4.95**	**0.02**	**12.32**

[1] Sensitive vegetation community

Source: ECORP 2022 (see Appendix D).

Plants

Plant species observed on the project site were generally characteristic of coastal sage scrub, chaparral, and grassland communities; refer to Figure 3.3-3, Biological Survey Results - Plants. Non-native plant species observed on the project site were dominant within the grassland and disturbed areas, intermittently found within native vegetation communities. A full list of plant species observed on the project site is included in Attachment E of Appendix D.



Service Layer Credits: Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community Photo Source: NAIP

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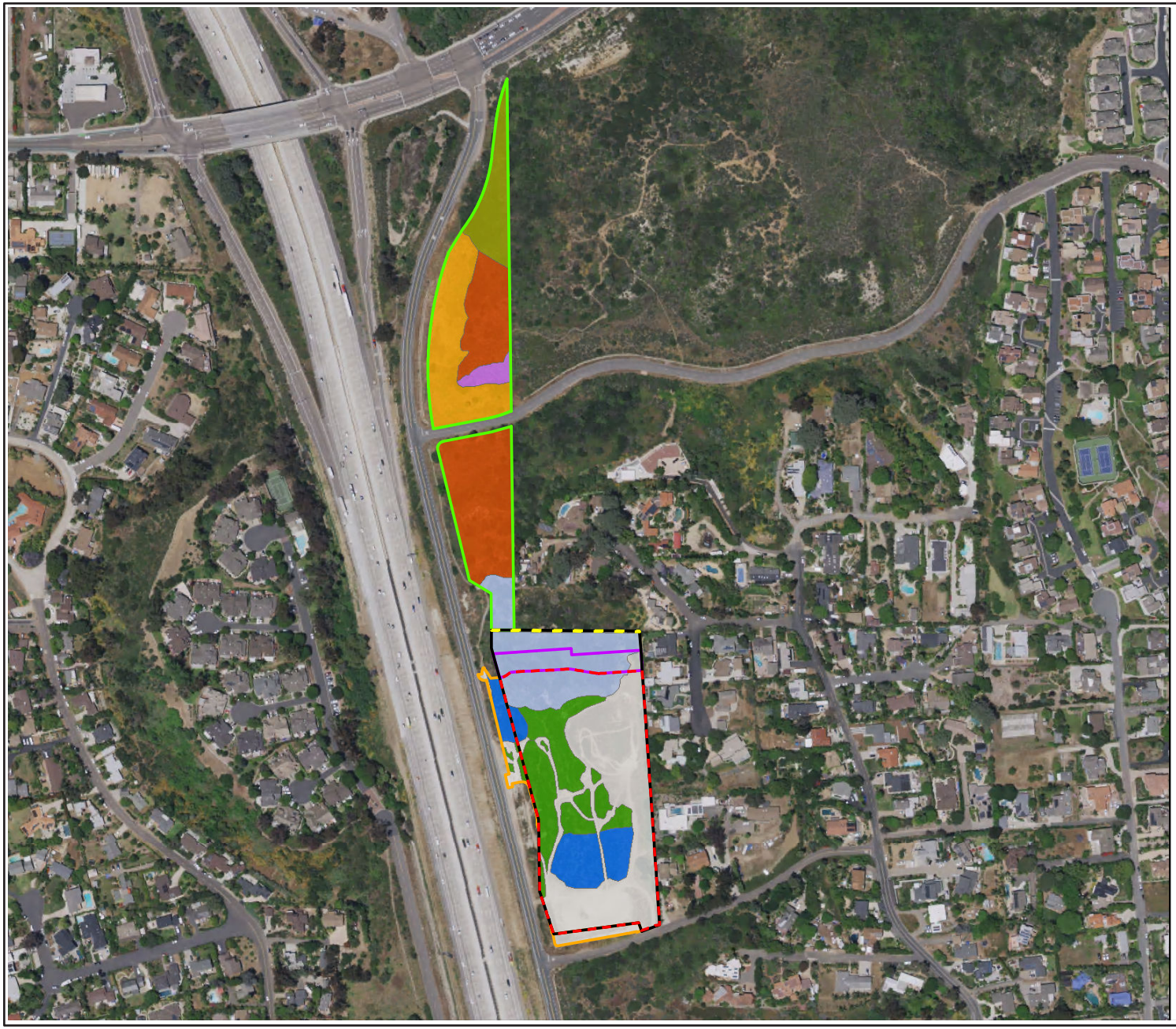
Source: ECORP Consulting, 10/25/2022

PIRAEUS POINT
ENVIRONMENTAL IMPACT REPORT

Biological Study Area/Impacts

Figure 3.3-1

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Map Content

- Project Boundary
- Offsite Adjacent Preserve Area
- FMZ
- Onsite Impacts
- Offsite Impacts
- SDGE Easement

Vegetation Communities and Land Cover Types

- MCV - Annual Brome Grasslands (*Bromus* [*diandrus*, *hordeaceus*]-*Brachypodium distachyon* Semi-Natural Herbaceous Stand) Oberbauer - Non-native Grassland (42200) **1.380 acres**
- MCV - California Brittle Bush Scrub (*Encelia californica* Shrubland Alliance) Oberbauer - Diegan Coastal Sage Scrub (32500) **2.430 acres**
- MCV - California sagebrush -California buckwheat scrub (*Artemisia californica-Eriogonum fasciculatum* Shrubland Alliance) Oberbauer - Diegan Coastal Sage Scrub (32500) **0.930 acres**
- MCV - Chamise-mission manzanita chaparral (*Adenostoma fasciculatum-Xylococcus bicolor* Shrubland Alliance) Oberbauer – Southern Mixed Chaparral (37120) **1.968 acres**
- MCV - Deerweed Scrub (*Lotus scoparius* Shrubland Alliance) Oberbauer - Coastal Scrub (32000) **1.441 acres**
- MCV - Giant Reed Break (*Arundo donax* Semi-Natural Herbaceous Stand) Oberbauer - Non-Native Riparian (65000) **0.176 acres**
- MCV - Lemonade Berry Scrub (*Rhus integrifolia* Shrubland Alliance) Oberbauer - Diegan Coastal Sage Scrub (32500) **0.713 acres**
- Disturbed **3.282 acres**

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Scale in Feet
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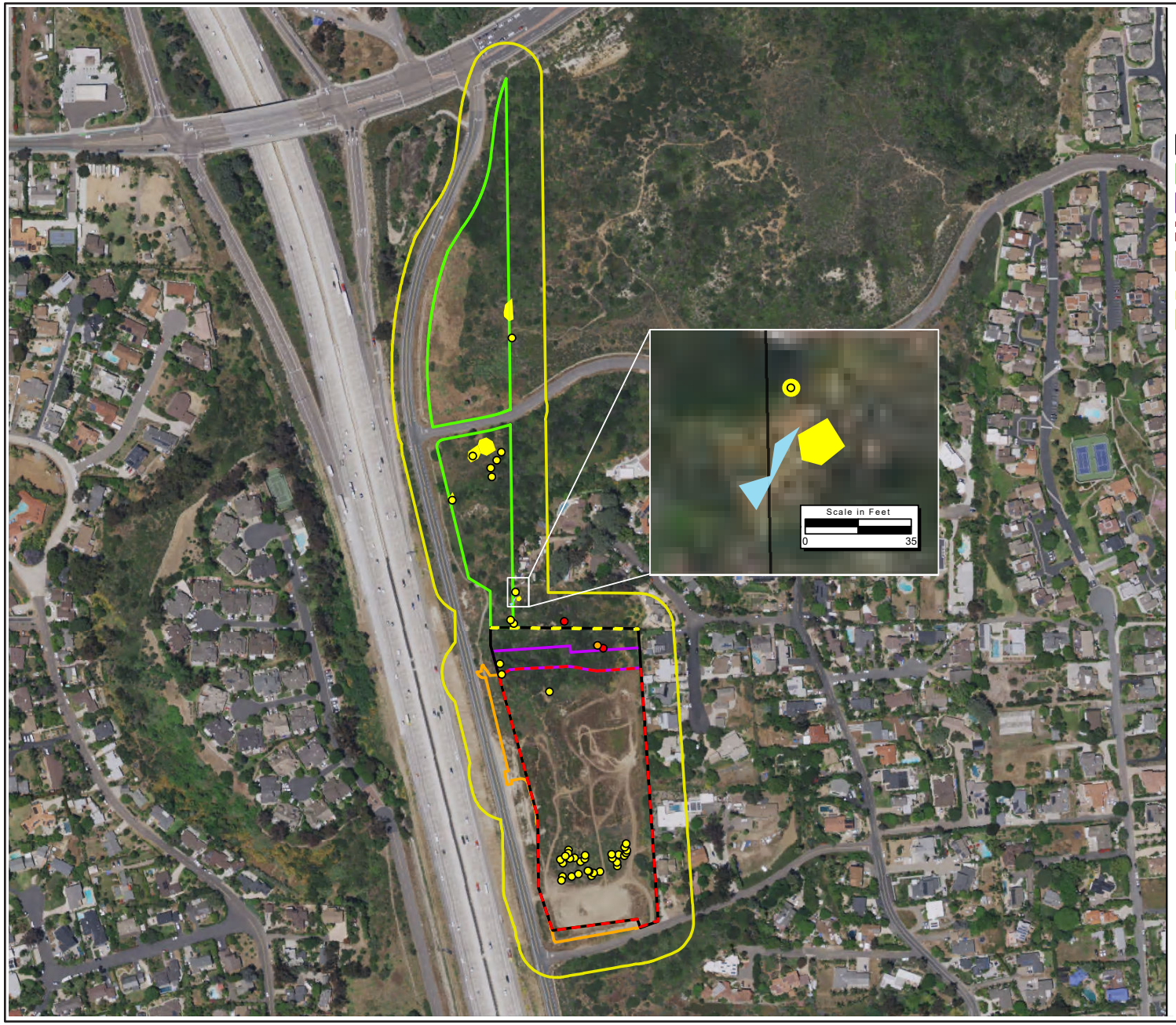
Source: ECORP Consulting, Inc. 2022

PIRAEUS POINT
ENVIRONMENTAL IMPACT REPORT

Vegetation Communities and Land Cover Types

Figure 3.3-2

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Map Content

- Project Boundary
- Offsite Adjacent Preserve Area
- FMZ
- Onsite Impacts
- Offsite Impacts
- SDGE Easement
- 100-ft Buffer

Rare Plant Observations

- California adolphia (*Adolphia californica*)
- Engelmann oak (*Quercus engelmannii*)
- Wart-stemmed ceanothus (*Ceanothus verrucosus*)

Rare plant Occupied Habitat

- Ashy-spike moss (*Selaginella cinerascens*)
- California adolphia (*Adolphia californica*)
- Engelmann oak (*Quercus engelmannii*)
- wart-stemmed ceanothus (*Ceanothus verrucosus*)

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Scale in Feet
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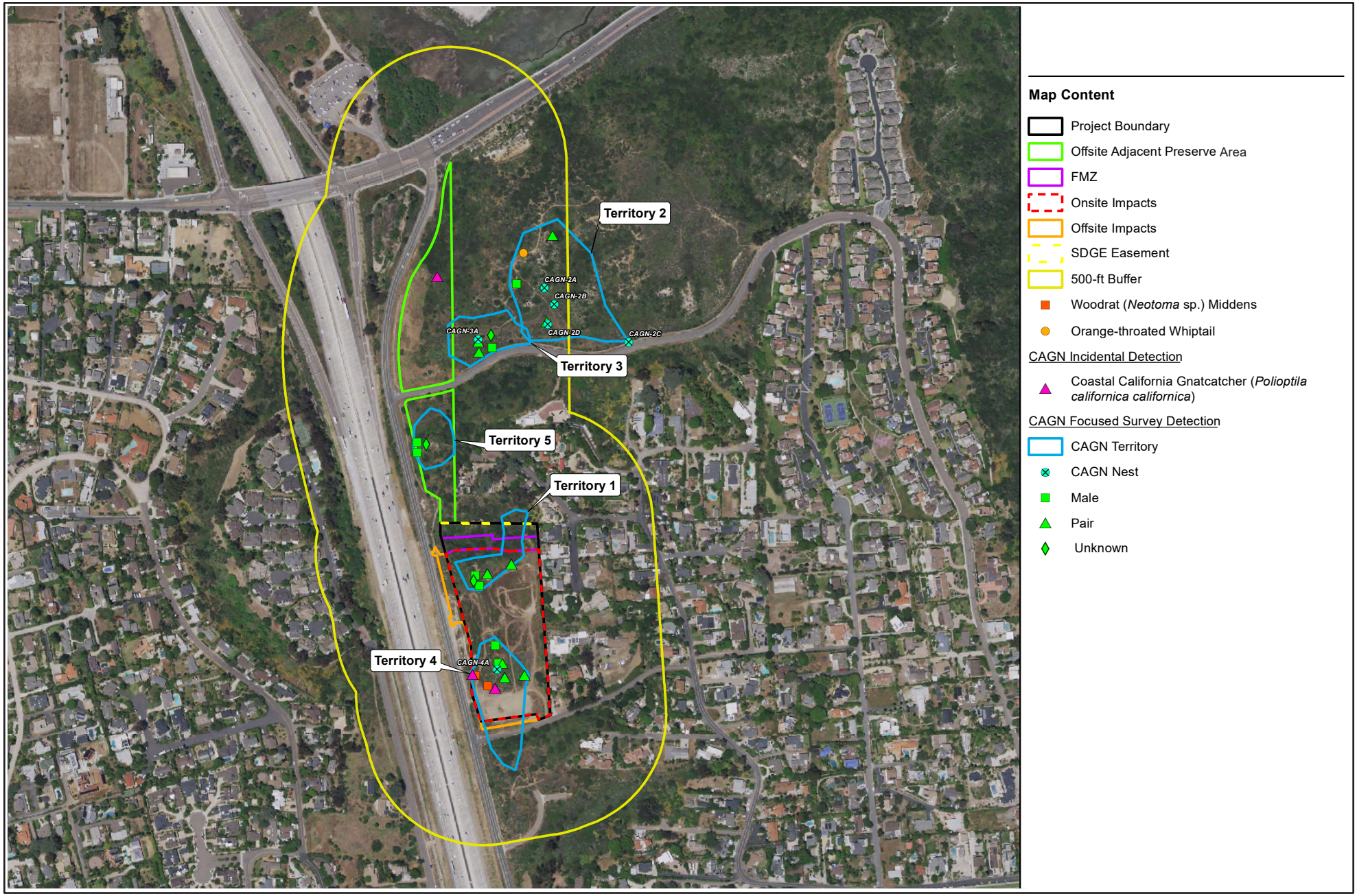
Source: ECORP Consulting, Inc. 2022

PIRAEUS POINT
ENVIRONMENTAL IMPACT REPORT

Biological Survey Results - Plants

Figure 3.3-3

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File: 189273Figures.indd

Scale in Feet
0 200 400

Source: ECORP Consulting, Inc. 2022

PIRAEUS POINT
ENVIRONMENTAL IMPACT REPORT

Biological Survey Results - Wildlife

Figure 3.3-4

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Development Area

The dominant vegetation community present throughout the Development Area is coastal scrub and disturbed land cover. Large trees are not present within the Development Area and a patch of coastal scrub is located within the center which transitions into Diegan coastal sage scrub along the slopes to the northwest and south. Southern mixed chaparral occupies the northern area and transitions into the preserve area. The majority of the off-site preserve area contains Diegan coastal sage scrub but also contains smaller portions of nonnative riparian and nonnative grassland communities. The FMZ to the north of the proposed development area is comprised of southern mixed chaparral. It should be noted that impacts occurring to southern mixed chaparral within the FMZ are included in the impact calculations.

Diegan Coastal Sage Scrub

The three MCV vegetation communities documented within the project site are California sagebrush-California buckwheat scrub, brittle bush scrub, and lemonade berry scrub. However, to consider the mitigation ratios of the MHCP and the Draft Subarea Plan (SAP), all three can be converted to Oberbauer's Diegan coastal sage scrub. Within the project area, this community was co-dominated with California sagebrush and California buckwheat.

Other species such as deerweed, lemonade berry, and coastal prickly pear were also present. Most shrubs were less than 2 meters tall on southern and western facing slopes. This vegetation community is located in the southern and northwestern portions of the Development Area, and within the middle and northern portions of the preserve area. Diegan coastal sage scrub is included in the Group C: coastal sage scrub habitat group under the MHCP and Draft SAP. Within the FPA, Diegan coastal sage scrub is required to be mitigated at a 2:1 ratio. (ECORP 2022). California sagebrush-California buckwheat scrub, one of the three MCV vegetation communities considered as Diegan coastal sage scrub, is not considered a sensitive natural community by CDFW, with a global rarity rank of G4 and state rarity rank of S4. The second MCV equivalent, brittle bush scrub, is also not considered a sensitive natural community with a global rarity rank of G5 and state rarity rank of S4. Finally, the last MCV equivalent, lemonade berry scrub, is considered a sensitive vegetation community with a global and state rarity rank of G3 and S3, respectively (ECORP 2022).

Southern Mixed Chaparral

Chamise-Mission Manzanita Chaparral an MCV classification, can be converted to Oberbauer's Southern Mixed Chaparral. It was found within the Development Area and preserve area. It is a chaparral community, which consists of mostly hard-woody shrubs less than 3 meters tall with an intermittent to continuous canopy. Dominant species within this community consisted of chamise and mission manzanita as a subdominant, but also consisted of laurel sumac, toyon, lemonade berry, and black sage. This vegetation community is located in the northern portion of

the development area and southern portions of the preserve area. Southern mixed chaparral is included in the Group D: Chaparral habitat group under the Draft SAP and MHCP. Within the FPA, southern mixed chaparral must be mitigated at a 1:1 ratio. CDFW considers chamise-mission manzanita chaparral as a sensitive vegetation community as this community has a global rarity rank of G4 and a state rank of S3 (ECORP 2022).

Coastal Scrub

Deerweed Scrub, an MCV classification, can be converted to Oberbauer's coastal scrub. This community is associated with moderate to dense scrub and was primarily dominated by deerweed within the development area. Other species included California sagebrush, coyote brush, and scattered individuals of California everlasting. Deerweed scrub/coastal scrub is included in the Group C: coastal scrub habitat group under the Draft SAP and MHCP. Within the FPA, coastal scrub must be mitigated at a 2:1 ratio. CDFW does not consider Deerweed Scrub a sensitive community, it has a global rarity rank of G5 and a state rarity rank of S5 (ECORP 2022).

Disturbed

The classification disturbed is a land cover type and not a vegetation classification. Areas mapped as disturbed were heavily altered due to human disturbance and were dominated by open areas, dirt paths, and nonnative weedy and ruderal vegetation. Dominant plant species of the disturbed areas of the Development Area were nonnative herbs including red-stemmed filaree, hottentot fig, and crystalline ice plant. Disturbed land cover type is included in the Group F: Other group under the Draft SAP and MHCP (ECORP 2022). CDFW does not consider disturbed as a vegetation community.

Off-site Preserve Area

Additional vegetation communities are present within the off-site preserve area. Southern mixed chaparral is the only vegetation community found within both the Development Area and preserve area and occurs at the boundary line between the two areas. Similarly, a small, disturbed area exists at the eastern boundary line between the two areas. The dominant vegetation communities present throughout the off-site preserve area are the Diegan coastal sage scrub community California brittle bush scrub and annual brome grassland. Multiple northern California black walnut trees and a few Mexican fan palms are present within the preserve area. In the northernmost portion of the off-site preserve area is Diegan coastal sage scrub. A patch of nonnative riparian occurs just north of Skyloft Road. Southern mixed chaparral occupies the southern-most area.

Nonnative Riparian

Giant reed break, an MCV classification, can be converted to Oberbauer's nonnative riparian community. This community is associated with a continuous canopy and usually associated with

riparian areas. Within the project area, this community was dominated by giant reed but also included castor bean and hottentot fig within a small portion of the preserve area. Nonnative riparian is included in the Group A: Wetland/Riparian under the Draft SAP and MHCP (ECORP 2022). CDFW considers nonnative riparian a semi-natural stand and a global and state rarity rank is not applicable (ECORP 2022). The water source for this vegetation community appears to be from urban runoff and this community would not be impacted by the project.

Nonnative Grassland

Annual brome grassland, an MCV classification, can be converted to Oberbauer's nonnative Grassland. This community is only present within the preserve area and was primarily dominated by ripgut brome. Other species included black mustard, foxtail brome, and red-stemmed filaree. nonnative grassland is included in the Group E: annual grassland habitat group under the Draft SAP and MHCP. CDFW considers nonnative grassland a semi-natural stand and a global and state rarity rank is not applicable (ECORP 2022).

Wildlife

The project site provides habitat for species adapted to coastal scrub environments. ECORP biologists observed 18 bird species during the reconnaissance survey and an additional 22 were observed over the course of focused wildlife surveys. Sign or presence of 10 mammal species, four reptile species, and eight insect species were also observed. Woodrat middens were identified within the Development Area that could potentially belong to the San Diego desert woodrat. San Diego desert woodrat is a special-status species that was confirmed during focused Pacific pocket mouse surveys. A full list of wildlife species observed on the project site is included in Attachment F of Appendix D.

Sensitive Habitats

Sensitive habitats include the following:

- Areas of special concern to resource agencies
- Areas that provide habitat for rare or endangered species which meet the definition of Section 15380 of the California Environmental Quality Act (CEQA) Guidelines
- Areas designated as sensitive natural communities by the CDFW
- Areas outlined in California Fish and Game Code (FGC) Section 1600
- Areas regulated under Clean Water Act Section 404
- Areas protected under Clean Water Act Section 401

- Areas protected under local regulations and policies

There are no Coastal Act designated Environmentally Sensitive Habitat Areas (ESHA) on the subject site. Further, *critical habitat* is a term from the federal Endangered Species Act (ESA) designed to guide actions by federal agencies (as opposed to state, local, or other agency actions) and defined as an area occupied by a species listed as threatened or endangered within which are found physical or geographical features essential to the conservation of the species, or an area not currently occupied by the species which is itself essential to the conservation of the species. Critical habitat is designated by the USFWS. There is no USFWS critical habitat for special-status plants mapped within or adjacent to the project area (see Appendix D).

Special-Status Species

Candidate, sensitive, or special-status species are commonly characterized as species that are at potential risk or actual risk to their persistence in a given area or across their native habitat. These species have been identified and assigned a status ranking by governmental agencies such as the CDFW or the USFWS and private organizations such as the CNPS. The degree to which a species is at risk of extinction is the determining factor in the assignment of a status ranking. Some common threats to a species' or population's persistence include habitat loss, degradation, and fragmentation, as well as human conflict and intrusion. For the purposes of the biological review, special-status species are defined by the following codes:

- Listed, proposed, or candidates for listing under the federal ESA (50 Code of Federal Regulations [CFR] 17.11 – listed; 61 Federal Register 7591, February 28, 1996, candidates)
- Listed or proposed for listing under the California ESA (FGC 1992 Section 2050 et seq.; 14 California Code of Regulations [CCR] Section 670.1 et seq.)
- Designated as Species of Special Concern by the CDFW
- Designated as Fully Protected by the CDFW (FGC Sections 3511, 4700, 5050, and 5515)
- Species that meet the definition of rare or endangered under CEQA (14 CCR Section 15380) including CNPS List Rank 1b and 2

Sensitive Plants

The literature review and database search identified 56 special-status plant species that have the potential to occur on or near the project site; refer to Appendix D. Additionally, one special-status plant species, California adolphia, was observed during the reconnaissance survey. Focused rare plant surveys confirmed number and locations of California adolphia populations and detected three additional special-status plant species: wart-stemmed ceanothus, Engelmann oak, and ashy spike-moss. All rare plant species observed within the Survey Area are designated as rare by the

CNPS. Wart-stemmed ceanothus and Engelmann oak are covered by the MHCP and Draft SAP. None of the rare plant species found within the survey area are state or federally listed. Refer also to Appendix D.

California Adolphia (CRPR 2B.1)

California adolphia is a dicot, a spiny shrub in the Rhamnaceae family that is native to California. Adolphia has a CNPS California Rare Plant Rank (CRPR) rating of 2B.1, 2B meaning that the species' distribution is "rare, threatened, or endangered in California but common elsewhere", and its threat rank of 0.1 defined as "seriously threatened in California." California adolphia is not covered by the Draft SAP or MHCP. This species was observed in the Southern Mixed Chaparral and Diegan Coastal Sage Scrub vegetation communities. Based on extent of occupied habitat, this was the most prevalent rare plant species within the Survey Area. Approximately 154 individuals were documented within the Development Area (inclusive of 9 individuals within the FMZ) and 17 individuals within its 100-ft buffer. The off-site preserve area contains 103 individuals of California adolphia, and 53 individuals within its 100-foot buffer (ECORP 2022).

Wart-Stemmed Ceanothus (CRPR 2B.2, MHCP Covered)

Wart-stemmed ceanothus is a dicot, a shrub in the Rhamnaceae family that is native to California. Wart-stemmed ceanothus has a CRPR rating of 2B.2, with the same distribution description as California adolphia, and 0.2 threat rank described as "moderately threatened in California." Wart-stemmed ceanothus is a proposed covered species for the Draft SAP and is a MHCP covered species, which is subject to species-specific permit conditions outlined in Section 4, Volume II of the Final MHCP. This species was observed in the Southern Mixed Chaparral vegetation community. One wart-stemmed ceanothus was observed in the off-site preserve area and one other individual was documented within the 100-foot buffer of the preserve area (ECORP 2022).

Engelmann Oak (CRPR 4.2, MHCP Covered)

Engelmann oak is a dicot, a deciduous tree in the Fagaceae family that is native to California. Engelmann oak has a CRPR rating of 4.2, 4.0 meaning that the species distribution is limited and is referred to as a "watch list," and the same threat rank of wart-stemmed ceanothus. Engelmann oak is a proposed covered species for the Draft SAP and is a MHCP covered species, which is subject to species-specific permit conditions outlined in Section 4, Volume II of the Final MHCP. A single Engelmann oak was documented in the southern portion of the off-site preserve area, within Southern Mixed Chapparal (ECORP 2022).

Ashy Spike-Moss (CRPR 4.1)

Ashy spike-moss is a lycopod, a perennial rhizomatous herb in the Selaginellaceae family that is native to California. Ashy spike-moss has a CRPR rating of 4.1, with the same distribution description as Engelmann oak, and its threat rank of 0.1 defined as "seriously threatened in

California." Ashy spike-moss is not covered by the Draft SAP or MHCP. Approximately 500 individuals of ashy spike-moss were documented within the off-site preserve area and 250 individuals were documented within the 100-foot buffer of the proposed preserve area, in southern mixed chaparral (ECORP 2022).

Sensitive Wildlife

Results of the literature search and the reconnaissance-level survey identified 32 special-status wildlife species as having potential to occur on or in the vicinity of the project site. Five special-status wildlife species were determined present based on detections during the biological surveys; refer to Figure 3.3-4, Biological Survey Results - Wildlife. One special-status wildlife species was determined to have a high potential to occur, six species were determined to have a moderate potential to occur, and the remaining 20 species were determined to have a low potential to occur or were presumed absent. The special-status wildlife species observed or found to have a high or moderate potential to occur within the project site are listed below.

Coastal California Gnatcatcher

Coastal California gnatcatcher is a federally listed (threatened) species, a CDFW Species of Special Concern (SSC), and a covered species under the North County MHCP. Final designated critical habitat comprises the entirety of the project site. Several recent occurrences in the CNDDB have been recorded within 5 miles of the site; the most recent occurrence is approximately 0.8 miles southeast of the site in 2005. Additionally, this species was observed during previous studies of the site. The coastal sage scrub and chaparral habitats provide highly suitable habitat for this species. A pair of Coastal California gnatcatchers were observed within the coastal sage scrub community in the center of the development area during the reconnaissance survey. A single male was also observed in the coastal sage scrub of the preserve area during the reconnaissance survey (ECORP 2022).

Cooper's Hawk

Cooper's hawk is a CDFW Watch List species and is a covered species under the North County MHCP. It inhabits a variety of habitats from wooded areas of deep forests to leafy subdivisions. One individual was observed flying over the development area during the reconnaissance survey. Nesting habitat associated with this species occurs within the 500-foot buffer of the project site and to a lesser degree within the project site itself. Foraging habitat is present throughout the project site and buffer. No active nests for this species were observed within the area (ECORP 2022).

Monarch Butterfly

The California overwintering population of monarch butterfly is a candidate species for listing under the federal ESA. This species inhabits a variety of habitats and has a reliance on milkweeds

as its obligate larval host plant. No milkweed plants were observed within the project site. The overwintering population is known to have a preference for and dependency on non-native trees planted in the mild coastal zone. This species was observed within the preserve area of the project site but likely during a migratory effort as the project site does not contain overwintering habitat.

San Diego Desert Woodrat

San Diego desert woodrat is a CDFW SSC. This species inhabits a variety of habitats including chaparral, coastal sage scrub, Riversidean alluvial fan sage scrub, and desert scrubs. Their range includes southern California and the Great Basin, Mojave and Colorado deserts. Woodrats build large dens known as middens which consist of vegetation and woody materials. A midden was observed within the Development Area during the reconnaissance survey that could be occupied by this species. This species was incidentally captured, identified, and safely released during focused 2022 Pacific pocket mouse trapping surveys (ECORP 2022).

Orange-throated Whiptail

Orange-throated whiptail is a CDFW Watch List (WL) species and an MHCP covered species. This species inhabits semi-arid brushy areas typically with loose soil and rocks, including washes, stream sides and coastal chaparral. Its range extends from the southern edges of Orange and San Bernardino Counties to coastal areas of San Diego County. This species was observed adjacent to the preserve area during the focused coastal California gnatcatcher surveys for the project (ECORP 2022).

Migratory Birds

Potential nesting habitat for migratory birds and raptors protected by the Migratory Bird Treaty Act (MBTA) and California FGC, including the special-status bird species present or with potential to occur on the project site (i.e., coastal California gnatcatcher, Cooper's hawk, southern California rufous-crowned sparrow, and Bell's sage sparrow), is present on the project site and adjacent areas in the larger shrubs and nearby anthropogenic structures (e.g., wooden utility poles, nearby buildings). Additionally, suitable habitat for ground-nesting species, such as mourning dove, is present throughout the site. The coastal sage scrub and chaparral habitats provide suitable nesting habitat for bird species. Raptors typically breed between February and August, and songbirds and other passerines generally nest between March and August. While suitable nesting habitat for raptors is limited on the project site due to the lack of large solitary trees or other perching and nesting structures, nearby buildings and wooden utility poles are present in the areas surrounding the project site. An active red-tailed hawk nest was identified just outside of the 500-foot buffer of the project site to the south (see Appendix D).

Jurisdictional Waters

Jurisdictional waters of the State and waters of the United States, along with isolated wetlands, serve a variety of functions for plants and wildlife. Wetlands and other water features provide habitat, foraging, cover, and migration and movement corridors for both special-status and common species. In addition to habitat functions, these features physically convey surface water flows and are capable of handling large stormwater events. Based on the field survey and literature review, no jurisdictional wetlands and/or waterways occur within the project site.

Wildlife Movement Corridors, Linkages, and Significant Ecological Areas

The concept of habitat corridors addresses the linkage between large blocks of habitat that allow the safe movement of mammals and other wildlife species between habitat areas. The definition of a corridor varies; however, corridors may include areas such as greenbelts, refuge systems, underpasses, and biogeographic land bridges. In general, a corridor is described as a linear habitat, embedded in a dissimilar matrix, which connects two or more large blocks of habitat. Wildlife movement corridors are critical for the survivorship of ecological systems for several reasons. Corridors can connect water, food, and cover sources, spatially linking these three resources with wildlife in different areas. In addition, wildlife movement between habitat areas provides for the potential of genetic exchange between wildlife species populations, thereby maintaining genetic variability and adaptability to maximize the success of wildlife responses to changing environmental conditions. This is especially critical for small populations subject to loss of variability from genetic drift and effects of inbreeding. The nature of corridor use and wildlife movement patterns varies greatly among species.

The project site is within an identified Biological Core and Linkage Area (BCLA) under the MHCP but not within a defined wildlife corridor The project site is located within the La Costa *softline* Focused Planning Area (FPA), a planning area delineated by the City of Encinitas as part of their Draft Subarea Plan. The Draft Subarea Plan is based on policies outlined in the North County MHCP. The FPAs consist of a combination of *hardline* preserves (i.e., lands that will be conserved and managed for biological resources) and *softline* planning areas (i.e., within which preserve areas will ultimately be delineated based on further data and planning). The City of Encinitas specifies: “For softlined areas, which do not have development approvals, development and conservation standards and criteria will be applied to achieve the projected conservation” (ECORP 2022).

The project site was assessed for its ability to function as a wildlife corridor. The preserve area provides unlimited wildlife movement opportunities due to its connectivity to open space to the northeast and adjacency to Batiquitos Lagoon. The off-site preserve area contains vegetation structure and topography that does provide unique or additional vegetative cover or shelter from adjacent areas, which is a characteristic of wildlife corridor areas. The development area’s value

as a corridor is lower because a majority of the development area is sparse, disturbed land cover bordered by residential development. The coastal sage scrub within the center of the development area provides a noncontiguous connection to the dense chaparral habitat at the north end of the development area, which transitions into the preserve area; therefore south–north movement is established. The presence of I-5 west of the project site and residential development to the east and southeast likely block east-west movement through the area.

REGULATORY FRAMEWORK

Federal

Endangered Species Act

The federal Endangered Species Act provides the legal framework for the listing and protection of species (and their habitats) identified as being endangered or threatened with extinction. Actions that jeopardize endangered or threatened species and the habitats upon which they rely are considered a "take" under the ESA. Take of a federally listed threatened or endangered species is prohibited without a special permit. The ESA allows for take of a threatened or endangered species incidental to development activities once a habitat conservation plan has been prepared to the satisfaction of the USFWS and an incidental take permit has been issued. The ESA also allows for the take of threatened or endangered species after consultation has deemed that development activities will not jeopardize the continued existence of the species. The federal ESA also provides for a Section 7 consultation when a federal permit is required, such as a Clean Water Act Section 404 permit.

Clean Water Act

Section 401 of the federal Clean Water Act (CWA) requires any applicant for a federal license or permit that is conducting any activity that may result in a discharge of a pollutant into waters of the United States to obtain a certification that the discharge will comply with the applicable effluent limitations and water quality standards. The appropriate Regional Water Quality Control Board (RWQCB) regulates Section 401 requirements.

CWA Section 404 prohibits the discharge of dredged or fill material into waters of the United States without a permit from the US Army Corps of Engineers (USACE). The USACE and the US Environmental Protection Agency administer the act. In addition to streams with a defined bed and bank, the definition of waters of the United States includes wetland areas "that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically

adapted for life in saturated soil conditions" (33 CFR 328.3 7b). The lateral extent of non-tidal waters is determined by delineating the ordinary high-water mark (33 CFR Section 328.4[c][1]).

Substantial impacts to jurisdictional wetlands may require an individual permit. Small-scale projects may require a nationwide permit, which typically has an expedited process compared to the individual permit process. Mitigation of wetland impacts is required as a condition of the 404 permit and may include on-site preservation, restoration, and/or enhancement and/or off-site restoration or enhancement. The characteristics of restored or enhanced wetlands must be equal to or better than those of the affected wetlands to achieve no net loss of wetlands.

Migratory Bird Treaty Act

The MBTA implements international treaties between the United States and other nations devised to protect migratory birds, their parts, eggs, and nests from activities such as hunting, pursuing, capturing, killing, selling, and shipping, unless expressly authorized in the regulations or by permit. The State of California has incorporated the protection of birds of prey in FGC Sections 3800, 3513, and 3503.5.

All raptors and their nests are protected from take or disturbance under the MBTA (16 United States Code [USC] Section 703 et seq.) and California statute (FGC Section 3503.5).

State

California Endangered Species Act

The California ESA establishes the state's policy to conserve, protect, restore, and enhance threatened or endangered species and their habitats. The California ESA mandates that state agencies not approve projects that would jeopardize the continued existence of threatened or endangered species if reasonable and prudent alternatives are available that would avoid jeopardy. There are no state agency consultation procedures under the California ESA. For projects that affect both a state and federal listed species, compliance with the federal ESA will satisfy the California ESA if the CDFW determines that the federal incidental take authorization is "consistent" with the California ESA under Fish and Game Code Section 2080.1. For projects that will result in a take of a state-only listed species, the project proponent must apply for a take permit under Section 2081(b).

State Water Resources Control Board/Regional Water Quality Control Board

For Waters of the State that are federally regulated under the Clean Water Act, the State Water Resources Control Board (through its RWQCBs) must provide state water quality certification pursuant to CWA Section 401 for activities requiring a federal permit or license that may result in discharge of pollutants into Waters of the United States. Where no federal jurisdiction exists

over Waters of the State, the State Water Resources Control Board (through its RWQCBs) retains regulatory authority to protect water quality through provisions of the Porter-Cologne Water Quality Control Act through application for or waiver of waste discharge requirements.

California Fish and Game Code

Native Plant Protection Act

The Native Plant Protection Act (FGC Sections 1900–1913) prohibits the take, possession, or sale within the state of any plants with a state designation of rare, threatened, or endangered (as defined by the CDFW). An exception in the act allows landowners, under specified circumstances, to take listed plant species, provided that the owners first notify the CDFW and give that State agency at least 10 days to retrieve the plants before they are plowed under or otherwise destroyed (FGC Section 1913). Impacts to these species are not considered significant unless the species are known to have a high potential to occur within the area of disturbance associated with construction of a proposed project.

Birds of Prey

Under FGC Section 3503.5, it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.

Sensitive Vegetation Communities

Sensitive vegetation communities are natural communities and habitats that are unique, of relatively limited distribution in the region, or of particularly high wildlife value. These resources have been defined by various federal, state, and local conservation plans, policies, or regulations. The CDFW ranks sensitive communities as threatened or very threatened and keeps records of their occurrences in the California Natural Diversity Database. The CDFW also identifies sensitive vegetation communities on its List of California Natural Communities Recognized by the CNDDB. Impacts to sensitive natural communities and habitats identified in local or regional plans, policies, and regulations, or by federal or state agencies, must be considered and evaluated under CEQA.

Species of Special Concern

Species of special concern are broadly defined as animals not listed under the California ESA, but which are nonetheless of concern to the CDFW because they are declining at a rate that could result in listing, or historically occurred in low numbers and known threats to their persistence currently exist. This designation is intended to result in special consideration for these animals by the CDFW, land managers, consulting biologists, and others, and is intended to focus attention

on the species to help avert the need for listing under the California ESA and recovery efforts that might ultimately be required. This designation also is intended to stimulate collection of additional information on the biology, distribution, and status of poorly known at-risk species and to focus research and management attention on them. Although these species generally have no special legal status, they are given special consideration under CEQA during project review. Species of special concern are included in the list of Special Animals List tracked by the CNDDB.

Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Control Act defines waters of the State as any surface water or groundwater, including saline waters, within the boundaries of the state. The RWQCBs protect all waters in their regulatory scope, but have special responsibility for isolated wetlands and headwaters. These water bodies have high resource value, are vulnerable to filling, and may not be regulated by other programs, such as CWA Section 404. The RWQCBs regulate waters of the State under the Water Quality Certification Program, which regulates discharges of dredged and fill material under CWA Section 401 and the Porter-Cologne Water Quality Control Act.

Projects that require a USACE permit, or fall under other federal jurisdiction, and have the potential to impact waters of the State are required to comply with the terms of the Water Quality Certification Program. If a proposed project does not require a federal license or permit, but involves activities that may result in a discharge of harmful substances to waters of the State, the applicable RWQCB has the option to regulate such activities under its state authority in the form of waste discharge requirements or certification of waste discharge requirements.

Lake and Streambed Alteration Program

FGC Section 1602 requires any person, state, or local governmental agency to notify the CDFW prior to initiating any activity that would: (1) divert or obstruct the natural flow of or substantially change or remove material from the bed, channel, or bank of any river, stream, or lake; or (2) result in the disposal or deposition of debris, waste, or other material into any river, stream, or lake. The state definition of “lakes, rivers, and streams” includes all rivers or streams that flow at least periodically or permanently through a well-defined bed or channel with banks that support fish or other aquatic life, and watercourses with surface or subsurface flows that support or have supported riparian vegetation.

Natural Community Conservation Planning Act

The Natural Community Conservation Planning Act (1991) is aimed at conservation of natural communities at the ecosystem scale while allowing for compatible land uses. The CDFW is primarily responsible for implementation of the act, which is intended to allow comprehensive

protection and management of wildlife species and provides for regional protection of natural wildlife diversity while allowing appropriate land development.

California Native Plant Society Rare or Endangered Plant Species

Vascular plants listed as rare or endangered by the CNPS, but which have no designated status under state or federal endangered species legislation, are defined as follows:

- List 1B: Plants rare, threatened, or endangered in California and elsewhere
- List 2: Plants rare, threatened, or endangered in California, but more numerous elsewhere
- List 3: Plants about which more information is needed (a review list)
- List 4: Plants of limited distribution (a watch list)

Local

Multiple Habitat Conservation Program

The MHCP is a comprehensive, multiple jurisdictional planning program designed to develop an ecosystem preserve in northern San Diego County. Implementation of the regional preserve system is intended to protect viable populations of key sensitive plant and animal species and their habitats while accommodating continued economic development and quality of life for residents of the North County region. The MHCP is one of several large multiple-jurisdictional habitats planning efforts in San Diego County, each of which constitutes a subregional plan under the California Natural Community Conservation Planning Act of 1991. The MHCP includes seven incorporated cities in northwestern San Diego County: Carlsbad, Encinitas, Escondido, Oceanside, San Marcos, Solana Beach, and Vista. These jurisdictions will implement their respective portions of the MHCP through "subarea" plans, which describe the specific implementing mechanisms each city will institute for the MHCP. The goal of the MHCP is to conserve approximately 19,000 acres of habitat, of which roughly 8,800 acres (46 percent) are already in public ownership and contribute toward the habitat preserve system for the protection of more than 80 rare, threatened, or endangered species.

City of Encinitas Draft Subarea Plan

The City's Draft Subarea Plan addresses how the City would conserve natural biotic communities and sensitive plant and wildlife species under the MHCP framework. The Draft Subarea Plan would provide regulatory certainty to landowners in the City and aid in conserving the region's biodiversity and enhancing the quality of life. The Draft Subarea Plan addresses potential impacts

to natural habitats and rare, threatened, or endangered species caused by development planned within the City. The Draft Subarea Plan also forms the basis for Implementing Agreements, which act as legally binding agreements between the City and the wildlife agencies that ensure implementation of the Subarea Plan and provide the City with state and federal take authority.

City of Encinitas General Plan

The City of Encinitas General Plan is the primary source of long-range planning and policy direction used to guide growth and preserve the quality of life in Encinitas. The General Plan states that a goal of the City is to analyze proposed land uses to ensure that the designations would contribute to a proper balance of land uses within the community. Relevant goals and policies pertaining to biological resources include the following:

Resource Management Element

GOAL 3: **The City will make every effort possible to preserve significant mature trees, vegetation and wildlife habitat within the Planning Area.**

Policy 3.1: Mature trees of community significance cannot be removed without City authorization.

Policy 3.2: Mature trees shall not be removed or disturbed to provide public right-of-way improvements if such improvements can be deferred, redesigned, or eliminated. This policy is not meant to conflict with establishment of riding/hiking trails and other natural resource oaths for the public good, or with the preservation of views.

Policy 3.6: Future development shall maintain significant mature trees to the extent possible and incorporate them into the design of development projects.

GOAL 10: **The City will preserve the integrity, function, productivity, and long-term viability of environmentally sensitive habitats throughout the City, including kelp-beds, ocean recreational areas, coastal water, beaches, lagoons and their up-lands, riparian areas, coastal strand areas, coastal sage scrub, and coastal mixed chaparral habitats.**

Policy 10.1: The City will minimize development impacts on coastal mixed chaparral and coastal sage scrub environmentally sensitive habitats by preserving within the inland bluff and hillside systems, all native vegetation on natural slopes of 25 percent grade and over other than manufactured slopes. A deviation from this policy may be permitted only upon a finding that strict application thereof would preclude any reasonable use of the property

(one dwelling unit per lot). This policy shall not apply to construction of roads of the City's circulation element, except to the extent that adverse impacts on habitat should be minimized to the degree feasible.

Policy 10.5: The City will control development design on Coastal Mixed Chaparral and Coastal Sage Scrub environmentally sensitive habitats by including all parcels containing concentrations of these habitats within the Special Sturdy Overlay designation. The following guidelines will be used to evaluate projects for approval.

- Conservation of as much existing contiguous area of Coastal Mixed Chaparral or Coastal Sage Scrub as feasible while protecting the remaining areas from highly impacting uses;
- Minimize fragmentation or separation of existing contiguous natural areas;
- Connection of existing natural areas with each other or other open space areas adjacent to maintain local wildlife movement corridors;
- Maintenance of the broadest possible configuration of natural habitat area to aid dispersal of organisms within the habitat;
- Where appropriate, based on community character and design, clustering of residential or other uses near edges of the natural areas rather than dispersing such uses within the natural areas;
- Where significant, yet isolated habitat areas exist, development shall be designed to preserve and protect them;
- Conservation of the widest variety of physical and vegetational conditions on site to maintain the highest habitat diversity;
- Design of development, with adjacent uses given consideration, to maximize conformance to these guidelines; and
- Preservation of rare and endangered species on site rather than by transplantation off-site.

Policy 10.6: The City shall preserve and protect wetlands within the City's planning area. "Wetlands" shall be defined and delineated consistent with the

definitions of the U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, the Coastal Act and the Coastal Commission Regulations, as applicable, and shall include, but not be limited to, all lands which are transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water.

There shall be no net loss of wetland acreage or resource value as a result of land use or development, and the City's goal is to realize a neat gain in acreage and value whenever possible.

Within the Coastal Zone, the diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted where there is no feasible less environmental damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following newly permitted uses and activities:

- Incidental public service projects.
- Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.
- Restoration purposes.
- Nature study, aquaculture, or other similar resource dependent activities.

Identification of wetland acreage and resource value shall precede any consideration of use or development on sites where wetlands are present or suspected. With the exception of development for the primary purpose of the improvement of wetland resource value, all public and private use and development proposals which would intrude into, reduce the resource value of wetlands shall be subject to alternatives and mitigation analyses consistent with Federal EPA 404(b) (1) findings and procedures under the U.S. Army Corps permit process. Practicable project and site development alternatives which involve no wetland intrusion or impact shall be preferred over alternatives which involve intrusion or impact. Wetland mitigation, replacement or compensation shall not be used to offset impacts or intrusion avoidable through other practicable project or site development alternatives. When wetland intrusion or impact is unavoidable, replacement of the lost wetland shall be required through

the creation of new wetland of the same type lost, at a ratio determined by regulatory agencies with authority over wetland resources, but in any case, at a ratio of greater than one acre provided for each acre impacted so as to result in a net gain. Replacement of wetland on-site or adjacent, within the same wetland system, shall be given preference over replacement off-site or within a different system.

The City shall also control use and development in surrounding areas of influence to wetlands with the application of buffer zones. At a minimum, 100-foot wide buffers shall be provided upland of saltwater wetlands, and a 50-foot wide buffers shall be provided upland of riparian wetlands. Unless otherwise specified in this plan, use and development within buffer areas shall be limited to minor passive creational uses with fencing, desiltation or erosion control facilities, or other improvements deemed necessary to protect the habitat, to be located in the upper (upland) half of the buffer area when feasible.

City of Encinitas General Plan Housing Element 2019

In March 2019, the City Council adopted the General Plan Housing Element Update (HEU), which provides the City with a coordinated and comprehensive strategy for promoting the production of safe, decent, and affordable housing for all within the City. The purpose of the HEU is to ensure that the City establishes policies, procedures, and incentives to increase the quality and quantity of the housing supply in the City. The Housing Element Update 2019 includes the 2013–2021 HEU and a series of discretionary actions to update and implement the City's Housing Element. The City received Local Coastal Program Amendment approval for the HEU from the California Coastal Commission in September 2019, and certification from the California Department of Housing and Community Development in October 2019. Relevant policies and goals related to biological resources are provided below:

GOAL 2: **Sound housing will be provided in the City of Encinitas for all persons.**

Policy 2.4: Coordinate the provision of open areas in adjoining residential developments to maximize the benefit of the open space.

Policy 2.5: Encourage street planting, landscaping, and undergrounding of utilities.

Policy 2.7: Discourage residential development of steep slopes, canyons, and floodplains.

STANDARDS OF SIGNIFICANCE

An evaluation of the significance of potential impacts on biological resources must consider both direct effects to the resource and indirect effects in a local or regional context. Potentially significant impacts would generally result in the loss of a biological resource or obvious conflict with local, state, or federal agency conservation plans, goals, policies, or regulations. Actions that would potentially result in a significant impact locally may not be considered significant under CEQA if the action would not substantially affect the resource on a population-wide or region-wide basis.

Thresholds of Significance

The following thresholds of significance are based on CEQA Guidelines Appendix G. For purposes of this EIR, the proposed project may have a significant adverse impact on biological resources if it would:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service.
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service.
- Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites.
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
- Conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.

PROJECT IMPACTS AND MITIGATION

HAVE A SUBSTANTIAL ADVERSE EFFECT ON CANDIDATE, SENSITIVE, OR SPECIAL-STATUS SPECIES

Impact 3.3-1	**The project would have a potentially adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service. Impacts would be less than significant with mitigation incorporated.**

Results of the 2022 focused rare plant surveys identified four special-status plant species (California adolphia, wart-stemmed ceanothus, Engelmann oak, and ashy spike-moss) within the project area and its 100-foot buffer; refer to Figure 3.3-3, Biological Survey Results - Plants. Based on the Development Area boundaries, the project would directly impact 154 California adolphia individuals, nine of which occur within the FMZ. California adolphia has a CRPR rating of 2B.1. In addition, direct project-related impacts would remove 0.02 acre of occupied California adolphia habitat. Indirect impacts to rare or special-status plant species may occur due to habitat degradation and increased dust if present in the areas adjacent to the Development Area. The project has potential to indirectly impact 26 individuals of California adolphia, 1 wart-stemmed ceanothus, and 1 Engelmann oak if mitigation measures are not enacted. Both wart-stemmed ceanothus and Engelmann oak are covered by the MHCP and Draft SAP and have a CRPR rating of 2B.2 and 4.2 respectively. Impacts to rare plant species would be reduced to less than significant with the implementation of mitigation measures **BIO-3**, **BIO-4**, and **BIO-7**.

As discussed previously, the results of the literature review and reconnaissance-level survey identified five special-status wildlife species present (monarch butterfly, orange-throated whiptail, coastal California gnatcatcher, Cooper's hawk, and San Diego desert woodrat), one species (southern California rufous crowned sparrow) was found to have a high potential to occur, and six species (southern California legless lizard, coastal whiptail, coast patch-nosed snake, Bell's sage sparrow, San Diego black-tailed jackrabbit, and northwestern San Diego pocket mouse) were found to have a moderate potential to occur (ECORP 2022). Refer also to Figure 3.3-4, Biological Survey Results - Wildlife.

If present, direct impacts to rare or special-status wildlife species may occur as a result of project in the form of mortality or injury due to ground-disturbing and vegetation removal activities within the Development Area. Indirect impacts to rare or special-status wildlife species may occur due to habitat degradation, edge effects, construction noise, and other associated construction activities if present in the areas adjacent to the Development Area. Impacts to special-status

wildlife species would be reduced to less than significant with implementation of mitigation measures **BIO-1**, **BIO-3**, **BIO-6**, and **BIO-7.**

Additionally, migratory birds and raptors have the potential to nest and forage on and around the project site due to the presence of on-site vegetation and infrastructure (e.g., utility poles and existing buildings) adjacent to the project site. As such, the potential for project construction activities to indirectly affect migratory bird or raptor nesting cycles within and adjacent to the project site does exist. Such impacts would be considered potentially significant.

To reduce project effects, mitigation measure **BIO-5** would be implemented to require the project applicant to conduct a preconstruction survey for nesting birds and special-status avian species prior to the start of ground-disturbing activities. Since several bird species that nest year round were identified as having potential to occur on-site, regardless of time of year, preconstruction surveys for nesting birds and special-status avian species would be conducted if activities with the potential to disrupt these species are scheduled to occur. If active nests are identified in the construction area, a non-disturbance buffer (typically 300 feet for songbirds and 500 feet for raptors) would be established limiting construction activities within those areas. Impacts to special-status bird species would be less than significant with implementation of mitigation measure **BIO-5**.

The project provides nesting and foraging habitat for the federally listed threatened coastal California gnatcatcher. This species was observed within both the project site and the off-site preserve area during the reconnaissance survey. Focused protocol-level surveys determined two pairs occupying the project site, one territorial male occupying the preserve area south of Sky Loft Road, and two pair mostly within the 500-foot buffer east of the preserve area and north of Sky Loft Road. Direct impacts resulting from the project could occur to the coastal California gnatcatcher in the form of vegetation removal, and the loss of occupied Critical Habitat. Indirect impacts could occur to the species in the form of noise, ground vibrations, habitat degradation, increased human and pet activity and visual disturbances, and dust. The primary reasons for coastal California gnatcatcher population decline are habitat loss, degradation, and fragmentation due to urban development of coastal sage scrub habitats. Properties located in the Coastal Zone shall conserve a minimum of 75 percent of the coastal California gnatcatchers on-site. Conservation of gnatcatchers shall be determined in consultation with the wildlife agencies (ECORP 2022).

Impacts to coastal California gnatcatcher would be significant under CEQA. With implementation of mitigation measures **BIO-1** to **BIO-3** and **BIO-5** to **BIO-9**, impacts would be reduced to less than significant.

Additionally, the project site provides only low-quality habitat for the federally listed endangered and state species of special concern Pacific pocket mouse. Focused survey results for this species were negative. Therefore, there would be no impact to this species due to project implementation (ECORP 2022).

Implementation of mitigation measures **BIO-1** through **BIO-9** would reduce the potential for the project to have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS. Impacts would be **less than significant with mitigation incorporated**.

Mitigation Measures:

BIO-1 **On- and Off-site Preservation of Sensitive Habitat.** The majority of preservation goals and required mitigation ratios for impacted vegetation communities (see Tables 3-3, 4-1, and 6-1 of the Biological Technical Report; ECORP Consulting, Inc., November 2022) shall be met through establishment of the on-site and off-site adjacent Preserve Area. Prior to grading, establishment of the Preserve Area shall preserve in place 5.51 acres (on-site/off-site), including 100% (0.71-acre) of California Department of Fish and Wildlife sensitive Diegan Coastal Sage Scrub/Lemonade Berry Scrub and 72% (0.81-acre) of California Department of Fish and Wildlife sensitive Southern Mixed Chaparral/Chamise-Mission Manzanita Chaparral (Table 3-4 of the Biological Technical Report; ECORP Consulting, Inc., November 2022). Preservation in perpetuity of the vegetation and habitat within the aforementioned Preserve Area shall occur and be set aside as an open space conservation easement in favor of the City of Encinitas. In addition, prior to any grading, a long-term management plan shall be prepared for the mitigation areas, to the satisfaction of the City, and wildlife agencies. The preserve management plan shall provide an entity and endowment funding to maintain the biological open space in perpetuity.

BIO-2 **Biological Monitoring.** A qualified biologist (biological monitor) with experience monitoring for and identifying sensitive biological resources known to occur in the area shall be present during all site preparation, vegetation clearing, and ground-disturbing activities related to the project regardless of permit association. A biological monitor shall be present to ensure wildlife species are relocated out of the impact area. The biological monitor, with assistance from crews when necessary, shall also deconstruct woodrat middens prior to vegetation clearing within the Development Area. Woodrat middens within the Fire Management Zone shall be protected in place to the maximum extent practicable, but may be

deconstructed if deemed a fire hazard. Biological monitoring duties include, but are not limited to, conducting worker education training, verifying compliance with the project's biological resources protection requirements, and ensuring project activities stay within designated work areas. The biologist shall be responsible for providing Worker Environmental Awareness Training to all personnel working on the project prior to the start of ground-disturbing activities. The training shall include, but not be limited to, discussions of the sensitive biological resources associated with the project, project-specific measures to avoid or eliminate impacts to these resources, consequences for not complying with project permits and agreements, and contact information for the lead biologist. Attendees shall sign a sign-in sheet documenting their attendance at the training.

During ground-disturbing activities, including any vegetation removal within the Development Area and Fire Management Zone the biological monitor shall have the right to halt all activities in the area affected if a special-status wildlife species is identified in a work area and is in danger of injury or mortality. If work is halted in the area affected as determined by the biological monitor, work shall proceed only after the hazard(s) to the individual is removed and the animal is no longer at risk, or the individual has been removed from harm's way in accordance with the project's permits and/or management/translocation plans. The biological monitor shall take representative photographs of the daily activities and maintain a daily log that documents general project activities and compliance with the project's biological resources protection requirements. The biologist shall document non-compliances in the daily log, including any measures that were implemented to rectify the issue.

BIO-3 **Rare Plant Salvage and Avoidance.** Establishment of the off-site preserve area (Mitigation Measure BIO-1) shall result in avoidance and protection of 103 California adolphia in place. Nine California adolphia individuals identified within the FMZ shall be flagged prior to fuel reduction activities and avoided in place. Project-related impacts to 145 California adolphia individuals and 0.02-acre of California adolphia occupied habitat are anticipated to be unavoidable, therefore salvage of seed and donation to a City refuge or preserve, donation to a local native plant nursery, or propagation within an off-site mitigation area shall be required to the satisfaction of the City. A qualified biologist shall collect seed from the California adolphia during the appropriate time, store under appropriate conditions, and coordinate with the appropriate personnel to facilitate propagation of the seed. California adolphia individuals within the fuel

modification zone (9 individuals) shall be flagged for avoidance by a qualified botanist prior to development and thinning of the fuel modification zone and a qualified botanist shall be present during vegetation thinning of the fuel modification zone to ensure avoidance is properly achieved. Run-off from the project shall be directed away from the off-site preserve area. Dust control measures shall be implemented during construction to minimize impacts to rare plants within the adjacent preserve area. (see mitigation measure **BIO-1**) as an ongoing requirement for long-term maintenance activities associated with the project, including annual maintenance of the fuel modification zone.

BIO-4 **Coastal California Gnatcatcher Protection.** Focused surveys determined presence of this species on the project. Project-related impacts to two pairs (4 individuals) and their territories are unavoidable, therefore the project applicant shall obtain USFWS approval pursuant to Section 10 of the federal Endangered Species Act for the impacts to the coastal California gnatcatcher prior to the issuance of any grading permits. The on-site preservation of sensitive habitat (see mitigation measure BIO-1) would preserve one single male coastal California gnatcatcher territory in place and a small portion of one additional breeding pair's territory. The preserve area would allow for the safe passage of the two displaced pairs of coastal California gnatcatchers to preserved habitat north of the project site and continuous with open space areas to the north, northeast (which includes at least one additional breeding pair of coastal California gnatcatchers within 500 feet of the off-site preserve area), and to Batiquitos Lagoon State Marine Conservation Area which functions to preserve important coastal-inland wildlife movement. The project shall require development of a Low-Effect Habitat Conservation Plan under Section 10 of the Endangered Species Act.

BIO-5 **Pre-Construction Survey for Nesting Birds and Special-Status Avian Species.** Where feasible, ground-disturbing activities, including vegetation removal, shall be conducted during the non-breeding season (approximately September 1 through January 14) to avoid violations of the Migratory Bird Treaty Act and California Fish and Game Code §§3503, 3503.5 and 3513. Several species were identified as having potential to occur nest year-round; therefore, regardless of time of year, a pre-construction survey for nesting birds and special-status avian species shall be conducted by a qualified biologist (experienced in the identification of avian species and conducting nesting bird surveys) if activities with the potential to disrupt nesting birds or special-status avian species are scheduled to occur. The survey shall include the project and adjacent areas where project activities have the potential to cause nest failure. The pre-construction

survey shall be conducted no more than three days prior to the start of ground-disturbing activities (including vegetation removal and fuel modification zone thinning) within the bird breeding season. Site preparation and construction activities may begin if no nesting birds or special-status avian species are observed during the survey. If nesting birds or raptors or special-status avian species are found to be present, biological monitoring in accordance with mitigation measure BIO-3 in addition to nest avoidance and minimization measures shall be implemented to avoid potential project-related impacts to the species. Avoidance and minimization measures shall be developed by the qualified biologist and may include seasonal work restrictions, additional nesting bird survey and nest monitoring requirements, and/or establishment of non-disturbance buffers around active nests until the biologist has determined that the nesting cycle is completed. The width of non-disturbance buffers established around active nests shall be determined by the qualified biologist (typically 300 feet for songbirds and 500 feet for raptors and listed species). The qualified avian biologist shall consider and have the authority to reduce or increase non-disturbance buffers based on vertical distances, species life history, sensitivity to disturbances, individual behavior and sensitivity to disturbances, nest stage (incubation, feeding nestlings, etc.), location of nest and site conditions, presence of screening vegetation or other features, ambient and ongoing construction activities at the time of nest establishment, and remaining project activities in the immediate area when determining non-disturbance buffers. Once nesting is deemed complete by the qualified biologist as determined through periodic nest monitoring, the non-disturbance buffer shall be removed by the qualified biologist and project work may resume in the area. The Pre-Construction Nesting Bird Survey shall be an ongoing requirement for long-term maintenance activities associated with the project, including annual maintenance of the fuel modification zone.

BIO-6 **Construction Fencing.** The limits of project impacts (including construction staging areas and access routes) shall be clearly delineated by the construction contractor under the direct supervision of a qualified biological monitor with bright orange plastic fencing, stakes, flags, or markers that shall be installed in a manner that does not impact habitats to be avoided, and such that they are clearly visible to personnel on foot and operating heavy equipment. Silt fence barriers shall be installed as required to prevent the spread of silt from the construction zone into adjacent habitats and aquatic features. Temporary construction fencing and markers shall be maintained in good repair until the completion of project construction. The applicant shall submit the final plans for project construction to the City for approval at least 30 days prior to initiating project impacts. These final

plans shall include photographs that show the fenced limits of impact and areas to be impacted or avoided.

The construction team shall strictly limit their activities, vehicles, equipment, and construction materials to the fenced area (development footprint). All equipment maintenance, staging, and dispensing of fuel, oil, coolant, or any other such activities shall occur in designated areas within the fenced project impact limits. These designated areas shall be located in previously compacted and disturbed areas to the maximum extent practicable in such a manner as to prevent any runoff from entering adjacent open space and shall be shown on the construction plans. Equipment fueling shall take place within existing disturbed areas. Contractor equipment shall be checked for leaks prior to operation and repair, as necessary. "No-fueling" zones shall be designated on construction plans.

BIO-7 **Off-site Mitigation.** Prior to any grading, off-site mitigation shall be required for an additional 1.92 acres of impacts to sensitive and/or mitigated habitats not achieved within the preserve area including 1.60 acres of coastal sage scrub within the Coastal Zone and 0.32 acre of Southern Mixed Chaparral/Chamise-Mission Manzanita Chaparral. This can be achieved through purchasing of mitigation credits or acquiring additional land within the Coastal Zone. Because available land and established mitigation banks within the Coastal Zone are not available, and because the City of Encinitas Subarea Plan is still in draft form, purchasing of mitigation credits within a North County Multiple Habitat Planning Area mitigation bank (https://www.sandiegocounty.gov/content/sdc/pds/mitbnks.html) or at another City-approved preserve area in the process of being established shall be negotiated to the satisfaction of the City, California Department of Fish and Wildlife, and US Fish and Wildlife Service.

BIO-8 **Limited Building Zone Easement.** A Limited Building Zone Easement shall be granted to prohibit the building of structures that would require vegetation clearing within the protected biological open space for fuel management purposes. The easement must extend at least 100 feet from the Biological Open Space Boundary.

Grant to the City of Encinitas a limited building zone easement to the satisfaction of the City. The only exceptions to this prohibition are structures that do not require fuel modification/vegetation management. The limited building zone easement shall also include language that rare plant avoidance within the limited building zone shall be required by requiring a biologist on site prior to any fuel management activities.

Prior to recordation of the Final Map, the applicant shall show the easement on the Final Map with the appropriate granting language on the title sheet concurrent with Final Map review.

BIO-9 **Open Space Signage.** In order to protect the proposed open space easement from entry, or disturbance, permanent fencing and signage shall be installed along the easement boundary as follows. Such fencing and signage shall be installed prior to any occupancy, final grading release, or use of the premises in reliance of the approved project permit.

Open space signage shall be placed every 500 feet along the southern and western portion of the biological open space boundary.

- Evidence shall be site photos and a statement from a California Registered Engineer, or licensed surveyor that the permanent walls or fences, and open space signs have been installed.
- The sign must be corrosion resistant, a minimum of 6 inches by 9 inches in size, on posts not less than three feet in height from the ground surface, and must state the following:

  Sensitive Environmental Resources Area Restricted by Easement

  Entry without express written permission from the City of Encinitas is prohibited. To report a violation or for more information about easement restrictions and exceptions contact the City of Encinitas, Development Services Department.

  Reference: MULTI-005158-2022

The applicant shall install the signage as indicated above and provide site photos and a statement from a California Registered Engineer, or licensed surveyor that the open space signage has been installed at the open space easement boundary.

The City of Encinitas Development Services Department shall review the photos and statement for compliance with this condition.

Level of Significance: Less than significant with mitigation incorporated.

HAVE A SUBSTANTIAL ADVERSE EFFECT ON RIPARIAN HABITAT OR SENSITIVE NATURAL COMMUNITY

Impact 3.3-2 **The project would have a potentially substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department**

of Fish and Wildlife or US Fish and Wildlife Service. Impacts would be less than significant with mitigation incorporated.

The project site supports coastal sage scrub and chaparral vegetation communities, which are considered sensitive by the city, county, and state agencies. The site does not contain riparian habitat. Additionally, there are no Coastal Act designated Environmentally Sensitive Habitat Areas (ESHA) on site.

As the proposed off-site preserve area would be left in its current state and preserved as open space, no impacts to riparian habitat or other sensitive natural community would occur. Table 3.3-2 provides the anticipated impact acreages of vegetation communities and land cover types resulting from the project.

Table 3.3-2: Impact Acreages of Vegetation Communities and Land Cover Types within the Project Site

Oberbauer Vegetation Communities	MCV Vegetation Communities	Development Area (Impact) (Acres)			Development Area (Impact) Total (Acres)	Required Mitigation Ratio	Total (Acres)
		Site	Off-site Improvements	FMZ			
Diegan Coastal Sage Scrub (32500)	California Sagebrush – California Buckwheat Scrub	0.77	0.16	-	0.93	2:1	1.86
Southern Mixed Chaparral (37120)	Chamise-Mission Manzanita Chaparral[1]	0.65	<0.01	0.48	1.13	1:1	1.13
Coastal Scrub (32000)	Deerweed Scrub	1.38	0.06	-	1.44	2:1	2.88
Disturbed	Disturbed	2.96	0.27	0.05	3.28	-	3.28
				Total	**6.78**	**-**	**9.15**

[1]Sensitive vegetation community

[2]Excludes San Diego Gas and Electric (SDG&E) easement

Notes: MCV = Manual of California Vegetation; FMZ = Fuel Modification Zone

Source: ECORP 2022 (see Appendix D).

Direct impacts could occur to three vegetation communities: Diegan coastal sage scrub/California - California buckwheat scrub, coastal scrub/deerweed scrub, and southern mixed chaparral/chamise-mission manzanita chaparral. Of these, Southern mixed chaparral/chamise-mission manzanita chaparral is the only sensitive natural community that would be impacted; however, all three communities have specific mitigation ratios according to the MHCP and Draft SAP (ECORP 2022). Furthermore, the project could indirectly impact additional acreages of Diegan coastal sage scrub/California sagebrush – California buckwheat scrub and southern mixed chaparral/chamise-mission manzanita chaparral if mitigation measures are not employed. Both communities have specific mitigation ratios according to the MHCP and Draft SAP (ECORP 2022). Impacts to sensitive and/or mitigated natural communities would result from the development of the project within the proposed development area, which includes the residential use and amenity development area (on-site impacts), off-site improvements required by the City adjacent to the property along Piraeus Street and Plato Place (off-site impacts), and the associated FMZ. Such impacts are considered significant and mitigation is required. Implementation of mitigation measures **BIO-1**, **BIO-2**, **BIO-3**, **BIO-7**, **BIO-8**, and **BIO-9** would reduce such impacts to a **less than significant level**.

Table 3.3-3: Summary of Existing Sensitive Natural Communities, Impacts, and Mitigation

General Habitat Type	Preserve Area[1] (Acres)		Development Area (Acres)	Total[1] (Acres)	Mitigation Ratio Required	Percent Conserved[2]	Mitigation Ratio Achieved?	Total
	On-Site	Off-site Adjacent						
Coastal Sage Scrub[2,3]	3.14	--	2.37	5.51	2:1	57	No	-1.60
Chaparral	0.56	0.25	1.13	1.95	1:1	42	No	-0.32
TOTAL	**3.70**	**0.25**	**3.50**	**7.45**	**--**	**53**	**--**	**-1.92**

Source: ECORP 2022 (see Appendix D).

[1] Preserve Area and total acreage does not include 0.02 acre SDG&E easement.

[2] California Coastal Commission requires conservation of 67 percent of coastal sage scrub for properties within Coastal Zone.

[3] Includes Diegan coastal sage scrub and coastal scrub

Implementation of mitigation measures as indicated above would reduce the potential for the project to have a substantial adverse effect on any sensitive natural community identified in local or regional plans, policies, or regulations, or by the CDFW or USFWS. Impacts would be **less than significant with mitigation incorporated**.

Mitigation Measures: Implement mitigation measures **BIO-1**, **BIO-2, BIO-3, BIO-7, BIO-8** and **BIO-9**.

Level of Significance: Less than significant with mitigation incorporated.

HAVE A SUBSTANTIAL ADVERSE EFFECT ON WETLANDS

Impact 3.3-3	**The project would not have a potentially substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. Impacts would be less than significant.**

The project site does not support any state or federally protected wetlands (i.e., marsh, vernal pool, or coastal). There are no jurisdictional wetlands and/or waterways in the project area that would be affected by direct removal, filling, or hydrological interruption during the project construction phase. One detention basin mapped as freshwater pond, freshwater emergent wetland, and riverine habitat occurs northwest of the off-site preserve area. Estuary and marine wetlands are located north of the project site, north of La Costa Avenue within the Batiquitos Lagoon State Marine Conservation Area. However, these off-site areas would not be affected with project development as proposed (ECORP 2022).

As indicated in Section 3.8, Hydrology and Water Quality, of this EIR, stormwater runoff would be treated and stored on-site via the proposed biofiltration basin located along Plato Place, prior to being conveyed to the existing storm drain system along Piraeus Street. Runoff from the site would therefore not adversely affect any off-site wetlands or waterbodies located on adjacent lands.

Therefore, the project would not have a potentially substantial adverse effect on state or federally protected wetlands through direct removal, filling, hydrological interruption, or other means. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

INTERFERE SUBSTANTIALLY WITH THE MOVEMENT OF ANY NATIVE RESIDENT OR MIGRATORY FISH OR WILDLIFE SPECIES OR WITH ESTABLISHED NATIVE RESIDENT OR MIGRATORY WILDLIFE CORRIDORS

Impact 3.3-4	**The project would have the potential to interfere with the movement of native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. Impacts would be less than significant with mitigation incorporated.**

Overall, the project site does not function as a wildlife corridor; however, the preserve area does function as a significant ecological area of open space habitat. The project site is located within

a softline FPA area, which means the area is biologically significant and projects in this area are subject to higher scrutiny in order to adhere to and achieve the goals set forth in the MHCP and Draft Encinitas Subarea Plan. Development of the project could encroach on important habitat, which would block the movements of wildlife within their natural range. The project would be required to adhere to the relevant adjacency guidelines under Section 4.2.2, Land Uses Planned Adjacent to the Preserve, of the Draft Encinitas Subarea Plan related to drainage and toxics; erosion and sedimentation; lighting; barriers; landscaping restrictions; and fire and brush management. Adherence to existing guidelines would minimize potential impacts to the significant ecological area. Additionally, mitigation measure **BIO-1** would require the applicant to preserve the sensitive habitat in the off-site preserve area to the north of the project site.

Migratory birds and raptors have the potential to nest and forage on and around the project site due to the presence of on-site vegetation and infrastructure (e.g., utility poles and existing buildings) adjacent to the project site. Mitigation measure **BIO-5** would require the project applicant to conduct a preconstruction survey for nesting birds and special-status avian species prior to the initiation of ground-disturbing activities.

The project site also provides suitable nesting and foraging habitat for the federally listed threatened coastal California gnatcatcher. Implementation of mitigation measures **BIO-1** to **BIO-3** and **BIO-5** to **BIO-9** would be required to reduce potential impacts to this species to less than significant.

Therefore, the project would have potential to interfere with the movement of native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors. Adherence to existing guidelines under the Draft Encinitas Subarea Plan and implementation of mitigation measures **BIO-1** to **BIO-3** and **BIO-5** to **BIO-9** would be required. Impacts would be **less than significant with mitigation incorporated**.

Mitigation Measures: Implement mitigation measures **BIO-1** to **BIO-3** and **BIO-5** to **BIO-9.**

Level of Significance: Less than significant with mitigation incorporated.

CONFLICT WITH ANY LOCAL POLICIES OR ORDINANCES PROTECTING BIOLOGICAL RESOURCES

Impact 3.3-5	**The project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. No impact would occur.**

The planting, maintenance, and removal of public and mature trees within the public right-of-way or on public property are regulated by the City's General Plan Resource Management Element (Policies 3.1, 3.2, and 3.6) and Chapter 15.02 of the City's Municipal Code. As stated

under Policy 3.1, mature trees of community significance cannot be removed without City authorization.

As discussed in the Existing Conditions subsection above, there are no large trees present within the development area of the project site. Any off-site improvements for access would occur within the existing right-of-way and would not require the removal of any mature trees (e.g., within a median). As such, no public or mature trees would be removed as part of the project. The project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. **No impact** would occur in this regard.

Mitigation Measures: None required.

Level of Significance: No impact.

Conflict with the Provisions of an Adopted Habitat Conservation Plan, Natural Community Conservation Plan, or Other Approved Local, Regional, or State Habitat Conservation Plan

Impact 3.3-6	**The project would not conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan. Impacts would be less than significant.**

The project site is located within the areas covered by the MHCP and Draft Encinitas Subarea Plan. The MHCP serves as an umbrella document to guide the preparation of subarea plans by each participating city and does not itself receive any permits. To be approved, subarea plans must be consistent with the conservation and policy guidelines of the MHCP. Although the Encinitas Subarea Plan is still in draft form, guidelines should be followed as it is planned to be finalized in the future and projects will need to adhere to commitments made in the MHCP. As previously discussed, the project would be required to adhere to the relevant adjacency guidelines under Section 4.2.2, Land Uses Planned Adjacent to the Preserve, of the Draft Encinitas Subarea Plan related to drainage and toxics; erosion and sedimentation; lighting; barriers; landscaping restrictions; and fire and brush management. Adherence to existing guidelines would ensure that the project would be consistent with the MHCP.

Therefore, with adherence to the existing relevant guidelines of the Draft Encinitas Subarea Plan, the project would not conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

CUMULATIVE IMPACTS

Impact 3.3-7	**The project would not have the potential to result in a significant cumulative impact related to biological resources. Impacts would be less than cumulatively considerable.**

Geographic Scope

Cumulative projects that would have the potential to be considered in a cumulative context with the proposed project, and that are included in the analysis of cumulative impacts relative to biological resources, are identified in Table 3.0-1 in Section 3.0, Environmental Analysis, of this EIR; refer also to Figure 3.0-1, Cumulative Projects Map. Generally, in instances where a potential impact could occur, the CDFW and the USFWS have promulgated regulatory procedures that limit impacts to sensitive habitat and wildlife species. It is anticipated that potential effects of cumulative projects considered would be rendered less than significant through mitigation that requires compliance with applicable regulations that protect plant, fish, and animal species, as well as waters of the United States and waters of the State. Other cumulative projects in the study area would also be required to avoid impacts to special-status species and/or mitigate to the satisfaction of the CDFW and USFWS, as applicable, for any potential loss of habitat.

Additionally, to be conservative, the cumulative analysis is based on the "worst-case" assumption that all 2019 HEU sites develop under maximum density bonus unit allowances. The cumulative impact analysis includes all 2019 HEU sites to the extent that they may contribute to certain issue-specific cumulative effects and conservatively assumes the remaining HEU sites would apply the density bonus allowance to achieve a maximum density of residential units (see Table 3.0-2).

Potential Cumulative Impact

Encinitas is an urbanized city surrounded by other urbanized cities. The protection of biological resources in the City is generally enforced through the City of Encinitas Draft Subarea Plan. The Draft Subarea Plan addresses how the City would conserve natural biotic communities and sensitive plant and wildlife species under the larger MHCP framework. As stated under Impact 3.3-6, the project site is located within the boundaries of the Draft Subarea Plan. Additionally, the project site contains suitable habitat for special-status plant and wildlife species, including coastal California gnatcatcher. No wetlands or riparian habitat are present on the project site.

Cumulative projects located within the City's Draft Subarea Plan area would be subject to the goals and policies outlined in the plan, and would be required to implement mitigation measures

if a significant impact would occur as a result of project implementation. As such, direct and indirect effects to special-status species would be evaluated on a case-by-case basis.

Project impacts would be limited to construction impacts on coastal sage scrub and chapparal vegetation communities within the development area, and special-status plant and wildlife species, including migratory avian species and coastal California gnatcatcher. Impacts would be reduced to less than significant with implementation of mitigation measures **BIO-1** through **BIO-9**. Therefore, with implementation of the mitigation measures proposed, the project's contribution to a cumulative impact on biological resources would be **less than cumulatively considerable**.

Mitigation Measures: Implement mitigation measures **BIO-1** through **BIO-9**.

Level of Significance: Less than cumulatively considerable.

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Section 3.4
Cultural Resources

Cultural resources include places, objects, and settlements that reflect group or individual religious, archaeological, architectural, or paleontological activities. Such resources provide information on scientific progress, environmental adaptations, group ideology, or other human advancements. By statute, the California Environmental Quality Act (CEQA) is primarily concerned with two classes of cultural resources: "historical resources," which are defined in Public Resources Code (PRC) Section 21084.1 and CEQA Guidelines Section 15064.5; and "unique archaeological resources," which are defined in PRC Section 21083.2. This section addresses potential impacts resulting with the project in relation to historical and archaeological resources. Project impacts to tribal cultural resources are evaluated in Section 3.13 of this EIR.

The analysis in this section is based on the *Archaeological Inventory and Evaluation Report* (2022a; Appendix E) prepared by ECORP Consulting, Inc. (ECORP) and peer reviewed by Michael Baker International and the City of Encinitas. Due to the sensitive and confidential nature of cultural resources, portions of the report have been redacted. The analysis herein is further based on the *City of Encinitas General Plan* (1991) and the *City of Encinitas 2013-2021 Housing Element Update Environmental Assessment* (2018).

ENVIRONMENTAL SETTING

The project site is located in the City of Encinitas, to the east of Piraeus Street and north of Plato Place. The site lies approximately 0.9 miles east of the Pacific Ocean and approximately 0.2 miles south of Batiquitos Lagoon. On-site elevations range from approximately 15 to 175 feet above mean sea level (ECORP 2022b). Undeveloped areas of the project site and to the east of the project site feature coastal sage scrub. A natural drainage exists west of the project site, which is currently developed with Interstate 5.

The underlying geology of the project area has been mapped as the Santiago Formation, dated back to the Middle Eocene (38-48 million years ago). Native geology of the area is categorized into three divisions: arkosic sandstone and conglomerate; gray and brownish gray arkosic sandstone; and gray arkosic sandstone and grit. On-site soils are described as Cieneba coarse sandy loam, Corralitos loamy sand, Gaviota fine sandy loam, Marina loamy coarse sand, and rough broken land (ECORP 2022a).

The potential for buried pre-contact archaeological sites in the project area does exist because of the site's proximity to the Pacific Ocean and Batiquitos Lagoon. Additionally, the region is recognized to have been in regular use by Native Americans for thousands of years. The drainage located to the west of the site also contributes to this potential as pre-contact archaeological

sites have been identified along perennial and intermittent waterways in the region (ECORP 2022a).

Cultural Resources Inventory Results

Records Search

The area of potential effect (APE) represents the area that would be affected by project development, and therefore could be subject to potential direct or indirect impacts on cultural resources if such resources are determined to be present. The boundaries of the APE analyzed include areas proposed for construction, vegetation removal, grading, trenching, stockpiling, staging, paving, and other such disturbance; refer to Appendix E for additional details.

A records search was conducted in February 2022 for the APE and a surrounding one-mile radius at the South Coastal Information Center (SCIC), part of the California Historical Resources Information System (CHRIS) maintained by the Office of Historic Preservation, at San Diego State University. The CHRIS records search determined that 35 previously recorded cultural resources are located within one mile of the project area; refer to Appendix A, Records Search Confirmation, of the *Archaeological Inventory and Evaluation Report*. Resources comprise a mix of habitation/camp sites, shell middens, shell and lithic scatter, lithic and bone tools, a former flower nursery, a log house, a trash pit and building remains, and commercial buildings. A portion of one previously recorded resource (CA-SDI-12130), containing shell middens, lithic scatters, hearth features, and stone tools, is located within the APE (ECORP 2022a).

The National Register Information System did not list any eligible or listed properties within the project area. The nearest National Register properties are located eight miles northwest of the project area in Carlsbad. Resources listed as California Historical Landmarks and by the Office of Historic Preservation were reviewed on February 7, 2022. The nearest listed landmark is #940: Rancho Guajome, located 12 miles north of the project area (ECORP 2022a).

Sacred Lands File Results

The California Native American Heritage Commission (NAHC) identifies, catalogs, and protects Native American cultural resources on private and public lands in California. Cultural resources include graves, cemeteries, and places of special religious or social significance to Native Americans. The NAHC also records the historical territories of state recognized tribes into a database called the Sacred Lands File. A records search of the Sacred Lands File is conducted to ensure that the tribes potentially affected by a project are properly notified and consulted.

