

## **APPENDIX M**

### **General Plan Consistency Analysis**

## **Appendix M: General Plan Consistency Analysis**

The HEU is an update to the City's goals, policies and programs relative to the development, improvement and maintenance of housing. The HEU will ultimately work with other General Plan elements to guide the physical, social and economic well-being of the city. Therefore, the project must be evaluated so that it doesn't contradict or interfere with other portions of the General Plan. Some goals and policies are independent and do not affect each other at all, but many are interdependent and depend on similar resources.

The General Plan includes the following 7 topical elements.

- Land Use Element
- Circulation Element
- Housing Element\*
- Safety Element
- Noise Element
- Resource Management Element (Open Space and Conservation)
- Recreational Element

Consistent with CEQA Guidelines Section 151225(d), an EIR must discuss any inconsistencies between the proposed project and applicable goals and policies of the General Plan. This section documents each of the goals and policies of the Encinitas General Plan and describes how the proposed HEU responds to the framework. \*The Housing Element Update is the project; therefore, no consistency analysis provided for this element.

## LAND USE ELEMENT:

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

**Goal 1 Response:** *In accordance with defined future housing needs, the City must balance land use activities to accommodate future housing development and meet RHNA's state housing law compliance for affordability. This is achieved through the creating and implementation of a ~~Floating Zone~~new zone program that establishes a minimum density to ensure that each project meets affordability requirements, as well as a maximum density to ensure that Encinitas remains a community of modestly-scaled development.*

*The Project focuses new development into infill areas to facilitate more livable neighborhoods so that more people are more integrated into the community. Growth should reflect a general balance of uses within the community. The Project includes detailed zoning standards and design guidelines that work together to facilitate the creation of new neighborhood centers; sustainable population density; mixed-use and varied socio-economic mix; parks and public spaces; pedestrian-friendly design; etc. It also incorporates a new set of design guidelines would apply to the ~~floating~~new zones. Design guidelines seek to promote high quality design within the ~~floating~~new zoning districts. They establish clear goals and expectations for compatible design and for respecting community character.*

POLICY 1.1: Office, research and development, and light industrial development that does not result in land use conflicts with the quality of other development will be permitted when it fulfills the needs of the individual community and City.

POLICY 1.2: Encourage the development of unified commercial centers and neighborhood commercial centers rather than the continued development of "strip commercial." The Highway 101 corridor may be an exception because of its existing configuration and land uses.  
(Coastal Act/30250)

POLICY 1.3: New office/light industrial, and commercial development will only be permitted in areas both served by roadways capable of handling projected truck traffic, and in areas where adequate buffering is provided.

**Policies 1.1 to 1.3 Response:** *The ~~Floating-Zone~~new zone program establishes a minimum density to ensure that each project meets affordability requirements, as well as a maximum density to ensure that Encinitas remains a community of modestly-scaled development. On sites that permit non-residential uses, the ~~Floating-Zone~~new zone allows retail, office, and industrial type uses. The ~~Floating-Zone~~new zone program has created districts that include a letter associated with the permitted uses. If an area is determined to be purely residential (no commercial), then the letter “R” is associated with that site. If a mixture of uses is permitted, then the letter “X” is associated with that site. If a shopfront is required, then the letter “S” is associated with that site. Sites that are designated with a “X” or “S” seek to encourage compatible uses and building forms to be co-located. New zoning standards and design guideline provisions address context sensitivity, land use compatibility, and need for greater neighborhood continuity and cohesion.*

*The Project focuses new development into infill areas to facilitate more livable neighborhoods so that more people are more integrated into the community. Growth should reflect a general balance of uses within the community. The Project includes detailed zoning standards and design guidelines that work together to facilitate the creation of new neighborhood centers; sustainable population density; mixed-use and varied socio-economic mix; parks and public spaces; pedestrian-friendly design; etc. It outlines a process by which certain optional standards that promote compact walkable communities with an emphasis on proximity and accessibility.*

POLICY 1.4: Seek to establish a redevelopment agency to assist in the revitalization of those target areas identified in the Land Use Element.

**Policy 1.4 Response:** *N/A. This policy addresses the establishment of a redevelopment agency. The Project identifies the location in the City where future growth is expected to occur.*

POLICY 1.5: Encourage the development of community shopping centers, when and where a demonstrated community need arises, in areas centrally located and with good access.

POLICY 1.6: Provide freeway-oriented commercial areas only when a demonstrated need exists, for the convenience of the traveler, and

locate these activities at or near freeway interchanges with easy on-off access. (Coastal Act/30250/Visitor-Serving)

POLICY 1.7: Provide regional shopping centers only when a demonstrated need exists; and locate them in areas adjacent to major highways to provide convenient access.

POLICY 1.8: Encourage the types of commercial activities which will supply the community with a diverse economic base.

POLICY 1.9: Maintain a proper balance between acreage of commercial land and population served.

***Policies 1.5 to 1.9 Response:*** The Housing Element update incorporates smart growth and sustainable principals in its development plan. The Project focuses new development into infill areas to facilitate more livable neighborhoods so that more people are more integrated into the community. Growth should reflect a general balance of uses within the community. The Project includes detailed zoning standards and design guidelines that work together to facilitate the creation of new neighborhood centers; sustainable population density; mixed-use and varied socio-economic mix; parks and public spaces; pedestrian-friendly design; etc.

*In accordance with defined future housing needs, the City must balance land use activities to accommodate future housing development and meet RHNA's state housing law compliance for affordability. This is achieved through the creating and implementation of a ~~Floating Zone~~new zone program that establishes a minimum density to ensure that each project meets affordability requirements, as well as a maximum density to ensure that Encinitas remains a community of modestly-scaled development. The ~~Floating Zone~~new zone includes new provisions to ensure that new development responds to neighborhood character, be compatible with community specific settings and promote basic best practices in urban design. In doing so, new development will provide a balanced mix of residential and commercial land use activities that is sustainable and based on market demands.*

POLICY 1.10: Encourage the reasonable regulation of signs to preserve the basic character of the communities and to avoid adverse effect on property values. New pole and roof signage shall be prohibited. Freestanding monument signs shall be permitted, but shall be limited to a maximum height of eight feet. A variance from this height limitation may be granted by the City based on extreme topographic

constraints and a demonstration that all other reasonable alternatives have been considered to provide site/business identification. Detailed sign regulations and limitations shall be as further specified in the City's zoning regulations. (Coastal Act/30251/Visual Protection) Policy 1.10 amended 5/11/95 (Reso. 95-32)

**Policy 1.10 Response:** *N/A. This policy addresses sign regulations. The Project identifies the location in the City where future growth is expected to occur.*

POLICY 1.11: Encourage the rehabilitation and redevelopment of obsolete or declining commercial development, in ways consistent with community design and development objectives.

**Policy 1.11 Response:** *The Project focuses new development into infill areas to facilitate more livable neighborhoods so that more people are more integrated into the community. Growth should reflect a general balance of uses within the community. A ~~Floating Zone Overlay~~ new zone has been created on sites that are suitable for redevelopment in ways that are consistent with community design and development objectives.*

*Rezoning existing commercial strips to allow for taller buildings on the street rather than behind parking lots is a good start for rebuilding declining commercial strips into vital town centers.*

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

**Policy 1.12 Response:** *In accordance with defined future housing needs, the City must balance land use activities to accommodate future housing development and meet RHNA's state housing law compliance for affordability. Accordingly, the Project seeks to increase the housing supply and the mix of housing types, tenure, and affordability in the City. The ~~Floating Zone Overlay~~ new zone is conveyed over approximately one percent of the City's total land. It promotes infill development in key areas to preserve all other areas of land in the City, including preserving existing single family neighborhoods and the protection of environmental and agricultural resources.*

*The City of Encinitas has already a disproportionately high share of households in*

*lower density homes and/or above moderate income categories. The creation of a land use plan that adds moderate amounts of multi-family development does not change the predominant residential character of the community.*

POLICY 1.13: The visitor-serving commercial land use shall be located where it will not intrude into existing residential communities. This category applies in order to reserve sufficient land in appropriate locations expressly for commercial recreation and visitor-serving uses such as:

- tourist lodging, including campgrounds (bed and breakfast facilities may be compatible in residential areas)
- eating and drinking establishments
- specialty shops and personal services
- food and beverage retail sales (convenience)
- participant sports and recreation
- entertainment (Coastal Act/30250)

The above listed uses and other uses specifically intended to serve the needs of visitors shall be the principal uses allowed within the visitor-serving land use designation. All other permitted or conditionally permitted uses specified in the Zoning Code for areas zoned as visitor-serving commercial, shall be considered as ancillary uses to the allowable principal uses. Ancillary or non-principal uses and required off-street parking shall not occupy or utilize more than 30% of the ground floor area. *Policy 1.13 amended 5/11/95 (Reso. 95-32)*

POLICY 1.14: The City will maintain and enhance the Hwy 101 commercial corridor by providing appropriate community-serving tourist-related and pedestrian-oriented uses. (Coastal Act/30250)

***Policies 1.13 and 1.14 Response:*** *These policies address the need to provide and maintain coastal serving uses. The Project identifies the location in the City where future growth is expected to occur. This Project does not change the status of these policies and is consistent with these provisions.*

*The Project includes standards and criteria that provide future developers, City staff, and decision makers with clear guidance on land use. All the new land use designations (~~AHE~~floating zones) includes detailed development standards, including height, setbacks, landscaping, and bulk, as well as private/public open space and recreational amenities. The use allowances, which is largely consistent with the existing use matrix, helps provide needed services to visitors, which has become a necessary part of coastal access.*

POLICY 1.15: Commercial and industrial uses shall be required to provide easy and safe pedestrian, bicycle and handicapped access.  
(Coastal Act/30250)

***Policies 1.15 Response:*** *This Program EIR provides the basis for determining whether later development activity may have any significant effects. Details of each proposal are subject to City review at time of submittal.*

*New infill development opportunities are located to both capitalize on existing infrastructure as well as to provide enhanced and/or convenient access to local serving uses by residents and visitors. The Project's development concepts combine, in general, a mixture of land uses and activities to encourage a variety of products types that appeal to all segments of the market and allows for more walkable residential, commercial, and mixed use districts.*

*The development standards and design guidelines work together to ensure that there is a variety of product arrangements within Viable Housing Sites. The provisions address such issues as building form, common access points, etc. to promote connectivity to and between adjacent projects. New developments would be asked to consider pedestrian access points throughout the development so that people are encouraged to walk rather than driving a short distances.*

GOAL 2: The City should manage slow, orderly growth in accordance with a long-term plan which protects and enhances community values.

***Goal 2 Response:*** *In accordance with defined future housing needs, the City must balance land use activities to accommodate future housing development and meet RHNA's state housing law compliance for affordability. Accordingly, the Project seeks*



*to increase the housing supply and the mix of housing types, tenure, and affordability in the City. It promotes infill development in key areas to preserve all other areas of land in the City, including preserving existing single family neighborhoods and the protection of environmental and agricultural resources.*

*This goal underscores the City's attempt to ensure that new development does not occur at the expense of the natural environment, existing development, or before adequate infrastructure and services are in place to accommodate any new development.*

*Program 3F of the Draft Housing Plan identifies a need to amend the City's Land Use Element policies that create or support a Growth Management Plan. As the Growth Management Plan is no longer enforced, the City will eliminate the requirement and ensure that there are no potential constraints to meeting its obligation, under California law, to satisfy its current or future RHNA. Although this goal does not specifically address growth management criteria, such as a unit cap or building permit limitations, subsequent policies in the Land Use Element do and will need to be amended.*

POLICY 2.1: Establish a growth management plan which phases development through building permit limitations, public facility availability, or other methods.

**Policy 2.1 Response:** *This measure provides a guiding framework on how the City will ensure that new development does not outpace the ability to provide essential services and infrastructure to support it. The policy establishes a Growth Management Plan which phases development through building permit limitations. In 1999, the City analyzed the effectiveness of the growth management plan in regulating the pace of residential growth in Encinitas. The City found that the cumulative number of unallocated permits from year-to-year was far greater than housing production. As a result the City discontinued calculation of the permit cap due to the carryover of unallocated permits. Program 3F of the Draft Housing Plan identifies a need to amend this policy.*

POLICY 2.2: Discourage development that sacrifices long-term goals in preference to short-term needs.

POLICY 2.3: Growth will be managed in a manner that does not exceed the ability of the City, special districts and utilities to provide a desirable level of facilities and services. (Coastal Act/30250)

***Policies 2.2 and 2.3 Response:*** This Program EIR provides a basis for determining whether later project development activities may have any significant effects. Details of each proposal are subject to City review at time of submittal and whether the City, special districts, and utilities have adequate capacity to provide services.

POLICY 2.4: Require developments to pay the capital costs of public facilities and services to serve those developments. Seek to require developments outside the City which impact City facilities and services to pay their share of the costs for improvements of City facilities and services. For development within the City, seek to require those developments to pay their fair share of costs for such facilities and services.

POLICY 2.5: Promote annexation of only those areas which will enhance the City.

POLICY 2.6: Any subdivision created by lot averaging should not be further subdivided.

***Policies 2.4 to 2.6 Response:*** N/A. These policies address development impact fees (2.4), annexations (2.5), and lot averaging restrictions (2.6). This Project does not change the status of these policies.

POLICY 2.7: Implement mechanisms to ensure the preservation of significant environmental areas of the City. These mechanisms might include establishing development standards encouraging developers to maximize open space, transfers of development rights (TDR's), land banking, purchase, etc. (Coastal Act/30240)

***Policy 2.7 Response:*** The project does not change the status of these policies and/or mechanisms that promote planned unit developments or projects that transfer development rights. Should an ordinance ever be created and adopted to allow a transfer of development rights, the sites identified by the ~~Floating Zone~~new zone could be candidate receiver sites.

POLICY 2.8: Development shall not be permitted where it will result in significant degradation of ground, surface, or ocean water quality, or where it will result in significant increased risk of sewage overflows, spills, or similar accidents. (Coastal Act/30231)

***Policy 2.8 Response:*** *This Program EIR provides the basis for determining whether later development activity may have any significant effects. Details of each proposal are subject to City review at time of submittal. As discussed in the water quality section of this EIR, a coordinated water quality system would be maintained.*

POLICY 2.9: Consider the establishment of facilities development funds for service needs of the City and its districts to which all development will contribute.

***Policy 2.9 Response:*** *The Project's development concepts combine, in general, a mixture of land uses and activities to encourage a variety of products types that appeal to all segments of the market and allows for more walkable residential, commercial, and mixed use districts. New developments would help fund and pay for the construction or needed maintenance of offsite capital improvements.*

*Program 2E of the Draft Housing Plan addresses a new program to evaluate various financing tools to accelerate infrastructure and public amenity improvements, while also promoting the feasibility of new housing development.*

POLICY 2.10: Development shall not be allowed prematurely, in that access, utilities, and services shall be available prior to allowing the development. (Coastal Act/30252)

***Policy 2.10 Response:*** *This Program EIR provides the basis for determining whether later development activity may have any significant effects. Details of each proposal are subject to City review at time of submittal.*

POLICY 2.11: Incremental development of large properties shall not be permitted without a master plan and environmental analysis of the full potential development. (Coastal Act/30250)

**Policies 2.11 Response:** *Certain sites in the ~~Floating Zone~~new zone designated for the preparation of a Master Design Review Permit (MDP). The purposes of the MDP are to establish a phasing plan for development. Phases of development in the short term require a high level of detail while phases occurring over the long term may have less detail, provided that the MDP commits those later phases of development to providing additional detail later processed as an amendment to the MDP.*

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

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

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

**Goal 3 Response:** *In accordance with defined future housing needs, the City must balance land use activities to accommodate future housing development and meet RHNA's state housing law compliance for affordability. This is achieved through the creating and implementation of a ~~Floating Zone Overlay~~new zone program that establishes a minimum density to ensure that each project meets affordability requirements, as well as a maximum density to ensure that Encinitas remains a community of modestly-scaled development.*

*The ~~Floating Zone Overlay~~new zone is conveyed over approximately one percent of the City's total land. It promotes infill development in key areas to preserve all other areas of land in the City, including preserving existing single family neighborhoods and the protection of environmental and agricultural resources. In addition, infill development takes advantage of locational amenities and existing services and infrastructure, while strengthening or revitalizing existing neighborhoods.*

*The Project includes detailed zoning standards and design guidelines that work together to facilitate the creation of new neighborhood centers; sustainable population density; mixed-use and varied socio-economic mix; parks and public spaces; pedestrian-friendly design; etc. New zoning standards and design guideline provisions address context sensitivity, land use compatibility, and need for greater neighborhood continuity and cohesion.*

POLICY 3.1: For purposes of growth management, to ensure that existing desirable community character is maintained and to ensure that facilities planning is economical and comprehensive, the ultimate buildout figure for residential dwelling units will be determined by utilizing the total mid-range density figure of the Land Use Element, which shall be derived from the total of all land use acreage devoted to residential categories, assuming a mid-range buildout density overall.

***Policy 3.1 Response:*** *In 1999 the City analyzed the effectiveness of the growth management plan in regulating the pace of residential growth in Encinitas. The City found that the cumulative number of unallocated permits from year-to-year was far greater than housing production. As a result the City discontinued calculation of the permit cap due to the carryover of unallocated permits. Program 3F of the Draft Housing Plan identifies a need to amend this policy.*

POLICY 3.2: The City will designate land use categories/zones for residential development which provide housing opportunities for all segments of society at densities consistent with the goals of this Element.

***Policy 3.2 Response:*** *In accordance with defined future housing needs, the City must balance land use activities to accommodate future housing development and meet RHNA's state housing law compliance for affordability. This is achieved through the creating and implementation of a Floating Zone~~new zone~~ program that establishes a minimum density to ensure that each project meets affordability requirements, as well as a maximum density to ensure that Encinitas remains a community of modestly-scaled development.*

POLICY 3.3: The City will designate land use categories/zones for commercial development which provide for the commercial needs of the community with use and intensity regulations consistent with the goals of this Element.

POLICY 3.4: The City will allow those commercial uses which are necessary to satisfy the current and projected needs of the individual communities as indicated on the Land Use Map and under the policies of this plan.

POLICY 3.5: Commercial areas/zones shall be designated to avoid undue concentrations of commercial development which would increase traffic to levels beyond the current and projected capability of the City's services and facilities to deal with the increased traffic.

**Policies 3.3 to 3.5 Response:** *The ~~Floating Zone~~new zone establishes a minimum density to ensure that each project meets affordability requirements, as well as a maximum density to ensure that Encinitas remains a community of modestly-scaled development. On sites that permit non-residential uses, the ~~Floating Zone~~new zone allows retail, office, and industrial type uses. The ~~Floating Zone~~new zone has created districts that include a letter associated with the permitted uses. If an area is determined to be purely residential (no commercial), then the letter "R" is associated with that site. If a mixture of uses is permitted, then the letter "X" is associated with that site. If a shopfront is required, then the letter "S" is associated with that site. Sites that are designated with a "X" or "S" seek to encourage compatible uses and building forms to be co-located. New zoning standards and design guideline provisions address context sensitivity, land use compatibility, and need for greater neighborhood continuity and cohesion.*

POLICY 3.6: Except where overriding considerations are found to exist, property will not be designated so as to allow or otherwise encourage commercial development along circulation roads in a continuous or "strip" manner.

**Policy 3.6 Response:** *The ~~Floating Zone Overlay~~new zone is conveyed over approximately one percent of the City's total land. It promotes infill development in key areas to preserve all other areas of land in the City, including preserving existing single family neighborhoods and the protection of environmental and agricultural resources.*

*The Project includes detailed zoning standards and design guidelines that work together to facilitate the creation of new neighborhood centers; sustainable population density; mixed-use and varied socio-economic mix; parks and public spaces; pedestrian-friendly design; etc. It outlines a process by which certain optional standards that promote compact walkable communities with an emphasis on proximity and accessibility.*

POLICY 3.7: With the exceptions described in Policy 3.12, once acknowledged as being consistent with the General Plan and Local Coastal Program, the allowable maximum density of any property designated for residential use shall not be increased except by the affirmative vote of a majority of those voting in the election approving the proposed increase.

POLICY 3.8: With the exceptions described in Policy 3.12, once acknowledged as being consistent with the General Plan and Local Coastal Program, property designated/zoned for non-residential uses shall not be redesignated/rezoned to allow residential uses except by the affirmative vote of a majority of those voting in the election approving the proposed change.

POLICY 3.9: With the exceptions described in Policy 3.12, once acknowledged as being consistent with the General Plan and Local Coastal Program, property designated/zoned for residential use shall not be redesignated/rezoned to any non-residential use except by the affirmative vote of a majority of those voting in the election approving the proposed change.

POLICY 3.10: With the exceptions described in Policy 3.12, once acknowledged as being consistent with the General Plan and Local Coastal Program, property designated/zoned for non-residential use shall not be redesignated/rezoned to allow more non-residential uses or a greater intensity of use except by the affirmative vote of a majority of those voting in the election approving the proposed change.

**Policies 3.7 to 3.11 Response:** *The voters will be presented with the Housing Element, rezonings and Zoning Code amendments, currently scheduled for November 2016. This approach will be taken because voter approval is required when major amendments are made to certain land use planning policy documents causing major increases in zoning density or intensity of land use, pursuant to Encinitas General Plan Land Use Policies and Municipal Code Chapter 30.00. Since accommodating the*

*RHNA necessitates changes to the General Plan Land Use Element, Zoning Map, Encinitas Zoning Code and certain specific plans, a vote of the people is required. The planning process associated with the Housing Plan Update is consistent with Proposition A because the voters are asked to authorize it in the comprehensive November 2016 ballot measure.*

*Proposition A, also referred to Chapter 30.00 as it appears in the Encinitas Zoning Code and elsewhere, also repeals specific sections of the Land Use Element. Section 7.3 states that this measure repeals Policy 3.10, Exceptions 4 and 5 of Policy 3.12, and Policy 7.10. Therefore, the HEU will process concurrent and conforming amendments to delete these policies.*

POLICY 3.11: In determining whether to approve a proposed residential or commercial project and when to allow proposed projects to be constructed, the City shall consider the extent to which the proposed project complies with the goals and policies of this Element and the implementing zoning regulations.

***Policy 3.11 Response:*** *This Program EIR provides the basis for determining whether later development activity may have any significant effects. Details of each proposal are subject to City review at time of submittal.*

POLICY 3.12: The following may be considered as exceptions to the requirements for voter approval for specified general plan land use map amendments:

1. Minor adjustments in land use boundaries to correctly reflect property or development site boundaries, which adjustments do not substantially change intended area development potential - as approved by Council by unanimous vote.
2. Changes to land use designations to correct (a) map omissions and (b) mapping errors which are clearly demonstrated to be errors contrary to the intent of the General Plan - as approved by a unanimous Council vote.
3. A change from any land use designation to the Ecological Resource/Open Space/Parks designation, when property has been purchased or land development rights have been secured for land for



open space or parks purposes - as approved by a unanimous Council vote.

4. Minor land use designation changes when approved by affirmative vote of four or more City Council members. For purposes of this paragraph, "minor" is defined as changes for which certified environmental review per the California Environmental Quality Act has determined that there will be no unmitigable significant negative environmental impacts, and one of the following apply:

(a) Exception for Decrease in Intensity:

The change is to a category of lower land use intensity or density than the existing category that results in a reduction in intensity. For purposes of this determination the following hierarchy of categories, from higher to lower, is established: Light Industrial, General Commercial, Visitor-Serving Commercial, Transportation Corridor, Local Commercial, Public/Semi-Public, Office Professional, Residential 25, Residential 15, Residential 11, Mobilehome Park, Residential 8, Residential 5, Residential 3, Rural Residential 2, Rural Residential 1, Rural Residential, Ecological Resource/Open Space/Parks.

(b) Exception for Residential Density:

The change applies to 5 acres of land area or less, and is a change from a non-residential to a residential category, or from a residential to another higher-density residential category, which would result in the allowance of ten or fewer additional dwelling units (prior to consideration of any density bonus) for the 5 acre site. The change shall also be determined to be compatible with, and generally not exceeding the density of, surrounding planned land use residential densities.

(c) Exception for Change Within Land Use Class:

The change applies to 5 acres of land area or less, and is a change from one land use category to another when both are within the same class of categories. For purposes of this determination the following classes of categories are established:

- 1 - Rural Residential, Rural Residential 1, Rural Residential 2
- 2 - Residential 3, Residential 5, Residential 8
- 3 - Residential 11, Residential 15, Residential 25
- 4 - Office Professional, Local Commercial
- 5 - Visitor Serving Commercial, General Commercial

- 5. Changes in land use designations when approved by affirmative vote of four or more City Council members, to allow projects that provide a significant public benefit. A "significant public benefit" shall be determined by the City Council.

