

SEPTEMBER 2021

## DRAFT ENVIRONMENTAL IMPACT REPORT

# Marea Village Mixed Use Development Project

Case No.: MULTI-003780-2020; CDP-3788-2020; BADJ-3787-2020;  
DR-3786-2020; and CPP-3789-2020  
SCH No. 2021020272



**Lead Agency:**  
City of Encinitas  
Planning Division  
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Encinitas, CA 92024

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**SEPTEMBER 2021**

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## Table of Contents

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### **ES Executive Summary**

Introduction.....	ES-1
Purpose of the EIR .....	ES-1
Project Synopsis.....	ES-2
Issues Raised During Scoping.....	ES-2
Summary of Project Alternatives .....	ES-26

### **1.0 Introduction**

1.1 Purpose of the EIR .....	1.0-1
1.2 Intended Uses of the EIR .....	1.0-2
1.3 Discretionary Actions and Approvals .....	1.0-2
1.4 EIR Scope, Issues, Concerns .....	1.0-3
1.5 Report Organization .....	1.0-6
1.6 Incorporation by Reference .....	1.0-9

### **2.0 Project Description**

2.1 Project Location and Overview .....	2.0-1
2.2 Project Objectives.....	2.0-2
2.3 Planning Context .....	2.0-3
2.4 Project Components .....	2.0-9
2.5 Density Bonus.....	2.0-11
2.6 Design Concepts .....	2.0-13
2.7 Project Construction .....	2.0-22
2.8 Environmental Setting .....	2.0-25
2.9 Intended Uses of the EIR .....	2.0-27

### **3.0 Environmental Analysis ..... 3.0-1**

3.1 Aesthetics .....	3.1-1
3.2 Air Quality.....	3.2-1
3.3 Biological Resources .....	3.3-1
3.4 Cultural Resources.....	3.4-1
3.5 Energy Conservation and Climate Change .....	3.5-1
3.6 Geology and Soils.....	3.6-1

Table of Contents

3.7 Hazards and Hazardous Materials ..... 3.7-1

3.8 Hydrology and Water Quality ..... 3.8-1

3.9 Land Use and Planning..... 3.9-1

3.10 Noise..... 3.10-1

3.11 Public Services and Recreation ..... 3.11-1

3.12 Transportation..... 3.12-1

3.13 Tribal Cultural Resources ..... 3.13-1

3.14 Utilities and Service Systems ..... 3.14-1

**4.0 Effects Found Not to Be Significant**

4.1 Agriculture and Forestry Resources..... 4.0-1

4.2 Mineral Resources ..... 4.0-3

4.3 Population and Housing..... 4.0-4

4.4 Wildfire ..... 4.0-5

**5.0 Alternatives**

5.1 Introduction..... 5.0-1

5.2 Project Objectives..... 5.0-2

5.3 Impacts of the Proposed Project ..... 5.0-3

5.4 Alternatives to the Proposed Project..... 5.0-3

5.5 Alternatives Considered but Rejected ..... 5.0-22

5.6 Environmentally Superior Alternative..... 5.0-26

**6.0 Other CEQA Considerations**

6.1 Significant and Unavoidable Impacts..... 6.0-1

6.2 Significant and Irreversible Environmental Changes..... 6.0-2

6.3 Growth-Inducing Impacts ..... 6.0-3

**7.0 Preparers and Persons Consulted**

7.1 Environmental Impact Report..... 7.0-1

7.2 Technical Studies ..... 7.0-1

**8.0 References ..... 8.0-1**

## LIST OF TABLES

Table ES-1	Environmental Impact Summary .....	ES-5
Table ES-2	Comparison of Alternative Project Impacts to the Proposed Project .....	ES-26
Table 1.0-1	CEQA-Required Sections and Location in the EIR .....	1.0-7
Table 2.0-1	Existing General Plan Land Use and Zoning .....	2.0-4
Table 2.0-2	Proposed Development Summary .....	2.0-9
Table 2.0-3	Summary of Proposed Units .....	2.0-12
Table 2.0-4	Parking Requirements .....	2.0-18
Table 2.0-5	Anticipated Construction Schedule .....	2.0-22
Table 2.0-6	Required Approvals and Permits .....	2.0-28
Table 3.0-1	Cumulative Projects.....	3.0-4
Table 3.0-2	Housing Element Update Sites .....	3.0-7
Table 3.1-1	Viewer Groups and Anticipated Exposure .....	3.1-10
Table 3.2-1	Criteria Air Pollutants Summary of Common Sources and Effects .....	3.2-3
Table 3.2-2	Ambient Air Quality Standards .....	3.2-4
Table 3.2-3	San Diego Air Basin Attainment Status by Pollutant .....	3.2-6
Table 3.2-4	Screening Thresholds for Criteria Pollutants .....	3.2-8
Table 3.2-5	Expected Construction Emissions Summary (pounds per day) .....	3.2-14
Table 3.2-6	Long-Term Operational Air Emissions.....	3.2-16
Table 3.3-1	Vegetation Communities/Land Uses within the Project Site .....	3.3-3
Table 3.4-1	Previously Recorded Cultural Resources within 0.5 Mile of the Project Site ..	3.4-4
Table 3.5-1	Portfolio Percentages for SDG&E 2018 RPS.....	3.5-3
Table 3.5-2	Electricity Consumption in San Diego County 2009-2019 .....	3.5-3
Table 3.5-3	Natural Gas Consumption in San Diego County 2009-2019 .....	3.5-4
Table 3.5-4	Automotive Fuel Consumption in San Diego County 2009-2019 .....	3.5-5
Table 3.5-5	Annual Estimated Greenhouse Gas Emissions.....	3.5-19
Table 3.5-6	Consistency with the 2015 Regional Plan .....	3.5-23
Table 3.5-7	Consistency with the 2017 Scoping Plan Update .....	3.5-24
Table 3.5-8	Project Consistency with Applicable Goals and Policies of the City of Encinitas General Plan .....	3.5-26
Table 3.5-9	Project Consistency with Applicable Strategies of the City of Encinitas Climate Action Plan .....	3.5-28
Table 3.5-10	Project and Countywide Energy Consumption .....	3.5-29
Table 3.8-1	Summary of 100-yr Storm Event Hydrologic Analyses .....	3.8-16
Table 3.10-1	Definitions of Acoustical Terms .....	3.10-3
Table 3.10-2	Measured Ambient Noise Levels .....	3.10-6
Table 3.10-3	Land Use Compatibility for Community Noise Environments .....	3.10-8
Table 3.10-4	City of Encinitas Exterior Noise Limits .....	3.10-10
Table 3.10-5	City of Encinitas Ground Vibration Limits .....	3.10-11
Table 3.10-6	Noise Levels Generated by Construction Equipment .....	3.10-16
Table 3.10-7	Existing vs. Existing + Project Noise Levels .....	3.10-19
Table 3.10-8	Typical Noise Levels Generated by Parking Lots .....	3.10-21
Table 3.10-9	Typical Vibration Levels for Construction Equipment.....	3.10-23

**Table of Contents**

Table 3.10-10	Cumulative Traffic Noise .....	3.10-27
Table 3.11-1	Existing Parks, Beaches, and Open Space .....	3.11-3
Table 3.11-2	Estimated Student Generation .....	3.11-11
Table 3.11-3	School Capacity .....	3.11-12
Table 3.11-4	Available Parkland and Demand .....	3.11-14
Table 3.12-1	Project Trip Generation .....	3.12-13
Table 3.12-2	Project VMT Percentage of Regional Mean and Impact Summary .....	3.12-14
Table 3.14-1	SDWD Population – Current and Projected .....	3.14-2
Table 3.14-2	Total Water Demands in Acre-Feet per Year .....	3.14-2
Table 3.14-3	Normal Year, Single-Dry Year, and Multiple-Dry Years Supply and Demand Comparison in Acre-Feet per Year .....	3.14-3
Table 3.14-4	Historical Water Use .....	3.14-16
Table 3.14-5	Preliminary Project Water Demand Summary .....	3.14-16
Table 3.14-6	Projected Sewage Flows .....	3.14-18
Table 3.14-7	Summary of Sewer Capacity with Proposed Project .....	3.14-19
Table 3.14-8	Projected Project Water Demand Summary .....	3.14-22
Table 3.14-9	Project Water Conservation Measures and Water Savings .....	3.14-22
Table 4.3-1	City of Encinitas Population and Housing Projections .....	4.0-5
Table 5-1	Comparison of Project Alternative Impacts to the Proposed Project .....	5.0-4
Table 5-2	Project Trip Generation for Alternative 2 .....	5.0-11
Table 5-3	Project Trip Generation for Alternative 3 .....	5.0-16

## LIST OF FIGURES

Figure 2.0-1	Regional/Local Vicinity Map .....	2.0-29
Figure 2.0-2	Aerial Photograph .....	2.0-30
Figure 2.0-3	Site Plan.....	2.0-31
Figure 2.0-4A	Apartment Use - Conceptual Elevations .....	2.0-32
Figure 2.0-4B	Apartment Use/Parking Garage – Section View .....	2.0-33
Figure 2.0-4C	Parking Garage Elevations .....	2.0-34
Figure 2.0-4D	Mixed-Use - Conceptual Elevations .....	2.0-35
Figure 2.0-4E	Mixed-Use - Conceptual Elevations .....	2.0-36
Figure 2.0-4F	Hotel - Conceptual Elevations.....	2.0-37
Figure 2.0-5	Conceptual Landscape Plan .....	2.0-38
Figure 2.0-6	Preliminary Utility Plan .....	2.0-39
Figure 2.0-7	Conceptual Grading Plan .....	2.0-40
Figure 3.0-1	Cumulative Projects Map .....	3.0-8
Figure 3.1-1A	Views of the Project Site.....	3.1-4
Figure 3.1-1B	Surrounding Land Uses .....	3.1-5
Figure 3.1-1C	Surrounding Land Uses .....	3.1-6
Figure 3.1-2	Scenic Resources .....	3.1-7
Figure 3.1-3	Illustrative Renderings.....	3.1-37
Figure 3.1-4	Visual Simulation Location Map .....	3.1-38
Figure 3.1-5A	Key View 1A.....	3.1-39
Figure 3.1-5B	Key View 1B .....	3.1-40
Figure 3.1-5C	Key View 1C.....	3.1-41
Figure 3.1-5D	Key View 1D.....	3.1-42
Figure 3.1-6A	Key View 2A.....	3.1-43
Figure 3.1-6B	Key View 2B .....	3.1-44
Figure 3.1-6C	Key View 2C.....	3.1-45
Figure 3.1-6D	Key View 2D.....	3.1-46
Figure 3.1-7A	Key View 3A.....	3.1-47
Figure 3.1-7B	Key View 3B.....	3.1-48
Figure 3.1-7C	Key View 3C .....	3.1-49
Figure 3.1-7D	Key View 3D.....	3.1-50
Figure 3.10-1	Ambient Noise Monitoring Locations .....	3.10-14

**APPENDICES**

Appendix A-1	Notice of Preparation and Scoping Documents
Appendix A-2	Citizen Participation Program Report
Appendix B	Air Quality Assessment
Appendix C-1	Biological Resources Assessment
Appendix C-2	Arborist Report
Appendix D-1	Phase I Cultural Resources Identification Technical Memorandum
Appendix D-2	Phase II Archaeological Research, Design, and Site Testing, and Evaluation Technical Report
Appendix E	Greenhouse Gas Emissions and Energy Technical Memorandum
Appendix F	Geotechnical Investigation
Appendix G	Stormwater Intake Form and Storm Water Quality Management Plan
Appendix H	Preliminary Hydrology Study
Appendix I	Paleontological Records Search
Appendix J-1	Phase I Environmental Site Assessments
Appendix J-2	Phase I Environmental Site Assessments
Appendix K	Noise and Groundborne Vibration Technical Memorandum
Appendix L-1	Vehicle Miles Traveled Study
Appendix L-2	Local Transportation Analysis
Appendix M-1	Preliminary Sewer System Study
Appendix M-2	Fire Flow Analysis
Appendix M-3	Preliminary Water Demand Summary
Appendix N	Project Facility Availability Forms

### INTRODUCTION

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

- Purpose of the EIR
- Project Synopsis
- Issues Raised During Scoping
- Summary of Project Alternatives

### PURPOSE OF THE EIR

This EIR has been prepared for the City of Encinitas (City), acting as the lead agency under CEQA Guidelines Sections 15050 and 15367, to analyze the potential environmental effects associated with implementation of the Marea Village Mixed Use Development project (collectively known as the project or the proposed project).

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

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

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

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

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

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

This EIR is being distributed to agencies, organizations, and interested groups and persons for a 45-day review period in accordance with CEQA Guidelines Section 15087. The City will consider and respond to all written comments received during the review period prior to any action being taken on the project.

## PROJECT SYNOPSIS

The Marea Village Mixed Use Development Project proposes a mixed-use development consisting of 94 for-lease apartments, a 30-room boutique resort hotel, and 18,261 square feet (SF) of mixed-use development on approximately 3.8 acres located at 1900 and 1950 North Coast Highway 101 in the City of Encinitas (refer to [Figure 2.0-1, Regional/Local Vicinity Map](#), and [Figure 2.0-2, Aerial Photograph](#)). The project would also include artist studios, a subterranean parking garage, a walking paseo, pedestrian plaza, and an outdoor seating area. Of the 94 residential apartment units proposed, 75 would be rented at market rate and 19 would be affordable housing units dedicated to “low-income” (80% area median income) qualifying residents. Improvements to North Coast Highway 101 are also proposed to allow for adequate ingress/egress. Vehicular access to the site would be provided via a right turn in from the southbound lane of North Coast Highway 101 and via a left turn in from the northbound lane of North Coast Highway 101.

## ISSUES RAISED DURING SCOPING

In accordance with CEQA Guidelines Section 15082, the City prepared and distributed a Notice of Preparation (NOP) of an Environmental Impact Report for the proposed project that was circulated for public review on February 12, 2021 for a period of 30 days (ending March 13, 2021).

The NOP comment period is intended to notify responsible agencies, trustee agencies, and the public that the City, acting as the lead agency, would be preparing an EIR for the project. The City determined the scope of the analysis for this EIR as a result of initial project review and consideration of agency and public comments received in response to the NOP. For more information regarding the NOP process, refer to Section 1.0, Introduction. The NOP and the NOP comments are included as Appendix A-1 to this EIR. An agency scoping meeting was held on March 12, 2021; however, no public agencies attended.

A Citizen Participation Program (CPP) public meeting was held for the proposed project on December 15, 2020 from 6:00 p.m. to 9:00 p.m. on a virtual ZOOM meeting platform. All property owners and occupants within a 500-foot radius of the project site were mailed a copy of the meeting notice and the vicinity map. There were 89 participants in the CPP public meeting. A full summary of the issues raised at the CPP meeting is included in Appendix A-2, Citizen Participation Program Report.

Key areas of environmental concern, as conveyed during the NOP and CPP processes, include, but are not limited to:

- Density of the project
- Traffic congestion on North Coast Highway 101 and adjoining streets
- General traffic and safety concerns resulting from additional vehicle trips to/from the site
- Safety concerns for pedestrians, motorists, and bikes due to lack of infrastructure (signals and crosswalks) and increased traffic on the North Coast Highway 101 corridor
- Pedestrian safety crossing North Coast Highway 101 and adjoining streets
- Sufficient on-site parking to support the project and overflow parking impacts
- Stormwater run-off into the Pacific Ocean and Batiquitos Lagoon and associated water quality impacts
- Impacts to groundwater flow
- Destabilization of coastal bluffs
- Land use conflicts associated with a mixed-use development
- Visual incompatibility with the existing setting
- Overdevelopment in the community of Leucadia

## Executive Summary

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- Night lighting, noise, and sound from heating, ventilation, and air conditioning systems
- Adequate sewer/water infrastructure
- Concerns regarding tree removal and the use of non-native landscaping
- Beach access for the public
- Adequate parking

## SUMMARY OF SIGNIFICANT EFFECTS

Based on the analysis within this EIR, transportation impacts related to vehicles-miles-traveled (VMT) cannot be mitigated to less than significant levels. Therefore, transportation impacts are significant and unavoidable; refer to [Section 3.12, Transportation](#), for additional details.

## ISSUES TO BE RESOLVED BY THE DECISION-MAKING BODY

An EIR is an informational document intended to inform decision-makers and the public of the significant effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the proposed project. As the lead agency, the City of Encinitas must respond to each significant effect identified in this EIR by making “findings” for each significant effect. As part of the decision-making process, the City must determine whether or how to mitigate the associated significant effects of the project, including whether to implement a project alternative. Approval of the project despite identified significant and unavoidable environmental impacts requires a Statement of Overriding Considerations, explaining why the benefits of the project outweigh the environmental effects, as set forth in this document.

## SUMMARY TABLE

[Table ES-1, Environmental Impact Summary](#), identifies the potential environmental impacts resulting with the proposed project mitigation measures to reduce such impacts to less than significant, or to the extent feasible.

**Table ES-1**  
**Environmental Impact Summary**

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
<b>Aesthetics</b>			
3.1-1 Would the project have a substantial adverse effect on a scenic vista?	Less than significant	None required	Less than significant
3.1-2 Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	Less than significant	None required	Less than significant
3.1-3 Would the project (in an urbanized area) conflict with applicable zoning and other regulations governing scenic quality?	Less than significant	None required	Less than significant
3.1-4 Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	Less than significant	None required	Less than significant
3.1-5 Would the project result in cumulative aesthetic impacts?	Less than cumulatively considerable	None required	Less than cumulatively considerable
<b>Air Quality</b>			
3.2-1 Would the project conflict with or obstruct implementation of the applicable air quality plan?	Less than significant	None required	Less than significant
3.2-2 Would the project expose sensitive receptors to substantial pollutant concentrations?	Less than significant	None required	Less than significant

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
3.2-3 Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	Less than significant	None required	Less than significant
3.2-4 Would the project would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard?	Less than significant	None required	Less than cumulatively considerable
<b>Biological Resources</b>			
3.3-1 Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	Potentially significant	<b>BIO-1</b> <b>Preconstruction Survey and Monitoring for California Least Tern.</b> If the project begins construction during the least tern season (roughly April 1 to September 15), a qualified biologist with expertise monitoring least terns shall conduct a preconstruction presence/absence survey for least terns on the project site and shall monitor the project site at least twice weekly between April 1 and September 15 to verify that least terns are not flying to or over the site during the day or roosting on the site at night. If it is determined that least terns are repeatedly flying over the site during construction hours or landing on the site outside of construction hours, an additional survey may be required and additional avoidance measures (e.g. changing construction hours, staging equipment throughout the site) may be implemented to deter terns from landing on the site and ensure the project's impacts on least terns remain less than significant. If California least terns occupy and nest on the site, construction within at least 500 feet or a suitable distance as determined by the qualified least tern biologist will need to be delayed until any tern nests have gone to completion and the young have fledged and are no longer dependent on the project site for roosting.	Less than significant with mitigation incorporated

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
3.3-2 Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	Less than significant	None required.	Less than significant
3.3-3 Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	Less than significant	None required	Less than significant
3.3-4 Would the project interfere substantially with the movement of native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	Potentially significant	Implement mitigation measure <b>BIO-1</b> .	Less than significant with mitigation incorporated
3.3-5 Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	Less than significant	None required	Less than significant
3.3-6 Would the project conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan?	Less than significant	None required	Less than significant

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
3.3-7 Would the project result in cumulative impacts related to biological resources?	Potentially significant	Implement mitigation measure <b>BIO-1</b> .	Less than cumulatively considerable
<b>Cultural Resources</b>			
3.4-1 Would the project cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?	Potentially significant	<b>CR-1 Cultural Resources Monitoring Program.</b> A Cultural Resource Mitigation Monitoring Program shall be conducted to provide for the identification, evaluation, treatment, and protection of any cultural resources that are affected by or may be discovered during the construction of the proposed project. The monitoring shall consist of the full-time presence of a qualified archaeologist and a traditionally and culturally affiliated (TCA) Native American monitor (Kumeyaay) shall be retained to monitor all ground-disturbing activities associated with project construction, including vegetation removal, clearing, grading, trenching, excavation, or other activities that may disturb original (pre-project) ground, including the placement of imported fill materials and related roadway improvements (i.e., for access). <ul style="list-style-type: none"> <li>The requirement for cultural resource mitigation monitoring shall be noted on all applicable construction documents, including demolition plans, grading plans, etc.</li> <li>The qualified archaeologist and TCA Native American monitor shall attend all applicable pre-construction meetings with the Contractor and/or associated Subcontractors.</li> <li>The qualified archaeologist shall maintain ongoing collaborative consultation with the TCA Native American monitor during all ground disturbing or altering activities, as identified above.</li> <li>The qualified archaeologist and/or TCA Native American monitor may halt ground disturbing activities if archaeological artifact deposits or cultural features are discovered. In general, ground disturbing activities shall be directed away from these deposits for a short time to allow a determination of potential significance, the subject of which shall be determined by the qualified archaeologist</li> </ul>	Less than significant with mitigation incorporated

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
		<p>and the TCA Native American monitor, in consultation with the Kumeyaay affiliated tribes. Ground disturbing activities shall not resume until the qualified archaeologist, in consultation with the TCA Native American monitor, deems the cultural resource or feature has been appropriately documented and/or protected. At the qualified archaeologist's discretion, the location of ground disturbing activities may be relocated elsewhere on the project site to avoid further disturbance of cultural resources.</p> <ul style="list-style-type: none"> <li>• The avoidance and protection of discovered unknown and significant cultural resources and/or unique archaeological resources is the preferable mitigation for the proposed project. If avoidance is not feasible a Data Recovery Plan may be authorized by the City as the lead agency under CEQA. If a data recovery is required, then the Kumeyaay affiliated tribes shall be notified and consulted in drafting and finalizing any such recovery plan.</li> <li>• The qualified archaeologist and/or TCA Native American monitor may also halt ground disturbing activities around known archaeological artifact deposits or cultural features if, in their respective opinions, there is the possibility that they could be damaged or destroyed.</li> <li>• The landowner shall relinquish ownership of all tribal cultural resources collected during the cultural resource mitigation monitoring conducted during all ground disturbing activities, and from any previous archaeological studies or excavations on the project site to the Kumeyaay affiliated tribes for respectful and dignified treatment and disposition, including reburial, in accordance with the Tribe's cultural and spiritual traditions. All cultural materials that are associated with burial and/or funerary goods will be repatriated to the Most Likely Descendant as determined by the Native American Heritage Commission per California Public Resources Code Section 5097.98.</li> </ul>	

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
		<p><b>CR-2 Prepare Monitoring Report and/or Evaluation Report.</b> Prior to the release of the Grading Bond, a Monitoring Report and/or Evaluation Report, which describes the results, analysis and conclusions of the cultural resource mitigation monitoring efforts (such as, but not limited to, the Research Design and Data Recovery Program) shall be submitted by the qualified archaeologist, along with the TCA Native American monitor's notes and comments, to the City's Development Services Director for approval.</p> <p><b>CR-3 Identification of Human Remains.</b> As specified by California Health and Safety Code Section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Coroner's office by telephone. No further excavation or disturbance of the discovery or any nearby area reasonably suspected to overlie adjacent remains (as determined by the qualified archaeologist and/or the TCA Native American monitor) shall occur until the Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code 5097.98. If such a discovery occurs, a temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected (as determined by the qualified archaeologist and/or the TCA Native American monitor), and consultation and treatment could occur as prescribed by law. As further defined by state law, the Coroner would determine within two working days of being notified if the remains are subject to his or her authority. If the Coroner recognizes the remains to be Native American, he or she shall contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC would make a determination as to the Most Likely Descendent. If Native American remains are discovered, the remains shall be kept in situ ("in place"), or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of the TCA Native American monitor.</p>	

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
3.4-2 Would the project cause a substantial adverse change in the significance of an archaeological resource as defined in CEQA Guidelines Section 15064.5?	Potentially significant	Implement mitigation measures <b>CR-1</b> and <b>CR-2</b> .	Less than significant with mitigation incorporated
3.4-3 Would the project disturb any human remains, including those interred outside of formal cemeteries?	Potentially significant	Implementation mitigation measure <b>CR-3</b> .	Less than significant with mitigation incorporated
3.4-4 Would the project result in cumulative impacts related to historical and archaeological resources or human remains?	Potentially significant	Implement mitigation measures <b>CR-1</b> to <b>CR-3</b> .	Less than cumulatively considerable
<b>Energy Conservation and Climate Change</b>			
3.5-1 Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	Potentially significant	<b>GHG-1 Purchase and Retire Greenhouse Gas (GHG) Offsets.</b> The applicant or its designee shall purchase and retire offsets to reduce the project's GHG emissions level to 2.7 metric tons carbon dioxide equivalent (MTCO <sub>2</sub> e) per service population per year, consistent with the performance standards and requirements set forth below. <ul style="list-style-type: none"> <li>The GHG offsets shall be secured from an accredited registry that is recognized by the California Air Resources Board (CARB) or a California air district, or from an emissions reduction credits program that is administered by CARB or a California air district.</li> <li>The GHG offsets shall be real, permanent, quantifiable, verifiable, and enforceable.</li> <li>Recognizing that future regulatory mandates, technological advances, and/or final project design features would likely result in GHG emissions that are lower than the levels presented in this memorandum, the applicant may prepare a final project GHG emissions inventory prior to City of Encinitas issuance of building permits. The inventory shall be subject to verification by a City-</li> </ul>	Less than significant with mitigation incorporated

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
		approved third party (at applicant expense), with the final emissions estimates dictating the increment to be mitigated through purchase of GHG offsets. The offsets must also be secured by the applicant and verified by the City of Encinitas prior to certificate of occupancy, thus providing full mitigation prior to completion of the project.	
3.5-2 Would the project conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	Less than significant	None required	Less than significant
3.5-3 Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	Less than significant	None required	Less than significant
3.5-4 Would the project conflict or obstruct a state or local plan for renewable energy or energy efficiency?	Less than significant	None required	Less than significant
3.5-5 Would the project would in cumulative impacts related to energy conservation and climate change?	Potentially significant	Implement mitigation measure <b>GHG-1</b> .	Less than cumulatively considerable

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
<b>Geology and Soils</b>			
3.6-1 Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	Less than significant	None required	Less than significant
3.6-2 Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?	Less than significant	None required	Less than significant
3.6-3 Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?	Less than significant	None required	Less than significant
3.6-4 Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?	Less than significant	None required	Less than significant
3.6-5 Would the project result in substantial soil erosion or the loss of topsoil?	Less than significant	None required	Less than significant
3.6-6 Would the project site be located on a geologic unit or soil that is unstable, or that	Less than significant	None required	Less than significant

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
would become unstable as a result of the project and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?			
3.6-7 Would the project be located on expansive soil, creating substantial direct or indirect risks to life or property?	Less than significant	None required	Less than significant
3.6-8 Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	No impact	None required	No impact
3.6-9 Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	Potentially significant	<b>GEO-1 Paleontological Data Recovery and Monitoring Plan.</b> A Data Recovery and Monitoring Plan shall be prepared to the satisfaction of the City. The plan shall document paleontological recovery methods. <ol style="list-style-type: none"> <li>1. Prior to grading permit issuance, the project applicant shall implement a paleontological monitoring and recovery program consisting of the following measures, which shall be included on project grading plans to the satisfaction of the Development Services Department: <ol style="list-style-type: none"> <li>a. The project applicant shall retain the services of a qualified paleontologist to conduct a paleontological monitoring and recovery program. A qualified paleontologist is defined as an individual having an MS or PhD degree in paleontology or geology, and who is a recognized expert in the identification of fossil materials and the application of paleontological recovery procedures and techniques. As part of the monitoring program, a paleontological monitor may work under the direction of a qualified paleontologist. A paleontological monitor is defined as</li> </ol> </li> </ol>	Less than significant with mitigation incorporated

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
		<p>an individual having experience in the collection and salvage of fossil materials.</p> <p>b. The qualified paleontologist shall attend the project preconstruction meeting to consult with the grading and excavation contractors concerning the grading plan and paleontological field techniques.</p> <p>c. The qualified paleontologist or paleontological monitor shall be on-site on a full-time basis during the original cutting of previously undisturbed portions of the underlying very old alluvial deposits. If the qualified paleontologist or paleontological monitor ascertains that the noted formations are not fossil-bearing, the qualified paleontologist shall have the authority to terminate the monitoring program.</p> <p>d. If fossils are discovered, recovery shall be conducted by the qualified paleontologist or paleontological monitor. In most cases, fossil salvage can be completed in a short period of time, although some fossil specimens (such as a complete large mammal skeleton) may require an extended salvage period. In these instances, the paleontologist (or paleontological monitor) shall have the authority to temporarily direct, divert, or halt grading to allow recovery of fossil remains in a timely manner.</p> <p>e. If subsurface bones or other potential fossils are found anywhere within the project site by construction personnel in the absence of a qualified paleontologist or paleontological monitor, the qualified paleontologist shall be notified immediately to assess their significance and make further recommendations.</p> <p>f. Fossil remains collected during monitoring and salvage shall be cleaned, sorted, and catalogued. Prepared fossils, along with copies of all pertinent field notes, photos, and maps, shall be deposited (as a donation) in a scientific institution with permanent paleontological collections such as the San Diego Natural History Museum.</p>	

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
		2. Prior to building permit issuance, a final summary report outlining the results of the mitigation program shall be prepared by the qualified paleontologist and submitted to the Development Services Department for concurrence. This report shall include discussions of the methods used, stratigraphic section(s) exposed, fossils collected, and significance of recovered fossils, as well as appropriate maps.	
3.6-10 Would the project result in cumulative impacts related to geology and soils?	Potentially significant	Implement mitigation measure <b>GEO-1</b> .	Less than cumulatively considerable
<b>Hazards and Hazardous Materials</b>			
3.7-1 Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	Less than significant	None required	Less than significant
3.7-2 Would the project have the potential to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	Potentially significant	<p><b>HAZ-1</b> Prior to demolition permit issuance, an asbestos and lead material survey shall be conducted by a qualified consultant to determine if the existing structures on-site contain lead-based paint and/or asbestos-related construction materials. If substances containing lead and/or asbestos are found on-site, an abatement work plan shall be prepared by the consultant for the proper removal and disposal of the materials in accordance with federal, state, and local laws and regulations. The asbestos and lead survey results and any necessary work plan shall be reviewed and approved by the City of Encinitas Development Services Department (Planning Division).</p> <p><b>HAZ-2</b> If on-site abatement of asbestos and/or lead materials is required, a licensed abatement contractor shall implement the approved abatement work plan prior to demolition of affected structures.</p> <p><b>HAZ-3</b> Prior to building permit issuance, an abatement close-out report shall be prepared by the abatement contractor and submitted by the project</p>	Less than significant with mitigation incorporated

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
		applicant to the Development Services Department for review and approval.	
3.7-3 Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	No impact	None required	No impact
3.7-4 Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	Less than significant	None required	Less than significant
3.7-5 Would the project result in a safety hazard or excessive noise for people residing or working in the project area for a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport?	No impact	None required	No impact
3.7-6 Would the project impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	Less than significant	None required	Less than significant
3.7-7 Would the project expose people or structures to a significant risk of loss, injury, or death involving wildland fires?	No impact	None required	No impact

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
3.7-8 Would the project result in cumulative impact related to hazards and hazardous materials?	Potentially significant	Implement mitigation measures <b>HAZ-1</b> through <b>HAZ-3</b> .	Less than cumulatively considerable
<b>Hydrology and Water Quality</b>			
3.8-1 Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	Less than significant	None required	Less than significant
3.8-2 Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	Less than significant	None required	Less than significant
3.8-3 Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site?	Less than significant	None required	Less than significant
3.8-4 Would the project substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	Less than significant	None required	Less than significant
3.8-5 Would the project create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage	Less than significant	None required	Less than significant

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
systems or provide substantial additional sources of polluted runoff?			
3.8-6 Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through addition of impervious surfaces, in a manner which would impede or redirect flood flows?	Less than significant	None required	Less than significant
3.8-7 Would implementation of the project risk the release of pollutants due to project inundation from a flood, tsunami, or seiche zones?	No impact	None required	No impact
3.8-8 Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	Less than significant	None required	Less than significant
3.8-9 Would the project result in cumulative hydrology and water quality impacts?	Less than significant	None required	Less than cumulatively considerable
<b>Land Use and Planning</b>			
3.9-1 Would the project physically divide an established community?	Less than significant	None required	Less than significant
3.9-2 Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	Less than significant	None required	Less than significant

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
3.9-3 Would the project result in cumulative land use impacts?	Less than significant	None required	Less than cumulatively considerable
<b>Noise</b>			
3.10-1 Would the project generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	Less than significant	None required	Less than significant
3.10-2 Would the project generate excessive groundborne vibration or groundborne noise levels?	Potentially significant	<b>NOI-1 Implement Vibration Control Measures During Construction.</b> The project applicant shall incorporate the following measures on all grading and building plans and specifications subject to approval of the City of Encinitas prior to issuance of a demolition or grading permit (whichever occurs first): <ul style="list-style-type: none"> <li>The Applicant shall utilize a construction vibration monitoring system with the potential to measure low levels of vibration. The Applicant shall adjust the vibration frequency settings of the equipment to ensure vibration levels do not exceed the 0.2 inch-per-second PPV threshold at the residential buildings located to the west of the project site.</li> <li>The Applicant shall conduct sensitivity training to inform construction personnel about the existing sensitive receptors surrounding the project and about methods to reduce noise and vibration.</li> </ul>	Less than significant with mitigation incorporated

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
3.10-3 Would the project be located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	No impact	None required	No impact
3.10-4 Would the project result in cumulative noise impacts?	Potentially significant	Implement mitigation measure <b>NOI-1</b> .	Less than cumulatively considerable
<b>Public Services and Recreation</b>			
3.11-1 Would the project result in substantial adverse physical impacts to fire protection services due to the provision of new or physically altered governmental facilities?	Less than significant	None required	Less than significant
3.11-2 Would the project result in substantial adverse physical impacts to police protection services due to the provision of new or physically altered governmental facilities?	Less than significant	None required	Less than significant
3.11-3 Would the project result in substantial adverse physical impacts to schools due to the provision of new or physically altered governmental facilities?	Less than significant	None required	Less than significant
3.11-4 Would the project increase the use of existing neighborhood and regional parks or other recreational facilities?	Less than significant	None required	Less than significant

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
3.11-5 Would the project result in substantial adverse physical impacts to other public facilities due to the provision of new or physically altered governmental facilities?	Less than significant	None required	Less than significant
3.11-6 Would the project result in a cumulatively considerable impact to public services and recreation?	Less than significant	None required	Less than cumulatively considerable
<b>Transportation</b>			
3.12-1 Would the project conflict an applicable program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	Less than significant	None required	Less than significant
3.12-2 Would the project conflict with or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	Potentially significant	<b>TR-1</b> The following Transportation Demand Measures (TDMs) shall be implemented to further reduce potential effects relative to vehicle miles traveled: <ul style="list-style-type: none"> <li>• Voluntary employer commute program. Employers to provide information about the SANDAG's iCommute program (<a href="http://www.icommutesd.com">www.icommutesd.com</a>) and encourage carpooling.</li> <li>• Develop and/or promote bicycle usage through a bikeshare program to help reduce vehicle usage and demand for parking by providing users with on-demand access to bikes for short-term rental, contribute to electric bicycle charging stations, contribute to bicycle infrastructure improvements, and disseminate a bicycle riders guide to make it easier for people to bike and walk to work.</li> <li>• Provide pedestrian improvements, such as a connection to the hotel to the north.</li> </ul>	Significant and unavoidable

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
		<ul style="list-style-type: none"> <li>Provide information about maps, routes, and schedules for public transit.</li> </ul>	
3.12-3 Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	Less than significant	None required	Less than significant
3.12-4 Would the project result in inadequate emergency access?	Less than significant	None required	Less than significant
3.12-5 Would the project result in cumulative transportation impacts?	Potentially significant	Implement mitigation measure <b>TR-1</b> .	Cumulatively considerable
<b>Tribal Cultural Resources</b>			
<p>3.13-1 Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:</p> <p>Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?</p> <p>A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria</p>	Potentially significant	Implement mitigation measures <b>CR-1</b> to <b>CR-3</b> .	Less than significant with mitigation incorporated

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.			
3.13-2 Would the project result in cumulative impacts related to tribal cultural resources?	Potentially significant	Implement mitigation measures <b>CR-1</b> to <b>CR-3</b> .	Less than cumulatively considerable with mitigation incorporated
<b>Utilities and Service Systems</b>			
3.14-1 Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment, or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	Less than significant	None required	Less than significant
3.14-2 Would the project have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	Less than significant	None required	Less than significant

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
3.14-3 Would the project result in a determination by the wastewater treatment provider which serves, or may serve, the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	Less than significant	None required	Less than significant
3.14-4 Would the project generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	Less than significant	None required	Less than significant
3.14-5 Would the project comply with federal, State, and local management and reduction statutes and regulations related to solid waste?	Less than significant	None required	Less than significant
3.14-6 Would the project result in a significant cumulative impact related to utilities and service systems?	Less than significant	None required	Less than significant

## SUMMARY OF PROJECT ALTERNATIVES

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

### ALTERNATIVES TO THE PROPOSED PROJECT

The following alternatives have been identified for analysis in compliance with CEQA: Alternative 1A - No Project/No Redevelopment; Alternative 2 - No Project/Reasonably Foreseeable Development; Alternative 3 – Reduced Residential/Increased Commercial; and Alternative 4 - Reduced Building Footprint and Increased Common Space/Public Amenities. Table ES-2, Comparison of Project Alternative Impacts to the Proposed Project, summarizes the potential impact of each alternative on the environmental resources evaluated in the EIR that require mitigation measures as compared to the proposed project.

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

Topic	Alternative 1: No Project/ No Redevelopment	Alternative 2: No Project/ Reasonably Foreseeable Development	Alternative 3: Reduced Residential/ Increased Commercial	Alternative 4: Reduced Building Footprint and Increased Common Space/Public Amenities
Biological Resources	<	<	<	=
Cultural Resources	<	<	<	=
Energy Conservation and Climate Change	<	<	<	<
Geology and Soils (Paleontological Resources)	<	<	<	=
Hazards and Hazardous Materials	=	<	<	=
Noise	<	=	=	=
Transportation <sup>1</sup>	<	<	<	<
Tribal Cultural Resources	<	<	<	=

Notes:

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

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

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

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

## ***Alternative 1: No Project/No Redevelopment Alternative***

### **Description**

The project site is located within the Leucadia Planning Area of the Highway 101 Corridor Specific Plan. The project site currently supports approximately 10,681 SF of commercial uses, including the small commercial center in the southeastern portion of the site and the unoccupied former restaurant building in the northern portion.

Under the No Project/No Redevelopment Alternative, the proposed project would not be adopted, and future development would not occur. As such, the existing commercial uses would continue to occur on-site in the same capacity as existing conditions. As no new development would occur, this alternative would not include the proposed improvements to North Coast Highway 101 to allow for adequate ingress/egress. It should be noted that this alternative would not be consistent with the City's requirement to provide for housing per the City General Plan Housing Element Update (HEU) and the City's obligations under the Regional Housing Needs Assessment.

Additionally, under existing conditions, the number of employees for the commercial uses totals 24. With the No Project/No Redevelopment Alternative, no change in the number of employees would occur.

### **Summary**

Impacts to biological resources, cultural resources, energy conservation and climate change, geology and soils (paleontological resources), hazards and hazardous materials, noise, and tribal cultural resources would be reduced as the project site would not be developed and existing on-site operations would be maintained at their current capacity. This alternative would also result in reduced transportation impacts as fewer daily vehicle trips would be generated by existing operations as compared to the proposed project. As such, this alternative would avoid the significant and unavoidable impact related to VMT that would result from implementation of the proposed project. Refer to Table ES-2, Comparison of Project Alternative Impacts to the Proposed Project.

With the No Project/No Redevelopment Alternative, no development or other site improvements would occur. As such, this alternative would not meet any of the project objectives, in particular, the provision of mixed-use development that would offer new residential housing opportunities, including affordable housing, and visitor-serving accommodations in accordance with the City of Encinitas Zoning Ordinance and the Local Coastal Program.

***Alternative 2: No Project/Reasonably Foreseeable Development Alternative*****Description**

Under the No Project/Reasonably Foreseeable Development Alternative, development would occur consistent with that allowed by the HEU. The property comprising Site 2 (Parcel 3) would not be purchased by the developer and would remain in its current state with the small-scale commercial uses operating on-site; no demolition of or improvements to these uses would occur.

Similar to the proposed project, a 30-room hotel would be constructed on Parcel 1 in the northern portion of the site. On Parcel 2, 33 residential units (for-lease apartments) would be constructed, which represents the minimum number of residential dwelling units required by the HEU. This alternative would include 7 affordable residential units which represents 20 percent of the overall proposed units. As such, the number of affordable residential units would be reduced from 19 to 7 units. The remainder of Parcel 2 would be developed with approximately 10,774 SF of commercial space.

Using the same estimate of 2.51 persons per household as the proposed project, this alternative would generate a resident population of 83 persons. Additionally, at an assumed employee demand of 250 SF/employee, the 10,774 SF of commercial space would generate an estimated 43.1 employees. Similar to the project as proposed, the 30-room hotel would generate approximately 9.8 employees. Therefore, development under this alternative would generate an estimated total of 53 employees, as compared to the 62 employees generated with the proposed project.

Proposed access to the site would occur via the same improvements as proposed with the project, and similar median landscaping would be planted. Additionally, the provision of on-site landscaping and private common open space for the residential uses would occur consistent with City requirements. An on-site parking structure would also be constructed to serve the hotel, commercial, and residential uses.

**Summary**

As this alternative would not include the purchase and development of Site 2 (Parcel 3) and a reduced, less intensive development plan would be implemented, impacts to biological resources (e.g., potential to affect nesting avian species), cultural resources (e.g., potential to inadvertently discover unknown resources), energy conservation and climate change, geology and soils (paleontological resources), hazards/hazardous materials, and tribal cultural resources would be reduced as compared to the proposed project. Vibration impacts associated with construction would be less than significant with mitigation incorporated, similar to the proposed project.

This alternative would also result in reduced transportation impacts. As Site 2 would no longer be purchased and developed, the average daily traffic (ADT) generated by Site 2 would not be included for CEQA purposes. Since the ADT for this alternative (830) falls below the ADT screening threshold of 1,000 ADT, further VMT/Capita and VMT/Employee analysis is not required to address both the residential and commercial uses proposed; refer also to Section 3.12, Transportation, for additional discussion. Therefore, transportation impacts related to VMT would be less than significant for this alternative and this alternative would avoid the significant and avoidable impacts from the proposed project.

Additionally, while this alternative would not include the purchase and development of Site 2 (Parcel 3), it should be noted that another developer may purchase and develop the parcel in the future. Such development may include residential or commercial uses similar to that currently proposed with the project.

This alternative would meet the primary project objectives, such as designing a mixed-use development that provides needed multi-family residential housing in compliance with local and State density bonus allowances. However, as the number of dwelling units would be reduced, this alternative would dedicate fewer dwelling units as affordable housing units for low-income families since the number of affordable units is based on a percentage of the total dwelling units proposed.

### ***Alternative 3: Reduced Residential/Increased Commercial Alternative***

#### **Description**

The Reduced Residential/Increased Commercial Alternative would result in development of the site at a similar intensity as the proposed project with a reduction in the proposed number of residential units and an increase in the square footage of the proposed commercial uses.

Under this alternative, the 30-room boutique hotel would remain. Additionally, Site 1 would be developed with 84 for-lease apartment units, which is the maximum number of dwelling units allowed under the existing zoning and similar to that which would occur with the proposed project. This alternative would remove the 10 dwelling units proposed on Site 2, so no residential uses would be proposed on Site 2. Private open space for the 84 residential units would also be provided as proposed with the project.

This alternative would qualify for incentives under Density Bonus Law by providing “low income”<sup>1</sup> affordable residential units (affordable to households earning no more than 80 percent of the area median income) which represents 20 percent of the overall proposed units. As this

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<sup>1</sup> 94 residential apartment units x 0.20 = 18.8 units, or 19 total units (rounded up).

## Executive Summary

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alternative removes 10 units, the number of affordable residential units would be reduced from 19 to 17 units (20 percent of 84 units = 16.8 units).

In addition to the 18,261 SF of commercial use as proposed with the project, this alternative would increase commercial uses by approximately 8,978 SF (this is equal to the 8,228 SF on Parcel 3 plus the 750 SF of required private open space as proposed with the project). Therefore, a total of 27,238 SF of commercial use would be provided.

Using the same estimate of 2.51 persons per household as the proposed project, this alternative would generate an estimated resident population of 211 persons. Additionally, at an assumed employee demand of 250 SF/employee, the 8,978 SF of additional commercial space would generate an estimated 36 employees above the 62 employees generated with the proposed project. Therefore, commercial development under this alternative would generate an estimated total of 98 employees.

Proposed access to the site would occur via the same improvements as proposed with the project, and similar median landscaping would be planted. Additionally, the provision of on-site landscaping and common open space for the residential uses would occur consistent with City requirements. An on-site parking structure would also be constructed to serve the hotel, commercial, and residential uses, as appropriate.

## **Summary**

As this alternative would have a similar area of disturbance as the proposed project, and would require similar construction activities, impacts to biological resources (e.g., potential to affect nesting avian species), cultural resources (e.g., potential to inadvertently discover unknown resources), geology and soils (paleontological resources), hazards and hazardous materials, noise, and tribal cultural resources would be similar to the proposed project. However, this alternative would reduce impacts to energy conservation and climate change as this alternative would have a higher service population. This alternative would also reduce VMT impacts as this alternative would generate approximately 1,367 ADT which is less than the proposed project (1,963 ADT). Although reduced compared to the proposed project, VMT impacts would remain significant and unavoidable.

This alternative would meet the primary project objectives, such as designing a mixed-use development that provides needed multi-family residential housing in compliance with local and State density bonus allowances. However, as the number of dwelling units would be reduced, this alternative would dedicate fewer dwelling units as affordable housing units for low-income families as the number of affordable units is based on a percentage of the total dwelling units proposed.

## ***Alternative 4: Reduced Building Footprint and Increased Common Space/Public Amenities Alternative***

### **Description**

The Reduced Building Footprint and Increased Common Space/Public Amenities Alternative would reduce the overall building footprint on-site and allow for the provision of additional common public space and amenities, including enhanced pedestrian and bicycle facilities.

Building 3 (2,249 SF; one story) and Building 5 (1,544 SF; one story), as shown on [Figure 2.0-3, Site Plan](#), and totaling approximately 3,793 SF, would not be constructed with this alternative. An incentive would be requested to increase the height of Building 2 from 2 stories to 3 stories. Building 2 would then accommodate the square footage of commercial uses removed with deletion of Buildings 3 and 5 to achieve a no net loss of commercial space. With Building 2 constructed as a 3-story building, this alternative would increase the number of proposed 3-story buildings fronting directly onto Highway 101.

This alternative would also include expanded on-site bike facilities as compared to the project to encourage on-site employees, residents, and visitors to utilize alternative means of transit. Such facilities would include bike racks installed in the commercial mixed-use area and at each of the residential buildings; storage lockers available for short-term rental; an on-site bike rental or a bikeshare program (i.e., on-demand access for visitors and hotel guests); and installation of an on-site electrical bike charging station.

As Buildings 3 and 5 are not proposed to support residential uses with the project, no change in the overall number of residential apartment units would occur with this alternative. A total of 94 residential units would be constructed, with 19 units being low income affordable housing. Private open space for the residential uses would also be provided as proposed with the project.

Additionally, common open space amenities on-site would be expanded to further encourage and support opportunities for community gathering and passive recreation. Such amenities are anticipated to include a centralized community green space/pocket park that could be used to support occasional small local events, public speaking engagements or lectures (i.e., educational presentations on Batiquitos Lagoon and subsequent nature walks, or as a meeting place/starting point for organized walking tours of the Highway 101 corridor); general community meeting and gathering space; and/or special events, such as an art walk or farmers' market, to entice local residents and visitors alike to the site. Additionally, enhanced landscaping would be accommodated within the community green space/park and other areas on-site as compared to the project (i.e., that could result in on-site tree replacement at a higher ratio than would occur with the proposed project).

## Executive Summary

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Using the same estimate of 2.51 persons per household as the proposed project, this alternative would generate an estimated resident population of 236 persons, similar to the project. Additionally, the commercial uses, including the hotel, would generate an estimated 62 employees, similar to the proposed project.

Proposed access to the site would occur via the same improvements as proposed with the project, and similar median landscaping would be planted. Additionally, the provision of on-site landscaping and common open space for the residential uses would occur consistent with City requirements. An on-site parking structure would also be constructed to serve the hotel, commercial, and residential uses, as appropriate.

It should be noted that increasing the height of Building 2 may potentially increase the perceived visual bulk and scale of the development which would affect public views along the Highway 101 corridor. Additionally, the increased height of Building 2 may affect private views from the adjacent Seabluffe residential development, particularly those residences located adjacent to the west with views across the site; however, only public views are considered within the legal framework of CEQA.

Project impacts on aesthetic resources were determined to be less than significant in this EIR; refer to Section 3.1, Aesthetics. Although the increase in proposed height of Building 2 may increase the intensity of uses along the Highway 101 corridor, the 3-story building would not obstruct views of the scenic corridor and impacts would remain less than significant, similar to the proposed project. Additionally, as Building 3 would be removed with this alternative, the number of structures fronting onto Highway 101 would be decreased, providing additional views into the site and a sense of increased openness for pedestrians and others traveling along the project frontage.

## Summary

As this alternative would have a similar footprint and area of disturbance as the proposed project, impacts to biological resources (e.g., potential to affect nesting avian species), cultural resources (e.g., potential to inadvertently discover unknown resources), energy conservation and climate change, geology and soils (paleontological resources), hazards and hazardous materials, noise, and tribal cultural resources would be similar to the proposed project.

With the implementation of enhanced measures, this alternative would reduce VMT impacts compared to the proposed project. However, impacts would remain significant and unavoidable as with the proposed project. Refer to Table ES-2, Comparison of Project Alternative Impacts to the Proposed Project.

As this alternative would support the similar uses and components as the proposed project, this alternative would meet the primary project objectives, such as designing a mixed-use development that provides needed multi-family residential housing in compliance with local and State density bonus allowances.

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## **1.1 PURPOSE OF THE EIR**

This Environmental Impact Report (EIR) addresses the environmental effects of the proposed Marea Village Mixed Use Development project (proposed project). The proposed project is comprised of three parcels. Parcels 1 and 2 (Assessor's Parcel Number (APNs) 216-041-20 and 216-041-21) are collectively referred to as "Site 1," and have a physical address of 1950 North Highway 101. Similarly, Parcel 3 (APN 216-041-06) is referred to as "Site 2," and has a physical address of 1900 North Highway 101. The California Environmental Quality Act (CEQA) requires that government agencies consider the environmental consequences of projects over which they have discretionary approval authority.

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

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

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

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

## **1.0 Introduction**

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Upon certification of the EIR, the Marea Village Mixed Use Development project will be considered for approval by the City's Planning Commission. A decision to approve the proposed project would be accompanied by specific, written findings, in accordance with CEQA Guidelines Section 15091, and a specific, written Statement of Overriding Considerations, in accordance with CEQA Guidelines Section 15093.

## **1.2 INTENDED USES OF THE EIR**

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

## **1.3 DISCRETIONARY ACTIONS AND APPROVALS**

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

### ***City of Encinitas***

- Environmental Impact Report certification
- Density Bonus Tentative Map approval
- Coastal Development Permit
- Design Review Permit
- Lot Line Adjustment
- Construction Permit and Demolition Permit
- Public Right-of-Way Encroachment Permit
- Stormwater Quality Management Plan/Drainage Plan
- Grading Permit
- Building Permit
- Improvement Plans
- City Tree Removal Permit/Arborist Report
- Landscape Plan

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

- School Fee
- Sewer Development Fee

- Water Service, Capacity and Metering Fee
- Park Acquisition and Park Development Fee
- Open Space Acquisition Fee
- Recreational Trail Development Fee
- Traffic Impact Fee
- Fire Impact Fee
- Community Facility Fee

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

- State Water Resources Control Board (SWRCB) – General Construction Permit
- Environmental Protection Agency, U.S. Army Corps of Engineers, and San Diego Regional Water Quality Control Board– Opportunistic Beach Replenishment Program Sample and Analysis Plan and Permit Coverage Authorization

## 1.4 EIR SCOPE, ISSUES, CONCERNS

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

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

The NOP and response letters and scoping meeting summary are provided in Appendix A-1, Notice of Preparation and Scoping Documents.

### NOTICE OF PREPARATION OF ENVIRONMENTAL IMPACT REPORT

Pursuant to Section 15082 of the CEQA Guidelines, a NOP was circulated by the California Governor's Office of Planning and Research State Clearinghouse (SCH# 2021020272) to responsible agencies for a 30-day public review period commencing on February 12, 2021. An agency scoping meeting was held on March 12, 2021; however, no public agencies attended.

Written comment letters received during the 30-day NOP public review period are found in Appendix A-1. They include a total of four public agency comment letters and 33 comment submittals from individuals.

Key comments of environmental concern include:

## 1.0 Introduction

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- Traffic congestion on North Coast Highway 101 and adjoining streets
- General traffic and safety concerns resulting from the additional vehicle trips to the site
- Safety concerns for pedestrians, motorists, and bikes due to lack of infrastructure (signals and crosswalks) and increased traffic on the North Coast Highway 101 corridor Pedestrian safety crossing North Coast Highway 101 and adjoining streets
- Sufficient on-site parking to support the project and overflow parking impacts
- Stormwater run-off into the Pacific Ocean and Batiquitos Lagoon
- Impacts to groundwater flow
- Destabilization of the adjacent bluffs
- Land use conflicts associated with a mixed-use development
- Visual incompatibility with the existing setting
- Overdevelopment in the community of Leucadia
- Night lighting, noise and sound from HVAC systems
- Adequate sewer/water infrastructure

One additional comment letter was submitted following the end of the public review period on April 2, 2021 found in Appendix A-1. Comments of environmental concern related to public health concerns related to COVID and considerations to reduce greenhouse gas emissions (GHGs).

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

### **CITIZEN PARTICIPATION PROGRAM (CPP) MEETING**

A Citizen Participation Program (CPP) public meeting was held for the proposed project on December 15, 2020 from 6:00 p.m. to 9:00 p.m. on a virtual ZOOM meeting platform. All property owners and occupants within a 500-foot radius of the project site were mailed a copy of the neighborhood letter and the vicinity map. There were 89 participants in the CPP public meeting. A full summary of the issues raised at the CPP meeting is included in Appendix A-2, Citizen Participation Program Report.

Key comments of environmental concern are related to:

- Traffic congestion on North Coast Highway 101 and adjoining streets, such as La Costa Avenue
- General traffic and safety concerns resulting from the additional vehicle trips to the site
- Parking on-site for the residential, hotel, and commercial uses
- Pedestrian safety crossing North Coast Highway 101 and adjoining streets

- Density of the project
- Destabilization of the adjacent bluffs
- Concerns regarding tree removal and the use of non-native landscaping
- Beach access for the public
- Adequate parking

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

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

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

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

## ENVIRONMENTAL REVIEW PROCESS

This Draft EIR, with an accompanying Notice of Completion (NOC), is being circulated to the State Clearinghouse, trustee agencies, responsible agencies, other government agencies, and interested members of the public for a 45-day review period in accordance with CEQA Guidelines Sections 15087 and 15105. During this period, public agencies and members of the public may submit written comments on the analysis and content of the Draft EIR. In reviewing a Draft EIR, readers should focus on the sufficiency of the document in identifying and analyzing the possible impacts of the proposed project on the environment and on ways in which the significant effects of the proposed project might be avoided or mitigated.

## 1.0 Introduction

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Comment letters should be sent to:

Scott Vurbef, Environmental Project Manager  
City of Encinitas, Planning Division  
505 S. Vulcan Avenue  
Encinitas, CA 92024  
Email: [svurbef@encinitasca.gov](mailto:svurbef@encinitasca.gov)  
Phone: (760) 633-2692

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

## 1.5 REPORT ORGANIZATION

The EIR is organized as follows:

- **Section ES, Executive Summary.** Summarizes the description and background of the proposed project, addresses the format of this EIR, discusses alternatives, and includes the potential environmental impacts and any mitigation measures identified for the proposed project.
- **Section 1.0, Introduction.** Describes the purpose of the EIR, the background of the proposed project, the NOP and scoping process, the use of incorporation by reference, and the EIR certification process.
- **Section 2.0, Project Description.** Describes the proposed project and its objectives, the proposed project site and location, approvals anticipated to be included as part of the project, the necessary environmental clearances for the proposed project, and the intended uses of the EIR.
- **Section 3.0, Environmental Analysis.** Contains a detailed environmental analysis of the existing (baseline) conditions, potential project impacts, recommended mitigation measures, and possible unavoidable adverse impacts for the following environmental issue areas:
  - Aesthetics (Section 3.1)
  - Air Quality (Section 3.2)
  - Biological Resources (Section 3.3)
  - Cultural Resources (Section 3.4)
  - Energy Conservation and Climate Change (Section 3.5)

- Geology and Soils (Section 3.6)
  - Hazards and Hazardous Materials (Section 3.7)
  - Hydrology and Water Quality (Section 3.8)
  - Land Use and Planning (Section 3.9)
  - Noise (Section 3.10)
  - Public Services and Recreation (Section 3.11)
  - Transportation (Section 3.12)
  - Tribal Cultural Resources (Section 3.13)
  - Utilities and Service Systems (Section 3.14)
- **Section 4.0, Effects Found Not to Be Significant.** Summarizes effects found not to be significant.
- **Section 5.0, Alternatives.** Analyzes a reasonable range of alternatives to the proposed project, including the CEQA-mandated “No Project” alternative. The alternatives seek to achieve the basic objectives of the proposed project while reducing potential environmental effects associated with the proposed project.
- **Section 6.0, Other CEQA Considerations.** Summarizes the project’s significant and unavoidable impacts, energy conservation, and significant irreversible environmental changes. This section also includes a discussion of growth-inducing impacts, analyzing the potential environmental consequences of the foreseeable growth and development that could be induced by implementation of the proposed project.
- **Section 7.0, Preparers and Persons Consulted.** Identifies the preparers of the EIR, including the lead agency.
- **Section 8.0, References.** Identifies reference resources used during preparation of the EIR.
- **Appendices.** Contains the project’s technical documentation.

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

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

CEQA Requirement	CEQA Section	Location in EIR
Table of Contents	15122	Table of Contents
Executive Summary	15123	Section ES
Introduction		Section 1.0
Project Description	15124	Section 2.0
Environmental Setting	15125	Sections 2.0 and 3.0
Significant Environmental Effects of the Proposed Project	15126[a]	Section 3.0

**Table 1.0-1, continued**

CEQA Requirement	CEQA Section	Location in EIR
Mitigation Measures	15126[e]	Section 3.0
Cumulative Impacts	15130	Section 3.0
Effects Found Not to Be Significant	15128	Section 4.0
Alternatives	15126[f]	Section 5.0
Significant Unavoidable Environmental Effects of the Proposed Project	15126[b]	Section 6.0
Significant Irreversible Environmental Changes of the Proposed Project	15126[c]	Section 6.0
Growth-Inducing Impacts of the Proposed Project	15126[d]	Section 6.0
Preparers and Persons Consulted	15129	Section 7.0
Technical Appendices and other materials, including comments letters on the NOP and scoping meeting.		Appendices

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

The CEQA Guidelines provide, in part:

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

Where the decision of the public agency allows the occurrence of significant effects that are identified in the Final EIR but are not mitigated, the agency must state in writing the reasons to support its action based on the Final EIR and/or other information in the record. This statement may be necessary if the agency also makes the finding under Section 15091(a)(2) or (a)(3) of the CEQA Guidelines.

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

## 1.6 INCORPORATION BY REFERENCE

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

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

In March 2019, the Encinitas City Council adopted the 2013 - 2021 Housing Element Update (HEU) which provides the City with a coordinated and comprehensive strategy for promoting the production of safe, decent, and affordable housing for all within the City. The purpose of the HEU is to ensure that the City establishes policies, procedures, and incentives to increase the quality and quantity of the housing supply in the City. The HEU includes the 2013 - 2021 Housing Element Update and a series of discretionary actions to update and implement the City's Housing Element, including an amendment to the City's General Plan and Local Coastal Program (LCP) (described below), the North 101 Corridor Specific Plan (N101SP) (described below) and adoption of updated Development Standards and Zoning Standards for properties that were included in the HEU.

Under the 2019 HEU, Site 1 is identified as Site 07: Jackel Properties. It is comprised of APN 216-041-20 ("Parcel 1;" approximately 0.69 acres) and APN 216-041-21 ("Parcel 2;" approximately 2.3 acres). The HEU assigns a minimum allocation of 33 residential units to Site 07, if developed as mixed-use with visitor-serving commercial uses and a minimum of 30 traditional overnight accommodations. Conforming edits were also made to the N101SP to add an R-30 zone and apply this new zoning to the project site.

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

*All approvals necessary to implement appropriate zoning and development standards, including California Coastal Commission approval of an LCP Amendment, are required to find Encinitas' Housing Element compliant with state Housing Element law (Article 10.6 of the Government Code). The September 16, 2019 correspondence, and associated documentation satisfy the requirements described in HCD's reviews. As a*

*result, the March 13, 2019 adopted Housing Element complies with state Housing Element law (Article 10.6 of the Government Code).*

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

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

The EA expanded upon previous analysis conducted in the City of Encinitas 2013-2021 Housing Element Program Environmental Impact Report (State Clearinghouse No. 2015041044) *for the At Home in Encinitas, the City of Encinitas Housing Element Update*. Although the proposed HEU was not subject to CEQA, the EA conformed to the required content for a draft EIR found in State CEQA Guidelines Article 9 (Section 15120 et seq.) and the required content for a Supplemental EIR found in State CEQA Guidelines Section 15163. A portion of the project site, identified as the Jackel Property (Site 7), was analyzed as part of the EA.

## **SAND COMPATIBILITY AND OPPORTUNISTIC USE PROGRAM INITIAL STUDY/MITIGATED NEGATIVE DECLARATION (IS/MND)**

An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared for the Sand Compatibility and Opportunistic Use Program (SCOUP) pursuant to the 2008 State CEQA Guidelines §15063.

The IS/MND found that although the proposed project could have a significant effect on the environment, there would not be a significant effect in the case of the City's SCOUP program because the mitigation and monitoring measures, described in Section IV of the Final Mitigated Negative Declaration, were added to make the impacts less than significant. Section IV of the Final Mitigated Negative Declaration describes conditions for project specifications and monitoring requirements, which are reiterated in the agency SCOUP permits. In 2014, the City's SCOUP program was amended and an addendum to the MND was prepared to add the Leucadia Beach (between Range St. and Diana St.) and Cardiff Beach (in the vicinity of Restaurant Row) placement sites.

## ENCINITAS NORTH 101 CORRIDOR SPECIFIC PLAN

The Encinitas North 101 Corridor Specific Plan (N101SP) was adopted by the City in May 1997 (last amended December 2020). The document is called for in the City's General Plan in recognition of the corridor's unique character, needs, and opportunities. All components and requirements as specified in the General Plan are addressed in the N101SP. Components relating to aesthetic resources include Land Use and Development Regulations; Design Recommendations; Circulation Plan; Historic Preservation Plan; and various other chapters. The primary purpose of the N101SP is to “address the unique aspects, problems, and opportunities of the project corridor, and to maintain its identity, community character, and scale, while fostering the revitalization of the North Highway 101 commercial corridor.”

Additionally, the N101SP Chapter 4.0, Design Recommendations, provides specific design recommendations for all future development within the N101SP area (e.g., architectural style, bulk, height, mass, scale, signage, compatibility).

The N101SP was amended in 2019 with the City's General Plan 2013-2021 HEU to allow for residential densities of 30 units per acre, three story structures, and other changes to development standards.

Section 3.1.2.H of the N101SP was revised to include provisions for the N-L-VSC (R-30 OL) zone as follows (see also City of Encinitas Municipal Code, below):

H. Zone: Limited Visitor-Serving Commercial (N-L-VSC) (R-30 OL). This Zone is intended to provide additional residential development opportunities to comply with the City's Regional Needs Housing Assessment (RHNA) allocation for sites to accommodate lower income housing with a minimum density of 25 units per acre and a maximum of 30 units per acre.

### 1. N-L-VSC (R-30 OL) Permitted Uses

Permitted uses in the N-L-VSC (R-30 OL) shall be the same as those permitted in the L-VSC Zone in Title 30, Chapter 30.09. 010 and those permitted in the R-30 OL Zone in Chapter 30.16, of the Encinitas Municipal Code. Future development will be mixed-use to include residential and visitor-serving commercial uses, as well as a minimum of 30 traditional overnight accommodations. The eventual proposal will address a full range of affordability for the overnight accommodations.

## 1.0 Introduction

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### 2. N-L-VSC (R-30 OL) Development Standards

“...the development standards under the NVSC R-30 OL Zone shall be those specified under Section 30.16.010 of the Encinitas Municipal Code for the R 30 Overlay Zone.”

All development within the boundaries of the N101SP, with few exceptions, is subject to the City’s Design Review process. Where conflicts between standards exist (i.e., with the General Plan) those identified in the N101SP take precedence.

## **CITY OF ENCINITAS GENERAL PLAN AND CERTIFIED LOCAL COASTAL PROGRAM**

The Encinitas General Plan serves as a policy document that provides long-range guidance to City officials responsible for decision-making with regard to the City’s future growth and long-term protection of its resources. The General Plan is intended to ensure decisions made by the City conform to long-range goals established to protect and further the public interest as the City continues to grow and to minimize adverse effects potentially occurring upon ultimate buildout of the General Plan. The General Plan also provides guidance to ensure future development conforms to the City’s established plans, objectives, and/or policies, as appropriate.

More than half of Encinitas lies within the boundaries of the California Coastal Zone (approximately 7,875 acres of a total 13,266 acres in the City). The California Coastal Act (Public Resources Code Section 30000 et seq.) is intended to protect the natural and scenic resources of the Coastal Zone. All local governments located wholly or partially within the Coastal Zone are required to prepare a LCP for those areas of the Coastal Zone within its jurisdiction. The state’s goals for the Coastal Zone include the following:

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

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

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

Additionally, relative to the City's LCP, subsequent to the City's approval of the HEU, the City processed a LCP Amendment to update the City's LCP to include the 13 sites identified in the 2013-2021 HEU within the coastal zone, including Jackel Property (Site 7). On May 31, 2019, the California Coastal Commission (CCC) found that the HEU consistency with the LCP, the proposed Housing Element Update and associated LCP Amendment consistent with the relevant Chapter 3 policies of the California Coastal Act (CCC 2019).

## **CITY OF ENCINITAS CLIMATE ACTION PLAN**

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

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

To achieve these objectives, the CAP identifies a summary of baseline GHG emissions and the potential growth of these emissions over time; the expected climate change effects on the City;

## 1.0 Introduction

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GHG emissions reduction targets and goals to reduce the community's contribution to global warming; and identification of strategies, specific actions, and supporting measures to comply with statewide GHG reduction targets and goals, along with strategies to help the community adapt to climate change impacts.

As part of the CAP implementation, each strategy, action, and supporting measure will be continually assessed and monitored. Reporting on the status of implementation of these strategies, periodic updates to the GHG emissions inventory, and other monitoring activities will help ensure that the CAP is making progress. It should be noted that at the time of preparation of this EIR, the City has not adopted implementing ordinances for the CAP. Therefore, strategies requiring the City to adopt ordinances to implement are not applicable to the project. The following strategies identified in the CAP are applicable to the project:

- RE-2: Require New Homes to install Solar Photovoltaic Systems
- RE-3: Require Commercial Buildings to install Solar Photovoltaic Systems
- CET-4: Require Residential Electric Vehicle Charging Stations
- CET-5: Require Commercial Electric Vehicle Charging Stations

## CITY OF ENCINITAS MUNICIPAL CODE

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

### ***Housing Plan Update 2019 R-30 OL Implementing Zone***

City land use policy calls for the need to accommodate future housing development and meet RHNA's state housing law compliance for affordability. To reinforce and expand on the City's commitment to encouraging affordable housing, developing more complete neighborhoods, and enhancing and preserving the community's character, the R-30 OL Zone was created to

implement the R-30 OL General Plan land use designation. Like the R-30 OL land use designation, the R-30 OL Zone is an overlay zone that retains the underlying zoning standards for applicable properties. However, if an attached or detached multifamily residential project is proposed, a property owner may develop under special provisions of the R-30 OL Zone that include new incentive land use and development standards to create more housing for the community.

The R-30 OL Zone is intended to:

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

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

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## 2.1 PROJECT LOCATION AND OVERVIEW

The proposed Marea Village Mixed Use Development Project (proposed project) is located on approximately 3.8 acres at 1900 and 1950 North Coast Highway 101 in the City of Encinitas (City), California, in coastal San Diego County. The project site is comprised of County of San Diego Assessor Parcel Numbers (APNs) 216-041-20 (Parcel 1), 216-041-21 (Parcel 2), and 216-041-06 (Parcel 3). Refer to [Figure 2.0-1, Regional/Local Vicinity Map](#), and [Figure 2.0-2, Aerial Photograph](#).

Parcels 1 and 2 (APNs 216-041-20 and 216-041-21) are collectively referred to as “Site 1,” and have a physical address of 1950 North Highway 101. Similarly, Parcel 3 (APN 216-041-06) is referred to as “Site 2,” and has a physical address of 1900 North Highway 101.

The project proposes a mixed-use development consisting of 94 for-lease apartments, a 30-room boutique resort hotel, and 18,261 square feet (SF) of mixed-use development. The project would also include a subterranean parking garage, a walking paseo, pedestrian plaza, and an outdoor seating area. Of the 94 residential apartment units proposed, 75 would be rented at market rate and 19 would be affordable housing units dedicated to “low-income” (80% area median income) qualifying residents; refer to [Figure 2.0-3, Site Plan](#), and [Figures 2.0-4A to 2.0-4F](#).

Improvements to North Coast Highway 101 are also proposed to allow for adequate ingress/egress. Vehicular access to the site would be provided via a right turn in from the southbound lane of North Coast Highway 101 and via a left turn in from the northbound lane of North Coast Highway 101.

In March 2019, the Encinitas City Council adopted a Housing Element Update (HEU) to its General Plan which provides the City with a coordinated and comprehensive strategy for promoting the production of safe, decent, and affordable housing for all within the City. Mandated by state housing law, the purpose of the HEU is to ensure the City establishes policies, procedures, and incentives to increase the quality and quantity of the City’s housing supply.

Site 1 is identified in the HEU as Site 07: Jackel Properties. It is comprised of APN 216-041-20 (“Parcel 1,” approximately 0.69 acres) and APN 216-041-21 (“Parcel 2,” approximately 2.3 acres). The HEU assigns a minimum allocation of 33 residential units to Site 07, if developed as mixed-use with visitor-serving commercial uses and a minimum of 30 traditional overnight accommodations.

Site 1 is zoned Limited Visitor-Serving Commercial (N-LVSC) with a Coastal Zone and R-30 Zone overlay. As part of the HEU, this portion of the project site was allocated a minimum of 33

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**2.0 Project Description**

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residential units (City of Encinitas 2015). Site 2 is zoned Commercial Residential Mixed 1 (N-CRM-1) and has a Coastal Zone overlay and maximum density of 25 dwelling units per acre.

A Density Bonus Tentative Map, Design Review Permit, and Coastal Development Permit are required to allow for the proposed development. The Design Review Permit is required to ensure project consistency with objective design review guidelines established by the City of Encinitas. Due to its location within the Encinitas North 101 Corridor Specific Plan, and the City's Special Study Overlay, R-30 Zone Overlay and Scenic Highway/Visual Corridor Overlay, the project is also subject to special study requirements, overlay restrictions, and objective design guidelines related to grading, building design, landscaping, and other site improvements.

## **2.2 PROJECT OBJECTIVES**

California Environmental Quality Act (CEQA) Guidelines Section 15124(b) requires the project description to contain a statement of objectives that includes the underlying purpose of the proposed project. The objectives of the project are identified below. The underlying purpose of the proposed project is to create a pedestrian-oriented development that provides a mixture of land use types, offers community services and passive recreational activities, and creates opportunities for attainably-priced residential rental housing across various income groups in conformance with the City's 2013-2021 Housing Element (Fifth Cycle).

1. Provide housing opportunities consistent with the goals of the adopted City of Encinitas General Plan HEU, while minimizing environmental effects and protecting surrounding aesthetic resources.
2. Design a mixed-use development that provides needed multi-family residential housing in compliance with local and State density bonus allowances.
3. Dedicate 20 percent of the total number of dwelling units as affordable housing units for low income families, thereby helping to meet State-mandated affordable housing requirements and further encourage diversity within the community.
4. Provide access to significant coastal resources to low income families consistent with goals and policies of the California Coastal Act.
5. Provide a residential housing product aimed at meeting growing demand for for-lease apartment homes.
6. Provide an overall design that achieves consistency with the goals and design review guidelines identified in the North 101 Corridor Specific Plan (N101SP) for Highway 101 within the community of Leucadia.

7. Provide functional compatibility with adjacent residential neighborhoods and other nearby land uses while enhancing the City's ability to provide fiscally positive development.
8. Create a walkable environment that promotes and enhances the pedestrian experience throughout the site, with safe, convenient, and attractive connections including a walking paseo, pedestrian plaza, and outdoor seating to support community engagement.
9. Minimize visual impacts of the development by locating structures of lesser height along the Highway 101 frontage to enhance the pedestrian scale, while gradually increasing building height within the interior of the development.
10. Minimize or avoid adverse impacts to designated scenic resources along the North Coast Highway 101 corridor.
11. Provide a project design that enhances pedestrian connectivity to public transit and promotes use of alternative means of transportation.
12. Provide resident and commercial parking in accordance with the City of Encinitas Zoning Ordinance and encourage shared parking among the various non-residential uses within the project.
13. Provide overnight visitor-serving accommodations in accordance with the City of Encinitas Zoning Ordinance and Local Coastal Program.

## 2.3 PLANNING CONTEXT

As part of the requested project approvals, a lot line adjustment is proposed to delineate the portions of the site where the hotel and the mixed-use development would occur. The existing lot line between APN 216-041-20 and 216-041-21 would be relocated to the north, thereby also adjusting the total acreage of each parcel. With City approval of the lot line adjustment, Parcel 1 would total approximately 0.69 acre; Parcel 2 would total approximately 2.3 acres. These acreage totals are referred to herein in describing the proposed project (rather than the original acreages prior to the lot line adjustment). Refer also to Table 2.0-1, Existing General Plan Land Use and Zoning, for additional information.

## GENERAL PLAN LAND USE AND ZONING

Table 2.0-1 identifies the existing General Plan Land Use designations and zoning classifications, as well as existing overlay zones, for the three affected parcels that comprise the project site. No

change to the existing zoning or General Plan land use are required or proposed to allow for project implementation.

**Table 2.0-1 Existing General Plan Land Use and Zoning**

Site Number	Assessor Parcel Number (APN)	Acreage	General Plan / Encinitas North 101 Corridor Specific Plan Designation	Zoning	Overlay Zone(s)
Site 1	216-041-20 (Parcel 1/Hotel Site)	0.69	Visitor Serving Commercial (VSC)	Limited Visitor Serving Commercial (N-L-VSC)	R-30 Zone Overlay Zone; Coastal Overlay Zone; Special Study Overlay Zone, Scenic/Visual Corridor Overlay Zone
	216-041-21 (Parcel 2/Main Site)	2.30			R-30 Zone Overlay Zone; Coastal Overlay Zone; Scenic/Visual Corridor Overlay Zone
Site 2	216-041-06 (Parcel 3/Existing Commercial Site)	0.80	General Commercial (GC)	Commercial Residential Mixed 1 (N-CRM-1)	Coastal Overlay Zone; Scenic/Visual Corridor Overlay Zone

<sup>1</sup>Acreage indicated assumes City approval of requested lot line adjustment between APNs 216-041-20 and 216-041-21.

Source: 2013 - 2021 Housing Element Update (2019)

The City of Encinitas General Plan Housing Element Update (HEU) was adopted by the City on March 13, 2019. Subsequently, on June 13, 2019, the California Coastal Commission unanimously approved the Local Coastal Program Amendment (LCPA) associated with the City's Housing Plan Update. On July 10, 2019, the Encinitas City Council adopted Ordinance No. 2019-08, accepting the California Coastal Commission's LCPA as amended. Finally, on October 8, 2019, the California Department of Housing and Community Development (HCD) certified the City's Housing Element.

Site 1 is identified in the HEU as Site 07: Jackel Properties. It is comprised of APN 216-041-20 ("Parcel 1," approximately 0.69 acres) and APN 216-041-21 ("Parcel 2," approximately 2.3 acres). The HEU assigns a minimum allocation of 33 residential units to Site 07, if the site is developed at a mixed-use ratio.

Site 2 (APN 216-041-06; "Parcel 3") totals approximately 0.80 acre. This property is not identified in the HEU. However, this parcel would be combined with the other 2 parcels to create the approximately 3.8-acre property (total) upon which the proposed project would be constructed.

## **NORTH 101 CORRIDOR SPECIFIC PLAN (N101SP)**

The project site is located with the Encinitas North 101 Corridor Specific Plan (N101SP) boundary. The N101SP was adopted by the City in May 1997 (last amended December 2020). The document

is called for in the City's General Plan in recognition of the corridor's unique character, needs, and opportunities. All components and requirements as specified in the General Plan are addressed in the N101SP. Components relating to aesthetic resources include Land Use and Development Regulations; Design Recommendations; Circulation Plan; Historic Preservation Plan; and various other chapters. The primary purpose of the N101SP is to “address the unique aspects, problems, and opportunities of the project corridor, and to maintain its identity, community character, and scale, while fostering the revitalization of the North Highway 101 commercial corridor” (City of Encinitas 1997).

The Specific Plan area has been divided into separate zones. Within each zone, development standards unique to its needs and circumstances have been devised that differ from "City-wide" zoning standards as required. Zones are identified for residential, commercial, mobile home park, public/semi-public, historic park, and transportation corridor uses. Additionally, the N101SP Chapter 4.0, Design Recommendations, provides specific design measures for all future development within the Specific Plan area (e.g., architectural style, bulk, height, mass, scale, signage, compatibility). All development within the boundaries of the Specific Plan area, with few exceptions, is subject to the City's Design Review process.

The project site is located within the boundaries of the N101SP. Chapter 2.0, Community Vision and Specific Plan Goals, identifies the following goals relevant to the project:

### ***Land Use***

- Establish design guidelines and development regulations that encourage diverse, small-scale uses and family owned or operated businesses along the North Coast Highway 101 corridor;
- Encourage architectural diversity and a unique character along North Coast Highway 101;
- Enhance the overall image and streetscape in order to attract more visitors and shoppers to the corridor; and,
- Encourage land use buffers between incompatible uses such as commercial frontage adjacent to residential development.

## **COASTAL OVERLAY ZONE**

The project site lies within the Coastal Overlay Zone and, as a result, requires a Coastal Development Permit to ensure conformance with the City of Encinitas Local Coastal Program (LCP).

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**2.0 Project Description**

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With the Coastal Overlay Zone, the City's General Plan serves as the Land Use Plan component of the LCP, while the Municipal Code provides the LCP's Implementation Plan. Pursuant to the City's LCP, the City is responsible for the issuance of the Coastal Development Permit for the project, subject to appeal to the California Coastal Commission.

Projects within the Coastal Zone Overlay are subject certain design restrictions for developing in the Coastal Zone (i.e., building height limits, retaining view corridors, maintaining coastal access, protection of coastal resources, etc.).

### **SPECIAL STUDY OVERLAY ZONE**

A portion of the northernmost parcel (Parcel 1; APN 216-041-20) is located within a Special Study Overlay Zone. The other two parcels that comprise the project site are not within the boundaries of this overlay zone.

The Special Study Overlay designation is used for preserving environmentally significant areas, as well as indicate those areas where development standards will be more stringent to minimize potential hazards to future development. A special study is required within this zone to assess the slopes on site.

The Hillside/Inland Bluff Overlay Zone regulations shall apply to all areas within the Special Study Overlay Zone where site-specific slope analysis indicates that 10% or more of the natural area of a parcel of land exceeds 25% slope. A site-specific slope analysis was performed for the project area and indicated that all the slopes on the project site have been determined to be manufactured. As such, the project site is not subject to the Hillside/Inland Bluff Overlay Zone regulations (NOVA 2021).

### **SCENIC/VISUAL CORRIDOR OVERLAY ZONE**

The Resource Management Element of the City's General Plan identifies a number of visual resources within the City's boundaries that are considered to contribute to the scenic quality of the local Encinitas community as well as the larger region. The Resources Management Element identifies a variety of scenic vista points, defines critical viewsheds, and identifies scenic roadways and scenic view corridors (City of Encinitas 2016).

The project site is located along the North Coast Highway 101 corridor which, from certain vantage points, offers views to the north along the coastline and west to the Pacific Ocean. Additionally, views to the Batiquitos Lagoon may also occur from various vantage points within the City limits in the vicinity of the project site.

The City identifies Highway 101 north of La Costa Avenue as a scenic vista point “to be acquired and developed” (City of Encinitas 2016). This vista point lies off-site to the north of the subject property and would not be directly affected by physical development proposed with the project. However, due to its proximity to this potential scenic vista point, the project site is identified as being within a “Vista Point Critical Viewshed” (City of Encinitas 2016).

The City’s Resource Management Element requires the City to designate Scenic/Visual Corridor Overlay areas within which the character of proposed development is regulated to protect the integrity of the City’s designated vista points (i.e., the potential vista point to the north of the project site). Critical viewsheds are defined in the Resource Management Element as those areas that extend radially for approximately 2,000 feet from the vista point and cover areas upon which development could potentially obstruct, limit, or degrade the view (City of Encinitas 2016).

Development within these critical viewshed areas is subject to design review to ensure building height, bulk, roofline, color, and scale do not limit or degrade existing views and that landscaping is used to screen undesirable views. Highway 101 from Encinitas Boulevard to La Costa Avenue and La Costa Avenue to South Carlsbad State Beach is identified as a Scenic Highway/Visual Corridor (City of Encinitas 2016).

As stated, the project site is subject to the Scenic/Visual Corridor Overlay restrictions and to the City’s design review process to ensure that the architectural style and character of the proposed structures and other improvements do not conflict with the surrounding character, obstruct scenic views, or reduce the value of any scenic resource. Refer also to Design Concepts, below.

## **NORTH HIGHWAY 101 STREETScape IMPROVEMENT PROJECT**

The North Coast Highway 101 Streetscape Improvement Project is currently being implemented by the City of Encinitas for an approximate 2.5-mile segment of North Coast Highway 101 in the northwest section of the City between La Costa Avenue at the north end and A Street at the south end in the City’s community of Leucadia. The project would result in streetscape beautification along the corridor to include new sidewalks, enhanced crosswalks, landscaped medians, roundabouts, dedicated bike lanes, parking, public art, and landscaping. The proposed project would require street improvements within the North Coast Highway 101 Streetscape Improvement Project area.

North Highway 101 Streetscape Improvement Project objectives include, but are not limited to, the following:

- Increase walkability through expanded sidewalks, pedestrian facilities, and safe pedestrian crossings;

**2.0 Project Description**

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- Increase the bicycle facilities available along the corridor with added and enhanced bike lanes and shared vehicle/bicycle lanes;
- Preserve and restore the tree canopy by replacing trees posing a safety hazard with new trees, adding hundreds of new trees, and focusing on a native and drought-tolerant landscape palette;
- Provide street beautification measures with enhanced pavement treatments, street furniture, and opportunities for public art;
- Respect and enhance the community character along the corridor;
- Construct appropriate traffic controls and traffic calming measures, such as roundabouts or a full signal at North Highway 101/La Costa Avenue intersection;
- Implement road diet measures by decreasing travel lane number/width;
- Implement measures to improve vehicular, bike, and pedestrian safety at side street intersections;
- Provide additional parking spaces, including more efficient reverse angle on-street parking and parking at designated improved areas in the North County Transit District (NCTD) right-of-way (ROW) along the east side of the corridor;
- Provide for appropriately-located and accessibly-designed bus stops and bus pull-outs to maximize ridership;
- Improve existing drainage and storm water quality by implementing low-impact design measures and sustainable Green Streets concepts including infiltration, biofiltration, and water storage areas;
- Relocate selected existing utility lines to improve connections and services; and
- Encourage greater business opportunities for shopping and entertainment and provide more gathering destinations for local residents.

All such improvements would occur within the right-of-way of Highway 101, with limited effects to privately owned land. However, the project has been designed with consideration for these planned improvements in the vicinity of the site, in particular along the project frontage where the private on-site development would abut the planned public improvements.

## 2.4 PROJECT COMPONENTS

A summary of the proposed development by land use type is included in Table 2.0-2, Proposed Development Summary. Details of each proposed land use component of the project are provided below.

**Table 2.0-2 Proposed Development Summary**

Proposed Land Use	Site No.	Square Footage <sup>1</sup>	Number of DUs or Hotel Rooms
Residential	Parcel 1	--	--
	Parcel 2	65,524	84
	Parcel 3	8,228	10
<b>Subtotal</b>	--	<b>72,982</b>	<b>94</b>
Commercial	Parcel 1	--	--
	Parcel 2	10,773	--
	Parcel 3	7,488	--
<b>Subtotal</b>	--	<b>18,261</b>	--
Hotel	Parcel 1	18,109	30
	Parcel 2	-	--
	Parcel 3	--	--
<b>Subtotal</b>	--	<b>18,109</b>	<b>30</b>
<b>Open Space</b>			
Private Open Space	Parcel 1	--	--
	Parcel 2	5,850 (100 SF/DU) <sup>2</sup>	--
	Parcel 3	--	--
Common Amenity Space	Parcel 1	--	--
	Parcel 2	21,344 (200 SF/DU) <sup>3</sup>	--
	Parcel 3	--	--
<b>Subtotal</b>	--	<b>27,194</b>	--
<b>Underground Parking Garage</b>			
	Parcel 1	--	--
Parking Level 1	Parcel 2	39,079	--
Parking Level 2	Parcel 2	39,079	--
	Parcel 3	--	--
<b>Subtotal</b>	--	<b>78,158</b>	--
<b>Utilities/Elevator</b>			
	Parcel 1	--	--
	Parcel 2	4,000	--
	Parcel 3	1,000	--
<b>Subtotal</b>	--	<b>5,000</b>	--
<b>TOTAL AREA (GFA)</b>		<b>187,510</b>	<b>124<sup>5</sup></b>

Note: DUs = dwelling units; SF = square feet; TBD = to be determined; GFA = gross floor area

1 - Note that SF shown is the total amount for each use. The SF would be divided amongst multiple stories where structures would be greater than one story in height.

2 - Based upon the 84 DUs for Site 1 under Residential, above.

## 2.0 Project Description

3 - Based upon the 10 DUs for Site 2 under Residential, above.

4 - Gross Acreage: Parcel 1 = 30,096 SF; Parcel 2 = 100,357 SF; Parcel 3 = 34,652 SF

5 - 124 DUs includes 94 apartment units and 30 hotel units

Source: Stephen Dalton Architects 2020

## PROPOSED LAND USES

### *Residential Development - General*

The project proposes development of 94 new residential for-lease apartment units. Of the 94 residential units proposed in the community, 75 would be rented at market-rate and 19 would be affordable units dedicated to “low income” qualifying residents. Low income is defined as being affordable to households earning less than 80 percent of the area median income.

The project site has been designated for a minimum of 33 residential units in the City’s Housing Element Update. The proposed 94 residential units therefore meet the allotted minimum unit count.

The proposed on-site residential uses would be constructed in two forms: a portion of the residential apartment units would be provided within four individual buildings in the western portion of the site. The remainder of the apartment units would be provided within the mixed-use commercial area in the eastern portion of the site, above the proposed retail commercial uses.

### *Residential Apartment Use*

The project proposes residential apartment units within four individual buildings in the western portion of the site; refer to [Figure 2.0-3, Site Plan](#). Proposed elevations are shown in [Figures 2.0-4A and 2.0-4B, Apartment Use - Conceptual Elevations](#). The structures would each be three stories in height (maximum 34 feet). The individual unit types offered would include studios, lofts, and 1- and 2-bedroom apartments (approximately 380 SF to 1,223 SF in size). The average residential unit size would be approximately 834 SF.

These four residential apartment buildings would be situated on a “podium” above a subterranean parking garage. The parking garage (two levels) would be recessed into the adjacent hillside so as to obscure the height of the structure when combined with the apartment buildings; refer to [Figure 2.0-4C, Parking Garage Elevations](#). The parking garage is proposed to serve these residential uses, as well as the mixed-use development and the boutique hotel, as needed. Refer also to the discussion under *Parking*, below.

***Mixed-Use Commercial***

The proposed mixed-use development area in the eastern portion of the site would consist of 6 individual buildings ranging from one to three stories in height (maximum 39'-6" feet) with retail commercial uses on the first floor; refer to [Figure 2.0-3, Site Plan](#). In four of these buildings, for-lease residential apartments are proposed on the second and/or third stories. Retail commercial uses would total approximately 18,261 SF. The apartment units would be lofts, 1- and 2-bedrooms, and would range in size from approximately 672 SF to 1,104 SF; refer to [Figures 2.0-4D and 2.0-4E, Mixed-Use - Conceptual Elevations](#).

The retail component would offer commercial space of varying square footage to provide potential tenants with options for leasing space that would meet their individual operational needs. It is anticipated that a range of uses from specialty retail shops, commercial office space, artist studios, restaurants (high turnover and quality), and other similar use types may occupy the development area. Depending on the type of commercial use proposed, hours of operation are expected to occur seven days per week and in conformance with the City's Municipal Code.

***Hotel***

The project would include construction of a 30-room, approximately 18,261 SF boutique hotel. It is anticipated that the hotel would be three stories in height. The hotel would be independently owned and operated by a private entity. The hotel use would include an outdoor swimming pool and spa. Refer to [Figure 2.0-4F, Hotel - Conceptual Elevations](#).

***Common/Public Use Areas***

As part of the mixed-use area, the project would offer a walking paseo, pedestrian plaza, and an outdoor seating area. These uses would be open to the public and are intended to encourage social interaction and community engagement; refer to [Figure 2.0-3, Site Plan](#), and [Figure 2.0-5, Conceptual Landscape Plan](#). A pedestrian bridge would also be constructed at the north end of the project site to connect the proposed 30-room hotel to the adjacent Alila Marea Beach Resort and indirect access to South Ponto State Beach. The project also includes two other pedestrian bridges: connecting buildings 1 and 2, and building 4 to building 6.

**2.5 DENSITY BONUS**

A housing development including five or more residential units may propose a density bonus in accordance with California Government Code Section 65915 et seq. ("Density Bonus Law"). California's Density Bonus Law is intended to encourage cities to offer bonuses and development concessions to projects that would contribute significantly to the economic feasibility of lower income housing in proposed housing developments.

**2.0 Project Description**

The proposed project would qualify for treatment under the Density Bonus Law by providing 19 “low income” <sup>1</sup>affordable residential units (affordable to households earning no more than 80 percent of the area median income) which represents 20 percent of the overall proposed 94-unit count. Refer also to [Table 2.0-3, Summary of Proposed Units](#), for additional project information.

Under the State Density Bonus law, the project is afforded two incentives for each lot by providing 20% low-income units on both lots, as described below. It should be noted that the project is only requesting one of the two incentives allowed for Parcels 1 and 2.

**Table 2.0-3 Summary of Proposed Units**

	<b>Parcels 1 and 2</b>	<b>Parcel 3</b>
Proposed DU	84 DU	10 DU
Proposed Market Rate Units	67 DU	8 DU
Proposed Affordable Rate/Units (Low Income) in Perpetuity	13 DU	2 DU
Proposed Affordable Rate Units (Low Income) for 55 Years	4 DU	0 DU
Percent Affordable for Determination of Incentives	20%	20%
Number of Density Bonus Incentives	2	2
<b>Total Units</b>	<b>94</b>	

Notes: DU = dwelling units; AC = acres

**INCENTIVE #1**

**Parcels 1 and 2:** The incentive requested for Parcel 2 is an increase in the height limit for buildings 4 and 6 (flat roof structures) to 40’-6” feet above finished grade. The existing height limit for Parcels 1 and 2 is 35 feet for flat roof structures and 39 feet for sloped roof structures as is determined by the R-30 Overlay. The increase in the height limit to 40’-6” feet is required to accommodate the necessary commercial ceiling height; refer to [Figure 2.0-3, Site Plan](#).

**Parcel 3:** The building height limit for buildings located on Parcel 3 is 30’ feet, regardless of roof type. The first incentive requested for Parcel 3 is an increase in the height limit to 39’-6” feet for Building 1 and 36’-6” for Building 2. The increase in the height limit to 40’-6” feet for Building 1 is required to accommodate the necessary commercial ceiling height discussed and the 3rd level of residential units. The increase in height to 36’-6” for Building 2 is to retain the loft storage; refer to [Figure 2.0-3, Site Plan](#).

<sup>1</sup> 94 residential apartment units x 0.20 = 18.8 units, or 19 total units (rounded up).

## **INCENTIVE #2**

**Parcel 3:** The second incentive requested for Parcel 3 is an increase in the maximum allowable stories from 2 to 3 for Building 1. The zoning regulations under N-CRM-1 allow for 2-story structures only. The request to increase the maximum allowable stories from 2 to 3 is required to accommodate the ground level commercial space.

These incentives would result in identifiable and actual cost reductions that would facilitate the provision of affordable housing as proposed.

## **REQUESTED WAIVERS OF DEVELOPMENT STANDARDS**

There are no waivers being requested from applicable development standards with the project as proposed.

## **2.6 DESIGN CONCEPTS**

The proposed buildings fronting onto North Coast Highway 101 would be designed to have a lower height along the street frontage to maintain a pedestrian scale. The height of structures would then gradually increase within the interior of the property as distance from Highway 101 increases. The mixed-use commercial square footage would be provided in six individual buildings to allow for the creation of public plazas and gathering spaces along the street edge to draw people into the interior of the development. This design technique would allow for views into the site, and from within the site looking outward to the northeast and to the Batiquitos Lagoon.

The proposed residential buildings in the western portion of the site would be orientated with the long axis trending east/west, thereby creating view corridors between the buildings. Finished grade for the residential buildings would be recessed below grade by one story to minimize the building height when viewed from existing residential uses located to the west (Seabluffe residential development).

The project has been designed to include a variety of building sizes, roof shapes, colors, and materials. This design approach is intended to reflect the eclectic nature that contributes to the existing character of the Leucadia community.

## **WALLS AND FENCING**

A permanent shoring wall would be constructed along a portion of the southern property boundary and along the length of the western property boundary to stabilize the slope and to allow for construction of the drive aisle, parking garage, apartment uses, and the boutique hotel.

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**2.0 Project Description**

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The top of the shoring wall would only extend to the top of finished grade and would therefore not be visible from adjacent properties to the west and south looking into site. One to two retaining walls would be constructed in front of the majority of the shoring wall along the western and southern boundaries for additional engineering support. The retaining walls would vary in height from approximately two feet to 12 feet with cascading plant screening to visually integrate the walls into the surrounding landscape.

The proposed project includes a variety of walls and fences. Due to the slope of the site, the project site includes internal retaining walls. The area between the hotel and building 5 would be separated by a retaining wall with a maximum height of 20 feet. The retaining wall would contain guardrails on top of these walls for safety. A 6-6' wall would be constructed along the eastern boundary of the site along Highway 101. There are also two walls on the east side of the boardwalk that are adjacent to and visible from Highway 101. An additional series of retaining walls is proposed along the eastern border of the outdoor pool and spa and adjacent to N. Coast Highway 101 associated with the hotel use; refer to [Figure 2.0-3, Site Plan](#). A six-foot-high tubular steel security fencing would be installed around the pool/spa for security purposes (Building 11).

An iron fence with masonry columns currently extends along the western property boundary (atop the slope); an existing freestanding masonry wall currently runs along the southern property boundary. The project proposes to protect these elements in place; no alterations to such features would occur with the project.

## **SIGNAGE**

Project signage would be consistent with signage design recommendations (with consideration of size, color, materials, location, scale, etc.) provided in the N101SP for residential and commercial uses to minimize potential aesthetic effects and to ensure consistency with the character of the surrounding neighborhood. One sign is proposed near the southerly entrance to the pedestrian plaza for identification purposes; refer to [Figure 2.0-3, Site Plan](#). It is anticipated that signage would be installed on the exterior of the individual uses (or within use areas); refer to [Figures 2.0-4A to 2.0-4F](#). Within the interior of the site, signage would be installed to identify the apartments, the boutique hotel, and the various retail shops, restaurants, and other commercial uses, as well as for directional and informational purposes.

## **LIGHTING**

The proposed project would install street lighting to provide an adequate level of nighttime lighting for safe motorized and non-motorized circulation and to increase public safety for nighttime pedestrian and bicyclist use. Lighting would also be installed at the access driveways to identify the project entrance and to provide safe ingress and egress. The proposed project

would also include lighting for all parking areas, including garage levels. In addition to safety lighting for streets and parking areas, exterior building lights are proposed, both as safety lighting and architectural details on the residential and commercial buildings, hotel and pool area, as well as the public amenity area. All lighting would be consistent with the City's lighting standards, which require low-level lighting that would not exceed 0.5 foot-candle levels, light poles at a maximum height of 18-feet, and shielded lighting that is directed downward via 90-degree cutoffs to reduce light overspill onto adjacent properties.

## **STORM WATER CAPTURE AND DRAINAGE FEATURES**

In the existing condition, storm water runoff from the site generally flows overland and through an onsite storm drain easterly to North Coast Highway 101. There is offsite run-on from the unimproved area along the westerly and southerly boundary. The onsite storm drain connects to the storm drain located in North Coast Highway 101. Overland flow drains to North Coast Highway 101 where it enters the storm drain which conveys all flow northerly to an extended detention basin located adjacent to the east side of the South Carlsbad State Beach Parking Lot. Flow from the existing detention basin discharges to Batiquitos Lagoon and ultimately the Pacific Ocean (PLSA 2021).

In the post construction condition, storm water would flow off surfaces (e.g., buildings, parking lots) to two types of biofiltration basins located throughout the site. Discharge from the biofiltration basins would then flow to an underground storage vault located in the northeastern corner of the project site. The vault would then be controlled to discharge to a proposed 18" reinforced concrete pipe (RCP) which would connect to the back of the existing curb inlet located north of the project along North Coast Highway 101 which outlets to an 18" RCP which transitions to a 24" RCP which conveys flow northerly as in the existing condition to an existing outfall located on the east side of Highway 101 at the Batiquitos Lagoon.

Offsite storm water that runs onto the site along the westerly boundary would be intercepted via a new concrete ditch and routed to proposed storm drain which runs along the northern boundary of the site and connects to the underground vault outlet pipe and continues as described above. Offsite run-on along the southern boundary would be captured in a new concrete ditch and discharged to North Coast Highway 101 via sidewalk underdrain. In this area, there would be no change in the offsite stormwater runoff rate or volume with the implementation of the proposed project.

Long-term maintenance of the proposed stormwater facilities would be the responsibility of the property owner.

## LANDSCAPING

The City's Tree Ordinance and Urban Forest Management Policy (UFMP) requires compliance with the City's UFMP during construction and development. Protected trees include City Trees, Heritage Trees, and trees that are predesignated to be preserved. City Trees are those within the City's public rights-of-way, parks, or other public places and is maintained by the City. Heritage Trees means a tree of community significance located in the City on public or private property designated by the City in accordance with the following criteria: that is one of the oldest and largest of its species; is of unique form or species; has historic significance due to an association with an historic building, site, street, person or event; or is a defining landmark or significant outstanding feature of a neighborhood. The designation of a Heritage Tree on private property requires the written consent of the private property owner in a form deemed sufficient by the City Attorney. In accordance with General Plan Policy 3.6, the proposed project would be required to maintain significant mature trees to the extent possible and incorporate them into the design of development projects.

According to the *Arborist Report*, there are 47 trees within the project boundary that have at a minimum of an 8-inch diameter tree trunk (12 inches combined trunk diameter for multi-stemmed trees). While the palm trees were found to be in fair to good condition, these trees are not considered as a high value, rare, or possess Heritage Tree status. The other trees on-site are in poor to very poor condition and are not high value, rare, or possess Heritage Tree status. Refer to [Appendix C-2](#) for information on the location and condition of the individual trees on-site.

The project must comply with the requirements set forth in the City's UFMP. As none of the trees on-site are protected, therefore a tree removal permit is not required. There are 54 total trees on the project site and 50 of the trees would be removed. As shown in [Figure 2.0-5, Conceptual Landscape Plan](#), the project would plant approximately 116 trees. As such, the project would more than double the current number of trees on-site. Most of the trees would range in size between 20"-36" box trees, and some of the Hong Kong orchid, western redbud, and fruitless olive trees would be 15-gallon. Shrubs would be planted in 1-to 5-gallon pots.

Ornamental landscaping would be planted on-site to enhance the aesthetic appearance of the property. A variety of trees, shrubs, and ground cover is proposed, as shown in [Figure 2.0-5, Conceptual Landscape Plan](#). All proposed ornamental plantings, including landscaping for the on-site bioretention areas, would be a mix of City-approved native species; the use of non-native species is not proposed. All plantings would be low-water use with exception of limited areas where turf would be installed (high water use). Recycled water is not available to serve the site; however, the entire irrigation system would be designed to reclaimed water standards for future transition should reclaimed water become available.

Landscaping would also be used to provide a visual transition between the proposed project and the streetscape enhancements being undertaken by the City as part of the North 101 Corridor Streetscape Improvement Project. The project's landscape design has been prepared in coordination with the streetscape design to ensure compatibility and continuity. Routine maintenance of all landscaping would be the responsibility of the property owner via a private contracted landscaping company. Refer to [Figure 2.0-5, Conceptual Landscape Plan](#).

## ACCESS AND CIRCULATION

Improvements to North Coast Highway 101 are proposed to allow for adequate ingress/egress. Vehicular access to the site would be provided via a right turn in from southbound North Coast Highway 101 and via a left turn in from northbound North Coast Highway 101.

The site would be accessed via a two-way, 26-foot wide driveway having two 13-foot wide lanes; refer to [Figure 2.0-3, Site Plan](#). The drive would extend to the west into the site, with one cul-de-sac proposed to extend to the north to provide access to the subterranean parking garage as well as the mixed-use area. The main drive would continue further to the west and then extend to the north to serve the proposed apartment units and the boutique hotel. These internal drives would provide adequate emergency access to all on-site development and would allow for emergency vehicle maneuvering and turnaround.

Pedestrian access to the site would be provided at multiple points of ingress from the public right-of-way along the southbound side of North Coast Highway 101; refer to [Figure 2.0-3, Site Plan](#). It is anticipated there would also be pedestrian access to the site from the property adjacent to the north which is the site of a new hotel currently under construction (at the time of this writing). The hotel is anticipated to be operational prior to the proposed project.

## PARKING

A total of 257 off-street parking spaces would be provided for the project through a combination of garage parking and limited surface parking; refer to [Figure 2.0-3, Site Plan](#), and [Figure 2.0-4B, Apartment Use/Parking Garage – Section View](#).

The project includes construction of an approximately 78,158 SF, two-level subterranean parking garage. The parking garage would offer parking spaces for use by hotel occupants, apartment residents, patrons of the proposed retail uses, and users of the on-site common use areas open to the public.

[Table 2.0-4, Parking Requirements](#), identifies the parking ratios and requirements for each of the uses proposed, consistent with the parking use categories and associated parking ratios identified

in the Encinitas Municipal Code (Section 30.54.030 - Schedule of Required Off-Street Parking). Under the existing City code, 256.5 parking spaces are required; 257 parking spaces are proposed.

**Table 2.0-4 Parking Requirements**

	Parcel 1			Parcel 2			Parcel 3		
	Number of Units or SF	Ratio	Required	Number of Units or SF	Ratio	Required	Number of Units or SF	Ratio	Required
<b>Residential (Apartments)</b>									
1-Bedroom	--	--	--	64	1/DU	64.0	8	1/DU	8.0
2-Bedroom	--	--	--	20	1.5/DU	30.0	2	1.5/DU	3.0
Guest	--	--	--	--	--	--	--	--	--
<b>Subtotal Residential</b>	--	--	--	--	--	<b>94.0</b>	--	--	<b>11.0</b>
<b>Hotel</b>	30	125 keys	37.5	--	1.25/DU	--	--	--	--
<b>Net Restaurant Dining</b>	--	--	--	1,737 SF	1/75 SF	23.2	1,119 SF	1.25/DU	14.9
<b>Net Outdoor Dining</b>	--	--	--	1,000 SF	1/75 SF	13.3	500 SF	1/75 SF	3.7
<b>Retail + Commercial</b>	--	--	--	7,061 SF	1/300 SF	23.5	5,161 SF	1/300 SF	17.2
<b>TOTAL</b>	--	--	<b>37.5</b>	--	--	<b>154</b>	--	--	<b>49.8</b>
<b>TOTAL SPACES REQUIRED</b>	241								
<b>TOTAL SPACES PROPOSED</b>	257 <sup>1,2</sup>								

Notes: SF = square feet; DU = dwelling unit

<sup>1</sup> 15% of total parking spaces shall be equipped with fully operational electric vehicle supply equipment (39 spaces total)

<sup>2</sup> A total of eight parking spaces would be designed in accordance with the Americans with Disabilities Act.

Source: Stephen Dalton Architects 2021

## SUSTAINABILITY

The proposed project would promote sustainability through site design that would conserve energy, water, open space, and other natural resources. As part of this commitment, the project would implement core sustainable development features, including the following which would be incorporated into the project as design features:

1. The project would install low flow water fixtures in all residential apartment units, the hotel, and public restroom facilities within the mixed-use commercial development area.
2. All lighting for the project would be designed using LED technology for both indoor and outdoor areas (5 percent over Title 24 Standards).
3. Waste recycling bins would be provided on-site within both the residential and commercial areas.

4. The project would provide separate waste containers to allow for simpler material separations, or the project would pay for a waste collection service that recycles the materials in accordance with AB 341 to achieve a 75% waste diversion.
5. All construction debris would be disposed of at a construction, debris, and inert-material recovery facility.
6. The project would not install hearth/fireplace options in residential apartment units.
7. The project would install roof-mounted solar panels across the project that would provide approximately 250KW of solar energy
8. The project would install high-efficiency water heaters or solar water heater systems. It is anticipated that electric tankless domestic hot water heaters would be installed for the residential units (internal to buildings).
9. The project would install a total of 39 electric vehicle (EV) charging stations in surface parking areas and in the parking garage.
10. The project would comply with ENERGYSTAR appliance requirements and would meet or exceed ENERGYSTAR for Homes (Version 3 or above).
11. The project would install water efficient/drought tolerant and/or native landscape, use smart evapotranspiration controllers, and/or would minimize use of conventional turf.
12. The project would install high-efficiency heating, ventilation, and air conditioning (HVAC) systems areas.
13. The project includes a mixture of uses, including anticipated on-site restaurants/eateries and commercial services (including office space), on-site passive recreation areas, and is within walking and biking distance of off-site retail and commercial uses.
14. The project would comply with CalGreen Tier 1 standards.
15. The project would provide residential development within walking and biking distance of additional off-site local retail to reduce vehicle trips.
16. The project is within 2.5 miles walking distance to an existing transit station (operated by North County Transit District). Existing bus stops are located adjacent to the southbound site frontage on Highway 101; an existing bus stop is located along northbound Highway 101.