A search of the Sacred Lands File was completed by the NAHC and resulted in a negative finding, indicating that no Native American Sacred Lands have been recorded in the study area (ECORP 2022a).

Site Survey and Subsurface Testing Results

A site survey was conducted in March 2022 and subsurface testing was conducted in April 2022. No cultural resources were identified as a result of the site survey or subsurface testing; however, one previously documented cultural resource (Site CA-SDI-12130) was identified during the subsurface testing (refer also to EIR Section 3.4, Cultural Resources). The proposed off-site preserve area is entirely within resource CA-SDI-12130. The western two-thirds of the project site is within resource CA-SDI-12130 (ECORP 2022a).

Tribal Consultation

In conformance with State Assembly Bill (AB) 52, the City of Encinitas sent notification to the Native American tribes identified as previously requesting such notification of development projects within the City on August 24, 2022. These tribes included San Pasqual Band of Mission Indians, Rincon Band of Luiseño Indians, Barona Band of Mission Indians, Jamul Indian Village, and San Luis Rey Band of Mission Indians. Of the tribes who received such notification, three requested formal government-to-government consultation pursuant to AB 52 to discuss the potential for tribal cultural resources to be located on-site or in the project vicinity.

Additionally, on October 21, 2022, ECORP participated in a field meeting with the Tribal Historic Preservation Officer (THPO) for the Rincon Band of Luiseño Indians and the project proponent. The THPO recommended monitoring by a Luiseño tribe during construction due to the overall sensitivity of the area and agreed to a need to pre-designate a reburial location in the event of an unanticipated discovery (ECORP 2022a).

On November 1, 2022, the project proponent participated in a field meeting with a member of the San Luis Rey Band of Mission Indians. The tribal representative indicated that tribal monitoring would be recommended (ECORP 2022a).

Consultation with the tribes remains ongoing. Refer to Section 3.13, Tribal Cultural Resources, for additional discussion.

REGULATORY FRAMEWORK

Federal

Archaeological Resources Protection Act

The Archaeological Resources Protection Act of 1979 regulates the protection of archaeological sites and resources that are on Native American lands or federal lands.

Section 106 of the National Historic Preservation Act

Federal regulations for cultural resources are governed primarily by Section 106 of the National Historic Preservation Act of 1966. Section 106 requires federal agencies to take into account the effects of their undertakings on historic properties and affords the Advisory Council on Historic Preservation a reasonable opportunity to comment on such undertakings. The council's implementing regulations, Protection of Historic Properties, are found in 36 Code of Federal Regulations (CFR) Section 800. The goal of the Section 106 review process is to offer a measure of protection to sites that are determined eligible for listing on the National Register of Historic Places (NRHP). The criteria for determining NRHP eligibility are found in 36 CFR 60. Amendments to the act (1986 and 1992) and subsequent revisions to the implementing regulations have, among other things, strengthened the provisions for Native American consultation and participation in the Section 106 review process. While federal agencies must follow federal regulations, most projects by private developers and landowners do not require this level of compliance. Federal regulations only come into play in the private sector if a project requires a federal permit or if it uses federal funding.

National Register of Historic Places

The NRHP is "an authoritative guide to be used by federal, state, and local governments, private groups, and citizens to identify the Nation's cultural resources and to indicate what properties should be considered for protection from destruction or impairment." However, the federal regulations explicitly provide that a listing of private property on the NRHP "does not prohibit under Federal law or regulation any actions which may otherwise be taken by the property owner with respect to the property."

Historic properties, as defined by the Advisory Council on Historic Preservation, include any "prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior" (36 CFR Section 800.16[I][1]). Eligibility for inclusion in the NRHP is determined by applying the following criteria, developed by the National Park Service in accordance with the National Historic Preservation Act:

The quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association and:

a) That are associated with events that have made a significant contribution to the broad patterns of our history; or

b) That are associated with the lives of persons significant in our past; or

c) That embody distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

d) That have yielded, or may be likely to yield, information important in prehistory or history (36 CFR 60.4).

State

State historic preservation regulations affecting the proposed project include the statutes and guidelines contained in CEQA, PRC Sections 21083.2 and 21084.1, and CEQA Guidelines Section 15064.5. CEQA requires lead agencies to carefully consider the potential effects of a project on historical resources. A historical resource includes, but is not limited to, any object, building, structure, site, area, place, record or manuscript which is historically or archaeologically significant (PRC Section 5020.1). Section 15064.5 of the CEQA Guidelines specifies criteria for evaluating the significance or importance of cultural resources, including the following:

- The resource is associated with events that have made a contribution to the broad patterns of California history;
- The resource is associated with the lives of important persons from our past;
- The resource embodies the distinctive characteristics of a type, period, region or method of construction, or represents the work of an important individual or possesses high artistic values; or
- The resource has yielded, or may be likely to yield, important information in prehistory or history.

Advice on procedures to identify such resources, evaluate their importance, and estimate potential effects is given in several agency publications such as the technical advice series

produced by the Governor's Office of Planning and Research. This technical advice series strongly recommends that Native American concerns and the concerns of other interested persons and corporate entities, including but not limited to museums, historical commissions, associations, and societies, be solicited as part of the process of cultural resources inventory. In addition, California law protects Native American burials, skeletal remains, and associated grave goods regardless of the antiquity and provides for the sensitive treatment and disposition of those remains.

California Register of Historical Resources

AB 2881 was signed into law in 1992, establishing the CRHR. The CRHR is an authoritative guide in California used by state and local agencies, private groups, and citizens to identify the state's historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change. The criteria for eligibility for the CRHR are based on NRHP criteria. Certain resources are determined by the statute to be included on the CRHR, including California properties formally determined eligible for, or listed in, the NRHP, State Landmarks, and State Points of Interest.

The California Office of Historic Preservation has broad authority under federal and state law for the implementation of historic preservation programs in California. The State Historic Preservation Officer makes determinations of eligibility for listing on the NRHP and the CRHR.

The appropriate standard for evaluating "substantial adverse effect" is defined in PRC Sections 5020.1(q) and 21084.1. Substantial adverse effect means demolition, destruction, relocation, or alteration such that the significance of an historical resource would be impaired. Such impairment of significance would be an adverse impact on the environment.

Cultural resources consist of buildings, structures, objects, or archaeological sites. Each of these entities may have historic, architectural, archaeological, cultural, or scientific importance. Under the CEQA Guidelines, a significant impact would result if the significance of a cultural resource would be changed by project area activities. Activities that could potentially result in a significant impact include demolition, replacement, substantial alteration, and relocation of the resource. The significance of a resource is required to be determined prior to analysis of the level of significance of project activities. The steps required to be implemented to determine significance in order to comply with CEQA Guidelines are:

- Identify cultural resources.
- Evaluate the significance of the cultural resources based on established thresholds of significance.

- Evaluate the effects of a project on all cultural resources.
- Develop and implement measures to mitigate the effects of the project on significant cultural resources.

Government Code (GC) Sections 6253, 6254, and 6254.10 authorize state agencies to exclude archaeological site information from public disclosure under the Public Records Act. In addition, the California Public Records Act (CPRA; GC Section 6250 et seq.) and California's open meeting laws (the Brown Act, GC Section 54950 et seq.) protect the confidentiality of Native American cultural place information. The CPRA (as amended, 2005) contains two exemptions that aid in the protection of records relating to Native American cultural places by permitting any state or local agency to deny a CPRA request and withhold from public disclosure:

> *Records of Native American graves, cemeteries, and sacred places and records of Native American places, features, and objects described in Section 5097.9 and Section 5097.993 of the Public Resources Code maintained by, or in the possession of, the Native American Heritage Commission, another State agency, or a local agency (GC Section 6254(r)); and*
>
> *Records that relate to archaeological site information and reports maintained by, or in the possession of, the Department of Parks and Recreation, the State Historical Resources Commission, the State Lands Commission, the Native American Heritage Commission, another State agency, or a local agency, including the records that the agency obtains through a consultation process between a California Native American tribe and a State or local agency (GC Section 6254.10).*

Likewise, the CHRIS Information Centers prohibit public dissemination of records and site location information. In compliance with these requirements and those of the Code of Ethics of the Society for California Archaeology and the Register of Professional Archaeologists, the locations of cultural resources are considered restricted information with highly restricted distribution and are not publicly accessible.

Any project site located on non-federal land in California is also required to comply with state laws pertaining to the inadvertent discovery of Native American human remains.

California Health and Safety Code Sections 7050.5, 7051, and 7054

California Health and Safety Code Sections 7050.5, 7051, and 7054 collectively address the illegality of interference with human burial remains as well as the disposition of Native American burials in archaeological sites. The law protects such remains from disturbance, vandalism, or inadvertent destruction and establishes procedures to be implemented if Native American

skeletal remains are discovered during construction of a project, including the treatment of remains prior to, during, and after evaluation, and reburial procedures.

Local

City of Encinitas General Plan

Resource Management Element

The Resource Management Element of the General Plan addresses both archaeological and historical cultural resources. The element includes maps of the City identifying areas of low, moderate, and high cultural resource sensitivity. The element identifies mitigation procedures for archaeological sites discovered during the excavation or construction phases of a new project. It also calls for an inventory of all historically significant sites and/or structures that require protection.

The following goal and policies are relevant in protecting cultural resources in the City.

Resource Management Element

GOAL 7: **The City will make every effort to ensure significant scientific and cultural resources in the Planning Area are preserved for future generations. (Coastal Act/30250)**

Policy 7.1: Require that paleontological, historical, and archaeological resources in the planning area are documented, preserved or salvaged if threatened by new development. (Coastal Act/30250)

Policy 7.2: Conduct a survey to identify historic structures and archaeological/cultural sites throughout the community and ensure that every action is taken to ensure their preservation. (Coastal Act/30250/30253(5))

City of Encinitas Municipal Code

Section 30.34.050, Cultural/Natural Resources Overlay Zone, of the City's Municipal Code (Chapter 30.34, Special Purpose Overlay Zones) includes regulations that apply to areas within the Special Study Overlay Zone where site-specific analysis indicates the presence of sensitive cultural, historic, and biological resources, including sensitive habitats. For parcels containing archaeological or historical sites, the Municipal Code requires a site resource survey and impact analysis to determine the significance of, and possible mitigation for, sensitive resources.

IMPACT ANALYSIS AND MITIGATION MEASURES

Thresholds of Significance

The following thresholds of significance are based on CEQA Guidelines Appendix G. For the purposes of this EIR, the project would be considered to have a significant impact on cultural resources if it would:

- Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5.
- Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5.
- Disturb any human remains, including those interred outside of formal cemeteries.

PROJECT IMPACTS AND MITIGATION

HISTORICAL RESOURCES

Impact 3.4-1	**The project would have the potential to cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5. Impacts would be less than significant with mitigation incorporated.**

As noted above, one previously recorded cultural resource (CA-SDI-12130) was determined to overlap the project site. Subsurface testing was performed in April 2022, with several samples returning evidence of subsurface cultural materials (ECORP 2022a). Through evaluation, the materials identified during the testing program were determined to lack context and do not appear representative of intact deposits.

The presence of several pre-contact archaeological sites nearby suggests that these observances may be residue from Site CA-SDI-12130 that have been relocated and moved out of context. The presence of the newly identified materials has likely been caused by decades of prior ground disturbance on the subject site and in the surrounding landscape. Earthwork associated with construction of I-5 as well as previously recorded slope failures/landslides have undoubtedly impacted site P-37-012130 in the past. Grading and earthwork within the Project Area likely caused any artifacts to no longer remain in their primary (original) context, and therefore, their ability to provide information important to prehistory is limited. Therefore, while these materials have been determined as an extension of historical resource CA-SDI-12130, these cultural materials lack integrity and are not eligible for inclusion in the CRHR or NRHP under Criteria 4/D.

Further, because the auger locations were specifically selected to coincide with planned excavation for the proposed project, the results of the auguring program reflect the potential impact (or lack thereof) to the eligible site. No information exists within any of the sources sought for this study to indicate that the site is eligible under any of the criteria for the NRHP or CRHR. Based on the current evidence, no significant impact would occur to P-37-012130 as a result of project implementation.

ECORP conducted subsurface testing to evaluate the cultural resource using NRHP and CRHR eligibility criteria and found the resource not eligible for listing under any criteria based on archaeological information. Tribal consultation between the City and culturally affiliated tribes is ongoing. No ground disturbance should occur until the lead agencies concur with this finding. Therefore, resource CA-SDI-12130 is not considered a historical resource under CEQA based on archaeological information. Development of the project site as proposed would not cause a substantial adverse change in the significance of a known historical resource pursuant to CEQA Guidelines Section 15064.5.

However, the determination about impacts to tribal cultural resources is being addressed separately by the City. There is the potential that unknown resources on the site may have been obscured by grading, earthwork, or various materials over the years. As the potential exists for unknown historical resources or properties to be present, project construction activities may potentially impact unknown historical sites within the project APE. Implementation of mitigation measures **CR-1** to **CR-3** are proposed to reduce project effects on such unknown historical resources. Impacts would be reduced to **less than significant with mitigation incorporated**.

Mitigation Measures:

CR-1 **Cultural Resources Monitoring Program.** Prior to the commencement of any ground disturbing activities, a Cultural Resource Mitigation Monitoring Program shall be established to provide for the identification, evaluation, treatment, and protection of any cultural resources that are affected by or may be discovered during the construction of the proposed project. The monitoring shall consist of the full-time presence of a qualified archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for prehistoric and historic archaeology. Further, a Native American monitor from a tribe that is traditionally and culturally affiliated (TCA) with the project area shall be retained to monitor all ground-disturbing activities associated with project construction, including vegetation removal, clearing, grading, trenching, excavation, or other activities that may disturb original (pre-project) ground, including the placement of imported fill materials and related roadway improvements (i.e., for access).

- The requirement for cultural resource mitigation monitoring shall be noted on all applicable construction documents, including demolition plans, grading plans, etc.

- Prior to the start of construction activities, the project proponent shall submit a letter of engagement or a copy of a monitoring contract to the City to demonstrate that archaeological and culturally affiliated Native American monitors have been retained for the project.

- The qualified archaeologist and TCA Native American monitor shall attend all applicable preconstruction meetings with the contractor and/or associated subcontractors.

- Monitors shall be provided at least 72 hours notice of the initiation of construction and be kept reasonably apprised of changes to the construction schedule. In the event that a monitor is not present at the scheduled time, work can continue without the monitor present, as long as the notice was given and documented.

- A reburial location shall be identified as an "environmentally sensitive area" on project plans and communicated to the consulting tribes. If cultural materials discovered during project construction are reburied in this location, the landowner shall record a deed restriction over the reburial area within 30 days of the completion of ground disturbing activities. If the location is not used for reburial of materials, then recording a deed restriction on this location shall not be required.

During Construction

- The qualified archaeologist shall maintain ongoing collaborative consultation with the TCA Native American monitor during all ground-disturbing or altering activities, as identified above.

- The qualified archaeologist and/or TCA Native American monitor shall have the authority to temporarily halt ground-disturbing activities if archaeological artifact deposits or cultural features are discovered. In general, if subsurface deposits believed to be cultural or human in origin are discovered during construction, all work shall halt within a 100-foot radius of the discovery and ground-disturbing activities shall be temporarily directed away from these deposits to allow a determination of potential significance, the subject of which shall be determined by the qualified archaeologist and the TCA Native

American monitor. Ground-disturbing activities shall not resume until the qualified archaeologist, in consultation with the TCA Native American monitor, deems the cultural resource or feature has been appropriately documented and/or protected. At the qualified archaeologist's discretion, the location of ground-disturbing activities may be relocated elsewhere on the project site to avoid further disturbance of cultural resources.

- If the professional archaeologist determines that the find does not represent a cultural resource, work may resume immediately and no agency notifications are required.

- The avoidance and protection of discovered unknown and significant cultural resources and/or unique archaeological resources is the preferable mitigation for the proposed project. If avoidance is not feasible, a Data Recovery Plan may be authorized by the City as the lead agency under CEQA. If a Data Recovery Plan is required, then the TCA Native American monitor shall be notified and consulted in drafting and finalizing any such recovery plan.

- The qualified archaeologist and/or TCA Native American monitor may also halt ground-disturbing activities around known archaeological artifact deposits or cultural features if, in their respective opinions, there is the possibility that they could be damaged or destroyed.

- The landowner shall relinquish ownership of all tribal cultural resources collected during the cultural resource mitigation monitoring conducted during all ground-disturbing activities, and from any previous archaeological studies or excavations on the project site, to the TCA Native American Tribe for respectful and dignified treatment and disposition, including reburial, in accordance with the tribe's cultural and spiritual traditions. All cultural materials that are associated with burial and/or funerary goods will be repatriated to the most likely descendant as determined by the Native American Heritage Commission per California Public Resources Code Section 5097.98.

CR-2 **Prepare Monitoring Report and/or Evaluation Report.** Prior to the release of the Grading Bond, a Monitoring Report and/or Evaluation Report, which describes the results, analysis, and conclusions of the cultural resource mitigation monitoring efforts (such as but not limited to the Research Design and Data Recovery Program), shall be submitted by the qualified archaeologist, along with the TCA

Native American monitor's notes and comments, to the City's Development Services Director for approval.

CR-3 **Identification of Human Remains.** As specified by California Health and Safety Code Section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Coroner's office by telephone. No further excavation or disturbance of the discovery or any nearby area reasonably suspected to overlie adjacent remains (as determined by the qualified archaeologist and/or the TCA Native American monitor) shall occur until the coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code 5097.98. If such a discovery occurs, a temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected (as determined by the qualified archaeologist and/or the TCA Native American monitor), and consultation and treatment could occur as prescribed by law. As further defined by state law, the coroner shall determine within two working days of being notified if the remains are subject to his or her authority. If the coroner recognizes the remains to be Native American, he or she shall contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC shall make a determination as to the most likely descendent. If Native American remains are discovered, the remains shall be kept in situ ("in place"), or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of the TCA Native American monitor.

Level of Significance: Less than significant with mitigation incorporated.

ARCHAEOLOGICAL RESOURCES

Impact 3.4-2 **The project would have the potential to cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5. Impacts would be less than significant with mitigation incorporated.**

As stated above, a records search was conducted in February 2022 for the APE and a surrounding one-mile radius at the SCIC; a site survey was conducted in early March 2022; and subsurface testing was conducted in early April 2022 (ECORP 2022a). The CHRIS records search identified 35 previously recorded cultural resources located within one mile of the project area. A portion of one previously documented cultural resource site (CA-SDI-12130) was determined to overlap the

project boundaries. Based on the results of subsequent subsurface testing, it was determined that this resource is not eligible for listing under NRHP or CRHR criteria (ECORP 2022a).

The region in which the project site is located is recognized as having been in regular use by Native Americans for thousands of years. The potential for buried pre-contact archaeological sites does exist due to the site's proximity to the Pacific Ocean and Batiquitos Lagoon. Additionally, archaeological sites have been identified along perennial and intermittent waterways in the region, such as the drainage located to the west of the project site. Along the eastern edge of the site Holocene surficial sediments exist atop earlier geological formations. Pre-contact archaeological deposits have been previously identified and documented within these strata. Therefore, as previously recorded pre-contact resources as well as sediments associated with human occupation occur within the project vicinity, the potential for subsurface resources in previously undisturbed soils is considered to be moderate to high (ECORP 2022a).

A potentially significant impact to unknown archaeological resources may therefore occur from subsurface construction disturbances (i.e. trenching, excavation, grading) associated with project construction. To ensure proper protection of any undiscovered resources, should they be encountered during project-related ground disturbance activities, archaeological and Native American monitoring is required (mitigation measures **CR-1** and **CR-2**).

The magnitude of potential project impacts is unknown because any undiscovered archaeological resources are located underground and, therefore, cannot be readily evaluated. Mitigation measures **CR-1** and **CR-2** would be implemented to address the recovery of any unknown cultural resources in the event such resources are encountered during project construction. Impacts would be reduced to **less than significant with mitigation incorporated**.

Mitigation Measures: Implement mitigation measures **CR-1** and **CR-2**.

Level of Significance: Less than significant with mitigation incorporated.

HUMAN REMAINS

Impact 3.4-3	**The project would have the potential to disturb human remains, including those interred outside of formal cemeteries. Impacts would be less than significant with mitigation incorporated.**

No known cemeteries are located on-site and no such resources were identified during the records searches, consultation efforts, or field survey; refer also to Section 3.13, Tribal Cultural Resources. Although no known human remains have been identified on-site, the potential for project ground-disturbing activities to result in impacts to unknown resources does exist. Due to the presence of sediments contemporaneous with human occupation of the region and the

presence of previously recorded pre-contact resources in the surrounding area and within the Project Area, the potential for subsurface resources in previously undisturbed soils is considered moderate to high. Additionally, the project vicinity has the potential to support buried pre-contact archaeological sites due to proximity to the Pacific Ocean and recognized regular use by Native Americans for thousands of years (Appendix E).

The project would be required to comply with regulatory requirements for treatment of Native American human remains contained in California Health and Safety Code Sections 7050.5 and 7052 and California PRC Section 5097. Additionally, implementation of mitigation measure **CR-3** would reduce project impacts on unknown human remains to less than significant. Potential construction impacts on human remains would be reduced to **less than significant with mitigation incorporated.**

Mitigation Measure: Implement mitigation measure **CR-3.**

Level of Significance: Less than significant with mitigation incorporated**.**

CUMULATIVE IMPACTS

Impact 3.4-4	**The project would have the potential to result in a significant cumulative impact related to historical or archaeological resources or human remains. Impacts would be less than cumulatively considerable.**

Geographic Scope

Cumulative projects that have the potential to be considered in a cumulative context with the project's incremental contribution, and that are included in the analysis of cumulative impacts relative to cultural resources, are identified in Table 3.0-1 and Figure 3.0-1 in Section 3.0 of this EIR. The cumulative impact analysis includes all 2019 Housing Element Update sites to the extent they may contribute to certain issue-specific cumulative effects (see Table 3.0-2).

Potential Cumulative Impacts

Urban development over past decades in San Diego County has resulted in adverse impacts on cultural resources. However, the adoption of state and federal laws related to cultural resources has provided a mechanism to address potential impacts of development activities on known and/or unknown cultural resources. Although inadvertent discoveries and potential impacts may still result on a project-by-project basis based on location, development type, and availability of data, compliance with regulatory procedures generally mitigates potential impacts to cultural resources. Federal, state, and local laws protect cultural resources in most instances, but they are not always feasible, particularly when in-place preservation may complicate or prevent the implementation of a development project. Future development may conflict with these

resources through inadvertent destruction or removal resulting from grading, excavation, and/or construction activities.

Project construction activities would include grading and excavation which may have the potential to result in the discovery of previously unknown subsurface resources. Project implementation could contribute to potential cumulative impacts on cultural resources, including unknown archaeological and historical resources, as well as unknown buried human remains. Past, present, and foreseeable projects have affected, or would have the potential to affect, cultural resources throughout the region over time. However, federal, state, and local laws are designed to protect such resources. These laws have led to the discovery, recordation, preservation, and curation of artifacts and historic structures.

Mitigation measures **CR-1** and **CR-2** address the discovery and recovery of unknown archaeological and historical resources through construction monitoring, identification of potential cultural resources, and evaluation of the significance of a find. Mitigation measure **CR-3** addresses the discovery and recovery of unknown human remains through construction monitoring, protection of the resource, and consultation and treatment as prescribed by state law. Mitigation measures **CR-1** to **CR-3** would be implemented to reduce the potential for the project to contribute to a cumulative impact from project construction on undiscovered resources, if encountered, to less than significant. Similarly, with conformance to applicable federal, state, and local regulations, combined with the evaluation of resource significance and implementation of mitigation measures in compliance with applicable legislation, it is anticipated that other cumulative development projects would be adequately addressed and impacts on historical and cultural resources and/or human remains would be reduced to the extent feasible.

Therefore, individual project-level impacts associated with cultural resources would be less than significant with incorporation of mitigation measures **CR-1** to **CR-3**. Further, the proposed project and other cumulative projects would be subject to conformance with applicable federal, state, and local requirements for the protection of such resources. The project's contribution to a cumulative impact on cultural resources is considered **less than cumulatively considerable**.

Mitigation Measures: Implement mitigation measures **CR-1** to **CR-3**.

Level of Significance: Less than cumulatively considerable.

Section 3.5
Energy Conservation and Climate Change

This section evaluates greenhouse gas (GHG) emissions and energy consumption associated with the proposed project and analyzes the project's consistency with applicable plans and policies. This section is based on technical data presented in the *Greenhouse Gas Assessment* prepared by Ldn Consulting, Inc. (2022; see Appendix F) and available data resources pertaining to energy use and conservation. Analysis in this section also draws upon data in the *City of Encinitas General Plan* (1991) and the *City of Encinitas 2013-2021 Housing Element Update Environmental Assessment* (2018). Third-party technical reports were peer-reviewed by Michael Baker International and the City of Encinitas.

ENVIRONMENTAL SETTING

Climate Change

Climate change is a distinct change in average meteorological conditions with respect to temperature, precipitation, and storms. Climate change can result from both natural processes and human activities. Natural changes in the climate result from very small variations in the earth's orbit which change the amount of solar energy the planet receives. Human activities can affect the climate by emitting heat-absorbing gases into the atmosphere and by making changes to the planet's surface, such as deforestation and agriculture. The following impacts to California from climate change have been identified:

- Higher temperatures, particularly in the summer and in inland areas;
- More frequent and more severe extreme heat events;
- Reduced precipitation, and a greater proportion of precipitation falling as rain rather than snow;
- Increased frequency of drought conditions;
- Rising sea levels;
- Ocean water becoming more acidic, harming shellfish and other ocean species; and
- Changes in wind patterns.

These direct effects of climate change may in turn have a number of other impacts, including increases in the number and intensity of wildfires, coastal erosion, reduced water supplies, threats to agriculture, and the spread of insect-borne diseases.

Greenhouse Gas

GHGs are naturally present in the earth's atmosphere and play a critical role in maintaining the planet's temperature. The natural process through which heat is retained in the troposphere is called the greenhouse effect. The greenhouse effect traps heat in the troposphere through a threefold process as follows: shortwave radiation emitted by the sun is absorbed by the earth; the earth emits a portion of this energy in the form of long-wave radiation; and GHGs in the upper atmosphere absorb this long-wave radiation and re-emit it in all directions, with some radiation heading out into space and some heading back toward the earth. This "trapping" of the long-wave (thermal) radiation emitted back toward the earth is the underlying process of the greenhouse effect. Without the presence of GHGs, the earth's average temperature would be approximately zero degrees Fahrenheit.

Parts of the earth's atmosphere act as an insulating blanket, trapping sufficient solar energy to keep the global average temperature within a range suitable for human habitation. The blanket is a collection of atmospheric gases called greenhouse gases because they trap heat similar to the effect of glass walls in a greenhouse. These gases, mainly water vapor, carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), ozone, and chlorofluorocarbons, all act as effective global insulators, reflecting infrared radiation back to the earth. Human activities, such as producing electricity and driving internal combustion vehicles, emit these gases into the atmosphere.

GHGs are unlike criteria air pollutants and toxic air contaminants, which are pollutants of regional and local concern. Whereas pollutants with localized air quality effects have relatively short atmospheric lifetimes (about one day), GHGs have much longer atmospheric lifetimes of one year to several thousand years that allow them to be dispersed around the globe. Although the exact lifetime of any particular GHG molecule is dependent on multiple variables and cannot be pinpointed, scientists who study atmospheric chemistry agree that more CO_2 is emitted into the atmosphere than is sequestered by ocean uptake, vegetation, and other forms of sequestration.

Energy

Electricity

Electricity usage in California for different land uses varies substantially by the types of uses in a building, types of construction materials used in a building, and the efficiency of all electricity-consuming devices within a building.

Electricity in California is predominantly provided by renewable resources, such as solar, wind, geothermal, and hydroelectric. In 2021, renewable resources supplied approximately 50 percent of the in-state electricity generation while natural gas-fired power plants provided approximately 40 percent and nuclear provided less than 10 percent. Given the size and population of the state,

California is still one of the largest importers of energy in the nation, as approximately 20 to 30 percent of the state's electricity supply came from generating facilities outside the state in 2021. As such, almost all of the coal-fueled electricity generation consumed in the state was imported (approximately 4 percent of state's power supply) (EIA 2022).

San Diego Gas & Electric (SDG&E) provides electric services to 3.7 million customers through 1.49 million electric meters and 905,000 natural gas meters located within a 4,100-square-mile service area that includes San Diego County and southern Orange County (SDGE 2022). SDG&E is a subsidiary of Sempra Energy and would provide electricity to the project. SDG&E receives electric power from a variety of sources. Refer to Table 3.5-1 for SDG&E's distribution of renewable resources.

Table 3.5-1: Portfolio Percentages for SDG&E 2020 Renewable Portfolio Standard

Biopower	Geothermal	Solar PV	Wind	Hydro	Solar Thermal
2%	--	46%	52%	<0.1%	--%

Source: CPUC 2021.

Electricity consumption attributable to San Diego County from 2010 to 2020 is shown in Table 3.5-2, Electricity Consumption in San Diego County 2010-2020. Additionally, energy consumption in San Diego County remained relatively constant between 2010 and 2020, with no substantial increase or decrease.

Table 3.5-2: Electricity Consumption in San Diego County 2010-2020

Year	Electricity Consumption (in millions of kilowatt hours)
2010	19,115
2011	19,121
2012	19,548
2013	19,689
2014	19,900
2015	19,873
2016	19,642
2017	19,362
2018	19,480
2019	18,989
2020	19,045

Source: CEC 2016.

Renewable Energy

In 2018, California ranked first in the nation for electricity generated from solar, geothermal, and biomass energy; fourth in hydroelectric power; and fifth in wind energy. By the end of 2021, California had approximately 15,500 megawatts of utility-scale solar power capacity and 28,000 megawatts of installed solar capacity. Geothermal resources in the state, approximately 2,730 megawatts of capacity, account for almost 70 percent of the nation's utility-scale electricity generation from geothermal energy. The state has over 30 power plants fueled by biomass (wood and wood waste), which leads the nation in energy generation. At the end of 2019, the state had more than 6,300 megawatts of installed wind capacity (EIA 2022).

Natural Gas

The CPUC regulates natural gas utility service for approximately 11 million gas meters for customers who receive natural gas from Pacific Gas & Electric (PG&E), Southern California Gas (SoCalGas), SDG&E, Southwest Gas, and several smaller natural gas utilities. SDG&E provides natural gas service to the counties of San Diego and Orange and would provide natural gas to the project. SDG&E is a wholesale customer of SoCalGas and currently receives all of its natural gas from the SoCalGas system (CPUC 2022).

The majority of California's natural gas customers are residential and small commercial customers (core customers). These customers accounted for approximately 35 percent of the natural gas delivered by California utilities in 2022. Large consumers, such as electric generators and industrial customers (noncore customers), accounted for approximately 65 percent of the natural gas delivered by California utilities in 2012 (CPUC 2022).

Petroleum

As of 2021, California was the seventh largest producer of crude oil in the nation. However, the state's overall crude oil production has steadily declined during the past 30 years. Due to its large size and population, California is the second-largest consumer of petroleum products and the largest consumer of motor gasoline and jet fuel in the nation. Almost 85 percent of petroleum consumed in the state is used in the transportation sector (EIA 2022).

However, technological advances, market trends, consumer behavior, and government policies could result in significant changes in fuel consumption by type and in total. As such, the state has implemented various policies and incentives to increase the use of non-carbon-emitting vehicles and decrease vehicle miles traveled (VMT). In 2021, California drivers owned approximately 931,000 electric vehicles and plug-in hybrid vehicles, with the state having the second-highest ratio of electric vehicles to charging ports (EIA 2022).

At the federal and state levels, various policies, rules, and regulations have been enacted to improve vehicle fuel efficiency, promote the development and use of alternative fuels, and reduce transportation-source air pollutants, GHG emissions, and VMT. Market forces have driven the price of petroleum products steadily upward over time, and technological advances have made use of other energy resources or alternative transportation modes increasingly feasible. Accordingly, since 2010, on-road automotive fuel consumption in San Diego County has generally declined and heavy-duty vehicle fuel consumption has steadily increased.

REGULATORY FRAMEWORK

Federal

Greenhouse Gas Emissions

To date, no national GHG reduction targets or climate plans have been adopted that would apply to the project or the City of Encinitas.

Massachusetts v. EPA (2007)

In *Massachusetts v. U.S. Environmental Protection Agency (EPA)*, the Supreme Court directed the EPA Administrator to determine whether GHG emissions from new motor vehicles cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare. In making these decisions, the EPA Administrator is required to follow the language of Section 202(a) of the federal Clean Air Act. On December 7, 2009, the EPA Administrator signed a final rule with two distinct findings regarding GHGs under Section 202(a) of the Clean Air Act:

- Elevated concentrations of GHGs — CO_2, CH_4, N_2O, hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF_6) — in the atmosphere threaten the public health and welfare of current and future generations. This is referred to as the "endangerment finding."

- Combined emissions of GHGs — CO_2, CH_4, N_2O, and HFCs — from new motor vehicles and new motor vehicle engines contribute to the GHG air pollution that endangers public health and welfare. This is referred to as the "cause or contribute finding."

These two findings were necessary to establish the foundation for regulation of GHGs from vehicles as air pollutants under the Clean Air Act.

Energy Conservation

Federal Energy Policy and Conservation Act

In response to the 1973 oil crisis, Congress enacted the Energy Policy and Conservation Act (EPCA) of 1975, which established the first fuel economy standards for on-road motor vehicles in the United States. The purpose of EPCA is to increase energy production and supply, reduce energy demand, provide energy efficiency, and give the executive branch additional powers to respond to disruptions in energy supply. Most notably, EPCA established the Strategic Petroleum Reserve, the Energy Conservation Program for Consumer Products, and Corporate Average Fuel Economy regulations.

Intermodal Surface Transportation Efficiency Act

The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) promoted the development of surface transportation programs. The purpose of the ISTEA is to maximize mobility and address national and local interests in air quality and energy. The ISTEA contained factors that metropolitan planning organizations (MPO) were to address in developing transportation plans and programs, including some energy-related factors. To meet the ISTEA requirements, MPOs adopted policies defining the social, economic, energy, and environmental values guiding transportation decisions.

Transportation Equity Act for the 21st Century

In 1998, Congress enacted the Transportation Equity Act for the 21st Century, which expanded programs and initiatives established in the ISTEA legislation. The act authorizes highway, highway safety, transit, and other efficient surface transportation programs. The act continues the program structure established for highways and transit under the ISTEA, such as flexibility in the use of funds, emphasis on measures to improve the environment, and focus on a strong planning process as the foundation of transportation decisions.

Energy Independence and Security Act

In 2007, Congress enacted the Energy Independence and Security Act of 2007 (EISA) with the purpose to increase energy independence and efficiency. The legislation requires the Renewable Fuel Standard (RFS) to continually increase over time to reduce the reliance of petroleum. The U.S. EPA is responsible for developing and implementing regulations to ensure that transportation fuel sold in the United States contains a minimum volume of renewable fuel. The RFS program regulations were developed in collaboration with refiners, renewable fuel producers, and many other stakeholders.

State

Greenhouse Gas Emissions

Discussed below are some of the key state directives and policies pertaining to GHG emissions reduction.

Assembly Bill 32

The California Global Warming Solutions Act of 2006 (Assembly Bill [AB] 32; California Health and Safety Code Division 25.5, Sections 38500–38599) established regulatory, reporting, and market mechanisms to achieve quantifiable reductions in GHG emissions and established a cap on statewide GHG emissions. AB 32 requires that statewide GHG emissions be reduced to 1990 levels by 2020. This requirement was achieved early in 2016.

California Air Resources Board Scoping Plan

In 2008, the California Air Resources Board (CARB) adopted its Scoping Plan, which functions as a roadmap to achieve GHG reductions in California required by AB 32 through subsequently enacted regulations. CARB's Scoping Plan contains the main strategies California will implement to reduce GHG emissions by 174 million metric tons of carbon dioxide equivalent ($MMTCO_2e$), or approximately 30 percent, from the state's projected 2020 emissions level of 596 $MMTCO_2e$ under a business-as-usual (BAU)[1] scenario. This is a reduction of 42 $MMTCO_2e$, or almost ten percent, from 2002 to 2004 average emissions, but requires the reductions in the face of population and economic growth through 2020.

AB 32 requires CARB to update the Scoping Plan at least once every five years. CARB adopted the first major update to the Scoping Plan in 2014. The updated Scoping Plan summarizes recent science related to climate change, including anticipated impacts to California and the levels of GHG reduction necessary to likely avoid risking irreparable damage. It identifies the actions California has already taken to reduce GHG emissions and focuses on areas where further reductions could be achieved to help meet the 2020 target established by AB 32. The Scoping Plan update also looks beyond 2020 toward the 2050 goal, established in Executive Order S-3-05, and observes that "a mid-term statewide emission limit will ensure that the state stays on course to meet our long-term goal." The Scoping Plan update did not establish or propose any specific

[1] "Business-as-Usual" refers to emissions that would be expected to occur in the absence of GHG reductions. See http://www.arb.ca.gov/cc/inventory/data/bau.htm. Note that there is significant controversy as to what BAU means. In determining the GHG 2020 limit, CARB used the above as the "definition." It is broad enough to allow for design features to be counted as reductions.

post-2020 goals, but identified such goals adopted by other governments or recommended by various scientific and policy organizations.

In 2017, CARB approved the *California's 2017 Climate Change Scoping Plan: The Strategy for Achieving California's 2030 Greenhouse Gas Target*. This update focuses on implementation of a 40 percent reduction in GHG emissions by 2030 compared to 1990 levels. To achieve this, the updated Scoping Plan draws on a decade of successful programs that addresses the major sources of climate changing gases in every sector of the economy, such as programs dedicated to zero-emission vehicles, renewable energy, clean energy, and sustainable transit-based communities. CARB is in process of finalizing the *Draft 2022 Scoping Plan Update*, which assesses progress toward the statutory 2030 target.

Senate Bill 97

Senate Bill (SB) 97 (2007) (Chapter 185, Statutes of 2007; Public Resources Code Sections 21083.05 and 21097) acknowledges that climate change is a prominent environmental issue that requires analysis under CEQA. The Natural Resources Agency adopted amendments to the CEQA Guidelines in 2010 to address the directive. As a result, CEQA lead agencies are required to estimate the emissions associated with project-related vehicular traffic, energy consumption, water usage, and construction activities to determine whether project-level or cumulative impacts could occur and to mitigate the impacts where feasible.

Senate Bill 375

SB 375 (2008) (Chapter 728, Statutes of 2008) aligns regional transportation planning efforts, regional GHG reduction targets, and land use and housing allocation. SB 375 requires each metropolitan planning organization (MPO) to adopt a sustainable communities strategy or alternative planning strategy that will prescribe land use allocation in that MPO's regional transportation plan. CARB is charged with reviewing each MPO's sustainable communities strategy or alternative planning strategy for consistency with its assigned targets. San Diego County is part of the San Diego Association of Governments' (SANDAG) MPO and is covered under SANDAG's *2050 Regional Transportation Plan*.

Energy Conservation

Discussed below are some of the key state directives and policies pertaining to energy conservation.

State of California Energy Action Plan

The CEC and CPUC approved the first state of California *Energy Action Plan* in 2003. The plan established shared goals and specific actions to ensure that adequate, reliable, and reasonably priced electrical power and natural gas supplies are provided, and identified policies, strategies,

and actions that are cost effective and environmentally sound for California's consumers and taxpayers. In 2005, a second *Energy Action Plan* was adopted by the CEC and CPUC to reflect various policy changes and actions of the prior two years.

At the beginning of 2008, the CEC and CPUC determined that it was not necessary or productive to prepare a new energy action plan. This determination was based in part on a finding that the state's energy policies have been significantly influenced by the passage of AB 32, the California Global Warming Solutions Act of 2006 (discussed above). Rather than produce a new energy action plan, the CEC and CPUC prepared an "update" that examines the state's ongoing actions in the context of global climate change.

Senate Bill 1078

SB 1078 (2002) established the California Renewable Portfolio Standard (RPS) Program and required that a retail seller of electricity purchase a specified minimum percentage of electricity generated by eligible renewable energy resources as defined in any given year, culminating in a 20 percent standard by 2018. These retail sellers include electrical corporations, community choice aggregators, and electric service providers. The bill relatedly required the CEC to certify eligible renewable energy resources, design and implement an accounting system to verify compliance with the RPS by retail sellers, and allocate and award supplemental energy payments to cover above-market costs of renewable energy.

Senate Bills 107, X1-2, 350, and 100

SB 107 (2006) accelerated the RPS established by SB 1078 by requiring that 20 percent of electricity retail sales be served by renewable energy resources by 2010 (not 2017). Additionally, SB X1-2 (2011) requires all California utilities to generate 33 percent of their electricity from eligible renewable energy resources by 2020. Specifically, SB X1-2 sets a three-stage compliance period: by December 31, 2013, 20 percent shall come from renewables; by December 31, 2016, 25 percent shall come from renewables; and by December 31, 2020, 33 percent shall come from renewables.

SB 350 (2015) requires retail seller and publicly owned utilities to procure 50 percent of their electricity from eligible renewable energy resources by 2030, with interim goals of 40 percent by 2024 and 45 percent by 2027.

SB 100 (2018) accelerated and expanded the standards set forth in SB 350 by establishing that 44 percent of the total electricity sold to retail customers in California per year by December 31, 2024, 52 percent by December 31, 2027, and 60 percent by December 31, 2030, be secured from qualifying renewable energy sources. SB 100 also states that it is the policy of the state that eligible renewable energy resources and zero-carbon resources supply 100 percent of the retail sales of electricity to California. This bill requires that the achievement of 100 percent zero-

carbon electricity resources does not increase the carbon emissions elsewhere in the western grid and that the achievement not be achieved through resource shuffling.

Consequently, utility energy generation from nonrenewable resources is expected to be reduced based on implementation of the 60 percent RPS in 2030. Therefore, any project's reliance on nonrenewable energy sources would also be reduced.

Assembly Bill 1007

AB 1007 (2005) required the CEC to prepare a statewide plan to increase the use of alternative fuels in California (State Alternative Fuels Plan). The CEC prepared the plan in partnership with CARB and in consultation with other state, federal, and local agencies. The plan assessed various alternative fuels and developed fuel portfolios to meet California's goals to reduce petroleum consumption, increase alternative fuels use, reduce GHG emissions, and increase in-state production of biofuels without causing a significant degradation of public health and environmental quality.

California's Energy Efficiency Standards for Residential and Nonresidential Buildings (Title 24)

Commonly referred to as the CALGreen Code, Title 24, Part 11 standards require new residential and commercial buildings to comply with mandatory measures under the topics of planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and environmental quality. Title 24 also provides voluntary tiers and measures that local governments may adopt which encourage or require additional measures in the five green building topics. The 2019 standards became effective January 1, 2020. The standards require that all low-rise residential buildings shall have a photovoltaic system meeting the minimum qualification requirements such that annual electrical output is equal to or greater than the dwelling's annual electrical usage. Notably, net energy metering rules limit residential rooftop solar generation to produce no more electricity than the home is expected to consume on an annual basis. Single-family homes built with the 2019 standards will use about 7 percent less energy due to energy efficiency measures versus those built under the 2016 standards, while new nonresidential buildings will use about 30 percent less energy.

The California Energy Commission (CEC) updates the Building Energy Efficiency standards (Energy Code) every three years. The 2022 Energy Code encourages efficient electric heat pumps, establishes electric-ready requirements for new homes, expands solar photovoltaic and battery storage standards, strengthens ventilation standards, and more. Buildings whose permit applications are applied for on or after January 1, 2023 must comply with the 2022 Energy Code.

The CALGreen standards originally took effect in 2011 and instituted mandatory minimum environmental performance standards for all ground-up, new construction of commercial, low-

rise residential, and state-owned buildings, as well as schools and hospitals. The mandatory standards require the following:

- Mandatory reduction in indoor water use through compliance with specified flow rates for plumbing fixtures and fittings.
- Mandatory reduction in outdoor water use through compliance with a local water-efficient landscaping ordinance or the California Department of Water Resources' Model Water Efficient Landscape Ordinance.
- Sixty-five percent of construction and demolition waste must be diverted from landfills.
- Mandatory inspections of energy systems to ensure optimal working efficiency.
- Inclusion of electric vehicle charging stations or designated spaces capable of supporting future charging stations.
- Low pollutant-emitting exterior and interior finish materials, such as paints, carpets, vinyl flooring, and particle boards.

The CALGreen standards also include voluntary efficiency measures that are provided at two separate tiers and implemented at the discretion of local agencies and applicants. CALGreen's Tier 1 standards call for a 15 percent improvement in energy requirements, stricter water conservation, 10 percent recycled content in building materials, 20 percent permeable paving, 20 percent cement reduction, and cool/solar-reflective roofs. CALGreen's more rigorous Tier 2 standards call for a 30 percent improvement in energy requirements, stricter water conservation, 75 percent diversion of construction and demolition waste, 15 percent recycled content in building materials, 30 percent permeable paving, 25 percent cement reduction, and cool/solar-reflective roofs.

California's Energy Efficiency Standards for Appliances (Title 20)

Title 20 of the California Code of Regulations requires manufacturers of appliances to meet state and federal standards for energy and water efficiency. Performance of appliances must be certified through the CEC to demonstrate compliance with standards.

New appliances regulated under Title 20 include refrigerators, refrigerator-freezers and freezers; room air conditioners and room air-conditioning heat pumps; central air conditioners; spot air conditioners; vented gas space heaters; gas pool heaters; plumbing fittings and plumbing fixtures; fluorescent lamp ballasts; lamps; emergency lighting; traffic signal modules; dishwaters; clothes washers and dryers; cooking products; electric motors; low voltage dry-type distribution

transformers; power supplies; televisions and consumer audio and video equipment; and battery charger systems.

Title 20 presents protocols for testing for each type of appliance covered under the regulations and appliances must meet the standards for energy performance, energy design, water performance, and water design.

Local

City of Encinitas Climate Action Plan (CAP)

The City's Climate Action Plan (CAP) was adopted in January 2018 and was most recently updated in 2020. The CAP serves as a guiding document and outlines a course of action for community and municipal operations to reduce GHG emissions and the potential impacts of climate change within the jurisdiction. The CAP benchmarks GHG emissions in 2012 and identifies what reductions are required to meet GHG reduction targets based on state goals embodied in AB 32. The CAP aims to achieve local community wide GHG reduction targets of 13 percent below 2012 levels by 2020 and 44 percent below 2012 levels by 2030.

To achieve these objectives, the CAP identifies a summary of baseline GHG emissions and the potential growth of these emissions over time; the expected climate change effects on the City; GHG emissions reduction targets and goals to reduce the community's contribution to global warming; and identification of strategies, specific actions, and supporting measures to comply with statewide GHG reduction targets and goals, along with strategies to help the community adapt to climate change impacts.

As part of the CAP implementation, each strategy, action, and supporting measure will be continually assessed and monitored. Reporting on the status of implementation of these strategies, periodic updates to the GHG emissions inventory, and other monitoring activities will help ensure that the CAP is making progress. It should be noted that as of this time, the City has not adopted implementing ordinances for the CAP. Therefore, strategies requiring the City to adopt ordinances to implement are not applicable to the project. The following strategies are applicable to the project:

- RE-2: Require New Homes to install Solar Photovoltaic Systems
- CET-4: Require Residential Electric Vehicle Charging Stations

City of Encinitas All-Electric Building Ordinance

Ordinance 2021-13 was adopted by the City of Encinitas to amend Section 23.12.080 and Section 23.12.110 of Chapter 23.12 (Uniform Codes for Construction) of Title 23 (Building and

Construction) of the City of Encinitas Municipal Code. The ordinance is intended to implement goals and objectives set forth in the City's CAP for reducing GHG emissions, conserving water and energy, encouraging green buildings, protecting the natural environment, and protecting the health of residents and visitors. Specifically, Section 100.0, subpart (e) of the California Energy Code is amended in Section 23.12.080(D) of the Municipal Code to require all newly constructed buildings to meet the requirements of an "All-Electric Building" (no natural gas or propane plumbing installed within the building and there is no gas meter connection). Under the ordinance, restaurant use may be approved for an exception to install gas-fueled cooking appliances.

City of Encinitas General Plan and Certified Local Coastal Program

The City of Encinitas General Plan serves as a policy document that provides long-range guidance to City officials responsible for decision-making with regard to the City's future growth and long-term protection of its resources. The City of Encinitas General Plan is intended to ensure decisions made by the City conform to long-range goals established to protect and further the public interest as the City continues to grow and to minimize adverse effects potentially occurring with ultimate buildout. The City of Encinitas General Plan also provides guidance to ensure that future development conforms to the City's established plans, objectives, and/or policies, as appropriate.

The California Coastal Act (Public Resources Code Section 30000 et seq.) is intended to protect the natural and scenic resources of the Coastal Zone. All local governments located wholly or partially within the Coastal Zone are required to prepare an) for those areas of the Coastal Zone within its jurisdiction. The City of Encinitas General Plan includes issues and policies related to California Coastal Act requirements; therefore, the City of Encinitas General Plan also serves as Local Coastal Plan (LCP) Land Use Plan for the City. The relevant goals and policies of the General Plan include:

Circulation Element

Policy 1.15: The City will actively support an integrated transportation program that encourages and provides for mass-transit, bicycle transportation, pedestrians, equestrians, and car-pooling.

GOAL 3: The City of Encinitas will promote the use of other modes of transport to reduce the dependence on the personal automobile.

Policy 3.2. Continue to assist in expanding public transportation and emphasize public transportation in future development with preference given to cost-effective alternatives.

Policy 3.3: Create a safe and convenient circulation system for pedestrians.

Policy 3.11: The City will strive to implement a safe, direct, and convenient circulation system for commuting and recreational bicycle traffic. The City will support the development of additional bicycle facilities in the Coastal Zone, including the following:

- All Circulation Element roads will include provisions for bicycle lanes unless precluded by design and safety considerations in which cases, alternative routes shall be provided to form a continuous network;
- The provision of secure bicycle storage facilities at all beaches designated for high and moderate levels of use; and
- The installation of bicycle and surfboard racks on all buses serving the Coastal Zone.

Resource Management Element

Policy 1.1: Require new development to utilize measures designed to conserve water in their construction.

Policy 1.10: Promote the use of water efficient sprinkling and gardening systems to include ordinances and technology to encourage drought tolerant plants.

GOAL 5: The City will make every effort to participate in programs to improve air and water quality in the San Diego region.

Policy 5.1: The City will monitor and cooperate with the ongoing efforts of the U. S. Environmental Protection Agency, the San Diego Air Pollution Control District, and the State of California Air Resources Board in improving air quality in the regional air basin. The City will implement appropriate strategies from the San Diego County SIP which are consistent with the goals and policies of this plan.

GOAL 6: The City will make every effort to reduce the amount of solid and liquid waste generated in the Planning Area and will identify ways to responsibly deal with these wastes.

Policy 6.1: The City will phase in all practical forms of mandatory recycling as soon as possible.

Policy 6.2: The City will contract only with waste haulers who will willingly cooperate with the City's recycling effort.

GOAL 9: **The City will encourage the abundant use of natural and drought tolerant landscaping in new development and preserve natural vegetation, as much as possible, in undeveloped areas.**

Policy 9.4: Encourage and adopt standards for the use of drought tolerant and/ or natural landscaping and efficient irrigation systems throughout the City.

GOAL 13: **Create a desirable, healthful, and comfortable environment for living while preserving Encinitas, unique natural resources by encouraging land use policies that will preserve the environment.**

Policy 13.1: The City shall plan for types and patterns of development which minimize water pollution, air pollution, fire hazard, soil erosion, silting, slide damage, flooding and severe hillside cutting and scarring.

GOAL 15: **The City will make every effort to conserve energy in the City thus reducing our dependence on fossil fuels.**

Policy 15.1: The City will encourage the use of alternate energy systems, including passive solar and architectural and mechanical systems, in both commercial and residential development.

Policy 15.2: The patterns of proposed subdivisions and the orientation and design of structures on lots shall be designed with the objective of maximizing the opportunities for solar energy use and energy conservation.

Policy 15.3: Energy conserving construction standards and requirements shall be enforced in the field inspection of new construction.

City of Encinitas Housing Element 2019

In March 2019, the City Council adopted the Housing Element Update (HEU) which provides the City with a coordinated and comprehensive strategy for promoting the production of safe, decent, and affordable housing for all within the City. The purpose of the HEU is to ensure that the City establishes policies, procedures, and incentives to increase the quality and quantity of the housing supply in the City.

The Housing Plan Update 2019 includes the 2013-2021 HEU and a series of discretionary actions to update and implement the City's Housing Element. The City received a Local Coastal Program (LCP) Amendment approval for the HEU from the California Coastal Commission in September 2019, and certification from the state Department of Housing and Community Development in October 2019.

GOAL 2: Sound housing will be provided in the City of Encinitas for all persons.

Policy 2.8: Continue to develop and promote an energy efficiency conservation measure consistent with the strategies outlined in the City's Climate Action Plan.

Additionally, according to the *City of Encinitas 2013-2021 Housing Element Update Environmental Assessment*, implementation of projects identified in the HEU would not directly conflict with the policies and reduction measures in the City's CAP. However, project implementation has the potential to exceed the City's interim screening threshold (900 $MTCO_2e$ per year) which would potentially conflict with the City's ability to achieve the CAP's GHG emissions reduction targets. Development projects that do not achieve the screening level threshold shall prepare a project-specific greenhouse gas analysis that identifies an appropriate project-level significance threshold and project-specific mitigation measures.

STANDARDS OF SIGNIFICANCE

Thresholds of Significance

The following thresholds of significance are based, in part, on CEQA Guidelines Appendix G. For the purposes of this EIR, the project may have a significant adverse impact related to GHG emissions if it would:

1. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.
2. Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

The project would have a significant impact related to energy if it would:

1. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.
2. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

PROJECT IMPACTS AND MITIGATION

GREENHOUSE GAS EMISSIONS

Impact 3.5-1 **The project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. Impacts would be less than significant.**

The HEU Environmental Assessment determined that the HEU had the potential to result in impacts due to exceedances of the City's interim 900 $MTCO_2e$/yr threshold and required developments that would exceed the applicable 900 $MTCO_2e$ interim screening threshold of significance (or those in place at the time of the development application) to prepare a Greenhouse Gas Emissions Assessment. The *Greenhouse Gas Assessment* prepared for the project (Ldn Consulting 2022; see Appendix F) provides the project-level analysis including both construction and operational emissions.

The project would result in direct and indirect emissions of CO_2, N_2O, and CH_4, and would not result in other GHGs that would facilitate a meaningful analysis. Therefore, this analysis focuses on these three forms of GHG emissions. Direct project related GHG emissions include emissions from construction activities, area sources, and mobile sources, while indirect sources include emissions from energy consumption, water demand, and solid waste generation. The most recent version of the California Emissions Estimator Model (CalEEMod), version 2020.4.0, was used to calculate direct and indirect project related GHG emissions (Appendix F). With respect to cumulative San Diego Air Basin-wide conditions, the San Diego Air Pollution Control District (SDAPCD) has developed strategies to reduce short-term construction-related criteria air pollutant emissions and to reduce long-term mobile-source GHG emissions.

Construction

Construction activities and equipment expected as part of the project are shown in Table 3.5-3, Anticipated Construction Equipment.

Table 3.5-3: Anticipated Construction Equipment

Equipment Identification	Duration (in months)
Site Preparation	
Rubber Tired Dozers	3
Tractors/Loaders/Backhoes	4
Grading	
Excavators	1
Graders	1
Rubber Tired Dozers	1
Tractors/Loaders/Backhoes	3

Table 3.5-3, continued

Equipment Identification	Duration (in months)
Building Construction	
Cranes	1
Forklifts	3
Generator Sets	1
Tractors/Loaders/Backhoes	3
Welders	1
Architectural Coating	
Air Compressors	1
Paving	
Pavers	2
Paving Equipment	2
Rollers	2

Note: This equipment list is based upon equipment inventory within CalEEMod; the quantity and types are based upon assumed use during project construction.
Source: Ldn Consulting, Inc. 2022 (see Appendix F).

Based on expected construction activities and equipment shown in Table 3.5-3, project construction would generate 880.72 $MTCO_2e$ over the construction life of the project (refer to Table 3.5-4, Expected Construction CO_2e Emissions MT/Year). Lead agencies, including the SDAPCD and the County of San Diego, recommend that construction emissions be amortized (i.e., total construction emissions divided by the lifetime of the project, assumed to be 30 years) over a 30-year period to account for the contribution of construction emissions over a project's lifetime. As such, amortizing the emissions from project construction over a 30-year period would result in an annual contribution of approximately 29.36 $MTCO_2e$ per year. These emissions are added to operational emissions to account for the contribution of construction to GHG emissions for the lifetime of the project.

Table 3.5-4: Expected Construction CO_2e Emissions (MT/Year)

Year	Bio-CO_2	NBio-CO_2	Total CO_2	CH_4	N_2O	CO_2e
2023	0.00	105.63	105.63	0.02	0.01	108.26
2024	0.00	567.55	567.55	0.10	0.03	579.55
2025	0.00	191.02	191.02	0.03	0.00	192.90
					Total	**880.72**
					Yearly Average Construction Emissions (metric tons/year over 30 years)	**29.36**

Notes: Expected construction emissions are based upon CalEEMod modeling assumptions for equipment and durations listed in Table 3.5-3.
Source: Ldn Consulting, 2022 (see Appendix F).

Operation

Project operation would result in emissions generated from area sources, energy consumption, mobile sources, solid waste generation, and water use. Table 3.5-5 shows the annual operational emissions inventory. Project operations are anticipated to generate 997.46 $MTCO_2e$ per year.

Table 3.5-5: Operational GHG Emissions (MT/Year)

Source	Bio-CO_2	NBio-CO_2	Total CO_2	CH_4	N_2O	CO_2e
Area	0.00	1.81	1.81	0.00	0.00	1.85
Electrical Usage	0.00	141.87	141.87	0.01	0.00	142.28
Mobile	0.00	819.13	819.13	0.06	0.04	831.37
Waste	13.91	0.00	13.91	0.82	0.00	34.47
Water	3.08	38.02	41.10	0.32	0.01	51.37
					Subtotal[1]	1,061.44
					Amortized Construction Emissions	29.36
					149 kW of Solar PV	-80.42
					4 EV Chargers – EV Vehicle Usage	-12.92
					Project Total GHG Emissions	**997.46**
					Residents (374 persons) + Employment (2 persons): Service Population	**376**
					Metric Tons/Service Population	**2.65**

[1] Includes reductions from project design features.

Notes: Data is presented in decimal format and may have rounding errors.

EV = electric vehicle; GHG = greenhouse gas; kW = kilowatt; MT/Year = metric tons per year.

Source: Ldn Consulting, 2022 (see Appendix F).

The project would implement sustainable design features including installing of solar panels capable of generating 149 kilowatts (kW), or 245,206 kilowatt hours (kWh), of solar power annually and four on-site electric vehicle parking spaces with charging stations. Solar energy is considered 100 percent renewable and once installed, would offset GHG emissions generated from non-renewable energy sources, resulting in a GHG emissions reduction of 80.42 $MTCO_2e$ annually; refer to Table 3.5-5. The electric vehicle parking spaces would enable residents to utilize electric vehicles and would reduce GHG emissions by as much as 12.92 $MTCO_2e$ annually in 2025. It should be noted that all garages will have electrical infrastructure installed for electric vehicle chargers; however, reductions from these sources was not taken into account in evaluating project GHG emissions (Ldn Consulting 2022).

According to the City's CAP, a multi-family development is required to install 1W of solar power per square foot (CAP measure RE-2). Therefore, to be consistent with the CAP, the project is required to install at minimum of 96 kW of solar power. As the project anticipates installing solar

panels capable of generating 149 kW of solar, the project would be consistent with CAP requirements for on-site solar.

The City's CAP identifies water conservation measures that aim to reduce water consumption. In November 2020, the City updated its CAP to accommodate the adopted HEU maximum realistic yield of 2,494 additional dwelling units of 17 candidate sites within the City under build-out conditions. These additional dwelling units are based upon the HEU's permitted maximum density of 30 dwelling units per net acre on the candidate sites.

The project would implement water conservation measures to reduce potable water use to the extent feasible. The project would meet or exceed the conservation measures mandated by the 2019 California Green Building Standards Code. Additionally, the project would include non-mandatory water conservation measures, such as installation of insulated hot water pipes, pressure reducing valves, water efficient dishwashers, and dual flush toilets. The project would also use recycled water to irrigate common landscaped areas.

The performance metric for CAP Measure WE-1 sets a goal of 5 gallons saved per capita per day. The project would be consistent with the City's General Plan (pending approval by the City) and is therefore consistent with the City's CAP, assuming CAP measures are implemented with the project. As stated above, the project would install low flow water fixtures (e.g., toilets, faucets) in all of the units, thereby achieving water conservation over the long-term. It is anticipated that such measures would achieve a reduction of 5 gallons of water per person per day, consistent with the performance metric set forth in the CAP.

With respect to on-road transportation emission reductions, Goal 4.1 (Reduce VMT) includes a number of supporting goals, which are either included as part of the project design or as part of the project's transportation demand management (TDM) measures program; refer to Section 3.12, Transportation. Such measures include, but are not limited to, increasing residential density, providing very low-income affordable residential units, and providing new sidewalks along the frontage of Piraeus Street and Plato Place.

To be consistent with SB 32, the City's goal is to achieve a 44% reduction with the baseline or a reduction to a target of 254,575 $MTCO_2e$/year in 2030. The population used in analyzing the proposed project was the City population, which in 2030 is anticipated to be 64,938 persons and 27,958 employees (Ldn Consulting 2022). Thus, in order to achieve a City emission level of 254,575 MT CO_2e based on the reductions needed per SB 32, the required per capita efficiency target in 2030 would be approximately 2.74 $MTCO_2e$ (254,575/92,896) per service population (Ldn Consulting 2022).

The project was analyzed using an alternative approach for consistency with SB 32 using a project-specific locally appropriate efficiency-based threshold based on forecasted population

and the allowable emissions which the City must achieve in 2030 to be compliant with SB 32. Based on this approach, the project would be required to generate fewer service population emissions than 2.74 $MTCO_2e$. The project was found to generate 997.46 $MTCO_2e$ with both annualized construction and annual operation GHG emissions averaged over a project population of 376 persons. Given this, the project would have a projected GHG emission rate of 2.65 MT CO_2e per service population (997.46 MT CO_2e/376 persons) (Ldn Consulting 2022). As the project would generate fewer emissions than a City-specific localized efficiency metric of 2.74 $MTCO_2e$ per service population, impacts would be less than significant.

Further, this total is in line with the *2017 Climate Change Scoping Plan Update* emissions of 2 $MTCO_2e$ per capita by 2050 without taking into account future regulatory changes which would reasonably further reduce GHG emissions given California's aggressive agenda in addressing greenhouse gas emissions. Since the project would generate fewer emissions than the City-specific localized efficiency metric of 2.74 $MTCO_2e$ per service population, and because the project's long-term (2050) emissions would be within CARBs emissions projections for 2050, the project would result in a less than significant impact.

As stated, the project is consistent with the General Plan and accounted for in the HEU. In November 2020, the City's CAP was updated to address increased GHG emissions resulting from development of the 17 candidate sites identified in the HEU. Updates to the CAP assumed a maximum realistic yield of 2,494 dwelling units across the candidate sites (City of Encinitas 2021). Therefore, the City's CAP accounts for GHG emissions resulting from construction and operation of the project. The project is required to comply with the City's CAP by implementing the appropriate CAP measures, which are described above. Furthermore, the project would generate fewer emissions than the City-specific localized efficiency metric and is within the projections for the future service population established in the CAP. Therefore, the project would not generate substantial GHG emissions and would not directly contribute to short- or long-term GHG impacts. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

CONFLICT WITH APPLICABLE PLANS, POLICIES, OR REGULATIONS

Impact 3.5-2 **The project would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases. Impacts would be less than significant.**

California Air Resources Board 2008 and 2017 Scoping Plans

CARB adopted the AB 32 Scoping Plan as a framework for achieving AB 32 goals with the most recent being the 2008 and 2017 Scoping Plans, and a Draft 2022 Scoping Plan. While the 2008 and 2017 Scoping Plans are not directly applicable to specific projects, the plans contain several state regulatory measures aimed at the identification and reduction of GHG emissions. CARB has adopted many of the measures identified in the plans, such as those that reduce emissions from area sources and vehicle fleets, which are not applicable to individual development projects.

The project would comply with all applicable regulations adopted in furtherance of the 2008 and 2017 Scoping Plans to the extent required by law. The Scoping Plan outlines a series of technologically feasible and cost-effective measures to reduce statewide GHG emissions, such as the installation of low-flow water fixtures and electric vehicle charging stations. Table 3.5-6 provides the relevant measures from the CARB Scoping Plan and project consistency with those measures.

Table 3.5-6: Project Consistency with CARB Scoping Plan

Scoping Plan Measure	Measure Number	Project Consistency
Transportation Sector		
1.5 million zero-emission and plug-in hybrid light-duty electric vehicles by 2025 (4.2 million Zero-Emissions Vehicles by 2030)	N/A	The project would install four on-site electric vehicle charging stations.
Regional Transportation-Related GHG Targets	T-3	CARB has adopted its regional transportation-related GHG targets in furtherance of SB 375. Those targets do not apply directly to the project, and instead are considered by MPOs (like SANDAG) when developing their sustainable communities strategies. See below for discussion of the project's consistency with SANDAG's Regional Transportation Plan.

Table 3.5-6, continued

Scoping Plan Measure	Measure Number	Project Consistency
Reduction in Vehicle Miles Traveled	N/A	The project would provide new sidewalks along the project frontage on Piraeus Street and Plato Place, with connection to pedestrian paths within the project site. The project applicant would work with the City and its bikeshare vendor to expand the City's bikeshare program into the project area. The electric bikeshare program would provide residents with on-demand access to electric pedal assist bikes for short-term rentals and to encourage a mode shift from vehicle use to electric bicycles.
Electricity and Natural Gas Sector		
Energy Efficiency Measures (Electricity)	E-1	The project would comply with Title 24, Parts 6 and 11, building energy efficiency standards applicable at the time of building permit application. Further, as described above, the project includes numerous design features that would achieve other efficiencies relative to the consumption of energy.
Energy Efficiency (Natural Gas)	CR-1	The project would comply with Title 24, Parts 6 and 11, building energy efficiency standards applicable at the time of building permit application. The project would be consistent with City Ordinance 2021-13 which prohibits the use of natural gas (no meter connection) in residential uses.
Solar Water Heating (California Solar Initiative Thermal Program)	CR-2	The project would install high-efficiency water heaters or solar water heater systems.
Renewables Portfolio Standard	E-3	The project would use energy supplied by SDG&E, which complies with the Renewable Portfolio Standard. SDG&E expects an approximate 44 percent renewables mix in calendar year 2024.
Senate Bill 1 Million Solar Roofs (California Solar Initiative, New Solar Home Partnership, Public Utility Programs) and Earlier Solar Programs	E-4	The project would install solar panels capable of generating up to 149 kW (or 245,206 kWh) of solar power annually.
Water Sector		
Water Use Efficiency	W-1	The project would utilize water-saving features, including low-flow fixtures and water-efficient landscape irrigation.
Water Recycling	W-2	The project would use reclaimed water for on-site landscaped [homeowners association (HOA) maintained] areas.

Table 3.5-6, continued

Scoping Plan Measure	Measure Number	Project Consistency
Reuse Urban Runoff	W-4	The project would include low-impact development measures to the extent feasible to reduce the amount of stormwater runoff from the site.
Green Buildings		
State Green Building Initiative: Leading the Way with State Buildings (Greening New and Existing State Buildings)	GB-1	The project would be required to be constructed in compliance with state and local green building standards in effect at the time of building construction.
Green Building Standards Code (Greening New Public Schools, Residential, and Commercial Buildings)	GB-2	The project would meet green building standards that are in effect at the time of building permit application.
Beyond Code: Voluntary Programs at the Local Level (Greening New Public Schools, Residential, and Commercial Buildings)	GB-3	The project would be required to be constructed in compliance with local green building standards in effect at the time of building permit application.
Forests Sector		
High Global Warming Potential Gases Sector		
Limit High Global Warming Potential Use in Consumer Products	H-4	Project residents would use consumer products that would comply with the regulations that are in effect at the time of manufacture.

Sources: CARB 2008, 2017.

Based on this analysis and the items listed in Table 3.5-5, the project would be consistent with the applicable strategies and measures in the 2008 and 2017 Scoping Plans. In addition, the 2017 Scoping Plan contains a list of local actions that agencies can implement to further reduce GHG emissions. As shown in Table 3.5-7, the project would be consistent with applicable local actions set forth within Appendix B of the 2017 Scoping Plan.

Table 3.5-7: Project Consistency with Scoping Plan Local Actions

Scoping Plan Local Action	Project Consistency
Construction	
Enforce idling time restrictions for construction vehicles	The project would enforce unnecessary idling to five minutes, in accordance with CARB's Off-Road Regulation.
Divert and recycle construction and demolition waste, and use locally-sourced building materials with a high recycled material content to the greatest extent feasible	The project would divert and recycle construction and demolition waste in accordance with all applicable rules and regulations.
Minimize tree removal, and mitigate indirect GHG emissions increases that occur due to vegetation removal, loss of sequestration, and soil disturbance	The project would provide ornamental trees on-site as part of project landscaping. No mature trees would be removed from the project site with development as proposed.
Utilize existing grid power for electric energy rather than operating temporary gasoline/diesel powered generators	The project would rely on existing grid power for electric energy to the extent feasible and practical. The project would also install solar panels capable of generating up to 149 kW of solar power.
Operation	
Require on-site EV charging capabilities for parking spaces serving the project to meet jurisdiction-wide EV proliferation goals	The project proposes four on-site electric vehicle parking spaces with charging stations.
Provide adequate, safe, convenient, and secure on-site bicycle parking and storage in multi-family residential projects and in nonresidential projects	The project would include on-site bicycle parking and storage for residents, as well as participation in a bike-share program.
Require on-site renewable energy generation	The project would install solar panels capable of generating up to 149 kW of solar power.
Prohibit wood-burning fireplaces in new development, and require replacement of wood-burning fireplaces for renovations over a certain size developments	The project would not install hearth/fireplace options in residential apartment units.
Require solar-ready roofs	The project would install solar panels capable of generating up to 149 kW of solar power.
Require low-water landscaping in new developments	The project would install water efficient/drought tolerant and/or native landscape; would use smart evapotranspiration controllers; and would limit conventional turf.
Expand urban forestry and green infrastructure in new land development	The project would provide new trees on-site as part of project landscaping.

Table 3.5-7, continued

Scoping Plan Local Action	Project Consistency
Require the design of the electric outlets and/or wiring in new residential unit garages to promote electric vehicle usage	The project would include four on-site electric vehicle parking spaces with charging stations.
Require each residential unit to be "solar ready," including installing the appropriate hardware and proper structural engineering	The project would install solar panels capable of generating up to 149 kW of solar power.
Require the installation of energy conserving appliances such as on-demand tank-less water heaters and whole-house fans	The project would include the use of energy-conserving appliances, such as ENERGY STAR labeled.
Require each residential and commercial building equip buildings with energy efficient AC units and heating systems with programmable thermostats/timers	The project would equip each residential unit with programmable thermostats to control heating and air conditioning systems.
Require each residential and commercial building to utilize low flow water fixtures such as low flow toilets and faucets	The project would install low-flow or high-efficiency water fixtures (toilet, showerheads, washing machines, etc.).
Require the use of energy-efficient lighting for all street, parking, and area lighting	The project would include the use of LED lighting or other efficient lighting.
Require the landscaping design for parking lots to utilize tree cover and compost/mulch	The project would provide new trees on-site as part of project landscaping. The project would install water efficient/drought tolerant and/or native landscape and would limit use of conventional turf.

Sources: CARB 2017; Ldn Consulting, 2022 (see Appendix F).

San Diego Association of Governments' San Diego Forward: The Regional Plan

SANDAG developed *San Diego Forward: The Regional Plan* to provide a regional growth-management strategy that targets per-capita GHG emissions reductions from passenger vehicles and light-duty trucks in the San Diego region. The Regional Plan integrates land use and transportation strategies to meet GHG emissions reduction targets that are forecasted to achieve the state's 2035 and 2050 GHG reduction goals. The Regional Plan incorporates local land use projections and circulation networks in city and county general plans. Typically, a project would be consistent with the Regional Plan if it does not exceed the underlying growth assumptions in the Regional Plan.

Project implementation would result in an increase of 149 new residential units within the City of Encinitas, which is consistent with that proposed in the HEU (up to 206 base residential units). The HEU includes the City's share of the required new residential units in the region, as provided

by the Regional Housing Needs Assessment from SANDAG. The City projected a deficit of 1,062 very low/low income units and 238 moderate/above moderate income units. As part of the HEU process, the City updated SANDAG with the growth projections approved by the City within the HEU. As the project has been designed in accordance with growth projections identified in the HEU, no conflict with SANDAG's regional growth forecast for the City would occur. Additionally, the project includes energy efficiency features that support the policy objectives of the Sustainable Communities Strategy and Regional Transportation Plan required by SB 375. As shown in Table 3.5-8, the project is consistent with all applicable Regional Plan policy objectives and strategies.

Table 3.5-8: Project Consistency with SANDAG's San Diego Forward: The Regional Plan

Category	Sustainable Communities Strategy	Consistency Analysis
Strategy #1	Invest in a reimagined transportation system.	*Consistent.* The project would create a walkable environment that promotes and enhances the pedestrian experience throughout the site, with safe, convenient, and attractive connections. The project would provide four on-site electric vehicle charging stations to promote zero-emission options for residents and guests.
Strategy #2	Incentivize sustainable growth and development.	*Consistent.* The project would provide 15 very-low income affordable housing units, which provide greater opportunity for lower income families to live closer to job centers and achieve a jobs/housing match near transit, and to allow a greater number of families to be accommodated within a given building footprint.
Strategy #3	Implement innovative demand and system management.	*Consistent*. The project would construct over 1,100 linear feet of sidewalks along Piraeus Street and Plato Place that would connect to on-site pedestrian paths, and would coordinate with the City to participate in its bike share program. The HOA would provide alternative modes of transportation information to residents as a part of the "New Resident" package. The HOA would also provide residents with transit schedules within the area and alert residents when new transit services are added, or services are charged. The HOA would also act as a Travel Advisor, providing new residents with information regarding how members of households can travel in alternative ways that meet their needs.

Source: SANDAG 2021.

City of Encinitas Climate Action Plan

Originally adopted in 2011, the City approved the latest update to its Climate Action Plan (CAP) in November 2020. Since adoption of the City's first CAP, new methods for calculating GHG emissions and projecting future emissions have been developed, and advances in technology and public policy offer greater options for innovative GHG reduction strategies. The City's updated CAP commits to implementing specific programs and projects aimed at reducing and mitigating

the impacts of GHG-emitting activities by targeted dates. Housing construction associated with the project would be subject to requirements of the CAP, as applicable.

Construction features required of new housing includes solar water heaters, rooftop solar panels, and low-flow fixtures as explained above. The project would install solar panels capable of generating up to 149 kW of solar power which aligns with the goal of CAP measure RE-2. The project would also align with the requirements of CAP measure CET-4 by installing four on-site electric vehicle charging stations. Additionally, the project would install high-efficiency water heaters or solar water heater systems, which would further reduce GHG emissions. As stated earlier, the project would also be consistent with City Ordinance 2021-13 which prohibits the use of natural gas in residential uses, thereby avoiding associated GHG-related emissions. For these reasons, the project is considered to be consistent with the City's CAP.

Conclusion

The project as proposed would be consistent with the CARB's *Climate Change Scoping Plan*, SANDAG's The Regional Plan, and the City's CAP. The project is consistent with these plans based on the design attributes that serve to promote building electrification and achieve other efficiencies in the consumption of energy, water and transportation fuels; and its provision of residential opportunities (including affordable units) in a jurisdiction with the need for more housing. Therefore, the project would not conflict with applicable plans, policies, and regulations adopted for the purpose of reducing GHG emissions. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

WASTEFUL, INEFFICIENT, OR UNNECESSARY CONSUMPTION OF ENERGY RESOURCES

Impact 3.5-3	**The project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation. Impacts would be less than significant.**

Construction-Phase Energy Use

During construction, the project would consume energy in two general forms: (1) the fuel energy consumed by construction vehicles and equipment; and (2) bound energy in construction materials, such as asphalt, steel, concrete, pipes, and manufactured or processed materials such as lumber and glass.

Fossil fuels to power construction vehicles and other energy-consuming equipment would be used during site demolition, clearing, grading, and construction. Fuel energy consumed during these activities would be temporary in nature and would not represent a significant demand on energy resources. Some incidental energy conservation would occur during construction through compliance with state requirements that equipment not in use for more than five minutes be turned off. Project construction equipment would be required to comply with the latest U.S. EPA and CARB engine emissions standards. These standards require highly efficient combustion systems that maximize fuel efficiency and reduce unnecessary fuel consumption.

Additionally, construction building materials would include recycled materials and products originating from nearby sources to reduce the costs of transportation. There is growing recognition among developers and retailers that sustainable construction is not prohibitively expensive and that there is a significant cost-savings potential in green building practices and materials. Substantial reductions in energy inputs for construction materials can be achieved by selecting building materials composed of recycled materials that require substantially less energy to produce than non-recycled materials. The incremental increase in the use of energy bound in construction materials such as asphalt, steel, concrete, pipes, and manufactured or processed materials (e.g., lumber and gas) would not substantially increase demand for energy compared to overall local and regional demand for construction materials. It is therefore reasonable to assume that production of building materials such as concrete, steel, etc., would employ energy conservation practices in the interest of minimizing the cost of doing business.

As such, project construction would not represent a substantial increase in demand for local or regional energy supplies. Construction fuel use would be temporary and would cease upon completion of project construction. No unusual project characteristics would necessitate the use of construction equipment that would be less energy efficient than at comparable construction sites in the region or state. Therefore, it is expected that construction fuel consumption associated with the project would not be any more inefficient, wasteful, or unnecessary than other similar development projects of this nature.

Operational Phase (Long-Term) Energy Use

Transportation Energy Demand

Pursuant to the Federal Energy Policy and Conservation Act of 1975, the National Highway Traffic and Safety Administration is responsible for establishing additional vehicle standards and for revising existing standards. Compliance with federal fuel economy standards is not determined for each individual vehicle model. Rather, compliance is determined based on each manufacturer's average fuel economy for the portion of their vehicles produced for sale in the United States. Based on the limited number of new vehicle trips the project would generate on

an daily or annual basis, the project would not substantially increase automotive fuel consumption within San Diego county. The project does not propose any unusual features that would result in excessive long-term operational fuel consumption.

The key drivers of transportation-related fuel consumption are job locations/commuting distance and many personal choices on when and where to drive for various purposes. Such factors are outside the scope of the project design. However, the project would include four on-site electric vehicle charging stations to encourage and support the use of electric vehicles by residents and guests of the project, and thus, reduce the petroleum fuel consumption. In addition, as discussed in the Traffic Impact Study, the project would implement TDM strategies including increasing residential density, providing affordable housing, participating in a bikeshare program, providing pedestrian improvements, and providing public transit information to new residents. These strategies would reduce VMT and thus reduce transportation related fuel consumption.

To comply with CAP measure CET-4, the project is required to install electric vehicle charging stations at 5 percent of the total number of residential parking spaces. The project would install four electric vehicle charging stations (at the parking area near the on-site pool), which meets the requirement of CAP measure CET-4. While the project cannot guarantee residents would utilize the electric chargers, it is assumed that the availability of electric chargers on-site would provide incentive and support for the use of electric vehicles, and thus, contribute to a reduction in the consumption of fossil fuels.

Given the project's small (resident) population compared to the size of the City and region, project implementation would have a minimal contribution to fuel consumption and demand. The project would not have any unusual characteristics that would result in substantial or excessive long-term fuel consumption in the county. Therefore, the project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during operation. Impacts would be **less than significant** in this regard.

Building Energy Demand

The CEC developed year 2020 to 2035 forecasts for energy consumption and peak demand in support of the 2021 IEPR for each of the major electricity and natural gas planning areas and the state, based on economic and demographic growth projections (CEC 2022). The CEC forecasts that the statewide annual average growth rates of energy demand between 2021 and 2030 will be 1.3 percent to 2.3 percent increase for electricity and a less than 0.1 percent to 0.8 percent increase for natural gas. The CEC developed 2018-2030 forecasts for energy consumption and peak demand in support of the 2021 IEPR for each of the major electricity and natural gas planning areas and the state based on the economic and demographic growth projections.

CEC forecasts that the statewide annual average growth rates of energy demand between 2016 and 2030 would be 0.99 percent to 1.59 percent for electricity and 0.25 percent to 0.77 percent for natural gas. Operational energy consumption of the project would represent a limited increase in electricity consumption and no increase in natural gas consumption over the current Countywide usage, which would be significantly lower than the CEC's energy demand forecasts. The proposed residential uses would consume energy evenly throughout the day. As a result, the project would not result in unique or more intensive peak or base period electricity demand.

As described under Impact 3.5-1, the project would include project components to promote sustainability through site design that would conserve energy, water, open space, and other natural resources, and would become specific COA by the City. Most notably, the project would generate up to 149 kW of solar power and would install four on-site Level II electric vehicle charging stations. The project would meet or exceed Title 24 energy efficiency requirements current at the time of construction. The Title 24 Building Energy Efficiency Standards are updated every three years and become more stringent between each update. Therefore, complying with the latest Title 24 standards at the time of construction would make the project more energy efficient than existing buildings built under the earlier versions of the Title 24 standards.

The project would also comply with CALGreen Tier II standards. Other energy-saving features incorporated into the proposed development include the prohibition of natural gas hearths and incorporation of low-flow water fixtures, drought-tolerant landscaping, ENERGY STAR appliances, and high-efficiency heating, ventilation, and air conditioning systems. As previously stated, the project would also be consistent with City Ordinance 2021-13 which prohibits the use of natural gas in residential uses (e.g., no utility connections for natural gas).

