



ZONA GALE PROJECT MITIGATED NEGATIVE DECLARATION

Prepared For:

City of Encinitas
505 South Vulcan Avenue
Encinitas, California 92024

Prepared by:

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DECEMBER 2025

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- Appendix A: Tentative Map, Architectural Plans, and Landscape Concept Plan
- Appendix B: Biological Resources Report, Arborist Report, Horizontal Directional Drilling Memo, and CAGN Survey Results
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- Appendix D: Geotechnical Investigation and Gross Slope Stability Analysis
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Appendix J: Fire Protection Plan



KERRY KUSIAK
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KATIE INNES
PLANNING MANAGER

September 27, 2023

**CEQA Initial Study - Environmental Checklist Form
(Based on the State CEQA Guidelines, Appendix G)**

1. Title: Zona Gale Estates
Project Number(s): MULTI-003289-2019; SUB-003290-2019; DR-003291-2019; and CDP-003292-2019
2. Lead agency name and address:
City of Encinitas
505 South Vulcan Avenue
Encinitas, California 92024
3. a. Contact: Fran Carr, Project Manager
b. Phone number: (760) 633-2738
c. E-mail: fcarr@encinitasca.gov
4. Project location:
(Address not assigned) Zona Gale Road, Encinitas, California 92024
The Project is located approximately 1.2 miles east of Interstate (I-) 5, approximately 0.4-mile north of Encinitas Boulevard, and just west of Via Cantebria in the City of Encinitas in north San Diego County, California. More specifically, the site occurs immediately east and north of Zona Gale Road, and primary access to the site is provided by Zona Gale Road. APN: 257-401-11 (Figure 1, Project Location).
5. Project Applicant name and address:
Aspen Growth Properties, Inc. 8799 Balboa Ave., Suite 260, San Diego, California 92123
6. General Plan: R-3 Residential (Figure 2, General Plan Land Use)
Density: 3.0 (allowed per State Density Bonus Laws 65915)
Floor Area Ratio (FAR) N/A
7. Zoning
Use Regulation: R-3 Residential (Figure 3, Zoning)
Minimum Lot Size: 4,946 SF (reduction allowed per State Density Bonus Laws 65915)
Special Area Regulation: Coastal Zone
Special Study Overlay Zone Very high fire hazard severity zone

8. Property characteristics:

The existing 1.79-acre Project site is a vacant site located between Via Cantebria and Zona Gale Road in the City of Encinitas.

9. Description of project:

Aspen Growth Properties Inc., (Applicant) proposes the Zona Gale Estates Project (Project), which consists of developing a nine-lot residential subdivision utilizing the State Density Bonus Law on an approximately 1.79-acre vacant site located between Via Cantebria and Zona Gale Road in the City of Encinitas. The Project includes construction of nine new detached single-family residences, eight market-rate units and one “very low” affordable unit, along with associated site and utility improvements. These improvements include grading of the site; construction of a private road, private driveways, and additional off-street parking; installation of landscaping and biofiltration basin; and widening improvements to existing public infrastructure off site along Zona Gale Road. The proposed site layout is shown on Figure 4 (Site Plan), and the Tentative Map and architectural plans are provided in Appendix A (Tentative Map and Architectural Plans).

Sewer service would be provided through connection to the existing sewer main in Via Cantebria using horizontal directional drilling beneath the open space to the east, with a launching pit at the top of the slope and a receiving pit at the base of the slope. The sewer line would be installed within a steel encasement pipe to allow for long-term maintenance in perpetuity without the need to access into the open space easement. Overall grading for site development would result in approximately 6,850 cubic yards of cut, 400 cubic yards of fill, 6,4550 cubic yards of export, and 1,750 cubic yards of remediation. The Project also includes requests for waivers of development standards pursuant to State Density Bonus Law (Government Code Section 65915) and Encinitas Municipal Code Section 30.16.020(C), including but not limited to modifications to setbacks, minimum lot width, minimum lot depth, minimum lot area, panhandle width, guest parking, and lot coverage.

10. Surrounding land uses and setting (Briefly describe the project’s surroundings):

The parcels adjacent to the Project site are designated Residential (R-3) in the City’s General Plan and are similarly zoned Residential (R-3). The surrounding area is characterized primarily by previously developed single-family residential neighborhoods located to the west and south of the Project site.

Directly south of the Project site is an existing water-storage tank, which occupies its own parcel and remains in active utility use. Although situated within an area designated R-3, this facility represents an established utility use within the surrounding residential context and is not part of the Project.

To the north and northeast, the adjacent parcels are designated R-3 but remain undeveloped, consisting of open land with natural vegetation and no built structures. This area provides a buffer between the Project site and surrounding development. This open space would remain

in its current condition and be placed under a conservation easement, preserving the existing natural slope and vegetation.

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

Permit Type/Action	Agency
Landscape Plans	City of Encinitas
Grading Permit	City of Encinitas
Design Review Permit	City of Encinitas
City Right-of-Way Permits Construction Permit Excavation Permit Encroachment Permit	City of Encinitas
Improvement Plans	City of Encinitas
National Pollutant Discharge Elimination System (NPDES) Permit	RWQCB
General Industrial Storm Water Permit	RWQCB
General Construction Storm Water Permit	RWQCB
Waste Discharge Requirements Permit	RWQCB
Water District Approval	Olivenhain Municipal Water District
Sewer District Approval	Leucadia Wastewater District
Fire District Approval	Encinitas Fire Protection District

11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code §21080.3.1? If so, has consultation begun?

YES

☒

NO

☐

Note: Conducting consultation early in the CEQA process allows tribal governments, public lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and to reduce the potential for delay and conflict in the environmental review process (see Public Resources Code §21083.3.2). Information is also available from the Native American Heritage Commission's Sacred Lands File per Public Resources Code §5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code §21082.3(e) contains provisions specific to confidentiality.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The environmental factors checked below would be potentially affected by this project and involve at least one impact that is a “Potentially Significant Impact” or a “Less Than Significant With Mitigation Incorporated,” as indicated by the checklist on the following pages.

- | | | |
|---|--|--|
| ☐ <u>Aesthetics</u> | ☐ <u>Agriculture and Forest Resources</u> | ☐ <u>Air Quality</u> |
| ☒ <u>Biological Resources</u> | ☒ <u>Cultural Resources</u> | ☐ <u>Energy</u> |
| ☒ <u>Geology & Soils</u> | ☐ <u>Greenhouse Gas Emissions</u> | ☐ <u>Hazards & Haz. Materials</u> |
| ☐ <u>Hydrology & Water Quality</u> | ☐ <u>Land Use & Planning</u> | ☐ <u>Mineral Resources</u> |
| ☒ <u>Noise</u> | ☐ <u>Population & Housing</u> | ☐ <u>Public Services</u> |
| ☐ <u>Recreation</u> | ☐ <u>Transportation</u> | ☐ <u>Utilities & Service Systems</u> |
| ☐ <u>Wildfire</u> | ☒ <u>Tribal Cultural Resources</u> | ☐ <u>Mandatory Findings of Significance</u> |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

Fran Carr

Printed Name

Date

Associate Planner

Title

INSTRUCTIONS ON EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off site as well as on site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, Less Than Significant With Mitigation Incorporated, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
4. “Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are “Less Than Significant With Mitigation Incorporated,” describe the mitigation measures that were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. The explanation of each issue should identify:
 - a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significance

I. AESTHETICS -- Except as provided in Public Resources Code Section 21099 -- Would the project:

- a) Have a substantial adverse effect on a scenic vista?
- | | |
|---|---|
| ☐ Potentially Significant Impact | ☐ Less than Significant Impact |
| ☐ Less Than Significant With Mitigation Incorporated | ☒ No Impact |

Discussion/Explanation:

Background: Pursuant to City General Plan Resource Management Element Policy 4.5, the City will designate "Scenic/Visual Corridor Overlay" areas. The Project site is not located within a Scenic/Visual Corridor Overlay (S/VO), nor is it within the critical viewshed of any designated vista point. There are two vista points located at Oak Crest Park and Encinitas Community Center south of the Project site. However, the site is not visible from these two designated vista points due to the topography and elevation relative to surrounding lands, as well as intervening development and established vegetation. Due to aforementioned criteria, the Project would have no impact on scenic vistas.

Off site

No Impact: A scenic vista is generally defined as a view from a specific location along a corridor that provides an extended or composite view of natural and/or developed landscapes. Visual resources are the elements within a vista including natural and/or developed landscapes. Visual resources are the elements within a vista, including natural features, built structures, and landscape components. Scenic vista impacts are evaluated by assessing potential alterations to the overall view, including changes to visual resources and consideration of viewer perception.

The Project site is not located within a S/VO, nor is it within the critical viewshed of any designated vista points. As stated above, designated vista points near the site include Oak Crest Park and the Encinitas Community Center; however, due to the site's topography, elevation, intervening development, and existing vegetation, the Project is not visible from these locations.

The Project would not obstruct, degrade, or otherwise alter any designated scenic vistas or visual resources. Because the Project site is outside the S/VO and is not visible from any identified vantage points, the Project would have no impact on scenic vistas or visual resources.

- b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
- | | |
|---|--|
| ☐ Potentially Significant Impact | ☒ Less than Significant Impact |
| ☐ Less Than Significant With Mitigation Incorporated | ☐ No Impact |

Discussion/Explanation:

Less than Significant Impact: State scenic highways refer to those highways that are officially designated by the California Department of Transportation (Caltrans) as scenic (Caltrans - California Scenic Highway Program). Generally, the area defined within a state scenic highway is the land adjacent to and visible from the vehicular right-of-way. The dimension of a scenic highway is usually identified using a motorist's line of vision, but a reasonable boundary is selected when the view extends to the distant horizon. The scenic highway corridor extends to the visual limits of the landscape abutting the scenic highway.

The Project site is not located along or in proximity to a state scenic highway. The Project site is located approximately 1.1 mile east of I-5 and approximately 1.5 mile east of North Coast Highway 101. Views to the site are not visible from these locations and neither of these highways are designated as a state scenic highway in the site vicinity.

The Project would have the potential to impact existing Torrey pine trees on site. Four of these trees would be protected in place, and two would be transplanted on site. See Section IV, Biological Resources for how the Project would mitigate for these impacts. As the newly planted landscaping matures over time, the visual appearance of the site would continue to be improved as it blends with the visual setting of mature trees in adjacent established neighborhoods.

Impacts to rock outcroppings or historic buildings would not occur as a result of the proposed Project because the Project site does not contain any historic buildings or rock outcroppings.

Due to these factors, the Project would have a less than significant impact on scenic resources.

- c) In non-urbanized areas, substantially degrade 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 point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

- | | |
|---|--|
| ☐ Potentially Significant Impact | ☒ Less than Significant Impact |
| ☐ Less Than Significant With Mitigation Incorporated | ☐ No Impact |

Discussion/Explanation:

Less than Significant Impact:

The Project is in an urbanized area, surrounded by residential development to the west, south, and east, with additional residential development further to the north. The existing visual character and quality of the Project site and surrounding area is characterized by small patches of open space and single-family residential on all sides of the Project site. The Project would not conflict with applicable zoning or other regulations governing scenic quality. The Project would be screened by existing vegetation, proposed landscaping, and would have limited views from any public sites. Impacts would be less than significant.

- d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?

☐ Potentially Significant Impact	☒ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated	☐ No Impact

Discussion/Explanation:

Less than Significant Impact: Compliance with the Performance Standards outlined in Chapter 30.40 of the City of Encinitas's Municipal Code is required prior to issuance of a building permit. The Project's outdoor lighting would be shielded in such a manner that the light is directed away from streets or adjoining properties. The Project would not adversely affect nighttime views or astronomical observations because the Project's outdoor lighting fixtures shall be fully shielded so as to cause all emitted sustained light to be projected below an imaginary horizontal plane passing through the lowest point of the luminary, lamp or light source used in the fixture. The luminary, lamp, or light source shall not be directly visible from any adjoining residential property. Therefore, the Project would not create a significant new source of substantial light or glare, which would adversely affect daytime or nighttime views in the area. Impacts would be less than significant.

II. AGRICULTURE AND FORESTRY RESOURCES -- Would the project:

- a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide or local Importance (Important Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, or other agricultural resources, to non-agricultural use?

☐ Potentially Significant Impact	☐ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated	☒ No Impact

Discussion/Explanation:

Less than Significant Impact: Pursuant to the Department of Conservation (DOC) maps, the Project is listed as Urban and Built-Up land. Therefore, the proposed Project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to nonagricultural use.

- b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

☐ Potentially Significant Impact	☐ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated	☒ No Impact

Discussion/Explanation:

No Impact: There are no Williamson Act contract lands in the vicinity of the Project site. Therefore, the proposed Project would not conflict with Williamson Act contract lands, nor would it conflict with existing zoning for agricultural use. There would be no impact.

- c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), or timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

- | | |
|---|---|
| ☐ Potentially Significant Impact | ☐ Less than Significant Impact |
| ☐ Less Than Significant With Mitigation Incorporated | ☒ No Impact |

Discussion/Explanation:

No Impact: The Project site, including off-site improvements, do not contain forest land or timberland. The City of Encinitas does not have any existing Timberland Production Zones. In addition, the Project would be consistent with existing zoning (albeit the State Density Bonus is being utilized increase the allowable number of units by six dwelling units) and a rezone of the property is not proposed. Therefore, Project implementation would not conflict with existing zoning for, or cause rezoning of, forest land, timberland or timberland production zones.

- d) Result in the loss of forest land or conversion of forest land to non-forest use?

- | | |
|---|---|
| ☐ Potentially Significant Impact | ☐ Less than Significant Impact |
| ☐ Less Than Significant With Mitigation Incorporated | ☒ No Impact |

Discussion/Explanation:

No Impact: The Project site is in an urbanized setting in Encinitas and does not contain forest land. Therefore, the proposed Project would not result in the loss of forestland or the conversion of forestland to non-forest use.

- e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Important Farmland or other agricultural resources, to non-agricultural use or conversion of forest land to non-forest use?

- | | |
|---|---|
| ☐ Potentially Significant Impact | ☐ Less than Significant Impact |
| ☐ Less Than Significant With Mitigation Incorporated | ☒ No Impact |

Discussion/Explanation:

Less than Significant Impact: Pursuant to the DOC maps, the Project is listed as Urban and Built-Up land. The Project is not under a Williamson Act Contract or within an Agricultural Preserve, nor is the Project site located within the vicinity of a Williamson Act Contract, an Agricultural Preserve, existing agricultural operation, nor surrounded by agricultural-zoned land. Therefore, the Project would not involve changes to the environment which could result in the conversion of Important Farmland. No impacts would occur.

