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**KATIE INNES**  
PLANNING MANAGER

May 17, 2024

**CEQA Initial Study - Environmental Checklist Form  
(Based on the State CEQA Guidelines, Appendix G)**

1. Title: La Costa Boutique Hotel Project  
Project Number(s): MULTI-002750-2018, CPP-003887-2020, DR-002670-2018, CDPNF-0026762-2018, USE-002671-2018
2. Lead agency name and address:  
City of Encinitas  
505 South Vulcan Avenue  
Encinitas, CA 92024
3.
  - a. Contact: Andrew Maynard, Project Manager
  - b. Phone number: (760) 633-2718
  - c. E-mail: [amaynard@encinitas.ca.gov](mailto:amaynard@encinitas.ca.gov)
4. Project location:  
516 La Costa Avenue, Encinitas, CA 92024  
APN: 216-030-48
5. Project Applicant name and address:  
DM La Costa Avenue LLC, 1650 N Coast Highway Unit 101, Encinitas, CA 92024
6. 

|                        |                            |
|------------------------|----------------------------|
| General Plan:          | Visitor Serving Commercial |
| Density:               | N/A                        |
| Floor Area Ratio (FAR) | 1.0                        |
7. 

|                          |                                                                                                |
|--------------------------|------------------------------------------------------------------------------------------------|
| Zoning                   |                                                                                                |
| Use Regulation:          | Visitor Serving Commercial (VSC)                                                               |
| Minimum Lot Size:        | 10,000 Square Feet                                                                             |
| Special Area Regulation: | Coastal Appeal Zone, Special Study Area,<br>Cultural/Natural Resources, Scenic/Visual Corridor |

8. Description of project:

DM La Costa Avenue LLC (Applicant) proposes the La Costa Boutique Hotel Project (Project), which includes the processing of a Minor Use Permit, Design Review Permit, and Coastal Development Permit.

The existing 1.18-acre Project site is completely disturbed and consists of a parking area and a few shed structures previously used for a plant nursery that is no longer in business.

The Project includes the construction of a 12,434-square-foot boutique hotel consisting of 17 hotel rooms across nine detached bungalow structures, a full-service public restaurant, outdoor pool with pool deck, four outdoor spas, and 41 parking spaces, including 6 EV parking spaces. The site also includes 4 motorcycle parking spaces, 1 loading space and 2 bicycle parking spaces. A majority of the landscaping proposed will be native and require minimal water throughout the facility. Entry to and from the property will take place from La Costa Avenue and includes a 330-foot-long driveway within the property.

The project will comply with the City's Green Building Ordinance (GBO) 2022-14 that went into effect January 1, 2023, for new non-residential buildings which surpass the 2022 CalGreen Tier 1 and Tier 2 mandatory and voluntary requirements. Additionally, it will be required to comply with all Building Codes upon submittal of construction plans. In compliance with applicable building regulations, the project will install four parking spaces with Level 2 electric vehicle charging equipment, which accounts for 9.7 percent of the parking spaces planned onsite. The project also proposes an additional six EVSE spaces and will include the installation of an additional 19kWdc solar PV for a total of 38kW for the project.

On June 14, 2023, in response to the Ninth Circuit's ruling in *California Restaurant Association v. City of Berkeley*, Encinitas City Council temporarily suspended EMC 23.12.110.B and EMC 23.12.110.C, which regulates the use of fuel gas infrastructure in new buildings. As a result, the applicant is proposing the use of natural gas for the Project including the hotel and restaurant uses.

The Minor Use Permit would be placed over one parcel (APN: 216-030-48), while an adjacent parcel (APN: 216-030-10) would support an offsite 8-inch emergency overflow pipe to discharge to a drainage inlet. The Project will also include public road and infrastructure improvements such as undergrounding existing utility poles, striping on La Costa Avenue, and upgrading the existing water main from Sheridan Road to the Project frontage.

The Project would require the grading of 4,680 cubic yards, with 2,060 cubic yards of cut, 900 cubic yards of fill, 1,160 cubic yards of export, and 1,720 cubic yards of remediation.

9. Surrounding land uses and setting (Briefly describe the project's surroundings):

The parcels adjacent to the Project site on the west are designated for residential uses in the City's General Plan. A parcel adjacent to the Project site to the east is an existing gas station that is also designated for visitor serving commercial.

Surrounding lots on the west and south are designated for Residential (R-3) under the City's General Plan and are zoned Residential (R-3). A lot to the east is zoned as Visitor Serving Commercial (VSC). Existing development patterns include large lot residential-type land uses immediately to the west and south, a gas station to the east, and the area to the north is the Batiquitos Lagoon and open space.

Attachments:

Attachment 1: Plans

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

| <b>Permit Type/Action</b>                                                                    | <b>Agency</b>                |
|----------------------------------------------------------------------------------------------|------------------------------|
| Landscape Plans                                                                              | City of Encinitas            |
| Grading Permit                                                                               | City of Encinitas            |
| Minor Use Permit                                                                             | City of Encinitas            |
| Design Review Permit                                                                         | City of Encinitas            |
| Coastal Development Permit                                                                   | City of Encinitas            |
| City Right-of-Way Permits<br>Construction Permit<br>Excavation Permit<br>Encroachment Permit | City of Encinitas            |
| Grading/Improvement Plans                                                                    | City of Encinitas            |
| National Pollutant Discharge Elimination System (NPDES) Permit                               | RWQCB                        |
| General Industrial Storm Water Permit                                                        | RWQCB                        |
| General Construction Storm Water Permit                                                      | RWQCB                        |
| Waste Discharge Requirements Permit                                                          | RWQCB                        |
| Water District Approval                                                                      | San Dieguito Water District  |
| Sewer District Approval                                                                      | Leucadia Wastewater District |
| Fire District Approval                                                                       | Encinitas Fire Department    |

11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code §21080.3.1? If so, has consultation begun?

YES



Note: Conducting consultation early in the CEQA process allows tribal governments, public lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and to reduce the potential for delay and conflict in the environmental review process (see Public Resources Code §21083.3.2). Information is also available from the Native American Heritage Commission's Sacred Lands File per Public Resources Code §5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code §21082.3(e) contains provisions specific to confidentiality.

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:** The environmental factors checked below would be potentially affected by this project and involve at least one impact that is a "Potentially Significant Impact" or a "Less Than Significant With Mitigation Incorporated," as indicated by the checklist on the following pages.

- |                                                                 |                                                                      |                                                                         |
|-----------------------------------------------------------------|----------------------------------------------------------------------|-------------------------------------------------------------------------|
| <input type="checkbox"/> <u>Aesthetics</u>                      | <input type="checkbox"/> <u>Agriculture and Forest Resources</u>     | <input type="checkbox"/> <u>Air Quality</u>                             |
| <input checked="" type="checkbox"/> <u>Biological Resources</u> | <input checked="" type="checkbox"/> <u>Cultural Resources</u>        | <input type="checkbox"/> <u>Energy</u>                                  |
| <input checked="" type="checkbox"/> <u>Geology &amp; Soils</u>  | <input type="checkbox"/> <u>Greenhouse Gas Emissions</u>             | <input checked="" type="checkbox"/> <u>Hazards &amp; Haz. Materials</u> |
| <input type="checkbox"/> <u>Hydrology &amp; Water Quality</u>   | <input type="checkbox"/> <u>Land Use &amp; Planning</u>              | <input type="checkbox"/> <u>Mineral Resources</u>                       |
| <input checked="" type="checkbox"/> <u>Noise</u>                | <input type="checkbox"/> <u>Population &amp; Housing</u>             | <input type="checkbox"/> <u>Public Services</u>                         |
| <input type="checkbox"/> <u>Recreation</u>                      | <input type="checkbox"/> <u>Transportation</u>                       | <input type="checkbox"/> <u>Utilities &amp; Service Systems</u>         |
| <input type="checkbox"/> <u>Wildfire</u>                        | <input checked="" type="checkbox"/> <u>Tribal Cultural Resources</u> | <input type="checkbox"/> <u>Mandatory Findings of Significance</u>      |

**DETERMINATION:** (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Andrew Maynard  
Printed Name

\_\_\_\_\_  
May 17, 2024

\_\_\_\_\_  
Date

\_\_\_\_\_  
Principal Planner  
Title

## INSTRUCTIONS ON EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including offsite as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, Less Than Significant With Mitigation Incorporated, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
4. “Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are “Less Than Significant With Mitigation Incorporated,” describe the mitigation measures that were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. The explanation of each issue should identify:
  - a) The significance criteria or threshold, if any, used to evaluate each question; and
  - b) The mitigation measure identified, if any, to reduce the impact to less than significance

**I. AESTHETICS.** Except as provided in Public Resources Code Section 21099 -- Would the project:

a) Have a substantial adverse effect on a scenic vista?

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

The analysis and conclusions regarding the potential impacts of the project on aesthetics and visual resources are based, in part, on the Visual Resources Analysis prepared for the project by Michael Baker International, dated April 2022. The Visual Resources Analysis is included in this Initial Study as Appendix [A].

**Background:** Pursuant to City General Plan Policy 4.5, the City will designate “Scenic/Visual Corridor Overlay” areas within which the character of development would be regulated to protect the integrity of the Vista Points according to the following criteria:

- Critical viewshed areas should meet the following requirements: – extend radially for 2,000 feet (610M) from the Vista Point; and – cover areas upon which development could potentially obstruct, limit, or degrade the view.
- Development within the critical viewshed area should be subject to Design Review based on the following: – building height, bulk, roof line and color and scale should not obstruct, limit or degrade the existing public views; – landscaping should be located to screen adjacent undesirable views (parking lot areas, mechanical equipment, etc).

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

- Road Design – Type and physical characteristics of roadway should be compatible with natural character of corridor, and with the scenic highway function.
- Development Design – Building and vegetation setbacks, scenic easements, and height and bulk restrictions should be used to maintain existing views and vistas from the roadway. – Off-site signage should be prohibited and existing billboards removed.
- Development should be minimized and regulated along any bluff silhouette line or on adjacent slopes within view of the lagoon areas and Escondido Creek.

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

**Less than Significant Impact:** A vista is a view from a particular location or composite views along a roadway or trail. Scenic vistas often refer to views of natural lands, but may also be compositions of natural and developed areas, or even entirely of developed and unnatural areas, such as a scenic vista of a rural town and surrounding agricultural lands. What is scenic to one person may not be scenic to another, so the assessment of what constitutes a scenic vista must consider the perceptions of a variety of viewer groups.

The items that can be seen within a vista are visual resources. Adverse impacts to individual visual resources or the addition of structures or developed areas may or may not adversely affect the vista. Determining the level of impact to a scenic vista requires analyzing the changes to the vista as a whole and also to individual visual resources.

As described in the General Plan, the City of Encinitas contains visual resources affording opportunities for scenic vistas in the community. Scenic/Visual Corridor Overlay Areas (SVCOZA) are identified within the General Plan to ensure that existing views are not compromised by future development. New development can often have the potential to obstruct, interrupt, or detract from a scenic vista.

The Project site is located within the viewshed of one designated undeveloped vista point at the Northwest corner of Interstate 5 and La Costa Avenue. Pursuant to Policy 4.1 of the City General Plan Resource Management Element, this vista point would only be acquired and developed, as feasible. Additionally, adjacent projects such as a gas station and housing development have been established, hindering the view. This vista point has not been acquired or maintained. Therefore, views from this designated vista point would not be adversely affected by the Project.

The Project site is also located within the viewshed of a designated developed vista point at the Northeast corner of Interstate 5 and La Costa Avenue. The Project is approximately 600 feet away from this vista point. The project site is not visible from this designated vista point due to the generally level topography and elevation relative to surrounding lands, as well as intervening development and established vegetation. The site is highly disturbed and does not support any natural scenic resources of value, with the exception of the bluffs along the northern project boundaries and several Torrey Pines, which would not be disturbed by the development of the site as proposed.

Due to the aforementioned criteria, the Project would have a less than significant effect on a scenic vista.