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**2.0 Project Description**

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17. The project would provide 6 bicycle parking spaces on-site to encourage bicycle access to/from the site.

## **UTILITIES**

### ***Water***

Public water service for the project would be provided by the San Dieguito Water District. Public water service is currently provided to the site to serve the existing commercial uses and former restaurant site.

To serve the proposed development, five separate connections to an existing 12-inch water line located in Highway 101 are proposed; refer to Figure 2.0-6, Preliminary Utility Plan. A new water line would also be constructed from its connection with the existing 12-inch water line in Highway 101, extending into the western portion of the site to serve the proposed apartment units and then northward to serve the proposed hotel use.

All water lines have been sized to meet the anticipated fire flow requirements for the project. All on-site fire hydrants (four new on-site hydrants are proposed), on-site fire service pipelines, and building fire sprinkler laterals would be connected to the existing 12-inch water line in Highway 101; refer to Figure 2.0-6, Preliminary Utility Plan.

### ***Sewer***

Sewer service for the project would be provided by the Leucadia Wastewater District (LWD). To serve the proposed development, two separate connections to an existing 8-inch sewer line located in Highway 101 are proposed; refer to Figure 2.0-6, Preliminary Utility Plan. A new sewer line would also be constructed from its connection with the existing 8-inch water line in Highway 101, extending into the western portion of the site to serve the proposed apartment units and then northward to serve the proposed hotel use.

Wastewater generated on the project site would be collected by the LWD. Flows from the site would be conveyed to an 8-inch diameter gravity sewer pipe that flows north to south parallel to the project's right-of-way line. The flows then continue to travel to the south approximately 92 feet where additional flow from two other 8-inch diameter pipes combine and outlet into a 10-inch diameter pipe towards the east and into North Coast Highway 101. conveyed through the district's sewer mains and pump stations is ultimately pumped to the Encina Wastewater Authority's (EWA) Water Pollution Control Facility located in the City of Carlsbad. LWD is one of six member agencies of the EWA (a joint powers authority) operating a regional wastewater treatment and disposal facility in Carlsbad (LWD 2018).

***Electricity and Natural Gas***

San Diego Gas & Electric (SDG&E) currently provides electrical and natural gas services to the project site. All existing and future on-site utilities (electrical lines) would be undergrounded with the proposed improvements.

**NORTH COAST HIGHWAY 101 IMPROVEMENTS**

Improvements to North Coast Highway 101 are proposed to allow for adequate ingress/egress. Vehicular access to the site would be provided via a right turn in from the southbound lane of North Coast Highway 101 and via a new left turn in from the northbound lane of North Coast Highway 101.

In March 2018, the Encinitas City Council approved the North Coast Highway 101 Streetscape Improvement Project which would enhance the North Coast Highway 101 corridor both visually and in terms of safety and design. The project proposes a variety of improvements along the approximately 2.5-mile corridor between La Costa Avenue (north end) and A Street (south end) which include, but are not limited to, increasing pedestrian and bicyclist mobility and safety (i.e., enhanced sidewalks, new crosswalks, and widened bike lanes); decreasing traffic speeds to 30 miles per hour; preserving and restoring the tree canopy; providing street beautification measures with enhanced pavement treatments, street furniture, and opportunities for public art; constructing appropriate traffic controls and traffic calming measures, such as roundabouts; implementing road diet measures by decreasing travel lane number/width; providing measures to improve vehicular, bike, and pedestrian safety at side street intersections; improving existing drainage and water quality through low-impact design measures and Green Street concepts; and, providing additional parking spaces, including more efficient reverse angle on-street parking and parking at designated areas within the North County Transit District right-of-way.

The proposed project has also been designed with respect for the planned Highway 101 streetscape improvements to provide continuity and to minimize any visual incompatibility or conflict.

Construction of the proposed North Coast Highway 101 streetscape improvements are planned to be implemented in two phases, with construction underway on the first phase at the present time.

In addition, proposed improvements within the North Coast Highway 101 right-of-way would include construction of a left-turn lane to allow for ingress into the property from the northbound direction. All existing City trees identified on the project site and some ornamental trees within the center median of the Highway 101 ROW are proposed to be removed as part of project

## 2.0 Project Description

implementation except for four existing median trees that would be retained. As such, the project must comply with the requirements set forth in the City's UFMP. As none of the trees on-site are protected, a tree removal permit is not required. In accordance with the City's Tree Ordinance, any City Trees that are removed by the project would require a minimum 1:1 replacement tree of a type, size, and location to be determined by the City-approved arborist. As shown in [Figure 2.0-5, Conceptual Landscape Plan](#), the project would plant approximately 124 trees which exceeds the minimum 1:1 replacement ratio.

The project proposes replacement landscaping within the median to allow for construction of the left-turn lane. All such landscaping has been reviewed by the City and determined to be in conformance with the City's Municipal Tree Ordinance and Urban Forest Management Program (2017b), and the North Highway 101 Streetscape Improvement Plan being implemented by the City (City of Encinitas 2017a). Routine maintenance of any landscaping within the right-of-way would be the responsibility of the City.

## 2.7 PROJECT CONSTRUCTION

Construction of the project would occur in one phase, projected to last approximately 22 months. [Table 2.0-5, Anticipated Construction Schedule](#), provides the estimated project construction schedule. All construction staging of materials and equipment would occur on-site; no construction staging on off-site property is required.

**Table 2.0-5 Anticipated Construction Schedule**

Construction Phase	Approximate Duration
Demolition	1 month
Beach Replenishment	3.5 months
Grading	3.5 months
Utilities and Infrastructure	8.5 months
Hwy 101 Improvements	3.25 months
Paving	3.5 months
Building Construction	13.5 months

## DEMOLITION

All existing structures on-site would be removed to allow for development as proposed. Approximately 10,681 SF of building area would be demolished, including the small commercial center in the southeastern portion of the site and the unoccupied former restaurant building in the northern portion, along with all existing surface parking areas. Approximately 5,500 tons of

demolition debris would be generated requiring disposal off-site at a disposal facilities that is approved to accept demolition debris waste.

## GRADING

The entirety of the project site would be graded to allow for the proposed improvements. Grading would include approximately 50,700 cubic yards (c.y.) of cut and 2,300 c.y. of fill; refer to [Figure 2.0-7, Conceptual Grading Plan](#). All existing on-site vegetation would also be removed with project grading. Proposed maximum cut slopes would be approximately 31.5 feet in height; maximum fill slopes would be 18.4 feet in height. Grading activity is anticipated to last an estimated 3.5 months.

## BEACH SAND REPLENISHMENT

An estimated 48,400 c.y. of sand material would be exported off-site for beach placement as part of the City of Encinitas Sand Compatibility and Opportunistic Use Program (SCOUP). The Opportunistic Beach Fill Program identifies construction projects that export sandy beach material and then haul the material to the beach at Moonlight, Cardiff, Leucadia or Ponto State Beach. The City works with developers to conduct monitoring and permitting and share the cost for hauling the material to the beach.

All beach sand replenishment activities associated with the proposed project would be performed in accordance with the City's SCOUP environmental and regulatory requirements, including restrictions on the timing and duration of sand placement and biological monitoring requirements. The source material from the project site would require sampling and analysis in accordance with Program requirements and regulatory authorizations to determine compatibility prior to placing it on the beach. Source material not meeting predetermined physical and chemistry standards would be rejected and require off-site disposal at an approved landfill facility. Beach replenishment is anticipated to last an estimated 3.5 months.

## CONSTRUCTION NOISE MANAGEMENT

As a condition of project approval, a Construction Noise Control Plan would be prepared and submitted to the City's Planning and Building Department for review and approval. The plan would be required to demonstrate that all construction activity shall be in compliance with noise standards and the City's Municipal Code. The construction noise control plan may include, but is not limited to, the following:

- Ensure that construction equipment is properly muffled according to industry standards and is in good working condition.

**2.0 Project Description**

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- Place noise-generating construction equipment and locate construction staging areas away from sensitive uses, where feasible.
- Implement noise attenuation measures to the extent feasible, which may include, but are not limited to, temporary noise barriers or noise blankets around stationary construction noise sources.
- Use electric air compressors and similar power tools rather than diesel equipment, where feasible.
- Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than 5 minutes.
- Construction shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday. No construction is permitted on Sundays or legal holidays.
- Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow for surrounding owners and residents to contact the job superintendent. If the County or the job superintendent receives a complaint, the superintendent shall investigate, take appropriate corrective action, and report the action taken to the reporting party.
- Project developers shall require by contract specifications that heavily loaded trucks used during construction would be routed away from residential streets to the extent feasible. Contract specifications shall be included in construction documents, which shall be reviewed by the City prior to issuance of a grading permit.

**TRANSPORTATION DEMAND MANAGEMENT**

A Transportation Demand Management (TDM) plan would be prepared and implemented to provide the means to disseminate information to help tenants and employees learn about and use alternative forms of transportation other than single occupancy vehicles. The following TDM elements would be provided for the project (LOS Engineering 2020):

- Voluntary employer commute program. Employers to provide information about the SANDAG's iCommute program ([www.icommutesd.com](http://www.icommutesd.com)) and encourage carpooling.
- Develop and/or promote bicycle usage through a bikeshare program to help reduce vehicle usage and demand for parking by providing users with on-demand access to bikes for short-term rental, contribute to electric bicycle charging stations, contribute to bicycle

infrastructure improvements, and disseminate a bicycle riders guide to make it easier for people to bike and walk to work.

- Provide pedestrian improvements such as a connection to the hotel to the north and, indirectly, to the beach below.
- Provide information about maps, routes, and schedules for public transit near the retail buildings.

## 2.8 ENVIRONMENTAL SETTING

### REGIONAL SETTING

The City of Encinitas is located in coastal San Diego County. The City is bordered to the south by Solana Beach and to the west by the Pacific Ocean. The City of Carlsbad borders Encinitas to the northeast and extends farther to the east and north, across Batiquitos Lagoon. Unincorporated areas of the county border the eastern limits of the City. Regional access to the project site is via Interstate 5 (I-5) to westbound La Costa Avenue, then to southbound North Coast Highway 101.

### LOCAL SETTING

The project site is located within the community of Leucadia, one of five designated communities in the City of Encinitas. Under current conditions, access to the project site is via North Coast Highway 101 which forms the eastern boundary of the property.

The Pacific Ocean lies approximately 0.14 mile to the west of the site. The existing Seabluffe 255-gated townhome residential community is located directly adjacent to the south and west; Moorgate Road runs along the southern boundary of the site. A recently developed hotel is located adjacent to the north; further to the north is the Batiquitos Lagoon. North Coast Highway 101 forms the eastern boundary of the project site.

The North County Transit District (NCTD) railroad runs generally north-south in the vicinity of the site and is located approximately 135 feet to the east at its nearest point, running along the eastern length of North Coast Highway 101 in Leucadia. The intersection of La Costa Avenue and North Coast Highway 101 lies approximately 215 feet to the northeast. Refer to Figure 2.0-2, Aerial Photograph.

The project site is currently occupied by an operating restaurant, a small commercial center, and a vacant structure formerly occupied by a restaurant use, along with various supporting surface

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**2.0 Project Description**

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parking areas and land that is undeveloped, yet disturbed. Refer to [Figure 2.0-2, Aerial Photograph](#).

The following describes the parcels that comprise the site in greater detail (NOVA 2021):

- **APN 216-041-20:** This parcel is located in the northern portion of the property and is currently occupied by a vacant building formerly utilized as a restaurant. A large surface parking lot is present that provided parking for the restaurant use. On-site elevations range from approximately 58 feet above mean sea level (amsl) at its access point with Highway 101 to approximately 94 feet amsl along the western property line. The eastern edge of the lower portion of the parking lot exhibits an approximately 20-foot high slope descending to Highway 101. This lot includes one existing access driveway from Highway 101.
- **APN 216-041-21:** This parcel is located in the southern portion of the site and is currently vacant and undeveloped. On-site elevations range from approximately 95 feet amsl along the western property line to approximately 58 amsl at its access point with Highway 101.
- **APN 216-041-06:** This parcel lies in the southeastern portion of the project site and is currently occupied by a restaurant, two small commercial businesses, and surface parking. This parcel is contiguous with APN 216-041-21 to the west, with a cut slope of approximately 12 feet in height separating the two. Average elevation of the parcel is approximately 57 feet amsl.

No rock outcroppings, streams, or other water features are present on-site. A number of non-native mature trees exist on the properties, in particular in the northern portion and along the western and southern property boundaries. The southwestern portion of the site is undeveloped and previously disturbed; refer to [Figure 2.0-2, Aerial Photograph](#).

The site exhibits varied topography. The areas where development has occurred are generally flat; however, approximately 15 percent of the overall property has a slope greater than 25 percent with some on-site slopes exceeding 40 percent (NOVA 2021). Historical imagery indicates that the on-site steep slopes are not natural features, but rather manufactured slopes. Therefore, the project is not is not subject to the City's Hillside/Inland Bluff Overlay Zone regulations.

Geologic reconnaissance and review of aerial photography indicated no evidence of active or dormant landsliding, but existing mapping indicated that the project site is in an area considered to be 'generally susceptible' to landslide activity. However, due to the shallow existing ground slopes and proposed grades at the project site, the potential for landslide hazard is considered to be 'negligible' for the project site and the surrounding areas. As such, the proposed development will not affect the landslide hazard characterization (NOVA 2021).

On the northerly lot, stormwater runoff from the upper hillside along the westerly property line drains to the existing parking lot, with runoff then sheet flowing to the southeast corner towards the access driveway and out onto North Coast Highway 101. The easterly edge of the lot supports manufactured hillside slopes that direct runoff onto North Coast Highway 101. The southwestern lot is undeveloped and supports natural vegetation along with a dirt panhandle access road for egress onto North Coast Highway 101.

The lot slopes from the westerly property line to the southeast. The majority of runoff that sheet flows across the lot falls down a steep 10-foot high slope and onto the parking lot of the southeastern property. Runoff that does not flow onto the parking lot drains to North Coast Highway 101. The southeastern lot includes a paved parking area adjacent to North Coast Highway 101, with concrete ribbon gutters and inlets to collect on-site storm water runoff. The lot slopes from the northwest to the southeast, with stormwater runoff draining to North Coast Highway 101.

The project site is located approximately 0.6 mile west of the La Costa Avenue/I-5 interchange, thereby providing access to the regional highway system. Additionally, bus stops providing access to the Breeze bus system, which serves the project area (operated by NCTD), are located adjacent to the project frontage on Highway 101 (southbound bus route) and directly across from the project site on Highway 101 (northbound bus route), thereby providing potential residents and patrons of the project with an affordable means of transportation throughout the City of Encinitas, with available connection to local cities and access to other means of regional transit.

Additionally, the Encinitas Coaster Station, a commuter rail station located on the NCTD Coaster commuter rail line, is located approximately 2.5 miles to the southeast at 25 East D Street in the City of Encinitas. The Encinitas Coaster Station is also served by 3 Breeze bus routes. The Carlsbad Poinsettia Station is also located approximately 1.9 miles to the northwest of the project site and provides access to the Coaster commuter rail line.

The project site is located within walking/biking distance of a variety of existing shopping and restaurants located along the Coast Highway 101 corridor to the south; 0.07 mile from a trail to the northwest leading to the South Ponto area of the South Carlsbad State Beach; and 0.17 mile to the southwest of the Batiquitos Lagoon which provides opportunities for passive recreation on public trails within the City of Carlsbad. Additionally, the Coast Highway 101 corridor is utilized by many as a major bike route generally connecting the Cities of Del Mar, Encinitas, Carlsbad and beyond. Coast Highway 101 in the vicinity of the site is currently a 4-lane arterial with bike lanes in each direction.

## 2.9 INTENDED USES OF THE EIR

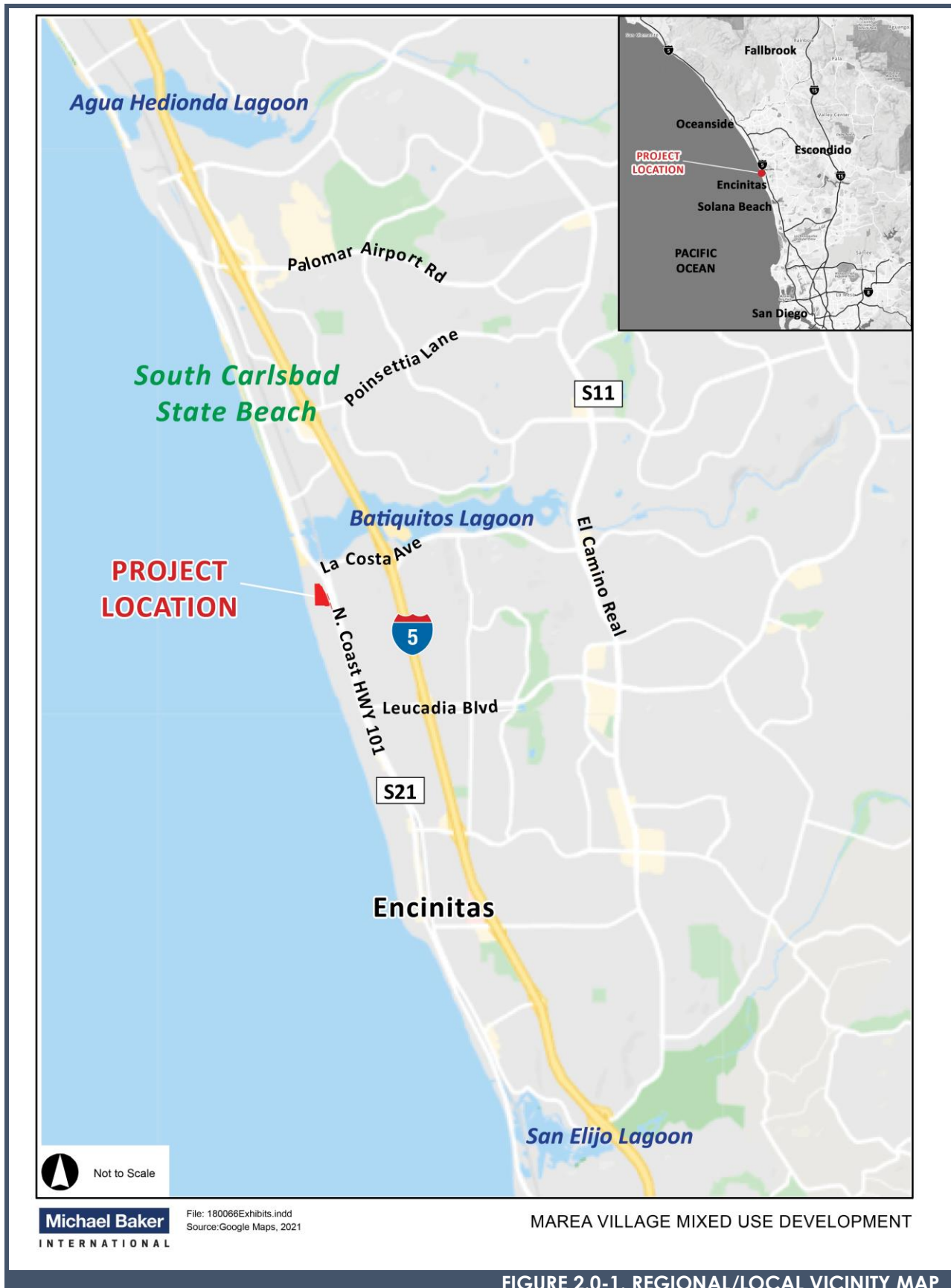
This EIR is an informational document intended to inform public agency decision-makers and the public of significant environmental effects of the proposed project described above; identify ways to minimize the significant effects; and describe and evaluate a reasonable range of alternatives to the project.

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

For the purposes of CEQA, the term trustee agency means a state agency having jurisdiction by law over natural resources affected by a project, which are held in trust for the people of the state of California. The term responsible agency includes all public agencies other than the lead agency that may have discretionary actions associated with the implementation of the proposed project or an aspect of subsequent implementation of the project. Accordingly, the approvals anticipated to be required from the lead agency, trustee agencies, and/or responsible agencies are listed in [Table 2.0-6, Required Approvals and Permits](#).

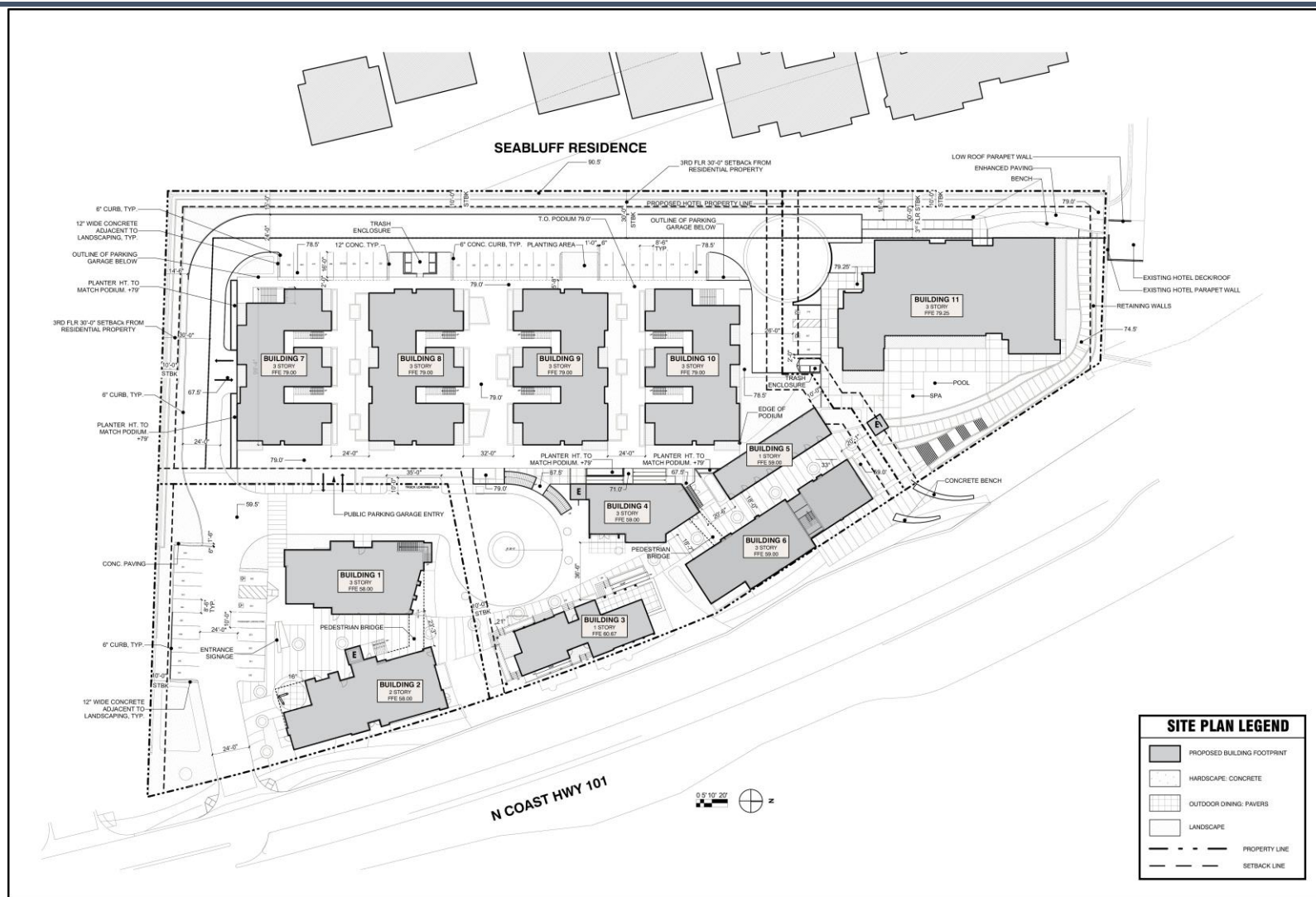
**Table 2.0-6 Required Approvals and Permits**

Permit/Action Required	Approving Agency	Lead/Trustee/Responsible Agency
Density Bonus Tentative Map	City of Encinitas (City)	Lead Agency
Lot Line Adjustment	City	Lead Agency
Coastal Development Permit (CDP)	City	Lead Agency
Design Review Permit	City	Lead Agency
Environmental Impact Report (EIR)	City	Lead Agency
Construction and Demolition Permits	City	Lead Agency
Public Right-of-Way Encroachment Permit	City	Lead Agency
Stormwater Quality Management Plan/ Drainage Plan	City	Lead Agency
Grading Permit	City	Lead Agency
Building Permit	City	Lead Agency
Improvement Plans	City	Lead Agency
Landscape Plan	City	Lead Agency
General Construction Stormwater Permit	State Water Resources Control Board	Responsible Agency
Opportunistic Beach Replenishment Program Sample and Analysis Plan and Permit Coverage Authorization	Environmental Protection Agency, U.S. Army Corps of Engineers, and San Diego Regional Water Quality Control Board	Responsible Agencies



2.0 Project Description





Michael Baker  
INTERNATIONAL

File: 180066Exhibits.indd  
Source: Stephen Dalton Architects, August 2021

MAREA VILLAGE MIXED USE DEVELOPMENT

FIGURE 2.0-3. SITE PLAN

2.0 Project Description



Michael Baker  
INTERNATIONAL

File: 180066Exhibits.indd  
Source: Stephen Dalton Architects, August 2021

MAREA VILLAGE MIXED USE DEVELOPMENT

FIGURE 2.0-4A. APARTMENT USE – CONCEPTUAL ELEVATIONS



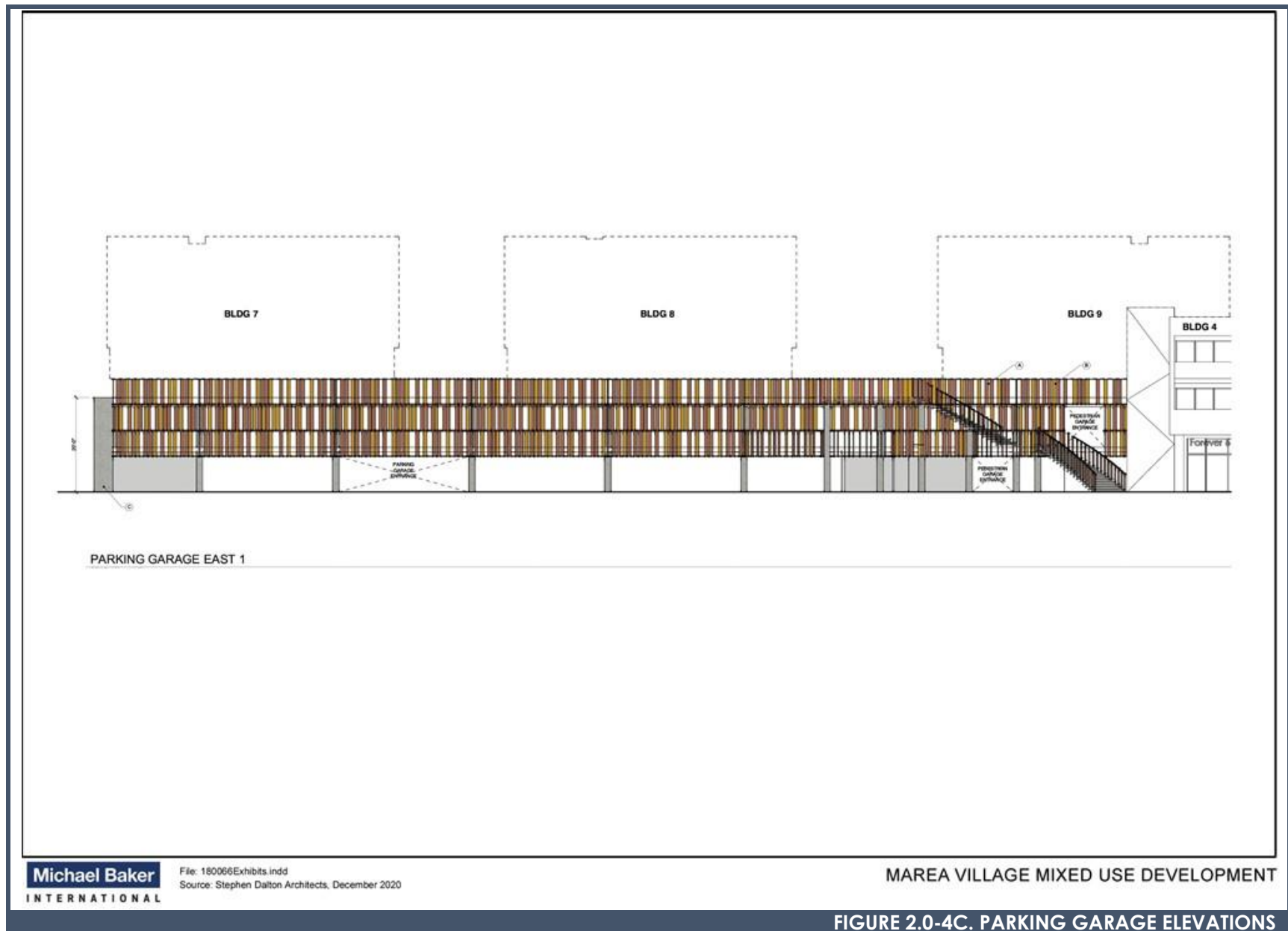
**Michael Baker**  
INTERNATIONAL

File: 180066Exhibits.indd  
Source: Stephen Dalton Architects, August 2021

MAREA VILLAGE MIXED USE DEVELOPMENT

FIGURE 2.0-4B. APARTMENT USE – CONCEPTUAL ELEVATIONS

## 2.0 Project Description





Michael Baker  
INTERNATIONAL

File: 180066Exhibits.indd  
Source: Stephen Dalton Architects, August 2021

MAREA VILLAGE MIXED USE DEVELOPMENT

FIGURE 2.0-4D. MIXED-USE – CONCEPTUAL ELEVATIONS

2.0 Project Description



Michael Baker  
INTERNATIONAL

File: 180066Exhibits.indd  
Source: Stephen Dalton Architects, August 2021

MAREA VILLAGE MIXED USE DEVELOPMENT

FIGURE 2.0-4E. MIXED-USE – CONCEPTUAL ELEVATIONS



**Michael Baker**  
INTERNATIONAL

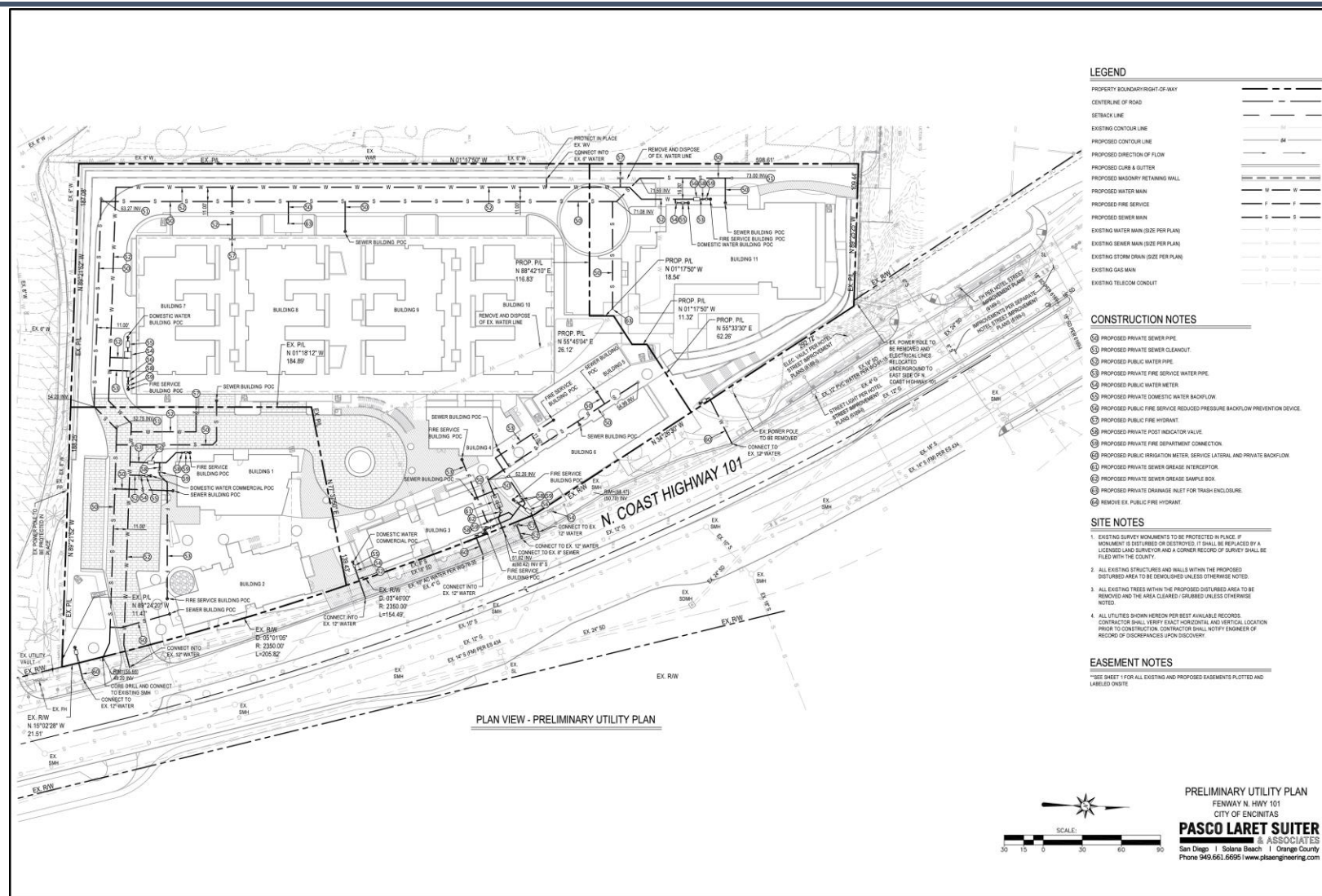
File: 180066Exhibits.indd  
Source: Stephen Dalton Architects, August 2021

MAREA VILLAGE MIXED USE DEVELOPMENT

FIGURE 2.0-4F. HOTEL – CONCEPTUAL ELEVATIONS



### FIGURE 2.0-5. CONCEPTUAL LANDSCAPE PLAN



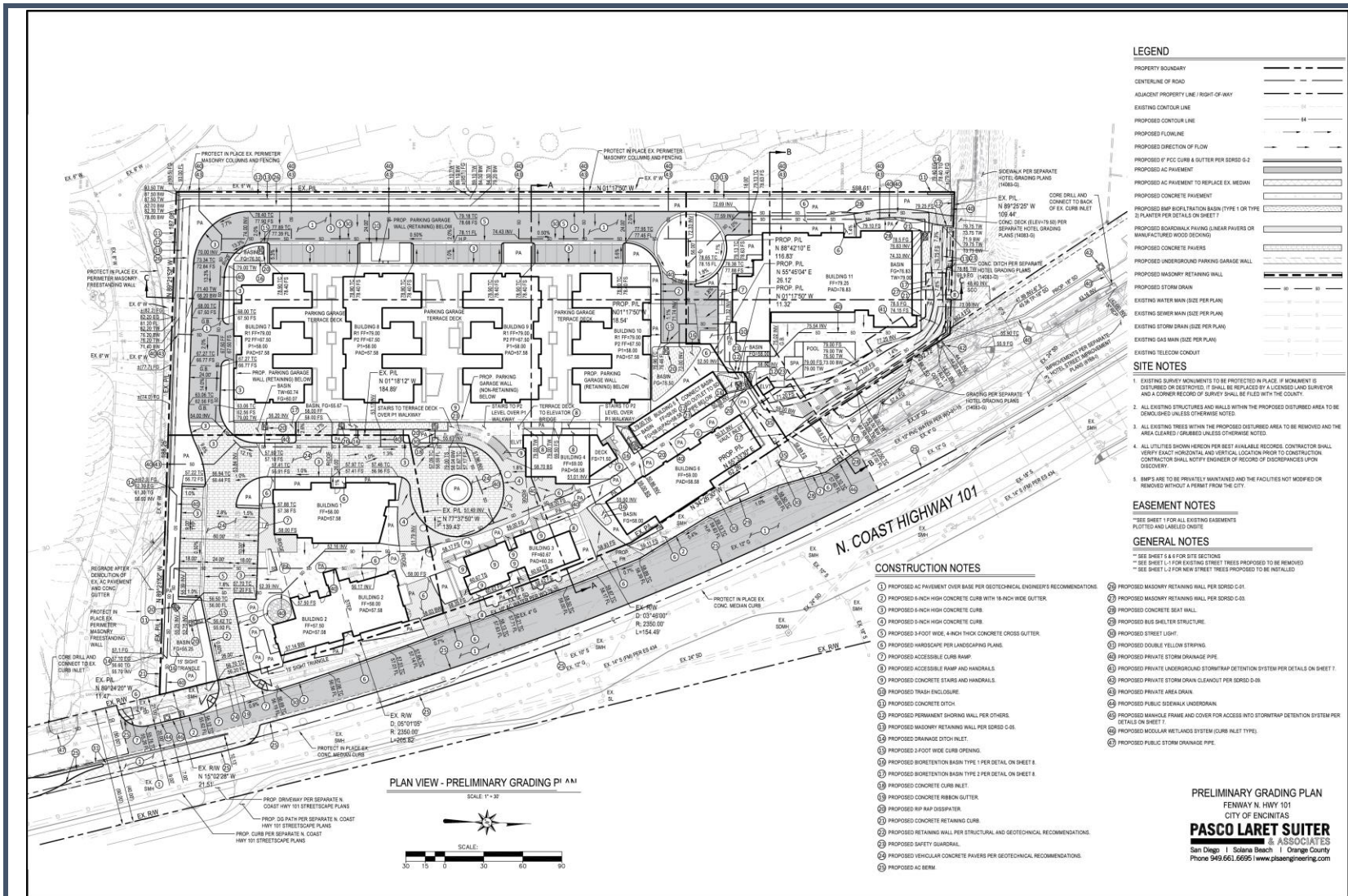
Michael Baker  
INTERNATIONAL

File: 180066Exhibits.indd  
Source: Stephen Dalton Architects, August 2021

MAREA VILLAGE MIXED USE DEVELOPMENT

FIGURE 2.0-6. PRELIMINARY UTILITY PLAN

## 2.0 Project Description



Michael Baker  
INTERNATIONAL

File: 180066Exhibits.indd  
Source: Stephen Dalton Architects, August 2021

MAREA VILLAGE MIXED USE DEVELOPMENT

FIGURE 2.0-7. CONCEPTUAL GRADING PLAN

## Section 3.0

### Environmental Analysis

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This Environmental Impact Report (EIR) analyzes those environmental issue areas as stated in the Notice of Preparation (NOP) where potentially significant impacts have the potential to occur ([Appendix A-1](#)).

#### SECTION CONTENT AND DEFINITION OF TERMS

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

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

The following environmental issue areas are addressed in [Section 4.0, Effects Not Found to Be Significant](#):

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

Each potentially significant environmental issue is addressed in a separate section of the EIR ([Sections 3.1](#) through [3.14](#)) and is organized into the following general subsections:

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

### 3.0 Environmental Analysis

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- **Regulatory Framework** describes the pertinent policy, standards, and codes that exist at this time and which may influence or affect the regulatory environment of the proposed project.
- **Impact Analysis and Mitigation Measures** describes the thresholds that are the basis of conclusions of significance, which are primarily the criteria in the CEQA Guidelines Appendix G Environmental Checklist.

## IMPACT ANALYSIS

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

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

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

## MITIGATION MEASURES

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

Sections 3.1 through 3.14, where necessary, to address an identified potentially significant impact.

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

## CUMULATIVE IMPACT EVALUATION

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

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

**Cumulative Impact Methodology**

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

- **List Approach** – Entails listing past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside of the control of the agency; or
- **Projection Approach** – Uses a summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document that has been adopted or certified, which described or evaluated regional or area-wide conditions contributing to the cumulative impact.

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

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

**Table 3.0-1 Cumulative Projects**

Map No.	Project Number	Project Name	Location	Description
<b>City of Encinitas</b>				
--	3780-2020	Marea Village (Proposed Project) (HEU Site 7–Jackel Properties)	1950 Highway 101	94 apartments; 30-room boutique resort hotel; 18,261 SF mixed-use development

**Table 3.0-1, continued**

Map No.	Project Number	Project Name	Location	Description
1	04-268	Encinitas Beach Hotel (Alila Marea Beach Resort)	2100 N. Coast Highway 101 (adjacent to project site)	130-room hotel
2	15-222	Weston Subdivision	Weston at 510 La Costa Avenue	48-lot residential development
3	17-197	No Name	740 N. Coast Highway 101	Mixed-use project
4	17-280	No Name	1251 Vulcan Avenue	9-unit residential development
5	18-135	No Name	Skyloft Road	108-bed senior housing project; 18 individual structures (homes)
6	18-188	La Costa Hotel	516 La Costa Avenue	17-room hotel and restaurant
7	18-220	No Name	555 N. Vulcan Avenue	Redevelopment of an existing commercial business to 12 multi-family units
8	3917-2020	No Name	1967 N. Vulcan Avenue	Redevelopment of an existing commercial business to 72 multi-family units
9	Encinitas 10-035	N. Coast Highway Streetscape Improvement Project	Highway 101 from A Avenue to La Costa Avenue <sup>1</sup>	A beautification, landscape, circulation, traffic management, and parking improvement project
10	N/A	North Coast Corridor Program (Interstate 5 and North County Transit District (NCTD) railway improvements in Encinitas)	Various locations along I-5 and NCTD corridor <sup>2</sup>	Interstate 5 and NCTD railway improvements in Encinitas
11	3751-2020	Quail Meadows Apartments ( <i>Site AD-2</i> )	185 Quail Gardens Dr.	Development of a 485 multi-family units
12	3817-2020	Sage Canyon Apartments ( <i>Site AD-1</i> )	S. El Camino Real/Sage Canyon Drive	Development of 135 multi-family units

Table 3.0-1, continued

Map No.	Project Number	Project Name	Location	Description
13	16-165	Sanderling Waldorf School	749 Mays Hollow Lane	Pre-K/K-8 private school
14	3427-2019	Encinitas Blvd. Apartments ( <i>HEU Site</i> )	2220, 2230, and 2228 Encinitas Boulevard	283 dwelling units
15	3629-2020	Sunshine Gardens Apartments ( <i>HEU Site 12</i> )	630 Encinitas Boulevard	140 dwelling units
<b>City of Carlsbad</b>				
16	2016-0002-MS	Ponto Beachfront Village Vision Plan	Ponto Beachfront in the vicinity of Carlsbad Blvd/Avenida Encinas	Mixed-use project for 136 townhomes and 18,000 SF of retail and restaurant space
17	2019-0004	Newage Luxury Resort Hotel	Southeast corner of Avenida Encina and Carlsbad Blvd	322-room resort hotel

<sup>1</sup> Improvements extend along the Highway 101 corridor from A Street to La Costa Avenue and the project is therefore identified at multiple locations on [Figure 3.0-1](#).

<sup>2</sup> The North Coast Corridor Program includes various improvements along Interstate 5 (I-5) and the NCTD railway, identified on [Figure 3.0-1](#) at multiple locations. Improvements include, but are not limited to, extending the carpool/HOV lane on I-5 (one in each direction) from Lomas Santa Fe Drive to State Route 78, replacing and lengthening the San Elijo Lagoon highway bridge to accommodate the carpool/HOV lanes, and constructing a new Park & Ride facility at the I-5/Manchester Avenue interchange. Improvements also include adding a second rail track at the San Elijo Lagoon to allow trains to pass, replacing and lengthening the rail bridge over San Elijo Lagoon, and at-grade crossings at Chesterfield Drive in Encinitas. Additional improvements include restoration of San Elijo Lagoon and construction of new west-west and north-south bike and pedestrian lanes in and around San Elijo Lagoon.

Source: City of Encinitas February 2021; City of Encinitas 2013 - 2021 General Plan Housing Element Update; Local Transportation Analysis (LOS Engineering, 2020; see [Appendix I-2](#)). As noted above, probable future projects include those for which an application is on file and in process at the time of issuance of the Notice of Preparation. Following the City's approval of the 2013 - 2021 Housing Element Update, including the Local Coastal Program Amendment and certification from the California Department of Housing and Community Development, several Housing Element sites are currently in process and have either filed or are in the process of filing an application. Of the sites included in the 2013 - 2021 HEU, five (including the proposed project) had filed an application at the time of issuance of the NOP for the project (February 15, 2021). As noted in [Table 3.0-1](#), these include Encinitas Boulevard Apartments, Quail Meadows Apartments, Sage Canyon Apartments, Sunshine Gardens Apartments, and the proposed project. One additional project, shown in [Table 3.0-2](#),

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

Point Farms (Echter Property) has been approved. The project received final City approval on February 17, 2021.

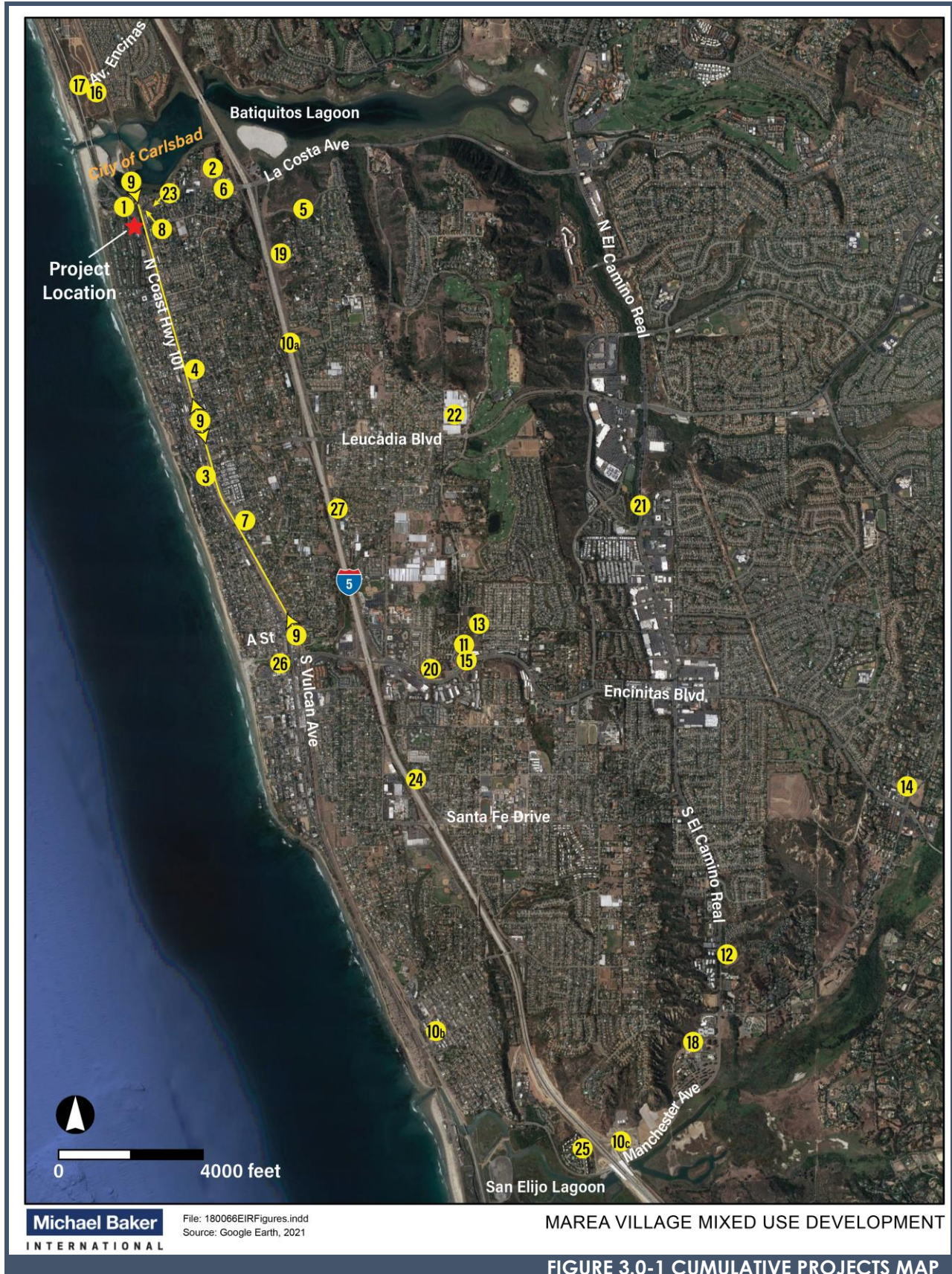
**Table 3.0-2 Housing Element Update Sites<sup>1</sup>**

Map No.	Project Name	Location	Allocated DUs in HEU <sup>2</sup>
18	Greek Church Parcel (Site 1)	3459 Manchester Avenue	50
19	Cannon Property (Site 2)	Piraeus Street	173
20	Encinitas Boulevard & Quail Garden Sites (Site 5)	696 & 550 Encinitas Blvd, Quail Gardens Drive	119
21	Armstrong Parcels (Sites 6 a,b)	N. El Camino Real	55
22	Echter Property (Site 9; Fox Point Farms) (Approved 2/17/21)	1150 Quail Gardens Drive	250
23	Vulcan & La Costa Avenue (Site AD-8)	1967 N Vulcan Avenue	50
24	Sea Coast Church (Site AD-9)	1050 Regal Road	35
25	Manchester Avenue West Sites (Site AD-11)	2951 Manchester Avenue	41
26	Harrison Sites (AD-14)	364 and 371 2nd Street	21
27	Meyer Proposal (AD-31)	662, 672, and 682 Clark Avenue; 556 Union Street	163

Notes: Source:

<sup>1</sup> Housing Element Update sites not included in [Table 3.0-1](#), above.

<sup>2</sup> Denotes the number of DUs that would theoretically be constructed with application of the density bonus allowance and/or as previously approved by the City.  
Source: City of Encinitas 2013 - 2021 Housing Element Update; Table C-2: Net Acreage and Unit Yield Per Site; Correspondence with City of Encinitas, Planning Division, February 2021.



## Section 3.1

### Aesthetics

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This section discusses the proposed project relative to potential effects on designated scenic resources or vistas, conflicts with applicable zoning and other regulations governing scenic quality, and adverse lighting and glare effects. The analysis in this section is largely based on viewshed characteristics, site topography, available public views in the project vicinity, and photo simulations and lighting plans prepared based on project building plans. Guidelines and policies that pertain to aesthetic resources are identified in the *City of Encinitas General Plan* (1991) and the *City of Encinitas Housing Element Update Final EIR* (2016).

#### ENVIRONMENTAL SETTING

The City of Encinitas includes five designated communities. Encinitas was incorporated in 1986 and joined together the communities of New Encinitas, Old Encinitas, Cardiff-by-the-Sea, Olivenhain, and Leucadia to create a single city. The “coastal communities (Leucadia, Old Encinitas and Cardiff) have an eclectic and unique character and share similar development patterns, with a beachfront orientation and a focus on the Highway 101 corridor. One of the major contributors to the eclectic style of the coastal communities is the variety of architectural styles. The buildings generally take elements from a specific architectural style or period but do not always follow one style consistently. The mixture of styles from lot to lot creates a distinctive style and character” (City of Encinitas 2016).

The majority of development located within the Highway 101 corridor is on the west side of the roadway, with mainly one- and two-story businesses, restaurants, and hotels (dating back to the mid-1900’s) in the southern and middle portions of the corridor; and a combination of beach cottage-style residential neighborhoods (dating back to the late 1800’s) and newer commercial buildings forming an eclectic blend of architecture that is distinctively “Leucadia” in the northern portion of the corridor (City of Encinitas 2017a).

Land uses paralleling the east side of the corridor, east of the North County Transit District (NCTD) railroad right-of-way, are primarily residential along North Vulcan Avenue, a two-lane Collector Street which is located just to the east of Highway 101 and extends from La Costa Avenue south to Vista del Rey Drive where it continues as South Vulcan Avenue. Refer to [Figures 3.1-1A to 3.1-1C](#) which provide photographs of the project site and uses within the Highway 101 corridor.

The northern portion of the Highway 101 corridor exhibits a strong presence of mature trees which surround and provide enclosure over the streets and walkways. There is a center median that provides a landscaped buffer, primarily eucalyptus trees, extending between Cadmus Street and La Costa Avenue. Many of the trees date back to the early settlers of the region, are over 100

### 3.1 Aesthetics

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years old, and provide an important role in defining the unique Community Character along the corridor (City of Encinitas 2017a).

The majority of on-street parking is along the west side of the corridor in the vicinity of the project site. On-street parking occurs in an ad-hoc manner in extended sections without curbs (City of Encinitas 2017a). The majority of the east side of the Highway 101 corridor in the vicinity of the site is unimproved, with dirt trails along some sections which are frequently used by joggers, dog walkers, and pedestrians.

The Pacific Ocean lies approximately 0.14 mile west of the project site. The existing Seabluffe 255-gated townhome residential community is located directly adjacent to the south and west; Moorgate Road runs along the southern boundary of the site. A new hotel (currently under construction) is located adjacent to the north; further to the north is the Batiquitos Lagoon State Marine Conservation Area. North Coast Highway 101 (subsequently referred to herein as Highway 101) forms the eastern boundary of the project site. The North County Transit District (NCTD) railroad runs generally north-south in the vicinity of the site and is located approximately 135 feet to the east at its nearest point, across Highway 101. The intersection of La Costa Avenue and Highway 101 lies approximately 215 feet to the northeast.

#### *Project Site*

The project site is currently occupied by an operating restaurant, a small commercial center, and a vacant structure formerly occupied by a restaurant use. Various supporting surface parking areas and land that is undeveloped, yet disturbed, are also present on-site. Refer to Figure 3.1-1A which provides photographs of the project site.

The southwestern portion of the site consists of heavily disturbed open space with ruderal vegetation. Ornamental trees have been planted along the access road into the site, as well as along the site's western edge at the border of the former restaurant and the adjacent neighborhood. Additional trees are growing in the median and along the eastern edge of North Coast Highway 101. The southwestern portion of the site currently consists of an open bare field.

The topography of the project site varies. Developed areas in the southern portion of the site are generally flat, with a large slope trending up to the west; however, approximately 14 percent of the overall site has a slope greater than 25 percent, with some on-site slopes exceeding 40 percent. The site is located at an elevation of approximately 55 to 95 feet above mean sea level (amsl).

The project site lies within the Coastal Overlay Zone, regulated by the City's Local Coastal Plan (LCP) which incorporates land use plans for future development in the Coastal Zone, provisions of the City's Zoning Regulations, zone overlays for sensitive resources, and other implementing

measures to ensure the protection of coastal resources. Projects within the Coastal Zone Overlay are subject certain design restrictions for developing in the Coastal Zone (i.e., building height limits, retaining view corridors, maintaining coastal access, protection of coastal resources, etc.).

The site is also located within the City's Scenic/Visual Corridor Overlay Zone; refer to [Figure 3.1-2, Scenic Resources](#). The General Plan Resources Management Element identifies a variety of scenic vista points, defines critical viewsheds, and identifies scenic roadways and scenic view corridors (City of Encinitas 2016). Highway 101 from Encinitas Boulevard to La Costa Avenue and La Costa Avenue to South Carlsbad State Beach is identified as a Scenic Highway/Visual Corridor (City of Encinitas 2016). Additionally, the City's Resource Management Element requires the City to designate Scenic/Visual Corridor Overlay areas within which the character of proposed development is regulated to protect the integrity of the City's designated vista points.

Critical viewsheds are defined in the Resource Management Element as those areas that extend radially for approximately 2,000 feet from designated vista points and cover areas upon which development could potentially obstruct, limit, or degrade the view (City of Encinitas 2016). The project site lies within an identified critical viewshed.

The site also lies within the boundaries of the North Highway 101 Corridor Specific Plan (N101SP) which addresses the corridor's unique character, needs, and opportunities. Chapter 4.0, Design Recommendations, of the N101SP provides specific design measures for all future development within the Specific Plan area (e.g., architectural style, bulk, height, mass, scale, signage, compatibility). All development within the boundaries of the Specific Plan area, with few exceptions, is subject to the City's Design Review process to ensure conformance.

### 3.1 Aesthetics



Photo 1: View looking west into site of existing on-site commercial uses. Seabluffe residential community in background.



Photo 2: View from existing on-site access drive looking east to off-site development.



Photo 3: View looking west/northwest into site of existing on-site access drive and (vacant) restaurant.



Photo 4: View looking east (from on-site) to existing commercial uses.



Photo 5: View looking northeast from mid-property line along Highway 101 frontage.



Photo 6: View looking west into site. Seabluffe residential community located adjacent to the west and south of project site.



Photo 7: View looking south along Highway 101 from southeastern edge of project site.



Photo 8: Existing hotel located just south of project site. Seabluffe residential community in background.

### 3.1 Aesthetics



Photo 9: Residential development located just southeast of project site.



Photo 10: New hotel (Alila Marea Beach Resort) located adjacent to north of project site. Existing on-site (vacant) restaurant visible to the south.



Photo 11: Existing commercial use located south of project site (west side of Highway 101).



Photo 12: Existing commercial use located south of project site (west side of Highway 101).



Photo 13: Existing commercial use located south of project site (west side of Highway 101).



### 3.1 Aesthetics

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#### **Project Viewshed**

The viewshed is generally the area that is visible from an observer's viewpoint and includes the screening effects of intervening vegetation, topography and/or physical structures. Viewsheds may occur from designated scenic viewpoints or from singular vantage points where an unobstructed view of visual components within the landscape exists. The viewshed is composed of such elements as topography and natural land features (i.e., hillsides, mountains) and other physical features within the landscape, such as buildings, vegetation, and water features. Potential visual impacts in the viewshed may be affected by the distance of the viewer from a site, the frequency and length of views, the personal perception of the viewer, and physical and/or atmospheric conditions at the time viewing occurs.

The project viewshed is generally bounded by the slope along the western boundary of the site and existing development (under construction) to the north. To the east, the viewshed is influenced and limited by topography of lands that are generally flat, with exception of neighborhoods to the southeast where topography rises (i.e., along Andrew Avenue), affording somewhat distant views to the site. To the south, the viewshed is generally bounded by existing development (Seabluffe community) and established vegetation.

Additionally, as noted above, the City's Resource Management Element defines "critical viewsheds" as those areas that extend radially for approximately 2,000 feet from designated vista points and cover areas upon which development could potentially obstruct, limit, or degrade the view (City of Encinitas 2016). The project site lies within an identified critical viewshed.

#### **Viewer Response**

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

#### **Viewer Sensitivity**

Viewer sensitivity to a change in the visual environment can be influenced by a number of factors, including the awareness of the viewer, personal interest in a particular visual resource, and/or viewer activity during the time that views of a resource occur (i.e., vehicle driver versus passenger, active versus passive viewing). In addition, a community's goals or values can influence viewer sensitivity to a particular site, land area, or viewshed. Viewer sensitivity may

vary between those people with a vested interest in a community (e.g., residents) versus those traveling through an area with little or no knowledge of the community or the existing visual landscape. Based on these conditions, viewer sensitivity can be assigned a value of low, moderate, or high.

### **Viewer Groups**

Viewer groups would mainly consist of individuals traveling in proximity to the project site, generally along Highway 101, La Costa Avenue, North Vulcan Avenue, and Andrew Avenue. Viewer groups are anticipated to consist of local residents and/or visitors traveling through the area viewing the subject site from surrounding public roads. Roadway users are primarily drivers and passengers in cars, trucks, and on motorcycles, as well as bicyclists and pedestrians. Additionally, residences to the east (i.e., along North Vulcan Avenue), as well as the Seabluffe residential community which borders the site to the west and south, would have views to the proposed development; however, impacts to private views are not considered significant under CEQA and thus are not evaluated.

### **Viewer Exposure**

Views of the site from vehicles (or other modes of transportation) traveling along area roadways would vary due to distance (i.e., La Costa Avenue, various vantage points along northbound or southbound Highway 101). Views to the site would generally be influenced by existing development, intervening vegetation, area topography, and the length of time the site is actually visible from a particular location along an area roadway. In determining the exposure of each viewer group, several factors are considered, including the number of viewers experiencing visual changes, duration of views, anticipated speed at which viewers would be traveling, and the relation of the viewer to the project site. Table 3.1-1, Viewer Groups and Anticipated Exposure summarizes the anticipated viewer groups and the potential viewing experience of each.

**Table 3.1-1 Viewer Groups and Anticipated Exposure**

<b>Anticipated Viewer Group</b>	<b>Number of Viewers</b>	<b>Distance to the Project</b>	<b>Anticipated Views</b>	<b>Quality of Existing View</b>	<b>Viewer Sensitivity</b>	<b>Duration of Viewer Exposure</b>
Northbound and southbound North Coast Highway 101 (vehicles, bicyclists, pedestrians)	Varies	Adjacent to project site	Direct and intermittent views to site (approximately 675 feet of frontage)	Moderate	Moderate	Direct / Estimated 10-20 seconds depending on travel speed

**3.1 Aesthetics**

**Table 3.1-1 Viewer Groups and Anticipated Exposure**

<b>Anticipated Viewer Group</b>	<b>Number of Viewers</b>	<b>Distance to the Project</b>	<b>Anticipated Views</b>	<b>Quality of Existing View</b>	<b>Viewer Sensitivity</b>	<b>Duration of Viewer Exposure</b>
Westbound La Costa Avenue (vehicles, bicyclists, pedestrians)	Varies	Approximately 230 feet northeast of project site	Direct views to site	Moderate	Moderate	Direct; estimated 10 seconds to 2+/- minutes (depending on signal timing)
N. Vulcan Avenue (vehicles, bicyclists, pedestrians)	Varies	Approximately 210 feet east of project site	Direct and intermittent views to site	Moderate	Moderate	Varies; estimated 10-20 seconds
Andrew Avenue (vehicles, bicyclists, pedestrians)	Varies	Approximately 220 feet east of project site	Direct views to site	Low - Moderate	Low - Moderate	Varies; estimated 10-15 seconds depending on travel speed
Residences to the east/northeast (private views)	Varies; not public views	Varies	Direct and limited views to site	Low - Moderate	Low - Moderate	Varies; average of 10 hours per day
Residences to the west and south (Seabluffe development)	Varies; not public views	Varies	Direct and limited/obscured views to site	Low - Moderate	Low - Moderate	Varies (only the easternmost residences located to the west of the site would potentially experience views); Limited views from residences located to the south would be afforded. Average of 10 hours per day.

**Principal Viewpoints Considered (Key Views)**

The project site would be intermittently visible from a number of public viewpoints in proximity to the project site. In the viewshed, varied views of the project site would largely occur from vehicles (or other modes of transit, such as bicycles or pedestrians) as they travel along Highway 101, La Costa Avenue, North Vulcan Avenue, and Andrew Avenue in the project vicinity. Views to the site from these streets would be influenced by intervening landscaping and development, as well as viewing angle and distance to the site. Views from other area streets would be generally obstructed and the proposed development would therefore not be visible.

Views of the site may also occur from surrounding properties (e.g., residential properties to the west, south, and east) and from the commercial hotel development to the north; however, such views are private and are not required to be analyzed per CEQA requirements. Figures 3.1-5 to 3.1-7 provide visual simulations of the proposed project from the following key public vantage points which were selected with consideration for the degree of visibility of the project elements as well as for the number of viewers that would experience the view (i.e., exposure).

- **Key View 1:** View looking south/southwest from west side of Highway 101
- **Key View 2:** View looking north/northwest from east side of Highway 101 (just north of proposed left turn-pocket location)
- **Key View 3:** View looking north/northwest from east side of Highway 101 (near southern property boundary)

## REGULATORY FRAMEWORK

### *Federal*

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

### *State*

#### **Caltrans Scenic Highway Program**

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

The North Coast Highway 101 corridor, adjacent to the site, is not a designated State Scenic Highway. However, the entire 935-mile route of Highway 101, which is part of an international highway extending from Mexico to Canada, was designated as a State Historic Highway in 1998.

#### **California Coastal Act**

The California Coastal Act protects coastal resources, assists local governments in implementing coastal planning and regulatory powers, and controls construction along the state's 1,100 miles of shoreline through the issuance of Coastal Development Permits (CDPs). Under the act, local governments are encouraged to adopt Local Coastal Programs (LCP) within their jurisdictions.

**Local**

*Circulation Element*

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

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

- GOAL 3:** To assure successful planning for future facilities and services, and a proper balance of uses within the city, the City of Encinitas will establish and maintain a maximum density and intensity of residential and commercial uses of land within the City which will:
- a) provide a balance of commercial and residential uses which creates and maintains the quality of life and small-town character of the individual communities; and
  - b) protect and enhance the City's natural resources and indigenous wildlife.
- GOAL 6:** Every effort shall be made to ensure that the existing desirable character of the communities is maintained.
- GOAL 7:** Development in the community should provide an identity for the City while maintaining the unique identity of the individual communities. (Coastal Act/30253)
- GOAL 9:** Preserve the existence of present natural open spaces, slopes, bluffs, lagoon areas, and maintain the sense of spaciousness and semirural living within the I-5 View Corridor and within other view corridors, scenic highways and vista/view sheds as identified in the Resource Management Element. (Coastal Act/30240/30251)
- Policy 9.2:** Encourage retention of buffer zones such as natural vegetation or earth barriers, bluffs, and canyons to protect adjacent areas of freeway corridor from pollutants of noise, exhaust, and light. (Coastal Act/30240/30251)

*Resource Management Element*

- GOAL 3:** The City will make every effort possible to preserve significant mature trees, vegetation and wildlife habitat within the Planning Area.
- Policy 3.6:** Future development shall maintain significant mature trees to the extent possible and incorporate them into the design of development projects.
- GOAL 4:** The City, with the assistance of the State, federal, and regional agencies, shall provide the maximum visual access to coastal and inland views through the acquisition and development of a system of coastal and inland vista points. (Coastal Act /30251)

### 3.1 Aesthetics

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

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

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

Policy 4.7: The City will designate the following view corridors as scenic highway/visual corridor viewsheds (Coastal Act 30251/30253):

- Highway 101 from Encinitas Boulevard to La Costa Avenue and La Costa Avenue to South Carlsbad State Beach

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).

### **2013-2021 Housing Element Update**

In March 2019, the City Council adopted the 2013-2021 Housing Element Update (HEU) which provides the City with a coordinated and comprehensive strategy for promoting the production of safe, decent, and affordable housing for all within the City. The purpose of the HEU is to ensure that the City establishes policies, procedures, and incentives to increase the quality and quantity of the housing supply in the City. The HEU includes a series of discretionary actions to update and implement the City’s Housing Element. Relevant policies and goals related to aesthetics are provided below:

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

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

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

**City of Encinitas Municipal Code**

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

***Scenic/Visual Corridor Overlay Zone***

The Resource Management Element of the City's General Plan identifies a number of visual resources within the City's boundaries that are considered to contribute to the scenic quality of the local Encinitas community as well as the larger region. The Resources Management Element identifies a variety of scenic vista points, defines critical viewsheds, and identifies scenic roadways and scenic view corridors (City of Encinitas 2016).

The project site is located along the North Coast Highway 101 corridor which, from certain vantage points, offers views to the north along the coastline and west to the Pacific Ocean. Additionally, views to the Batiquitos Lagoon may also occur from various vantage points within the City limits in the vicinity of the project site.

The City identifies Highway 101 north of La Costa Avenue as a scenic vista point "to be acquired and developed" (City of Encinitas 2016). This vista point lies off-site to the north of the subject property and would not be directly affected by physical development proposed with the project. However, due to its proximity to this potential scenic vista point, the project site is identified as being within a "Vista Point Critical Viewshed" (City of Encinitas 2016).

The City's Resource Management Element requires the City to designate Scenic/Visual Corridor Overlay areas within which the character of proposed development is regulated to protect the integrity of the City's designated vista points (i.e., the potential vista point to the north of the project site). Critical viewsheds are defined in the Resource Management Element as those areas that extend radially for approximately 2,000 feet from the vista point and cover areas upon which development could potentially obstruct, limit, or degrade the view (City of Encinitas 2016).

### 3.1 Aesthetics

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Development within these critical viewshed areas is subject to design review to ensure building height, bulk, roofline, color, and scale do not limit or degrade existing views and that landscaping is used to screen undesirable views. Highway 101 from Encinitas Boulevard to La Costa Avenue and La Costa Avenue to South Carlsbad State Beach is identified as a Scenic Highway/Visual Corridor (City of Encinitas 2016).

As stated, the project site is subject to the Scenic/Visual Corridor Overlay restrictions and to the City's design review process to ensure that the architectural style and character of the proposed structures and other improvements do not conflict with the surrounding character, obstruct scenic views, or reduce the value of any scenic resource.

#### **City of Encinitas Urban Forest Management Program**

The City's Urban Forest Management Program recognizes the urban forest as an integral part of its infrastructure which provides significant ecological, social, and economic benefits to City residents (City of Encinitas 2009). These include improved air and water quality, reduced erosion and stormwater runoff, energy conservation, improved health, enhanced livability, traffic calming, noise reduction and increased property values and providing habitat for animals. The City is responsible for the management of the City's urban forest in City rights-of-way, parks, beaches, recreational trails, and City-owned properties.

#### **City of Encinitas Municipal Tree Ordinance (Ordinance 2017-02)**

Section 15.02, Municipal Tree Ordinance, of the City's Municipal Code addresses the City's Urban Forest which is considered "integral to its character as well as its infrastructure (City of Encinitas 2017b). The ordinance is aimed at planning, managing, and maintaining the urban forest which provides ecological, health, and economic benefits. "Urban Forest" means the trees and shrubs that comprise the tree canopy in the City's rights of way, streets, parks, and under the circumstances specified in this ordinance, private property (City of Encinitas 2017b). The purpose of the ordinance is to "promote and protect the public health, safety, and general welfare by providing for the regulation of the planting, management, maintenance, preservation, and, where necessary, removal of public trees and Heritage Trees."

"Heritage Trees" are defined as mature trees of community significance located in the City on public or private property designated by the City in accordance with the following criteria: that is one of the oldest and largest of its species; is of unique form or species; has historic significance due to an association with an historic building, site, street, person or event; or is a defining landmark or significant outstanding feature of a neighborhood (City of Encinitas 2017b).

The ordinance requires that all City Trees be maintained in accordance with the City's Urban Forest Management Program. The City shall consider the long-term sustainability of the tree

canopy in various areas of the City and pro-actively maintain and/ or remove trees in a manner that promotes the long term sustainability and enhancement of the City's Urban Forest. Unless authorized by the City Arborist, no person shall remove any City Tree or Heritage Tree. Public notification shall be required prior to the planned removal of any City Tree or Heritage Tree with a diameter greater than six inches measured at 54 inches above finish grade (City of Encinitas 2017b).

Unless performed pursuant to a City Maintenance Plan, or as part of an approved development, any work performed in the City's rights-of-way, parks, or other public areas shall require the written approval of the City Arborist for tree removal, pruning, or in any other way interfering with any tree (City of Encinitas 2017b).

### **Local Coastal Program (LCP)**

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

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

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

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

### 3.1 Aesthetics

#### **Encinitas North 101 Corridor Specific Plan (N101SP)**

The N101SP was adopted by the City in May 1997 (amended March 2005). The document is called for in the City's General Plan in recognition of the corridor's unique character, needs, and opportunities. All components and requirements as specified in the General Plan are addressed in the N101SP. Components relating to aesthetic resources include Land Use and Development Regulations; Design Recommendations; Circulation Plan; Historic Preservation Plan; and various other chapters. The primary purpose of the N101SP is to “address the unique aspects, problems, and opportunities of the project corridor, and to maintain its identity, community character, and scale, while fostering the revitalization of the North Highway 101 commercial corridor.”

The Specific Plan area has been divided into separate zones. Within each zone, development standards unique to its needs and circumstances have been devised that differ from "City-wide" zoning standards as required. Zones are identified for residential, commercial, mobile home park, public/semi-public, historic park, and transportation corridor uses. Additionally, the N101SP Chapter 4.0, Design Recommendations, provides specific design measures for all future development within the Specific Plan area (e.g., architectural style, bulk, height, mass, scale, signage, compatibility). All development within the boundaries of the Specific Plan area, with few exceptions, is subject to the City's Design Review process.

The project site is located within the boundaries of the Encinitas North 101 Corridor Specific Plan (Specific Plan). Chapter 2.0, Community Vision and Specific Plan Goals, identifies the following goals relevant to aesthetics:

#### ***Land Use***

- Establish design guidelines and development regulations that encourage diverse, small-scale uses and family owned or operated businesses along the North Coast Highway 101 corridor;
- Encourage architectural diversity and a unique character along North Coast Highway 101;
- Enhance the overall image and streetscape in order to attract more visitors and shoppers to the corridor; and,
- Encourage land use buffers between incompatible uses such as commercial frontage adjacent to residential development.

#### **City of Encinitas Design Guidelines**

Where a project is subject to design review pursuant to Sections 23.08.030 and 23.08.040 of the Encinitas Municipal Code, it is recommended that applicants review the City of Encinitas' Design

Guidelines for applicability to the development being proposed. The design guidelines are intended to guide future development in the City while maintaining the character and architectural design exhibited by the City's varied communities, contributing to a positive physical image and identity, and allowing for creativity and innovation in design. Lands designated as specific plan areas are also subject to separate design guidelines, and applicants for projects located in such areas are required to refer to the design recommendations in the applicable specific plan.

The following provides a brief list of design measures from the City's Design Guidelines that specifically pertain to maintaining existing views. As the project site lies within the North 101 Corridor Specific Plan area, the project would also be subject to conformance with the overall concepts and design measures identified in that specific plan.

- 2.5.1 Generally, ground level view corridors should be provided from public streets. This requires space between buildings and/or development of landscaped areas that connect to open space.
- 2.5.2 Landscaped areas should be developed and plant materials selected so as to create and/or preserve view corridors.
- 2.5.3 Site planning for individual parcels shall consider internal view (for example, courtyards) as well as views looking outward.
  - A. Outward views should be framed with tree and shrub massing. Plantings should also soften views of the buildings from surrounding areas.
  - B. Where public streets are located at or below grade of development, the adjacent parkways and slopes should be landscaped with diverse plant materials to enhance motorists' views.
  - C. Parking areas adjacent to view corridors or streets shall be screened.
- 2.5.4 Projects should be designed to preserve some of the significant views through the site. Projects should be designed to preserve significant public views. A significant public view is a view of a significant feature (ocean, lagoon or backcountry) as viewed from public parks and General Plan designated vista points and scenic view corridors. Trees and vegetation that are themselves part of the view quality should be retained.
- 2.5.5 Projects should be designed to preserve some of the significant views through the site enjoyed by residents of nearby properties.

### 3.1 Aesthetics

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- A. Complete preservation of these views is difficult, if not impossible. Project viability can be severely reduced or destroyed in an attempt to preserve views for adjacent properties. The smaller the site, the more difficult the solution. On larger sites, however, clustering the buildings can preserve portions of these views or creating view opportunities. The reckless and unnecessary blockage of views should be avoided to provide for some view preservation. View preservation through the site shall be considered when trees are selected for landscaping the project.
- B. A significant view refers to a medium- to long range view from the primary living area of significant features including the coast, ocean, lagoons, backcountry canyons, valleys, ridges and other distinctive geographic features. The primary living area is the area most often occupied by the occupants of the residence relative to other portions of the residence and is where the view is observed. The determination of the primary living area is to be made on a case-by-case basis, but typically would be a living room, family room, kitchen, or dining area, or outdoor patio or deck immediately next to the primary living area.

## STANDARDS OF SIGNIFICANCE

### *Thresholds of Significance*

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

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

## PROJECT IMPACTS AND MITIGATION

### SCENIC VISTA

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<b>Impact 3.1-1</b>	<b>The project would not have a substantial adverse effect on a scenic vista. Impacts would be less than significant.</b>
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The project site is located along the Highway 101 corridor which, from certain vantage points, offers views to the north along the coastline and west to the Pacific Ocean. Additionally, views to the Batiquitos Lagoon may also occur from various vantage points within the City limits in the vicinity of the project site.

The City's General Plan Resource Management Element identifies a number of visual resources within the City's boundaries that are considered to contribute to the scenic quality of the local Encinitas community as well as the larger region. The Resources Management Element identifies a variety of scenic vista points, defines critical viewsheds, and identifies scenic roadways and scenic view corridors (City 2016). Refer to [Figure 3.1-2, Scenic Resources](#).

The City identifies Highway 101 north of La Costa Avenue as a scenic vista point "to be acquired and developed" (City 2016); refer to [Figure 3.1-2](#). This vista point lies off-site to the north of the subject property and offers views to the Pacific Ocean and Batiquitos Lagoon. Public views to or from this vista point would not be affected by future development of the project due to intervening development, topography, and distance. However, due to its proximity to the potential scenic vista point, the project site is identified as being within a "Vista Point Critical Viewshed" (City 2016); refer to [Figure 3.1-2](#).

Critical viewsheds are defined in the Resource Management Element as those areas that extend radially for approximately 2,000 feet from the vista point and cover areas upon which development could potentially obstruct, limit, or degrade the view. The City's Resource Management Element requires the City to designate Scenic/Visual Corridor Overlay areas within which the character of proposed development is regulated to protect the integrity of the City's designated vista points.

Highway 101 from Encinitas Boulevard to La Costa Avenue and La Costa Avenue to South Carlsbad State Beach is identified as a Scenic Highway/Visual Corridor (City 2016). Development within these critical viewshed areas is subject to the Scenic/Visual Corridor Overlay restrictions and to the City's design review process to ensure that the architectural style and character of proposed structures and other improvements do not conflict with the surrounding character, obstruct scenic views, or reduce the value of any scenic resource.

### 3.1 Aesthetics

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Design characteristics such as building height, bulk, roofline, color, and scale are evaluated to ensure that development does not limit or degrade existing views and that landscaping is used to screen undesirable views (City 2016). The project has been designed in conformance with applicable Scenic/Visual Corridor Overlay restrictions and would not have a substantial adverse effect on a designated scenic vista.

Refer also to the discussion under Impact 3.1-3 below which addresses project consistency with applicable zoning and other regulations governing scenic quality. An analysis of potential project effects on existing views from along the Highway 101 corridor, along with visual simulations, is also provided.

Additionally, relative to the City's Local Coastal Program, subsequent to the City's approval of the HEU, the City processed a Local Coastal Program Amendment to update the City's LCP to include the 15 HEU sites. The Coastal Act requires that the scenic qualities and special character of communities be protected. Section 30251 of the Coastal Act states:

*The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas...*

On May 31, 2019, in evaluating the HEU consistency with the LCP, the California Coastal Commission found that (CCC 2019):

*The Jackel Property (Site 7) is also located along a Scenic Road (North Highway 101) and within the critical viewshed for Highway 101 north of La Costa Ave; however, views from the vista point will be northwest from these vista points and across the Batiquitos Lagoon, and the project is not located in an area that would obstruct views from these points. For the Vulcan and La Costa Site (AD8), which is located along a Scenic Road (La Costa and North Highway 101), the Scenic View Corridor along La Costa, and the Critical Viewshed for Highway 101 north of La Costa Ave, the project would not impact coastal views because public views are directed north and west in these key areas, and the project location is south and inland of these protected vista points.*

*Furthermore, a number of policies within the Encinitas LUP that protect scenic views and seek to maximize visual access to coastal and inland views in conformity with Chapter 3 of the Coastal Act will remain in effect and be unchanged by the Housing Element Update. Policy 4.5 in particular provides for the development of the Scenic/Visual Corridor Overlay Zone, which is designed to protect the integrity of vista points and scenic highways through design review of development within 2,000 feet of vista points or along scenic*

*roads. Specifically, future development within scenic view corridors, along scenic highways, and/or adjacent to significant viewsheds or vista points are subject to compliance with regulations that consider the project's overall visual impact and may condition or limit project bulk, mass, height, architectural design, and grading. Other visual factors may be applied as part of Design Review approval and will also be considered for coastal development permit approval when the development on the site is formally proposed. Additionally, where development is proposed on slopes greater than 25%, special standards would apply, including that slopes of greater than 25% should be preserved in their natural state and that no principal structure or improvement should be placed, and no grading undertaken, within 25 feet of any point along an inland bluff edge. Therefore, future development will be reviewed on a case-by-case basis to verify consistency with Encinitas General Plan and LUP standards. Therefore, the Commission finds the proposed Housing Element Update consistent with the relevant Chapter 3 policies.*

For the reasons above, the project would not have a substantial adverse effect on a scenic vista. Impacts would be **less than significant**.

**Mitigation Measures:** None required.

**Level of Significance:** Less than significant.

#### **SCENIC RESOURCES**

<b>Impact 3.1-2</b>	<b>The project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. Impacts would be less than significant.</b>
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Highway 101 runs adjacent to the east of the project site. Highway 101 within San Diego County is not listed as eligible or listed State scenic highway. Therefore, the project site is not located within a State scenic highway (Caltrans 2021).

However, the City's General Plan Resources Management Element identifies Highway 101 from Encinitas Boulevard to La Costa Avenue and La Costa Avenue to South Carlsbad State Beach as a Scenic Highway/Visual Corridor (City 2016). This stretch of Highway 101 runs adjacent to the project site.

Although the site generally supports limited vegetation and highly disturbed and/or developed areas, there are a number of mature trees on-site. All existing trees identified on the project site and some ornamental trees within the center median of the Highway 101 right-of-way are

### 3.1 Aesthetics

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proposed to be removed as part of project implementation; therefore, the project must comply with the requirements set forth in the City's Urban Forest Management Plan.

No trees defined as "Heritage Trees" of community significance per the City's Tree Ordinance have been designated on the subject property. Based on the mapping provided by the City of Encinitas Tree Tracker, the trees within the project boundary are not considered to be protected trees, although the North Coast Highway 101 right-of-way appears to contain a number of City Trees (City of Encinitas 2021). For removal of any protected tree species, an arborist report shall be prepared, and a tree removal permit obtained prior to removal in compliance with City of Encinitas regulations.

As the project proposes removal of trees within City right-of-way, mitigation is required (Mitigation Measure BIO-1), as identified in Section 3.3, Biological Resources, of this EIR to require a pre-construction tree inventory and a tree replacement plan to compensate for any trees to be removed within the Highway 101 right-of-way. However, as the project site is not within a State scenic highway, the removal of any such trees would not result in a significant aesthetic-related impact with respect to this threshold. Additionally, although no protected trees are present on the project site, the arborist report would also include documentation of the on-site trees to be removed.

The project does not support any rock outcroppings. Therefore, the project would not impact any such resources.

The project site is currently occupied by an operating restaurant, a small commercial center, and a vacant structure formerly occupied by a restaurant use, along with various supporting surface parking areas and land that is undeveloped, yet disturbed. Refer to Figure 2.0-2, Aerial Photograph. All existing structures on-site would be removed to allow for development as proposed.

The structures in the southeastern portion of the site (restaurant and commercial uses) are over 50 years of age and were therefore evaluated for potential historical significance (Michael Baker 2021; see Appendix D-1). These structures were ultimately determined to not be of historical significance, nor are they considered to have scenic value. Therefore, the project would not substantially damage any historic resources within a State scenic highway. Impacts would be less than significant.

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

**Mitigation Measures:** None required.

**Level of Significance:** Less than significant.

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***CONFLICT WITH ZONING OR OTHER REGULATIONS***

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<b>Impact 3.1-3</b>	<b>The project would not conflict with applicable zoning and other regulations governing scenic quality. Impacts would be less than significant.</b>
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According to Appendix G of the CEQA Guidelines, potential aesthetic impacts are evaluated differently based on whether the project is located in a non-urbanized or urban area. Per this threshold, projects located in non-urbanized areas would result in a significant aesthetic impact if the project substantially degraded the existing visual character or quality of public views of the site and its surroundings (public views are those that are experienced from publicly accessible vantage points).

Projects located in urbanized areas would result in a significant aesthetic impact if the project would conflict with applicable zoning and other regulations governing scenic quality. Because the proposed project is located within an urbanized area of the City, the latter criteria is applied for analyzing potential effects of the proposed project on aesthetic resources. Below is a discussion of the project's consistency with key zoning and other regulations governing scenic quality of the project site.

The project site is situated adjacent to Highway 101, which is designated as a scenic roadway in the City's General Plan (City of Encinitas 1991). Although the proposed project would alter existing views of the project site, such development would be consistent with the goals and policies defined in the General Plan and HEU. The project site is one of 15 sites included in the City of Encinitas 2013-2021 Housing Element Update which was adopted by the City of Encinitas on March 13, 2019 (City of Encinitas 2018). As determined in the HEU Environmental Assessment, aesthetic impacts from implementation of the HEU would be less than significant as long as each project identified complies with the City's Municipal Code and other City regulations related to visual resources (City of Encinitas 2018), which the proposed project would be required to do.

The proposed project would be subject to City review for conformance with design requirements identified in the Municipal Code for the R-30 overlay zone (i.e., for height, lot coverage, maximum square footage, etc.). The proposed project has been designed to meet all applicable design requirements with the exception of maximum height (discussed further below). Additional building height is needed to accommodate proposed commercial space within the mixed-use area and apartment units to result in cost reductions that would facilitate the provision of affordable housing (per the HEU) that could not be achieved with buildings of lesser height.

### 3.1 Aesthetics

The project would adhere to Density Bonus Law by providing 19 “low income” affordable residential units (affordable to households earning no more than 80 percent of the area median income). Under the State Density Bonus law, the project is afforded two incentives for each lot by providing 20 percent low-income units on both lots, as described below. These incentives would result in an increase in building heights of structures that may be partially visible from surrounding public roadways, including Highway 101. However, such incentives, as described below, would be consistent with that allowed by State Density Bonus Law, and are not anticipated to result in development that would adversely affect scenic views along the Highway 101 corridor; refer also to [Figures 2.0-4A to 2.0-4F](#).

#### **Incentive #1**

***Parcels 1 and 2:*** The incentive requested for Parcel 2 is an increase in the height limit for buildings 4 and 6 (flat roof structures) to 40’-6” feet above finished grade. The existing height limit for Parcels 1 and 2 is 35 feet for flat roof structures and 39 feet for sloped roof structures as is determined by the R-30 Overlay. The increase in the height limit to 40’-6” feet is required to accommodate the necessary commercial ceiling height; refer to [Figure 2.0-3, Site Plan](#).

***Parcel 3:*** The building height limit for buildings located on Parcel 3 is 30’ feet, regardless of roof type. The first incentive requested for Parcel 3 is an increase in the height limit to 39’-6” feet for Building 1 and 36’-6” for Building 2. The increase in the height limit to 40’-6” feet for Building 1 is required to accommodate the necessary commercial ceiling height discussed and the 3rd level of residential units. The increase in height to 36’-6” for Building 2 is to retain the loft storage; refer to [Figure 2.0-3, Site Plan](#).

#### **Incentive #2**

***Parcel 3:*** The second incentive requested for Parcel 3 is an increase in the maximum allowable stories from 2 to 3 for Building 1. The zoning regulations under N-CRM-1 allow for 2-story structures only. The request to increase the maximum allowable stories from 2 to 3 is required to accommodate the ground level commercial space.

As depicted in [Figures 2.0-4A through 2.0-4F](#), and [Figures 3.1-5 through 3.1-7](#), the project includes several elevations and design elements which reflect the community’s eclectic character, while meeting the objectives of the City of Encinitas Design Guidelines. Thus, the proposed project would be consistent with both the City’s and the general vicinity’s subject perception of bulk, height, mass, and scale, given the variety of uses, architectural styles, building heights, and density within the Highway 101 corridor.

Each component of the proposed project would be subject to design review by the City for architectural design and use of building materials to ensure consistency with the character of the

surrounding neighborhoods, and for consistency with the design allowances of the Municipal Code (i.e., building height, lot coverage, maximum square footage, etc.). Additionally, the project would be reviewed for conformance with applicable design measures identified in the N101SP.

Although not technically a “regulation” governing scenic quality, the City is currently implementing its North Coast Highway 101 Streetscape Improvement Project which, as stated above, would enhance the corridor for all users and modes of transportation through streetscape improvements that will include new sidewalks, enhanced crosswalks, landscaped medians, roundabouts, dedicated bike lanes, parking, and public art on North Coast Highway 101 from A Street to La Costa Avenue. Additionally, approximately 823 new trees would be planted, along with other landscape enhancements (2017a).

All such improvements would occur within the right-of-way of Highway 101, with limited effects to private lands. The proposed project has been designed with consideration for these planned improvements in the vicinity of the site, especially along the project frontage where the private on-site development would abut the planned public improvements. The project would therefore not conflict with the Streetscape Project or the intended improvements aimed at enhancing scenic quality within the corridor.

Overall, viewer response to the visual changes on the site would depend on the vantage location, distance to the site, and the degree to which the development is visible. The following is a discussion of specific public views that would be experienced from the identified key viewpoints. Visual simulations were prepared to illustrate the anticipated building height, scale, and massing of the proposed structures relative to other existing uses in the surrounding areas. The visual simulations provide “before” and “after” images to aid in illustrating the intended character of the proposed development within the existing setting, both at initial construction and at a 5-year maturity level for proposed landscaping.

Additionally, as the North Coast Highway 101 Streetscape Project would influence future views to the project site along the corridor, the visual simulations prepared to reflect such improvements, including circulation-related elements (i.e., roadway, bike and pedestrian elements), median improvements, and landscape enhancements. Refer to Figures 3.1-3, Illustrative Renderings; Figure 3.1-4, Visual Simulation Location Map; and Figures 3.1-5 to 3.1-7, Visual Simulations. The visual simulations, as evaluated below, are intended to demonstrate project consistency with applicable design and regulatory requirements aimed at maintaining the existing character of the Highway 101 corridor and providing for the long-term protection of the City’s scenic resources and views.

### 3.1 Aesthetics

#### ***Key View 1: View looking south/southwest from west side of Highway 101***

Key View 1 is the view from the easternmost lane traveling south along Highway 101, looking south/southeast to the project site; refer to [Figure 3.1-5A](#). Views from this location would mainly be experienced by passengers in vehicles traveling south along the roadway, as well as pedestrians and bicyclists using the sidewalk or bike lane in proximity to the site.

As seen in [Figure 3.1-5A](#), current views from this vantage point would be of the northern portion of the site. Views into the site are generally restricted due to site topography and the large slope which fronts onto Highway 101. Aboveground utilities are readily present and generally degrade the view. Several mature trees are visible on-site and within the Highway 101 right-of-way, in addition to a variety of other established vegetation. A sidewalk and bike lane are present adjacent to the southbound lanes. It should be noted that, at the time of the photo was taken for this visual simulation, construction of a new hotel (Alila Marea Beach Resort) was underway, and therefore, construction fencing is visible in the foreground and middleground. Due to overall existing conditions, and lack of scenic resources, visual quality of the view is considered to be low to moderate.

[Figure 3.1-5B](#) shows the view to the site with project implementation, including proposed landscaping, but without landscaping and other improvements that would occur with the Highway 101 Streetscape Improvement Project. [Figures 3.1-5C](#) and [3.1-5D](#) show the site with proposed on-site landscaping as well as landscaping and improvements that would occur with the Highway 101 Streetscape Improvement Project, both at initial planting and at a 5-year maturity. These various views are provided to allow for illustration of future views experienced along the Highway 101 corridor that may otherwise be obscured once landscaping is planted and/or matures over time.

As shown in [Figure 3.1-5B](#), elements of the project would be visible from this vantage point as one travels southbound along Highway 101. Views would be limited to the buildings along the project frontage which would be partially obscured due to on-site topography and a proposed frontage wall screened with landscaping. In the foreground, structures would be setback from the roadway, helping to reducing visual bulk and scale. Although structures visible from this vantage point would range from 1 to 3 stories in height, the taller buildings would be setback from the roadway and enhanced with landscaping, thereby respecting a more pedestrian scale closer to Highway 101.

Views experienced by travelers along southbound Highway 101 would be influenced by travel speed (i.e., pedestrians would experience longer views than would a passenger in a vehicle), viewer awareness (i.e., heavy traffic or bicyclists which would require increase driver attentiveness), and degree of familiarity with the Leucadia community (i.e., resident versus

visitor). As stated, the existing visual quality and character of the view experienced from this viewpoint is considered low to moderate due to the on-site conditions described above, combined with a lack of scenic resources (refer also to Impact 3.1-2).

The project would change the existing view from generally undeveloped land (as experienced in [Figure 3.1-5A](#)) to a higher intensity, developed condition. While the scale, density, and height of the proposed project would alter the existing view from this vantage point, the change in the view does not rise to a level of significance because the proposed project would be similar to existing uses in the surrounding viewshed, including adjacent to the north and south, as well as across North Vulcan Avenue to the east. Furthermore, the scale, density, and height of the project would be consistent with the City's General Plan and HEU, as well as the N101SP and Municipal Code, with exception of a minor increase in maximum allowed height.

Additionally, as shown in [Figures 3.1-5C](#) and [3.1-5D](#), landscaping planted as part of the project and with the Streetscape Improvement Project would continue to mature over time, thus further screening the development from public view and limiting views looking south along the corridor. Although such landscaping would reduce the visibility of the project within the visual setting and the extent to which views would extend southward along Highway 101, such enhancements would continue to further improve the aesthetics of the corridor over time and reinforce the community character.

For the reasons above, the proposed project would not substantially degrade the existing visual quality or character of the site or its surroundings or adversely affect existing scenic views or quality along the Highway 101 corridor from this vantage point.

***Key View 2: View looking north/northwest from east side of Highway 101 (just north of proposed left turn-pocket location)***

Key View 2 is from the easternmost lane traveling north along Highway 101, looking north/northwest to the project site from just north of the proposed left-turn pocket location; refer to [Figure 3.1-6A](#). Views from this location would mainly be experienced by passengers in vehicles traveling north along the roadway, as well as pedestrians and bicyclists using the sidewalk or bike lane in proximity to the site.

As seen in [Figure 3.1-6A](#), current views from this vantage point would be of the southern portion of the site and would generally be dominated by visibility of both the northbound and southbound lanes of Highway 101. Views into the site are generally restricted due to site topography and the existing slope which fronts onto Highway 101. Aboveground utilities are present both on-site and along the Highway 101 frontage and contribute to a degradation of the quality of views. The abandoned on-site restaurant is present in the background of the view.

### 3.1 Aesthetics

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Numerous mature trees are visible on-site, and various trees and other established vegetation are present along the Highway 101 frontage within the right-of-way. A sidewalk and bike lane are located along both sides of the roadway. Surface parking extends along the eastern shoulder of the northbound lanes, along with established mature eucalyptus trees. The existing raised median is not landscaped and is paved with asphalt.

Additionally, limited views to the Pacific Ocean and coastline are afforded in the distance as one travels north along the roadway in proximity to this vantage point; however, such views are somewhat degraded by the general presence of aboveground utility poles, as well as traffic signals installed at the intersection of Highway 101 and La Costa Avenue. Based on existing conditions, visual quality of the view, in particular due to the scenic quality of the ocean views, is considered to be moderate to high.

Figure 3.1-6B shows the view to the site with project implementation, including proposed landscaping, but without landscaping and other improvements that would occur with the Highway 101 Streetscape Improvement Project. As illustrated, the project elements would be highly visible from this vantage point as one travels northbound along Highway 101. Views would generally be of the proposed mixed-use development ranging from 1 to 3 stories in the middleground, with the 3-story apartment buildings in the background.

Project landscaping would be integrated throughout the interior of the development as well as along the Highway 101 frontage to provide visual interest and enhance the setting. A number of larger mature trees within the interior pedestrian plaza would also be visible. Although structures visible from this vantage point would range from 1 to 3 stories in height, the taller buildings would generally be set back from the roadway and/or enhanced with landscaping, thereby respecting a more pedestrian scale closer to Highway 101.

Views experienced by travelers along northbound Highway 101 would be influenced by travel speed, viewer awareness, and degree of familiarity with the Leucadia community. As stated, the existing visual quality and character of the view experienced from this viewpoint is considered moderate to high due to the on-site conditions described above, combined with scenic resources which include somewhat distant ocean views. The project would change the existing view from generally undeveloped land, with exception of the abandoned on-site restaurant (as experienced in Figure 3.1-6A) to a higher intensity, developed condition.

While the scale, density, and height of the proposed project would alter the existing view from this vantage point, the change in the view does not rise to a level of significance because the proposed project would be similar to existing uses in the surrounding viewshed, including adjacent to the north and south, as well as across North Vulcan Avenue to the east. Furthermore, the scale, density, and height of the project would be consistent with the City's General Plan and

HEU, as well as the N101SP and Municipal Code, with exception of a minor increase in maximum allowed height.

It should also be noted that, at the time of preparation of this EIR, the Alila Marea Beach Resort located adjacent to the north of where the existing abandoned restaurant is shown in [Figure 3.1-6A](#) was under construction. As shown in [Figure 3.1-6B](#), the hotel would not be visible from this vantage point, but would further contribute to a visual change in views along the corridor as one travels north along Highway 101.

The proposed project would reflect a similar character as the hotel and would provide a visual connection between such development to the north of the site with existing development to the south (i.e., existing hotel, Seabluffe residential development). Therefore, the project would not introduce visual elements that would be inconsistent with the current developed nature of the Highway 101 viewshed.

Additionally, [Figures 3.1-6C](#) and [3.1-6D](#) show the project site with proposed on-site landscaping as well as landscaping that would occur with the Highway 101 Streetscape Improvement Project, at initial planting and at a 5-year maturity. As shown, landscaping installed with the Streetscape Improvement Project would greatly limit views from this vantage point as one approaches the project site, and would continue to mature over time, further screening views. Additionally, on-site landscaping would also continue to mature and enhance the visual setting. Such improvements would contribute to the visual setting experienced along the Highway 101 corridor and would maintain the corridor's visual character.

For the reasons above, the proposed project would not substantially degrade the existing visual quality or character of the site or its surroundings or adversely affect existing scenic views or quality along the Highway 101 corridor from this vantage point.

***Key View 3: View looking north/northwest from east side of Highway 101 (just south of southern property boundary)***

Key View 3 is from the easternmost lane traveling north along Highway 101, looking north/northwest to the project site; refer to [Figure 3.1-7A](#). This vantage point is located generally just south of the southern property boundary. Views from this location would mainly be experienced by passengers traveling north as they approach the site, as well as pedestrians and bicyclists using the sidewalk or bike lane in the same vicinity.

Existing views into the site from this vantage point include the residential uses to the west of the site (Seabluffe) located along the hillside; commercial uses and associated surface parking adjacent to the south; and the existing commercial uses in the southeastern portion of the subject site; refer to [Figure 3.1-7A](#). To the northeast/east, a number of mature Eucalyptus trees

### 3.1 Aesthetics

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are present and existing surface parking adjacent to Highway 101 generally obscure views looking east.

A number of mature ornamental trees are present within the existing median and generally limit views of the on-site structures. A bike lane and sidewalk are present adjacent to the southbound travel lanes; a bike lane is present along the northbound lanes. Ocean views are not afforded from this vantage point along northbound Highway 101 due to distance and road curvature. Based on such existing conditions, visual quality of the view, with consideration of the mature landscaping along the roadway which adds to the overall visual character, is considered to be to moderate.

Figure 3.1-7B shows the view to the site with project implementation, including proposed landscaping, but without landscaping and other improvements that would occur with the Highway 101 Streetscape Improvement Project. As shown, views of the project elements would be limited from this vantage point as one travels northbound along Highway 101. Existing landscaping within the median would generally obscure views to the site, and therefore, it is not anticipated that viewers would be highly responsive to a change in the existing setting. From this vantage point, development resulting with the project would appear as a visual extension of the existing uses adjacent to the south. Additionally, the limited height and scale of the proposed structures in the southern portion of the project site would further decrease their visibility within the visual setting and limit views of the development.

As shown in Figures 3.1-7C and 3.1-7D, improvements occurring with the Streetscape Improvement Project would result in removal of the median landscaping and a higher degree of visibility of the project elements from Highway 101. As shown, views experienced would be generally dominated by the Highway 101 northbound and southbound lanes in the foreground, with proposed mixed-use development in the middleground.

As designed, the smaller-scale structures of lesser height would be placed along the project frontage, with buildings of 2-3 stories and greater bulk and size stepped back from the roadway to encourage a pedestrian scale. Additionally, as shown, a mixture of building styles, materials, and colors are proposed that would enhance and reflect the existing varied character found along the Highway 101 corridor, including adjacent to the north, south, and across North Vulcan Avenue to the east. Landscaping, both on-site and within the right-of-way would continue to mature over time and would further enhance the views experienced along the corridor.

Views experienced by travelers along northbound Highway 101 would be influenced by travel speed, viewer awareness, and degree of familiarity with the Leucadia community. As stated, the existing visual quality and character of the view experienced from this viewpoint is considered to be moderate. Although the proposed development would result in a change in the existing view

experienced from this vantage point, the change does not rise to a level of significance because the proposed project would be similar to existing uses in the surrounding viewshed. Furthermore, the scale, density, and height of the project would be consistent with the City's General Plan and HEU, as well as the N101SP and Municipal Code, with exception of a minor increase in maximum allowed height.

For the reasons above, the proposed project would not substantially degrade the existing visual quality or character of the site or its surroundings or adversely affect existing scenic views or quality along the Highway 101 corridor from this vantage point.

### ***Coastal Overlay Zone***

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

The project has been designed in conformance with the requirements of the Coastal Overlay Zone to ensure the protection of coastal and scenic resources within the community. As described above, the project is not anticipated to restrict or affect any designated vista points within the City. As shown in the visual simulations prepared and discussed further above, the project would not adversely affect scenic views along the Highway 101 Scenic Corridor. The project would also provide pedestrian amenities that would link to off-site pedestrian pathways, thereby ensuring continued coastal access.

All project development would be subject to the City's discretionary review process to ensure consistency with required design measures of the Coastal Overlay Zone. Thus, the project is considered to be in conformance with the requirements of the LCP and Coastal Overlay Zone and is not anticipated to result in adverse effects on the scenic quality within the project vicinity or the overall coastal zone. No conflict would occur.

### ***Encinitas North Highway 101 Corridor Specific Plan***

The Encinitas North Coast Highway 101 Corridor Specific Plan (N101SP) addresses the unique character, problems, and opportunities that the North Highway 101 corridor exhibits with the goal of maintaining the identity, community character, and scale of the corridor, and enhancing future opportunities for redevelopment and revitalization along North Highway 101. Primary goals of the N101SP are to maintain the unique and desirable aspects of the Specific Plan area,

### 3.1 Aesthetics

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while providing continued private land use and investment, public improvements, and the economic success of the Specific Plan area.

The proposed project has been designed with such goals in mind and is intended to acknowledge and respect the unique character of community and to create a series of diverse, small-scale uses, pedestrian-oriented uses along the North Coast Highway 101 corridor frontage. The site is currently underutilized and supports a building formerly used as a restaurant and several small-scale commercial uses, with the remaining portion serving as undeveloped, disturbed land. Therefore, the visual quality of the site is considered low to moderate.

The proposed buildings fronting onto North Coast Highway 101 would be designed to have a lower height along the street frontage in order to maintain a pedestrian scale. The height of structures would then gradually increase within the interior of the property as distance from Highway 101 increases. The mixed-use commercial square footage would be provided in 6 individual buildings, thereby reducing overall visual bulk and massing, to allow for the creation of public plazas and gathering spaces along the street edge to draw people into the interior of the development. This design technique would allow for views into the site, and from within the site looking outward to the northeast and to the Batiquitos Lagoon.

To maintain eastern views from the existing Seabluffe residences (located adjacent to the west and south of the project site), the proposed residential buildings in the western portion of the site would be orientated with the long axis trending east/west, thereby creating view corridors between the buildings. Finished grade for the residential buildings would be recessed below grade by one story to minimize the building height when viewed from the west.

Consistent with the N101SP, the project has been designed to reflect an architectural diversity and the unique character along North Coast Highway 101; refer to [Figures 3.1-3 to 3.1-7](#). The buildings would integrate varying colors, materials, and architectural styles and would be respective of the existing setting of the Leucadia community, thus maintaining the visual quality and scenic views along the Highway 101 corridor.

Additionally, the 4 residential apartment buildings would be situated on a “podium” above a subterranean parking garage. The parking garage (2 levels) would be recessed into the adjacent hillside so as to obscure the visual height of the structure when combined with the apartment buildings, thereby respecting the existing character of surrounding land uses and reducing its visibility within the visual setting; refer to [Figure 2.0-4C, Parking Garage Elevations](#).

Additionally, the community vision of the N101SP seeks to establish a streetscape enhancement program along the Highway 101 corridor. The N101SP establishes the overall design theme for the corridor which is to create “a strong sense of community identity through the use of consistent design elements and details, while reinforcing the character of old town Leucadia.”

Development standards in the N101SP include permitted uses, setback distances from adjacent lots and streets, building heights, lot coverage, and parking requirements. The proposed project has been designed consistent with the design measures of the N101SP to ensure that the project does not adversely affect the scenic quality of the existing setting.

The overall visual quality of the proposed project would not be in conflict with the surrounding community because it would comply with the N101SP Design Guidelines as determined through the issuance of a Design Review Permit. For the reasons above, the project would be consistent with the provisions of the N101SP.

#### **City of Encinitas Municipal Tree Ordinance (Ordinance 2017-02)**

No trees defined as “Heritage Trees” of community significance per the City’s Tree Ordinance have been designated on-site. All existing trees identified on the project site and some ornamental trees within the center median of the Highway 101 right-of-way are proposed to be removed as part of project implementation; therefore, the project must comply with the requirements set forth in the City’s Urban Forest Management Plan.

Based on the mapping provided by the City of Encinitas Tree Tracker, the trees within the project boundary are not considered to be protected trees. However, the North Coast Highway 101 right-of-way appears to contain a number of City Trees (City of Encinitas 2021). Such trees contribute to the existing visual setting and character along the Highway 101 corridor.

As indicated in Section 3.3, Biological Resources, of this EIR, the project proposes mitigation to ensure the replacement of any trees within the Highway 101 right-of-way that are removed with the project. Prior to construction, the project applicant shall provide an inventory of trees by a City-approved arborist for the portion of the construction footprint within the City right-of-way and prepare a tree replacement plan for project activities requiring removal of trees within the City right-of-way in compliance with the City’s Tree Ordinance.

