

ITEM-3

CASE #: 07-039 DR/CDP

APPLICANT: CITY OF ENCINITAS

LOCATION: RIGHT-OF-WAYS ON  
EL PORTAL STREET, SANTA FE  
DRIVE AND MONTGOMERY  
AVENUE




# CITY OF ENCINITAS PLANNING COMMISSION AGENDA REPORT

Meeting Date: December 18, 2008

TO: Planning Commission

VIA:  Tom Curriden, City Planner

FROM:  Planning and Building Department  
Gene Ybarra, Senior Planner

**SUBJECT:** Public hearing for the consideration of adopting a Final Mitigated Negative Declaration (MND) assessing the environmental effects that would result from the development of three (3) railroad crossings for pedestrian passage within the NCTD railroad right-of-way and the City's roadway rights-of-way in the vicinity of El Portal Street, Santa Fe Drive, and Montgomery Avenue. The development of the project requires the issuance of a Design Review Permit and a Coastal Development Permit by the City of Encinitas. The application also includes a request for a Variance from the provisions of Chapter 9.32 – Noise Abatement and Control of the Municipal Code to allow certain construction noise to occur during night time hours. However, an action on those permits by the Commission is not requested at this time and those considerations are not before the Commission at this public hearing. **CASE NUMBER:** 07-039 DR/CDP; **APPLICANT:** City of Encinitas

**BACKGROUND:** On July 17, 2008 the Planning Commission conducted a noticed public hearing to consider the associated Design Review Permit and a Coastal Development Permit and Variance application for this project. Staff recommended that the Commission adopt the Final Mitigated Negative Declaration (MND) that had been prepared for the project and which is the subject of this public hearing. The MND concludes that, with the application of specific mitigation measures as conditions of approval for the project, the project would avoid or mitigate potentially significant impacts pertaining to Biological Resources, Cultural (Paleontological) Resources, and Hazardous Materials. A more detailed description of the scope and findings of the environmental review is contained within the following *ENVIRONMENTAL REVIEW* section of this report and the Final MND itself is attached as Exhibit PC-2.

During the public hearing, the Commission received comments from several public speakers with a wide range of concerns which included questioning the necessity of the project and its financial expense to the City and its citizens, a preference for “at-grade” railroad crossings rather than the proposed “grade-separated” railroad crossings (under crossings), manned security of the crossing facilities, and general questions about the design and functionality of the proposed under crossing facilities. After the close of the public hearing, staff and the applicant responded to the Commission’s specific questions relative to the public comments. However, in consideration of a motion to approve the application, several Commissioners expressed significant concerns about

the apparent lack of design features in the under crossing bridge structures and that a redesign of these structures may enable a greater level of design enhancement consistent with the thematic treatments proposed for the retaining walls and ramped pedestrian walkways for each crossing facility. However, the conclusions of the MND and the proposed mitigation measures were not discussed in any manner of significance or issue.

The applicant agreed to a continuance of the matter to enable a design study and response to the Commission's expressed concerns. By a vote of 5 – 0 the Commission continued its review and action on the project and the MND until its meeting scheduled for August 21, 2008. In addition, the Commission appointed a subcommittee consisting of Commissioners Chapo and McCabe to meet with the project design team to assist in the definition and clarification of design treatments for the bridge structures that may garner approval by the Commission. The applicant and staff met with the subcommittee on July 29, 2008 and received and responded to the subcommittee's questions, comments, and recommendations about the project and its specific design points.

However, the timeline associated with August 21<sup>st</sup> meeting schedule did not enable the applicant to complete a series of project management and scheduling requirements that were resultant from the applicant's effort to explore the design modifications as suggested by the Commission and the subcommittee. Accordingly, on August 21, 2008 the Commission granted the applicant's request through staff to a continuance "off-calendar". Among the project management requirements that were triggered by the applicant's re-design effort included a cost feasibility analysis and a revised scope of work contract with the project design consultants. In addition, it was also necessary to process a request for the approval of a modified work program and budget with the lead administering agency, the San Diego Association of Governments (SANDAG) and the project's funding administrator (California Transportation Commission). At this time, the final design modifications have been completed in concept by the applicant's design team and only the completion of the associated plan and exhibit materials is pending. The applicant intends to present the project design modifications to the subcommittee for its review and then proceed to schedule a public hearing before the Commission for its action on the Design Review Permit, Coastal Development Permit, and construction noise Variance application.

The applicant requests the Commission's adoption of the MND at this time and in advance of any action on the associated project application in order to comply with the most recently revised work plan and budget schedule for fiscal year 2009 that has been approved by SANDAG and which identifies the completion of environmental permitting by December 31, 2008. Pursuant to the provisions of Section 15074 et. seq. of the CEQA Guidelines, the authorized decision making body of the lead environmental review agency must consider the MND and the entire record of environmental review before approving the associated project for which the MND was prepared. Accordingly, it is permissible for the Planning Commission to adopt the MND at this time and then render a decision on the project at a later time. At the time that an action on the project is considered by the Commission, staff and the Commission would ensure that none of the design modifications referenced above would have any significant bearing on the conclusions of the MND. At this time, staff understands that none of the bridge structure design modifications that are currently contemplated by the applicant would have any effect upon the conclusions of the MND.

**ENVIRONMENTAL REVIEW:** An Environmental Initial Study was completed by the City as the lead agency for environmental review in accordance with the requirements of the California Environmental Quality Act (CEQA). A Draft Mitigated Negative Declaration (Draft MND) was prepared, circulated, and notice made of its availability for public review and comment during the period from March 14, 2008 through April 14, 2008. A total of four (4) parties commented upon the Draft MND through April 16, 2007. The submitted comments, the City's responses, and revisions to the Initial Study in response to the comments have been incorporated into the Final Mitigated Negative Declaration (MND - Exhibit PC-2). The MND concludes that the project as designed, and with the application of specific mitigation measures as conditions of any project approval, would avoid or mitigate the potentially significant impacts pertaining to Biological Resources, Cultural (Paleontological) Resources, and Hazardous Materials.

In summary, the Mitigation Monitoring and Reporting Program section of the MND contains the mitigation measures that have been determined adequate to reduce or avoid the potentially significant environmental effects to below a level of significant consist of the following:

Development of the proposed Montgomery Avenue under crossing would result in impacts to 0.11 acre of disturbed Diegan coastal sage scrub, 0.84 acre of non-native grassland, and 0.02 acre of non-wetland waters and non-vegetated streambed water under the jurisdiction of the US Army Corps of Engineers and the California Department of Fish and Game respectively (US/CDFG). These impacts would be adequately mitigated with the purchase of mitigation credits at an approved mitigation bank equal to a 2:1 replacement ratio (0.22 acre) for the impacted Diegan coastal sage scrub, the purchase of mitigation credits at an approved mitigation bank equal to a 0.5:1 replacement ratio (0.42 acre) for the impacted non-native grassland, and the creation of 0.02 acres (1:1 replacement ratio) of non-vegetated streambed at a location approved by the City of Encinitas and the US/CDFG permitting agencies.

With regard to paleontological resources, the construction phase of the shall implement a paleontological monitoring and recovery program to ensure that a qualified paleontologist is available to identify, handle, and ensure proper internment at an acceptable scientific institution of any fossils that are unearthed as a result of the project's development.

With regard to hazardous materials, the construction phase of the project shall include retention of a hazardous materials specialist to conduct soil sampling at each underpass location to determine the presence or absence of contaminants in subsurface soils and or any groundwaters. If any soil samples show contamination, a work plan shall be prepared and submitted to the County of San Diego Department of Environmental Health (DEH) for review and approval. Upon DEH approval, the work plan shall be implemented under the regulatory oversight of DEH and, if necessary, the California Department of Toxic Substances Control.

**ALTERNATIVE ACTIONS:** Alternative actions available to the Commission include: (1) Adopt the Final Mitigated Negative Declaration (MND) through the adoption of the attached Resolution; (2) Continue the hearing for further information and review; or (3) Vote to not adopt the MND at this time with direction to staff as to the further measures needed to bring the MND into full compliance with the requirements of CEQA.

**RECOMMENDATION:** Before public comment is received, disclose all information and contacts received outside the hearing of this matter upon which the decision will be based, receive public testimony and consider the facts and findings necessary to adopt the MND. A draft Resolution for the adoption of the MND and its component Mitigation Monitoring and Reporting Program is attached should the Commission take action to Adopt the MND for Case No. 07-039 DR/CDP.

**LIST OF ATTACHMENTS:**

- Exhibit PC-1     Planning Commission Staff Report Dated July 17, 2008 (Extraneous and Duplicate Attachments Removed)
- Exhibit PC-2     Final Mitigated Negative Declaration
- Exhibit PC-3     Draft Resolution for the Adoption of the Final Mitigated Negative Declaration with Attachment "A"

# **Exhibit PC-1**


**Planning Commission Staff Report Dated July 17, 2008  
(Extraneous and Duplicate Attachments Removed)**



**CITY OF ENCINITAS  
PLANNING COMMISSION  
AGENDA REPORT  
Meeting Date: July 17, 2008**

TO: Planning Commission

VIA: Tom Curriden, City Planner

FROM:  Planning and Building Department  
Gene Ybarra, Senior Planner

**SUBJECT:** Public hearing of an application for a Design Review Permit and a Coastal Development Permit for the development of three (3) railroad under crossings for pedestrian passage within the NCTD railroad right-of-way and the City's roadway rights-of-ways in the vicinity of El Portal Street, Santa Fe Drive, and Montgomery Avenue. The land use designation for the greater extent of the project area is Transportation Corridor. The project area is situated within the City's Coastal Zone and the Montgomery Avenue crossing is located within the appeal jurisdiction of the California Coastal Commission. The application also includes a request for a Variance from the provisions of Chapter 9.32 – Noise Abatement and Control of the Municipal Code to allow certain construction noise to occur during night time hours. **CASE NUMBER:** 07-039 DR/CDP; **APPLICANT:** City of Encinitas

**BACKGROUND:** A Memorandum of Understanding between North County Transit District ("NCTD") and the City of Encinitas ("City") was established in November of 2002 and authorizes the City, in association with the State of California Department of Transportation (Caltrans) and the San Diego Association of Governments (SANDAG), to develop four (4) grade-separated railway pedestrian crossings ("under crossings") within the NCTD rail road right-of-way. The proposed crossings are located in the vicinity of Hillcrest Drive, El Portal Street, Santa Fe Drive, and Montgomery Avenue. However, on December 5, 2007 the City Council authorized a delay in the permit processing of Hillcrest Drive site due to certain site constraints and the potential necessity of the preparation of an Environmental Impact Report (EIR) to address potentially significant environmental impacts associated with design alternatives for that crossing location. The proposed development of the other three (3) sites does not share the same site constraints and associated environmental affects and a Final Mitigated Negative Declaration (MND) has been prepared in the accordance with the provisions of the California Environmental Quality Act (CEQA). Accordingly, the Hillcrest site is not a part of the subject application and may be submitted for consideration by the Planning Commission at a future time. The Final MND for the development of the subject three (3) crossings concludes that, with the application of certain mitigation measures, the project would not result in any significant impacts to the environment. The more detailed description of the environmental review process associated with the completion of the Final MND is contained within the following *ENVIRONMENTAL REVIEW* section of this report and the Final MND itself is attached to this report as Exhibit PC-6.

The design phase of the project has included several public workshop forums. The public workshops were preceded by published public meeting notices and mailed notices to persons owning and residing upon properties within a 300-foot radius (and a 500-foot radius since February of 2007) around each of the proposed crossing locations. Between June of 2005 and March of 2008 four (4) public workshops and two (2) public meeting presentations before the City Council have been completed.

The project's design, environmental review, and permitting work that have been completed to date is funded by program monies made available by the California Transportation Commission under the Traffic Congestion Relief Program (TCRP). The actual costs for this phase of the project will be paid as reimbursements to City from the awarded TCRP fund. At this time, construction funding for the project has not been secured and it is anticipated that the funding for that phase of the project would be obtained incrementally from State and local sources.

The proposed locations of the railroad tracks under crossings were selected based upon a priority consideration for proximity to public schools, proximity to existing coastal and beach access ways, and proximity to existing recreational trails and recreational facilities. Through the public workshop process, community consensus of the crossing locations was indicated by the meeting attendees and public notice respondents.

**REQUIRED PERMITS AND FINDINGS:** The proposed railroad under crossings project is subject to design review and requires a Design Review permit pursuant to the provisions of Chapter 23.08 of the Municipal Code. Due to the project's location within the City's Coastal Zone, a Coastal Development Permit is also required in accordance with the findings contained within Chapter 30.80. Lastly, since the construction of bridges to support the existing railroad tracks above the proposed under crossing would disrupt existing rail way transit; the disruptions are planned to be mitigated by night time construction work and when rail way transit is at a reduced level. Approximately (10) night time construction periods are planned to accomplish this scope of work. Since the City's noise regulations (Chapter 9.32) do not make provision for night time construction noise, a Variance to the noise regulations is proposed under the variance provisions made available under Section 9.32.424. A draft Resolution of approval with suggested findings for each of the application components, including the noise Variance, and containing recommended conditions of approval is attached as Exhibit PC-1. Additional descriptive information regarding the project's significant design features and the parameters of the requested noise Variance is contained within the Final MND (Exhibit PC-5) and the Project Description (Exhibit PC-2).

**CITIZEN'S PARTICIPATION PLAN (CPP):** A Citizen's Participation Plan (CPP) has been completed in accordance with the requirements of Chapter 23.06 of the Municipal Code. As referenced above, the design phase of the project has included several public workshop forums. The public workshops were preceded by published public meeting notices and mailed notices to persons owning and residing upon properties within a 300-foot radius (and a 500-foot radius since February of 2007) around each of the proposed crossing locations. Between June of 2005 and March of 2008 four (4) public workshops and two (2) public meeting presentations before the City Council have been completed. These meetings and presentations have been managed by staff from the City Manager's office. In addition, several new articles containing project information and



status updates of the progress of the project design have been published in *The Coast News*, *North County Times*, and *The San Diego Union Tribune* newspapers. The record of the CPP meetings attendance indicates that the meetings have been well-attended. In addition, given the apparent reduction in attendance of the most recent meetings, it is apparent that a public awareness of the project exists. Following the mailed and published public notices giving notice of the Commission's public hearing for subject application, and up to the time of the preparation of this staff report, the Planning Division staff has received no public contacts regarding the project.

**ENVIRONMENTAL REVIEW:** An Environmental Initial Study was completed by the City as the lead agency in accordance with the requirements of the California Environmental Quality Act (CEQA). A Draft Mitigated Negative Declaration (MND) was prepared, circulated, and notice made of its availability for public review and comment during the period from March 14, 2008 through April 14, 2008. A total of four (4) parties commented upon the Draft MND through April 16, 2007. The submitted comments, the City's responses, and revisions to the Initial Study in response to the comments have been incorporated into the Final MND (Exhibit PC-5). The Final MND concludes that the project as designed, and with the application of specific mitigation measures as conditions of any project approval, would avoid or mitigate the potentially significant impacts pertaining to Biological Resources, Cultural (Paleontological) Resources, and Hazardous Materials.

In summary, the mitigation measures that have been determined adequate to reduce or avoid the potentially significant environmental effects to below a level of significant consist of the following:

Development of the proposed Montgomery Avenue under crossing would result in impacts to 0.11 acre of disturbed Diegan coastal sage scrub, 0.84 acre of non-native grassland, and 0.02 acre of non-wetland waters and non-vegetated streambed water under the jurisdiction of the US Army Corps of Engineers and the California Department of Fish and Game respectively (US/CDFG). These impacts would be adequately mitigated with the purchase of mitigation credits at an approved mitigation bank equal to a 2:1 replacement ratio (0.22 acre) for the impacted Diegan coastal sage scrub, the purchase of mitigation credits at an approved mitigation bank equal to a 0.5:1 replacement ratio (0.42 acre) for the impacted non-native grassland, and the creation of 0.02 acres (1:1 replacement ratio) of non-vegetated streambed at a location approved by the City of Encinitas and the US/CDFG permitting agencies.

With regard to paleontological resources, the construction phase of the shall implement a paleontological monitoring and recovery program to ensure that a qualified paleontologist is available to identify, handle, and ensure proper internment at an acceptable scientific institution of any fossils that are unearthed as a result of the project's development.

With regard to hazardous materials, the construction phase of the project shall include retention of a hazardous materials specialist to conduct soil sampling at each underpass location to determine the presence or absence of contaminants in subsurface soils and or any groundwaters. If any soil samples show contamination, a work plan shall be prepared and submitted to the County of San Diego Department of Environmental Health (DEH) for review and approval.

Upon DEH approval, the work plan shall be implemented under the regulatory oversight of DEH and, if necessary, the California Department of Toxic Substances Control.

The entire scope of mitigation measures determined for the project are contained within the Final MND and are repeated in the content of the recommended conditions of approval contained within the draft Resolution of Approval (Exhibit PC-1) that is recommended for the Commission's adoption with any approval of the project application.

**ALTERNATIVE ACTIONS:** Alternative actions available to the Commission include: (1) Make the required findings and adopt the attached Resolution approving the Tentative Map, Design Review, and Coastal Development Permit applications; (2) Continue the hearing for further information and review; or (3) Close the public hearing, discuss the findings, vote to deny the application and direct staff to return on a date certain with a resolution of denial reflecting the findings of the Commission.

**RECOMMENDATION:** Before public comment is received, disclose all information and contacts received outside the hearing of this matter upon which the decision will be based, receive public testimony and consider the facts and findings necessary to make a decision on the application. A draft Resolution of Approval with recommended findings and conditions is attached should the Commission take action to approve Case No. 07-039 DR/CDP.

**LIST OF ATTACHMENTS:**

- |              |  |
|--------------|--|
| Exhibit PC-1 | Draft Resolution of Approval with Attachments "A and "B" |
| Exhibit PC-2 | Project Description                                      |
| Exhibit PC-3 | Citizen Participation Plan (CPP) Final Report            |
| Exhibit PC-4 | Application and Related Materials                        |
| Exhibit PC-5 | Final Mitigated Negative Declaration                     |
| Exhibit PC-6 | Noise Analysis Report, dated December 13, 2007           |
| Exhibit PC-7 | Project Plans and Exhibits                               |

**Exhibit PC-1**  
**Draft Resolution of Approval**  
**with Attachments “A” and “B”**

**RESOLUTION NO. PC 2008**

**A RESOLUTION OF THE CITY OF ENCINITAS PLANNING COMMISSION  
APPROVING A DESIGN REVIEW PERMIT, A NOISE VARIANCE, AND A COASTAL  
DEVELOPMENT PERMIT FOR THE DEVELOPMENT OF (3) RAILROAD UNDER  
CROSSINGS FOR PEDESTRIAN PASSAGE WITHIN THE NCTD RAILROAD RIGHT-  
OF-WAY AND THE CITY'S ROADWAY RIGHTS-OF-WAYS IN THE VICINITY OF  
EL PORTAL STREET, SANTA FE DRIVE, AND MONTGOMERY AVENUE AND  
WITHIN THE CITY'S COASTAL ZONE**

**(CASE NO. 07-039 DR/CDP)**

**WHEREAS**, a request for consideration of a Design Review, Noise Variance, and a Coastal Development Permit was filed by the City of Encinitas of three (3) railroad under crossings for pedestrian passage within the NCTD railroad right-of-way and the City's roadway rights-of-ways in the vicinity of El Portal Street, Santa Fe Drive, and Montgomery Avenue.

**WHEREAS**, the Planning Commission conducted a noticed public hearing on the application on July 17, 2008, at which time all those desiring to be heard were heard; and

**WHEREAS**, the Planning Commission considered, without limitation:

1. The July 17, 2007 agenda report to the Planning Commission with attachments;
2. The General Plan, Local Coastal Program, Municipal Code, and associated Land Use Maps as applicable;
3. Oral evidence submitted at the hearing;
4. Written evidence submitted at the hearing;
5. Project drawings consisting of site Lay Out plans (1 each) and Landscape Concept plans (1 each), and landscape and hardscape materials exhibits (1 each) all indicated and stamped as approved by the Planning Commission; and

**WHEREAS**, the Planning Commission made the following findings pursuant to Chapters 23.08, 9.32, and 30.80 of the Encinitas Municipal Code:

**(SEE ATTACHMENT "B")**

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Encinitas hereby approves application 07-039 DR/CDP subject to the following conditions:

**(SEE ATTACHMENT "C")**

**BE IT FURTHER RESOLVED** that the Planning Commission has reviewed the Environmental Initial Study prepared for the project and, in its independent judgment, has determined that with incorporation of the mitigation measures contained therein and made conditions of approval for the project development, all potential environmental impacts will be reduced to levels of insignificance, and the Final Mitigated Negative Declaration is hereby adopted in accordance with the provisions of the California Environmental Quality Act (CEQA).

**PASSED AND ADOPTED** this 17<sup>th</sup> day of March, 2007, by the following vote, to wit:

AYES:

NAYS:

ABSENT:

ABSTAIN:

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Virginia Felker, Chair of the  
Planning Commission of the  
City of Encinitas

ATTEST:

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Patrick Murphy  
Secretary

**NOTE:** This action is subject to Chapter 1.04 of the Municipal Code, which specifies time limits for legal challenges.

**ATTACHMENT "A"**  
**Resolution No. PC 2007**  
**Case No. 07-039 DR/CDP**

**FINDINGS FOR DESIGN REVIEW**

**STANDARD:** Section 23.08.080 of the Encinitas Municipal Code provides that an application for a design review permit must be granted unless, based upon the information presented in the application and during the Public Hearing, the authorized agency makes any of the following regulatory conclusions:

1. The project design is inconsistent with the General Plan, a Specific Plan, or the provisions of the Municipal Code.

**Facts:** The purpose of the Encinitas Grade-Separated Pedestrian Crossings project is to increase pedestrian access through the North County Transit District (NCTD) railroad right-of-way within the City and thereby improve accessibility and provide safe access ways to City beaches, schools, commercial areas, and residential neighborhoods.

**Conclusion:** The Planning Commission finds that the project design is consistent with the General Plan and the provisions of the Municipal Code.

2. The project design is substantially inconsistent with the Design Review Guidelines.

**Facts:** Each of the crossing locations is designed with a specific theme that is largely the result of community input received from the public workshop meetings. The themes for each location are as follows: El Portal – “History – A Window to the Past”, Santa Fe – “Sea,” and Montgomery “Land”. Each of the design themes for each of the crossing locations is represented in the finish treatment of the retaining walls and access way ramps referenced above and in the site specific landscape palettes.

**Conclusion:** The Planning Commission finds that the project is substantially consistent with the applicable Design Review criteria.

3. The project would adversely affect the health, safety, or general welfare of the community.

**Facts:** the Final MND prepared for the project in accordance with the provisions of the California Environmental Quality Act (CEQA) concludes that, with incorporation of the mitigation measures contained therein and made conditions of approval for the project development, all potential environmental impacts will be reduced to levels of insignificance.

**Conclusion:** The Planning Commission finds that the project will not adversely affect the health, safety or general welfare of the community.

4. The project would cause the surrounding neighborhood to depreciate materially in appearance or value.

**Facts:** The project is not likely to have potential for any material depreciation of the surrounding neighborhoods as it will afford these neighborhood areas with greater accessibility though the NCTD rail way corridor.

**Conclusion:** The Planning Commission finds that the project will not cause the surrounding neighborhood to depreciate materially in appearance or value.

## **FINDINGS FOR A NOISE VARIANCE**

**STANDARD:** Section 9.32.424 of the Municipal Code provides that the Noise Control Officer may grant variances for the requirements of Chapter 9.32 – Noise Abatement and Control as may be deemed reasonable to achieving compliance with the provisions of the Chapter.

**Facts:** Night time construction would be completed over four weekend nights (a total of two weekends) at underpass locations with double tracks (Santa Fe and Montgomery), and two weekend nights (a total of one weekend) at single-track underpass locations (El Portal). Because the City does not have established construction noise standards for night time construction, Federal Transit Administration (FTA) construction noise criteria were used to evaluate potential night time construction noise impacts. The project noise study concludes that night time sound levels generated during construction of the proposed El Portal, Santa Fe, and Montgomery underpasses would not exceed the applicable FTA construction noise criteria at the closest noise sensitive receptor. Thus, short term, construction noise impacts resulting from construction of the El Portal, Santa Fe, and Montgomery underpasses would be less than significant.

**Conclusion:** As specified within Section 9.32.424, the considerations in determining the justifications for a Variance include the magnitude of the noise, the uses of property within the area of the generated noise, and the general public interest and welfare. Given the relative limited duration of the planned night time construction, the fact that the modeled construction noise would not exceed the FTA noise criteria, and the overall public benefits that would be realized with the existence of the crossing, the Planning Commission finds there is sufficient justification to grant the Variance.

## **FINDINGS FOR A COASTAL DEVELOPMENT PERMIT**

**STANDARD:** Section 30.80.090 of the Municipal Code provides that the authorized agency must make the following findings of fact, based upon the information presented in the application and during the Public Hearing, in order to approve a coastal development permit:

1. The project is consistent with the certified Local Coastal Program of the City of Encinitas; and
2. The proposed development conforms with Public Resources Code Section 21000 and following (CEQA) in that there are no feasible mitigation measures or feasible alternatives available which would substantially lessen any significant adverse impact that the activity may have on the environment; and
3. For projects involving development between the sea or other body of water and the nearest public road, approval shall include a specific finding that such development is in conformity with the public access and public recreation policies of Section 30200 et. seq. of the Coastal Act.

**Facts:** Related to finding No. 1, with the approval of the Design Review Permit and noise Variance applications associated with the proposed project; the project would comply with all applicable provisions, regulations, and policies of the City's Municipal Code, General Plan and certified Local Coastal Program. Related to finding No. 2, the Final MND prepared for the project concludes that, with incorporation of the mitigation measures contained therein and made conditions of approval for the project development, all potential environmental impacts will be reduced to levels of insignificance. Finding No. 3 a portion of the project site (Montgomery Avenue crossing site) is located within the Coastal Commission appeal jurisdiction, however the purpose of the project is to provide coastal and beach accessibility.

**Conclusion:** The Planning Commission finds that the project is consistent with the certified Local Coastal program of the City of Encinitas.



**ATTACHMENT "B"**  
**Resolution No. PC 2008-**  
**Case No. 07-039 DR /CDP**

**Applicant:** City of Encinitas

**Location:** NCTD Railway Corridor in the Vicinity of El Portal Street, Santa Fe Drive, and Montgomery Avenue

**SC1 SPECIFIC CONDITIONS:**

**SC2** At any time after two years from the date of this approval, on July 17, 2010 at 5:00 p.m., or the expiration date of any extension granted in accordance with the Municipal Code, the City may require a noticed public hearing to be scheduled before the authorized agency to determine if there has been demonstrated a good faith intent to proceed in reliance on this approval. If the authorized agency finds that good-faith intent to proceed has not been demonstrated, the application shall be deemed expired as of the above date (or the expiration date of any extension). The determination of the authorized agency may be appealed to the City Council within 15 days of the date of the determination.

**SC5** This project is conditionally approved as set forth on the application and project drawings consisting of site Lay Out plans (1 each) and Landscape Concept plans (1 each), and landscape and hardscape materials exhibits (1 each). These materials are indicated as approved by the Planning Commission on July 17, 2008 and these shall not be altered without expressed authorization by the Planning and Building Department.

**SCA El Portal Crossing:** Currently a natural drainage course exists within the rail road right of way. The project proposes below grade pedestrian crossing across the natural drainage course. The applicant shall design a storm drain culvert that conveys a 100-year storm through the pedestrian crossing. In addition, because of the downstream orifice and flow restrictor, the area around the proposed pedestrian crossing will continue to flood. The proposed pedestrian crossing shall provide design features that do not allow any storm runoff to enter the proposed pedestrian under pass. A berm at an elevation of at least 6 inches above the 100-year flood water surface elevation of 67.5 feet shall be provided around the perimeter of the crossing at El Portal in order to ensure the runoff does not drain to the pedestrian crossing. The pedestrian ramps to the undercrossing shall be elevated to 6" above 67.5 NAVD 88 before slope down to the under pass.

**SCB Santa Fe Drive Crossing:** It appears that the natural runoff flows to the south along the railroad tracks and is intercepted by a storm drain pipe which conveys the storm drain runoff under Highway 101. The proposed under crossing may block the natural flowage along the railroad tracks. A storm water system shall be installed to intercept and convey all the runoff along the rail road tracks safely and into an adequately sized controlled storm drain facility.

**SCC Montgomery Crossing:** Runoff in this location flows southerly along the railroad tracks. An existing culvert approximately 270 feet north of Montgomery conveys the

runoff to Highway 101. All the surface runoffs shall be intercepted on the north side of the proposed pedestrian crossing and be discharged into an adequately sized storm drain culvert.

- SCD Roadway pedestrian markings and signalization shall be as specified within Traffic Operations Report (Wilson & Company, January 2008; Source 9 in the Final Mitigated Negative Declaration for Encinitas Grade-Separated Pedestrian Crossings project). The final design specifications of all pedestrian crossing facilities and equipment within the public right-of-way shall be reviewed and approved by the Director of Engineering Services and shown and specified on the permit construction plan(s) prior to installation.

