

4.7 Hazards and Hazardous Materials

Hazardous materials may have the potential to affect the environment or human health. This section analyzes potential environmental impacts related to development of future housing on a hazardous materials site; the routine transport, use, storage, or disposal of hazardous materials; the potential release of hazardous materials into the environment; and the potential to emit hazardous emissions or handle hazardous materials within one-quarter mile of a school. Additionally, this section of the PEIR addresses the potential for public safety impacts associated with conflicts with an adopted emergency response plan and wildland fire hazards. It is based on secondary source information from public hazardous materials databases, adopted fire hazard mapping, and the City of Encinitas Final Existing Conditions Report (2010).

4.7.1 Existing Conditions

4.7.1.1 Hazardous Materials, Transportation, Storage, Use and Disposal

Land uses in the project area that may handle or have handled or generated hazardous wastes include commercial, residential, and agricultural uses. Generally, the developed housing sites have supported commercial office, retail, restaurants, civic, and residential uses with little potential to handle or generate substantial amounts of hazardous materials. Specific commercial uses on the housing sites include: surface parking lots, convenience stores, restaurants, specialty retailers, grocery stores, churches, a tennis club, motels, gas stations, professional offices, fast-food drive-thru restaurants, a recycling center, banks, and a preschool. Of these commercial uses, the current gas stations at housing sites ALT-2, C-7, OE-2, NE-1, and NE-7 have the potential for contamination resulting from current uses (e.g., leaking underground storage tanks). Environmental issues must also be considered in the redevelopment of former gas stations, such as the old service station at housing site C-1.

Encinitas has current and former agricultural areas scattered throughout the central and eastern portions of the City. These agricultural areas could have a potential risk of contamination from herbicides, pesticides, and fertilizer uses. Specifically, housing sites L-5 and L-6 have been identified as areas of current agricultural use (greenhouses).

Finally, household hazardous waste may be generated by residential uses throughout the project area. Household hazardous waste is any product labeled: toxic, poison, corrosive, flammable, combustible or irritant that is disposed of. Hazardous materials, used in many household products (such as drain cleaners, waste oil, cleaning fluids, insecticides, and car

batteries), are often improperly disposed of as part of normal household trash. These hazardous materials can interact with other chemicals to create risks to people or cause soil and groundwater contamination.

4.7.1.2 Known Hazardous Materials Sites

a. Hazardous Waste and Substances Sites (EnviroStor Database)

The State of California Hazardous Waste and Substances Site List (also known as the Cortese List) is a planning document used by State and local agencies to comply with CEQA requirements in providing information about the location of hazardous materials sites. The California Department of Toxic Substances Control (DTSC) is responsible for preparing a portion of the information that comprises the Cortese List, through its EnviroStor database of sites listed pursuant to Section 25256 of the Health and Safety Code. This includes a listing of hazardous substance release sites selected for, and subject to, a response action. EnviroStor must update the list of sites at least annually to reflect new information regarding previously listed sites or the addition of new sites requiring a response action.

b. Underground Storage Tanks (GeoTracker Database)

The GeoTracker database is the State Water Resources Control Board (SWRCB; 2015) data management system for managing sites that impact groundwater, especially those that require groundwater cleanup (leaking underground storage tanks [LUSTs], Department of Defense, Site Cleanup Program) as well as permitted facilities such as operating underground storage tanks (USTs) and land disposal sites.

LUSTs are a significant source of petroleum impacts to groundwater and can also result in potential threats to health and safety. The SWRCB records soil and/or groundwater contamination caused by LUSTs in its GeoTracker database.

c. Database Search Results

An environmental database record search was completed for the housing sites and surrounding properties. Using the EnviroStor and GeoTracker databases, a total of 36 potential hazardous materials locations were identified within a $\frac{1}{8}$ -mile radius of the housing sites, as shown in Table 4.7-1. For the GeoTracker database, 35 of the 36 have a “Completed–Case Closed” status. Dry Clean 4 Less, located at 199 N. El Camino Real (NE-3), is an Open Cleanup Program Site investigating a possible contamination of Tetrachloroethylene (PCE). A review of the Cortese List also was completed (refer to Section 4.7.2.2). There are no hazardous materials sites in the City of Encinitas included on the Cortese List (DTSC 2015).

Table 4.7-1 Listed Hazardous Materials Sites		
Housing Site	EnviroStor Database	GeoTracker database
ALT-2 510–1900 North Coast Highway 101, Encinitas, CA 92024	None	<u>5-Unit Residential Property</u> - Case Closed 1865 North Vulcan Avenue, Encinitas, CA 92024 Cleanup Program Site: None specified <u>ARCO</u> - Case Closed 1766 N. Highway 101, Encinitas, CA 92024 LUST Cleanup Site: None specified <u>Leucadia Auto Body</u> - Case Closed 1508 N. Highway 101, Encinitas, CA 92024 Cleanup Program Site: Stoddard solvent, mineral spirits, distillates <u>Art Woldenga and/or Joe Stix</u> - Case Closed 1508 N. Highway 101, Encinitas, CA 92024 LUST Cleanup Site: Waste oil, motor, hydraulic, lubricating <u>7-Eleven Food Store</u> - Case Closed 102 Leucadia Blvd., Encinitas, CA 92024-1714 LUST Cleanup Site: Gasoline <u>Neighborhood Market</u> - Case Closed 1144 Highway 101, Encinitas, CA 92024-1421 Cleanup Program Site: None specified
ALT-3 141–215 South Camino Real, Encinitas, CA 92024	<u>None</u>	<u>Village Cleaners</u> - Case Closed 127 El Camino Real, Encinitas, CA 92024 Cleanup Program Site: Chlorinated hydrocarbons <u>Herman Cook Volkswagen Inc.</u> - Case Closed 1435 Encinitas Blvd., Encinitas, CA 92024 Cleanup Program Site: None specified <u>Encinitas Car Wash</u> - Case Closed 293 El Camino Real, Encinitas, CA 92024 LUST Cleanup Site: Gasoline <u>Shell Station</u> - Case Closed 1355 Encinitas Boulevard, Encinitas, CA 92024 Cleanup Program Site: Gasoline <u>Encinitas Burn Site</u> - Closed with monitoring as of 10/2006 100 El Camino Real, Encinitas, CA 92024 Land Disposal Site: Copper, lead, polynuclear aromatic hydrocarbons (PAHS) <u>Encinitas Ford</u> - Case Closed 1424 Encinitas Boulevard, Encinitas, CA 92024 LUST Cleanup Site: Waste oil, motor, hydraulic, lubricating
ALT-5 185–225 Quail Gardens Drive, Encinitas, CA 92024	None	<u>Cam-Mar Growers, Inc.</u> - Case Closed 185 Quail Gardens Dr., Encinitas, CA 92024 LUST Cleanup Site
ALT-6 315 – 587 South	None	<u>Don Hubbard Contracting Co.</u> - Case Closed 46 Encinitas Boulevard, Encinitas, CA 92024