Furthermore, the electricity provider, SDG&E, is subject to California's Renewables Portfolio Standard. The RPS requires investor-owned utilities, electric service providers, and community choice aggregators to increase procurement from eligible renewable energy resources to 100 percent of total procurement by 2045. Renewable energy is generally defined as energy that comes from resources which are naturally replenished within a human timescale such as sunlight, wind, tides, waves, and geothermal heat. The project would also install on-site solar panels capable of generating approximately 149 kW of solar power on-site. The increase in reliance of renewable energy resources further ensures that the project would not result in the waste of the finite energy resources.

Therefore, the project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during operation. Impacts would be **less than significant**.

Conclusion

The project does not involve any unusual characteristics that would result in excessive long-term operational demand for electricity, and would not create a new operational demand for natural gas. For the reasons above, the project would not place a substantial new demand on regional energy supply or require significant additional capacity. Therefore, the project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

CONFLICT WITH OR OBSTRUCT A STATE OR LOCAL PLAN FOR RENEWABLE ENERGY OR ENERGY EFFICIENCY

Impact 3.5-4	**The project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Impacts would be less than significant.**

Refer to discussion under Impacts 3.5-1 and 3.5-2. The project would follow applicable energy standards and regulations during the construction and operation phases. Specifically, the project would be consistent with all actions in the City's CAP. As stated above, the project would generate up to 149 kW of solar power and would install four on-site Level II electric vehicle charging stations, consistent with measure CET-4 of the CAP. Furthermore, the project includes various project components to reduce its energy consumption which include installing smart meters and programmable thermostats, low-flow water fixtures, and efficient lighting in all buildings (refer to Impact 3.5-1). The project would be constructed and operated in accordance with all existing, applicable regulations at the time of construction. For the reasons stated, the project would not obstruct a state or local plan for renewable energy or energy efficiency. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

CUMULATIVE IMPACTS

Impact 3.5-5	**The project would not result in cumulative impacts related to energy conservation and climate change. Impacts would be less than cumulatively considerable.**

Geographic Scope

Climate change is an inherently cumulative category of impact. No one project will cause climate change; rather, it is the agglomeration of all global emissions that causes harm. To help address its contribution to the cumulative issue, the state of California has elected to reduce GHG emissions at the state level for activities under its control and has promulgated policy for local agencies to do the same. As such, the City predominantly uses the CAP as the mechanism to reduce GHG emissions and energy consumption in the City on a project-by-project basis.

Cumulative projects that would have the potential to be considered in a cumulative context with the project's incremental contribution, and that are included in the analysis of cumulative impacts relative to energy resources, are identified in Table 3.0-1 and Figure 3.0-1, in Section 3.0 of this EIR. To be conservative, the cumulative analysis also includes all 2019 HEU sites to the extent they may contribute to certain issue-specific cumulative effects (see Table 3.0-2).

Potential Cumulative Impacts

The project is consistent with the City's General Plan and accounted for in the HEU, which will form the basis of future updates to the CAP, and the project and cumulative project's emissions would be captured in such future CAP updates. The CAP has been updated to account for the HEU, including the proposed project and other cumulative projects listed in Tables 3.0-1 and 3.0-2.

The project is required to be consistent with the City's CAP through implementing the appropriate CAP measures, as previously described herein. Similarly, other cumulative projects analyzed in the HEU would also be consistent with the General Plan, and future projects would be subject to provisions of the CAP and any associated implementing ordinances in effect at the time of application submittal for those projects. Furthermore, future development would be subject to compliance with applicable federal, state, and local energy and building regulations.

The project was analyzed using an alternative approach for consistency with SB 32 using a project-specific locally appropriate efficiency-based threshold based on forecasted population and the allowable emissions which the City must achieve in 2030 to be compliant with SB 32. Based on this approach, the project would be required to generate fewer service population emissions than 2.74 $MTCO_2e$. The project was found to generate 997.46 $MTCO_2e$ with both

annualized construction and annual operation GHG emissions averaged over a project population of 376 persons. Given this, the project would have a projected GHG emission rate of 2.65 MT CO_2e per service population (997.46 MT CO_2e/376 persons) (Ldn Consulting 2022). As the project would generate fewer emissions than a City-specific localized efficiency metric of 2.74 MTCO_2e per service population, impacts would be less than significant and the project would not substantially contribute to cumulatively considerable short- or long-term GHG impacts.

As to energy consumption, the cumulative impact analysis focuses on three relevant sources of energy: (1) electricity (including energy required for water delivery, sanitary sewer, and solid waste disposal); (2) natural gas; and (3) transportation fuel for vehicle trips associated with new development, as well as the fuel necessary for project construction. Construction of the cumulative projects listed in Table 3.0-1 and Table 3.0-2 would not represent a substantial increase in demand for local or regional energy supplies because construction fuel use would be temporary and would cease upon completion of project construction. None of the cumulative projects would involve any unusual characteristics that would result in excessive long-term operational demand for electricity or natural gas.

As described under Impact 3.5-1, the project would incorporate design elements to promote sustainability through site design that would conserve energy, water, open space, and other natural resources, and would become specific conditions of approval by the City. Other cumulative projects would also include project components to comply with the CAP and/or other local, state, and federal regulations. As required by CAP measure CET-4, projects are required to install rooftop solar panels and Level II electric vehicle charging stations, which would reduce each cumulative project's energy consumption; the project is consistent with this measure. As stated in Impact 3.5-3, the project would not result in wasteful, inefficient, or unnecessary consumption of energy resources. Therefore, the project's contribution to a cumulative impact would be **less than cumulatively considerable**.

Mitigation Measures: None required.

Level of Significance: Less than cumulatively considerable.

Section 3.6
Geology and Soils

This section discusses the environmental setting, existing conditions, regulatory context, and potential impacts of the proposed project in relation to geology and soils. The information and analysis in this section is based on the *Geotechnical Investigation* (Geocon 2022; Appendix G-1) and the *Consultation: Limits of Areas of Previous Grading Disturbance, Encinitas Apartments Memorandum* (Geocon 2019; Appendix G-2), both prepared by Geocon, Inc. Additionally, information was taken from the *Paleontological Records Search* prepared by the San Diego Natural History Museum (SDNHM 2022; Appendix G-3). Third party technical reports have been peer reviewed by Michael Baker International and the City of Encinitas.

ENVIRONMENTAL SETTING

Geologic Setting

Regional Geology

The project area is situated in the Peninsular Ranges Geomorphic Province. This geomorphic province encompasses an area that extends approximately 900 miles from the Transverse Ranges and the Los Angeles Basin south to the southern tip of Baja California; it varies in width from approximately 30 to 100 miles. The province is characterized by mountainous terrain on the east composed mostly of Mesozoic igneous and metamorphic rocks, and relatively low-lying coastal terraces to the west underlain by late Cretaceous-age, Tertiary-age, and Quaternary-age sedimentary units. Most of the coastal region of San Diego County occurs on these coastal terraces and is underlain by sedimentary units.

Site-Specific Geology

Based on field exploration and observations conducted for the Geotechnical Evaluation, the site is generally underlain by three surficial soil deposits including previously-placed fill, landslide debris, and alluvium; and two geologic units including Quaternary-age Very Old Paralic Deposits and Eocene-age Santiago Formation. The previously placed fill encountered during borings taken on-site extended to a depth of approximately 15 feet below grade. The fill material was found to be loose to very dense, clayey, fine to coarse sand and included organic materials and small amounts of gravel. Alluvium was encountered at the southern portion of the site beneath the previously placed fill material to a maximum depth of 55 feet below grade. The alluvium was found to be medium dense, clayey to silty, fine to coarse sand. Landslide debris was also encountered at the western portion of the project site, at an area approximately 140 feet from Piraeus Street (Geocon 2022).

Very Old Paralic Deposits were encountered above grade throughout most of the project site and were found to be composed of medium to dense, fine to coarse sand, which included cobble and sand layers. The Santiago Formation was encountered between 14 and 32 feet below grade at the project site and between 50 and 55 feet below grade beneath on-site alluvium. The Santiago Formation was also encountered above grade at the northern drainage and adjacent to Piraeus Street. These materials were composed of dense to very dense, moist, silty, fine to coarse sandstone as well as hard, moist, claystone (Geocon 2022).

Under current conditions, approximately 12,025 square feet (0.28 acres) of existing steep slopes on the project site are manufactured. A slope excavation along the western property margin is present and presumed to be associated with former grading that occurred with construction of Piraeus Street and Interstate 5. The northern portion of the slope included installation of a concrete brow ditch. These on-site cut slopes range from approximately 10 to 15 feet in height (Geocon 2019). Other surficial disturbance is visible from creation of an off-road bike course and associated trails and ramps.

Additionally, in 2001, a landslide occurred on-site that closed adjacent Piraeus Street. The landslide occurred along the cut slope north of Plato Place that temporarily closed Piraeus Street (Geocon 2019). The western property margin currently contains the landslide remnant with an upper scarp area that has down dropped approximately 5 to 10 feet. During landslide remediation, the City of Encinitas removed portions of the slide and installed two groundwater observation wells and two horizontal drains. The cut area is located above the existing landslide and was the source for the fill. The excavated soil was placed within a depression on the southern portion of the property. The lower portion of the slope face adjacent to Piraeus Street was track walked with a bull dozer during repair operations (Geocon 2022).

Seismic and Geologic Hazards

During the Pliocene, several new faults developed in Southern California, creating a new tectonic regime superposed on the flat-lying section of Tertiary and late Cretaceous rocks in the San Diego region. One of these fault systems is the Rose Canyon Fault Zone.

The principal known onshore faults in southernmost California are the San Andreas, San Jacinto, Elsinore, Imperial, and Rose Canyon faults. Principal offshore faults include the Coronado Bank, Descanso, San Diego Trough, and San Clemente faults, located off the San Diego and northern Baja California coastlines. The majority of the offshore faults coalesce south of the international border, where they come onshore as the Agua Blanca fault, which transects the Baja California peninsula.

Active Faults

The US Geological Survey defines an active fault as a fault that has had surface displacement within Holocene times (approximately the last 11,000 years) and therefore is considered more likely to generate a future earthquake. California's Alquist-Priolo Earthquake Fault Zoning Act requires the State Geologist to establish regulatory zones (known as earthquake fault zones) around the surface traces of active faults that pose a risk of surface ground rupture, and to issue appropriate maps to mitigate the hazard of surface faulting to structures for human occupancy and prevent the construction of buildings used for human occupancy on the surface trace of active faults. No known active or potentially active faults transect or project toward the site (CGS 2010). In addition, the site is not located within an earthquake fault zone mapped by the state. The nearest known active faults are the Newport-Inglewood Fault and Rose Canyon Fault Zone, located approximately 13 miles west of the site.

Ground Shaking

Ground shaking is the earthquake effect that produces the vast majority of damage, and is the most common effect of earthquakes that adversely impacts people, animals, and constructed improvements. Several factors control how ground motion interacts with structures, making the hazard of ground shaking difficult to predict. Earthquakes, or earthquake-induced landslides, can cause damage both near and far from fault lines. Damage to public and private buildings and infrastructure can threaten public safety and result in significant economic loss. Seismic waves propagating through the earth's crust are responsible for the ground vibrations normally felt during an earthquake. Seismic waves can vibrate in any direction and at different frequencies, depending on the frequency content of the earthquake rupture mechanism and the path and material through which the waves propagate. The earthquake rupture mechanism is the distance from the earthquake source, or epicenter, to an affected site.

According to the Geotechnical Investigation, the risk associated with strong ground motion due to an earthquake at the site is considered to be high; however, such risk is no greater than that for the surrounding region (Geocon 2022). The primary seismic hazard is the risk for ground shaking to occur in response to a large-magnitude earthquake during the lifetime of the planned development.

Additionally, the California Building Code (CBC) defines different Seismic Design Categories based on building occupancy type and the severity of the probable earthquake ground motion at the site. The six Seismic Design Categories are designated A through F, with Category A having the least seismic potential and Category F having the highest seismic potential. The Geotechnical Investigation identifies the site as Site Class D "Stiff Soil" per the CBC and American Society of Civil Engineers (Geocon 2022).

Erosion

Grading and construction can loosen surface soils and make soils susceptible to the effects of wind and water movement across the surface. Based on on-site conditions, exposed on-site soils may be subject to soil erosion during project ground disturbing activities.

Paleontological Resources

The project site is generally underlain by Quaternary-age Very Old Paralic Deposits and Santiago Formation. Very Old Paralic Deposits formed during the early to middle Pleistocene-age (1.5 to 0.5 million years ago) underlie the majority of the project site. Quaternary-age Very Old Paralic Deposits are considered to have a moderate paleontological sensitivity. Limited areas in the northern and western portions of the project site are underlain by the Santiago Formation (approximately 49 to 40 million years old). The Santiago Formation is exposed in the natural slopes within the drainage to the north of proposed project site and in the adjacent to Piraeus Street. The Santiago Formation has produced trace fossils (e.g., burrows) and fossilized impressions or remains of plants (e.g., tropical mangrove), marine invertebrates (e.g., snails, mussels, oysters, clams, tusk shells, starfish, and brittle stars), and marine vertebrates (e.g., rays). The Santiago Formation is considered to have a high paleontological sensitivity.

REGULATORY FRAMEWORK

State

California Building Code

The State of California establishes minimum standards for building design and construction through the California Building Code (California Code of Regulations, Title 24). The CBC is based on the Uniform Building Code, which is used widely throughout the United States (generally adopted on a state-by-state or district-by-district basis) and has been modified for conditions in California. State regulations and engineering standards related to geology, soils, and seismic activity in the Uniform Building Code are reflected in the CBC requirements.

The CBC contains specific requirements for seismic safety, excavation, foundations, retaining walls, and site demolition. It also regulates grading activities, including drainage and erosion control.

Regional

San Diego County Multi-Jurisdictional Hazard Mitigation Plan

In 2010, San Diego County and 18 local jurisdictions, including the City of Encinitas, adopted the Multi-Jurisdictional Hazard Mitigation Plan (MHMP). The MHMP is a countywide plan that identifies risks and ways to minimize damage by natural and man-made disasters. It is a comprehensive document that serves many purposes, including creating a decision tool for management, promoting compliance with state and federal program requirements, enhancing local policies for hazard mitigation capability, and providing interjurisdictional coordination. The City's specific hazard mitigation goals, objectives, and related potential actions for earthquake hazards are included in the MHMP.

The MHMP was last revised in 2018. The plan is currently being reviewed and revised to reflect changes to both the hazards threatening San Diego as well as the programs in place to minimize or eliminate those hazards (County of San Diego n.d.).

Local

City of Encinitas General Plan

The City's General Plan is the primary source of long-range planning and policy direction used to guide growth and preserve the quality of life in Encinitas. The General Plan states that a goal of the City is to analyze proposed land uses to ensure that the designations would contribute to a proper balance of land uses in the community. Goals and policies relevant to the proposed project are listed below.

Land Use Element

GOAL 8: **Environmentally and topographically sensitive and constrained areas within the City shall be preserved to the greatest extent possible to minimize the risks associated with development in these areas.**

Policy 8.1: Require that any improvement constructed in an area with a slope of more than 25% and other areas where soil stability is at issue to submit soils and geotechnical studies to the City for review and approval. These studies shall document that the proposed development will not adversely affect hillside or soil stability and that no future protective measures will be required.

Resource Management Element

GOAL 13: **Create a desirable, healthful, and comfortable environment for living while preserving Encinitas' unique natural resources by encouraging land use policies that will preserve the environment.**

Policy 13.1: The City shall plan for types and patterns of development which minimize water pollution, air pollution, fire hazard, soil erosion, silting, slide damage, flooding, and severe hillside cutting and scarring.

GOAL 14: **The City shall stringently control erosion and sedimentation from land use and development to avoid environmental degradation of lagoons and other sensitive biological habitat, preserve public resources, and avoid the costs of dealing with repair and sedimentation removal.**

Policy 14.1: The best strategy to reduce erosion and sedimentation is to reduce to the maximum extent feasible, grading and removal of vegetation. It is the policy of the City that, in any land use and development, grading and vegetation removal shall be limited to the minimum necessary.

Policy 14.3: The City will reduce the rate of sedimentation of the lagoons by requiring procedures for controlling runoff and erosion associated with upland grading and development based on a minimum 10-year, six-hour storm event. The City shall provide regulations for the use of sedimentation basins and the potential transfer of sediment as beach replenishment (if of an acceptable material).

Policy 14.4: Revegetation and appropriate landscaping of all areas graded and scraped of vegetative cover shall be required with land use and development. Plantings, hydroseeding, and irrigation systems used shall be selected on the bases of minimizing erosion and conserving water.

Policy 14.5: To minimize erosion and allow sedimentation control systems to work, no grading or vegetation removal shall be allowed to occur during the wet season, October 1–April 15, without all systems and devices per an approved erosion control plan and program being in place. During other times of the year such systems shall be provided and operative as required by a comprehensive City erosion control ordinance. No grading shall occur during the rainy season within the Special Study Overlay area, or in areas upland of sensitive areas including lagoons, floodplains, riparian or wetland habitat areas, unless by site-specific determination, the grading

would not be occurring on sensitive slopes, in floodplain areas or upland of floodplains, where sedimentation might occur in other sensitive habitat areas. Then, if grading is determined to be allowable, all necessary erosion control devices, including sedimentation basins, must be in place, and shall be monitored and maintained throughout the grading period.

Policy 14.6: To achieve the ends of erosion control, a comprehensive erosion control plan shall be required with final building permit and improvement plans, subject to review and approval prior to commencement of grading and construction.

Policy 14.7: Minimize extensive or premature grading or filling, and penalize illegal grading or filling.

City of Encinitas Municipal Code

The City's Grading, Erosion, and Sediment Control Ordinance (Municipal Code Chapter 23.24) establishes minimum requirements for grading, excavating, and filling of land to provide for the issuance of grading permits and provides for the enforcement of the requirements. This ordinance was adopted pursuant to, and to implement provisions of, the General Plan and certified Local Coastal Program Land Use Plan (LUP). It is the City's intent to protect life and property and promote the general welfare, enhance and preserve the physical environment of the community, and maintain the natural scenic character of the City. The provisions of this ordinance shall be administered to achieve, to the extent possible, appropriate goals and policies of the General Plan/LUP. Key provisions include, but are not limited to, the following:

- Section 23.24.140 requires that a grading plan be prepared and signed by a California registered civil engineer. If a soils and geology report is required, the grading plan must be signed by a registered soil engineer and a certified engineering geologist.
- Sections 23.24.150 and 23.24.160 require an interim and final erosion and sediment control plan to be included as part of the grading plan by a California registered civil engineer with respect to conditions existing on the site during land-disturbing or filling activities or soil storage and the conditions existing on the site after final structures and improvements (except those required under this section) have been completed and where these final structures have not been covered by an interim plan.
- Section 23.24.170 states that a soil engineering report, when required by the City Engineer, shall be prepared and certified by a California registered soils engineer and shall be based on adequate and necessary test borings.

- Section 23.24.180 requires the preparation of an engineering geology report in accordance with Ordinance 2008-03. In addition to a soils report, an engineering geology report is required when the City Engineer determines that the proposed development is in an existing or a potential geological hazardous area. A geological hazardous area is referred to as an area subject to landslide, faulting, or other hazards identified by the City Engineer. The report must be prepared by a California certified engineering geologist and California certified civil engineer or geotechnical engineer and is to be based on adequate and necessary test borings.

City of Encinitas Housing Element 2019

In March 2019, the City Council adopted the Housing Element Update (HEU) which provides the City with a coordinated and comprehensive strategy for promoting the production of safe, decent, and affordable housing for all within the City. The purpose of the HEU is to ensure that the City establishes policies, procedures, and incentives to increase the quality and quantity of the housing supply in the City. The Housing Plan Update 2019 includes the 2013 - 2021 Housing Element Update and a series of discretionary actions to update and implement the City's Housing Element. The City received Local Coastal Program (LCP) Amendment approval for the HEU from the California Coastal Commission in September 2019, and certification from the State Department of Housing and Community Development (HCD) in October 2019.

As part of the approvals, the project site [Cannon Property (Piraeus) - Site Number 02" in the City's Housing Element] was designated with an R-30 overlay (maximum 30 dwelling units per net acre). Relevant policies and goals related to hazards and hazardous materials are provided below:

GOAL 1:	**The City will encourage the provision of a wide range of housing by location, type of unit, and price to meet the existing and future housing needs in the region and City.**
Policy 1.1:	Strive to maintain a balance of housing types in the City.
Policy 1.2:	Strive to provide a wide variety of housing types so that a range of housing needs and types will be made available to existing and future residents.
GOAL 2:	**Sound housing will be provided in the City of Encinitas for all persons.**
GOAL 3:	**The City will encourage the maintenance and preservation of the existing housing stock as well as quality design in new housing.**
Policy 3.1:	Where determined to be dangerous to the public health and safety, substandard units in the City shall be repaired so that they will comply with

the applicable building, safety and housing codes. When compliance through repair is not or cannot be achieved, abatement of substandard units shall be achieved.

Policy 3.2: Enforce the building, safety and housing codes through vigorous code enforcement efforts.

IMPACT ANALYSIS AND MITIGATION MEASURES

Thresholds of Significance

In accordance with the California Environmental Quality Act (CEQA) Guidelines, the effects of a potential project are evaluated to determine whether they would result in a significant adverse impact on the environment. An EIR is required to focus on these effects and offer mitigation measures to reduce or avoid any significant impacts that are identified. The criteria used to determine the significance of impacts may vary, depending on the nature of the proposed project. According to Appendix G of the State CEQA Guidelines, the proposed project would have a significant impact related to geology and soils if it would:

1. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

    a. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning map issued by the State Geologist for the area or based on other substantial evidence of a known fault.

    b. Strong seismic ground shaking.

    c. Seismic-related ground failure, including liquefaction.

    d. Landslides.

2. Result in substantial soil erosion or the loss of topsoil.

3. Be located on geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.

4. Be located on expansive soils, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property.

5. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.

6. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

PROJECT IMPACTS AND MITIGATION

RISK OF LOSS, INJURY, OR DEATH INVOLVING RUPTURE OF ALQUIST-PRIOLO FAULT

Impact 3.6-1	**The project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning map issued by the State Geologist for the area or based on other substantial evidence of a known fault. Impacts would be less than significant.**

Southern California, including the project site, is subject to the effects of seismic activity because of active faults that traverse the region. Active faults are defined as those that have experienced surface displacement within Holocene time (approximately the last 11,000 years) and/or are in a state-designated Alquist-Priolo Earthquake Fault Zone. No known active faults transect or project toward the project site, nor is the project site located within an earthquake fault zone mapped by the state. The nearest known active faults are the Newport-Inglewood Fault and Rose Canyon Fault Zone, approximately 13 miles west of the site (Geocon 2022).

Although no active faults traverse the project site, all new development would be required to comply with the requirements of the Alquist-Priolo Fault Zoning Act and the CBC. The CBC requirements address structural seismic safety and include design criteria for seismic loading and other geologic hazards, including criteria for geologically induced loading that govern sizing of structural members, building supports, and materials and provide calculation methods to assist in the design process. The CBC includes provisions for buildings to structurally survive an earthquake without collapsing and measures such as anchoring to the foundation and structural frame design.

Furthermore, the project would prepare, or cause to be prepared, a Final Geotechnical Report which would provide site-specific geotechnical recommendations for each building, including pad compaction levels, foundation requirements, wall footing design parameters, and other recommendations to ensure that all structures are constructed to appropriate engineering requirements. Conformance with these requirements would further minimize or reduce potential safety risks to project occupants.

Because of the distance to the nearest fault and the magnitude of past seismic activity, the project would neither negate nor supersede the requirements of the Alquist-Priolo Earthquake Fault Zoning Act, nor would the project expose people or structures to potentially substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault as delineated on the current Alquist-Priolo Earthquake Fault Zoning Map. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

RISK OF LOSS, INJURY, OR DEATH INVOLVING STRONG SEISMIC GROUND SHAKING

Impact 3.6-2	**The project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking. Impacts would be less than significant.**

Seismic activity poses two types of potential hazards for people and structures, categorized as either primary or secondary hazards. Primary hazards include ground rupture, ground shaking, ground displacement, subsidence, and uplift from earth movement. Secondary hazards include ground failure (lurch cracking, lateral spreading, and slope failure), liquefaction, water waves (seiches), movement on nearby faults (sympathetic fault movement), dam failure, and fires.

The project site is in a seismically active region and could experience ground shaking associated with an earthquake along nearby faults, including the Newport-Inglewood-Rose Canyon Fault Zone. The project site is likely to be subjected to strong ground motion from seismic activity, similar to that of the rest of San Diego County and Southern California, due to seismic activity in the region as a whole. Regardless of seismic activity anticipated to occur on-site, the project would be designed in accordance with CBC requirements that address structural seismic safety.

All new development would be required to comply with the CBC, which includes design criteria for seismic loading and other geologic hazards. These measures include design criteria for geologically induced loading that govern sizing of structural members and provide calculation methods to assist in the design process. Thus, while shaking impacts would be potentially damaging, they would also tend to be reduced in their structural effects due to CBC criteria that recognize this potential. The CBC includes provisions for buildings to structurally survive an earthquake without collapsing and measures such as anchoring to the foundation and structural frame design.

Conformance with CBC and local requirements relative to grading and construction would ensure that the project does not result in exposure of people or structures to potentially substantial

adverse effects involving strong seismic ground shaking. Therefore, impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

RISK OF LOSS, INJURY, OR DEATH INVOLVING SEISMIC-RELATED GROUND FAILURE

Impact 3.6-3	**The project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction. Impacts would be less than significant.**

Liquefaction is the phenomenon whereby soils lose shear strength and exhibit fluid-like flow behavior. Loose granular soils are most susceptible to these effects, with liquefaction generally restricted to saturated or near-saturated soils at depths of less than 50 feet. Liquefaction normally occurs in soils such as sand in which the strength is purely friction. However, liquefaction has occurred in soils other than clean sand. Liquefaction typically occurs under vibratory conditions such as those induced by a seismic event.

Based on the findings of liquefaction analyses conducted as part of the Geotechnical Investigation, the potential for liquefaction on-site is considered low. The site is not located within a state-designated liquefaction hazard zone. Additionally, the County of San Diego Hazard Mitigation Plan maps the site within a zone with a low liquefiable risk (Geocon 2022).

Liquefaction potential is not anticipated at the Very Old Paralic Deposits or Santiago Formation areas due to the dense nature of the materials and lack of groundwater. Perched groundwater was encountered within the on-site alluvium at depths varying from 38 to 49 feet below the ground surface; however, a static groundwater table was not observed in the excavations performed. Existing seepage elevations in the buried alluvial areas may fluctuate seasonally. Areas where perched water or seepage was not encountered may also exhibit groundwater during rainy period; groundwater/seepage conditions are dependent on seasonal precipitation, irrigation, and land use, among other factors, and may vary as a result. Proper surface drainage will therefore need to be considered in the project design (Geocon 2022).

Project design and construction would incorporate standard design measures to address potential seismic-related liquefaction and related effects such as settlement and lateral spreading, including similar types of measures from the CBC as noted above in Impact 3.6-2. With incorporation of such measures into the project design and construction techniques used, potential impacts associated with seismic-related ground failure and liquefaction would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

EXPOSURE TO LANDSLIDES

Impact 3.6-4	**The project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides. Impacts would be less than significant.**

Non-seismically induced landslides can be caused by water from rainfall, septic systems, landscaping, or other origins that infiltrate slopes with unstable material. As noted previously, a documented landslide occurred on the project site in 2001 (Appendix G-1). The landslide extends from Piraeus Street at its toe roughly 140 feet into the property to the east.

The landslide debris is unsuitable to be left in place and complete removal would be required during remedial grading operations. Removal of the slope would result in a buttress fill which would mitigate potential future instabilities in this area of the site (Geocon 2022).

With conformance to the CBC and local building codes, as well as engineering recommendations identified in the geotechnical report, the project would not expose people or structures to potential risk of loss, injury, or death involving landslides. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

SOIL EROSION OR LOSS OF TOPSOIL

Impact 3.6-5	**The project would not result in substantial soil erosion or the loss of topsoil. Impacts would be less than significant.**

Soil erosion may result during construction of the proposed project, as grading and construction can loosen surface soils and make soils susceptible to the effects of wind and water movement across the surface. A stormwater pollution prevention plan (SWPPP) that specifies best management practices (BMPs) to prevent grading/construction-related pollutants (including sediment from erosion) from contacting stormwater and moving off-site into receiving waters, as well as elimination/reduction of non-stormwater discharges, would be implemented during construction.

Further, all project construction activities would occur in conformance with the recommendations of the stormwater quality management plan (SWQMP), as well as the City of Encinitas BMP Design Manual for compliance with local City and regional municipal separate

storm sewer system (MS4) permit (California Regional Water Quality Control Board San Diego Region Order No. R9-2015-0100) requirements for stormwater management; refer also to Section 3.8, Hydrology and Water Quality, and Appendix I-2 of this EIR. The project would also be subject to requirements of the City of Encinitas Grading, Erosion, and Sediment Control Ordinance (City Municipal Code Section 23.24) and to grading plan conditions of approval, such as repairing/reseeding/replanting eroded areas and adding erosion control blankets, to ensure that the potential for erosion during project construction is minimized and water quality is maintained.

In conformance with the City's stormwater standards and the MS4 Permit, all runoff generated on-site would be conveyed to a proposed biofiltration basin adjacent to Plato Place. The biofiltration basin has been sized for pollution and flow control purposes. Flow rates generated on-site would be controlled via a small low-flow orifice consistent the City's BMP Manual. In larger storm events, runoff not filtered through the engineered soil would be conveyed via an overflow outlet structure consisting of a 3-foot by 3-foot grate located on top of the outlet structure. Runoff conveyed via the outlet structure would bypass the treatment and flow control BMPs and would be conveyed directly to a proposed storm drain system perpendicular to Piraeus Street. In the post-development condition, the site has been designed to attenuate the 100-year storm event and reduce flow rates below that which currently leaving the site today. As a result, no increase in the amount or rate of stormwater runoff from the site would occur with project implementation as required under the MS4 permit, thereby reducing the potential for erosion to occur. Additionally, a homeowners association would be formed and would be responsible for long-term maintenance of the on-site stormwater facilities in perpetuity, as required by the City, to ensure that adverse effects from runoff do not occur.

With conformance to applicable federal, State, and local regulations, and implementation of appropriate construction and post-construction BMPs, the project would not result in substantial soil erosion or the loss of topsoil. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

UNSTABLE GEOLOGIC UNIT OR SOIL

Impact 3.6-6	**The project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. Impacts would be less than significant.**

Liquefaction and dynamic settlement of soils can be caused by strong vibratory motion due to earthquakes. Both research and historical data indicate that loose, saturated, granular soils are susceptible to liquefaction and dynamic settlement. Liquefaction is typified by a loss of shear strength in the affected soil layer, thereby causing the soil to behave as a viscous liquid. This effect may be manifested by excessive settlements and sand boils at the ground surface.

Refer also to Impact 3.6-4 above pertaining to the potential for landslides to occur on-site. As stated, the landslide debris remaining on-site is unsuitable to be left in place and complete removal would be required during remedial grading operations. Removal of the slope would result in a buttress fill which would mitigate potential future instabilities in this area of the site (Geocon 2022). Further, based on the Geotechnical Investigation, the potential for liquefaction on-site is considered low due to the presence of dense, Very Old Paralic Deposits and Santiago Formation and planned engineered fill (Geocon 2022).

The alluvial deposits located beneath the southern portion of the site were found to be slightly to moderately compressible when subjected to increased vertical stress. Based on the geotechnical analysis, it is estimated that approximately 4 to 5 inches of settlement could occur without geotechnical provisions. It is therefore recommended that construction of improvements in the area where alluvium is left in place should be delayed until primary consolidation is essentially complete. Settlement monitoring during grading would verify when primary compression has occurred, and improvement construction may commence (Geocon 2022). Such measures would ensure that potential effects due to settlement would be minimized or avoided.

Further, based on the low susceptibility to liquefaction and the formational material units underlying the site, the possibility of earthquake-induced lateral spreading is considered to be low. Subsidence is also not anticipated to be a design factor due to the density of the underlying Very Old Paralic Deposits and Santiago Formation and the lack of groundwater pumping or extraction of other subsurface materials in the surrounding area.

With conformance to CBC and local requirements, combined with recommendations made in the Geotechnical Investigation, the project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-

or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

EXPANSIVE SOILS

Impact 3.6-7	**The project would not be located on expansive soils, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property. Impacts would be less than significant.**

Expansive soils are clayey soils characterized by their ability to undergo significant volume changes (shrinking or swelling) due to variations in moisture content. Such volume changes can be damaging to structures.

Based on laboratory testing and observations conducted by Geocon, Inc., the majority of the on-site material is expected to have a "very low" to "low" expansion potential, with exception of the Santiago Formation (Geocon 2022). The remainder of the site does not support soils considered to be expansive, as defined in Table 18-1-B of the Uniform Building Code (1994), and therefore, would not be anticipated to experience potential adverse effects related to expansive soils.

The claystone and siltstone layers within the Santiago Formation are anticipated to be "medium" to "high" expansive soils (Geocon 2022). For development proposed in areas where potentially expansive soils may be present, the project would be subject to conformance with standard requirements of the CBC and local building codes, as well as adherence to the engineering design recommendations identified in the *Geotechnical Investigation*. Through project conformance with such measures, potential impacts, and related substantial direct or indirect risks to life or property, would be reduced to **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

SEPTIC TANKS

Impact 3.6-8	**The project would not have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater. No impact would occur.**

The project site is located within the service boundaries of the Leucadia Wastewater District. Wastewater generated by the proposed development would be disposed of via the existing public sewer system. Project-generated wastewater flows would be collected on-site and conveyed to a point of connection located off-site in Piraeus Street.

Accordingly, the project would not require septic tanks or alternative wastewater disposal systems. Therefore, **no impact** related to septic tanks or alternative wastewater disposal systems would occur.

Mitigation Measures: None required.

Level of Significance: No impact.

PALEONTOLOGICAL RESOURCES OR UNIQUE GEOLOGIC FEATURES

Impact 3.6-9	**The project would have the potential to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. Impacts would be less than significant with mitigation incorporated.**

Impacts on paleontological resources occur when excavation activities encounter fossiliferous geological deposits and cause physical destruction of fossil remains. Fossil remains, fossil sites, fossil-producing geologic formations, and geologic formations with the potential for containing fossil remains are all considered paleontological resources or have the potential to be paleontological resources. Fossil remains are considered important if they are well preserved, identifiable, type/topotypic specimens, age diagnostic, useful in environmental reconstruction, and/or represent new, rare, and/or endemic taxa.

The potential for impacts on fossils depends on the sensitivity of the geologic unit and the amount and depth of grading and excavation. The project site is generally underlain by Quaternary-age Very Old Paralic Deposits and Eocene-age Santiago Formation. The Santiago Formation is considered to have a high paleontological sensitivity (SDNHM 2022; Appendix G-3). Anticipated depth of excavation is approximately 33 feet. Therefore, there is a possibility for the unanticipated discovery of paleontological resources during project-related ground-disturbing activities as well as the potential to damage or destroy paleontological resources that may be present below the ground surface. This would constitute a significant impact. Mitigation measure

GEO-1 would address the inadvertent discovery of previously unknown paleontological resources. Impacts would be reduced to **less than significant with mitigation incorporated**.

Mitigation Measure:

GEO-1 **Paleontological Data Recovery and Monitoring Plan.** A Data Recovery and Monitoring Plan shall be prepared to the satisfaction of the City. The plan shall document paleontological recovery methods.

1. Prior to grading permit issuance, the project applicant shall implement a paleontological monitoring and recovery program consisting of the following measures, which shall be included on project grading plans to the satisfaction of the Development Services Department:

    a. The project applicant shall retain the services of a qualified paleontologist to conduct a paleontological monitoring and recovery program. A qualified paleontologist is defined as an individual having an MS or PhD degree in paleontology or geology, and who is a recognized expert in the identification of fossil materials and the application of paleontological recovery procedures and techniques. As part of the monitoring program, a paleontological monitor may work under the direction of a qualified paleontologist. A paleontological monitor is defined as an individual having experience in the collection and salvage of fossil materials.

    b. The qualified paleontologist shall attend the project preconstruction meeting to consult with the grading and excavation contractors concerning the grading plan and paleontological field techniques.

    c. The qualified paleontologist or paleontological monitor shall be on-site during grading and/or excavation of previously undisturbed deposits of moderate and high sensitivity geologic units (e.g., Santiago Formation) to inspect exposures for any contained fossils. If the qualified paleontologist or paleontological monitor ascertains that the noted formations are not fossil-bearing, the qualified paleontologist shall have the authority to terminate the monitoring program. The paleontological monitor shall work under the direction of a qualified paleontologist. An adaptive approach is recommended, which involves initial part-time paleontological monitoring (e.g., up to 4 hours per day). As the project proceeds, the qualified paleontologist shall evaluate the monitoring results and, in consultation with the City and subject to the City's consent, may revise the monitoring

schedule (i.e., maintain part-time monitoring, increase to full-time monitoring, or cease all monitoring).

d. If fossils are discovered, recovery shall be conducted by the qualified paleontologist or paleontological monitor. In most cases, fossil salvage can be completed in a short period of time, although some fossil specimens (such as a complete large mammal skeleton) may require an extended salvage period. In these instances, the paleontologist (or paleontological monitor) shall have the authority to temporarily direct, divert, or halt grading to allow recovery of fossil remains in a timely manner.

e. If subsurface bones or other potential fossils are found anywhere within the project site by construction personnel in the absence of a qualified paleontologist or paleontological monitor, the qualified paleontologist shall be notified immediately to assess their significance and make further recommendations.

f. Fossil remains collected during monitoring and salvage shall be cleaned, sorted, and catalogued. Prepared fossils, along with copies of all pertinent field notes, photos, and maps, shall be deposited (as a donation) in a scientific institution with permanent paleontological collections such as the San Diego Natural History Museum.

2. Prior to building permit issuance, a final summary report outlining the results of the mitigation program shall be prepared by the qualified paleontologist and submitted to the Development Services Department for concurrence. This report shall include discussions of the methods used, stratigraphic section(s) exposed, fossils collected, and significance of recovered fossils, as well as appropriate maps.

Level of Significance: Less than significant with mitigation incorporated.

CUMULATIVE IMPACTS

Impact 3.6-10	**The project would have the potential to result in a significant cumulative impact related to geology and soils. Impacts would be less than cumulatively considerable.**

Geographic Scope

Risks related to geology and soils are typically localized in nature because they tend to be related to on-site conditions or conditions caused by a project's construction. Cumulative projects that have the potential to be considered in a cumulative context with the project's incremental contribution, and that are included in the analysis of cumulative impacts relative to geology and soils, are identified in Tables 3.0-1 and 3.0-2 and Figure 3.0-1 in Section 3.0 of this EIR. Cumulative projects were chosen based on proximity to the project. The majority of the cumulative projects would generally be similar to the proposed project regarding construction and operational activities. These selection factors are appropriate in the context of geology and soils cumulative impacts because generally there needs to be a direct nexus and similar geologic conditions for a synergistic impact to occur, such as site modifications at nearby projects combining to destabilize soils. Currently, there is not a known existing significant cumulative impact related to geology and soils within this geographic scope.

Potential Cumulative Impacts

As discussed above, like much of Southern California, the project site is located in a seismically active area. All areas of San Diego County are considered seismically active to a lesser or greater extent depending on their proximity to active regional faults. Impacts of the proposed project would be cumulatively considerable if the project, combined with related projects, resulted in significant cumulative impacts. However, the effects of the cumulative projects are not of a nature to cause cumulatively significant effects from geologic impacts, or on soils, because such impacts are site-specific and would only have the potential to combine with impacts of the proposed project if they occurred in the same location.

The proposed project would require grading of portions of the subject property to allow for development as proposed. The resulting project site would generally not be visually or topographically different from existing development surrounding the project site. Although construction activities would have the potential to result in erosion on the project site, adherence to the recommendations in the geotechnical report and other state and local grading and building requirements would mitigate erosion impacts to less than significant levels. Other cumulative projects would adhere to similar requirements, thereby minimizing cumulative scenario erosion

impacts. Any planned projects in the vicinity of the proposed project would be subject to environmental review and would be required to conform to the City's General Plan and the CBC.

Other projects may be located in areas considered sensitive for paleontological resources. Such projects would be required to implement mitigation similar to mitigation measure **GEO-1** to reduce potential impacts to paleontological resources to less than significant levels. With adherence to grading and building requirements, the project would not contribute to cumulative impacts for geologic, seismic hazards, or related events because the proposed project and other cumulative projects in the area would be required to demonstrate compliance with local, state, and federal building and safety standards prior to City issuance of grading and/or building permits. As a result, cumulative impacts related to geology and soils would be **less than cumulatively considerable.**

Mitigation Measures: Implement mitigation measure **GEO-1.**

Level of Significance: Less than cumulatively considerable.

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Section 3.7
Hazards and Hazardous Materials

This section evaluates potential hazards and hazardous materials impacts that may result from construction and/or operation of the proposed project. The following discussion addresses the existing hazards and hazardous materials conditions of the affected environment, considers relevant goals and policies, identifies and analyzes environmental impacts, and recommends measures to reduce or avoid adverse impacts anticipated from implementation of the project, as applicable.

The analysis in this section is based on the *Phase I Environmental Site Assessment Report* (*Phase I ESA*) (2022; Appendix H-1) and the *Phase I and II ESA Site Assessment Report* (2021; Appendix H-2), both prepared by Geocon, Inc., as well as review of available hazardous materials databases. Third party technical reports were peer-reviewed by Michael Baker International and the City of Encinitas.

ENVIRONMENTAL SETTING

Hazardous Materials and Waste Defined

Under Title 22 of the California Code of Regulations (CCR), the term *hazardous substance* refers to both hazardous materials and hazardous wastes, and both are classified according to four properties: toxicity, ignitability, corrosiveness, and reactivity (22 CCR Section 66261.30). A hazardous material is defined as a substance or combination of substances that may cause or significantly contribute to an increase in serious, irreversible, or incapacitating illness or may pose a substantial presence or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of or otherwise managed.

Public health is potentially at risk whenever hazardous materials are or will be used. It is necessary to differentiate between the hazard of these materials and the acceptability of the risk they pose to human health and the environment. A hazard is any situation that has the potential to cause damage to human health and the environment. The risk to health and public safety is determined by the probability of exposure and the inherent toxicity of a material.

Factors that can influence health effects when human beings are exposed to hazardous materials include the dose to which the person is exposed, the frequency of exposure, the duration of exposure, the exposure pathway (route by which a chemical enters a person's body), and the individual's unique biological susceptibility.

Hazardous wastes are hazardous substances that no longer have practical use, such as materials that have been discarded, discharged, spilled, or contaminated or are being stored until they can

be disposed of properly (22 CCR Section 66261.10). Soil that is excavated from a site containing hazardous materials is a hazardous waste if it exceeds specific CCR Title 22 criteria. Various agencies maintain hazardous waste and substance lists in planning documents used by state and local agencies to comply with California Environmental Quality Act (CEQA) requirements in providing information about the location of hazardous materials sites. While hazardous substances are regulated by multiple agencies, as described under the Regulatory Framework subsection below, cleanup requirements for hazardous wastes are determined on a case-by-case basis according to the agency with lead jurisdiction over a project.

Existing Conditions

The project site is located in the City of Encinitas and is bordered to the west by Piraeus Street and to the south by Plato Place. Land uses in the project vicinity include undeveloped land and single-family residences. Interstate 5 is located to the west of the project site and Batiquitos Lagoon to the north.

The project site consists of undeveloped land and appears to have been previously disturbed with some native vegetation communities present. Scattered trash, several dirt roads, and off-road vehicle tracks are present on-site. A concrete brow ditch is present in the northwestern portion.

On-site topography of the site is relatively flat with slopes present along the western and northern edges. Geology underlying the site consists of surficial soil deposits, Very Old Paralic Deposits, and the Santiago Formation (Geocon 2022).

The dominant vegetation community present is coastal scrub and disturbed land cover, with limited Diegan coastal sage scrub along the slopes to the northwest and south. Southern mixed chaparral occupies the northern area of the project site and transitions into the off-site preserve area. The majority of the off-site preserve area supports Diegan coastal sage scrub with limited portions of non-native riparian and non-native grassland communities (ECORP 2022).

The project site appears to have been primarily vacant land from approximately 1928 to present day. However, the property was formerly used for agricultural purposes (Geocon 2022).

Environmental Site Assessment

A Phase I ESA is a report that identifies existing and potential environmental contamination liabilities. The analysis in a Phase I ESA typically addresses both the underlying land and physical improvements to the property and includes examination of potential soil contamination, groundwater quality, surface water quality, and indoor air quality. The examination of a site may include a survey of past uses of the property, definition of any chemical residues in structures, identification of possible asbestos-containing building materials and lead paints, inventory of

hazardous substances stored or used on the site, assessment of mold and mildew, and evaluation of other indoor air quality parameters. A Phase I ESA is generally considered the first step in the process of environmental due diligence and does not include sampling of soil, air, groundwater, or building materials.

The objective of a Phase I ESA is to evaluate whether recognized environmental conditions (RECs) are present at a property. RECs are defined in ASTM International E1527-13 as "the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment." According to the ASTM Phase I ESA standard, the term *recognized environmental condition* is not intended to include de minimis conditions (minor things) that generally do not present a material risk of harm to public health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate government authorities.

If the Phase I ESA determines that a site may be contaminated, a Phase II ESA may be conducted. A Phase II ESA is a more intensive and detailed investigation involving chemical analysis for hazardous substances and/or petroleum hydrocarbons and may include recommendations for remediation, if necessary.

The Phase I ESA conducted for the project site consisted of: (1) a reconnaissance of the subject property; (2) a search of regulatory agency records; (3) review of available historical aerial photographs, topographic maps, and City Directory listings; (4) interviews with property owners; and (5) preparation of the Phase I ESA report detailing the findings of the investigation.

Geocon conducted a site reconnaissance visit on February 7, 2022. Various debris was observed in the central portion of the project site, and Geocon opined that the debris observed constituted a de minimis condition. Conditions indicative of RECs were not observed at the project site or adjacent properties. The key findings of the Phase I ESA are summarized below.

Hazardous Waste Site Database Results

According to the regulatory database search, two facilities in the project vicinity were identified pursuant to Government Code Section 65962.5 (Cortese List). However, analysis in the Phase I ESA determined that these sites do not represent an environmental concern due to the non-release nature of the listings, status of the cases, distance from the project site, and/or location relative to the project site (i.e., based on being hydrogeologically down- or cross-gradient) (Geocon 2022). Refer to Table 3.7-1, Environmental Database Records Search Results, and the discussion below for a brief summary of the identified sites.

Table 3.7-1: Environmental Database Records Search Results

Environmental Database	Search Distance	On-site	Total Listed
Leaking Underground Storage Tanks (LUST)	0.5 miles	0	2
Spills, Leaks, Investigation, and Cleanup Program (CA SLIC)	0.5 miles	0	6
Cortese	0.5 miles	0	2
San Diego County Site Assessment and Mitigation Program (SAM)	0.5 miles	0	4
Other Databases	Up to 0.5 miles	0	10

Source: Geocon 2022 (see Appendix H-1).

Leaking Underground Storage Tanks (LUST)

Leaking underground storage tanks (LUST) are a significant source of petroleum impacts to groundwater and can also result in the following potential threats to health and safety (SWRCB 2019):

- Exposure from impacts to soil and/or groundwater
- Contamination of drinking water aquifers
- Contamination of public or private drinking water wells
- Inhalation of vapors

The State Water Resources Control Board (SWRCB) records soil and/or groundwater contamination caused by LUSTs in its GeoTracker database. Based on a review of the regulatory database report (see Appendix H-1 for details), there are two facilities listed in the LUST release database within 0.5 miles of the project site: La Costa Chevron at 540 La Costa Avenue, located approximately 0.27 miles to the northwest of the project site, and Barrett American, located at 236 Andrew Avenue, approximately 0.45 miles to the west-northwest of the project site.[1] Specific details of these unauthorized releases are not discussed in the Phase I ESA; however, a review of the GeoTracker database for these unauthorized release cases indicated the following:

La Costa Chevron

The facility at 540 La Costa Avenue is a currently operating gasoline station and was listed in the LUST release database, as well as the Cortese and San Diego County SAM release databases. According to the case closure summary provided in the GeoTracker database, a release was

[1] Note that based on a review of Google Earth, the distances provided in the regulatory database report for these facilities do not appear to be accurate.

discovered beneath a gasoline underground storage tank (UST) at the facility. Following soil and groundwater sampling, a soil vapor extraction system operated at the facility from March to September 1999. Groundwater is reported to flow north at the facility (downgradient with respect to the project site). The case was closed under County of San Diego Department of Environmental Health (DEH) oversight in 2001 (SWRCB 2022a). Therefore, the site does not represent a REC relative to the project site.

Barrett American

The facility at 236 Andrew Avenue in Encinitas was listed in the LUST release database as well as the San Diego County SAM and Cortese release databases. According to the case closure summary provided in the GeoTracker database, a release of diesel to soil was discovered at the facility during the removal of three USTs. Results of groundwater sampling indicated that contaminants of concern were not detected in groundwater above the analytical laboratory's reporting limits. The case was closed under DEH oversight in 2006 following soil excavation at the facility (SWRCB 2022b). Therefore, the site does not represent a REC relative to the project site.

Spills, Leaks, Investigation, and Cleanup (CA SLIC)

The project site was not listed on the CA SLIC database. Two facilities were identified within 0.25 miles of the project site, as summarized below.

1540 Caudor Street

This facility is located approximately 0.17 miles to the southeast and upgradient of the project site.[2] Results of a 2014 investigation conducted at the facility reportedly indicated that organochlorine pesticides were detected in soil below California Human Health Screening Levels for residential use soils. The case was closed under DEH oversight in 2014 (Geocon 2022). Therefore, the site does not represent a REC relative to the project site.

Proposed 19 Unit Subdivision

This facility is located at 1492 Hymettus Avenue in Encinitas, approximately 0.24 miles to the southwest and downgradient of the project site.[3] Note that according to the GeoTracker database, this facility is associated with an additional release case under the name Hymettus Estate, closed prior to the Proposed 19 Unit Subdivision case. According to the Phase I ESA, soil excavation was conducted at the facility and dieldrin-impacted soil was placed at the bottom of the excavated area. Additional remediation work was conducted to ensure that dieldrin-impacted soil was covered with 7 feet of non-impacted soil. The Proposed 19 Unit Subdivision

[2] Ibid.

[3] Ibid.

case was closed under DEH oversight in October 2011 (Geocon 2022). Therefore, the site does not represent a REC relative to the project site.

Other Databases

As determined in the Phase I ESA, the project site is not listed in the databases searched in the regulatory database report. Several facilities within 0.5 miles of the project site were listed in various non-release databases (not indicative of a release of hazardous materials to the environment). These listings do not represent an environmental concern to the project site; refer to Appendix H-1 for additional discussion.

REGULATORY FRAMEWORK

Federal

Emergency Planning Community Right-to-Know Act

The Emergency Planning Community Right-to-Know Act requires infrastructure at the state or local level to plan for emergencies resulting from potential release of chemical materials. Any documented information pertaining to a specific release at a site is required to be made publicly available so that interested parties may become informed about potentially dangerous chemicals released in their community. Sections 301 through 312 of the act are administered by the US Environmental Protection Agency's Office of Emergency Management.

Hazardous Materials Transportation Act

Under Title 49 of the Code of Federal Regulations, the US Department of Transportation is responsible for regulating the transport of hazardous materials. The California Highway Patrol and the California Department of Transportation are primarily responsible for enforcing federal and state regulations pertaining to such activities and for responding to any related emergencies. These agencies are also responsible for necessary permitting for the transport of hazardous materials.

Resource Conservation and Recovery Act (as Amended by the Hazardous and Solid Waste Amendments of 1984)

The Resource Conservation and Recovery Act (RCRA) generally communicates federal laws pertaining to hazardous waste management and provides for a "cradle to grave" approach to the regulation of hazardous wastes. The RCRA requires any entity generating hazardous waste to identify and track such substances from generation to recycling, reuse, or disposal. The

Department of Toxic Substances Control (DTSC) implements the RCRA program in combination with other state hazardous waste laws, collectively known as the Hazardous Waste Control Law.

State

California Environmental Protection Agency

The California Environmental Protection Agency (CalEPA) was created in 1991 by Governor's Executive Order. The six boards, departments, and office were placed under the CalEPA "umbrella" to create a cabinet-level voice for the protection of human health and the environment and to ensure the coordinated deployment of state resources. The mission of CalEPA is to restore, protect, and enhance the environment to ensure public health, environmental quality, and economic vitality (CalEPA 2022). CalEPA and the SWRCB establish rules governing the use of hazardous materials and the management of hazardous waste. Applicable state and local laws include the following:

- Public Safety/Fire Regulations/Building Codes
- Hazardous Waste Control Law
- Hazardous Substances Information and Training Act
- Air Toxics Hot Spots and Emissions Inventory Law
- Underground Storage of Hazardous Substances Act
- Porter-Cologne Water Quality Control Act

As required by Government Code Section 65962.5, CalEPA develops an annual update to the Hazardous Waste and Substances Sites (Cortese) List (discussed in detail below).

California Fire Code

The California Fire Code, which is updated every three years, is included in California Code of Regulations Title 24, Part 9 and was created by the California Building Standards Commission. Based on the International Fire Code, the California Fire Code serves as the primary means for authorizing and enforcing procedures and methods to ensure the safe handling and storage of hazardous substances that pose potential public health and safety hazards. The code regulates the use, handling, and storage requirements for hazardous materials at certain facilities. The California Fire Code and the California Building Code apply a classification system in identifying appropriate protective measures relative to fire protection and public safety. Such measures may

include identification and use of proper construction standards, setbacks from property lines, and/or installation of specialized equipment.

State Fire Regulations

Fire regulations for California are established in Sections 13000 et seq. of the California Health and Safety Code, which includes regulations for structural standards (similar to those identified in the California Building Code), fire protection and public notification systems, fire protection devices such as extinguishers and smoke alarms, standards for high-rise structures and childcare facilities, and fire suppression training. The state Fire Marshal is responsible for enforcement of these established regulations and building standards for all state-owned buildings, state-occupied buildings, and state institutions in California.

Government Code Section 65962.5(a), Cortese List

The California Hazardous Waste and Substances Site List (also known as the Cortese List) is a planning document used by state and local agencies and by private developers to comply with CEQA requirements in providing information about the location of hazardous materials sites. California Government Code Section 65962.5 requires CalEPA to annually update the Cortese List. The DTSC is responsible for preparing a portion of the information that comprises the Cortese List. Other state and local government agencies are required to provide additional hazardous material release information that is part of the complete list.

The EnviroStor database constitutes the DTSC's component of Cortese List data by identifying state response sites, federal Superfund sites, school cleanup sites, and voluntary cleanup sites. EnviroStor identifies sites that have known contamination or sites for which further investigation is warranted. It also identifies facilities that are authorized to treat, store, dispose, or transfer hazardous waste (DTSC 2020).

Strategic Fire Plan for California

The 2018 Strategic Fire Plan was prepared by the California Board of Forestry and Fire Protection and the California Department of Forestry and Fire Protection (Cal Fire) for the purpose of statewide fire protection. The plan is aimed at improving the availability and application of data on fire hazards and risk assessment; land use planning relative to fire prevention and safety; facilitating cooperation and planning between communities and the multiple fire protection jurisdictions, including county- and community-based wildfire protection plans; establishing fire resistance in assets at risk; shared visioning among multiple fire protection jurisdictions and agencies; assessment of levels of fire suppression and related services; and appropriate recovery efforts following the event of a fire.

Federal/State Occupational Safety and Health Act

Federal and State Occupational Safety and Health Act laws provide for the education of handlers of hazardous materials; employee notification for those working with or in proximity to hazardous materials; acquisition of product safety data sheets and manufacturing data for proper use and handling of hazardous materials; and remediation training for employees for accidental release of hazardous materials. The act requires preparation of an Injury and Illness Prevention Program, which outlines measures to ensure employee safety such as inspections, how to address unsafe conditions, employee training, and communication protocols.

Regional

San Diego County, Site Assessment, and Mitigation Program

The San Diego County DEH maintains the SAM list of contaminated sites that have previously or are currently undergoing environmental investigations and/or remedial actions. The primary purpose of the county's SAM program is to protect human health, water resources, and the environment in the county by providing oversight of assessments and cleanups in accordance with the California Health and Safety Code and the California Code of Regulations. The Voluntary Assistance Program also includes information on staff consultation, project oversight, and technical or environmental report evaluation and concurrence (when appropriate) on projects pertaining to properties contaminated with hazardous substances.

Certified Unified Program Agency

The County of San Diego is the Certified Unified Program Agency (CUPA) for the project site. The Unified Program's goal is to achieve consistency, consolidation, and coordination in the regulation of six state-regulated environmental programs through education, community and industry outreach, inspections, and enforcement.

A CUPA is the agency responsible for the implementation and regulation of the Unified Program. The County DEH, Hazardous Materials Division, has been the CUPA for San Diego County since 1996. All inspectors in the CUPA program are trained environmental health specialists who take part in a continuous education program to ensure consistency and uniformity during inspections.

San Diego County Multi-Jurisdictional Hazard Mitigation Plan

The purpose of the County's Multi-Jurisdictional Hazard Mitigation Plan is to identify the county's hazards, review and assess past disaster occurrences, estimate the probability of future occurrences, and set goals to mitigate potential risks to reduce or eliminate long-term risk to people and property from natural and man-made hazards. The City of Encinitas participates in

the Multi-Jurisdictional Hazard Mitigation Plan. An important component of the plan is the Community Emergency Response Team, which educates community members about disaster preparedness and trains them in basic response skills, such as fire safety, light search and rescue, and disaster medical operations. The City is one of 20 jurisdictions that support and participate on the team.

San Diego County Department of Environmental Health

The DEH is responsible for protecting and maintaining public health and environmental quality. The department provides public education and outreach programs to promote environmental awareness of potentially hazardous issues while ensuring the implementation and enforcement of local, state, and federal environmental laws, as appropriate. The DEH is generally responsible for ongoing oversight and regulation of food safety, public housing, public swimming pools, small-scale public drinking water systems, mobile home parks, on-site wastewater systems, recreational water, storage tanks and related remediation activities, and proper handling and disposal of medical and hazardous materials and waste.

Local

City of Encinitas General Plan

The City of Encinitas General Plan (1991) is the primary source of long-range planning and policy direction used to guide growth and preserve the quality of life within the City of Encinitas. The Encinitas General Plan states that a goal of the City is to analyze proposed land uses to ensure that the designations would contribute to a proper balance of land uses within the community. The relevant goals and policies for the project include:

Resource Management Element

GOAL 13: **Create a desirable, healthful, and comfortable environment for living while preserving Encinitas' unique natural resources by encouraging land use policies that will preserve the environment. (Coastal Act/30250/30251)**

Policy 13.1: The City shall plan for types and patterns of development which minimize water pollution, air pollution, fire hazard, soil erosion, silting, slide damage, flooding and severe hillside cutting and scarring.

Public Safety Element

GOAL 1: **Public health and safety will be considered in future land use planning. (Coastal Act/30253).**

Policy 1.13: In areas identified as susceptible to brush or wildfire hazard, the City shall provide for construction standards to reduce structural susceptibility and increase protection. Brush clearance around structures for fire safety shall not exceed a 30-foot perimeter in areas of native or significant brush, and as provided by Resource Management Policy 10.1.

Policy 2.4: Setbacks, easements, and accesses, necessary to assure that emergency services can function with available equipment, shall be required and maintained.

Policy 3.6: The City shall cooperate with the efforts of the County Department of Health, Hazardous Waste Management Division to inventory and properly regulate land uses involving hazardous wastes and materials.

Housing Element

Policy 3.1: Where determined to be dangerous to the public health and safety, substandard units in the City shall be repaired so that they will comply with the applicable building, safety and housing codes. When compliance through repair is not of cannot be achieved, abatement of substandard units shall be achieved.

City of Encinitas Municipal Code

Toxic Materials, Fire, and Explosion Hazards

Section 30.40.010 of the City of Encinitas Municipal Code states: "All storage, use, transportation and disposal of toxic, flammable, or explosive materials shall be performed in compliance with the California Hazardous Substance Act and in accordance with guidelines issued by the County of San Diego Department of Health Services, Hazardous Materials Division on Hazardous Waste Requirements. All activities involving toxic, flammable, or explosive materials shall be provided and conducted with adequate safety and fire suppression devices as specified by the Fire District and per the City's adopted fire code."

Fire Code

Title 10 of the Municipal Code provides regulations regarding fire prevention in the city and adopts the California Fire Code. The Fire Hazard Severity Zone map is adopted through City Code Chapter 10.02 – Fire Map and is used by several City departments for hazard planning, mitigation and response, land use planning, and in the development review process.

Landscape/Brush Management Regulations

The California Fire Code Title 19, Division 1, Section 3.07(b) requires that a distance of not less than 30 feet be kept clear of all flammable vegetation or combustible growth around all buildings and structures. If conditions are considered a high fire danger, a distance of 30 feet to 100 feet should be kept clear of all bush, flammable vegetation, or combustible growth around all buildings and structures.

The City of Encinitas Design Guidelines (2005) contain landscape guidelines intended to maintain the landscape character of the City. Guideline 7.3.17 indicates that fire retardant/resistant plants shall be used when consistent with fire standards in areas adjacent to natural open space areas and/or fire sensitive areas.

STANDARDS OF SIGNIFICANCE

Thresholds of Significance

In accordance with the State CEQA Guidelines, the effects of a project are evaluated to determine whether they would result in a significant adverse impact on the environment. An EIR is required to focus on these effects and offer mitigation measures to reduce or avoid any significant impacts that are identified. The criteria used to determine the significance of impacts may vary depending on the nature of the project. According to Appendix G of the State CEQA Guidelines, the proposed project would have a significant impact related to hazards and hazardous materials if it would:

1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

2. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

3. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

4. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment.

5. Result in a safety hazard or excessive noise for people residing or working in the project area for a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport.

6. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

7. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.

PROJECT IMPACTS AND MITIGATION

Impacts related to hazards and hazardous materials are analyzed below according to topic. Mitigation measures directly correspond with an identified impact, where applicable.

HAZARDS RELATED TO THE TRANSPORT, USE, OR DISPOSAL OF HAZARDOUS MATERIALS

Impact 3.7-1	**The project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. Impacts would be less than significant.**

Construction

Project construction may result in temporary hazards related to the transport and use of hazardous materials, including those used for construction vehicle use and maintenance (e.g., diesel fuel, motor oil). The Storm Water Pollution Prevention Plan (SWPPP) prepared for the project would include standard provisions to avoid significant effects associated with the use of such materials. With implementation of a SWPPP, impacts would be **less than significant**.

Operations

The routine transport, use, and disposal of hazardous materials can result in potential hazards to the public through accidental release. However, these hazards are typically associated with certain types of land uses, such as chemical manufacturing facilities, industrial processes, waste disposal, and storage and distribution facilities. None of these uses are proposed by the project; rather, the project would consist of 149 residential townhomes and associated amenities including a pool, spa, pool house, fire pit with seating, and lounge seating.

Once the project is operational, hazardous material use associated with the residences, including landscaping and maintenance activities, would be limited to private use of commercially available cleaning products, landscaping chemicals and fertilizers, and use of various other commercially available substances. However, the on-site pool would require application of common pool chemicals that may be hazardous. Development of the project site is therefore anticipated to result in use of commercially available potentially hazardous materials or chemicals.

Proposition 65 requires businesses to provide warnings to Californians about significant exposures to chemicals that cause cancer, birth defects or other reproductive harm. These chemicals can be in the products that Californians purchase, in their homes or workplaces, or released into the environment. As such, Proposition 65 warning stickers would be placed in areas where on-site hazardous materials are stored. Chemicals stored on-site for routine pool and landscaping maintenance would be below the 55-gallon threshold set by California Governor's Office of Emergency Services (CalOES), and therefore, the project is not required to prepare a Hazardous Materials Business Plan (CalOES 2022).

The project would be subject to applicable federal, state, and local health and safety laws and regulations intended to minimize health risk to the public associated with hazardous materials. With adherence to such laws and regulations, the project would not result in the routine transport, use, or disposal of hazardous materials. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

HAZARDS RELATED TO THE ACCIDENTAL RELEASE OF HAZARDOUS MATERIALS

Impact 3.7-2	**The project would have the potential to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Impacts would be less than significant.**

Short-Term Impacts

Project construction activities could result in the transport, use, and disposal of hazardous materials such as gasoline fuels, asphalt, lubricants, paint, and solvents. Although care will be taken to transport, use, and dispose of small quantities of these materials by licensed professionals, there is a possibility that upset or accidental conditions may arise which could release hazardous materials into the environment. Accidental releases of hazardous materials are those releases that are unforeseen or that result from unforeseen circumstances, while reasonably foreseeable upset conditions are those release or exposure events that can be anticipated and planned for.

Project construction activities would occur in accordance with all applicable local standards adopted by the City of Encinitas, as well as state and federal health and safety requirements intended to minimize hazardous materials risk to the public, such as Cal/OSHA requirements, the Hazardous Waste Control Act, the California Accidental Release Protection Program, and the California Health and Safety Code.

Stormwater runoff from the site, under both construction and post-construction development conditions, would be avoided through compliance with National Pollutant Discharge Elimination System (NPDES) regulations administered by the San Diego Regional Water Quality Control Board (RWQCB). The project is required to prepare and implement a Construction General Storm Water Permit (Order 2012-0006-DWQ) and SWPPP (refer to Section 3.8, Hydrology and Water Quality). The SWPPP is also required as part of the grading permit submittal package. The contractor would be required to implement such regulations related to the transport, handling, and disposal of any hazardous materials, including the use of standard construction controls and safety procedures that would avoid or minimize the potential for accidental release of such substances into the environment. Standard construction practices would be observed such that any materials released are appropriately contained and remediated as required by local and state laws.

Based on the results of the Phase I ESA, there are no RECs associated with the project site. Additionally, a Phase II investigation was performed to determine whether pesticides and/or arsenic related to past prior agricultural use of the site were present in on-site soils. No evidence of any RECs in connection with the site was identified during the soil testing (Geocon 2021). Additionally, as the site is presently undeveloped, the potential for hazards such as lead-based paint or asbestos to be exposed or encountered during site development does not exist. Based on the findings of the Phase I and II assessments, it was concluded that no additional environmental assessment of the site or surrounding properties was warranted (Geocon 2021).

Project compliance with applicable federal, state, and local regulations would ensure that the project does not have the potential to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Impacts would be **less than significant.**

Long-Term Impacts

The project proposes a mixture of residential uses, passive and active recreational uses, sewer/water connections, and access/circulation improvements typical of residential development. Due to their nature, these uses are not generally expected to involve the routine transport, use, or disposal of hazardous materials in substantial quantities.

Once the proposed project is operational, hazardous material use associated with the residences, recreational uses, landscaping, and maintenance would be limited to private use of commercially available cleaning products, landscaping chemicals and fertilizers, and various other commercially available substances. Development of the site is therefore anticipated to result in use of commercially available potentially hazardous materials or chemicals. The use of these substances, expected to be in relatively small quantities, would be typical for residential uses and landscape maintenance, and would be subject to applicable federal, state, and local health and

safety laws and regulations intended to minimize health risk to the public associated with hazardous materials.

Adherence to existing regulations would ensure compliance with safety standards related to the use and storage of hazardous materials and with the safety procedures mandated by applicable federal, state, and local laws and regulations. Project conformance with existing local, state, and federal regulations pertaining to the routine transport, use, storage, or disposal of hazardous materials or hazardous wastes would ensure that potential adverse effects are minimized and that such substances are handled appropriately in the event of accidental release. Therefore, operational impacts would be **less than significant.**

Mitigation Measures: None required.

Level of Significance: Less than significant.

EMIT HAZARDOUS EMISSIONS OR HANDLE HAZARDOUS MATERIALS NEAR AN EXISTING OR PROPOSED SCHOOL

Impact 3.7-3	**The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. Impacts would be less than significant.**

The nearest school to the project site is the Capri Elementary School located at 941 Capri Road, approximately 0.4 miles southeast of the project site in Encinitas. The project proposes future residential development of the site, with supporting amenities; no land uses with operations that would generate substantial hazardous emissions or the need to handle hazardous or acutely hazardous materials, substances, or waste are anticipated to occur.

Therefore, the project would not result in a significant impact relative to hazardous emissions or the handling of hazardous materials within the vicinity of area schools. Impacts would be **less than significant.**

Mitigation Measures: None required.

Level of Significance: Less than significant.

BE LOCATED ON A HAZARDOUS MATERIALS SITE

Impact 3.7-4	**The project would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code**

Section 65962.5 and, as a result, it would not create significant hazard to the public or the environment. Impacts would be less than significant.

As mentioned above, a search of government hazardous materials databases (GeoTracker, EnviroStor) identified two facilities in the project vicinity that were identified pursuant to Government Code Section 65962.5; refer to Table 3.7-1, Environmental Database Records Search Results. However, analysis in the Phase I ESA and review of the GeoTracker and EnviroStor databases concluded that these sites do not represent an environmental concern to the project site or surrounding properties due to the status of the cases, distance from the project site, and/or location relative to the project site (i.e., based on being hydrogeologically down- or cross-gradient) (Geocon 2022).

The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and would not create a significant hazard to the public or the environment in this regard. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

Safety Hazard Related to a Public Airport or Private Airstrip

Impact 3.7-5 **The project is not located within an airport land use plan and is not located within 2 miles of a public airport or public use airport. The project would not result in a safety hazard or excessive noise for people residing or working in the project area. No impact would occur.**

There are no public or private airports located within 2 miles of the project site and the project site is not within the boundaries of an airport land use plan. The closest (public) airport is McClellan-Palomar Airport, located approximately 3.1 miles northeast in the City of Carlsbad. No private airstrips are located in the project vicinity. As such, the project would not result in a safety hazard or excessive noise for people residing or working in the project area. **No impact** would occur.

Mitigation Measures: None required.

Level of Significance: No impact.

INTERFERE WITH AN ADOPTED EMERGENCY RESPONSE PLAN OR EMERGENCY EVACUATION PLAN

Impact 3.7-6 **The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Impacts would be less than significant.**

The project site is located in a developed urban area surrounded by residential uses and open space. According to the Cal Fire Encinitas Fire Hazard Severity Zone Map, the entire proposed off-site preserve area and the northern portion of the project site are identified as being in a Very High Fire Hazard Severity Zone in a Local Responsibility Area, and therefore, the site is considered to have an increased potential for the occurrence of wildfire events (CalFire n.d.).

Emergency response and evacuation within Encinitas is the responsibility of the City of Encinitas Fire Department. The Disaster Preparedness Division of the Fire Department develops emergency procedures, activities, and disaster operation plans to be implemented in the event of a natural or man-made emergency (City of Encinitas 2016). Additionally, the County of San Diego maintains the San Diego County Emergency Operations Plan, which was approved in 2018 (San Diego County 2018). The Emergency Operations Plan is used by agencies that respond to major emergencies and disasters, including those related to environmental health.

Emergency access to the project site would be provided from Piraeus Street and Plato Place. Improvements are proposed to provide adequate ingress/egress to/from the site and to ensure that activities associated with the project do not impede the free movement of emergency response vehicles, as well as other vehicles, along local roadways. The project site is not identified as being located along an established route for wildfire evacuation (City of Encinitas n.d.), and therefore, would not be anticipated to interfere with emergency response in this regard.

During construction, materials would be placed within the project boundaries adjacent to the current phase of construction to avoid any access conflicts in case of emergency evacuations. Project construction would not result in closures along local roadways that may have an effect on emergency response or evacuation plans in the vicinity of the site. It is anticipated that all local roadways would remain open during project construction and operation. Construction activities occurring within the project site would comply with all adopted conditions, including grading permit conditions regarding lay-down and fire access, and would not restrict access for emergency vehicles responding to incidents on-site or in the surrounding area. It is anticipated that all vehicles and construction equipment would be staged on-site, off of adjacent public roadways, and would therefore not block any established emergency access routes.

During project operations, existing off-site roadways would be adequate to serve the development for purposes of emergency evacuation in the event of a wildfire. Further, the

project would not interfere with the ability of the San Diego County Sheriff's Department, which serves the project site, to safely evacuate the area in the event of an emergency (see Section 3.11, Public Services and Recreation, and Section 3.12, Transportation). The project has been designed in conformance with City Fire Department access and roadway design requirements related to fire prevention and is subject to approval by the City's Planning Division to ensure that public safety and adequate vehicular circulation can be maintained over the long term.

Therefore, the project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

WILDLAND FIRE

Impact 3.7-7	**The project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires. Impacts would be less than significant.**

The project site is located in a developed urbanized area generally surrounded by existing residential uses, undeveloped land, Batiquitos Lagoon, and infrastructure improvements (e.g., Interstate 5). According to the Cal Fire Encinitas Very High Fire Hazard Severity Zones in Local Responsibility Area Map (Cal Fire n.d.), the northern portion of the project site is located in a designated Very High Fire Hazard Severity Zone (VHFHSZ). Similarly, the proposed off-site preserve land, which adjoins the project site to the north, is identified as being within a designated VHFHSZ (Cal Fire n.d.).

As discussed in Section 3.15, Wildfire, a Fire Protection Plan was prepared by FIREWISE (2022) for the project to evaluate the potential risk of wildfire relative to the project setting and design. As determined, the proposed fuel modification treatments; irrigated landscaping; use of ignition-resistant building materials; and additional required construction features recommended in the Fire Protection Plan would mitigate the potential loss of any structures due to direct fire impingement or radiant heat around the perimeter of the residential uses to a level of less than significant (FIREWISE 2022); refer to Section 3.15, Wildfire, and Appendix O for discussion.

Additionally, the proposed structures would be required to meet applicable wildland/interface standards to the satisfaction of the Encinitas Fire Department and would be designed consistent with ignition-resistant building construction requirements. All construction and ignition-resistant requirements would meet the current International Wildland-Urban Interface Code and

amendments; City of Encinitas Ordinances 2019-27 and 2021-08; and the California Fire and Building Codes. Additionally, all on-site structures, including garages, would be required to incorporate automatic fire sprinkler systems and all accessory structures such as decks, balconies, patios, covers, gazebos, and fences would be constructed from non-combustible or ignition-resistant materials.

During occupancy and operations, the project may introduce potential ignition sources including vehicles, gas- or electric-powered small hand tools (i.e., for maintenance), and standard substances used for routine household cleaning and landscaping maintenance. Such conditions are not anticipated to substantially exacerbate wildfire risks or increase the risk of exposure of residents to associated pollutant concentrations.

The project would be constructed in compliance with access and design requirements of the City of Encinitas Fire Department (conditions of approval) and recommendations of the Fire Protection Plan. Further, the project would be subject to payment of public safety services impact fees (refer to Section 3.11, Public Services and Recreation) to ensure that risks from wildfire are minimized.

Comprehensive safety measures that comply with federal, state, and local worker safety and fire protection codes and regulations would also be implemented for the proposed project; refer to Section 3.15, Wildfire. Incorporation of such measures would minimize the occurrence of fire during construction and for the life of the proposed project.

The project would be designed in compliance with recommendations of the City Fire Department related to fire prevention and subject to approval by the City's Planning Division. For the reasons above, the project would not expose people or structures to a significant risk of loss, injury, or death from wildfires. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

CUMULATIVE IMPACTS

Impact 3.3-8	**The project would not result in a significant cumulative impact related to hazards and hazardous materials. Impacts would be less than cumulatively considerable.**

Geographic Scope

Similar to other potential impacts, such as those related to geology and soils, risks related to hazards and hazardous materials are typically localized or site-specific in nature because they

tend to be related to on-site existing hazardous conditions and/or hazards related to a project's construction or operational activities. The geographic scope when considering cumulative impacts from hazards and hazardous materials includes specific projects identified in Tables 3.0-1 and 3.0-2, as well as Figure 3.0-1, in Section 3.0 of this EIR. The cumulative setting for hazards associated with the proposed project generally consists of existing and future land uses in Encinitas in proximity to the project site.

Potential Cumulative Impacts

Impacts associated with hazardous materials are generally site-specific. As mentioned above, the proposed project would be required to comply with all applicable federal, state, and local regulations pertaining to the transport, handling, and disposal of hazardous materials and substances. Construction activities occurring within the project site would not restrict access for emergency vehicles that would respond to incidents on the site or in surrounding areas.

The City of Encinitas Fire Department would review proposed development plans prior to project approval to ensure adequate emergency access and circulation. Additionally, any subsequent projects would be required to coordinate with the City of Encinitas and the City Fire Department to ensure that they do not impede the implementation of an emergency plan or prevent emergency access in the affected area.

As mentioned under Impact 3.7-7, a portion of the project site is located in a zone designated as a VHFHSZ (Cal Fire n.d.). The proposed project would not expose people or structures to a significant risk of loss, injury, or death from wildfires as the project would be designed to reduce the risk of hazards from a wildfire event through establishment and ongoing maintenance of fuel modification zones and other building design measures. Measures as recommended in the Fire Protection Plan prepared for the project would be implemented to reduce the potential for wildfire risk or spread; refer to Section 3.15, Wildfire, and Appendix O for additional discussion. Additionally, the project would be designed in compliance with guidelines from the City Fire Department related to fire prevention and subject to approval by the City's Planning Division. While other areas in the City are designated as VHFHSZs, cumulative projects located in such areas would similarly be required to implement mitigation (or design) measures to reduce the risk of wildfire occurrence and spread, such as buffering on-site uses and establishment of fuel modification zones, and would be subject to Fire Department and City review relative to conformance with applicable regulations.

As with the proposed project, the cumulative projects listed in Tables 3.0-1 and 3.0-2 would be required to avoid and/or mitigate impacts relative to hazards and hazardous materials. The project would involve the storage, use, disposal, and transport of limited amounts of hazardous materials to varying degrees during construction and operation/occupancy. Impacts from these

activities are anticipated to be less than significant, and similar development projects would also be required to comply with applicable federal, state, and local regulations and policies to avoid or minimize any such potential hazards.

Further, the potential for any future development within the cumulative study area to be located on a known (listed) hazardous materials site, or that would result in hazardous emissions or require the handling of hazardous materials or waste in proximity to local schools, would be evaluated on a project-specific basis. Any such impacts determined to be significant would be reduced to the extent feasible via incorporation of appropriate design or mitigation measures.

For the reasons above, the proposed project, in combination with other reasonably foreseeable development projects in the surrounding area, would not result in a significant impact relative to hazards and hazardous materials. The project's contribution to a significant cumulative impact would be **less than cumulatively considerable**.

Mitigation Measures: None required.

Level of Significance: Less than cumulatively considerable.

Section 3.8
Hydrology and Water Quality

This section describes regulations related to hydrology and water quality in the project area, identifies criteria for impacts on hydrology and water quality, and evaluates potential impacts associated with the proposed project. Information in this section is based on hydrology and water quality information obtained from the *Preliminary Hydrology Study* (2022a; Appendix I-1) and the *Preliminary Stormwater Quality Management Plan* (SWQMP) (2022b; Appendix I-2), both prepared by Pasco Laret Suiter & Associates (PLSA). Analysis in this section also draws upon data in the *City of Encinitas General Plan* (1991) and the *City of Encinitas 2013-2021 Housing Element Update Environmental Assessment* (2018). Third party technical reports were peer-reviewed by Michael Baker International and the City of Encinitas.

ENVIRONMENTAL SETTING

Regional Watershed Hydrology

The City of Encinitas is located entirely within the Carlsbad Watershed Management Area (WMA), which is approximately 211 square miles and is formed by a group of six distinct Hydrologic Areas (HA)s: Loma Alta, Buena Vista Creek, Agua Hedionda, Encinas, San Marcos Creek, and Escondido Creek; all of which have separate points of discharge individual watersheds in northern San Diego County (Carlsbad Watershed Management Area Responsible Agencies 2018). The Carlsbad watershed is known for its numerous lagoons, including four unique coastal lagoons: Buena Vista Lagoon, Aqua Hedionda Lagoon, Batiquitos Lagoon, and San Elijo Lagoon. The City of Encinitas also located within the Carlsbad Hydrologic Unit, specifically the San Marcos Hydrologic Area Batiquitos Subunit (904.51).

The Batiquitos Lagoon watershed is approximately 52 square miles and is drained by three stream systems that empty into the eastern end of the lagoon. San Marcos Creek is a major tributary and is dammed at Lake San Marcos within 5 miles of the lagoon. An unnamed tributary joins San Marcos Creek less than 1 mile upstream of the lagoon, and this small tributary drains a small area to the northeast. At the mouth of the San Marcos Creek, Batiquitos Lagoon enters the Pacific Ocean between the community of Leucadia, which is part of the City of Encinitas and the City of Carlsbad. Water levels in the lagoon are controlled by tidal waters entering and exiting through the lagoon's outlet. The lagoon is divided by several transportation corridors into Eastern, Central and Western Basins.

Groundwater

A groundwater basin is generally defined as a hydrogeologic unit containing one large aquifer as well as several connected and interrelated aquifers which have reasonably well-defined

boundaries. All major drainage basins in the San Diego region contain groundwater basins that are typically described as small in area and shallow. There are four groundwater basins in the County that are subject to the Sustainable Groundwater Management Act: Borrego Valley, San Diego River Valley, San Luis Rey Valley, and San Pasqual Valley. The project is not located within one of these groundwater basins (County of San Diego 2020). The nearest basin, San Pasqual Valley, is approximately 11 miles east of the project site. According to the geotechnical investigations for the project site, groundwater occurs at depths greater than 56.5 feet below ground surface (bgs).