### **ENVIRONMENTAL MITIGATION MEASURES**

#### **Biological Resources**

- SCE Prior to issuance of grading permits, impacts to 0.11 acre of disturbed Diegan coastal sage scrub shall be mitigated at 2:1 ratio by purchase of mitigation credits equal to 0.22 acre of Diegan coastal sage scrub in an approved mitigation bank. If a MHCP regional funding program is established, mitigation alternatively could be achieved through a fair share payment into the MHCP regional funding program to the satisfaction of the City Director of Planning and Building.
- SCF Prior to issuance of grading permits, impacts to 0.84 acre of non-native grassland shall be mitigated at 0.5:1 ratio by purchase of mitigation credits equal to 0.42 acre of non-native grassland in an approved mitigation bank. If a MHCP regional funding program is established, mitigation alternatively could be achieved through a fair share payment into the MHCP regional funding program to the satisfaction of the City Director of Planning and Building.
- SCG Impacts to 0.02 acre of Waters of the U.S./streambed jurisdictional areas shall be mitigated at a minimum 1:1 ratio by creation of 0.02 acre of unvegetated streambed at a location approved by the City of Encinitas and permitting agencies prior to impacting wetland habitat.

#### **Cultural Resources (Paleontological)**

- SCH Prior to commencement of grading activities, the project contractor shall implement a paleontological monitoring and recovery program consisting of the following:
- a. The project contractor shall retain the services of a qualified paleontologist. 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. A paleontological monitor is defined as an individual having experience in the collection and salvage of fossil materials. The paleontological monitor shall work under the direction of a qualified paleontologist.

- 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 Linda Vista, Torrey Sandstone or Del Mar formations. 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.
- g. A final summary report outlining the results of the mitigation program shall be prepared by the qualified paleontologist and submitted to the City of Encinitas 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.

#### Hazards and Hazardous Materials

- SCI Prior to issuance of grading permits, the project contractor shall retain a hazardous materials specialist to conduct soil sampling at each underpass location to determine the presence or absence of contaminants in subsurface soils. If no contaminants are found in the soil samples, no further mitigation is required. If, however, the soil samples are contaminated, a work plan shall be prepared and submitted to the County of San Diego Department of Environmental Health (DEH) for review and approval. Upon DEH approval, the work plan shall be implemented under the regulatory oversight of DEH and, if necessary, the California Department of Toxic Substances Control. The hazardous materials specialist shall also prepare a soil and groundwater management plan addressing notification, monitoring, sampling testing, handling, storage, and disposal of contaminated substances that may be encountered during project construction. The plan shall be submitted to DEH and the City of Encinitas and references to the potential to

encounter contaminated soil and/or groundwater shall be included in construction specifications.

**G1 STANDARD CONDITIONS:**

**CONTACT THE PLANNING AND BUILDING DEPARTMENT REGARDING COMPLIANCE WITH THE FOLLOWING CONDITIONS:**

- G2 This approval may be appealed to the City Council within 15 calendar days from the date of this approval in accordance with Chapter 1.12 of the Municipal Code.
- G3 This project is located within the Coastal Appeal Zone and may be appealed to the California Coastal Commission pursuant to Coastal Act Section 30603 and Chapter 30.04 of the City of Encinitas Municipal Code. An appeal of the Planning Commission's decision must be filed with the Coastal Commission within 10 days following the Coastal Commission's receipt of the Notice of Final Action. Applicants will be notified by the Coastal Commission as to the date the Commission's appeal period will conclude. Appeals must be in writing to the Coastal Commission, San Diego Coast District office.
- G5 Approval of this request shall not waive compliance with any sections of the Municipal Code and all other applicable City regulations in effect at the time of Building Permit issuance unless specifically waived herein.
- G7 Prior to issuing a final inspection on framing, the applicant shall provide a survey from a licensed surveyor or a registered civil engineer verifying that the building height is in compliance with the approved plans. The height certification/survey shall be supplemented with a reduced (8 1/2" x 11") copy of the site plan and elevations depicting the exact point(s) of certification. The engineer/surveyor shall contact the Planning and Building Department to identify and finalize the exact point(s) to be certified prior to conducting the survey.
- G8 A Mitigation Monitoring and Reporting Program (MMRP) as set forth in the Final Mitigated Negative Declaration for the Encinitas Grade-Separated Pedestrian Crossings project and referenced herein, shall be established and funded by the developer or property owner. The amount of funds necessary to implement the MMRP will be determined by the Planning and Building and Engineering Services Departments prior to issuance of any permits for the project.
- G10 All retaining and other freestanding walls, fences, and enclosures shall be architecturally designed in a manner similar to, and consistent with, the primary structures (e.g. stucco-coated masonry, split-face block or slump stone). These items shall be approved by the Planning and Building Department prior to the issuance of building and/or grading permits.
- G12 Prior to any use of the project site pursuant to this permit, all conditions of approval contained herein shall be completed or secured to the satisfaction of the Planning and Building Department.

- G14 A plan shall be submitted for approval by the Planning and Building Department, the Engineering Services Department, and the Fire Department regarding the security treatment of the site during the construction phase, the on- and off-site circulation and parking of construction workers' vehicles, and any heavy equipment needed for the construction of the project.
- G21 All utility connections shall be designed to coordinate with the architectural elements of the site so as not to be exposed except where necessary. Locations of pad mounted transformers, meter boxes, and other utility related items shall be included in the site plan submitted with the building permit application with an appropriate screening treatment. Transformers, terminal boxes, meter cabinets, pedestals, ducts and other facilities may be placed above ground provided they are screened with landscaping.

### **LANDSCAPING**

- L1 The project is subject to Chapter 23.26 of the Municipal Code (Water Efficient Landscape Program), which requires a landscape and irrigation plan to be prepared by a State licensed landscape designer. The requirements for the plans are listed in Chapter 23.26. The landscape and irrigation plans must be submitted as part of the building permit application for the project.
- L2 All required plantings and automated irrigation systems shall be in place prior to use or occupancy of new buildings or structures. All required plantings and automated irrigation systems shall be maintained in good condition, and whenever necessary, shall be replaced with new materials to ensure continued compliance with applicable landscaping, buffering, and screening requirements. All landscaping and irrigation systems shall be maintained in a manner that will not depreciate adjacent property values and otherwise adversely affect adjacent properties. All irrigation lines shall be installed and maintained underground (except drip irrigation systems).
- L5 All masonry freestanding or retaining walls visible from points beyond the project site shall be treated with a protective sealant coating to facilitate graffiti removal. The sealant shall be of a type satisfactory to the Engineering Services and Planning and Building Departments. The property owner shall be responsible for the removal in a timely manner of any graffiti posted on such walls.

### **DESIGN REVIEW**

- DR1 Any future modifications to the approved project will be reviewed relative to the findings for substantial conformance with a design review permit contained in Section 23.08.140 of the Municipal Code. Modifications beyond the scope described therein may require submittal of an amendment to the design review permit and approval by the authorized agency.
- DR3 All project grading shall conform with the approved plans. If subsequent grading plans are inconsistent with the grading shown on the approved plans, a design review permit for such

grading shall be obtained from the authorized agency of the City prior to issuance of grading or building permits.

**B1 BUILDING CONDITION(S):**

**CONTACT THE ENCINITAS BUILDING DIVISION REGARDING COMPLIANCE WITH THE FOLLOWING CONDITION(S):**

B2 The applicant shall submit a complete set of construction plans to the Building Division for plancheck processing. The submittal shall include a Soils/Geotechnical Report, structural calculations, and State Energy compliance documentation (Title 24). Construction plans shall include a site plan, a foundation plan, floor and roof framing plans, floor plan(s), section details, exterior elevations, and materials specifications. Submitted plans must show compliance with the latest adopted editions of the California Building Code (The Uniform Building Code with California Amendments, the California Mechanical, Electrical and Plumbing Codes). Commercial and Multi-residential construction must also contain details and notes to show compliance with State disabled accessibility mandates. These comments are preliminary only. A comprehensive plancheck will be completed prior to permit issuance and additional technical code requirements may be identified and changes to the originally submitted plans may be required.

**E1 ENGINEERING CONDITIONS:**

**CONTACT THE ENGINEERING SERVICES DEPARTMENT REGARDING COMPLIANCE WITH THE FOLLOWING CONDITION(S):**

E2 All City Codes, regulations, and policies in effect at the time of building/grading permit issuance shall apply.

E3 All drawings submitted for Engineering permits are required to reference the NAVD 88 datum; the NGVD 29 datum will not be accepted.

**EG1 Grading Conditions**

EG3 The owner shall obtain a grading permit prior to the commencement of any clearing or grading of the site.

EG4 The grading for this project is defined in Chapter 23.24 of the Encinitas Municipal Code. Grading shall be performed under the observation of a civil engineer whose responsibility it shall be to coordinate site inspection and testing to ensure compliance of the work with the approved grading plan, submit required reports to the Engineering Services Director and verify compliance with Chapter 23.24 of the Encinitas Municipal Code.

EG5 No grading shall occur outside the limits of the project unless a letter of permission is obtained from the owners of the affected properties.

- EG6 Separate grading plans shall be submitted and approved and separate grading permits issued for borrow or disposal sites if located within city limits.
- EG7 All newly created slopes within this project shall be no steeper than 2:1.
- EG8 A soils/geological/hydraulic report (as applicable) shall be prepared by a qualified engineer licensed by the State of California to perform such work. The report shall be submitted with the first grading plan submittal and shall be approved prior to issuance of any grading permit for the project.
- EG10 In accordance with Section 23.24.370 (A) of the Municipal Code, no grading permit shall be issued for work occurring between October 1st of any year and April 15th of the following year, unless the plans for such work include details of protective measures, including desilting basins or other temporary drainage or control measures, or both, as may be deemed necessary by the field inspector to protect the adjoining public and private property from damage by erosion, flooding, or the deposition of mud or debris which may originate from the site or result from such grading operations.

**ED1 Drainage Conditions**

- ED2A An erosion control system shall be designed and installed onsite during all construction activity. The system shall prevent discharge of sediment and all other pollutants onto adjacent streets and into the storm drain system. The City of Encinitas Best Management Practice Manual shall be employed to determine appropriate storm water pollution control practices during construction.
- ED3 A drainage system capable of handling and disposing of all surface water originating within the project site, and all surface waters that may flow onto the project site from adjacent lands, shall be required. Said drainage system shall include any easements and structures required by the Engineering Services Director to properly handle the drainage.
- ED4 The proposed project falls within areas indicated as subject to flooding under the National Flood Insurance Program and is subject to the provisions of that program and City Ordinance.

**ESW1 Storm Water Pollution Control Conditions**

- ESW2 Grading projects with a disturbed area of greater than 1 acre must also meet additional requirements from the State Water Resources Control Board (SWRCB). Those additional requirements include filing a Notice of Intent (NOI) and preparing a Stormwater Pollution Prevention Plan (SWPPP) for review and approval by the City.
- ESW5 The project must meet storm water quality and pollution control requirements. The applicant shall design and construct landscape and/or turf areas and ensure that all flows from impervious surfaces are directed across these areas prior to discharging onto the street. A **Grading Plan/ Tentative Map/ Permit Site Plan** identifying all landscape

areas designed for storm water pollution control (SWPC) and Best Management Practice shall be submitted to the City for Engineering Services Department approval. A note shall be placed on the plans indicating that the modification or removal of the SWPC facilities without a permit from the City is prohibited.



# **Exhibit PC-2**

## **Project Description**

## **Case No. 07-039 DR/CDP**

### **Project Description**

**Project Overview:** The purpose of the Encinitas Grade-Separated Pedestrian Crossings project is to increase pedestrian access through the North County Transit District (NCTD) railroad right-of-way within the City and thereby improve accessibility and provide safe access ways to City beaches, schools, commercial areas, and residential neighborhoods. Currently there are four at-grade rail/street crossings, one rail overpass, and one rail underpass along the 6.1-mile rail corridor in the City. Existing at-grade pedestrian crossings are located miles apart, requiring out-of-direction travel to access beaches, businesses, schools, and neighborhoods. The limited number of pedestrian crossings hinders east-west pedestrian movement, which results in trespassing of the railroad right-of-way by pedestrians who cross the tracks to reach nearby coastal recreation areas, businesses, schools, and residential neighborhoods. Illegal crossing of the rail corridor poses a safety hazard to pedestrians and rail operations. Approximately 60 train movements occur along this segment of the rail corridor on a daily basis, and this volume is projected to increase to over 80 in the next 10 years. These trains travel at high speeds and are unable to stop for pedestrians on the tracks. A number of fatalities have occurred over the last decade. The construction of pedestrian crossings below the railroad tracks would provide safe pedestrian movement through the rail corridor and improve accessibility in and around the project area.

The project proposes to construct three (3) grade-separated pedestrian crossings under the NCTD railroad tracks in the vicinity of El Portal Street, Santa Fe Drive, and Montgomery Avenue. All of the proposed crossings would comply with the Americans with Disabilities Act (ADA) standards. The pedestrian underpass locations were determined based on their locations relative to public schools, recreational facilities, existing pathways, and ability to avoid conflicts with potential development of the Coastal Rail Trail system.

**Design Overview:** The design and construction of each of the crossings consist of common elements. Fundamentally the design entails excavations such that pedestrian passage is provided under the railroad tracks while the railroad tracks maintain their existing height elevation relative to the existing rail way. This will be accomplished with a system of structural bridges to support the railroad tracks above the excavated pedestrian passage ways. Since the pedestrian ways will also be fully accessible to disabled persons, the pedestrian ways will consist of 12-foot wide ramped passage ways, rather than stairway structures, to accomplish the elevation differentials and provide connection to the adjacent sections of roadway for Vulcan Avenue, San Elijo Avenue, and North and South Coast Highway 101. In addition, a system of retaining walls and graded and landscaped transition slopes would be constructed to support portions the excavated areas and enable connection of the ramped passage ways to and from the affected sections of roadway. The bridge structures would consist of a prefabricated standard NCTD three-span bridge. The middle span of the three-span bridge would be used for the pathway under the NCTD tracks. The vertical clearance under each bridge would be eight feet. The retaining walls would range in height between 1 – 12 feet and would be finished with thematic materials as is further described below. The manufactured slope areas would generally be graded to finished slope gradient of 2:1 and would be planted with a native plant palette that is

complementary to individual design theme that has been selected for each crossing and as is further described below.

The development of each crossing would include the construction of drainage and storm water treatment facilities. Due to the relatively flat and even grade elevations within the railway corridor, drainage system improvements for the El Portal and Montgomery sites would include sump pumps in addition to the installation of new 18 – 42-inch diameter storm water pipes for the conveyance of storm waters to the existing storm water systems.

**Site Design Features:** Each of the crossing locations is designed with a specific theme that is largely the result of community input received from the public workshop meetings. The themes for each location are as follows: El Portal – “History – A Window to the Past”, Santa Fe – “Sea,” and Montgomery “Land”. Each of the design themes for each of the crossing locations is represented in the finish treatment of the retaining walls and access way ramps referenced above and in the site specific landscape palettes.

#### El Portal

Historical photographs relevant to the City’s development would be etched into black granite tiles and set into the retaining walls. Hardscape features would include earth-tone colored concrete along the proposed pedestrian ramps, a steel grate pathway with cobble and rip rap under the railroad tracks, stone cairns at access points along North Vulcan Avenue and North Coast Highway 101, retaining walls (described above) treated with an earth-tone finish, and handrails along the pedestrian ramps. In addition, 6-foot-high, welded wire mesh fencing would be installed on the west side of the tracks within NCTD right-of-way. The fencing would extend along the NCTD right-of-way for approximately 200 feet north and 265 feet south of the underpass.

The proposed plant palette would include species contained in the City’s North 101 Corridor Specific Plan. Shrubs and groundcovers would be planted adjacent to the ramps on both sides of the underpass within NCTD and North Coast Highway 101 rights-of-way. Groundcovers could include coyote brush, Point Reyes ceanothus, carmel creeper, gazania, shore juniper, purple iceplant, periwinkle, and Korean grass. Shrubs could include century plant, dracaena, New Zealand flax, and aloe.

#### Santa Fe

The proposed hardscape features would include earth-tone colored concrete along the proposed pedestrian ramps, a steel grate pathway with cobble and rip rap under the railroad tracks, stone cairns at the access points on both sides of the NCTD right-of-way, retaining walls embedded with tumbled recycled glass, and handrails along the pedestrian ramps. In addition, 6-foot-high, welded wire mesh fencing would be installed on the west side of the tracks, extending a distance of approximately 90 feet north and 200 feet south of the underpass.

The proposed plant palette on the east side of the railroad tracks would include native coastal plant species. Groundcovers would include sand verbena, dwarf coyote bush, and cliff buckwheat. Proposed accent and flowering shrubs would include lady fingers, lance leaf dudleya, California sagebrush, California sunflower, and black sage. Large screening shrubs

would include coyote bush, toyon, coffeeberry, and lemonadeberry. The hydroseed mix would include sand verbena, California poppy, sawtooth goldenbush, deerweed, collar lupine, beach evening primrose, phacelia, and pacific fescue.

The proposed plant palette west of the railroad tracks would integrate species consistent with those proposed for the City's South Coast Highway 101 Streetscape Phase II – F Street to Swamis Park project. Groundcovers would include Yankee point California lilac and creeping rosemary. Flowering shrubs would include rockrose, prostrate bottle brush, Noell's woolly gravillea, English lavender, India hawthorn, Cleveland sage, hemerocallis, and thyme. Groundcovers, accent and flowering shrubs, large screening shrubs, and hydroseed mix would be planted on the manufactured slopes on the east side of the bridge underpass.

### Montgomery

The design theme for the Montgomery Underpass would emphasize the coastal bluffs that occur within the City's coastline. The proposed retaining walls would incorporate a special treatment to emulate natural bluff layers. The proposed hardscape features would include earth-tone colored concrete along the proposed pedestrian ramps, a steel grate pathway with cobble and rip rap under the railroad tracks, stone cairns at the access points on both sides of the NCTD right-of-way, decorative retaining walls (described above), and handrails along the pedestrian ramps. In addition, 6 foot-high, welded wire mesh fencing would be installed along the railroad right-of-way boundary on the west side of the tracks for a distance of approximately 200 feet north and 350 feet south of the underpass.

The proposed plant palette would include groundcovers, accent and flowering shrubs, large screening shrubs, and hydroseed mix would be planted on the proposed manufactured slopes. The groundcovers would include sand verbena, dwarf coyote bush, and cliff buckwheat. The accent and flowering shrubs would include lady fingers, lance leaf dudleya, California sagebrush, California sunflower, and black sage. The large screening shrubs would include coyote bush, toyon, coffeeberry, and lemonadeberry. The hydroseed mix would include sand verbena, California poppy, sawtooth goldenbush, deerweed, collar lupine, beach evening primrose, phacelia, and pacific fescue.

**Transportation/Traffic:** Each proposed underpass would necessitate provisions for pedestrian crossing of adjacent roadways, including Highway 101, Vulcan Avenue, and San Elijo Avenue, to provide safe and logical connections between neighborhoods on both sides of the rail corridor. A Traffic Operations Report (Wilson & Company, January 2008; Source 9 in the Final MND Initial Study Checklist) was prepared for the proposed pedestrian crossings to evaluate pedestrian access and safety issues at the proposed underpasses. The Traffic Operations Report concluded that the provision of the following recommended street crossing facilities at the proposed underpass locations would ensure that access to and from the proposed under crossings from the adjacent roadways would not result in any significant hazards to pedestrians or vehicular motorists and would not result in any significant level of service impacts to the existing vehicular trips upon the roadways.

### El Portal

The segment of Highway 101 near the proposed El Portal underpass has a pavement width of 60 feet and a daily traffic volume of approximately 19,500 vehicles. Given the amount of traffic

and width of the roadway, the traffic operations report concluded that signalization of the El Portal Street/Highway 101 intersection would provide the safest crossing of Highway 101. The project proposes to install a painted crosswalk across Highway 101 immediately south of its intersection with El Portal Street, as well as a new traffic signal at the Highway 101/El Portal Street intersection. A painted crosswalk occurs across North Vulcan Avenue in front of Paul Ecke Central Elementary School. The proposed project would utilize this existing crosswalk.

#### Santa Fe

Highway 101 in this location has a daily traffic volume of approximately 15,000 vehicles and a pavement width of 75 feet. The traffic operations report concluded that, due to the higher traffic volumes and width of the road, a mid-block, signalized pedestrian crossing would ensure safe pedestrian movement across Highway 101. The project proposes to install a painted crosswalk across Highway 101 and a mid-block, pedestrian-activated signal. In addition, the proposed crosswalk would remove up to four existing on-street parking spaces along the west side of Highway 101 to provide adequate site distance and ensure pedestrian safety. The Santa Fe Drive/South Vulcan Avenue/San Elijo Avenue intersection is an all-way, stop-controlled intersection with no crosswalks. The project would provide a painted crosswalk across South Vulcan Drive from the northeast quadrant of the intersection to safely direct pedestrians across the road and into the underpass.

#### Montgomery

Highway 101 in this location has a daily traffic volume of approximately 15,000 vehicles and has a pavement width of 84 feet. Given this, the traffic operations report concluded that a mid-block, signalized pedestrian crossing would ensure safe pedestrian movement across Highway 101. The project would include a new painted crosswalk across Highway 101 and a mid-block pedestrian-activated signal to provide a safe pedestrian connection between the proposed underpass and area beaches. In addition, the proposed crosswalk would remove up to four existing on-street parking spaces along each side of Highway 101 (a total of up to eight) to provide adequate site distance and ensure pedestrian safety. The existing intersection of San Elijo Avenue and Montgomery Avenue is stop-controlled for Montgomery Avenue, but not for San Elijo Avenue. The project would maintain the one-way, stop-controlled intersection and install a painted crosswalk across San Elijo Avenue from the northeast quadrant of the intersection. Advanced warning signing and pavement markers, pursuant to the Federal Highway Administration's Manual on Uniform Traffic Control Devices guidelines, also would be provided along San Elijo Avenue.

**Construction Noise and Noise Variance to City Noise Regulations (Municipal Code Chapter 9.32):** A Noise Analysis Report was prepared for the project (Kimley-Horn and Associates, Inc., December 13, 2007; Source 8 in the Final MND Initial Study Checklist) to assess potential short-term noise impacts associated with project construction. Noise-sensitive land uses are associated with indoor and/or outdoor activities that may be subject to substantial interference from noise and often include residential dwellings, mobile homes, hotels, hospitals, nursing homes, educational facilities, libraries, and parks. Industrial, commercial, and agricultural uses generally are not considered sensitive to noise. Sensitive land uses near the three proposed underpasses include single and multi family residential development, schools, and park uses. Once each bridge has been installed and the track has been restored to service, the

underpass would be excavated, and the pedestrian path and other design features would be built during normal weekday hours. It is anticipated that each crossing would require a total of six months to be completed. Construction activities at the proposed underpass locations would result in a short-term, temporary increase in ambient noise levels during daytime and nighttime hours. However, the noise study concludes that proposed daytime construction activities would comply with the City's applicable daytime construction noise criteria at all three proposed underpass locations.

Due to rail operational constraints, some project construction would occur during nighttime weekend (Saturday and Sunday) hours. Nighttime construction would begin with the drilling of holes and placement of H Piles. Once the piles are dropped in place, a maintenance window would be scheduled to take the track out of service for installation of the bridge. The existing track would be cut, ballast would be removed, and piles would be uncovered to allow them to be trimmed to the bottom of cap elevation. Prefabricated abutments and caps would then be placed on top of the piles and welded into place followed by installation of the prefabricated superstructure over the pile caps and placement of deck plates and handrail assemblies. Finally, abutments would be backfilled and the track and ballast that was removed would be replaced.

Night time construction would be completed over four weekend nights (a total of two weekends) at underpass locations with double tracks (Santa Fe and Montgomery), and two weekend nights (a total of one weekend) at single-track underpass locations (El Portal). Because the City does not have established construction noise standards for night time construction, Federal Transit Administration (FTA) construction noise criteria were used to evaluate potential night time construction noise impacts. The noise study concludes that nighttime sound levels generated during construction of the proposed El Portal, Santa Fe, and Montgomery underpasses would not exceed the applicable FTA construction noise criteria at the closest noise sensitive receptor. Thus, short term, construction noise impacts resulting from construction of the El Portal, Santa Fe, and Montgomery underpasses would be less than significant.

However, since the City has no standards for night time construction noise, a Variance under the provisions of Section 9.32.424 of the Municipal Code may be granted to enable the construction activities during night time hours (7:00PM – 7:00AM). In this case, and since the Planning Commission is authorized to adopt or reject the conclusion of the environmental analysis documented in the Final MND, the Commission is authorized to take action on the noise Variance request. As specified within Section 9.32.424, the considerations in determining the justifications for a Variance include the magnitude of the noise, the uses of property within the area of the generated noise, and the general public interest and welfare. Given the relative limited duration of the planned night time construction, the fact that the modeled construction noise would not exceed the FTA noise criteria, and the overall public benefits that would be realized with the existence of the crossing, staff recommends there is sufficient justification to grant the Variance.

# **Exhibit PC-3**

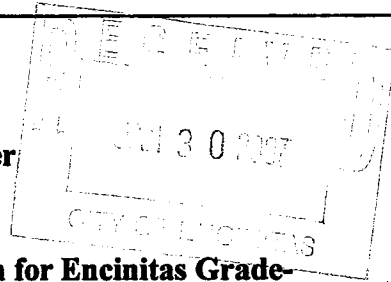
## **Citizen Participation Plan (CPP) Final Report**



**CITY OF ENCINITAS  
MEMORANDUM**

**Date: January 25, 2007**

**TO: Kathy Noel, Planning & Building**  
**FROM: RP Richard Phillips, Assistant to the City Manager**



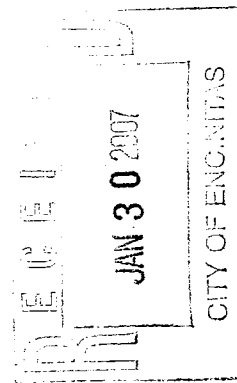
**SUBJECT: Documentation of Citizen's Participation Plan for Encinitas Grade-Separated Pedestrian Crossings**

Attached is the Citizen Participation Program Summary document for proposed grade-separated pedestrian crossings of the San Diego Northern Railway corridor within the City of Encinitas.

c: Gene Ybarra  
TYLin



## Encinitas Grade-Separated Pedestrian Crossings Citizen Participation Program Summary



### 1. Project Description:

The Encinitas grade-separated pedestrian crossing project entails the construction of four grade-separated pedestrian crossings along the San Diego Northern Railway corridor within the City of Encinitas. The proposed project crossings are along the rail corridor in the vicinity of Montgomery Avenue, Santa Fe Drive, El Portal Street and Hillcrest Drive. The structural element for each pedestrian grade-separated crossing will be a rail bridge (pedestrian underpass) that will allow pedestrians to pass under the rail tracks via accessed walkways and ramps from the surrounding streets. Hardscape improvement, landscaping and channelization devices (fencing) to direct users to utilize the grade-separated crossings as well as any necessary adjacent street-crossing safety improvements would be implemented as part of the project development. The design of each crossing was conducted taking into consideration the attributes of each site, community input and community character, balanced with the structural requirements for development of a rail crossing, the constraints of each site, and required elements dictated by the owner of the rail corridor right-of-way. The enclosed site map shows the location of each of the project crossings. *All construction activities will occur within the North County Transit District (NCTD) and public right-of-way.*

### 2. Public Notification Methods

A series of three public workshops were held to review the project's background, site locations, structural alternatives and to solicit public input. In addition, a project update was presented at a public meeting of the Encinitas City Council. Flyers announcing each of the workshops were developed and mailed to adjacent property owners along the 300 feet radius from Chesterfield Drive to Hillcrest Drive. The mailing was also provided to parties of interest including business and community groups. The workshop announcements were posted on the City website and the workshops were covered in the local press. A copy of the mailing notification list is contained as Exhibit "A". Press coverage of the workshops are contained in Exhibit "B".

### 3. Schedule and Synopsis of Workshops

#### Workshop 1

The first public workshop for the Encinitas Grade Separated Pedestrian Crossing was conducted on June 30, 2005 and held at the Encinitas Civic Center. The workshop was facilitated by the City of Encinitas' Manager's Office, San Diego Association of Governments (SANDAG), TYLin International - the engineering firm awarded the engineering/design contract- and TYLin's rail, landscape architect and traffic subconsultants. The workshop included an introduction of the project team, a PowerPoint presentation on the project background, a review of the three project sites<sup>1</sup>, structural options for grade-separation pedestrian crossings followed

<sup>1</sup> The original project scope included preliminary engineering & design development and environmental permitting was for three crossings, south of E Street. Based on public input and community demand, planning for a fourth crossing site in the northern portion of the city was added to the project scope. Modification the SANDAG/City agreement and approval planning a fourth crossing was approved by the Encinitas City Council on November 16, 2005.

by participants' participation in a design charrette. Charrette stations for each of the three project sites were provided with an aerial map. Participants wrote comments directly on the site map or on separate comments sheets regarding desired structure type, landscaping and other desired features. A copy of the presentation materials and written comment sheets are provided under Exhibit "C", "Public Workshops".