Table 4.7-1 Listed Hazardous Materials Sites		
Housing Site	EnviroStor Database	GeoTracker database
Coast Highway 101, Encinitas, CA 92024		LUST Cleanup Site: None specified <u>Alba Honda</u> - Case Closed 111 C Street, Encinitas, CA 92024 LUST Cleanup Site: Diesel <u>Discount Auto Service</u> - Case Closed 710 1 st Street, Encinitas, CA 92024 LUST Cleanup Site: Diesel <u>Redsand</u> - Case Closed 687 1 st Street, Encinitas, CA 92024 LUST Cleanup Site: Diesel
ALT-7 315-1205 South Coast Highway 101, Encinitas, CA 92024	None	<u>Don Hubbard Contracting Co.</u> - Case Closed 46 Encinitas Boulevard, Encinitas, CA 92024 LUST Cleanup Site: None specified <u>Alba Honda</u> - Case Closed 111 C Street, Encinitas, CA 92024 LUST Cleanup Site: Diesel <u>Discount Auto Service</u> - Case Closed 710 1 st Street, Encinitas, CA 92024 LUST Cleanup Site: Diesel <u>Redsand</u> - Case Closed 687 1 st Street, Encinitas, CA 92024 LUST Cleanup Site: Diesel <u>L & V Industrial Supply Inc.</u> - Case Closed 1131 1 st Street, Encinitas, CA 92024 LUST Cleanup Site: Gasoline <u>San Dieguito Towing</u> - Case Closed 1205 1 st Street, Encinitas, CA 92024 LUST Cleanup Site: Gasoline
C-1 411-481 Santa Fe Drive, Encinitas, CA 92024	<u>Hall Property Community Park.</u> 425 Santa Fe Dr. Encinitas, CA 92024. Cleanup Program Site: Open Site Assessment.	<u>76 Gas Station</u> - Case Closed 411 Santa Fe Dr. Encinitas, CA 92024-5134 Cleanup Program Site: Gasoline, waste oil, hydraulic, lubricating <u>76 Gas Station</u> - Case Closed 411 Santa Fe Dr., Encinitas, CA 92024-5134 LUST Cleanup Site: Gasoline <u>Shell/Crane Diversified RTLRS</u> - Case Closed 510 Santa Fe Dr., Encinitas, CA 92024 Cleanup Program Site: Gasoline <u>Scripps Memorial Hospital</u> - Case Closed 354 Santa Fe Dr., Encinitas, CA 92024 LUST Cleanup Site: Diesel
C-2 735 – 875 Santa Fe Drive, Encinitas, CA 92024	None	<u>76 Gas Station</u> - Case Closed 411 Santa Fe Dr., Encinitas, CA 92024-5134 Cleanup Program Site: None specified.
C-3 102-154 Aberdeen	None	<u>7-Eleven Food Store</u> - Case Closed 2211 San Elijo Ave., Cardiff, CA 92007-1923

Table 4.7-1 Listed Hazardous Materials Sites		
Housing Site	EnviroStor Database	GeoTracker database
Drive and 2011-2121 San Elijo Avenue Cardiff, CA 92007		LUST Cleanup Site: Gasoline <u>7-Eleven</u> - Case Closed 2009 Newcastle Rd, Cardiff, CA 92007-1724 LUST Cleanup Site: Gasoline
C-7 2211 San Elijo Avenue Cardiff, CA 92007	None	<u>7-Eleven Food Store</u> - Case Closed 2211 San Elijo Avenue, Cardiff, CA 92007-1923 LUST Cleanup Site: Gasoline
CBHMG-1 601 Santa Fe Drive, Encinitas, CA 92024.	None	<u>Shell/Crane Diversified RTLRS</u> - Case Closed 510 Santa Fe Dr., Encinitas, CA 92024 Cleanup Program Site: Gasoline <u>76 Gas Station</u> - Case Closed 411 Santa Fe Dr. Encinitas, CA 92024-5134 Cleanup Program Site: None specified
L-1 1444-1578 North Coast Highway 101, Encinitas, CA 92024		<u>Art Woldenga and/or Joe Stix</u> - Case Closed 1508 N. Highway 101, Encinitas, CA 92024 LUST Cleanup Site: Waste oil, motor, hydraulic, lubricating <u>Leucadia Auto Body</u> - Case Closed 1508 N. Highway 101, Encinitas, CA 92024 Cleanup Program Site: Stoddard solvent, mineral spirits, distillates
L-2 1034 – 1160 North Coast Highway 101, Encinitas, CA 92024	None	<u>Neighborhood Market</u> - Case Closed 1144 Highway 101, Encinitas, CA 92024-1421 Cleanup Program Site: None specified; LUST Cleanup Site: Gasoline
L-4 825–837 Orpheus Avenue, Encinitas, CA 92024	None	<u>Texaco Refining & Marketing</u> - Case Closed 905 Orpheus Ave., Encinitas, CA 92024 Cleanup Program Site: Gasoline, waste oil, motor, hydraulic, lubricating, diesel <u>Shell</u> - Case Closed 865 Orpheus Ave, Encinitas, CA 92024 LUST Cleanup Site: Gasoline <u>Encinitas Fire District</u> - Case Closed 801 Orpheus Ave., Encinitas, CA 92024 Cleanup Program Site: Gasoline
NE-3 137 North El Camino Real, Encinitas, CA 92024	None	<u>Frontier Cleaners</u> - Case Closed 170 North El Camino Real, Encinitas, CA 92024 Cleanup Program Site: Chlorinated hydrocarbons <u>Dry Clean 4 Less</u> - Open 199 North El Camino Real, Encinitas, CA 92024 Cleanup Program Site: Tetrachloroethylene (PCE)
NE-4 105–131 North El Camino Real, Encinitas, CA 92024	None	<u>Dry Clean 4 Less</u> - Open 199 North El Camino Real, Encinitas, CA 92024 Cleanup Program Site: Tetrachloroethylene (PCE) <u>County of San Diego/Encinitas Road Station</u> -

Table 4.7-1 Listed Hazardous Materials Sites		
Housing Site	EnviroStor Database	GeoTracker database
		<p>Case Closed 135 North El Camino Real, Encinitas, CA 92024 LUST Cleanup Site: None specified <u>Encinitas Burn Site</u> - Closed with monitoring as of 10/2006 100 El Camino Real, Encinitas, CA 92024 Land Disposal Site: Copper, lead, polynuclear aromatic hydrocarbons (PAHS) <u>Village Cleaners</u> - Case Closed 127 El Camino Real, Encinitas, CA 92024 Cleanup Program Site: Chlorinated hydrocarbons <u>Shell Station</u> - Case Closed 1355 Encinitas Boulevard, Encinitas, CA 92024 Cleanup Program Site: Gasoline <u>Rosanos 76</u> - Case Closed 236 North El Camino Real, Encinitas, CA 92024 LUST Cleanup Site: Gasoline <u>Herman Cook Volkswagen Inc.</u> - Case Closed 1435 Encinitas Blvd., Encinitas, CA 92024 Cleanup Program Site: None specified <u>Encinitas Ford</u> - Case Closed 1424 Encinitas Boulevard, Encinitas, CA 92024 LUST Cleanup Site: Waste oil, motor, hydraulic, lubricating</p>
NE-7 1271-1355 Encinitas Boulevard, Encinitas, CA 92024	None	<p><u>County of San Diego/Encinitas Road Station</u> - Case Closed 135 North El Camino Real, Encinitas, CA 92024 LUST Cleanup Site: None specified <u>Encinitas Burn Site</u> - Closed with monitoring as of 10/2006 100 El Camino Real, Encinitas, CA 92024 Land Disposal Site: Copper, lead, polynuclear aromatic hydrocarbons (PAHS). <u>Encinitas Ford</u> - Case Closed 1424 Encinitas Boulevard, Encinitas, CA 92024 LUST Cleanup Site: Waste oil, motor, hydraulic, lubricating <u>Shell Station</u> - Case Closed 1355 Encinitas Boulevard, Encinitas, CA 92024 Cleanup Program Site: Gasoline <u>Village Cleaners</u> - Case Closed 127 El Camino Real, Encinitas, CA 92024 Cleanup Program Site: Chlorinated hydrocarbons <u>Herman Cook Volkswagen Inc.</u> - Case Closed 1435 Encinitas Blvd., Encinitas, CA 92024 Cleanup Program Site: None specified <u>Harloff BMW</u> - Case Closed 1302 Encinitas Boulevard, Encinitas, CA 92024</p>