***Policy 3.12 Response:*** *This policy addresses the process associated with certain changes in land use designations and exceptions to the voter requirement. The voters will be presented with the Housing Element, rezonings and Zoning Code amendments, currently scheduled for November 2016.*

*Proposition A, also referred to Chapter 30.00 as it appears in the Encinitas Zoning Code and elsewhere, also repeals specific sections of the Land Use Element. Section 7.3 states that this measure repeals Policy 3.10, Exceptions 4 and 5 of Policy 3.12, and Policy 7.10. Therefore, the HEU will process concurrent and conforming amendments to delete these policies.*

POLICY 3.13: The following establish exceptions to the fixed annual allotment of residential building permits established by this Element.

1. Vested Rights

The fixed annual allotment as established in the Land Use Element shall apply to all properties and projects covered by its terms except it shall not apply to any development project which has obtained a vested right as of the effective date of this Plan. For purposes of this provision, a vested right shall have been obtained only if each and all of the following criteria are met:

- a. The proposed project has received a building permit or where no building permit is required, final discretionary approval.
- b. Substantial expenditures or documented, non-cancellable liabilities have been incurred in good faith reliance on the permit or final discretionary approval.

c. Substantial construction has been performed in good faith reliance on the permit or final discretionary approval.

2. Vesting Tentative Maps or Other Approval Given Vested Rights

In addition to the foregoing, vesting tentative maps (and other approvals given vested rights) receiving final approval prior to the effective date of this Plan shall be exempt from the residential allocation system, so long as the number of units authorized by such an approval shall be counted against the annual limits of the fixed annual allotment upon issuance of building permits. Such vesting approval shall not be authorized by the City after the effective date, unless expressly conditioned to assure compliance with this provision.

3. Single Family Homes

The construction of one individual dwelling unit conforming to zoning on a pre-existing vacant, legal lot of record which was established as legal lot as of the effective date this Plan was filed with the City clerk, shall be exempt from the current fixed annual allotment. The units so exempted shall be counted against the City's total build-out capacity in the calculation of the annual allocation for the following year.

4. Existing Building Permits

In addition, outstanding building permits, as of the effective date of this Plan, shall be exempt from the fixed annual allotment.

5. One Unit Per Five Acres

A property owner proposing to construct more than one dwelling unit, already approved by city process, but unable to qualify for the current year's allocation (under residential allocation system) may be allowed to construct no more than one dwelling unit per five acres. The number of units so exempted shall not be counted against the annual allocation figure; however, they shall be counted against the City's total build-out capacity in the calculation of the annual allocation for the following year.

**Policy 3.13 Response:** *In 1999 the City analyzed the effectiveness of the growth*

*management plan in regulating the pace of residential growth in Encinitas. The City found that the cumulative number of unallocated permits from year-to-year was far greater than housing production. As a result the City discontinued calculation of the permit cap due to the carryover of unallocated permits. Program 3F of the Draft Housing Plan identifies a need to amend this policy.*

POLICY 3.14: A public vote shall be required on all City Council approved General Plan updates that are comprehensive in nature, and shall become effective only when a majority of those voters who cast ballots vote for the change. A comprehensive General Plan update shall be a City-sponsored work program titled as such that substantially changes and/or re-adopts the text and maps of the existing elements.

***Policy 3.14 Response:*** *N/A. Although the Project is not comprehensive in nature, the voters will be presented with the Housing Element, rezonings and Zoning Code amendments, currently scheduled for November 2016.*

GOAL 4: The City of Encinitas will ensure that the rate of residential growth: (a) does not create a demand which exceeds the capability of available services and facilities; (b) does not destroy the quality of life and small town character of the individual communities; (c) does not exceed a rate which excludes the public from meaningful participation in all aspects of land use decision making regarding proposed projects; (d) provides the City with the ability to plan ahead for the location, timing and financing of required services and facilities; and (e) does not exceed an annual allotment of dwelling units based on the projected ultimate buildout of dwellings in the City of Encinitas assuming a 25-year buildout period.

***Goal 4 Response:*** *This Program EIR provides a basis for determining whether later project development activities may have any significant effects. Future development activities would be subject to making sure that services and facilities are available, land use and community character compatibility, public participation, and financing/phasing of projects.*

*Regarding the ultimate buildout and building permit limitations, Program 3F of the Draft Housing Plan identifies a need to amend this policy. In 1999 the City analyzed the*

*effectiveness of the growth management plan in regulating the pace of residential growth in Encinitas. The City found that the cumulative number of unallocated permits from year-to-year was far greater than housing production. As a result the City discontinued calculation of the permit cap due to the carryover of unallocated permits.*

POLICY 4.1: A figure will be established annually which will determine the maximum number of dwelling units for which building permits will be issued during the coming year. The annual numerical figure shall be based on a 25-year buildout beginning on January 1, 1989 and ending January 1, 2014. The annual allotment shall be determined by dividing the ultimate buildout figure for dwelling units, determined by mid-range densities, by the number of years remaining in the assumed 25-year buildout period.

***Policy 4.1 Response:*** *In 1999 the City analyzed the effectiveness of the growth management plan in regulating the pace of residential growth in Encinitas. The City found that the cumulative number of unallocated permits from year-to-year was far greater than housing production. As a result the City discontinued calculation of the permit cap due to the carryover of unallocated permits. Program 3F of the Draft Housing Plan identifies a need to amend this policy.*

POLICY 4.2: The City will plan to provide services and facilities concurrent with projected need, sufficient to allow issuance of the maximum annual number of dwelling unit building permits. To guard against an unforeseen shortfall of services or facilities, the City will determine adequacy of services and facilities for each residential development at the discretionary review stage. For dwellings not subject to discretionary review, such determination shall be made with the earliest development permit submittal. No unit shall be approved or permitted for which inadequate services or facilities are available.

***Policy 4.2 Response:*** *This Program EIR provides a basis for determining whether later project development activities may have any significant effects. Future development activities would have to make sure that the provisions of services and facilities are available.*

*Regarding the ultimate buildout and building permit limitations, in 1999 the City analyzed the effectiveness of the growth management plan in regulating the pace of*

*residential growth in Encinitas. The City found that the cumulative number of unallocated permits from year-to-year was far greater than housing production. As a result the City discontinued calculation of the permit cap due to the carryover of unallocated permits. Program 3F of the Draft Housing Plan identifies a need to amend this policy.*

POLICY 4.3: The City will plan to provide processing procedures for proposed development projects that will maximize citizen participation and that will operate at a pace sufficient to allow the maximum annual number of dwelling unit building permits to be issued. Citizen notice of development projects and the opportunity to participate through written and oral testimony and public hearings will be provided at the discretionary and environmental review stages of development, prior to the application of each year's annual dwelling unit allocation limit. Neither the speed of project processing nor the volume of units or projects processed shall exceed that which will allow meaningful citizen participation.

***Policy 4.3 Response:*** *Regarding ultimate buildout and building permit limitations, in 1999 the City analyzed the effectiveness of the growth management plan in regulating the pace of residential growth in Encinitas. The City found that the cumulative number of unallocated permits from year-to-year was far greater than housing production. As a result the City discontinued calculation of the permit cap due to the carryover of unallocated permits. Program 3F of the Draft Housing Plan identifies a need to amend this policy. Through its amendment, it is anticipated that processing procedures will continue to rely on maximum citizen participation opportunities.*

POLICY 4.4: Whatever the allowable rate of growth is during any particular year, the City's intent is to see housing affordable to lower income households is not constrained. To this end, building permits for dwelling units guaranteed or assured of being affordable to very low and low income households, in amounts equal to the SANDAG determination of the City's regional need for housing for very low and low income households, shall be exempt from the annual allocation limit. The number of dwellings permitted under this exemption in any year shall be included in the tabulation of total dwelling units permitted to date in the calculation of the annual allocation for the following year.

**Policy 4.4 Response:** *This Project reinforces the need to promote affordable housing opportunities and attempts to reduce barriers to their construction.*

POLICY 4.5: Development projects involving the construction of 20 or more single-family, residential dwellings may be required to phase the building of the project over several years using no more than 20 building permits per year to achieve the goals and policies of the Element.

**Policy 4.5 Response:** *N/A. This policy addresses phasing for single-family development. Although this Project addresses housing needs for all economic segments, the update is focusing on the State's RHNA rezoning requirements for lower-income households.*

POLICY 4.6: Any land which is annexed to the City will be pre-designated for a land use(s) as a condition of annexation, to a density and use that will be consistent with the small-town quality and character of the City.

**Policy 4.5 Response:** *N/A. This policy addresses annexing. This Project does not change the status of this provision.*

POLICY 4.7: There will be no carry-over of unissued residential dwelling unit permits (from the maximum annual number) into the following year. However, if the allotted number are not issued during the current year, they will continue to be counted in the ultimate buildout figure and will be reflected in the fixed annual allocation for the remaining years.

**Policy 4.7 Response:** *Regarding ultimate buildout and building permit limitations, in 1999 the City analyzed the effectiveness of the growth management plan in regulating the pace of residential growth in Encinitas. The City found that the cumulative number of unallocated permits from year-to-year was far greater than housing production. As a result the City discontinued calculation of the permit cap due to the carryover of unallocated permits. Program 3F of the Draft Housing Plan identifies a need to amend this policy. Through its amendment, it is anticipated that processing procedures will*

*continue to rely on maximum citizen participation opportunities.*

**GOAL 5:** The City of Encinitas will ensure that the rate of commercial growth: (a) does not create a demand which exceeds the capability of existing services and facilities; (b) does not destroy the quality of life and small town character of the individual communities; (c) does not exceed a rate which excludes the public from meaningful participation in all aspects of land use decision making regarding proposed projects; (d) provides the City with the ability to plan ahead for the location, timing and financing of required services and facilities; and (e) provides for the City's commercial needs during growth and thereafter as part of a fully-developed city.

**POLICY 5.1:** Commercial growth within the City should be sufficient to support residential growth and provide adequate services to the citizens of the individual communities.

**POLICY 5.2:** Proposed commercial growth should reflect a general balance of uses within the community.

**POLICY 5.3:** The City shall develop and implement commercial zoning and development standards which will accomplish the goals and policies of the General Plan, emphasizing quality, community character, and community needs.

**Goal 5 et. seq. Policies Response:** *The ~~Floating Zone~~new zone program allows retail, office, and industrial type uses. The ~~Floating Zone~~new zone has created districts that include a letter associated with the permitted uses. If an area is determined to be purely residential (no commercial), then the letter "R" is associated with that site. If a mixture of uses is permitted, then the letter "X" is associated with that site. If a shopfront is required, then the letter "S" is associated with that site. Sites that are designated with a "X" or "S" seek to encourage compatible uses and building forms to be co-located. New zoning standards and design guideline provisions address context sensitivity, land use compatibility, and need for greater neighborhood continuity and cohesion.*

*The Project focuses new development into infill areas to facilitate more livable neighborhoods so that more people are more integrated into the community. Growth should reflect a general balance of uses within the community. The Project includes detailed zoning standards and design guidelines that work together to facilitate the creation of new neighborhood centers; sustainable population density; mixed-use and*



*varied socio-economic mix; parks and public spaces; pedestrian-friendly design; etc. It outlines a process by which certain optional standards that promote compact walkable communities with an emphasis on proximity and accessibility.*

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

**Goal 6 Response:** *The Project includes detailed zoning standards and design guidelines that work together to facilitate the creation of new neighborhood centers; sustainable population density; mixed-use and varied socio-economic mix; parks and public spaces; pedestrian-friendly design; etc. The Project establishes overarching Design Principles for development in the R-30, X-30 and S-30 zones. All projects must comply with these Principles and adhere to a set of community themes and unique community contexts found throughout Encinitas. This is to ensure that each new project takes into consideration their unique setting in order to deliver a project that fits with and enhances the existing environment. A great effort has been made to develop different sets of rules that would apply to different circumstances to ensure that the existing character of the communities is maintained. Therefore new zoning standards and design guideline provisions address context sensitivity, land use compatibility, and need for greater neighborhood continuity and cohesion.*

**POLICY 6.1:** Permit commercial land uses and other types of non-residential development only in those areas where such development presently is concentrated or where indicated by the General Plan as long as such development does not result in land use conflicts with surrounding residential development.

**Policy 6.1 Response:** *The Project identifies the location in the City where future growth is expected to occur. The Project focuses new development into infill areas to both capitalize on existing infrastructure and to facilitate more livable neighborhoods so that more people are more integrated into the community and more mode-choices for travel are provided. A great effort has been made to develop different sets of rules that would apply to different circumstances to ensure that the existing character of the communities is maintained. Therefore new zoning standards and design guideline provisions address context sensitivity, land use compatibility, and need for greater neighborhood continuity and cohesion.*

POLICY 6.2: The City will make every effort to be responsive to citizen complaints concerning illegal uses, structures, and activities.

POLICY 6.3: City code enforcement personnel shall identify, investigate and abate illegal uses, structures and activities.

POLICY 6.4: City personnel shall develop and enforce a system of penalties to discourage illegal uses, structures, and activities.

***Policies 6.2 to 6.4 Response: N/A. The Project identifies the location in the City where future growth is expected to occur. The Project has no bearing on code enforcement and the City's response to such.***

POLICY 6.5: The design of future development shall consider the constraints and opportunities that are provided by adjacent existing development. (Coastal Act/30251)

***Policy 6.5 Response: This Program EIR provides a basis for determining whether later project development activities may have any significant effects. Future development activities would be subject to these policy directives.***

***The Project includes standards and criteria that provide future developers, City staff, and decision makers with clear guidance on land use and community character compatibility, as well as context sensitivity to ensure that any constraints and opportunities are carefully vetted.***

POLICY 6.6: The construction of very large buildings shall be discouraged where such structures are incompatible with surrounding development. The building height of both residential and non-residential structures shall be compatible with surrounding development, given topographic and other considerations, and shall protect public views of regional or statewide significance. (Coastal Act/30251/30252/30253) Policy 6.6 amended 5/11/95 (Reso. 95-32)

POLICY 6.7: Require commercial development to provide sufficient landscaping to soften the visual impact of commercial buildings and parking areas.

**Policies 6.6 and 6.7 Response:** *The Project includes detailed zoning standards and design guidelines that work together to facilitate the creation of new neighborhood centers; sustainable population density; mixed-use and varied socio-economic mix; parks and public spaces; pedestrian-friendly design; etc. Future projects will be required to take into consideration their unique setting in order to deliver a project that fits with and enhances the existing environment.*

*New design guidelines address site design and building design to address how new projects relate to the surrounding neighborhood. Concepts for building placement, parking, access and connectivity, topography, neighborhood transitions, and individual building height, mass, and scale are addressed. Therefore new zoning standards and design guideline provisions address context sensitivity, land use compatibility, and need for greater neighborhood continuity and cohesion.*

POLICY 6.8: The City will develop standards for congregate care rooms and beds in nursing facilities in relationship with land use categories.

**Policy 6.8 Response:** *N/A. The Project identifies the location in the City where future growth is expected to occur. The Project has no bearing on congregate care and nursing facilities.*

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

POLICY 7.1: Establish design themes for commercial districts located within individual communities.

POLICY 7.2: Each community may establish one or more design themes for their community.

POLICY 7.3: Although common themes for each of the communities may be established, each community may also promote variety in the design of individual projects.



**Goal 7 and Policies 7.1 to 7.3 Response:** *The Project includes detailed zoning standards and design guidelines that work together to facilitate the creation of new neighborhood centers; sustainable population density; mixed-use and varied socio-economic mix; parks and public spaces; pedestrian-friendly design; etc. The Project establishes overarching Design Principles for development in the R-30, X-30 and S-30 zones. All projects must comply with these Principles and adhere to a set of community themes and unique community contexts found throughout Encinitas. This is to ensure that each new project takes into consideration their unique setting in order to deliver a project that fits with and enhances the existing environment.*

POLICY 7.4: Develop regulations and incentives for residential, commercial, and industrial developers to vary design, setbacks, driveways, rooflines, materials, colors, landscaping, etc. to ensure variation in the design of individual residential units within larger subdivisions and commercial/ industrial projects.

**Policy 7.4 Response:** *The Project includes detailed zoning standards and design guidelines that work together to facilitate the creation of new neighborhood centers; sustainable population density; mixed-use and varied socio-economic mix; parks and public spaces; pedestrian-friendly design; etc. The ~~Floating Zone~~new zone creates standards for residential and commercial development. These cover different topic areas including permitted uses, site development regulations, and performance standards.*

*New design guidelines address site design and building design to address how new projects relate to the surrounding neighborhood. Concepts for building placement, parking, access and connectivity, topography, neighborhood transitions, and individual building height, mass, and scale are addressed. Therefore new zoning standards and design guideline provisions address context sensitivity, land use compatibility, and need for greater neighborhood continuity and cohesion.*

POLICY 7.5: A streetscape specific plan(s) for the Hwy 101 corridor and El Camino Real corridor shall be prepared (Coastal Act/30251)

**Policy 7.5 Response:** *N/A. The Project identifies the location in the City where future growth is expected to occur. The Project does not change the status of this policy.*

POLICY 7.6: Private development shall coordinate with street/public improvements, i.e. streetscape, landscape, site design and the like.

POLICY 7.7: The downtown area of Cardiff-by-the-Sea is designated a Specific Plan area. Development shall be allowed prior to the completion of the Specific Plan.

- Commercial development shall be compatible to surrounding residential uses relative to height, building bulk and mass and related complimentary uses.
- View preservation standards shall be developed that preserve existing public views and to the extent possible private views.
- Streetscape program shall be established that compliments and enhances usual quality of the community.
- Establish standards that will help to revitalize the commercial corridor.
- Provide for residential uses in commercial zones along the corridor provided the residential uses are accessory and incidental to the principal commercial use.
- Develop standards for development to vary design, setbacks, materials, colors, landscaping and the like to ensure a variation in the design of individual projects that can be tied together via common parking and internal circulation, and a common streetscape design.

***Policy 7.7 Response: N/A. The Project identifies the location in the City where future growth is expected to occur. The Project does not change the status of this policy.***

POLICY 7.8: The 101 corridor from the north City boundary to Encinitas Boulevard is designated a Specific Plan area. Development shall be allowed prior to the completion of the Specific Plan.

- Establish standards and uses that compliment adjacent residential uses, enhance the appearance of Hwy 101 streetscape and railroad right-of-way, and create an attractive commercial district that would serve the needs of both local residents and visitors to the Community.

- Establish standards that will help to revitalize the commercial corridor.
- Provide for residential uses in commercial zones along the corridor provided the residential uses are accessory and incidental to the principal commercial use.
- Develop standards for development to vary design, setbacks, materials, colors, landscaping and the like to ensure a variation in the design of individual projects that can be tied together via common parking and internal circulation, and a common streetscape design.

***Policy 7.8 Response: N/A. The Project identifies the location in the City where future growth is expected to occur. The Project does not change the status of this policy.***

POLICY 7.9: The downtown area of Old Encinitas including the residential area west of the downtown area is designated a Specific Plan area. Development shall be allowed prior to the completion of the Specific Plan.

- Establish standards that will help to revitalize the commercial corridor.
- Provide for residential uses in commercial zones along the corridor provided the residential uses are accessory and incidental to the principal commercial use.
- Develop standards for development to vary design, setbacks, materials, colors, landscaping and the like to ensure a variation in the design of individual projects that can be tied together via common parking and internal circulation, and a common streetscape design.
- Development standards shall be established to promote commercial development complimentary to the existing pattern of development relative to height, building bulk and mass, setbacks, open space and the like.
- Commercial development standards and uses shall promote high pedestrian activity.

- Residential, recreation and commercial uses shall be complimentary in design and use.

**Policy 7.9 Response:** *N/A. The Project identifies the location in the City where future growth is expected to occur. The Project does not change the status of this policy.*

POLICY 7.10: Both residential and non-residential development shall be limited to a maximum height of two stories and 30 feet. Limited exceptions for non-residential development may be allowed, but only for designated specific sites as developed and adopted through area specific plans. Exceptions may also be made for Medical Complex development projects at the discretion of the City pursuant to conditional use permit applications as provided by the Zoning Code, to allow building heights up to a maximum height of three stories. An exception is also authorized for a public high school with a minimum 10 acre site.

**Policy 7.10 Response:** *In accordance with defined future housing needs, the City must balance land use activities to accommodate future housing development and meet RHNA's state housing law compliance for affordability. This is achieved through the creating and implementation of a Floating Zone new zone program that establishes a minimum density to ensure that each project meets affordability requirements, as well as a maximum density to ensure that Encinitas remains a community of modestly-scaled development.*

*Proposition A was adopted by voters in 2013 and "repeals" or otherwise supersedes this policy. Not only does Proposition A affect how amendments are made to planning policy documents, but the ballot measure modifies building height standards in the City. Proposition A restricts the height of any structure to the lower of two stories or 30 feet, citywide. In cases where the existing codes specify a different maximum height standard, the more restrictive applies. Thus, voter approval is required for amendments that would increase residential densities.*

*Program 1A and 1B of the Draft Housing Plan address the need to amend this height standard. The current height limit in the City is two stories and 30 feet. However, additional height is needed in order to facilitate development to reach a maximum density of 30 units per acre.*

*Proposition A, also referred to Chapter 30.00 as it appears in the Encinitas Zoning*

*Code and elsewhere, also repeals specific sections of the Land Use Element. Section 7.3 states that this measure repeals Policy 3.10, Exceptions 4 and 5 of Policy 3.12, and Policy 7.10. Therefore, the HEU will process concurrent and conforming amendments to delete these policies.*

**Goal 8: Environmentally and topographically sensitive and constrained areas within the City shall be preserved to the greatest extent possible to minimize the risks associated with development in these areas. (Coastal Act/30240/30253) Goal 8 amended 5/11/95 (Reso. 95-32)**

**Goal 8 Response:** *This Program EIR provides the basis for determining whether later development activity may have any significant effects. The Project includes standards and criteria that provide future developers, City staff, and decision makers with clear guidance on land use and community character compatibility. The ~~Floating Zone~~new zone includes detailed development standards, including height, setbacks, landscaping, and bulk.*

*As discussed in the geotechnical section of this EIR, implementation of mitigation measures, code adherence, and coordinated review of future development will ensure that all risks are minimized.*

**POLICY 8.1:** Require that any improvement constructed in an area with a slope of more than 25% and other areas where soil stability is at issue to submit soils and geotechnical studies to the City for review and approval.

**Policy 8.1 Response:** *This Program EIR provides a basis for determining whether later project development activities may have any significant effects. As discussed in the geotechnical section of this EIR, future development activities would be subject to this policy.*

**POLICY 8.2:** Development within coastal and flood plain areas identified in the Land Use and Resource Management Elements must be limited, designed to minimize hazards associated with development in these areas, and to preserve area resources. Within the floodway, channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and



be limited to necessary water supply projects, flood control projects where no other method for protecting existing public or private structures is feasible and where such protection is necessary for public safety or to protect existing development, and other development where the primary function is the improvement of fish and wildlife habitats. No development shall occur in the 100-year Floodplain that is not consistent and compatible with the associated flood hazard. Only uses which are safe and compatible with periodic flooding and inundation shall be considered, such as stables, plant nurseries, a minimum intrusion of open parking, some forms of agriculture, and open space preservation, as appropriate under zoning, and subject to applicable environmental review and consistency with other policies of this Plan. No grading or fill activity other than the minimum necessary to accommodate those uses found safe and compatible shall be allowed. Such grading shall not significantly redirect or impede flood flows or require floodway modifications. Exceptions from these limitations may be made to allow the following:

- a. Minimum private development (defined as one dwelling unit per legal parcel under residential zoning, and an equivalent extent of development under non-residential zoning) only upon a finding that strict application thereof would preclude a minimum use of the property.
- b. Development of circulation element roads, other necessary public facilities, flood control projects where no feasible method for protecting existing public or private structures exists and where such protection is necessary for public safety or to protect existing development, and other development which has as its objective the improvement of fish and wildlife habitat.
- c. Limited reconfiguration of the flood plain in previously degraded areas provided it is determined by the City that the reconfiguration of the flood plain is incidental to the improvement of an overall storm water system and that the reconfigured storm water system is substantially based on natural channels with vegetation to accommodate storm water management. This is applicable to the El Camino Real creek corridor draining into Encinitas Creek.

These exceptions shall be allowed only to the extent that no other feasible alternatives exist and minimum disruption to the natural floodplain environment is made. The City shall not approve subdivisions or boundary line adjustments which would allow increased impacts for development in 100-year floodplains. For specific policy provisions regarding wetlands which may be associated with

floodplains, refer to Resource Management Element Policy 10.6. (Coastal Act/30253) Policy 8.2 amended 1/30/91, 9/21/94 (Reso. 94-29) and 5/11/95 (Reso. 95-32)

**Policy 8.2 Response:** As discussed in the geotechnical section of this EIR, future development activities would be subject to this policy. No development shall occur in the 100-year floodplain that is not consistent and compatible with the associated flood hazard.