III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

- a) Conflict with or obstruct implementation of the San Diego Regional Air Quality Strategy (RAQS) or applicable portions of the State Implementation Plan (SIP)?
- | | |
|---|--|
| ☐ Potentially Significant Impact | ☒ Less than Significant Impact |
| ☐ Less Than Significant With Mitigation Incorporated | ☐ No Impact |

Discussion/Explanation:

Less Than Significant Impact: The Project site is located in the San Diego Air Basin and is regulated by the San Diego Air Pollution Control District. Conformance with the RAQS and SIP determines whether a Project will conflict with or obstruct implementation of the applicable air quality plans. The basis for the RAQS and SIP is the distribution of population in the San Diego region as projected by SANDAG. Growth forecasting is based in part on the land uses established in city and county general plans.

The Project proposes to develop 9 single-family residential units, consistent with the underlying zoning and General Plan land use, except where a waiver is granted under the Density Bonus Law. The State Density Bonus Law is being utilized to increase the number of single-family units from the allowable base density of three dwelling units to nine dwelling units, including one unit that would be reserved in the “very low” income category. The most recent Regional Housing Needs Assessment from SANDAG states that Encinitas needs to build 1,554 units from 2021 through 2029, including 469 units in the “very low” income category (SANDAG 2020). The Project is expected to construct 9 units, which would be within SANDAG’s growth projection for housing during the 6th Cycle planning horizon (i.e., April 2021 – April 2029). Therefore, the Project would not conflict with SANDAG’s regional growth forecast for the City, and vehicle trip generation and planned development for the Project are considered to be anticipated in the RAQS and SIP. The Project’s anticipated emissions are therefore addressed in the RAQS and SIP, and the Project would not conflict with or obstruct implementation of the RAQS and SIP. Impacts would be less than significant.

- b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

- ☐ Potentially Significant Impact ☒ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated ☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: Air quality is an inherently cumulative issue with the San Diego Air Basin (SDAB) being the geographic scope of analysis. The SDAB is in non-attainment status of regional criteria pollutants (ozone (O₃), particulate matter (PM)¹⁰ and PM^{2.5}) as a result of past and present development and activities. The San Diego Air Pollution Control District (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.

Recognizing this, the SDAPCD's emissions thresholds are devised to regulate air basin-wide emissions at the project level. If project's fall below these thresholds, they are determined not to contribute significantly to cumulative air basin-wide emissions, and accordingly would not result in a significant Project impact.

CalEEMod was run to determine the proposed Project's potential construction and operational air quality emissions. As shown below in Tables 1 and 2, the proposed Project's construction and operational emissions would be below applicable screening thresholds.

Table 1. Construction Emissions

Year	VOC	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
2023	0.29	1.87	1.90	0.004	0.14	0.10
2024	0.55	0.006	0.009	0.0002	0.005	0.003
<i>Maximum (lbs/day)</i>	0.29	1.87	1.90	0.004	0.14	0.10
Significance Threshold	75	250	550	250	100	55
SDAPCD Impact?	No	No	No	No	No	No

Table 2. Operational Emissions

Category	ROC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Area	0.78	0.01	0.76	0.001	0.10	0.10
Energy	0.001	0.009	0.003	0.0006	0.007	0.007
Mobile	0.04	0.05	0.42	0.009	0.10	0.03
Waste						
Water						
<i>Total (lb/day)</i>	0.83	0.07	1.19	0.02	0.19	0.12
SDAPCD Thresholds	75	250	550	250	100	55
Significant?	No	No	No	No	No	No

Based on the proposed construction and operational activities, the Project would not be expected to result in substantial emissions such that any criteria pollutant air quality standard would be violated. Therefore, the Project would not result in a cumulatively considerable net increase of any criteria pollutant; impacts would be less than significant.

- c) Expose sensitive receptors to substantial pollutant concentrations?
- | | |
|---|--|
| ☐ Potentially Significant Impact | ☒ Less than Significant Impact |
| ☐ Less Than Significant With Mitigation Incorporated | ☐ No Impact |

Discussion/Explanation:

Less than Significant Impact: Sensitive populations are more susceptible to the effects of air pollution than the general population. Sensitive receptors are defined as facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. Examples of these sensitive receptors are schools, hospitals, and daycare centers (California Health and Safety Code § 42705.5(a)(5)). California Air Resources Board (CARB) has identified the following groups of individuals as the most likely to be affected by air pollution: the elderly over 65, children under 14, athletes, and persons with cardiovascular and chronic respiratory diseases such as asthma, emphysema, and bronchitis. The nearest sensitive receptor is Oak Crest Middle School located at 675 Balour Drive (approximately 0.5 mile south of the Project site) and the Encinitas Community Center located at 1140 Oakcrest Park Drive (approximately 0.6 miles south of the Project site). However, to be conservative, existing residences south, east, and west of the Project site were also considered sensitive receptors for the purpose of this analysis. According to the SDAPCD'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 of the proposed Project would result in temporary emissions of criteria pollutants, however they would not exceed SDAPCD air quality standards. Operational impacts would include impacts associated with vehicular traffic, as well as area sources such as energy use (i.e., natural gas), water and wastewater, landscaping maintenance, consumer products use (i.e., household cleaners, automotive products), and architectural coatings use for maintenance purposes. 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 and no mitigation is required.

- d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?
- | | |
|---|--|
| ☐ Potentially Significant Impact | ☒ Less than Significant Impact |
| ☐ Less Than Significant With Mitigation Incorporated | ☐ No Impact |

Discussion/Explanation:

Less than Significant Impact: 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.

The frequency is a measure of how often an individual is exposed to an odor in the ambient environment. The intensity refers to an individual's or group's perception 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. Typical sources include facilities such as sewage treatment plants, landfills, recycling facilities, petroleum refineries, and livestock operations. The Project does not contain any of the land uses identified as typically associated with emissions of objectionable odors. Temporary odors may be generated during construction from equipment exhaust, paving, painting, adhesives, or other activities; however, these odors would be short-term, intermittent, and localized, and would not persist beyond the construction period. Given the temporary nature of construction activities and the absence of odor-intensive land uses, any odors generated would be limited in intensity and duration. As such, Project impacts would be less than significant.

IV. BIOLOGICAL RESOURCES -- Would the project:

- a) 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 U.S. Fish and Wildlife Service?
- | | |
|--|---|
| ☐ Potentially Significant Impact | ☐ Less than Significant Impact |
| ☒ Less Than Significant With Mitigation Incorporated | ☐ No Impact |

A Biological Technical Report was prepared for the proposed Project by Helix Environmental Planning (June 2022) and is included herein as Appendix B. A memorandum explaining the use of horizontal directional drilling for installation of the sewer main was also used in preparation of this section. The memorandum was prepared by PLSA (September 2023) and is included herein as Appendix B2.

Discussion/Explanation:

Less than Significant with Mitigation Incorporated: Approximately 1.8 acres of the Project site would be directly impacted by the Project as a result of mass grading and residential development. Additionally, 0.3 acres of off-site infrastructure improvements and connections with existing public infrastructure are necessary. As stated in Appendix B, four special status plant species were observed at the Project site: Del Mar manzanita, Summer holly, Torrey pine, and Wart-stemmed ceanothus.

The Project would impact 16 of the 19 Del Mar manzanita individuals on site, and 43 wart-stemmed ceanothus shrubs on site. Mitigation will be required for impacts to both species (MM-BIO-1). The Project would impact one summer holly on site within the southern maritime chaparral; however, summer holly is relatively widespread throughout the City and region and Project impacts to a single individual would not likely jeopardize the status of the species in the region and would not directly contribute to future elevated listing of the species. Per the arborist report (Appendix B), there are six naturalized Torrey pine trees on site and one off site, three of which would be impacted by the Project. These three trees are the youngest and smallest individuals on site and the Project has been designed to avoid and retain the mature trees on site. In addition, the Landscape Architectural Plan involves planting of Torrey pines trees on site. Because the project was designed to avoid and retain the mature specimens occurring on site, and the project's Landscape Architectural Plan (JPBLA 2021) includes the planting of Torrey pine trees on site, no mitigation is required for impacts to Torrey pine trees. As mentioned, one sensitive habitat, southern maritime chaparral, was found present on site and will require compensatory mitigation for impacts. Mitigation for southern maritime chaparral includes replacement at a ratio of 2:1 for impacts to southern maritime chaparral vegetation via the purchase of 3.0-acre credits of southern maritime chaparral habitat from the Carlsbad Oaks Conservation Bank.

As stated in Appendix B, no special status animal species have been observed or have a high potential to occur at the Project site. Although special status animal species are not expected to occur at the Project site, the Project site contains trees, shrubs, and other vegetation that may provide suitable nesting habitat for common birds, including raptors, protected under the Migratory Bird Treaty Act (MBTA) and the California Fish and Game (CFG) Code. Construction of the proposed Project includes vegetation clearing, which could result in direct impacts to nesting birds if the removal or trimming of vegetation occurs during the bird nesting season (February 15 through August 31 for general birds and January 15 through July 15 for raptors, annually). Indirect impacts to nesting birds adjacent to the Project site as a result of construction-generated noise during the breeding season could also occur. These potential direct and indirect impacts to nesting birds would be in violation of the MBTA and CFG Code. Impacts would be reduced to less than significant with mitigation (MM-BIO-2).

As discussed in the project description, connection to the existing sewer main located in Via Cantabria would involve the use of horizontal directional drilling through the open space to the east. A launching pit would be created at the top of slope, and a receiving pit would be created at the base of the slope on Via Cantabria. The sewer main would be installed within a steel encasement pipe, which would allow the sewer main to be maintained in perpetuity without the

need to access the open space easement east of the site. Using the horizontal directional drilling method would avoid any potential impacts to biological resources and/or sensitive habitat (Appendix B2).

As it relates to candidate, sensitive, and special status species, impacts would be less than significant with mitigation.

MM-BIO-1: Prior to issuance of a grading permit, impacts to 25 Del Mar Manzanita, four Torrey pine, 29 wart-stemmed ceanothus, two summer holly and two Nuttall's scrub oak individuals shall be mitigated at a minimum ratio of 1:1. Mitigation for impacts to these five plant species shall be accomplished within the project study area in the Focused Planning Area (FPA) through a combination of translocation and/or new plantings as well as the purchase of conservation Mitigation Bank credits, resulting in a no-net loss of species and habitat. Specifically, prior to issuance of a grading permit, mitigation for impacts to Del Mar manzanita, Torrey pine, wart-stemmed ceanothus, summer holly, and Nuttall's scrub oak shall be completed as follows:

- The project Applicant shall provide documentation to the City that consultation with the USFWS for impacts to Del Mar manzanita has occurred/completed in accordance with Section 10 of the Federal Endangered Species Act (FESA), or demonstrate to the City of Encinitas (City) that none was required. Any additional measures prescribed by the U.S. Fish and Wildlife Service (USFWS) shall be required.
- A Del Mar Manzanita, Torrey Pine, Wart Stemmed Ceanothus, Summer Holly, and Nuttall's Scrub Oak Mitigation and Monitoring Plan (MMP) shall be provided to the City for approval. The MMP shall include a discussion of installation, maintenance, and monitoring of the mitigation planting site as well as prescribe the specific mitigation actions of creation/establishment, restoration, and/or preservation, as applicable. The MMP shall include a discussion on the location of any creation/establishment, restoration, and/or preservation site(s); requirements for site preparation, soil amendments, temporary irrigation, native plant palettes, installation methods, maintenance, and performance monitoring, as appropriate.
- The MMP shall also include information pertaining to rare plant translocation, as applicable. The MMP shall provide a minimum 1:1 replacement ratio of the 25 Del Mar Manzanita, four Torrey pine, 29 wart-stemmed ceanothus, two summer holly, and two Nuttall's scrub oak individuals impacted to be planted within the study area, in the FPA located adjacent to and east of the proposed development. The MMP shall require that all mitigation areas (except for preservation areas not restored) be subject to a minimum five-year performance monitoring period with specific success criteria to ensure that the impacted functions and services are restored. Contingency measures, in case performance standards are not met after five years, shall be included in the plan to ensure success (i.e., no loss of these plant species) is achieved.

- A protective instrument, such as a conservation easement, open space easement, restrictive covenant, or similar, shall be recorded over the mitigation establishment areas described in the MMP where such a protective instrument does not already exist.
- All project mitigation areas (except for mitigation bank credits) shall be subject to long-term management as outlined by a Preserve Management Plan (PMP). The PMP shall be provided to the City for approval. The PMP shall prescribe the actions of stewardship and perpetual management of the mitigation areas and include, at minimum, (a) the location and description of the mitigation area, and final plans for the mitigation area; (b) the responsible entities for the mitigation area; (c) the management funding amount and mechanism, based on a Property Analysis Record or similar cost estimation method; (d) specific habitat and monitoring management directives such as vegetation monitoring, sensitive species monitoring, control and treatment of non-native invasive/exotic plant species; (e) specific success criteria; (f) public awareness; (g) preserve barriers or fencing management; (h) monitoring and reporting schedules; and (i) adaptive management recommendations for the preserve area. Implementation of long-term management shall be provided by a qualified entity approved by the City with experience in managing preserve lands (i.e., California Department of Fish and Wildlife [CDFW] list of qualified entities).
- The purchase of 3.0 acres of southern maritime chaparral credits from the Carlsbad Oaks Conservation Bank. The mitigation credits include suitable habitat for Del Mar manzanita, Torrey pine, Nuttall's scrub oak, summer holly, and wart-stemmed ceanothus, resulting in a no-net loss of habitat for these species. The project Applicant shall demonstrate to the City, via receipt, that applicable mitigation credits have been acquired for the project.