Table 4.7-1 Listed Hazardous Materials Sites		
Housing Site	EnviroStor Database	GeoTracker database
		LUST Cleanup Site: None specified. <u>Encinitas Car Wash</u> - Case Closed 293 El Camino Real, Encinitas, CA 92024 LUST Cleanup Site: Gasoline
OE-1 345 – 369 Third Street and 364 – 371 C Street, Encinitas, CA 92024	None	<u>Alba Honda</u> - Case Closed 111 C Street, Encinitas, CA 92024 LUST Cleanup Site: Diesel
OE-2 102–154 Encinitas Boulevard, Encinitas, CA 92024	None	<u>Encinitas Cleaners</u> - Case Closed 130 Encinitas Blvd., Encinitas, CA 92024 Cleanup Program Site: Chlorinated hydrocarbons <u>Shell</u> - Case Closed 160 Encinitas Blvd., Encinitas, CA 92024 LUST Cleanup Site: Gasoline
OE-4 505 South Vulcan Avenue, Encinitas, CA, 92024	None	<u>Redsand</u> - Case Closed 687 1 st Street, Encinitas, CA 92024 LUST Cleanup Site: Diesel
OE-5 701–1205 South Coast Highway 101, Encinitas, CA 92024	None	<u>L & V Industrial Supply Inc.</u> - Case Closed 1131 1 st Street, Encinitas, CA 92024 LUST Cleanup Site: Gasoline <u>San Dieguito Towing</u> - Case Closed 1205 1 st St, Encinitas, CA 92024 LUST Cleanup Site: Gasoline <u>Redsand</u> - Case Closed 687 1 st Street, Encinitas, CA 92024 LUST Cleanup Site: Diesel <u>Discount Auto Service</u> - Case Closed 710 1 st Street, Encinitas, CA 92024 LUST Cleanup Site: Diesel
OE-7 696 Encinitas Blvd., Encinitas, CA 92024	None	<u>Erwin Mojonier</u> - Case Closed 201 Quail Dr., Encinitas, CA 92024 Cleanup Program Site: None specified <u>Cam-Mar Growers, Inc.</u> - Case Closed 185 Quail Gardens Dr., Encinitas, CA 92024 LUST Cleanup Site: None Specified
SOURCE: DTSC EnviroStor (2015) and SWRCB GeoTracker databases (2015). Accessed September 14, 2015.		

The project area contains one site listed in the EnviroStor database, Hall Property Community Park, at 425 Santa Fe Drive, which is located directly to the south of housing site C-1. This site was listed as a “local agency investigation” as of May 2004. The site consists of 43 acres of property, which has historically been used for agricultural purposes. Several different pesticides have been identified in the shallow subsurface soil. There is the potential for Chlordane, DDD/DDE/DDT, Endrin, Other Insecticides/Pesticide/Fumigants/

Herbicides, and Toxaphene. The City of Encinitas implemented and completed a remediation plan for contaminated soils, prior to the development of a park at this site.

Housing site NE-3 also is the site of a former landfill. The site is identified in the database as the Encinitas Burn Site, located at 100 El Camino Real¹, and is listed as Open (Closed with monitoring as of 10/2006). The Encinitas Burn Site was a Land Disposal Site investigating copper, lead, and polynuclear aromatic hydrocarbons (PAHS) contaminations. The site has been remediated and capped; however, it was not remediated to a standard permissible for future residential development.

No Federal Superfund Sites, Voluntary Cleanup Sites, School Cleanup Sites, Permitted-Operating Sites, Post-Closure Permitted Sites, Historical Non-Operating Sites, or Tiered Permit Sites were found during the preliminary review of publicly available records.

d. Older Structures

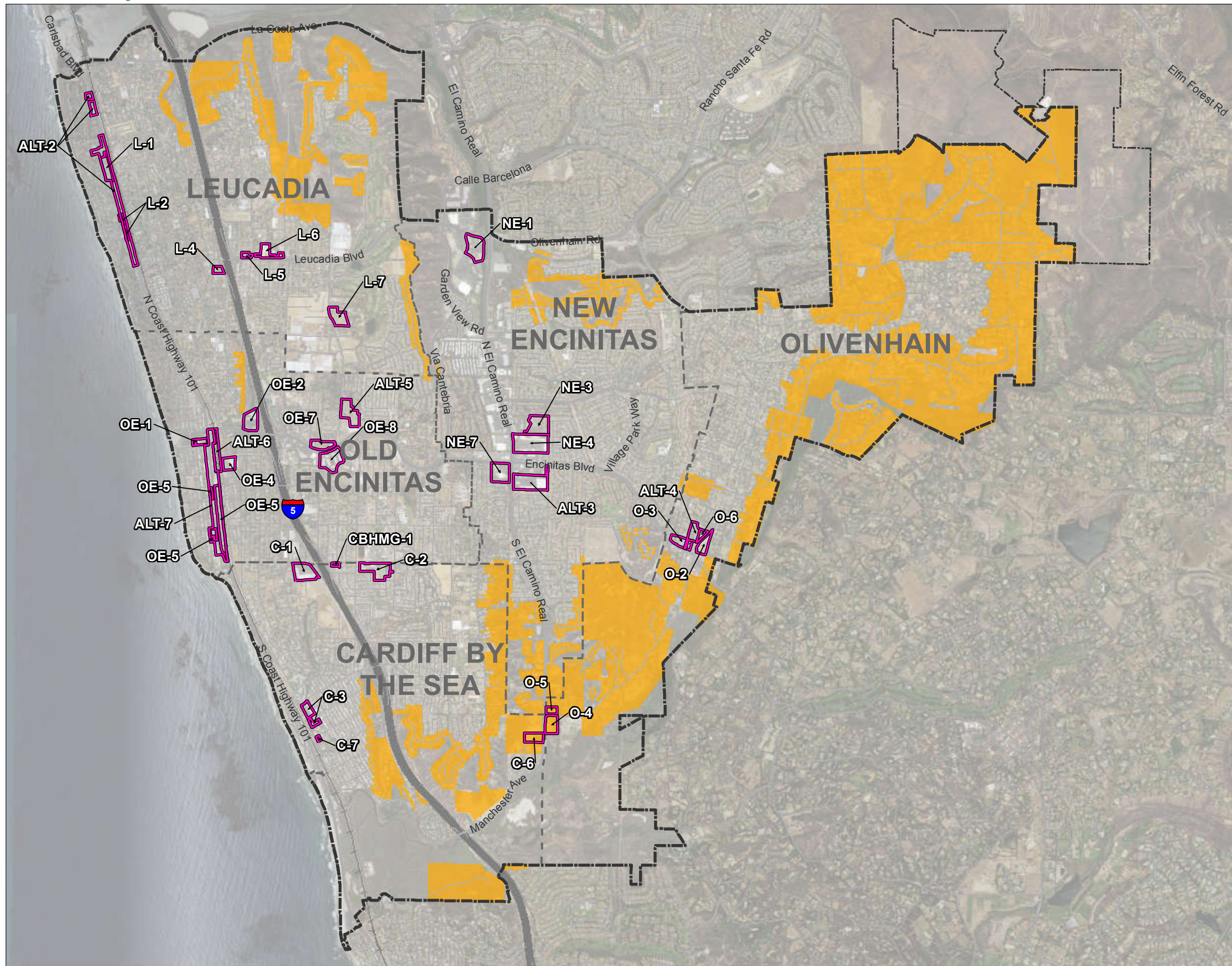
Hazardous materials are commonly found in the building materials of structures, including residential structures, built prior to approximately 1978. Buildings constructed prior to 1978 potentially contain hazardous building materials such as asbestos-containing materials (ACMs), lead containing surfaces (LCSs) including lead-based paint (LBP), and other toxic materials such as mercury, polychlorinated biphenyls (PCBs) and Freon. The project area includes some structures that were built prior to 1978.