- b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** State scenic highways refer to those highways that are officially designated by the California Department of Transportation (Caltrans) as scenic (Caltrans - California Scenic Highway Program). Generally, the area defined within a state scenic highway is the land adjacent to and visible from the vehicular right-of-way. The dimension of a scenic highway is usually identified using a motorist's line of vision, but a reasonable boundary is selected when the view extends to the distant horizon. The scenic highway corridor extends to the visual limits of the landscape abutting the scenic highway.

The Project site is not located along or in proximity to a state scenic highway. The Project site is located approximately 200 feet west of I-5 and approximately 0.4 mile east of North Coast Highway 101. Both highways offer restricted, intermittent views to the site from varying locations along the roadways; however, neither of these highways are designated as a state scenic highway in the site vicinity.

The City's General Plan Resource Management Element (Policy 4.7) designates North Coast Highway 101 and La Costa Avenue as scenic highways. Because the site is situated on La Costa Avenue, it is visible within the immediate vicinity of La Costa Avenue to the east and west. The site is not visible from North Coast Highway 101 due to distance, intervening visual barriers, and other topographical conditions (curvature of the bluffs and location of the project site along the bluffs). The site is located in an urbanized setting in Encinitas and is highly disturbed due to former development and the subsequent lack of upkeep of the on-site structures. No rock outcroppings are present on-site.

Additionally, landscaping is proposed with the Project to enhance the visual appearance of the site once developed and to help screen views into the site from off-site public vantage points (i.e., La Costa Avenue); refer to Figure 5A, Conceptual Landscape Plan in the Visual Resources Analysis dated April 2022. As the newly planted landscaping matures over time, the visual appearance of the site would continue to be improved as it blends with the visual setting of mature trees in adjacent established neighborhoods.

The subject parcel and adjoining lands do not support designated landmarks or federally, state, or locally designated historic resources. Based on the Cultural Resources Inventory and Evaluation prepared for the Project (ECORP 2019), one site (CA-SDI-603) was previously evaluated as eligible for listing on the California Register of Historical Resources (CRHR) and the National Register of Historic Places (NRHP). However, the portion of the resource that extends into the Project area does not retain integrity or convey such significance. Therefore, it was determined that the Project would not have a significant impact on site CA-SDI-603;

however, recommendations for worker awareness training, archaeological monitoring, and the management of unanticipated discoveries are proposed.

The Project does not propose any off-site improvements, other than to provide access to the site from La Costa Avenue. Therefore, the Project would not affect on-site or off-site features having scenic value that may contribute to the visual character or image of the neighborhood or community. Although the Project would result in construction and operation of the proposed hotel facilities within the existing landscape, no significant visual resources either on-site or off-site would be removed, substantially altered, or otherwise affected as the result of Project implementation.

Additionally, the proposed use is allowed under the existing General Plan land use and zoning designations and is therefore consistent with land uses intended for the property by the City. Although development of the site with the proposed boutique hotel would change the on-site use from an undeveloped/disturbed to a developed condition, as described above, the site is not considered to be of high scenic value. As such, the Project as proposed 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, and no mitigation is required.

- c) In non-urbanized areas, substantially degrade 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 point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** According to Appendix G of the CEQA Guidelines, potential aesthetic impacts are evaluated differently based on whether a 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 a project would conflict with applicable zoning and other regulations governing scenic quality. Because the Project is located within an urbanized area of the City of Encinitas, the latter criterion 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 subject site.

The Project site is situated adjacent to La Costa Avenue which is designated as a scenic roadway in the City's General Plan (City of Encinitas 1991). Although the Project would alter existing views of the subject site, such development would be consistent with the goals and policies defined in the General Plan; refer also to Table 4-1 in the Visual Resources Analysis dated April 2022. Additionally, the Project would be subject to City review for conformance with design requirements identified in the Municipal Code for the VSC zone (i.e., for height, lot coverage, maximum square footage, etc.). No exceptions (i.e., height variance) to such standards are required for development of the Project as proposed.

Additionally, as the Project would influence future views to the Project site along La Costa Avenue, visual simulations have been prepared to reflect the proposed improvements, including sensitive Project design that reflects the existing small-scale residential character of the surrounding neighborhood in terms of height, scale, building materials, lot coverage, and other such features, as well as landscaping enhancements. Refer to Figure 7, View Location Map, and Figures 9 to 15 in the Visual Resources Analysis dated April 2022, which show "before" and "after" views of the Project site. The visual simulations demonstrate Project consistency with applicable design and regulatory requirements aimed at maintaining the existing character of La Costa Avenue and providing for the long-term protection of the City's scenic resources and views.

- d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** The Project is required to comply with the Performance Standards for outdoor lighting set forth in Encinitas Municipal Code section 30.40. The Project outdoor lighting would be minimal and would be shielded in such a manner that the light is directed away from streets or adjoining properties. The Project would not adversely affect nighttime views or astronomical observations because the Project's outdoor lighting fixtures shall be fully shielded so as to cause all emitted sustained light to be projected below an imaginary horizontal plane passing through the lowest point of the luminary, lamp or light source used in the fixture. The luminary, lamp, or light source shall not be directly visible from any adjoining residential property. Therefore, the Project would not create a significant new source of substantial light or glare, which would adversely affect daytime or nighttime views in the area.

## **II. AGRICULTURE AND FORESTRY RESOURCES** -- Would the project:

- a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide or local Importance (Important Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, or other agricultural resources, to non-agricultural use?

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** Portions of the Project site were used previously for agricultural nursery purposes; however, agricultural operations have ceased. Pursuant to the DOC maps, the Project is listed as Urban and Built-Up land. Therefore, the proposed project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to nonagricultural use.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

- |                                                                             |                                                       |
|-----------------------------------------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact         |

Discussion/Explanation:

**No Impact:** The Project site is not zoned for agricultural use. The nearest locations of Agricultural Preserve areas to the proposed project site per the map showing Williamson Act lands in San Diego County are three parcels over 1 mile away (DOC 2013). Therefore, the proposed project would not conflict with Williamson Act contract lands, nor would it conflict with existing zoning for agricultural use. There would be no impact.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), or timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

- |                                                                             |                                                       |
|-----------------------------------------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact         |

Discussion/Explanation:

**No Impact:** The Project site, including offsite improvements, is not zoned for and does not contain forest land or timberland. The City of Encinitas does not have any existing Timberland Production Zones. In addition, the Project would be consistent with existing zoning and a rezone of the property is not proposed. Therefore, Project implementation would not conflict with existing zoning for, or cause rezoning of, forest land, timberland or timberland production zones.

d) Result in the loss of forest land or conversion of forest land to non-forest use?

- |                                                         |                                                       |
|---------------------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
|---------------------------------------------------------|-------------------------------------------------------|

- ☐ Less Than Significant With Mitigation Incorporated ☒ No Impact

Discussion/Explanation:

**No Impact:** The Project site is in an urbanized setting in Encinitas and is highly disturbed due to former development. Therefore, the proposed project would not result in the loss of forestland or the conversion of forestland to non-forest use.

- e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Important Farmland or other agricultural resources, to non-agricultural use or conversion of forest land to non-forest use?

- ☐ Potentially Significant Impact ☒ Less than Significant Impact  
☐ Less Than Significant With Mitigation Incorporated ☐ No Impact

Discussion/Explanation:

**Less than Significant Impact:** As described above in response II.(a) Agriculture and Forestry Resources, the Project does not meet the definition of a significant agricultural resource pursuant to the Guidelines for Determining Significance of Agricultural Resources. In addition, the Project is not under a Williamson Act Contract or within an Agricultural Preserve, nor is the Project site located within the vicinity of a Williamson Act Contract, an Agricultural Preserve, existing agricultural operation, nor surrounded by agricultural-zoned land. The Project would not result in any changes in the existing environment which, due to their location or nature, could result in conversion of forest land to non-forest use. Therefore, the Project would not have significant adverse impacts related to the conversion of Farmland of Statewide Importance, Farmland of Local Importance, or Unique Farmland to a non-agricultural use or the conversion of forest land to non-forest use.

**III. AIR QUALITY** -- Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

- a) Conflict with or obstruct implementation of the San Diego Regional Air Quality Strategy (RAQS) or applicable portions of the State Implementation Plan (SIP)?

- ☐ Potentially Significant Impact ☒ Less than Significant Impact  
☐ Less Than Significant With Mitigation Incorporated ☐ No Impact

Discussion/Explanation:

The analysis and conclusions regarding the potential impacts of the project on air quality and health risk are based, in part, on the *Air Quality Study Results* prepared for the project by BlueScape

Environmental, dated April 1, 2024. The Air Quality Study is included in this Initial Study as Appendix [B].

**Less Than Significant Impact:** The project site is located in the San Diego Air Basin and is regulated by the San Diego Air Pollution Control District. The SDAPCD monitors air pollution, implementation of the County's portion of the State Implementation Plan, and application of the district's rules and regulations. The SIP contains strategies and tactics to be applied in order to attain and maintain acceptable air quality in the county, called the Regional Air Quality Strategy.

The SDAPCD is responsible for developing the San Diego portion of the SIP and has developed an attainment plan for attaining the 8-hour NAAQS for ozone. The RAQS sets forth the plans and programs designed to meet the state air quality standards. Through the RAQS and SIP planning processes, the SDAPCD adopts rules, regulations, and programs designed to achieve attainment of the ambient air quality standards and maintain air quality in the San Diego Air Basin.

Conformance with the RAQS and SIP determines whether a project will conflict with or obstruct implementation of the applicable air quality plans. The basis for the RAQS and SIP is the distribution of population in the San Diego region as projected by SANDAG. Growth forecasting is based in part on the land uses established in city and county general plans.

The RAQS rely on population and projected growth in the County, mobile, area and all other source emissions in order to project future emissions and determine from that the strategies necessary for the reduction of stationary source emissions through regulatory controls. Mobile source emission projections and growth projections are based on population and vehicle trends and land use plans developed by the cities and by the County. As such, projects that are consistent with the growth anticipated by the General Plan would be considered consistent with the RAQS. The project proposes to construct a boutique hotel on a site that is zoned for Visitor Serving Commercial. The project is consistent with the City's zoning and General Plan land use designations for the site. The project's anticipated emissions are therefore addressed in the RAQS and SIP, and the project would not conflict with or obstruct implementation of the RAQS and SIP. Impacts would be less than significant.

- b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less Than Significant Impact:** Currently, San Diego County is in "non-attainment" status for federal and state Ozone (O<sub>3</sub>) and state Particulate Matter less than or equal to 10 microns and less than or equal to 2.5 microns (PM<sub>10</sub> and PM<sub>2.5</sub>). O<sub>3</sub> is formed when volatile organic

compounds (VOCs) and nitrogen oxides (NO<sub>x</sub>) react in the presence of sunlight. VOC sources include any source that burns fuels (e.g., gasoline, natural gas, wood, oil); solvents; petroleum processing and storage; and pesticides. Sources of PM<sub>10</sub> and PM<sub>2.5</sub> in both urban and rural areas include the following: motor vehicles, wood burning stoves and fireplaces, dust from construction, landfills, agriculture, wildfires, brush/waste burning, and industrial sources of windblown dust from open lands.

During construction of the proposed project, fugitive dust emissions will be expected during grading operations from heavy equipment usage and from construction workers commuting to and from the site. As shown in Tables 2 and 3 of the Air Quality Study, project construction emissions will not exceed San Diego County CEQA screening level thresholds for any criteria pollutants and, therefore, would not result in a cumulatively considerable net increase of any criteria pollutant for which the region is in non-attainment status. Potential air quality impacts from project construction would be less than significant. Also, as shown in Tables 4 and 5 of the Air Quality Study, the operational emissions associated with the project would not exceed screening level thresholds for VOC, NO<sub>x</sub>, CO, SO<sub>x</sub>, PM<sub>10</sub> or PM<sub>2.5</sub>. Therefore, the project's operational emissions would not result in a cumulatively considerable net increase of any criteria pollutant for which the region is in non-attainment status. Potential air quality impacts from project operations would be less than significant.

c) Expose sensitive receptors to substantial pollutant concentrations?

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** Air quality regulators typically define sensitive receptors as schools (Preschool-12<sup>th</sup> Grade), hospitals, resident care facilities, or day-care centers, parks or other facilities that may serve individuals with health conditions that would be adversely impacted by changes in air quality.