### **Workshop 2**

The second public workshop was conducted on August 18, 2005. The workshop covered background information on the need for grade-separated pedestrian crossings, summary of the community comments received at the first workshop, crossing structural alternatives and presented conceptual architectural themes.

Although beyond the original project scope, a contingency attending the workshop was very vocal about the desire to have the City fund an additional pedestrian crossing in the northern portion of the City. The design team acknowledged the need for additional crossings along the rail corridor and reasons why the three sites selected. A copy of the presentation materials are provided as "Public Workshops" exhibit.

### **City Council Presentation & Authorization for Fourth Crossing**

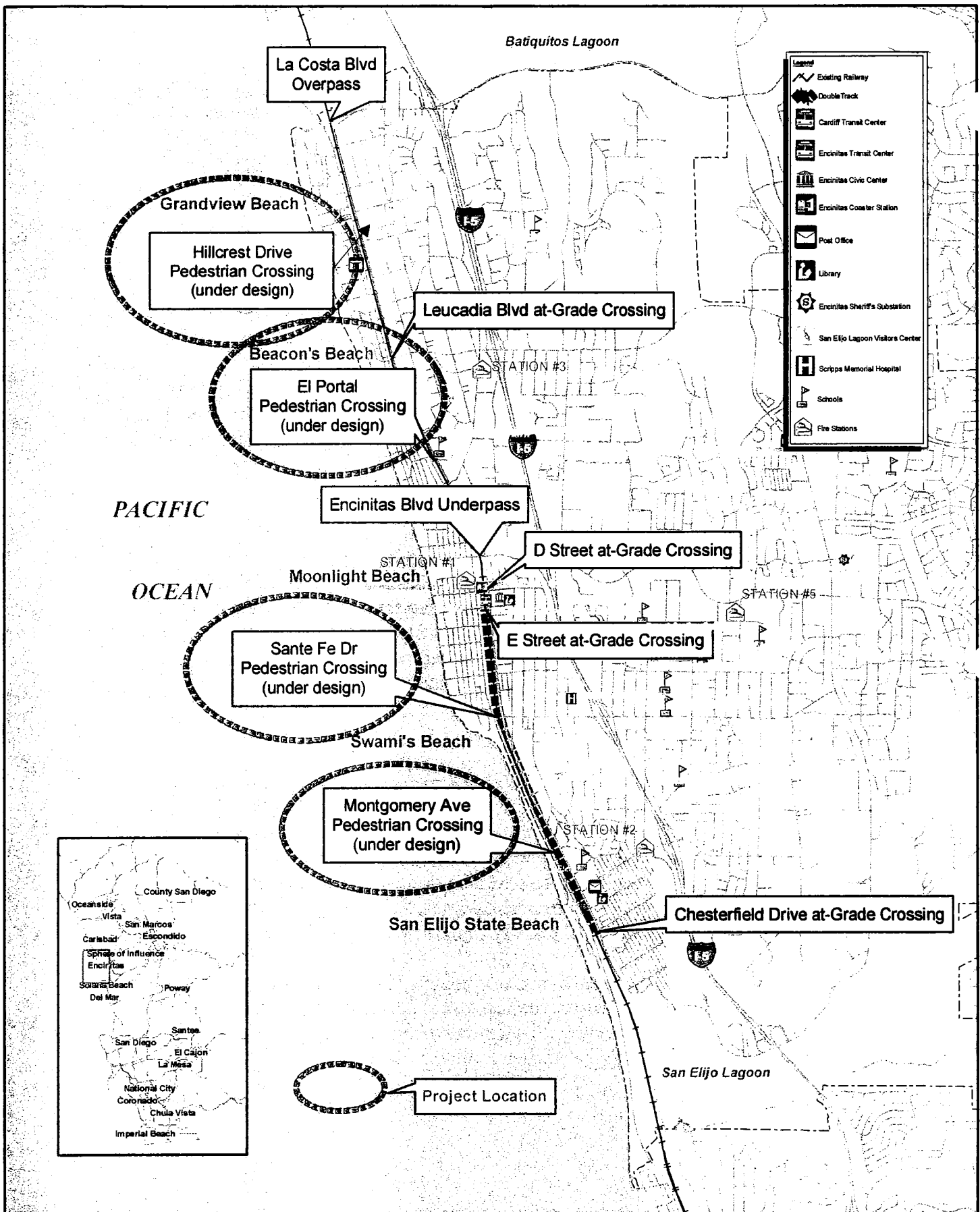
A presentation to the Encinitas City Council was conducted on November 16, 2005 on the status of the Encinitas Grade Separation Pedestrian crossings as well as seeking authorization to modify the work program to include the design and engineering for a fourth crossing in the northern portion of the City (Leucadia). Encinitas City Council meetings are publicly noticed meetings with the agenda published in the local press and staff reports posted on the City's website. A copy of the staff report and minutes of the meeting are contained in the "Council Presentation", Exhibit "D".

### **Workshop 3**

A public workshop on site selection for a fourth grade-separated pedestrian rail crossing was held on January 12, 2006. The meeting's agenda included project background, structure options, and a presentation of the recommended evaluative criteria for a fourth site location selection. Four potential sites for the additional site were presented including Hillcrest Drive, Sanford Street, Jason Street and Glaucus Street. The recommended evaluation criteria were consistency with the Coastal Rail Trail plan, potential environmental impacts, proximity to existing crossings, proximity to recreational areas and schools, right of way adequacy and utility impact.

After much discussion, the majority consensus was to eliminate from further review Jason and Glaucus Streets and add additional evaluative criteria to assist in determining the site for planning for an additional pedestrian crossing. A summary of workshop and presentation materials are included in slides the Public Workshop Exhibit.

# # #



## Encinitas Rail Corridor



Stateplane NAD83 feet, CA Zone 6  
 Plot Date: December 12, 2006  
 ...Requests06/cn/at grade adopt 8 x 11.mxd

### DISCLAIMER:

Every reasonable effort has been made to assure the accuracy of the data provided; nevertheless, some information may not be accurate. The City of Encinitas assumes no responsibility arising from the use of this information.



1 inch equals 3,500 feet

0 500 1,000 1,500 feet

# **Exhibit PC-4**

## **Application and Related Materials**

# **Discretionary Permit Application**

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## **Encinitas Grade Separated Crossing**

Prepared for  
**City of Encinitas**

March 6, 2007

**TY·LIN**INTERNATIONAL



**CITY OF ENCINITAS**  
**DISCRETIONARY PERMIT APPLICATION**  
 PLANNING AND BUILDING DEPARTMENT

**A-1**

505 South Vulcan Avenue  
 Encinitas, California 92024  
 (760) 633-2710

Application No. 07-039 DR/LDP  
 Date of Application: 3/14/07  
 Community Area: VELOCADIA,  
OLD ENCINITAS,  
CARPIFF

**\*\* Appointment Required Prior to Submittal \*\***

PROJECT ADDRESS: NONE

APN: 254-060-16  
256-300-24  
258-190-27  
260-010-05  
260-330-02

**DEPARTMENT USE ONLY**

**FEE APPLICATION TYPE** (check all that apply)

<input type="checkbox"/> Annexation (AN) .....	Code (PZ)	Amount
<input checked="" type="checkbox"/> Coastal Development Permit (CO) .....	PZ	
___ Exempt .....	PZ	
___ Regular permit		
___ Cat. excluded		
___ CCC permit		
Appeal Zone? Y ___ N ___		
<input type="checkbox"/> Comprehensive Initial Study (in-house) (IS) .....	PZ	
<input type="checkbox"/> Conceptual Review - Planning Commission (CR) .....	PZ	
<input type="checkbox"/> Contract Admin: Comprehensive Initial Study (IC) .....	PZ	
<input type="checkbox"/> Contract Admin: EIR's (EC) .....	PZ	
<input type="checkbox"/> Contract Admin: Geotechnical Review (GC) .....	PZ	
<input type="checkbox"/> Contract Admin: Wireless Review (WC) .....	PZ	
<input checked="" type="checkbox"/> Design Review Planning Commission (<2500 Sq Ft) (D1) .....	PZ	
<input type="checkbox"/> Design Review Planning Commission (2501-10K Sq Ft) (D2) .....	PZ	
<input type="checkbox"/> Design Review Planning Commission (>10K Sq Ft) (D3) .....	PZ	
<input type="checkbox"/> Design Review Modification - Planning Commission (DP) .....	PZ	
<input type="checkbox"/> Final Subdivision Map Check (5+ lots) (FM) .....	PZ	
<input type="checkbox"/> Major Use Permit (MA) .....	PZ	
<input type="checkbox"/> Tentative Subdivision Map (TM) .....	PZ	
<input type="checkbox"/> Time Extension (XT) .....	PZ	
<input type="checkbox"/> Use Permit Modifications - Major (UA) .....	PZ	
<input type="checkbox"/> Variance - Planning Commission / SFR (VS) .....	PZ	
<input type="checkbox"/> Variance - Planning Commission / Other (VO) .....	PZ	
<input type="checkbox"/> Violation (VI) .....	PZ	

**DEPOSIT TYPE** (check all that apply)

	Finance#	Code	Amount
<input type="checkbox"/> General Plan Amendment (no vote required) .....		PD	
<input type="checkbox"/> General Plan Amendment (vote required) .....		PD	
<input type="checkbox"/> Specific Plan .....		PD	
<input type="checkbox"/> Zoning Code Amendment .....		PD	
<input type="checkbox"/> EIR Consultant Deposit .....		PD	
<input type="checkbox"/> Geotechnical Consultant Deposit .....		PD	
<input type="checkbox"/> Wireless Consultant Deposit .....		PD	

Total Paid: N/A

Please complete the following:

Application No.: 07-039

Project Name: Encinitas Grade Separated Pedestrian Crossings

Project Address: N/A

APN: \_\_\_\_\_

Between Birmingham Drive

And La Costa Avenue

(Street)

(Street)

**APPLICANT**

Name: Richard Phillips

(Last, First, Middle Initial or Firm Name)

Phone: 760.633.2610

Email: rphillips@ci.encinitas.ca.us

Fax: 760.633.2627

Address: 505 South Vulcan Avenue

City: Encinitas

State: CA Zip: 92024

**OWNER(S)**

Name: City of Encinitas

(Last, First, Middle Initial or Firm Name)

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Fax: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip: \_\_\_\_\_

**ENGINEER / ARCHITECT**

Name: Joe Tognoli

(Last, First, Middle Initial or Firm Name)

Phone: 619.692.1920

Email: jtognoli@tylin.com

Fax: 619.692.0634

Address: 5030 Camino de la Siesta, Suite 204

City: San Diego

State: CA Zip: 92108

**\*\*PLEASE ATTACH A DESCRIPTION OF THE PROPOSED USE / PROJECT TO THIS APPLICATION.**

I acknowledge that an application for a tentative map or tentative parcel map is not deemed received pursuant to Government Code 65920 et seq. until environmental review is complete. All other application types are not deemed received until responses from interested agencies are received by the City.

I understand that if the project or any alternatives are located on a site which is included on any of the Hazardous Waste and Substances lists compiled by the Secretary for Environmental Protection pursuant to Section 65962.5 of the Government Code, then a Hazardous Waste and Substances Statement must be submitted with this application. (Information that must be included in this statement can be obtained from the Planning and Building Department.)

I further understand that all fees and deposits submitted with this application will be refunded only as provided for by the ordinances and regulations in effect at the time of the application submittal.

\_\_\_\_\_  
Signature, Owner or Authorized Agent (Attach letter of authorization)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Please Print or Type Signatory's Name

# PLANNING AND BUILDING DEPARTMENT ADMINISTRATIVE / DISCRETIONARY PERMIT APPLICATION CHECKLIST

CASE NO: 07-039 APPLICANT: CITY OF ENCINITAS APPLICATION TYPE: DR/CDP

This checklist is intended to assist you in preparing your application. Note that the symbols in the right-hand column correspond to materials found in the attached application packet except for attachments T, CP, and P, which are available separately as applicable. Items marked with a (✓) below may not apply to your specific project and thus may be waived. We recommend that you meet with Planning and Building Department staff to discuss the application materials required for your project.

Rec'd	Needed	N/A	Item	
			1. Application Cover Sheets (2 pages):	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	a. Discretionary Application, or	A-1
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	b. Administrative Application	A-2
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2. Application Supplement (✓)	S
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3. Evidence of Legal Parcel	L
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	4. Grant Deed	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	5. Disclosure Statement	D
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	6. Preliminary Title Report (✓)	
			7. Ten sets of the following plans <b>folded</b> to approx. 8 1/2" X 11" (Note: <b>twenty</b> copies required for Tentative Map Applications):	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	a. Tentative Maps (see Tentative Map Supplement for required elements)	T
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	b. Site Plan	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	c. Floor Plan	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	d. Elevations	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	e. Landscape Plan	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	f. Sign Plan	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	8. Colored elevations: one rolled, complete set (O.K. to substitute photos) (✓)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	9. Project materials/color board (O.K. to substitute 8 1/2" x 11" brochures and/or photos) (✓)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	10. Color photos of entire site, structures, and adjoining properties (8 1/2" x 11" max.)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	11. Application for Environmental Review (AEIS) (✓)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	12. Deposit/Fee <i>work with Richard &amp; Tom Curran</i>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	13. Citizen Participation Plan & Public Notice Package (refer to handout & instructions)	CP
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	14. Public Notice Package where Citizen Participation Plan is <u>not</u> required	P
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	a. 11" x 17" assessor maps	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	b. Property owner and occupant list	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	c. Pre-addressed stamped envelopes, including applicant, consultant/representative, and property owner	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	d. Gummed labels, including applicant, consultant/representative, and property owner	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	e. Vicinity map showing location of subject site	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	15. Statement of Justification / Findings	J
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	16. Storm Water Checklist	SW
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17. Letter of Authorization	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	18. Additional Technical Studies (as applicable)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	a. Geotechnical Study	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	b. Traffic Report	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	c. Slope Analysis	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	d. Wireless Facilities Supplemental Materials	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	e. Other (specify <i>Noise</i> )	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	f. Drainage Study (Based on latest County of SD Hydrology & Drainage Manual.)	



## REQUIRED DRAWING ELEMENTS

A vital part of any application package is a properly drawn, complete internally consistent set of drawings. Please read through this checklist carefully. Unless otherwise indicated, you must provide all of the following information on each set of drawings submitted. You will need to prepare 10 sets of drawings. All plans must be accurately scaled and dimensioned.

**PLEASE NOTE: BOTH THE STATE OF CALIFORNIA AND THE CITY OF ENCINITAS HAVE LEGAL REQUIREMENTS FOR WHO MAY PREPARE DEVELOPMENT AND LANDSCAPE PLANS. ALL APPLICATIONS MUST INCLUDE THE NAME, SIGNATURES AND PROFESSIONAL LICENSE OR REGISTRATION NUMBERS OF THE PREPARERS. CHECK WITH CITY STAFF FOR WHO MAY PREPARE PLANS.**

Needed	N/A	Item
<input type="checkbox"/>	<input type="checkbox"/>	<b>A. <u>Site Plan.</u></b> <i>The site plan shall indicate:</i>
<input type="checkbox"/>	<input type="checkbox"/>	1. All exterior site boundaries, correctly scaled and dimensioned.
<input type="checkbox"/>	<input type="checkbox"/>	2. Location of buildings and structures both existing and proposed, relative to each other and to site boundaries. Indicate extensions of rooflines beyond building walls.
<input type="checkbox"/>	<input type="checkbox"/>	3. Location of off-street parking and loading facilities, and their dimensions.
<input type="checkbox"/>	<input type="checkbox"/>	4. Location and dimensions of all driveways, access roads, and curb cuts, indicating the type of construction material.
<input type="checkbox"/>	<input type="checkbox"/>	5. Location and dimensions of present and proposed street and highway dedications required to handle the traffic generated by the proposed uses.
<input type="checkbox"/>	<input type="checkbox"/>	6. Location of walls, fences and hedges, and the indication of their height and type of construction materials.
<input type="checkbox"/>	<input type="checkbox"/>	7. Location of refuse collection/enclosures and an indication of the height and type of construction materials.
<input type="checkbox"/>	<input type="checkbox"/>	8. Location and type of significant vegetation and indicate whether they will remain or be removed.
<input type="checkbox"/>	<input type="checkbox"/>	9. Locations and calculations of areas proposed to satisfy landscaping requirements, and landscaping required for parking areas.
<input type="checkbox"/>	<input type="checkbox"/>	10. Location and dimensions of easements.
<input type="checkbox"/>	<input type="checkbox"/>	11. Location of nearest buildings adjacent to the project site.
<input type="checkbox"/>	<input type="checkbox"/>	12. Location and dimensions of significant waterways, flood plains and/or other topographical features.
<input type="checkbox"/>	<input type="checkbox"/>	13. Depiction of existing site contours and all proposed grading. For housing developments, plotting and plan types, exterior treatments (elevations) and color schemes.
<input type="checkbox"/>	<input type="checkbox"/>	14. Depiction of existing and proposed drainage facilities.
<input type="checkbox"/>	<input type="checkbox"/>	15. Depiction of existing and proposed public sanitary sewer and sewer laterals. Indicate which sewer agency will be serving the property, if applicable. Show location of existing and proposed septic system.
<input type="checkbox"/>	<input type="checkbox"/>	<b>B. <u>Lighting Plan.</u></b> <i>The lighting plan shall indicate exterior lighting standards and devices. The plan shall be adequate to review possible hazards and disturbances to the public and adjacent properties. Fixture cuts from manufacturer shall be provided for all fixtures proposed, describing dimensions, materials and colors.</i>

Needed	N/A	Item
<input type="checkbox"/>	<input type="checkbox"/>	C. <b>Sign Program</b> (if signage is to be provided). The sign program shall indicate:
<input type="checkbox"/>	<input type="checkbox"/>	1. Location and size of existing and proposed exterior signs and outdoor advertising.
<input type="checkbox"/>	<input type="checkbox"/>	2. The nature of temporary or seasonal on-site advertising.
<input type="checkbox"/>	<input type="checkbox"/>	3. Complete drawings indicating design, materials and colors of proposed signage.
<input type="checkbox"/>	<input type="checkbox"/>	D. <b>Preliminary landscape and irrigation plans</b> showing landscaping, paving and other hardscape and irrigation. <i>Such plans shall clearly indicate:</i>
<input type="checkbox"/>	<input type="checkbox"/>	1. Plant schedule on the plans indicating the botanical and common name of all plants and the size and location of each plant. The landscape plan shall indicate which plants are proposed to be planted new and which are existing on site, proposed to be retained.
<input type="checkbox"/>	<input type="checkbox"/>	2. Approximate location of all irrigation lines and heads.
<input type="checkbox"/>	<input type="checkbox"/>	3. Trails, walks, fences, walls (freestanding and retaining walls shall be differentiated).
<input type="checkbox"/>	<input type="checkbox"/>	4. Parkway planting and irrigation, including street trees.
<input type="checkbox"/>	<input type="checkbox"/>	5. Areas paved for parking or driving, differentiated from areas intended for landscape planting or hardscape.
<input type="checkbox"/>	<input type="checkbox"/>	6. Calculation of site area devoted to landscaping and percentage of parking lot area devoted to landscaping.
<input type="checkbox"/>	<input type="checkbox"/>	7. A scale of no less than 1" = 100' shall be used for all landscape and irrigation plans.
<input type="checkbox"/>	<input type="checkbox"/>	E. <b>Elevations.</b> Elevation plans are <u>not</u> to be conceptual, and must accurately show proposed finished building appearance, consistent with site plans and floor plans. Provide elevations of all exterior building walls including courtyard elevations. <i>Elevations shall indicate:</i>
<input type="checkbox"/>	<input type="checkbox"/>	1. Building materials and colors; (samples of building materials and colors should also be submitted; i.e., color chips).
<input type="checkbox"/>	<input type="checkbox"/>	2. The height of buildings and structures and all applicable dimensions, from the lower of existing exterior grade or proposed finished exterior grade.
<input type="checkbox"/>	<input type="checkbox"/>	3. Any exterior mechanical equipment along with any proposed screening of such.
<input type="checkbox"/>	<input type="checkbox"/>	4. Roof treatment.
<input type="checkbox"/>	<input type="checkbox"/>	5. Window and door treatment.
<input type="checkbox"/>	<input type="checkbox"/>	6. Notes or details sufficient to define all design features, <u>and sizes</u> .
<input type="checkbox"/>	<input type="checkbox"/>	7. For housing developments, shadows to indicate horizontal depths, done in a technique that does not obscure elevation features in shadowed areas.
<input type="checkbox"/>	<input type="checkbox"/>	F. <b>Floor Plans</b> for each floor, denoting room type and interior configuration, accurately scaled and dimensioned.
<input type="checkbox"/>	<input type="checkbox"/>	G. <b>Architectural and Engineering Data.</b> Such other architectural and engineering data as may be required to permit necessary findings that the provisions of this code are being complied with.
<input type="checkbox"/>	<input type="checkbox"/>	H. <b>Vicinity Map</b> showing location of subject property on site plan.
<input type="checkbox"/>	<input type="checkbox"/>	I. <b>Proposed Attachment or Addition to Existing Building.</b> Where an attachment or minor addition to an existing building or structure is proposed, the plan shall indicate the relationship of such proposal to the existing development.

# S

**APPLICATION SUPPLEMENT  
CITY OF ENCINITAS  
PLANNING AND BUILDING DEPARTMENT**

✓ Design Review

\_\_\_\_\_MUP/MIN

\_\_\_\_\_TM/TPM

## Variance

Other: CDP

1. **Project Description.** (Describe proposed project. Describe what you are requesting).

Four locations are proposed for construction of a grade separated crossing of the North County Transit District (NCTD) railroad tracks in the City of Encinitas. The four proposed locations are in the proximity of Montgomery Avenue, Santa Fe Drive, El Portal Street, and Hillcrest Drive. The four sites were identified due to their locations near public schools, access to recreational facilities, existing pathways and consistencies with potential development of the Coastal Rail Trail system. Crossing alignments were developed to enable future integration into the Coastal Rail Trail. An underpass design is proposed at all four locations. This alternative utilizes a prefabricated NCTD standard precast concrete double box girder bridge with three 20' spans. The middle span of the three span bridge would be used for the pathway under the NCTD tracks. This type of bridge construction is completed in track with work shifts coordinated with NCTD. The work shift available extends from midnight Saturday to 5am Monday. Work shifts cannot occur on consecutive weekends or the last quarter of the year. It is important to note that these bridges are prefabricated for single track, to allow for the construction of one track at a time, without adversely impacting adjacent tracks and train traffic.

- a. building sq. ft. N/A garage sq. ft. N/A
- b. exterior material/color N/A
- c. window material/color N/A
- d. door material/color N/A
- e. roof material/color N/A
- f. Landscaping Percentage
- g. Standards:

DENSITY	CODE REQUIREMENTS	PROJECT
Density Range Mid-Range		
Net lot area		
Lot Width		
Cul-de-sac lot width		
Panhandle lot width		
Lot Depth		
Front Yard Setback		
Interior Side Yard Setback		
Exterior Side Yard Setback		
Rear Yard Setback		
Lot Coverage		
Building Height		
Off-Street Parking		
FAR		

Community Area Cardiff-by-the-Sea, Old Encinitas, LeucadiaState Coastal Zone? ☐ Yes ☒ NoNumber of Proposed Residential Units: Attached N/A Detached N/ANumber of Lots N/A Acres: Gross N/A Net N/ARelated Case?: ☐ Yes ☐ No If yes, provide previous Case No. \_\_\_\_\_Are there any slopes of a 25% or greater gradient or bluffs on the site? ☐ Yes ☒ No

2. Existing Conditions. (Describe the existing conditions of the site: i.e., topography, road/alley conditions, access, vegetation, structures, fencing, lot size, drainage and the like).

There are six vehicular rail crossings in Encinitas. Four are at-grade rail crossings, one is a rail overpass, and one a rail line underpass along the 6.1 mile rail corridor that runs through the city. Existing pedestrian crossings over the rail corridor are limited to sidewalks or road shoulders adjacent to vehicle crossings and at-grade pedestrian crossing at the Encinitas commuter rail station. The four grade separated pedestrian crossing sites under evaluation are divided by the NCTD tracks with legal crossings located from ½ mile to 1 mile away. The limited number of railway crossings acts as a deterrent to east-west pedestrian movement and a substantial amount of illegal and hazardous pedestrian crossings occur over the rail line. At the Montgomery Avenue and Santa Fe Drive locations, a mainline and passing track are present, whereas at El Portal Street and Hillcrest Drive only a mainline track is present. Regional and statewide transportation plans call for the future construction of a passing track at the El Portal Street and Hillcrest Drive locations.

The condition of each of the locations is barren open space typical of the rail corridor. NCTD clears vegetation and other obstructions near the tracks to facilitate maintenance of the track area. The Montgomery Avenue, El Portal Street, and Hillcrest Drive locations have similar topography that is flat with a drainage ditch on the east side of the tracks placed by NCTD. Santa Fe Drive is defined by a slope that is at elevation 96.7 at San Elijo Avenue and at elevation 75.5 at Highway 101.

Studies that describe existing traffic conditions and drainage conditions at each location are included as an attachment to this application.

3. Surrounding Conditions. (Describe the surrounding conditions: i.e., existing structures and relationship to project, # of units, lot sizes, vehicular access, topography, use type and the like).

Montgomery Avenue: East of San Elijo Avenue is residential area with George Berkich Park and Cardiff Elementary School to the south of Montgomery Avenue. Between San Elijo Avenue and Highway 101 is sparsely vegetated open space and railroad tracks. West of Highway 101 is San Elijo State Beach and the Pacific Ocean.

Santa Fe Drive: East of San Elijo Avenue is agricultural space with residential area a block beyond. Between San Elijo Avenue and Highway 101 is sparsely vegetated open space and railroad tracks. West of Highway 101 is the Self Realization Fellowship and Sea Cliff Park.

El Portal Street: East of Vulcan Avenue is residential area with Ecker Central School to the south of El Portal Street. Between Vulcan Avenue and Highway 101 is sparsely vegetated open space and railroad tracks. West of Highway 101 is residential and small businesses.

Hillcrest Drive: East of Vulcan Avenue is residential area. Between Vulcan Avenue and Highway 101 is sparsely vegetated open space and railroad tracks. West of Highway 101 is residential area and small businesses.

	General Plan Designation	Zoning Designation	Existing Use
Subject Parcel:			
North:			
South:			
East:			
West:			

4. Project/parcel history. (Describe any past actions taken on this site or project or any other actions taken on development of the site.)

All project location parcels have historically been used for railroad operations and rail maintenance.

- \*5. Project Design. (Describe the design of the project and how it relates to the subject property and adjacent properties and uses).

The proposed crossings will facilitate safe and legal crossing of the NCTD right-of-way by separating pedestrian movements from train movements. This will improve community circulation via safe travel to neighborhoods, businesses, parks, and schools from one side of the NCTD right-of-way to the other.

- \*6. View Preservation. (Describe what views are being maintained on adjacent properties and those that may be impacted by this project.)

All existing views will not be adversely impacted by the proposed crossings since improvements proposed are at grades or below the existing track elevation. All channelization is placed to minimize visual impact and preserve existing viewsheds. Channelization is 6' welded wire mesh fencing with black vinyl coating to make the fence as obscure as possible. Channelization proposed is consistent with that used on other areas of the NCTD right-of-way.

- \* NOTE: Items with an asterisk may not be appropriate for all applications. If you have questions regarding applicability to your project, please discuss with Planning Department staff.

SW

## CITY OF ENCINITAS STORM WATER POLLUTION CONTROL CHECKLIST AND CERTIFICATION

All projects within the City of Encinitas are required to implement storm water Best Management Practices (BMPs), consisting of both construction phase BMPs and permanent post-construction BMPs. Construction phase BMPs, discussed in Section IV of the City of Encinitas Best Management Practice Manual, Part II, consist of temporary erosion and sediment control measures. In contrast permanent, post-construction BMPs are designed to treat storm water and urban runoff for the life of the project and are to be maintained in good working order by the property owner(s). These permanent post-construction BMPs are required through the Standard Urban Stormwater Mitigation Program (SUSMP) mandated by the State of California and the City of Encinitas. The City of Encinitas regulates storm water discharges under the Municipal Code, Chapter 20.08, Storm Water Management, and the City of Encinitas BMP Manual, Part II, which can be found at the following website: (<http://www.ci.encinitas.ca.us/Government/CityD/EngineeringSDL/Clean+Water+Program/Clean+Water+Program.htm>).

**Construction phase and post-construction BMPs are both necessary (and required) to help reduce the pollution in our streams, lagoons, and oceans.**

This checklist is designed to guide applicants in the selection and incorporation of BMPs that are acceptable to the City of Encinitas. It is focused on permanent post-construction BMPs, which must be incorporated into the site design of projects during the conceptual phases of project planning. The final design for post-construction BMPs shall be incorporated into the grading plan and building site plan. To determine the BMPs required for your project, fill out the checklists below.