MM-BIO-2: To protect nesting birds, construction activities shall be conducted outside of the nesting season for birds/raptors (February 15 through August 31 for general birds and January 15 through July 15 for raptors, annually). If construction activities are needed during the nesting season, a qualified biologist shall conduct a pre-construction survey no more than three days prior to the start of work to search for nesting birds/raptors within the proposed work area and surrounding 500 feet, where feasible. If the surveys conclude no active nesting, the work shall resume as planned. However, if project activities are delayed or suspended for more than three days during the breeding season, surveys shall be repeated prior to resuming work. If the results of the survey identify nesting birds (including raptors), no-work disturbance buffers shall be implemented: 100 feet around non-listed active passerine (perching birds and songbirds) nests and 500 feet around active raptor nests. The buffers may be reduced, if appropriate, and as directed by a qualified biologist. The reduction in no-work buffers shall be approved by the City prior to implementation. The buffers shall be respected and maintained until the end of the bird breeding season or until a qualified biologist has determined

that the birds have fledged and are no longer reliant upon the nest or parental care for survival.

- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?

- ☐ Potentially Significant Impact ☐ Less than Significant Impact
☒ Less Than Significant With Mitigation Incorporated ☐ No Impact

Discussion/Explanation:

Less than Significant with Mitigation Incorporated: Direct impacts to vegetation communities and habitat types are presented below in Table 3. Southern maritime chaparral, including disturbed form, is considered a sensitive natural community. No riparian habitats or other sensitive natural communities occur on site.

Table 3. Vegetation Communities and Land Cover Types in the Biological Survey Area

Vegetation Community/Habitat Type	Existing Acres On site			
		On site	Off Site	Total Impacts
Non-native vegetation (11000)	0.3	0.2	0.1	0.3
Disturbed habitat (11300)	0.3	0.3	0.1	0.4
Urban/developed (12000)	0.1	<0.01	0.1	0.1
Southern Maritime Chaparral (37C30)	1.2	1.1	--	1.1
Southern Maritime Chaparral – Disturbed (37C30)	0.2	0.2	--	0.2
Total	2.1	1.8	0.3	2.1

Impacts to 1.3 acres of southern maritime chaparral, a sensitive natural community type, would need to be mitigated for at a minimum ratio of 2:1. After mitigation, impacts would be considered less than significant (MM-BIO-3).

MM-BIO-3: Prior to issuance of a grading permit, impacts to 1.3 acre of southern maritime chaparral shall be mitigated at a minimum 2:1 ratio. Mitigation shall be accomplished off site through the purchase of 3.0 acres of credits from Carlsbad Oaks Conservation Bank as described in Mitigation Measure MM-BIO-1. The project proponent shall demonstrate to the City receipt that applicable mitigation credits have been acquired for the project prior to the issuance of a grading permit.

- c) 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?

☐ Potentially Significant Impact	☐ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated	☒ No Impact

Discussion/Explanation:

No Impact: There are no potential wetland or waters of the U.S. on site that would be considered subject to United States Army Corps of Engineers (USACE) jurisdiction, waters of the state subject to RWQCB jurisdiction, or streambed and riparian habitat subject to California Department of Fish and Wildlife (CDFW) jurisdiction occur on site; thus no impacts to such resources would occur.

- d) 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 Impact	☒ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated	☐ No Impact

Discussion/Explanation:

Less than Significant Impact: The Project site does not function as a regional wildlife corridor or substantial habitat linkage that would be used for wildlife movements or breeding/nursery sites. The Project site is not located within an identified corridor or habitat linkage. A proposed hardline FPA occurs immediately adjacent to the east of the Project site, and the Project's proposed off-site sewer and storm drain easement would cross the FPA to connect to infrastructure further east along Via Vantebria. The FPA occurs within an open space easement and is contiguous with narrow bands of habitat, each less than 150 linear feet, located to the north and south of the Project site. Adjacent off-site habitat is limited to narrow bands of vegetation that may be used by smaller urban-adapted mammal species and bird species. In addition, U.S. Fish and Wildlife Service (USFWS) critical habitat for the Coastal California Gnatcatcher occurs east of the Project and coincides with lands mapped as FPA. However, Coastal California Gnatcatcher has not been recorded during protocol surveys conducted for the Project, and the Project site lacks suitable coastal sage scrub habitat to support this species. Overall, the Project site is nearly surrounded by existing development and does not serve as a regional wildlife corridor or substantial habitat linkage that would be used by large mammals, riparian birds, or migratory birds. Thus, the Project would not result in adverse impacts to regional wildlife movement or breeding/nursery sites. Impacts would be less than significant.

- e) Conflict with any local policies or ordinances that protect biological resources, such as a tree prevention policy or ordinance?

☐ Potentially Significant Impact

☐ Less Than Significant With Mitigation Incorporated

☒ Less than Significant Impact

☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: 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 3.2 and 3.6) and Chapter 15.02 of the City's Municipal Code. Policy 3.6 of the City General Plan states "Future development shall maintain significant mature trees to the extent possible and incorporate them into the design of development projects.

As described under threshold (a) above, there are six naturalized Torrey pine trees on the Project site, located within the southern maritime chaparral and non-native vegetation. Three of these trees, the youngest and smallest individuals on site, would be impacted by the Project, while the remaining three mature specimens would be avoided and retained. Because Torrey pine is a California Rare Plant Rank (CRPR) 1B.2 species, impacts to individual trees could be considered potentially significant; however, the Project has been designed to preserve the mature specimens, and the Landscape Architectural Plan includes the planting of additional Torrey pine trees on site. Therefore, impacts to Torrey pine trees would be less than significant.

The City does not have an adopted mature tree ordinance at this time. Accordingly, the proposed Project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

- f) Conflict with the provisions of an adopted Habitat Conservation Plan, or other approved local, regional, or state habitat conservation plan?

☐ Potentially Significant Impact

☐ Less Than Significant With Mitigation Incorporated

☒ Less than Significant Impact

☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: The Project would not conflict with any local policies or ordinances protecting biological resources. The Project would occur within the boundaries of the Draft North County MHCP, particularly within the Encinitas Subarea, which has a Draft Encinitas Subarea Plan. However, neither the Draft North County MHCP nor the Draft Encinitas Subarea Plan were approved or adopted and they remain in draft form. Therefore, unless otherwise requested by the City, the draft policies and guidelines of these plans are not applicable to the proposed Project. The Project however considered the context of such draft plans, including the Draft Subarea Plan Section 4.2 (Land Uses Within and Adjacent to the Preserve). Because the Project is adjacent to a proposed Focused Planning Area (FPA), additional considerations are imposed on the Project to ensure the proposed land uses adjacent to a proposed preserve area are consistent with the guidelines outlined in Section 4.2.2 of the City's Draft Subarea Plan. These guidelines address issues of drainage and toxins, erosion and sedimentation, lighting,

noise, barriers, landscape restrictions, and fire and brush management. As analyzed in Appendix B, the Project would be conditioned to comply with these adjacency guidelines. Therefore, implementation of the proposed Project would not preclude or prevent finalizing the adoption of these draft plans and impacts would be less than significant.

V. CULTURAL RESOURCES -- Would the project:

- a) Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines, California Codes and Regulations Section 15064.5?

☐ Potentially Significant Impact	☒ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated	☐ No Impact

Discussion/Explanation:

Less than Significant Impact: A cultural resources report titled, Cultural Resources Inventory and Evaluation Report for the Zona Gale Estates Project, City of Encinitas, California (May 2023), prepared by Dudek, determined that there are no structures or historical resources on site pursuant to the State of California Environmental Quality Act (CEQA) Guidelines, Section 15064.5. Therefore, impacts would be less than significant.

- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines, California Codes and Regulations Section 15064.5?

☐ Potentially Significant Impact	☐ Less than Significant Impact
☒ Less Than Significant With Mitigation Incorporated	☐ No Impact

Discussion/Explanation:

Background: The following goal and policies are relevant in protecting 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.

GOAL 7.1: Require that paleontological, historical and archaeological resources in the planning area are documented, preserved or salvaged if threatened by new development.

GOAL 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.

Less than Significant Impact with Mitigation: A cultural resources report titled, Cultural Resources Inventory and Evaluation Report for the Zona Gale Estates Project, City of Encinitas,

California (Appendix C; May 2023), prepared by Dudek, included a Phase I inventory and Phase II evaluation.

This report consisted of a records search of the Project area and a 1-mile radius around the Project area, and an intensive pedestrian survey and evaluation of the Project area. The South Coastal Information Center (SCIC) records search did not identify cultural resources within the Project area, however, the records search did identify 25 cultural resources within 1-mile of the Project area; 21 are prehistoric resources, four are historical resources, and no historic addresses were located within the Project area. A Native American Heritage Commission (NAHC) Sacred Lands File search did not indicate the presence of any Native American cultural resources in or near the Project area.

The intensive pedestrian survey resulted in one newly identified archaeological site within the Project area: CA-SDI-23458 (P-37-040592), a prehistoric lithic and shell scatter that is confined to the surface. A field evaluation was conducted, and nine shovel test pits were excavated to evaluate the site and to determine if the site is considered significant under CEQA, and eligible for listing on the California Register of Historic Resources (CRHR). All Shovel Test Pits (STPs) were sterile. It was determined that the activities indicated by the artifacts recovered from the site include lithic tool production, and procurement and processing of plant and animal resources. The quantity and variety of artifacts at the site is fairly limited; combined with the absence of subsurface deposits and features, CA-SDI-23458 is unlikely to provide information important to prehistory, other than what has been documented herein. As the result of the evaluation, CA-SDI-23458 (prehistoric lithic and shell scatter) was recommended not significant under CEQA and is not eligible for listing in the CRHR. This identified insignificant archeological site would be disturbed during site preparation, however, a monitor would be present as discussed below.

Due to the positive pedestrian survey, heavy vegetation, and number of prehistoric sites within close proximity to the Project area, there is potential for identifying intact subsurface cultural resources deposits within previously undisturbed areas during Project implementation. Cultural resources monitoring with a qualified archaeologist and Kumeyaay Native American monitor is recommended during initial ground-disturbing activities within previously undisturbed deposits. Monitoring can be reduced or terminated should no discoveries be made or if documentation is provided which demonstrates that ground-disturbing activities will be occurring in sediments with no potential for cultural resources.

The following mitigation measure (MM-CUL-1) will ensure that any archeological resources encountered are preserved accordingly and reduce impacts to previously undiscovered archaeological resources to less than significant.

MM-CUL-1:

1) Pre-Construction

- a) Contract with an archaeologist to perform archaeological monitoring and a potential data recovery program during all earth-disturbing activities. The Project Archaeologist shall perform the monitoring duties before, during and after construction.

- b) Pre-construction meeting to be attended by the Project Archaeologist and Native American monitor to explain the monitoring requirements.
- c) If on-site and/or off-site ground disturbing activities (e.g., exploratory trenching or excavations) are required for any informal or formal solicitation (written or spoken) of construction bids or similar requirements, all applicable requirements identified in mitigation measures

2) Construction

- a) Monitoring. Both the Project Archaeologist and Native American monitor are to be on site during earth disturbing activities. The frequency and location of monitoring of native soils will be determined by the Project Archaeologist in consultation with the Native American monitor. Both the Project Archaeologist and Native American monitor will evaluate fill soils to ensure that they are negative for cultural resources
- b) If cultural resources are identified:
 - i) Both the Project Archaeologist and Native American monitor have the authority to divert or temporarily halt ground disturbance operations in the area of the discovery.
 - ii) The Project Archaeologist shall contact the City of Encinitas Development Services at the time of discovery.
 - iii) The Project Archaeologist in consultation with the City of Encinitas Development Services and the Native American monitor shall determine the significance of discovered resources.
 - iv) Construction activities will be allowed to resume after the City of Encinitas Development Services has concurred with the significance evaluation.
 - v) Isolates and non-significant deposits shall be minimally documented in the field. Should the isolates and non-significant deposits not be collected by the Project Archaeologist, the Native American monitor may collect the cultural material for transfer to a Tribal curation facility or repatriation program.
 - vi) If cultural resources are determined to be significant, a Research Design and Data Recovery Program shall be prepared by the Project Archaeologist in consultation with the Native American monitor and approved by the Project Archaeologist. The program shall include reasonable efforts to preserve (avoid) unique cultural resources of Sacred Sites; the capping of identified Sacred Sites or unique cultural resources and placement of development over the cap if avoidance is infeasible; and data recovery for non-unique cultural resources. The preferred option is preservation (avoidance).
- c) Human Remains.
 - i) The Property Owner or their representative shall contact the County Coroner and the City of Encinitas Development Services.
 - ii) Upon identification of human remains, no further disturbance shall occur in the area of the find until the County Coroner has made the necessary findings as to origin. If the human remains are to be taken off site for evaluation, they shall be accompanied by the Luiseno Native American monitor.

- iii) If the remains are determined to be of Native American origin, the Most Likely Descendant (MLD), as identified by the Native American Heritage Commission (NAHC), shall be contacted by the Property Owner or their representative in order to determine proper treatment and disposition of the remains.
- iv) The immediate vicinity where the Native American human remains are located is not to be damaged or disturbed by further development activity until consultation with the MLD regarding their recommendations as required by Public Resources Code Section 5097.98 has been conducted.
- v) Public Resources Code §5097.98, CEQA §15064.5 and Health & Safety Code §7050.5 shall be followed in the event that human remains are discovered.

3) Rough Grading

- a) Monitoring Report. Upon completion of Rough Grading, a monitoring report shall be prepared identifying whether resources were encountered. A copy of the monitoring report shall be provided to the South Coastal Information Center and any culturally-affiliated tribe who requests a copy.

4) Final Grading

- a) Final. Report. A final report shall be prepared substantiating that earth-disturbing activities are completed and whether cultural resources were encountered. A copy of the final report shall be submitted to the South Coastal Information Center and any culturally-affiliated tribe who requests a copy.
- b) Cultural Material Conveyance
 - i) The final report shall include evidence that all prehistoric materials have been curated at a San Diego curation facility or Tribal curation facility that meets federal standards per 36 CFR Part 79, or alternatively have been repatriated to a culturally affiliated tribe.
 - ii) The final report shall include evidence that all historic materials have been curated at a San Diego curation facility that meets federal standards per 36 CFR Part 79.

Implementation of the mitigation measures outlined above would ensure impacts to archeological resources remain less than significant.

- c) Disturb any human remains, including those interred outside of dedicated cemeteries?
- | | |
|--|---|
| ☐ Potentially Significant Impact | ☐ Less than Significant Impact |
| ☒ Less Than Significant With Mitigation Incorporated | ☐ No Impact |

Discussion/Explanation:

Less than Significant with Mitigation: A cultural resources report titled, Cultural Resources Inventory and Evaluation Report for the Zona Gale Estates Project, City of Encinitas, California (May 2023), prepared by Dudek, determined that no prehistoric or historical burials, including those interred outside of dedicated cemeteries, were identified within the Project

area. Therefore, the likelihood of encountering human remains within the subsurface of the Project area is low. However, the possibility of encountering human remains within the Project area exists.