4.7.1.3 Wildland Fire Hazards

The potential for wildland fires represents a hazard where development is adjacent to open space or within close proximity to wildland fuels. Steep hillsides and varied topography within portions of the City also contribute to the risk of wildland fires. The geographic extent of the wildland-urban interface fire hazard in the City of Encinitas includes Saxony Canyon, South El Camino Real/Crest Drive, and Olivenhain; other smaller areas of the City near open space and canyons containing heavy fuel loads are also susceptible to wildland fire risk. The most major fire that has occurred in the City within the last 25 years includes the Harmony Grove Fire in 1996. The fire started near Harmony Grove Road, west of Escondido, and burned almost to Batiquitos Lagoon in Carlsbad. Only a small section of the fire was in Encinitas and the City's Sphere of Influence. Most of the fire was in Carlsbad, San Marcos, and Escondido. The fire destroyed more than 120 homes and burned 8,600 acres total.

The City has adopted a Very High Fire Hazard Severity Zone (VHFHSZ) Map for its Local Responsibility Area (LRA) as illustrated on Figure 4.7-1. Properties within this zone and other smaller areas are susceptible to wildfire because they are situated near open space and canyons containing heavy fuel loads. Housing sites C-6, O-4, and O-5 have been identified for potential

¹This address reflects the nearest cross streets according to the data base records; however, the listed site is actually located on housing site NE-3.



- City Limits
- Sphere of Influence
- Community Area Boundaries
- Housing Sites
- Very High Fire Hazard Severity Zone

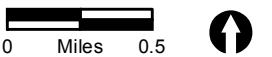


FIGURE 4.7-1

fire hazards. Sites OE-2 and O-2 are adjacent to, but not within the VHFHSZ (see Figure 4.7-1).

4.7.2 Regulatory Framework

4.7.2.1 Federal

Numerous Federal, State, and local laws and regulations regarding hazardous materials have been developed with the intent of protecting public health, the environment, surface water, and groundwater resources. Over the years, the laws and regulations have evolved to deal with different aspects of the handling, treatment, storage, and disposal of hazardous substances. Applicable regulatory agencies have also kept records on hazardous materials storage, use, and disposal, and make these lists publicly available. The most relevant Federal, State, and local regulations are described below.

a. Federal Comprehensive Environmental Response, Compensation, and Liability Act

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980 is also known as “Superfund,” and the Superfund Amendments and Reauthorization Act (SARA) of 1986 (amended CERCLA, SARA Title III). CERCLA, SARA Title III provides a Federal framework for setting priorities for cleanup of hazardous substances releases to air, water, and land. This framework provides for the regulation of the cleanup process, cost recovery, response planning, and communication standards.

b. Federal Resource Conservation and Recovery Act

The Federal Resource Conservation and Recovery Act (RCRA) of 1976 established the authority of the U.S. Environmental Protection Agency (U.S. EPA) to develop regulations to track and control hazardous substances from their production, through their use, to their disposal. The U.S. EPA has the authority under RCRA to authorize states to implement RCRA, and California is an RCRA authorized state. Title 40 California Code of Regulations (CCR), Part 290 establishes technical standards and corrective action requirements for owners and operators of USTs under RCRA.

4.7.2.2 State

a. California EPA

The California EPA (Cal EPA) and the SWRCB establish rules governing the use of hazardous materials and the management of hazardous waste. Applicable State and local laws include the following:

- Public Safety/Fire Regulations/Building Codes
- Hazardous Waste Control Law

- Hazardous Substances Information and Training Act
- Underground Storage of Hazardous Substances Act

b. State Water Resources Control Board

The SWRCB maintains a data management system for managing sites that impact groundwater, especially those that require groundwater cleanup (LUSTs, Department of Defense, Site Cleanup Program) as well as permitted facilities such as operating USTs and land disposal sites.

c. Department of Toxic Substances Control

Within Cal EPA, the DTSC has primary regulatory responsibility, with delegation of enforcement to local jurisdictions that enter into agreements with the State agency, for the management of hazardous materials and the generation, transport, and disposal of hazardous waste under the authority of the Hazardous Waste Control Law.

The DTSC regulates hazardous waste primarily under the authority of the Federal RCRA and Title 22 of the California Public Health and Safety Code. The DTSC regulates hazardous waste, maintains a public database (EnviroStor) of potentially contaminated properties (through its List and Hazardous Materials Division [HMD] database), cleans up existing contamination, and researches ways to reduce the hazardous waste produced in California.

The DTSC also maintains the Cortese List pursuant to Government Code Section 65962.5(a). Section 65962.5(a)(1) requires that DTSC “shall compile and update as appropriate, but at least annually, and shall submit to the Secretary for Environmental Protection, a list of all the following: . . . (1) [a]ll hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code (“HSC”).”

The hazardous_waste facilities identified in HSC Section 25187.5 are those where DTSC has taken or contracted for corrective action because a facility owner/operator has failed to comply with a date for taking corrective action in an order issued under HSC Section 25187, or because DTSC determined that immediate corrective action was necessary to abate an imminent or substantial endangerment. This is a very small and specific subgroup of facilities.

d. California Hazardous Waste and Hazardous Substances Act

The California Hazardous Waste and Hazardous Substance Act is intended to protect the public health and the environment and to regulate hazardous waste generation and hazardous waste management practices (DTSC 2014).

e. Health and Safety Code and Occupational Safety and Health Administration

The California HSC is the collection of State laws that govern the handling of hazardous waste, corrective action (remediation), and permitted facilities. Chapter 6.7 of the HSC outlines the requirements for USTs, identifies requirements for corrective actions, cleanup funds, liability, and the responsibilities of owners and operators of USTs. Consistent with the HSC, USTs are monitored annually by County of San Diego's Department of Environmental Health (DEH) and their removal and remediation of any associated contamination is regulated through a required regulatory oversight process. The LUST Information System maintained by the SWRCB is available to determine if LUSTs have been reported within or near a specified property. For the purposes of environmental analysis, the HSC requirements are considered self-mitigating for USTs and LUSTs.

The California Occupational Safety and Health Administration, or Cal-OSHA, defines and enforces worker safety standards and requires proper handling and disposal of hazardous materials including ACMs and LCS according to OSHA and EPA regulations. The OSHA/EPA Occupational Chemical Database compiles information from several government agencies and organizations. This database provides reports on physical properties, exposure guidelines, and emergency response information, including the U.S. Department of Transportation (DOT) emergency response guide.

f. 2013 California Fire Code

The 2013 California Fire Code establishes the minimum requirements consistent with best practices to safeguard public health and safety from fire and explosive hazards and dangerous conditions in new and existing development throughout California.

Jurisdictions may choose to adopt the 2013 California Fire Code as an enforceable set of regulations for safeguarding life and property from fire and explosion hazards arising from the storage, handling, and use of hazardous substances, material and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises. Title 10 of the City's Municipal Code adopts the 2013 California Fire Code.

g. Fire Hazard Severity Zones

To assist each fire agency in addressing its responsibility area, California Department of Forestry and Fire (CAL FIRE) uses a severity classification system to identify areas or zones of severity for fire hazards within the State. CAL FIRE is required to map these zones for State Responsibility Areas and identify VHFHSZ for LRAs. In January 2008, CAL FIRE updated these Fire Hazard Severity Zone maps to reflect revised VHFHSZ for LRAs throughout the State.