### STEP 1: PROJECT TYPE IDENTIFICATION

Complete Table 1 and 2 below to determine if your project is a "Priority", "Standard", or "Exempt" project. This category will dictate the BMPs that are required at your site. A more thorough explanation of the selection criteria and required BMPs can be obtained from the City's BMP Manual, Part II.

**Priority Projects:** If your answer to any question in Table 1 is "Yes"; your project is a "Priority Project". If all answers to Table 1 are "No", continue to Table 2.

**Standard Projects:** If all answers to Table 1 are "No", but the answer to any question in Table 2 is "Yes", your project is a "Standard Project".

**Exempt Projects:** If all answers to Table 1 and Table 2 are "No", your project is "Exempt". Exempt projects shall implement construction phase BMPs as required.

**Table 1: Determine PRIORITY PROJECT Category.**

Does the project meet the definition of one or more of the priority project categories?	Yes	No
1. Detached residential development of 10 or more units		/
2. Attached residential development of 10 or more units		/
3. Commercial development greater than 100,000 square feet		/
4. Automotive repair shop		/
5. Restaurant		/
6. Steep hillside development greater than 5,000 square feet		/
7. Project discharging to receiving waters within Environmentally Sensitive Areas		/
8. Parking lots greater than or equal to 5,000 ft <sup>2</sup> or with at least 15 parking spaces, and potentially exposed to urban runoff		/
9. Streets, roads, driveways, highways, and freeways which would create a new paved surface that is 5,000 square feet or greater		/
<i>Limited Exclusion:</i> Trenching and resurfacing work associated with utility projects <b>are not</b> considered priority projects. Parking lots, buildings and other structures associated with utility projects <b>are</b> priority projects if one or more of the criteria in Part A are met.		

**Table 2: Determine STANDARD PROJECT Category.**

Does the project propose:	Yes	No
1. New impervious areas, such as rooftops, roads, parking lots, driveways, paths and sidewalks.	/	
2. Reconstruction of the existing impervious areas, such as rooftops, roads, parking lots, driveways, paths and sidewalks in excess of 1000 square feet.		/
3. Permanent structures within 100 feet of any natural water body?		/
4. Trash storage areas?		/
5. Liquid or solid material loading and unloading areas?		/
6. Vehicle or equipment fueling, washing, or maintenance areas?		/
7. Require a General NPDES Permit for Storm Water Discharges Associated with Industrial Activities (Except construction)?		/
8. Commercial or industrial waste handling or storage, excluding typical office or household waste?		/
9. Any grading or ground disturbance during construction?	/	
10. Any new storm drains, or alteration to existing storm drains that reduces natural storm water treatment?		/

**Designate Project Category (check appropriate box)**☐ Priority Project☒ Standard Project☐ Exempt



**Standard Project:** Standard Projects shall incorporate Standard Project Post-construction BMPs in addition to meeting the applicable construction phase BMPs. All Standard Projects must provide biofiltration meeting at least one of the standards listed under Item (c) below, and the site must be designed such that the answers to Items (a), (b), and (c) below are "Yes".

**Table 4: STANDARD PROJECT Post-construction BMP Checklist**

	Yes	No
a) Is runoff from hardsurface areas such as roofs and driveways routed over natural treatment areas (grass, gravel, non-erosive landscape) prior to discharge from the site?	/	
b) Does runoff from <b>all</b> proposed hardsurface areas receive biofiltration (no Directly Connected Impervious Areas [DCIA])?	/	
c) Will all trash enclosures be covered and surface runoff directed away from the enclosures (if trash enclosures are proposed)?	/	
d) Is biofiltration implemented for runoff? Check applicable method below: i) grassy or gravel swale at a maximum slope of 2% and minimum width of 3 ft. ____ ii) relatively flat landscape or turf areas ____ iii) driveway grass strip at least 1 foot wide ____ iv) pervious pavement and/or pavers with at least 50% opening ____ v) underground gravel filtration/ percolation system ____ vi) other (list): _____	/	

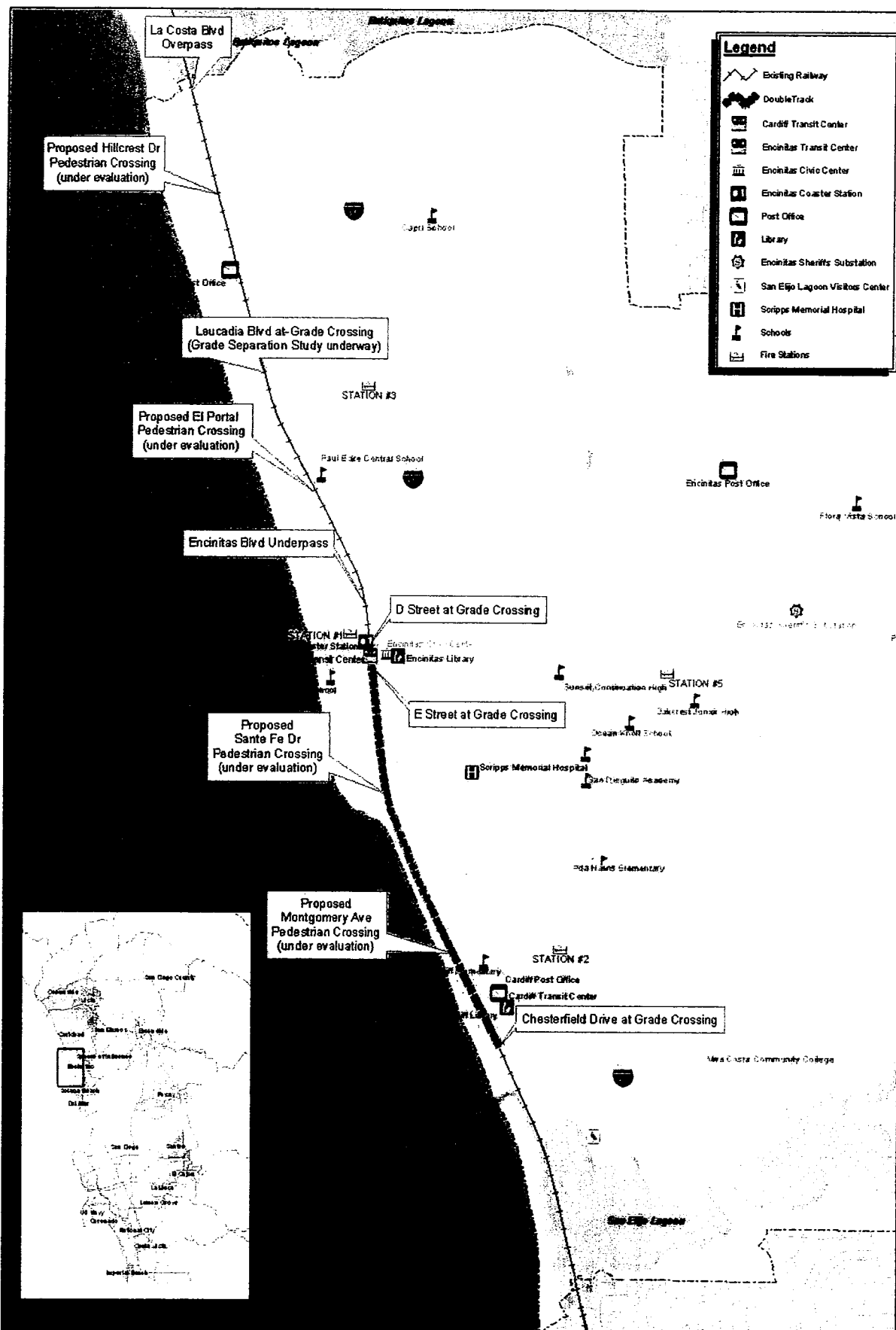
**Storm Water Certification**  
(To be complete for all categories)

I hereby acknowledge that both construction and permanent post-construction storm water BMPs are required for this project and will be designated and constructed in accordance with the City of Encinitas BMP Manual, part II. I certify that the information provided above is complete and correct.

Owner or Engineer Signature

Print Name

Date



## Encinitas Rail Corridor



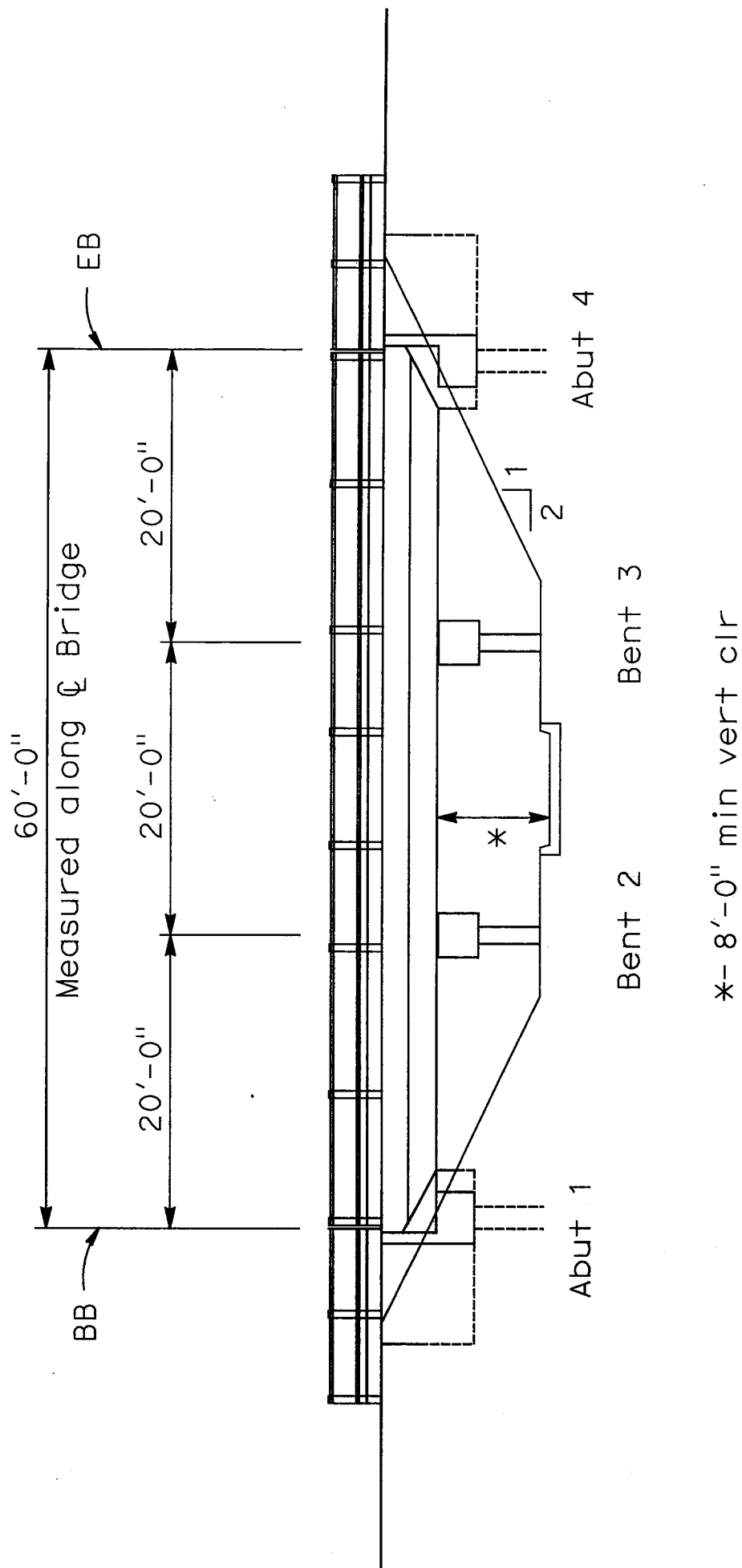
Stateplane NAD83 feet, CA Zone 6  
 Plot Date: April 20, 2005  
 Requests05/cn/at grade crossing.mxd

**DISCLAIMER:**  
 Every reasonable effort has been made to assure the accuracy of the data provided, nevertheless, some information may not be accurate. The City of Encinitas assumes no responsibility arising from the use of this information.



1 inch equals 2,150 feet

0 1000 2000 4000 Feet



# ELEVATION

1"=10'

# **Exhibit PC-2**

## **Final Mitigated Negative Declaration**



## CITY OF ENCINITAS

Planning and Building Department  
505 South Vulcan Avenue  
Encinitas, CA 92024  
760-633-2692  
Fax: 760-633-2818

# Final Mitigated Negative Declaration

Case No. 07-039 DR/CDP  
SCH #: 2008031074

SUBJECT: Encinitas Grade-separated Pedestrian Crossings. The proposed project consists of Coastal Development Permit, Design Review Permit, and Variance applications to construct three grade-separated pedestrian crossings under the North County Transit District (NCTD) railroad tracks. The proposed crossings would be underpasses near El Portal Street, Santa Fe Drive, and Montgomery Avenue. Applicant: City of Encinitas.

UPDATE: Minor revisions have been added to the Mitigated Negative Declaration subsequent to the distribution of the draft document for public review and comment. Revisions are denoted by ~~strikeout~~ and underline.

- I. PROJECT DESCRIPTION: See attached Initial Study.
- II. ENVIRONMENTAL SETTING: See attached Initial Study.
- III. DETERMINATION:

The City of Encinitas conducted an Initial Study that determined the proposed project could result in a potentially significant environmental effect in the following areas: Biological Resources, Cultural Resources (Paleontological), and Hazards and Hazardous Materials. With implementation of the mitigation measures identified in Section V. of this Mitigated Negative Declaration, the project would avoid or reduce the potentially significant environmental effects to below a level of significance. Thus, the preparation of an Environmental Impact Report will not be required.

#### IV. DOCUMENTATION:

The attached Initial Study documents the reasons to support the above determination.

## V. MITIGATION, MONITORING AND REPORTING PROGRAM:

### Biological Resources

1. Prior to issuance of grading permits, impacts to 0.11 acre of disturbed Diegan coastal sage scrub shall be mitigated at 2:1 ratio by purchase of mitigation credits equal to 0.22 acre of Diegan coastal sage scrub in an approved mitigation bank. If a MHCP regional funding program is established, mitigation alternatively could be achieved through a fair share payment into the MHCP regional funding program to the satisfaction of the City Director of Planning and Building.
2. Prior to issuance of grading permits, impacts to 0.84 acre of non-native grassland shall be mitigated at 0.5:1 ratio by purchase of mitigation credits equal to 0.42 acre of non-native grassland in an approved mitigation bank. If a MHCP regional funding program is established, mitigation alternatively could be achieved through a fair share payment into the MHCP regional funding program to the satisfaction of the City Director of Planning and Building.
3. Impacts to 0.02 acre of Waters of the U.S./streambed jurisdictional areas shall be mitigated at a minimum 1:1 ratio by creation of 0.02 acre of unvegetated streambed at a location approved by the City of Encinitas and permitting agencies prior to impacting wetland habitat.

### Cultural Resources (Paleontological)

4. Prior to commencement of grading activities, the project contractor shall implement a paleontological monitoring and recovery program consisting of the following:
  - a. The project contractor shall retain the services of a qualified paleontologist. 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. A paleontological monitor is defined as an individual having experience in the collection and salvage of fossil materials. The paleontological monitor shall work under the direction of a qualified paleontologist.
  - 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 Linda Vista, Torrey Sandstone or Del Mar formations. 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.
- g. A final summary report outlining the results of the mitigation program shall be prepared by the qualified paleontologist and submitted to the City of Encinitas 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.

#### Hazards and Hazardous Materials

- 5. Prior to issuance of grading permits, the project contractor shall retain a hazardous materials specialist to conduct soil sampling at each underpass location to determine the presence or absence of contaminants in subsurface soils. If no contaminants are found in the soil samples, no further mitigation is required. If, however, the soil samples are contaminated, a work plan shall be prepared and submitted to the County of San Diego Department of Environmental Health (DEH) for review and approval. Upon DEH approval, the work plan shall be implemented under the regulatory oversight of DEH and, if necessary, the California Department of Toxic Substances Control. The hazardous materials specialist shall also prepare a soil and groundwater management plan addressing notification, monitoring, sampling testing, handling, storage, and disposal of contaminated substances that may be encountered during project construction. The plan shall be submitted to DEH and the City of Encinitas and references to the potential to encounter contaminated soil and/or groundwater shall be included in construction specifications.

VI. RESULTS OF PUBLIC REVIEW:

- ( ) No comments were received during the public input period.
- ( ) Comments were received but did not address the draft Mitigated Negative Declaration finding or the accuracy/completeness of the Initial Study. No response is necessary. The letters are attached.
- (X) Comments addressing the findings of the draft Mitigated Negative Declaration and/or accuracy or completeness of the Initial Study were received during the public input period. The letters and responses follow.

Copies of the draft Mitigated Negative Declaration and any Initial Study material are available in the office of the City of Encinitas Planning and Building Department for review, or for purchase at the cost of reproduction.



\_\_\_\_\_  
Scott Vurbeff, Environmental Coordinator  
Planning and Building Department

March 14, 2008

Date of Draft Report

June 25, 2008

Date of Final Report



COMMENTS

RESPONSES



KUS SCHWARTZBAUM  
GOVERNOR

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE of PLANNING AND RESEARCH  
STATE CLEARINGHOUSE AND PLANNING UNIT



CURTIS BRIST  
DIRECTOR

April 16, 2008

Scott Vurbell  
City of Encinitas  
505 S. Vulcan Avenue  
Encinitas, CA 92024-3633

Subject: Encinitas Grade-Separated Pedestrian Crossings  
SCH#: 2008031074

Dear Scott Vurbell:

The State Clearinghouse submitted the above named Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on April 15, 2008, and the comments from the responding agency (ies) in (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

*Terry Roberts*

Terry Roberts  
Director, State Clearinghouse

Enclosures  
cc: Resources Agency

1601 10th Street P.O. Box 3044 Sacramento, California 95812-3044  
(916) 445-0613 FAX (916) 323-3018 www.oprc.ca.gov

A-1 This comment letter has been received and noted. No response is necessary.

A-1

## COMMENTS

## RESPONSES

## State Clearinghouse Data Base

SCH# 2005031074

Project Title: Encinitas Grade-Separated Pedestrian Crossings

Lead Agency: Encinitas, City of

Type: Neg Negative Declaration

Description: The proposed project consists of Coastal Development Permit, Design Review Permit, and Variance applications to construct three grade-separated pedestrian crossings under the North County Transit District (NCTD) railroad tracks. The proposed crossings would be underpasses near El Portal Street, Santa Fe Drive, and Montgomery Avenue.

## Lead Agency Contact

Name: Scott Vurbell

Agency: City of Encinitas

Phone: (760) 633-2802

email:

Address: 505 S. Vulcan Avenue

City: Encinitas

State: CA Zip: 92024-3533

Fax:

## Project Location

County: San Diego

City: Encinitas

Region:

Cross Streets: Vulcan and El Portal Streets, Montgomery Avenue, and Santa Fe Drive

Parcel No.

Township

Range

Section

Base

## Proximity to:

Highways: 15

Airports:

Railroads:

North County Transit District

Waterways:

Pacific Ocean

Schools:

Paul Ecke Grade School

Land Use:

Railroad right-of-way / TC / Transportation Corridor

Project Issues:

Aesthetics/Visual; Biological Resources; Coastal Zone; Cumulative Effects; Drilling/Absorption;

Geology/Seismic; Noise; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality;

Wetland/Riparian

Reviewing

Agencies:

Resources Agency; Regional Water Quality Control Board, Region 9; Department of Parks and

Recreation; Native American Heritage Commission; Public Utilities Commission; Department of Fish

and Game, Region 5; Department of Water Resources; California Coastal Commission; California

Highway Patrol; Caltrans, District 11; Air Resources Board; Transportation Projects; Department of

Toxic Substances Control

Date Received: 03/17/2008

Start of Review: 03/17/2008

End of Review: 04/15/2008

Note: Blanks in data fields result from insufficient information provided by lead agency.

## COMMENTS

## RESPONSES

STATE OF CALIFORNIA

PUBLIC UTILITIES COMMISSION

320 WEST 7<sup>TH</sup> STREET, SUITE 500  
LOS ANGELES, CA 90014

ARNOLD SCHWARZENEGGER, Governor



April 9, 2008

Scott Vurbett  
City of Encinitas  
505 Vulcan Avenue  
Encinitas, CA 92024

Dear Mr. Vurbett:

Re: SCH# 2008031074; Encinitas Grade-Separated Pedestrian Crossings

The California Public Utilities Commission (Commission) has jurisdiction over the safety of highway-rail crossings (crossings) in California. The California Public Utilities Code requires Commission approval for the construction or alteration of crossings and grants the Commission exclusive power on the design, alteration, and closure of crossings.

The Commission's Rail Crossings Engineering Section (RCES) is in receipt of the *Notice of Completion & Environmental Document Transmittal-Neg Dec* from the State Clearinghouse. The project description mentions the proposed construction of three grade-separated pedestrian crossings under North County Transit District railroad tracks near El Portal Street, Santa Fe Drive and Montgomery Avenue. Public Utilities Code Sections 1201-1205 requires Commission approval for projects involving the construction of new, or alterations of existing, public or publicly-used crossings. A request for authorization must be submitted to the Commission through RCES.

City should arrange a meeting with RCES staff to discuss relevant safety issues and requirements of a formal application to construct the pedestrian crossings.

If you have any questions, please contact Jose Pereyra, Utilities Engineer at 213-576-7083, [jfp@cpuc.ca.gov](mailto:jfp@cpuc.ca.gov), or mo at [rkm@cpuc.ca.gov](mailto:rkm@cpuc.ca.gov), 213-576-7078.

Sincerely,

Rosa Muñoz, PE  
Utilities Engineer  
Rail Crossings Engineering Section  
Consumer Protection & Safety Division

C: Keith Kranda, North County Transit District

B-1 It is acknowledged that the Commission has jurisdiction over the safety of California highway-rail crossings, and that the California Public Utilities Code grants the Commission discretionary authority for new or modified public crossings.

B-2 It is acknowledged that Commission approval of the project is required. A request for authorization will be submitted to the Commission through the RCES.

B-3 A meeting between the City of Encinitas and the RCES will be scheduled to discuss the project and application requirements.

Dear Mr. Vurbett:

The U.S. Fish and Wildlife Service (Service) has reviewed the draft Mitigated Negative Declaration (MND), dated March 14, 2008, for the above referenced project. The following comments are based on information provided in the MND; the October 2007 Natural Environment Study prepared by Helix Environmental Planning, Inc.; our knowledge of sensitive and declining vegetation communities and species in the County of San Diego, and our participation in regional conservation planning efforts. The City of Encinitas (City) is currently working with the Service and California Department of Fish and Game (Department) through the preparation of its Multiple Habitat Conservation Program (MHCP) Subarea Plan (SAP). The proposed project would involve the construction of three grade-separated pedestrian crossings under the North County Transit District (NCTD) railroad tracks, between Coast Highway 101 and Vulcan Avenue, near El Portal Street, Santa Fe Drive, and Montgomery Avenue. Approximately 0.11 acre of Diegan coastal sage scrub and 0.84 acre of non-native grassland would be impacted by the project. In general, our main concerns regarding the development of this project relate to appropriate mitigation for project impacts, and ensuring that the project is consistent with the City's draft SAP.

The primary concern and mandate of the Service is the protection of public fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and endangered animals and plants occurring in the United States. The Service is also responsible for administering the Federal Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

We offer the following comments and recommendations to assist the City in avoiding, minimizing, and adequately mitigating project-related impacts to biological resources, and to ensure that any approved project is consistent with all applicable requirements of the City's draft Subarea Plan.

1. The project proposes to mitigate for impacts to coastal sage scrub and non-native grasslands at 2:1 and 0.5:1 ratios, respectively. The MND states that off-site acquisition of each habitat type would occur at "an approved mitigation bank within the MHCP Focused Planning Area, or by a fair share payment into the MHCP regional funding program to the satisfaction of the City Director of Planning and Building." No MHCP regional funding program has been established, and payment into such a fund is therefore not an option for mitigation for these sensitive habitat types. The final MND should state that mitigation credits or preservation and management of the appropriate amount of coastal sage scrub and non-native grasslands shall be secured, preferably within the City, prior to the issuance of grading permits for this project.

2. The Montgomery Avenue crossing would impact approximately 0.11 acre of coastal sage scrub on the western side. We recommend locating the western side of the crossing further north so that impacts to coastal sage scrub can be avoided.

The Service's standard conditions are also included in this email (below), and we recommend that they be incorporated in the final MND. We appreciate the opportunity to comment on this

C-1

It is understood that a MHCP regional funding program has not been established to date; however, it was included as a mitigation option in the event that such a program was established. Mitigation Measures 1 and 2, as identified in the MND, have been revised as follows to clarify this fact:

**Mitigation Measure 1:** Prior to issuance of grading permits, impacts to 0.11 acre of disturbed Diegan coastal sage scrub shall be mitigated at 2:1 ratio by off-site acquisition purchase of mitigation credits equal to 0.22 acre of Diegan coastal sage scrub in an approved mitigation bank, within the Multiple Habitat Conservation Program (MHCP) Focused Planning Area or by If a MHCP regional funding program is established, mitigation alternatively could be achieved through a fair share payment into the MHCP regional funding program to the satisfaction of the City Director of Planning and Building.

**Mitigation Measure 2:** Prior to issuance of grading permits, impacts to 0.84 acre of non-native grassland shall be mitigated at 0.5:1 ratio by off-site acquisition purchase of mitigation credits equal to 0.42 acre of non-native grassland in an approved mitigation bank, within the MHCP Focused Planning Area, or by If a MHCP regional funding program is established, mitigation alternatively could be achieved through a fair share payment into the MHCP regional funding program to the satisfaction of the City Director of Planning and Building.

C-2

The locations of the proposed crossings were selected based on the purpose of the project, which is to (1) improve pedestrian access within the Encinitas community between beaches, schools, commercial areas, and residential neighborhoods; and (2) improve safety conditions within the project area. Specifically, the access points to the Montgomery Underpass would provide a logical connection between Cardiff Elementary School, Cardiff Park, and residences on the east side of the rail corridor and San Elijo State Beach. While the proposed Montgomery Underpass would impact a small portion of an isolated swath of disturbed Diegan coastal sage scrub, compensatory mitigation is proposed to offset impacts (See Mitigation Measure 1).

## COMMENTS

## RESPONSES

MND. Any questions concerning the contents of this letter should be directed to me at 760-431-9440, extension 304.

Sincerely,

Marci L. Koski, M.S., Ph.D.  
Fish and Wildlife Biologist

U.S. Fish & Wildlife Service  
Carlsbad Fish and Wildlife Office  
6010 Hidden Valley Road  
Carlsbad, CA 92011  
760.431.9440 ext. 304  
760.431.5902 fax

**U.S. Fish and Wildlife Service's Standard Recommendations**

The following conditions should be added to the final MND where appropriate:

1. The project applicant shall temporarily fence (with silt barriers) the limits of project impacts (including construction staging areas and access routes) to prevent additional upland habitat impacts and prevent the spread of silt from the construction zone into adjacent habitats (including non-native grassland) to be avoided. Fencing shall be installed in a manner that does not impact habitats to be avoided. The applicant shall submit to the Service for approval, at least 30 days prior to initiating project impacts, the final plans for initial clearing and grubbing of upland habitat and project construction. These final plans shall include photographs that show the fenced limits of impact and all areas (including riparian/wetland or coastal sage scrub) to be impacted or avoided. If work occurs beyond the fenced or demarcated limits of impact, all work shall cease until the problem has been remedied to the satisfaction of the Service and Department, collectively referred to as the Wildlife Agencies. Any upland habitat impacts that occur beyond the approved fenced shall be mitigated at a minimum 5:1 ratio. Temporary construction fencing shall be removed upon project completion.

2. Impacts from fugitive dust will be avoided and minimized through watering and other appropriate measures.

3. The clearing and grubbing of, and construction adjacent to, sensitive habitats shall occur outside of the bird breeding season (February 15 to August 31, or sooner if a qualified biologist demonstrates to the satisfaction of the Wildlife Agencies that all nesting is complete).

4. If project construction (other than clearing and grubbing of sensitive habitats) is necessary adjacent to preserved on and offsite habitat during the bird breeding season (February 15 to August 31, or sooner if a qualified biologist demonstrates to the satisfaction of the Wildlife Agencies that all nesting is complete), a qualified biologist shall conduct pre-construction

Temporary construction fencing would be installed, where possible, along the project limits adjacent to sensitive habitat. Such fencing would be installed as part of the project's conformance requirements with the National Pollutant Discharge Elimination System (NPDES) General Construction Activity Storm Water Permit. As discussed in the Initial Study under Geology and Soils, specific conformance requirements include the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) and monitoring program, which contains appropriate Best Management Practices (BMPs) to prevent and control the off-site discharge of contaminants and erosion. Erosion control measures would be implemented during site excavation, grading, and construction. These, along with the temporary fencing, will be incorporated into the construction contract specifications.

The proposed project would comply with the NPDES General Construction Activity Storm Water Permit. As discussed above, conformance requirements include implementation of a SWPPP and BMPs, which would be incorporated into the construction contract specifications. In addition, dust control measures are required, pursuant to Chapter 23.24 of the City of Encinitas Municipal Code.