Per MM-CUL-1, in the event that human remains, or remains that are potentially human, are uncovered during Project construction, a qualified archeologist would be required to ensure reasonable protection measures are taken to protect the discovery from disturbance (Assembly Bill [AB] 2641). Work may not resume within the no-work radius until the City, through consultation as appropriate, determines that the treatment measures have been completed to its satisfaction. Therefore, the Project would result in less than significant impacts with mitigation.

VI. ENERGY -- Would the project:

- a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

- | | |
|---|--|
| ☐ Potentially Significant Impact | ☒ Less than Significant Impact |
| ☐ Less Than Significant With Mitigation Incorporated | ☐ No Impact |

Discussion/Explanation:

Less than Significant Impact:

Construction

During construction, the proposed 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. Project construction equipment would be required to comply with the latest Environmental Protection Agency (EPA) and CARB engine emissions standards. These standards require highly efficient combustion systems that maximize fuel efficiency and reduce unnecessary fuel consumption.

As such, Project construction would not represent a substantial increase in demand for local or regional energy supplies. It is expected that construction fuel consumption associated with the proposed Project would not be any more inefficient, wasteful, or unnecessary than other similar development projects of this nature.

Operation

The proposed Project would meet or exceed 2019 Title 24 energy efficiency requirements. The proposed Project would also comply with CALGreen Tier II standards. Other energy-saving features incorporated into the proposed development include restrictions on natural gas hearths,

implementing low-flow water fixtures, drought-tolerant landscaping, ENERGY STAR appliances, high-efficiency HVAC systems, and stormwater reuse systems on site to collect, filter and reuse captured stormwater in landscaped areas. Therefore, the proposed Project would not result in wasteful, inefficient, or unnecessary consumption of energy resources during operation.

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

☐ Potentially Significant Impact

☐ Less than Significant Impact

☐ Less Than Significant With
Mitigation Incorporated

☒ No Impact

Discussion/Explanation:

No Impact: The proposed Project would follow applicable energy standards and regulations during the construction and operational phases. The proposed Project would meet or exceed 2019 Title 24 energy efficiency requirements. The proposed Project would also comply with CALGreen Tier II standards. Further, the Project would not conflict with or obstruct implementation of the City of Encinitas Climate Action Plan (CAP). Therefore, the proposed Project would not conflict with or obstruct state or local plans for renewable energy or energy efficiency would occur. Impacts would be less than significant.

VII. GEOLOGY AND SOILS -- Would the project:

a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

i. 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? Refer to Division of Mines and Geology Special Publication 42.

☐ Potentially Significant Impact

☒ Less than Significant Impact

☐ Less Than Significant With
Mitigation Incorporated

☐ No Impact

A Geotechnical Investigation has been prepared by Leighton and Associates (May 2019), and is included herein as Appendix D.

Discussion/Explanation:

Less than Significant Impact: The Project site is not located within any State mapped Earthquake Fault Zones or County of San Diego mapped fault zones. The seismic risk at this site is similar to that of the surrounding developed area. Therefore, impacts would be less than significant.

ii. Strong seismic ground shaking?

☐ Potentially Significant Impact

☒ Less than Significant Impact

☐ Less Than Significant With
Mitigation Incorporated

☐ No Impact

Discussion/Explanation:

Less than Significant Impact: The site is considered to lie within a seismically active region, as is all of Southern California. As noted in Appendix D, the nearest active fault is the Rose Canyon fault zone located approximately 4 miles west of the Project site. However, the Project site is not located within any State mapped Earthquake Fault Zones or County of San Diego mapped fault zones. The seismic risk at this site is similar to that of the surrounding developed area. Severe ground shaking is most likely to occur during an earthquake on one of the regional active faults in Southern California. The effect of seismic shaking would be minimized by adhering to the California Building Code or seismic design parameters of the Structural Engineers Association of California. Overall, impacts would be less than significant.

iii. Seismic-related ground failure, including liquefaction?

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|---|--|
| ☐ Potentially Significant Impact | ☒ Less than Significant Impact |
| ☐ Less Than Significant With Mitigation Incorporated | ☐ No Impact |

Discussion/Explanation:

Less than Significant Impact: Liquefaction of cohesionless soils can be caused by strong vibratory motion due to earthquakes. Research and historical data indicate that loose, granular soils underlain by a near-surface ground water table are most susceptible to liquefaction, while the stability of most silty sands and clays is not adversely affected by vibratory motion. As noted in Appendix D, the on-site soils are not considered liquefiable due to their dense condition and absence of a shallow water condition. Therefore, the potential for liquefaction would be considered less than significant.

iv. Landslides?

- | | |
|---|--|
| ☐ Potentially Significant Impact | ☒ Less than Significant Impact |
| ☐ Less Than Significant With Mitigation Incorporated | ☐ No Impact |

Discussion/Explanation:

Less than Significant Impact: As noted in Appendix D, no landslides or indications of deep-seated land-sliding were indicated at the Project site. In addition, based on review of available geologic literature, topographic maps, and stereoscopic aerial photographs, no evidence of landslides were indicated at the Project site. The site is generally underlain by favorable oriented geologic structures, consisting of massively bedded sandstone. Therefore, the potential for landslides or large-scale slope instability is considered low. Impacts would be less than significant.

b) Result in substantial soil erosion or the loss of topsoil?

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|---|--|
| ☐ Potentially Significant Impact | ☒ Less than Significant Impact |
| ☐ Less Than Significant With Mitigation Incorporated | ☐ No Impact |

Discussion/Explanation:

Less than Significant Impact: The Project would not result in substantial soil erosion or the loss of topsoil. The Project involves grading on site and would be required to comply with the City's Grading, Erosion, and Sediment Control Ordinance. Compliance with these regulations would minimize the potential for water and soil erosion. In addition, a Storm Water Quality Management Plan (SWQMP) and Drainage Study (May 2020) have been prepared by Pasco Laret Suiter & Associates for the Project and is included herein as Appendix E and F. Proposed new stormwater drainage facilities would include infiltration basins to capture runoff and protect downstream resources. Due to these factors, it has been found that the Project would not result in substantial soil erosion or the loss of topsoil, and impacts would be less than significant.

- c) 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 an on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

- | | |
|---|--|
| ☐ Potentially Significant Impact | ☒ Less than Significant Impact |
| ☐ Less Than Significant With Mitigation Incorporated | ☐ No Impact |

Discussion/Explanation:

Less than Significant Impact: In order to assure that Project components are adequately supported, a Geotechnical Investigation was prepared for the Project(Appendix D). The investigation found that excessive swelling or shrinkage of surficial soil/rock due to wetting and drying over time is not anticipated. The investigation evaluated the strength of underlying soils and provided recommendations on foundation design. The investigation demonstrated that the site would be suitable for development when constructed in accordance with structural stability standards required by the California Building Code, and in compliance with the Grading Ordinance.

Because of the dense nature of the soil materials underlying the site and the lack of near surface water, the potential for lateral spreading, liquefaction, subsidence or seismically induced dynamic settlement at the site is considered low. The effects of seismic shaking can be reduced by adhering to the most recent edition of the California Building Code and current design parameters of the Structural Engineers Association of California. Therefore, the impacts are less than significant.

- d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

- | | |
|---|--|
| ☐ Potentially Significant Impact | ☒ Less than Significant Impact |
| ☐ Less Than Significant With Mitigation Incorporated | ☐ No Impact |

Discussion/Explanation:

Less than Significant Impact: As noted in Appendix D, based on laboratory testing and observations, it is anticipated that on-site soil materials possess a very low to low expansion potential. Although not anticipated, should an abundance of highly expansive materials be encountered, selective grading may need to be performed. In addition, to accommodate conventional foundation design, the upper 5 feet of materials within the building pad and 5 feet outside the limits of the building foundation should have a very low to low expansion potential. The Project will be designed and constructed in compliance with the California Building Code design standards and incorporate geotechnical recommendations to ensure soil stability and proper engineering design, thus reducing potential impacts related to geologic units or soils to a less than significant level. Therefore, the Project would not create a substantial risk to life or property and impacts would be less than significant.

- e) 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?

☐ Potentially Significant Impact	☐ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated	☒ No Impact

Discussion/Explanation:

No Impact: The Project does not propose any septic tanks or alternative wastewater disposal systems. The Project would connect to the Leucadia Wastewater District. Therefore, the Project would have no impact related to the use of septic tanks or alternative wastewater disposal systems.

- f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

☐ Potentially Significant Impact	☐ Less than Significant Impact
☒ Less Than Significant With Mitigation Incorporated	☐ No Impact

Discussion/Explanation:

San Diego County has a variety of geologic environments and geologic processes which generally occur in other parts of the state, country, and the world.

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.

Based on the City's General Plan Figure 4, Cultural Resource Sensitivity, the site is mapped as having low sensitivity for paleontological resources. However, there is a possibility of the unanticipated discovery of paleontological resources during ground-disturbing activities as well as the potential to damage or destroy paleontological resources that may be present below the ground surface. Therefore, mitigation would be required in order to reduce impacts to less than significant (**MM-GEO-1**).

MM-GEO-1: A Paleontological Data Recovery and Monitoring Plan will be made a condition of approval for the potential discovery of buried resources as outlined below:

1. Prior to grading permit issuance, during grading and excavation activities, and prior to building 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 M.S. or Ph.D. 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 pre-construction 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 on a full-time basis during the original cutting of previously undisturbed portions of the underlying very old paralic deposits. 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.
 - 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.

VIII. GREENHOUSE GAS EMISSIONS -- Would the project

- a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?
- | | |
|---|--|
| ☐ Potentially Significant Impact | ☒ Less than Significant Impact |
| ☐ Less Than Significant With Mitigation Incorporated | ☐ No Impact |

Discussion/Explanation:

Less than Significant Impact: At the time the Project application was submitted, the City applied an interim screening threshold for projects that would exceed 900 MT CO₂e/year, which is applied for this analysis. This threshold is based on guidance in the California Air Pollution Control Officers Association's (CAPCOA's) CEQA & Climate Change report (January 2008). The GHG emissions associated with 50 single-family dwelling units was estimated and were found to be 900 metric tons. The 900 MTCO₂e/year screening threshold was developed by analyzing the capture of 90 percent or more of future discretionary development for residential projects. The CEQA & Climate Change report references an annual 900-MT guideline as a conservative threshold for requiring further analysis and is based on a project's vehicle trips, electricity generation, natural gas consumption/combustion, water usage, and solid waste generation. If a project would exceed this threshold, a GHG Emissions Assessment must be prepared. The proposed project is not anticipated to exceed this threshold because it would only include a total of nine single-family units, which is less than 20% of the 50 single-family homes identified by the CAPCOA 2008 report; therefore, no GHG emissions assessment was prepared.

CalEEMod was run to confirm that emissions would be below 900MT CO₂e annually. The results are shown in Table 4, below. For purposes of determining annual emissions, the total construction emissions of 339.7MT CO₂e were amortized over a 30-year project life. However,

it is noted that even if all construction were to occur in one year and operation were to also occur for that full year, emissions would still be below 900MT CO₂e.

Table 4, Annual GHG Emissions (Construction and Operation)

Source	CO ₂	CH ₄	N ₂ O	CO ₂ e
Area	13.3055	8.6900e-003	7.3000e-004	13.7405
Electrical Usage	27.6348	1.2500e-003	3.2000e-004	27.7610
Natural Gas	83.6074	5.8800e-003	3.7500e-003	84.8706
Mobile	2.1639	0.1279	0.0000	5.3609
Waste	3.0621	0.0193	4.7000e-004	3.6850
Water	13.3055	8.6900e-003	7.3000e-004	13.7405
Subtotal				135.42
Total Construction Emissions				339.7
Amortized Construction Emissions				11.3
Project Total GHG Emissions				146.72

The Project would produce minimal GHG emissions during construction activities, however, the construction manager would be required to comply with San Diego Air Pollution Control District Rules 50, Visible Emissions, Rule 51, Nuisance, and Rule 55, Fugitive Dust Control and applicable best management practices such as using low-emission construction vehicles and equipment.

During operation, the proposed Project would generate GHG emissions associated with buildings (purchased electricity), water consumption (energy embodied in potable water), solid waste management (including transport and landfill gas generation), and vehicle trip emissions.

According to the City's 2020 CAP, which was the current CAP at the time the Project application was submitted, single-family development is required to install 1.5W of solar per square foot (City Action RE-2). Therefore, to be consistent with the CAP, the proposed Project is required to install at minimum 44 kW of solar. The proposed Project would also install low flow water fixtures in all residential units, provide separate waste containers to allow for simpler materials separation, provide circuit capacity in all 9 residential garages for use by electric vehicles, install high-efficiency water heaters and HVAC systems, install water efficient/drought tolerant landscape, and would comply with CALGreen Tier II standards. Finally, the Project has elected to have all electrical heating, ventilation and air condition, electric washing machines, and electric appliances such as stoves and ovens, consistent with the City's CAP Checklist GHG reduction strategies.

Therefore, 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.

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

- | | |
|---|--|
| ☐ Potentially Significant Impact | ☒ Less than Significant Impact |
| ☐ Less Than Significant With Mitigation Incorporated | ☐ No Impact |

Discussion/Explanation:

Less than Significant Impact:

California Air Resources Board 2008 and 2017 Scoping Plans

AB 32 establishes a statewide goal to reduce GHG emissions back to 1990 levels by 2020. 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. 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 proposed Project would comply with all applicable regulations adopted in furtherance of the 2008 and 2017 Scoping Plans to the extent required by law.

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. Implementation of the proposed Project would result in an increase in nine residential units, which is consistent with what was included in the City's General Plan. Therefore, the Project would not conflict with SANDAG's regional growth forecast for the City.

Additionally, the proposed Project includes energy efficiency features that support the policy objectives of the Sustainable Communities Strategy and Regional Transportation Plan required by SB 375.

City of Encinitas Climate Action Plan

The City adopted an update to the 2011 CAP in January 2018, which underwent an interim revision in 2020.¹ Since the adoption of the City's first CAP, new methods for calculating GHG emissions and projecting future emissions have been developed. In addition, 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 proposed Project would be subject to requirements of the CAP, as applicable.

