

## **1.1 PURPOSE OF THE EIR**

This Environmental Impact Report (EIR) addresses the environmental effects of the proposed Piraeus Point project (proposed project). 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).

Upon certification of the EIR, the 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]).

## 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
- Condominium Tentative Map
- Density Bonus Permit
- Coastal Development Permit (non-appealable)
- Design Review Permit
- Street Vacation
- Public Right-of-Way Encroachment Permit
- Stormwater Quality Management Plan/Drainage Plan
- Grading Permit
- Building Permit
- Improvement Plans
- 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
- 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):

- U.S. Fish & Wildlife Service (USFWS) - Endangered Species Act (Section 10); Low-Effect Habitat Conservation Plan (HCP)
- State Water Resources Control Board (SWRCB) - General Construction Permit

### 1.3 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 the public, agencies, and stakeholder groups 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.

### NOTICE OF PREPARATION OF ENVIRONMENTAL IMPACT REPORT

Pursuant to Section 15082 of the CEQA Guidelines, a NOP was circulated to the California Governor's Office of Planning and Research (State Clearinghouse) and responsible agencies for a 30-day public review period commencing on May 27, 2022. Written comment letters received during the 30-day NOP public review period are found in Appendix A. Additionally, Appendix A includes a detailed summary table of issues identified in the written comment letters received, which included state agencies, organizations, Native American tribes, and individuals. Key issues raised by commenters included the following:

- Visual effects; Potential aesthetic impacts on historic viewsheds and scenic corridor
- Nighttime lighting effects on dark skies
- Residential density proposed; Exceedance of residential zoning allowances
- Effects on air quality from dust generation during construction and increased vehicle traffic during operations
- Impacts on biological resources, particularly on the northern off-site preserve area (direct impacts on sensitive resources; indirect impacts from runoff, light, noise, domestic pets)
- Geologic/soils issues due to prior landslide events on-site and proximity to Rose Canyon and La Costa Faults; Instability of inland bluffs

**1.0 Introduction**

- Release of hazardous materials or fumes from on-site soils (former on-site agricultural use) during project grading and excavation activities
- Protection of natural drainages from runoff; Maintaining stormwater quality
- Drainage effects; Potential for increased flooding to occur
- Noise - both during construction and from occupancy of rooftop decks by project residents and park-goers (nearby Olympus Park, south of project site); Increased noise on I-5 from contribution of project traffic
- Increased traffic on local streets; Traffic congestion during both construction and operations
- Maintaining pedestrian and bicycle safety on local streets (during project construction and operation); Safety of children walking to local elementary school; Lack of area sidewalks
- Access to public transportation
- Increased demands on water, wastewater, and electrical infrastructure
- Adequacy of water supplies and potential effects on increased water use restrictions
- Protection of tribal cultural resources; Potential for known and unknown on-site resources to be present
- Project effects on fire/other emergency evacuation; Limited emergency access
- Increased risk of wildfire
- Qualifications for low-income housing recipients
- Compatibility with existing neighborhood character; Project design
- Inadequate provision of on-site parking
- Effects on neighborhood cleanliness; Generation of debris

An Initial Study was not prepared as part of the 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 Tuesday, June 7, 2022 from 6:00 p.m. to 9:00 p.m. at Encinitas City Hall (Council Chambers). 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.

Key environmental concerns raised by meeting attendees were related to:

- Inadequate provision of on-site parking for residents and guests
- Substantial increase in traffic, including potential effects on emergency response
- Access improvements onto La Costa Avenue from Piraeus Street

- Potential for provision of left turn lane onto Leucadia Avenue from Piraeus Street
- Pedestrian safety issues, including for school-aged children
- Need for provision of sidewalks along Caudor Street and Plato Place; connections to existing sidewalk system
- School capacity (e.g., Capri Elementary School) and potential overcrowding
- Proposed residential density is too high; fewer units should be constructed
- Maintain the “rural” character of the local community and surrounding neighborhood
- Proposed building height relation to surrounding residential neighborhood
- Potential noise issues resulting from rooftop amenities
- Potential visual effects from proposed on-site retaining walls
- Sound and light pollution
- Use of the northern parcel as mitigation land and overall buildable area of the subject site

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

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

## ENVIRONMENTAL REVIEW PROCESS

The 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 60-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.

Comment letters should be sent to:

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505 S. Vulcan Avenue  
Encinitas, California 92024  
Email: [nkoutoufidis@encinitasca.gov](mailto:nkoutoufidis@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 Piraeus Point project.