Local Setting

Local Surface Water and Drainage

Stormwater discharges flow into various locations within Batiquitos Lagoon. Local surface drains discharge to the lagoon from Interstate 5 (I-5), La Costa Boulevard, El Camino Real, and residential streets adjacent to the lagoon. Caltrans has constructed a stormwater basin adjacent to the La Costa exit ramp off I-5. This stormwater basin has been designed to treat stormwater from I-5 prior to discharge to the Central and East Basins of the lagoon. Another significant stormwater outfall is located on the northern portion of the Eastern Basin that discharges stormwater from the Aviara community and golf course detention basin. Stormwater discharges also occur in the northeastern corner of the Eastern Basin from the developments bordering Alga Boulevard (City of Encinitas 2016).

Under current conditions, the majority of the project site drains north via surface/sheet flow before entering an existing storm drain conveyance system at the northwest corner of the property. Once in the storm drain system, runoff from the northeastern and central portions of the proposed project site flows to the west, crossing I-5 into an earthen ditch. The remainder of the site flows south via surface/sheet flow and enters the existing storm drain system at the southwest corner of the property. The existing system carries runoff across I-5 and discharges into an existing concrete lined ditch where it combines with runoff from the northeastern and central portions of the site. From this point, drainage from both basins continues north until it reaches Batiquitos Lagoon, and eventually, the Pacific Ocean. Refer to Figure 3.8-1, Hydrology – Existing Condition.

The Water Quality Control Plan for the San Diego Basin (Basin Plan) designates the following beneficial uses associated with Batiquitos Lagoon: Contact Water Recreation (REC-1); Non-contact Water Recreation (REC-2); Preservation of Biological Habitats of Special Significance (BIOL), Estuarine Habitat (EST); Wildlife Habitat (WILD), Rare, Threatened and Endangered Species (RARE), Marine Habitat (MAR), Migration of Aquatic Organisms (MIGR); and Spawning, Reproduction and/or Early Development (SPWN) (SDRWQCB 2016). The take of all living marine

resources is prohibited within the protected SMCA portion of Batiquitos Lagoon. Boating, swimming, wading, and diving are also prohibited within the conservation area.

The mouth of Batiquitos Lagoon enters the Pacific Ocean at South Ponto located at the south end of South Carlsbad State Beach. The beneficial uses of the ocean waters along this stretch of beach include industrial water supply; REC-1 and REC-2, BIOL, aesthetic enjoyment; navigation; commercial and sport fishing; mariculture; rare and endangered species; marine habitat; fish migration; fish spawning and shellfish harvesting.

Flooding

As illustrated on Federal Emergency Management Agency (FEMA) map panel 06073C1033H, FEMA has not mapped any Special Flood Hazard Areas through the project corridor, which is designated as being in Zone X (Area of Minimal Flood Hazard) (FEMA 2021). The project site is therefore determined to be outside of the FEMA-mapped 100-year floodplain and the potential for flooding to occur is minimal.

Groundwater Quality

A groundwater basin is generally defined as a hydrogeologic unit containing one large aquifer as well as several connected and interrelated aquifers which have reasonably well-defined boundaries. All major drainage basins in the San Diego region contain groundwater basins that are typically described as small in area and shallow. The project site is not located within a groundwater basin.

Water Quality

Runoff is a term used to describe any water that drains or runs off of a defined land area into a waterway. Runoff can be the result of rain, in which case it is also sometimes referred to as storm water. Runoff can also result from various other sources or activities such as irrigation, hosing down of areas, wash water from cleaning, leaks in pipes, and air conditioner condensation. General hydrologic characteristics, land uses, and activities that involve pollutants have the greatest influence on the water quality runoff from a given area.

In general, stormwater can potentially contain a host of pollutants such as trash and debris, bacteria and viruses, oil and grease, sediments, nutrients, metals, and toxic chemicals. These contaminants can adversely affect receiving and coastal waters, flora and fauna, and public health. Water quality issues are especially prevalent during rainy periods. However, with non-stormwater urban runoff (i.e., irrigation or car washing) also entering the storm drain system, stormwater pollution can be a year-round problem.

Constituents of concern (COCs) found in urban runoff include sediments, non-sediment solids, nutrients, pathogens, oxygen-demanding substances, petroleum hydrocarbons, heavy metals, floatables, polycyclic aromatic hydrocarbons (PAHs), trash, pesticides, and herbicides. These contaminants can adversely affect receiving and coastal waters, flora and fauna, and public health.

Batiquitos Lagoon, the main receiving water for the project area is a 303(d) water body impaired for toxicity. Batiquitos Lagoon was first listed as impaired by the San Diego Regional Board in the 2014 and 2016 Integrated Report (303(d) List/305(b) Report) for toxicity (sediment). The source for the toxicity impairment is listed as unknown; however, the common sources of this pollutant type include contaminants from residential and commercial areas, industrial activities, construction, streets and parking lots.

Seiche and Tsunami

A seiche is a surface wave created when a body of water is shaken, usually by earthquake activity. Seiches are of concern relative to water storage facilities, because inundation from a seiche can occur if the wave overflows a containment wall, such as the wall of a reservoir, water storage tank, dam, or other artificial body of water. Tsunamis are a type of earthquake-induced flooding that is produced by large-scale sudden disturbances of the sea floor. Tsunamis interact with the shallow sea floor topography upon approaching a landmass, resulting in an increase in wave height and a destructive wave surge into low-lying coastal areas.

According to the California Emergency Management Agency Tsunami Inundation Map for Emergency Planning- County of San Diego-Encinitas Quadrangle, the site is not located in a tsunami inundation area, and therefore, it is not anticipated that inundation due to tsunami would occur (California Emergency Management Agency 2009).

REGULATORY FRAMEWORK

Federal

National Flood Insurance Program

FEMA oversees floodplains and administers the National Flood Insurance Program (NFIP) adopted under the National Flood Insurance Act of 1968. The program makes federally subsidized flood insurance available to property owners in communities that participate in the program. Areas of special flood hazard (those subject to inundation by a 100-year flood) are identified by FEMA through regulatory flood maps titled Flood Insurance Rate Maps. The NFIP mandates that development cannot occur within the regulatory floodplain (typically the 100-year floodplain) if

that development results in an increase of more than 1-foot elevation. In addition, development is not allowed in delineated floodways within the regulatory floodplain.

Clean Water Act

The Clean Water Act (CWA) gives states the primary responsibility for protecting and restoring water quality. In California, the State Water Resources Control Board (SWRCB) and the nine Regional Water Quality Control Boards (RWQCB) are the agencies with the primary responsibility for implementing federal CWA requirements, including developing and implementing programs to achieve water quality standards. Water quality standards include designated beneficial uses of water bodies, criteria or objectives (numeric or narrative) which are protective of those beneficial uses, and policies to limit the degradation of water bodies. The project site is in an area of the state regulated by the San Diego RWQCB.

Section 401, Water Quality Certification

CWA Section 401 requires that, prior to issuance of any federal permit or license, any activity (including river or stream crossing during road, pipeline, or transmission line construction) that may result in discharges into waters of the United States must be certified by the state, as administered by the RWQCB. This certification ensures that the proposed activity does not violate state and/or federal water quality standards.

Section 402, National Pollutant Discharge Elimination System (NPDES)

CWA Section 402 authorizes the SWRCB to issue a NPDES Construction General Storm Water Permit (Order 2012-0006-DWQ), referred to as the Construction General Permit. NPDES regulations in Encinitas are administered by the San Diego RWQCB. Disturbance of 1 or more acre triggers NPDES coverage under the Construction General Permit, which requires:

- Filing of a Notice of Intent (NOI) with the SWRCB;
- Implementation of a stormwater pollution prevention plan (SWPPP) that specifies best management practices (BMPs) to prevent grading/construction-related pollutants (including sediment from erosion) from contacting stormwater and moving off-site into receiving waters, as well as elimination/reduction of non-stormwater discharges; and
- Inspections of all BMPs.

The Construction General Permit also contains requirements for post-construction stormwater management in the form of long-term BMPs, particularly for impervious surface runoff.

Section 404, Discharge of Dredged or Fill Materials

CWA Section 404 establishes programs to regulate the discharge of dredged and fill material into waters of the United States, including wetlands. For purposes of Section 404, the limits of non-tidal waters extend to the ordinary high water mark, established by the fluctuation of water and indicated by physical characteristics, such as the natural line impressed on the bank, changes in the character of the soil, and presence of debris flow. When an application for a Section 404 permit is made, the applicant must show that steps have been taken to avoid impacts to wetlands or waters of the United States where practicable, minimize unavoidable impacts on waters of the United States and wetlands, and provide mitigation for unavoidable impacts.

Section 404 requires a permit for construction activities involving placement of any kind of fill material into waters of the United States or wetlands. A Water Quality Certification pursuant to CWA Section 401 is required for Section 404 permit actions. If applicable, construction would also require a request for Water Quality Certification (or waiver thereof) from the San Diego RWQCB.

Section 303, Water Quality Standards and Implementation Plans

CWA Section 303(d) requires states to identify "impaired" water bodies as those which do not meet water quality standards. States are required to compile this information in a list and submit the list to the US Environmental Protection Agency (EPA) for review and approval. This list is known as the Section 303(d) List of Impaired Water Bodies. As part of this listing process, states are required to prioritize waters and watersheds for future development of total maximum daily load (TMDL) requirements. The SWRCB and RWQCBs have ongoing efforts to monitor and assess water quality, prepare the Section 303(d) list, and develop TMDL requirements.

Water bodies on the list have no further assimilative capacity for the identified pollutant, and the Section 303(d) list identifies priorities for development of pollution control plans for each listed water body and pollutant. The pollution control plans triggered by the CWA Section 303(d) list are called TMDLs. The TMDL is a "pollution budget" designed to restore the health of a polluted body of water and ensure the protection of beneficial uses. The TMDL also contains the target reductions needed to meet water quality standards and allocates those reductions among the pollutant sources in the watershed (point sources, nonpoint sources, and natural sources) (40 CFR 130.2). Currently, no TMDLs have been finalized for Batiquitos Lagoon. A TMDL for toxicity is anticipated in 2025.

Regulations governing the TMDL program (40 CFR 130.2 and 130.70) define the TMDL as the sum of the individual waste load allocations (WLAs) for point sources and load allocations (LAs) for nonpoint sources. When a jurisdiction discharges stormwater to an impaired water body, they may be asked to participate in or supply information for the TMDL development process for impaired waterbodies that do not yet have an approved TMDL. The participation in the TMDL

process will likely mean attending public meetings as a stakeholder and providing information related to the MS4 and associated stormwater discharges, such as outfall locations, drainage areas, types and locations of structural and non-structural BMPs, as well as the expected or measured pollutant load reductions from the BMPs. This information supports calculation of an accurate and reasonable WLA for individual dischargers.

State

Coastal Zone Act Reauthorization Amendments

While stormwater and urban runoff is regulated by the NPDES permitting program, virtually all other nonpoint sources are subject to the Coastal Nonpoint Pollution Control Program (CNPCP) under the Coastal Zone Act Reauthorization Amendments (CZARA). Section 6217 of the federal CZARA established the CNPCP, which requires the EPA to develop, and the states to implement, BMPs to control nonpoint source pollution in coastal waters. Pursuant to CZARA Section 6217(g), the six major categories of nonpoint sources addressed by the amendments are agriculture, forestry, urban areas, marinas, hydromodification projects, and wetlands.

Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Control Act, in cooperation with the CWA, established the SWRCB. The SWRCB and the nine RWQCBs are responsible for protecting California's surface water and groundwater supplies. Section 13000 of the act directs each RWQCB to develop water quality control plans for all areas in its region, to designate the beneficial uses of California's rivers and groundwater basins; these plans are the basis for each board's regulatory program.

The Basin Plan gives direction on the beneficial uses of state waters in Region 9, describes the water quality that must be maintained to support such uses, and includes programs, projects, and other actions necessary to achieve the standards established in the Basin Plan. The Basin Plan defines water quality objectives for groundwater and inland surface waters. The Batiquitos Lagoon is categorized as a coastal water; therefore, the Basin Plan does not contain any water quality objectives that are specific to the lagoon.

Water quality objectives for coastal waters are contained in the State Board's Water Quality Control Plan for Ocean Waters of California (Ocean Plan). These objectives could be applied to Batiquitos Lagoon, but the San Diego RWQCB implements the Basin Plan by issuing and enforcing waste discharge requirements to individuals, communities, or businesses whose waste discharges may affect water quality. These requirements are state waste discharge requirements for discharge to land or federally delegated NPDES permits for discharges to surface water. Responsibility for implementing CWA Sections 401-402 and Section 303(d) is also outlined in the Porter-Cologne Water Quality Control Act.

Water Quality Improvement Plan for the Carlsbad Watershed Management Area

The water quality improvement plan (WQIP) for the Carlsbad Watershed is a comprehensive watershed-based program designed to improve surface water quality in the Carlsbad WMA, in receiving waters including four unique coastal lagoons, three major creeks, and two large water storage reservoirs, and at nearby beaches. It is required by Order No. R9-2013-0001, as amended by Order Nos. R9-2015-0001 and R9-2015-0100, NPDES No. CAS0109266, NPDES Permit and waste discharge requirements (WDRs) for Discharges from the municipal separate storm sewer systems (MS4s) draining the Watersheds within the San Diego region. The WQIP outlines a framework to improve the surface water quality in the Carlsbad WMA by identifying, prioritizing, and addressing impairments related to urban runoff discharges to protect, preserve, enhance, and restore water quality for beneficial recreational, wildlife, and other uses.

State Water Resources Control Board, Stormwater Construction General Permit

The five-member SWRCB allocates water rights, adjudicates water right disputes, develops statewide water protection plans, establishes water quality standards, and guides the nine RWQCBs in the major watersheds of the state. The joint authority of water allocation and water quality protection enables the SWRCB to provide comprehensive protection for California's waters.

In 1999, the state adopted the NPDES General Permit for Storm Water Discharges Associated with Construction Activities (Construction Activities General Permit) (SWRCB Order No. 2012-0006-DWQ, NPDES No. CAS000002). The Construction General Permit requires that construction sites with 1 acre or greater of soil disturbance, or less than 1 acre but part of a greater common plan of development, apply for coverage for discharges under the Construction General Permit by submitting an NOI for coverage, developing an SWPPP, and implementing BMPs to address construction site pollutants.

The SWPPP should contain a site map(s) which shows the construction site perimeter, existing and proposed buildings, lots, roadways, stormwater collection and discharge points, general topography both before and after construction, and drainage patterns across the project. The SWPPP must list the BMPs that the discharger will use to protect stormwater runoff and the placement of those BMPs. The SWPPP must contain a visual monitoring program, a chemical monitoring program for "non-visible" pollutants to be implemented if there is a failure of BMPs, and a sediment monitoring plan if the site discharges directly to a water body listed on the 303(d) list for sediment. Section A of the Construction General Permit describes the elements that must be contained in a SWPPP. Enrollment under the Construction General Permit is through the Stormwater Multiple Application and Report Tracking System. Additionally, the SWRCB is

responsible for implementing the CWA and issues NPDES permits to cities and counties through the individual regional boards.

Local

San Diego Regional MS4 Permit

The Regional Water Quality Control Board, San Diego Region (San Diego RWQCB) regulates discharges from Phase I municipal separate storm sewer systems (MS4s) in the San Diego Region under the Regional MS4 Permit. MS4 permits require cities and counties to develop and implement programs and measures to reduce the discharge of pollutants in stormwater to the maximum extent possible. This includes management practices, control techniques, system design and engineering methods, and other measures as appropriate.

As part of permit compliance, permit holders create stormwater management plans for their respective locations. These plans outline the requirements for municipal operations, industrial and commercial businesses, construction sites, and planning and land development. The requirements may include multiple measures to control pollutants in stormwater discharges. During implementation of specific projects under the program, project applicants are required to follow the guidance contained in the stormwater management plans, as defined by the permit holder in that location.

The Regional MS4 Permit covers 39 municipal, county government, and special district entities (referred to jointly as Copermittees) located in San Diego County, southern Orange County, and southwestern Riverside County who own and operate large MS4s which discharge stormwater (wet weather) runoff and non-stormwater (dry weather) runoff to surface waters throughout the San Diego region.

San Diego Municipal Storm Water Permit

This Municipal Storm Water Permit (Order R9-2015-0100) requires that each Watershed Management Area co-permittee covered under the permit prepare a Water Quality Improvement Plan that identifies priority and highest priority water quality conditions and strategies which will be implemented with associated goals to demonstrate progress toward addressing the conditions in the watershed.

In February 2016, the County of San Diego (as the Municipal Storm Water Permit permittee representing all cities in the county) approved a BMP Design Manual in accordance with the Municipal Storm Water Permit. The manual identifies mitigation strategies to protect stormwater quality for new development and significant redevelopment in the San Diego region. The manual outlines a template for municipalities in the region to follow in preparing their respective BMP

design manuals, and it establishes a series of source control, site design, and treatment control BMPs to be implemented by all priority development projects.

The City has a local BMP Design Manual, incorporated as Chapter 7 of the Engineering Design Manual, which was adapted from the County's BMP Design Manual and adopted in February 2016. The City's manual provides guidance on specific design measures to reduce development impacts with regard to treating stormwater runoff and maintaining water quality.

City of Encinitas Jurisdictional Runoff Management Program

The Jurisdictional Runoff Management Program sets forth strategies, standards, and protocols to address the priorities and goals established in the WQIP. The purpose of this document is to present an integrated programmatic approach to reducing the discharge of pollutants from the MS4 to the maximum extent practicable standard, and to protect and improve the quality of water bodies in Encinitas. It describes operational programs and activities developed to meet the requirements of Municipal Stormwater Permit and serves as the implementation mechanism for WQIP strategies. The highest-priority water quality conditions in the area are discharges of bacteria (City of Encinitas 2017).

Stormwater Standards Manual

The Stormwater Standards Manual was developed be used in conjunction with the City Stormwater Management and Discharge Control Ordinance, codified as Encinitas Municipal Code (EMC) Chapter 20.08, and the water quality protection provisions of the City of Encinitas Grading, Erosion and Sediment Control Ordinance, codified as EMC Chapter 23.24. This Manual is not a stand-alone document, but must be read in conjunction with other parts of the Stormwater Ordinance and the Grading, Erosion, and Sediment Control Ordinance. In general, this Manual sets out in more detail, by project category, what dischargers must do to comply with the Ordinances. The Manual and the Ordinances have been prepared to provide the City with the legal authority necessary to comply with the requirements of San Diego Regional Water Quality Control Board (RWQCB) Order No. R9-2013-0001, as amended by Order No. R9-2015-0001.

City of Encinitas Best Management Practice Manual

The City has developed a local BMP Design Manual, incorporated as Chapter 7 of the Engineering Design Manual, which was adapted from the County's BMP Design Manual and adopted in 2016. The City's manual provides guidance on specific design measures to reduce development impacts with regard to treating stormwater runoff and maintaining water quality to ensure compliance with minimal local standards in conformance with the MS4 Permit.

City of Encinitas General Plan and Local Coastal Program

The City of Encinitas General Plan is the primary source of long-range planning and policy direction used to guide growth and preserve the quality of life in Encinitas. The Encinitas General Plan states that a goal of the City is to analyze proposed land uses to ensure that the designations would contribute to a proper balance of land uses within the community. The relevant goals and policies for the project include:

Land Use Element

Policy 2.8: Development shall not be permitted where it will result in significant degradation of ground, surface, or ocean water quality, or where it will result in significant increased risk of sewage overflows, spills, or similar accidents.

Local Coastal Program (from Land Use Element)

Policy 2.3: Growth will be managed in a manner that does not exceed the ability of the City, special districts and utilities to provide a desirable level of facilities and services.

Policy 2.8: Development shall not be permitted where it will result in significant degradation of ground, surface, or ocean water quality, or where it will result in significant increased risk of sewage overflows, spills, or similar accidents.

Policy 2.10: Development shall not be allowed prematurely, in that access, utilities, and services shall be available prior to allowing the development.

Public Safety Element

GOAL 2: **The City of Encinitas will make an effort to minimize potential hazards to public health, safety, and welfare and to prevent the loss of life and damage to health and property resulting from both natural and [human-caused] phenomena.**

Resource Management Element

Policy 2.1: In that ocean water quality conditions are of utmost importance, the City shall aggressively pursue the elimination of all forms of potential unacceptable pollution that threatens marine of human health.

Policy 2.2: In that the San Elijo ocean wastewater outfall lies within the jurisdiction of the City and the Encina outfall lies north of the City, the City shall

encourage the highest feasible level of treatment of said wastewater prior to entering the outfalls and continually encourage the reduction of volume of wastewater to said outfalls by this City and other jurisdictions.

Policy 2.3: To minimize harmful pollutants from entering the ocean environment from lagoons, streams, storm drains and other waterways containing potential contaminants, the City shall mandate the reduction or elimination of contaminants entering all such waterways; pursue measures to monitor the quality of such contaminated waterways, and pursue prosecution of intentional and grossly negligent polluters of such waterways.

City of Encinitas Municipal Code

Encinitas Municipal Code Chapter 20.08 (Stormwater Management and Discharge Control Ordinance) regulates discharges into the stormwater conveyance system and downstream receiving waters to preserve and enhance water quality for beneficial uses and protect the health, safety, and welfare of the public by:

- Prohibiting non-stormwater discharges to the stormwater conveyance system;
- Eliminating pollutants in stormwater to the maximum extent practicable, including pollutants from both point and nonpoint sources;
- Prohibiting activities which cause, or contribute to, exceedance of state and federal receiving water quality objectives; and
- Protecting watercourses from disturbance and pollution.

Chapter 20.08 establishes the City's legal authority to enforce a wide spectrum of stormwater and water quality related requirements and defines minimum BMP standards for various community sectors including residential, commercial, construction, municipal, and development activities.

Chapter 23.24 (Grading, Erosion and Sediment Control Ordinance) requirements that are applicable to drainage issues are as follows:

- Sections 23.24.150 and 23.24.160. The applicant must submit interim and final erosion and sediment control plans.
- Section 23.24.200. The applicant must submit a proposed schedule for installation of all interim and final erosion and sediment control measures.

- Section 23.24.370. Limits grading between October 1 of any year and April 15 of the following year, unless the plans for such work includes desilting basins or other temporary drainage or control measures.

- Section 23.24.380. Provides guidelines for erosion and sediment control measures during and following construction.

STANDARDS OF SIGNIFICANCE

Methodology

An assessment of hydrology and water quality impacts was prepared by evaluating the existing hydrology and water quality settings and comparing them to hydrology and water quality conditions that would occur with implementation of the proposed project. An evaluation of the significance of potential impacts on hydrology and water quality must consider both direct effects to the resource and indirect effects in a local or regional context. When considering the significance of an individual impact, the EIR considers the existing federal, state, and local regulations, laws, and policies in effect, including applicable General Plan policies. In addition, the impact analysis considers the project design features that have been incorporated into the project to avoid, reduce, or offset potential impacts.

Thresholds of Significance

The following thresholds of significance are based, in part, on CEQA Guidelines Appendix G. For the purposes of this EIR, the proposed project may have a significant adverse impact on hydrology and water quality if it would:

1. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.

2. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.

3. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

    a. Result in substantial erosion or siltation on- or off-site.

    b. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.

c. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.

d. Impede or redirect flood flows.

4. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation.

5. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

PROJECT IMPACTS AND MITIGATION

VIOLATION OF WATER QUALITY STANDARDS

Impact 3.8-1	**The project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. Impacts would be less than significant.**

Stormwater runoff (both dry and wet weather) generally discharges into storm drains and/or flows directly to creeks, rivers, lakes, and the ocean. Polluted runoff can have harmful effects on drinking water, recreational water, and wildlife. Stormwater characteristics depend on site conditions (e.g., land use, impervious cover, pollution prevention, types and amounts of BMPs), rain events (duration, amount of rainfall, intensity, time between events), soil type and particle sizes, multiple chemical conditions, the amount of vehicular traffic, and atmospheric deposition. Major pollutants typically found in runoff include sediments, nutrients, oxygen-demanding substances, heavy metals, petroleum hydrocarbons, pathogens, and bacteria. The majority of stormwater discharges are considered nonpoint sources and are regulated by an NPDES Municipal General Permit or Construction General Permit.

A net effect of development can be to increase pollutant export over naturally occurring conditions to adjacent streams and to downstream receiving waters. However, an important consideration in evaluating stormwater quality from a site is to assess whether it impairs the beneficial use of the receiving waters. Receiving waters can assimilate a limited quantity of various constituent elements, but there are thresholds beyond which the measured amount becomes a pollutant and results in an undesirable impact.

Short-Term Construction

Following project construction, runoff from the majority of the site would flow to the proposed on-site storm drain system and be conveyed to the south to a proposed biofiltration basin located

adjacent to Plato Place. Once the runoff is treated and stored, it would be discharged into the existing storm drain system near the very southwestern corner of the proposed project site. Runoff generated from the (generally) northernmost and western portions of the proposed project site would primarily sheet flow west towards Piraeus Street where it would be collected in a concrete ditch and discharged into an existing headwall in proximity to the northwest corner of the proposed project site. Refer to Figure 3.8-2, Hydrology – Proposed Condition.

Potential water quality impacts associated with short-term grading and construction activities include discharge of construction-related sediment and hazardous materials (e.g., fuels). To ensure that construction activities do not cause water quality to be impaired, a SWPPP would be prepared and implemented. In accordance with the requirements of Section A of the Construction General Permit, the SWPPP would contain a site map(s) which shows the construction site perimeter, existing and proposed buildings, lots, roadways, stormwater collection and discharge points, general topography both before and after construction, and drainage patterns across the project. The SWPPP would list the BMPs that would be used to protect stormwater runoff and the placement of those BMPs. Additionally, the SWPPP would contain a visual monitoring program, a chemical monitoring program for "non-visible" pollutants to be implemented if there is a failure of BMPs, and a sediment monitoring plan if the site discharges directly to a water body listed on the 303(d) list for sediment.

Therefore, with implementation of BMPs during construction as required by the SWPPP, water quality impacts would be reduced or avoided. Project construction activities would not substantially degrade surface or ground water quality. Impacts would be **less than significant**.

Long-Term Occupancy and Operations

Potential pollutants due to long-term occupancy and operations of the proposed project include litter, trash, and debris; bacteria and viruses from pet feces; oil, grease, metals, and toxic chemicals from vehicle hydrocarbons; and sediments, nutrients, pesticides, and fertilizers from landscaped areas.

Under existing conditions, the majority of on-site drainage surface flows to an existing storm drain conveyance system at the northwestern portion of the project site. The remainder of the on-site drainage flows to an existing storm drain conveyance system at the southwestern portion of the project site. Drainage from these two systems eventually converge at a ditch to the west of I-5. Refer to Figure 3.8-1, Hydrology – Existing Condition. A pre- and post-development hydrology analysis of the existing system has been included as a part of Appendix I-1 to ensure that the project would not adversely affect the existing storm drain system. Results of the off-site analysis and supporting calculations are provided in Appendix I-1.

As stated in the *Preliminary Hydrology Study*, runoff from drainage areas A-1 through A-18 would flow south and be discharged into a proposed biofiltration basin adjacent to the west of Plato Place. After being treated and stored on the project site, the runoff would be conveyed south to an existing reinforced concrete pipe (POC-A) adjacent to the west of Plato Place, which drains to the west underneath I-5. Runoff generated in drainage areas B-1 through B-6 would flow west, enter a concrete ditch, and be discharged to an existing corrugated metal pipe to the northwest of the project site (POC-B), which drains to the west underneath I-5. Runoff from these areas would converge and travel towards Batiquitos Lagoon; refer to Appendix I-1 and Figure 3.8-2, Hydrology – Proposed Condition.

The project proposes use of a biofiltration basin to meet the treatment and flow control requirements listed in the City of Encinitas BMP Manual for post-construction BMPs. As seen in Table 3.8-1, Peak Flow Rate Comparison - Unmitigated (100 Year, 6 Hour), the unmitigated peak flow from the proposed on-site drainage areas A-1 through A-18 and B-1 through B-6 would exceed or be equivalent to flows under existing conditions. As shown in Table 3.8-2, Peak Flow Rate Comparison – Mitigated (100 Year, 6 Hour), post-development flows for all proposed on-site drainage areas would be reduced as compared to pre-development conditions.

To reduce flow rates, the project design includes an on-site biofiltration basin that would provide stormwater pollutant control to meet the requirements of the San Diego RWQCB municipal stormwater permit and City Stormwater standards. The biofiltration basin would also provide mitigation for the 6-hour, 100-year storm event peak discharge.

With incorporation of proposed site improvements and BMPs, the mitigated peak flow for drainage areas A-1 through A-18 would be approximately 0.12 cubic feet per second (cfs) when compared to existing conditions (4.90 cfs); refer to Table 3.8-2, Peak Flow Rate Comparison - Mitigated (100 Year, 6 Hour). Similarly, the project would reduce stormwater flow rates for drainage areas B-1 through B-9 to approximately 4.83 cfs as compared to existing conditions (10.17 cfs).

Table 3.8-1: Peak Flow Rate Comparison - Unmitigated (100 Year, 6 Hour)

Pre-Development		Post-Development (Unmitigated)[1]	
Drainage Area	**Peak Flows (cfs)**	**Drainage Area**	**Peak Flow (cfs)**
A-1 through A-2	4.90	A-1 through A-18	29.89
B-1 through B-2	10.17	B-1 through B-9	4.90

[1] "Unmitigated" refers to the condition without the incorporation of BMPs or conformance with other regulatory requirements intended to reduce stormwater flows.
Notes: cfs = cubic feet per second
Source: PLSA 2022a (see Appendix I-1).



PLAN VIEW - EXISTING CONDITION HYDROLOGY

Michael Baker INTERNATIONAL

File: 189273Figures.indd

0 50 100 150

Source: Pasco Laret Suiter & Associates, 2022

PIRAEUS POINT
ENVIRONMENTAL IMPACT REPORT

Hydrology - Existing Condition

Figure 3.8-1

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LEGEND

- PROPERTY LINE
- RIGHT-OF-WAY
- ADJACENT PROPERTY LINE
- CENTER LINE OF ROAD
- DRAINAGE BOUNDARY
- INITIAL SUB-BASIN BOUNDARY
- DRAINAGE PATH OF TRAVEL
- EXISTING CONTOURS 175

BASIN INFORMATION: BASIN DESIGNATOR / AREA (AC) / SUBAREA Q (CFS)

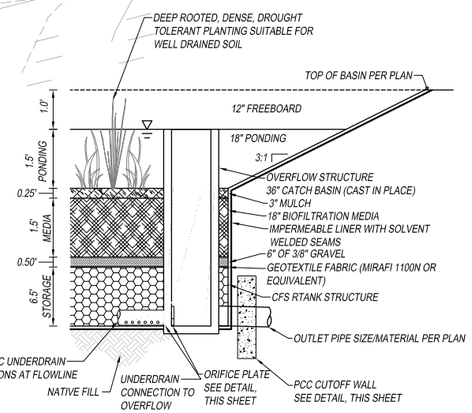
PLATO PLACE

PIRAEUS STREET

POC-A
NODE 700
84.0 IE
Q_{100}(EXISTING) = 4.90 CFS
Q_{100}(UNMITIGATED) = 29.89 CFS
Q_{100}(MITIGATED) = 0.12 CFS

POC-B
NODE 202

PLAN VIEW - POST-DEVELOPMENT HYDROLOGY



Michael Baker INTERNATIONAL

File: 189273Figures.indd

40 20 0 40 80 120

Source: Pasco Laret Suiter & Associates, 2022

PIRAEUS POINT
ENVIRONMENTAL IMPACT REPORT

Hydrology - Proposed Condition

Figure 3.8-2

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Table 3.8-2: Peak Flow Rate Comparison - Mitigated (100 Year, 6 Hour)

Pre-Development		Post-Development (Mitigated)	
Drainage Area	**Peak Flows (cfs)**	**Drainage Area**	**Peak Flow (cfs)**
A-1 through A-2	4.90	A-1 through A-18	0.12
B-1 through B-2	10.17	B-1 through B-9	4.83

Notes: cfs = cubic feet per second
Source: PLSA 2020a (see Appendix I-1).

With the proposed on-site improvements and improvements to the existing storm drain system, the project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface water quality or ground water quality. Rather, it would substantially improve upon existing conditions through the on-site capture and treatment of stormwater. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

GROUNDWATER SUPPLIES

Impact 3.8-2 **The project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project would impede sustainable groundwater management of the basin. Impacts would be less than significant.**

Public water service for the project would be provided by the San Dieguito Water District. Water utility improvements would include connection to the public water system. According to SDWD, there are adequate water supplies to serve the project, and the SDWD expects to meet its customer demands during normal, single-dry, and multiple-dry year scenarios (SDWD 2020). The project would therefore not substantially increase demand for groundwater supplies in this regard.

The project does not include the use of groundwater wells or development activities that could otherwise deplete groundwater supplies. Infiltration would be maintained through project design including detention basins and low-impact design requirements of the MS4 permit. This includes management practices, control techniques, system design and engineering methods, and other measures as appropriate.

A static groundwater table was not observed in the excavations performed during this study; however, seepage was observed within on-site alluvial soils at depths of approximately 38 to 49 feet below the existing ground surface (Geocon 2022). Based on the elevation of the project site, anticipated depth to groundwater, and proximity to the ocean, it does not appear that there is a significant hydrologic connection between stormwater infiltration and underlying groundwater

at the project site. Further, the project site is not located within a groundwater basin that is used for water supply or subject to the Sustainable Groundwater Management Act.

Therefore, the project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project would impede sustainable groundwater management of the basin. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

EROSION OR SILTATION

Impact 3.8-3	**The project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site. Impacts would be less than significant.**

The project would not alter the course of a stream or river because such features are not present on-site. However, the project would alter the site from an undeveloped condition to a developed one, thereby resulting in an increase in impervious on-site surface area. However, as stormwater runoff from the site generally sheet flows across the site untreated under current conditions, the proposed improvements (e.g., landscaped areas, stormwater infrastructure) would reduce the potential for erosion and siltation to occur both on-site and off-site, thereby contributing to improved overall stormwater quality.

The project as designed would not substantially alter the existing drainage pattern of the site as the majority of the on-site drainage would be conveyed west under I-5, similar to that which occurs under existing conditions. Further, the project design includes construction of one on-site biofiltration basin to meet the treatment and flow control requirements listed in the City of Encinitas *BMP Manual* for post-construction BMPs.

Implementation of BMPs during construction as required by the SWPPP would ensure that project construction does not result in substantial erosion or siltation on- or off-site. Post-construction BMPs described in the SWQMP would also ensure that development of the project site does not result in erosion or siltation effects over the long term; refer to Appendix I-2.

As discussed in Impact 3.8-1, incorporation of proposed site improvements and BMPs would mitigate peak flows in drainage areas A-1 through A-18 to approximately 0.40 cfs which would alleviate the existing flooding issues on Plato Place during large storm events when compared to existing unmitigated conditions (4.63 cfs); refer to Table 3.8-2, Peak Flow Rate Comparison -

Mitigated (100 Year, 6 Hour). The project would reduce stormwater flow rates for drainage areas B-1 through B-9 to approximately 7.23 cfs as compared to existing unmitigated conditions (14.58 cfs). As such, the project would not substantially alter existing on-site drainage patterns but would instead maintain and improve on-site stormwater drainage; see also Appendix I-1.

For the reasons above, the project would not result in a change in drainage patterns that would cause substantial erosion or siltation on- or off-site, nor substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

FLOODING ON- OR OFF-SITE

Impact 3.8-4	**The project would not substantially alter the existing drainage pattern of the site or area in manner which would substantially increase the rate or amount of surface runoff that would result in flooding on- or off-site. Impacts would be less than significant.**

Refer to Impacts 3.8-1 and 3.8-3 above for discussion of post-development conditions. The general drainage pattern of the site would remain consistent with existing conditions as a majority of the on-site drainage would be conveyed to the existing storm drainage system to the west of I-5. All proposed storm drain improvements would be sized to handle the 100-year storm event. The project also proposes the use of one on-site biofiltration basins to meet treatment and flow control requirements listed in the City of Encinitas *BMP Manual* for post-construction BMPs; refer to Appendices I-1 and I-2. Therefore, the project would not substantially alter on-site drainage patterns, but would instead maintain and improve the existing storm drainage conditions on- and off-site; refer to Table 3.8-2, Mitigated Peak Flow Rate Comparison Table (100 Year, 6 Hour).

The project as designed would not substantially alter the existing drainage pattern of the site or area in manner which would substantially increase the rate or amount of surface runoff that would result in flooding on- or off-site. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

STORMWATER DRAINAGE SYSTEMS AND POLLUTED RUNOFF

Impact 3.8-5	**The project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through addition of impervious surfaces, in a manner which would create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Impacts would be less than significant.**

Refer to Impacts 3.8-1, 3.8-3, and 3.8-4 above. The project does not include the alteration of the course of any stream or river, as no such conditions are present on-site.

The project would not substantially alter existing drainage patterns on-site. As shown in Tables 3.8-1 and 3.8-2, the project would improve stormwater drainage on- and off-site, decreasing the overall rate of stormwater flows from the property. With incorporation of proposed site improvements and BMPs, peak flows in drainage areas A-1 through A-18 would be reduced to approximately 0.12 cfs as compared to existing unmitigated conditions (4.90 cfs). Similarly, the project would reduce stormwater flow rates for drainage areas B-1 through B-9 to approximately 4.83 cfs as compared to existing unmitigated conditions (10.17 cfs). Based on post-development conditions, the project would not substantially alter existing drainage patterns of the project site but would instead maintain and improve existing on-site stormwater drainage and stormwater runoff in a controlled manner. Refer also to Figure 3.8-2, Hydrology – Proposed Condition.

The proposed development and storm drain design would not only be capable of safely conveying the 100-year storm runoff flow, but has included many instruments in the storm drain system design to ensure that the discharge from the project site is properly treated and that runoff would not pose any significant impact or threats to the water quality of the public storm drain system. Furthermore, in accordance with the requirements of the MS4 permit, the on-site bioretention area would serve as flow-control BMPs, and the project would be subject to MS4 permit requirements to reduce polluted stormwater runoff.

The project would not substantially alter existing drainage patterns in a manner that would contribute runoff that would exceed the capacity of the affected stormwater drainage system or provide substantial additional sources of polluted runoff. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

IMPEDE OR REDIRECT FLOOD FLOWS

Impact 3.8-6	**The project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through addition of impervious surfaces, in a manner which would impede or redirect flood flows. Impacts would be less than significant.**

Refer to also to discussion under Impacts 3.8-4 and 3.8-5. The project would not alter the course of a stream or river, as no such features are present on-site. As illustrated on FEMA map panel 06073C1033H, FEMA has not mapped any Special Flood Hazard Areas within the immediate project vicinity, which is designated as being in Zone X (Other Areas) (FEMA 2021). The project site is therefore determined to be outside the FEMA-mapped 100-year floodplain and is therefore not considered to have the potential for substantial flood events.

The project would not substantially alter the existing drainage pattern of the site or area in a manner which would impede or redirect flood flows. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

INUNDATION BY FLOOD, SEICHE, OR TSUNAMI

Impact 3.8-7	**Project implementation would not risk release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones. No impact would occur.**

A seiche is a surface wave created when a body of water is shaken, usually by earthquake activity. Seiches are of concern relative to water storage facilities, because inundation from a seiche can occur if the wave overflows a containment wall, such as the wall of a reservoir, water storage tank, dam, or other artificial body of water. Tsunamis are a type of earthquake-induced flooding that is produced by large-scale sudden disturbances of the sea floor. Tsunamis interact with the shallow sea floor topography upon approaching a landmass, resulting in an increase in wave height and a destructive wave surge into low-lying coastal areas.

According to the California Emergency Management Agency Tsunami Inundation Map for Emergency Planning - County of San Diego-Encinitas Quadrangle, the site is not located in a tsunami inundation area, and therefore, it is not anticipated that inundation due to tsunami would occur (California Emergency Management Agency 2009). In addition, based on the distance and elevational differences between the site and large, open bodies of water, inundation of the site due to a seiche event is not anticipated.

As stated in Impact 3.8-6 above, the project site is located in Zone X, as illustrated on FEMA map panel 06073C1033H, and is outside of a FEMA-mapped 100-year floodplain. The potential for on-site flooding is therefore considered to be low.

As the potential for project inundation relative to flood hazard, tsunami, or seiche zones is low, it is not anticipated that project implementation would risk release of pollutants as the result of such events. **No impact** would occur.

Mitigation Measures: None required.

Level of Significance: No impact.

WATER QUALITY CONTROL PLAN OR SUSTAINABLE GROUNDWATER MANAGEMENT PLAN

Impact 3.8-8	**The project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. Impacts would be less than significant.**

The project site is not located within a groundwater basin that is used for water supply or subject to the Sustainable Groundwater Management Act. Therefore, the project would not conflict with a sustainable groundwater management plan and there would be no impact.

Short-Term Construction

As described under Impacts 3.8-1 and 3.8-3, the project applicant would prepare and implement a SWPPP that would manage stormwater runoff during construction activities. The SWPPP would contain a site map(s) which shows the construction site perimeter, existing and proposed buildings, roadways, stormwater collection and discharge points, general topography both before and after construction, and drainage patterns across the project.

A sediment monitoring plan would be prepared and implemented during project construction as runoff from the site has the potential to discharge directly to Batiquitos Lagoon, which is listed on the 303(d) list for toxicity in sediment. Therefore, with implementation of BMPs, and chemical and sediment monitoring during construction as required by the SWPPP, water quality impacts would be reduced or avoided.

Additionally, seepage was encountered within the alluvial soils located below the previously placed fill in the southern portion of the site. The seepage elevations varied from approximately 38 to 49 feet below the existing ground surface and appeared to be perched within the lower 12 feet of the alluvium. Some perched seepage was also observed within the Santiago Formation. Groundwater/seepage conditions are dependent on seasonal precipitation, irrigation, and land use, among other factors, and vary as a result. A static groundwater table was not observed in

the excavations performed (Geocon 2022). If dewatering is required during project construction, all such activities would occur in conformance with applicable local and state regulations to ensure that water quality is maintained.

Project construction would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. Short-term impacts would be **less than significant**.

Post-Construction/Long-Term Occupancy and Operations

As described in Impacts 3.8-1, 3.8-3, and 3.8-5, the project has been designed to include control requirements listed in the City of Encinitas *BMP Manual* for post-construction BMPs.

The project has been designed to redirect and capture stormwater runoff associated with the post-construction condition for the project. Water quality pollutant control BMPs with performance standards consistent with City and MS4 requirements would also be required.

As described in the environmental setting above, the Basin Plan designates numerous beneficial uses for Batiquitos Lagoon. The Basin Plan establishes WQOs for inland waters and groundwater that are protective of the designated uses for high priority issues. No Basin Plan WQOs have been established for Batiquitos Lagoon. Similarly, no goals or water quality improvement strategies to address lagoon water quality have been established within the Carlsbad WQIP or the City's JRMP. For these reasons, the project would not obstruct the ability to meeting Basin Plan WQOs.

The project would not conflict with a water quality control plan or sustainable groundwater management plan. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

CUMULATIVE IMPACTS

Impact 3.8-9	**Implementation of the project would not result in a significant cumulative impact to hydrology and water quality. Impacts would be less than cumulatively considerable.**

Geographic Scope

The geographic scope for cumulative hydrology and water quality impacts includes the areas surrounding the project site, surrounding watershed, underlying groundwater aquifer, and tributaries to the ocean.

Cumulative impacts to hydrology and water quality generally occur as a result of incremental changes that degrade water quality. Cumulative impacts can also include individual projects which, when taken together, adversely contribute to drainage flows or increase potential for flooding in a project area or watershed. Tables 3.0-1 and 3.0-2 and Figure 3.0-1 in Section 3.0 of this EIR identify the cumulative projects considered in this evaluation.

Potential Cumulative Impacts

Future development that could contribute to a cumulative hydrology and water quality impact would be subject to the same requirements as the proposed project and would be required to apply with the San Diego RWQCB for an NPDES permit, which would include implementation of BMPs to prevent water quality impacts during construction and operation. Further, there are several other regional initiatives that are being implemented to meet water quality objectives, reduce pollutant loads, address high-priority pollutants and improve surface water quality within the Carlsbad watershed.

With incorporation of proposed site improvements and BMPs, the mitigated peak flow for drainage areas A-1 through A-18 would be approximately 0.12 cfs when compared to existing unmitigated conditions (4.90 cfs); refer to Table 3.8-2, Peak Flow Rate Comparison - Mitigated (100 Year, 6 Hour). Similarly, the project would reduce stormwater flow rates for drainage areas B-1 through B-9 to approximately 4.83 cfs as compared to existing unmitigated conditions (10.17 cfs). As such, the project would not substantially alter existing drainage patterns of the project site but would instead maintain and improve existing on-site stormwater drainage patterns (see also Appendices I-1 and I-2). Other cumulative projects would be required to implement similar project design features to ensure implementation of the cumulative projects does not result in off-site impacts. Cumulative projects would also be subject to MS4 permit requirements to reduce polluted stormwater runoff (see Appendix I-2).

Therefore, cumulative impacts related to hydrology and water quality are considered to be less than significant. The project's contribution to a cumulative impact would be **less than cumulatively considerable**.

Mitigation Measures: None required.

Level of Significance: Less than cumulatively considerable.

Section 3.9
Land Use and Planning

This section addresses the existing land use and planning conditions of the affected environment and evaluates project consistency with applicable environmental goals and policies. Analysis in this section draws upon data in the *City of Encinitas General Plan* (City of Encinitas 1991) and the *City of Encinitas 2013-2021 Housing Element Update Environmental Assessment* (City of Encinitas 2018).

ENVIRONMENTAL SETTING

The project site is located northeast of the intersection of Piraeus Street and Plato Place, in the Leucadia community of Encinitas. The site is bordered by Plato Place to the south and Piraeus Street to the west. Surrounding land uses include single-family residences directly to the east and at a distance to the southeast/south; Piraeus Street and I-5 to the west; and vacant land and Sky Loft Road to the north. La Costa Avenue is located adjacent to the north of the off-site preserve area.

The site is located on the eastern side of a drainage that empties into Batiquitos Lagoon to the north, at the western edge of a developed suburban neighborhood setting, and just east of the northbound I-5 freeway. The property is currently undeveloped, vacant land, with a mix of vegetation communities.

The project site is comprised of County assessor parcel number (APN) 254-144-01-00, which is approximately 6.88 acres in size. The proposed off-site preserve area would be comprised of APN 216-110-35-00; residential development would occur on APN 254-144-01-00.

The City of Encinitas General Plan land use and zoning designations for the subject property are Rural Residential 2 (RR-2), with an R-30 overlay covering the project site as part of the City's General Plan Housing Element. Per the R-30 overlay zone that applies to this parcel, up to 161 residential units could be developed without application of allowances under state Density Bonus laws (5.36 net acres x 30 DU/acre). With the application of a density bonus, the project could support up to 310 homes [(6.88 gross acres x 30 DU/acre) x 1.5 density bonus]. Additionally, the project site is within the coastal zone, placing it under the jurisdiction of the Coastal Commission and the Local Coastal Program (LCP). No changes to the existing land use or zoning are required or proposed to allow for project implementation.

REGULATORY FRAMEWORK

State

California Planning and Zoning Law

California Planning and Zoning Law, Government Code Sections 65000–66499.58 set forth the legal framework in which California cities and counties exercise local planning and land use functions. Under state planning law, each city and county must adopt a comprehensive, long-term general plan. State law gives cities and counties wide latitude in how a jurisdiction may create a general plan, but there are fundamental requirements that must be met. These requirements comprise the inclusion of seven mandatory elements described in the Government Code, including a section on land use. Each of the elements must contain text and descriptions setting forth objectives, principles, standards, policies, and plan proposals; diagrams and maps that incorporate data and analysis; and mitigation measures. The City of Encinitas General Plan is summarized below.

Regional

2050 Regional Transportation Plan and Sustainable Communities Strategy

Regional Transportation Plans (RTPs) are developed to identify regional transportation goals, objectives, and strategies. Such plans are required to be prepared in conformance with the goals of Senate Bill (SB) 375 aimed at reducing regional greenhouse gas emissions from automobiles and light-duty trucks through changes in land use and transportation development patterns.

The San Diego Association of Governments (SANDAG) serves as the Regional Transportation Agency for the Southern California region and is therefore required to adopt and submit an updated RTP to the California Transportation Commission and Caltrans every 4 to 5 years, based on regional air quality attainment status. Working with local governments, SANDAG is required by federal law to prepare and implement an RTP that identifies anticipated regional transportation system needs and prioritizes future transportation projects.

The 2050 Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS) provides guidance for investing an estimated $208 billion in local, state, and federal transportation funds anticipated to be available within the San Diego region over the next three decades. The 2050 RTP plans for a regional transportation system that enhances quality of life, promotes sustainability, and offers varied mobility options for both goods and people. The plan addresses improvements for transit, rail and bus service, express and managed lanes, highways, local streets, bicycling, and walking to achieve an integrated, multimodal transportation system by 2050. In accordance with the requirements of SB 375, the plan includes a Sustainable

Communities Strategy that provides regional guidance for reduction of GHG emissions to state-mandated levels over upcoming years. The 2050 RTP/SCS are components of *San Diego Forward: The Regional Plan*, adopted by SANDAG in 2019.

Local

City of Encinitas General Plan and Certified Local Coastal Program

The City of Encinitas General Plan serves as a policy document that provides long-range guidance to City officials responsible for decision-making with regard to the City's future growth and long-term protection of its resources. The General Plan is intended to ensure decisions made by the City conform to long-range goals established to protect and further the public interest as the City continues to grow and to minimize adverse effects potentially occurring with ultimate buildout. The City of Encinitas General Plan also provides guidance to ensure that future development conforms to the City's established plans, objectives, and/or policies, as appropriate.

The California Coastal Act (Public Resources Code Section 30000 et seq.) is intended to protect the natural and scenic resources of the Coastal Zone. All local governments located wholly or partially within the Coastal Zone are required to prepare a Local Coastal Plan (LCP) for those areas of the Coastal Zone within its jurisdiction. More than half of Encinitas lies within the boundaries of the California Coastal Zone (approximately 7,875 acres of a total 13,266 acres in the City).

The City of Encinitas General Plan includes issues and policies related to California Coastal Act requirements; therefore, the City of Encinitas General Plan serves as an LCP Land Use Plan for the City. The LCP incorporates land use plans for future development in the Coastal Zone, provisions of the City's Zoning Regulations, zone overlays for sensitive resources, and other implementing measures to ensure the protection of coastal resources. Projects within the Coastal Zone Overlay are subject certain design restrictions for developing in the Coastal Zone (building height limits, retaining view corridors, maintaining coastal access, protection of coastal resources, etc.).

The state's goals for the Coastal Zone include the following:

- Protect, maintain, and where feasible, enhance and restore the overall quality of the Coastal Zone environment and its natural and artificial resources.
- Assure orderly, balanced utilization and conservation of Coastal Zone resources taking into account the social and economic needs of the people of the state.

- Maximize public access to and along the coast and maximize public recreational opportunities in the Coastal Zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners.

- Assure priority for coastal-dependent and coastal-related development over other development on the coast.

- Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the Coastal Zone.

For those lands located within the Coastal Zone, any conflicts that occur between the Land Use Plan and any policy or provision of the General Plan that is not a part of the LCP, the Land Use Plan takes precedence. Any such conflicts shall result in identifying a resolution that achieves the highest degree of protection for resources in the Coastal Zone.

General Plan and LCP goals and policies applicable to the project include the following:

Land Use Element

Policy 1.13: In areas identified as susceptible to brush or wildfire hazard, the City shall provide for construction standards to reduce structural susceptibility and increase protection. Brush clearance around structures for fire safety shall not exceed a 30-foot perimeter in areas of native or significant brush, and as provided by Resource Management Policy 10.1.

GOAL 3: **To assure successful planning for future facilities and services, and a proper balance of uses within the City, the City of Encinitas will establish and maintain a maximum density and intensity of residential and commercial uses of land within the City which will:**

a) provide a balance of commercial and residential uses which creates and maintains the quality of life and small-town character of the individual communities; and

b) protect and enhance the City' s natural resources and indigenous wildlife.

GOAL 6: **Every effort shall be made to ensure that the existing desirable character of the communities is maintained.**

Policy 6.5: The design of future development shall consider the constraints and opportunities that are provided by adjacent existing development. (Coastal Act/30251)

GOAL 7: Development in the community should provide an identity for the City while maintaining the unique identity of the individual communities.

Policy 7.6: Private development shall coordinate with street/public improvements, i.e. streetscape, landscape, site design and the like.

GOAL 8: Environmentally and topographically sensitive and constrained areas within the City shall be preserved to the greatest extent possible to minimize the risks associated with development in these areas. (Coastal Act/30240/30253) Goal 8 amended 5111195 (Reso. 95- 32)

GOAL 9: Preserve the existence of present natural open spaces, slopes, bluffs, lagoon areas, and maintain the sense of spaciousness and semirural living within the I-5 View Corridor and within other view corridors, scenic highways, and vista/viewsheds as identified in the Resource Management Element. (Coastal Act/30240/30251)

Resource Management Element

Policy 10.1: The City will minimize development impacts on coastal mixed chapparal and coastal sage scrub environmentally sensitive habitats by preserving within the inland bluff and hillside systems, all native vegetation natural slopes of 25% grade and over other than manufactured slopes. A deviation from this policy may be permitted only upon a finding that strict application thereof would preclude any reasonable use of the property (one dwelling unit per lot). This policy shall not apply to construction of roads of the City's circulation element, except to the extent that adverse impacts on habitat should be minimized to the degree feasible. Encroachments for any purpose, including fire break brush clearance around structures, shall be limited as specified in Public Safety Policy 1.2, brush clearance, when allowed in an area of sensitive habitat or vegetation, shall be conducted by selective hand clearance (Coastal Act/30240/30250/30251/30253).

Additionally, the Resource Management Element of the City's General Plan identifies a number of visual resources within the City's boundaries that are considered to contribute to the scenic quality of the local Encinitas community as well as the larger region. The Resource Management

Element identifies a variety of scenic vista points, defines critical viewsheds, and identifies scenic roadways and scenic view corridors (City of Encinitas 2016).

The Resource Management Element identifies two proposed "scenic vista points" within the vicinity of the project site; one at the northwest corner of I-5/La Costa Avenue (southbound off-ramp) and one at the northeast corner of I-5/La Costa Avenue (northbound on-ramp); refer to Figure 3.1-1A, Scenic Resources. The Resource Management Element identifies these points as those "to be acquired and developed" (City of Encinitas 2016). These vista points lie off-site to the north of the subject property.

Additionally, the City's Resource Management Element requires the City to designate Scenic/Visual Corridor Overlay areas within which the character of proposed development is regulated to protect the integrity of the City's designated vista points (e.g., the potential vista points to the north of the project site). Critical viewsheds are defined in the Resource Management Element as those areas that extend radially for approximately 2,000 feet from the vista point and cover areas upon which development could potentially obstruct, limit, or degrade the view (City of Encinitas 2016).

Interstate 5 is identified as a designated Scenic View Corridor in the vicinity of the project site (City of Encinitas 2016; refer to Figure 3.1-1A, Scenic Resources). Development within such critical viewshed areas is subject to City design review to ensure that building height, bulk, roofline, color, and scale do not limit or degrade existing views and that landscaping is used to screen undesirable views. Additionally, La Costa Avenue from just west of I-5 to El Camino Real is designated by the City as being a scenic road (City of Encinitas 2016; see Figure 3.1-1A).

The Resource Management Element also designates "Station White," located approximately 0.34 miles east of the project site, as a historic viewshed (City of Encinitas 2016). Station White is located directly east of Gascony Road and is identified by the City as a historic overlook that served as an observation post during World War II, due to the clear views it provided to the Pacific Ocean.

Public Safety Element

Policy 1.2: Restrict development in those areas where slope exceeds 25% as specified in the Hillside/Inland Bluff overlay zone regulations of the zoning code. Encroachment into slopes as detailed in the Hillside/Inland Bluff overlay may range from 0 percent to a maximum of 20 percent, based on a sliding scale of encroachment allowances reflective of the amount of the property within steep slopes, upon the discretionary judgement that there is no feasible alternative siting or design which eliminates or substantially reduces the need for such encroachment, and it is found that the bulk and

scale of the proposed structure has been minimized to the greatest extent feasible and such encroachment is necessary for minimum site development and that the maximum contiguous area of sensitive slopes shall be preserved. Within the Coastal Zone and for the purposes of this section, "encroachment" shall constitute any activity which involves grading, construction, placement of structures or materials, paving, removal of native vegetation including clear-cutting for brush management purposes, or other operations which would render the area incapable of supporting native vegetation or being used as wildlife habitat. Modification from this policy may be made upon the finding that strict application of this policy would preclude any reasonable use of property (one dwelling unit per legal parcel). Exceptions may also be made for development of circulation element roads, local public streets or private roads and driveways which are necessary for access to the more developable portions of a site on slopes of less than 25% grade, and other vital public facilities, but only to the extent that no other feasible alternatives exist, and minimum disruption to the natural slope is made. Policy 1.2 amended 5/11/95 (Reso. 95-32).

Policy 1.3: In areas identified as susceptible to brush or wildfire hazard, the City shall provide for construction standards to reduce structural susceptibility and increase protection. Brush clearance around structures for fire safety shall not exceed a 30-foot perimeter in areas of native or significant brush, and as provided by Resource Management Policy 10.1.

City of Encinitas Housing Element 2019

In March 2019, the City Council adopted the Housing Element Update (HEU) which provides the City with a coordinated and comprehensive strategy for promoting the production of safe, decent, and affordable housing for all within the City. The purpose of the HEU is to ensure the City establishes policies, procedures, and incentives to increase the quality and quantity of the housing supply in the City.

The HEU includes the 2013-2021 Housing Element Update and a series of discretionary actions to update and implement the City's Housing Element. As part of the approvals, the project site was designated with an R-30 overlay (maximum 30 dwelling units per net acre). Relevant policies and goals related to land use and planning are provided below.

GOAL 3: **The City will encourage the maintenance and preservation of the existing housing stock as well as quality design in new housing.**

Policy 3.1: Where determined to be dangerous to the public health and safety, substandard units in the City shall be repaired so that they will comply with the applicable building, safety and housing codes. When compliance through repair is not or cannot be achieved, abatement of substandard units shall be achieved.

Policy 3.2: Enforce the building, safety and housing codes through vigorous code enforcement efforts.

City of Encinitas Municipal Code

As part of the City's Municipal Code, the Zoning Regulations (Title 30) are used as an implementation mechanism for achieving the goals, objectives, and policies identified in the General Plan. While the General Plan land use designations provide basic criteria and guidelines for future development in the City, specific development standards are included in the Zoning Regulations to better define such guidelines. The land use designations identified in the General Plan Land Use Element correspond to the boundaries of one or more zoning districts identified on the City's Zoning Map (i.e., specific plan areas).

The City's Municipal Code establishes noise criteria to prevent noise and vibration that may jeopardize the health or welfare of the City's citizens or degrade their quality of life. Chapter 9.32, Noise Abatement and Control, and Chapter 30.40, Performance Standards, establish property line noise level limits. These limits apply to existing uses, but also apply to future uses and are used for evaluating potential impacts of future on-site generated noise levels.

As stated in Section 30.40.10 of the Municipal Code, "Every use shall be so operated that the noise generated does not exceed the following levels at or beyond the lot line and does not exceed the limits of any adjacent zone." Additionally, Section 30.40.10 (B) of the Municipal Code identifies property line ground vibration limits. The Code states that "Every use shall be so operated that the ground vibration generated at any time and measured at any point along the lot line of the lot on which the use is located shall not be perceptible and shall not exceed the limits of any adjacent zone."

Special Study Overlay Zone

The project site is located within a Special Study Overlay Zone. The Special Study Overlay designation is used for preserving environmentally significant areas, as well as indicate those areas where development standards will be more stringent to minimize potential hazards to future development. A special study is required within this zone to assess the slopes on-site.

The Hillside/Inland Bluff Overlay Zone regulations apply to all areas within the Special Study Overlay Zone where site-specific slope analysis indicates that 10 percent or more of the natural

area of a parcel of land exceeds 25 percent slope. A site-specific slope analysis has been performed for the project area.

Scenic/Visual Corridor Overlay Zone

Section 30.34.080, Scenic/Visual Corridor Overlay Zone, of the Municipal Code provides provisions for lands located within the City's Scenic/Visual Corridor Overlay Zone. The zone applies to all properties within the scenic view corridor along scenic highways and adjacent to significant viewsheds and vista points as identified on the visual resource sensitivity map of the General Plan Resource Management Element. Development within the overlay zone is subject to consideration for overall visual impact of the proposed project and conditions or limitations on project bulk, mass, height, architectural design, and grading. Other visual factors may also be applied to design review approval and shall be applied to coastal development permit approval.

City of Encinitas Climate Action Plan (CAP)

The City's Climate Action Plan (CAP) was adopted in January 2018 and was most recently updated and adopted on November 18, 2020. The CAP serves as a guiding document and outlines a course of action for community and municipal operations to reduce GHG emissions and the potential impacts of climate change within the jurisdiction. The CAP benchmarks GHG emissions in 2012 and identifies what reductions are required to meet GHG reduction targets based on state goals embodied in AB 32. The 2020 CAP Update incorporates the HEU residential units into the business-as-usual projection and legislatively adjusted projection and presents associated updates and revisions to the CAP measures. The CAP aims to achieve local community wide GHG reduction targets of 13 percent below 2012 levels by 2020 and 44 percent below 2012 levels by 2030.

To achieve these objectives, the CAP identifies a summary of baseline GHG emissions and the potential growth of these emissions over time; the expected climate change effects on the City; GHG emissions reduction targets and goals to reduce the community's contribution to global warming; and identification of strategies, specific actions, and supporting measures to comply with statewide GHG reduction targets and goals, along with strategies to help the community adapt to climate change impacts.

As part of the CAP implementation, each strategy, action, and supporting measure will be continually assessed and monitored. Reporting on the status of implementation of these strategies, periodic updates to the GHG emissions inventory, and other monitoring activities will help ensure that the CAP is making progress.

STANDARDS OF SIGNIFICANCE

Thresholds of Significance

The following thresholds of significance are based, in part, on CEQA Guidelines Appendix G. For the purposes of this EIR, the project would have a significant adverse impact related to land use if it would:

1. Physically divide an established community.
2. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

PROJECT IMPACTS AND MITIGATION

PHYSICALLY DIVIDE AN ESTABLISHED COMMUNITY

Impact 3.9-1	**The project would not physically divide an established community. Impacts would be less than significant.**

The project site is currently undeveloped, vacant land and is characterized predominantly by several vegetation communities. The project site is bordered by single-family residences directly to the east and at a distance to the southeast/south; Piraeus Street and I-5 to the west; and vacant land and Sky Loft Road to the north. As discussed, the off-site preserve area would be preserved in perpetuity and left in its current state in order to mitigate for biological resource impacts resulting with project implementation. The project site would be located entirely on the southern parcel and would serve as a visual extension of similar existing residential uses to the east and south of the project site.

Interior circulation is proposed via a two-lane, 26-foot-wide interior roadway that would extend through the site and provide connection between existing Piraeus Street and Plato Place. The main roadway, along with internal/emergency access drives would provide vehicular access to the residential units and on-site recreational amenities.

Pedestrian connections between the residential uses and the pool and common areas would be provided by an on-site community paseo with enhanced hardscape and landscape plantings within the interior of the site. Sidewalks or pathways would be constructed along the on-site drives and along the frontage on Piraeus Street and Plato Place. The project would not eliminate or obstruct any means of pedestrian access or circulation within the project vicinity, as the proposed pedestrian pathways would provide a link to the existing off-site sidewalk system.

The project design includes a variety of walls and fences within the property. Construction of a number of concrete masonry retaining walls are proposed along the majority of the northern, eastern, southern, and western boundaries of the development area. The proposed walls and fences are depicted in Figure 2.0-6, Wall and Fencing Plan. However, these elements would not create physical barriers to existing access to/from the subject site, other properties in the area, or adversely affect established vehicular or pedestrian circulation patterns or access.

Ornamental landscaping would be planted along the eastern, southern, and western project perimeters to visually enhance the development and provide a buffer from adjacent uses. Additionally, limited landscaping would be planted along the northern boundary of the project site, between the development and the proposed off-site preserve area to provide a buffer and serve as a transition between the development and the natural open space. Such improvements would not directly or indirectly result in division of the surrounding neighborhood.

The project does not propose the construction of new infrastructure through surrounding residential areas that may divide an established community, due to the project's location and proximity to major roadways and existing infrastructure systems already serving the area. All off-site improvements proposed are within or adjacent to existing rights-of-way as described in Section 3.12, Transportation, and Section 3.14, Utilities and Service Systems.

Lastly, the project's potential to result in indirect growth or induce additional growth that may divide an established community is addressed in Section 6.3, Growth Inducing Impacts. As determined therein, the project would not remove barriers to growth, generate extraordinary economic growth, generate an indirect inducement to significant growth, be a precedent setting action, or encroach into open space. Therefore, the project would not result in indirect growth or induce additional growth that may divide an established community.

For the reasons above, the project would not physically divide an established community. Impacts would be **less than significant.**

Mitigation Measures: None required.

Level of Significance: Less than significant.

CONFLICT WITH AN APPLICABLE PLAN

Impact 3.9-2	**The project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Impacts would be less than significant.**

General Plan 2019 Housing Element Update

Under the 2019 HEU, the project site was identified as the "Cannon Property (Piraeus) - Site Number 02." The project site currently has a General Plan land use designation of R30 OL (Residential 30 Overlay) and RR2 (Rural Residential; 1.01-2.00 dwelling units per acre) and is zoned RR2 with a R-30 overlay zone as part of the City's Housing Element. Per the R-30 overlay zone that applies to this parcel, up to 161 residential units could be developed without application of allowances under state Density Bonus laws (5.36 net acres x 30 DU/acre). With the application of a density bonus, the project could support up to 310 homes [(6.88 gross acres x 30 DU/acre) x 1.5 density bonus]. No changes to the existing land use or zoning are required or proposed to allow for project implementation.

The proposed development would consist of 52 one-bedroom homes, 37 two-bedroom homes, and 60 three-bedroom homes for a total of 149 residential units, which would be built within 16 individual three-story residential buildings. The 149 multi-family residential units proposed with the project would therefore be within the allowable unit count as identified in the HEU.

On October 8, 2019, the City received certification from the State Department of Housing and Community Development (HCD) which confirmed the HEU was compliant with the state's requirements (Department of Housing and Community Development 2019). As stated in its certification letter, HCD concluded:

> *All approvals necessary to implement appropriate zoning and development standards, including California Coastal Commission (CCC) approval of an LCP amendment, are required to find Encinitas' Housing Element compliant with state Housing Element law (Article 10.6 of the Government Code). The September 16, 2019 correspondence, and associated documentation satisfy the requirements described in HCD's reviews. As a result, the March 13, 2019 adopted Housing Element complies with state Housing Element law (Article 10.6 of the Government Code).*

Relative to the Development Standards and Policies, the project would be consistent with the standards as determined by City review of the project's proposed components. The project would adhere to state Density Bonus Law by providing 15 "very low" income units (affordable to households earning no more than 50 percent of the area median income), which represents

approximately 10 percent of the overall unit count. While this allows the project to utilize the maximum density bonus (up to a 50 percent increase in unit count), the project is not proposing to utilize Density Bonus Law to increase the unit density on-site.

Density Bonus Law allows projects to utilize up to three concessions and unlimited waivers. The project requests one incentive which is to eliminate the City's undergrounding utilities requirement for existing overhead utilities, pursuant to Encinitas Municipal Code Section 23.36.120. All existing San Diego Gas & Electric utility poles that currently surround the project site are 12 kilovolt and would typically be required to be undergrounded. However, the undergrounding of those utilities would involve substantial improvement costs, and the cost savings associated with this incentive request would enable the project to instead provide for deed-restricted affordable housing on-site. Additionally, the project requires a waiver as the project exceeds the allowable encroachment into steep slopes pursuant to Encinitas Municipal Code Section 30.34.030 (Hillside/Inland Bluff Overlay Zone). The project requires an approximately 40% encroachment into steep slope areas; without City approval of the waiver, the project footprint would be substantially reduced, thereby impacting the project's ability to provide for deed-restricted affordable housing on-site; refer also to discussion under City of Encinitas Municipal Code, below.

For the reasons above, the project would not conflict with the General Plan HEU relative to avoidance or mitigation of an environmental effect. Impacts would be less than significant.

City of Encinitas General Plan and Certified Local Coastal Program

The City of Encinitas General Plan includes issues and policies related to California Coastal Act requirements; therefore, the City of Encinitas General Plan serves as an LCP Land Use Plan for the City. The LCP incorporates land use plans for future development in the Coastal Zone, provisions of the City's Zoning Regulations, zone overlays for sensitive resources, and other implementing measures to ensure the protection of coastal resources. For those lands located within the Coastal Zone, any conflicts that occur between the Land Use Plan and any policy or provision of the General Plan that is not a part of the LCP, the Land Use Plan takes precedence. Any such conflicts shall result in identifying a resolution that achieves the highest degree of protection for resources in the Coastal Zone.

The City is responsible for the issuance of Coastal Development Permits within the Coastal Zone, excluding submerged lands, tidelands, or public trust lands. Relative to the City's LCP, subsequent to the City's approval of the HEU, the City processed an amendment to update the City's LCP to include the HEU sites. On September 11, 2019, the HEU was approved by the California Coastal Commission. The following excerpts are specific to the project site, where the Coastal Commission found that (CCC 2019):

Cannon Property (Piraeus) (Site 2) - This site is a vacant property located at the corner of Piraeus Street and Plato Place, both of which are two-lane local streets. The southern portion of the site is flat due to previous grading, with the majority of the rest of the site sloping up towards a flat pad on the northeast corner. Some mature trees and vegetation are on the northern portion of the site. The land use classification of the site is Rural Residential 2 (RR2)…

…Three of the sites were identified as having sensitive vegetative communities, including the Cannon property (Site 2), the Encinitas Blvd and Quail Gardens Sites (Site 5), and Sage Canyon (Site AD1). Additionally, Sage Canyon was identified as having wetlands on-site. All future development on sites with coastal sage scrub or wetlands will be subject to the certified LCP policies as well as mitigation measures within the EA, which includes avoidance and minimization measures for impacts to vegetation communities from grading and development, as well as suitable mitigation in accordance with the North County Multiple Habitat Conservation Program…

…While a number of the inventoried sites to be re-designated have lower density land use designations (in some cases, significantly lower, as is the case with the Cannon Property, Echter Property, and Greek Church Parcel), the R-30 Overlay is intended to respect neighborhood character, be compatible with community specific settings and provide reasonable transitions between existing residences and potential development sites. All of the sites are located within, contiguous with, or in close proximity to, existing developed areas…

…Ten of the thirteen sites within the Coastal Zone overlap with scenic resources, whether it is a view corridor, critical viewshed, or is located along a scenic road. Review of site locations reveal that development will occur in areas that will not impede coastal views. The Cannon property (Site 2), for example, is located within the I-5 Scenic Corridor and Critical Viewshed for two viewpoints along I-5 and La Costa Avenue. However, the development is proposed to occur on the inland side of the vista points, and the site itself is upslope of the I-5 Corridor and will therefore not impact scenic views.

The project would be subject to the certified LCP policies as well as mitigation measures for sensitive vegetation communities, which include avoidance and minimization measures for impacts to vegetation communities from grading and development, as well as suitable mitigation in accordance with the North County Multiple Habitat Conservation Program; refer Section 3.3, Biological Resources. The development would also be consistent with the existing character of the area and community, and would not impede coastal views as it would be located on the inland side of identified viewpoints within the vicinity; refer to Section 3.1, Aesthetics.

In reference to the City's General Plan policies Resource Management Element 10.1 and Public Safety Element 1.2, the City may only deviate from these policies if the strict application thereof would preclude "any reasonable use of the property." It is worth noting here that – different from other properties in the City – Housing Element sites must build a minimum residential unit count as disclosed in the Housing Element, and that minimum residential unit count is determined based on applying the minimum allowable density of 25 units per acre. As such, "any reasonable use of the property" for a Housing Element site is interpreted as achieving the minimum allowable residential yield.

If the strict application of Resource Management Element 10.1 and Public Safety Element 1.2 would preclude a developer from attaining the minimum residential yield required by the Housing Element, the City may deviate from this policy. This is the case the City is faced with on these Housing Element projects, and as such, a deviation from the policy is warranted.

In reference to the City's General Plan policies Land Use Element 1.13 and Public Safety Element 1.3, the project must deviate from these policies as stated in Section 10.04.010 of the Municipal Code. In 2018, the City adopted the 2018 International Fire Code and 2019 California Fire Code as the Fire Code for the City of Encinitas to regulate and govern the safeguarding of life and property from fire hazards and related events. Section 10.02.010, Fire Map, of the Municipal Code identifies those land areas within the City considered to be Very High Fire Hazard Severity Zones, and therefore, to be at greater risk for potential wildfire occurrence. As a result, a 100 foot Fuel Modification Zone is required in order to ensure public safety.

For these reasons, land use conflicts within the R-30 Overlay zone, in which the project site is located, would be minimized in accordance with Section 30242 of the Coastal Act, and as such, the CCC found the City's HEU to be consistent with the relevant policies of the CCC. Because the project is consistent with the 2019 HEU, the project would not conflict with any land use plan, policy, or regulation adopted by the CCC.

Additionally, the off-site preserve area (APN 216-110-35) is not identified in the HEU and was therefore not included in the evaluation herein of HEU consistency with the Coastal Act. However, this parcel is similarly subject to the Coastal Overlay Zone. As the parcel would remain in its natural state, no development would occur that would substantially degrade the scenic quality of any coastal resources or the character of designated scenic views in the area. No conflict with the Coastal Act would result in this regard.

The project site would also be subject to the Scenic/Visual Corridor Overlay Zone for the protection of visual resources; see additional discussion of project conformance provided below under City of Encinitas Municipal Code. Interstate 5 is identified as a designated Scenic View Corridor in the vicinity of the project site (City of Encinitas 2016; refer to Figure 3.1-1A, Scenic

Resources). Development within such critical viewshed areas is subject to City design review to ensure that building height, bulk, roofline, color, and scale do not limit or degrade existing views and that landscaping is used to screen undesirable views.

Additionally, La Costa Avenue from just west of I-5 to El Camino Real is designated by the City as being a scenic road (City of Encinitas 2016; see Figure 3.1-1A). The project would be subject to discretionary review to ensure that design standards are met and that no adverse effects on the City's designated scenic resources result with project implementation; refer also to analysis in Section 3.1, Aesthetics. Further, the project would be in conformance with maximum height allowances of the Coastal Zone, and no conflict would occur.

As stated previously, the Resource Management Element identifies two proposed "scenic vista points" within the vicinity of the project site; one at the northwest corner of I-5/La Costa Avenue (southbound off-ramp) and one at the northeast corner of I-5/La Costa Avenue (northbound on-ramp). Additionally, the City's Resource Management Element requires the City to designate Scenic/Visual Corridor Overlay areas within which the character of proposed development is regulated to protect the integrity of the City's designated vista points (i.e., the potential vista points to the north of the project site). Critical viewsheds are defined in the Resource Management Element as those areas that extend radially for approximately 2,000 feet from the vista point and cover areas upon which development could potentially obstruct, limit, or degrade the view (City of Encinitas 2016). As stated, the project would be subject to City discretionary review to ensure conformance with applicable design regulations within these areas adopted for the long-term protection of designated scenic resources.

Relative to the LCP, the project as designed would maintain coastal access while providing increased connectivity to the existing pedestrian network through proposed sidewalk improvements along Piraeus Street and Plato Place. The project would not create new access restrictions or eliminate existing circulation patterns, thereby allowing residents and visitors continued access to the beach to the west of the site (across I-5). Through conformance with the General Plan and LCP goals and policies (see also Regulatory Framework section above), the project would provide continued protection of the City's coastal resources.

Additionally, as discussed in Section 3.15, Wildfire, the project site is identified as being within a very high fire hazard severity zone within the Local Responsibility Area for the City of Encinitas (City of Encinitas n.d.) and therefore requires management measures to ensure that the risk of wildfire events or spread is reduced to the maximum extent feasible. Policy 1.13 of the City's General Plan requires that, in areas identified as susceptible to brush or wildfire hazard, the City shall provide for construction standards to reduce structural susceptibility and increase protection. Further, brush clearance around structures for fire safety shall not exceed a 30-foot perimeter in areas of native or significant brush, and as provided by Resource Management Policy

10.1. Brush management zones would be provided with the project consistent with the measures recommended in the site-specific Fire Protection Plan prepared by FIREWISE (2022; see Appendix O) and as required by the Encinitas Fire Department. Zone 1A (Irrigated Zone) would be maintained by the homeowners association (HOA) and would include an irrigated landscaped zone typically 50 feet in width from each proposed structure, with combustible building materials prohibited within the zone. Zone 1B (Irrigated Zone) would include an irrigated landscaped zone up to 50 feet in width, located on lands that are publicly owned but maintained by the HOA (including manufactured slopes located more than 50 feet from a structure). Zone 2 (Thinning Zone) would be HOA maintained and begin on the north side of the proposed retaining wall located to the north of the northernmost on-site buildings and extending northward for a distance of 80 feet from the front of each building face.

As the proposed brush management zones are intended to reduce the potential for wildfire risk and slow wildfire spread, such improvements would not exacerbate fire risk or result in temporary or ongoing impacts to the environment; refer also to Section 3.3, Biological Resources, for evaluation of potential effects of vegetation removal on-site. The project would be consistent with General Plan Policy 1.13 in that it would incorporate construction standards to reduce structural susceptibility and increase wildfire protection; refer to Appendix O. Although the project would maintain brush clearance zones around structures for fire safety that would exceed a 30-foot perimeter in areas of native or significant brush, such measures were determined to be required, in combination with required construction features described in the Fire Protection Plan and as required by the City of Encinitas Fire Department, to adequately mitigate any radiant heat or direct flame impingement under a worst-case weather and fuels scenario. As such, the project would be consistent with site-specific requirements, as determined by the relevant agencies, and is not considered to cause a significant environmental impact due to a conflict with the General Plan or related policies adopted for the purpose of avoiding or mitigating an environmental effect.

For the reasons above, the project would not conflict with the General Plan or LCP relative to avoidance or mitigation of an environmental effect. Impacts would be less than significant.

City of Encinitas Municipal Code

The off-site preserve area is zoned RR1 (1 dwelling unit per acre maximum) and RR2 (2 dwelling units per acre maximum); no development is proposed on the off-site preserve area, and therefore, no conflict with the Municipal Code would occur. The project site is zoned RR2 with a R-30 overlay zone as part of the City's Housing Element. Per the R-30 overlay zone that applies to the project site, up to 161 residential units could be developed without application of allowances under state Density Bonus laws ((5.36 net acres x 30 DU/acre)). With the application of a density bonus, the project could support up to 310 homes ((6.88 gross acres x 30 DU/acre) x

1.5 density bonus). As the project proposes development of 149 townhome units, the project would be in conformance with allowable density regulations for the subject property. No changes to the existing zoning are required or proposed to allow for project implementation.

As described in Section 2.0, Project Description, the project requests one incentive under the Density Bonus Law: the elimination of the City's undergrounding utilities requirement for existing overhead utilities pursuant to Encinitas Municipal Code Section 23.36.120. The undergrounding of the existing utilities would involve substantial improvement costs, and the cost savings associated with this incentive request would enable the project to instead provide for deed-restricted affordable housing on-site. As the overhead utilities would remain as-is pending approval of the request, allow for more affordable housing in alignment with the goals of the City of Encinitas General Plan, and no changes to the existing land use or zoning are required or proposed to allow for project implementation, the project would not conflict with the Encinitas Municipal Code in this regard.

As stated above, the project requests City approval of one waiver, as allowed under the Density Bonus Law. As designed, the project exceeds maximum encroachment into steep slope areas within the Hillside/Inland Bluff Overlay Zone pursuant to Municipal Code Section 30.34.030. Without the waiver, the project footprint would be substantially reduced to meet the requirements of Municipal Code Section 30.34.030. City approval of the waiver would allow for the development of more affordable housing units on-site, in alignment with the goals of the General Plan. The waiver does not require changes to the existing land use or zoning that apply to the subject property. This inconsistency with the Municipal Code would be allowed with City approval of the waiver.

Per Section 30.16.010.B.6.a, Development Standards, of the City's Municipal Code, the standard height limit for residential buildings shall be the lesser of three stories in the R-30 Overlay zone or 35 feet, as measured to the top of a flat roof (or in the case of a pitched roof to the top of the roof immediately above the exterior plane of the wall below, including roofing material). Buildings in the R-30 Overlay zone may exceed the 35-foot height limit a maximum of five feet to accommodate necessary equipment (such as elevator shafts and other mechanical equipment) and screening, as long as any projections do not occupy more than 25 percent of the roof area and are set back a minimum of 10 feet from the edge of the wall plane on all sides.

The proposed residential units have been designed in accordance with allowable height limits for the existing R-30 overlay zone that currently apply to the project site. Maximum building height proposed is 35 feet, consistent with requirements of the R-30 overlay zone. Per Municipal Code Section 30.16.101B.a.iii, a maximum of 5 feet is allowed beyond the 35-foot height limit for "allowed projections" such as mechanical equipment and other screening. As such, the proposed

on-site structures (including projections) would not exceed 40 feet in height. The project would not conflict with Municipal Code provisions in this regard.

Additionally, as indicated in Section 3.10, Noise, of this EIR, project construction and operations would be subject to the restrictions set forth in the City's Noise Ordinance which establishes noise limits for certain activities to avoid or mitigate an environmental effect. No significant noise impacts resulting with project construction or operation were identified. However, due to the site's adjacency to I-5, measures would be required (e.g., installation of noise barriers or incorporation of proper building materials) to reduce on-site noise levels at outdoor locations (rooftop decks and pool area) and for reduction of interior noise levels to below the adopted thresholds. Impacts relative to noise would be less than significant with mitigation incorporated.

Special Study Overlay Zone

As stated, the project site is subject to the Special Study Overlay designation, intended to protect environmentally significant areas, as well as indicate those areas where development standards will be more stringent to minimize potential hazards to future development. A special study is required within this zone.