POLICY 8.3: Residential development on land that has physical constraints shall exclude or discount areas subject to specified constraints from density allowance. Portions of development sites subject to the following constraints shall be excluded from the net lot area used to figure density: floodplains, beaches, permanent bodies of water, significant wetlands, major utility easements, railroad track beds or rights-of-way, and rights-of-way and easements for public/private streets and roads. The remaining net lot area shall then be calculated for density allowance, based on the assigned land use category density range, subject to the following discounts based on site slope:

- ☐ Portions of site 0-25% slope - 100% density;
- ☐ Portions of site 25-40% slope - approximately 50% density allowance;
- ☐ Portions of site 40%+ slope - no density allowance.

Density allowance shall be limited to the mid-point of the land use category range, as specified by the zoning code, unless findings can be made that the proposed project excels in design excellence and/or provides extraordinary community benefits. Upon such findings, up to the maximum density level of the range may be allowed. In no case shall less than one dwelling per legal lot be allowed.

**Policy 8.3 Response:** Program 1 A of the Draft Housing Plan, the Floating Zone ~~new zone program~~ establishes a minimum density to ensure that each project meets affordability requirements, as well as a maximum density to ensure that Encinitas remains a community of modestly-scaled development. This policy should be revised to reflect by-right development at the maximum density for sites that are in the Floating Zone ~~Overlay~~ new zone program. Future development activities would still be subject to

*net lot area calculations.*

POLICY 8.4: Within residentially designated areas, lot averaging and PRDs may be allowed to preserve areas of unique topographic features, riparian woodlands, and other significant open space areas of importance to the community based on the following criteria:

- Lot averaging and PRDs shall only be used to create a quality development, but shall not increase the overall density of the subdivision;
- the areas of open space shall be determined and preserved in perpetuity;
- no further subdivisions of land within lot-averaged subdivisions shall occur. (Coastal Act/30240) *Policy 8.4 amended 6/16/93*

***Policy 8.4 Response:*** *N/A. The Project identifies the location in the City where future growth is expected to occur. The Project does not change the status of this policy.*

POLICY 8.5: The Special Study Overlay designation shall be applied to lands which, due to their sensitive nature, should only be developed with consideration of specific constraints and features related to drainage courses, bluffs, slopes, geology and soils, biotic habitat, viewsheds and vistas, and cultural resources. Development within the overlay area shall be reviewed and approved in accordance with criteria and standards which protect coastal and inland resources. (Coastal Act/30240/30253)

***Policy 8.5 Response:*** *The Project identifies land use changes in key areas of the City to accommodate future housing opportunities. The Project focuses new development into infill areas to both capitalize on existing infrastructure. It promotes infill development in key areas to preserve all other areas of land in the City, including preserving existing single family neighborhoods and the protection of environmental and agricultural resources.*

*The development standards and design guidelines work together to ensure that there is*

*a variety of product arrangements within Viable Housing Sites. Neighborhood prototypes were developed to enhance the link between zoning and design guidelines and to match building scale to street type in zoning and permit approval process. The provisions address such issues as building form, common access points, etc. to promote connectivity to and between adjacent projects and to properly frame the street area. Adjacent properties will be asked to use common access points and otherwise reduce the amount of conflict points on the City's major roads.*

*The Project does not change the status of this policy. Future development activities would still be subject to special study overlay restrictions, including sensitivity to drainage courses, bluffs, slopes, geology, habitats, public viewsheds, and cultural resources.*

POLICY 8.6: Significant natural features shall be preserved and incorporated into all development. Such features may include bluffs, rock outcroppings, natural drainage courses, wetland and riparian areas, steep topography, trees, and views. (Coastal Act/30240/30250/30251)

POLICY 8.7: Non-developable or constrained areas should be evaluated for possible use as open space or recreational use. (Coastal Act/30240)

***Policies 8.6 and 8.7 Response:*** *The Project includes detailed zoning standards and design guidelines that work together to facilitate the creation of new neighborhood centers; sustainable population density; mixed-use and varied socio-economic mix; parks and public spaces; pedestrian-friendly design; etc. One of the objectives of the new standards and design guidelines is to ensure that new development is compatible with community specific settings and promoting basic best practices in urban design. Therefore, new zoning standards and design guideline provisions address natural features, open space, and recreation.*

POLICY 8.8: The properties located in the City's Sphere of Influence west of El Camino Real shall be designated as a Specific Plan area, except for the lands west of Saxony Road designated as Open Space/Parks, and lands in the southeast corner of the upper mesa beyond the Ecke holdings designated Residential 2-3 units per acre. Development will be allowed within the

specific plan area only through prior approval of the entire specific plan described below:

- The specific plan shall include:
  - ☐ An Agriculture land use category.
  - ☐ Estate and Low density residential (0-5 units per acre) land use category.
  - ☐ Medium-High density residential (5-10 units per acre) land use category.
  - ☐ High density residential (15 + units per acre) land use category.
  - ☐ Commercial land use category.
  - ☐ Open Space land use category.
  - ☐ A mixed land use category of commercial, office professional, medical office, institutional, and/or residential may be allowed.
- All development and other activities provided for by the specific plan shall conform to the following:
  - ☐ Areas shown as reserved for agriculture/open space shall be a minimum of 40 contiguous acres in size.
  - ☐ Land reserved for open space shall be permanently protected for such use by an enforceable restriction and/or other appropriate means.
  - ☐ New development shall be located and clustered to avoid inhibiting continued agricultural use of land reserved for that purpose, and where feasible, shall be located adjacent to existing development or areas planned for development. (Coastal Act/30241)
  - ☐ In selecting areas for development, land least suitable for agricultural production shall receive preference. Land best suited for agricultural production contains Class I-IV soils on slopes under 10 percent and is currently under agricultural production. (Coastal Act/30241)

- Where possible, buffer areas should be established between areas designated for agricultural use and the outer boundary of the Specific Plan area, and between the areas designated for agricultural use and other uses within the Specific Plan area. (Coastal Act/30141)
- Deeds for residential lots or dwelling units near areas designated for agricultural use should contain a clause stating that such lots or dwelling units are located in close proximity to agricultural land that is expected to remain in agricultural use, and that there could be some adverse impacts on such lots or dwelling units from agricultural operations.
- No roads other than farm access roads shall be constructed across agricultural lands unless such road proposals include mitigation measures (such as controls on access and covenants preserving agricultural use) that assure the continued long term viability of agricultural uses. (Coastal Act/30241/30242/30250)
- Land use designation boundaries shall be adopted upon submittal and approval of the specific plan to properly delineate the exact alignment of Leucadia Blvd. and the location of bluffs/steep slope areas.
- All development in the Green Valley area shall obtain direct access from roads other than El Camino Real.
- Prior to starting construction of a 4-lane roadway or accommodation of comparable capacity for Leucadia Boulevard, the Specific Plan shall be prepared and approved, and annexation of the Sphere of Influence area shall be completed to the City of Encinitas.
- All other applicable provisions, goals and policies of this Plan shall be incorporated and implemented in the specific plan. The specific plan shall not be approved unless the City Council makes a finding that the continued exclusive agricultural use of the area is no longer feasible, or that to allow development on portions of the area as planned will enhance the feasibility of agricultural use of the remaining portions of the area. (Coastal Act 30141/30242)



***Policy 8.8 Response: N/A. The Project identifies the location in the City where future growth is expected to occur. The Project does not change the status of this policy.***

POLICY 8.9: The City will adopt land use categories for environmentally sensitive areas for the purposes of the Local Coastal Plan and will implement these categories by such ordinance and policy measures as may be appropriate. (Coastal Act/30250)

***Policy 8.9 Response: N/A. The Project identifies the location in the City where future growth is expected to occur. The Project does not change the status of this policy.***

POLICY 8.10: Ecological Resource/Open Space/Parks is a category intended to be applied to both active and passive parklands; lagoons; wetland habitat areas and their adjacent buffers; and other areas of significant environmental quality or public resource value. Lands in the Ecological Resource/Open Space/Parks category, other than public parks, and similar areas for active recreation, will be limited to uses and activities related to habitat enhancement; educational and scientific nature study; passive recreation which will have no significant adverse impact on habitat values; and, aquaculture having no significant adverse effect or negative visual impact on natural processes or scenic quality. All areas possessing wetland resource values, including coastal salt marsh and freshwater marsh habitat types, shall be protected by appropriate buffers. Buffer zones sufficient to protect wetlands shall generally be minimum 100 feet in width, and buffer zones to protect riparian areas shall generally be minimum 50 feet in width, unless a use or development proposal demonstrates that a smaller buffer will protect the resources of the wetland/riparian area based on site-specific information, including but not limited to, the type and size of the development and/or proposed mitigation (such as planting of vegetation) which will also achieve the purposes of the buffer. The buffer should be measured landward from the wetland or riparian area. Maps and supplemental information submitted as part of the application should be used to specifically determine these boundaries. The California Department of Fish and Game and the U.S. Fish and Wildlife Service shall be consulted in such buffer determinations and their comments shall be accorded great weight.

Development permitted in wetland and riparian buffer areas shall be limited to access paths, passive recreational uses, fences and similar

improvements necessary to protect the wetland or riparian resource, and shall be restricted to the upper or landward half of the buffer. Wetland/riparian areas and their associated buffers shall be permanently protected from development through the application of an open space easement or other suitable instrument. Developments shall be located and designed so as not to contribute to increased sediment loading of the wetland/riparian area, cause disturbances to its fish and wildlife values, or otherwise impair the functional capacity of the resource. Exceptions from this policy for intrusion of development into wetland or riparian areas and their associated buffers shall only be considered as specified in Resource Management Policy 10.6. (Coastal Act/30240)

***Policy 8.10 Response:*** *The Project identifies the location in the City where future growth is expected to occur. Future development would be subject to this policy. All areas possessing wetland resource values, including coastal salt marsh and freshwater types, would be protected by appropriate buffers.*

POLICY 8.11: The property located at the southeast quadrant of El Camino Real and Olivenhain Road shall be designated as a Specific Plan area, and development will be allowed only through prior approval of a development plan for the entire area as described below.

- The development plan shall implement the land uses generally shown on the Land Use Policy Map:
  - ☐ Residential for the non-constrained portions of the upper mesa east of El Camino Real (having access from Village Park area).
  - ☐ Light industrial for the non-constrained portions of the lower properties having access off of El Camino Real or Olivenhain Road.
  - ☐ Open Space for all areas constrained as flood plain, wetlands and wetland buffer areas, biological resource areas, steep topography and major transmission lines, as determined below.
- The development plan shall establish specific boundaries between the developable portions of the area and constrained open space lands, through detailed site studies to determine the exact



extent of the constraints, and the application of the policies of the General Plan to determine what, if any, encroachment into those constrained areas is to be allowed. Once so determined, the constrained floodplain, wetland and buffer, biological resource and steep topography open space lands shall be required under the Specific Plan to be protected in their natural condition.

**Policy 8.11 Response:** *N/A. The Project identifies the location in the City where future growth is expected to occur. The Project does not change the status of this policy.*

POLICY 8.12 - The City shall review the construction of hazardous waste facilities in accordance with development standards defined in the Land Use Element, State Law, Municipal Code, and the County Hazardous Waste Management Plan.

**Policy 8.12 Response:** *N/A. The Project identifies the location in the City where future growth is expected to occur. The Project does not change the status of this policy.*

**GOAL 9:** Preserve the existence of present natural open spaces, slopes, bluffs, lagoon areas, and maintain the sense of spaciousness and semirural living within the I-5 View Corridor and within other view corridors, scenic highways and vista/view sheds as identified in the Resource Management Element. (Coastal Act/30240/30251)

**Goal 9 Response:** *The Project identifies land use changes in key areas of the City to accommodate future housing opportunities. The Project focuses new development into infill areas to both capitalize on existing infrastructure. It promotes infill development in key areas to preserve all other areas of land in the City, including preserving existing single family neighborhoods and the protection of environmental and agricultural resources. A number of these open space areas include sensitive habitats or are otherwise constrained due to topography, flooding, or other factors.*

*As discussed in the EIR, some of the Viable Housing Sites are located within the I-5 View Corridor or along scenic highways. Future development would be subject to the*

*view preservation policies of the Resource Management Element.*

*The Project includes standards and criteria that provide future developers, City staff, and decision makers with clear guidance on land use and community character compatibility, as well as context sensitivity to ensure that any constraints and opportunities are carefully vetted. New design guidelines address site design and building design to address how new projects relate to the surrounding neighborhood. Concepts for building placement, parking, access and connectivity, topography, neighborhood transitions, and individual building height, mass, and scale are addressed.*

POLICY 9.1: Encourage and preserve low-density residential zoning within I-5 Corridor while preserving the best natural features and avoiding the creation of a totally urbanized landscape and maintain I-5 Interchange areas to conform to the specifications of this overall goal. The City will develop an I-5 view corridor plan to implement this policy. (Coastal Act/30240/30251)

***Policy 9.1 Response:*** *The policy recognizes that some development will occur in a number of areas that are presently undeveloped. The policy includes a measure designed to ensure that any new development is in harmony with the surrounding environment.*

*As discussed in the EIR, some of the Viable Housing Sites are located within the I-5 View Corridor or along scenic highways. However, areas that are conveyed by the ~~Floating Zone Overlay~~ new zone are not visible from those traveling from the freeway. For the few sites that are highly visible, they already feature developed landscapes and freeway oriented commercial centers. Rezoning existing commercial strips to allow for taller buildings on the street rather than behind parking lots is a good start for rebuilding declining commercial strips into vital town centers and to conform to the specifications of this overall goal.*

*The Project includes standards and criteria that provide future developers, City staff, and decision makers with clear guidance on land use and community character compatibility, as well as context sensitivity to ensure that any constraints and opportunities are carefully vetted. New design guidelines address site design and building design to address how new projects relate to the surrounding neighborhood. Concepts for building placement, parking, access and connectivity, topography, neighborhood transitions, and individual building height, mass, and scale are*

addressed.

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

**Policy 9.2 Response:** *N/A. The Project identifies the location in the City where future growth is expected to occur. The Project has no bearing on the City being able to administer protection devices or treatment areas to protect adjacent areas from noise, exhaust, and light. The Project does not change the status of this policy.*

POLICY 9.3: Prohibit and eliminate billboards and obtrusive advertising media along freeway corridors, Highway 101/First Street and other scenic corridors and routes as specified in the Resource Management Element, Figure 3. (Coastal Act/30251)

**Policy 9.3 Response:** *N/A. The Project identifies the location in the City where future growth is expected to occur. The Project has no bearing billboard construction. The Project does not change the status of this policy.*

POLICY 9.4: Encourage all landscaping along major arterials to enhance, harmonize with, and not detract from the natural features of the surrounding area. (Coastal Act/30251)

**Policy 9.4 Response:** *The Project includes standards and criteria that provide future developers, City staff, and decision makers with clear guidance on land use and community character compatibility, as well as context sensitivity to ensure that any constraints and opportunities are carefully vetted. New design guidelines address site design and building design to address how new projects relate to the surrounding neighborhood. Landscaping provisions area addressed.*

POLICY 9.5: Discourage development that would infringe upon scenic views and vistas within the I-5 corridor.

**Policy 9.5 Response:** *The policy recognizes that some development will occur in a number of areas that are presently undeveloped. As discussed in the EIR, some of the Viable Housing Sites are located within the I-5 View Corridor. However, areas that are conveyed by the ~~Floating Zone Overlay~~ new zone program are not visible from those traveling from the freeway. For the few sites that are highly visible, they already feature developed landscapes and freeway oriented commercial centers. Rezoning existing commercial strips to allow for taller buildings on the street rather than behind parking lots is a good start for rebuilding declining commercial strips into vital town centers and to conform to the specifications of this overall goal.*

POLICY 9.6: Where it is necessary to construct retaining or noise-attenuating walls along the I-5 corridor, they should be constructed with natural-appearing materials and generously landscaped with vines, trees and shrubbery. (Coastal Act/30251)

**Policy 9.6 Response:** *N/A. The Project identifies the location in the City where future growth is expected to occur. The Project has no bearing on the construction quality of soundwalls along the freeway. The Project does not change the status of this policy.*

**GOAL 10: The City shall establish code enforcement to insure compliance with the objectives of this Plan, and to maintain the quality of the environment.**

POLICY 10.1: The City Council shall adopt and amend from time to time a code enforcement program and will support that program with sufficient resources to accomplish its intended purposes.

POLICY 10.2: Any application for land-use entitlement that seeks to benefit from a violation of a land use ordinance, statute, or law shall not be allowed to so benefit.

POLICY 10.3: The City shall consider a proactive and community outreach approach to code enforcement to augment traditional reactive measures.

**Goal 10 et. seq. Policies Response:** *N/A. The Project identifies the location in the City where future growth is expected to occur. The Project has no bearing on code*

*enforcement related programs.*

## CIRCULATION ELEMENT:

**GOAL 1:** Encinitas should have a transportation system that is safe, convenient and efficient, and sensitive to and compatible with surrounding community character. (Coastal Act/30252)

**Goal 1 Response:** *The Housing Element update incorporates smart growth and sustainable principals in its development plan. It outlines the City's land use strategy for facilitating a comprehensive, multimodal transportation network that builds upon the existing backbone system by focusing new development into infill areas to capitalize on existing infrastructure. It also facilitate mores walkable neighborhoods with access to public transit and proximity to places where people shop and visit.*

*This Program EIR provides the basis for determining whether later development activity may have any significant effects. The Project includes standards and criteria that provide future developers, City staff, and decision makers with clear guidance on land use and community character compatibility. All the new land use designations (~~floating~~AHE —Zzone) includes detailed development standards, including height, setbacks, landscaping, and bulk.*

*As discussed in the Program EIR, the City's roadway system consists of four roadway classifications that accommodate varying amounts of traffic. The Traffic Impact Analysis is included as an Appendix to the EIR and identifies areas where there is insufficient LOS on City intersections or roadways. Implementation of the mitigation measures listed in the transportation section would ensure the movement and safety of related vehicle trips, as well as the adequate capacity to accommodate traffic demands (unless override statements are provided).*

**POLICY 1.1:** Ensure that the arterial circulation system provides adequate connections across the freeway for convenient circulation and rapid emergency access.

**Policy 1.1 Response:** *N/A. This policy address connections across the freeway and need to have adequate circulation and emergency response. This Project identifies the location in the City where future growth is expected to occur and does propose to add or delete crossings.*

*This Program EIR provides a basis for determining whether later project development activities may have any significant effects. Details of each proposal are subject to City review at time of submittal. As discussed in the transportation section of this EIR, with implementation of mitigation measures, a coordinated traffic signal system and adequate emergency access would be maintained.*

**POLICY 1.2:** Endeavor to maintain Level of Service C as a basic design guideline for the local system of roadways understanding that the guideline may not be attainable in all cases.

**POLICY 1.3:** Prohibit development which results in Level of Service E or F at any intersection unless no alternatives exist and an overriding public need can be demonstrated.

**Policies 1.2 and 1.3 Response:** *The Circulation Element portion of the General Plan establishes policies for traffic improvement because growth and development requires an adequate circulation system (i.e. movement of cars). The policies that relate to roadway performance state that the City should endeavor to achieve a level of service ("LOS") of at least C. Compliance is evaluated according to the Highway Capacity Manual ("HCM") methodology be used in determining the LOS of a road. The EIR revealed that under the HCM method the project would cause the LOS to fall in some areas of the City. In other areas of the City, future development results in a LOS E or F – or slightly worsens an already LOS E or F intersection. Other areas have no impact on LOS.*

*Policy 1.3 indicates that an overriding public need must be demonstrated when development results in LOS E or F; and the Housing Element update does just that. The Project seeks to improve the future urban environment in which residents live, work, and play through a collaboration of smart growth, sustainability, and healthy living principles. The Project promotes the principle that streets have multiple uses and users and encourages nodes of mixed use communities that maximize mobility and provide multiple opportunities for living, working and recreation, within safe and comfortable walking distances.*

*Furthermore, State law requires that we adopt a plan to accommodate the housing needs of everyone in the community (existing and future housing needs). Planning for future housing helps avoid negative consequences of unplanned growth and ensures it would provide community benefits and consider environmental factors, such as climate*

*change and coordinated planning of land use and transportation, pursuant to Senate Bill 375 (Steinberg, 2008).*

POLICY 1.4: Require, where feasible, interconnecting off-street pedestrian and vehicular circulation between adjacent commercial and office land uses. This policy should be required along major transportation corridors to minimize traffic conflicts associated with pedestrian and vehicular movement to and from these properties. (Coastal Act/30252)

***Policy 1.4 Response:*** *This Program EIR provides the basis for determining whether later development activity may have any significant effects. Design guidelines have been created to ensure quality development within the new floating-zone overlays. Design guidelines address such issues as building form, site design, layout of the internal streets and lots, etc. The relationship of new private development or recycling of new shopping centers and the public realm or right-of-way, as well as pedestrian and vehicular connections, have been addressed to minimize traffic conflict points associated with different modes of traffic.*

POLICY 1.5: Promote maximum utilization or expansion of existing freeways and prime arterials as an alternative to new freeway or highway construction. Encourage new and/or proposed freeway construction to be outside the Encinitas sphere of influence boundaries.

***Policy 1.5 Response:*** *N/A. This policy promotes the expansion of existing freeways and arterials rather than creating new construction and is not impacted by the Project. This Project identifies the location in the City where future land use growth is expected to occur.*

POLICY 1.6: Minimize freeway, prime arterial, major, collector, and augmented local access to encourage their use as throughways rather than as access to adjacent properties.



POLICY 1.7: Encourage adjacent properties to use common access points to access prime arterials, major roads, collectors and augmented local streets.

**Policies 1.6 and 1.7 Response:** *This Program EIR provides the basis for determining whether later development activity may have any significant effects. Details of each proposal are subject to City review at time of submittal.*

*New infill development opportunities are located to both capitalize on existing infrastructure as well as to provide enhanced and/or convenient access to local serving uses by residents and visitors. The Project's development concepts combine, in general, a mixture of land uses and activities to encourage a variety of products types that appeal to all segments of the market and allows for more walkable residential, commercial, and mixed use districts.*

*The development standards and design guidelines work together to ensure that there is a variety of product arrangements within Viable Housing Sites. The provisions address such issues as building form, common access points, etc. to promote connectivity to and between adjacent projects. Adjacent properties would be asked to use common access points and otherwise reduce the amount of conflict points on the City's major roads.*

*Today, in many areas of the city, if you are running errands at multiple stores, you have to move your car at least once. Through this Project, new developments would be asked to consider pedestrian access points throughout the development so that people are encouraged to walk rather than driving a short distances.*

POLICY 1.8: Locate major roads and prime arterials where they will bypass rather than divide residential neighborhoods.

**Policy 1.8 Response:** *N/A. This Project identifies the location in the City where future growth is expected to occur. Policy 1.8 discusses how to locate new major roads. The City's transportation network is built out and no new major roads are proposed as part of the Project.*

POLICY 1.9: Minimize private driveway access onto both major and collector roads.

POLICY 1.10: Encourage the design of roads and traffic controls to optimize safe traffic flow by minimizing turning, curb parking, uncontrolled access, and frequent stops.

***Policies 1.9 and 1.10 Response:*** As discussed in the transportation section of the EIR, the Project's development standards and design guidelines work together to address such issues as building form, common access points, etc. to minimize driveway access points and uncontrolled access. Other components include: limited block size; interconnected roadway networks; neighborhood centers; sustainable population density; mixed-use and varied socio-economic mix; parks and public spaces; pedestrian-friendly design; workplaces and schools; and complete streets.

POLICY 1.11: Construct roads following the natural contours to minimize cuts and fills; avoid grid street patterns when feasible.

***Policy 1.11 Response:*** This policy discusses how to locate new major roads. The City's transportation network is relatively built out and no new major roads are proposed as part of the Project. Private road development may occur through Project implementation and would be subject to this policy directive.

POLICY 1.12: The City will require increased off-street parking for expansions and additions to existing and future commercial and residential uses in the near coast area, would minimize curb cuts for new development in the vicinity of beach access points in order that the maximum amount of curb parking will be available to beach users, and will encourage remote parking/shuttle service and park-and-ride facilities in the Coastal Zone. The City would require that all commercial, industrial and residential uses be designed and constructed with sufficient off-street parking and loading facilities to assure adequate parking is provided with new development such that no adverse impacts on coastal access are documented. Parking ratios shall be utilized as specified and detailed in the City's Zoning Code and in implementing Specific Plans which provide sufficient parking spaces so as not to require patrons/employees/ residents to utilize parking which is necessary/required for other approved uses or street and other

public parking that should otherwise be available for public use.  
(Coastal Act/30252) *Policy 1.12 amended 5/11/95 (Reso. 95-32)*

***Policy 1.12 Response:*** *The Project identifies land use changes in key areas of the City to accommodate future housing opportunities. The Project includes detailed zoning standards and design guidelines that addresses parking requirements. The Plan promotes the provisions of sufficient off-street parking while promoting more efficient parking management strategies, such as shared parking and non-automotive travel. Other actions incentivize the development and implementation of employment and home-based TDM programs, reducing the number of vehicular trips generated by residents and non-residents and reducing the demand of automotive storage or parking.*

POLICY 1.13: Emergency response routes shall be identified as a basis for implementing an Opticon or other traffic signal control system designed to reduce emergency vehicle response time.