No sensitive birds were observed within the Biological Study Area (BSA) during vegetation mapping, general biological surveys, and jurisdictional delineation fieldwork conducted for the project. In addition, the sensitive habitat within the BSA is too small, isolated, and disturbed to support nesting activities. This recommendation, therefore, is not applicable.

See response number C-5.

# COMMENTS

# RESPONSES

surveys in the adjacent habitat to determine the location of any active bird nests in the area, including raptors and ground nesting birds. The survey should begin not more than three days prior to the beginning of construction activities. The Wildlife Agencies will be notified if any nesting birds are found. During construction, no activity shall occur within 300 feet of active nesting territories (300 feet for raptors or listed species), unless measures are implemented to minimize the noise and disturbance to those adjacent birds. Exceptions to this measure includes cases where surveys confirm that adjacent habitat is not occupied or where noise studies confirm that construction noise levels are below 60 dBA hourly  $L_{eq}$  along the edge of adjacent habitat. If construction activities are not completed prior to the breeding season and noise levels exceed this threshold, noise barriers shall be erected to reduce noise impacts to occupied habitat to below 60 dBA hourly  $L_{eq}$  and/or the culpable activities shall be suspended.

5. A monitoring biologist approved by the Service shall be onsite during: a) initial clearing and grubbing of upland habitat; and b) project construction within 500 feet of preserved habitat to ensure compliance with all conservation measures. The biologist must be knowledgeable of coastal California gnatcatcher (*Polioptila californica californica*; gnatcatcher) biology and ecology. The applicant shall submit the biologist's name, address, telephone number, and work schedule on the project to the Service at least 30 days prior to initiating project impacts. The biologist shall perform the following duties:

- a. To allow salvage and transplant of live plants to the mitigation sites as practicable and approved by the Service, ensure that clearing and grubbing of upland habitat is done above ground in a way that precludes potential bird nesting but does not cause soil and/or root disturbance;
- b. Perform a minimum of three focused surveys, on separate days, to determine the presence of gnatcatcher in the project impact footprint outside the gnatcatcher breeding season. Surveys will begin a maximum of seven days prior to performing vegetation clearing/grubbing and one survey will be conducted the day immediately prior to the initiation of remaining work. If any gnatcatcher are found within the project impact footprint, the biologist will direct construction personnel to begin vegetation clearing/grubbing in an area away from the gnatcatcher. In addition, the biologist will walk ahead of clearing/grubbing equipment to flush birds towards areas of habitat to be avoided. It will be the responsibility of the biologist to ensure that birds will not be injured or killed by vegetation clearing/grubbing. The biologist will also record the number and location of gnatcatcher disturbed by vegetation clearing/grubbing. The applicant will notify the Service at least seven days prior to vegetation clearing/grubbing to allow the Service to coordinate with the biologist on bird flushing activities;
- c. Perform a minimum of three focused surveys, on separate days, to determine the presence of birds, nest building activities, egg incubation activities, or brood rearing activities in or within 500 feet of the project impact limits of any vegetation clearing/grubbing or project construction proposed within the bird breeding season. The surveys will begin a maximum of seven days prior to vegetation clearing/grubbing or project construction and one survey will be conducted the day immediately prior to the initiation of work. Additional surveys will be done once a week during project construction in the breeding season. These additional surveys may be suspended as approved by the Wildlife Agencies. The applicant will notify the Wildlife Agencies at least

C-7

C-7 Refer to response number C-5 above. Given the lack of sensitive species within the BSA and the disturbed, isolated nature of sensitive habitat within, and adjacent to, the BSA, additional surveys, monitoring activities, and reports are not warranted.

## COMMENTS

## RESPONSES

seven days prior to the initiation of surveys, and within 24 hours of locating any gnatcatcher;

d. If a gnatcatcher nest is found in or within 500 feet of initial vegetation clearing/grubbing or project construction, the biologist will postpone work within 500 feet of the nest and contact the Wildlife Agencies to discuss: 1) the best approach to avoid/minimize impacts to nesting birds (e.g., sound walls); and 2) a nest monitoring program acceptable to the Wildlife Agencies.

Subsequent to these discussions, work may be initiated subject to implementation of the agreed upon avoidance/minimization approach and nest monitoring program. Nest success or failure will be established by regular and frequent trips to the site, as determined by the biologist and through a schedule approved by the Wildlife Agencies. The biologist will determine whether bird activity is being disrupted.

If the biologist determines that bird activity is being disrupted, the applicant will stop work and coordinate with the Wildlife Agencies to review the avoidance/minimization approach.

Coordination between the applicant and Wildlife Agencies to review the avoidance/minimization approach will occur within 48 hours. Upon agreement as to the necessary revisions to the avoidance/minimization approach, work may resume subject to the revisions and continued nest monitoring. Nest monitoring will continue until fledglings have dispersed or the nest has been determined to be a failure, as approved by the Wildlife Agencies;

e. Be on site during all vegetation clearing/grubbing and project construction in sensitive habitats to be impacted or within 500 feet of habitat to be avoided;

f. Oversee installation of and inspect the fencing and erosion control measures within or up-slope of upland habitat restoration and/or preservation areas a minimum of once per week and daily during all rain events to ensure that any breaks in the fence or erosion control measures are repaired immediately;

g. Periodically monitor the work area to ensure that work activities do not generate excessive amounts of dust;

h. Train all contractors and construction personnel on the biological resources associated with this project and ensure that training is implemented by construction personnel. At a minimum, training will include: 1) the purpose for resource protection; 2) a description of the gnatcatcher and its habitats; 3) the conservation measures given in the MND that should be implemented during project construction to conserve the gnatcatcher, including strictly limiting activities, vehicles, equipment, and construction materials to the fenced project footprint to avoid sensitive resource areas in the field (i.e., avoided areas delineated on maps or on the project site by fencing); 4) environmentally responsible construction practices as outlined in measure 7 below; 5) the protocol to resolve conflicts that may arise at any time during the construction process; 6) the general provisions of the Act, the need to adhere to the provisions of the Act, the penalties associated with violating the Act;

i. Halt work, if necessary, and confer with the Wildlife Agencies to ensure the proper implementation of species and habitat protection measures. The biologist will report any violation to the Wildlife Agencies within 24 hours of its occurrence;

C-8 See response number C-3.

C-9 See response number C-4.

C-10 See response number C-5

## COMMENTS

## RESPONSES

C-10  
cont.

- j. Submit weekly letter reports (including photographs of impact areas) to the Service during clearing of upland habitat and/or project construction within 500 feet of avoided habitat. The weekly reports will document that authorized impacts were not exceeded, work did not occur within the 500-foot setback except as approved by the Service, and general compliance with all conditions. The reports will also outline the duration of gnatcatcher monitoring, the location of construction activities, the type of construction which occurred, and equipment used. These reports will specify numbers, locations, and sex of gnatcatcher (if present), observed gnatcatcher behavior (especially in relation to construction activities), and remedial measures employed to avoid, minimize, and mitigate impacts to gnatcatcher. Raw field notes should be available upon request by the Service; and
- k. Submit a final report to the Wildlife Agencies within 60 days of project completion that includes: as-built construction drawings with an overlay of habitat that was impacted and avoided, photographs of habitat areas that were to be avoided, and other relevant summary information documenting that authorized impacts were not exceeded and that general compliance with all conditions of the MND was achieved.

C-11

6. The applicant shall ensure that the following conditions are implemented during project construction:
  - a. Employees shall strictly limit their activities, vehicles, equipment, and construction materials to the fenced project footprint;
  - b. To avoid attracting predators of the gnatcatcher, the project site shall be kept as clean of debris as possible. All food related trash items shall be enclosed in sealed containers and regularly removed from the site;
  - c. Pets of project personnel shall not be allowed on the project site;
  - d. Disposal or temporary placement of excess fill, brush or other debris shall not be allowed in waters of the United States or their banks;
  - e. All equipment maintenance, staging, and dispensing of fuel, oil, coolant, or any other such activities shall occur in designated areas outside of waters of the United States within the fenced project impact limits. These designated areas shall be located in previously compacted and disturbed areas to the maximum extent practicable in such a manner as to prevent any runoff from entering waters of the United States, and shall be shown on the construction plans. Fueling of equipment shall take place within existing paved areas greater than 100 feet from waters of the United States. Contractor equipment shall be checked for leaks prior to operation and repaired as necessary. "No-fueling zones" shall be designated on construction plans.
7. The applicant shall ensure that development landscaping adjacent to on- or off-site habitat does not include exotic plant species that may be invasive to native habitats. Exotic plant species not to be used include any species listed on the California Invasive Plant Council's (Cal-IPC) "Invasive Plant Inventory" List. This list includes such species as pepper trees, pampas grass,

C-12

- C-11 These conditions, as applicable, will be incorporated into the construction contract specifications.
- C-12 The Landscape Concept Plans prepared for each crossing (Figures 4, 6, and 8) include preliminary planting palettes that identify proposed species. None of the proposed plant species are listed on the Cal-IPC Invasive Plant Inventory Database. The Santa Fe Underpass includes *Cistus* spp./rockrose species and varieties, and the referenced Cal-IPC database includes a specific *Cistus* species, *Cistus ladanifer* (gum rockrose). *Cistus ladanifer* is identified in the database as having no impact, limited invasiveness, and limited distribution. Nonetheless, this specific species will not be proposed as part of the landscape palette for the Santa Fe Underpass.

As discussed in the Initial Study, proposed landscaping would conform to the Landscape Guidelines of the City of Encinitas Design Guidelines. Proposed landscaped areas would be irrigated by subsurface, automatic, water-conserving irrigation systems in accordance with City standards. Additionally, proposed landscape and irrigation systems will be designed utilizing xeriscape principals.



## COMMENTS

## RESPONSES

C-12 cont.	<p>fountain grass, ice plant, myoporum, black locust, capeweed, tree of heaven, petiowinkle, sweet alyssum, English ivy, French broom, Scotch broom, and Spanish broom. A copy of the complete list can be obtained from Cal-IPC's web site at <a href="http://www.cal-ipc.org">http://www.cal-ipc.org</a>. In addition, landscaping should not use plants that require intensive irrigation, fertilizers, or pesticides adjacent to preserve areas and water runoff from landscaped areas should be directed away from the biological conservation easement area and contained and/or treated within the development footprint. The applicant shall submit a draft list of species to be included in the landscaping to the Wildlife Agencies for approval at least 30 days prior to initiating project impacts. The applicant shall submit to the Wildlife Agencies the final list of species to be included in the landscaping within 30 days of receiving approval of the draft list of species.</p>	C-13 As discussed in the Initial Study, proposed project lighting would include safety lighting in the underpasses and along the pedestrian ramps. Illumination would be provided to ensure adequate lighting while minimizing spillover into adjacent areas. The proposed underpasses are located in developed areas that currently include lighting associated with streetlights along Highway 101 and buildings in the surrounding area. Project lighting, therefore, would not create a new source of substantial light. Moreover, the BSA largely consists of developed/disturbed land with small, isolated patches of native habitat. No sensitive species were observed within the BSA during vegetation mapping, general biological surveys, and jurisdictional delineation fieldwork conducted for the project. No significant impacts to biological resources due to project lighting would occur.
C-13	<p>8. The applicant shall ensure that project lighting adjacent to all on site habitat shall be directed away from and/or shielded so as not to illuminate native habitats. The applicant shall submit a lighting plan to the Wildlife Agencies at least 30 days prior to initiating project impacts.</p>	C-14 As discussed in the Initial Study, limited nighttime construction would be required to minimize disruption to passenger train operations. This condition related to lighting during nighttime construction would be incorporated into the construction contract specifications.
C-14	<p>9. If night work is necessary, night lighting shall be of the lowest illumination necessary for human safety, selectively placed, shielded and directed away from natural habitats.</p>	C-15 The landscape installation contractor would inspect plants for pests before they are installed to ensure that they are not infested with pest species. See response number C-12 for proposed irrigation systems.
C-15	<p>10. Any planting stock to be brought onto the project site for landscape or habitat creation/restoration/enhancement shall be first inspected by a qualified pest inspector to ensure it is free of pest species that could invade natural areas, including but not limited to, Argentine ants (<i>Iridomyrmex humil</i>), fire ants (<i>Solenopsis invicta</i>) and other insect pests. Any planting stock found to be infested with such pests shall not be allowed on the project site or within 300 feet of natural habitats unless documentation is provided to the Agencies that these pests already occur in natural areas around the project site. The stock shall be quarantined, treated, or disposed of according to best management principles by qualified experts in a manner that precludes invasions into natural habitats. The applicant shall ensure that all temporary irrigation will be for the shortest duration possible, and that no permanent irrigation will be used, for landscape or habitat creation/restoration/enhancement.</p>	



Lynda S. Adams  
Secretary for  
Environmental Protection



## Department of Toxic Substances Control

Maureen F. Gorman, Director  
5758 Corporate Avenue  
Oceanside, California 92053



Arnold Schwarzenegger  
Governor

April 15, 2008

Mr. Scott Vurbell  
Environmental Coordinator  
Planning and Building Department  
City of Encinitas  
505 South Villan Avenue  
Encinitas, California 92024

NOTICE OF A DRAFT MITIGATED NEGATIVE DECLARATION FOR THE CASE NO.  
07-039 DRICDP ENCINITAS GRADED-SEPARATED PEDESTRIAN CROSSINGS  
PROJECT, ENCINITAS (SCH#2008031074)

Dear Mr. Vurbell:

The Department of Toxic Substances Control (DTSC) has received your submitted Environmental Checklist and Initial Study for a Mitigated Negative Declaration (ND) for the above-mentioned project. The following project description is stated in your document: "The proposed project consists of Coastal Development Permit, Design Review Permit, and Variance applications to construct three grade-separated pedestrian crossings under the North County Transit District (NCTD) railroad tracks. The proposed crossings would be underpasses near El Portal Street, Santa Fe Drive, and Montgomery Avenue." DTSC has the following comments; please address if applicable.

- 1) The ND should identify the current or historic uses at the project site that may have resulted in a release of hazardous wastes/substances, and any known or potentially contaminated sites within the proposed Project area. For all identified sites, the ND should evaluate whether conditions at the site may pose a threat to human health or the environment. Following are the databases of some of the pertinent regulatory agencies:
  - National Priorities List (NPL): A list maintained by the United States Environmental Protection Agency (U.S.EPA).
  - Envirostor: A Database primarily used by the California Department of Toxic Substances Control, accessible through DTSC's website (see below).

D-1

A Hazardous Waste Initial Site Assessment (ISA) was completed (Ninyo & Moore, April 2006) to evaluate potential hazardous materials and wastes in the project study area. The results and conclusions of the ISA are summarized in the Initial study under Hazards and Hazardous Materials. The ISA identified current and historical uses that may have resulted in hazardous waste/materials releases, as well as known and potentially contaminated sites within the project area. The ISA also included a regulatory agency database/files review. The Initial Study concluded that contaminated soil and/or groundwater may be encountered during project construction, and the MND identifies mitigation (Mitigation Measure 5) to reduce impacts to below a level of significance.

D-1

## COMMENTS

## RESPONSES

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D-1 cont	<ul style="list-style-type: none"> <li>Resource Conservation and Recovery Information System (RCRIS): A database of RCRA facilities that is maintained by U.S. EPA.</li> <li>Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS): A database of CERCLA sites that is maintained by U.S. EPA.</li> <li>Solid Waste Information System (SWIS): A database provided by the California Integrated Waste Management Board which consists of both open as well as closed and inactive solid waste disposal facilities and transfer stations.</li> <li>Leaking Underground Storage Tanks (LUST): Spills, Leaks, Investigations and Cleanups (SLIC): A list that is maintained by Regional Water Quality Control Boards.</li> <li>Local Counties and Cities maintain lists for hazardous substances cleanup sites and leaking underground storage tanks.</li> <li>The United States Army Corps of Engineers, 911 Wilshire Boulevard, Los Angeles, California, 90017, (213) 452-3908, maintains a list of Formerly Used Defense Sites (FUDS).</li> </ul>	D-2	As discussed above, the Initial Study concludes that contaminated soil and/or groundwater may be encountered during project construction. Mitigation Measure 5 in the MND requires sampling, and, if needed, preparation a remediation plan and implementation of associated remediation. Mitigation Measure 5 has been revised as follows to clarify regulatory oversight responsibilities:
D-2	2) The ND should identify the mechanism to initiate any required investigation and/or remediation for any site that may be contaminated, and the government agency to provide appropriate regulatory oversight. If necessary, DTSC would require an oversight agreement in order to review such documents. Please see comment No. 14 below for more information.	D-3	Mitigation Measure 5: Prior to issuance of grading permits, the project contractor shall retain a hazardous materials specialist to conduct soil sampling at each underpass location to determine the presence or absence of contaminants in subsurface soils. If no contaminants are found in the soil samples, no further mitigation is required. If, however, the soil samples are contaminated, a remediation work plan shall be prepared and implemented in consultation with submitted to the County of San Diego Department of Environmental Health (DEH) for review and approval. Upon DEH approval, the work plan shall be implemented under the regulatory oversight of DEH and, if necessary, the California Department of Toxic Substances Control, and the hazardous materials specialist shall also prepare a soil and groundwater management plan addressing notification, monitoring, sampling testing, handling, storage, and disposal of contaminated substances that may be encountered during project construction. The plan shall be submitted to DEH and the City of Encinitas and references to the potential to encounter contaminated soil and/or groundwater shall be included in construction specifications.
D-3	3) All environmental investigations, sampling and/or remediation for the site should be conducted under a Workplan approved and overseen by a regulatory agency that has jurisdiction to oversee hazardous substance cleanup. The findings of any investigations, including any Phase I or II Environmental Site Assessment investigations should be summarized in the document. All sampling results in which hazardous substances were found should be clearly summarized in a table.	D-4	See response number D-2. See response number D-2.
D-4	4) Proper investigation, sampling and remedial actions overseen by the respective regulatory agencies, if necessary, should be conducted at the site prior to the new development or any construction. All closure, certification or remediation approval reports by these agencies should be included in the ND.		

# COMMENTS

# RESPONSES

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D-5	5) Your document states: "...several off-site adjacent properties of potential environmental concern were identified during the database search. These sites are listed as being associated with unauthorized release of petroleum hydrocarbons to soil and/or groundwater." If any property adjacent to the project site is contaminated with hazardous chemicals, and if the proposed development is within 2,000 feet from a contaminated site, then the proposed development may fall within the "Border Zone of a Contaminated Property." Appropriate precautions should be taken prior to construction if the proposed project is within a Border Zone Property.	D-5	The potential contamination of the proposed site from off-site releases was identified as a potentially significant impact in the Initial Study. Mitigation Measure 5 would reduce this impact to below a level of significance.
D-6	6) If buildings or other structures, asphalt or concrete-paved surfaces are being planned to be demolished, an investigation should be conducted for the presence of other related hazardous chemicals, lead-based paints or products, mercury, and asbestos containing materials (ACMs). If other hazardous chemicals, lead-based paints or products, mercury or ACMs are identified, proper precautions should be taken during demolition activities. Additionally, the contaminants should be remediated in compliance with California environmental regulations and policies.	D-6	No buildings or structures are proposed to be demolished as part of the project. Minor asphalt or concrete-paved areas may be impacted to provide a connection to the proposed underpasses; however, the pavement is not anticipated to contain hazardous materials. If hazardous materials are encountered during project construction, appropriate remediation would be implemented in compliance with applicable regulations and policies.
D-7	7) Project construction may require soil excavation or filling in certain areas. Sampling may be required. If soil is contaminated, it must be properly disposed and not simply placed in another location on-site. Land Disposal Restrictions (LDRs) may be applicable to such soils. Also, if the project proposes to import soil to backfill the areas excavated, sampling should be conducted to ensure that the imported soil is free of contamination.	D-7	See response number D-2.
D-8	8) Human health and the environment of sensitive receptors should be protected during the construction or demolition activities. If it is found necessary, a study of the site and a health risk assessment overseen and approved by the appropriate government agency and a qualified health risk assessor should be conducted to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment.	D-8	As mentioned previously, Mitigation Measure 5 requires further testing of the site to determine if hazardous materials exist. If such materials exist on site, DEH would oversee the preparation of, and approve, a work plan that would address any risks to human health or the environment.
D-9	9) If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If it is determined that hazardous wastes will be generated, the facility should also obtain a United States Environmental Protection Agency Identification Number by contacting (800) 518-6942.	D-9	The proposed project consists of three pedestrian underpasses, and would not generate hazardous wastes.

## COMMENTS

## RESPONSES

Mr. Scott Yutseff  
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D-10	10) Certain hazardous waste treatment processes or hazardous materials, handling, storage or uses may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA.	D-10	The proposed project consists of three pedestrian underpasses, and would not involve the handling, storage, or use of hazardous materials.
D-11	11) If the project plans include discharging wastewater to a storm drain, you may be required to obtain an NPDES permit from the overseeing Regional Water Quality Control Board (RWQCB).	D-11	As discussed in the Initial Study under Hydrology and Water Quality, applicable NPDES permits will be obtained from the RWQCB.
D-12	12) If during construction/demolition of the project, the soil and/or groundwater contamination is suspected, construction/demolition in the area should cease and appropriate health and safety procedures should be implemented.	D-12	See response numbers D-2 and D-6.
D-13	13) Your document states: "Based on the historical use of the underpass sites for railway operations, railroad ties treated with creosotes have been historically or are currently present on site. Additionally, railroad equipment such as lead- and acid-containing batteries, ballast materials containing heavy metal concentrations, railroad lubricators containing petroleum products, and transformers containing polychlorinated biphenyls (PCBs) may have been used within the proposed underpass localities. ...agricultural uses of properties in the project vicinity and the possible application of herbicides sprayed within the railroad right-of-way may have impacted on-site soils. If no contaminants are found in the soil samples, no further mitigation is required. If, however, the soil samples are contaminated, a remediation plan shall be prepared and implemented in consultation with the County of San Diego Department of Environmental Health." If the site was used for agricultural, livestock or related activities, on-site soils and groundwater might contain pesticides, agricultural chemical, organic waste or other related residue. Proper investigation, and remedial actions, if necessary, should be conducted under the oversight of and approved by a government agency at the site prior to construction of the project.	D-13	See response number D-2.
D-14	14) EnviroStor is a database primarily used by the California Department of Toxic Substances Control, and is accessible through DTSC's website. DTSC can provide guidance for cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies, or a Voluntary Cleanup Agreement (VCA) for private parties. For additional information on the EOA or VCA, please see <a href="http://www.dtsc.ca.gov/SiteCleanup/Brownfields">www.dtsc.ca.gov/SiteCleanup/Brownfields</a> , or contact Ms. Maryam Tasnif, Abbaad, DTSC's Voluntary Cleanup Coordinator, at (714) 484-5489.	D-14	Comment noted and is included in the administrative record as part of the Final MND. No response is required, as it does not raise a specific issue regarding the potential environmental effects of the project.

COMMENTS

RESPONSES

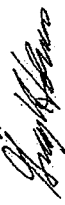
Mr. Scott Vurbett  
April 15, 2008  
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15) In future CEQA documents please provide contact person's title and email address. Also, if the project title changes, please provide historical project title(s).

If you have any questions regarding this letter, please contact Teresa Hom, Project Manager, preferably at [thom@dtsc.ca.gov](mailto:thom@dtsc.ca.gov). Her phone is (714) 484-5477.

Sincerely,



Mr. Greg Holmes  
Unit Chief

Southern California Cleanup Operations Branch - Cypress Office

cc: Governor's Office of Planning and Research  
State Clearinghouse  
P.O. Box 3044  
Sacramento, California 95812-3044  
[state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov)

CEQA Tracking Center  
Department of Toxic Substances Control  
Office of Environmental Planning and Analysis  
1001 I Street, 22nd Floor, M.S. 22-2  
Sacramento, California 95814  
[gnoskat@dtsc.ca.gov](mailto:gnoskat@dtsc.ca.gov)

CEQA#2112

D-15 The MND and Initial Study identify the City contact person and the contact person's title. In addition, the CEQA notice distributed by the City of Encinitas includes contact information.

CITY OF ENCINITAS  
PLANNING AND BUILDING DEPARTMENT  
505 South Vulcan Avenue  
Encinitas, CA 92024-3633  
(760) 633-2692

INITIAL STUDY  
CASE No. 07-039

SUBJECT: Encinitas Grade-separated Pedestrian Crossings. The proposed project consists of Coastal Development Permit, Design Review Permit and Variance applications to construct three grade-separated pedestrian crossings under the North County Transit District (NCTD) railroad tracks. The proposed crossings would be underpasses near El Portal Street, Santa Fe Drive, and Montgomery Avenue. Applicant: City of Encinitas.

I. PURPOSE AND MAIN FEATURES:

The San Diego Northern Railway (Coastal Rail Corridor or rail corridor) is the portion of the Los Angeles-San Diego (LOSSAN) rail corridor that extends from the City of San Diego to the Orange County/San Diego County line, traversing the cities of San Diego, Del Mar, Solana Beach, Encinitas, Carlsbad, Oceanside, and through Marine Corps Base Camp Pendleton. The segment of the Coastal Rail Corridor that traverses Encinitas extends approximately 6.1 miles and runs parallel to Highway 101 (to the west) and Vulcan Avenue/San Elijo Avenue (to the east) (Attachment 1, Figure 1). This heavily utilized corridor is owned and operated by NCTD and supports commuter rail (Coaster), intercity rail (Amtrak), and freight rail (operated by Burlington Northern Santa Fe) operations. Given the proximity of the rail corridor to coastal destinations, illegal crossing of the rail corridor is pervasive along this stretch and poses a safety hazard to both pedestrians and rail operations. With rail operations projected to increase, the City of Encinitas (City) and NCTD have agreed to pursue construction of grade-separated pedestrian crossings within the City.

The purpose of the Encinitas Grade-separated Pedestrian Crossings project (herein referred as proposed project or project) is to (1) improve pedestrian access within the Encinitas community between beaches, schools, commercial areas, and residential neighborhoods; and (2) improve safety conditions within the project area. Currently there are four at-grade rail/street crossings, one rail overpass, and one rail underpass along the 6.1-mile rail corridor in the City. Existing at-grade pedestrian crossings are located miles apart, requiring out-of-direction travel to access beaches, businesses, schools, and neighborhoods. The limited number of pedestrian crossings hinders east-west pedestrian movement, which results in trespassing of the railroad right-of-way by pedestrians who cross the tracks to reach nearby coastal recreation areas, businesses, schools, and residential neighborhoods. Illegal crossing of the rail corridor poses a safety hazard to pedestrians and rail operations. Approximately 60 train movements occur along this segment of the rail corridor on a daily basis, and this volume is projected to increase to over 80 in the next 10 years. These trains travel at high speeds and are unable to stop for pedestrians on the tracks. A number of fatalities have occurred over the last decade. The construction of pedestrian crossings below the railroad tracks would provide safe pedestrian movement through the rail corridor and improve community access in the project area.

The project applicant proposes to construct three grade-separated pedestrian crossings under the NCTD railroad tracks in Encinitas (Attachment 1, Figure 2) that would provide safe east-west pedestrian access through the NCTD right-of-way. All proposed crossings would comply with the Americans with Disabilities Act (ADA) standards. The pedestrian underpass locations were determined based on their locations relative to public schools, recreational facilities, existing pathways, and ability to avoid conflicts with potential development of the Coastal Rail Trail system. The pedestrian crossings would be located, from north to south, near El Portal Street, Santa Fe Drive, and Montgomery Avenue (Attachment 1, Figure 2), and as such, are referred to as the El Portal, Santa Fe, and Montgomery underpasses.

The proposed pedestrian undercrossings, along with overpass and tunnel alternatives that were eliminated from further consideration, were analyzed in the *Alternative Analysis Report for Grade Separated Pedestrian Crossing* (TY Lin International 2005; Source 1 of the Initial Study Checklist [Attachment 2]). The proposed structure to accommodate each underpass would consist of a prefabricated NCTD standard, three-span bridge. The middle span of the three-span bridge would be used for the pathway under the NCTD tracks. The vertical clearance under each bridge would be eight feet. The project-specific design elements of each pedestrian crossing are described below and are illustrated in Figures 3, 5, and 7 (Attachment 1). The Landscape Concept Plans for each crossing are shown on Figures 4, 6, and 8 (Attachment 1). The construction and design elements common to all three undercrossings are described in the subsections following the specific design elements descriptions.

### Project-specific Design Elements

#### *El Portal Underpass*

The proposed El Portal Underpass would provide a connection between North Vulcan Avenue on the east side of the rail corridor to the intersection of North Coast Highway 101 and El Portal Street (see Attachment 1, Figure 3). An existing crosswalk across North Vulcan Avenue from Paul Ecke Central Elementary School would direct pedestrians to a 12-foot-wide ramp within the NCTD right-of-way. The ramp would immediately curve and trend to the south for approximately 200 feet before turning to the west and continuing beneath the railroad tracks under the proposed bridge structure. On the other side of the railroad tracks, a curvilinear ramp would ascend to the south within the NCTD and North Coast Highway 101 rights-of-way and connect to a painted crosswalk proposed across North Coast Highway 101. The proposed crosswalk would connect to the southwest quadrant of the North Coast Highway 101/El Portal Street intersection. In addition, a new traffic signal would be installed at the El Portal Street/North Coast Highway 101 intersection.