Based on the City’s Tree Ordinance, any City Trees that are removed by the project would require a minimum 1:1 replacement tree of a type, size, and location to be determined by the City-approved arborist, if appropriate. Project conformance with such requirements would ensure that the City’s tree resources continue to contribute to the visual and scenic quality of the Highway 101 corridor over the long term. Additionally, the arborist report will document all trees on the site which will be removed with project implementation; however, as no protected trees occur on-site, replacement is not required as part of any adopted City regulation or plan.

### 3.1 Aesthetics

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#### ***Summary***

As described above, development of the project site as proposed would not adversely alter existing views to the site from off-site public vantage points or substantially degrade the existing setting. Although the project would result in a visual change in existing public views of the project site, such development would be consistent with the underlying zoning, design guidelines, and other applicable policies and regulations to ensure project consistency with the existing visual character and protection of the aesthetic quality of the local setting.

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

**Mitigation Measures:** None required.

**Level of Significance:** Less than significant.



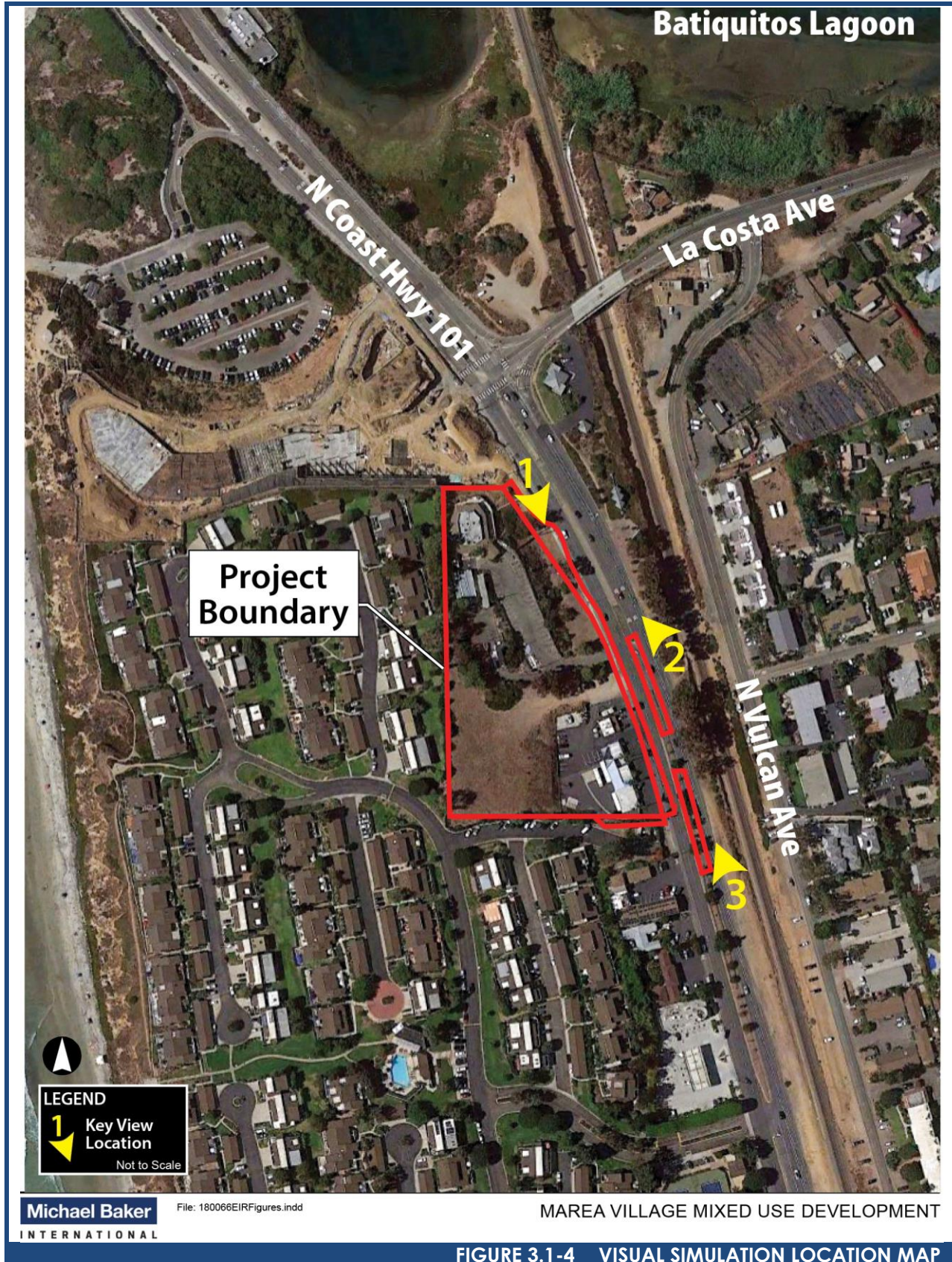
Composite 1:

Illustrative rendering looking south/southwest to project site from southeast corner of La Costa Avenue and Highway 101 intersection.



Composite 2:

Illustrative rendering looking north/northwest to project site from northbound Highway 101.





View looking south/southeast to site from Highway 101 south (existing conditions).

### 3.1 Aesthetics



View looking south/southeast to site from Highway 101 south (at initial planting; without Streetscape Improvement Project).

**Michael Baker**  
INTERNATIONAL

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MAREA VILLAGE MIXED USE DEVELOPMENT

**FIGURE 3.1-5B KEY VIEW 1B**



View looking south/southeast to site from Highway 101 south (at initial planting; with Streetscape Improvement Project).

**Michael Baker**  
INTERNATIONAL

File: 180066EIRFigures.indd

MAREA VILLAGE MIXED USE DEVELOPMENT

**FIGURE 3.1-5C KEY VIEW 1C**

### 3.1 Aesthetics



View looking south/southeast to site from Highway 101 south (at 5-year maturity; with Streetscape Improvement Project).

**Michael Baker**  
INTERNATIONAL

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MAREA VILLAGE MIXED USE DEVELOPMENT

**FIGURE 3.1-5D KEY VIEW 1D**



View looking north/northwest to site from Highway 101 north (existing conditions).

### 3.1 Aesthetics



View looking north/northeast to site from Highway 101 north (at initial planting, without Streetscape Improvement Project).



View looking north/northeast to site from Highway 101 north (at initial planting, with Streetscape Improvement Project).

### 3.1 Aesthetics



View looking north/northeast to site from Highway 101 north (at 5-year maturity, with Streetscape Improvement Project).



View looking north/northwest to site from Highway 101 north - just south of southern project boundary (existing condition).

### 3.1 Aesthetics



View looking north/northwest to site from Highway 101 north - just south of southern project boundary (at initial planting, without Streetscape Improvement Project).



View looking north/northwest to site from Highway 101 north - just south of southern project boundary (at initial planting, with Streetscape Improvement Project).

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INTERNATIONAL

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MAREA VILLAGE MIXED USE DEVELOPMENT

FIGURE 3.1-7C KEY VIEW 3C

3.1 Aesthetics



View looking north/northwest to site from Highway 101 north - just south of southern project boundary (at 5-year maturity, with Streetscape Improvement Project).

Michael Baker  
INTERNATIONAL

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MAREA VILLAGE MIXED USE DEVELOPMENT

FIGURE 3.1-7D KEY VIEW 3D

**CREATE NEW SOURCE OF SUBSTANTIAL LIGHT OR GLARE**

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

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

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

The proposed project would install street lighting to provide an adequate level of nighttime lighting for safe motorized and non-motorized circulation on-site and for purposes of public safety for occupants and visitors. Lighting would be installed at the access driveway to identify the project entrance and to provide safe ingress and egress. The project would also include lighting for all parking areas, including the parking garage. In addition, exterior building lighting would be installed as safety lighting and as architectural detail on the residential and commercial buildings, hotel and pool area, and public amenity areas. Lighting would also be part of on-site signage for purposes of individual use identification and for directional and informational signage.

All lighting would be consistent with the City's lighting standards, which require low-level lighting that would not exceed 0.5 foot-candle levels at the property line, light poles at a maximum height of 18 feet in height, and lighting that is directed downward via 90-degree cutoffs to reduce potential light overspill onto adjacent properties. A Photometric Plan was prepared as part of the project improvement plans which demonstrates that on-site lighting levels with project

3.1 Aesthetics

implementation would meet City requirements for nighttime lighting levels at the property line (SDA 2021; available under separate cover). With conformance to City lighting design regulations, it is not anticipated that the project would result in a significant impact with regard to new sources of nighttime lighting. Impacts would be less than significant.

Additionally, the proposed project does not include construction or installation of structures using highly reflective materials or surfaces that could otherwise create a new source of substantial glare adversely affecting daytime views in the area. Refer to Figures 2.0-4A to 2.0-4F which illustrate the proposed project elevations, including the types of construction materials and colors anticipated. The project also does not include large expanses of glass or high gloss surface colors that would have the potential to cause substantial reflection and/or glare effects. Any metal surfaces integrated into the proposed building facades would be surfaced with non-reflective paint or otherwise treated (i.e., galvanized) to minimize or reduce the potential for glare to occur. Additionally, the project would be subject to the City’s design review process to ensure consistency with applicable design guidelines, including those identified in the N101SP.

The project would install roof-mounted photovoltaic solar panels on all proposed buildings having a flat roof (see Roof Plan available under separate cover; SDA 2021). The solar panels would provide approximately 250 kilowatts of solar energy for the on-site uses. Due to the nature of their intended function, photovoltaic solar panels are designed to be highly absorptive of incoming sunlight and are not anticipated to create substantial glare that would potentially affect area motorists or on- or off-site viewers. Therefore, the installation of solar panels would not contribute to a substantial glare effect.

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

Impacts would be less than significant.

**Mitigation Measures:** None required.

**Level of Significance:** Less than significant.

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

**Geographic Scope**

The cumulative setting for aesthetics consists of existing and future uses within the proposed project’s viewshed. The community of Leucadia generally offers an urbanized visual setting,

particularly along the Highway 101 corridor. The City's General Plan and Municipal Code, in combination with other regulatory planning documents and ordinances, provide guidance for the types of allowable development in Encinitas, thereby influencing future land uses and the overall character at buildout.

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

### ***Potential Cumulative Impacts***

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

The Resources Management Element of the City's General Plan identifies a number of scenic vista points, generally along the coastline. These scenic vistas include San Elijo and Kilkenny Street (Cardiff), Highway 101 north of La Costa Ave, I-5 at La Costa Avenue (northwest and northeast) and the Encinitas Community Park Site. Additionally, five scenic viewsheds are identified, three along the coastline (west ends of D Street, F Street, and J Street), one across Batiquitos Lagoon at the north end of the City (Oak View), and one across San Elijo Lagoon (southern end of the North Coast Highway 101 corridor).

Public views to or from any vista points would not be affected by future development of the project due to intervening development, topography, and distance. The project site is identified as being within a "Vista Point Critical Viewshed" and within a Scenic/Visual Corridor Overlay area within which the character of proposed development is regulated to protect the integrity of the City's designated vista points. The project has therefore been designed consistent with the Scenic/Visual Corridor Overlay restrictions and would be subject to the City's design review process to ensure that the architectural style and character of proposed structures and other

### 3.1 Aesthetics

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improvements do not conflict with the surrounding character, obstruct scenic views, or reduce the value of any scenic resource.

Similarly, cumulative projects would be evaluated on a site-specific basis for relevance to any identified vista points, scenic resources, and other regulations pertaining to the protection of the City's scenic resources. Any development also located within the Scenic/Visual Corridor Overlay area would have the potential to combine with the proposed project to result in adverse effects on such resources. However, as stated above, the project would not result in such impacts and, like other discretionary projects within the Scenic/Visual Corridor Overlay area would be subject to the City's design review process to avoid or minimize potential impacts to scenic resources. The project is therefore not anticipated to contribute to a significant impact on a scenic vista.

As stated, Highway 101 is not a designated State historic highway and the project would not result in damage to any scenic resources, as no Heritage Trees, rock outcroppings, or historic buildings are present on-site. Other cumulative projects would be evaluated on a site-specific basis to determine if development proposed would contribute to a loss of such resources. The project, along with other cumulative projects would be subject to the requirements of the City Tree Ordinance for the disturbance or removal of any Heritage or City Trees to ensure that the City's tree canopy is maintained for scenic value. With project conformance to such regulations, combined with proposed mitigation for tree replacement of City Trees to be removed, the project is not anticipated to contribute to a cumulative impact from substantial damage to scenic resources in this regard.

The viewshed in the project vicinity is characterized by residential development, varied commercial uses, surface parking, established landscaping, and the Highway 101 corridor. As the project proposes similar uses to that existing in surrounding residential and commercial developments within the area, the project would not result in a substantial change to the affected viewshed. Rather, it is anticipated that through sensitive design, the project would visually blend in with the surrounding residential neighborhoods and commercial uses when viewed in conjunction with existing development.

Furthermore, the height, mass, scale of the project elements would be respective of the community character and in conformance with existing regulations (with exception of a limited increase in maximum building height). The degree to which the proposed building elements would be visible within the viewshed would further be reduced by proposed ornamental landscaping, as well as angle and distance of view, viewing location, and viewer familiarity.

The project would have the potential to combine with other cumulative projects within the viewshed and change the overall character or visual quality. Projects within the same viewshed as the project may be subject to various zoning or regulatory requirements, based on location

(i.e., within a Specific Plan boundary) or overlay zone for the protection of scenic quality. Such projects would be evaluated on a site-specific basis for consistency with applicable regulations and subject to City discretionary review to ensure that proposed design meets identified design guidelines and provides continued protection of on-site or off-site scenic resources and/or mitigates for any such impacts. As stated, the scale, density, and height of the project would be consistent with the City's General Plan and HEU, as well as the N101SP and Municipal Code (with exception of a minor increase in maximum allowed height), as well as requirements of the Coastal Zone and Scenic/Visual Corridor Overlay Zone. Thus, the project is not anticipated to contribute to a significant cumulative impact relative to conflict with applicable zoning and other regulations governing scenic quality.

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

All project lighting has been designed in accordance with the City Municipal Code to ensure lighting levels are reduced to the level necessary for circulation and public safety, and to avoid adjacency effects resulting from spillover onto adjacent properties, and no materials or surfaces proposed would induce substantial glare effects. It is not anticipated that the project would contribute to a significant cumulative impact relative to lighting and glare.

All cumulative projects in the vicinity of the proposed project, and development of other future land uses in the surrounding viewshed, would be conditioned by the City's discretionary review process on a site-specific basis to avoid, reduce, and mitigate significant visual impacts relative to the proposed improvements. In combination with other cumulative projects and with development of other future land uses in the surrounding area, the proposed project would not result in a significant impact to scenic vistas, damage scenic resources on the project site, conflict with measures for the protection of scenic resources, or create a new source of substantial light or glare that would adversely affect day or nighttime views in the area. Therefore, the project's contribution to impacts on aesthetic resources is considered **less than cumulatively considerable**.

**Mitigation Measures:** None required.

**Level of Significance:** Less than cumulatively considerable.

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

This section is based on technical data presented in the *Air Quality Technical Memorandum* prepared by Michael Baker International (2021; see [Appendix B](#)) and *Local Transportation Analysis*, prepared by LOS Engineering, Inc. (2020, see [Appendix L-2](#)). Analysis in this section also draws upon data in the *City of Encinitas General Plan* (1991) and the *City of Encinitas 2013-2021 Housing Element Update Environmental Assessment* (2018).

## ENVIRONMENTAL SETTING

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

### ***Topography***

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

### ***Meteorology and Climate***

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

The dominant meteorological feature affecting the region is the Pacific high-pressure zone, which produces the prevailing westerly to northwesterly winds. These winds tend to blow pollutants away from the coast toward the inland areas. Consequently, air quality near the coast is generally better than that at the base of the coastal mountain range. Most of the City consists of coastal

### 3.2 Air Quality

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plains, which lie adjacent to the Pacific Ocean and extend approximately 6 miles east of the Pacific Ocean. Because of its locational advantage, the westerly portion of the City has a mild climate with cool summers on the coast, where fog is common.

Fluctuations in the strength and pattern of winds from the Pacific high-pressure zone interacting with the daily local cycle produce periodic temperature inversions that influence the dispersal or containment of air pollutants in the SDAB. Beneath the inversion layer, pollutants become “trapped” as their ability to disperse diminishes. The prevailing westerly wind pattern is sometimes interrupted by regional Santa Ana conditions.

A Santa Ana wind occurs when a strong high pressure system develops over the Nevada-Utah area and overcomes the prevailing westerly coastal winds, sending strong, steady, hot, dry northeasterly winds over the mountains and out to sea. Strong Santa Anas tend to blow pollutants out over the ocean, producing clear days inland. However, at the onset or during breakdown of these conditions or if the Santa Anas are weak, local air quality may be adversely affected.

#### ***Sensitive Receptors***

Sensitive receptors are more susceptible to the effects of air pollution than the general population. Sensitive populations (sensitive receptors) in proximity to localized sources of toxics and carbon monoxide are of concern. Land uses considered sensitive receptors include residences, schools, playgrounds, childcare centers, long-term health care facilities, rehabilitation centers, convalescent centers, and retirement homes. The nearest sensitive receptors to the project site are multi-family residences (Seabluffe Village) located immediately adjacent to the west and south.

#### ***Air Pollutants of Concern***

The air pollutants emitted into the ambient air by stationary and mobile sources are regulated by federal and state laws. These regulated air pollutants are known as criteria air pollutants and are categorized into primary and secondary pollutants. Primary air pollutants are those that are emitted directly from sources. Carbon monoxide (CO), reactive organic gases (ROG), nitrogen oxide (NO<sub>x</sub>), sulfur dioxide (SO<sub>2</sub>), coarse particulate matter (PM<sub>10</sub>), fine particulate matter (PM<sub>2.5</sub>), lead, and fugitive dust are primary air pollutants.

Of these, CO, SO<sub>2</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> are criteria pollutants. ROG and NO<sub>x</sub> are criteria pollutant precursors and go on to form secondary criteria pollutants through chemical and photochemical reactions in the atmosphere (for example, ozone [O<sub>3</sub>] is formed by a chemical reaction between ROG and NO<sub>x</sub> in the presence of sunlight). Ozone and nitrogen dioxide (NO<sub>2</sub>) are the principal secondary pollutants.

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

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

Pollutant	California Standard	Federal Primary Standard	Year	Maximum Concentration <sup>5</sup>	Days (Samples) State/Federal Std. Exceeded
Ozone (O <sub>3</sub> ) <sup>1</sup> (1-hour)	0.09 ppm for 1 hour	NA <sup>8</sup>	2016 2017 2018	0.079 ppm 0.075 *	0/0 0/0 *
Ozone (O <sub>3</sub> ) <sup>1</sup> (8-hour)	0.070 ppm for 8 hours	0.070 ppm for 8 hours	2016 2017 2018	0.071 ppm 0.061 *	1/1 0/0 *
Carbon Monoxide (CO) <sup>2</sup> (1-hour)	20 ppm for 1 hour	35 ppm for 1 hour	2016 2017 2018	2.000 ppm 2.000 1.900	0/0 0/0 0/0
Nitrogen Dioxide (NO <sub>2</sub> ) <sup>3</sup>	0.18 ppm for 1 hour	0.100 ppm for 1 hour	2016 2017 2018	0.072 ppm 0.063 0.048	0/0 0/0 0/0
Fine Particulate Matter (PM <sub>2.5</sub> ) <sup>3, 7</sup>	No Separate Standard	35 µg/m <sup>3</sup> for 24 hours	2016 2017 2018	28.8 µg/m <sup>3</sup> 26.0 30.5	* * *
Particulate Matter (PM <sub>10</sub> ) <sup>4, 6, 7</sup>	50 µg/m <sup>3</sup> for 24 hours	150 µg/m <sup>3</sup> for 24 hours	2016 2017 2018	36.0 µg/m <sup>3</sup> 47.0 38.0	0/0 0/0 0/0

ppm = parts per million; PM<sub>10</sub> = particulate matter 10 microns in diameter or less; µg/m<sup>3</sup> = micrograms per cubic meter; PM<sub>2.5</sub> = particulate matter 2.5 microns in diameter or less; NA = not applicable; \* = insufficient data available to determine the value

Notes:

1. Data collected from the Del Mar-Mira Costa College Monitoring Station located at 215 9th Street, Del Mar CA 92014.
2. Data collected from the San Diego-11403 Rancho Carmel Drive Monitoring Station located at 11403 Rancho Carmel Drive, San Diego CA 92128.
3. Data collected from the Camp Pendleton Monitoring Station located at 21441 West B Street, Camp Pendleton CA 92019.
4. Data collected from the San Diego-Kearny Villa Road Monitoring Station located at 6125A Kearny Villa Road, San Diego CA 92145.
5. Maximum concentration is measured over the same period as the California Standards.
6. PM<sub>10</sub> exceedances are based on State thresholds established prior to amendments adopted on June 20, 2002.
7. PM<sub>10</sub> and PM<sub>2.5</sub> exceedances are derived from the number of samples exceeded, not days.
8. The Federal standard was revoked in June 2005.

Sources: Michael Baker Inc., *Air Quality Technical Memorandum* (Appendix B)

### **Coronavirus Disease 2019**

Coronavirus Disease 2019 (COVID-19) is a new disease, caused by a novel (or new) coronavirus that has not previously been seen in humans. There are many types of human coronaviruses, including some that commonly cause mild upper-respiratory tract illnesses. COVID-19 is a respiratory illness that can spread from person to person. According to the Center for Disease Control (CDC), older adults and people who have severe underlying medical conditions like heart or lung disease or diabetes seem to be at higher risk for developing more serious complications from COVID-19 illness. Symptoms may appear 2 to 14 days after the exposure to the virus and may include, but are not limited to: fever or chills, cough, shortness of breath or difficulty

### 3.2 Air Quality

breathing, fatigue, muscle or body aches, headache, loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting, and diarrhea (CDC 2020a). According to the CDC, COVID-19 is believed to spread between people who are in close contact with one another (within about 6 feet) through respiratory droplets produced when an infected person coughs, sneezes, or talks (CDC 2020b).

## REGULATORY FRAMEWORK

### *Federal and State*

The federal Clean Air Act delegates the regulation of air pollution control and the enforcement of the National Ambient Air Quality Standards (NAAQS) to the states. In California, the task of air quality management and regulation has been legislatively granted to CARB, with subsidiary responsibilities assigned to air quality management districts and air pollution control districts at the regional and county levels. CARB, which became part of the California Environmental Protection Agency in 1991, is responsible for ensuring implementation of the California Clean Air Act of 1988, responding to the federal Clean Air Act, and regulating emissions from motor vehicles and consumer products.

CARB has established California Ambient Air Quality Standards (CAAQS), which are generally more restrictive than the NAAQS. The CAAQS describe adverse conditions; that is, pollution levels must be below these standards before an air basin can attain the standard. Air quality is considered “in attainment” if pollutant levels are continuously below the CAAQS and violate the standards no more than once each year. The CAAQS for O<sub>3</sub>, CO, SO<sub>2</sub> (1-hour and 24-hour), NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub>, and visibility-reducing particles are values that are not to be exceeded. All others are not to be equaled or exceeded. The NAAQS and CAAQS are presented in [Table 3.2-2, Ambient Air Quality Standards](#).

**Table 3.2-2    Ambient Air Quality Standards**

Pollutant	Averaging Time	California Standards	National Standards	
		Concentration	Primary	Secondary
O <sub>3</sub>	1 hour	0.09 ppm (180 µg/m <sup>3</sup> )	—	Same as Primary Standard
	8 hours	0.070 ppm (137 µg/m <sup>3</sup> )	0.070 ppm (137 µg/m <sup>3</sup> )	
NO <sub>2</sub>	1 hour	0.18 ppm (339 µg/m <sup>3</sup> )	0.100 ppm (188 µg/m <sup>3</sup> )	Same as Primary Standard
	Annual Arithmetic Mean	0.030 ppm (57 µg/m <sup>3</sup> )	0.053 ppm (100 µg/m <sup>3</sup> )	
CO	1 hour	20 ppm (23 mg/m <sup>3</sup> )	35 ppm (40 mg/m <sup>3</sup> )	None
	8 hours	9.0 ppm (10 mg/m <sup>3</sup> )	9 ppm (10 mg/m <sup>3</sup> )	
SO <sub>2</sub>	1 hour	0.25 ppm (655 µg/m <sup>3</sup> )	0.075 ppm (196 µg/m <sup>3</sup> )	—
	3 hours	—	—	0.5 ppm (1,300 µg/ m <sup>3</sup> )

**Table 3.2-2, continued**

Pollutant	Averaging Time	California Standards	National Standards	
		Concentration	Primary	Secondary
	24 hours	0.04 ppm (105 µg/m <sup>3</sup> )	0.14 ppm (for certain areas)	—
	Annual	—	0.030 ppm (for certain areas)	—
PM <sub>10</sub>	24 hours	50 µg/m <sup>3</sup>	150 µg/m <sup>3</sup>	Same as Primary Standard
	Annual Arithmetic Mean	20 µg/m <sup>3</sup>	—	
PM <sub>2.5</sub>	24 hours	—	35 µg/m <sup>3</sup>	Same as Primary Standard
	Annual Arithmetic Mean	12 µg/m <sup>3</sup>	12.0 µg/m <sup>3</sup>	15.0 µg/m <sup>3</sup>
Lead	30-day Average	1.5 µg/m <sup>3</sup>	—	—
	Calendar Quarter	—	1.5 µg/m <sup>3</sup> (for certain areas)	Same as Primary Standard
	Rolling 3-Month Average	—	0.15 µg/m <sup>3</sup>	
Hydrogen sulfide	1 hour	0.03 ppm (42 µg/m <sup>3</sup> )	—	—
Vinyl chloride	24 hours	0.01 ppm (26 µg/m <sup>3</sup> )	—	—
Sulfates	24 hours	25 µg/m <sup>3</sup>	—	—
Visibility-reducing particles	8 hours (10:00 a.m. to 6:00 p.m. PST)	Insufficient amount to produce an extinction coefficient of 0.23 per kilometer due to the number of particles when the relative humidity is less than 70%	—	—

Source: CARB 2016

Notes: µg/m<sup>3</sup> = micrograms per cubic meter; CO = carbon monoxide; mg/m<sup>3</sup> = milligrams per cubic meter; NO<sub>2</sub> = nitrogen dioxide; O<sub>3</sub> = ozone; PM<sub>10</sub> = particulate matter with an aerodynamic diameter less than or equal to 10 microns; PM<sub>2.5</sub> = particulate matter with an aerodynamic diameter less than or equal to 2.5 microns; ppm = parts per million by volume; SO<sub>2</sub> = sulfur dioxide

### **San Diego County Regional Air Quality Strategy**

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

### 3.2 Air Quality

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

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

Criteria Pollutant	Federal Designation	State Designation
Ozone (8-Hour)	Nonattainment	Nonattainment
Ozone (1-Hour)	Attainment *	Nonattainment
Carbon Monoxide	Attainment	Attainment
PM <sub>10</sub>	Unclassifiable **	Nonattainment
PM <sub>2.5</sub>	Attainment	Nonattainment
Nitrogen Dioxide	Attainment	Attainment
Sulfur Dioxide	Attainment	Attainment
Lead	Attainment	Attainment
Sulfates	No Federal Standard	Attainment
Hydrogen Sulfide	No Federal Standard	Unclassified
Visibility	No Federal Standard	Unclassified

Notes:

\* The federal 1-hour standard of 12 pphm [parts per hundred million] was in effect from 1979 through June 15, 2005. The revoked standard is referenced here because it was employed for such a long period and because this benchmark is addressed in State Implementation Plans.

\*\* At the time of designation, if the available data does not support a designation of attainment or nonattainment, the area is designated as unclassifiable.

Source: SDAPCD 2020

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

The SIP relies on the same information from SANDAG to develop emissions inventories and emissions reduction strategies that are included in the attainment demonstration for the air

basin. The plan also includes rules and regulations that have been adopted by the SDAPCD to control emissions from stationary sources. These SIP-approved rules may be used as guidelines to determine whether a project's emissions would have the potential to conflict with the SIP and thereby hinder attainment of the NAAQS for ozone.

### **SDAPCD Measures to Reduce Particulate Matter in San Diego County**

In 2005, the SDAPCD adopted the *Measures to Reduce Particulate Matter in San Diego County*. This document identifies fugitive dust as the major source of directly emitted particulate matter in the county, with mobile sources and residential wood combustion as minor contributors. Data on PM<sub>2.5</sub> source apportionment indicates that the main contributor to PM<sub>2.5</sub> in the county is combustion organic carbon, followed closely by ammonium sulfate and ammonium nitrate from combustion sources. The main contributors to PM<sub>10</sub> include resuspended soil and road dust from unpaved and paved roads, construction and demolition sites, and mineral extraction and processing. Based on the report's evaluation of control measures recommended by CARB to reduce particulate matter emissions, the SDAPCD adopted Rule 55, Fugitive Dust Control, in June 2009. The SDAPCD requires that construction activities implement the measures listed in Rule 55 to minimize fugitive dust emissions. Rule 55 requires the following:

1. No person shall engage in construction or demolition activity in a manner that discharges visible dust emissions into the atmosphere beyond the property line for a period or periods aggregating more than 3 minutes in any 60-minute period.
2. Visible roadway dust as a result of active operations, spillage from transport trucks, erosion, or track-out/carry-out shall be minimized by the use of any of the equally effective track-out/carry-out and erosion control measures listed in Rule 55 that apply to the project or operation. These measures include track-out grates or gravel beds at each egress point; wheel-washing at each egress during muddy conditions; soil binders, chemical soil stabilizers, geotextiles, mulching, or seeding; watering for dust control; and using secured tarps or cargo covering, watering, or treating of transported material for outbound transport trucks. Erosion control measures must be removed at the conclusion of each workday when active operations cease, or every 24 hours for continuous operations.

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

### 3.2 Air Quality

**Table 3.2-4 Screening Thresholds for Criteria Pollutants**

Emissions	Pollutant					
	ROG <sup>1</sup>	NO <sub>x</sub>	CO	SO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Daily Maximum (lbs/day)	75	250	550	250	100	67
Annual (tons/year)	13.7	40	100	40	15	10

Notes: ROG = reactive organic gases; NO<sub>x</sub> = nitrogen oxides; CO = carbon monoxide; SO<sub>x</sub> = sulfur oxides; PM<sub>10</sub> = particulate matter up to 10 microns; PM<sub>2.5</sub> = particulate matter up to 2.5 microns; lbs = pounds  
 1. SDAPCD Rule 20.2 does not establish threshold for ROG. The threshold of significance for ROG from the South Coast Air Quality Management District is used. The annual emissions threshold is calculated from 75 lbs/day multiplied by 365 days/year and divided by 2000 lbs/ton.

Source: Michael Baker Inc., *Air Quality Technical Memorandum* (Appendix B)

### **Other SDAPCD Rules and Regulations**

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

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

The SDAPCD also implements New Source Review (NSR) in the air basin. Prior to the installation of new, modified, relocated, or replacement equipment that results in an increase of air pollution emissions, the SDAPCD requires that an Authority to Construct be obtained and that the equipment be evaluated in accordance with applicable NSR rules. A Permit to Operate from the SDAPCD would be required to authorize operation or use of the equipment. If such equipment would exceed air pollutant thresholds, it must use Best Available Control Technology (BACT) to reduce emissions. BACT definitions and requirements are outlined in SDAPCD Rule 20.1, NSR—General Provisions.

It is difficult to ensure that new or modified sources do not interfere with attainment or maintenance of the established air quality standards for ozone. Since ozone is a secondary pollutant (i.e., ozone is not directly emitted, but results from complex chemical reactions in the atmosphere from precursor pollutants), control of the precursors is required. Control of emissions of volatile organic compounds (VOCs) (also known as reactive organic gases, or ROG) and nitrogen oxides, the ozone precursors, is essential. The SDAPCD adopted Rule 67.0.1, Architectural Coatings, which establishes VOC content limits for architectural coatings, in 2015.

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

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

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

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

### **SDAPCD Rule 51 - Odor Impacts**

The State of California Health and Safety Code, Division 26, Part 4, Chapter 3, Section 41700 SDAPCD Rule 51 (Public Nuisance), and the City’s Municipal Code prohibit emissions from any source in such quantities of air contaminants or other material that cause injury, detriment, nuisance, or annoyance to the public health or damage to property. Projects required to obtain permits from SDAPCD are evaluated by SDAPCD staff for potential odor nuisance, and conditions may be applied (or control equipment required) where necessary to prevent occurrence of public nuisance.

### 3.2 Air Quality

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

#### **San Diego County Department of Environmental Health**

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

#### ***Local***

#### **City of Encinitas General Plan**

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

#### *Resource Management Element*

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

Policy 5.1:                      The City will monitor and cooperate with the ongoing efforts of the U. S. Environmental Protection Agency, the San Diego Air Pollution Control District, and the State of California Air Resources Board in improving air

quality in the regional air basin. The City will implement appropriate strategies from the San Diego County SIP which are consistent with the goals and policies of this plan.

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

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

### **Encinitas North 101 Corridor Specific Plan (N101SP)**

The project is located within the Encinitas North 101 Corridor Specific Plan (N101SP). There are no cultural resource policies exclusive to the Specific Plan area. Chapter 9, *General Plan and Local Coastal Program Compliance*, of the N101SP identifies goals and policies of the General Plan that are relevant to the Specific Plan area and addresses the N101SP's consistency with the General Plan. Consistency with the General Plan policies regarding archaeological and historical cultural resources would ensure compliance with the N101SP.

## **STANDARDS OF SIGNIFICANCE**

### ***Thresholds of Significance***

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

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

## PROJECT IMPACTS AND MITIGATION

### **CONFLICT WITH AIR QUALITY PLAN**

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<b>Impact 3.2-1</b>	<b>The project would not conflict with or obstruct implementation of the applicable air quality plan. Impacts would be less than significant.</b>
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The project site is located within the San Diego Air Basin and is regulated by the SDAPCD. As described above, the SIP and RAQS are the applicable air quality plans for the SDAPCD. Consistency with the SIP and RAQS means that a project is consistent with the goals, objectives, and assumptions set forth in the SIP and RAQS that are designed to achieve Federal and State air quality standards.

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

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

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

**Mitigation Measures:** None required.

**Level of Significance:** Less than significant.

***EXPOSE SENSITIVE RECEPTORS TO POLLUTANTS***

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<b>Impact 3.2-2</b>	<b>The project would not expose sensitive receptors to substantial pollutant concentrations. Impacts would be less than significant.</b>
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Sensitive populations are more susceptible to the effects of air pollution than the general population. Sensitive receptors are defined as facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. Examples of these sensitive receptors are schools, hospitals, and daycare centers (California Health and Safety Code § 42705.5(a)(5)). CARB has identified the following groups of individuals as the most likely to be affected by air pollution: the elderly over 65, children under 14, athletes, and persons with cardiovascular and chronic respiratory diseases such as asthma, emphysema, and bronchitis.

The nearest sensitive receptors to the project site are multi-family residences (Seabluffe Village) located immediately adjacent to the west and south. According to the SDACPD's Rule 1200, a project would result in a significant impact to a sensitive receptor if the project's emissions of any toxic air contaminant resulted in a cancer risk greater than 10 in 1 million.

***Construction***

Emissions of pollutants, such as fugitive dust and heavy equipment exhaust, that are generated during construction are generally highest near the construction site. Emissions from project construction were estimated using the California Emissions Estimator Model (CalEEMod) as well as the CARB's Emission Factor Model 2017 (EMFAC2017). CalEEMod is the state-wide accepted modeling software used for preparing air quality analysis. The model utilizes project-specific inputs including location, construction schedule, and proposed uses.

When project-specific information is not available or known, CalEEMod includes built in default values which are industry-accepted standards to appropriately model and estimate emissions. To estimate construction emissions, the following phases were modeled: demolition, site preparation, grading, paving, building construction, and architectural coatings application.

Demolition and construction of the project is expected to occur over an approximately 15-month period. CalEEMod provides default assumptions regarding horsepower rating, load factors for heavy equipment, and hours of operation per day. Default assumptions in CalEEMod and assumptions for similar projects were used to represent operation of heavy construction

### 3.2 Air Quality

equipment. Construction calculations in CalEEMod utilize the numbers and types of equipment are further discussed in the Air Quality Technical Memorandum ([Appendix B](#)).

In addition to calculating emissions from heavy construction equipment, CalEEMod contains calculation modules to estimate emissions of fugitive dust, based on the amount of earthmoving or surface disturbance required; emissions from heavy-duty truck trips or vendor trips during construction activities; emissions from construction worker vehicles during daily commutes; emissions of ROG from paving using asphalt; and emissions of ROG during application of architectural coatings.

As part of the project, it was assumed that standard dust control measures (watering three times daily; using soil stabilizers on unpaved roads) and architectural coatings that comply with SDAPCD Rule 67.0.1 (assumed to meet a VOC content of 50 grams per liter (g/l) for flat coatings and 100 g/l for nonflat coatings) would be used during construction. Further, as a project component, the proposed project would utilize Tier 4 diesel construction equipment with diesel particulate filters. [Table 3.2-5, Expected Construction Emissions Summary](#), provides the detailed emission estimates for each year of construction, as calculated with CalEEMod ([Appendix B](#)).

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

Emissions Source	Pollutant (pounds/day) <sup>1</sup>					
	ROG	NO <sub>x</sub>	CO	SO <sub>2</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
<b>Year 1</b>						
Construction Related Emissions <sup>2</sup>	8.08	95.41	70.48	0.20	6.83	3.87
<b>Year 2</b>						
Construction Related Emissions <sup>2</sup>	14.03	82.73	68.75	0.20	9.11	4.09
SDAPCD Thresholds	75	250	550	250	100	67
<b>Is Threshold Exceeded?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

Notes:

1. Emissions were calculated using CalEEMod, version 2016.3.2. Winter emissions represent worst-case.
2. Modeling assumptions include compliance with standard dust control measures (water exposed surfaces three times daily) and SDAPCD Rule 67.0.1 (architectural coatings with ROG content of less than 50 grams per liter for flat coatings and 100 grams per liter for non-flat coatings).

Source: Michael Baker Inc., *Air Quality Technical Memorandum* ([Appendix B](#))

As shown in [Table 3.2-5](#), emissions of criteria pollutants during construction would be below the thresholds of significance for each year of construction. As project criteria pollutant emissions during construction would not exceed SDAPCD air quality standards and would be temporary, no significant impact would occur and no mitigation measures are required.

### ***Long-Term (Operational) Emissions***

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

#### **Mobile Source Emissions**

Mobile sources are emissions from motor vehicles, including tailpipe and evaporative emissions. Depending upon the pollutant being discussed, the potential air quality impact may be of either regional or local concern. For example, ROG, NO<sub>x</sub>, SO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> are all pollutants of regional concern (NO<sub>x</sub> and ROG react with sunlight to form O<sub>3</sub> [photochemical smog], and wind currents readily transport SO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>); however, CO tends to be a localized pollutant, dispersing rapidly at the source.

Table 3.2-7, Long-Term Operational Air Emissions, presents the anticipated mobile source emissions. As shown in Table 5, emissions generated by vehicle traffic associated with the project would not exceed established SDAPCD thresholds. In addition, consistent with General Plan Policy 3.11, the project would include bicycle parking spaces on-site to encourage bicycle travel. Impacts from mobile source air emissions would be **less than significant**.

#### **Area Source Emissions**

Area source emissions would be generated from consumer products, architectural coating, and landscaping. As required, all architectural coatings for the proposed project structures would comply with SDAPCD Rule 69.0.1 – *Architectural Coating*. As shown in Table 3.2-7, area source emissions from the proposed project would not exceed SDAPCD thresholds for ROG, NO<sub>x</sub>, CO, SO<sub>x</sub>, PM<sub>10</sub>, or PM<sub>2.5</sub>.

#### **Energy Source Emissions**

Energy source emissions would be generated as a result of electricity and natural gas (non-hearth) usage associated with the proposed project. The primary use of electricity and natural gas by the project would be for space heating and cooling, water heating, ventilation, lighting, appliances, and electronics. As a design feature, the project would install high efficiency lighting fixtures. In addition, although not quantified and included in Table 3.2-7, the project would install 250 kilowatt (kW) solar panels on-site, which would be consistent with General Plan Policy 15.1, Policy 15.2, and Policy 15.3. As shown in Table 3.2-6, energy source emissions from the proposed project would not exceed SDAPCD thresholds for ROG, NO<sub>x</sub>, CO, SO<sub>x</sub>, PM<sub>10</sub>, or PM<sub>2.5</sub>.

3.2 Air Quality

**Table 3.2-6 Long-Term Operational Air Emissions**

Emissions Source	Pollutant (lbs/day) <sup>1</sup>					
	ROG	NO <sub>x</sub>	CO	SO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
<b>Existing Conditions Summer Emissions</b>						
Area Source Emissions	0.21	<0.01	<0.01	0.00	0.00	0.00
Energy Emissions <sup>2</sup>	<0.01	<0.01	<0.01	<0.01	<0.01	<0.01
Mobile Emissions <sup>3</sup>	1.79	2.64	14.05	0.04	4.08	1.11
Total Emissions <sup>4</sup>	2.00	2.64	14.05	0.04	4.08	1.11
<b>Proposed Project Summer Emissions</b>						
Area Source Emissions	3.31	1.49	8.39	0.01	0.16	0.16
Energy Emissions <sup>2</sup>	0.08	0.72	0.51	<0.01	0.06	0.06
Mobile Emissions <sup>3</sup>	4.22	6.41	34.19	0.10	10.09	2.75
Total Emissions <sup>4</sup>	7.61	8.62	43.09	0.12	10.30	2.96
Net Increase of Total Emissions <sup>4</sup>	5.61	5.98	29.04	0.08	6.22	1.85
SDAPCD Threshold	75	250	550	250	100	67
<b>Is Threshold Exceeded?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>
<b>Existing Conditions Winter Emissions</b>						
Area Source Emissions	0.21	<0.01	<0.01	0.00	0.00	0.00
Energy Emissions <sup>2</sup>	<0.01	<0.01	<0.01	<0.01	<0.01	<0.01
Mobile Emissions <sup>3</sup>	1.87	2.82	14.21	0.04	4.08	1.11
Total Emissions <sup>4</sup>	2.08	2.82	14.21	0.04	4.08	1.11
<b>Proposed Project Winter Emissions</b>						
Area Source Emissions	3.31	1.49	8.39	0.01	0.16	0.16
Energy Emissions <sup>2</sup>	0.08	0.72	0.51	<0.01	0.06	0.06
Mobile Emissions <sup>3</sup>	4.40	6.86	34.45	0.10	10.09	2.75
Total Emissions <sup>4</sup>	7.79	9.07	43.34	0.11	10.30	2.96
Net Increase of Total Emissions <sup>4</sup>	5.71	6.25	29.13	0.07	6.22	1.85
SDAPCD Threshold	75	250	550	250	100	67
<b>Is Threshold Exceeded?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

**Notes:**

1. Emissions were calculated using CalEEMod, version 2016.3.2 and the California Air Resources Board Emission FACTor model 2017 (EMFAC2017).
2. As a design feature, the project would install high efficiency lighting fixtures.
3. The mobile source emissions were calculated using the trip generation data provided in the LOS Engineering, Inc., City of Encinitas Fenway Mixed-Use (Hotel, Residential, Commercial) 1900 N. Coast Highway 101 Draft Local Transportation Analysis, dated November 12, 2020.
4. The numbers may be slightly off due to rounding.

Source: Michael Baker Inc., *Air Quality Technical Memorandum* (Appendix B)

**Total Operational Emissions**

Table 3.2-7 presents the results of the operational emission calculations, in pounds per day, and includes a comparison with the significance criteria. Based on the estimates of the emissions associated with project operations, the emissions of all criteria pollutants would be below the significance thresholds. As such, the project would not expose sensitive receptors to substantial pollutant concentrations during operations/occupancy. Impacts would be **less than significant**.

## ***Health Risk***

### **Construction**

The project construction activities are anticipated to involve the operation of diesel-powered equipment, which would emit Diesel Particulate Matter (DPM). In 1998, the CARB identified diesel exhaust as a Toxic Air Contaminant (TAC). Cancer health risks associated with exposures to diesel exhaust typically are associated with chronic exposure, in which a 30-year exposure period often is assumed. The project would construct mixed-use buildings in 15 months while complying with the California Code of Regulations (CCR), Title 13, Sections 2449(d)(3) and 2485, which minimizes the idling time of construction equipment either by shutting it off when not in use or by reducing the time of idling to no more than five minutes. Implementation of these regulations would reduce the amount of DPM emissions from the construction of the project.

The closest sensitive receptors to the project site are multi-family residential development located adjacent to the west and south of the project site. However, health impacts on sensitive receptors associated with exposure to DPM from project construction are anticipated to be less than significant because construction activities are expected to occur well below the 30-year exposure period used in health risk assessments. Additionally, emissions would be short-term and intermittent in nature, and therefore would not generate TAC emissions at high enough exposure concentrations to represent a health hazard. Therefore, construction of the proposed project is not anticipated to result in an elevated cancer risk to nearby sensitive receptors.

The impact of COVID-19 on the public health is not fully understood. Reported illness ranges from very mild (some people have no symptoms) to severe illness that may result in death. Certain groups, including people aged 65 or older and those with serious underlying medical conditions, such as heart or lung disease or diabetes, are at higher risk of hospitalization and serious complications. Transmission is most likely when people are in close contact or in a poorly ventilated area with an infected person, even if that person does not have any symptoms or has not yet developed symptoms. Precise information about the number and rates of COVID-19 by industry or occupational groups, including among critical infrastructure workers, is not available at this time. There have been multiple outbreaks in a range of workplaces, indicating that workers are at risk of acquiring or transmitting COVID-19 infection. All construction activities will be conducted in accordance with applicable local, state, and federal government regulations and mandates for COVID-19 protection that are in place at time of construction. There are no components of the proposed project that could reasonably be expected to exacerbate the existing COVID-19 pandemic. Impacts related to COVID-19 are **less than significant**.

### 3.2 Air Quality

#### Operations

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

#### **Hotspots**

Air pollutant emissions related to project-generated traffic have the potential to create new, or worsen existing, localized air quality violations with respect to carbon monoxide (CO) known as "hot spots." CO emissions are a function of vehicle idling time, meteorological conditions, and traffic flow. Under certain extreme meteorological conditions, CO concentrations near a congested roadway or intersection may reach unhealthful levels (i.e., adversely affecting residents, school children, hospital patients, the elderly, etc.).

A potential CO hotspot may occur at any location where the background CO concentration already exceeds 20 parts per million (ppm), which is the 1-hour California ambient air quality standard. As shown in [Table 3.2-1](#), the closest monitoring station to the project site that monitors CO concentration is the San Diego-11403 Rancho Carmel Drive Monitoring Station, and the maximum CO concentration was measured at 1.900 ppm in 2018. Given that the background CO concentration does not currently exceed 20 ppm, a CO hotspot would not occur at the project site ([Appendix B](#)). Therefore, impacts associated with hotspots would be **less than significant**.

**Mitigation Measures:** None required.

**Level of Significance:** Less than significant.

#### ***OTHER EMISSIONS SUCH AS THOSE LEADING TO OBJECTIONABLE ODORS***

<b>Impact 3.2-3</b>	<b>The project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. Impacts would be less than significant.</b>
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Individual responses to odors are highly variable and can result in various effects, including psychological (i.e., irritation, anger, or anxiety) and physiological (i.e., circulatory and respiratory effects, nausea, vomiting, and headache). Generally, the impact of an odor results from a variety of interacting factors such as frequency, duration, offensiveness, location, and sensory

perception. Although offensive odors seldom cause physical harm, they can be annoying and cause distress among the public and generate citizen complaints.

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

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

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

**Mitigation Measures:** None required.

**Level of Significance:** Less than significant.

#### **CUMULATIVE IMPACTS**

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

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

### 3.2 Air Quality

the project's incremental contribution, and that are included in the analysis of cumulative impacts relative to air quality, are identified in [Table 3.0--1](#) and [Figure 3.0-1](#) in [Section 3.0, Environmental Analysis](#), of this EIR.

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

Potential cumulative air quality impacts may potentially result when the emissions from cumulative projects combine to degrade air quality conditions below attainment levels for the SDAB, delay attainment of air quality standards, affect sensitive receptors, or subject surrounding areas to objectionable odors. The cumulative study area for air quality includes the SDAB, which is contiguous with San Diego County because air quality is evaluated at the air basin level. Cumulative impacts on sensitive receptors and odors are more localized and include surrounding areas close to the project site.

#### ***Potential Cumulative Impacts***

As shown in [Table 3.2-3](#), the SDAPCD is in federal nonattainment status for ozone (8-hour) and state nonattainment status for ozone (8-hour and 1-hour), PM<sub>10</sub>, and PM<sub>2.5</sub>. Projects that emit these pollutants or their precursors (i.e., VOC and NO<sub>x</sub> for ozone) potentially contribute to poor air quality. The SDAPCD significance thresholds consider the cumulative impact of a project that adds emissions to the entire air basin, in this case a basin already in nonattainment for several criteria. As indicated in [Table 3.2-6](#) and [Table 3.2-7](#), construction and operations/occupancy emissions would not exceed the SDAPCD significance thresholds. Other projects included in the cumulative project list would similarly be required to evaluate if such projects would exceed significance thresholds and contribute to an overall cumulative air impact in the basin.

As noted above, the SCAQMD concludes that it is not currently possible to accurately quantify ozone-related health impacts caused by NO<sub>x</sub> or VOC emissions from relatively small projects (defined as projects with regional scope) due to photochemistry and regional model limitations. Other cumulative projects would similarly analyze their projected construction and operation air emissions to determine if the project exceeds the SDAPCD thresholds. If the other cumulative projects do not exceed SDAPCD thresholds for construction and operational air emissions, the projects would have a less than significant impact for air quality health impacts as well. Additionally, as construction emissions identified in [Table 3.2-6](#) are low relative to standards, simultaneous construction of the cumulative projects would cause a less than significant cumulative impact on air quality (refer also to [Appendix B](#)).

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

**Mitigation Measures:** None required.

**Level of Significance:** Less than cumulatively considerable.

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## Section 3.3

### Biological Resources

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

The analysis in this section is substantially based on the *Terrestrial Biological Resources Assessment* prepared by Michael Baker International (2021; see [Appendix C-1](#)) and *Arborist Report* prepared by The Forestry Group, (2021; see [Appendix C-2](#)). Information pertaining to aquatic and marine resources is based on the *Leucadia Flood Abatement Design Marine Biology Technical Report* for the North Coast Highway 101 Streetscape Project prepared by (MBC Aquatic Sciences 2020).

Analysis in this section also draws upon data in the *City of Encinitas General Plan* (1991) and the *City of Encinitas 2013-2021 Housing Element Update Environmental Assessment* (2018).

#### ENVIRONMENTAL SETTING

The project site is located at the southwest corner of the North Coast Highway 101/La Costa Avenue intersection, in the Leucadia community of Encinitas. The site is located in an urbanized setting, and is highly disturbed due to current and former on-site commercial uses, with a portion of the site being in an undeveloped, but disturbed state.

An unoccupied commercial building and associated parking lot are located in the northern portion of the survey area while a restaurant and retail space and associated parking lots are located on the southern portion of the survey area. The southwestern portion of the site consists of heavily disturbed land with ruderal vegetation. Areas immediately surrounding the project site consist of primarily undeveloped land to the north, and developed land to the east, south, and west. The project site is located at an elevation of approximately 55 to 95 feet above mean sea level (amsl). On-site habitat consists of ornamental vegetation and disturbed areas intermixed with the commercial development (i.e., developed).

[Appendix C-1](#) documents the biological surveys completed within and along the boundaries of the project site. The assessment revealed that a number of special-status species have been previously recorded in the project vicinity. A more detailed discussion of the potential presence of sensitive habitat, plants, and animal species on-site is provided below.

### 3.3 Biological Resources

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#### ***Literature Review***

Project-related documentation was reviewed to collect site-specific data regarding habitat suitability for special-status species and to identify potentially jurisdictional waters. Additional information was obtained from a variety of outside data sources. Preliminary database searches were performed on the following websites to identify special-status species with the potential to occur in the area (refer to [Appendix C-1](#) for additional details):

- *City of Encinitas General Plan;*
- *City of Encinitas Urban Forest Management Program;*
- *Draft Encinitas Subarea Plan;*
- *Draft Environmental Assessment/Program Environmental Impact Report for At Home in Encinitas, the City of Encinitas 2013-2021 Housing Element Update;*
- Google Earth Pro Historical Aerial Imagery from 1994 to 2018;
- *North [San Diego] County Multiple Habitat Conservation Program;*
- Species Accounts provided by Birds of North America;
- United States Department of Agriculture, Natural Resource Conservation Service's (USDA) *Custom Soil Resource Report for San Diego County Area, California;*
- US Fish and Wildlife Service (USFWS) Critical Habitat Mapper and Environmental Conservation Online System.

#### ***Field Reconnaissance***

On September 18, 2020, the entire project site was surveyed on foot by Michael Baker International. Focused, protocol-level surveys were not conducted as part of the site visit due to the developed conditions of the site and results of the literature review. Plant and wildlife species observed during the survey were recorded, and representative photographs of the property were taken. The individuals who conducted the surveys, the date and time of the surveys, and survey boundaries and conditions are available in the *Terrestrial Biological Resources Assessment* (see [Appendix C-1](#)).

#### ***Existing Conditions***

#### **Biological Setting for the Survey Area**

##### *Vegetation Communities*

Habitats within the survey area consist of ornamental vegetation and disturbed areas intermixed with commercial development. The vegetation communities and land uses present on-site are depicted on [Figure 3.3-1, Vegetation Communities and Other Land Uses](#), and described in further

detail below. Refer to Attachment C of [Appendix C-1](#) for a complete list of plant species observed within the project site during the field surveys. [Table 3.3-1](#) provides the acreages of each vegetation community/land use on-site, with each discussed in detail below.

**Table 3.3-1 Vegetation Communities/Land Uses within the Project Site**

Vegetation Community/ Land Use	Survey Area Acreage	Construction Work Limit Acreage	Property Boundary Acreage
Disturbed	1.82	1.43	1.74
Developed	5.99	2.07	1.34
Ornamental	2.24	0.79	0.71
TOTAL ACREAGE*	10.05	4.29	3.79

\* Total acreage may not be equal to the sum or to values stated elsewhere in the report due to rounding.

Source: Michael Baker International 2021 (see [Appendix C-1](#))

#### *Disturbed*

A total of 1.82 acres of disturbed areas are primarily located on the southwestern and eastern portions of the survey area. An additional isolated area of disturbed land is located on the northern portion of the site. Disturbed areas consist of unpaved areas dominated by non-native vegetation including brome grasses (*Bromus* sp.), short-podded mustard (*Hirschfeldia incana*), puncture vine (*Tribulus terrestris*), Jersey cudweed (*Pseudognaphalium luteoalbum*), and Russian thistle (*Salsola tragus*). Disturbed areas also include areas of bare ground and areas that are subject to moderate human disturbance (adjacent to transportation corridors, subject to vegetation management, etc.).

#### *Developed*

A total of 5.99 acres of developed areas are located on the northern and southeastern portions of the survey area. These are generally, but not exclusively, structures and associated asphalt-paved parking areas, and transportation corridors (paved driveways) within the project site. Minimal ornamental vegetation is present within this land cover type.

#### *Ornamental*

A total of 2.24 acres of ornamental areas are primarily located on the northern portion of the project site. Ornamental areas are those that are generally landscaped areas vegetated with non-native plant species. Ornamental areas provide minimal habitat for wildlife species. Of particular note, the trees growing throughout this community are also dominated by non-natives, including pines (*Pinus* sp.), eucalyptus (*Eucalyptus* sp.), and queen palms (*Syagrus romanzoffianum*) within

### 3.3 Biological Resources

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the property boundary, with plantings along North Coast Highway 101 dominated by eucalyptus on its east side and pines and strawberry trees (*Arbutus unedo*) in the median.

#### *Wildlife*

Disturbed areas and ornamental plant communities provide marginal foraging habitat, nesting/denning sites, and shelter from adverse weather or predation. This section provides a general discussion of common wildlife species that were detected by Michael Baker during the field surveys or that are expected to occur based on existing site conditions. The discussion is to be used as a general reference and is limited by the season, time of day, and weather conditions in which the field surveys were conducted. Refer to [Attachment C](#) in [Appendix C-1](#) for a complete list of wildlife species observed within the survey area during the field surveys.

#### *Fish*

No fish or hydrogeomorphic features (e.g., perennial creeks, ponds, lakes, reservoirs) that would support populations of fish were observed in the survey area during the field surveys.

#### *Amphibians*

No amphibians or hydrogeomorphic features (e.g., perennial creeks, ponds, lakes, reservoirs) that would provide suitable breeding habitat for amphibians were observed within the survey area during the field surveys.

#### *Reptiles*

Two (2) reptile species were observed in the survey area during the field surveys, Great Basin fence lizard (*Sceloporus occidentalis longipes*) and western side-blotched lizard (*Uta stansburiana elegans*). The survey area consists primarily of disturbed areas, ornamental vegetation, and developed areas and is expected to provide marginal habitat for a limited number of reptilian species that are acclimated to edge or urban environments such as southern alligator lizard (*Elgaria multicarinata*).

#### *Birds*

Seventeen (17) bird species were detected during the field surveys, some of which included American crow (*Corvus brachyrhynchos*), house finch (*Haemorhous mexicanus*), Cassin's kingbird (*Tyrannus vociferans*), northern mockingbird (*Mimus polyglottos*), black phoebe (*Sayornis nigra*), and mourning dove (*Zenaida macroura*).

Nesting birds are protected pursuant to the Federal Migratory Bird Treaty Act (MBTA) of 1918 and the California Fish and Game Code (CFGF). To maintain compliance with the MBTA and CFGF, clearance surveys are typically required prior to any ground disturbance or vegetation removal

activities to avoid direct or indirect impacts to active bird nests and/or nesting birds. Consequently, if an active bird nest is destroyed or if project activities result in indirect impacts (e.g., nest abandonment, loss of reproductive effort) to nesting birds, it is considered “take” and is potentially punishable by fines and/or imprisonment. The survey area provides nesting habitat for year-round and seasonal avian residents that could occur in the area. This includes species that nest in shrubs or trees (e.g., house finch, mourning dove ) and species that nest on the open ground (e.g., killdeer (*Charadrius vociferus*)). No nests or birds displaying overt nesting behavior were observed.

#### *Mammals*

Mammals were not observed during the field survey, but scat from desert cottontail (*Sylvilagus audubonii*) and coyote were identified on the survey area. The survey area and surrounding habitat provides suitable habitat for a limited number of mammalian species adapted to living in edge or urban environments. Bats occur throughout most of southern California and bats spilling over from Batiquitos Lagoon may use the survey area as foraging habitat. Common bat species that may forage within the survey area include Mexican free-tailed bat (*Tadarida brasiliensis*) and big brown bat (*Eptesicus fuscus*).

Michael Baker biologists examined the trees within the survey area that may be disturbed by project activities. No evidence was observed of bats roosting within the trees in the survey area. There are some trees that could potentially serve as roosting habitat, but no guano or sign of use was observed anywhere under or in the immediate vicinity of these areas, indicating there are currently no active roosts within the trees located in the survey area.

#### *Migratory Corridors and Linkages*

Habitat linkages provide links between larger habitat areas that are separated by development. Wildlife corridors are similar to linkages but provide specific opportunities for animals to disperse or migrate between areas. A corridor can be defined as a linear landscape feature of sufficient width to allow animal movement between two comparatively undisturbed habitat fragments. Adequate cover is essential for a corridor to function as a wildlife movement area. It is possible for a habitat corridor to be adequate for one species yet inadequate for others. Wildlife corridors are key features for dispersal, seasonal migration, breeding, and foraging. Additionally, open space can provide a buffer against both human disturbance and natural fluctuations in resources.

The survey area is located directly west of North Coast Highway 101, to the south of Batiquitos Lagoon within an area that is surrounded by residential and commercial development. The survey area consists of disturbed areas, ornamental vegetation, and intermixed with commercial land uses that have fragmented the connection between the survey area and surrounding naturally occurring vegetation communities and other natural habitats. The on-site and surrounding

### 3.3 Biological Resources

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development has degraded the on-site vegetation communities and has likely precluded the movement of larger mammals through the survey area due to the lack of suitable habitat and foraging opportunities. Further, elevated noise levels and lighting associated with surrounding land uses and vehicle traffic along North Coast Highway 101 decrease the suitability of the survey area to be used as a wildlife movement corridor.

#### *State and Federal Jurisdictional Areas*

There are three agencies that regulate activities within inland streams, wetlands, and riparian areas in California: the U.S. Army Corps of Engineers, the Regional Water Quality Control Board (Regional Board), and the CDFW. However, only the Regional Board and the CDFW regulate said activities in the vicinity of the survey area. Of these two State agencies, the Regional Board regulates discharges to surface waters pursuant to Section 401 of the CWA and Section 13263 of the California Porter-Cologne Water Quality Control Act and the CDFW regulates alterations to streambed and associated vegetation communities under Section 1600 et seq. of the CFGC.

In addition, for projects located within the Coastal Zone, the California Coastal Commission (CCC) plans and regulates the use of land and water in the Coastal Zone pursuant to the Coastal Act of 1976. Development projects, which are broadly defined by the California Coastal Act, generally require a coastal development permit from either the CCC or the local government. The City of Encinitas has a certified Local Coastal Program. Where a Local Coastal Program has been certified by the CCC, the local jurisdiction has permit issuance authority for Coastal Development Permits.

Based on a review of aerial photographs, USGS quadrangle maps, and observations made during the 2020 field survey jurisdictional drainage features were not identified in the survey area. Therefore, no formal jurisdictional delineation needs to be conducted prior to project implementation to quantify impacts and determine the proper regulatory approvals that would be needed (i.e., Corps Section 404 permit, Regional Board Section 401 Water Quality Certification, CDFW Section 1602 Lake or Streambed Alteration Agreement, and Coastal Development Permit).

#### **Sensitive Habitats**

Sensitive habitats include the following:

- Areas of special concern to resource agencies
- Areas that provide habitat for rare or endangered species which meet the definition of Section 15380 of the California Environmental Quality Act (CEQA) Guidelines
- Areas designated as sensitive natural communities by the California Department of Fish and Wildlife (CDFW)

- Areas outlined in California Fish and Game Code (FGC) Section 1600
- Areas regulated under Clean Water Act Section 404
- Areas protected under Clean Water Act Section 401
- Areas protected under local regulations and policies

*Critical habitat* is a term from the Federal Endangered Species Act (FESA) designed to guide actions by federal agencies (as opposed to state, local, or other agency actions) and defined as an area occupied by a species listed as threatened or endangered within which are found physical or geographical features essential to the conservation of the species, or an area not currently occupied by the species which is itself essential to the conservation of the species. Critical habitat is designated by the USFWS.

If a project may result in take or adverse modification to a species' designated Critical Habitat and the project has a federal nexus, the project proponent may be required to provide suitable mitigation. Projects with a federal nexus may include projects that occur on federal lands, require federal permits [e.g., Clean Water Act (CWA) Section 404 permit], or receive any federal oversight or funding. If there is a federal nexus, then the federal agency that is responsible for providing funds or permits would be required to consult with the USFWS under the FESA.

The project site is not located within federally designated Critical Habitat. Therefore, consultation with the USFWS under Section 7 of the FESA would not be required for the loss or adverse modification of Critical Habitat (see [Appendix C-1](#)).

#### *Special-Status Species*

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

- Listed, proposed, or candidates for listing under the Federal ESA (50 Code of Federal Regulations [CFR] 17.11 – listed; 61 Federal Register 7591, February 28, 1996, candidates)
- Listed or proposed for listing under the California ESA (FGC 1992 Section 2050 et seq.; 14 California Code of Regulations [CCR] Section 670.1 et seq.)

### 3.3 Biological Resources

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- Designated as Species of Special Concern by the CDFW
- Designated as Fully Protected by the CDFW (FGC Sections 3511, 4700, 5050, and 5515)
- Species that meet the definition of rare or endangered under CEQA (14 CCR Section 15380) including CNPS List Rank 1b and 2

#### *Sensitive Plants*

Eighty special-status plant species have been recorded in the USGS *San Marcos, San Luis Rey, Rancho Santa Fe, and Encinitas, California* 7.5-minute quadrangles by the California Natural Diversity Database (CNDDDB) and CNPS Online Inventory (refer to [Appendix C-1](#)). No special-status plant species were observed during the field surveys. Based on the results of the field surveys and a review of specific habitat preferences, distributions, and elevation ranges, it was determined that the project site has a low potential to support decumbent goldenbush (California Rare Plant Rank [CRPR] 1B.2). All remaining special-status plant species identified by the CNDDDB and CNPS databases are not expected to occur within the project site (see [Appendix C-1](#)).

#### *Sensitive Wildlife*

Fifty-one special-status wildlife species have been recorded in the USGS *San Marcos, San Luis Rey, Rancho Santa Fe, and Encinitas, California* 7.5-minute quadrangles by the CNDDDB and the USFWS Information for Planning and Consultation (IPaC). Special-status wildlife species were not observed within the project site during the field surveys.

Based on the results of the field surveys and a review of specific habitat preferences, occurrence records, known distributions, and elevation ranges, it was determined that the project site has a high (foraging and nesting) potential to support northern harrier (a CDFW Species of Special Concern) and California horned lark (a CDFW Watch List species), and a low potential to support yellow warbler (a CDFW Species of Special Concern). All remaining special-status wildlife species identified by the CNDDDB and IPaC are not expected to occur within the project site.

#### *Special-Status Vegetation Communities*

Ten special-status vegetation communities were reported in the USGS *Lancaster West, Lancaster East, Ritter Ridge, and Palmdale, California* 7.5-minute quadrangles in the CNDDDB that include Maritime Succulent Scrub, San Diego Mesa Claypan Vernal Pool, San Diego Mesa Hardpan Vernal Pool, Southern Coastal Salt Marsh, Southern Cottonwood Willow Riparian Forest, Southern Maritime Chaparral, Southern Riparian Forest, Southern Riparian Scrub, Southern Sycamore Alder Riparian Woodland, and Southern Willow Scrub. No special-status vegetation communities were observed on the project site during the field surveys.

### *Environmentally Sensitive Habitat Area (ESHA)*

The City of Encinitas lies within the Coastal Zone established under the California Coastal Act. The designated areas within the Coastal Zone are considered to have many special natural and scenic qualities that require protection. The City's General Plan serves as a certified Local Coastal Program (LCP) under the California Coastal Commission (CCC), amended in 1995, and thereby can issue Coastal Development Permits for projects under their jurisdiction. Policies under the General Plan/LCP determine whether an area is considered environmentally sensitive in order to identify and maintain habitat areas in their natural state as necessary for the preservation of species. The California Coastal Act provides a definition of "Environmentally Sensitive Habitat Area" (ESHA) as:

*"Any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments."* (Section 30107.5)

Additionally, Goal 10 of the City's General Plan states:

*"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)

Overall, three parameters are used to determine ESHA. First, a geographic area can be designated ESHA due to the presence of individual species of plants or animals or due to the presence of a particular habitat. Second, in order for an area to be designated as ESHA, the species or habitat must be either rare or it must be especially valuable. Third, the area must be easily disturbed or degraded by human activities based on its pristine condition.<sup>1</sup>

Based on the September 2020 field survey, the survey area is heavily disturbed, fragmented and constrained by the adjacent and surrounding development. The vegetation communities present within the survey area have been disturbed and fragmented due to surrounding anthropogenic activities and the existing land uses, reducing the potential for the survey area to provide suitable habitat for special-status biological resources. The existing condition of the survey area is neither pristine in character, physically complex or biologically diverse. Additionally, the project site does not include the habitat types outlined in the General Plan's Preservation of Environmentally Sensitive Habitats.

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<sup>1</sup> John Dixon memo to Ventura Coastal staff regarding ESHA in the Santa Monica Mountains, dated March 25, 2003.

### 3.3 Biological Resources

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Additionally, the survey area provides limited resources for special-status biological resources and does not provide high value habitat. ESHA's are considered valuable based on their "special nature," such as their pristine conditions, containing a variety of species, or supporting a specific species at the edge of their range. The survey area does not exhibit these qualities, and instead is in a degraded state with a limited variety of native species. While the survey area does contain minimal habitat for special status species, the existing condition would not currently support the requirements needed for an ESHA. However, the CCC has the ultimate decision-making authority with regards to ESHA designations.

#### *Migratory Birds*

The project site provides nesting habitat for year-round and seasonal avian residents that have the potential to occur in the area. This includes species that nest in shrubs (e.g., Bell's sparrow) and species that nest on the open ground (e.g., California horned lark). No nests or birds displaying overt nesting behavior were observed. Refer to Migratory Bird Treaty Act, below, under Regulatory Framework for additional discussion.

#### Migratory Corridors and Linkages

Habitat linkages provide links between larger habitat areas that are separated by development. Wildlife corridors are similar to linkages but provide specific opportunities for animals to disperse or migrate between areas. A corridor can be defined as a linear landscape feature of sufficient width to allow animal movement between two comparatively undisturbed habitat fragments. Adequate cover is essential for a corridor to function as a wildlife movement area. It is possible for a habitat corridor to be adequate for one species yet, inadequate for others. Wildlife corridors are key features for dispersal, seasonal migration, breeding, and foraging. Additionally, open space can provide a buffer against both human disturbance and natural fluctuations in resources.

The survey area is located directly west of North Coast Highway 101, to the south of Batiquitos Lagoon within an area that is surrounded by residential and commercial development. The survey area consists of disturbed areas, ornamental vegetation, and intermixed with commercial land uses that have fragmented the connection between the survey area and surrounding naturally occurring vegetation communities and other natural habitats. On-site and surrounding development has degraded the on-site vegetation communities and has likely precluded the movement of larger mammals through the survey area due to the lack of suitable habitat and foraging opportunities. Further, elevated noise levels and lighting associated with surrounding land uses and vehicle traffic along North Coast Highway 101 decrease the suitability of the project site to be used as a wildlife movement corridor.

### *Jurisdictional Waters*

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

### ***Batiquitos Lagoon***

Batiquitos Lagoon, the main receiving water for stormwater runoff from the project area, is an approximately 600-acre coastal lagoon located in the City of Carlsbad. It is bounded by Pacific Coast Highway/Carlsbad Boulevard on the west, La Costa Avenue on the south, El Camino Real on the east, and Batiquitos Drive and the Aviara Community to the north.

The lagoon is divided by several transportation corridors into East, Central and West Basins. The West Basin is portion of the Lagoon that would receive stormwater from the project site. The West Basin is bound by the LOSSAN railroad tracks to the east and the Pacific Ocean to the west. The Basin is split by North Coast Highway 101. The West Basin supports pickleweed/cordgrass marsh and eelgrass beds, diverse fish, benthic invertebrate, and avian communities, including threatened and endangered bird species (Belding's savannah sparrow, California least tern, light-footed clapper rail, Western snowy plover) (MBC Aquatic Sciences 2020).

Eelgrass and wetland vegetation (including cordgrass, pickleweed and other marsh plants) are considered to be sensitive biological resources by federal and state resource agencies. Vegetated shallows that support eelgrass are also considered special aquatic sites under the 404(b)(1) guidelines of the Clean Water Act (40 C.F.R. § 230.43).

In 2020, MBC Aquatic Sciences conducted a reconnaissance survey of the West Basin of Batiquitos Lagoon at low tide to map the areas in the West Basin that supported eelgrass and cordgrass habitats. Eelgrass beds (green stippling) were present in the water along much of the shoreline at the southern end of the West Basin downstream of the east Highway 101 stormwater outfall and along a portion of the shoreline along the western side of the channel. Cordgrass and pickleweed marsh areas were observed along much of the shoreline at the southern end of the basin. Unvegetated intertidal mudflat habitat was observed along a small portion of the western side of the channel (to the north of the eelgrass habitat) and along a small portion of the eastern side of the channel (MBC Aquatic Sciences 2020).

### 3.3 Biological Resources

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Comparing eelgrass mapping from 2006, the survey revealed that eelgrass occurred within a smaller portion of the basin in 2020 whereas cordgrass occupied a very small area of the West Basin in 2006 but was present over a more extensive area in 2020 (MBC Aquatic Sciences 2020).

## REGULATORY FRAMEWORK

### *Federal*

#### **Endangered Species Act**

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

#### **Clean Water Act**

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

CWA Section 404 prohibits the discharge of dredged or fill material into waters of the United States without a permit from the US Army Corps of Engineers (USACE). The USACE and the US Environmental Protection Agency administer the act. In addition to streams with a defined bed and bank, the definition of waters of the United States includes wetland areas “that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions” (33 CFR 328.3 7b). The lateral extent of non-tidal waters is determined by delineating the ordinary high-water mark (33 CFR Section 328.4[c][1]).

Substantial impacts to jurisdictional wetlands may require an individual permit. Small-scale projects may require a nationwide permit, which typically has an expedited process compared to

the individual permit process. Mitigation of wetland impacts is required as a condition of the 404 permit and may include on-site preservation, restoration, and/or enhancement and/or off-site restoration or enhancement. The characteristics of restored or enhanced wetlands must be equal to or better than those of the affected wetlands to achieve no net loss of wetlands.

### **Migratory Bird Treaty Act**

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

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

### ***State***

### **California Endangered Species Act**

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

### **State Water Resources Control Board/Regional Water Quality Control Board**

For Waters of the State that are federally regulated under the Clean Water Act, the State Water Resources Control Board (through its RWQCBs) must provide state water quality certification pursuant to CWA Section 401 for activities requiring a federal permit or license that may result in discharge of pollutants into Waters of the United States. Where no federal jurisdiction exists over Waters of the State, the State Water Resources Control Board (through its RWQCBs) retains regulatory authority to protect water quality through provisions of the Porter-Cologne Water Quality Control Act through application for or waiver of waste discharge requirements.

### 3.3 Biological Resources

#### **California Fish and Game Code**

##### *Native Plant Protection Act*

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

##### *Birds of Prey*

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

##### *Sensitive Vegetation Communities*

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

##### *Species of Special Concern*

Species of special concern are broadly defined as animals not listed under the California ESA, but which are nonetheless of concern to the CDFW because they are declining at a rate that could result in listing, or historically occurred in low numbers and known threats to their persistence currently exist. This designation is intended to result in special consideration for these animals by the CDFW, land managers, consulting biologists, and others, and is intended to focus attention on the species to help avert the need for listing under the California ESA and recovery efforts that might ultimately be required. This designation also is intended to stimulate collection of additional information on the biology, distribution, and status of poorly known at-risk species and to focus research and management attention on them. Although these species generally

have no special legal status, they are given special consideration under CEQA during project review. Species of special concern are included in the list of Special Animals List tracked by the CNDDDB.

### **Porter-Cologne Water Quality Control Act**

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

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

### **Natural Community Conservation Planning Act**

The Natural Community Conservation Planning Act (1991) is aimed at conservation of natural communities at the ecosystem scale while allowing for compatible land uses. The CDFW is primarily responsible for implementation of the act, which is intended to allow comprehensive protection and management of wildlife species and provides for regional protection of natural wildlife diversity while allowing appropriate land development.

### **California Native Plant Society Rare or Endangered Plant Species**

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

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

### 3.3 Biological Resources

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#### ***Local***

#### **Multiple Habitat Conservation Program**

The Multiple Habitat Conservation Program (MHCP) is a comprehensive, multiple jurisdictional planning program designed to develop an ecosystem preserve in northern San Diego County. Implementation of the regional preserve system is intended to protect viable populations of key sensitive plant and animal species and their habitats while accommodating continued economic development and quality of life for residents of the North County region. The MHCP is one of several large multiple-jurisdictional habitats planning efforts in San Diego County, each of which constitutes a subregional plan under the California Natural Community Conservation Planning Act of 1991.

The MHCP includes seven incorporated cities in northwestern San Diego County: Carlsbad, Encinitas, Escondido, Oceanside, San Marcos, Solana Beach, and Vista. These jurisdictions will implement their respective portions of the MHCP through “subarea” plans, which describe the specific implementing mechanisms each city will institute for the MHCP. The goal of the MHCP is to conserve approximately 19,000 acres of habitat, of which roughly 8,800 acres (46 percent) are already in public ownership and contribute toward the habitat preserve system for the protection of more than 80 rare, threatened, or endangered species.

#### **City of Encinitas Draft Subarea Plan**

The City’s Draft Subarea Plan addresses how the City would conserve natural biotic communities and sensitive plant and wildlife species under the MHCP framework. The Draft Subarea Plan would provide regulatory certainty to landowners in the City and aid in conserving the region’s biodiversity and enhancing the quality of life. The Draft Subarea Plan addresses potential impacts to natural habitats and rare, threatened, or endangered species caused by development planned within the City. The Draft Subarea Plan also forms the basis for Implementing Agreements, which act as legally binding agreements between the City and the wildlife agencies that ensure implementation of the Subarea Plan and provide the City with state and federal take authority.

#### **City of Encinitas General Plan and Local Coastal Program**

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

*Resource Management Element*

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

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

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

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

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.

**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.**

**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.**

**Encinitas North 101 Corridor Specific Plan (N101SP)**

The project is located within the boundaries of the *Encinitas North 101 Corridor Specific Plan* (N101SP). There are no cultural resource policies exclusive to the Specific Plan area. Chapter 9, *General Plan and Local Coastal Program Compliance*, of the N101SP identifies goals and policies of the General Plan that are relevant to the Specific Plan area and addresses the Specific Plan's consistency with the General Plan. Consistency with the General Plan policies regarding archaeological and historical cultural resources would ensure compliance with the N101SP.

## STANDARDS OF SIGNIFICANCE

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

### *Thresholds of Significance*

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

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

## PROJECT IMPACTS AND MITIGATION

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

<b>Impact 3.3-1</b>	<b>The project would have a potentially adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service. Impacts would be less than significant with mitigation incorporated.</b>
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As discussed in the Existing Conditions subsection, no candidate, sensitive, or special-status species were observed or recorded on the project site. However, the survey area and vicinity does provide suitable foraging and nesting habitat for a variety of year-round and seasonal avian residents that could occur in the area.

Based on the results of the habitat assessment and a review of specific habitat preferences, occurrence records, known distributions, and elevation ranges, it was determined that the survey area has a high foraging and moderate nesting potential to support Cooper's hawk, a low (nesting and foraging) potential to support California horned lark, a low (nesting and foraging) potential to support yellow warbler, and a low potential (nesting) to support California least tern (*see Appendix C-1*).

California least terns are resident in southern California from typically the first week of April to the second week of September. Although rare, this species has been known to occupy cleared lots, including construction sites, in close proximity to foraging habitat. Because this project site is located within 0.25 mile of a known nesting site in Batiquitos Lagoon, although terns would not be expected under current existing conditions there is the potential that terns may investigate the project site as a nesting or roosting location once the site has been graded if there is inadequate human activity on the site. Therefore, the potential for project construction activities to indirectly affect migratory bird or raptor nesting cycles within and adjacent to the project site exists. Such impacts would be considered potentially significant.

Cooper's hawk, California horned lark, and yellow warbler do not require focused surveys, and a nesting bird clearance survey would be adequate to determine presence. If project-related activities are to be initiated during the nesting season (January 1 to September 15), a pre-construction nesting bird clearance survey shall be conducted by a qualified biologist within one week prior to the start of any vegetation removal or ground disturbing activities. If the project cannot avoid grading the site between April 1 and September 15, a presence/absence survey and monitoring for sign of any least terns flying over or landing on the site either during or after daily

### 3.3 Biological Resources

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construction hours would be needed. If any of these species, or any other species protected by the CFGC or MBTA, is actively nesting on the project site, implementation of nest avoidance measures would also be required to ensure compliance with state and federal laws protecting nesting birds as well as compliance with CEQA. All remaining special-status wildlife species identified by the CNDDDB and IPaC databases are not expected to occur within the survey area.

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

#### **Mitigation Measures:**

**BIO-1                      Preconstruction Survey and Monitoring for California Least Tern.** If the project begins construction during the nesting season (roughly April 1 to September 15), a qualified biologist with expertise monitoring least terns shall conduct a preconstruction presence/absence survey for migratory birds, raptors, and least terns for active nests on the project site and shall monitor the project site at least twice weekly between April 1 and September 15 to verify that least terns are not flying to or over the site during the day or roosting on the site at night. If it is determined that least terns are repeatedly flying over the site during construction hours or landing on the site outside of construction hours, an additional survey may be required and additional avoidance measures (e.g. changing construction hours, staging equipment throughout the site) may be implemented to deter terns from landing on the site and ensure the project's impacts on least terns remain less than significant. If California least terns occupy and nest on the site, construction within at least 500 feet or a suitable distance as determined by the qualified least tern biologist will need to be delayed until any tern nests have gone to completion and the young have fledged and are no longer dependent on the project site for roosting.

**Level of Significance:** Less than significant with mitigation incorporated.

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**HAVE A SUBSTANTIAL ADVERSE EFFECT ON RIPARIAN HABITAT**

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<b>Impact 3.3-2</b>	<b>The project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service. Impacts would be less than significant.</b>
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No riparian habitat or other sensitive vegetation communities occur on the project site or the immediate vicinity. The project is also located outside of any areas that are proposed for habitat conservation or species conservation, including the “unincorporated gnatcatcher core area,” identified in the area partially inside and partially outside of the seven-city planning area that will be conserved by the North San Diego County Multiple Habitat Conservation Program (MHCP).

The vegetation types of the project site consist of disturbed, developed and/or ornamental, which are not considered to be a sensitive natural community (see [Appendix C-1](#)). There are 43 trees (7 different species) within the project boundary. Of these 7 species, only Joshua tree (*Yucca brevifolia*) is native, but because these are out of range and planted on-site less than 0.25 mile from the ocean for ornamental landscaping reasons, they would not be eligible for protection and would be considered decorative. Although surrounding areas may contain limited sensitive natural communities, the project site and surrounding areas does provide suitable foraging and nesting habitat for a variety of year-round and seasonal avian residents as well as migrating songbirds that could occur in the area ([Appendix C-1](#)).

As described in the *Preliminary Hydrology Study*, the proposed underground storage vault is sized to accommodate the increase in peak runoff in the proposed condition and the biofiltration basins and storage vault are designed to meet the requirements of the MS4 Permit for both pollutant control and hydromodification management. As shown in [Table 3.8-1](#) (refer to [Section 3.8, Hydrology and Water Quality](#)), the peak flow rate resulting from the 100-year, 6-hour storm event would be lower in the proposed condition (1.17 cfs) than the existing condition (14.65 cfs).

The proposed development and proposed storm drain design would be capable of safely conveying the 100-year storm runoff flow. The proposed project includes instruments in the storm drain system design to ensure that the discharge from the project site is properly treated and that runoff would not pose any significant impact or threats to the water quality of the public storm drain system. As such, the proposed project would not substantially alter existing drainage patterns of the project site or have a substantial adverse effect on the Batiquitos Lagoon but would instead maintain and improve existing on-site stormwater drainage patterns (see also [Appendix H](#)). Impacts would be **less than significant**.

**Mitigation Measures:** None required.

**Level of Significance:** Less than significant.

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**HAVE A SUBSTANTIAL ADVERSE EFFECT ON WETLANDS**

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<b>Impact 3.3-3</b>	<b>The project would not have a potentially substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. Impacts would be less than significant.</b>
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The project site does not support any state or federally protected wetlands (i.e., marsh, vernal pool, or coastal). There are no jurisdictional wetlands and/or waterways in the project area that would be affected by direct removal, filling, or hydrological interruption during the project construction phase.

As indicated in [Section 3.8, Hydrology and Water Quality](#), there is no significant hydrologic connection between the project site and underlying groundwater; therefore, modifications to stormwater infiltration at the site would not adversely affect protected wetlands or regulated state or federal waters. An estimated 48,400 c.y. of sand material would be exported off-site for beach placement as part of the City's Sand Compatibility and Opportunistic Use Program (SCOUP). All beach sand replenishment activities associated with the proposed project would be performed in accordance with the City's SCOUP environmental and regulatory requirements, including restrictions on the timing and duration of sand placement and biological monitoring requirements.

Refer to Impact 3.3-2, above. To ensure that construction activities do not cause water quality to be impaired, a Storm Water Pollution Prevention Plan (SWPPP) would be prepared and implemented in accordance with state and City requirements. The proposed development and proposed storm drain design would also be capable of safely conveying the 100-year storm runoff flow and the storm drain system would be designed to ensure that the discharge from the project site is properly treated and that runoff would not pose any significant impact or threats to the water quality of the public storm drain system. As such, impacts to surrounding wetlands, including the Batiquitos Lagoon, would be less than significant.

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

**Mitigation Measures:** None required.

**Level of Significance:** Less than significant.

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

<b>Impact 3.3-4</b>	<b>The project would have the potential to interfere with the movement of native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. Impacts would be less than significant with mitigation incorporated.</b>
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The project site is not located within any identified wildlife corridors; however, implementation of the project site would require the removal of the 43 trees within the project site that provides suitable foraging and nesting habitat for a variety of year-round and seasonal avian residents as well as migrating songbirds that could occur in the area ([Appendix C-1](#)). The survey area is also located directly west of North Coast Highway 101, to the south of Batiquitos Lagoon within an area that is surrounded by residential and commercial development. The survey area consists of disturbed areas, ornamental vegetation, and intermixed with commercial land uses that have fragmented the connection between the survey area and surrounding naturally occurring vegetation communities and other natural habitats. The on-site and surrounding development has degraded the on-site vegetation communities and has likely precluded the movement of larger mammals through the survey area due to the lack of suitable habitat and foraging opportunities. Further, elevated noise levels and lighting associated with surrounding land uses and vehicle traffic along North Coast Highway 101 decrease the suitability of the survey area to be used as a wildlife movement corridor.

Mitigation measure **BIO-1** would require the project applicant to conduct a preconstruction survey for migratory birds and raptors by a qualified biologist with expertise monitoring least terns shall conduct a preconstruction presence/absence survey for nesting birds and least terns on the project site and verify that least terns are not flying to or over the site during the day or roosting on the site at night. Impacts to migratory birds and raptors would be less than significant with implementation of mitigation measure **BIO-1**.

Therefore, the project would have limited potential to indirectly interfere with the movement of native resident or migratory fish or wildlife species, or with any established native resident or migratory wildlife corridors. With implementation of mitigation measure **BIO-1**, impacts would be **less than significant**.

**Mitigation Measures:** Implement mitigation measure **BIO-1**.

**Level of Significance:** Less than significant with mitigation incorporated.

**CONFLICT WITH ANY LOCAL POLICIES OR ORDINANCES PROTECTING BIOLOGICAL RESOURCES**

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**Impact 3.3-5            The project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. Impacts would be less than significant.**

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The planting, maintenance, and removal of public and mature trees within the public right-of-way or on public property are regulated by the City's General Plan Resource Management Element (Policies 3.1, 3.2, and 3.6) and Chapter 15.02 of the City's Municipal Code. As stated under Policy 3.1, mature trees of community significance cannot be removed without City authorization.

The City's Tree Ordinance and Urban Forest Management Policy (UFMP) requires compliance with the City's UFMP during construction and development. Protected trees include City Trees, Heritage Trees, and trees that are predesignated to be preserved. City Trees are those within the City's public rights-of-way, parks, or other public places and is maintained by the City. Heritage Trees means a tree of community significance located in the City on public or private property designated by the City in accordance with the following criteria: that is one of the oldest and largest of its species; is of unique form or species; has historic significance due to an association with an historic building, site, street, person or event; or is a defining landmark or significant outstanding feature of a neighborhood. The designation of a Heritage Tree on private property requires the written consent of the private property owner in a form deemed sufficient by the City Attorney. In accordance with General Plan Policy 3.6, the proposed project would be required to maintain significant mature trees to the extent possible and incorporate them into the design of development projects.

According to the *Arborist Report*, there are 47 trees within the project boundary that have at a minimum of an 8-inch diameter tree trunk (12 inches combined trunk diameter for multi-stemmed trees). While the palm trees were found to be in fair to good condition, these trees are not considered as a high value, rare, or possess Heritage Tree status. The other trees on-site are in poor to very poor condition and are not high value, rare, or possess Heritage Tree status. Refer to [Appendix C-2](#) for information on the location and condition of the individual trees on-site.

The project must comply with the requirements set forth in the City's UFMP. As none of the trees on-site are protected, therefore a tree removal permit is not required. There are 54 total trees on the project site and 50 of the trees would be removed. As shown in [Figure 2.0-5, Conceptual Landscape Plan](#), the project would plant approximately 116 trees. As such, the project would more than double the current number of trees on-site. Most of the trees would range in size between 20"-36" box trees, and some of the Hong Kong orchid, western redbud, and fruitless olive trees would be 15-gallon. Shrubs would be planted in 1-to 5-gallon pots.

With regulatory compliance, the proposed project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. Impacts would be considered **less than significant**.

**Mitigation Measures:** None required.

**Level of Significance:** Less than significant.

***CONFLICT WITH THE PROVISIONS OF AN ADOPTED HABITAT CONSERVATION PLAN, NATURAL COMMUNITY CONSERVATION PLAN, OR OTHER APPROVED LOCAL, REGIONAL, OR STATE HABITAT CONSERVATION PLAN***

<b>Impact 3.3-6</b>	<b>The project would not conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan. Impacts would be less than significant.</b>
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The project site is located in an urbanized area where surrounding lands are largely built out. The project site also located outside of any areas that are proposed for habitat conservation or species conservation, including the City of Encinitas Draft MHCP Subarea Plan. No sensitive species have been documented on the project site due to the lack of suitable habitat and current level of disturbance, and no wetlands or riparian habitat are present on-site. Therefore, development of the site as proposed would not conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan. Impacts would be **less than significant**.

**Mitigation Measures:** None required.

**Level of Significance:** Less than significant.

***CUMULATIVE IMPACTS***

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

Cumulative projects that would have the potential to be considered in a cumulative context with the proposed project, and that are included in the analysis of cumulative impacts relative to biological resources, are identified in Table 3.0-1 in Section 3.0, Environmental Analysis, of this EIR. Generally, in instances where a potential impact could occur, the CDFW and the USFWS have promulgated regulatory procedures that limit impacts to sensitive habitat and wildlife species. It

### 3.3 Biological Resources

is anticipated that potential effects of cumulative projects considered would be rendered less than significant through mitigation requiring compliance with applicable regulations that protect plant, fish, and animal species, as well as waters of the United States and waters of the State. Other cumulative projects in the study area would also be required to avoid impacts to special-status species and/or mitigate to the satisfaction of the CDFW and USFWS, as applicable, for any potential loss of habitat.

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

#### ***Potential Cumulative Impact***

Encinitas is an urbanized city surrounded by other urbanized cities. The protection of biological resources in the City is generally enforced through the City of Encinitas Draft MHCP Subarea Plan. The Draft Subarea Plan addresses how the City would conserve natural biotic communities and sensitive plant and wildlife species under the larger MHCP framework. As stated under Impact 3.3-6, the project is located outside of any areas that are proposed for habitat conservation or species conservation, including the “unincorporated gnatcatcher core area,” an area partially inside and partially outside of the seven-city planning area that will be conserved by the MHCP.

There are no candidate, sensitive, or special-status species were observed or recorded on the project site. However, the survey area and vicinity does provide suitable foraging and nesting habitat for a variety of year-round and seasonal avian residents that could occur in the area.

The City’s Tree Ordinance and Urban Forest Management Policy requires compliance with the City’s UFMP during construction and development. Protected trees include City Trees, Heritage Trees, and trees that are predesignated to be preserved. City Trees are those within the City’s public rights-of-way, parks, or other public places and is maintained by the City. A tree removal permit from the City is required if a project prunes or removes a protected tree. Removal of City Trees within the ROW would also require an accompanying certified arborist report. As described in Impact 3.3-5, the project does not contain Heritage Trees or other protected trees on-site. Other cumulative projects would have to conduct arborist surveys prior to construction to determine if project implementation would impact protect trees. With compliance with the City’s Tree Ordinance and Urban Forest Management Policy, impacts to protected trees in the City would be less than significant.

Refer to Impact 3.3-2, above. To ensure that construction activities do not cause water quality to be impaired, a Storm Water Pollution Prevention Plan (SWPPP) would be prepared and

implemented in accordance with state and City requirements. The proposed development and proposed storm drain design would also be capable of safely conveying the 100-year storm runoff flow and the storm drain system would be designed to ensure that the discharge from the project site is properly treated and that runoff would not pose any significant impact or threats to the water quality of the public storm drain system. Furthermore, in accordance with the hydromodification management requirements of the MS4 permit, the on-site bioretention areas would serve as flow-control BMPs. Other cumulative projects would be required to prepare and implement pre- and post-construction measures in accordance with state and City water quality requirements. With adherence to state and local regulations, implementation of the cumulative projects would not result in significant cumulative impacts to surrounding waters, including to the Batiquitos Lagoon. Refer also to Section 3.8, Hydrology and Water Quality.

Implementation of mitigation measure **BIO-1** would reduce the potential for the project to have a substantial adverse effect, either directly or through habitat modifications or tree removal, on nesting birds or any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS.

Cumulative projects located within the City's Draft Subarea Plan area would be subject to the goals and policies outlined in the plan, and would be required to implement mitigation measures if a significant impact would occur as a result of project implementation. As such, direct and indirect effects to special-status species would be evaluated on a case-by-case basis. Furthermore, none of the cumulative projects identified in [Table 3.0-1](#) or [Table 3.0-2](#) are located within the boundaries of City Draft Subarea Plan. As such, impacts would be reduced to less significant with implementation of mitigation measure **BIO-1**.

Therefore, with implementation of the mitigation measure proposed, the proposed project's contribution to a cumulative impact on biological resources would be **less than cumulatively considerable**.

**Mitigation Measures:** Implement mitigation measure **BIO-1**.

**Level of Significance:** Less than cumulatively considerable.

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## Section 3.4

### Cultural Resources

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

The analysis in this section is based on the *Technical Memorandum: Phase I Cultural Resources Identification Report* (2021a) and the *Confidential Technical Report: Phase II Archaeological Research, Design, Site Testing, and Evaluation* (2021b), both prepared by Michael Baker International (Michael Baker) (see [Appendix D-1](#) and [D-2](#), respectively). Due to the sensitive and confidential nature of cultural resources, portions of the reports have been redacted.

Project impacts to tribal cultural resources are evaluated in [Section 3.13, Tribal Cultural Resources](#), of this EIR; project impacts to paleontological resources are evaluated in [Section 3.6, Geology and Soils](#), of this EIR.

## ENVIRONMENTAL SETTING

The project site is located in the City of Encinitas along a coastal ridge within a highly developed urban setting. On-site elevations range from approximately 58 feet above mean sea level (amsl) along the Highway 101 frontage to approximately 94 feet amsl along the western property line. Batiquitos Lagoon lies approximately 0.17 mile to the northeast of the site.

The region includes nearly level to gently sloping dissected marine terraces and a narrow strip of beach and dune sand along the coast from Newport Beach south into Mexico's Baja California. The ecoregion is also modified by oceanic influence ([Appendix D-1](#)).

The subject site is located atop a coastal terrace that forms a coastal bluff west of the property. The site is underlain by Pleistocene-aged old paralic deposits which generally consist of strandline, beach, estuarine and colluvial siltstones, sandstones, and conglomerates. The paralic deposits consist of orange-brown, dry to damp, weakly cemented, weathered, friable, silty sandstone. This silty sandstone is underlain by a pale orange gray to grayish-white, dry to damp friable sandstone with trace silt. In some areas where existing improvements have occurred, the paralic deposits are overlain by a thin veneer of artificial fill to maximum depths of five feet below ground surface (bgs), but generally less than two feet (NOVA 2020). Soils within the project site

### 3.4 Cultural Resources

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are mapped as Marina Series loamy coarse sand with between two and 30 percent slope ([Appendix D-1](#)).

The potential for buried pre-contact archaeological sites in the project area is known to exist due to proximity to the Pacific Ocean. The region and the San Diego coast are recognized to have been in regular use by Native Americans for thousands of years ([Appendix D-1](#)).

## CULTURAL SETTING

Cultural Archaeological investigations have documented human occupations on the San Diego coast that spanned at least the last 10,000 years. A variety of different chronological divisions and sets of terms have been used to sort the evidence into temporal, behavioral, and geographical units, but the present discussion is framed in terms of five main divisions (see also Moratto 1984): an early period bridging the latest Pleistocene to early Holocene, prior to about 6000 BC; a middle Holocene period, stretching between about 6000 and 2000 BC; and a late Holocene period, between about 2000 BC and AD 1769. After this, an ethnographic period represents conditions just prior to and during European contact. The historic period since AD 1769 was previously documented ([Appendix D-1](#)).

### *The Late Pleistocene/Early Holocene*

The earliest well-documented material culture pattern in San Diego County has come to be known as the San Dieguito Complex. Dates for the San Dieguito component at the C. W. Harris Site begin at 9030 ±350 radiocarbon years before the present (calibrated to a two-sigma range of 9235–7382 BC). The San Dieguito pattern might be a Paleoindian phenomenon, characterized by high mobility and an emphasis on big game hunting (Willey and Phillips 1958), like other Late Pleistocene groups such as Clovis (Davis and Shutler 1969; Sutton 2019), as well as Lake Mohave, Scraper Maker, or Western Pluvial Lakes Tradition. Others would classify San Dieguito as an early Archaic stage phenomenon, involving a more diversified and plant-oriented adaptation. Remains that have been considered to be characteristic of San Dieguito components include large stemmed projectile points (Lake Mohave and Silver Lake forms), crescents, heavy unifacial tools (scraper planes), focused use of the local volcanic or metavolcanic rock for flaking, infrequent milling tools, and little emphasis on shellfish harvesting ([Appendix D-1](#) and [D-2](#)).

### *The Middle Holocene*

The most conspicuous age of prehistoric sites in the central San Diego coastal plain are middle Holocene sites (ca. 6000 to 2000 BC). Like San Dieguito, these sites go by various cultural names, complexes, and horizons, including Archaic, La Jolla, Millingstone, Littoral, Shell Midden, Encinitas, Campbell, and Pauma. Regardless of nomenclature, characteristics of this period are

coastal shell middens, the widespread adaptation of ground stone tool technology, simple flaked stone assemblages, and inhumation funerary treatment.

The local middle Holocene pattern is notable for its continuity with the early Holocene and conservative evolution of tool forms and food processing technology, when compared with contemporaneous patterns in the Santa Barbara coast and the Mojave Desert. Several proposals have been made to subdivide the period locally into two or three separate chronological units based upon rates of occurrence of certain artifact styles. However, firm criteria for such distinctions have not been identified, and even the general directions of change are uncertain. For example, the extent to which there was an evolution toward a maritime rather than strictly a littoral adaptation, at least in the San Diego Bay area, has also been debated ([Appendix D-1](#) and [D-2](#)).

Various relationships have been proposed between coastal manifestations and the sparser inland San Diego County sites dating from this period, which are sometimes labeled Inland La Jolla, Pauma, or Campbell. Possible interpretations are that coastal and inland sites were produced by the movements of members of a single population, on a seasonal or episodic basis; by separate but related populations that were economically complementary to each other; or by ethnically distinct groups, with inland and some coastal components reflecting intrusions of people from the eastern deserts ([Appendix D-1](#) and [D-2](#)).

### ***The Late Holocene***

The late Holocene spans a period of apparently accelerated change in the region's prehistoric cultures. The first half of the period is not well documented but appears to represent a continuation of the middle Holocene patterns. The second half of the late Holocene includes patterns known by such labels as Late Prehistoric, Late Archaic, Shoshonean, Yuman, San Luis Rey, and Cuyamaca. Hallmarks of the later period include the mortar and pestle, ceramics, small arrow-size points, and human cremation. The chronologies for the introduction or innovation of these traits are only imprecisely known; they may well have arisen at separate times, over a period spanning as much as 1,500 years.

Archaeological sites that are assignable to the second half of the late Holocene appear to be much more numerous than earlier sites in most of the inland portions of San Diego County. A few late period coastal village locations have been identified archaeologically, but the central coast between Oceanside and Del Mar seems to have played a less important role during this period than it had during the preceding period, probably at least in part because of natural changes in the coastal environment. In northern San Diego County, late period shell middens are common and characteristically contain a high proportion of bean clam (*Donax gouldii*) shells, but *Donax* middens are uncommon south of Carlsbad. Only limited success has been achieved in attempts

### 3.4 Cultural Resources

to distinguish between the archaeological residues that were produced by the linguistically unrelated but culturally similar Luiseño and Ipai/Kumeyaay groups ([Appendix D-1](#) and [D-2](#)).

#### ***Cultural Resources Inventory Methodology and Results***

##### **Records Search**

A records search was conducted on September 11, 2020 for the project site and a surrounding ½-mile radius at the South Coastal Information Center (SCIC), part of the California Historical Resources Information System (CHRIS) maintained by the Office of Historic Preservation, at San Diego State University. The CHRIS records search determined that three previously recorded cultural resources are located within the ½-mile search area; refer to [Table 3.4-1, Previously Recorded Cultural Resources within 0.5 Mile of the Project Site](#). No previously recorded resources are located on the project site. Additionally, four previous cultural resource studies in the area have covered the project site; no resources were documented on the subject property during these prior studies ([Appendix D-1](#)).

**Table 3.4-1 Previously Recorded Cultural Resources within 0.5 Mile of the Project Site**

Resource #	Resource Type	Description	Distance and Direction
<b>P-37-009589/ CA-SDI-009589</b>	Prehistoric Habitation Site	Flaked stone, fire affected rock, and shell scatter. Testing revealed no buried prehistoric cultural deposit.	0.26 mile northwest
<b>P-37-026508/ CA-SDI-017404</b>	Prehistoric Habitation Site	Fire affected rock features and scatters of charcoal and shell. Unevaluated.	0.04 mile west
<b>P-37-037812/ CA-SDI-022520</b>	Prehistoric Habitation Site	Flaked stone, ground stone, charcoal and shell scatter with midden soil. Testing revealed buried prehistoric cultural deposit and site recommended eligible for NRHP/CRHR.	0.44 mile northeast

Source: Michael Baker 2021a (see Appendix D-1)

##### **Field Survey and Subsequent Testing Results**

A site survey was conducted by Michael Baker on October 1, 2020. Ground surface visibility varied by level of development and vegetation cover. At the time of the survey, the northern portion of the project area was being used as a construction staging area for a new hotel being built adjacent to the north of the site. The southwestern portion is currently largely undeveloped. The southeastern currently supports several small-scale commercial uses.

Two cultural resources were discovered as a result of the field survey. The first was a historic built environment resource consisting of four buildings located at 1900 North Coast Highway 101. The four buildings, from south to north, consist of an unreinforced masonry building constructed circa 1950, two single-story Commercial Modern-style buildings constructed circa 1943, and a Mission

Revival, single-story, commercial building constructed circa 1943 (Michael Baker 2021a). The buildings meet the age requirement for evaluation to the California Register of Historic Resources (CRHR). The property is recommended ineligible for listing in the CRHR under Criteria 1, 2, 3, and 4 because it lacks association with a historic context (see [Appendix D-2](#)). Additionally, the resource was evaluated in accordance with Section 15064.5(a)(2)–(3) of the CEQA Guidelines using the criteria outlined in Section 5024.1 of the California Public Resources Code. The evaluation determined that it is not a historical resource for the purposes of CEQA and no additional recommendations were made for the resource ([Appendix D-1](#)).

A prehistoric archaeology site (FEN-001) was also identified on-site on a minimally disturbed terrace with a soil classified as Marina series sandy loam, nine to 30 percent slopes. This soil series has been shown to have buried cultural deposits at a site in the vicinity (Michael Baker 2021a). The resource was comprised of a small, diffuse scatter of four prehistoric artifacts including one fine-grained volcanic primary flake; one granite/quartz fire-cracked rock, one granite flake fragment, and one Santiago Peak Metavolcanic formation hammerstone. Vegetation consisted mainly of ruderal grasses and other non-native plant species. The surface of the site has been previously impacted by off-road vehicle traffic, ongoing construction, agricultural disking, and rodent burrows; however, these disturbances are considered to be shallow ([Appendix D-1](#)).

Due to the presence of these surface artifacts and the likely intact soil beneath the shallow surface disturbance, it was recommended that a Phase II Archaeological Evaluation be undertaken. Based on additional testing and further evaluation, it was determined that site FEN-001 is not eligible for listing in the CRHR under Criterion 4 because it lacks information potential. It is therefore not a historical resource or unique archaeological resource as defined by CEQA Section 15064.5(a) or unique archaeological resources as defined by Public Resources Code (PRC) Section 21083.2(g). No further recommendations were made for this site ([Appendix D-2](#)).

## **REGULATORY FRAMEWORK**

### ***Federal***

#### **Archaeological Resources Protection Act**

The Archaeological Resources Protection Act of 1979 regulates the protection of archaeological sites and resources that are on Native American lands or federal lands.

#### **Section 106 of the National Historic Preservation Act**

Federal regulations for cultural resources are governed primarily by Section 106 of the National Historic Preservation Act of 1966. Section 106 requires federal agencies to take into account the

### 3.4 Cultural Resources

effects of their undertakings on historic properties and affords the Advisory Council on Historic Preservation a reasonable opportunity to comment on such undertakings. The council's implementing regulations, Protection of Historic Properties, are found in 36 Code of Federal Regulations (CFR) Section 800. The goal of the Section 106 review process is to offer a measure of protection to sites that are determined eligible for listing on the National Register of Historic Places (NRHP). The criteria for determining NRHP eligibility are found in 36 CFR 60. Amendments to the act (1986 and 1992) and subsequent revisions to the implementing regulations have, among other things, strengthened the provisions for Native American consultation and participation in the Section 106 review process. While federal agencies must follow federal regulations, most projects by private developers and landowners do not require this level of compliance. Federal regulations only come into play in the private sector if a project requires a federal permit or if it uses federal funding.

#### **National Register of Historic Places**

The NRHP is "an authoritative guide to be used by federal, State, and local governments, private groups, and citizens to identify the Nation's cultural resources and to indicate what properties should be considered for protection from destruction or impairment." However, the federal regulations explicitly provide that a listing of private property on the NRHP "does not prohibit under Federal law or regulation any actions which may otherwise be taken by the property owner with respect to the property."

Historic properties, as defined by the Advisory Council on Historic Preservation, include any "prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior" (36 CFR Section 800.16[I][1]). Eligibility for inclusion in the NRHP is determined by applying the following criteria, developed by the National Park Service in accordance with the National Historic Preservation Act:

*The quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association and:*

- a) That are associated with events that have made a significant contribution to the broad patterns of our history; or*
- b) That are associated with the lives of persons significant in our past; or*
- c) That embody distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that*

*represent a significant and distinguishable entity whose components may lack individual distinction; or*

*d) That have yielded, or may be likely to yield, information important in prehistory or history (36 CFR 60.4).*

### **State**

State historic preservation regulations affecting the proposed project include the statutes and guidelines contained in CEQA, PRC Sections 21083.2 and 21084.1, and CEQA Guidelines Section 15064.5. CEQA requires lead agencies to carefully consider the potential effects of a project on historical resources. A historical resource includes, but is not limited to, any object, building, structure, site, area, place, record or manuscript which is historically or archaeologically significant (PRC Section 5020.1). Section 15064.5 of the CEQA Guidelines specifies criteria for evaluating the significance or importance of cultural resources, including the following:

- The resource is associated with events that have made a contribution to the broad patterns of California history;
- The resource is associated with the lives of important persons from our past;
- The resource embodies the distinctive characteristics of a type, period, region or method of construction, or represents the work of an important individual or possesses high artistic values; or
- The resource has yielded, or may be likely to yield, important information in prehistory or history.