Fire Hazard Severity Zone maps identify moderate, high, and very high hazard severity zones using a science-based and field-tested computer model that assigns a hazard score based on the factors that influence fire likelihood and fire behavior. Factors considered

include fire history, existing and potential fuel (natural vegetation), flame length, blowing embers, terrain, and typical weather for the area. The maps are used to:

- Implement wildland–urban interface building standards;
- Create property development standards such as road widths, water supply, and signage for use in general plans;
- Establish defensible space clearance requirements around buildings; and
- Provide natural hazard real estate disclosure at time of sale.

Government Code Section 51179 states, “A local agency shall designate, by ordinance, very high fire hazard severity zones in its jurisdiction...” The City has adopted VHFHSZ Maps, consistent with State code, as previously illustrated on Figure 4.7-1.

Senate Bill 1241 requires local jurisdictions to update their Safety Element with information, goals, and policies relating to wildland fire protection upon the next revision of their Housing Element after January 1, 2014.

h. California Environmental Quality Act

Under the CEQA Guidelines Article 19, Categorical Exemptions, Section 15300.2(e) applies to hazard waste sites. “A categorical exemption shall not be used for a project located on a site, which is included on any list compiled pursuant to Section 65962.5 of the Government Code.” Therefore, even if a project were otherwise qualified for an infill exemption (15332) or New Construction or Conversion of Small Structures exemption (15303), etc., it would not be exempt from CEQA if located on a listed hazardous waste site, and the lead agency would be required to prepare a Negative Declaration or EIR.

4.7.2.3 Local

a. County of San Diego Department of Environmental Health

HMD is one of the four divisions of the DEH. HMD is the Certified Unified Program Agency (CUPA) for San Diego County responsible for regulating hazardous materials business plans and chemical inventory, hazardous waste and tiered permitting, USTs, aboveground petroleum storage, and risk management plans. The HUD administers the Site Assessment and Mitigation (SAM) program. The goal of the SAM program is to protect public health and the environment from releases of contaminants by providing oversight of assessments and cleanups in accordance with the California Health and Safety Code and the CCR. A key program of SAM is property redevelopment and “brownfields,” a term which refers to real property including the expansion, redevelopment, or reuse of property which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. Contaminated sites are regulated by Federal and State law as described above.

b. County of San Diego Office of Emergency Services

The County of San Diego Office of Emergency Services (OES) coordinates the overall county response to disasters. OES is responsible for notifying appropriate agencies when a disaster occurs; coordinating all responding agencies; ensuring resources are available and mobilized; developing plans and procedures for response to and recovery from disasters; and developing and providing preparedness materials for the public.

OES staffs the Operational Area Emergency Operations Center, a central facility that provides regional coordinated emergency response, and also acts as staff to the Unified Disaster Council (UDC), its governing body. The UDC, established through a joint powers agreement among all 18 incorporated cities and the County of San Diego, provides for coordination of plans and programs countywide to ensure protection of life and property.

c. Multi-Jurisdictional Hazard Mitigation Plan

In 2010, the County and 18 local jurisdictions, including the City of Encinitas, adopted the Multi-Jurisdictional Hazard Mitigation Plan (MHMP). The MHMP is a countywide plan that identifies risks and ways to minimize damage by natural and manmade disasters. The MHMP is a comprehensive document that serves many purposes, including creating a decision tool for management, promoting compliance with State and Federal program requirements, enhancing local policies for hazard mitigation capability, and providing inter-jurisdictional coordination.

The City of Encinitas identified the following hazards within the MHMP, based on their probability and potential impact:

- **Earthquake** – Addressed in Section 4.5.
- **Wildfire** – A significant number of Encinitas residents live within the wildland-urban interface. The geographic extent of this hazard includes the following areas of the city, for the most part: (1) Saxony Canyon; (2) South El Camino Real/Crest Drive; and (3) Olivenhain.
- **Dam Failure** – Addressed in Section 4.8.
- **Coastal Bluff Failures** – Not Applicable to Housing Sites.
- **Flooding** – Addressed in Section 4.8.
- **Hazardous Materials** – One major freeway (Interstate 5), one railway, and a major liquefied petroleum transmission pipeline pass through the community.

The City of Encinitas's specific hazard mitigation goals, objectives, and related potential actions for wildfire, dam failure, and hazardous materials are included in the MHMP (County of San Diego Office of Emergency Services and Unified Disaster Council 2010).

d. Municipal Code

Toxic Materials, Fire, and Explosion Hazards

Section 30.40.010 of the City of Encinitas Municipal Code, requires that “All storage, use, transportation and disposal of toxic, flammable, or explosive materials shall be performed in compliance with the California Hazardous Substance Act and in accordance with guidelines issued by the County of San Diego Department of Health Services, Hazardous Materials Division on Hazardous Waste Requirements. All activities involving toxic, flammable, or explosive materials shall be provided and conducted with adequate safety and fire suppression devices as specified by the Fire District and per the City’s adopted fire code.”

Fire Code

Title 10 of the Municipal Code provides regulations regarding fire prevention in the City and adopts the California Fire Code. The Fire Hazard Severity Zone map is adopted through City Code Chapter 10.02 – Fire Map and is used by several City departments for hazard planning, mitigation and response, land use planning, and in the development review process.

Landscape/Brush Management Regulations

The California Fire Code Title 19, Division 1, Section 3.07(b) requires that a distance of not less than 30 feet be kept clear of all flammable vegetation or combustible growth around all buildings and structures. If conditions are considered a high fire danger, a distance of 30 feet to 100 feet should be kept clear of all bush, flammable vegetation, or combustible growth around all buildings and structures.

The City of Encinitas Design Guidelines (2005) contain landscape guidelines intended to maintain the landscape character of the City. Guideline 7.3.17 indicates that fire retardant/resistant plants shall be used when consistent with fire standards in areas adjacent to natural open space areas and/or fire sensitive areas.

e. City of Encinitas Emergency Response

The Encinitas Fire and Marine Services Department provides emergency response throughout the City. As discussed in Section 4.12, the national standard adopted by the National Fire Protection Association requires an initial response within 6 minutes and 20 seconds (90 percent of the time). In 2014, the Encinitas Fire and Marine Services Department’s average response time for the City as a whole was 4 minutes and 35 seconds. The Department responded to 75 percent of all calls in under 5 minutes, 27 seconds; and 90 percent of all calls in under 6 minutes, 37 seconds. Although the City has no adopted emergency response plan, the Encinitas Fire Department is re-evaluating its response time goal to align it with current industry standards. The Department of Fire and Marine Safety provides information on emergency preparedness, including evacuation routes in the event of tsunami or wildland fire. The Encinitas Tsunami Hazard Map shows the evacuation

routes in the northern and southern extents of the tsunami hazard zone. These routes primarily run north-south out of the hazard zones, and east in the northern tsunami hazard zone. The Fire Approaches and Evacuation Routes map depicts the many evacuation routes for fires approaching from the northeast, south, or east.

f. General Plan/Local Coastal Program

There is an important relationship between land use planning and the reduction of potential hazards. Certain considerations need to be given when development is proposed in areas subject to environmental constraints that could result in loss of life, personal injury, or property damage. In addition, physical design controls are key in providing protection against a number of potential hazards. Policies related to building design and site planning provide a basis for the development of specific guidelines and regulations that are effective in reducing the damaging effects of natural and human-caused disasters. City of Encinitas General Plan goals and policies related to hazards are listed in Table 4.7-2.