Two retaining walls would be constructed along portions of the pedestrian ramp on the east side of the railroad tracks. One wall, ranging from 1 to 5 feet in height, would extend approximately 120 feet on the east side of the ramp, and another 1- to 11-foot-high wall would edge the west side of the ramp for approximately 160 feet. Both of these retaining walls would consist of Caltrans standard cast-in-place cantilever walls (Type 1).



Several 2:1 manufactured slopes would be constructed within the NCTD right-of-way to accommodate the pedestrian ramps. A berm also would be constructed within the NCTD right-of-way between the ramp on the east side of the railroad tracks and North Vulcan Avenue. It is anticipated that grading for the El Portal underpass would entail either export of fill material or stockpiling within the rail right-of-way.

The landscape theme for the El Portal Underpass would be "History – A Window to the Past." Historical photographs relevant to the City's development would be etched into black granite tiles and set into the retaining walls. The proposed plant palette would include species contained in the City's *North 101 Corridor Specific Plan*. Shrubs and groundcovers would be planted adjacent to the ramps on both sides of the underpass within NCTD and North Coast Highway 101 rights-of-way. Groundcovers could include coyote brush, Point Reyes ceanothus, carmel creeper, gazania, shore juniper, purple iceplant, periwinkle, and Korean grass. Shrubs could include century plant, dracaena, New Zealand flax, and aloe. In addition, existing mature eucalyptus trees within the NCTD right-of-way would be preserved, to the extent possible. The Landscape Concept Plan, including preliminary plant palette, for the El Portal Underpass is illustrated in Figure 4 (Attachment 1).

Proposed hardscape features would include earth-tone colored concrete along the proposed pedestrian ramps, a steel grate pathway with cobble and rip rap under the railroad tracks, stone cairns at access points along North Vulcan Avenue and North Coast Highway 101, retaining walls (described above) treated with an earth-tone finish, and handrails along the pedestrian ramps. In addition, 6-foot-high, welded wire mesh fencing would be installed on the west side of the tracks within NCTD right-of-way. The fencing would extend along the NCTD right-of-way for approximately 200 feet north and 265 feet south of the underpass.

Proposed drainage improvements would include installation of a pump station at the low point in the underpass and construction of 42-inch-diameter RCP storm drain pipelines to convey flows northward from the pump station.

#### *Santa Fe Underpass*

The proposed Santa Fe Underpass would provide a connection from the Santa Fe Drive/South Vulcan Avenue/San Elijo Avenue intersection, across South Vulcan Avenue, through the NCTD right-of-way, and across South Coast Highway 101 (see Attachment 1, Figure 5). A crosswalk would be painted across South Vulcan Avenue from the northeast quadrant of the Santa Fe Drive/South Vulcan Avenue/San Elijo Avenue intersection to channel pedestrians through the proposed underpass. A 12-foot-wide ramped walkway would extend approximately 20 feet to the west from the NCTD right-of-way before it would fork into two paths. One path would extend to the south for approximately 240 feet and drop 8 feet in elevation. From this point, the ramp would turn to the north and descend down 14 feet for a distance of approximately 180 feet. The other path would trend curvilinearly to the southwest down a series of stairs where it would converge with the other path. The walkway would continue beneath the railroad tracks under the proposed bridge structure and up to South Coast Highway 101. A crosswalk would be painted across South Coast Highway 101. This proposed crosswalk would remove up to four existing on-street parking spaces along

the west side of Highway 101. Pedestrian movement across Highway 101 would be protected by a proposed mid-block, pedestrian-activated signal.

Retaining walls would be constructed along the pedestrian ramp and stairs on the east side of the bridge underpass. The walls would range in height from 1 to 8 feet and would consist of Caltrans standard cast-in-place cantilever (Type 1) or soldier pile walls. Manufactured slopes with a maximum 2:1 gradient would abut the ramp and stairs on the east side of the bridge. Two additional manufactured slopes would be created on both sides of the walkway immediately west of the bridge underpass. Grading operations would entail approximately 2,000 cubic yards of cut, which would be exported to an off-site location.

The proposed landscape theme for the Santa Fe Underpass would be the "Sea," which is a strong influence on the identity of this part of the City. Swamis Park and other coastal recreation facilities are located in close proximity across South Coast Highway 101. Tumbled recycled glass would be set into the proposed retaining walls to emulate the ocean.

Groundcovers, accent and flowering shrubs, large screening shrubs, and hydroseed mix would be planted on the manufactured slopes on the east side of the bridge underpass. The proposed plant palette on the east side of the railroad tracks would include native coastal plant species. Groundcovers would include sand verbena, dwarf coyote bush, and cliff buckwheat. Proposed accent and flowering shrubs would include lady fingers, lance leaf dudleya, California sagebrush, California sunflower, and black sage. Large screening shrubs would include coyote bush, toyon, coffeeberry, and lemonadeberry. The hydroseed mix would include sand verbena, California poppy, sawtooth goldenbush, deerweed, collar lupine, beach evening primrose, phacelia, and pacific fescue.

The proposed plant palette west of the railroad tracks would integrate species consistent with those proposed for the City's South Coast Highway 101 Streetscape Phase II – F Street to Swamis Park project. Groundcovers would include Yankee point California lilac and creeping rosemary. Flowering shrubs would include rockrose, prostrate bottle brush, Noell's woolly gravillea, English lavender, India hawthorn, Cleveland sage, hemerocallis, and thyme. In addition, existing mature eucalyptus trees would be preserved, to the extent possible. The Landscape Concept Plan, including preliminary plant palette, for the Santa Fe Underpass is illustrated in Figure 6 (Attachment 1).

Proposed hardscape features would include earth-tone colored concrete along the proposed pedestrian ramps, a steel grate pathway with cobble and rip rap under the railroad tracks, stone cairns at the access points on both sides of the NCTD right-of-way, retaining walls embedded with tumbled recycled glass (described above), and handrails along the pedestrian ramps. In addition, 6-foot-high, welded wire mesh fencing would be installed on the west side of the tracks, extending a distance of approximately 90 feet north and 200 feet south of the underpass.

Drainage improvements would include construction of 18-inch-diameter RCP storm drain pipelines that would convey flows to an existing 30-inch-diameter storm drain inlet along South Coast Highway 101. Runoff collected within the underpass would drain via gravity flow.

### *Montgomery Underpass*

The proposed Montgomery Underpass would provide a connection between the San Elijo Avenue/Montgomery Avenue intersection and South Coast Highway 101 (see Attachment 1, Figure 7). A crosswalk would be painted across San Elijo Avenue from the northeast quadrant of the San Elijo Avenue/Montgomery intersection that would direct pedestrians to a ramp beginning at the west side of the street. New curb and gutter is proposed at this pedestrian ramp access. The ramp would be 12 feet wide and would curve northwestward for approximately 65 feet until it would reach a circular landing. The ramp would continue northward from the landing and then curve southward around a manufactured slope. A series of stairs also would descend approximately 12 feet in elevation to the west from the landing and would connect to the ramp. At this point, the walkway would extend beneath the railroad tracks under the proposed bridge structure and then would ascend about 14 feet in elevation to the south for approximately 180 feet to South Coast Highway 101. A painted crosswalk is proposed across South Coast Highway 101 to provide access to San Elijo State Beach. This proposed crosswalk would remove up to four existing on-street parking spaces on each side of Highway 101 (for a total of up to eight). Signage prohibiting parking on the east side of Highway 101 also would be installed. Pedestrian movement across South Coast Highway 101 would be protected by a proposed mid-block, pedestrian-activated signal.

Construction of the Montgomery Underpass would require two soldier pile retaining walls along portions of the pedestrian ramp adjacent to South Coast Highway 101. One retaining wall would extend approximately 80 feet along the east side of the pedestrian ramp and would range from 1 to 7 feet in height. The other wall would edge the west side of the ramp for approximately 155 feet and would range in height from 1 to 12 feet. Several manufactured slopes would be created within the railroad right-of-way to accommodate the ramp and stairs. The slopes would be a maximum 2:1 gradient and would be landscaped (as described below). It is anticipated that grading for the Montgomery underpass would entail either export of fill material or stockpiling within the rail right-of-way.

The landscape theme for the Montgomery Underpass would be "Land" and would emphasize the coastal bluffs that occur within the City's coastline. The proposed retaining walls would incorporate a special treatment to emulate natural bluff layers. Groundcovers, accent and flowering shrubs, large screening shrubs, and hydroseed mix would be planted on the proposed manufactured slopes. Groundcovers would include sand verbena, dwarf coyote bush, and cliff buckwheat. Proposed accent and flowering shrubs would include lady fingers, lance leaf dudleya, California sagebrush, California sunflower, and black sage. Large screening shrubs would include coyote bush, toyon, coffeeberry, and lemonadeberry. The hydroseed mix would include sand verbena, California poppy, sawtooth goldenbush, deerweed, collar lupine, beach evening primrose, phacelia, and pacific fescue. The Landscape Concept Plan, including preliminary plant palette, for the Montgomery Underpass is illustrated in Figure 8 (Attachment 1).

Proposed hardscape features would include earth-tone colored concrete along the proposed pedestrian ramps, a steel grate pathway with cobble and rip rap under the railroad tracks, stone cairns at the access points on both sides of the NCTD right-of-way, decorative retaining walls (described above), and handrails along the pedestrian ramps. In addition, 6-foot-high, welded wire mesh fencing would be installed along the railroad right-of-way boundary on the west side of the tracks for a distance of approximately 200 feet north and 350 feet south of the underpass.

Proposed drainage improvements would include installation of a pump station and 18-inch-diameter RCP storm drain pipelines that would convey flows to the pump station and then to the south. In addition, an approximately 130-foot-long portion of the existing open drainage ditch on the east side of the railroad tracks would be re-graded to redirect flows northward into an existing culvert beneath the railroad tracks.

#### Construction Operations

The majority of construction would occur Monday through Saturday between 7:00 a.m. and 7:00 p.m. in conformance with the *Encinitas Municipal Code*. However, to minimize disruption of passenger train operations, construction work for placement of rail bridges would occur during weekend nighttime hours (between 12:00 a.m. Saturday and 5:00 a.m. Monday). In order to allow limited nighttime construction, a variance from the *Encinitas Municipal Code* is proposed.

Anticipated construction equipment would include one or more of the following: excavator, front-end loader, hydraulic crane, drill rig with 24-inch-diameter auger, dump trucks, concrete ready-mix trucks, flatbed trucks, forklift, roller compactor, concrete boom pump, generators, compressors, welding machine, track tamper, regulator, and swivel dump.

Construction staging would occur on site at each proposed underpass location.

#### *Nighttime Activities*

It is anticipated that the nighttime construction process would be completed over four consecutive Saturday and Sunday nights (a total of two weekends) at each crossing involving double tracks (Montgomery and Santa Fe), and one consecutive Saturday and Sunday night (a total of one weekend) at single-track locations (El Portal).

Nighttime construction would begin with the drilling of holes and placement of H Piles. Once the piles are dropped in place, a maintenance window would be scheduled to take the track out of service for installation of the bridge. The existing track would be cut, ballast would be removed, and piles would be uncovered to allow them to be trimmed to the bottom of cap elevation. Prefabricated abutments and caps would then be placed on top of the piles and welded into place followed by installation of the prefabricated superstructure over the

pile caps and placement of deck plates and handrail assemblies. Finally, abutments would be backfilled and the track and ballast that was removed would be replaced.

#### *Daytime Activities*

Once each bridge has been installed and the track has been restored to service, the underpass would be excavated, and the pedestrian path and other design features would be built during normal weekday hours. It is anticipated that each crossing would require a total of six months to be completed.

#### General Landscaping Standards

In addition to the specific planting themes described above for each proposed pedestrian crossing, the landscape plan for all pedestrian crossings would conform to the Landscape Guidelines of the City of Encinitas Design Guidelines (April 2005). Proposed landscaped areas would be irrigated by subsurface, automatic, water-conserving irrigation systems in accordance with City standards.

#### Utility Infrastructure

An MCI fiber-optic cable runs along the west side of the NCTD right-of-way within this portion of the rail corridor. This existing telecommunications line, located three to four feet below grade, would be relocated, encased and protected in place, or incorporated into the design of the underpass structure, if affected by project improvements.

A 12-inch-diameter Southern California Gas high-pressure gas line runs along the eastern edge of the NCTD right-of-way within this portion of the rail corridor. The line is very shallow, with only one or two feet of cover in most locations and in some locations the top portion of the pipeline is exposed. As with the fiber-optic cable, the gas line would require relocation or encasement if affected by project improvements.

#### Lighting

Project lighting would include 70-watt, high-pressure sodium lights mounted on 42-inch-high bollards near the underpass entrances, 25-watt fluorescent step lights mounted to the railings along pedestrian ramps, and 100-watt high-pressure sodium fixtures mounted below the underpass bridges.

#### Project Design Considerations

Project design considerations would be incorporated into the project, including preparation and implementation of a noise control plan. The noise control plan would be implemented by the construction contractor during the construction phase of the project to minimize construction noise, particularly during proposed nighttime construction activities. The plan would include some or all of the following provisions, which would be specified in the construction contracts:

- Construct enclosures around noise-producing stationary sources, such as generators used for night lighting.
- Select equipment capable of performing the necessary tasks with the lowest sound level and lowest acoustic height possible.
- Implement alternatives to the standard backup beepers on construction equipment such as strobe lights or broadband sound systems.
- Use specially quieted equipment, such as quieted and enclosed air compressors and properly working manufacturer-recommended mufflers on all engines.
- Perform construction vehicle maintenance off site or between 7:00 a.m. and 7:00 p.m.
- Place the laydown area within the project limits as far as possible from the closest noise sensitive receptor.
- Limit the delivery of construction materials (with the exception of concrete) to the hours between 7:00 a.m. and 7:00 p.m.
- Distribute public information and complaint response procedures to the community no less than five days prior to the start of construction. The notification would include a brief description of the construction activities, the hours of construction, the procedures for handling public complaints and inquiries, and a contractor and City contact.

## II. ENVIRONMENTAL SETTING:

The proposed pedestrian crossing sites are located in the coastal plain of northwestern San Diego County, near the coastline. Specifically, they would be located within the NCTD right-of-way at three locations in the City near El Portal Street, Santa Fe Drive, and Montgomery Avenue. The proposed crossing sites are located in developed areas comprised of residential, commercial, educational, and recreational land uses with supporting infrastructure such as roads, rail alignments, and utilities. The coastal climate is semi-arid and cool, with an average annual temperature range from a January low of about 44 degrees Fahrenheit (°F) to a July high of about 77 °F. Annual rainfall averages approximately 13 inches. Geologically, Pleistocene marine and marine terrace deposits underlay the project area. Soil types in the project area consist of marina loamy coarse sand, 2 to 9 percent slopes and 9 to 30 percent slopes, and Chesterton fine sandy loam, 2 to 5 percent slopes.

Some native vegetation is present in the project area, although much of this vegetation consists of non-native, weedy plants. Vegetation generally supported by the on-site soil type includes chamise, sumac, black sagebrush, flatted buckwheat, and annual grasses and forbs. There are also ornamental plants in the project area including a variety of street trees and plantings associated with individual private properties.

### El Portal Underpass

Land uses east of North Vulcan Avenue primarily consist of single-family residential neighborhoods, Paul Ecke Central Elementary School, and the adjacent Orpheus Park. Land uses along the west side of North Coast Highway 101 include hotel and specialty retail

shops. El Portal Street provides coastal access to Beacons Beach, approximately 0.25 mile to the west, as well as to residential neighborhoods located between North Coast Highway 101 and the coastline.

#### Santa Fe Underpass

The proposed Santa Fe Underpass area contains single-family residences and some agricultural fields on the east side of South Vulcan Avenue/San Elijo Avenue. This portion of South Coast Highway 101 is lined with commercial uses on the east side and some commercial uses, Swamis Park and the Self-Realization Fellowship Ashram Center, a religious facility, on the west side. Coastal access is provided via Swamis Park.

#### Montgomery Underpass

The Montgomery Underpass site is located near Cardiff Elementary School, Cardiff Park, and single-family residential neighborhoods east of San Elijo Avenue. San Elijo State Beach is located on the west side of South Coast Highway 101.

### III. ENVIRONMENTAL ANALYSIS:

#### Aesthetics

A Visual Impact Assessment was prepared (HELIX Environmental, Inc., April 2006; Source 2 in the Initial Study Checklist) to assess potential visual impacts of the proposed project. No designated scenic resources or scenic vistas occur within the proposed underpass locations. The visual character of each proposed underpass location is similar and thus, the following analysis discusses aesthetics and visual quality effects of the underpasses together.

The existing visual character of the proposed underpass locations is dominated by the rail corridor, which is a linear area containing the railroad tracks, railroad equipment (e.g., signals and mechanical or electrical fixtures), and disturbed areas with sparse vegetation. The exposed dirt along the rail corridor generally is reddish-brown, and the ballast along the tracks is gray. Vegetation varies from gray to green in color and consists of low growing groundcover, occasional shrubs, and some mature eucalyptus trees between the rail corridor and the abutting streets. Metal rails or wooden fences also occur along portions of the rail corridor. Given its developed/disturbed nature and absence of scenic resources, the overall existing visual quality of the rail corridor at the proposed underpass locations is considered low.

The proposed underpasses would introduce new visual elements into views from areas surrounding the project areas. The project components would mainly be constructed within the rail corridor with the exception of crosswalks within local streets, portions of pedestrian ramps, retaining walls, and some landscaping. Proposed project features, including fencing, handrails, stained concrete, and landscaping would be compatible with the visual character of the rail corridor; however, the color of the concrete may contrast with the red-brown-colored soil and grey-colored gravel that dominate the color palette of the rail corridor.

Proposed fencing would not disrupt the visual quality of adjacent areas on either side of the railroad tracks due to the use of wire mesh fencing that provides transparency. Proposed fencing also would not be at a height that would break the horizon view line or obstruct views of the ocean horizon. The proposed pedestrian crosswalks within local streets would not conflict with the visual character of the surrounding area because they are common features at roadway intersections. These elements would not decrease the visual quality or substantially change the visual character of the area.

Two designated scenic resources near the proposed crossing sites are identified in the Resource Management Element of the Encinitas General Plan: Orpheus Park (approximately 500 feet east of the proposed El Portal Underpass) and Swamis Park (just west of the proposed Santa Fe Underpass). Additionally, two roadway corridors within or near the crossing sites are designated scenic highways/visual corridor viewsheds: Highway 101 (near all proposed underpasses) and San Elijo Avenue (near Santa Fe and Montgomery underpasses). The portion of Highway 101 within the City of Encinitas is not a state-designated scenic highway. The low-profile elements of the proposed crossings would not have a substantial adverse impact on scenic vistas, designated aesthetic resources, or state-designated scenic highways.

The proposed underpasses are located in developed areas that currently include lighting associated with streetlights along Highway 101 and buildings in the surrounding area. No existing light sources currently occur within the rail corridor. Proposed project lighting would include safety lighting in the underpasses and along the pedestrian ramps. Specifically, 70-watt, high-pressure, sodium lights would be mounted on 42-inch-high bollards near the underpass entrances, 25-watt fluorescent step lights would be mounted to the railings along pedestrian ramps, and 100-watt high-pressure sodium fixtures would be mounted below the underpass bridges. The addition of lighting within the existing unlit rail corridor could contribute incrementally to urban light sources, but would not create a new source of substantial light and/or glare. Proposed structures (i.e., bridges) and hardscape elements would not include highly reflective surfaces that would cause adverse glare effects. Associated aesthetics impacts related to light and glare would be less than significant.

Proposed project elements would be visible to motorists, residents, and recreational users; however, the proposed project would not interrupt views toward the areas surrounding the crossing sites or views toward the ocean. The Visual Impact Assessment concluded that the low amount of physical change combined with a moderately high viewer response (given the moderate exposure and high sensitivity of motorists and residents) would result in a moderate visual impact at all three proposed crossing sites. Moderate visual impacts are not considered significant in light of proposed project design features, such as compatible vegetation and coloration. The project would include landscape and hardscape features that would be consistent with and complement the existing visual character of the project area. Thus, no significant visual impacts would occur and no mitigation is required.



## Biological Resources

A Natural Environment Study (Source 3 in the Initial Study Checklist) was prepared in October 2007 (HELIX Environmental Planning, Inc.) to evaluate potential impacts to biological resources as a result of the proposed pedestrian crossings. Biological resources within the total 33.14-acre (ac) biological study area (BSA) for the three undercrossings were identified on aerial photographs and field verified. General botanical and wildlife surveys were conducted within the BSA, and all botanical and wildlife species observed or detected were recorded.

The BSA includes the following vegetation communities: disturbed Diegan coastal sage scrub, non-native grassland, agriculture, and disturbed habitat. Developed land also occurs within the BSA. Project implementation would result in direct permanent impacts to 0.11 ac of disturbed Diegan coastal sage scrub (Montgomery), 0.84 ac of non-native grassland (Montgomery), 4.87 square feet of agriculture (Santa Fe), 2.48 ac of disturbed habitat (all three underpass locations), and 1.54 ac of developed land (all three underpass locations). Disturbed Diegan coastal sage scrub and non-native grassland are considered sensitive vegetation communities, and impacts resulting from the project would be significant and would require mitigation. Implementation of the following mitigation measures would reduce potentially significant impacts to sensitive vegetation communities to below a level of significance:

- Prior to issuance of grading permits, impacts to 0.11 acre of disturbed Diegan coastal sage scrub shall be mitigated at 2:1 ratio by off-site acquisition purchase of mitigation credits equal to 0.22 acre of Diegan coastal sage scrub in an approved mitigation bank, within the Multiple Habitat Conservation Program (MHCP) Focused Planning Area or by If a MHCP regional funding program is established, mitigation alternatively could be achieved through a fair share payment into the MHCP regional funding program to the satisfaction of the City Director of Planning and Building.
- Prior to issuance of grading permits, impacts to 0.84 acre of non-native grassland shall be mitigated at 0.5:1 ratio by off-site acquisition purchase of mitigation credits equal to 0.42 acre of non-native grassland in an approved mitigation bank, within the MHCP Focused Planning Area, or by If a MHCP regional funding program is established, mitigation alternatively could be achieved by a fair share payment into the MHCP regional funding program to the satisfaction of the City Director of Planning and Building.

U.S. Army Corps of Engineers (Corps) jurisdictional areas within the BSA encompass 0.13 ac and consist of non-wetland Waters of the U.S. (Montgomery). California Department of Fish and Game (CDFG) jurisdictional areas within the BSA include 0.13 ac of unvegetated streambed (Montgomery). Project implementation would result in direct permanent impacts to 0.02 ac of Waters of the U.S./streambed jurisdictional areas (Montgomery). Impacts to these jurisdictional areas would require compensatory mitigation and regulatory permits/agreements. A Nationwide Permit 14 (Linear Transportation Crossings) would be required from the Corps under Section 404 of the Clean Water Act for impacts to Waters of the U.S. As a result, a Section 401 Water Quality Certification also would be required from the Regional Water Quality Control Board. In addition, a 1602 Streambed Alteration Agreement would

be required from the CDFG for impacts to Waters of the State (streambed). Implementation of the following mitigation measure would reduce potentially significant impacts to jurisdictional areas to below a level of significance:

- Impacts to 0.02 acre of Waters of the U.S./streambed jurisdictional areas shall be mitigated at a minimum 1:1 ratio by creation of 0.02 acre of unvegetated streambed at a location approved by the City of Encinitas and permitting agencies prior to impacting wetland habitat.

Based on a search of the California Natural Diversity Database, 15 sensitive plant and 15 sensitive animal species potentially occur within the BSA. No sensitive plant or animal species were observed or detected within the BSA during the general botanical and wildlife survey or jurisdictional delineation fieldwork. Therefore, no significant impacts to candidate, sensitive, or special status species would occur.

### Cultural Resources

The following discussion of cultural resources includes an evaluation of potential impacts to historic, prehistoric, and paleontological resources resulting from project implementation.

An Archaeological Survey Report (Affinis August 2005, revised April 2006) and Historic Property Survey Report (Affinis, April 2006) (Source 4 in the Initial Study Checklist) were prepared for the proposed project. The Archaeological Survey Report summarizes the results of a records search, review of historical maps and aerial photographs, and a field survey. The Historic Property Survey Report evaluates potential impacts to historical resources.

Records searches were conducted at the South Coastal Information Center at San Diego State University and the San Diego Museum of Man for each underpass locations and a surrounding 0.5-mile radius. Although no recorded archaeological sites occur within or immediately adjacent to the proposed underpass sites, six archaeological sites and two historic architectural resources have been recorded within the 0.5-mile radius. The recorded archaeological sites consist of intermittent camps, including shell, ground stone and flaked stone artifacts, and hearths or thermal-fractured rock. The historic architectural resources include two single-story rectangular structures on 2<sup>nd</sup> Street and a two-story log house built circa 1926 on Hymettus Avenue. Project implementation would not impact these recorded cultural resources.

The California Native American Heritage Commission also was contacted for a records search of their sacred lands files. The sacred lands files did not indicate the occurrence of cultural resources in the immediate vicinity of the project area. Therefore, no impacts to religious or sacred cultural resources are expected to occur. Additionally, local Native American representatives were notified of the project to solicit potential concerns. Two responses were received: one requesting appropriate actions in the event of discovery of cultural resources; and one requesting an archaeological monitor during grading activities. Neither response indicated other known cultural sites in the project area. Given the absence

of recorded/known cultural sites and the level of disturbance at the proposed underpass locations, the potential to encounter human remains is extremely low to non-existent.

In addition to the records searches, historic maps and aerial photographs were reviewed to determine the potential for historic and prehistoric archaeological resources within each proposed underpass location. The railroad tracks and Highway 101 appear on topographic maps as early as the 1901 United States Geographical Survey quadrangle (the earliest map obtained). Aerial photographs from 1928 show the railroad tracks, streets, and some trees along the project study area, but no buildings appear within or adjacent to the proposed underpass locations. The railroad tracks themselves are not considered an historic resource because due to routine maintenance and replacement, none of the tracks are older than 50 years. Thus, no impacts to historic resources would occur.

The impact area at each proposed underpass location was surveyed by walking parallel transects spaced 10 meters apart. No archaeological sites or isolated artifacts were found during the survey.

Since no archaeological sites or historic resources would be impacted by project implementation, the project would have no effect on cultural resources, and no mitigation measures are required.

Excavation activities to create the underpasses may result in the disturbance of geologic formations that contain paleontological resources. The three crossing sites are underlain with the following formations that exhibit moderate to high paleontological resource sensitivity: Linda Vista (moderate), Torrey Sandstone (moderate), and Del Mar (high). Based on these sensitivity ratings, project grading, including shallow excavations and minor grading activities, would have the potential to significantly impact paleontological resources preserved within the deposits. Mitigation consisting of paleontological monitoring, as detailed in Section V of the attached MND, would be required.

### Geology and Soils

A Preliminary Geotechnical Investigation (Diaz-Yourman & Associates, February 2006; Source 5 in the Initial Study Checklist) was prepared for the proposed project to evaluate subsurface soil and geologic conditions in the vicinity of the proposed underpass locations. The investigation included a review of existing subsurface and groundwater data in the project vicinity and a site reconnaissance.

The proposed underpass locations are not located within any mapped geologic hazard zones (e.g., faulting, landslides, or liquefaction) identified on the Alquist-Priolo Earthquake Fault Zoning Map and the California Seismic Hazards Mapping Act, Liquefaction and Landslide Zones. There are no known active, potentially active or inactive faults on or in the immediate vicinity of the underpass sites. The nearest known active fault is the offshore Newport-Inglewood/Rose Canyon Fault, located approximately 2.5 miles to the west. Because of the absence of known active faults in the project area, the potential for seismic hazards at the underpass sites is considered low. In addition, the proposed project would be

designed to accommodate applicable seismic loading parameters based on recommendations in the geotechnical investigation and existing Uniform Building Code (UBC) guidelines. Accordingly, no significant impacts related to seismic hazards would occur.

Potential erosion impacts related to the proposed project are primarily associated with short-term construction-related activities. The project would require a National Pollutant Discharge Elimination System (NPDES) General Construction Activity Storm Water Permit prior to project development (pursuant to requirements under the federal Clean Water Act). Such permit conformance is required for applicable sites (or a total project area) exceeding one acre, pursuant to the State Water Resources Control Board (SWRCB) Order 99-08-DWQ. Specific conformance requirements include the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) and monitoring program, which contains appropriate Best Management Practices (BMPs) to prevent and control the off-site discharge of contaminants and erosion. Erosion control measures would be implemented during site excavation, grading and construction. The required implementation of an approved NPDES General Construction Activity Storm Water Permit SWPPP would avoid or reduce potential short-term erosion impacts below a level of significance. Long-term impacts due to erosion are not expected to occur. All areas proposed for development would be paved, landscaped, or compacted. Manufactured slopes would be drained and properly maintained to reduce erosion. Surface runoff within the proposed underpasses would be conveyed upstream via proposed storm drain pipelines or pump stations to prevent flooding and associated erosion effects.