POLICY 1.14: A coordinated traffic signal system shall be developed and implemented.

***Policies 1.13 and 1.14 Response:*** *N/A. This policy addresses the routing of emergency responses and traffic signal coordination. The Project identifies the location in the City where future growth is expected to occur. This Program EIR provides a basis for determining whether later project development activities may have any significant effects. As discussed in the transportation section of this EIR, with implementation of mitigation measures, a coordinated traffic signal system and adequate emergency access would be maintained.*

POLICY 1.15: The City will actively support an integrated transportation program that encourages and provides for mass-transit, bicycle transportation, pedestrians, equestrians, and car-pooling. (Coastal Act/30252)

***Policy 1.15 Response:*** *The Project focuses new development into infill areas to both capitalize on existing infrastructure and to facilitate more livable neighborhoods so that*

*more people are more integrated into the community. This Program EIR has analyzed the ability of the Project to develop and maintain an adequate future capacity to accommodate future demands. It promotes the principle that streets have multiple users. More mode-choices for travel are provided.*

*The Project includes detailed zoning standards and design guidelines that work together to facilitate the creation of new neighborhood centers; sustainable population density; mixed-use and varied socio-economic mix; parks and public spaces; pedestrian-friendly design; etc. It outlines a process by which certain optional standards that promote compact walkable communities would be adopted to ensure that the Viable Housing Sites would reach a density level that would support transit services as part of a multi-modal transportation system.*

POLICY 1.16: In areas where street patterns and extensions are not complete and significant lands remain for development which do not have direct street access, neighborhood street/access plans shall be required prior to any further land division or development. The preferred system will be a trunk and branch system.

***Policy 1.16 Response:*** *N/A. The City's transportation network is relatively built out and no new major roads are proposed as part of the Project. The ~~floating~~-new zone has been conveyed over areas that have direct street access.*

*This Program EIR considers broad policy alternatives and program wide mitigation measures. Private road development may occur through Project implementation and subsequent development activities would be subject to this policy directive.*

POLICY 1.17: Standards shall be established and implemented to provide for adequate levels of street lighting, based on criteria of safety and related to volumes of vehicular, pedestrian and bicycle activity and potential points of conflict. Such standards shall be designed to respect different community and neighborhood needs for lighting, different community standards for design and special attention given to preservation of dark sky.

**Policy 1.17 Response:** *The directive is intended to address community-level standards for streetlights to make sure that the nighttime environment of dark skies is protected. Through its implementation, certain areas of the city have street lighting limitations.*

*The Project includes detailed zoning standards and design guidelines that work together to facilitate the creation of new neighborhood centers; sustainable population density; mixed-use and varied socio-economic mix; parks and public spaces; pedestrian-friendly design; etc. One of the objectives of the new standards and design guidelines is to ensure that new development is compatible with community specific settings and promoting basic best practices in urban design. Through implementation, design guidelines would also determine the appropriate relationship between future development and the design context and compatibility in the surrounding neighborhood.*

POLICY 1.18: Standards shall be established and implemented to provide for a comprehensive system of traffic control devices and signing, based on sound traffic engineering principals, to assure traffic safety and preservation of community character.

**Policy 1.18 Response:** *N/A. This policy addresses the need to create standards for traffic control devices. The Project does not propose to change the status of this policy.*

POLICY 1.19: The City will provide for adequate levels of maintenance of all improved components of the circulation system, such as roadways, sidewalks, bicycle facilities, roadway drainage systems, pedestrian, recreational trails, bicycle trails and facilities.

**Policy 1.19 Response:** *The Project focuses new development into infill areas to both capitalize on existing infrastructure and to facilitate more livable neighborhoods within the existing circulation system. New developments would help fund and pay for the construction or needed maintenance of offsite capital improvements.*

POLICY 1.20: No street shall be closed without prior analysis including environmental review which addresses increases in traffic on other streets which will be created by the closure. Generally, it is undesirable that any closure increase traffic levels beyond the limits specified in this Plan for any street included in the General Plan computerized traffic model.

Different types of roadways have distinctly different functions and these differences need to be recognized in planning for new roadways and improvements to existing ones. The following policies provide the framework for roadway standards described in the Circulation Plan included in this Element.

**Policy 1.20 Response:** *N/A. The Project does not propose to close any public roadway and does not change the status of this policy.*

**GOAL 2:** The City will make every effort to develop a varied transportation system that is capable of serving both the existing population and future residents while preserving community values and character. (Coastal Act/30252/30253)

**Goal 2 Response:** *Implementation of the mitigation measures listed in the transportation section of the EIR ensures that the Project develops and maintain street improvements, including landscaping, to ensure adequate future capacity to accommodate traffic demands.*

*The Project identifies the location in the City where future growth is expected to occur, which helps facilitate a more comprehensive, multimodal transportation network that builds on the existing backbone system. The Project focuses new development into infill areas to both capitalize on existing infrastructure and to facilitate more livable neighborhoods so that more people are more integrated into the community and more mode-choices for travel are provided. New development within these locations facilitate more walkable neighborhoods with access to public transit and proximity to the people and places are key to more sustainable lifestyles. This enhanced land use strategy helps connect to the circulation network and would help accommodate and provide better access and safety for residents and workers.*

POLICY 2.1: Adopt and implement standards for rural, semi-rural, and urban roadways within the City consistent with community character.

***Policy 2.1 Response:*** Policy 2.1 addresses the need to adopt standards for different roadway segments. This Program EIR considers broad policy alternatives and program wide mitigation measures. Private road development may occur through Project implementation and subsequent development activities would be subject, generally, to this policy directive that ensures new development is compatible to existing community character and the design context.

POLICY 2.2: Require new residential development to have roadways constructed to City standards before the roads can be dedicated to the City.

***Policy 2.2 Response:*** The Project identifies the location in the City where future growth is expected to occur. New residential development would still be required to ensure that proper off-site facilities are constructed in conjunction with the development and to provide for public dedication of such rights-of-way as streets or easements as are reasonably required by or related to the proposed use.

POLICY 2.3: Design the circulation system serving new development in such a way to minimize through traffic in all residential neighborhoods.

POLICY 2.4: When considering circulation patterns and standards, primary consideration would be given to the preservation of character and safety of existing residential neighborhoods. Where conflicts arise between convenience of motorists and neighborhood safety/community character preservation, the latter would have first priority.

POLICY 2.5: Route major thoroughfares and plan future road construction so that development pressure on undeveloped areas is minimized.

POLICY 2.6: Periodically evaluate traffic circulation patterns of all roads in Encinitas.

**Policies 2.3 to 2.6 Response:** *N/A. The Project identifies the location in the City where future growth is expected to occur. These policies relate to the design of the circulation system and directs staff to periodically evaluate traffic circulation patterns. The City's transportation network is built out and no new major roads are proposed as part of the Project.*

*Relative to Policy 2.6 and the need to evaluate the traffic circulation patterns of all roads in the city, a mitigation measure is provided in the transportation section to ensure this activity is performed.*

POLICY 2.7: The City will emphasize road construction projects which serve the Coast by including coastal access as criterion for prioritizing those routes identified in the multi-year capital improvement program. (Coastal Act/30252)

POLICY 2.8: Where necessary, require acquisition of right-of-way as a condition of approval of all final subdivision maps. Encourage landscaping of rights-of-way if not being used for public roads, hiking/riding trails or beach access trails.

POLICY 2.9: Develop new alternate road and intersection standards to promote retention of existing neighborhood atmosphere.

**Policies 2.7 to 2.9 Response:** *N/A. The Project identifies the location in the City where future growth is expected to occur. The Project has no bearing on the development of citywide standards or process to establish CIP-route prioritization and/or right-of-way acquisition. The City's transportation network is built out and no new major roads are proposed as part of the Project. However, it is worth noting that new development would help fund and pay for the construction or needed maintenance of offsite capital improvements.*

POLICY 2.10: Establish landscaping buffer and building setback requirements along all roads which are local augmented status or larger, except where inappropriate. (Coastal Act 30252)



POLICY 2.11: Encourage landscaping of freeway medians and freeway unpaved rights-of-way adjacent to the freeway using reclaimed water where available.

POLICY 2.12: Encourage unique characteristic community design standards for traffic signals and intersection signing and other street improvements, structures and furniture.

POLICY 2.13: Encourage landscaped medians and parkways on all roadways where practical.

POLICY 2.14: Develop rural, semi-rural, and urban standards and criteria for private streets including a mechanism for on-going maintenance.

***Policies 2.10 to 2.14 Response:*** This Program EIR provides a basis for determining whether later project development activities may have any significant effects. Future development activities would be subject to these policy directives.

POLICY 2.15: Establish neighborhood specific standards for streetlights including lighting levels, spacing and uniformity in appearance while recognizing that street lighting is not appropriate in dark sky areas.

***Policy 2.15 Response:*** N/A. The directive is intended to address community-level standards for streetlights to make sure that the nighttime environment of dark skies is protected. The Project does not change the status of this policy.

*It is important to note that new design guidelines have been prepared to ensure that new development fits into existing communities. New community character descriptions and new guidelines address outdoor lighting levels on private development, which would further protect dark skies and would be used to help address appropriate lighting levels and warranting conditions (i.e. whether lights may be installed in certain areas and/or operated during particular hours of the day).*

POLICY 2.16: Develop a program to improve alleyways with paving and drainage improvements.

POLICY 2.17: New City road standards shall be established to reflect the character and image of each community.

**Policies 2.16 and 2.17 Response:** *The Project identifies the location in the City where future growth is expected to occur. Since the development of citywide programs and standards have already been performed, future development activities would be subject to these policy directives. No new road or alleyway standards are needed to mitigate this Project.*

POLICY 2.18: Where possible, functioning of the street system should be improved by the installation of intersection improvements.

**Policy 2.18 Response:** *The overall function of the street system is based on how safe, direct, and convenient access is by a variety of means of transportation. As discussed in the Program EIR, the City's roadway system consists of four roadway classifications that accommodate varying amounts of traffic. The Traffic Impact Analysis is included as an Appendix to the EIR and identifies areas where there is insufficient LOS on City intersections or roadways. Implementation of the mitigation measures listed in the transportation section would ensure the movement and safety of related vehicle trips, as well as the adequate capacity to accommodate traffic demands.*

POLICY 2.19: Minimize road widths in rural and semi-rural areas. (Rural defined as ½ acre and above; and semi-rural defined as having a feeling of country even if lot sizes are less than ½ acre)

**Policy 2.19 Response:** *The Traffic Impact Analysis is included as an Appendix to the EIR and identifies areas where there is insufficient LOS on City intersections or roadways. Implementation of the mitigation measures listed in the transportation section would ensure the movement and safety of related vehicle trips, as well as the adequate capacity to accommodate traffic demands.*

*Some of these locations are in semi-rural areas. Policy 1.3 of the Circulation Element indicates that an overriding public need must be demonstrated when development results in LOS E or F; and policy 2.19 identifies a potential overriding consideration.*

POLICY 2.20: When major roads must pass through neighborhoods, large right-of-way widths should be acquired to allow for landscaping, trails, etc. to offset and minimize disruption to the community.

POLICY 2.21: Work with Caltrans to study the need for additional right-of-way along I-5 to allow for future expansion and widening.

***Policies 2.20 and 2.21 Response:*** *N/A. The Project identifies the location in the City where future growth is expected to occur. These policies address the initial design and construction of major roads and future freeway expansion.*

POLICY 2.22: To avoid impacts of the expansion and improvement of Manchester Avenue on the San Elijo Lagoon and its environmental resources, right-of-way dedication and widening shall occur to the north, away from the lagoon, rather than toward the lagoon; and the use of fill shall be prohibited. The design of the Manchester/I-5 interchange shall also avoid the use of fill and locate structures as far north as possible to avoid impacts on the lagoon. When design and improvement of Manchester Avenue and the interchange are undertaken, the County Department of Parks and Recreation, the State Department of Fish and Game, the Coastal Commission and others would be notified and given the opportunity to participate in the design and environmental review process.

***Policy 2.22 Response:*** *N/A. The Traffic Impact Analysis is included as an Appendix to the EIR and identifies areas where there is insufficient LOS on City intersections or roadways. No improvements to Manchester Avenue are required as a direct result of this Project. If any improvements are needed, they can be accommodated to the north of the existing roadway.*

POLICY 2.23: No roadway link established by this Plan shall be re-classified to a greater capacity category and no new link shall be added without the affirmative vote of a majority of those voting in an election to approve such change.

**Policy 2.23 Response:** *N/A. The Project identifies the location in the City where future growth is expected to occur. Policy 2.23 discusses the process associated with intensifying or adding links in the circulation network. The City's transportation network is relatively built out and no new major roads are proposed as part of the Project.*

GOAL 3: The City of Encinitas will promote the use of other modes of transport to reduce the dependence on the personal automobile. (Coastal Act/30252)

**Goal 3 Response:** *The Project focuses new development into infill areas to both capitalize on existing infrastructure and to facilitate more mode-choices for travel. New development within these locations facilitate more walkable neighborhoods with access to public transit and less reliance on the automotive travel.*

*New zoning standards and design guidelines would help support and promote attractive circulation corridors and improve bike and pedestrian facilities that link development to the circulation network.*

POLICY 3.1: The needs of the handicapped will be considered in new development plans including handicapped parking, loading, etc.

**Policy 3.1 Response:** *The mobility needs of all persons and all abilities is covered in the Project's zoning standards and design guidelines. Future development project activities would be subject to this policy directive.*

POLICY 3.2: Continue to assist in expanding public transportation and emphasize public transportation in future development with preference given to cost-effective alternatives. (Coastal Act/30252)

POLICY 3.3: Create a safe and convenient circulation system for pedestrians. (Coastal Act/30252)

POLICY 3.4: Cooperate with San Diego County, SANDAG, and other jurisdictions to help plan and implement a regional multi-modal transportation system that is accessible to residents in the City. (Coastal Act/30252)

POLICY 3.5: Encourage development of mass transit and transit access points along the existing I-5 freeway corridor or along the railroad right-of-way. (Coastal Act/30252)

POLICY 3.6: The City should provide and encourage efficient links between possible rail transit service and other transportation modes, including rerouting of bus service to interface with transit stops.

***Policies 3.2 to 3.6 Response:*** *The Project identifies the location in the City where future growth is expected to occur. The Housing Element update incorporates smart growth and sustainable principals in its development plan. It outlines the City's land use strategy for facilitating a comprehensive, multimodal transportation network and puts more people in areas that are more accessible by a range of transportation options, including public transit. This can emphasize in particular commuting choices and convenient access to the rest of the city and the region.*

*The Project advances more transit supportive density than what exists today. This is important because not only does land use density help support transit, but the unit-type that could be built in these areas would accommodate households with higher transit propensity use. If built, this could generally add ridership demand and increase the financial viability of the transit service, which could help maintain existing transit operations and/or potentially expand service options.*

POLICY 3.7: The City will carefully review plans for transit service, while encouraging such service, so as to identify and minimize any adverse visual, noise, land use, or other development and operation impacts on the City's communities.

***Policy 3.7 Response: N/A. The Project identifies the location in the City where future growth is expected to occur. This policy directive addresses the development and operation of transit service plans.***

POLICY 3.8: A program shall be developed to install sidewalks or paths, where appropriate, around schools, churches, active parks, commercial and other areas of pedestrian activity where public safety or welfare is at issue (Coastal Act/30252)

POLICY 3.9: A program to install handicapped access ramps at all corners with sidewalks shall be developed.

POLICY 3.10: Standards shall be established for the location and design of newsracks, signs, walls and other improvements which encroach into the public right-of-way. (Coastal Act/30251)

***Policies 3.8 to 3.10 Response: These policies address the need to develop programs to install sidewalks or paths and other amenities within the public right-of-way. These standards and programs have already been developed and are implemented on a project-by-project basis.***

POLICY 3.11: The City will strive to implement a safe, direct, and convenient circulation system for commuting and recreational bicycle traffic. The City will support the development of additional bicycle facilities in the Coastal Zone, including the following:

- all Circulation Element roads would include provisions for bicycle lanes unless precluded by design and safety considerations in which cases, alternative routes shall be provided to form a continuous network.
- the provision of secure bicycle storage facilities at all beaches designated for high and moderate levels of use; and
- the installation of bicycle and surfboard racks on all buses serving the Coastal Zone. (Coastal Act/30252)

**Policies 3.11 Response:** *This Project promotes the principle that streets have multiple users. Through Project implementation, more people would be more integrated into the community and more mode-choices for travel would be provided. New development within these locations facilitate more walkable neighborhoods which would be more bike friendly. Zoning standards and design guidelines specifically address bike use provisions and encourage their use. This enhanced land use strategy helps connect to the circulation network and would help support the development of additional bike facilities within the existing circulation system.*

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

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

**POLICY 4.2:** Promote and encourage roadside and median landscaping. (Coastal Act/30251)

**POLICY 4.3:** Separate pedestrian, bicycle, and vehicular traffic by encouraging adequate space for walking and biking by striping roadways, excepting freeways. Coastal Act/30252)

**Goal 4 and Policies 4.1 to 4.3 Response:** *N/A. The Project identifies the location in the City where future growth is expected to occur. These policies are associated with the design of new roads. The City's transportation network is relatively built out and no new major roads are proposed as part of the Project. Resource Management goals and policies address new development along scenic corridors.*

**POLICY 4.4:** The City has adopted a Citywide Recreation Trails Master Plan to establish a separate system of hiking trails, bicycle paths and equestrian trails from which motorized vehicles shall be banned. The general location and type of each trail is shown on the Recreational Trails Master Plan Map (Recreation Element, Figure 3). Any proposed modifications or additions to the Recreational Trails Master Plan or Recreational Trails Master Plan

Map that may directly affect coastal zone resources shall require an LCP amendment.

**Policy 4.4 Response:** *This Program EIR provides the basis for determining whether later development activity may have any significant effects. The Project includes standards and criteria that provide future developers, City staff, and decision makers with clear guidance on land use and community character compatibility. If the floatingnew zone is conveyed over an area that is designated for future trail alignment, then future development activities would address Trail Master Plan implementation.*

POLICY 4.5: Design and construct attractive bike paths and pedestrian ways along existing freeway overpasses and underpasses. Discourage separate pedestrian overpasses. (Coastal Act/30252)

**Policy 4.5 Response:** *N/A. The Project identifies the location in the City where future growth is expected to occur and does not relate to freeway overpass or underpass design.*

POLICY 4.6: Enforce existing laws prohibiting off road motorized vehicles from traveling on public roads. Prohibit off road motorized vehicles from operating within city limits.

POLICY 4.7: Encourage consistent signing throughout the city using international sign standards when appropriate. (Coastal Act/30251)

**Policies 4.6 and 4.7 Response:** *N/A. The Project identifies the location in the City where future growth is expected to occur. These policies are associated with the enforcement of off road operation and sign standards.*

POLICY 4.8: Develop and enforce a system of truck routes which discourages truck traffic on residential streets and roads.



**Policy 4.8 Response:** *N/A. Routes for trucks are identified in some areas of the city to minimize impacts in the residential areas. Some Viable Housing Sites are located on streets that are designated for truck traffic; however, the Project does change the truck route system, or limit their use, which in turn would effectively minimize impacts to existing residential areas.*

POLICY 4.9: Prohibit whenever legally possible, or strictly regulate billboards on city streets, roads, freeways, railroad rights-of-way, and lagoons. (Coastal Act/30251/30253)

**Policy 4.9 Response:** *N/A. The Project identifies the location in the City where future growth is expected to occur. Policy 4.9 addresses billboard regulation.*

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

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

**Policy 4.10 and 4.11 Response:** *The directive is intended to address community-level standards for streetlights to make sure that the nighttime environment of dark skies is protected and to keep street lighting, curbs, and gutter requirements consistent with individual neighborhood character. This Program EIR generally addresses areas that have been identified in the City to accommodate future housing opportunities. Future development project activities would be subject to these policy directives and ensure that street lighting, curbs, and gutter requirements are compatible with the surrounding area.*

*Implementation of the mitigation measure listed in the transportation section would require outdoor lighting on private development to be controlled and/or sensitive to the overall nighttime ambiance in specific areas of the city. It also determines the appropriate lighting levels and warranting conditions (whether lights may be installed in certain areas and/or operated during particular hours of the day).*

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

POLICY 4.13: Encourage utilization of reflective devices and road striping where useful for safety.

***Policies 4.12 and 4.13 Response:*** *These policies relate to the need to underground utilities and use reflective devices in road construction. Future development project activities would be subject to these policy directives.*

POLICY 4.14: Where feasible, minimize the dependence on private motor vehicles. (Coastal Act/30252)

***Policy 4.14 Response:*** *The Project seeks to achieve alternative development patterns, infrastructure, and transportation measures or policies to minimize the dependence on private motor vehicles.*

**GOAL 5:** Leucadia Boulevard between I-5 and Olivenhain Amended Road is planned as a Major Arterial-Augmented. Prior to any improvements of any portion of this link above the capacity (at LOS "D") of a two-lane local roadway, all of the following policies shall be satisfied:

POLICY 5.1: The specific plan required by the Land Use Element for the unincorporated sphere area through which the Leucadia Boulevard alignment passes shall be adopted by the City.

POLICY 5.2: The annexation of the sphere area to the City of Encinitas shall have been accomplished.

Policy 5.3: Full design and improvement plans for the length of Leucadia Boulevard between I-5 and Olivenhain Road shall be a scenic roadway, completed and adopted by the City, subject to the following:

a. Design will include full landscape/street-scape design, bicycle and pedestrian facilities, recreational trails where appropriate, and intersection improvements including left and right turning movements. Where facilities cannot be accommodated within the right-of-way, additional easements/right-of-way may be required.

b. The design of the Leucadia Boulevard extension will include landscaped medians and/or parkways which would be integrated with pedestrian facilities.

c. Buffers such as earth berms, vegetation, broad parkways and other landscape features will be provided to protect adjacent land uses from undesirable effects of traffic, noise, pollution and light along Leucadia Boulevard.

d. The extension of Leucadia Boulevard across the bluff facing Green Valley shall be aligned and developed so as to minimize grading impacts to the bluff along Green Valley.

e. Wildlife corridors across the alignment of Leucadia Boulevard at the Green Valley bluff and elsewhere as warranted shall be provided to facilitate wildlife passage and provide continuous areas of habitat.

f. The connection of Leucadia Boulevard to Olivenhain Road shall bridge over Encinitas Creek rather than use pipes or culverts to minimize impacts to the drainage area.

g. With street design, detailed noise impact analysis shall be provided to identify where noise walls or other attenuation measures may be required. Such analysis shall assume ultimate "build-out" traffic volumes. The installation of noise walls/other measures shall be provided prior to or in conjunction with street improvement recognizing that driveways, street openings, and other existing site conditions make noise mitigation impossible.

h. Where it is necessary or desirable to construct retaining or noise-attenuation walls along the Leucadia Boulevard corridor,

they shall be constructed with natural-appearing materials and generously landscaped with vines, trees, and shrubbery, reflecting local community character.

i. The design and improvement of Leucadia Boulevard may be considered as a two stage project: Stage I being a two lane highway and Stage II providing additional lanes and improvements as needed to accommodate ultimate projected traffic.

j. A maximum of four through-travel lanes shall be designed and improved. The additional right-of-way for physical or visual mitigation shall not be used for through-lanes, however, additional right-of-way can be obtained for left and right turning improvements.

k. A high priority shall be given to implement these standards in areas where 126 feet of right-of-way presently exists.

l. No truck routes shall be permitted along Leucadia Boulevard from I-5 to Sidonia Street.

m. The City will consider purchasing any land within the right-of-way when it is offered for sale along Leucadia Boulevard from I-5 to Sidonia Street.