Guidance from the South Coast Air Quality Management District's (2003) Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis, suggests projects that should be evaluated for diesel particulate emissions include truck stops, distribution centers, warehouses, and transit centers. Diesel engines emit a complex mixture of air pollutants, including both gaseous and solid material. The solid material in diesel exhaust is known as diesel particulate matter (DPM). More than 90 percent of DPM is less than 1 µm in diameter (about 1/70<sup>th</sup> the diameter of a human hair), and thus is a subset of particulate matter less than 2.5 microns in diameter (PM<sub>2.5</sub>). Small hotel projects such as the proposed project would not attract a disproportionate amount of diesel trucks and would not be considered a source of TAC emissions. As shown in Tables 2-5 of the Air Quality Study, the project's PM<sub>10</sub> and PM<sub>2.5</sub> emissions would be substantially below screening level thresholds. Therefore, the project does not propose uses or activities that would

result in exposure of identified sensitive receptors to substantial pollutant concentrations and impacts would be less than significant.

- d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** 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.

The frequency is a measure of how often an individual is exposed to an odor in the ambient environment. The intensity refers to an individual's or group's perception 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. Typical sources include facilities such as sewage treatment plants, landfills, recycling facilities, petroleum refineries, and livestock operations. The project does not contain any of the land uses identified as typically associated with emissions of objectionable odors. As such, project impacts would be less than significant.

**IV. BIOLOGICAL RESOURCES** -- Would the project:

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

The analysis and conclusions regarding the potential impacts of the project on biological resources is based, in part, on the *Biological Resources Letter Report* prepared for the project by Busby Biological Services, dated December 18, 2023. The Biological Resources Report is included in this Initial Study as Appendix [C].

**Less than Significant Impact:** As discussed in the Biological Resources Report, no sensitive plant or wildlife species are located or were observed on the project site. Due to conditions on the project site and lack of suitable habitat, impacts would be less than significant.

- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?

|                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** The project site is in a developed area in Encinitas and is disturbed from previous development. The Batiquitos Lagoon preserve, identified in the City of Carlsbad's HMP, is located within the 100-foot wetland buffer extending from the wetland areas of the lagoon. The landward extent of the wetland buffer does not reach the subject property. There are no effects to riparian or other sensitive natural community. Therefore, impacts would be less than significant.

- c) 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?

|                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less Than Significant Impact:** The Project site does not contain any wetlands and will not impact through discharging into, directly removing, filling, or hydrologically interrupting any federally protected wetlands. Therefore, no significant impacts will occur to wetlands or waters of the U.S. as defined by Section 404 of the Clean Water Act and under the jurisdiction of the Army Corps of Engineers. Therefore, impacts would be less than significant.

- d) Interfere substantially with the movement of any native resident or migratory Fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

- |                                                                                        |                                                       |
|----------------------------------------------------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                                | <input type="checkbox"/> Less than Significant Impact |
| <input checked="" type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                    |

Discussion/Explanation:

**Less Than Significant Impact With Mitigation:** Based on an analysis of the City's Geographic Information System (GIS) records, it has been determined that the site has limited biological value and impedance of the movement of any native resident or migratory fish or wildlife species, the use of an established native resident or migratory wildlife corridors, and the use of native wildlife nursery sites would not be expected as a result of the Project due to the Project area being adjacent to development and busy roads. In addition, impacts associated with avian/building collisions would be less than significant. While construction of the project's two-story structures may result in a small number of avian fatalities from building collisions, the number would be similar to that caused by other small two-story homes. Given the low heights of the buildings, distance from nearby dense vegetation, and lack of bright illumination, the number of birds affected would be small and would not have a substantial adverse effect on, or jeopardize the population of, any common or sensitive avian species. Based on the elements of the project design described above and in the construction plans for the project, indirect impacts from avian building collisions would be less than significant, and no avoidance, minimization, and/or mitigation would be required.

However, nesting bird species covered under the MBTA and CFGC have the potential to be directly impacted if project-related vegetation clearing or construction activities occur during the avian breeding season (February 15 to September 15). Direct impacts to nesting birds would be considered significant and would require implementation of avoidance, minimization, and/or mitigation measures. Therefore, the project would be required to implement the avoidance measures in Mitigation Measure (MM) BIO-1 to prevent impacts on nesting birds in compliance with the MBTA and CFGC. To prevent impacts to nesting birds, construction, including vegetation clearing and grubbing, should begin outside the bird/raptor breeding season (January to July). If construction must start during this period, a qualified biologist, retained by the project applicant and approved by the Development Services Department shall perform a pre-construction survey for active nests no more than 3 days prior to the initiation of construction. If an active nest is identified on-site or in the immediate vicinity (area of potential noise impact to species), construction shall be postponed until the nest is no longer active or a City-approved biologist decides on the appropriate separation distance between the nest and active construction areas. Results of the pre-construction survey shall be submitted in a report to the Development Services Department for review and approval and to the City's construction inspector at the pre-construction meeting, which shall occur prior to construction activities. This mitigation measure shall be included on construction plans, to the satisfaction of the Development Services Department, prior to construction permit issuance. With the implementation of the avoidance measures in MM-BIO-1, potential impacts to nesting birds would be reduced or avoided. Therefore, impacts would be less than significant with mitigation incorporated.

- e) Conflict with any local policies or ordinances that protect biological resources, such as a tree prevention policy or ordinance?

☐ Potentially Significant Impact ☒ Less than Significant Impact  
☐ Less Than Significant With Mitigation Incorporated ☐ No Impact

Discussion/Explanation:

**Less Than Significant Impact:** The Project does not conflict with any local policies or ordinances for biological resources. Policy 3.6 of the City General Plan states "Future development shall maintain significant mature trees to the extent possible and incorporate them into the design of development projects." The Project does not contain any mature trees with community significance.

- f) Conflict with the provisions of an adopted Habitat Conservation Plan, or other approved local, regional, or state habitat conservation plan?

☐ Potentially Significant Impact ☒ Less than Significant Impact  
☐ Less Than Significant With Mitigation Incorporated ☐ No Impact

Discussion/Explanation:

**Less Than Significant Impact:** The Project does not conflict with the provisions of an adopted Habitat Conservation Plan, or other approved local, regional, or state habitat conservation plan.

**V. CULTURAL RESOURCES** -- Would the project:

- a) Cause a substantial adverse change in the significance of a historical resource pursuant to 15064.5?

☐ Potentially Significant Impact ☒ Less than Significant Impact  
☐ Less Than Significant With Mitigation Incorporated ☐ No Impact

Discussion/Explanation:

The analysis and conclusions regarding the project's potential impacts on cultural resources are based, in part, on the *Cultural Resources Inventory and Evaluation* (May 2022), prepared by ECORP Consulting and included in this Initial Study as Appendix [D].

**Less than Significant Impact:** The *Cultural Resources Inventory and Evaluation* evaluated the significance of the historical resources based on a review of historical records including site record forms, historic maps, historic addresses and an architectural evaluation. A copy of the ECORP study is included in this Initial Study as Appendix [D]. Based on the results of this study, it has been determined that there are no historic resources present on the project site and the project will not have a result in a substantial adverse change in the significance of a historic

resource pursuant to the California Environmental Quality Act (CEQA) Guidelines, Section 15064.5.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?

- |                                                                                        |                                                       |
|----------------------------------------------------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                                | <input type="checkbox"/> Less than Significant Impact |
| <input checked="" type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                    |

Discussion/Explanation:

**Background:** The following goal and policies are relevant in protecting cultural and paleontological resources in the City.

RM GOAL 7: The City will make every effort to ensure significant scientific and cultural resources in the Planning Area are preserved for future generations.

RM GOAL 7.1: Require that paleontological, historical and archaeological resources in the planning area are documented, preserved or salvaged if threatened by new development.

RM GOAL 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.

**Less than Significant Impact with Mitigation Incorporated:**

Based on an analysis of records and a survey of the property by ECORP Consulting Appendix [D]), it has been determined that the Project site may contain potential archaeological resources. Geologic maps of the area show that the Project Area contains Holocene deposits. These sediments are contemporaneous with human occupation of the region, and the area is known to have been a traditional territory for the Kumeyaay tribe. Reflections of an adjacent pre-contact archaeological site were observed within the Project Area as a result of this cultural resources investigation. However, the presence of archaeological materials in the Project Area and the high density of substantial archaeological deposits in the vicinity suggests that there is a potential for additional archaeological materials to be unearthed during construction. CEQA requires the lead agency to address potential significant impacts associated with the discovery of any unanticipated cultural resources during Project construction. Therefore, ECORP recommends mitigation measures be adopted and implemented by the lead agency to reduce potential adverse impacts to less than significant. To address potential significant impacts, the project applicant shall be required to implement MM-CUL-1 through MM-CUL-9, which were developed in consultation with traditionally affiliated California Native American tribes and include an Archaeological Monitoring Program for the potential discovery of buried resources as outlined below.

- Pre-Construction

- Contract with an archaeologist to perform archaeological monitoring and a potential data recovery program during all earth-disturbing activities. The Project Archaeologist shall perform the monitoring duties before, during and after construction.
- Pre-construction meeting to be attended by the Project Archaeologist and Native American monitor to explain the monitoring requirements.
- If on-site and/or off-site ground disturbing activities (e.g., exploratory trenching or excavations) are required for any informal or formal solicitation (written or spoken) of construction bids or similar requirements, the project applicant shall implement all applicable requirements identified in mitigation measures CUL-3 through CUL-9.
- Construction
  - Monitoring. Both the Project Archaeologist and Native American monitor are to be onsite during earth disturbing activities. The frequency and location of monitoring of native soils will be determined by the Project Archaeologist in consultation with the Native American monitor. Both the Project Archaeologist and Native American monitor will evaluate fill soils to ensure that they are negative for cultural resources.
  - If cultural resources are identified:
    - Both the Project Archaeologist and Native American monitor have the authority to divert or temporarily halt ground disturbance operations in the area of the discovery.
    - The Project Archaeologist shall contact the City of Encinitas Development Services at the time of discovery.
    - The Project Archaeologist in consultation with the City of Encinitas Development Services and the Native American monitor shall determine the significance of discovered resources.
    - Construction activities will be allowed to resume after the City of Encinitas Development Services has concurred with the significance evaluation.
    - Isolates and non-significant deposits shall be minimally documented in the field. Should the isolates and non-significant deposits not be collected by the Project Archaeologist, the Native American monitor may collect the cultural material for transfer to a Tribal curation facility or repatriation program.
    - If cultural resources are determined to be significant, a Research Design and Data Recovery Program shall be prepared by the Project Archaeologist in consultation with the Native American monitor and approved by the Project Archaeologist. The program shall include reasonable efforts to preserve (avoid) unique cultural resources of Sacred Sites; the capping of identified Sacred Sites or unique cultural resources and placement of development over the cap if avoidance is infeasible; and data recovery for non-unique cultural resources. The preferred option is preservation (avoidance).
  - Human Remains.
    - The Property Owner or their representative shall contact the County Coroner and the City of Encinitas Development Services.
    - Upon identification of human remains, no further disturbance shall occur in the area of the find until the County Coroner has made the necessary findings as to

- origin. If the human remains are to be taken offsite for evaluation, they shall be accompanied by the Luiseno Native American monitor.
- If the remains are determined to be of Native American origin, the Most Likely Descendant (MLD), as identified by the Native American Heritage Commission (NAHC), shall be contacted by the Property Owner or their representative in order to determine proper treatment and disposition of the remains.
  - The immediate vicinity where the Native American human remains are located is not to be damaged or disturbed by further development activity until consultation with the MLD regarding their recommendations as required by Public Resources Code Section 5097.98 has been conducted.
  - Public Resources Code §5097.98, CEQA §15064.5 and Health & Safety Code §7050.5 shall be followed in the event that human remains are discovered.
- Rough Grading
    - Monitoring Report. Upon completion of Rough Grading, a monitoring report shall be prepared identifying whether resources were encountered. A copy of the monitoring report shall be provided to the City, the South Coastal Information Center and any culturally-affiliated tribe who requests a copy.
  - Final Grading
    - Final. Report. A final report shall be prepared substantiating that earth-disturbing activities are completed and whether cultural resources were encountered. A copy of the final report shall be submitted to the City, the South Coastal Information Center and any culturally-affiliated tribe who requests a copy.