The Hillside/Inland Bluff Overlay Zone regulations apply to all areas within the Special Study Overlay Zone where a site-specific slope analysis indicates that 10 percent or more of the natural area of a parcel of land exceeds 25 percent slope. Approximately 12,025 square feet (0.28 acres) of existing steep slopes on the project site are manufactured (Geocon 2019). According to the slope analysis prepared for the project site, approximately 32.7 percent (2.25 acres) of the proposed development area (southernmost parcel) has an existing slope greater than 25 percent. Therefore, the project site is subject to the Hillside/Inland Bluff Overlay Zone regulations.

As allowed by state Density Bonus Law, the project requests one waiver. The waiver requested is necessary because the project exceeds the allowable encroachment into steep slopes pursuant to Encinitas Municipal Code Section 30.34.030 (Hillside/Inland Bluff Overlay Zone). The project requires an approximately 33% encroachment into steep slope areas, and without City approval of this waiver, the project footprint would be substantially reduced, thereby impacting the project's ability to provide for deed-restricted affordable housing on-site. As stated above, this inconsistency with the Municipal Code would be allowed with City approval of the waiver. Impacts would be less than significant in this regard.

Scenic/Visual Corridor Overlay Zone

Section 30.34.080, Scenic/Visual Corridor Overlay Zone, of the Municipal Code provides development restrictions for lands within this zone. As stated above, I-5 in the vicinity of the project site a Scenic Highway/Visual Corridor (City of Encinitas 2016). For development within

the Scenic/Visual Corridor Overlay Zone, the City gives consideration to "the overall visual impact of the proposed project and conditions or limitations on project bulk, mass, height, architectural design, and grading, and other visual factors may be applied to design review approval and shall be applied to coastal development permit approval."

The project has been designed to respect the existing character of the I-5 corridor and would not incorporate elements that would obstruct, restrict, or otherwise adversely affect any scenic vista points or scenic views experienced along the corridor. The proposed height of on-site structures would not exceed maximum allowed building height, and therefore, the project is not anticipated to adversely affect scenic resources along the corridor. The project would be subject to the City's design review process to ensure that the architectural style and character of the proposed structures and other improvements do not adversely affect or reduce the value of any scenic resources along I-5. Further, landscaping would be incorporated into the design to enhance views to the site and to blend the development into the surrounding visual setting.

Based on the discussion above, the project would not cause a significant environmental impact due to a conflict with City Municipal Code regulations adopted for the purpose of avoiding or mitigating an environmental effect. Impacts in this regard would be **less than significant**.

City of Encinitas Climate Action Plan

As stated, the City's CAP commits to implementing specific programs and projects aimed at reducing and mitigating the impacts of GHG-emitting activities by targeted dates. The CAP organizes strategies, goals, and actions tied to various emissions sources (e.g., transportation, electricity, natural gas, solid waste, water, off-road transportation, and wastewater).

In November 2020, the Encinitas City Council adopted an updated version of the CAP, in which the Housing Element sites are taken into account as part of its overall inventory and analysis. The CAP Update determined that due to the characteristics of the Housing Element projects, the City would be able to continue to comply with emissions reductions targets established in the CAP even with the additional density from development of the Housing Element sites.

Of particular relevance to the proposed project, the CAP requires all new housing be constructed with rooftop solar panels, low-flow fixtures, and solar water heaters. The project as designed would address CAP requirements as the project proposes to install roof-mounted solar panels that would provide up to approximately 149 KW of solar power; install low flow water fixtures in all residential units; and install high-efficiency water heaters or solar water heater systems. Other energy-saving and emission-reducing features proposed include provision of four electric vehicle charging stations (EVCS), compliance with ENERGYSTAR requirements, and installation of LED lighting, among others. Refer to Section 3.5, Energy Conservation and Climate Change, for

additional discussion. As determined therein, the project would not impede implementation of the City's CAP.

For the reasons above, the project would not conflict with the CAP relative to avoidance or mitigation of an environmental effect. Impacts would be less than significant.

2050 Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS)

The 2050 RTP plans for a regional transportation system that enhances the quality of life, promotes sustainability, and offers varied mobility options for both goods and people (SANDAG 2011). The plan addresses improvements for transit, rail and bus service, express and managed lanes, highways, local streets, bicycling, and walking to achieve an integrated, multimodal transportation system by 2050. The project site is located within the Urban Area Transit Strategy Boundary in the San Diego Association of Governments' (SANDAG's) Smart Growth Concept Map (SANDAG 2016). Refer to Section 3.5, Energy Conservation and Climate Change, for a summary of project consistency with the Regional Plan, referred to as San Diego Forward: The Regional Plan. As determined therein, the project would not impede implementation of the RTP/SCS, and therefore, no conflict would occur with project implementation.

Conclusion

The project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project, including but not limited to the City of Encinitas General Plan, Local Coastal Program, Municipal Code, CAP, or SANDAG's Regional Plan, adopted for the purpose of avoiding or mitigating an environmental impact. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

CUMULATIVE IMPACTS

Impact 3.9-3	**The project would not result in cumulative land use impacts. Impacts would be less than cumulatively considerable.**

Geographic Scope

Cumulative projects that would have the potential to be considered in a cumulative context with the project's incremental contribution to a potential cumulative impact relative to land use and planning are identified in Table 3.0-1 and Figure 3.0-1 in Section 3.0, Environmental Analysis, of this EIR. The inclusion of all projects in Table 3.0-1 was based on the location of these projects in

the general vicinity of the project site and the possibility that these projects, in combination with the proposed project, may conflict with applicable land use plans and policies. Additionally, to be conservative, the cumulative impact analysis includes 2019 HEU sites to the extent they may contribute to certain issue-specific cumulative effects; refer to Table 3.0-2.

Potential Cumulative Impacts

Land use plans are inherently cumulative in nature due to their long-term programmatic scope; therefore, if a project complies with policies identified in a plan, then the project is not considered to contribute to a cumulative effect. As discussed above, the project site is included in the HEU. As part of the HEU process, potential project-specific impacts were analyzed, as well as potential cumulative impacts from implementation of all the HEU projects combined. The following plans were evaluated as part of the cumulative analysis.

City of Encinitas General Plan and Local Coastal Program

The City of Encinitas General Plan includes issues and policies related to California Coastal Act requirements; therefore, the City of Encinitas General Plan serves as an LCP Land Use Plan for the City. As described under Impact 3.9-2, more than half of the City of Encinitas lies within the boundaries of the California Coastal Zone. Therefore, the majority of the cumulative projects are also located in the Coastal Zone and would be subject to the goals and policies of the LCP as required by the California Coastal Act.

As with the proposed project, each cumulative project within the California Coastal Zone would be evaluated by the City to determine LCP compliance in order to issue a coastal development permit. The project has been designed in conformance with the goals and policies of the City of Encinitas General Plan and LCP, including building height limits, retaining view corridors, maintaining coastal access, and protecting coastal resources, and would obtain a coastal development permit as part of the discretionary process, which would confirm project consistency with the General Plan and LCP. Therefore, with demonstrated conformance with the goals and policies identified in the City of Encinitas General Plan and LCP, the project is not anticipated to contribute to a significant cumulative impact in this regard when considered with other cumulative projects.

City of Encinitas Municipal Code

It is the responsibility of the City to review each individual project to confirm compliance with the City's Municipal Code as part of the discretionary approval process. Conformance with the Municipal Code is administered on a project-specific basis.

As appropriate, all cumulative projects would be required to demonstrate conformance with Chapter 9.32, Noise Abatement and Control, and Chapter 30.40, Performance Standards, of the City Municipal Code which establish property line noise level limits to reduce potential adverse environmental noise effects. No significant noise impacts resulting with project construction or operation were identified. However, due to the site's adjacency to I-5, measures would be required to reduce on-site noise levels at outdoor locations (rooftop decks and pool area) and for reduction of interior noise levels to below the adopted thresholds. Impacts relative to noise would be less than significant with mitigation incorporated; refer to Section 3.10, Noise. As applicable to the project design, with conformance to City Municipal Code noise regulations, the proposed project, when combined with other cumulative projects, is not anticipated to substantially increase noise levels within the surrounding community or to contribute to a significant cumulative impact in this regard.

As noted above, due to the project's location, the site lies within the Hillside/Inland Bluff Overlay Zone and the Scenic/Visual Corridor Overlay Zone. Other cumulative projects considered may be subject to similar overlay zones and the siting and design requirements that are imposed as a result. As such, over time, the project would have the potential to combine with other projects located within these zones in the surrounding viewshed and alter existing views and/or the visual character experienced along the I-5 corridor.

All discretionary projects considered would be subject to the City's design review process on a site-specific basis to ensure the protection of resources, such as scenic bluffs and steep slopes, views to the ocean or lagoon, and/or the established visual character of the community that the City seeks to maintain. Such projects would be evaluated for conformance to grading/site design requirements, as well as building height, materials, architectural style, and other such aspects relative to the applicable overlay zone(s), to minimize potential adverse effects.

The project would be consistent with the Scenic Visual Corridor Overlay Zone. As designed, the project exceeds the allowable encroachment into steep slope areas within the Hillside/Inland Bluff Overlay Zone. However, the project proposes a waiver, as allowed by Density Bonus Law. Project implementation would be contingent on City approval of a waiver to exceed maximum encroachment into steep slope areas. This inconsistency with the Municipal Code would be allowed with City approval of the waiver.

For the reasons above, it is not anticipated that the project would contribute to a significant cumulative impact due to conflict with such overlay zones or associated regulations. The project's contribution to a cumulative impact in this regard would be less than significant.

City of Encinitas Climate Action Plan

As climate change is a global issue, not one project or a collection of cumulative projects have the potential to significantly affect GHG emissions. However, it has been determined project compliance with the City's adopted CAP equates to compliance with local and state climate change efforts. Therefore, with conformance to the CAP (subject to City discretionary review), implementation of the cumulative projects would result in less than significant cumulative impacts. Through evaluation, the project was found to be consistent with the CAP (see Section 3.5, Energy Conservation and Climate Change); therefore, the project is not anticipated to contribute to a significant cumulative impact in this regard. Cumulative impacts would be less than significant.

2050 Regional Transportation Plan and Sustainable Communities Strategy

As determined in Section 3.5, Energy Conservation and Climate Change, the project would not impede implementation of the RTP/SCS. Other cumulative projects would be evaluated for consistency with the RTP/SCS to identify any conflicts and to reduce potential effects, as appropriate. As such, the project is not anticipated to contribute to a significant cumulative effect in this regard. The project's contribution to a cumulative impact would be less than significant.

Conclusion

If incompatibilities or land use conflicts are identified for any of the cumulative projects, it is reasonable to assume the City would either deny the project or require conditions or mitigation to avoid or minimize this type of land use impact. Therefore, the proposed project is not anticipated to contribute to a significant cumulative impact relative to land use and planning. Impacts would be **less than cumulatively considerable**.

Mitigation Measures: None required.

Level of Significance: Less than cumulatively considerable.

Section 3.10
Noise

The purpose of this section is to evaluate the proposed project's potential noise impacts. This section evaluates short-term construction-related impacts and long-term operational conditions. It also presents relevant regulatory guidelines and local goals and policies related to noise. The analysis in this section is based on the technical *Noise Study*, prepared by Ldn Consulting, Inc. (2022; see Appendix J) and information provided in the *Transportation Impact Study* prepared by Intersecting Metrics (2022; Appendix K). Analysis in this section also draws upon data in the *City of Encinitas General Plan* (1991) and the *City of Encinitas 2013-2021 Housing Element Update Environmental Assessment* (2018). Third-party technical reports were peer-reviewed by Michael Baker International and the City of Encinitas.

ENVIRONMENTAL SETTING

Fundamentals of Noise and Vibration

Acoustics is the science of sound. Sound may be thought of as mechanical energy of a vibrating object transmitted by pressure waves through a medium to human (or animal) ears. If the pressure variations occur frequently enough (at least 20 times per second), they can be heard and are called sound. The number of pressure variations per second is called the frequency of sound and is expressed as cycles per second, or hertz (Hz).

Noise is a subjective reaction to different types of sounds. Noise is typically defined as airborne sound that is loud, unpleasant, unexpected, or undesired and may therefore be classified as a more specific group of sounds. A typical noise environment consists of a base of steady background noise that is the sum of many distant and indistinguishable noise sources. Superimposed on this background noise is the sound from individual local sources. These sources can vary from an occasional aircraft or train passing by to virtually continuous noise from, for example, traffic on a major highway. Perceptions of sound and noise are highly subjective from person to person.

Measuring sound directly in terms of pressure would require a large and awkward range of numbers. To avoid this, sound levels are described in decibel (dB) units. The decibel scale uses the hearing threshold (20 micropascals) as a point of reference, defined as 0 dB. Other sound pressures are then compared to this reference pressure, and the logarithm is taken to keep the numbers in a practical range. The decibel scale allows a million-fold increase in pressure to be expressed as 120 dB, and changes in levels (dB) correspond closely to human perception of relative loudness.

The impacts of noise are not a function of loudness alone. The perceived loudness of sounds is dependent on many factors, including sound pressure level and frequency content. However, within the usual range of environmental noise levels, perception of loudness is relatively predictable and can be approximated by A-weighted sound levels. There is a strong correlation between A-weighted sound levels (expressed as dBA) and the way the human ear perceives sound. For this reason, the A-weighted sound level has become the standard tool of environmental noise assessment. All noise levels reported in this section are in terms of A-weighted levels, but are expressed as dB, unless otherwise noted.

Addition of Decibels

The decibel scale is logarithmic, not linear, and therefore sound levels cannot be added or subtracted through ordinary arithmetic. Two sound levels 10 dB apart differ in acoustic energy by a factor of 10. When the standard logarithmic decibel is A-weighted, an increase of 10 dBA is generally perceived as a doubling in loudness. For example, a 70 dBA sound is half as loud as an 80 dBA sound and twice as loud as a 60 dBA sound. When two identical sources are each producing sound of the same loudness, the resulting sound level at a given distance would be 3 dB higher than one source under the same conditions (FTA 2006). Under the decibel scale, three sources of equal loudness together would produce an increase of 5 dB (Caltrans 2013).

Sound Propagation and Attenuation

Generally, sound spreads (propagates) uniformly outward in a spherical pattern, and the sound level decreases (attenuates) at a rate of approximately 6 dB for each doubling of distance from a stationary or point source. Sound from a line source, such as a highway, propagates outward in a cylindrical pattern, often referred to as cylindrical spreading (FHWA 2011). Sound levels attenuate at a rate of approximately 3 dB for each doubling of distance from a line source, such as a roadway, depending on ground surface characteristics (FHWA 2011). Similarly, a halving of the energy of a noise source would result in a 3 dB decrease. No excess attenuation is assumed for hard surfaces like a parking lot or a body of water. Soft surfaces, such as soft dirt or grass, can absorb sound, so an excess ground-attenuation value of 1.5 dB per doubling of distance is normally assumed (FHWA 2011).

Noise levels may also be reduced by intervening structures or landforms; generally, a single row of buildings between the receptor and the noise source reduces the noise level by about 5 dBA, while a solid wall or berm reduces noise levels by 5 to 10 dBA (FHWA 2006). The manner in which older homes in California were constructed generally provides a reduction of exterior-to-interior noise levels of about 20 to 25 dBA with closed windows. The exterior-to-interior reduction of newer residential units is generally 30 dBA or more.

Noise Descriptors

The decibel scale alone does not adequately characterize how humans perceive noise. The dominant frequencies of a sound have a substantial effect on the human response to that sound. Several rating scales have been developed to analyze the adverse effect of community noise on people. Because environmental noise fluctuates over time, these scales consider that the effect of noise on people is largely dependent on the total acoustical energy content of the noise, as well as the time of day when the noise occurs. The L_{eq} is a measure of ambient noise, while the L_{dn} and community noise equivalent level (CNEL) are measures of community noise. Each is applicable to this analysis and defined in Table 3.10-1, Definitions of Acoustical Terms.

The A-weighted decibel sound level scale gives greater weight to the frequencies of sound to which the human ear is most sensitive. Because sound levels can vary markedly over a short period of time, a method for describing either the average character of the sound or the statistical behavior of the variations must be utilized. Most commonly, environmental sounds are described in terms of an average level that has the same acoustical energy as the summation of all the time-varying events.

The scientific instrument used to measure noise is the sound level meter. Sound level meters can accurately measure environmental noise levels to within about plus or minus 1 dBA. Various computer models are used to predict environmental noise levels from sources, such as roadways and airports. The accuracy of the predicted models depends on the distance between the receptor and the noise source. Close to the noise source, the models are accurate to within about plus or minus 1 to 2 dBA.

Table 3.10-1: Definitions of Acoustical Terms

Term	Definitions
Decibel, dB	A unit describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure. The reference pressure for air is 20.
Sound Pressure Level	Sound pressure is the sound force per unit area, usually expressed in micropascals (or 20 micronewtons per square meter), where 1 pascal is the pressure resulting from a force of 1 newton exerted over an area of 1 square meter. The sound pressure level is expressed in decibels as 20 times the logarithm to the base 10 of the ratio between the pressures exerted by the sound to a reference sound pressure (e.g., 20 micropascals). Sound pressure level is the quantity that is directly measured by a sound level meter.
Frequency, Hz	The number of complete pressure fluctuations per second above and below atmospheric pressure. Normal human hearing is between 20 Hz and 20,000 Hz. Infrasonic sound are below 20 Hz and ultrasonic sounds are above 20,000 Hz.

Table 3.10-1, continued

Term	Definitions
A-Weighted Sound Level, dBA	The sound pressure level in decibels as measured on a sound level meter using the A-weighting filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound in a manner similar to the frequency response of the human ear and correlates well with subjective reactions to noise.
Equivalent Noise Level, L_{eq}	The average acoustic energy content of noise for a stated period of time. Thus, the L_{eq} of a time-varying noise and that of a steady noise are the same if they deliver the same acoustic energy to the ear during exposure. For evaluating community impacts, this rating scale does not vary, regardless of whether the noise occurs during the day or the night. For example, $L_{eq(1)}$ is the equivalent noise level over a one-hour period and $L_{eq(8)}$ corresponds to an eight-hour period.
L_{max}, L_{min}	The maximum and minimum A-weighted noise level during the measurement period.
L_{01}, L_{10}, L_{50}, L_{90}	The A-weighted noise levels that are exceeded 1%, 10%, 50%, and 90% of the time during the measurement period.
Day/Night Noise Level, L_{dn} or DNL	A 24-hour average L_{eq} with a 10 dBA "weighting" added to noise during the hours of 10:00 p.m. to 7:00 a.m. to account for noise sensitivity in the nighttime. The logarithmic effect of these additions is that a 60 dBA 24-hour L_{eq} would result in a measurement of 66.4 dBA L_{dn}.
Community Noise Equivalent Level, CNEL	A 24-hour average L_{eq} with a 5 dBA "weighting" during the hours of 7:00 p.m. to 10:00 p.m. and a 10 dBA "weighting" added to noise during the hours of 10:00 p.m. to 7:00 a.m. to account for noise sensitivity in the evening and nighttime, respectively. The logarithmic effect of these additions is that a 60 dBA 24-hour L_{eq} would result in a measurement of 66.7 dBA CNEL.
Ambient Noise Level	The composite of noise from all sources near and far. The normal or existing level of environmental noise at a given location.
Intrusive	That noise which intrudes over and above the existing ambient noise at a given location. The relative intrusiveness of a sound depends on its amplitude, duration, frequency, and time of occurrence and tonal or informational content as well as the prevailing ambient noise level.

Human Response to Noise

The human response to environmental noise is subjective and varies considerably from individual to individual. Noise in the community has often been cited as a health problem, not in terms of actual physiological damage, such as hearing impairment, but in terms of inhibiting general well-being and contributing to undue stress and annoyance. The health effects of noise in the community arise from interference with human activities, including sleep, speech, recreation, and tasks that demand concentration or coordination. Hearing loss can occur at the highest noise intensity levels.

Noise environments and consequences of human activities are usually well represented by median noise levels during the day or night or over a 24-hour period. Environmental noise levels are generally considered low when the CNEL is below 60 dBA, moderate in the 60 to 70 dBA range, and high above 70 dBA. Examples of low daytime levels are isolated, natural settings with

noise levels as low as 20 dBA and quiet, suburban, residential streets with noise levels around 40 dBA. Noise levels above 45 dBA at night can disrupt sleep. Examples of moderate-level noise environments are urban residential or semi-commercial areas (typically 55 to 60 dBA) and commercial locations (typically 60 dBA). People may consider louder environments adverse, but most will accept the higher levels associated with noisier urban residential or residential-commercial areas (60 to 75 dBA) or dense urban or industrial areas (65 to 80 dBA). Regarding increases in A-weighted noise levels, the following relationships should be noted in understanding this analysis:

- Except in carefully controlled laboratory experiments, a change of 1 dBA cannot be perceived by humans.
- Outside of the laboratory, a 3 dBA change is considered a just-perceivable difference.
- A change in level of at least 5 dBA is required before any noticeable change in community response would be expected. An increase of 5 dBA is typically considered substantial.
- A 10 dBA change is subjectively heard as an approximate doubling in loudness and would almost certainly cause an adverse change in community response.

Effects of Noise on People

Hearing Loss

While physical damage to the ear from an intense noise impulse is rare, a degradation of auditory acuity can occur even within a community noise environment. Hearing loss occurs mainly due to chronic exposure to excessive noise, but may be due to a single event such as an explosion. Natural hearing loss associated with aging may also be accelerated from chronic exposure to loud noise.

The Occupational Safety and Health Administration has a noise exposure standard that is set at the noise threshold where hearing loss may occur from long-term exposures. The maximum allowable level is 90 dBA averaged over 8 hours. If the noise is above 90 dBA, the allowable exposure time is correspondingly shorter.

Annoyance

Attitude surveys are used for measuring the annoyance felt in a community for noises intruding into homes or affecting outdoor activity areas. In these surveys, it was determined that causes for annoyance include interference with speech, radio and television, house vibrations, and interference with sleep and rest. The L_{dn} as a measure of noise has been found to provide a valid correlation of noise level and the percentage of people annoyed. People have been asked to judge the annoyance caused by aircraft noise and ground transportation noise. There continues

to be disagreement about the relative annoyance of these different sources. For ground vehicles, a noise level of about 55 dBA L_{dn} is the threshold at which a substantial percentage of people begin to report annoyance.

Sensitive Receptors

Noise-sensitive land uses are generally considered to include those uses where noise exposure could result in health-related risks to individuals, as well as places where quiet is an essential element of their intended purpose. Residential dwellings are of primary concern because of the potential for increased and prolonged exposure of individuals to both interior and exterior noise levels. Additional land uses such as parks, historic sites, cemeteries, and recreation areas are considered sensitive to increases in exterior noise levels. Schools, churches, hotels, libraries, and other places where low interior noise levels are essential are also considered noise-sensitive land uses.

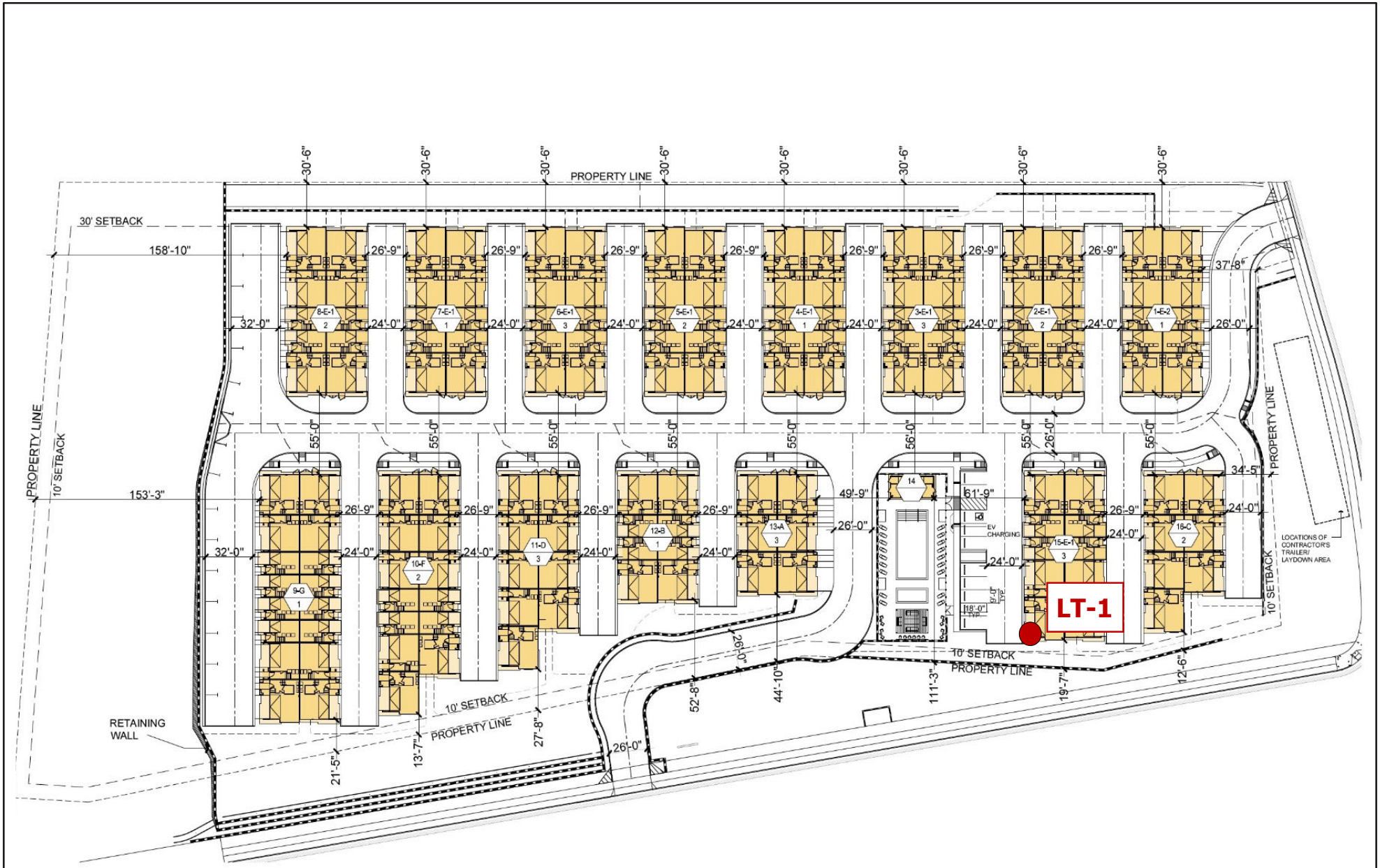
Long-term (24-hour) noise measurements were conducted at one location in the project vicinity, as shown in Table 3.10-2, Measured Ambient Noise Levels, and on Figure 3.10-1, Noise Measurement Locations. The nearest noise-sensitive land uses to the project site are residences immediately to the east. The monitoring location (LT-1) is located in the southern portion of the project site, which has relatively flat topography and is not obstructed by trees or structures. The monitoring location was chosen based on project site access and the noise impact potential on sensitive uses.

Table 3.10-2: Measured Ambient Noise Levels

Measurement Identification	Time	Noise Levels (dBA)	
		L_{eq}	L_{dn}
LT-1	12:00 PM	64.8	64.8
	1:00 PM	65.6	65.6
	2:00 PM	65.6	65.6
	3:00 PM	63.5	63.5
	4:00 PM	65.5	65.5
	5:00 PM	65.3	65.3
	6:00 PM	65.0	65.0
	7:00 PM	67.7	67.7
	8:00 PM	68.1	73.1
	9:00 PM	67.8	72.8
	10:00 PM	66.7	71.7
	11:00 PM	65.8	75.8
	12:00 AM	64.3	74.3
	1:00 AM	61.9	71.9
	2:00 AM	61.3	71.3
	3:00 AM	60.9	70.9
	4:00 AM	63.0	73.0
	5:00 AM	62.0	72.0
	6:00 AM	63.9	73.9
	7:00 AM	67.7	77.7
	8:00 AM	66.3	66.3
	9:00 AM	63.6	63.6
	10:00 AM	64.8	64.8
	11:00 AM	62.3	62.3
Overall		**65.2**	**71.2**

Source: Ldn Consulting 2022 (see Appendix J).

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LT-1: Long-term Noise Measurement Location
Not to Scale

Source: Ldn Consulting, Inc., August 2022

Michael Baker INTERNATIONAL

File: 189273Figures.indd

PIRAEUS POINT
ENVIRONMENTAL IMPACT REPORT

Noise Measurement Locations

Figure 3.10-1

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Existing Conditions

The subject site is generally located on the northeast corner of Piraeus Street and Plato Place in the Leucadia community of the City of Encinitas, California. The site is located just east of Interstate 5 (I-5) between La Costa Avenue and Leucadia Boulevard. Piraeus Street lies directly to the west, Plato Place to the south, and existing single-family homes to the north and east. To the north is undeveloped land (to remain in its current state as a proposed off-site preserve area).

On-site elevations range from approximately 15 to 175 feet above mean sea level across the project site (ECORP 2022). Topography of the project site is relatively flat, with slopes on the western and northern edges. A steep slope is present in the vicinity of where the site meets the proposed off-site preserve area.

Ambient noise in the project area is primarily generated by traffic along I-5, as well as Piraeus Street and Plato Place. Other ambient noise sources are typically from the surrounding residential land uses, such as lawnmowers and barking dogs.

REGULATORY FRAMEWORK

Federal

US Environmental Protection Agency

The US Environmental Protection Agency offers guidelines for community noise exposure in the *Noise Effects Handbook – A Desk Reference to Health and Welfare Effects of Noise* (EPA 1981). These guidelines consider occupational noise exposure as well as noise exposure in homes. The EPA recognizes an exterior noise level of 55 decibels day-night level (dB L_{dn}) as a general goal to protect the public from hearing loss, activity interference, sleep disturbance, and annoyance. The EPA and other federal agencies have adopted suggested land use compatibility guidelines which indicate that residential noise exposures of 55 to 65 dB L_{dn} are acceptable. However, the EPA notes that these levels are not regulatory goals, but are levels defined by a negotiated scientific consensus, without concern for economic and technological feasibility or the needs and desires of any particular community.

State

The California Governor's Office of Planning and Research's (OPRs) noise element guidelines include recommended exterior and interior noise level standards for local jurisdictions to identify and prevent the creation of incompatible land uses due to noise. The guidelines contain a land use compatibility table that describes the compatibility of various land uses with a range of environmental noise levels in terms of the CNEL. Table 3.10-3, Land Use Compatibility for

Community Noise Environments, presents guidelines for determining acceptable and unacceptable community noise exposure limits for various land use categories. The guidelines also present adjustment factors that may be used to arrive at noise acceptability standards that reflect the noise control goals of the community, the particular community's sensitivity to noise, and the community's assessment of the relative importance of noise pollution.

Table 3.10-3: Land Use Compatibility for Community Noise Environments

Land Use Category	Community Noise Exposure (L_{dn} or CNEL, dBA)			
	Normally Acceptable	Conditionally Acceptable	Normally Unacceptable	Clearly Unacceptable
Residential – Low Density, Single-Family, Duplex, Mobile Homes	50–60	55–70	70–75	75–85
Residential – Multiple Family	50–65	60–70	70–75	70–85
Transient Lodging – Motel, Hotels	50–65	60–70	70–80	80–85
Schools, Libraries, Churches, Hospitals, Nursing Homes	50–70	60–70	70–80	80–85
Auditoriums, Concert Halls, Amphitheaters	NA	50–70	NA	65–85
Sports Arenas, Outdoor Spectator Sports	NA	50–75	NA	70–85
Playgrounds, Neighborhood Parks	50–70	NA	67.5–75	72.5–85
Golf Courses, Riding Stables, Water Recreation, Cemeteries	50–70	NA	70–80	80–85
Office Buildings, Business Commercial and Professional	50–70	67.5–77.5	75–85	NA
Industrial, Manufacturing, Utilities, Agriculture	50–75	70–80	75–85	NA

Source: OPR 2017.

Notes: NA: not applicable; L_{dn}: average day/night sound level; CNEL: community noise equivalent level

Normally Acceptable – Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.

Conditionally Acceptable – New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning will normally suffice.

Normally Unacceptable – New construction or development should be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.

Clearly Unacceptable – New construction or development should generally not be undertaken.

Local

City of Encinitas General Plan

The *City of Encinitas General Plan* (1991) is the primary source of long-range planning and policy direction used to guide growth and preserve the quality of life in Encinitas. The Encinitas General Plan states that a goal of the City is to analyze proposed land uses to ensure that the designations would contribute to a proper balance of land uses within the community. The relevant goals and policies for the project include:

GOAL 1: **Provide an acceptable noise environment for existing and future residents of the City of Encinitas.**

Policy 1.7: Apply Title 24 of the California Administrative Code, associated with noise insulation standards, to single-family dwellings.

GOAL 2: **Require that new development be designed to provide acceptable indoor and outdoor noise environments.**

Policy 2.1: The Noise and Land Use Compatibility Guidelines and the accompanying discussion set forth the criteria for siting new development in the City of Encinitas. Any project which would be located in a normally unacceptable noise exposure area, based on the Land Use Compatibility Guidelines, shall require an acoustical analysis. Noise mitigation in the future shall be incorporated in the project as needed. As a condition of approval of a project, the City may require post-construction noise monitoring and sign off by an acoustician to ensure that City requirements have been met.

GOAL 3: **Ensure that residents are protected from harmful and irritating noise sources to the greatest extent possible.**

Policy 3.1: The City will adopt and enforce a quantitative noise ordinance to resolve neighborhood conflicts and to control unnecessary noise in the City of Encinitas. Examples of the types of noise sources that can be controlled through the use of a quantitative noise ordinance are barking dogs, noisy mechanical equipment such as swimming pool and hot tub pumps, amplified music in commercial establishments, etc.

GOAL 4: **Provide for measures to reduce noise impacts from stationary noise sources.**

Policy 4.1: Ensure inclusion of noise mitigation measures in the design and operation of new and existing development.

City of Encinitas Municipal Code

The City's Municipal Code establishes noise criteria to prevent noise and vibration that may jeopardize the health or welfare of the City's citizens or degrade their quality of life. Chapter 9.32, Noise Abatement and Control, and Chapter 30.40, Performance Standards, establish property line noise level limits. These limits apply to existing uses, but will also apply to future uses and are used for evaluating potential impacts of future on-site generated noise levels. Chapter 9.32.410 states that it shall be "unlawful for any person, including the City, to operate

construction equipment at any construction site on Sundays, and days appointed by the President, Governor or the City Council for a public fast, thanksgiving, or holiday. Notwithstanding the above, a person may operate construction equipment on the above-specified days between the hours of 10:00 a.m. and 5:00 p.m. No such equipment, or combination of equipment regardless of age or date of acquisition, shall be operated so as to cause noise at a level in excess of 75 decibels for more than eight hours during any 24-hour period when measured at or within the property lines of any property which is developed and used either in part or in whole for residential purposes."

The property line noise limits are summarized in Table 3.10-4, City of Encinitas Exterior Noise Limits. As stated in Section 30.40.10, "Every use shall be so operated that the noise generated does not exceed the following levels at or beyond the lot line and does not exceed the limits of any adjacent zone."

Table 3.10-4: City of Encinitas Exterior Noise Limits

Adjacent Zone	Noise Level [dB(A)]	
	7:00 a.m. to 10:00 p.m.	10:00 p.m. to 7:00 a.m.
Rural Residential (RR), Rural Residential-1 RR-1), Rural Residential-2 (RR-2), Residential-3 (R-3), Residential-5 (R-5), Residential-8 (R-8)	50	45
Residential-11 (R-11), Residential Single Family-11 (RS-11), Residential-15 (R-15), Residential-20 (R-20), Residential-25 (R-25), Mobile Home Park (MHP)	55	50
Office Professional (OP), Limited Local Commercial (LLC), Local Commercial (LC), General Commercial (GC), Limited Visitor Serving Commercial (L-VSC), Visitor Serving Commercial (VSC)	60	55
Light Industrial (L-I), Business Park (BP)	60	55

Source: Ldn Consulting 2022 (see Appendix J).

The property line ground vibration limits are summarized in Table 3.10-5, City of Encinitas Ground Vibration Limits. As stated in Section 30.40.10 (B), "Every use shall be so operated that the ground vibration generated at any time and measured at any point along the lot line of the lot on which the use is located shall not be perceptible and shall not exceed the following."

Table 3.10-5: City of Encinitas Ground Vibration Limits

Adjacent Zone	Vibration in Inches per Second	
	Impact	Steady-State
Residential	.006	0.03
Commercial	.010	0.05
Light Industrial	.040	0.020
Public/Semi-Public	.010	0.05

Source: Ldn Consulting 2022 (Appendix J).

In addition to the above operational ground vibration limits, Caltrans has established construction-related vibration limits for human perception and building damage potential. Caltrans' *Transportation and Construction Vibration Guidance Manual* (Caltrans 2020) discloses limits for transient (one-time) sources and continuous/frequent intermittent sources (refer to Table 19 of the Caltrans Manual). The property line ground vibration limit for "older residential structures" is 0.3 inches/second peak particle velocity for continuous/frequent intermittent sources.

STANDARDS OF SIGNIFICANCE

Thresholds of Significance

The following thresholds of significance are based on CEQA Guidelines Appendix G. For purposes of this EIR, the proposed project may have a significant adverse impact related to noise and vibration if it would result in:

- Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.
- Generation of excessive groundborne vibration or groundborne noise levels.
- For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, exposure of people residing or working in the project area to excessive noise levels.

PROJECT IMPACTS AND MITIGATION

EXCEED NOISE STANDARDS

Impact 3.10-1	**The project would not generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. Impacts would be less than significant with mitigation incorporated.**

Noise-sensitive land uses are locations where people reside or where the presence of unwanted sound could adversely affect the use of the land. Residences, schools, hospitals, guest lodging, libraries, and some passive recreation areas would each be considered noise sensitive and may warrant unique measures for protection from intruding noise. The nearest sensitive receptors to

the project site are the predominantly single-family residences located adjacent to the east of the project site.

Project Construction

Project construction would involve construction activities such as building demolition, grading, building construction, paving, and architectural coating. The temporary construction noise associated with on-site equipment could potentially expose sensitive receptors to noise levels in excess of the applicable noise standard and/or result in a noticeable increase in ambient noise levels, and/or an exceedance of daytime hour noise standards.

Temporary construction noise levels are expected to be at their highest during grading operations, when the heaviest and most energy-intensive equipment would be utilized on-site. The City of Encinitas requires that noise levels from construction activities do not exceed a sustained noise level of 75 dBA for more than 8 hours at residential property lines, and that construction activity be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday.

As detailed in Table 3.10-6, Construction Noise Levels, noise levels from construction equipment during grading activities are expected to range from 73 dBA to 79 dBA at 50 feet from the equipment.

Table 3.10-6: Construction Noise Levels

Construction Equipment	Quantity	Source Level @ 50 Feet (dBA)*	Cumulative Noise Level @ 50 Feet (dBA)
Tractor/Backhoe	3	72	76.8
Dozer	1	74	74.0
Loader/Grader	1	73	73.0
Excavator	1	79	79.0

Notes: *EPA 1971 and Empirical Data
Source: Ldn Consulting 2022 (see Appendix J).

Throughout the grading process, construction equipment would operate within 50 feet of a sensitive receptor for a short duration, after which it would move to another part of the project site, further from existing sensitive receptors. Based on the data shown in Table 3.10-6, construction noise levels are only expected to be 75 dBA or greater when construction activities occur within close proximity to the property line. Such conditions would only occur for brief periods of time over a given day. However, construction activities that occur on other portions of the project site are anticipated to be less than 75 dBA due to the large area of the site and the constraint of operating multiple heavy construction equipment simultaneously.

Since all grading activities would occur in the first phase of development and grading near the property lines would occur intermittently throughout the day, noise levels would not result in a sustained noise level of 75 dBA for more than 8 hours at any residential property lines. Therefore, with compliance with the City's Municipal Code (i.e., limiting construction activities to hours between 7:00 a.m. and 7:00 p.m. Monday through Saturday), project construction noise would not generate a substantial temporary increase in ambient noise levels in the project vicinity in excess of standards established in the General Plan or noise ordinance. Mitigation measure **NOI-1** would ensure that temporary construction noise complies with the City's noise ordinance by requiring the project applicant to prepare a Construction Noise Control Plan. Implementation of mitigation measure **NOI-1** would reduce potential construction noise impacts to **less than significant with mitigation incorporated.**

Project Operation

According to Section 30.40 of the City's Municipal Code, properties zoned R-2 have a noise limit of 50 dBA between the hours of 7:00 a.m. and 10:00 p.m., and 45 dBA between the hours of 10:00 p.m. and 7:00 a.m.[1] The most sensitive uses to operational noise sources in the project vicinity would be the existing residences immediately to the east of the project site that are zoned R-2. As such, the project must meet the R-2 noise standards (50 dBA daytime level and 45 dBA evening level) at the property line. The following section analyzes potential stationary noise levels associated with operation of the proposed project.

Mechanical Equipment Noise

Noise from a fixed or point source drops off at a rate of 6 dBA for each doubling of distance, which means that a noise level of 70 dBA at 5 feet would be 64 dBA at 10 feet and 58 dBA at 20 feet. Noise from the proposed on-site mechanical ventilation systems (heating, ventilation, and air conditioning, or HVAC) would be a potential source of stationary noise. As air conditioning equipment may be operational during nighttime hours, the more stringent nighttime noise limits would also apply at surrounding properties.

Each residential unit would have a HVAC unit for temperature control installed on the rooftop. The HVAC units would cycle on and off throughout the day. To predict the property line noise level, a reference noise level of 69 dBA at 3 feet was used to represent the HVAC units.

[1] Per Municipal Code Section 30.08.010: "R-30 OL: Residential 30 Overlay is intended to provide for compatible high-density multiple family residential development including apartments, condominiums, and senior housing, with a maximum density of 30 units per net acre and a minimum density of 25 units per net acre. The purpose of the R-30 Overlay Zone is to diversify the housing options available in the community, and expand opportunities for creating affordable housing."

The HVAC units are located a minimum of 38 feet from the property lines and would be shielded by a proposed screen wall that would break the line of sight to the HVAC units and provide a minimum 5 dBA reduction. The typical locations of the proposed HVAC units are shown in Figure 3.10-2. Two HVAC units maybe located near each other with the proposed buildings separating them and would create the worst case cumulative noise level. The remainder of the units are separated by at least 80 feet and the proposed screen walls shielding them. This separation of 80 feet would result in a 20 dBA difference between two separate HVAC units and would not cumulatively increase the noise levels. Therefore, a worst case combined noise from HVAC operations would occur from four units.

Utilizing a 6 dBA decrease per doubling of distance, as shown in Table 3.10-7, Project HVAC Noise Levels (Eastern Property Line), operational noise levels from the HVAC equipment would be 45 dBA at the eastern property line, which is in compliance with the City's daytime 50 dBA standard and evening 45 dBA standard for the R-2 zone. Therefore, no impacts are anticipated at the residential property line to the east with the proposed screen walls. All other property lines would be located further from the proposed HVAC units and the resulting noise levels would be below the 45 dBA threshold. Impacts would be **less than significant.**

Table 3.10-7: Project HVAC Noise Levels (Eastern Property Line)

Description	Value
Distance to Nearest Observer Location (Feet)	38
Hourly Reference Noise Level (dBA)	69.0
Noise Source Reference Distance (Feet)	3.0
Noise Reduction Due to Distance (dBA)	-22.1
Reduction Due to Buildings (dBA)	-5.0
Noise Level at Property Line (dBA)	41.9
Quantity	2
Property Line Cumulative Noise Level (dBA)*	45.0

*Complies with the nighttime noise standard of 45 dBA.
Source: Ldn Consulting, 2022 (see Appendix J).

Transportation-Related Noise Levels

Noise levels are calculated on a logarithmic scale where a doubling of traffic noise, without changing the vehicle speeds or mix ratio, would result in a noise level increase of 3 dBA. Noise level changes greater than 3 dBA are often identifiable as audibly louder by the average resident, while changes less than 1 dBA will not be discernible. As such, increases greater than 3 dBA are considered potentially significant.

To determine if direct off-site noise level increases associated with the project would contribute to noise impacts, traffic volumes for the existing conditions were compared with the traffic volume increase of existing plus the proposed project. The project is estimated to generate 894 daily trips with a peak hour volume of 81 trips according to the project traffic study (Intersecting Metrics 2022). According to the traffic study, existing year traffic volumes along Piraeus Street are estimated at 1,786 average daily trips (ADT). Typically, a direct project impact requires that a project double (or add 100%) existing traffic volumes, or otherwise substantially contribute to existing traffic volumes, in order to increase noise levels by 3 dBA L_{dn}. Based on the number of ADT generated, the project would not cause a doubling in traffic volumes along any area roadways, or otherwise substantially increase area traffic volumes, that would contribute to a 3 dBA L_{dn} increase in noise levels.

Additionally, existing homes in the project area are located to the east of the project site and the project would not cause a substantial increase in traffic (and therefore, related mobile noise levels) along any segment of Plato Place. Therefore, the project is not anticipated to contribute to a significant direct (long-term) mobile noise impact in this regard.

Interior noise levels at on-site residences are estimated to be at or below 45 dBA L_{dn}, the City's Noise Compatibility Guidelines for residential structures (refer to Appendix J for additional discussion). However, the project applicant would be required to prepare an interior noise assessment once final architectural plans are available and prior to issuance of the first building permit.

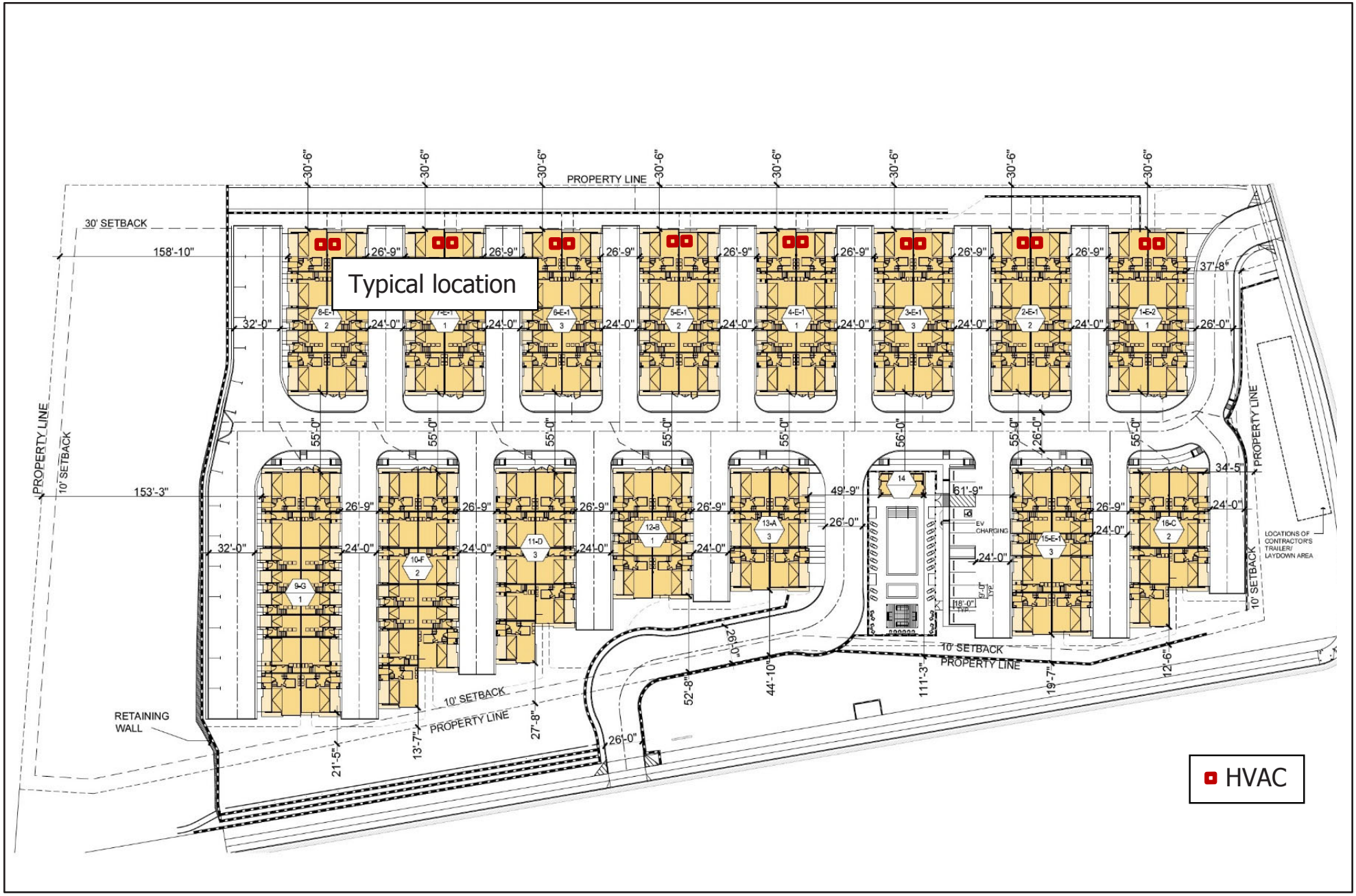
Due to existing traffic along I-5, noise levels at outdoor areas of the project site, including the proposed private rooftop decks and the common pool area, are calculated to be 77 dBA L_{dn} without shielding, which exceeds the City's "conditionally acceptable" noise threshold of 70 dBA L_{dn} for residential uses (refer to Appendix J for additional discussion). Therefore, mitigation measure **NOI-2** would be implemented to require installation of noise barriers at the site, thereby reducing noise levels at outdoor areas in compliance with the City's 70 dBA L_{dn} noise threshold (refer to Figure 3.10-3, Proposed Noise Barrier Locations). Potential impacts would be reduced to **less than significant with mitigation incorporated**.

Mitigation Measure:

NOI-1 **Construction Noise Control Plan.** A Construction Noise Control Plan shall be prepared to the satisfaction of the City. The plan shall demonstrate compliance with the City's noise ordinance, including the requirements that construction equipment, or combination of equipment, would not sustain or exceed the City's 75 dBA significance threshold continuously over the course of an 8 hour period.

NOI-2 **Noise Barriers.** A minimum 5-foot noise barrier shall be located along private rooftop decks and a minimum 8-foot barrier shall be located around the on-site common pool area.

Level of Significance: Less than significant.



Michael Baker INTERNATIONAL

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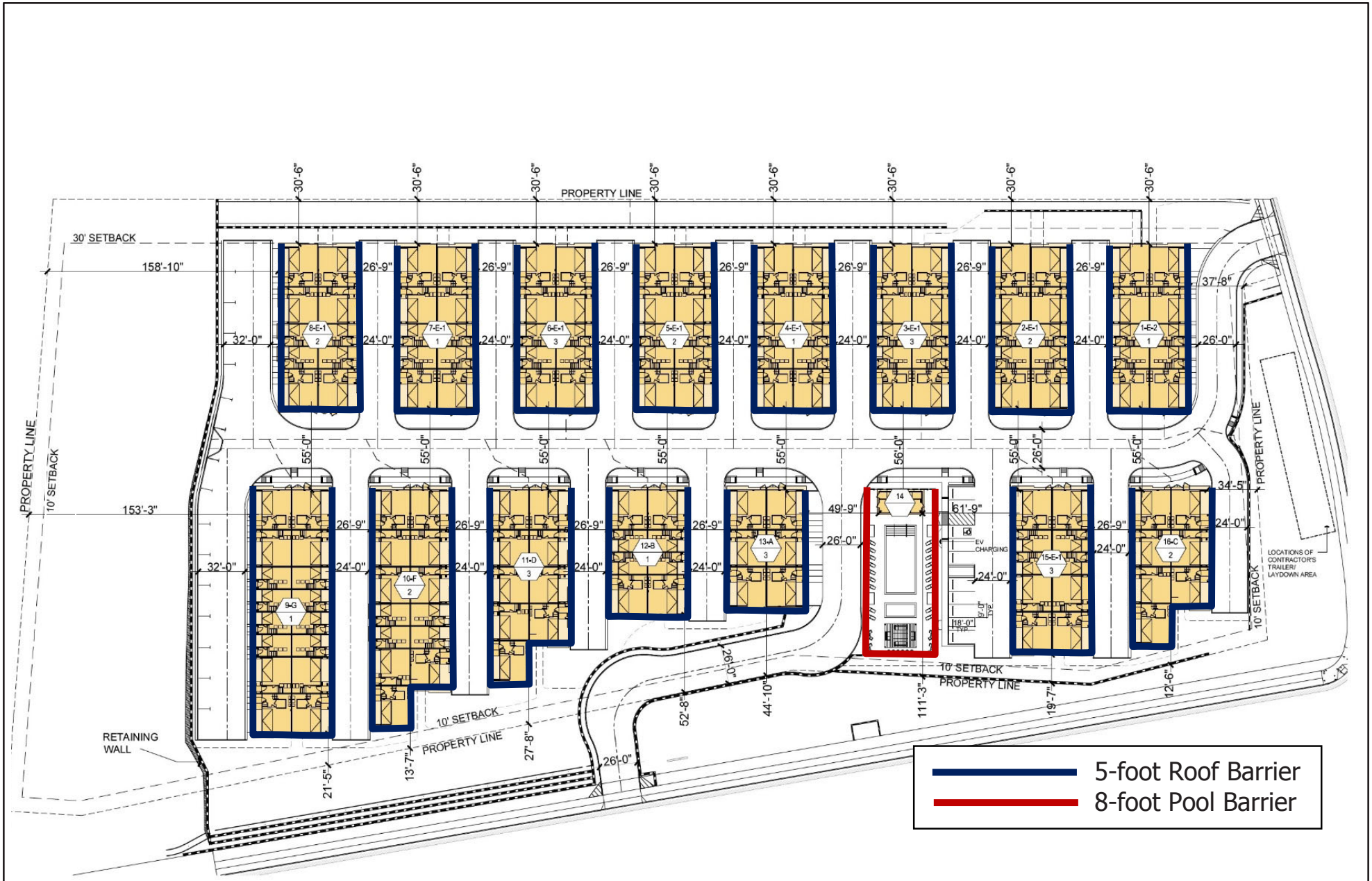
Source: Ldn Consulting, Inc., 9/26/22

PIRAEUS POINT
ENVIRONMENTAL IMPACT REPORT

Proposed HVAC Locations

Figure 3.10-2

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Michael Baker INTERNATIONAL

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Source: Ldn Consulting, Inc., August 2022

PIRAEUS POINT
ENVIRONMENTAL IMPACT REPORT

Noise Barrier Locations

Figure 3.10-3

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EXCESSIVE VIBRATIONS OR NOISE

Impact 3.10-2 **The project would not result in the generation of excessive groundborne vibration or groundborne noise levels. Impacts would be less than significant.**

Construction

Project construction can generate varying degrees of groundborne vibration, depending on the construction procedure and construction equipment. Operation of construction equipment generates vibrations that spread through the ground and diminish in amplitude with distance from the source. The effect on buildings located in the vicinity of the construction site often varies depending on soil type, ground strata, and construction characteristics of the receiver building(s). The results from vibration can range from no perceptible effects at the lowest vibration levels, to low rumbling sounds and perceptible vibration at moderate levels, to slight damage at the highest levels. Groundborne vibrations from construction activities rarely reach levels that damage structures.

Construction vibration impacts include human annoyance and building damage. Human annoyance occurs when construction vibration rises significantly above the threshold of human perception for extended periods of time. Building damage can be cosmetic (e.g., plaster cracks) or structural. The distance at which damage from vibration could be experienced can vary substantially depending on the age and composition of the building structure, soil composition and underground geological layer between vibration source and receiver. In addition, not all buildings respond similarly to vibration generated by construction equipment. For example, buildings that are constructed with typical timber frames and masonry show that a vibration level of up to 0.2 inches/second peak particle velocity (PPV) is considered safe and would not result in any construction vibration damage. This evaluation uses the Federal Transit Administration (FTA) architectural damage criterion for continuous vibrations at non-engineered timber and masonry buildings of 0.2 in/sec PPV. The FTA has published standard vibration velocities for construction equipment operations.

The project does not propose the use of pile drivers during construction. Furthermore, it is acknowledged that construction activities would occur throughout the project site and would not be concentrated at a point closest to the sensitive receptors for an extended period of time.

Groundborne vibration decreases rapidly with distance. The nearest vibration-sensitive uses are the residential uses immediately east of the project site, at least 60 feet from the proposed construction. Table 3.10-8, Vibration Levels from Construction Activities (Nearest Receptors), provides the anticipated average vibration levels that would be experienced at the nearest

sensitive receptors from temporary construction activities. To be conservative, vibration levels from loaded trucks traveling on-site were assessed at a minimum distance of 60 feet from proposed on-site construction activities.

Table 3.10-8: Vibration Levels from Construction Activities (Nearest Receptors)

Equipment	Approximate Velocity Level at 25 Feet (VdB)	Approximate RMS Velocity at 25 Feet (in/sec)[1]	Approximate RMS Velocity at 60 Feet (in/sec)[2]
Small bulldozer	58	0.003	0.0008
Jackhammer	79	0.035	0.0094
Loaded trucks	86	0.076	0.0204
Large bulldozer	87	0.089	0.0239
		City Criteria	0.03
		Significant Impact?	**No**

[1] RMS Velocity provided by the FTA (2006).
[2] PPV (Peak Particle Velocity) at Distance D = PPVref x (25/D)1.5 provided by the FTA (2006).
Notes: RMS = root-mean square. The RMS velocity is that of a wave through sub-surface layers of different interval velocities along a specific ray path.
In/sec = inches per second
Source: Ldn Consulting 2022 (see Appendix J).

Table 3.10-8 shows that vibration levels from construction equipment would not exceed the City's vibration threshold of 0.03 inches per second. Therefore, groundborne vibration impacts from construction equipment would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

Operational

The project proposes a residential development. Project operations would involve occasional truck deliveries (e.g., personal and maintenance purposes) and trash pick-up, which would potentially generate groundborne vibration. However, such truck operations would not be substantial, and related groundborne vibration levels would not be perceptible or felt at surrounding uses.

Project operation would not generate substantial levels of vibration due to the absence of vibration-generating sources. Therefore, noise impacts would be less than significant in this regard.

Mitigation Measures: None required.

Level of Significance: Less than significant.

PUBLIC AIRPORT OR PRIVATE AIRSTRIP

Impact 3.10-3	**The project would not be located in the vicinity of a private airstrip or an airport land use plan or, where such plan has not been adopted, within 2 miles of a public airport or public use airport, and would not expose people residing or working in the project area to excessive noise levels. No impact would occur.**

There are no public or private airports located within 2 miles of the project site and the project site is not within the boundaries of an airport land use plan. The closest (public) airport is McClellan-Palomar Airport, located approximately 3.1 miles northeast of the project site in the City of Carlsbad. No private airstrips are located in the project vicinity.

As such, the project would not expose people residing or working in the project area to excessive noise levels. **No impact** would occur.

Mitigation Measures: None required.

Level of Significance: No impact.

CUMULATIVE IMPACTS

Impact 3.10-4	**The project would not result in a significant cumulative noise impact. Impacts would be less than cumulatively considerable.**

Geographic Scope

When determining whether the overall noise (and vibration) impacts from cumulative projects would be cumulatively significant and whether the proposed project's incremental contribution to any significant cumulative impacts would be cumulatively considerable, it is important to note that noise and vibration are localized occurrences; as such, they decrease rapidly in magnitude as the distance from the source to the receptor increases. Therefore, only those cumulative projects identified in Table 3.0-1 and Figure 3.0-1 in Section 3.0 of this EIR that are in the direct vicinity of the project study areas and those that are considered influential in regard to noise and vibration would have the potential to be considered in a cumulative context with the proposed project's incremental contribution.

Additionally, to be conservative, the cumulative analysis is based on the "worst-case" assumption that all 2019 HEU sites develop under maximum density bonus unit allowances. The cumulative impact analysis includes all 2019 HEU sites to the extent they may contribute to certain issue-specific cumulative effects (see Table 3.0-2).

Potential Cumulative Impacts

When determining whether the overall noise (and vibration) impacts from cumulative projects would be cumulatively significant and whether the proposed project's incremental contribution to any significant cumulative impacts would be cumulatively considerable, it is important to note that noise and vibration are localized occurrences; as such, they decrease rapidly in magnitude as the distance from the source to the receptor increases.

Short-Term Construction Cumulative Noise Impacts

Construction activities associated with the proposed project and cumulative projects may overlap, resulting in construction noise in the area. However, as analyzed above, construction noise impacts primarily affect the areas immediately adjacent to the project site. As a condition of project approval, the project would be required to prepare a Construction Noise Control Plan to demonstrate that all construction activity is in compliance with all applicable City noise standards and submit it to the City's Planning and Building Department for review and approval, which would to reduce construction noise impacts to less than significant levels. All other housing projects covered under the 2019 HEU would be subject to the same requirements. The construction activities associated with other cumulative development projects would also be required to comply with the City's Municipal Code and would incorporate mitigation measures on a project-by-project basis, as applicable, to reduce construction noise pursuant to CEQA provisions. Therefore, with implementation of a City-approved Construction Noise Control Plan, the project's contribution to cumulative short-term construction impacts would be less than cumulatively considerable.

Long-Term (Mobile) Cumulative Noise Impacts

Long-term cumulative noise impacts from mobile sources would occur primarily as a result of increased traffic on area roadways due to buildout of the proposed project and other projects in the vicinity. When two identical sources are each producing sound of the same loudness, the resulting sound level at a given distance would be 3 dB higher than one source under the same conditions (FTA 2006). An increase of 3 dB is widely accepted as "barely perceptible." With regard to traffic noise, traffic volumes would need to roughly double to result in a perceptible change in ambient noise levels.

To determine if direct or cumulative off-site noise level increases associated with the project would contribute to noise impacts, traffic volumes for the existing conditions were compared with the traffic volume increase of existing plus the proposed project. The project is estimated to generate 894 daily trips with a peak hour volume of 81 trips according to the project traffic study (Intersecting Metrics 2022). According to the traffic study, existing year traffic along Piraeus Street is 1,786 ADT. Typically, a direct project impact requires that a project double (or add 100%)

existing traffic volumes, or otherwise substantially contribute to cumulative traffic volumes, in order to increase noise levels by 3 dBA L_{dn}. Based on the number of ADT generated, the project would not cause a doubling in traffic volumes along any area roadways, or otherwise substantially increase area traffic volumes, that would contribute to a 3 dBA L_{dn} increase in noise levels.

Additionally, existing homes in the project area are located to the east of the project site and the project would not cause a substantial increase in traffic (and therefore, related mobile noise levels) along any segment of Plato Place.

Therefore, the project is not anticipated to contribute to a significant cumulative (long-term) mobile noise impact in this regard. Impacts would be less than cumulatively considerable**.**

Mitigation Measures: None required.

Level of Significance: Less than cumulatively considerable.

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Section 3.11
Public Services and Recreation

This section discusses the proposed project relative to public services including fire protection, law enforcement, schools, parks and recreation, and other public facilities. Analysis in this section draws upon data in the *City of Encinitas General Plan* (City of Encinitas 1991) and the *City of Encinitas 2013-2021 Housing Element Update Environmental Assessment* (City of Encinitas 2018).

ENVIRONMENTAL SETTING

Fire Protection and Emergency Services

The project site is served by the City of Encinitas Fire & Marine Safety Department (Fire Department). The department has 70 full-time employees and 5 divisions: Fire Operations and Support Services, Fire Administration, Loss Prevention and Planning (Fire Prevention), Disaster Preparedness, and Marine Safety Services. The Fire Department operates six fire stations distributed in different areas of the City to serve the approximately 20-square-mile service area (City of Encinitas 2021).

The closest station to the project site is Fire Station 3 located at 801 Orpheus Avenue in Leucadia, approximately one mile to the south. If additional services are required in the event of an emergency, services may be provided from other fire stations operated by the City or other jurisdictions, as needed.

In 2021, the Fire Department responded to 6,143 calls involving fire and medical emergencies, including structure fires, vegetation fires, vehicle fires, and medical aids. As shown in Table 3.11-1, City of Encinitas Emergency Responses (2021), approximately 3.3 percent of the total call volume for emergencies in 2021 were fire related (204 calls). On average, the Fire Department was able to respond to these calls within 5 minutes and 20 seconds (City of Encinitas 2021).

Table 3.11-1: City of Encinitas Emergency Responses (2021)

Response Type	Number of Responses
Alarm	434
Service Call	264
Fire	204
Investigation	13
Hazardous Conditions	89
EMS	4,484
Rescue	46
Other	609
Total	**6,143**

Source: City of Encinitas 2021.

Law Enforcement

The San Diego County Sheriff's Department serves the project site from its North Coastal Station located at 175 North El Camino Real in Encinitas, approximately 2.8 miles southeast. The station serves nearly 60 square miles including the Cities of Del Mar, Encinitas, and Solana Beach and the unincorporated communities of Rancho Santa Fe, Del Dios, Camp Pendleton, and San Onofre, providing public safety services to more than 80,000 residents (San Diego County Sheriff's Department 2022a).

The North Coastal Station staffs approximately 113 total staff, which includes 26 active members of the City's Senior Volunteer Unit (San Diego County Sheriff's Department 2022a). According to the City of Encinitas General Plan Housing Element Update (HEU) Environmental Assessment, response time averages for the 2013–2014 fiscal year were as follows: Priority 1 – 6.0 minutes; Priority 2 – 10.9 minutes; Priority 3 – 16.1 minutes; and Priority 4 – 45.8 minutes (City of Encinitas 2016a). In March 2022, the North Coastal Station received 1,680 calls for service (San Diego County Sheriff's Department 2022b). The station's response time averages for March 2022 were as follows: Priority 1 – 6.19 minutes; Priority 2 – 10.15 minutes; Priority 3 – 13.79 minutes; Priority 4 – 17.31 minutes; Priority 5 – 22.92 minutes; Priority 6 – 27.51 minutes; and Priority 7 – 54.23 minutes (San Diego County Sheriff's Department 2022b).

Schools

The project site is located in the Encinitas Union School District (EUSD), which serves the City and the La Costa area of Carlsbad in north San Diego County through its nine K-6 elementary schools. Approximately 5,400 students are served by the EUSD (EUSD 2022a). In the project area, students in kindergarten through sixth grade would attend Capri Elementary School, at 941 Capri Road, approximately 0.4 miles southeast of the project site (EUSD 2022b).

Students in the project area would attend middle school and high school in the San Dieguito Union High School District (SDUHSD). The SDUHSD serves students from five elementary school districts in North County: Encinitas, Rancho Santa Fe, Cardiff, Solana Beach, and Del Mar. Students from these elementary school districts matriculate through SDUHSD middle schools and high schools, with the exception of those from the Rancho Santa Fe School District, who enter SDUHSD as freshmen (SDUHSD 2022a).

Middle school students (7th and 8th grades) would attend Diegueño Middle School, at 2150 Village Park Way Drive (approximately 3.4 miles southeast of the project site) and high school students (9th through 12th grades) would attend La Costa Canyon High School located at 1 Maverick Way in the City of Carlsbad (approximately 3.8 miles east of the project site) or San

Dieguito Union High School Academy located at 800 Santa Fe Drive in the City of Encinitas (approximately 3.1 miles southeast of the project site) (SDUHSD 2022b).

Parks

As of July 2022, the City's Parks, Recreation, & Cultural Arts Department maintains 152 acres of developed/undeveloped parks, 82 acres of open space, 45 acres of beaches, 40 miles of trails, and 10 miles of streetscapes (City of Encinitas 2022). The department has four operating divisions: Administrative Services; Cultural Arts; Parks, Beaches and Trails; and Recreation. The department is responsible for a range of services including recreation programs; citywide special events such as the Holiday Parade, Spring Egg Hunt, Summer Concerts, Movies in the Park, and the Cyclovia; park, beach, and recreational trail maintenance; streetscape maintenance; animal control services; and oversight of the administration of the Encinitas Ranch Golf Authority.

The City also borders the Pacific Ocean which offers opportunities for swimming, surfing, walking, running, sailing, and similar activities, as well as passive recreational activities such as picnicking and public gathering. The Pacific Ocean is approximately 0.9 miles west of the project site.

As stated in Recreation Element Policy 1.5 in the Encinitas General Plan, the City's goal is to provide a minimum of 15 acres of local recreational area per 1,000 residents, devoted to neighborhood and other local recreational facilities, community parks, and passive open space in undeveloped preserves (City of Encinitas 1991). The City encourages neighborhood parks within walking distance for all urban area residents. According to the City's Parks, Beaches, Trails, and Open Space Master Plan (City of Encinitas 2016b), the City has 1,264.2 acres of parks and recreational space; refer to Table 3.11-2, Existing Parks, Beaches, and Open Space. These lands are either owned by the City, county, or state.

Table 3.11-2: Existing Parks, Beaches, and Open Space

Category	Total Acreage
Parks	295.0
Beaches	84.0
Open Space	1,264.2
Total	**1,643.2**

Source: City of Encinitas Parks, Beaches, Trails, and Open Space Master Plan (City of Encinitas 2016b).

Other Services and Facilities

Other existing public facilities available to support the population in the vicinity of the project site include libraries, hospitals, and general City administration. The San Diego County Library Encinitas Branch is located at 540 Cornish Drive, approximately 2.2 miles southwest of the project site. The nearest hospital is Encinitas Medical Center, approximately 2.5 miles southwest, at 1200

Garden View Road. City Hall is located at 505 S. Vulcan Avenue, approximately 2.2 miles southwest.

REGULATORY FRAMEWORK

State

Quimby Act

Since the passage of the 1975 Quimby Act (California Government Code Section 66477), cities and counties have been authorized to pass ordinances requiring that developers set aside land, donate conservation easements, or pay fees for park improvements. Revenues generated by the Quimby Act cannot be used for the operation and maintenance of park facilities. The goal of the Quimby Act was to require developers to help mitigate the impacts of property improvements. The act gives authority for passage of land dedication ordinances only to cities and counties.

The Mello-Roos Community Facilities Act

The Mello-Roos Community Facilities Act (Government Code Section 53311 et seq.) is a tax-based financing method available to cities, counties, and special districts. It authorizes local governments to establish community facilities districts within which they may levy special taxes and issue bonds to finance open space acquisition, maintenance, and other programs. Approval of the special tax and any related bond issue requires approval by two-thirds of the district electorate.

Local

City of Encinitas General Plan

The City's General Plan is the primary source of long-range planning and policy direction used to guide growth and preserve the quality of life in Encinitas. The General Plan states that a goal of the City is to analyze proposed land uses to ensure that the designations would contribute to a proper balance of land uses in the community. General Plan goals and policies relevant to the project are listed below.

Public Safety Element

GOAL 1: **Public health and safety will be considered in future land use planning.**

Policy 1.8: New residential and commercial construction shall provide for smoke detector and fire sprinkler systems to reduce the impact of development on service levels.

Policy 1.9: Adequate safety service levels shall be maintained and provided for by new development.

Policy 1.10: The public safety program shall provide for a response plan that strives to reduce life and property losses through technology, education, training, facilities and equipment.

Policy 1.11: The public safety system shall provide standards and level of service guidelines that assure a quality of life and protection of life and property from preventable losses.

Policy 1.14: Where development creates the need for new public safety services and/or equipment, that development shall be responsible for the cost of such services/equipment.

Policy 1.16: The City and its service districts and agencies shall maintain adequate levels of staffing, materials and equipment to assure timely response to demands for public safety measures.

Recreation Element

GOAL 1: The maintenance of the open space resources in the planning area will continue to be emphasized.

Policy 1.2: Consider the enactment of a "Quimby Ordinance" to ensure that new residential development is provided with open space/recreational amenities. In addition, explore all other available funding resources and alternatives for acquisition and development of parking and open space lands.

Policy 1.3: Enforce local laws regarding the vandalism of park property and incorporate citizen involvement into the program through the "neighborhood watch" programs and other community efforts.

Policy 1.5: Provide a minimum of 15 acres of local recreational area for each 1,000 populations for the entire community. This area should be devoted to neighborhood and other close-at-hand recreation facilities, community parks, and passive open space in undeveloped preserves and wilderness areas. This policy shall not be construed to reduce the minimum standards established under this Element for provision of mini, neighborhood, community, or other park land based on population or service distance.

Policy 1.6: Establish mini-parks and playlots in high density areas where larger parks are inaccessible or impractical to provide, and only when the provision of neighborhood parks to serve local neighborhood park needs is not possible.

Policy 1.7: Provide a neighborhood park within convenient, and where possible, walking distance for all urban area residents.

Policy 1.9: Develop parks in conjunction with schools wherever possible and encourage joint use of facilities.

Policy 1.11: Develop an open space program that will link the various communities together with parks, recreation/pedestrian access and natural visual corridors.

GOAL 4: A City-wide system of parks which combine established standards and community desires shall be established and maintained.

Policy 4.3: Neighborhood parks should be accessible by pedestrians living in the immediate area.

Land Use Element

GOAL 2: The City should manage slow, orderly growth in accordance with a long-term plan which protects and enhances community values.

Policy 2.3: Growth will be managed in a manner that does not exceed the ability of the City, special districts and utilities to provide a desirable level of facilities and services.

Policy 2.10: Development shall not be allowed prematurely, in that access, utilities, and services shall be available prior to allowing development.

STANDARDS OF SIGNIFICANCE

Thresholds of Significance

In accordance with the State California Environmental Quality Act (CEQA) Guidelines, the effects of a project are evaluated to determine whether they would result in a significant adverse impact on the environment. An EIR is required to focus on these effects and offer mitigation measures to reduce or avoid any significant impacts that are identified. The criteria used to determine the significance of impacts may vary depending on the nature of the project.

According to Appendix G of the State CEQA Guidelines, the project would have a significant impact if the project results in the need for new or physically altered governmental facilities, in order to maintain acceptable service ratios, response times or other performance objectives, the construction of which could cause significant environmental impacts for any of the public services:

- Fire protection
- Police protection
- Schools
- Other public facilities

Additionally, the project would result in significant impacts related to parks and recreation if it would:

1. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.

2. Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

PROJECT IMPACTS AND MITIGATION

FIRE PROTECTION

Impact 3.11-1	**The project would not result in substantial adverse physical impacts to fire protection services due to the provision of new or physically altered governmental facilities. Impacts would be less than significant.**

As mentioned previously, the project site is located within the jurisdiction of the Encinitas Fire & Marine Safety Department (Fire Department). The closest station is Fire Station 3, located at 801 Orpheus Avenue in Leucadia, approximately one mile south of the project site. If additional services are required in the event of an emergency, services may be provided from other fire stations operated by the City or other jurisdictions, as needed.

The project would allow for future construction of 149 residences (52 one-bedroom homes, 37 two-bedroom homes, and 60 three-bedroom homes). The San Diego Association of Governments (SANDAG) has estimated an average of 2.51 persons per household in 2020 for the City with an approximate population of 62,183 residents, which is the latest data available as of the time of this writing (SANDAG 2020). Therefore, the project would result in the addition of 374 people

(2.51 x 149 residences), which is equivalent to an approximate 0.6 percent increase in the City's population.

The National Fire Protection Association Standard 1710 recommends that, to treat medical patients and control small fires, the first response unit should arrive within 6 minutes, 20 seconds from the receipt of a 9-1-1 call for 90 percent of the calls. In 2021, the Encinitas Fire Department responded to 6,143 calls involving fire and medical emergencies, including structure fires, vegetation fires, vehicle fires, and medical aids. Based on a year 2020 population estimate of 62,183 residents, the call volume represents approximately one call per 10.1 residents (62,183 residents/6,143 calls).

The project site , along with the proposed northern off-site preserve area, is mapped as being within a Very High Fire Hazard Severity Zone (City of Encinitas n.d.). As a result, the project site has been designed to incorporate a vertical retaining wall along the northern boundary to provide separation from the adjacent off-site preserve area (to be left as undeveloped, vegetated land) as well as brush management zones of varied width along the perimeter of the development footprint to reduce the potential for wildfire risk and spread.

Vehicular access to the project site would be provided via two entry points: from Piraeus Street from the west and from Plato Place to the south. Both entryways would be two-way and would provide emergency/fire access to the proposed development. No changes to adjacent roadways are proposed as part of the project, and development of the site as proposed would not impede existing emergency response plans for the project area. Additionally, project construction and/or operation are not anticipated to result in closures of local roadways that would have an effect on emergency response or evacuation plans in the vicinity of the project site. It is anticipated that all local roadways would remain open during project construction and operation. Further, construction activities occurring within the project site would comply with all conditions of approval, including grading permit conditions regarding lay-down and fire access, and would not restrict access for emergency vehicles responding to incidents on the site or in the surrounding area. It is anticipated that all vehicles and construction equipment would be staged on-site and off of public roadways, and would therefore not block any designated emergency access routes.

As shown in Table 3.11-1, approximately 3.3 percent of the total call volume for emergencies in 2021 were fire-related (204 calls). The addition of 374 new on-site residents with project implementation is anticipated to generate approximately 37 annual calls for service (374 residents/1 call per 10.1 residents), the majority of which are expected to be medical-related, and only approximately 2 calls (or 5%) would be fire-related. Additionally, due to the site's proximity to an existing fire station (i.e., Fire Station 3); the service level currently maintained by the Fire Department; and conformance with applicable access, water, and protection system requirements per the California Building Code, California Fire Code, and applicable local codes, it

is not anticipated that the project would substantially increase demands on the fire department for fire protection services.

Title 23 of the City's Municipal Code requires payment of fire service mitigation fees as a condition of discretionary projects. Fees are determined by the Fire Chief and, once collected, are used to provide capital facilities and equipment for fire prevention and control which may include new station construction, station expansion, and/or fire apparatus acquisition (Municipal Code Section 23.92.040). The project applicant would be required to pay such fees prior to issuance of a building permit to reduce potential effects on the City's ability to provide adequate fire protection services.

For the reasons above, the project would not result in a need for expanded or newly constructed facilities, the construction of which could cause significant environmental impacts. Impacts associated with fire protection services would be **less than significant**. Refer also to Section 3.15, Wildfire, for additional discussion.

Mitigation Measures: None required.

Level of Significance: Less than significant.

LAW ENFORCEMENT

Impact 3.11-2	**The project would not result in substantial adverse physical impacts to police protection services due to the provision of new or physically altered governmental facilities. Impacts would be less than significant.**

Law enforcement services would be provided by the San Diego County Sheriff's Department from its North Coastal Station. The station is located at 175 North El Camino Real, approximately 2.8 miles southeast of the project site.

According to the City of Encinitas General Plan HEU Environmental Assessment, response time averages for the 2013–2014 fiscal year were as follows: Priority 1 – 6.0 minutes; Priority 2 – 10.9 minutes; Priority 3 – 16.1 minutes; and Priority 4 – 45.8 minutes (City of Encinitas 2016a). The General Plan EIR HEU Environmental Assessment further states that the Sheriff's Department has no current plans to increase staffing levels or construct new facilities in the City. In March 2022, the North Coastal Station response time averages for were as follows: Priority 1 – 6.19 minutes; Priority 2 – 10.15 minutes; Priority 3 – 13.79 minutes; and Priority 4 – 17.31 minutes (San Diego County Sheriff's Department 2022b).

Based on proximity to existing sheriff stations and current service levels maintained by the Sheriff's Department, and because the project would not require improvements to local roadways that could result in a delay in emergency response travel time, the project is not

expected to adversely affect the level of law enforcement protection or response times from the North Coastal Station, nor would the hiring of additional Sheriff's Department staff be required. Project implementation would not result in the need to construct any new law enforcement facilities or physically alter an existing law enforcement facility. Therefore, the project would have a **less than significant** impact on law enforcement services.

Mitigation Measures: None required.

Level of Significance: Less than significant.

SCHOOLS

Impact 3.11-3	**The project would not result in substantial adverse physical impacts to schools due to the provision of new or physically altered governmental facilities. Impacts would be less than significant.**

The project site is located within the EUSD and SDUHSD and would contribute additional school-aged children to Capri Elementary School, Diegueño Middle School and La Costa Canyon High School or San Dieguito High School Academy. The EUSD and SDUHSD use different student generation numbers for different projects. The EUSD has used numbers ranging from 0.20 students/household up to 0.41 students/housing. The SDUHSD has used numbers from 0.174 students per household to 0.3 students per household. This is often due to differently sized homes which are expected to generate varying numbers of school-aged children. While larger homes are typically expected to generate more students, to be conservative, the analysis for the project assumes a worst-case scenario. Therefore, it is assumed that the EUSD uses a generation rate of 0.41 school-aged students (K-6) per residential dwelling unit while the SDUHSD uses a generation rate of 0.3 school-aged students (7-12) per residential dwelling unit. These totals are specific to students attending EUSD and SDUHSD schools, and do not account for students who attend other, non-public schools such as private schools, charter schools, and/or home schools.

Student generation for each HEU project site was calculated in the HEU Environmental Assessment. Based on the upper range of the student generation rates and proposed development of 149 units, the project is estimated to generate 61 students in the EUSD and 45 students in the SDUHSD, totaling approximately 106 additional students as shown in Table 3.11-3, Estimated Student Generation.[1]

1. 149 residences*0.41 = 62 additional EUSD students; 149 residences*0.3 = 45 additional SDUHSD students.

Table 3.11-3: Estimated Student Generation

District	Student Generation Rate	Units	Estimated Students
EUSD	0.41/unit	149	61
SDUHSD	0.3/unit	149	45

Source: City of Encinitas 2018.

Table 3.11-4, School Capacity, provides the student capacity for each school relevant to the proposed project. The EUSD (Capri Elementary School) has a future enrollment capacity of 135 students while the SDUHSD (Diegueño Middle School, La Costa Canyon High School, and San Dieguito High School Academy) has a future enrollment capacity of 1,578. Given the estimated student generation, shown in Table 3.11-3, and the timing of project construction, it is anticipated that the SDUHSD has sufficient capacity to accommodate students associated with the proposed development.