***Goal 5 et. seq. Policies Response: N/A. The Project identifies the location in the City where future growth is expected to occur. These policies relate to the design and construction of Leucadia Boulevard.***

**GOAL 6: The City will make every effort to provide public access and circulation to the shoreline, through private dedications, easements or other methods, and public transportation or other facilities. (Coastal Act/30211/30212/30212.5/30221)**

**POLICY 6.1: The City will continue to defend the public's constitutionally guaranteed right of safe physical access to the shoreline. (Coastal Act/30211/ 30212/30214)**

POLICY 6.2: The City will cooperate with the State to insure that lateral beach access is protected and enhanced to the maximum degree feasible, and will continue to formalize shoreline prescriptive rights. Irrevocable offers of dedication for lateral accessways between the mean high tide line and the base of the Coastal bluffs shall be required in new development consistent with Section 30212 of the California of the California Coastal Act of 1976. (Coastal Act/30212/30214)

POLICY 6.3: The City will encourage continued public vertical access by:

- Investigating and identifying all acquired access, improved and unimproved;
- Maintaining all City-owned improved access and view points and seeking to improve the unimproved access and view points within the City boundaries;
- Cooperating with the State in planning for the Cardiff and San Elijo State Beach areas and the South Carlsbad State Beach area to increase the external accessibility and usability of these beaches, as well as enhancing their visitor-serving potential; and
- Supporting continued use of the existing public sea level beach and bluff-backed beach accessways and the establishment of additional accessways, as determined appropriate to maintain adequate public access to public beaches. (Coastal Act/30211/30212/30212.5/30214/30220/30223)

***Goal 6 and Policies 6.1 to 6.3 Response: N/A. The Project identifies the location in the City where future growth is expected to occur. None of these locations are in areas where vertical or lateral access to the shoreline could be compromised or lost.***

POLICY 6.4: The City will support increased public transportation service to shoreline recreational areas designated for increased visitation, including the following:

- Supporting existing and increased levels of service where needed by the North County Transit District;
- Supporting low-cost transfers between all transit operators in the Coastal Zone; and
- Encouraging the provision of safe transit stops and crosswalks at all major beaches. (Coastal Act/30252)
- When bus transportation to beaches is deemed feasible, inset bus bays at major beach transit stops shall be considered to provide safer passenger embarkation/debarkation.

POLICY 6.5: The City will seek additional funding for transit service in the Coastal Zone, including a consideration of light rail transit and other forms of public transportation. (Coastal Act/30252)

**Policies 6.4 and 6.5 Response:** *The Project identifies the location in the City where future growth is expected to occur. It outlines the City's land use strategy for facilitating a comprehensive, multimodal transportation network and puts more people in areas that are more accessible by a range of transportation options, including public transit. Therefore, the Project advances more transit supportive density than what exists today, which helps support increased transit service operations.*

POLICY 6.6: The City will consider improved pedestrian crossings of Pacific Coast Highway. (Coastal Act/30252)

**Policy 6.6 Response:** *N/A. The Project identifies the location in the City where future growth is expected to occur. Some of the proposed locations of the Viable Housing Sites are on Coast Highway. The provision of additional housing opportunities and/or new land use growth in these areas places a greater need to evaluate crossings and access. The Project does not limit the ability to study these areas for improved crossings. If anything, the Project would help advance this policy directive in that new developments would help fund and pay for the construction or needed maintenance of offsite capital improvements.*

POLICY 6.7: Discourage and phase out private access to the beach over the bluffs. New private accessways shall be prohibited.

**Policy 6.7 Response:** *N/A. The Project identifies the location in the City where future growth is expected to occur. None of these locations are in areas where vertical or lateral access could be compromised or lost.*

GOAL 7: Every effort will be made to have new development, both in the City and in the region, provide for all costs of the incremental expansion of the circulation system necessary to accommodate that development. Costs include, but are not limited to, costs of right-of-way and construction, including costs of moving utilities and structures, and costs for landscaping and intersection improvement.

Policy 7.1: The City shall seek to recover circulation system expansion costs from all available sources, without limitations, including development fees for projects both inside and outside the City limits.

**Goal 7 and Policy 7.1 Response:** *The Project focuses new development into infill areas to both capitalize on existing infrastructure and to facilitate more livable neighborhoods within the existing circulation system. New developments would help fund and pay for the construction or needed maintenance of offsite capital improvements. This would help recover circulation system costs and incremental expansion.*

## **PUBLIC SAFETY ELEMENT**

**GOAL 1:** Public health and safety will be considered in future Land Use Planning (Coastal Act/30253)

**Goal 1 Response:** *There is an important relationship between land use planning and the reduction of potential hazards. Certain considerations need to be given when development is proposed in areas subject to environmental constraints that could result in loss of life, personal injury, or property damage.*

*This Project identifies the location in the City where future growth is expected to occur. This Program EIR provides the basis for determining whether later development activity may have any significant effects. As discussed in the different sections of the EIR, implementation of mitigation measures ensures that safety impacts would be avoided to the extent feasible.*

**POLICY 1.1:** Development and grading or filling in drainage courses, floodways and floodplains shall be prohibited except as provided by Land Use Element Policy 8.2. An exception may be made upon the finding that strict application of this policy would preclude any reasonable use of property (one dwelling unit per legal parcel.) Exceptions may also be made for development of circulation element roads; necessary water supply projects; flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development; developments where the primary function is the improvement of fish and wildlife habitat; and other vital public facilities, but only to the extent that no other feasible alternatives exist, and minimum disruption to the natural floodplain, floodway or drainage course is made. When flood/drainage improvements are warranted, require developers to mitigate flood hazards in those areas identified as being subject to periodic flooding prior to actual development.

**Policy 1.1 Response:** *N/A. This Project identifies the location in the City where future growth is expected to occur. Although portions of the City are within a FEMA 100-year flood zone, none of the housing sites are located in a FEMA 100-year flood zone.*



POLICY 1.2: Restrict development in those areas where slope exceeds 25% as specified in the Hillside/Inland Bluff overlay zone regulations of the zoning code. Encroachment into slopes as detailed in the Hillside/Inland Bluff overlay may range from 0 percent to a maximum of 20 percent, based on a sliding scale of encroachment allowances reflective of the amount of the property within steep slopes, upon the discretionary judgement that there is no feasible alternative siting or design which eliminates or substantially reduces the need for such encroachment, and it is found that the bulk and scale of the proposed structure has been minimized to the greatest extent feasible and such encroachment is necessary for minimum site development and that the maximum contiguous area of sensitive slopes shall be preserved. Within the Coastal Zone and for the purposes of this section, "encroachment" shall constitute any activity which involves grading, construction, placement of structures or materials, paving, removal of native vegetation including clear-cutting for brush management purposes, or other operations which would render the area incapable of supporting native vegetation or being used as wildlife habitat. Modification from this policy may be made upon the finding that strict application of this policy would preclude any reasonable use of property (one dwelling unit per legal parcel). Exceptions may also be made for development of circulation element roads, local public streets or private roads and driveways which are necessary for access to the more developable portions of a site on slopes of less than 25% grade, and other vital public facilities, but only to the extent that no other feasible alternatives exist, and minimum disruption to the natural slope is made. *Policy 1.2 amended 5/11/95 (Reso. 95-32)*

***Policy 1.1 Response:*** *This policy addresses the Coastal Bluff Hillside/Inland Overlay Ordinance. The Hillside/Inland Bluff Overlay Ordinance regulations apply to all areas within the Special Study Overlay Zone where site-specific analysis indicates that 10 percent or more of the area of a parcel of land exceeds 25 percent slope.*

*Future development projects and potential slope encroachment activities would be subject to this provision. The Project includes standards and criteria that provide future developers, City staff, and decision makers with clear guidance on land use and*

*community character compatibility. Physical design controls are key in providing protection against a number of potential hazards. From a public safety standpoint, areas of loose soil or fill within the Viable Housing Sites may be subject to seismically induced settlement or liquefaction and seismically induced landslides are possible in areas of steep topography. Compliance with City ordinances and established engineering standards would reduce risks of seismic hazards in conjunction with future development.*

POLICY 1.3: The City will rely on the Coastal Bluff and Hillside/Inland Bluff Overlay Zones to prevent future development or redevelopment that will represent a hazard to its owners or occupants, and which may require structural measures to prevent destructive erosion or collapse. (Coastal Act/30240/30251/30253)

***Policy 1.3 Response:*** *This policy addresses the Coastal Bluff and Hillside/Inland Overlay Ordinance - and it is acknowledged that physical design controls are key in providing protection against a number of potential hazards. Through this Project, new developments would be subject to this policy. Compliance with City ordinances and established engineering standards would reduce risks of seismic hazards in conjunction with future development.*

POLICY 1.4: Develop a master plan for drainage and flood control. (Coastal Act/30236)

POLICY 1.5: Where significant irrigated slopes are included in industrial, commercial, and higher density residential development, their required maintenance shall be funded by a landscape maintenance assessment district. (Coastal Act/30251/30240)

***Policy 1.4 and 1.5 Response:*** *N/A. These policies relate to the development of a master plan and a landscape maintenance assessment district. This Project does not change the status of these policies.*

POLICY 1.6: The City shall provide for the reduction of unnatural causes of bluff erosion, as detailed in the Zoning Code, by:

- a. Only permitting public access stairways and no private stairways, and otherwise discouraging climbing upon and defacement of the bluff face;
- b. Improving local drainage systems to divert surface water away from the bluff;
- c. Studying the underground water system and looking for potential solution to bluff instability/erosion caused by such water;
- d. Reducing the infusion of ground water from domestic sources through, among other actions, requiring the removal of existing irrigation systems within forty feet of the bluff edge and prohibiting the installation of such systems in new development;
- e. Permitting pursuant to the Coastal Bluff Overlay Zone, bluff repair and erosion control measures on the face and at the top of the bluff that are necessary to repair human-caused damage to the bluff, and to retard erosion which may be caused or accelerated by land-based forces such as surface drainage or ground water seepage, providing that no alteration of the natural character of the bluff shall result from such measures, where such measures are designed to minimize encroachment onto beach areas through an alignment at and parallel to the toe of the coastal bluff, where such measures receive coloring and other exterior treatments and provided that such measures shall be permitted only when required to serve coastal-dependent uses or to protect existing principal structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply; and
- f. Requiring new structures and improvements to existing structures to be set back 25 feet from the inland blufftop edge, and 40 feet from coastal blufftop edge with exceptions to allow a minimum coastal blufftop setback of no less than 25 feet. For all development proposed on coastal blufftops, a site-specific geotechnical report shall be required. The

report shall indicate that the coastal blufftop setback will not result in risk of foundation damage resulting from bluff erosion or retreat to the principal structure within its economic life and with other engineering evidence to justify the coastal blufftop setback.

On coastal bluffs, exceptions to allow a minimum setback of no less than 25 feet shall be limited to additions or expansions to existing principal structures which are already located seaward of the 40 foot coastal blufftop setback, provided the proposed addition or expansion is located no further seaward than the existing principal structure, is set back a minimum of 25 feet from the coastal blufftop edge, and the applicant agrees to remove the proposed addition or expansion, either in part or entirely, should it become threatened in the future.

In all cases, all new construction shall be specifically designed and constructed such that it could be removed in the event of endangerment and the applicant shall agree to participate in any comprehensive plan adopted by the City to address coastal bluff recession and shoreline erosion problems in the City.

This does not apply to minor structures that do not require a building permit, except that no structures, including walkways, patios, patio covers, cabanas, windscreens, sundecks, lighting standards, walls, temporary accessory buildings not exceeding 200 square feet in area, and similar structures shall be allowed within five feet from the bluff top edge; and

- g. Permanently conserving the bluff face within an open space easement or other suitable instrument. (Coastal Act/30210/30235/30240/30251/30253)

Standards for the justification of preemptive erosion control devices and limits on location of shoreline devices shall be as detailed in the Zoning Code. *Policy 1.6 amended 5/11/95 (Reso. 95-32)*

POLICY 1.7: The City shall develop and adopt a comprehensive plan, based on the Beach Bluff Erosion Technical Report (prepared by Zeiser Kling Consultants Inc., dated January 24, 1994), to address the coastal bluff recession and shoreline erosion problems in the City. Said plan shall include, at minimum, components that deal with all the factors affecting the bluffs in Encinitas. These include, but are not limited to, minimum blufftop setback requirements for new development/redevelopment; alternatives to shore/bluff protection such as beach sand replenishment; removal of threatened portions of a residence or the entire residence or underpinning existing structures; addressing bluff stability and the need for protective measures over the entire bluff (lower, mid and upper); impacts of shoreline structures on beach and sand areas as well as mitigation for such impacts; impacts of groundwater and irrigation on bluff stability; and, visual impacts of necessary/required protective structures.

If a comprehensive plan is not submitted to, reviewed and approved by the Coastal Commission as an amendment to this land use plan by November 17, 1995, then no additions or expansions to existing structures shall be permitted on coastal blufftop lots except for minor additions or expansions that comprise no greater than a 10 percent increase above the existing gross floor area or 250 square feet whichever is greater, provided such additions/expansions are located at least 40 feet from the coastal blufftop edge, the addition/expansion is constructed in a manner so that it could be removed in its entirety, and the applicant agrees, in writing, to participate in any comprehensive plan adopted by the City to address coastal bluff recession and shoreline erosion problems in the City. In addition, until such a comprehensive plan is approved by the City of Encinitas and the Coastal Commission as an amendment to the LCP, the City shall not permit the construction of seawalls, revetments, breakwaters, cribbing, or similar structures for coastal erosion except under circumstances where an existing principal structure is imminently threatened and, based on a thorough alternatives analysis, an emergency coastal development permit is issued and all emergency measures authorized by the emergency coastal development permit are designed to eliminate or mitigate adverse impacts on local shoreline sand supply. *Policy 1.7 amended 5/11/95 (Reso. 95-32)*

**Policy 1.6 ad 1.7 Response:** *N/A. These policies address bluff top development, setback requirements, and resource protection. None of the Viable Housing Sites are located in areas that would be subject to this policy.*

POLICY 1.8: New residential and commercial construction shall provide for smoke detector and fire sprinkler systems to reduce the impact of development on service levels.

**Policy 1.1 Response:** *This policy requires new smoke detection and prevention systems. This Project identifies the location in the City where future growth is expected to occur.*

*There is a possibility for wildland fires. However, future development within the Viable Housing Site must comply with Building Standards and Fire Code. In addition, urbanization reduces the threat of wildland fires except on the perimeter. There is a linear path in this area that acts as a buffer. Details of each proposal are subject to City review at time of submittal.*

POLICY 1.9: Adequate safety service levels shall be maintained and provided for by new development.

**Policy 1.9 Response:** *The Circulation Element portion of the General Plan establishes policies for traffic improvement because growth and development requires an adequate circulation system (i.e. movement of cars). The policies that relate to roadway performance state that the City should endeavor to achieve a level of service ("LOS") of at least C. The City has provided adequate safety service levels under Policy 1.9, even though some areas of the City have had LOS E and F intersection movement conditions.*

*The EIR revealed that under the HCM method the project would cause the LOS impacts in some areas of the City. In other areas of the City, future development results in a LOS E or F – or slightly worsens an already LOS E or F intersection. Other areas have no impact on LOS. As discussed in the transportation section of this EIR, with implementation of mitigation measures, a coordinated traffic signal system and adequate emergency access would be maintained.*

*This Program EIR provides the basis for determining whether later development activity may have any significant effects. New infill development opportunities are located to both capitalize on existing infrastructure as well as to provide enhanced and/or convenient access to local serving uses by residents and visitors. No new Viable Housing Sites are proposed to be located in areas that could not be served by adequate emergency response.*

POLICY 1.10: The public safety program shall provide for a response plan that strives to reduce life and property losses through technology, education, training, facilities and equipment.

POLICY 1.11: The public safety system shall provide standards and levels of service guidelines that assure a quality of life and protection of life and property from preventable losses.

POLICY 1.12: The City will observe and apply measures to reduce earthquake structural risk through building and construction codes.

***Policy 1.10 to 1.12 Response:*** *N/A. Policy 1.11 relates to the administrative functions of a public safety program and the development of standards. The Project identifies the location in the City where future growth is expected to occur. New development would also help pay for these programs and services. While emergency preparedness can't always prevent a disaster from occurring, the loss of life, injury, and property damage can be substantially reduced in most instances. Most experts agree that the effects of a major disaster can be significantly reduced if persons are familiar with the appropriate actions to take in the event of a major disaster or crisis.*

*Physical design controls are key in providing protection against a number of potential hazards. Policy 1.12 requests the application of measures to reduce earthquake risk in new development. In general, the Project identifies locations throughout the city so that future development avoid known fault hazards and environmentally sensitive areas. The developable areas avoid earthquake faults. Future development in Viable Housing Sites would be subject to this policy and Building standards and codes. Policies related to building design and site planning provide a basis for the*

*development of specific guidelines and regulations that are effective in reducing the damaging effects of natural and man-made disasters.*

POLICY 1.13: In areas identified as susceptible to brush or wildfire hazard, the City shall provide for construction standards to reduce structural susceptibility and increase protection. Brush clearance around structures for fire safety shall not exceed a 30-foot perimeter in areas of native or significant brush, and as provided by Resource Management Policy 10.1.

***Policy 1.13 Response:*** *The Project identifies the location in the City where future growth is expected to occur. Some of the proposed locations of the Viable Housing Sites are in areas of the City that are zoned for potential wildfire hazards. However, future development within the Viable Housing Site must comply with Building Standards and Fire Code. In addition, urbanization reduces the threat of wildland fires except on the perimeter.*

*This Program EIR provides the basis for determining whether later development activity may have any significant effects. Details of each proposal are subject to City review at time of submittal. Future development would be subject to this policy and must adhere to the various codes that help implement this policy.*

POLICY 1.14: Where development creates the need for new public safety services and/or equipment, that development shall be responsible for the cost of such services/equipment.

***Policy 1.14 Response:*** *The Project focuses new development into infill areas to both capitalize on existing infrastructure within the existing circulation system and taking advantage of existing public safety services. New developments would help fund and pay for the construction or needed maintenance of offsite capital improvements. This would help recover public safety system costs and incremental service expansion.*

POLICY 1.15: The City shall establish and implement standards, based on the 50- or 100-year storm, for flood control and drainage improvements, and the maintenance of such improvements, designed to assure adequate public safety. Such standards and improvements



shall be consistent with the policies of this Plan to respect community character and maintain natural or natural-appearing drainage courses whenever feasible.

**Policy 1.15 Response:** *This policy directs the City to create and implement standards for development to ensure adequate safety and flood control. This Program EIR generally addresses areas that have been identified in the City to accommodate future housing opportunities. Although portions of the City are within a FEMA 100-year flood zone, none of the Viable Housing Sites are located within a FEMA 100-year flood zone. Environmentally sensitive areas and drainage courses are maintained and incorporated within the plan. Even still, the Project includes standards and criteria that provide future developers, City staff, and decision makers with clear guidance on land use and community character compatibility, as well as maintain natural resources.*

POLICY 1.16: The City and its service districts and agencies shall maintain adequate levels of staffing, materials and equipment to assure timely response to demands for public safety services.

POLICY 1.17: In order to protect the health and safety of the residents of Encinitas and surrounding communities, the City shall control the development of hazardous waste facilities as required in Chapter 30.57 of the Municipal Code. The City shall also participate in programs to reduce the amounts of hazardous wastes being generated in the San Diego region, as provided in the adopted San Diego County Hazardous Waste Management Plan.

**Policy 1.16 and 1.17 Response:** *N/A. Policy 1.16 relates to staffing and equipment levels. Most experts agree that the effects of a major disaster can be significantly reduced if persons are familiar with the appropriate actions to take in the event of a major disaster or crisis. The Project focuses new development into infill areas to both capitalize on existing infrastructure within the existing circulation system and taking advantage of existing public safety services. New developments would help fund and pay for programs and services. Policy 1.17 provides guidance on controlling the development hazardous waste facilities. The Project identifies the location in the City where future growth is expected to occur. The project does not propose to change the status of these policies.*

**GOAL 2:** The City of Encinitas will make an effort to minimize potential hazards to public health, safety, and welfare and to prevent the loss of life and damage to health and property resulting from both natural and man-made phenomena.

**Goal 2 Response:** *The goals and policies contained in this section focus on reducing the risk associated with hazards where mitigation is possible and developing strategies that will be effective in the event of a disaster or accident. A major earthquake, flood, fire, or other type of disaster can have devastating consequences on a community that is ill prepared for such a catastrophe. While emergency preparedness can't always prevent a disaster from occurring, the loss of life, injury, and property damage can be substantially reduced in most instances.*

*The Project focuses new development into infill areas to both capitalize on existing infrastructure within the existing circulation system and taking advantage of existing public safety services. New developments would help fund and pay for programs and services.*

**POLICY 2.1:** The City will cooperate with and support in every way possible current Federal, State, and County agencies responsible for the enforcement of health, safety, and environmental laws.

**POLICY 2.2:** Implement an emergency preparedness program (referenced by the State as a Multihazard Function Plan) to ensure that emergency shelters and emergency evacuation and response routes are provided and clearly identified.

**POLICY 2.3:** Conduct a survey to identify all structures in the City constructed of unreinforced masonry and partially unreinforced masonry. Once inventoried, based on need, the City shall undertake necessary programs to assure reasonable structural safety.

**Policy 2.1 to 2.3 Response:** *N/A. The Project identifies the location in the City where future growth is expected to occur and does not change the status of these policies. They are unrelated to policies that require emergency preparedness.*

POLICY 2.4: Setbacks, easements, and accesses, necessary to assure that emergency services can function with available equipment, shall be required and maintained.

**Policy 2.4 Response:** *The Project includes standards and criteria that provide future developers, City staff, and decision makers with clear guidance on land use and public safety issues. The zoning standards and design guidelines that work together to ensure that buildings can accommodate emergency services and general maintenance. New residential development would still be required to ensure that proper off-site facilities are constructed in conjunction with the development and to provide for public dedication of such rights-of-way as streets or easements as are reasonably required by or related to the effect of the proposed use. Policies related to building design and site planning provide a basis for the development of specific guidelines and regulations that are effective in reducing the damaging effects of natural and man-made disasters.*

POLICY 2.5: Emergency equipment response routes and evacuation procedures shall be defined and provided for.

**Policy 2.5 Response:** *N/A. The Project identifies the location in the City where future growth is expected to occur and is unrelated to the procedural aspects of planning for emergency routes.*

POLICY 2.6: Except as provided in Public Safety Policy 1.1, no development or filling shall be permitted within any 100-year floodplain.

**Policy 2.6 Response:** *Although portions of the City are within a FEMA 100-year flood zone, none of the Viable Housing Sites are located in a FEMA 100-year floodplain. Environmentally sensitive areas and drainage courses are maintained and incorporated within the plan.*

POLICY 2.7: The City shall consider and/or institute an early warning system of a potential failure at a nuclear operation plant.

***Policy 2.7 Response: N/A. The Project identifies the location in the City where future growth is expected to occur and is unrelated to the early warning systems for nuclear operations.***

**GOAL 3: The City will make every effort to ensure that all City residents and workers are protected from exposure to hazardous materials and wastes and the transport of such materials.**

POLICY 3.1: Cooperate with the enforcement of disclosure laws requiring all users, producers, and transporters of hazardous materials and wastes to clearly identify such materials at the site and to notify the appropriate local County, State and/or Federal agencies in the event of a violation.

POLICY 3.2: Restrict the transport of hazardous materials to identified truck routes as established by an implementing policy.

POLICY 3.3: Cooperate with the railroads to ensure that hazardous materials transported by rail through the City do not present a threat to life or property in Encinitas.

POLICY 3.4: Land uses involved in the production, storage, transportation, handling, or disposal of hazardous materials will be located a safe distance from land uses that may be adversely impacted by such activities. (Coastal Act/30250)

POLICY 3.5: Commercial and industrial facilities shall be required to participate in a hazardous materials and wastes mitigation and response program.

POLICY 3.6: The City shall cooperate with the efforts of the County Department of Health, Hazardous Waste Management Division to inventory and properly regulate land uses involving hazardous wastes and materials.

**Goal 3 et. seq. Policies Response:** *This goal and related policies are associated with hazardous waste operations, land use, transport/movement, and coordination. This is important because hazardous materials may have the potential to affect the environment or human health. Policy 3.1 relates to disclosure laws and Policies 3.2 to 3.3 relate to hazard materials transport. This Project identifies the location in the City where future growth is expected to occur and is unrelated to disclosure laws and material transport.*

*Policies 3.4 and 3.5 discuss land use operations. Policy 3.6 requires coordination with Human Health Services and Hazardous Waste Management. Land uses in the Project area that may handle or have handled or generated hazardous wastes include commercial, residential, and agricultural uses. Generally, the developed housing sites have supported commercial office, retail, restaurants, civic, and residential uses with little potential to handle or generate substantial amounts of hazardous materials. This trend is expected to occur within the identified Viable Housing Sites. However, future development of the Viable Housing Site would be subject to these policies.*

## NOISE ELEMENT

**GOAL 1:** Provide an acceptable noise environment for existing and future residents of the City of Encinitas.

**Goal 1 Response:** *This Project identifies the location in the City where future growth is expected to occur. New development in the City would result in a corresponding increase in traffic, which would result in increased levels of noise. In addition, a number of areas are identified for mixed use development and may result in future noise problems from stationary sources such as business activity, loud music and talking from restaurants. This Program EIR provides the basis for determining whether later development activity may have any significant effects.*

**POLICY 1.1:** Review actions or projects that may have noise generation potential to determine what impact they may have on existing land uses. If a project would cause an increase in traffic noise levels, the policy of the City of Encinitas is to accept an increase up to an Ldn of 55 dB in outdoor residential use areas without mitigation. If a project would increase the traffic noise level by more than 5 dB and the resulting Ldn would be over 55 dB, then mitigation measures must be evaluated. If the project, or action, would increase traffic noise levels by 3 dB or more and the resulting Ldn would exceed 60 dB in outdoor use areas in residential development, noise mitigation must be similarly evaluated. The impact of non-transportation projects must generally be evaluated on a case-by-case basis. The following guidelines will aid in evaluating the impacts of commercial and industrial projects.