#### Cultural Material Conveyance

- The final report shall include evidence that all prehistoric materials have been curated at a San Diego curation facility or Tribal curation facility that meets federal standards per 36 CFR Part 79, or alternatively have been repatriated to a culturally affiliated tribe.
- The final report shall include evidence that all historic materials have been curated at a San Diego curation facility that meets federal standards per 36 CFR Part 79.

c) Disturb any human remains, including those interred outside of dedicated cemeteries?

- |                                                                                        |                                                       |
|----------------------------------------------------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                                | <input type="checkbox"/> Less than Significant Impact |
| <input checked="" type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                    |

Discussion/Explanation:

**Less than Significant with Mitigation Incorporated:** If human remains, or remains that are potentially human, are discovered during construction of the project, the project applicant shall be required to implement MM-CUL-3(8) to ensure reasonable protection measures are taken to protect the discovery from disturbance (Assembly Bill [AB] 2641). The archaeologist shall notify the San Diego County Medical Examiner (as per § 7050.5 of the Health and Safety Code). The

provisions of § 7050.5 of the California Health and Safety Code, § 5097.98 of the California PRC, and AB 2641 will be implemented. If the Medical Examiner determines the remains are Native American and not the result of a crime scene, the Medical Examiner will notify the NAHC, who then will designate a Native American Most Likely Descendant (MLD) for the Project (§ 5097.98 of the PRC). The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the landowner does not agree with the recommendations of the MLD, the NAHC may mediate (§ 5097.94 of the PRC). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (§ 5097.98 of the PRC). This will also include either recording the site with the NAHC or the appropriate information center; using an open space or conservation zoning designation or easement; or recording a reinternment document with the county in which the property is located (AB 2641). Work may not resume within the no-work radius until the City, through consultation as appropriate, determines that the treatment measures have been completed to its satisfaction. Therefore, the Project's potential impacts would be less than significant with mitigation incorporated with respect to the discovery of unknown human remains.

**VI. ENERGY** -- Would the project:

- a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

|                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

**Discussion/Explanation:**

The analysis and conclusions in the discussion below are based, in part, on the *Greenhouse Gas Analysis* prepared for the project by BlueScape Environmental, dated February 2, 2024, which is included in this Initial Study as Appendix [G].

**Less than Significant Impact:**

As discussed in section 4.2.2, Energy Use of the updated GHG technical study prepared by BlueScape Environmental (Appendix [G]), the CalEEMod Model assumes a baseline of 2019 Title 24 standards. The baseline energy use provides a conservative estimate of current energy requirements relative to future energy requirements. For the Project (Option 1), electricity usage has been estimated at 101.4 MWh/year and allocated to the hotel and restaurant based on square footage. A solar PV system that will offset 31% of total electricity use will be installed to conform to the City's GBO requirements for energy use. Option 1 also assumes that both the hotel and the restaurant would use natural gas. The hotel would use natural gas for non-Title 24 uses, such as appliances, and for Title 24 uses such as for heating water and for comfort heating. Default values for non-Title 24 and Title 24 natural gas usage in a 11,269 square foot hotel were assumed in CalEEMod Model. The restaurant's non-Title 24 natural gas usage for the cooking appliances is estimated to be 6,205 therms/year, so this value was entered for the restaurant's

non-Title 24 natural gas usage in CalEEMod. Default natural gas usage was assumed for a 1,165 square foot quality restaurant's Title 24 natural gas usage. Water usage also was estimated based on the CalEEMod Model. For the purpose of this analysis, it was assumed that the Project would be equipped with low flow fixtures.

Construction and operation of the Project is not expected to result in the wasteful or inefficient use of energy. All new construction would be required to comply with the GBOs and building ordinances in effect at the time of construction, which ensures energy efficient building construction. Additional measures such as efficient water usage of fixtures and landscaping, along with energy efficient lighting, and recycling, would be incorporated for the Project. GHG emissions associated with electricity use would later be eliminated as California decarbonizes the electrical generation infrastructure as committed to by 2045 through SB 100, the 100 percent Clean Energy Act of 2018. Therefore, the Project would be designed to contribute its "fair share" of what is required to achieve carbon neutrality of buildings by 2045. As such, the construction and operation of the Project is not expected to result in the wasteful or inefficient use of energy, and impacts would be less than significant.

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

- |                                                                                        |                                                       |
|----------------------------------------------------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                                | <input type="checkbox"/> Less than Significant Impact |
| <input checked="" type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                    |

Discussion/Explanation:

**No Impact:** The project will comply with the City's Green Building Ordinance (GBO) 2022-14 that went into effect January 1, 2023, for new non-residential buildings which surpass the 2022 CalGreen Tier 1 and Tier 2 mandatory and voluntary requirements. Additionally, it will be required to comply with all Building Codes upon submittal of construction plans. In compliance with applicable building regulations, the project will install four parking spaces with Level 2 electric vehicle charging equipment, which accounts for 9.7 percent of the parking spaces planned onsite. The project also proposes to install an additional six EVSE spaces and will include the installation of an additional 19kWdc solar PV for a total of 38kW for the project as identified in the GHG Analysis dated April 2024. With these design features the project is consistent with all State and local plans for renewable energy.

**VII. GEOLOGY AND SOILS** -- Would the project:

- a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
- i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

- |                                                                             |                                                       |
|-----------------------------------------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact         |

Discussion/Explanation:

The analysis and conclusions in this section are based, in part, on the following technical studies which are included as appendices in this Initial Study: (1) *Preliminary Geotechnical Investigation and Foundation Recommendations Proposed Commercial Structure to be located at 516 La Costa Avenue, Encinitas, California 92024*, prepared by Engineering Design Group, dated February 27, 2018 (Appendix [H]); (2) *Addendum No. 1* prepared by Engineering Design Group, dated March 4, 2019 (Appendix [I]); (3) *Addendum No. 2* prepared by Engineering Design Group, dated March 11, 2020 (Appendix [J]); and, (4) *Preliminary Grading Plan – 18-188 MIN/DR/CDP – 516 La Costa Avenue, APN: 216-030-48*, prepared by Pasco Laret Suiter and Associates, dated 12/18/2019 (Appendix [K]).

**No Impact:** A review of geologic literature pertaining to the general site area indicates the subject site is not within a mapped fault zone. The project site could be subjected to moderate to severe ground shaking in the event of a major earthquake along any of the faults in the Southern California region. To ensure the structural integrity of all structures, the Proposed Project must conform to the Seismic Requirements as outlined within the California Building Code. Compliance with the California Building Code and the County Code will ensure the Project will not result in a potentially significant impact from the exposure of people or structures to potential adverse effects from rupture of a known earthquake fault.

ii. Strong seismic ground shaking?

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** To ensure the structural integrity of all structures, the Proposed Project must conform to the Seismic Requirements as outlined within the California Building Code. Compliance with the California Building Code and the County Code ensures the Project will not result in a potentially significant impact from the exposure of people or structures to potential adverse effects from strong seismic ground shaking.

iii. Seismic-related ground failure, including liquefaction?

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** Liquefaction of cohesionless soils can be caused by strong vibratory motion due to earthquakes. Research and historical data indicate that loose, granular soils underlain by a near-surface ground water table are most susceptible to liquefaction, while the stability of most silty sands and clays is not adversely affected by vibratory motion. Because of the dense nature of the soil materials underlying the site and the lack of near surface water, the potential for lateral spreading, liquefaction, subsidence or seismically induced dynamic settlement at the site is considered low. The effects of seismic shaking can be reduced by adhering to the most recent edition of the California Building Code and current design parameters of the Structural Engineers Association of California. Therefore, the impacts are less than significant.

iv. Landslides?

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** In preparing the Investigation," Engineering Design Group reviewed geologic maps of the subject area. Their review of geologic maps does not indicate landslide deposits at the area in and around the project site. Therefore, the impacts are less than significant.

b) Result in substantial soil erosion or the loss of topsoil?

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** The Project would not result in substantial soil erosion or the loss of topsoil for the following reasons:

- The Project would not result in unprotected erodible soils. Topsoil, fill and weathered unsuitable materials were encountered to depths up to 18 feet below adjacent grade in our exploratory borings. These materials consist of brown to dark brown to dark brownish gray, dry to moist, very loose to medium dense, silty sands and sandy silts, with organics and debris. In general, these materials are not considered suitable for the support of structures and structural improvements in their present state, but may be utilized as re-compacted fill if necessary, provided the recommendations of this report are followed. Unsuitable soil materials classify as SW-SM per the Unified Soil Classification System, and based on visual observation, are considered to possess low to medium potential for expansion.

- A Storm Water Quality Management Plan (SWQMP) and Drainage Study (July 2021) have been prepared by Pasco Laret Suiter & Associates for the Project and is included in this Initial Study as Appendix [L]. Proposed new stormwater drainage facilities would include infiltration basins to capture runoff and protect downstream resources.
- The Project involves grading. However, the Project would be required to comply with the City's Grading Ordinance. Compliance with these regulations would minimize the potential for water and wind erosion.

Due to these factors, the Project would not result in substantial soil erosion or the loss of topsoil, and impacts would be less than significant.

- c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in an on- or offsite landslide, lateral spreading, subsidence, liquefaction or collapse?

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** The Project would require the grading of 4,680 cubic yards, with 2,060 cubic yards of cut, 900 cubic yards of fill, 1,160 cubic yards of export, and 1,720 cubic yards of remediation. In order to assure that Proposed Project components are adequately supported, a Geotechnical Investigation (Appendix [H]) was prepared for the Project, in compliance with the City of Encinitas Building Permit process. The Investigation found that excessive swelling or shrinkage of surficial soil/rock due to wetting and drying over time is not anticipated. The Investigation evaluated the strength of underlying soils and provided recommendations on foundation design. The Investigation demonstrated that the site would be suitable for development when constructed in accordance with structural stability standards required by the California Building Code, and in compliance with the Grading Ordinance. Therefore, impacts would be less than significant. For further information regarding landslides, liquefaction, and lateral spreading, refer to Section VI Geology and Soils, Question a), iii) through iv) listed above.

- d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** According to the Investigation and Addendum #1, the Project would be designed and constructed in compliance with the California Building Code design standards and will incorporate geotechnical recommendations to ensure soil stability and proper engineering design of the battery storage footings, thus reducing potential impacts related to geologic units or soils to a less than significant level. Therefore, the Project would not create a substantial risk to life or property and impacts would be less than significant.

- e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

|                                                                             |                                                       |
|-----------------------------------------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact         |

Discussion/Explanation:

**No Impact:** The Project does not propose any septic tanks or alternative wastewater disposal systems. The Project will connect to the Leucadia Wastewater District. Therefore, the Project would have no impact related to the use of septic tanks or alternative wastewater disposal systems.

- f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

|                                                                                        |                                                       |
|----------------------------------------------------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                                | <input type="checkbox"/> Less than Significant Impact |
| <input checked="" type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                    |

Discussion/Explanation:

San Diego County has a variety of geologic environments and geologic processes which generally occur in other parts of the state, country, and the world. However, some features stand out as being unique in one way or another within the boundaries of the County.

**Less than Significant with Mitigation Incorporated:** 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.

Much of the project area is considered sensitive for paleontological resources. The project area is underlain by Torrey Sandstone and the Del Mar Formation, which are considered sensitive for paleontological resources. There is a possibility of the unanticipated discovery of paleontological resources during ground-disturbing activities as well as the potential to damage or destroy paleontological resources that may be present below the ground surface.

To reduce or avoid potential significant impacts, the project applicant will be required to implement MM-GEO-1 and MM-GEO-2, which provide for a Paleontological Data Recovery and Monitoring Plan for the potential discovery of buried resources as outlined below:

1. Prior to grading permit issuance, during grading and excavation activities, and prior to building 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:
  - 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 M.S. or Ph.D. degree in paleontology or geology, and who is a recognized expert in the identification of fossil materials and the application of paleontological recovery procedures and techniques. 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 pre-construction meeting to consult with the grading and excavation contractors concerning the grading plan and paleontological field techniques.
  - c. The qualified paleontologist or paleontological monitor shall be on site on a full-time basis during the original cutting of previously undisturbed portions of the underlying 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.
  - 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.