Based on existing geologic data, underlying formational materials include Linda Vista Formation terrace deposits, Torrey Sandstone, and Del Mar Formation. The Linda Vista Formation occurs at depths up to approximately 28 feet below grade at the El Portal underpass location, 40 feet below grade at the Santa Fe underpass location, and 2 feet below grade at the Montgomery underpass location. Torrey Sandstone and the Del Mar Formation likely occur beneath the Linda Vista Formation terrace deposits at the Santa Fe and Montgomery underpass sites. Fill material also occurs at various depths at the underpass locations. The geotechnical study concluded that the proposed bridge structures at the El Portal and Montgomery underpasses could be supported by shallow foundations within the underlying formational materials (Linda Vista terrace deposits, Torrey Sandstone, and Del Mar Formation). The proposed bridge structure at the Santa Fe underpass would likely require deeper foundations or excavation and recompaction of the upper 10 feet of subsurface soils. Dewatering may be required for construction of below ground structures due to seepage in the bedrock.

Borings conducted during previous studies indicate that groundwater occurs at a depth of approximately 14 feet below grade at the El Portal underpass site, and 40 to 50 feet below grade at the Santa Fe underpass site. Groundwater depths at the Montgomery underpass are not known due to the limited depths of previous borings at the Montgomery underpass site.

The geotechnical study concluded that temporary construction excavations above the groundwater level in fill areas should have slopes no steeper than 1.5:1, and excavations below the groundwater level, if encountered, should be no steeper than 2:1. For steeper

temporary construction slopes or deeper excavations, shoring should be provided for stability and protection.

Incorporation of recommendations contained in the geotechnical study into the design criteria and project specifications would reduce geology/soils impacts to less than significant levels.

#### Hazards and Hazardous Materials

A Hazardous Waste Initial Site Assessment (ISA) was completed (Ninyo & Moore, April 2006; Source 6 in the Initial Study Checklist) to evaluate potential hazardous materials and wastes in the project study area. The ISA included a literature review (historical aerial photographs, Sanborn fire insurance maps, environmental reports), regulatory agency database/files review, and a site reconnaissance.

The proposed underpass sites consist of undeveloped land, railroad tracks/ballast, associated rail equipment, dirt paths, and scattered vegetation. Based on the historical use of the underpass sites for railway operations, railroad ties treated with creosote have been historically or are currently present on site. Creosote is a wood preservative containing polycyclic aromatic hydrocarbons (PAHs) that has the potential to leach into subsurface soils over time. Additionally, railroad equipment such as lead- and acid-containing batteries, ballast materials containing heavy metal concentrations, railroad lubricators containing petroleum products, and transformers containing polychlorinated biphenyls (PCBs) may have been used within the rail right-of-way at the proposed underpass locations. Consequently, there is potential for on-site soils to have been impacted by leaks from these types of materials and equipment. In addition, due to the close proximity of the proposed underpasses to Highway 101 and arterial surface streets, on-site surficial soils could contain lead deposits as a result of vehicular exhaust emissions (prior to the elimination of lead from fuels in the mid 1980s). Finally, agricultural uses of properties in the project vicinity and the possible application of herbicides sprayed within the railroad right-of-way to prevent the growth of vegetation between railroad tracks may have impacted on-site soils. For these reasons, it is possible that contaminated soils may be encountered during grading or excavation activities, resulting in potentially significant hazardous materials impacts. In addition, several off-site, adjacent properties of potential environmental concern were identified during the regulatory agency database search or site reconnaissance. These sites are listed as being associated with unauthorized releases of petroleum hydrocarbons to soil and/or groundwater, which may be encountered at the proposed underpass areas during grading or excavation activities. This represents a potentially significant hazardous materials impact and would require mitigation. Implementation of the following mitigation measure would reduce potentially significant hazardous materials impacts to below a level of significance:

- Prior to issuance of grading permits, the project contractor shall retain a hazardous materials specialist to conduct soil sampling at each underpass location to determine the presence or absence of contaminants in subsurface soils. If no contaminants are found in the soil samples, no further mitigation is required. If, however, the soil

samples are contaminated, a ~~remediation-work plan~~ shall be prepared and ~~implemented in consultation with~~ submitted to the County of San Diego Department of Environmental Health (DEH) for review and approval. Upon DEH approval, the work plan shall be implemented under the regulatory oversight of DEH and, if necessary, the California Department of Toxic Substances Control, and, if the hazardous materials specialist shall also prepare a soil and groundwater management plan addressing notification, monitoring, sampling testing, handling, storage, and disposal of contaminated substances that may be encountered during project construction. The plan shall be submitted to DEH and the City of Encinitas and references to the potential to encounter contaminated soil and/or groundwater shall be included in construction specifications.

### Hydrology and Water Quality

Preliminary Hydrology/Hydraulics Reports (Hanson Wilson, Inc., August 2007; Source 7 in the Initial Study Checklist) were completed for the proposed project to identify existing and proposed hydrologic conditions at each underpass location.

Potential water quality impacts associated with the proposed project include short-term, construction-related erosion/sedimentation, construction-related hazardous material discharge, and long-term operational storm water discharge. Short-term, construction-related water quality impacts would be less than significant based on conformance with existing regulatory requirements, documented through acquisition of a NPDES General Construction Activity Storm Water Permit. Such permit conformance is required for applicable sites (or a total project area) exceeding one acre, pursuant to the SWRCB Order 99-08-DWQ. Specific conformance requirements include preparation and implementation of a SWPPP and monitoring program, with pollution control measures involving the use of Best Available Technology (BAT) and Best Conventional Pollutant Control Technology (BCT) through the use of appropriate BMPs. If shallow groundwater is encountered during project construction and dewatering is necessary, acquisition of a NPDES Dewatering Waste Discharge Permit from the San Diego Regional Water Quality Control Board (RWQCB) would be required. These permits are intended to ensure compliance with applicable water quality and beneficial use objectives, and typically entail implementation of BMPs. Acquisition of a NPDES permits and implementation of a SWPPP would ensure that short-term, construction-related water quality impacts would be less than significant.

Long-term water quality impacts associated with project development would include increased downstream erosion and the generation and off-site discharge of pollutants. Anticipated and potential pollutants include sediments, nutrients, trash and debris, oxygen demanding substances, bacteria and viruses, and pesticides. The transport of pollutants from the underpass locations potentially could affect water quality at downstream receiving waters, including Batiquitos Lagoon, San Elijo Lagoon, and the Pacific Ocean. The San Elijo Lagoon is included on the 2002 Clean Water Act Section 303(d) List of Water Quality Limited Segments as an impaired water body due to the presence of bacteria indicators, eutrophication, and sedimentation/siltation. Potential long-term water quality impacts,

including those associated with these pollutants of concern (POC), would be addressed through compliance with NPDES guidelines for municipal storm water runoff in accordance with the San Diego Municipal Storm Water Permit (RWQCB Order No. R9-2007-0001). The Storm Water Permit mandates all co-permittees, including the City, to prepare jurisdictional and watershed plans to address urban runoff and water quality issues to minimize impacts of urban development on receiving waters. Accordingly, the City has implemented a Clean Water Program and has prepared a Jurisdictional Urban Runoff Management Program (JURMP) and participated in the development of a Watershed Urban Runoff Management Program (WURMP) along with seven other co-permittees (cities of Carlsbad, Escondido, Oceanside, San Marcos, Solana Beach, Vista, and the County of San Diego). These plans require that pollutant discharges and runoff from development are reduced to the maximum extent practicable (MEP) and that receiving water quality objectives are not violated throughout the life of the project through implementation of source control and structural post-construction BMPs. Compliance with the requirements in these plans would avoid potentially significant water quality impacts.

The City lies within the Carlsbad Hydrologic Unit (HU 904.00), which encompasses approximately 210 square miles and contains all or portions of Oceanside, Vista, Carlsbad, San Marcos, Encinitas, Escondido, Solana Beach, and the community of Rancho Santa Fe, as well as unincorporated San Diego County. The El Portal underpass site lies within the Batiquitos Hydrological Subarea (HSA 904.51) of the San Marcos Hydrological Area (HA 904.5), and the Santa Fe and Montgomery underpass sites lie within the San Elijo HSA (904.61) of the Escondido Creek HA (904.6). The *Water Quality Control Plan for the San Diego Basin (9)* (Basin Plan) establishes a number of beneficial uses and water quality objectives for surface and groundwater resources. Beneficial uses are generally defined in the Basin Plan as "the uses of water necessary for survival or well being of man, plus plants and wildlife." Identified coastal water beneficial uses for Batiquitos and San Elijo lagoons include contact and non-contact recreation (REC-1 and REC-2), preservation of biological habitats of special significance (BIOL), estuarine habitat (EST), wildlife habitat (WILD), rare threatened or endangered species (RARE), marine habitat (MAR), migration of aquatic organisms (MIGR), and spawning reproduction and/or early development (SPWN). Beneficial uses of groundwater within the underpass locations include agricultural supply (AGR) and industrial service supply (IND). Water quality objectives identified in the Basin Plan are based on beneficial uses, and are defined as "the limits or levels of water quality constituents or characteristics which are established for the reasonable protection of beneficial uses." Potential impacts to beneficial uses would be minimized through compliance with NPDES and City guidelines and implementation of BMPs.

Project development would not substantially alter the existing drainage patterns at each underpass site. Post-development runoff would be conveyed to existing and proposed drainage facilities. The referenced hydrology report concludes that these facilities would have adequate capacity to convey post-development flows. Thus, hydrology impacts would be less than significant.

Based on Federal Emergency Management Agency (FEMA) maps, all three proposed underpass sites are designated as Zone X, or areas determined to be outside of the 500-year

floodplain (FEMA 2002). No known flood conditions occur at the Santa Fe and Montgomery underpass locations. Flooding has been known to occur at the El Portal underpass location during large storm events. At the El Portal underpass location, flooding occurs on both sides of the railroad tracks, and during a 100-year storm event, the underpass would experience flood depths between five and eight inches. These 100-year flood levels in the underpass would be pumped out by the proposed pump station at the low point in this underpass. Therefore, no significant flooding impacts would occur.

The project would not involve any long-term use of groundwater, nor would it alter the direction or rate of groundwater flow. As stated above, if shallow groundwater is encountered during project construction and dewatering is necessary, acquisition of a NPDES permit would ensure that no significant water quality impacts would occur.

### Noise

A Noise Analysis Report was prepared for the project (Kimley-Horn and Associates, Inc., December 13, 2007; Source 8 in the Initial Study Checklist) to assess potential short-term noise impacts associated with project construction.

Noise-sensitive land uses are associated with indoor and/or outdoor activities that may be subject to substantial interference from noise and often include residential dwellings, mobile homes, hotels, hospitals, nursing homes, educational facilities, libraries, and parks. Industrial, commercial, and agricultural uses generally are not considered sensitive to noise. Sensitive land uses near the three proposed underpasses include single and multi-family residential development, schools, and park uses.

Construction activities at the proposed underpass locations would result in a short-term, temporary increase in ambient noise levels during daytime and nighttime hours. The magnitude of the impact would depend on the type of construction activity, noise level generated by various construction equipment, duration of the construction phase, and the distance between the noise source and the receiver. The noise study concludes that proposed daytime construction activities would comply with the City's applicable daytime construction noise criteria at all three proposed underpass locations.

Due to rail operational constraints, some project construction would occur during nighttime weekend (Saturday and Sunday) hours. Nighttime construction would be completed over four weekend nights (a total of two weekends) at underpass locations with double tracks (Santa Fe and Montgomery), and two weekend nights (a total of one weekend) at single-track underpass locations (El Portal). Because the City does not have established construction noise standards for nighttime construction, Federal Transit Administration (FTA) construction noise criteria were used to evaluate potential nighttime construction noise impacts. The noise study concludes that nighttime sound levels generated during construction of the proposed El Portal, Santa Fe, and Montgomery underpasses would not exceed the applicable FTA construction noise criteria at the closest noise sensitive receptor. Thus, short-term, construction noise impacts resulting from construction of the El Portal, Santa Fe, and Montgomery underpasses would be less than significant.



The proposed project consists of pedestrian underpasses, which would not generate excessive noise levels. Thus, no significant long-term, operational noise impacts would occur.

### Transportation/Traffic

A Traffic Operations Report (Wilson & Company, January 2008; Source 9 in the Initial Study Checklist) was prepared for the proposed pedestrian crossings to evaluate pedestrian access and safety issues at the proposed underpasses. Because the project involves pedestrian facilities, no vehicular traffic trips would be generated. The analysis, therefore, is limited to pedestrian circulation and related safety issues.

Table 1 summarizes existing conditions and traffic volumes of roadways in the immediate project vicinity, including Highway 101, Vulcan Avenue, and San Elijo Avenue.

Each proposed underpass would necessitate provisions for pedestrian crossing of adjacent roadways, including Highway 101, Vulcan Avenue, and San Elijo Avenue, to provide safe and logical connections between neighborhoods on both sides of the rail corridor. Pedestrian crossing safety issues at each proposed underpass are discussed below.

<b>Table 1</b> <b>EXISTING ROADWAY CONDITIONS</b>					
<b>Proposed Underpass</b>	<b>Roadway Segment</b>	<b>Lanes</b>	<b>ADT</b>	<b>Pavement Width (feet)</b>	<b>Posted Speed Limit (mph)</b>
El Portal	Highway 101 El Portal St. to Marcheta St.	4	19,425	60	40
	N. Vulcan Avenue Union St. to Orpheus Ave.	2	5,613	24	35
Santa Fe	Highway 101 K St. to Swami Beach entrance	4	15,004	75	50
	San Elijo Avenue South of Santa Fe Drive	2	6,100	40	-
Montgomery	Highway 101 K St. to Chesterfield Dr.	4	14,858	84	50
	San Elijo Avenue Verdi Ave. to Liszt Ave.	2	7,241	40	40

ADT=average daily trips

mph=miles per hour

Source: Wilson and Company 2008.

### *El Portal*

The segment of Highway 101 near the proposed El Portal underpass has a pavement width of 60 feet and a daily traffic volume of approximately 19,500 vehicles. Given the amount of traffic and width of the roadway, the traffic operations report concluded that signalization of the El Portal Street/Highway 101 intersection would provide the safest crossing of Highway 101. The project proposes to install a painted crosswalk across Highway 101 immediately

south of its intersection with El Portal Street, as well as a new traffic signal at the Highway 101/El Portal Street intersection.

A painted crosswalk occurs across North Vulcan Avenue in front of Paul Ecke Central Elementary School. The proposed project would utilize this existing crosswalk.

#### *Santa Fe*

Highway 101 in this location has a daily traffic volume of approximately 15,000 vehicles and a pavement width of 75 feet. The traffic operations report concluded that, due to the higher traffic volumes and width of the road, a mid-block, signalized pedestrian crossing would ensure safe pedestrian movement across Highway 101. The project proposes to install a painted crosswalk across Highway 101 and a mid-block, pedestrian-activated signal. In addition, the proposed crosswalk would remove up to four existing on-street parking spaces along the west side of Highway 101 to provide adequate site distance and ensure pedestrian safety.

The Santa Fe Drive/South Vulcan Avenue/San Elijo Avenue intersection is an all-way, stop-controlled intersection with no crosswalks. The project would provide a painted crosswalk across South Vulcan Drive from the northeast quadrant of the intersection to safely direct pedestrians across the road and into the underpass.

#### *Montgomery*

Highway 101 in this location has a daily traffic volume of approximately 15,000 vehicles and has a pavement width of 84 feet. Given this, the traffic operations report concluded that a mid-block, signalized pedestrian crossing would ensure safe pedestrian movement across Highway 101. The project would include a new painted crosswalk across Highway 101 and a mid-block pedestrian-activated signal to provide a safe pedestrian connection between the proposed underpass and area beaches. In addition, the proposed crosswalk would remove up to four existing on-street parking spaces along each side of Highway 101 (a total of up to eight) to provide adequate site distance and ensure pedestrian safety. Signage prohibiting parking on the east side of Highway 101 also would be installed.

The intersection of San Elijo Avenue and Montgomery Avenue is stop-controlled for Montgomery Avenue, but not for San Elijo Avenue. The project would maintain the one-way, stop-controlled intersection and install a painted crosswalk across San Elijo Avenue from the northeast quadrant of the intersection. Advanced warning signing and pavement markers, pursuant to the Federal Highway Administration's Manual on Uniform Traffic Control Devices guidelines, also would be provided along San Elijo Avenue.

Provision of these design and safety measures at the three proposed underpass locations would ensure that no significant pedestrian circulation or transportation-related design hazard impacts would occur.

#### IV. RECOMMENDATION:

On the basis of this initial evaluation:

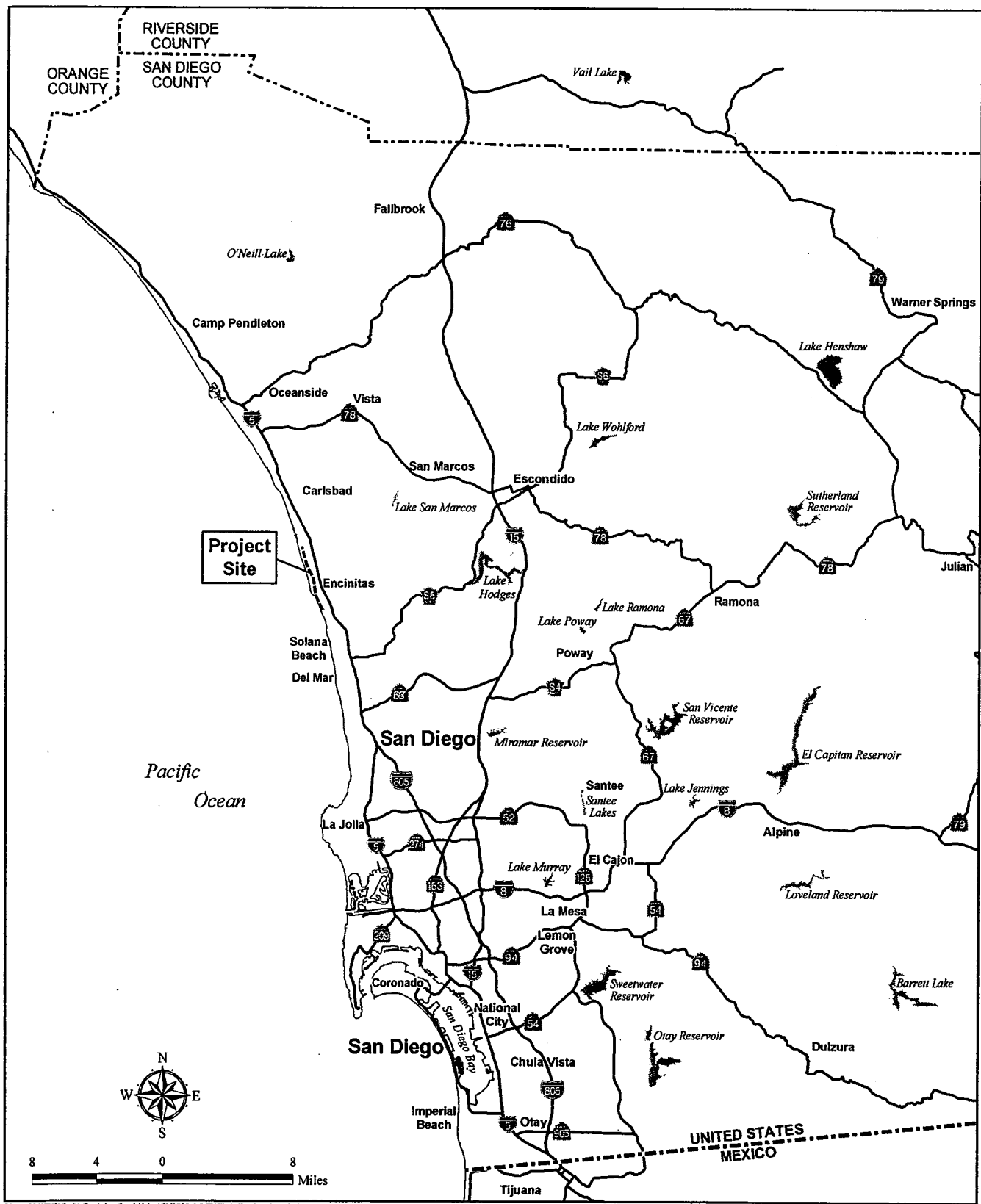
- ☐ The proposed project would not have a significant effect on the environment, and a NEGATIVE DECLARATION should be prepared.
- ☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in Section IV above have been added to the project. A MITIGATED NEGATIVE DECLARATION should be prepared.
- ☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT should be required.

Environmental Coordinator: Scott VurbEFF

#### Attachments:

- 1 Figure 1: Regional Location Map  
Figure 2: Project Vicinity Map  
Figure 3: El Portal Underpass Site Plan  
Figure 4: El Portal Underpass Landscape Concept Plan  
Figure 5: Santa Fe Underpass Site Plan  
Figure 6: Santa Fe Underpass Landscape Concept Plan  
Figure 7: Montgomery Underpass Site Plan  
Figure 8: Montgomery Underpass Landscape Concept Plan
- 2 Initial Study Checklist

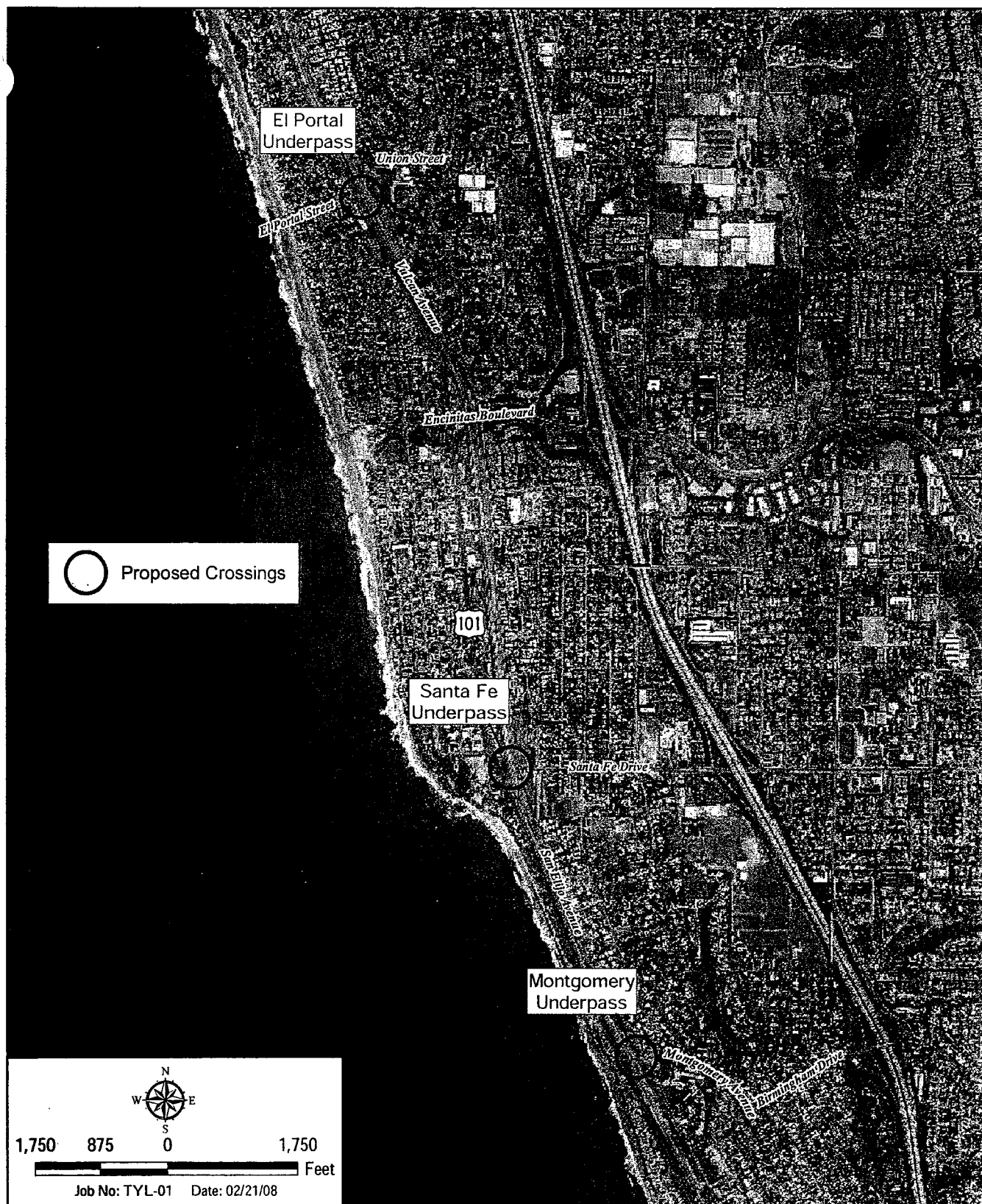
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## Regional Location Map

## ENCINITAS GRADE-SEPARATED PEDESTRIAN CROSSINGS

Figure 1



## Project Vicinity Map

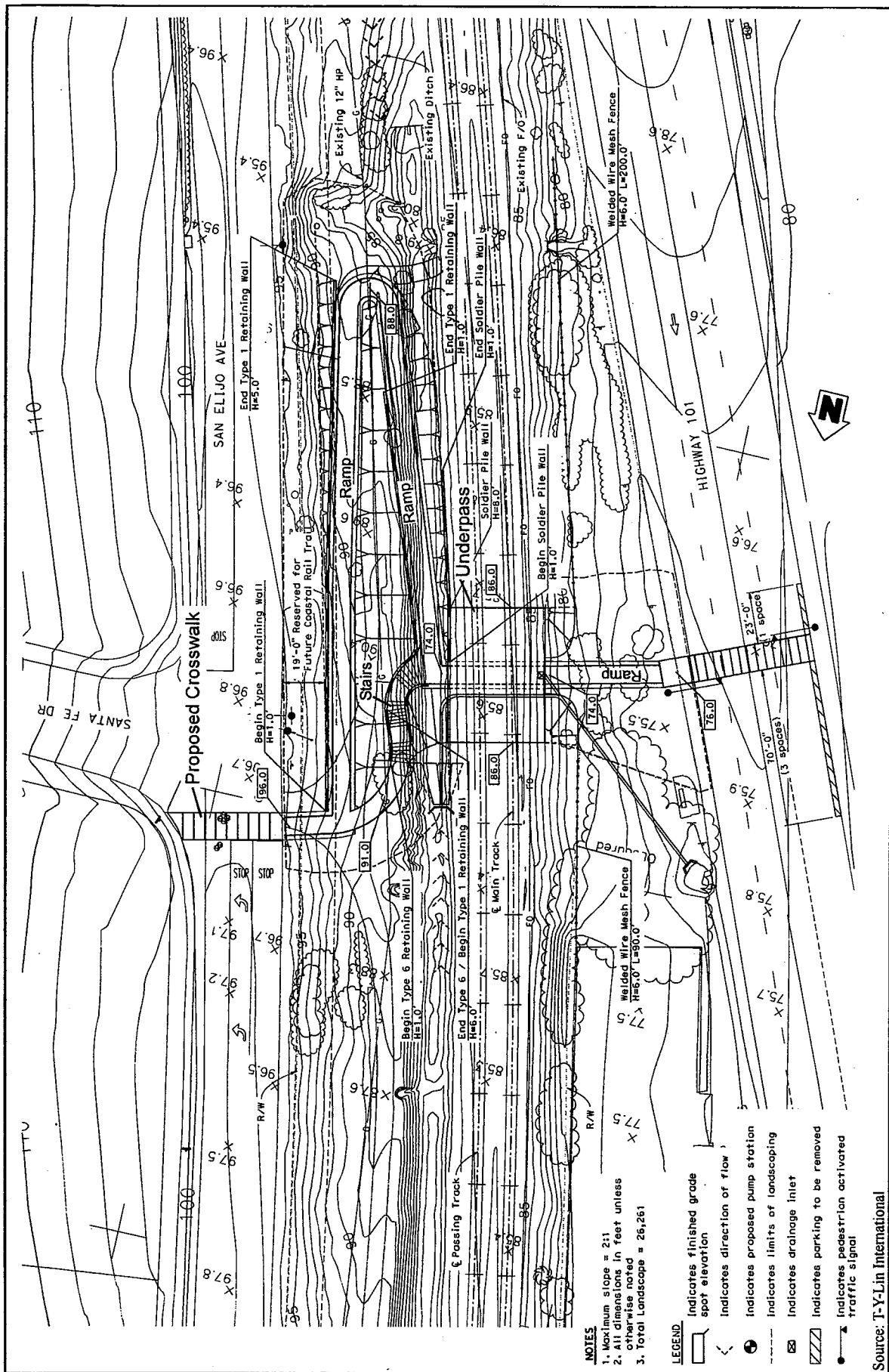
ENCINITAS GRADE-SEPARATED PEDESTRIAN CROSSINGS

Figure 2
















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[illegible]