- a) Performance Standards Adjacent to Residential Areas. New commercial construction adjacent to residential areas should not increase noise levels in a residential area by more than 3 dB (Ldn) or create noise impacts which would increase noise levels to more than an Ldn of 60 dB at the boundary of the nearest residential area, whichever is more restrictive.
- b) Performance Standards Adjacent to Commercial and Industrial Areas. New commercial projects should not increase noise levels in a commercial area by more than 5 dB (Ldn) or

increase noise levels to an Ldn in excess of 70 dB (office buildings, business and professional) or an Ldn of 75 dB (industrial) at the property line of an adjacent commercial/industrial use, whichever is more restrictive.

These criteria may be waived if, as determined by a noise analysis, there are mitigating circumstances (such as higher existing noise levels) and/or no uses would be adversely affected. Where conditions are unusual or where backgrounds are unusually low and the characteristics of a new noise source are not adequately described by using the Ldn noise descriptor, additional acoustical analysis is encouraged and the conclusions of such analysis will be considered by the City.

**Policy 1.1 Response:** *This policy addresses how noise exposure criteria is incorporated into land use planning to reduce future conflicts between noise and land use. The policy makes reference to a change in Ldn at a 55 dB and 60 dB thresholds in outdoor use residential areas. However, Policy 1.2 and the Noise Compatibility Guidelines (Figure 2) provide conflicting exterior exposure limits. Many residential areas have existing noise levels that exceed this 55 dB acceptable level.*

*The Project is proposing an amendment to the Noise Element to clarify acceptable noise exposure ranges for various land uses. Additional land uses and activities are addressed, so the element's applicability is more comprehensive and relevant. The impact of a proposed project on an existing land use would still be evaluated in terms of the potential for adverse community response. The City would still require the analysis of proposed discretionary projects which may generate excessive noise or which may be impacted by existing excessive noise levels.*

**POLICY 1.2:** An Ldn of 60 dB is the maximum acceptable outdoor noise level in residential outdoor use areas. The City recognizes that there are residential areas in which existing noise levels exceed an acceptable level. The City will adopt a Noise Wall/Barrier Installation Policy for determining which areas should receive soundwalls along the major street system and to evaluate possible cost participation programs for constructing these soundwalls.

**Policy 1.2 Response:** *This policy addresses noise exposure criteria to ensure that noise does not exceed specified values to generally protect public health and welfare. The policy makes reference to a Ldn of a 60 dB maximum acceptable noise level in outdoor use residential areas, which conflicts in part to Policy 1.1. This policy does acknowledge that there are some residential areas where existing noise levels exceed 60 dB.*

*The Project is introducing new residential growth opportunities in different areas of the City. Many of the sites identified are located along major roads served by transit and/or in commercial corridors where more intensive land use activities are expected to occur. For that reason, future noise levels in these more urban environments are expected to be higher. Although the City would still require the analysis of proposed discretionary projects which may generate excessive noise or which may be impacted by existing excessive noise levels.*

**POLICY 1.3:** To further improve the noise environment in the City of Encinitas, the police department will enforce the provisions in Sections 27-150 and 27-151 of the California State Motor Vehicle Code. These sections require that all vehicles be equipped with a properly maintained muffler and that exhaust systems not be modified.

**POLICY 1.4:** The City will limit truck traffic in residential and commercial areas to designated truck routes. Limit construction, delivery, and through truck traffic to designated routes. Distribute maps of approved truck routes to City traffic officers.

**POLICY 1.5:** The City will establish and maintain coordination among City, County, and State agencies involved in noise abatement and other agencies to reduce noise generated from sources outside the City's jurisdiction.

**Policies 1.2 to 1.5 Response:** *N/A. This Project identifies the location in the City where future growth is expected to occur. Acceptable noise standards will be considered in the planning and construction of new development. The Project does not change the status of these policies because it does not relate to the development of a soundwall placement program (1.2), enforce of the vehicle code (policy 1.3), or limit the ability of the City to limit truck traffic (policy 1.4), or to coordinate noise*



*abatement between agencies (policy 1.5).*

**POLICY 1.6:** Include noise mitigation measures in the design of new roadway projects recognizing that driveways, street openings, and other existing site conditions make noise mitigation impossible.

***Policy 1.6 Response:*** *N/A. This Project identifies the location in the City where future growth is expected to occur. Policy 1.8 discusses how to incorporate noise mitigation measures into the design of new roads. The City's transportation network is built out and no new major roads are proposed as part of the Project.*

*The development standards and design guidelines work together to address such issues as building form, common access points, etc. to promote connectivity to and between adjacent projects and eliminate the need for driveways and street openings. This would help ensure that existing streets near Viable Housing Sites can be potentially retrofitted with noise mitigation measures.*

**POLICY 1.7:** Apply Title 24 of the California Administrative Code, associated with noise insulation standards, to single-family dwellings.

**POLICY 1.8:** Establish noise standards for all types of noise not already identified in the General Plan or governed by existing ordinances.

***Policies 1.7 and 1.8 Response:*** *N/A. This Project identifies the location in the City where future growth is expected to occur. Policy 1.7 requires Title 24 to be applied to single-family dwelling construction. The Project does not Policy 1.8 discusses the need to create standards. The Project has no bearing on the development of noise standards. These standards would be considered in the planning and construction of new development.*

**GOAL 2:** Require that new development be designed to provide acceptable indoor and outdoor noise environments.

**Goal 2 Response:** *This Project identifies the location in the City where future growth is expected to occur. Acceptable noise standards would be considered in the planning and construction of new development.*

*This Program EIR provides the basis for determining whether later development activity may have any significant effects. Details of each proposal are subject to City review at time of submittal. Future development would be subject to any noise ordinances that control indoor and outdoor noise environments.*

**POLICY 2.1:** Figure 2, the Noise and Land Use Compatibility Guidelines, and the accompanying discussion set forth the criteria for siting new development in the City of Encinitas. Any project which would be located in a normally unacceptable noise exposure area, based on the Land Use Compatibility Guidelines, shall require an acoustical analysis. Noise mitigation in the future shall be incorporated in the project as needed. As a condition of approval of a project, the City may require post-construction noise monitoring and sign off by an acoustician to ensure that City requirements have been met.

**Policy 2.1 Response:** *As discussed in the noise section, the City would require the analysis of proposed discretionary projects which may generate excessive noise or which may be impacted by existing excessive noise levels. Implementation of the mitigation measures listed in this section would promote compatibility between land uses and minimize exposure from obtrusive noise impacts.*

**GOAL 3:** Ensure that residents are protected from harmful and irritating noise sources to the greatest extent possible.

**POLICY 3.1:** The City will adopt and enforce a quantitative noise ordinance to resolve neighborhood conflicts and to control unnecessary noise in the City of Encinitas. Examples of the types of noise sources that can be controlled through the use of a quantitative noise ordinance are barking dogs, noisy mechanical equipment such as swimming pool and hot tub pumps, amplified music in commercial establishments, etc.

**Goal 3 and Policy 3.1 Response:** *N/A. As discussed in the noise section, the City has adopted community noise standards as part of the Noise Abatement and Control Ordinance, which provides guidance for implementing noise policies and determining a significance for noise. The Noise Ordinance defines limits for activities that generate excessive noise and sets noise level limits for land uses.*

*This Program EIR provides the basis for determining whether later development activity may have any significant effects. Future land use activities and operations would be subject to these noise control ordinances.*

**GOAL 4:** Provide for measures to reduce noise impacts from stationary noise sources.

**POLICY 4.1:** Ensure inclusion of noise mitigation measures in the design and operation of new and existing development.

**Goal 4 and Policy 4.1 Response:** *As discussed in the noise section of this EIR, acceptable noise standards would be considered in the planning and construction of new development. The City would require the analysis of proposed discretionary projects which may generate excessive noise or which may be impacted by existing excessive noise levels. Implementation of the mitigation measures listed in this section would promote compatibility between land uses and minimize exposure from obtrusive noise impacts.*

## RESOURCE MANAGEMENT ELEMENT

**GOAL 1:** The City will conserve, protect, and enhance the water resources in the Planning Area.

(Coastal Act/30231)

**Goal 1 Response:** One of the most important issues facing the State of California concerns the continued polluting of the State's groundwater. Agricultural practices, illegal dumping of toxic chemicals, urban stormwater, and inadequate protection against the leaching taking place in landfills are a few of the many sources contributing to this pollution. Increased development has also led to a corresponding decline in groundwater reserves.

Future residential development within the Viable Housing Sites will be situated in areas away from known environmental impacts to water quality. The Housing Element is pursuing land uses along major corridors that enhance the City's image and stimulates appropriate development at strategic locations. The context sensitive design of the residential environment consists of a moderate increase in residential density.

**POLICY 1.1:** Require new development to utilize measures designed to conserve water in their construction.

**Policy 1.1 Response:** This Program EIR provides a basis for determining whether later project development activities may have any significant effects. As discussed in the water quality section of this EIR, water quality conditions would be maintained. Consistent with what is required by Policy 1.1, future projects would be evaluated for their water system strategies. The Project includes standards and criteria that provide future developers, City staff, and decision makers with clear guidance on land use and development activities. All the new land use designations (~~floating zone~~ AHE Zone) include detailed development standards, including water conservation measures.

**POLICY 1.2:** Cooperate with the Federal, State, and County governments and surrounding jurisdictions concerning the maintenance and improvement of water quality from local groundwater sources. (Coastal Act/ 30231)

**Policy 1.2 Response:** N/A. Policy 1.2 addresses agency cooperation at all levels of the government. This Project identifies the location in the City where future growth is expected to occur and does not propose to change the need or function of water maintenance programming with other agencies.

POLICY 1.3: The City will implement a program for both the using and sale of treated wastewater from a new wastewater treatment facility. The City should attempt to use the treated wastewater for the landscaping of transportation corridors, parks and recreation areas, and other public uses. (Coastal Act/30231)

**Policy 1.3 Response:** N/A. Policy 1.3 addresses wastewater treatment program implementation. This Project identifies the location in the City where future growth is expected to occur and does not have anything to do with ongoing city efforts to use or sale treated wastewater.

POLICY 1.4: The City will explore the possibilities of establishing or promoting a tree farm or plant growing operation to take advantage of the possibilities for sewage sludge and wastewater recycling.

**Policy 1.4 Response:** N/A. Policy 1.4 addresses the City exploration of tree farms. This Project identifies the location in the City where future growth is expected to occur and does not propose to change the status of this policy.

POLICY 1.5: A study of the feasibility of participating with other governmental agencies in the processing of sludge into usable products should be conducted, including the possibility of worm farming.

**Policy 1.5 Response:** N/A. This Project identifies the location in the City where future growth is expected to occur and does not propose to change the status of this policy. Though this Project, the City may still study how to process sludge, as directed by this

*policy.*

POLICY 1.6: Phase out the use of water softeners which utilize salt in the water-softening process to prevent continued degradation of the water. (Coastal Act/30231)

***Policy 1.6 Response:*** *N/A. Policy 1.6 addresses the City phasing out water softeners to prevent water degradation. This Project identifies the location in the City where future growth is expected to occur and does not propose to change the status of this policy.*

POLICY 1.7: Investigate ways to reduce the reliance of local water users on imported water. The City will seek reductions in per capita water consumption and will support reclaiming sewage effluent for re-use.

***Policy 1.7 Response:*** *As it was intended, water, wastewater, drainage, and utility systems have been designed to seamlessly connect to the regional/local systems. The infrastructure plans were developed separately and prior to City incorporation. Water-related issues such as imported water usage will be addressed upon completion of the Water District Master Plan updates; and this Project does not limit the ability of the City to support water district conservation efforts such as reclaimed sewage.*

*This Project identifies the location in the City where future growth is expected to occur. Greater energy and water conservation leading to sustainability can be achieved by a more efficient use of land such as that obtained with higher residential densities in appropriate locations. Increased residential density utilizes less land, utilities, streets, and sidewalks. Compact developments cost less, are a more efficient land use, and offers convenient access to transit. Sprawling development increases costs for sewers, water, roads, electricity, and other infrastructure services. Therefore, this Project encourages a reduction of water consumption on a per person or capita basis.*

POLICY 1.8: The City will achieve and maintain secondary sewage treatment through available means such as development fees, user fees, bond issues, etc. to prevent sewage pollution into the lagoons, ocean waters, or ground waters. (Coastal Act/30231)

POLICY 1.9: Encourage the use of recycled liquid wastes where appropriate. (Coastal Act/30231)

**Policy 1.8 and 1.9 Response:** *N/A. The Project does propose to change the status of these policies. Sewage and recycled liquid waste efforts are unrelated to the Project. Development fees that result from new development from these Viable Housing Sites would likely help pay for these programming services.*

POLICY 1.10: Promote the use of water efficient sprinkling and gardening systems to include ordinances and technology to encourage drought tolerant plants.

**Policy 1.10 Response:** *The development standards and design guidelines work together to ensure that there is a variety of product arrangements within Viable Housing Sites. The Project includes standards and criteria that provide future developers, City staff, and decision makers with clear guidance on water use and landscaping requirements. All the new land use designations (~~floating zones~~ AHE Zone) include detailed development standards, including those that address water efficient sprinklers, hydro-zoning, and climate appropriate landscaping.*

POLICY 1.11: If a development can be connected to the sewer system, the system must have the capacity to handle the additional load of the proposed project.

POLICY 1.12: Development within unsewered areas shall only be allowed after testing proves that septic systems would not create potential pollution. All development within unsewered areas shall be limited to parcels of at least one (1) acre.

**Policies 1.11 and 1.12 Response:** *The Housing Element update incorporates smart growth and sustainable principals in its development plan. It outlines the City's land use strategy that focuses new development into infill areas to capitalize on existing infrastructure. Policies 1.11 and 1.12 were conceived when the City was originally growing to what it is today. None of the Viable Housing Sites are proposed in locations*

*that do not already have sewer service available.*

**GOAL 2:** The City shall make every effort to improve ocean water quality. (Coastal Act/30231)

**Goal 2 Response:** Coastal areas not only serve as resources for recreation and relaxation for both residents and visitors to the City, but also provide homes to many forms of marine life. As with groundwater, a major threat to the quality of our coastal waters comes from pollution. Policies listed in the following section focus on the importance of eliminating those practices that contribute to degradation and pollution of the ocean waters. Future residential development within the Viable Housing Sites would be situated in areas away from known environmental impacts to water quality. The Housing Element is pursuing land uses along major corridors that enhance the City's image and stimulate appropriate development at strategic locations.

All the new land use designations (~~floating zones~~AHE Zone) include detailed development standards, including height, setbacks, landscaping, and bulk. New development would be subject to the City's Stormwater Ordinance and other water quality control permits.

POLICY 2.1: In that ocean water quality conditions are of utmost importance, the City shall aggressively pursue the elimination of all forms of potential unacceptable pollution that threatens marine or human health. (Coastal Act/30230/30231)

POLICY 2.2: In that the San Elijo ocean wastewater outfall lies within the jurisdiction of the City and the Encina outfall lies north of the City, the City shall encourage the highest feasible level of treatment of said wastewater prior to entering the outfalls and continually encourage the reduction of volume of wastewater to said outfalls by this City and other jurisdictions. (Coastal Act/30230/30231)

POLICY 2.3: To minimize harmful pollutants from entering the ocean environment from lagoons, streams, storm drains and other waterways containing potential contaminants, the City shall mandate the reduction or elimination of contaminants entering all such waterways; pursue measures to monitor the quality of such



contaminated waterways, and pursue prosecution of intentional and grossly negligent polluters of such waterways. (Coastal Act/30230/30231/30233)

**Policies 2.1 to 2.3 Response:** *In general, natural and human-made pollutants come from two types of sources: point sources (i.e. from known specific locations, such as a spill) and nonpoint sources (i.e. sources that cannot be traced to a single site, such as rainfall). Future projects in Viable Housing Site areas would be required to capture and filter stormwater to achieve regionally beneficial environmental improvements, including: catch basin screening systems; biofiltration swales; and basin impoundments to capture stormwater for infiltration.*

POLICY 2.4: The City shall prohibit support facilities in the City for offshore exploration of oil or drilling of oil in coastal waters within its jurisdiction and strongly discourage such activity in any coastal waters in San Diego County.  
(Coastal Act/30232)

**Policy 2.4 Response:** *N/A. This policy addresses offshore exploration. The Project does not change the status of this policy.*

**GOAL 3:** The City will make every effort possible to preserve significant mature trees, vegetation and wildlife habitat within the Planning Area. (Coastal 30240)

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

**Goal 3 and Policy 3.1 Response:** *Retention of the image and heritage of mature trees and plant life is important to create a healthy urban forest. In order to promote and provide for the regulation of the planting, maintenance, and removal of public trees, within the public right-of-way or on public property, the City adopted an Urban Forestry Management Program and Heritage Tree Program. The Urban Forest Management Program and Heritage Tree Program also apply to the protection of trees during construction, which applies during development, redevelopment, razing,*

or renovating of structures.

*This Project identifies the location in the City where future growth is expected to occur and does not change the status of this goal and program. This Program EIR provides the basis for determining whether later development activity may have any significant effects. The Project includes standards and criteria that provide future developers, City staff, and decision makers with clear guidance on land use and community character compatibility. All the new land use designations (~~floating zone~~AHE Zone) include detailed development standards, including height, setbacks, landscaping, and bulk. The zoning standards and design guidelines work together to also address community character and context sensitivity. This arrangement would help establish a framework to address the preservation of remaining vestiges of significant native plant life found within the City.*

*New zoning standards and design guidelines are helping addressing tree vegetation. In the commercial corridors and residential infill areas, it is anticipated that sidewalks would reach the full width to the curb, and planter cut-outs at regular intervals would accommodate street trees. Not only do street trees add beauty to a street, but they would also provide shade to street users on hot days, reduce ambient temperatures, create a sense of street enclosure at maturity, and help emphasize sustainable tree canopy in the long term.*

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

POLICY 3.3: The City will examine ways to aesthetically trim street trees and vegetation within the public right-of-way including the possibility of using contract services or City personnel. (Coastal Act/30240/30251)

POLICY 3.4: A program shall be developed to trim roots and replace sidewalks and other public facilities which may be damaged by roots. (Coastal Act/30251/30254)

POLICY 3.5: A street tree planting program shall be developed and implemented.

**Policies 3.2 to 3.5 Response:** *N/A. These policies address street tree removal, trimming street trees, street tree roots, and a planting program within the right-of-way. The Project identifies land use changes in key areas of the City to accommodate future housing opportunities. The Project does not change the status of these policies and does not change implementation of the City's Urban Forestry Management Program and Policy. All trees within the public right-of-way shall adhere to the Urban Forest Management Program and Maintenance Guidelines.*

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

POLICY 3.7: Where trees are now encroaching into the right-of-way, the City will establish a program that plants replacement trees in anticipation of removal of existing trees.

**Policies 3.6 to 3.7 Response:** *The City's primary regulatory tools for providing for the orderly protection of trees consists of the Urban Forestry Management Program and Heritage Tree Program. The Project identifies land use changes in key areas of the City to accommodate future housing opportunities. The Project does not change the status of these policies and does not change implementation of the City's Urban Forestry Management Program and Heritage Tree Program. All trees within the public right-of-way shall adhere to the Urban Forest Management Program and Maintenance Guidelines. None of the Viable Housing Sites identified and studied as part of this Program have trees of significance located on them.*

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

POLICY 4.1: The following Vista Points and others will be acquired and developed, as feasible:

- San Elijo & Kilkenny (overlooking lagoon & coast)

- Highway 101, north of La Costa Avenue
- Northeast and northwest corner of I-5 and La Costa Avenue
- Encinitas Community Park site (Coastal Act/30251)

POLICY 4.2: The following Vista Points will be developed and maintained as feasible:

- Orpheus Street Park site
- Oak Crest Park site
- West end of "D" Street
- West end of "F" Street
- West end of "J" Street (Coastal Act/30251)

POLICY 4.3: The following Vista Points will be maintained as needed, and upgraded as necessary:

- Leucadia Beach State Park
- West end of "I" Street
- Moonlight State Beach
- Swami's City Park
- Existing Vista Point on southbound I-5
- Cardiff Beach State Park (south parking lot) (Coastal Act/30251)

POLICY 4.4: The system of Vista Points will provide for the differing needs of automobile, bicycle, and pedestrian users, and will recognize as a recreational resource, the function of Vista Points as facilities for the passive, and occasionally

remote enjoyment of the coastal and inland view. (Coastal Act/30251/30212.5/30210)

POLICY 4.5: The City will designate "Scenic/Visual Corridor Overlay" areas within which the character of development would be regulated to protect the integrity of the Vista Points according to the following criteria:

- Critical viewshed areas should meet the following requirements:

- extend radially for 2,000 feet (610M) from the Vista Point; and
- cover areas upon which development could potentially obstruct, limit, or degrade the view.

- Development within the critical viewshed area should be subject to design review based on the following:

- building height, bulk, roof line and color and scale should not obstruct, limit or degrade the existing views;
- landscaping should be located to screen adjacent undesirable views (parking lot areas, mechanical equipment, etc.) (Coastal Act/30251/30253)

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

POLICY 4.7: The City will designate the following view corridors as scenic highway/visual corridor viewsheds:

- Saxony Road, from Leucadia Blvd., north to La Costa Ave.
- Highway 101 from Encinitas Blvd. south to Santa Fe Drive
- El Camino Real from Encinitas Blvd. north to La Costa Blvd.
- Highway 101, La Costa Ave. to South Carlsbad Beach

- La Costa Ave. from just west of I-5 to El Camino Real
- Highway 101, from Encinitas Blvd. to La Costa Ave.
  - Leucadia Blvd. between Hwy 101 and El Camino Real
- San Elijo Ave. (and Hwy 101) south of Cardiff Beach State Park to Santa Fe Drive
- Manchester Ave. from San Elijo Ave. to Encinitas Blvd.
- Interstate 5, crossing San Elijo Lagoon (Coastal Act/30251/30253)

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

POLICY 4.9: It is intended that development would be subject to the design review provisions of the Scenic/ Visual Corridor Overlay Zone for those locations within Scenic View Corridors, along scenic highways and adjacent to significant viewsheds and vista points with the addition of the following design criteria:

- Road Design
  - Type and physical characteristics of roadway should be compatible with natural character of corridor, and with the scenic highway function.
- Development Design
  - Building and vegetation setbacks, scenic easements, and height and bulk restrictions should be used to maintain existing views and vistas from the roadway.
  - Off-site signage should be prohibited and existing billboards removed.

- Development should be minimized and regulated along any bluff silhouette line or on adjacent slopes within view of the lagoon areas and Escondido Creek.
- Where possible, development should be placed and set back from the bases of bluffs, and similarly, set back from bluff or ridge top silhouette lines; shall leave lagoon areas and floodplains open, and shall be sited to provide unobstructed view corridors from the nearest scenic highway.
- Development that is allowed within a viewshed area must respond in scale, roof line, materials, color, massing, and location on site to the topography, existing vegetation, and colors of the native environment. (Coastal Act/30251/30253)

POLICY 4.10: The City will develop a program to preserve views that also preserves the appropriate vegetation and removes obstacles that impact views. Trees and vegetation which are themselves part of the view quality along the public right-of-way will be retained. (Coastal Act/30251)

**Goal 4 et seq. Policies Response:** Goal 4 and associated policies state that the City would undertake a program that involves the acquisition and development of sites for vista points and the establishment of a "Scenic/Visual Corridor Overlay" land use designation. Finally, a number of scenic highways have been designated. All of which would ensure that existing views are not compromised by future development.

The Housing Element update incorporates smart growth and sustainable principals in its development plan. It outlines the City's land use strategy for focusing new development into infill areas to capitalize on existing infrastructure. Locating high quality development within existing community areas can facilitate the creation of distinctive and attractive community settings.

This Program EIR provides the basis for determining whether later development activity may have any significant effects. Project implementation and subsequent development activities would be subject, generally, to this policy directive that ensures new development is compatible to existing community character and the design context. The Project includes standards and criteria that provide future developers, City staff, and decision makers with clear guidance on land use and community character

*compatibility. This would allow greater opportunity to address building location against resource corridor sensitivity.*

*The Housing Element update incorporates smart growth and sustainable principals in its development plan. A number of Viable Housing Sites are located along major transportation corridors that have a Scenic Visual Corridor Overlay designation. Also, as noted in the viewshed analysis of this EIR, there are some Viable Housing Sites that are identified within critical viewshed areas. However, none create significant impacts.*

*The Project's focus is making improvements and improving the physical form of some areas that are already developed (infill development or revitalization within the built context). Building more compactly minimizes the amount of land needed to accommodate new homes, offices, and stores; which would allow more land to can be allocated to passive open space or space transitions. New regulations also address higher quality in future project design. New zoning standards and design guidelines provide a framework to better respond to the visual resource sensitivity needs.*

**GOAL 5: The City will make every effort to participate in programs to improve air and water quality in the San Diego region. (Coastal Act/30231)**

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

POLICY 5.2: The City will monitor and cooperate with the ongoing efforts of the U.S. Environmental Protection Agency, the State of California Water Resources Control Board, and the Regional Water Quality Control Board in improving water quality in the San Diego region.