Advice on procedures to identify such resources, evaluate their importance, and estimate potential effects is given in several agency publications such as the technical advice series produced by the Governor's Office of Planning and Research. This technical advice series strongly recommends that Native American concerns and the concerns of other interested persons and corporate entities, including but not limited to museums, historical commissions, associations, and societies, be solicited as part of the process of cultural resources inventory. In addition, California law protects Native American burials, skeletal remains, and associated grave goods regardless of the antiquity and provides for the sensitive treatment and disposition of those remains.

### **California Register of Historical Resources**

AB 2881 was signed into law in 1992, establishing the CRHR. The CRHR is an authoritative guide in California used by State and local agencies, private groups, and citizens to identify the State's

### 3.4 Cultural Resources

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historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change. The criteria for eligibility for the CRHR are based on NRHP criteria. Certain resources are determined by the statute to be included on the CRHR, including California properties formally determined eligible for, or listed in, the NRHP, State Landmarks, and State Points of Interest.

The California Office of Historic Preservation has broad authority under federal and State law for the implementation of historic preservation programs in California. The State Historic Preservation Officer makes determinations of eligibility for listing on the NRHP and the CRHR.

The appropriate standard for evaluating “substantial adverse effect” is defined in PRC Sections 5020.1(q) and 21084.1. Substantial adverse effect means demolition, destruction, relocation, or alteration such that the significance of an historical resource would be impaired. Such impairment of significance would be an adverse impact on the environment.

Cultural resources consist of buildings, structures, objects, or archaeological sites. Each of these entities may have historic, architectural, archaeological, cultural, or scientific importance. Under the CEQA Guidelines, a significant impact would result if the significance of a cultural resource would be changed by project area activities. Activities that could potentially result in a significant impact include demolition, replacement, substantial alteration, and relocation of the resource. The significance of a resource is required to be determined prior to analysis of the level of significance of project activities. The steps required to be implemented to determine significance in order to comply with CEQA Guidelines are:

- Identify cultural resources.
- Evaluate the significance of the cultural resources based on established thresholds of significance.
- Evaluate the effects of a project on all cultural resources.
- Develop and implement measures to mitigate the effects of the project on significant cultural resources.

GC Sections 6253, 6254, and 6254.10 authorize State agencies to exclude archaeological site information from public disclosure under the Public Records Act. In addition, the California Public Records Act (CPRA; GC Section 6250 et seq.) and California’s open meeting laws (the Brown Act, GC Section 54950 et seq.) protect the confidentiality of Native American cultural place information. The CPRA (as amended, 2005) contains two exemptions that aid in the protection of records relating to Native American cultural places by permitting any State or local agency to deny a CPRA request and withhold from public disclosure:

*Records of Native American graves, cemeteries, and sacred places and records of Native American places, features, and objects described in Section 5097.9 and Section 5097.993 of the Public Resources Code maintained by, or in the possession of, the Native American Heritage Commission, another State agency, or a local agency (GC Section 6254(r)); and*

*Records that relate to archaeological site information and reports maintained by, or in the possession of, the Department of Parks and Recreation, the State Historical Resources Commission, the State Lands Commission, the Native American Heritage Commission, another State agency, or a local agency, including the records that the agency obtains through a consultation process between a California Native American tribe and a State or local agency (GC Section 6254.10).*

Likewise, the CHRIS Information Centers prohibit public dissemination of records and site location information. In compliance with these requirements and those of the Code of Ethics of the Society for California Archaeology and the Register of Professional Archaeologists, the locations of cultural resources are considered restricted information with highly restricted distribution and are not publicly accessible.

Any project site located on non-federal land in California is also required to comply with State laws pertaining to the inadvertent discovery of Native American human remains.

#### **California Health and Safety Code Sections 7050.5, 7051, and 7054**

California Health and Safety Code Sections 7050.5, 7051, and 7054 collectively address the illegality of interference with human burial remains as well as the disposition of Native American burials in archaeological sites. The law protects such remains from disturbance, vandalism, or inadvertent destruction and establishes procedures to be implemented if Native American skeletal remains are discovered during construction of a project, including the treatment of remains prior to, during, and after evaluation, and reburial procedures.

#### ***Local***

#### **City of Encinitas General Plan**

##### *Resource Management Element*

The Resource Management Element of the General Plan addresses both archaeological and historical cultural resources. The element includes maps of the City identifying areas of low, moderate, and high cultural resource sensitivity. The element identifies mitigation procedures for archaeological sites discovered during the excavation or construction phases of a new project. It also calls for an inventory of all historically significant sites and/or structures that require protection.

### 3.4 Cultural Resources

The following goal and policies are relevant in protecting cultural resources in the City.

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

#### **Encinitas North 101 Corridor Specific Plan (N101SP)**

The project is located within the Encinitas North 101 Corridor Specific Plan (N101SP). There are no cultural resource policies exclusive to the Specific Plan area. Chapter 9, *General Plan and Local Coastal Program Compliance*, of the N101SP identifies goals and policies of the General Plan that are relevant to the Specific Plan area and addresses the N101SP's consistency with the General Plan. Consistency with the General Plan policies regarding archaeological and historical cultural resources would ensure compliance with the N101SP.

#### **City of Encinitas Municipal Code**

Section 30.34.050, Cultural/Natural Resources Overlay Zone, of the City's Municipal Code (Chapter 30.34, Special Purpose Overlay Zones) includes regulations that apply to areas within the Special Study Overlay Zone where site-specific analysis indicates the presence of sensitive cultural, historic, and biological resources, including sensitive habitats. For parcels containing archaeological or historical sites, the Municipal Code requires a site resource survey and impact analysis to determine the significance of, and possible mitigation for, sensitive resources.

### **STANDARDS OF SIGNIFICANCE**

#### ***Thresholds of Significance***

The following thresholds of significance are based on CEQA Guidelines Appendix G. For the purposes of this EIR, the project would be considered to have a significant impact on cultural resources if it would:

- Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5.

- Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5.
- Disturb any human remains, including those interred outside of formal cemeteries.

## PROJECT IMPACTS AND MITIGATION

### *HISTORICAL RESOURCES*

<b>Impact 3.4-1</b>	<b>The project would have the potential to cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5. Impacts would be less than significant with mitigation incorporated.</b>
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As noted above, two cultural resources were discovered as a result of the field survey. The first was a historic built environment resource consisting of four buildings located at 1900 North Coast Highway 101. Further evaluation determined that the property is recommended ineligible for listing in the CRHR under Criteria 1, 2, 3, and 4 because it lacks association with a historic context (see Appendix D-1). Additionally, the resource was evaluated in accordance with Section 15064.5(a)(2)–(3) of the CEQA Guidelines using the criteria outlined in Section 5024.1 of the California Public Resources Code. The evaluation determined that it is not a historical resource for the purposes of CEQA and no additional recommendations were made for the resource (Michael Baker 2021a). **No impact** would therefore occur.

The prehistoric archaeology site (FEN-001) was also identified on-site and consisted of a small, diffuse scatter of four prehistoric artifacts including one fine-grained volcanic primary flake; one granite/quartz fire-cracked rock, one granite flake fragment, and one Santiago Peak Metavolcanic formation hammerstone. Based on additional testing and further evaluation, it was determined that site FEN-001 is not eligible for listing in the CRHR under Criterion 4 because it lacks information potential. It is therefore not considered to be a historical resource or unique archaeological resource as defined by CEQA Section 15064.5(a) or unique archaeological resources as defined by Public Resources Code (PRC) Section 21083.2(g). No further recommendations were made for this site ([Appendix D-2](#)). **No impact** would occur.

However, there is the potential that unknown resources on the site may have been obscured by pavement or other materials over the years. Therefore, unknown historic resources or properties have the potential to be present within the construction limits of the project and project construction activities may adversely affect such resources. Mitigation measures **CR-1 to CR-3** would be implemented to reduce project effects on such unknown historic resources. Project impacts would be reduced to **less than significant with mitigation incorporated**.

**Mitigation Measures:**

**CR-1 Cultural Resources Monitoring Program.** A Cultural Resource Mitigation Monitoring Program shall be conducted to provide for the identification, evaluation, treatment, and protection of any cultural resources that are affected by or may be discovered during the construction of the proposed project. The monitoring shall consist of the full-time presence of a qualified archaeologist and a traditionally and culturally affiliated (TCA) Native American monitor (Kumeyaay) shall be retained to monitor all ground-disturbing activities associated with project construction, including vegetation removal, clearing, grading, trenching, excavation, or other activities that may disturb original (pre-project) ground, including the placement of imported fill materials and related roadway improvements (i.e., for access).

- The requirement for cultural resource mitigation monitoring shall be noted on all applicable construction documents, including demolition plans, grading plans, etc.
- The qualified archaeologist and TCA Native American monitor shall attend all applicable pre-construction meetings with the Contractor and/or associated Subcontractors.
- The qualified archaeologist shall maintain ongoing collaborative consultation with the TCA Native American monitor during all ground disturbing or altering activities, as identified above.
- The qualified archaeologist and/or TCA Native American monitor may halt ground disturbing activities if archaeological artifact deposits or cultural features are discovered. In general, ground disturbing activities shall be directed away from these deposits for a short time to allow a determination of potential significance, the subject of which shall be determined by the qualified archaeologist and the TCA Native American monitor, in consultation with the Kumeyaay affiliated tribes. Ground disturbing activities shall not resume until the qualified archaeologist, in consultation with the TCA Native American monitor, deems the cultural resource or feature has been appropriately documented and/or protected. At the qualified archaeologist's discretion, the location of ground disturbing activities may be relocated elsewhere on the project site to avoid further disturbance of cultural resources.

- The avoidance and protection of discovered unknown and significant cultural resources and/or unique archaeological resources is the preferable mitigation for the proposed project. If avoidance is not feasible a Data Recovery Plan may be authorized by the City as the lead agency under CEQA. If a data recovery is required, then the Kumeyaay affiliated tribes shall be notified and consulted in drafting and finalizing any such recovery plan.
- The qualified archaeologist and/or TCA Native American monitor may also halt ground disturbing activities around known archaeological artifact deposits or cultural features if, in their respective opinions, there is the possibility that they could be damaged or destroyed.
- The landowner shall relinquish ownership of all tribal cultural resources collected during the cultural resource mitigation monitoring conducted during all ground disturbing activities, and from any previous archaeological studies or excavations on the project site to the Kumeyaay affiliated tribes for respectful and dignified treatment and disposition, including reburial, in accordance with the Tribe's cultural and spiritual traditions. All cultural materials that are associated with burial and/or funerary goods will be repatriated to the Most Likely Descendant as determined by the Native American Heritage Commission per California Public Resources Code Section 5097.98.

**CR-2 Prepare Monitoring Report and/or Evaluation Report.** Prior to the release of the Grading Bond, a Monitoring Report and/or Evaluation Report, which describes the results, analysis and conclusions of the cultural resource mitigation monitoring efforts (such as, but not limited to, the Research Design and Data Recovery Program) shall be submitted by the qualified archaeologist, along with the TCA Native American monitor's notes and comments, to the City's Development Services Director for approval.

**CR-3 Identification of Human Remains.** As specified by California Health and Safety Code Section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Coroner's office by telephone. No further excavation or disturbance of the discovery or any nearby area reasonably suspected to overlie adjacent remains (as determined by the qualified archaeologist and/or the TCA Native American monitor) shall occur until the Coroner has made the necessary

3.4 Cultural Resources

findings as to origin and disposition pursuant to Public Resources Code 5097.98. If such a discovery occurs, a temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected (as determined by the qualified archaeologist and/or the TCA Native American monitor), and consultation and treatment could occur as prescribed by law. As further defined by State law, the Coroner would determine within two working days of being notified if the remains are subject to his or her authority. If the Coroner recognizes the remains to be Native American, he or she shall contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC would make a determination as to the Most Likely Descendent. If Native American remains are discovered, the remains shall be kept in situ (“in place”), or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of the TCA Native American monitor.

**Level of Significance:** Less than significant with mitigation incorporated.

**ARCHAEOLOGICAL RESOURCES**

<b>Impact 3.4-2</b>	<b>The project would have the potential to cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5. Impacts would be less than significant with mitigation incorporated.</b>
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As stated above, a records search was conducted in September 2020 for the project site and a surrounding 0.5 mile radius and a site survey was conducted in October 2020. The CHRIS records search determined that three previously recorded cultural resources are located within 0.5 mile of the project area; however, no significant archaeological resources were identified on-site from the records search, Sacred Lands search, field survey, or from further evaluation of the site (Michael Baker 2021a; 2021b). No known resources have been identified on-site that would be eligible for listing under the NRHP or CRHR criteria. Therefore, the project would not directly cause a substantial adverse change in the significance of a known archaeological resource pursuant to CEQA Guidelines Section 15064.5.

The region is recognized to have been in regular use by Native Americans for thousands of years. The potential for buried pre-contact archaeological sites does therefore occur based upon proximity to the Pacific Ocean.

Due to the presence of sediments associated with human occupation of the region and the presence of previously recorded pre-contact resources in the surrounding area, as well as

documented on-site conditions, the northern and southeastern portions of the project site have a low potential for the presence of prehistoric cultural resources; the southwestern, undeveloped, portion of the project area has a moderate to high potential for the presence of prehistoric cultural resources. Therefore, a potentially significant impact to unknown archaeological resources may occur from subsurface construction disturbances (i.e., trenching, excavation, grading) associated with the project. To ensure proper protection of any unknown resources, should they be encountered during project-related ground disturbance activities, archaeological and Native American monitoring is required (**CR-1** and **CR-2**).

The magnitude of potential project impacts is unknown because any undiscovered archaeological resources are located underground and therefore, cannot be readily evaluated. Mitigation measures **CR-1** and **CR-2** would be implemented to address the recovery of unknown cultural resources in the event of discovery during project construction. Impacts would be **less than significant with mitigation incorporated**.

**Mitigation Measures:** Implement mitigation measures **CR-1** and **CR-2**.

**Level of Significance:** Less than significant with mitigation incorporated.

#### **HUMAN REMAINS**

<b>Impact 3.4-3</b>	<b>The project would have the potential to disturb human remains, including those interred outside of formal cemeteries. Impacts would be less than significant with mitigation incorporated.</b>
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No known cemeteries are located on-site and no such resources were identified during the records searches, consultation efforts, or field survey; refer also to [Section 3.13, Tribal Cultural Resources](#). Although no known human remains have been identified on-site, the potential for project ground-disturbing activities to result in impacts to unknown resources does exist. As stated above, due to existing conditions on the subject property, the potential for prehistoric cultural resources to be present ranges from low to high, depending on the location within the site. Additionally, the project vicinity has the potential to support buried pre-contact archaeological sites due to proximity to the Pacific Ocean and recognized regular use by Native Americans for thousands of years ([Appendix D-1](#)).

The project would be required to comply with regulatory requirements for treatment of Native American human remains contained in California Health and Safety Code Sections 7050.5 and 7052 and California PRC Section 5097. Additionally, implementation of mitigation measure **CR-3** would reduce project impacts on unknown human remains to less than significant. Potential construction impacts on human remains would be reduced to **less than significant with mitigation incorporated**.

**Mitigation Measure:** Implement mitigation measure **CR-3**.

**Level of Significance:** Less than significant with mitigation incorporated.

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***CUMULATIVE IMPACTS***

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<b>Impact 3.4-4</b>	<b>The project would have the potential to result in a significant cumulative impact related to historical or archaeological resources or human remains. Impacts would be less than cumulatively considerable.</b>
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**Geographic Scope**

Cumulative projects that would have the potential to be considered in a cumulative context with the project's incremental contribution, and that are included in the analysis of cumulative impacts relative to cultural resources, are identified in [Table 3.0-1](#) and [Figure 3.0-1](#) in [Section 3.0](#) of this EIR. The cumulative impact analysis includes all 2019 HEU sites to the extent they may contribute to certain issue-specific cumulative effects (see [Table 3.0-2](#)).

**Potential Cumulative Impacts**

Urban development over past decades in San Diego County has resulted in adverse impacts on cultural resources. However, the adoption of State and federal laws related to cultural resources has provided a mechanism to address potential impacts of development activities on known and/or unknown cultural resources. Although inadvertent discoveries and potential impacts may still result on a project by project basis based on location, development type, and availability of data, compliance with regulatory procedures generally mitigate potential impacts to cultural resources. Federal, State, and local laws protect cultural resources in most instances, but they are not always feasible, particularly when in-place preservation may complicate or prevent the implementation of a development project. Future development may conflict with these resources through inadvertent destruction or removal resulting from grading, excavation, and/or construction activities.

No known cultural resources of significance or human remains have been documented on the project site, and therefore, no such known resources would be affected by project development. However, construction activities resulting from the project would include grading and excavation in previously disturbed areas, which may have the potential to result in the encounter of undiscovered subsurface resources. Project implementation could contribute to potential cumulative impacts on cultural resources, including unknown archaeological and historic resources, as well as unknown buried human remains. Past, present, and foreseeable projects have affected, or would have the potential to affect, cultural resources throughout the region over time. However, federal, State, and local laws are designed to protect such resources. These

laws have led to the discovery, recordation, preservation, and curation of artifacts and historic structures.

Mitigation measures **CR-1** to **CR-3** address the discovery and recovery of unknown archaeological and historical resources through construction monitoring, identification of potential cultural resources, and evaluation of the significance of a find. Mitigation measures **CR-1** to **CR-3** would be implemented to reduce potential impacts from project construction on undiscovered resources, if encountered, to less than significant.

Similarly, with conformance to applicable federal, State, and local regulations, combined with the evaluation of resource significance and implementation of mitigation measures in compliance with applicable legislation, it is anticipated that other cumulative development projects would be adequately addressed and impacts on historical and cultural resources and/or human remains would be reduced to the extent feasible.

Therefore, individual project-level impacts associated with cultural resources would be reduced to less than significant with incorporation of mitigation measures **CR-1** to **CR-3**. Further the project and cumulative projects would be subject to conformance with applicable federal, State, and local requirements for the protection of such resources. Therefore, the project's contribution to cumulative impacts on cultural resources is considered **less than cumulatively considerable**.

**Mitigation Measures:** Implement mitigation measures **CR-1** to **CR-3**.

**Level of Significance:** Less than cumulatively considerable.

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## Energy Conservation and Climate Change

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This section evaluates greenhouse gas (GHG) emissions and energy consumption associated with the proposed project and analyzes the project's consistency with applicable plans and policies. This section is based on technical data presented in the *Greenhouse Gas Emissions and Energy Technical Memorandum* prepared by Michael Baker International, Inc. (Michael Baker 2021; see [Appendix E](#)). Analysis in this section also draws upon data in the *City of Encinitas General Plan* (1991) and the *City of Encinitas 2013-2021 Housing Element Update Environmental Assessment* (2018).

### ENVIRONMENTAL SETTING

#### *Climate Change*

Climate change is a distinct change in average meteorological conditions with respect to temperature, precipitation, and storms. Climate change can result from both natural processes and human activities. Natural changes in the climate result from very small variations in the earth's orbit which change the amount of solar energy the planet receives. Human activities can affect the climate by emitting heat-absorbing gases into the atmosphere and by making changes to the planet's surface, such as deforestation and agriculture. The following impacts to California from climate change have been identified:

- Higher temperatures, particularly in the summer and in inland areas;
- More frequent and more severe extreme heat events;
- Reduced precipitation, and a greater proportion of precipitation falling as rain rather than snow;
- Increased frequency of drought conditions;
- Rising sea levels;
- Ocean water becoming more acidic, harming shellfish and other ocean species; and
- Changes in wind patterns.

These direct effects of climate change may in turn have a number of other impacts, including increases in the number and intensity of wildfires, coastal erosion, reduced water supplies, threats to agriculture, and the spread of insect-borne diseases.

#### *Greenhouse Gases*

GHGs are naturally present in the earth's atmosphere and play a critical role in maintaining the planet's temperature. The natural process through which heat is retained in the troposphere is called the greenhouse effect. The greenhouse effect traps heat in the troposphere through a

### 3.5 Energy Conservation and Climate Change

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threefold process as follows: shortwave radiation emitted by the sun is absorbed by the earth; the earth emits a portion of this energy in the form of long-wave radiation; and GHGs in the upper atmosphere absorb this long-wave radiation and re-emit it in all directions, with some radiation heading out into space and some heading back toward the earth. This “trapping” of the long-wave (thermal) radiation emitted back toward the earth is the underlying process of the greenhouse effect. Without the presence of GHGs, the earth’s average temperature would be approximately zero degrees Fahrenheit.

Parts of the earth’s atmosphere act as an insulating blanket, trapping sufficient solar energy to keep the global average temperature within a range suitable for human habitation. The blanket is a collection of atmospheric gases called greenhouse gases because they trap heat similar to the effect of glass walls in a greenhouse. These gases, mainly water vapor, carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), ozone, and chlorofluorocarbons, all act as effective global insulators, reflecting infrared radiation back to the earth. Human activities, such as producing electricity and driving internal combustion vehicles, emit these gases into the atmosphere.

GHG are unlike criteria air pollutants and toxic air contaminants, which are pollutants of regional and local concern. Whereas pollutants with localized air quality effects have relatively short atmospheric lifetimes (about one day), GHGs have much longer atmospheric lifetimes of one year to several thousand years that allow them to be dispersed around the globe. Although the exact lifetime of any particular GHG molecule is dependent on multiple variables and cannot be pinpointed, it is understood by scientists who study atmospheric chemistry that more CO<sub>2</sub> is emitted into the atmosphere than is sequestered by ocean uptake, vegetation, and other forms of sequestration.

#### ***Energy***

##### **Electricity**

Electricity usage in California for different land uses varies substantially by the types of uses in a building, types of construction materials used in a building, and the efficiency of all electricity-consuming devices within a building.

Electricity in the state is predominantly provided by renewable resources, such as solar, wind, geothermal, and hydroelectric. In 2018, renewable resources supplied approximately 50 percent of the in-state electricity generation while natural gas-fired power plants provided approximately 40 percent and nuclear provided less than 10 percent. Given the size and population of the state, California is still one of the largest importers of energy in the nation, as approximately 30 percent of the state’s electricity supply came from generating facilities outside the state in 2018. As such,

almost all the coal-fueled electricity generation consumed in the state was imported (approximately 4 percent of state's power supply) (EIA 2020).

San Diego Gas & Electric (SDG&E) provides electric services to 3.6 million customers through 1.4 million electric meters located in a 4,100-square-mile service area that includes San Diego County (County) and southern Orange County. SDG&E is a subsidiary of Sempra Energy (SDG&E 2020) and would provide electricity to the proposed project. SDG&E receives electric power from a variety of sources. According to the California Public Utilities Commission (CPUC) 2019 California *Renewables Portfolio Standard (RPS) Annual Report*, 44 percent of SDG&E's power came from eligible renewable energy sources (CPUC 2019). Refer to [Table 3.5-1, Portfolio Percentages for SDG&E 2018 RPS](#), to see SDG&E's distribution of renewable resources. In the County, the average annual residential electricity use per home decreased by about 2 percent (5,599 kilowatt hours [kWh] to 5,493 kWh) from 2017 to 2018 (USD 2020).

**Table 3.5-1 Portfolio Percentages for SDG&E 2018 RPS**

Biopower	Geothermal	Solar PV	Wind	Hydro	Solar Thermal
5%	0%	48%	49%	0%	0%

Source: CPUC 2019

Notes: Values exceed 100% due to rounding.

The electricity consumption attributable to San Diego County from 2009 to 2019 is shown in [Table 3.5-2, Electricity Consumption in San Diego County 2009-2019](#). Additionally, energy consumption in San Diego County remained relatively constant between 2009 and 2019, with no substantial increase or decrease.

**Table 3.5-2 Electricity Consumption in San Diego County 2009-2019**

Year	Electricity Consumption (in millions of kilowatt hours)
2009	19,561
2010	19,115
2011	19,122
2012	19,647
2013	19,688
2014	19,999
2015	19,894
2016	19,666
2017	19,667
2018	19,733
2019	19,048

Source: Greenhouse Gas Emissions and Energy Technical Memorandum, Michael Baker 2021 (Appendix E)

### 3.5 Energy Conservation and Climate Change

#### **Renewable Energy**

In 2018, California ranked first in the nation electricity generated from solar, geothermal, and biomass energy, fourth in hydroelectric power, and fifth in wind energy. By the end of 2018, California had about 12,000 megawatts of utility-scale solar power capacity and 20,000 megawatts of installed solar capacity. Geothermal resources in the state, approximately 2,730 megawatts of capacity, account for almost 75 percent of the nation's utility-scale electricity generation from geothermal energy. The state has over 30 power plants fueled by biomass (wood and wood waste), which leads the nation in energy generation. At the end of 2019, the state had more than 5,800 megawatts of installed wind capacity (EIA 2020).

#### **Natural Gas**

CPUC regulates natural gas utility service for approximately 10.8 million customers who receive natural gas from Pacific Gas & Electric (PG&E), Southern California Gas (SoCalGas), SDG&E, Southwest Gas, and several smaller natural gas utilities. SDG&E provides natural gas service to the Counties of San Diego and Orange and would provide natural gas to the proposed project. SDG&E is a wholesale customer of SoCalGas and currently receives all of its natural gas from the SoCalGas system (CPUC 2017).

The majority of California's natural gas customers are residential and small commercial customers (core customers). These customers accounted for approximately 32 percent of the natural gas delivered by California utilities in 2012. Large consumers, such as electric generators and industrial customers (noncore customers), accounted for approximately 68 percent of the natural gas delivered by California utilities in 2012 (CPUC 2017).

The natural gas consumption in San Diego County from 2009 to 2019 is shown in [Table 3.5-3, Natural Gas Consumption in San Diego County 2009-2019](#). Similar to energy consumption, natural gas consumption in San Diego County remained relatively constant between 2009 and 2019, with no substantial increase or decrease.

**Table 3.5-3 Natural Gas Consumption in San Diego County 2009-2019**

<b>Year</b>	<b>Natural Gas Consumption (in millions of therms)</b>
2009	515
2010	556
2011	529
2012	515
2013	528
2014	451
2015	453
2016	473

**Table 3.5-3, continued**

Year	Natural Gas Consumption (in millions of therms)
2017	480
2018	483
2019	534

Source: Greenhouse Gas Emissions and Energy Technical Memorandum, Michael Baker 2021 (Appendix E)

### **Petroleum**

As of 2018, the state ranked fifth largest in U.S. crude oil reserves and seventh largest producer of crude oil in the nation. However, the state's overall crude oil production has steadily declined during the past 30 years. Due to its large size and population, California is the second-largest consumer of petroleum products and the largest consumer of motor gasoline and jet fuel in the nation. Almost 90 percent of the petroleum consumed in the state is used in the transportation sector (EIA 2020).

However, technological advances, market trends, consumer behavior, and government policies could result in significant changes in fuel consumption by type and in total. As such, the state has implemented various policies and incentives to increase the use of non-carbon-emitting vehicles and decrease vehicle miles traveled (VMT). In 2018, the state had 500,000 registered electric and plug-in hybrid vehicles and nearly one-fourth of the nation's electric vehicle charging stations (EIA 2020).

At the federal and state levels, various policies, rules, and regulations have been enacted to improve vehicle fuel efficiency, promote the development and use of alternative fuels, and reduce transportation-source air pollutants, GHG emissions, and VMT. Market forces have driven the price of petroleum products steadily upward over time, and technological advances have made use of other energy resources or alternative transportation modes increasingly feasible.

Automotive fuel consumption in San Diego County from 2009 to 2019 is shown in [Table 3.5-4, Automotive Fuel Consumption in San Diego County 2009-2019](#) (projections for the year 2020 are also shown). Since 2009 on-road automotive fuel consumption in San Diego County has generally declined and heavy-duty vehicle fuel consumption has steadily increased.

**Table 3.5-4 Automotive Fuel Consumption in San Diego County 2009-2019**

Year	On-Road Automotive Fuel Consumption (Gallons)	Heavy-Duty Vehicle/Diesel Fuel Consumption (Gallons)
2009	1,497,291,231	99,875,130
2010	1,508,667,038	97,156,155
2011	1,481,337,159	96,017,458
2012	1,472,989,765	95,242,542

Table 3.5-4, continued

Year	On-Road Automotive Fuel Consumption (Gallons)	Heavy-Duty Vehicle/Diesel Fuel Consumption (Gallons)
2013	1,478,545,554	101,043,794
2014	1,490,518,576	101,313,889
2015	1,531,616,348	101,781,235
2016	1,569,728,227	107,743,690
2017	1,556,356,992	107,679,306
2018	1,524,037,178	108,226,615
2019	1,490,698,455	108,601,793
2020 (projected)	1,460,575,916	108,341,542

Source: Greenhouse Gas Emissions and Energy Technical Memorandum, Michael Baker 2021 (Appendix E)

## REGULATORY FRAMEWORK

### *Federal*

#### Greenhouse Gas Emissions

To date, no national GHG reduction targets or climate plans have been adopted that would apply to the proposed project or the City of Encinitas.

#### Energy Conservation

##### *Federal Energy Policy and Conservation Act*

In response to the 1973 oil crisis, Congress enacted the Energy Policy and Conservation Act (EPCA) of 1975, which established the first fuel economy standards for on-road motor vehicles in the United States. The purpose of EPCA is to increase energy production and supply, reduce energy demand, provide energy efficiency, and give the executive branch additional powers to respond to disruptions in energy supply. Most notably, EPCA established the Strategic Petroleum Reserve, the Energy Conservation Program for Consumer Products, and Corporate Average Fuel Economy regulations.

##### *Intermodal Surface Transportation Efficiency Act*

The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) promoted the development of surface transportation programs. The purpose of the ISTEA is to maximize mobility and address national and local interests in air quality and energy. The ISTEA contained factors that metropolitan planning organizations (MPO) were to address in developing transportation plans and programs, including some energy-related factors. To meet the ISTEA requirements, MPOs

adopted policies defining the social, economic, energy, and environmental values guiding transportation decisions.

#### *Transportation Equity Act for the 21st Century*

In 1998, Congress enacted the Transportation Equity Act for the 21st Century, which expanded programs and initiatives established in the ISTEA legislation. The act authorizes highway, highway safety, transit, and other efficient surface transportation programs. The act continues the program structure established for highways and transit under the ISTEA, such as flexibility in the use of funds, emphasis on measures to improve the environment, and focus on a strong planning process as the foundation of transportation decisions.

#### *Energy Independence and Security Act*

In 2007, Congress enacted the Energy Independence and Security Act of 2007 (EISA) with the purpose to increase energy independence and efficiency. The legislation requires the Renewable Fuel Standard (RFS) to continually increase over time to reduce the reliance of petroleum. The U.S. Environmental Protection Agency (EPA) is responsible for developing and implementing regulations to ensure that transportation fuel sold in the United States contains a minimum volume of renewable fuel. The RFS program regulations were developed in collaboration with refiners, renewable fuel producers, and many other stakeholders.

### ***State***

#### **Greenhouse Gas Emissions**

Discussed below are some of the key state directives and policies pertaining to GHG emissions reduction.

#### *Assembly Bill 32*

The California Global Warming Solutions Act of 2006 (Assembly Bill [AB] 32; California Health and Safety Code Division 25.5, Sections 38500–38599) established regulatory, reporting, and market mechanisms to achieve quantifiable reductions in GHG emissions and established a cap on statewide GHG emissions. AB 32 requires that statewide GHG emissions be reduced to 1990 levels by 2020. This requirement was achieved early in 2016.

#### *Senate Bill 97*

Senate Bill (SB) 97 (2007) (Chapter 185, Statutes of 2007; Public Resources Code Sections 21083.05 and 21097) acknowledges that climate change is a prominent environmental issue that requires analysis under CEQA. The Natural Resources Agency adopted amendments to the CEQA Guidelines in 2010 to address the directive. As a result, CEQA lead agencies are required to estimate the emissions associated with project-related vehicular traffic, energy consumption,

### 3.5 Energy Conservation and Climate Change

water usage, and construction activities to determine whether project-level or cumulative impacts could occur and to mitigate the impacts where feasible.

#### *Senate Bill 375*

SB 375 (2008) (Chapter 728, Statutes of 2008) aligns regional transportation planning efforts, regional GHG reduction targets, and land use and housing allocation. SB 375 requires each MPO to adopt a sustainable communities strategy or alternative planning strategy that will prescribe land use allocation in that MPO's regional transportation plan. The California Air Resources Board (CARB) is charged with reviewing each MPO's sustainable communities strategy or alternative planning strategy for consistency with its assigned targets. San Diego County is part of the San Diego Association of Governments' (SANDAG) MPO and is covered under SANDAG's *2050 Regional Transportation Plan*.

#### **Energy Conservation**

Discussed below are some of the key state directives and policies pertaining to energy conservation.

#### *State of California Energy Action Plan*

The CEC and CPUC approved the first state of California *Energy Action Plan* in 2003. The plan established shared goals and specific actions to ensure that adequate, reliable, and reasonably priced electrical power and natural gas supplies are provided, and identified policies, strategies, and actions that are cost effective and environmentally sound for California's consumers and taxpayers. In 2005, a second *Energy Action Plan* was adopted by the CEC and CPUC to reflect various policy changes and actions of the prior two years.

At the beginning of 2008, the CEC and CPUC determined that it was not necessary or productive to prepare a new energy action plan. This determination was based in part on a finding that the state's energy policies have been significantly influenced by the passage of AB 32, the California Global Warming Solutions Act of 2006 (discussed above). Rather than produce a new energy action plan, the CEC and CPUC prepared an "update" that examines the state's ongoing actions in the context of global climate change.

#### *Senate Bill 1078*

SB 1078 (2002) established the California RPS Program and required that a retail seller of electricity purchase a specified minimum percentage of electricity generated by eligible renewable energy resources as defined in any given year, culminating in a 20 percent standard by 2018. These retail sellers include electrical corporations, community choice aggregators, and electric service providers. The bill relatedly required the CEC to certify eligible renewable energy resources, design and implement an accounting system to verify compliance with the RPS by

retail sellers, and allocate and award supplemental energy payments to cover above-market costs of renewable energy.

*Senate Bills 107, X1-2, 350, and 100*

SB 107 (2006) accelerated the RPS established by SB 1078 by requiring that 20 percent of electricity retail sales be served by renewable energy resources by 2010 (not 2017). Additionally, SB X1-2 (2011) requires all California utilities to generate 33 percent of their electricity from eligible renewable energy resources by 2020. Specifically, SB X1-2 sets a three-stage compliance period: by December 31, 2013, 20 percent shall come from renewables; by December 31, 2016, 25 percent shall come from renewables; and by December 31, 2020, 33 percent shall come from renewables. According to the 2019 RPS Annual Report to the Legislature, all of the large investor-owned utilities have reached this goal in 2018 (CPUC 2019).

SB 350 (2015) requires retail seller and publicly owned utilities to procure 50 percent of their electricity from eligible renewable energy resources by 2030, with interim goals of 40 percent by 2024 and 45 percent by 2027.

SB 100 (2018) accelerated and expanded the standards set forth in SB 350 by establishing that 44 percent of the total electricity sold to retail customers in California per year by December 31, 2024, 52 percent by December 31, 2027, and 60 percent by December 31, 2030, be secured from qualifying renewable energy sources. SB 100 also states that it is the policy of the state that eligible renewable energy resources and zero-carbon resources supply 100 percent of the retail sales of electricity to California. This bill requires that the achievement of 100 percent zero-carbon electricity resources does not increase the carbon emissions elsewhere in the western grid and that the achievement not be achieved through resource shuffling.

Consequently, utility energy generation from nonrenewable resources is expected to be reduced based on implementation of the 60 percent RPS in 2030. Therefore, any project's reliance on nonrenewable energy sources would also be reduced.

*Assembly Bill 1007*

AB 1007 (2005) required the CEC to prepare a statewide plan to increase the use of alternative fuels in California (State Alternative Fuels Plan). The CEC prepared the plan in partnership with CARB and in consultation with other state, federal, and local agencies. The plan assessed various alternative fuels and developed fuel portfolios to meet California's goals to reduce petroleum consumption, increase alternative fuels use, reduce GHG emissions, and increase in-state production of biofuels without causing a significant degradation of public health and environmental quality.

### 3.5 Energy Conservation and Climate Change

#### *California's Energy Efficiency Standards for Residential and Nonresidential Buildings (Title 24)*

Commonly referred to as the CALGreen Code, Title 24, Part 11 standards require new residential and commercial buildings to comply with mandatory measures under the topics of planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and environmental quality. Title 24 also provides voluntary tiers and measures that local governments may adopt which encourage or require additional measures in the five green building topics.

The 2019 Title 24 standards became effective January 1, 2020. The standards require that all low-rise residential buildings shall have a photovoltaic system meeting the minimum qualification requirements such that annual electrical output is equal to or greater than the dwelling's annual electrical usage. Notably, net energy metering rules limit residential rooftop solar generation to produce no more electricity than the home is expected to consume on an annual basis. Single-family homes built with the 2019 standards will use about 7 percent less energy due to energy efficiency measures versus those built under the 2016 standards, while new nonresidential buildings will use about 30 percent less energy.

The CALGreen standards originally took effect in 2011 and instituted mandatory minimum environmental performance standards for all ground-up, new construction of commercial, low-rise residential, and state-owned buildings, as well as schools and hospitals. The mandatory standards require the following:

- Mandatory reduction in indoor water use through compliance with specified flow rates for plumbing fixtures and fittings.
- Mandatory reduction in outdoor water use through compliance with a local water-efficient landscaping ordinance or the California Department of Water Resources' Model Water Efficient Landscape Ordinance.
- Sixty-five percent of construction and demolition waste must be diverted from landfills.
- Mandatory inspections of energy systems to ensure optimal working efficiency.
- Inclusion of electric vehicle charging stations or designated spaces capable of supporting future charging stations.
- Low pollutant-emitting exterior and interior finish materials, such as paints, carpets, vinyl flooring, and particle boards.

The CALGreen standards also include voluntary efficiency measures that are provided at two separate tiers and implemented at the discretion of local agencies and applicants. CALGreen's

Tier 1 standards call for a 15 percent improvement in energy requirements, stricter water conservation, 10 percent recycled content in building materials, 20 percent permeable paving, 20 percent cement reduction, and cool/solar-reflective roofs. CALGreen's more rigorous Tier 2 standards call for a 30 percent improvement in energy requirements, stricter water conservation, 75 percent diversion of construction and demolition waste, 15 percent recycled content in building materials, 30 percent permeable paving, 25 percent cement reduction, and cool/solar-reflective roofs.

*California's Energy Efficiency Standards for Appliances (Title 20)*

Title 20 of the California Code of Regulations requires manufacturers of appliances to meet state and federal standards for energy and water efficiency. Performance of appliances must be certified through the CEC to demonstrate compliance with standards.

New appliances regulated under Title 20 include refrigerators, refrigerator-freezers and freezers; room air conditioners and room air-conditioning heat pumps; central air conditioners; spot air conditioners; vented gas space heaters; gas pool heaters; plumbing fittings and plumbing fixtures; fluorescent lamp ballasts; lamps; emergency lighting; traffic signal modules; dishwaters; clothes washers and dryers; cooking products; electric motors; low voltage dry-type distribution transformers; power supplies; televisions and consumer audio and video equipment; and battery charger systems.

Title 20 presents protocols for testing for each type of appliance covered under the regulations and appliances must meet the standards for energy performance, energy design, water performance, and water design.

***Local***

**City of Encinitas Climate Action Plan (CAP)**

The City's Climate Action Plan (CAP) was adopted in January 2018 and was most recently updated and adopted on November 18, 2020. The CAP serves as a guiding document and outlines a course of action for community and municipal operations to reduce GHG emissions and the potential impacts of climate change within the jurisdiction. The CAP benchmarks GHG emissions in 2012 and identifies what reductions are required to meet GHG reduction targets based on state goals embodied in AB 32. The CAP aims to achieve local community wide GHG reduction targets of 13 percent below 2012 levels by 2020 and 44 percent below 2012 levels by 2030.

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

**3.5 Energy Conservation and Climate Change**

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warming; and identification of strategies, specific actions, and supporting measures to comply with statewide GHG reduction targets and goals, along with strategies to help the community adapt to climate change impacts.

As part of the CAP implementation, each strategy, action, and supporting measure will be continually assessed and monitored. Reporting on the status of implementation of these strategies, periodic updates to the GHG emissions inventory, and other monitoring activities will help ensure that the CAP is making progress. It should be noted that as of this time, the City has not adopted implementing ordinances for the CAP. Therefore, strategies requiring the City to adopt ordinances to implement are not applicable to the project. The following strategies are applicable to the project:

- RE-2: Require New Homes to install Solar Photovoltaic Systems
- RE-3: Require Commercial Buildings to install Solar Photovoltaic Systems
- CET-4: Require Residential Electric Vehicle Charging Stations
- CET-5: Require Commercial Electric Vehicle Charging Stations

**City of Encinitas General Plan and Certified Local Coastal Program**

The City of Encinitas General Plan serves as a policy document that provides long-range guidance to City officials responsible for decision-making with regard to the City's future growth and long-term protection of its resources. The City of Encinitas General Plan is intended to ensure decisions made by the City conform to long-range goals established to protect and further the public interest as the City continues to grow and to minimize adverse effects potentially occurring with ultimate buildout. The City of Encinitas General Plan also provides guidance to ensure that future development conforms to the City's established plans, objectives, and/or policies, as appropriate.

The California Coastal Act (Public Resources Code Section 30000 et seq.) is intended to protect the natural and scenic resources of the Coastal Zone. All local governments located wholly or partially within the Coastal Zone are required to prepare an) for those areas of the Coastal Zone within its jurisdiction. The City of Encinitas General Plan includes issues and policies related to California Coastal Act requirements; therefore, the City of Encinitas General Plan also serves as Local Coastal Plan (LCP) Land Use Plan for the City. The relevant goals and policies of the General Plan include:

*Circulation Element*

Policy 1.15:           The City will actively support an integrated transportation program that encourages and provides for mass-transit, bicycle transportation, pedestrians, equestrians, and car-pooling.

**GOAL 3:**                    **The City of Encinitas will promote the use of other modes of transport to reduce the dependence on the personal automobile.**

Policy 3.2:                    Continue to assist in expanding public transportation and emphasize public transportation in future development with preference given to cost-effective alternatives.

Policy 3.3:                    Create a safe and convenient circulation system for pedestrians.

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

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

*Resource Management Element*

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

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

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

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

3.5 Energy Conservation and Climate Change

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

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

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

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

Policy 9.4:                Encourage and adopt standards for the use of drought tolerant and/ or natural landscaping and efficient irrigation systems throughout the City.

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

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

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

Policy 15.1:              The City will encourage the use of alternate energy systems, including passive solar and architectural and mechanical systems, in both commercial and residential development.

Policy 15.2:              The patterns of proposed subdivisions and the orientation and design of structures on lots shall be designed with the objective of maximizing the opportunities for solar energy use and energy conservation.

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

**Encinitas North 101 Corridor Specific Plan**

The project is located within the Encinitas North 101 Corridor Specific Plan (N101SP) and there are no energy or climate change policies exclusive to the Specific Plan area. Chapter 9, General

Plan and Local Coastal Program Compliance, of the N101SP identifies goals and policies of the General Plan that are relevant to the Specific Plan area and addresses the N101SP's consistency with the General Plan. Consistency with the General Plan policies regarding archaeological and historical cultural resources would ensure compliance with the N101SP.

## **STANDARDS OF SIGNIFICANCE**

### ***Thresholds of Significance***

The following thresholds of significance are based, in part, on CEQA Guidelines Appendix G. For the purposes of this EIR, the proposed project may have a significant adverse impact related to GHG emissions if it would:

1. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.
2. Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

The proposed project would have a significant impact related to energy if it would:

1. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.
2. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

### ***Methodology***

#### **Global Climate Change**

Amendments to CEQA Guidelines Section 15064.4 were adopted to assist lead agencies in determining the significance of the impacts of GHG emissions. Consistent with existing CEQA practice, Section 15064.4 gives lead agencies the discretion to determine whether to assess those emissions quantitatively or qualitatively. The amendments do not establish a threshold of significance; rather, lead agencies are granted discretion to establish significance thresholds for their respective jurisdictions, including looking to thresholds developed by other public agencies or suggested by other experts, such as the California Air Pollution Control Officers Association (CAPCOA), so long as any threshold chosen is supported by substantial evidence (see CEQA Guidelines Section 15064.7(c)). The California Natural Resources Agency (CNRA) has also clarified that the CEQA Guidelines amendments focus on the effects of GHG emissions as cumulative impacts, and therefore GHG emissions should be analyzed in the context of CEQA's requirements for cumulative impact analyses (see CEQA Guidelines Section 15064(h)(3)). A project's

### 3.5 Energy Conservation and Climate Change

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incremental contribution to a cumulative impact can be found not cumulatively considerable if the project would comply with an approved plan or mitigation program that provides specific requirements to avoid or substantially lessen the cumulative problem within the geographic area of the project.

The City has adopted an interim screening threshold of 900 MTCO<sub>2</sub>e per year based on guidance in the CAPCOA's *CEQA & Climate Change* report. The *CEQA & Climate Change* report references an annual 900 MTCO<sub>2</sub>e guideline as a conservative threshold for requiring further analysis and is based on a project's vehicle trips, electricity generation, natural gas consumption/combustion, water usage, and solid waste generation. The HEU EA requires developments that would exceed the interim screening threshold of significance to prepare a project-specific GHG analysis that identifies an appropriate project-level significance threshold and project-specific mitigation measures. The project-level analysis shall demonstrate that, with implementation of the applicable mitigation measures, the project will not impede implementation of AB 32 or SB 32.

The project-level analysis calculates the amount of GHG emissions that would be attributable to the project using recommended models, including the most recent version of the California Emissions Estimator Model (CalEEMod), version 2016.3.2, and the CARB Emission FAcTion Model 2017 (EMFAC2017), and compares to the City's interim screening threshold of significance. GHG emissions from on-road transportation were calculated using CalEEMod default trip lengths for San Diego County, trip generation data within the *City of Encinitas Fenway Mixed-Use (Hotel, Residential, Commercial) 1900 N. Coast Highway 101 Draft Local Transportation Analysis* (Traffic Impact Analysis) prepared by LOS Engineering, Inc. (dated November 12, 2020), emission factors from EMFAC2017, and project-specific land use data.

GHG emissions from other sources were calculated using CalEEMod default emission rates for San Diego County and project-specific land use data. A CalEEMod model run was conducted to quantify the existing GHG emissions from the operation of the existing restaurant and small commercial center. The CalEEMod model run relied on land use information and daily vehicle trips provided in the Local Transportation Analysis ([Appendix L-2](#)). It should be noted that although the existing restaurant is currently unoccupied, consistent with the Traffic Impact Analysis, trips generated by the restaurant were accounted for in the existing conditions model to afford a conservative analysis.

In the 2017 *Climate Change Scoping Plan Update*, CARB suggested substantial progress could be made if a regional or countywide GHG reduction plan, such as the City's CAP, targeted reducing emissions to 6 MTCO<sub>2</sub>e per capita by 2030 and 2 MTCO<sub>2</sub>e per capita by 2050. However, instead of purely relying on the regional/countywide projections, local data was gathered to establish a baseline to ensure that the proposed project would provide its fair share contribution toward meeting GHG reduction targets.

The significance threshold for the project was developed based on the City's CAP. During preparation of the City's baseline emissions inventory, the University of San Diego's Energy Policy Initiatives Center (EPIC) calculated GHG emissions for both community-wide sectors and County government operations for the year 2012. EPIC then projected emissions for the years 2020 and 2030 based on factors such as population and job growth. EPIC concluded that, in 2012, the total emissions in the City was approximately 459,000 MTCO<sub>2</sub>e.

To be consistent with SB 32, the City must reduce emissions by 44 percent from the baseline, which equates to a target of 254,575 MTCO<sub>2</sub>e per year in 2030. The City's service population in 2030 is expected to be 95,585 (68,345 residents and 27,240 jobs). Therefore, to achieve a City emissions level of 254,575 MTCO<sub>2</sub>e per year in 2030, the required per capita efficiency target would be approximately 2.7 MTCO<sub>2</sub>e (254,575/95,585) per service population per year, which is approximately half of CARB's suggested target. Based on this approach, for the analysis in Impact 3.5-1, if the proposed project would generate GHG emissions equal to or less than 2.7 MTCO<sub>2</sub>e per service population per year, the impact would be less than significant. Otherwise, mitigation measures would need to be implemented to mitigate the project's GHG emissions impacts.

The analysis in Impact 3.5-1 discusses the project's consistency with statewide, regional, and local plans adopted for the purpose of reducing and/or mitigating GHG emissions. If the project would be consistent with all applicable plans, the project would not impede implementation of AB 32 or SB 32, and the impact would be less than significant. Otherwise, mitigation measures would need to be implemented to mitigate the project's GHG emissions impacts.

### **Energy**

Appendix F of the CEQA Guidelines is an advisory document that assists EIR preparers in determining whether a project will result in the inefficient, wasteful, and unnecessary consumption of energy. The analysis under Impact 3.5-1 relies upon Appendix F of the CEQA Guidelines, which includes the following criteria to determine whether this threshold of significance is met:

- **Criterion 1:** The project's energy requirements and its energy use efficiencies by amount and fuel type for each stage of the project including construction, operation, maintenance and/or removal. If appropriate, the energy intensiveness of materials may be discussed.
- **Criterion 2:** The effects of the project on local and regional energy supplies and on requirements for additional capacity.
- **Criterion 3:** The effects of the project on peak and base period demands for electricity and other forms of energy.
- **Criterion 4:** The degree to which the project complies with existing energy standards.

- **Criterion 5:** The effects of the project on energy resources.
- **Criterion 6:** The project's projected transportation energy use requirements and its overall use of efficient transportation alternatives.

Quantification of the project's energy usage is presented and addresses **Criterion 1**. The discussion on construction-related energy use focuses on **Criteria 2, 4, and 5**. The discussion on operational energy use is divided into transportation energy demand and building energy demand. The transportation energy demand analysis discusses **Criteria 2, 4, and 6**, and the building energy demand analysis discusses **Criteria 2, 3, 4, and 5**.

The analysis in Impact 3.5-2 discusses project consistency with applicable statewide, regional, and local plans related to energy efficiency and renewable energy.

## PROJECT IMPACTS AND MITIGATION

### **GREENHOUSE GAS EMISSIONS**

<b>Impact 3.5-1</b>	<b>The project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. Impacts would be less than significant with mitigation incorporated.</b>
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#### ***Project-Related Sources of Greenhouse Gases***

The proposed project would result in direct and indirect emissions of CO<sub>2</sub>, N<sub>2</sub>O, and CH<sub>4</sub>, and would not result in other GHGs that would facilitate a meaningful analysis. Therefore, this analysis focuses on these three forms of GHG emissions. Direct project related GHG emissions include emissions from construction activities, area sources, and mobile sources, while indirect sources include emissions from energy consumption, water demand, and solid waste generation. CalEEMod was used to calculate direct and indirect project related GHG emissions. Table 3.5-5, Annual Estimated Greenhouse Gas Emissions, presents the estimated CO<sub>2</sub>, N<sub>2</sub>O, and CH<sub>4</sub> emissions of the existing uses and the proposed project. CalEEMod outputs are contained within Appendix E.

#### ***Existing Sources of Greenhouse Gases***

A CalEEMod model run was conducted to quantify the existing GHG emissions from the operation of the existing restaurant and small commercial center. As shown in Table 3.5-5, the existing development emits approximately 699.05 MTCO<sub>2</sub>e/year.

**Table 3.5-5 Annual Estimated Greenhouse Gas Emissions**

Source <sup>6</sup>	CO <sub>2</sub>	CH <sub>4</sub>		N <sub>2</sub> O		Total Metric Tons of CO <sub>2</sub> e <sup>3</sup>
	Metric Tons/yr <sup>1</sup>	Metric Tons/yr <sup>1</sup>	Metric Tons of CO <sub>2</sub> e/yr <sup>2</sup>	Metric Tons/yr <sup>1</sup>	Metric Tons of CO <sub>2</sub> e/yr <sup>2</sup>	
Existing Conditions Emissions						
Direct Emissions						
Area Source	<0.01	0.00	0.00	0.00	0.00	<0.01
Mobile Source <sup>4</sup>	685.86	0.05	1.17	0.00	0.00	687.02
Total Direct Emissions <sup>3</sup>	685.86	0.05	1.17	0.00	0.00	687.02
Indirect Emissions						
Energy	9.50	<0.01	0.01	<0.01	0.02	9.53
Solid Waste	0.48	0.03	0.71	0.00	0.00	1.19
Water Demand	1.13	0.01	0.14	<0.01	0.04	1.31
Total Indirect Emissions <sup>3</sup>	11.11	0.03	0.85	0.00	0.07	12.03
Total Existing Emissions <sup>3</sup>	699.05 MTCO <sub>2</sub> e/yr					
Proposed Project Emissions						
Direct Emissions						
Construction <sup>5</sup>	49.55	0.01	0.29	0.00	0.00	49.84
Area Source	67.78	<0.01	0.06	<0.01	0.36	68.20
Mobile Source <sup>4</sup>	1,690.85	0.11	2.83	0.00	0.00	1,693.68
Total Direct Emissions <sup>3</sup>	1,808.18	0.13	3.18	<0.01	0.36	1,811.73
Indirect Emissions						
Energy	574.38	0.02	0.50	0.01	1.86	576.74
Solid Waste	6.11	0.36	9.03	0.00	0.00	15.15
Water Demand	56.99	0.26	6.57	0.01	1.97	65.53
Total Indirect Emissions <sup>3</sup>	637.49	0.64	16.11	0.01	3.83	657.42
Total Project-Related Emissions <sup>3</sup>	2,469.15 MTCO <sub>2</sub> e/yr					
Net Increase of Total Project-Related Emissions <sup>3</sup>	1,770.10 MTCO <sub>2</sub> e/yr					
Reduction from 250 kW Solar Panels	140.26 MTCO <sub>2</sub> e/yr					
Reduction from 39 EV Charging Stations	141.68 MTCO <sub>2</sub> e/yr					
Net Increase of Total Project-Related Emissions After Reductions <sup>3</sup>	1,488.16 MTCO <sub>2</sub> e/yr					
Total Project Service Population (Residence + Employment) <sup>6</sup>	274					
Project Per Service Population Emissions	5.4 MTCO <sub>2</sub> e/yr per capita					
City of Encinitas Climate Action Plan Threshold	2.7 MTCO <sub>2</sub> e/yr per capita					
Is Threshold Exceeded?	Yes					

### 3.5 Energy Conservation and Climate Change

**Table 3.5-5, continued**

Notes:	
MTCO <sub>2</sub> e/yr = Metric Tons Carbon Dioxide Equivalent per year; kW = kilowatt; EV = electric vehicle	
1.	Emissions calculated using the CalEEMod version 2016.3.2 and the California Air Resources Board Emission FACtor model 2017 (EMFAC2017).
2.	Consistent with CalEEMod version 2016.3.2, carbon dioxide equivalent values were calculated using global warming potentials from the 2007 Intergovernmental Panel on Climate Change (IPCC) Fourth Assessment Report, <a href="https://www.ghgprotocol.org/sites/default/files/ghgp/Global-Warming-Potential-Values%20%28Feb%2016%202016%29_1.pdf">https://www.ghgprotocol.org/sites/default/files/ghgp/Global-Warming-Potential-Values%20%28Feb%2016%202016%29_1.pdf</a> , accessed December 15, 2020.
3.	Totals may be slightly off due to rounding.
4.	The mobile source emissions were calculated using the trip generation data provided in the LOS Engineering, Inc., <i>City of Encinitas Fenway Mixed-Use (Hotel, Residential, Commercial) 1900 N. Coast Highway 101 Draft Local Transportation Analysis</i> , dated November 12, 2020.
5.	Total project construction GHG emissions equate to 1,495.30 MTCO <sub>2</sub> e. Value shown is amortized over the lifetime of the project (assumed to be 30 years).
6.	Total project service population includes 236 residents and 38 employees. The 38 employees represent net increase from existing conditions (i.e. 62 employees for the project and 24 employees for the existing uses).

Source: Greenhouse Gas Emissions and Energy, Michael Baker International (Appendix E)

#### ***Direct Project-Related Source of Greenhouse Gases***

Construction Emissions. Because impacts from construction activities occur over a relatively short-term period of time, they contribute a relatively minimal portion of the overall lifetime project GHG emissions. To adequately include GHG emission from construction in the lifetime/operational GHG estimates, construction emissions are amortized over a 30-year project lifetime. Construction GHG emissions are amortized (i.e., total construction emissions divided by the lifetime of the project, assumed to be 30 years), then added to the operational emissions. As seen in Table 3.5-5, construction of the proposed project would result in an annual total of 49.84 MTCO<sub>2</sub>e (amortized over 30 years) which represents a total of approximately 1,495.30 MTCO<sub>2</sub>e from the overall construction activities.

Area Source. The project would result in nominal area source emissions; refer to Table 3.5-5. Area source emissions would be generated due to an increased demand for natural gas and fuel associated with the development of the proposed project. The primary use of natural gas and fuel producing area source emissions by the project would be for consumer products, architectural coating, natural gas hearth, and landscaping.

Mobile Source Emissions. According to the Traffic Impact Analysis, the proposed project would result in a maximum of 1,963 daily trips, which equates to approximately 1,693.68 MTCO<sub>2</sub>e/year of mobile source-generated GHG emissions as modeled in CalEEMod; refer to Table 3.5-5.

#### ***Indirect Project-Related Source of Greenhouse Gases***

Energy Consumption. Energy consumption emissions were calculated using the CalEEMod model and project-specific land use data. Electricity would be provided to the project site via SDG&E. The project would indirectly result in 576.74 MTCO<sub>2</sub>e/year of GHG emissions due to energy consumption; refer to Table 3.5-5.

Water Demand. The proposed project's operations would result in a demand of approximately 13.62 million gallons of water per year. Emissions from indirect energy impacts due to water supply would result in 65.53 MTCO<sub>2</sub>e/year; refer to Table 3.5-5.

Solid Waste. Solid waste associated with operations of the proposed project would result in 15.15 MTCO<sub>2</sub>e/year; refer to Table 3.5-5.

### ***Project Sustainable Design***

The proposed project includes design features that would reduce project related GHG emissions. The project would install water-efficient fixtures in compliance with 2019 CALGreen Code. The proposed project would include recycling services per Assembly Bill 341, which would divert at least 75 percent of the solid waste generation. The project would install high-efficiency lighting, and would comply with the 2019 Title 24 standards, which would reduce energy usage by approximately 30 percent compared to nonresidential buildings constructed under the 2016 Title 24 standards. These sustainable design features have been incorporated in CalEEMod and shown in Table 3.5-5.

In addition, the project would install approximately 250 kilowatt (kW) of solar panels on-site. According to the City's CAP, the City would increase solar capacity by 1.9 megawatt (MW) from residential and commercial development by 2030 and reduce GHG emissions by 1,066 MTCO<sub>2</sub>e, which is equivalent to approximately 561 MTCO<sub>2</sub>e per MW. Therefore, the 250 kW solar panels on-site would reduce GHG emissions by 140.26 MTCO<sub>2</sub>e/year. Furthermore, the project would include 39 electric vehicle (EV) charging stations on-site. According to the City's CAP, the City would increase the number of EV charging stations by 866 from residential and commercial development by 2030 and reduce GHG emissions by 3,146 MTCO<sub>2</sub>e, which is equivalent to approximately 3.63 MTCO<sub>2</sub>e per EV charging station. Therefore, the 39 EV charging stations on-site would reduce GHG emissions by 141.68 MTCO<sub>2</sub>e/year.

### ***Total Project-Related Sources of Greenhouse Gases***

As shown in Table 3.5-5, the total amount of project related GHG emissions from direct and indirect sources combined minus the existing uses GHG emissions would total 1,770.10 MTCO<sub>2</sub>e/year. With the emission reductions from on-site solar panels and EV charging stations, the project related GHG emissions would total 1,488.16 MTCO<sub>2</sub>e/year. The project would increase population by 236 residents and employment by 38 employees (net increase from 24 employees for the existing uses to 62 employees for the project), totaling 274 service population. As such, the project would generate GHG emissions of approximately 5.4 MTCO<sub>2</sub>e per year per service population, which would exceed the significance threshold of 2.7 MTCO<sub>2</sub>e per year per service population from the City's CAP.

### 3.5 Energy Conservation and Climate Change

Therefore, the impact would be potentially significant and mitigation would be required. Mitigation measure **GHG-1** requires the project applicant to purchase and retire GHG offsets to reduce the project's GHG emissions to 2.7 MTCO<sub>2</sub>e per year per service population. With the implementation of mitigation measure **GHG-1**, the project would not exceed the GHG emissions threshold from the City's CAP, and the impact would be **less than significant with mitigation incorporated**.

#### Mitigation Measures:

**GHG-1 Purchase and Retire Greenhouse Gas (GHG) Offsets.** The applicant or its designee shall purchase and retire greenhouse gas offsets to reduce the project's GHG emissions level to 2.7 metric tons carbon dioxide equivalent (MTCO<sub>2</sub>e) per service population per year, consistent with the performance standards and requirements set forth below.

- The GHG offsets shall be secured from an accredited registry that is recognized by the California Air Resources Board (CARB) or a California air district, or from an emissions reduction credits program that is administered by CARB or a California air district.
- The GHG offsets shall be real, permanent, quantifiable, verifiable, and enforceable.
- Recognizing that future regulatory mandates, technological advances, and/or final project design features would likely result in GHG emissions that are lower than the levels presented in this memorandum, the applicant may prepare a final project GHG emissions inventory prior to City of Encinitas issuance of building permits. The inventory shall be subject to verification by a City-approved third party (at applicant expense), with the final emissions estimates dictating the increment to be mitigated through purchase of GHG offsets. The offsets must also be secured by the applicant and verified by the City of Encinitas prior to certificate of occupancy, thus providing full mitigation prior to completion of the project.

**Level of Significance:** Less than significant with mitigation incorporated.

#### ***CONFLICT WITH APPLICABLE PLANS, POLICIES, OR REGULATIONS***

**Impact 3.5-2 The project would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases. Impacts would be less than significant.**

The GHG plan consistency for the project is based on the project's consistency with the 2015 Regional Plan, the 2017 Scoping Plan Update, the City's CAP, and applicable goals found within

the General Plan. The 2015 Regional Plan is a regional growth-management strategy that targets per-capita GHG reduction from passenger vehicles and light-duty trucks in the San Diego region. The 2015 Regional Plan incorporates local land use projections and circulation networks in city and county general plans. The 2017 Scoping Plan Update describes the approach California will take to reduce GHG emissions by 40 percent below 1990 levels by the year 2030. The City's CAP and General Plan contain strategies, goals, and policies that would help implement energy efficient, transportation, water efficient, and waste reduction measures and would subsequently reduce GHG emissions within the City.

***Consistency with the SANDAG San Diego Forward: The Regional Plan***

The 2015 Regional Plan includes five key SCS strategies for achieving the regional VMT and GHG reduction goals, as required by the State. Table 3.5-6, Consistency with the 2015 Regional Plan, shows the project's consistency with the five strategies found within SANDAG's 2015 Regional Plan. As shown therein, the proposed project would be consistent with the GHG emission reduction strategies contained in the 2015 Regional Plan.

**Table 3.5-6 Consistency with the 2015 Regional Plan**

Reduction Strategy	Project Consistency Analysis
Focus housing and job growth in urbanized areas where there is existing and planned transportation infrastructure, including transit.	<b>Consistent.</b> The project is an infill project located in urbanized area. The bus stop for North County Transit District's Bus Line 101 is located near the project eastern boundary. In addition, the nearest transit station serving Coaster trains is located approximately 2 miles to the north of the project site. The project would also implement Transportation Demand Management (TDM) strategies including voluntary employer commute program, bikeshare program, pedestrian improvements, and providing public transit information. Therefore, the project would support this strategy by providing housing and jobs near existing transportation infrastructure.
Protect the environment and help ensure the success of smart growth land use policies by preserving sensitive habitat, open space, cultural resources, and farmland.	<b>Consistent.</b> The project is located in an urbanized area on disturbed land. Therefore, the project would not conflict with the preservation of sensitive habitat, open space, cultural resources, or farmland.
Invest in a transportation network that gives people transportation choices and reduces greenhouse gas emissions.	<b>Consistent.</b> As discussed above, the project would be located near bus stops and transit station and would implement TDM strategies to provide residences and employees multiple transportation choices, and thus would reduce GHG emissions.
Address the housing needs of all economic segments of the population.	<b>Consistent.</b> The project is a mixed-use project with 94 multi-family residential units, including 20 low-income density bonus affordable units. Therefore, the project would be consistent with this strategy by providing housing for both the general population and low-income population.

### 3.5 Energy Conservation and Climate Change

Implement the Regional Plan through incentives and collaboration.	<b>Not Applicable.</b> The project would not impair the ability of SANDAG to implement the Regional Plan through incentives and collaborations.
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Source: SANDAG, San Diego Forward: The Regional Plan, October 9, 2015.

#### ***Consistency with the 2017 CARB Scoping Plan Update***

The 2017 Scoping Plan Update identifies additional GHG reduction measures necessary to achieve the 2030 target. These measures build upon those identified in the first update to the Scoping Plan (2013). Although a number of these measures are currently established as policies and measures, some measures have not yet been formally proposed or adopted. It is expected that these measures or similar actions to reduce GHG emissions will be adopted as required to achieve statewide GHG emissions targets. Provided in Table 3.5-7, Consistency with the 2017 Scoping Plan Update, is an evaluation of applicable reduction actions and strategies by emissions source category to determine how the project would be consistent with or exceed reduction actions and strategies outlined in the 2017 Scoping Plan Update.

**Table 3.5-7 Consistency with the 2017 Scoping Plan Update**

Actions and Strategies	Project Consistency Analysis
<b>SB 350</b>	
Achieve a 50 percent Renewables Portfolio Standard (RPS) by 2030, with a doubling of energy efficiency savings by 2030.	<b>Consistent.</b> The proposed project would not be an electrical provider or would delay the goals of SB 350. Furthermore, the project would utilize electricity from SDG&E which would be required to comply with SB 350. As such, the project would be in compliance with SB 350.
<b>Low Carbon Fuel Standard (LCFS)</b>	
Increase stringency of carbon fuel standards; reduce the carbon intensity of fuels by 18 percent by 2030, which is up from 10 percent in 2020.	<b>Consistent.</b> Motor vehicles driven within the project area would be required to use LCFS compliant fuels, thus the project would be in compliance with this goal.
<b>Mobile Source Strategy (Cleaner Technology and Fuels Scenario)</b>	
Maintain existing GHG standards of light and heavy-duty vehicles while adding an additional 4.2 million zero-emission vehicles (ZEVs) on the road. Increase the number of ZEV buses, delivery trucks, or other trucks.	<b>Consistent.</b> The proposed project would include residential and commercial uses which may include occasional light-, medium-, and heavy-duty truck trips. Truck uses associated with the project would be required to comply with all CARB regulations, including the LCFS and newer engine standards. The proposed project would not conflict with the CARB's goal of adding 4.2 million zero-emission (ZEVs) on the road. Furthermore, development within the project area would be required to comply with the most current version of the Title 24 and CALGreen Code at the time of construction. Therefore, the project

**Table 3.5-7, continued**

Actions and Strategies	Project Consistency Analysis
	would install electric vehicle (EV) charging stations and EV parking spaces on-site. As such, the project would not conflict with the goals of the Mobile Source Strategy.
<b>Sustainable Freight Action Plan</b>	
Improve the freight system efficiency and maximize the use of near zero emission vehicles and equipment powered by renewable energy. Deploy over 100,000 zero-emission trucks and equipment by 2030.	<b>Consistent.</b> As described above, truck uses within the project area would be required to comply with all CARB regulations, including the LCFS and newer engine standards. Additionally, the project would not conflict with CARB's goal to deploy over 100,000 zero-emission trucks and equipment by 2030, as the project would comply with all future applicable regulatory standard adopted by CARB. The project would also install EV charging stations and parking spaces on-site, which would encourage the use of zero-emission vehicles.
<b>Short-Lived Climate Pollutant (SLCP) Reduction Strategy</b>	
Reduce the GHG emissions of methane and hydrofluorocarbons by 40 percent below the 2013 levels by 2030. Furthermore, reduce the emissions of black carbon by 50 percent below the 2013 levels by the year 2030.	<b>Consistent.</b> The project does not involve sources that would emit large amounts of methane (refer to <a href="#">Table 3.5-5</a> ). Furthermore, the project would comply with all CARB and SDAPCD hydrofluorocarbon regulations. As such, the proposed project would not conflict with the SLCP reduction strategy.
<b>SB 375 Sustainable Communities Strategies</b>	
Increase the stringency of the 2035 GHG emission per capita reduction target for metropolitan planning organizations (MPO).	<b>Consistent.</b> As shown in <a href="#">Table 3.5-6</a> , the project would be consistent with the SANDAG's 2015 Regional Plan and would not conflict with the goals of SB 375. Furthermore, the project would implement Transportation Demand Management measures to reduce vehicle miles traveled.
<b>Post-2020 Cap and Trade Programs</b>	
The Cap-and-Trade Program will reduce greenhouse gas (GHG) emissions from major sources (covered entities) by setting a firm cap on statewide GHG emissions while employing market mechanisms to cost-effectively achieve the emission-reduction goals.	<b>Not Applicable.</b> As seen in <a href="#">Table 3.5-6</a> , the project would not generate GHG emissions over 25,000 metric tons per year cap and trade emission threshold. Therefore, the project would not conflict with this goal.

Source: California Air Resources Board, 2017 Scoping Plan, November 2017.

### **Consistency with City of Encinitas General Plan**

The City's General Plan Circulation Element, Resource Management Element, and Housing Element Update identify goals and policies that would contribute to a reduction in the City's

### 3.5 Energy Conservation and Climate Change

overall GHG emissions. Table 3.5-8, Project Consistency with Applicable Goals and Policies of the City of Encinitas General Plan, compares the proposed project to applicable policies from the General Plan.

**Table 3.5-8 Project Consistency with Applicable Goals and Policies of the City of Encinitas General Plan**

Goal/Policy	Project Consistency
Circulation Element	
<p><b>Goal 1:</b> Encinitas should have a transportation system that is safe, convenient and efficient, and sensitive to and compatible with surrounding community character.</p> <ul style="list-style-type: none"><li>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.</li></ul>	<p><b>Consistent.</b> The project would incorporate Transportation Demand Management (TDM) strategies that would promote alternative transportation modes and reduce the dependence on personal automobile, including:</p> <ul style="list-style-type: none"><li>Voluntary employer commute program</li><li>Develop and/or promote bicycle usage through a bikeshare program</li><li>Provide pedestrian improvements such as a connection to the hotel to the north</li><li>Provide information about maps, routes, and schedules for public transit</li></ul> <p>In addition, the project site is located close to local bus stops and regional transit stations, and the project would provide bicycle parking spaces on-site. These measures and strategies would ensure the project's consistency with General Plan Circulation Element policies and goals.</p>
<p><b>Goal 3:</b> The City of Encinitas will promote the use of other modes of transport to reduce the dependence on the personal automobile.</p> <ul style="list-style-type: none"><li>Policy 3.2: Continue to assist in expanding public transportation and emphasize public transportation in future development with preference given to cost-effective alternatives.</li><li>Policy 3.3: Create a safe and convenient circulation system for pedestrians.</li><li>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:<ul style="list-style-type: none"><li>All Circulation Element roads will include provisions for bicycle lanes unless precluded by design and safety considerations in which cases, alternative routes shall be provided to form a continuous network.</li><li>The provision of secure bicycle storage facilities at all beaches designated for high and moderate levels of use; and</li><li>The installation of bicycle and surfboard racks on all buses serving the Coastal Zone.</li></ul></li></ul>	
Resource Management Element	
<p><b>Goal 1:</b> The City will conserve, protect, and enhance the water resources in the Planning Area.</p> <ul style="list-style-type: none"><li>Policy 1.1: Require new development to utilize measures designed to conserve water in their construction.</li><li>Policy 1.10: Promote the use of water efficient sprinkling and gardening systems to include ordinances and technology to encourage drought tolerant plants.</li></ul>	<p><b>Consistent.</b> The project would install water-efficient fixtures in compliance with 2019 CALGreen Code. In addition, the project would utilize low water use plants appropriate to the region and efficient irrigation system with smart controllers and</p>

Table 3.5-8, continued

Goal/Policy	Project Consistency
	rain sensors.
<p><b>Goal 6:</b> 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.</p> <ul style="list-style-type: none"> <li>Policy 6.1: The City will phase in all practical forms of mandatory recycling as soon as possible.</li> <li>Policy 6.2: The City will contract only with waste haulers who will willingly cooperate with the City's recycling effort.</li> </ul>	<p><b>Consistent.</b> The project would include recycling services per Assembly Bill 341, which would divert at least 75 percent of the solid waste generation.</p>
<p><b>Goal 9:</b> 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.</p> <ul style="list-style-type: none"> <li>Policy 9.4: Encourage and adopt standards for the use of drought tolerant and/ or natural landscaping and efficient irrigation systems throughout the City.</li> </ul>	<p><b>Consistent.</b> Refer to Goal 1 of Resource Management Element above.</p>
<p><b>Goal 15:</b> The City will make every effort to conserve energy in the City thus reducing our dependence on fossil fuels.</p> <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>Policy 15.3: Energy conserving construction standards and requirements shall be enforced in the field inspection of new construction.</li> </ul>	<p><b>Consistent.</b> The project would utilize renewable energy by installing solar water heaters for commercial uses and installing approximately 250 kW of solar panels throughout the project site. The project would also comply with the latest energy conserving construction standards and requirements in the 2019 Title 24 Standards and CALGreen Code.</p>
<b>Housing Element Update</b>	
<p><b>Goal 2:</b> Sound housing will be provided in the City of Encinitas for all persons.</p> <ul style="list-style-type: none"> <li>Policy 2.8: Continue to develop and promote an energy efficiency conservation measure consistent with the strategies outlined in the City's Climate Action Plan.</li> </ul>	<p><b>Consistent.</b> Refer to <a href="#">Table 3.5-9</a> below for discussion on project consistency with the City's Climate Action Plan energy efficiency conservation measures.</p>

Source: City of Encinitas, *General Plan Circulation Element*, last amended January 22, 2003.

City of Encinitas, *General Plan Resource Management Element*, last amended March 9, 2011.

City of Encinitas, 2013-2021 Housing Element, Section 1: Housing Element Policy Program, adopted March 13, 2019.

### **Consistency with City of Encinitas Climate Action Plan**

The City's CAP identifies GHG reduction strategies, goals, and actions that the City will implement to achieve its GHG reduction target by 2030. Strategies, goals, and actions focus on locally based programs, policies, and projects that will reduce GHG emissions in various categories as a complement to legislative actions taken by the federal and State governments. [Table 3.5-9](#),

### 3.5 Energy Conservation and Climate Change

Project Consistency with Applicable Strategies of the City of Encinitas Climate Action Plan, compares the proposed project to applicable strategies from the CAP.

**Table 3.5-9 Project Consistency with Applicable Strategies  
of the City of Encinitas Climate Action Plan**

Strategy	Project Consistency
<b>RE-2 Require New Homes to install Solar Photovoltaic Systems</b> Require new multi-family homes to install at least 1 W solar per square feet (e.g., 1,000 sq. ft. home = 1 kW) or minimum 1 kW per unit, to install solar PV systems, unless the installation is impracticable due to poor solar resources.	<b>Consistent.</b> The project would include 73,284 square feet of multi-family residential buildings, 18,109 square feet of hotel, and 18,262 square feet of commercial buildings. According to Strategy RE-2, the project would be required to install 1 kW of solar panels per square feet of multi-family residential use, which is equivalent to 73 kW of solar panels in total.  The project would install approximately 250 kW of solar panels on-site. Therefore, the project would be consistent with these strategies.
<b>RE-3 Require Commercial Buildings to install Solar Photovoltaic Systems</b> Require installation solar photovoltaic systems on all new commercial buildings, including the commercial portion of mixed-use projects, unless the installation is impracticable due to poor solar resources or other physical constraints, as approved Director of Development Services.	
<b>CET-4 Require Residential Electric Vehicle Charging Stations</b> Starting in 2018, require new residential units to install EVCS equipment. For Multi-Family: Install EVCS equipment at 5% of the total number of parking spaces.	<b>Consistent.</b> The project would include a total of 258 parking spaces on-site, and 39 of these spaces would be electric vehicle charging stations (EVCS), which would constitute 15 percent of total parking spaces. Therefore, the project would be consistent with these strategies by providing more than 8 percent EVCS of total parking spaces.
<b>CET-5 Require Commercial Electric Vehicle Charging Stations</b> Stating in 2018, require installation of EVCS at 8% of the total number of parking spaces. For all new commercial buildings, including the commercial portion of mixed-use projects.	

Source: City of Encinitas, *Climate Action Plan*, November 2020.

#### **Consistency with Applicable GHG Plans, Policies, or Regulations**

In summary, the project's characteristics render it consistent with statewide, regional, and local climate change mandates, plans, policies, and recommendations. More specifically, the GHG plan consistency analysis provided above demonstrates that the project complies with the regulations and GHG reduction goals, policies, actions, and strategies outlined in the 2015 Regional Plan, the 2017 Scoping Plan Update, the City's General Plan, and the City's CAP. Consistency with these plans would reduce the impact of the project's incremental contribution of GHG emissions. Accordingly, the project would not conflict with any applicable plan, policy, regulation, or recommendation adopted for the purpose of reducing GHG emissions. Therefore, project related greenhouse gas emission impacts in relation to consistency with applicable plans, policies, and/or regulations governing GHG reductions would be **less than significant**.

**Mitigation Measures:** None required.

**Level of Significance:** Less than significant.

**WASTEFUL, INEFFICIENT, OR UNNECESSARY CONSUMPTION OF ENERGY RESOURCES**

**Impact 3.5-3**      **The project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation. Impacts would be less than significant.**

Electricity, natural gas, and fuel consumption associated with the proposed project has been prepared utilizing CalEEMod and EMFAC2017. Energy consumption was calculated for both the existing conditions and the proposed project; refer to [Appendix E](#). The project's electricity, natural gas, and fuel consumption depicted in [Table 3.5-10, Project and Countywide Energy Consumption](#), include energy consumption reductions from existing uses. As shown in [Table 3.5-10](#), the project's energy usage would constitute an approximate 0.0068 percent increase over the County's typical annual electricity consumption, and an approximate 0.0051 percent increase over the County's typical annual natural gas consumption. Additionally, the project's operational vehicle fuel consumption would increase the County's consumption by 0.0109 percent, and the project's construction fuel consumption would increase the County's consumption by 0.0948 percent. **(Criterion 1).**

**Table 3.5-10 Project and Countywide Energy Consumption**

Energy Type	Project Annual Energy Consumption <sup>1</sup>	San Diego County Annual Energy Consumption <sup>2</sup>	Percentage Increase Countywide
Electricity Consumption <sup>3</sup>	1,286 MWh	19,047,674 MWh	0.0068%
Natural Gas Consumption <sup>3</sup>	27,119 therms	533,912,231 therms	0.0051%
Operational Automotive Fuel Consumption <sup>3,4</sup>	162,083 gallons	1,490,698,455 gallons	0.0109%
Construction (Heavy-Duty Diesel Vehicle) Fuel Consumption	102,977 gallons	108,601,793 gallons	0.0948%

Notes: Refer to [Appendix E](#) for assumptions used in this analysis.

1. As modeled in CalEEMod version 2016.3.2.
2. The project's electricity, natural gas, and fuel consumption are compared to the total consumption in San Diego County in 2019. San Diego County consumption data are shown in [Table 3.5-2](#), [Table 3.5-3](#), and [Table 3.5-4](#) of this study.
3. The project's electricity and natural gas consumption includes reductions from existing uses.
4. Project fuel consumption is calculated based on CalEEMod results for the proposed project. Trip generation and vehicle miles traveled modeled under proposed project included reductions from existing uses. Countywide fuel consumption is from the California Air Resources Board's EMFAC2017 model.

**Construction-Related Energy**

During construction, the project would consume energy in two general forms: (1) the fuel energy consumed by construction vehicles and equipment; and (2) bound energy in construction

### 3.5 Energy Conservation and Climate Change

materials, such as asphalt, steel, concrete, pipes, and manufactured or processed materials such as lumber and glass.

Fossil fuels used for construction vehicles and other energy-consuming equipment would be used during demolition, grading, and construction. As indicated in [Table 3.5-10](#), the project's fuel consumption from construction would be approximately 102,977 gallons, which would increase fuel use in the County by 0.0948 percent. As such, construction would have a nominal effect on the local and regional energy supplies and would not require additional capacity (**Criterion 2**).

Some incidental energy conservation would occur during construction through compliance with State requirements that equipment not in use for more than five minutes be turned off. Project construction equipment would also be required to comply with the latest EPA and CARB engine emissions standards. These emissions standards require highly efficient combustion systems that maximize fuel efficiency and reduce unnecessary fuel consumption. In addition, because the cost of fuel and transportation is a significant aspect of construction budgets, contractors and owners have a strong financial incentive to avoid wasteful, inefficient, and unnecessary consumption of energy during construction (**Criterion 4**).

Significant reductions in energy inputs for construction materials can be achieved by selecting green building materials composed of recycled materials that require less energy to produce than non-recycled materials. The integration of green building materials can help reduce environmental impacts associated with the extraction, transport, processing, fabrication, installation, reuse, recycling, and disposal of these building industry source materials. It is noted that construction fuel use is temporary and would cease upon completion of construction activities. There are no unusual project characteristics that would necessitate the use of construction equipment, building materials, or methods that would be less energy efficient than at comparable construction sites in the region or State. Therefore, fuel energy and construction materials consumed during construction would not represent a significant demand on energy resources (**Criterion 5**).

Therefore, construction energy use would not be any more inefficient, wasteful, or unnecessary than other similar development projects of this nature. A less than significant impact would occur in this regard.

#### ***Operational Energy Consumption***

#### **Transportation Energy Demand**

Pursuant to the Federal Energy Policy and Conservation Act of 1975, the National Highway Traffic and Safety Administration is responsible for establishing additional vehicle standards and for revising existing standards. Compliance with Federal fuel economy standards is not determined

for each individual vehicle model. Rather, compliance is determined based on each manufacturer's average fuel economy for the portion of their vehicles produced for sale in the United States. Table 3.5-10 estimates the annual fuel consumed by vehicles traveling to and from the project site. As indicated in Table 3.5-10, project operations are estimated to consume a net increase of approximately 162,083 gallons of fuel per year, which would increase Countywide automotive fuel consumption by 0.0109 percent. The project does not propose any unusual features that would result in excessive long-term operational fuel consumption (**Criterion 2**).

The key drivers of transportation-related fuel consumption are job locations/commuting distance and many personal choices on when and where to drive for various purposes. Those factors are outside of the scope of the design of the proposed project. However, the project would include 39 on-site electric vehicle charging stations in parking lots. This project design feature would encourage and support the use of electric vehicles by residents, workers, and visitors of the proposed project and thus reduce the petroleum fuel consumption. In addition, as discussed in the Traffic Impact Analysis, the project would implement Transportation Demand Management (TDM) strategies including voluntary employer commute program, bikeshare program, pedestrian improvements, and providing public transit information. These strategies would reduce VMT and thus reduce transportation fuel consumption (**Criterion 4** and **Criterion 6**).

Therefore, fuel consumption associated with vehicle trips generated by the project would not be considered inefficient, wasteful, or unnecessary in comparison to other similar developments in the region. A less than significant impact would occur.

#### **Building Energy Demand**

The CEC developed 2018–2030 forecasts for energy consumption and peak demand in support of the 2017 IEPR for each of the major electricity and natural gas planning areas and the State based on the economic and demographic growth projections. CEC forecasts that the statewide annual average growth rates of energy demand between 2016 and 2030 would be 0.99 percent to 1.59 percent for electricity and 0.25 percent to 0.77 percent for natural gas. As shown in Table 3.5-10, operational energy consumption of the project would represent approximately 0.0068 percent increase in electricity consumption and 0.0051 percent increase in natural gas consumption over the current Countywide usage, which would be significantly lower than the CEC's energy demand forecasts. The commercial component of the project would consume energy during the same time periods as other commercial developments, and the residential component of the project would consume energy evenly throughout the day. As a result, the project would not result in unique or more intensive peak or base period electricity demand (**Criterion 2** and **Criterion 3**).

### 3.5 Energy Conservation and Climate Change

The proposed project would be required to comply with the most current version of the Title 24 Building Energy Efficiency Standards, which provide minimum efficiency standards related to various building features, including appliances, water and space heating and cooling equipment, building insulation and roofing, and lighting. Implementation of the current 2019 Title 24 standards significantly reduces energy usage (30 percent for nonresidential buildings and 53 percent for residential buildings compared to the 2016 standards). The Title 24 Building Energy Efficiency Standards are updated every three years and become more stringent between each update; therefore, complying with the latest 2019 Title 24 standards would make the proposed project more energy efficient than existing buildings built under the earlier versions of the Title 24 standards (**Criterion 4**).

Furthermore, the electricity provider, SDG&E, is subject to California's Renewables Portfolio Standard (RPS). The RPS requires investor-owned utilities, electric service providers, and community choice aggregators to increase procurement from eligible renewable energy resources to 100 percent of total procurement by 2045. Renewable energy is generally defined as energy that comes from resources which are naturally replenished within a human timescale such as sunlight, wind, tides, waves, and geothermal heat. The project would also install approximately 250 kW of solar panels on-site. The increase in reliance of renewable energy resources further ensures that the project would not result in the waste of the finite energy resources (**Criterion 5**).

Therefore, the project would not cause wasteful, inefficient, and unnecessary consumption of building energy during project operation, or preempt future energy development or future energy conservation. Impacts would be **less than significant**.

**Mitigation Measures:** None required.

**Level of Significance:** Less than significant.

#### ***CONFLICT WITH OR OBSTRUCT A STATE OR LOCAL PLAN FOR RENEWABLE ENERGY OR ENERGY EFFICIENCY***

<b>Impact 3.5-4</b>	<b>The project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Impacts would be less than significant.</b>
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The project would comply the most recent version Title 24 and CALGreen efficiency standards, which would ensure the project incorporates photovoltaic solar panels, energy efficient windows, insulation, lighting, ventilation systems, water efficient fixtures, as well as green building standards. In addition, the project would comply with energy efficiency and renewable energy goals and policies found within the City's CAP and General Plan, as listed in [Table 3.5-8](#) and [Table 3.5-9](#) under the GHG impacts discussion above. Adherence to the Title 24 and

CALGreen requirements and the City's CAP and General Plan goals and policies would ensure that the project would be consistent with the Energy Efficiency Strategic Plan strategies and the IEPR building energy efficiency recommendations. Therefore, the proposed project would not conflict with an adopted plan, policy, or regulation pertaining to energy efficiency. Impacts would be **less than significant**.

**Mitigation Measures:** None required.

**Level of Significance:** Less than significant.

#### ***CUMULATIVE IMPACTS***

<b>Impact 3.5-5</b>	<b>The project would not result in cumulative impacts related to energy conservation and climate change. Impacts would be less than cumulatively considerable with mitigation incorporated.</b>
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#### ***Geographic Scope***

Climate change is an inherently cumulative category of impact. No one project will cause climate change; rather, it is the agglomeration of all global emissions that causes harm. To help address its contribution to the cumulative issue, the state of California has elected to reduce GHG emissions at the state level for activities under its control and has promulgated policy for local agencies to do the same. As such, the City predominantly uses the CAP as the mechanism to reduce GHG emissions and energy consumption in the City on a project-by-project basis.

Cumulative projects that would have the potential to be considered in a cumulative context with the proposed project's incremental contribution, and that are included in the analysis of cumulative impacts relative to energy resources, are identified in [Table 3.0-1](#) and [Figure 3.0-1](#) in [Section 3.0](#) of this EIR. Additionally, to be conservative, the cumulative analysis includes all 2019 HEU sites to the extent they may contribute to certain issue-specific cumulative effects (see [Table 3.0-2](#)).

#### ***Potential Cumulative Impacts***

The proposed project is consistent with the General Plan and accounted for in the HEU. The proposed project is required to be consistent with the City's CAP through implementing the appropriate CAP measures and implementation of mitigation measure. As stated under Impact 3.5-1, the proposed project is required to purchase and retire GHG offsets to reduce the project's GHG emissions to 2.7 MTCO<sub>2</sub>e per year per service population to comply with the City's CAP. With the implementation of mitigation measure **GHG-1**, the project would not exceed the GHG

### 3.5 Energy Conservation and Climate Change

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emissions threshold from the City's CAP, and the impact would be less than significant with mitigation incorporated.

Similarly, other cumulative projects analyzed in the HEU would also be consistent with the General Plan, and future projects would be subject to provisions of the CAP and any associated implementing ordinances in effect at the time of application submittal for those projects. Furthermore, future development would be subject to compliance with applicable federal, state, and local energy and building regulations.

As to energy consumption, this cumulative impact analysis focuses on the three sources of energy that are relevant to the proposed project: (1) electricity (including energy required for water delivery, sanitary sewer, and solid waste disposal), (2) natural gas, and (3) transportation fuel for vehicle trips associated with new development, as well as the fuel necessary for project construction. Construction of the cumulative projects listed in [Table 3.0-1](#) and [Table 3.0-2](#) would not represent a substantial increase in demand for local or regional energy supplies because construction fuel use would be temporary and would cease upon completion of project construction. None of the cumulative projects would involve any unusual characteristics that would result in excessive long-term operational demand for electricity or natural gas.

As described under Impact 3.5-1, the proposed project includes project components to promote sustainability through site design that would conserve energy, water, open space, and other natural resources, and would become specific conditions of approval by the City. Other cumulative projects would also include project components to comply with the CAP and/or other local, state, and federal regulations. As required by CET-4 and CET-5 of the CAP, projects are required to install rooftop solar panels and Level II EV charging stations, which would reduce each cumulative project's energy consumption. As stated in Impact 3.5-3, the proposed project would not result in wasteful, inefficient, or unnecessary consumption of energy resources.

Impacts would be reduced to less than significant levels with implementation of mitigation measure **GHG-1**. Therefore, the proposed project's contribution to a cumulative impact would be **less than cumulatively considerable**.

**Mitigation Measures:** Implement mitigation measure **GHG-1**.

**Level of Significance:** Less than cumulatively considerable.

## Section 3.6

### Geology and Soils

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This section discusses the environmental setting, existing conditions, regulatory context, and potential impacts of the proposed project in relation to geology and soils. The information and analysis in this section is based on the *Update to the Revised Report - Geotechnical Investigation, Leucadia Mixed-Use 1900-1950 North Coast Highway*, prepared by NOVA (2021; [Appendix F](#)), and the *Paleontological Resources Technical Report for the L101 Storm Drain Improvement Project*, prepared by PaleoServices of the San Diego Natural History Museum (2020; [Appendix I](#)). Analysis in this section also draws upon data in the *City of Encinitas General Plan* (1991) and the *City of Encinitas 2013-2021 Housing Element Update Environmental Assessment* (2018). Third party technical reports have been peer reviewed by Michael Baker International and the City of Encinitas.

### ENVIRONMENTAL SETTING

#### ***Geologic Setting***

##### **Regional Geology**

The project area is situated in the Coastal Plain of the Peninsular Range geomorphic province. This geomorphic province encompasses an area that extends approximately 900 miles from the Transverse Ranges and the Los Angeles Basin south to the southern tip of Baja California and varies in width from approximately 30 to 100 miles. The province is characterized by mountainous terrain on the east composed mostly of Mesozoic igneous and metamorphic rocks, and relatively low-lying coastal terraces to the west underlain by late Cretaceous-age, Tertiary-age, and Quaternary-age sedimentary units. Most of the coastal region of San Diego County occurs on these coastal terraces and is underlain by sedimentary units. The gradual emergence of the coastal region from the sea occurred in Pleistocene time, and numerous wave-cut platforms, most of which were covered by relatively thin marine and nonmarine terrace deposits, formed as the sea receded from the land.

##### **Site-Specific Geology**

Based upon the geotechnical investigation prepared for the project (NOVA 2021), the subject site is located atop a coastal terrace that forms a coastal bluff west of the property. The site is underlain by Pleistocene-aged old paralic deposits. The paralic deposits generally consist of strandline, beach, estuarine and colluvial siltstones, sandstones and conglomerates. The paralic deposits consist of orange-brown, dry to damp, weakly cemented, weathered, friable, silty sandstone. This silty sandstone is underlain by a pale orange gray to grayish-white, dry to damp friable sandstone with trace silt. In some areas where existing improvements have occurred, the

### 3.6 Geology and Soils

paralic deposits are overlain by a thin veneer of artificial fill to maximum depths of 5 feet below ground surface (bgs), but generally less than two feet (NOVA 2021).

#### ***Seismic and Geologic Hazards***

During the Pliocene, several new faults developed in Southern California, creating a new tectonic regime superposed on the flat-lying section of Tertiary and late Cretaceous rocks in the San Diego region. One of these fault systems is the Rose Canyon Fault Zone.

The principal known onshore faults in southernmost California are the San Andreas, San Jacinto, Elsinore, Imperial, and Rose Canyon. The principal offshore faults include the Coronado Bank, Descanso, San Diego Trough, and San Clemente Faults off the San Diego and northern Baja California coastline. The majority of the offshore faults coalesce south of the international border where they come onshore as the Agua Blanca Fault which transects the Baja California peninsula.

#### **Active Faults**

The US Geological Survey defines an active fault as a fault that has had surface displacement within Holocene times (approximately the last 11,000 years) and is therefore considered more likely to generate a future earthquake. California's Alquist-Priolo Earthquake Fault Zoning Act requires the State Geologist to establish regulatory zones (known as Earthquake Fault Zones) around the surface traces of active faults that pose a risk of surface ground rupture, and to issue appropriate maps to mitigate the hazard of surface faulting to structures for human occupancy and prevent the construction of buildings used for human occupancy on the surface trace of active faults (CGS 2010).

No known active or potentially active faults transect or project toward the site. In addition, the site is not located within an earthquake fault zone mapped by the State or by the County of San Diego. The nearest active fault is the Silver Strand section of the Rose Canyon Fault Zone at a distance of approximately 4 miles from the site (NOVA 2021).

#### **Liquefaction**

Liquefaction is the phenomenon whereby soils lose shear strength and exhibit fluid-like flow behavior. Loose granular soils are most susceptible to these effects, with liquefaction generally restricted to saturated or near-saturated soils at depths of less than 50 feet. According to the Geotechnical Investigation, the potential for liquefaction on-site is considered to be low due to the presence of cemented, dense silty fine to medium sand, and geographically older Unit 2 paralic deposits underlying the project site (NOVA 2021). Additionally, according to the geotechnical investigations for the project site, groundwater occurs at depths greater than 56.5 feet below ground surface (bgs) (NOVA 2021).

### **Ground Shaking**

Ground shaking is the earthquake effect that produces the vast majority of damage, and is the most common effect of earthquakes that adversely affects people, animals, and constructed improvements. Several factors control how ground motion interacts with structures, making the hazard of ground shaking difficult to predict. Earthquakes, or earthquake-induced landslides, can cause damage near and far from fault lines. Damage to public and private buildings and infrastructure can threaten public safety and result in significant economic loss. Seismic waves propagating through the earth's crust are responsible for the ground vibrations normally felt during an earthquake. Seismic waves can vibrate in any direction and at different frequencies, depending on the frequency content of the earthquake rupture mechanism and the path and material through which the waves propagate. The earthquake rupture mechanism is the distance from the earthquake source, or epicenter, to an affected site. According to the Geotechnical Investigation, the primary seismic hazard is a moderate-to-severe ground shaking risk in response to a large-magnitude earthquake during the lifetime of the planned development (NOVA 2021). Additionally, the California Building Code (CBC) defines different Seismic Design Categories based on building occupancy type and the severity of the probable earthquake ground motion at the site. The six Seismic Design Categories are designated A through F, with Category A having the least seismic potential and Category F having the highest seismic potential. Due to the presence of shallow granite bedrock on-site, the Geotechnical Investigation identifies the site as Site Class D "Stiff Soil," per the American Society of Civil Engineers (NOVA 2021).

### **Coastal Bluff Stability**

Coastal bluff instability is generally attributed to marine and subaerial erosion mechanisms. Marine processes (i.e., wave and tidal driven impact and abrasion) drive erosion at the bluff base while subaerial (including subsurface) erosion mechanisms (i.e., groundwater processes and surface water runoff) act over the entire bluff face. Groundwater seeps associated with perched water from irrigation return flow and regional groundwater flow cause changes in sub-surface pore water pressures at the bluff face which can lead to mass movement. Similarly, surface water runoff over the bluff face can cause rilling and slope wash which affect bluff stability. Alteration of surface drainage and soil infiltration characteristics (e.g., development) can intensify subaerial erosion mechanisms and contribute to increased bluff erosion rates (Young 2017).

### **Inland Slope Stability and Landslides**

A portion of the northernmost parcel (Parcel 1; APN 216-041-20) is located within a Special Study Overlay Zone. The other two parcels that comprise the project site are not within the boundaries of this overlay zone. In accordance with City requirements, a site-specific study and slope analysis

### 3.6 Geology and Soils

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was conducted to determine whether the project would be subject to the requirements of the Hillside/Inland Bluff Overlay.

The site exhibits varied topography. The areas where development has occurred are generally flat; however, approximately 15 percent of the overall property has a slope greater than 25 percent with some on-site slopes exceeding 40 percent (NOVA 2021). Historical imagery available for the site indicates that the existing on-site steep slopes are not natural features, and rather, are manufactured slopes. Therefore, the project is not is not subject to the City's Hillside/Inland Bluff Overlay Zone regulations.

Geologic reconnaissance and review of aerial photography indicated no evidence of active or dormant landsliding, but existing mapping indicated that the project site is in an area considered to be 'generally susceptible' to landslide activity. However, due to the shallow existing ground slopes and proposed grades at the project site, the potential for landslide hazard is considered to be 'negligible' for the project site and the surrounding areas. As such, the proposed development will not affect the landslide hazard characterization (NOVA 2021).

#### **Erosion**

Grading and construction can loosen surface soils and make soils susceptible to the effects of wind and water movement across the surface. Based on on-site conditions, exposed on-site soils may be subject to soil erosion during project ground disturbing activities.

#### ***Paleontological Resources***

The Highway 101 corridor is underlain by a layer cake series of geologic units including (listed herein from top to bottom and youngest to oldest) Pleistocene-age (approximately 220,000 to 85,000 years old) old paralic deposits (broadly equivalent to the Bay Point Formation), and Eocene-age (approximately 46 to 40 million years old) strata of the Santiago Formation. Although the contact between these two geologic units in the subsurface is not precisely known, based on exposures of this contact in the sea cliffs at Beacon's Beach, it is estimated that the contact lies closer to 28 feet above mean sea level (amsl) (PaleoServices 2020).

The Bay Point Formation is known to preserve fossils of marine invertebrates (clams, snails, crustaceans, and echinoderms) and marine vertebrates (sharks, rays, and bony fishes), but has also yielded fossils of Ice Age land mammals (rodents, dire wolf, horses, tapirs, camels, deer, bison, mastodon, mammoth, and ground sloths). Based on this proven fossil record, the Bay Point Formation is typically assigned a moderate to high paleontological sensitivity. As exposed in the sea cliffs, the Bay Point Formation is represented by up to 75 feet of friable to compact sandstones, while along the North Coast Highway 101 corridor, it is estimated to be approximately 20 to 30 feet in thickness (PaleoServices 2020).

The contact with the underlying Eocene-age Santiago Formation in the project vicinity occurs at approximately 24 feet above mean sea level (amsl). This contact represents an elevated marine abrasion platform (sea floor) that was eroded into the Santiago Formation during a Pleistocene interglacial high sea stand.

The Santiago Formation is known to preserve fossils of marine invertebrates (corals, bryozoans, clams, snails, crustaceans, and echinoderms) and marine vertebrates (sharks, rays, and bony fishes), as well as fossils of early turtles, snakes, lizards, crocodiles, birds, and land mammals (opossums, hedgehogs, bats, primates, rodents, early carnivorans, tapirs, and others). Based on this proven fossil record, the Santiago Formation is typically assigned a high paleontological sensitivity (PaleoServices 2020).

In Leucadia, as exposed in the sea cliffs, the Santiago Formation is represented by approximately 25 feet of interbedded dark olive gray laminated mudstones, massive siltstones, and very fine-grained sandstones. The occurrence of well-preserved marine mollusks and sharks from these exposures has been reported (PaleoServices 2020).

## **REGULATORY FRAMEWORK**

### ***State***

#### **California Building Code**

The State of California establishes minimum standards for building design and construction through the California Building Code (CBC) (California Code of Regulations, Title 24). The CBC is based on the Uniform Building Code, which is used widely throughout the United States (generally adopted on a state-by-state or district-by-district basis) and has been modified for conditions in California. State regulations and engineering standards related to geology, soils, and seismic activity in the Uniform Building Code are reflected in the CBC requirements.

The CBC contains specific requirements for seismic safety, excavation, foundations, retaining walls, and site demolition. It also regulates grading activities, including drainage and erosion control. The City of Encinitas has adopted the 2019 California Building Standards Code, with local amendments (City of Encinitas 2020).

### ***Regional***

#### **San Diego County Multi-Jurisdictional Hazard Mitigation Plan**

In 2010, San Diego County and 18 local jurisdictions, including the City of Encinitas, adopted the Multi-Jurisdictional Hazard Mitigation Plan (MHMP). The MHMP is a countywide plan that

### 3.6 Geology and Soils

identifies risks and ways to minimize damage by natural and man-made disasters. It is a comprehensive document that serves many purposes, including creating a decision tool for management, promoting compliance with State and federal program requirements, enhancing local policies for hazard mitigation capability, and providing interjurisdictional coordination. The City's specific hazard mitigation goals, objectives, and related potential actions for earthquake hazards are included in the MHMP.

#### ***Local***

#### **City of Encinitas General Plan**

The City's General Plan is the primary source of long-range planning and policy direction used to guide growth and preserve the quality of life in Encinitas. The General Plan states that a goal of the City is to analyze proposed land uses to ensure that the designations would contribute to a proper balance of land uses in the community. Goals and policies relevant to the proposed project are listed below.

#### *Land Use Element*

**GOAL 8:** **Environmentally and topographically sensitive and constrained areas within the City shall be preserved to the greatest extent possible to minimize the risks associated with development in these areas. (Coastal Act/30240/30253)**

**Policy 8.1:** Require that any improvement constructed in an area with a slope of more than 25% and other areas where soil stability is at issue to submit soils and geotechnical studies to the City for review and approval. These studies shall document that the proposed development will not adversely affect hillside or soil stability and that no future protective measures will be required. (Coastal Act/30253)

#### *Resource Management Element*

**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).

**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)

**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 14.3: 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

### 3.6 Geology and Soils

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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.

#### *Circulation Element*

Policy 1.2: Restrict development in those areas where slope exceeds 25% as specified in the Hillside/Inland Bluff overlay zone 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)...

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)

### **North Coast 101 Corridor Specific Plan (N101SP)**

The City's General Plan identifies the N101SP due to the unique character, problems, and opportunities that the North Highway 101 corridor exhibits. The N101SP addresses such issues, with the goal of maintaining the identity, community character, and scale of the corridor, while enhancing future opportunities for redevelopment and revitalization along North Highway 101. The N101SP provides goals, policies and provisions for the beach-side commercial corridor within the Leucadia community. The primary purpose of the N101SP is to address the unique aspects, problems, and opportunities of the North Coast Highway 101 corridor, and to maintain its identity, community character and scale, while fostering revitalization of this commercial corridor. Primary goals of the N101SP are to maintain the unique and desirable aspects of the Specific Plan area, while providing continued private land use and investment, public improvements, and the economic success of the Specific Plan area. The N101SP provides custom-tailored use and development regulations, and sets forth goals.

The bluffs to the north of La Costa Avenue are identified in the N101SP as important resources in need of protection and enhancement, and specific goals and objectives have been established which address these resources. However, none of these goals apply to the project site relative to geology; the project site is buffered from the bluffs north of La Costa Avenue by intervening development and would not affect such features.

### ***Hillside/Inland Bluff Overlay Zone***

According to the City's Municipal Code (Section 30.34.030), the Hillside/Inland Bluff Overlay Zone (H/IBO) regulations applies to lands "where site-specific analysis indicates that 10 percent or more of the area of a parcel of land exceeds 25 percent slope." For projects within this zone, preparation of a slope analysis is required to classify the onsite slopes.

Within this overlay zone, slopes of greater than 25% grade are required to be preserved in their natural state; however, encroachment into such areas is allowed when no feasible alternative siting or design that avoids or substantially reduces the need for such construction or grading is available, and when the bulk and scale of any proposed structure has been minimized to the greatest extent feasible commensurate with preserving the physical slope characteristics of the

### 3.6 Geology and Soils

site. Site-specific geologic investigations for the project site demonstrate that the slopes on that site are manufactured due to historic grading activities; therefore, the project is not subject to H/IBO regulations ([Appendix F](#)).

#### **City of Encinitas Municipal Code**

The City's Grading, Erosion, and Sediment Control Ordinance (Municipal Code Chapter 23.24) establishes minimum requirements for grading, excavating, and filling of land to provide for the issuance of grading permits and provides for the enforcement of the requirements. This ordinance was adopted pursuant to, and to implement provisions of, the General Plan and certified Local Coastal Program Land Use Plan (LUP). It is the City's intent to protect life and property and promote the general welfare, enhance and preserve the physical environment of the community, and maintain the natural scenic character of the City. The provisions of this ordinance shall be administered to achieve, to the extent possible, appropriate goals and policies of the General Plan/LUP. Key provisions include, but are not limited to, the following:

- Section 23.24.140 requires that a grading plan be prepared and signed by a California registered civil engineer. If a soils and geology report is required, the grading plan must be signed by a registered soil engineer and a certified engineering geologist.
- Sections 23.24.150 and 23.24.160 require an interim and final erosion and sediment control plan to be included as part of the grading plan by a California registered civil engineer with respect to conditions existing on the site during land-disturbing or filling activities or soil storage and the conditions existing on the site after final structures and improvements (except those required under this section) have been completed and where these final structures have not been covered by an interim plan.
- Section 23.24.170 states that a soil engineering report, when required by the City Engineer, shall be prepared and certified by a California registered soils engineer and shall be based on adequate and necessary test borings.
- Section 23.24.180 requires the preparation of an engineering geology report in accordance with Ordinance 2008-03. In addition to a soils report, an engineering geology report is required when the City Engineer determines that the proposed development is in an existing or a potential geological hazardous area. A geological hazardous area is referred to as an area subject to landslide, faulting, or other hazards identified by the City Engineer. The report must be prepared by a California certified engineering geologist and California certified civil engineer or geotechnical engineer and is to be based on adequate and necessary test borings.