Construction features required of new housing includes energy efficient water heaters, rooftop solar panels, and low-flow flow fixtures, all of which the proposed Project would implement. As such, the proposed Project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHG. Impacts would be less than significant.

IX. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:

- a) Create a significant hazard to the public or the environment through the routine transport, storage, use, or disposal of hazardous materials or wastes or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

☐ Potentially Significant Impact	☒ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated	☐ No Impact

Discussion/Explanation:

Less than Significant Impact: The routine transport, use, and disposal of hazardous materials can result in potential hazards to the public through accidental release. Such 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 nine single-family residential units and associated infrastructure improvements. Construction of the proposed Project may result in temporary hazards related to the transport and use of hazardous materials, including those used for construction vehicle use and maintenance (diesel fuel, motor oil, etc.). The Storm Water Pollution Prevention Plan (SWPPP) prepared for the proposed Project includes standard provisions to avoid significant effects associated with the use of such materials. Once operational, the proposed Project would not result in the routine transport, use, or disposal of hazardous materials due to the nature of residential uses.

Adherence to existing regulations would ensure compliance with safety standards related to use and storage of hazardous materials. Safety procedures mandated by applicable federal, state,

¹ The City adopted a comprehensive CAP update in 2025; however, the 3rd CAP version dated 2020 was the current CAP at the time the Project application was submitted.

and local laws and regulations would ensure substances are handled appropriately and minimize the potential for an accidental release. Impacts would be less than significant.

b) 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?

- | | |
|---|--|
| ☐ Potentially Significant Impact | ☒ Less than Significant Impact |
| ☐ Less Than Significant With Mitigation Incorporated | ☐ No Impact |

Discussion/Explanation:

Less than Significant Impact: 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 would 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.

Once the Project is operational, hazardous material use associated with the residences, landscaping, and maintenance would be limited to private use of commercially available cleaning products, landscaping chemicals, and fertilizers. The use of these substances is expected to be in relatively small quantities, 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. Impacts would be less than significant.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

- | | |
|---|--|
| ☐ Potentially Significant Impact | ☒ Less than Significant Impact |
| ☐ Less Than Significant With Mitigation Incorporated | ☐ No Impact |

Discussion/Explanation:

Less than Significant Impact: The Project site is located 1.1 miles north of Oak Crest Middle School. No schools are located within a quarter mile, therefore the Project would have less than significant impacts.

- d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, or is otherwise known to have been subject to a release of hazardous substances and, as a result, would it create a significant hazard to the public or the environment?

- | | |
|---|---|
| ☐ Potentially Significant Impact | ☐ Less than Significant Impact |
| ☐ Less Than Significant With Mitigation Incorporated | ☒ No Impact |

Discussion/Explanation:

No Impact: The Project site is not located on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. No impacts would result.

- e) For a project located within 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 result in a safety hazard or excessive noise for people residing or working in the project area?

- | | |
|---|---|
| ☐ Potentially Significant Impact | ☐ Less than Significant Impact |
| ☐ Less Than Significant With Mitigation Incorporated | ☒ No Impact |

Discussion/Explanation:

No impact: There are no public or private airports within 2 miles of the Project site, and the Project site is outside of an airport land use plan. The closest (public) airport is McClellan-Palomar Airport, approximately 5.9 miles north of the Project site, and there are no private airstrips in the immediate vicinity. Therefore, no impact would occur.

- f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

- | | |
|---|--|
| ☐ Potentially Significant Impact | ☒ Less than Significant Impact |
| ☐ Less Than Significant With Mitigation Incorporated | ☐ No Impact |

Discussion/Explanation:

The following sections summarize the Project's consistency with applicable emergency response plans or emergency evacuation plans.

Operational Area Emergency Plan and multi-jurisdictional hazard mitigation plan:

Less than Significant Impact: The Operational Area Emergency Plan is a comprehensive emergency plan that defines responsibilities, establishes an emergency organization, defines lines of communications, and is designed to be part of the statewide Standardized Emergency Management System. The Operational Area Emergency Plan provides guidance for emergency planning and requires subsequent plans to be established by each jurisdiction that has responsibilities in a disaster situation. The Multi-Jurisdictional Hazard Mitigation Plan includes an overview of the risk assessment process, identifies hazards present in the jurisdiction, hazard profiles, and vulnerability assessments. The plan also identifies goals, objectives and actions for each jurisdiction in the County of San Diego, including all cities and the County unincorporated areas. The Project would not interfere with this plan because it would not prohibit subsequent plans from being established or prevent the goals and objectives of existing plans from being carried out.

ii. San Diego County Nuclear Power Station Emergency Response Plan

No Impact: The San Diego County Nuclear Power Station Emergency Response Plan would not be interfered with by the Project due to the location of the Project, plant and the specific requirements of the plan. The emergency plan for the San Onofre Nuclear Generating Station includes an emergency planning zone within a 10-mile radius. All land area within 10 miles of the plant is not within the jurisdiction of the City of Encinitas and as such a Project is not expected to interfere with any response or evacuation.

iii. Oil Spill Contingency Element

No Impact: The Oil Spill Contingency Element is intended to ensure adequate prevention and response planning for areas where oil production, storage, transport, or industrial use occurs. It is not applicable to typical residential land uses. The proposed project is a residential development with no industrial, commercial, or maintenance activities that would involve the use or storage of oil on site. During operation, no oil or petroleum-based products are expected to be used or stored on site beyond what is typical for household vehicles or small-scale landscaping equipment used by future residents.

Construction may involve limited use of fuels or lubricants; however, all construction activities would be required to comply with standard best management practices to prevent spills and avoid site contamination. Therefore, the project would not interfere with or conflict with the Oil Spill Contingency Element. In the unlikely event of an unauthorized release, notification procedures, such as contacting the California State Warning Center and the National Response Center, would be followed in accordance with state and federal requirements.

iv. Emergency Water Contingencies Annex and Energy Shortage Response Plan

No Impact: The Emergency Water Contingencies Annex and Energy Shortage Response Plan would not be interfered with because the Project does not include the alteration of a major water or energy supply infrastructure, such as the California Aqueduct.

v. Dam Evacuation Plan

No Impact: The Dam Evacuation Plan would not be interfered with because the Project is not located within a dam inundation zone.

g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

- | | |
|---|--|
| ☐ Potentially Significant Impact | ☒ Less than Significant Impact |
| ☐ Less Than Significant With Mitigation Incorporated | ☐ No Impact |

Discussion/Explanation:

Less than Significant Impact: According to CalFire Fire Hazard Severity Zone Map, the Project site is located within a Very High Fire Hazard Severity Zone (CalFire 2009). The Project site is surrounded by similar single-family residential development to the east, west, and south, and the open space to the north is separated from the Project site by a roadway. Emergency response and evacuation is the responsibility of the City of Encinitas Fire Department. The proposed Project would be constructed in compliance with access and design requirements of the City of Encinitas Fire Department, including Project conditions of approval. In addition, the Project would be subject to payment of public safety services impact fees, which fund fire protection and emergency services in the City; these services support the overall wildfire response capacity, allowing wildfire events to be responded to in a timely manner. Additionally, payment of public safety impact fees ensure firefighters have adequate equipment to respond to and suppress wildfires.

A Fire Protection Plan (FPP) has been prepared for the proposed Project (Appendix J), including alternate methods for fire prevention that are subject to City Fire Department approval. As described in Appendix J, the Project incorporates site-specific measures such as Fuel Modification Zones (FMZs) around all structures, including Zone O immediately adjacent to buildings, which is cleared of combustible materials and includes non-combustible surfaces, and irrigated, low-fuel Zone 1 extending up to 53 feet from structures. Plantings within the FMZs are limited to fire-resistant, low growing, irrigated species, with fire-resistant trees properly spaced and vertically separated from underlying vegetation. These FMZs, combined with ongoing maintenance by property owners, reduce the likelihood of fire spreading from adjacent open space vegetation to Project structures and help prevent potential on-site fires from spreading off site.

Buildings on Lots 1 through 5 would also be constructed using ignition-resistant materials consistent with California Building Code Chapter 7A, including stucco exterior walls, code-

exceeding Type X gypsum on interiors, dual-pane tempered glass windows, no eave overhangs, and ember-resistant construction, and perimeter fuel management, these measures minimize the potential for radiant or convective heat from off-site wildfires to ignite Project structures. The Project would also adopt the “Ready, Set, Go?” evacuation program to ensure safe and timely evacuation in the event of a wildfire. Therefore, the proposed Project is not anticipated to directly or indirectly result in the significant risk of loss, injury, or death involving wildfires. Impacts would be less than significant.

X. HYDROLOGY AND WATER QUALITY -- Would the project:

- a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

☐ Potentially Significant Impact	☒ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated	☐ No Impact

Preliminary Hydrology, Hydraulics, and Stormwater Treatment Study (May 2020; Appendix E) and Priority Development Project (PDP) Storm Water Quality Management Plan (SWQMP) (May 2020; Appendix F), have been prepared to demonstrate that the Project would comply with all operational requirements.

Discussion/Explanation:

Less than Significant Impact: 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 Storm Water Pollution Prevention Plan (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 “nonvisible” 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.

Potential pollutants due to long-term occupancy 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. The Project proposes the use of biofiltration basins to meet the treatment and flow control requirements listed in the City of Encinitas BMP Manual for post-construction BMPs.

In general, the site slopes from the south toward the north and west and leads to an existing concrete drainage ditch. There is an existing steep slope off site to the east that slopes down to Via Cantebria. Stormwater from the site drains west to the existing concrete drainage ditch, then north along the ditch and outlets onto W. Bluff Drive. From there it sheet flows along the street toward Via Cantebria, then south toward an existing public storm drain curb inlet near the intersection of Via Cantebria and Via Montoro where it is ultimately conveyed to the Pacific Ocean.

Once the site is developed, runoff would drain to proposed stormwater infrastructure that would outlet into the proposed bioretention treatment basin. Stormwater would be caught in a subdrain system, or overflow into one of two proposed 36-inch grate inlets where it would all outlet to a proposed storm drain pipe that flows east toward Via Cantebria, and down the existing slope and out to a proposed curb outlet onto Via Cantebria. From there it would sheet flow north to the existing curb inlet, and ultimately out to the Pacific Ocean.

The proposed Project and proposed storm drain design would be capable of safely conveying the 100-year storm runoff flow, and has included many instruments into the storm drain system design to ensure that the discharge from the Project site is of the best possible quality and would not pose any potential impact or threats to the water quality of the Pacific Ocean, or the public storm drain system. Therefore, the Project would have less than significant impacts on water quality standards and discharge requirements, as well as degradation of surface and groundwater quality in general.

- b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin?

☐ Potentially Significant Impact	☒ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated	☐ No Impact

Discussion/Explanation:

Less than Significant Impact: public water service for the Project would be provided by the Olivenhain Municipal Water District (OMWD). The Project does not include the use of groundwater wells. Project implementation would not include development activities that could otherwise deplete groundwater supplies. Groundwater infiltration would be maintained through Project design including detention basins and low impact design requirements of the Municipal Separate Storm Sewer System (MS4) permit. This includes management practices, control techniques, system design and engineering methods, and other measures as appropriate. The proposed Project would not interfere substantially with groundwater recharge, and potential impacts to groundwater supplies would be less than significant.

- c) Could the proposed project cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses?

☐ Potentially Significant Impact	☒ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated	☐ No Impact

Discussion/Explanation:

Less than Significant Impact: See responses above. With implementation of BMPs during construction as required by a SWPPP, the Project would not result in substantial erosion or siltation on or off site. Post construction BMPs described in the SWQMP. As indicated, with implementation of BMPs the Project would not alter drainage patterns but would instead maintain and improve the existing storm drainage. Impacts would be less than significant.

d) 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 surface, in a manner which would:

(i) result in substantial erosion or siltation on or off site;

☐ Potentially Significant Impact

☒ Less than Significant Impact

☐ Less Than Significant With
Mitigation Incorporated

☐ No Impact

Discussion/Explanation:

Less than Significant Impact: As outlined in the PDP SWQMP prepared for the Project, the Project would implement the following site design measures, source control, and/or permanent post construction pollutant and hydro-modification control BMPs to reduce potential pollutants, including sediment from erosion or siltation, to the maximum extent practicable from entering storm water runoff: permeable surfaces and biofiltration basins.

Runoff would be directed to the proposed infiltration basins located at the northern end of the facility and along the access driveway. These measures would control erosion and sedimentation and satisfy waste discharge requirements. The PDP SWQMP specifies and describes the implementation process of all BMPs that would address equipment operation and materials management, prevent the erosion process from occurring, and prevent sedimentation. The Engineering Department – Land Development Engineering Division would ensure that the plan is implemented as proposed. Due to these factors, the Project would not result in significantly increased erosion or sedimentation potential and impacts would be less than significant.

(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site;

☐ Potentially Significant Impact

☒ Less than Significant Impact

☐ Less Than Significant With Mitigation
Incorporated

☐ No Impact

Discussion/Explanation:

Less than Significant Impact: The proposed Project would not substantially alter the drainage pattern that could increase the rate or amount of surface runoff leading to flooding on, or off site. As stated in Appendix E, the existing 100-year peak discharge from the site is 4.93 cubic feet per second (cfs). The post-developed condition with proposed stormwater drainage

improvements would result in 100-year peak discharge of 2.56 cfs. Thus, the proposed Project and storm drain design would be capable of safely conveying the 100-year storm runoff flow. Therefore, the Project would not substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site. Impacts would be less than significant.

(iii) 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; or

- | | |
|---|--|
| ☐ Potentially Significant Impact | ☒ Less than Significant Impact |
| ☐ Less Than Significant With Mitigation Incorporated | ☐ No Impact |

Discussion/Explanation:

Less than Significant Impact: As discussed above, the Project would not create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff. Impacts would be less than significant.

(iv) impede or redirect flood flows?