With implementation of M-GEO-1 and M-GEO-2, the project's potential impacts on paleontological resources would be less than significant.

#### **VIII. GREENHOUSE GAS EMISSIONS** -- Would the project

- a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

#### Discussion/Explanation:

The analysis and conclusions in the discussion below are based, in part, on the *Greenhouse Gas Analysis* prepared for the project by Scientific Resources Associated, dated February 15, 2022, which is included in this Initial Study as Appendix [G] and has been updated by the *Greenhouse Gas Analysis* prepared by BlueScape Environmental, dated February 2, 2024, which is included in this Initial Study as Appendix [G].

**Less than Significant Impact:** The Project would produce Greenhouse Gas (GHG) emissions during construction activities, as well as during the operation of the Project through vehicle trips and landscaping maintenance.

#### GHG Overview

Greenhouse gas (GHG) emissions are said to result in an increase in the earth's average surface temperature commonly referred to as global warming. This rise in global temperature is associated with long-term changes in precipitation, temperature, wind patterns, and other elements of the earth's climate system, known as climate change. These changes are now broadly attributed to GHG emissions, particularly those emissions that result from the human production and use of fossil fuels.

GHGs include carbon dioxide, methane, halocarbons, and nitrous oxide, among others. Human induced GHG emissions are a result of energy production and consumption, and personal vehicle use, among other sources. Climate changes resulting from GHG emissions could produce an array of adverse environmental impacts including water supply shortages, severe drought, increased flooding, sea level rise, air pollution from increased formation of ground level ozone and particulate matter, ecosystem changes, increased wildfire risk, agricultural impacts, ocean and terrestrial species impacts, among other adverse effects.

In 2006, the State passed the Global Warming Solutions Act of 2006, commonly referred to as Assembly Bill (AB) 32, which set the GHG emissions reduction goal for the State of California into law. The law requires that by 2020, State emissions must be reduced to 1990 levels by reducing GHG emissions from significant sources via regulation, market mechanisms, and other actions.

Senate Bill (SB) 375, passed in 2008, links transportation and land use planning with global warming. It requires the California Air Resources Board (CARB) to set regional targets for the purpose of reducing GHG emissions from passenger vehicles. Under this law, if regions develop integrated land use, housing, and transportation plans that meet SB 375 targets, new projects in these regions can be relieved of certain review requirements under the California Environmental Quality Act (CEQA). The San Diego Association of Governments (SANDAG) has prepared a Sustainable Communities Strategy (SCS) and the 2050 Regional Transportation Plan (RTP) which are elements of the San Diego Forward: The Regional Plan. The strategy identifies how regional GHG reduction targets, as established by the CARB, will be achieved through development patterns, transportation infrastructure investments, and/or transportation measures or policies that are determined to be feasible. The County of San Diego has also adopted various GHG related goals and policies in the General Plan.

It should be noted that an individual project's GHG emissions would generally not result in direct impacts under CEQA, as the climate change issue is global in nature; however, an individual project could be found to contribute to a potentially significant cumulative impact. CEQA Guidelines Section 15130(f) states that an environmental impact report (EIR) shall analyze GHG emissions resulting from a proposed project when the incremental contribution of those emissions may be cumulatively considerable.

#### Background on Climate Action Plan

The City of Encinitas adopted a Climate Action Plan (CAP) in January 2018 and an interim revision on November 2020. The CAP outlines actions that the City of Encinitas will undertake to meet its greenhouse gas (GHG) emissions reductions targets. Implementation of the CAP requires that new development projects incorporate more sustainable design standards and implement applicable reduction measures consistent with the CAP.

## Project Analysis

The City of Encinitas has not established a GHG significance threshold to date. Several lead agencies in California have adopted a screening threshold recommended by the CAPCOA Report, *CEQA and Climate Change – Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act*, which proposes a screening-level threshold of 900 metric tons of CO<sub>2</sub>e to evaluate whether a project must conduct further analysis.

For the purpose of this analysis, the CAPCOA screening threshold of 900 metric tons of CO<sub>2</sub>e has been used to evaluate the potential significance of GHG emissions associated with the project. In addition, the Greenhouse Gas Analysis (Appendix [G]) evaluated three options for the project to take into account the applicability or non-applicability of the prohibition against the use of natural gas set forth in the City's Green Building Ordinance (GBO). However, as a result of litigation unrelated to the Project or the City of Encinitas, the City has suspended operation of the GBO's prohibition against natural gas usage and the Project proposes to use natural gas as analyzed in Option 1 of the updated Greenhouse Gas Analysis (Appendix [G]).

As shown in Tables 3 through 6 of the Greenhouse Gas Analysis (Appendix [G]), the total annual CO<sub>2</sub>e emissions from the project would be 208.8 - 264.4 metric tons, depending on the status of the City's GBO and the extent of natural gas usage in the project. In any event, the total GHG emissions would be substantially below the CAPCOA screening threshold of 900 metric tons of CO<sub>2</sub>e. The project's contribution to GHG emissions would, therefore, be less than significant.

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

- |                                                                                        |                                                       |
|----------------------------------------------------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                                | <input type="checkbox"/> Less than Significant Impact |
| <input checked="" type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                    |

## Discussion/Explanation:

**Less than Significant Impact with Mitigation:** As discussed in the Greenhouse Gas Analysis prepared by BlueScape Environmental (Appendix [G]), the project was evaluated using guidance developed by the Bay Area Air Quality Management District (BAAQMD) to evaluate GHG emission impacts (BAAQMD 2022). The BAAQMD Guidelines Chapter 3 provides the framework to analyze what would be required of new land use development projects to achieve California's long-term climate goal of carbon neutrality by 2045. Projects that comply with a local GHG reduction strategy that meets the criteria under State CEQA Guidelines Section 15183.5(b) are considered to do their "fair share" of implementing the goal of carbon neutrality by 2045 and would not conflict with a state plan, policy or regulation intended to reduce GHG emissions.

The City's [Climate Action Plan](#) (CAP) provides a roadmap for reducing greenhouse gas emissions through the implementation of various targets, goals, strategies, and measures. The CAP includes the following seven overarching strategies and associated goals: Building

Efficiency; Renewable Energy; Water Efficiency; Clean and Efficient Transportation; Reduce Off-road Equipment; Zero Waste; and Carbon Sequestration. The 2018 CAP set a target to reduce greenhouse gas emissions 13% below 2012 levels by 2020 and 44% below 2012 levels by 2030. Through the implementation of the seven emission reduction strategies, the City has made real progress by surpassing the 2020 goal and reducing emissions by 14.6% below 2012 levels. An update of the CAP is underway which will re-evaluate priorities and determine new targets based on an updated baseline.

The project's conformance with the BAAQMD Guidelines is analyzed in Section 4.3 of the Greenhouse Gas Analysis prepared by BlueScape Environmental (Appendix [G]). The project will contribute its "fair share" of what would be required to meet California's long-term climate goals by installing additional solar panels on-site that would produce an additional 19 kW of solar power (for a total of 38 kW of solar power) and six additional electric vehicle charging stations required by project design features. With implementation of these design features, the project would be consistent with the City of Encinitas CAP, including the following measures: BE-3 (higher energy efficiency standards for commercial buildings); BE-4 (decarbonization of new commercial buildings); RE-3 (commercial buildings to install solar photovoltaic systems); CET-5 (installation of electric vehicle charging stations); and CES-1 (implement urban tree planting program). Therefore, the project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHG. Impacts would be less than significant with mitigation.

**IX. HAZARDS AND HAZARDOUS MATERIALS** -- Would the project:

- a) Create a significant hazard to the public or the environment through the routine transport, storage, use, or disposal of hazardous materials or wastes or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

- |                                                                                        |                                                       |
|----------------------------------------------------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                                | <input type="checkbox"/> Less than Significant Impact |
| <input checked="" type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                    |

Discussion/Explanation:

The analysis and conclusions in this section are based, in part, on the following technical studies which are included in this Initial Study as appendices: (1) the *Draft Phase I and Limited Phase II Environmental Site Assessment* prepared for the project by The Brown Studio, dated November 30, 2017 (Appendix [Q]); (2) the *Soil Management Plan* prepared for the project by Leighton and Associates, dated January 29, 2019 (Appendix [R]); and (3) the *Community Health and Safety Plan* prepared by Leighton and Associates, dated September 18, 2020 (Appendix [S]).

**Less than Significant With Mitigation Incorporated:** Based on a Phase I Environmental Site Assessment completed for the Project, in conformance with the scope and limitations of the American Society for Testing and Materials (ASTM) E 1527-13 Standard Practice for

Environmental Site Assessments: Phase I Environmental Site Assessment Process as referenced in 40 Code of Federal Regulations (CFR) Part 312 (the All Appropriate Inquiries [AAI] Rule), the Project site contains known or suspected “recognized environmental conditions” (REC) as defined in the ASTM E 1527-13 Standard.

RECs are defined, according to ASTM E1527-13 as: the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to any 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. De minimis conditions are not RECs (ASTM 1527-13, 2013).

The results of the Phase I Environmental Site Assessment completed for the Project indicate that organochlorine pesticides (OCPs) impacted soils are present generally at shallow depths within limited areas of the site. These contaminated soils could be disturbed during grading and construction activities for the project and released into the environment, which could result in a significant impact.

To address this potential significant impact, the Project will be required to adhere to the Soil Management Plan (SMP) (2017) and the Community Health and Safety Plan (CHSP) which are set forth in full in Appendices [R-S].

The SMP describes the scope of work for the segregation, reuse and disposal of soils to be excavated during a grading project for the construction of a future 2-story hotel on 1.18 acres of land with no underground parking. Based on the results of the December 2018 Environmental Site Characterization Report, approximately 1,680 cubic yards of soil is anticipated to be exported. If additional, previously unidentified odorous, stained or discolored soils are encountered, they will be segregated, sampled and managed per protocols. Clean soils will be reused per SDRWQCB Order No. R9-2014-0041. Confirmation samples will be taken at a frequency of one per 20 linear feet along sidewalls and excavation bottom. If Contaminants of Concern are detected in any sample above the relevant screening level, additional excavation and sampling can occur.

The SHSP and CHSP address proposed safeguards for construction workers and the community. Potential Volatile Organic Compound (VOC) vapors will be measured by a Photo Ionization Detector (PID). The report describes the proposed methods for the application of water, mist, other barriers, etc., to control dust, or VOC's if PID readings over 25 ppm are noted for 30 seconds or more.

On September 23, 2020 the County of San Diego Department of Environmental Health, Site Assessment and Mitigation Program concurred on all of these studies. The SMP was approved by the County of San Diego with the following condition: Confirmation sample results should be compared to SF-RWQCB Environmental Screening Levels (ESLs) versus RSLs.

With implementation of MM-HAZ-1 and MM-HAZ-2, the project's potential impacts associated with contaminated soils would be reduced to less than significant.

- b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

- |                                                                                        |                                                       |
|----------------------------------------------------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                                | <input type="checkbox"/> Less than Significant Impact |
| <input checked="" type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                    |

Discussion/Explanation:

**Less Than Significant With Mitigation Incorporated:** Construction of the project would entail routine transport and use of potentially hazardous materials, including but not limited to gasoline, oil, solvents, cleaners, and paint. Proper best management practices (BMPs; such as proper and clear labeling of chemicals and preparation of an accidental release plan), stormwater pollution prevention programs (refer to Section 3.8, Hydrology and Water Quality, of this DEIR), and compliance with hazardous materials handling protocols and regulations would ensure safe storage, handling, transport, use, and disposal of all hazardous materials during construction of the project. The operational phase of the project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials or reasonably foreseeable upset or accident conditions. The project involves hotel facilities with associated landscape and facility maintenance. Hazardous materials would be limited to private use of commercially available cleaning products, landscaping chemicals and fertilizers, and various other commercially available substances. Although the project would increase the number of structures on site and therefore would result in an increased use of commercially available potentially hazardous materials, the use of these substances is subject to relevant federal, state, and local health and safety laws that are intended to minimize health risk to the public associated with hazardous materials. Therefore, impacts related to the operational phase of the project would be less than significant.

- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

- |                                                                             |                                                       |
|-----------------------------------------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact         |

Discussion/Explanation:

**No Impact:**

The Project is approximately 1.4 miles from the nearest school, Capri Elementary School, which is located at 941 Capri Road. No schools or residences are located within a quarter mile, therefore the Project would have no impacts associated with schools within one-quarter mile of the project site..

- d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, or is otherwise known to have been subject to a release of hazardous substances and, as a result, would it create a significant hazard to the public or the environment?

- |                                                                                        |                                                       |
|----------------------------------------------------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                                | <input type="checkbox"/> Less than Significant Impact |
| <input checked="" type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                    |

Discussion/Explanation:

**Less than Significant Impact with Mitigation Incorporated:** The project site is not located on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, or otherwise known to have been subject to a release of hazardous substances and, as a result, would not create a significant hazard to the public or the environment. See Response to IX.a. Compliance with mitigation measures M-HAZ-1 and M-HAZ-2 will reduce to less than significant. Therefore, with the mitigation proposed, the impacts will be less than significant.

- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

- |                                                                             |                                                       |
|-----------------------------------------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact         |

Discussion/Explanation:

**No impact:** 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 6.1 miles northeast of the project site, and there are no private airstrips in the immediate vicinity. Therefore, no impact would occur.

- f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

The following discussion summarizes the project's consistency with applicable emergency response plans or emergency evacuation plans.

i. OPERATIONAL AREA EMERGENCY PLAN AND MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN:

**Less than Significant Impact:** The Operational Area Emergency Plan is a comprehensive emergency plan that defines responsibilities, establishes an emergency organization, defines lines of communications, and is designed to be part of the statewide Standardized Emergency Management System. The Operational Area Emergency Plan provides guidance for emergency planning and requires subsequent plans to be established by each jurisdiction that has responsibilities in a disaster situation. The Multi-Jurisdictional Hazard Mitigation Plan includes an overview of the risk assessment process, identifies hazards present in the jurisdiction, hazard profiles, and vulnerability assessments. The plan also identifies goals, objectives and actions for each jurisdiction in the County of San Diego, including all cities and the County unincorporated areas. The Project would not interfere with this plan because it would not prohibit subsequent plans from being established or prevent the goals and objectives of existing plans from being carried out.

ii. SAN DIEGO COUNTY NUCLEAR POWER STATION EMERGENCY RESPONSE PLAN

**No Impact:** The San Diego County Nuclear Power Station Emergency Response Plan would not be interfered with by the Project due to the location of the Project, plant and the specific requirements of the plan. The emergency plan for the San Onofre Nuclear Generating Station includes an emergency planning zone within a 10-mile radius. All land area within 10 miles of the plant is not within the jurisdiction of the City of Encinitas and as such a project is not expected to interfere with any response or evacuation.

iii. OIL SPILL CONTINGENCY ELEMENT

**No Impact:** The Oil Spill Contingency Element would not be interfered with because the Project does not propose any use of oil onsite. In the event that an unauthorized release of oil were to occur, the California State Warning Center and the National Response Center would be notified.

iv. EMERGENCY WATER CONTINGENCIES ANNEX AND ENERGY SHORTAGE RESPONSE PLAN

**No Impact:** The Emergency Water Contingencies Annex and Energy Shortage Response Plan would not be interfered with because the Project does not include the alteration of a major water or energy supply infrastructure, such as the California Aqueduct.

v. DAM EVACUATION PLAN

**No Impact:** The Dam Evacuation Plan would not be interfered with because the Project is not located within a dam inundation zone.

g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** The Project site is not listed as a very high fire hazard area in a Local Responsibility Area and has been reviewed and accepted by the Encinitas Fire Department. Therefore, impacts would be less than significant.

**X. HYDROLOGY AND WATER QUALITY** -- Would the project:

- a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

The analysis and conclusions regarding the project's potential impacts on hydrology and water quality are based, in part, on the *Preliminary Hydrology, Hydraulics, and Stormwater Treatment Study* (July 2021) and *Priority Development Project (PDP) Storm Water Quality Management Plan (SWQMP)* (October 2020) which are included in this Initial Study as Appendix [L] and Appendix [P], respectively.

**Less than Significant Impact:** The Project would be required to obtain a NPDES General Permit for Discharges of Storm Water Associated with Construction Activities. Minimum required construction Best Management Practices (BMPs) would include vegetation stabilization planting, fiber rolls (straw wattles), stabilized construction entrance, materials management, and waste management.

In addition, a Preliminary Hydrology, Hydraulics, and Stormwater Treatment Study (July 2021) and Priority Development Project (PDP) Storm Water Quality Management Plan (SWQMP) (October 2020), have been prepared to demonstrate that the Project would comply with all operational requirements.

Potential water quality impacts associated with short-term grading and construction activities include discharge of construction-related sediment and hazardous materials (e.g., fuels). However, with implementation of best management practices during construction as required by a SWPPP (2020), such water quality impacts would be reduced to less than significant.

Additional urban runoff pollutants within the project corridor would include litter, trash, and debris; bacteria and viruses from pet feces; oil, grease, metals, and toxic chemicals from vehicle

hydrocarbons; and sediments, nutrients, pesticides, and fertilizers from landscaped areas. In the existing condition, a portion of the site drains to the west and north, discharging out the northwest corner of the site through an existing pipe down to the lagoon. The other portion of the site currently drains to the east and out an existing pipe to the bottom of the slope adjacent to the freeway.

A bioretention basin is proposed on the north end of the site. In general, the site will drain south to north either along proposed curb or will sheet flow into proposed storm drain that will discharge into the Bioretention Basin. The basin will be lined and has an overflow inlet to discharge out via a PVC pipe that outlets to two proposed MaxWell IV infiltration pits by Torrent where the water will infiltrate on site. In the instance of an emergency, where stormwater will not infiltrate, an emergency overflow pipe directly connected to the infiltration pit will gravity drain stormwater to the La Costa 48 project to the west.

The storm drainpipe will be connected to the La Costa 48 project's drainage inlet B, the emergency overflow inlet located on the easterly portion of the site.

The proposed development and proposed storm drain design will be capable of not only safely conveying the 100-year storm runoff flow, but has included many instruments into the storm drain system design to ensure that the discharge from the project site is of the best possible quality and will not pose any significant impact or threats to the water quality of the Pacific Ocean, or the public storm drain system. In addition, the proposed development and storm drain improvements will not significantly alter the existing drainage patterns. Any increase in storm water runoff will be detained and will not increase the potential for flooding or create an increase in erosion.

Therefore, the Project would have less than significant impacts on water quality standards and discharge requirements, as well as degradation of surface and groundwater quality in general.

- b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

|                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** As identified by the San Diego Basin Plan, the Project site drains within Carlsbad Hydrologic Unit, specifically the San Marcos Hydrologic Sub Area

The PDP SWQMP prepared for the Project by Pasco Laret Sutter and Associates (October 2020) is included in this Initial Study as Appendix [L]. The SWQMP proposes the following design measures and source control BMPs such that potential pollutants would be reduced to the maximum extent practicable so as not to increase the level of pollutants in receiving waters and

reduce impacts on storm water quality and hydromodification to less than significant levels: vegetation stabilization planting, fiber rolls (straw wattles), stabilized construction entrance, materials and waste management, permeable surfaces, and a biofiltration basin.

Project implementation would not include development activities that could otherwise deplete groundwater supplies. Infiltration would be maintained through project design including detention basins and low impact design requirements of the Municipal Separate Storm Sewer System (MS4) permit. This includes management practices, control techniques, system design and engineering methods, and other measures as appropriate. The proposed project would not interfere substantially with groundwater recharge, and potential impacts to groundwater supplies would be less than significant.

- c) Could the proposed project cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses?

|                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** With implementation of best management practices (BMPs) during construction as required by a SWPPP, the Project would not result in substantial erosion or siltation on- or off-site. Post construction BMPs described in the SWQMP. As indicated, with implementation of BMPs the project would not alter drainage patterns, but would instead maintain and improve the existing storm drainage. In addition, the project would not alter the course of a stream or river. Thus, no potential for substantial erosion or siltation would occur on- or off- site. Impacts would be less than significant.

- d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through the addition of impervious surface, in a manner which would:

- (i) result in substantial erosion or siltration on- or offsite;

|                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** As outlined in the PDP SWQMP prepared for the Project, the Project would implement the following site design measures, source control, and/or permanent post construction pollutant and hydro-modification control BMPs to reduce potential pollutants, including sediment from erosion or siltation, to the maximum extent practicable from entering storm water runoff: permeable surfaces and biofiltration basins. Runoff would be directed to the proposed infiltration basins located at the northern end of the facility and along the access

driveway. These measures would control erosion and sedimentation and satisfy waste discharge requirements. The PDP SWQMP specifies and describes the implementation process of all BMPs that would address equipment operation and materials management, prevent the erosion process from occurring, and prevent sedimentation. The Development Services – Engineering Division would ensure that the Plan is implemented as proposed. Due to these factors, the Project would not result in significantly increased erosion or sedimentation potential and impacts would be less than significant. For further information on soil erosion, refer to Section VII, Geology and Soils, Question b).

(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** The Preliminary Hydrology, Hydraulics, and Stormwater Study prepared for the Project by Pasco Laret Sutter and Associates (July 2021) is included in this Initial Study as Appendix [P]. The study analyzes drainage before and after proposed development of the Project site, including BMPs required to control runoff rate and quality to ensure that no adverse effects would occur to downgradient neighboring properties, consistent with city and state requirements.

A bioretention basin is proposed on the north end of the site. In general, the site will drain south to north either along proposed curb or will sheet flow into proposed storm drain that will discharge into the Bioretention Basin. The basin will be lined and has an overflow inlet to discharge out via a PVC pipe that outlets to two proposed MaxWell IV infiltration pits by Torrent where the water will infiltrate on site. In the instance of an emergency, where stormwater will not infiltrate, an emergency overflow pipe directly connected to the infiltration pit will gravity drain stormwater to the La Costa 48 project to the west.

The storm drainpipe will be connected to the La Costa 48 project's drainage inlet B, the emergency overflow inlet located on the easterly portion of the site.

The proposed development and proposed storm drain design will be capable of not only safely conveying the 100-year storm runoff flow, but has included many instruments into the storm drain system design to ensure that the discharge from the project site is of the best possible quality and will not pose any significant impact or threats to the water quality of the Pacific Ocean, or the public storm drain system. In addition, the proposed development and storm drain improvements will not significantly alter the existing drainage patterns. Any increase in storm water runoff will be detained and will not increase the potential for flooding or create an increase in erosion.

Impacts would be less than significant.

(iii) 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; or

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** As discussed above, the proposed development and proposed storm drain design will be capable of not only safely conveying the 100-year storm runoff flow, but has included many instruments into the storm drain system design to ensure that the discharge from the project site is of the best possible quality and will not pose any significant impact or threats to the water quality of the Pacific Ocean, or the public storm drain system. In addition, the proposed development and storm drain improvements will not significantly alter the existing drainage patterns. Any increase in storm water runoff will be detained and will not increase the potential for flooding or create an increase in erosion.

(iv) impede or redirect flood flows?

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** As discussed above, flood flows would be controlled at the points where existing runoff leaves the property. Therefore, the Project would not impede or redirect flood flows. Impacts would be less than significant.

e) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

- |                                                                             |                                                       |
|-----------------------------------------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact         |

Discussion/Explanation:

**No Impact:** The Project site is not located within Federal Emergency Management Agency (FEMA), County Floodplain, County Floodway, or Dam Inundation flood zones. In addition, the Project site is not located within a tsunami or seiche inundation zone. Therefore, no impacts would occur.

- f) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** The Project site would be in compliance with the approved Stormwater Quality Management Plan and all applicable City of Encinitas Municipal Code sections. See responses to Section X, Hydrology and Water Quality, Questions a) through d). Therefore, 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.

**XI. LAND USE AND PLANNING** -- Would the project:

- a) Physically divide an established community?