Table 4.7-2 Goals and Policies Related to Hazards	
Goal/Policy	Description
City of Encinitas General Plan Resource Management Element	
13.1	The City shall plan for types and patterns of development which minimize water pollution, air pollution, fire hazard, soil erosion, silting, slide damage, flooding and severe hillside cutting and scarring. (Coastal Act/ 30250)
City of Encinitas General Plan Public Safety Element	
Goal 1	Public health and safety will be considered in future]Land Use Planning (Coastal Act/ 30253)
1.9	Adequate safety service levels shall be maintained and provided for by new development.
1.10	The public safety program shall provide for a response plan that strives to reduce life and property losses through technology, education, training, facilities and equipment.
1.11	The public safety system shall provide standards and levels of service guidelines that assure a quality of life and protection of life and property from preventable losses.
1.13	In areas identified as susceptible to brush or wildfire hazard, the City shall provide for construction standards to reduce structural susceptibility and increase protection. Brush clearance around structures for fire safety shall not exceed a 30-foot perimeter in areas of native or significant brush, and as provided by Resource Management Policy 10. 1.
1.17	In order to protect the health and safety of the residents of Encinitas and surrounding communities, the City shall control the development of hazardous waste facilities as required in Chapter 30. 57 of the Municipal Code. The City shall also participate in programs to reduce the amounts of hazardous wastes being generated in the San Diego region, as provided in the adopted San Diego County Hazardous Waste Management Plan.

Table 4.7-2 Goals and Policies Related to Hazards	
Goal/Policy	Description
Goal 2	The City of Encinitas will make an effort to minimize potential hazards to public health, safety, and welfare and to prevent the loss of life and damage to health and property resulting from both natural and man- made phenomena.
2.1	The City will cooperate with and support in every way possible current Federal, State, and County agencies responsible for the enforcement of health, safety, and environmental laws.
2.2	Implement an emergency preparedness program (referenced by the State as a Multihazard Function Plan) to ensure that emergency shelters and emergency evacuation and response routes are provided and clearly identified.
2.4	Setbacks, easements, and accesses, necessary to assure that emergency services can function with available equipment, shall be required and maintained.
2.5	Emergency equipment response routes and evacuation procedures shall be defined and provided for.
Goal 3	The City will make every effort to ensure that all City residents and workers are protected from exposure to hazardous materials and wastes and the transport of such materials.
3.1	Cooperate with the enforcement of disclosure laws requiring all users, producers, and transporters of hazardous materials and wastes to clearly identify such materials at the site and to notify the appropriate local County, State and/ or Federal agencies in the event of a violation.
3.2	Restrict the transport of hazardous materials to identified truck routes as established by an implementing policy.
3.3	Cooperate with the railroads to ensure that hazardous materials transported by rail through the City do not present a threat to life or property in Encinitas.
3.4	Land uses involved in the production, storage, transportation, handling, or disposal of hazardous materials will be located a safe distance from land uses that may be adversely impacted by such activities. (Coastal Act/ 30250)
3.5	Commercial and industrial facilities shall be required to participate in a hazardous materials and wastes mitigation and response program.
3.6	The City shall cooperate with the efforts of the County Department of Health, Hazardous Waste Management Division to inventory and properly regulate land uses involving hazardous wastes and materials.
City of Encinitas General Plan Circulation Element	
1.1	Ensure that the arterial circulation system provides adequate connections across the freeway for convenient circulation and rapid emergency access.
1.13	Emergency response routes shall be identified as a basis for implementing an Opticon or other traffic signal control system designed to reduce emergency vehicle response time.
City of Encinitas General Plan Housing Element	
3.1	Where determined to be dangerous to the public health and safety, substandard units in the City shall be repaired so that they will comply with the applicable building, safety and housing codes. When compliance through repair is not of cannot be achieved, abatement of substandard units shall be achieved.
SOURCE: City of Encinitas 1989, amended.	

4.7.3 Significance Determination Thresholds

Consistent with Appendix G of the CEQA Guidelines, impacts related to hazards and hazardous materials would be significant if the project would:

1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;
2. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment;
3. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school;
4. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or environment;
5. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or
6. Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas, within brush fire management zones, or where residences are intermixed with wildlands.

As the project would have no impact related to airport hazards, this topic is covered in Chapter 8, Effects Found Not to be Significant.

4.7.4 Methodology

4.7.4.1 Sources

A review of secondary sources, including published hazardous materials databases, was conducted to determine potential hazards and hazardous materials present at the housing sites. The review included: (1) the EnviroStor database; (2) the GeoTracker database; (3) the VHFHSZ Map; and (4) Federal, State, and local regulations. No site-specific surveys were conducted; instead, analysis relied on the use of existing information. The evaluation of the potential for future development consistent with the HEU floating zone to cause a substantial adverse change with respect to hazards or hazardous materials was based on Appendix G of the CEQA Guidelines.

4.7.4.2 Future Project Implementation

As noted previously in this chapter, future development on housing sites containing known hazardous materials would be regulated by Federal and State law. In these instances, the

City would review project applications for compatibility, applicable requirements for hazardous materials, and require specific conditions as part of the approval process. In addition, all future projects on housing sites would be reviewed and approved by the City Fire Department prior to issuance of building permit, which would ensure that future project development would be consistent with guidelines related to emergency response and brush management contained in the City's emergency response plan and Design Guidelines (2005). Adoption of the floating zone would not alter the City's adopted discretionary review process. Redevelopment of any of the housing sites may occur with or without implementation of the HEU floating zone. The floating zone gives a property owner a choice whether to opt into the housing plan, or forgo doing so and retain their existing zoning rights. Depending on the category of the existing zoning, different levels of development or reconstruction activities are already permitted on sites.

The impact analysis below describes the type and magnitude of the potential environmental impacts of future development on the housing and how such impacts would affect the existing environment. Future development has the potential to result in impacts related to hazards and hazardous materials. The analysis in the following section identifies the significance of impacts and a mitigation framework for future projects. Subsequent "by right" development within the new floating zone district created through the HEU would not be subject to further CEQA review to analyze project-level impacts with regards to hazards and hazardous materials, unless otherwise noted. Compliance with development standards required for "by right" development as well as the mitigation framework identified in this PEIR would serve to minimize the potential for significant impacts associated with implementation of the HEU.

4.7.5 Issues 1, 2, and 3: Hazardous Materials—Use, Transport, Disposal; Accidental Release; and Emissions near a School

Impacts related to hazards and hazardous materials would be significant if the project would create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; 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; or emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

4.7.5.1 Impacts

a. Housing Sites

Routine Use, Transport and Disposal

The Housing Element Update (HEU) does not propose the construction of new housing or other development; rather, it provides capacity for future development consistent with

State Housing Element Law. Buildout of the housing sites may result in the transport of hazardous materials during construction (e.g., ACMs, LBPs, and/or contaminated soils); however, this transport would be limited in duration and not considered routine. Additionally, handling measures are required by the City, County (DEH), and the San Diego Air Pollution Control District (SDAPCD) during both construction and operational phases of future projects. These measures include standards and regulations regarding the storage, handling, and use of hazardous materials.

Future residential and commercial development on the housing sites would not involve the ongoing or routine use of substantial quantities of hazardous materials during operations. Only small quantities of hazardous materials would be anticipated to occur in conjunction with residential and mixed/commercial uses. Hazardous materials use on the housing sites may include cleaning solvents, fertilizers, pesticides, and other materials used in the regular maintenance and upkeep of the proposed land uses. In addition, Hazardous Materials Business Plans (HMBP) are required of businesses that handle hazardous substances in amounts greater than or equal to specified thresholds. The purpose of an HMBP is to minimize hazards to human health and the environment from unplanned, accidental releases of hazardous substances into the air, soil, or surface water. An HMBP must include an emergency response program that serves to manage emergencies at the given facility and prepare response personnel for a variety of conditions. HMBPs are submitted to County of San Diego's DEH HMD, and are reviewed and updated as necessary every three years, or in the event of an accidental release, change in materials storage location or use, or change in business name, address, or ownership.