**Goal 5 et seq. Policies Response:** *N/A. The Housing Element update incorporates smart growth and sustainable principals in its development plan and links land use, transportation, and housing planning to help reduce vehicular trips and GHG emissions. The Project seeks to locate the majority of new housing opportunities in*



*core areas, where services, entertainment, employment and cultural experiences can be accessed. It provides for strategies that promotes a reduction in vehicle usage. This promotes viable options to the automobile and helps the City attainment air quality standards.*

**GOAL 6: The City will make every effort to reduce the amount of solid and liquid waste generated in the Planning Area and will identify ways to responsibly deal with these wastes.**

POLICY 6.1: The City will phase in all practical forms of mandatory recycling as soon as possible.

POLICY 6.2: The City will contract only with waste haulers who will willingly cooperate with the City's recycling effort.

POLICY 6.3: The City will continue to oppose the permanent location of hazardous waste disposal facilities, trash-burning plants and inappropriate sitings of landfills in or adjacent to the City.

POLICY 6.4: The City will cooperate with other cities in the region to site and operate both landfill and recycling facilities.

***Goal 6 et seq. Policies Response:*** *This goal and related policies are associated with solid and liquid waste, recycling, hazardous waste disposal, etc. Residential, commercial, and industrial activities generate waste that must be disposed of. Programs are needed to address the problems of disposal of these wastes and ensuring that these substances do not pollute after they have been disposed of. This Project identifies the location in the City where future growth is expected to occur and does not change the status of this goal and associated policies.*

**GOAL 7: The City will make every effort to ensure significant scientific and cultural resources in the Planning Area are preserved for future generations. (Coastal Act/30250)**

POLICY 7.1: Require that paleontological, historical and archaeological resources in the planning area are documented,

preserved or salvaged if threatened by new development.  
(Coastal Act/30250)

POLICY 7.2: Conduct a survey to identify historic structures and archaeological/cultural sites throughout the community and ensure that every action is taken to ensure their preservation.  
(Coastal Act/30250/30253(5))

POLICY 7.3: The City will pursue the development of a historic resources program to assist in the identification, preservation, and restoration of those buildings, structures, and places within the City that have historic significance.

POLICY 7.4: The City will encourage the development of cultural facilities to be made available to the public, such as performing arts theaters, museums, and libraries. (Coastal Act/30250)

**Goal 7 et seq. Policies Response:** *This goal and related policies are associated with cultural resources. This Program EIR provides the basis for determining whether later development activity may have any significant effects. Details of each proposal are subject to City review at time of submittal. Future development would be subject to these policies and must adhere to the various codes that help implement this policy.*

*The cultural resources section of the EIR addresses the Project in relation to potential impacts associated with historic structures, archaeological resources, and paleontological resources. The General Plan, along with relevant specific plans, contains policies related to protection and preservation of sensitive cultural resources. Additionally, the Municipal Code provides special provisions related to the protection of cultural resources for sites identified as containing archaeological and historic resources.*

*The Project identifies where potential impacts to cultural resources may occur. Future study of impacts at the project-level would ensure policy compliance.*

**GOAL 8:** The City will undertake programs to ensure that the Coastal Areas are maintained and remain safe and scenic for both residents and wildlife. (Coastal Act/30240)

POLICY 8.1: Ban the possession and use of materials or articles on beaches, lagoons, and in City parks which are hazardous to wildlife. (Coastal Act/30240)

POLICY 8.2: Institute a comprehensive program for maintaining all beaches within the incorporated boundaries of the City. (Coastal Act/30220)

POLICY 8.3: Institute a program of identifying and removing man-made hazardous obstacles from our coastal waters, shorelines and beaches. (Coastal Act/30220/30230)

POLICY 8.4: Utilize work release program volunteers and other available sources to assist in the cleanup of beaches and other public areas throughout the City. (Coastal Act/30220)

POLICY 8.5: The City will encourage the retention of the coastal bluffs in their natural state to minimize the geologic hazard and as a scenic resource. Construction of structures for bluff protection shall only be permitted when an existing principal structure is endangered and no other means of protection of that structure is possible. Only shoreline/bluff structures that will not further endanger adjacent properties shall be permitted as further defined by City coastal bluff regulations. Shoreline protective works, when approved, shall be aligned to minimize encroachment onto sandy beaches. Beach materials shall not be used as backfill material where retaining structures are approved. Approved devices protecting against marine waves shall be designed relative to a design wave, at least equal to 1982-83 winter storm waves. (Coastal Act/30235/30240/30251/30253)

POLICY 8.6: The City will encourage measures which would replenish sandy beaches in order to protect coastal bluffs from wave action and maintain beach recreational resources. The City shall consider the needs of surf-related recreational activities prior to implementation of such measures. (Coastal Act/30233/30235)

POLICY 8.7: The City will establish, as primary objectives, the preservation of natural beaches and visual quality as guides to

the establishment of shoreline structures. All fishing piers, new boat launch ramps, and shoreline structures along the seaward shoreline of Encinitas will be discouraged. (Coastal Act/30233/30235/30251)

**Goal 8 et seq. Policies Response:** *N/A. This goal and related policies are designed to ensure that the beaches will be maintained so they will be both clean and safe for residents and visitors in the future. The Project does not change the status of this goal and associated policies.*

**GOAL 9:** The City will encourage the abundant use of natural and drought tolerant landscaping in new development and preserve natural vegetation, as much as possible, in undeveloped areas. (Coastal Act/30240/30251)

**Goal 9 Response:** *The importance of preserving natural vegetation has been emphasized in other goals and policies included elsewhere in this Element and is restated here. The goal and associated policies establish guidelines for landscaping in all new development in Encinitas which will both enhance the City's overall appearance and that of the individual developments.*

*The Project includes standards and criteria that provide future developers, City staff, and decision makers with clear guidance on land use and landscaping issues. The Project includes detailed zoning standards and design guidelines that work together to encourage the abundant use of natural and drought tolerant landscaping, as well as hydrozoning techniques.*

**POLICY 9.1:** The City will initiate and pursue the landscaping of appropriate median and parking areas with trees on all new and existing arterial streets. (Coastal Act/30251)

**Policy 9.1 Response:** *N/A. The Project identifies land use changes in key areas of the City to accommodate future housing opportunities. The Project does not change the status of this policy. However, future development activities would likely help pay for these programming needs.*

POLICY 9.2: All drainage courses should be maintained in natural or semi-natural vegetation utilizing existing topography as opposed to concrete ditches or pipes. (Coastal Act/30231/30240)

POLICY 9.3: Where possible, bridges should be used in lieu of pipes, box culverts, or underground channels to preserve the integrity of the natural stream courses, in keeping with community character in the Planning Area. (Coastal Act/30231/30240)

***Policy 9.2 and 9.3 Response:*** These policies establish guidelines for landscaping in all new development in Encinitas. The Project includes standards and criteria that provide future developers, City staff, and decision makers with clear guidance on land use and landscaping issues. Project implementation and subsequent development activities would be subject, generally, to these policy directives.

POLICY 9.4: Encourage and adopt standards for the use of drought tolerant and/or natural landscaping and efficient irrigation systems throughout the City. (Coastal Act/30231/30240)

POLICY 9.5: Encourage and adopt standards for clean-up, landscaping, beautification, utility undergrounding, and additional landscaping in parking facilities where needed in existing commercial areas. (Coastal Act/30251/30252)

***Policies 9.4 and 9.5 Response:*** N/A. The Project identifies land use changes in key areas of the City to accommodate future housing opportunities. The Project does not change the status of this policy. The Project does not limit the City from pursuing the adoption of standards for the use of drought tolerant landscaping and/or clean-up, landscaping, and beautification programs in commercial areas.

POLICY 9.6: Require landscaping in the design of new residential, commercial, and industrial areas and buildings as detailed in the City Zoning Code regulations. (Coastal Act/30251/30253)

**Policy 9.6 Response:** *This Program EIR provides the basis for determining whether later development activity may have any significant effects. Details of each proposal are subject to City review at time of submittal. Future development would be subject to this policy. New zoning standards and design guidelines address landscaping to ensure new development is compatible to existing community character and the design context.*

POLICY 9.7: Encourage and adopt standards for landscaping of existing commercial and industrial uses to screen and buffer unsightly and congested commercial/industrial areas from surrounding land uses. (Coastal Act/30251)

**Policy 9.7 Response:** *N/A. The Project identifies land use changes in key areas of the City to accommodate future housing opportunities. The Project does not change the status of this policy and does not limit the City from adopting standards for landscaping of existing commercial and industrial uses. However, the Project includes new zoning standards and design guidelines that includes provisional landscaping requirements for new developments.*

POLICY 9.8: Brush clearing and grading for agricultural, construction and non-construction purposes shall be subject to City review. (Coastal Act/30240)

**Policy 9.8 Response:** *This Program EIR provides the basis for determining whether later development activity may have any significant effects. Details of each proposal are subject to City review at time of submittal. Future development would be subject to this policy.*

POLICY 9.9: The City shall develop and implement a program to preserve natural drainage courses and their associated vegetation. (Coastal Act/30240)

**Policy 9.9 Response:** *N/A. The Project identifies land use changes in key areas of the City to accommodate future housing opportunities. The Project does not change*

*the status of this policy and does not limit the City from developing and implementing a program to preserve natural drainage courses.*

*This Program EIR provides the basis for determining whether later development activity may have any significant effects. Details of each proposal are subject to City review at time of submittal. Future development would be subject to City and other agency programs that preserve natural drainage courses and their vegetation.*

**GOAL 10:** The City will preserve the integrity, function, productivity, and long term viability of environmentally sensitive habitats throughout the City, including kelp-beds, ocean recreational areas, coastal water, beaches, lagoons and their up-lands, riparian areas, coastal strand areas, coastal sage scrub and coastal mixed chaparral habitats. (Coastal Act/30230/30231/30240)

**Goal 10 Response:** *Open spaces, ecological resources, and agricultural lands are necessary parts of a community. Preservation of natural resources and open space helps maintain water quality and protects animal and plant habitats. Ready access to the natural environment and undeveloped land also enhances people's quality of life, which can improve health and wellbeing and lead to higher and increased economic prosperity.*

*The Project identifies land use changes in key areas of the City to accommodate future housing opportunities. It outlines the City's land use strategy for focusing new development into infill areas to capitalize on existing infrastructure. It also facilitate mores walkable neighborhoods with access to public transit and proximity to places where people shop and visit. The Project promotes diversity, while preserving community character. Communities with a variety of housing choices and options meet the needs of current and future residents. Building compactly minimizes the amount of land that is needed to accommodate new homes, office, and stores. As a result, more land can be preserved as open space. The spatial arrangement of new land uses covered by this Project is intended to accommodate permanent natural open space, wildlife preserves, natural drainage and stream courses, cultural and historic resources, and protect natural plant and animal habitats.*

*All new development in the City shall be designed to be consistent with the multi-species and multi-habitat preservation goals. Compliance with these requirements*

would occur.

POLICY 10.1: The City will minimize development impacts on coastal mixed chaparral and coastal sage scrub environmentally sensitive habitats by preserving within the inland bluff and hillside systems, all native vegetation on natural slopes of 25% grade and over other than manufactured slopes. A deviation from this policy may be permitted only upon a finding that strict application thereof would preclude any reasonable use of the property (one dwelling unit per lot). This policy shall not apply to construction of roads of the City's circulation element, except to the extent that adverse impacts on habitat should be minimized to the degree feasible. Encroachments for any purpose, including fire break brush clearance around structures, shall be limited as specified in Public Safety Policy 1.2. Brush clearance, when allowed in an area of sensitive habitat or vegetation, shall be conducted by selective hand clearance. (Coastal Act/30240/30250/30251/30253)

***Policy 10.1 Response:*** *The Project identifies land use changes in key areas of the City to accommodate future housing opportunities. This Program EIR provides the basis for determining whether later development activity may have any significant effects. Details of each proposal are subject to City review at time of submittal. Future development would be subject to this policy. All new development in the City shall be designed to be consistent with the multi-species and multi-habitat preservation goals. Compliance with these requirements would occur.*

POLICY 10.2: To preserve and protect sensitive offshore kelp bed areas, the City will prohibit the overcultivation overpruning, and overcutting of kelp. (Coastal Act/30230)

POLICY 10.3: The City shall explore the prevention of beach sand erosion. Beaches shall be artificially nourished with excavated sand whenever suitable material becomes available through excavation or dredging, in conjunction with the development of a consistent and approved project. The City shall obtain necessary permits to be able to utilize available beach replenishment sands (as necessary, permits from the Army Corps of Engineers,



California Coastal Commission, Department of Fish and Game, EPA, etc.). (Coastal Act/30232)

***Policies 10.2 to 10.3 Response:*** N/A. *The Project identifies land use changes in key areas of the City to accommodate future housing opportunities. The Project does not change the status of these policies and does not limit the ability of the City to prohibit kelp bed impacts (10.2) or explore beach sand erosion prevention (10.3).*

POLICY 10.4: The City will develop a program to acquire or preserve the entire undeveloped riparian corridor within the City that drains into the San Elijo Lagoon and Batiquitos Lagoon. Methods of financing acquisition may include, but are not limited to, use of available State and Federal grants for such purpose; the application of developer or mitigation fees specifically for open space presentation; and creations of a non-profit or joint-powers agency for lagoon and drainage sheds acquisition and management. (Coastal Act/30231/30240)

***Policy 10.4 Response:*** N/A. *The Project identifies land use changes in key areas of the City to accommodate future housing opportunities. This Program EIR provides the basis for determining whether later development activity may have any significant effects. None of the Viable Housing Sites considered are within the riparian corridor that drains into the San Elijo Lagoon and Batiquitos Lagoons.*

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

- conservation of as much existing contiguous area of Coastal Mixed Chaparral or Coastal Sage Scrub as feasible while protecting the remaining areas from highly impacting uses;
- minimize fragmentation or separation of existing contiguous natural areas;

- connection of existing natural areas with each other or other open space areas adjacent to maintain local wildlife movement corridors;
- maintenance of the broadest possible configuration of natural habitat area to aid dispersal of organisms within the habitat;
- where appropriate, based on community character and design, clustering of residential or other uses near the edges of the natural areas rather than dispersing such uses within the natural areas;
- where significant, yet isolated habitat areas exist, development shall be designed to preserve and protect them;
- conservation of the widest variety of physical and vegetational conditions on site to maintain the highest habitat diversity;
- design of development, with adjacent uses given consideration, to maximize conformance to these guidelines; and
- preservation of rare and endangered species on site rather than by transplantation off site. (Coastal Act/30240/30250)

In addition, all new development shall be designed to be consistent with multi-species and multi-habitat preservation goals and requirements as established in the statewide Natural Communities Conservation Planning (NCCP) Act. Compliance with these goals and requirements shall be implemented in consultation with the United States Fish and Wildlife Service and California Department of Fish and Game. *Policy 10.5 amended 5/11/95 (Reso. 95-32)*

***Policy 10.5 Response:*** *The Project identifies land use changes in key areas of the City to accommodate future housing opportunities. The spatial arrangement of new land uses covered by this Project is intended to focus growth inward, reduce sprawling, and accommodate permanent natural open space, wildlife preserves,*

*natural drainage and stream courses, cultural and historic resources, and protect natural plant and animal habitats.*

*This Program EIR provides the basis for determining whether later development activity may have any significant effects. The biological section of the EIR identifies areas in the City that have Coastal Mixed Chaparral and Coastal Sage Scrub environmentally sensitive habitats. Details of each proposal are subject to City review at time of submittal. All new development in the City shall be designed to be consistent with the multi-species and multi-habitat preservation goals. Compliance with these requirements would occur.*

POLICY 10.6: The City shall preserve and protect wetlands within the City's planning area. "Wetlands" shall be defined and delineated consistent with the definitions of the U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, the Coastal Act and the Coastal Commission Regulations, as applicable, and shall include, but not be limited to, all lands which are transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water.

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

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

- a. Incidental public service projects.
- b. Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.
- c. Restoration purposes.

d. Nature study, aquaculture, or other similar resource dependent activities.

Identification of wetland acreage and resource value shall precede any consideration of use or development on sites where wetlands are present or suspected. With the exception of development for the primary purpose of the improvement of wetland resource value, all public and private use and development proposals which would intrude into, reduce the area of, or reduce the resource value of wetlands shall be subject to alternatives and mitigation analyses consistent with Federal E.P.A 404(b)(1) findings and procedures under the U.S. Army Corps permit process. Practicable project and site development alternatives which involve no wetland intrusion or impact shall be preferred over alternatives which involve intrusion or impact. Wetland mitigation, replacement or compensation shall not be used to offset impacts or intrusion avoidable through other practicable project or site development alternatives. When wetland intrusion or impact is unavoidable, replacement of the lost wetland shall be required through the creation of new wetland of the same type lost, at a ratio determined by regulatory agencies with authority over wetland resources, but in any case at a ratio of greater than one acre provided for each acre impacted so as to result in a net gain. Replacement of wetland on-site or adjacent, within the same wetland system, shall be given preference over replacement off-site or within a different system.

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

All wetlands and buffers identified and resulting from development and use approval shall be permanently conserved or protected through the application of an open space easement or other suitable device.

The City shall not approve subdivisions or boundary line adjustments which would allow increased impacts from development in wetlands or wetland buffers. (Coastal Act/30231) *Policy 10.6 amended 1/30/91 and 5/11/95 (Reso. 95-32)*

***Policy 10.6 Response:*** *The Project identifies land use changes in key areas of the City to accommodate future housing opportunities. Policy 10.6 provides policy direction on use and development restrictions around wetlands and wetland buffers. Future development activities would be subject to this policy. Compliance with these requirements would occur. The spatial arrangement of new land uses covered by this Project is intended to accommodate permanent natural open space, wildlife preserves, natural drainage and stream courses, cultural and historic resources, and protect natural plant and animal habitats. Future study of impacts at the project-level would ensure policy compliance.*

POLICY 10.7: The City will urge the State to take appropriate preservation measures relative to Coastal Strand Dune habitat in its development of State beach areas. (Coastal Act/30240)

***Policies 10.7 Response:*** *N/A. The Project identifies land use changes in key areas of the City to accommodate future housing opportunities. Policy 10.7 provides policy direction on Strand Dune habitats. None of the Viable Housing Sites are located in areas of Strand Dunes. The Project does not limit the ability of the City to urge the State to take prevention measures in State beach area development.*

POLICY 10.8: The City will investigate the establishment of one or more preserves for the preservation of endangered plant species, such as the Encinitas Baccharis, of sufficient size to ensure perpetuation of the species. (Coastal Act/30240)

The City will encourage the preservation and the function of San Elijo Lagoon and Batiquitos Lagoon and their adjacent uplands as

viable wetlands, ecosystems and habitat for resident and migratory wildlife, by prohibiting actions (subject to the detailed provisions of RM policy 10.6) which:

- involve wetland fill or increased sedimentation into wetlands;
- adversely decrease stream flow into the wetlands;
- reduce tidal interchange;
- reduce internal water circulation; or
- adversely affect existing wildlife habitats.  
(Coastal Act/30231)

POLICY 10.10: The City will encourage and cooperate with other responsible agencies to plan and implement an integrated management plan for the long-term conservation and restoration of wetlands resources at San Elijo Lagoon (and where it applies, Batiquitos Lagoon), Escondido and Encinitas Creeks and their significant upstream feeder creeks, according to the following guidelines:

- Plans for the west, central and eastern basins should be treated as internal parts of the whole;
- The plan should be implemented in phases so that discreet physical alterations can be performed as funds become available, and so that the effects of changes can be evaluated at each stage, and recognizing the experimental basis of wetland manipulations;
- Wildlife corridors between the wetland shoreline and important upland areas and upstream riparian areas should be maintained and enhanced;
- Adequate buffer zones should be utilized when development occurs adjacent to the floodplain and sensitive habitats; 100 foot wide buffers should be provided adjacent to all identified wetlands, and 50 foot wide buffers should be provided adjacent to riparian areas. In some cases, smaller buffers may be

appropriate, when conditions of the site as demonstrated in a site specific biological survey, the nature of the proposed development, etc., show that a smaller buffer would provide adequate protection; and when the Department of Fish and Game has been consulted and their comments have been accorded great weight.

- Management plans should implement adopted State and Federal wildlife management plans (i.e., California Least Tern Recovery Plan, etc.);

- Human uses of the wetland and adjacent areas should be compatible with the primary use of the wetland as a natural value;

- Passive recreational activity at the lagoons should be encouraged to the extent there are no substantial adverse impacts to wildlife;

- There should be limited human access to the wetland shoreline since the immediate wetland shoreline and adjacent shallows are the most important sensitive wildlife habitat;

- Boating and other water surface activities should not be allowed in significant wildlife habitat areas, particularly in the central and east basins of the San Elijo Lagoon and parts of the west basin supporting significant waterbird populations;

- The plan should include a provision for sediment catch basins or other control devices outside the wetland area and should allow for periodic removal of recently accumulated sediment from the lagoon until a long-range sediment control plan is operational;

- Plans should attempt to optimize the habitat for species already known to use the wetlands, as well as certain "featured" species recognized as depleted, rare, or endangered (California Least Tern, Belding's Savannah Sparrow, Snowy Plover, and other species recommended by wildlife management agencies) to the extent feasible;

- The integrity of the existing natural system (in particular, topography, hydrology, and vegetative cover) should not be

disturbed, except as required to restore internal lagoon water circulation, tidal flushing, and plant habitat improvements;

- Adequate monitoring of chemical, physical and biological changes should be carried out for periodic re-evaluation of the management plan and maintenance of optimal conditions;

- Rare and significant habitats such as coastal strand (dunes), salt flats and fresh water ponds existing in and around the lagoon should not be reduced or degraded;

- High priority shall be given to actions which serve to remove impediments to internal lagoon water circulation (except where such areas are significant wildlife habitats in their own right) and improving tidal flow with the ocean;

- It shall be a long-range goal to remove the flow blockage such as that caused by existing fills for transportation facilities and by existing dikes to the extent necessary to create an adequate internal water circulation system. (Coastal Act/30231/30233)

***Policies 10.8 to 10.10 Response:*** *The Project identifies land use changes in key areas of the City to accommodate future housing opportunities. The Project does not change the status of this policy. Compliance with these requirements would occur.*

POLICY 10.11: In acting to maintain and, where feasible, restore the biological productivity and quality of San Elijo Lagoon, the City will limit alterations and uses to minor public facilities; restorative measures; nature study; passive, non-degrading recreational activities; and facilities necessarily adjunct aquaculture uses. No recreational boating facilities will be permitted in San Elijo Lagoon. Coastal-dependent developments (i.e., utility facilities, boating facilities, etc.) shall not be sited in the wetland area (San Elijo Lagoon and contiguous wetlands). (Coastal Act/30231)

***Policy 10.11 Response:*** *N/A. This policy addresses the recreational use and*



*alteration of the San Elijo Lagoon. The Project identifies land use changes in key areas of the City to accommodate future housing opportunities. The Project does not change the status of this policy.*

**GOAL 11: The City recognizes the important contribution of agricultural and horticultural land uses in the local economy and the emphasis of the need to maintain these activities.**

POLICY 11.1: Investigate the feasibility of establishing and instituting an incentive program for preservation of land within the City suitable for agricultural production. Institute such a program if fiscally sound within the City.

POLICY 11.2: Support agricultural water rates for agricultural/horticultural operations and explore the use of treated wastewater for agricultural operations.

POLICY 11.3: Support efforts of the floriculture industry and/or the University of California Extension Service in establishing a farm cooperative and/or flower auction in the City of Encinitas.

POLICY 11.4: Encourage and support the establishment of a horticultural park in the Encinitas area.

POLICY 11.5: Encourage the establishment and preservation of new agricultural preserves for areas within the coastal zone designated for agricultural land use.

POLICY 11.6: Continue to support the policy of the Metropolitan Water District and its member agencies to provide water to agricultural users at a lower rate than to domestic users, when conservation measures by such users are assured.

POLICY 11.7: Encourage the San Diego County Water Authority and the local retail water agencies to consider additional reductions in the agricultural water rate. The City will look at lowering current minimum acreage requirements for agricultural water rates.

POLICY 11.8: Preserve and promote the right to produce unique horticultural crops and community gardens in Encinitas.