## STANDARDS OF SIGNIFICANCE

The analysis below is based upon research conducted by NOVA in preparing the Geotechnical Investigation. Such research included field and laboratory investigations to evaluate geotechnical conditions on-site and in the project vicinity (see [Appendix F](#)).

### *Thresholds of Significance*

In accordance with the California Environmental Quality Act (CEQA) Guidelines, the effects of a potential project are evaluated to determine whether they would result in a significant adverse impact on the environment. An EIR is required to focus on these effects and offer mitigation measures to reduce or avoid any significant impacts that are identified. The criteria used to determine the significance of impacts may vary, depending on the nature of the proposed project. According to Appendix G of the State CEQA Guidelines, a project would have a significant impact related to geology and soils if it would:

1. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
  - a. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning map issued by the State Geologist for the area or based on other substantial evidence of a known fault.
  - b. Strong seismic ground shaking.
  - c. Seismic-related ground failure, including liquefaction.
  - d. Landslides.
2. Result in substantial soil erosion or the loss of topsoil.
3. Be located on geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.
4. Be located on expansive soils, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property.
5. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.

6. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

## PROJECT IMPACTS AND MITIGATION

### ***RISK OF LOSS, INJURY, OR DEATH INVOLVING RUPTURE OF ALQUIST-PRIOLO FAULT***

<b>Impact 3.6-1</b>	<b>The project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning map issued by the State Geologist for the area or based on other substantial evidence of a known fault. Impacts would be less than significant.</b>
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Southern California, including the project site, is subject to the effects of seismic activity because of active faults that traverse the region. Active faults are defined as those that have experienced surface displacement within Holocene time (approximately the last 11,000 years) and/or are in a State-designated Alquist-Priolo Earthquake Fault Zone. No known active faults transect or project toward the project site, nor is the project site located within an earthquake fault zone mapped by the State. The nearest active fault is the Silver Strand section of the Rose Canyon Fault Zone at a distance of approximately 4 miles from the site. This system has the potential to be a source of strong ground motion (NOVA 2021).

Although no active faults traverse the project site, all new development would be required to comply with the requirements of the Alquist-Priolo Fault Zoning Act and the CBC. CBC requirements address structural seismic safety and include design criteria for seismic loading and other geologic hazards, including design criteria for geologically induced loading that govern sizing of structural members, building supports, and materials and provide calculation methods to assist in the design process. The CBC includes provisions for buildings to structurally survive an earthquake without collapsing and measures such as anchoring to the foundation and structural frame design.

Furthermore, the project would be designed and constructed in accordance with site-specific geotechnical recommendations for each building, including pad compaction levels, foundation requirements, wall footing design parameters, and other recommendations to ensure all buildings are constructed to appropriate engineering requirements. Conformance with such requirements would further minimize or reduce potential safety risks to project residents and other occupants of the site.

Due to distance to the nearest fault and the magnitude of past seismic activity, in combination with the findings of the Geotechnical Report (NOVA 2021), the project would not expose people

or structures to potentially substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault as delineated on the current Alquist-Priolo Earthquake Fault Zoning Map. Therefore, impacts would be **less than significant**.

**Mitigation Measures:** None required.

**Level of Significance:** Less than significant.

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***RISK OF LOSS, INJURY, OR DEATH INVOLVING STRONG SEISMIC GROUND SHAKING***

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<b>Impact 3.6-2</b>	<b>The project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking. Impacts would be less than significant.</b>
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The project site is in a seismically active region and could experience ground shaking associated with an earthquake along nearby faults, including the Newport-Inglewood-Rose Canyon Fault Zone, located offshore to the west of the site. The nearest active fault is the Silver Strand section of the Rose Canyon Fault Zone at a distance of approximately 4 miles from the site (NOVA 2021). The project site is likely to be subjected to strong ground motion from seismic activity, similar to that of the rest of San Diego County and Southern California, due to seismic activity in the region as a whole.

As stated previously, the project site is at risk for moderate-to-severe ground shaking in response to a large-magnitude earthquake during the lifetime of the planned development. The seismicity of the site was evaluated utilizing analytical tools provided by the U.S. Geological Survey (USGS). The evaluation determined that the site may be subjected to a Magnitude 7 seismic event (NOVA 2021).

Additionally, a seismic shear wave survey was performed on the site to assess the one-dimensional average shear wave velocity of the underlying site soils to a minimum depth of 100 feet below ground surface in order to classify the site in accordance with ASCE 7-16 Table 20.3-1. The seismic model indicated that the average shear wave velocity (weighted average) in the upper 100 feet is 1,077.6 feet/second. This average velocity classifies the underlying soils as Site Class D, “Stiff Soil” due to the presence of shallow granite bedrock on-site (NOVA 2021).

As identified in the *Geotechnical Investigation*, design measures are recommended to reduce potential effects resulting from strong seismic ground shaking. Such measures may address construction of on-site foundations and walls, as well as other proposed structural elements.

Additionally, all new development would be required to comply with the CBC, which includes design criteria for seismic loading and other geologic hazards. These measures include design

3.6 Geology and Soils

criteria for geologically induced loading that govern sizing of structural members and provide calculation methods to assist in the design process. Thus, while shaking impacts would be potentially damaging, they would also tend to be reduced in their structural effects due to CBC criteria that recognize this potential. The CBC includes provisions for buildings to structurally survive an earthquake without collapsing and measures such as anchoring to the foundation and structural frame design.

Project conformance with CBC and local requirements, in combination with the design measures identified in the *Geotechnical Investigation*, relative to grading and construction would ensure that the project does not result in exposure of people or structures to potentially substantial adverse effects involving strong seismic ground shaking. Therefore, impacts would be **less than significant**.

**Mitigation Measures:** None required.

**Level of Significance:** Less than significant.

**RISK OF LOSS, INJURY, OR DEATH INVOLVING SEISMIC-RELATED GROUND FAILURE**

<b>Impact 3.6-3</b>	<b>The project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction. Impacts would be less than significant.</b>
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Liquefaction is the phenomenon whereby soils lose shear strength and exhibit fluid-like flow behavior. Loose granular soils are most susceptible to these effects, with liquefaction generally restricted to saturated or near-saturated soils at depths of less than 50 feet. Liquefaction normally occurs in soils such as sand in which the strength is purely friction. However, liquefaction has occurred in soils other than clean sand. Liquefaction occurs under vibratory conditions such as those induced by a seismic event.

According to findings in the *Geotechnical Investigation*, the potential for liquefaction on-site is considered to be low due to the presence of cemented, dense silty fine to medium sand, and geographically older Unit 2 paralic deposits underlying the project site (NOVA 2021). Additionally, the depth to groundwater at the site is estimated to be approximately 48 feet below the finished floor of the lowest level of the proposed parking garage (or 58 feet). Therefore, based on the depth to groundwater, significant hazards related to liquefaction are not anticipated.

Project design and construction would incorporate standard design measures to address potential seismic-related liquefaction and related effects such as settlement and lateral spreading, including similar types of measures from the CBC as noted above in Impact 3.6-2. With

incorporation of such measures into project design and construction, potential impacts associated with seismic-related ground failure and liquefaction would be **less than significant**.

**Mitigation Measures:** None required.

**Level of Significance:** Less than significant.

#### **EXPOSURE TO LANDSLIDES**

<b>Impact 3.6-4</b>	<b>The project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides. Impacts would be less than significant.</b>
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Non-seismically induced landslides can be caused by water from rainfall, septic systems, landscaping, or other origins that infiltrate slopes with unstable material. Landslide events are often the result of a preexisting condition such as a plane of weak soil or rock inherent within the rock or soil mass. Movement may be precipitated by earthquakes, wet weather, and changes to the structure or loading conditions on a slope (i.e., by erosion, cutting, filling, release of water from broken pipes, etc.).

Geologic reconnaissance and review of aerial photography indicated no evidence of active or dormant landsliding on the project site. Mapping resources reviewed as part of the *Geotechnical Investigation* (NOVA 2021) indicate that the site is in an area considered to be generally susceptible to landsliding. However, based on consideration for the shallow existing ground slopes and proposed grades on the project site, the potential for landslide hazard was determined to be 'negligible' for the site and the surrounding areas. The proposed development would not affect the landslide hazard characterization (NOVA 2021).

Therefore, the project would not expose people or structures to potential risk of loss, injury, or death involving landslides. Impacts would be **less than significant**.

**Mitigation Measures:** None required.

**Level of Significance:** Less than significant.

#### **SOIL EROSION OR LOSS OF TOPSOIL**

<b>Impact 3.6-5</b>	<b>The project would not result in substantial soil erosion or the loss of topsoil. Impacts would be less than significant.</b>
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#### **Construction**

Soil erosion may result during construction of the project, as grading and construction can loosen surface soils and make soils susceptible to the effects of wind and water movement across the

### 3.6 Geology and Soils

surface. A stormwater pollution prevention plan (SWPPP) that specifies best management practices (BMPs) to prevent grading/construction-related pollutants (including sediment from erosion) from contacting stormwater and moving off-site into receiving waters, as well as elimination/reduction of non-stormwater discharges, would be implemented during construction. Further, all project construction activities would occur in conformance with the recommendations of the Stormwater Quality Management Plan (SWQMP), Jurisdictional Runoff Management Plan (JRMP) as well as the City of Encinitas BMP Design Manual for compliance with local City and regional MS4 Permit (California Regional Water Quality Control Board San Diego Region Order No. R9-2015-0100) requirements for stormwater management; refer also to Section 3.8, Hydrology and Water Quality. Additionally, the project would be subject to requirements of the City of Encinitas Grading, Erosion, and Sediment Control Ordinance (City Municipal Code Section 23.24) and to grading plan conditions of approval, such as repairing/reseeding/replanting eroded areas and adding erosion control blankets, to ensure that the potential for erosion during project construction is minimized and that water quality is maintained.

#### **Post Construction**

As described in the *Preliminary Hydrology Study*, the proposed underground storage vault is sized to accommodate the increase in peak runoff in the proposed condition and the biofiltration basins and storage vault are designed to meet the requirements of the MS4 Permit for both pollutant control and hydromodification management. As shown in Table 3.8-1 (refer to Section 3.8, Hydrology and Water Quality), the peak flow rate resulting from the 100-year, 6-hour storm event would be lower in the proposed condition (1.17 cfs) than the existing condition (14.65 cfs). As such, the proposed project would not substantially alter existing drainage patterns of the project site but would instead maintain and improve existing on-site stormwater drainage patterns (see also Appendix H). Thus, the implementation of the project would not result in substantial soil erosion or the loss of topsoil.

With conformance to applicable federal, State, and local regulations, and implementation of appropriate construction and post-construction BMPs, the project would not result in substantial soil erosion or the loss of topsoil. Impacts would be **less than significant**.

**Mitigation Measures:** None required.

**Level of Significance:** Less than significant.

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**UNSTABLE GEOLOGIC UNIT OR SOIL**

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<b>Impact 3.6-6</b>	<b>The project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. Impacts would be less than significant.</b>
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Refer to Impact 3.6-4 above pertaining to the potential for landslides to occur.

Lateral spreading is a phenomenon in which large blocks of intact, non-liquefied soil move downslope on a liquefied soil layer. For lateral spreading to occur, a liquefiable soil zone must be laterally continuous and unconstrained, and free to move along sloping ground. Due to the absence of a potential for liquefaction on-site and surrounding topography, there is no potential for lateral spreading to occur (NOVA 2021). As such, there would be no impact regarding lateral spreading.

Liquefaction and dynamic settlement of soils can be caused by strong vibratory motion due to earthquakes. Both research and historical data indicate that loose, saturated, granular soils are susceptible to liquefaction and dynamic settlement. Liquefaction is typified by a loss of shear strength in the affected soil layer, thereby causing the soil to behave as a viscous liquid. This effect may be manifested by excessive settlements and sand boils at the ground surface. Based on the *Geotechnical Investigation*, the cemented, dense and geologically older paralic deposits on the project site have no potential for liquefaction (NOVA 2021).

The subsurface exploration conducted in the *Geotechnical Investigation*, indicated that the near-surface soils would behave as a relatively clean, sandy soil. The design infiltration rate ranges between 1.51 and 1.74 inches per hour which is favorable for permanent stormwater BMPs. However, the City of Encinitas BMP Design Manual limits the use of permanent stormwater BMPs near slopes and coastal bluffs. Due to the adjacency of the site to the coastal bluffs to the west, the site has been designed with a 'no infiltration' condition.

As described in Section 3.8, Hydrology and Water Quality, the proposed project has been designed such that all stormwater runoff would be captured rather than allowed to infiltrate onsite. As shown in [Table 3.8-1, Summary of 100-yr Storm Event Hydrologic Analyses](#), the peak flow rate resulting from the 100-year, 6-hour storm event would be lower in the proposed condition (1.17 cfs) than the existing condition (14.65 cfs). Therefore, since the project would not infiltrate into the coastal bluff, the project would comply with the City of Encinitas BMP Design Manual limits. Impacts would be **less than significant**.

### 3.6 Geology and Soils

**Mitigation Measures:** None required.

**Level of Significance:** Less than significant.

#### **EXPANSIVE SOILS**

**Impact 3.6-7**      **The project would not be located on expansive soils, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property. Impacts would be less than significant.**

Expansive soils are clayey soils characterized by their ability to undergo significant volume changes (shrinking or swelling) due to variations in moisture content. Such volume changes can be damaging to structures.

Based on laboratory testing and observations conducted for the site, the predominately sandy soils on-site are not considered to be potentially expansive (NOVA 2021). Accordingly, the project would not be located on expansive soils, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property. Impacts would be **less than significant**.

**Mitigation Measures:** None required.

**Level of Significance:** Less than significant.

#### **SEPTIC TANKS**

**Impact 3.6-8**      **The project would not have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater. No impact would occur.**

Sewer service for the project would be provided by the Leucadia Wastewater District. Wastewater generated from the proposed development would be conveyed through the district's sewer mains and pump stations would ultimately be pumped to the Encina Wastewater Authority's Water Pollution Control Facility located in the City of Carlsbad.

Accordingly, the project would not require septic tanks or alternative wastewater disposal systems. Therefore, **no impact** would occur.

**Mitigation Measures:** None required.

**Level of Significance:** No Impact.

***PALEONTOLOGICAL RESOURCES OR UNIQUE GEOLOGIC FEATURES***

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<b>Impact 3.6-9</b>	<b>The project would have the potential to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. Impacts would be less than significant with mitigation incorporated.</b>
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Impacts on paleontological resources occur when excavation activities encounter fossiliferous geological deposits and cause physical destruction of fossil remains. Fossil remains, fossil sites, fossil-producing geologic formations, and geologic formations with the potential for containing fossil remains are all considered paleontological resources or have the potential to be paleontological resources. Fossil remains are considered important if they are well preserved, identifiable, type/topotypic specimens, age diagnostic, useful in environmental reconstruction, and/or represent new, rare, and/or endemic taxa.

The potential for impacts on fossils depends on the sensitivity of the geologic unit and the amount and depth of grading and excavation. As stated above, the project site is generally underlain by old paralic deposits (broadly equivalent to the Bay Point Formation) (PaleoServices 2020). The Bay Point Formation is known to preserve fossils of marine invertebrates but has also yielded fossils of Ice Age land mammals. Based on this fossil record, the Bay Point Formation is typically assigned a moderate to high paleontological sensitivity (PaleoServices 2020); refer to [Appendix I](#). The Bay Point Formation along the North Coast Highway 101 corridor is estimated to be between approximately 20 to 30 feet thick (NOVA 2021).

The anticipated depth of project grading and excavation is anticipated to be up to approximately 32 feet bgs. Therefore, there is a possibility for the unanticipated discovery of paleontological resources during project-related ground-disturbing activities as well as the potential to damage or destroy paleontological resources that may be present below the ground surface. This would constitute a significant impact. Mitigation measure **GEO-1** would address the inadvertent discovery of previously unknown paleontological resources. Impacts would be **less than significant with mitigation incorporated**.

**Mitigation Measures:**

**GEO-1      Paleontological Data Recovery and Monitoring Plan.** A Data Recovery and Monitoring Plan shall be prepared to the satisfaction of the City. The plan shall document paleontological recovery methods.

1. Prior to grading permit issuance, the project applicant shall implement a paleontological monitoring and recovery program consisting of the following measures, which shall be included on project grading plans to the satisfaction of the Development Services Department:

### 3.6 Geology and Soils

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- a. The project applicant shall retain the services of a qualified paleontologist to conduct a paleontological monitoring and recovery program. A qualified paleontologist is defined as an individual having an MS or PhD degree in paleontology or geology, and who is a recognized expert in the identification of fossil materials and the application of paleontological recovery procedures and techniques. As part of the monitoring program, a paleontological monitor may work under the direction of a qualified paleontologist. A paleontological monitor is defined as an individual having experience in the collection and salvage of fossil materials.
- b. The qualified paleontologist shall attend the project preconstruction meeting to consult with the grading and excavation contractors concerning the grading plan and paleontological field techniques.
- c. The qualified paleontologist or paleontological monitor shall be on-site during grading and/or excavation of previously undisturbed deposits of moderate and high sensitivity geologic units (Bay Point Formation and Santiago Formation) to inspect exposures for any contained fossils. If the qualified paleontologist or paleontological monitor ascertains that the noted formations are not fossil-bearing, the qualified paleontologist shall have the authority to terminate the monitoring program. The paleontological monitor shall work under the direction of a qualified paleontologist. An adaptive approach is recommended, which involves initial part-time paleontological monitoring (i.e., up to 4 hours per day). As the project proceeds, the qualified paleontologist shall evaluate the monitoring results and, in consultation with the City and subject to the City's consent, may revise the monitoring schedule (i.e., maintain part-time monitoring, increase to full-time monitoring, or cease all monitoring).
- d. If fossils are discovered, recovery shall be conducted by the qualified paleontologist or paleontological monitor. In most cases, fossil salvage can be completed in a short period of time, although some fossil specimens (such as a complete large mammal skeleton) may require an extended salvage period. In these instances, the paleontologist (or paleontological monitor) shall have the authority to temporarily direct, divert, or halt grading to allow recovery of fossil remains in a timely manner.
- e. If subsurface bones or other potential fossils are found anywhere within the project site by construction personnel in the absence of a qualified

paleontologist or paleontological monitor, the qualified paleontologist shall be notified immediately to assess their significance and make further recommendations.

- f. Fossil remains collected during monitoring and salvage shall be cleaned, sorted, and catalogued. Prepared fossils, along with copies of all pertinent field notes, photos, and maps, shall be deposited (as a donation) in a scientific institution with permanent paleontological collections such as the San Diego Natural History Museum.
2. Prior to building permit issuance, a final summary report outlining the results of the mitigation program shall be prepared by the qualified paleontologist and submitted to the Development Services Department for concurrence. This report shall include discussions of the methods used, stratigraphic section(s) exposed, fossils collected, and significance of recovered fossils, as well as appropriate maps.

**Level of Significance:** Less than significant with mitigation incorporated.

#### ***CUMULATIVE IMPACTS***

<b>Impact 3.6-10</b>	<b>The project would have the potential to result in a significant cumulative impact related to geology and soils. Impacts would be less than cumulatively considerable.</b>
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#### ***Geographic Scope***

Risks related to geology and soils are typically localized in nature because they tend to be related to on-site conditions or conditions caused by a project's construction. Cumulative projects that would have the potential to be considered in a cumulative context with the proposed project's incremental contribution, and that are included in the analysis of cumulative impacts relative to geology and soils, are identified in [Table 3.0-1](#) and [Figure 3.0-1](#) in [Section 3.0](#) of this EIR.

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

Cumulative projects were chosen based on proximity to the proposed project. The majority of the cumulative projects are similar to the proposed project regarding construction and operational activities. These selection factors are appropriate in the context of geology and soils

### 3.6 Geology and Soils

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cumulative impacts because generally there needs to be a direct nexus and similar geologic conditions for a synergistic impact to occur, such as site modifications at nearby projects combining to destabilize soils. Currently, there is not a known existing significant cumulative impact related to geology and soils within this geographic scope.

#### ***Potential Cumulative Impacts***

As discussed above, like much of Southern California, the project site is located in a seismically active area. All areas of San Diego County are considered seismically active to a lesser or greater extent depending on their proximity to active regional faults. Impacts of the proposed project would be cumulatively considerable if the project, in combination with related projects, would result in significant cumulative impacts. However, the effects of the cumulative projects are not of a nature to cause cumulatively significant effects from seismic because such impacts are site-specific and would only have the potential to combine with impacts of the proposed project if they occurred in the same location. Further, all projects would be evaluated on a site-specific basis for potential susceptibility to seismic events, fault rupture, and other related conditions (i.e., landslides, subsidence, liquefaction, etc.) and would be required to conform with local and State engineering design standards to reduce impacts related to such characteristics, as well as to implement mitigation if appropriate. Due to the nature of such conditions, the project would not contribute to a cumulative impact in this regard.

#### Topsoil Loss and Erosion

The proposed project would require grading of the subject property to allow for development as proposed. Although construction activities would have the potential to result in erosion or siltation on the project site, adherence to the recommendations in the geotechnical report and other grading and building requirements would mitigate erosion or siltation impacts to less than significant levels.

Other cumulative projects would adhere to similar requirements, thereby minimizing cumulative scenario erosion or siltation impacts. Specifically, all planned projects in the vicinity of the proposed project would be subject to environmental review and would be required to conform to the City's General Plan and CBC. As such, the project's contribution to a cumulative impact in this regard would be less than significant.

#### Coastal Bluff Instability

The City of Encinitas BMP Design Manual limits the use of permanent stormwater BMPs near slopes and coastal bluffs. Due to the adjacency of the site to the coastal bluffs to the west, the site has been designed with a 'no infiltration' condition. As described in Section 3.8, Hydrology and Water Quality, the proposed project would comply with the City of Encinitas BMP Design

Manual limits and has been designed such that all stormwater runoff would be captured rather than allowed to infiltrate onsite. Other cumulative projects would adhere to similar requirements, thereby minimizing cumulative scenario erosion or siltation impacts. As such, the project's contribution to a cumulative impact in this regard would be less than significant.

#### Paleontological Resources

Other projects may be located in areas considered sensitive for paleontological resources. Such projects would be required to implement mitigation similar to mitigation measure **GEO-1** to reduce potential impacts to paleontological resources to less than significant levels, as appropriate. With adherence to grading and building requirements, the proposed project would not contribute to cumulative impacts for geologic, seismic hazards, or related events because the proposed project and other cumulative projects in the area would be required to demonstrate compliance with local, State, and federal building and safety standards prior to City issuance of grading and/or building permits. As a result, with implementation of mitigation measure **GEO-1**, cumulative impacts related to geology and soils would be **less than cumulatively considerable**.

**Mitigation Measures:** Implement mitigation measure **GEO-1**.

**Level of Significance:** Less than cumulatively considerable.

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## Section 3.7

### Hazards and Hazardous Materials

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This section evaluates potential hazards and hazardous materials impacts that may result from construction and/or operation of the proposed project. The following discussion addresses the existing hazards and hazardous materials conditions of the affected environment, considers relevant goals and policies, identifies and analyzes environmental impacts, and recommends measures to reduce or avoid adverse impacts anticipated from implementation of the project, as applicable.

The analysis in this section is based on the *Phase I Environmental Site Assessment (Phase I ESA) 1950 N. Coast Highway 101*, which included Assessor Parcel Numbers (APNs) 216-041-20 (Parcel 1) and 216-041-21 (Parcel 2) (2017; [Appendix J-1](#)) and *Phase I ESA 900 N. Coast Highway 101* for APN 216-041-06 (Parcel 3) (2019; [Appendix J-2](#)) prepared by Hovey Environmental. Third party technical reports were peer-reviewed by Michael Baker International and the City of Encinitas.

### ENVIRONMENTAL SETTING

#### ***Hazardous Materials and Waste Defined***

Under Title 22 of the California Code of Regulations (CCR), the term *hazardous substance* refers to both hazardous materials and hazardous wastes, and both are classified according to four properties: toxicity, ignitability, corrosiveness, and reactivity (22 CCR Section 66261.30). A hazardous material is defined as a substance or combination of substances that may cause or significantly contribute to an increase in serious, irreversible, or incapacitating illness or may pose a substantial presence or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of or otherwise managed.

Public health is potentially at risk whenever hazardous materials are or will be used. It is necessary to differentiate between the hazard of these materials and the acceptability of the risk they pose to human health and the environment. A hazard is any situation that has the potential to cause damage to human health and the environment. The risk to health and public safety is determined by the probability of exposure and the inherent toxicity of a material.

Factors that can influence health effects when human beings are exposed to hazardous materials include the dose to which the person is exposed, the frequency of exposure, the duration of exposure, the exposure pathway (route by which a chemical enters a person's body), and the individual's unique biological susceptibility.

Hazardous wastes are hazardous substances that no longer have practical use, such as materials that have been discarded, discharged, spilled, or contaminated or are being stored until they can

### 3.7 Hazards and Hazardous Materials

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be disposed of properly (22 CCR Section 66261.10). Soil that is excavated from a site containing hazardous materials is a hazardous waste if it exceeds specific CCR Title 22 criteria. Various agencies maintain hazardous waste and substance lists in planning documents used by state and local agencies to comply with California Environmental Quality Act (CEQA) requirements in providing information about the location of hazardous materials sites. While hazardous substances are regulated by multiple agencies, as described under the Regulatory Framework subsection below, cleanup requirements for hazardous wastes are determined on a case-by-case basis according to the agency with lead jurisdiction over a project.

#### ***Existing Conditions***

The project site is currently occupied by an operating restaurant, a small commercial center, and a vacant structure formerly occupied by a restaurant use, along with various supporting surface parking areas and land that is undeveloped.

The Pacific Ocean lies approximately 0.14 mile to the west of the site. The property is situated at the top of a f and is accessed from the east side of each parcel. The existing Seabluffe 255-unit gated townhome residential community is located directly adjacent to the south and west; Moorgate Road runs along the southern boundary of the site. The Alila Marea Beach Resort is located adjacent to the north; further to the north is the Batiquitos Lagoon State Marine Conservation Area. North Coast Highway 101 forms the eastern boundary of the project site. The North County Transit District (NCTD) railroad runs generally north-south in the vicinity of the site and is located approximately 135 feet to the east at its nearest point, across North Coast Highway 101. The intersection of La Costa Avenue and North Coast Highway 101 lies approximately 215 feet to the northeast.

The following describes the parcels that comprise the site in greater detail (NOVA 2020):

#### **Site 1**

- **APN 216-041-20:** Parcel 1 is located in the northern portion of the property and is currently occupied by a building formerly utilized as a restaurant. A large surface parking lot is present that provided parking for the restaurant use. On-site elevations range from approximately 58 feet above mean sea level (amsl) at its access point with Highway 101 to approximately 94 feet amsl along the western property line. The eastern edge of the lower portion of the parking lot exhibits an approximately 20-foot high slope descending to Highway 101. This lot includes one existing access driveway from Highway 101.

- **APN 216-041-21:** Parcel 2 is located in the southern portion of the site and is currently vacant and undeveloped. On-site elevations range from approximately 95 feet amsl along the western property line to approximately 58 amsl at its access point with Highway 101.

## **Site 2**

- **APN 216-041-06:** Parcel 3 lies in the southeastern portion of the project site and is currently occupied by a restaurant, two small commercial businesses, and surface parking. This parcel is contiguous with APN 216-041-21 to the west, with a cut slope of approximately 12 feet in height separating the two. Average elevation of the parcel is approximately 57 feet amsl.

## ***Environmental Site Assessment***

A Phase I ESA is a report that identifies existing and potential environmental contamination liabilities. The analysis in a Phase I ESA typically addresses both the underlying land and physical improvements to the property and includes examination of potential soil contamination, groundwater quality, surface water quality, and indoor air quality. The examination of a site may include a survey of past uses of the property, definition of any chemical residues in structures, identification of possible asbestos-containing building materials and lead paints, inventory of hazardous substances stored or used on the site, assessment of mold and mildew, and evaluation of other indoor air quality parameters. A Phase I ESA is generally considered the first step in the process of environmental due diligence and does not include sampling of soil, air, groundwater, or building materials.

The objective of a Phase I ESA is to evaluate whether recognized environmental conditions (RECs) are present at a property. RECs are defined in American Society for Testing and Materials (ASTM) International E1527-13 as “the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment.” According to the ASTM Phase I ESA standard, the term *recognized environmental condition* is not intended to include de minimis conditions (minor things) that generally do not present a material risk of harm to public health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate government authorities.

If the Phase I ESA determines that a site may be contaminated, a Phase II ESA may be conducted. A Phase II ESA is a more intensive and detailed investigation involving chemical analysis for

### 3.7 Hazards and Hazardous Materials

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hazardous substances and/or petroleum hydrocarbons and may include recommendations for remediation, if necessary.

As noted above, a Phase I ESA were prepared for each site of the project (Site 1 and Site 2) based on the respective parcel number. Both Phase I ESAs were prepared by Hovey Environmental. The two Phase I ESAs conducted for the project site consisted of (1) a site reconnaissance of the subject property; (2) a search of regulatory agency records; (3) review of available historical aerial photographs, topographic maps, Sanborn fire insurance maps, and City Directory listings; (4) interviews of property owners; and (5) preparation of the Phase I ESA report detailing the findings of the investigation.

Hovey Environmental conducted a site reconnaissance visit at Site 1 on November 3, 2017 ([Appendix J-1](#)) and a site reconnaissance visit at Site 2 on August 20, 2019 ([Appendix J-2](#)). The key findings of the two Phase I ESAs are summarized below.

#### ***Hazardous Substances***

##### *Site 1*

According to the Phase I ESA conducted for Site 1, no visual indications of environmental degradation or a recognized environmental condition were observed on-site during the site visit ([Appendix J-1](#)). There was no unusually stained soil or damaged vegetation that would indicate a hazardous substances release or spill noted at any of the three parcels. Additionally, no pungent or acrid odors were observed emanating from the site.

Site 1 is not listed with any regulatory agencies in relation to the use, handling, storage, or disposal of potentially hazardous materials. Additionally, a previous Phase I ESA and Phase II were conducted on Site 1 that included soils testing. Findings of these assessments found no indications of a recognized environmental condition on site at that time ([Appendix J-1](#)).

There are seven sites listed with releases of hazardous materials to the soil, groundwater, or air within a one-mile radius of the subject property. Review of contaminant monitoring reports along with local topography and hydrology indicates a low probability of contamination migration to the subject property ([Appendix J-1](#)).

##### *Site 2*

According to the Phase I ESA conducted for Site 2, no visual indications of environmental degradation or a recognized environmental condition were observed on-site during the site visit ([Appendix J-2](#)). There was no unusually stained soil or damaged vegetation that would indicate a hazardous substances release or spill noted at any of the three parcels. Additionally, no pungent or acrid odors were observed emanating from the site.

However, Site 2 is listed with the San Diego County Hazardous Materials Management Division (HMMD) and HAZNET databases. The listings include four business entities that were equipment rental businesses at which used oil was collected and sent off site for disposal. There are no records of a release to the environment contained within the records. According to the records search in the Phase I ESA, inspections were conducted at Site 1 on 8/25/03, 9/6/05, 1/10/08, and 6/23/09. While violation notices were indicated in the records, all violations related to paperwork and were not indicative of conditions that would cause a release or spill to the environment. As such, the listing on the HMMD and HAZNET databases are not considered an environmental concern for development of the project site ([Appendix J-2](#)).

There are eight sites listed with releases of hazardous materials to the soil, groundwater, or air within a one-mile radius of the subject property. Review of contaminant monitoring reports along with local topography and hydrology indicates a low probability of contamination migration to the subject property ([Appendix J-2](#)).

#### **Indications of Solid Debris Storage**

Site 1 supports a vacant restaurant at the north side of the property. The east side of the property is unimproved. Site 2 currently supports four structures on-site. There is a non-hazardous waste collection at the north side of the property. A concrete slab from a previous structure is located at the southwest corner of the property.

Trash, debris, and recycling containers were observed on-site. Large piles of waste were not observed. Waste disposal services for the site are provided by EDCO.

#### **Groundwater Wells, Cisterns, Cesspools, or Septic Tanks**

No groundwater wells, cisterns or points of groundwater collection were not reported in the records search or observed on the project site during the Phase 1 ESA site visits for Sites 1 or 2 (see [Appendices J-1](#) and [J-2](#)).

#### **Storage Tanks**

Underground or aboveground storage tanks were not reported in the records search or observed on the project site during the Phase 1 ESA site visits for Sites 1 or 2 (see [Appendices J-1](#) and [J-2](#)).

#### **Asbestos and Lead-Based Paint**

Site 1 supports a vacant restaurant at the north side of the property. The east side of the property is unimproved. Site 2 currently supports four structures on-site. The Phase I ESAs did not include evaluations or testing for asbestos or lead based paint.

### 3.7 Hazards and Hazardous Materials

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Due to the age of the existing structures on-site, it is possible that the structures contain asbestos and lead-based paint related construction products as these products were prevalent prior to the 1970s. Prior to demolition of the existing on-site buildings, an asbestos and lead material survey will be required to evaluate potential hazards resulting with proposed demolition and disposal activities.

#### **Hazardous Waste Site Database Results**

##### *Site 1*

According to the regulatory database search ([Appendix J-1](#)), seven facilities in the project vicinity were identified pursuant to Government Code Section 65962.5 (Cortese List). However, analysis in the Phase I ESA determined that these sites do not represent an environmental concern due to the status of the cases, distance from the project site, and/or location relative to the project site (i.e. based on hydro-geologically down or cross-gradient). Refer to [Appendix J-1](#).

##### *Site 2*

As mentioned above, Site 2 is listed on the HMMD and HAZNET databases. The listings include four business entities that were equipment rental businesses at which used oil was collected and sent off site for disposal. There are no records of a release to the environment contained within the records. According to the records search in the Phase I ESA, inspections were conducted at Site 1 on 8/25/03, 9/6/05, 1/10/08, and 6/23/09. While violation notices were indicated in the records, all violations related to paperwork and were not indicative of conditions that would cause a release or spill to the environment. As such, the listing on the HMMD and HAZNET databases are not considered an environmental concern for development of the project site ([Appendix J-2](#)).

According to the regulatory database search ([Appendix J-2](#)), eight facilities in the project vicinity were identified pursuant to Government Code Section 65962.5 (Cortese List). However, analysis in the Phase I ESA determined that these sites do not represent an environmental concern due to the status of the cases, distance from the project site, and/or location relative to the project site (i.e. based on hydro-geologically down or cross-gradient). Refer to [Appendix J-2](#).

#### **Leaking Underground Storage Tanks (LUST)**

Leaking underground storage tanks (LUST) are a significant source of petroleum impacts to groundwater and can also result in the following potential threats to health and safety (State Water Resources Control Board 2019):

- Exposure from impacts to soil and/or groundwater

- Contamination of drinking water aquifers
- Contamination of public or private drinking water wells
- Inhalation of vapors

The State Water Resources Control Board (SWRCB) records soil and/or groundwater contamination caused by LUSTs in its GeoTracker database.

According to the Phase I ESAs for Sites 1 and 2, there are five facilities on the LUST list within 0.5 miles of the project site. Due to the status listings and the elevation in reference to the project site, analysis in the Phase I ESA determined that the listed facilities do not represent an environmental concern to the project site; refer to [Appendix J-1](#) and [J-2](#) for additional discussion.

### **Other Databases**

As mentioned above, Site 2 is listed with the HMMD and HAZNET databases. However, there are no records of a release to the environment contained within the records. While violation notices were indicated in the records, all violations related to paperwork and were not indicative of conditions that would cause a release or spill to the environment. As such, the listing on the HMMD and HAZNET databases are not considered an environmental concern for development of the project site ([Appendix J-2](#)).

### **Airports**

There are no public or private airports located within 2 miles of the project site, and the project site is not within the boundaries of an airport land use plan. The closest (public) airport is McClellan-Palomar Airport, approximately 3.5 miles northeast of the project site; no private airstrips are in the immediate vicinity.

### **Wildfire**

The project site is located in a developed urbanized area surrounded by residential, commercial, and open space. According to the Cal Fire Encinitas Very High Fire Hazard Severity Zones in Local Responsibility Area (LRA) Map (Cal Fire 2009), the project site is not located in a zone designated as Very High Fire Hazard Severity.

## REGULATORY FRAMEWORK

### *Federal*

#### **Emergency Planning Community Right-to-Know Act**

The Emergency Planning Community Right-to-Know Act requires infrastructure at the state or local level to plan for emergencies resulting from potential release of chemical materials. Any documented information pertaining to a specific release at a site is required to be made publicly available so that interested parties may become informed about potentially dangerous chemicals released in their community. Sections 301 through 312 of the act are administered by the US Environmental Protection Agency's Office of Emergency Management.

#### **Hazardous Materials Transportation Act**

Under Title 49 of the Code of Federal Regulations, the US Department of Transportation is responsible for regulating the transport of hazardous materials. The California Highway Patrol and the California Department of Transportation are primarily responsible for enforcing federal and state regulations pertaining to such activities and for responding to any related emergencies. These agencies are also responsible for necessary permitting for the transport of hazardous materials.

#### **Toxic Substances Control Act**

The Toxic Substances Control Act phased out the use of asbestos and asbestos-containing materials in new building materials. The act identifies requirements for the use, handling, and disposal of asbestos-containing materials. Additionally, Section 402(a)(1) of the act establishes disposal standards for lead-based paint.

#### **Resource Conservation and Recovery Act (as Amended by the Hazardous and Solid Waste Amendments of 1984)**

The RCRA generally communicates federal laws pertaining to hazardous waste management and provides for a "cradle to grave" approach to the regulation of hazardous wastes. The RCRA requires any entity generating hazardous waste to identify and track such substances from generation to recycling, reuse, or disposal. The DTSC implements the RCRA program in combination with other state hazardous waste laws, collectively known as the Hazardous Waste Control Law.

## ***State***

### **California Environmental Protection Agency**

The California Environmental Protection Agency (CalEPA) was created in 1991 by Governor's Executive Order. The six boards, departments, and office were placed under the CalEPA "umbrella" to create a cabinet-level voice for the protection of human health and the environment and to ensure the coordinated deployment of state resources. The mission of CalEPA is to restore, protect, and enhance the environment to ensure public health, environmental quality, and economic vitality (CalEPA 2017). CalEPA and the SWRCB establish rules governing the use of hazardous materials and the management of hazardous waste. Applicable state and local laws include the following:

- Public Safety/Fire Regulations/Building Codes
- Hazardous Waste Control Law
- Hazardous Substances Information and Training Act
- Air Toxics Hot Spots and Emissions Inventory Law
- Underground Storage of Hazardous Substances Act
- Porter-Cologne Water Quality Control Act

Also, as required by Government Code Section 65962.5, CalEPA develops an annual update to the Hazardous Waste and Substances Sites (Cortese) List (discussed in detail below).

### **Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65)**

The Safe Drinking Water and Toxic Enforcement Act of 1986, also known as Proposition 65, was enacted 1986 with the intended purpose to protect California citizens and the State's drinking water sources from chemicals known to cause cancer, birth defects or other reproductive harm, and to inform citizens about exposures to such chemicals. Under the statute, a person in the course of doing business cannot expose an individual to a chemical known to the state to cause cancer or reproductive toxicity without first giving a clear and reasonable warning to an individual. Proposition 65 requires the state to maintain and update a list of chemicals known to the state to cause cancer or reproductive toxicity. OEHHA is the lead agency designated by the Governor to implement Proposition 65.

### 3.7 Hazards and Hazardous Materials

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#### **California Fire Code**

The California Fire Code, which is updated every three years, is included in California Code of Regulations Title 24, Part 9 and was created by the California Building Standards Commission. Based on the International Fire Code, the California Fire Code serves as the primary means for authorizing and enforcing procedures and methods to ensure the safe handling and storage of hazardous substances that pose potential public health and safety hazards. The code regulates the use, handling, and storage requirements for hazardous materials at certain facilities. The California Fire Code and the California Building Code apply a classification system in identifying appropriate protective measures relative to fire protection and public safety. Such measures may include identification and use of proper construction standards, setbacks from property lines, and/or installation of specialized equipment.

#### **State Fire Regulations**

Fire regulations for California are established in Sections 13000 et seq. of the California Health and Safety Code, which includes regulations for structural standards (similar to those identified in the California Building Code), fire protection and public notification systems, fire protection devices such as extinguishers and smoke alarms, standards for high-rise structures and childcare facilities, and fire suppression training. The State Fire Marshal is responsible for enforcement of these established regulations and building standards for all state-owned buildings, state-occupied buildings, and state institutions in California.

#### **Government Code Section 65962.5(a), Cortese List**

The California Hazardous Waste and Substances Site List (also known as the Cortese List) is a planning document used by state and local agencies and by private developers to comply with CEQA requirements in providing information about the location of hazardous materials sites. California Government Code Section 65962.5 requires CalEPA to annually update the Cortese List. The DTSC is responsible for preparing a portion of the information that comprises the Cortese List. Other state and local government agencies are required to provide additional hazardous material release information that is part of the complete list.

The EnviroStor database constitutes the DTSC's component of Cortese List data by identifying state response sites, federal Superfund sites, school cleanup sites, and voluntary cleanup sites. EnviroStor identifies sites that have known contamination or sites for which further investigation is warranted. It also identifies facilities that are authorized to treat, store, dispose, or transfer hazardous waste (DTSC 2020).

### **Strategic Fire Plan for California**

The 2019 Strategic Fire Plan was prepared by the California Board of Forestry and Fire Protection and the California Department of Forestry and Fire Protection (CalFire) for the purpose of statewide fire protection. The plan is aimed at improving the availability and application of data on fire hazards and risk assessment; land use planning relative to fire prevention and safety; facilitating cooperation and planning between communities and the multiple fire protection jurisdictions, including county- and community-based wildfire protection plans; establishing fire resistance in assets at risk; shared visioning among multiple fire protection jurisdictions and agencies; assessment of levels of fire suppression and related services; and appropriate recovery efforts following the event of a fire.

### **Federal/State Occupational Safety and Health Act**

Federal and state Occupational Safety and Health Act laws provide for the education of handlers of hazardous materials; employee notification for those working with or in proximity to hazardous materials; acquisition of product safety data sheets and manufacturing data for proper use and handling of hazardous materials; and remediation training for employees for accidental release of hazardous materials. The act requires preparation of an Injury and Illness Prevention Program, which outlines measures to ensure employee safety such as inspections, how to address unsafe conditions, employee training, and communication protocols.

### ***Regional***

#### **San Diego County, Site Assessment and Mitigation Program**

The San Diego County Department of Environmental Health (DEH) maintains the Site Assessment and Mitigation (SAM) list of contaminated sites that have previously or are currently undergoing environmental investigations and/or remedial actions. The primary purpose of the County's SAM program is to protect human health, water resources, and the environment in the county by providing oversight of assessments and cleanups in accordance with the California Health and Safety Code and the California Code of Regulations. The Voluntary Assistance Program also includes information on staff consultation, project oversight, and technical or environmental report evaluation and concurrence (when appropriate) on projects pertaining to properties contaminated with hazardous substances.

### **Certified Unified Program Agency**

The County of San Diego is the Certified Unified Program Agency (CUPA) for the project site. The Unified Program's goal is to achieve consistency, consolidation, and coordination in the

### 3.7 Hazards and Hazardous Materials

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regulation of six state-regulated environmental programs through education, community and industry outreach, inspections, and enforcement.

A CUPA is the agency responsible for the implementation and regulation of the Unified Program. The County DEH, Hazardous Materials Division, has been the CUPA for San Diego County since 1996. All inspectors in the CUPA program are trained environmental health specialists who take part in a continuous education program to ensure consistency and uniformity during inspections.

#### **San Diego County Multi-Jurisdictional Hazard Mitigation Plan**

The purpose of the County's Multi-Jurisdictional Hazard Mitigation Plan is to identify the county's hazards, review and assess past disaster occurrences, estimate the probability of future occurrences, and set goals to mitigate potential risks to reduce or eliminate long-term risk to people and property from natural and man-made hazards. The City of Encinitas participates in the Multi-Jurisdictional Hazard Mitigation Plan. An important component of the plan is the Community Emergency Response Team, which educates community members about disaster preparedness and trains them in basic response skills, such as fire safety, light search and rescue, and disaster medical operations. The City is one of 20 jurisdictions that support and participate in the team.

#### **San Diego County Department of Environmental Health**

The DEH is responsible for protecting and maintaining public health and environmental quality. The department provides public education and outreach programs to promote environmental awareness of potentially hazardous issues while ensuring the implementation and enforcement of local, state, and federal environmental laws, as appropriate. The DEH is generally responsible for ongoing oversight and regulation of food safety, public housing, public swimming pools, small-scale public drinking water systems, mobile home parks, on-site wastewater systems, recreational water, storage tanks and related remediation activities, and proper handling and disposal of medical and hazardous materials and waste.

#### ***Local***

#### **City of Encinitas General Plan**

The *City of Encinitas General Plan* (1991) is the primary source of long-range planning and policy direction used to guide growth and preserve the quality of life within the City of Encinitas. The Encinitas General Plan states that a goal of the City is to analyze proposed land uses to ensure that the designations would contribute to a proper balance of land uses within the community. The relevant goals and policies for the project include:

*Resource Management Element*

- GOAL 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)**
- 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.
- 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 13.5:                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)

*Public Safety Element*

- GOAL 1:**                    **Public health and safety will be considered in future land use planning. (Coastal Act/30253)**
- Policy 1.4:                Develop a master plan for drainage and flood control. (Coastal Act/30236)
- 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;

3.7 Hazards and Hazardous Materials

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- 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 bluff-top edge, and 40 feet from coastal bluff-top edge with exceptions to allow a minimum coastal bluff-top setback of no less than 25 feet. For all development proposed on coastal bluff-tops, a site-specific geotechnical report shall be required. The report shall indicate that such a reduced setback will not result in risk of foundation damage resulting from bluff erosion or retreat to the structure within its economic life and with other engineering evidence to justify the coastal bluff-top setback.

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 1.13: 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 1.15: 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 2.4: Setbacks, easements, and accesses, necessary to assure that emergency services can function with available equipment, shall be required and maintained.

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

#### *Housing Element*

Policy 3.1: Where determined to be dangerous to the public health and safety, substandard units in the City shall be repaired so that they will comply with the applicable building, safety and housing codes. When compliance through repair is not of cannot be achieved, abatement of substandard units shall be achieved.

### **Encinitas North 101 Corridor Specific Plan (N101SP)**

The project is located within the *Encinitas North 101 Corridor Specific Plan (N101SP)*. There are no specific policies related to hazards or hazardous materials exclusive to the Specific Plan area. Chapter 9, *General Plan and Local Coastal Program Compliance*, of the N101SP identifies goals and policies of the General Plan that are relevant to the Specific Plan area and addresses the Specific Plan's consistency with the General Plan. Consistency with the General Plan policies regarding public safety, resource management and housing would ensure compliance with the N101SP.

### **City of Encinitas Municipal Code**

#### *Toxic Materials, Fire, and Explosion Hazards*

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

#### *Fire Code*

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

#### *Landscape/Brush Management Regulations*

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

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

## STANDARDS OF SIGNIFICANCE

### *Thresholds of Significance*

In accordance with the State CEQA Guidelines, the effects of a project are evaluated to determine whether they would result in a significant adverse impact on the environment. An EIR is required to focus on these effects and offer mitigation measures to reduce or avoid any significant impacts that are identified. The criteria used to determine the significance of impacts may vary depending on the nature of the project. According to Appendix G of the State CEQA Guidelines, the proposed project would have a significant impact related to hazards and hazardous materials if it would:

1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
2. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.
3. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
4. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment.
5. Result in a safety hazard or excessive noise for people residing or working in the project area for a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport.
6. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.
7. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.

## PROJECT IMPACTS AND MITIGATION

Impacts related to hazards and hazardous materials are analyzed below according to topic. Mitigation measures directly correspond with an identified impact, where applicable.

### 3.7 Hazards and Hazardous Materials

#### ***HAZARDS RELATED TO THE TRANSPORT, USE, OR DISPOSAL OF HAZARDOUS MATERIALS***

<b>Impact 3.7-1</b>	<b>The project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. Impacts would be less than significant.</b>
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#### ***Construction***

The routine transport, use, and disposal of hazardous materials can result in potential hazards to the public through accidental release.

Construction of the proposed project may result in temporary hazards related to the transport and use of hazardous materials, including those used for construction vehicle use and maintenance (diesel fuel, motor oil, etc.). The Storm Water Pollution Prevention Plan (SWPPP) prepared for the proposed project will include standard provisions to avoid significant effects associated with the use of such materials. With the implementation of a SWPPP, impacts would be **less than significant**.

#### ***Operations***

The routine transport, use, and disposal of hazardous materials can result in potential hazards to the public through accidental release. However, these hazards are typically associated with certain types of land uses, such as chemical manufacturing facilities, industrial processes, waste disposal, and storage and distribution facilities. None of these uses are proposed by the project, rather, the project would consist of a mixed-use development consisting of 94 for-lease apartments, a 30-room boutique resort hotel, and 18,261 square feet of mixed-use commercial. Once the proposed project is operational, hazardous material use associated with the residences and commercial uses, including landscaping and maintenance activities, would be limited to private use of commercially available cleaning products, landscaping chemicals and fertilizers, and use of various other commercially available substances. The proposed hotel would also have a pool on-site that would require the application of common pool chemicals that may be hazardous. Development of the project site is therefore anticipated to result in use of commercially available potentially hazardous materials or chemicals.

Proposition 65 requires businesses to provide warnings to Californians about significant exposures to chemicals that cause cancer, birth defects or other reproductive harm. These chemicals can be in the products that Californians purchase, in their homes or workplaces, or that are released into the environment. As such, Proposition 65 warning stickers would be placed in areas where on-site hazardous materials are stored. Chemicals stored on-site for routine pool maintenance would be below the 55-gallon threshold set by California Governor's Office of

Emergency Services (CalOES) so the project is not required to prepare a Hazardous Materials Business Plan (CalOES 2014).

The proposed project would be subject to applicable federal, state, and local health and safety laws and regulations intended to minimize health risk to the public associated with hazardous materials. With the adherence to such laws and regulations, the proposed project would not result in the routine transport, use, or disposal of hazardous materials. Impacts would be **less than significant**.

**Mitigation Measures:** None required.

**Level of Significance:** Less than significant.

#### ***HAZARDS RELATED TO THE ACCIDENTAL RELEASE OF HAZARDOUS MATERIALS***

<b>Impact 3.7-2</b>	<b>The project would have the potential to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Impacts would be less than significant with mitigation incorporated.</b>
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#### ***Short-Term Impacts***

Project construction activities could result in the transport, use, and disposal of hazardous materials such as gasoline fuels, asphalt, lubricants, paint, and solvents. Although care will be taken to transport, use, and dispose of small quantities of these materials by licensed professionals, there is a possibility that upset or accidental conditions may arise which could release hazardous materials into the environment. Accidental releases of hazardous materials are those releases that are unforeseen or that result from unforeseen circumstances, while reasonably foreseeable upset conditions are those release or exposure events that can be anticipated and planned for.

Project construction activities would occur in accordance with all applicable local standards adopted by the City of Encinitas, as well as state and federal health and safety requirements intended to minimize hazardous materials risk to the public, such as Cal/OSHA requirements, the Hazardous Waste Control Act, the California Accidental Release Protection Program, and the California Health and Safety Code.

Stormwater runoff from the site, under both construction and post-construction development conditions, would be avoided through compliance with National Pollutant Discharge Elimination System (NPDES) regulations administered by the San Diego Regional Water Quality Control Board (RWQCB). The project is required to prepare and implement a Construction General Storm Water

### 3.7 Hazards and Hazardous Materials

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Permit (Order 2012-0006-DWQ) and stormwater pollution prevention plan (SWPPP) (refer to Section 3.8, Hydrology and Water Quality). The SWPPP is also required as part of the grading permit submittal package. The contractor would be required to implement such regulations relative to the transport, handling, and disposal of any hazardous materials, including the use of standard construction controls and safety procedures that would avoid or minimize the potential for accidental release of such substances into the environment. Standard construction practices would be observed such that any materials released are appropriately contained and remediated as required by local and state laws.

Based on the results of the Phase I ESA, the project site does not contain any RECs that require further review and/or testing. However, due to the age of the structures on-site, there is a potential for the structures to contain lead-based paint and/or asbestos-related construction materials. As discussed in identified in Impact 3.2-2 in Section 3.2 of this EIR, demolition activities of structures composed of asbestos containing material (ACM) and/or lead-based paint (LBP) could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous building materials. As such, mitigation measure **HAZ-1** would require an asbestos and lead material survey to be conducted by a qualified consultant to determine if the existing structures on-site contain lead-based paint and/or asbestos-related construction materials and mitigation measure **HAZ-2** would require a licensed abatement contractor to implement the approved abatement work plan prior to demolition of affected structures. Mitigation measure **HAZ-3** would require an abatement close-out report to be prepared by the abatement contractor and submitted by the project applicant to the Development Services Department for review and approval prior to the issuance of building permits. In addition to compliance with applicable local and state laws and requirements, with the implementation of mitigation measures **HAZ-1** through **HAZ-3** would reduce short term impacts to **less than significant with mitigation incorporated**.

#### ***Long-Term Impacts***

The project proposes a mixture of residential and commercial uses. Due to their nature, these uses are not generally expected to involve the routine transport, use, or disposal of hazardous materials in substantial quantities.

As mentioned under Impact 3.7-1, hazardous material use associated with the residences and commercial uses, including landscaping and maintenance activities, would be stored on-site for operational uses. The hazardous materials would be limited to private use of commercially available cleaning products, landscaping chemicals and fertilizers, and use of various other commercially available substances. The project site would also have a pool on-site that would require the application of common pool cleaning and maintenance chemicals that may be hazardous. Development of the project site is therefore anticipated to result in use of

commercially available potentially hazardous materials or chemicals. The proposed project would be subject to applicable federal, state, and local health and safety laws and regulations, such as Proposition 65, intended to minimize health risk to the public associated with hazardous materials.

Project conformance with existing local, state, and federal regulations pertaining to the routine transport, use, storage, or disposal of hazardous materials or hazardous wastes would ensure that potential adverse effects are minimized and that such substances are handled appropriately in the event of accidental release. Therefore, operational impacts would be **less than significant**.

**Mitigation Measures:**

- HAZ-1** Prior to demolition permit issuance, an asbestos and lead material survey shall be conducted by a qualified consultant to determine if the existing structures on-site contain lead-based paint and/or asbestos-related construction materials. If substances containing lead and/or asbestos are found on-site, an abatement work plan shall be prepared by the consultant for the proper removal and disposal of the materials in accordance with federal, state, and local laws and regulations. The asbestos and lead survey results and any necessary work plan shall be reviewed and approved by the City of Encinitas Development Services Department (Planning Division).
- HAZ-2** If on-site abatement of asbestos and/or lead materials is required, a licensed abatement contractor shall implement the approved abatement work plan prior to demolition of affected structures.
- HAZ-3** Prior to building permit issuance, an abatement close-out report shall be prepared by the abatement contractor and submitted by the project applicant to the Development Services Department for review and approval.

**Level of Significance:** Less than significant with mitigation incorporated.

***EMIT HAZARDOUS EMISSIONS NEAR AN EXISTING OR PROPOSED SCHOOL***

**Impact 3.7-3**      **The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. No impact would occur.**

The nearest school to the project site is the Capri Elementary School located approximately 1 mile to the southeast at 941 Capri Road. Due to the nature of the uses proposed, it is not anticipated that project construction or operations would result in hazardous emissions or the need to handle hazardous or acutely hazardous materials, substances, or waste that would

### 3.7 Hazards and Hazardous Materials

potentially impact any area schools as the project site is not within ¼ mile of a school. As such, there would be **no impact**.

**Mitigation Measures:** None required.

**Level of Significance:** No Impact.

#### ***BE LOCATED ON A HAZARDOUS MATERIALS SITE***

<b>Impact 3.7-4</b>	<b>The project would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, it would not create significant hazard to the public or the environment. Impacts would be less than significant.</b>
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#### ***Site 1***

As mentioned above, a search of government hazardous materials databases (GeoTracker, EnviroStor) found seven facilities in the project vicinity that were identified pursuant to Government Code Section 65962.5 (see [Appendix J-1](#)). However, analysis in the Phase I ESA determined that these sites do not represent an environmental concern to the project site or surrounding properties due to the status of the cases, distances from the project site, and/or location relative to the project site (i.e., based on being hydrogeologically down- or cross-gradient). Site 1 is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

#### ***Site 2***

A search of government hazardous materials databases (GeoTracker, EnviroStor) found eight facilities in the project vicinity that were identified pursuant to Government Code Section 65962.5 (see [Appendix J-2](#)). However, analysis in the Phase I ESA determined that these sites do not represent an environmental concern to the project site or surrounding properties due to the status of the cases, distances from the project site, and/or location relative to the project site (i.e., based on being hydrogeologically down- or cross-gradient).

As mentioned above, Site 2 is listed with the HMMD and HAZNET databases. The listings include four business entities that were equipment rental businesses at which used oil was collected and sent off site for disposal. There are no records of a release to the environment contained within the records. According to the records search in the Phase I ESA, inspections were conducted at Site 1 on 8/25/03, 9/6/05, 1/10/08, and 6/23/09. While violation notices were indicated in the records, all violations related to paperwork and were not indicative of conditions that would cause a release or spill to the environment. As such, the listing on the HMMD and HAZNET databases.

Although Site 2 is listed on HMMD and HAZNET, the listings are not considered an environmental concern for development of the project site ([Appendix J-2](#)). Therefore, project would not create a significant hazard to the public or the environment in this regard. Impacts would be **less than significant**.

**Mitigation Measures:** None required.

**Level of Significance:** Less than significant.

***SAFETY HAZARD RELATED TO A PUBLIC AIRPORT OR PRIVATE AIRSTRIP***

<b>Impact 3.7-5</b>	<b>The project is not located within an airport land use plan and is not located within 2 miles of a public airport or public use airport. The project would not result in a safety hazard or excessive noise for people residing or working in the project area. No impact would occur.</b>
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There are no public or private airports located within 2 miles of the project site, and the project site is not within the boundaries of an airport land use plan. The closest (public) airport is McClellan-Palomar Airport, approximately 3.5 miles northeast of the project site; no private airstrips are in the immediate vicinity. **No impact** would occur.

**Mitigation Measures:** None required.

**Level of Significance:** No impact.

***INTERFERE WITH AN ADOPTED EMERGENCY RESPONSE PLAN OR EMERGENCY EVACUATION PLAN***

<b>Impact 3.7-6</b>	<b>The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Impacts would be less than significant.</b>
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Emergency response and evacuation is the responsibility of the City of Encinitas Fire Department. The nearest Fire Department is Encinitas Fire Station #3 located approximately 1.5 southeast at 801 Orpheus Ave. The City Fire Department is also involved with hazardous materials response. The County of San Diego maintains the San Diego County Emergency Operations Plan, which was approved in 2018 (San Diego County 2018). The Emergency Operations Plan is used by agencies that respond to major emergencies and disasters, including those related to environmental health.

Vehicular access to the site would be provided via a right turn in from the southbound lane of North Coast Highway 101 and via a left turn in from the northbound lane of North Coast Highway 101. Improvements to North Coast Highway 101 are also proposed to allow for adequate ingress/egress. Activities associated with the proposed project would not impede existing

### 3.7 Hazards and Hazardous Materials

emergency response plans for the project area. The project would not result in closures of North Coast Highway 101 or other local roadways that may have an effect on emergency response or evacuation plans in the vicinity of the project site. It is anticipated that all local roadways would remain open during project construction and operation. Further, construction activities occurring within the project site would comply with all conditions, including grading permit conditions regarding lay-down and fire access, and would not restrict access for emergency vehicles responding to incidents on the site or in the surrounding area. It is anticipated that all vehicles and construction equipment would be staged on-site, off public roadways, and would not block emergency access routes.

Additionally, the design of project access and internal circulation routes, as well as the size and location of fire suppression facilities (e.g., hydrants and sprinklers), would be subject to City standards and made conditions of approval of project plans. The City Fire Department would also review the proposed development plans prior to project approval to ensure that adequate emergency access and on-site circulation are provided ([Appendix N](#)).

Therefore, implementation of the proposed project would not impair or physically interfere with an emergency response plan or evacuation plan. Impacts would be **less than significant**.

**Mitigation Measures:** None required.

**Level of Significance:** Less than significant.

#### **WILDLAND FIRE**

<b>Impact 3.7-7</b>	<b>The project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires. No impact would occur.</b>
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The project site is primarily surrounded by residential and commercial development and not located in a zone designated as Very High Fire Hazard Severity (Cal Fire 2009).

Comprehensive safety measures that comply with federal, state, and local worker safety and fire protection codes and regulations would be implemented for the proposed project. These measures would minimize the occurrence of fire during construction and for the life of the proposed project.

The project would be designed in compliance with additional guidelines from the City Fire Department related to fire prevention and subject to approval by the City's Planning Division. Therefore, the proposed project would not expose people or structures to a significant risk of loss, injury, or death from wildfires. **No impact** would occur. Refer also to Subsection 4.5, Wildfire, of [Section 4.0, Effects Found Not to be Significant](#), for more discussion on wildfire issues.

**Mitigation Measures:** None required.

**Level of Significance:** No impact.

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***CUMULATIVE IMPACTS***

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<b>Impact 3.7-8</b>	<b>The project would not result in a significant cumulative impact related to hazards and hazardous materials. Impacts would be less than cumulatively considerable.</b>
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***Geographic Scope***

Similar to other potential impacts, such as those related to geology and soils, risks related to hazards and hazardous materials are typically localized in nature because they tend to be related to on-site existing hazardous conditions and/or hazards caused by the project's construction or operation. The geographic scope when considering cumulative impacts from hazards and hazardous materials includes specific projects identified in [Table 3.0-1](#) and [Figure 3.0-1](#) in [Section 3.0](#) of this EIR. Additionally, to be conservative, the cumulative analysis is based on the "worst-case" assumption that all 2019 HEU sites develop under maximum density bonus unit allowances. The cumulative impact analysis includes all 2019 HEU sites to the extent they may contribute to certain issue-specific cumulative effects (see [Table 3.0-2](#)). The cumulative setting for hazards associated with the proposed project generally consists of existing and future uses in Encinitas in proximity to the proposed project.

***Potential Cumulative Impacts***

Impacts associated with hazardous materials are generally site-specific. As mentioned above, the proposed project must comply with all applicable local and state laws and requirements regarding the transport, handling, and disposal of hazardous materials and substances. Additionally, the proposed project would implement mitigation measures **HAZ-1** through **HAZ-3** to ensure that the project would not create a significant hazard to the public or the environment. Construction activities occurring within the project site would not restrict access for emergency vehicles that respond to incidents on the site or in surrounding areas.

The City Fire Department would review the proposed development plans prior to project approval to ensure adequate emergency access and circulation, as well as conformance with other fire protection requirements (e.g., sprinkler systems, fire hydrant locations). As mentioned under Impact 3.7-7, the project site is not located in a zone designated as Very High Fire Hazard Severity. While areas in the City are designated as Very High Fire Hazard Severity, cumulative projects would be required to implement mitigation measures to reduce the risk of wildfires, such as buffering on-site uses and establishment of fuel modification zones. Additionally, the

### 3.7 Hazards and Hazardous Materials

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proposed project would not expose people or structures to a significant risk of loss, injury, or death from wildfires as the project would be designed in compliance with additional guidelines from the City Fire Department related to fire prevention and subject to approval by the City's Planning Division (as applicable).

As with the proposed project, the cumulative projects listed in [Table 3.0-1](#) would also be required to avoid and/or mitigate impacts relative to hazards and hazardous materials. The proposed project would involve the storage, use, disposal, and transport of limited amounts of hazardous materials to varying degrees during construction and operation/occupancy. Impacts from these activities are anticipated to be less than significant, and similar development projects would also be required to comply with applicable federal, state, and local regulations and policies.

Implementation of mitigation measures **HAZ-1** through **HAZ-3** prior to project construction would minimize the potential for the accidental release or upset of hazardous building materials. Additionally, other cumulative projects would be required to coordinate with the City of Encinitas and the City Fire Department to ensure that they do not impede the implementation of an emergency plan or prevent emergency access in the affected area.

Therefore, in combination with other reasonably foreseeable development projects in the region, the project's contribution to a cumulative impact would be **less than cumulatively considerable**.

**Mitigation Measures:** Implement mitigation measures **HAZ-1** through **HAZ-3**.

**Level of Significance:** Less than cumulatively considerable.

## Section 3.8

### Hydrology and Water Quality

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This section of the EIR describes the existing hydrology and water quality in the vicinity of the project area and analyzes the potential physical environmental effects related to hydrology, drainage, erosion and sediment transport, and water quality that may occur due to implementation of the proposed project. Information in this section is based on hydrology and water quality information obtained from the *Stormwater Quality Management Plan* (SWQMP) (2021b; [Appendix G](#)) and *Preliminary Hydrology Study* (2021a; [Appendix H](#)), both prepared by Pasco Laret Suiter & Associates (PLSA). Third party technical reports were peer-reviewed by Michael Baker International and the City of Encinitas.

Impacts of the proposed project on existing and future water supply sources, wastewater treatment, and storm water facilities are described and analyzed in [Section 3.14, Utilities and Service Systems](#). Impacts associated with potential topsoil loss and erosion are also presented in [Section 3.6, Geology and Soils](#).

## ENVIRONMENTAL SETTING

### *Regional Watershed Hydrology*

The City of Encinitas is located entirely within the Carlsbad Watershed Management Area (WMA), which is approximately 211 square miles and is formed by a group of six distinct Hydrologic Areas (HA)s: Loma Alta, Buena Vista Creek, Agua Hedionda, Encinas, San Marcos Creek, and Escondido Creek; all of which have separate points of discharge individual watersheds in northern San Diego County (Carlsbad Watershed Management Area Responsible Agencies 2018). The Carlsbad watershed is known for its numerous lagoons, including four unique coastal lagoons: Buena Vista Lagoon, Aqua Hedionda Lagoon, Batiquitos Lagoon, and San Elijo Lagoon. The City of Encinitas also located within the Carlsbad Hydrologic Unit, specifically the San Marcos Hydrologic Area Batiquitos Subunit (904.51).

The Batiquitos Lagoon watershed is approximately 52 square miles and is drained by three stream systems that empty into the eastern end of the lagoon. San Marcos Creek is a major tributary and is dammed at Lake San Marcos within 5 miles of the lagoon. An unnamed tributary joins San Marcos Creek less than 1 mile upstream of the lagoon, and this small tributary drains a small area to the northeast. At the mouth of the San Marcos Creek, Batiquitos Lagoon enters the Pacific Ocean between the community of Leucadia, which is part of the City of Encinitas and the City of Carlsbad. Water levels in the lagoon are controlled by tidal waters entering and exiting through the lagoon's outlet. The lagoon is divided by several transportation corridors into Eastern, Central and Western Basins.

### 3.8 Hydrology and Water Quality

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#### ***Groundwater***

A groundwater basin is generally defined as a hydrogeologic unit containing one large aquifer as well as several connected and interrelated aquifers which have reasonably well-defined boundaries. All major drainage basins in the San Diego region contain groundwater basins that are typically described as small in area and shallow. There are four groundwater basins in the County that are subject to the Sustainable Groundwater Management Act: Borrego Valley, San Diego River Valley, San Luis Rey Valley, and San Pasqual Valley. The proposed project is not located within one of these groundwater basins (County of San Diego 2020e). The nearest basin, San Pasqual Valley, is approximately 12 miles east of the project site. According to the geotechnical investigations for the project site, groundwater occurs at depths greater than 56.5 feet below ground surface (bgs) (NOVA 2021).

#### ***Local Surface Water and Drainage***

Stormwater discharges flow into various locations within Batiquitos Lagoon. Local surface drains discharge to the lagoon from I-5, La Costa Boulevard, El Camino Real, and residential streets adjacent to the lagoon. Caltrans has constructed a stormwater basin adjacent to the La Costa exit ramp off I-5. This stormwater basin has been designed to treat stormwater from I-5 prior to discharge to the Central and East Basins of the lagoon. Another significant stormwater outfall is located on the northern portion of the Eastern Basin that discharges stormwater from the Aviara community and golf course detention basin. Stormwater discharges also occur in the northeastern corner of the Eastern Basin from the developments bordering Alga Boulevard (City of Encinitas 2016).

Existing storm water runoff from the project site generally flows overland and in onsite storm drain easterly to North Coast Highway 101. There is offsite run-on to the project site from the hillside along the westerly and southerly boundary. Overland flow and an onsite storm drain connects to the 24-inch storm drain located in North Coast Highway 101 and conveys all flow northerly to an outfall on the eastside of Highway 101 that discharges to the Central Basin of Batiquitos Lagoon and ultimately the Pacific Ocean at South Carlsbad State Beach.

Batiquitos Lagoon eastward from I-5, or the Western Basin, has been designated as a State Marine Conservation Area (SMCA) by the California Legislature and as an Ecological Reserve by the California Department of Fish and Wildlife.

The Water Quality Control Plan for the San Diego Basin (Basin Plan) designates the following beneficial uses associated with Batiquitos Lagoon: Contact Water Recreation (REC-1); Non-contact Water Recreation (REC-2); Preservation of Biological Habitats of Special Significance (BIOL), Estuarine Habitat (EST); Wildlife Habitat (WILD), Rare, Threatened and Endangered

Species (RARE), Marine Habitat (MAR), Migration of Aquatic Organisms (MIGR); and Spawning, Reproduction and/or Early Development (SPWN) (SDRWQCB 2016a). The take of all living marine resources is prohibited within the protected SMCA portion of Batiquitos Lagoon. Boating, swimming, wading, and diving are also prohibited within the conservation area.

The mouth of Batiquitos Lagoon enters the Pacific Ocean at South Ponto located at the south end of South Carlsbad State Beach. The beneficial uses of the ocean waters along this stretch of beach include industrial water supply; REC-1 and REC-2, BIOL, aesthetic enjoyment; navigation; commercial and sport fishing; mariculture; rare and endangered species; marine habitat; fish migration; fish spawning and shellfish harvesting.

### ***Water Quality***

Runoff is a term used to describe any water that drains or runs off of a defined land area into a waterway. Runoff can be the result of rain, in which case it is also sometimes referred to as storm water. Runoff can also result from various other sources or activities such as irrigation, hosing down of areas, wash water from cleaning, leaks in pipes, and air conditioner condensation. General hydrologic characteristics, land uses, and activities that involve pollutants have the greatest influence on the water quality runoff from a given area.

Constituents of concern (COCs) found in urban runoff include sediments, non-sediment solids, nutrients, pathogens, oxygen-demanding substances, petroleum hydrocarbons, heavy metals, floatables, polycyclic aromatic hydrocarbons (PAHs), trash, pesticides, and herbicides. These contaminants can adversely affect receiving and coastal waters, flora and fauna, and public health.

Batiquitos Lagoon, the main receiving water for the project area is a 303(d) water body impaired for toxicity. Batiquitos Lagoon was first listed as impaired by the San Diego Regional Board in the 2014 and 2016 Integrated Report (303(d) List/305(b) Report) for toxicity (sediment). This was based on 5 of 8 sediment samples that displayed toxicity (data from 2003, 2004, 2005 and 2008) (SDRWQCB 2016b). The source for the toxicity impairment is listed as unknown; however, the common sources of this pollutant type include contaminants from residential and commercial areas, industrial activities, construction, streets and parking lots.

### ***Flooding***

According to Emergency Management Agency (FEMA) map panel 06073C1033H, the project site is located in an area that is designated as being in Zone X, which is an area of minimal flooding located outside of the FEMA-mapped 100-year floodplain (FEMA 2019). Currently, North Coast Highway 101 through the City of Encinitas is prone to localized flooding during frequent storm events due to inadequate storm drain infrastructure. As part of the approved North Coast

### 3.8 Hydrology and Water Quality

Highway 101 Streetscape Project, storm drain improvements, green-street design, and a diversion structure have been designed to improve flooding along North Coast Highway 101 and provide water quality benefit to the receiving waters, Batiquitos Lagoon and the Pacific Ocean.

#### ***Seiche and Tsunami***

A seiche is a surface wave created when a body of water is shaken, usually by earthquake activity. Seiches are of concern relative to water storage facilities, because inundation from a seiche can occur if the wave overflows a containment wall, such as the wall of a reservoir, water storage tank, dam, or other artificial body of water. Tsunamis are a type of earthquake-induced flooding that is produced by large-scale sudden disturbances of the sea floor. Tsunamis interact with the shallow sea floor topography upon approaching a landmass, resulting in an increase in wave height and a destructive wave surge into low-lying coastal areas.

According to the California Emergency Management Agency Tsunami Inundation Map for Emergency Planning- County of San Diego-Encinitas Quadrangle, the site is not located in a tsunami inundation area, and therefore, it is not anticipated that inundation due to tsunami would occur (California Emergency Management Agency 2009).

## **REGULATORY FRAMEWORK**

### ***Federal***

#### **National Flood Insurance Program**

FEMA oversees floodplains and administers the National Flood Insurance Program (NFIP) adopted under the National Flood Insurance Act of 1968. The program makes federally subsidized flood insurance available to property owners in communities that participate in the program. Areas of special flood hazard (those subject to inundation by a 100-year flood) are identified by FEMA through regulatory flood maps titled Flood Insurance Rate Maps. The NFIP mandates that development cannot occur within the regulatory floodplain (typically the 100-year floodplain) if that development results in an increase of more than 1-foot elevation. In addition, development is not allowed in delineated floodways within the regulatory floodplain.

#### **Clean Water Act**

The Clean Water Act (CWA) gives states the primary responsibility for protecting and restoring water quality. In California, the State Water Resources Control Board (SWRCB) and the nine Regional Water Quality Control Boards (RWQCB) are the agencies with the primary responsibility for implementing federal CWA requirements, including developing and implementing programs to achieve water quality standards. Water quality standards include designated beneficial uses

of water bodies, criteria or objectives (numeric or narrative) which are protective of those beneficial uses, and policies to limit the degradation of water bodies. The project site is in an area of the state regulated by the San Diego RWQCB.

*Section 401, Water Quality Certification*

CWA Section 401 requires that, prior to issuance of any federal permit or license, any activity (including river or stream crossing during road, pipeline, or transmission line construction) that may result in discharges into waters of the United States must be certified by the state, as administered by the RWQCB. This certification ensures that the proposed activity does not violate state and/or federal water quality standards.

*Section 402, National Pollutant Discharge Elimination System (NPDES)*

CWA Section 402 authorizes the SWRCB to issue a NPDES Construction General Storm Water Permit (Order 2012-0006-DWQ), referred to as the Construction General Permit. NPDES regulations in Encinitas are administered by the San Diego RWQCB. Disturbance of 1 or more acre triggers NPDES coverage under the Construction General Permit, which requires:

- Filing of a Notice of Intent (NOI) with the SWRCB;
- Implementation of a stormwater pollution prevention plan (SWPPP) that specifies best management practices (BMPs) to prevent grading/construction-related pollutants (including sediment from erosion) from contacting stormwater and moving off-site into receiving waters, as well as elimination/reduction of non-stormwater discharges; and
- Inspections of all BMPs.

The Construction General Permit also contains requirements for post-construction stormwater management in the form of long-term BMPs, particularly for impervious surface runoff.

*Section 404, Discharge of Dredged or Fill Materials*

CWA Section 404 establishes programs to regulate the discharge of dredged and fill material into waters of the United States, including wetlands. For purposes of Section 404, the limits of non-tidal waters extend to the ordinary high water mark, established by the fluctuation of water and indicated by physical characteristics, such as the natural line impressed on the bank, changes in the character of the soil, and presence of debris flow. When an application for a Section 404 permit is made, the applicant must show that steps have been taken to avoid impacts to wetlands or waters of the United States where practicable, minimize unavoidable impacts on waters of the United States and wetlands, and provide mitigation for unavoidable impacts.

Section 404 requires a permit for construction activities involving placement of any kind of fill material into waters of the United States or wetlands. A Water Quality Certification pursuant to

### 3.8 Hydrology and Water Quality

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CWA Section 401 is required for Section 404 permit actions. If applicable, construction would also require a request for Water Quality Certification (or waiver thereof) from the San Diego RWQCB.

#### *Section 303, Water Quality Standards and Implementation Plans*

CWA Section 303(d) requires states to identify “impaired” water bodies as those which do not meet water quality standards. States are required to compile this information in a list and submit the list to the US Environmental Protection Agency (EPA) for review and approval. This list is known as the Section 303(d) List of Impaired Water Bodies. As part of this listing process, states are required to prioritize waters and watersheds for future development of total maximum daily load (TMDL) requirements. The SWRCB and RWQCBs have ongoing efforts to monitor and assess water quality, prepare the Section 303(d) list, and develop TMDL requirements.

Water bodies on the list have no further assimilative capacity for the identified pollutant, and the Section 303(d) list identifies priorities for development of pollution control plans for each listed water body and pollutant. The pollution control plans triggered by the CWA Section 303(d) list are called TMDLs. The TMDL is a “pollution budget” designed to restore the health of a polluted body of water and ensure the protection of beneficial uses. The TMDL also contains the target reductions needed to meet water quality standards and allocates those reductions among the pollutant sources in the watershed (point sources, nonpoint sources, and natural sources) (40 CFR 130.2). Currently, no TMDLs have been finalized for Batiquitos Lagoon. A TMDL for toxicity is anticipated in 2025.

Regulations governing the TMDL program (40 CFR 130.2 and 130.70) define the TMDL as the sum of the individual wasteload allocations (WLAs) for point sources and load allocations (LAs) for nonpoint sources. When a jurisdiction discharges stormwater to an impaired water body, they may be asked to participate in or supply information for the TMDL development process for impaired waterbodies that do not yet have an approved TMDL. The participation in the TMDL process will likely mean attending public meetings as a stakeholder and providing information related to the MS4 and associated stormwater discharges, such as outfall locations, drainage areas, types and locations of structural and non-structural BMPs, as well as the expected or measured pollutant load reductions from the BMPs. This information supports calculation of an accurate and reasonable WLA for individual dischargers.

#### ***State***

#### **Coastal Zone Act Reauthorization Amendments**

While stormwater and urban runoff is regulated by the NPDES permitting program, virtually all other nonpoint sources are subject to the Coastal Nonpoint Pollution Control Program (CNPCP) under the Coastal Zone Act Reauthorization Amendments (CZARA). Section 6217 of the federal

CZARA established the CNPCP, which requires the EPA to develop, and the states to implement, BMPs to control nonpoint source pollution in coastal waters. Pursuant to CZARA Section 6217(g), the six major categories of nonpoint sources addressed by the amendments are agriculture, forestry, urban areas, marinas, hydromodification projects, and wetlands.

### **Porter-Cologne Water Quality Control Act**

The Porter-Cologne Water Quality Control Act, in cooperation with the CWA, established the SWRCB. The SWRCB and the nine RWQCBs are responsible for protecting California's surface water and groundwater supplies. Section 13000 of the act directs each RWQCB to develop water quality control plans for all areas in its region, to designate the beneficial uses of California's rivers and groundwater basins; these plans are the basis for each board's regulatory program.

The Basin Plan gives direction on the beneficial uses of state waters in Region 9, describes the water quality that must be maintained to support such uses, and includes programs, projects, and other actions necessary to achieve the standards established in the Basin Plan. The Basin Plan defines water quality objectives for groundwater and inland surface waters. The Batiquitos Lagoon is categorized as a coastal water; therefore, the Basin Plan does not contain any water quality objectives that are specific to the lagoon.

Water quality objectives for coastal waters are contained in the State Board's Water Quality Control Plan for Ocean Waters of California (Ocean Plan). These objectives could be applied to Batiquitos Lagoon, but the San Diego RWQCB implements the Basin Plan by issuing and enforcing waste discharge requirements to individuals, communities, or businesses whose waste discharges may affect water quality. These requirements are state waste discharge requirements for discharge to land or federally delegated NPDES permits for discharges to surface water. Responsibility for implementing CWA Sections 401-402 and Section 303(d) is also outlined in the Porter-Cologne Water Quality Control Act.

### **Water Quality Improvement Plan for the Carlsbad Watershed Management Area**

The water quality improvement plan (WQIP) for the Carlsbad Watershed is a comprehensive watershed-based program designed to improve surface water quality in the Carlsbad WMA, in receiving waters including four unique coastal lagoons, three major creeks, and two large water storage reservoirs, and at nearby beaches (City of San Diego 2015a). It is required by Order No. R9-2013-0001, as amended by Order Nos. R9-2015-0001 and R9-2015-0100, NPDES No. CAS0109266, NPDES Permit and waste discharge requirements (WDRs) for Discharges from the municipal separate storm sewer systems (MS4s) draining the Watersheds within the San Diego region. The WQIP outlines a framework to improve the surface water quality in the Carlsbad WMA by identifying, prioritizing, and addressing impairments related to urban runoff discharges

### 3.8 Hydrology and Water Quality

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to protect, preserve, enhance, and restore water quality for beneficial recreational, wildlife, and other uses. An updated 2021 WQIP was submitted to the Regional Board in January 2021 and the Responsible Agencies, including the City of Encinitas, are awaiting acceptance of the document.

#### **State Water Resources Control Board, Stormwater Construction General Permit**

The five-member SWRCB allocates water rights, adjudicates water right disputes, develops statewide water protection plans, establishes water quality standards, and guides the nine RWQCBs in the major watersheds of the state. The joint authority of water allocation and water quality protection enables the SWRCB to provide comprehensive protection for California's waters.

In 1999, the state adopted the NPDES General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit) (SWRCB Order No. 2012-0006-DWQ, NPDES No. CAS000002). The Construction General Permit requires that construction sites with 1 acre or greater of soil disturbance, or less than 1 acre but part of a greater common plan of development, apply for coverage for discharges under the Construction General Permit by submitting an NOI for coverage, developing an SWPPP, and implementing BMPs to address construction site pollutants.

The SWPPP should contain a site map(s) which shows the construction site perimeter, existing and proposed buildings, lots, roadways, stormwater collection and discharge points, general topography both before and after construction, and drainage patterns across the project. The SWPPP must list the BMPs that the discharger will use to protect stormwater runoff and the placement of those BMPs. Additionally, the SWPPP must contain a visual monitoring program, a chemical monitoring program for "non-visible" pollutants to be implemented if there is a failure of BMPs, and a sediment monitoring plan if the site discharges directly to a water body listed on the 303(d) list for sediment. Section A of the Construction General Permit describes the elements that must be contained in a SWPPP. Enrollment under the Construction General Permit is through the Stormwater Multiple Application and Report Tracking System. Additionally, the SWRCB is responsible for implementing the CWA and issues NPDES permits to cities and counties through the individual regional boards.

#### ***Local***

#### **San Diego Regional MS4 Permit**

The Regional Water Quality Control Board, San Diego Region (San Diego RWQCB) regulates discharges from Phase I municipal separate storm sewer systems (MS4s) in the San Diego Region under the Regional MS4 Permit. MS4 permits require cities and counties to develop and implement programs and measures to reduce the discharge of pollutants in stormwater to the

maximum extent possible. This includes management practices, control techniques, system design and engineering methods, and other measures as appropriate.

As part of permit compliance, permit holders create stormwater management plans for their respective locations. These plans outline the requirements for municipal operations, industrial and commercial businesses, construction sites, and planning and land development. The requirements may include multiple measures to control pollutants in stormwater discharges. During implementation of specific projects under the program, project applicants are required to follow the guidance contained in the stormwater management plans, as defined by the permit holder in that location.

The Regional MS4 Permit covers 39 municipal, county government, and special district entities (referred to jointly as Copermittees) located in San Diego County, southern Orange County, and southwestern Riverside County who own and operate large MS4s which discharge stormwater (wet weather) runoff and non-stormwater (dry weather) runoff to surface waters throughout the San Diego region.

#### **San Diego Municipal Storm Water Permit**

This Municipal Storm Water Permit (Order R9-2015-0100) requires that each Watershed Management Area co-permittee covered under the permit prepare a Water Quality Improvement Plan that identifies priority and highest priority water quality conditions and strategies which will be implemented with associated goals to demonstrate progress toward addressing the conditions in the watershed.

In 2016, the County of San Diego (as the Municipal Storm Water Permit permittee representing all cities in the county) approved a BMP Design Manual in accordance with the Municipal Storm Water Permit. The manual identifies mitigation strategies to protect stormwater quality for new development and significant redevelopment in the San Diego region. The manual outlines a template for municipalities in the region to follow in preparing their respective BMP design manuals, and it establishes a series of source control, site design, and treatment control BMPs to be implemented by all priority development projects.

#### **City of Encinitas Jurisdictional Runoff Management Program**

The Jurisdictional Runoff Management Program sets forth strategies, standards, and protocols to address the priorities and goals established in the WQIP. The purpose of this document is to present an integrated programmatic approach to reducing the discharge of pollutants from the MS4 to the maximum extent practicable (MEP) standard, and to protect and improve the quality of water bodies in Encinitas. It describes operational programs and activities developed to meet the requirements of Municipal Stormwater Permit and serves as the implementation mechanism

### 3.8 Hydrology and Water Quality

for WQIP strategies. The highest-priority water quality conditions in the area are discharges of bacteria (City of Encinitas 2017).

#### **Stormwater Standards Manual**

The Stormwater Standards Manual was developed be used in conjunction with the City Stormwater Management and Discharge Control Ordinance, codified as Encinitas Municipal Code (EMC) Chapter 20.08, and the water quality protection provisions of the City of Encinitas Grading, Erosion and Sediment Control Ordinance, codified as EMC Chapter 23.24. This Manual is not a stand-alone document, but must be read in conjunction with other parts of the Stormwater Ordinance and the Grading, Erosion, and Sediment Control Ordinance. In general, this Manual sets out in more detail, by project category, what dischargers must do to comply with the Ordinances. The Manual and the Ordinances have been prepared to provide the City with the legal authority necessary to comply with the requirements of San Diego Regional Water Quality Control Board (RWQCB) Order No. R9-2013-0001, as amended by Order No. R9-2015-0001.

#### **City of Encinitas Best Management Practice Manual**

The City has developed a local BMP Design Manual, incorporated as Chapter 7 of the Engineering Design Manual, which was adapted from the County's BMP Design Manual and adopted in 2016. The City's manual provides guidance on specific design measures to reduce development impacts with regard to treating stormwater runoff and maintaining water quality to ensure compliance with minimal local standards in conformance with the MS4 Permit.

#### **City of Encinitas General Plan and Local Coastal Plan**

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

##### *Land Use Element/Local Coastal Program*

Policy 2.3: Growth will be managed in a manner that does not exceed the ability of the City, special districts and utilities to provide a desirable level of facilities and services.

Policy 2.8: Development shall not be permitted where it will result in significant degradation of ground, surface, or ocean water quality, or where it will result in significant increased risk of sewage overflows, spills, or similar accidents.

Policy 2.10: Development shall not be allowed prematurely, in that access, utilities, and services shall be available prior to allowing the development.

*Public Safety Element*

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

*Resource Management Element*

Policy 2.1: In that ocean water quality conditions are of utmost importance, the City shall aggressively pursue the elimination of all forms of potential unacceptable pollution that threatens marine of human health.

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

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

**Encinitas North Coast 101 Corridor Specific Plan (N101SP)**

The City's General Plan identifies the North 101 Corridor Specific Plan (N101SP) due to the unique character, problems, and opportunities that the North Highway 101 corridor exhibits. The N101SP addresses such issues, with the goal of maintaining the identity, community character, and scale of the corridor, while enhancing future opportunities for redevelopment and revitalization along North Highway 101. The N101SP provides goals, policies, and provisions for the beach-side commercial corridor within the Leucadia community. Primary goals of the N101SP are to maintain the unique and desirable aspects of the Specific Plan area, while providing continued private land use and investment, public improvements, and the economic success of the Specific Plan area. Relevant goals of the N101SP include:

### 2.2.4 Infrastructure and Public Safety

A. Eliminate flooding and improve drainage.

#### **City of Encinitas Municipal Code**

Encinitas Municipal Code Chapter 20.08 (Stormwater Management and Discharge Control Ordinance) regulates discharges into the stormwater conveyance system and downstream receiving waters to preserve and enhance water quality for beneficial uses and protect the health, safety, and welfare of the public by:

- Prohibiting non-stormwater discharges to the stormwater conveyance system;
- Eliminating pollutants in stormwater to the maximum extent practicable, including pollutants from both point and nonpoint sources;
- Prohibiting activities which cause, or contribute to, exceedance of state and federal receiving water quality objectives; and
- Protecting watercourses from disturbance and pollution.

Chapter 20.08 establishes the City's legal authority to enforce a wide spectrum of stormwater and water quality related requirements and defines minimum BMP standards for various community sectors including residential, commercial, construction, municipal, and development activities.

Chapter 23.24 (Grading, Erosion and Sediment Control Ordinance) requirements that are applicable to drainage issues are as follows:

- Sections 23.24.150 and 23.24.160. The applicant must submit interim and final erosion and sediment control plans.
- Section 23.24.200. The applicant must submit a proposed schedule for installation of all interim and final erosion and sediment control measures.
- Section 23.24.370. Limits grading between October 1 of any year and April 15 of the following year, unless the plans for such work includes desilting basins or other temporary drainage or control measures.
- Section 23.24.380. Provides guidelines for erosion and sediment control measures during and following construction.

## STANDARDS OF SIGNIFICANCE

### *Methodology*

An assessment of hydrology and water quality impacts was prepared by evaluating the existing hydrology and water quality settings and comparing them to hydrology and water quality conditions that would occur with implementation of the proposed project. An evaluation of the significance of potential impacts on hydrology and water quality must consider both direct effects to the resource and indirect effects in a local or regional context. When considering the significance of an individual impact, the EIR considers the existing federal, state, and local regulations, laws, and policies in effect, including applicable General Plan policies. In addition, the impact analysis considers the project design features that have been incorporated into the project to avoid, reduce, or offset potential impacts.

### *Thresholds of Significance*

The following thresholds of significance are based, in part, on CEQA Guidelines Appendix G. For the purposes of this EIR, the proposed project may have a significant adverse impact on hydrology and water quality if it would:

1. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.
2. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.
3. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:
  - a. Result in substantial erosion or siltation on- or off-site.
  - b. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.
  - c. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.
  - d. Impede or redirect flood flows.

3.8 Hydrology and Water Quality

4. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation.
5. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

**PROJECT IMPACTS AND MITIGATION**

***VIOLATION OF WATER QUALITY STANDARDS***

<b>Impact 3.8-1</b>	<b>The project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. Impacts would be less than significant.</b>
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Stormwater runoff (both dry and wet weather) generally discharges into storm drains and/or flows directly to creeks, rivers, lakes, and the ocean. Polluted runoff can have harmful effects on receiving water bodies and their beneficial uses. Stormwater characteristics depend on site conditions (e.g., land use, impervious cover, pollution prevention, types and amounts of BMPs), rain events (duration, amount of rainfall, intensity, time between events), soil type and particle sizes, multiple chemical conditions, the amount of vehicular traffic, and atmospheric deposition. Major pollutants typically found in runoff include sediments, nutrients, oxygen-demanding substances, heavy metals, petroleum hydrocarbons, pathogens, and bacteria.

***Short-Term Construction***

Potential water quality impacts associated with short-term grading and construction activities include discharge of construction-related sediment and other common stormwater pollutants (e.g., fuels). To ensure that construction activities do not cause water quality to be impaired, a Storm Water Pollution Prevention Plan (SWPPP) would be prepared and implemented in accordance with state and City requirements. In accordance with the requirements of Section A of the state Construction General Permit, the SWPPP would contain a site map(s) which shows the construction site perimeter, existing and proposed buildings, lots, roadways, stormwater collection and discharge points, general topography both before and after construction, and drainage patterns across the project. The SWPPP would list the BMPs that would be used to protect stormwater runoff and the placement of those BMPs. Additionally, the SWPPP would contain a visual monitoring program, a chemical monitoring program for “non-visible” pollutants would also be implemented if there is a failure of BMPs.

A sediment monitoring plan would also be required to be prepared and implemented during construction because runoff from the site has the potential to discharge directly to Batiquitos Lagoon, which is listed on the 303(d) list for toxicity in sediment. Therefore, with implementation

of BMPs, chemical and sediment monitoring during construction as required by the SWPPP, water quality impacts would be reduced or avoided.

As discussed in Section 2.0, Project Description, an estimated 48,400 c.y. of sand material would be exported off-site for beach placement as part of the City's Sand Compatibility and Opportunistic Use Program (SCOUP). All beach sand replenishment activities associated with the proposed project would be performed in accordance with the City's SCOUP environmental and regulatory requirements, including restrictions on the timing and duration of sand placement and biological monitoring requirements. Short-term impacts during construction would be **less than significant**.

#### ***Post-Construction/Long-Term Occupancy and Operations***

Potential water quality impacts associated with post construction conditions and operations include an increase in polluted stormwater runoff due to increased development intensity and discharge of sediment and other common stormwater pollutants (e.g., fuels) associated with mixed use development. An increase in runoff discharge rates may result in erosion or increase sedimentation and turbidity in receiving waters and an increase in overall runoff volume could contribute to long term water quality degradation of receiving water, if the runoff is not properly controlled or treated.

The existing project site is partially developed with an estimated 76,819 SF of impervious surfaces. Implementation of the proposed project would introduce approximately 133,865 SF, or an overall net increase of 57,046 SF of imperious surface on the project site over existing conditions thereby classifying it as a priority development project as defined in the Regional MS4 Stormwater Permit (PLSA 2021a).

The City of Encinitas is listed as a Co-Permittee under the Regional Stormwater Permit (Order No. R9-2013-0001, as amended by Order Nos. R9-2015-0001 and R9-2015-0100). This permit regulates post-development discharge into municipal separate storm sewer systems (MS4s) and requires each co-permittee to implement management programs, BMPs, and monitoring programs, within their jurisdiction and their watershed(s).

A project must demonstrate that the project area can handle peak flows from the 85th percentile, 24-hour storm without flooding (or equivalent flow-based criteria). In addition, each project must implement BMPs that are designed to retain (i.e. intercept, store, infiltrate, evaporate, and evapotranspire) onsite the pollutants contained in the volume of storm water runoff produced from a 24-hour, 85th percentile storm event; however, for situations where onsite retention of the 85th percentile storm volume is technically not feasible, biofiltration must be provided to satisfy specific "biofiltration standards."

### 3.8 Hydrology and Water Quality

To address the increase in stormwater discharge rates to the City's MS4 described above, the project has been designed with an underground vault to detain discharge flow. In the post construction condition, storm water would flow off surfaces (e.g., buildings, parking lots) to two types of biofiltration basins located throughout the site. Discharge from the biofiltration basins would then flow to an underground storage vault located in the northeastern corner of the project site. The vault would then be controlled to discharge to a proposed 18" reinforced concrete pipe (RCP) which would connect to the back of the existing curb inlet located north of the project along North Coast Highway 101 which outlets to an 18" RCP which transitions to a 24" RCP which conveys flow northerly as in the existing condition to an existing outfall located on the east side of Highway 101 at the Batiquitos Lagoon.

Offsite storm water that runs onto the site along the westerly boundary would be intercepted via a new concrete ditch and routed to proposed storm drain which runs along the northern boundary of the site and connects to the underground vault outlet pipe and continues as described above. Offsite run-on along the southern boundary would be captured in a new concrete ditch and discharged to North Coast Highway 101 via sidewalk underdrain. In this area, there would be no change in the offsite stormwater runoff rate or volume with the implementation of the proposed project.

As described above, the proposed project has been designed such that all stormwater runoff would be captured rather than allowed to infiltrate onsite. As shown in Table 3.8-1, Summary of 100-yr Storm Event Hydrologic Analyses, the peak flow rate resulting from the 100-year, 6-hour storm event would be lower in the proposed condition (1.17 cfs) than the existing condition (14.65 cfs).

**Table 3.8-1 Summary of 100-yr Storm Event Hydrologic Analyses**

Condition	Area (ac)	Q100 (cfs)
Existing (East of Carlsbad Boulevard)	0.626	1.03
Existing (West of Carlsbad Boulevard)	3.507	13.62
Existing (Total)	4.133	14.65
Proposed (East of Carlsbad Boulevard) Proposed Subareas 1 & 2	4.009	19.62
Proposed Detained (East of Carlsbad Blvd) Proposed Subareas 1 & 2		0.89
Proposed (West of Carlsbad Boulevard) Proposed Subarea 3	0.124	0.28
Proposed (Total) Proposed Subareas 1, 2 & 3	4.133	19.90
Proposed (Total) Detained Proposed Subareas 1, 2 & 3	4.133	1.17

Notes: cfs = cubic feet per second

Source: Preliminary Hydrology Study, Pasco Laret Suiter & Associates, Inc. 2021 ([Appendix H](#))

As described above, the proposed underground storage vault is sized to accommodate the increase in peak runoff in the proposed condition and the biofiltration basins and storage vault

are designed to meet the requirements of the MS4 Permit for both pollutant control and hydromodification management. Since the peak flow rate resulting from the 100-year, 6-hour storm event would be lower in the proposed condition (1.17 cfs) than the existing condition (14.65 cfs), the project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. Therefore, impacts would be **less than significant**.

**Mitigation Measures:** None required.

**Level of Significance:** Less than significant.

#### ***GROUNDWATER SUPPLIES***

<b>Impact 3.8-2</b>	<b>The project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project would impede sustainable groundwater management of the basin. Impacts would be less than significant.</b>
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Water service for the project would be provided by the San Dieguito Water District (SDWD). According to SDWD, there are adequate water supplies to serve the project.

As discussed in Impact 3.8-1, due to coastal bluff erosion concerns, the proposed project has been designed such that all stormwater runoff would be captured rather than allowed to infiltrate onsite. Therefore, the post construction condition would result in reduced onsite infiltration. According to the geotechnical investigations for the project site, groundwater occurs at depths greater than 56.5 feet below ground surface (bgs) (NOVA 2021).

Based on the elevation of the project site, depth of groundwater and proximity to the ocean, it does not appear that there is a significant hydrologic connection between stormwater infiltration and underlying groundwater at the project site. Further, the project site is not located within a groundwater basin that is used for water supply or subject to the Sustainable Groundwater Management Act. Therefore, the proposed project would not interfere with groundwater recharge such that the project would impede sustainable groundwater management of a regulated groundwater basin. Impacts would be **less than significant**.

**Mitigation Measures:** None required.

**Level of Significance:** Less than significant.

***EROSION OR SILTATION***

<b>Impact 3.8-3</b>	<b>The project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site. Impacts would be less than significant.</b>
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The proposed project would not alter the course of a stream or river because such features are not present on-site.

***Short-Term Construction***

As discussed in Impact 3.8-1, project construction activities have the potential to cause erosion during earthmoving and grading activities, which may result in discharge of construction-related sediment off-site. To ensure that construction activities do not cause water quality to be impaired, a Storm Water Pollution Prevention Plan (SWPPP) would be prepared and implemented in accordance with state and City requirements. In accordance with the requirements of Section A of the state Construction General Permit, the SWPPP would contain a site map(s) which shows the construction site perimeter, existing and proposed buildings, lots, roadways, stormwater collection and discharge points, general topography both before and after construction, and drainage patterns across the project.

A sediment monitoring plan would also be required to be prepared and implemented during construction because runoff from the site has the potential to discharge directly to Batiquitos Lagoon, which is listed on the 303(d) list for toxicity in sediment. Therefore, with implementation of BMPs, chemical and sediment monitoring during construction as required by the SWPPP, water quality impacts would be reduced or avoided. As a result, short-term impacts during construction would be **less than significant**.

***Post-Construction/Long-Term Occupancy and Operations***

As discussed in Impact 3.8-1, the proposed project has been designed to redirect and capture all stormwater runoff associated with the post construction condition to an underground storage vault. The post construction detained flow rate to the MS4 would only be a fraction of the existing discharge rate; therefore, there would be no new direct water quality impacts associated with erosion or sedimentation due to increased flow from increased impervious surfaces on the project site.

As shown in [Table 3.8-1](#), the peak flow rate resulting from the 100-year, 6-hour storm event would be lower in the proposed mitigated condition (1.17 cfs) than the existing condition (14.65

cfs). As such, the proposed project would not substantially alter existing drainage patterns of the project site but would instead maintain and improve existing on-site stormwater drainage patterns (see also [Appendix H](#)).

Therefore, the proposed project would not substantially alter the existing drainage pattern of the site or area, including the Batiquitos Lagoon, in a manner which would result in substantial erosion or siltation on- or off-site. Impacts would be **less than significant**.

**Mitigation Measures:** None required.

**Level of Significance:** Less than significant.

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***FLOODING ON- OR OFF-SITE***

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<b>Impact 3.8-4</b>	<b>The project would not substantially alter the existing drainage pattern of the site or area in manner which would substantially increase the rate or amount of surface runoff that would result in flooding on- or off-site. Impacts would be less than significant.</b>
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Refer to Impacts 3.8-1 and 3.8-3 above. The proposed project has been designed with hydromodification controls that would redirect and capture all stormwater runoff associated with the post construction condition for Sites 1 and 2 to an underground storage vault with controlled discharge to the MS4 such that the capacity of the existing system would not be exceeded. As such, the implementation of the proposed project on Sites 1 and 2 would not result in an increase in on-site or off-site flooding.

Offsite run-on along the southern boundary would also be captured in a new concrete ditch and discharged to North Coast Highway 101 via sidewalk underdrain. In this area, there would be no change in the offsite stormwater runoff rate or volume with the implementation of the proposed project.

As shown in [Table 3.8-1](#), the peak flow rate resulting from the 100-year, 6-hour storm event would be lower in the proposed condition (1.17 cfs) than the existing condition (14.65 cfs). Therefore, the proposed project would not substantially alter the existing drainage pattern of the site or area, including the Batiquitos Lagoon, in a manner which would result in substantial flooding on- or off-site. Impacts would be **less than significant**.

**Mitigation Measures:** None required.

**Level of Significance:** Less than significant.

**STORMWATER DRAINAGE SYSTEMS AND POLLUTED RUNOFF**

**Impact 3.8-5**            **The project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through addition of impervious surfaces, in a manner which would create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Impacts would be less than significant.**

Refer to Impacts 3.8-1, 3.8-3, and 3.8-4 above. The proposed project would not alter the course of a stream or river because such features are not present on-site.

The proposed project has been designed with hydromodification controls that would redirect and capture all stormwater runoff associated with the post construction condition for Sites 1 and 2 to an underground storage vault with controlled discharge to the MS4 such that the capacity of the existing system would not be exceeded.

As shown in Table 3.8-1, the peak flow rate resulting from the 100-year, 6-hour storm event would be lower in the proposed condition (1.17 cfs) than the existing condition (14.65 cfs). As such, the proposed project would not substantially alter existing drainage patterns of the project site but would instead maintain and improve existing on-site stormwater drainage patterns (see also Appendix H).

The proposed development and proposed storm drain design would not only be capable of safely conveying the 100-year storm runoff flow, but has included many instruments in the storm drain system design to ensure that the discharge from the project site is properly treated and that runoff would not pose any significant impact or threats to the water quality of the public storm drain system. Furthermore, in accordance with the hydromodification management requirements of the MS4 permit, the on-site bioretention areas would serve as flow-control BMPs. Additionally, the proposed project would be subject to MS4 permit requirements to reduce polluted stormwater runoff (Appendix H).

Therefore, the proposed project would not substantially alter the existing drainage pattern of the site or area, including the Batiquitos Lagoon, would create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Impacts would be **less than significant**.

**Mitigation Measures:** None required.

**Level of Significance:** Less than significant.

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***IMPEDE OR REDIRECT FLOOD FLOWS***

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<b>Impact 3.8-6</b>	<b>The project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through addition of impervious surfaces, in a manner which would impede or redirect flood flows. Impacts would be less than significant.</b>
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The proposed project would not alter the course of a stream or river, as no such features are present on-site. As illustrated on FEMA map panel 06073C1033H, FEMA has not mapped any Special Flood Hazard Areas within the immediate project vicinity, which is designated as being in Zone X (Other Areas) (FEMA 2019). The project site is therefore determined to be outside the FEMA-mapped 100-year floodplain.

As such, the project would not substantially alter the existing drainage pattern of the site or area in a manner which would impede or redirect flood flows. Impacts would be **less than significant**.

**Mitigation Measures:** None required.

**Level of Significance:** Less than significant.

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***INUNDATION BY FLOOD, SEICHE, OR TSUNAMI***

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<b>Impact 3.8-7</b>	<b>Project implementation would not risk release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones. No impact would occur.</b>
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Refer to Impact 3.8-6. The proposed project is not located with a flood hazard area, or tsunami or seiche zones. As the potential for project inundation relative to flood hazard, tsunami, or seiche zones is not anticipated, the implementation of the project implementation would not result in the risk release of pollutants as the result of such events. **No impact** would occur.

**Mitigation Measures:** None required.

**Level of Significance:** No impact.

**WATER QUALITY CONTROL PLAN OR SUSTAINABLE GROUNDWATER MANAGEMENT PLAN**

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<b>Impact 3.8-8</b>	<b>The project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. Impacts would be less than significant.</b>
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As described in Impacts 3.8-1 and 3.8-2, groundwater occurs at depths greater than 56.5 feet bgs and dewatering is not anticipated during construction (NOVA 2021). Further, the project site is not located within a groundwater basin that is used for water supply or subject to the Sustainable Groundwater Management Act. Therefore, the proposed project would not conflict with a sustainable groundwater management plan and there would be no impact.

***Short-Term Construction***

As described in Impacts 3.8-1 and 3.8-3, the project applicant would prepare and implement a SWPPP that would manage stormwater runoff during construction activities. The SWPPP would contain a site map(s) which shows the construction site perimeter, existing and proposed buildings, lots, roadways, stormwater collection and discharge points, general topography both before and after construction, and drainage patterns across the project.

A sediment monitoring plan would also be required to be prepared and implemented during construction because runoff from the site has the potential to discharge directly to Batiquitos Lagoon, which is listed on the 303(d) list for toxicity in sediment. Therefore, with implementation of BMPs, chemical and sediment monitoring during construction as required by the SWPPP, water quality impacts would be reduced or avoided. Due to depth of groundwater at the project site, no dewatering activities are anticipated. Short-term impacts during construction would be **less than significant**.

***Post-Construction/Long-Term Occupancy and Operations***

As described in Impacts 3.8-1, 3.8-3, and 3.8-5, the proposed project has been designed to include control requirements listed in the City of Encinitas *BMP Manual* for post-construction BMPs.