With proper use and disposal, as required by Municipal Code Section 30.40.010, California Hazardous Waste Control Law, California H&SC, California Fire Code, and RCRA regulations, these chemicals would not result in hazardous or unhealthful conditions for those that would use and/or reside within the project area. A less than significant impact would occur in this regard given compliance with applicable Federal, State, and local regulations.

Accidental Release

An accidental release of hazardous materials could occur during: (1) the routine use, transport, and disposal of materials during project operation (as discussed above); or (2) through the accidental upset of hazardous materials – either known or unknown – during excavation and construction of future housing site development. Exposure to hazardous materials could occur through contact with contaminated soil or groundwater, skin contact, or the inhalation of vapors or dust.

The housing sites discussed in Section 4.7.1.1 could be sites of potential concern with respect to accidental releases of hazardous materials during excavation and construction associated with future development. Specifically, housing sites with existing commercial uses, such as the gas stations at housing sites ALT-2, C-7, OE-2, NE-1, and NE-7, could have the potential for contamination resulting from current uses (e.g., leaking underground storage tanks). Environmental issues must also be considered in the redevelopment of former gas stations, such as the old service station at on housing site C-1. Additionally,

sites presently used for agricultural purposes could pose a risk of contamination from herbicides, pesticides, and fertilizer uses. Specifically, housing sites L-5 and L-6 have been identified as areas of current agricultural use (greenhouses).

Additional properties, undocumented at this time, also could contain on-site contaminants both in the form of building materials and underground contaminants. Based on the uses in the project area, unknown hazardous materials sites may involve pesticides, herbicides, fungicides, petroleum products (gasoline, diesel, and oils), antifreeze, solvents, cleaners, acids, bases, and ignitable hazardous wastes releases. Unknown sites not presently identified on public databases would have the potential to create a significant hazard to the public or the environment.

Future development on housing sites also could result in the accidental upset of hazardous materials at known hazardous materials sites, resulting in the potential exposure of people and the environment to unacceptable levels of contamination associated with hazardous materials. Any development or redevelopment proposed for residential, or other sensitive land uses on listed hazardous materials sites represents a potential significant impact to health and safety. As detailed in Section 4.7.1.2, several listed hazardous materials sites are located on or within close proximity to proposed housing sites. Of the 36 sites of potential environmental concern (refer to Section 4.7.1.2), 21 housing sites are also listed on, or within 1/8-mile of, hazardous materials sites and, therefore, pose a potentially significant hazard to future development, as identified in Table 4.7-3.

Table 4.7-3 Housing Sites Identified as Containing Hazardous Materials				
Housing Site	Hazardous Material Site (including former agricultural use)	Housing Strategy		
		1-Ready Made	2-Build Your Own	3-Modified Mixed Use Places
ALT-2	Yes			X
ALT-3	Yes			X
ALT-5	Yes			X
ALT-6	Yes			X
ALT-7	Yes			X
C-1	Yes			X
C-2	Yes	X	X	X
C-3	Yes	X		
C-7	Yes	X		
CBHMG-1	Yes			X
L-1	Yes	X	X	
L-2	Yes	X		
L-4	Yes	X		
L-5	Yes (former agricultural use)	X		
L-6	Yes (former agricultural use)	X		
NE-3	Yes		X	
NE-4	Yes	X		
NE-7	Yes		X	X

Table 4.7-3 Housing Sites Identified as Containing Hazardous Materials				
Housing Site	Hazardous Material Site (including former agricultural use)	Housing Strategy		
		1-Ready Made	2-Build Your Own	3-Modified Mixed Use Places
OE-1	Yes	X		X
OE-2	Yes		X	
OE-4	Yes	X		X
OE-5	Yes	X		
OE-7	Yes		X	X

Future redevelopment or construction activities at housing sites may pose hazards to the public or the environment by disturbance of existing contaminated soils or groundwater or hazardous building materials. Grading and excavation activities could disturb soils and cause contaminants below ground to become airborne. Excavation below the groundwater table or dewatering could also bring construction workers in contact with contaminants through skin contact, ingestion, or inhalation. Likewise, excavation of land could expose workers to chemicals stored in or leaking from underground storage tanks or pesticide residues.

During construction, workers also could be exposed to hazardous materials during demolition of buildings. Demolition of buildings built prior to 1978 in the project area may expose workers to ACMs or LBPs. Inhalation of asbestos-containing dust may cause acute or chronic toxicity. Exposure to persons other than construction workers would be minimized by the exclusion of non-authorized personnel in construction areas determined to contain potentially hazardous materials. Exposure to construction workers would be controlled through conformance with Cal-OSHA worker safety standards.

Existing regulations, as described in Section 4.7.2, require that future projects proposed on listed hazardous materials sites complete site assessments for hazardous materials. If hazardous materials or contamination are identified, further evaluation or remediation may be necessary, depending upon the substances present, their concentration, and their location. For sites with recorded hazardous material concerns, project applicants must obtain confirmation from the DEH that the site has been remediated to the extent that it is required for the proposed use. For example, residential development requires a greater level of remediation than a commercial or industrial use.

Future development projects on listed hazardous materials sites are exceptions to any applicable exemptions under CEQA, pursuant to CEQA Guidelines Section 15300.2, which states that “a categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.” Therefore, future development projects on known hazardous materials sites would be subject to future environmental review pursuant to CEQA and would be required to identify and assess the impacts of hazardous materials during the land use permitting process.

However, because (1) there are potentially unknown sources of hazardous materials both subsurface and within the existing on-site structures and (2) all sites with the potential to contain hazardous materials and the status of past listed sites cannot be completely known at this program-level of analysis, risks from accidental release of hazardous materials would be potentially significant. In the unlikely event of upset or accidental release, mandated protocols for reporting the release, notifying the public, and remediating the event (if determined necessary by regulatory agencies) are intended to reduce public risks. Specifically, the risks associated with the accidental release of hazardous materials would be managed through the implementation of Municipal Code Section 30.40.010, California Hazardous Waste Control Law, California H&SC, California Fire Code, and RCRA regulations.

Emissions Near a School

Housing sites ALT-2, C-1 and C-7 contain listed hazardous materials sites within 0.25 mile of a school (see Table 4.7-1). Housing sites C-2 and CBHMG-1 are also less than 0.25 from a school. These listed hazardous materials sites have been remediated, and the cases have been closed for each site. These sites pose no significant risks associated with the emission of hazardous materials near a school. There could also be additional properties with currently unknown contaminants both subsurface and within existing structures that may pose a hazardous threat. Because schools are located within 0.25 mile of housing sites, as well as the uncertainty of where future schools may be sited, there would be potentially significant impacts associated with hazardous emissions. Adherence to Municipal Code Section 30.40.010, California Hazardous Waste Control Law, California H&SC, California Fire Code, and RCRA regulations, discussed above, would reduce potential impacts associated with the accidental release of hazardous materials.

b. Housing Strategy Summaries

Routine Use, Transport, and Disposal

Future development consistent with housing strategies 1 (RM), 2 (BYO) and 3 (MMUP) would not result in the routine transport, use, or disposal of substantial quantities of hazardous materials. Overall, there would be no inherent difference in impacts among the housing strategies relative to these issues.

Accidental Release

Housing Strategy 1 – Ready Made (RM)

Development within housing strategy 1 (RM) has potential to result in impacts from:

- Development on or near known and potentially unknown hazardous material sites on C-2, C-3, C-7, L-1, L-2, L-4, L-5, L-6, NE-4, OE-1, OE4, and OE-5.