It should be noted that the HEU Environmental Assessment determined that the SDUHSD would have sufficient capacity to accommodate the estimated student generation from full buildout of the HEU; however, the HEU Environmental Assessment also determined the EUSD would have a capacity shortfall of an estimated 431 students. The EUSD may therefore not be able to accommodate the additional students generated by the proposed project depending on when the project is constructed and how enrollment numbers may change prior to occupancy of the subject site.

Buildout of the HEU is anticipated to occur over 20+ years and each future development would require analysis on a project-by-project basis, as well as compliance with applicable General Plan goals and policies and payment of school impact fees pursuant to Government Code Section 53080 or Section 65970. The HEU Environmental Assessment concluded that the payment of fees would be considered full and complete mitigation for each development's impacts, as the payment of fees is intended to ensure adequate school services and space are available. Additionally, future projects would be required to ensure adequate school services are available. With such measures, it was determined that impacts on school services resulting with buildout of the HEU would be reduced to less than significant (City of Encinitas 2018).

Table 3.11-4: School Capacity

School	School District	2021/22 Enrollment	Total Maximum Enrollment Capacity[1]	Future Enrollment Capacity[1]
Capri Elementary School	EUSD	638	773	135
			EUSD Subtotal	**135**
Diegueño Middle School	SDUHSD	780	1,335	555
La Costa Canyon High School	SDUHSD	1,647	3,000	1,353
San Dieguito High School Academy	SDUHSD	2,145	1,815	-330
			SDUHSD Subtotal	**1,578**
			Total	**1,713**

Notes:

[1] As identified in the 2018 Final Environmental Assessment for the 2013-2021 General Plan Housing Element Update.

Source: City of Encinitas 2018; California Department of Education 2022.

As of preparation of this EIR, the EUSD is in the process of preparing a 2020 Facilities Master Plan (FMP) that would analyze existing and future needs of the district for the next 10 to 15 years. There are four primary components of the FMP: educational vision, facilities assessment, demographics review, and financial analysis. The FMP will analyze individual school sites and priorities will be established at both a site-specific level as well as a district-wide level (EUSD 2022c).

Throughout the process, the EUSD will collaborate with various stakeholders and use local data to support their analysis (EUSD 2022c). As such, the EUSD will use the HEU to plan for adequate school facilities. As the project site is included in the HEU, the EUSD will take into account the project's estimated student generation, as well as those of the other HEU projects, when determining potential expansion to accommodate the increase in students.

Although the EUSD is currently analyzing future facility expansion options in the FMP, specifics of any facility expansion are unknown at this time, and thus considered speculative for purposes of evaluating future impacts of school construction projects. For instance, the EUSD may also consider revising enrollment boundaries rather than expanding existing school sites or constructing a new school. The district, upon a proposed capital project, would be required to conduct environmental review under CEQA.

As stated, all new residential development is required to pay impact fees in compliance with Government Code Section 53080 or Section 65970 and in collaboration with the City's Development Services Department to offset impacts of new residential development on school facilities. Payment of impact fees required of the project are intended to offset those school district project costs and are considered full mitigation by state statute. Therefore, based on the

capacity of the schools affected, the number of students generated by the project, and mandatory development impact fees, impacts on area schools would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

PARKS AND RECREATION

Impact 3.11-4	**The project would not increase the use of existing neighborhood and regional parks or other recreational facilities. Impacts would be less than significant.**

The City of Encinitas Parks, Recreation & Cultural Arts Department maintains 152 acres of developed/undeveloped parks, 82 acres of open space, 45 acres of beaches, 40 miles of trails, and 10 miles of streetscapes (City of Encinitas 2022). An increase in the use of existing parks and recreational facilities typically results from an increase in housing or population in an area. As previously stated, the project proposes 149 new residences which would result in the addition of approximately 374 people in the City.

The City's population for the year 2020 was estimated to be 62,183 persons (SANDAG 2020). Based on the person per household estimate of 2.51, the project would support a population of 374 people (2.51 x 149 residential units). The project would represent approximately 0.6 percent increase to the 2020 population (for a total of 62,557 persons) and would therefore not substantially contribute to population growth within the City.

As stated under Recreation Element Policy 1.5 in the Encinitas General Plan, the City's goal is to provide a minimum of 15 acres of local recreational area per 1,000 residents, devoted to neighborhood and other local recreational facilities, community parks, and passive open space in undeveloped preserves (City of Encinitas 1991). Based on the estimated 2020 population (62,183 persons), the City would need to provide approximately 933 acres of parks/open space to meet the adopted General Plan goal. As stated above, the City maintains approximately 1,643.2 acres of parks and recreational space (see Table 3.11-2) which would meet the needs for all residents under current population estimates. As shown in Table 3.11-5, Available Parkland and Demand, the City would maintain a parkland surplus of approximately 705 acres with the project's increase in park demand (938.6 acres).[2] As such, it is not anticipated that the project would result in a substantial increase in demands on existing recreational facilities or require the construction of new recreational facilities.

[2] 62,557 residents with the project/1,000 acres = 62.557 x 15 acres per resident = 938.36 acres.

Table 3.11-5: Available Parkland and Demand

Population	Parkland Demand (acres)	Parkland Provided (acres)	Surplus (Deficit) (acres)
Existing (2020 Population Estimate)			
62,183	932.8	1,643.2	+710.4
With Project			
62,554	938.3	1,643.2	+704.9

Source: SANDAG 2022; City of Encinitas 2016b.

In addition, the project would include a pool, spa, pool house, firepit with seating, and lounge seating, totaling approximately 6,245 square feet. A total of 51,171 square feet of open space is proposed for the project, with 343 square feet of open space provided per unit. Additionally, (off-site) landscaped areas proposed adjacent to the project site along Piraeus Street and Plato Place could be used by residents for lounging, walking, and other active and passive recreational activities. Such areas would provide additional recreational opportunities to the project's residents.

All residential development in the City, including the project, is required to provide parkland dedications or in-lieu fees (Government Code Section 66007) prior to issuance of a certificate occupancy in order to offset the impacts of increased demand on park and recreational facilities. With the payment of parkland impact fees, project impacts on park and recreational facilities would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

OTHER FACILITIES

Impact 3.11-5 **The project would not result in substantial adverse physical impacts to other public facilities due to the provision of new or physically altered governmental facilities. Impacts would be less than significant.**

Other existing public facilities available to support residents of the proposed development include area libraries, hospitals, and general City administration facilities. As stated, the project would increase the City's population by an estimated 374 residents, thereby generating new demand on such public facilities and related services.

However, additional public facility use generated by the addition of project residents is considered to be negligible as compared to the utilization of public facilities on a City-wide basis. A portion of the City's Parkland Acquisitions and Improvements Development Fee is intended to be available to support "community facilities," which may include some of these other facilities. Given the small number of additional residents generated by the proposed project, and because the project applicant would be required to contribute funds through the City's Parkland

Acquisitions and Improvement Development Fee for community facilities, the project would not result in substantial adverse physical impacts to other public facilities due to the provision of new or physically altered governmental facilities or the need for new or physically altered governmental facilities. Impacts would be **less than significant** in this regard**.**

Mitigation Measures: None required.

Level of Significance: Less than significant.

CUMULATIVE IMPACTS

Impact 3.11-6	**The project would not result in a cumulatively considerable impact to public services and recreation. Impacts would be less than cumulatively considerable.**

Geographic Scope

The geographic scope for cumulative impacts to public services and recreation includes the service areas for the Encinitas Fire Department, the San Diego County Sheriff's Department, the EUSD and SDUHSD, and City and regional recreational facilities and parkland.

The cumulative projects in Table 3.0-1, Cumulative Projects, have been determined to be reasonably foreseeable. Refer to Figure 3.0-1, Cumulative Projects Map, for the location of each project relative to the project site. The cumulative projects list (Table 3.0-1) was developed in consultation with the City's Planning Division and includes the HEU sites for which development applications are currently being processed.

To be conservative, the cumulative analysis is based on the "worst-case" assumption that includes the HEU sites (even those yet to file an application with the City) to the extent they may contribute to certain issue-specific cumulative effects (see Table 3.0-2).

Potential Cumulative Impacts

As determined in Impact 3.11-1, the project would not result in a significant impact related to fire protection services due to the project site's proximity to an existing fire station and because the project would meet all access, water, and protection system requirements. Additionally, the project would not result in permanent changes to adjacent roadways as part of the project, or result in temporary closure of local roadways that may have an effect on emergency response or evacuation plans in the project vicinity.

As with the proposed project, other cumulative projects would be required to analyze potential effects on local roadways and on emergency response times related to fire protection services

on a project-by-project basis. As noted in the 2018 HEU Environmental Assessment, future development of the HEU sites would not directly or indirectly conflict with City policy or regulation concerning fire protection services because HEU buildout would occur over 20+ years and would be required to comply with applicable General Plan goals and policies.

The project, as well as other cumulative projects, would be required to pay the City's fire mitigation fees as a condition of approval in compliance with Encinitas Municipal Code Chapter 23.92 to minimize potential adverse effects on the provision of fire protection services. Thus, the project would not contribute to a significant cumulative impact in this regard.

As the proposed project would not result in improvements to adjacent roadways that would cause a delay in travel times, the project would not adversely affect law enforcement services or response times. Other cumulative projects would be required to analyze potential impacts on emergency access and circulation, as well as law enforcement response times, on a project-by-project basis. It is not anticipated that future development of the cumulative projects listed in Table 3.0-1 and the HEU sites would directly or indirectly conflict with City policies or regulations concerning police protection services. All such projects would be required to pay the appropriate law enforcement service mitigation fees as a condition of approval. Therefore, the project, in combination with other cumulative projects, would not contribute to a significant cumulative impact on law enforcement services.

As described under Impact 3.11-3, all of the cumulative projects, including the HEU sites, would be required to pay impact fees in compliance with Government Code Section 53080 or Section 65970 and in collaboration with the City's Development Services Department to offset impacts of new residential development on school facilities. The HEU Environmental Assessment determined that the SDUHSD would have sufficient capacity to accommodate the estimated student generation from full buildout of the HEU, while the EUSD would have a capacity shortfall of approximately 431 students (City of Encinitas 2018).

As of preparation of this EIR, the EUSD is in the process of preparing an FMP that would analyze existing and future needs of the district for the next 10 to 15 years. Although the EUSD is currently analyzing future facility expansion options in the FMP, specifics of any facility expansion are not known at this time, and are therefore considered speculative for purposes of evaluating future impacts of school construction projects. If the EUSD were to propose an improvement project, further environmental review in conformance with CEQA regulations would be required.

Throughout the process, the EUSD will collaborate with various stakeholders and use local data to support their analysis (EUSD 2020). As such, the EUSD will use the HEU to plan for adequate school facilities. As the proposed project is included in, and consistent with, the HEU, the EUSD would take into account the project's estimated student generation, as well as that of the other

HEU projects, when determining potential expansion to accommodate the future increase in students.

As stated, future development projects within the City would be required to make payment of school impact fees. As payment of fees is considered full and complete mitigation for potential development's impacts, a cumulative impact would not occur. Therefore, the project would not contribute to a significant cumulative impact related to the provision of school services.

As shown in Table 3.11-5, Available Parkland and Demand, the City currently maintains approximately 710 acres of excess recreational space based on the General Plan requirement of providing 15 acres of parkland per 1,000 population. Development of the other cumulative projects and the HEU sites would increase the population of the City, and therefore, alter the amount of parkland provided per population over time.

Based on the current excess of 710 acres of parkland, combined with the payment of parkland fees and provision of new parkland or recreational amenities as part of future development projects, the City is anticipated to have the capacity to accommodate future growth without adverse effects on the provision of parkland. Therefore, the City would have an adequate availability of recreational space for the cumulative projects, and the project would not contribute to a significant cumulative impact related to parks and recreation.

In summary, with project implementation, potential impacts associated with public services and recreational facilities would be less than significant. Development of other cumulative projects, including the HEU sites, would be subject to payment of appropriate development impact fees and/or construction of new or expanded public or recreational facilities on a project-by-project basis and in accordance with applicable local, state, and federal agency requirements. Such measures would ensure that substantial increases in demand (and significant impacts) on public services and local and regional recreational amenities are avoided or reduced to the extent feasible.

The proposed project, in combination with the cumulative projects considered, is not anticipated to overburden the respective emergency service providers or other public service providers such that they are unable to maintain acceptable response times or service levels, or otherwise result in a significant cumulative impact to public services and facilities, or a deficiency in service ratios or degradation of existing recreational facilities. As no new facilities would be constructed without being evaluated by the appropriate agency, potential expansion of facilities would not result in an unknown environmental impact.

For the above reasons, the project is not anticipated to contribute to a significant cumulative impact relative to public services and recreation. Impacts would be **less than cumulatively considerable.**

Mitigation Measures: None required.

Level of Significance: Less than cumulatively considerable.

Section 3.12
Transportation

This section describes regulations related to transportation and circulation and the existing transportation systems in the project area; identifies significance criteria for impacts on transportation and circulation; and evaluates potential impacts associated with the proposed project. Discussion in this section is based on the *Transportation Impact Study* prepared by Intersecting Metrics (2022; see Appendix K) for the project. Additional information was obtained from the City of Encinitas General Plan Circulation Element (2018). Technical reports were peer reviewed by Michael Baker International and the City of Encinitas.

With implementation of Senate Bill 743, described below under Regulatory Framework, automobile delay, as measured by level of service (LOS), is not considered a significant effect on the environment. Therefore, in accordance with the California Environmental Quality Act (CEQA), the LOS analysis is not addressed in this EIR; however, it will still be considered by the City's decision-makers when making General Plan findings for the project. These findings pertain to the project's consistency with LOS policies provided in the General Plan's Circulation Element. Pursuant to CEQA, if this EIR is certified by the City's decision-makers, EIR findings pertaining to the LOS policies would not be made.

ENVIRONMENTAL SETTING

Access to the project site is provided from the regional transportation network via Interstate 5 (I-5), La Costa Avenue, Leucadia Boulevard, Piraeus Street, and Plato Place. Descriptions of these roadways are provided below:

- *Interstate 5* - Within the project study area, I-5 is a north–south freeway that runs through the San Diego region. Access from I-5 to the project vicinity is via the La Costa Avenue and Leucadia Boulevard interchanges. Within the City of Encinitas, I-5 has four northbound and four southbound general purpose lanes. The posted speed limit on I-5 is 65 miles per hour (mph) (Intersecting Metrics 2022).

- *La Costa Avenue* - Between the I-5 southbound (SB) ramps and El Camino Real, La Costa Avenue is a four-lane roadway with a posted speed limit of 55 mph. Parking is prohibited along both sides of this segment of the roadway. La Costa Avenue has a raised median east of the I-5 northbound (NB) ramps and a painted median between the I-5 SB and NB ramps. Six-foot-wide Class II bike lanes are present on both sides of the roadway. Sidewalks are provided on both sides of the roadway between the I-5 SB ramps and Piraeus Street; however, sidewalks are only provided along the north side of the roadway, along Batiquitos Lagoon, east of Piraeus Street. It should be noted that there are no active land uses on the south side of the roadway for pedestrians to access. Additionally, there

are no active transit services or facilities along La Costa Avenue within the project study area. Between I-5 and El Camino Real, La Costa Avenue is classified as a four-lane major roadway by the City of Encinitas General Plan Circulation Element (2018); thus, it is built to its ultimate classification (City of Encinitas 2018; Intersecting Metrics 2022).

- *Leucadia Boulevard* - Between the I-5 SB ramps and Garden View Road, Leucadia Boulevard is a four-lane roadway, with a raised median and a posted speed limit of 45 mph. Parking is prohibited on both sides of this segment of the roadway. Buffered Class II bike lanes are provided along both sides of the roadway. Sidewalks are provided along both sides of Leucadia Boulevard between the I-5 SB ramps and Quail Gardens Drive. Single-family residences as well as Doug Timmons Golf Course front onto this segment of Leucadia Boulevard. North Coast Transit District (NCTD) bus route #304 runs along Leucadia Boulevard/Olivenhain Road, between Saxony Road and Rancho Santa Fe Road. Leucadia Boulevard is classified as a four-lane major roadway by the City of Encinitas General Plan Circulation Element (2018); thus, it is built to its ultimate classification (City of Encinitas 2018; Intersecting Metrics 2022).

- *Piraeus Street* - Between La Costa Avenue and Leucadia Boulevard, Piraeus Street is a two-lane roadway, divided by a double yellow lane, with a posted speed limit of 45 mph. Parking is prohibited on both sides of this segment of the roadway. Class II bike lanes are provided on both sides of the roadway with exception of the segment between Christine Place and Olympus Street, in which a Class III bike route, designated by sharrows, is provided in the northbound direction, with the Class II bike lanes continuing in the southbound direction. Sidewalks are generally not provided along Piraeus Street with the exception of a 300-foot segment along the east side of the roadway directly north of Normandy Road, as well as along the east side of the roadway between Leucadia Boulevard and Ocean View Way. No transit services or facilities are located along Piraeus Street. The City of Encinitas General Plan Circulation Element does not classify Piraeus Street as a Circulation Element roadway (City of Encinitas 2018; Intersecting Metrics 2022).

- *Plato Place* - Plato Place is a two-lane, undivided roadway with no posted speed limit. Parking is prohibited along both sides of the roadway. No bicycle, pedestrian, or transit facilities are presently located along Plato Place. The road provides a connection point between a single-family neighborhood to the east and Piraeus Street. The City of Encinitas General Plan Circulation Element does not classify Plato Place as a Circulation Element roadway (City of Encinitas 2018; Intersecting Metrics 2022).

There are no transit routes that operate bus stops within the project vicinity. As mentioned above, NCTD bus route #304 operates along Leucadia Boulevard/Olivenhain Road between

Saxony Road and Rancho Santa Fe Road, approximately 1 mile southeast of the project site. The La Costa Avenue park-and ride facility is located approximately 0.3 miles north of the project site, across La Costa Avenue. The closest major transit station to the project site is the Encinitas Transit Station, located approximately 2 road miles south. The station provides access to NCTD's COASTER (commuter heavy rail) and NCTD bus routes #101, #304, and #309.

North Coast Highway 101 is located approximately 0.6 miles west of the project site and is heavily traveled by bicyclists. The road currently supports both Class II and Class III bicycle facilities. Other roads within the City that offer Class II bicycle facilities include Carlsbad Boulevard, Leucadia Boulevard, Quail Gardens Drive, Nardo Road, Garden View Road, Via Cantebria, El Camino Real, Rancho Santa Fe Road, Manchester Avenue, La Costa Avenue, Mountain Vista Drive, Encinitas Boulevard, and Santa Fe Drive.

The City's planned pedestrian circulation system consists of connecting sidewalks along roadways as well as recreational trails. Sidewalks are currently present along (portions of) the eastern side of Piraeus Street directly north of Normandy Road and between Leucadia Boulevard and Ocean View Way; both sides of La Costa Avenue (except along Batiquitos Lagoon where sidewalks are only present along the north side of the roadway); and both sides of Leucadia Boulevard. The project site is located approximately 0.6 miles south of Batiquitos Lagoon, which provides opportunities for passive and active recreation.

REGULATORY FRAMEWORK

Federal

Federal rules and regulations affect the City's traffic and circulation system (i.e., I-5) including transportation planning and programming; funding; and design, construction, and operation of facilities. The City complies with all applicable rules and regulations of the Federal Highway Administration, the Federal Transit Administration, the Federal Railroad Administration, the Federal Aviation Administration, and other federal agencies, as appropriate. In addition, the City coordinates with federal resource agencies where appropriate in the environmental clearance process for transportation facilities.

Congestion Management Process

Federal Highway Administration 23 Code of Federal Regulations 450.320 requires that all transportation management areas address congestion management through a process involving an analysis of multimodal metropolitan area-wide strategies that are developed to enhance safety and integrated management of new and existing transportation facilities eligible for

federal funding. The San Diego Association of Governments (SANDAG) has been designated as having jurisdiction over transportation management areas in the San Diego region.

Regional

Regional Transportation Improvement Program 2018

SANDAG, acting as the Metropolitan Planning Organization (MPO) and the Regional Transportation Planning Agency (RTPA), is required to adopt a Regional Transportation Improvement Program (RTIP). Transportation projects funded with federal and state sources and the San Diego transportation sales tax program (TransNet) must be included in an approved RTIP. The programming of locally funded projects may be included at the discretion of the agency. SANDAG adopted the 2018 Regional/Federal Transportation Improvement Program (RTIP/FTIP) in September 2018. The RTIP/FTIP represents a multibillion-dollar, five-year program of major transportation projects (such as proposed highway arterial, transit, and non-motorized projects) funded by federal and state sources, the local San Diego transportation sales tax (TransNet), and other local and private funding covering fiscal year (FY) 2018/2019 to FY 2022/2023.

The 2018 RTIP is a prioritized program designed to implement the region's overall strategy for providing mobility and improving the efficiency and safety of the transportation system, while reducing transportation-related air pollution in support of efforts to attain federal and state air quality standards for the region. The 2018 RTIP also incrementally implements the 2050 Regional Transportation Plan (2050 RTP), the long-range transportation plan for the San Diego region, which was approved by the SANDAG Board of Directors in October 2011. The 2050 RTP is referred to as *San Diego Forward: The Regional Plan* (see discussion below).

2050 Regional Transportation Plan and Sustainable Communities Strategy

Regional transportation plans are developed to identify regional transportation goals, objectives, and strategies. Such plans are required to be prepared in conformance with the goals of Senate Bill 375 aimed at reducing regional greenhouse gas (GHG) emissions from automobiles and light-duty trucks through changes in land use and transportation development patterns.

SANDAG serves as the RTPA for the Southern California region and is therefore required to adopt and submit an updated RTP to the California Transportation Commission and the California Department of Transportation (Caltrans) every 4 to 5 years, based on regional air quality attainment status. Working with local governments, SANDAG is required by federal law to prepare and implement an RTP that identifies anticipated regional transportation system needs and prioritizes future transportation projects.

The 2050 Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS) provides guidance for investing an estimated $208 billion in local, state, and federal transportation funds anticipated to be available within the San Diego region over the next three decades. The 2050 RTP plans for a regional transportation system that enhances quality of life, promotes sustainability, and offers varied mobility options for both goods and people. The plan addresses improvements for transit, rail and bus service, express and managed lanes, highways, local streets, bicycling, and walking to achieve an integrated, multimodal transportation system by 2050. In accordance with the requirements of Senate Bill 375, the plan includes a Sustainable Communities Strategy that provides regional guidance for reduction of GHG emissions to state-mandated levels over upcoming years. The 2050 RTP/SCS are components of *San Diego Forward: The Regional Plan*, adopted by SANDAG in 2019.

State

Senate Bill 375

Senate Bill 375 (codified in the Government Code and the Public Resources Code) took effect in 2008 and provides a new planning process to coordinate land use planning, regional transportation plans, and funding priorities in order to help California meet the GHG reduction goals established by Assembly Bill 32. Senate Bill 375 requires MPOs to incorporate a Sustainable Communities Strategy in their Regional Transportation Plans to achieve GHG emissions reduction targets by reducing vehicle miles traveled from light-duty vehicles through the development of more compact, complete, and efficient communities.

Senate Bill 375 required the California Air Resources Board (CARB) to set regional targets for reducing GHG from passenger vehicle use. In 2010, CARB established targets for 2020 and 2035 for each region in California governed by an MPO. SANDAG is the MPO for the San Diego region. The SANDAG target, as set by CARB, is to reduce the region's per capita emissions of GHGs from cars and light trucks by 7 percent by 2020, compared with a 2005 baseline. By 2035, the target is a 13 percent per capita reduction. Senate Bill 375 does not require CARB to set targets beyond 2035. Nevertheless, the Regional Plan also includes a 2050 time horizon to integrate the TransNet Program, which has a 2048 time horizon (very close to 2050).

Senate Bill 743

Senate Bill 743 was signed into law in September 2013 and includes several changes to CEQA for projects located in areas served by transit (e.g., transit-oriented development, or TOD). Most notably with regard to transportation and traffic assessments, Senate Bill 743 changed the way that transportation impacts are analyzed under CEQA (see Public Resources Code Section 21099).

Senate Bill 743 required the Governor's Office of Planning and Research (OPR) to amend the CEQA Guidelines to exclude LOS and auto delay when evaluating transportation impacts.

With implementation of Senate Bill 743, new criteria have been established to promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses. The Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA (Guidelines) provided recommendations for updating the state's CEQA Guidelines in response to Senate Bill 743 and contained recommendations for a vehicle miles traveled (VMT) analysis methodology in an accompanying Technical Advisory on Evaluating Transportation Impacts in CEQA (Technical Advisory).

The Guidelines, including the Technical Advisory, recommended use of automobile VMT per capita as the preferred CEQA transportation metric, along with the elimination of automobile delay/LOS for CEQA purposes statewide. Public Resources Code Section 21099 and CEQA Guidelines Section 15064.3 reflect this change. Under Section 21099, automobile delay, as measured by LOS or similar measures of traffic congestion or vehicular capacity, is not considered a significant effect on the environment.

Local

City of Encinitas General Plan

The City's General Plan is the primary source of long-range planning and policy direction used to guide growth and preserve the quality of life within Encinitas. The General Plan states that a goal of the City is to analyze proposed land uses to ensure that the designations would contribute to a proper balance of land uses within the community. The relevant goals and policies for the project include:

Circulation Element

GOAL 1: **Encinitas should have a transportation system that is safe, convenient and efficient, and sensitive to and compatible with surrounding community character.**

Policy 1.2: Endeavor to maintain Level of Service C as a basic design guideline for the local system of roadways understanding that the guideline may not be attainable in all cases.

Policy 1.3: Prohibit development which results in Level of Service E or F at any intersection unless no alternatives exist and an overriding public need can be demonstrated.

Policy 1.10: Encourage the design of roads and traffic controls to optimize safe traffic flow by minimizing turning, curb parking, uncontrolled access, and frequent stops.

Policy 1.15: The City will actively support an integrated transportation program that encourages and provides for mass transit, bicycle transportation, pedestrians, equestrians, and carpooling.

Policy 1.17: Standards shall be established and implemented to provide for adequate levels of street lighting, based on criteria of safety and related to volumes of vehicular, pedestrian and bicycle activity and potential points of conflict. Such standards shall be designed to respect different community and neighborhood needs for lighting, different community standards for design and special attention given to preservation of dark sky.

GOAL 2: The City will make every effort to develop a varied transportation system that is capable of serving both the existing population and future residents while preserving community values and character.

Policy 2.2: Require new residential development to have roadways constructed to City standards before the roads can be dedicated to the City.

Policy 2.10: Establish landscaping buffer and building setback requirements along all roads which are local augmented status or larger, except where inappropriate.

GOAL 7: Every effort will be made to have new development, both in the City and in the region, provide for all costs of the incremental expansion of the circulation system necessary to accommodate that development. Costs include, but are not limited to, costs of right-of-way and construction, including costs of moving utilities and structures, and costs for landscaping and intersection improvement.

Although Policies 1.2 and 1.3 are relevant for planning purposes, these LOS policies rely on measurements used for evaluating automobile delay. Therefore, pursuant to CEQA, these policies are not applicable to the environmental impact analysis in this EIR.

City of Encinitas Bikeway Master Plan

The City includes bicycle facilities along Highway 101 and several major roadways. The North Coast Highway 101 corridor is a highly traveled bicycle corridor through the City of Encinitas and regionally within San Diego County and supports both Class II and Class III bike facilities. Class II

bicycle facilities are currently provided along Carlsbad Boulevard, Leucadia Boulevard, Quail Gardens Drive, Nardo Road, Garden View Road, Via Cantebria, El Camino Real, Rancho Santa Fe Road, Manchester Avenue, La Costa Avenue, Mountain Vista Drive, Encinitas Boulevard, and Santa Fe Drive.

Let's Move Encinitas! Pedestrian Travel and Safe Routes to School Plan

The federal Safe Routes to School Program is implemented by the Department of Transportation to encourage primary, middle, and high school students to walk and bicycle to school and provide safe means of doing so. Each state is apportioned funds, which are distributed to state, local, and regional agencies to finance program-related non-infrastructure activities, such as public awareness campaigns, and infrastructure projects in the vicinity of schools (defined as the approximately 2-mile area within bicycling and walking distance of the school). The City adopted its *Let's Move Encinitas! Pedestrian Travel and Safe Routes to School Plan* in March 2015 to address the need for pedestrian travel within the urbanized areas of the City as well as the more rural areas, to plan for safe routes to school, and to provide pedestrian access to the coastal zone. The plan identifies potential improvement locations based on the need for pedestrian facilities and known pedestrian safety issues.

City of Encinitas Active Transportation Plan Administrative Draft April 2018

The City of Encinitas Active Transportation Plan is intended to address not only local travel needs, but crosstown and regional bicycle and pedestrian travel as well. This plan is intended to be responsive to General Plan changes and to bring the document into conformance with the City's latest Climate Action Plan, complete streets policies, and other local goals and objectives. Objectives identified include establishing biking and walking facility types and identifying connections between the City's bikeway system and the regional system.

The document evaluates the City's existing bikeway facility system and its relationship with other systems, including public transit, and recommends access to transit improvements where appropriate. The plan aims to maximize the efficiencies offered by multimodal connections between public transit, walkways and bikeway, including providing more convenient walking and bicycling facilities for residents who do not have ready access to motor vehicles, as well as encouraging those with access to motor vehicles to consider biking or walking as viable alternatives to driving.

Encinitas City Council Ordinance 2019-24

Ordinance 2019-24 amended both Title 24 and Title 30 of the Encinitas Municipal Code to provide consistent language for the requirements of pedestrian and bicycle connectivity basis with the objective of maintaining and/or enhancing further connectivity and circulation of pedestrian,

bicycle, and vehicular transport. Furthermore, the amended Municipal Code is applied to all areas and zones within the City, including when a subdivision is or is not requested as a part of a development application.

STANDARDS OF SIGNIFICANCE

Methodology

The following summarizes the methodology used in this analysis. Additional background information and an in-depth discussion as to the technical approach is provided in Appendix K of this EIR.

Screening Criteria

OPR's Technical Advisory identifies screening criteria, which, if met, assume that a project would have a less than significant VMT-related impact. Such screening criteria include: small projects, defined as projects generating less than 110 average daily trips (ADT); projects located in a VMT-efficient area or Transit Priority Area; 100 percent affordable housing projects; and locally serving uses. If a project meets any of the screening criteria, a detailed VMT analysis is not required. If a project does not meet the screening criteria, a VMT analysis is required. Refer to Appendix K for additional discussion.

Analysis Metrics

For residential projects, Section E.2 of OPR's Technical Advisory recommends that VMT/capita be analyzed to determine if a project would result in a significant transportation-related impact. The VMT/capita metric includes all vehicle-based person trips grouped and summed to the home location of individuals who are drivers or passengers on each trip. This metric includes both home-based and non-home-based trips. The VMT for each home is then summed for all homes in a particular census tract and divided by the population of that census tract to determine resident VMT/capita.

The CEQA Guidelines specify automobile VMT as the most appropriate CEQA transportation metric, along with the elimination of automobile delay/LOS. However, lead agencies have the discretion to select their preferred significance thresholds with respect to what level of VMT increase would cause a significant environmental impact. Lead agencies have the opportunity to choose the thresholds suggested in OPR's Technical Advisory or develop alternative thresholds. For the purposes of the project, therefore, the analysis can be conducted by comparing either: 1) the project VMT/capita, or 2) the project VMT/employee to both the San Diego regional average or the average for the city or community in which the project is located.

For residential land use developments, a project is considered to have a less than significant transportation-related impact if the project VMT/capita is lower than 85 percent of the regional average or 85 percent of the average for the area in which the project is located. For purposes of analysis, projected VMT/capita was compared to average VMT/capita for the San Diego region. The significance thresholds for the San Diego region are shown in Table 3.12-1.

Table 3.12-1: Significance Thresholds

Land Use	Metric	Average VMT in Miles[a]	Regional VMT per Capita Threshold (Miles)[b]
San Diego Region			
Residential	VMT/Capita	18.9	16.1

Source: Intersecting Metrics 2022 (see Appendix K).
Notes:
a. SANDAG Series 14 Transportation Forecast (Series ID 458)
b. A significant impact occurs if the project VMT/capita exceeds the stated the threshold.

Thresholds of Significance

According to Appendix G of the State CEQA Guidelines, the proposed project would have a significant impact related to transportation if it would:

1. Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.
2. Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).
3. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).
4. Result in inadequate emergency access.

PROJECT IMPACTS AND MITIGATION

CONFLICT WITH AN APPLICABLE PROGRAM, PLAN, ORDINANCE, OR POLICY

Impact 3.12-1 **The project would not conflict with an applicable program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. Impacts would be less than significant.**

Access to the site would be provided via a proposed drive that would extend through the site and provide access/egress at Piraeus Street and Plato Place. Both entries/exits are intended to serve as emergency/fire access points.

Although the VMT methodology is now applied in evaluating potential transportation impacts of a project, the City's General Plan identifies standards for maintaining an adequate LOS for City streets and intersections. To evaluate project consistency with the General Plan Circulation Element, a Local Transportation Assessment was prepared for the project. As previously stated, to be consistent with the CEQA Guidelines, a LOS analysis is not required for purposes of this EIR's impact analysis. However, the LOS analysis will be considered by the City's decision-makers when making General Plan findings for the project.

The project does not propose any features that are inconsistent with applicable policies of the City's General Plan Circulation Element. Further, the proposed residential use is consistent with that assumed for the subject site in the City's General Plan Housing Element Update, and therefore, the project would not result in a land use considered to be incompatible with surrounding uses.

The project would be subject to payment of the City's transportation fees to ensure continued adequacy of the local and regional transportation systems. No conflict with an applicable program, plan, ordinance, or policy addressing the circulation system would occur with regard to area roadways or intersections affected by the proposed project.

The project has been designed to provide access to alternative means of transportation and to encourage residents and guests to the project site to utilize such modes of travel. As noted above, NCTD bus route #304 operates bus stops located at the northwest and southeast corners of Leucadia Boulevard and Sidonia Street. Bus route #304 provides connection between the Palomar College Transit Center and the Encinitas Transit Station, thereby enabling regional connections along the route.

The homeowners association (HOA) serving the proposed development would provide information pertaining to available alternative modes of transportation in the area as part of the "new resident" or "new tenant" package. The HOA would also provide residents with transit schedules for the area and would alert residents when new transit services are added or when services are changed. The closest major transit station to the project site is the Encinitas Transit Station, located approximately 2 road miles to the south. The transit station also provides access to NCTD's COASTER (commuter heavy rail) and NCTD bus routes #101, #304, and #309. Therefore, project residents would have access to both local and regional transit systems.

Bike lanes are present along both sides of La Costa Avenue, Leucadia Boulevard, and Piraeus Street in the project vicinity. Project implementation would not interfere with the continued use of such bike lanes, with the exception of possible temporary interruption (i.e., relocation) of the northbound bike lane during project improvements at the Piraeus Street entrance. Additionally, the project applicant would work with the City and its bikeshare vendor to expand the electric

bikeshare program to the project site. Such efforts are intended to provide users with on-demand access to electric pedal-assist bikes for short-term rentals and to encourage a shift from the use of vehicles to bicycles.

As described above, in 2015, the City of Encinitas adopted its *Let's Move Encinitas! Pedestrian Travel and Safe Routes to School Plan*, which identifies opportunities to implement traffic improvements near schools and to encourage students to bike or walk to school. In the project area, students in kindergarten through sixth grade would attend Capri Elementary School, located at 941 Capri Road, approximately 0.4 miles southeast of the project site (EUSD 2022). Project components would support implementation of the plan by providing direct access to bicycle lanes along Piraeus Street and La Costa Avenue and new sidewalks along the project's frontage on Piraeus Street and Plato Place, thus supporting bike and pedestrian travel in urban areas of the City and providing safe pedestrian and bicycle travel in the vicinity of Capri Elementary School. The project does not propose improvements or developments that would hinder implementation of the *Let's Move Encinitas! Pedestrian Travel and Safe Routes to School Plan*; would not remove bicycle lanes or sidewalks; and would not result in unsafe conditions in the vicinity of Capri Elementary School.

As such, the project would be in conformance with adopted policies, plans, and programs regarding public transit, bicycle, and pedestrian facilities and would not otherwise decrease the performance or safety of such facilities. The project would not result in a conflict with the City's General Plan supporting alternative transportation modes. Impacts in this regard would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

CONFLICT WITH CEQA GUIDELINES SECTION 15064.3(B)

Impact 3.12-2	**The project would conflict and be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). Impacts would be significant and unavoidable.**

The method used to derive and evaluate a project's VMT is determined based on a project's trip generation. Trip generation rates for the proposed project were developed utilizing SANDAG's *(Not So) Brief Guide to Vehicular Trip Generation in the San Diego Region* (SANDAG 2022). Table 3.12-2, Project Trip Generation, identifies the estimated daily trip generation for the project.

Table 3.12-2: Project Trip Generation

Proposed Land Use	Units	Trip Rate	Average Daily Traffic (ADT)
Multi-Family Units (20+ DU/acre)	149 DU	6/DU	894

Source: Intersecting Metrics 2022 (see Appendix K).
DU = dwelling units

The project site is currently undeveloped and does not produce daily vehicle trips. As shown, the project as proposed (149 residential units) would generate an estimated 894 ADT.

As described above, OPR's Technical Advisory identifies screening criteria, which, if met, assume that the project would have a less than significant VMT-related impact. The project does not meet these criteria (i.e., does not generate less than 110 ADT), and therefore, an analysis of VMT per capita was conducted using the SANDAG Series 14 Regional Growth Forecast (ABM2+) and associated San Diego Region SB-743 VMT Maps, which provide the most current VMT/capita data by Traffic Analysis Zone (Intersecting Metrics 2022). The results of the ABM2+ VMT output are provided in below Table 3.12-3, VMT Impact Analysis; refer also to Appendix K for additional discussion.

The proposed residential uses are anticipated to generate a VMT/capita of 23.7 miles, which exceeds the 85 percent significance threshold of 16.1 miles by 7.6 miles. Therefore, the project would have a potentially significant VMT related transportation impact.

As shown in Table 3.12-3, the project would require a 32.1 percent (or 7.6 mile) reduction in VMT/capita for VMT-related impacts to be less than significant. The project's VMT/capita is not anticipated to fall under the significance threshold as the project site is located in a suburban area that includes single-family homes with higher automobile ownership as compared to the region. While the project would implement an electric bikeshare program and provide access to existing off-site bicycle lanes; would include a suite of project design measures to enhance sustainability; would provide for a variety of housing types including very low-income affordable housing; and is consistent with City's General Plan, Local Coastal Program, Climate Action Plan, and SANDAG's The Regional Plan, project impacts related to VMT/capita would not be reduced to less than 85 percent of the regional average.

It is noted that this impact is primarily a result of the geographic location of the proposed project in a suburban neighborhood; trip characteristics of the surrounding residential land uses were used as a surrogate to estimate proposed project trip characteristics, regardless of the inherent differences between the land uses (described above). Therefore, VMT may be overestimated for the project, as the model assumes travel patterns reflective of the surrounding single-family neighborhoods.

Table 3.12-3: VMT Impact Analysis

Metric	Regional VMT Per Capita Average (in Miles)	Project Site VMT per Capita (in Miles)	Regional VMT Per Capita Threshold in Miles (85% of Regional Average)	Project % of Regional Average	Difference (in Miles)	Significant Impact?[1]
VMT/Capita	18.9	23.7	16.1	32.1	7.6 miles over	**Yes**

Source: Intersecting Metrics 2022 (see Appendix K).

[1] Significant impact if project VMT is greater than 85 percent of the regional average.

To reduce the VMT/capita associated with the project to a less than significant level, VMT reducing measures are required. Accordingly, a Transportation Demand Management (TDM) analysis was conducted using the California Air Pollution Control Officers Association's (CAPCOA) *Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity* (GHG Handbook) to identify the type and magnitude of TDM features the project would need to implement to reduce project VMT to less than significant levels (Intersecting Metrics 2022). To quantify the potential reduction in project-generated VMT, the VMT-based reduction strategies were applied to relevant project features and identified in the TDM plan. Refer to Table 3.2 of Appendix K for a complete list of the TDM measures outlined in CAPCOA's GHG Handbook.

Implementation of the TDM plan is aimed at vehicle trip reduction, increased use of alternative travel modes, and better traffic management in the project area. The TDM program calculates both potential reduction and assumed reduction of VMT-related impacts related to the project. Assumed reduction is a more conservative estimate and was therefore the only calculation used for the purposes of CEQA analysis. Proposed TDM measures are summarized in Table 3.12-4, TDM Reduction Calculation, as will be implemented as part of the required conditions of approval for the project.

Table 3.12-4: TDM Reduction Calculation

#	Measure	Potential Reduction (%)	Assumed Reduction (%)	Description	Feasible?	Reduction Taken?
T-1	Increase Residential Density	30	0	This measure accounts for the VMT reduction achieved by a project that is designed with a higher density of dwelling units (du) compared to the average residential density in the U.S. Increased densities affect the distance people travel and provide greater options for the mode of travel they choose. Increasing residential density results in shorter and fewer trips by single-occupancy vehicles and thus a reduction in VMT. This measure is best quantified when applied to larger developments and developments where the density is somewhat similar to the surrounding area based on underlying research being founded in data from the neighborhood level.	*Yes* - The project would have a net density of 21.7 dwelling units per acre. This is well above the residential density of a typical development cited in the CAPCOA Handbook of 9.1 units per acre. Note: VMT reductions associated with increased density may be already accounted for in ABM2+, in which the project VMT per capita was calculated.	Up to a 30 percent reduction can be assumed for the project; however, since it is unknown how much of this reduction is captured by ABM 2+, no reduction is assumed.
T-4	Integrate Affordable and Below Market Rate Housing	2.86	2.86	This measure requires below market rate (BMR) housing. BMR housing provides greater opportunity for lower-income families to live closer to job centers and achieve a jobs/housing match near transit. It is also an important strategy to address the limited availability of affordable housing that might force residents to live far away from jobs or schools, requiring longer commutes. The quantification method for this measure accounts for VMT reductions achieved for multifamily residential projects that are deed-restricted or otherwise permanently dedicated as affordable housing.	*Yes* - Of the 149 residential homes proposed in the community, 134 would be market-rate homes and 15 (10 percent) would be very low-income affordable residential homes.	N/A

Table 3.12-4, continued

#	Measure	Potential Reduction (%)	Assumed Reduction (%)	Description	Feasible?	Reduction Taken?
T-18	Provide Pedestrian Network Improvement	0	0	This measure would increase the sidewalk coverage to improve pedestrian access. Providing sidewalks and an enhanced pedestrian network encourages people to walk instead of drive. This mode shift results in a reduction in VMT and GHG emissions.	*Yes* – The project would construct over 1,100 linear feet of new sidewalk facilities on both Piraeus Street and Plato Place, along the project frontage.	The project would implement over 1,100 linear feet of sidewalk facilities; however, due to the existing lack of sidewalk facilities within the area, no reduction can be assumed.
T-23	Provide Community-Based Travel Planning	2.3	2.3	This measure would target residences in the plan/community with community-based travel planning (CBTP). CBTP is a residential-based approach to outreach that provides households with customized information, incentives, and support to encourage the use of transportation alternatives in place of single-occupancy vehicles, thereby reducing household VMT.	*Yes* - It is assumed that the HOA for the project would provide information about alternative modes of transportation to residents and tenant as a part of the "New Resident" or "New Tenant" package. The HOA would also provide residents with transit schedules within the area, and alert residents when new transit services are added, or services are charged. The HOA would also act as Travel Advisor, providing new residents and tenants with information regarding how members of households can travel in alternative ways that meet their needs.	N/A
	Total[a]	**33.6**	**5.1**	**--**	**--**	

Source: Intersecting Metrics, 2022 (see Appendix K).

Notes:

a. As per the CAPCOA GHG Handbook, the dampening effect should be applied to all measures when adding them together. Therefore, the totals reflect the formula 1-[(1-T1) x (1-T-4) x (1-T8)…].

As shown in Table 3.12-4, if all potential TDM measures were fully realized, the project's VMT would be reduced by 33.6 percent. However, assuming the full reduction for some of the measures identified may not be appropriate, as implementation is not feasible or cannot be guaranteed. To be conservative, a 5.1 percent reduction was assumed, thereby reducing the project's VMT per capita to 22.5 miles (Intersecting Metrics 2022). Appendix K provides a detailed analysis of the calculated VMT reductions achieved for each of the measures identified.

Table 3.12-5: VMT-Related Impact After Mitigation

Regional VMT Per Capita Threshold (in Miles)	Project Site Base VMT Per Capita (in Miles)	Feasible VMT Reduction Through Mitigation	Project Site VMT Per Capita With Mitigation (in Miles)	Significant Impact After Mitigation?
16.1	23.7	5.1%	22.5	**Yes**

Source: Intersecting Metrics 2022 (see Appendix K).

As described above, the project would require a 32.1 percent reduction in VMT to result in a less than significant impact. However, the assumed reduction of VMT with the proposed TDM measures is expected to be 5.1 percent, since several of the TDM measures may not be appropriate for the proposed project. Therefore, with the achieved reduction of 5.1 percent, VMT per capita for the project with mitigation incorporated would be 22.5 miles, and therefore, would still exceed the established threshold; refer to Table 3.12-5, VMT-Related Impact After Mitigation.

As discussed, implementation of the proposed TDM measures would not reduce project-related VMT impacts below the established threshold. As there are no additional quantifiable VMT reducing measures that the project can feasibly implement, transportation impacts relative to VMT would remain **significant and unavoidable**.

Mitigation Measures: No feasible mitigation is identified.

Level of Significance: Significant and Unavoidable. While the project proposes sidewalks along Piraeus Street and Plato Place; includes project design measures to enhance sustainability; would provide for a variety of housing types including very low-income affordable housing; and is consistent with City's General Plan, Local Coastal Program, Climate Action Plan, and SANDAG's The Regional Plan, impacts related to VMT/capita would not be reduced to 85 percent of the regional average, even after incorporation of TDMs as a required condition of project approval. As there are no additional quantifiable VMT-reducing measures that the project can feasibly implement, the project's VMT-related impacts would remain significant and unavoidable.

DESIGN FEATURES

Impact 3.12-3	**The project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Impacts would be less than significant.**

As stated under Impact 3.12-1, minor improvements would be required to ensure adequate access to the project site along Piraeus Street and Plato Place. The project design includes a two-way, 26-foot-wide interior drive that would extend through the project site, providing connection between Piraeus Street and Plato Place. The interior driveway would also connect to several 24-foot-wide internal/emergency access drives that would provide vehicular access to residences and recreational amenities (refer to Figure 2.0-3, Conceptual Site Plan). All project roadway and access improvements have been designed in conformance with City engineering design standards and are subject to City and Fire Department review and approval to minimize potential hazards or effects on public safety. Therefore, the project does not propose any roadway improvements that would result in sharp curves or dangerous intersections either on-site or off-site.

Additionally, in conformance with City requirements, the project applicant would prepare a traffic control plan to ensure that adequate circulation on surrounding local roadways is maintained during the construction phase. Implementation of the traffic control plan would ensure that no hazardous conditions are created that would interfere with public safety and/or emergency vehicle movement during project construction.

Based on the above discussion, the project would not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

EMERGENCY ACCESS

Impact 3.12-4	**The project would not result in inadequate emergency access. Impacts would be less than significant.**

As indicated above, access to the project site would occur from Piraeus Street and Plato Place. Both access points would be designated as emergency/fire access way entrances to ensure that emergency access/egress for the development can be adequately accommodated.

Interior circulation is proposed via a two-lane, 26-foot-wide interior roadway that would extend through the site and provide connection between Piraeus Street and Plato Place. The main roadway, along with internal/emergency access drives, would provide vehicular access to the residential units and recreational amenities. Emergency vehicle turnarounds are proposed on-site to ensure that adequate movement of emergency vehicles can be accommodated. Additionally, signage would be installed along on-site roadways/drives to prohibit parking, thereby ensuring that emergency access is maintained at all times; refer to Figure 2.0-3, Conceptual Site Plan.

All project roadway and access improvements have been designed in conformance with City engineering and fire department standards for emergency access and circulation. The project would not alter any established emergency vehicle routes or otherwise interfere with emergency access. As stated above, a traffic control plan would be prepared to ensure that adequate access and circulation is maintained on all surrounding streets during the project construction phase.

For the reasons above, the project would not result in inadequate emergency access. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

CUMULATIVE IMPACTS

Impact 3.12-5	**The project would result in a significant cumulative impact related to transportation. Impacts would be cumulatively considerable.**

Geographic Scope

Cumulative projects that would have the potential to be considered in a cumulative context with the project's incremental contribution, and that are included in the analysis of cumulative impacts relative to transportation, are identified in Table 3.0-1 and Figure 3.0-1 in Section 3.0 of this EIR. Additionally, to be conservative, the cumulative analysis includes all 2019 Housing Element Update sites to the extent they may contribute to certain issue-specific cumulative effects; refer to Table 3.0-2.

Potential Cumulative Impacts

As indicated above, the project would not contribute to a significant impact resulting from conflict with an applicable program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, or pedestrian facilities. Consistency with local and regional bicycle and pedestrian plans, community plans, and other similar plans and policies would be

evaluated at a project-specific level to identify conformance requirements with planned systems (e.g., provision of new bike lanes, construction of connecting sidewalks or trails). All cumulative projects would also be required to pay the City's transportation fees to ensure that transportation facilities continue to be adequately provided and maintained. As the proposed project was determined to have a less than significant impact in this regard, it is not anticipated that it would contribute to a significant cumulative impact due to a conflict when considered with other cumulative projects.

When using an absolute VMT metric (i.e., total VMT, as recommended for retail and transportation projects), analyzing the combined impacts for a cumulative impact analysis may be appropriate. However, metrics such as VMT/capita or VMT/employee (i.e., metrics framed in terms of efficiency, as recommended below for use on residential and office projects), cannot be summed because they employ a denominator.

A project that falls below an efficiency-based threshold that is aligned with long-term environmental goals and relevant plans would have no cumulative impact distinct from the project impact. Accordingly, a finding of a less than significant project impact would imply a less than significant cumulative impact and vice versa (OPR 2018). As previously indicated, the proposed residential uses are anticipated to generate a VMT/capita of 23.7 miles, which exceeds the 85 percent significance threshold of 16.1 miles, and therefore, a significant impact would occur. Although TDMs to reduce the project's VMT would be implemented as part of the project conditions of approval, project VMT would remain above established thresholds, resulting in a significant and unavoidable impact. Therefore, the project would result in a significant and unavoidable transportation impact relative to VMT.

The project is consistent with the City's General Plan, Local Coastal Program, Zoning Ordinance, and Housing Element Update and would not conflict with the RTP/SCS; refer also to EIR Section 3.5, Energy Conservation and Climate Change, for additional discussion. Further, specific TDM strategies are required of the proposed project to reduce VMT impacts to the extent feasible.

According to the OPR Technical Advisory (OPR 2018), increased demand on transit systems throughout a region may cause a cumulative impact by requiring new or additional transit infrastructure. Such impacts may be adequately addressed through a fee program that allocates the cost of improvements not just to projects located near transit, but on a regional level for all projects that may impose a potential burden on the transportation system.

The project would result in the construction of 149 residential townhomes. According to the City's General Plan Housing Element Update, the subject site could be developed with up to 206 base residential units (without application of a Density Bonus). Therefore, the project would be consistent with future development as identified in the Housing Element Update and it is not

anticipated that the project would create a significant new demand on existing transportation facilities, either locally or on a regional level, due to the limited project scale. Similar to other cumulative projects considered, the project would be subject to payment of the City's transportation impact fees to ensure that area transportation facilities are adequately maintained over the long term.

All cumulative projects would be evaluated at a project-specific level to identify whether a project has the potential to result in hazardous conditions relative to transportation and circulation. All such projects would be required to demonstrate conformance with the City's roadway and intersection design standards and would be subject to discretionary review to ensure that the potential to contribute to a substantial increase in hazards would not occur. As appropriate, measures would be incorporated to reduce a project's potential to contribute to any such hazardous conditions. The project as proposed would be consistent with City design requirements and would not introduce incompatible land uses that would increase the risk of hazardous conditions.

All cumulative projects would also be subject to discretionary review to ensure that adequate emergency access is provided during project construction and operation. Such projects would be required to be designed to City roadway and access standards and to consider the potential for development to contribute to adverse effects on the local and/or regional circulation system, including on maintaining emergency access at all times. Measures (e.g., traffic control plan, design elements) would be implemented as appropriate to ensure that a project does not contribute to a significant impact relative to inadequate emergency access. The project would not have an adverse effect on the ability to provide adequate emergency access, and all such emergency access and on-site circulation has been designed to City standards. The project is therefore not considered to contribute to a significant cumulative impact in this regard.

However, based on the reasons discussed above, and that project-specific impacts relative to VMT would be significant and unavoidable, even with incorporation of sustainability related design features aimed at reducing project impacts to the maximum extent feasible, the project's contribution to a significant cumulative impact relative to VMT is considered to be **cumulatively considerable**.

Mitigation Measures: No feasible mitigation is identified.

Level of Significance: Significant and unavoidable.

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Section 3.13
Tribal Cultural Resources

This section addresses the project's potential impacts relative to tribal cultural resources. Cultural resources include places, objects, and settlements that reflect group or individual religious, archaeological, architectural, or paleontological activities. By statute, "tribal cultural resources," are generally described as sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe and are further defined in Public Resources Code (PRC) Section 21074(a)(1)(A)–(B). Tribal cultural resources are generally described as sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe and are further defined in PRC Section 21074(a)(1)(A)–(B).

The analysis in this section is based on the *Cultural Resources Inventory and Evaluation Report* (2022a; see Appendix E) prepared by ECORP Consulting, Inc. (ECORP) and peer reviewed by Michael Baker International, the City of Encinitas, and consultation with the San Pasqual Band of Mission Indians, Rincon Band of Luiseño Indians, Barona Band of Mission Indians, Jamul Indian Village, and San Luis Rey Band of Mission Indians. Due to the sensitive and confidential nature of cultural resources, portions of the report have been redacted. The analysis herein is further based on the *City of Encinitas General Plan* (1991) and the *City of Encinitas 2013-2021 Housing Element Update Environmental Assessment* (2018).

ENVIRONMENTAL SETTING

The project site is located in the City of Encinitas, north of Plato Place and east of Piraeus Street. The site lies approximately 0.9 miles east of the Pacific Ocean and approximately 0.2 miles south of Batiquitos Lagoon. On-site elevations range from approximately 15 to 175 feet above mean sea level (ECORP 2022b).

The project site is located to the east of a drainage that flows north towards Batiquitos Lagoon. The underlying geology of the project area has been mapped as the Santiago Formation, dated back to the Middle Eocene (38-48 million years ago). Native geology of the area is categorized into three divisions: arkosic sandstone and conglomerate; gray and brownish gray arkosic sandstone; and gray arkosic sandstone and grit. Six soil types are located within the project site: Cieneba coarse sandy loam, 5 to 15 percent slopes, eroded; Corralitos loamy sand, 9 to 15 percent slopes; Gaviota fine sandy loam, 9 to 30 percent slopes; Gaviota fine sandy loam, 30 to 50 percent slopes; Marina loamy coarse sand, 9 to 30 percent slopes; and rough broken land (ECORP 2022a).

The potential for buried pre-contact archaeological sites in the project area does exist because of the site's proximity to the Pacific Ocean and Batiquitos Lagoon. Additionally, the region is recognized to have been in regular use by Native Americans for thousands of years. The drainage located to the west of the site also contributes to this potential as pre-contact archaeological sites have been identified along perennial and intermittent waterways in the region (ECORP 2022a).

Cultural Resources Inventory Results

Records Search

The area of potential effect (APE) represents the area that would be affected by project development, and therefore, could be subject to potential direct or indirect impacts on cultural resources if such resources are determined to be present. The boundaries of the APE analyzed include areas proposed for construction, vegetation removal, grading, trenching, stockpiling, staging, paving, and other such disturbance; refer to Appendix E for additional details.

A records search was conducted in February 2022 for the APE and a surrounding one-mile radius at the South Coastal Information Center (SCIC), part of the California Historical Resources Information System (CHRIS) maintained by the Office of Historic Preservation, at San Diego State University. The CHRIS records search determined that 35 previously recorded cultural resources are located within one mile of the project area. Resources were comprised of a mix of habitation/camp sites, shell middens, shell and lithic scatter, lithic and bone tools, a former flower nursey, a log house, a trash bit and building remains, and commercial buildings. A portion of one previously recorded resource (CA-SDI-12130), containing shell middens, lithic scatters, hearth features, and stone tools, is located within the APE (ECORP 2022a).

The National Register Information System did not list any eligible or listed properties within the project area. The nearest National Register properties are located eight miles northwest of the project area in Carlsbad. Resources listed as California Historical Landmarks and by the Office of Historic Preservation were reviewed on February 7, 2022. The nearest listed landmark is #940: Rancho Guajome, located 12 miles north of the project area (ECORP 2022a).

Sacred Lands File Results

The California Native American Heritage Commission (NAHC) identifies, catalogs, and protects Native American cultural resources on private and public lands in California. Cultural resources include graves, cemeteries, and places of special religious or social significance to Native Americans. The NAHC also records the historical territories of state recognized tribes into a database called the Sacred Lands File. A records search of the Sacred Lands File is conducted to ensure that the tribes potentially affected by a project are properly notified and consulted.

A search of the Sacred Lands File was completed by the NAHC and resulted in a negative finding, indicating that no Native American Sacred Lands have been recorded in the Study Area (ECORP 2022a).

Site Survey and Subsurface Testing Results

A site survey was conducted in March 2022 and subsurface testing was conducted in April 2022. No tribal cultural resources were identified as a result of the site survey or subsurface testing; however, one previously documented cultural resource (Site CA-SDI-12130) was identified during the subsurface testing (refer also to EIR Section 3.4, Cultural Resources). The proposed off-site preserve area is entirely within resource CA-SDI-12130. The western two-thirds of the project site is within resource CA-SDI-12130 (ECORP 2022a).

Tribal Consultation

In conformance with State Assembly Bill (AB) 52, the City of Encinitas sent notification to the Native American tribes identified as previously requesting such notification of development projects within the City on August 24, 2022. These tribes included San Pasqual Band of Mission Indians, Rincon Band of Luiseño Indians, Barona Band of Mission Indians, Jamul Indian Village, and San Luis Rey Band of Mission Indians. Of the tribes who received such notification, five requested formal government-to-government consultation pursuant to AB 52 to discuss the potential for tribal cultural resources to be located on-site or in the project vicinity. Consultation with the tribes remains ongoing.

Additionally, on October 21, 2022, ECORP participated in a field meeting with the Tribal Historic Preservation Officer (THPO) for the Rincon Band of Luiseño Indians and the project proponent. The THPO recommended monitoring by a Luiseño tribe during construction due to the overall sensitivity of the area and agreed to a need to pre-designate a reburial location in the event of an unanticipated discovery. On November 1, 2022, the project proponent participated in a field meeting with a member of the San Luis Rey Band of Mission Indians. The tribal representative indicated that tribal monitoring would be recommended (ECORP 2022a).

REGULATORY FRAMEWORK

State

Assembly Bill 52

California Assembly Bill (AB) 52 (2014) established a formal consultation process for California tribes in the CEQA process. The bill specifies that any project that may affect or cause a substantial adverse change to the significance of a tribal cultural resource would require a lead

agency to "begin consultation with a California Native American tribe that is traditional and culturally affiliated with the geographic area of the proposed project." A tribal cultural resource is defined as a site, feature, place, cultural landscape, sacred place, or object with cultural value to a California Native American tribe that is:

- Listed or eligible for listing in the California Register of Historical Resources or a local register of historical resources;
- Determined by the lead agency to be significant pursuant to criteria set forth in PRC Section 5024.1;
- A geographically defined cultural landscape that meets one or more of these criteria; or
- A historical resource described in PRC Section 21084.1, a unique archaeological resource described in PRC Section 21083.2, or is a non-unique archaeological resource if it conforms with the above criteria.

AB 52 provides guidance for consultation between California Native American tribes and lead agencies to address potential impacts of development activities on known or unknown tribal cultural resources and to identify appropriate mitigation for such impacts. PRC Section 21074(a) defines tribal cultural resources, indicating that a project having the potential to cause a substantial adverse change to a tribal cultural resource is a project that may have an adverse environmental effect.

Under AB 52, tribes that wish to be notified of projects subject to CEQA are to send a letter to the lead agency making it known they wish to be notified. The City is then obligated to send notifications inviting consultation to the requesting tribe for all subsequent projects subject to CEQA.

California Native American Graves Protection and Repatriation Act

The California Native American Graves Protection and Repatriation Act (25 U.S. Code 3001 et seq.) was enacted in 2001. Pursuant to the act, federal and state institutions and museums that receive federal funding and having possession or responsibility for collections of human remains or cultural artifacts are required to return Native American cultural items to their respective peoples. In addition, the act establishes a program of federal grants to assist in the repatriation process and authorizes the Secretary of the Interior to assess civil penalties on museums that fail to comply.

California Health and Safety Code Sections 7050.5, 7051, and 7054

California Health and Safety Code Sections 7050.5, 7051, and 7054 collectively address the illegality of interference with human burial remains as well as the disposition of Native American burials in archaeological sites. The law protects such remains from disturbance, vandalism, or inadvertent destruction and establishes procedures to be implemented if Native American skeletal remains are discovered during construction of a project, including the treatment of remains prior to, during, and after evaluation, and reburial procedures.

Local

City of Encinitas General Plan

Resource Management Element

The Resource Management Element of the General Plan addresses both archaeological and historical cultural resources. The element includes maps of the City identifying areas of low, moderate, and high cultural resource sensitivity. The element identifies mitigation procedures for archaeological sites discovered during the excavation or construction phases of a new project. It also calls for an inventory of all historically significant sites and/or structures that require protection.

The following goal and policies are relevant in protecting tribal, cultural, and paleontological resources in the City.

GOAL 7: **The City will make every effort to ensure significant scientific and cultural resources in the Planning Area are preserved for future generations.**

Policy 7.1: Require that paleontological, historical and archaeological resources in the planning area are documented, preserved or salvaged if threatened by new development.

Policy 7.2: Conduct a survey to identify historic structures and archaeological/cultural sites throughout the community and ensure that every action is taken to ensure their preservation.

City of Encinitas Municipal Code

Section 30.34.050, Cultural/Natural Resources Overlay Zone, of the City's Municipal Code (Chapter 30.34, Special Purpose Overlay Zones) includes regulations that apply to areas within the Special Study Overlay Zone where site-specific analysis indicates the presence of sensitive cultural, historic, and biological resources, including sensitive habitats. For parcels containing

archaeological or historical sites, the Municipal Code requires a site resource survey and impact analysis to determine the significance of, and possible mitigation for, sensitive resources.

IMPACT ANALYSIS AND MITIGATION MEASURES

Thresholds of Significance

The following thresholds of significance are based on CEQA Guidelines Appendix G. For the purposes of this EIR, the project would be considered to have a significant impact on tribal cultural resources if it would:

1. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
    - Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC Section 5020.1(k); or
    - A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1. In applying the criteria set forth in subdivision (c) of PRC Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

PROJECT IMPACTS AND MITIGATION

TRIBAL CULTURAL RESOURCES

Impact 3.13-1	**The project could cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe. Impacts would be less than significant with mitigation incorporated.**

The NAHC was contacted to request a search of the Sacred Lands File in March 2022. The record search did not identify any sacred lands within the project boundary (ECORP 2022a). However, the absence of specific site information does not necessarily indicate the absence of cultural resources in the project area, as unknown cultural resources may be located on-site.

On August 24, 2022, the City sent correspondence to the relevant tribes on the City's official AB 52 notification list via email and US certified mail, identifying the location of the project site and the intentions for future development of the subject property by the project applicant. Responses were received from the San Pasqual Band of Mission Indians, Rincon Band of Luiseño Indians, and San Luis Rey Band of Mission Indians requesting formal consultation with the City under AB 52.

The Barona Band of Mission Indians (Mr. Art Bunce, Tribal Attorney) responded on September 15, 2022 via email correspondence indicating that he represented the tribe regarding cultural resources issues and AB 52 consultations, at the report of Chairman Raymond Welch and the Tribal Council. Mr. Bunce indicated that he had reviewed the relevant portions of the Phase I Archaeological Resources Survey (prepared for the project by ECORP Consulting; see Appendix E). Mr. Bunce indicated that, consistent with the findings of the report, the potential for significant subsurface artifacts and other materials in undisturbed areas of the project site does exist. As a result, Mr. Bunce stated that the Barona Band would like to request that the mitigation measures as recommended in the technical report be implemented. No further consultation with the City relative to AB 52 was requested by the tribe. To allow for further review and comment, as well as disclosure of relevant results of City consultation with the other tribes, the Barona Band will receive all public notices as to the availability of the CEQA document.

As indicated above, on October 21, 2022, ECORP participated in a field meeting with the THPO for the Rincon Band of Luiseño Indians and the project proponent. The THPO recommended monitoring by a Luiseño tribe during construction due to the overall sensitivity of the area and agreed to a need to pre-designate a reburial location in the event of an unanticipated discovery. On November 1, 2022, the project proponent participated in a field meeting with a member of the San Luis Rey Band of Mission Indians. The tribal representative indicated that tribal monitoring would be recommended (ECORP 2022a).

Consultation with the tribes remains ongoing. If no tribal cultural resources are identified during the consultation process, a significant impact to known tribal cultural resources would not occur. However, subsurface construction disturbances (e.g., trenching, excavation, grading) associated with the project would have the potential to impact unknown tribal cultural resources.

As noted above, one previously recorded cultural resource site (CA-SDI-12130) was documented on a portion of the site as a result of the field survey; however, the resource was evaluated based on archaeological information as not eligible for listing under Criterion D/4 for the National Register of Historic Places and the California Register of Historical Resources. Tribal consultation under Assembly Bill 52 with the City of Encinitas, Rincon Band of Luiseño Indians, the San Luis Rey Band of Mission Indians, and San Pasqual Band of Mission Indians resulted in the recommendation for tribal monitoring during construction and pre-designation of a reburial area,

in the event of an unanticipated discovery during construction, and whether or not the site is potentially significant as a tribal cultural resource will be determined by the City in consultation with the tribes.

ECORP evaluated the portion of precontact cultural resource P-37-012130 that is within the area proposed for development and found it not eligible for inclusion on the NRHP or CRHR under any criteria based on archaeological information. Tribal consultation between the City and culturally affiliated tribes is ongoing. The determination about impacts to tribal cultural resources is being addressed separately by the City. No ground disturbance should occur until the lead agencies concur with this finding.

The project could result in a significant impact to this resource based on pending tribal consultation.

Although no currently known significant cultural, tribal cultural, or historic resources have been identified on-site, in order to ensure proper protection of any unknown resources, should they be encountered during project-related ground disturbance activities, Native American monitoring is required. Monitoring would allow for any discovery of unknown resources to be readily managed in accordance with federal and state law to prevent potential damage (refer to mitigation measures **CR-1** to **CR-3**). With implementation of mitigation measures **CR-1** to **CR-3**, impacts would be **less than significant with mitigation incorporated**.

Mitigation Measures: The mitigation measures for Impact 3.13-1 are the same as mitigation measures **CR-1** to **CR-3**, which were previously described under Impact 3.4-1 of this EIR. Mitigation measures **CR-1** to **CR-3** are repeated in this section for the reader's convenience.

CR-1 **Cultural Resources Monitoring Program.** Prior to the commencement of any ground disturbing activities, a Cultural Resource Mitigation Monitoring Program shall be established to provide for the identification, evaluation, treatment, and protection of any cultural resources that are affected by or may be discovered during the construction of the proposed project. The monitoring shall consist of the full-time presence of a qualified archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for prehistoric and historic archaeology. Further, a Native American monitor from a tribe that is traditionally and culturally affiliated (TCA) with the project area shall be retained to monitor all ground-disturbing activities associated with project construction, including vegetation removal, clearing, grading, trenching, excavation, or other activities that may disturb original (pre-project) ground, including the placement of imported fill materials and related roadway improvements (i.e., for access).

- The requirement for cultural resource mitigation monitoring shall be noted on all applicable construction documents, including demolition plans, grading plans, etc.

- Prior to the start of construction activities, the project proponent shall submit a letter of engagement or a copy of a monitoring contract to the City to demonstrate that archaeological and culturally affiliated Native American monitors have been retained for the project.

- The qualified archaeologist and TCA Native American monitor shall attend all applicable preconstruction meetings with the contractor and/or associated subcontractors.

- Monitors shall be provided at least 72 hours notice of the initiation of construction and be kept reasonably apprised of changes to the construction schedule. In the event that a monitor is not present at the scheduled time, work can continue without the monitor present, as long as the notice was given and documented.

- A reburial location shall be identified as an "environmentally sensitive area" on project plans and communicated to the consulting tribes. If cultural materials discovered during project construction are reburied in this location, the landowner shall record a deed restriction over the reburial area within 30 days of the completion of ground disturbing activities. If the location is not used for reburial of materials, then recording a deed restriction on this location shall not be not required.

During Construction

- The qualified archaeologist shall maintain ongoing collaborative consultation with the TCA Native American monitor during all ground-disturbing or altering activities, as identified above.

- The qualified archaeologist and/or TCA Native American monitor shall have the authority to temporarily halt ground-disturbing activities if archaeological artifact deposits or cultural features are discovered. In general, if subsurface deposits believed to be cultural or human in origin are discovered during construction, all work shall halt within a 100-foot radius of the discovery and ground-disturbing activities shall be temporarily directed away from these deposits to allow a determination of potential significance, the subject of which shall be determined by the qualified archaeologist and the TCA Native

American monitor. Ground-disturbing activities shall not resume until the qualified archaeologist, in consultation with the TCA Native American monitor, deems the cultural resource or feature has been appropriately documented and/or protected. At the qualified archaeologist's discretion, the location of ground-disturbing activities may be relocated elsewhere on the project site to avoid further disturbance of cultural resources.

- If the professional archaeologist determines that the find does not represent a cultural resource, work may resume immediately and no agency notifications are required.

- The avoidance and protection of discovered unknown and significant cultural resources and/or unique archaeological resources is the preferable mitigation for the proposed project. If avoidance is not feasible, a Data Recovery Plan may be authorized by the City as the lead agency under CEQA. If a Data Recovery Plan is required, then the TCA Native American monitor shall be notified and consulted in drafting and finalizing any such recovery plan.

- The qualified archaeologist and/or TCA Native American monitor may also halt ground-disturbing activities around known archaeological artifact deposits or cultural features if, in their respective opinions, there is the possibility that they could be damaged or destroyed.

- The landowner shall relinquish ownership of all tribal cultural resources collected during the cultural resource mitigation monitoring conducted during all ground-disturbing activities, and from any previous archaeological studies or excavations on the project site, to the TCA Native American Tribe for respectful and dignified treatment and disposition, including reburial, in accordance with the tribe's cultural and spiritual traditions. All cultural materials that are associated with burial and/or funerary goods will be repatriated to the most likely descendant as determined by the Native American Heritage Commission per California Public Resources Code Section 5097.98.

CR-2 **Prepare Monitoring Report and/or Evaluation Report.** Prior to the release of the Grading Bond, a Monitoring Report and/or Evaluation Report, which describes the results, analysis and conclusions of the cultural resource mitigation monitoring efforts (such as but not limited to the Research Design and Data Recovery Program), shall be submitted by the qualified archaeologist, along with the TCA

Native American monitor's notes and comments, to the City's Development Services Director for approval.

CR-3 **Identification of Human Remains.** As specified by California Health and Safety Code Section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Coroner's office by telephone. No further excavation or disturbance of the discovery or any nearby area reasonably suspected to overlie adjacent remains (as determined by the qualified archaeologist and/or the TCA Native American monitor) shall occur until the coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code 5097.98. If such a discovery occurs, a temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected (as determined by the qualified archaeologist and/or the TCA Native American monitor), and consultation and treatment could occur as prescribed by law. As further defined by state law, the coroner shall determine within two working days of being notified if the remains are subject to his or her authority. If the coroner recognizes the remains to be Native American, he or she shall contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC shall make a determination as to the most likely descendent. If Native American remains are discovered, the remains shall be kept in situ ("in place"), or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of the TCA Native American monitor.

Level of Significance: Less than significant with mitigation incorporated.

CUMULATIVE IMPACTS

Impact 3.13-2	**The project could result in cumulative impacts related to tribal cultural resources. Impacts would be less than cumulatively considerable with mitigation incorporated.**

Geographic Scope

Relative to CEQA, the importance of a tribal cultural resource is the value of the resource to California Native American tribes culturally affiliated with a certain project area. On a cumulative level, the cumulative loss of the tribal cultural resource must therefore be evaluated. No impact would occur if development would avoid or otherwise preserve known tribal cultural resources

within dedicated on-site open space. However, if such resources cannot be avoided or preserved, an impact would occur, and consideration of how the loss of the resource, in combination with other tribal cultural resources, is included in this cumulative analysis.

The geographic scope of the cumulative analysis is the area of any tribe requesting consultation under AB 52. For this project, the cumulative area is the geographic area with which affected tribes are traditionally and culturally affiliated.

Cumulative impacts to tribal cultural resources would occur when impacts resulting with the proposed project, in conjunction with potential cumulative projects listed in Table 3.0-1 and Figure 3.0-1 in Section 3.0 of this EIR and other development projects that would also involve ground disturbance with the traditionally and culturally affiliated area of tribes consulted under AB 52, would result in multiple and/or cumulative impacts to tribal cultural resources.

Additionally, to be conservative, the cumulative analysis is based on the "worst-case" assumption that all 2019 HEU sites develop under maximum density bonus unit allowances. The cumulative impact analysis includes all 2019 HEU sites to the extent they may contribute to certain issue-specific cumulative effects (see Table 3.0-2).

Potential Cumulative Impacts

Urban development that has occurred over past decades in San Diego County has resulted in adverse impacts on innumerable tribal cultural resources. However, the adoption of state and federal laws related to tribal cultural resources, such as AB 52, have provided a mechanism for consultation between California Native American tribes and lead agencies to address potential impacts of development activities on known and/or unknown tribal cultural resources. Although inadvertent discoveries and potential impacts may still result on a project by project basis based on location, development type, and availability of data, compliance with regulatory procedures generally mitigate potential impacts to tribal cultural resources.

Federal, state, and local laws protect tribal cultural resources in most instances, but this is not always feasible, particularly when in-place preservation may complicate the implementation of a development project. Future development may conflict with these resources through inadvertent destruction or removal resulting from grading, excavation, and/or construction activities.

It is possible that subsurface resources are present on the project site that have not yet been identified. Although unlikely, project-related ground-disturbing activities could uncover previously unknown prehistoric or historic, as resources within project boundaries. Therefore, the project has the potential to incrementally contribute to the disturbance of previously unknown cultural resources.

The project would implement mitigation measures **CR-1** to **CR-3**, which address the discovery and recovery of unknown tribal cultural resources (including human remains) through construction monitoring, identification of potential tribal cultural resources, and evaluation of the significance of a discovery. Such mitigation measures would be implemented to reduce potential impacts from project construction on undiscovered resources, if encountered, to less than significant. Similarly, with conformance to applicable federal, state, and local regulations, combined with the implementation of mitigation, it is anticipated that other cumulative development projects would be adequately addressed and impacts on tribal cultural resources would be reduced to the extent feasible.

Therefore, individual project-level impacts associated with tribal cultural resources would be less than significant with incorporation of mitigation measures **CR-1** to **CR-3** and the proposed project and cumulative projects would be subject to conformance with applicable federal, state, and local requirements for the protection of such resources. Therefore, the project's contribution to cumulative impacts on tribal cultural resources is considered **less than cumulatively considerable**.

Mitigation Measures: Implement mitigation measures **CR-1** to **CR-3**.

Level of Significance: Less than cumulatively considerable.

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Section 3.14
Utilities and Service Systems

This section addresses potential utilities and service systems impacts that may result from construction and/or operation of the proposed project. The following discussion addresses the availability of water, wastewater treatment, stormwater, electric power, natural gas, telecommunications facilities, and solid waste facilities in the project area, identifies applicable regulations, identifies and analyzes environmental impacts, and recommends measures to reduce or avoid adverse impacts anticipated from project implementation, as applicable.

The information and analysis in this section is based on the *Preliminary Wastewater Report* (PLSA 2022a; Appendix M), prepared by Pasco Laret Suiter & Associates, Inc. (PLSA). Hydrological information was incorporated from the *Preliminary Hydrology Study* prepared by Pasco Laret Suiter & Associates, Inc. (PLSA 2022b; see Appendix I-1).

Information was also incorporated from the *Project Facility Availability Form (Sewer)*, prepared by the Leucadia Wastewater District (LWD 2022; Appendix N); and *Project Facility Availability Form (Water)*, prepared by the San Dieguito Water District (SDWD 2022; Appendix N). Analysis in this section also draws upon data in the *City of Encinitas General Plan* (1991). Third party technical reports have been peer-reviewed by Michael Baker International and the City of Encinitas.

ENVIRONMENTAL SETTING

The project site is located in the City of Encinitas and is currently vacant undeveloped land. No existing structures are present on-site. Scattered trash, several dirt roads, and off-road vehicle tracks are present on-site. Land uses in the project vicinity include undeveloped land and single-family residences. Batiquitos Lagoon is located to the north, across La Costa Avenue.

The site is bordered to the west by Piraeus Street and to the south by Plato Place. Interstate 5 (I-5) is located further to the west and La Costa Avenue lies to the north, adjacent to the proposed off-site preserve area. A brow ditch is present in the northwestern portion of the property. Additionally, aboveground power poles providing electrical service to existing off-site development are visible in the project vicinity, including along portions of Piraeus Street; to the east and south serving existing residential uses; and to the north along La Costa Avenue; refer to Figure 2.0-2, Aerial Photograph/Surrounding Land Uses.

Water

The subject site is located within the San Dieguito Water District (SDWD) which would provide public water service to proposed development. The SDWD is a subsidiary of the City and provides

water to the approximately 38,000 residents in its service area. The District joined the San Diego County Water Authority (SDCWA) in 1948 to acquire the right to purchase and distribute imported water throughout its service area. The SDCWA purchases water from the Metropolitan Water District of Southern California (MWD), sourced from both the State Water Project and the Colorado River. The SDCWA also has its own supplies from desalinated seawater and the Colorado River which are secured separately from SDCWA's allocation from MWD. The District also receives local runoff water from Lake Hodges and imported raw water from the SDCWA. Both sources are treated at the R.E. Badger Filtration Plant, which is jointly owned by the District and the Santa Fe Irrigation District. The District receives recycled water from San Elijo Joint Powers Authority (SEJPA) (SDWD 2020).

The SDWD implements its *Urban Water Management Plan* (SDWD 2020) which projects water demand for the SDWD for all water use sectors with the exception of agriculture. Such water demands have been estimated and are assumed to increase proportionally with population growth over time. Table 3.14-1, SDWD Population - Current and Projected, shows the projected population served by the SDWD through the year 2045.

Table 3.14-1: SDWD Population - Current and Projected

Year	2020	2025	2030	2035	2040	2045	Increase (2020-2045)
Population Served	37,856	39,208	39,653	39,800	40,240	41,246	3,390

Source: SDWD 2020.

Water Supply Planning

The Urban Water Management Planning Act requires every urban water supplier to assess the reliability of its water supply for normal, single dry, and multiple dry years. Single-dry and multiple-dry year conditions were based on the SDWD's historical water use records. Table 3.14-2, Total Water Demands in Acre-Feet per Year, shows the SDWD's estimated water supply projections for the year 2035.

Table 3.14-2: Total Water Demand in Acre-Feet per Year

	2020	2025	2030	2035	2040	2045
Potable and Raw Water	5,463	5,796	6,156	6,243	6,404	6,611
Recycled Water Demand	642	700	700	700	700	700
Total Water Demand	**6,105**	**6,496**	**6,856**	**6,943**	**7,104**	**7,311**

Source: SDWD 2020.

The Urban Water Management Planning Act requires every urban water supplier to assess the reliability of its water supply for normal, single-dry, and multiple-dry years. Single-dry and multiple-dry year conditions were based on the SDWD's historical water use records. Table 3.14-3, Normal Year, Single-Dry Year, and Multiple-Dry Years Supply and Demand Comparison in Acre-Feet per Year, shows estimated SDWD water supply projections from the year 2020 to 2045.

Table 3.14-3: Normal Year, Single-Dry Year, and Multiple-Dry Years Supply and Demand Comparison in Acre-Feet per Year

		2025	2030	2035	2040	2045
Normal Year	Supply totals	6,496	6,856	6,943	7,103	7,311
	Demand totals	6,496	6,856	6,943	7,103	7,311
	Difference	--	--	--	--	--
Single-Dry Year	Supply totals	6,938	7,332	7,415	7,586	7,808
	Demand totals	6,938	7,332	7,415	7,586	7,808
	Difference	--	--	--	--	--
Multiple-Dry Year (1st Year)	Supply totals	6,938	7,322	7,415	7,586	7,808
	Demand totals	6,938	7,322	7,415	7,586	7,808
	Difference	--	--	--	--	--
Multiple-Dry Year (2md Year)	Supply totals	6,995	7,382	7,476	7,648	7,872
	Demand totals	6,995	7,382	7,476	7,648	7,872
	Difference	--	--	--	--	--
Multiple-Dry Year (3rd Year)	Supply totals	7,019	7,408	7,502	7,675	7,900
	Demand totals	7,019	7,408	7,502	7,675	7,900
	Difference	--	--	--	--	--
Multiple-Dry Year (4th Year)	Supply totals	7,045	7,436	7,530	7,704	7,929
	Demand totals	7,045	7,436	7,530	7,704	7,929
	Difference	--	--	--	--	--

Table 3.14-3, continued

		2025	2030	2035	2040	2045
Multiple-Dry Year (5th Year)	Supply totals	7,055	7,446	7,540	7,714	7,940
	Demand totals	7,055	7,446	7,540	7,714	7,940
	Difference	--	--	--	--	--

Source: SDWD 2020.

According to the UWMP, single-dry and multiple-dry year conditions were based on the SDWD's historical water use records. The SDWD anticipates no reduction of local water supplies for a single or multiple-dry year event. Even during a dry year, it is assumed there would be some rain and therefore some refilling of water storage. In an event of a dry year, the SDWD would purchase additional water from San Diego County Water Authority (SDCWA) and utilize its carryover storage supply.