PLANT COLLECTOR		100
	Common in meadows / Wetland areas California, Texas Rhizomatous, succulent / Creeping, Rumex-like 3-4" x 1-4" Medium flowering stems 62	
	Beach Coastal / Wetland / Shrub / Shrub-like 3-4" x 1-4" Medium flowering stems 62	
	Beach Coastal / Wetland / Shrub / Shrub-like 3-4" x 1-4" Medium flowering stems 62	
	Beach Coastal / Wetland / Shrub / Shrub-like 3-4" x 1-4" Medium flowering stems 62	
	Beach Coastal / Wetland / Shrub / Shrub-like 3-4" x 1-4" Medium flowering stems 62	
	Beach Coastal / Wetland / Shrub / Shrub-like 3-4" x 1-4" Medium flowering stems 62	
	Beach Coastal / Wetland / Shrub / Shrub-like 3-4" x 1-4" Medium flowering stems 62	

[illegible]

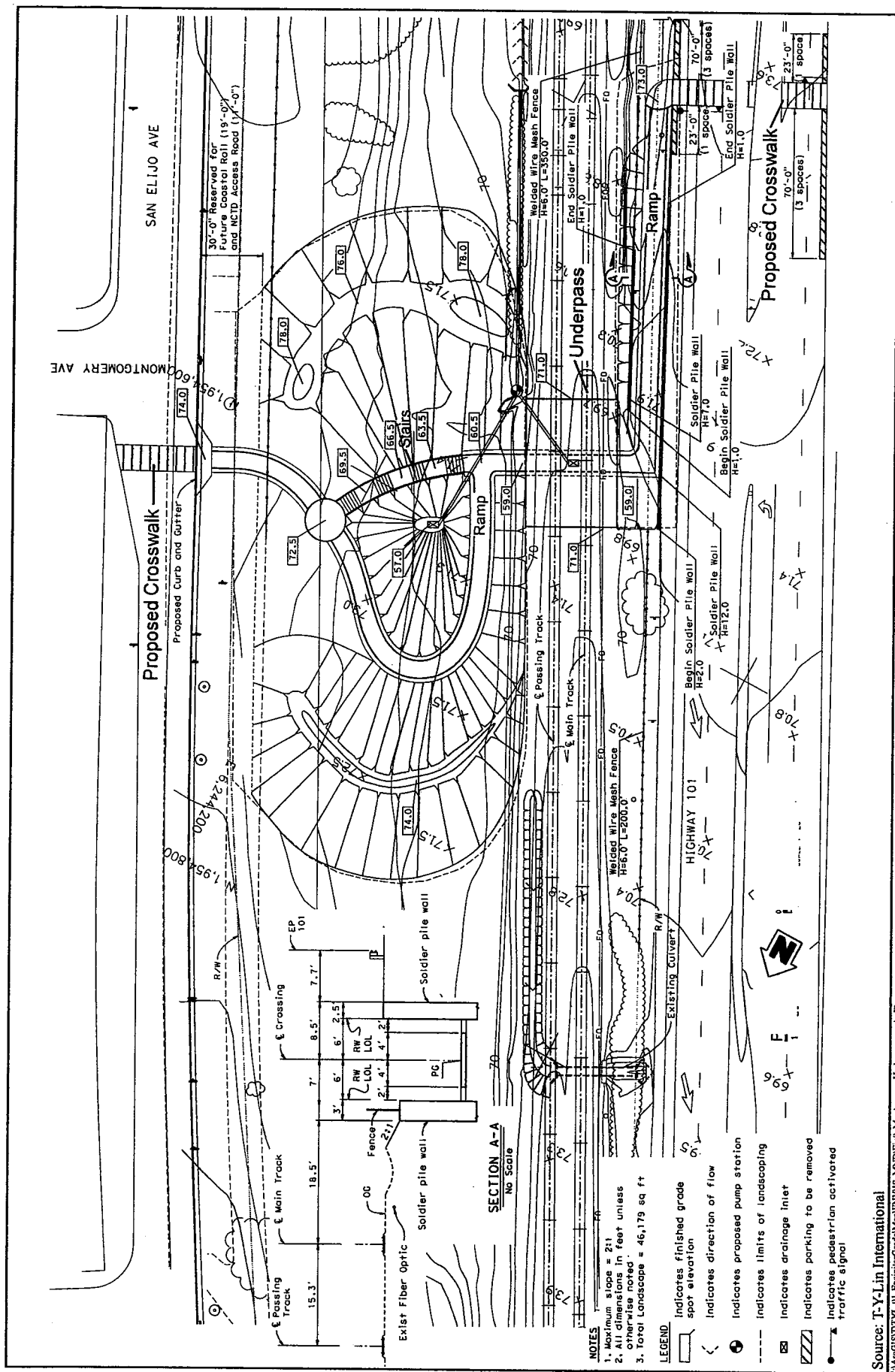
- Plant palette for east (Santa Fe Drive) side of railroad tracks integrates native plant materials for the coastal community.
- Plant palette for west (Highway 101) side of railroad tracks integrates plant material proposed for the "South Coast Highway 101 Streetscape Phase II" project, to be built by the City of San Diego.
- All landscapes shall conform to the Landscape Guidelines of the City of Encinitas Design Guidelines (April 2003).

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# XIII

## ENCINITAS GRADE-SEPARATED PEDESTRIAN CROSSINGS

**Figure 6**



Source: T-Y-Lin International

:AcroGISITTYL-JJ EciciniLasGradeMapLVENVUS MNDUFig9 Montgomen'Underpass.pmd -JP

# Montgomery Underpass Site Plan

ENCINITAS GRADE-SEPARATED PEDESTRIAN CROSSINGS

### Figure 7

# XIII



**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Aesthetics                    | <input type="checkbox"/> Agriculture Resources              | <input type="checkbox"/> Air Quality            |
| <input type="checkbox"/> Biological Resources          | <input type="checkbox"/> Cultural Resources                 | <input type="checkbox"/> Geology /Soils         |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality          | <input type="checkbox"/> Land Use / Planning    |
| <input type="checkbox"/> Mineral Resources             | <input type="checkbox"/> Noise                              | <input type="checkbox"/> Population / Housing   |
| <input type="checkbox"/> Public Services               | <input type="checkbox"/> Recreation                         | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities / Service Systems   | <input type="checkbox"/> Mandatory Findings of Significance |   |

**EVALUATION OF ENVIRONMENTAL IMPACTS:**

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>I. AESTHETICS – Would the project:</b>				
a) Have a substantial adverse effect on a scenic vista? <i>Designated scenic resources in the project area, including Orpheus Park, Swamis Park, and portions of Highway 101 and San Elijo Avenue, would not be adversely impacted by the low profile of the proposed underpasses. (Source 2, Initial Study discussion, and Source 10)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? <i>As discussed in the Initial Study, project elements would not have a substantial adverse impact on designated scenic resources in the project area. (Source 2 and Initial Study discussion)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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**I. AESTHETICS (cont.) – Would the project:**

c) Substantially degrade the existing visual character or quality of the site and its surroundings? *As discussed in the Initial Study, proposed project elements would not degrade the visual quality or substantially change the visual character of the project area. (Source 2 and Initial Study discussion)*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? *Project lighting would not create a new source of substantial light. Proposed structures and hardscape elements would not include highly reflective surfaces. (Source 2 and Initial Study discussion)*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:**

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? *The El Portal and Santa Fe underpass sites are mapped as Prime Farmland if irrigated, and the Montgomery underpass site is mapped as Farmland of Statewide Importance. The impact footprint at each underpass location consists of developed roadways and the rail corridor, where agricultural operations are not feasible. Conversion of these existing non-agricultural uses to other non-agricultural pedestrian facilities would not result in impacts to agriculture resources.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? *The project site is not zoned for agriculture and is not under a Williamson Act contract. (Source 11)*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>II. AGRICULTURE RESOURCES (cont.): In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:</b>				

c) Involve other changes in the existing environment that, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? <i>(See II.a and b.)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management 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 applicable air quality plan? <i>No conflict or obstruction is anticipated to result from project implementation. (Source 12)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? <i>Project construction activities would not result in air quality violations.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) 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 (including releasing emissions that exceed quantitative thresholds for ozone precursors)? <i>(See response to III.a and b.)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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d) Expose sensitive receptors to substantial pollutant concentrations? <i>(See III.b.)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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e) Create objectionable odors affecting a substantial number of people? <i>No project-related odors would occur.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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**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 Game or U.S. Fish and Wildlife Service? *No sensitive plant or animal species were observed within the study area. (Source 3 and Initial Study discussion)*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? *The proposed project would significantly impact two sensitive vegetation communities, including disturbed Diegan coastal sage scrub and non-native grassland. The project would be conditioned to compensate for impacts to these two habitats. (Source 3, Initial Study discussion and MND)*

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? *The project would impact unvegetated streambed. Compensation would be required as mitigation. (Source 3, Initial Study discussion and MND)*

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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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? *The project site is a transportation corridor in an urbanized area; no wildlife corridors or wildlife nurseries occur in the project vicinity. (Source 3)*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? *The project would not conflict with any policies protecting biological resources. (Sources 3 and 10)*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>IV. BIOLOGICAL RESOURCES (cont.) –</b>				
<b>Would the project:</b>				
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? <i>The project would not conflict with the adopted MHCP Subregional Plan or the Draft Encinitas Subarea Plan. (Source 3)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>V. CULTURAL RESOURCES – Would the project:</b>				
a) Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines 15064.5? <i>No historic resources are present. (Source 4 and Initial Study discussion)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines 15064.5? <i>No archaeological resources are present on the property. (Source 4 and Initial Study discussion)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? <i>Excavation activities may result in the disturbance of geologic formations that exhibit moderate to high paleontological resource sensitivity. Mitigation measures would be required which mandate monitoring and recovery of significant resources. (Source 5, Initial Study discussion and MND)</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries? <i>No known human remains are present. (Source 4 and Initial Study discussion)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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**VI. GEOLOGY AND SOILS – Would the project:**

a) Expose people or structures to 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. The project is not located within any mapped geologic hazard zones, and there are no known active, potentially active or inactive faults on or in the immediate project vicinity. (Source 5 and Initial Study discussion.)*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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ii) Strong seismic ground shaking? *See VI.a.i. (Source 5 and Initial Study discussion)*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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iii) Seismic-related ground failure, including liquefaction? *See VI.a.i. (Source 5 and Initial Study discussion)*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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iv) Landslides? *See VI.a.i. (Source 5 and Initial Study discussion)*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Result in substantial soil erosion or the loss of topsoil? *Implementation of an approved Storm Water Pollution Prevention Plan, pursuant to NPDES permit conditions, would avoid or reduce potential short-term erosion impacts to below a level of significance. Long-term erosion impacts are not expected to occur. (Source 5 and Initial Study discussion)*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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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 on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? *Proposed bridge structures could be supported in underlying formational materials with incorporation of recommendations in the project geotechnical report. (Source 5 and Initial Study discussion)*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>VI. GEOLOGY AND SOILS (cont.) -- Would the project:</b>				
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? <i>See VI.c. (Source 5 and Initial Study discussion)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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? <i>No wastewater disposal system is proposed.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>VII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:</b>				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? <i>The project would not involve these activities. (Source 6 and Initial Study discussion)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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? <i>Due to the historical use of the underpass sites for railway operations, there is potential to encounter contaminated soil and/or groundwater during project excavation and grading. Adherence to state and federal regulations governing hazardous wastes would avoid significant impacts. (Source 6, Initial Study discussion and MND)</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? <i>See VII.a. (Source 6 and Initial Study discussion)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? <i>None of the proposed underpass locations are listed as a hazardous materials site. (Source 6 and Initial Study discussion)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>VII. HAZARDS AND HAZARDOUS MATERIALS (cont.) – Would the project:</b>				
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 for people residing or working in the project area? <i>The project is not located near an airport.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? <i>The project is not located near any private airstrips.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? <i>The proposed project would not interfere with emergency response or evacuation plans (Sources 13, 14, and 15)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? <i>The proposed project is not located next to or near wildland areas.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>VIII. HYDROLOGY AND WATER QUALITY – Would the project:</b>				
a) Violate any water quality standards or waste discharge requirements? <i>The proposed project is subject to applicable water quality standards and permits that would ensure significant water quality impacts are avoided. (Sources 5, 7, 16, 17 and 19, and Initial Study discussion)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? <i>The proposed project would not affect or use groundwater supplies. (Initial Study discussion)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>VIII. HYDROLOGY AND WATER QUALITY – Would the project:</b>				
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site? <i>Project runoff would be conveyed to existing and proposed drainage facilities that would generally retain existing drainage patterns. Erosion/sedimentation impacts would be avoided through compliance with NPDES permit requirements. (Sources 5, 7 and Initial Study discussion)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site? <i>Project runoff would be conveyed to existing and proposed drainage facilities that would generally retain existing drainage patterns. These facilities would have adequate capacity to convey post-development flows. (Sources 5, 7, and Initial Study discussion)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? <i>See VIII.d. (Source 7 and Initial Study discussion)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality? <i>See VIII.a. through VIII.e. (Source 7 and Initial Study discussion.)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? <i>All four proposed underpass sites are not mapped within a 100-year floodplain. (Source 20 and Initial Study discussion)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows? <i>See VIII.g. (Source 20 and Initial Study discussion)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>VIII. HYDROLOGY AND WATER QUALITY (cont.) – Would the project:</b>				
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? <i>The project site is not downstream of any levees or dams.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow? <i>No such effects are likely to occur.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>IX. LAND USE AND PLANNING – Would the project:</b>				
a) Physically divide an established community? <i>The proposed project would improve connectivity between residential, commercial, recreational, and educational areas within the community.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? <i>The proposed use is consistent with its Transportation Corridor designation. (Sources 11 and 21)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan? <i>See IV.f. (Source 3)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>X. MINERAL RESOURCES – Would the project:</b>				
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? <i>No known mineral resources exist on site. (Source 22)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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? <i>The project area is not delineated as a mineral resource recovery site. (Source 22)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>XI. NOISE -- Would the project result in:</b>				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? <i>As indicated in Source 8 and the Initial Study discussion, daytime construction would occur in accordance with the Encinitas Municipal Code. While the City's Ordinance normally prohibits nighttime construction, the project is seeking a variance and would involve no more than four nights of construction at each site, which would be limited to Saturday and Sunday nights. This limited number of events is not considered significant. (Source 8 and Initial Study discussion)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? <i>Pedestrians utilizing the crossings would be subject to some noise and vibration from passing trains, but the brief duration of such effects would not be considered significant. (Source 8 and Initial Study discussion)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? <i>The project consists of pedestrian crossings along a rail corridor within an urbanized area. The proposed facilities are not uses that would not generate excessive noise. (Source 8 and Initial Study Discussion)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? <i>See XI.a. (Source 8 and Initial Study Discussion)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 expose people residing or working in the project area to excessive noise levels? <i>The project site is not located within two miles of an airport.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>XI. NOISE (cont.) -- Would the project result in:</b>				
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? <i>The project site is not located near any private airstrips.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>XII. POPULATION AND HOUSING -- Would the project:</b>				
a) Induce substantial 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)? <i>The project consists of pedestrian underpasses to serve the existing community. Implementation of these facilities would not directly or indirectly induce substantial population growth. (Sources 21 and 23)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? <i>No housing would be eliminated by the project. (Sources 21 and 23)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? <i>No persons would be displaced as a result of the proposed project. (Sources 21 and 23)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>XIII. PUBLIC SERVICES --</b>				
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 objectives for any of the public services:				
Fire protection? <i>No additional fire protection would be needed as a result of the proposed project.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>XIII. PUBLIC SERVICES (cont.) --</b>				
Police protection? <i>No additional police protection would be needed as a result of the proposed project.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools? <i>No housing is proposed, and no students would be generated.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks? <i>Proposed project would facilitate access to area parks and beaches.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities? <i>No other public facilities would be impacted.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**XIV. 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? <i>The proposed project would result in more convenient access to parks, beaches, and the future Coastal Rail Trail, but would not result in a substantial increase in demand for such recreational uses.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment? <i>The proposed project would result in more convenient access to parks, beaches, and the future Coastal Rail Trail, but would not result in or require construction or expansion of existing recreational facilities.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**XV. TRANSPORTATION/TRAFFIC --Would the project:**

a) Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? <i>The project is a pedestrian facility and would not generate vehicular traffic. (Source 9 and Initial Study discussion)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>XV. TRANSPORTATION/TRAFFIC (cont.) – Would the project:</b>				
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? <i>See VX.a. (Source 9 and Initial Study discussion)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? <i>No air traffic patterns would be changed.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? <i>The project would include crosswalks, pedestrian-activated signals, a traffic signal with a pedestrian crossing phase, signage and pavement markers to avoid potential safety hazards. (Source 9 and Initial Study discussion)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access? <i>Emergency access would not be affected.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity? <i>The project would remove up to four existing on-street parking spaces along the west side of Highway 101 at the proposed Santa Fe underpass, and up to four spaces spaces along each side of Highway 101 at the proposed Montgomery underpasses to ensure adequate site distances and pedestrian safety. The potential loss of 12 spaces would result in less than significant impacts on existing parking in the project area.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? <i>The proposed project consists of pedestrian facilities that would accommodate alternative transportation modes, and would not conflict with adopted transportation policies and programs.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>XVI. UTILITIES AND SERVICE SYSTEMS</b>				
<b>--Would the project:</b>				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? <i>No wastewater would be generated due to implementation of the proposed project.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? <i>The proposed project would not result in the need for new water treatment facilities.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? <i>The project would include new storm water drainage facilities, such as pump stations, and storm drain pipelines that would connect to existing storm drain system and adequately convey post-development flows. (Sources 1, 9 and Initial Study discussion)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? <i>Sufficient water supplies are available for project irrigation.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider that 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? <i>No wastewater would be generated as a result of proposed project.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? <i>The proposed project would be served by a solid waste disposal provider having access to landfills with sufficient capacity.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste? <i>The proposed project would comply with all statutes and regulations related to solid waste. (Source 24)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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**XVII. MANDATORY FINDINGS OF SIGNIFICANCE –**

a) Does the project have the potential to 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, 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? *As discussed in the Initial Study and MND, the project would significantly impact two sensitive vegetation communities [disturbed Diegan coastal sage scrub and non-native grassland] as well as an unvegetated drainage channel. Habitat creation and/or acquisition would be required to mitigate these impacts.*

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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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)? *No cumulatively considerable impacts are anticipated. (See sections I. through XVI)*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly? *As discussed in the Initial Study and MND, there is potential to encounter contaminated soil and/or groundwater during project excavation and grading due to the historical use of the underpass sites for railway operations. Soil sampling and implementation of a soil and groundwater management plan [depending on the results of the soil sampling] would be required to mitigate these impacts.*

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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### Information Sources

The following documents are on file and available for review at the City of Encinitas Planning and Building or Engineering Departments, 505 South Vulcan Avenue, Encinitas, California, and are hereby incorporated by reference.

1. T.Y.Lin International, 2005. *Alternative Analysis Report for Encinitas Grade-separated Pedestrian Crossings, California*. December 25.
2. HELIX Environmental Planning, Inc., 2006. *Draft Visual Impact Assessment, Grade-separated Pedestrian Crossings, Encinitas, California*. April.
3. HELIX Environmental Planning, Inc., 2007. *Natural Environment Study, Encinitas Grade-separated Pedestrian Crossings Project*. October.
4. Affinis, 2006. *Archaeological Survey Report, Encinitas Grade-separated Pedestrian Crossings, San Diego County, California*. August 10, 2005; revised April 4, 2006.  
2006. *Historic Property Survey Report*. April 4.
5. Diaz-Yourman & Associates, 2006. *Preliminary Geotechnical Investigation, Grade-separated Pedestrian Crossings, Encinitas, California*. February 16.
6. Ninyo & Moore, 2006. *Hazardous Waste Initial Site Assessment, Grade-separated Pedestrian Crossings, Encinitas, California*. April 7.
7. Hanson Wilson, Inc., 2007. *Preliminary Hydrology/Hydraulics Report for the Proposed Pedestrian Underpasses at El Portal Street, Santa Fe Drive, and Montgomery Avenue*. August.
8. Kimley-Horn and Associates, 2007. *Noise Analysis Report, Encinitas Grade-separated Pedestrian Crossings*. December 13.
9. Wilson & Company, 2008. *Draft Traffic Operations Report, Encinitas Grade-separated Pedestrian Crossings*. January 10.
10. City of Encinitas, 1995. *General Plan City of Encinitas, Resource Management Element*.
11. City of Encinitas, 1998. *Municipal Code, Title 30, Zoning*.
12. San Diego County Air Pollution Control District, 2000. *2000 Regional Air Quality Strategy*.
13. Encinitas Fire Protection District, 1990. *Encinitas Fire Protection District Strategic Plan*.
14. City of Encinitas, 1997. *Municipal Code, Section 10.04, Uniform Fire Code*.

15. City of Encinitas, 2000. *Emergency Operations Plan*. September.
16. City of Encinitas, 1993. Municipal Code, Section 30.40, Performance Standards Relating to Noise, Toxic Materials, Drainage/Grading/Erosion Control, and Airborne Pollutants.
17. City of Encinitas, 2001. Municipal Code, Section 23.24 (Ordinance No. 88-16) Relating to Grading, Erosion, and Sediment Control.
18. California Regional Water Quality Control Board, San Diego Region, 2007. Order No. R9-2007-01, NPDES No. CAS0108758. Waste Discharge Requirements for the Discharges of Urban Runoff from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds of the ~~County of San Diego~~, the Incorporated Cities of San Diego County, the San Diego Unified Port District, and the San Diego County Regional Airport Authority. February 21.
19. City of Encinitas, 2001. Municipal Code, Section 11.20. Storm Water Ordinance. December.
20. Federal Emergency Management Agency, 1996. Flood Insurance Rate Map, Map Nos. 06073C1033F, 06073C1041F, and 06073C1043F. June 19.
21. City of Encinitas, 1995. *General Plan City of Encinitas, Land Use Element*.  
1989. Encinitas General Plan Program Land Use Policy Map.
22. California Department of Conservation, 1983. Mineral Land Classification: Aggregate Materials in the Western San Diego County Production – Consumption Region. Special Report 153.
23. CIC Research, Inc., 2006. *Draft Encinitas Pedestrian Crossing Project Socioeconomic Impact Checklist*. April 11.
24. City of Encinitas, 2001. Municipal Code, Section 11.20. Solid Waste Management. December.

The following document was used in the preparation of the MND, but is not available for public review due to the confidential nature of the report, although it is incorporated by reference.

Affinis, 2006. *Confidential Appendix to Archaeological Survey Report, Encinitas Grade-separated Pedestrian Crossings, Encinitas, San Diego County, California*. August 10, 2005; revised April 4, 2006.

# **Exhibit PC-6**

**Noise Analysis Report, dated December 13, 2007**

**(ATTACHED SEPARATELY)**

**Exhibit PC-7**  
**Project Plans and Exhibits**  
**(ATTACHED SEPARATELY)**



# **Exhibit PC-3**

**Draft Resolution for the Adoption of the Final  
Mitigated Negative Declaration with Mitigation  
Monitoring Reporting Program as Attachment “A”**

**RESOLUTION NO. PC 2008 -**

**A RESOLUTION OF THE CITY OF ENCINITAS PLANNING COMMISSION  
ADOPTING A MITIGATED NEGATIVE DECLARATION AND THE MITIGATION  
MONITORING AND REPORTING PROGRAM FOR THE ENCINITAS GRADE-  
SEPARATED PEDESTRAIN CROSSINGS PROJECT  
(CASE NO. 07-039 DR/CDP)**

**WHEREAS**, an application for a Design Review, Noise Variance, and a Coastal Development Permit was filed by the City of Encinitas for three (3) railroad under crossings for pedestrian passage within the NCTD railroad right-of-way and the City's roadway rights-of-way in the vicinity of El Portal Street, Santa Fe Drive, and Montgomery Avenue (also known as the "Encinitas Grade-Separated Pedestrian Crossings project"), and

**WHEREAS**, a Final Mitigated Negative Declaration (MND) was prepared for the project pursuant to the California Environmental Quality Act (CEQA); and

**WHEREAS**, a Draft MND was prepared, circulated, and notice made of its availability for public review and comment during the period from March 14, 2008 through April 14, 2008; and

**WHEREAS**, the Planning Commission conducted public hearings on the associated project and MND and the MND alone on July 17, 2008 and December 18, 2008 respectively; and

**WHEREAS**, the Planning Commission has considered the MND prior to taking any action on the associated development project in compliance with the specification of the CEQA guidelines; and

**WHEREAS**, the MND concludes that with the mitigation measures contained within the Mitigation Monitoring and Reporting Program (MMRP), and with the implementation of the MMRP as conditions of any approval of the project; the project would avoid or reduce the potentially significant environmental effects to below a level of significance and therefore the preparation of Environmental Impact Report is not required;

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Encinitas hereby adopts the MND for the Encinitas Grade-Separated Pedestrian Crossings project (Case No. 07-039 DR/CDP) subject to the implementation of mitigation measures of the MMRP as specific conditions of approval for any approval of the project:

(SEE ATTACHMENT "A")

**BE IT FURTHER RESOLVED**, that based upon the whole record of environmental review for this project, the Planning Commission, in its independent judgment, finds there is no substantial evidence that the project would have a significant effect on the environment. In addition, the Commission finds the Mitigation, Monitoring and Reporting Program of the MND is sufficient to reduce or avoid the project's potentially significant environmental effects to below a

level of significance; and the MND is hereby adopted in accordance with the provisions of the California Environmental Quality Act (CEQA).

**PASSED AND ADOPTED** this 18<sup>th</sup> day of December, 2008, by the following vote, to wit:

AYES:

NAYS:

ABSENT:

ABSTAIN:

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Virginia Felker, Chair of the  
Planning Commission of the  
City of Encinitas

ATTEST:

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Patrick Murphy  
Secretary

**NOTE:** This action is subject to Chapter 1.04 of the Municipal Code, which specifies time limits for legal challenges.

**ATTACHMENT "A"**  
**Resolution No. PC 2008**

**MITIGATION MONITORING AND REPORTING PROGRAM  
FOR THE ENCINITAS GRADE-SEPARATED PEDESTRAIN CROSSINGS PROJECT  
(CASE NO. 07-039 DR/CDP)**

Section 15074 et. seq. of the California Environmental Quality Act (CEQA) Guidelines requires lead agencies to adopt a program for monitoring the implementation of the project specific mitigation measures as conditions of approval for the project whenever the lead agency adopts a Mitigated Negative Declaration (MND).

All mitigation measures identified in Attachment "A" of this resolution shall be incorporated into the project's final plans and/or construction documents as details and/or notes, and/or included as accompanying figures, tables, specifications. Compliance with these measures shall be ensured through the standard plan checks and site inspection processes associated with the construction permitting and/or construction inspections administered by the City Engineering, Planning and Building Department, and Building Inspection staff.

Biological Resources

1. Prior to issuance of grading permits, impacts to 0.11 acre of disturbed Diegan coastal sage scrub shall be mitigated at 2:1 ratio by purchase of mitigation credits equal to 0.22 acre of Diegan coastal sage scrub in an approved mitigation bank. If a MHCP regional funding program is established, mitigation alternatively could be achieved through a fair share payment into the MHCP regional funding program to the satisfaction of the City Director of Planning and Building.
2. Prior to issuance of grading permits, impacts to 0.84 acre of non-native grassland shall be mitigated at 0.5:1 ratio by purchase of mitigation credits equal to 0.42 acre of non-native grassland in an approved mitigation bank. If a MHCP regional funding program is established, mitigation alternatively could be achieved through a fair share payment into the MHCP regional funding program to the satisfaction of the City Director of Planning and Building.
3. Impacts to 0.02 acre of Waters of the U.S./streambed jurisdictional areas shall be mitigated at a minimum 1:1 ratio by creation of 0.02 acre of non-vegetated streambed at a location approved by the City of Encinitas and permitting agencies prior to impacting wetland habitat.

Cultural Resources (Paleontological)

4. Prior to commencement of grading activities, the project contractor shall implement a paleontological monitoring and recovery program consisting of the following:
  - a. The project contractor shall retain the services of a qualified paleontologist. 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. A paleontological monitor is defined as an individual having experience in the collection and salvage of fossil materials. The paleontological monitor shall work under the direction of a qualified paleontologist.

- 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 Linda Vista, Torrey Sandstone or Del Mar formations. 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.
- g. A final summary report outlining the results of the mitigation program shall be prepared by the qualified paleontologist and submitted to the City of Encinitas 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.

#### Hazards and Hazardous Materials

- 5. Prior to issuance of grading permits, the project contractor shall retain a hazardous materials specialist to conduct soil sampling at each underpass location to determine the presence or absence of contaminants in subsurface soils. If no contaminants are found in the soil samples, no further mitigation is required. If, however, the soil samples are contaminated, a work plan shall be prepared and submitted to the County of San Diego Department of

Environmental Health (DEH) for review and approval. Upon DEH approval, the work plan shall be implemented under the regulatory oversight of DEH and, if necessary, the California Department of Toxic Substances Control. The hazardous materials specialist shall also prepare a soil and groundwater management plan addressing notification, monitoring, sampling testing, handling, storage, and disposal of contaminated substances that may be encountered during project construction. The plan shall be submitted to DEH and the City of Encinitas and references to the potential to encounter contaminated soil and/or groundwater shall be included in construction specifications.