Housing Strategy 2 – Build Your Own (BYO)

Development within housing strategy 2 (BYO) has potential to result in impacts from:

- Development on or near known and potentially unknown hazardous material sites on C-2, L-1, NE-3, NE-7, OE-2, and OE-7.

Housing Strategy 3 – Modified Mixed Use Places (MMUP)

Development within housing strategy 3 (MMUP) has potential to result in impacts from:

- Development on or near known and potentially unknown hazardous material sites on ALT-2, ALT-3, ALT-5, ALT-6, ALT-7, C-1, C-2, CBHMG-3, NE-7, OE-1, OE-4, and OE-7.

Emissions Near a School

Housing strategies 1 through 3 (RM, BYO, MMUP) all pose similar risks associated with accidental release or emissions near a school with regard to potentially unknown sources of hazardous materials both subsurface and within the existing on-site structures. Overall, there would be no inherent difference in impacts relative to accidental release and upset among the housing strategies.

4.7.5.2 Significance of Impacts

Impacts associated with the routine use, transport, and disposal of hazardous materials would be less than significant through compliance with local, State, and Federal regulations.

Impacts associated with the accidental release of hazardous materials and emissions near a school during future buildout of the housing sites would be potentially significant.

4.7.5.3 Mitigation Framework

Applications for future development of housing sites consistent with the HEU floating zone program, wherein the City has determined a potential for impacts relative to known and unknown hazardous materials sites, shall be required to comply with the following mitigation framework:

HAZ-1: Future projects shall be required to identify potential conditions, which require further regulatory oversight and demonstrate compliance based on the following measures prior to issuance of any permits:

- A. A Phase I Environmental Site Assessment (ESA) shall be completed in accordance with American Society of Testing and Materials (ASTM) Standards. If hazardous materials are identified requiring remediation, a

Phase II ESA and remediation effort shall be conducted in conformance with Federal, State, and local regulations.

- B. If the Phase II ESA identifies the need for remediation, then the following shall occur prior to the issuance of grading permits:
1. The applicant shall retain a qualified environmental engineer to develop a soil and/or groundwater management plan to address the notification, monitoring, sampling, testing, handling, storage, and disposal of contaminated media or substances (soil, groundwater). The qualified environmental consultant shall monitor excavations and grading activities in accordance with the plan. The groundwater management and monitoring plans shall be approved by the City prior to development of the site.
 2. The applicant shall submit documentation showing that contaminated soil and/or groundwater on proposed development parcels have been avoided or remediated to meet cleanup requirements established by appropriate local regulatory agencies (Regional Water Quality Control Board [RWQCB]/DTSC/DEH) based on the future planned land use of the specific area within the boundaries of the site (i.e., commercial, residential), and that the risk to human health of future occupants of these areas therefore has been reduced to below a level of significance.
 3. The applicant shall obtain written authorization from the appropriate regulatory agency (RWQCB/DTSC/DEH) confirming the completion of remediation. A copy of the authorization shall be submitted to the City to confirm that all appropriate remediation has been completed and that the proposed development parcel has been cleaned up to the satisfaction of the regulatory agency. In the situation where previous contamination has occurred on a site that has a previously closed case or on a site included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, the DEH shall be notified of the proposed land use.
 4. All cleanup activities shall be performed in accordance with all applicable Federal, State, and local laws and regulations, and required permits shall be secured prior to commencement of construction to the satisfaction of the City and compliance with applicable regulatory agencies such as but not limited to the Encinitas Municipal Code.

4.7.5.4 Significance after Mitigation

Future development consistent with the HEU would be required to implement the Mitigation Framework adopted in conjunction with certification of this PEIR, which requires preparation of a Phase I Site Assessment, consultation with the appropriate regulatory agencies and verification that health risk has been remediated in accordance with all applicable local, State and Federal regulations. In addition, as noted above in

Section 4.7.4.1, future development would be required to implement policies contained in the General Plan, and regulations imposed by Federal, State, and local agencies, including the U.S. EPA, RCRA, County Department of Health Services (DHS), and County of San Diego DEH. Therefore, potential impacts would be reduced to below a level of significance.

4.7.6 Issue 4: Hazardous Materials—Sites

Impacts related to hazards and hazardous materials would be significant if the project would be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or environment.

4.7.6.1 Impacts

a. Housing Sites

No sites compiled pursuant to Government Code Section 65962.5 (Cortese List) are present on the housing sites.

b. Housing Strategy Summaries

No sites compiled pursuant to Government Code Section 65962.5 are present on the housing sites. There would be no inherent difference in impacts among the housing strategies relative to this issue.

4.7.6.2 Significance of Impacts

No sites compiled pursuant to Government Code Section 65962.5 are present on the housing sites. Impacts would be less than significant.

4.7.7 Issue 5: Emergency Response and Evacuation Plans

Impacts related to hazards and hazardous materials would be significant if the project would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

4.7.7.1 Impacts

a. Housing Sites

The HEU does not propose the construction of new housing or other development; rather it provides capacity for future development consistent with State Housing Element Law. Buildout of the housing sites would increase density and create new mixed-use development in certain areas of the City; resulting in greater population concentrations

within these redeveloped neighborhoods. This could result in an increase in demand on emergency evacuation.

As indicated in Section 4.7.2, the City does not have an adopted emergency response plan. The HEU does not propose any changes in the City's existing circulation network, and no land uses are proposed that would impair implementation of or physically interfere with the City's emergency tsunami or wildfire evacuation plans; or that would conflict with any of the MHMP's specific hazard mitigation goals, objectives, and related potential actions. Furthermore, applications for all future projects on housing sites would be reviewed and approved by the City Fire Department prior to issuance of building permit. Therefore, buildout of the HEU would not conflict with an emergency response plan, and impacts would be less than significant.

b. Housing Strategy Summaries

Housing strategies 1 through 3 (RM, BYO, MMUP) would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Overall, there would be no inherent differences in impacts among the housing strategies.

4.7.7.2 Significance of Impacts

Potential impacts associated with the interference of emergency response plans would be less than significant.

4.7.8 Issue 6: Wildland Fires

Impacts related to hazards and hazardous materials would be significant if the project would expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas, within brush fire management zones, or where residences are intermixed with wildlands.

4.7.8.1 Impacts

a. Housing Sites

The HEU does not propose the construction of new housing or other development; rather it provides capacity for future development consistent with State Housing Element Law. Housing sites C-6, O-4, and O-5 are near open space (just north of San Elijo Lagoon) in the southeastern portion of the City and are located within the City's designated VHFHSZ. Locating residential land uses adjacent to or within a high fire hazard area can result in increased fire related risk to people and structures.

To avoid the risk from wildland fire, future development projects on housing sites C-6, O-4, and O-5 would be required to adhere to California Fire Code Title 19, Division 1, Section 3.07(b), requiring a minimum 30-foot brush clearance around structures for fire safety.

Adherence to these regulations and landscape guideline 7.3.17, which includes the use of fire retardant/resistant plants, in the City of Encinitas Design Guidelines (2005) would reduce risks in conjunction with future development related to wildland fire. Thus, impacts associated with risk of wildland fires would be less than significant.

b. Housing Strategy Summaries

Overall, there would be no inherent differences in impacts among the housing strategies. Adherence to the State and local fire codes and City Design Guidelines would reduce risks in conjunction with future development related to wildland fire.

4.7.8.2 Significance of Impacts

Potential impacts associated with wildland fire would be avoided through the implementation of existing local and State regulations. Mandatory compliance with these regulations would ensure that impacts would be less than significant.