The SDCWA's 2020 UWMP reports that forecasted imported water supply capabilities and stored water would be sufficient to meet expected demands under the single driest year and all five years of the multiple dry year hydrological scenarios. Investments that have been made by the SDCWA and its member agencies, such as providing additional carryover storage, are anticipated to help achieve reliability in dry years and multiple dry years. In the unanticipated event that shortages occur during multiple dry year periods, the SDWD would also implement water conservation measures as necessary.

If shortages still occur, additional regional shortage management measures, consistent with the Water Authority's Water Shortage and Drought Response Plan, would be taken to fill the supply shortage. As such, the SDWD expects to meet customer demands during a multiple-dry year event (SDWD 2020). As shown in Table 3.14-3, anticipated SDWD water supplies would be adequate during the normal, single-dry, and multiple-dry year scenarios.

Wastewater

Sewer service for the project would be provided by the Leucadia Wastewater District (LWD). The LWD is one of six member agencies of the Encina Wastewater Authority (EWA) (a joint powers authority) operating a regional wastewater treatment and disposal facility in Carlsbad (EWA n.d.). Wastewater conveyed through the district's sewer mains and pump stations is ultimately pumped to the EWA's Water Pollution Control Facility located in the City of Carlsbad. Wastewater from the project site would be accommodated by the Saxony Pump Station which currently has a total wet well storage volume of 26,595 gallons. The pump station has an average storage time of 140.5 minutes (2.34 hours) in the existing condition (PLSA 2022a). An existing

sewer line located in Piraeus Street would serve as the point of connection for project sewer service.

Stormwater Facilities

Under current conditions, the majority of the project site drains north via surface/sheet flow before entering an existing storm drain conveyance system at the northwest corner of the property. Once in the storm drain system, runoff from the northeastern and central portions of the project site flows to the west, crossing I-5 into an earthen ditch. The remainder of the site flows south via surface/sheet flow and enters the existing storm drain system at the southwest corner of the property. The existing system carries runoff across I-5 and discharges into an existing concrete lined ditch where it combines with runoff from the northeastern and central portions of the site. From this point, drainage from both basins continues north until it reaches Batiquitos Lagoon, and eventually, the Pacific Ocean.

Electricity

San Diego Gas and Electric (SDGE) currently provides electrical services to the project site. As stated above, utility poles providing electrical service in the project vicinity are visible along portions of area roadways, including Piraeus Street and to the north along La Costa Avenue, as well as in the vicinity of existing residential uses to the east and south.

Natural Gas

SDGE currently provides natural gas services to the project vicinity. However, the use of natural gas is not proposed with the project, in conformance with City regulations for residential uses. No service connections to existing SDGE infrastructure would therefore occur with project implementation.

Telecommunications Facilities

Telecommunications facilities are not currently provided on the project site. The major service providers that serve the City and their coverages are listed below (Broadband Now 2022):

- AT&T Internet - 99.5% Availability
- T-Mobile – 55.6% Availability
- Cox – 72.5% Availability
- Spectrum – 63.5% Availability

Solid Waste Disposal

The City has an exclusive franchise agreement with EDCO Waste and Recycling Services (EDCO) to provide solid waste collection services in Encinitas for both residential and commercial customers. EDCO is the only authorized company that can haul solid waste in the City. Residential trash service includes curbside green waste collection and recyclable materials (mixed paper, glass, plastic, and aluminum cans) collection at no additional charge.

EDCO transports the collected solid waste to a transfer center which then takes it to either the Sycamore Landfill in Santee or the Otay Landfill in Chula Vista. The Otay Landfill has a maximum permitted capacity of 61.15 million cubic yards and a remaining capacity of 21.19 million cubic yards. The Otay Landfill has a cease operation date of February 28, 2030 (CalRecycle 2019a). The Sycamore Landfill has a maximum permitted capacity of 147.9 million cubic yards and has a remaining capacity of 113.97 million cubic yards. The Sycamore Landfill has a cease operation date of December 31, 2042 (CalRecycle 2019b).

REGULATORY FRAMEWORK

Federal

Safe Drinking Water Act

Passed in 1974 and amended in 1986 and 1996, the Safe Drinking Water Act grants the Environmental Protection Agency (EPA) the authority to set drinking water standards. Drinking water standards apply to public water systems that provide water for human consumption through at least 15 service connections or regularly serve at least 25 individuals. There are two categories of drinking water standards: National Primary Drinking Water Regulations and National Secondary Drinking Water Regulations. The National Primary Drinking Water Regulations are legally enforceable standards that apply to public water systems. These standards protect drinking water quality by limiting the levels of specific contaminants that can adversely affect public health and are known or anticipated to occur in water. The National Secondary Drinking Water Regulations are nonmandatory guidelines for certain substances that do not present a risk to public health.

State

Safe Water Drinking Act

Similar to the federal act, California implements the state's Safe Drinking Water Act (Health and Safety Code Section 116270 et seq.) to ensure public health and safety relative to clean drinking water. Under this act, the California Department of Public Health has the authority to protect

public drinking water by adopting contaminant levels not to be exceeded in potable water supplies. Such thresholds are equal to or more stringent than those established at the federal level under the EPA.

State Water Resources Control Board

Created by the California legislature in 1967, the five-member State Water Resources Control Board (SWRCB) allocates water rights, adjudicates water right disputes, develops statewide water protection plans, establishes water quality standards, and guides the nine Regional Water Quality Control Boards (RWQCBs) located in the major watersheds of the state. The joint authority of water allocation and water quality protection enables the SWRCB to provide comprehensive protection for California's waters. The SWRCB is responsible for implementing the Clean Water Act and issues National Pollutant Discharge Elimination System (NPDES) permits to cities and counties through the RWQCBs. The project site lies within the jurisdiction of the San Diego RWQCB (Region 9).

California Urban Water Management Planning Act

In 1983, the State Legislature enacted the Urban Water Management Planning Act (California Water Code Sections 10610–10656), which requires specified urban water suppliers in the state to prepare an Urban Water Management Plan and update it every 5 years. State and local agencies and the public frequently use such plans to determine if agencies are planning adequately to reliably meet water demand in various service areas. As such, the plans serve as an important element in documenting water supply availability and reliability for compliance with state laws, including Senate Bill (SB) 610 and SB 221, which link water supply sufficiency to large land-use development project approvals. Urban water suppliers also must prepare such plans, pursuant to the Urban Water Management Planning Act, to be eligible for state funding and drought assistance.

Every urban water supplier that either provides over 3,000 acre-feet of water annually or serves more than 3,000 urban connections is required to assess the reliability of its water sources over a 20-year planning horizon. Each supplier must report its progress on a 20 percent reduction in per capita urban water consumption by the year 2020, as required in the Water Conservation Act of 2009 (SB X7-7).

The state's urban water suppliers prepare Urban Water Management Plans (UWMPs) to support their long-term resource planning and ensure adequate water supplies are available to meet existing and future water demands. The UWMPs include information on water usage, water supply sources, and water reliability planning. They also may provide implementation schedules to meet projected demands over a planning horizon, a description of opportunities for new

development of desalinated water, groundwater information (where groundwater is identified as an existing or planned water source), a description of water quality over the planning horizon, and identification of water management tools that maximize local resources and minimize imported water supplies. A UWMP's water supply analysis includes a water supply reliability assessment, water shortage contingency plan, and development of a plan in case of an interruption in water supply.

The plans must be prepared every 5 years and submitted to the California Department of Water Resources (DWR). DWR staff then reviews the submitted plans to make sure they have completed the requirements identified in the Water Code, then submits a report to the State Legislature summarizing the status of the plans.

Senate Bill 221

Enacted in 2001, SB 221 (Government Code Sections 66455.3 and 66473.7) requires that the legislative body of a city or county which is empowered to approve, disapprove, or conditionally approve a subdivision map must condition such approval upon proof of sufficient water supply. The term *sufficient water supply* is defined in SB 221 as the total water supplies available during normal, single dry, and multiple dry water years within a 20-year projection that would meet the projected demand associated with a proposed subdivision. The definition also includes the requirement that sufficient water encompass not only the project but also existing and planned future uses, including, but not limited to, agricultural and industrial uses.

California Water Recycling Standards

The State Legislature has developed requirements for the production, discharge, distribution, and use of recycled water. These requirements are contained in the California Code of Regulations, Title 22, Division 4, Chapter 3, Reclamation Criteria, Sections 60301 through 60475, and Title 17. The California Department of Public Health administers the state recycling water standards.

California Integrated Waste Management Act

Assembly Bill (AB) 939 established the California Integrated Waste Management Act of 1989 (Public Resources Code Sections 42900–42927) which required all California cities and counties to reduce the volume of solid waste deposited in landfills by 50 percent by the year 2000. It also requires that cities and counties continue to remain at 50 percent or higher for each subsequent year. The act is intended to reduce, recycle, and reuse solid waste generated to the maximum extent feasible.

The act requires each California city and county to prepare, adopt, and submit to the California Department of Resources Recycling and Recovery (CalRecycle) a source reduction and recycling element (SRRE) that demonstrates how the jurisdiction will meet the act's mandated diversion goals. Each jurisdiction's SRRE must include specific components as defined in Public Resources Code Sections 41003 and 41303. In addition, the SRRE must include a program for management of solid waste generated in the jurisdiction consistent with the following hierarchy: (1) source reduction; (2) recycling and composting; and (3) environmentally safe transformation and land disposal. The SRRE is required to emphasize and maximize the use of all feasible source reduction, recycling, and composting options in order to reduce the amount of solid waste to be disposed of by transformation and land disposal (Public Resources Code Sections 40051, 41002, and 41302).

California Energy Efficiency Standards for Residential and Nonresidential Buildings (Title 24)

Commonly referred to as the CALGreen Code, Title 24, Part 11 standards require new residential and commercial buildings to comply with mandatory measures under the topics of planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and environmental quality. Title 24 also provides voluntary tiers and measures that local governments may adopt which encourage or require additional measures in the five green building topics.

The 2019 Title 24 standards became effective January 1, 2020. The standards require that all low-rise residential buildings shall have a photovoltaic system meeting the minimum qualification requirements such that annual electrical output is equal to or greater than the dwelling's annual electrical usage. Notably, net energy metering rules limit residential rooftop solar generation to produce no more electricity than the home is expected to consume on an annual basis.

The CALGreen standards also include voluntary efficiency measures that are provided at two separate tiers and implemented at the discretion of local agencies and applicants. CALGreen's Tier 1 standards call for a 15 percent improvement in energy requirements, stricter water conservation, 10 percent recycled content in building materials, 20 percent permeable paving, 20 percent cement reduction, and cool/solar-reflective roofs. CALGreen's more rigorous Tier 2 standards call for a 30 percent improvement in energy requirements, stricter water conservation, 75 percent diversion of construction and demolition waste, 15 percent recycled content in building materials, 30 percent permeable paving, 25 percent cement reduction, and cool/solar-reflective roofs.

Senate Bill (SB) 1383

SB 1382 required the state board, no later than January 1, 2018, to approve and begin implementing that comprehensive strategy to reduce emissions of short-lived climate pollutants to achieve a reduction in methane by 40%, hydrofluorocarbon gases by 40%, and anthropogenic black carbon by 50% below 2013 levels by 2030, as specified. The bill also established specified targets for reducing organic waste (i.e., food waste) in landfills, and identifies the goal that not less than 20 percent of edible food currently disposed of is recovered for human consumption by 2025.

The City's Climate Action Plan (see additional discussion below) addresses the requirements of SB 1383 through the goal of diverting solid waste to reduce waste disposal from community residents and businesses. As part of achieving its Goal 6.1, Divert Solid Waste, the CAP identifies such measures as implementing a Zero Waste Program to support regional efforts to plan for and develop residential and commercial food scrap composting programs; facilitating the establishment of fully-permitted community appropriate compost facilities within the City; continuing Zero Waste programs at local schools; establishing an edible food recovery program; and providing outreach and education to generators. Additional measures include developing education outreach materials for textile recycling; expanding recycling requirements at City permitted events and activities; supporting product stewardship and extended producer responsibility initiatives; expanding outreach and education on the City's Construction and Debris Ordinance.

Local

City of Encinitas Climate Action Plan

The City's Climate Action Plan (CAP) was adopted in January 2018 and was most recently updated and adopted on November 18, 2020. The CAP serves as a guiding document and outlines a course of action for community and municipal operations to reduce GHG emissions and the potential impacts of climate change within the jurisdiction. The CAP benchmarks GHG emissions in 2012 and identifies what reductions are required to meet GHG reduction targets based on state goals embodied in AB 32. The 2020 CAP Update incorporates the HEU residential units into the business-as-usual projection and legislatively adjusted projection and presents associated updates and revisions to the CAP measures. The CAP aims to achieve local community wide GHG reduction targets of 13 percent below 2012 levels by 2020 and 44 percent below 2012 levels by 2030.

To achieve these objectives, the CAP identifies a summary of baseline GHG emissions and the potential growth of these emissions over time; the expected climate change effects on the City;

GHG emissions reduction targets and goals to reduce the community's contribution to global warming; and identification of strategies, specific actions, and supporting measures to comply with statewide GHG reduction targets and goals, along with strategies to help the community adapt to climate change impacts.

As part of the CAP implementation, each strategy, action, and supporting measure will be continually assessed and monitored. Reporting on the status of implementation of these strategies, periodic updates to the GHG emissions inventory, and other monitoring activities will help ensure that the CAP is making progress. It should be noted that as of this time, the City has not adopted implementing ordinances for the CAP. Therefore, strategies requiring the City to adopt ordinances to implement are not applicable to the project. The following strategies are applicable to the project:

- RE-2: Require New Homes to install Solar Photovoltaic Systems
- CET-4: Require Residential Electric Vehicle Charging Stations

City of Encinitas General Plan and Certified Local Coastal Program

The City of Encinitas General Plan serves as a policy document that provides long-range guidance to City officials responsible for decision-making with regard to the City's future growth and long-term protection of its resources. The City of Encinitas General Plan is intended to ensure decisions made by the City conform to long-range goals established to protect and further the public interest as the City continues to grow and to minimize adverse effects potentially occurring with ultimate buildout. The City of Encinitas General Plan also provides guidance to ensure that future development conforms to the City's established plans, objectives, and/or policies, as appropriate.

The California Coastal Act (Public Resources Code Section 30000 et seq.) is intended to protect the natural and scenic resources of the Coastal Zone. All local governments located wholly or partially within the Coastal Zone are required to prepare an) for those areas of the Coastal Zone within its jurisdiction. The City of Encinitas General Plan includes issues and policies related to California Coastal Act requirements; therefore, the City of Encinitas General Plan also serves as Local Coastal Plan (LCP) Land Use Plan for the City. Goals and policies relevant to the adequate provision of utilities and service systems are listed below.

Land Use Element

Policy 2.10: Development shall not be allowed prematurely, in that access, utilities, and services shall be available prior to allowing the development.

GOAL 4a: **The City of Encinitas will ensure that the rate of residential growth does not create a demand which exceeds the capability of available services and facilities.**

Housing Element Update 2019

In March 2019, the City Council adopted the Housing Element Update (HEU) which provides the City with a coordinated and comprehensive strategy for promoting the production of safe, decent, and affordable housing for all within the City. The purpose of the HEU is to ensure that the City establishes policies, procedures, and incentives to increase the quality and quantity of the housing supply in the City. The HEU includes the 2013-2021 Housing Element Update and a series of discretionary actions to update and implement the City's Housing Element. Relevant policies and goals related to utilities and service systems are provided below:

GOAL 2: **Sound housing will be provided in the City of Encinitas for all persons.**

Policy 2.2: Continue to assess development fees on new residential units adequate to pay for all related local and regional impacts on public facilities.

Policy 2.5: Encourage street planting, landscaping, and undergrounding of utilities.

Integrated Regional Water Management Program for the San Diego Region

The Integrated Regional Water Management (IRWM) program is a local water resources management approach preferred by the Governor, the California Department of Water Resources, and the State Water Resources Control Board. It is aimed at securing long-term water supply reliability in California by first recognizing the interconnectivity of water supplies and the environment, and then pursuing projects yielding multiple benefits for water supplies, water quality, and natural resources.

The San Diego IRWM program is an interdisciplinary effort by water retailers, wastewater agencies, stormwater and flood managers, watershed groups, the business community, tribes, agriculture, and regulatory agencies to coordinate water resource management efforts and to enable the San Diego region to apply for grants tied to DWR's Integrated Regional Water Management program. The Regional Water Management Group, which is the group responsible for administering and implementing the San Diego IRWM program, comprises the San Diego County Water Authority, the City of San Diego, and the County of San Diego. A Regional Advisory Committee serves to shape the IRWM program and upcoming planning and funding applications. Additionally, broad stakeholder outreach engages members of the public and other interested parties in the IRWM planning process.

The Integrated Regional Water Management Plan provides a mechanism for (1) coordinating, refining, and integrating existing planning efforts within a comprehensive, regional context; (2) identifying specific regional and watershed-based priorities for implementation projects; and (3) providing funding support for the plans, programs, projects, and priorities of existing agencies and stakeholders (San Diego Integrated Regional Water Management Group 2019).

San Dieguito Water District Urban Water Management Plan

The SDWD's UWMP (2020) assesses the existing water system conditions and evaluates future anticipated demands. Water agencies throughout the state are required by the California DWR to prepare UWMPs every 5 years in order to show that adequate water supplies are available to meet existing and future water demands. The current UMWP concluded that the overall system is adequately sized to accommodate future buildout under the adopted City of Encinitas General Plan.

San Dieguito Water District Water Systems Master Plan

The SDWD's Water System Master Plan (2022) analyzes the distribution system for reliability, water quality, adequacy of fire flow demands, and storage requirements. The WSMP identifies and prioritizes capital improvement projects in the distribution system. The WSMP identified areas for improvement that were then included in the future planning horizon (year 2040) Capital Improvement Program (CIP). The CIP identifies anticipated pipe condition assessments, pipeline system upsizing and replacement, and improvements for water quality enhancement, among other system management activities.

City of Encinitas Sewer System Management Plan

The City recently updated the Sewer System Management Plan (2019) which was prepared in response to the State Water Resources Control Board's adoption of Order No. 20016-0003-DWQ, relating to the elimination of sanitary sewer overflows. The plan is required to provide response processes for sewer overflow emergencies and to ensure adequate facilities exist to support the City's needs. The plan is required to be updated every 5 years.

City of Encinitas Municipal Code Chapter 23.26 – Water Efficient Landscape Regulations

As required by the Water Conservation in Landscaping Act, the City adopted a landscape water conservation ordinance. Pursuant to the act, this ordinance establishes water use standards for landscaping. Specifically, the requirements of this chapter of the Municipal Code reduce water use associated with irrigation of outdoor landscaping by setting a maximum amount of water to be applied to landscaping and by designing, installing, and maintaining water-efficient landscapes consistent with the water allowance. A project that is subject to this chapter is required to use

recycled water for irrigation. Per state law, an updated Municipal Water Efficient Landscape Ordinance was adopted by the City in 2016.

STANDARDS OF SIGNIFICANCE

Thresholds of Significance

According to Appendix G of the CEQA Guidelines, the proposed project would have a significant impact related to utilities and service systems if the project would:

- Require or result in the relocation or construction of new or expanded water or wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.
- Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years.
- Result in a determination by the wastewater treatment provider which serves, or may serve, the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments.
- Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.
- Not comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

PROJECT IMPACTS AND MITIGATION

UTILITY FACILITIES

Impact 3.14-1	**The project would not require, or result in, the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. Impacts would be less than significant.**

Water

Water service for the project would be provided by the SDWD. Water is sourced from Lake Hodges and the SDCWA. Potable water is treated at the R.E. Badger Filtration Plant located in

Rancho Santa Fe; recycled water is treated and generated at the San Elijo Water Reclamation Facility (City of Encinitas 2016).

Water utilities improvements would include connection to the public water system. The project proposes construction of an 8-inch private water main for fire protection purposes, as well as a 4-inch private water main for domestic water service. Both mains would be constructed as looped systems with the points of connection located off of Plato Place and Piraeus Street. Impacts due to construction of the on-site water system and connections to the existing system are analyzed throughout this EIR.

Estimated average daily water demand for the project is anticipated to be 46.6 gallons per minute (gpm) for domestic service, with maximum daily demand reaching 79.2 gpm. Average fire flow demand is estimated to be 2,500 gpm, with maximum daily water demand and fire flow demand combined reaching 2,579 gpm.

As discussed in the SDWD's (2020) Urban Water Management Plan, the overall system of the SDWD is adequately sized to accommodate buildout under the City's adopted General Plan. The SDWD anticipated an increase of approximately 3,390 residents between 2020 and 2045 (SDWD 2020). As part of the Housing Element Update approval, the project site was designated with an R-30 overlay and allocated between 172 (minimum of 25 dwelling units/acre) and 206 (maximum of 30 dwelling units/acre) residential dwelling units. The project would generate an estimated 374 residents, or approximately 11 percent of SDWD's expected population increase over the long term. As the proposed project is included in the City's HEU, and therefore, is consistent with the General Plan, SDWD is aware of the proposed project and is capable of serving the projected population growth.

In addition, SDWD has completed a *Project Facility Availability Form* which states that the district is expected to be able to serve the project as proposed for the next 5 years (SDWD 2022; see Appendix N). As part of the project approval process, the project applicant would be required to provide on-site water infrastructure and pay appropriate water system capacity fees. Therefore, since SDWD has indicated that it has facilities to serve the project site for the next 5 years, and the proposed project is consistent with the General Plan and accounted for in the General Plan HEU and the associated HEU Environmental Assessment, the project would not require, or result in, the relocation or construction of new or expanded water facilities, the construction or relocation of which could cause significant environmental effects. Impacts would be **less than significant**.

Wastewater

Sewer service to the proposed project would be provided by the Leucadia Wastewater District. As stated, the project site is situated within the boundaries of the LWD's service area.

The existing sewer system in the project vicinity consists of gravity sewer pipelines. The project would construct an 8-inch public sewer main to accommodate wastewater flows generated by the project. The proposed point of connection to the existing public sewer system would occur in Piraeus Street. Table 3.14-4, Sewer Generation Calculations, summarizes the projected average and peak sewer flows for the project.

Table 3.14-4: Sewer Generation Calculations

Land Use	From	To	Units (EDU)	Average Flow Factor (gpd/EDU)	Peak Factor	Peak Sewage Flow (gpd)
Existing Condition						
Residential	MH No. 4	MH No. 3	828	215	3.32	591,026
Residential	MH No.1A	SAXPS	973.5	215	3.32	694,884
Proposed Condition						
Residential	MH No. 4	MH No. 3	977	215	3.50	854,875
Residential	MH No. 1A	SAXPS	1,122.5	215	3.50	844,681.3

Source: PLSA 2022a (see Appendix M).
Notes: SAXPS = Saxony Pump Station; EDU = equivalent dwelling unit; gpd = gallons per day

A *Preliminary Wastewater Report* (PLSA 2022a; Appendix M) was prepared to determine whether the proposed project, in combination with existing and future development, would result in impacts that would require replacement of existing sewer lines. As analyzed therein, under existing plus project conditions, no stretches of existing off-site sewer lines affected by the proposed project would exceed the City's replacement criteria. Calculations performed demonstrate that the proposed development would not negatively impact the existing sewer infrastructure. Existing sewer mains would meet the maximum depth and minimum velocity requirements (PLSA 2022a); refer to Appendix B of Appendix M. All proposed gravity sewers would be designed to convey the peak sewage flow in accordance with LWD Standards and Specifications.

Further, the Saxony Pump Station, which would accommodate wastewater flows from the project site, has sufficient capacity to pump project sewerage flows. The Saxony Pump Station currently has a total wet well storage volume of 26,595 gallons. The station has an average storage time of 140.5 minutes (2.34 hours) in the existing condition; after project implementation, the average storage time would be 130.5 minutes (2.17 hours). The existing

pump station was found to be sufficient to accommodate existing wastewater flows plus those anticipated to be generated by the proposed project (PLSA 2022a).

The LWD has completed a *Project Facility Availability Form* which states that the district is expected to be able to serve the project as proposed for the next 5 years (LWD 2022; see Appendix N). Further, as part of the project approval process, the project applicant would be required to provide on-site sewer infrastructure and pay appropriate sewer system connection fees. The City's Public Works Department's existing requirements would ensure that sewer facilities would be sized appropriately and that the wastewater treatment requirements of the RWQCB would not be exceeded. Therefore, the wastewater generated by the project would not cause the LWD to exceed wastewater treatment requirements of the San Diego RWQCB.

As such, the project would not require, or result in, the relocation or construction of new or expanded wastewater facilities, the construction or relocation of which could cause significant environmental effects. Impacts would be **less than significant.**

Stormwater

Refer to Section 3.8, Hydrology and Water Quality. Under the proposed condition, runoff from the majority of the site would flow to the proposed on-site storm drain system and be conveyed to the south to a proposed biofiltration basin located adjacent to Plato Place. Once the runoff is treated and stored, it would be discharged into the existing storm drain system near the very southwestern corner of the project site.

Runoff generated from the (generally) northernmost and western portions of the proposed project site would primarily sheet flow west towards Piraeus Street where it would be collected in a concrete ditch and discharged into an existing headwall in proximity to the northwest corner of the proposed project site.

In conformance with the City of Encinitas' stormwater design standards and the multiple separate storm sewer system (MS4) permit, all runoff generated on-site would be conveyed to a proposed biofiltration basin adjacent to Plato Place. The biofiltration basin would be sized for pollution and flow control purposes. Flow rates generated on-site would be controlled via a low-flow orifice consistent with hydromodification program requirements as outlined in the City of Encinitas Best Management Practices (BMP) Manual. In larger storm events, runoff not filtered through the engineered soil would be conveyed via an overflow outlet structure consisting of a 3-foot by 3-foot grate located on top of the outlet structure. Runoff conveyed via the outlet structure would bypass the treatment and flow control BMPs and would be conveyed directly to the proposed storm drain system perpendicular to Piraeus Street.

Therefore, stormwater would be adequately accommodated and treated as proposed with the project as designed. The project would not result in the expansion or need for new stormwater facilities, the construction or relocation of which could cause significant environmental effects and impacts would be **less than significant**.

Electric Power

Refer to Section 3.5, Energy Conservation and Climate Change. San Diego Gas and Electric (SDGE) currently provides electrical service to the project vicinity. Electrical service would be extended within the interior of the site to support the proposed townhomes and amenities. Electrical service connections off-site would be within existing rights-of-way and within future street alignments within the project site, the impacts of which are analyzed in this EIR. Furthermore, the project would install approximately 149 kilowatts (kW) of rooftop solar on-site that would reduce electrical demand (see Section 3.5, Energy Conservation and Climate Change).

Therefore, the project would not result in the expansion or need for new electric power facilities, the construction or relocation of which could cause significant environmental effects. Impacts would be **less than significant**.

Natural Gas

SDGE currently provides electrical and natural gas services to the project vicinity; the proposed project would similarly be served by SDGE. Per City of Encinitas Ordinance 2021-13, the use of natural gas is prohibited in residential uses, and therefore, the use of natural gas is not proposed. Specifically, Section 100.0, Subpart (e) of the California Energy Code is amended in Section 23.12. 080(D) of the City's Municipal Code to require all newly constructed buildings to meet the requirements of an "All -Electric Building" (no natural gas or propane plumbing installed within the building and no gas meter connection).

Therefore, the project would not result in the expansion or need for new natural gas facilities, the construction or relocation of which could cause significant environmental effects. Impacts would be **less than significant**.

Telecommunication Facilities

The project would include installation of telecommunication facilities for the provision of internet services. Furthermore, project implementation would not interfere with existing telecommunication facilities or future expansion of facilities. The expected population increase in the area would not create a new substantial demand on existing telecommunication services and facilities. Therefore, the project would not result in the expansion of or need for new telecommunication facilities, and a **less than significant** impact would occur as a result.

Mitigation Measures: No mitigation required.

Level of Significance: Less than significant.

WATER SUPPLY

Impact 3.14-2	**The project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years. Impacts would be less than significant.**

Water demand generated by the project is estimated to be approximately 46.6 gpm, with an estimated maximum daily demand of approximately 79.2 gpm. The project would implement water conservation measures to reduce potable water use to the extent feasible. The project would meet or exceed the conservation measures mandated by the 2019 California Green Building Standards Code. Additionally, the proposed project would include non-mandatory water conservation measures, such as the installation of insulated hot water pipes, pressure reducing valves, water efficient dishwashers, and dual flush toilets. The project would also use recycled water to irrigate common landscaped areas.

As discussed in the SDWD's UWMP, the district has anticipated a population increase between years 2020 to 2045 of 3,390 residents (SDWD 2020). As the proposed project is considered to be consistent with the City's General Plan and is accounted for in the HEU, and is within the population increase anticipated by the SDWD 2020 UWMP, it is anticipated that the District's existing facilities would be capable of serving the proposed 149 residential townhome units (and amenities).

Additionally, the City's CAP contains water conservation goals measures that aim to reduce water consumption, and thus GHG emissions. The performance metric for CAP Measure WE-1 sets a goal of 5 gallons saved per capita per day. As stated above, the project would install low flow water fixtures (e.g., toilets, faucets) in all of the units, thereby achieving water conservation over the long-term. It is anticipated that such measures would achieve a reduction of 5 gallons of water per person per day, consistent with the performance metric set forth in the CAP.

The Urban Water Management Planning Act requires every urban water supplier to assess the reliability of its water supply for normal, single-dry, and multiple-dry years. Single-dry and multiple-dry year conditions were based on the SDWD's historical water use records.

The SDWD anticipates no reduction of local water supplies for a single or multiple-dry year event. Even during a dry year, it is assumed there would be some rain, and therefore, some refilling of water storage. In an event of a dry year, the SDWD would purchase more water from the SDCWA and utilize their carryover storage supply. The SDWD would also implement water conservation

measures as necessary. If shortages still occur, additional regional shortage management measures, consistent with the Water Authority's Water Shortage and Drought Response Plan, would be taken to fill the supply shortage. As such, the SDWD expects to meet customer demands during a multiple-dry year event (SDWD 2020).

The project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years. Impacts would be **less than significant.**

Mitigation Measures: None required.

Level of Significance: Less than significant.

WASTEWATER TREATMENT CAPACITY

Impact 3.14-3	**The project would not result in a determination by the wastewater treatment provider which serves, or may serve, the project that the project has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments. Impacts would be less than significant.**

Refer to Impact 3.14-1. The project site is located in the service area of the Leucadia Wastewater District. The LWD has completed a *Project Facility Availability Form* which states that the district has adequate capacity to serve the project for the next 5 years under existing and anticipated conditions (LWD 2022). The project would not result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the providers' existing commitments. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

SOLID WASTE INFRASTRUCTURE CAPACITY

Impact 3.14-4	**The project would not generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. Impacts would be less than significant.**

The project would be served by EDCO Waste and Recycling Services, which operates through an exclusive franchise agreement with the City. Solid waste is collected and taken to a local transfer

station and then to the Otay Landfill in Chula Vista or the Sycamore Landfill in Santee. The Otay Landfill is expected to cease operation February 28, 2030 and is permitted to accept 6,700 tons per day (CalRecycle 2019a). The Sycamore Landfill is expected to cease operation in December 31, 2042 and is permitted to accept 5,000 tons per day (CalRecycle 2019b). Therefore, it is anticipated that these landfills can accommodate solid waste generated by project-related demolition, construction, and operational activities in the foreseeable future.

The City has also adopted a Construction & Demolition Debris (C&D) Ordinance (Chapter 11.22) that helps divert waste from landfills and comply with statewide mandates. Materials subject to the ordinance include, but are not limited to, asphalt, concrete, brick, dirt, rock, lumber, cardboard, metals and any vegetative or other land clearing/landscaping materials. Projects are required to reuse, salvage or recycle 60% of all C&D debris generated from the project.

The project would collect and sort construction waste materials for diversion in order to ensure compliance with statewide mandates. Solid waste from construction activities would be delivered to the two landfills identified above, both of which have capacity to accommodate solid waste from the project.

During project occupancy, the proposed residential uses are expected to contribute additional solid waste to the Otay and Sycamore landfills. The City's CAP sets a goal of reducing greenhouse gas emissions from landfills by implementing a Zero Waste Program that promotes waste prevention, recycling, and diversion of organic waste. The CAP aims to divert 65% of the City's solid waste from the landfill by 2020 and divert 80% of waste by 2030. This would reduce waste generation rates to three pounds (lbs)/person/day by 2030 (City of Encinitas 2020). The project would be required to conform to all applicable state and local regulations pertaining to the reduction and diversion of waste generated as appropriate to assist the City in compliance with this goal.

According to CalRecycle, in 2021, the amount of annual waste generated by the City of Encinitas was estimated to be 5.6 lbs/person/day based on population (CalRecycle 2019c). Under current conditions, there are no residential (or other) uses on-site that generate solid waste. It can therefore be expected that during operation, the 149 proposed residential uses would generate an estimated 834 pounds, or 0.42 tons, of solid waste per day from the on-site residential uses (149 anticipated residents multiplied by 5.6 pounds). Although the project would increase solid waste generated, the estimated 0.42 tons/day of waste above that generated under existing conditions would represent less than 0.0004% of the total regional capacity for the Otay and Sycamore Landfills (total of 11,700 tons per day) (CalRecycle 2019a; 2019b). Therefore, project operations would not have an adverse effect on the operational capacity of the affected landfills over the long-term.

For the reasons stated above, the project would not generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. Impacts would be **less than significant.**

Mitigation Measures: None required.

Level of Significance: Less than significant.

SOLID WASTE REGULATIONS

Impact 3.14-5	**The project would comply with federal, state, and local management and reduction statutes and regulations related to solid waste. Impacts would be less than significant.**

Refer to Impact 3.14-4, above. The project proposes 149 residential units and other non-residential amenities such as the pool and common open space areas. Solid waste generated would primarily consist of standard organic and inorganic waste normally associated with such uses. The generation of substantial amounts of hazardous waste is not anticipated (refer to Section 3.7, Hazards and Hazardous Materials). As noted above, the site is adequately served by local landfills. The project would comply with all applicable federal, state, and local statutes and regulations related to solid waste handling, transport, and disposal during both construction and long-term operation.

Additionally, per its Climate Action Plan, the City has implemented a Zero Waste Program, which stipulates that by the year 2020, 65 percent of total solid waste generated would be diverted and by the year 2030, 80 percent of total solid waste generated would be diverted. As such, the project would be required to comply with a Source Reduction and Recycling Element (SRRE), which would be submitted to and approved by CalRecycle, for the diversion of solid waste. Compliance with the SRRE would ensure that the project remains in compliance with AB 939 (California Integrated Waste Management Act of 1989; see Regulatory Framework, above).

The project would comply with federal, state, and local management and reduction statutes and regulations related to solid waste. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

CUMULATIVE IMPACTS

Impact 3.14-6	**The project would not result in a significant cumulative impact related to utilities and service systems. Impacts would be less than cumulatively considerable.**

Geographic Scope

Cumulative projects that would have the potential to be considered in a cumulative context with the project's incremental contribution, and that are included in the analysis of cumulative impacts relative to utilities and services, are identified in Table 3.0-1 and Figure 3.0-1 in Section 3.0, Environmental Analysis, of this EIR. The geographic scope for cumulative impacts to utilities and service systems includes the service areas for the San Dieguito Water District (for water service), Leucadia Wastewater District (for wastewater), San Diego Gas and Electric, and the Otay and Sycamore Landfills. All cumulative projects identified and development of other future land uses in the surrounding area would be subject to the payment of appropriate development impact fees and/or the construction of new or expanded public facilities on a project-by-project basis, and in accordance with applicable local, state, and federal agency requirements, to avoid, reduce, and/or mitigate substantial increases in demand (and significant impacts) on utilities and service systems. Additionally, to be conservative, the cumulative analysis is based on a "worst-case" assumption and therefore also includes the 2019 HEU sites for which an application has not yet been filed with the City, as development of these sites may contribute to certain issue-specific cumulative effects; refer to Tables 3.0-1 and 3.0-2.

Potential Cumulative Impacts

Potential project impacts associated with utilities and service systems would be less than significant, as detailed above. The City's 2016 At Home in Encinitas/Measure T EIR determined that cumulative impacts associated with implementation of the 2016 Housing Element Update would be less than cumulative considerable. The 2016 HEU provided a range of options ranging from 1,853 residential units up to 3,261 residential units. The 2019 HEU anticipated 1,560 residential units, less than the minimum yield under the 2016 HEU and less than half of the maximum yield.

The project site was identified in the HEU and therefore, in combination with existing and reasonably foreseeable future projects that would utilize the same utilities and service systems as the proposed project, such development is not anticipated to overburden the respective wastewater, water, stormwater, natural gas, telecom, and solid waste providers, resulting in the need for upgraded or new facilities, the construction of which could result in significant environmental effects. Additional discussion is provided below.

Water Supply

As discussed under Impact 3.14-1, as the project is consistent with the City's General Plan and is within the population increase anticipated by the SDWD 2020 UWMP, it is anticipated that the District's existing facilities would be capable of serving the proposed 149 residential units proposed with the project. The SDWD's 2020 UWMP demonstrates that the district is planning to meet future and existing demands, which include the demand increment associated with the growth forecast.

The SDWD will incorporate the proposed project and the cumulative projects identified into their water system hydraulic model to determine potential impacts on the existing water system over time. As with the proposed project, the cumulative projects would also be required to receive a will-serve letter from the SDWD as part of the discretionary review process. The will-serve letter would indicate whether the SDWD is expected to be able to serve the project for the next 5 years. If approved, the cumulative projects would also be included within future UWMP updates so their water use would be considered in the evaluation of service provision for future projects. For these reasons, the project is not anticipated to contribute to a significant cumulative impact related to water supply. Cumulative impacts would be less than significant in this regard.

Wastewater

Wastewater agencies anticipated to serve the project are not at capacity and have anticipated population growth in the City of Encinitas. Similar to the proposed project, cumulative projects would receive a completed a *Project Facility Availability Form* which indicates whether the affected service district is expected to be able to serve a new development as proposed for the next 5 years (see Appendix N).

As noted above, under existing plus project conditions, no stretches of existing off-site sewer lines affected by the proposed project would exceed the City's replacement criteria. The project would not negatively impact the existing sewer infrastructure that would serve the subject site, and existing sewer mains would meet the maximum depth and minimum velocity requirements (PLSA 2022a); refer to Appendix B of Appendix M. The Saxony Pump Station, which would accommodate wastewater flows from the project site, has sufficient capacity to pump project sewerage flows (PLSA 2022a). Similarly, future cumulative projects would be required to evaluate the ability of the affected wastewater district to adequately serve proposed development and to identify any required infrastructure improvements.

As part of the discretionary approval process, cumulative projects would be required to provide on-site sewer infrastructure and pay appropriate sewer system connection fees. The City's Public Works Department's existing requirements would ensure that sewer facilities would be sized

appropriately and that wastewater treatment requirements of the RWQCB would not be exceeded. For the reasons stated above, the project is not anticipated to contribute to a significant cumulative impact related to wastewater.

Other Utilities

As noted above, the project would not substantially increase demand for solid waste disposal service. The Otay Landfill and the Sycamore Landfill both have remaining capacity well into the future to accommodate the project and the cumulative projects. All cumulative projects would similarly be required to evaluate potential effects on local landfills and demonstrate that such facilities are available to serve a project on an individual basis, with consideration for landfill capacities at the time when development is proposed. Additionally, both the proposed project and the cumulative projects would be required to conform to applicable regulations for the waste diversion and recycling.

The project is not anticipated to cause a substantial increase in demand for other utilities such as electricity, natural gas, or telecommunications All projects would be required to evaluate the provision of such services on an individual basis and to demonstrate their availability to serve a proposed development, as appropriate. The project's contribution to a cumulative impact would be less than significant in this regard.

Conclusion

The proposed project, in combination with existing and reasonably foreseeable future projects that utilize the same utilities and service systems as the proposed project, is not anticipated to overburden the respective wastewater, water, stormwater, natural gas, telecom, or solid waste providers, resulting in the need for upgraded or new facilities, the construction of which could result in significant environmental effects. Cumulative projects would be required to receive will-serve letters from the appropriate water and wastewater providers to confirm that those agencies are capable of serving the project and would be required to demonstrate adequate solid waste disposal facilities to serve a development. Electricity, natural gas, and telecommunications services would rely on existing infrastructure and therefore, would not require expansion of services that would result in an environmental impact. Therefore, for the reasons stated above, the project would not contribute to a significant cumulative impact related to utilities and service systems. Cumulative impacts would be **less than cumulatively considerable**.

Mitigation Measures: None required.

Level of Significance: Less than cumulatively considerable.

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Section 3.15
Wildfire

This section discusses the environmental setting, existing conditions, regulatory context, and potential impacts of the proposed project relative to wildfire. The information and analysis in this section is based on the *Fire Protection Plan* prepared by FIREWISE 2000, Inc. (FIREWISE 2022; Appendix O). Additionally, information was taken from will serve letter provided by the Encinitas Fire Department (EFD) which will serve the project site (EFD 2022; Appendix N). Third-party technical reports have been peer reviewed by Michael Baker International and the City of Encinitas.

ENVIRONMENTAL SETTING

Climate

The project site is situated in an area classified as having a Mediterranean-type climate, subject to mild, wet winters and typically hot, dry summers. Multi-year droughts occur occasionally. Santa Ana winds typically occur in the late autumn months, when the moisture content of non-irrigated vegetation is at its lowest point. These winds originate from desert areas to the north/northeast and are therefore hot and dry. During the summer, winds typically flow on-shore from the south/southwest and are typically weaker winds with greater humidity. Winds originating from other directions, while potentially strong, typically contain more moisture.

On-site Land Uses and Vegetation

Portions of the southernmost parcel have been previously graded and/or cleared and currently support a mixture of grasses and weeds. Portions of this parcel where prior disturbance has not occurred generally support a variety of native plant species, namely coastal sage, buckwheat, prickly pear, tree tobacco, coyote brush, mission manzanita, chamise, annual grasses, and weeds. The off-site preserve area supports dense vegetation and is considered to have a high fuel load (FIREWISE 2022). This parcel also includes areas where the steepest on-site slopes occur, generally sloping uphill into the project site.

Surrounding Land Uses and Vegetation

Land uses in the vicinity of the project site include residences to the east and southeast and vegetated areas to the north, south, and west. Managed fuel treatment zones are visible in the residential neighborhoods east of the project site. Piraeus Street and Interstate 5 are located to the west of the site, both of which represent barriers to wildland fire progression. Plato Place forms the southern property boundary.

The project site is bordered by undeveloped, vegetated lands to the north and northwest, with existing residential uses to the east. Piraeus Street generally forms the western property boundary, with Interstate 5 farther to the west, and La Costa Avenue trends east–west to the north of the parcel. Such roadways may contribute to hindering the spread of wildfire.

REGULATORY FRAMEWORK

State

California Department of Forestry and Fire Protection (Cal Fire)

Cal Fire protects the people of California from fires, responds to emergencies, and protects and enhances forest, range, and watershed values providing social, economic, and environmental benefits to rural and urban citizens. In 2020, Cal Fire, in combination with the US Forest Service, reportedly responded to 8,648 fires, totaling approximately 4,304,379 acres; in 2021, these events included 8,835 fires totaling 2,568,948 acres (Cal Fire 2022).

The Office of the State Fire Marshal supports Cal Fire's mission by focusing on fire prevention. It provides support through a wide variety of fire safety responsibilities including by regulating buildings in which people live, congregate, or are confined; by controlling substances and products which may, in and of themselves, or by their misuse, cause injuries, death, and destruction by fire; by providing statewide direction for fire prevention in wildland areas; by regulating hazardous liquid pipelines; by reviewing regulations and building standards; and by providing training and education in fire protection methods and responsibilities.

State Fire Regulations

Fire regulations for California are established in Sections 13000 et seq. of the California Health and Services Code and include regulations for structural standards (similar to those identified in the California Building Code); fire protection and public notification systems; fire protection devices such as extinguishers and smoke alarms; standards for high-rise structures and childcare facilities; and fire suppression training. The State Fire Marshal is responsible for enforcement of these established regulations and building standards for all state-owned buildings, state-occupied buildings, and state institutions within California.

2018 Strategic Fire Plan

The 2018 Strategic Fire Plan for California is a cooperative effort between the State Board of Forestry and Fire Protection and Cal Fire. The 2018 Plan reflects a focus on (1) fire prevention and suppression activities to protect lives, property, and ecosystem services; and (2) natural resource management to maintain the state's forests as a resilient carbon sink to meet California's climate

change goals and to serve as important habitat for adaptation and mitigation. The Plan aims to achieve a natural environment that is more fire resilient; buildings and infrastructure that are more fire resistant; and a society that is more aware of and responsive to the benefits and threats of wildland fire, achieved through partnerships established at the local, state, federal, and tribal levels.

California Public Resources Code

Fire Hazard Severity Zones - Public Resources Code Sections 4201–4204

Public Resources Code (PRC) Sections 4201–4204 and Government Code Sections 51175–89 direct Cal Fire to map areas of significant fire hazards based on fuels, terrain, weather, and other relevant factors. These zones, referred to as fire hazard severity zones (FHSZ), define the application of various mitigation strategies to reduce risk associated with wildland fires. The off-site preserve area and the majority of the project site are designated as a very high fire hazard severity zone (VHFHSZ) within the Local Responsibility Area (LRA) for the City of Encinitas. The southern portion of the project site is designated as being within a non-VHFHSZ area within the LRA. The site is not identified as being within a state or federal responsibility area (Cal Fire n.d.).

California Fire Code

The 2019 California Fire Code (Title 24, Part 9 of the California Code of Regulations) establishes regulations to safeguard against the hazards of fire, explosion, or dangerous conditions in new and existing buildings, structures, and premises. The Fire Code also establishes requirements intended to provide safety for and assistance to firefighters and emergency responders during emergency operations. The provisions of the Fire Code apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of every building or structure throughout California. The Fire Code includes regulations regarding fire-resistance-rated construction, fire protection systems such as alarm and sprinkler systems, fire services features such as fire apparatus access roads, means of egress, fire safety during construction and demolition, and wildland-urban interface areas.

Title 10, Fire Prevention, of the City of Encinitas Municipal Code establishes minimum requirements for fire prevention. As stated in Section 10.04.010 of the Municipal Code, the City has adopted the 2018 International Fire Code and 2019 California Fire Code as the Fire Code for the City of Encinitas. Such standards are implemented through the City's building permit process.

Senate Bill 1241

In 2012, Senate Bill 1241 added Section 66474.02 to Title 7 Division 2 of the California Government Code, commonly known as the Subdivision Map Act. The statute prohibits subdivision of parcels designated very high fire hazard, or that are in a State Responsibility Area, unless certain findings are made prior to approval of the tentative map. The statute requires that a city or county planning commission make three new findings regarding fire hazard safety before approving a subdivision proposal. The three findings are, in brief: (1) the design and location of the subdivision and its lots are consistent with defensible space regulations found in PRC Section 4290-91, (2) structural fire protection services will be available for the subdivision through a publicly funded entity, and (3) ingress and egress road standards for fire equipment are met per any applicable local ordinance and PRC Section 4290.

Regional

San Diego County Multi-Jurisdictional Hazard Mitigation Plan

In 2010, San Diego County and 18 local jurisdictions, including the City of Encinitas, adopted the Multi-Jurisdictional Hazard Mitigation Plan (MHMP). The MHMP is a countywide plan that identifies risks and ways to minimize damage by natural and man-made disasters. It is a comprehensive document that serves many purposes, including creating a decision tool for management, promoting compliance with state and federal program requirements, enhancing local policies for hazard mitigation capability, and providing interjurisdictional coordination. The plan was last updated in 2018. Hazard mitigation goals, objectives, and related potential actions for wildfire (and other) hazards specific to the City of Encinitas are included in the MHMP as Section 5.8, City of Encinitas, of the document.

Local

City of Encinitas General Plan

The City's General Plan includes background information, goals, and policies aimed at minimizing the loss of life, injury, and property damage as a result of natural disasters and man-made hazards, including fires. Relevant goals and policies are listed below.

Public Safety Element

GOAL 1: **Public health and safety will be considered in future Land Use Planning.**

Policy 1.8: New residential and commercial construction shall provide for smoke detector and fire sprinkler systems to reduce the impact of development on service levels.

Policy 1.9: Adequate safety service levels shall be maintained and provided for by new development.

Policy 1.10: The public safety program shall provide for a response plan that strives to reduce life and property losses through technology, education, training, facilities, and equipment.

Policy 1.11: The public safety system shall provide standards and levels of service guidelines that assure a quality of life and protection of life and property from preventable losses.

Policy 1.13: In areas identified as susceptible to brush or wildfire hazard, the City shall provide for construction standards to reduce structural susceptibility and increase protection. Brush clearance around structures for fire safety shall not exceed a 30-foot perimeter in areas of native or significant brush, and as provided by Resource Management Policy 10.1.

GOAL 2: **The City of Encinitas will make an effort to minimize potential hazards to public health, safety, and welfare and to prevent the loss of life and damage to health and property resulting from both natural and man-made phenomena.**

Policy 2.1: The City will cooperate with and support in every way possible current federal, state, and county agencies responsible for the enforcement of health, safety, and environmental laws.

Policy 2.2: Implement an emergency preparedness program (referenced by the State as a Multi-Hazard Function Plan) to ensure that emergency shelters and emergency evacuation and response routes are provided and clearly identified.

Policy 2.4: Setbacks, easements, and accesses, necessary to assure that emergency services can function with available equipment, shall be required and maintained.

Policy 2.5: Emergency equipment response routes and evacuation procedures shall be defined and provided for.

Resource Management Element

GOAL 10: **The City will preserve the integrity, function, productivity, and long term viability of environmentally sensitive habitats throughout the City, including kelp-beds, ocean recreational areas, coastal water, beaches, lagoons and their up-lands, riparian areas, coastal strand areas, coastal sage scrub and coastal mixed chaparral habitats.**

Policy 10.1: The City will minimize development impacts on coastal mixed chaparral and coastal sage scrub environmentally sensitive habitats by preserving within the inland bluff and hillside systems, all native vegetation on natural slopes of 25% grade and over other than manufactured slopes. A deviation from this policy may be permitted only upon a finding that strict application thereof would preclude any reasonable use of the property (one dwelling unit per lot). This policy shall not apply to construction of roads of the City's circulation element, except to the extent that adverse impacts on habitat should be minimized to the degree feasible. Encroachments for any purpose, including fire break brush clearance around structures, shall be limited as specified in Public Safety Policy 1.2. Brush Clearance, when allowed in an area of sensitive habitat or vegetation, shall be conducted by selective hand clearance.

GOAL 13: **Create a desirable, healthful, and comfortable environment for living while preserving Encinitas' unique natural resources by encouraging land use policies that will preserve the environment.**

Policy 13.1: The City shall plan for types and patterns of development which minimize water pollution, air pollution, fire hazard, soil erosion, silting, slide damage, flooding and severe hillside cutting and scarring.

City of Encinitas Municipal Code

Title 10, Fire Prevention, of the City's Municipal Code establishes minimum requirements for fire prevention. As stated in Section 10.04.010 of the Municipal Code, the City has adopted the 2018 International Fire Code and 2019 California Fire Code as the Fire Code for the City of Encinitas to regulate and govern the safeguarding of life and property from fire hazards and related events. Section 10.02.010, Fire Map, of the Municipal Code identifies those land areas within the City considered to be Very High Fire Hazard Severity Zones, and therefore, to be at greater risk for potential wildfire occurrence.

STANDARDS OF SIGNIFICANCE

Thresholds of Significance

In accordance with the California Environmental Quality Act (CEQA) Guidelines, the effects of a potential project are evaluated to determine whether they would result in a significant adverse impact on the environment. An EIR is required to focus on these effects and offer mitigation measures to reduce or avoid any significant impacts that are identified. The criteria used to determine the significance of impacts may vary, depending on the nature of the proposed project. According to Appendix G of the State CEQA Guidelines, the proposed project would have a significant impact related to wildfire if it is located in or near state responsibility areas or lands classified as very high fire hazard severity zones and would:

1. Substantially impair an adopted emergency response plan or emergency evacuation plan.
2. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of wildfire.
3. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water resources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.
4. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

PROJECT IMPACTS AND MITIGATION

SUBSTANTIAL IMPAIRMENT OF AN ADOPTED EMERGENCY RESPONSE PLAN OR EMERGENCY EVACUATION PLAN

Impact 3.15-1	**The project would not substantially impair an adopted emergency response plan or emergency evacuation plan. Impacts would be less than significant.**

The project site is located in a developed urban area surrounded by residential uses and open space. According to the Cal Fire Encinitas Fire Hazard Severity Zone Map, all of the off-site preserve area and the northern portion of the project site are identified as being in a VHFHSZ in an LRA, and therefore, the site is considered to have an increased potential for the occurrence of wildfire events (Cal Fire n.d.).

Emergency response and evacuation within Encinitas is the responsibility of the City of Encinitas Fire Department. The Disaster Preparedness Division of the Fire Department develops emergency

procedures, activities, and disaster operation plans to be implemented in the event of a natural or man-made emergency (City of Encinitas n.d.-a). Additionally, the County of San Diego maintains the San Diego County Emergency Operations Plan, which was approved in 2018 (San Diego County 2018). The Emergency Operations Plan is used by agencies that respond to major emergencies and disasters, including those related to environmental health.

The project site is located within the response area of the Encinitas Fire Department. The closest fire station is Station #3, located at 801 Orpheus Avenue, approximately 1.5 miles to the south. Estimated response time (get away and travel) from the station to the site is approximately five minutes. Carlsbad Fire Station #4 is located approximately 1.8 miles north of the site at 6885 Batiquitos Drive in Carlsbad with a response time of approximately six minutes. Engines may respond from other stations farther away or from other incidents (FIREWISE 2022). The Encinitas Fire Department has indicated that it can adequately provide fire protection services to the project as proposed (City of Encinitas 2022; see Appendix N).

Emergency access to the project site would be provided from Piraeus Street and Plato Place. Improvements are proposed to provide adequate ingress/egress to/from the site and to ensure that activities associated with the project do not impede the free movement of emergency response vehicles, as well as other vehicles, along local roadways. The project site is not identified as being located along an established route for wildfire evacuation (City of Encinitas n.d.-b), and therefore, would not be anticipated to interfere with emergency response in this regard.

During construction, materials would be placed within the project boundaries adjacent to the current phase of construction to avoid any access conflicts in case of emergency evacuations. Project construction would not result in closures along local roadways that may have an effect on emergency response or evacuation plans in the vicinity of the site. It is anticipated that all local roadways would remain open during project construction and operation. Construction activities occurring within the project site would comply with all adopted conditions, including grading permit conditions regarding lay-down and fire access, and would not restrict access for emergency vehicles responding to incidents on-site or in the surrounding area. It is anticipated that all vehicles and construction equipment would be staged on-site, off of adjacent public roadways, and would therefore not block any established emergency access routes.

During project operations, existing off-site roadways would be adequate to serve the development for purposes of emergency evacuation in the event of a wildfire. Further, the project would not interfere with the ability of the San Diego County Sheriff's Department, which serves the project site, to safely evacuate the area in the event of an emergency (see Section 3.7, Hazards and Hazardous Materials; Section 3.11, Public Services and Recreation; and Section 3.12, Transportation). The project has been designed in conformance with City Fire Department access and roadway design requirements related to fire prevention and is subject to approval by the

City's Planning Division to ensure that public safety and adequate vehicular circulation can be maintained over the long term.

Therefore, the project would not substantially impair an adopted emergency response plan or emergency evacuation plan. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

EXACERBATE WILDFIRE RISKS DUE TO SLOPE, PREVAILING WINDS, AND OTHER FACTORS

Impact 3.15-2	**The project would not exacerbate wildfire risks due to slope, prevailing winds, and other factors and therefore would not expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of wildfire. Impacts would be less than significant with mitigation incorporated.**

As stated, the proposed off-site preserve area and the northern portion of the project site are designated as a VHFHSZ within the LRA for the City of Encinitas. The southern portion of the project site is designated as being within a non-VHFHSZ area within the LRA. The site is not identified as being within a state or federal responsibility area (Cal Fire n.d.).

On-site elevations range from approximately 100 feet to 170 feet above mean sea level. The project site is located on uneven terrain with slopes ranging between 2 percent and 40 percent. A steep slope is in the vicinity of where the proposed development area abuts the proposed off-site preserve area. A significant portion of the site was previously graded and a large area that is nearly level is present (FIREWISE 2022).

The climate within the project area is characterized as Mediterranean with generally mild, wet (12-14 inches per year) winters, with the bulk of the annual precipitation falling between December and March. Long, hot, and very dry summer seasons frequently occur with occasional multi-year droughts. Off-shore winds from the north/northeast, typically referred to as a Santa Ana wind, have the potential to increase fire risk in the region. Such winds are typically strong (greater than 40 miles per hour), hot, dry winds with very low (less than 15 percent) relative humidity. Such winds originate over the dry desert land and may occur at any time of the year; however, they are more typical during the months of September through November, which is also when non-irrigated vegetation has its lowest moisture content (FIREWISE 2022).

Prevailing summer wind patterns are generally from the south or southwest and normally of a lower velocity (5-15 miles per hour with occasional gusts to 30 miles per hour) and are associated with higher relative humidity readings (greater than 30 percent and frequently more than 60

percent) due to a moist air on-shore flow from the ocean. All other wind directions (from the northwest, south, and west) may be occasionally strong and gusty. However, such winds are associated with cooler moist air and higher relative humidity (greater than 40 percent). Such winds are considered a serious wildland fire weather condition when wind speeds exceed 20 miles per hour (FIREWISE 2022).

The off-site preserve area (to the north) would remain as undeveloped land. A concrete masonry block retaining wall would be constructed along the northern boundary of the proposed development area, which would further discourage potential intrusion into this open space preserve. No trails into the adjacent open space are proposed and the appropriate signage would be installed to prohibit access, thus limiting the potential for human intrusion and reducing potential sources of fire ignition.

All interior vegetation within the proposed development area would be removed with site grading. Existing vegetation on the off-site preserve area would remain, as no development would occur. Chaparral located to the north of the proposed development area consists of heavy fuels that are taller and denser than the coastal sage, grass, and weeds present to the west and south of the project site. A wildland fire burning in this area under a Santa Ana wind conditions may pose a threat to the planned on-site residential uses. However, it was determined that brush clearing proposed between the northernmost on-site structures and the natural area to the north, combined with implementation of fire protection features as recommended in the Fire Protection Plan, would substantially reduce the potential risk of wildfire occurrence in this area (FIREWISE 2022).

Wildfires occurring in the project vicinity could also result in embers being carried for long distances (one mile or more) by fire drafts or strong winds. Wind and/or topography driven wildfires, burning under a northeastern (Santa Ana) wind pattern, would represent a wildland fire hazard to all proposed on-site structures due to falling embers. Additionally, all wildland plants and grasses would pose a fire hazard annually as the plants lose fuel moisture during hot and dry summer seasons. However, as determined in the Fire Protection Plan, the proposed fuel modification treatments; irrigated landscaping; use of ignition-resistant building materials; and additional required construction features recommended in the Fire Protection Plan would mitigate the potential loss of any structures due to direct fire impingement or radiant heat around the perimeter of the residential uses to a level of less than significant (FIREWISE 2022).

Proposed structures would be required to meet applicable wildland/interface standards to the satisfaction of the Encinitas Fire Department and would be designed and constructed with ignition-resistant building materials. All construction methods and ignition-resistive building materials would meet the current International Wildland-Urban Interface Code and amendments; City of Encinitas Ordinances 2019-27 and 2021-08; and the California Fire and

Building Codes. Additionally, all on-site structures, including garages, would be required to incorporate automatic fire sprinkler systems and all accessory structures such as decks, balconies, patios, covers, gazebos, and fences would be constructed from non-combustible or ignition-resistant materials.

During occupancy and operations, the project may introduce potential ignition sources including vehicles, gas- or electric-powered small hand tools (i.e., for maintenance), and standard substances used for routine household cleaning and landscaping maintenance. Such conditions are not anticipated to substantially exacerbate wildfire risks or increase the risk of exposure of residents to associated pollutant concentrations.

The project would be constructed in compliance with access and design requirements of the City of Encinitas Fire Department (conditions of approval) and recommendations of the Fire Protection Plan, and would be subject to payment of public safety services impact fees (refer to Section 3.11, Public Services and Recreation) to ensure that risks from wildfire are minimized.

As discussed above, the project has the potential to exacerbate wildfire risks or otherwise expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. Impacts are therefore considered to be potentially significant. To ensure the potential for fire threat and/or spread is minimized to the extent feasible, mitigation measures **WF-1** and **WF-2** would be implemented to require incorporation of the design and management measures identified in the Fire Protection Plan. Project impacts relative to wildfire would be reduced to **less than significant with mitigation incorporated**.

Mitigation Measures:

WF-1 Fire Protection Plan

Prior to occupancy, the following measures identified in the Fire Protection Plan (Firewise2000, LLC 2022) shall be implemented to reduce potential fire threat and provide heightened fire protection.

1. A fuel modification zone shall be provided to the north of the proposed retaining wall located along the northern boundary of the development area, extending 100 feet from the north side of the wall. This fuel modification zone shall include 50 feet of irrigated Zones 1A and 1B adjacent to each structure followed by 50 feet of non-irrigated thinning Zone 2. The homeowners association shall be required to oversee and perform the described fuel treatments as described in the Fire Protection Plan on an ongoing basis.

2. Prior to occupancy, the homeowners association shall be approved and in place to ensure ongoing fire safety.

3. All newly constructed structures shall be built to ignition resistant building requirements, including the installation of automatic interior fire sprinkler systems.

4. All vents used in the proposed on-site structures shall be "Brandguard," "O'Hagin Fire & Ice Line – Flame and Ember Resistant," or equivalent type vents.

5. All operable windows shall be provided with metal (not vinyl) mesh bug screens over the operable opening to prevent embers from entering the structure during high wind conditions when windows may be inadvertently left open.

6. As mitigation for driveways that exceed 150 feet in length, the following additional building measures shall be required of the structures shown in grey on the Fire Protection Plan Map (Appendix F of the Fire Protection Plan; Firewise2000, LLC 2022):

    a. Exterior walls facing the driveway shall have two hour rated walls.

    b. Interior fire sprinkler shall be extended to the attic space including the areas over bathrooms and closets.

WF-2 Construction Fire Protection Plan

1. Prior to the commencement of project construction, the following measures shall be completed:

    a. During construction, at least 50 feet of clearance around the structures shall be kept free of all flammable vegetation as an interim fuel modification zone, with exception of where habitat protection is required.

    b. In reference to mitigation measure BIO-8, a Limited Building Zone easement shall be granted to the City of Encinitas.

Level of Significance: Less than significant with mitigation incorporated.

EXACERBATE FIRE RISKS DUE TO REQUIRED INSTALLATION OR MAINTENANCE OF ASSOCIATED INFRASTRUCTURE

Impact 3.15-3	**The project would not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. Impacts would be less than significant.**

Primary access to the site would be provided from a proposed driveway off of Piraeus Street; emergency access would occur from the same access points. No new off-site roadways are proposed to be constructed that would exacerbate fire risk or result in environmental impacts. Existing off-site roadways in the project vicinity (e.g., Piraeus Street, La Costa Avenue, and Plato Place) would remain and would continue to serve as potential breaks that may help to reduce the spread of wildfire during such an event.

Brush management zones would be provided with the project consistent with the measures recommended in the site-specific Fire Protection Plan prepared by FIREWISE and as required by the Encinitas Fire Department; refer to Figures 3.15-1A and -1B, Brush Management Plan. Zone 1A (Irrigated Zone) would be maintained by the homeowners association (HOA) and would include an irrigated landscaped zone typically 50 feet in width from each proposed structure, with combustible building materials prohibited within the zone. Zone 1B (Irrigated Zone) would include an irrigated landscaped zone up to 50 feet in width, located on lands that are publicly owned but maintained by the HOA (including manufactured slopes located more than 50 feet from a structure). Zone 2 (Thinning Zone) would be HOA maintained and begin on the north side of the proposed retaining wall located to the north of the northernmost on-site buildings and extending northward for a distance of 80 feet from the front of each building face. This area may include single or small clusters of trimmed fire-resistant native plants and grasses and trimmed native trees. Roadside fuel treatment zones (HOA maintained) are also proposed on the downhill and uphill sides of roadways and driveways and would be cleared of all combustible vegetation and landscaped to Zone 1A criteria. Such brush management measures, when combined with the required construction features described in the Fire Protection Plan, were determined to adequately mitigate any radiant heat or direct flame impingement under a worst-case weather and fuels scenario. As the proposed brush management zones are intended to reduce the potential for wildfire risk and slow wildfire spread, such improvements would not exacerbate fire risk or result in temporary or ongoing impacts to the environment; refer also to Section 3.3, Biological Resources, for evaluation of potential effects of vegetation removal on-site.

San Diego Gas & Electric currently provides electrical service to the project vicinity. Although the project applicant is requesting elimination of the City's requirement to underground existing overhead utilities pursuant to Encinitas Municipal Code Section 23.36.120 (in order to financially

enable the project to instead provide for deed-restricted affordable housing on-site), allowing this existing utility infrastructure to remain aboveground would not exacerbate potential wildfire risk. With City approval, such utility poles and electrical lines would simply remain in their current state and location with project implementation.

Public water service for the project would be provided by the San Dieguito Water District. Water and sewer utility improvements would include connection to the existing public infrastructure systems, and the project has been designed to achieve the minimum fire flow requirement of 2,500 gallons per minute at 20 pounds per square inch residual pressure for a 2-hour duration (FIREWISE 2022). No improvements are proposed to provide an emergency water source, other than installation of two new fire hydrants located within the interior of the site along the east side of the main driveway. None of the infrastructure improvements proposed would exacerbate wildfire risk, and all potential temporary or ongoing effects on the environment resulting with such improvements have been evaluated in Sections 3.1 to 3.14 of this EIR.

The project would not require the installation or maintenance of associated infrastructure that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

EXPOSURE TO SIGNIFICANT RISKS

Impact 3.15-4	**The project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. Impacts would be less than significant.**

Topography is relatively flat within the area proposed for development, with slopes on the western and northern edges. A steep slope is present in the vicinity of where the proposed development area abuts the proposed off-site preserve area.

In conformance with the City of Encinitas's stormwater design standards and the multiple separate storm sewer system permit, all runoff generated on-site (from the development area) would be conveyed to a proposed biofiltration basin adjacent to Plato Place. The biofiltration basin would be sized for pollution and flow control purposes. Flow rates generated on-site would be controlled via a low-flow orifice consistent with hydromodification program requirements as outlined in the City of Encinitas Best Management Practices Design Manual (City of Encinitas 2016). In larger storm events, runoff not filtered through the engineered soil would be conveyed

via an overflow outlet structure consisting of a 3-foot by 3-foot grate located on top of the outlet structure. Runoff conveyed via the outlet structure would bypass the treatment and flow control structure and would be conveyed directly to the proposed storm drain system perpendicular to Piraeus Street.

The project has been designed to retain and treat stormwater runoff on-site and would not result in an increase in the rate or quantity of runoff post-construction as compared to existing drainage conditions; refer to Section 3.8, Hydrology and Water Quality. Therefore, the project would not contribute to the exposure of people or structures to a significant risk of downstream flooding as a result of runoff or drainage changes.

A documented landslide occurred on the project site in 2001 that closed adjacent Piraeus Street. The landslide area extends from Piraeus Street at its toe roughly 140 feet into the property to the east. The City of Encinitas removed portions of the slide and installed two groundwater observation wells and two horizontal drains. The excavated soil was placed within a depression on the southern portion of the property. The western property margin currently contains the landslide remnant with an upper scarp area that has down dropped approximately 5 to 10 feet (Geocon 2022).

The landslide debris is unsuitable to be left in place and complete removal would be required during remedial grading operations. Removal of the slope would result in a buttress fill which would mitigate potential future instabilities in this area of the site (Geocon 2022). Additionally, with conformance during grading and construction to the California Building Code, local building codes, and engineering recommendations identified in the geotechnical report, the project would not expose people or structures to a significant risk from landslides. Refer also to Section 3.6, Geology and Soils.

Based on the above conditions, the project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

CUMULATIVE IMPACTS

Impact 3.15-5	**The project would not result in cumulative impacts. Impacts would be less than cumulatively considerable.**

Geographic Scope

Projects that would have the potential to be considered in a cumulative context with the project's incremental contribution to a potential cumulative impact relative to wildfire are identified in Table 3.0-1 and Figure 3.0-1 in Section 3.0, Environmental Analysis, of this EIR. The inclusion of all projects in Table 3.0-1 was based on the location of these projects in the general vicinity of the project site and the possibility that these projects, in combination with the proposed project, may have the potential to contribute to increased risk or occurrence of wildfire. Additionally, to be conservative, the cumulative impact analysis includes 2019 Housing Element Update sites to the extent they may contribute to certain issue-specific cumulative effects; refer to Table 3.0-2.

Potential Cumulative Impacts

Substantial Impairment of an Adopted Emergency Response Plan or Emergency Evacuation Plan

Existing and future development in the cumulative study area would be subject to a regional emergency response and/or evacuation in the event of a wildfire or other significant event (e.g., a major earthquake). The County's Office of Emergency Services oversees implementation of the County's Multi-Jurisdictional Hazard Mitigation Plan, which outlines mechanisms to ensure proper protocols are followed in the event of a regional emergency. All existing and future development in the cumulative study area would be subject to the measures in the plan, which are intended to ensure that emergency access routes are maintained and proper evacuation procedures implemented, thereby reducing potential risk for public endangerment or impairment of evacuation in the event of an emergency. Prior to approval, future development projects would be subject to review to ensure that they do not interfere or conflict with implementation of the plan.

In the event of a wildfire, various neighborhoods or communities within the cumulative study area may be evacuated in a similar time frame as the proposed project, depending on the type of wildfire emergency. As such, the proposed project has been evaluated for its potential to contribute to impairment of evacuation of the subject site and/or surrounding lands. It is anticipated that, due to the limited size of the subject property and proximity to local roadways, as well as Interstate 5, that with a wildfire approaching from any direction, there would be adequate time for a full evacuation of the site and surrounding area. Further, the project site is not located along any designated evacuation routes and is therefore not anticipated to interfere

with such operations in the event of an emergency. The proposed project would generate an estimated 371 new residents in the area and, under a worst case scenario with all residents leaving the site at one time, would not contribute a substantial number of vehicles to area roadways during an emergency evacuation.

All cumulative projects within the study area would be required to demonstrate that no adverse effects on emergency response or evacuation would occur with development as proposed. Further, all such development would be required to conform with applicable emergency response plans and requirements for the area to ensure that public safety is maintained over the long term.

The project is therefore not anticipated to contribute to a cumulative impact by impairing implementation of or physically interfering with an adopted emergency response plan or emergency evacuation plan. When considered with other cumulative projects in the study area, a less than significant cumulative impact would occur. Impacts would be **less than cumulatively considerable** in this regard.

Exacerbate Wildfire Risks due to Slope, Prevailing Winds, and Other Factors

Wildfire has the ability to rapidly spread from one community to another if uncontained, thereby not only affecting localized areas but having the potential to cause damage on a regional scale. Winds can broaden the reach of wildfire effects by carrying embers that may ignite structures or vegetation located at a distance from the core of a fire, or by dispersing smoke and other hazardous contaminants through the air, thus reducing air quality and resulting in adverse effects on public health.

All future development within the cumulative study area would be evaluated for potential fire risk and occurrence, with particular consideration of whether a site may be located within an area designated as a VHFHSZ. Such evaluation would consider existing wind patterns and on-site topography and slopes, vegetation, and other factors to determine whether specific design measures, consistent with state and local regulations, should be identified and implemented to reduce potential wildfire risk to the extent feasible.

As determined in the Fire Protection Plan, the proposed fuel modification treatments; irrigated landscaping; use of ignition-resistant building materials; and additional required construction features recommended in the Fire Protection Plan would reduce the potential loss of any structures due to direct fire impingement or radiant heat around the perimeter of the proposed residential uses to a level of less than significant (FIREWISE 2022). As discussed above, the project has the potential to exacerbate wildfire risks or otherwise expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire; impacts are considered

to be potentially significant. To ensure the potential for fire threat and/or spread is minimized to the extent feasible, mitigation measures WF-1 and WF-2 would be implemented to require incorporation of the design and management measures identified in the Fire Protection Plan. Project impacts relative to wildfire would be reduced to less than significant with mitigation incorporated.

The project, along with other cumulative projects, would be required to meet applicable wildland/interface standards to the satisfaction of the Encinitas Fire Department and would be designed and constructed with ignition-resistant building materials, as appropriate. All construction methods and ignition-resistive building materials would meet the current International Wildland-Urban Interface Code and amendments; City of Encinitas Ordinances 2019-27 and 2021-08; and the California Fire and Building Codes, as applicable.

With incorporation of mitigation measures WF-1 and WF-2, the potential for the project to contribute to a significant cumulative impact due to slope, prevailing winds, and other factors that would exacerbate wildfire risk or expose project occupants to pollutant concentrations from wildfire or the uncontrolled spread of wildfire would be reduced to less than significant. Impacts would be **less than cumulatively considerable** in this regard.

Exacerbate Fire Risks Due to Required Installation or Maintenance of Associated Infrastructure

Although wildland fires occurring in the area could combine on a cumulative level, all future development would be subject to applicable state and local requirements aimed at minimizing the risk and occurrence of wildfire events through management techniques (e.g., brush clearing), building design and materials, and/or operational restrictions, as appropriate. Additionally, existing development in the San Diego region is subject to local requirements for brush management on individually owned parcels to reduce the potential for ignition and spread of wildfire in such an event. Such measures would help to reduce the potential risk and effects of wildland fire on both a cumulative and regional level.

Development of the project site would convert the subject property from undeveloped (or partially developed) land with readily ignited fuels (e.g., vegetated lands) to ignition-resistant structures and landscape, in combination with fuel modification zones that would serve as preventive buffers for the spread of wildfire onto adjacent lands (or onto the project site). These measures would provide greater fire protection for area residents who do not presently have fire-resistant features on their homes (e.g., tile roofing). Similarly, future development in the study area that converts undeveloped, vegetated lands into developed lands would further contribute to a reduction in the type of fuels that are more prone to the occurrence of wildfire.

The project and other projects within the cumulative study area would be subject to review by the City, including the Encinitas Fire Department, to ensure that adequate utilities and services can be provided relative to reducing the risk or spread of wildfire and for conformance with applicable design and operational regulations. All future development would be required to meet minimum fire flow requirements and pay impact fees to reduce potential demands on fire protection services. Further, as with the proposed project, all cumulative projects would be subject to discretionary review to evaluate potential temporary or ongoing effects on the environment resulting with installation or maintenance of associated infrastructure. Mitigation measures would be identified as appropriate to reduce such impacts to the extent feasible.

For the reasons above, the project is not considered to contribute to a significant cumulative impact due to the installation or maintenance of associated infrastructure that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. Impacts would be **less than cumulatively considerable**.

Expose People or Structures to Significant Risk

As with the proposed project, all future development projects within the cumulative study area would be subject to discretionary review for conformance with the City of Encinitas's stormwater design standards and the multiple separate storm sewer system permit. Measures would be identified, as appropriate, to ensure that stormwater runoff can be adequately accommodated and that downstream flooding does not occur as a result of runoff or drainage changes.

Individual sites would be evaluated for topographical conditions (e.g., slope stability) and for the potential for landslide occurrence as part of the discretionary process. As with the proposed project, conformance with state and local engineering design standards and regulations, including the California Building Code, would be required to ensure that potential geologic risks are minimized through construction techniques and that the potential for exposure of people or structures to a significant risk from landslides is reduced to the extent feasible.

For the reasons above, the project would not contribute to a significant impact relative to exposure of people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire instability, or drainage changes. Impacts would be **less than cumulatively considerable**.

Mitigation Measures: Implement mitigation measures **WF-1** and **WF-2**.

Level of Significance: Less than cumulatively considerable.

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FIRE PROTECTION LEGEND

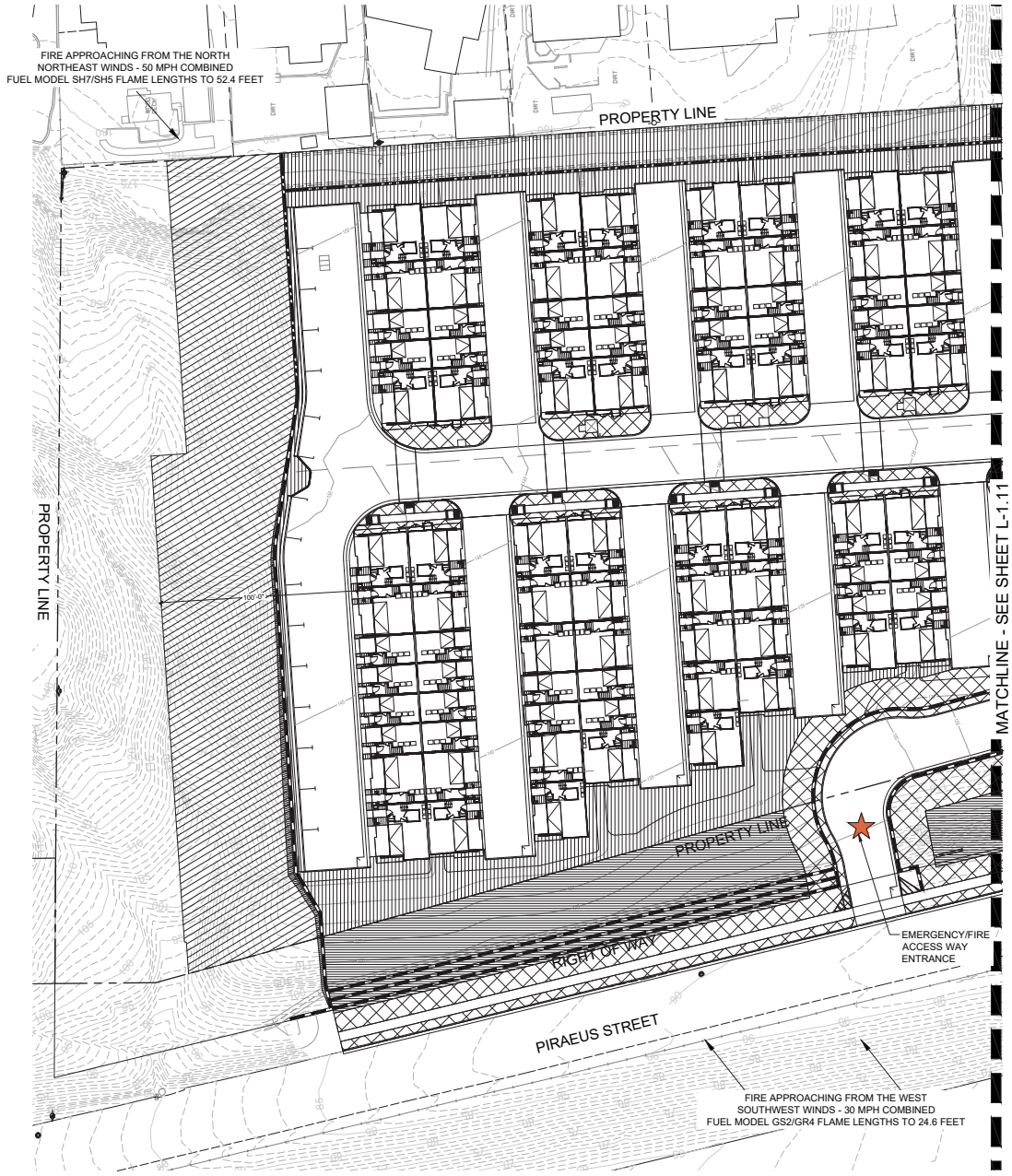
IRRIGATED ZONE 1A (HOA MAINTAINED)
AN IRRIGATED LANDSCAPE ZONE TYPICALLY 50 FEET IN WIDTH FROM EACH STRUCTURE. ONLY PLANTS FROM THE APPROVED CITY OF ENCINITAS PLANT LIST ARE TO BE INSTALLED AND MAINTAINED. ALL COMBUSTIBLE BUILDING MATERIALS INCLUDING COMBUSTIBLE DECKS, PATIO COVERS AND GAZEBOS ARE PROHIBITED IN THIS ZONE. SEE FIRE PROTECTION PLAN FOR DETAILS.

IRRIGATED ZONE 1B (HOA MAINTAINED)
AN IRRIGATED LANDSCAPED ZONE UP TO 50 FEET IN WIDTH THAT IS LOCATED ON THE LANDS THAT ARE PUBLICLY OWNED BUT MAINTAINED BY THE PIRAEUS DEVELOPMENT HOA. IT ALSO INCLUDES MANUFACTURED SLOPES LOCATED MORE THAN 50 FEET FROM A STRUCTURE. SEE ZONE 1A ABOVE FOR FURTHER DETAILS.

THINNING ZONE 2 (HOA MAINTAINED)
AN AREA THAT BEGINS ON THE NORTH SIDE OF THE RETAINING WALL NORTH OF THE NORTHERN BUILDINGS THAT EXTENDS NORTHWARD FOR A DISTANCE OF 100 FEET FROM THE FRONT OF EACH BUILDING FACE. THIS AREA MAY INCLUDE SINGLE OR SMALL CLUSTERS OF TRIMMED FIRE RESISTANCE NATIVE PLANTS UP TO 18 INCHES IN HEIGHT AND TRIMMED NATIVE TREES LIMBED UP TO 6 FEET FROM THE GROUND WHERE 50% OF THE VEGETATION IS REMOVED. SELECTED NATIVE PLANT CLUSTERS MUST BE SEPARATED BY AT LEAST 1 1/2 TIMES MATURE HEIGHT OF THE RETAINED PLANTS. THE GRASSES SHALL BE WEED WHIPPED AND MAINTAINED AT LEAST ANNUALLY TO 4" OR LESS IN STUBBLE HEIGHT ONCE THEY HAVE CURED. SEE FIRE PROTECTION PLAN FOR ADDITIONAL DETAILS.