- |                                                                             |                                                       |
|-----------------------------------------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact         |

Discussion/Explanation:

**No impact:** The Project does not propose the introduction of new major infrastructure such as roadways, water supply systems or utilities to the area. The Project was accounted for in the City's General Plan and is consistent with the Visitor Serving Commercial General Plan category and zoning for the site. Therefore, the Project is considered consistent with surrounding land uses and would not significantly disrupt or physically divide an established community. Impacts would be less than significant.

- b) 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?

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** The project complies with all land use plans, policies, and regulations, including the General Plan and zoning for the project site. Therefore, the Project would not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

**XII. MINERAL RESOURCES** -- Would the project:

- 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?

- |                                                                             |                                                       |
|-----------------------------------------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact         |

Discussion/Explanation:

**No impact:** No known mineral resource recovery sites occur or are designated within or adjacent to the project site. 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. There would be no impact.

- 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?

- |                                                                             |                                                       |
|-----------------------------------------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact         |

Discussion/Explanation:

**No Impact:** The Project site is not in an area designated by the State 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. There would be no impact.

**XIII. NOISE** -- Would the project result in:

- a) 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?

- |                                                                                        |                                                       |
|----------------------------------------------------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                                | <input type="checkbox"/> Less than Significant Impact |
| <input checked="" type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                    |

Discussion/Explanation:

The analysis and conclusions which follow regarding the project's potential impacts on noise are based, in part, on the *Noise Impact Analysis* was prepared for the Project by Eilar Associates, Inc., dated February 3, 2021, which is included in this Initial Study as Appendix [M].

**Less than Significant with Mitigation Incorporated:** According to the noise study, the Project is consistent with the City of Encinitas General Plan, Noise Ordinance, and other applicable noise standards for the following reasons:

General Plan – Noise Element

The City of Encinitas Noise Element to the General Plan states that noise levels at outdoor use areas of transient lodging (hotel/motel) uses should not exceed 70 CNEL in order to be considered “conditionally acceptable.” A noise analysis was performed to determine anticipated future noise impacts at proposed outdoor use areas on the project site. The analysis determined that impacts may be significant. In order to mitigate noise impacts at outdoor use areas, M-NOI-1 requires the installation of several sound attenuation. The sound attenuation barriers were input into the noise model in locations that would provide shielding from noise associated with traffic traveling on Interstate 5, which is the primary source of noise impacting these receivers. One of the proposed sound barriers should be located toward the north end of the project site and should extend a minimum of 5 feet in height above the finished floor elevation of the restaurant outdoor seating and spa deck areas to attenuate noise levels at these areas. Additionally, a six-foot-tall sound attenuation barrier should be installed along the eastern property line to mitigate noise impacts to the private outdoor use areas for hotel guests. The balcony barriers on the second floors of each bungalow should also be constructed as sound attenuation barriers, with a minimum height of 3.5 feet above the elevation of the balcony floor. Please refer to Section 5.1.1 of the Noise Study for more information.

Noise Ordinance

The City of Encinitas also requires an analysis to determine whether the proposed project will have an adverse noise impact on surrounding properties. Noise limits specified within Section 30.40 of the City of Encinitas Municipal Code must be met at neighboring property lines. The impact of project-generated traffic noise is anticipated to be insignificant at off-site noise sensitive properties.

Additionally, calculations show that noise levels generated by air conditioning units, background music, and persons gathered in proposed outdoor use areas of the project site are expected to be adequately controlled by distance attenuation at surrounding property lines and, therefore, should remain in compliance with the noise requirements of the City of Encinitas.

Section 9.32.410 of the City of Encinitas Municipal Code restricts the operation of construction equipment to the hours of 7 a.m. to 7 p.m., Mondays through Saturdays. The Municipal Code also states that it is unlawful to operate construction equipment that exceeds a noise level of 75 dBA for more than eight hours during any 24-hour period when measured at residential property lines.

Based on the currently proposed construction activities, noise levels are only expected to be 75 dBA or greater at residential property lines when activity is taking place within 35 to 65 feet of the nearest property line, and at all other times will be less than 75 dBA. Due to the large area of the site, this scenario is only expected to take place for very brief periods of time throughout the day, and for this reason, construction limited to the twelve allowable hours of operation established within the code will comply with City of Encinitas noise regulations. In addition, the project applicant will implement M-NOI-2, which requires measures such as reasonable maintenance of equipment, conservative planning of simultaneous equipment operation, and using equipment with effective mufflers. Compliance with mitigation measures M-NOI-1 and M-NOI-2 will reduce potential impacts due to construction and operational noise to less than significant. Therefore, the Project will not generate noise levels in excess of standards established in the local general plan, Encinitas Municipal Code noise ordinance, and applicable standards of other agencies.

b) Generation of excessive groundborne vibration or groundborne noise levels?

- |                                                                                        |                                                       |
|----------------------------------------------------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                                | <input type="checkbox"/> Less than Significant Impact |
| <input checked="" type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                    |

Discussion/Explanation:

**Less than Significant Impact with Mitigation Incorporated:** During construction of the proposed project, installation of proposed utility infrastructure, is expected to have minimal vibration levels. Construction activity is limited to daytime hours. As stated in Noise Study (Appendix M), vibration levels should remain below .010 impact and .005 for a steady state. As vibration levels are expected to meet applicable criteria, this impact would be less than significant.

Section 9.32.410 of the City of Encinitas Municipal Code restricts the operation of construction equipment to the hours of 7 a.m. to 7 p.m., Mondays through Saturdays. The Municipal Code also states that it is unlawful to operate construction equipment that exceeds a noise level of 75 dBA for more than eight hours during any 24-hour period when measured at residential property lines.

Based on the currently proposed construction activities, noise levels are only expected to be 75 dBA or greater at residential property lines when activity is taking place within 35 to 65 feet of the nearest property line, and at all other times will be less than 75 dBA. Due to the large area of the site, this scenario is only expected to take place for very brief periods of time throughout the day, and for this reason, construction limited to the twelve allowable hours of operation established within the code will comply with City of Encinitas noise regulations. General good practice measures should also be followed, including reasonable maintenance of equipment, conservative planning of simultaneous equipment operation, and using equipment with effective mufflers. Compliance with mitigation measures M-NOI-1 and M-NOI-2 will reduce this to less than significant.

- c) 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 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?

- |                                                                             |                                                       |
|-----------------------------------------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact         |

Discussion/Explanation:

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 6.1 miles northeast of the project site, and there are no private airstrips in the immediate vicinity. Therefore, no impact would occur.

**XIV. POPULATION AND HOUSING -- Would the project:**

- 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)?

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** The Project is the development of a hotel. This physical change would not induce substantial population growth in the area because it would only attract visitors on a short-term basis. In addition, the Project site and approximately 6 square miles of surrounding lands that have a population of greater than 1,000 persons per square mile and is considered "urban" by the U.S. census. Therefore, impacts would be less than significant.

- b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

- |                                                                             |                                                       |
|-----------------------------------------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact         |

Discussion/Explanation:

**No Impact:** The Proposed Project would not displace any existing people or housing because the Project site is presently vacant.

#### **XV. PUBLIC SERVICES**

- a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance service ratios, response times or other performance objectives for any of the public services:

- i. Fire protection?
- ii. Police protection?
- iii. Schools?
- iv. Parks?
- v. Other public facilities?

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** Based on the service availability forms received for the Project, the Proposed Project would not result in the need for new or significantly altered services or facilities. Service availability forms have been provided which indicate existing services are available to the Project from the following agencies/districts: Leucadia Wastewater District and Encinitas Fire District. The Project does not involve the construction of new or physically altered governmental facilities, including, but not limited to, fire protection facilities, sheriff facilities, schools, or parks in order to maintain acceptable service ratios, response times or other performance service ratios or objectives for any public services. Therefore, the Project would not have an adverse physical effect on the environment because the Project does not require new or significantly altered services or facilities to be constructed.

## **XVI. RECREATION**

- a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

- |                                                                             |                                                       |
|-----------------------------------------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact         |

Discussion/Explanation:

**No Impact:** The Project proposes to construct a new hotel and does not propose any residential use, included but not limited to a residential subdivision, mobile home park, or construction for a single-family residence that may increase the use of existing neighborhood and regional parks or other recreational facilities in the vicinity.

- b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

- |                                                                             |                                                       |
|-----------------------------------------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact         |

Discussion/Explanation:

**No Impact:** The Project proposes hotel facilities which do not include recreational facilities or require the construction or expansion of recreational facilities. Therefore, the construction or expansion of recreational facilities would not have an adverse physical effect on the environment.

## **XVII. TRANSPORTATION** -- Would the project:

- a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

The analysis and conclusions which follow regarding the project's potential impacts on transportation are based, in part, on the *Trip Generation and VMT Analysis for the Proposed La Costa Development Project* prepared by Mizuta Traffic Consulting, dated June 21, 2023, and the updated *La Costa Hotel Trip Generation and Vehicle Miles Traveled Analysis* –

*Technical Memorandum* prepared by CR Associates, dated January 18, 2024, which are included in this Initial Study as Appendix [N] and Appendix [O], respectively.

San Diego Association of Governments (SANDAG) is the designated congestion management agency for the San Diego region. SANDAG is responsible for preparing the Regional Transportation Plan (RTP), of which the CMP is an element, to monitor transportation system performance, develop programs to address near- and long-term congestion, and better integrate land use and transportation planning decisions. The CMP includes a requirement for enhanced CEQA review applicable to certain large developments that generate an equivalent of 2,400 or more average daily vehicle trips or 200 or more peak hour vehicle trips. These large projects must complete a traffic analysis that identifies the project's impacts on CMP system roadways, their associated costs and identify appropriate mitigation.

The City of Encinitas has also developed an overall programmatic solution that addresses existing and projected future road deficiencies in the city. The TIF program creates a mechanism to proportionally fund improvements to roadways necessary to mitigate potential cumulative impacts caused by traffic from future development. These new projects were based on SANDAG regional growth and land use forecasts, the SANDAG Regional Transportation Model was utilized to analyze projected buildout (year 2030) development conditions on the existing Mobility Element roadway network throughout the City of Encinitas. Based on the results of the traffic modeling, funding necessary to construct transportation facilities that will mitigate cumulative impacts from new development was identified. Existing roadway deficiencies would be corrected through improvement projects funded by other public funding sources, such as TransNet, gas tax, and grants. Potential cumulative impacts to the region's freeways have been addressed in SANDAG's RTP. The RTP, which considers freeway buildout over the next 30 years, will use funds from TransNet, State, and Federal funding to improve freeways to projected level of service objectives in the RTP.

**Less than Significant Impact:** The Project would not have a direct impact related to a conflict with any plans, ordinances, or policies addressing the circulation system. Project trips, or average daily trips (ADTs), are approximately 287 ADTs during project operation. Pursuant to the updated Technical Memorandum, dated January 18, 2024 (Appendix [O]), trips would not exceed screening levels for vehicle miles traveled (VMT) in relation to existing conditions. Further, payment of the TIF would be required at issuance of building permits.

Implementation of the Project would not result in the construction of any road improvements or new road design features that would interfere with the provision of public transit, bicycle or pedestrian facilities, nor would it generate sufficient travel demand to increase demand for transit, pedestrian or bicycle facilities. Therefore, the Project would not conflict with policies, plans, or programs regarding public transit, bicycle or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

b) Would the project conflict or be consistent with CEQA Guidelines section 15064.3, subdivision (b)?

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** Per CEQA Guidelines Section 15064.3, *Determining the Significance of Transportation Impacts*, land use projects would be evaluated based on vehicle miles traveled (VMT). Projects being developed within the City must carry out a transportation impact analysis in line with the appropriate VMT Guidelines at the time of the project's approval. The City of Encinitas City Council adopted the City of Encinitas SB 743 VMT Analysis Guidelines on November 8, 2023 (City's Guidelines). However, because the Project's application was deemed completed prior to the adoption of the City's Guidelines and to maintain consistency with other projects, the Project's VMT analysis and screening was conducted using the Institute of Transportation Engineer San Diego Chapter Guidelines for Transportation Impact Studies in the San Diego Region (May 2019), which is also referred to as the ITE Guidelines. According to the ITE Guidelines, development projects must execute an in-depth transportation VMT analysis unless they meet one of the seven screening criteria described on page 4 of the updated Technical Study (Appendix [O]). As shown in Figure 1 of the updated Technical Study, the Project would generate a total of 287 ADT. Therefore, the Project would not generate sufficient traffic to require advanced CEQA review and would be presumed to have a less than significant transportation-related impact. No additional analysis or mitigation would be required.