- | | |
|---|--|
| ☐ Potentially Significant Impact | ☒ Less than Significant Impact |
| ☐ Less Than Significant With Mitigation Incorporated | ☐ No Impact |

Discussion/Explanation:

Less than Significant Impact: As discussed above, runoff would be directed to proposed infiltration basins which would maintain flow below pre-development values. Flows would be controlled at the points where existing runoff leaves the property. Therefore, the Project would not impede or redirect flows. Impacts would be less than significant.

e) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

- | | |
|---|---|
| ☐ Potentially Significant Impact | ☐ Less than Significant Impact |
| ☐ Less Than Significant With Mitigation Incorporated | ☒ No Impact |

Discussion/Explanation:

No Impact: 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 between the site and large, open bodies of water, inundation of the site due to a seiche event is not anticipated. Additionally, the Project site is located in Zone X as illustrated on FEMA map panel 06073C1042H, which is outside of the FEMA-mapped 100-year floodplain. Therefore, the potential for on-site flooding is considered 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.

- f) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

☐ Potentially Significant Impact	☒ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated	☐ No Impact

Discussion/Explanation:

Less than Significant Impact: The Project site would be in compliance with the San Diego Basin Water Quality Control Plan and is not located within a County Sustainable Groundwater Management Act or Groundwater Sustainability Plan basin area. See responses above. Therefore, 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.

XI. LAND USE AND PLANNING -- Would the project:

- a) Physically divide an established community?

☐ Potentially Significant Impact	☒ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated	☐ No Impact

Discussion/Explanation:

Less than Significant Impact: The Project does not propose the introduction of new major infrastructure such as roadways, water supply systems or utilities to the area. Therefore, the Project is considered consistent with surrounding land uses and would not significantly disrupt or physically divide an established community. Impacts would be less than significant.

- b) 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?

☐ Potentially Significant Impact	☒ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated	☐ No Impact

Discussion/Explanation:

Less than Significant Impact: The City of Encinitas General Plan and Zoning Ordinance designates the Project site as R-3 Residential (single-family residential) which allows for three dwelling units per acre. Based on the Project's acreage of 1.79 acres, a total of 6 dwelling units would be permitted on the Project site ($1.79 * 3 \text{ du/ac} = 5.37$ which rounds up to 6 units). However, the Project also proposed to implement state Density Bonus law by providing for one very low-income unit (affordable to households earning no more than 50 percent of the area median income), which represent 16.7% of the base unit count (1 of 6). Based on providing an

affordable unit, the Project is eligible for a 35% density bonus, which allows for the total of 8.1 dwelling units, which rounds up to a total of nine dwelling units, including one affordable unit.

Relative to the Development Standards and Policies, the proposed Project would be consistent with these standards as determined by the City's review of the Project's proposed components. The proposed Project would adhere to Density Bonus Law by providing eight market-rate units and one "very low" income unit. Waivers of development standards (as defined by the State Density Bonus Law 65915) are proposed as authorized by Encinitas Municipal Code Section 30.16.020C (Density Bonus Regulations), including: setbacks, minimum lot width, minimum lot depth, minimum lot area, panhandle width, guest parking and lot coverage. Thus, the proposed Project is consistent with the underlying land use and zoning.

The Project site is not located within the Hillside/Inland Bluff Overlay Zone.(HIBO) HIBO applies to parcels where site-specific analysis indicates that 10% or more of the area of a parcel of land exceeds 25% slope. Per the site-specific Gross Slope Stability Analysis, (Appendix D), less than 10% of the Project site contains slopes exceeding 25%. Therefore, the Project site does not meet the criteria for HIBO and would not be subject to the associated restrictions.

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. Policy 3.6 of the City General Plan states "Future development shall maintain significant mature trees to the extent possible and incorporate them into the design of development projects." As described above in Section IV., Biological Resources, the Project site contains six Torrey pine trees. While these trees are not considered mature trees of community significance under City Policy 3.1, any trees removed during Project implementation would be subject to the City's 1:1 tree replacement requirement. Replacement trees would be planted in accordance with the City's standards to ensure maintenance of tree canopy and landscape character on site.

The City's CAP requires all new housing be constructed with rooftop solar panels, low-flow fixtures, and solar water heaters, all of which the Project proposes to incorporate. At the time of preparation of this MND, the City has not adopted implementing ordinances for these requirements. Refer to the GHG section above for a summary of proposed Project measures consistent with the City's CAP. As determined therein, the proposed Project would not impede implementation of the City's CAP.

Overall, the Project would not conflict with any land use plan, policy, or regulation adopted for the purposes of avoiding or mitigating an environmental effect. Impacts would be less than significant

XII. MINERAL RESOURCES -- Would the project:

- 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?
- | | |
|---|---|
| ☐ Potentially Significant Impact | ☐ Less than Significant Impact |
| ☐ Less Than Significant With Mitigation Incorporated | ☒ No Impact |

Discussion/Explanation:

No impact: No known mineral resource recovery sites occur or are designated within or adjacent to the Project site. 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. There would be no impact.

- 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?
- | | |
|---|---|
| ☐ Potentially Significant Impact | ☐ Less than Significant Impact |
| ☐ Less Than Significant With Mitigation Incorporated | ☒ No Impact |

Discussion/Explanation:

No Impact: The Project site is not in an area designated by the State 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. There would be no impact.

XIII. NOISE -- Would the project result in:

- a) 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?
- | | |
|---|--|
| ☐ Potentially Significant Impact | ☒ Less than Significant Impact |
| ☐ Less Than Significant With Mitigation Incorporated | ☐ No Impact |

A Noise Impact Analysis was prepared by Eilar Associates, Inc. Acoustical and Environmental Consulting (June 2019) and is included as Appendix G.

Discussion/Explanation:

Less than Significant Impact:

Construction Noise

The proposed Project involves the construction of 9 single-family residences. Temporary noise impacts associated with construction of the Project would occur. The City of Encinitas Municipal Code (Section 9.32.410) states that construction activity is prohibited except on Monday through Saturday between the hours of 7 a.m. and 7 p.m. Construction activity is also prohibited on Sundays and legal holidays. During permissible hours of operation, noise levels from construction activity may not exceed an eight-hour average sound level limit of 75 dBA at any time. An analysis of temporary construction noise considering typical and anticipated activity on site demonstrates that construction noise impacts are expected to be below an hourly average noise level of 75 dBA at surrounding residential properties.

Table 5. Temporary Construction Noise Levels at Western Property Line

Phase	Equipment Used	Receiver	12-Hour Avg. Noise Level of Equipment (dBA)
Grading	Backhoe, Dump Truck, Excavator, Grader, Loader, Tractor	C1	71.2
Utilities	Back Hoe, Drill Rig, Excavator, Mounting Impact Hammer (Hoe Ram)	C1	69.8
Paving	Concrete Mixer Truck, Concrete Pump, Paver, Roller	C1	66.3
Building Construction	Air Compressor, Forklift, Generator, Welder	C1	58.3

As shown above, average hourly noise levels are anticipated to remain below 75 dBA at the nearest noise-sensitive occupied receivers to the west. Any other noise-sensitive properties are located at a greater distance would therefore be exposed to lesser noise levels. Provided construction is limited to the allowable hours of the City of Encinitas and equipment is maintained in proper working condition, temporary noise impacts are expected to be less than significant.

Nonetheless, the following “good practice” measures should still be practiced as Project Design Features:

1. Staging areas should be placed as far as possible from residential receivers.
2. Place stationary equipment in locations that will have a lesser noise impact on nearby sensitive receivers.
3. Turn off equipment when not in use.
4. Limit the use of enunciators or public address systems, except for emergency notifications.

5. Equipment used in construction should be maintained in proper operating condition, and all loads should be properly secured, to prevent rattling and banging.
6. Schedule work to avoid simultaneous construction activities that both generate high noise levels.
7. Use equipment with effective mufflers.
8. Minimize the use of backup alarms.

Operational Noise

According to the City of Encinitas Municipal Code, Chapter 30.40, average hourly noise levels shall not exceed 50 dBA Leq between the hours of 7 a.m. and 10 p.m. and 45 dBA Leq between the hours of 10 p.m. and 7 a.m. at R-3 zones. A substantial temporary or permanent increase in ambient noise levels is considered to be an increase of three decibels or more, which would represent a doubling of sound energy. These noise limits were applied to noise impacts generated at the Project site by HVAC equipment. Noise levels of proposed permanent Project-related mechanical equipment were calculated at surrounding property lines to the east, south, and west. The results are shown in Table 6, below.

Table 6. Ambient Noise Levels

Receiver	Description	Noise Level (dBA)		
		Existing Ambient	Ambient Plus Project	Increase
R1	West PL (across Zona Gale Rd)	48.5	48.5	0.0
R2	West PL (across Zona Gale Rd)	48.5	48.5	0.0
R3	West PL (across Zona Gale Rd)	48.5	48.5	0.0
R4	West PL (across Zona Gale Rd)	48.5	48.7	0.2
R5	South PL	48.5	49.6	1.1
R6	South PL	48.5	49.6	1.1
R7	South PL	48.5	49.9	1.4
R8	South PL	48.5	49.4	0.9
R9	East PL	48.5	49.0	0.5
R10	East PL	48.5	49.5	1.0
R11	East PL	48.5	49.4	0.9
R12	East PL	48.5	49.8	1.3
R13	East PL	48.5	49.2	0.7

As shown above, the increase in ambient noise levels is not expected to exceed the three-decibel threshold of significance with typical HVAC units that have a maximum sound power level of 70 dBA. Therefore, operational noise from HVAC units would be less than significant.

Traffic Noise

The proposed Project is expected to add approximately 90 Average Daily Trips (ADT) to surrounding roadways. Considering the existing traffic volumes present on roadways in the vicinity of the Project site, this increase would not double the total number of ADT which would be expected to increase sound levels. This is supported by Appendix G, which calculates the expected noise level increase due to project-related traffic. As summarized in Table 7 below, project-generated traffic noise is expected to be less than significant.

Table 7. Project-Generated Traffic Noise

Roadway	Traffic Volume (ADT)		Noise Level Increase (dB)
	Existing	Existing + Project	
Via Cantebria (North of Zona Gale Rd.)	14,661	14,679	0.0
Via Cantebria (South of Zone Gale Rd.)	14,867	14,939	0.0

b) Generation of excessive groundborne vibration or groundborne noise levels?

- | | |
|---|--|
| ☐ Potentially Significant Impact | ☒ Less than Significant Impact |
| ☐ Less Than Significant With Mitigation Incorporated | ☐ No Impact |

Discussion/Explanation:

Less than Significant Impact: During construction of the proposed Project, installation of proposed utility infrastructure, is expected to have the highest vibration levels. The two heaviest pieces of equipment on site are expected to be a hoe ram and an excavator (located near the east and west property lines of the Project site, respectively). According to the Federal Transit Administration Transit Noise and Vibration Assessment Manual (see reference), the daytime criteria for vibration annoyance levels at residences is 78 VdB. As construction activity is limited to daytime hours, this criteria of 78 VdB was applied to surrounding residential properties. Additionally, according to the FTA, the vibration damage criteria for non-engineered timber buildings (such as those in the vicinity of the Project site) is 0.2 Peak Particle Velocity (PPV, in/sec).

As stated in Appendix G, vibration annoyance calculations show that vibration levels at the surrounding residential property lines to the east and west are expected to be 61 VdB and 78 VdB, respectively. Vibration damage calculations show that vibration levels at the surrounding residential property lines to the east and west are expected to be 0.005 PPV (in/sec) and 0.032 PPV (in/sec), respectively. As vibration levels are expected to meet applicable criteria, this impact would be less than significant.

- c) 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 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?
- | | |
|---|---|
| ☐ Potentially Significant Impact | ☐ Less than Significant Impact |
| ☐ Less Than Significant With Mitigation Incorporated | ☒ No Impact |

Discussion/Explanation:

No Impact: The Project site is not located within an airport land use plan nor is it located within two miles of a private airstrip, public airport, or public use airport. Therefore, the proposed Project would not expose people working in the Project area to excessive noise levels from such uses.

XIV. POPULATION AND HOUSING -- Would the project:

- 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)?
- | | |
|---|--|
| ☐ Potentially Significant Impact | ☒ Less than Significant Impact |
| ☐ Less Than Significant With Mitigation Incorporated | ☐ No Impact |

Discussion/Explanation:

Less than Significant Impact: The proposed Project does not include construction of roads or other infrastructure that would induce substantial unplanned population growth. The proposed Project involves the construction of 9 single-family residences. Based on the City of Encinitas persons per household coefficient of 2.69 (U.S. Census Bureau 2021), the proposed Project would generate approximately 24 people. The Project site is designated and zoned for single-family residential and no General Plan Amendment or zoning change is proposed as part of the Project. Although the State Density Bonus is being utilized to increase the number of single-family units from the base allowed density of three dwelling units to nine dwelling units, including one affordable unit, the increase in population is only 16 people (eight people without density bonus and 24 people with density bonus).

As of 2020, the City of Encinitas had a population of 62,007 (U.S. Census Bureau 2020). The City has an estimated 2024 population of 60,750 people which represents a declining rate of -0.51% annually and a decrease of -2% since the 2020 census. Therefore, and increase in 16 people with the utilization of the State Density Bonus would not represent substantial unplanned growth. Therefore, the Project is consistent with what was assumed and planned for in the General Plan and impacts would be less than significant.

- b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

- | | |
|---|---|
| ☐ Potentially Significant Impact | ☐ Less than Significant Impact |
| ☐ Less Than Significant With Mitigation Incorporated | ☒ No Impact |

Discussion/Explanation:

No Impact: The proposed Project would not displace any existing people or housing because the Project site is presently vacant.

XV. PUBLIC SERVICES

- a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance service ratios, response times or other performance objectives for any of the public services:

- i. Fire protection?
- ii. Police protection?
- iii. Schools?
- iv. Parks?
- v. Other public facilities?

- | | |
|---|--|
| ☐ Potentially Significant Impact | ☒ Less than Significant Impact |
| ☐ Less Than Significant With Mitigation Incorporated | ☐ No Impact |

Discussion/Explanation:

Less than Significant Impact:

Fire Service

Based on the service availability form received by the Encinitas Fire Department (Appendix H), the Project is within the service boundary and is eligible for service. The nearest fire station is Fire Station No. 5 located approximately 0.65 mile south of the Project site (540 Balour Drive). From the most remote portion of the Project site with a calculated travel time of approximately 1 minutes and 46 seconds². Therefore, the Encinitas Fire Department can respond to the Project site within the City's adopted performance goal. Due to the Project site's proximity to existing fire stations and the existing service level maintained by the Encinitas Fire Department and because the proposed

² Calculated using the nationally recognized RAND Corporation formula used by the Insurance Services Office (ISO) Public Protection Classification Program's Response Time Standard: $(T=0.65 + 1.7D)$, where T=time and D=distance).