The proposed project has been designed with hydromodification controls that would redirect and capture all stormwater runoff associated with the post construction condition for the proposed project. Water quality pollutant control BMPs with performance standards consistent with City and Regional Stormwater Permit requirements would also be required. While hydromodification and water quality BMPs would be implemented in accordance with City and State requirements, the overall volume of runoff discharged to Batiquitos Lagoon, an impaired waterbody for toxicity, would increase with the implementation of the proposed project.

As described in the environmental setting above, the Basin Plan designates numerous beneficial uses for Batiquitos Lagoon. The Basin Plan establishes WQOs for inland waters and groundwater that are protective of the designated uses for high priority issues. No Basin Plan WQOs have been established for Batiquitos Lagoon. Similarly, no goals or water quality improvement strategies to address lagoon water quality have been established within the Carlsbad WQIP or the City's JRMP. For these reasons, the proposed project would not obstruct the ability to meeting Basin Plan WQOs.

conflict with a water quality control plan or sustainable groundwater management plan. Impacts would be **less than significant**.

**Mitigation Measures:** None required.

**Level of Significance:** Less than significant.

#### ***CUMULATIVE IMPACTS***

<b>Impact 3.8-9</b>	<b>Implementation of the project would not result in a significant cumulative impact to hydrology and water quality. Impacts would be less than cumulatively considerable.</b>
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#### ***Geographic Scope***

The geographic scope for cumulative hydrology and water quality impacts includes the areas surrounding the project site, surrounding watershed, underlying groundwater aquifer, and tributaries to the ocean.

Cumulative impacts to hydrology and water quality generally occur as a result of incremental changes that degrade water quality. Cumulative impacts can also include individual projects which, when taken together, adversely contribute to drainage flows or increase potential for flooding in a project area or watershed. Tables 3.0-1 and 3.0-2 and Figure 3.0-1 in Section 3.0 of this EIR identify the cumulative projects considered in this evaluation.

#### ***Potential Cumulative Impacts***

Future development that could contribute to a cumulative hydrology and water quality impact would be subject to the same requirements as the proposed project and would be required to apply with the San Diego RWQCB for an NPDES permit, which would include implementation of BMPs to prevent water quality impacts during construction and operation. Further, there are several other regional initiatives that are being implemented to meet water quality objectives, reduce pollutant loads, address high-priority pollutants and improve surface water quality within the Carlsbad watershed.

### 3.8 Hydrology and Water Quality

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As shown in [Table 3.8-1](#), the peak flow rate resulting from the 100-year, 6-hour storm event would be lower in the proposed condition (1.17 cfs) than the existing condition (14.65 cfs). As such, the proposed project would not substantially alter existing drainage patterns of the project site but would instead maintain and improve existing on-site stormwater drainage patterns (see also [Appendix H](#)). Other cumulative projects would have to implement similar project design features to ensure implementation of the cumulative projects does not result in off-site impacts. Cumulative projects would also be subject to MS4 permit requirements to reduce polluted stormwater runoff ([Appendix H](#)).

Therefore, cumulative impacts related to hydrology and water quality would be less than significant and the project's contribution to a cumulative impact would be **less than cumulatively considerable**.

**Mitigation Measures:** None required.

**Level of Significance:** Less than cumulatively considerable.

This section details the guiding land use and planning documents applicable to the project, and evaluates the potential for environmental impacts related to an inconsistency with fundamental, specific, environmental mandates of those plans.

## **ENVIRONMENTAL SETTING**

The Leucadia community within the larger City of Encinitas is generally bounded by La Costa Avenue to the north; just east of Lynwood Drive and the Encinitas Ranch Golf Course to the east; Union Street, and just north of El Portal Street, Saxony Lane, Quail Gardens Court, and Foxglove Street to the south; and the Pacific Ocean to the west. The project site is generally located at the southwest corner of the North Coast Highway 101/La Costa Avenue intersection, in the Leucadia community of Encinitas.

The project site lies within the Coastal Overlay Zone which is aimed at long-term protection of the City's coastal resources in conformance with the California Coastal Act. More than half of the City of Encinitas lies within the boundaries of the California Coastal Zone and development within the Coastal Overlay Zone is subject to certain design restrictions aimed at long-term protection of scenic and natural coastal resources. Such design restrictions include, but are not limited to, limiting maximum building height, retaining view corridors, maintaining coastal access, and protecting coastal resources, among other requirements.

The site also lies within the Special Overlay Zone and the Scenic Highway/Visual Corridor Overlay Zone. These City-designated zones provide specific design requirements intended to protect the community's resources, such as steep slopes and scenic elements, that contribute to the overall character of the City of Encinitas. Specific requirements and applicability to the proposed project are further detailed in the discussions below.

Additionally, the project lies within the boundaries of the North 101 Corridor Specific Plan (N101SP). The community vision of the N101SP seeks to establish a streetscape enhancement program along the Highway 101 corridor. The N101SP establishes the overall design theme for the corridor which is to create "a strong sense of community identity through the use of consistent design elements and details, while reinforcing the character of old town Leucadia" (City of Encinitas 1997). To achieve this goal, the N101SP identifies specific design guidelines for future development within the Specific Plan area.

## REGULATORY FRAMEWORK

### *State*

#### **California Planning and Zoning Law**

California Planning and Zoning Law, Government Code Sections 65000–66499.58 set forth the legal framework in which California cities and counties exercise local planning and land use functions. Under state planning law, each city and county must adopt a comprehensive, long-term general plan.

State law gives cities and counties wide latitude in how a jurisdiction may create a general plan, but there are fundamental requirements that must be met. These requirements comprise the inclusion of nine mandatory elements described in the Government Code, including a section on land use. Each of the elements must contain text and descriptions setting forth objectives, principles, standards, policies, and plan proposals; diagrams and maps that incorporate data and analysis; and mitigation measures. The City of Encinitas General Plan is summarized below.

### *Regional*

#### **2050 Regional Transportation Plan and Sustainable Communities Strategy**

Regional Transportation Plans (RTPs) are developed to identify regional transportation goals, objectives, and strategies. Such plans are required to be prepared in conformance with the goals of Senate Bill (SB) 375 aimed at reducing regional greenhouse gas emissions from automobiles and light-duty trucks through changes in land use and transportation development patterns.

The San Diego Association of Governments (SANDAG) serves as the Regional Transportation Agency for the Southern California region and is therefore required to adopt and submit an updated RTP to the California Transportation Commission and Caltrans every 4 to 5 years, based on regional air quality attainment status. Working with local governments, SANDAG is required by federal law to prepare and implement an RTP that identifies anticipated regional transportation system needs and prioritizes future transportation projects.

The 2050 Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS) provides guidance for investing an estimated \$208 billion in local, State, and federal transportation funds anticipated to be available within the San Diego region over the next three decades. The 2050 RTP plans for a regional transportation system that enhances quality of life, promotes sustainability, and offers varied mobility options for both goods and people. The plan addresses improvements for transit, rail and bus service, express and managed lanes, highways, local streets, bicycling, and walking to achieve an integrated, multimodal transportation system

by 2050. In accordance with the requirements of SB 375, the plan includes a Sustainable Communities Strategy that provides regional guidance for reduction of GHG emissions to State-mandated levels over upcoming years. The 2050 RTP/SCS are components of *San Diego Forward: The Regional Plan*, adopted by SANDAG in 2019.

### ***Local***

#### **City of Encinitas General Plan and Certified Local Coastal Program**

The City of Encinitas General Plan serves as a policy document that provides long-range guidance to City officials responsible for decision-making with regard to the City's future growth and long-term protection of its resources. The City of Encinitas General Plan is intended to ensure decisions made by the City conform to long-range goals established to protect and further the public interest as the City continues to grow and to minimize adverse effects potentially occurring with ultimate buildout. The City of Encinitas General Plan also provides guidance to ensure that future development conforms to the City's established plans, objectives, and/or policies, as appropriate.

The California Coastal Act (Public Resources Code Section 30000 et seq.) is intended to protect the natural and scenic resources of the Coastal Zone. All local governments located wholly or partially within the Coastal Zone are required to prepare a Local Coastal Plan (LCP) for those areas of the Coastal Zone within its jurisdiction. The City of Encinitas General Plan includes issues and policies related to California Coastal Act requirements; therefore, the City of Encinitas General Plan serves as an LCP Land Use Plan for the City. The LCP incorporates land use plans for future development in the Coastal Zone, provisions of the City's Zoning Regulations, zone overlays for sensitive resources, and other implementing measures to ensure the protection of coastal resources. Projects within the Coastal Zone Overlay are subject certain design restrictions for developing in the Coastal Zone (building height limits, retaining view corridors, maintaining coastal access, protection of coastal resources, etc.).

The State's goals for the Coastal Zone include the following:

- Protect, maintain, and where feasible, enhance and restore the overall quality of the Coastal Zone environment and its natural and artificial resources.
- Assure orderly, balanced utilization and conservation of Coastal Zone resources taking into account the social and economic needs of the people of the State.
- Maximize public access to and along the coast and maximize public recreational opportunities in the Coastal Zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners.

### 3.9 Land Use and Planning

- Assure priority for coastal-dependent and coastal-related development over other development on the coast.
- Encourage State and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the Coastal Zone.

For those lands located within the Coastal Zone, any conflicts that occur between the Land Use Plan and any policy or provision of the General Plan that is not a part of the LCP, the Land Use Plan takes precedence. Any such conflicts shall result in identifying a resolution that achieves the highest degree of protection for resources in the Coastal Zone.

General Plan and LCP goals and policies applicable to the project include the following:

#### *Land Use Element*

Policy 1.2: 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 1.13: 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)

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)

**GOAL 3: To assure successful planning for future facilities and services, and a proper balance of uses within the City, the City of Encinitas will establish**

**and maintain a maximum density and intensity of residential and commercial uses of land within the City which will:**

- a) provide a balance of commercial and residential uses which creates and maintains the quality of life and small-town character of the individual communities; and
- b) protect and enhance the City's natural resources and indigenous wildlife.

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

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

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

**GOAL 7: Development in the community should provide an identity for the City while maintaining the unique identity of the individual communities.**

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

**GOAL 8: Environmentally and topographically sensitive and constrained areas within the City shall be preserved to the greatest extent possible to minimize the risks associated with development in these areas. (Coastal Act/30240/30253) Goal 8 amended 5111195 (Reso. 95- 32)**

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 bluffs, courses, 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)

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

**highways, and vista/viewsheds as identified in the Resource Management Element. (Coastal Act/30240/30251)**

Additionally, the Resource Management Element of the City's General Plan identifies a number of visual resources within the City's boundaries that are considered to contribute to the scenic quality of the local Encinitas community as well as the larger region. The Resources Management Element identifies a variety of scenic vista points, defines critical viewsheds, and identifies scenic roadways and scenic view corridors (City of Encinitas 2016).

The City identifies Highway 101 north of La Costa Avenue as a scenic vista point "to be acquired and developed" (City of Encinitas 2016). This vista point lies off-site to the north of the subject property; however, due to its proximity to this potential scenic vista point, the project site is identified as being within a "Vista Point Critical Viewshed" (City of Encinitas 2016). The City's Resource Management Element requires the City to designate Scenic/Visual Corridor Overlay areas within which the character of proposed development is regulated to protect the integrity of the City's designated vista points (i.e., the potential vista point to the north of the project site). Critical viewsheds are defined in the Resource Management Element as those areas that extend radially for approximately 2,000 feet from the vista point and cover areas upon which development could potentially obstruct, limit, or degrade the view (City of Encinitas 2016).

Development within these critical viewshed areas is subject to City design review to ensure building height, bulk, roofline, color, and scale do not limit or degrade existing views and that landscaping is used to screen undesirable views. Highway 101 from Encinitas Boulevard to La Costa Avenue and La Costa Avenue to South Carlsbad State Beach is identified as a Scenic Highway/Visual Corridor (City of Encinitas 2016).

**City of Encinitas Municipal Code**

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

The City's Municipal Code establishes noise criteria to prevent noise and vibration that may jeopardize the health or welfare of the City's citizens or degrade their quality of life. Chapter 9.32, Noise Abatement and Control, and Chapter 30.40, Performance Standards, establish property

line noise level limits. These limits apply to existing uses, but also apply to future uses and are used for evaluating potential impacts of future on-site generated noise levels.

Property line noise limits are summarized in Table 3.10-4, City of Encinitas Exterior Noise Limits. As stated in Section 30.40.10 of the Municipal Code, “Every use shall be so operated that the noise generated does not exceed the following levels at or beyond the lot line and does not exceed the limits of any adjacent zone.” Additionally, Section 30.40.10 (B) of the Municipal Code identifies property line ground vibration limits. The Code states that “Every use shall be so operated that the ground vibration generated at any time and measured at any point along the lot line of the lot on which the use is located shall not be perceptible and shall not exceed the limits of any adjacent zone.” Refer also to Table 3.10-5, City of Encinitas Ground Vibration Limits, in Section 3.10, Noise.

Additionally, Section 30.34.030, Hillside/Inland Bluff Overlay Zone, and Section 30.34.080, Scenic/Visual Corridor Overlay Zone, apply to the project and are further described below.

#### **Scenic/Visual Corridor Overlay Zone**

Section 30.34.080, Scenic/Visual Corridor Overlay Zone, of the Municipal Code provides provisions for lands located within the City’s Scenic/Visual Corridor Overlay Zone. The zone applies to all properties within the scenic view corridor along scenic highways and adjacent to significant viewsheds and vista points as identified on the visual resource sensitivity map of the General Plan Resource Management Element. Development within the overlay zone is subject to consideration for overall visual impact of the proposed project and conditions or limitations on project bulk, mass, height, architectural design, and grading. Other visual factors may also be applied to design review approval and shall be applied to coastal development permit approval (City of Encinitas 2020).

#### **Encinitas North Coast 101 Corridor Specific Plan**

The City’s General Plan identifies the N101SP due to the unique character, problems, and opportunities that the North Highway 101 corridor exhibits. The N101SP addresses such issues, with the goal of maintaining the identity, community character, and scale of the corridor, while enhancing future opportunities for redevelopment and revitalization along North Highway 101. The N101SP provides goals, policies, and provisions for the beach-side commercial corridor within the Leucadia community. Primary goals of the N101SP are to maintain the unique and desirable aspects of the Specific Plan area, while providing continued private land use and investment, public improvements, and the economic success of the Specific Plan area. Where conflicts between standards exist (i.e., with the General Plan) those identified in the N101SP take precedence.

### **City of Encinitas Climate Action Plan (CAP)**

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

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

As part of the CAP implementation, each strategy, action, and supporting measure will be continually assessed and monitored. Reporting on the status of implementation of these strategies, periodic updates to the GHG emissions inventory, and other monitoring activities will help ensure that the CAP is making progress. It should be noted that as of this time, the City has not adopted implementing ordinances for the CAP. Therefore, strategies requiring the City to adopt ordinances to implement are not applicable to the project. The following strategies are applicable to the project:

- RE-2: Require New Homes to install Solar Photovoltaic Systems
- RE-3: Require Commercial Buildings to install Solar Photovoltaic Systems
- CET-4: Require Residential Electric Vehicle Charging Stations
- CET-5: Require Commercial Electric Vehicle Charging Stations

## STANDARDS OF SIGNIFICANCE

### *Thresholds of Significance*

The following thresholds of significance are based, in part, on CEQA Guidelines Appendix G. For the purposes of this EIR, the project would have a significant adverse impact related to land use if it would:

1. Physically divide an established community.
2. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

## PROJECT IMPACTS AND MITIGATION

### ***PHYSICALLY DIVIDE AN ESTABLISHED COMMUNITY***

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<b>Impact 3.9-1</b>	<b>The project would not physically divide an established community. Impacts would be less than significant.</b>
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The project site is located within the community of Leucadia which is generally built out and exhibits an urban character, similar to that of the larger City of Encinitas. As stated in the General Plan, “New development in the Leucadia community will be restricted to infill and recycling in the residential neighborhoods where vacant lots and green houses will ultimately be developed into residential uses. However, land use policy for the 101 corridor within Leucadia focuses on ways to redevelop and revitalize the business district located along this corridor” (City of Encinitas 1991).

Pedestrian access to the site would be provided at multiple points of ingress from the public right-of-way along the southbound side of Highway 101; refer to [Figure 2.0-3, Site Plan](#). It is anticipated there would also be pedestrian access to the site from the property adjacent to the north which is the site of a new hotel currently under construction (at the time of this writing). The proposed improvements would not eliminate or obstruct means of pedestrian access or circulation within the project vicinity, and further, would enhance connectivity to the existing off-site pedestrian network along Highway 101.

Further, the proposed development would serve as an extension of existing residential and/or commercial uses adjacent to the south and north of the project site, as well as along the length of the North Coast Highway 101 corridor to the south within the Leucadia community. The project does not propose structural elements that would create a physical barrier (i.e., fences, walls, gates) within the community or that would restrict existing access to/from the subject site or

### 3.9 Land Use and Planning

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other properties in the area or adversely affect established vehicular circulation patterns or access.

Similarly, off-site improvements associated with the project would not result in indirect division of the community. While development of the project site would result in environmental impacts as a result of increased intensity of development (as compared to the existing limited commercial uses on-site), it would not divide an established community. Specifically, the project does not include the construction of new or extended infrastructure (i.e., roads or utility connections) through existing adjacent residential areas that may restrict the established community, as the project site is otherwise within proximity to major roadways and existing infrastructure systems that currently serve the site under existing conditions. Proposed improvements for vehicular circulation and access, including the proposed left turn lane, would occur within the Highway 101 right-of-way and would be constructed to the requirements of the City's current street classification and engineering design standards. Such improvements would not obstruct or restrict existing circulation patterns or create a division within the established Leucadia neighborhood.

Lastly, the project's potential to result in indirect growth or to induce additional growth that may divide an established community is addressed in Section 6.3, Growth Inducing Impacts, of this EIR. As determined therein, the project would not remove barriers to growth, generate extraordinary economic growth, generate an indirect inducement to significant growth, be a precedent setting action, or encroach into open space. Therefore, the project would not result in indirect growth or induce additional growth that may result in division of an established community.

For the reasons above, the project would not physically divide an established community. Impacts would be **less than significant**.

**Mitigation Measures:** None required.

**Level of Significance:** Less than significant.

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**CONFLICT WITH AN APPLICABLE PLAN**

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<b>Impact 3.9-2</b>	<b>The project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Impacts would be less than significant.</b>
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***City of Encinitas General Plan and Certified Local Coastal Program***

The City's Housing Element Update (HEU) identifies project APNs 216-041-20 and 216-041-21 as the Jackel Property (Site 7). Relative to the City's Local Coastal Program, subsequent to City approval of the HEU, the City processed an amendment to update the City's LCP to include the 13 of the 15 consolidated HEU sites located within the coastal zone. On June 13, 2019, in evaluating the HEU consistency with the LCP, the California Coastal Commission (CCC) certified the City of Encinitas LCP Amendment No. LCP-6-ENC-19- 0014-1, which revised various sections of the LUP and Implementation Plan in order to implement the City's 2013-2021 Housing Element. Certification of the LCP reinforces consistency of the HEU with the goals and policies set forth by the CCC for the Coastal Zone and the protections it provides for natural and scenic resources within the coastal environment.

Additionally, on May 31, 2019, in evaluating the HEU consistency with the LCP, the CCC found that (CCC 2019):

*The Jackel Property (Site 7) is also located along a Scenic Road (North Highway 101) and within the critical viewshed for Highway 101 north of La Costa Avenue; however, views from the vista point will be northwest from these vista points and across the Batiquitos Lagoon, and the project is not located in an area that would obstruct views from these points.*

*Furthermore, a number of policies within the Encinitas LUP that protect scenic views and seek to maximize visual access to coastal and inland views in conformity with Chapter 3 of the Coastal Act will remain in effect and be unchanged by the Housing Element Update. Policy 4.5 in particular provides for the development of the Scenic/Visual Corridor Overlay Zone, which is designed to protect the integrity of vista points and scenic highways through design review of development within 2,000 feet of vista points or along scenic roads. Specifically, future development within scenic view corridors, along scenic highways and/or adjacent to significant viewsheds or vista points are subject to compliance with regulations that consider the project's overall visual impact and may condition or limit project bulk, mass, height, architectural design, and grading. Other visual factors may be applied as part of Design Review*

### 3.9 Land Use and Planning

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

Therefore, the CCC determined that future development of the HEU's Jackel Site would not adversely affect the identified vista point to the north of the site (see [Section 3.1, Aesthetics](#), for additional discussion). Future on-site development within the Coastal Zone would also be required to demonstrate conformance with the Scenic/Visual Corridor Overlay Zone for the protection of scenic resources and the Hillside/Bluff Overlay Zone to avoid or minimize potential environmental effects on topographic resources; see additional discussion of project conformance with these overlays below under City of Encinitas Municipal Code.

Additionally, APN 216-041-06 (Site 2; Parcel 3) of the project site is not identified in the HEU and was therefore not included in the evaluation of HEU consistency with the Coastal Act. This parcel is similarly subject to the Coastal Overlay Zone and would support portions of the proposed mixed-use development in the southeastern portion of the project site. Although incentives are requested to increase the maximum allowed building height to 39 feet (or 9 feet above that allowed within the Coastal Zone) and the maximum number of stories to 3, it is not anticipated that such an increase would substantially degrade the scenic quality of any coastal resources or the character of the Highway 101 view corridor; refer to [Section 2.0, Project Description](#), for additional discussion of the incentives requested. Additionally, this parcel would also be subject to the Scenic/Visual Corridor Overlay Zone, similar to the 2 parcels comprising the site that were included in the HEU, for the protection of visual resources; see additional discussion of project conformance below under City of Encinitas Municipal Code. With City approval of the incentives requested, the project would be in conformance with maximum height allowances of the Coastal Zone, and no conflict would occur.

Relative to the LCP, the project as designed would maintain coastal access while providing increased connectivity to the existing pedestrian network through proposed sidewalk improvements, thereby allowing residents and visitors continued access to the beach to the north of the site. Additionally, the project would provide a pedestrian bridge to the new hotel located adjacent to the north which would also have access to the coastline. Through conformance with the General Plan and LCP goals and policies (see also Regulatory Framework

section above), the project would provide continued protection of the City's coastal resources and would maintain the scenic character of the Highway 101 view corridor; refer also to Section 3.1, Aesthetics.

For the reasons above, the project would not conflict with the General Plan or LCP relative to avoidance or mitigation of an environmental effect. Impacts would be less than significant.

### ***City of Encinitas Municipal Code***

Title 30, Zoning, of the Encinitas Municipal Code is intended to "regulate the use of real property and the buildings, structures, and improvements located thereon so as to protect, promote, and enhance the public safety, health, and welfare" (Ord. 86-19).

As described in Section 2.0, Project Description, as part of the HEU, under the State Density Bonus law, the project is afforded two incentives for each lot by providing 20% low-income units on both lots. One incentive is requested for Parcel 3 (APN 216-041-06) to allow for an increase in the height limit to 39 feet above finish grade. The existing height limit for Parcel 3 is 30 feet as is determined by the N-CRM-1 zoning. The proposed increase in the height limit to 39 feet is required to accommodate the necessary commercial ceiling height discussed above and the 3rd level of residential units at proposed Building 1; refer to Figure 2.0-3, Site Plan. A second incentive requested for Parcel 3 is an increase in the maximum allowable stories from 2 to 3. The zoning regulations under N-CRM-1 allow for 2-story structures only. The request to increase the maximum allowable stories from 2 to 3 is required to accommodate the proposed ground level commercial space.

The project would therefore result in construction of buildings that exceed the maximum allowable height within the Highway 101 corridor, which is identified in the City's General Plan Resource Management Element as a Scenic Highway/Visual Corridor and within a "Vista Point Critical Viewshed" in the vicinity of the proposed project. As designed, the proposed buildings that would incorporate the increased height limit would be set back within the property, thereby reducing their apparent visual height and minimizing potential visual effects or conflicts with other existing structures on adjacent properties. The addition of 9 feet above maximum allowable height as proposed for several on-site structures would not result in a substantial visual change within the surrounding viewshed. The incentives requested would not have an adverse impact upon public health, safety, or the physical environment; refer also to Section 3.1, Aesthetics, and Section 3.6, Geology and Soils, for a discussion of physical impacts resulting with the project that may be indirectly affected by the incentives requested. The proposed incentives would also not violate any State or federal laws.

### 3.9 Land Use and Planning

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Additionally, as indicated in Section 3.10, Noise, of this EIR, project construction and operations would be subject to the restrictions set forth in the City's Noise Ordinance which establishes noise limits for certain activities to avoid or mitigate an environmental effect. As indicated, project construction impacts would be reduced to less than significant with implementation of appropriate mitigation measures; no operational noise impacts were identified. Therefore, the project would not cause a significant environmental impact due to a conflict with Municipal Code regulations adopted for the purpose of avoiding or mitigating an environmental effect. Impacts would be less than significant with mitigation incorporated.

#### **Special Study Overlay Zone**

A portion of the northernmost parcel (Parcel 1; APN 216-041-20) is located within a Special Study Overlay Zone. The other two parcels that comprise the project site are not within the boundaries of this overlay zone.

The Special Study Overlay designation is used for preserving environmentally significant areas, as well as indicate those areas where development standards will be more stringent to minimize potential hazards to future development. A special study is required within this zone.

The Hillside/Inland Bluff Overlay Zone regulations shall apply to all areas within the Special Study Overlay Zone where site-specific slope analysis indicates that 10% or more of the natural area of a parcel of land exceeds 25% slope. According to the *Geotechnical Investigation*, 15.57% of the project site has a slope greater than 25%. Historical imagery available for the site indicates that the existing on-site steep slopes are not natural features, and rather, are manufactured slopes. Because all of the slopes on the project site have been determined to be manufactured, the project site is not subject to the Hillside/Inland Bluff Overlay Zone regulations (NOVA 2021). Therefore, the project would not conflict with the requirements of the City's Hillside/Inland Bluff Overlay Zone and impacts would be less than significant in this regard.

#### **Scenic/Visual Corridor Overlay Zone**

Section 30.34.080, Scenic/Visual Corridor Overlay Zone, of the Municipal Code provides development restrictions for lands within this zone. As stated above, Highway 101 from Encinitas Boulevard to La Costa Avenue and La Costa Avenue to South Carlsbad State Beach is identified as a Scenic Highway/Visual Corridor (City of Encinitas 2016). For development within the Scenic/Visual Corridor Overlay Zone, the City gives consideration to "the overall visual impact of the proposed project and conditions or limitations on project bulk, mass, height, architectural design, and grading, and other visual factors may be applied to design review approval and shall be applied to coastal development permit approval."

The City identifies Highway 101 north of La Costa Avenue as a scenic vista point “to be acquired and developed” (City of Encinitas 2016). This vista point lies off-site to the north of the subject property and would not be directly affected by physical development proposed with the project, thereby avoiding an adverse environmental effect on visual resources. However, due to its proximity to this potential scenic vista point, the project site is identified as being within a “Vista Point Critical Viewshed” (City of Encinitas 2016).

The project has been designed to respect the existing character of the Highway 101 corridor and would not incorporate elements that would obstruct, restrict, or otherwise adversely affect any scenic vista points or scenic views experienced along the corridor. Although the proposed height of several buildings would exceed the maximum allowed building height, the requested increase is not anticipated to adversely affect scenic resources along the corridor. The project would be subject to the City’s design review process to ensure that the architectural style and character of the proposed structures and other improvements do not adversely affect or reduce the value of any scenic resources along Highway 101; refer also to [Figures 2.0-4A to 2.0-4F](#). Further, landscaping would be incorporated into the design to enhance views to the site and to blend the development into the surrounding visual setting; refer to [Figure 2.0-5](#).

Through conformance with City design regulations, and through City design review and coastal development permit review, it is not anticipated that the project would conflict with the requirements of the Scenic/Visual Corridor Overlay Zone or otherwise adversely affect environmental resources. Refer to [Section 3.1, Aesthetics](#), for additional discussion.

#### ***Encinitas North Coast 101 Corridor Specific Plan***

The N101SP provides design guidelines with the goal of maintaining the identity, community character, and scale of the corridor, and enhancing future opportunities for redevelopment and revitalization along North Highway 101. Although the N101SP provides development standards to address such elements as allowed uses, sidewalk dining, setbacks, access and circulation, signage, parking, landscaping, and lighting, such measures are aimed at maintaining the visual character of the Highway 101 corridor. Specific design measures or goals aimed at avoiding or mitigating an environmental effect relevant to the proposed project are not identified.

In addition to design regulations, the Specific Plan addresses the provision of circulation, public facilities and infrastructure, historic preservation, housing, and General Plan and LCP compliance. As shown in [Section 3.11, Public Services](#), existing police and fire protection services and library facilities would be adequate to serve the project site with payment of required development fees. Similarly, as indicated in [Section 3.14, Utilities and Service Systems](#), public utility systems (water, sewer, storm drain, electricity) for the site are adequate to serve the project as proposed without expansion or construction of new utility systems, the construction or relocation of which

### 3.9 Land Use and Planning

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could cause significant environmental effects. As noted in Section 3.4, Cultural Resources, no historic resources are present on the subject site, and therefore, do not require protection or mitigation. Refer also to discussion of project consistency with the City General Plan and LCP, above.

The project would be subject to the City's design review process to ensure conformance with the goals and policies of the N101SP, including for architectural characteristics such as scale and bulk, building height, color, building mass, materials, walls and fences, lighting, and rooflines. As such, and for the reasons stated above, the project is not anticipated to cause a significant environmental impact due to a conflict with any regulations or policies in the N101SP adopted for the purpose of avoiding or mitigating an environmental effect. Impacts would be less than significant in this regard.

#### ***City of Encinitas Climate Action Plan***

Of particular relevance to the proposed project, the CAP requires all new housing be constructed with rooftop solar panels, low-flow fixtures, and solar water heaters. At the time of preparation of this EIR, the City has not adopted implementing ordinances for these requirements. However, the project as designed would meet such requirements as the project proposes to install roof-mounted solar panels that would provide approximately 250KW of solar energy; install low flow water fixtures in all residential apartment units, the hotel, and public restroom facilities within the mixed-use commercial development area; and install high-efficiency water heaters or solar water heater systems. Other energy-saving and emission-reducing features would include provision of electric vehicle (EV) charging stations, compliance with ENERGYSTAR requirements, and installation of LED lighting, among others. Refer to Section 3.5, Energy Conservation and Climate Change, for additional discussion. As determined therein, the project would not impede implementation of the City's CAP.

For the reasons above, the project would not cause a significant environmental impact due to a conflict with any policy or regulation in the City's CAP adopted for the purpose of avoiding or mitigating an environmental effect. Impacts would be **less than significant**.

#### ***2050 Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS)***

Refer to Section 3.5, Energy Conservation and Climate Change, for a summary of project consistency with the Regional Plan, referred to as *San Diego Forward: The Regional Plan*. As determined therein, the project would not impede implementation of the RTP/SCS.

Therefore, the project would not cause a significant environmental impact due to a conflict with any policy or regulation in the RTP/SCS adopted for the purpose of avoiding or mitigating an environmental effect. Impacts would be **less than significant**.

### ***Conclusion***

The project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental impact. Impacts would be **less than significant**.

**Mitigation Measures:** None required.

**Level of Significance:** Less than significant.

### ***CUMULATIVE IMPACTS***

<b>Impact 3.9-3</b>	<b>The project would not result in a significant cumulative land use impact. Impacts would be less than cumulatively considerable.</b>
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### ***Geographic Scope***

Cumulative projects that would have the potential to be considered in a cumulative context with the project's incremental contribution to a potential cumulative impact relative to land use and planning are identified in [Table 3.0-1](#) and [Figure 3.0-1](#) in [Section 3.0, Environmental Analysis](#), of this EIR. The inclusion of all projects in [Table 3.0-1](#) was based on the location of these projects in the general vicinity of the project site and the possibility that these projects, in combination with the project, may conflict with applicable land use plans and policies. Additionally, to be conservative, the cumulative impact analysis includes the 2019 HEU sites to the extent they may contribute to certain issue-specific cumulative effects (see [Table 3.0-2](#)).

### ***Potential Cumulative Impacts***

As described above, the project would not result in the physical division of the Leucadia community. No physical elements are proposed that would obstruct or interrupt access or create barriers between existing or proposed land uses. Cumulative projects considered would be evaluated on a project-specific basis for design elements or other features that may directly or indirectly cause a division within the community, and measures would be identified, as needed, to reduce such effects. As a result, the project is not anticipated to contribute to a significant cumulative impact in this regard.

Land use plans are inherently cumulative in nature due to their long-term programmatic scope. If a project complies with policies identified in a plan, then the project is not considered to contribute to a cumulative effect. The following plans and regulations were evaluated as part of the cumulative analysis.

### **City of Encinitas General Plan and Local Coastal Program**

The City of Encinitas General Plan includes issues and policies related to California Coastal Act requirements; therefore, the City's General Plan serves as an LCP Land Use Plan for the City. As described under Impact 3.9-2, more than half of the City of Encinitas lies within the boundaries of the California Coastal Zone. Therefore, the majority of the cumulative projects are also located in the Coastal Zone and would be subject to the goals and policies of the LCP as required by the California Coastal Act.

As with the project, each cumulative project within the Coastal Zone would be evaluated by the City to determine compliance with the LCP in order to obtain a coastal development permit. The project has been designed in conformance with the goals and policies of the City of Encinitas General Plan and LCP, including building height limits (with exception of several buildings for which the height limit would be increased), retaining view corridors, maintaining coastal access, and protecting coastal resources), and would obtain a coastal development permit as part of the discretionary process which would confirm project consistency with the General Plan and LCP. Therefore, with compliance to goals and policies of the City of Encinitas General Plan and LCP, the project is not anticipated to contribute to a significant cumulative impact in this regard when considered with the other cumulative projects. Cumulative impacts would be less than significant.

### **City of Encinitas Municipal Code**

It is the responsibility of the City to review each individual project to confirm compliance with the City's Municipal Code as part of the discretionary approval process. Conformance with the Municipal Code is administered on a project-specific basis.

All cumulative projects would be required to demonstrate conformance with Chapter 9.32, Noise Abatement and Control, and Chapter 30.40, Performance Standards, of the City Municipal Code which establish property line noise level limits to reduce potential adverse environmental noise effects. As stated, the project would result in less than significant construction noise impacts with incorporation of proposed mitigation measures; no operational noise impacts would occur. Refer also to Section 3.10, Noise. With conformance to City Municipal Code noise regulations, the proposed project, when combined with other cumulative projects, is not anticipated to increased noise levels within the Leucadia community or to contribute to a significant cumulative impact in this regard.

As noted above, due to the project's location, portions of the site lie within the Hillside/Inland Bluff Overlay Zone and the Scenic/Visual Corridor Overlay Zone. Other cumulative projects considered may be subject to similar overlay zones and the siting and design requirements that

are imposed as a result. As such, over time, the project would have the potential to combine with other projects located within these zones in the surrounding viewshed and alter existing views and/or the visual character experienced along the Highway 101 corridor. All discretionary projects considered would be subject to the City's design review process on a site-specific basis to ensure the protection of resources, such as scenic bluffs and steep slopes, views to the ocean or lagoon, and/or the established visual character of the community that the City seeks to maintain. Such projects would be evaluated for conformance to grading/site design requirements, as well as building height, materials, architectural style, and other such aspects relative to the applicable overlay zone(s), to minimize potential adverse effects. As the project would be consistent with the Hillside/Inland Bluff Overlay Zone and Scenic Visual Corridor Overlay Zone, it is not anticipated that the project would contribute to a significant cumulative impact due to conflict with such overlay zones or associated regulations. The project's contribution to a cumulative impact in this regard would be less than significant.

#### **Encinitas North 101 Corridor Specific Plan**

The project, along with other cumulative projects located within the N101SP boundaries, would be required to demonstrate conformance with the design measures identified in the plan intended to maintain the character of the Highway 101 corridor, and to ensure the protection of historic resources and the provision of adequate public facilities and services. It is not anticipated that the project would contribute to a significant cumulative impact due to conflict with the N101SP in this regard.

Other cumulative projects may be located within the boundaries of another specific plan implemented by the City such as the Downtown Encinitas Specific Plan or Cardiff Specific Plan. As applicable, cumulative projects would be evaluated for consistency with relevant specific plans with consideration for such issues as housing types, building heights, architectural character, and for conformance with relative goals and policies identified in the respective plans. Therefore, it is not anticipated that implementation of the cumulative projects would conflict with the goals and policies of a relevant specific plan. The project would not contribute to a significant cumulative impact due to a conflict with N101SP policies or regulations adopted for the purpose of avoiding or mitigating an environmental effect. Cumulative impacts would be less than significant.

#### **City of Encinitas Climate Action Plan**

As climate change is a global issue, not one project or a collection of cumulative projects have the potential to significantly affect GHG emissions. However, it has been determined project compliance with the City's adopted CAP equates to compliance with local and State climate change efforts. Therefore, with conformance to the CAP (subject to City discretionary review),

### 3.9 Land Use and Planning

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implementation of the cumulative projects would result in less than significant cumulative impacts. Through evaluation, the project was found to be consistent with the CAP (see Section 3.5, Energy Conservation and Climate Change); therefore, the project is not anticipated to contribute to a significant cumulative impact in this regard. Cumulative impacts would be less than significant.

#### **2050 Regional Transportation Plan and Sustainable Communities Strategy**

As determined in Section 3.5, Energy Conservation and Climate Change, the project would not impede implementation of the RTP/SCS. Other cumulative projects would be evaluated for consistency with the RTP/SCS to identify any conflicts and to reduce potential effects, as appropriate. As such, the project is not anticipated to contribute to a significant cumulative effect in this regard. The project's contribution to a cumulative impact would be less than significant.

#### ***Conclusion***

If incompatibilities or land use conflicts are identified for any of the cumulative projects, it is reasonable to assume the City would either deny the project or require conditions or mitigation to avoid or minimize this type of land use impact. Therefore, for the reasons stated above, development of the proposed project would not contribute to a significant cumulative land use and planning impact. Cumulative impacts would be **less than cumulatively considerable**.

**Mitigation Measures:** None required.

**Level of Significance:** Less than cumulatively considerable.

The purpose of this section is to evaluate the proposed project's potential noise impacts. This section evaluates short-term construction-related impacts and long-term operational conditions. It also presents relevant regulatory guidelines and County policies related to noise. The analysis in this section is based on the technical *Noise and Groundborne Vibration Technical Memorandum*, prepared by Michael Baker International (Michael Baker) (20201; see [Appendix K](#)) and the *Local Transportation Analysis*, prepared by LOS Engineering (2020b; see [Appendix L-2](#)). Analysis in this section also draws upon data in the *City of Encinitas General Plan* (1991) and the *City of Encinitas 2013-2021 Housing Element Update Environmental Assessment* (2018). Third-party technical reports were peer-reviewed by Michael Baker and the City of Encinitas.

## ENVIRONMENTAL SETTING

### *Fundamentals of Noise and Vibration*

Acoustics is the science of sound. Sound may be thought of as mechanical energy of a vibrating object transmitted by pressure waves through a medium to human (or animal) ears. If the pressure variations occur frequently enough (at least 20 times per second), they can be heard and are called sound. The number of pressure variations per second is called the frequency of sound and is expressed as cycles per second, or hertz (Hz).

Noise is a subjective reaction to different types of sounds. Noise is typically defined as airborne sound that is loud, unpleasant, unexpected, or undesired and may therefore be classified as a more specific group of sounds. A typical noise environment consists of a base of steady background noise that is the sum of many distant and indistinguishable noise sources. Superimposed on this background noise is the sound from individual local sources. These sources can vary from an occasional aircraft or train passing by to virtually continuous noise from, for example, traffic on a major highway. Perceptions of sound and noise are highly subjective from person to person.

Measuring sound directly in terms of pressure would require a large and awkward range of numbers. To avoid this, sound levels are described in decibel (dB) units. The decibel scale uses the hearing threshold (20 micropascals) as a point of reference, defined as 0 dB. Other sound pressures are then compared to this reference pressure, and the logarithm is taken to keep the numbers in a practical range. The decibel scale allows a million-fold increase in pressure to be expressed as 120 dB, and changes in levels (dB) correspond closely to human perception of relative loudness.

### 3.10 Noise

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The impacts of noise are not a function of loudness alone. The perceived loudness of sounds is dependent on many factors, including sound pressure level and frequency content. However, within the usual range of environmental noise levels, perception of loudness is relatively predictable and can be approximated by A-weighted sound levels. There is a strong correlation between A-weighted sound levels (expressed as dBA) and the way the human ear perceives sound. For this reason, the A-weighted sound level has become the standard tool of environmental noise assessment. All noise levels reported in this section are in terms of A-weighted levels, but are expressed as dB, unless otherwise noted.

#### **Addition of Decibels**

The decibel scale is logarithmic, not linear, and therefore sound levels cannot be added or subtracted through ordinary arithmetic. Two sound levels 10 dB apart differ in acoustic energy by a factor of 10. When the standard logarithmic decibel is A-weighted, an increase of 10 dBA is generally perceived as a doubling in loudness. For example, a 70 dBA sound is half as loud as an 80 dBA sound and twice as loud as a 60 dBA sound. When two identical sources are each producing sound of the same loudness, the resulting sound level at a given distance would be 3 dB higher than one source under the same conditions (FTA 2006). Under the decibel scale, three sources of equal loudness together would produce an increase of 5 dB (Caltrans 2013).

#### **Sound Propagation and Attenuation**

Generally, sound spreads (propagates) uniformly outward in a spherical pattern, and the sound level decreases (attenuates) at a rate of approximately 6 dB for each doubling of distance from a stationary or point source. Sound from a line source, such as a highway, propagates outward in a cylindrical pattern, often referred to as cylindrical spreading (FHWA 2011). Sound levels attenuate at a rate of approximately 3 dB for each doubling of distance from a line source, such as a roadway, depending on ground surface characteristics (FHWA 2011). Similarly, a halving of the energy of a noise source would result in a 3 dB decrease. No excess attenuation is assumed for hard surfaces like a parking lot or a body of water. Soft surfaces, such as soft dirt or grass, can absorb sound, so an excess ground-attenuation value of 1.5 dB per doubling of distance is normally assumed (FHWA 2011).

Noise levels may also be reduced by intervening structures or landforms; generally, a single row of buildings between the receptor and the noise source reduces the noise level by about 5 dBA, while a solid wall or berm reduces noise levels by 5 to 10 dBA (FHWA 2006). The manner in which older homes in California were constructed generally provides a reduction of exterior-to-interior noise levels of about 20 to 25 dBA with closed windows. The exterior-to-interior reduction of newer residential units is generally 30 dBA or more.

### **Noise Descriptors**

The decibel scale alone does not adequately characterize how humans perceive noise. The dominant frequencies of a sound have a substantial effect on the human response to that sound. Several rating scales have been developed to analyze the adverse effect of community noise on people. Because environmental noise fluctuates over time, these scales consider that the effect of noise on people is largely dependent on the total acoustical energy content of the noise, as well as the time of day when the noise occurs. The  $L_{eq}$  is a measure of ambient noise, while the  $L_{dn}$  and CNEL are measures of community noise. Each is applicable to this analysis and defined in Table 3.10-1, Definitions of Acoustical Terms.

The A-weighted decibel sound level scale gives greater weight to the frequencies of sound to which the human ear is most sensitive. Because sound levels can vary markedly over a short period of time, a method for describing either the average character of the sound or the statistical behavior of the variations must be utilized. Most commonly, environmental sounds are described in terms of an average level that has the same acoustical energy as the summation of all the time-varying events.

The scientific instrument used to measure noise is the sound level meter. Sound level meters can accurately measure environmental noise levels to within about plus or minus 1 dBA. Various computer models are used to predict environmental noise levels from sources, such as roadways and airports. The accuracy of the predicted models depends on the distance between the receptor and the noise source. Close to the noise source, the models are accurate to within about plus or minus 1 to 2 dBA.

**Table 3.10-1 Definitions of Acoustical Terms**

<b>Term</b>	<b>Definitions</b>
Decibel, dB	A unit describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure. The reference pressure for air is 20.
Sound Pressure Level	Sound pressure is the sound force per unit area, usually expressed in micropascals (or 20 micronewtons per square meter), where 1 pascal is the pressure resulting from a force of 1 newton exerted over an area of 1 square meter. The sound pressure level is expressed in decibels as 20 times the logarithm to the base 10 of the ratio between the pressures exerted by the sound to a reference sound pressure (e.g., 20 micropascals). Sound pressure level is the quantity that is directly measured by a sound level meter.
Frequency, Hz	The number of complete pressure fluctuations per second above and below atmospheric pressure. Normal human hearing is between 20 Hz and 20,000 Hz. Infrasonic sound are below 20 Hz and ultrasonic sounds are above 20,000 Hz.

**3.10 Noise**

**Table 3.10-1, continued**

<b>Term</b>	<b>Definitions</b>
A-Weighted Sound Level, dBA	The sound pressure level in decibels as measured on a sound level meter using the A-weighting filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound in a manner similar to the frequency response of the human ear and correlates well with subjective reactions to noise.
Equivalent Noise Level, $L_{eq}$	The average acoustic energy content of noise for a stated period of time. Thus, the $L_{eq}$ of a time-varying noise and that of a steady noise are the same if they deliver the same acoustic energy to the ear during exposure. For evaluating community impacts, this rating scale does not vary, regardless of whether the noise occurs during the day or the night. For example, $L_{eq(1)}$ is the equivalent noise level over a one-hour period and $L_{eq(8)}$ corresponds to an eight-hour period.
$L_{max}$ , $L_{min}$	The maximum and minimum A-weighted noise level during the measurement period.
$L_{01}$ , $L_{10}$ , $L_{50}$ , $L_{90}$	The A-weighted noise levels that are exceeded 1%, 10%, 50%, and 90% of the time during the measurement period.
Day/Night Noise Level, $L_{dn}$ or DNL	A 24-hour average $L_{eq}$ with a 10 dBA “weighting” added to noise during the hours of 10:00 p.m. to 7:00 a.m. to account for noise sensitivity in the nighttime. The logarithmic effect of these additions is that a 60 dBA 24-hour $L_{eq}$ would result in a measurement of 66.4 dBA $L_{dn}$ .
Community Noise Equivalent Level, CNEL	A 24-hour average $L_{eq}$ with a 5 dBA “weighting” during the hours of 7:00 p.m. to 10:00 p.m. and a 10 dBA “weighting” added to noise during the hours of 10:00 p.m. to 7:00 a.m. to account for noise sensitivity in the evening and nighttime, respectively. The logarithmic effect of these additions is that a 60 dBA 24-hour $L_{eq}$ would result in a measurement of 66.7 dBA CNEL.
Ambient Noise Level	The composite of noise from all sources near and far. The normal or existing level of environmental noise at a given location.
Intrusive	That noise which intrudes over and above the existing ambient noise at a given location. The relative intrusiveness of a sound depends on its amplitude, duration, frequency, and time of occurrence and tonal or informational content as well as the prevailing ambient noise level.

**Human Response to Noise**

The human response to environmental noise is subjective and varies considerably from individual to individual. Noise in the community has often been cited as a health problem, not in terms of actual physiological damage, such as hearing impairment, but in terms of inhibiting general well-being and contributing to undue stress and annoyance. The health effects of noise in the community arise from interference with human activities, including sleep, speech, recreation, and tasks that demand concentration or coordination. Hearing loss can occur at the highest noise intensity levels.

Noise environments and consequences of human activities are usually well represented by median noise levels during the day or night or over a 24-hour period. Environmental noise levels are generally considered low when the CNEL is below 60 dBA, moderate in the 60 to 70 dBA range, and high above 70 dBA. Examples of low daytime levels are isolated, natural settings with

noise levels as low as 20 dBA and quiet, suburban, residential streets with noise levels around 40 dBA. Noise levels above 45 dBA at night can disrupt sleep. Examples of moderate-level noise environments are urban residential or semi-commercial areas (typically 55 to 60 dBA) and commercial locations (typically 60 dBA). People may consider louder environments adverse, but most will accept the higher levels associated with noisier urban residential or residential-commercial areas (60 to 75 dBA) or dense urban or industrial areas (65 to 80 dBA). Regarding increases in A-weighted noise levels, the following relationships should be noted in understanding this analysis:

- Except in carefully controlled laboratory experiments, a change of 1 dBA cannot be perceived by humans.
- Outside of the laboratory, a 3 dBA change is considered a just-perceivable difference.
- A change in level of at least 5 dBA is required before any noticeable change in community response would be expected. An increase of 5 dBA is typically considered substantial.
- A 10 dBA change is subjectively heard as an approximate doubling in loudness and would almost certainly cause an adverse change in community response.

### **Effects of Noise on People**

#### *Hearing Loss*

While physical damage to the ear from an intense noise impulse is rare, a degradation of auditory acuity can occur even within a community noise environment. Hearing loss occurs mainly due to chronic exposure to excessive noise, but may be due to a single event such as an explosion. Natural hearing loss associated with aging may also be accelerated from chronic exposure to loud noise.

The Occupational Safety and Health Administration has a noise exposure standard that is set at the noise threshold where hearing loss may occur from long-term exposures. The maximum allowable level is 90 dBA averaged over 8 hours. If the noise is above 90 dBA, the allowable exposure time is correspondingly shorter.

#### *Annoyance*

Attitude surveys are used for measuring the annoyance felt in a community for noises intruding into homes or affecting outdoor activity areas. In these surveys, it was determined that causes for annoyance include interference with speech, radio and television, house vibrations, and interference with sleep and rest. The  $L_{dn}$  as a measure of noise has been found to provide a valid correlation of noise level and the percentage of people annoyed. People have been asked to

### 3.10 Noise

judge the annoyance caused by aircraft noise and ground transportation noise. There continues to be disagreement about the relative annoyance of these different sources. For ground vehicles, a noise level of about 55 dBA  $L_{dn}$  is the threshold at which a substantial percentage of people begin to report annoyance.

#### ***Sensitive Receptors***

Noise-sensitive land uses are generally considered to include those uses where noise exposure could result in health-related risks to individuals, as well as places where quiet is an essential element of their intended purpose. Residential dwellings are of primary concern because of the potential for increased and prolonged exposure of individuals to both interior and exterior noise levels. Additional land uses such as parks, historic sites, cemeteries, and recreation areas are considered sensitive to increases in exterior noise levels. Schools, churches, hotels, libraries, and other places where low interior noise levels are essential are also considered noise-sensitive land uses. The nearest sensitive receptors to the project site are multi-family residences (Seabluffe Village) located immediately adjacent to the west and south.

Short-term noise measurements were conducted at three locations in the project vicinity, as shown in [Table 3.10-2, Measured Ambient Noise Levels](#), and on [Figure 3.10-1, Ambient Noise Monitoring Locations](#).

**Table 3.10-2 Measured Ambient Noise Levels**

Measurement Location Number	Location	$L_{eq}$ (dBA)	$L_{max}$ (dBA)	$L_{min}$ (dBA)	Peak (dBA)	Time
1	On southern side of the project site near existing driveway and Highway 101	65.3	79.4	44.2	99.1	10:27 a.m.
2	Inside Seabluffe Village, the grass area adjacent to Moorgate Road and apartments along Haymarket Road	50.4	66.4	41.2	84.1	10:50 a.m.
3	Inside Seabluffe Village, at the corner of Milbank Road and Moorgate Road	53.6	75.9	44.5	100.7	11:03 a.m.

Note:  $L_{eq}$  = equivalent sound level;  $L_{max}$  = maximum sound level, the highest individual sound level occurring over a given time period;  $L_{min}$  = minimum sound level, the lowest individual sound level occurring over a given time period; Peak = peak sound level, the peak level of the sound pressure wave with no time constant applied.

Source: Michael Baker International, 2021 (Appendix K).

### ***Existing Conditions***

The project site is currently occupied by an operating restaurant, a small commercial center, and a vacant structure formerly operated as a restaurant, along with various supporting surface parking areas and a small area of previously undeveloped land.

The existing Seabluffe residential community of 255-gated townhomes is located directly adjacent to the south and west. Moorgate Road and approximately 18 parking stalls run along the southern boundary of the site. The Pacific Ocean lies further west, approximately 0.14-mile from the site. The Alila Marea Beach Resort is located adjacent to the north of the project site. The intersection of La Costa Avenue and North Coast Highway 101 lies approximately 215 feet to the northeast. North Coast Highway 101, a four-lane divided highway with two lanes and a dedicated bike lane in both directions, forms the eastern boundary of the project site. Sidewalks are only available along southbound Highway 101 on the north half of the project site. The North County Transit District (NCTD) railroad runs north-south and parallels Highway 101 on the east, approximately 135 feet to the east of the project site at its nearest point. The closest airport is the McClellan-Palomar Airport, located approximately 3.5 miles to the northeast of the project site.

Ambient noise in the project area is primarily generated by traffic along North Coast Highway 101. Other ambient noise sources are typically from the surrounding residential land uses, such as lawnmowers and barking dogs. Ambient noise levels in the vicinity of the project site during the daytime hours ranged from 50.4 to 65.3 dBA  $L_{eq}$ .

## **REGULATORY FRAMEWORK**

### ***Federal***

#### **US Environmental Protection Agency**

The US Environmental Protection Agency offers guidelines for community noise exposure in the *Noise Effects Handbook – A Desk Reference to Health and Welfare Effects of Noise* (EPA 1981). These guidelines consider occupational noise exposure as well as noise exposure in homes. The EPA recognizes an exterior noise level of 55 decibels day-night level (dB  $L_{dn}$ ) as a general goal to protect the public from hearing loss, activity interference, sleep disturbance, and annoyance. The EPA and other federal agencies have adopted suggested land use compatibility guidelines which indicate that residential noise exposures of 55 to 65 dB  $L_{dn}$  are acceptable. However, the EPA notes that these levels are not regulatory goals, but are levels defined by a negotiated scientific consensus, without concern for economic and technological feasibility or the needs and desires of any particular community.

### 3.10 Noise

#### **State**

The California Governor's Office of Planning and Research's (OPRs) noise element guidelines include recommended exterior and interior noise level standards for local jurisdictions to identify and prevent the creation of incompatible land uses due to noise. The guidelines contain a land use compatibility table that describes the compatibility of various land uses with a range of environmental noise levels in terms of the CNEL. Table 3.10-3, Land Use Compatibility for Community Noise Environments, presents guidelines for determining acceptable and unacceptable community noise exposure limits for various land use categories. The guidelines also present adjustment factors that may be used to arrive at noise acceptability standards that reflect the noise control goals of the community, the particular community's sensitivity to noise, and the community's assessment of the relative importance of noise pollution.

**Table 3.10-3 Land Use Compatibility for Community Noise Environments**

Land Use Category	Community Noise Exposure (Ldn or CNEL, dBA)			
	Normally Acceptable	Conditionally Acceptable	Normally Unacceptable	Clearly Unacceptable
Residential – Low Density, Single-Family, Duplex, Mobile Homes	50–60	55–70	70–75	75–85
Residential – Multiple Family	50–65	60–70	70–75	70–85
Transient Lodging – Motel, Hotels	50–65	60–70	70–80	80–85
Schools, Libraries, Churches, Hospitals, Nursing Homes	50–70	60–70	70–80	80–85
Auditoriums, Concert Halls, Amphitheaters	NA	50–70	NA	65–85
Sports Arenas, Outdoor Spectator Sports	NA	50–75	NA	70–85
Playgrounds, Neighborhood Parks	50–70	NA	67.5–75	72.5–85
Golf Courses, Riding Stables, Water Recreation, Cemeteries	50–70	NA	70–80	80–85
Office Buildings, Business Commercial and Professional	50–70	67.5–77.5	75–85	NA
Industrial, Manufacturing, Utilities, Agriculture	50–75	70–80	75–85	NA

Source: OPR 2017

Notes: NA: not applicable; Ldn: average day/night sound level; CNEL: community noise equivalent level

Normally Acceptable – Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.

Conditionally Acceptable – New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning will normally suffice.

Normally Unacceptable – New construction or development should be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.

Clearly Unacceptable – New construction or development should generally not be undertaken.

**Local**

**City of Encinitas General Plan**

The *City of Encinitas General Plan* (1991) is the primary source of long-range planning and policy direction used to guide growth and preserve the quality of life in Encinitas. The Encinitas General Plan states that a goal of the City is to analyze proposed land uses to ensure that the designations would contribute to a proper balance of land uses within the community. The relevant goals and policies for the project include:

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

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

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

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

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

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

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

**3.10 Noise**

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

**City of Encinitas Municipal Code**

The City's Municipal Code establishes noise criteria to prevent noise and vibration that may jeopardize the health or welfare of the City's citizens or degrade their quality of life. Chapter 9.32, Noise Abatement and Control, and Chapter 30.40, Performance Standards, establish property line noise level limits. These limits apply to existing uses, but will also apply to future uses and are used for evaluating potential impacts of future on-site generated noise levels. Chapter 9.32.410 states that it shall be "unlawful for any person, including the City, to operate construction equipment at any construction site on Sundays, and days appointed by the President, Governor or the City Council for a public fast, thanksgiving, or holiday. Notwithstanding the above, a person may operate construction equipment on the above-specified days between the hours of 10:00 a.m. and 5:00 p.m. No such equipment, or combination of equipment regardless of age or date of acquisition, shall be operated so as to cause noise at a level in excess of 75 decibels for more than eight hours during any 24-hour period when measured at or within the property lines of any property which is developed and used either in part or in whole for residential purposes."

The property line noise limits are summarized in Table 3.10-4, City of Encinitas Exterior Noise Limits. As stated in Section 30.40.10, "Every use shall be so operated that the noise generated does not exceed the following levels at or beyond the lot line and does not exceed the limits of any adjacent zone."

**Table 3.10-4 City of Encinitas Exterior Noise Limits**

Adjacent Zone	Noise Level [dB(A)]	
	7:00 a.m. to 10:00 p.m.	10:00 p.m. to 7:00 a.m.
Rural Residential (RR), Rural Residential-1 (RR-1), Rural Residential-2 (RR-2), Residential-3 (R-3), Residential-5 (R-5), Residential-8 (R-8)	50	45
Residential-11 (R-11), Residential Single Family-11 (RS-11), Residential-15 (R-15), Residential-20 (R-20), Residential-25 (R-25), Mobile Home Park (MHP)	55	50
Office Professional (OP), Limited Local Commercial (LLC), Local Commercial (LC), General Commercial (GC), Limited Visitor Serving Commercial (L-VSC), Visitor Serving Commercial (VSC)	60	55
Light Industrial (L-I), Business Park (BP)	60	55

Source: City of Encinitas Municipal Code 30.40.010(A)

The property line ground vibration limits are summarized in Table 3.10-5, City of Encinitas Ground Vibration Limits. As stated in Section 30.40.10 (B), "Every use shall be so operated that the ground

vibration generated at any time and measured at any point along the lot line of the lot on which the use is located shall not be perceptible and shall not exceed the limits of any adjacent zone.”

**Table 3.10-5 City of Encinitas Ground Vibration Limits**

Adjacent Zone	Vibration in Inches per Second	
	Impact	Steady-State
Residential	.006	0.03
Commercial	.010	0.05
Light Industrial	.040	0.020
Public/Semi-Public	.010	0.05

Source: City of Encinitas Municipal Code 30.40.010(B)

### **Encinitas North 101 Corridor Specific Plan**

The project is located within the Encinitas North 101 Corridor Specific Plan (N101SP). The North 101 Corridor planning area consists of approximately 231 acres located within the communities of Leucadia and Old Encinitas in the City of Encinitas. The planning area is bounded by the City limit line on the north, B Street/Encinitas Boulevard on the south, parcels fronting Vulcan Avenue on the east, and parcels fronting North Highway 101 on the west. Chapter 9.7, Noise, of the Specific Plan establishes goals and policies related to noise in the Specific Plan area. The relevant goals and policies for the project include:

#### *Chapter 9.7, Noise*

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

**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 recommendations will aid in evaluating the impacts of commercial and industrial projects.

### 3.10 Noise

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- 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 1.2:** 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.

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

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

**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.

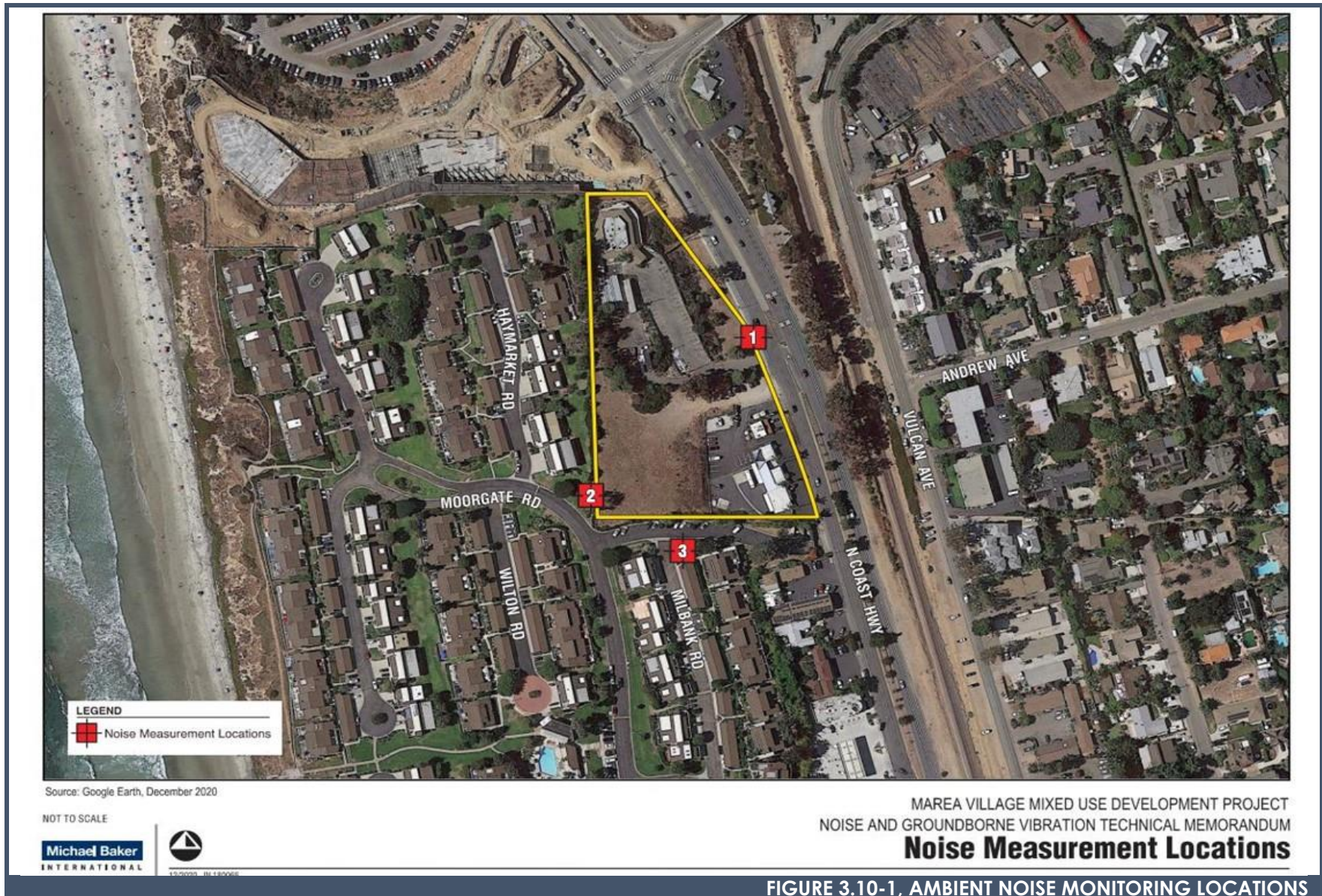
## STANDARDS OF SIGNIFICANCE

### *Thresholds of Significance*

The following thresholds of significance are based on CEQA Guidelines Appendix G. For purposes of this EIR, the proposed project may have a significant adverse impact related to noise and vibration if it would result in:

1. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.
2. Generation of excessive groundborne vibration or groundborne noise levels.
3. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, exposure of people residing or working in the project area to excessive noise levels.

3.10 Noise



## PROJECT IMPACTS AND MITIGATION

### ***EXCEED NOISE STANDARDS***

<b>Impact 3.10-1</b>	<b>The project would not generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. Impacts would be less than significant.</b>
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Noise-sensitive land uses are locations where people reside or where the presence of unwanted sound could adversely affect the use of the land. Residences, schools, hospitals, guest lodging, libraries, and some passive recreation areas would each be considered noise sensitive and may warrant unique measures for protection from intruding noise. The nearest sensitive receptors to the project site are the predominantly residential neighborhoods located immediately adjacent to the west and south of the proposed project site (see [Figure 3.10-1](#)).

### ***Project Construction***

Construction of the proposed project would involve construction activities such as building demolition, grading, building construction, paving, and architectural coating. The temporary construction noise associated with on-site equipment could potentially expose sensitive receptors to noise levels in excess of the applicable noise standard and/or result in a noticeable increase in ambient noise levels, and/or an exceedance of daytime hour noise standards.

Typical noise levels generated by construction equipment used by the project are shown in [Table 3.10-6, Noise Levels Generated by Construction Equipment](#). It should be noted that the noise levels in maximum sound levels ( $L_{max}$ ) identified in [Table 3.10-6](#) are the highest individual sound occurring at an individual time period. Operating cycles for these types of construction equipment may involve one or two minutes of full power operation followed by three to four minutes at lower power settings. Other primary sources of acoustical disturbance would be due to random incidents, which would last less than one minute (such as dropping large pieces of equipment or the hydraulic movement of machinery lifts). The  $L_{max}$  levels were converted to  $L_{eq}$  levels based on the acoustical use factor of each equipment, and  $L_{eq}$  levels are more representative of the noise levels averaged over time.

3.10 Noise

**Table 3.10-6 Noise Levels Generated by Construction Equipment**

Type of Equipment	Acoustical Use Factor <sup>1</sup>	L <sub>max</sub> at Property Line (dBA) <sup>2</sup>	L <sub>eq</sub> at Property Line (dBA) <sup>2</sup>	L <sub>max</sub> at 50 Feet (dBA)	L <sub>eq</sub> at 120 Feet (dBA)	L <sub>eq</sub> at 220 Feet (dBA)
Backhoe	40	112	108	78	66	61
Concrete Saw	20	124	117	90	75	70
Crane	16	113	105	79	63	58
Dozer	40	116	112	82	70	65
Dump Truck	40	110	106	76	64	59
Excavator	40	115	111	81	69	64
Forklift	40	112	105	78	63	58
Grader	40	119	115	85	73	68
Loader	40	113	109	79	67	62
Paver	50	111	108	77	66	61
Vibratory Pile Driver	20	129	122	95	80	75
Roller	20	114	107	80	65	60
Scraper	40	119	115	85	73	68
Soil Mix Drill Rig	50	114	111	80	69	64
Tractor	40	118	114	84	72	67
Water Truck	40	114	110	80	68	63
General Industrial Equipment	50	119	116	85	74	69
Note: Acoustical Use Factor (percent): Estimates the fraction of time each piece of construction equipment is operating at full power (i.e., its loudest condition) during a construction operation.						

Source: Michael Baker International, 2021 (Appendix K)

The potential for construction-related noise to affect nearby sensitive receptors would depend on the location and proximity of construction activities to these receptors. The closest sensitive receptors are the multi-family residences located adjacent to the west and south of the project site.

According to the Municipal Code Section 9.32.410 (A), construction activities are only allowed between the hours of 7:00 a.m. to 7:00 p.m. on Mondays through Saturdays except for holidays and construction equipment, or combination of equipment shall be operated so as to cause noise at a level in excess of 75 decibels for more than eight hours during any 24-hour period when measured at or within the property lines of any property which is developed and used either in part or in whole for residential purposes.

As shown in [Table 3.10-6](#), construction noise would potentially range from 105 dBA Leq to 122 dBA Leq at the property line and 77 dBA Leq to 95 dBA Leq at 50 feet from the property line, in exceedance of the 75 dBA threshold. At a distance of 120 feet from the property lines, estimated noise levels from all equipment types with the exception of pile drivers would be reduced to below the 75 Leq thresholds. At a distance of 220 feet from the property line, vibratory pile drivers would be reduced to below the 75 dBA Leq threshold.

Although construction noise may exceed the 75 dBA Leq threshold at any given time, the fraction of use for the types of construction equipment shown in Table 6 would range from 16% to 50% over the course of a construction day and in different areas on the property at varying distances from the property boundary; therefore, the rate and duration of individual or cumulative equipment noise in exceedance of the 75 dBA threshold would be variable and intermittent in duration throughout the day and it is unlikely that construction activities would continuously sustain or exceed the 75 dBA over the course of an 8 hour period.

The applicant for the proposed project would be required to prepare a Construction Noise Control Plan and comply with City's noise ordinance requirements as a condition of project approval. Because the project would be required to prepare a Construction Noise Control Plan to demonstrate compliance with the City's noise ordinance, including the requirements that construction equipment, or combination of equipment would not sustain or exceed the City's 75 dBA significance threshold continuously over the course of an 8 hour period, the impact of temporary construction noise would be **less than significant**.

### ***Project Operations***

#### **Off-Site Mobile Noise**

The proposed project would result in additional traffic on adjacent roadways from daily activities, thereby increasing vehicular noise in the vicinity of existing and proposed land uses. Based on the City of Encinitas Fenway Mixed-Use (Hotel, Residential, Commercial) 1900 N. Coast Highway 101 Local Transportation Analysis prepared by LOS Engineering, Inc. (2020; [Appendix L-2](#)), the project would generate a net increase of 1,122 average daily trips, including 60 trips during the a.m. peak hour and 102 trips during the p.m. peak hour. The noise levels under "Existing Without Project" and "Existing With Project" scenarios are modeled using Federal Highway Administration's Highway Noise Prediction Model (FHWA RD-77-108) and compared in [Table 3.10-4, Existing Traffic Noise Levels](#). Noise modeling assumptions and results are included in [Appendix K](#). As depicted in [Table 3.10-4](#), under the "Existing Without Project" scenario, noise levels at 100 feet from roadway centerline would range from approximately 59.5 dBA to 65.0 dBA, with the highest noise levels occurring along Carlsbad Boulevard from Avenida Encinas to La Costa Avenue. The "Existing With Project" scenario noise levels at 100 feet from roadway

### 3.10 Noise

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centerline would range from approximately 59.7 dBA to 65.1 dBA, with the highest noise levels also occurring along Carlsbad Boulevard from Avenida Encinas to La Costa Avenue.

Table 3.10-7 also shows the difference between the “Existing Without Project” scenario and the “Existing With Project” scenario. As depicted in Table 3.10-7, traffic associated with the proposed project would result in a maximum increase of 0.3 dBA along North Coast Highway 101 from 600-foot South of La Costa Avenue to Grandview Street. A significant impact would result only if both of the following occur: an exceedance of the normally acceptable noise standards for residential uses (i.e., 60 dBA CNEL; refer to Table 3.10-4) and a perceptible increase in traffic noise levels (i.e., noise increase would be greater than 3.0 dBA).

As shown in Table 3.10-7, although traffic noise levels would exceed 60 dBA CNEL along almost all roadway segments under both “Existing Without Project” and “Existing With Project” scenarios in the project area, project-generated average daily trips would not cause a perceptible increase in traffic noise levels (i.e., noise increase would be greater than 3.0 dBA) along any of the surrounding roads. As the project would not cause a perceptible increase in traffic noise levels, the proposed project would not significantly increase noise levels along the roadway segments analyzed. Therefore, a less than significant impact would occur in this regard.

**Table 3.10-7 Existing vs. Existing + Project Noise Levels**

Roadway Segment	Existing Without Project					Existing With Project					Difference In dBA @ 100 Feet from Roadway
	ADT	dBA @ 100 Feet from Roadway Centerline	Distance from Roadway Centerline to: (Feet)			ADT	dBA @ 100 Feet from Roadway Centerline	Distance from Roadway Centerline to: (Feet)			
			70 CNEL Noise Contour	65 CNEL Noise Contour	60 CNEL Noise Contour			70 CNEL Noise Contour	65 CNEL Noise Contour	60 CNEL Noise Contour	
Carlsbad Boulevard											
Avenida Encinas to La Costa Avenue	16,525	65.0	-	100	216	16,749	65.1	-	101	218	0.1
North Coast Highway 101											
La Costa Avenue to 600- foot South of La Costa Avenue	17,801	60.6	-	51	109	18,474	60.7	-	52	112	0.2
600-foot South of La Costa Avenue to Bishops Gate Road	17,801	60.5	-	50	108	18,923	60.8	-	52	113	0.3
Bishops Gate Road to Grandview Street	17,427	60.4	-	49	107	18,538	60.7	-	52	111	0.3
Grandview Street to Jupiter Street	15,918	60.0	-	-	100	16,344	60.1	-	47	102	0.1
Jupiter Street to Leucadia Boulevard	15,873	60.0	-	-	100	16,288	60.1	-	47	102	0.1
La Costa Avenue											
North Coast Highway 101 to North Vulcan Avenue	11,686	59.5	-	43	93	12,135	59.7	-	44	95	0.2
North Vulcan Avenue to Sheridan Road	13,499	60.2	-	48	102	13,925	60.3	-	49	105	0.1
Sheridan Road to Interstate 5	14,728	60.5	-	50	109	15,121	60.7	-	51	111	0.1
Notes: ADT = average daily traffic; dBA = A-weighted decibels; CNEL = community noise equivalent level; "-" = contour is located within the roadway right-of-way. Source: Noise modeling is based on traffic data within the <i>City of Encinitas Marea Village Mixed-Use Development (Hotel, Residential, Commercial) 1900 N. Coast Highway 101 Draft Local Transportation Analysis</i> , prepared by LOS Engineering, Inc. (2020; Appendix L-2).											

### 3.10 Noise

#### **Stationary Noise**

##### ***Mechanical Equipment Noise***

Anticipated mechanical equipment noise that would be generated by the proposed project would include Heating Ventilation and Air Conditioning (HVAC) units and swimming pool pumps. The HVAC units would be installed on the rooftops of the proposed buildings and the swimming pool pumps would be located to the east of Building 11. Typically, mechanical equipment noise is 55 dBA at 50 feet from the source. Because the swimming pool pumps would be located further from the nearest off-site sensitive receptors than the HVAC units, the following discussion focuses on noise generated from the HVAC units. Based upon the Inverse Square Law, sound levels decrease by 6 dBA for each doubling of distance from the source. The closest proposed building to the property line of the multi-family residences to the west would be Building 11, located on the northwest of the project site. The HVAC units would be installed on the central-west portion of Building 11's rooftop, approximately 50 feet from the multi-family residences property line. At this distance, noise levels from the HVAC units would be approximately 55 dBA. In addition, the HVAC units would be shielded by a screening wall, which would reduce noise levels by 5 dBA. Therefore, noise levels from HVAC units would be approximately 50 dBA at the nearest residential property line and would not exceed the City's R-11 Zone exterior noise level standards of 55 dBA CNEL for daytime and 50 dBA CNEL for nighttime. The project would be consistent with General Plan Noise Element Policy 3.1 and Policy 4.1 in this regard. In addition, noise levels from HVAC units would be below the ambient noise levels (i.e. 50.4 dBA to 53.6 dBA; refer to [Table 3.10-7](#)), which would be consistent with the Specific Plan requirements that noise levels shall be 3 dBA or less over ambient noise levels and below 60 dBA. Thus, a less than significant impact would occur.

##### ***Parking Lots***

The project proposes a combination of on-site garage parking and limited surface parking as well as off-street parking. The on-site surface parking spaces would be located on the west and south portion of the project site.

Traffic associated with parking lots is typically not of sufficient volume to exceed community noise standards, which are based on a time-averaged scale such as the CNEL scale. However, the instantaneous maximum sound levels generated by a car door slamming, engine starting up, and car pass-bys may be an annoyance to adjacent noise-sensitive receptors. Estimates of the maximum noise levels associated with some parking lot activities are presented in [Table 3.10-8, Typical Noise Levels Generated by Parking Lots](#).

**Table 3.10-8**  
**Typical Noise Levels Generated by Parking Lots**

Noise Source	Maximum Noise Levels at 50 Feet from Source (dBA $L_{eq}$ )
Car door slamming	61
Car starting	60
Car idling	53

Notes: dBA = A-weighted Decibels;  $L_{eq}$  = Equivalent Sound Level  
Source: Michael Baker International, 2021 (Appendix K).

As shown in [Table 3.10-8](#), parking lot activities can result in noise levels of up to 61 dBA at a distance of 50 feet. It is noted that parking lot noise are instantaneous noise levels compared to noise standards in the CNEL scale, which are averaged over time. As a result, actual noise levels over time resulting from parking lot activities would be far lower than what is identified in [Table 3.10-5](#). The nearest parking spaces would be located approximately 40 feet from the property line of the multi-family residences to the west. At this distance, parking lot noise would range from 55 to 63 dBA. It should be noted that parking lot noise levels would be much lower in the CNEL noise scale (i.e., the noise metric used by the Land Use Compatibility Guidelines to evaluate mobile noise impacts) which represents a time-weighted 24-hour average noise level based on A-weighted decibels. While parking lot noise may be as loud as 63 dBA, these noise levels would be short-term and intermittent. In addition, there is an existing surface parking lot located on the west side of the project site that is also close to the multi-family residences. Therefore, project-generated parking lot noise levels would not introduce a new source of noise when compared to existing conditions. Thus, the project would be consistent with General Plan Noise Element Policy 3.1 and Policy 4.1, and impacts would be less than significant.

### **Outdoor Area**

The project proposes an outdoor patio area located on the west side of proposed hotel (Building 11). The proposed outdoor patio area has the potential to be accessed intermittently by groups of people which would increase the ambient noise level in the outdoor patio area. Noise generated by groups of people is dependent on several factors including vocal effort, impulsiveness, and the random orientation of the group members. This type of noise is estimated at 60 dBA at one meter (3.28 feet) away for raised normal speaking. This noise level would have a +5 dBA adjustment for the impulsiveness of the noise source, and a -3 dBA adjustment for the random orientation of the group members. Therefore, group noise levels would be approximately 62 dBA at one meter (3.28 feet) from the source.

In addition, the project may periodically play low-volume ambient background music throughout the outdoor area of the project site. The ambient music would be similar to the music played in restaurants, retail centers, and other public spaces. The background music is assumed to

3.10 Noise

generate a similar level of noise as the groups of people analyzed above (60 dBA at one meter). The outdoor patio area would be located approximately 30 feet from the property line of the multi-family residences to the west. At this distance, noise level would be reduced to approximately 43 dBA at the property line, which would not exceed the City’s R-11 Zone exterior noise level standards of 55 dBA CNEL for daytime and 50 dBA CNEL for nighttime. The project would be consistent with General Plan Noise Element Policy 3.1 and Policy 4.1 in this regard. In addition, noise levels from the outdoor patio area would be below the ambient noise levels (i.e. 50.4 dBA to 53.6 dBA; refer to [Table 3.10-3](#)), which would be consistent with the Specific Plan requirements that noise levels shall be 3 dBA or less over ambient noise levels and below 60 dBA. As such, impacts would be **less than significant**.

**Mitigation Measures:** None required.

**Level of Significance:** Less than significant.

**EXCESSIVE VIBRATIONS OR NOISE**

<b>Impact 3.10-2</b>	<b>The project would have the potential to result in the generation of excessive groundborne vibration or groundborne noise levels. Impacts would be less than significant with mitigation incorporated.</b>
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**Construction**

Project construction can generate varying degrees of groundborne vibration, depending on the construction procedure and construction equipment. Operation of construction equipment generates vibrations that spread through the ground and diminish in amplitude with distance from the source. The effect on buildings located in the vicinity of the construction site often varies depending on soil type, ground strata, and construction characteristics of the receiver building(s). The results from vibration can range from no perceptible effects at the lowest vibration levels, to low rumbling sounds and perceptible vibration at moderate levels, to slight damage at the highest levels. Groundborne vibrations from construction activities rarely reach levels that damage structures.

Construction vibration impacts include human annoyance and building damage. Human annoyance occurs when construction vibration rises significantly above the threshold of human perception for extended periods of time. Building damage can be cosmetic (e.g., plaster cracks) or structural. The distance at which damage from vibration could be experienced can vary substantially depending on the age and composition of the building structure, soil composition and underground geological layer between vibration source and receiver. In addition, not all buildings respond similarly to vibration generated by construction equipment. For example, buildings that are constructed with typical timber frames and masonry show that a vibration level

of up to 0.2 in/sec PPV is considered safe and would not result in any construction vibration damage. This evaluation uses the Federal Transit Administration (FTA) architectural damage criterion for continuous vibrations at non-engineered timber and masonry buildings of 0.2 in/sec PPV. The FTA has published standard vibration velocities for construction equipment operations. Typical vibration produced by construction equipment is detailed in [Table 3.10-9, Typical Vibration Levels for Construction Equipment](#).

Groundborne vibration decreases rapidly with distance. The nearest structures are multi-family residential buildings located approximately 20 feet west of the of the project boundary. As indicated in [Table 3.10-9](#), vibration velocities from typical heavy construction equipment used during project construction would range from 0.0042 (a small bulldozer) to 0.2935 (vibratory roller) in/sec PPV at 20 feet from the source of activity, which would potentially exceed the FTA's 0.2 in/sec PPV threshold of architectural damage. Therefore, mitigation measure **NOI-1** would be required to reduce vibration levels below the threshold. Mitigation measure **NOI-1** would ensure the vibration level at the nearest structures would be closely monitored during construction and by adjusting the vibration frequency settings of the construction equipment, the vibration level would be below the 0.2 in/sec threshold at the nearest structures. With the implementation of mitigation measure **NOI-1**, the proposed construction activities associated with the project would not expose sensitive receptors to excessive groundborne vibration levels. Vibration impacts associated with construction would be **less than significant with mitigation incorporated**.

**Table 3.10-9**  
**Typical Vibration Levels for Construction Equipment**

Equipment	Approximate peak particle velocity at 25 feet (inches/second) <sup>1</sup>	Approximate peak particle velocity at 20 feet (inches/second) <sup>1</sup>
Large bulldozer	0.089	0.1244
Loaded trucks	0.076	0.1062
Small bulldozer	0.003	0.0042
Jackhammer	0.035	0.0489
Pile Drivers (Low Vibration)	0.170	0.2376
Vibratory Rollers	0.210	0.2935

Notes:

1. Calculated using the following formula:

$$PPV_{equip} = PPV_{ref} \times (25/D)^{1.5}$$

where: PPV (equip) = the peak particle velocity in in/sec of the equipment adjusted for the distance

PPV (ref) = the reference vibration level in in/sec from Table 7-4 of the FTA *Transit Noise and Vibration Impact Assessment Manual*.

D = the distance from the equipment to the receiver

Source: Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Manual*, Table 7-4, *Vibration Source Levels for Construction Equipment*, September 2018.

3.10 Noise

**Operational**

The project proposes a mixed-use development including residential use, office, retail, restaurant, and hotel. The operation of the project would involve occasional truck deliveries and trash pick-up, which would potentially generate groundborne vibration. However, the truck operations would not be substantial, and the groundborne vibration levels would not be perceptible or felt at surrounding uses.

Operation of the project would not generate substantial levels of vibration due to the absence of vibration-generating sources. Therefore, the impact would be less than significant during project operations.

**Mitigation Measures:**

**NOI-1      Implement Vibration Control Measures During Construction.** The project applicant shall incorporate the following measures on all grading and building plans and specifications subject to approval of the City of Encinitas prior to issuance of a demolition or grading permit (whichever occurs first):

- The Applicant shall utilize a construction vibration monitoring system with the potential to measure low levels of vibration. The Applicant shall adjust the vibration frequency settings of the equipment to ensure vibration levels do not exceed the 0.2 inch-per-second PPV threshold at the residential buildings located to the west of the project site.
- The Applicant shall conduct sensitivity training to inform construction personnel about the existing sensitive receptors surrounding the project and about methods to reduce noise and vibration.

**Level of Significance:** Less than significant with mitigation incorporated.

**PUBLIC AIRPORT OR PRIVATE AIRSTRIIP**

**Impact 3.10-3      The project would not be located in the vicinity of a private airstrip or an airport land use plan or, where such plan has not been adopted, within 2 miles of a public airport or public use airport, and would not expose people residing or working in the project area to excessive noise levels. No impact would occur.**

There are no public or private airports within 2 miles of the project site, and the project site is outside of an airport land use plan. The closest (public) airport is McClellan-Palomar Airport,

approximately 4 miles north of the project site, and there are no private airstrips in the immediate vicinity. Therefore, **no impact** would occur.

**Mitigation Measures:** None required.

**Level of Significance:** No impact.

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**CUMULATIVE IMPACTS**

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<b>Impact 3.10-4</b>	<b>The project would not result in a significant cumulative noise impact. Impacts would be less than cumulatively considerable.</b>
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***Geographic Scope***

When determining whether the overall noise (and vibration) impacts from cumulative projects would be cumulatively significant and whether the proposed project's incremental contribution to any significant cumulative impacts would be cumulatively considerable, it is important to note that noise and vibration are localized occurrences; as such, they decrease rapidly in magnitude as the distance from the source to the receptor increases. Therefore, only those cumulative projects identified in [Table 3.0-1](#) and [Figure 3.0-1](#) in [Section 3.0](#) of this EIR that are in the direct vicinity of the project study areas and those that are considered influential in regard to noise and vibration would have the potential to be considered in a cumulative context with the proposed project's incremental contribution.

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

***Potential Cumulative Impacts***

When determining whether the overall noise (and vibration) impacts from cumulative projects would be cumulatively significant and whether the proposed project's incremental contribution to any significant cumulative impacts would be cumulatively considerable, it is important to note that noise and vibration are localized occurrences; as such, they decrease rapidly in magnitude as the distance from the source to the receptor increases.

**Short-Term Construction Noise Impacts**

Construction activities associated with the proposed project and cumulative projects may overlap, resulting in construction noise in the area. However, as analyzed above, construction noise impacts primarily affect the areas immediately adjacent to the project site. As a condition

### 3.10 Noise

of project approval, the project would be required to prepare a Construction Noise Control Plan to demonstrate that all construction activity is in compliance with all applicable City noise standards and submit it to the City's Planning and Building Department for review and approval, which would to reduce construction noise impacts to less than significant levels. All other housing projects covered under the 2019 HEU would be subject to the same requirements. The construction activities associated with other cumulative development projects would also be required to comply with the City's Municipal Code and would incorporate mitigation measures on a project-by-project basis, as applicable, to reduce construction noise pursuant to CEQA provisions. Therefore, with implementation of a City-approved Construction Noise Control Plan, the project's contribution to cumulative short-term construction impacts would be less than cumulatively considerable.

#### **Long-Term (Mobile) Noise Impacts**

Long-term cumulative noise impacts from mobile sources would occur primarily as a result of increased traffic on area roadways due to buildout of the proposed project and other projects in the vicinity. When two identical sources are each producing sound of the same loudness, the resulting sound level at a given distance would be 3 dB higher than one source under the same conditions (FTA 2006). An increase of 3 dB is widely accepted as "barely perceptible." With regard to traffic noise, traffic volumes would need to roughly double to result in a perceptible change in ambient noise levels.

To determine if cumulative traffic noise levels would increase to a level of significance with the development of the proposed project and other planned projects, traffic data from the Local Transportation Analysis, prepared by LOS Engineering, Inc., 2020 was analyzed for the following traffic scenarios:

- Existing: Current day noise conditions without construction of the project.
- Existing Plus Cumulative Projects without Project: Current day noise conditions plus the completion of the project and the completion of other permitted, planned projects or approved ambient growth factors.
- Existing Plus Cumulative Projects with Project: Comparison of the existing noise levels and the related noise level increases from the combination of the project and all other planned or permitted projects in the vicinity of the site.

As shown in Table 3.10-10, Cumulative Traffic Noise, combined effect for roadway segment noise levels would increase between 0.4 dBA and 1.2 dBA with development of the proposed project and other cumulative projects. As the noise increase would not exceed the 3 dBA threshold, the proposed project would not contribute to a significant cumulative noise impact to any existing or

future noise sensitive land use. Therefore, mobile source noise impacts would be less than cumulatively considerable.

3.10 Noise

**Table 3.10-10  
Cumulative Traffic Noise**

Roadway Segment	dBA @ 100 Feet from Roadway Centerline			Combined Effects	Incremental Effects	Cumulatively Significant Impact? <sup>1</sup>
	Existing	Cumulative without Project	Cumulative with Project	Difference in dBA Between Cumulative With Project and Existing	Difference in dBA Between Cumulative With Project and Cumulative Without Project	
Carlsbad Boulevard						
Avenida Encinas to La Costa Avenue	65.0	65.7	65.7	0.7	0.1	No
North Coast Highway 101						
La Costa Avenue to 600-foot South of La Costa Avenue	60.6	60.8	61.0	0.4	0.2	No
600-foot South of La Costa Avenue to Bishops Gate Road	60.5	60.8	61.0	0.5	0.3	No
Bishops Gate Road to Grandview Street	60.4	60.7	60.8	0.4	0.1	No
Grandview Street to Jupiter Street	60.0	60.3	60.4	0.4	0.1	No
Jupiter Street to Leucadia Boulevard	60.0	60.3	60.4	0.4	0.1	No
La Costa Avenue						
North Coast Highway 101 to North Vulcan Avenue	59.5	60.6	60.7	1.2	0.1	No
North Vulcan Avenue to Sheridan Road	60.2	61.1	61.2	1.1	0.1	No
Sheridan Road to Interstate 5	60.5	61.5	61.6	1.1	0.1	No
Notes: A cumulative impact would occur if the “Combined Effects” and “Incremental Effects” criterion are exceeded, and the modeled noise level exceeds the normally acceptable noise standard shown in Table 3.10-3.						

Source: Noise modeling is based on traffic data within City of Encinitas Fenway Mixed-Use (Hotel, Residential, Commercial) 1900 N. Coast Highway 101 Draft Local Transportation Analysis, prepared by LOS Engineering, Inc., dated November 12, 2020.

### **Long-Term (Stationary) Noise Impacts**

Although related cumulative projects have been identified within the project study area, the noise generated by stationary equipment on-site cannot be quantified due to the speculative nature of each development. However, each cumulative project would require separate discretionary approval and CEQA assessment, which would address potential noise impacts and identify necessary attenuation measures, where appropriate. Additionally, as noise dissipates as it travels away from its source, noise impacts from stationary sources would be limited to each of the respective sites and their vicinities. As noted above, the proposed project would not result in significant stationary noise impacts. Therefore, the proposed project would not result in stationary long-term equipment that would significantly affect surrounding sensitive receptors. The proposed project and identified cumulative projects are not anticipated to result in a significant cumulative impact.

### **Vibration Impacts**

As discussed above, project construction activities would not generate groundborne vibration off-site above the significance criteria (i.e. 0.2 in/sec PPV threshold for construction as established by the FTA) with implementation of mitigation measure **NOI-1**, and project operation activities would not generate perceptible groundborne vibration. Although construction activities associated with the proposed project and off-site cumulative projects may overlap, off-site projects within the City would also be subject to the 0.2 in/sec PPV threshold. Further, the cumulative development projects would be required to implement any required mitigation measures on a project-by-project basis, as applicable, pursuant to CEQA provisions. Thus, the proposed project and identified cumulative projects are not anticipated to result in a significant cumulative impact.

Therefore, cumulative impacts related to noise would be less than significant with the implementation of mitigation measure **NOI-1** and the project's contribution to a cumulative impact would be **less than cumulatively considerable**.

**Mitigation Measures:** Implement mitigation measure **NOI-1**.

**Level of Significance:** Less than cumulatively considerable.

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## Section 3.11

### Public Services and Recreation

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This section discusses the proposed project relative to public services including fire protection, law enforcement, schools, parks and recreation, and other public facilities. Analysis in this section draws upon data in the *City of Encinitas General Plan* (1991) and the *City of Encinitas 2013-2021 Housing Element Update Environmental Assessment* (2018). Service availability letters from the relevant service providers can be found in [Appendix N](#).

#### **ENVIRONMENTAL SETTING**

##### ***Fire Protection and Emergency Services***

The project site is served by the City of Encinitas Fire & Marine Safety Department. The department has 70 full-time employees and five divisions: Fire Operations and Support Services, Fire Administration, Loss Prevention and Planning (Fire Prevention), Disaster Preparedness, and Marine Safety Services. The Fire Department operates six fire stations distributed in different areas of the City to serve the 20-square-mile service area (City of Encinitas 2020a).

The closest station to the project site is Fire Station 3, at 801 Orpheus Avenue in Leucadia, approximately 1.5 mile southwest. If additional services are required in the event of an emergency, services may be provided from other fire stations operated by the City or other jurisdictions, as needed.

In 2019, the Fire Department responded to 6,800 calls involving fire and medical emergencies, including structure fires, vegetation fires, vehicle fires, and medical aids. The 2019 calls represent a 3.5% increase from 2018 (6,572 calls). (City of Encinitas 2020a).

According to the North 101 Corridor Specific Plan (N101SP), response time for the plan area is meeting level of service standards. Existing citywide fire service impact fees should ameliorate any changes to service demand created by changed development intensities in the planning area (City of Encinitas 1997).

##### ***Law Enforcement***

The San Diego County Sheriff's Department serves the project site from its North Coastal Station located at 175 North El Camino Real in Encinitas, approximately 3.5 miles southeast. The station serves nearly 60 square miles including the cities of Del Mar, Encinitas, and Solana Beach and the unincorporated communities of Rancho Santa Fe, Del Dios, Camp Pendleton, and San Onofre, providing public safety services to more than 80,000 residents (County Sheriff 2020).

### 3.11 Public Services and Recreation

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The North Coastal Station staffs approximately 107 total staff which includes 36 active members of the City's Senior Volunteer Unit (County Sheriff 2020). The North Coastal Station has 15 patrol vehicles, 3 traffic enforcement vehicles, 4 detective vehicles, 4 Community Oriented Policing and Problem Solving (COPPS) vehicles, and 5 bicycles. Overall, department response time averages for the 2013–2014 fiscal year were as follows: Priority 1 – 6.0 minutes; Priority 2 – 10.9 minutes; Priority 3 – 16.1 minutes; and Priority 4 – 45.8 minutes (City of Encinitas 2016b).

According to the N101SP, current service levels providing six 24-hour units per 10,000 residents exceed the City's goal of one 24-hour deputy per 10,000 residents (City of Encinitas 1997).

#### ***Schools***

The N101SP area is served by the Encinitas Union School District, San Dieguito Union High School District, and Mira Costa Community College District. The individual schools serving the specific plan area are Paul Ecke Central Elementary School, Oak Crest Junior High School, San Dieguito High School Academy, La Costa Canyon High School and Mira Costa Community College.

The project site is located in the Encinitas Union School District (EUSD), which serves the City and the La Costa area of Carlsbad in north San Diego County through its nine elementary schools. Approximately 5,400 students are served by the EUSD (EUSD 2016).

In the project area, students in kindergarten through sixth grade would attend Paul Ecke Central Elementary School, at 185 Union Street (approximately 1.8 mile southeast of the project site). Paul Ecke Central shares attendance boundaries with Capri and Ocean Knoll Elementary schools. Students in the project area attend middle school and high school in the San Dieguito Union High School District (SDUHSD). Middle school students (seventh and eighth grades) would attend Diegueño Middle School, at 2150 Village Park Way Drive (approximately 4.1 miles southeast of the project site) and high school students (ninth through twelfth grades) would attend La Costa Canyon High School at 1 Maverick Way, Carlsbad (approximately 4.5 miles east of the project site).

School districts currently collect school impact fees assessed on new development to provide financing for future facilities, however, the current fees do not adequately meet the districts' need for financing the facilities generated by new development (City of Encinitas 1997).

#### ***Parks***

As of April 2021, the City's Parks, Recreation, & Cultural Arts Department maintains 153 acres of developed/undeveloped parks, 82 acres of open space, 45 acres of beaches, 40 miles of trails, and 10 miles of streetscapes (City of Encinitas 2020c). The department has four operating

divisions: Administrative Services, Cultural Arts, Parks, Beaches and Trails, and Recreation. The department is responsible for a range of services including:

- Recreational, educational, and sports programs and services for youth, teens, adults, and senior citizens
- Citywide special events such as the Holiday Parade, Spring Egg Hunt, Pet Health Expo, Summer Concerts, Movies in the Park, and the Moonlight Beach Fest
- Park, beach, and recreational trail maintenance, and streetscape maintenance
- Animal control services

The City also borders the Pacific Ocean which offers opportunities for swimming, surfing, walking, running, sailing, and similar activities, as well as passive recreational activities such as picnicking and public gathering. The project site is located along the North Coast Highway 101 corridor which, from certain vantage points, offers views to the north along the coastline and west to the Pacific Ocean. The Pacific Ocean lies approximately 0.14 mile to the west of the site.

As stated in Recreation Element Policy 1.5 in the Encinitas General Plan, the City's goal is to provide a minimum of 15 acres of local recreational area per 1,000 residents, devoted to neighborhood and other local recreational facilities, community parks, and passive open space in undeveloped preserves (City of Encinitas 1991). The City encourages neighborhood parks within walking distance for all urban area residents. According to the City's Parks, Beaches, Trails, and Open Space Master Plan, the City has 1,643.2 acres of parks, beaches, and open space (see [Table 3.11-1, Existing Parks, Beaches, and Open Space](#)). These lands are either owned by the City, county, or state.

**Table 3.11-1 Existing Parks, Beaches, and Open Space**

Category	Total Acreage
Parks	295.0
Beaches	84.0
Open Space	1,264.2
<b>Total</b>	<b>1,643.2</b>

Source: City of Encinitas Parks, Beaches, Trails, and Open Space Master Plan (City of Encinitas 2016b)

The City currently collects development fees for new community and parkland facilities and/or improvements, including open space acquisition and/or trail development that are needed to serve new development projects.

### 3.11 Public Services and Recreation

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#### ***Other Services and Facilities***

Other existing public facilities available to support the population in the vicinity of the project site include libraries, hospitals, and general City administration. Existing library services are provided by the 4,100 square-foot San Diego County Library Encinitas Branch Library located at 540 Cornish Drive, approximately 2.6 miles south of the project site. Another branch library is located in Cardiff at the Cardiff Towne Center which totals 1,540 square feet. According to the N101SP, existing library facilities do not meet county library standards which is calculated as 0.35 gross square feet of library space per person (City of Encinitas 1997). The is located at 540 Cornish Drive. The nearest hospital is Scripps Memorial Encinitas Hospital, located approximately 3.3 miles south-southeast of the project site at 354 Santa Fe Drive. City Hall is located at 505 S. Vulcan Avenue, approximately 0.5 miles southwest of the project site. The City currently collects community facility fees on new development to provide financing for future facilities

## **REGULATORY FRAMEWORK**

### ***State***

#### **Quimby Act**

Since the passage of the 1975 Quimby Act (California Government Code Section 66477), cities and counties have been authorized to pass ordinances requiring that developers set aside land, donate conservation easements, or pay fees for park improvements. Revenues generated by the Quimby Act cannot be used for the operation and maintenance of park facilities. The goal of the Quimby Act was to require developers to help mitigate the impacts of property improvements. The act gives authority for passage of land dedication ordinances only to cities and counties.

### ***Local***

#### **City of Encinitas General Plan**

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

#### *Public Safety Element*

**GOAL 1:**                      **Public health and safety will be considered in future land use planning.**

- Policy 1.8: New residential and commercial construction shall provide for smoke detector and fire sprinkler systems to reduce the impact of development on service levels.
- Policy 1.9: Adequate safety service levels shall be maintained and provided for by new development.
- Policy 1.10: The public safety program shall provide for a response plan that strives to reduce life and property losses through technology, education, training, facilities and equipment.
- Policy 1.11: The public safety system shall provide standards and level of service guidelines that assure a quality of life and protection of life and property from preventable losses.
- Policy 1.14: Where development creates the need for new public safety services and/or equipment, that development shall be responsible for the cost of such services/equipment.
- Policy 1.16: The City and its service districts and agencies shall maintain adequate levels of staffing, materials and equipment to assure timely response to demands for public safety measures.

*Recreation Element*

**GOAL 1: The maintenance of the open space resources in the planning area will continue to be emphasized.**

- Policy 1.2: Consider the enactment of a "Quimby Ordinance" to ensure that new residential development is provided with open space/recreational amenities. In addition, explore all other available funding resources and alternatives for acquisition and development of parking and open space lands.
- Policy 1.3: Enforce local laws regarding the vandalism of park property and incorporate citizen involvement into the program through the "neighborhood watch" programs and other community efforts.
- Policy 1.5: Provide a minimum of 15 acres of local recreational area for each 1,000 populations for the entire community. This area should be devoted to neighborhood and other close-at-hand recreation facilities, community parks, and passive open space in undeveloped preserves and wilderness areas. This policy shall not be construed to reduce the minimum standards

### 3.11 Public Services and Recreation

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established under this Element for provision of mini, neighborhood, community, or other park land based on population or service distance.

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

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

Policy 1.9: Develop parks in conjunction with schools wherever possible and encourage joint use of facilities.

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

**GOAL 4: A City-wide system of parks which combine established standards and community desires shall be established and maintained.**

Policy 4.3: Neighborhood parks should be accessible by pedestrians living in the immediate area.

#### *Land Use Element*

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

Policy 2.3: Growth will be managed in a manner that does not exceed the ability of the City, special districts and utilities to provide a desirable level of facilities and services.

Policy 2.10: Development shall not be allowed prematurely, in that access, utilities, and services shall be available prior to allowing development.

#### **Encinitas North 101 Corridor Specific Plan (N101SP)**

The City's General Plan identifies the Encinitas North 101 Corridor Specific Plan (N101SP) due to the unique character, problems, and opportunities that the North Highway 101 corridor exhibits. The N101SP addresses such issues, with the goal of maintaining the identity, community character, and scale of the corridor, while enhancing future opportunities for redevelopment and revitalization along North Highway 101. The N101SP provides goals, policies, and provisions for

the beach-side commercial corridor within the Leucadia community. Primary goals of the N101SP are to maintain the unique and desirable aspects of the Specific Plan area, while providing continued private land use and investment, public improvements, and the economic success of the Specific Plan area. Relevant goals of the N101SP include:

### **2.2.5 RECREATION/OPEN SPACE**

- A. Provide more parks and open space.

## **STANDARDS OF SIGNIFICANCE**

### ***Thresholds of Significance***

In accordance with the State CEQA Guidelines, the effects of a project are evaluated to determine whether they would result in a significant adverse impact on the environment. An EIR is required to focus on these effects and offer mitigation measures to reduce or avoid any significant impacts that are identified. The criteria used to determine the significance of impacts may vary depending on the nature of the project.

According to Appendix G of the State CEQA Guidelines, the proposed project would have a significant impact if the project results in the need for new or physically altered governmental facilities, in order to maintain acceptable service ratios, response times or other performance objectives, the construction of which could cause significant environmental impacts for any of the public services:

- Fire protection
- Police protection
- Schools
- Other public facilities

Additionally, the proposed project would result in significant impacts related to parks and recreation if it would:

1. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.
2. Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

## PROJECT IMPACTS AND MITIGATION

### ***FIRE PROTECTION***

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<b>Impact 3.11-1</b>	<b>The project would not result in substantial adverse physical impacts to fire protection services due to the provision of new or physically altered governmental facilities. Impacts would be less than significant.</b>
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As mentioned previously, the project site is located within the jurisdiction of the Encinitas Fire & Marine Safety Department (Fire Department). The closest station is Fire Station 3, located at 801 Orpheus Avenue in Leucadia, approximately 1.5 mile southwest of the project site. If additional services are required in the event of an emergency, services may be provided from other fire stations operated by the City or other jurisdictions, as needed.

As stated in Section 4.3, Population and Housing, of this EIR, the proposed project would allow for future construction of 94 residences. San Diego Association of Governments (SANDAG) has estimated an average of 2.51 persons per household in 2020 for the City with an approximate population of 63,158 residents in 2018 (SANDAG 2010). Therefore, the proposed project would result in the addition of 236 people (2.51 x 94 residences), which is equivalent to a less than 1 percent increase in the City's population.

The National Fire Protection Association Standard 1710, recommends that, to treat medical patients and control small fires, the first response unit should arrive within 6 minutes, 20 seconds from the receipt of a 9-1-1 call for 90 percent of the calls. In 2019, the Fire Department responded to 6,800 calls involving fire and medical emergencies, including structure fires, vegetation fires, vehicle fires, and medical aids. Based on a population of 63,158 residents, the call volume represents approximately 1 call per 9.29 residents (63,158 residents/6,800 calls). (City of Encinitas 2020a).

According to the Cal Fire Encinitas Very High Fire Hazard Severity Zones in Local Responsibility Area (LRA) Map (Cal Fire 2009), the project site is not located in a zone designated as Very High Fire Hazard Severity. As such, implementation of the project would not exacerbate wildfire risk. Refer to Section 4.4, Wildfire.

Vehicular access to the site would be provided via a right turn in from the southbound lane of North Coast Highway 101 and via a left turn in from the northbound lane of North Coast Highway 101. Improvements to North Coast Highway 101 are also proposed to allow for adequate ingress/egress. Activities associated with the proposed project would not impede existing emergency response plans for the project area. The project would not result in closures of North Coast Highway 101 or other local roadways that may have an effect on emergency response or evacuation plans in the vicinity of the project site. It is anticipated that all local roadways would

remain open during project construction and operation. Further, construction activities occurring within the project site would comply with all conditions, including grading permit conditions regarding lay-down and fire access, and would not restrict access for emergency vehicles responding to incidents on the site or in the surrounding area. It is anticipated that all vehicles and construction equipment would be staged on-site, off public roadways, and would not block emergency access routes.

The addition of 236 residents with project implementation would generate approximately 24 annual calls for service (236 residents/1 call per 9.64 residents), the majority of which are expected to be medical-related, and only approximately 1.5 (or 2%) would be fire-related. The proposed project is subject to review by the Fire Department who will determine if the department has adequate capacity to serve the project.

Due to the project site's proximity to existing fire stations and the existing service level maintained by the Encinitas Fire Department and because the proposed project would meet all access, water, and protection system requirements, per the California Building Code and the California Fire Code as well as all other applicable City codes, the proposed project would receive adequate Fire Department services in the event of an emergency.

Additionally, Title 23 of the City's Municipal Code requires the payment of fire service mitigation fees as a condition of discretionary projects. Fees are determined by the Fire Chief and, once collected, are used to provide capital facilities and equipment for fire prevention and control, to include station construction, station expansion, and fire apparatus acquisition (Municipal Code Section 23.92.040). The project developer would be required to make payment of such fees prior to issuance of a building permit to reduce potential effects on the City's ability to provide adequate fire protection services.

Therefore, the proposed project would not result in a need for expanded or newly constructed facilities, the construction of which could cause significant environmental impacts. Impacts associated with fire protection services would be **less than significant**. For more information on potential wildfire effects, see Section 4.0, Effects Found Not to be Significant, Subsection 4.4 Wildland Fires; and Section 3.7, Hazards and Hazardous Materials.