ROADSIDE FUEL TREATMENT (HOA MAINTAINED)
A MINIMUM OF 20 FEET IN WIDTH ON THE DOWNHILL SIDE AND 20 FEET IN WIDTH ON THE UPHILL OF THE ROADWAY OR DRIVEWAY PRISM THAT IS CLEAR OF ALL COMBUSTIBLE VEGETATION AND LANDSCAPED TO ZONE 1A CRITERIA. THE LAND UPON WHICH THIS ZONE EXISTS MAY BE PRIVATELY OR PUBLICLY OWNED.

EMERGENCY/FIRE ACCESS WAY ENTRANCE



0 15 30 60

NORTH

Michael Baker INTERNATIONAL

File: 189273Figures.indd

Source: Schmidt Design Group, ktgy Architecture + Planning, LENNAR HOMES, April 20, 2022 (PIRAEUS POINT, ENCINITAS, CA #2021-0513)

PIRAEUS POINT
ENVIRONMENTAL IMPACT REPORT

Brush Management Plan

Figure 3.15-1A

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FIRE PROTECTION LEGEND

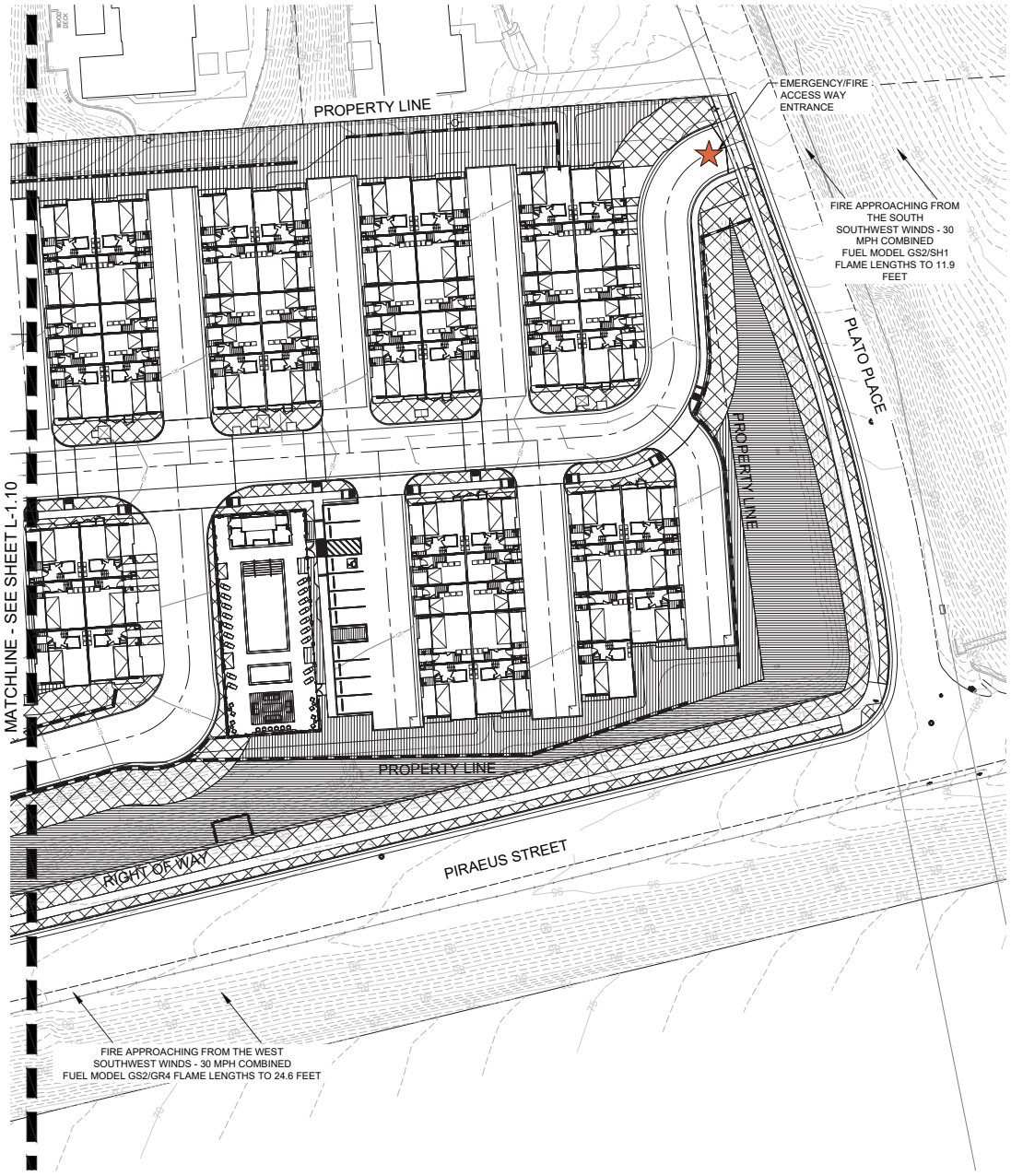
IRRIGATED ZONE 1A (HOA MAINTAINED)
AN IRRIGATED LANDSCAPE ZONE TYPICALLY 50 FEET IN WIDTH FROM EACH STRUCTURE. ONLY PLANTS FROM THE APPROVED CITY OF ENCINITAS PLANT LIST ARE TO BE INSTALLED AND MAINTAINED. ALL COMBUSTIBLE BUILDING MATERIALS INCLUDING COMBUSTIBLE DECKS, PATIO COVERS AND GAZEBOS ARE PROHIBITED IN THIS ZONE. SEE FIRE PROTECTION PLAN FOR DETAILS.

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AN AREA THAT BEGINS ON THE NORTH SIDE OF THE RETAINING WALL NORTH OF THE NORTHERN BUILDINGS THAT EXTENDS NORTHWARD FOR A DISTANCE OF 100 FEET FROM THE FRONT OF EACH BUILDING FACE. THIS AREA MAY INCLUDE SINGLE OR SMALL CLUSTERS OF TRIMMED FIRE RESISTANCE NATIVE PLANTS UP TO 18 INCHES IN HEIGHT AND TRIMMED NATIVE TREES LIMBED UP TO 6 FEET FROM THE GROUND WHERE 50% OF THE VEGETATION IS REMOVED. SELECTED NATIVE PLANT CLUSTERS MUST BE SEPARATED BY AT LEAST 1 1/2 TIMES MATURE HEIGHT OF THE RETAINED PLANTS. THE GRASSES SHALL BE WEED WHIPPED AND MAINTAINED AT LEAST ANNUALLY TO 4" OR LESS IN STUBBLE HEIGHT ONCE THEY HAVE CURED. SEE FIRE PROTECTION PLAN FOR ADDITIONAL DETAILS.

ROADSIDE FUEL TREATMENT (HOA MAINTAINED)
A MINIMUM OF 20 FEET IN WIDTH ON THE DOWNHILL SIDE AND 20 FEET IN WIDTH ON THE UPHILL OF THE ROADWAY OR DRIVEWAY PRISM THAT IS CLEAR OF ALL COMBUSTIBLE VEGETATION AND LANDSCAPED TO ZONE 1A CRITERIA. THE LAND UPON WHICH THIS ZONE EXISTS MAY BE PRIVATELY OR PUBLICLY OWNED.

EMERGENCY/FIRE ACCESS WAY ENTRANCE



Michael Baker INTERNATIONAL

File: 189273Figures.indd

Source: Schmidt Design Group, ktgy Architecture + Planning, LENNAR HOMES, November 2022 (PIRAEUS POINT, ENCINITAS, CA #2021-0513)

PIRAEUS POINT
ENVIRONMENTAL IMPACT REPORT

Brush Management Plan

Figure 3.15-1B

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California Public Resources Code Section 21003(f) states, "It is the policy of the state that…all persons and public agencies involved in the environmental review process be responsible for carrying out the process in the most efficient, expeditious manner in order to conserve the available financial, governmental, physical, and social resources with the objective that those resources may be better applied toward the mitigation of actual significant effects on the environment." This policy is reflected in California Environmental Quality Act (CEQA) Guidelines Section 15126.2(a), which states that "an EIR [environmental impact report] shall identify and focus on the significant impacts of the proposed project on the environment," and Section 15143, which states that "the EIR shall focus on the significant effects on the environment." As stated in Section 15128 of the CEQA Guidelines, "An EIR shall contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR."

In the course of evaluation, certain impacts were found not to be significant (no impact) or to be less than significant because the characteristics of the proposed project would not result in such impacts. This section briefly describes such effects. However, other individual impacts found to be less than significant are evaluated in the various EIR sections (Sections 3.1 through 3.15) to more comprehensively discuss why impacts are less than significant in order to better inform decision-makers and the general public.

4.1 AGRICULTURE AND FORESTRY RESOURCES

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?

The California Department of Conservation (DOC) operates a Farmland Mapping and Monitoring Program (FMMP) that maps and collects statistical data on the state's agricultural resources. Agricultural land is rated according to soil quality and irrigation status, with the best quality land called Prime Farmland. Maps are updated every two years, with current land use information gathered from aerial photographs, a computer mapping system, public review, and field reconnaissance. The DOC Prime Farmlands, Farmlands of Statewide Importance, and Unique Farmlands are referenced in CEQA Guidelines Appendix G as resources to consider in an evaluation of agricultural impacts.

According to available data from the FMMP, both the project site and off-site preserve area are identified as Other Land, which is defined as land not included in any other mapping category. Common examples include low density rural developments; brush, timber, wetland, and riparian

areas not suitable for livestock grazing; confined livestock, poultry or aquaculture facilities; strip mines, borrow pits; and water bodies smaller than forty acres. Further, vacant and nonagricultural lands surrounded on all sides by urban development and greater than 40 acres in size are mapped as Other Land (DOC 2022).

A review of historic aerial photographs and maps of the project area provides information on the past land uses of the property and potential for buried archaeological sites. Based on this information, the majority of the property was partially developed for agriculture in the 1930s, and occasionally used for such purposes until sometime in the 1950s (ECORP 2022; refer to Appendix E). However, the site has not supported such uses since that time and has instead remained in its current, undeveloped state. Therefore, the project would not convert any designated Farmland or actively farmed lands to nonagricultural use.

Further, the project site is zoned for residential use (RR-2 and R-30 overlay zone), which is consistent with the General Plan, Zoning Map, Local Coastal Program, and the provisions of the General Plan Housing Element. No lands affected by the project are zoned or otherwise designated as lands intended for agricultural use.

The City is responsible for the issuance of Coastal Development Permits within the Coastal Zone, excluding submerged lands, tidelands, or public trust lands. Coastal Act Section 30242 provides that "All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands." For these reasons, land use conflicts within the R-30 overlay zone, in which the project site is located, would be minimized in accordance with Section 30242 of the Coastal Act and as such, the City's Housing Element is consistent with the relevant policies of the California Coastal Commission. As such, the project would not conflict with any land use plan, policy, or regulation adopted by the California Coastal Commission.

The project site does not meet the definition of Unique Farmland and would not result in the conversion of agricultural land, which is consistent with the General Plan, Zoning Map, Local Coastal Program, and provisions of the Housing Element. Therefore, the project would not result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to nonagricultural use. **No impact** would occur in this regard.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

Refer to Response 4.1a), above. The subject property is not intended for agricultural use and is not subject to a Williamson Act contract. Additionally, the project site is zoned for Multi-Family

Residential use which is consistent with the General Plan, Zoning Map, Local Coastal Program, and the provisions of the General Plan Housing Element. Therefore, **no impact** would occur.

c) Conflict with existing zoning for, or cause rezoning of, forestland (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?

The City does not support any lands zoned as forestland or timberland. Therefore, implementation of the proposed project would not conflict with existing zoning for, or cause rezoning of, any forestland or timberland. **No impact** would occur.

d) Result in the loss of forestland or conversion of forestland to non-forest use?

The City does not contain any forestlands. Therefore, implementation of the proposed project would not result in the loss or conversion of forestland to non-forest use and would not otherwise adversely impact forestland in the area. **No impact** would occur.

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to nonagricultural use or conversion of forestland to non-forest use?

Refer to Responses 4.1a) and 4.1c), above. The project site is currently vacant and undeveloped, and is zoned for residential development. Any subsequent action undertaken by the City to rezone other sites currently zoned for agricultural use would be separate and unrelated to the proposed project, and would be required to comply with applicable CEQA requirements to be analyzed at that time.

Existing land uses on surrounding properties are predominantly residential. Lands surrounding the project site do not support designated Farmland or forestland. Therefore, the proposed project would not involve changes in the existing environment that would result in conversion of Farmland to nonagricultural use or conversion of forestland to non-forest use. **No impact** would occur in this regard.

4.2 MINERAL RESOURCES

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

According to the California Department of Conservation (Division of Mine and Geology), the project site, along with the majority of lands in the City of Encinitas, is designated as Mineral Resource Zone 3 (MRZ-3), which indicates an area containing mineral deposits the significance of

which cannot be evaluated from available data (CDC 1996). No known mineral resource recovery sites occur or are designated within or adjacent to the project site, including in the City's General Plan. Therefore, the proposed project would not result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state. **No impact** would occur in this regard.

b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

The project site is not in an area designated for locally important mineral resources and is not utilized for mineral resource production. As such, the proposed project would not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. **No impact** would occur in this regard.

4.3 POPULATION AND HOUSING

a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

The project site is included in the City of Encinitas General Plan Housing Element, which was adopted by the City of Encinitas on April 7, 2021. According to the Housing Element (Fifth Cycle), the project site (identified in the Housing Element as 6.88 acres gross/net) is designated with an R-30 overlay (maximum 30 dwelling units per net acre, or du/ac) and allocated a minimum of 172 units at a density of 25 du/ac and a maximum of 206 units at a density of 30 du/ac (City of Encinitas 2019).

However, taking into account allowed adjustments for on-site topography (e.g., steep slopes), the R-30 zoning overlay would require a minimum of 134 dwelling units at the minimum allowed density of 25 du/ac. Under the R-30 overlay zoning, the 6.88-acre project site could be developed with up to 206 base residential units (6.88 gross acres x 30 du/acre) prior to application of a density bonus. Therefore, the project as proposed would be consistent with the City's General Plan, Local Coastal Program, Housing Element, and Zoning Ordinance, as it proposes 149 residential townhomes, which is within the anticipated range of units identified under the General Plan Housing Element for the site. For these reasons, the proposed project does not represent unplanned growth.

Further, the project site is bordered by residential development to the east and south; Piraeus Street and I-5 to the west; and undeveloped land to the north. The project is therefore not anticipated to induce substantial indirect growth through the extension of roads and other

infrastructure as analyzed in Section 6.3, Growth Inducing Impacts. The site would be developed consistent with the identified housing unit allowances, and no change to the existing General Plan land use designation or zoning classification is required to allow for the project as proposed.

As shown in Table 4.3-1, the City's population was expected to be 62,829 in 2020 and 66,178 in 2050. Based on the person per household estimate of 2.51 persons as identified by the City, the project is anticipated to support a future population of approximately 374 people (2.51 x 149 residential units). The project would represent a less than one percent increase to the 2020 population and a less than one percent increase to the projected 2050 population (City of Encinitas 2019).

Total housing units in the City were expected to be 26,131 in 2020 and 27,667 in 2050 (City of Encinitas 2019). The project would therefore represent a less than one percent increase to the total number of anticipated housing units in the years 2020 and 2050.

Table 4.3-1: Population and Housing Projections - City of Encinitas

Unit	Estimated	Forecasted	
	2020	2035	2050
Total Population	62,829	64,718	66,178
Person per Household	2.51	2.51	2.51
Total Housing Units	26,131	26,633	27,667

Source: City of Encinitas Housing Element Update (5th Cycle) 2019.

As the proposed project would not induce substantial unplanned population growth, either directly (i.e., by proposing new homes and businesses) or indirectly (i.e., through extension of roads or other infrastructure), impacts would be **less than significant**.

b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

The project site is currently undeveloped and does not support any existing residential housing units or associated occupants. The proposed project would not displace substantial numbers of existing people or housing, thereby necessitating the construction of replacement housing elsewhere. **No impact** would occur.

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5.1 INTRODUCTION

Section 15126.6(a) of the CEQA Guidelines requires that an EIR describe a reasonable range of project alternatives that could feasibly attain the basic objectives of the project, while avoiding or reducing impacts associated with the project.

According to CEQA Guidelines Section 15126.6(a), the discussion of alternatives must focus on alternatives to the project, or to the project location, which will avoid or substantially reduce any significant effects of the project, even if the alternatives would be costlier or hinder to some degree the attainment of the project objectives.

The "No Project" alternative must also be evaluated. The "No Project" analysis must discuss the existing conditions and what would reasonably be expected to occur in the foreseeable future if the project was not approved.

The range of alternatives required is governed by a "rule of reason," meaning that the EIR must only evaluate those alternatives necessary to permit a reasoned choice. The alternatives must be limited to only ones that would avoid or substantially lessen any of the significant effects of the project.

Additionally, an EIR should not consider an alternative whose effects cannot be reasonably ascertained and whose implementation is remote and speculative. The CEQA Guidelines also require an EIR to state why an alternative is being rejected. If the City ultimately rejects any or all alternatives, the rationale for rejection will be presented in the findings that are required before the City certifies the EIR and takes action on the proposed project.

According to Section 15126.6(f)(1) of the CEQA Guidelines, among the factors that may be taken into account when addressing feasibility of alternatives are environmental impacts, site suitability, economic viability, availability of infrastructure, general plan consistency, regulatory limitations, jurisdictional boundaries, and whether the applicant could reasonably acquire, control, or otherwise have access to the alternate site.

CEQA requires that an environmentally superior alternative be identified; that is, an alternative that would result in the fewest or least significant environmental impacts. If the No Project Alternative is the environmentally superior alternative, State CEQA Guidelines Section 15126.6(e)(2) requires that another alternative that could feasibly attain most of the project's basic objectives be chosen as the environmentally superior alternative.

5.2 PROJECT OBJECTIVES

The purpose of the project is to create a community that provides a mixture of product types that would offer opportunities for housing across income groups in conformance with the City's 2013-2021 Housing Element (City of Encinitas 2019). The key project objectives are presented below.

1. Provide housing options to support an inclusive, diverse community to meet current and future housing demand in the City.

2. Provide at least the minimum number of multi-family dwelling units and housing opportunities that are consistent with the goals of the adopted City of Encinitas Housing Element while protecting surrounding natural and aesthetic resources.

3. Provide affordable housing within the project for very low income families, thereby helping to meet the state-mandated affordable housing requirements and further encouraging diversity within the community.

4. Provide dedicated on- and off-site open space for the long-term protection of sensitive habitat and species for biological mitigation purposes, as well for the protection of existing views, by concentrating development within a portion of the site.

5. Provide a residential housing product aimed at meeting growing demand for for-sale multi-family townhomes.

6. Create a walkable environment that promotes and enhances the pedestrian experience throughout the site, with safe, convenient, and attractive connections including a walking paseo and an outdoor common area to support community engagement.

7. Minimize visual impacts of the development by providing landscaped buffers, distancing structures from adjacent roadways, and respecting maximum height allowances of the applicable zoning.

5.3 IMPACTS OF THE PROPOSED PROJECT

Based on the analysis contained in Section 3.0, Environmental Analysis, the only significant and unavoidable impact (unable to fully mitigate below established thresholds) relates to vehicle miles traveled (VMT). Refer to Section 3.12, Transportation.

Other impacts, including impacts related to air quality, biological resources, cultural resources, geology and soils (paleontological resources), noise, tribal cultural resources, and wildfire would be mitigated to less than significant with the incorporation of mitigation measures. Refer to Chapter 3.0, Environmental Analysis, for additional discussion.

Impacts to agriculture and forestry resources, aesthetics, energy conservation and climate change, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services and recreation, and utilities and service systems were found to be less than significant. No mitigation measures are therefore required.

It should be noted that the project requests one waiver, as allowed by state Density Bonus Law. The waiver requested is necessary because the project exceeds the allowable encroachment into steep slopes pursuant to Encinitas Municipal Code Section 30.34.030 (Hillside/Inland Bluff Overlay Zone). Without City approval of this waiver, the project footprint would be substantially reduced, thereby impacting the project's ability to provide for deed-restricted affordable housing on-site. As the project would be subject to City review and approval of the proposed waiver, the project would not conflict with the requirements of the City's Hillside/Inland Bluff Overlay Zone. Refer to Section 3.9, Land Use and Planning.

5.4 ALTERNATIVES TO THE PROPOSED PROJECT

This analysis focuses on alternatives capable of eliminating significant adverse environmental effects or reducing them to less than significant levels, even if these alternatives would impede, to some degree, the attainment of the proposed project objectives.

As noted previously, the CEQA Guidelines (Section 15126.6(e)(2)) require that the alternatives discussion include an analysis of the No Project Alternative. Pursuant to CEQA, the No Project Alternative refers to the analysis of existing conditions (i.e., implementation of current plans) and what would reasonably be expected to occur in the foreseeable future if the project was not approved. Further, CEQA Section 15126.6(a) provides that an EIR need not consider every conceivable alternative to a project; rather, an EIR need only consider a reasonable range of alternatives. The following alternatives have been identified for analysis in compliance with CEQA:

- **Alternative 1:** No Project/No Development Alternative
- **Alternative 2:** Reduced Development Footprint Alternative

Table 5.0-1, Comparison of Alternative Project Impacts to the Proposed Project, summarizes the potential impact of each alternative on the environmental resources evaluated in the EIR that require mitigation as compared to the proposed project.

Table 5.0-1: Comparison of Alternative Project Impacts to the Proposed Project

Topic	Alternative 1: No Project/No Development	Alternative 2: Reduced Development Footprint Alternative
Air Quality	<	=
Biological Resources	<	<
Cultural and Tribal Cultural Resources	<	<
Geology and Soils (Paleontological Resources)	<	<
Noise	<	=
Transportation[1]	<	=
Wildfire	<	=

Notes:
= Impact is equivalent to impact of proposed project (neither environmentally superior nor inferior).
< Impact is less than impact of proposed project (environmentally superior).
> Impact is greater than impact of proposed project (environmentally inferior).
1 Transportation impacts are based upon VMT (not traffic) Refer to Section 3.12, Transportation.

ALTERNATIVE 1: NO PROJECT/NO DEVELOPMENT ALTERNATIVE

As part of the City's 2013-2021 HEU, the project site was designated with an R-30 Overlay and allocated up to 206 residential units (6.88 acres x 30 DU/acre) prior to application of a density bonus. With the application of density bonus, the project could support up to 310 homes. No changes to the existing land use or zoning classification are required or proposed to allow for implementation of the project as currently proposed.

Under the No Project Alternative, the project as proposed would not be approved and future development would not occur. As such, the project site would remain undeveloped, vacant land. Although found to be a less than significant impact in this EIR, and therefore not further evaluated in this alternative analysis, this alternative would generally reduce effects related to aesthetics, energy conservation and greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, public services and recreation, and utilities as no new development would occur on-site and the site would remain in its current condition. However, a significant and unavoidable impact relative to transportation would not occur with this alternative.

It should be noted that this alternative would not be consistent with the City's requirement to provide for housing per the HEU and the City's obligations under the Regional Housing Needs Assessment. Further, this alternative would not meet any of the stated project objectives, as no development would occur.

Air Quality

Based on the results of the Health Risk Assessment (HRA), the proposed project requires installation of MERV-16 filters within homes to reduce cancer risks for project residents resulting from exposure to suspended diesel particles generated from Interstate 5 (I-5).

As no development would occur on-site with this alternative, residents that would otherwise occupy the project site would not be exposed to suspended diesel particles generated from I-5. Therefore, air quality impacts would be reduced when compared to the proposed project.

Biological Resources

Based on the results of the Biological Technical Report, the proposed project requires mitigation measures to reduce the significant impacts to sensitive species and habitat that may occur as a result of development of the project. In particular, mitigation measure **BIO-1** would require the applicant to preserve in perpetuity the vegetation within the proposed off-site preserve area, comprised of APN 216-110-4-35-00 and the northern portion of APN 254-144-01-00, and prepare a preserve management plan for the mitigation areas.

The No Project/No Development Alternative would not implement the mitigation measures proposed with the project, as development of the subject site would not occur. Potential impacts to sensitive biological resources during site preparation, vegetation clearing, and ground-disturbing activities would therefore be reduced, as no disturbance would occur.

However, long-term protection of sensitive biological resources within the off-site preserve area, as proposed with the project, would not be achieved, and no easement or other protective measure would be implemented. As such, there is no certainty that the lands comprising the intended off-site preserve area would be protected in perpetuity if the No Project/No Development Alternative was adopted. Overall, as compared to the proposed project, the potential for significant impacts to sensitive biological resources would be reduced with this alternative.

Cultural and Tribal Cultural Resources

Impacts to cultural and tribal resources generally occur during ground-disturbing activities such as grading and excavation. As the No Project/No Development Alternative would not include such activities, disturbance of unknown cultural and tribal cultural resources would not occur. Therefore, impacts to cultural and tribal cultural resources would be reduced when compared to the proposed project.

Geology and Soils (Paleontological Resources)

The project site is generally underlain by Quaternary-age Very Old Paralic Deposits and Santiago Formation. Quaternary-age Very Old Paralic Deposits are considered to have a moderate paleontological sensitivity; the Santiago Formation is considered to have a high paleontological sensitivity.

Impacts to paleontological resources generally occur during ground-disturbing activities, such as grading or excavation. As this alternative does not include such activities, direct and indirect impacts to undiscovered paleontological resources would not occur with this alternative. Therefore, impacts to paleontological resources would be reduced when compared to the proposed project.

Noise

As no development would occur on-site with this alternative, no noise generated by construction activities or operations would result. Noise levels would remain the same as under existing conditions. Therefore, noise impacts would be reduced when compared to the proposed project.

Transportation

As no on-site development would be undertaken with this alternative, no conflict with transportation-related programs, plans, ordinances, or policies addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities would result. No improvements that would result in increased hazards or incompatible uses would occur, and emergency access would not be adversely affected.

As discussed in Section 3.12, Transportation, the proposed residential uses are anticipated to generate a VMT/capita of 23.7 miles which exceeds the 85 percent significance threshold of 16.1 miles by 7.6 miles. Although transportation demand measures would be implemented to reduce project VMT impacts associated with the project as proposed, impacts relative to VMT would remain significant and unavoidable.

As no on-site development would occur under the No Project/No Development Alternative, no new residential uses or associated vehicle trips would be generated since the site is currently undeveloped, vacant land (e.g., non-traffic generating land use). This alternative would therefore avoid the significant and unavoidable impact to VMT that would result with project implementation. Impacts would be reduced as compared to the proposed project.

Wildfire

As the subject site would remain in its natural state under this alternative, the property would be unoccupied and no building construction or other site improvements that could result in the potential for impairment of emergency response or evacuation; exacerbation of or exposure to wildfire risks due to slope or prevailing winds; increased fire risk due to maintenance or infrastructure; or, exposure of people or structures to flooding or landslides due to runoff, post-fire slope instability, or drainage changes would occur. As such, impacts relative to wildfire would be reduced under the No Project/No Development Alternative as compared to the proposed project. However, it should be noted that no preventative measures, such as routine brush management, would be implemented on-site that would contribute to a reduction in potential risk or spread of wildfire in the area.

Summary

As ground-disturbing activities would not occur as part of this alternative, impacts to sensitive biological resources would be reduced compared to the proposed project; however, this alternative would not ensure the long-term preservation of the off-site preserve area. Impacts relative to air quality; noise; cultural, tribal cultural, and paleontological resources (e.g., potential to inadvertently discover unknown resources); and wildfire would be reduced as the subject site would not be developed. This alternative would not result in transportation-related impacts as the project site is current undeveloped, and vacant land would not generate daily vehicle trips (or vehicle miles traveled).

As shown in Table 5.0-1, Comparison of Alternative Project Impacts to the Proposed Project, this alternative would result in reduced impacts relative to air quality, biological resources, cultural resources, geology and soils (paleontological resources), noise, tribal cultural resources, and transportation as compared to the proposed project. However, this alternative would not achieve most of the project objectives including, but not limited to, providing housing options to support an inclusive, diverse community to meet current and future housing demand in the City; providing affordable housing for very low income families, thereby helping to meet the state-mandated affordable housing requirements within the community; or, providing dedicated on- and off-site open space for the long-term protection of sensitive habitat and species for biological mitigation purposes.

It should be noted that, based on the analysis included in Section 3.8, Hydrology and Water Quality, the proposed project would result in less than significant impacts to hydrology and water quality as it would incorporate the construction of new infrastructure improvements that would reduce runoff from the project site and treat water quality to standards consistent with the municipal separate storm sewer system (MS4) permit. Although not analyzed herein for this

alternative because project impacts were determined to be less than significant, no such stormwater infrastructure improvements would be installed with the No Project/No Development Alternative and runoff from the site would continue to leave the property untreated (current condition). While this is part of the baseline under CEQA, it represents a greater potential impact to water quality and hydrology as compared the proposed project.

ALTERNATIVE 2: REDUCED DEVELOPMENT FOOTPRINT ALTERNATIVE

Reduced Development Footprint Alternative

The Reduced Development Footprint Alternative would reduce the overall development footprint on-site and would allow for additional biological open space protection due to a reduction in the area required for brush clearance. As with the proposed project, the "off-site preserve area" would remain in its natural state under this alternative with no disturbance or improvements proposed. This parcel would serve as mitigation land for impacts resulting with development of the southern parcel ("project site").

The Reduced Development Footprint Alternative would result in construction of 149 multi-family residential units, similar to the proposed project. A similar mixture of unit types (52 one-bedroom homes, 37 two-bedroom homes, and 60 three-bedroom homes) is anticipated. Of the 149 residential units, 134 would be market-rate homes and 15 would be "very low" income affordable homes, similar to that proposed with the project. No amenities (e.g., pool, spa, pool house, or lounge seating) are proposed with the Reduced Footprint Alternative.

In order to achieve a reduced development footprint and maintain the same unit count, this alternative would require construction of two 5-story buildings, as compared to the 16 three-story buildings proposed with the project. As such, the on-site structures with the Reduced Development Footprint Alternative would reach an estimated 65 feet in total height.

Additionally, rooftop decks would not be proposed with the residential units and the common area/pool would be located further to the east within the site. This design approach would reduce potential adverse noise effects from traffic along Interstate 5 as compared to the project, although noise effects would still occur due to proximity of the freeway.

No individual parking garages would be provided for the residential units. Adequate parking (271 spaces) would be provided on-site in conformance with City requirements, similar to the proposed project.

Access to the site under this alternative would be provided via a single access point along Plato Place. No access would be provided from Piraeus Street.

Unlike the proposed project, this alternative does not propose vacating the approximately 0.25-acre area along the Plato Place frontage and 0.71 acres along the Piraeus Street frontage, adjacent to the project boundary. Maintaining the existing right-of-way would require more extensive on-site slope grading which would be visible from surrounding public roadways, as depicted in Figures 5.0-1B, 5.0-2B, and 5.0-4B.

This alternative would require approval of a Condominium Tentative Map, Density Bonus Tentative Map, Design Review Permit, and a Coastal Development Permit (non-appealable) to allow for development of the property, similar to that required for the proposed project. City approval of a waiver to building height limits pursuant to Density Bonus law would be required to allow for the exceedance in building height over that allowed within the Coastal Overlay Zone.

Figures 5.0-1A, -2A, -3A, and -4A show existing views of the project site from the southwest corner of Piraeus Street and Plato Place; near the southeastern portion of the project site; from 1690 Gascony Road (Station White); and from I-5, respectively (refer to Section 3.1 for additional descriptions of the existing views).

As shown in Figures 5.0-1B, -2B, and -4B, the on-site residential buildings would be substantially more visible from the corner of Piraeus Street and Plato Place, the southeastern portion of the project site, and I-5 when compared to the proposed project (refer to Section 3.1 for descriptions of views from each of these vantage points associated with development of the proposed project).

As shown in Figure 5.0-3B, the upper portions of the proposed alternative would be more visible as compared to the proposed project. However, views of the proposed alternative are not anticipated to be noticeable by passengers in vehicles traveling along Gascony Road or occupying the public seating area provided at this location, similar to the proposed project.

This alternative is anticipated to reduce, to a degree, significant impacts on biological resources, cultural and tribal cultural resources, and geology and soils (paleontological resources) as compared to the proposed project. Impacts relative to transportation (vehicle miles traveled, or VMT), would remain significant and unavoidable, similar to the proposed project.

It is worth noting that demands on public parks and recreational facilities within the City and larger surrounding area would increase under this alternative, as no on-site common amenities would be provided. Additionally, as building heights would substantially increase to accommodate a reduced development footprint, this alternative would further increase the degree of visual change experienced in the existing visual setting, as compared to the proposed project.

The increased building height would also exceed allowable height limits for the R-30 Overlay Zone and would therefore conflict with relative General Plan goals and policies, thereby requiring City approval of a waiver to allow for construction. Further, the site is located within a Very High Fire Hazard Severity Zone and is considered to be at greater risk for potential wildfire occurrence; refer also to Section 3.15, Wildfire. As a result, a 100 foot Fuel Modification Zone is required in order to ensure public safety. City General Plan Land Use Element Policy 1.13 and Public Safety Element Policy 1.3 require that brush clearance around structures for fire safety not exceed a 30-foot perimeter in areas of native or significant brush, and as provided by Resource Management Policy 10.1. It is anticipated that the Reduced Development Footprint Alternative could achieve consistency with this requirement due to the on-site placement of buildings, as compared to the proposed project which would require deviation from these policies (as stated in Section 10.04.010 of the Municipal Code) in order to meet Fuel Modification Zone requirements; refer to discussion under Biological Resources, below, and Section 3.9, Land Use and Planning.

Air Quality

Under this alternative, the same number of units would be constructed and the project would generate an equivalent addition of residents as compared to the proposed project (374 residents). Although the residences would be located further from I-5 under this alternative, based on analysis included in the HRA, cancer risk for residents towards the eastern portion of the project site (close to where residences would be located under this alternative) would exceed the established San Diego Air Pollution Control District excess cancer risk significance threshold (refer to Appendix C-2). Therefore, it is anticipated that this alternative would expose the same number of residents to excess cancer risk and would require the installation of MERV-16 filters within residences (mitigation measure **AQ-1**). Impacts relative to air quality would therefore remain less than significant with mitigation incorporated, similar to the proposed project.

Biological Resources

Direct and indirect impacts to sensitive wildlife or plant species would still occur under this alternative, similar to the proposed project. Under this alternative, the same number of units and parking spaces would be developed as those proposed by the project. While the alternative would result in the construction of fewer buildings (two versus the project's proposed 16), thus reducing the building footprint, the overall area of disturbance would not be substantially reduced as compared to the proposed project, as parking would be entirely located via surface parking spaces and would not be located in private garages.

However, it is anticipated that potential impacts to sensitive biological resources would be lessened as the disturbance area resulting from brush management activities would be reduced. With the residential units accommodated within a fewer number of on-site structures, the

proposed buildings could be further distanced from the northern development boundary within the interior of the parcel, thereby reducing the degree to which required brush management activities would extend into adjacent biologically sensitive lands (measured outward from on-site structures). Therefore, impacts in this regard, as compared to the proposed project, would be reduced.

As with the project, construction of this alternative would have the potential to indirectly affect avian species if determined to be present at the time construction is undertaken. Similar to the project, no impacts to riparian habitat or wetlands would occur, as no such habitat is present. Therefore, impacts on biological resources would be considered similar, but somewhat reduced, as compared to those anticipated to result with the proposed project. Similar mitigation measures as identified with the project would be required to reduce impacts to less than significant.

Cultural and Tribal Cultural Resources

As with the proposed project, construction on the subject site under this alternative would have the potential to directly and/or indirectly impact unknown cultural resources; however, a reduced land area would be disturbed. Similar mitigation measures as the proposed project would be required to address undiscovered cultural and tribal cultural resources. Therefore, impacts would be similar, but somewhat reduced, as compared to the proposed project and considered less than significant with mitigation incorporated.

Geology and Soils (Paleontological Resources)

Impacts to paleontological resources generally occur during ground disturbing activities (i.e., grading and excavation). This alternative would include construction activities similar to that of the proposed project, thereby resulting in direct and indirect impacts to unknown paleontological resources from various subsurface construction disturbances. However, this alternative would eliminate the need for construction of a retaining wall along Piraeus Street, thereby slightly reducing the overall amount of earthwork required. Similar mitigation measures as the proposed project would be required to address the recovery of unknown paleontological resources, if encountered during construction. Therefore, impacts would similar, but somewhat reduced, as compared to the project and would be reduced to less than significant with mitigation incorporated.

Noise

Under this alternative, the same number of units would be constructed, along with surface parking, landscaping, and other supporting (e.g., utility) improvements. As the same number of units would be constructed, construction duration and resulting noise impacts during

construction activities are anticipated to be similar to the proposed project. Therefore, potential noise impacts are considered to be similar with this alternative as compared to the proposed project.

Transportation

This alternative would develop the project site in generally the same intensity as the proposed project (e.g., multi-family residential uses). This alternative would include measures similar to the proposed project that would reduce VMT-related impacts, such as implementation of an electric bikeshare program, to encourage residents and visitors to utilize alternative means of transit. However, trip lengths would remain the same as for the proposed project and the adopted threshold would similarly be exceeded. As with the project, impacts relative to VMT would remain significant and unavoidable.

Wildfire

As a similar development footprint and unit count would occur with this alternative, it is anticipated that potential impacts relative to impairment of emergency response or evacuation; increased fire risk due to maintenance or infrastructure; or, exposure of people or structures to flooding or landslides due to runoff, post-fire slope instability, or drainage changes would remain less significant, similar to the proposed project. However, as the off-site preserve area and the subject site are designated as a Very High Fire Hazard Severity Zone, this alternative would have the potential to exacerbate wildfire risks or expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of wildfire fire risk. Implementation of mitigation measures would be required, similar to the proposed project, to ensure that such risks are reduced to a less than significant level. Potential impacts would therefore be similar to the proposed project in this regard.

Summary

As shown in Table 5.0-1, Comparison of Alternative Project Impacts to the Proposed Project, this alternative would result in similar impacts relative to air quality, noise, and wildfire. Impacts to biological resources, cultural resources, geology and soils (paleontological resources), and tribal cultural resources would be reduced to a degree, due to anticipated site design, grading requirements, and/or on-site building location. Additionally, impacts related to VMT would remain significant and unavoidable, as trip lengths per person would be unchanged as compared to the proposed project.

This alternative would achieve most of the project objectives, including but not limited to: providing housing options to support an inclusive, diverse community to meet current and future housing demand in the City; providing at least the minimum number of multi-family dwelling

units and housing opportunities that are consistent with the goals of the adopted City of Encinitas Housing Element while protecting surrounding natural and aesthetic resources; providing affordable housing within the project for very low income families, thereby helping to meet the state-mandated affordable housing requirements and further encouraging diversity within the community; providing dedicated on- and off-site open space for the long-term protection of sensitive habitat and species for biological mitigation purposes, as well for the protection of existing views, by concentrating development within a portion of the site; and providing a residential housing product aimed at meeting growing demand for for-sale multi-family townhomes. However, this alternative would not provide amenity space that would otherwise support community engagement and would not minimize visual impacts of the development, as building heights would exceed allowable limits within the City's Coastal Overlay Zone.

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PIRAEUS POINT
ENVIRONMENTAL IMPACT REPORT

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Reduced Footprint Alternative -
Key View 1 - View from Southwest Corner of Piraeus Street and Plato Place (Existing View)

Figure 5.0-1A

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Reduced Footprint Alternative -
Key View 1 - View from Southwest Corner of Piraeus Street and Plato Place (Proposed View)

Figure 5.0-1B

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Reduced Footprint Alternative -
Key View 2 - View from Plato Place Near Southeastern Portion of Project Site (Existing View)

Figure 5.0-2A

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Reduced Footprint Alternative -
Key View 2 - View from Plato Place Near Southeastern Portion of Project Site (Proposed View)

Figure 5.0-2B

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Reduced Footprint Alternative -
Key View 3 - View from 1690 Gascony Road (Station White; Existing View)

Figure 5.0-3A

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Reduced Footprint Alternative -
Key View 3 - View from 1690 Gascony Road (Station White; Proposed View)

Figure 5.0-3B

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Reduced Development Footprint Alternative - View from Southbound I-5 Looking East (Existing View)

Figure 5.0-4A

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Reduced Footprint Alternative - View from Southbound I-5 Looking East (Proposed View)

Figure 5.0-4B

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5.5 ALTERNATIVES CONSIDERED BUT REJECTED

In accordance with CEQA Guidelines Section 15126.6, an EIR should identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and should briefly explain the lead agency's determination. Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are failure to meet most of the basic project objectives, infeasibility, or inability to avoid significant environmental effects. The following are alternatives that have been rejected by the lead agency (in this case, the City of Encinitas) and will not be analyzed further in this EIR.

ALTERNATIVE SITE ALTERNATIVE

Off-site alternatives are typically included in an environmental document to avoid, lessen, or eliminate a project's significant impacts by considering the proposed development in a different location. To be feasible, development of off-site locations must be able to fulfill the project purpose and meet most of the project's basic objectives. It is anticipated that locating the proposed project on off-site lands in the surrounding vicinity would generally result in similar development potential and associated environmental impacts, depending on the developed or undeveloped nature and physical characteristics of the selected site.

However, because Encinitas is generally urbanized and largely built out, impacts relative to biological resources, cultural resources, geology and soils, etc., are anticipated to be similar to those that would result with the project if the same development were built elsewhere in the community. Because most impacts would be similar, and because the proposed project only results in one significant, unavoidable impact, the alternative site would also be required to meet the 15% VMT reduction threshold to avoid significant and unavoidable impacts related to transportation.

Within the City, to achieve the allowed project density of 208 units (at a density of 30 dwelling units per acre), only sites with R-30 zoning were considered. These sites are limited to those identified by the 2019 HEU. None of these sites are considered feasible because they are not owned by the project proponent. Further, none of these sites is within "walking distance" (defined as ½ mile or less) of the Encinitas Coaster Station, which may reduce regional VMT by encouraging multi-modal transportation. Therefore, no alternative project locations were determined to meet the majority of the project objectives and reduce significant and unavoidable impacts to VMT.

Within the region, alternate project location sites to reduce VMT impacts were considered in major employment areas also served by transit and which allow for high-density housing. This limited sites to the UTC area of San Diego (where the current MTS Blue Line trolley is being

extended) and downtown San Diego. After reviewing these areas, it was determined that such alternative project locations would be infeasible because none of these sites are owned or controlled by the project proponent, and none would meet the majority of the project objectives.

For the above reasons, an alternative site location is considered infeasible pursuant to CEQA Guidelines Section 15126.6(c). Therefore, the Alternative Site Alternative was rejected from further analysis in the EIR.

FULL APPLICATION OF DENSITY BONUS

A housing development including five or more residential units may propose a density bonus in accordance with California Government Code Section 65915 et seq. ("Density Bonus Law"). California's Density Bonus Law is intended to encourage cities to offer bonuses and development concessions to projects that would contribute significantly to the economic feasibility of lower income housing in proposed housing developments.

The subject site currently has a General Plan land use designation of R30 OL (Residential 30 Overlay) and RR2 (Rural Residential; 1.01-2.00 dwelling units per acre) and is zoned RR2 with a R-30 overlay zone as part of the City's Housing Element. Under the R-30 overlay designation and zoning, the parcel could be developed with up to 206 base residential units (6.88 acres x 30 DU/acre) prior to application of a density bonus (and without adjustments for on-site steep slope allowances).

Under this alternative, development on the site would be maximized based on full unit allocation allowed under the R-30 overlay and application of state Density Bonus Law. With application of a density bonus (up to a 50 percent increase in unit count), the subject site could support a maximum of 310 residential units. Of the 310 residential units, 31 units, or 10 percent, would be allocated as "very low" income units. Under this alternative, it is assumed that the "off-site preserve area" would remain undeveloped and similarly serve to mitigate for impacts to biological resources resulting with development of the subject site.

Although this alternative would achieve the majority of the project objectives, it would not substantially reduce or avoid significant impacts resulting with the proposed project, due to the increase in unit count and density. With an expanded development footprint to accommodate the additional residential units, it is anticipated that impacts related to biological and cultural resources would be increased under this scenario. Additionally, this alternative would generate additional vehicle trips as compared to the project, thereby increasing related air quality emissions, energy demands, and noise, as well as increasing demand on public services and utility systems. For these reasons, this alternative was rejected from further analysis in the EIR.

REDUCED UNIT COUNT ALTERNATIVE

Under this alternative, the subject site would be developed with the minimum number of residential units as allowed by the HEU. As identified in the HEU, the minimum density allowed is 25 residential dwelling units per acre. Therefore, theoretically, the approximately 6.88-acre site could be developed with 172 for-sale dwelling units, or 23 more units than that proposed with the project. However, applying the same adjustments for existing on-site steep slopes as for the proposed project (which restrict the allowable development area), a minimum of 134 dwelling units (or 15 fewer units than the proposed project) could be constructed under this alternative. Therefore, this alternative considers construction of 134 new residential townhomes. Of the 134 units, 121 units would be market-rate and 13 units (or ten percent) would be available as "very low" affordable income units, as compared to 15 "very low" income affordable units with the proposed project.

With a reduction in the number of residential units proposed, the development footprint on the project site could be reduced. Therefore, additional dedicated open space would be preserved on the northern portion of the subject site under this alternative.

Additionally, rooftop decks would not be proposed with the residential units and the common area/pool would be located further to the east within the site. This design approach would reduce potential adverse noise effects from traffic along Interstate 5 as compared to the project, although noise effects would still occur due to proximity of the freeway.

Although this alternative would achieve most of the stated project objectives, it would not introduce any components that would substantially reduce or avoid significant impacts as compared to the proposed project. The alternative is expected to reduce, to a degree, significant impacts to biological resources, cultural and tribal cultural resources, geology and soils (paleontological resources), and noise as compared to the proposed project; however, similar mitigation measures to the proposed project would still be required to reduce impacts to less than significant.

Additionally, impacts relative to VMT would remain significant and unavoidable, as this alternative would also exceed the adopted threshold, due to the similar location. Although measures to reduce VMT could be implemented, such measures would not reduce impacts to below the threshold. Therefore, VMT impacts would not be reduced with this alternative as compared to the proposed project. This alternative would also provide fewer housing opportunities within the City while resulting in similar environmental impacts as compared to the proposed project. For these reasons, the alternative was rejected from further analysis in the EIR.

NO PROJECT/EXISTING ZONING ALTERNATIVE

The proposed "off-site preserve area" (APN 216-110-35) to the north of the proposed project site currently has a General Plan land use designation of RR1 (Rural Residential; 0.51-1.0 dwelling units/acre) and is zoned RR1 (or 1 dwelling unit per acre maximum). The parcel is approximately 4.95 acres in size; therefore, under the RR1 zoning, four residential dwelling units could be developed.

The project site (APN 254-144-01) currently has a General Plan land use designation of RR2 (Rural Residential; 1.01-2.00 dwelling units per acre) and is zoned RR2 with a R-30 overlay zone as part of the City's Housing Element. Under this alternative, the parcel would be developed with the minimum number of residential units as allowed by the HEU. As identified in the HEU, the minimum density allowed is 25 residential units per acre. Therefore, the approximately 6.88-acre site would be developed with 172 for-sale dwelling units under this alternative (without consideration for steep slope allowances), or 23 more units than with the proposed project. Of the 172 units, 155 would be market-rate units and 17 (or ten percent) would be available as "very low" affordable income units, as compared to 15 "very low" income affordable units with the proposed project. Combined with allowable development on the parcel to the north, this alternative would result in development of 176 residential units under current zoning conditions (without application of a density bonus).

Although this alternative would achieve most of the stated project objectives, it would not introduce any components that would substantially reduce or avoid significant impacts as compared to the proposed project. Impacts relative to VMT would remain significant and unavoidable. Further, impacts related to biological and cultural resources would be increased under this scenario, as the northern parcel would be partially developed with residential uses and supporting infrastructure rather than preserved in its current undeveloped state. Additionally, this alternative would increase traffic generation as compared to the project, as well as related air quality emissions, energy demands, and noise, in addition to increased demand for public services and utility systems. For these reasons, this alternative was rejected from further analysis in the EIR.

5.6 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

CEQA requires that an environmentally superior alternative be identified; that is, an alternative that would result in the fewest or least significant environmental impacts. If the No Project Alternative is the environmentally superior alternative, State CEQA Guidelines Section 15126.6(e)(2) requires that another alternative that could feasibly attain most of the project's basic objectives be chosen as the environmentally superior alternative.

The No Project/No Development Alternative is the environmentally superior alternative. However, in accordance with CEQA Guidelines Section 15126.6(e)(2), a secondary alternative must be chosen since the No Project/No Development Alternative is environmentally superior. Therefore, Alternative 2, Reduced Development Footprint Alternative, would be considered the environmentally superior alternative as it would reduce (to a degree) potential impacts to biological resources, cultural/tribal cultural resources, and geology/soils (paleontology), as compared to the proposed project.

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Section 6.0
Other CEQA Considerations

This section addresses those topics requiring evaluation under CEQA Guidelines Section 15126, which requires that all aspects of a project be considered when evaluating its impact on the environment, including planning, acquisition, development, and operation. As part of this analysis, the EIR must also identify: (1) significant and unavoidable environmental effects of the proposed project; (2) significant irreversible environmental changes that would result from implementation of the proposed project; and (3) growth-inducing impacts of the proposed project. Each of these topics is discussed in greater detail below.

6.1 SIGNIFICANT AND UNAVOIDABLE IMPACTS

Section 15126.2(a) of the CEQA Guidelines requires that an EIR discuss any significant impacts associated with the project.

Section 3.0, Environmental Analysis, of this EIR describes the potential environmental impacts of the proposed project and recommends mitigation measures to reduce impacts to a less than significant level, where feasible. The executive summary includes Table ES-1, which summarizes the environmental impacts, mitigation measures, and levels of significance before and after mitigation.

CEQA Guidelines Section 15126.2(c) requires that an EIR describe any significant impacts that cannot be avoided, even with the implementation of feasible mitigation measures. The environmental effects of the project on various aspects of the environment are discussed in detail in Section 3.0. Based on the analysis in this EIR, all significant environmental impacts can be mitigated to a less than significant level with the exception of impacts related to vehicle miles traveled (VMT).

As described in Section 3.12, Transportation, the project is located on an infill site; would contain a mixture of residential types on-site (e.g., one- to three-bedroom townhomes); includes project design features to enhance sustainability; would provide for a variety of housing types including "very low" income affordable housing; and is consistent with City's General Plan, Local Coastal Program, Climate Action Plan, and San Diego Association of Governments' (SANDAG) The Regional Plan.

Impacts related to VMT/capita and VMT/employee would not be reduced to 85% of the regional average. It is noted this unavoidable impact is primarily a result of the geographic location of the project in a suburban neighborhood, as trip characteristics of the surrounding residential land uses are used as a surrogate to estimate project trip characteristics, regardless of the inherent differences between land uses (described above). Additionally, no public transit facilities exist

within approximately one mile of the project site. Bicycle facilities and sidewalks are generally limited in the project vicinity, and no employment or retail centers are located in the surrounding area. Based on such conditions, vehicle trip lengths tend to be greater, thereby resulting in greater vehicle dependence and VMT required to access jobs, services, goods, and other activities; refer also to Section 3.12, Transportation, for additional discussion. Any residential project located therein would likely result in a similar significant, unavoidable impact relative to VMT.

6.2 SIGNIFICANT AND IRREVERSIBLE ENVIRONMENTAL CHANGES

Section 15126.2(d) of the CEQA Guidelines requires an EIR to discuss the significant irreversible environmental changes that would result from implementation of a proposed project. Examples include a project's primary or secondary impacts that would generally commit future generations to similar uses (e.g., highway improvements at the access point); uses of nonrenewable resources during the initial and continued phases of the project (because a large commitment of such resources make removal or nonuse thereafter unlikely); and/or irreversible damage that could result from any potential environmental accidents associated with the project.

The physical effects of project implementation on the environment are addressed in Sections 3.1 to 3.15 and Chapter 4.0 of this EIR. Long-term irreversible environmental changes would result with improvements for utility connections; enhancement of existing drainage/stormwater quality conditions; an increase in local and regional traffic and associated air pollutants, greenhouse gas emissions, and noise levels; an increase in the volumes of solid waste and wastewater generated in the area; and an increase in water consumption.

Project construction and maintenance of the buildings and infrastructure proposed would require the commitment of energy, natural resources, and building materials. Nonrenewable and limited resources that would be consumed with project development would include oil, natural gas, gasoline, lumber, sand and gravel, asphalt, water, steel, and similar materials. Nonrenewable fuels would be used by construction equipment, haul trucks, and worker vehicles.

Nonrenewable energy also would be expended during the harvesting and mining of natural resources such as wood and aggregate and during the subsequent manufacturing of construction materials such as wood framing and concrete. This commitment of resources and energy would be commensurate with that of other projects of similar size but would nevertheless be irretrievable. Post-construction consumption of nonrenewable resources would include the use of electricity and water by project residents and visitors. This energy use would be a long-term commitment and irretrievable.

The project would not result in an unusually high demand for nonrenewable resources and would be consistent with applicable state and local goals and policies directed at reducing reliance on fossil fuels and encouraging renewable energy. The project would meet or exceed 2019 Title 24 energy efficiency requirements, resulting in homes that are approximately 20 percent more energy efficient than homes constructed prior to January 1, 2017. Further, the project would comply with City Ordinance 2021-13 in that all proposed residential buildings would be 100% electric (no natural gas or propane plumbing would be installed within buildings and no gas meter connection would be provided); no hearths would be installed within the residential units. Refer also to Section 3.5, Energy Conservation and Climate Change, for additional discussion.

Additionally, the project as proposed would include installation of solar panels capable of generating up to 149 kilowatts of solar power and four electric vehicle charging stations that would reduce project-related energy demands for nonrenewable resources. The project would incorporate other energy-saving features such as low-flow water fixtures, LED technology, drought-tolerant landscaping, ENERGY STAR appliances, and high-efficiency heating, ventilation, and air conditioning systems. The project would also include a Transportation Demand Management measures to reduce VMT and associated air pollution, greenhouse gas emissions, and noise levels. Refer to Section 3.2, Air Quality; Section 3.5, Energy Conservation and Climate Change; Section 3.12, Transportation; and Section 3.14, Utilities and Service Systems, for additional discussion.

6.3 GROWTH-INDUCING IMPACTS

CEQA Guidelines Section 15126.2(e) requires that an EIR discuss a project's potential to foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. The CEQA Guidelines also indicate that it must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment. This section analyzes such potential growth-inducing impacts, based on criteria suggested in the CEQA Guidelines.

In general terms, a project may foster spatial, economic, or population growth in a geographic area if it meets any one of the following criteria:

- Removes an impediment to growth (e.g., establishes an essential public service or provides new access to an area).
- Fosters economic expansion or growth (e.g., changes revenue base, expands employment).

- Fosters population growth (e.g., constructs additional housing), either directly or indirectly.
- Establishes a precedent-setting action (e.g., an innovation, a change in zoning, or a general plan amendment approval).
- Develops or encroaches on an isolated or adjacent area of open space (distinct from an infill type of project).

Should a project meet any one of the above-listed criteria, it may be considered growth inducing. The potential growth-inducing impacts of the proposed project are evaluated against these five criteria in this section.

CEQA Guidelines Section 15126.2(e) requires that an EIR "discuss the ways" a project could be growth inducing and "discuss the characteristic of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively." However, the CEQA Guidelines do not require that an EIR predict (or speculate) specifically where such growth would occur, in what form it would occur, or when it would occur. The answers to such questions require speculation, which CEQA discourages (see CEQA Guidelines Section 15145).

Removal of a Barrier to Growth

Several types of projects can induce population growth by removing obstacles that prevent growth. An example would be the expansion of a wastewater treatment plant which would accommodate additional sewer connections within a service area and therefore would allow for future construction and growth that may not have otherwise been feasible.

Development of the project site would result in the improvement and extension of infrastructure facilities located in and/or adjoining the project site. Extensions of utility lines (water, sewer) or other infrastructure or services (e.g., fire protection services) may result in growth inducement, as such improvements allow for not only the development responsible for expanding the infrastructure, but also other projects proposed in the surrounding area due to the availability of new (i.e., previously inaccessible) infrastructure. However, the area surrounding the project is presently developed with similar residential and commercial uses that are currently served by existing utility infrastructure and adequate public services (e.g., required fire service response times can be met without new or expanded facilities or personnel). Project utilities would also be sized to accommodate only the proposed project and would not provide for additional capacity that may induce new development. Further, the presence of Interstate 5 serves as a permanent barrier to potential growth or new development between the project site and areas

immediately to the west. As such, the project would not be expected to induce growth as a result of new infrastructure or services.

Obstacles to surrounding the project site are primarily due to the existing developed condition of the surrounding area, feasibility of development, economic constraints, permitting, or other development restrictions and regulations promulgated by local agencies. The project is consistent with, and would not modify, approved land use and zoning designations and; therefore, would not foster growth, remove direct growth constraints, or add a direct stimulus to growth. Therefore, growth-inducing impacts are precluded because the infrastructure is sized to serve the project and because the project would not affect the feasibility of development in the area, remove an obstacle to growth, or affect local agencies' development restrictions.

Economic Growth

The timing, magnitude, and location of land development and population growth in a community or region are based on various interrelated land use and economic variables. Key variables include regional economic trends, market demand for residential and nonresidential uses, land availability and cost, the availability and quality of transportation facilities and public services, proximity to employment centers, the supply and cost of housing, and/or regulatory policies or conditions.

The project would have the potential to contribute to economic growth as the result of construction. Project construction would be performed by independent contractors hired by the developer. In general, construction workers would be drawn from the local labor pool. If contract workers were employed, they would not cause growth in the area due to the short-term and temporary nature of their employment. Given the temporary nature of construction and because only residential uses are planned, the project is not expected to significantly affect economic growth in the City.

Homeowners would pay property taxes to the City that would improve the financial resources of the City. Residents of the project would also support the local economy by shopping at local businesses and paying sales taxes. Therefore, the project would support the local economy in the short and long term.

Population Growth

The project would increase the City population by an estimated 374 residents which would represent an approximate 0.6% increase in the City's population (refer to Section 3.11, Public Services and Recreation). The environmental effects of increasing the City's population due to development of the project site are evaluated in this EIR in Sections 3.1 to 3.15 and Chapter 4.0, and in particular in Section 3.2, Air Quality; Section 3.5, Energy Conservation and Climate Change;

Section 3.10, Noise; Section 3.11; Public Services and Recreation; Section 3.12, Transportation; and Section 3.14, Utilities and Service Systems. Mitigation measures are identified where appropriate to reduce such effects to a less than significant level. All impacts would be less than significant with the exception of transportation impacts related to VMT, which would remain significant and unavoidable (refer to Section 3.12, Transportation). This significant, unavoidable impact is primarily a result of the location of the project in a suburban neighborhood, as previously discussed.

Establishment of a Precedent-Setting Action

A Density Bonus Tentative Map, Coastal Development Permit, Design Review, and other discretionary approvals are required to allow for the proposed development. These actions are not considered precedent-setting actions (defined as any act, decision, or case that serves as a guide or justification for subsequent situations), as they are commonly undertaken on a regular basis by many jurisdictions. All future discretionary projects in the project area would similarly be processed through the City and evaluated for consistency with the General Plan, as appropriate.

Such projects would be evaluated for growth-inducing effects and their potential to enable or encourage growth not intended or anticipated with buildout of the General Plan. Development of the project would be consistent with the City's General Plan, Local Coastal Program, and General Plan Housing Element as the project site is designated with an R-30 overlay. Therefore, City approval of the project would not represent a precedent-setting action that would encourage or allow for unplanned future growth within the area.

Encroachment on Open Space

All construction activities would occur within the project site; no currently designated open space lands are present adjacent to the subject property. The project site is currently undeveloped, vacant land, with a mixture of vegetation communities. The off-site preserve area would be left in its current state in order to mitigate for impacts resulting with project implementation (refer also to mitigation measure **BIO-1** in Section 3.3, Biological Resources). With implementation of the mitigation proposed, potential project effects would be reduced to less than significant. No encroachment into designated open space lands, or conversion of designated open space lands to a developed condition, would occur with the project as proposed.

7.1 ENVIRONMENTAL IMPACT REPORT

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Section 8.0
References

Executive Summary

No references cited.

1.0 Introduction

No references cited.

2.0 Project Description

ECORP Consulting, Inc (ECORP). 2022. Biological Technical Report for the Piraeus Point Project.

Encinitas, City of. 2016. San Dieguito Water District. https://encinitasca.gov/Government/Departments/San-Dieguito-Water-District.

3.0 Environmental Analysis

No references cited.

3.1 Aesthetics

CCC (California Coastal Commission). 2019. Staff Recommendation on City of Encinitas Local Coastal Program Amendment No. LCP-6-Enc-19-0014-1 for Commission Meeting of June 12-14, 2019.

Caltrans (California Department of Transportation). n.d. California Scenic Highways - GIS Layer. https://www.arcgis.com/apps/mapviewer/index.html?layers=f0259b1ad0fe4093a5604c9b838a486a.

ECORP. 2022. Biological Technical Report for the Piraeus Point Project.

Encinitas, City of. 1991. General Plan. https://archive.encinitasca.gov/weblink8/browse.aspx?startid=665622.

_____. 2018. 2013-2021 General Plan Housing Element Update Environmental Assessment. https://encinitasca.gov/Portals/0/City%20Documents/Documents/Development%20Services/Planning/Advanced%20Planning/Housing%20Plan%20Update%202018/Environmental%20Assessment%20-%20June%202018/Encinitas%20HEU%20EA%20Full_061518.pdf.

Visual Concepts Lighting, Inc. 2022. Lighting Plan.

3.2 Air Quality

Encinitas, City of. 1991. General Plan. https://archive.encinitasca.gov/weblink8/browse.aspx?startid=665622.

_____. 2018. 2013-2021 General Plan Housing Element Update Environmental Assessment. https://encinitasca.gov/Portals/0/City%20Documents/Documents/Development%20Services/Planning/Advanced%20Planning/Housing%20Plan%20Update%202018/Environmental%20Assessment%20-%20June%202018/Encinitas%20HEU%20EA%20Full_061518.pdf.

Ldn Consulting, Inc. 2022a. Air Quality Assessment.

_____. 2022b. Health Risk Assessment.

Intersecting Metrics. 2022. Transportation Impact Study.

San Diego Air Pollution Control District. 2020. Attainment Status, https://www.sdapcd.org/content/sdc/apcd/en/air-quality-planning/attainment-status.html.

3.3 Biological Resources

ECORP. 2022. Biological Technical Report for the Piraeus Point Project.

3.4 Cultural Resources

ECORP. 2022a. Cultural Resources Inventory and Evaluation Report for the Piraeus Point Project.

_____. 2022b. Biological Technical Report for the Piraeus Point Project.

Encinitas, City of. 1991. City of Encinitas General Plan. https://archive.encinitasca.gov/weblink8/browse.aspx?startid=665622.

_____. 2018. 2013-2021 Housing Element Update Environmental Assessment. https://encinitasca.gov/Portals/0/City%20Documents/Documents/Development%20Services/Planning/Advanced%20Planning/Housing%20Plan%20Update%202018/Environmental%20Assessment%20-%20June%202018/Encinitas%20HEU%20EA%20Full_061518.pdf.

3.5 Energy Conservation and Climate Change

California Air Resources Board (CARB). 2008. Climate Change Scoping Plan. https://ww2.arb.ca.gov/sites/default/files/classic/cc/scopingplan/document/adopted_scoping_plan.pdf. Accessed August 4, 2022.

_____. 2017. California's 2017 Climate Change Scoping Plan. https://ww2.arb.ca.gov/sites/default/files/classic/cc/scopingplan/scoping_plan_2017.pdf. Accessed August 4, 2022.

CEC (California Energy Commission). 2022. Final 2021 Integrated Energy Policy Report Volume IV California Energy Demand Forecast.

_____. 2016. Electricity Consumption by County. https://ecdms.energy.ca.gov/elecbycounty.aspx.

City of Encinitas. 1991. General Plan. https://archive.encinitasca.gov/weblink8/browse.aspx?startid=665622.

_____. 2018. 2013-2021 General Plan Housing Element Update Environmental Assessment. https://encinitasca.gov/Portals/0/City%20Documents/Documents/Development%20Services/Planning/Advanced%20Planning/Housing%20Plan%20Update%202018/Environmental%20Assessment%20-%20June%202018/Encinitas%20HEU%20EA%20Full_061518.pdf.

_____. 2021. Climate Action Plan. https://encinitasca.gov/Portals/0/City%20Documents/Documents/City%20Manager/Climate%20Action/CAP_2_3_2021_final.pdf?ver=2021-02-03-151752-820. Accessed August 4, 2022.

CPUC (California Public Utilities Commission). 2022. Natural Gas and California. http://www.cpuc.ca.gov/natural_gas/. Accessed August 12, 2022.

EIA (United States Energy Information Administration). 2022. California: Profile Analysis. https://www.eia.gov/state/analysis.php?sid=CA.

Ldn Consulting, Inc. 2022. Greenhouse Gas Assessment.

San Diego Association of Governments (SANDAG). 2021. Regional Plan. https://sdforward.com/mobility-planning/2021-regional-plan. Accessed August 4, 2022.

SDGE (San Diego Gas & Electric). 2022. About Us. https://www.sdge.com/more-information/our-company/about-

us#:~:text=We%20distribute%20energy%20service%20to,Diego%20and%20southern%20Orange%20counties.

3.6 Geology and Soils

California Geological Survey (CGS). 2010. Fault Activity Map of California. http://maps.conservation.ca.gov/cgs/fam/.

County of San Diego. n.d. Multi-jurisdictional Hazard Mitigation Plan. https://www.sandiegocounty.gov/oes/emergency_management/oes_jl_mitplan.html.

Geocon, Inc. 2019. Consultation: Limits of Areas of Previous Grading Disturbance, Encinitas Apartments.

____. 2022. Geotechnical Investigation.

San Diego Natural History Museum (SDNHM). 2022. Paleontological Records Search.

3.7 Hazards and Hazardous Materials

CalEPA (California Environmental Protection Agency). 2022. About Us. https://calepa.ca.gov/about/#:~:text=Our%20mission%20is%20to%20restore,and%20waste%20recycling%20and%20reduction.

Cal Fire (California Department of Forestry and Fire Protection). n.d. FHSZ Viewer. https://egis.fire.ca.gov/FHSZ/.

CalOES (California Governor's Office of Emergency Services). 2022. Hazardous Materials Business Plan Program. https://calepa.ca.gov/hazardous-materials-business-plan-program/.

DTSC (Department of Toxic Substances Control). 2020. EnviroStor database.

ECORP. 2022. Biological Technical Report.

Encinitas, City of. 1991. City of Encinitas General Plan. https://archive.encinitasca.gov/weblink8/browse.aspx?startid=665622.

_____. 1995. General Plan Public Safety Element. https://archive.encinitasca.gov/WebLink/browse.aspx?startid=665622&cr=1.

_____. 2005. Design Guidelines.

_____. 2011. General Plan Resource Management Element. https://archive.encinitasca.gov/WebLink/browse.aspx?startid=665622&cr=1.

_____. 2016. Emergency Preparedness - Respond. https://encinitasca.gov/I-Want-To/Emergency-Preparedness/Respond.

_____. n.d. Fire Approaches and Evacuation Routes. https://encinitasca.gov/Portals/0/City%20Documents/Documents/Fire%20%26%20Marine%20Safety/Emergency%20Preparedness/Fire%20Approaches%20and%20Evacuation%20Routes.pdf.

FIREWISE. 2022. Piraeus Point Fire Protection Plan.

Geocon, Inc. 2021. Phase I and II Environmental Site Assessment Report.

_____. 2022. Phase I Environmental Site Assessment Report.

San Diego County. 2018. San Diego County Emergency Operations Plan.

State Board of Forestry and Fire Protection and California Department of Forestry and Fire Protection. 2018. Strategic Fire Plan. https://osfm.fire.ca.gov/media/5590/2018-strategic-fire-plan-approved-08_22_18.pdf.

SWRCB (State Water Resources Control Board). 2019. GeoTracker search. https://www.waterboards.ca.gov/water_issues/programs/ust/cleanup/.

_____. 2022a. La Costa Chevron – LUST Cleanup Site (TO607302127). https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T0607302127.

_____. 2022b. Barrett American – LUST Cleanup Site (TO6019729886). https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T06019729886.

3.8 Hydrology and Water Quality

Carlsbad Watershed Management Area Responsible Agencies. 2018. Project Clean Water. https://projectcleanwater.org/watersheds/carlsbad-wma/.

CEMA (California Emergency Management Agency). 2009. Tsunami Inundation Map for Emergency Planning – Encinitas Quadrangle. June 1, 2009. https://www.conservation.ca.gov/cgs/Documents/Publications/Tsunami-Maps/Tsunami_Inundation_Encinitas_Quad_SanDiego.pdf.

Encinitas, City of. 1991. General Plan. https://archive.encinitasca.gov/weblink8/browse.aspx?startid=665622.

_____. 2016. Engineering Design Manual, Chapter 7: BMP Design Manual. https://archive.encinitasca.gov/weblink8/0/doc/735600/Page1.aspx.

_____. 2017. Jurisdictional Runoff Management Program. January 2017.

_____. 2018. 2013-2021 General Plan Housing Element Update Environmental Assessment. https://encinitasca.gov/Portals/0/City%20Documents/Documents/Development%20Services/Planning/Advanced%20Planning/Housing%20Plan%20Update%202018/Environmental%20Assessment%20-%20June%202018/Encinitas%20HEU%20EA%20Full_061518.pdf.

FEMA (Federal Emergency Management Act). 2021. FEMA Flood Map Service Center: Search by Address. FEMA Panel Number 06073C1033H effective December 2021. https://msc.fema.gov/portal/search?AddressQuery=piraeus%20street%20encinitas%20california.

Geocon, Inc. 2022. Geotechnical Investigation.

PLSA (Pasco Laret Suiter & Associates. 2022a. Preliminary Hydrology Study.

_____. 2022b. Stormwater Quality Management Plan.

San Diego County. 2020. San Diego County Sustainable Groundwater Management. https://www.sandiegocounty.gov/pds/SGMA.html.

San Diego Regional Water Quality Control Board (SDRWCB). 2016. Water Quality Control Plan for the San Diego Basin.

SDWD (San Dieguito Water District). 2020. Final Urban Water Management Plan.

3.9 Land Use and Planning

California Coastal Commission (CCC). 2019. Staff Recommendation on City of Encinitas Local Coastal Program Amendment No. LCP-6-ENC-19-0014-1 for Commission Meeting of June 12-14, 2019. https://documents.coastal.ca.gov/reports/2019/6/Th19c/th19c-6-2019-report.pdf.

Department of Housing and Community Development (HCD). 2019. Encinitas' 5th Cycle (2013-2021) Housing Element Compliance Status. https://encinitasca.gov/Portals/0/City%20Documents/Documents/Development%20Services/Planning/Advanced%20Planning/Housing%20Plan%20Update%202019/Housing%20Plan%20Certification%2010-8-19.pdf.

Encinitas, City of. 1991. General Plan. https://archive.encinitasca.gov/weblink8/browse.aspx?startid=665622.

_____. 2016. General Plan. Resource Management Element.

_____. 2018. 2013-2021 General Plan Housing Element Update Environmental Assessment. https://encinitasca.gov/Portals/0/City%20Documents/Documents/Development%20Services/Planning/Advanced%20Planning/Housing%20Plan%20Update%202018/Environmental%20Assessment%20-%20June%202018/Encinitas%20HEU%20EA%20Full_061518.pdf.

_____.n.d. MyEncinitas Map. https://myencinitas.encinitasca.gov/map/.

Geocon, Inc. 2019. Consultation: Limits of Areas of Previous Grading Disturbance, Encinitas Apartments.

FIREWISE. 2022. Piraeus Point Fire Protection Plan.

San Diego Association of Governments (SANDAG). 2011. 2050 Regional Transportation Plan. https://www.sandag.org/uploads/2050RTP/F2050rtp_all.pdf.

_____. 2016. Regional Scale Smart Growth Concept Map. https://www.sandag.org/uploads/projectid/projectid_296_13994.pdf.

3.10 Noise

Caltrans (California Department of Transportation). 2013. Technical Noise Supplement to the Traffic Noise Analysis Protocol.

_____. 2020. Transportation and Construction Vibration Guidance Manual, Table 20, April 2020.

ECORP Consulting, Inc. 2022. Biological Technical Report for the Piraeus Point Project.

Encinitas, City of. 1991. City of Encinitas General Plan. https://archive.encinitasca.gov/weblink8/browse.aspx?startid=665622.

_____. 2018. 2013-2021 General Plan Housing Element Update Environmental Assessment. https://encinitasca.gov/Portals/0/City%20Documents/Documents/Development%20Services/Planning/Advanced%20Planning/Housing%20Plan%20Update%202018/Environmental%20Assessment%20-%20June%202018/Encinitas%20HEU%20EA%20Full_061518.pdf.

EPA (U.S. Environmental Protection Agency). 1981. Noise Effects Handbook – A Desk Reference to Health and Welfare Effects of Noise.

FHWA (Federal Highway Administration). 2006. Roadway Construction Noise Model (FHWA-HEP-05-054).

_____. 2011. Effective Noise Control During Nighttime Construction.

FTA (Federal Transit Administration). 2006. Transit Noise and Vibration Impact Assessment.

Intersecting Metrics. 2022. Transportation Impact Study.

Ldn Consulting, Inc. 2022. Noise Study.

3.11 Public Services and Recreation

California Department of Education. 2022. Data Quest, Search by: Level – School, Subject – Annual Enrollment Data, Time Frame – 2021-22, Capri. https://dq.cde.ca.gov/dataquest/page2.asp?level=School&subject=Enrollment&submit1=Submit.

City of Encinitas. 1991. City of Encinitas General Plan. https://archive.encinitasca.gov/weblink8/browse.aspx?startid=665622.

_____. 1995. General Plan Public Safety Element. https://archive.encinitasca.gov/WebLink/browse.aspx?startid=665622&cr=1.

_____. 2003. General Plan Recreation Element. https://archive.encinitasca.gov/WebLink/DocView.aspx?id=835469&dbid=0&repo=CityofEncinitas.

_____. 2016a. Draft Program Environmental Impact Report for At Home Encinitas, the City of Encinitas Housing Element Update, Encinitas, California. SCH # 2015041044.

_____. 2016b. Encinitas, California Parks, Beaches, Trails, and Open Space Master Plan. h https://encinitasca.gov/Portals/0/City%20Documents/Documents/Parks/Parks%20Master%20Plan/Encinitas%20Master%20Plan%2010%2010%2016%20Final%20Document%2010.20.16.pdf.

_____. 2018. 2013-2021 Housing Element Update Environmental Assessment. https://encinitasca.gov/Portals/0/City%20Documents/Documents/Development%20Services/Planning/Advanced%20Planning/Housing%20Plan%20Update%202018/Environmental%20Assessment%20-%20June%202018/Encinitas%20HEU%20EA%20Full_061518.pdf.

_____. 2019. General Plan Land Use Element. https://archive.encinitasca.gov/WebLink/DocView.aspx?id=822446&dbid=0&repo=CityofEncinitas.

_____. 2021. Public Safety. https://encinitasca.gov/Government/Departments/Public-Safety.

_____. 2021. 2021 Annual Report, Encinitas Solana Beach Del Mar Fire Departments. https://encinitasca.gov/LinkClick.aspx?fileticket=9w2_q7B96CY%3d&portalid=0.

_____. 2022. Parks, Recreation & Cultural Arts. https://encinitasca.gov/Government/Departments/Parks-Recreation-Cultural-Arts.

_____. n.d. MyEncinitas Map. https://myencinitas.encinitasca.gov/map/.

EUSD (Encinitas Union School District). 2022a. Our District. https://www.eusd.net/our-district.

_____. 2022b. SchoolSite Locator. https://portal.schoolsitelocator.com/apps/ssl/?districtcode=00600.

_____. 2022c. Encinitas Union School District Facilities Master Plan 2020. https://lpamasterplans.com/encinitas-usd-fmp/.

SANDAG (San Diego Association of Governments). 2020. Demographic and Socioeconomic Estimates - Jurisdiction: Encinitas. https://datasurfer.sandag.org/download/sandag_estimate_2020_jurisdiction_encinitas.pdf.

San Diego County Sheriff's Department. 2022a. Patrol Stations – North Coastal Station. https://www.sdsheriff.gov/Home/Components/FacilityDirectory/FacilityDirectory/28/61.

_____. 2022b. North Coastal Patrol Station City of Encinitas Monthly Review, March 2022. https://encinitasca.gov/Portals/0/City%20Documents/Documents/Law%20Enforcement/Encinitas%20Monthly%20Report%20MARCH%202022.pdf?ver=2022-05-19-120854-967.

SDUHSD (San Dieguito Union High School District). 2022a. Our District. https://www.sduhsd.net/Our-District/index.html.

_____. 2022b. SchoolSite Locator. https://portal.schoolsitelocator.com/apps/ssl/?districtcode=98324.

3.12 Transportation

Encinitas, City of. 2018. General Plan Circulation Element.

EUSD (Encinitas Union School District). 2022. School Site Locator. https://portal.schoolsitelocator.com/apps/ssl/?districtcode=00600.

Intersecting Metrics. 2022. Transportation Impact Study.

OPR (Governor's Office of Planning and Research). 2018. Technical Advisory on Evaluation Transportation Impacts in CEQA.

SANDAG. 2002. (Not So) Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region. https://www.sandag.org/uploads/publicationid/publicationid_1140_5044.pdf.

3.13 Tribal Cultural Resources

ECORP. 2022a. Cultural Resources Inventory and Evaluation Report for the Piraeus Point Project.

_____. 2022b. Biological Technical Report for the Piraeus Point Project.

Encinitas, City of. 1991. City of Encinitas General Plan. https://archive.encinitasca.gov/weblink8/browse.aspx?startid=665622.

_____. 2018. 2013-2021 Housing Element Update Environmental Assessment. https://encinitasca.gov/Portals/0/City%20Documents/Documents/Development%20Services/Planning/Advanced%20Planning/Housing%20Plan%20Update%202018/Environmental%20Assessment%20-%20June%202018/Encinitas%20HEU%20EA%20Full_061518.pdf.

3.14 Utilities and Service Systems

Broadband Now. 2022. Internet Providers in Encinitas, CA. https://broadbandnow.com/California/Encinitas.

CalRecycle (California Department of Resources Recycling and Recovery). 2019a. SWIS Facility/Site Activity Details: Otay Landfill (37-AA-0010). https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/1790?siteID=2863.

_____. 2019b. SWIS Facility/Site Activity Details: Sycamore Landfill (37-AA-0023). https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/1798?siteID=2871.

_____. 2019c. Disposal Rate Calculator. https://www2.calrecycle.ca.gov/LGCentral/AnnualReporting/DisposalRateCalculator.

Encinitas, City of. 1991. General Plan. https://archive.encinitasca.gov/weblink8/browse.aspx?startid=665622.

_____. 2016. San Dieguito Water District. https://encinitasca.gov/Government/Departments/San-Dieguito-Water-District.

_____. 2020. Climate Action Plan. https://encinitasca.gov/Portals/0/City%20Documents/Documents/City%20Manager/Climate%20Action/CAP_2_3_2021_final.pdf?ver=2021-02-03-151752-820.

EWA (Encina Wastewater Authority). n.d. About the Encina Wastewater Authority. https://www.encinajpa.com/about.

LWD (Leucadia Wastewater District). 2022. Project Facility Availability Form (Sewer).

PLSA (Pasco Laret Suiter & Associates). 2022a. Preliminary Wastewater Report.

_____. 2022b. Preliminary Hydrology Study.

San Diego Integrated Regional Water Management Group. 2019. Integrated Regional Water Management Plan. http://sdirwmp.org/2019-irwm-plan-update.

SDWD (San Dieguito Water District). 2020. Final Urban Water Management Plan.

_____. 2022. Project Facility Availability Form (Water).

3.15 Wildfire

Cal Fire (California Department of Forestry and Fire Protection). 2022. 2021 Statistics and Events. https://www.fire.ca.gov/stats-events/.

_____. n.d. FHSZ Viewer. https://egis.fire.ca.gov/FHSZ/.

_____. n.d.-a. Emergency Preparedness - Respond. https://encinitasca.gov/I-Want-To/Emergency-Preparedness/Respond.

_____. 2016. Engineering Design Manual, Chapter 7: BMP Design Manual. https://archive.encinitasca.gov/WebLink/DocView.aspx?dbid=0&id=735600&page=1.

_____. n.d.-b. Fire Approaches and Evacuation Routes. https://encinitasca.gov/Portals/0/City%20Documents/Documents/Fire%20%26%20Marine%20Safety/Emergency%20Preparedness/Fire%20Approaches%20and%20Evacuation%20Routes.pdf.

_____. 2022. Fire Department - Fire Service Availability Letter.

FIREWISE. 2022. Piraeus Point Fire Protection Plan.

Geocon. 2022. Geotechnical Investigation.

San Diego County. 2018. San Diego County Emergency Operations Plan. https://www.sandiegocounty.gov/content/sdc/oes/emergency_management/oes_jl_oparea.html.

4.0 Effects Found Not to Be Significant

California Department of Conservation (CDC), Division of Mine and Geology. 1996. Mineral Land Classification Map, Aggregate Resources Only.

California Department of Conservation (DOC). 2022. California Important Farmland Finder. https://maps.conservation.ca.gov/DLRP/CIFF/.

ECORP. 2022. Cultural Resources Inventory and Evaluation Report for the Piraeus Point Project.

Encinitas, City of. 2019. Housing Element Update. https://encinitasca.gov/Housing-Plan-Update-2019.

5.0 Alternatives

Encinitas, City of. 2019. Housing Element Update. https://encinitasca.gov/Housing-Plan-Update-2019.

6.0 Other CEQA Considerations

No references cited.

7.0 Preparers and Persons Consulted

No references cited.