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** The proposed project would not include sharp curves or dangerous intersections. Instead, the site would be improved with high visibility driveway ingress and egress and sidewalks. A 5-foot-wide sidewalk is proposed along the project frontage onto La Costa Avenue. No changes would be made to the alignment of existing streets.

In addition, the Project would not place incompatible uses (e.g., farm equipment) on existing roadways. Therefore, the Project would not significantly increase hazards due to design features or incompatible uses. Impacts would be less than significant.

d) Result in inadequate emergency access?

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** The Project would not generate traffic volumes that would impede emergency access. A 24-foot-wide emergency vehicle access easement is proposed to ensure adequate emergency vehicle circulation and turnaround (refer to Figure 1-3A in Appendix 3.10). The project would not alter any established emergency vehicle routes or otherwise interfere with emergency access.

**XVIII. TRIBAL CULTURAL RESOURCES** -- Would the project:

- a) Cause a substantial adverse change in the significance of a tribal cultural resource, as defined in Public Resources Code §21074 as either a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
- i. 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 §5020.1(k), or

- |                                                                                        |                                                       |
|----------------------------------------------------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                                | <input type="checkbox"/> Less than Significant Impact |
| <input checked="" type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                    |

Discussion/Explanation:

**Less than Significant with Mitigation Incorporated:** Due to the high potential for uncovering unknown subsurface archaeological resources, including Native American tribal cultural resources, construction of the project may result in potential significant impacts on tribal cultural resources. Pursuant to AB 52, the City engaged in consultation with the [D] tribes to identify appropriate mitigation measures. M-CUL-2 requires that cultural resource mitigation monitoring shall be undertaken for any and all on-site and off-site ground disturbing activities. If on-site and/or off-site ground disturbing activities (e.g., exploratory trenching or excavations) are required for any informal or formal solicitation (written or spoken) of construction bids or similar requirements, all applicable requirements identified in mitigation measures CUL-3 to CUL-9 shall be undertaken by the applicant and/or owner. Therefore, impacts would be less than significant with mitigation incorporated.

- ii. 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 Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe.

- |                                                                                        |                                                       |
|----------------------------------------------------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                                | <input type="checkbox"/> Less than Significant Impact |
| <input checked="" type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                    |

Discussion/Explanation:

**Less than Significant with Mitigation Incorporated:** Due to the high potential for uncovering unknown subsurface archaeological resources, including Native American tribal cultural resources, construction of the project may result in significant impacts to tribal cultural resources. Pursuant to AB 52, the City engaged in consultation with the tribes to identify appropriate mitigation measures. M-CUL-2 requires that cultural resource mitigation monitoring shall be undertaken for any and all on-site and off-site ground disturbing activities. If on-site and/or off-site ground disturbing activities (e.g., exploratory trenching or excavations) are required for any informal or formal solicitation (written or spoken) of construction bids or similar requirements, all applicable requirements identified in mitigation measures CUL-3 to CUL-9 shall be undertaken by the applicant and/or owner. Therefore, impacts would be less than significant with mitigation incorporated.

As noted in Section V, Cultural Resources, Questions b) and c), monitoring of initial ground disturbance by a qualified archaeologist and Native American monitor would be implemented to mitigate potential impacts to sensitive resources, should subsurface resources be found during the construction process. Thus, potential impacts tribal cultural resources, as defined in Public Resources Code §5024.1(c) would be less than significant with mitigation incorporated.

**XIX. UTILITIES AND SERVICE SYSTEMS** -- Would the project:

- a) 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?

- |                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** Proposed stormwater drainage facilities would include infiltration basins located in the northern portion of the facility, as well as along the access driveway parcel. In addition, connection to the existing San Dieguito Water District water line along La Costa Avenue would be established at the Project entrance to supply water to the facility. The Project would not require the construction or expansion of wastewater treatment facilities. The Project is proposing a connection to natural gas with SDG&E. No telecommunications facilities would be required. Therefore, the Project would not require the construction of new or expanded facilities, which could cause significant environmental effects.

- b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

|                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** The San Dieguito Water District will provide water to the Project, indicating adequate water resources and entitlements are available to serve the requested water resources. Limited water required during the construction phase would be trucked in as necessary. Therefore, the Project would have sufficient water supplies available to serve the Project.

- c) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

|                                                                             |                                                       |
|-----------------------------------------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact         |

Discussion/Explanation:

**No Impact:** The Leucadia Wastewater District has adequate capacity with their demands and commitments to serve the Project..

- d) 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?

|                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** The Project proposes recycling, reduction, and reuse of construction materials. All solid waste facilities, including landfills require solid waste facility permits to operate. In San Diego County, the County Department of Environmental Health, Local Enforcement Agency issues solid waste facility permits with concurrence from the Department of Resources Recycling and Recovery (CalRecycle) under the authority of the Public Resources Code (Sections 44001-44018) and California Code of Regulations Title 27, Division 2, Subdivision 1, Chapter 4 (Section 21440et seq.). There are four, permitted active landfills in San Diego County with remaining capacity. Therefore, there is sufficient existing permitted solid

waste capacity to accommodate the Project's solid waste disposal needs and the Project would not impair the attainment of solid waste reduction goals.

- e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

|                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** The Project proposes recycling, reduction, and reuse of construction materials. All solid waste facilities, including landfills require solid waste facility permits to operate. In San Diego County, the County Department of Environmental Health, Local Enforcement Agency issues solid waste facility permits with concurrence from the Department of Resources Recycling and Recovery (CalRecycle) under the authority of the Public Resources Code (Sections 44001-44018) and California Code of Regulations Title 27, Division 2, Subdivision 1, Chapter 4 (Section 21440et seq.). The Project would deposit all solid waste at a permitted solid waste facility and therefore, would comply with federal, state, and local statutes and regulations related to solid waste.

**XX. WILDFIRE** -- If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

- a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

|                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** The Project would not substantially impair an adopted emergency response plan or evacuation plan. Project access has been designed in conformance with State law, and local regulations, and in coordination with the Encinitas Fire District. The Project complies with emergency access requirements, per the San Diego County Fire Code and Consolidated Fire Code, including turning radius and maneuverability of large emergency vehicles such as fire trucks and ambulances. Per Encinitas Fire District emergency vehicle requirements, the paved width of the Project access road would total 24 feet, including a turnaround at the northern end of the facility. Further, the Project would contribute its fair share towards funding the appropriate fire and emergency medical services to adequately serve the Project, as determined through required development fees. Therefore, the Project would not substantially impair an adopted emergency response plan or emergency evacuation plan, and 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 concentration from a wildfire or the uncontrolled spread of a wildfire?

|                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** The Project is not listed as a high fire hazard area but is located. The Project would comply with regulations relating to emergency access, water supply, and defensible space specified in the Fire Code. Implementation of these fire safety standards would occur during the building permit process.

Based on review of the Project by City staff and through compliance with the Encinitas Fire District's conditions, 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?

|                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** The Project would not 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. Therefore, impacts associated with fire risk would be less than significant.

- d) Expose people or structure to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

|                                                                             |                                                                  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                     | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                               |

Discussion/Explanation:

**Less than Significant Impact:** As previously stated in response XX(b) above, a Stormwater Management Plan and Drainage Study has been prepared for the Project to ensure adequate drainage. Proposed new stormwater drainage facilities would include a large infiltration basin

located at the northern end of the facility, as well as two smaller basins along the sides of the project. In addition, pursuant to the Geotechnical Investigation, the potential for landslides at the Project site is low due to the minimal grading required at the site. Therefore, potential impacts from downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes would be considered less than significant.

**XXI. MANDATORY FINDINGS OF SIGNIFICANCE:**

- a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

|                                                                                        |                                                       |
|----------------------------------------------------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                                | <input type="checkbox"/> Less than Significant Impact |
| <input checked="" type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                    |

**Discussion/Explanation:**

Per the instructions for evaluating environmental impacts in this Initial Study, the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory were considered in the response to each question in sections IV and V of this form. In addition to Project specific impacts, this evaluation considered the Project's potential for significant cumulative effects. As a result of this evaluation, the Project was determined to have potential significant effects related to air quality, biological resources, greenhouse gas emissions, geology (paleontological resources), cultural and tribal resources, hazards and hazardous materials, and noise. However, mitigation has been included that reduces these effects to a level below significance.

As a result of this evaluation, there is substantial evidence that, after mitigation, significant effects associated with this Project would be less than significant. Therefore, the Project has been determined not to meet this Mandatory Finding of Significance.

- b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

|                                                                                        |                                                       |
|----------------------------------------------------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                                | <input type="checkbox"/> Less than Significant Impact |
| <input checked="" type="checkbox"/> Less Than Significant With Mitigation Incorporated | <input type="checkbox"/> No Impact                    |

Discussion/Explanation:

The following list of past, present and future projects located within a 1-mile radius of the Project were considered and evaluated as a part of this Initial Study:

| PROJECT NAME                                                                   | ADDRESS                                   | PROJECT NUMBER  |
|--------------------------------------------------------------------------------|-------------------------------------------|-----------------|
| 2100 N Coast Highway Hotel                                                     | 2100 N Coast Highway                      | 04-268          |
| Nine Residential Unit Project                                                  | 378 Fulvia Street                         | 13-187          |
| Weston Development                                                             | 510 La Costa Avenue                       | 15-222          |
| One Unit Development                                                           | 1569 Lorraine Drive                       | 17-152          |
| Mixed Use Project                                                              | 740 N. Coast Highway<br>101               | 17-197          |
| Surfer's Point 25-room hotel                                                   | 100 Carlsbad Boulevard                    | 17-205          |
| 16 residential units                                                           | 555 N Vulcan Avenue                       | 18-220          |
| 90 units (not submitted but<br>evaluated regardless)                           | 1251 N Vulcan Avenue                      | 17-280          |
| 30-room hotel, 96 family<br>units, and 18,261 sf of<br>commercial/retail space | N Coast Highway 101                       | MULTI-3780-2020 |
| 137 condos and 18,000 sf<br>retail                                             | Ponto Beachfront at<br>Carlsbad Boulevard | 2016-0002-MS    |

Per the instructions for evaluating environmental impacts in this Initial Study, the potential for adverse cumulative effects was considered in the response to each question in Sections I through XIX of this form. In addition to Project specific impacts, this evaluation considered the Project's potential for incremental effects that are cumulatively considerable. As a result of this evaluation, the Project was determined to have potential significant effects related to air quality, biological resources, greenhouse gas emissions, geology (paleontological resources), cultural and tribal resources, hazards and hazardous materials, and noise. However, mitigation has been included that clearly reduces these effects to a level below significance.

As a result of this evaluation, there is substantial evidence that, with mitigation, the Project would not make a cumulatively considerable contribution to a significant cumulative impact. Therefore, this Project has been determined not to meet this Mandatory Finding of Significance.

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

- |                                                                                           |                                                       |
|-------------------------------------------------------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact                                   | <input type="checkbox"/> Less than Significant Impact |
| <input checked="" type="checkbox"/> Less Than Significant With Mitigation<br>Incorporated | <input type="checkbox"/> No Impact                    |

Discussion/Explanation:

In the evaluation of environmental impacts in this Initial Study, the potential for adverse direct or indirect impacts to human beings were considered in the response to certain questions in

Sections I. Aesthetics, III. Air Quality, VII. Geology and Soils, IX. Hazards and Hazardous Materials, X Hydrology and Water Quality, XIII. Noise, XIV. Population and Housing, and XVII. Transportation and Traffic. As a result of this evaluation, the Project was determined to have potential significant effects related to air quality, biological resources, greenhouse gas emissions, geology (paleontological resources), cultural and tribal resources, hazards and hazardous materials, and noise. However, mitigation has been included that reduces these effects to a level below significance.

Therefore, there is substantial evidence that, after mitigation, there are no adverse effects to human beings associated with this Project. Therefore, the Project has been determined not to meet this Mandatory Finding of Significance.

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