**Mitigation Measures:** None required.

**Level of Significance:** Less than significant.

### 3.11 Public Services and Recreation

#### LAW ENFORCEMENT

**Impact 3.11-2            The project would not result in substantial adverse physical impacts to police protection services due to the provision of new or physically altered governmental facilities. Impacts would be less than significant.**

Law enforcement services would be provided by the San Diego County Sheriff's Department from its North Coastal Station. The station is located at 175 North El Camino Real, approximately 3.5 miles southeast of the subject property. The station currently has adequate resources to respond to emergencies at the project site.

According to the Program EIR (PEIR) for At Home Encinitas, the City of Encinitas Housing Element Update, response time averages for the 2013–2014 fiscal year were as follows: Priority 1 - 6.0 minutes; Priority 2 - 10.9 minutes; Priority 3 - 16.1 minutes; and Priority 4 - 45.8 minutes (City of Encinitas 2016b). The PEIR further states that the Sheriff's Department has no current plans to increase staffing levels or construct new facilities in the City. Furthermore, according to the N101SP, current service levels providing six 24-hour units per 10,000 residents exceed the City's goal of one 24-hour deputy per 10,000 residents (City of Encinitas 1997).

Based on proximity to existing sheriff stations and the current service levels maintained by the Sheriff's Department, and because the proposed project would not result in a substantial delay in travel time along local roadways (see [Appendix L-2](#)), the proposed project is not expected to adversely affect the level of law enforcement protection or response times from the North Coastal Station and would not require the additional hiring of sheriff's department staff.

Implementation of the proposed project would not result in the need to construct any new law enforcement facilities or physically alter an existing law enforcement facility. Therefore, the proposed project would have a **less than significant** impact on law enforcement services.

**Mitigation Measures:** None required.

**Level of Significance:** Less than significant.

#### SCHOOLS

**Impact 3.11-3            The project would not result in substantial adverse physical impacts to schools due to the provision of new or physically altered governmental facilities. Impacts would be less than significant.**

The project site is located within the EUSD and SDUHSD and would contribute additional school-aged children to Paul Ecke Central Elementary School, Diegueño Middle School, and La Costa Canyon High School. The EUSD and SDUHSD have used different student generation numbers for

different projects. EUSD has used numbers ranging from 0.20 students/household up to 0.41 students/housing. SDUHSD has used numbers from 0.174 students per household to 0.3 students per household. This is often due to different sized homes which are expected to generate different numbers of school-aged children. While larger homes are typically expected to generate more students, to be conservative, the analysis for the proposed project assumes a worst-case scenario. Therefore, it is assumed that EUSD uses a generation rate of 0.41 school-aged students (K-6) per residential dwelling unit while the SDUHSD uses a generation rate of 0.3 school-aged students (7-12) per residential dwelling unit. These totals are specific to students attending EUSD and SDUHSD schools, and do not account for students who attend other, non-public schools such as private schools, charter schools, and/or home-schools.

Student generation for each HEU project site was calculated in the HEU Environmental Assessment. Based on maximum unit allocation of 94 units, the proposed project was estimated to generate 39 students at EUSD and 16 students at SDUHSD. Since the project site would be developed with 94 units, the proposed project is estimated to generate approximately 55<sup>1</sup> additional students as shown in Table 3.11-2, Estimated Student Generation.

**Table 3.11-2 Estimated Student Generation**

District	Student Generation Rate	Units	Estimated Students
EUSD	0.41/unit	94	39
SDUHSD	0.174/unit	94	16
<b>Total Students</b>			<b>55</b>

Source: City of Encinitas 2018

Table 3.11-3, School Capacity, provides the student capacity for each school relevant school to the proposed project. EUSD (Paul Ecke Central Elementary School) has a future enrollment capacity of 48 students while SDUHSD (Diegueño Middle School and La Costa Canyon High School) has a future enrollment capacity of 1,605. Given the project's estimated student generation provided in Table 3.11-3, the EUSD and SDUHSD has sufficient capacity to accommodate the estimated students from the proposed project.

1.  $94 \text{ residences} \times 0.41 = 39 \text{ additional EUSD students}$ ;  $94 \text{ residences} \times 0.174 = 16 \text{ additional SDUHSD students}$ .

**3.11 Public Services and Recreation****Table 3.11-3 School Capacity**

School	School District	2017/18 Enrollment	Total Maximum Enrollment Capacity	Future Enrollment Capacity
Paul Ecke Central Elementary School	EUSD	646	694	48
<b>EUSD Subtotal</b>				<b>48</b>
Diegueño Middle School	SDUHSD	897	1,335	438
La Costa Canyon High School	SDUHSD	1833	3,000	1,167
<b>SDUHSD Subtotal</b>				<b>1,605</b>
<b>Total</b>				<b>1,653</b>

Source: City of Encinitas 2018a

As of preparation of this EIR, the EUSD is in the process of preparing a 2020 Facilities Master Plan (FMP) that would analyze existing and future needs of the district for the next 10 to 15 years. There are four primary components of the FMP: educational vision, facilities assessment, demographics review, and financial analysis. The FMP will analyze individual school sites and priorities will be established at both a site-specific level as well as a District-wide level.

Throughout the process, EUSD will collaborate with various stakeholders and use local data to support their analysis (EUSD 2020). As such, the EUSD will use the HEU to plan for adequate school facilities. As the proposed project is included in the HEU, the EUSD will take into account the project's estimated student generation, as well as those of the other HEU projects, when determining potential expansion to accommodate the increase in students.

All residential development is required to pay impact fees in compliance with Government Code Section 53080 or Section 65970 and in collaboration with the City's Development Services Department to offset the impacts of additional residential development on school facilities. Although the EUSD is currently analyzing future facility expansion options in the FMP, specifics of any facility expansion are not known at this time and; thus, considered speculative for purposes of evaluating future impacts of school construction projects.

For instance, the District may also consider revising enrollment boundaries rather than expand existing school sites or construct a new school. The district, upon a proposed capital project, would be required to conduct environmental review under CEQA. Payment of impact fees required of the proposed project are intended to offset those school district project costs and are considered full mitigation by State statute. Therefore, based on the existing capacity and anticipated student generation of the proposed project, along with the payment of mandatory development fees, impacts on schools would be **less than significant**.

**Mitigation Measures:** None required.

**Level of Significance:** Less than significant.

**PARKS AND RECREATION**

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**Impact 3.11-4            The project would not increase the use of existing neighborhood and regional parks or other recreational facilities. Impacts would be less than significant.**

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The City of Encinitas Parks, Recreation and Cultural Arts Department maintains 153 acres of developed/undeveloped parks, 82 acres of open space, 45 acres of beaches, 40 miles of trails, and 10 miles of streetscapes (City of Encinitas 2020c). The project site is located along the North Coast Highway 101 corridor which, from certain vantage points, offers views to the north along the coastline and west to the Pacific Ocean. The Pacific Ocean lies approximately 0.14 mile to the west of the site.

As part of the project, a pedestrian bridge would be constructed at the north end of the project site to connect the proposed 30-room hotel to the adjacent Alila Marea Beach Resort and indirect access to South Ponto State Beach. The pedestrian bridge would be open to the public. The pedestrian bridge would provide an alternative access point to the beach, which would relieve existing pedestrian traffic.

An increase in the use of existing parks and recreational facilities typically results from an increase in housing or population in an area. As shown in Table 4.4-1 in Section 4.4, Population and Housing, the City's population is expected to be 62,829 in 2020 and 66,178 in 2050. Based on the person per household estimate of 2.51, the proposed project would support a population of 236 people (2.51 x 94 residential units). Therefore, the proposed project would represent approximately a less than one percent increase to the 2020 population and a less than one percent of the 2050 population (City of Encinitas 2019b).

As stated under Recreation Element Policy 1.5 in the Encinitas General Plan, the City's goal is to provide a minimum of 15 acres of local recreational area per 1,000 residents, devoted to neighborhood and other local recreational facilities, community parks, and passive open space in undeveloped preserves (City of Encinitas 1991).

Based on the estimated 2020 population, the City would need to provide approximately 947 acres of parks/open space to meet the adopted General Plan goal. As stated above, the City maintains approximately 1,643.2 acres of parks, beaches, and open space (see Table 3.11-2, Existing Parks, Beaches, and Open Space), which would meet the needs for all residents under current population estimates (City of Encinitas 2016e). As shown in Table 3.11-4, Available Parkland and

**3.11 Public Services and Recreation**

Demand, the City would maintain a parkland surplus of approximately 697 acres with the proposed project's increase in park demand (946 acres).<sup>2</sup>

**Table 3.11-4 Available Parkland and Demand**

Residential Population	Parkland Demand (acres)	Parkland Provided (acres)	Surplus (Deficit) (acres)
<b>Existing</b>			
62,829 <sup>1</sup>	942.44	1,643.2	+700.76
<b>With Proposed Project</b>			
63,065 <sup>2</sup>	946	1,643.2	+697.2

Source: City of Encinitas 2016a.

<sup>1</sup> Population projection is based on the projected 2020 population in the 2013 - 2021 Housing Element Update.

<sup>2</sup> Population projection is based on the projected 2020 population in the 2013 - 2021 Housing Element Update (62,829) in addition to the proposed project population of 236 residents.

As such, it is not anticipated that the proposed project would result in a significant increase in the use of existing recreational facilities or require the construction of new recreational facilities.

Additionally, the proposed project would include 3,450 sq. ft. of private open space for tenants and residents as well as 33,933 sq. ft. of community amenity space. As part of the community open space, the project would offer a walking paseo, pedestrian plaza, and an outdoor seating area. These uses would be open to the public and are intended to encourage active and passive recreation, social interaction, and community engagement; refer to [Figure 2.0-3, Site Plan](#), and [Figure 2.0-5A, Conceptual Landscape Plan](#). The proposed pedestrian bridge would also provide access to South Ponto State Beach. These uses would provide additional recreational opportunities to the project's residents. Although the City has adequate existing park space to accommodate the needs of the project's residential population, the inclusion of the on-site private open space and community amenity space further reduces the demand of off-site parkland in the City.

Further, all residential development in the City, including the proposed project, is required to provide parkland dedications or in-lieu fees (Government Code Section 66007) prior to issuance of a certificate occupancy in order to offset the impacts of increased demand on park and recreational facilities. With the payment of parkland impact fees, project impacts on park and recreational facilities would be **less than significant**.

**Mitigation Measures:** None required.

**Level of Significance:** Less than significant.

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<sup>2</sup> 63,065 residents (with the proposed project)/1,000 acres = 6,378 \*15 acres per resident = 946 acres.

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**OTHER FACILITIES**

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<b>Impact 3.11-5</b>	<b>The project would not result in substantial adverse physical impacts to other public facilities due to the provision of new or physically altered governmental facilities. Impacts would be less than significant.</b>
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Other existing public facilities available to support the population in the vicinity of the project site include libraries, hospitals, and general City administration. As stated above, the proposed project would result in an increase of approximately 235 people in the City's population. The City's estimated population in 2020 is 62,829 residents (City of Encinitas 2019b).

The additional public facility use from the anticipated residents would be negligible compared to the utilization of public facilities citywide. According to the N101SP, it is not anticipated that other public services such as hospitals, utilities, and general city administration will be impacted by the provisions or implementation of the plan. Existing library services are provided by the 4,100 square-foot Encinitas Branch of the County Library located at 540 Cornish Drive. Another branch library is located in Cardiff at the Cardiff Towne Center which totals 1,540 square feet. Existing library facilities do not meet county library standards which is calculated as 0.35 gross square feet of library space per person. Based on a 2010 population projection of 65,600, the City of Encinitas will need library facilities totally approximately 22,960 square feet. These additional facilities will be needed to serve the entire city as well as the N101SP area.

All new mixed-use development within the City is subject to a Community/Public Facilities Fee. Given the small number of additional residents and because the project would contribute funds through the City's Community/Public Facilities Fee, the proposed project would not result in substantial adverse physical impacts to other public facilities due to the provision of new or physically altered governmental facilities or the need for new or physically altered governmental facilities. Impacts would be **less than significant**.

**Mitigation Measures:** None required.

**Level of Significance:** Less than significant.

**CUMULATIVE IMPACTS**

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<b>Impact 3.11-6</b>	<b>The project would not result in a cumulatively considerable impact to public services and recreation. Impacts would be less than cumulatively considerable.</b>
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***Geographic Scope***

The geographic scope for cumulative impacts to public services and recreation includes the service areas for the Encinitas Fire Department, the San Diego County Sheriff's Department, the Encinitas Union School District and San Dieguito Union High School District, and City and regional recreational facilities and parkland.

The cumulative projects in [Table 3.0-1, Cumulative Projects](#), have been determined to be reasonably foreseeable. Refer to [Figure 3.0-1, Cumulative Projects Map](#), for the location of each project relative to the project site. The cumulative projects list ([Table 3.0-1](#)) was developed in consultation with the City's Planning Division and includes the 4 HEU sites for which development applications are currently being processed.

To be conservative, the cumulative analysis is based on the "worst-case" assumption that all 2019 HEU sites (even those yet to file an application with the City) to the extent they may contribute to certain issue-specific cumulative effects (see [Table 3.0-2](#)).

***Potential Cumulative Impacts***

As determined in Impact 3.11-1, the proposed project would not result in a significant impact to fire protection services as the project would not cause a substantial delay along any local roadway segment or intersection, with development of the site (see also [Appendix L-1](#)).

Other cumulative projects would be required to analyze potential effects on local roadways and on emergency response times related to fire protection services on a project-by-project basis. As noted in the 2019 Housing Element Update Environmental Assessment, future development of the HEU sites would not directly or indirectly conflict with City policy or regulation concerning fire protection services because HEU buildout would occur over 20+ years and would be required to comply with applicable General Plan goals and policies.

As with the proposed project, the HEU sites would be required to pay fire mitigation fees as a condition of approval of each individual development project in compliance with Encinitas Municipal Code (EMC) Chapter 23.92. Thus, the proposed project would not contribute to a significant cumulative impact on fire protection services.

Similarly, as the proposed project would not result in substantial delays along local roadways or intersections, the project would not adversely affect law enforcement services or response times (see [Appendix L-1](#)). Other cumulative projects would be required to analyze potential impacts on emergency access and circulation, as well as law enforcement response times, on a project-by-project basis. Future development of the cumulative projects listed in [Table 3.0-1](#) and the HEU sites would not directly or indirectly conflict with City policy or regulation concerning the protection of police protection services because all projects would be required to pay the appropriate law enforcement service mitigation fees as a condition of approval. Therefore, the proposed project would not contribute to a significant cumulative impact on law enforcement services.

As described under Impact 3.11-3, all of the cumulative projects, including the HEU sites, would be required to pay impact fees in compliance with Government Code Section 53080 or Section 65970 and in collaboration with the City's Development Services Department to offset the impacts of additional residential development on school facilities. The 2018 HEU EA determined that SDUHSD would have sufficient capacity to accommodate the estimated student generation from full buildout of the HEU, while EUSD would have a capacity shortfall of approximately 431 students.

As of preparation of this EIR, the EUSD is in the process of preparing a 2020 Facilities Master Plan (FMP) that would analyze existing and future needs of the district for the next 10 to 15 years. There are four primary components of a FMP: educational vision, facilities assessment, demographics review, and financial analysis. The FMP will analyze individual school sites and priorities will be established at both a site-specific level as well as a District-wide level. Although the EUSD is currently analyzing future facility expansion options in the FMP, specifics of any facility expansion are not known at this time, and are therefore considered speculative for purposes of evaluating future impacts of school construction projects. If the District were to propose a school project, they would be required to conduct environmental review under CEQA. Payment of impact fees required of the proposed project are intended to offset those school district project costs and are considered full mitigation by State statute.

Throughout the process, EUSD will collaborate with various stakeholders and use local data to support their analysis (EUSD 2020). As such, the EUSD will use the HEU to plan for adequate school facilities. As the proposed project is included in, and consistent with, the HEU, the EUSD would take into account the project's estimated student generation, as well as those of the other HEU projects, when determining potential expansion to accommodate the increase in students.

Each future project would be required to pay school impact fees. Since payment of fees is considered full and complete mitigation for each development's impacts, a cumulative impact

### 3.11 Public Services and Recreation

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would not occur, and therefore, the proposed project would not contribute to a significant cumulative impact on schools.

As shown in Table 3.11-4, Available Parkland and Demand, the City currently has approximately 697 acres of excess recreational space based on the General Plan requirement of providing 15 acres of parkland per 1,000 population. Other cumulative projects and the HEU sites would increase the population of the City, and therefore, alter the ratio of parkland per population.

Buildout of the 2019 HEU would result in a potential future increase the number of housing units by 1,504 homes, which would generate an associated population increase of approximately 3,775 residents. As such, the demand associated with 3,775 residents is approximately 56.6 acres (1,504 x 15 acres/1,000 population).

Based on the current excess of 697 acres of parkland, the City is anticipated to have the capacity to accommodate future growth without adverse effects on the provision of parkland. Therefore, the City would have an adequate availability of recreational space for the cumulative projects, and the proposed project would not contribute to a significant cumulative impact to parks and recreation.

In summary, with implementation of the proposed project, potential impacts associated with public services and recreational facilities would be less than significant. Development of other cumulative projects in the surrounding area would be subject to the payment of appropriate development impact fees and/or the construction of new or expanded public or recreational facilities on a project-by-project basis and in accordance with applicable local, state, and federal agency requirements to avoid, reduce, and mitigate substantial increases in demand (and significant impacts) on public services and local and regional recreational amenities.

The proposed project, in combination with the cumulative projects considered, is not anticipated to overburden the respective emergency service providers or other public services such that they are unable to maintain acceptable response times or service levels, or otherwise result in a significant cumulative impact to public services and facilities, or result in a deficiency in service ratios or degradation of existing recreational facilities. As no new facilities would be constructed without being evaluated by the appropriate agency, potential expansion of facilities would not result in an unknown environmental impact. Therefore, cumulative impacts relative to public services and recreation would be **less than cumulatively considerable**.

**Mitigation Measures:** None required.

**Level of Significance:** Less than cumulatively considerable.

## Section 3.12

### Transportation

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This section describes regulations related to transportation and circulation and the existing transportation systems in the project area, identifies significance criteria for impacts on transportation and circulation, and evaluates potential impacts associated with the proposed project. Discussion in this section is based on the project *Vehicle Miles Traveled Analysis* (2020a; [Appendix L-1](#)) and the *Local Transportation Analysis* (2020b; [Appendix L-2](#)) both prepared by LOS Engineering, Inc. Additional information was obtained from the *City of Encinitas General Plan Circulation Element* (1991). Technical reports were peer reviewed by Michael Baker International and the City of Encinitas.

With implementation of Senate Bill (SB) 743, described below under *Regulatory Framework*, automobile delay, as measured by level of service (LOS), is not considered as a potentially significant effect on the environment. Therefore, in accordance with CEQA, the LOS analysis provided in [Appendix L-2](#) is not addressed in this EIR. The analysis provided in [Appendix L-2](#) will be considered by the City's decision-makers when determining project consistency with the General Plan. These findings pertain to the project's consistency with LOS policies provided in the General Plan's Circulation Element. Pursuant to CEQA, if this EIR is certified by the City's decision-makers, EIR findings pertaining to the LOS policies would not be made.

### ENVIRONMENTAL SETTING

Access to the project site is provided from the regional transportation network via Interstate 5 (I-5), Carlsbad Boulevard, La Costa Avenue, and North Coast Highway 101. Descriptions of these roadways are described below:

- *Interstate 5* - Within the project study area, I-5 is a north-south trending freeway located approximately 0.6 miles to the east of the project site. Access from I-5 to the study area is provided from the La Costa Avenue interchange.
- *Carlsbad Boulevard* from Avenida Encinas to La Costa Avenue is generally constructed as a 4-lane divided roadway with two travel lanes in each direction. Bike lanes are provided on both sides of the roadway. There are no sidewalks on this segment. The posted speed limit is 50 miles per hour (mph). This segment of La Costa Avenue is classified as a Coastal Street in the Carlsbad General Plan (City of Carlsbad 2015).
- *La Costa Avenue* from Highway 101 to I-5 is constructed as a 2-lane roadway with 1 travel lane in each direction. Bike lanes are provided on both sides of the roadway. There are no sidewalks on this segment. The posted speed limit is 40 mph. This segment of La Costa Avenue is classified as a 4-lane Collector Roadway in the City of Encinitas Circulation Plan.

### 3.12 Transportation

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- *Highway 101* from the City of Carlsbad limits to La Costa Avenue is constructed as a 4-lane divided roadway. Highway 101 from La Costa Avenue to approximately 600 feet south of La Costa Avenue is generally built as a 4-lane divided roadway with bike lanes in each direction. Highway 101 from approximately 600 feet south of La Costa Avenue to Leucadia Blvd is generally built as a 3-lane divided roadway with 1 northbound lane with adjacent Class II bike lane and 2 southbound lanes with the outside lane having intermittent bike “sharrow” markings (Class III). Parking is generally permitted. The posted speed limit is 35 mph. This segment is classified as a 4-lane Major Roadway on the City of Encinitas Circulation Plan.

The Encinitas Coaster Station, a commuter rail station located on the North County Transit District (NCTD) Coaster commuter rail line, is located approximately 2.5 miles to the southeast at 25 East D Street in the City of Encinitas. The Encinitas Coaster Station is also served by 3 Breeze bus routes. The Carlsbad Poinsettia Station is also located approximately 1.9 miles to the north of the project site and provides access to the Coaster commuter rail line. The San Diego Association of Governments (SANDAG) May 2016 Smart Growth Concept Map identifies a year 2050 rapid transit service line on Coast Highway adjacent to the project site (LOS Engineering 2020).

The NCTD operates bus stops providing access to the Breeze bus system, which serves the project area, are located adjacent to the project frontage on Highway 101 (southbound bus route) and directly across from the project site on Highway 101 (northbound bus route), thereby providing potential residents and patrons of the project with an affordable means of transportation throughout the City of Encinitas, with available connection to local cities and access to other means of regional transit. Bus Route 101 runs from the Oceanside Transit Center down to the University Town Center in San Diego (La Jolla).

The Highway 101 corridor is utilized by many as a major bike route generally connecting the Cities of Del Mar, Encinitas, Carlsbad and beyond. In the project vicinity, there are currently a northbound Class II bike lane and intermittent bike “sharrow” markings along southbound Highway 101. The City’s Streetscape Improvement Project, which is being implemented along the Highway 101 corridor, will provide bike lanes in both directions along the roadway, including the project frontage. Other roads within the vicinity that offer Class II bike facilities include Carlsbad Boulevard and La Costa Avenue.

The City’s planned pedestrian circulation system consists of connecting sidewalks along roadways as well as public recreational trails. Sidewalks are present along both sides of portions of Highway 101 and La Costa Avenue in the vicinity of the project site. The project site is located within walking/biking distance of a variety of existing shopping and restaurants located along the Highway 101 corridor to the south; 0.07 miles from a trail to the northwest leading to the

shoreline of the Pacific Ocean; and 0.17 miles to the southwest of the Batiquitos Lagoon which provides opportunities for passive and active recreation, including public trails.

## **REGULATORY FRAMEWORK**

### ***Federal***

Federal rules and regulations affect the City's traffic and circulation system (i.e., I-5) including transportation planning and programming; funding; and design, construction, and operation of facilities. The City complies with all applicable rules and regulations of the Federal Highway Administration, the Federal Transit Administration, the Federal Railroad Administration, the Federal Aviation Administration, and other federal agencies, as appropriate. In addition, the City coordinates with federal resource agencies where appropriate in the environmental clearance process for transportation facilities.

### **Congestion Management Process**

Federal Highway Administration 23 Code of Federal Regulations 450.320 requires that all transportation management areas address congestion management through a process involving an analysis of multimodal metropolitan area-wide strategies that are developed to enhance safety and integrated management of new and existing transportation facilities eligible for federal funding. SANDAG has been designated as having jurisdiction over transportation management areas in the San Diego region.

### ***Regional***

### **Regional Transportation Improvement Program 2018**

SANDAG, acting as the MPO and the Regional Transportation Planning Agency (RTPA), is required to adopt a Regional Transportation Improvement Program (RTIP). Transportation projects funded with federal and state sources and the San Diego transportation sales tax program (TransNet) must be included in an approved RTIP. The programming of locally funded projects may be included at the discretion of the agency. SANDAG adopted the 2018 Regional/Federal Transportation Improvement Program (RTIP/FTIP) in September 2018.

The RTIP/FTIP represents a multibillion-dollar, five-year program of major transportation projects (such as proposed highway arterial, transit, and non-motorized projects) funded by federal and state sources, the local San Diego transportation sales tax (TransNet), and other local and private funding covering fiscal year (FY) 2018/2019 to FY 2022/2023.

### 3.12 Transportation

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The 2018 RTIP is a prioritized program designed to implement the region's overall strategy for providing mobility and improving the efficiency and safety of the transportation system, while reducing transportation-related air pollution in support of efforts to attain federal and state air quality standards for the region. The 2018 RTIP also incrementally implements the 2050 Regional Transportation Plan (2050 RTP), the long-range transportation plan for the San Diego region, which was approved by the SANDAG Board of Directors in October 2011. The 2050 RTP is referred to as *San Diego Forward: The Regional Plan* (see discussion below).

#### **2050 Regional Transportation Plan and Sustainable Communities Strategy**

Regional Transportation Plans are developed to identify regional transportation goals, objectives, and strategies. Such plans are required to be prepared in conformance with the goals of SB 375 aimed at reducing regional GHG emissions from automobiles and light-duty trucks through changes in land use and transportation development patterns.

SANDAG serves as the Regional Transportation Agency for the Southern California region and is therefore required to adopt and submit an updated RTP to the California Transportation Commission and Caltrans every 4 to 5 years, based on regional air quality attainment status. Working with local governments, SANDAG is required by federal law to prepare and implement an RTP that identifies anticipated regional transportation system needs and prioritizes future transportation projects.

The 2050 Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS) provides guidance for investing an estimated \$208 billion in local, state, and federal transportation funds anticipated to be available within the San Diego region over the next three decades. The 2050 RTP plans for a regional transportation system that enhances quality of life, promotes sustainability, and offers varied mobility options for both goods and people. The plan addresses improvements for transit, rail and bus service, express and managed lanes, highways, local streets, bicycling, and walking to achieve an integrated, multimodal transportation system by 2050. In accordance with the requirements of SB 375, the plan includes a Sustainable Communities Strategy that provides regional guidance for reduction of GHG emissions to state-mandated levels over upcoming years. The 2050 RTP/SSCS are components of *San Diego Forward: The Regional Plan*, adopted by SANDAG in 2019.

#### ***State***

#### **Senate Bill 375**

SB 375 (codified in the Government Code and the Public Resources Code) took effect in 2008 and provides a new planning process to coordinate land use planning, regional transportation plans, and funding priorities in order to help California meet the greenhouse gas (GHG) reduction goals

established by Assembly Bill (AB) 32. SB 375 requires metropolitan planning organizations (MPO) to incorporate a Sustainable Communities Strategy in their Regional Transportation Plans to achieve GHG emissions reduction targets by reducing vehicle miles traveled from light-duty vehicles through the development of more compact, complete, and efficient communities.

SB 375 required the California Air Resources Board (CARB) to set regional targets for reducing GHG from passenger vehicle use. In 2010, CARB established targets for 2020 and 2035 for each region in California governed by an MPO. SANDAG is the MPO for the San Diego region. The SANDAG target, as set by CARB, is to reduce the region's per capita emissions of greenhouse gases from cars and light trucks by 7 percent by 2020, compared with a 2005 baseline. By 2035, the target is a 13 percent per capita reduction. SB 375 does not require CARB to set targets beyond 2035. Nevertheless, the Regional Plan also includes a 2050 time horizon to integrate the TransNet Program, which has a 2048 time horizon (very close to 2050).

### **Senate Bill 743**

SB 743 was signed into law September 2013 and includes several changes to CEQA for projects located in areas served by transit (e.g., transit-oriented development, or TOD). Most notably with regard to transportation and traffic assessments, SB 743 changes the way that transportation impacts are analyzed under CEQA (see Public Resources Code Section 21099). SB 743 required the Governor's Office of Planning and Research to amend the CEQA Guidelines to exclude level of service (LOS) and auto delay when evaluating transportation impacts.

With implementation of SB 743, new criteria have been established to promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses). The Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA (Guidelines) provided recommendations for updating the state's CEQA Guidelines in response to SB 743 and contained recommendations for a vehicle miles traveled (VMT) analysis methodology in an accompanying Technical Advisory on Evaluating Transportation Impacts in CEQA (Technical Advisory).

The Guidelines, including the Technical Advisory, recommended use of automobile VMT per capita as the preferred CEQA transportation metric, along with the elimination of automobile delay/LOS for CEQA purposes statewide. Public Resources Code Section 21099 and CEQA Guideline Section 15064.3 reflect this change. Under Section 21099, automobile delay, as measured by level of service or similar measures of traffic congestion or vehicular capacity, is not considered a significant effect on the environment.

### 3.12 Transportation

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#### *Local*

#### **City of Encinitas General Plan**

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

#### *Circulation Element*

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

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

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

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

Policy 1.15: The City will actively support an integrated transportation program that encourages and provides for mass transit, bicycle transportation, pedestrians, equestrians, and carpooling.

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

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

Policy 2.10: Establish landscaping buffer and building setback requirements along all roads which are local augmented status or larger, except where inappropriate.

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

Although Policies 1.2 and 1.3 are relevant for planning purposes, these level of service policies rely on measurements used for evaluating automobile delay. Therefore, pursuant to CEQA, these policies are not applicable to the environmental impact analysis in this EIR.

### **North 101 Corridor Specific Plan (N101SP)**

The N101SP provides goals, policies, and provisions for the beach-side commercial corridor within the Leucadia community. The primary purpose of the N101SP is to address the unique aspects, problems, and opportunities of the North Coast Highway 101 corridor, and to maintain its identity, community character and scale, while fostering revitalization of this commercial corridor. Primary goals of the N101SP are to maintain the unique and desirable aspects of the Specific Plan area, while providing continued private land use and investment, public improvements, and the economic success of the Specific Plan area. The N101SP provides custom-tailored use and development regulations, and sets forth the following goals relevant to the project:

#### ***2.2.1 Land Use***

G. Encourage outdoor spaces for sidewalk cafes, street vendors, and other pedestrian oriented activities along North Highway 101.

#### ***2.3.2 Circulation***

- A. Provide for safe pedestrian circulation.
- B. Improve parking opportunities.
- C. Improve vehicular traffic circulation.
- D. Promote and encourage the use of public transportation.

### **City of Encinitas Bikeway Master Plan**

The City includes bicycle facilities along Highway 101 and several major roadways. The North Coast Highway 101 corridor is a highly traveled bicycle corridor through the City of Encinitas and regionally within San Diego County and supports both Class II and Class III bike facilities. Class II

### 3.12 Transportation

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bicycle facilities are currently provided along Carlsbad Boulevard, Leucadia Boulevard, Quail Gardens Drive, Nardo Road, Garden View Road, Via Cantebria, El Camino Real, Rancho Santa Fe Road, Manchester Avenue, La Costa Avenue, Mountain Vista Drive, Encinitas Boulevard, and Santa Fe Drive.

#### **Let's Move Encinitas Pedestrian Travel & Safe Routes to School Plan**

The City adopted its *Let's Move Encinitas Pedestrian Travel & Safe Routes to School Plan* in March 2015 to address the need for pedestrian travel within the urbanized areas of the City as well as the more rural areas, to plan for safe routes to school, and to provide pedestrian access to the coastal zone. The plan identifies potential improvement locations based on the need for pedestrian facilities and known pedestrian safety issues.

#### **City of Encinitas Active Transportation Plan Administrative Draft April 2018**

The City of Encinitas Active Transportation Plan is intended to address not only local travel needs, but crosstown and regional bicycle and pedestrian travel as well. This plan is intended to be responsive to General Plan changes and to bring the document into conformance with the City's latest Climate Action Plan, complete streets policies, and other local goals and objectives. Objectives identified include establishing biking and walking facility types and identifying connections between the City's bikeway system and the regional system.

The document evaluates the City's existing bikeway facility system and its relationship with other systems, including public transit, and recommends access to transit improvements where appropriate. The plan aims to maximize the efficiencies offered by multi-modal connections between public transit, walkways and bikeway, including providing more convenient walking and bicycling facilities for residents who do not have ready access to motor vehicles, as well as encouraging those with access to motor vehicles to consider biking or walking as viable alternatives to driving.

#### **Encinitas City Council Ordinance 2019-24**

Ordinance 2019-24 amended both Title 24 and Title 30 of the Encinitas Municipal Code to provide consistent language for the requirements of Pedestrian and Bicycle Connectivity. Connectivity and circulation between adjacent land uses is reviewed on a project-by-project basis with the objective of maintaining and/or enhancing connectivity and circulation of pedestrian, bicycle, and vehicular transport. Furthermore, the amended Municipal Code is applied to all areas and zones within the City, including when a subdivision is or is not requested as a part of a development application.

### **North Coast Highway 101 Streetscape Improvement Plan**

The North Coast Highway 101 Streetscape Improvement Project is intended to enhance the Highway 101 corridor both visually and in terms of safety and design. The project proposes a variety of improvements along the approximately 2.5-mile corridor between La Costa Avenue (north end) and A Street (south end) which include, but are not limited to, increasing pedestrian and bicyclist mobility and safety (i.e., enhanced sidewalks, new crosswalks, and widened bike lanes); decreasing traffic speeds to 30 miles per hour; preserving and restoring the tree canopy; providing street beautification measures with enhanced pavement treatments, street furniture, and opportunities for public art; constructing appropriate traffic controls and traffic calming measures, such as roundabouts; implementing road diet measures by decreasing travel lane number/width; providing measures to improve vehicular, bike, and pedestrian safety at side street intersections; improving existing drainage and water quality through low-impact design measures and Green Street concepts; and, providing additional parking spaces, including more efficient reverse angle on-street parking and parking at designated areas within the North County Transit District right-of-way.

## **STANDARDS OF SIGNIFICANCE**

### ***Methodology***

The following provides a summary of the methodology used in the EIR analysis. Additional background information and discussion as to the technical approach are provided in Appendix L-1 of this EIR.

### **Screening Criteria**

Guidance provided by the Institute of Transportation Engineers (ITE) recognizes that small-scale land use projects, which fall below certain screening thresholds, would not have a significant effect on VMT. Projects that are below these thresholds are presumed to be less than significant. Different levels of analysis are therefore recommended by ITE based on the number of average daily trips (ADT) generated by a land use project.

According to ITE's Regional Guidelines for Transportation Impact Studies (TIS) in the San Diego Region (Regional TIS Guidelines), any project that generates fewer than 1,000 ADT if consistent with a City's General Plan, or 500 ADT if inconsistent with a City's General Plan, is not required to conduct a VMT analysis.

Under the ITE Regional TIS Guidelines, projects that generate greater than the minimum allowable ADT threshold (500 ADT or 1,000 ADT), but fewer than 2,400 ADT are required to conduct a VMT analysis using the VMT calculation tool generated by SANDAG. Projects that

### 3.12 Transportation

generate greater than 2,400 ADT are required to conduct a VMT analysis using the SANDAG Regional Model, regardless of whether or not the project is consistent with the General Plan; refer to [Appendix L-1](#) for additional discussion.

#### **Analysis Metrics**

For land use development projects, the ITE Regional TIS Guidelines require the following metrics be analyzed to determine if a project would result in a significant transportation-related impact:

- *VMT/Capita*: Includes all vehicle-based person trips grouped and summed to the home location of individuals who are drivers or passengers on each trip. This metric includes both home-based and non-homebased trips. The VMT for each home is then summed for all homes in a particular census tract and divided by the population of that census tract to arrive at Resident VMT/Capita.
- *VMT/Employee*: Includes all vehicle-based person trips grouped and summed to the work location of individuals on the trip. This includes all trips, not just work-related trips. The VMT for each work location is then summed for all work locations in a particular census tract and then divided by the total number of employees of that census tract to determine the VMT/Employee.

The CEQA Guidelines specify automobile VMT as the most appropriate CEQA transportation metric, along with the elimination of automobile delay/LOS. However, lead agencies have the discretion to select their preferred significance thresholds with respect to what level of VMT increase would cause a significant environmental impact. Lead agencies have the opportunity to choose the thresholds suggested in the Governor's Office of Planning and Research's (OPR) Technical Advisory or develop alternative thresholds (OPR 2018). The analysis can be conducted by comparing either: 1) the project VMT/capita, or 2) the project VMT/employee to both (1) the San Diego regional average, or (2) the average for the city or community in which the project is located.

Per the Regional TIS Guidelines, if the project average is lower than either 85% of the regional average or 85% of the average for the city or community in which the project is located, the VMT impacts of the project can be presumed less than significant. For residential and employment-based land use developments, a project is considered to have a less than significant transportation related impact if the project VMT/Capita and VMT/Employee is lower than 85% of the regional average or 85% of the average for the area in which the project is located.

### ***Thresholds of Significance***

According to Appendix G of the State CEQA Guidelines, the proposed project would have a significant impact related to transportation if it would:

1. Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.
2. Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).
3. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).
4. Result in inadequate emergency access.

## **PROJECT IMPACTS AND MITIGATION**

### ***CONFLICT WITH AN APPLICABLE PROGRAM, PLAN, ORDINANCE OR POLICY***

<b>Impact 3.12-1</b>	<b>The project would not conflict with an applicable program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. Impacts would be less than significant.</b>
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Although the VMT methodology is now applied in evaluating potential transportation impacts of a project, the City's General Plan identifies standards for maintaining an adequate LOS for City streets and intersections. To evaluate project consistency with the City's General Plan Circulation Element, a Local Transportation Analysis was prepared for the project (LOS Engineering 2020; refer to [Appendix L-2](#) for additional discussion. As previously stated, to be consistent with the 2020 CEQA Guidelines, a LOS analysis is not required for purposes of this EIR's impact analysis. However, the LOS analysis provided in [Appendix L-2](#) will be considered by the City's decision-makers when making General Plan consistency findings for the project.

Improvements to Highway 101 are proposed with the project to allow for adequate ingress/egress. Vehicular access to the site would be provided via a right turn in from the southbound lane of Highway 101 and via a left turn in from the northbound lane of Highway 101. Construction of a new left-turn lane is proposed to accommodate turning vehicles in order to avoid effects on traffic flows along northbound Highway 101. The site would be accessed via a new 2-way, 26-foot wide driveway having two 13-foot wide lanes; refer to [Figure 2.0-3, Site Plan](#). All such improvements would be constructed in accordance with required City roadway and access design requirements and would not conflict with the planned improvements to be implemented with the City's Streetscape Improvement Program. Additionally, the project would

### 3.12 Transportation

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be subject to payment of the City's Transportation Fees in order to minimize potential effects on the circulation system. No conflict with an applicable program, plan, ordinance, or policy addressing the circulation system would occur as a result of the circulation or access improvements proposed with the project.

As stated above, the project area is served by several NCTD facilities providing access to both the local and regional rail transit system. The project does not propose any improvements that would adversely affect operation of or future access to existing NCTD rail facilities within the project vicinity.

Similarly, the project would not conflict with any program, plan, ordinance, or policy addressing the existing bus system serving the project area or the larger community. Temporary disturbance may occur during project construction, thereby potentially restricting access to the existing southbound bus stop located adjacent to the project frontage. However, consistent with City requirements, a Traffic Control Plan would be prepared by the applicant to ensure that public safety and access is maintained during project construction (i.e., temporary relocation of the bus stop to the south within the corridor). As such, the project would not permanently interrupt bus transit services or conflict with any adopted policies, plans, ordinances, or programs intended to enable or enhance such means of transit along Highway 101 or the larger City of Encinitas.

Project construction may also temporarily disrupt use of the southbound bike lane along the project frontage. However, it is anticipated that bikers would use the southbound vehicular travel lanes for the length of the project site, as needed, and that bicycle travel would not be otherwise interrupted or eliminated during project construction activities. As stated, a Traffic Control Plan would be prepared by the applicant to ensure that public safety is maintained during project construction. Additionally, the City's Streetscape Improvement Project, which is being implemented along the Highway 101 corridor, would provide bikes lanes in both direction along Highway 101, including the project frontage. Bike parking is also proposed on-site to encourage residents and visitors to bike to the site instead of driving a vehicle. The project is therefore not anticipated to conflict with adopted policies, plans, ordinances, or programs in this regard.

As part of the project, a sidewalk would be constructed/re-constructed along the project frontage to provide multiple pedestrian access points to the project and to provide connection to other area sidewalks (i.e., along northbound Highway 101 and La Costa Avenue), as well as other area sidewalks that are part of the off-site circulation system. Additionally, an on-site pedestrian connection ("pedestrian bridge") would be constructed between the project site and the new (off-site) hotel located immediately adjacent to the north. Although pedestrian facilities along the project frontage may be temporarily disrupted during project construction, a Traffic Control Plan would be implemented to ensure that pedestrian circulation is not inhibited. Additionally, the sidewalk along the northbound Highway 101 would remain open to support such means of

transportation. The project is not anticipated to conflict with adopted policies, plans, ordinances, or programs in this regard.

As such, the project does not conflict with an applicable program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities, nor would it otherwise decrease the performance or safety of such facilities. Overall, impacts would be **less than significant**.

**Mitigation Measures:** None required.

**Level of Significance:** Less than significant.

**CONFLICT WITH CEQA GUIDELINES SECTION 15064.3(B)**

**Impact 3.12-2**      **The project would conflict and be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). Impacts would be significant and unavoidable.**

The method used to derive and evaluate project VMT is determined based on a project's trip generation. Trip generation rates for the project were developed utilizing SANDAG's *(Not So) Brief Guide to Vehicular Trip Generation* (SANDAG 2002). Table 3.12-1, Project Trip Generation, provides daily project trip generation for the project. As the project site currently supports active uses that generate traffic, a traffic credit was applied because the existing uses would be replaced by the project. Additionally, the existing uses and project have pass-by trips already on the roadways within the study area considered.

**3.12-1 Project Trip Generation**

Proposed Project				
Land Uses	Rate	Size and Units		Average Daily Trips (ADT)
Resort Hotel	10 /Room	30	Rooms	300
Multi-Family (>20 du/acre)	6/DU	94	DU	564
Specialty Retail/Strip Commercial	40/KSF	8,584	SF	343
Restaurant (sit down; high turnover)	160/KSF	3,905	SF	625
Restaurant (quality)	100/KSF	2,134	SF	213
Office	20/KSF	3,638	SF	73
Project Driveway Trips:				2,118
Pass-by Trips per SANDAG rates (Existing trips already on Highway 101)				
Specialty Retail (Pass-by = 15%):				-52
Restaurant High Turnover (Pass-By = 12%):				-75
Restaurant Quality (Pass-By = 12%):				-26
Office (Pass-By = 4%):				-3
Project Primary and Diverted Trips:				1,963

### 3.12 Transportation

**Table 3.12-1, continued**

Existing Uses to be Removed				
Land Uses	Rate	Size and Units		Average Daily Trips (ADT)
Restaurant (sit down; high turnover)	160/KSF	5,333	SF	853
Specialty Retail/Strip Commercial	40/KSF	2,249	SF	90
Credit for Existing Use Driveway Trips:				943
Pass-By Trips per SANDAG rates (Existing trips already on Highway 101)				
Restaurant (Pass-By =12%):				-102
Credit for Existing Use Primary & Diverted Trips:				841
Net Change in Primary and Diverted Trips (for analysis):				1,122 <sup>1</sup>

Source: LOS Engineering, Inc., 2020 (Appendix L-1).

<sup>1</sup> 1,963 – 943 = 1,122 net change in primary and diverted trips

DU = Dwelling Unit; ADT = Average Daily Trip; KSF = thousand square feet; SF = square feet

Spreadsheet rounding may result in +1 to the above numbers.

As shown, the project would generate 1,963 ADT. Project implementation would also replace the 943 daily trips associated with the existing on-site commercial operations, and therefore, the project's net increase (above existing) would be 1,122 ADT.

The project is consistent with the Encinitas General Plan; refer to Section 3.9, Land Use and Planning. However, the project does not fall below the ADT screening threshold of 1,000 ADT. Therefore, a VMT/Capita and VMT/Employee analysis was required to address both the residential and commercial uses proposed.

The project site is located in Census Tract 177.01. Table 3.12-2 below provides the VMT/Capita and VMT/Employee and the percentage by which the VMT for the project location exceeds the regional average.

**Table 3.12-2 Project VMT Percentage of Regional Mean and Impact Summary**

Metric	Project Location: % of Regional Average	Percent Above/Below 85%	Significant Impact?
VMT/Capita by Census Tract 177.01	117.6%	32.6% (above)	Yes
VMT/Capita by City/CPA	115.1%	30.1% (above)	Yes
VMT/Employee by Census Tract 177.01	105.0%	20.0% (above)	Yes
VMT/Employee by City/CPA	111.3%	26.3% (above)	Yes

Source: LOS Engineering, Inc., 2020 (Appendix L-1).

<sup>1</sup> San Diego Region SB743 VMT Maps: SANDAG 2016 - Series 14 (Scenario ID 434).

The San Diego ITE VMT Guidelines use VMT/Capita and VMT/Employee to define a significant transportation impact when a project exceeds a level of 85% of the regional mean. The proposed project is considered to have a significant transportation VMT impact because the individual elements of the project would exceed 85% of the regional mean as follows:

- VMT per Capita (resident) by Census Tract is at 117.6% of the regional mean
- VMT per Capita (resident) by City/CPA is at 115.1% of the regional mean
- VMT per Employee by Census Tract is at 105.0% of the regional mean
- VMT per Employee by City/CPA is at 111.3% of the regional mean

While the project is located on an infill site; would contain a mix of uses on-site; includes project design features to enhance sustainability; would provide for a variety of housing types including “low income” affordable housing; and is consistent with City’s General Plan, Local Coastal Program, N101SP, Climate Action Plan, and SANDAG’s The Regional Plan, impacts related to VMT/Capita and VMT/Employee would still exceed 85% of the regional average.

Additionally, it is worth noting the limitations of the SANDAG model and its inability to capture project features that could reduce the proposed project’s VMT. SANDAG’s Travel Demand Model is built at the regional level, making it limited to capture the nuances of individual project sites, such as benefits of small-scale mixed uses, affordable housing components, or proposed travel demand management measures that would be provided by the project. Nonetheless, the project would have a potentially significant VMT-related transportation impact.

To reduce the VMT/Capita and VMT/Employee associated with the project to a less than significant level, VMT reducing measures would need to be implemented. Therefore, Transportation Demand Management (TDM) strategies would be implemented as potential project mitigation, aimed at vehicle trip reduction and increased use of alternative travel modes. Enforceable additive measures are listed under mitigation measure **TR-1** at the end of this threshold discussion. TDM measures proposed for the project include:

- Voluntary employer commute program. Employers to provide information about the SANDAG’s iCommute program ([www.icommutesd.com](http://www.icommutesd.com)) and encourage carpooling.
- Develop and/or promote bicycle usage through a bikeshare program to help reduce vehicle usage and demand for parking by providing users with on-demand access to bikes for short-term rental, contribute to electric bicycle charging stations, contribute to bicycle infrastructure improvements, and disseminate a bicycle riders guide to make it easier for people to bike and walk to work.
- Provide pedestrian improvements, such as a connection to the hotel to the north.
- Provide information about maps, routes, and schedules for public transit.

### 3.12 Transportation

SANDAG's Mobility Management VMT Reduction Calculator Tool provides the means to estimate VMT reductions based on a project's design and planned programs. However, the SANDAG calculator tool does not provide measures for all of the proposed TDM strategies. The following TDM and project elements were entered into the SANDAG reduction calculator tool to determine the resulting VMT reduction.

- Voluntary employer commute program. The SANDAG model calculates a 6.2% VMT reduction with the implementation of a Voluntary employer commute program.
- Mixed-Use project. The SANDAG model calculates a 0.2% VMT reduction from pedestrian interaction between the mixed land uses.

The SANDAG Mobility Management VMT Reduction Calculator Tool computed a total sum of 6.4% VMT reduction based on the project's proposed voluntary employer commute program and the mixed land uses. The California Air Pollution Control Officers Association (CAPCOA), which provides guidance on how to quantify greenhouse gas mitigation measures, states that the maximum combined allowable VMT reduction is 15% for land development projects located within suburban areas. Therefore, since the VMT associated with the proposed project is 115% above 85% of the regional mean (see [Table 3.12-2](#)), the required VMT reduction needed to fully mitigate the VMT impact cannot be achieved. While implementation of the proposed TDM strategies would not reduce the VMT impact to below a level of significance, they would provide some level of VMT reduction. However, impacts relative to VMT would remain **significant and unavoidable**.

#### Mitigation Measures:

**TR-1** The following Transportation Demand Measures (TDMs) shall be implemented to further reduce potential effects relative to vehicle miles traveled.

- Voluntary employer commute program. Employers to provide information about the SANDAG's iCommute program ([www.icommutesd.com](http://www.icommutesd.com)) and encourage carpooling.
- Develop and/or promote bicycle usage through a bikeshare program to help reduce vehicle usage and demand for parking by providing users with on-demand access to bikes for short-term rental, contribute to electric bicycle charging stations, contribute to bicycle infrastructure improvements, and disseminate a bicycle riders guide to make it easier for people to bike and walk to work.

- Provide pedestrian improvements, such as a connection to the hotel to the north.
- Provide information about maps, routes, and schedules for public transit.

**Level of Significance: Significant and Unavoidable.** While the proposed project is located on an infill site; would contain a mixture of uses on-site; includes a suite of project design features to enhance sustainability; would provide for a variety of housing types including “low income” affordable housing units; and is consistent with City’s General Plan, Local Coastal Program, N101SP, Climate Action Plan, and SANDAG’s The Regional Plan, impacts related to VMT would not be reduced to 85% of the regional average, even after implementation of mitigation measure TR-1.

#### **DESIGN FEATURES**

<b>Impact 3.12-3</b>	<b>The project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Impacts would be less than significant.</b>
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#### ***Increase Hazards***

As stated in Impact 3.12-1, minor improvements would be required to provide the proposed access drive into the project site from Highway 101. A left turn lane would also be constructed adjacent to the northbound lanes to ensure that vehicles turning into the site would not cause queuing within the northbound travel lanes or otherwise adversely affect traffic flows along the roadway; no right turn lane into the site is proposed. Minor disturbance within the Highway 101 right-of-way may therefore occur during the project construction phase; however, such activities would be short-term and would cease once construction is completed.

Therefore, the project does not propose any roadway improvements that would result in sharp curves or dangerous intersections either on-site or off-site. Additionally, in conformance with City standards, the project applicant would be required to prepare a Traffic Control Plan to ensure that adequate circulation is maintained during construction and that no hazardous conditions result from such activities.

#### ***Incompatible Uses***

The proposed mixed-use project would result in construction of a 30-room resort hotel, 94 multi-family units, and 18,261 square feet of commercial/retail space. The site is located in a highly urbanized area and the use of farm equipment or other large maintenance vehicles over the life

### 3.12 Transportation

of the project that would have the potential to affect traffic flows along Highway 101 or other local roadways would not be required. Additionally, the proposed land uses are allowed under the existing General Plan, N101SP, and City Municipal Code, and therefore, are considered by the City to be appropriate uses for the subject site. The proposed land uses are also reflective of similar residential, commercial, and mixed-use development presently found along the corridor, and would therefore not represent a new land use type that would be incompatible with the existing land use setting.

For the reasons above, the project as proposed would not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Impacts would be **less than significant**.

**Mitigation Measures:** None required.

**Level of Significance:** Less than significant.

#### EMERGENCY ACCESS

**Impact 3.12-4      The project would not result in inadequate emergency access. Impacts would be less than significant.**

As indicated above, the project site would be accessed via a 2-way, 26-foot wide driveway having two 13-foot wide lanes; refer to Figure 2.0-3, Site Plan. The drive would extend to the west into the site, with one cul-de-sac proposed to extend to the north to provide access to the subterranean parking garage as well as the mixed-use area. The main drive would continue further to the west and then extend to the north to serve the proposed apartment units and the boutique hotel. These internal drives would provide adequate emergency access to all on-site development and would allow for emergency vehicle maneuvering and turnaround.

All project roadway and access improvements would be designed in conformance with City engineering and fire department standards for emergency access and circulation. The proposed project would not alter any established off-site emergency vehicle routes or otherwise interfere with emergency access. A Traffic Control Plan would also be prepared and implemented to ensure that adequate access and circulation is maintained on surrounding streets during the project construction phase. The project would not result in inadequate emergency access. Impacts would be **less than significant**.

**Mitigation Measures:** None required.

**Level of Significance:** Less than significant.

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**CUMULATIVE IMPACTS**

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**Impact 3.12-5            The project would result in a significant cumulative impact related to transportation. Impacts would be cumulatively considerable.**

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***Geographic Scope***

Cumulative projects that would have the potential to be considered in a cumulative context with the project's incremental contribution, and that are included in the analysis of cumulative impacts relative to transportation, are identified in [Tables 3.0-1](#) and [Figure 3.0-1](#) in [Section 3.0](#) of this EIR. Additionally, to be conservative, the cumulative analysis includes all other 2019 HEU sites presented in [Table 3.0-2](#) to the extent they may contribute to certain issue-specific cumulative effects.

***Potential Cumulative Impacts***

As indicated above, the proposed project would not contribute to a significant impact resulting from conflict with an applicable program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, or pedestrian facilities.

Consistency with local and regional bicycle and pedestrian plans, community plans, and other similar plans and policies would be evaluated at a project-specific level to identify conformance requirements with planned systems (i.e., provision of new bike lanes, construction of connecting sidewalks or trails). All cumulative projects would also be required to make payment of the City's Transportation Fees to ensure that transportation facilities continue to be adequately provided and maintained. As the proposed project was determined to have a less than significant impact in this regard, it is not anticipated that it would contribute to a significant cumulative impact due to a conflict when considered with the cumulative projects.

When using an absolute VMT metric (i.e., total VMT, as recommended for retail and transportation projects), analyzing the combined impacts for a cumulative impact analysis may be appropriate. However, metrics such as VMT/Capita or VMT/Employee (i.e., metrics framed in terms of efficiency, as recommended for use on residential and office projects), cannot be summed because they employ a denominator.

A project that falls below an efficiency-based threshold that is aligned with long-term environmental goals and relevant plans would have no cumulative impact distinct from the project impact. Accordingly, a finding of a less than significant project impact would imply a less than significant cumulative impact, and vice versa (OPR 2018).

According to ITE's Regional Transportation Impact Study Guidelines, the project does not fall below the ADT screening threshold of 1,000 ADT. As shown in [Table 3.12-2](#), the proposed project

### 3.12 Transportation

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is considered to have a significant transportation VMT impact because the individual elements of the project would exceed 85% of the regional mean for VMT/Capita by Census Tract and by City/CPA and for VMT/Employee by Census Tract and by City/CPA. Although mitigation measure **TR-1** would be implemented to reduce the project's VMT, it would remain above established thresholds, resulting in a significant and unavoidable impact. Therefore, the project would result in a significant and unavoidable transportation impact related to VMT; such impacts are considered to be cumulatively considerable.

The project is consistent with the City's General Plan, Local Coastal Program, N101SP, Zoning, and Housing Element Update, and would not conflict with the RTP/SCS; refer also to EIR [Section 3.5, Energy Conservation and Climate Change](#), for additional discussion. Further, specific TDM strategies are required of the proposed project to reduce VMT impacts to the extent feasible.

According to the OPR Technical Advisory (OPR 2018), increased demand on transit systems throughout a region may cause a cumulative impact by requiring new or additional transit infrastructure. Such impacts may be adequately addressed through a fee program that allocates the cost of improvements not just to projects located near transit, but on a regional level for all projects that may impose a potential burden on the transportation system.

The proposed project would result in the construction of 94 residential apartment units generating an estimated 236 residents, consistent with the HEU. It is not anticipated that the project would therefore create a significant new demand on existing transportation facilities either locally or on a regional level. Further, similar to other cumulative projects considered, the proposed project would be subject to payment of the City's Transportation Impact Fees to ensure that the City's transportation facilities are adequately maintained over the long-term.

All cumulative projects would be evaluated at a project-specific level to identify whether a project has the potential to result in hazardous conditions relative to transportation and circulation. All such projects would be required to demonstrate conformance with the City's roadway and intersection design standards and would be subject to discretionary review to ensure that the potential to contribute to a substantial increase in hazards would not occur. As appropriate, measures would be incorporated to reduce a project's potential to contribute to any such hazardous conditions. The proposed project would be consistent with City design requirements and would not introduce incompatible uses that would increase the risk of hazardous conditions.

All cumulative projects would also be subject to discretionary review to ensure that adequate emergency access is provided during project construction and operation. Such projects would be required to be designed to City roadway and access standards and to consider the potential for development to contribute to adverse effects on the local and/or regional circulation system, including on maintaining emergency access at all times. Measures (i.e., Traffic Control Plan,

design elements) would be implemented as appropriate to ensure that a project does not contribute to a significant impact relative to inadequate emergency access. The project would not have an adverse effect on the provision of adequate emergency access, and all such emergency access and on-site circulation would be designed to meet City standards. The project is therefore not considered to contribute to a significant cumulative impact in this regard.

Based on the reasons discussed above, however, and that project-specific impacts relative to VMT would be significant and unavoidable, even with the incorporation of mitigation measure **TR-1** to reduce project impacts to the extent feasible and other sustainability-related design features, the project would result in a significant cumulative impact related to VMT. This impact is considered to be **cumulatively considerable**.

**Mitigation Measures:** Implement mitigation measure **TR-1**.

**Level of Significance:** Impacts would be **cumulatively considerable**.

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## Section 3.13

### Tribal Cultural Resources

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This section addresses the project’s potential impacts relative to tribal cultural resources. Cultural resources include places, objects, and settlements that reflect group or individual religious, archaeological, architectural, or paleontological activities. By statute, “tribal cultural resources,” are generally described as sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe and are further defined in Public Resources Code (PRC) Section 21074(a)(1)(A)–(B). Tribal cultural resources are generally described as sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe and are further defined in PRC Section 21074(a)(1)(A)–(B).

The analysis in this section is based on the *Technical Memorandum: Phase I Cultural Resources Identification Report* (2021a; [Appendix D-1](#)) and the *Confidential Technical Report: Phase II Archaeological Research, Design, Site Testing, and Evaluation* (2021b; [Appendix D-2](#)), both prepared by Michael Baker International (Michael Baker). Due to the sensitive and confidential nature of cultural resources, portions of the reports have been redacted. The analysis herein is further based on the results of City of Encinitas consultation with the San Luis Rey Band of Mission Indians, Barona Band of Mission Indians, and Jamul Indian Village of California, in accordance with California Assembly Bill (AB) 52 requirements (see [Appendix D-2](#)).

Project impacts to historical and archaeological resources are evaluated in [Section 3.4, Cultural Resources](#), of this EIR.

## ENVIRONMENTAL SETTING

The project area spans territories that are attributed ethnographically to the Luiseño in the north and to the Ipai/Kumeyaay (Diegueño) in the south. The boundary on the coast between the two groups has been variously estimated as falling between Agua Hedionda and Batiquitos Lagoons or at Agua Hedionda Lagoon (see [Appendix D-1](#) and [D-2](#)).

### ***Luiseño***

The Luiseño are Cupan speakers historically related to the San Luis Rey Band of Mission Indians. The Luiseño spoke a dialect of the Cupan group of the Takic language family. This language was part of the larger Uto-Aztecan language stock which migrated south from the southern San Joaquin Valley or the Great Basin. The Luiseño homeland is present-day Orange and northern San Diego Counties, the region south of the Aliso Creek drainage, east into the Santa Ana Mountains

### 3.13 Tribal Cultural Resources

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and the Temecula Valley, west of the Palomar Mountains and the San Marcos Valley, and south along the coast to the San Marcos Creek drainage. There are six bands of Luiseño people today.

The Luiseño lived in sedentary and independent village groups, each with specific subsistence territories encompassing hunting, food gathering, and fishing areas. Villages were usually located in valley basins, along creeks and streams adjacent to mountain ranges where water was available and where the villages would be protected from environmental conditions and potential enemies. Most inland populations had access to fishing and food gathering sites on the coast. There was some indication of seasonal movement from major villages to smaller camps and hamlets (see [Appendix D-2](#)).

Villages consisted of partially subterranean residential structures made of brush or reeds, ramadas, partially subterranean sweat lodges, and a ceremonial structure (*wámkiš*). The chief at times would consult with an assistant chief, a council of elders, and shamans on matters of religious practices and on environmental conditions affecting village life. Larger villages may have had complex behavioral and political structures due to their territorial size and economic control, while the political complexities of smaller villages were limited by their territorial size (see [Appendix D-2](#)).

The Luiseño, like other coastal Native American tribes, utilized a wide variety of plants and animals. The Luiseño were heavily dependent on acorns as well as other seeds and plants and a variety of large and small game inland and marine mammal, fish, and shellfish along the coast. Acorns encompassed as much 50 percent of the Luiseño diet. Acorns provided a reliable and abundant food source that was high in calories and could be easily stored for future use. Hunting activities were conducted both on an individual basis and/or organized into group activities, depending on seasonal factors and the game hunted. Tool technologies were organized around food collection, storage, and preparation strategies, which was reflected in the type, size, and quantity of food items gathered. Material culture included a variety of ground stone implements (manos, metates, mortar, pestles, etc.), brownware ceramics, basketry, decorative shell objects and jewelry, bone fish hooks, bone tools, and lithic tools (arrow projectile points, drills, scrapers, etc.). The Luiseño traded coastal goods inland to interior tribes.

The Luiseño today occupy some areas of their ancestral homelands, including the Pechanga, Pala, and Soboba Reservations. The six contemporary bands recognized by the US government are the La Jolla, Pala, Pauma, Pechanga, Rincon, and Soboba Bands of Luiseño Indians. A seventh group, the San Luis Rey Band of Mission Indians, is not formally recognized by the US government.

### ***Kumeyaay***

The project is adjacent to the traditional boundaries of the Kumeyaay peoples, also referred to as Diegueño. The Kumeyaay spoke the Yuman language family of the Hokan stock. Linguistically, the Kumeyaay were especially distinct from the Yuman speakers west of the Colorado River and the Takic speakers in northern San Diego County. Based on differences in dialects, the Kumeyaay have been divided into two groups: the Ipai to the north and the Tipai to the south. The project area belongs to the territory ascribed to the Ipai (see [Appendix D-2](#)).

Historically, tribal boundaries were not established definitively and were considered to be fluid, due to either sociopolitical features or a lack of reliable data. Generally, the Kumeyaay territory was bound by the San Luis River to the north, the Sand Hills in Imperial County to the east, Todos Santos Bay in Ensenada, Mexico, to the south, and the Pacific Ocean to the west (see [Appendix D-2](#)).

Groups of Kumeyaay lived in semi-permanent settlements, known as rancherías. The Kumeyaay were organized into bands, each an autonomous tribelet with its own clan chief and at least one assistant chief. The position of chief was hereditary. Chiefs dictated ceremonies, directed large communal hunts and harvests, admonished people on behavior, and advised on marriages.

Settlements were chosen based on access to water, good drainage, boulder outcrops or other natural protections from the elements and ambush, and ecological diversity. During seasonal ceremonies and harvesting times, band members would congregate into a large settlement and later disperse into smaller, scattered settlements. A band's seasonal travel followed a vertical pattern, in that bands would move from canyon and valley bottoms to higher mountain slopes depending on the ripening of important plants. Agave was harvested in spring and cactus fruits in June. In summer months, in the mountains, wild seed and fruits ripened; in the inland areas, mesquite pods ripened. The fall was when acorns were harvested and processed. Hunting was done by the men, while women and girls harvested and processed a variety of plant materials. Food was stored for the winter months when bands congregated into larger settlements on the valley and canyon bottoms. The Kumeyaay were master basket weavers and potters (see [Appendix D-2](#)).

Today the Kumeyaay consist of 13 federally recognized tribes: Campo Band of the Kumeyaay Nation, Viejas Band of Kumeyaay Indians, Barona Band of Mission Indians, San Pasqual Band of Indians, Inaja Cosmit Indian Reservation, Capitán Grande Indian Reservation, Santa Ysabel Band of Diegueño Indians (aka Lipay Nation of Santa Ysabel), Ewiiapaayp Band of Kumeyaay Indians (aka Cuyapaipe), Manzanita Indian Reservation, La Posta Indian Reservation, Jamul Indian Village, A Kumeyaay Nation, Mesa Grande Indian Reservation, and Sycuan Band of the Kumeyaay Nation. The Sycuan Band is the closest reservation to the project area, located 8.5 miles to the east.

## REGULATORY FRAMEWORK

### *State*

#### **Assembly Bill 52**

California Assembly Bill (AB) 52 (2014) established a formal consultation process for California tribes in the CEQA process. The bill specifies that any project that may affect or cause a substantial adverse change to the significance of a tribal cultural resource would require a lead agency to “begin consultation with a California Native American tribe that is traditional and culturally affiliated with the geographic area of the proposed project.” A tribal cultural resource is defined as a site, feature, place, cultural landscape, sacred place, or object with cultural value to a California Native American tribe that is:

- Listed or eligible for listing in the California Register of Historical Resources or a local register of historical resources;
- Determined by the lead agency to be significant pursuant to criteria set forth in PRC Section 5024.1;
- A geographically defined cultural landscape that meets one or more of these criteria; or
- A historical resource described in PRC Section 21084.1, a unique archaeological resource described in PRC Section 21083.2, or is a non-unique archaeological resource if it conforms with the above criteria.

AB 52 provides guidance for consultation between California Native American tribes and lead agencies to address potential impacts of development activities on known or unknown tribal cultural resources and to identify appropriate mitigation for such impacts. PRC Section 21074(a) defines tribal cultural resources, indicating that a project having the potential to cause a substantial adverse change to a tribal cultural resource is a project that may have an adverse environmental effect.

Under AB 52, tribes that wish to be notified of projects subject to CEQA are to send a letter to the lead agency making it known they wish to be notified. The City is then obligated to send notifications inviting consultation to the requesting tribe for all subsequent projects subject to CEQA.

#### **California Native American Graves Protection and Repatriation Act**

The California Native American Graves Protection and Repatriation Act (25 U.S. Code 3001 et seq.) was enacted in 2001. Pursuant to the act, federal and State institutions and museums that

receive federal funding and having possession or responsibility for collections of human remains or cultural artifacts are required to return Native American cultural items to their respective peoples. In addition, the act establishes a program of federal grants to assist in the repatriation process and authorizes the Secretary of the Interior to assess civil penalties on museums that fail to comply.

### **California Health and Safety Code Sections 7050.5, 7051, and 7054**

California Health and Safety Code Sections 7050.5, 7051, and 7054 collectively address the illegality of interference with human burial remains as well as the disposition of Native American burials in archaeological sites. The law protects such remains from disturbance, vandalism, or inadvertent destruction and establishes procedures to be implemented if Native American skeletal remains are discovered during construction of a project, including the treatment of remains prior to, during, and after evaluation, and reburial procedures.

### ***Local***

### **City of Encinitas General Plan**

#### *Resource Management Element*

The Resource Management Element of the General Plan addresses both archaeological and historical cultural resources. The element includes maps of the City identifying areas of low, moderate, and high cultural resource sensitivity. The element identifies mitigation procedures for archaeological sites discovered during the excavation or construction phases of a new project. It also calls for an inventory of all historically significant sites and/or structures that require protection.

The following goal and policies are relevant in protecting tribal, cultural, and paleontological resources in the City.

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

### **Encinitas North 101 Corridor Specific Plan (N101SP)**

The project is located within the *Encinitas North 101 Corridor Specific Plan (N101SP)*. There are no cultural resource policies exclusive to the Specific Plan area. Chapter 9, *General Plan and Local Coastal Program Compliance*, of the N101SP identifies goals and policies of the General Plan that are relevant to the Specific Plan area and addresses the Specific Plan's consistency with the General Plan. Consistency with the General Plan policies regarding archaeological and historical cultural resources would ensure compliance with the N101SP.

### **City of Encinitas Municipal Code**

Section 30.34.050, *Cultural/Natural Resources Overlay Zone*, of the City's Municipal Code (Chapter 30.34, Special Purpose Overlay Zones) includes regulations that apply to areas within the Special Study Overlay Zone where site-specific analysis indicates the presence of sensitive cultural, historic, and biological resources, including sensitive habitats. For parcels containing archaeological or historical sites, the Municipal Code requires a site resource survey and impact analysis to determine the significance of, and possible mitigation for, sensitive resources.

## **STANDARDS OF SIGNIFICANCE**

### ***Thresholds of Significance***

The following thresholds of significance are based on CEQA Guidelines Appendix G. For the purposes of this EIR, the project would be considered to have a significant impact on tribal cultural resources if it would:

1. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
  - Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC Section 5020.1(k), or
  - A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1. In applying the criteria set forth in subdivision (c) of PRC Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

## PROJECT IMPACTS AND MITIGATION

### *TRIBAL CULTURAL RESOURCES*

<b>Impact 3.13-1</b>	<p><b>The project could cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe and that is:</b></p> <p><b>Listed or eligible for listing in the eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or,</b></p> <p><b>A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1. In applying the criteria set forth in subdivision (c) of PRC Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.</b></p>
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As stated above, the NAHC was contacted to request a search of the Sacred Lands File in September 2020. The record search did not identify any sacred lands within the project boundary (Michael Baker 2021a). However, the absence of specific site information does not necessarily indicate the absence of tribal cultural resources in the project area, as unknown cultural resources may still occur.

The San Luis Rey Band of Mission Indians have requested notification of CEQA projects in the City of Encinitas relative to AB 52. The Tribe has noted that the properties adjacent to the Batiquitos lagoon are within their sphere-of-influence. The project site is located approximately 0.17 mile to the southwest of the lagoon. For the subject project, the Barona Band of Mission Indians and Jamul Indian Village of California requested AB 52 consultation with the City. In April 2020, the City initiated the AB 52 consultation process with three California Native American tribes; San Luis Rey Band of Mission Indians, Barona Band of Mission Indians, and Jamul Indian Village of California. The Barona Band of Mission Indians and Jamul Indian Village of California responded and requested the presence of a Kumeyaay Native American monitor during project construction. The City has acknowledged the Tribes' request and agreed to include the presence of a Kumeyaay Native American monitor as a mitigation measure. As of the publication of this EIR, the San Luis Rey Band of Mission Indians did not provide comments in response to the AB 52 process.

### 3.13 Tribal Cultural Resources

No tribal cultural resources have been identified in the project boundary during site-specific investigations (see [Appendix D-1](#) and [D-2](#)). If no tribal cultural resources are identified during the consultation process, a significant impact to known tribal cultural resources would not occur. However, subsurface construction disturbances (e.g., trenching, excavation, grading) associated with the project would have the potential to impact unknown tribal cultural resources.

As noted above, two cultural resources were discovered on-site as a result of the field survey; however, such resources were determined to not be a historical or unique archaeological resource as defined by CEQA Section 15064.5(a) or a unique archaeological resource as defined by PRC Section 21083.2(g) (Michael Baker 2021a; 2021b). The project would not result in a significant impact to either of these resources, and therefore, would not contribute to a loss of significant known cultural, tribal cultural, or historic resources within the region.

Although no significant cultural, tribal cultural, or historic resources are present on-site, in order to ensure proper protection of any unknown resources, should they be encountered during project-related ground disturbance activities, Native American monitoring is required. Monitoring would allow for any discovery of unknown resources to be readily managed in accordance with federal and State law to prevent potential damage (refer to mitigation measure **CR-1** to **CR-3**). With implementation of mitigation measures **CR-1** to **CR-3**, impacts would be **less than significant with mitigation incorporated**.

**Mitigation Measures:** The mitigation measures for Impact 3.13-1 are the same as mitigation measures **CR-1** to **CR-3**, which were previously described under Impact 3.4-2 of this EIR. Mitigation measures **CR-1** to **CR-3** are repeated in this section for the reader's convenience.

**CR-1 Cultural Resources Monitoring Program.** A Cultural Resource Mitigation Monitoring Program shall be conducted to provide for the identification, evaluation, treatment, and protection of any cultural resources that are affected by or may be discovered during the construction of the proposed project. The monitoring shall consist of the full-time presence of a qualified archaeologist and a traditionally and culturally affiliated (TCA) Native American monitor (Kumeyaay) shall be retained to monitor all ground-disturbing activities associated with project construction, including vegetation removal, clearing, grading, trenching, excavation, or other activities that may disturb original (pre-project) ground, including the placement of imported fill materials and related roadway improvements (i.e., for access).

- The requirement for cultural resource mitigation monitoring shall be noted on all applicable construction documents, including demolition plans, grading plans, etc.

- The qualified archaeologist and TCA Native American monitor shall attend all applicable pre-construction meetings with the Contractor and/or associated Subcontractors.
- The qualified archaeologist shall maintain ongoing collaborative consultation with the TCA Native American monitor during all ground disturbing or altering activities, as identified above.
- The qualified archaeologist and/or TCA Native American monitor may halt ground disturbing activities if archaeological artifact deposits or cultural features are discovered. In general, ground disturbing activities shall be directed away from these deposits for a short time to allow a determination of potential significance, the subject of which shall be determined by the qualified archaeologist and the TCA Native American monitor, in consultation with the Kumeyaay affiliated tribes. Ground disturbing activities shall not resume until the qualified archaeologist, in consultation with the TCA Native American monitor, deems the cultural resource or feature has been appropriately documented and/or protected. At the qualified archaeologist's discretion, the location of ground disturbing activities may be relocated elsewhere on the project site to avoid further disturbance of cultural resources.
- The avoidance and protection of discovered unknown and significant cultural resources and/or unique archaeological resources is the preferable mitigation for the proposed project. If avoidance is not feasible a Data Recovery Plan may be authorized by the City as the lead agency under CEQA. If a data recovery is required, then the Kumeyaay affiliated tribes shall be notified and consulted in drafting and finalizing any such recovery plan.
- The qualified archaeologist and/or TCA Native American monitor may also halt ground disturbing activities around known archaeological artifact deposits or cultural features if, in their respective opinions, there is the possibility that they could be damaged or destroyed.
- The landowner shall relinquish ownership of all tribal cultural resources collected during the cultural resource mitigation monitoring conducted during all ground disturbing activities, and from any previous archaeological studies or excavations on the project site to the Kumeyaay affiliated tribes for respectful and dignified treatment and disposition, including reburial, in accordance with the Tribe's cultural and spiritual traditions. All cultural

### 3.13 Tribal Cultural Resources

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materials that are associated with burial and/or funerary goods will be repatriated to the Most Likely Descendant as determined by the Native American Heritage Commission per California Public Resources Code Section 5097.98.

**CR-2 Prepare Monitoring Report and/or Evaluation Report.** Prior to the release of the Grading Bond, a Monitoring Report and/or Evaluation Report, which describes the results, analysis and conclusions of the cultural resource mitigation monitoring efforts (such as, but not limited to, the Research Design and Data Recovery Program) shall be submitted by the qualified archaeologist, along with the TCA Native American monitor's notes and comments, to the City's Development Services Director for approval.

**CR-3 Identification of Human Remains.** As specified by California Health and Safety Code Section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Coroner's office by telephone. No further excavation or disturbance of the discovery or any nearby area reasonably suspected to overlie adjacent remains (as determined by the qualified archaeologist and/or the TCA Native American monitor) shall occur until the Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code 5097.98. If such a discovery occurs, a temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected (as determined by the qualified archaeologist and/or the TCA Native American monitor), and consultation and treatment could occur as prescribed by law. As further defined by State law, the Coroner would determine within two working days of being notified if the remains are subject to his or her authority. If the Coroner recognizes the remains to be Native American, he or she shall contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC would make a determination as to the Most Likely Descendent. If Native American remains are discovered, the remains shall be kept in situ ("in place"), or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of the TCA Native American monitor.

**Level of Significance:** Less than significant with mitigation incorporated.

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**CUMULATIVE IMPACTS**

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<b>Impact 3.13-2</b>	<b>The project could result in cumulative impacts related to tribal cultural resources. Impacts would be less than cumulatively considerable with mitigation incorporated.</b>
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***Geographic Scope***

Relative to CEQA, the importance of a tribal cultural resource is the value of the resource to California Native American tribes culturally affiliated with a certain project area. On a cumulative level, the cumulative loss of the tribal cultural resource must therefore be evaluated. No impact would occur if development would avoid or otherwise preserve known tribal cultural resources within dedicated on-site open space. However, if such resources cannot be avoided or preserved, an impact would occur, and consideration of how the loss of the resource, in combination with other tribal cultural resources, is included in this cumulative analysis.

The geographic scope of the cumulative analysis is the area of any tribe requesting consultation under AB 52. For this project, the cumulative area is the geographic area with which the San Luis Rey Band of Mission Indians, Barona Band of Mission Indians, and Jamul Indian Village of California are traditionally and culturally affiliated.

Cumulative impacts to tribal cultural resources would occur when the impacts of the proposed project, in conjunction with potential cumulative projects listed on [Table 3.0-1](#) and [Figure 3.0-1](#) in [Section 3.0](#) of this EIR and other development projects that would also involve ground disturbance with the traditionally and culturally affiliated area of tribes consulted under AB 52, would result in multiple and/or cumulative impacts to tribal cultural resources.

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

***Potential Cumulative Impacts***

Urban development that has occurred over past decades in San Diego County has resulted in adverse impacts on innumerable tribal cultural resources. However, the adoption of state and federal laws related to tribal cultural resources, such as AB 52, have provided a mechanism for consultation between California Native American tribes and lead agencies to address potential impacts of development activities on known and/or unknown tribal cultural resources. Although inadvertent discoveries and potential impacts may still result on a project by project basis based

### 3.13 Tribal Cultural Resources

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on location, development type, and availability of data, compliance with regulatory procedures generally mitigate potential impacts to tribal cultural resources.

Federal, state, and local laws protect tribal cultural resources in most instances, but this is not always feasible, particularly when in-place preservation may complicate the implementation of a development project. Future development may conflict with these resources through inadvertent destruction or removal resulting from grading, excavation, and/or construction activities.

Although no significant tribal cultural resources were identified during site-specific cultural resources investigations on the project site, it is possible that subsurface resources are present that have not yet been identified. Although unlikely, Project-related ground-disturbing activities could uncover previously unknown prehistoric or historic, as resources within Project boundaries. Therefore, the proposed Project has the potential to incrementally contribute to the disturbance of previously unknown cultural resources.

The project would implement mitigation measures **CR-1** to **CR-3**, which address the discovery and recovery of unknown tribal cultural resources through construction monitoring, identification of potential tribal cultural resources, and evaluation of the significance of a discovery. Such mitigation measures would be implemented to reduce potential impacts from project construction on undiscovered resources, if encountered, to less than significant. Similarly, with conformance to applicable federal, State, and local regulations, combined with the implementation of mitigation, it is anticipated that other cumulative development projects would be adequately addressed and impacts on tribal cultural resources would be reduced to the extent feasible.

Therefore, individual project-level impacts associated with tribal cultural resources would be less than significant with incorporation of mitigation measures **CR-1** to **CR-3** and the proposed project and cumulative projects would be subject to conformance with applicable federal, State, and local requirements for the protection of such resources. Therefore, the project's contribution to impacts on tribal cultural resources is considered **less than cumulatively considerable**.

**Mitigation Measures:** Implement mitigation measures **CR-1** to **CR-3**.

**Level of Significance:** Less than cumulatively considerable.

## Section 3.14

### Utilities and Service Systems

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This section addresses potential utilities and service systems impacts that may result from construction and/or operation of the proposed project. The following discussion addresses the availability of water, wastewater treatment, stormwater, electric power, natural gas, telecommunications facilities, and solid waste facilities in the project area, identifies applicable regulations, identifies and analyzes environmental impacts, and recommends measures to reduce or avoid adverse impacts anticipated from project implementation, as applicable.

The information and analysis in this section is based on the *Preliminary Sewer Study* (2021a) and *Preliminary Water Demand Calculations* (2021b; [Appendix M-1](#)), prepared by Pasco Laret Suiter & Associates. A *Fire Flow Analysis* was also prepared by the San Dieguito Water District to evaluate the adequacy of existing facilities to serve the project as proposed (SDWD 2021a; [Appendix M-2](#)). Additionally, historic water consumption data for the project site was provided in the *Preliminary Water Supply Summary* by the San Dieguito Water District (SDWD 2021b; [Appendix M-3](#)). Hydrological information was incorporated from the *Preliminary Hydrology Study* prepared by Pasco Laret Suiter & Associates, Inc. (2021c; see [Appendix H](#)).

Information was also incorporated from the *Project Facility Availability Forms (Sewer)*, prepared by the Leucadia Water District (2021; [Appendix N](#)); *Project Facility Availability Form (Water)*, prepared by the San Dieguito Water District (2021c; [Appendix N](#)); *Will Serve Letter*, prepared by San Diego Gas & Electric (2021; [Appendix N](#)); *Project Facility Availability Form*, prepared by the Encinitas Union School District (2021; [Appendix N](#)); and *Project Facility Availability Form*, prepared by the San Dieguito Union High School District (2021; [Appendix N](#)). Analysis in this section also draws upon data in the *City of Encinitas General Plan* (1991). Third party technical reports have been peer-reviewed by Michael Baker International and the City of Encinitas.

## ENVIRONMENTAL SETTING

The project site is currently occupied by an operating restaurant, a small commercial center, and a vacant structure formerly occupied by a restaurant use, along with various supporting surface parking areas and land that is undeveloped, yet disturbed. The existing uses on-site are currently served by local utilities. Aboveground power poles providing electrical service to the site (and other off-site development) are visible along Highway 101. Refer to [Figure 2.0-2, Aerial Photograph](#).

### **Water**

Public water service to the project site is provided by the San Dieguito Water District (SDWD). The SDWD is a subsidiary of the City of Encinitas and provides both potable and recycled water

### 3.14 Utilities and Service Systems

to the approximately 38,000 residents in its service area. Approximately 30 percent of SDWD water is from local sources, while the remainder is imported. Potable water is obtained from Lake Hodges runoff; the City also imports raw water from the San Diego County Water Authority. Water from both sources is treated at the R. E. Badger Filtration Plant in Rancho Santa Fe. The City's recycled water is treated wastewater from the San Elijo Water Pollution Control Facility in Encinitas (SDWD 2016a).

The SDWD implements its *Urban Water Management Plan* (SDWD 2016b) which projects water demand for the SDWD for all water use sectors with the exception of agriculture. Such water demands have been estimated and are assumed to increase proportionally with population growth over time. Table 3.14-1, SDWD Population – Current and Projected, shows the projected population served by the SDWD through the year 2035.

**Table 3.14-1 SDWD Population – Current and Projected**

Year	2015	2020	2025	2030	2035	Increase (2015-2035)
Population Served	37,200	38,212	38,759	39,306	39,853	2,653

Source: SDWD 2016b.

### Water Supply Planning

The Urban Water Management Planning Act requires every urban water supplier to assess the reliability of its water supply for normal, single dry, and multiple dry years. Single-dry and multiple-dry year conditions for the SDWD service area were based on the SDWD's historical water use records. Table 3.14-2, Total Water Demand in Acre-Feet per Year, shows the SDWD's estimated total water demand within the service area through the year 2035. Table 3.14-3, Normal Year, Single-Dry Year, and Multiple-Dry Years Supply and Demand Comparison in Acre-Feet per Year, provides a comparison of anticipated water supply and demand within the SDWD service area for the normal year, single-dry year, and multiple-dry years scenarios for the years 2020 to 2035.

**Table 3.14-2 Total Water Demand in Acre-Feet per Year**

	2020	2025	2030	2035
Potable and Raw Water	6,829	6,868	6,910	6,953
Recycled Water Demand	730	750	750	750
<b>Total Water Demand</b>	<b>7,559</b>	<b>7,618</b>	<b>7,660</b>	<b>7,703</b>

Source: SDWD 2016b.

**Table 3.14-3 Normal Year, Single-Dry Year, and Multiple-Dry Years  
Supply and Demand Comparison in Acre-Feet per Year**

		2020	2025	2030	2035
Normal Year	Supply totals	7,692	7,752	7,795	7,838
	Demand totals	7,559	7,618	7,660	7,703
	<i>Difference</i>	<i>133</i>	<i>134</i>	<i>135</i>	<i>135</i>
Single-Dry Year	Supply totals	8,005	8,068	8,112	8,157
	Demand totals	8,005	8,068	8,112	8,157
	<i>Difference</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>
Multiple-Dry Year (1 <sup>st</sup> Year)	Supply totals	7,076	7,131	7,170	7,210
	Demand totals	6,501	6,552	6,588	6,624
	<i>Difference</i>	<i>575</i>	<i>579</i>	<i>582</i>	<i>585</i>
Multiple-Dry Year (2 <sup>nd</sup> Year)	Supply totals	7,225	7,281	7,322	7,362
	Demand totals	6,501	6,552	6,588	6,624
	<i>Difference</i>	<i>724</i>	<i>730</i>	<i>734</i>	<i>738</i>
Multiple-Dry Year (3 <sup>rd</sup> Year)	Supply totals	6,815	6,868	6,906	6,944
	Demand totals	6,501	6,552	6,588	6,624
	<i>Difference</i>	<i>315</i>	<i>317</i>	<i>318</i>	<i>320</i>

Source: SDWD 2016b.

According to SDWD’s UWMP, single-dry and multiple-dry year conditions were based on the SDWD’s historical water use records. The SDWD anticipates no reduction of local water supplies for a single- or multiple-dry year event. Even during a dry year, it is assumed there would be some rain, and therefore, some refilling of water storage. In an event of a dry year, the SDWD would purchase additional water from San Diego County Water Authority (SDCWA) and utilize its carryover storage supply. The SDWD would also implement water conservation measures as necessary. If shortages still occur, “additional regional shortage management measures, consistent with the Water Authority’s Water Shortage and Drought Response Plan, will be taken to fill the supply shortage.” As such, the SDWD expects to meet customer demands during a multiple-dry year event (SDWD 2016b). As shown in [Table 3.14-3](#), anticipated SDWD water supplies would be adequate during the normal, single-dry, and multiple-dry year scenarios.

### **Wastewater**

Sewer service for the project would be provided by the Leucadia Wastewater District (LWD). LWD is one of six member agencies of the Encina Wastewater Authority (EWA) (a joint powers

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**3.14 Utilities and Service Systems**

authority) operating a regional wastewater treatment and disposal facility in Carlsbad (EWA n.d.). Wastewater conveyed through the district's sewer mains and pump stations is ultimately pumped to the EWA's Water Pollution Control Facility located in the City of Carlsbad. The LWD has provided a *Project Facility Availability Form* indicating that it can adequately provide sewer service for the project (LWD 2021).

LWD has several existing sewer facilities in the vicinity of the proposed project. According to the *Preliminary Sewer Study* prepared for the project (Pasco Laret Suiter & Associates 2021a), existing flows from the project site flow into the 8-inch sewer line located within the Highway 101 right-of-way. The sewer line flows north to south parallel to the right-of-way line and begins at a terminal manhole located at the midpoint of the project's right-of-way. From the terminal manhole, sewage flows travel south approximately 395 feet to a second existing manhole at the southeast corner of the project site. Flows then continue to travel to the south approximately 92 feet to a third existing manhole where additional flow from two other 8-inch diameter pipes combine and outlet into a 10-inch diameter pipe towards the east and into Highway 101 (Appendix M-1).

***Stormwater Facilities***

According to the *Preliminary Hydrology Study* prepared for the proposed project (Pasco Laret Suiter & Associates, Inc. 2021c), storm water runoff from the site generally flows overland and in onsite storm drain easterly to North Coast Highway 101. There is off-site run-on from the hillside along the westerly and southerly boundaries. An existing high point in North Coast Highway 101 is located approximately at the midpoint of the property's easterly boundary. Surface runoff from the property that enters the right-of-way north of the high point will continue to surface flow northerly and enters the public storm drain system within the La Costa Avenue and North Coast Highway 101 intersection. The storm drain system then conveys captured flows to the east side Carlsbad Boulevard into the Batiquitos Lagoon and ultimately the Pacific Ocean. Surface runoff from the property that enters the right-of-way south of the high point will surface flow southerly and enters a separate public storm drain system that conveys captured flow northerly to an extended detention basin located on the west side of Carlsbad Boulevard which discharges to Batiquitos Lagoon and ultimately the Pacific Ocean. The on-site storm drain connects to the public storm drain located on the west side of North Coast Highway 101 which also drains to the extended detention basin on the west side of Carlsbad Boulevard which discharges to Batiquitos Lagoon and ultimately the Pacific Ocean.

***Electricity***

San Diego Gas and Electric (SDGE) currently provides electrical services to the project site. As stated above, electrical poles providing electrical service to the project site are visible along adjacent roadways.

***Natural Gas***

San Diego Gas and Electric (SDGE) currently provides natural gas services to the project site.

***Telecommunications Facilities***

Telecommunications facilities are not currently provided on the project site. The major service providers that serve the City and their coverages are listed below (Broadband Now 2021):

- AT&T Internet - 99.7% Availability
- Cox - 68.2% Availability
- Spectrum - 63.5% Availability
- Viasat – 100.0% Availability
- HughesNet – 100.0% Availability
- Xfinity – 2.4% Availability

***Solid Waste Disposal***

The City has an exclusive franchise agreement with EDCO Waste and Recycling Services (EDCO) to provide solid waste collection services in Encinitas for both residential and commercial customers. EDCO is the only authorized company that can haul solid waste in the City. Residential trash service includes curbside green waste collection and recyclable materials (mixed paper, glass, plastic, and aluminum cans) collection at no additional charge.

EDCO transports the collected solid waste to a transfer center which then takes it to either the Sycamore Landfill in Santee or the Otay Landfill in Chula Vista for disposal. The Otay Landfill has a maximum permitted capacity of 61.15 million cubic yards and a remaining capacity of 21.19 million cubic yards. The Otay Landfill has a cease operation date of February 28, 2030 (CalRecycle 2019a). The Sycamore Landfill has a maximum permitted capacity of 147.9 million cubic yards and has a remaining capacity of 113.97 million cubic yards. The Sycamore Landfill has a cease operation date of December 31, 2042 (CalRecycle 2019b).

## REGULATORY FRAMEWORK

### *Federal*

#### **Safe Drinking Water Act**

Passed in 1974 and amended in 1986 and 1996, the Safe Drinking Water Act grants the Environmental Protection Agency (EPA) the authority to set drinking water standards. Drinking water standards apply to public water systems that provide water for human consumption through at least 15 service connections or regularly serve at least 25 individuals. There are two categories of drinking water standards: National Primary Drinking Water Regulations and National Secondary Drinking Water Regulations. The National Primary Drinking Water Regulations are legally enforceable standards that apply to public water systems. These standards protect drinking water quality by limiting the levels of specific contaminants that can adversely affect public health and are known or anticipated to occur in water. The National Secondary Drinking Water Regulations are nonmandatory guidelines for certain substances that do not present a risk to public health.

### *State*

#### **Safe Water Drinking Act**

Similar to the federal act, California implements the state's Safe Drinking Water Act (Health and Safety Code Section 116270 et seq.) to ensure public health and safety relative to clean drinking water. Under this act, the California Department of Public Health has the authority to protect public drinking water by adopting contaminant levels not to be exceeded in potable water supplies. Such thresholds are equal to or more stringent than those established at the federal level under the EPA.

#### **State Water Resources Control Board**

Created by the California legislature in 1967, the five-member State Water Resources Control Board (SWRCB) allocates water rights, adjudicates water right disputes, develops statewide water protection plans, establishes water quality standards, and guides the nine Regional Water Quality Control Boards (RWQCBs) located in the major watersheds of the State. The joint authority of water allocation and water quality protection enables the SWRCB to provide comprehensive protection for California's waters. The SWRCB is responsible for implementing the Clean Water Act and issues National Pollutant Discharge Elimination System (NPDES) permits to cities and counties through the RWQCBs. The project site lies within the jurisdiction of the San Diego RWQCB (Region 9).

**California Urban Water Management Planning Act**

In 1983, the State Legislature enacted the Urban Water Management Planning Act (California Water Code Sections 10610–10656), which requires specified urban water suppliers in the State to prepare an UWMP and update it every 5 years. State and local agencies and the public frequently use such plans to determine if agencies are planning adequately to reliably meet water demand in various service areas. As such, the plans serve as an important element in documenting water supply availability and reliability for compliance with state laws, including Senate Bill (SB) 610 and SB 221, which link water supply sufficiency to large land-use development project approvals. Urban water suppliers also must prepare such plans, pursuant to the Urban Water Management Planning Act, to be eligible for State funding and drought assistance.

Every urban water supplier that either provides over 3,000 acre-feet of water annually or serves more than 3,000 urban connections is required to assess the reliability of its water sources over a 20-year planning horizon. Each supplier must report its progress on a 20 percent reduction in per capita urban water consumption by the year 2020, as required in the Water Conservation Act of 2009 (SB X7-7).

The State's urban water suppliers prepare UWMPs to support their long-term resource planning and ensure adequate water supplies are available to meet existing and future water demands. The UWMPs include information on water usage, water supply sources, and water reliability planning. They also may provide implementation schedules to meet projected demands over a planning horizon, a description of opportunities for new development of desalinated water, groundwater information (where groundwater is identified as an existing or planned water source), a description of water quality over the planning horizon, and identification of water management tools that maximize local resources and minimize imported water supplies. A UWMP's water supply analysis includes a water supply reliability assessment, water shortage contingency plan, and development of a plan in case of an interruption in water supply.

The plans must be prepared every 5 years and submitted to the California Department of Water Resources (DWR). DWR staff then reviews the submitted plans to make sure they have completed the requirements identified in the Water Code, then submits a report to the State Legislature summarizing the status of the plans.

**Senate Bill 221**

Enacted in 2001, SB 221 (Government Code Sections 66455.3 and 66473.7) requires that the legislative body of a city or county which is empowered to approve, disapprove, or conditionally approve a subdivision map must condition such approval upon proof of sufficient water supply.

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**3.14 Utilities and Service Systems**

The term *sufficient water supply* is defined in SB 221 as the total water supplies available during normal, single dry, and multiple dry water years within a 20-year projection that would meet the projected demand associated with a proposed subdivision. The definition also includes the requirement that sufficient water encompass not only the project but also existing and planned future uses, including, but not limited to, agricultural and industrial uses.

**California Water Recycling Standards**

The State Legislature has developed requirements for the production, discharge, distribution, and use of recycled water. These requirements are contained in the California Code of Regulations, Title 22, Division 4, Chapter 3, Reclamation Criteria, Sections 60301 through 60475, and Title 17. The California Department of Public Health administers the state recycling water standards.

**California Integrated Waste Management Act**

Assembly Bill (AB) 939 established the California Integrated Waste Management Act of 1989 (Public Resources Code Sections 42900–42927) which required all California cities and counties to reduce the volume of solid waste deposited in landfills by 50 percent by the year 2000. It also requires that cities and counties continue to remain at 50 percent or higher for each subsequent year. The act is intended to reduce, recycle, and reuse solid waste generated to the maximum extent feasible.

The act requires each California city and county to prepare, adopt, and submit to the California Department of Resources Recycling and Recovery (CalRecycle) a source reduction and recycling element (SRRE) that demonstrates how the jurisdiction will meet the act's mandated diversion goals. Each jurisdiction's SRRE must include specific components as defined in Public Resources Code Sections 41003 and 41303. In addition, the SRRE must include a program for management of solid waste generated in the jurisdiction consistent with the following hierarchy: (1) source reduction; (2) recycling and composting; and (3) environmentally safe transformation and land disposal. The SRRE is required to emphasize and maximize the use of all feasible source reduction, recycling, and composting options in order to reduce the amount of solid waste to be disposed of by transformation and land disposal (Public Resources Code Sections 40051, 41002, and 41302).

**California Energy Efficiency Standards for Residential and Nonresidential Buildings (Title 24)**

Commonly referred to as the CALGreen Code, Title 24, Part 11 standards require new residential and commercial buildings to comply with mandatory measures under the topics of planning and design, energy efficiency, water efficiency and conservation, material conservation and resource

efficiency, and environmental quality. Title 24 also provides voluntary tiers and measures that local governments may adopt which encourage or require additional measures in the five green building topics.

The 2019 Title 24 standards became effective January 1, 2020. The standards require that all low-rise residential buildings shall have a photovoltaic system meeting the minimum qualification requirements such that annual electrical output is equal to or greater than the dwelling's annual electrical usage. Notably, net energy metering rules limit residential rooftop solar generation to produce no more electricity than the home is expected to consume on an annual basis.

The CALGreen standards also include voluntary efficiency measures that are provided at two separate tiers and implemented at the discretion of local agencies and applicants. CALGreen's Tier 1 standards call for a 15 percent improvement in energy requirements, stricter water conservation, 10 percent recycled content in building materials, 20 percent permeable paving, 20 percent cement reduction, and cool/solar-reflective roofs. CALGreen's more rigorous Tier 2 standards call for a 30 percent improvement in energy requirements, stricter water conservation, 75 percent diversion of construction and demolition waste, 15 percent recycled content in building materials, 30 percent permeable paving, 25 percent cement reduction, and cool/solar-reflective roofs.

#### **Assembly Bill (AB) 827 Commercial and Organic Waste Recycling Bins**

Effective July 1, 2020, AB 827 requires that food establishments that provide trash containers for products purchased and consumed on the premises to also provide properly labeled containers for recyclables and organic waste (food waste). These containers must be placed adjacent to trash containers. The new law applies to limited-service restaurants such as those restaurants where customers order and pay at the counter and bus their own tables after eating. The law will affect restaurants, malls, and other businesses that serve food. Full-service food establishments that do not provide access to trash containers for products consumed on the premises will be exempt.

#### **Senate Bill (SB) 1383**

SB 1382 required the State board, no later than January 1, 2018, to approve and begin implementing that comprehensive strategy to reduce emissions of short-lived climate pollutants to achieve a reduction in methane by 40%, hydrofluorocarbon gases by 40%, and anthropogenic black carbon by 50% below 2013 levels by 2030, as specified. The bill also established specified targets for reducing organic waste (i.e., food waste) in landfills, and identifies the goal that not less than 20 percent of edible food currently disposed of is recovered for human consumption by 2025.

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**3.14 Utilities and Service Systems**

The City's Climate Action Plan (see additional discussion below) addresses the requirements of SB 1383 through the goal of diverting solid waste to reduce waste disposal from community residents and businesses. As part of achieving its Goal 6.1, Divert Solid Waste, the CAP identifies such measures as implementing a Zero Waste Program to support regional efforts to plan for and develop residential and commercial food scrap composting programs; facilitating the establishment of fully-permitted community appropriate compost facilities within the City; continuing Zero Waste programs at local schools; establishing an edible food recovery program; and providing outreach and education to generators. Additional measures include developing education outreach materials for textile recycling; expanding recycling requirements at City permitted events and activities; supporting product stewardship and extended producer responsibility initiatives; expanding outreach and education on the City's Construction and Debris Ordinance.

***Local*****City of Encinitas Climate Action Plan (CAP)**

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

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

As part of the CAP implementation, each strategy, action, and supporting measure will be continually assessed and monitored. Reporting on the status of implementation of these strategies, periodic updates to the GHG emissions inventory, and other monitoring activities will help ensure that the CAP is making progress. It should be noted that as of this time, the City has not adopted implementing ordinances for the CAP. Therefore, strategies requiring the City to

adopt ordinances to implement are not applicable to the project. The following strategies are applicable to the project:

- RE-2: Require New Homes to install Solar Photovoltaic Systems
- RE-3: Require Commercial Buildings to install Solar Photovoltaic Systems
- CET-4: Require Residential Electric Vehicle Charging Stations
- CET-5: Require Commercial Electric Vehicle Charging Stations

### **City of Encinitas General Plan and Certified Local Coastal Program**

The City of Encinitas General Plan serves as a policy document that provides long-range guidance to City officials responsible for decision-making with regard to the City's future growth and long-term protection of its resources. The City of Encinitas General Plan is intended to ensure decisions made by the City conform to long-range goals established to protect and further the public interest as the City continues to grow and to minimize adverse effects potentially occurring with ultimate buildout. The City of Encinitas General Plan also provides guidance to ensure that future development conforms to the City's established plans, objectives, and/or policies, as appropriate.

The California Coastal Act (Public Resources Code Section 30000 et seq.) is intended to protect the natural and scenic resources of the Coastal Zone. All local governments located wholly or partially within the Coastal Zone are required to prepare an) for those areas of the Coastal Zone within its jurisdiction. The City of Encinitas General Plan includes issues and policies related to California Coastal Act requirements; therefore, the City of Encinitas General Plan also serves as Local Coastal Plan (LCP) Land Use Plan for the City. Goals and policies relevant to the adequate provision of utilities and service systems are listed below.

#### *Land Use Element*

Policy 2.10: Development shall not be allowed prematurely, in that access, utilities, and services shall be available prior to allowing the development.

**GOAL 4a: The City of Encinitas will ensure that the rate of residential growth does not create a demand which exceeds the capability of available services and facilities.**

#### *Housing Element Update 2019*

In March 2019, the Encinitas City Council adopted the General Plan Housing Element Update (HEU) which provides the City with a coordinated and comprehensive strategy for promoting the production of safe, decent, and affordable housing for all within the City. The purpose of the HEU is to ensure that the City establishes policies, procedures, and incentives to increase the quality

**3.14 Utilities and Service Systems**

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and quantity of the housing supply in the City. The HEU includes the 2013-2021 Housing Element Update and a series of discretionary actions to update and implement the City's Housing Element.

Relevant policies related to utilities and service systems are provided below:

Policy 2.2: Continue to assess development fees on new residential units adequate to pay for all related local and regional impacts on public facilities.

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

**Encinitas North 101 Corridor Specific Plan**

The City's General Plan identifies the North 101 Corridor Specific Plan (N101SP) due to the unique character, problems, and opportunities that the North Highway 101 corridor exhibits. The N101SP addresses such issues, with the goal of maintaining the identity, community character, and scale of the corridor, while enhancing future opportunities for redevelopment and revitalization along North Highway 101. The N101SP provides goals, policies, and provisions for the beach-side commercial corridor within the Leucadia community. Primary goals of the N101SP are to maintain the unique and desirable aspects of the Specific Plan area, while providing continued private land use and investment, public improvements, and the economic success of the Specific Plan area. Relevant goals of the N101SP include:

**2.2.4 Infrastructure and Public Safety**

A. Eliminate flooding and improve drainage.

B. Underground utilities and provide more lighting.

**Integrated Regional Water Management Program for the San Diego Region**

The Integrated Regional Water Management (IRWM) program is a local water resources management approach preferred by the Governor, the California Department of Water Resources, and the State Water Resources Control Board. It is aimed at securing long-term water supply reliability in California by first recognizing the interconnectivity of water supplies and the environment, and then pursuing projects yielding multiple benefits for water supplies, water quality, and natural resources.

The San Diego IRWM program is an interdisciplinary effort by water retailers, wastewater agencies, stormwater and flood managers, watershed groups, the business community, tribes, agriculture, and regulatory agencies to coordinate water resource management efforts and to enable the San Diego region to apply for grants tied to DWR's Integrated Regional Water Management program. The Regional Water Management Group, which is the group responsible

for administering and implementing the San Diego IRWM program, comprises the San Diego County Water Authority, the City of San Diego, and the County of San Diego. A Regional Advisory Committee serves to shape the IRWM program and upcoming planning and funding applications. Additionally, broad stakeholder outreach engages members of the public and other interested parties in the IRWM planning process.

The Integrated Regional Water Management Plan provides a mechanism for (1) coordinating, refining, and integrating existing planning efforts within a comprehensive, regional context; (2) identifying specific regional and watershed-based priorities for implementation projects; and (3) providing funding support for the plans, programs, projects, and priorities of existing agencies and stakeholders (San Diego Integrated Regional Water Management Group 2019).

#### **San Dieguito Water District Urban Water Management Plan**

The SDWD's UWMP (2016) assesses the existing water system conditions and evaluates future anticipated demands. Water agencies throughout the State are required by the California DWR to prepare UWMPs every 5 years in order to show that adequate water supplies are available to meet existing and future water demands. The current UWMP concluded that the overall system is adequately sized to accommodate future buildout under the adopted City of Encinitas General Plan. An update to the City's current UWMP is planned to be adopted by July 2021.

#### **San Dieguito Water District Water Systems Master Plan**

The SDWD's Water System Master Plan (WSMP) (2010) analyzed the distribution system for reliability, water quality, adequacy of fire flow demands, and storage requirements. The WSMP identifies and prioritizes capital improvement projects in the distribution system. The WSMP identified areas for improvement that were then included in the future planning horizon (year 2030) Capital Improvement Program (CIP). The CIP identifies anticipated pipeline system upgrades, valve replacement, meter replacement, and treatment plant upgrades.

#### **City of Encinitas Sewer System Management Plan**

The City recently updated the Sewer System Management Plan (2019) which was prepared in response to the State Water Resources Control Board's adoption of Order No. 20016-0003-DWQ, relating to the elimination of sanitary sewer overflows. The plan is required to provide response processes for sewer overflow emergencies and to ensure that adequate facilities exist to support the City's needs. The plan is required to be updated every 5 years.

**City of Encinitas Municipal Code Chapter 23.26 – Water Efficient Landscape Regulations**

As required by the Water Conservation in Landscaping Act, the City adopted a landscape water conservation ordinance. Pursuant to the act, this ordinance establishes water use standards for landscaping. Specifically, the requirements of this chapter of the Municipal Code reduce water use associated with irrigation of outdoor landscaping by setting a maximum amount of water to be applied to landscaping and by designing, installing, and maintaining water-efficient landscapes consistent with the water allowance. A project that is subject to this chapter is required to use recycled water for irrigation. Per State law, an updated Municipal Water Efficient Landscape Ordinance was adopted by the City in 2016.

**STANDARDS OF SIGNIFICANCE*****Thresholds of Significance***

According to Appendix G of the CEQA Guidelines, the proposed project would have a significant impact related to utilities and service systems if the project would:

1. Require or result in the relocation or construction of new or expanded water or wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.
2. Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years.
3. Result in a determination by the wastewater treatment provider which serves, or may serve, the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments.
4. Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.
5. Not comply with federal, State, and local management and reduction statutes and regulations related to solid waste.

## PROJECT IMPACTS AND MITIGATION

### UTILITY FACILITIES

<b>Impact 3.14-1</b>	<b>The project would not require, or result in, the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. Impacts would be less than significant.</b>
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#### **Water**

Water utility improvements would include connections to the public water system. To serve the proposed development, five separate connections to an existing 12-inch water line located in Highway 101 are proposed; refer to [Figure 2.0-6, Preliminary Utility Plan](#). A new water line would also be constructed from its connection with the existing 12-inch water line in Highway 101, extending into the western portion of the site to serve the proposed apartment units and then northward to serve the proposed hotel use. No off-site water system improvements would be necessary to serve the project.