Project would meet all access, water, and protection system requirements, per the California Building Code and the California Fire Code as well as all other applicable City codes, the proposed Project would receive adequate Fire Department services in the event of an emergency.

Additionally, Title 23 of the City's Municipal Code requires the 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, to include station construction, station expansion, and fire apparatus acquisition (Municipal Code Section 23.92.040). The Project developer would be required to make payment of such fees prior to issuance of a building permit to reduce potential effects on the City's ability to provide adequate fire protection services. Therefore, the proposed Project would not result in a need for expanded or newly constructed facilities, the construction of which could cause significant environmental impacts.

Police Service

Law enforcement services would be provided by the San Diego County Sheriff's Department from its North Coastal Station. The station is located at 2175 North El Camino Real, approximately 1.3 miles east of the Project site. The station currently has adequate resources to respond to emergencies at the Project site. The development of 9 single-family residences would not adversely affect the level of law enforcement protection or response times from the North Coastal Station and would not require the hiring of sheriff's department staff. Implementation of the proposed Project would not result in the need for expanded or newly constructed facilities.

Schools

The Project site is located within the Encinitas Union School District (EUSD) and San Dieguito Union High School District (SDUHSD) and would contribute additional school aged children to Park Dale Lane Elementary School, Diegueno Middle School, and La Costa Canyon High School. EUSD has a student generation rate of 0.41 students per household, and SDUHSD has a student generation rate of 0.3 students per household. Based on these generation rates, the Project is anticipated to generate 4 elementary school students, and 3 middle/high school students.

Based on the service availability forms (Appendix H), the proposed Project would contribute to overcrowding of the elementary, middle, and high school. Based on a review of available data through the California Department of Education, each school has capacity for the additional students based on historical enrollment. Specifically, Park Dale Elementary School's enrollment for 2021/2022 was 438 students, however, as recently as 2019-2020 (prior to the COVID 19 pandemic), as many as 481 students were enrolled; therefore, the addition of 4 elementary school students would not be expected to exceed prior years enrollment.

Similar to Park Dale Elementary, Diegueno Middle School's enrollment dropped from 930 students in 2019-2020 to a total of 780 students in 2021-22; therefore, the increase of 3 students from the proposed Project is not expected to exceed previous enrollment totals. Likewise, La Costa Canyon enrollment experienced a decrease from a peak of 1,947 students in 2018-2019 to 1,647 students in 2021-22; therefore, the increase of 3 students from the proposed Project is not expected to exceed previous enrollment totals.

Because all three schools, while potentially experiencing overcrowding per the service availability forms, would not exceed previous years enrollment, it is not expected that new or expanded facilities would be required to serve the proposed Project. Further, all 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 the impacts of additional residential development on school facilities. The statutory fee is subject to change over time and the actual amount of fees required would be paid in accordance with applicable fees at the time of construction. Payment of this fee is intended to offset school district costs and is considered full mitigation by State statute.

Parks

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 City of Encinitas persons per household coefficient of 2.69 (U.S. Census Bureau 2021), the proposed Project would generate approximately 24 people. Generation of approximately 24 people would result in the need for 0.36 acres of recreational land. All residential development in the City, including the proposed 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. The current rate for homes in the R3 zone is \$10,751.00 per DU. Payment of this fee is intended to offset park and recreational costs and is considered full mitigation by State statute.

Other 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 additional public facility use from the anticipated residences would be negligible compared to the utilization of public facilities citywide. Given the small number of additional residents (24 people) and contribution of funds for community facilities, the Project would not result in substantial adverse physical impacts to other public facilities. the proposed Project would not result in a need for expanded or newly constructed facilities, the construction of which could cause significant environmental impacts.

XVI. RECREATION

- a) Would the project 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?
- | | |
|---|--|
| ☐ Potentially Significant Impact | ☒ Less than Significant Impact |
| ☐ Less Than Significant With Mitigation Incorporated | ☐ No Impact |

Discussion/Explanation:

Less than Significant Impact: The City of Encinitas Parks, Recreation and Cultural Arts Department maintains 153 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 2020e). The addition of 9 single-family residences and the generation of approximately 24 people would not result in substantial physical deterioration of existing neighborhood parks, regional parks, or other recreational facilities. In addition, the Project would pay applicable in lieu fees, including fees for park acquisition and development, open space land acquisition, and trail development. Finally, the Project would provide for usable private open space within each lot by complying with setbacks and lot coverage requirements. Impacts would be less than significant.

- b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

- | | |
|---|---|
| ☐ Potentially Significant Impact | ☐ Less than Significant Impact |
| ☐ Less Than Significant With Mitigation Incorporated | ☒ No Impact |

Discussion/Explanation:

No Impact: The Project does not include recreational facilities or require the construction or expansion of recreational facilities. However, there is an existing trail adjacent to the western boundary of the Project site that connects Zona Gale Road to West Bluff Drive. This trail would be improved to be consistently 8-feet wide and new decomposed granite would be used as the trail material. The improvements to this trail have been included in the site plans and analyzed as part of the proposed Project. Therefore, the construction or expansion of recreational facilities would not have an adverse physical effect on the environment.

XVII. TRANSPORTATION -- Would the project:

- a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

- | | |
|---|--|
| ☐ Potentially Significant Impact | ☒ Less than Significant Impact |
| ☐ Less Than Significant With Mitigation Incorporated | ☐ No Impact |

A Local Transportation Analysis was prepared by LOS Engineering (October 2025) and is included as Appendix I.

Discussion/Explanation:

Less than Significant Impact: The proposed Project does not propose any features that are inconsistent with applicable policies of the City's Circulation Element. As detailed in Appendix I, the proposed Project would generate 90 ADT, including seven (7) a.m. peak hour trips, and nine (9) p.m. peak hour trips. Under existing plus Project conditions, and existing plus Project plus cumulative conditions, the study intersections and street segments were calculated to operate

at LOS C or better. The addition of Project traffic would not exceed the significance thresholds. No conflict with an applicable program, plan, ordinance, or policy addressing the circulation system would occur with regard to roadways or intersections affected by the proposed Project.

The closest major transit station to the Project site is the Encinitas Transit Station, located approximately 2.6 miles to the west. The Transit Station also provides access to North County Transit District's (NCTD) COASTER (commuter heavy rail) and NCTD Bus Routes 101, 304, and 309. Therefore, residents of the proposed Project would have access to both the local and regional transit systems. No changes to the existing bus stop are proposed with the Project.

Via Cantabria has sidewalks and Class II bike lanes on either side of the roadway in the Project vicinity. Project implementation would not interfere with the continued use of such sidewalks or bike lanes and no new bike lanes are proposed as part of the Project. Sidewalks would be extended from Via Cantabria on to Zona Gale Road and continue along internal streets of the Project site.

As such, the proposed 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. Overall, impacts would be less than significant.

b) Would the project conflict or be consistent with CEQA Guidelines section 15064.3, subdivision (b)?

- | | |
|---|--|
| ☐ Potentially Significant Impact | ☒ Less than Significant Impact |
| ☐ Less Than Significant With Mitigation Incorporated | ☐ No Impact |

Discussion/Explanation:

Less than Significant Impact: In accordance with Senate Bill 743 (SB 743) and the City of Encinitas VMT Guidelines (2023), the Project's transportation impact was evaluated using VMT as the CEQA-relevant metric for mobility effectiveness. The Project's trip generation was calculated using the SANDAG trip rates from the Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region (April 2002), resulting in 90 ADT, including seven (7) a.m. peak hour trips (2 inbound and 5 outbound) and nine (9) p.m. peak hour trips (6 inbound and 3 outbound).

Guidance provided by the Institute of Transportation Engineers (ITE) recognizes that small land use projects, which fall below certain screening thresholds, would not have a significant effect on VMT. Projects that are below these thresholds are presumed to be less than significant. According to ITE's Regional Guidelines for Transportation Impact Studies in the San Diego Region (Regional TIS Guidelines), any project that generates fewer than 1,000 ADT if consistent with the City's General Plan, is not required to conduct a VMT analysis. The proposed Project would generate 90 ADT and is consistent with the City's General Plan.

Further, because the Project would generate less than 110ADT, it is considered a small project exempt from VMT analysis. This is based on the Office of Planning and Research (OPR) Technical Advisory which states that “projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than-significant impact.” This is supported by CEQA’s categorical exemption for existing facilities, including additions to existing structures of up to 10,000 square feet (i.e., which is equal to 110 ADT), so long as the project is in an area where public infrastructure is available to allow for maximum planned development, and the project is not in an environmentally sensitive area. (CEQA Guidelines, § 15301(e)(2).) Therefore, absent substantial evidence otherwise, it is reasonable to conclude that the addition of 110 or fewer trips could be considered not to lead to a significant impact. Therefore, impacts to VMT would be less than significant.

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

- | | |
|---|--|
| ☐ Potentially Significant Impact | ☒ Less than Significant Impact |
| ☐ Less Than Significant With Mitigation Incorporated | ☐ No Impact |

Discussion/Explanation:

Less than Significant Impact: The Project would not substantially increase driving hazards due to a geometric design feature or incompatible uses. A site distance exhibit has been prepared (Appendix I) to demonstrate safe and adequate minimum stopping site distances for the northbound and southbound traffic on Via Cantabria approaching the intersection with the Project driveway. The Project was determined to not adversely affect traffic safety and flow of traffic in the area.

In addition, the Project would not place incompatible uses (e.g., farm equipment) on existing roadways. Therefore, the Project would not significantly increase hazards due to design features or incompatible uses. Impacts would be less than significant.

d) Result in inadequate emergency access?

- | | |
|---|--|
| ☐ Potentially Significant Impact | ☒ Less than Significant Impact |
| ☐ Less Than Significant With Mitigation Incorporated | ☐ No Impact |

Discussion/Explanation:

Less than Significant Impact: The Project would not generate traffic volumes that would impede emergency access. In addition, as detailed in the architectural plans (Appendix A), the Project would have roadway widths of 24-foot (curb line to curb line) and maintain a minimum unobstructed vertical clearance of 13 feet 6 inches. Roadways would also be designed and maintained to support imposed loads of 75,000 pounds and dead ends would have an area for fire apparatuses to turn around. Therefore, the Project would not result in inadequate emergency access, and impacts would be less than significant.

XVIII. TRIBAL CULTURAL RESOURCES -- Would the project:

a) Cause a substantial adverse change in the significance of a tribal cultural resource, as defined in Public Resources Code §21074 as either a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- i. 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 §5020.1(k), or
- ii. 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 §5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code §5024.1, the Lead Agency shall consider the significance of the resource to a California Native American tribe.

- | | |
|---|---|
| ☐ Potentially Significant Impact | ☐ Less than Significant Impact |
| ☐ Less Than Significant With Mitigation Incorporated | ☒ No Impact |

Discussion/Explanation:

Less than Significant with Mitigation: A cultural resources report titled, Cultural Resources Inventory and Evaluation Report for the Zona Gale Estates Project, City of Encinitas, California (May 2023), prepared by Dudek, included a Phase I inventory and Phase II evaluation. This report consisted of a records search of the Project area and a one-mile radius around the Project area, and an intensive pedestrian survey and evaluation of the Project area. The South Coastal Information Center (SCIC) records search did not identify cultural resources within the Project area. A Native American Heritage Commission (NAHC) Sacred Lands File search did not indicate the presence of any Native American cultural resources in or near the Project area.

The intensive pedestrian survey resulted in one newly identified archaeological site within the Project area: CA-SDI-23458 (P-37-040592), a prehistoric lithic and shell scatter that is confined to the surface. CA-SDI-23458 was evaluated and recommended not significant under CEQA and is not eligible for listing in the CRHR.

Pursuant to AB-52, consultation was initiated with cultural affiliated tribes. No Tribal Cultural Resources (TCRs) were identified during consultation. As such, there would be no impacts to TCRs.

However, subsurface construction disturbances (i.e., trenching, excavation, grading) associated with the proposed Project would have the potential to impact unknown tribal cultural resources. 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 MM-CUL-1. With mitigation, impacts would be less than significant.

XIX. UTILITIES AND SERVICE SYSTEMS -- Would the project:

- a) 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?

☐ Potentially Significant Impact

☐ Less Than Significant With
Mitigation Incorporated



Less than Significant Impact



No Impact

Discussion/Explanation:

Less than Significant Impact:

Water

As indicated in the Project availability form (Appendix H), OMWD would provide water service to the proposed Project and there are adequate facilities to do so. Further, 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. Approximately 200 linear feet of new off-site water pipeline would be constructed, including a horizontal directional drilling (HDD) connection to the existing water main, to minimize surface disturbance. Therefore, since OMWD has indicated that it has facilities to serve the Project site, and the proposed Project is consistent with the General Plan, the proposed 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.

Wastewater

As indicated in the Project availability form (Appendix H), Leucadia Wastewater District would provide sewer service to the proposed Project. Sewer service would be provided through connection to the existing sewer main in Via Cantabria. 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 off-site sewer connection would include HDD beneath Via Cantabria to minimize surface disturbance. 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 proposed Project would not cause the Leucadia Wastewater District to exceed the wastewater treatment requirements of the San Diego RWQCB. As such, the proposed 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.

Stormwater

Once the site is developed, runoff would rain to proposed stormwater infrastructure that would outlet into the proposed bioretention treatment basin. Stormwater would be caught in a subdrain system, or overflow into one of two proposed 36-inch grate inlets where it would all outlet to a proposed storm drainpipe that flows east toward Via Cantebria, and down the existing slope and out to a proposed curb outlet onto Via Cantebria. These improvements include both on site and minor off-site storm drain connections to the existing municipal storm system. From there it would sheet flow north to the existing curb inlet, and ultimately out to the Pacific Ocean. The proposed Project and proposed storm drain design would be capable of safely conveying the 100-year storm runoff flow. Construction of stormwater collection and conveyance systems have been included as part of the Project and analyzed herein. No significant effects from new or expanded facilities would occur.

Electric Power

SDG&E is the electrical service provider that would serve the Project site. Electrical service currently exists surrounding the Project site and would be extended within the interior of the Project site to the various uses proposed (i.e., residences, street lighting etc.) and all electrical lines would be undergrounded. Electrical service connections off site would be within existing rights-of-way and within future street alignments within the proposed Project, the impacts of which are analyzed herein. Furthermore, the Project would install rooftop solar on site, and high efficiency water heaters and HVAC systems that would reduce electrical demand. Therefore, the proposed Project would not result in the expansion or need for new electrical power facilities, the construction or relation of which could cause significant environmental effects.