## 1.4 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)
  - Wildfire (Section 3.15)
- **Section 4.0, Effects Found Not to Be Significant.** Summarizes effects found not to be significant.
- **Section 5.0, Alternatives to the Proposed Project.** 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
Mitigation Measures	15126[e]	Section 3.0
Cumulative Impacts	15130	Section 3.0
Effects Found Not to Be Significant	15128	Section 4.0
Alternatives to the Proposed Project	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).

## 1.5 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 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 Plan (described below), the Encinitas Ranch Specific Plan (described below) and adoption of updated Development Standards and Zoning Standards for properties that were included in the HEU.

The HEU identifies 16 sites; the project site is identified as the Cannon Property (Piraeus - Site Number 02). The site's General Plan and Zoning designation is Rural Residential 2 (RR2), with an R-30 overlay covering the project site as part of the City's HEU. Under the R-30 overlay zoning, the 6.88-acre project site could be developed with up to 206 base residential units [6.88 net acres x 30 dwelling units per acre (DU/acre)] prior to application of a density bonus. With the application of density bonus, the project could support up to 310 homes [(6.88 gross acres x 30 DU/acre) x 1.5 density bonus].

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 CCC approval of an LCPA, 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. The project site, identified as the Cannon Site (Site #2), was analyzed as part of the EA.

## **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. Specific to the project site, the General Plan designates the site as SP-3, which refers to the Encinitas Ranch Specific Plan. In Sections 3.1 to 3.15 of this EIR, various relevant General Plan policies and goals are listed in the regulatory sections pertaining to each topic.

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 Local Coastal Program (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.

### **CALIFORNIA COASTAL COMMISSION STAFF REPORT: STAFF RECOMMENDATION ON CITY OF ENCINITAS LOCAL COASTAL PROGRAM AMENDMENT (MAY 31, 2019)**

Subsequent to the City's approval of the HEU, the City processed a Local Coastal Program (LCP) Amendment to update the City's LCP to include the 15 HEU sites. On September 11, 2019, the HEU was approved by the California Coastal Commission.

Specific to the project site, the Coastal Commission found that (see page 26 of the staff report):

*“Of all the sites within the Coastal Zone, three are considered vacant, nine are considered built out, and one is comprised of parcels that are both vacant and developed. In order for the City to meet its RHNA allotment, vacant sites need to accommodate 50% of the units (i.e. 571 units). Because of that, the current inventory features sites that have a variety of current uses, including residential, greenhouses, agricultural sales, parking lots, offices, church facilities, as well as vacant or no current development. The Encinitas LUP has a number of policies in place to concentrate development and discourage incompatible development in conformance with Chapter 3, especially in regard to residential and adjacent nonresidential structures, and for the revitalization of blighted or underutilized properties along major corridors in the City, such as Highway 101 and Encinitas Boulevard. While a number of the inventoried sites to be re-designated have lower density land use designations (in some cases, significantly lower, as is the case with the **Cannon property**, **Echter Property**, and **Greek Church Parcel**), the R-30 Overlay is intended to respect neighborhood character, be compatible with community specific settings and provide reasonable transitions between existing residences and potential development sites. All of the sites are located within, contiguous with, or in close proximity to, existing developed areas...”*

Additionally, the Coastal Commission found that (see pages 27-28 of the staff report):

*“Ten of the thirteen sites within the Coastal Zone overlap with scenic resources, whether it is a view corridor, critical viewshed, or is located along a scenic road. Review of site locations reveal that development will occur in areas that will not impede coastal views. The **Cannon property** (Site 2), for example, is located within the I-5 Scenic Corridor and Critical Viewshed for two viewpoints along I-5 and La Costa Ave. However, the development is proposed to occur on the inland side of the vista points, and the site itself is upslope of the I-5 Corridor and will therefore not impact scenic views.*

*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.”*

It is worth noting that a deviation from this policy is permitted upon a finding that strict application thereof would preclude reasonable use of the project site. Different from other properties in the City, Housing Element sites, under state law, must yield a minimum residential unit count that is determined based on applying the minimum allowable density of 25 units per acre. As such, “reasonable use of the property” for a Housing Element site is interpreted as achieving the minimum allowable residential yield.

## **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; 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. The project is consistent with the General Plan and accounted for in the Housing Element Update. In November 2020, the City's CAP was updated to address increased GHG emissions resulting from development of the 17 candidate sites identified in the HEU. Updates to the CAP assumed a maximum realistic yield of 2,494 dwelling units across the candidate sites (City of Encinitas 2020). Therefore, the City's CAP accounts for GHG emissions resulting from construction and operation of the project. The project is required to comply with the City's CAP by implementing the appropriate CAP measures.

## **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 Regional Housing Needs Assessment (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 and 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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