POLICY 11.9: Recognize agriculture/horticulture, with proper mitigation to preserve wetland habitats when present, as one of the highest and best uses for those areas within the planning area located in floodplains.

POLICY 11.10: Provide an economic advantage, where possible, to agriculture in competing with the forces of urbanization to minimize pressures to redevelop to urban land uses.

POLICY 11.11: Enforce regulations and ordinances with regard to maintenance and upkeep of greenhouses and other agricultural accessory buildings.

POLICY 11.12: Support air quality control measures to protect against agricultural crop damage.

POLICY 11.13: Encourage agricultural/horticultural practices which minimize adverse impacts on surrounding areas.

POLICY 11.14: Encourage the producers of agricultural/horticultural products to provide suitable housing for farm laborers.

POLICY 11.15: Encourage projects for community food and flower producing gardens.

POLICY 11.16: Encourage projects for community garden and surplus food and flower resources marketing.

**GOAL 12: The City will encourage the preservation of "prime" agriculture lands within its sphere of influence. (Coastal Act/30241)**

POLICY 12.1: For the purpose of this plan and the LCP, "prime" agriculture is defined as land in the sphere of influence of the City of Encinitas Coastal Zone presently producing or with the future potential for commercial production of agricultural

products and with a soil classification of Class I-IV. (Coastal Act/30241)

POLICY 12.2: No "prime" agriculture lands are located within the City of Encinitas Coastal Zone. However, the Ecke Holdings, et. al., are within the City of Encinitas' Coastal Zone sphere of influence, and may, therefore, be influenced by the City's LCP and General Plan policies. The City recognizes this land as "prime" agriculture suitability and as such, designates it for long term preservation as "Agriculture/Open Space Preserve." (Coastal Act/30241)

**Goals 11 and 12 et. seq. Policies Response:** *Open spaces, ecological resources, and agricultural lands are necessary parts of a community. Permanent agricultural, agricultural operations on residentially zoned lands, and natural open space areas are accommodated by existing land use policies. This helps to maintain the City's cultural heritage.*

*Agricultural uses are also an important historic land use. Much of the existing operations in the City are located on sites that are zoned for residential use. In recent years, much of this land has been lost due to development and there is pressure to develop the remaining agricultural lands. Some of the lands are within the Project area. These sites consist of greenhouse operations. There is not designated "Prime" farmland within the scope of the Project. Viable Housing Sites are located in areas of land classified as "other land", according to the California Division of Land Resource Protection Farmland Mapping and Monitoring Program. This category consists of land not included in any other mapping category.*

*The Project identifies land use changes in key areas of the City to accommodate future housing opportunities. It outlines the City's land use strategy for focusing new development into infill areas to capitalize on existing infrastructure. Communities with a variety of housing choices and options meet the needs of current and future residents. Building compactly minimizes the amount of land that is needed to accommodate new homes, office, and stores. As a result, more land can be preserved as open space or maintain agricultural operations.*

*The Project does not change the status of these goals and policies. Goals 11 and 12 and their associated policies underscore the City's commitment towards preserving the remaining agricultural lands in the City. The City can still implement Goal 11 and*

*encourage agricultural production; and the City can implement Goal 12 and work to preserve “prime” farmland.*

**GOAL 13:** Create a desirable, healthful, and comfortable environment for living while preserving Encinitas' unique natural resources by encouraging land use policies that will preserve the environment. (Coastal Act/30250/30251)

**POLICY 13.1:** The City shall plan for types and patterns of development which minimize water pollution, air pollution, fire hazard, soil erosion, silting, slide damage, flooding and severe hillside cutting and scarring. (Coastal Act/30250)

**POLICY 13.2:** The City shall plan for compatible land uses within and adjacent to recreation areas, natural preserves, and agricultural areas. (Coastal Act/30240/30250)

***Goal 13 and Policies 13.1 to 13.2 Response:*** The following goal and supporting policies emphasize the need to consider the environmental consequences of future development in the City as well as ensuring that environmentally sensitive areas are protected from this development. The Housing Element update incorporates smart growth and sustainable principals in its development plan. It outlines the City’s land use strategy for focusing new development into infill areas to capitalize on existing infrastructure. It also facilitate mores walkable neighborhoods with access to public transit and proximity to places where people shop and visit. The Project promotes diversity, while preserving community character. Communities with a variety of housing choices and options meet the needs of current and future residents. Building compactly minimizes the amount of land that is needed to accommodate new homes, office, and stores. As a result, more land can be preserved as open space. The spatial arrangement of new land uses covered by this Project is intended to create desirable, healthful, and comfortable environments for current and future residents. New zoning standards and design guidelines have been prepared to address health and environment considerations. Details of each proposal are subject to City review at time of submittal.

**POLICY 13.3:** Encourage the use of buffer zones to separate major thoroughfares from adjacent areas and protect them from

pollutants of noise, exhaust, and light. (Coastal Act/30250/30251)

POLICY 13.4: Minimize visual pollution by establishing design review standards. (Coastal Act/30251/30253(5))

POLICY 13.5: The City shall promote and require the conservation and preservation of natural resources and features of the area in their natural state and avoid the creation of a totally urbanized landscape. Encourage the planting of trees and other vegetation, especially native species, to enhance the environment. (Coastal Act/30240/30251)

**Policies 13.3 to 13.5 Response:** *The Housing Element update incorporates smart growth and sustainable principals in its development plan. The Project includes standards and criteria that provide future developers, City staff, and decision makers with clear guidance on land use, natural resource protection, and community character compatibility. Details of each proposal are subject to City review at time of submittal.*

*These policies address buffer zones around major thoroughfares (13.3), visual design standards (13.4), and preservation/planting of trees and vegetation (13.5). Project implementation and subsequent development activities would be subject, generally, to these policy directives to ensure new development is compatible to existing community character and the design context.*

POLICY 13.6: Establish and preserve wildlife corridors. (Coastal Act/30231/30240)

**Policy 13.6 Response:** *N/A. The Project identifies land use changes in key areas of the City to accommodate future housing opportunities. The Project does not change the status of this policy.*

**GOAL 14:** The City shall stringently control erosion and sedimentation from land use and development to avoid environmental degradation of lagoons and other sensitive biological habitat, preserve public resources and avoid the

**costs of dealing with repair and sedimentation removal.  
(Coastal Act/30231/30240/30250/30253)**

POLICY 14.1: The best strategy to reduce erosion and sedimentation is to reduce to the maximum extent feasible, grading and removal of vegetation. It is the policy of the City that, in any land use and development, grading and vegetation removal shall be limited to the minimum necessary. (Coastal Act/30240/30250)

POLICY 14.2: The City shall develop a comprehensive program to control sedimentation and erosion. (Coastal Act/30233/30240)

POLICY 14.3: The City will reduce the rate of sedimentation of the lagoons by requiring procedures for controlling runoff and erosion associated with upland grading and development based on a minimum 10-year, six-hour storm event. The City shall provide regulations for the use of sedimentation basins and the potential transfer of sediment as beach replenishment (if of an acceptable material). (Coastal Act/30250/30251)

POLICY 14.4: Revegetation and appropriate landscaping of all areas graded and scraped of vegetative cover shall be required with land use and development. Plantings, hydroseeding, and irrigation systems used shall be selected on the bases of minimizing erosion and conserving water. (Coastal Act/30251)

POLICY 14.5: To minimize erosion and allow sedimentation control systems to work, no grading or vegetation removal shall be allowed to occur during the wet season, October 1 - April 15, without all systems and devices per an approved erosion control plan and program being in place. During other times of the year such systems shall be provided and operative as required by a comprehensive City erosion control ordinance. No grading shall occur during the rainy season within the Special Study Overlay area, or in areas upland of sensitive areas including lagoons, floodplains, riparian or wetland habitat areas, unless by site-specific determination, the grading would not be occurring on sensitive slopes, in floodplain areas or upland of floodplains, where sedimentation might occur in other sensitive habitat areas. Then, if grading is determined to be allowable, all necessary

erosion control devices, including sedimentation basins, must be in place, and shall be monitored and maintained throughout the grading period. (Coastal Act/30251)

POLICY 14.6: To achieve the ends of erosion control, a comprehensive erosion control plan shall be required with final building permit and improvement plans, subject to review and approval prior to commencement of grading and construction. (Coastal Act/30251)

POLICY 14.7: Minimize extensive or premature grading or filling, and penalize illegal grading or filling.

**Goal 14 et. seq. Policies Response:** *There is an important relationship between land use planning and the reduction of potential hazards. Certain considerations need to be given when development is proposed in areas subject to environmental constraints that could result in sedimentation erosion, loss of life, personal injury, or property damage. Many of these impacts arise from activities related to construction, especially when there is a significant amount of grading and site preparation involved.*

*This Project identifies the location in the City where future growth is expected to occur. Some of these sites are located in areas already developed, which would minimize site preparation activities. This Program EIR provides the basis for determining whether later development activity may have any significant effects. Details of each proposal are subject to City review at time of submittal. Future development would be subject to these policies and must adhere to the various codes that help implement these policies for erosion and sedimentation control.*

**GOAL 15: The City will make every effort to conserve energy in the City thus reducing our dependence on fossil fuels.**

POLICY 15.1: The City will encourage the use of alternate energy systems, including passive solar and architectural and mechanical systems, in both commercial and residential development. (Coastal Act/30253)

POLICY 15.2: The patterns of proposed subdivisions and the orientation and design of structures on lots shall be designed

with the objective of maximizing the opportunities for solar energy use and energy conservation.

POLICY 15.3: Energy conserving construction standards and requirements shall be enforced in the field inspection of new construction.

**Goal 15 et. seq. Policies Response:** *The land use pattern of the Project respects the general aim of conserving energy because the mapping strategies are designed in a compact manner. The Project puts together community nodes that when implemented in the future would feature a mixture of residential neighborhoods focused around more diverse community cores. The compact placement of these features, along with transit and active transportation options will help to reduce the need to utilize the automobile.*

*The Project takes positive steps towards ensuring that newly constructed facilities are as energy efficient as possible. Future developers within Viable Housing Sites are required to comply with the City's building code and are encouraged to incorporate energy efficient techniques. This would encourage the incorporation of energy saving features, energy saving materials, and energy efficient systems and design for new residential development. Planning to maximize energy efficiency and the incorporation of energy conservation and green building features can contribute to reduced housing costs for homeowners and renters, in addition to promoting sustainable community design and reduced dependence on vehicles.*



## RECREATION ELEMENT

**GOAL 1:** The maintenance of the open space resources in the Planning Area will continue to be emphasized. (Coastal Act/30240)

**Goal 1 Response:** N/A. The Project does not change the status of this goal. Open space areas and the maintenance of thereof would continue to be emphasized. The Project focuses new development into infill areas to both capitalize on existing infrastructure and to facilitate more livable neighborhoods. New developments would help fund and pay for maintenance programming and recreational services.

Parks often provide the only open space for active recreation available to children and adults since private yard areas are often too small for play and other recreational amenities. The Project includes standards and criteria that provide future developers, City staff, and decision makers with clear guidance on land use. All the new land use designations (~~AHE Zone~~~~floating zone~~) includes detailed development standards, including height, setbacks, landscaping, and bulk, as well as private/public open space and recreational amenities.

**POLICY 1.1:** Continue to cooperate with property owners, the County of San Diego, and others to preserve and maintain the riparian habitats within the planning area. (Coastal Act/30240)

**POLICY 1.2:** Consider the enactment of a "Quimby Ordinance" to insure that new residential development is provided with open space/recreational amenities. In addition, explore all other available funding resources and alternatives for acquisition and development of park and open space lands.

**Policies 1.1 and 1.2 Response:** N/A. Policies 1.1 and 1.2 focus on the development of new park and recreational facilities throughout the City. At the same time, the preservation of undeveloped lands that have been found to be ecologically significant is also important. Implementation of these policies is critical to ensure that the recreational and open space needs of current and future residents are met.

However, future development activities would likely help pay for these programming needs. The Project identifies land use changes in key areas of the City to accommodate future housing opportunities.

POLICY 1.3: Enforce local laws regarding the vandalism of park property and incorporate citizen involvement into the program through the "neighborhood watch" programs and other community efforts.

***Policy 1.3 Response:*** N/A. The Project identifies land use changes in key areas of the City to accommodate future housing opportunities. The Project does not change the status of this policy.

POLICY 1.4: Establish a balance of natural open space and "improved" recreational open space and implement measures to preserve, and maintain the natural environment. (Coastal Act/30252)

POLICY 1.5: Provide a minimum of 15 acres of local recreational area for each 1,000 population for the entire community. This area should be devoted to neighborhood and other close-at-hand recreation facilities, community parks, and passive open space in undeveloped preserves and wilderness areas. This policy shall not be construed to reduce the minimum standards established under this Element for provision of mini, neighborhood, community, or other park land based on population or service distance.

***Policies 1.4 and 1.5 Response:*** The Project focuses new development into infill areas to both capitalize on existing infrastructure and to facilitate more livable neighborhoods. Locating development within existing community areas reduces sprawl and conserves open space and agricultural land. In addition, infill development takes advantage of locational amenities and existing services and infrastructure, while strengthening or revitalizing existing neighborhoods.

*New developments would help fund and pay for maintenance programming and recreational services.*

POLICY 1.6: Establish mini-parks and playlots in high density areas where larger parks are inaccessible or impractical to provide, and only when the provision of neighborhood parks to serve local neighborhood park needs is not possible.

POLICY 1.7: Provide a neighborhood park within convenient, and where possible, walking distance for all urban area residents.

POLICY 1.8: Establish a system of community parks so that each community (Leucadia, Old and New Encinitas, Cardiff-by-the-Sea and Olivenhain) is within a community park service area.

POLICY 1.9: Develop parks in conjunction with schools wherever possible and encourage joint use of facilities. (Coastal Act/30252)

POLICY 1.10: Encourage the development of private and public recreational and meeting facilities throughout Encinitas.

POLICY 1.11: Develop an open space program that will link the various communities together with parks, recreation/pedestrian access and natural visual corridors.

POLICY 1.12: Active parks, passive parks, and natural open space shall be provided in each of the communities to the extent possible.

POLICY 1.13: Encourage appropriate multiple use of open space wherever possible.

POLICY 1.14: The City shall attempt to acquire the Santa Fe railroad right-of-way, should it become available, for the development of recreational facilities and landscaping as well as transportation and other public needs.

POLICY 1.15: Provide the playing fields necessary to serve the community.

POLICY 1.16: The City has adopted a City-wide Recreational Trails Master Plan to establish a recreational trails system. The proposed trail system is shown on the Recreational Trails

Master Plan Map (Figure 3). Future trails, in addition to those planned for in the Recreational Trails Master Plan, may be added to the existing systems to enhance the recreational opportunities of the City. Within the coastal zone, all proposed trails and trail alignments shall be consistent with the requirements of Policy 10.5 of the Resource Management Element, and the Multiple Habitat Conservation Program (MHCP) subarea plan for the City of Encinitas, if adopted. Any proposed modifications or additions to the Recreational Trails Master Plan or Recreational Trails Master Plan map that would directly affect coastal zone resources shall require an LCP amendment.

POLICY 1.17: The City shall strive to acquire a regional park within its ultimate boundaries.

POLICY 1.18: The City shall develop a program that will establish future park sites as identified in the Implementation Plan.

**Policies 1.6 to 1.18 Response:** *N/A. The Project identifies land use changes in key areas of the City to accommodate future housing opportunities. The Project does not change the status of these policies. However, future development activities would likely help pay for these programming needs.*

POLICY 1.19: The City shall develop standards for protection of views along and down public corridors, particularly from inland areas such as the crest of Santa Fe Drive.

**Policy 1.19 Response:** *This Program EIR provides the basis for determining whether later development activity may have any significant effects. Project implementation and subsequent development activities would be subject, generally, to this policy directive that ensures new development is compatible to existing community character and the design context. The Project includes standards and criteria that provide future developers, City staff, and decision makers with clear guidance on land use and community character compatibility. This would allow greater opportunity to address building location against resource corridor sensitivity.*

*The Housing Element update incorporates smart growth and sustainable principals in its development plan. A number of Viable Housing Sites are located along major*

*transportation corridors that have a Scenic Visual Corridor Overlay designation. Also, as noted in the viewshed analysis of this EIR, there are some Viable Housing Sites that are identified within critical viewshed areas. The Project's focus is making improvements and improving the physical form of some areas that are already developed (infill development or revitalization within the built context). Building more compactly minimizes the amount of land needed to accommodate new homes, offices, and stores; which would allow more land to can be allocated to passive open space or space transitions. New regulations also address higher quality in future project design. New zoning standards and design guidelines provide a framework to better respond to the visual resource sensitivity needs.*

**GOAL 2:** The City will make every effort to preserve open space areas that represent a significant environmental resource in the community. (Coastal Act/30240)

**POLICY 2.1:** The City should identify and seek to acquire floodplain areas for appropriate public uses. (Coastal Act/30212.5/30231/30240)

**Goal 2 and Policy 2.1 Response:** Open spaces, ecological resources, and agricultural lands are necessary parts of a community. Preservation of natural resources and open space helps maintain water quality and protects animal and plant habitats. Ready access to the natural environment and undeveloped land also enhances people's quality of life, which can improve health and wellbeing and lead to higher and increased economic prosperity.

*The Project identifies land use changes in key areas of the City to accommodate future housing opportunities. It outlines the City's land use strategy for focusing new development into infill areas to capitalize on existing infrastructure. Building compactly minimizes the amount of land that is needed to accommodate new homes, office, and stores. As a result, more land can be preserved as open space. The spatial arrangement of new land uses covered by this Project is intended to accommodate permanent natural open space, wildlife preserves, natural drainage and stream courses, cultural and historic resources, and protect natural plant and animal habitats.*

*All new development in the City shall be designed to be consistent with the multi-species and multi-habitat preservation goals. Compliance with these requirements would occur.*

POLICY 2.2: Provide and maintain an inter-linking network of trails for horseback riding, hiking, and bicycling; and minimize the cost of the trail system by encouraging the use of drainage channels, flood plains, existing trails, public lands, excess street rights-of-way, and major utility rights-of-way. (Coastal Act/30212.5/30252)

POLICY 2.3: Encourage the preservation and protection of areas for the recreational activities characteristic of Encinitas such as horseback riding, surfing, skindiving, bicycling, walking, and jogging. (Coastal Act/30212.5/30252)

POLICY 2.4: Leave appropriate areas of neighborhood and community parks in a natural state, retaining natural topography and vegetation where preservation is feasible. (Coastal Act/30240)

POLICY 2.5: Provide for early acquisition of park sites to insure proper location, adequate size, and lower costs through development of a program that identifies future park needs and possible future sites. (Coastal Act/30212.5)

POLICY 2.6: Encourage the provision of a full range of recreational facilities distributed throughout the area. (Coastal Act/30212.5)

POLICY 2.7: Encourage the use of appropriate public lands and facilities for park and recreation purposes to the maximum extent feasible consistent with the maintenance of natural resources. (Coastal Act/30212.5)

***Policies 2.2 to 2.7 Response: N/A. The Project identifies land use changes in key areas of the City to accommodate future housing opportunities. The Project does not change the status of these policies. However, future development activities would likely help pay for these programming needs.***

POLICY 2.8: Encourage the maintenance of the bluffs, beach, shoreline, reefs and ocean and discourage any use that would

adversely affect the beach and bluffs except a reasonable number of access public stairways, lifeguard towers, and similar public beach facilities. (Coastal Act/30211/30213)

**Policy 2.8 Response:** *N/A. The beaches and shoreline have been and will continue to be a major resource in the City. This policy is designed to ensure that the beaches will be maintained so they will be both clean, safe, and accessible for residents and visitors in the future. The Project does not change the status of this policy.*

POLICY 2.9: The City will encourage the maintenance of existing overnight camping facilities (both tent and RV) at public beaches or upland from beaches. (Coastal Act/30213)

POLICY 2.10: Expand the function of Neighborhood Watch or other programs to include surveillance of local parks.

POLICY 2.11: The City may consider accessory revenue generating activities at various parks on a case-by-case basis.

**Policies 2.9 to 2.11 Response:** *N/A. The Project identifies land use changes in key areas of the City to accommodate future housing opportunities. The Project does not change the status of these policies.*

**GOAL 3:** The Coastal Areas will continue to play a dominant role in providing residents with open spaces for recreation. (Coastal Act/30220)

POLICY 3.1: The City shall continue to support the acquisition and improvement through outright purchase, private donations, establishment of tax benefits, living trusts, etc., of additional local park sites. (Coastal Act/30212.5/30221)

**Goal 3 and Policy 3.1:** *N/A. This goal and policy is specifically concerned with meeting the needs of visitors to the coastal areas of Encinitas. The Project identifies land use changes in key areas of the City to accommodate future housing opportunities. The Project does not limit the ability of the City to provide open space*

*for recreation of support the addition of local park sites.*

POLICY 3.2: The City will designate as "Visitor-Serving Commercial" use areas land in the vicinity of primary coastal access routes, particularly in proximity to higher intensity beach use areas. (Coastal Act/30221/30222/30223)

***Policy 3.2 Response:*** *The Project identifies land use changes in key areas of the City to accommodate future housing opportunities. The Project does not change the nature of a property owner's existing rights. In areas where visitor serving zoning districts are designated, the permitted uses and activities allowed on the properties are expected to continue under the ~~Floating Overlay Designation~~new zone program.*

POLICY 3.3: The City will not provide for major boating facilities, such as marinas or piers for commercial fishing and recreational boating, within the City Coastal Zone. No recreational water craft facilities will be permitted in wetland areas. (Coastal Act/30231)

POLICY 3.4: The City will investigate various remedies to stem sand depletion along beaches in the City limits.

***Policies 3.3 to 3.4 Response:*** *N/A. The Project identifies land use changes in key areas of the City to accommodate future housing opportunities. The Project does not change the status of these policies.*

**GOAL 4:** A City-wide system of parks which combine established standards and community desires shall be established and maintained.

POLICY 4.1: Service areas for parks shall be identified and standards for neighborhood, community, and regional parks shall be developed.

POLICY 4.2: Wherever possible, neighborhood parks should be associated with elementary schools.



POLICY 4.3: Neighborhood parks should be accessible by pedestrians living in the immediate area.

POLICY 4.4: The City will work to establish and protect a marine reserve within the coastal waters. (Coastal Act/30230)

**GOAL 5: The City will continue to provide or coordinate with the State to provide for coastal/shoreline recreation areas, with effective access, including signing; and will designate various beach areas for high, medium and low intensity levels of use based upon the characteristics of the beach resource and support facilities, and character of adjacent neighborhood. (Coastal Act/30211/30212/30212.5/30214)**

POLICY 5.1: The City recognizes Cardiff Beach State Park, San Elijo Beach State Park, South Carlsbad Beach State Park and Moonlight Beach (future City) State Park, as the major visitor destination beaches in the Encinitas area. The City will work with the State to upgrade and promote access to these State beaches, and will act to upgrade and promote access to Moonlight Beach, in order that they may receive an increased proportion of visitor uses. (Coastal Act/30214)

POLICY 5.2: The City shall act and coordinate with the State to implement an effective system of shoreline access signing based on uniform standards (i.e., size, material, symbols). (Coastal Act/30212.5)

POLICY 5.3: The areas of South Carlsbad Beach State Park, Moonlight Beach State (future City) Park, Cardiff Beach State Park and San Elijo Beach State Park shall be designated as high intensity beach recreational use areas. (Coastal Act/30212.5/30221)

POLICY 5.4: The City will classify the beach areas related to the following access points for a Medium Intensity use level:

- Beacons
- Grandview

- Swami's Park
- D Street (access to Moonlight Beach)

And the City will classify the beach areas related to the following access points for a Low Intensity use level:

- North Sea Bluff Village (no current access)
- Encinitas Beach (Athena - no current access)
- "I" Street Vicinity (Vista Point)
- Stone Steps access (Coastal Act/30212.5)

POLICY 5.5: The City will adopt beach recreation facility standards, and will encourage the State to apply similar standards to its beaches, regarding the existence of lifeguard facilities, restroom facilities, showers, water fountains, parking facilities (and a number of spaces for different level uses), fee access, trash facilities, beach maintenance schedules, signing, picnic facilities, bicycle facilities, security patrol, etc. In addition, the City shall assure that existing public parking lots for public beach access points are maintained and that no reduction in the number of existing public parking spaces shall be permitted. (Coastal Act/30212.5/30223) *Policy 5.5 amended 5/11/95 (Reso. 95-32)*

**Goal 4 et. seq. Policies and Goal 5 et. seq. Policies Response:** *N/A. The Project identifies land use changes in key areas of the City to accommodate future housing opportunities. The Project does not change the status of these goals and their associated policies. Goal 4 is concerned with the establishing basic standards for service areas which apply to the various parkland categories in the City. Goal 5 address ways access to and from the beaches can be expanded and establishing standards for the intensity of beach use.*