Natural Gas

The proposed Project would limit use of natural gas to cooktops and ovens in the residential units. No natural gas fireplaces would be permitted. Natural gas service currently exists surrounding the Project site and would be extended within the interior of the site to the various uses described above, and all natural gas lines would be undergrounded. Natural gas service connections off site would be within existing rights-of-way, and within future on-site street alignments within the proposed Project, the impacts of which are analyzed herein. Therefore, the proposed 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.

Telecommunication Facilities

The proposed Project does not include the installation of telecommunication facilities; however there are existing facilities adjacent to the Project site. Furthermore, implementation of the proposed Project would not interfere with existing telecommunication facilities or future expansion of facilities due to zoning restrictions. The expected population increase in the area would not create a new substantial demand on existing telecommunication services and facilities. Therefore, the proposed Project would not result in the expansion or need for new telecommunication facilities.

Impacts associated with water, wastewater, stormwater, electricity, natural gas, and telecommunication facilities would be considered less than significant and no mitigation is required.

b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

☐ Potentially Significant Impact
☐ Less Than Significant With
Mitigation Incorporated

☒ Less than Significant Impact
☐ No Impact

Discussion/Explanation:

Less than Significant Impact: The Urban Water Management Planning Act requires each urban water supplier to assess the reliability of its water supply for normal, single dry, and multiple dry water years. OMWD's 2020 Urban Water Management Plan (UWMP) was prepared to guide conservation and its water resource management program to comply with state law (OMWD 2020). In 2020, OMWD had 22,592 municipal connections and supplied approximately 19,582 acre-feet of water. The demand forecast projects that future demands would remain approximately at current demand levels or decline. As stated in the UWMP, no shortages are anticipated during normal, single, and multiple (five) dry year scenarios.

The proposed 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.

Considering the on-site and off-site improvements for water connections (including the HDD connection), 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.

c) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

☐ Potentially Significant Impact
☐ Less Than Significant With
Mitigation Incorporated

☒ Less than Significant Impact
☐ No Impact

Discussion/Explanation:

Less than Significant Impact: As stated above, the Project facility availability form (Appendix H), confirms that Leucadia Wastewater District would provide sewer service to the proposed Project and it has sufficient facilities to do so. 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 off-site HDD sewer connection beneath Via Cantabria would allow

the project to connect to existing infrastructure with minimal surface disturbance. 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. 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 project demand in addition to the providers' existing commitments. Impacts would be less than significant.

- d) 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?

☐ Potentially Significant Impact
☐ Less Than Significant With
Mitigation Incorporated

☒ Less than Significant Impact
☐ No Impact

Discussion/Explanation:

Less than Significant Impact: The proposed 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. The Sycamore Landfill is expected to cease operation in December 31, 2042 and is permitted to accept 5,000 tons per day (CalRecycle 2019a, 2019b).

The City 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 (City of Encinitas 2020c).

According to CalRecycle, since 2012, the amount of waste generated by the City of Encinitas has fluctuated between 5.6 and 6.1 lbs/person/day (CalRecycle 2020). As such, it can be expected that during operation, the proposed Project would generate approximately 146 pounds, or 0.073 tons, of solid waste per day from the on-site residential uses (24 anticipated residents multiplied by 6.1 pounds of solid waste generation). The amount of solid waste to be generated would be minimal and would not result in excess of state or local standards, or in excess of the capacity of local infrastructure. It would also not otherwise impair the attainment of solid waste reduction goals. Impacts would be less than significant.

- e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

☐ Potentially Significant Impact
☐ Less Than Significant With
Mitigation Incorporated

☒ Less than Significant Impact
☐ No Impact

Discussion/Explanation:

Less than Significant Impact: 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 proposed Project would be required to comply with the diversion of solid waste. 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.

XXXX. WILDFIRE -- If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

- a) Substantially impair an adopted emergency response plan or emergency evacuation plan?
- | | |
|---|--|
| ☐ Potentially Significant Impact | ☒ Less than Significant Impact |
| ☐ Less Than Significant With Mitigation Incorporated | ☐ No Impact |

Discussion/Explanation:

Less than Significant Impact: According to CalFire Fire Hazard Severity Zone Map, the Project site is located within a Very High Fire Hazard Severity Zone (CalFire 2009). Emergency response and evacuation is the responsibility of the City of Encinitas Fire Department. The County of San Diego maintains the San Diego County Emergency Operations Plan, which was approved in 2018 (San Diego County 2018b). The Emergency Operations Plan is used by agencies that respond to major emergencies and disasters, including those related to environmental health.

According to the Fire Protection Plan prepared for the proposed Project (Appendix J) early evacuation for any type of wildfire emergency at the Project site is the preferred method of providing for resident safety, consistent with the Encinitas Fire Department's current approach. As such, the Project would formally adopt, practice, and implement a "Ready, Set, Go!" approach to evacuation. The "Ready, Set, Go!" concept is widely known and encouraged by the State of California and most fire agencies. Pre-planning for emergencies, including wildfire emergencies, focuses on being prepared, having a well-defined plan, minimizing the potential for errors, maintaining the Project site's fire protection systems, and implementing a conservative (evacuate as early as possible) approach to evacuation and Project area activities during periods of fire weather extremes.

Activities associated with the proposed Project would not impede the free movement of emergency response vehicles. Existing off-site roadways would be adequate to serve the development for purposes of emergency evacuation in the event of a wildfire. The proposed Project has been designed in compliance with City Fire Department access and design requirements related to fire prevention and subject to the approval of the City's Planning Division.

The proposed Project would not substantially impair an adopted emergency response or evacuation plan.

- b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentration from a wildfire or the uncontrolled spread of a wildfire?

☐ Potentially Significant Impact	☒ Less than Significant Impact
☐ Less Than Significant With Mitigation Incorporated	☐ No Impact

Discussion/Explanation:

Less than Significant Impact: According to CalFire Fire Hazard Severity Zone Map, the Project site is located within a Very High Fire Hazard Severity Zone (CalFire 2009). However, single family residential developments exist to the south, east, and west, and the open space area to the north is blocked by W Bluff Drive. Due to its location within a Very High Fire Hazard Severity Zone, all new structures would be required to meet applicable Fire and Building Codes pursuant to requirements for ignition resistance (California Building Code, Chapter 7A). While the Project would not be considered a shelter-in-place development, these structures would be intended to provide temporary refuge as a contingency to evacuation, should evacuation be considered less safe, particularly given the Project's location in an urbanized setting with minimal exposure to significant wildland fuels.

Topography influences fire risk by affecting fire spread rates. Typically, steep terrain results in faster fire spread up-slope and slower fire spread down-slope, unless downslope winds are influencing the fire. Flat terrain tends to have little effect on fire spread, resulting in fires that are primarily wind driven.

The Project site elevations range between approximately 335 to 394 feet above mean sea level (amsl). The site is highest in the southwest and decreases in elevation rapidly from west to east, with the lowest points along Via Cantabria Road. The development footprint is situated at the top of slope on a flatter portion of the site, above the rock face separating the higher and lower site elevations. The steepest terrain associated with the slope is nearly vertical in places and would be preserved to the east of the developed lots. Vegetation on the slopes adjacent the Project includes sparse southern maritime chaparral mixed with bare ground and grasslands. In general, this vegetation type has a lower fuel density and produces lower intensity fire than dense chaparral and this is particularly the case on the Project site due to the exposures and soil types that result in lower plant density and slower growth. Flame temperatures consistent with or lower than those associated with chaparral/grassland would be expected (Appendix J).

During occupancy and operations, the proposed 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; however, such conditions are not anticipated to exacerbate wildfire risks or increase the risk of exposure of residents to pollutant concentrations.

The Project, once constructed, would have minimal exposure to wildland fires, with preserved, naturalized vegetation to the east, below the steep slope face and to the north along the preserved open space. The fuel loads within these areas are not anticipated to result in an extended duration wildfire event near the Project, as the fuels would be consumed rapidly and are minimal in extent adjacent to the Project's proposed footprints. The primary wildfire exposure threat is likely related to potential ember cast from a wildfire to the north under a Santa Ana wind even with winds tending more north-south than east-west (Appendix J).

The proposed Project would be constructed in compliance with access and design requirements of the City of Encinitas Fire Department (conditions of approval) and would be subject to payment of public safety services impact fees to ensure risks from wildfire are minimized. In addition, all new structures would be required to meet applicable Fire and Building Codes pursuant to requirements for ignition resistance (California Building Code, Chapter 7A). Therefore, the proposed Project is not anticipated to exacerbate wildfire risks or otherwise expose Project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. Impacts would be less than significant.

- A 6 foot tall masonry or combination masonry/glass fire wall will be placed along the property lines of Lots 1 through 5. This wall provides a vertical separation between downslope fuels and would deflect flame and capture low-flying embers if a wildfire were to occur in these open space fuels. Glass in the view wall would be dual pane, one pane tempered and typically, these walls include the lower two feet as block or other masonry and the upper four feet as glass.
 - All site landscaping and perimeter Fuel Modification Zone (FMZ) areas adjacent to lots 1 through 5 will be maintained as irrigated, low fuel Zone 1
 - FMZ "0" to be provided immediately adjacent to buildings and outward to 5 feet and to include a low flammability zone of limited plantings, no combustible mulches, and no flammable object storage.
 - All buildings to comply with California Building Code Chapter 7A – Ignition Resistant Construction
 - Chapter 7A consistent exterior walls with stucco on exterior and code-exceeding Type X-5/8-inch gypsum on interior.
 - Provide code-exceeding multi-pane glazing in windows (and sliding glass doors, garage doors, or decorative or leaded glass doors) in all Lot 1 through 5 buildings on to be dual pane with both panes tempered glass, exceeding the fire-building code requirement
 - No eave overhangs
 - Ember resistant vents will be used for any openings and will be sourced from Brandguard, Vulcan or O'Hagin, or similarly tested and SFM approved for ember protection.
- c) 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?
- | | |
|---|--|
| ☐ Potentially Significant Impact | ☒ Less than Significant Impact |
| ☐ Less Than Significant With Mitigation Incorporated | ☐ No Impact |

Discussion/Explanation:

Less than Significant Impact: Access to the Project site would be provided via Zona Gale Road at the existing intersection with Via Cantabria. No new off-site roads would be constructed as part of the Project and existing roadways would be adequate to serve the development for purposes of emergency evacuation in the event of a wildfire. Future electrical service improvements would be undergrounded and would not exacerbate fire risk. Water utilities improvements have been designed to achieve the applicable fire flow requirement of 1,500 gallons per minute. Thus, the Project would not require the installation or maintenance of associated infrastructure that may exacerbate fire risk or result in temporary or ongoing impacts to the environment. Impacts would be less than significant.

- d) Expose people or structure to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?
- | | |
|---|--|
| ☐ Potentially Significant Impact | ☒ Less than Significant Impact |
| ☐ Less Than Significant With Mitigation Incorporated | ☐ No Impact |

Discussion/Explanation:

Less than Significant Impact: The proposed Project would not substantially alter the drainage pattern that could increase the rate or amount of surface runoff leading to flooding on, or substantial runoff off site. As stated in Appendix E, the existing 100-year peak discharge from the site is 4.93 cfs. The post-developed condition with proposed stormwater drainage improvements would result in 100-year peak discharge of 2.56 cfs. Thus, the proposed Project and storm drain design would be capable of safely conveying the 100-year storm runoff flow.

In addition, as noted in Appendix D, no landslides or indications of deep-seated land sliding were indicated at the Project site. Based on review of available geologic literature, topographic maps, and stereoscopic aerial photographs, no evidence of landslides was indicated at the Project site. The site is generally underlain by favorable oriented geologic structures, consisting of massively bedded sandstone. Therefore, the potential for landslides or large-scale slope instability is considered low.

Impacts to people or structures due to downslope or downstream flooding as result of runoff or post-fire slope instability or drainage changes would be less than significant.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

- a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

☐ Potentially Significant Impact
☒ Less Than Significant With
Mitigation Incorporated

☐ Less than Significant Impact
☐ No Impact

Discussion/Explanation:

As discussed above in Section IV., Biological Resources, the Project would impact Del Mar manzanita, wart-stemmed ceanothus shrubs, maritime chaparral, seasonal depressions, and has the potential to impact Torrey pine trees. Impacts would be fully mitigated through implementation of MM-BIO-1 through MM-BIO-3. Further, the Project site is vacant and development would not eliminate important examples of the major periods of California history or prehistory. As a result, there is no substantial evidence that, after mitigation, significant effects associated with this Project would result. Therefore, this Project has been determined not to meet this Mandatory Finding of Significance.

- b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

☐ Potentially Significant Impact
☒ Less Than Significant With
Mitigation Incorporated

☐ Less than Significant Impact
☐ No Impact

Discussion/Explanation:

As revealed in the analysis presented in this MND, the proposed Project would not result in significant impacts to aesthetics, agricultural and forestry resources, air quality, energy, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation and traffic, tribal cultural resources, wildfire, or utilities and services systems. Mitigation measures recommended for biological resources, cultural resources, and geology and soils, would reduce impacts to below a level of significance.

The proposed Project would incrementally contribute to cumulative impacts for projects occurring within the City of Encinitas and surrounding region. With mitigation, however, no residually significant impacts would result with implementation of the proposed Project. In the absence of residually significant impacts, the incremental accumulation of effects would be less than significant.

- c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

☐ Potentially Significant Impact
☒ Less Than Significant With
Mitigation Incorporated

☐ Less than Significant Impact
☐ No Impact

Discussion/Explanation: Based on the analysis contained throughout this MND, all impacts related to the proposed Project can be mitigated to a level below significance. Therefore, substantial adverse impacts on human beings would not occur as a result of the proposed Project. The Project has been determined not to meet this Mandatory Finding of Significance.

XXII. REFERENCES USED IN THE COMPLETION OF THE INITIAL STUDY CHECKLIST

All references to Federal, State and local regulation are available on the Internet. For Federal regulation refer to <http://www4.law.cornell.edu/uscode/>. For State regulation refer to www.leginfo.ca.gov. For County regulation refer to www.amlegal.com. All other references are available upon request.