All water lines would be sized to meet the anticipated fire flow requirements for the project. All on-site fire hydrants (four new on-site hydrants are proposed), on-site fire service pipelines, and building fire sprinkler laterals would be connected to the existing 12-inch water line in Highway 101; refer to [Figure 2.0-6, Preliminary Utility Plan](#). Impacts due to construction of the on-site water system and connections to the existing system are analyzed throughout this EIR (i.e., noise, transportation, etc.).

The project site is served by two individual water meters serving 1900 and 1950 N. Coast Highway 101. Historical data obtained from these meters from the years 1997 to 2020 indicates that average daily onsite water use totaled 1,047 gallons per day (gpd) for the 1900 N. Coast Highway property and 1,219 gpd for the 1950 N. Coast Highway property, as shown in [Table 3.14-4, Historical Water Use](#).

The former restaurant use on the property located at 1950 N. Coast Highway closed in 2017, and therefore, water use ceased. However, data obtained indicates that limited water use has occurred since 2018 for this property which is assumed to be associated with ongoing construction of the hotel on lands adjacent to the north of the project site (and under the same ownership as the project).

**Table 3.14-4 Historical Water Use**

Water Meter	Average Usage (gpd)
050108 (1900 N. Coast Highway 101)	1,047
17558687 (1950 N. Coast Highway 101)	1,219
<b>Total Average Usage</b>	<b>2,266</b>

Notes: Historical use based on the following dates: 1/3/96 to 12/21/20; gpd = gallons per day

Source: SDWD 2021b; see Appendix M-3.

Future water demand on-site would be generated by the proposed 94 for-lease apartments, 30-room boutique resort hotel, and 18,261 square feet (SF) of mixed-use development. As shown in [Table 3.14-5, Preliminary Project Water Demand Summary](#), the projected average water demand for the proposed project is 47,940 gpd; projected maximum daily demand is 81,498 gpd ([Appendix M-1](#)).

**Table 3.14-5 Preliminary Project Water Demand Summary**

Land Use	Quantity	Demand Factor	Projected Water Demand (gpd)
Residential	94 units	450 gpd/unit <sup>1</sup>	42,300
Hotel	0.42 acre	7,000 gpd/acre <sup>1</sup>	2,940
Commercial	0.42 acre	5,000 gpd/acre <sup>1</sup>	2,100
Landscaping	Per Landscape Architect		600
Total			47,940
Max Day Demand Peaking Factor			1.7 <sup>2</sup>
Max Daily Demand (MDD)			81,498
Fire Flow Demand			2,500 gpm

Notes: 1. Water Agency Standards (WAS) - Design Guidelines: Section 4.1 (7/28/14)

2. San Dieguito Water District Water System Master Plan: Section 3.5 (June 2010)

gpd = gallons per day; gpm = gallons per minute

Source: Pasco Laret Suiter & Associates 2021b; see [Appendix M-1](#).

Therefore, the proposed project would increase existing water demands onsite from an estimated 2,266 gpd to 47,940 gpd, or an increase of approximately 45,674 gpd. Although an increase in water demand would occur with project implementation, this increase is not considered to be substantial and, as discussed in the SDWD's *Urban Water Management Plan* (2016b), the overall system of the SDWD is adequately sized to accommodate planned buildout under the City's adopted General Plan (City of Encinitas 2016). SDWD anticipated an increase of approximately 2,653 residents between 2015 and 2035.

Site 2, which comprises the majority of the project site (APNs 216-041-20 and 216-041-21), comprises 1 of 16 sites identified in the City of Encinitas HEU. As part of the HEU, this portion of the project site was allocated a minimum of 33 residential units (City of Encinitas 2019). Site 1 (APN 216-041-06) was not included in the HEU.

The proposed project would result in approximately 236 new residents, or approximately 8 percent of SDWD's expected population increase (2,653 new residents). The project does not require or propose a change to the existing General Plan designations that apply to the site, and therefore, the project as proposed (including on Site 2) is consistent with future development anticipated by the City for the subject site.

In addition, SDWD has completed a *Project Facility Availability Form* (SDWD 2021c) which indicates that the district is expected to be able to serve the project as proposed for the next 5 years (see [Appendix N](#)). If approved, the project site would also be included within future UWMP updates (the next update is scheduled for 2021). Further, as part of the project approval process, the project applicant would be required to provide on-site water infrastructure and pay appropriate water system capacity fees. Therefore, since SDWD has indicated that it has facilities to serve the project site for the next 5 years, and the proposed project is consistent with the General Plan and (partially) accounted for in the HEU and the Environmental Assessment, the proposed project would not require, or result in, the relocation or construction of new or expanded water facilities, the construction or relocation of which could cause significant environmental effects.

Additionally, based upon anticipated maximum daily water demands (81,498 gpd), the SDWD provided hydraulic modeling to evaluate the adequacy of existing facilities to provide adequate water supplies, including fire flows to the project as proposed. Two different hydrant pairs were analyzed under a steady-state maximum day demand scenario with District reservoirs at 50% level. Model results were compared against District planning criteria of a total fire flow of 2,500 gpm across the two hydrants at a minimum pressure of 20 pounds per square inch (psi) and with maximum pipe velocity of 15 ft/sec. The results concluded that, with consideration for daily operational water demands generated by the proposed on-site uses, each hydrant pair would still be able to meet the required fire flow requirements of 2,500 gpm at residual pressures of 20 psi and pipe velocities under 15 ft/sec with 8-inch on-site piping (SDWD 2021b; see [Appendix M-3](#)). Impacts would be **less than significant**.

### ***Wastewater***

Sewer service for the proposed project would be provided by the LWD. As noted above, existing flows from the project site flow into the 8-inch sewer line along the property's right-of-way. To serve the proposed development, two separate connections (known as Segment 1 and 2) to an existing 8-inch sewer line located in Highway 101 are proposed; refer to [Figure 2.0-6, Preliminary Utility Plan](#). A new onsite sewer line would also be constructed from its connection with the existing 8-inch water line in Highway 101, extending into the western portion of the site to serve the proposed apartment units and then northward to serve the proposed hotel use. Wastewater generated on the project site would be collected by the LWD. Flows from the site would be

**3.14 Utilities and Service Systems**

conveyed to the trunk sewer line located to the east of the site along Highway 101. According to the Preliminary Sewer Study, existing facilities downstream of Segments 1 and 2 were not evaluated because upgrades to trunk sewer lines are the responsibility of LWD ([Appendix M-1](#)). However, the proposed project would provide its fair share contribution for any future upgrades through the payment of a required capacity fee.

The existing onsite commercial uses would be demolished with project implementation and removed prior to the construction of Marea Village. In the proposed condition, only sewage flows from the proposed development would enter and flow through the existing 8-inch pipe located along the project's right-of-way. No sewage from existing onsite uses would continue to flow through the LWD 8-inch pipe. Therefore, only sewage flows generated from the proposed project were considered in evaluating the capacity of existing facilities to serve the project, and a comparison to existing conditions is therefore not provided.

[Table 3.14-6 Projected Sewer Flows](#), summarizes the projected average sewer flows for the project. The projected peak sewer flow for the project is estimated to be 112,047 gpd or 78 gallons per minute (gpm) ([Appendix M-1](#)).

**Table 3.14-6 Projected Sewage Flows**

Quantity	Average Flow Factor	Total Average Sewage Flow	Total Average Sewage Flow	Peak Flow Factor	Peak Sewage Flow
148.9 EDUs <sup>1</sup>	215 gpd/EDU	32,013.5 gpd	32,013.5 gpd/ 22.23 gpm	3.5	112,047.25 gpd/ 77.81 gpm

Notes:

<sup>1</sup> Refer to Table 1-2, Land Usage & EDU Factors, in the Preliminary Sewer Study ([Appendix M-1](#)) for more information on the EDU values that were calculated based on the project's land uses.

EDU = equivalent dwelling units; gpd = gallons per day; gpm = gallons per minute

Source: Pasco Laret Suiter & Associates 2021a; see [Appendix M-1](#).

As shown in [Table 3.14-7](#), the existing peak flow is considered to be zero as no sewage from the existing onsite uses would continue to flow through the affected sewer lines following project implementation. The max d/D value (or maximum depth of flow to pipe diameter ratio) for Segments 1 and 2 is 0.28. According to the LWD Asset Management Plan (LWD 2018), the max d/D value for 15-inch pipes or smaller is 0.5. As such, the existing pipes analyzed would have enough capacity to carry the expected sewage flows generated by the proposed project. The velocity in Segment 1 (1.3 feet/second (ft/s)) does not meet the minimum 2 ft/s required per LWD standards. However, given that the velocity for Segment 1 also does not meet the minimum velocity requirement under existing conditions, with the addition of the project's sewage flows the velocity within this pipeline segment would improve (Pasco Laret Suiter & Associates 2021a).

**Table 3.14-7 Summary of Sewer Capacity with Proposed Project**

Segment No.	Pipe Diameter (D)	Existing Slope	Existing Peak Flow	Additional Peak Flow (with Project)	Total Proposed Peak Flow	Proposed d/D	Proposed Velocity
1	8-inch	0.38%	0	15.16 gpm/ 0.03 cfs	15.16gpm/ 0.03 cfs	0.13	1.3 ft/sec
2	8-inch	0.76%	0	77.81 gpm/ 0.03 cfs	77.81 gpm/ 0.03 cfs	0.28	2.2 ft/sec

Notes: gpm = gallons per minute; cfs = cubic feet per second; ft/s = feet per second; d/D = depth of flow to pipe diameter ratio  
Source: Pasco Laret Suiter & Associates 2021a; see [Appendix M-1](#).

The LWD has provided a *Project Facility Availability Form (Water)* which states that the district is expected to be able to serve the project as proposed for the next 5 years (LWD 2021). Further, as part of the project approval process, the applicant would be required to provide on-site sewer infrastructure and pay appropriate sewer system connection fees. The City's Public Works Department's existing requirements would ensure that sewer facilities would be sized appropriately and that the wastewater treatment requirements of the RWQCB would not be exceeded. Therefore, the wastewater generated by the proposed project would not cause the LWD to exceed the wastewater treatment requirements of the San Diego RWQCB. As such, the proposed project would not require, or result in, the relocation or construction of new or expanded wastewater facilities, the construction or relocation of which could cause significant environmental effects. Impacts would be **less than significant**.

### **Stormwater**

On-site stormwater runoff would be collected by proposed storm drains that convey to biofiltration basins located throughout the site. Discharge from the biofiltration basins would flow to the proposed underground storage vault located in the northeastern corner of the project site. The vault would discharge to a proposed 18-inch RCP that would connect to the back of the existing curb inlet located north of the project along Highway 101. The existing inlet then conveys flows to the north via 18-inch and 24-inch reinforced concrete pipes (RCPs).

Off-site stormwater that runs onto the site along the westerly boundary would be intercepted via a new concrete ditch and routed to a proposed storm drain that would run along the northern boundary of the site. The proposed storm drain would connect to the underground vault which would discharge to the 18-inch RCP pipe described above. Off-site run-on along the southern boundary would be captured in a new concrete ditch and discharged to Highway 101 via sidewalk underdrains.

The proposed underground storage vault would also provide treatment for the 100-year storm event peak discharge rate. As described in the *Preliminary Hydrology Study*, the proposed

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**3.14 Utilities and Service Systems**

underground storage vault is sized to accommodate the increase in peak runoff in the proposed condition and the biofiltration basins and storage vault are designed to meet the requirements of the MS4 Permit for both pollutant control and hydromodification management.

As shown in [Table 3.8-1](#) (refer to 3.8 Hydrology & Water Quality), the peak flow rate resulting from the 100-year, 6-hour storm event would be lower in the proposed condition (1.17 cfs) than the existing condition (14.65 cfs). As such, the proposed project would not substantially alter existing drainage patterns of the project site but would instead maintain and improve existing on-site stormwater drainage patterns (see also [Appendix H](#)). Therefore, the proposed project would not require the expansion of or need for new stormwater facilities, the construction or relocation of which could cause significant environmental effects. Impacts would be **less than significant**.

***Electric Power***

Refer to [Section 3.5, Energy Conservation and Climate Change](#). San Diego Gas and Electric currently provides electrical service to the project site. Electrical service currently exists surrounding the project site, and would be extended within the interior of the site to the various uses proposed. In accordance with City requirements, all electrical lines would be undergrounded. Electrical service connections off-site would be within existing public rights-of-way; on-site such improvements would be extended within proposed drive aisles. SDGE provided a will-serve letter that indicates that SDGE would be able to provide electricity service to the site ([Appendix N](#)).

Furthermore, the project would install approximately 250 kilowatts (kW) of rooftop solar on-site and high-efficiency water heaters or solar water heater systems that would reduce electrical demand would also be installed (see [Section 3.5, Energy Conservation and Climate Change](#)). Therefore, the proposed project would not result in the expansion or need for new electric power facilities, the construction or relocation of which could cause significant environmental effects. Impacts would be **less than significant**.

***Natural Gas***

The existing site currently has natural gas service provided by SDGE. The proposed project would limit use of natural gas to cooktops and ovens in the residential units, hotel, and commercial uses as applicable. No natural gas fireplaces would be permitted except for the recreation center. Natural gas service connections off-site would be within existing rights-of-way. Refer to [Section 3.5, Energy Conservation and Climate Change](#), for more information on natural gas use on-site.

SDGE provided a will-serve letter that indicates that SDGE would be able to provide electricity service to the site ([Appendix N](#)). Therefore, the proposed project would not result in the

expansion or need for new natural gas facilities, the construction or relocation of which could cause significant environmental effects. Impacts would be **less than significant**.

### ***Telecommunication Facilities***

The proposed project would include the installation of telecommunication facilities for the provision of internet services. Furthermore, implementation of the proposed project would not interfere with existing telecommunication facilities or future expansion of facilities. The expected population increase in the area would not create a new substantial demand on existing telecommunication services and facilities. Therefore, the proposed project would not result in the expansion or need for new telecommunication facilities, and **no impact** would occur as a result.

**Mitigation Measures:** No mitigation required.

**Level of Significance:** Less than significant.

### ***WATER SUPPLY***

<b>Impact 3.14-2</b>	<b>The project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years. Impacts would be less than significant.</b>
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Table 3.14-9A, Projected Project Water Demand Summary, provides the anticipated water demands for the proposed project as designed. The project is estimated to use approximately 47,940 gallons of water per day (gpd), including irrigation for landscaping; the maximum daily water demand is estimated at 81,498 gpd (Pasco Laret Suiter & Associates, Inc. 2021b; [Appendix M-1](#)). The proposed project would implement water conservation measures to reduce potable water use to the extent feasible. The project would meet or exceed the conservation measures mandated by the 2019 California Green Building Standards Code. Additionally, the proposed project would include non-mandatory water conservation measures, such as the installation of insulated hot water pipes, pressure reducing valves, water efficient dishwashers, and dual flush toilets ([Appendix M-2](#)). The proposed project would also use recycled water to irrigate common landscape areas. [Table 3.14-8](#) below summarizes the baseline projected water demand for the project and the net potable water demands with the implementation of water conservation measures. [Table 3.14-9](#) lists the project's water conservation measures and associated water use reductions.

**Table 3.14-8 Projected Project Water Demand Summary**

Land Use	Quantity	Demand Factor <sup>1</sup>	Projected Water Demand (gpd)
Residential	94 Units	450 gpd/unit	42,300
Hotel	0.42 acres	7,000 gpd/acre	2,940
Commercial	0.42 acres	5,000 gpd/acre	2,100
Landscaping	Per Landscape Architect		600
Total:			47,940
Max Day Demand Peaking Factor <sup>2</sup>			1.7
Max Daily Demand (MDD), gpd			81,498
Fire Flow Demand (FF), gpm			2,500

Notes: gpd = gallons per day; gpm = gallons per minute

Water Agency Standards (WAS) – Design Guidelines, Section 4.1 (7/28/14)

San Dieguito Water District Water System Master Plan, Section 3.5 (June 2010).

Source: Pasco Laret Suiter & Associates 2021b; see [Appendix M-1](#).

**Table 3.14-9 Project Water Conservation Measures and Water Savings**

Measure	Location	Yearly Water Savings (gal/unit)	Daily Water Savings	Project Total Water Savings (gpd) <sup>1</sup>
Hot Water Pipe Insulation	Indoor	2,400 gal/unit	6.57	618
Pressure Reducing Valves	Indoor	1,800 gal/unit	4.93	463
Water Efficient Dishwashers	Indoor	650 gal/unit	1.78	167
Dual Flush Toilets	Indoor	4,000 gal/unit	10.96	1,030
Total				2,279

Notes: Gal/unit = gallons/dwelling unit; gpd = gallons per day

Based on 94 Residential Units

Source: Pasco Laret Suiter & Associates 2021b; see [Appendix M-1](#).

As discussed in the SDWD's UWMP, the district has anticipated population increases through 2035 of 2,653 residents (between 2015 and 2035) which would be able to serve the projected population of approximately 236 residents. The proposed project is considered to be consistent with the General Plan, and accounted for in the HEU and the N101SP, and is within the population increase anticipated by the SDWD 2016 UWMP, it is anticipated that the District's existing facilities would be capable of serving the proposed 94 residential units and non-residential uses that are a part of the proposed project.

Additionally, the City's CAP contains water conservation goals measures that aim to reduce water consumption, and thus GHG emissions. The performance metric for CAP Measure WE-1 sets a goal of 5 gallons saved per capita per day. As noted in [Table 3.14-9](#), the project's water conservation measures would save approximately 2,279 gpd. Since the proposed project would

support approximately 236 residents, the water savings equates to 9.7 gallons saved per capita per day which exceeds the CAP's performance metric.

The Urban Water Management Planning Act requires every urban water supplier to assess the reliability of its water supply for normal, single-dry, and multiple-dry years. Single-dry and multiple-dry year conditions were based on the SDWD's historical water use records.

The SDWD anticipates no reduction of local water supplies for a single or multiple-dry year event. Even during a dry year, it is assumed there would be some rain, and therefore, some refilling of water storage. In an event of a dry year, the SDWD would purchase more water from San Diego County Water Authority (SDCWA) and utilize their carryover storage supply. The SDWD would also implement water conservation measures as necessary. If shortages still occur, "additional regional shortage management measures, consistent with the Water Authority's Water Shortage and Drought Response Plan, will be taken to fill the supply shortage." As such, the SDWD expects to meet customer demands during a multiple-dry year event (SDWD 2016).

Therefore, the proposed project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years. Impacts would be **less than significant**.

**Mitigation Measures:** None required.

**Level of Significance:** Less than significant.

#### **WASTEWATER TREATMENT CAPACITY**

<b>Impact 3.14-3</b>	<b>The project would not result in a determination by the wastewater treatment provider which serves, or may serve, the project that the project has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments. Impacts would be less than significant.</b>
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Refer to Impact 3.14-1. The project site is located in the service area of the Leucadia Wastewater District. The LWD has completed a *Project Facility Availability Form* which states that the district has adequate capacity to serve the proposed project for the next 5 years under existing and anticipated conditions (LWD 2021). The project would not result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's project demand in addition to the providers' existing commitments. Impacts would be **less than significant**.

**Mitigation Measures:** None required.

**Level of Significance:** Less than significant.

**SOLID WASTE INFRASTRUCTURE CAPACITY**

<b>Impact 3.14-4</b>	<b>The project would not generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. Impacts would be less than significant.</b>
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The project would be served by EDCO Waste and Recycling Services, which operates through an exclusive franchise agreement with the City. Solid waste is collected and taken to a local transfer station and then to the Otay Landfill in Chula Vista or the Sycamore Landfill in Santee. The Otay Landfill is expected to cease operation February 28, 2030 and is permitted to accept 6,700 tons per day. The Sycamore Landfill is expected to cease operation in December 31, 2042 and is permitted to accept 5,000 tons per day (CalRecycle 2019a, 2019b). Therefore, it is anticipated that these landfills can accommodate solid waste generated by project-related demolition, construction, and operational activities in the foreseeable future.

The City adopted a Construction & Demolition Debris (C&D) Ordinance (Chapter 11.22) that helps divert waste from landfills and comply with statewide mandates. Materials subject to the ordinance include, but are not limited to, asphalt, concrete, brick, dirt, rock, lumber, cardboard, metals and any vegetative or other land clearing/landscaping materials. Projects are required to reuse, salvage or recycle 60% of all C&D debris generated from the project (City of Encinitas 2020c).

Approximately 10,681 SF of building area on-site (all existing development) would be demolished to accommodate the proposed improvements, including the small commercial center in the southeastern portion of the site and the unoccupied former restaurant building in the northern portion, along with all existing surface parking areas. The proposed project would collect and sort such waste materials for diversion in order to ensure compliance with statewide mandates. Solid waste from construction activities would be delivered to the two landfills identified above, both of which have capacity to accommodate solid waste from the proposed project.

The project proposes a mixed-use development consisting of residential, hotel, and commercial uses. During project occupancy, these uses are expected to contribute additional solid waste to the Otay and Sycamore landfills. The City’s CAP sets a goal of reducing greenhouse gas emissions from landfills by implementing a Zero Waste Program that promotes waste prevention, recycling, and diversion of organic waste. The CAP aims to divert 65% of the City’s solid waste from the landfill by 2020 and divert 80% of waste by 2030. This would reduce waste generation rates to 3 pounds (lbs)/person/day by 2030 (City of Encinitas 2020). The project would be required to

conform to all applicable State and local regulations pertaining to the reduction and diversion of waste generated as appropriate to assist the City in compliance with this goal.

Additionally, the project would be subject to requirements of AB 827 which requires that food establishments provide trash containers for products purchased and consumed on the premises and to also provide properly labeled containers for recyclables and organic waste (food waste). The new law applies to limited-service restaurants such as those restaurants where customers order and pay at the counter and bus their own tables after eating. Full-service food establishments that do not provide access to trash containers for products consumed on the premises are exempt. As the project anticipates that the mixed-use development may support restaurant and/or food service uses, such establishments would be required to conform to any applicable regulations. Similarly, the project would adhere to SB 1383 which requires implementation of an organic waste recycling program. The project would implement measures to reduce potential food waste, as required in conformance with the City's CAP.

According to CalRecycle, in 2019, the amount of annual waste generated by the City of Encinitas was estimated at 4.7 lbs/person/day based on population and 11.5 lbs/person/day based on employment (CalRecycle 2020). Under current conditions, there are no residential uses on-site that generate solid waste. The existing commercial uses are estimated to generate an estimated 278.8 pounds, or 0.14 tons, of solid waste per day (23.8 employees multiplied by 11.7 pounds).

Similarly, it can be expected that during operation, the 94 proposed residential uses would generate an estimated 1,109 pounds, or 0.56 tons, of solid waste per day from the on-site residential uses (236 anticipated residents multiplied by 4.7 pounds). Additionally, the hotel and commercial uses (retail, restaurant, and office space) would generate approximately 725 pounds, or 0.36 tons, of solid waste per day (62 employees multiplied by 11.7 pounds). This total, or an estimated 0.92 tons per day, represents an increase of an estimated 0.78 tons per day over existing conditions. Although the project would increase solid waste generated, the estimated 0.78 tons/day of waste above that generated under existing conditions would represent less than 0.006% of the total regional capacity for the Sycamore and Otay Landfills (11,700 tons per day). Therefore, project operations would not have an adverse effect on the operational capacity of the affected landfills over the long-term.

For the reasons stated above, the project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. Impacts would be **less than significant**.

**Mitigation Measures:** None required.

**Level of Significance:** Less than significant.

### 3.14 Utilities and Service Systems

#### **SOLID WASTE REGULATIONS**

**Impact 3.14-5            The project would comply with federal, State, and local management and reduction statutes and regulations related to solid waste. Impacts would be less than significant.**

Refer to Impact 3.14-4, above. Solid waste generated by the project would consist primarily of standard organic and inorganic waste normally associated with the proposed types of uses. The generation of substantial amounts of hazardous waste is not anticipated (refer to Section 3.7, Hazards and Hazardous Materials). As noted above, the site is adequately served by local landfills. The project would comply with all applicable federal, State, and local statutes and regulations related to solid waste reduction, handling, transport, and disposal during both construction and long-term operation.

Additionally, per its Climate Action Plan, the City has implemented a Zero Waste Program, which stipulates that by the year 2020, 65 percent of total solid waste generated would be diverted from the landfill and by the year 2030, 80 percent of total solid waste generated would be diverted. As such, the project would be required to comply with a Source Reduction and Recycling Element (SRRE), which would be submitted to and approved by CalRecycle, for the diversion of solid waste. Compliance with the SRRE would ensure that the proposed project would remain in compliance with AB 939.

The project would comply with federal, State, and local management and reduction statutes and regulations related to solid waste. Impacts would be **less than significant**.

**Mitigation Measures:** None required.

**Level of Significance:** Less than significant.

#### **CUMULATIVE IMPACTS**

**Impact 3.14-6            The project would not result in a significant cumulative impact related to utilities and service systems. Impacts would be less than cumulatively considerable.**

#### **Geographic Scope**

Cumulative projects that would have the potential to be considered in a cumulative context with the project's incremental contribution, and that are included in the analysis of cumulative impacts relative to utilities and services, are identified in Table 3.0-1 in Section 3.0, Environmental Analysis, of this EIR. The geographic scope for cumulative impacts to utilities and service systems includes the service areas for the San Dieguito Water District (for water service),

Leucadia Wastewater District (for wastewater), San Diego Gas and Electric, and the Otay Landfill and Sycamore Landfill. All cumulative projects identified and development of other future land uses in the surrounding area would be subject to the payment of appropriate development impact fees and/or the construction of new or expanded public facilities on a project-by-project basis, and in accordance with applicable local, State, and federal agency requirements, to avoid, reduce, and/or mitigate substantial increases in demand (and significant impacts) on utilities and service systems. Additionally, to be conservative, the cumulative analysis is based on a “worst-case” assumption and therefore also includes the 2019 HEU sites for which an application has not yet been filed with the City, as development of these sites may contribute to certain issue-specific cumulative effects (see [Tables 3.0-1](#) and [3.0-2](#)).

### ***Potential Cumulative Impacts***

Potential project impacts associated with utilities and service systems would be less than significant, as detailed above. The 2016 At Home in Encinitas/Measure T EIR determined that cumulative impacts associated with the 2016 Housing Element Update would be less than cumulative considerable. The 2016 HEU provided a range of options ranging from 1,853 residential units up to 3,261 residential units. The 2019 HEU anticipated 1,560 residential units, less than the minimum yield under the 2016 HEU and less than half of the maximum yield.

A portion of the project site was identified in the HEU and therefore, in combination with existing and reasonably foreseeable future projects that would utilize the same utilities and service systems as the proposed project, such development is not anticipated to overburden the respective wastewater, water, stormwater, natural gas, telecom, and solid waste providers, resulting in the need for upgraded or new facilities, the construction of which could result in significant environmental effects. The portion of the project site not included in the HEU has been included in the analysis herein to ensure the proposed development does not result in an adverse effect on the adequate provision of utilities and services. Additional discussion is provided below.

### **Water Supply**

As discussed under Impact 3.14-1, since the proposed project is consistent with the General Plan and is within the population increase anticipated by the SDWD 2016 UWMP, it is anticipated that the District’s existing facilities would be capable of serving the proposed 94 residential units and non-residential uses that are a part of the proposed project. The San Dieguito Water District’s 2015 Urban Water Management Plan demonstrates that the district is planning to meet future and existing demands, which include the demand increment associated with the growth forecast.

The SDWD will incorporate the proposed project and the cumulative projects identified into their water system hydraulic model to determine potential impacts on the existing water system over

### 3.14 Utilities and Service Systems

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time. As with the proposed project, the cumulative projects would also be required to receive a will-serve letter from the SDWD as part of the discretionary review process. The will-serve letter would indicate whether the SDWD is expected to be able to serve the project for the next 5 years. If approved, the cumulative projects would also be included within future UWMP updates (the next update is scheduled for 2021) so their water use is considered in the evaluation of service provision for future projects. For these reasons, the project is not anticipated to contribute to a significant cumulative impact related to water supply. Cumulative impacts would be less than significant in this regard.

#### **Wastewater**

Wastewater agencies anticipated to serve the project are not at capacity and have anticipated population growth in the City of Encinitas. Similar to the proposed project, cumulative projects would receive a completed a *Project Facility Availability Form* which indicates whether the affected service district is expected to be able to serve a project as proposed for the next 5 years. Further, as part of the discretionary approval process, cumulative projects would be required to provide on-site sewer infrastructure and pay appropriate sewer system connection fees. The City's Public Works Department's existing requirements would ensure that sewer facilities would be sized appropriately for each project and that wastewater treatment requirements of the RWQCB would not be exceeded. For these reasons, the project is not anticipated to contribute to a significant cumulative impact related to wastewater. Cumulative impacts would be less than significant in this regard.

#### **Other Utilities**

As noted above, the project would not substantially increase demand for solid waste disposal service. The Otay Landfill and the Sycamore Landfill both have remaining capacity well into the future to accommodate the project and the cumulative projects. All cumulative projects would similarly be required to evaluate potential effects on local landfills and demonstrate that such facilities are available to serve a project on an individual basis, with consideration for landfill capacities at the time when development is proposed. Additionally, both the proposed project and the cumulative projects would be required to conform to applicable State and local regulations for waste diversion and recycling.

The project is not anticipated to cause a substantial increase in demand for other utilities such as electricity, natural gas, or telecommunications. All projects would be required to evaluate the provision of such services on an individual basis and to demonstrate their availability to serve a proposed development, as appropriate. The project's contribution to a cumulative impact would be less than significant in this regard.

### ***Conclusion***

The proposed project, in combination with existing and reasonably foreseeable future projects that utilize the same utilities and service systems as the proposed project, is not anticipated to overburden the respective wastewater, water, stormwater, natural gas, telecom, or solid waste providers, resulting in the need for upgraded or new facilities, the construction of which could result in significant environmental effects. Cumulative projects would be required to receive will-serve letters from the appropriate water and wastewater providers to confirm that those agencies are capable of serving the project and would be required to demonstrate adequate solid waste disposal facilities to serve a development. Electricity, natural gas, and telecommunications services would rely on existing infrastructure and therefore, would not require expansion of services that would result in an environmental impact. Therefore, for the reasons stated above, the project would not contribute to a significant cumulative impact related to utilities and service systems. Cumulative impacts would be **less than cumulatively considerable**.

**Mitigation Measures:** None required.

**Level of Significance:** Less than cumulatively considerable.

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## Section 4.0

### Effects Found Not to Be Significant

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California Public Resources Code Section 21003(f) states, “It is the policy of the state that...all persons and public agencies involved in the environmental review process be responsible for carrying out the process in the most efficient, expeditious manner in order to conserve the available financial, governmental, physical, and social resources with the objective that those resources may be better applied toward the mitigation of actual significant effects on the environment.” This policy is reflected in California Environmental Quality Act (CEQA) Guidelines Section 15126.2(a), which states that “an EIR [environmental impact report] shall identify and focus on the significant impacts of the proposed project on the environment,” and Section 15143, which states that “the EIR shall focus on the significant effects on the environment.” As stated in Section 15128 of the CEQA Guidelines, “An EIR shall contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR.”

In the course of evaluation, certain impacts were found not to be significant (no impact) or to be less than significant because the characteristics of the proposed project would not result in such impacts. This section briefly describes such effects. However, other individual impacts found to be less than significant are evaluated in the various EIR sections ([Sections 3.1](#) through [3.14](#)) to more comprehensively discuss why impacts are less than significant in order to better inform decision-makers and the general public.

#### **4.1 AGRICULTURE AND FORESTRY RESOURCES**

*a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?*

The California Department of Conservation (DOC) operates a Farmland Mapping and Monitoring Program (FMMP) that maps and collects statistical data on the state’s agricultural resources. Agricultural land is rated according to soil quality and irrigation status, with the best quality land called Prime Farmland. Maps are updated every two years, with current land use information gathered from aerial photographs, a computer mapping system, public review, and field reconnaissance. The DOC Prime Farmlands, Farmlands of Statewide Importance, and Unique Farmlands are referenced in CEQA Guidelines Appendix Gas resources to consider in an evaluation of agricultural impacts.

According to available data from the FMMP, the entire project site is designated as Urban and Built-Up Land which is land occupied by structures with a building density of at least 1 unit to 1.5 acres, or approximately 6 structures to a 10-acre parcel. Common examples include residential,

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4.0 Effects Found Not to Be Significant

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industrial, commercial, institutional facilities, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, and water control structures. This land is usually irrigated, but may include non-irrigated orchards or vineyards as found in some climatic zones in California (DOC 2020). The Urban and Built Up Land designation is not considered as suitable or protected farmland for CEQA purposes.

According to the *Phase I Environmental Site Assessment (ESA) 1950 N. Coast Highway 101* that was prepared for the project, the parcel located at 1950 N. Coast Highway 101 appears to have supported agricultural activities from 1939 to 1964 on the west side of the property. A structure is first noted on-site on an aerial photograph in 1979. This structure is the vacant restaurant that currently exists on-site. Given the time since the last known agriculture use, the land is not considered agriculture land ([Appendix J-1](#)).

Therefore, as the project site does not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, **no impact** would occur.

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

Refer to Response 4.1a), above. The project site does not support agriculture land. As such, lands affected by the proposed project are not subject to a Williamson Act contract. Therefore, **no impact** would occur.

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

The City does not support any lands zoned as forestland or timberland. Therefore, implementation of the proposed project would not conflict with existing zoning for, or cause rezoning of, any forestland or timberland. **No impact** would occur.

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

The City does not contain any forestlands. Therefore, implementation of the proposed project would not result in the loss or conversion of forestland to non-forest use and would not otherwise adversely impact forestland in the area. **No impact** would occur.

- e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to nonagricultural use or conversion of forestland to non-forest use?*

Refer to Responses 4.1a) and 4.1c), above. The project site is currently occupied by an operating restaurant, a small commercial center, and a vacant structure formerly occupied by a restaurant use, along with various supporting surface parking areas and land that is undeveloped, yet disturbed. Existing land uses on surrounding properties are predominantly commercial. Lands surrounding the project site do not support designated Farmland or forestland. Therefore, the proposed project would not involve changes in the existing environment that would result in conversion of Farmland to nonagricultural use or conversion of forestland to non-forest use. **No impact** would occur.

## 4.2 MINERAL RESOURCES

- a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?*

According to the California Department of Conservation Division of Mine and Geology, the project site, along with the majority of lands in the City of Encinitas, is designated as Mineral Resource Zone 3 (MRZ-3), which indicates an area containing mineral deposits the significance of which cannot be evaluated from available data (DOC 1996). No known mineral resource recovery sites occur or are designated within or adjacent to the project site, including in the City's General Plan. Therefore, the proposed project would not result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state. Impacts would be **less than significant**.

- b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?*

The project site is not in an area designated for locally important mineral resources and is not utilized for mineral resource production. As such, the proposed project would not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. **No impact** would occur.

### 4.3 POPULATION AND HOUSING

- a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

The project site is one of 15 consolidated sites included in the City of Encinitas Housing Element Update, which was adopted approved by the City Council at their June 20, 2018. Parcels 1 and 2 are zoned as Limited Visitor-Serving Commercial (N-LVSC) with a Coastal Zone and R-30 Zone overlay. As part of the HEU, this portion of the project site was allocated a minimum of 33 residential units, if developed under a mix use scenario (City of Encinitas 2015). Parcel 3 (APN 2016-041-06) is zoned Commercial Residential Mixed 1 (N-CRM-1) and has a Coastal Zone overlay. As part of the HEU, the City provided a revised housing forecast to SANDAG. The proposed project is consistent with the City's General Plan, Local Coastal Program, Housing Element, Zoning Ordinance, and N101SP (see Section 3.9, Land Use and Planning).

Therefore, the proposed project would not directly induce unplanned growth, as detailed in the HEU. Further, the project site is surround by development to the west and south (residential uses), and Highway 101 to the east, and would not induce substantial indirect growth through the extension of roads and other infrastructure. The site would be developed consistent with the identified housing unit allowances, and no change to the existing General Plan land use designation or zoning classification is required to allow for the project as proposed.

As shown in Table 4.3-1, the City's population is expected to be 62,829 in 2020 and 66,178 in 2050. Based on the person per household estimate of 2.51, the proposed project would support a population of 236 people (2.51 x 94 residential units). Therefore, the proposed project would represent approximately a one percent increase to the 2020 population and a less than a percent increase of the projected 2050 population (City of Encinitas 2019). Total housing units in the City is expected to be 26,131 in 2020 and 27,667 in 2050. The proposed project would represent approximately a one percent increase to the 2020 and 2050 housing units.

**Table 4.3-1 City of Encinitas Population and Housing Projections**

Unit	Estimated		Forecasted		Change from 2016 to 2035	
	2016	2020	2035	2050	Numeric	Percent
Total Population	61,928	62,829	64,718	66,178	2,790	4.3
Person per Household	2.51	2.51	2.51	2.51	0	0
Total Housing Units	25,920	26,131	26,633	27,667	713	2.7

Source: City of Encinitas Housing Element Update, 2019

Therefore, the proposed project would not induce substantial unplanned population growth, either directly (i.e., by proposing new homes and businesses) or indirectly (i.e., through extension of roads or other infrastructure) because the proposed project is included in the planned growth outlined in the HEU. Impacts would be **less than significant**.

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

The project site is currently occupied by an operating restaurant, a small commercial center, and a vacant structure formerly occupied by a restaurant use, along with various supporting surface parking areas and land that is undeveloped, yet disturbed. Refer to [Figure 2.0-2, Aerial Photograph](#). As no housing occurs on the project site, the project would not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere. There would be **no impact**.

## 4.4 WILDFIRE

*If located in or near state responsibility areas or lands classified as very high hazard severity zones, would the project:*

*a) Substantially impair an adopted emergency response plan or emergency evacuation plan?*

The project site is located in a developed urban area surrounded by commercial hotel, commercial retail, and residential uses. According to the Cal Fire Encinitas Very High Fire Hazard Severity Zones in Local Responsibility Area (LRA) Map, the project site is not located in a zone designated as Very High Fire Hazard Severity (Cal Fire 2009).

Emergency response and evacuation is the responsibility of the City of Encinitas Fire Department. The County of San Diego maintains the San Diego County Emergency Operations Plan, which was approved in 2018 (San Diego County 2018b). The Emergency Operations Plan is used by agencies that respond to major emergencies and disasters, including those related to environmental health.

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**4.0 Effects Found Not to Be Significant**

Vehicular access to the site would be provided via a right turn in from the southbound lane of North Coast Highway 101 and via a left turn in from the northbound lane of North Coast Highway 101. Improvements to North Coast Highway 101 are also proposed to allow for adequate ingress/egress. Activities associated with the proposed project would not impede existing emergency response plans for the project area. The project would not result in closures of North Coast Highway 101 or other local roadways that may have an effect on emergency response or evacuation plans in the vicinity of the project site. It is anticipated that all local roadways would remain open during project construction and operation. Further, construction activities occurring within the project site would comply with all conditions, including grading permit conditions regarding lay-down and fire access, and would not restrict access for emergency vehicles responding to incidents on the site or in the surrounding area. It is anticipated that all vehicles and construction equipment would be staged on-site, off public roadways, and would not block emergency access routes.

The project would not interfere with the San Diego County Sheriff's Department's ability to safely evacuate the area in the event of an emergency (see Section 3.7, Hazards and Hazardous Materials; Section 3.11, Public Services and Recreation; and Section 3.12, Transportation). Additionally, the proposed project has been designed in compliance with City Fire Department access and design requirements related to fire prevention and subject to approval by the City's Planning Division.

Therefore, the proposed project would not substantially impair an adopted emergency response plan or emergency evacuation plan. Impacts would be **less than significant**.

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

Refer to Response 4.4a), above. The project site is not located in a zone designated as Very High Fire Hazard Severity.

The site exhibits varied topography. The areas where development has occurred are generally flat; however, approximately 15 percent of the overall property has a slope greater than 25 percent, with some on-site slopes exceeding 40 percent. Historical imagery available for the site indicates that the existing on-site steep slopes are not natural features, and rather, are manufactured slopes.

The entirety of the project site would be graded to allow for the proposed improvements. Grading would include approximately 50,700 cubic yards (c.y.) of cut and 2,300 c.y. of fill; refer to Figure 2.0-7, Grading Plan. All existing on-site vegetation would also be removed with project grading. An estimated 48,400 c.y. of sand material would be exported off-site for beach

placement as part of the City's Opportunistic Beach Fill Program. Proposed maximum cut slopes would be 31 feet in height; maximum fill slopes would be 18 feet in height.

Comprehensive safety measures that comply with federal, state, and local worker safety and fire protection codes and regulations would be implemented for the proposed project. These measures would minimize the occurrence of fire during construction and for the life of the proposed project.

During project construction, occupancy, and operations, the proposed project may introduce potential ignition sources including vehicles, gas- or electric-powered small hand tools (i.e., for maintenance), and standard substances used for routine household cleaning and landscaping maintenance; however, such conditions are not anticipated to exacerbate wildfire risks or increase the risk of exposure of residents to pollutant concentrations. Furthermore, as the project site currently supports commercial uses, potential ignition sources from routine household cleaning and landscaping maintenance already exists on-site.

As part of the mixed-use area, the project would offer a walking paseo, pedestrian plaza, and an outdoor seating area. These uses would be open to the public and are intended to encourage active and passive recreation, social interaction, and community engagement; refer to [Figure 2.0-3, Site Plan](#), and [Figure 2.0-5A, Conceptual Landscape Plan](#). A pedestrian bridge would be constructed at the north end of the project site to connect the proposed 30-room hotel to the adjacent Alila Marea Beach Resort and indirect access to South Ponto State Beach. The pedestrian bridge is not anticipated to exacerbate wildfire risk as the surroundings areas already support pedestrian access so the pathway would not introduce pedestrians to previously undeveloped areas.

The project would be constructed in compliance with access and design requirements of the City of Encinitas Fire Department (conditions of approval) and would be subject to payment of public safety services impact fees to ensure risks from wildfire are minimized. Therefore, the project is not anticipated to exacerbate wildfire risks or otherwise expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. Impacts would be **less than significant**.

*c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?*

Refer to 4.4b). Vehicular access to the site would be provided via a right turn in from the southbound lane of North Coast Highway 101 and via a left turn in from the northbound lane of North Coast Highway 101. Improvements to North Coast Highway 101 are also proposed to allow for adequate ingress/egress. The proposed project has also been designed with respect for the

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**4.0 Effects Found Not to Be Significant**

planned Highway 101 streetscape improvements to provide continuity and to minimize any visual incompatibility or conflict. Construction of the proposed Highway 101 streetscape improvements are planned to be implemented in 4 phases, with construction currently underway at the present time. Improvements to Highway 101, including then streetscape improvements, would not interfere with emergency access.

Emergency access would be on Highway 101 at approximately the location of an existing (but not currently utilized) access point for the property. The project proposes a series of on-site private driveways and alleyways ranging in width from 20 to 26 feet. No new off-site roadways are proposed with the project. Highway 101 would be adequate to serve the development for purposes of emergency evacuation in the event of a wildfire.

San Diego Gas & Electric (SDGE) currently provides electrical service to the project site. All existing and future on-site utilities (electrical lines) would be undergrounded with the proposed project improvements. Public water service for the project would be provided by the San Dieguito Water District. Water utilities improvements would include connections to the public water system and have been designed to achieve the applicable fire flow requirement of 1,500 gallon per minute. None of the infrastructure improvements proposed are anticipated to exacerbate fire risk, and all potential temporary or ongoing effects on the environment resulting with such improvements have been evaluated in Sections 3.1 to 3.14 of this EIR.

The project would not require the installation or maintenance of associated infrastructure that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. Impacts would be **less than significant**.

*d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?*

Geotechnical investigation review of aerial photography indicated no evidence of active or dormant landslides; however, the site is mapped as being in an area generally susceptible to landslides (NOVA 2021). Additionally, the project has been designed to retain and treat stormwater runoff on-site and would not result in an increase in rate or quantity of runoff post-construction as compared to existing drainage conditions (see also Section 3.8, Hydrology and Water Quality).

The proposed project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. Impacts would be **less than significant**.

## 5.1 INTRODUCTION

Section 15126.6(a) of the CEQA Guidelines requires that an EIR describe a reasonable range of project alternatives that could feasibly attain the basic objectives of the project, while avoiding or reducing impacts associated with the project.

According to CEQA Guidelines Section 15126.6(a), the discussion of alternatives must focus on alternatives to the project, or to the project location, which will avoid or substantially reduce any significant effects of the project, even if the alternatives would be costlier or hinder to some degree the attainment of the project objectives.

The “No Project” alternative must also be evaluated. The “No Project” analysis must discuss the existing conditions and what would reasonably be expected to occur in the foreseeable future if the proposed project was not approved.

The range of alternatives required is governed by a “rule of reason,” meaning that the EIR must only evaluate those alternatives necessary to permit a reasoned choice. The alternatives must be limited to only ones that would avoid or substantially lessen any of the significant effects of the proposed project.

Additionally, an EIR should not consider an alternative whose effects cannot be reasonably ascertained and whose implementation is remote and speculative. The CEQA Guidelines also require an EIR to state why an alternative is being rejected. If the City ultimately rejects any or all alternatives, the rationale for rejection will be presented in the findings that are required before the City certifies the EIR and takes action on the proposed project.

According to Section 15126.6(f)(1) of the CEQA Guidelines, among the factors that may be taken into account when addressing feasibility of alternatives are environmental impacts, site suitability, economic viability, availability of infrastructure, general plan consistency, regulatory limitations, jurisdictional boundaries, and whether the applicant could reasonably acquire, control, or otherwise have access to the alternate site.

CEQA requires that an environmentally superior alternative be identified; that is, an alternative that would result in the fewest or least significant environmental impacts. If the No Project Alternative is the environmentally superior alternative, State CEQA Guidelines Section 15126.6(e)(2) requires that another alternative that could feasibly attain most of the project’s basic objectives be chosen as the environmentally superior alternative.

## 5.2 PROJECT OBJECTIVES

The underlying purpose of the proposed project is to create a pedestrian-oriented development that provides a mixture of land use types, offers community services and passive recreational activities, and creates opportunities for attainably-priced residential rental housing across various income groups in conformance with the City's 2019 Housing Element Update (HEU) (City of Encinitas 2019).

The objectives of the proposed project are as follows:

1. Provide housing opportunities consistent with the goals of the adopted City of Encinitas General Plan HEU while minimizing environmental effects and protecting surrounding aesthetic resources.
2. Design a mixed-use development that provides needed multi-family residential housing in compliance with local and State density bonus allowances.
3. Dedicate 20 percent of the total number of dwelling units as affordable housing units for low-income families, thereby helping to meet State-mandated affordable housing requirements and further encourage diversity within the community.
4. Provide access to significant coastal resources to low-income families consistent with goals and policies of the California Coastal Act.
5. Provide a residential housing product aimed at meeting growing demand for for-lease apartment homes.
6. Provide an overall design that achieves consistency with the goals and design review guidelines identified in the North 101 Corridor Specific Plan (N101SP) for Highway 101 within the community of Leucadia.
7. Provide functional compatibility with adjacent residential neighborhoods and other nearby land uses while enhancing the City's ability to provide fiscally positive development.
8. Create a walkable environment that promotes and enhances the pedestrian experience throughout the site, with safe, convenient, and attractive connections including a walking paseo, pedestrian plaza, and outdoor seating to support community engagement.
9. Minimize visual impacts of the development by locating structures of lesser height along the Highway 101 frontage to enhance the pedestrian scale, while gradually increasing building height within the interior of the development.

10. Minimize or avoid adverse impacts to designated scenic resources along the North Coast Highway 101 corridor.
11. Provide a project design that enhances pedestrian connectivity to public transit and promotes use of alternative means of transportation.
12. Provide resident and commercial parking in accordance with the City of Encinitas Zoning Ordinance and encourage shared parking among the various non-residential uses within the project.
13. Provide overnight visitor-serving accommodations in accordance with the City of Encinitas Zoning Ordinance and Local Coastal Program.

### 5.3 IMPACTS OF THE PROPOSED PROJECT

Based on the analysis provided in Section 3.0, Environmental Analysis, the proposed project would result in a significant and unavoidable vehicle miles traveled (VMT) impact (unable to fully mitigate below established thresholds). Refer to Section 3.12, Transportation, for additional discussion.

Other project impacts, including Biological Resources, Cultural Resources, Energy Conservation and Climate Change, Geology and Soils (paleontological resources), Hazards and Hazardous Materials, Noise, and Tribal Cultural Resources can be mitigated to less than significant levels with incorporation of mitigation measures. Impacts to Aesthetics, Agriculture and Forestry Resources, Air Quality, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Population and Housing, Public Services and Recreation, Utilities and Service Systems, and Wildfire were determined to be less than significant.

### 5.4 ALTERNATIVES TO THE PROPOSED PROJECT

This analysis focuses on alternatives capable of eliminating significant adverse environmental effects or reducing them to less than significant levels, even if these alternatives would impede, to some degree, the attainment of the proposed project objectives.

As noted previously, the CEQA Guidelines (Section 15126.6(e)(2)) require that the alternatives discussion include an analysis of the No Project Alternative. Pursuant to CEQA, the No Project Alternative refers to the analysis of existing conditions (i.e., implementation of current plans) and what would reasonably be expected to occur in the foreseeable future if the project was not approved. Further, CEQA Section 15126.6(a) provides that an EIR need not consider every conceivable alternative to a project; rather, an EIR need only consider a reasonable range of

## 5.0 Alternatives

alternatives. The following alternatives have been identified for analysis in compliance with CEQA:

- **Alternative 1:** No Project/No Redevelopment
- **Alternative 2:** No Project/Reasonably Foreseeable Development
- **Alternative 3:** Reduced Residential/Increased Commercial
- **Alternative 4:** Reduced Footprint and Increased Common Space/Public Amenities

Table 5-1, Comparison of Project Alternative Impacts to the Proposed Project, summarizes the potential impacts of each alternative on the environmental resources evaluated in the EIR that require mitigation, as compared to the proposed project.

**Table 5-1 Comparison of Project Alternative Impacts to the Proposed Project**

<b>Topic</b>	<b>Alternative 1: No Project/ No Redevelopment</b>	<b>Alternative 2: No Project/ Reasonably Foreseeable Development</b>	<b>Alternative 3: Reduced Residential/ Increased Commercial</b>	<b>Alternative 4: Reduced Building Footprint and Increased Common Space/ Public Amenities</b>
Biological Resources	<	<	<	=
Cultural Resources	<	<	<	=
Geology and Soils (Paleontological Resources)	<	<	<	=
Energy Conservation and Climate Change	<	<	<	<
Hazards and Hazardous Materials	=	<	<	=
Noise	<	=	=	=
Transportation <sup>1</sup>	<	<	<	<
Tribal Cultural Resources	<	<	<	=

Notes:

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

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

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

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

### **Alternative 1: No Project/No Redevelopment Alternative**

The project site is located within the Leucadia Planning Area of the Highway 101 Corridor Specific Plan. The project site currently supports approximately 10,681 SF of commercial uses, including the small commercial center in the southeastern portion of the site and the unoccupied former restaurant building in the northern portion.

Under the No Project/No Redevelopment Alternative, the proposed project would not be adopted, and future development would not occur. As such, the existing commercial uses would continue to occur on-site in the same capacity as existing conditions. As no new development would occur, this alternative would not include the proposed improvements to North Coast Highway 101 to allow for adequate ingress/egress. It should be noted that this alternative would not be consistent with the City's requirement to provide for housing per the HEU and the City's obligations under the Regional Housing Needs Assessment.

Additionally, under existing conditions, the number of employees for the commercial uses totals 24. With the No Project/No Redevelopment Alternative, no change in the number of employees would occur.

### **Biological Resources**

Impacts to biological resources generally occurs during ground disturbing and construction activities. As this alternative does not include such activities, direct or indirect impacts to biological resources would not occur with this alternative. In addition to avoiding tree removal in the Highway 101 median to provide access to the site, this alternative would also avoid tree removal of existing on-site trees, thereby eliminating disturbance to nesting or migratory avian species. Therefore, impacts to biological resources would be reduced when compared to the proposed project.

### **Cultural Resources**

Impacts to cultural resources generally occurs during ground disturbing activities (i.e., grading and excavation). As this alternative would not result in such activities, direct or indirect impacts to unknown cultural resources would not occur with this alternative. Therefore, impacts to cultural resources would be reduced when compared to the proposed project.

### **Energy Conservation and Climate Change**

The City has adopted an interim screening threshold of 900 MTCO<sub>2</sub>e per year based on guidance in the California Air Pollution Control Officers Association's (CAPCOA's) *CEQA & Climate Change* report. As part of the project GHG analysis, existing GHG emissions from the commercial uses on-site were estimated to be approximately 699.05 MTCO<sub>2</sub>e/year which is below the City's screening threshold; refer to Table 3.5-5. As the project would not be developed under this alternative, it is reasonable to assume that GHG emissions from existing onsite uses would continue at the same level as current conditions. While these emissions would continue to contribute to global climate change, for CEQA purposes, such emissions would be less than significant. As such, this alternative would reduce impacts related to GHG emissions as compared to the proposed project.

## 5.0 Alternatives

### **Geology and Soils (Paleontological Resources)**

Impacts to paleontological resources generally result from grading and/or excavation activities during construction. As this alternative would not include ground disturbing activities, impacts to unknown paleontological resources would not result with this alternative. Therefore, impacts to paleontological resources would be reduced when compared to the proposed project.

### **Hazards and Hazardous Materials**

Based on the results of the Phase I ESA (see [Section 3.7, Hazards and Hazardous Materials](#)), the project would require mitigation measures to reduce significant impacts resulting from potential release of hazardous materials into the environment. Mitigation measures **HAZ-1** through **HAZ-3** would require additional testing of the existing structures on-site to verify the absence of lead-based paint and/or asbestos-related construction materials and to identify any additional remediation required during demolition/deconstruction to safely transport and dispose lead-based paint and/or asbestos.

Alternative 1 would not implement these mitigation measures as construction is not proposed, and therefore, demolition of any existing on-site structures would not be required. Hazardous materials would thus not be upset during construction activities. Since potential hazardous materials would stay in place, an impact would not occur.

### **Noise**

The nearest structures to the project site are multi-family residential buildings located approximately 20 feet west of the of the project boundary. As indicated in [Section 3.10, Noise](#), no significant construction or operational noise generation impacts would occur with project implementation.

However, as indicated in [Table 3.10-9](#), vibration velocities from typical heavy construction equipment used during project construction would range from 0.0042 (a small bulldozer) to 0.2935 (vibratory roller) inches/second (in/sec) peak particle velocity (PPV) at 20 feet from the source of activity, which would potentially exceed the Federal Transit Administration's 0.2 in/sec PPV threshold for architectural damage.

As no project would be constructed, vibration impacts from construction activities would not occur. Therefore, this alternative would reduce potential significant noise impacts relative to vibration as compared to the proposed project.

### **Transportation**

As no development would occur under Alternative 1, the existing commercial uses would continue to operate as they do under existing conditions, generating an estimate 943 average daily trips (ADT). No improvements would be made to enhance mobility (i.e., pedestrian, bicycling, transit) and no roadway improvements would occur for ingress/egress. It is noted that the vehicle miles traveled (VMT)/employee of the existing operations may exceed 85% of the regional average. However as no development would occur on-site, it is reasonable to conclude that the No Project Alternative VMT/employee would result in reduced impacts related to VMT as compared to the proposed project as fewer daily vehicle trips would be generated and the only VMT would be generated by the existing commercial uses on-site. Therefore, this alternative would avoid significant and unavoidable impacts related to transportation (VMT) that would result from project implementation.

### **Tribal Cultural Resources**

Impacts to tribal resources generally occur during ground disturbing activities (i.e., grading and excavation). As this alternative would not include such activities, direct and indirect impacts to unknown tribal cultural resources would not occur with this alternative. Therefore, impacts to tribal cultural resources would be reduced when compared to the proposed project.

### **Summary**

Impacts to biological resources, cultural resources, energy conservation and climate change, geology and soils (paleontological resources), hazards and hazardous materials, noise, and tribal cultural resources would be reduced as the project site would not be developed and existing on-site operations would be maintained at their current capacity. This alternative would also result in reduced transportation impacts as fewer daily vehicle trips would be generated by existing operations as compared to the proposed project. As such, this alternative would avoid the significant and unavoidable impact related to VMT that would result from implementation of the proposed project. Refer to Table 5-1, Comparison of Project Alternative Impacts to the Proposed Project.

With the No Project/No Redevelopment Alternative, no development or other site improvements would occur. As such, this alternative would not meet any of the project objectives, in particular, the provision of mixed-use development that would offer new residential housing opportunities, including affordable housing, and visitor-serving accommodations in accordance with the City of Encinitas Zoning Ordinance and Local Coastal Program.

***Alternative 2: No Project/Reasonably Foreseeable Development Alternative***

Under the No Project/Reasonably Foreseeable Development Alternative, development would occur consistent with that allowed by the HEU. The property comprising Site 2 (Parcel 3) would not be purchased by the developer and would remain in its current state with the small-scale commercial uses operating on-site; no demolition of or improvements to these uses would occur.

Similar to the proposed project, a 30-room hotel would be constructed on Parcel 1 in the northern portion of the site. On Parcel 2, 33 residential units (for-lease apartments) would be constructed, which represents the minimum number of residential dwelling units required by the HEU. This alternative would include 7 affordable residential units which represents 20 percent of the overall proposed units. As such, the number of affordable residential units would be reduced from 19 to 7 units. The remainder of Parcel 2 would be developed with approximately 10,774 SF of commercial space.

Using the same estimate of 2.51 persons per household as the proposed project, this alternative would generate a resident population of 83 persons. Additionally, at an assumed employee demand of 250 SF/employee, the 10,774 SF of commercial space would generate an estimated 43.1 employees. Similar to the project as proposed, the 30-room hotel would generate approximately 9.8 employees. Therefore, development under this alternative would generate an estimated total of 53 employees, as compared to the 62 employees generated with the proposed project.

Proposed access to the site would occur via the same improvements as proposed with the project, and similar median landscaping would be planted. Additionally, the provision of on-site landscaping and private common open space for the residential uses would occur consistent with City requirements. An on-site parking structure would also be constructed to serve the hotel, commercial, and residential uses.

**Biological Resources**

Since the project site is largely void of biological resources, this alternative would generally not be expected to directly or indirectly impact sensitive wildlife or plant species. As with the proposed project, construction on the subject site under this alternative would have the potential to indirectly affect nesting avian species if determined to be present at the time construction is undertaken. However, as this alternative would not include the purchase and development of Site 2 (Parcel 3), impacts to biological resources would be reduced as compared to the proposed project as the area of potential disturbance would be reduced, as would be the number of trees to be removed from the site. This alternative would still require implementation of the same mitigation as the proposed project to reduce impacts to a less than significant level, but the

severity of the impact would be reduced as compared to the project as Site 2 would not be developed.

### **Cultural Resources**

As with the proposed project, construction on the subject site under this alternative would have the potential to directly and/or indirectly impact unknown cultural resources. However, since this alternative would not include the purchase and development of Site 2 (Parcel 3), the land area affected by grading and excavation activities would be reduced, thereby also reducing the potential to encounter unknown cultural resources of significance. This alternative would still require implementation of the same mitigation as the proposed project to reduce impacts to a less than significant level, but the severity of the impact would be reduced as compared to the project as Site 2 would not be developed.

### **Energy Conservation and Climate Change**

As the property comprising Site 2 (Parcel 3) would not be purchased by the developer, GHG emissions generated by continued operation of the existing small-scale commercial uses would not contribute to emissions generated by this alternative.

As stated, development under this alternative would result in a reduction in the number of residential apartment units developed on Parcel 2 would be reduced to 33 as compared to 94 with the project, and commercial space would be reduced to approximately 10,774 SF. Similar to the proposed project, a 30-room hotel would be constructed on Parcel 1. As such, it is anticipated that with the reduced development, which in turn would reduce associated construction demands, overall energy use, and traffic generation (i.e., reduced number of employee and resident vehicle trips), GHG emissions would be less than those generated by the proposed project.

### **Geology and Soils (Paleontological Resources)**

Impacts to paleontological resources generally occur during ground disturbing activities, such as grading and excavation. As this alternative would include construction activities, direct impacts to unknown paleontological resources may occur from the various subsurface construction disturbances associated with this alternative. However, as this alternative would not include the purchase and development of Site 2 (Parcel 3), impacts to paleontological resources would be reduced as compared to the proposed project as less land area would be disturbed, thereby reducing the potential to encounter unknown resources. This alternative would still require implementation of the same mitigation as the proposed project to reduce impacts to a less than significant level, but the severity of the impact would be reduced as compared to the proposed project as Site 2 would not be developed.

### **Hazards and Hazardous Materials**

As this alternative would not develop Site 2 (Parcel 3) and this site would remain in its current state with the small-scale commercial uses operating on-site; no demolition of or improvements to these uses would occur, and therefore, no potentially hazardous substances (i.e., lead based paint or asbestos) would be released into the environment or require treatment. As such, this alternative would not require the implementation of mitigation measures as would occur with the proposed project. Therefore, compared to the proposed project, the potential for significant hazards to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials would be decreased with this alternative. Impacts would be reduced as compared to the proposed project.

### **Noise**

The nearest structures are multi-family residential buildings located approximately 20 feet west of the project boundary. These multi-family residential buildings are immediately adjacent to Parcels 1 and 2. As these parcels would still be developed under this alternative, it is reasonable to assume that vibration impacts from construction activities would be similar to impacts generated by the proposed project. Mitigation measure **NOI-1** would be required to reduce vibration levels below the adopted threshold. No other construction or operational impacts are anticipated to occur with this alternative. Vibration impacts associated with construction would be less than significant with mitigation incorporated, similar to the proposed project.

### **Transportation**

As shown Section 3.12, Transportation, the proposed project would generate 1,963 ADT. Project implementation would also replace the 943 daily trips associated with the existing on-site commercial operations, and therefore, the project's net increase (above existing) would be 1,020 ADT. Additionally, the proposed project would be consistent with the City's General Plan. However, based on the Technical Advisory and Regional TIS Guidelines, the project does not fall below the ADT screening thresholds of either 110 ADT or 1,000 ADT.

Based on the analysis provided in Section 3.12, Transportation, the proposed project would exceed 85% of the regional VMT/capita or VMT/employee. As a result, mitigation measure **TR-1** is proposed to require implementation of a Transportation Demand Management (TDM) Program which includes measures to reduce the proposed project's VMT. The SANDAG Mobility Management VMT Reduction Calculator Tool computed a total sum of 6.4% VMT reduction based on the project's proposed voluntary employer commute program and the mixed land uses. However, as the project would not meet the 15% reduction threshold, a significant and

unavoidable impact would occur. The table below provides an updated VMT estimate for Alternative 2.

**Table 5-2 Project Trip Generation for Alternative 2**

Proposed Project				
Land Uses	Rate	Size and Units		Average Daily Trips (ADT)
Resort Hotel	10 /Room	30	Rooms	300
Multi-Family (>20 du/acre)	6/DU	33	DU	198
Specialty Retail/Strip Commercial	40/KSF	10,774	SF	430
<i>Project Driveway Trips:</i>				928
<b>Pass-by Trips per SANDAG rates (Existing trips already on Highway 101)</b>				
Specialty Retail (Pass-by = 15%):				-65
<i>Project Primary and Diverted Trips:</i>				863

DU = Dwelling Unit; ADT = Average Daily Trip; KSF = thousand square feet; SF = square feet .

Spreadsheet rounding may result in +1 to the above numbers.

As shown, this alternative would generate 928 ADT, but after the pass-by trips are deducted the project would generate approximately 863 ADT. As this alternative falls below the ADT screening threshold of 1,000 ADT, further VMT/Capita and VMT/Employee analysis is not required to address the residential and commercial uses proposed. Therefore, transportation impacts related to VMT would be less than significant for this alternative and this alternative would avoid the significant and avoidable impact that would result with implementation of the proposed project. As the ADT screening threshold would not be met, this alternative would not be required to implement mitigation measure **TR-1** which addresses the proposed project's VMT impacts, including implementation of SANDAG's iCommute program, development of a bikeshare program, pedestrian improvements, and provision of wayfinding information for public transit.

### **Tribal Cultural Resources**

As with the proposed project, construction on the subject site under this alternative would have the potential to directly and/or indirectly impact unknown tribal cultural resources. However, as this alternative would not include the purchase and development of Site 2 (Parcel 3), impacts to unknown tribal cultural resources would be reduced as compared to the proposed project as the area of disturbance would be reduced, thereby also reducing the potential to encounter such resources. This alternative would still require the implementation of the same mitigation as the proposed project to reduce impacts to a less than significant level, but the severity of the impact would be reduced as compared to the project as Site 2 would not be developed.

### **Summary**

As this alternative would not include the purchase and development of Site 2 (Parcel 3) and a reduced, less intensive development plan would be implemented, impacts to biological resources

## 5.0 Alternatives

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(e.g., potential to affect nesting avian species), cultural resources (e.g., potential to inadvertently discover unknown resources), energy conservation and climate change, geology and soils (paleontological resources), hazards/hazardous materials, and tribal cultural resources would be reduced as compared to the proposed project. Vibration impacts associated with construction would be less than significant with mitigation incorporated, similar to the proposed project.

This alternative would also result in reduced transportation impacts. As Site 2 would no longer be purchased and developed, the ADT from Site 2 would not be included for CEQA purposes. Since the ADT for this alternative (830) falls below the ADT screening threshold of 1,000 ADT, further VMT/Capita and VMT/Employee analysis is not required to address both the residential and commercial uses proposed. Therefore, transportation impacts related to VMT would be less than significant for this alternative and this alternative would avoid the significant and avoidable impacts from the proposed project.

Additionally, while this alternative would not include the purchase and development of Site 2 (Parcel 3), it should be noted that another developer may purchase and develop the parcel in the future. Such development may include residential or commercial uses similar to that currently proposed with the project.

This alternative would meet the primary project objectives, such as designing a mixed-use development that provides needed multi-family residential housing in compliance with local and State density bonus allowances. However, as the number of dwelling units would be reduced, this alternative would dedicate fewer dwelling units as affordable housing units for low-income families since the number of affordable units is based on a percentage of the total dwelling units proposed.

### ***Alternative 3: Reduced Residential/Increased Commercial Alternative***

The Reduced Residential/Increased Commercial Alternative would result in development of the site at a similar intensity as the proposed project with a reduction in the proposed number of residential units and an increase in the square footage of the proposed commercial uses.

Under this alternative, the 30-room boutique hotel would remain. Additionally, Site 1 would be developed with 84 for-lease apartment units, which is the maximum number of dwelling units allowed under the existing zoning and similar to that which would occur with the proposed project. This alternative would remove the 10 dwelling units proposed on Site 2, so no residential uses would be proposed on Site 2. Private open space for the 84 residential units would also be provided as proposed with the project.

This alternative would qualify for incentives under Density Bonus Law by providing “low income”<sup>1</sup> affordable residential units (affordable to households earning no more than 80 percent of the area median income) which represents 20 percent of the overall proposed units. As this alternative removes 10 units, the number of affordable residential units would be reduced from 19 to 17 units.

In addition to the 18,261 SF of commercial use as proposed with the project, this alternative would increase commercial uses by approximately 8,978 SF (this is equal to the 8,228 SF on Parcel 3 plus the 750 SF of required private open space as proposed with the project). Therefore, a total of 27,238 SF of commercial use would be provided.

Using the same estimate of 2.51 persons per household as the proposed project, this alternative would generate an estimated resident population of 211 persons. Additionally, at an assumed employee demand of 250 SF/employee, the 8,978 SF of additional commercial space would generate an estimated 36 employees above the 62 employees generated with the proposed project. Therefore, commercial development under this alternative would generate an estimated total of 98 employees.

Proposed access to the site would occur via the same improvements as proposed with the project, and similar median landscaping would be planted. Additionally, the provision of on-site landscaping and common open space for the residential uses would occur consistent with City requirements. An on-site parking structure would also be constructed to serve the hotel, commercial, and residential uses, as appropriate.

### **Biological Resources**

As this alternative would result in development of the site at a similar intensity as the proposed project, implementation of Alternative 3 would result in similar impacts to biological resources. Specifically, construction on the subject site under this alternative would have the potential to indirectly affect avian species if determined to be present at the time construction is undertaken. Additionally, as development of this alternative would affect the same land area as the proposed project, all existing trees (i.e., potential nesting sites) would be removed from the site, similar to that which would occur with the project. Therefore, impacts on biological resources would be considered similar to those that would result with the proposed project, and the same mitigation measures as identified with the project would be required.

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<sup>1</sup> 94 residential apartment units x 0.20 = 18.8 units, or 19 total units (rounded up).

## 5.0 Alternatives

### Cultural Resources

As this alternative would result in development of the site at a similar intensity as the proposed project, implementation of Alternative 3 would result in similar impacts to unknown cultural resources as the proposed project. Specifically, construction on the subject site under this alternative would have the potential to directly and/or indirectly impact unknown cultural resources, as the area of land disturbed and the construction techniques (i.e., grading and excavation) would be similar. Therefore, similar mitigation measures as the proposed project would be required to address potential impacts to undiscovered cultural resources. Impacts would be similar to the proposed project and considered less than significant with mitigation incorporated.

### Energy Conservation and Climate Change

While this alternative would remove the 10 dwelling units proposed on Site 2, the residential uses would be replaced with approximately 8,978 SF of commercial uses. Therefore, a total of 27,238 SF of commercial use would be provided. Although these changes would alter the site plan and construction plan, it is assumed that the overall intensity of project construction would be similar under this alternative as the proposed project, as the project components would be similar.

As stated in Section 3.5, Energy Conservation and Climate Change, the proposed project would have a total service population (net increase of residents and employees on-site) of 274 people. This alternative would generate an estimated resident population of 211 persons since this alternative would have fewer residential units. Additionally, the 8,978 SF of additional commercial space would generate an estimated 36 employees above the 62 employees generated with the proposed project for an estimated total of 98 employees. As such, this alternative would have a total service population of 309 people compared to the 274 people with the proposed project. Since the project emissions are divided by the service population, this alternative would result in less emissions per person. However, while this alternative would result in less impacts than the proposed project, this alternative would also exceed the significance threshold of 2.7 MTCO<sub>2</sub>e per year per service population from the City's CAP.

Therefore, the impact would be potentially significant and mitigation would be required. As with the proposed project, mitigation measure **GHG-1** would be implemented to require the project applicant to purchase and retire GHG offsets to reduce the project's GHG emissions to 2.7 MTCO<sub>2</sub>e per year per service population. With implementation of mitigation measure **GHG-1**, this alternative would not exceed the GHG emissions threshold from the City's CAP, and impacts would be less than significant with mitigation incorporated, similar to the proposed project.

### **Geology and Soils (Paleontological Resources)**

Impacts to paleontological resources generally occur during ground disturbing activities (i.e., grading and excavation). As this alternative would result in development of the site at a similar intensity as the proposed project, implementation of Alternative 3 would result in similar impacts to paleontological resources. Specifically, direct impacts to unknown paleontological resources may occur from the various subsurface construction disturbances associated with this alternative, as the same land area would be disturbed as with the project, and required excavations would be similar. As such, mitigation measures identified to reduce potential impacts resulting with the proposed project would also be required to address the recovery of unknown paleontological resources with this alternative. Therefore, impacts would be less than significant with mitigation incorporated, similar to the proposed project.

### **Hazards and Hazardous Materials**

Based on the results of the Phase I ESA, the proposed project would require mitigation measures to reduce the potentially significant impacts involving the potential release of hazardous materials into the environment. Mitigation measures **HAZ-1** through **HAZ-3** would require additional testing of the existing structures on-site to verify the absence of lead-based paint and/or asbestos-related construction materials and any additional remediation during demolition/deconstruction required to safely transport and dispose any lead-based paint and/or asbestos. This alternative would implement the mitigation measures as the existing buildings on-site would be demolished. Therefore, impacts would be less than significant with mitigation incorporated, similar to the proposed project.

### **Noise**

While land uses and intensities would be changed under this alternative, construction activities would be anticipated to be similar to those resulting with the proposed project. The nearest structures are multi-family residential buildings located approximately 20 feet west of the of the project boundary. As Parcels 1 and 2 would still be developed under this alternative, it is reasonable to assume that vibration impacts from construction activities would be similar to impacts from the proposed project. Therefore, mitigation measure **NOI-1** would be required to reduce vibration levels to below the adopted threshold. Vibration impacts associated with construction would be less than significant with mitigation incorporated, similar to the proposed project. No other construction or operational impacts are anticipated to occur with this alternative.

5.0 Alternatives

**Transportation**

As shown [Section 3.12, Transportation](#), the proposed project would generate 1,963 ADT and would therefore not fall below the ADT screening thresholds of either 110 ADT or 1,000 ADT. The project would exceed 85% of the regional VMT/capita or VMT/employee and mitigation measure **TR-1** would be implemented to require preparation of a TDM Program to reduce the proposed project's VMT; however, impacts would remain significant and unavoidable. [Table 5-3, Project Trip Generation for Alternative 3](#), provides the VMT estimate for this alternative.

**Table 5-3 Project Trip Generation for Alternative 3**

Project Alternative 3				
Land Uses	Rate	Size and Units		Average Daily Trips (ADT)
Resort Hotel	10 /Room	30	Rooms	300
Multi-Family (>20 du/acre)	6/DU	84	DU	504
Specialty Retail/Strip Commercial	40/KSF	17,562	SF	702
Restaurant (sit down; high turnover)	160/KSF	3,905	SF	625
Restaurant (quality)	100/KSF	2,134	SF	213
Office	20/KSF	3,638	SF	73
<b>Project Driveway Trips:</b>				<b>2,417</b>
<b>Pass-by Trips per SANDAG rates (Existing trips already on Highway 101)</b>				
Specialty Retail (Pass-by = 15%):				-105
Restaurant High Turnover (Pass-By = 12%):				-75
Restaurant Quality (Pass-By = 12%):				-26
Office (Pass-By = 4%):				-3
<b>Project Primary and Diverted Trips:</b>				<b>2,208</b>
<b>Existing Uses to be Removed</b>				
Restaurant (sit down; high turnover)	160/KSF	5,333	SF	853
Specialty Retail/Strip Commercial	40/KSF	2,249	SF	90
<b>Credit for Existing Use Driveway Trips:</b>				<b>943</b>
<b>Pass-By Trips per SANDAG rates (Existing trips already on Highway 101)</b>				
Restaurant (Pass-By =12%):				-102
Credit for Existing Use Primary & Diverted Trips:				841
<b>Net Change in Primary and Diverted Trips (for analysis):</b>				<b>1,367<sup>1</sup></b>

Source: LOS Engineering, Inc. 2020; see Appendix X-1.

<sup>1</sup> 2,208 – 943 = 1,265 net change in primary and diverted trips

DU = Dwelling Unit; ADT = Average Daily Trip; KSF = thousand square feet; SF = square feet

Spreadsheet rounding may result in +1 to the above numbers.

As shown, this alternative would generate approximately 1,367 ADT which is less than the proposed project (1,963 ADT). As such, this alternative would result in less than significant impacts than the proposed project. However, as this alternative would not fall below the ADT screening threshold of 1,000 ADT, a VMT/Capita and VMT/Employee analysis would be required to address both the residential and commercial uses proposed.

The project site is located in Census Tract 177.01. Refer to Table 3.12-2 for the VMT/Capita and VMT/Employee percentages for the proposed project. As described in Section 3.12, Transportation, the proposed project would result in a significant impact because the project exceeds the 85% VMT threshold.

As with the proposed project, this alternative would be located on an infill site; would contain a mix of uses on-site; includes project design features to enhance sustainability; would provide for a variety of housing types including “low income” affordable housing; and would be consistent with City’s General Plan, Local Coastal Program, N101SP, Climate Action Plan, and SANDAG’s The Regional Plan, impacts related to VMT/Capita and VMT/Employee would still exceed 85% of the regional average.

Similar to the proposed project, to reduce the VMT/Capita and VMT/Employee associated with this alternative, VMT reducing measures would need to be implemented. Transportation Demand Management (TDM) strategies would be implemented as potential mitigation, aimed at vehicle trip reduction and increased use of alternative travel modes. Enforceable additive measures identified under mitigation measure **TR-1** for the proposed project would be implemented to reduce potential VMT-related impacts; however, even with such mitigation, impacts relative to VMT would remain significant and unavoidable for this alternative, similar to the proposed project.

### **Tribal Cultural Resources**

As this alternative would result in development of the site at a similar intensity as the proposed project, implementation of Alternative 3 would result in similar impacts to unknown tribal cultural resources. Specifically, construction on the subject site under this alternative would have the potential to directly and/or indirectly impact unknown tribal cultural resources, as the extent of grading and/or excavation activities would be similar. Therefore, similar mitigation measures as the proposed project would be required to address undiscovered tribal cultural resources. Impacts would be similar to the proposed project and considered less than significant with mitigation incorporated.

### **Summary**

As this alternative would have a similar area of disturbance as the proposed project, and would require similar construction activities, impacts to biological resources (e.g., potential to affect nesting avian species), cultural resources (e.g., potential to inadvertently discover unknown resources), geology and soils (paleontological resources), hazards and hazardous materials, noise, and tribal cultural resources would be similar to the proposed project. However, this alternative would reduce impacts to energy conservation and climate change as this alternative

## 5.0 Alternatives

would have a higher service population. This alternative would also reduce VMT impacts as this alternative would generate approximately 1,367 ADT which is less than the proposed project (1,963 ADT). Although reduced compared to the proposed project, VMT impacts would remain significant and unavoidable.

This alternative would meet the primary project objectives, such as designing a mixed-use development that provides needed multi-family residential housing in compliance with local and State density bonus allowances. However, as the number of dwelling units would be reduced, this alternative would dedicate fewer dwelling units as affordable housing units for low-income families as the number of affordable units is based on a percentage of the total dwelling units proposed.

### ***Alternative 4: Reduced Building Footprint and Increased Common Space/Public Amenities Alternative***

The Reduced Building Footprint and Increased Common Space/Public Amenities Alternative would reduce the overall building footprint on-site and allow for the provision of additional common public space and amenities, including enhanced pedestrian and bicycle facilities.

Building 3 (2,249 SF one-story) and Building 5 (1,544 SF; 1 story), as shown on [Figure 2.0-3, Site Plan](#), and totaling approximately 3,793 SF, would not be constructed with this alternative. An incentive would be requested to increase the height of Building 2 from 2 stories to 3 stories. Building 2 would then accommodate the square footage of commercial uses removed with deletion of Buildings 3 and 5 to achieve a no net loss of commercial space. With Building 2 constructed as a 3-story building, this alternative would increase the number of proposed 3-story buildings fronting directly onto Highway 101.

This alternative would also include expanded on-site bike facilities as compared to the project to encourage on-site employees, residents, and visitors to utilize alternative means of transit. Such facilities would include bike racks installed in the commercial mixed-use area and at each of the residential buildings; storage lockers available for short-term rental; on-site bike rental or a bikeshare program (i.e., on-demand access for visitors and hotel guests); and installation of an on-site electrical bike charging station.

As Buildings 3 and 5 are not proposed to support residential uses with the project, no change in the overall number of residential apartment units would occur with this alternative. A total of 94 residential units would be constructed, with 19 units being low income affordable housing. Private open space for the residential uses would also be provided as proposed with the project.

Additionally, common open space amenities on-site would be expanded to further encourage and support opportunities for community gathering and passive recreation. Such amenities are

anticipated to include a centralized community green space/pocket park that could be used to support occasional small local events, public speaking engagements or lectures (i.e., educational presentations on Batiquitos Lagoon and subsequent nature walks, or as a meeting place/starting point for organized walking tours of the Highway 101 corridor); general community meeting and gathering space; and/or special events, such as an art walk or farmers' market, to entice local residents and visitors alike to the site. Additionally, enhanced landscaping would be accommodated within the community green space/park and other areas on-site as compared to the project (i.e., that could result in on-site tree replacement at a higher ratio than would occur with the proposed project).

Using the same estimate of 2.51 persons per household as the proposed project, this alternative would generate an estimated resident population of 236 persons, similar to the project. Additionally, the commercial uses, including the hotel, would generate an estimated 62 employees, similar to the proposed project.

Proposed access to the site would occur via the same improvements as proposed with the project, and similar median landscaping would be planted. Additionally, the provision of on-site landscaping and common open space for the residential uses would occur consistent with City requirements. An on-site parking structure would also be constructed to serve the hotel, commercial, and residential uses, as appropriate.

It should be noted that increasing the height of Building 2 may potentially increase the perceived visual bulk and scale of the development which would affect public views along the Highway 101 corridor. Additionally, the increased height of Building 2 may affect private views from the adjacent Seabluffe residential development, particularly those residences located adjacent to the west with views across the site; however, only public views are considered within the legal framework of CEQA.

Project impacts on aesthetic resources were determined to be less than significant in this EIR; refer to [Section 3.1, Aesthetics](#). Although the increase in proposed height of Building 2 may increase the intensity of uses along the Highway 101 corridor, the 3-story building would not obstruct views of the scenic corridor and impacts would remain less than significant, similar to the proposed project. Additionally, as Building 3 would be removed with this alternative, the number of structures fronting onto Highway 101 would be decreased, providing additional views into the site and a sense of increased openness for pedestrians and others traveling along the project frontage.

## 5.0 Alternatives

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### **Biological Resources**

As the project site is largely void of biological resources, this alternative would generally not be expected to directly or indirectly impact sensitive wildlife or plant species, similar to the proposed project. As with the project, construction of this alternative would have the potential to indirectly affect avian species if determined to be present at the time construction is undertaken through the removal of onsite trees that may be used as nesting habitat by avian species. Therefore, impacts on biological resources would be considered similar to those that would result with the proposed project, and the same mitigation measures as identified with the project would be required to reduce impacts to less than significant.

### **Cultural Resources**

As with the proposed project, construction on the subject site under this alternative would have the potential to directly and/or indirectly impact unknown cultural resources, and a similar land area would be disturbed. Therefore, similar mitigation measures as the proposed project would be required to address undiscovered cultural resources. Impacts would be similar to the proposed project and considered less than significant with mitigation incorporated.

### **Energy Conservation and Climate Change**

While this alternative would reconfigure the project site and remove Buildings 3 and 5, the project would still be constructed at the same intensity as the proposed project because the height of the remaining buildings would be increased to accommodate the uses originally designated for Buildings 3 and 5. Even though this alternative would require a modified site plan and construction plan, it is assumed that the overall intensity of project construction would be the same under this alternative as the proposed project since the project components would be the similar.

The expanded on-site bike facilities, including bike racks installed in the commercial mixed-use area and at each of the residential buildings, proposed under this alternative would encourage the use of alternative means of transit; however, the reduction in GHG would not be expected to fall below applicable thresholds and thus impacts would remain significant.

Mitigation measure **GHG-1** requires the project applicant to purchase and retire GHG offsets to reduce the project's GHG emissions to 2.7 MTCO<sub>2</sub>e per year per service population. With implementation of mitigation measure **GHG-1**, this alternative would not exceed the GHG emissions threshold from the City's CAP, and impacts would be less than significant, similar to the proposed project.

### **Geology and Soils (Paleontological Resources)**

Impacts to paleontological resources generally occurs during ground disturbing activities (i.e., grading and excavation). Since this alternative would include construction activities similar to that of the proposed project, direct and indirect impacts to unknown paleontological resources may occur from the various subsurface construction disturbances associated with this alternative. As such, similar mitigation measures as required for the proposed project would also be required to address the recovery of unknown paleontological resources, if encountered during construction. Therefore, impacts would be less than significant with mitigation incorporated, similar to the proposed project.

### **Hazards and Hazardous Materials**

As the existing on-site buildings would be demolished to enable construction of this alternative, similar to the proposed project, such activities may result in the potential release of hazardous substances, such as lead based paints or asbestos, due to the age of the on-site structures. As such, impacts resulting with this alternative would be similar to the proposed project and mitigation measures **HAZ-1** through **HAZ-3** would be implemented to require additional testing in order to verify the absence of lead-based paint and/or asbestos-related construction materials and any additional remediation required. Therefore, impacts would be less than significant with mitigation incorporated, similar to the proposed project.

### **Noise**

The nearest structures are multi-family residential buildings located approximately 20 feet west of the of the project boundary. While this alternative would not construct Building 3 and Building 5, the buildings proposed closest to the western boundary would still be constructed. As such, it is reasonable to assume that vibration impacts from construction activities would be similar to impacts resulting with the proposed project. Therefore, mitigation measure **NOI-1** would be required to reduce vibration levels below the threshold. Vibration impacts associated with construction of this alternative would be less than significant with mitigation incorporated, similar to the proposed project.

### **Transportation**

As this alternative would develop the site in the same intensity as the proposed project (i.e. residential uses, hotel, and commercial uses), this alternative would result in the same ADT as the proposed project. However, this alternative would include additional measures that would reduce VMT-related impacts. As compared to the measures identified in mitigation measure **TR-1**, this alternative would include expanded on-site bike facilities as compared to the project to encourage on-site employees, residents, and visitors to utilize alternative means of transit. Such

## 5.0 Alternatives

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facilities would include bike racks installed in the commercial mixed-use area and at each of the residential buildings; storage lockers available for short-term rental; on-site bike rental or a bikeshare program (i.e., on-demand access for visitors and hotel guests); and installation of an on-site electrical bike charging station. While these measures would reduce the severity of the VMT impact, the resulting impact would still exceed thresholds and thus be considered significant and unavoidable.

### **Tribal Cultural Resources**

As with the proposed project, construction under this alternative would have the potential to directly and/or indirectly impact unknown tribal cultural resources. As the extent of land area disturbed with this alternative and the construction methods used would be similar to that of the proposed project, the potential for impacts to occur are also considered to be similar. Therefore, similar mitigation as the proposed project would be required to reduce potential effects on undiscovered tribal cultural resources. Impacts would be similar to the proposed project and reduced to less than significant with mitigation incorporated.

### **Summary**

As this alternative would have a similar footprint and area of disturbance as the proposed project, impacts to biological resources (e.g., potential to affect nesting avian species), cultural resources (e.g., potential to inadvertently discover unknown resources), energy conservation and climate change, geology and soils (paleontological resources), hazards and hazardous materials, noise, and tribal cultural resources would be similar to the proposed project.

With the implementation of enhanced measures, this alternative would reduce VMT impacts compared to the proposed project. However, impacts would remain significant and unavoidable as with the proposed project. Refer to Table 5-1, Comparison of Project Alternative Impacts to the Proposed Project.

As this alternative would support the similar uses and components as the proposed project, this alternative would meet the primary project objectives, such as designing a mixed-use development that provides needed multi-family residential housing in compliance with local and State density bonus allowances.

## **5.5 ALTERNATIVES CONSIDERED BUT REJECTED**

In accordance with CEQA Guidelines Section 15126.6, an EIR should identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and should briefly explain the lead agency's determination. Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are failure to meet most of the

basic project objectives, infeasibility, or inability to avoid significant environmental effects. The following are brief discussions of alternatives that were considered and subsequently rejected by the City as infeasible, and thus were not further analyzed in this EIR.

### ***Parking Reduction Alternative***

For land use development projects, the Technical Advisory and Regional TIS Guidelines requires the following metrics be analyzed to determine if a project would result in a significant transportation-related impact:

- **VTM/Capita:** Includes all vehicle-based person trips grouped and summed to the home location of individuals who are drivers or passengers on each trip. This metric includes both home-based and non-homebased trips. The VMT for each home is then summed for all homes in a particular census tract and divided by the population of that census tract to arrive at Resident VMT/Capita.
- **VTM/Employee:** Includes all vehicle-based person trips grouped and summed to the work location of individuals on the trip. This includes all trips, not just work-related trips. The VMT for each work location is then summed for all work locations in a particular census tract and then divided by the total number of employees of that census tract to determine the VMT/Employee.

Per the OPR Technical Advisory and the Regional TIS Guidelines, if the project average is lower than either 85% of the regional average or 85% of the average for the city or community in which the project is located, the VMT impacts of the project can be presumed less than significant.

As described in Section 3.12, Transportation, the proposed project would implement Transportation Demand Management (TDM) measures to reduce the project's VMT. Total VMT reduction for the proposed project would be 6.4% which does not meet the 15% reduction threshold. As such, the proposed project would result in significant and unavoidable impacts.

Under the parking reduction alternative, transportation impacts related to VMT would be reduced compared to the proposed project. Calculations on unbundled parking can be found below:

Unbundled parking is expected to reduce VMT by 7.5% (SANDAG 2019).

## 5.0 Alternatives

CAPCOA calculates the VMT reduction for limited parking supply using the following equation:

$$\% \text{ VMT Reduction} = (\text{ITE Parking Generation Rate} - \text{Actual Parking Provision}) / \text{ITE Parking Trip Generation Rate} \times 0.5^2$$

The reduction is based on ITE's Parking Trip Generation Rate (not the City's Municipal Code), which is 1.5 spaces/du for mid-rise multi-family units. Below are VMT reductions for example parking ratios that are less than ITE's:

- 1.4 spaces/DU = 3.3%
- 1.3 spaces/DU = 6.7%
- 1.2 spaces/DU = 10%
- 1.1 spaces/DU = 12.5% (maximum reduction allowed)

The parking reduction alternative would provide 241 residential parking spaces, which is the minimum number of parking spaces required under the reduced parking requirements allowed under State Density Bonus law. Given that this alternative would only reduce available parking by 16 spaces, the reduction in VMT is not enough to meet the 85% threshold considering that the VMT associated with the proposed project is 115% above 85% of the regional mean. While there are qualitative benefits of reducing parking, such as limiting potential vehicles associated with the proposed project, there are no supported, quantifiable reductions to VMT allocable to this alternative based on meeting State Density Bonus minimum parking requirements. For these reasons, the Reduced Parking Alternative was rejected from further analysis in this EIR.

### ***Citizen Participation Program Alternative***

During the March 12, 2020 Citizen Participation Program meeting held for the proposed project, a project alternative was proposed via public comment to keep all components of the project as proposed, but to remove the residential component. As such, the Citizen Participation Program Alternative would include a 30-room boutique resort hotel (18,109 SF), commercial development (18,261 SF), subterranean parking garage, a walking paseo, pedestrian plaza, and an outdoor seating area. With removal of the residential uses, this alternative would have a reduced project footprint as compared to the proposed project.

Improvements to North Coast Highway 101 to allow for adequate ingress/egress would be included in this alternative as with the proposed project. Vehicular access to the site would be

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<sup>2</sup> Nelson\Nygaard, 2005. *Crediting Low-Traffic Developments* (p. 16), <http://www.montgomeryplanning.org/transportation/documents/TripGenerationAnalysisUsingURBEMIS.pdf>.

provided via a right turn in from the southbound lane of North Coast Highway 101 and via a left turn in from the northbound lane of North Coast Highway 101.

As noted above, the project site was one of 17 sites identified in the City of Encinitas HEU. The purpose of the HEU is to provide the City with a coordinated and comprehensive strategy for promoting the production of safe, decent, and affordable housing for all within the City. Mandated by State housing law, the purpose of the HEU is to ensure the City establishes policies, procedures, and incentives to increase the quality and quantity of the City's housing supply.

As this alternative would not include any residential development, it is understood that such a project would not be consistent with the City's HEU which mandated a minimum of 33 residential dwelling units on Site 1 to meet RHNA requirements and to ensure consistency with the California Department of Housing and Community Development certification of the City's HEU.

Site 1 is zoned Limited Visitor-Serving Commercial (N-LVSC) with a Coastal Zone and R-30 Zone overlay. As part of the HEU, this portion of the project site was allocated a minimum of 33 residential units (City of Encinitas 2015). Site 2 is zoned Commercial Residential Mixed 1 (N-CRM-1) and has a Coastal Zone overlay and maximum density of 25 dwelling units per acre. As such, if a project on the subject site does not include residential uses, then the project would be inconsistent with underlying zoning designations for the site.

This alternative would not meet the primary project objectives, specifically of developing a mixed-use development that provides needed multi-family residential housing and dedicating 20 percent of the total number of dwelling units as affordable housing units for low income families, thereby helping to meet State-mandated affordable housing requirements and further encouraging diversity within the community.

For these reasons, this alternative was rejected from further analysis in this EIR.

### ***Alternative Site Location Alternative***

The City also considered, and ultimately rejected as infeasible, alternative site locations that may reduce proposed project impacts. To be feasible, development of off-site locations must be able to fulfill the project purpose and meet most of the project's basic objectives. Per CEQA Guidelines Section 15126(f)(2), only locations that would avoid or substantially lessen any of the significant effects of the project need to be considered for inclusion in an EIR.

It is anticipated that locating the proposed project on off-site lands in the surrounding vicinity would generally result in similar development potential and associated environmental impacts, depending on the developed or undeveloped nature and physical characteristics of the selected site; however, due to available lands within the City of Encinitas, it is not anticipated that an

## 5.0 Alternatives

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alternative site would be located adjacent to Highway 101 which offers several unique characteristics that increase some environmental sensitivities (i.e., scenic corridor, overlay zones, coastal bluffs, North Highway 101 Corridor Specific Plan, etc.).

However, as Encinitas is generally urbanized and largely built out, impacts relative to biological resources, cultural resources, geology and soils/paleontology, VMT, etc., are anticipated to be similar to those that would result with the project if the same development were built elsewhere within the community. Because most impacts would be similar, and because the proposed project would result in one significant, unavoidable impact, the alternative site would also be required to meet the 15% VMT reduction threshold to avoid significant and unavoidable impacts related to transportation.

Additionally, the project site was chosen due to its proximity to the beach and other amenities that make it suitable and economically viable for visitor-serving uses such as a hotel. There is not a known alternative site in the City that could provide adequate land area and that offers proximity to desirable amenities to support the proposed hotel use and the visitor-serving commercial uses.

Further, it is likely that developing the project at an alternative location within the City of Encinitas would not meet the project objectives of providing access to significant coastal resources to low-income individuals consistent with goals and policies of the California Coastal Act or providing overnight visitor-serving accommodations in accordance with the City of Encinitas Zoning Ordinance and Local Coastal Program.

For the above reasons, an off-site alternative is considered infeasible pursuant to CEQA Guidelines Section 15126.6(f). Therefore, the Alternative Site Location Alternative was rejected from further analysis in the EIR.

## 5.6 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

CEQA requires that an environmentally superior alternative be identified; that is, an alternative that would result in the fewest or least significant environmental impacts. The No Project Alternative is the environmentally superior alternative. However, in accordance with CEQA Guidelines Section 15126.6(e)(2), a secondary alternative must be identified if the No Project Alternative is environmentally superior.

Alternative 3, Reduced Residential/Increased Commercial, is the environmentally superior alternative as this alternative would reduce impacts to associated with VMT and energy conservation and climate change. However, although reduced compared to the proposed project, VMT impacts would remain significant and unavoidable. This alternative would meet the

primary project objectives, such as designing a mixed-use development that provides needed multi-family residential housing in compliance with local and State density bonus allowances. However, as the number of dwelling units would be reduced, this alternative would dedicate fewer dwelling units as affordable housing units for low-income families as the number of affordable units is based on a percentage of the total dwelling units proposed.

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## Section 6.0

### Other CEQA Considerations

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This section addresses those topics requiring evaluation under CEQA Guidelines Section 15126, which requires that all aspects of a project be considered when evaluating its impact on the environment, including planning, acquisition, development, and operation. As part of this analysis, the EIR must also identify: (1) significant and unavoidable environmental effects of the proposed project; (2) significant irreversible environmental changes that would result from implementation of the proposed project; and (3) growth-inducing impacts of the proposed project. Each of these topics is discussed in greater detail below.

#### 6.1 SIGNIFICANT AND UNAVOIDABLE IMPACTS

Section 15126.2(a) of the CEQA Guidelines requires that an EIR discuss any significant impacts associated with the project.

Section 3.0, Environmental Analysis, of this EIR describes the potential environmental impacts of the proposed project and recommends mitigation measures to reduce impacts to a less than significant level, where feasible. The executive summary includes Table ES-1, which summarizes the environmental impacts, mitigation measures, and levels of significance before and after mitigation.

CEQA Guidelines Section 15126.2(c) requires that an EIR describe any significant impacts that cannot be avoided, even with the implementation of feasible mitigation measures. The environmental effects of the proposed project on various aspects of the environment are discussed in detail in Section 3.0. Based on the analysis in this EIR, all significant environmental impacts can be mitigated to a less than significant level with the exception of impact TR-1 related to vehicle miles traveled (VMT). As described in Section 3.12, Transportation, while the proposed project is located on an infill site, would contain a mix of uses on-site, includes a suite of project design features to enhance sustainability, would provide for a variety of housing types including “low” income affordable housing, and is consistent with City’s General Plan, Local Coastal Program, North Coast Highway 101 Specific Plan, Climate Action Plan, and SANDAG’s The Regional Plan, impacts related to VMT/capita and VMT/employee would not be reduced to 85% of the regional average, even after implementation of mitigation measure **TR-1**. While the proposed project is located on an infill site; would contain a mixture of uses on-site; includes a suite of project design features to enhance sustainability; would provide for a variety of housing types including “low income” affordable housing units; and is consistent with City’s General Plan, Local Coastal Program, N101SP, Climate Action Plan, and SANDAG’s The Regional Plan, impacts related to VMT would not be reduced to 85% of the regional average, even after implementation of mitigation measure **TR-1**.

## 6.2 SIGNIFICANT AND IRREVERSIBLE ENVIRONMENTAL CHANGES

Section 15126.2(d) of the CEQA Guidelines requires an EIR to discuss the significant irreversible environmental changes that would result from implementation of a proposed project. Examples include a project's primary or secondary impacts that would generally commit future generations to similar uses (e.g., highway improvements at the access point); uses of nonrenewable resources during the initial and continued phases of the project (because a large commitment of such resources make removal or nonuse thereafter unlikely); and/or irreversible damage that could result from any potential environmental accidents associated with the project.

The physical effects of project implementation on the environment are addressed in Sections 3.1 to 3.14 and Chapter 4.0 of this EIR. Long-term irreversible environmental changes would result with improvements for utility connections; enhancement of existing drainage/stormwater quality conditions; an increase in local and regional traffic and associated air pollutants, greenhouse gas emissions, and noise levels; an increase in the volumes of solid waste and wastewater generated in the area; and an increase in water consumption.

Project construction and maintenance of the buildings and infrastructure proposed would require the commitment of energy, natural resources, and building materials. Nonrenewable and limited resources that would be consumed with project development would include oil, natural gas, gasoline, lumber, sand and gravel, asphalt, water, steel, and similar materials. Nonrenewable fuels would be used by construction equipment, haul trucks, and worker vehicles.

Nonrenewable energy also would be expended during the harvesting and mining of natural resources such as wood and aggregate and during the subsequent manufacturing of construction materials such as wood framing and concrete. This commitment of resources and energy would be commensurate with that of other projects of similar size but would nevertheless be irretrievable. Post-construction consumption of nonrenewable resources would include the use of electricity, natural gas, and water by project residents and visitors. This energy use would be a long-term commitment and irretrievable.

However, the proposed project would include 250 kW of solar and 39 electric vehicle (EV) charging stations that would reduce energy demand of nonrenewable resources. Furthermore, the proposed project would incorporate other energy-saving features such as low-flow water fixtures, drought-tolerant landscaping, ENERGY STAR appliances, high-efficiency HVAC systems, and stormwater systems on-site to collect, filter, and reuse captured stormwater in landscaped areas. The proposed project would also include a TDM Program to reduce VMT and associated air pollution, and greenhouse gas emissions. Refer to Section 3.2, Air Quality; Section 3.5, Energy Conservation and Climate Change; Section 3.12, Transportation; and Section 3.14, Utilities and Service Systems, for additional discussion.

The proposed project would not result in an unusually high demand for nonrenewable resources and would be consistent with applicable state and local goals and policies directed at reducing reliance on fossil fuels and encouraging renewable energy. The proposed project would meet or exceed 2019 Title 24 energy efficiency requirements, resulting in homes that are approximately 20 percent more energy efficient than homes constructed prior to January 1, 2017; refer to Section 3.5, Energy Conservation and Climate Change, for additional discussion.

### 6.3 GROWTH-INDUCING IMPACTS

CEQA Guidelines Section 15126.2(e) requires that an EIR discuss a project's potential to foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. The CEQA Guidelines also indicate that it must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment. This section analyzes such potential growth-inducing impacts, based on criteria suggested in the CEQA Guidelines.

In general terms, a project may foster spatial, economic, or population growth in a geographic area if it meets any one of the following criteria:

- Removes an impediment to growth (e.g., establishes an essential public service or provides new access to an area).
- Fosters economic expansion or growth (e.g., changes revenue base, expands employment).
- Fosters population growth (e.g., constructs additional housing), either directly or indirectly.
- Establishes a precedent-setting action (e.g., an innovation, a change in zoning, or a general plan amendment approval).
- Develops or encroaches on an isolated or adjacent area of open space (distinct from an infill type of project).

Should a project meet any one of the above-listed criteria, it may be considered growth inducing. The potential growth-inducing impacts of the proposed project are evaluated against these five criteria in this section.

CEQA Guidelines Section 15126.2(e) requires that an EIR "discuss the ways" a project could be growth inducing and "discuss the characteristic of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or

## 6.0 Other CEQA Considerations

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cumulatively.” However, the CEQA Guidelines do not require that an EIR predict (or speculate) specifically where such growth would occur, in what form it would occur, or when it would occur. The answers to such questions require speculation, which CEQA discourages (see CEQA Guidelines Section 15145).

### ***Removal of a Barrier to Growth***

Several types of projects can induce population growth by removing obstacles that prevent growth. An example would be the expansion of a wastewater treatment plant which would accommodate additional sewer connections within a service area and therefore would allow for future construction and growth that may not have otherwise been feasible.

Development of the project site would result in the improvement and extension of infrastructure facilities located in and/or adjoining the project site. Extensions of utility lines (water, sewer) or other infrastructure or services (e.g., fire protection services) may result in growth inducement, as such improvements allow for not only the development responsible for expanding the infrastructure, but also other projects proposed in the surrounding area due to the availability of new (i.e., previously inaccessible) infrastructure. However, the area surrounding the proposed project is already developed with similar commercial uses which are currently served by existing utility infrastructure and adequate public services (e.g., required fire service response times can be met without new or expanded facilities or personnel). Further, utilities would be sized only to accommodate the proposed project and would not provide for additional capacity that may induce new development. As such, the proposed project would not be expected to induce growth as a result of new infrastructure or services.

Obstacles to surrounding the project site are primarily due to the existing developed condition of the surrounding area, feasibility of development, economic constraints, permitting, or other development restrictions and regulations promulgated by local agencies. The proposed project is consistent with, and would not modify, approved land use and zoning designations and therefore, would not foster growth, remove direct growth constraints, or add a direct stimulus to growth. Therefore, growth-inducing impacts are precluded because the infrastructure is sized to serve the proposed project and because the project would not affect the feasibility of development in the area, remove an obstacle to growth, or affect local agencies’ development restrictions.

### ***Economic Growth***

The timing, magnitude, and location of land development and population growth in a community or region are based on various interrelated land use and economic variables. Key variables include regional economic trends, market demand for residential and nonresidential uses, land

availability and cost, the availability and quality of transportation facilities and public services, proximity to employment centers, the supply and cost of housing, and/or regulatory policies or conditions.

The proposed project would have the potential to result in economic growth through the construction of a mixture of residential and commercial uses, including anticipated on-site restaurants/eateries and commercial services (including office space), and common public use areas. Project construction would be performed by independent contractors hired by the developer. In general, construction workers would be drawn from the local labor pool. If contract workers were employed, they would not cause growth in the area due to the short-term and temporary nature of their employment. Operation of the proposed project is anticipated to result in approximately 62 full-time permanent employees that are expected to be filled by the local workforce. Given the temporary nature of construction and that number of permanent employees and, the proposed project is not expected to significantly affect economic growth in the City.

Homeowners would pay property taxes and hotel visitors would pay transient occupancy tax to the City that would improve the financial resources of the City. Residents and visitors of the proposed project would also support the local economy by shopping at local businesses and paying sales taxes. Therefore, the proposed project would support the local economy in the short and long term.

### ***Population Growth***

CEQA requires the consideration of the potential direct and indirect growth-inducing impacts of a proposed project. The proposed project consists of 94 for lease apartment units, 30 hotel rooms and 18,261 square feet of commercial space. According to the HEU, Site 1 (Parcels 1 and 2) of project site is designated with an R-30 overlay, which allocated a minimum of 33 residential dwelling units at the site, if also developed with visitor-serving mixed uses. Site 2 (Parcel 3) allows for maximum density of 25 dwelling units per acre. Together, the two sites would permit up to 153 units through the application of Density Bonus.

The proposed project would construct 194 leased homes, which represents approximately 60% of permitted intensity on the project site. As a result, the proposed project would increase the City population by 236 residents which would represent approximately less than a 1% increase in the City's population (refer to Section 4.3, Population and Housing). It is noted that due to the inclusion of 19 affordable housing units, some portion of the project residents may already live in the City in larger households and qualify as eligible to rent one of the very-low income rental units; therefore, this population estimate is considered conservative.

## 6.0 Other CEQA Considerations

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Operation of the proposed project is anticipated to result in approximately 62 full-time permanent employees that are expected to be filled by the local workforce. The environmental effects of increasing the City's population due to development of the project site are evaluated in this EIR in Sections 3.1 to 3.14 and Chapter 4.0, in particular Sections 3.2, Air Quality; Section 3.5, Energy Conservation and Climate Change; Section 3.10, Noise; Section 3.11; Public Services and Recreation; Section 3.12, Transportation; and Section 3.14, Utilities and Service Systems. Mitigation measures are identified where appropriate to reduce such effects to a less than significant level. All impacts would be less than significant, with the exception of transportation impacts related to VMT, which would remain significant and unavoidable (refer to Section 3.12, Transportation).

### ***Establishment of a Precedent-Setting Action***

A Density Bonus Tentative Map, Coastal Development Permit, Design Review, and other discretionary approvals are required to allow for the proposed development. These actions are not considered precedent-setting actions (defined as any act, decision, or case that serves as a guide or justification for subsequent situations), as they are commonly undertaken on a regular basis by many jurisdictions.

All future discretionary projects in the project area would be processed through the City and evaluated for consistency with the General Plan, as appropriate. Such projects would be evaluated for growth-inducing effects and their potential to enable or encourage growth not intended or anticipated with buildout of the General Plan. Development of the proposed project would be consistent with the City's General Plan, Local Coastal Program, and HEU as the project site is designated with an R-30 overlay. Therefore, approval of the project would not represent a precedent-setting action that would encourage or allow for unplanned future growth within the area.

## 7.1 ENVIRONMENTAL IMPACT REPORT

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## 7.2 TECHNICAL STUDIES

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## Executive Summary

No references cited.

## 1.0 Introduction

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## 2.0 Project Description

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## **6.0 Other CEQA Considerations**

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## **7.0 Preparers and Persons Consulted**

No references cited.

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